



**Common Council
Meeting
City of Middletown
July 3, 2017**

1. Pledge of Allegiance-Pres. Rodrigues asked all to rise for the pledge.
2. Roll Call: Present: Ald. Ramkissoon, Jean-Francois, Cid, Witt, Kleiner, Burr, Pres. Rodrigues- 7 Absent: Ald. Johnson, Masi-2
3. Approval of Minutes-On motion of Ald. Kleiner seconded by Ald. Witt to accept the minutes of June 6, 2017 Common Council meeting

All in favor

4. Correspondence
Ltr. from Deepak Kumar OC Medi-Coach sports utility vehicles-Legislation
5. For the Good of the City

John Perrino member of the Middletown Board of Education. First thing I would like to do is thank all the city departments for their great cooperation in making our 2017 graduation a success. Police Dept., Fire Dept., Public Works Dept. we wouldn't be able to pull it off without you. Thank you.

I long believe that you can't have a good school district without a good city and you can't have a good city without a good school district. I believe we have that on both ends.

My purpose here tonight is to inform you that Kevin Gomez is going to be the Liaison between the City and the Middletown Board of Education. I asked Kevin if he could

come tonight he has been delayed; but what I like him to do and I have asked him to do is to report on materials that may impact the City and students of the city and bring back material that may impact the School District. One of the initiatives this coming year is a free lunch and breakfast program for all students in the district. This was made possible by the very hard work of our Food Service Director and Asst. Director Deborah Delaney and Lauren Burr. By the way Tom your daughter is doing an excellent job. It is taking advantage of provision for the National Lunch Act; so there is no cost to the District. We have found some students who are eligible were not taking advantage of the free lunch program because they feel a little shame perhaps. This is why we are doing this lunch and breakfast.

I want to thank you for listening.

Kevin Gomez-It is truly a humble honor to be able to serve as the liaison to the City of Middletown on behalf of our City School District. I think that my goal is to see a new era/time period where we could work together in a closer partnership for the good of our children. I think that we serve the same constituents the other day we work for our children we are investing in the future. They are our country's future and the decisions we make for them. Will determine whether we our country of freedom and opportunity in the future. We are living in no ordinary time, a lot of changes at the federal, state levels and local level where we have to work a closer partnership to make sure the schools have the appropriate funding. Necessary resources and to continue to offer excellence for all our children. I think that we have had outstanding people on both sides School Board, outstanding members of the Common Council, parents, and entrepreneurs. I think we can make a common difference.

I look forward to working together with everyone here and together for the good of children.

Alexi Fernandez- We have a blood shortage. Go and donate it is really needed. You never know when you need it.

Correction from the last time. I hope the Council works with our Board of Ed so that low income working residents have access to Pre-K if they cannot afford it. That is something we definitely need.

I know we were told that CPV was an issue we cannot deal with. But I want to give an update because it directly affects air and water quality in Middletown. 3 of the activists decided they would rather go to jail than pay unjust fine. I just want to say the Wawayanda 6 because story went national. It was on USA Today but the better news is that CPV being delay until 2018 which means we can definitely do something.

Happy 4th of July. I know the Council moved the meeting to the 3rd unfortunately we all can't do that nor can we give ourselves 100% raises. But the point still stands, Happy 4th.

Ignacio Acevedo- I am very happy that I came early regarding the conversation that you were having about speeding. I would like to be part of a campaign to enforce residents taking care of each other. At this particular moment in our community a ticket for a person triggers different consequences. I don't want see a person deported.

Gentleman from community-Speeding is an issue. We reduce the speed in the City of Middletown compared to neighboring cities like Goshen, Montgomery. If we make a campaign of informing people and make people aware you better slow down before you get pulled over. No mercy, points on your license and that is going to be a clear message for everybody.

2 weeks ago the Chief of Police at Wallkill he was on a radio show they are enforcing. I think campaign of information to make it clear. Would like to be on that campaign, radio shows in Spanish and English.

6. Reports of Dept. Heads

Maria Bruni/Economic Development- Happy 4th. I just want to say thank you to everybody for a successful and safe weekend for our Stars and Stripes Celebration. Everybody from Parks & Rec. to DPW, Police, Fire Dept. thank you to everyone for support the event.

We are wrapping up with a military show on Thursday night at the Paramount. It is free, but you must have a ticket currently we are sold out. But keep checking to see if any tickets become available, we are looking forward to wrapping up the 4th.

Tonight I know Mr. Guertin is going to touch upon the Downtown zoning.

Jacob Tawil/DPW Commissioner-Happy birthday America. Thanked Mr. Perrino and Kevin Gomez look forward to working with you.

The roads, we are going to start milling and paving on July 5th. Please bear with us it is going to take time. We apologize in advance.

Woolworth building, the Mayor did sign the construction contracts. Work to start very soon, right now we are waiting for variance from the Dept. of Labor. The building has been posted for asbestos abatement and mold abatement once we get the variance from the Dept. of Labor ...we already had it and it expired. Once it is renewed we can start work on it immediately.

Ald. Kleiner- How did the electronic drop off go?

Commissioner Tawil-To be honest with you, I did not get a report. My Deputy Commissioner as you know left, he retired. I did not get that report.

Ald. Kleiner-I drove by and didn't see nearly as much.

Chris Brinkerhoff/Superintendent of Parks & Rec.-Summer is here, everything started last week. The Parks Dept., Rec. Dept. are very tired people but we still have smiles on our face.

The pools are busy. Davidge is packed. We brought in a \$1,000 on Sunday at a \$1.00 a clip. Our lifeguards are doing a wonderful job. I want to thank the community for their cooperation we really have had no issues, following the rules, friendly.

Publically I want to thank our guys we have worked 7 days a week for the last month and half and so have the program people in the Rec. Dept. doing a great job.

I also want to thank the community we had Party in the Park Saturday right before the fireworks. That was volunteerism, ShopRite giving us the food, YMCA running the programs, Attack the Rim basketball clinic. 3 of our guys from Middletown Stefan ...John Merchant, Mike... all played pros. All educated men and they are role models for our kids.

I also want to take the time to tell you the quotes are in and designs are in for Maple Hill Park. Anybody who would like to see them I have them. I was talking to Tom earlier maybe we will do a quick Park & Rec. Committee before a Common Council meeting, Eileen can put them up on the tv screen and talk about it. I rather have a bunch of people decide on 6 different options.

Maple Hill Park also the storm we had broke our dam over there. The water level in our pond is very low and we just got that all cleaned up with the aerator, we had to turn the aerator off. That dam is fixed now we have to make it where we can go across again.

The skate park is coming along I went and took pictures before coming here. We will get them on Facebook for the public to see and I know they can be shared. I also like to thank Jacob and Chris Gross because I know they put a lot more time and energy into the skate park than they planned.

Rich Guertin/Corp. Counsel-First to follow up on your comment Jerry on the electronic drop off. Jacob may not have gotten the report but I want to say publically I took advantage of that. Your guys were very well organized, they did an excellent job.

I have to say Maria works 24/7 sometimes for the City and what a fireworks show Saturday night. I know Chris Brinkerhoff too.

Congratulations to Kevin on his election and his liaison. I know Kevin; he is going to a great job.

I do want to mention there is an item on the agenda; Don Paris couldn't make it tonight. He wanted me to make sure you are aware there is a resolution authorizing the issuance of \$9.7million on serial bonds to pay for the cost of the DRI project. It may come as a little surprise but it is not what it seems. We did meet with the folks

from the State on the DRI last week and we weren't quite sure how the fund was going to come into us and we thought we might get the funds up front and expend them. Turns out like the other state money which we are happy to get but generally we have to lay out the money first and they reimburse us. So that is why this is in front of you tonight to approve the bonding in the event we need it and to have it in our back pocket. They did explain to us we would be laying out the fund but they do hope to have a very quick reimbursement process.

John Naumchik/City Clerk- We will be changing the Common Council again if Pres. Rodrigues agrees to July 31st. Night Out Against Crime is August 1st.

7. Public Hearings & Grievances

John Naumchik read the following-Proposed Zoning Amendment to the City Code regarding the Downtown Mixed Use.

Notice is hereby given that the City of Middletown will hold a public hearing on Monday, July 3, 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 the proposed Zoning change to the City Code regarding the proposed Downtown Mixed Use (DMU).

Any and all persons wishing to be heard will be given an opportunity to speak either for or against the proposed Zoning amendments.

The complete proposed amendments to the Code are available in the office of the Common Council Clerk, City Hall, 16 James St. Room 12.

By Order of the Common Council Clerk

John C. Naumchik

Clerk of the Common Council

Published: 6/26/17 & 6/27/17

City Website

Pres. Rodrigues opened the public hearing 8:20pm

Rich Guertin/Corp. Counsel-I am up here tonight to talk about the Downtown Mixed Use zoning district.

Give you a little background I know the members of the Council are pretty well versed in this. For the members of the public or those watching on tv I want to give a little background as how this came about and why it happened.

As you on the Council know we have been in a moratorium for about 6 months. The reason why we went into the moratorium was because as part of the DRI process we wanted to see what our planners were going to say about what we should do with the downtown. If we are going to get the \$10million grant we wanted to make sure it

would be implemented in the proper fashion. Intuitively we knew that part of that would involve an impact on our zoning in the downtown area.

As you know the zoning for the downtown up until now has been C-3. C-3, Central Business District actually extends to other areas of the City. So the C-3 district was not just ... downtown but other parts. Also we had other zoning districts within the downtown area; I-1 and I-2 and that is one of the reasons why we went into the moratorium 6 months ago. The purpose of the moratorium as you know from having to deal with the appeals from the moratorium the approval of some of the projects. Reason we did that was to put a hold on development to see what our planners said and what came out from that. As you know there were many meetings with our planners about what to do and how to approach the downtown. Out of that came this wonderful strategic investment plan that was submitted to the State and was approved by the State. I just want to point out a couple of things that were contained in here for instance: one of the goals from the DRI (Downtown Revision Plan) make downtown more attractive, walkable and functional place for residents, employees and visitors. Support redevelopment of properties and preservation and adaptive reuse of historic buildings. Bring residents and workers to downtown Middletown through improved housing and employment opportunities and amenities such as the three colleges we have in the City. That was part of the aspect of the DRI and that was contained in our Strategic Investment Plan. One of the projects they recommended not for funding by the State but as a project that was useful for us here in Middletown was to create a specific zone for the downtown area. The Downtown Mixed Use (DMU) zoning district as they called it.

Summary description what they said C-3 category was broad and it was designed for more than just the downtown. They did say a specialized zoning district should be developed to permit a wide range of uses appropriate for central a business district facilitate a 24/7 mixed-use environment with residents as well as workers and promote strong design elements that complement Middletown's historic downtown fabric.

They went into a whole number of things of what they should do. 1) Was to create a zone just for the downtown, the other they recommended that we expand some of the permitted uses and accessory uses addressed parking and things of that nature. They also suggested we incorporate a set of designs, standards and guidelines including diagrams and illustrations as appropriate.

What they are talking about is something that comes in vogue of late called Form Based Zoning were certain municipalities will adopt as part of their zoning particularly for downtown areas actual design of buildings. What they would recommend and if you have this type of building and these types' uses are automatically can go into that. We considered that as part of this new downtown district but felt, when I say we I am talking about the Mayor, Maria Bruni, John Degnan and myself who have been here in the City for years. We have a lot of history in the downtown; but we also felt to incorporate those types of standards

would not be necessary in our case. Because we are already pretty well built out, buildings exist the question is how can have them for adaptive reuse.

They did say in the plan if they were to hire a consultant to write the zoning code for the DMU they figured it would cost \$50,000; I can tell you by the Mayor, Maria, John and me working on it; it doesn't cost the city anything extra. I think we came up with a good product.

Summarize the changes that are incorporated in the proposed Downtown Mixed Use (DMU). First of all this is something I wanted to do normally when you pass legislation you don't always put a legislative intent in there. I wanted to make sure that as part of this district we had a legislative intent specifically incorporated into the zoning district. To show to people why we did this and what we were thinking, what was the philosophy behind this Downtown Mixed Use District (DMU)?

Incorporating aspects of the strategic investment plan that was approved by the State and created with the help of our planners. The legislative intent specifies strategic investment plan in particular the 3rd goal to support redevelopment of underutilized properties and the preservation and adaptive reuse of historic buildings with technical and financial resources. The DMU district will encompass this specific boundaries of our currently existing Business Improvement District. We felt it was important to overlay that new zone right on to the Business Improvement District. What we are hoping to accomplish in this is and Strategic Investment Plan the design of the district is to permit a wide range of uses appropriate for central business district, facilitate this 24/7 mixed-use environment. In other words we want to encourage a district that would help people to live, work and play. That was kind of the theme of the DRI. Create an area where people can live, work and play downtown and extends throughout Middletown.

What did we do? When you look at it you may say there is not a huge difference from the C-3 zone and I think that is true. There are specific niceties I think that were included that will separate this from the rest. For instance we incorporated certain specific design and other standards. We specifically put in this district that all buildings and all uses from this point forward have to comply with the Design Review Guidelines and the Architectural Board of Review; that is already in our City code. It is already suppose to deal with use of downtown people kind of forgotten that. We wanted to put it right in there that we do have these design standards. Which is another reason why we didn't think we had to incorporate more designed standards we already have them.

Secondly in the C-3 zone it does allow first floor residential use if the Planning Board waives it. They say commercial first floor unless Planning Board waives it. We changed the downtown to say no residential use on the first floor, it has to be commercial.

You may have seen in the Times Herald Record which by the way I thought was a very good article that very first paragraph encompassed what we wanted to do. Encourage millennials, artists to come down in the downtown and help businesses

open up; which I thought was a great lead in to the story. I know it did say in there if someone wants to do it certainly they have the right to go to our ZBA. That would be a use variance which is very tough standard to overcome. The first floor has to be commercial use.

We also recognized the fact that parking, there are parking lots in downtown and they will be increased as a result of the DRI funding. We wanted to put in here there are uses under 1500 sq. feet and many of the store fronts downtown encompass spaces that are 1500 sq. ft. or less. We felt for those types of uses you don't have to meet any parking requirements, because they have parking lots around and they are going to be brief. Again to make it easier for business.

We also wanted to say throughout the downtown no billboards and murals because one of the things the Planners was aesthetics, streetscapes and enticing people aesthetically. So we felt billboards and murals might detract from that. Also we put in no food trucks or temporary food vendors unless it is a City sponsored event or a City event. We wanted to put that in.

Where did we expand? We did expand certain uses that will be permitted without Planning Board approval. For instance since the DRI wants to encourage residency downtown we said if someone wants to put a one or two family residence or apartment downtown on the 2nd or upper floors it is permitted without any Planning Board approval.

The other thing we wanted to encourage was professional offices. So if someone comes in a professional office, architect, engineer, surveyor, insurance, lawyer if they are under 1500 sq. ft. of space they do not have to come to the Planning Board for approval. We talked about this before never implemented it, we wanted to implement it. Again to make it easier for businesses.

We did ask specific accessory uses; they were not in the code before. One of them is bike racks. One of the folks DRI is to encourage walkability and bikability. With accessory use you can put a bike rack. There is no provision for that right now in our code.

We do have sidewalk and outdoor cafes under separate portion of the Zoning Code but we wanted to put that writing here as an accessory use.

We also expanded and actually created home occupations that will not require Planning Board approval. This is kind of tip of the hat that business is going these days; so we referenced an author, composer, internet based business, art teacher, music teacher, photographer or artist. Again to encourage people to live and work downtown. Those would not allow live performances or galleries and actually call them occupations but will allow them to do their business without coming to Planning Board.

We did keep some of the uses that are already in C-3 like personal service stores, funeral homes, beauty parlors, bowling alley, eating and drinking places things of that nature.

We removed some of the uses that are now allowed in C-3 like car washes, that was a recommendation from our Planners, gas station, public garages, auto repair, car sales, dry cleaners. Again they recommend they be taken out.

What we added also and modified certain uses subject to Planning Board approval will be personal fitness centers, health clubs. Again in many urban areas typically where you have millennials coming in they want to have health club facilities. This allows that to happen.

Non municipal off street parking. If someone wants to make a business facility let's give them an opportunity to do that.

We did expand the places of assembly to include things like art centers, conference centers, art galleries, antique centers.

Also included a recommendation from our Planners artists and manufacturing of goods like jewelry and ceramic using hand tools only. We added artist studios including art classes. We tightened up the definition of hotel for downtown to make it very specific. We added again suggestion from our Planners student housing in the downtown area if they are associated with an accredited educational facility.

We allowed the Common Council to finish up projects that came to you as part of the moratorium. Such as the soccer field. We felt the soccer field was at the Planning Board and came here because of the moratorium, we said let's not send them back to the Planning Board let's just have them finish up here. There are 3 of them at this point; they will finish up with the Common Council.

In meeting with the DRI folks last week and this is an amendment that I sent out last week this is an amendment that I sent out through John to all of you. They may require technically Special Use permit or plan approval on some of these projects. We believe that you don't have to. For instance the Woolworth's project is a City owner, City sponsored project we don't believe it has to go through the Planning Board review process. Alex Smith and I both agree on that. But if the State requires it we felt that you are all familiar with the DRI projects anyway. If they require approval those type only the DRI funded projects; I put in here that if the State requires some type of formal approval it will be with you and not with the Planning Board. It is just for the DRI funded projects and that is very limited.

What I sent out last week and I had the changes noted in red I would ask one of you to propose an amendment to the code that the district resolution offered on June 20th. So you would amend it to incorporate those few changes.

Pres. Rodrigues-Rich going back if I have a 2nd floor, 3rd floor commercial ...residential. I don't have to go to the Planning Board anymore?

Rich Guertin/Corp. Counsel- One family or two family. Now if they have 3 residential uses that are still a multiple residence that will have to go to the Planning Board. There are plenty of buildings for instance; the Havana Cigar House which is now vacant I think they have 2 apartments in there. If they never had apartments in there they could go in and make 2 apartments they do not need Planning Board approval.

Pres. Rodrigues-How would we know?

Rich Guertin/Corp. Counsel- Building dept.

Pres. Rodrigues-They have to have building permits.

Rich Guertin/Corp. Counsel-Sure. They have to go through that process. They have to meet building codes and fire codes. But the Planning Board process we just felt we took that away. Make it easier for the people who live in the downtown.

Pres. Rodrigues asked if anyone from the public had any questions.

Ronalyn Davis-Benware-I actually own the local ice cream truck. I heard that the food vending would be changed. I know usually in the downtown area myself and there is a Fire Co. on Friday and I had questioned them and I was told the streets in Middletown are narrow. It was a public safety thing. That is what I was first told. So I can tell you I have been doing this for 25 yrs. We have never had a pedestrian hit crossing to our ice cream truck, never had a motor vehicle accident. The streets in Middletown haven't changed; there are deliveries of food restaurant trucks on the streets every day. There is a City limit as to how long you can be sitting in certain spot already. I am a little concerned why all of a sudden we are being pushed out of the City.

Ironically enough mentioning the Havana House it was myself and my boyfriend at the time actually bought that building, renovated that building and to a very small café at the time.

We went our separate ways, he closed the business down. I still had my ice cream truck at the time and we still went about our business.

I am a community girl. My family has been here. Born and raised. We donate thousands of dollars back to the community from our ice cream business every year. I work as a school nurse for the District. Kevin and I have worked together, I am on the Board of the Little League, I'm on Middletown Cares Coalition, I reach out to every to every city event; offer our services. We advertise for every event that goes on in the City, sign on our window. I never spoke Spanish before, those that know me I am a straight up Irish girl we started getting a large Latino population. We transferred our sign to not only English into Spanish. We realized that reaching out to the community wasn't just about ice cream we had a lot of poor economically challenged individuals living in our community.

We have a coat drive every year. Kate will tell you herself. I work at a High School level, we have young girls in bad situations we reach out and get them baby clothes. It's not just an aesthetically pleasing truck that goes through the City of Middletown. We actually do a lot of good community relations. I can see may be not letting future food trucks in or future ice cream trucks I think those that have established a relationship with our community, we have. Chris and I have talked about... nicer park, we have written letters, put out our Facebook page. We just invested a lot of our money from Little League into some of the parks. I joined the Little League Board because it was put up or shut up time kind of season.

We are a community family. My sister and I do nursing services for free in our community for our elders and who are not educated. I work as a diabetes educator in this community. It's not just about the ice cream truck going through it is really about being a community girl, everything out there is the community. So if we were just about making a profit in the business I would see banning ice cream trucks, food vendor trucks; but I know Gil has the Fire Co. truck he has the same thing. They give back a lot of money in the community; they reach out, volunteer stuff.

I get you want it to be aesthetically pleasing or end up blocking traffic.

It is not just aesthetically unpleasing ice cream truck.

Maria Bruni-The food truck at Festival Square on Friday nights that is the Monhagen Fire Dept. it is non- profit City organization, City sponsored event. I just want to clarify.

The DMU is just the downtown not the entire city. Just for the Downtown Mixed Use District.

Gentleman from the public-I would like to speak about the lady with the ice cream truck. That is a very amazing happiness for the kids, for our children, for our community. That music far away coming the kids get excited, even my dogs get excited because they know the ice cream truck is coming. I highly support keeping the ice cream trucks on the street, they do it safely and they bring a lot of happiness to the kids.

Ald. Witt-Regarding the comment from Mrs. Benware can somebody say or explain what the spirit of that is sort of. Are we concerned that we are going to have 12 trucks showing up?

Rich Guertin-I think that is one of the concerns, regulations right now the Planning Board there is a provision in the zoning code that is temporary removable business structures have to get Planning Board approval. I don't know whether any of these two vendors that presently exist did get Planning Board approval; they should. But I think the premise was ...people were talking about the outdoor music what do we want for our area? I have a daughter who lives in Austin, TX. and they have built their community heavily food trucks and portable vendors. As far as I know they restrict them to vacant lots where they can park their trucks and people go to the

vacant lot. Not that type of space here in the downtown it is a very compact area I think the sense was you have a lot of businesses who are here, a lot of eating and drinking establishments that already exists throughout the downtown area. That was a sense that aesthetically one of the reasons regulation made. We didn't want food trucks going through downtown areas senses was no. Obviously if you disagree as a Board you can amend that aspect of the code to allow it; but I think we are looking at a cohesive district and a philosophy behind it and aesthetics and everything else that goes with it. That is why we presented it that way.

Ald. Witt-Is there a process, you said there is a process ...

Rich Guertin-I ...put on the spot.

Ms. Benware-I can answer that.

Ald. Witt-Is there a process that in other words can we say ok you can't come in here and sell hamburgers because we already have 2 people selling hamburgers.

Rich Guertin-You can't do that. I remember years ago someone came in and wanted to put in a laundry mat near another laundry mat and people came to the Planning Board and said you can't do that it is going to affect our business. It is not a proper consideration of land use planning. I don't think that is an appropriate consideration that there is already existing ice cream you can't say that. That is not a reason to stop it.

Ald. Ramkissoon- The district we are talking about geographically does that not include Thrall Park?

Rich Guertin-It does. Remember if they are City sponsored or City events they will be allowed.

Ald. Ramkissoon-What about things like Dos Los Ninos, where it doesn't necessarily get run by Middletown but it is a community event. I think about things like that where she plays a pretty primary role, Thrall being contained inside the district. I feel that would affect that role.

Pres. Rodrigues-That would be special events.

Maria Bruni- Special events they have to get permits and stuff. (Asked Chris Brinkerhoff) in the park. They have to get insurance, Board of Health permits.

Rich Guertin-They have temporary food vendors as it is at these events. So that would fall in that category. It would be a City sponsored event.

Ald. Ramkissoon-I heard...100% right a role... they play a ...bigger than and ice cream truck, that includes even my event Night Out. I think that create a hardship...

Rich Guertin-Night Out Against Crime that is a City sponsored event. Even if you were downtown and you have been downtown that would be ok.

To the extent festivals that have to come in...

Ms. Benware-We have been doing this for 25 yrs. We have seen people in different roles in the City. We follow all the rules all the City had requested. When we started out the permits were very low we pay \$125 per person who works our truck. I think it is \$250 for the truck itself to come through the City of Middletown. We have named the City of Middletown on our insurance policy. The ironic part is when the concerts first came to downtown Middletown when it was just a thought process we were approached. We were asked to bring our ice cream truck down there to draw people down there and we did. Then other ice cream vendors moved in we were asked to leave and we did. We actually have followed the City rules and now you are not allowed there. We have always been very good about following the City rules. When this developed we were asked to come to participate. That is the only thing I am concerned about I do a large area. I do Linden Ave., I do the skate park area now, there are other areas that the zoning falls I do on a regular basis. So that is my concern.

Ald. Kleiner- Is there any way to grandfather a business that has been here say 10-15 yr. requirement. Can that be legally done?

Rich Guertin-I am reminded of what Ken McVean said, Corp. Counsel and Alderman at Large many years ago. Kevin said laws are what I say it is until courts tell me otherwise. So, having said that I believe it would be legal to grandfather in but what is the criteria? Can we do that? I think you could.

Ald. Kleiner- We could consider at a possibly amending afterwards.

Rich Guertin-Yes you could.

Keep in mind this is not to prevent those who are already participating in the City's sponsored event. You have the code in front of you if you want it to approve it as is and consider something like that as an amendment to that. Whether tonight or another night certainly you are the policy makers. We just suggest, we give our opinion.

Ald. Kleiner-I also wanted to thank you for an excellent job on this. Thanked the Governor for providing what is in the funding for our planners and you are working closely with them.

Rich Guertin-They were really wonderful. Gave us great ideas.

Ald. Kleiner- They were so good at being ready each time and having done their homework and having everything prepared this fits right in with that patter the 6 months are over.

Rich Guertin-Thanks Jerry. It means a lot I appreciate that.

On motion of Ald. Kleiner seconded by Ald. Witt to close public hearing at 8:50 pm

All in favor

8. Petitions & Complaint

John Naumchik-Nothing this evening.

9. Remarks of the Mayor

Mayor DeStefano is not here tonight.

10. Remarks of Aldermen

Ald. Burr- First I would like to thank all our constituents who came out for our Safe Summer Initiative. Most concerns were tonight and earlier was speeding and the Chief addressed it. Machine is down right now; try to keep them at 30 MPH speed. I would like to thank the Chief.

Maria, Chris and staff for a great weekend. A lot involved went smoothly.

Schedule a Parks & Rec. meeting for designs we want all the Council to have input. July 18th at 7pm. Happy 4th of July.

Ald. Ramkissoon-Thanked Maria for a great July 4th weekend. Great job.

The finale fireworks were above and beyond.

I have to make apologies for our 3rd Ward meeting actually fell on my birthday. Ald. Johnson was unable to cover the meeting for me. I did send an e-mail to my regular attendees; however I did fail in not taking it off the calendar. The meeting is for July 25th at 7pm.

Next Neighborhood Watch meeting is next week on Tuesday, 7pm. We do not hold a Neighborhood Watch meeting in August in lieu of Night Out Against Crime.

3rd Ward Safe Summer Initiative will take place this Wednesday at Maple Hill Park.

Night Out we are accepting more donations tonight. I just want to once again thank our sponsors we can't run this event without them. I want to say thank you tonight because we have a fireworks sponsor and that is Prestige Lexus of Middletown. It is the same company that put on the fireworks this weekend, so I am expecting it to be outstanding.

As for our zoning I just want to make the statement that I do not want to create a hardship for someone who....community for so many years. I mentioned and ...involved ...this is more than selling ice cream; it is more than a business. You talk about for profit and not for profit. I wouldn't call her for profit ice cream truck at all. That being said it is important to me that we make sure we don't create a hardship with zoning. If there is a way Richard for us to grandfather this I am all for it. I really want to see it done. In the interest of getting this passed tonight in a timely fashion I am ok with that with the understanding that we move forward with an amendment.

Ald. Witt- I agree with Ald. Ramkissoon what she said at the end as far as this amendment or as far as this zoning thing goes. I am not going to hold it up but I do want to explore the options that we can try to do with this. I certainly respect the process and I appreciate your patience with my questions I like to help with trying to review that if possible.

I was in Atlanta this week which is why I missed the weekend festivities. I heard it went very well, congratulations. I think not only were people excited who were there they were excited in anticipation of it; I saw it on social media and I think that is good thing for our community. This is one of those things that continue to gets stronger and stronger. Congratulations to everybody who is involved in that. I just hope that just continues to grow.

Ironically this zoning thing where I was in Atlanta I spent some time in Alpharetta and they had a very I don't know word for word how it was written up it seems very similar to what we are looking to do. It was a tremendous site where you had the businesses booming and millennials and the places where they could live on top of it and it was very nice feel to it and a lot of energy. It is not going to happen overnight here but when I talked to anybody about things about this development and I am a huge fan and huge supporter of this I am looking forward on how it turns out.

I was away I apologize for missing the weekend activities and for missing the Safe Summer Initiative for the 2nd Ward. I saw that Jerry was there, Pres. Rodrigues was there.

Ald. Kleiner-I just want to start off with next Monday at 7pm we will have our 2nd Ward constituents meeting.

I did attend the Safe Summer Initiative last Wednesday on the lawn in front of the YMCA. 3rd Ward this coming Wednesday, 4th Ward the week after. You have everyone from the City; the Mayor, Commissioner, Maria and her office, Police Chief, Lt. and Police Officers, Pres. Rodrigues and Aldermen. Great chance to come out and to give us some ideas and to talk to people about what is going in. Please take advantage of it.

Chris I drove by the pool yesterday at Davidge it was packed.

Stars and Stripes I thank Jimmy Sturr once again for coming to Middletown. It got rained out at the park, we just happened to have the Paramount Theatre standing by.

The fireworks I loved the pacing this year, I love when they don't have those spaces and it keeps going one after another. I thought they did an excellent job on the fireworks.

Kevin Gomez thank you. Look forward to working with you I thank John Perrino for stopping by wish you much success and congratulations.

Want to thank St. Paul's Church and its board they once again approved having the Warming Station for this coming season and that takes a vote and they have to agree

every year that they are going to do it and the Salvation Army is going to step up and do the administrative work. I thank everyone.

Ald. Jean-Francois- Public Works Committee met this evening. I just want to thank all the constituents that came out this evening to listen to our meeting. You guys have great ideas and concerns with issue of speeding in the City and we will take that into consideration and act on that.

Thank you for listening to our meeting tonight. Also Kevin Gomez for your idea installing Bus Stop Sign.

County Planning Dept. has worked hard with DPW for helping us locate the exact where the signs should be. Kudos to the County.

Maria great job. Fireworks were excellent, I loved it and my family loved it. Appreciate it.

Happy and Safe 4th of July.

Ald. Cid- Kevin congrats. The fireworks show was amazing and beautiful.

11. New Business

John Naumchik-Nothing this evening.

12. New Business

193.17 Resolution to authorize a donation of a 2008 Chevy Suburban that can be used by the Middletown Recreation & Parks Department.

On motion of Ald. Burr 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 a donation of a 2008 Chevy Suburban that can be used by the Middletown Recreation & Parks Department to move recreational equipment, staff and be used by park security. This donation will give the department a sufficient amount of vehicles to replace older vehicles no longer in use.

Ald. Kleiner- I think that is from Mid-City Transit.

Chris Brinkerhoff- That is correct.

Roll Call: Ayes: Ald. Ramkissoon, Jean-Francois, Cid, Witt, Kleiner, Burr, Pres. Rodrigues-7

194.17 Resolution to authorize the Treasurer to transfer \$36,136.00 from the General Fund Balance to fund a new Code Enforcement Officer position.

On motion of Ald. Witt 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 transfer \$36,136.00 from the General Fund Balance to fund a new Code Enforcement Officer position. This position will give us more flexibility in implementation of our programs and added flexibility in pursuing quality of life issues, and plan for future staffing needs in the following manner:

From	Amount	To
General Fund Balance	\$36,136.00	\$26,000.00 A.1490.100 Salary 9,350.00 A.9000.860 Health Ins. 786.00 A.9000.889 Dental

Roll Call: Ayes: Ald. Ramkissoon, Jean-Francois, Cid, Witt, Kleiner, Burr, Pres. Rodrigues-7

195.17 Resolution to authorize the Mayor to sign the attached documents with MuniPay to implement a credit card payment system at the Finance counter in City Hall.

On motion of Ald. Ramkissoon 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 Mayor to sign the attached documents with MuniPay to implement a credit card payment system at the Finance counter in City Hall at no cost to the City for the process. The new system will require a purchase two card readers at \$85.00 each. This is a convenience to our walk in customers and if they choose to use it will cost them 2.65% with a minimum of \$2.00 per transaction.

Roll Call: Ayes: Ald. Ramkissoon, Jean-Francois, Cid, Witt, Kleiner, Burr, Pres. Rodrigues-7

196.17 Resolution to concur with the Mayor's appointment of Kate Honders to serve on the Shade Tree Committee term expiring on December 31, 2017.

On motion of Ald. Kleiner seconded by Ald. Witt

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

Roll Call: Ayes: Ald. Ramkissoon, Jean-Francois, Cid, Witt, Kleiner, Burr, Pres. Rodrigues-7

197.17 Resolution to approve SEQRA for Downtown Mixed Use zone change.

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

WHEREAS, the Common Council of the City of Middletown adopted Local Law #1 of 2017 to place a moratorium on land use development in the downtown Middletown area pending receipt and implementation of recommendations from planners assisting the City through the New York State-sponsored Downtown Revitalization Initiative ("DRI"), and

WHEREAS, prior to the moratorium, the downtown area of the City encompassed three separate zoning districts (C-3, I-1 and I-2), and it also was the sense of the Common Council and the City's planners that it would be useful and appropriate to create a zone tailored specifically to the downtown area and which would cover the geographic area presently encompassed in the City's Business Improvement District, and

WHEREAS, the City's planners have prepared and the New York Department of State has approved the DRI plan as contained in the Strategic Investment Plan ("SIP"), which included a recommendation that the City revise existing zoning to create a new Downtown Mixed Use ("DMU") zoning district geared specifically to the downtown area, and

WHEREAS, the SIP specifically noted that the creation of a Downtown Mixed Use zoning district encompassing the geographic boundaries of the City's Business Improvement District would "permit a wide range of uses appropriate for a central business district, facilitate a 24/7 mixed-use environment with residents as well as workers, and promote strong design elements that complement Middletown's historic downtown fabric," with the further stated purpose of removing potential barriers to redevelopment, and

WHEREAS, the Corporation Counsel, together with the Director of Economic and Community Development, have prepared a resolution to create a new DMU zoning district, and that resolution was introduced at a meeting of the Common Council on June 20, 2017 and was amended in part to clarify the zoning district's language (the proposed resolution to create the DMU zoning district, as amended, is referred to as "the Action"), and

WHEREAS, the Corporation Counsel prepared a Full 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 the EAF (with attachments) 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 based on factors such as the acreage of the Site, as well as the Regulations, intends to classify the Action as a Type 1 Action pursuant to SEQRA, and

WHEREAS, the Common Council, based on a review of the EAF, recognizes that, at this point, the Action only involves the Common Council’s approval of the new DMU zoning district, and that any future persons proposing potential uses of property within the DMU zoning district may have to conduct a SEQRA review in connection with site plan approval and special use permit approval, and with respect to uses that will not require site plan and special use permit approval, the Common Council recognizes that those uses will have little to no impact on any environmental factors significant to the SEQRA review process, and

WHEREAS, the only agency involved in the decision to create the new DMU zoning district is and would be the Common Council, and the Common Council therefore would be the Lead Agency for the SEQRA review of the Action, and

WHEREAS, the Common Council is ready to make a determination as to the Lead Agency for the SEQRA review of the Action and to make a determination as to the environmental significance of the Action, which is the approval of the DMU zoning district.

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 creation of a new Downtown Mixed Use (“DMU”) zoning district consistent with the recommendations contained in the SIP in order to assist the City in revitalizing the downtown area in a manner consistent with the goals and recommendations contained in the SIP.

2. The EAF regarding the Action has been filed with the Common Council.

3. The Action, based on factors such as the total acreage contained within the proposed DMU zoning district, is a Type 1 Action pursuant to SEQRA.

4. The review of the Action is not a Coordinated Review because the only agency involved in the decision to create the new DMU zoning district is and would be the Common Council, and therefore the Common Council declares itself to be Lead Agency for purposes of the SEQRA review of the Action.

5. Approval of the Action will implement the recommendations contained in the SIP, which was approved by New York State in connection with the DRI, in that the creation of a Downtown Mixed Use zoning district encompassing the geographic boundaries of the City’s Business Improvement District would “permit a wide range of uses appropriate for a central

business district, facilitate a 24/7 mixed-use environment with residents as well as workers, and promote strong design elements that complement Middletown's historic downtown fabric," with the further stated purpose of removing potential barriers to redevelopment.

6. The Action, which involves the approval only of the new DMU zoning district, will not itself have a significant negative impact on air or water quality, land or surface water and/or groundwater, traffic or noise levels, erosion or drainage conditions, plants and animals, agricultural resources, historic and archeological resources, Critical Environmental Areas, energy, or noise, odor and light. The Common Council recognizes that, at this point, the Action only involves the Common Council's approval of the new DMU zoning district, and that any future persons proposing potential uses of property within the DMU zoning district may have to conduct a SEQRA review in connection with site plan approval and special use permit approval, but with respect to uses that will not require site plan and special use permit approval, the Common Council recognizes that those uses will have little to no impact on any environmental factors significant to the SEQRA review process.

7. Because the Action only involves the creation of the new DMU zoning district, and as noted in the EAF, there are no impacts with respect to any issues addressed in Part 2 of the EAF.

8. Creation of the new DMU zoning district, in fact, will encourage the implementation of the five goals set forth in the SIP which can have a positive impact on the environment in that implementation of the five goals will encourage walkability and bicycling in the downtown area and the use of mass transportation (thus reducing the impacts from the use of automobiles), will support the redevelopment of existing buildings and structures, will encourage the development and use of parks in the downtown area, and potentially will provide economic benefits to residents and businesses in the downtown area. Those five goals are: (1) make downtown a more attractive, walkable and functional place for residents, employees and visitors; (2) bring residents and workers to downtown Middletown through improved housing and employment opportunities and amenities; (3) support redevelopment of underutilized properties and the preservation and adaptive reuse of historic buildings with technical and financial resources; (4) support outreach and marketing efforts that promote Downtown Middletown as a destination of choice for students, small business owners, shoppers, and young professionals; and (5) build connections to local institutions and regional and neighborhood resources to engage students, faculty and staff as a part of the Downtown's success.

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

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

11. 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.

12. All of the criteria contained in 6 NYCRR Part 617 have been addressed to the satisfaction of the Common Council.

13. While the classification of an action as a Type 1 action for purposes of SEQRA sometimes will require the development of an Environmental Impact Statement, based on the information contained in the EAF and based on the Action itself, the Common Council does not believe an Environmental Impact Statement is necessary for the Action and further believes the EAF satisfactorily describes the fact that there will not be any significant environmental impact (if there is any, at all) from the approval of the Action by 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 appropriate official to file and circulate a Notice of Determination of Non-Significance as the same may be required by the Regulations.

Roll Call: Ayes: Ald. Ramkissoon, Jean-Francois, Cid, Witt, Kleiner, Burr, Pres. Rodrigues-7

198.17 Resolution to amend the City Code regarding Downtown Mixed Use.

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

Whereas, the Common Council of the City of Middletown adopted Local Law #1 of 2017 to place a moratorium on land use development in the downtown Middletown area pending receipt and implementation of recommendations from planners assisting the City through the New York State-sponsored Downtown Revitalization Initiative (“DRI”), and

Whereas, prior to the moratorium, the downtown area of the City encompassed three separate zoning districts (C-3, I-1 and I-2), and it also was the sense of the Common Council and the City’s planners that it would be useful and appropriate to create a zone tailored specifically to the downtown area and which would cover the geographic area presently encompassed in the City’s Business Improvement District, and

Whereas, the City’s planners have prepared and the New York Department of State has approved the DRI plan, which included a recommendation that the City revise existing zoning to create a new Downtown Mixed Use (“DMU”) district geared specifically to the downtown area, and

Whereas, the Corporation Counsel, together with the Director of Economic and Community Development, have prepared this resolution to create a new DMU district, and

Whereas, the Common Council held a public hearing on July 03, 2017 regarding the proposed DMU district and any environmental aspects of the proposed DMU district, and

Whereas, all persons who wanted to speak about the proposed DMU district were able to do so, and

Whereas, after comments were presented at the public hearing, the public hearing was closed, and

Whereas, the Common Council has reviewed the proposed DMU district under the SEQRA law and regulations and issued a negative declaration of environmental impact with respect to the approval of the new DMU district, and

Whereas, this action does not have to be referred to the Orange County Planning Department pursuant to GML Section 239-m (3) (b).

Now, therefore, be it resolved by the Common Council of the City of Middletown that Section 475-21A, DMU Downtown Mixed Use District, is added to Code of the City of Middletown (Zoning), to read in its entirety as follows:

Section 475-21A, DMU Downtown Mixed Use District

A. Legislative Intent

In 2016, the City of Middletown was chosen as one of ten communities statewide to receive a \$10 million grant under the New York State Downtown Revitalization Initiative, an effort to improve the vitality of urban centers across New York. Middletown was chosen as one of the ten communities because its downtown was identified as being ripe for development into a vibrant area in which people could “live, work and play.” As part of the DRI process, planners assisted the City’s Local Planning Committee (established as a component part of the DRI) and the general public in identifying needs of the downtown area and developing key ingredients needed for successful downtown revitalization, including a vision for the downtown, goals and strategies to accomplish the vision, an action plan and a strategic investment plan that identified specific catalytic projects that align with the City’s unique vision of its downtown area.

As a result of the planning process, the Local Planning Committee developed five goals projected to have the greatest benefit in revitalizing the downtown area and recommended projects to accomplish those goals. The five goals are: (1) make downtown a more attractive, walkable and functional place for residents, employees and visitors; (2) bring residents and workers to downtown Middletown through improved housing and employment opportunities and amenities; (3) support redevelopment of underutilized properties and the preservation and adaptive reuse of historic buildings with technical and financial resources; (4) support outreach and marketing efforts that promote Downtown Middletown as a destination of choice for

students, small business owners, shoppers, and young professionals; and (5) build connections to local institutions and regional and neighborhood resources to engage students, faculty and staff as a part of the Downtown's success. The goals were included in a Strategic Investment Plan ("SIP") submitted by the City to the State, and the State approved the City's SIP.

As the SIP noted, the majority of the projects suggested in the SIP were capital improvement projects that would be selected as most appropriate for the achievement of the five goals. The State thereafter approved certain of the proposed capital improvement projects as an initial step in revitalizing the downtown. A non-capital improvement project included as part of the third goal in the SIP was the creation of a Downtown Mixed Use zoning district encompassing the geographic boundaries of the City's Business Improvement District "to permit a wide range of uses appropriate for a central business district, facilitate a 24/7 mixed-use environment with residents as well as workers, and promote strong design elements that complement Middletown's historic downtown fabric," with the further stated purpose of removing potential barriers to redevelopment.

The purpose of this enactment is to create a new Downtown Mixed Use ("DMU") zoning district consistent with the recommendations contained in the SIP in order to assist the City in revitalizing the downtown area in a manner consistent with the goals and recommendations contained in the SIP.

B. The geographic boundaries of the DMU district are the same as the boundaries of the Downtown Middletown Business Improvement District as described in Chapter 203 of the Code of the City of Middletown. Specifically, the DMU district contains only the properties located on or abutting the following streets:

Fulton Street between Academy Avenue and Mill Street; Mill Street between Fulton Street and West Main Street; West Main Street between Franklin Square and Union Street; Union Street between West Main Street and Franklin Street; Franklin Street between Union Street and Linden Avenue; Linden Avenue between Franklin Street and Wickham Avenue; Wickham Avenue between Linden Avenue and Grove Street; Grove Street between Wickham Avenue and Railroad Avenue; Railroad Avenue between North Street and Montgomery Street; Montgomery Street between Railroad Avenue and East Main Street; East Main Street from Montgomery Street to Franklin Square; East Avenue from East Main Street to Fulton Street; South Street from Fulton Street to Franklin Square; Canal Street from Fulton Street to West Main Street; Mulberry Street from Fulton Street to West Main Street; North Street from Franklin Square to Wickham Avenue; Cottage Street between Roberts Street and Railroad Avenue; John Street from Linden Avenue to North Street; Courtland Street from Linden Avenue to North Street; Washington Street from South Street to East Avenue; and William Street, Orchard Street, Roberts Street, King Street, James Street, Depot Street, Center Street and Henry Street in their entirety.

C. Design and other standards applicable throughout the DMU district

The following design and other standards shall apply to all uses and all buildings and structures within the DMU district:

1. All uses and all work performed on the exterior of buildings and structures within the DMU district, including all work on facades, all signage and all work on buildings or structures in existence as of and after the effective date of this Section 475-21A, must comply with the Design Review Guidelines (as the same may be amended from time to time) as described in Section 166-4 (h) of the Code of the City of Middletown and must comply in all respects with the requirements set forth in Chapter 166 (Architectural Review) of the Code of the City of Middletown, including approval by the Architectural Board of Review as set forth in the aforesaid Chapter 166 (as the same may be amended from time to time).
2. The first floor (street level) of any building located in the DMU zone must be a commercial use as allowed in this Section 475-21A (as the same may be amended from time to time). Residential uses of the first floor of any building or structure located in the DMU district are prohibited.
3. For any independent use allowed in this Section 475-21A requiring less than 1,500 square feet of floor area, there will be no specific off-street parking requirements. For all other uses, off-street parking will be required as set forth in Section 475-33 of the Code of the City of Middletown (as the same may be amended from time to time), unless the parking requirements are waived or modified by the Planning Board as set forth in Section 475-33 (D) and (E).
4. No billboards or murals will be allowed anywhere within the DMU district.
5. No food trucks or temporary food purveyors will be allowed anywhere within the DMU district unless associated with a municipal or municipally-sponsored event and specifically authorized by the Common Council of the City.

D. Permitted uses.

1. Retail stores, provided that all goods prepared on the premises are sold at retail, and provided that the floor area of the store does not exceed 3,000 square feet.
2. Telephone and similar communication facilities stores or offices.
3. Banks and similar financial institutions.
4. Municipal uses.
5. One-family dwellings and two-family dwellings, second floor or higher floors only.

6. Offices for the following, but provided the floor area of the office(s) (including incidental rooms such as restrooms and lunch rooms) does not exceed 1,500 square feet in total: accountants, architects, engineers, surveyors, insurance, lawyers, real estate, stock brokerage companies, or investment advisers.

E. Accessory uses

1. Bicycle racks, placed and constructed in accordance with Design Review Guidelines (as the same may be amended from time to time) as described in Section 166-4 (h) of the Code of the City of Middletown.
2. Sidewalk and outdoor cafes for approved restaurants, eating and drinking establishments only, subject to the provisions of Section 475-28 of the Code of the City of Middletown (as the same may be amended from time to time).
3. Home occupations as follows: professional office of an author or composer; internet-based business (with in-person customers limited to a single customer at a time); art teacher and/or music teacher (with instruction limited to a single pupil at a time), photographer and artist (with customers limited to a single customer at a time). Home occupations use does not include live performances and/or galleries. All residential use associated with a home occupation must be on the second floor or higher floors only in the building in which the home occupation is carried out.

F. Uses requiring issuance of both a special use permit and site plan approval by the Planning Board.

1. Personal service store such as barbershop, beauty shop, shoe repair, tailor or dry-cleaning service (excluding dry cleaning on the premises).
2. Funeral homes and undertaking establishments.
3. Billiard parlors, bowling alleys and similar recreation facilities, and personal fitness centers such as health clubs.
4. Off-street parking facilities (non-municipal)
5. Eating and drinking places (non-drive up window).
6. Eating and drinking places with a beer and wine license (non-drive up window), hours of operation limited to 12:00 midnight on weeknights and 2:00 a.m. on Friday and Saturday nights (Saturday and Sunday morning).
7. Eating and drinking places with a full liquor license (non-drive up window), hours of

operation limited to 12:00 midnight on weeknights and 2:00 a.m. on Friday and Saturday nights (Saturday and Sunday morning).

8. Theaters and similar places of assembly such as performing arts centers, conference centers, art galleries and antique centers.
9. Bakery whose primary business is retail on the premises but which may also sell and deliver its products wholesale to stores, hotels, restaurants or similar businesses.
10. Bus terminals and taxi stands.
11. Light manufacturing, such as plastic assembly (but not molding or 3-D printing) and the assembly of pre-made materials into another product. (The Planning Board retains the discretion to determine whether the particular proposed use constitutes light manufacturing or not.)
12. Artisan manufacturing of goods, such as jewelry or ceramics, which are produced using hand-tools only.
13. Printing shop provided the floor area of the printing shop does not exceed 2,000 square feet.
14. Artist studios, including art classes.
15. Offices for the following:
 - a. Accountants, architects, engineers, surveyors, insurance, lawyers, real estate, stock brokerage companies, or investment advisers where the floor area of the office(s) (including incidental rooms such as restrooms and lunch rooms) exceeds 1,500 square feet in total
 - b. Medical/dental practitioners.
 - c. Other business offices or offices for non-profit entities, and necessary business activities related thereto, such activities to be limited by the terms of the authorization granted.
16. Multiple dwellings, row houses or attached housing subject to the requirements of the UR-3 Zone, specifically Section 475-12 (C) (8) and (9) of the Code of the City of Middletown (as the same may be amended from time to time), second floor or higher floors only.
17. Educational facilities for adults.

18. Hotel. For purposes of this Section 475-21A, “hotel” is defined as follows: a hotel is a building offering short-term lodging of no more than thirty (30) days to the general public, with all rooms offered on a per-night fee basis. Ingress and egress to and from all rooms are made through an inside lobby designed to receive guests of the hotel, supervised by a person in charge at all hours. Hotel rooms shall not be used as apartments or dwelling units for nontransient occupants, shall not constitute an individual’s or family’s primary residence, and shall not be construed to be a multiple dwelling. Hotel rooms shall not contain kitchen facilities and shall not be connected by interior doors. Each hotel room shall have its own bath/shower, toilet facility and sink. Each hotel must have an office for hotel management and is expected to have typical hotel amenities such as an exercise room, meeting rooms and conference rooms, and hotels may have a restaurant on premises to serve hotel guests and/or members of the general public.
19. Retail stores whose floor area exceeds 3,000 square feet.
20. Rectifying of spirits and wines, bottling of beverages, distillery or brewery operations, including onsite tasting rooms, sales and tours.
21. Wireless telecommunications services facilities, as permitted and regulated in Section 475-43 of the Code of the City of Middletown (as the same may be amended from time to time).
22. Student housing used in the operation of a university, college or high school authorized to confer degrees in New York by the New York Board of Regents and/or the New York State Education Department (subject to the requirements set forth in the bulk and parking regulations for the UR-3 district as set forth at the end of this Chapter 475, provided that the Planning Board in its sole discretion may waive any of such requirements), second floor or higher floors only.
23. Child day-care facility, provided that such facility:
 - a. Is licensed by the State of New York;
 - b. Contains at least 3,000 square feet of usable floor space;
 - c. Provides an outside play area of at least 600 square feet; and
 - d. Provides an off-street drop-off area for such children to avoid impacting street traffic in the area.
 - e. The Planning Board, in granting special use permit and site plan approval to a child day-care facility, can require additional conditions as may be necessary or

appropriate based on the presence of other existing or prospective business and residential uses in the area of the proposed child day-care facility.

- G. Building height limit. No building or structure shall exceed six stories or 90 feet in height.
- H. Required lot area. There shall be a minimum lot area of 7,500 square feet.
- I. Required lot width. There shall be a minimum lot width of 75 feet.
- J. Yards required. No side, front or rear yard shall be required. No building shall extend less than 11 feet from the curbline except where the present sidewalks are narrower, under which circumstances the sidewalks shall conform to existing building lines.
- K. Notwithstanding anything contained in this Section 47-21A, any site plan or other approvals required to implement projects contained in the Strategic Investment Plan submitted by the City to the State, and approved by the State, in connection with the Downtown Revitalization Initiative will be reviewed and approved by the Common Council of the City of Middletown, not the Planning Board of the City of Middletown.

Be it further resolved that all applications for an appeal or waiver of the requirements of Local Law #1 of 2017 before the Common Council of the City of Middletown at the time of the approval of this resolution shall continue to be heard and resolved by the Common Council and shall not be required to be placed before the Planning Board for consideration.

Be it further resolved that this resolution shall take effect immediately.

Roll Call: Ayes: Ald. Ramkissoon, Jean-Francois, Cid, Witt, Kleiner, Burr, Pres. Rodrigues-7

199.17 Resolution authorizing the issuance of \$9,700.000 serial bonds to the pay the cost of the Downtown Revitalization Initiative Project.

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

RESOLVED; that the Common Council of the City of Middletown hereby concurs with the Board of Estimate and Apportionment to approve a transfer from the General Fund Balance of up to \$1.0 million dollars to advance monies to fund the projects below to be paid back by bonds being issued for the NYS DRI grant upon completion.

Woolworth Building into the Rail Commons	2,500,000
Erie Way Park	1,640,000
Parking & Greenspace Improvements	2,000,000
Streetscape Improvements	2,285,000
Branding and Wayfinding Signage	275,000
Facade Improvements	<u>1,000,000</u>
Total DRI Request 6/26/17	<u>9,700,000</u>

Roll Call: Ayes: Ald. Ramkissoon, Jean-Francois, Cid, Witt, Kleiner, Burr, Pres. Rodrigues-7

200.17 Resolution authorizing the issuance of \$9,700.000 serial bonds to the pay the cost of the Downtown Revitalization Initiative Project.

On motion of Ald. Burr seconded by Ald. Kleiner

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

Section 1. The Downtown Revitalization Initiative Project, including development of a park, parking and green space improvements, streetscape, signage and facade improvements, as well as incidental costs in connection therewith, in and for the City of Middletown, Orange County, New York, is hereby authorized at a maximum estimated cost of \$9,700,000.

Section 2. The plan for the financing of such maximum estimated cost is by the issuance of \$9,700,000 bonds of said City hereby authorized to be issued therefor pursuant to the provisions of the Local Finance Law; provided, however, that the amount of bonds to be issued shall be reduced to the extent of grants received in connection therewith which are expected to cover all of such costs.

Section 3. It is hereby further determined that the period of probable usefulness of the aforesaid specific object or purpose is five years, pursuant to subdivision 89 of paragraph (a) of Section 11.00 of the Local Finance Law based upon subdivisions 19, 20, 24, and 35 thereof.

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, Jean-Francois, Cid, Witt, Kleiner, Burr, Pres. Rodrigues-7

201.17 Resolution to authorize the Treasurer to transfer \$418,839.21 from the General Fund Balance to fund the retroactive pay increases for the fire department.

On motion of Ald. Burr 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 \$418,839.21 from the General Fund Balance to fund the retroactive pay increases for the fire department from 2013 to the current payroll as agreed upon in the new CBA in the following manner:

From	Amount	To
Gen. Fund Balance	\$418,839.21	\$342,655.37 A.3410.100 Salary 45,194.65 A.3410.103 Overtime 29,670.50 A.9000.830 SS Tax 1,318.69 A.9000.835 Mob Tax

Roll Call: Ayes: Ald. Ramkissoon, Jean-Francois, Cid, Witt, Kleiner, Burr, Pres. Rodrigues-7

202.17 Resolution to accept a \$100.00 donation in support of Middletown's Neighborhood Watch Program.

On motion of Ald. Ramkissoon seconded by Ald. Witt

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 \$100.00 donation from Marshall Sterling in support of Middletown's Neighborhood Watch Program and credit this amount to account T-51.

Roll Call: Ayes: Ald. Ramkissoon, Jean-Francois, Cid, Witt, Kleiner, Burr, Pres. Rodrigues-7

202.17 Resolution to authorize the Mayor to sign an insurance agreement with PERMA who is replacing the City's volunteer firefighter's workers compensation program reducing the cost \$20,000 annually.

On motion of Ald. Jean-Francois 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 sign an insurance agreement with PERMA who is replacing the City's volunteer firefighter's workers compensation program reducing the cost \$20,000 annually.

Roll Call: Ayes: Ald. Ramkissoon, Jean-Francois, Cid, Witt, Kleiner, Burr, Pres. Rodrigues-7

13. Local Laws

John Naumchik-Nothing this evening.

14. Audit

On motion of Ald. Ramkissoon second 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: Ayes: Ald. Ramkissoon, Jean-Francois, Cid, Witt, Kleiner, Burr, Pres. Rodrigues-7

15. Adjournment

There being no further business meeting adjourned at 9:06 pm

Respectfully submitted,

Karen Sisco

