



**CITY OF MIDDLETOWN
COMMON COUNCIL MEETING AGENDA
APRIL 4, 2023**

1. PLEDGE OF ALLEGIANCE
2. ROLL CALL
3. FOR THE GOOD OF THE CITY
4. APPROVAL OF MINUTES
 - 4.1 Approve Minutes of February 7, 2023
5. CORRESPONDENCE, COMMUNICATION AND REPORTS- Nothing this evening.
6. PUBLIC HEARINGS AND GRIEVANCES- Nothing this evening.
7. REMARKS OF THE ALDERMAN AND REPORTS OF THE COMMITTEES
8. PETITIONS AND COMPLAINTS
9. UNFINISHED BUSINESS-Nothing this evening.
10. NEW BUSINESS
 - 10.1 **Resolution to Accept a \$17,000 Grant from the Orange County Youth Bureau**
 - 10.2 **Authorization to Amend City Code as it Pertains to Three-Hour Parking in the Business Improvement Zone**
 - 10.3 **Authorization to Amend City Code to Extend the Definition of Commercial Vehicles as it relates to the regulation and control of municipal parking lots.**
 - 10.4 **Authorization to Amend City Code to Prohibit Overnight Parking Permits in the DMU Downtown Mixed-Use zoning district**
 - 10.5 **Resolution accepting a \$450,000 Grant from the Dormitory Authority of the State of New York (DASNY) for the Purchase and Installation of Surveillance Cameras and the Supporting Infrastructure**
 - 10.6 **Resolution authorizing a \$145,000 Budget Transfer from the Debt Service Fund Balance to the Water System Improvement Fund**

- 10.7 **Resolution authorizing a \$6699.74 Budget Transfer to cover the shortage of funds to cover 2022 Repairs to Truck #22 and #23**
- 10.8 **Resolution authorizing the Renaming of the Babe Ruth Field to the Daniel Miller Field**
- 10.9 **Resolution Authorizing the Use of Portable Lights by the Otisville Country Fair**
- 10.10 **Resolution authorizing the Run 4 Downtown Committee to host an event at Erie Way Park**
- 10.11 **Resolution Declaring the Common Council as SEQRA Lead Agency For a Zoning Change to Prohibit Short-Term Rentals**
- 10.12 **Resolution accepting a \$3,500 Donation from Middletown Little League to Offset Field Improvement Costs**
- 10.13 **Resolution Authorizing a City Wide Yard Sale**
- 10.14 **Resolution Authorizing Street Closures for the Middletown Little League Parade on Saturday, April 15, 2023**
- 10.15 **Resolution authorizing an agreement with the County of Orange for use of the Fire Safety Trailer**
- 10.16 **Resolution to Amend City Code to Prohibit Unreasonable Noise from a Motor Vehicle**

11. LOCAL LAWS- Nothing this evening.

12. AUDIT OF CLAIMS AND ACCOUNTS

MOVE THE ACCOUNTS BE AUDITED, THE CLAIMS ADJUSTED AND THE

TREASURER BE AUTHORIZED TO ISSUE WARRANTS FOR THEIR PAYMENTS

13. ADJOURNMENT



Item Cover Page

COMMON COUNCIL AGENDA ITEM REPORT

DATE: April 4, 2023

SUBJECT: Approve Minutes of February 7, 2023

SUGGESTED ACTION: Approve Minutes of February 7, 2023

ATTACHMENTS:
[02.07.23 CC Minutes.pdf](#)



COMMON COUNCIL MEETING
CITY OF MIDDLETOWN
February 7, 2023 – Minutes
City Hall
16 James Street
Middletown, New York 10940

P R E S E N T

Miguel Rodrigues, President of Common Council
Ald. Gerald Kleiner
Ald. Paul Johnson
Ald. Kate Wray
Ald. Kevin Witt
Ald. Jude Jean-Francois
Ald. Sparrow Tobin
Ald. Joseph Masi

A B S E N T

Ald. Andrew Green

Digitally Recorded Proceeding, transcribed by:
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1. Pledge of Allegiance

(Pledge of Allegiance)

PRESIDENT RODRIGUES:

2. Roll Call

PRESIDENT RODRIGUES: Roll.

Roll Call: Tobin, Jean-Francois, Johnson, Wray, Kleiner, Witt, Masi, President Rodrigues.

3. Approval of Minutes.

RICHARD MCCORMACK, CITY CLERK: We have January 3rd, 2023, please.

PRESIDENT RODRIGUES: Can I get a motion?
Alderman Witt, seconded by?

ALD. WRAY: Second.

PRESIDENT RODRIGUES: Alderwoman Wray. All in favor?

ALDERMANS: Aye.

4. Correspondence, Communications and Reports

PRESIDENT RODRIGUES: Correspondence.

RICHARD MCCORMACK, CITY CLERK: Good evening. We have a letter from the Law Offices of Fabricant, Lipman & Frishberg concerning the Orange Terrace Properties, LLC 3-13 Orange Terrace, Middletown, New York.

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"Dear Gentlemen, As you know, this office represents Orange Terrance Properties, LLC in reference to the upcoming Common Council public hearing to be held on February 7, 2023. We would like to withdraw our application for the four-lot subdivision without prejudice. Please contact us as soon as possible. Very truly yours, Neil D. Frishberg."

PRESIDENT RODRIGUES: Received and filed.

RICHARD MCCORMACK, CITY CLERK: We also have been notified by the Orange County Legislature that Resolution 18 of 2023 has been adopted authorizing the County Executive to enter into an agreement with certain Orange County Municipalities providing for the exemption from county taxation of lands owned and used for them by the water supply and for related purposes.

PRESIDENT RODRIGUES: Received and filed.

5. For the Good of the City

PRESIDENT RODRIGUES: Okay. For the Good of the City, we have a special presentation from the Orange County -- oh, no, this is (indiscernible).

For the Good of the City, anyone who would like to address the counsel, please step forward.

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KEVIN GOMEZ: Good -- oh, good evening, everyone. Kevin Gomez, member of the Middletown School Board. It's that time of the year where our school board will be moving forward. We're holding hearings on the respective issues concerning the budget. The school district will be adopting a budget later this year and the voters will decide whether to accept it or not.

So here are the dates and the different topics. February 2nd, we will -- well, that past. February 16, we'll be looking at the budget with respect to instructional expenses; March 9th, capital and benefits; March 23rd, revenue discussion; April 20th, budget adoption; May 4th, budget hearing; and the budget vote and election vote will be on Tuesday, May 16, 2023.

In addition to that, there will be for the community and everyone's invited, they'll be a public session for community engagement or info sessions. We have scheduled for March 8th, budget review, community Q and A; April 27th, budget review, community Q and A; and May 10th with respect to the Board of Education adopted budget review, Q and A. And all the public, members of our community and our respective elected officials are invited

to let your voices be heard. Thank you.

PRESIDENT RODRIGUES: Thank you.

Anyone else who would like to address the Council?

JOSEPH DESTEFANO, MAYOR: I know Dr. Johnson is going to address it, but the public hearing is cancelled --

PRESIDENT RODRIGUES: We're still gonna have it.

JOSEPH DESTEFANO, MAYOR: -- so I believe the public should respond over here on the advice of our counsel since this appears to be an issue and maybe litigated in the future. And I think Paul is going to explain it or if you want me to go into a little bit now. But it should be under this order, rather than under a public hearing that -- because the acts -- comments by the Board may be misconstrued to try to influence the Zoning Board of Appeals.

So when we spoke with counsel, myself and Alderman Johnson, we did not feel it's appropriate to tell the public that they can't address this issue, so they're here tonight. So we have to handle it under the Good of the City, rather under the public hearing. And Paul can go into a little bit more detail. So I think it's appropriate

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to do it now.

ALD. JOHNSON: Thank you.

PRESIDENT RODRIGUES: You got it.

ALD. JOHNSON: So the facts of the case, I think, are familiar to many of the people in the room. A proposal for four houses went before the Planning Board. The Planning Board is advisory and a question like this is not definitive and it came back to the Council.

I'm addressing it now as the vice chairman of Planning and Economic Development. We had a committee meeting at our last meeting. And the five of us talked about the facts of the case and we decided we would bring it forth. At that moment is going to be a public hearing. In the interim, as the Clerk has just read, the applicant has rescinded the application at the Planning Board level, but apparently has one at the ZBA level.

But Kate and I, Alderwoman Wray, I should say, felt we appreciated the cooperation of the Committee to let it come before the Common Council as a public meeting and has been described it will actually be for the Good of the City.

And just a general reminder on behalf of the
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president of the Council, it's an opportunity to speak, but there will be no opportunity to dialog.

Thank you, Mr. President.

PRESIDENT RODRIGUES: Okay. At this time it's open to the public. If anybody wants to come up.

JAMIE CUPOLO: Thank you, Council. Thank you, everyone. I live in that neighborhood. And as a homeowner, I experience a lot of flooding due to the -- all the houses up the hill. More construction in that area increases -- increases water coming down the hill, floods our basements down at the bottom there. You know, a lot of people used those woods there to, you know, it absorbs a lot -- a lot of water and so forth, so it affects all the people who live down below. So if you develop up above, it's gonna affect the people down below. With the changes in weather, more water, more flood, I've noticed increasing flooding in my basement. I'm just very concerned about more construction and development right up the street from my house.

What I found even on my own house is somebody had bought my backyard, unbeknownst to myself, and they're trying to develop that. So every little inch back there in

those woods is trying to get bought up and, and developed. And, you know, I mean, there's a cemetery over there. There's a lot of animals, deer, places for them to go and live, not, like, chewing up everybody's, you know, gardens and stuff like that. You see the deer walking around the neighborhood. It's hysterical, so.

Anyway, thank you very much.

PRESIDENT RODRIGUES: Thank you.

ALD. JOHNSON: Name and address.

ALDERMAN KLEINER: Miquel, can I ask you your name because otherwise in the minutes it's going to say unidentified speaker.

JAMIE CUPOLO: Oh, yeah, yeah, yeah, sure.

Jamie, J-a-m-i-e, last name, C-u-p like cup, and then o-l-o.

ALDERMAN JOHNSON: And address, could you state your address also for the record?

JAMIE CUPOLO: Yeah, 45 West Conkling Avenue.

ALDERMAN JOHNSON: Thank you.

JAMIE CUPOLO: Yes. Thank you. Thank you for time, everyone.

PRESIDENT RODRIGUES: Thank you.

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JAMIE CUPOLO: Thank you.

JASON LICHTENSTEIN: How we doing? Jason
Lichtenstein, 1 Clinton Street.

You know, I know that the, the proposal for the houses was turned down or was withdrawn by the company. But I also received a certified letter today saying that on February 15th they're bringing it back to the Zoning Board, so we felt it was important to speak today on behalf of this.

A lot of us up there have built houses. We've been up there for a long time now. And when we built the houses up there, we were under the information that we have to build a house with 75 feet of road front.

While they were looking for the information, they struggled to find all of it, but there was a meeting that took place on September 11th, 1990 -- I think it was 1991, I believe, 1991, where there was a hearing that place. And that hearing, Jack Stack of Slate Hill, New York requested front yard with variance for single-family homes up on West Conklin. And his proposal was to build three houses on a 150 feet of land. And that meeting he was denied because he didn't have, have the road front footage he needed.

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We know that because when I reached out to the -- I couldn't, we couldn't find the minutes for that meeting, but when we reached out to the Stack family they were still bitter about it almost 30 years later that they only built two houses instead of three because of the income they lost out on.

That's kind of like our premises for what we're going with here on that. When they're building up in that area, they should be building on 75 feet of road front. We understand that they put back into build, build 60 -- 6 houses again up there which is impossible because they own right now 288 feet of road front. 288 feet of road front leaves them to under 4 houses. They can't built three -- they can't build three-quarters of a house, they can only build a full house. So with the land they have up there and the turnaround that's required, we can't see how they can build anything more than three houses based on the same rules that we've been, that we've been abiding by as we've been building our houses in that area.

Our other concern with this is on Clinton Street. So I live on Clinton Street. I live on the paper road of Clinton Street. My house sits on 1 Clinton Street, but my

house technically sits on Orange Terrace.

Through Clinton Street you have two LLCs owned by the same person buying alternating lots because they found a loophole in the system that allows them to build on a 50-foot lot if they're -- if they're landlocked meaning they don't own the house -- and I'm sure you understand this, but the property to the left or the property to the right, they don't own it, so they can build on 50 feet right there.

When you look at the LLCs that are purchasing these properties, it's the same person. He's just purchasing it under LLCs. I don't know if that person's the same as the people that are up here trying to buy this -- trying to build this property. But the fear is if we allow this to happen, then what's gonna happen on Clinton Street?

We've come accustomed to a quality of life up there where we're not on top of one another. We're not saying anybody shouldn't be able to build a house. If you want to build a house on a lot of land, build a house on a lot of land. But they should be bound by the same rules that we were.

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And I understand that my property falls different because I sit on a corner lot, so my building regulations were different than say the houses across the street that the Villafanes own or that the Gill family owns. They landed on different lots because their, their house doesn't sit on a corner lot like mine does. But they were told they had to build on a 75-foot lot.

So with these guys coming up, trying to -- it almost seems like they're trying to circumvent the rules. And, you know, we were told recently that it's the job of a politician to identify the loopholes and make sure the loopholes aren't taken advantage of. So we're here today to talk, talk about it, bring it to your guys' attention.

February 15th, we'll be back just to -- well, I'll be back at least to make sure that the same opinion is heard and that we have an opportunity to still address and make sure that people know that what they're trying to do while it's, it's wrong, honestly.

And then there was questions that came up from our point of view was our road is 30-feet wide. Why does this road get to be 25-feet wide? Like, why do they get to cut corners on this? The last time this went to the Zoning

Board they proposed a certain turnaround at the end of the road. Why was a turnaround altered between going to the Zoning Board and coming to the next level?

I've watched the DPW trucks back up and almost crash into the retaining wall across from us because they can't turn around anywhere on the road. So now you're gonna double the length of that road. What's gonna happen when those DPW trucks or, or fire trucks or any other truck that's trying to back up down that road and they don't have a proper turnaround in the end.

What has to happen is they'd have to take some of their land. And they'd have to make that a big enough turnaround to fit one of those firetrucks back there.

And, again, I don't know the speculations of this, but I know that from when I read the minutes in the last meeting and I know it was brought up by one of the people who spoke in the last meeting that they questioned the size of the turnabout.

It wasn't -- I don't know if it was addressed in that meeting, but it should cause, you know, should just bring something up. Especially today we're watching these Amazon trucks flying up and down in the road. Nobody's

turning around. I've got three little kids, the Gill family at the end has two little kids, the Gilafane's have their grandchildren there. You know, there's kids at the corner. There's a lot of kids that live in that neighborhood. We don't need these trucks flying around backing up. They should be able to turn around safely, so when they're driving out they can see where they're going and make sure these kids aren't in the road because as much as I like to think my kids are doing the right thing, I've got a 5 year old and a 9 year old. You know, they're not always doing the right thing, paying attention to cars coming up and down the road. That's the responsibility of the driver, but they need to be able to turn around properly.

So these are my questions about what's going on here. These are my concerns about it. And, again, I know it was withdrawn. But today I went to the post office and picked up my certified letter where I know that it's coming from their lawyer's office on the 15th. So I thought was appropriate to speak tonight. All right. Thank you.

PRESIDENT RODRIGUES: Thank you.

MARIA JECHUMLONG: My name is Maria Jechumlong
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(ph). I live at 2-4 Clinton Street. And in regards to what Jason said, when I had my house built, I was forced to build -- I have two lots and I was forced to build on both lots. I couldn't put my house in the front lot and have a nice big yard because I had to follow code.

And also with what Jason said about the other properties on Clinton Street, yes, every other property is owned by every other person. And I can verify that is the same owner because I used to work for the firm that used to represent him. So I know for a fact the owner of those properties. And eventually it's gonna come around again and they're going to try to do the same thing.

We're not, again, we're not saying that we don't want them to build, but we'd like to have our property. And on top of that, I live below street level. And what's gonna happen when it comes to any kind of sewage problems because I have a pump to push all my septic up to street level. And all these homes are now gonna come to the same sewer hole. What's gonna happen if something gets clogged or we don't even want to go there and think what can possibly happen in my house because that's not gonna be a nice site.

So these are just some of the concerns that we have. And we like the quality of life up there. And I don't think they should be allowed to come in here with an attorney because we can't afford an attorney ourselves and let them get away what's -- with what's right. These are the laws and they should also be in compliant with it. That's it. Thank you.

PRESIDENT RODRIGUES: Thank you.

LOUIE VILLAFANE: I'm Louie Villafane and I live at 19 Orange Terrace. And my property was the one that Jack Stack was the one that he wanted to build two houses, actually, three -- no two houses and he was stuck with building one house on that -- on my lot. And, fortunate for me I lucked out.

But, now, I've been there 30 years and I am custom to in that particular area, you ain't gonna see any houses on 50-foot lots. Okay. It's 75 or 100 feet. Check that area. I'm accustom to that. I want to maintain that lifestyle of not being having a house on top of me.

And, again, there are a lot of kids. When I first moved in there, it was just my son and Pete's grandson. Okay. Now, there's a lot of kids, a lot of

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traffic. And I am very concerned about that. Thank you.

PRESIDENT RODRIGUES: Thank you.

KELLY CUSHING: My name's Kelly Cushing. I live at 54 Mountain Avenue. I've lived there over 20 years. My lot connects to 13 Terrace. I looked into buying from Renekey (ph) a few years ago, but the lot was only 50 wide, couldn't do anything with it then, they shouldn't be able to do anything with it now.

Plus they came in with an excavator. I don't feel that they properly knocked down the trees. There's a lot of uprooted trees. They fell on my property, my neighbor's property. Literally 10 days after I had 100 people in my yard the tree fell. I had to clean it up. So I don't know, maybe somebody should go back there and check out those trees, totally unsafe.

We have a lot of kids up on Mountain Avenue as well. Those trees can fall at any time. Thank you.

PRESIDENT RODRIGUES: Thank you. Okay. Anyone else? Yeah, we are.

6. Remarks of the Mayor

JOSEPH DESTEFANO, MAYOR: Well, first I want to thank everyone for coming in and make sure that you clearly

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understand that the -- as the one speaker mentioned that February 15th is the Zoning Board of Appeals meeting and that body has the right to hear -- they have a right to make the application. But it's important for you folks to get there and voice your opinions.

And we as individual members, your Alderman, can attend that meeting on behalf of, as your representatives also. It's just that we can't speak at it tonight because of -- we don't want to jeopardize the City's legal position if the Board makes a decision that's not favorable to the applicant.

So, but people will be there speaking on your behalf to the Zoning Board of appeals. It's a five-member Board. And they'll listen to the, to the application. And they'll also listen to what your concerns are and make a decision on whether they should be granted the -- I think it's four 50-foot lots and two 44-foot lots. And, and I think precedence and a lot of other things have a lot to do with their decisions. But they'll be making those -- they'll be making that call. But it's important that you are heard and that the Zoning Board of appeals hears you.

So on other matters, recycling is the issue of
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the week. We were, I guess, given a violation notice by Orange County that our recycling loads are -- have too much garbage and too much municipal solid waste including garbage bags that may contain recyclables but they're still allowed in the recyclable bin. So we have to reinforce with the public that recycling -- in the recycling containers they have to be loose containers. They cannot put a garbage bag full of recyclables in your container because if they're there and they're spotted by the, by the sanitation department, we cannot pick it up. And because the loads are being refused and rejected. And it's causing a lot of problems.

And, believe us, we don't -- well, I can't speak for Jacob, but it cost the City more to get rid of recyclables, believe it or not, than it does of regular garbage. It used to be the other way around where we would get money for recyclables. But now I think it's we, we pay \$84 a ton for municipal solid waste. And I believe we're paying \$110 a ton to get rid of recyclables.

So but then there's also potential penalties. It's crazy that the law is still in place if there's no market for recyclables. I don't know why we have to do it,

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but by law we have to do it and by law it has to be somewhat clean recyclables meaning that we're not allowed to pick it up.

We did have a few calls over this past cycle of people who, whose recyclables weren't picked up. We believe that's the reason why. But we're going to do some more education. You guys as individual Alderman have to make some efforts to educate your customers in your, your wards. And we can do our best to encourage the -- at least clean recyclables going in those bins.

The -- one other issue is myself, Jacob, and Maria attending Congressman Ryan swearing in at West Point. He was able to deliver pretty quickly on a nice grant for us for water infrastructure of about \$3.4 million. It's a follow up to an application that was made by Congressman Maloney. But we do now have confirmation of that. So congratulations to Congressman Ryan and, and thank you for the, for the quick action on the grant.

And then one last piece I have is just to report on the Build Home for Sky. And we, the Council, are well aware and I know the -- some of the public is of the efforts by the City working in conjunction with the Mendoza

family regarding a vacant lot on 52 Broad Street in the city. The groundbreaking for this home is scheduled for Wednesday, February 15th at, at 2:00 p.m. All are welcome.

This project is part of a build -- Build a Home for Sky. And it's -- the developer is Albert Feeny. Kevin O'Reilly from Satin Foods who's the employer of the -- Mr. Mendoza, Spring Lake Toy Foundation, the City of Middletown's involvement, Middletown Fire Department. Wallkill Engine Company Number 16 donated almost \$14,000 to the program. And they're also relying on community donations.

It's a good program. It's something that the other night was recognized on Channel 4, Chuck Scarborough. And we're going to play the -- if you didn't catch it, we're gonna play the little skit here that, that they did on Channel 4 I think it was two nights ago.

And that's all I have to report unless you have any other questions.

(Video played)

CHUCK SCARBOROUGH: Sky Mendoza was paralyzed in a horrible crash on the Major Deegan Expressway more than four years ago now. She's 18 and she depends upon her

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motorized wheelchair. So the people of Middletown, New York are making sure she can live in a home that meets her needs. Here's News 4 Jen Maxfield.

JEN MAXFIELD: Sky Mendoza is finishing up school for the day. The 18 year old uses a special computer she controls with her eyes. Ever since Sky was paralyzed from the neck down in a car accident school and just about everything else has been in her bedroom.

ORLANDO MENDOZA: To be that young and to have something like that happen to you and see your friends on Instagram doing what they're doing, living their life, and her being home.

JEN MAXFIELD: Sky's entire life changed at age 14 when she survived a horrific crash on the Major Deegan Expressway in the Bronx that killed her pregnant stepmother and injured her brother. Sky was in a coma for weeks and endured a year-and-a-half of rehab before coming home to her family.

ORLANDO MENDOZA: All I can do is thank God and just be thankful for everything and be thankful she's still here with us.

JEN MAXFIELD: But living at home has its

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challenges. The Mendoza family apartment wasn't built for a motorized wheelchair and all of Sky's medical equipment. So the City of Middletown donated this parcel of land where contractors will donate time and materials to build her family a new house.

KEVIN O'REILLY: What a wonderful Christmas present it will be for Sky and her family.

JEN MAXFIELD: The Spring Lake Toys Foundation is leading the fundraising effort with more than 25 business owners and hundreds of donors contributing to build the home valued at close to \$400,000.

PAULETTE LAURENZI: It will be 100 percent handicap assessable. She's be able to wheel through all of the rooms. She'll have a handicap accessible bathroom.

JEN MAXFIELD: Here in the family's apartment, it's challenging to fit Sky's wheelchair from her bedroom down this hallway into the kitchen, but in the new custom home, she'll be able to wheel right up to the counter where she loves being involved with the cooking.

The Mendoza family is grateful for the support of the community including Kevin O'Reilly, Orlando's boss, at Satin Fine Foods who kicked off the fundraising efforts and

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has been by the family's side since the accident four-and-a-half-years ago.

KEVIN O'REILLY: I think most of us are blessed in life in many ways, you know. And it's part of our job, I think, to take care of others.

JEN MAXFIELD: In addition to their new home, the Mendoza family has other reasons to celebrate after experiencing so much tragedy. Orlando was remarried last summer and Sky was the first one out on the dance floor.

In Middletown, New York, I'm Jen Maxfield, News 4, New York.

CHUCK SCARBOROUGH: Well, hats off to the good people of Middletown, New York. That's just wonderful.

(Audio concluded)

7. Remarks of Department Heads

PRESIDENT RODRIGUES: Remarks of the Department Heads, Economic Development.

MARIA BRUNI, ECONOMIC DEVELOPMENT: Good evening. Just following up, we had a Community Development Agency meeting tonight where we discussed we have a house going into contract, 1498 Wisner. We have some bid openings on Washington Street property for demo. So the program is

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moving ahead with some more houses that we're gonna get new home owners in the community.

Also, with the Paramount, there's a bunch of shows that we keep adding, so go to our website, middletownparamount.com. Sign up for our newsletter because we do special show announcements and also special, you know, ticket pricing before they actually go on sale to the public. So sign up for our newsletter, so you could see everything that's coming up. We've got a lot of great things happening.

And the movie that's coming up is *A Man Called Otto*. That starts this Friday.

And that's all I have for tonight.

PRESIDENT RODRIGUES: Any questions for Maria?

Thank you, Maria.

Fire Chief.

NICK BARBER, FIRE CHIEF: Good evening, everyone.

I just want to let you know we had a nice quiet month of January, a total of 76 calls.

I'm happy to see that the City is looking into the tax breaks for the volunteer firefighters. I know that will happen hopefully within a year, next year. But I'm

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glad to see we're moving forward with that.

Parade date is October 7th. Inspection night October 6th. And hopefully there's no football game on that night. Our annual dinner, the date is still being looked into. We're looking for a date in May or a day after the parade. We're still up in the air about it, but we'll let you know.

And I just want to let everybody know, Fireman Joe is moving forward. Taking baby steps, but we're getting there. The bids will be back February 15th. And after they're looked at between Jacob and the consultant, hopefully, we'll have a winner of the bid and keep moving forward. Any questions?

PRESIDENT RODRIGUES: Any questions for the Fire Chief? Any grand marshal yet?

NICK BARBER, FIRE CHIEF: You're looking at the grand marshal.

PRESIDENT RODRIGUES: Police Chief.

JOHN EWANCIW, POLICE CHIEF: Good evening. I actually have nothing this evening unless you have something for me.

PRESIDENT RODRIGUES: Yeah. Anything for the
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police chief? Thank you, Chief.

JOHN EWANCIW, POLICE CHIEF: Thank you.

PRESIDENT RODRIGUES: DPW Commissioner. Thank you.

JACOB TAWIL, DPW COMMISSIONER: Good, good evening, all. I'm going to start with Alderman Masi. The reservoirs are 89 percent full, so we're in good shape.

We had a major water leak in our system and it took us a while to find it because it was just under the building, an old building in the City of Middletown. That tells you our old infrastructure and the need to continue to invest in there. So we were losing about over a million gallons per day for almost a week until we finally were able to find it. It was leaking right under the old building and going into the stream without us knowing where it is although we did walk the streams underground and we could not find it. So it is very difficult. But that comes with the old infrastructure that we have and shows you the need that we continue, we need to continue to move forward to invest in our infrastructure.

And like the Mayor said we thank the new congressman, Ryan, for the \$3.4 million for improving our

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infrastructure. That would be for the 24-inch water line feeding the city two-thirds of the city with water from the water treatment plant down along Monhagen Avenue. So that would be our phrase two of the water system improvement.

We opened the bids yesterday for the court which is basically the federal court house that the city purchased it. And they resigned it, so that city court would move from where they are here next to City Hall down to the federal courthouse. The bids came in relatively high, \$5 million. So the Mayor, he's looking into different alternatives right now what to do and where to go from here. We'll be talking to the architects and we'll see what we can do. But the bids just under \$5 million were relatively high.

The Mayor spoke about the recycling. I'm not gonna talk about anything else except through recycling tonight because it's really very important. We all understand the need for the recycling and, and the importance of it. And we need to do it, but we have to do it right otherwise it will start costing us more money.

What happens is some people they add municipal solid waste, garbage, household garbage, clothing,

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Styrofoam, what have you in the recycling in the blue cart. And then our guys they cannot see it, they come in there, the truck will come in, pick it up and dump it, put it back and move to the next one. Until we go and get rid of that recyclable at the Orange County Transfer Station and then if they see garbage mixed with it, then they call it this is contaminated. It loses the value of any recyclable that you can get any money for it.

Of course, like the Mayor said, we're not getting any money for it, however, it's, it's good for the environment. It's less load on the landfill. It's better for energy renewables, recycling and so on.

So what we are requesting from you is to put your recyclable -- follow the brochure that we have on our website. We, we posted that again and it tells you exactly what is acceptable as recyclables and what is not. And be kind enough just to rinse the bottles or the containers before you put them in the blue cart and take it out to the curb.

That would be very helpful. That will increase the value of the recyclables when Orange County tries to get rid of it or sell it or their contractor.

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At this time there's market for it. The Mayor and myself and I think Alderman Masi are going to be going to a seminar especially for marketing recyclables, the current market, the condition what to do with it. So we're trying to educate ourselves and to try to find the market for our recyclables to try to generate some revenue.

The bottom line is if it is contaminated, recyclables gonna be thrown out. It will end up costing us more money because we're handling it twice. We pick it up as recyclable. We take then we pick it back up again and then we take it as municipal solid waste.

Right now we had to modify our -- the procedure right now. Instead of taking it down to Orange County Transfer station we're taking it to our own transfer station, spreading it, separating, separating the recyclables as much as we can, then take it some -- taking some over to Orange County Transfer Station for recyclables and the rest of it is going on our tractor trailer to go to a landfill.

So it's a lot of money it's costing us. If we don't respect the rule of recyclables, we don't have to pick it up, we can just mix it with the municipal solid

waste and we'll pick up the whole city in four days instead of five days. So we don't have to pick up recyclables, but we cannot do that. It's the law. It's the right thing to do. It's the best thing for the environment.

The Mayor is right, it's costing us much more right now to get through the recyclables versus municipal solid waste. However, don't make it hard on us, please, be adding garbage and municipal solid waste into our recyclables because the cost is tremendous, time, material, and actual money per ton.

So the recyclables, again, visit our website. The brochure is right there. It tells you what you can recycle and what you cannot recycle. And it's very simple and do not put it inside bags because very soon we're gonna start sending our inspectors ahead of our trucks to look into what's inside the container. And, unfortunately, we may have to issue citation on violation, courts, and all that stuff. And we don't want to do that. We don't have time for that. We don't want to do it. I know you're trying to your best recycle, increase the recyclables, we appreciate that. But make it clean, so that it will not be contaminated so we don't end up costing us more time and

money and effort to get rid of it.

With that I will conclude.

PRESIDENT RODRIGUES: Any question for Jacob?

Thank you, Jacob.

Mayor, Jacob talked to on the court. Can you just tell us --

JOSEPH DESTEFANO, MAYOR: Yeah. Well, we can go probably seven, eight years when this whole process began when under the New York State Court -- Office of Court Administration gave a mandate to the city that we add a second court. And I think part of that is a result of them centralizing some of the local courts where Middletown doesn't only handle Middletown court issues, we handle some regional issues. They handle drug court for the regions.

And so part of that need, at least in our assessment is based on regional needs. Under state law we are responsible for providing the facility. So we were given a mandate by the Office of Court Administration. And we've been -- we were fighting them for many, many years because the original complex that they submitted to us was, at that time, was approaching 8 to 10 million dollars.

Myself and Jacob had several meetings with them.

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They were sometimes very vocal meetings. And we've at some point, we were able to gain the support of the Chief Judge at that time who allowed us to use the Common Council chambers here as a second court. It was supposed to be a interim until a plan was developed for a more economical building.

It's been going on now and operating fine. The Office of Court Administration does not like it because they have to have a second set of security for this courtroom here. As you know, you see the, the metal detector here. So they have to have a second crew for when both courts are operating.

Both courts don't operate five days a week. So we were able to secure a grant through Senatorewoman Gunther's office for the purchase of the old federal court building. And we are hoping to use that as the second court, but that meant the same conditions that it would have two security issues.

So they wanted us to consolidate both courts into one facility. And we were in agreement to looking at it. And we -- but the demands of the Office of Court Administration throughout this process, a lot of them were

unreasonable. For example, a room might have been in this building -- one of the offices may have been 6 by 8 and their code might have required to be 7 by 10. And so we have to rip out -- we had to do a lot of gutting in the building. They demand a new HVAC, new -- a lot of demands.

But even through the process our architect and engineers came up with cost estimates in the low \$3 millions. As Jacob stated, the bids just came back and they're in the high 4s, approaching \$5 million. And to me it's unacceptable since we've been operating under a system that has been doable for the last numerous years, several years.

My opinion and, of course, we're going to do it in consultation with you guys and local court is that if the state wants this facility built, that they're going to have to cough up a lot of the money in order to build it.

Now, there are advantages to the city, of course, for doing this. One is our police department is full and over capacity. We have people in the basement. And our plans were then to expand some City Hall offices, but the majority of the old court would have been police station. So there are benefits long term, both short term and long

term to the city doing, but not at \$5 million.

So we're gonna go back to the Court and we're gonna say this is not a City of Middletown, solely a City of Middletown issue. We believe that the State should put some money into this project. How much we'll discuss and negotiate. And if it's a number that's acceptable to us, then we will come back to you with a proposal. If it's not a number that's acceptable to us, then we will fight like hell to keep this second court here for the two or three days a week that they do it and save \$5 million and figure another way to expand police services within the existing building or out the back of the two buildings here.

So we have options. Whether those options are acceptable to the Office of Court Administration we don't know because the bids were just opened yesterday, so I don't want to get out in front of ourselves either. So that's where we're at.

But the number is -- I know Jacob spoke with our engineers and architects who did the estimates. They were shocked by the numbers also. But as you saw with the O&W station, a 80 to 90 to 100 percent increase pre-COVID to now is -- seems to be the normal. So that's the story.

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PRESIDENT RODRIGUES: All right.

JOSEPH DESTEFANO, MAYOR: Thank you.

PRESIDENT RODRIGUES: Thank you. Superintendent of Recreation.

RAELYNN BERTHOLF, SUPERINTENDENT OF RECREATION:

Good evening, everyone. I just want to report that the Winter Festival, that was cancelled this past weekend because of the extremely cold temperatures this past Saturday is gonna be held on February 18th. So we're super excited about that.

And I'd also like to give you the number of unduplicated people who've attended from adults to children our skating rink which is a very exact number because anyone who attends ice skating at least one time does have to fill out a waiver. So we have the exact number of how many people have attended. And I am blown away by this number. Does anybody have any cases?

JOSEPH DESTEFANO, MAYOR: 1,212.

RAELYNN BERTHOLF, SUPERINTENDENT OF RECREATION:

I think you had some inside information. No, real guess? 1,435 unduplicated have attended the ice skating rink so far this year. And we still another month, possibly,

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depending on the weather to go. But I was blown away by that number. It's a testament to listening to City residents and their wants and needs of the community and everyone here pushing for it and wanting something to better our community. So thank you. And it's in good use and well maintained and well supervised and well attended, so thank you.

PRESIDENT RODRIGUES: Thank you. Any questions?
Thank you. Good job.

City Clerk.

RICHARD MCCORMACK, CITY CLERK: Nothing this evening.

PRESIDENT RODRIGUES: Any question for the City Clerk?

8. Public Hearing and Grievances:

(None this evening)

9. Petitions and Complaints

PRESIDENT RODRIGUES: Petitions and complaints, nothing this evening.

10. Remarks of the Alderman

PRESIDENT RODRIGUES: Reports of Alderman.
Alderman Masi.

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ALDERMAN MASI: Yes. Good evening. Just quickly. On the Sky Mendoza, that property is located in the 1st Ward and I know Alderman Witt along with the entire Council, the administration glad it's coming to fruition and we look forward to the 15th to the groundbreaking. I hope people can show up for it and thank you very much.

PRESIDENT RODRIGUES: Alderman Witt.

ALD. WITT: Thank you very much. Yeah, piggybacking on Mr. Masi, I actually had Sky Mendoza on my little league team about six years ago. So very nice young lady. And I really hope that this works out well for her and I think it's going to.

A few things to follow Mr. Gomez what he had said about the information about the upcoming budget and the school board elections. All of that information is available to date on the Middletown School District website. So they'll be everything you need to know about the budget. It's all the presentations will be on there, middletowncityschools.org will have the candidates, will have their bios. We're not going to endorse anybody, but it will be in alphabetical order, so you know that that can be a landing page for the next three months for you to

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check this information out.

Tomorrow is high school graduation. There will be 38 students, I believe it's 38, who will be graduating. And that's always a real good story with those folks because either you are leaving in three-and-a-half years which takes some doing or you need to stay a little bit longer to get some things taken care of and that's a pretty accomplishment also as well. So congratulations to all of those people.

Thank you to Alderman Johnson and Alderwoman Wray for keeping the Maple Hill talk moving as far as what we're going to do or hope to do with the pool space. I know the Mayor mentioned it at the last meeting about creating a survey. It's my understanding there is one that's out and is getting ready to go out on their community. So I hope that not just people in that area, but the entire City has a chance to fill that out and has their voices heard.

So and finally they'll be no 1st Ward meeting tomorrow due to scheduling conflicts for us. So thank you very much.

PRESIDENT RODRIGUES: Thank you. Alderman Kleiner.

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ALD. KLEINER: Thank you. And want to remind people that this Black History month except in Florida where it's a felony to teach black history, so glad we're in New York.

Again, the warming station, they've been doing a great job, the people there. And I urge you to go to middletownwarmingstation.com. And they do have cancellations. People have been sick or had people in the family sick and so they can't make it. And you can see what you can sign up for and undertake them a meal. If you can supply a meal for people because they do get a hot dinner every night they have to stay there. So it's a wonderful job that they do.

Tonight of course is the State of the Union. So that's at 9:00. If you're listening tonight, if you're listening to a rebroadcast, don't worry about it, you missed it.

I did get to listen to the school boarding meeting this last Thursday. And thank you, Dr. Johnson, for representing the City well --

ALD. JOHNSON: Thanks.

ALD. KLEINER: -- doing your report. I also
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wanted to mention and it's Freddie Williams and Mitch Williams and some others couldn't say enough positive things about the Middletown Police Department and our Police Chief and how cooperative they are on every level and how much the community is involved. So I thought that was an important message to get out there.

We'll have no February constituents meeting next Monday. We'll start again in March, I think it's the 13th.

Remind everybody again that April 22nd will be our Saturday, April 22nd which is Earth Day will be our Middletown citywide cleanup day, so try and mark that on your calendar and keep it clear, save the date.

Other than that, I'd say I just -- watch out for giant balloons. You can't be too careful. Thank you.

PRESIDENT RODRIGUES: Alderwoman Wray.

ALD. WRAY: Good evening. I just wanted to thank the members of our 3rd Ward community for coming out and speaking their minds tonight. It's always appreciative that you guys get involved in what's going on here and communicating with myself and Alderman Johnson.

I won't speak to the issue at hand specifically. My only opinion as it relates to our City and our codes is

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that they are intended and their purpose is to protect our quality of life, our property values, the condition of our City. And I think it's important to make sure that those things are circumvented. Consistency matters. So I think that those are things for us to, you know, just always be aware of. And those are my thoughts on this evening. And that's all I had tonight.

PRESIDENT RODRIGUES: Alderman Johnson.

ALD. JOHNSON: Thank you very much. Yes, I did attend the school board meeting. I presented the annual report of CDA and Park and Recs and it was well received. So thank you for that.

Skating, at the School Board meeting they mentioned that there was going to be a school outing today from Twin Towers. And I happen to see where the teachers in my day job after he was there and he was just really happy about it. The teachers loved it. The kids loved it. They loved seeing their teachers skate around. A good time was had by all. And, once again, it's just more glue to keep everything kind of working cohesively and together.

As was mentioned, Alderwoman Wray and I have put together the survey. Kate is our Sherpa on this process.

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And I'm told it will go out via social media in the near future. It's five simple questions. It will be a 30-day turnaround. And we'll see what the people think about what we would do at Maple Hill if it wasn't a pool.

With respect to Orange Terrace, I think it's safe to say that Aldermanwoman Wray and I are watching it closely. Per the Mayor's admonish, we'll refrain from specific comment. While it is a 3rd Ward issue right now, it is a citywide issue in the future. And we'll see how it turns out. Thank you.

PRESIDENT RODRIGUES: Alderman Jean-Francois.

ALD. JEAN-FRANCOIS: Yes, good evening. First I'd like to thank the Fire Chief to give us the information on County Legislature Joe Sierra for his injuries. He's doing pretty good, so hoping for a speedy recovery.

And, secondly, I thought we was doing well with recycling for a while. So it's sad to see that, you know, we going back where we started being that we was doing so well. So, hopefully, the community will get back on track and do what we're supposed to do and our duties and keep that in the positive note.

Secondly, Sky Mendoza Foundation, that's been
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going on for a while. It's nice to see that that's taking place on February 15. Looking forward. Thank you.

PRESIDENT RODRIGUES: Alderman Tobin.

ALD. TOBIN: Yes. I mean, that's a great news report on Middletown, so I was proud to -- proud that our City is well represented there and all the good people coming together for Sky.

And I'd like to thank all the people working at the warming station especially over these last few weeks. It's been very, very cold. That's it for me.

11. Unfinished Business.

(None this evening)

12. New Business.

PRESIDENT RODRIGUES: Okay. New business.

RICHARD MCCORMACK, CITY CLERK: Good evening. We have a Resolution sponsored by Alderman Masi reappointing Richard Croughan as Assistant Corporation Counsel.

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

Roll Call: Aye: Tobin, Jean-Francois, Johnson, Wray, Kleiner, Witt, Masi, President Rodrigues. Carries.

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RICHARD MCCORMACK, CITY CLERK: Resolution sponsored by Alderman Jean-Francois reappointing Marc Woody to the Zoning Board of Appeals.

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

Roll Call: Aye: Tobin, Jean-Francois, Johnson, Wray, Kleiner, Witt, Masi, President Rodrigues. Carries.

RICHARD MCCORMACK, CITY CLERK: Resolution sponsored by Alderman Witt reappointing, I'm sorry, Resolution sponsored by Kevin Witt appointing Keith Hallock to the Zoning Board of Appeals.

PRESIDENT RODRIGUES: Resolution sponsored by Alderman Witt, seconded by Alderman Masi. Any discussion? Roll.

Roll Call: Aye: Tobin, Jean-Francois, Johnson, Wray, Kleiner, Witt, Masi, President Rodrigues. Carries.

RICHARD MCCORMACK, CITY CLERK: Resolution sponsored by Alderman Kleiner appointing Jim Burtis Chairman of the Zoning Board of Appeals.

PRESIDENT RODRIGUES: Resolution sponsored by Alderman Kleiner, seconded by Alderman Tobin. Any

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discussion? Roll.

Roll Call: Aye: Tobin, Jean-Francois, Johnson, Wray, Kleiner, Witt, President Rodrigues; Masi - no. Carries.

RICHARD MCCORMACK, CITY CLERK: Resolution sponsored by Aldermanwoman Wray accepting a funding award of \$38,820 for the Recreation and Parks Department.

PRESIDENT RODRIGUES: Resolution by Alderman Wray, seconded by Alderman Jean-Francois. Any discussion? Roll.

Roll Call: Aye: Tobin, Jean-Francois, Johnson, Wray, Kleiner, Witt, Masi, President Rodrigues. Carries.

RICHARD MCCORMACK, CITY CLERK: Resolution sponsored by Alderman Johnson authorizing a \$9,769.19 budget transfer to cover an overdrawn account.

PRESIDENT RODRIGUES: Resolution sponsored by Alderman Johnson, seconded by Alderman Masi. Any discussion? Roll.

Roll Call: Aye: Tobin, Jean-Francois, Johnson, Wray, Kleiner, Witt, Masi, President Rodrigues. Carries.

RICHARD MCCORMACK, CITY CLERK: Resolution sponsored by Alderman Tobin authorizing an agreement with

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New York Security System for 2023.

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

Roll Call: Aye: Tobin, Jean-Francois, Johnson, Wray, Kleiner, Witt, Masi, President Rodrigues. Carries.

RICHARD MCCORMACK, CITY CLERK: Resolution sponsored by Alderman Masi authorizing a \$19,845.11 budget transfer for the Water Treatment Plant for water process control equipment and rotary screw compressor.

PRESIDENT RODRIGUES: Resolution sponsored by Alderman Masi, seconded by Alderman Wray. Any discussion? Roll.

Roll Call: Aye: Tobin, Jean-Francois, Johnson, Wray, Kleiner, Witt, Masi, President Rodrigues. Carries.

RICHARD MCCORMACK, CITY CLERK: Resolution sponsored by Alderman Witt authorizing proposals from Trustmark and PNC Flex Spending Benefit for the City's self-sponsored health insurance plan.

PRESIDENT RODRIGUES: Resolution sponsored by Alderman Witt, seconded by Alderman Johnson. Any discussion? Roll.

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Roll Call: Aye: Tobin, Jean-Francois, Johnson, Wray, Kleiner, Witt, Masi, President Rodrigues. Carries.

13. Local Laws

PRESIDENT RODRIGUES: Local Laws.

RICHARD MCCORMACK, CITY CLERK: We have a local law Number 1 of 2023 being introduced this evening, a local law transferring authority regarding the fire police to the fire department.

PRESIDENT RODRIGUES: Okay. As read.

14. Audit of Claims and Accounts

ALD. MASI: Mr. President, I move the accounts be audited, the claims be adjusted and the City Treasurer be authorized to issue warrants for their payment.

PRESIDENT RODRIGUES: Motion by Alderman Masi, seconded by Alderman Johnson. Roll.

Roll Call: Ayes: Tobin, Jean-Francois, Johnson, Wray, Kleiner, Witt, Masi, President Rodrigues. Carries.

15. Adjournment

PRESIDENT RODRIGUES: Move for adjournment.

ALD. MASI: So moved.

(PROCEEDING CONCLUDED)

CERTIFICATION

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I, LISA KANE, certify the foregoing transcript of proceedings of the February 7, 2023 Middletown City Council meeting was prepared using the required electronic equipment and is a true and accurate record of the proceedings.

Signature: *Lisa Kane*

Date: March 17, 2023

Agency: American Legal Transcription
11 Market Street, Suite 215
Poughkeepsie, New York 12601

**CITY OF MIDDLETOWN, NEW YORK
COMMON COUNCIL
RECORD OF VOTE**

AMERICAN LEGAL TRANSCRIPTION (845) 452-3090

THE FOLLOWING WAS PRESENTED

By Ald. Masi

Sec'd by Ald. Kleiner

Date of Adoption 02.07.23

Index No: 40-23

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	8			1

Resolution Reappointing Richard Croughan as Assistant Corporation Counsel

BE IT RESOLVED that the Common Council of the City of Middletown confirms the Mayor's reappointment of Richard Croughan as Assistant Corporation Counsel for a 1-year term ending on December 31, 2023.

**CITY OF MIDDLETOWN, NEW YORK
COMMON COUNCIL
RECORD OF VOTE**

THE FOLLOWING WAS PRESENTED

By Ald. Jean-Francois

Sec'd by Ald. Tobin

Date of Adoption 02.07.23

Index No: 41-23

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	8			1

Resolution reappointing Marc Woody to the Zoning Board of Appeals

BE IT RESOLVED that the Common Council of the City of Middletown confirms the Mayor's reappointment of Mark Woody to the Zoning Board of Appeals, for a term ending on December 31, 2026.

**CITY OF MIDDLETOWN, NEW YORK
COMMON COUNCIL
RECORD OF VOTE**

THE FOLLOWING WAS PRESENTED

By Ald. Witt

Sec'd by Ald. Masi

Date of Adoption 02.07.23

Index No: 42-23

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	8			1

Resolution appointing Keith Hallock to the Zoning Board of Appeals

BE IT RESOLVED that the Common Council of the City of Middletown confirms the Mayor's appointment of Keith Hallock to the Zoning Board of Appeals, replacing Joel Sierra, for a term ending on December 31, 2027.

**CITY OF MIDDLETOWN, NEW YORK
COMMON COUNCIL
RECORD OF VOTE**

THE FOLLOWING WAS PRESENTED

By Ald. Kleiner

Sec'd by Ald. Tobin

Date of Adoption 02.07.23

Index No: 43-23

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	7		1	1

Resolution appointing Jim Burtis as Chairman of the Zoning Board of Appeals

BE IT RESOLVED that the Common Council of the City of Middletown confirms the Mayor's appointment of Jim as Chairman of the Zoning Board of Appeals.

**CITY OF MIDDLETOWN, NEW YORK
COMMON COUNCIL
RECORD OF VOTE**

THE FOLLOWING WAS PRESENTED

By Ald. Wray

Sec'd by Ald. Jean-Francois

Date of Adoption 02.07.23

Index No: 44-23

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	8			1

Resolution accepting a funding award of \$38,820 for the Recreation and Parks Department

RESOLVED; that the Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment and accepts a funding award from New York State Office of Children and Family Services (NYSOCFS): Orange County Solutions Funding in the amount of \$10,000 for the Summer Playground/Lunch Program and \$28,820 for the Recreational Fitness Program.

RESOLVED; that the Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment and authorizes the Mayor to sign any and all necessary 2023 contracts and requests for funding in relation to the Orange County Youth Bureau on behalf of the City of Middletown.

**CITY OF MIDDLETOWN, NEW YORK
COMMON COUNCIL
RECORD OF VOTE**

THE FOLLOWING WAS PRESENTED

By Ald. Johnson

Sec'd by Ald. Masi

Date of Adoption 02.07.23

Index No: 45-23

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	8		1	

Resolution authorizing a \$9,769.19 Budget Transfer to cover an overdrawn account

RESOLVED; that the Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment and authorizes the Treasurer to transfer \$9,769.19, in the following manner, to cover the overdrawn account due to the retirement pay out of sick and vacation time for John Bianchi.

FROM	AMOUNT	TO
A.7321.100	\$9,769.19	A.7020.100
Special Program Personal Services		Gen Rec – Personal Services

**CITY OF MIDDLETOWN, NEW YORK
COMMON COUNCIL
RECORD OF VOTE**

THE FOLLOWING WAS PRESENTED

By Ald. Tobin

Sec'd by Ald. Jean-Francois

Date of Adoption 02.07.23

Index No: 46-23

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	8			1

Resolution authorizing an agreement with New York Security System for 2023

RESOLVED; that the Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment and authorizes an agreement with New York Security System in an amount of \$6,000 for security services for 2023

RESOLVED; that the Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment and authorizes the Mayor to sign said agreement.

**CITY OF MIDDLETOWN, NEW YORK
COMMON COUNCIL
RECORD OF VOTE**

THE FOLLOWING WAS PRESENTED

By Ald. Masi

Sec'd by Ald. Wray

Date of Adoption 02.07.23

Index No: 47-23

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	8			1

Resolution authorizing a \$19,845.11 budget Transfer for the Water Treatment Plant for Water Process Control Equipment and Rotary Screw Compressor

RESOLVED; that the Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment and authorizes the Treasurer to transfer \$19,845.11, in the following manner, for the Water Treatment Plant for water process control equipment and rotary screw compressor.

Attached is a proposal from Ingersoll Rand in the amount of \$ 15,718.91 and two proposals from Hach in the amounts of \$17,933.43 and \$15,848.79. DPW currently has \$29,656.02 in other equipment line for 2022. Balance needed for transfer would be \$19,845.11 from 2022 Personal Services

FROM	AMOUNT	TO
F.8330.100	\$19,845.11	F.8330.200
Personal Services		Other Equipment

AMERICAN LEGAL TRANSCRIPTION (845) 452-3090

**CITY OF MIDDLETOWN, NEW YORK
COMMON COUNCIL
RECORD OF VOTE**

THE FOLLOWING WAS PRESENTED

By Ald. Witt

Sec'd by Ald. Johnson

Date of Adoption 02.07.23

Index No: 48-23

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	8			1

Resolution authorizing Proposals from Trustmark and PNC Flex spending Benefit proposal (FSA) for the City's Self Sponsor Health Insurance Plan

RESOLVED; that the Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment and authorizes the attached proposal from Trustmark as the City's Self Sponsor Health Insurance Plan "Third Party Administrator" with ClaimDoc. Trustmark is the third-party agent between ClaimDoc and the provider. The cost will be \$50 per person a month. Please note this is still within the savings the city is expecting by offering ClaimDoc.

RESOLVED; that the Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment and authorizes the PNC Flex spending Benefit proposal (FSA). This benefit will be offered to eligible employees enrolled in the City's Self Sponsored Plan only as an added benefit. Eligible Employees will be able to contribute up to \$3,050 pretax dollars towards eligible health, dental and vision out of pocket cost per year. Any unused funds up to \$610 may be carried over to the next plan year. The cost per employee is \$3.50 a month. Please note this is still within the savings the city is expecting by offering ClaimDoc.

**CITY OF MIDDLETOWN, NEW YORK
COMMON COUNCIL
RECORD OF VOTE**

THE FOLLOWING WAS PRESENTED

By Ald. Masi

Sec'd by Ald. XXXXXXXXX

Date of Adoption 02.07.23

Index No: Introduction of Local Law #1 of 2023

NAMES	AYES	NOES	ABSTAIN	ABSENT
Ald. Tobin				
Ald. Jean-Francois				
Ald. Johnson				
Ald. Wray				
Ald. Kleiner				
Ald. Green				
Ald. Witt				
Ald. Masi				
Pres. Rodrigues				
TOTAL				

LOCAL LAW #1 OF 2023

A LOCAL LAW TRANSFERRING AUTHORITY REGARDING THE FIRE POLICE
TO THE FIRE DEPARTMENT

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 transfer authority regarding the Fire Police from the Police Commission to the Fire Department.

Section 2. Paragraph 4 of Section 129 of the Charter of the City of Middletown is hereby deleted in its entirety.

Section 3. Paragraph 5 of Section 129 of the Charter of the City of Middletown is hereby replaced in its entirety to read as follows:

AMERICAN LEGAL TRANSCRIPTION (845) 452-3090

5. To provide by rule or regulation as to the qualifications of a person to be a police officer of said city, or to be chief of police, a lieutenant of police or a sergeant of police of said city; or to be a special police officer; provided, however, that no person not theretofore a police officer of the city shall receive an original appointment as police officer unless he is over the age of twenty-one years and under the age of thirty-five years; and no person shall be appointed to membership in the police force or continue to hold membership therein, who is not a citizen of the United States or who has been convicted of a felony or who cannot understandingly read or write the English language or who shall not have resided in this state during one year next preceding his appointment; and no person shall continue to hold his position as police officer or as a member of the police force in any capacity after he has reached the age of sixty-five years.

Section 4. Paragraph 7 of Section 129 of the Charter of the City of Middletown is hereby replaced in its entirety to read as follows:

7. To enact, modify and repeal orders, rules and regulations for the government and discipline of the police department; to define the duties of all police officers and of the chief of police, the lieutenants of police and the sergeants of police; and to define the powers and duties of special police officers.

Section 5. Section 159-A of the Charter of the City of Middletown is hereby replaced in its entirety to read as follows:

§ 159-A. The Mayor, after receiving recommendations from the Chief of the Fire Department, shall appoint qualified persons to be fire police of the City of Middletown. The Mayor shall appoint such number of persons to be fire police as he/she deems to be necessary and proper. The persons appointed as fire police shall hold office for one (1) year from time of appointment.

(1) All applicants for appointment as a fire policeman, shall be citizens of the United States, over the age of twenty-one (21) years, residents of the City of Middletown, and members of a volunteer fire company organized in the City of Middletown. No person shall be appointed as a fire policeman who shall have been previously convicted of a felony or a misdemeanor involving moral turpitude.

(2) All persons appointed as fire policemen shall take an oath of office as prescribed by New York General Municipal Law Section 209-c or any successor statute.

(3) No person may take the oath of office as a fire policeman without first completing all of the training required for peace officers and fire police by New York State law and the Division of Criminal Justice Services ("DCJS"), including training in the use of firearms and other weapons and in the use of physical and deadly physical force.

(4) Upon filing the oath of office with the City Clerk, such appointees shall thereupon, as required by New York State law, become vested while on duty with all the powers and shall discharge all the duties of peace officers.

(5) The Chief of the Middletown Fire Department or his/her designee must submit a Peace Officer Registry Entry/Certification of Initial Appointment form to DCJS for each new appointee. However, Section III of this form does not have to be completed; nor does the form have to include the signature of the City's Civil Service Administrator. Additionally, the Chief or his/her designee must annually transmit to DCJS no later than January 15th a list of those peace officers who are members of the fire police squad or those who have ceased to serve in the previous twelve months.

(6) It shall be the duty of the fire police, to detect and prevent fires; to place fire lines so as to provide facilities for the Fire Department to work advantageously; to keep unauthorized persons outside such fire lines; to aid and assist the police department in regulating highway traffic to and from all fires; to enforce all ordinances of the City relating to the protection of the fire department apparatus and members. The fire police shall obey all orders, rules and regulations as promulgated by the Chief or any assistant Chief of the Fire Department. Additionally, fire policemen, when not engaged in actual firefighting duties, are subject to and subordinate to the authority of all police officers, State Troopers, and County Sheriff's deputies.

(7) Fire police are not authorized to carry firearms or weapons while on duty, unless specifically authorized to do so by the Mayor for a specified event; however, no member of the fire police can carry a firearm on duty unless he/she possesses the appropriate license to do so pursuant to Section 400.00 of the New York Penal Law.

(8) The Mayor may at any time he/she deems necessary and for the public interest deputize and appoint for such period as he/she may direct, any fire policeman as a special police officer as provided by § 129 of this Charter and such fire police shall thereupon become vested with and shall discharge all the duties of police officers.

(9) Any fire policeman during the tenure of his/her appointment shall be accorded and possessed with the same rights and privileges if injured or killed while in the active performance of his/her duties as are now accorded and possessed by volunteer firemen by the laws of the State of New York.

(10) Fire police are to be disciplined in the same manner as paid firemen in accordance with Section 157-B of this Chapter. Fire police are subject to and entitled to the protections of all provisions of Section 157-B.

(11) For the purpose of furthering the objects for which they are appointed and in conformity with the requirements of the Fire Department, the fire police are authorized and empowered to form an organization to be known as the Middletown Fire Police; to elect one captain, one sergeant, one roundsman, a secretary and a treasurer, as their officers, and to adopt by-laws for the guidance of the organization not inconsistent with the provisions of this Charter, which by-laws must be approved by the Mayor and Common Council. Such fire police may adopt a uniform, cap and badge for their better identification, subject to the approval of the Chief of the Fire Department.

Section 6. 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 4. Effective Date.

This Local Law shall be effective upon filing with the office of the Secretary of State.

**CITY OF MIDDLETOWN, NEW YORK
COMMON COUNCIL
RECORD OF VOTE**

THE FOLLOWING WAS PRESENTED

By Ald. Masi

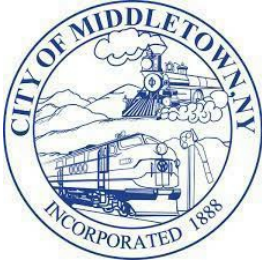
Sec'd by Ald. Johnson

Date of Adoption 02.07.23

Index No:

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	8			1

**I MOVE THE ACCOUNTS BE AUDITED, THE CLAIMS ADJUSTED AND THE
TREASURER BE AUTHORIZED TO ISSUE WARRENTS FOR THEIR PAYMENTS**



Item Cover Page

COMMON COUNCIL AGENDA ITEM REPORT

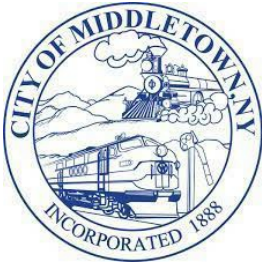
DATE: April 4, 2023

SUBJECT: **Resolution to Accept a \$17,000 Grant from the Orange County Youth Bureau**

SUGGESTED ACTION: **RESOLVED;** that the Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment accepts a \$17,000 Grant from the Orange County Youth Bureau Grant to help fund the Too Good program, youth outreach, and the Youth Leadership Academy.

FURTHER RESOLVED; that the Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment and authorizes the funds be deposited in the following accounts:

- A. 3120.501 Youth Leadership Academy \$7,000
- A. 3120.468 Too Good Programs- Youth Police Academy \$5,000
- A. 3120.468 Too Good Programs- Youth Community Outreach \$5,000



Item Cover Page

COMMON COUNCIL AGENDA ITEM REPORT

DATE: April 4, 2023

SUBJECT: **Authorization to Amend City Code as it Pertains to Three-Hour Parking in the Business Improvement Zone**

SUGGESTED ACTION: **WHEREAS**, the Police Chief has proposed certain deletions from the three-hour parking limitations in the Business Improvement Zone.

NOW THEREFORE BE IT Resolved, and be it Ordained, by the Common Council of the City of Middletown, New York, as follows:

Section 1 – The Code of the City of Middletown, N.Y., Chapter 460, Vehicles and Traffic, is hereby amended by replacing Section 460.20.1 to read in its entirety as follows:

- 460.20.1. Except as otherwise provided in this Article and in Subsection A, below, all streets in the Business Improvement District, as defined in Chapter 203 of this Code, shall be three-hour parking zones. No vehicle shall stand or be parked or be left standing or parked for more than 3 hours between the hours of 8:00 a.m. to 11:00 p.m., Sunday through Saturday.

1. Excluded from this Section shall be:

1. East Main Street, on both sides between Williams Street, and East

Avenue.

2. East Avenue on both sides between East Main Street and Fulton

Street.

3. Roberts Street on both sides from North Street to East Main

Street.

Section 2 - This resolution and ordinance shall take effect immediately.

ATTACHMENTS:

[PH Notice Parking Regulations.pdf](#)

[PH Parking Regulations Minutes.pdf](#)

[PH Notice Parking Regulations Affidavit of Publication.pdf](#)

**CITY OF MIDDLETOWN
NOTICE OF PUBLIC HEARING**

Notice is hereby given that the City of Middletown will hold a public hearing on Tuesday, March 21, 2023, 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 proposed changes to parking regulations.

Any and all persons wishing to be heard will be given an opportunity to speak either for or against the proposed changes to the parking regulations.

The proposed parking regulations 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@middletown-ny.com

By the order of the Common Council.

Richard P. McCormack
Clerk of the Common Council

Publish: 3/16/23
City Website

CITY OF MIDDLETOWN, NEW YORK
PUBLIC HEARING
March 21, 2023

Council President Rodriguez opened the public hearing.

The City Clerk read the following notice:

Notice is hereby given that the City of Middletown will hold a public hearing on Tuesday, March 21, 2023, 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 proposed changes to parking regulations.

Any and all persons wishing to be heard will be given an opportunity to speak either for or against the proposed changes to the parking regulations.

The proposed parking regulations 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@middletown-ny.com

By the order of the Common Council.

Richard P. McCormack
Clerk of the Common Council

Publish: 3/16/23
City Website

Attendance: Mayor DeStefano, Common Council President Rodrigues, City Aldermen, Richard P. McCormack, City Clerk & Various Department Heads.

The owners of Olivia's Empanadas shared their concerns about the restrictive nature of the parking in the Downtown Business District. They shared concerns about limiting parking on the street to three hours and the availability of spaces for storeowners and residents.

The Mayor responded to their concerns and spoke about the need to create parking to ensure customers and visitors to the downtown area would be able to park and patronize businesses downtown. He encouraged business owners, and residents to take advantage of the City's overnight parking pass programs, and the various long-term lots located throughout the downtown area. He also shared strategies to ensure employees working late would be able to safely return to their vehicles at the conclusion of their shifts.

Council President Rodriguez closed the public hearing.

Respectfully submitted,

Richard P. McCormack
City Clerk

LOCALiQ

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

PO Box 631202 Cincinnati, OH 45263-1202

PROOF OF PUBLICATION

Richard McCormack
NANCY T
Middletown, City
16 JAMES STREET
MIDDLETOWN NY 10940

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:

03/16/2023

and that the fees charged are legal.
Sworn to and subscribed before on 03/16/2023

Legal Clerk

Notary, State of WI, County of Brown

My commission expires

Publication Cost: \$41.29

Order No: 8574218

Customer No: 684389

PO #:

THIS IS NOT AN INVOICE!

Please do not use this form for payment remittance.

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, March 21, 2023, 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 proposed changes to parking regulations.

Any and all persons wishing to be heard will be given an opportunity to speak either for or against the proposed changes to the parking regulations.

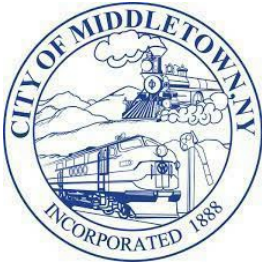
The proposed parking regulations are available in the office of the Common Council Clerk, City Hall, 16 James Street, room 12, and on the City Website.

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

rmccormack@middletown-ny.com

By the order of the Common Council.

Richard P. McCormack
Clerk of the Common Council



Item Cover Page

COMMON COUNCIL AGENDA ITEM REPORT

DATE: April 4, 2023

SUBJECT: **Authorization to Amend City Code to Extend the Definition of Commercial Vehicles as it relates to the regulation and control of municipal parking lots.**

SUGGESTED ACTION: **WHEREAS**, the Police Chief is proposing an extension of the definition of “commercial vehicle” as it relates to the regulation and control of municipal parking lots.

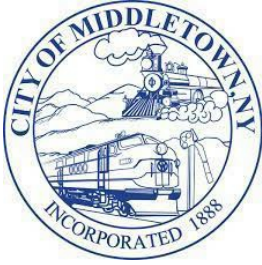
NOW THEREFORE BE IT Resolved, and be it Ordained, by the Common Council of the City of Middletown, New York, as follows:

Section 1 – The Code of the City of Middletown, N.Y., Chapter 460, Vehicles and Traffic, is hereby amended by replacing the first paragraph of Section 460-9, Regulation and control of municipal parking lots, to read as follows:

- 460-9. Regulation and control of municipal parking lots. No motorcycle, motor vehicle or vehicle shall stand, be left standing or park at any time in any parking lot described in this Section outside the time periods listed. With respect to timed parking spaces, moving from one parking space to another in the same parking lot does not extend the time limitations of such restriction. For the purpose of this Section, a “commercial vehicle” shall be any vehicle that has more than six (6) wheels or is longer than twenty-five (25) feet. The Department of Public Works shall install appropriate signage to implement the

provisions and restrictions contained in this Section.

Section 2 - This resolution and ordinance shall take effect immediately.



Item Cover Page

COMMON COUNCIL AGENDA ITEM REPORT

DATE: April 4, 2023

SUBJECT: **Authorization to Amend City Code to Prohibit Overnight Parking Permits in the DMU Downtown Mixed-Use zoning district**

SUGGESTED ACTION:

WHEREAS, the Mayor and Commissioner of Public Works are proposing that winter season overnight parking permits should not be issued in the DMU Downtown Mixed-Use zoning district, and the Mayor and Commissioner are further proposing that the Board of Estimate be given the authority to set fees for winter season overnight parking permits.

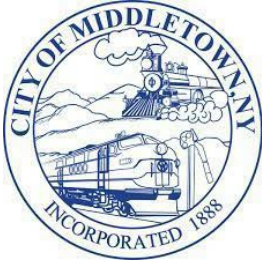
NOW THEREFORE BE IT Resolved, and be it Ordained, by the Common Council of the City of Middletown, New York, as follows:

Section 1 – The Code of the City of Middletown, N.Y., Chapter 460, Vehicles and Traffic, is hereby amended by adding new Subsections C and D to Section 460-14, Night parking, to read as follows:

1. The provisions of Subsection B, above, shall not apply to residences located in the DMU Downtown Mixed-Use zoning district, and no winter season overnight parking permits shall be issued for any location in the DMU zoning district.

1. The City of Middletown Board of Estimate is hereby given the authority to set reasonable fees for the issuance of any winter season overnight parking permits pursuant to Subsection B, above.

Section 2 - This resolution and ordinance shall take effect immediately.



Item Cover Page

COMMON COUNCIL AGENDA ITEM REPORT

DATE: April 4, 2023

SUBJECT: **Resolution accepting a \$450,000 Grant from the Dormitory Authority of the State of New York (DASNY) for the Purchase and Installation of Surveillance Cameras and the Supporting Infrastructure**

SUGGESTED ACTION: **RESOLVED;** that the Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment and authorizes accepting a \$450,000 Grant from the Dormitory Authority of the State of New York (DASNY) for the Purchase and Installation of Surveillance Cameras and the Supporting Infrastructure.

FURTHER RESOLVED; that the Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment and authorizes the creation of a separate budget line for these funds.

FURTHER RESOLVED; that the Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment and authorizes a **temporary borrowing** from the General fund for the amount of \$450,000. The General Fund will be reimbursed once the City receives reimbursement from DASNY. See below:

FURTHER RESOLVED; that the Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment and authorizes the Treasurer to transfer \$490,000, in the following manner:

From	Amount	To
General Fund Balance	\$450,000	H.0776.200

Police -City Wide Surveillance

camera

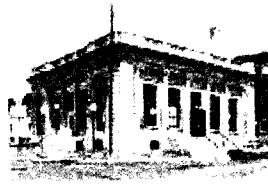
Budget Adjustment Request

Increase	Amount	Increase
H.5031	\$40,000	H.0776.200
Interfund Transfer from Community Dev Wide Surveillance camera		Police – City

ATTACHMENTS:

[DASNY.pdf](#)

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

March 23, 2023

Mayor Joseph DeStefano
Members of the Common Council
And Board of Estimate
City of Middletown
16 James Street
Middletown, New York 10940

Dear Mayor DeStefano and Members,

The City of Middletown has been awarded a DASNY grant in the amount of \$450,000 for the purchase and installation of surveillance cameras and the supporting infrastructure.

The proposed system will provide the city with 29 new surveillance cameras at high traffic and high value locations throughout the downtown business improvement district. This project will substantially expand our existing network and provide enhanced monitoring capabilities of our facilities.

The total project cost will be \$488,980.83 and the balance needed to complete the project will come from Middletown Economic Development.

I am requesting a separate budget line be created to be able to access this funding.

Thank you.

Very truly yours,

John Ewanciw
Chief of Police

Enclosure
JE: ccd



DASNY

KATHY HOCHUL
Governor

ALFONSO L. CARNEY, JR.
Chair

REUBEN R. MCDANIEL, III
President & CEO

January 19, 2023

VIA EMAIL

Jeff Thoelen
Bureau Commander of Operations
City of Middletown
16 James Street
Middletown, New York 10940

Re: *State and Municipalities ("SAM")
Purchase and Installation of Surveillance Cameras as well as the Supporting Infrastructure
Project ID: 25671*

Dear Jeff Thoelen:

As you know, the State has awarded the City of Middletown ("Grantee") a State and Municipalities ("SAM") grant for the above-referenced project in the amount of \$450,000.00 (the "Grant").

This letter outlines the documentation you will need to complete and return to DASNY in order to start the Grant Administration process.

- Please return the completed documentation electronically, as described below within thirty (30) days. **If you are not able to meet this timeframe, please send an email to callcenter@dasny.org with your requested timeline for submission.**
- If the information is not returned in a timely manner, or documentation is incomplete, your Grant will be delayed as DASNY generally reserves the right to request updated documentation throughout the administrative process to ensure the required reviews are based on accurate information.
- If there are any changes to the contact information for the primary contact for your organization, the authorized officer contact information, or change in your organizational address – please email (grants@dasny.org).

Please also read the attached Frequently Asked Questions (FAQs) as it relates to the following requested documents and other questions that you may have regarding the Grant Process.

ALBANY (HEADQUARTERS): 515 Broadway, Albany, NY 12207 | 518-257-3000
BUFFALO: 6047 Transit Road, Suite 103 East Amherst, NY 14051 | 716-884-9780
NEW YORK CITY: 28 Liberty Street, Fl 55, New York, NY 10005 | 212-273-5000
ROCHESTER: 3495 Winton Place, Building C, Suite 1, Rochester, NY 14623 | 585-450-8400

DORMITORY AUTHORITY STATE OF NEW YORK
WE FINANCE, DESIGN & BUILD
NEW YORK'S FUTURE.

www.dasny.org



Financial Review Checklist

As part of DASNY's review of your Grant, we must undertake a financial review of the project to be funded by Grant proceeds. The financial review ensures that State funding will be utilized on its own, or in conjunction with other funding sources to finance a fully functional capital project. The outline below will help you in gathering the appropriate documentation that DASNY will need to see before completing the financial review.

1. PROJECT BUDGET

- ☐ Please provide an established Project budget with attachments justifying how budget was developed. The budget should be substantiated by including a **recent** estimate, quotation or statement of probable cost from a qualified professional. For equipment purchases, we would expect to see **recent** quotations from vendors.
- ☐ If the project has commenced, you may provide awarded bids or contracts, AIA documents, or other pertinent documentation that establishes the budget. Please provide a summary document outlining the components of the budget.

Please consider:

- If Grant funds will be utilized for a phase of an overall project – the phase must be a standalone project with a recognized capital asset upon completion. For example, design phase → completed plans.
- Grant funds cannot be utilized to pay for internal labor, stockpiled materials, rental equipment or use of equipment owned by the Grantee.

2. PROJECT FUNDING SOURCES

If other sources of funding will be utilized to fully fund the project, we must see evidence that all funding sources have been secured, committed and available to complete the project.

If the project will be funded by the following, we would expect to see:

- ☐ **Grantee Equity**– We would expect to see a letter from the Grantee's Financial Officer committing the funds necessary to complete the project. The letter should be accompanied by a bank statement or recently audited financial statements specifically lining out the accounts that will fund the project.
- ☐ **Adopted Budget**– If any portion of the Project will be funded by a line item from an adopted budget, a letter from the Grantee's Financial Officer along with an adopted board resolution must be provided. The resolution should commit the funds necessary to complete the project and identify the source of such funds.



DASNY

Page 2

The following documents must be completed and returned to DASNY so the required reviews can be conducted and State approvals obtained:

- ┐ Completed Grantee Certification signed by two (2) authorized officers;
- ┐ Completed Project Certification signed by an authorized officer;
- ┐ The Grantee Questionnaire (GQ) requested by DASNY expires after one (1) year;
 - The GQ on file with DASNY is current, however, DASNY reserves the right to request a new GQ, as needed to complete the review process;
- ┐ Evidence of Site Control;
 - Certificate of Municipal Site Control
- ┐ Financial documentation.

If your organization is a non-for-profit please also see the 'Prior to Final Approval' section in attached FAQs for information regarding the prequalification requirement through NY State Grants Gateway.

Grantees are also advised that grant-funded projects are subject to the State Environmental Quality Review Act (SEQRA) and State Historic Preservation Act (SHPA). Information regarding the SEQRA and SHPA process is included in the FAQs.

Should you have any questions concerning the enclosed documentation please either call (518) 257-3177 or email callcenter@dasny.org.

Sincerely,

A handwritten signature in black ink, appearing to read "Sarah D. Antonacci".

Sarah D. Antonacci
Assistant Director, Grants Administration



- ☐ **Bonds** – Grant funds may not be used to reimburse Project costs initially paid from bond proceeds. Therefore, the amount of bonds issued for this project cannot equal the total project budget. There must be a gap of non-bonded project funding at least equal to the Grant. We would expect to see a letter from the Grantee's Financial Officer confirming that Grant proceeds will not be used to reimburse any costs financed by bonds. The allocation of bond proceeds applicable to the Project should also be included (i.e. sources and uses from Official Statement, or account balances).
- ☐ **Bond Anticipation Notes** – Grant funds may be used to reimburse project costs paid from bond anticipation notes *before* issuance of long term debt. We would expect to see written confirmation that the Grant funds will be used in this capacity.
- ☐ **Capital Campaign / Fundraising / Donations** – Please show the amount that has been committed to date and the amount that has been received in the Grantee's accounts. You may only show the amount received to date as committed to the Project and you must demonstrate how the gap will be bridged until such time all monies are received.
- ☐ **Other Grants** – If the project will be funded by other Grants, we would like to see the executed agreement or contract. If the agreement or contract has not yet been executed, please provide an explanation regarding timing of execution and submit any award letters or indicia of Grant awards.
- ☐ **Loans / Line of Credit** – Short term loans (1 year or less) or lines of credit may be paid off with Grant proceeds. Please provide the executed loan documents if available. If the loan has not closed yet, please provide the executed commitment letter along with an estimated timeline for satisfying any conditions to closing.

3. COMPLETED PROJECT

- ☐ If the Project has been completed, you must provide an accounting of sources and uses for the Project. Please be aware that the project must not have been completed prior to the award of the Grant.

4. PROJECT NOT YET FINALIZED

- ☐ If the project budget and/or sources of funding have not yet been realized, please refrain from submitting any financial documents until such time that a complete package may be returned to DASNY. In the interim, please provide a letter summarizing the current status of the project and expected timeline for submission. We will place the letter in your file and await receipt of the proper information for the financial review.

*Thank you for taking the time to put together a complete package for DASNY's financial review. Please remember that it is your responsibility to provide the information required on the **entire project** in order for DASNY to complete the financial review. We will guide you in submitting the proper documentation, but cannot establish budgets for you or assume that speculative awards will ultimately be realized.*



2 Westchester Plaza
Elmsford, New York 10523

Proposal

Phone: 914-777-5700
Fax: 914-777-1857

Proposal #	Customer #	Proposal Date
2178	1301	10/14/2022

Customer:
Middletown Police Department
2 James Street
Middletown, NY 19040

Site Location:
City Cameras
2 James Street
Middletown, NY 19040

Contact Information:

Customer Contact:
Cell Phone: (845) 346-4005
System Type: Network Video

Stratagem Contact: Morales, Basil
Phone: (845) 656-2289
Email: basil@nycctv.us

Stratagem Security is pleased to present you with the following proposal for your location. Based on your input and our evaluation of your needs, we have prepared a scope of work which details the equipment recommended for your facility.

The solution proposed represents Stratagem Security's most versatile, flexible and reliable system solution. The proposed system comes recommended to you only after extensive analysis of your business and security needs and requirements. As such, we believe the proposed solution offers the most cost-effective method of satisfying your initial requirements while supplying a strong base which can be expanded to accommodate future needs.

We will remain at your service to provide any clarification, definition, or further description of any portions of this proposal as you may require. We are confident you will be pleased with the pricing options available to you.

This proposal pricing is based on OGS Group 77201- Intelligent Facility & Security Systems and Solutions Award PT68864. All labor rates are prevailing wage and are based on fixed rate/lump sum agreement.

The below is a line from OGS on How to use the contract:

<https://ogs.ny.gov/system/files/documents/2019/04/23150attachment16.pdf>

Authorized Users MUST obtain a separate Prevailing Rate Case Number (PRC#) for each purchase from this contract where prevailing wage rates apply. The PRC # provided in this Bid is for information and evaluation purposes of the Centralized Contract only. When an Authorized User submits the request for the applicable prevailing wages, the Department of Labor will send the Authorized User an email with a link to the PRC information for the particular service agreement requested. For access to the Department of Labor (DOL) PRC # request page, use the following link (please copy and paste into internet browser address bar as direct link does not work):

<https://applications.labor.ny.gov/wpp/showPublicNewProject.do?method=showIt>

Billing Questions
(914) 777-5700

CONTACT US
Service
(914) 777-5700

Email
service@nycctv.us

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2 Westchester Plaza
Elmsford, New York 10523

Proposal

Phone: 914-777-5700
Fax: 914-777-1857

Brief Description:

Multi-Site Server and Street Camera Update

Scope of Work

Stratagem Security will provide the below updates and additions to the City of Middletown's Video Network System:

Rail Trail Commons:

- One (1) 10TB Exacq Servers Set @10-15fps motion recording to be installed in new rack (Internet via new router and power to be provided by City prior to installation, Room in basement to be completed and secured by City prior to installation.)
- Two (2) UPS Units
- One (1) Patch Panel, Jacks, Jumpers and Switch as listed
- One (1) Rack Mount Service Monitor, Mouse, and Keyboard
- Six (6) 8MP Fixed Dome Cameras and Hardware – As Per Camera Layout
- Conduit Fittings and Hardware as Needed

Paramount Theater:

- One (1) New Wall Mount Rack (Location to be finalized prior to installation.)
- One (1) UPS Unit
- One (1) Patch Panel, Jacks, Jumpers and Switch as listed
- Five (5) 8MP Fixed Dome Cameras and Hardware – As Per Camera Layout
- Conduit Fittings and Hardware as Needed

Street Pole Cameras:

- Fourteen (14) 8MP Fixed Dome Cameras and Hardware – As Per Camera Layout
- Twelve (12) 20MP Multisensor Cameras and Hardware – As Per Camera Layout
- One (1) 2MP PTZ Camera – Skate Park Pole
- Twenty-One (21) Network Enclosure/Power Supplies and Hardware – As Per Camera Layout
- Twenty (20) KBC High Throughput Host and Client Kits and Hardware and Hardware – As Per Camera Layout
- Conduit Fittings and Hardware as Needed

Existing Analog PTZ Cameras - To be Replaced with Multi-Sensor and Fiber Converter:

- Seven (7) 20MP Multisensor Cameras and Hardware – As Per Camera Layout
- Seven (7) Media Converters (Fiber to I.P) and Hardware – As Per Camera Layout
- Three (3) additional Media Converters – To replace existing to rackmount "Card Type"
- Conduit Fittings and Hardware as Needed

New Servers and Rack Mount Equipment

Police Department - Four (4) 64TB Exacq Servers Set @10-15fps motion recording to be installed in existing spare rack (rack to be cleared prior to installation by I.T dept.)

- Programming for Video Analytics, Camera Mapping and Tracking Search – as discussed
- Switch, Rack and Patch Panel to be installed in attic for Mast Antennas KBC Hosts
- Two (2) UPS Units

- Patch Panels, Jacks Jumpers and Switches and Hardware – As Per Camera Layout
- Fiber Converters (Cards) and Rack Mount Power Supply– As Per Camera Layout

Rail Trail Commons - One (1) 10TB Exacq Servers Set @10-15fps motion recording to be installed in new rack (Room still to be

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2 Westchester Plaza
Elmsford, New York 10523

Proposal

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constructed by the city DPW.)

- One (1) UPS Unit
- One (1) Patch Panel Jacks Jumpers and Switches as listed

Notes:

- * City camera system will be brought down during installation and may be out for some time and will come back online as the new cameras are added. Cell cameras and interior views will be maintained during the installation to the best of our ability.
- * City to provide bucket truck for use for installation of pole cameras and KBC wireless network as required to complete installation.
- * This project will require the city to have permanent unswitched electrical connections and cut-off switches installed for this equipment on the telephone and light poles (as per plans) which will have our equipment. This is to be coordinated and completed prior to installation by Stratagem.
- * Rail Trail Commons will need internet access via router and room for equipment still to be constructed by the city DPW prior to installation.
- * Price includes all related labor, parts, hardware, and programming needed to complete installation.
- * Customer must provide network connection to access system remotely.
- * Customer to provide 110VAC Outlets, where designated by Stratagem prior to installation.
- * Customer to provide I.P. addresses and access to existing network prior to installation.
- * Any device requiring software will need to be accessible and on site at the time of installation.
- * Monitors in dispatch, to be purchased and installed along with power provided by others. Stratagem will provide HDMI cabling to city provided PCs to manage monitors and views. Spec. for PC's to be provided by Stratagem.

Item/Part Code	Description	Quantity	Rate	Amount
Rail Trail Commons				
Rail Trail Commons				
PW-R4 Surveillance Tech	Rail Trail Commons - CCTV/Surveillance Camera Systems Physical Access Control Systems Alarm and Signal Systems Technician Onsite - Region 4 Entire Counties - Orange/Rock	80.00	\$181.71	\$14,536.80
PW-RA Project/Pgm Manager	Rail Trail Commons - Project/Program Manager - All Regions	4.00	\$224.47	\$897.88
PW-RA Offsite Maint Tech	Rail Trail Commons - Offsite Integration and Maintenance Technician - All Regions	4.00	\$150.00	\$600.00
IP04-10T-R4A	IP 10TB 4U Recorder W/ 4CamLics 64Max Client SVR Web/Mobile SW - MSRP - \$6510.00	1.00	\$6,184.50	\$6,184.50
5000-40388	A-Series Upgrade to 16GB Memory total. Not field upgradeable. Available at time of initial order only. - MSRP - \$136.00	1.00	\$129.20	\$129.20
5000-40387	A-SERIES CPU UPGRADE TO I7 - MSRP - \$588.00	1.00	\$558.60	\$558.60
5000-40341	RAID option for 4UA-series servers. Reduces usable storage - MSRP - \$1635.00	1.00	\$1,553.25	\$1,553.25
EVIP-01	SINGLE IP CAMERA LICENSE - MSRP - \$196.00	3.00	\$186.20	\$558.60
E6412B2FP	ENTERPRISE NETWORK CABINET 24U46.7"H X 23.5"W X 42.0"D W/(2) FLAT PACKAGED BLACK - MSRP - \$1843.80	1.00	\$1,567.23	\$1,567.23
IMHD-20HVBVN	20" LED MONITOR, HDMI, VGA, LOOPING BNC INPUTS AND OUTPUTS - \$334.00	1.00	\$300.60	\$300.60

Billing Questions

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2 Westchester Plaza
Elmsford, New York 10523

Proposal

Phone: 914-777-5700
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SMART1000R M2U	Smartpro 1000va 2U, Rackmount - MSRP - \$1303.20	1.00	\$1,211.98	\$1,211.98
TPE-TG160G	16 PORT GIGABIT POE+ SWITCH - MSRP - \$354.99	1.00	\$349.67	\$349.67
1-MISCELLANEOUS	Rack Mount Mouse and Keyboard Drawers - \$N/C	1.00	\$0.00	\$0.00
CPP24WBLY	24-PORT PANEL UNLOADED SNAP-IN 4-PORT FACEPLATE BLK W/OUT LABEL ROHS - MSRP - \$45.00	1.00	\$38.32	\$38.32
CJ688TPBU	1-PORT MOD JACK IDC 8W8P UTPT568A/B CAT6 TX6 PLUS MINICOM BLUE ROHS - MSRP - \$15.58	10.00	\$13.24	\$132.40
UTP28SP1BU	CBL ASSY MOD 28-4PR STRANDED CAT 6, SMALL DIAMETER, 1 FT NON-INTG BLUE - MSRP - \$11.22	10.00	\$9.54	\$95.40
6BNSM2	CAT6 ENHANCED NO SPLINE 4 PAIR 23 AWG PLENUM 1K BOX - MSRP - \$370.00	3.00	\$351.50	\$1,054.50
IFS08-D13-OIA4	American Dynamics IFS08-D13-OIA4 8MP Day/Night Outdoor IR Network IP Mini-Dome Camera, 3.6-10mm Lens - MSRP - \$980.00	6.00	\$901.60	\$5,409.60
ADC16DPCAPI W	ILLUSTRA 200600 FLEX CAP - MSRP - \$65.00	4.00	\$59.80	\$239.20
ADLOMARM	Discover, Mount, wall arm, for NV LookOut, no plate. - MSRP - \$75.00	4.00	\$69.00	\$276.00
Miscellaneous	Conduit, Connectors, and Fittings	1.00	\$275.00	\$275.00
				\$35,968.73

PW-RA Designer	Designer - All Systems	88.00	\$199.49	\$17,555.12
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Paramount Theater

Paramount Theater

PW-R4 Surveillance Tech	Paramount Theater - CCTV/Surveillance Camera Systems Physical Access Control Systems Alarm and Signal Systems Technician Onsite Region 4 Entire Counties - Orange/Rock	80.00	\$181.71	\$14,536.80
PW-RA Project/Pgm Manager	Paramount Theater - Project/Program Manager - All Regions	2.00	\$224.47	\$448.94
PW-RA Offsite Maint Tech	Paramount Theater - Offsite Integration and Maintenance Technician - All Regions	4.00	\$150.00	\$600.00
XHW-2430-SD	Three-Section Wall Mount Enclosure, 23.75" (12RU) x 30" Deep x 23" Wide - MSRP - \$665.48	1.00	\$632.21	\$632.21
SMART1000R M2U	Smartpro 1000va 2U, Rackmount - MSRP - \$1303.20	1.00	\$1,211.98	\$1,211.98
TPE-TG160G	16 PORT GIGABIT POE+ SWITCH - MSRP - \$354.99	1.00	\$349.67	\$349.67
CPP24WBLY	24-PORT PANEL UNLOADED SNAP-IN 4-PORT FACEPLATE BLK W/OUT LABEL ROHS - MSRP - \$45.08	1.00	\$38.32	\$38.32
CJ688TPBU	1-PORT MOD JACK IDC 8W8P UTPT568A/B CAT6 TX6 PLUS MINICOM BLUE ROHS - MSRP - \$15.58	16.00	\$13.24	\$211.84

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UTP28SP1BU	CBL ASSY MOD 28-4PR STRANDED CAT 6, SMALL DIAMETER, 1 FT NON-INTG BLUE - MSRP - \$11.22	16.00	\$9.54	\$152.64
IFS08-D13-OIA4	American Dynamics IFS08-D13-OIA4 8MP Day/Night Outdoor IR Network IP Mini-Dome Camera, 3.6-10mm Lens - MSRP - \$980.00	5.00	\$901.60	\$4,508.00
ADCI6DPCAPI W	ILLUSTRA 200600FLEX CAP - MSRP - \$65.00	5.00	\$59.80	\$299.00
ADLOMARM	Discover, Mount, wall arm, for NV LookOut, no plate.	5.00	\$72.00	\$360.00
6BNMS2O	CAT6 Plenum Cable, 23/4 Solid BC, No Spline, CMP, 1000' (304.8m) Pull Box, Blue - MSRP - \$370.00	3.00	\$351.50	\$1,054.50
1-MISCELLANEOUS	Conduit, Connectors, and Fittings	1.00	\$300.00	\$300.00
6DB234UTPM1 B	Remee 6DB234STPM1B CAT6 Cable, 23/4 Solid BC, Shielded, 250MHz, Outdoor Direct Burial, 1000' (304.8m) Reel, Black - MSRP - \$365.00	1.00	\$346.75	\$346.75
				\$25,050.65

Pole Cameras

Pole Cameras

PW-R4 Surveillance Tech	Pole Cameras - CCTV/Surveillance Camera Systems Physical Access Control Systems Alarm and Signal Systems Technician Onsite Region 4 Entire Counties - Orange/Rock	416.00	\$181.71	\$75,591.36
PW-RA Project/Pgm Manager	Pole Cameras - Project/Program Manager - All Regions	4.00	\$224.47	\$897.88
PW-RA Offsite Maint Tech	Pole Cameras - Offsite Integration and Maintenance Technician - All Regions	8.00	\$150.00	\$1,200.00
IFS08-D13-OIA4	American Dynamics IFS08-D13-OIA4 8MP Day/Night Outdoor IR Network IP Mini-Dome Camera, 3.6-10mm Lens - MSRP - \$980.00	16.00	\$901.60	\$14,425.60
ADCI6DPCAPI W	ILLUSTRA 200600FLEX CAP - MSRP - \$65.00	16.00	\$59.80	\$956.80
ADLOMARM	Discover, Mount, wall arm, for NV LookOut, no plate. - MSRP - \$75.00	16.00	\$69.00	\$1,104.00
ADCDMPOLE	ILLUSTRA 600610FLEX POLE - MSRP - \$125.00	16.00	\$115.00	\$1,840.00
IPS20-M12-OIA4	Illustra Pro Gen4 (5MP x4) 20MP Multisensor, 2.7-13.5mm, AI, TDN w/IR, TWDR, IP66, IK10, Quad SDXC 0 MSRP - \$3250.00	12.00	\$2,990.00	\$35,880.00
IBPN-M-IS12-A	Illustra Pro Gen4 Multisensor Pendant Cap - MSRP - \$190.00	12.00	\$174.80	\$2,097.60
RHOLW	Dome mount, SDU (indr/outdr / Optima (indr/outdr), wall, 23" (58.7 cm) - \$190.00	13.00	\$174.80	\$2,272.40
RHOWPA	Dome mount, pole adapter, use with RHOSW or RHOLW - MSRP - \$120.00	13.00	\$110.40	\$1,435.20
IFS02P6ONW1 TB	Illustra Flex 2MP PTZ, 30X, Outdoor, Vandal, White, TDN W/IR, TWDR - MSRP - \$2050.00	1.00	\$1,886.00	\$1,886.00
EASYPOEBOX 4C	4-Port 10/100/1000BASE-T PoE + 2-Port 10/100/1000BASE-T Managed Ethernet Switch - MSRP - \$1690.00	21.00	\$1,647.75	\$34,602.75

CONTACT US

Billing Questions

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Email

(914) 777-5700

(914) 777-5700

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2 Westchester Plaza
Elmsford, New York 10523

Proposal

Phone: 914-777-5700
Fax: 914-777-1857

EASYPOEBOX MCL	Mast clamp set, 2 pcs, for pole mounting, compatible with EASYPOE Box series and pole diameter of 102-254mm. - MSRP - \$31.25	21.00	\$30.47	\$639.87
EASYPOEBOX LOCK	DOOR LOCK WITH LOCKING TAB - MSRP - \$31.25	21.00	\$30.47	\$639.87
WES4HTG-KT	Wireless high throughput gigabit ethernet system kit (up to 650Mbps bi-directionally) consisting of (2) WES4HTG-AX-CA modules with 17dBi antennas and - MSRP - \$3130.00	20.00	\$2,504.00	\$50,080.00
1-MISCELLANEOUS	Conduit, connectors, and fittings	1.00	\$275.00	\$275.00
				\$225,824.33

Analog PTZ Replacements

Analog PTZ Replacements

PW-R4 Surveillance Tech	PTZ Replacements - CCTV/Surveillance Camera Systems Physical Access Control Systems Alarm and Signal Systems Technician Onsite Region 4 Entire Counties - Orange/Rock	160.00	\$181.71	\$29,073.60
PW-RA Project/Pgm Manager	PTZ Replacements - Project/Program Manager - All Regions	2.00	\$224.47	\$448.94
PW-RA Offsite Maint Tech	PTZ Replacements - Offsite Integration and Maintenance Technician - All Regions	4.00	\$150.00	\$600.00
IPS20-M12-OIA4	Illustra Pro Gen4 (5MP x4) 20MP Multisensor, 2.7-13.5mm, AI, TDN w/IR, TWDR, IP66, IK10, Quad SDXC - MSRP - \$3250.00	7.00	\$2,990.00	\$20,930.00
RHOLW	Dome mount, SDU (indr/outdr / Optima (indr/outdr), wall, 23" (58.7 cm) - MSRP - \$190.00	7.00	\$174.80	\$1,223.60
RHOWPA	Dome mount, pole adapter, use with RHOSW or RHOLW - MSRP - \$120.00	7.00	\$110.40	\$772.80
IBPN-M-IS12-A	Illustra Pro Gen4 Multisensor Pendant Cap - MSRP - \$190.00	7.00	\$174.80	\$1,223.60
MCGN1-M2N-ASN-B	10/100/1000Mbps Ethernet LAN fiber optic media converter, 2 fibers, 1310nm multi-mode, 12dB optical loss budget. 500m range. -40°C to 75°C (-40°F to 1	10.00	\$290.00	\$2,900.00
1-MISCELLANEOUS	Conduit, connectors, and fittings	1.00	\$120.00	\$120.00
				\$57,292.54

Police Department

Police Department

PW-R4 Surveillance Tech	Police Department (Server Rack) - CCTV/Surveillance Camera Systems Physical Access Control Systems Alarm and Signal Systems Technician Onsite Region 4 Entire Counties - Orange/Rock	80.00	\$181.71	\$14,536.80
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Billing Questions

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2 Westchester Plaza
Elmsford, New York 10523

Proposal

Phone: 914-777-5700
Fax: 914-777-1857

PW-RA Project/Pgm Manager	Police Department - Project/Program Manager - All Regions	4.00	\$224.47	\$897.88
PW-RA Offsite Maint Tech	Police Department - Analytics and Monitor Programming - Offsite Integration and Maintenance Technician - All Regions	80.00	\$150.00	\$12,000.00
IP04-64T-R4A	IP 4U recorder with 4 IP cameras licenses, I5, RAID, Professional Software - MSRP - \$14925.00	4.00	\$14,178.75	\$56,715.00
5000-40388	A-Series Upgrade to 16GB Memory total. Not field upgradeable. Available at time of initial order only. - MSRP - \$136.00	4.00	\$129.20	\$516.80
5000-40387	A-SERIES CPU UPGRADE TO I7 - MSRP - \$588.00	4.00	\$558.60	\$2,234.40
5000-50100	exacqVision desktop surveillance keypad for Windows and Linux client applications. Includes 10 character numeric entry, 16 user definable buttons, pa - MSRP - \$975.00	1.00	\$926.25	\$926.25
5000-40341	RAID option for 4UA-series servers. Reduces usable storage - see recorder calculator for more details - MSRP - \$1635.00	4.00	\$1,553.25	\$6,213.00
EVIP-01	SINGLE IP CAMERA LICENSE - MSRP - \$196.00	47.00	\$186.20	\$8,751.40
SMART1000R M2U	Smartpro 1000va 2U, Rackmount - MSRP - \$1303.20	2.00	\$1,211.98	\$2,423.96
TPE-TG240G	Trendnet 24-Port Gigabit Poe+ Switch (370w) - MSRP - \$484.99	4.00	\$477.72	\$1,910.88
CPP24WBLY	24-PORT PANEL UNLOADED SNAP-IN 4-PORT FACEPLATE BLK W/OUT LABEL ROHS - MSRP - \$45.08	4.00	\$38.32	\$153.28
CJ688TPBU	1-PORT MOD JACK IDC 8W8P UTPT568A/B CAT6 TX6 PLUS MINICOM BLUE ROHS - MSRP - \$15.58	72.00	\$13.24	\$953.28
UTP28SP1BU	CBL ASSY MOD 28-4PR STRANDED CAT 6, SMALL DIAMETER, 1 FT NON-INTEG BLUE - MSRP - \$11.22	72.00	\$9.54	\$686.88
MCGN1-M2N- ASN-B	10/100/1000Mbps Ethernet LAN fiber optic media converter, 2 fibers, 1310nm multi-mode, 12dB optical loss budget. 500m range. -40°C to 75°C (-40°F to 1 - MSRP - \$	10.00	\$290.00	\$2,900.00
FR2-16-ABN-B	KBC Networks FR2-16-ABN-B 2U RACK MNT MED CNVTR RCVR CAR - MSRP - \$735.00	1.00	\$588.00	\$588.00
XHW-2430-SD	Three-Section Wall Mount Enclosure, 23.75" (12RU) x 30" Deep x 23" Wide - MSRP - \$665.48	1.00	\$632.21	\$632.21
1- MISCELLANE OUS	Rack Mount Keyboard, Mouse, Monitor and Multi-Port KVM - \$N/C	1.00	\$0.00	\$0.00
1- MISCELLANE OUS	Misc. hardware and Fittings	1.00	\$220.00	\$220.00
				\$113,260.02

Monitor Cabling and Set-Up

Monitor Cabling and Set-Up

CONTACT US		
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(914) 777-5700	(914) 777-5700	service@nycctv.us

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2 Westchester Plaza
Elmsford, New York 10523

Proposal

Phone: 914-777-5700
Fax: 914-777-1857

PW-R4	Monitor Cabling - Server Set-up and Programming - CCTV/Surveillance	64.00	\$181.71	\$11,629.44
Surveillance	Camera Systems Physical Access Control Systems Alarm and Signal			
Tech	Systems Technician Onsite Region 4 Entire Counties - Orange/Rock			
PW-RA Offsite	Monitor Cabling - Server Set-up and Programming - Offsite Integration and	16.00	\$150.00	\$2,400.00
Maint Tech	Maintenance Technician - All Regions			
				\$14,029.44

Total Charges : \$488,980.83
Sales Tax : \$0.00
Grand Total : \$488,980.83

Deposit Required to schedule work \$0.00

EXCLUDED:

- Any Material or labor not specifically listed as part of this proposal .
- Drawings.
- After normal hours, weekends, or holidays.
- Patching and painting.
- Pricing established using fixed rate contract basis.
- If using existing wiring, Wire is assumed to be usable. If wire needs to be replaced an additional proposal will be forwarded for wire replacement.
- All work to be performed on straight time - overtime will be provided at additional cost
- Stratagem Security, Inc. is not responsible for problems caused by existing wire and does not warranty existing wires, equipment or 3rd party wire installation.
- Permit fees, Engineered Plans & Design not included unless listed.
- No core drilling or penetrations are included unless noted in the scope of work described above. Available chases, conduits and wire runs will be used. Additional core drilling will be provided at additional cost.
- No conduit or molding included unless noted in the scope of work described above.
- Customer is responsible for providing 110V electrical power required at required locations to be installed throughout property.
- Customer is responsible for all charges due to access related delays.
- Any additional materials or labor requested by customer that is not specified in this proposal will result in a Change Order that must be reviewed by Stratagem Security, Inc. account executive and signed for by customer prior to start date of installation.
- If remote access configuration is required, customer must provide complete IP configuration information to Stratagem Security, Inc. prior to start of installation. If complete IP information is not received by completion of installation, return visits will be provided at additional cost.
- If remote access is required, customer must provide a network connection within 25 feet of equipment. Any network wiring will be subject to additional charges based on time & materials.

Billing Questions

(914) 777-5700

CONTACT US
Service

(914) 777-5700

Email

service@nycctv.us

To visit us online, please visit: <https://stratagemsecurity.net>

Page 8 of 9

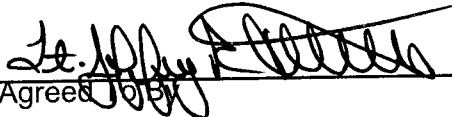


Proposal

2 Westchester Plaza
Elmsford, New York 10523

Phone: 914-777-5700
Fax: 914-777-1857

- Stratagem Security, Inc. is not responsible for remote access issues caused by network or firewall issues. Any network connectivity support beyond setting up the system for remote access will be subject to additional charges
- Customer must provide power and data connections for security equipment as required.
- Customer contact must be present at end of installation to approve job completion. Any error in service or a new installation of the system must be called to the attention of Stratagem Security, Inc. in writing within five (5) days after completion of the installation or the installation shall be deemed totally satisfactory to and accepted by the customer.
- will be subject to additional charges
- Customer must provide power and data connections for security equipment as required.
- Customer contact must be present at end of installation to approve job completion. Any error in service or a new installation of the system must be called to the attention of Stratagem Security, Inc. in writing within five (5) days after completion of the installation or the installation shall be deemed totally satisfactory to and accepted by the customer.

X  Lt. Jeffrey R. Thoen 11/12/23
Agreed To By Print Name Date

Recurring Services - Not Included In Above Pricing
Description

Monthly Amount Amount

Billing Questions
(914) 777-5700

CONTACT US
Service
(914) 777-5700

Email
service@nycctv.us

To visit us online, please visit: <https://stratagemsecurity.net>

Page 9 of 9

City of Middletown Downtown Camera Project Overview

The City of Middletown has made substantial investments within our community over the past several years, attracting unprecedented business and residential growth that has helped establish Middletown as a premier destination within the Hudson Valley Region. In an effort to enhance surveillance coverage and provide increased protection and oversight of public facilities, the City of Middletown is proposing to add 29 new security cameras to our existing technology infrastructure via funding from the New York State Assembly's State and Municipal Facilities Program. Over the past several years, the efficiency and effectiveness of surveillance cameras has increased exponentially, providing significant benefits for municipalities who wish to deter criminal activity and increase public safety. Cameras serve a dual role, reassuring the public that an area is safe, while at the same time deterring potential criminal offenders from committing illegal acts. If a community is not viewed as safe by its residents, business owners, and visitors, no amount of public expenditures on amenities and services will overcome this negative perception and return value on the investments.

The City of Middletown Police Department has worked closely with a security consultant to identify the best locations for the installation of new public cameras throughout the jurisdiction that will provide the desired level of site protection. The proposal includes the installation of new cameras, advanced monitoring software, and also allows for future expansion. The cameras will be placed near public facilities that typically draw large numbers of shoppers, visitors, and other attendees. Public cameras are necessary to ensure that vehicles remain safe, that security threats are reduced, and that criminal activity in each of these areas is prevented. Traffic and pedestrian safety can also be enhanced as the police department can utilize camera footage to review incidents and deploy department resources to address identified concerns.

While surveillance cameras can never take the place of a uniformed police officer, the cameras are a proven tool for assisting law enforcement in preventing and investigating all forms of illegal activity. This public camera project would be an efficient use of public funding to provide a substantial increase in safety and security for our community, and ensure that our investments remain well-preserved for many years of public use. The most recent cost estimate for the proposed upgrades is approximately \$488,000. The City of Middletown is prepared to support the public camera program, providing maintenance and upkeep for all of the equipment to ensure the system remains operational 24 hours per day, seven days per week. Additionally, if the upgrades exceed the proposed funding request, the City of Middletown is committed to provide that additional funding to support the project. A cost breakdown for the project is contained below.

Total Project Cost: \$488,980.83

Rail Trail Commons: •One (1) 10TB Exacq Servers Set @10-15fps motion recording to be installed in new rack (Internet via new router and power to be provided by City prior to installation, Room in basement to be completed and secured by City prior to installation.) •Two (2) UPS Units •One (1) Patch Panel, Jacks, Jumpers and Switch as listed •One (1) Rack Mount Service Monitor, Mouse, and Keyboard •Six (6) 8MP Fixed Dome Cameras and Hardware – As Per Camera Layout •Conduit Fittings and Hardware as Needed
\$35,968.73

Paramount Theater: •One (1) New Wall Mount Rack (Location to be finalized prior to installation.) •One (1) UPS Unit •One (1) Patch Panel, Jacks, Jumpers and Switch as listed •Five (5) 8MP Fixed Dome Cameras and Hardware – As Per Camera Layout •Conduit Fittings and Hardware as Needed

\$25,050.65

Street Pole Cameras: •Fourteen (14) 8MP Fixed Dome Cameras and Hardware – As Per Camera Layout •Twelve (12) 20MP Multisensor Cameras and Hardware – As Per Camera Layout •One (1) 2MP PTZ Camera – Skate Park Pole •Twenty-One (21) Network Enclosure/Power Supplies and Hardware – As Per Camera Layout •Twenty (20) KBC High Throughput Host and Client Kits and Hardware and Hardware – As Per Camera Layout •Conduit Fittings and Hardware as Needed

\$225,824.33

Existing Analog PTZ Cameras - To be Replaced with Multi-Sensor and Fiber Converter: •Seven (7) 20MP Multisensor Cameras and Hardware – As Per Camera Layout •Seven (7) Media Converters (Fiber to I.P) and Hardware – As Per Camera Layout •Three (3) additional Media Converters – To replace existing to rackmount “Card Type” •Conduit Fittings and Hardware as Needed

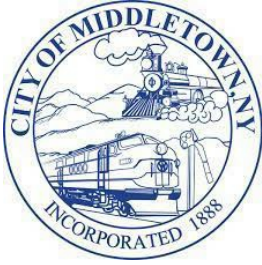
\$57,292.54

New Servers and Rack Mount Equipment Police Department - Four (4) 64TB Exacq Servers Set @10-15fps motion recording to be installed in existing spare rack (rack to be cleared prior to installation by I.T dept.) •Programming for Video Analytics, Camera Mapping and Tracking Search – as discussed •Switch, Rack and Patch Panel to be installed in attic for Mast Antennas KBC Hosts •Two (2) UPS Units •Patch Panels, Jacks Jumpers and Switches and Hardware – As Per Camera Layout •Fiber Converters (Cards) and Rack Mount Power Supply– As Per Camera Layout Rail Trail Commons - One (1) 10TB Exacq Servers Set @10-15fps motion recording to be installed in new rack (Room still to be constructed by the city DPW) •One (1) UPS Unit •One (1) Patch Panel Jacks Jumpers and Switches as listed

\$113,260.02

Monitor Cabling, Set-Up and System Design for Project

\$31,584.56



Item Cover Page

COMMON COUNCIL AGENDA ITEM REPORT

DATE: April 4, 2023

SUBJECT: Resolution authorizing a \$145,000 Budget Transfer from the Debt Service Fund Balance to the Water System Improvement Fund

SUGGESTED ACTION: RESOLVED; that the Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment and authorizes the Treasurer transfer \$145,000 from the Debt Service Fund Balance to the Water System Improvement fund, H.0947.900, to cover Resolution 254-22 dated 11/1/2022.

Resolution states to amend B&L Contract for services related to 20” HP Watermain Replacement project.

FROM	AMOUNT	TO
Debt Service Fund Balance H.0947.900	\$145,000.00	
System Imp		Water

ATTACHMENTS:
[water fund.pdf](#)

DEPARTMENT OF PUBLIC WORKS

MEMORANDUM

Date: March 23, 2023
 To: Honorable Members of the Board of Estimate
 And Apportionment
 Cc: Leonora Liz-Treasurer
 Richard McCormack- City Clerk
 From: Jacob Tawil-Commissioner of Public Works 
 Re: Transfer of Funds

I am requesting a transfer of funds from the Water Fund Balance to the Water System Improvement fund, H.097.900, to cover Resolution 254-22 dated 11/1/2022. See attached Resolution.

FROM	AMOUNT	TO
1. Water Fund Balance	\$145,000.00	H.0947.900 Water System Imp

Thank you.

MC

**CITY OF MIDDLETOWN, NEW YORK
COMMON COUNCIL
RECORD OF VOTE**

THE FOLLOWING WAS PRESENTED

By Ald. Masi

Sec'd by Ald. Tobin

Date of Adoption 11.01.22

Index No: 254-22

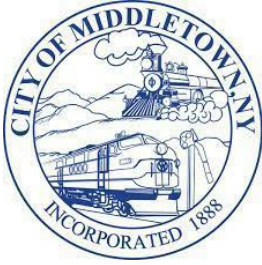
NAMES AYES NOES ABSTAIN ABSENT

Ald. Tobin	X			
Ald. Jean-Francois	X			
Ald. Johnson	X			
Ald. Ramkissoon	X			
Ald. Kleiner	X			
Ald. Green	X			
Ald. Witt	X			
Ald. Masi	X			
Pres. Rodrigues	X			
TOTAL	9			

**Resolution authorizing amendment #4 to B&L Contract for additional Construction
Administration and Construction Observation Services**

RESOLVED that the Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment and authorizes Amendment 4 to B&L Contract with the City for additional Construction Administration and Construction Observation Services as it relates to the 20" HP Watermain Replacement project in the amount of \$145,000.

RESOLVED that the Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment and authorizes the Mayor to sign Amendment #4.



Item Cover Page

COMMON COUNCIL AGENDA ITEM REPORT

DATE: April 4, 2023

SUBJECT: Resolution authorizing a \$6699.74 Budget Transfer to cover the shortage of funds to cover 2022 Repairs to Truck #22 and #23

SUGGESTED ACTION: RESOLVED; that the Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment and authorizes the Treasurer to transfer \$6699.74, in the following manner, to cover the shortage of funds to cover 2022 Repairs to Truck #22 and #23.

FROM	AMOUNT	TO
A.5110.473	\$2,046.86	A.5110.440
Lot Crew Material & Supplies		Other Equipment
A.5110.479	\$4,652.88	A.5110.440
Equipment Rental		Other Equipment

ATTACHMENTS:
[Repairs.pdf](#)

DEPARTMENT OF PUBLIC WORKS

MEMORANDUM

Date: March 23, 2023
 To: Honorable Members of the Board of Estimate
 And Apportionment
 Cc: Leonora Liz-Treasurer
 Richard McCormack- City Clerk
 From: Jacob Tawil-Commissioner of Public Works 
 Re: Transfer of Funds

I am requesting a transfer from 2022 Street Dept. Lot Crew Material and supplies of \$2,046.86 and 2022 Street Dept. Equipment rental of \$4,652.88, to be moved to 2022 Street Dept. Repairs to Equipment to cover the shortage of funds to cover 2022 Repairs to Truck #22 and #23

	FROM	AMOUNT	TO
1.	A.5110.473 Lot Crew Material & Supplies	\$2,046.86	A.5110.440 Other Equipment
2.	A.5110.479 Equipment Rental	\$4,652.88	A.5110.440 Other Equipment

Thank you.

MC

CITY OF MIDDLETOWN

Account Balance Report

101

Account No	Description	Type	2022 Act Bal	2022 Bud Bal
A.5110.1	STREET MAINTENANCE.PERSONAL SERVICES	E	959,259.39	18,110.61
A.5110.100	PERSONAL SERVICES	E	946,802.02	3,967.98
A.5110.103	OVERTIME	E	9,207.37	12,892.63
A.5110.104	CSEA LONGEVITY PAY	E	3,250.00	1,250.00
A.5110.109	COMP - CSEA	E	0.00	0.00
A.5110.2	STREET MAINTENANCE.EQUIPMENT	E	64,331.48	168.52
A.5110.200	OTHER EQUIPMENT	E	64,331.48	168.52
A.5110.4	STREET MAINTENANCE.CONTRACTUAL EXPENSE	E	476,646.16	66.50
A.5110.401	TRAVEL EXPENSE	E	114.84	35.16
A.5110.417	GAS & OIL	E	128,273.25	(5,880.10)
A.5110.440	REPAIRS TO EQUIPMENT	E	112,578.49	(596.07)
A.5110.450	MATERIALS & SUPPLIES	E	125,197.82	(192.23)
A.5110.453	PAVING & DRAINAGE	E	106,473.50	0.00
A.5110.472	SHADE TREES	E	0.00	0.00
A.5110.473	LOT CREW - MTLs & SUPPLY	E	3,861.14	2,046.86
A.5110.479	EQUIPMENT RENTAL	E	147.12	4,652.88
Total Number of Accounts:	16	Total:	1,500,237.03	18,345.63

Inv 660927

OC truck 3 inv = 6,548.23

11/17/2022

Orange County Truck Service

746 County Route 49
 Middletown, NY 10940
 845-344-2869
 Fax# 845-344-4915

Invoice #72564

City Of Middletown

1998 MACK D SERIES

Tag: AL6969
 ID: 1M2B221C4WM022328

Mileage 77,440
 Truck #: 23

Spent

Labor
 AIR LEAK
 LABOR

<u>Hours</u>	<u>Rate</u>	<u>Amount</u>
6.50	\$105.00	\$682.50
		<u>\$682.50</u>

R.M.

<u>Part No.</u>	<u>Parts</u>
210928	FITTING
103009N	R12 VALVE/BRACKET

<u>Quantity</u>	<u>Each</u>	
1.00	\$8.23	\$8.23
1.00	\$74.75	\$74.75
		<u>\$82.98</u>

Subtotal	<u>\$765.48</u>
Tax	<u>\$0.00</u>
Total	<u>\$765.48</u>

CHECK OVER FOR AN AIR LEAK.
 CHECKED UNIT FOR AN AIR LEAK. AIRED UP TRUCK. CHECKED & FOUND R12
 VALVE BROKEN. REPLACED R12 VALVE. FREED UP FROZEN BRAKE LINES &
 TUBING. ROAD TESTED. RECHECKED FOR LEAKS. OK.

ORANGE COUNTY TRUCK SERVICE ASSUMES NO RESPONSIBILITY FOR LOSS OR DAMAGE BY THEFT
 OR FIRE TO VEHICLES PLACED WITH THEM FOR STORAGE, SALE, REPAIR OR WHILE ROAD
 TESTING. AN EXPRESS MECHANICS LIEN IS ACKNOWLEDGED ON ABOVE VEHICLE TO SECURE THE
 AMOUNT OF REPAIRS HERETO. I AGREE THAT ALL WORK HAS BEEN COMPLETED TO MY
 SATISFACTION.

NYS REGISTERED REPAIR SHOP #7071651

6548.23

11/01/2022

Orange County Truck Service

746 County Route 49
Middletown, NY 10940
845-344-2869
Fax# 845-344-4915

Invoice #72012

City Of Middletown

1995 INTERNATIONAL 2574 6X4

10940

(845) ____-____

Tag: AL6973

ID: HTGGADT9SH634063

Mileage 94,012

Truck #: 22

*Street*Labor

RS & TOW
FUEL LEAK
LABOR

HoursRateAmount

10.80

\$105.00

\$1,134.00

\$1,134.00Part No.PartsQuantityEach

1842907C93

TURBO OIL FEED LINE

1.00

\$203.84

\$203.84

27004

HOSE

1.00

\$16.92

\$16.92

9921

FITTING

2.00

\$5.19

\$10.38

6601669

FITTING

1.00

\$5.84

\$5.84

52F13

CLAMP

26.00

\$1.65

\$42.90

1005

PARTS CLEANER

2.00

\$3.89

\$7.78

711044

FITTING

1.00

\$1.67

\$1.67

717444

FITTING

1.00

\$2.28

\$2.28

716000

FITTING

1.00

\$3.34

\$3.34

47329

EXH.BRKT

1.00

\$12.94

\$12.94

1820267C91

INJ PUMP

1.00

\$2,845.50

\$2,845.50

SHIPPING

SHIPPING CHARGE BOTH WAYS/ PUMP

1.00

\$68.29

\$68.29

15W40

ENGINE OIL (QT)

4.00

\$6.25

\$25.00

1005

PARTS CLEANER

4.00

\$3.89

\$15.56

\$3,262.24

Subtotal

\$4,396.24

Tax

\$0.00

Total

\$4,396.24

UNIT TOWED TO O.C.T.S FOR A FUEL LEAK.
CHECKED UNIT - TROUBLE SHOT FUEL LEAK. FOUND INJECTOR FUEL RETURN
LINE LEAKING. REMOVED ALL PARTS NECESSARY TO ACCESS INJECTION
PUMP. REMOVED PUMP. FABRICATED INJECTOR FUEL RETURN LINE &
INSTALLED. INSTALLED INJECTOR PUMP. REINSTALLED ALL PARTS REMOVED
CHECKED FOR LEAKS. FOUND TURBO OIL FEED LINE LEAKING. ORDERED LINE
FROM DEALER AS NEEDED. REPLACED LINE. ROAD TESTED. OK.

ORANGE COUNTY TRUCK SERVICE ASSUMES NO RESPONSIBILITY FOR LOSS OR DAMAGE BY THEFT
OR FIRE TO VEHICLES PLACED WITH THEM FOR STORAGE, SALE, REPAIR OR WHILE ROAD
TESTING. AN EXPRESS MECHANICS LIEN IS ACKNOWLEDGED ON ABOVE VEHICLE TO SECURE THE
AMOUNT OF REPAIRS HERETO. I AGREE THAT ALL WORK HAS BEEN COMPLETED TO MY
SATISFACTION.

NYS REGISTERED REPAIR SHOP #7071651

5110 - 440

09/29/2022

Orange County Truck Service

746 County Route 49
 Middletown, NY 10940
 845-344-2869
 Fax# 845-344-4915

Invoice #71858

City Of Middletown

1998 MACK D SERIES

Tag: AL6969
 ID: 1M2B221C4WM022328

Mileage 77,440
 Truck #: 23

Street

<u>Labor</u>	<u>Hours</u>	<u>Rate</u>	<u>Amount</u>
CHECK OVER BRAKES			\$0.00
LABOR	6.80	\$105.00	\$714.00
			<u>\$714.00</u>

<u>Part No.</u>	<u>Parts</u>	<u>Quantity</u>	<u>Each</u>	
745286171N	FOOT VALVE	1.00	\$210.10	\$210.10
6300RSN4017A	PEDAL ASSEMBLY	1.00	\$370.11	\$370.11
82180	SILICONE	1.00	\$7.59	\$7.59
93604	BLACK TAPE	1.00	\$1.94	\$1.94
209920	FITTING	1.00	\$5.90	\$5.90
75W90	SYNTHETIC GEAR LUBE (QT)	4.00	\$11.41	\$45.64
HARDWARE	HARDWARE	1.00	\$23.44	\$23.44
WD40L	SPRAY LUBE	1.00	\$7.79	\$7.79
				<u>\$672.51</u>

R.M.

Subtotal	<u>\$1,386.51</u>
Tax	<u>\$0.00</u>
Total	<u>\$1,386.51</u>

CHECK OVER BRAKES.
 LUBED & WORKED TO UNSEIZE & REMOVE THROTTLE PEDAL. RMEOVED
 COVER TO OBTAIN ACCESS TO FOOT VALVE. REMOVED BROKEN BRAKE
 PEDAL & FOOT VALVE. CLEANED UP & PLATED BRAKE PEDAL FLOOR.
 INSTALLED NEW FOOT VALVE & BRAKE PEDAL. REINSTALLED THROTTLE
 PEDAL. (VERY TIME CONSUMING TO REPAIR DUE TO RUST & CORROSION.)

ORANGE COUNTY TRUCK SERVICE ASSUMES NO RESPONSIBILITY FOR LOSS OR DAMAGE BY THEFT
 OR FIRE TO VEHICLES PLACED WITH THEM FOR STORAGE, SALE, REPAIR OR WHILE ROAD
 TESTING. AN EXPRESS MECHANICS LIEN IS ACKNOWLEDGED ON ABOVE VEHICLE TO SECURE THE
 AMOUNT OF REPAIRS HERETO. I AGREE THAT ALL WORK HAS BEEN COMPLETED TO MY
 SATISFACTION.

NYS REGISTERED REPAIR SHOP #7071651



Item Cover Page

COMMON COUNCIL AGENDA ITEM REPORT

DATE: April 4, 2023

SUBJECT: **Resolution authorizing the Renaming of the Babe Ruth Field to the Daniel Miller Field**

SUGGESTED ACTION: RESOLVED; that the Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment and authorizes that Babe Ruth Field be renamed the Daniel Miller Field.

FURTHER RESOLVED that the Common Council of the City of Middletown concurs with the Board of Estimate and authorizes Middletown Little League to purchase a sign commemorating Daniel Miller.

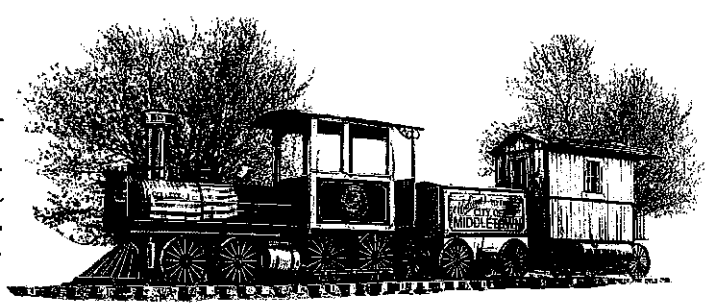
The sign will be approved by the Superintendent of Parks Raelynn Bertholf and Deputy Commissioner of Parks John Bianchi and will be mounted for display at the field.

ATTACHMENTS:

[Babe Ruth.pdf](#)

Middletown Recreation and Parks Department

393 CR-78, Middletown, New York 10940 Tel: (845)346-4180 Fax: (845)344-2918



Wednesday, March 22, 2022

RE: Authorization to rename Babe Ruth Field

Dear Board of Estimates & Council Members:

On behalf of Middletown Little League, the Recreation & Parks Department and Recreation Commission are requesting approval for the Babe Ruth Field to be renamed the **Daniel Miller Field**. We are also requesting approval for Middletown Little League to purchase a sign commemorating Daniel Miller. The sign will be approved by the Superintendent of Parks Raelynn Bertholf and Deputy Commissioner of Parks John Bianchi and will be mounted for display at the field.

A message from Rosanna Darrell, President of Middletown Little League:

Dan Miller tragically passed away on June 12, 2022. Dan was a huge part of Middletown Little League, Babe Ruth and the community. He was the President of Babe Ruth and head umpire for Middletown Little League. He enjoyed helping every kid that he had the opportunity to. When he was umpiring a game, he would stop and teach along the way. Dan trained many baseball players from around the county but especially our Middletown kids. He taught the kids the game that he loved. He was a friend to everyone. He had a heart as big as anyone you will ever meet. He loved seeing the progress and smiling faces on the kids. When we were short a coach Dan would step in and coach that team. He coached a few teams in Middletown Little League. Any way that he could help he would.

You could often find Dan on the Big Field (Bae Ruth) hitting Miller Bombs. He continued to play baseball in a men's league. His teammates would tell you he wasn't the best out there but he was the hardest working and best teammate. Naming the big field after him would be a tremendous honor. The kids would love to play on that field in Dan's honor.

Sincerely,

A handwritten signature in black ink that reads "Raelynn Bertholf".

Raelynn Bertholf, Superintendent of Recreation
Middletown Recreation & Parks Department



Item Cover Page

COMMON COUNCIL AGENDA ITEM REPORT

DATE: April 4, 2023

SUBJECT: **Resolution Authorizing the Use of Portable Lights by the Otisville Country Fair**

SUGGESTED ACTION: **BE IT RESOLVED;** that the Common Council of the City of Middletown authorizes the use of three portable lights by the Otisville Lions/Country Fair during the 33rd Annual Otisville Country Fair from Wednesday, July 26, 2023 through Monday, July 31st.

The Otisville Lions Club/Country Fair will be responsible for any damages incurred during the use of the lights and will make any necessary repairs at their expense.

ATTACHMENTS:
[Otisville Country Fair Request.pdf](#)



Fairgrounds Location
Education Center & 4H Park
300 Finchville Turnpike, Otisville, NY 10963

33rd Annual Country Fair
In Memory of Dave & Marilyn Budd Co-Founders
July 27, 28, 29, & 30, 2023

Otisville Lions Club
P.O. Box 24
Otisville, NY 10963
March 23, 2023

Mayor Joseph M. DeStefano
City of Middletown
16 James Street
Middletown, NY 10940

Dear Mayor DeStefano,

This is a formal request for the use of three of your portable lights for the 33rd Annual Country Fair. We will need them from Wednesday, July 26th through Monday, July 31st. They can be dropped off anytime that is convenient for you on Wednesday and picked up at your convenience on Monday.

The Otisville Lions Club/Country Fair will be responsible for any damage incurred during the use of the three portable lights and will make any necessary repairs at our expense.

If you can help with this request, please contact Sue either at smarshall2330@yahoo.com or number listed below. Thank you in advance for your consideration.

Sincerely,


Jim Jennings
Chairman
(845) 494-2817


Sue Marshall
Chairman
(845) 283-0635

RECEIVED

MAR 27 2023

**CITY CLERK
CITY OF MIDDLETOWN**

RECEIVED

MAR 27 2023

MAYOR'S OFFICE

Breaking News – A “New” Fair in Town

Cornell Cooperative Extension Orange County is pleased to announce the collaboration with the Otisville Country Fair, sponsored by Otisville Lions Club, for **The Country Fair**, Otisville, NY, Thursday, July 27 thru Sunday, July 30 at the Education Center & 4-H Park, located at 300 Finchville Turnpike, Otisville, NY.

“Our combined fair will continue providing support for the local community through our annual summer event while providing fair goers with more offerings, said Sue Marshall, Otisville Country Fair Co-Chair. Jim Jennings, Otisville Country Fair Co-Chair is thrilled for this new endeavor with Cornell Cooperative Extension Orange County.

Lucy Joyce, CCEOC Executive Director echoed that sentiment, “Cornell Cooperative Extension of Orange County is thrilled for this collaboration and the chance to diversify and expand our outreach.”

This all-new fair will embrace the history of past festivities from both organizations; The Otisville Country Fair and CCEOC’s Agriculture & Family Festival. The Otisville Country Fair began as a one-day flea market 33 years ago in a parking lot in downtown Otisville and flourished into a 4-day family-oriented event. CCEOC’s Education Center & 4 H Park grew out of a need to expand educational programs and experiences to meet the growing needs of the community in all areas of programming.

The Country Fair will have something for everyone, including live entertainment, antique car show, 4-H exhibits, animal shows, amusement rides, tractor pulls, delicious food, local vendors, a 100th Anniversary Celebration for 4-H, Life skills demonstrations and so much more!

The Country Fair in Otisville will be held:

Thursday, July 27 5:00 PM – 10:00 PM

Friday, July 28 5:00 PM – 10:00 PM

Saturday, July 29 9:00 AM – 10:00 PM

Sunday, July 30 9:00 AM -10:00 PM

Cornell Cooperative Extension and its partnerships provide programs for Orange County residents on youth and family development; nutrition, health, and food safety; community and economic vitality; and agricultural sustainability through Cornell based research. Committed to Orange County, we design programs to meet local needs to enable people to improve their lives and communities. For more information call Cornell Cooperative Extension Orange County at 845-344-1234 or visit our website at www.cceorangecounty.org.



Item Cover Page

COMMON COUNCIL AGENDA ITEM REPORT

DATE: April 4, 2023

SUBJECT: **Resolution authorizing the Run 4 Downtown Committee to host an event at Erie Way Park**

SUGGESTED ACTION: RESOLVED; that the Common Council of the City of Middletown hereby grants the Run 4 Downtown organization's application to provide beer and wine, on May 11, 2023, at Erie Way Park from 5 PM to 8 PM for a Run 4 Downtown kick-off/event sponsor recognition event.

FURTHER RESOLVED; the approval is conditioned upon the execution of the attached agreement by the applicant and the fulfillment of all requirements set forth in the agreement by the applicant to supply the City with the proper insurance documents and authorize the Mayor to sign the application from the SLA for the provision of beer and wine and temporarily lift the requirements of the City's open container ordinance for this application.

ATTACHMENTS:
[R4DT SLA.pdf](#)

Special Event Permit Application

New York State Liquor Authority

Landlord Authorization Form

Date(s) of event: May 11, 2023

Name of Applicant: Run 4' Downtown

Venue Name: Pavilion @ Erie Way Park

Venue Street Address: 1-30 Union Street

Venue City and zip code: Middletown, NY 10940

By my signature, I acknowledge that I am the landlord/owner of the applied for premises, or that I am a duly authorized representative of the landlord/owner, to sign this landlord authorization form. I hereby grant permission for the sale or services of alcoholic beverages by the applicant for consumption on said property.

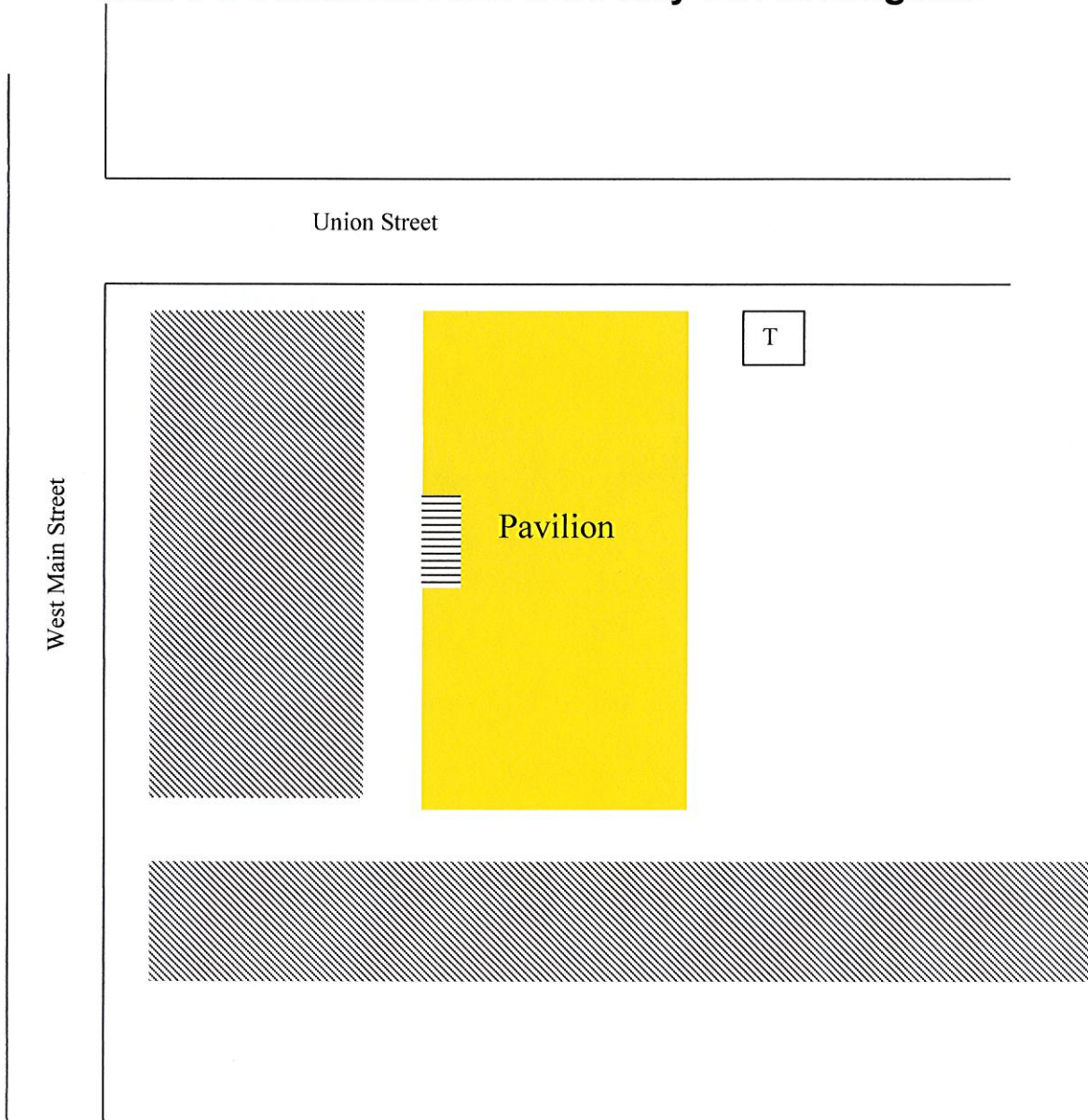
Print Name of Landlord/Owner

Print Your Name and Title

Signature & Date



Run 4 Downtown Kick-Off Party Event Diagram



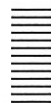
Key:



Toilet

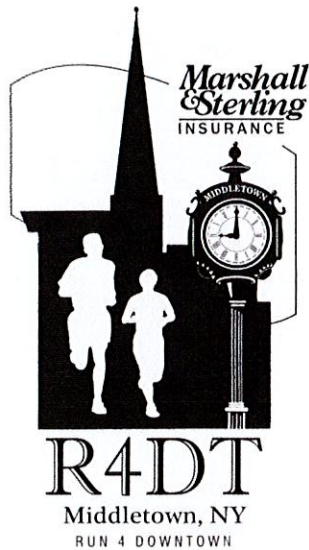


Parking



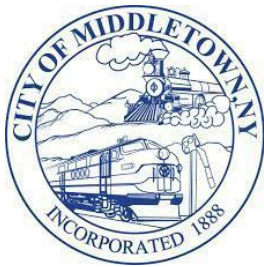
Guest Check-in Table

Beer/Wine Service in the Pavilion only



Security Measures Statement

The Run 4 Downtown Kickoff Party, hosted by the City of Middletown, is committed to having a safe, secure, and lawful event. Beer and wine service is provided for those invited guests who are of the legal age and not intoxicated. Beer and wine service will be limited to the Pavilion in Erie Way Park on Union Street and will be between the hours of 5:00pm and 7:30 pm. The Pavilion will have one entrance/exit and it will be supervised to restrict the alcohol to this limited area. There will be two bartenders who will check each person's I.D. and who will each have the absolute authority to refuse to serve anyone with questionable I.D. or anyone who is visibly intoxicated. No beer or wine will be allowed outside of the Pavilion. City of Middletown Police will be on site during the entire event.



Item Cover Page

COMMON COUNCIL AGENDA ITEM REPORT

DATE: April 4, 2023

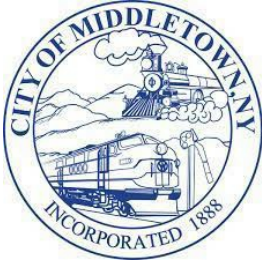
SUBJECT: Resolution Declaring the Common Council as SEQRA Lead Agency For a Zoning Change to Prohibit Short-Term Rentals

SUGGESTED ACTION: WHEREAS, the City of Middletown Common Council has been presented with a proposal for Citywide prohibition on short-terms rentals, and

WHEREAS, the proposed zoning amendment constitutes a Type I action pursuant to 6 NYCRR 617.4(b)(2), and

WHEREAS, the Common Council is the only involved agency under SEQRA for this proposed zoning amendment.

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



Item Cover Page

COMMON COUNCIL AGENDA ITEM REPORT

DATE: April 4, 2023

SUBJECT: **Resolution accepting a \$3,500 Donation from Middletown Little League to Offset Field Improvement Costs**

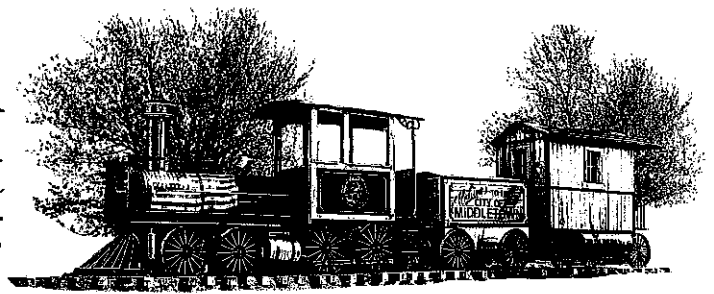
SUGGESTED ACTION: RESOLVED; that the Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment and accepts a \$3,500 donation from Middletown Little League to Offset the costs of a better clay to help with the drainage issues.

FURTHER RESOLVED RESOLVED; that the Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment authorizes the Treasurer to deposit the donation into account A.2705.00 Gifts & Donations and increase budget line A.7110.478 Park Improvements.

ATTACHMENTS:
[Little League Donation.pdf](#)

Middletown Recreation and Parks Department

393 CR-78, Middletown, New York 10940 Tel: (845)346-4180 Fax: (845)344-2918



Wednesday, March 22, 2022

RE: Authorization to accept donation

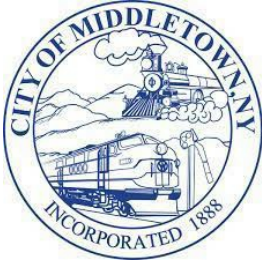
Dear Board of Estimates & Council Members:

The Recreation & Parks Department was given a donation in the amount of \$3,500.00 from Middletown Little League to help offset the costs of a better clay to help with the drainage issues. Please accept this donation and authorize the Treasurer to deposit the donation into account A.2705.00 Gifts & Donations and increase budget line A.7110.478 Park Improvements.

Sincerely,

A handwritten signature in cursive script that reads "Raelynn Bertholf".

Raelynn Bertholf, Superintendent of Recreation
Middletown Recreation & Parks Department



Item Cover Page

COMMON COUNCIL AGENDA ITEM REPORT

DATE: April 4, 2023

SUBJECT: Resolution Authorizing a City Wide Yard Sale

SUGGESTED ACTION: **BE IT RESOLVED;** that the Common Council of the City of Middletown concurs with the Board of Apportionment and Estimate to establish a Citywide Yard Sale on Saturday, June 3, and Sunday, June 4, 2023, and hereby waives all fees, including the deposit for said sales.

ATTACHMENTS:
[City Wide Yard Sale Waiver.pdf](#)



Richard P. McCormack
City Clerk, Registrar

CITY OF MIDDLETOWN

Office of the City Clerk, Registrar & Common Council Clerk

16 James Street, Middletown, NY 10940

Tel: (845) 346-4166 Fax: (845) 344-5428 www.middletown-ny.com

To: Mayor DeStefano, Council President Rodrigues, Members of the Board of Estimate and Members of the Common Council

From: Rick McCormack, City Clerk

CC: Leonora Liz, City Treasurer

RE: Authorization to Waive Yard Sale Fees for June 3 & 4, 2023

Respectfully requesting that the Board of Estimate establish a Citywide Yard Sale the weekend of June 3 & 4, 2023, and waive the \$10 License Fee and required deposit.

The Citywide yard sale will coincide with the opening of the 2023 Middletown Farmer's Market.

People interested in participating will need to abide by all rules and regulations currently in place regarding yard sales, including the City's prohibition of posting signs on City Property.

Residents will be asked to register their yard sale through the Clerk's office with times and locations.

The Clerk's Office will publish, on the City website and social media platforms, a list of all registered Yard Sales with start and end times.



Item Cover Page

COMMON COUNCIL AGENDA ITEM REPORT

DATE: April 4, 2023

SUBJECT: **Resolution Authorizing Street Closures for the Middletown Little League Parade on Saturday, April 15, 2023**

SUGGESTED ACTION: **RESOLVED;** that the Common Council of the City of Middletown authorizes the closing of streets for the Middletown Little League Parade on Saturday, April 15, 2023, beginning at 11 AM along the following route: Leaving Presidential Park Elementary School, walk up Sunset Street, make left onto Watkins and into Watts Park.

ATTACHMENTS:
[Little League Parade Request](#)

Richard McCormack

From: City of Middletown <noreply@middletown-ny.com>
Sent: Friday, March 31, 2023 10:41 AM
To: Richard McCormack
Subject: City of Middletown: Parade Route Street closure

This is an enquiry email via <https://www.middletown-ny.com/> from:
Rosanna Darrell <rosanna.darrell@middletownnyll.org>

Hello, my name is Rosanna and I am the President of Middletown Little League. Our parade and opening day is going to be April 15th this year. We asking for support with the street closure along our parade route. We will be leaving Presidential Park at approximately 11:00 am. Walking up Sunset Avenue and making a left onto Watkins Ave where we will enter the park. Thank you for your continued support of Middletown Little League. If you are in need of anything else please reach out to me.

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.



Item Cover Page

COMMON COUNCIL AGENDA ITEM REPORT

DATE: April 4, 2023

SUBJECT: **Resolution authorizing an agreement with the County of Orange for use of the Fire Safety Trailer**

SUGGESTED ACTION: RESOLVED; that the Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment and authorizes an agreement with the County of Orange to secure the County Fire Safety Trailer for the National Night Out Against Crime and the Kids Celebration events this summer.

FURTHER RESOLVED; that the Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment and authorizes the Mayor to sign the contract.

ATTACHMENTS:
[County Fire Safety Trailer Contract 2023.pdf](#)

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

March 28, 2023

Honorable Joseph DeStefano
Mayor - City of Middletown
Board of Estimate and Apportionment
Common Council Clerk McCormack
City Hall
16 James Street
Middletown, New York 10940

Dear Mayor DeStefano, Clerk McCormack, and members of the BOE;

The City of Middletown Police Department would like to secure the County Fire Safety Trailer for the National Night Out Against Crime and the Kids Celebration events this summer.

We ask for you to prepare a resolution to allow the Mayor to sign both contracts regarding the proper use and insurance for the trailer during these events.

If you have any questions, please contact me.

Very truly yours,

John Ewanciw
Chief of Police

JE:ccd



ORANGE COUNTY

DEPARTMENT OF EMERGENCY SERVICES

DIVISION OF FIRE SERVICES



Steven M. Neuhaus
County Executive

Vini Tankasali
Deputy Commissioner
Orange County Fire Serv
9 Training Center Lan
New Hampton, New York
TEL: (845) 374-1900 FAX: (845)
www.orangecountygov.com

Brendan R. Casey
Commissioner

National
Night out
8/1/23

March 27, 2023

City of Middletown
16 James Street
Middletown, NY 10940

I have completed the preliminary paperwork to start the contract process with the County of Orange for the Safety Trailer. Please complete the following:

1. Please fill out Page 5 under the User Contact Info on the right hand side of the document and sign, print, title and date under User. **Please note whomever calls to set up this agreement is the person who needs to be duly authorized to sign this paperwork and show proof of a resolution. THE NAMES MUST MATCH.**
2. We also need insurance certificates attached to the contract showing General Liability insurance in accordance with Article 13 of the contract. This General Liability insurance must list the County of Orange, 255-275 Main Street, Goshen, NY 10924, as additional insured. Please make sure that the liability coverage shows the value of the Fire Safety trailer being at a maximum of \$55,000. You must also present proof of **Workers Compensation (C-105.2) and Disability Benefits insurance (DB-120.1)**. If you are exempt from workers' compensation and/or disability benefits insurance coverage requirements, then a **CE-200** is required by the Worker's Compensation Board.
3. E-Mail everything back to me at:
sgillespie@orangecountygov.com
4. When the contract is approved Shannon Gillespie will call to let you know and you may contact Jim McCann at 845-374-1900 to set up the pickup of the Fire Safety trailer.

The process for having a contract approved in Orange County can sometimes take a while. It has several departments it proceeds through prior to final approval by the County Executive. **Please be advised that you should not proceed with your obligation towards this contract until you have received the contract signed by the County Executive. There is no contract with Orange County until it is signed by the County Executive.** As soon as the contract is signed and the process completed by the County Executive a copy of the contract will be forward to you.

If you have any questions, please feel free to call me at (845) 374-1900.

Sincerely,

Shannon Gillespie
Administrative Secretary
Enclosure

USE AGREEMENT

FOR COUNTY OF ORANGE FIRE SAFETY TRAILER

THIS AGREEMENT, effective as of the last date entered below, is entered into between the **COUNTY OF ORANGE**, by and through its Department of Emergency Services, Division of Fire Services, located at 9 Fire Training Lane, New Hampton, NY 10958, ("County") and the City of Middletown ("Department") by and through Joseph DeStefano, in his official capacity as Mayor of City of Middletown ("User"). The County agrees to allow the User use of the County Fire Safety Trailer subject to the terms and conditions of this Agreement.

I. TERM OF THIS AGREEMENT

This Agreement commences on July 31, 2023 and expires on August 2, 2023. The County may elect to terminate this Agreement at any time with written notice to the other party, effective in accordance with the terms of the notice provision in Section XVIII of this Agreement.

II. PURPOSE OF THIS AGREEMENT

The purpose of this Agreement is to share a resource that will support and stimulate fire safety awareness in the general public. The resource is the County Fire Safety Trailer—a mobile 2-story trailer equipped with various fire safety and prevention features. This Agreement will establish a method for communities to promote fire safety with the following goals at its core.

- A. Reduce loss of life and property due to fire.
- B. Reduce injuries due to fire.
- C. Reduce occurrence of fire in homes.
- D. Improve maintenance of smoke detectors in homes.
- E. Improve understanding of importance of home fire drills and escape plans.
- F. Improve understanding of how and when to use E-911 to summon assistance during emergencies.

III. RENT

There shall be no rent charged for use of the Fire Safety Trailer.

IV. RESPONSIBILITIES OF THE PARTIES

The County and the User agree to the following responsibilities and will exert all reasonable efforts to fulfill the responsibilities stated below.

A. County's Responsibilities

- 1. Housing and general maintenance of the Fire Safety Trailer.
- 2. Scheduling use of the Fire Safety Trailer.

3. Revisions of the Fire Safety Trailer procedure manual.
4. Providing orientation to User on safe transportation and use of the Fire Safety Trailer.

B. User's Responsibilities

1. Orientation of support personnel for safe transportation and operation of the Fire Safety Trailer.
2. Safe transportation of the Fire Safety Trailer.
3. Safe operation of the Fire Safety Trailer.
4. Cleaning the Fire Safety Trailer and re-stocking consumed supplies before returning it to the County.
5. Absorbing costs for repair of damages to the fire Trailer that may occur while in Users possession.
6. Provide liability coverage for injuries or death that may occur to visitors of the Fire Safety Trailer while in User's possession. User shall provide County with a certificate of insurance naming the County as an additional insured. The coverage shall be:
 - i. A minimum of one million dollars (\$1,000,000.00) per occurrence for death or injury to visitors.
 - ii. Maximum of fifty-five thousand dollars (\$55,000.00) for repair or replacement of the Fire Safety Trailer and its contents.
7. Costs relating to insuring, transporting and operating the Fire Safety Trailer shall be the responsibility of the User.

V. COUNTY'S RIGHT TO INSPECT

County shall have the right at any time during normal business hours to enter on the premises where the Fire Safety Trailer is located for the purpose of inspecting it or observing its use, maintenance and operation.

VI. USER'S INSPECTION AND ACCEPTANCE

User acknowledges that it has inspected the Fire Safety Trailer prior to using it pursuant to this Agreement, that it is in good condition, and that User has accepted the Fire Safety Trailer in good condition.

VII. RETURN OF PROPERTY

On the expiration or termination of this Agreement, User agrees to return to County, at User's own expense, the Fire Safety Trailer in as good a condition as it was when delivered to user, ordinary wear and tear resulting from Fire Safety Trailer use alone excepted, and free from all liens and encumbrances, to the County's Fire Training Center, located at 9 Fire Training Lane, New Hampton, NY 10958.

VIII. WARRANTIES

County does not make any warranties, express or implied, nor shall any warranties arise by operation of law, as to the Fire Safety Trailer, including fitness for any particular use, merchantability, design, capacity, or performance.

IX. USE, CARE AND OPERATION OF PROPERTY

User shall use the Fire Safety Trailer in a careful and proper manner, and shall comply with all laws and regulations prescribed by governmental authority and with the County's instructions relating to the possession, use, maintenance, repair, and operation of the Fire Safety Trailer.

X. AUTHORITY OF COUNTY REPRESENTATIVES

1. This Agreement must be executed by the County Executive, or his or her designee, in order to bind the County.
2. The Deputy Commissioner of the Division of Fire Services, or his or her designee, shall serve as the County's authorized representative for the administration of this Agreement.
2. The Deputy Commissioner of the Division of Fire Services, shall have the authority to issue written procedures for use of the Fire Safety Trailer under this Agreement.
3. The Deputy Commissioner of the Division of Fire Services, or his or her designee, shall have the authority to approve or disapprove use of the Fire Safety Trailer by any User.
4. The Deputy Commissioner of the Division of Fire Services, or his or her designee, is authorized to require Users to undergo any orientation or refresher orientation he or she may deem necessary for safe transportation and operation of the Fire Safety Trailer.

XI. ALTERATIONS

User shall not make any alterations, additions or improvements to the Fire Safety Trailer without the prior written consent of County. All such additions and improvements shall immediately become the property of County and subject to the terms of this Agreement.

XII. LOSS OR DAMAGE

User assumes all risks of loss of or damage to the Fire Safety Trailer from any cause and shall reimburse the County for any loss or damages to the property. This provision shall survive any expiration or termination of this Agreement.

XIII. INDEMNIFICATION AND HOLD HARMLESS

User agrees to indemnify, defend and hold the County harmless from all actions, suits, liabilities or damages resulting from, or arising out of, any acts or omissions by the User, its agents, employees, customers, or invitees in the occupation or use of the Fire Safety Trailer, and to pay all costs, including but not limited to litigation expenses and reasonable attorneys fees, connected therewith. This provision shall survive any expiration or termination of this Agreement.

XIV. ASSIGNMENT OR SUBLEASING BY USER

User shall not assign, sublet or transfer any of its rights under this Agreement without the prior written consent of County. User shall not lend or allow the Fire Safety Trailer to be used by any person other than User's employees, without the prior written consent of County.

XV. WAIVER

No delay or omission to exercise any right of County under this Agreement shall be construed as a waiver of any such right or as impairing any such right. Any waiver by County of a single breach or default shall not be construed as a waiver of any prior or subsequent breach or default.

XVI. SEVERABILITY

If a court of competent jurisdiction holds any provision of this Agreement invalid, it shall be considered deleted from this Agreement, but such invalidity shall not affect the other provisions that can be given effect in the absence of the invalid provisions.

XVII. GOVERNING LAW

This Agreement shall be governed by and construed in accordance with the laws of the State of New York, regardless of any conflicts of laws or rules that would require the application of another jurisdiction's laws.

XVIII. NOTICE

All notices as required in this Agreement shall be in writing. Except as otherwise provided herein, all notices may be given by certified mail, by personal delivery, by nationally recognized overnight courier service or by facsimile. Notice by certified mail will be effective upon sending provided such notice is simultaneously transmitted by facsimile, subject to the confirmation requirements contained herein. Notice by personal delivery will be effective upon delivery to the other party. Notice by nationally recognized overnight courier service shall be effective one (1) day after delivery of notice to such overnight courier service. Notice by facsimile will be effective upon receipt by the other party. If notice is given by facsimile, the sender thereof shall,



Steven M. Neuhaus
County Executive

ORANGE COUNTY

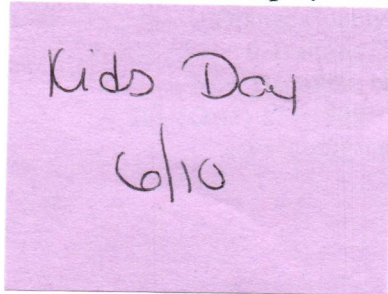
DEPARTMENT OF EMERGENCY SERVICES

DIVISION OF FIRE SERVICES



Brendan R. Casey
Commissioner

Vini Tankasali
Deputy Commissioner



Fire Services
Center Lane
New York 10958
FAX: (845) 374-1906
orangecountygov.com

March 27, 2023

City of Middletown
16 James Street
Middletown, NY 10940

I have completed the preliminary paperwork to start the contract process with the County of Orange for the Safety Trailer. Please complete the following:

1. Please fill out Page 5 under the User Contact Info on the right hand side of the document and sign, print, title and date under User. **Please note whomever calls to set up this agreement is the person who needs to be duly authorized to sign this paperwork and show proof of a resolution. THE NAMES MUST MATCH.**
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Shannon Gillespie
Administrative Secretary
Enclosure

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4. Cleaning the Fire Safety Trailer and re-stocking consumed supplies before returning it to the County.
5. Absorbing costs for repair of damages to the fire Trailer that may occur while in Users possession.
6. Provide liability coverage for injuries or death that may occur to visitors of the Fire Safety Trailer while in User's possession. User shall provide County with a certificate of insurance naming the County as an additional insured. The coverage shall be:
 - i. A minimum of one million dollars (\$1,000,000.00) per occurrence for death or injury to visitors.
 - ii. Maximum of fifty-five thousand dollars (\$55,000.00) for repair or replacement of the Fire Safety Trailer and its contents.
7. Costs relating to insuring, transporting and operating the Fire Safety Trailer shall be the responsibility of the User.

V. COUNTY'S RIGHT TO INSPECT

County shall have the right at any time during normal business hours to enter on the premises where the Fire Safety Trailer is located for the purpose of inspecting it or observing its use, maintenance and operation.

VI. USER'S INSPECTION AND ACCEPTANCE

User acknowledges that it has inspected the Fire Safety Trailer prior to using it pursuant to this Agreement, that it is in good condition, and that User has accepted the Fire Safety Trailer in good condition.

VII. RETURN OF PROPERTY

On the expiration or termination of this Agreement, User agrees to return to County, at User's own expense, the Fire Safety Trailer in as good a condition as it was when delivered to user, ordinary wear and tear resulting from Fire Safety Trailer use alone excepted, and free from all liens and encumbrances, to the County's Fire Training Center, located at 9 Fire Training Lane, New Hampton, NY 10958.

VIII. WARRANTIES

County does not make any warranties, express or implied, nor shall any warranties arise by operation of law, as to the Fire Safety Trailer, including fitness for any particular use, merchantability, design, capacity, or performance.

IX. USE, CARE AND OPERATION OF PROPERTY

User shall use the Fire Safety Trailer in a careful and proper manner, and shall comply with all laws and regulations prescribed by governmental authority and with the County's instructions relating to the possession, use, maintenance, repair, and operation of the Fire Safety Trailer.

X. AUTHORITY OF COUNTY REPRESENTATIVES

1. This Agreement must be executed by the County Executive, or his or her designee, in order to bind the County.
2. The Deputy Commissioner of the Division of Fire Services, or his or her designee, shall serve as the County's authorized representative for the administration of this Agreement.
2. The Deputy Commissioner of the Division of Fire Services, shall have the authority to issue written procedures for use of the Fire Safety Trailer under this Agreement.
3. The Deputy Commissioner of the Division of Fire Services, or his or her designee, shall have the authority to approve or disapprove use of the Fire Safety Trailer by any User.
4. The Deputy Commissioner of the Division of Fire Services, or his or her designee, is authorized to require Users to undergo any orientation or refresher orientation he or she may deem necessary for safe transportation and operation of the Fire Safety Trailer.

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User shall not make any alterations, additions or improvements to the Fire Safety Trailer without the prior written consent of County. All such additions and improvements shall immediately become the property of County and subject to the terms of this Agreement.

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User agrees to indemnify, defend and hold the County harmless from all actions, suits, liabilities or damages resulting from, or arising out of, any acts or omissions by the User, its agents, employees, customers, or invitees in the occupation or use of the Fire Safety Trailer, and to pay all costs, including but not limited to litigation expenses and reasonable attorneys fees, connected therewith. This provision shall survive any expiration or termination of this Agreement.

XIV. ASSIGNMENT OR SUBLEASING BY USER

User shall not assign, sublet or transfer any of its rights under this Agreement without the prior written consent of County. User shall not lend or allow the Fire Safety Trailer to be used by any person other than User's employees, without the prior written consent of County.

XV. WAIVER

No delay or omission to exercise any right of County under this Agreement shall be construed as a waiver of any such right or as impairing any such right. Any waiver by County of a single breach or default shall not be construed as a waiver of any prior or subsequent breach or default.

XVI. SEVERABILITY

If a court of competent jurisdiction holds any provision of this Agreement invalid, it shall be considered deleted from this Agreement, but such invalidity shall not affect the other provisions that can be given effect in the absence of the invalid provisions.

XVII. GOVERNING LAW

This Agreement shall be governed by and construed in accordance with the laws of the State of New York, regardless of any conflicts of laws or rules that would require the application of another jurisdiction's laws.

XVIII. NOTICE

All notices as required in this Agreement shall be in writing. Except as otherwise provided herein, all notices may be given by certified mail, by personal delivery, by nationally recognized overnight courier service or by facsimile. Notice by certified mail will be effective upon sending provided such notice is simultaneously transmitted by facsimile, subject to the confirmation requirements contained herein. Notice by personal delivery will be effective upon delivery to the other party. Notice by nationally recognized overnight courier service shall be effective one (1) day after delivery of notice to such overnight courier service. Notice by facsimile will be effective upon receipt by the other party. If notice is given by facsimile, the sender thereof shall,



Item Cover Page

COMMON COUNCIL AGENDA ITEM REPORT

DATE: April 4, 2023

SUBJECT: **Resolution to Amend City Code to Prohibit Unreasonable Noise from a Motor Vehicle**

SUGGESTED ACTION: WHEREAS, the increased unreasonable noise generated by the exhaust systems of motor vehicles has resulted in increased public nuisance and alarm in the City of Middletown.

NOW THEREFORE BE IT Resolved, and be it Ordained, by the Common Council of the City of Middletown, New York, as follows:

Section 1. Section 332-2 of the Code of the City of Middletown, Unreasonable noise, is hereby amended by modifying Subparagraph B (8) thereof to read as follows:

1. (8). The making of unreasonable noise or disturbance during the operation of a motor vehicle, including but not limited to, generating excessive or unreasonable noise from the vehicle's exhaust system, or operating the vehicle in such a manner as to cause excessive squealing or other excessive noise of the tires.

Section 2. Severability.

The sections, paragraphs, sentences, clauses, and

phrases of this Ordinance are severable, and if any phrase, clause, sentence, paragraph, or section of this Ordinance shall be declared unconstitutional or illegal by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality or illegality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this Ordinance.

Section 3. Effective Date.

This Resolution and Ordinance shall take effect immediately.