



**CITY OF MIDDLETOWN
COMMON COUNCIL MEETING AGENDA
FEBRUARY 18, 2025**

1. PLEDGE OF ALLEGIANCE
2. ROLL CALL
3. APPROVAL OF MINUTES
 - 3.1. Accept the Minutes of February 4, 2025
 - 3.2. Accept the Minutes of January 21, 2025
4. CORRESPONDENCE, COMMUNICATION AND REPORTS
 - 4.1. Sub-Division Request (Lot Line Change): 20 1/2-30 Low Avenue & 20 1/2 -30 Low Avenue (Rear)
 - 4.2. Sub-Division Request (Lot Line Change): 15 Mercer/16 Warren
5. FOR THE GOOD OF THE CITY
6. REMARKS OF THE MAYOR
7. REMARKS OF THE DEPARTMENT HEADS
8. PUBLIC HEARINGS AND GRIEVANCES
 - 8.1. Public Hearing: Zoning Amendment- 475-30 To Provide the Planning Board further discretion regarding renewals of permits for temporary business movable structures.
9. PETITIONS AND COMPLAINTS
10. REMARKS OF THE ALDERMAN AND REPORTS OF THE COMMITTEES
11. UNFINISHED BUSINESS
12. NEW BUSINESS

- 64-25 Authorization to Lend Portable Lights to the Otisville Lions Club for the 35th Annual Otisville Country Fair
- 65-25 Authorization to Close Streets for the Annual Middletown Little League Parade
- 66-25 Authorization to Accept a Donation for the Middletown Recreation and Parks Boxing Program
- 67-25 Authorization to Enter into an Agreement with Alex Mills to Paint Three (3) Train Murals at the Maple Hill Splash Pad
- 68-25 Authorization to Transfer \$7500.79 to Cover Shortages for HVAC Repairs
- 69-25 Authorization to Establish the 2025 Part-Time Employee Salary Schedule
- 70-25 Authorization to Enter into an Agreement with the Sullivan County SPCA
- 71-25 Authorization to Transfer \$7854.50 within the 2024 Economic Development Department Budget for Façade Improvements
- 72-25 Authorizing the Issuance Of \$6,000,000 Bonds to Pay the Cost of The Renovation of The New City Courthouse
- 73-25 Authorization to Hold Annual Spring Cleaning
- 74-25 Appointment of Alderman Paul Johnson to the City of Middletown Local Development Corporation
- Authorization to Amend City Code as it Pertains to On-Street Parking in the Event of 2.5 Inches or More of Snow

13. LOCAL LAWS

13.1. Local Law 1 - 2025 - Written Notice of Defect

LOCAL LAW #1 OF 2025

A LOCAL LAW AMENDING THE PROVISIONS IN THE REQUIREMENTS FOR PRIOR WRITTEN NOTICE OF DEFECTS IN LIGHT OF THE DECISION OF THE NEW YORK COURT OF APPEALS IN CALABRESE V CITY OF ALBANY, 2024 WL 5126038 (Dec. 17, 2024)

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

Section 1. Purpose of this Enactment.

The purpose of this enactment is to amend the provisions in the City Charter regarding the requirements for prior written notice of defects in light of the Decision of the New York Court of Appeals in the recent case of Calabrese v City of Albany, 2024 WL 5126038 (Dec. 17, 2024)

Section 2. Section 30 of the Charter of the City of Middletown, Notification of defects; limitations on City liability, is hereby amended to replace Paragraph A, thereof, to read in its entirety as follows:

A. No civil action may be maintained against the City for damages or injury to person or property sustained in consequence of any street, highway, bridge, culvert, sidewalk, crosswalk, public building or public park being defective, out of repair, unsafe, dangerous, or obstructed unless, before the occurrence resulting in such damages or injury, (1) notice of the defective, unsafe, dangerous or obstructed condition was delivered to the City Clerk at 16 James Street, Middletown in the form of a written physical hard copy and (2) the City failed or neglected to repair or remove the defect, danger, or obstruction within a reasonable time after being given such notice. Notice of a defect submitted via email, the City's website, any service, website, or application the City uses to allow the public to submit reports or service requests to the City, comments on a social media page maintained by the City, or any other electronic means does not satisfy the process and procedure for submitting written notices of defect required by this Paragraph.

Section 3. Section 30 of the Charter of the City of Middletown, Notification of defects; limitations on City liability, is hereby amended to replace Paragraph B, thereof, to read in its entirety as follows:

B. No civil action may be maintained against the City for damages or injury to person or property sustained in consequence of the existence of snow or ice upon any sidewalk, crosswalk or street unless, before the occurrence resulting in such damages or injury, (1) notice thereof relating to the particular place was delivered to the City Clerk at 16 James Street, Middletown, New York in the form of a written physical hard copy and (2) the City failed or neglected to cause such snow or ice to be removed, or to otherwise reasonably make safe the place within a reasonable time after being given such notice. Notice of a defect submitted via email, the City's website, any service, website, or application the City uses to allow the public to submit reports or service requests to the City, comments on a social media page maintained by the City, or any other electronic means does not satisfy the process and procedure for submitting written notices of defect required by this Paragraph.

Section 4. Section 30 of the Charter of the City of Middletown, Notification of defects; limitations on City liability, is hereby amended to replace Paragraph C, thereof, to read in its entirety as follows:

C. All claims against the City for damages or injury to persons or property alleged to have been caused by the misfeasance or negligence of the City, or any of its officers or employees, shall be presented to the City Clerk at 16 James Street, Middletown in the form of a written physical hard copy within ninety (90) days after the happening of the accident or injury out of which the claim arose. Such writing shall describe the time when, the particular place where, and the circumstances under which damages or injuries were sustained, and the cause thereof. It shall also state so far as then practicable the nature and extent of the damages or injury. It shall also state the place of residence of the claimant by street

and number, and if there be no street and number, it shall contain such statement as will disclose the place of residence, and all such claims shall be verified by the oath of the claimant. A copy of each such claim shall be served by mail on the Corporation Counsel. The omission to present such claim within ninety (90) days of such alleged injuries and to commence an action thereon within one (1) year from the time of such alleged injuries shall be a bar to any claim or action therefor against the City, but no action shall be brought upon any such claim until three (3) months have elapsed after the presentation of the claim to the City Clerk. Notice of a claim submitted via email, the City's website, any service, website, or application the City uses to allow the public to submit reports or service requests to the City, comments on a social media page maintained by the City, or any other electronic means does not satisfy the process and procedure for submitting written notices of claim required by this Paragraph.

Section 7. Severability. If the provisions of any article, section, subsection, paragraph, subdivision or clause of this Local Law shall be judged invalid by a court of competent jurisdiction, such order of judgment shall not affect or invalidate the remainder of any article, section, subsection, paragraph, subdivision or clause of this Local Law.

Section 8. Effective Date. This Local Law shall be effective upon filing with the Secretary of State.

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