



**Common Council  
Meeting  
City of Middletown  
October 17, 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-Nothing this evening
4. Correspondence  
2017 Stewart Military Appreciation Day Picnic Committee- Received & Filed
5. For the Good of the City

Thomas Benjamin

CC: COVER  
Rich  
Moxon

**Thomas Benjamin**

6 Colombia Ave.  
Middletown, NY 10940  
Tel: 845-669-6136

RECEIVED  
OCT 17 2017  
City Clerk  
City of Middletown

Date: 10/16/2017

Middletown City Council  
16 James St.  
Middletown, NY 10940

**RE: FLOODING ISSUES WITH MY PROPERTY**

Honorable Members of the Middletown City Council,

As you may be familiar with the case, I have tried for a number of years to resolve the flooding problem caused by the flow of water to my property through pipes and ground configuration of the adjacent property at 8 Colombia Ave., namely slope toward my property.

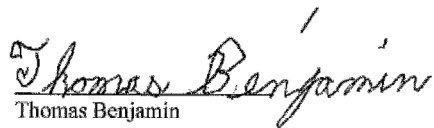
Being exposed to years of flooding, my property has sustained major structural damages. Over the years, I have received numerous code violations from the City for every attempt to mitigate the problem, but to the best of my knowledge, no such violations have been issued to the owner of the adjacent property which is the source of the problem. Please let me explain:

About 20 years ago, in an attempt to mitigate the flooding problem, I raised the ground around the edge of the property and installed a pump and pipes all of which I was cited for. My efforts did not resolve the problem, but partially slowed it down.

In or around 1997, the City of Middletown proposed a plan to solve the flooding problem at the City's expenses, but never followed up on that. I hired an attorney and filed an Article 78 to move the process along, but I was unsuccessful due to inability to continue paying for the legal costs. Mr. Richard Guertin - from the Corporation Council- accused me of trying to stop the project- which was totally false.

I have made many attempts to address this issue through the DPW unfortunately to no avail; at this point, I am pleading with the honorable members of the Middletown City Council to help me resolve this issue that has been a constant source of stress for me once and for all. I am willing to do my part and am amenable to suggestions that would put the flooding of my property to a rest.

Submitted Respectfully

  
Thomas Benjamin

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Pres. Rodrigues-We will pass it out to the members of the Council.

Bob Deitrich- OC Dept. of Health

Just to let people know on October 27<sup>th</sup> at Rowley Center at SUNY Orange from 8:30-11:30 the County Executive is going to have a Health Symposium. It will focus on childhood lead poisoning. Keynote speaker is Dr. Morri Markowitz from Montifore Hospital who is 5<sup>th</sup> Director for the region. It will be followed by a distinguished panel of experts including State Dept. of Health staff, Medical Director from CornerStone Family Health in OC., a parent who had a lead ...child, expert on early Intervention Services and OC Dept. of Health staff. It is open to everyone, free. You can find information on the HealthyOrangewebsite and the OC website; not sure if it is going to be on the City website or not.

John Naumchik-It is on there.

## 6. Remarks of Dept. Heads

Fire Chief Barber-Nothing this evening.

Police Chief Ewanciw-Nothing this evening.

Jacob Tawil/DPW Commissioner- Update you on projects we are working on. One you may recall water protection watershed protection rules and regulations; because our reservoirs are outside the City of Middletown. Very hard for us to do any ordinance in there so that we can enforce protection of the watershed. We have started substantial study with CDM for about \$100,000; we hired to work with us to do the testing. See potential development in the properties around our reservoirs and see what we can do to protect our reservoirs. As you may recall what happened in Newburgh when they have the primary reservoir being polluted by some discharge by Stewart Airport. They ended up having to abandon that reservoir and get another source from NYC and pay hundreds of thousands of dollars. So we want to stay ahead of the game to try to protect our reservoirs, right now we are very nice protected area there. In the process we applied for a grant from DEC. DEC is very much aware of our issue and have been working with us and supporting us. Last week they announced that we got a grant for \$50,000 towards this ...securing and protecting our source water. That will go towards what the City has already approved which is \$100,000. So we are going to be out \$50,000 in order to develop this important task and set these ordinances.

The DEC and DOH as well to try to set up some kind of a statewide ordinance for protecting the watershed. Because individually it is not going to be fruitful to go ...

Another project that we are working on is the roundabout. Cty. Rte. 78 and James P. Kelly Way construction is the end of this month.

Woolworth Project construction is moving along very well and happy with the progress.

Ald. Kleiner- Had a couple of calls on the water meter replacements and it was an issue when people where getting the letters tried to schedule valve replacement when that becomes an issue. Can you explain that so that people can understand if they are on the list and know that they won't be subject to that penalty and they have been cooperating.

Commissioner Tawil-Thank you for bringing this to my attention. People who received a letter from us \$200 surcharge for billing period because they have not been cooperating with the notification that has been coming to them. Some people did notify, did cooperate we have the documentation that they tried to reach out to PMI which is the contractor who is installing the water meters for ESG. They have all that documented and if you have all that documented our apologies for you getting the letter you should not have received the letter and you cooperate you will not be billed for the surcharge for that billing period.

Ald. Ramkissoo-West Main and the water mitigation.

Commissioner Tawil- The 2 projects right now for the contract to be signed from the County. The last thing they asked for, the Mayor signed it a couple of weeks ago and he gave it to them. Now they are asking for Certificate of Insurance from the City, their attorney asked for. That was brought to our attention late last week, Mr. Townsend is working with Mr. Mayfield to provide that Certificate of Insurance. We are waiting to go out for bid, the engineering firm is ready. Ready to go out for bid for the 2 projects. Maple Hill and West Main. Also the Black Dirt Sewer is out for bid too. Behind Bonnell Pl. New school Chorley to Elm St.

Out for bid now. Pre-construction meeting met with several contractors and that process is moving along. Bid opening date should be on our website.

Pres. Rodrigues- Going back to O&R in the downtown. Are they going to repair before the snow. It looks like speed bumps on Highland Ave.

Commissioner Tawil- Very heavily traveled road. O&R has been after their contractor I know that for sure because they copied me on the correspondence, hopefully it will be addressed before the winter. I am going to try my best to get you guys involved to get it done. I can't promise O&R I will keep pushing and fighting to get it done.

As you know we had to stop the contractor at Lincoln Terrace they were doing work their they had to rip out and abandon Mr. Masi, Mayor and Council Pres. we had to stop them, issue a stop work order because they were installing we were not very happy with their work. They were installing gas main on top of our storm sewer line; after all that installation was done we them rip it out and install somewhere else.

Ald. Johnson-With respect to the water meters as a general protocol, if the contractor comes into a residents home and something doesn't go well what is the protocol?

Commissioner Tawil-They have licensed City plumber, Val Bruni he is in contract with them. He is suppose to jump in immediately. We try our best obviously not to leave anybody without water overnight, to my knowledge it hasn't happened yet.

Ald. Johnson-There is a protocol.

Commissioner Tawil-If there is an emergency and the water is shut off for whatever reason then we will do what we have to make sure the water is restored for the resident.

Don Paris/Treasure- On the budget for 2018. Our plan is to have it to the Board on Estimate on Nov. 2<sup>nd</sup> and to the Common Council on Nov. 21<sup>st</sup> which will be ahead of the deadline.

John Naumchik/City Clerk- Tonight you will be voting on a very important resolution. It is for the scanning of our records. This is like the first step. There are thousands of records that will be scanned from Corp. Counsel, DPW and Finance Dept. I am hoping you will vote for this it will be a big step for the City. I hope you will vote for this.

After this it will be put into a system where it can be searched by anybody who works for the City. Corp. Counsel records, Finance records which include many, many contracts, easemnts.

DPW we will scanning a lot of plans that are downstairs in the basement. Also building permits which will be a great step forward for all the people who work in City Hall to try to find things for the public.

Pres. Rodrigues-You are doing an awesome job.

## 7. Public Hearings and Grievances

John Naumchik- We have a public hearing for a 3 lot subdivision for 51-55 W. Conkling Ave.

Notice is hereby given that the City of Middletown will hold a public hearing on Tuesday, October 17, 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 the proposed 3 lot subdivision for Lands of Boyce at 51-55 W. Conkling Ave. Section 33, Block 10, Lot 1.

A full copy of the 3 lot subdivision plan is available in the City Clerk Office, Room 12 at City Hall 16 James St. Middletown, NY.

Any and all persons wishing to be heard will be given an opportunity to speak either for or against the proposed 3 lot subdivision.

By the order of the Common Council  
John C. Naumchik  
Clerk of the Common Council  
City of Middletown

Publish: THUR 10/9/17 & 10/10/17  
City Website

Proof of mailings handed in.

Pres. Rodrigues opened public hearing 8:15 pm

Dan Yanosh

This is a 30,000 sq. ft. lot which runs on 51-55 W. Conkling Ave. Existing single family house on W. Conkling Ave. proposed for 3 lot residential subdivision. Lot 1 would have the existing house on it. It would be 15,000 sq. ft., lot 2 & 3 would front on State St. have single family houses that would be built on.

Both have acreage of 7,500 sq. ft. which meets the codes and regulations. Existing house on W. Conkling front yards that will meet the code with the pre-existing non-conforming uses which is allowed by the code. We meet all the rest of the code/variances that the City requires.

Pres. Rodrigues- Just for the record, 30,000 sq. ft. Not 30,000 acres.

Dan Yanosh-30,000 sq. ft.

Pres. Rodrigues asked if the public had any questions-None being  
Asked if the Council-None being.

On motion of Ald. Masi seconded by Ald. Ramkissoon public hearing closed at 8:17 pm

All in favor

8. Petitions & Complaints  
John Naumchik-Nothing this evening.
9. Remarks of the Mayor  
Mayor is not here tonight.

## 10. Remarks of Aldermen

Ald. Masi-Nothing this evening.

Ald. Burr-Nothing this evening.

Ald. Ramkissoon-Nothing this evening.

Ald. Johnson-Nothing this evening.

Ald. Witt-Nothing this evening.

Ald. Kleiner-We had correspondence on lending the stage for the Military Appreciation I think at Stewart. I think it is a great thing they do. I wanted to mention Jerry Birdman who handles that and arranges that, he is always in the background whatever he does he never takes credit.

I also specifically wanted to mention the donation of the skate board bench at the Skate Park from the Matta family. Josh Matta who died on Sept. 10<sup>th</sup>, he was a artist, skate boarder. They had a memorial there for him. It was really a celebration of his life. I congratulate the family for their courage because the obituary talked about mental illness society's dark secret and his battle all his life. I think it was a wonderful thing for them to come forward and say that. The turnout was tremendous, great event.

The Post Office parking lots still need to be repainted for safety sake. I encourage everyone to join me in sending a letter to the PostMaster to that affect.

The Heritage Trail again needs a project manager because it is going in different directions.

I want to thank everyone for all their hard work they do on the budget. Very intense weeks. We have stayed under that State cap and it is not easy to do. Dept. Heads and Don congratulations.

Yes that silly roundabout is still in the works and there is nothing we can do at this point.

I congratulate John it is going to excellent the scanning of the records. That is a terrific project.

The TH-Record whom I want to support local journalism, they are legal paper of record. They have excellent reporters the very few who are left. An ad on the front page with a stick paste on ad over one candidates face and if you have a magnifier you could see the editors apology today calling it a mechanical error. It is inexcusable. They put in special sections you don't want and they charge you for them by shorten your subscription. The headline writers don't know that Puerto Ricans are American citizens.

We were excited about the return of the monarchs. They made a great comeback. I wrote to Wayne Hall to see what he was doing. They dropped his wonderful column. He was a local nature column.

Our family has subscribed to that paper since July 30<sup>th</sup> 1956. Day one of the Record and I think if it wasn't for Barbara Bedell they would probably loose half of their subscribers.



I hope they can do better.

Ald. Jean-Francois-Nothing this evening.

Ald. Cid-Nothing this evening.

10. Unfinished Business

John Naumchik-Nothing this evening.

11. New Business

287.17 Resolution to transfer a total of \$9,800.00 within the 2017 operating budget of the Middletown Recreation & Parks Department to cover shortages.

On motion of Ald. Burr seconded by Ald. Ramkissoon

RESOLVED; that the Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment to transfer a total of \$9,800.00 within the 2017 operating budget of the Middletown Recreation & Parks Department to cover shortage of overtime funds due to the increase of city wide special events, ballfield maintenance, skate park maintenance and garbage removal in parks due to extended heavy use of facilities in the following manner:

<u>FROM</u>	<u>AMOUNT</u>	<u>TO</u>
<b>A.7180.100</b> Pools/Personal Services	<b>\$6,000.00</b>	<b>A.7110.103</b> Parks/Overtime
<b>A.7180.450</b> Pools/Material & Supplies	<b>\$3,800.00</b>	<b>A.7110.450</b> Parks/Materials & Supplies

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

288.17 Resolution to transfer a total of \$1,000.00 within the Corporation Counsel 2017 budget to cover necessary ZBA and PB expenses.

On motion of Ald Ramkissoon seconded by Ald. Johnson

RESOLVED; that the Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment to transfer a total of \$1,000.00 within the Corporation Counsel 2017 budget to cover necessary ZBA and PB expenses in the following manner:

FROM:	AMOUNT	TO:
A.8010.433 Personnel Training	\$500.00	A.8010.900 General Expense
A.8020.433	\$500	A8020.900

## Personnel Training

## General Expense

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

289.17 Resolution to amend the Zoning Code to add certain uses to be allowed in the C-2 zoning district with Planning Board approval.

On motion of Ald . Johnson seconded by Ald. Ramkissoon

Whereas, the Common Council of the City of Middletown on October 3, 2017 held a public hearing on a proposed amendment to the Zoning Code to add certain uses to be allowed in the C-2 zoning district with Planning Board approval, and

Whereas, at the public hearing all those who wanted to be heard had an opportunity to be heard, and

Whereas, this matter was referred to the Town of Wallkill and the Orange County Planning Department as required by New York General Municipal Law, and the Orange County Planning Department advised that this was a matter for local determination, and

Whereas, the Common Council would like to change the Zoning Code to allow the below-referenced uses in the C-2 zoning district, subject to special use permit and site plan approval by the City's Planning Board.

Now, therefore, be it resolved by the Common Council of the City of Middletown that Chapter 475 – Zoning of the Code of the City of Middletown, Section 475-20, C-2 Limited Business Districts, is amended by adding subsections B (19) and (20) to read in their entirety as follows:

(19) Light manufacturing, such as plastic assembly (but not molding or 3-D printing) and the assembly of pre-made materials into another product. (The Planning Board retains the discretion to determine whether the particular proposed use constitutes light manufacturing or not.)

(20) Artisan manufacturing of goods, such as jewelry or ceramics, which are produced using hand-tools only.

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

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

290.17 Resolution to request the County of Orange to exempt the City of Middletown from certain real estate taxes on lands solely devoted to public use as a part of the City of Middletown for water shed and related equipment for fiscal year 2019.

On motion of Ald . Witt seconded by Ald. Kleiner

Whereas, the City of Middletown wishes to request the County of Orange to exempt the City of Middletown from certain real estate taxes on lands solely devoted to public use as a part of the City of Middletown for water shed and related equipment thereon for fiscal year 2019.

Now therefore be it resolved, that the Common Council of the City of Middletown, NY does hereby request the County of Orange, NY, to exempt properties of the City of Middletown, NY from certain County real estate taxes on lands solely devoted to public use as part of the City of Middletown water shed and related equipment thereon and located within the Towns of Mount Hope and Walkkill for fiscal year 2019, respectively, as follows:

<u>TOWN OF MOUNT HOPE</u>	<u>TOWN OF WALLKILL</u>	
12-1-23	999-1-21	999-1-19
14-1-44.1	999-1-22	999-1-20
14-1-76	999-1-23	48-1-5
14-1-95	999-1-24	48-1-6.1
14-1-127	999-1-25	64-1-2
17-1-19	999-1-26	69-1-15
	999-1-27	999-1-20.1
	999-1-28	49-1-32
	999-1-29	49-1-62.2
		64-1-4.1

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

291.17 Resolution to authorize the Treasurer to transfer a total of \$160,175.00 within the 2017 Police Department budget to cover some under budgeted items and to purchase a new speed trailer, two mobile data terminals and storage shed.

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

RESOLVED; that the Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment to authorize the Treasurer to transfer a total of \$160,175.00 within the 2017 Police Department budget to cover some under budgeted items which arose due to a recent spike in crime, the transition/promotion of several members of the Police Department, as well as the acquisition of a new Police K9 and to purchase the following unbudgeted items:

- 1: A new speed trailer which will assist not only with traffic enforcement, but also speed awareness. The cost of this item is \$8,675.
- 2: Two mobile data terminals (MDT), which would provide wireless computer access for our new K9 vehicle and our new patrol vehicle. These MDTs cost \$8,950.90 each, plus accessories to include scanners, printers, and wireless access devices, at a cost of \$1,500.

3: A storage shed to securely house our newly acquired utility vehicle, and other Police Department equipment. The cost of this item is \$6000.

<u>From</u>	<u>Amount</u>	<u>To</u>
A.3120.110 Part Time Officers	\$41,000	A.3120.103 Overtime
A.3120.417 Gas & Oil	\$7,000	A.3120.103 Overtime
A.3120.432 Background Investigations	\$5,000	A.3120.103 Overtime
A.3120.433 Personnel Training	\$9,000	A.3120.103 Overtime
A.3120.470 Repairs to Building	\$3,000	A.3120.103 Overtime
A.3120.100 Personal Services	\$60,000	A.3120.103 Overtime
A.3120.400 Contractual services	\$5,000	A.3120.406 Canine Care
A.3120.400 Contractual services	\$3,500	A.3120.480 Office Expense (General Office Expense)
A.3120.100 Personal Services	\$8,675	A.3120.200 Other Equipment (Speed Trailer)
A.3120.201 Vehicles	\$6,000	A.3120.200 Other Equipment (Mobile Data Terminal/MDT – item # 3)
A.3120.100 Personal Services	\$6,000	A.3120.200 Other Equipment (Mobile Data Terminal/MDT – item # 3)
A.3120.100 Personal Services	\$6,000	A.3120.200 Other Equipment (Storage Shed)

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

292.17 Resolution to authorize the Mayor to sign an agreement with Aaron Associates to perform a Cybersecurity Vulnerability Assessment of our Plantwide SCADA System in the amount of \$5,400.00.

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

RESOLVED; that the Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment to authorize the Mayor to sign an agreement with Aaron Associates to perform a Cybersecurity Vulnerability of our Plantwide SCADA System I the amount of \$5,400.00 and transfer \$5,400.00 in the following manner:

FROM	AMOUNT	TO
Filter Repairs F.8330.440	\$5,400.00	Contratractural Services F.8330.400

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

293.17 Resolution to authorize the Mayor to sign an agreement to change public accounting firms from O'Connor Davies to RBT CPA's for three years.

On motion of Ald . Masi seconded by Ald. Kleiner

RESOLVED; that the Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment to authorize a change public accounting firms from O'Connor Davies to RBT CPAs, LLP, 11 Racquet Road, Newburgh NY 12550 and to authorize the Mayor to sign the letter of engagement for to three years from 2018 to 2020 for an annual cost of \$70,200.00.

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

294.17 Resolution to authorize the Mayor to sign agreements with General Code and Image Data for scanning and processing to our records management system.

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

WHEREAS, the City of Middletown is in need of data imaging for and scanning of numerous records and documents from the offices of the Corporation Counsel, Department of Public Works and Finance Department in order to convert those records and documents into electronic files, and

WHEREAS, once scanned and converted to electronic files, the records and documents will be available for further electronic searching in our Laserfiche records management system by all of

our departments in the future and will allow the City to avoid having to store many boxes of original records and documents in the City Hall basement, and

WHEREAS, Image Data Inc., in partnership with New York State Industries for the Disabled (“NYSID”), has offered to provide the required scanning and data imaging services in accordance with the attached proposal, and

WHEREAS, the NYS Office of General Services has issued guidelines for, and has identified, three Preferred Sources of certain commodities and services for municipalities, and

WHEREAS, scanning and data imaging services and conversion of records and documents into electronic files are services that can be provided by Preferred Sources, according to the Office of General Services, and

WHEREAS, NYSID is one of the three NYS Preferred Sources under guidelines issued by the Office of General Services, and those guidelines require municipalities to purchase commodities and services from Preferred Sources if a Preferred Source offering meets the municipality’s needs for form, function and utility, thereby allowing the municipality to not follow normal competitive bid processes for such services, and

WHEREAS, Image Data Inc. has partnered with NYSHID to provide scanning and data imaging services and conversion of records and documents into electronic files to New York municipalities as an OGS Preferred Source, and

WHEREAS, the services to be offered by Image Data Inc., in partnership with NYSID, meet the City’s needs for form, function and utility with respect to scanning and data imaging services and conversion of records and documents into electronic files.

THEREFORE, BE IT RESOLVED that the Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment to authorize the Mayor to sign agreements with Image Data Inc., in partnership with NYSID, for scanning and data imaging services and conversion of records and documents into electronic files in accordance with the attached proposal for a total amount of \$112,148.00.

BE IT FURTHER RESOLVED that the Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment to authorize the Treasurer to transfer a total amount of \$112,148.00 from the General Fund Balance to fund the project in the following manner:

From	Amount	To
General Fund Balance	\$112,148.00	A.1010.464 Records Management

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

295.17 Resolution to approve SEQRA for 3 lot subdivision for 51-55 West Conkling Avenue.

On motion of Ald . Johnson seconded by Ald. Ramkissoon

Whereas, Donald E. Boyce, Jr. and others (“Boyce”) have submitted a three lot subdivision map entitled “Subdivision – Lands of Boyce” for property they own on and along West Conkling Avenue, Orange Terrace and State Street in the City of Middletown, which property is shown on the tax map of the City of Middletown as Section 33 Block 10 Lot 1, and

Whereas, Boyce submitted a Short Environmental Assessment Form to the City, and the matter 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 subdivision at a Common Council meeting on October 17, 2017, and

Whereas, the purpose of the subdivision is to divide the existing lot, which contains an existing house known as 51-55 West Conkling Avenue, into three lots – one lot will contain the existing house, and the other two will be buildable lots fronting State Street for residential purposes, and all lots will conform with the area requirements under the City’s zoning law.

Now, therefore, be it resolved by the Common Council of the City of Middletown that the application of Boyce for a three lot subdivision of property they own on and along West Conkling Avenue, Orange Terrace and State Street in the City of Middletown, which property is shown on the tax map of the City of Middletown as Section 33 Block 10 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 subdivision application.

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 subdivision map, 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

296.17 Resolution to approve a 3 lot subdivision for 51-55 West Conkling Avenue.

On motion of Ald . Ramkissoon seconded by Ald. Johnson

Whereas, Donald E. Boyce, Jr. and others (“Boyce”) have submitted a three lot subdivision map entitled “Subdivision – Lands of Boyce” for property they own on and along West Conkling Avenue, Orange Terrace and State Street in the City of Middletown, which property is shown on the tax map of the City of Middletown as Section 33 Block 10 Lot 1, and

Whereas, the purpose of the subdivision is to divide the existing lot, which contains an existing house known as 51-55 West Conkling Avenue, into three lots – one lot will contain the existing house, and the other two will be buildable lots fronting State Street for residential purposes, and all lots will conform with the area requirements under the City’s zoning law.

Whereas, the Common Council of the City of Middletown held a public hearing on the subdivision at a Common Council meeting on October 17, 2017, and

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

Now, therefore, be it resolved by the Common Council of the City of Middletown that the application of Boyce for a three lot subdivision of property they own on and along West Conkling Avenue, Orange Terrace and State Street in the City of Middletown, which property is shown on the tax map of the City of Middletown as Section 33 Block 10 Lot 1, is hereby approved for filing upon signatures by the appropriate City officials and approval by the Corporation Counsel.

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



297.17 Resolution to remove from the MFD Rules and Regulations “Legal Issues for the Fire Service” from Article Ten, Section 45.

On motion of Ald . Witt seconded by Ald. Kleiner

Whereas, Article Ten, Section 45 of the Rules & Regulations for the Government of the Middletown Fire Department (“Rules & Regulations”) requires any person nominated for election as one of the Chief Engineers of the Middletown Fire Department (“MFD”) to have certain qualifications, and

Whereas, one of the qualifications is to have taken and passed a course entitled “Legal Issues for the Fire Service,” and

Whereas, that course is no longer offered to volunteer members of the MFD, and the Fire Chief has asked the Common Council to remove that requirement from the Rules & Regulations.

Now, therefore, be it resolved by the Common Council of the City of Middletown that the requirement for those nominated for election as one of the Chief Engineers of the MFD to take and pass a course entitled “Legal Issues for the Fire Service” be removed from Article Ten, Section 45 of the Rules & Regulations.

Be it further resolved that this resolution shall be effective immediately.

Ald. Kleiner-This is a regulation requiring the chief candidates a course no longer offered. It is being removed.

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

298.17 Resolution to amend the City Code Chapter 460 Vehicles and Traffic to add no parking on the southerly side for a distance of 60’ from the intersection of Wickham and Sproat Street as defined by the extension on their respective curb alignment.

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

### **MOTION FROM THE FLOOR**

RESOLVED; that the Common Council of the City of Middletown hereby amends the City Code Chapter 460 Vehicles and Traffic to add the following to Section 460-12 No Parking:

Sproat Street.

D. On the southerly side for a distance of 60' from the intersection of Wickham and Sproat Street as defined by the extension on their respective curb alignment.

Ald. Kleiner-We did discuss this thoroughly in DPW Committee

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

12. Local Laws

John Naumchik-Nothing this evening.

13. Audit

On motion of Ald. Masi seconded by Ald. Burr

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

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

14. Adjournment

There being no further business meeting adjourned at 8:30PM

Respectfully submitted,  
Karen Sisco