



**Common Council  
Meeting  
City of Middletown  
July 31, 2017**

1. Pledge of Allegiance- Pres. Rodrigues asked all to rise for the pledge.
2. Roll Call: Present: Ald. Ramkissoon, Johnson, Jean-Francois, Cid, Witt, Kleiner, Burr, Masi, Pres. Rodrigues-9
3. Approval of Minutes-On motion of Ald. Kleiner seconded by Ald. Jean-Francois to accept the minutes of July 3, 2017 Common Council meeting

All in favor

4. Correspondence  
Letter from Peter Meri regarding Middle Crest Crossing to reduce age on Phase I to 55-Legislative
5. For the Good of the City

Kevin Gomez-There is a resolution referencing accepting money from the NYS Governor's Traffic Safety Commission for the use in the Police Traffic Services. As a resident of the 2<sup>nd</sup> Ward I want to thank the Common Council for addressing the speeding on Highland Ave. Most of all as a parent I encourage the Council to lend their voices to the State Legislature. There has been legislation recently that was passed in the State Senate that would increase the fines for individual drivers that pass school busses. Legislation hasn't been approved in the Assembly I encourage the members of the Common Council to work together with our Assemblywoman and

other State Assembly to see that there is final legislation. To protect our children and ensure that no one puts any students or school bus in harm's way.

6. Remarks of Dept. Head

Maria Bruni/Economic Dev. - We have a resolution this evening regarding a grant from the County of Orange Health Dept. The \$3000 grant will go towards buying benches and bike racks for the Skate Board Park.

Chris Brinkerhoff/Superintendent Rec. - All of our Fall registration is out. Our fall programs basically start in 5 weeks. Cheerleading, soccer and we also have a After School Sports Academy will be starting Sept. 11<sup>th</sup>. Forms should be ready by next week. You will see that in a resolution we are moving some money for a day camp that was not used into our Special Programs all that money will come back in fees for the program.

We will be able to serve 190 students, 3-5<sup>th</sup> grade and 6-8<sup>th</sup> grade. Looking forward to doing that.

With school coming up, Middletown Cares and Mayor's Youth Council is doing the Back to School supply drive. If you like to donate you can drop off at the Rec. Dept. Every year we fill 450-600 backpacks.

Jacob Tawil/Commissioner DPW- Progress of the Woolworth building construction project. The asbestos and mold abatement started, they are proceeding. No issues so far.

5 Mulberry St. demolition we are working with the contractor about demolishing the house, waiting for the contracts to be signed.

Street paving projects are moving very well. We have taken on too many roads and paving aspect of things, the contractor had to break for a couple days. If you haven't seen anything today and tomorrow it is because the contractor cannot commit for such an extended period of time.

John Naumchik/City Clerk-2 resolutions for Southgate at Middletown. These 2 resolutions were like 3 months ago, the applicant missed their 90 day window to file with the County. We had to do a resolution again. There is no public hearing, no changes.

## 7. Public Hearings & Grievances

Public hearing for BID Moratorium 13 Center St. Beauty Salon

Notice is hereby given that the City of Middletown will hold a public hearing on Monday, July 31, 2017, on or as near to 8:00 pm as possible, Common Council Chambers, 2<sup>nd</sup> floor, 16 James St., to hear any and all persons wishing to be heard on an appeal of the BID Moratorium for a proposed Beauty Shop at 13 Center St., Section 31, Block 10, Section 8.

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

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

By the order of the Common Council

John C. Naumchik

Clerk of the Common Council

City of Middletown

Publish: THR 7/24/17 & 7/25/17

City Website

Pres. Rodrigues opened the public hearing at 8:07 pm

For the record mailings were handed in

Ron Kossler

Mr. President and members of the Common Council I am the attorney for the applicant Mari's Beauty Salon, LLC the principal Hilario Chavez is here. This is an application for a modification/variance under the moratorium LL#1, 2017. For permission to use the premise as a hair and beauty salon. Property located across the street at 13 Center St. the property prior to the with this application was filed prior to June 30<sup>th</sup> and that is why we come under the application for variance/modification. This property was used for commercial purposes prior to the moratorium. It is consistent with the purposed zoning ordinance amendments and it can be used for commercial. The variance is necessary so that it will prevent undue hardship to the applicant. Right now technically we cannot use it for commercial purposes.

I believe it is within the intent and purpose for the BID and it is consistent with the health and safety and general welfare of the city and it residents.

We would respectfully request you would grant the application.

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

None being.

Anyone from the Council?

Ald. Kleiner-We did consider this in committee and everything seems to be in order. This is not the first time we are hearing this.

Mr. Kossler-That is correct. We were here a couple of weeks ago.

On motion of Ald. Masi seconded by Ald. Burr

All in favor

Public hearing closed at 8:09pm

2<sup>nd</sup> public hearing Bid Moratorium 9-29 Canal St.

Notice is hereby given that the City of Middletown will hold a public hearing on Monday, July 31, 2017, on or as near to 8:00 pm as possible, Common Council Chambers, 2<sup>nd</sup> floor, 16 James St., to hear any and all persons wishing to be heard on an appeal of the BID Moratorium for a proposed Art Studio for 9-29 Canal St., Section 35, Block 3, Section 24.1

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

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

By the order of the Common Council

John C. Naumchik

Clerk of the Common Council

City of Middletown

Publish: THR 7/24/17 & 7/25/17

City Website

Pres. Rodrigues opened the public hearing at 8:10 pm

Proof of mailings handed in

Tony Vitek

29 Canal St. space in the basement right next door to the body shop will be a art studio; hosting art shows and other art related events.

Pres. Rodrigues asked if the public had any questions.

None being.

Asked if anyone from the Council had any questions.

Pres. Rodrigues-Just to go back to the letter from Clark Patterson were the issues addressed about food being served.

Tony Vitek-Nothing of the sort no.

Pres. Rodrigues-Are you going to have food?

Tony Vitek-From what I understood from that mailer it was food preparation. There is nothing like that. No kitchen. No.

Pres. Rodrigues-The floor plan does it have where the doors, egress in the back or is this through the front and sides.

Tony Vitek-There is on the plan where the fire exit is. Yes. There actually is 3 doors. One is on the far corner of the space and that exits out kind of merges with the fire exits which are in the building.

Pres. Rodrigues-... you are not prepping but are you serving food?

Tony Vitek-There might be snacks available if there is event. Nothing for sale.

Pres. Rodrigues-This is just an art studio, no music.

Tony Vitek-There might be music but it would be, wouldn't be anything huge. Might be some open mikes or something like that. If its art related yes.

Pres. Rodrigues- More arts/poetry.

Tony Vitek- Arts in general. Just encompassing everything.

Pres. Rodrigues-You still have to fall within the Building Inspector, Fire Inspector.

Tony Vitek-Yes.

Pres. Rodrigues-Have any improvements been done to the building?

Tony Vitek-No modifications. He is restoring parts of the restrooms. I'm not sure exactly what Wes Solloway has in mind; but it is within the original construction that is there. He is restoring the sprinkler system and he is replacing the garage door which was already approved by ARB.

Pres. Rodrigues- The side doors are what you are going to use to go inside?

Tony Vitek-Correct.

Pres. Rodrigues-What are you going to use for parking?

Tony Vitek-The municipal lot across the street.

Ald. Kleiner-In the full resolution it basically says that all the issues that were raised by the engineer have been addressed successfully.

Tony Vitek-Yes.

Ald. Kleiner-Going by wording Corp. Counsel put in the resolution he is satisfied what he has done with the issues.

Pres. Rodrigues-Jacob, has your dept. reviewed anything?

Commissioner Tawil-Not to my knowledge yet.

Pres. Rodrigues-The Building Inspector, Fire Inspector has not seen the building to address anything.

Commissioner Tawil-Not to my knowledge. But we will be reviewing everything to make sure it is in compliance with NYS Building Code.

Ald. Jean-Francois-The only question I have when Common Council Pres. asked you about the music, if you do have an event and if you do have music how would that be? Band a DJ?

Tony Vitek-Probably live music. I don't think a DJ would constitute as art.

Ald. Jean-Francios-Live music.

Tony Vitek-Yes. Or like an open mike or different styles of music as long it is within that umbrella of arts. Yes.

Pres. Rodrigues-How many bathrooms do you have?

Tony Vitek-There are 2.

Pres. Rodrigues-What would you expect for the events? How big?

Tony Vitek-I really don't know what to expect honestly. I am hoping it is going to be successful.

Pres. Rodrigues-Have you done this before?

TonyVitek-No.

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

All in favor

Public hearing closed at 8:15pm

JohnNaumchik-3<sup>rd</sup> public hearing

BID moratorium for 21 North St. Art Gallery

Notice is hereby given that the City of Middletown will hold a public hearing on Monday, July 31, 2017, on or as near to 8:00 pm as possible, Common Council Chambers, 2<sup>nd</sup> floor, 16 James St., to hear any and all persons wishing to be heard on an appeal of the BID Moratorium for a proposed Art Gallery for 21 North St., Section 31, Block 7, Section 22.

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

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

By the order of the Common Council

John C. Naumchik

Clerk of the Common Council

City of Middletown

Publish: THR 7/24/17 & 7/25/17

City Website

Pres. Rodrigues opened the public hearing at 8:17 pm

Proof of mailings handed in

Lizette and I am with Element Square and I am also with Matthew Alvarez who is with Element Square who is a partner and founder of Element Square.

We are trying to open 21 North St. is a collaborative artist workspace where we are also going to do retail and also have a gallery. We are going to work with current and aspiring artist of all kinds. Visual, technical art....craft designing. Collaborative effort. Workspace work together or individually. As part of coming to our location we will also offer supplies needed workspace; they want a dedicated space or if they want to use a private space for either media or workshops or lessons the space will be available. We will also have the opportunity to have them showcase their work at the exhibit or depending on time frame...I'm not sure every... time period to see an artist work. Or we will also have in addition to that a retail opportunity for them to also sell their work. We are hoping that we are going to bridge the gap between having an idea and ...reality.

I thank everyone for their time and consideration.

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

Any Council member. None being.

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

All in favor.

Public hearing closed at 8:19 pm

8. Petitions & Complaints

John Naumchik-Nothing this evening.

9. Remarks of the Mayor

Mayor DeStefano is not here tonight.

10. Remarks of Aldermen

Ald. Masi-Nothing this evening.

Ald. Burr-My condolences to Jerry Kleiner about your sister and family sorry about your loss.

Pools are open for the rest of August. Come out and support them. Free swim Tuesday and Thursday from 9-11. Pools are open 7 days a week from 12-6.

Ald. Ramkissoo-Night Out Against Crime tomorrow evening at Davidage Park starts at 5pm, fireworks 9pm.

Thanked the sponsors- We can't do without the help of our local businesses. Recognition to-Thanked our fireworks sponsor which is Prestige Lexus of Middletown, big thank you to them.

Gold sponsor- Clark Patterson Lee

Silver sponsor-Truex Plumbing, Healy Brothers and Kiwanis

Bronze sponsors-Sierra Automotive, Mid-City Transit, Tony Boffa Restaurant, Fusco Engineering, Middletown PBA, Applebee-McPhillips Funeral Home, Todd Lyons Paving, Steve Dodd Plumbing, Orange Regional Medical Center, Middletown Honda, Middletown Professional Firefighters Local 1027, Marshall & Sterling and Sosler Farm Equipment.

Sponsors of services-Barbees Production and House of Bounce. Extra special thank you to Middletown Cares and Kelly Ocasio without whom we could not make a Night Out a success. Your assistance and all things went above and beyond and I can't thank you enough.

I like to thank Ex-Chief Ramon Bethencourt, Sgt. Khalil, Lt. Thoelen and our new Chief JJ Ewanciw who will make his emcee debut tomorrow evening at the event. I am grateful for your support, ideas and energy in bringing the event together.

Chris Brinkerhoff, John Bianchi, staff at Parks & Rec. you have been instrumental in helping me out in putting this together year after year. Thank you so much.

To my volunteers always ready to drop in and make things a success. I can't thank you enough. I cannot do this without all of you. You guys make it work; it is an amazing community night.

I hope to see you all out there tomorrow.

Ald. Johnson-As far as the resolution for Maple Hill. I want to thank all of those involved from the dept. to committees.



It is in the 3<sup>rd</sup> Ward we especially appreciate it.

Ald. Johnson mentioned he made dinner at 10:47 pm, put stuff on the stove and promptly fell asleep. When I awoke my phone was ringing and my smoke alarm was going off. I did not answer the phone because to see why my smoke alarm was going off which was from the dinner I was going to eat. By the time I opened the windows I looked out there were 4 firetrucks in front of my home within 5-6 minutes.

I do want to say to those who responded and certainly it is reassuring to those in the community that response was extremely quick.

Ald. Witt-I just want to remind folks that our 2<sup>nd</sup> Ward constituent meeting is August 14 at 7pm.

Ald. Kleiner- I hope to see everybody at Night Out tomorrow. Busy week for a lot of people who have been out protesting CPV, Valley...Pipeline public hearing tomorrow August 2<sup>nd</sup> at 6 pm at the Paramount Theatre. It will be very interesting.

This Sunday, August 6<sup>th</sup> from 11-3 Middletown Community Health Center is holding a community Health Fair at Thrall Park.

Next Tuesday, August 8<sup>th</sup> OC Planning Dept. has been promoting Solarized Hudson Valley. They are sponsoring different information sessions there will be one on Tuesday, August 8<sup>th</sup> from 6:30pm-8pm at Thrall Library. People there to answer all your questions.

Ald. Jean-Francois-I want to remind everyone DPW this Sunday, August 2<sup>nd</sup>, we will be having a special garbage pick-up in the BID. This pick up is only on Sunday for the BID not for the whole City. Encourage people not to put it in garbage bag; it has to be in the garbage bin.

The Mayor talked about, Ald. Kleiner recycle, recycle.

Ald. Cid-See everyone at Night Out. Remind everyone our constituents meeting is this Saturday, August 6<sup>th</sup> in Council Chambers.

#### 11. Unfinished Business

John Naumchik-Nothing this evening.

#### 12. New Business

211.17 Resolution to accept an award in the amount of \$9,750 from the New York State Governor's Traffic Safety Committee for the use in the "Police Traffic Services".

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 to accept an award in the amount of \$9,750 given to us by the New York State Governor's Traffic Safety Committee for the use in the "Police Traffic

Services” program to increase seat belt usage and reduce aggressive, speeding, distracted and other dangerous driving behaviors in an effort to reduce serious injury or death from traffic crashes to be deposited into our existing Traffic Services budget line A.3124.103.

Roll Call: Ayes: Ald. Ramkissoon, Johnson, Jean-Francois, Cid, Witt, Kleiner, Burr, Masi, Pres. Rodrigues-9

212.17 Resolution to accept six donations in support of 2017 Night Out totaling \$2,200.00.

On motion of Ald. Kleiner 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 to accept six donations in support of 2017 “Night Out”; Sosler’s Equipment \$250.00, Truex Plumbing \$500.00, Sierra Automotive \$250.00, Kiwanis \$750.00, PBA \$200.00 and Orange Regional Medical for \$250.00 totaling \$2,200.00. Credit this amount to T-51.

Roll Call: Ayes: Ald. Ramkissoon, Johnson, Jean-Francois, Cid, Witt, Kleiner, Burr, Masi, Pres. Rodrigues-9

213.17 Resolution to authorize the Treasurer to transfer \$14,000.00 within the Fire Department budget to cover annual apparatus service & inspections.

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

RESOLVED; that the Common Council of the City of Middletown hereby concurs with the Board of Estimate and Apportionment to authorize the Treasurer to transfer \$14,000.00 within the Fire Department budget to cover annual apparatus service & inspections in the following manner:

FROM	AMOUNT	TO
A.3410.202	\$14,000.00	A.3410.436
Coats & Boots		Testing of Trucks

Roll Call: Ayes: Ald. Ramkissoon, Johnson, Jean-Francois, Cid, Witt, Kleiner, Burr, Masi, Pres. Rodrigues-9

214.17 Resolution to authorize the Mayor to sign an agreement with BAS and to authorize the Treasurer to transfer \$4,800.00 from the General Fund Balance to fund an update to the City of Middletown website.

On motion of Ald. Cid seconded by Ald. Kleiner

RESOLVED; that the Common Council of the City of Middletown hereby concurs with the Board of Estimate and Apportionment to authorize the Mayor to sign an agreement with BAS and to authorize the Treasurer to transfer \$4,800.00 from the General Fund Balance to fund an

update to the City of Middletown website to make the pages of the website more user friendly in the following manner:

FROM	AMOUNT	TO
General Fund Balance	\$4,800.00	A.1010.400 Contractual Services

Roll Call: Ayes: Ald. Ramkissoon, Johnson, Jean-Francois, Cid, Witt, Kleiner, Burr, Masi, Pres. Rodrigues-9

215.17 Resolution to authorize the Mayor to sign an agreement with Young Explosives Fireworks Exhibition for fireworks to be held on Tuesday, August 1, 2017 for Night Out Against Crime.

On motion of Ald. Masi seconded by Ald. Ramkissoon

RESOLVED; that the Common Council of the City of Middletown hereby concurs with the Board of Estimate and Apportionment to authorize the Mayor to sign an agreement with Young Explosives Fireworks Exhibition for fireworks to be held on Tuesday, August 1, 2017 for Night Out Against Crime.

Roll Call: Ayes: Ald. Ramkissoon, Johnson, Jean-Francois, Cid, Witt, Kleiner, Burr, Masi, Pres. Rodrigues-9

216.17 Resolution to approve the 2017 budget for the Night Out Against Crime.

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 approve the attached 2017 budget for the Night Out Against Crime with total expenses at \$7,641.00 and donations of \$9,300.00 leaving a positive balance in account T-51 for this event.

Roll Call: Ayes: Ald. Ramkissoon, Johnson, Jean-Francois, Cid, Witt, Kleiner, Burr, Masi, Pres. Rodrigues-9

217.17 Resolution to authorize the Treasurer to transfer a total of \$20,000.00 within the DPW 2017 budget for unforeseen digester cleaning and rebuilding digester gas system.

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 authorize the Treasurer to transfer a total of \$20,000.00 within the DPW 2017 budget for unforeseen digester cleaning and rebuilding digester gas system. Additional parts for the SCADA System are also requested. Primary screw pumps for the VFD and an air conditioner for the panel board had to be purchased as well in the following manner:

FROM	AMOUNT	TO
G.8130.415 Light & Heat	\$8,000	G.8130.200 Equipment
G.8130.415 Light & Heat	\$12,000	G.8130.450 Materials & Supplies

Roll Call: Ayes: Ald. Ramkissoon, Johnson, Jean-Francois, Cid, Witt, Kleiner, Burr, Masi, Pres. Rodrigues-9

218.17 Resolution to authorize the Treasurer to accept a donation from the Middletown Lions Club in the amount of \$500.00 for the Middletown Cares Coalition.

On motion of Ald. Johnson seconded by Ald. Masi

RESOLVED; that the Common Council of the City of Middletown hereby concurs with the Board of Estimate and Apportionment to authorize the Treasurer to accept a donation from the Middletown Lions Club in the amount of \$500.00 for the Middletown Cares Coalition for the Stuff the Bus campaign and other alcohol and drug related events.

LET IT BE FURTHER RESOLVED; that the Common Council of the City of Middletown hereby concurs with the Board of Estimate and Apportionment to authorize the Treasurer to deposit the donation into the existing T.0094 trust account .

Roll Call: Ayes: Ald. Ramkissoon, Johnson, Jean-Francois, Cid, Witt, Kleiner, Burr, Masi, Pres. Rodrigues-9

219.17 Resolution to authorize the Mayor to sign an agreement with CDM Smith for professional engineering services for grant funding application preparation support.

On motion of Ald. Witt 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 authorize the Mayor to sign an agreement with CDM Smith for professional engineering services for HREP and WQIP grant funding application preparation support in the amount of \$12,000.

Roll Call: Ayes: Ald. Ramkissoon, Johnson, Jean-Francois, Cid, Witt, Kleiner, Burr, Masi, Pres. Rodrigues-9

220.17 Resolution to approve the Southgate at Middletown, LLC Short Environmental Assessment Form to the City Unlisted Action for purposes of SEQRA.

On motion of Ald. Kleiner seconded by Ald. Masi

Whereas, Southgate at Middletown, LLC has submitted an application for a two lot subdivision map entitled "Southgate at Middletown Minor Subdivision Plan" for property it owns off Uhlig Road (and encompassing Schindler Court and Southgate Road) in the City of Middletown, which property is shown on the tax map of the City of Middletown as Section 65 Block 1 Lot 1 ("the Property"), and the subdivision application is referred to as "the Action," and

Whereas, Southgate at Middletown, LLC submitted a Short Environmental Assessment Form to the City, and the Action appears to be an Unlisted Action for purposes of the State Environmental Quality Review Act ("SEQRA"), and

Whereas, the Common Council of the City of Middletown held a public hearing on the Action at a Common Council meeting on May 16, 2017, and

Whereas, the Property already was the subject of an application for site plan and special use permit approval to construct an apartment complex ("the Project"), and the City of Middletown Planning Board, in reviewing the Project, conducted a substantive SEQRA review of the Project and addressed various environmental concerns that either did not exist or were addressed, mitigated and/or reviewed and approved by agencies such as the New York State Office of Parks, Recreation and Historic Preservation, the US Fish and Wildlife Service and the US Army Corps of Engineers (which issued Nationwide Permit 26 to disturb 0.23 acres of wetlands to construct a roadway and to install a sewer main within the wetlands), and

Whereas, the purpose of the Action is to facilitate financing and other related issues in connection with the previously approved Project, and the Project is currently under construction and will be completed regardless of whether or not the Common Council approves the Action, and

Whereas, the Action itself will not create additional residential units, increase density, create additional traffic, water usage or sewer generation or create any additional potential

environmental impacts other than those identified and mitigated as part of the previous Project approval process by the Planning Board.

Now, therefore, be it resolved by the Common Council of the City of Middletown that the application of Southgate at Middletown, LLC for a two lot subdivision of property it owns off Uhlig Road (and encompassing Schindler Court and Southgate Road) in the City of Middletown, which property is shown on the tax map of the City of Middletown as Section 65 Block 1 Lot 1, is determined to be an Unlisted Action for purposes of SEQRA, and the Common Council hereby assumes Lead Agency status as the only agency that has the power to act with respect to the Action.

Be it further resolved that based upon the information contained in the Short Environmental Assessment Form that has been submitted to the City, the Common Council hereby issues a Negative Declaration and a Determination of Non-Significance for purposes of SEQRA with respect to the Action, and the Commissioner of Public Works is directed to file the determination and provide notices as required by Part 617 of the implementing regulations pertaining to Article 8 of the Environmental Conservation Law.

Roll Call: Ayes: Ald. Ramkissoon, Johnson, Jean-Francois, Cid, Witt, Kleiner, Burr, Masi, Pres. Rodrigues-9

221.17 Resolution to approve the subdivision for Southgate at Middletown, LLC.

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

Whereas, Southgate at Middletown, LLC has submitted an application for a two lot subdivision map entitled “Southgate at Middletown Minor Subdivision Plan” for property it owns off Uhlig Road (and encompassing Schindler Court and Southgate Road) in the City of Middletown, which property is shown on the tax map of the City of Middletown as Section 65 Block 1 Lot 1 (“the Property”), and the subdivision application is referred to as “the Action,” and

Whereas, the purpose of the Action is to facilitate financing and other related issues in connection with the construction of an apartment complex that was previously reviewed and approved by the City of Middletown Planning Board (“the Project”), and the Project is currently under construction, and

Whereas, the Common Council of the City of Middletown held a public hearing on the subdivision application at a Common Council meeting on May 16, 2017, and

Whereas, the Common Council has made a Negative Declaration of environmental impact for the purposes of SEQRA with respect to the subdivision application.

Now, therefore, be it resolved by the Common Council of the City of Middletown that the application of Southgate at Middletown, LLC for a two lot subdivision of property it owns off Uhlig Road (and encompassing Schindler Court and Southgate Road) in the City of Middletown, which property is shown on the tax map of the City of Middletown as Section 65 Block 1 Lot 1, is hereby approved for filing upon signatures by the appropriate City officials.

Roll Call: Ayes: Ald. Ramkissoon, Johnson, Jean-Francois, Cid, Witt, Kleiner, Burr, Masi, Pres. Rodrigues-9

222.17 Resolution to grant a 30 day waiver for a Liquor License Application for Italiana Pizzeria & Bar at 293 Wawayanda Avenue, Middletown New York.

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

RESOLVED; that the Common Council of the City of Middletown hereby grants a 30 day waiver and consents to the processing and issuance of a Liquor License Application for Carlos' Cucina Italiana Pizzeria & Bar at 293 Wawayanda Avenue, Middletown New York.

COMMON COUNCIL  
CITY OF MIDDLETOWN  
CERTIFICATION OF RESOLUTION

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

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

\_\_\_\_\_  
Date

Roll Call: Ayes: Ald. Ramkissoon, Johnson, Jean-Francois, Cid, Witt, Kleiner, Burr, Masi, Pres. Rodrigues-9

223.17 Resolution to accept a \$3,000 grant from the New York State Department of Health through the County of Orange, and to authorize the Mayor to sign all relevant forms.

On motion of Ald. Masi seconded by Ald. Burr

RESOLVED; that the Common Council of the City of Middletown hereby concurs with the Board of Estimate and Apportionment to accept a \$3,000 grant from the New York State Department of Health through the County of Orange, and to authorize the Mayor to sign all relevant forms.

Roll Call: Ayes: Ald. Ramkissoon, Johnson, Jean-Francois, Cid, Witt, Kleiner, Burr, Masi, Pres. Rodrigues-9

224.17 Resolution to transfer \$65,000.00 within the 2017 operating budget of the Middletown Recreation & Parks Department for newly planned after school Sports Academy.

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 the Treasurer to make the following transfer within the 2017 operating budget of the Middletown Recreation & Parks Department be for newly planned After School Sports Academy that will serve 190 youth a day in four locations from September through December. There will be a fee for the program bringing in revenue to cover all expenditures. The program will be budgeted for in the 2018 budgeting process.

<u>FROM</u>	<u>AMOUNT</u>	<u>TO</u>
<b>A.7200.100</b>	<b>\$65,000.00</b>	<b>A.7321.100</b>
<i>Day Camp: Personal Services</i>		Special Programs: Personal Services

Roll Call: Ayes: Ald. Ramkissoon, Johnson, Jean-Francois, Cid, Witt, Kleiner, Burr, Masi, Pres. Rodrigues-9

225.17 Resolution to authorize the Mayor to sign the Miracle Recreation Equipment Company Contract to order and install playground equipment at Maple Hill Park as approved in the 2017 Capital Budget.

On motion of Ald. Ramkissoon seconded by Ald. Johnson

RESOLVED; that the Common Council of the City of Middletown hereby concurs with the Board of Estimate and Apportionment to authorize the Mayor to sign the Miracle Recreation Equipment Company Contract to order and install playground equipment at Maple Hill Park totaling \$149,986.00 as approved in the 2017 Capital Budget.

Roll Call: Ayes: Ald. Ramkissoon, Johnson, Jean-Francois, Cid, Witt, Kleiner, Burr, Masi, Pres. Rodrigues-9



226.17 Resolution to authorize the Treasurer to transfer a total of \$10,000.00 within the DPW 2017 budget to increase overtime for the Street Department.

On motion of Ald. Johnson 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 authorize the Treasurer to transfer a total of \$10,000.00 within the DPW 2017 budget to increase overtime for the Street Department in the following manner:

From	Amount	To
A.5110.417	\$8,000.00	A.5110.103
A.1620.417	\$2,000.00	A.5110.103

Roll Call: Ayes: Ald. Ramkissoon, Johnson, Jean-Francois, Cid, Witt, Kleiner, Burr, Masi, Pres. Rodrigues-9

227.17 Resolution to approve SEQRA for 9-29 Canal Street to display their work at gallery style shows and other arts-related events.

On motion of Ald. Witt seconded by Ald. Kleiner

Whereas, Antony Vitek d/b/a Middletown Arts Alliance has applied to the Common Council for an appeal of the downtown moratorium put in place by Local Law #1 of 2017 in order to establish a large arts studio space for various artists who would work on their specialties and who would display their work at gallery style shows and other arts-related events (“the Action”) on the ground floor (south) at property known as 9-29 Canal Street, Middletown, New York, shown on the tax map of the City of Middletown as Section 35 Block 3 Lot 24.1 (“the Property”), and

WHEREAS, the applicant has prepared a Short Environmental Assessment Form (“EAF”) pursuant to the New York State Environmental Quality Review Act (“SEQRA”) and the Regulations of the Commissioner of the Department of Environmental Conservation at 6 NYCRR Part 617, and the EAF describes the Action in detail and addresses the potential environmental impacts, if any, of the Action, and

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

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

1. The Action is the establishment of a large arts studio space for various artists who would work on their specialties and who would display their work at gallery style shows and other arts-related events on the ground floor (south) of the Property.
2. The EAF regarding the Action has been filed with the Common Council.
3. The Action is an Unlisted Action pursuant to SEQRA, and the Common Council is the Lead Agency and the sole Involved Agency in order to make an environmental determination regarding the Action.

4. The review of the Action is not a Coordinated Review.
5. Approval of the Action will allow the applicant to develop that portion of the Property for use by artists and for display of the works created by the artists. Approval of the Action will allow the rehabilitation and restoration of that portion of the Property and the building on the Property to allow a use that has recently been approved for the new Downtown Mixed Use (“DMU”) zoning district, which is the district applicable to the Property.
6. The Action (particularly because it involves the redevelopment of an existing building without a change in the exterior footprint of the building for a use consistent with the new DMU zoning district and which will use existing parking in the immediate area of the Property for patrons of the art galleries) will not conflict with the City’s land use plan or zoning regulations but in fact will comply with the new DMU zoning district regulations; will not result in a change in the use or intensity of use of land; will not impair the character or quality of the community; will not have any significant impact on existing levels of traffic, the use of energy, public water supplies and wastewater treatment facilities or utilities (and if there is any impact, it will be limited and temporary in connection with development activities); will not result in an adverse change to natural resources such as wetlands, air quality, flora and fauna; will not result in an increase in the potential for erosion, flooding or drainage problems; and will not create a hazard to environmental resources, Critical Environmental areas or human health.
7. The Action will not result in a demand for other actions that exhibit impacts addressed by the Regulations.
8. There will be no changes to multiple elements of the environment that cumulatively would result in substantial or significant adverse impacts.
9. There are no projects which have been approved by the Common Council or which currently are seeking approval from the Common Council which, when taken together with the Action, would cause a significant effect on the environment.
10. All of the criteria contained in 6 NYCRR Part 617 have been addressed to the satisfaction of the Common Council.

BE IT FURTHER RESOLVED that the Common Council of the City of Middletown makes the following determination with respect to the Action:

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

Roll Call: Ayes: Ald. Ramkissoon, Johnson, Jean-Francois, Cid, Witt, Kleiner, Burr, Masi, Pres. Rodrigues-9

228.17 Resolution to approve 9-29 Canal Street to display their work at gallery style shows and other arts-related events.

On motion of Ald. Kleiner seconded by Ald. Johnson

Whereas, Antony Vitek d/b/a Middletown Arts Alliance has applied to the Common Council for an appeal of the downtown moratorium put in place by Local Law #1 of 2017 in order to establish a large arts studio space for various artists who would work on their specialties and who would display their work at gallery style shows and other arts-related events (“the Project”) on the ground floor (south) at property known as 9-29 Canal Street, Middletown, New York, shown on the tax map of the City of Middletown as Section 35 Block 3 Lot 24.1 (“the Property”), and

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

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

Whereas, the Common Council of the City of Middletown on Tuesday, July 31, 2017 held a public hearing on the Project, at which time all persons wishing to be heard on the Project were able to be heard, and

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

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

Whereas, the City’s engineer, Geary F. Chumard, P.E. of the firm Clark Patterson Lee, has reviewed the Project and the EAF and has made certain observations and recommendations with respect to the Project as noted in his letter dated June 30, 2017, on file with the City Clerk, including the notation that the applicant has agreed there will be no food preparation or eating/drinking areas provided as part of the Project, and the City’s engineer also has noted that the Project would be 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

Whereas, the Project likely 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 approves the application of Antony Vitek d/b/a Middletown Arts Alliance to establish a large arts studio space for various artists who would work on their specialties and who would display their work at gallery style shows and other arts-related events on the ground floor (south) at property known as 9-29 Canal Street, Middletown, New York, shown on the tax map of the City of Middletown as Section 35 Block 3 Lot 24.1, with the understanding that no food or beverages will be served in connection with any gallery style shows and arts-related events, and that the hours of operation will not continue past 12:00 midnight each night.

Be it further resolved, that the Project is approved subject to technical review and approval by the Department of Public Works and the City's Fire Inspector (including such considerations as the Department of Public Works and the City's Fire Inspector may deem necessary to address comments of the City's engineer contained in his letter of June 30, 2017).

Roll Call: Ayes: Ald. Ramkissoon, Johnson, Jean-Francois, Cid, Witt, Kleiner, Burr, Masi, Pres. Rodrigues-9

229.17 Resolution to approve an art gallery and artists work/office space at 21 North Street.

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

Whereas, Lissette Isaguirre on behalf of Element Square Inc. has applied to the Common Council for an appeal of the downtown moratorium put in place by Local Law #1 of 2017 in order to establish an art gallery and artists work/office space ("the Project") on the second floor at property known as 21 North Street, Middletown, New York, shown on the tax map of the City of Middletown as Section 31 Block 7 Lot 22 ("the Property"), and

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

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

Whereas, the Common Council of the City of Middletown on Tuesday, July 31, 2017, held a public hearing on the Project, at which time all persons wishing to be heard on the Project were able to be heard, and

Whereas, the Project is a Type II action under 6 NYCRR 617.5 (c) (2) and (7) for purposes of the State Environmental Quality Review Act ("SEQRA"), and therefore no action is required to be taken by the Common Council under SEQRA with respect to the Project, and

Whereas, the City's engineer, Geary F. Chumard, P.E. of the firm Clark Patterson Lee, has reviewed the Project and has made certain observations and recommendations with respect to the Project as noted in his letter dated July 11, 2017, on file with the City Clerk, and the City's engineer also has noted that the Project would be 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

Whereas, the Project likely 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 approves the application of Lissette Isaguirre on behalf of Element Square Inc. to establish an art gallery and artists work/office space on the second floor at property known as 21 North Street, Middletown, New York, shown on the tax map of the City of Middletown as Section 31 Block 7 Lot 22, with the requirement that that the hours of operation will not continue past 9:00 p.m. each night.

Be it further resolved, that the Project is approved subject to technical review and approval by the Department of Public Works and the City’s Fire Inspector (including such considerations as the Department of Public Works and the City’s Fire Inspector may deem necessary to address comments of the City’s engineer contained in his letter of July 11, 2017).

Roll Call: Ayes: Ald. Ramkissoon, Johnson, Jean-Francois, Cid, Witt, Kleiner, Burr, Masi, Pres. Rodrigues-9

230.17 Resolution to approve a hair and beauty salon at property known as 13 Center Street.

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

Whereas, Mari’s Beauty Salon, LLC has applied to the Common Council for an appeal of the downtown moratorium put in place by Local Law #1 of 2017 in order to establish a hair and beauty salon (“the Project”) at property known as 13 Center Street, Middletown, New York, shown on the tax map of the City of Middletown as Section 31 Block 1 Lot 19 (“the Property”), and

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

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

Whereas, the Common Council of the City of Middletown on Tuesday, July 31, 2017 held a public hearing on the Project, at which time all persons wishing to be heard on the Project were able to be heard, and

Whereas, the Project is a Type II action under 6 NYCRR 617.5 (c) (2) and (7) for purposes of the State Environmental Quality Review Act (“SEQRA”), and therefore no action is required to be taken by the Common Council under SEQRA with respect to the Project, and

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

Whereas, the Project 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 approves the application of Mari’s Beauty Salon, LLC to establish a hair and beauty salon at property known as 13 Center Street, Middletown, New York, shown on the tax map of the City of Middletown as Section 31 Block 1 Lot 19.

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

Roll Call: Ayes: Ald. Ramkissoon, Johnson, Jean-Francois, Cid, Witt, Kleiner, Burr, Masi, Pres. Rodrigues-9

231.17 Resolution to approve and authorize the Mayor to sign a contract for Chief John Ewanciw for a term of three years, ending July 31, 2020 subject to Corporation Counsel approval.

On motion of Ald. Masi seconded by Ald. Burr

RESOLVED; that the Common Council of the City of Middletown hereby concurs with the Board of Estimate and Apportionment to approve and authorize the Mayor to sign a contract for Chief John Ewanciw for a term of three years ending July 31, 2020 subject to Corporation Counsel approval

Roll Call: Ayes: Ald. Ramkissoon, Johnson, Jean-Francois, Cid, Witt, Kleiner, Burr, Masi, Pres. Rodrigues-9

### 13. LOCAL LAWS

John Naumchik-Nothing this evening

#### 14. AUDIT OF CLAIMS AND ACCOUNTS

On motion of Ald. Masi seconded by Ald. Ramkissoon

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

Roll Call: Ayes: Ald. Ramkissoon, Johnson, Jean-Francois, Cid, Witt, Kleiner, Burr, Masi, Pres. Rodrigues-9

#### 15. ADJOURNMENT

There being no further business meeting adjourned at 8:36 pm

Respectfully submitted,

Karen Sisco