



**Common Council
Meeting
City of Middletown
September 19, 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. Masi seconded by Ald. Ramkissoon to accept the June 20, 2017 as submitted

All in favor

4. Correspondence

3 lot sub-division for 51-55 West Conkling Ave-Planning
Draft resolution by Alex Smith re: Change of Inspection schedules for the Taxi Cabs-Legislation

5. For the Good of the City

Freddie Williams's longtime resident of Middletown. Worked in the Downtown Business District for about 19 yrs. now and I was one of the organizers for the comedy show at the Paramount this past Saturday.

I am here to give a special thanks to the Mayor, Maria Bruni, John Degnan. They helped out a lot in the process, promotion and everything. My partner Mr. Pritchett he is not here I am representing him too. We look forward to building and doing more events with the City of Middletown. I do a lot of public events with back to school with the kids and coaching.

Special thanks to you again guys again.

6. Remarks of Dept. Heads

Maria Bruni/Economic Development- I want to thank Visionary Entertainment Group it was a great production this weekend. Very professional and everybody I think had a good time. As you know we keep looking forward to more and more events coming to the theatre.

This weekend we have a sci-fi movie weekend. We want to give a special thanks to Eileen who is behind the camera who is great at organizing these movie sci-fi weekends and horror thon weekends.

Also we had a ribbon cutting with a store that opened on North St. nice boutique. They do customer window treatments, clothing line and so forth. We are looking forward to a couple more happenings. I know the new Palateria and Ice Cream Shop is going to be opening, stay tuned for some more ribbon cutting.

Jacob Tawil/DPW Commissioner- We have several resolutions before you tonight. I will discuss them when they come before you tonight.

Update on the roundabout, it is going to be out for construction, we are going to advertise it next Monday; it is going to appear in the paper and the NYS Reporter we are looking forward to seeing that project to start construction.

Reminder to recycle, it is very important. I drove around today and I see many people in my ward they have all kinds of cardboard boxes and different kinds of recyclables. That is ashame because it cost us money to haul that to the landfill, environmentally unfriendly. Please help us, minimize our cost by recycling.

Another reminder to the public to please call us regarding your water meter replacement. Again I discussed it at the last meeting, probably going to

probably be a surcharge of about \$200 per billing period. I have to approve that obviously get that approved by the Mayor and the Common Council and Board of Estimate. We have no choice that our meter company that has contracted with us they are going to be done by the end of October. We are going to send a letter to that affect; once it is approved by the Mayor and the Common Council. We have no choice, we have to do it otherwise our program will not be very effective. If we have 1,000 people with meters without capability of ...reading them.

Police Chief Ewanciw-Nothing this evening.

Rich Guertin/Corp. Counsel-Nothing this evening.

John Naumchik-November we will be moving the Council meeting from November 7th, Election Day to November 6th, Monday.

Fire Chief Luis- Thank you to the public for coming out to the parade. The guest that came and Council members that marched thank you.

The parade was a lot of thought it wasn't a last minute decision. We hoped to get more guests out with the... it is going to be a tri annual and we really didn't get any more guest companies out.

7. Public Hearings & Grievances

John Naumchik-Nothing this evening.

8. Petitions & Complaints

John Naumchik-Nothing this evening.

9. Remarks of The Mayor

Mayor DeStefano- The O&W Station as you know the Middletown Community Health Center is now merging with Corner Stone. Good news I think for the future of the Middletown Community Health Center clients and employees. The project failed to make it with a \$2.15million grant. The bad news is that we are going to look to tear the building down now. The building will be coming back to us, the condition of the sale allowed for the Middletown Community Health Center to return the building back to the City if they were not successful in receiving their grants. I don't see any other way around it. It has become such a hazard and such an eyesore that we will be looking to get some state funding through the Restore NY Program to finally tear the building down.

Maria and I will be attending a Restore NY Conference next Monday; I believe the 25th in Schenectady. We did have luck with this program last year with the funding with the Psychiatric Center to demolish the building that was

there. We did receive a \$500,000 grant and we are hoping to have the same success. I don't see a way around it, I know it is going to break a lot of hearts; but I think it is important we clear up the blight in that neighborhood there. It is certainly is the biggest sign of urban blight in that neighborhood.

I want to thank the young man here for his kind words. Actually the comedian spent a couple of days in the City. Donell and he was very complementary as he walked around the City and he was at Equilibrium. He had a good vision of what; he could see what is happening here. He put on a great show from what I heard. I want to thank you for your kind words and hopefully continue do business at the Paramount Theater.

The last thing I have is the Monhagen Ave., the park Dr. Johnson asked me to address where we are at today. As you know the site is being cleared, CPV is now out of the site, the condition of the contract was to level, put a base down which they did. Level most of the park and lay 5 inches of topsoil and hydro seed it. We have met with Council Pres, myself and Maria, two meetings with State Agencies regarding two separate grants that we would use to build the facility that we hope to see there. I received preliminary approval on both but not in a position to announce them for a total of \$350,000; we are hoping to secure more. The idea once we receive the final approval would be to retain a professional in that field that would design walking track is what we are looking to do there similar to what is at the other end of town and a multi-use field and of course parking area and some small concessions and restrooms that would be accessible to the Heritage Trail which is going to be right behind that as it comes through the City. So that is pretty exciting we don't think \$350,000 is going to cut it but it is a good start the project will probably going to be more than that. We are going to look to access more state, possibly federal grant monies in that area.

We are also closing next week on the 50 acres of property that is contiguous to Davidge the swamp area in the back that is also along the trail. So the closing I believe is scheduled for next Thursday, once that is in place we will start doing the design work that is necessary to meet our mission and hope to accomplish there.

Ald. Witt- Just on the Monhagen Park property that is not open for public use yet.

Mayor DeStefano-No not all. It is fenced off and that was also put up the ... This was a vacant piece of property that the Council Pres. has been interested in trying to expand Davidge Park for many, many years. We were able to cut this deal with CPV, they needed a spot to store their equipment we cut a 15-16 month lease with them in exchange for them leveling the 11 acres and doing all the other things including fencing around the area. Time is now it is ours and we are going to develop it in a way that I mentioned.

10. Remarks of Aldermen

Ald. Masi- Nothing this evening.

Ald. Burr- O&W we all hate to see it go but, being in our ward for many years and we had developers who couldn't develop it.

Ald. Ramkissoo- Legislative committee met this evening we had a number of items on our agenda. We are looking to changing the code for vacant properties, secure clear boarding it is an issue by Fannie Mae we are going to go forward to research it.

We are seeking to approve to adjustment in age at Middle Crest Crossing.

Looking into change of our zoning with our zoning, public hearing to address some of the definitions to the C-2 zone.

I want to say the Fire Parade I thought it was a great parade. I do understand the reasoning why they wanted to change it; but I just wanted out there everything I heard was sadness over the change from a yearly event to every 3 yrs.

Ald. Johnson- Happy belated birthday to Council President.

As far as the O&W I have discussed with the Mayor intermittently it just looked like an accident waiting to happen. I know it has a lot of history but I think it will be a step in the right direction.

Mr. Gomez had come to us from the School Board and talked about an initiative with NY about passing school buses.

I was wondering if the Council has any interest in following up the initiative or take some action.

Ald. Witt- Because of the upcoming Jewish holiday there is a Board meeting tonight I was not available to do that. We will certainly address this As Soon As Possible.

There was a School Board meeting tonight and Mr. Gomez also would not have been available to come and I had a day job responsibility to attend that meeting tonight which is I missed both the committee meetings.

Ald. Kleiner-Our constituents meeting and City Wide Watch we had a bunch of issues and they are being addressed by the Commissioner and Police Chief.

Also had a letter from a woman who was concerned about Beacon St. where it stops at Hasbrouck and it is sort of a path through North Congregational Church and we are looking at that and trying to figure out the best way to make that a little safer.

As President of the Historical Society for the O&W it is like RIP. It is ashamed; but I think past saving so we will look for historical markers. It is too much of a blight in Middletown.

Our DRI meetings the very thing people brought up at the DRI meeting was tearing down the O&W. It is on people's minds.

The Fire Parade, thank you to the Chiefs and thank you Middletown. I thought there was a great response and great turnout. I thought it was very successful.

I did want to mention we did have a march and I forget to mention the last time after the Eclipse event at SUNY Orange, downtown Mary Lou and others put together a march against Hate and a rally against Hate and a lot of people turned out. A lot of people said Not in Middletown. I thank the Middletown Police Dept. they were excellent escorts and made it a very safe march.

Ald. Jean-Francois-Nothing this evening.

Ald. Cid- 4th Ward on Thursday.

11. Unfinished Business

John Naumchik-Nothing this evening.

12. New Business

260.17 Resolution to authorize the Treasurer to transfer \$15,250.00 within the DPW 2017 budget to repair the 2010 Mack Vactor Truck which is shared with the City of Port Jervis, N.Y.

On motion of Ald. Jean-Francois 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 \$15,250.00 within the DPW 2017 budget to repair the 2010 Mack Vactor Truck which is shared with the City of Port Jervis, N.Y. and is in need of immediate repairs in the amount of \$13,249.61 to pay for 50% of the repair work for the Vactor Truck, as the City of Port Jervis will pay the remaining half and also transfer an additional \$2,000 to and from the same accounts to fund future repairs until the end of the year in the following manner:

FROM	AMOUNT	TO
F.8340.200	\$15,250.00	F.8340.440
Water Equip.		Water Repairs

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

261.17 Resolution to approve a purchase a new Street Sweeper to replace the 2004 Pelican SE Sweeper and transfer from the fund balance \$211,333.80 to fund the payment.

On motion of Ald. Masi seconded by Ald. Kleiner

RESOLVED; that the Common Council of the City of Middletown herby concurs with the Board of Estimate and Apportionment to approve a purchase a new Street Sweeper to replace the 2004 Pelican SE Sweeper, Serial #S-9237-S, which broke down two weeks ago and that its repairs (estimated at approximately \$9,000) will not be cost effective. The new Elgin Pelican Series P Sweeper similar to the one the City has currently in the amount of \$211,333.80 based on National Joint Powers Alliance NJPA #022014-FSC , Elgin Contract #022014-FSC.

LET IT BE FURTHER RESOLVED; that the Common Council of the City of Middletown herby concurs with the Board of Estimate and Apportionment to declare the 2004 Pelican SE Sweeper, Serial #S-9237-S surplus and approve the Commissioner of Public Works to dispose of the Sweeper as is most advantageous to the City.

LET IT BE FURTHER RESOLVED; that the Common Council of the City of Middletown herby concurs with the Board of Estimate and Apportionment to fund the purchase of \$211,333.80 from the Fund Balance in the following manner:

From	Amount	To
Fund Balance	\$211,333.80	A.5110.200 Street Equip.

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

261.17 Resolution to approve the reimbursement for a sewer reconnection at 31 Spring Street in the amount of \$3,200.00.

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

WHEREAS; the City of Middletown did a major sewer line replacement several years ago on Spring Street, and

WHEREAS; the owner of the property at 31 Spring St., Melvin Schrufer, is requesting reimbursement for the cost of reconnecting the sewer line that was not reconnected at the time of the major line replacement several years ago, and

WHEREAS; Truex was contacted and an inspection revealed that the sewer line at 31 Spring Street had not been reconnected. Truex completed the work on May 8, 2017 and the property owner paid Truex's invoice #22365 in the amount of \$3,200.00.

SO LET IT BE RESOLVED; that the Common Council of the City of Middletown herby concurs with the Board of Estimate and Apportionment to approve the reimbursement of \$3,200.00 to the owner of 31 Spring Street from the Sewer Contractual line G.8120.400.

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

263.17 Resolution to approve a 2% increase in salary for the Civil Service Director retroactive from January 1, 2017.

On motion of Ald. Kleiner seconded by Ald. Ramkissoon

RESOLVED; that the Common Council of the City of Middletown herby concurs with the Board of Estimate and Apportionment to approve a 2% increase in salary for the Civil Service Director retroactive from January 1, 2017.

Roll Call: Ayes: Ald. Ramkissoon, Johnson, Jean-Francois, Cid, Witt, Kleiner, Burr, Pres. Rodrigues-8 Abstain-Ald. Masi-1

264.17 Resolution to withdraw the Chemical Bid of the Caustic Soda 25% by Surpass Chemical Co., Inc. in the amount of \$462.13 and award to the second lowest bidder, Main Pool & Chemical, Inc.

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

WHEREAS; on September 11, 2017 correspondence from Surpass Chemical Company, Inc., not accepting the bid award for supplying Caustic Soda at a cost of \$462.13/dry ton due to a mistake.

SO LET IT BE RESOLVED; that this withdrawal of the Caustic Soda 25% bid by Surpass Chemical Co., Inc. in the amount of \$462.13 will be awarded to the second lowest bidder, Main Pool & Chemical, Inc., 110 Commerce Road, DuPont, PA 18641 in the amount of \$647.00/dry ton.

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

265.17 Resolution to approve and authorize the Mayor to sign a change order for the Sterling Street area sewage collection system improvements project Phase 2.

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 approve authorize the Mayor to sign a change order for the Sterling Street area sewage collection system improvements project Phase 2 for uncompleted drill and abandonment by Sun Up Enterprises as per the attached change order.

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

266.17 Resolution to authorize the Mayor to sign a contract that will approve hiring Tectonic Engineering for the Roundabout Project.

On motion of Ald. Cid 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 the attached contract that will approve hiring Tectonic Engineering for the Roundabout Project that will oversee the project Construction Inspection and Testing as required by DOT subject to the final review and approval by Corporation Council and the Commissioner of Public Works.

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

267.17 Resolution to approve change order #002 dated 9/11/17 for the Rail Trail Commons (Woolworth Project) Project from Standback General Contractors.

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 change order #002 dated 9/11/17 for the Rail Trail Commons (Woolworth Project) Project from Standback General Contractors to install an entire roof deck on the Woolworth building as per the attached change order not to exceed \$82,574.60.

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

268.17 Resolution to accept the lowest bid from Atlantic Testing for inspection of the Woolworth building for the amount of \$18,377.00.

On motion of Ald. Masi 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 accept the lowest bid from Atlantic Testing for inspection of the Woolworth building for the amount of \$18,377.00 subject to the review of the Commissioner of Public Works and review of Corporation Council.

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

269.17 Resolution to approve the emergency installation of two LED flood lights at Watts Park.

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 emergency installation of two LED flood lights at Watts Park by Harry Rotolo & Son in the amount of \$4,828.00 funded within the DPW 2017 budget.

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

270.17 Resolution to approve a reduction in the age of residence for the Phase 1 Middlecrest Crossing to the age of 55 which would include no kids under the age of 18 in residence to match the age of 55 in Phase 2 of the project.

On motion of Ald. Ramkissoon seconded by Ald. Johnson

MOTION FROM THE FLOOR

RESOLVED; that the Common Council of the City of Middletown hereby concurs with the Board of Estimate and Apportionment to approve a reduction in the age of residence for the Phase 1 Middlecrest Crossing to the age of 55 which would include no kids under the age of 18 in residence to match the age of 55 in Phase 2 of the project.

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

13. Local Law

Introduction of Local Law#4 of 2017 to amend the penalties for violation of Chapter 413 of the City Code

On motion of Ald. Ramkissoon

Introduction of Local Law #4 of 2017:

A LOCAL LAW TO AMEND THE PENALTIES FOR VIOLATION OF CHAPTER 413 OF THE CITY CODE

BE IT ENACTED BY THE COMMON COUNCIL OF THE CITY OF MIDDLETOWN, NEW YORK, AS FOLLOWS:

Section 1. Purpose of this Enactment

The Common Council has determined that the penalties for violation of Chapter 413 of the City Code need to be amended to conform to the penalties provided for violation of other Chapters of the City Code.

Section 2. Chapter 413 of the City Code, Storm Sewer System, Section 413-13, Enforcement; penalties for offenses, shall be amended by replacing Subsection (B) in its entirety to read as follows:

(B) Penalties. In addition to or as an alternative to any penalty provided herein or by law, any person who violates any provision of this Chapter and/or fails to comply with a notice of violation issued pursuant to §413-13(A) shall be guilty of an offense within the meaning of the Penal Law of the State of New York and, upon conviction thereof, shall be subject to a fine of not less than \$250 nor more than \$1,000 or by imprisonment for a period not exceeding 15 days, or both such fine and imprisonment. Each day that a violation is permitted to exist shall constitute a separate offense.

Section 3. Effective Date.

This Local Law shall take effect immediately upon filing with the Secretary of State.

14. Audit

On motion of Ald. Masi seconded by Ald. Burr

I move that the accounts be audited the claims be adjusted 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

On motion of Ald. Johnson to go into Executive Session to discuss a contractual matter. Seconded by Ald. Jean-Francois

All in favor

On motion of Ald. Masi seconded by Ald. Cid to come out of Executive Session
8:45PM

All in favor

15. Adjournment

There being no further business meeting adjourned at 8:46PM

Respectfully submitted,

Karen Sisco