



**Common Council
Meeting
City of Middletown
July 18, 2017**

1. Pledge of Allegiance- Acting Pres. Masi asked all to rise for the pledge.
Acting Pres. Masi asked all to remain standing for a moment of silence for the 16 service men killed in the plane crash
2. Roll Call: Present: Ald. Ramkissoon, Johnson, Jean-Francois, Cid, Witt, Kleiner, Burr, Masi-8 Absent- Pres. Rodrigues- 1
3. Approval of Minutes-On motion of Ald. Kleiner seconded by Ald. Witt to accept the minutes of May 16, 2017 Common Council meeting

All in favor

4. Correspondence
Liquor license for 293 Wawayanda Ave.-Corp. Counsel, Police Dept.
Letter. Raymond Bethencourt official notice resignation July 31, 2017-Received & Filed

5. For the Good of the City

Julissa Sierra/Senior Citizen Director-Presented Sheriff Carl DuBois a certificate of appreciation for the help provided by his office to the Mulberry Senior Center.

Sheriff DuBois-When Don Paris asked me if we do anything like that? Yes we do. We don't do a lot of it anymore. Obviously I haven't forgotten my roots and where I got my start, my allegiance to Middletown.

Merritt Winner- Annual trash has arrived in my driveway. The last time I raised this issue I was told because Frontier is a federally authorized organization they do not have to follow our litter laws. I consider this littering and trespassing. I will immediately recycle these by the way.

Chief Bethencourt, I wish you a happy and a long retirement. I especially like the walking tours of the officers on my street. In the last week or two I have seen a couple or 3 of them. Seeing the officers become a face and not a badge. That is very important for the City of Middletown. I hope his successor is as competent and aggressive as Chief Bethencourt is; he is going to be a tough act to follow.

Sue Depuy- I would like to thank the Recreation Commission for receiving the honor of the Gold Service Award for 2017. I like to tell how honored and humbled I was to receive the award for things that people did out of the kindness of their heart to clean up Middletown.

Thank you for inviting my extended family to attending this amazing picnic and I could really see how lucky we are to have Superintendent Chris Brinkerhoff at the helm of the Rec. Commission.

I just want to say thank you and I am very lucky to be a Middletown resident.

Acting Pres. Masi- Thank you and congratulations.

6. Remarks of Dept. Heads

Maria Bruni/Community Development-I too want to wish Chief Bethencourt a great retirement. He's a great leader. We worked together for many years and I think he was great for our community and leading our police dept. and great for all the businesses in our downtown and throughout our City. Chief you are going to be missed.

Economic Development front we are moving forward with 4 businesses that we helped fund through our Small Business Loan program this year. We actually met, above and beyond our goals for HUD. We are going to be closing on another loan this week. Ribbon cuttings coming up.

Also we have been working on the DRI with Pattern for Progress and the staff and the Mayor's Office. Starting to put certain pieces in place before we can get moving on the program.

Happy to see tonight Unisol Soccer Project hopefully coming to its final ending to actually a new beginning to start ground breaking. Great benefit to our downtown and make a major impact.

Jacob Tawil/DPW-Reminding the public the ongoing milling and paving operation we have. It is one of the most ambitious we have taken on in many years. Again we

regret any inconvenience we may have caused. At the end of this week we should be done with the milling and then we are going to start the paving this Thursday.

We are working very closely with the Town of Wallkill we cooperated on the paving location so that the paving will not stop at City line but will continue with the streets of Wallkill where it is needed. We have done that in the last couple of years. This year they have given us 2 dump trucks to work with us and we are going to be working with them. This is with the blessing of the Mayor and I will extend my sincere thanks to Acting Supervisor Eric Valentine and Commissioner of Public Works Lou Ingrassia and the men who helped us. It is greatly appreciated and this is really shared municipal services.

Commissioner of Public Works, Police Chief and the Mayor and Council usually work very closely. We use to meet almost on a daily basis. We did develop a personal bond, you do that. He has always been a gentleman, always a professional, great leadership in my opinion for his department. He is a friend he is going to be sorely missed.

Ald. Johnson-Can you give us an update on the water issues on West Main and impacting Bonnell St.?

Commissioner Tawil-West Main St. referring to the drainage. The project has been designed, approved by the Army Corp. of Engineers what we have been waiting for-funding the County issued the letter to the Mayor of commitment for funding. It is HUD funded, through the County Community Development and now we are waiting for the legal agreement basically. To my knowledge the SEQRA everything has been done; we advised the County if you need anything else from us please tell us. So far all we are lacking right now is the legal agreement between the County and the City. The County is working on it nothing on our end.

Mayor just met with Congressman Maloney offices a couple of days ago. They did discuss this project and they showed the e-mails back and forth I know the Congressman's office will be following up on the project to move it along.

Bonnell St. we had a major sewer collapse and separation and we worked on it. We replaced sections of the pipe, the sewer has been approved we had almost a million dollar grant from EFC. The balance of the money about \$2million zero interest borrowing from NYS Development Fund. All we are lacking right now is the final approval through EFC for technical comments and that was forthcoming; I have seen the e-mails now we are waiting for the official letter and stamped plans. After which will go out for bid immediately, funding is there, money is there waiting for final technical approval. When we have it I am expecting to have stamped approved plans very shortly then go out for public bid. That is a very difficult site there as you know it is a swamp, difficult sewer line project. The whole sewer line is going to be built on piles; manholes will be constructed on piles.

Julissa Sierra/Senior Citizens Director- We are currently offering aqua size program thanks to Parks & Rec. Thank you for offering lifeguards to our seniors. Tuesday and Thursday and also we have volunteer programs.

Thanked the Chief for everything you did for us. We are going to miss you greatly and I wish you a happy, happy retirement.

Chris Brinkerhoff/Superintendent Rec. - We are already 4 weeks into summer. Our Parks Dept. continue to stay up with the busy schedule. We did have a couple of weeks ago have a storm knock out the dam at Maple Hill Park. That has been repaired, it looks very nice.

Also at our Park & Rec. meeting we had earlier new playground equipment was approved and the company we are going with I will be contacting. We are hoping by September you will see construction happening which will take about a week and half to put in. That park will be looking nice.

I do want to mention the skate park is coming along. They are working there today it is being done in phases, that will be done by the middle of August. So we have to get together and plan a ribbon cutting and what we are going to be doing with that.

The Rec. Commission did have a picnic last Wednesday. We moved it indoors because of possible storms. Julissa thank you for helping us out last second. We want to thank all the aldermen who came; we had a great attendance I think it was probably because of Sue Depuy. So that is a great thing.

We can't thank you enough for all the support we have gotten over the years and continue to get from you.

The Distinguished Service Award did go to Mid- City Transit. We can't say enough about them either what they do for our kids, what they do for our community, they donate to everything.

Senior swim- the kids can't go in the pool with noodles but the seniors can and do their aquatic exercises. Quite the thing to see. We also set up the same time at Fancher Davidge we have swim for the developmental disabilities and today when I went over there we had 3 different agencies with over 18 people in the pool. That is a great thing. Wheelchairs are down in the spray pad, people usually who can't go in the water have the opportunity to roll through the water and we are using the lift to put people in the water. We have to put more life guards on because it is becoming very popular. That is a good thing.

I'm not going to thank the Chief; I am going to prove what the Chief has done instead. We just had Cops and Kids Day, Saturday. Absolutely amazing, I'm not sure who had more fun the police officers, the kids or the parents. There had to be over 150 people there. We had 80 some kids, it was terrific.

Today I stopped by Jr. Police Academy. The officers involved volunteered working with the kids for 3 weeks of different age groups.

Coming up we have ...Camp Out. It is going to be at Fancher Davidge Park. You have pre-register it is free. Overnight camping. Again it is going to be in collaboration with the Fire Dept., Police Dept. and the Rec. Dept. These collaborations are incredible. Kids' Celebration, Night Out Against Crime, Safe Street Initiatives we have a very active Police Dept. and I think a lot of the credit has to go to this gentleman sitting behind me and to his men that he leads. I think dept. will be in good shoes because he has trained them well. Thank you.

Just a reminder we are still having movies down on King St. The next movie is actually this Saturday at Fancher Davidge Park. It is following up a big event in the park, Space Jams. Another movie on King St. August 5th and 17th.

Lastly I want folks to know school will be starting again soon; we have started the Back to School Supply Drive. So anybody in the community willing to donate or agencies willing to donate supplies or even money to this event.

We have the Mayor's Youth Council to go out and buy supplies. 2,000 backpacks were just donated to us 845Live and back to school summer bash with Moochie Merchant hosting that. We are looking forward to that.

We just got approval this week we will be implementing a After School Sports Academy in conjunction with the School District in all 3 of our elementary schools and the middle schools will be coming to us at the Academy Ave. building. That After School Care is a big demand and we are going to help some of the other agencies and take the load.

John Naumchik/City Clerk-You will be voting tonight on changing the Common Council from Tuesday, August 31st to Monday, July 31st and I will be changing that on the calendar.

Also congratulations to Sue Depuy. I was at the picnic and congratulations Sue on a great reward and all the great things you.

Congratulations Ray. I know we work very close on City Code, FOILS. You are always there for help. Have a great retirement and good luck.

Chief Bethencourt/PD- What a great run. I will be remiss this evening without appearing here to share some final remarks. I would like to thank you the Council, Police Commission, the Mayor for all your support that you have shown me during my tenure. You have given me the tools necessary to achieve the mission of the department, providing safety and security to the residents of the City of Middletown. I strongly believe that together we have made a difference in the lives of the people we serve.

At your persistent effort the future of the City of Middletown only looks that much brighter.

I have had a career in Middletown that most law enforcement professionals could only dream of. Starting my career here in 1992 after a few years in Ellenville I became engulfed in big city coming from a small town. Through hard work I was able to navigate successfully to the top of this organization. Over years I learned it takes more than arrests to make a difference in community; it takes honesty, integrity and commitment and the desire to help people.

I would like to thank the Mayor on a personal level for being the type of leader who focuses on team work. Because I think that is very important. That sense of leadership has helped me in my career to reach my full potential. It has lead me to lead what I believe is one of the most professional organizations in NYS.

I also like to thank my peers, Jacob, Maria, Rich, Alex, Chris, Bonnie, John, Don and I thank all your assistance over the years.

Thank you Mayor.

7. Public Hearings & Grievances
John Naumchik-Nothing this evening
8. Petitions & Complaints
John Naumchik-Nothing this evening.
9. Remarks of the Mayor

Mayor DeStefano-Every Wednesday Chief and I met he took me out for dinner anywhere I wanted to go in the County I am really going to miss that and none of that is true. We had a regular routine each morning; Ray was the 5th Police Chief that I was here under since I was on the City Council which is quite an amazing statistic. All different in their own way. Ray certainly brought to the table a great level of professionalism and also creator of ideas. Chief Winner the former Fire Chief spoke about his foot patrols in the neighborhoods that is Ray Bethencourt idea and I think it is a very effective idea. The interaction with kids The Cops for Kids Program that Chris spoke of and all the other interaction between the department and community are really the important measures that he put in the department. When someone commits a crime the police job is to arrest them, but, I think what Ray and the department has put in place is a pretty creative approach to policing in a small city or small town. That is almost the old Andy Griffith Mayberry idea where getting to know people in your neighborhood, getting to know people in the home city, kids in school and reaching out and trying to prevent bad things from happening.

We are 5 sq. miles of 28,000+ people so of course we are going to have things happen and that is where the professionalism comes in. I think he has done an outstanding job for the City we are saddened to see him go at 48 yrs. old I believe he is but he has had a long career in policing and I am certainly going to miss him; attacking Ald. Masi in my office. We have had a good run. Monday we will have a Police Commission meeting life goes on without me, Ray, Joe Masi and without any of us individually

but we've created a system here of government not created we have a system here of government that really has served the City well. So Monday the Police Commission will be meeting, will be discussing an acting chief which will be hopefully in my opinion Lt. Ewanciw who has been a Bureau Commander and I don't think there will be any disagreement amongst the Commissioners in that regard. Hopefully quick action to appoint a new Police Chief. I believe it is important that we, Lt. Ewanciw and I had a long talk this morning about ideas and what he would bring as leader to the department and one important part of the discussion I believe is really, really important is that he has ideas on things to do there is nothing in place that he would do different than what Ray Bethencourt did. I think that is a tribute to the Chief also.

Thank you for your years of service and thank you for your commitment to the community and to your friendship and we will go back to those Wednesday night dinners whenever you are ready. I'll bring Masi and Jacob with me.

Thank you so much Chief.

Congratulations to Sue Depuy and the Recreation award. I am sorry I couldn't make the picnic but Sue certainly deserves every acknowledgement that we can give her for her role in the City and the community. As the litter lady, she puts 1000% into it.

Jacob I am going to talk about Jimmy Carter since you talked about Maurice Hinchey.

We had our Shared Services meeting with the County about a week or so ago. For those of you who are not familiar with it, the Governor has mandated, the State Legislature mandated that each County come up with a Shared Service Plan. Has mandated that all Mayors', Supervisors and County Executive meet and discuss a plan that the County Executive will eventually put up to the public and County for a vote referendum. That would include the plan would include different ways to save money for taxpayers, property tax. The Governor has expressed his frustration about property tax increases throughout the State and his inability to control them. The other side of that argument is that School Districts were not included in this mandated meeting ...referendum put up. One of the important thing that came out of the meeting that I wasn't aware is that School Districts can be invited to participate. Once invited and the Board adopts the resolution allowing them into this group then they would not be bound but they would be a participant in the group and they would also participate in any Shared Savings. So in other words if the City can come up with a plan with the County or with the Town of Wallkill for example to share certain services and go to contract and formalize that and we save \$100,000 next year. There will be a one-time offer by the State of matching that savings to the community. There are many benefits, many people in the room were very critical of the plan and some very critical of the governor. There is a representative of NY Association of Counties who made about an hour long presentation and it was pretty detailed. Showed a lot of ways where communities can cooperate and work together while at the same time critical of the Governor requiring this meeting. I spoke up in defense of the Governor I said he is the only one who got us in the room at the same time and he

is requiring the people in this room to come up with a plan that will save local taxpayers money and put it up for a vote. I think the Governor did the right thing. We are hoping I believe there is another meeting coming up in another week or so. The deadline for the presentation of the draft plan is August 1st; incoming Council I believe will be involved at some point if there is a plan or part of a plan that impacts Middletown. For example; this is something the new Chief is going to have to tackle both the police and fire is 911 dispatch. For years we have been trying to get the County to do 911 for Fire Dept. As you know we have a paid fireman who sits at the desk and answer the phone and dispatch. We tried to get the County to do that for us and the County wants to charge us. The County Executive spoke at the meeting and said that he would make available in his position would be to make 911 dispatch services free to any municipality within Orange County. Now that is a big boost. How we do it in City government is important whether we can reduce shifts. It is going to take a lot of study to do especially in the area of police. That is one area and I am not saying I support it or not support it for the police dept. All I am saying is that there will be an opportunity for us as a city to study it moving forward. Potentially a pretty significant savings in areas such as that.

As the reports come out I will certainly forward them to you and make them available to you for your review so we don't catch you by surprise at any point.

10. Remarks of the Aldermen

Ald. Witt- Chief, congratulations and good luck. I appreciate all you helped me with my time here, you made my job a lot easier.

Ald. Kleiner-I want to thank the Mayor, Pres. Rodrigues, Chief and the other officers, other police dept., Maria and her staff who came out for Safe Summer Initiative. It was basically your whole City government there waiting for anyone in that ward who had a concern to come and talk about it. I think it is a great thing, I hope you do it again. May be with more awareness and get more people out.

Thank you for that.

I want to thank Chris Brinkerhoff for the Rec. picnic, it was great.

Congratulations to Sue and congratulations to Dan Highbie and his staff at Mid-City Transit well deserved awards.

Chief, good luck. Your leadership has been terrific. I always tell people in Middletown and the community police are our partners, they work with us on everything we tried to do. Most of that is because of you. We will miss you; I hope you can talk your wife into letting you stay around for a couple of days to come to Night Out.

Best of luck.

Ald. Jean-Francois- Chief, thank you for your service. I still think you are too young to retire. I want to wish you luck on your retirement.

Sue the award is well deserved on a job well done. As chairman of DPW, Commissioner thank you and your dept. for doing such a wonderful job milling. We have been getting a lot of complaints lately that is because no one has seen the magnitude of the project. We actually have 41 streets on the list. This is the most I have seen on the list.

Ald. Cid-Chief, happy retirement. Thank you for all you do.

Ald. Burr- As Chairperson for Parks & Rec. it was a good turnout for our picnic on Wednesday. Sue thank you and Dan for all the work you do and our Superintendent Brink.

Chief, me and the Chief go way back. We go back to the day him and Officer Somerelli who is now retired back to community policing. Coming in and hanging out with the customers. He becomes a Lt. and then he becomes Chief of Police all from hard work. Hard work, vision, dedication.

Chief I wish you the best to you and your family, Thanks for all your service.

On a sadder note today, Mr. Joe Torrisi a long time member of the 1st Ward passed away. He was our neighborhood patrol on Reservoir 1.

Ald. Ramkissoo-First I want to address the milling/paving. Jacob, you guys do an outstanding job every year. This year 3rd Ward has seen a lot of work, I just wanted to say to the residents be patient, the outcome will be outstanding. People question why the City mills? Milling is expensive. So we do all the milling and then go back and do all the paving. In case anyone is wondering why the delay that is what it is.

Thank you for all the work you do.

This evening we are looking to appoint Mr. Pengel as Deputy Commissioner of DPW. I wish you lots of luck and I hope you don't regret it too soon.

Sue, sorry I wasn't at the Rec. picnic. Thank you repeatedly. You have the Midas touch.

Thank you for your energy, your passion and everything you do.

Chief, I have been able to work with you through my role as planner for Night Out Against Crime. I found you to be a great resource and open door policy. I have met with you frequently, willing to answer questions, help people out. I like the way you approach policing, we sat and talked about it. Always there to lend a hand. I think about Night Out and its success and I think it's because of your leadership that we have a Police Dept. that is so... with their community and so ready to play with the kids and get to know the people they serve and I think that is why we are pretty unique. I think we can thank you for that.

I want to thank you for your service. I'm sorry to see you go and I hope you have a really good retirement.

Ald. Johnson- Thanked Sue for her hard work and dedication.

With respect to the Chief, I have not been seated at this table as long as my colleagues. I think your initiatives years from now somebody will look at a program and say hey that is a good idea Ray Bethencourt started that.

Thank you so much for your services.

Ald. Masi-Sue Thank you for all you do. Dan Higbie, Mid-City thank you.

Chief, I don't have too many friends, we have grown to be very close friends and I hate to see you go. I wish you and your family the best.

11. Unfinished Business

John Naumchik-Nothing this evening.

12. New Business

204.17 Resolution to move the Common Council Meeting on Tuesday, August 1, 2017 to Monday July 31, 2017 not to coincide with Night Out Against Crime

On motion of Ald. Ramkissoon seconded by Ald. Burr

RESOLVED; that the Common Council of the City of Middletown hereby moves the Common Council Meeting on Tuesday, August 1, 2017 to Monday, July 31, 2017 not to coincide with the Night Out Against Crime.

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

205.17 Resolution to close Mills Ave. between Hoffman and up to 35 Bennet for a Block Party on Saturday August 26, 2017 from 12 noon till 7pm

On motion of Ald. Johnson seconded by Ald. Witt

RESOLVED; that the Common Council of the City of Middletown authorizes the closing of Mills Avenue between Hoffman and up to 35 Bennet for a Block Party on Saturday, August 26, 2017 from 12:00 noon till 7:00PM.

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

206.17 Resolution to award the bid for the demolition of 5 Mulberry St.

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

WHEREAS, bids were opened by the Board of Estimate and Apportionment on Thursday, June 14, 2017, for the demolition of 5 Mulberry Street, and

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

WHEREAS, the Commissioner of Public Works recommends to the Common Council that the bid be awarded to Dan Wolfe of Dan's Hauling & Demo, Inc., PO Box 409 Wynantskill, NY in the amount of \$39,800.00.

NOW THEREFORE BE IT RESOLVED; that the Common Council of the City of Middletown concurs with the Commissioner of Public Works and awards the bid for the demolition of 5 Mulberry Street to Dan Wolfe of Dan's Hauling & Demo, Inc., PO Box 409 Wynantskill, NY in the amount of \$39,800.00.

Bids for the demolition were as follows:

-Dan Wolfe of Dan's Hauling & Demo, Inc., P.O. Box 409, Wynantskill, NY 12198 in the amount of \$39,800.00.

-Taylor Montgomery, LLC, 350 Neelytown Road, Montgomery, NY 12549 in the amount of \$89,895.00.

-Lou Grabowski Mansory, 2148 Mt. Hope Road, Middletown, NY 10940 in the amount of \$108,500.00.

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

207.17 Resolution to approve the SEQRA for the Unisol Soccer Project

On motion of Ald. Kleiner seconded by Ald. Witt

Whereas, Unisol Soccer Field, LLC ("Unisol") 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: convert a former municipal garage to an indoor soccer field with accessory uses; construct three new buildings with commercial use(s) on the first floors (including a potential health food bar) and apartments on the second and third floors; construct an outdoor soccer field; and provide a 20 space parking lot ("the Action") at property known as 12-14 Union Street and 4-8 Franklin Street, Middletown, New York, shown on the tax map of the City of Middletown as Section 31 Block 1 Lots 9.2 and 14.2 ("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 construction of three new buildings with commercial use(s) on the first floors (including a potential health food bar) and apartments on the second and third floors; an outdoor soccer field; and a 20 space parking lot at 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 and upon which are located buildings that should be demolished or reconstructed, so that the Property can become a viable part of the City's downtown area. The proposed uses of the Property are consistent with the scope and intent of the recently approved Strategic Investment Plan as part of the State's Downtown Revitalization Initiative for the City's downtown. Approval of the Action also will allow the rehabilitation and reconstruction of the Property, which presently is in a deteriorated condition and which will continue if the Action is not approved. Given the Property's location near the soon-to-be completed skate park, the proposed extension of the Heritage Trail and the proposed Erie Way Park, the proposed use of the Property is consistent with development in the immediate area and will enhance the downtown redevelopment efforts.

6. The Action will not conflict with the City's land use plan or zoning regulations (in fact, the use is consistent with uses allowed in the new Downtown Mixed Use zoning district); 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; may result in an increase in the potential for erosion, flooding or drainage problems (which likely will be limited and temporary in connection with development activities and which can be mitigated as required by the City's Department of Public Works); 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: Ayes: Ald. Ramkissoon, Johnson, Jean-Francois, Cid, Witt, Kleiner, Burr, Masi-8

208.17 Resolution to approve the Unisol Soccer Project

On motion of Ald. Witt seconded by Ald. Cid

Whereas, Unisol Soccer Field, LLC (“Unisol”), the owner of property known as 12-14 Union Street and 4-8 Franklin Street, Middletown, New York, shown on the tax map of the City of Middletown as Section 31 Block 1 Lots 9.2 and 14.2 (“the Property”), 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: convert a former municipal garage to an indoor soccer field with accessory uses; construct three new buildings with commercial use(s) on the first floors (including a potential health food bar) and apartments on the second and third floors; construct an outdoor soccer field; and provide a 20 space parking lot on the Property (“the Project”), and

Whereas, Unisol purchased a portion of the Property from the City of Middletown subject to Unisol demolishing certain deteriorated buildings on the Property, which Unisol did, 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 held a public hearing on the Project on March 21, 2017, 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 Unisol 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 City’s engineer, Geary F. Chumard, P.E. of the firm Clark Patterson Lee, has reviewed the Project and the EAF and has no objection to the approval of the Project, subject to requirements of the Department of Public Works (including the Building Inspector and the Fire Inspector) in connection with the issuance of the building permit and supervision of the construction process itself, and the City’s engineer has also provided comments about the Project in his latest review dated May 6, 2017, 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 is consistent with the new Downtown Mixed Use zoning district (“DMU zone”), and

Whereas, under the DMU zone, the Common Council is the body that would complete the review and approval of the Project, 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 determines the Project is an Unlisted Action for purposes of SEQRA, and based upon the information contained in the application, the Short Environmental Assessment Form that has been submitted to the City and the information obtained at the public hearing, the Common Council hereby issues a Negative Declaration and a Determination of Non-Significance for purposes of SEQRA with respect to the Project, and the Commissioner of Public Works is directed to file the determination and provide notices if required by Part 617 of the implementing regulations pertaining to Article 8 of the Environmental Conservation Law.

Be it further resolved, that the Common Council approves the application of Unisol to: convert a former municipal garage to an indoor soccer field with accessory uses; construct three new buildings with commercial use(s) on the first floors (including a potential health food bar) and apartments on the second and third floors; construct an outdoor soccer field; and provide a 20 space parking lot on the Property.

Be it further resolved, that the Project is approved subject to technical review and approval by the Department of Public Works and the Fire Inspector (including such considerations as the Department of Public Works may deem necessary to address comments of the City's engineer contained in his letter of May 6, 2017).

Ald. Kleiner-I would like to add to the final paragraph, subject to technical review and approval by the DPW and the Fire Inspector.

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

Mayor DeStefano- The last resolution of the evening, (Mark Pengel and his wife, Michelle up at the podium) is a long time City employee. Many people in the community know Mark but also when your snow is cleared off your streets Mark is responsible as the foreman in that department. At the recommendation of Jacob is going to be receiving a new position this evening. Mark and I attended High School together, Middletown High School graduate; has been with the City ever since. Really a committed employee with the City of Middletown. He is going from a union position to an appointed position to Deputy Commissioner to fill the job of Doug Hendrickson who recently retired.

I wanted to formally introduce not to you because I am sure you all know Mark but to the public. Mark Pengel who will know be the Deputy Commissioner for the City of Middletown DPW.

Congratulations Mark and I am sure you are going to do a great job.

Jacob Tawil-Mark has always been my right hand man. In an emergency he really puts his heart into the City of Middletown. Making sure the job is done correctly. Always takes pride in the dept., has been there for 37 yrs. Time for him to step up and take leadership of the Dept. of Street /Sanitation.

209.17 Resolution to appoint Mark Pengel as Deputy Commissioner of Public Works to fill the term of Douglas Hendrickson ending December 31, 2017

On motion of Ald. Burr seconded by Ald. Johnson

RESOLVED; that the Common Council of the City of Middletown concurs with the appointment of Mark Pengel as Deputy Commissioner of Public Works to fill the term of Douglas Hendrickson ending December 31, 2017.

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

Mark Pengel-Thank you for your support and I look forward to working for you all.

13. Local Laws

John Naumchik-Nothing this evening.

14. Audit

On motion of Ald. Ramkissoon 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: Ayes: Ald. Ramkissoon, Johnson, Jean-Francois, Cid, Witt, Kleiner, Burr,
Masi-8

On motion of Ald. Johnson seconded by Ald. Burr

To go into Executive Session for contractual agreements

In Executive Session 8:56pm

All in favor

On motion of Ald. Jean-Francois seconded by Ald. Witt to come out of Executive
Session

Out of Executive Session 9:16pm

All in favor

15. Adjourned

There being no further business meeting adjourned at 9:17pm

Respectfully submitted,

Karen Sisco