COMMON COUNCIL MEETING
CITY OF MIDDLETOWN
May 7, 2024 Minutes
City Hall
16 James Street
Middletown, New York 10940

J. Miguel Rodrigues, President
Ald. Jude Jean-Francois
Ald. Andrew Green
Ald. Paul Johnson
Ald. Gerald Kleiner
Ald. Sparrow Tobin
Ald. Kevin Witt Ald.
Kate Wray
Ald. Joseph Masi

ALSO PRESENT:

Richard McCormack, City Clerk
Joseph M. DeStefano, Mayor

(Recites Pledge of Allegiance)

PRESIDENT J. MIGUEL RODRIGUES: Please remain standing as I ask for a moment of silence for two fine gentlemen. Our first one is Stuart Greenwall, our former corporation counsel, and our second one is our good friend John Degnan, bid director, third ward alderman and economic development assistant. May they both rest in peace. Thank you. Roll?

RICHARD MCCORMACK: Alderman Tobin?

ALDERMAN SPARROW TOBIN: Here.

RICHARD MCCORMACK: Alderman Jean-Francois?

ALDERMAN JUDE JEAN-FRANCOIS: Here.

RICHARD MCCORMACK: Alderman Johnson?

ALDERMAN PAUL JOHNSON: Here.

RICHARD MCCORMACK: Alderwoman Wray?

ALDERWOMAN KATE WRAY: Here.

RICHARD MCCORMACK: Alderman Kleiner?

ALDERMAN GERALD KLEINER: Here.

RICHARD MCCORMACK: Alderman Green?

ALDERMAN ANDREW GREEN: Here.

RICHARD MCCORMACK: Alderman Witt?

ALDERMAN KEVIN WITT: Here.

RICHARD MCCORMACK: Alderman Masi?

ALDERMAN JOSEPH MASI: Here.

RICHARD MCCORMACK: President Rodrigues?

PRESIDENT J. MIGUEL RODRIGUES: Here.

RICHARD MCCORMACK: Quorum is present.

PRESIDENT J. MIGUEL RODRIGUES: Approval of minutes?

RICHARD MCCORMACK: Nothing this evening.

PRESIDENT J. MIGUEL RODRIGUES: Correspondence?

RICHARD MCCORMACK: We have a letter from the Taste of Guyana restaurant. It's a standardized notice form for providing 30-day advance notice for a liquor license application.

PRESIDENT J. MIGUEL RODRIGUES: Okay. Received and filed and forwarded to the police.

RICHARD MCCORMACK: We also have a notice from the Town of Wallkill Zoning Board of Appeals. It's a public hearing for Ready Coffee at 290 Route 211 East.

PRESIDENT J. MIGUEL RODRIGUES: Okay. Received and filed. For the Good of the City, we have the school district to present their budget.

AMY CREEDEN: Okay, thanks. Good evening, President Rodrigues, Mayor, city council. Thank you so much for giving us an opportunity again this year to use this as a platform to highlight the proposed budget for the City School District of Middletown. So this evening, we just want to remind all your viewers that when we sit down to present, create the budget that we're presenting to you, that we're always scholar focused, thinking about how we can create high quality service to our school community. The mission statement of the Board of Education, and we're thankful to be joined by our board president.

Maybe I'll just let him read our mission statement really quickly.

JOHN WILLIAMS: Certainly. Our mission statement is we strive to provide fiscally sound educational opportunities in a safe environment that continuously supports our diverse student population. We will enable all students to graduate, to reach their full potential, to become lifelong learners and to be competitive, productive members of society.

AMY CREEDEN: And so, as we think about the budget development process, we are always keeping open lines of communication with all of our community partners. So we take into consideration the feedback from our educators and staff, our PTOs, the Board of Education, the various departments that exist inside each of the schools, our fair funding committee, the audit committee, administration, elected officials, city council, the town administration and all of our community partners to make sure that as we continue to think through programming, we're continuing to amplify the services that we're providing to the greater good of the City of Middletown. Mr. Tuttle?

MICHAEL TUTTLE: Hello. Good evening, everyone. So, as Ms. Creeden was saying, when we start to build the budget, we start essentially like two, three years out. We're building a budget. What's coming up? Like, you know, we have a new capital project. We have new collective bargaining agreements coming on. So those are the things that we take into consideration when building our budget. So this year we're looking at increase of about 3.55 overall with the budget, $262,672,637 budget, about a $9 million change from last year. And most

of that is collective bargaining agreements.

One of the things that's really driving our budget now is health insurance. And you're probably seeing that in all your areas of municipalities and stuff. So that's what our budget will be this year. That's what we're proposing for the voters. Let's see. Go over that way. Oops, wrong way.

So before we build the budget, we need to know how much revenues we have, right? That dictates what our budget is actually going to be, and can we afford all the things that we want to do inside this year. So when we have this year, we've seen a state aid increase right around 4.5 percent, a little bit less than what we would have anticipated. And then other revenue is about 4.9. And then our local tax levy will be 1 percent this year. So that equals the $262 million budget at 3.55 overall for the total budget in totality.

So, like, as I said, when our revenues equal our expenditures, that's how we come up with our budget. And this is what we're presenting to the community. The board has adopted this budget, and we've done several meetings reviewing the budget, all the topics that are inside the budget. So this is where we are and feel comfortable with going to the public with this one.

As we said before, if you can see the past history of the five years, the tax levy has been very minimal. We've actually had a $5 million decrease in the tax levy a few years ago. We've been zero, zero, 1 percent. And so now we're going to be at 1 percent this year. So we feel that that's very comfortable for the community to manage this

year. Do you want to do that?

AMY CREEDEN: And just a reminder to our voters that Super Tuesday is the night we need everybody to come out. We can't tell you how to vote, but we can tell you when to vote. So join us on May 21st at either Board of Education offices, the Maple Hill annex at Truman Moon, or Presidential Park Elementary School. If you have any questions about your voting location, you can call our district clerk, 326-1196. Polls are open on May 21st from 7:00 a.m. to 9:00 p.m., and in addition to voting on the school district budget, you're also voting on candidates for the school board.

And then, just to let you know, again, reminder about the date, May 21st, and just put up some pictures here of our young people to remind us that this is what we're doing this work for. So, again, just to go back one last time to let you know and see that number there, that what we are proposing is a 1 percent increase to our community, which enables us to continue to offer an excellent series of programming and having to make no reductions to any of our staff. We'll take any questions, if anybody has any.

PRESIDENT J. MIGUEL RODRIGUES: Any questions? Great job. Thank you.

AMY CREEDEN: Thank you very much.

JOHN WILLIAMS: Thank you.

ALDERMAN JOSEPH MASI: Thank you.

MICHAEL TUTTLE: Have a great night.

PRESIDENT J. MIGUEL RODRIGUES: At this time, we'll call the

mayor up for recognition of the firefighter of the year and officer of the year.

MAYOR JOSEPH DESTEFANO: Thank you, Mr. President, and appreciate the time and appreciate the superintendent and Mr. Tuttle coming this evening. I think it's impressive that when you look at the last five years of not only the stable tax rate, but basically almost zero over a five-year period, on the average, a little around 1 percent. But at the same time, they've expanded the opportunities for the public and the City of Middletown to use their facilities. The partnership has grown with the city tremendously, with our rec programs and our summer programs. And so I want to thank the entire board and the superintendent for their cooperation and work with the city and what they do on behalf of the residents in the Middletown school district.

Right now I'd like to call up two fine gentlemen, Ryan Brady and Mr. George Perna. And chief, would you join us, please? Saturday night they had the annual Middletown fire dinner. I was out of town, unable to attend, but we wanted to recognize the accomplishments of these two fine gentlemen and their commitment to the City of Middletown as a volunteer fireman. Obviously you can see George has been around a lot longer than Ryan, right? So, but we appreciate both the ambition of the youth and getting involved, and also someone like George, who's been involved for a long, long time, to bring people along. So these two awards are well deserved. The chief has made these recommendations, I guess, or the fire companies have made these recommendations. And so on behalf of the City of Middletown Common Council, myself and President

Rodrigues, we wanted to give this award to you guys, or certificate of recognition, so we appreciate it.

(Applause)

MAYOR JOSEPH DESTEFANO: And Ryan has the same last, same name as the chief, because that's his son. I'm sure there's a lot of pride here, but in the -- my understanding is he's very active and has done a great job and hopefully following your footsteps. So appreciate your hard work and commitment.

(Applause)

MAYOR JOSEPH DESTEFANO: We also have two more presentations to make tonight. This past Sunday was Cinco de Mayo and the festivities were rained out at Festival Square. But before the meeting, we had a little taste of what was going to happen on Sunday. But right now, what we'd like to do is introduce to the public Juan Avalos. Juan is from The Taco Factory in North Street. Many people will know him. And I've asked Juan to just give a couple minutes, take a couple minutes to explain Cinco de Mayo and what it means to the Mexican community here in the City of Middletown. And when I say a couple minutes, if you know Juan, you know you have to put a limit on him because Juan will talk all day. So Juan, please --

JUAN AVALOS: I have a couple of --

MAYOR JOSEPH DESTEFANO: Okay. Come on up, Juan. Thank you.

JUAN AVALOS: Great. Two hours. Thank you very much to all. Thank you, President Rodrigues, and to the council. I really appreciate this welcoming opportunity to speak to you about the Mexican American

community and to all us, all of us that are American. We're all American in this situation.

So I was asked to introduce what this whole Cinco de Mayo is about. It's in 1862, the Battle of Puebla. The French were invading Mexico through a city known as Puebla today, and they were aiming towards Mexico City to overtake the government. This was due, in fact, to a foreign debt from Mexico to countries such as UK, Spain and France. But France, of course, being under Napoleon III, being the ruler there, they wanted to overtake the world a little bit, you know. So luckily, the French Republic fell 14 years, or seven years after that, that Mexico was able to succeed with the aid of a couple of American troops that aided in the Battle of Puebla.

So here is when the American population started to take Cinco de Mayo as a celebration of a national Mexican holiday. Today, Mexico stands to celebrate this holiday in recognition, much as our Memorial Day in the U.S. and other holidays resembling this, but not the independence. Mexico's Independence Day is in September, September 15th. So we're planning something for the future, hopefully with the council and with the bid and everybody to try to bring back that parade. But that's -- it's not on paper yet. So with the collaboration of the parks and rec department, we had a pinata making to celebrate this holiday. And we were going to break this pinata on Sunday. The mayor was going to be the deciding factor there.

But, you know, and then we also had involvement from the school district, and we're very thankful that Middletown has a lot of

talented children and a lot of talent that was going to contribute into this parade as the mariachi that just spurred up this year in the Middletown Twin Towers and Monhagen Middle. And I think in the high school, they're promoting the mariachi band. They were going to parade, but they couldn't parade and walk and play at the same time. They said, we're not as advanced as the mariachi that we got to experience today. So they kind of wanted to just play in the downtown John Degnan Square.

With that in mind, I bring forward the festivity and why we wanted to celebrate it here in Middletown. Cinco de Mayo is a key point to start and kick off the summer. So we wanted to integrate all the businesses in the downtown area and in Middletown, for that matter, so that we can raise our economic awareness and our economic potential as business members of the community, and that we can keep the city thriving as what we are known today, you know, not what it was 20 years ago or what it was in the past, not even yesterday, because yesterday is forever gone.

So with this in mind, I want to thank all of you for allowing our businesses to thrive and to continue forward and to enable us to bring this product, Mexican product, or any product for that matter. I know we are very -- we're a big melting pot here in Middletown. So I am honored to say that on live TV today, because we are very welcoming and we welcome our neighbors. We welcome all our businesses that come here, and we try to be kind to one another.

And that's where it stems off, where I believe that Middletown will not only be successful for the many years ahead, but we have great

leadership, and we have great council members like yourselves that really aid in this prosperity. And I feel like Middletown, amongst the other towns near New York City, is a gemstone in this region, not only economically, but also as a trade route to all the cultures that you can find here.

For as little as I remember, my neighbor is Pakistani. You know, I have different types of neighbors all around me. So I say, I look around and I said, I'm fortunate to live in Middletown and to be a resident here and to have my business in the downtown area, because that's what it's about to grow as an individual and as a company and as a city, you know? So I really thank you all.

And I wanted to speak a little bit about the princess and the queen that was crowned. They were supposed to be crowned at the end of the festivities on Sunday, but it was moved to Saturday because of the rain. And these two beautiful girls, our youth and our talent of Middletown exemplified here. They also go to the Middletown school district, and I'm really thankful for them to give us this opportunity to show you all what it is that and why it's celebrated.

So, in short, a princess and a queen, in Mexico, it's a tradition. At every festivity, they assign a queen and a princess. So it's like a runner up, kind of like Miss Universe type of thing. So here we wanted to do these young girls, because it's the youth of Middletown, it's the future of Middletown. And we wanted to tell them that their roots are not forgotten. And this is why we celebrated this, for them and for the future to come. All these other children that are

young today soon will be gone from this world. But with this, I leave to Mayor DeStefano, and I thank you all for taking the opportunity to listen to me and hear my little story. Thank you.

(Applause)

PRESIDENT J. MIGUEL RODRIGUES: Thank you.

MAYOR JOSEPH DESTEFANO: Thank you, Juan. And the pinatas, you said I was scheduled to hit them?

JUAN AVALOS: Yes.

MAYOR JOSEPH DESTEFANO: And I'll do it next year if you put Alderman Masi's face on them.

ALDERMAN JOSEPH MASI: I knew that was coming.

MAYOR JOSEPH DESTEFANO: I don't care if I'm on vacation. Wherever I am, I will come back and I will do it. Yes. Right now, we'd like to have Isabella come up and Jackie.

(Applause)

MAYOR JOSEPH DESTEFANO: And Juan said it best. We appreciate you're coming here this evening. And what we really like to do is emphasize the commitment for the city and how proud we are of your two accomplishments and moving forward in our community. We hope you become more active than you are. And so, on behalf of the city council and myself, we wanted to give you -- award you these certificates, Isabella and Jackie. And it's in recognition of your Cinco de Mayo. But we also have -- Naomi's going to come out and help me with this. Yes, but I've never done this, so I want to make sure I do it right. I hereby crown you the queen or the princess?

JUAN AVALOS: The queen.

MAYOR JOSEPH DESTEFANO: The queen. The queen of the ball.

(Music and singing)

MAYOR JOSEPH DESTEFANO: Thank you for the entertainment, and we're very proud of both of you. So thank you so much. Congratulations.

PRESIDENT J. MIGUEL RODRIGUES: Okay, moving on. For the Good of the City, if anyone would like to address the council, please step forward.

SUSAN DEPUY: Good evening. I'm Susan Depuy. That's a hard act to follow. Anyway, I would like to thank everyone in Middletown for contributing their time and their energy and their love for Middletown in joining with us to clean up Middletown on Earth Day the 20th. We had such a turnout. I'm not sure the exact number. I think Rick could tell me the number because he tallied it.

But we had such a great turnout of people wanting to make a difference in Middletown. It started with a good sunny day, and it ended with many, many bags of garbage that the garbage was piled on side streets. And my only comment is, let's not keep up having litter to be a problem. It's up to everybody every day. Please put the garbage where it belongs. Your lunch wrapper, your coffee cup, your straw, your little things add up. I'm not pointing a finger. I'm just asking all of us to play our part. This is our city. We live here. We love it. And I'm asking all of us, including my family, to make sure we put things where it belongs. Thank you, everybody, for participating. And

I thank all the staff. Thank you.

PRESIDENT J. MIGUEL RODRIGUES: Thank you.

(Applause)

PRESIDENT J. MIGUEL RODRIGUES: Head down here if you need it.

DOUGLAS COUCH: My name is Douglas Couch. I live at Birch Drive in Middletown. I have two problems. One is my neighbor, who has every right in the world to do what I'm going to say, is pumping water out of their home. They purchased the house, I believe, in February sometime, and it runs 24 hours a day, seven days a week, anywhere from seven, eight inches wide to three foot wide. All right. That could be remedied by putting a catch basin in there. And it runs down, I've got to tell you, four or five houses down to Peach Drive. All right.

The second problem I have is behind me where the units were built back in there, they built a mound up there, I guess you could call it, or a small mountain. It's about 35 feet high. From my lawn to the top of that, it comes down at about a 45-degree angle to within two foot of my property line. It starts four houses up the hill from me. So you can see how much water comes down through there, and it ends up down at my house.

A number of things have happened. One is it's raised the water table out there, where I have all kinds of cracks on my basement floor. When they built that, they had a vibrating roller up there for weeks at a time. It rattled. The wind is in everybody's houses along through there, so you can imagine what it did to the foundations. All right. I put drainage around my house to make sure that it wouldn't

happen, because I got some water in there when Sandy was there.

But now I have water. I have to put a new basement floor in. I have to do something to the walls. And the people suggested that I just put a three-inch concrete slab up alongside the walls. Not cheap to do that, especially when it's not my fault, right? I'm asking the city to put a catch basin in there. I spoke to the commissioner, I don't know, a year and a half ago, maybe two years ago. He said he understood, but it was expensive to put that in. Well, I'm quite sure it's expensive for me to repair what is there.

So I'd like to know why that catch basin and it couldn't be put in. There was one put in an Oak Street across the street from me, but that's about it. I have to redo that or else it's going to be kind of hard for my son to sell the house. I can't speak any longer. I've got to go sit down. So I'd appreciate it if somebody would get back to me and explain to me why that can't be done. All right.

PRESIDENT J. MIGUEL RODRIGUES: Anyone else would like to address the council? All right, Mayor?

MAYOR JOSEPH DESTEFANO: Just a few items. One, you have a resolution tonight to accept a $4,999 municipal tourism grant from the county. I want to thank our county legislator, Mike Paduch, for advocating for us. I understand Mike only represents a very small part of the City of Middletown, but he was a strong voice for us in receiving this grant. So I appreciate his efforts. And Maria, this is the second year in a row, so I want to thank Mike publicly for that.

Also, we had a moment of silence tonight for two great men in

the City of Middletown. John Degnan was laid to rest yesterday morning, and I just wanted to once again thank all of the departments that were responsible for coordinating the great sendoff that we had for John. Also Applebee-McPhillips, who did a lot of work and extra work in putting it together. The route through the city, the police department, the fire department, I believe Pocatello Fire Department came in also and assisted. So a lot of people cooperated with us and made it a special event for the family. They were very happy and they sent their best and wanted to make sure that their appreciation was expressed to everybody, not only here at the common council, but in the Middletown community for the great sendoff that John had.

I also, years ago, worked with Stu Greenwall when he was a corporation counsel. So I'd been around for a little bit of years when I was an alderman. He was also involved with the mayor's office at the time. And Stu, his only problem was he was a Met fan, probably the biggest Met fan that one would ever meet. But he was a smart guy, attorney, lived in the city, also a neighbor, lived down the street from myself. So we appreciated his efforts on behalf of the city. So both will be missed.

And this was -- the Cinco de Mayo event was scheduled for Saturday and Sunday. The major part of it was going to be on Sunday. And so we just wanted to share some pictures with the public of some of the activities that were able to get in on Saturday, the dancing, the colorful costumes and uniforms so that they had.

So, and I guess thank Juan for his two-minute presentation

that he had, but it was educational for all of us. I'm sure that Middletown -- his words were well received because we are a melting pot. That's what we are, the community. And even within the Latino community, you can see that there's many different cultures here.

So it's excellent to learn what other people -- when I was growing up, we had Masi, and the neighborhood that we grew up in was the Little Italy parade and the marching through the streets with the colorful uniforms and the local festivities that were on.

So the community has changed and I think it's changed for the better over the years. And it's much more inclusive than we were many, many years ago. And I think we have a lot to be proud of. And I want to thank Juan and the committee that put it together, the events, and I'm sure these events will grow even more in the future. So these were just some of the pictures and that was it. So thank you very much. Any questions?

PRESIDENT J. MIGUEL RODRIGUES: Any questions for the mayor? All right. Thank you, Mayor.

MAYOR JOSEPH DESTEFANO: Thank you. Reports of departments. Economic development?

MARIA BRUNI: Good evening, everyone. I want to thank Juan, Naomi, Alvaro Garcia, Jose from Alandra's. They were part of the committee that helped the business improvement district in the city put this Cinco de Mayo event that we started last year. And it was just amazing to work together with them, their passion and congratulations to the queen and the princess. So I'm looking forward to doing more. And

Juan is correct. We are a united melting pot. And I think our friend John Degnan, our former bid director, is looking down and is proud of this. And, you know, we're going to carry on the mission and the vision and keep getting stronger. And again, thank you to everyone.

I also want to say that our summer concert series is going to be beginning. And what better way to kick it off with the Middletown school district. On May 30th, we are going to have the school district mariachi ensemble along with the Middletown High School jazz band. And then the next night, May 31st, at John Degnan Square, we are going to have the marching midi drum line and the modern band. So again, what a way to kick off our season downtown with our summer series. And we're looking forward to a great summer. And thank you, everyone.

PRESIDENT J. MIGUEL RODRIGUES: Thank you.

(Applause)

PRESIDENT J. MIGUEL RODRIGUES: DPW commissioner?

JACOB TAWIL: Good evening, everyone. We'll start off with Alderman Masi. The reservoirs level, 99.9 percent full. So we're noticing they started to drop a little bit with the lack of rain, but we're in good shape. Spring cleanup, it's over. The first world was the heaviest this year, which is good. That means people cleaned up. And we're very happy that people clean up their backyards and whatever they have stored and they have no need for that furniture. It will lessen the chances of having fire, improve quality of life and so on. So we're very happy with the outcome.

Water, also the electronics reminder. The electronic drop off

is going to be this Saturday at DPW garage on Monhagen Avenue, 76 Monhagen Avenue. Our guys will be there 8:00 until 3:00 this Saturday. If you have TVs that they are no more use for you, printers, computers, all these electronics, please drop them off at our garage and, you know, don't put them out on the sidewalk obviously, as everybody knows by now.

Water system flushing has been completed and the guys did a good job with it. They were able to do it while they were doing many other projects. That's the water and sewer department. Heritage Trail segment three, we had that public meeting in here, informational meeting basically on April 17th, and it went very well. Everybody that showed up from the public, we had quite a bit of turnout in here. The county was here, department of parks, because they are the lead agency on it. The engineers, HVEA were here and we had nothing but good positive feedback from the public and whoever showed up. Everybody is so interested in this Heritage trail segment three, which will go from East Main Street or the Switch Inn all the way through Davidge Park up to Ingrassia Road. That's where it stops.

Also to update you, we had the three RFQs in there for two finished water lines, one raw water line. The mayor, Alderman Masi, myself and Katie Gass from my office, we did the evaluation for the RFQs. We did the scoring, and we have selected the highest scoring firms for this. And we will be sending -- we will be doing some further evaluation for the cost of the projects and so on. All these are grants project except for the raw water line, which is city pays 40 percent of the of the cost and about $5 million is a grant. The remainder of it

will be low interest loan. Hopefully we will qualify for the low interest loan, I hope.

Also at the water treatment plant, because of the mayor's plans for expanding our water and sewer system and to generate revenue for the city, we have activated and incorporated the dissolve air flotation package plant that's been sitting there idle. Now we have activated it. We had to do some changes in there with the disinfection system and so on. And now it's ready to go online and we had it online for a while now and it's a good addition for us. It will provide more capacity for us to treat water should we have more demand coming in, which is we anticipate and also will provide for redundancy for us if one of our main filters goes down. We have the dissolved air flotation and they're ready to jump in.

Construction projects and capital projects. Mountain Avenue tank and High Barney tank. The precast panels are being poured at the site. The bottom of the tanks have been poured with concrete, reinforced concrete. It's really going to be a very nice process. If anybody wants to come out and see it, how they fabricate this tank and put it together, it's basically, it's like Lego pieces in there. They put them together and then they put a prestressed concrete cable that will go around, put them all together, and then they will do some concrete shotcrete on the outside and then some painting. It's really a tremendous process. If anybody wants to go over there, we'll be happy to take them. Just let us know.

Traffic operation, as you can see, it's moving forward very

well. Again, we regret the congestion that we are causing on West Main, Wickham Avenue and West Main. But it's unavoidable and we really appreciate everybody that's cooperating with us. I stop there every once in a while and people are not complaining. They just know what we're doing and they are obeying the rules of the flagman or the flag women in there. And we appreciate them trying to keep our men and women working out there for the contractors safe because they're doing this project for us. And the project is beautiful addition for us.

We have an ad in the paper last Sunday and we're going to have it again on Friday, trying to hire, to recruit laborers. We need laborers for our water department, sewer department and street department. We really have shortages in there. And hopefully we can get people's attention with this ads in the paper so people can apply. And it's a good job. It has retirement, it has pension, it has health insurance. You know, it has a lot of advantages for somebody who wants to find a career within DPW. It's a good place.

We have three of our employees now. Our guys, finally, they are getting -- attention is being given by our employees to the importance of being certified water and wastewater treatment plant operators. The mayor has approved sending one person in there for wastewater for about costs of like $5,000 in there just to get licensed for the wastewater treatment plant to become an operator.

We have two more guys from the water treatment plant. They're upstate right now getting their courses taken in order to become chief operators, which is what we have been lacking in the City of Middletown

for years and years. And that's why we're using private operators to be a chief operator at the water and the wastewater treatment plant. So we're very excited about these three guys, and I do compliment them personally. And I'm sure when they get certified, the mayor will recognize them here.

And before you tonight, you have the CEQA for the parking garage. The parking garage design is moving along very well. And once you approve the SEQRA, and hopefully we'll be going out for bid. That was on the mayor's agenda, but in a couple of weeks, we're hoping. So that's the parking garage across from the Paramount. Do you have any questions for me?

PRESIDENT J. MIGUEL RODRIGUES: Question for Jacob? Alderman Green?

ALDERMAN ANDREW GREEN: Thank you. I know our favorite little cut through from Liberty street and Wickham there by the armory.

JACOB TAWIL: Yes.

ALDERMAN ANDREW GREEN: I know the street's closed now. Is that done? Going to be closed permanently now?

JACOB TAWIL: Hopefully, yes. Right now it's being staged --

ALDERMAN ANDREW GREEN: Right.

JACOB TAWIL: Right now we're using it only as a staging area, but it will continue until that area, that work is completed. And a section -- we'll let you -- we're studying it right now. Section between Highland Avenue, between Wickham Avenue and West Main, that section in there, it might be closed for traffic because of all the

tremendous amount of work is going to be done. But we're still evaluating that to see how long it's going to be. And then we'll be sending out -- what's the name of that next --

RICHARD MCCORMACK: Civic ready.

JACOB TAWIL: What?

RICHARD MCCORMACK: Civic ready.

JACOB TAWIL: Yeah. Civic. Whatever it is.

RICHARD MCCORMACK: Civic ready.

ALDERMAN ANDREW GREEN: You got it. Thank you.

JACOB TAWIL: Yeah. We'll be sending those messages out, so we encourage everybody to sign up for it. The instructions -- Rick has it very, very, very easy on our website. Please, everybody, just sign up for it. And this way, you will be notified if there's any traffic, any detours, any water main breaks, any other emergency, even or non-emergency in the city.

PRESIDENT J. MIGUEL RODRIGUES: Thank you. Alderman Kleiner?

ALDERMAN GERALD KLEINER: Thank you. Yeah, back when our telephone was working, we actually got some calls about the yard waste because it hasn't been picked up in a couple weeks. I was assuming it's because you were busy. Your people were busy with the bulk pickup, et cetera. But this is going on the third week that some hasn't been picked up.

JACOB TAWIL: Really?

ALDERMAN GERALD KLEINER: Yeah, it's really --

JACOB TAWIL: I checked with the --

ALDERMAN GERALD KLEINER: -- it's growing out in the street.

JACOB TAWIL: Yeah, I check with the men. What do you mean, blowing out? Is it in a can or is it --

ALDERMAN GERALD KLEINER: No, I mean it's growing. Growing more and more.

JACOB TAWIL: Okay. So you know the instructions how to do the yard waste, right? You've got to put it inside a can or it's wrapped.

ALDERMAN GERALD KLEINER: It's inside cans or it's inside paper bags, or it's there to be picked up.

JACOB TAWIL: Right. Okay.

ALDERMAN GERALD KLEINER: But it hasn't been. So that's the question.

JACOB TAWIL: Yeah, I'll take it up with my men, because I checked with them every time you told me about it, and they assured me -- I'll check. That's my problem. I'll deal with it.

PRESIDENT J. MIGUEL RODRIGUES: Jacob, I have a question.

JACOB TAWIL: Yes.

PRESIDENT J. MIGUEL RODRIGUES: You have another one?

ALDERMAN GERALD KLEINER: Yeah, yeah. Two more quick ones. One, there are so many places and intersections that they've started working like Monhagen and Oliver, and that's a dangerous intersection anyway. It's tough because now they've taken away the sidewalk. It's hard to see them. If you're coming from Oliver, it's hard to see up and down Monhagen Avenue, but they work on it for a while and then nothing.

And then it gets left with lots of cans and lots of, you know, orange fencing and stuff. So it's hard enough to see when a car is parked on a corner or when cars are parked in that Monhagen Station right there. But I would like to see them finish a couple of the places they've started rather than start every place at once and finish nothing. So that's what I've been noticing. And just one quick comment. The Heritage Trail meeting, it was very good. But what they're focusing on is West Main Street to Ingrassia. They said the part about East Main to West Main, that's got a long way to go yet.

JACOB TAWIL: Yeah, you're absolutely right. That's part because the city has built some of it in here in Erie behind us. We built it all the way up to the library, from West Main to the library. That's already built. The city did that. And we have the remaining section that goes through the Coach USA. The terminal, the bus terminal, and that's what's part of the terminal. That's going to be the design of it. That's why that small section, yes, you're absolutely right.

Now, let me just address what you said about the traffic operations so everybody will understand why they are doing what they are doing. They have a specialty contractor that comes in, and when they come in, they come in one week and it's been booked for a long time, one week or a couple of weeks, and they put in the granite curb. They come from upstate New York. That is the reason why they are preparing. And then they leave it open. It's done by specific, by a specialty subcontractor.

Having said that, there should not be any dangerous condition like you specified, like you said in there, if there are cars parked very close to where the intersection is, line of sight is not available, all that should be addressed by us. And I appreciate you bringing that to my attention. We'll take care of it tomorrow. Oliver and Monhagen. There should not be any dangerous condition in there.

But the reason why they are staging all this is their subcontractor, which he happened to come in here yesterday, I believe, the granite curb. And they started doing by Dolson Avenue, Abe Isseks Road, and now they've done Canal Street and they're working. They're working their way up. Canal Street is done. It's been open for a while, but that was -- that is the reason for it.

ALDERMAN GERALD KLEINER: Okay.

JACOB TAWIL: Yeah.

ALDERMAN GERALD KLEINER: Thank you.

JACOB TAWIL: But there should not be any dangerous condition.

PRESIDENT J. MIGUEL RODRIGUES: Jacob, one question. The old Truck 3,, the fire truck. Have we put it out for bid?

JACOB TAWIL: Yeah, it should be. I will have to check. I told my guys to put it out for auction. Yes, in the auction site. The ladder truck, you mean?

PRESIDENT J. MIGUEL RODRIGUES: Yes.

JACOB TAWIL: Yes, sir. Yes, I told my guys to do it. I don't know if they've done it or not yet, but I will get you the answer.

PRESIDENT J. MIGUEL RODRIGUES: Okay. Anyone else? All

right. Thank you, Jacob.

JACOB TAWIL: Thank you.

PRESIDENT J. MIGUEL RODRIGUES: Fire chief?

DON LUIS: Good evening. First, I'd like to thank the mayor for doing the awards tonight. I know he couldn't attend the dinner for our '23 firefighter of the year and our '23 officer of the year. Our dinner was held Saturday night, Town of Wallkill. I appreciate the council who could make it. I understand, you know, time is a commodity. But it was a great night. Hopefully, everybody enjoyed themselves. You know, we'll be doing it again next year. Obviously, the invites will be out.

And I don't know if you got your call today about Fireman Joe, but they did go over today to get an update. There's two more dippings. I'm not really sure what they're talking about, but I guess it gets dipped and then it gets bronzed. So we're looking at hopefully, within roughly like a month, hopefully we can schedule the delivery to be put on the base. And that's all I have.

PRESIDENT J. MIGUEL RODRIGUES: Any questions for the fire chief? Thank you, Chief. Police chief?

JOHN EWANCIW: Good evening. I actually have nothing unless you have questions for me.

PRESIDENT J. MIGUEL RODRIGUES: Any questions for the police chief? Thank you, Chief. City clerk?

RICHARD MCCORMACK: Good evening. I just want to thank the community for coming out. I echo the words of Sue Depuy, for our spring

cleanup. We had well over 250 to 300 people out that day. We collected a lot of trash, so we appreciate that. And, Sue, I want to thank you for being the inspiration that has brought that to the city for so many years. It is a great event for us, and we appreciate your leadership and your spearheading that effort.

Channel 20, I know that we are still having some sporadic outages on Channel 20. We did a survey a few weeks ago trying to pinpoint the locations within the city that are experiencing the outages, and we are working with Spectrum to have those resolved.

And finally, don't forget we have our citywide cleanup the first weekend in June, June 1st and 2nd. We have about 50 houses signed up already. You can sign up through our website, middletownny.gov --

PRESIDENT J. MIGUEL RODRIGUES: Yard sale.

RICHARD MCCORMACK: What did I say?

PRESIDENT J. MIGUEL RODRIGUES: Citywide cleanup.

RICHARD MCCORMACK: Oh, I'm sorry. Citywide. I loved it so much. We'll do it again. And last but not least in your water bills this month was an insert from our office with information on how to sign up for the emergency alert system that Commissioner Tawil was speaking of. There's a QR code on there. All you have to do is hold your phone up to the QR code and sign up for those emergency alerts through the phone.

And on the reverse of that, many of you might be aware we've been putting out a citywide newsletter on a weekly basis, and there's information on the back of that same insert on how to sign up for that.

So we're looking to make sure as many residents from the city get that information and get signed up for those services. Thank you.

PRESIDENT J. MIGUEL RODRIGUES: Okay, any questions for the city clerk? All right. Thank you, Rick. Petitions and public hearings?

RICHARD MCCORMACK: Good evening. We have a public hearing this evening. The City of Middletown will hold a public hearing on Tuesday, May 7, 2024 on or as near to 7:30 p.m. as possible in the Common Council chambers, Second Floor, 16 James Street to hear any and all persons wishing to be heard on the proposed two lot subdivision resulting in a lot line change at the rail bed at the intersection of the southerly line of East Main Street and the northerly line of Sprague Avenue. SBL 3611-1.1 and 3611-3. Any and all persons wishing to be heard will be given an opportunity to speak either for or against the subdivision. The complete application of the end map for the property is located on our website and in the city clerk's office.

PRESIDENT J. MIGUEL RODRIGUES: Okay. At this time, the public hearing is now open. Are there any comments? Jacob, you want to bring it up?

MAYOR JOSEPH DESTEFANO: This is the old MN&J rail station on the corner of Railroad. Jacob has the map here, the corner of Railroad and East Main. The property extends all the way to Sprague. The purpose of the subdivision, obviously, is because we're not taking the rail line still active on the MN&J line. So we're going to -- the city is purchasing the property for $180,000.

We're utilizing a $500,000 grant through Aileen Guenther's office to purchase and renovate not only the building, but the property. Our goal is to do some parking, Heritage Trail parking, which people are using it now, although they're not authorized to, because it's privately owned, but we'll do some trail parking at that site, but also to develop a concept for the use of the building and to maintain that little historic structure. So I want to thank Assemblywoman Gunther for her efforts in getting the money for us.

This will also tie into the extension of the heritage trail that is going to go down through around Genung and end up at East Main Street over by Shut Road. That portion of the trail is being worked on by the county. They're calling it the Middletown connector, I believe. Yeah, the connector trail. Middletown-Wallkill Connector Trail. And I guess the end game is for hopefully they'll be able to get out to the Wallkill Town Hall with certain right of ways that are there. But for our purposes, we will -- we're developing, through economic development, some ideas for requests, for concepts, to see what people will do, what they would propose to do with that structure, and at the same time, leave some space there for us for like a little bit of a welcoming center so people that are coming in on the trail will know that they're entering downtown Middletown and have brochures and other things that will be promoting the city.

But should be no cost at all to the city. The building, the $500,000 grant we're hoping will cover everything we're anticipating to do. So that's the project. As you can see on the map, we do have to

put up a fence between the property line and the rail line as part of the conditions of the sale. And that's all I have on that.

PRESIDENT J. MIGUEL RODRIGUES: All right. Anyone from the public have any questions? Any of the councilmen, any questions? Can I get a motion to close the public hearing? Alderman Masi. Do I have a second? Alderman Johnson. All in favor?

(Chorus of ayes)

PRESIDENT J. MIGUEL RODRIGUES: Public hearing is now closed. All right. Remarks of the aldermen. Alderman Masi?

ALDERMAN JOSEPH MASI: Please bear with me. I've got a few things. One, the Middletown Thrall Library in the City of Middletown, we have a pet adoption. It's this Saturday, May 11th, from noon until 3:00. There is a rain date. God forbid it rains. It would be then held the following Saturday. Adopting pets is a wonderful, wonderful thing. So if you possibly can, please come out. And if you can adopt, please do so.

President Rodrigues, would you please put in to either the public safety or the public works traffic committee and invite Commissioner Tawil and Police Chief Ewanciw to assist in implementation the speed hump. I know the mayor is enthusiastic about this. We've talked about it several times. We have to make a move one way or the other. And if we can get it in committee, then we can research it even more. I'll give you this after.

I have a couple of other things. I want to thank Chief Brady and our own Alderman Green for the great time at the fireman's award

dinner last Saturday. Congratulations to all the recipients of the awards. They were well deserved.

Now, the Memorial Day Parade is Monday, May 27th. The parade will begin at Thrall Park. We will assemble at 9:30 in the morning. At Thrall Park will be the laying of wreaths only. There will be no speeches at that point. We will then proceed to the Wallkill Veterans Memorial Park, Mattie's Diner. The full program will be held there with speeches. Next year, obviously, we will reverse the course.

By the way, the distance from Thrall Park to Wallkill Veterans Memorial Park is nine-tenths of a mile. And the distance from the Elks Club to the Wallkill Memorial Park is seven-tenths of a mile. Because when I had it changed, the mayor and I had spoken, and he wanted for us to be able to lay wreaths at Thrall Park. So we changed. I went to the meeting and asked to please change the route. And I've had a number of people get back. Well, it's a lot longer. A lot longer. Well, I measured it and it just really isn't. We can handle that.

All right. Here's an update about Orange County Legislator Joel Sierra's no-show job. I attended the county legislative monthly meeting last Thursday and spoke to them about the unacceptable situation, over two years of no representation, and 85 percent of our residents are without representation. He's missed 113 meetings, cost our taxpayers $60,000 and if they don't take action, another two years, another $55,000 for a no-show job.

I ask that they please contact the governor's office because the governor has a right to remove Legislator Sierra and begin that

process. This way, the county will have done their job, and it will be in the hands of the governor to give the residents of Middletown the representation that we all are entitled to. Thank you.

PRESIDENT J. MIGUEL RODRIGUES: Alderman Witt?

ALDERMAN KEVIN WITT: Thank you. Thank you. I have a few things as well. I just -- at first, I wanted to congratulate the Garden Lovers' Club for their 100th anniversary celebration. That was a very nice night. I always enjoy the historical things that happened in our city, and this was definitely one of them. Congratulations to the firefighters. I think they've left, but that sounded like it was a great night. I'm sorry I missed it. Usually I'm able to do that, but congratulations to all the winners of all the awards and all the companies.

The citywide cleanup, thank you, Susan and Rick, for acknowledging -- or for your work on that. And, you know, there were a few hundred people, and I think at the end, you know, it is a community service thing, but it's also picking up garbage. It's not always a lot of fun, but people came out and did it, and it's a great thing. And I hope that's a tradition that continues, 250, 300 sounds great. A lot of young people, which is also very good.

And I guess finally, I don't know how this is going to come across. And I apologize to you guys, because he started this way, this way first. But with what Doug said back there, and I was not on the council for four years. I was in the beginning when that development was passed, and I'm going to pretend that it was ten years ago when Doug

and members of his -- of his neighborhood were concerned about water situations. And now here he is ten years later. And I guess my question would be with complaining about water situations, and I guess my question would be is when all these folks, these developers, came to us and sat here and had these presentations and made all these promises that whatever they were going to do, that they were going to take care and make sure they were good neighbors.

And I don't know whether they did or they didn't in ten years, but I'm just asking the question from ten years ago to ten years now and is there anything that we can do to look at the situation and see if they didn't do what they were supposed to do, and if they have been, my apologies. I'm not trying to call anybody out. I am just raising the question to be considered.

PRESIDENT J. MIGUEL RODRIGUES: Jacob?

JACOB TAWIL: Yeah. Good evening again. Every project that comes before the city, it goes through the rigorous process of review, designed by the engineers, designed by the planning board, reviewed by the planning board, by their engineers, and then by us. I had several meetings, I mean, countless meetings at the site with the neighbors discussing all the situations. The owner of the development was there, and we thought we addressed pretty much everything. I mean, the area was beautiful, wooded area. You need to understand that. Right? It was a beautiful, wooded area. And then all of a sudden you have nothing but buildings full of people all around them.

So whatever runoff that was generated, it would have been

contained within the detention ponds that they designed it so that the pre-runoff, the volume, will equal the post-development runoff volume. All these things were analyzed. We met with them again several times and, and Mr. Couch had some issues in there and some of his neighbors in there. And you know, we just -- we can do what we can except from stopping the development from taking place, which we can't. So that is the situation.

Mr. Couch, I was going to go talk to him in there. I heard through Alderman Tobin about the neighbors. They bought the house a couple of months ago. They were discharging water on the swale in the street, on the side of the street. And just happened a couple of months ago, my understanding. We looked into it immediately. Once I got the phone call from the Alderman Tobin, I sent the deputy commissioner over there. He met with them. They have done a dry system for their basement. Their basement was very wet, so they want it to have a dry basement.

So the dry basement system will have a sump pump to discharge the water somewhere. It's got to go to the surface, otherwise it will go into the basement. The only way they can discharge it is onto the side of the road where the swale is. That's what has happened. They have no other place. They cannot shoot it back uphill behind them. They have to discharge it towards the street.

The catch basin he spoke of a while ago, him and I, we spoke about catch basin. I didn't think it was needed at the time. It's not the cost. If something is needed, we'll do whatever it takes to do it.

I don't believe it was the cause.

Maybe just we miscommunicated or we did not understand each other or something. But on Friday, I'm going to go. If Mr. Couch is available, I'm going to go meet with him. I'm dressed up this way because I was in seminar all day. I have another two more days in seminar for code enforcement. I'll be back in here on Friday. First thing I would do, if he's available, I'll go visit with him and see if there is another. Maybe with this water being discharged on the side of the road, it is -- there is a reason that maybe we -- maybe there is a need for a catch basin, an added catch basin. Okay. So there is a new circumstances.

But I will take a look at it. I will give my professional opinion. And you know, you guys can order me to do anything you want me to do. No, no, I'm not saying you as a body, you can order me to do anything you want, regardless of my opinion. But my opinion is to give you my engineering analysis of the situation and to make the best recommendation that will serve the city's taxpayers' money.

But there was nothing in there that we overlooked from that project that I know of. I was personally there. It's not like a contractor comes in. You can look at all the projects. Many of them have threatened to sue us, to sue me personally. Miamisburg on East Main Street, they threatened to sue me personally. And that's how tough we are with them. We do not take a backseat to the developer, whoever he or she are. Go ahead.

PRESIDENT J. MIGUEL RODRIGUES: Yeah.

ALDERMAN KEVIN WITT: Thank you very much. I mean, I intentionally did not ask you that during the time because it really, I wasn't taking the approach that it was the city's fault, that the city didn't do something. I'm asking is that if the development did everything that they were supposed to do ten years later, because I was around for all the meetings when the trees had to be a certain length, they were saying they were going to beautify, so they didn't do -- and all those presentations.

All I'm -- I'm not suggesting that the city didn't do anything or did anything wrong with this. I'm trying to see if there's a way that there's something we can do. Respect to your total expertise. I have a journalism degree, so it's like -- but is this development doing everything that they're supposed to do now? So it was in no way intended to suggest that the City of Middletown, your staff, your expertise we're not doing what you're supposed to do. Thank you.

PRESIDENT J. MIGUEL RODRIGUES: All right. Alderman Green?

ALDERMAN ANDREW GREEN: Excuse me. Thank you very much. Just to remind everyone, on this coming Monday, May 13th, we will have our second ward constituents meeting here in the council chambers at 7:00 and I believe, Police Chief Ewanciw, if you're still available and on schedule, he will be with us to answer any of our constituents' questions there. So we hope to have you there and join us.

The citywide cleanup. Again, very, very amazing turnout and a great day, as usual. So well done to Sue and Rick there for that job. Again, the fire department dinner was great. A lot of great awards to a

lot of very good and very dedicated volunteers in our city. So, you know, from my heart, thank you to them and for their dedication and hard work.

And last but certainly not least, there's no sendoff that was ever going to be big enough for John Degnan. You know, I don't want to go on forever. And if everyone spoke, we'd be here until 2025. But really, we're going to miss him terribly and deeply. And he meant so much as a family friend, as a city worker and all of his dedication. I know that his heart was always in Middletown. And our hearts go out to him and his family as well. Thank you.

PRESIDENT J. MIGUEL RODRIGUES: Thank you. Alderman Kleiner?

ALDERMAN GERALD KLEINER: Thank you. I apologize to anyone who tried to call me this past week. You just got a busy signal. Frontier was supposed to show up and they didn't show up. And they didn't show up. And now they say they can't fix it. So we're going to look to Spectrum, I believe, because we don't need to duplicate the rest of the service, but that's where they are. So in the meantime, if you're trying to reach me, please call the city clerk's office and Rick will get the message to me.

The Garden Lovers' Club. The 100th anniversary, it was a great event. And that was on May 10th. And coincidentally, May 10th was the 150th anniversary of the opening of the Middletown State Hospital. And today is to the day, the 150th anniversary of the admission of the first patient in the Middletown State Hospital. So it was, you know, an amazing place. It got up to almost 4,000 patients in

the '60s. And then when it became the psych center, Governor Pataki finally shut it down. So that's where we are. Happy Mental Health Awareness Month.

We also managed to, just by serendipity picking up Chinese food, saw that something was going on in Veterans Memorial park and they were dedicating the wall. So Mike Cody, congratulations there, the Vietnam veterans wall and other veterans. And it's really -- they did a beautiful job. So that's where we'll end up in the Memorial Day Parade at Veterans Memorial park.

The fire department. Thank you, Alderman Green, aka fire department secretary Green. And thank you, Chief. And congratulations to our firefighter and officer of the year and everyone else who received an award. Senator Skoufis was there and happened to be sitting where I was sitting. And he is just amazed at how our paid and volunteer fire department works and how they work together. So very impressive.

I should have asked this when Superintendent Creeden gave the presentation, but we know the school elections are May 21st, but there also is a meet the candidates night. And the meet the candidates is May 15th at 7:00 p.m. And I think that's in the library room at the high school.

But if you want to find out, I believe there are five candidates, and there are actually four positions because they had one resignation. So we'll be electing four out of the five, three for three-year terms and one for a one-year term. But if you want to find

out about them and who they are, it's next Wednesday at 7:00 p.m. at the school.

I congratulate Andy Mills and Fred Isseks. The Hillside Cemetery tour that they had a week ago Saturday was wonderful. The students dressed in costumes and took the roles of some of the more famous people who were buried in Hillside. And they were terrific. So it was a much bigger turnout than they expected. And always thanks to Dan Higbie for supplying the bus. It was really a nice event.

And I think that's basically it, except to say, John Degnan, not replaceable, Mr. Middletown. And he was called that for a reason. His heart, his soul. And we will miss him dearly. Thank you.

PRESIDENT J. MIGUEL RODRIGUES: Alderman Wray.

ALDERWOMAN KATE WRAY: Good evening. I am going to be quick. We are keeping our queen and our princess out rather late.

PRESIDENT J. MIGUEL RODRIGUES: Yes.

ALDERWOMAN KATE WRAY: So before they turn into pumpkins, I'm going to be quick. I just want to say congrats to all our honorees tonight. You young ladies are a great representation of our youth. And I know one of them went to my school at Presidential. And it is good to see your beautiful face here tonight.

I just wanted to just briefly state that John Degnan was probably one of the best human beings I've ever had the opportunity to know. And his legacy here in the city will go on for a very long time. And I think if we all strive to make John proud, the world will be a much better place. And that is all I have. Thank you.

PRESIDENT J. MIGUEL RODRIGUES: Alderman Johnson?

ALDERMAN PAUL JOHNSON: Thank you. I appreciate all the comments of my colleagues, and I have nothing further to add.

PRESIDENT J. MIGUEL RODRIGUES: Alderman Jean-Francois?

ALDERMAN JUDE JEAN-FRANCOIS: Thank you. Condolences to the Degnan family. My best recollection of John. I remember when I first became an alderman, and he took me around the city with the golf cart. I mean, he was going a little fast. I was wearing my hat, my hat as an officer. I was like, John, this thing don't have no doors. You need to slow down. He said, I told you to hold on. He was a great man, so he definitely will be missed.

Also, on behalf of the constituents of the fourth ward, the commissioner at the street department did a wonderful job. We had a lot of stuff out there in the fourth ward, sort of bulk pickup. And these guys did a great job in a festive manner to pick up everything. Well done. And also on Dogwood and Walnut, they also did a great job in trimming the trees and bushes at the edge of the road. And at one point it was overgrown. But they did a wonderful job. I appreciate all their help.

And happy Cinco de Mayo, if it's not too late. This is great representation. And as far as the school budget, congratulations on the school budget. I mean, within the last five years, 1 percent. I think they did an excellent job. Thank you.

PRESIDENT J. MIGUEL RODRIGUES: Alderman Tobin?

ALDERMAN SPARROW TOBIN: Just like Alderman Witt said, we've

worked a lot in Amchir Village with the water as it comes up with the commissioner, whether it's the railroad tracks or the runoff, any time something comes up, we try to solve the problem, so -- and we've got new issues. It's a main path of water coming out of that area, so we're working on it. And Mr. Couch has always -- he didn't miss a meeting for a long time, for like several years. He's a mainstay at our constituent meetings.

I'd like to recognize one of our local, our troop Eagle scouts, Jason McNamara. He's here for his participation in government class tonight to observe. So just want to recognize him. I'd also like to congratulate the queen and the princess of Cinco de Mayo. I think Middletown is such a vibrant cultural hub of not only culture, but food and music, and I'm glad to keep that tradition going. I'm glad to hear that we have these three gentlemen certified and bring some of those jobs in house so we don't have to rely on an outside contractor if we don't have to.

And I'd like to publicly express my appreciation and gratitude for the Degnan family for all that he's done for Middletown. He was a much beloved civil servant. In our brief conversations on the campaign trail or on his stoop, you could really tell his love for Middletown or at events. And so maybe one day he could meet up at the Elks Club in the sky for a pint. Thank you.

PRESIDENT J. MIGUEL RODRIGUES: New business?

RICHARD MCCORMACK: Good evening. We have a resolution sponsored by Alderman Tobin authorizing a acceptance of a $250 donation

from the Middletown Lions Club for the annual fishing derby.

PRESIDENT J. MIGUEL RODRIGUES: Resolution sponsored by Alderman Tobin, seconded by Alderman Jean-Francois. Any discussion? Roll?

RICHARD MCCORMACK: Tobin?

ALDERMAN SPARROW TOBIN: Aye.

RICHARD MCCORMACK: Jean-Francois?

ALDERMAN JUDE JEAN-FRANCOIS: Aye.

RICHARD MCCORMACK: Johnson?

ALDERMAN PAUL JOHNSON: Aye.

RICHARD MCCORMACK: Wray?

ALDERWOMAN KATE WRAY: Aye.

RICHARD MCCORMACK: Kleiner?

ALDERMAN GERALD KLEINER: Aye.

RICHARD MCCORMACK: Green?

ALDERMAN ANDREW GREEN: Aye.

RICHARD MCCORMACK: Witt?

ALDERMAN KEVIN WITT: Aye.

RICHARD MCCORMACK: Masi?

ALDERMAN JOSEPH MASI: Aye.

RICHARD MCCORMACK: President Rodrigues?

PRESIDENT J. MIGUEL RODRIGUES: Aye.

RICHARD MCCORMACK: Carries. Resolution sponsored by Alderman Jean-Francois authorizing a $10,335 budget transfer for a new air conditioner for the IT equipment room at the police department.

PRESIDENT J. MIGUEL RODRIGUES: Resolution sponsored by Alderman Jean-Francois, seconded by Alderman Wray. Any discussion? Can we get one for this room? It's only 74 degrees. Freezing. Roll?

RICHARD MCCORMACK: Tobin?

ALDERMAN SPARROW TOBIN: Aye.

RICHARD MCCORMACK: Jean-Francois?

ALDERMAN JUDE JEAN-FRANCOIS: Aye.

RICHARD MCCORMACK: Johnson?

ALDERMAN PAUL JOHNSON: Aye.

RICHARD MCCORMACK: Wray?

ALDERWOMAN KATE WRAY: Aye.

RICHARD MCCORMACK: Kleiner?

ALDERMAN GERALD KLEINER: Aye.

RICHARD MCCORMACK: Green?

ALDERMAN ANDREW GREEN: Aye.

RICHARD MCCORMACK: Witt?

ALDERMAN KEVIN WITT: Aye.

RICHARD MCCORMACK: Masi?

ALDERMAN JOSEPH MASI: Aye.

RICHARD MCCORMACK: President Rodrigues?

PRESIDENT J. MIGUEL RODRIGUES: Aye.

RICHARD MCCORMACK: Carries. Resolution sponsored by Alderman Witt authorizing a salary increase for a program coordinator in the recreation and parks department.

PRESIDENT J. MIGUEL RODRIGUES: Resolution sponsored by

Alderman Witt, seconded by Alderman Kleiner. Any discussion? Roll?

RICHARD MCCORMACK: Tobin?

ALDERMAN SPARROW TOBIN: Aye.

RICHARD MCCORMACK: Jean-Francois?

ALDERMAN JUDE JEAN-FRANCOIS: Aye.

RICHARD MCCORMACK: Johnson?

ALDERMAN PAUL JOHNSON: Aye.

RICHARD MCCORMACK: Wray?

ALDERWOMAN KATE WRAY: Aye.

RICHARD MCCORMACK: Kleiner?

ALDERMAN GERALD KLEINER: Aye.

RICHARD MCCORMACK: Green?

ALDERMAN ANDREW GREEN: Aye.

RICHARD MCCORMACK: Witt?

ALDERMAN KEVIN WITT: Aye.

RICHARD MCCORMACK: Masi?

ALDERMAN JOSEPH MASI: Aye.

RICHARD MCCORMACK: President Rodrigues?

PRESIDENT J. MIGUEL RODRIGUES: Aye.

RICHARD MCCORMACK: Carries. Resolution sponsored by Alderman Johnson authorizing the awarding of the 2024 street and asphalt materials bid.

PRESIDENT J. MIGUEL RODRIGUES: Resolution sponsored by Alderman Johnson, seconded by Alderman Jean-Francois. Any discussion? Roll?

RICHARD MCCORMACK: Tobin?

ALDERMAN SPARROW TOBIN: Aye.

RICHARD MCCORMACK: Jean-Francois?

ALDERMAN JUDE JEAN-FRANCOIS: Aye.

RICHARD MCCORMACK: Johnson?

ALDERMAN PAUL JOHNSON: Aye.

RICHARD MCCORMACK: Wray?

ALDERWOMAN KATE WRAY: Aye.

RICHARD MCCORMACK: Kleiner?

ALDERMAN GERALD KLEINER: Aye.

RICHARD MCCORMACK: Green?

ALDERMAN ANDREW GREEN: Aye.

RICHARD MCCORMACK: Witt?

ALDERMAN KEVIN WITT: Aye.

RICHARD MCCORMACK: Masi?

ALDERMAN JOSEPH MASI: Aye.

RICHARD MCCORMACK: President Rodrigues?

PRESIDENT J. MIGUEL RODRIGUES: Aye.

RICHARD MCCORMACK: Carries. A resolution sponsored by Alderman Wray declaring a proposed four-story parking garage at the intersection of South Street and Washington Street to be a type one action under the State Environmental Quality Review Act, SEQRA.

PRESIDENT J. MIGUEL RODRIGUES: Resolution sponsored by Alderman Wray, seconded by Alderman Green. Any discussion? Roll?

RICHARD MCCORMACK: Tobin?

ALDERMAN SPARROW TOBIN: Aye.

RICHARD MCCORMACK: Jean-Francois?

ALDERMAN JUDE JEAN-FRANCOIS: Aye.

RICHARD MCCORMACK: Johnson?

ALDERMAN PAUL JOHNSON: Aye.

RICHARD MCCORMACK: Wray?

ALDERWOMAN KATE WRAY: Aye.

RICHARD MCCORMACK: Kleiner?

ALDERMAN GERALD KLEINER: Aye.

RICHARD MCCORMACK: Green?

ALDERMAN ANDREW GREEN: Aye.

RICHARD MCCORMACK: Witt?

ALDERMAN KEVIN WITT: Aye.

RICHARD MCCORMACK: Masi?

ALDERMAN JOSEPH MASI: Aye.

RICHARD MCCORMACK: President Rodrigues?

PRESIDENT J. MIGUEL RODRIGUES: Aye.

RICHARD MCCORMACK: Carries. Resolution sponsored by Alderman Kleiner posting notice of determination of non-significance pursuant to 6 NYCR 617.10 as it pertains to a two lot subdivision for a lot line change involving two properties located just south of East Main Street and just west of Railroad Avenue.

PRESIDENT J. MIGUEL RODRIGUES: Resolution sponsored by Alderman Kleiner, seconded by Alderman Wray. Any discussion? Roll?

RICHARD MCCORMACK: Tobin?

ALDERMAN SPARROW TOBIN: Aye.

RICHARD MCCORMACK: Jean-Francois?

ALDERMAN JUDE JEAN-FRANCOIS: Aye.

RICHARD MCCORMACK: Johnson?

ALDERMAN PAUL JOHNSON: Aye.

RICHARD MCCORMACK: Wray?

ALDERWOMAN KATE WRAY: Aye.

RICHARD MCCORMACK: Kleiner?

ALDERMAN GERALD KLEINER: Aye.

RICHARD MCCORMACK: Green?

ALDERMAN ANDREW GREEN: Aye.

RICHARD MCCORMACK: Witt?

ALDERMAN KEVIN WITT: Aye.

RICHARD MCCORMACK: Masi?

ALDERMAN JOSEPH MASI: Aye.

RICHARD MCCORMACK: President Rodrigues?

PRESIDENT J. MIGUEL RODRIGUES: Aye.

RICHARD MCCORMACK: Carries. Resolution sponsored by Alderman Green, accepting a $4,999 municipal tourism grant from the County of Orange.

PRESIDENT J. MIGUEL RODRIGUES: Resolution sponsored by Alderman Green, seconded by Alderman Jean-Francois. Any discussion? Roll?

RICHARD MCCORMACK: Tobin?

ALDERMAN SPARROW TOBIN: Aye.

RICHARD MCCORMACK: Jean-Francois?

ALDERMAN JUDE JEAN-FRANCOIS: Aye.

RICHARD MCCORMACK: Johnson?

ALDERMAN PAUL JOHNSON: Aye.

RICHARD MCCORMACK: Wray?

ALDERWOMAN KATE WRAY: Aye.

RICHARD MCCORMACK: Kleiner?

ALDERMAN GERALD KLEINER: Aye.

RICHARD MCCORMACK: Green?

ALDERMAN ANDREW GREEN: Aye.

RICHARD MCCORMACK: Witt?

ALDERMAN KEVIN WITT: Aye.

RICHARD MCCORMACK: Masi?

ALDERMAN JOSEPH MASI: Aye.

RICHARD MCCORMACK: President Rodrigues?

PRESIDENT J. MIGUEL RODRIGUES: Aye.

RICHARD MCCORMACK: Carries. Resolution sponsored by Alderman Masi authorizing live music and live music performances in outdoor and sidewalk cafes for the 2024 season.

PRESIDENT J. MIGUEL RODRIGUES: Resolution sponsored by Alderman Masi, seconded by Alderman Kleiner. Any discussion? Roll?

RICHARD MCCORMACK: Tobin?

ALDERMAN SPARROW TOBIN: Aye.

RICHARD MCCORMACK: Jean-Francois?

ALDERMAN JUDE JEAN-FRANCOIS: Aye.

RICHARD MCCORMACK: Johnson?

ALDERMAN PAUL JOHNSON: Aye.

RICHARD MCCORMACK: Wray?

ALDERWOMAN KATE WRAY: Aye.

RICHARD MCCORMACK: Kleiner?

ALDERMAN GERALD KLEINER: Aye.

RICHARD MCCORMACK: Green?

ALDERMAN ANDREW GREEN: Aye.

RICHARD MCCORMACK: Witt?

ALDERMAN KEVIN WITT: Aye.

RICHARD MCCORMACK: Masi?

ALDERMAN JOSEPH MASI: Aye.

RICHARD MCCORMACK: President Rodrigues?

PRESIDENT J. MIGUEL RODRIGUES: Aye.

RICHARD MCCORMACK: Carries. That's it for new business, sir.

PRESIDENT J. MIGUEL RODRIGUES: That was three minutes for eight resolutions. Not saying anything. Put it out there. Audit?

ALDERMAN JOSEPH MASI: Mr. President, I move the accounts be audited, claims be adjusted and the city treasurer be authorized to issue warrants for their payment.

PRESIDENT J. MIGUEL RODRIGUES: Resolution sponsored by Alderman Masi, seconded by Alderman Johnson. Roll?

RICHARD MCCORMACK: Tobin?

ALDERMAN SPARROW TOBIN: Aye.

RICHARD MCCORMACK: Jean-Francois?

ALDERMAN JUDE JEAN-FRANCOIS: Aye.

RICHARD MCCORMACK: Johnson?

ALDERMAN PAUL JOHNSON: Aye.

RICHARD MCCORMACK: Wray?

ALDERWOMAN KATE WRAY: Aye.

RICHARD MCCORMACK: Kleiner?

ALDERMAN GERALD KLEINER: Aye.

RICHARD MCCORMACK: Green?

ALDERMAN ANDREW GREEN: Aye.

RICHARD MCCORMACK: Witt?

ALDERMAN KEVIN WITT: Aye.

RICHARD MCCORMACK: Masi?

ALDERMAN JOSEPH MASI: Aye.

RICHARD MCCORMACK: President Rodrigues?

PRESIDENT J. MIGUEL RODRIGUES: Aye.

RICHARD MCCORMACK: Carries.

PRESIDENT J. MIGUEL RODRIGUES: Move for adjournment?

ALDERMAN JOSEPH MASI: So moved.

ALDERMAN JEAN-FRANCOIS: Second.

(Chorus of ayes)

C E R T I F I C A T I O N

I, Sonya Ledanski Hyde, certify that the foregoing transcript is a true and accurate record of the proceedings.

Veritext Legal Solutions

330 Old Country Road

Suite 300

Mineola, NY 11501

Date: May 13, 2024

CITY OF MIDDLETOWN
COMMON COUNCIL MEETING AGENDA
MAY 7, 2024

1. PLEDGE OF ALLEGIANCE

2. ROLL CALL

3. APPROVAL OF MINUTES

   3.1. Nothing this evening.

4. CORRESPONDENCE, COMMUNICATION AND REPORTS

   4.1. Taste of Guyana -Standardized Notice Form for Providing 30 Day Advance Notice for a Liquor License Application

   4.2. Town of Wallkill Notice of a ZBA Public Hearing: Ready Coffee Inc., 290 Route 211 E

5. FOR THE GOOD OF THE CITY

   5.1. Enlarged City School District of Middletown 2024-2024 Budget Presentation

   5.2. Recognition of Firefighter of the Year: Ryan Brady
   Recognition of Officer of the Year: George Perna

   5.3. Recognition of Princess of Cinco de Mayo 2024: Jackie Avalos
   Recognition of Princess of Cinco de Mayo 2024: Isabela Bidal

6. REMARKS OF THE MAYOR

7. REMARKS OF THE DEPARTMENT HEADS

8. PUBLIC HEARINGS AND GRIEVANCES

   8.1. Public Hearing: Proposed 2-lot subdivision at the Rail Bed and Intersection of the southerly line of East Main Street and the northerly line of Sprague Avenue (SBL 36-11-1.1 and 36-11-3)

9. PETITIONS AND COMPLAINTS

10. REMARKS OF THE ALDERMAN AND REPORTS OF THE COMMITTEES

11. UNFINISHED BUSINESS

12. NEW BUSINESS

75-24 Authorization to Accept a $250 Donation from the Middletown Lion's Club for the Annual Fishing Derby

76-24 Authorizes a $10,335 Budget Transfer for a New Air Conditioner for the IT Equipment Room at the Police Department

77-24 Authorization for a Salary Increase For a Program Coordinator in the Recreation and Parks Department

78-24 Authorization to Award the 2024 Street and Asphalt Materials Bid

79-24 Resolution Declaring a Proposed four-Story Parking Garage at the Intersection of South Street and Washington Street to be a Type I Action under the State Environmental Quality Review Act (SERQRA)

80-24 Resolution and Notice of Determination of Non-Significance Pursuant to 6 NYCRR 617.10 As It Pertains to a 2-lot subdivision for a lot line change involving two properties located just south of East Main Street and just west of Railroad Avenue

81-24 Authorization to Accept a $4999 Municipal Tourism Grant from the County of Orange

82-24 Resolution Authorizing Live Music and Live Music Performances In Outdoor and Sidewalk Cafes

13. LOCAL LAWS

14. AUDIT OF CLAIMS AND ACCOUNTS

14.1. Resolution Authorizing the Accounts be Audited, Claims Adjusted, and the Treasurer be Authorized to Issue Warrants for their Payment

15. ADJOURNMENT

NEW YORK STATE OF OPPORTUNITY | State Liquor Authority

OFFICE USE ONLY
○ Original ○ Amended Date _____

Standardized NOTICE FORM for Providing 30-Day Advance Notice to a Local Municipality or Community Board

1. Date Notice Sent: 5/2/24

1a. Delivered by: Sabrina Entwistle

RECEIVED
MAY 02 2024
CITY CLERK
CITY OF MIDDLETOWN

2. Select the type of Application that will be filed with the Authority for an On-Premises Alcoholic Beverage License:

For premises outside the City of New York:

☒ New Application ○ Removal ○ Class Change

For premises in the City of New York:

○ New Application ○ New Application and Temporary Retail Permit ○ Renewal ○ Alteration ○ Removal

○ Class Change ○ Method of Operation ○ Corporate Change

For **New** and Temporary Retail Permit applicants, answer each question below using all information known to date
For **Renewal** applicants, answer all questions
For **Alteration** applicants, attach a complete written description and diagrams depicting the proposed alteration(s)
For **Corporate Change** applicants, attach a list of the current and proposed corporate principals
For **Removal** applicants, attach a statement of your current and proposed addresses with the reason(s) for the relocation
For **Class Change** applicants, attach a statement detailing your current license type and your proposed license type
For **Method of Operation Change** applicants, although not required, if you choose to submit, attach an explanation detailing those changes

Please include all documents as noted above. Failure to do so may result in disapproval of the application.

This 30-Day Advance Notice is Being Provided to the Clerk of the Following Local Municipality or Community Board:

3. Name of Municipality or Community Board: City of Middletown NY

Applicant/Licensee Information:

4. Licensee Serial Number (if applicable): _____ Expiration Date (if applicable): _____

5. Applicant or Licensee Name: Sabrina Entwistle

6. Trade Name (if any): _____

7. Street Address of Establishment: 3 South St.

8. City, Town or Village: Middletown , NY Zip Code: 10940

9. Business Telephone Number of applicant/ Licensee: 845-381-1000 or 845-313-1759

10. Business E-mail of Applicant/Licensee: Sabrina@Eatguyanafood.com

11. Type(s) of alcohol sold or to be sold: ○ Beer & cider ○ Wine, Beer & Cider ☒ Liquor, Wine, Beer & Cider

12. Extent of Food Service: ☒ Full Food menu; full kitchen run by a chef/cook ○ Menu meets legal minimum food requirements; food prep area required

13. Type of Establishment: Restaurant Take-Out

☐ Seasonal Establishment ☐ Juke Box ☐ Disc Jockey ☐ Recorded Music ☐ Karaoke

14. Method of Operation: (check all that apply)

☐ Live Music (give details i.e., rock bands, acoustic, jazz, etc.): _____

☐ Patron Dancing ☐ Employee Dancing ☐ Exotic Dancing ☐ Topless Entertainment

☐ Video/Arcade Games ☐ Third Party Promoters ☐ Security Personnel

☒ Other (specify): Indoor or Outdoor Seating

15. Licensed Outdoor Area: (check all that apply)

☐ None ☐ Patio or Deck ☐ Rooftop ☐ Garden/Grounds ☐ Freestanding Covered Structure

☑ Sidewalk Cafe ☐ Other (specify): _____

Recently applied

OFFICE USE ONLY
○ Original ○ Amended Date _____

16. List the floor(s) of the building that the establishment is located on: first

17. List the room number(s) the establishment is located in within the building, if appropriate: N/A

18. Is the premises located within 500 feet of three or more on-premises liquor establishments? ○ Yes ✗ No

19. Will the license holder or a manager be physically present within the establishment during all hours of operation? ✗ Yes ○ No

20. If this is a transfer application (an existing licensed business is being purchased) provide the name and serial number of the licensee:

Name _____ Serial Number _____

21. Does the applicant or licensee own the building in which the establishment is located? ○ Yes (if YES, SKIP 23-26) ✗ No

Owner of the Building in Which the Licensed Establishment is Located

22. Building Owner's Full Name: Lucy Barina

23. Building Owner's Street Address: 3 South St. Apt 3

24. City, Town or Village: Middletown State: NY Zip Code: 10940

25. Business Telephone Number of Building Owner: 845-649-3308

Representative or Attorney Representing the Applicant in Connection with the Application for a License to Traffic in Alcohol at the Establishment Identified in this Notice

26. Representative/Attorney's Full Name: _____

27. Representative/Attorney's Street Address: _____

28. City, Town or Village: _____ State: _____ Zip Code: _____

29. Business Telephone Number of Representative/Attorney: _____

30. Business E-mail Address of Representative/Attorney: _____

I am the applicant or licensee holder or a principal of the legal entity that holds or is applying for the license. Representations in this form are in conformity with representations made in submitted documents relied upon by the Authority when granting the license. I understand that representations made in this form will also be relied upon, and that false representations may result in disapproval of the application or revocation of the license.

By my signature, I affirm - under **Penalty of Perjury** - that the representations made in this form are true.

31. Printed Principal Name: Sabrina Entwistle Title: owner

Principal Signature: Sabrina Entwistle

TOWN OF WALLKILL
ZONING BOARD OF APPEALS

NOTICE IS HEREBY GIVEN that a public hearing will be held by the Zoning Board of Appeals of the Town of Wallkill, New York on Monday, May 13, 2024, at 7:30 p.m., or as soon thereafter as can be heard on said date. The public hearing will take place at the Town Hall, located at 99 Tower Drive, Middletown, New York, 10941. It will cover the application of Ready Coffee, Inc. as applicant and GTY NY Leasing, Inc. as property owner, for area variances from §249-26(E) and §249-12(F) of the Town's Zoning Code (the "Code") to allow for the construction of a drive-thru coffee shop with a front yard setback of 20 ft. when the Code requires 35 ft., and 13 off-street parking spaces when the Code requires 20. The property is situated at Section 50, Block 2, Lot 34 in the Town of Wallkill with an address of 290 Route 211, Middletown and is located in the HC Highway Commercial Zoning District.

The Zoning Board of Appeals will consider all verbal and/or written statements from all persons interested in the proposed variance at the above time and place. The Zoning Board of Appeals will also consider such further relief as it finds necessary. Copies of the application, Environmental Assessment Form, plans and any other information submitted in support of it are available for review, during normal business hours, at the Planning and Zoning Department located at Town Hall.

BY ORDER OF
THE ZONING BOARD OF APPEALS
TOWN OF WALLKILL
ROGER de ROZIERE, CHAIRMAN

RECEIVED
MAY 06 2024
CITY CLERK
CITY OF MIDDLETOWN

CITY OF MIDDLETOWN, NEW YORK
COMMON COUNCIL
RECORD OF VOTE

THE FOLLOWING WAS PRESENTED

By: Alderman Masi
Seconded by: Alderman Johnson
Date of Adoption: May 7, 2024
Index No:

I hereby certify that the attached is a true copy of a Resolution and/or Local Law adopted by the City of Middletown Common Council.

Richard P. McCormack
Clerk to the Common Council

Names	Ayes	Noes	Abstain	Absent
Ald. Tobin	X			
Ald. Jean-Francois	X			
Ald. Johnson	X			
Ald. Wray	X			
Ald. Kleiner	X			
Ald. Green	X			
Ald. Witt	X			
Ald. Masi	X			
Pres. Rodrigues	X			
Total	9			

I hereby approve the attached Resolution/Local Law.

Joseph M. DeStefano, Mayor

Date

Public Hearing: Proposed 2-lot subdivision at the Rail Bed and Intersection of the southerly line of East Main Street and the northerly line of Sprague Avenue (SBL 36-11-1.1 and 36-11-3)

Authorization to Close the Public Hearing

Prepared by:

Attachments:

1.	Notice of Public Hearing O and W Rail Bed
2.	O and W Subdivisio Public Hearing Notice Affidavit
3.	OC Planning Referral for O and W Subdivision
4.	O and W Subdivision Application and Related Documents

CITY OF MIDDLETOWN
NOTICE OF PUBLIC HEARING

Notice is hereby given that the City of Middletown will hold a public hearing on Tuesday, May 7, 2024, on or as near to 7:30 p.m. as possible, Common Council Chambers, 2nd floor, 16 James Street, to hear any and all persons wishing to be heard on the proposed 2 lot subdivision, resulting in a lot line change at the rail bed at the intersection of the southerly line of East Main Street and the northerly line of Sprague Avenue (SBL 36-11-1.1 and 36-11-3).

Any and all persons wishing to be heard will be given an opportunity to speak either for or against the proposed 2-lot subdivision.

The complete proposed application and map of the property for the 2-lot subdivision are available in the office of the Common Council Clerk, City Hall, 16 James Street, room 12, and on the City Website.

For any person unable to participate at the time of the public hearing, email comments may be submitted in advance to rmccormack@middletownny.gov

By the order of the Common Council.

Richard P. McCormack
Clerk of the Common Council

Publish: 05/02/24 & City Website

LOCALiQ

Observer-Dispatch | Daily Messenger
Times Telegram | New Jersey Herald
Times Herald-Record

PO Box 631202 Cincinnati, OH 45263-1202

AFFIDAVIT OF PUBLICATION

Richard McCormack
Kelly C
Middletown, City
16 James ST
Middletown NY 10940-5724

STATE OF NEW YORK, COUNTY OF ORANGE

The Times Herald-Record, a daily newspaper distributed in the Orange, Ulster, Pike, PA and Sullivan Counties, published in the English language in the City of Middletown, County of Orange, State of New York printed and published and personal knowledge of the facts herein state and that the notice hereto annexed was Published in said newspapers in the issues dated on:

05/02/2024

and that the fees charged are legal.
Sworn to and subscribed before on 05/02/2024

Legal Clerk

Notary, State of WI, County of Brown

8.25.26

My commission expires

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MARIAH VERHAGEN
Notary Public
State of Wisconsin

CITY OF MIDDLETOWN NOTICE OF PUBLIC HEARING

Notice is hereby given that the City of Middletown will hold a public hearing on Tuesday, May 7, 2024, on or as near to 7:30 p.m. as possible, Common Council Chambers, 2nd floor, 16 James Street, to hear any and all persons wishing to be heard on the proposed 2 lot subdivision, resulting in a lot line change at the rail bed at the intersection of the southerly line of East Main Street and the northerly line of Sprague Avenue (SBL 36-11-1.1 and 36-11-3).

Any and all persons wishing to be heard will be given an opportunity to speak either for or against the proposed 2-lot subdivision.

The complete proposed application and map of the property for the 2-lot subdivision are available in the office of the Common Council Clerk, City Hall, 16 James Street, room 12, and on the City Website.

For any person unable to participate at the time of the public hearing, email comments may be submitted in advance to rmccormack@middletownny.gov

By the order of the Common Council.
Richard P. McCormack
Clerk of the Common Council

Steven M. Neuhaus
County Executive

Orange County Department of Planning

124 Main Street
Goshen, NY 10924-2124
Tel: (845) 615-3840
Fax: (845) 291-2533

Alan J. Sorensen, AICP
Commissioner
www.orangecountygov.com/planning

Coversheet: NYS General Municipal Law (GML) §239-l, m, and n Referral

This coversheet should be completed by the local board having jurisdiction. GML 239 coversheets submitted by an applicant's design professional will no longer be accepted without the signature of the responsible referring local board municipal official or their designated administrative assistant (for example city, village or town clerk, planning or zoning board chairperson or secretary). Please include all materials that are part of a "full statement" as defined by NYS GML §239(m), as "all materials required by and submitted to the referring body as an application on a proposed action". Emails with this coversheet, municipal board signature and full statement to landuseprojects@orangecountygov.com are acceptable.

Referral ID No.: County Use Only

Municipality: Middletown, City

Local Referring Board: City Council

Applicant: City of Middletown, Common Council

Project Name: O&W Railbed 2-Lot Subdivision

Location of Project Site: southerly line of East Main Street and the northe

Reason for County Planning Review (e.g. within 500 ft. of a Municipal Boundary

Tax Map No.: 36-11-1.1

Tax Map No.: 36-11-3

Tax Map No.:

Local File No.:

Zoning District:

Type of Review:

- ☐ Comprehensive Plan Update/Approval
- ☐ Zoning Amendment
  - ☐ Zoning District Change, from to
  - ☐ Ordinance Modification, cite section:
- ☐ Local Law:
- ☐ Site Plan, non-residential sq. ft. proposed:
  Which approval is the applicant seeking? ☐ SKETCH / ☐ PRELIMINARY / ☐ FINAL
- ☑ Subdivision, number of lots proposed:
  Which approval is the applicant seeking? ☐ SKETCH / ☐ PRELIMINARY / ☐ FINAL
- ☐ Special Use Permit:
- ☐ Lot Line Change:
- ☐ Variance: ☐ AREA / ☐ USE
- ☐ SEQRA:
- ☐ Other:

Local Board comments/elaboration:

Richard P. McCormack	4/30/2024	City Clerk
Name/Signature of local official	Date	Title

Municipal Contact Phone No.: 845-551-0939

City of Middletown
Middletown, New York
APPLICATION FOR Subdivision
APPLICATION FEE: $250.00
ESCROW FEE: $100.00

Number of Lots of the Subdivision 0 Current Zone _____

Section___ Block_____ Lot_____ 36-11-1.1 and 36-11-3

Address of Subject Property 140 East Main St

Owner of Property Middletown and New Jersey Railroad

Owner Address 505 S Broad St

City Kennett Square State PA Zip 19348

Telephone: ~~Home~~ Business 610-925-0131 Cell:_____

Email _____

Applicant Name Middletown and New Jersey Railroad LLC

If different from Owner
Applicant Address _____

City _____ State _____ Zip _____

Telephone: Home _____ Cell:_____

Email _____

Minor (2-3 lots) _____ $250.00 Paid _____
Plus Escrow _____ $100.00 Paid _____
Major (over 3 lots) ____$500.00 Paid _____

Plus $100 per lot for each lot over 10 lots, and $1000.00 escrow to be replenished if required

NOTE: Over 4 lot subdivision will go to Planning Board for recommendation before going to Common Council.

Proposed uses; List the number of proposed lots and uses, which are to be created by this subdivision if approved. Additional sheets may be attached if more space is required.

City of Middletown wishes to purchase railroad property for their use, requiring change in lot lines for the continued safe operation of the freight line

Zoning; In the space provided list all lots or areas which would require a re-zoning of any zoning district. List all factors dealing with the requested re-zoning. Additional sheets may be attached if more space is required.

Non Compliance of Zoning; In the space provided list all lots, which are not in compliance with the zoning regulations of the City of Middletown. Provide all information from the zoning ordinance in which the lot is non-compliant and the reasons therefore. Additional sheets may be attached if more space is required.

NOTE; if any of the new lots are non-compliant to the City of Middletown zoning code you may be required to apply to the ZBA for a variance.

A notarized letter from the property owner granting permission to seek the zone change or addition, if the applicant is not the owner, is required for all applications.

NOTE: As per SEQRA law a short form EAF will be required with all applications

Sign at the place indicated and print name

Signature of applicant _____

Print Name and title Alfred M. Sauer, President & CEO Date 4/16/24

TO BE FILLED OUT BY THE CITY CLERK'S OFFICE

A fee of $250.00 was collected on _____

Escrow Amount $100.00 on _____

_____ _____

Signature of Clerk or Designee Date

LANC & TULLY
Engineering and Surveying, P.C.

DESCRIPTION
PROPOSED LOT 36-11-1.1
CITY OF MIDDLETOWN
ORANGE COUNTY, NEW YORK

APRIL 8, 2024

ALL that certain plot, piece, or parcel of land situate in the City of Middletown, County of Orange, State of New York, said lands being more particularly bounded and described as follows:

BEGINNING at a point lying on the southerly line of East Main Street being the northwesterly corner of lands herein described, said point being North 71 degrees, 28' 48" East, as per Grid North (March 2024) 20.92 feet from a point lying on the southerly line of said East Main Street being the northwesterly corner of lands now or formerly Middletown and New Jersey Railroad LLC and the northeasterly corner of lands now or formerly City of Middletown;

THENCE from said point of BEGINNING, running along the southerly line of said East Main Street being the northerly line of lands herein described,

(1) North 71 degrees, 28' 48" East, a distance of 77.01 feet, to a point of curvature being the northwesterly corner of Railroad Avenue;

THENCE running along southwesterly, westerly and northwesterly lines of said Railroad Avenue being northeasterly, easterly and southeasterly lines of lands herein described on the following three (3) courses and distances:

(2) On a curve to the right, having a radius of 25.00 feet, an arc length of 37.18 feet, as defined by the chord South 65 degrees, 55' 12" East, 33.84 feet, to a point of tangency;

(3) South 23 degrees, 19' 12" East, a distance of 489.94 feet to a point of curvature; and

(4) On a curve to the right, having a radius of 25.00 feet, an arc length of 44.19 feet, as defined by the chord South 27 degrees, 18' 49" West, 38.66 feet to a point of tangency lying on the northerly line of Sprague Street;

THENCE running along the northerly line of said Sprague Street being the southerly line of lands herein described,

(5) South 77 degrees, 56' 50" West, a distance a distance of 23.69 feet, to a point being the southwesterly line of lands herein described;

THENCE running through lands now or formerly Middletown and New Jersey Railroad LLC being the westerly line of lands herein described on the following six (6) courses and distances:

P.O. Box 687, Goshen, New York 10924 | (845) 294-3700
www.lanctully.com

(6) North 16 degrees, 53' 23" West, a distance of 43.66 feet to a point of curvature;

(7) On a curve to the left, having a radius of 450.00 feet, an arc length of 132.00 feet, as defined by the chord North 25 degrees, 17' 35" West, 131.53 feet, to a point of tangency;

(8) North 33 degrees, 41' 46" West, a distance of 166.39 feet, to a point of curvature;

(9) On a curve to the right, having a radius of 1,185.00 feet, an arc length of 122.60 feet, as defined by the chord North 30 degrees, 43' 57" West, 122.54 feet to a point of tangency;

(10) North 27 degrees, 46' 07" West, a distance of 26.17 feet; and

(11) North 22 degrees, 22' 09" West, a distance of 55.08 feet, to the point or place of BEGINNING.

Containing 0.879± acres

Premises herein described being a portion of Tax Map Lot Nos. 1.1 and 3, in Block 1, within Section 36, as shown on the Tax Maps of the City of Middletown, Orange County, New York dated 2023.

Premises herein described being a portion of the same premises as described in Liber 12838 of Deeds at Page 1232, as filed in the Orange County Clerk's Office.

Premises herein described being subject to any easements, rights-of-way, covenants or restrictions of record.

LANC & TULLY
Engineering and Surveying, P.C.

DESCRIPTION
PORTION OF PROPOSED LOT 36-11.3
CITY OF MIDDLETOWN
ORANGE COUNTY, NEW YORK

APRIL 8, 2024

ALL that certain plot, piece, or parcel of land situate in the City of Middletown, County of Orange, State of New York, said lands being more particularly bounded and described as follows:

BEGINNING at a point lying on the southerly line of East Main Street being the northwesterly corner of lands herein described, said point being the northwesterly line of lands now or formerly Middletown and New Jersey Railroad LLC and the northeasterly corner of lands now or formerly City of Middletown;

THENCE running along the southerly line of said East Main Street, being the northerly line of lands herein described,

(1) North 71 degrees, 28' 48" East, as per Grid North (March 2024), 20.92 feet, to a point being the northeasterly corner of lands herein described;

THENCE running through lands now or formerly Middletown and New Jersey Railroad LLC being the easterly line of lands herein described on the following six (6) courses and distances:

(2) South 22 degrees, 22' 09" East, 3a distance of 55.08 feet;

(3) South 27 degrees, 46' 07" East, a distance of 26.17 feet, to a point of curvature;

(4) On a curve to the left, having a radius of 1,185.00 feet, an arc length of 122.60 feet, as defined by the chord South 30 degrees, 43' 57" East, 122.54 feet, to a point of tangency;

(5) South 33 degrees, 41' 46" East, a distance of 166.39 feet, to a point of curvature;

(6) On a curve to the right, having a radius 450.00 feet, an arc length of 132.00 feet, as defined by the chord South 25 degrees, 17' 35" East, 131.53 feet, to a point of tangency; and

(7) South 16 degrees, 53' 23" East, a distance of 43.66 feet, to a point being the southeasterly corner of lands herein described and lying on the northerly line of Sprague Avenue;

THENCE running along the northerly line of said Sprague Avenue being the southerly line of lands herein described,

(8) South 77 degrees, 56' 50" West, a distance of 113.29 feet, to a point being the southwesterly corner of lands herein described and the southeasterly corner of lands now or formerly City of Middletown;

P.O. Box 687, Goshen, New York 10924 | (845) 294-3700
www.lanctully.com

THENCE running along the easterly line of said City of Middletown being the westerly line of lands herein described on the following two (2) courses and distances:

(9) North 13 degrees, 37' 17" West, a distance of 273.95 feet; and

(10) On a curve to the left, having a radius of 1,303.00 feet, an arc length of 251.17 feet, radial which bears South 71 degrees, 38' 59" West, as defined by the chord North 23 degrees, 52' 21" West, a distance of 250.78 feet, to the point or place of BEGINNING.

Containing 0.700± acres

Premises herein described being portion of Tax Map Lot Nos. 1.1 and 3, in Block 11, within Section 36, as shown on the Tax Maps of the City of Middletown, Orange County, New York dated 2023.

Premises herein described being a portion of the same premises as described in Liber 12838 of Deeds at Page 1232, as filed in the Orange County Clerk's Office.

Premises herein described being subject to any easements, rights-of-way, covenants or restrictions of record.

NOTES:

1. THIS SURVEY IS SUBJECT TO ANY FINDINGS OF A TITLE SEARCH.
2. SUBSURFACE STRUCTURES AND UTILITIES NOT VISIBLE AT THE TIME OF SURVEY HAVE NOT BEEN SHOWN.
3. REFERENCES:

   MAP ENTITLED "MAP OF LANDS OF MIDDLETOWN BANK, CITY OF MIDDLETOWN, N.Y.," DATED MAY 9, 1877 AND FILED IN THE ORANGE COUNTY CLERK'S OFFICE ON JUNE 8, 1891 AS MAP NO. 165.

   MAP ENTITLED "RIGHT OF WAY AND TRACK MAP, ERIE RAILROAD COMPANY, OPERATED BY, ERIE RAILROAD COMPANY, NEW YORK DIVISION, STATION 3433+00 TO STATION 3485+00, CITY OF MIDDLETOWN," SHEET NO. 53-V.S.-2-N.Y.

4. PHYSICAL BARRIER TO BE PLACED AT NEW PROPERTY LINE, CHAIN-LINK OR ORNAMENTAL FENCE, AS SELECTED BY THE CITY OF MIDDLETOWN.

RECORD OWNER:

MIDDLETOWN & NEW JERSEY RAILROAD LLC
505 SOUTH BROAD STREET
KENNETH SQUARE, PENNSYLVANIA 19348

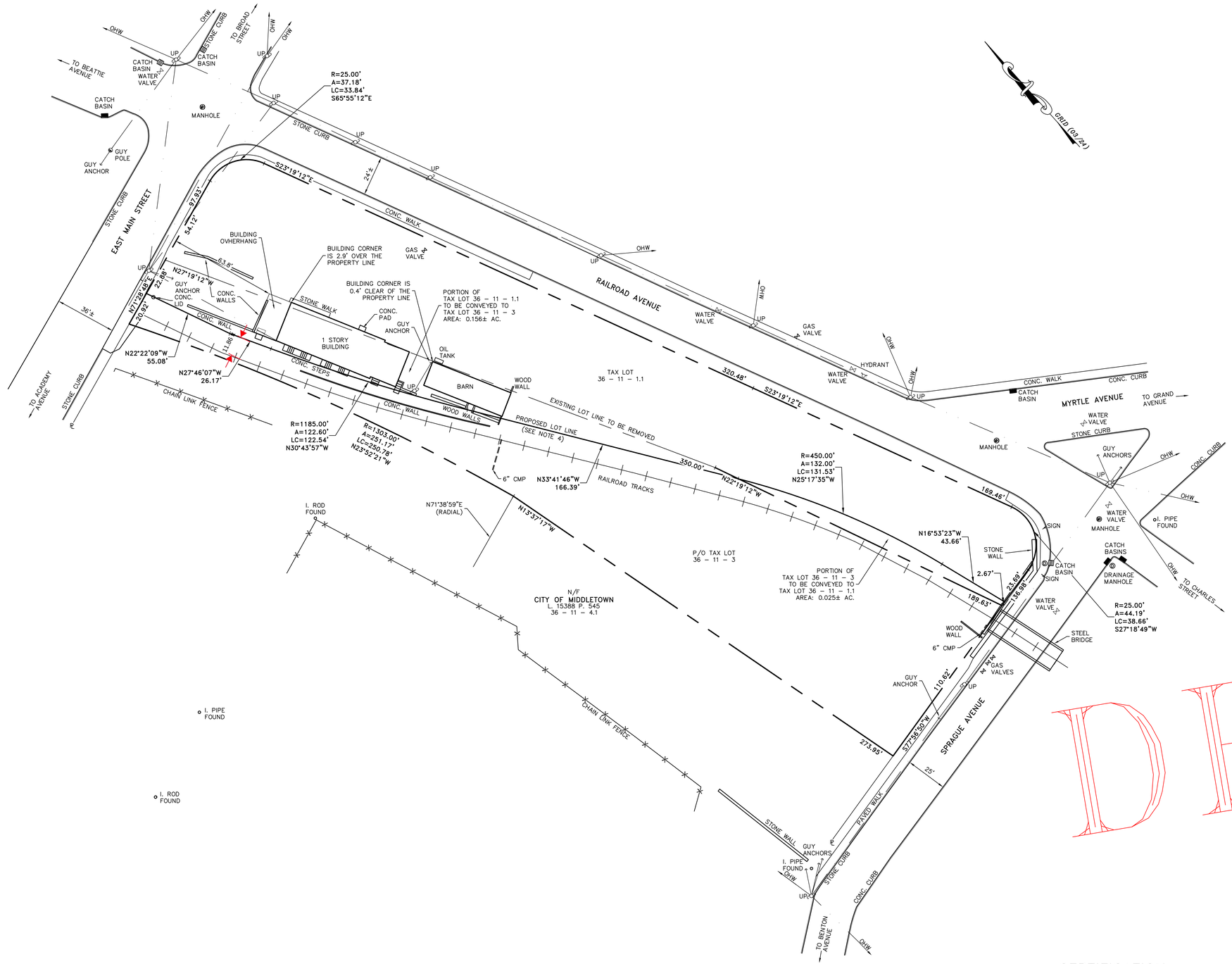
L. 12838 P. 1232
36 - 11 - 1.1
P/O 36 - 11 - 3

EXISTING AREAS:

TAX LOT	36 - 11 - 1.1	0.748± AC
P/O TAX LOT	36 - 11 - 3	0.831± AC.
TOTAL:		1.579± AC.

PROPOSED AREAS:

TAX LOT	36 - 11 - 1.1	0.879± AC
P/O TAX LOT	36 - 11 - 3	0.700± AC.
TOTAL:		1.579± AC.



DRAFT

GRAPHIC SCALE

30 0 15 30 60 120

(IN FEET)
1 inch = 30 ft.

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CERTIFICATION:

I HEREBY CERTIFY TO THE PARTIES OF INTEREST LISTED BELOW THAT THIS MAP SHOWS THE RESULTS OF AN ACTUAL FIELD SURVEY COMPLETED ON MARCH 15, 2024.

CITY OF MIDDLETOWN

BY: _____
JERRY A. WOODS, L.S.
NEW YORK STATE LICENSE NO. 50866

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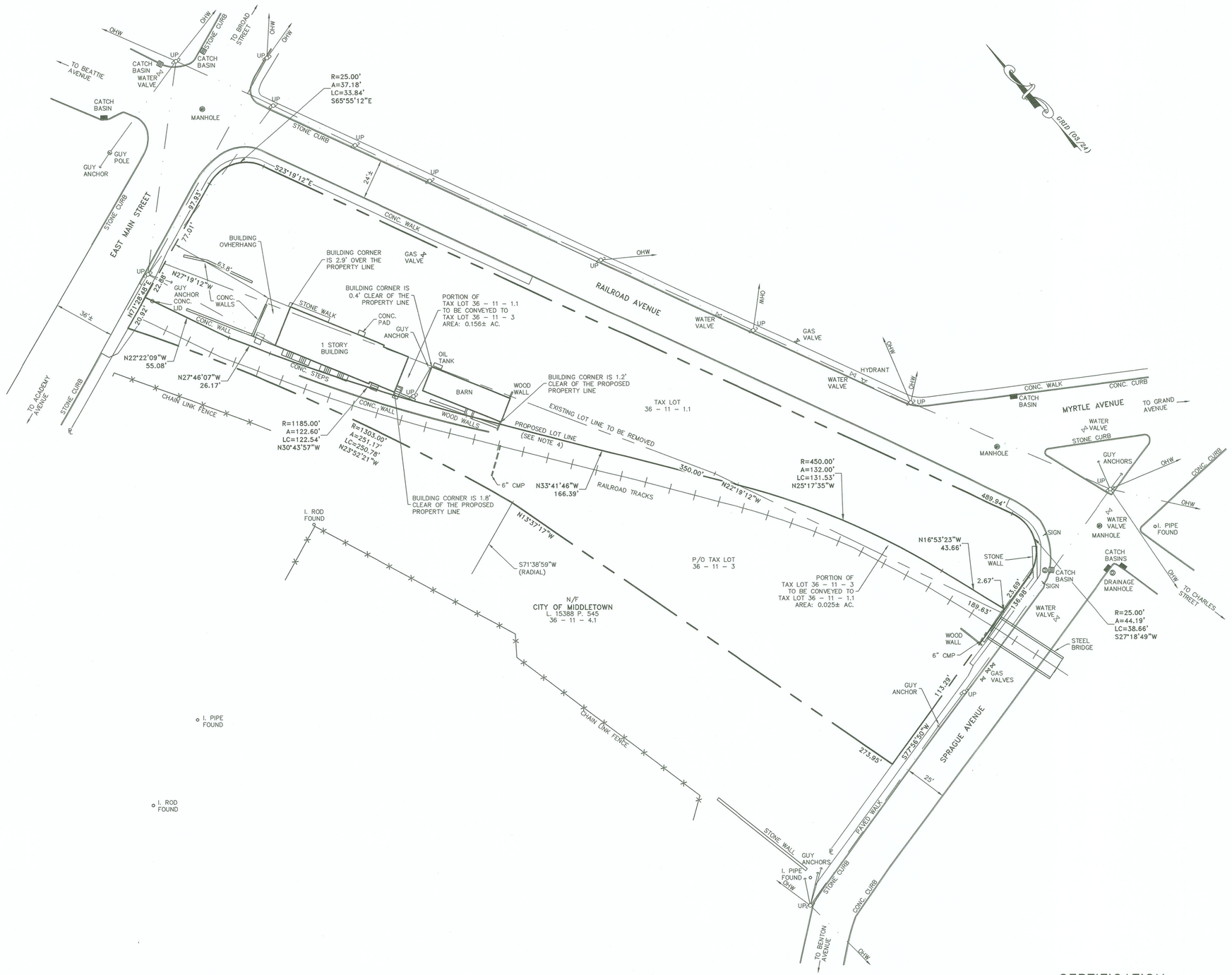
LANC & TULLY
Engineering and Surveying, P.C.
P.O. Box 687, Rt. 207
Goshen, N.Y. 10924
(845) 294-3700

LOT LINE CHANGE MAP PREPARED FOR

CITY OF MIDDLETOWN

CITY OF MIDDLETOWN
ORANGE COUNTY, NEW YORK

Date:	APRIL 2, 2024
Revisions:	
CAD File:	240031-LL-CHANGE.DWG
Layout:	SVY
Sheet No.:	1 OF 1
Drawing No.:	C3D
Drawn By:	EK
Checked By:	
Scale:	1" = 30'
Tax Map No.:	AS NOTED
	B- 24 - 0031 - 01



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3. REFERENCES:

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   MAP ENTITLED "RIGHT OF WAY AND TRACK MAP, ERIE RAILROAD COMPANY, OPERATED BY, ERIE RAILROAD COMPANY, NEW YORK DIVISION, STATION 3433+00 TO STATION 3485+00, CITY OF MIDDLETOWN," SHEET NO. 53–V.S.–2–N.Y.
4. PHYSICAL BARRIER TO BE PLACED AT NEW PROPERTY LINE, CHAIN–LINK OR ORNAMENTAL FENCE, AS SELECTED BY THE CITY OF MIDDLETOWN.

RECORD OWNER:

MIDDLETOWN & NEW JERSEY RAILROAD LLC
505 SOUTH BROAD STREET
KENNETH SQUARE, PENNSYLVANIA 19348

L. 12838 P. 1232
36 – 11 – 1.1
P/O 36 – 11 – 3

EXISTING AREAS:

TAX LOT	36 - 11 - 1.1	0.748± AC
P/O TAX LOT	36 - 11 - 3	0.831± AC.
TOTAL:		1.579± AC.

PROPOSED AREAS:

TAX LOT	36 - 11 - 1.1	0.879± AC
P/O TAX LOT	36 - 11 - 3	0.700± AC.
TOTAL:		1.579± AC.

GRAPHIC SCALE

30 0 15 30 60 120

(IN FEET)
1 inch = 30 ft.

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CITY OF MIDDLETOWN
MIDDLETOWN & NEW JERSEY RAILROAD LLC

BY: _____
JERRY A. WOODS, L.S.
NEW YORK STATE LICENSE NO. 50866

LANC & TULLY
Engineering and Surveying, P.C.
P.O. Box 687, Rt. 207
Goshen, N.Y. 10924
(845) 294–3700

LOT LINE CHANGE MAP PREPARED FOR

CITY OF MIDDLETOWN

CITY OF MIDDLETOWN
ORANGE COUNTY, NEW YORK

Date:	APRIL 4, 2024
Revisions:	APRIL 8, 2024
CAD File:	240031–LL–CHANGE.DWG
Layout:	LL–CHANGE
Sheet No.:	1 OF 1
Drawn By:	EK
Checked By:	
Scale:	1" = 30'
Tax Map No.:	AS NOTED
Drawing No.:	C3D B– 24 – 0031 – 01

NOTES:

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RECORD OWNER:

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505 SOUTH BROAD STREET
KENNETH SQUARE, PENNSYLVANIA 19348

L. 12838 P. 1232
36 - 11 - 1.1
P/O 36 - 11 - 3

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TOTAL:		1.579± AC.

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GRAPHIC SCALE

30 0 15 30 60 120

(IN FEET)
1 inch = 30 ft.

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CITY OF MIDDLETOWN
MIDDLETOWN & NEW JERSEY RAILROAD LLC

BY: _____
JERRY A. WOODS, LS
NEW YORK STATE LICENSE NO. 50866

LANC & TULLY
Engineering and Surveying, P.C.
P.O. Box 687, Rt. 207
Goshen, N.Y. 10924
(845) 294-3700

LOT LINE CHANGE MAP PREPARED FOR

CITY OF MIDDLETOWN

CITY OF MIDDLETOWN
ORANGE COUNTY, NEW YORK

Date:	APRIL 4, 2024
Revisions:	
CAD File:	240041-LL-CHANGE.DWG
Layout:	LL-CHANGE
Sheet No.:	1 OF 1
Drawn By:	EK
Checked By:	
Scale:	1" = 30'
Tax Map No.:	AS NOTED
Drawing No.:	C3D 8- 24 - 0031 - 01

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CITY OF MIDDLETOWN, NEW YORK
COMMON COUNCIL
RECORD OF VOTE

THE FOLLOWING WAS PRESENTED

By: Alderman Tobin
Seconded by: Alderman Jean-Francois
Date of Adoption: May 7, 2024
Index No: 75-24

I hereby certify that the attached is a true copy of a Resolution and/or Local Law adopted by the City of Middletown Common Council.

Richard P. McCormack
Clerk to the Common Council

Names	Ayes	Noes	Abstain	Absent
Ald. Tobin	X			
Ald. Jean-Francois	X			
Ald. Johnson	X			
Ald. Wray	X			
Ald. Kleiner	X			
Ald. Green	X			
Ald. Witt	X			
Ald. Masi	X			
Pres. Rodrigues	X			
Total	9			

I hereby approve the attached Resolution/Local Law.

Joseph M. DeStefano, Mayor

Date

Authorization to Accept a $250 Donation from the Middletown Lion's Club for the Annual Fishing Derby

BE IT RESOLVED that the Common Council of the City of Middletown, NY, concurs with the Board of Estimate and Apportionment and accepts a $250 from the Middletown Lion's Club in support of the annual fishing derby.

BE IT FURTHER RESOLVED that the Common Council of the City of Middletown, NY, concurs with the Board of Estimate and Apportionment and authorizes the Treasurer to deposit the funds into account A.2705 Recreation Donations.

Prepared by:
Raelynn Bertholf, Supt of Recreation and Parks

Attachments:

1.	Lion's Club Check

4565

Middletown Lions Club
P O Box 122
Middletown, NY 10940

ORANGE BANK AND TRUST COMPANY

50-247/219

Feb 28, 24

PAY TO THE ORDER OF City of Middletown $ 250.00/xx

Two Hundred fifty dollars and no/100 DOLLARS

Security features. Details on back.

Diane Youngs

Hal Marvin

AUTHORIZED SIGNATURE

MEMO June Fishing Derby

⑈004565⑈ ⑆021902475⑆ 1918081⑈

CITY OF MIDDLETOWN, NEW YORK
COMMON COUNCIL
RECORD OF VOTE

THE FOLLOWING WAS PRESENTED

By: Alderman Jean-Francois
Seconded by: Alderwoman Wray
Date of Adoption: May 7, 2024
Index No: 76-24

I hereby certify that the attached is a true copy of a Resolution and/or Local Law adopted by the City of Middletown Common Council.

Richard P. McCormack
Clerk to the Common Council

Names	Ayes	Noes	Abstain	Absent
Ald. Tobin	X			
Ald. Jean-Francois	X			
Ald. Johnson	X			
Ald. Wray	X			
Ald. Kleiner	X			
Ald. Green	X			
Ald. Witt	X			
Ald. Masi	X			
Pres. Rodrigues	X			
Total	9			

I hereby approve the attached Resolution/Local Law.

Joseph M. DeStefano, Mayor

Date

Authorizes a $10,335 Budget Transfer for a New Air Conditioner for the IT Equipment Room at the Police Department

BE IT RESOLVED; that the Common Council of the City of Middletown, NY, concurs with the Board of Estimate and Apportionment and authorizes the Treasurer to transfer $10,335, in the following manner, to cover the cost and installation of new air conditioning unit mini split for the IT equipment room.

FROM	TO	AMOUNT
A.3120.100 Police Department Personal Services	$10,335	A.3120.470 Repairs to Building

Prepared by:
John Ewanciw, Chief of Police

Attachments:

1.	04122024

JOHN EWANCIW
CHIEF OF POLICE

TELEPHONE
845-343-3151
FAX NUMBER
845-343-2660

CITY OF MIDDLETOWN POLICE DEPARTMENT

2 JAMES STREET
MIDDLETOWN, NEW YORK 10940
ESTABLISHED 1888

April 12, 2024

Honorable Joseph DeStefano
Mayor-City of Middletown and
Board of Estimate and Apportionment
16 James Street
Middletown, NY 10940

Dear Mayor DeStefano and Members of the Board of Estimate,

I am requesting that the City of Middletown Common Council approve the following transfer requests within our 2024 budget lines to cover the cost and installation expenses of a new air conditioning unit mini split for the IT equipment room.

From	Amount	To
Personal Services A.3120.100	$10,335	Repairs to Building A.3120.470

Very truly yours,

John Ewanciw
Chief of Police

JE:ccd

CITY OF MIDDLETOWN, NEW YORK
COMMON COUNCIL
RECORD OF VOTE

THE FOLLOWING WAS PRESENTED

By: Alderman Witt
Seconded by: Alderman Kleiner
Date of Adoption: May 7, 2024
Index No: 77-24

I hereby certify that the attached is a true copy of a Resolution and/or Local Law adopted by the City of Middletown Common Council.

Richard P. McCormack
Clerk to the Common Council

Names	Ayes	Noes	Abstain	Absent
Ald. Tobin	X			
Ald. Jean-Francois	X			
Ald. Johnson	X			
Ald. Wray	X			
Ald. Kleiner	X			
Ald. Green	X			
Ald. Witt	X			
Ald. Masi	X			
Pres. Rodrigues	X			
Total	9			

I hereby approve the attached Resolution/Local Law.

Joseph M. DeStefano, Mayor

Date

Authorization for a Salary Increase For a Program Coordinator in the Recreation and Parks Department

BE IT RESOLVED; that the Common Council of the City of Middletown, NY, concurs with the Board of Estimate and Apportionment and authorizes a salary increase of $4,129 in base salary pay annually for Celines Rodriguez as a Program Coordinator for the Recreation and Parks Department.

Prepared by:

Attachments:

1.	Program Coordinator increase pay 2024

Leonora Liz

From: Joseph DeStefano <mayordestefano@yahoo.com>
Sent: Monday, April 15, 2024 10:42 AM
To: Leonora Liz
Cc: Raelynn Bertholf
Subject: Rodriguez, Celines

Leonora,

Celines Rodriguez has now passed her exam for the title of Program Coordinator. This permanent status change comes with an increase in pay.
Based on the history of this position, I would recommend to the Board of Estimate an increase in base salary of $4129.00 annually.
Please place on the Board of Estimate agenda.
Respectfully,
Joe DeStefano
Mayor

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CITY OF MIDDLETOWN, NEW YORK
COMMON COUNCIL
RECORD OF VOTE

THE FOLLOWING WAS PRESENTED

By: Alderman Johnson
Seconded by: Alderman Jean-Francois
Date of Adoption: May 7, 2024
Index No: 78-24

I hereby certify that the attached is a true copy of a Resolution and/or Local Law adopted by the City of Middletown Common Council.

Richard P. McCormack
Clerk to the Common Council

Names	Ayes	Noes	Abstain	Absent
Ald. Tobin	X			
Ald. Jean-Francois	X			
Ald. Johnson	X			
Ald. Wray	X			
Ald. Kleiner	X			
Ald. Green	X			
Ald. Witt	X			
Ald. Masi	X			
Pres. Rodrigues	X			
Total	9			

I hereby approve the attached Resolution/Local Law.

Joseph M. DeStefano, Mayor

Date

Authorization to Award the 2024 Street and Asphalt Materials Bid

WHEREAS on April 11, 2024 the City of Middletown's Board of Estimate and Apportionment received and opened the 2024 Street and Asphalt Materials Bid, and
WHEREAS the Commissioner of Public Works reviewed said bids; and
WHEREAS a recommendation of award is not based on the unit bid price alone, but also on the proximity of the source to the City;

WHEREAS the Commissioner is requesting to award these bids to the lowest qualified bidder

NOW THEREFORE BE IT RESOLVED that the Common Council of the City of Middletown, NY, concurs with the Board of Estimate and Apportionment and authorizes the Treasurer to award the 2024 Street and Asphalt Materials Bid as follows:

Dick's Concrete Co., Inc.,

1053 County Route 37, New Hampton, NY 10958:
Screened Gravel: Stockpile@ $23.50/ton and Plant@ $19.50/ton
NYS Item 304-2.02: Stockpile @ $18.00/ton
Crushed Stone: #2 Stockpile @ $23.50/ton
Run of Bank Gravel loaded into City Trucks@ $18.00/cu. yd

Callanan Industries
93 Sullivan Rd, Monticello NY 12701:
Screened and Washed Sand: Stockpile@ $31.25/ton
NYS Item 304-2.02: Plant@ $12.40/ton
Crushed Stone: #2 Plant @$16.90/ton
Crushed Stone: #3 Plant@ $16.90/ton
Rip Rap: Stockpile@ $29.75/ton and Plant@ $20.50/ton
NYS Item 403.16 T.C. Type 6: F.O.B. @ $77.00/ton
NYS Item 403.18 T.C. Type 7: F.O.B. @ $79.00/ton
NYS Item 403.13 A.C.B.C. Type 3: F.O.B@ $75.00/ton
NYS Item 403.11 B.C. Type 1: F.O.B@ $74.00/ton
NYS Item 403.12 B.C. Type 2: F.O.B@ $74.00/ton
Asphalt Pre-Mix for Cold Patch: Delivery@ $145.50/ton; $136.00/ton F.O.B

E. Tetz & Sons, Inc. /Tetz Asphalt
63 Cemetery Rd., Middletown, NY 10941
NYS Item 403.14 A.C.B.C. Type 4: F.O.B@ $87.00/ton
Run of Bank Gravel delivered to various locations within the City@ $20.00/cu. yd

209 Sand & Gravel PO Box 37, Woodbourne, NY 12788:
Screened & Washed Sand: Plant@ $10.50/ton

Aden Mining & Materials 22 McBride Rd., Slate Hill, NY 10973:
Crushed Stone: #3 Stockpile@ $24.95/ton

Prepared by:

Attachments:

1.	2024 STREET MATERIALS AND ASPHALT MATERIALS REC. LETTER TO AWARD

Department of Public Works
City of Middletown

Jacob S. Tawil, P.E.
Commissioner of Public Works

16 James Street
Middletown, NY 10940
Phone: 845-343-3169
Fax: 845-343-4014

April 23, 2024

Board of Estimate & Apportionment
Honorable Mayor and Members
of the Common Council
City of Middletown, NY

RE: Award Recommendation Letter
Street Materials & Asphalt Material Bids of April 11, 2024

Gentlemen:

I have reviewed the above captioned bids and respectfully request awarding the lowest qualified bidder the following. (Copy of bid tabulation sheet is attached). Please note, that a recommendation of award is not based on the unit bid price alone, but also on the close proximity of the source to the City.

Dick's Concrete Co., Inc., 1053 County Route 37, New Hampton, NY 10958:
Screened Gravel: Stockpile @ $23.50/ton and Plant @ $19.50/ton
NYS Item 304-2.02: Stockpile @ $18.00/ton
Crushed Stone: #2 Stockpile @ $23.50/ton
Run of Bank Gravel loaded into City Trucks @ $18.00/cu. yd

Callanan Industries 93 Sullivan Rd, Monticello NY 12701:
Screened and Washed Sand: Stockpile @ $31.25/ton
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NYS Item 403.16 T.C. Type 6: F.O.B. @ $77.00/ton
NYS Item 403.18 T.C. Type 7: F.O.B. @ $79.00/ton
NYS Item 403.13 A.C.B.C. Type 3: F.O.B @ $75.00/ton
NYS Item 403.11 B.C. Type 1: F.O.B @ $74.00/ton
NYS Item 403.12 B.C. Type 2: F.O.B @ $74.00/ton
Asphalt Pre-Mix for Cold Patch: Delivery @ $145.50/ton; $136.00/ton F.O.B

E. Tetz & Sons, Inc. /Tetz Asphalt 63 Cemetery Rd., Middletown, NY 10941:
NYS Item 403.14 A.C.B.C. Type 4: F.O.B @ $87.00/ton
Run of Bank Gravel delivered to various locations within the City @ $20.00/cu. yd

209 Sand & Gravel PO Box 37, Woodbourne, NY 12788:
Screened & Washed Sand: Plant @ $10.50/ton

Aden Mining & Materials 22 McBride Rd., Slate Hill, NY 10973:
Crushed Stone: #3 Stockpile @ $24.95/ton

Respectfully submitted,

Jacob S. Tawil, P.E.
COMMISSIONER OF PUBLIC WORKS

kg
Att.

PRE-MIX/ASPHALT MATERIALS

BID OF April 11, 2024 NAME OF BIDDERS:	Item 403.16 Top Course Type 6	Item 403.18 Top Course Type 7	Item 403.14 Asphalt Concrete Binder Course Type 4	Item 403.13 Asphalt Concrete Binder Course Type 3	Item 403.11 Base Course Type 1	Item 403.12 Base Course Type 2	Cold Patch	Material upon which quotes are made is produced at:
Package Pavement **675 Leetown Road** **PO Box 408** **Stormville, NY 12582**	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	$161.00/ton (Del.) $141.00/ton (F.O.B) *25 ton minimum	Package Pavement Co. Inc. 675 Leetown Rd Stormville, NY 12582
Tetz Asphalt, LLC **130 Crotty Rd** **Middletown NY 10940**	$87.00/ton FOB	$89.00/ton FOB	$87.00/ton FOB	$86.00/ton FOB	$85.00/ton FOB	$85.00/ton	$145.00/ton	63 Cemetary Rd. Middletown, NY
Tilcon New York, Inc. **9 Entin Rd** **Parsippany NJ 07054**	$85.10.ton FOB	$87.10/ton FOB	NO BID	$81.10/ton FOB	$79.85/ton FOB	NO BID	NO BID	2 Goshen Rd. Goshen, NY 10924
Callanan Industries, Inc. **PO Box 15094** **Albany NY 12212**	$77.00/ton FOB	$79.00/ton FOB	NO BID	$75.00/ton FOB	$74.00/ton FOB	$74.00/ton FOB	$145.50/ton Del. $136.00/ton FOB	215 Montgomery Rd. Montgomery, NY

SAND AND GRAVEL

BID of April 11, 2024	Tetz Asphalt, LLC 130 Crotty Rd Middletown NY 10940		209 Sand & Gravel PO Box 37 Woodbourne NY 12788		Grosso Materials 90 Collabar Rd. Montgomery NY 12549		Aden Materials & Mining 680 Bloomingburg Rd Bloomingburg NY 12721		Aden Mining & Materials 22 McBride Rd Slate Hill NY 10973		Tilcon New York, Inc. 9 Entin Rd Parsippany NJ 07054		Dick's Concrete 1053 County Rte 37 New Hampton NY 10958		Callanan Industries, Inc. PO Box 15097 Albany NY 12212	
	Stockpile	Plant	Stockpile	Plant	Stockpile	Plant	Stockpile	Plant	Stockpile	Plant	Stockpile	Plant	Stockpile	Plant	Stockpile	Plant
Screened & Washed Sand per ton	$33.00/ton	$28.00/ton (Slate Hill Quarry)	NO BID	$10.50/ton	NO BID	NO BID	$32.95/ton	$29.95/ton	NO BID	NO BID	NO BID	NO BID	$38.00/ton	$33.00/ton	$31.25/ton	$22.00/ton
Screened Gravel per ton	$25.25/ton	$20.25/ton (Slate Hill Quarry)	NO BID	NO BID	NO BID	NO BID	$26.10/ton	$23.10/ton	NO BID	NO BID	NO BID	NO BID	$23.50/ton	$19.50/ton	NO BID	NO BID
NYS Item 304-2.02 per ton	$22.50/ton	$17.50/ton (Chester Quarry)	NO BID	NO BID	$19.95/ton	$16.95/ton	NO BID	NO BID	$19.95/ton	$16.95/ton	$23.35/ton	$16.45/ton	$18.00/ton	$14.35/ton	$21.65/ton	$12.40/ton
Crushed Stone: #2 per ton	$30.50/ton	$25.50/ton (Slate Hill Quarry)	NO BID	NO BID	$24.95/ton	$21.95/ton	NO BID	NO BID	$24.95/ton	$21.95/ton	$29.25/ton	$20.35/ton	$23.50/ton	$19.50/ton	$26.15/ton	$16.90/ton
#3 per ton	$30.75/ton	$25.75/ton (Slate Hill Quarry)	NO BID	NO BID	$24.95/ton	$21.95/ton	NO BID	NO BID	$24.95/ton	$21.95/ton	$29.25/ton	$20.35/ton	$26.50/ton	$21.50/ton	$26.15/ton	$16.90/ton
Rip rap(light stone fill) per ton	$30.00/ton	$25.00/ton (Chester Quarry)	NO BID	NO BID	$30.95/ton	$27.95/ton	NO BID	NO BID	$30.95/ton	$27.95/ton	$36.00/ton	$24.25/ton	$31.00/ton	$26.00/ton	$29.75/ton	$20.50/ton
Run of Bank Gravel delivered to various locations within the City of Middletown, NY per cu.yd.	$20.00/cu. yd.		NO BID		NO BID		$19.50/ton		NO BID		NO BID		$25.00/cu. yd.		NO BID	
Run of Bank Gravel loaded into City owned trucks by the successful bidder per cu.yd.	$19.75/cu. yd.		NO BID		NO BID		$16.50/ton		NO BID		NO BID		$18.00/cu. yd.		NO BID	
The material upon which the prices are quoted is produced at:	Slate Hill- 3078 US 6 Slate Hill, NY Chester- 68 Tetz Rd. Chester, NY		NOT GIVEN		90 Collabar Rd. Montgomery, NY 12549		680 Bloomingburg Rd. Bloomingburg, NY 12721		22 McBride Rd. Slate Hill, NY 10973		2 Quarry Rd. Goshen, NY 10924		New Hampton, NY		93 Sullivan Rd. Monticello, NY	

CITY OF MIDDLETOWN, NEW YORK
COMMON COUNCIL
RECORD OF VOTE

THE FOLLOWING WAS PRESENTED

By: Alderwoman Wray
Seconded by: Alderman Green
Date of Adoption: May 7, 2024
Index No: 79-24

I hereby certify that the attached is a true copy of a Resolution and/or Local Law adopted by the City of Middletown Common Council.

Richard P. McCormack
Clerk to the Common Council

Names	Ayes	Noes	Abstain	Absent
Ald. Tobin	X			
Ald. Jean-Francois	X			
Ald. Johnson	X			
Ald. Wray	X			
Ald. Kleiner	X			
Ald. Green	X			
Ald. Witt	X			
Ald. Masi	X			
Pres. Rodrigues	X			
Total	9			

I hereby approve the attached Resolution/Local Law.

Joseph M. DeStefano, Mayor

Date

Resolution Declaring a Proposed four-Story Parking Garage at the Intersection of South Street and Washington Street to be a Type I Action under the State Environmental Quality Review Act (SERQRA)

WHEREAS, the City of Middletown Department of Public Works has proposed a four story parking garage at the intersection of South Street and Washington Street in the City of Middletown, and

WHEREAS, the proposed action constitutes a Type I Action pursuant to the State Environmental Quality Review Act ("SEQRA") regulations; and

WHEREAS, the City of Middletown Common Council has been provided with a Full Environmental Assessment Form, and

WHEREAS, the Common Council wishes to establish itself as Lead Agency, and

WHEREAS, the Dormitory Authority of the State of New York ("DASNY") has been identified as an involved agency under SEQRA for this application.

NOW, THEREFORE, BE IT RESOLVED that the City of Middletown Common Council declares this application to be a Type I Action pursuant to NYCRR §617.4(b)(6)(v) because of the size of the gross floor area, and be it

FURTHER RESOLVED that Lead Agency must be established prior to any determination of significance pursuant to NYCRR §617.6(b)(2)(i), and be it

FURTHER RESOLVED that the Common Council hereby directs that Part 1 of the Full Environmental Assessment Form be transmitted to DASNY with a notification that their assent to establishing the Common Council must be accomplished within 30 days of the date of transmission in accordance with NYCRR §617.6(b)(3)(i).

Prepared by:

Attachments:

1.	South St Garage-Full EAF-Part 2
2.	South St Garage-Full EAF-Part 1
3.	South St Garage-Full EAF-Part 3

Full Environmental Assessment Form
Part 2 - Identification of Potential Project Impacts

Part 2 is to be completed by the lead agency. Part 2 is designed to help the lead agency inventory all potential resources that could be affected by a proposed project or action. We recognize that the lead agency's reviewer(s) will not necessarily be environmental professionals. So, the questions are designed to walk a reviewer through the assessment process by providing a series of questions that can be answered using the information found in Part 1. To further assist the lead agency in completing Part 2, the form identifies the most relevant questions in Part 1 that will provide the information needed to answer the Part 2 question. When Part 2 is completed, the lead agency will have identified the relevant environmental areas that may be impacted by the proposed activity.

If the lead agency is a state agency **and** the action is in any Coastal Area, complete the Coastal Assessment Form before proceeding with this assessment.

Tips for completing Part 2:

- Review all of the information provided in Part 1.
- Review any application, maps, supporting materials and the Full EAF Workbook.
- Answer each of the 18 questions in Part 2.
- If you answer "**Yes"** to a numbered question, please complete all the questions that follow in that section.
- If you answer "**No"** to a numbered question, move on to the next numbered question.
- Check appropriate column to indicate the anticipated size of the impact.
- Proposed projects that would exceed a numeric threshold contained in a question should result in the reviewing agency checking the box "Moderate to large impact may occur."
- The reviewer is not expected to be an expert in environmental analysis.
- If you are not sure or undecided about the size of an impact, it may help to review the sub-questions for the general question and consult the workbook.
- When answering a question consider all components of the proposed activity, that is, the "whole action".
- Consider the possibility for long-term and cumulative impacts as well as direct impacts.
- Answer the question in a reasonable manner considering the scale and context of the project.

1. Impact on Land
Proposed action may involve construction on, or physical alteration of, the land surface of the proposed site. (See Part 1. D.1) ☐ NO ☑ YES
If "Yes", answer questions a - j. If "No", move on to Section 2.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may involve construction on land where depth to water table is less than 3 feet.	E2d	☑	☐
b. The proposed action may involve construction on slopes of 15% or greater.	E2f	☑	☐
c. The proposed action may involve construction on land where bedrock is exposed, or generally within 5 feet of existing ground surface.	E2a	☑	☐
d. The proposed action may involve the excavation and removal of more than 1,000 tons of natural material.	D2a	☑	☐
e. The proposed action may involve construction that continues for more than one year or in multiple phases.	D1e	☐	☑
f. The proposed action may result in increased erosion, whether from physical disturbance or vegetation removal (including from treatment by herbicides).	D2e, D2q	☑	☐
g. The proposed action is, or may be, located within a Coastal Erosion hazard area.	B1i	☑	☐
h. Other impacts: _____ _____		☐	☐

2. Impact on Geological Features

The proposed action may result in the modification or destruction of, or inhibit access to, any unique or unusual land forms on the site (e.g., cliffs, dunes, minerals, fossils, caves). (See Part 1. E.2.g)

☑ NO ☐ YES

If "Yes", answer questions a - c. If "No", move on to Section 3.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Identify the specific land form(s) attached: _____ _____	E2g	□	□
b. The proposed action may affect or is adjacent to a geological feature listed as a registered National Natural Landmark. Specific feature: _____	E3c	□	□
c. Other impacts: _____ _____		□	□

3. Impacts on Surface Water

The proposed action may affect one or more wetlands or other surface water bodies (e.g., streams, rivers, ponds or lakes). (See Part 1. D.2, E.2.h)

☑ NO ☐ YES

If "Yes", answer questions a - l. If "No", move on to Section 4.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may create a new water body.	D2b, D1h	□	□
b. The proposed action may result in an increase or decrease of over 10% or more than a 10 acre increase or decrease in the surface area of any body of water.	D2b	□	□
c. The proposed action may involve dredging more than 100 cubic yards of material from a wetland or water body.	D2a	□	□
d. The proposed action may involve construction within or adjoining a freshwater or tidal wetland, or in the bed or banks of any other water body.	E2h	□	□
e. The proposed action may create turbidity in a waterbody, either from upland erosion, runoff or by disturbing bottom sediments.	D2a, D2h	□	□
f. The proposed action may include construction of one or more intake(s) for withdrawal of water from surface water.	D2c	□	□
g. The proposed action may include construction of one or more outfall(s) for discharge of wastewater to surface water(s).	D2d	□	□
h. The proposed action may cause soil erosion, or otherwise create a source of stormwater discharge that may lead to siltation or other degradation of receiving water bodies.	D2e	□	□
i. The proposed action may affect the water quality of any water bodies within or downstream of the site of the proposed action.	E2h	□	□
j. The proposed action may involve the application of pesticides or herbicides in or around any water body.	D2q, E2h	□	□
k. The proposed action may require the construction of new, or expansion of existing, wastewater treatment facilities.	D1a, D2d	□	□

l. Other impacts: _____ _____		□	□

4. Impact on groundwater

The proposed action may result in new or additional use of ground water, or may have the potential to introduce contaminants to ground water or an aquifer. (See Part 1. D.2.a, D.2.c, D.2.d, D.2.p, D.2.q, D.2.t) ☑ NO ☐ YES

If "Yes", answer questions a - h. If "No", move on to Section 5.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may require new water supply wells, or create additional demand on supplies from existing water supply wells.	D2c	□	□
b. Water supply demand from the proposed action may exceed safe and sustainable withdrawal capacity rate of the local supply or aquifer. Cite Source: _____	D2c	□	□
c. The proposed action may allow or result in residential uses in areas without water and sewer services.	D1a, D2c	□	□
d. The proposed action may include or require wastewater discharged to groundwater.	D2d, E2l	□	□
e. The proposed action may result in the construction of water supply wells in locations where groundwater is, or is suspected to be, contaminated.	D2c, E1f, E1g, E1h	□	□
f. The proposed action may require the bulk storage of petroleum or chemical products over ground water or an aquifer.	D2p, E2l	□	□
g. The proposed action may involve the commercial application of pesticides within 100 feet of potable drinking water or irrigation sources.	E2h, D2q, E2l, D2c	□	□
h. Other impacts: _____ _____		□	□

5. Impact on Flooding

The proposed action may result in development on lands subject to flooding. (See Part 1. E.2) ☑ NO ☐ YES

If "Yes", answer questions a - g. If "No", move on to Section 6.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may result in development in a designated floodway.	E2i	□	□
b. The proposed action may result in development within a 100 year floodplain.	E2j	□	□
c. The proposed action may result in development within a 500 year floodplain.	E2k	□	□
d. The proposed action may result in, or require, modification of existing drainage patterns.	D2b, D2e	□	□
e. The proposed action may change flood water flows that contribute to flooding.	D2b, E2i, E2j, E2k	□	□
f. If there is a dam located on the site of the proposed action, is the dam in need of repair, or upgrade?	E1e	□	□

g. Other impacts: _____ _____		☐	☐

6. Impacts on Air

The proposed action may include a state regulated air emission source. (See Part 1. D.2.f., D.2.h, D.2.g) ☑ NO ☐ YES

If "Yes", answer questions a - f. If "No", move on to Section 7.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. If the proposed action requires federal or state air emission permits, the action may also emit one or more greenhouse gases at or above the following levels:			
i. More than 1000 tons/year of carbon dioxide (CO_2)	D2g	☐	☐
ii. More than 3.5 tons/year of nitrous oxide (N_2O)	D2g	☐	☐
iii. More than 1000 tons/year of carbon equivalent of perfluorocarbons (PFCs)	D2g	☐	☐
iv. More than .045 tons/year of sulfur hexafluoride (SF_6)	D2g	☐	☐
v. More than 1000 tons/year of carbon dioxide equivalent of hydrochloroflourocarbons (HFCs) emissions	D2g	☐	☐
vi. 43 tons/year or more of methane	D2h	☐	☐
b. The proposed action may generate 10 tons/year or more of any one designated hazardous air pollutant, or 25 tons/year or more of any combination of such hazardous air pollutants.	D2g	☐	☐
c. The proposed action may require a state air registration, or may produce an emissions rate of total contaminants that may exceed 5 lbs. per hour, or may include a heat source capable of producing more than 10 million BTU's per hour.	D2f, D2g	☐	☐
d. The proposed action may reach 50% of any of the thresholds in "a" through "c", above.	D2g	☐	☐
e. The proposed action may result in the combustion or thermal treatment of more than 1 ton of refuse per hour.	D2s	☐	☐
f. Other impacts: _____ _____		☐	☐

7. Impact on Plants and Animals

The proposed action may result in a loss of flora or fauna. (See Part 1. E.2. m.-q.) ☑ NO ☐ YES

If "Yes", answer questions a - j. If "No", move on to Section 8.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may cause reduction in population or loss of individuals of any threatened or endangered species, as listed by New York State or the Federal government, that use the site, or are found on, over, or near the site.	E2o	☐	☐
b. The proposed action may result in a reduction or degradation of any habitat used by any rare, threatened or endangered species, as listed by New York State or the federal government.	E2o	☐	☐
c. The proposed action may cause reduction in population, or loss of individuals, of any species of special concern or conservation need, as listed by New York State or the Federal government, that use the site, or are found on, over, or near the site.	E2p	☐	☐
d. The proposed action may result in a reduction or degradation of any habitat used by any species of special concern and conservation need, as listed by New York State or the Federal government.	E2p	☐	☐

e. The proposed action may diminish the capacity of a registered National Natural Landmark to support the biological community it was established to protect.	E3c	□	□
f. The proposed action may result in the removal of, or ground disturbance in, any portion of a designated significant natural community. Source: _____	E2n	□	□
g. The proposed action may substantially interfere with nesting/breeding, foraging, or over-wintering habitat for the predominant species that occupy or use the project site.	E2m	□	□
h. The proposed action requires the conversion of more than 10 acres of forest, grassland or any other regionally or locally important habitat. Habitat type & information source: _____ _____	E1b	□	□
i. Proposed action (commercial, industrial or recreational projects, only) involves use of herbicides or pesticides.	D2q	□	□
j. Other impacts: _____ _____		□	□

8. Impact on Agricultural Resources

The proposed action may impact agricultural resources. (See Part 1. E.3.a. and b.) ☑ NO ☐ YES

If "Yes", answer questions a - h. If "No", move on to Section 9.

	Relevant Part I Question(s)	**No, or small impact may occur**	**Moderate to large impact may occur**
a. The proposed action may impact soil classified within soil group 1 through 4 of the NYS Land Classification System.	E2c, E3b	□	□
b. The proposed action may sever, cross or otherwise limit access to agricultural land (includes cropland, hayfields, pasture, vineyard, orchard, etc).	E1a, Elb	□	□
c. The proposed action may result in the excavation or compaction of the soil profile of active agricultural land.	E3b	□	□
d. The proposed action may irreversibly convert agricultural land to non-agricultural uses, either more than 2.5 acres if located in an Agricultural District, or more than 10 acres if not within an Agricultural District.	E1b, E3a	□	□
e. The proposed action may disrupt or prevent installation of an agricultural land management system.	El a, E1b	□	□
f. The proposed action may result, directly or indirectly, in increased development potential or pressure on farmland.	C2c, C3, D2c, D2d	□	□
g. The proposed project is not consistent with the adopted municipal Farmland Protection Plan.	C2c	□	□
h. Other impacts: _____		□	□

9. Impact on Aesthetic Resources

The land use of the proposed action are obviously different from, or are in sharp contrast to, current land use patterns between the proposed project and a scenic or aesthetic resource. (Part 1. E.1.a, E.1.b, E.3.h.)

☑ NO ☐ YES

If "Yes", answer questions a - g. If "No", go to Section 10.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Proposed action may be visible from any officially designated federal, state, or local scenic or aesthetic resource.	E3h	☐	☐
b. The proposed action may result in the obstruction, elimination or significant screening of one or more officially designated scenic views.	E3h, C2b	☐	☐
c. The proposed action may be visible from publicly accessible vantage points: i. Seasonally (e.g., screened by summer foliage, but visible during other seasons) ii. Year round	E3h	 ☐ ☐	 ☐ ☐
d. The situation or activity in which viewers are engaged while viewing the proposed action is: i. Routine travel by residents, including travel to and from work ii. Recreational or tourism based activities	E3h E2q, E1c	 ☐ ☐	 ☐ ☐
e. The proposed action may cause a diminishment of the public enjoyment and appreciation of the designated aesthetic resource.	E3h	☐	☐
f. There are similar projects visible within the following distance of the proposed project: 0-1/2 mile ½ -3 mile 3-5 mile 5+ mile	D1a, E1a, D1f, D1g	☐	☐
g. Other impacts: _____ _____		☐	☐

10. Impact on Historic and Archeological Resources

The proposed action may occur in or adjacent to a historic or archaeological resource. (Part 1. E.3.e, f. and g.)

☐ NO ☑ YES

If "Yes", answer questions a - e. If "No", go to Section 11.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may occur wholly or partially within, or substantially contiguous to, any buildings, archaeological site or district which is listed on the National or State Register of Historical Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places.	E3e	☑	☐
b. The proposed action may occur wholly or partially within, or substantially contiguous to, an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory.	E3f	☑	☐
c. The proposed action may occur wholly or partially within, or substantially contiguous to, an archaeological site not included on the NY SHPO inventory. Source: _____	E3g	☑	☐

d. Other impacts: _____ _____		☐	☐
e. If any of the above (a-d) are answered "Moderate to large impact may occur", continue with the following questions to help support conclusions in Part 3:			
i. The proposed action may result in the destruction or alteration of all or part of the site or property.	E3e, E3g, E3f	☐	☐
ii. The proposed action may result in the alteration of the property's setting or integrity.	E3e, E3f, E3g, E1a, E1b	☐	☐
iii. The proposed action may result in the introduction of visual elements which are out of character with the site or property, or may alter its setting.	E3e, E3f, E3g, E3h, C2, C3	☐	☐

11. Impact on Open Space and Recreation

The proposed action may result in a loss of recreational opportunities or a reduction of an open space resource as designated in any adopted municipal open space plan.
(See Part 1. C.2.c, E.1.c., E.2.q.)
If "Yes", answer questions a - e. If "No", go to Section 12.

☑ NO ☐ YES

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may result in an impairment of natural functions, or "ecosystem services", provided by an undeveloped area, including but not limited to stormwater storage, nutrient cycling, wildlife habitat.	D2e, E1b E2h, E2m, E2o, E2n, E2p	□	□
b. The proposed action may result in the loss of a current or future recreational resource.	C2a, E1c, C2c, E2q	□	□
c. The proposed action may eliminate open space or recreational resource in an area with few such resources.	C2a, C2c E1c, E2q	□	□
d. The proposed action may result in loss of an area now used informally by the community as an open space resource.	C2c, E1c	□	□
e. Other impacts: _____ _____		□	□

12. Impact on Critical Environmental Areas

The proposed action may be located within or adjacent to a critical environmental area (CEA). (See Part 1. E.3.d)
If "Yes", answer questions a - c. If "No", go to Section 13.

☑ NO ☐ YES

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may result in a reduction in the quantity of the resource or characteristic which was the basis for designation of the CEA.	E3d	□	□
b. The proposed action may result in a reduction in the quality of the resource or characteristic which was the basis for designation of the CEA.	E3d	□	□
c. Other impacts: _____ _____		□	□

13. Impact on Transportation

The proposed action may result in a change to existing transportation systems. ☑ NO ☐ YES
(See Part 1. D.2.j)
If "Yes", answer questions a - f. If "No", go to Section 14.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Projected traffic increase may exceed capacity of existing road network.	D2j	☐	☐
b. The proposed action may result in the construction of paved parking area for 500 or more vehicles.	D2j	☐	☐
c. The proposed action will degrade existing transit access.	D2j	☐	☐
d. The proposed action will degrade existing pedestrian or bicycle accommodations.	D2j	☐	☐
e. The proposed action may alter the present pattern of movement of people or goods.	D2j	☐	☐
f. Other impacts: _____ _____		☐	☐

14. Impact on Energy

The proposed action may cause an increase in the use of any form of energy. ☑ NO ☐ YES
(See Part 1. D.2.k)
If "Yes", answer questions a - e. If "No", go to Section 15.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action will require a new, or an upgrade to an existing, substation.	D2k	☐	☐
b. The proposed action will require the creation or extension of an energy transmission or supply system to serve more than 50 single or two-family residences or to serve a commercial or industrial use.	D1f, D1q, D2k	☐	☐
c. The proposed action may utilize more than 2,500 MWhrs per year of electricity.	D2k	☐	☐
d. The proposed action may involve heating and/or cooling of more than 100,000 square feet of building area when completed.	D1g	☐	☐
e. Other Impacts: _____ _____			

15. Impact on Noise, Odor, and Light

The proposed action may result in an increase in noise, odors, or outdoor lighting. ☑ NO ☐ YES
(See Part 1. D.2.m., n., and o.)
If "Yes", answer questions a - f. If "No", go to Section 16.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may produce sound above noise levels established by local regulation.	D2m	☐	☐
b. The proposed action may result in blasting within 1,500 feet of any residence, hospital, school, licensed day care center, or nursing home.	D2m, E1d	☐	☐
c. The proposed action may result in routine odors for more than one hour per day.	D2o	☐	☐

d. The proposed action may result in light shining onto adjoining properties.	D2n	☐	☐
e. The proposed action may result in lighting creating sky-glow brighter than existing area conditions.	D2n, E1a	☐	☐
f. Other impacts: _____ _____		☐	☐

16. Impact on Human Health

The proposed action may have an impact on human health from exposure to new or existing sources of contaminants. (See Part 1.D.2.q., E.1. d. f. g. and h.) ☑ NO ☐ YES

If "Yes", answer questions a - m. If "No", go to Section 17.

	Relevant Part I Question(s)	No,or small impact may cccur	Moderate to large impact may occur
a. The proposed action is located within 1500 feet of a school, hospital, licensed day care center, group home, nursing home or retirement community.	E1d	☐	☐
b. The site of the proposed action is currently undergoing remediation.	E1g, E1h	☐	☐
c. There is a completed emergency spill remediation, or a completed environmental site remediation on, or adjacent to, the site of the proposed action.	E1g, E1h	☐	☐
d. The site of the action is subject to an institutional control limiting the use of the property (e.g., easement or deed restriction).	E1g, E1h	☐	☐
e. The proposed action may affect institutional control measures that were put in place to ensure that the site remains protective of the environment and human health.	E1g, E1h	☐	☐
f. The proposed action has adequate control measures in place to ensure that future generation, treatment and/or disposal of hazardous wastes will be protective of the environment and human health.	D2t	☐	☐
g. The proposed action involves construction or modification of a solid waste management facility.	D2q, E1f	☐	☐
h. The proposed action may result in the unearthing of solid or hazardous waste.	D2q, E1f	☐	☐
i. The proposed action may result in an increase in the rate of disposal, or processing, of solid waste.	D2r, D2s	☐	☐
j. The proposed action may result in excavation or other disturbance within 2000 feet of a site used for the disposal of solid or hazardous waste.	E1f, E1g E1h	☐	☐
k. The proposed action may result in the migration of explosive gases from a landfill site to adjacent off site structures.	E1f, E1g	☐	☐
l. The proposed action may result in the release of contaminated leachate from the project site.	D2s, E1f, D2r	☐	☐
m. Other impacts: _____ _____			

17. Consistency with Community Plans

The proposed action is not consistent with adopted land use plans. ☑ NO ☐ YES

(See Part 1. C.1, C.2. and C.3.)

If "Yes", answer questions a - h. If "No", go to Section 18.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action's land use components may be different from, or in sharp contrast to, current surrounding land use pattern(s).	C2, C3, D1a E1a, E1b	☐	☐
b. The proposed action will cause the permanent population of the city, town or village in which the project is located to grow by more than 5%.	C2	☐	☐
c. The proposed action is inconsistent with local land use plans or zoning regulations.	C2, C2, C3	☐	☐
d. The proposed action is inconsistent with any County plans, or other regional land use plans.	C2, C2	☐	☐
e. The proposed action may cause a change in the density of development that is not supported by existing infrastructure or is distant from existing infrastructure.	C3, D1c, D1d, D1f, D1d, Elb	☐	☐
f. The proposed action is located in an area characterized by low density development that will require new or expanded public infrastructure.	C4, D2c, D2d D2j	☐	☐
g. The proposed action may induce secondary development impacts (e.g., residential or commercial development not included in the proposed action)	C2a	☐	☐
h. Other: _____ _____		☐	☐

18. Consistency with Community Character

The proposed project is inconsistent with the existing community character. ☑ NO ☐ YES

(See Part 1. C.2, C.3, D.2, E.3)

If "Yes", answer questions a - g. If "No", proceed to Part 3.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may replace or eliminate existing facilities, structures, or areas of historic importance to the community.	E3e, E3f, E3g	☐	☐
b. The proposed action may create a demand for additional community services (e.g. schools, police and fire)	C4	☐	☐
c. The proposed action may displace affordable or low-income housing in an area where there is a shortage of such housing.	C2, C3, D1f D1g, E1a	☐	☐
d. The proposed action may interfere with the use or enjoyment of officially recognized or designated public resources.	C2, E3	☐	☐
e. The proposed action is inconsistent with the predominant architectural scale and character.	C2, C3	☐	☐
f. Proposed action is inconsistent with the character of the existing natural landscape.	C2, C3 E1a, E1b E2g, E2h	☐	☐
g. Other impacts: _____ _____		☐	☐

PRINT FULL FORM

Instructions for Completing Part 1

Part 1 is to be completed by the applicant or project sponsor. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification.

Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information; indicate whether missing information does not exist, or is not reasonably available to the sponsor; and, when possible, generally describe work or studies which would be necessary to update or fully develop that information.

Applicants/sponsors must complete all items in Sections A & B. In Sections C, D & E, most items contain an initial question that must be answered either "Yes" or "No". If the answer to the initial question is "Yes", complete the sub-questions that follow. If the answer to the initial question is "No", proceed to the next question. Section F allows the project sponsor to identify and attach any additional information. Section G requires the name and signature of the applicant or project sponsor to verify that the information contained in Part 1is accurate and complete.

A. Project and Applicant/Sponsor Information.

Name of Action or Project: South Street Parking Garage		
Project Location (describe, and attach a general location map): Intersection of South Street and Washington Street		
Brief Description of Proposed Action (include purpose or need): Construction of a 4 story parking garage with a total of 318 parking spaces. There will be approximately 37,080 square feet per deck on the upper 3 levels and an additional 14,363 square feet on the lower level. This is an approximate 125,603 square feet for the entire proposed structure. The project will be broken down into 2 phases. Phase 1 will consist of the construction of the lower parking level with a top deck that ties into the existing upper parking lot. This will total 84 parking spaces in the 28,726 square foot structure. Phase 2 will consist of the construction of the upper 3 levels of the parking structure tied into the phase 1 top deck and built up from the existing parking upper level. The remaining parking spaces and proposed area of the total structure will be included in this phase.		
Name of Applicant/Sponsor: City of Middletown, Dept. of Public Works, Jacob Tawil, PE, Commissioner of Public Works	Telephone: 845-343-3169 E-Mail: jtawil14@yahoo.com	
Address: 16 James Street		
City/PO: Middletown	State: NY	Zip Code: 10940
Project Contact (if not same as sponsor; give name and title/role): Domenic Emilio (CPL-Consulting Engineer)	Telephone: 607-304-9969 E-Mail: demilio@cplteam.com	
Address: 4100 Vestal Road		
City/PO: Vestal	State: NY	Zip Code: 13850
Property Owner (if not same as sponsor):	Telephone: E-Mail:	
Address:		
City/PO:	State:	Zip Code:

B. Government Approvals

B. Government Approvals, Funding, or Sponsorship. ("Funding" includes grants, loans, tax relief, and any other forms of financial assistance.)

Government Entity	If Yes: Identify Agency and Approval(s) Required	Application Date (Actual or projected)
a. City Council, Town Board, or Village Board of Trustees ☑Yes ☐No	Common Council	May 2024 (Actual)
b. City, Town or Village Planning Board or Commission ☐Yes ☑No		
c. City, Town or Village Zoning Board of Appeals ☐Yes ☑No		
d. Other local agencies ☐Yes ☑No		
e. County agencies ☐Yes ☑No		
f. Regional agencies ☐Yes ☑No		
g. State agencies ☑Yes ☐No	Dormitory of the State of New York (DASNY)	May 2024 (Protected)
h. Federal agencies ☐Yes ☑No		

i. Coastal Resources.

i. Is the project site within a Coastal Area, or the waterfront area of a Designated Inland Waterway? ☐Yes ☑No

ii. Is the project site located in a community with an approved Local Waterfront Revitalization Program? ☐Yes ☑No

iii. Is the project site within a Coastal Erosion Hazard Area? ☐Yes ☑No

C. Planning and Zoning

C.1. Planning and zoning actions.

Will administrative or legislative adoption, or amendment of a plan, local law, ordinance, rule or regulation be the only approval(s) which must be granted to enable the proposed action to proceed? ☐Yes ☑No

- **If Yes,** complete sections C, F and G.
- **If No,** proceed to question C.2 and complete all remaining sections and questions in Part 1

C.2. Adopted land use plans.

a. Do any municipally- adopted (city, town, village or county) comprehensive land use plan(s) include the site where the proposed action would be located? ☐Yes ☑No

If Yes, does the comprehensive plan include specific recommendations for the site where the proposed action would be located? ☐Yes ☐No

b. Is the site of the proposed action within any local or regional special planning district (for example: Greenway; Brownfield Opportunity Area (BOA); designated State or Federal heritage area; watershed management plan; or other?) ☑Yes ☐No

If Yes, identify the plan(s):

The City of Middletown is a designated priority growth area per the Orange County Comprehensive Plan.

c. Is the proposed action located wholly or partially within an area listed in an adopted municipal open space plan, or an adopted municipal farmland protection plan? ☐Yes ☑No

If Yes, identify the plan(s):

C.3. Zoning

a. Is the site of the proposed action located in a municipality with an adopted zoning law or ordinance. ☑ Yes ☐ No
If Yes, what is the zoning classification(s) including any applicable overlay district?
DMU-1 Downtown Mixed Use

b. Is the use permitted or allowed by a special or conditional use permit? ☑ Yes ☐ No

c. Is a zoning change requested as part of the proposed action? ☐ Yes ☑ No
If Yes,
i. What is the proposed new zoning for the site? _____

C.4. Existing community services.

a. In what school district is the project site located? Enlarged City School District of Middletown.

b. What police or other public protection forces serve the project site?
City of Middletown Police, Orange County Sheriff, NYS Police

c. Which fire protection and emergency medical services serve the project site?
City of Middletown Fire

d. What parks serve the project site?
Academy Avenue Park, Erie Way Park

D. Project Details

D.1. Proposed and Potential Development

a. What is the general nature of the proposed action (e.g., residential, industrial, commercial, recreational; if mixed, include all components)? Parking Garage

b. a. Total acreage of the site of the proposed action? 1.5 acres
b. Total acreage to be physically disturbed? 1.4 acres
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? 1.5 acres

c. Is the proposed action an expansion of an existing project or use? ☐ Yes ☑ No
i. If Yes, what is the approximate percentage of the proposed expansion and identify the units (e.g., acres, miles, housing units, square feet)? % _____ Units: _____

d. Is the proposed action a subdivision, or does it include a subdivision? ☐ Yes ☑ No
If Yes,
i. Purpose or type of subdivision? (e.g., residential, industrial, commercial; if mixed, specify types)
ii. Is a cluster/conservation layout proposed? ☐ Yes ☐ No
iii. Number of lots proposed? _____
iv. Minimum and maximum proposed lot sizes? Minimum _____ Maximum _____

e. Will the proposed action be constructed in multiple phases? ☑ Yes ☐ No
i. If No, anticipated period of construction: _____ months
ii. If Yes:
- Total number of phases anticipated 2
- Anticipated commencement date of phase 1 (including demolition) 08 month 2024 year
- Anticipated completion date of final phase 10 month 2027 year
- Generally describe connections or relationships among phases, including any contingencies where progress of one phase may determine timing or duration of future phases:

Phase 1 will begin in summer/fall of 2024 and be complete within approx 12 months. Phase 2 can begin any time after Phase 1 is complete and will depend largely on availability of funding. Phase 2 will also take approx. 12 months. Phase 1 can remain fully functional without the completion of Phase 2.

f. Does the project include new residential uses? ☐ Yes ☑ No

If Yes, show numbers of units proposed.

	One Family	Two Family	Three Family	Multiple Family (four or more)
Initial Phase	_____	_____	_____	_____
At completion of all phases	_____	_____	_____	_____

g. Does the proposed action include new non-residential construction (including expansions)? ☑ Yes ☐ No

If Yes,

i. Total number of structures 1

ii. Dimensions (in feet) of largest proposed structure: 44 height; 240 width; and 250 length

iii. Approximate extent of building space to be heated or cooled: < 250 square feet

h. Does the proposed action include construction or other activities that will result in the impoundment of any liquids, such as creation of a water supply, reservoir, pond, lake, waste lagoon or other storage? ☐ Yes ☑ No

If Yes,

i. Purpose of the impoundment: _____

ii. If a water impoundment, the principal source of the water: ☐ Ground water ☐ Surface water streams ☐ Other specify:

_____

iii. If other than water, identify the type of impounded/contained liquids and their source.

_____

iv. Approximate size of the proposed impoundment. Volume: _____ million gallons; surface area: _____ acres

v. Dimensions of the proposed dam or impounding structure: _____ height; _____ length

vi. Construction method/materials for the proposed dam or impounding structure (e.g., earth fill, rock, wood, concrete):

_____

D.2. Project Operations

a. Does the proposed action include any excavation, mining, or dredging, during construction, operations, or both? (Not including general site preparation, grading or installation of utilities or foundations where all excavated materials will remain onsite) ☐ Yes ☑ No

If Yes:

i .What is the purpose of the excavation or dredging? _____

ii. How much material (including rock, earth, sediments, etc.) is proposed to be removed from the site?

- Volume (specify tons or cubic yards): _____
- Over what duration of time? _____

iii. Describe nature and characteristics of materials to be excavated or dredged, and plans to use, manage or dispose of them.

_____

_____

i*v.* Will there be onsite dewatering or processing of excavated materials? ☐ Yes ☐ No

If yes, describe. _____

_____

v. What is the total area to be dredged or excavated? _____acres

vi. What is the maximum area to be worked at any one time? _____ acres

vii. What would be the maximum depth of excavation or dredging? _____ feet

viii. Will the excavation require blasting? ☐ Yes ☐ No

ix. Summarize site reclamation goals and plan: _____

_____

_____

b. Would the proposed action cause or result in alteration of, increase or decrease in size of, or encroachment into any existing wetland, waterbody, shoreline, beach or adjacent area? ☐ Yes ☑ No

If Yes:

i. Identify the wetland or waterbody which would be affected (by name, water index number, wetland map number or geographic description): _____

_____

ii. Describe how the proposed action would affect that waterbody or wetland, e.g. excavation, fill, placement of structures, or alteration of channels, banks and shorelines. Indicate extent of activities, alterations and additions in square feet or acres:

_____

_____

_____

_____

iii. Will the proposed action cause or result in disturbance to bottom sediments? ☐ Yes ☐ No

If Yes, describe: _____

iv. Will the proposed action cause or result in the destruction or removal of aquatic vegetation? ☐ Yes ☐ No

If Yes:

- acres of aquatic vegetation proposed to be removed: _____
- expected acreage of aquatic vegetation remaining after project completion: _____
- purpose of proposed removal (e.g. beach clearing, invasive species control, boat access): _____

_____

- proposed method of plant removal: _____
- if chemical/herbicide treatment will be used, specify product(s): _____

v. Describe any proposed reclamation/mitigation following disturbance: _____

_____

c. Will the proposed action use, or create a new demand for water? ☑ Yes ☐ No

If Yes:

i. Total anticipated water usage/demand per day: < 20 gallons/day

ii. Will the proposed action obtain water from an existing public water supply? ☑ Yes ☐ No

If Yes:

- Name of district or service area: City of Middletown
- Does the existing public water supply have capacity to serve the proposal? ☑ Yes ☐ No
- Is the project site in the existing district? ☑ Yes ☐ No
- Is expansion of the district needed? ☐ Yes ☑ No
- Do existing lines serve the project site? ☑ Yes ☐ No

iii. Will line extension within an existing district be necessary to supply the project? ☐ Yes ☑ No

If Yes:

- Describe extensions or capacity expansions proposed to serve this project: _____

_____

- Source(s) of supply for the district: _____

iv. Is a new water supply district or service area proposed to be formed to serve the project site? ☐ Yes ☐ No

If, Yes:

- Applicant/sponsor for new district: _____
- Date application submitted or anticipated: _____
- Proposed source(s) of supply for new district: _____

v. If a public water supply will not be used, describe plans to provide water supply for the project: _____

_____

vi. If water supply will be from wells (public or private), what is the maximum pumping capacity: _____ gallons/minute.

d. Will the proposed action generate liquid wastes? ☐ Yes ☑ No

If Yes:

i. Total anticipated liquid waste generation per day: _____ gallons/day

ii. Nature of liquid wastes to be generated (e.g., sanitary wastewater, industrial; if combination, describe all components and approximate volumes or proportions of each): _____

_____

_____

iii. Will the proposed action use any existing public wastewater treatment facilities? ☐ Yes ☐ No

If Yes:

- Name of wastewater treatment plant to be used: _____
- Name of district: _____
- Does the existing wastewater treatment plant have capacity to serve the project? ☐ Yes ☐ No
- Is the project site in the existing district? ☐ Yes ☐ No
- Is expansion of the district needed? ☐ Yes ☐ No

- Do existing sewer lines serve the project site? ☐Yes ☐No
- Will a line extension within an existing district be necessary to serve the project? ☐Yes ☐No

  If Yes:
  - Describe extensions or capacity expansions proposed to serve this project: _____

iv. Will a new wastewater (sewage) treatment district be formed to serve the project site? ☐Yes ☐No

If Yes:
- Applicant/sponsor for new district: _____
- Date application submitted or anticipated: _____
- What is the receiving water for the wastewater discharge? _____

v. If public facilities will not be used, describe plans to provide wastewater treatment for the project, including specifying proposed receiving water (name and classification if surface discharge or describe subsurface disposal plans):

_____

vi. Describe any plans or designs to capture, recycle or reuse liquid waste: _____

e. Will the proposed action disturb more than one acre and create stormwater runoff, either from new point sources (i.e. ditches, pipes, swales, curbs, gutters or other concentrated flows of stormwater) or non-point source (i.e. sheet flow) during construction or post construction? ☐Yes ☑No

If Yes:

i. How much impervious surface will the project create in relation to total size of project parcel?

_____ Square feet or _____ acres (impervious surface)

_____ Square feet or _____ acres (parcel size)

ii. Describe types of new point sources. _____

iii. Where will the stormwater runoff be directed (i.e. on-site stormwater management facility/structures, adjacent properties, groundwater, on-site surface water or off-site surface waters)?

- If to surface waters, identify receiving water bodies or wetlands: _____
- Will stormwater runoff flow to adjacent properties? ☐Yes ☐No

iv. Does the proposed plan minimize impervious surfaces, use pervious materials or collect and re-use stormwater? ☐Yes ☐No

f. Does the proposed action include, or will it use on-site, one or more sources of air emissions, including fuel combustion, waste incineration, or other processes or operations? ☑Yes ☐No

If Yes, identify:

i. Mobile sources during project operations (e.g., heavy equipment, fleet or delivery vehicles)

Heavy equipment and deliveries during construction

ii. Stationary sources during construction (e.g., power generation, structural heating, batch plant, crushers)

iii. Stationary sources during operations (e.g., process emissions, large boilers, electric generation)

g. Will any air emission sources named in D.2.f (above), require a NY State Air Registration, Air Facility Permit, or Federal Clean Air Act Title IV or Title V Permit? ☐Yes ☑No

If Yes:

i. Is the project site located in an Air quality non-attainment area? (Area routinely or periodically fails to meet ambient air quality standards for all or some parts of the year) ☐Yes ☐No

ii. In addition to emissions as calculated in the application, the project will generate:
- _____Tons/year (short tons) of Carbon Dioxide (CO_2)
- _____Tons/year (short tons) of Nitrous Oxide (N_2O)
- _____Tons/year (short tons) of Perfluorocarbons (PFCs)
- _____Tons/year (short tons) of Sulfur Hexafluoride (SF_6)
- _____Tons/year (short tons) of Carbon Dioxide equivalent of Hydroflourocarbons (HFCs)
- _____Tons/year (short tons) of Hazardous Air Pollutants (HAPs)

h. Will the proposed action generate or emit methane (including, but not limited to, sewage treatment plants, landfills, composting facilities)? ☐Yes ☑No

If Yes:

i. Estimate methane generation in tons/year (metric): _____

ii. Describe any methane capture, control or elimination measures included in project design (e.g., combustion to generate heat or electricity, flaring): _____

_____

i. Will the proposed action result in the release of air pollutants from open-air operations or processes, such as quarry or landfill operations? ☐Yes ☑No

If Yes: Describe operations and nature of emissions (e.g., diesel exhaust, rock particulates/dust):

_____

_____

j. Will the proposed action result in a substantial increase in traffic above present levels or generate substantial new demand for transportation facilities or services? ☐Yes ☑No

If Yes:

i. When is the peak traffic expected (Check all that apply): ☐ Morning ☐ Evening ☐Weekend ☐ Randomly between hours of _____ to _____.

ii. For commercial activities only, projected number of truck trips/day and type (e.g., semi trailers and dump trucks): _____

_____

iii. Parking spaces: Existing _____ Proposed _____ Net increase/decrease _____

iv. Does the proposed action include any shared use parking? ☐Yes ☐No

v. If the proposed action includes any modification of existing roads, creation of new roads or change in existing access, describe:

_____

vi. Are public/private transportation service(s) or facilities available within ½ mile of the proposed site? ☐Yes ☐No

vii Will the proposed action include access to public transportation or accommodations for use of hybrid, electric or other alternative fueled vehicles? ☐Yes ☐No

viii. Will the proposed action include plans for pedestrian or bicycle accommodations for connections to existing pedestrian or bicycle routes? ☐Yes ☐No

k. Will the proposed action (for commercial or industrial projects only) generate new or additional demand for energy? ☐Yes ☑No

If Yes:

i. Estimate annual electricity demand during operation of the proposed action: _____

_____

ii. Anticipated sources/suppliers of electricity for the project (e.g., on-site combustion, on-site renewable, via grid/local utility, or other):

_____

iii. Will the proposed action require a new, or an upgrade, to an existing substation? ☐Yes ☐No

l. Hours of operation. Answer all items which apply.

i. During Construction:

- Monday - Friday: 7:00 a.m. - 4:00 p.m.
- Saturday: NA
- Sunday: NA
- Holidays: NA

ii. During Operations:

- Monday - Friday: 24 hours
- Saturday: 24 hours
- Sunday: 24 hours
- Holidays: 24 hours

m. Will the proposed action produce noise that will exceed existing ambient noise levels during construction, operation, or both? ☑ Yes ☐ No

If yes:

i. Provide details including sources, time of day and duration:

Heavy construction equipment intermittently during construction (7:00 a.m. - 4:00 p.m. M-F)

ii. Will the proposed action remove existing natural barriers that could act as a noise barrier or screen? ☐ Yes ☑ No

Describe: _____

n. Will the proposed action have outdoor lighting? ☑ Yes ☐ No

If yes:

i. Describe source(s), location(s), height of fixture(s), direction/aim, and proximity to nearest occupied structures:

Site lighting which will be of better quality and less noticeable than existing site lighting at the site. New lighting will be more evenly lit with little to no glare or light spillage off the property.

ii. Will proposed action remove existing natural barriers that could act as a light barrier or screen? ☐ Yes ☑ No

Describe: _____

o. Does the proposed action have the potential to produce odors for more than one hour per day? ☐ Yes ☑ No

If Yes, describe possible sources, potential frequency and duration of odor emissions, and proximity to nearest occupied structures: _____

p. Will the proposed action include any bulk storage of petroleum (combined capacity of over 1,100 gallons) or chemical products 185 gallons in above ground storage or any amount in underground storage? ☐ Yes ☑ No

If Yes:

i. Product(s) to be stored _____

ii. Volume(s) _____ per unit time _____ (e.g., month, year)

iii. Generally, describe the proposed storage facilities:_____

q. Will the proposed action (commercial, industrial and recreational projects only) use pesticides (i.e., herbicides, insecticides) during construction or operation? ☐ Yes ☑ No

If Yes:

i. Describe proposed treatment(s):

ii. Will the proposed action use Integrated Pest Management Practices? ☐ Yes ☐ No

r. Will the proposed action (commercial or industrial projects only) involve or require the management or disposal of solid waste (excluding hazardous materials)? ☐ Yes ☑ No

If Yes:

i. Describe any solid waste(s) to be generated during construction or operation of the facility:

- Construction: _____ tons per _____ (unit of time)
- Operation : _____ tons per _____ (unit of time)

ii. Describe any proposals for on-site minimization, recycling or reuse of materials to avoid disposal as solid waste:

- Construction: _____
- Operation: _____

iii. Proposed disposal methods/facilities for solid waste generated on-site:

- Construction: _____
- Operation: _____

s. Does the proposed action include construction or modification of a solid waste management facility? ☐ Yes ☐ No

If Yes:

i. Type of management or handling of waste proposed for the site (e.g., recycling or transfer station, composting, landfill, or other disposal activities): _____

ii. Anticipated rate of disposal/processing:

- _____ Tons/month, if transfer or other non-combustion/thermal treatment, or
- _____ Tons/hour, if combustion or thermal treatment

iii. If landfill, anticipated site life: _____ years

t. Will the proposed action at the site involve the commercial generation, treatment, storage, or disposal of hazardous waste? ☐ Yes ☑ No

If Yes:

i. Name(s) of all hazardous wastes or constituents to be generated, handled or managed at facility: _____

_____

_____

ii. Generally describe processes or activities involving hazardous wastes or constituents: _____

_____

_____

iii. Specify amount to be handled or generated _____ tons/month

iv. Describe any proposals for on-site minimization, recycling or reuse of hazardous constituents: _____

_____

_____

v. Will any hazardous wastes be disposed at an existing offsite hazardous waste facility? ☐ Yes ☐ No

If Yes: provide name and location of facility: _____

_____

If No: describe proposed management of any hazardous wastes which will not be sent to a hazardous waste facility:

_____

_____

E. Site and Setting of Proposed Action

E.1. Land uses on and surrounding the project site

a. Existing land uses.

i. Check all uses that occur on, adjoining and near the project site.

☑ Urban ☐ Industrial ☐ Commercial ☑ Residential (suburban) ☐ Rural (non-farm)

☐ Forest ☐ Agriculture ☐ Aquatic ☐ Other (specify): _____

ii. If mix of uses, generally describe:

The project is located in the downtown core business district with residential housing to the southeast.

_____

b. Land uses and covertypes on the project site.

Land use or Covertype	Current Acreage	Acreage After Project Completion	Change (Acres +/-)
• Roads, buildings, and other paved or impervious surfaces	1.4	1.45	+.05
• Forested	0	0	0
• Meadows, grasslands or brushlands (non-agricultural, including abandoned agricultural)	0.1	.05	-0.05
• Agricultural (includes active orchards, field, greenhouse etc.)	0	0	0
• Surface water features (lakes, ponds, streams, rivers, etc.)	0	0	0
• Wetlands (freshwater or tidal)	0	0	0
• Non-vegetated (bare rock, earth or fill)	0	0	0
• Other Describe: _____ _____	0	0	0

c. Is the project site presently used by members of the community for public recreation? ☐ Yes ☑ No

i. If Yes: explain: _____

d. Are there any facilities serving children, the elderly, people with disabilities (e.g., schools, hospitals, licensed day care centers, or group homes) within 1500 feet of the project site? ☑ Yes ☐ No

If Yes,

i. Identify Facilities:

Little Lotus Academy/ABCD, Middletown Day Nursery Assoc., Promenade at Middletown, Eliot Erie Station, Crawford Manor, Thrall Library, Genoa Health, Middletown Sr. Citizens Center/Mulberry House, Empire Hearing and Audiology, John E. Foley, Literacy Volunteers of America

e. Does the project site contain an existing dam? ☐ Yes ☑ No

If Yes:

i. Dimensions of the dam and impoundment:

- Dam height: _____ feet
- Dam length: _____ feet
- Surface area: _____ acres
- Volume impounded: _____ gallons OR acre-feet

ii. Dam's existing hazard classification: _____

iii. Provide date and summarize results of last inspection:

_____

_____

f. Has the project site ever been used as a municipal, commercial or industrial solid waste management facility, or does the project site adjoin property which is now, or was at one time, used as a solid waste management facility? ☐ Yes ☑ No

If Yes:

i. Has the facility been formally closed? ☐ Yes ☐ No

- If yes, cite sources/documentation: _____

ii. Describe the location of the project site relative to the boundaries of the solid waste management facility:

_____

_____

iii. Describe any development constraints due to the prior solid waste activities: _____

_____

g. Have hazardous wastes been generated, treated and/or disposed of at the site, or does the project site adjoin property which is now or was at one time used to commercially treat, store and/or dispose of hazardous waste? ☐ Yes ☑ No

If Yes:

i. Describe waste(s) handled and waste management activities, including approximate time when activities occurred:

_____

_____

h. Potential contamination history. Has there been a reported spill at the proposed project site, or have any remedial actions been conducted at or adjacent to the proposed site? ☐ Yes ☑ No

If Yes:

i. Is any portion of the site listed on the NYSDEC Spills Incidents database or Environmental Site Remediation database? Check all that apply: ☐ Yes ☐ No

☐ Yes – Spills Incidents database Provide DEC ID number(s): _____

☐ Yes – Environmental Site Remediation database Provide DEC ID number(s): _____

☐ Neither database

ii. If site has been subject of RCRA corrective activities, describe control measures:_____

_____

_____

iii. Is the project within 2000 feet of any site in the NYSDEC Environmental Site Remediation database? ☐ Yes ☐ No

If yes, provide DEC ID number(s): _____

iv. If yes to (i), (ii) or (iii) above, describe current status of site(s):

_____

_____

v. Is the project site subject to an institutional control limiting property uses? ☐ Yes ☐ No

- If yes, DEC site ID number: _____
- Describe the type of institutional control (e.g., deed restriction or easement): _____
- Describe any use limitations: _____
- Describe any engineering controls: _____
- Will the project affect the institutional or engineering controls in place? ☐ Yes ☐ No
- Explain: _____

E.2. Natural Resources On or Near Project Site

a. What is the average depth to bedrock on the project site? > 30 feet

b. Are there bedrock outcroppings on the project site? ☐ Yes ☑ No
If Yes, what proportion of the site is comprised of bedrock outcroppings? _____%

c. Predominant soil type(s) present on project site:

Ur (Urban Land)	100 %
	%
	%

d. What is the average depth to the water table on the project site? Average: > 20 feet

e. Drainage status of project site soils:

☐	Well Drained:	% of site
☑	Moderately Well Drained:	100 % of site
☐	Poorly Drained	% of site

f. Approximate proportion of proposed action site with slopes:

☑	0-10%:	85 % of site
☑	10-15%:	5 % of site
☑	15% or greater:	10 % of site

g. Are there any unique geologic features on the project site? ☐ Yes ☑ No
If Yes, describe: _____

h. Surface water features.

i. Does any portion of the project site contain wetlands or other waterbodies (including streams, rivers, ponds or lakes)? ☐ Yes ☑ No

ii. Do any wetlands or other waterbodies adjoin the project site? ☐ Yes ☑ No

If Yes to either *i* or *ii*, continue. If No, skip to E.2.i.

iii. Are any of the wetlands or waterbodies within or adjoining the project site regulated by any federal, state or local agency? ☐ Yes ☐ No

iv. For each identified regulated wetland and waterbody on the project site, provide the following information:

- Streams: Name _____ Classification _____
- Lakes or Ponds: Name _____ Classification _____
- Wetlands: Name _____ Approximate Size _____
- Wetland No. (if regulated by DEC) _____

v. Are any of the above water bodies listed in the most recent compilation of NYS water quality-impaired waterbodies? ☐ Yes ☐ No

If yes, name of impaired water body/bodies and basis for listing as impaired: _____

i. Is the project site in a designated Floodway? ☐ Yes ☑ No

j. Is the project site in the 100-year Floodplain? ☐ Yes ☑ No

k. Is the project site in the 500-year Floodplain? ☐ Yes ☑ No

l. Is the project site located over, or immediately adjoining, a primary, principal or sole source aquifer? ☐ Yes ☑ No
If Yes:

i. Name of aquifer: _____

m. Identify the predominant wildlife species that occupy or use the project site: _____

_____ _____ _____

_____ _____ _____

n. Does the project site contain a designated significant natural community? ☐ Yes ☑ No

If Yes:

i. Describe the habitat/community (composition, function, and basis for designation): _____

_____

ii. Source(s) of description or evaluation: _____

iii. Extent of community/habitat:

- Currently: _____ acres
- Following completion of project as proposed: _____ acres
- Gain or loss (indicate + or -): _____ acres

o. Does project site contain any species of plant or animal that is listed by the federal government or NYS as endangered or threatened, or does it contain any areas identified as habitat for an endangered or threatened species? ☐ Yes ☑ No

If Yes:

i. Species and listing (endangered or threatened): _____

_____

_____

p. Does the project site contain any species of plant or animal that is listed by NYS as rare, or as a species of special concern? ☐ Yes ☑ No

If Yes:

i. Species and listing: _____

_____

q. Is the project site or adjoining area currently used for hunting, trapping, fishing or shell fishing? ☐ Yes ☑ No

If yes, give a brief description of how the proposed action may affect that use: _____

_____

E.3. Designated Public Resources On or Near Project Site

a. Is the project site, or any portion of it, located in a designated agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304? ☐ Yes ☑ No

If Yes, provide county plus district name/number: _____

b. Are agricultural lands consisting of highly productive soils present? ☐ Yes ☑ No

i. If Yes: acreage(s) on project site? _____

ii. Source(s) of soil rating(s): _____

c. Does the project site contain all or part of, or is it substantially contiguous to, a registered National Natural Landmark? ☐ Yes ☑ No

If Yes:

i. Nature of the natural landmark: ☐ Biological Community ☐ Geological Feature

ii. Provide brief description of landmark, including values behind designation and approximate size/extent: _____

_____

_____

d. Is the project site located in or does it adjoin a state listed Critical Environmental Area? ☐ Yes ☑ No

If Yes:

i. CEA name: _____

ii. Basis for designation: _____

iii. Designating agency and date: _____

e. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places? ☑ Yes ☐ No

If Yes:

i. Nature of historic/archaeological resource: ☐ Archaeological Site ☑ Historic Building or District

ii. Name: Several. See attached.

iii. Brief description of attributes on which listing is based:

f. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory? ☑ Yes ☐ No

g. Have additional archaeological or historic site(s) or resources been identified on the project site? ☐ Yes ☑ No

If Yes:

i. Describe possible resource(s): _____

ii. Basis for identification: _____

h. Is the project site within fives miles of any officially designated and publicly accessible federal, state, or local scenic or aesthetic resource? ☐ Yes ☑ No

If Yes:

i. Identify resource: _____

ii. Nature of, or basis for, designation (e.g., established highway overlook, state or local park, state historic trail or scenic byway, etc.): _____

iii. Distance between project and resource: _____ miles.

i. Is the project site located within a designated river corridor under the Wild, Scenic and Recreational Rivers Program 6 NYCRR 666? ☐ Yes ☑ No

If Yes:

i. Identify the name of the river and its designation: _____

ii. Is the activity consistent with development restrictions contained in 6NYCRR Part 666? ☐ Yes ☐ No

F. Additional Information

Attach any additional information which may be needed to clarify your project.

If you have identified any adverse impacts which could be associated with your proposal, please describe those impacts plus any measures which you propose to avoid or minimize them.

G. Verification

I certify that the information provided is true to the best of my knowledge.

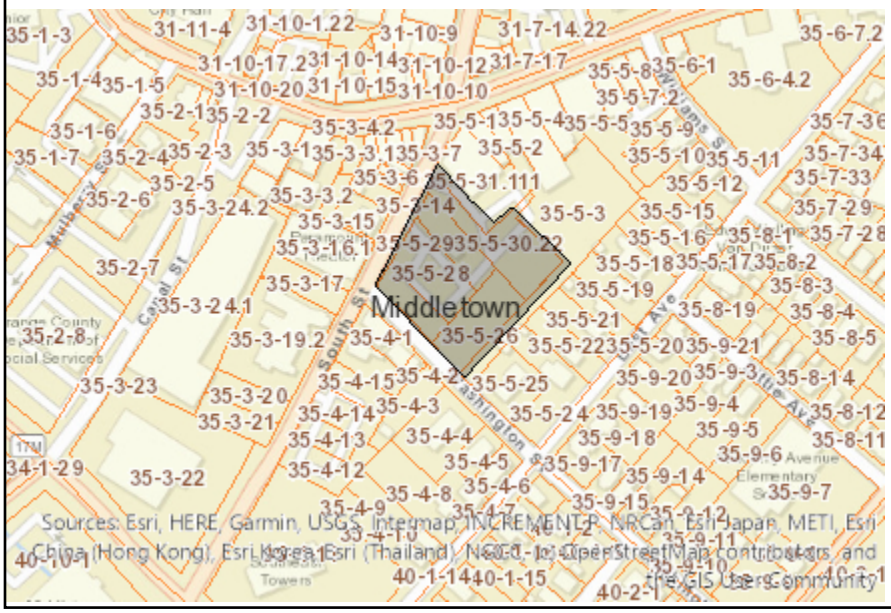
Applicant/Sponsor Name Jacob Tawil, PE Date _____

Signature _____ Title Commissioner of Public Works - City of Middletown

PRINT FORM

EAF Mapper Summary Report

Thursday, May 2, 2024 2:57 PM



Disclaimer: The EAF Mapper is a screening tool intended to assist project sponsors and reviewing agencies in preparing an environmental assessment form (EAF). Not all questions asked in the EAF are answered by the EAF Mapper. Additional information on any EAF question can be obtained by consulting the EAF Workbooks. Although the EAF Mapper provides the most up-to-date digital data available to DEC, you may also need to contact local or other data sources in order to obtain data not provided by the Mapper. Digital data is not a substitute for agency determinations.

B.i.i [Coastal or Waterfront Area]	No
B.i.ii [Local Waterfront Revitalization Area]	No
C.2.b. [Special Planning District]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h [DEC Spills or Remediation Site - Potential Contamination History]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.i [DEC Spills or Remediation Site - Listed]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.i [DEC Spills or Remediation Site - Environmental Site Remediation Database]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.iii [Within 2,000' of DEC Remediation Site]	Yes
E.1.h.iii [Within 2,000' of DEC Remediation Site - DEC ID]	336030
E.2.g [Unique Geologic Features]	No
E.2.h.i [Surface Water Features]	No
E.2.h.ii [Surface Water Features]	No
E.2.h.iii [Surface Water Features]	No
E.2.h.v [Impaired Water Bodies]	No
E.2.i. [Floodway]	No
E.2.j. [100 Year Floodplain]	No
E.2.k. [500 Year Floodplain]	No
E.2.l. [Aquifers]	No
E.2.n. [Natural Communities]	No
E.2.o. [Endangered or Threatened Species]	No

E.2.p. [Rare Plants or Animals]	No
E.3.a. [Agricultural District]	No
E.3.c. [National Natural Landmark]	No
E.3.d [Critical Environmental Area]	No
E.3.e. [National or State Register of Historic Places or State Eligible Sites]	Yes - Digital mapping data for archaeological site boundaries are not available. Refer to EAF Workbook.
E.3.e.ii [National or State Register of Historic Places or State Eligible Sites - Name]	Eligible property:SERPENTINI OFFICE & CLUB, Eligible property:STORES OFFICES, Eligible property:2 West Main Street, Middletown, Eligible property:HEALTH CARE PRODUCTS & APTS, Eligible property:Shimer Building, Eligible property:APTS/ARMY-NAVY STORE, Eligible property:Commercial / Residential, Eligible property:THE INSURANCE STORE, Eligible property:BULL OPERA HOUSE (COMMERCIAL/APTS), Eligible property:The Borden Condensed Milk Company Building, Eligible property:BEAKES TRAVEL & APT, Eligible property:KIBRICK MGMT CONSULTANT CORP, STORE, OFFICE, WAREHOUSE, Eligible property:CJ VAIL RESIDENCE (VAIL RESIDENCE), Eligible property:Tomkins Building, Eligible property:SPORTING GOODS-ATHLETIC EQUIPMENT, Eligible property:STORE-RESTAURANT, Eligible property:LEATHER SHOP-BEAUTY PARLOR, Eligible property:(BOGART RESIDENCE), Eligible property:Tompkins Building, Eligible property:STORE, APT COMMERCIAL, Eligible property:(CARSON & TOWNER CLOTHING STORE), Eligible property:BIKE SHOP, NATURAL FOODS, BARBER, Eligible property:OFFICE, TAILOR, Eligible property:ITALIAN-AMERICAN BAKERY, Eligible property:1-7 North Street, OFFICES, APT, Eligible property:ITALIAN DELI/SHOEMAKER, Eligible property:(R EDGAR CLARKE-SHOP), Eligible property:(JJ NEWBERRY CO), Eligible property:5 East Main Street, Eligible property:CHAMBER OF COMMERCE, Eligible property:(THE FERTILE CRESCENT), Eligible property:(BAY DRUGS), Eligible property:INCOME TAX FIRM & APTS, Eligible property:Italianate Commercial Building, Eligible property:Environmental compliance services LLC, Paramount Theatre, First Congregational Church of Middletown
E.3.f. [Archeological Sites]	Yes
E.3.i. [Designated River Corridor]	No

Full Environmental Assessment Form
Part 3 - Evaluation of the Magnitude and Importance of Project Impacts
and
Determination of Significance

Part 3 provides the reasons in support of the determination of significance. The lead agency must complete Part 3 for every question in Part 2 where the impact has been identified as potentially moderate to large or where there is a need to explain why a particular element of the proposed action will not, or may, result in a significant adverse environmental impact.

Based on the analysis in Part 3, the lead agency must decide whether to require an environmental impact statement to further assess the proposed action or whether available information is sufficient for the lead agency to conclude that the proposed action will not have a significant adverse environmental impact. By completing the certification on the next page, the lead agency can complete its determination of significance.

Reasons Supporting This Determination:
To complete this section:

- Identify the impact based on the Part 2 responses and describe its magnitude. Magnitude considers factors such as severity, size or extent of an impact.
- Assess the importance of the impact. Importance relates to the geographic scope, duration, probability of the impact occurring, number of people affected by the impact and any additional environmental consequences if the impact were to occur.
- The assessment should take into consideration any design element or project changes.
- Repeat this process for each Part 2 question where the impact has been identified as potentially moderate to large or where there is a need to explain why a particular element of the proposed action will not, or may, result in a significant adverse environmental impact.
- Provide the reason(s) why the impact may, or will not, result in a significant adverse environmental impact
- For Conditional Negative Declarations identify the specific condition(s) imposed that will modify the proposed action so that no significant adverse environmental impacts will result.
- Attach additional sheets, as needed.

<Part 2, Item 1.e needs to be addressed here>

Determination of Significance - Type 1 and Unlisted Actions

SEQR Status: ☑ Type 1 ☐ Unlisted

Identify portions of EAF completed for this Project: ☑ Part 1 ☑ Part 2 ☑ Part 3

Upon review of the information recorded on this EAF, as noted, plus this additional support information

and considering both the magnitude and importance of each identified potential impact, it is the conclusion of the City of Middletown Common Council as lead agency that:

☑ A. This project will result in no significant adverse impacts on the environment, and, therefore, an environmental impact statement need not be prepared. Accordingly, this negative declaration is issued.

☐ B. Although this project could have a significant adverse impact on the environment, that impact will be avoided or substantially mitigated because of the following conditions which will be required by the lead agency:

There will, therefore, be no significant adverse impacts from the project as conditioned, and, therefore, this conditioned negative declaration is issued. A conditioned negative declaration may be used only for UNLISTED actions (see 6 NYCRR 617.7(d)).

☐ C. This Project may result in one or more significant adverse impacts on the environment, and an environmental impact statement must be prepared to further assess the impact(s) and possible mitigation and to explore alternatives to avoid or reduce those impacts. Accordingly, this positive declaration is issued.

Name of Action: South Street Parking Garage

Name of Lead Agency: City of Middletown Common Council

Name of Responsible Officer in Lead Agency:

Title of Responsible Officer:

Signature of Responsible Officer in Lead Agency: Date:

Signature of Preparer (if different from Responsible Officer) Date:

For Further Information:

Contact Person:

Address:

Telephone Number:

E-mail:

For Type 1 Actions and Conditioned Negative Declarations, a copy of this Notice is sent to:

Chief Executive Officer of the political subdivision in which the action will be principally located (e.g., Town / City / Village of)
Other involved agencies (if any)
Applicant (if any)
Environmental Notice Bulletin: http://www.dec.ny.gov/enb/enb.html

PRINT FULL FORM

CITY OF MIDDLETOWN, NEW YORK
COMMON COUNCIL
RECORD OF VOTE

THE FOLLOWING WAS PRESENTED

By: Alderman Kleiner
Seconded by: Alderwoman Wray
Date of Adoption: May 7, 2024
Index No: 80-24

I hereby certify that the attached is a true copy of a Resolution and/or Local Law adopted by the City of Middletown Common Council.

Richard P. McCormack
Clerk to the Common Council

Names	Ayes	Noes	Abstain	Absent
Ald. Tobin	X			
Ald. Jean-Francois	X			
Ald. Johnson	X			
Ald. Wray	X			
Ald. Kleiner	X			
Ald. Green	X			
Ald. Witt	X			
Ald. Masi	X			
Pres. Rodrigues	X			
Total	9			

I hereby approve the attached Resolution/Local Law.

Joseph M. DeStefano, Mayor

Date

Resolution and Notice of Determination of Non-Significance Pursuant to 6 NYCRR 617.10 As It Pertains to a 2-lot subdivision for a lot line change involving two properties located just south of East Main Street and just west of Railroad Avenue

WHEREAS, the City of Middletown Common Council has been presented with a proposal for a 2-lot subdivision for a lot line change involving two properties located just south of East Main Street and just west of Railroad Avenue, Middletown, New York, known as Middletown tax parcels Section 36, Block 11, Lot 3, and Section 36, Block 11, Lot 1.1, and

WHEREAS, the purpose of the lot line change is to allow the existing buildings to be emplaced on a single tax parcel with an appropriate off-set from the railroad line, and

WHEREAS, the proposed subdivision constitutes an Unlisted Action pursuant to the State Environmental Quality Review Act ("SEQRA") regulations, and

WHEREAS, the Common Council is the only involved agency under SEQRA for this subdivision request, and therefore would be the Lead Agency for the SEQRA review of this action, and

WHEREAS, the Common Council has received a Short Environmental Assessment Form describing this action, and

WHEREAS, the City of Middletown Common Council has identified the relevant areas of environmental concern and thoroughly considered the criteria for determining significance set forth at 6 NYCRR Part 617.7 (c).

NOW, THEREFORE, BE IT RESOLVED that the City of Middletown Common Council declares itself Lead Agency with respect to this subdivision request pursuant to 6 NYCRR § 617.6(b)(1), and be it

FURTHER RESOLVED that the Common Council, after reviewing the Application materials, including the Short EAF, hereby determines that the application is an Unlisted Action under SEQRA, and be it

FURTHER RESOLVED that the Common Council hereby declares that the proposed action will not result in a significant adverse impact on the environment, and an environmental impact statement will not be prepared, and be it

FURTHER RESOLVED that this Negative Declaration is made pursuant to Article 8 of the Environmental Conservation Law.

Prepared by:

Attachments:

1.	Short EAF 5-2024

Short Environmental Assessment Form
Part 1 - Project Information

Instructions for Completing

Part 1 – Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 – Project and Sponsor Information

Name of Action or Project:

City of Middletown Lot Line Change

Project Location (describe, and attach a location map):

South of East Main Street (CR 67), west of Railroad Avenue

Brief Description of Proposed Action:

Minor lot line adjustment to transfer 0.131 acres of land from Lot Tax Lot 36-11-3 to adjacent Lot 36-11-1.1 so that existing buildings are entirely on one tax parcel and allow for off-set from rail line.

Name of Applicant or Sponsor:	Telephone: 845-346-4100
City of Middletown	E-Mail: mayordestefano@yahoo.com

Address:

16 James Street

City/PO:	State:	Zip Code:
Middletown	NY	10940

	NO	YES
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.	☑	☐
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval:	☑	☐

3. a. Total acreage of the site of the proposed action? 1.579 acres
   b. Total acreage to be physically disturbed? 0 acres
   c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? +/-7 acres

4. Check all land uses that occur on, are adjoining or near the proposed action:

5. ☑ Urban ☐ Rural (non-agriculture) ☑ Industrial ☑ Commercial ☑ Residential (suburban)
   ☐ Forest ☐ Agriculture ☐ Aquatic ☐ Other(Specify):
   ☐ Parkland

	NO	YES	N/A
5. Is the proposed action,			
a. A permitted use under the zoning regulations?	☐	☐	☑
b. Consistent with the adopted comprehensive plan?	☐	☑	☐

	NO	YES
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	☐	☑

	NO	YES
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area?		
If Yes, identify: _____	☑	☐

	NO	YES
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	☑	☐
b. Are public transportation services available at or near the site of the proposed action?	☐	☑
c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	☐	☑

	NO	YES
9. Does the proposed action meet or exceed the state energy code requirements?		
If the proposed action will exceed requirements, describe design features and technologies: _____ _____	☑	☐

	NO	YES
10. Will the proposed action connect to an existing public/private water supply?		
If No, describe method for providing potable water: _____ Rail property, no development proposed. No water supply required. _____	☑	☐

	NO	YES
11. Will the proposed action connect to existing wastewater utilities?		
If No, describe method for providing wastewater treatment: _____ Rail property, no development proposed. No wastewater facilities required. _____	☑	☐

	NO	YES
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places?	☐	☑
b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	☑	☐

	NO	YES
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?	☑	☐
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?	☐	☐
If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ _____ _____		

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply:

☐ Shoreline ☐ Forest ☐ Agricultural/grasslands ☐ Early mid-successional

☐ Wetland ☑ Urban ☑ Suburban

	NO	YES
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	☑	☐
16. Is the project site located in the 100-year flood plan?	☑	☐
17. Will the proposed action create storm water discharge, either from point or non-point sources?	☑	☐
If Yes,		
a. Will storm water discharges flow to adjacent properties?	☐	☐
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)?	☐	☐
If Yes, briefly describe: _____ _____		
18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)?	☑	☐
If Yes, explain the purpose and size of the impoundment: _____ _____		
~~1~~9. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility?	☑	☐
If Yes, describe: _____ _____		
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste?	☑	☐
If Yes, describe: _____ _____		

I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE

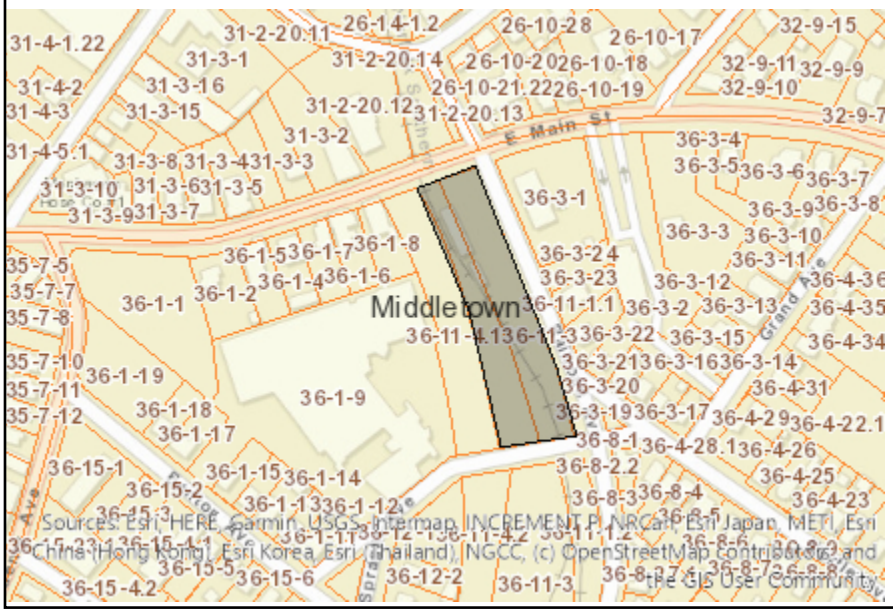
Applicant/sponsor/name: _____ Date: _____

Signature: _____ Title: _____

PRINT FORM

EAF Mapper Summary Report

Thursday, May 2, 2024 10:26 AM



Disclaimer: The EAF Mapper is a screening tool intended to assist project sponsors and reviewing agencies in preparing an environmental assessment form (EAF). Not all questions asked in the EAF are answered by the EAF Mapper. Additional information on any EAF question can be obtained by consulting the EAF Workbooks. Although the EAF Mapper provides the most up-to-date digital data available to DEC, you may also need to contact local or other data sources in order to obtain data not provided by the Mapper. Digital data is not a substitute for agency determinations.

Part 1 / Question 7 [Critical Environmental Area]	No
Part 1 / Question 12a [National or State Register of Historic Places or State Eligible Sites]	Yes
Part 1 / Question 12b [Archeological Sites]	No
Part 1 / Question 13a [Wetlands or Other Regulated Waterbodies]	No
Part 1 / Question 15 [Threatened or Endangered Animal]	No
Part 1 / Question 16 [100 Year Flood Plain]	No
Part 1 / Question 20 [Remediation Site]	No

CITY OF MIDDLETOWN, NEW YORK
COMMON COUNCIL
RECORD OF VOTE

THE FOLLOWING WAS PRESENTED

By: Alderman Green
Seconded by: Alderman Jean-Francois
Date of Adoption: May 7, 2024
Index No: 81-24

I hereby certify that the attached is a true copy of a Resolution and/or Local Law adopted by the City of Middletown Common Council.

Richard P. McCormack
Clerk to the Common Council

Names	Ayes	Noes	Abstain	Absent
Ald. Tobin	X			
Ald. Jean-Francois	X			
Ald. Johnson	X			
Ald. Wray	X			
Ald. Kleiner	X			
Ald. Green	X			
Ald. Witt	X			
Ald. Masi	X			
Pres. Rodrigues	X			
Total	9			

I hereby approve the attached Resolution/Local Law.

Joseph M. DeStefano, Mayor

Date

Authorization to Accept a $4999 Municipal Tourism Grant from the County of Orange

BE IT RESOLVED; that the Common Council of the City of Middletown, accepts the Municipal Tourism Grant from the County of Orange in the amount of $4,999.00, to be applied toward the Run 4 Downtown Rock Roll Run Weekend & concert at the Paramount Theater.

BE IT FURTHER RESOLVED that the Common Council of the City of Middletown authorizes the Treasurer to apply these funds to the Paramount budget, line A.7011.498.

BE IT FURTHER RESOLVED; that the Common Council of the City of Middletown, NY, authorizes the Mayor any paperwork associated with the grant.

Prepared by:

Attachments:

1.	Municipal Tourism Grant 2024

CITY OF MIDDLETOWN
Office of Economic & Community Development

May 7, 2024

City of Middletown
Board of Estimate
16 James Street
Middletown, New York 10940

RE: Municipal Tourism Grant

Dear Members:

I am requesting authorization to accept the Municipal Tourism Grant from the County of Orange in the amount of $4,999.00, and to authorize the Mayor, to sign any and all documents pertaining to this grant. Also, to authorize the Treasurer to apply these funds to the Paramount budget, line A.7011.498.

This grant will be applied toward the Run 4 Downtown Rock Roll Run Weekend & concert at the Paramount Theatre.

Thank you for your attention to this matter.

Maria Bruni, Director
Economic & Community Development

CITY OF MIDDLETOWN, NEW YORK
COMMON COUNCIL
RECORD OF VOTE

THE FOLLOWING WAS PRESENTED

By: Alderman Masi
Seconded by: Alderman Kleiner
Date of Adoption: May 7, 2024
Index No: 82-24

I hereby certify that the attached is a true copy of a Resolution and/or Local Law adopted by the City of Middletown Common Council.

Richard P. McCormack
Clerk to the Common Council

Names	Ayes	Noes	Abstain	Absent
Ald. Tobin	X			
Ald. Jean-Francois	X			
Ald. Johnson	X			
Ald. Wray	X			
Ald. Kleiner	X			
Ald. Green	X			
Ald. Witt	X			
Ald. Masi	X			
Pres. Rodrigues	X			
Total	9			

I hereby approve the attached Resolution/Local Law.

Joseph M. DeStefano, Mayor

Date

Resolution Authorizing Live Music and Live Music Performances In Outdoor and Sidewalk Cafes

Whereas, Section 475-28 (G) (4) of the Code of the City of Middletown prohibits live music and live music performances in outdoor and sidewalk cafes, and

Whereas, the Common Council in 2020 passed a resolution allowing live music and live music performances in outdoor and sidewalk cafes on a trial basis,
WHEREAS the Common Council wishes to allow for live music and live music performances in outdoor and sidewalk cafes during the 2024 season;

Now, therefore, be it resolved by the Common Council of the City of Middletown that Section 475-28 (G) (4) of the Code of the City of Middletown is hereby repealed and replaced in its entirety by the following:

Section 475-28 (G). Miscellaneous provisions.

1. Outdoor and sidewalk cafes may be allowed to provide music, so long as such music does not violate or does not conflict with any applicable law or ordinance such as the City's noise ordinance (except as may otherwise be provided below), or does not create a nuisance to surrounding residents or properties. Live music or live music performances are not permitted in or at sidewalk cafes. With respect to outdoor cafes only (and only within the geographic area described below), live music or live music performances will be permitted from May 1, 2024, until and including October 31, 2024, during the hours of 12:00 noon until 10:00 p.m. on Thursday, Friday and Saturday, and 1:00 p.m. until 9:00 p.m. on Sunday, in such a manner as to generate an instantaneous sound pressure level not to exceed 90 decibels (DBA) as measured from any point along the boundary line of the real property on which the outdoor café is located and from which the sound pressure is generated.

For purposes of this subsection (4), live music or live music performances will be allowed in or at outdoor cafes only within the area contained within the City's Business Improvement District (except not in or on properties located south of Fulton Street) and in or on properties on either side of East Main Street from Academy Avenue to the west side of Railroad Avenue.

Live music or live music performances will be allowed in or at outdoor cafes as described above during a period lasting only until October 31, 2024, unless the ability and permission to have live music or live music performances in or at outdoor cafes is extended by action of the Common Council of the City. If the time period is not extended by action of the Common Council, then live music or live music performances will not be permitted after October 31, 2024 in or at outdoor cafes.

Lighting in outdoor and sidewalk cafes shall be minimal and shall not be allowed to disturb surrounding residents or properties. No outdoor cooking of any type is permitted in outdoor and sidewalk cafes.

Be it further resolved that Section 475-28 (H) of the Code of the City of Middletown is amended by adding the following as a second paragraph in Section 475-28 (H):

Notwithstanding the previous paragraph and in addition to any penalties imposed under the previous paragraph of this Section 475-28 (H), violations of Section 475-28 (G) (4) of the Code of the City of Middletown may be enforced by the Police Department, any code enforcement officer of the Department of Public Works or the Fire Inspector and disposed of as follows

For the first violation of Section 475-28 (G) (4) of the Code of the City of Middletown by an outdoor café's operation, the owner and/or operator of the outdoor café shall be issued a verbal or written warning informing the owner and/or operator of the violation and directing that it be ceased immediately.

For the second violation and subsequent violations of Section 475-28 (G) (4) of the Code of the City of Middletown by an outdoor café's operation, the owner and/or operator of the outdoor café shall be issued a written violation notice and/or an appearance ticket ordering the owner and/or operator to appear in Middletown City Court to answer the violation(s).

At any time, the Police Department of the City, upon inspection and discovery of a violation of Section 475-28 (G) (4) of the Code of the City of Middletown by an outdoor café's operation, may immediately cause the offending outdoor cafe to be cleared of patrons, if such action is reasonably necessary to protect the public health, safety, welfare or convenience.

If the operation of an outdoor cafe is alleged to be in violation of Section 475- 28 (G) (4) of the Code of the City of Middletown a second time, the outdoor café permit issued to the owner and/or operator of the outdoor café shall be revoked by the City Clerk.

Any person found guilty of violating Section 475-28 (G) (4) of the Code of the City of Middletown shall be guilty of a violation and shall be liable for a fine of not less than $250.00 nor more than $2,000.00 for the first occurrence, and such fines shall be increased to a fine of not less than $500.00 nor more than $4,000.00 for any subsequent occurrence(s).

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

Prepared by:

Attachments:
None