CITY OF MIDDLETOWN
COMMON COUNCIL MEETING AGENDA
MAY 16, 2023

1. PLEDGE OF ALLEGIANCE
2. ROLL CALL
3. APPROVAL OF MINUTES
   - 3.1 Approval of Minutes- April 4, 2023 & April 18, 2023
4. CORRESPONDENCE, COMMUNICATION AND REPORTS
5. FOR THE GOOD OF THE CITY
6. REMARKS OF THE MAYOR
7. REMARKS OF THE DEPARTMENT HEADS
8. PUBLIC HEARINGS AND GRIEVANCES
   - 8.1 Public Hearing: Proposed Change to Zoning Code UR-3 District
9. PETITIONS AND COMPLAINTS
10. REMARKS OF THE ALDERMAN AND REPORTS OF THE COMMITTEES
11. UNFINISHED BUSINESS
12. NEW BUSINESS
    - 12.1 Resolution Authorizing a 5,000 Budget Transfer for a Commercial Washer for the Fire Department
    - 12.2 Resolution Authorizing an Agreement with the Enlarged City School District of Middletown for the School Resource Officer Program for the 2023-2024 School Year
    - 12.3 Resolution Accepting a $4999 Municipal Tourism Grant from the County of Orange
    - 12.4 Resolution authorizing a Proposal from CDM Smith for a Reservoir Water Quality Study
    - 12.5 Resolution Approving a Proposal from CT Male for an Engineering Assessment of Six Dams

12.6 Resolution Requesting the New York State Legislature to Establish the Middletown Parking Authority

12.7 Resolution Authorizing the Hiring Lorrie Banks as a Temporary Part Time Cashier in the Finance Department

12.8 Resolution Amending the City Code to Create a New Section 475-28A Prohibiting Cannabis Sales in the City

12.9 Resolution Confirming the Mayor's Appointment of Norris Gipson to Recreation Commission

13. LOCAL LAWS

14. AUDIT OF CLAIMS AND ACCOUNTS

14.1 Resolution Authorizing the Accounts be Audited, the Claims Adjusted

15. ADJOURNMENT

CITY OF MIDDLETOWN, NEW YORK
COMMON COUNCIL
RECORD OF VOTE

THE FOLLOWING WAS PRESENTED

By Ald.

Sec'd by Ald.

Date of Adoption: May 16, 2023

Index No:

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				

Approval of Minutes- April 4, 2023 & April 18, 2023

Approval of Minutes- April 4, 2023 & April 18, 2023

ATTACHMENTS:
04.04.23 CC Minutes.pdf
04.18.23 CC Minutes.pdf

COMMON COUNCIL MEETING
CITY OF MIDDLETOWN
April 18, 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
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, Green, Witt, Masi, President Rodrigues.

3. For the Good of the City

State of the City Address (not recorded)

4. Approval of Minutes

PRESIDENT RODRIGUES: All right. Approval of minutes.

ALD. MASI: So moved.

RICHARD MCCORMACK, CITY CLERK: Oh, I'm sorry. February 7th, '23.

ALD. MASI: So moved.

PRESIDENT RODRIGUES: Mr. Masi, seconded --

ALD. WITT: Second.

PRESIDENT RODRIGUES: -- by Alderman Witt. All in favor?

ALDERMANS: Aye.

5. Correspondence, Communications and Reports

(None this evening)

6. Public Hearings and Grievances

(None this evening)

7. Remarks of Alderman

PRESIDENT RODRIGUES: All right. Remarks of Alderman. Alderman Tobin.

ALD. TOBIN: Nothing this evening. I just appreciate the Mayor's -- I just want to thank the Mayor for, you know, the excellent State of the Union and thank all the Common Council members as we work as a team. I think that the City has a bright future. And looking around the community of things that we provide, you know, definitely a credit to all of our staff, you know, the excellent programming and top-notch professionals that we have. Thank you.

PRESIDENT RODRIGUES: Alderman Jean-Francois.

ALD. JEAN-FRANCOIS: Yes, piggyback to what Alderman Tobin has said, congratulations, Mayor, that was a great overview. And it's good to see our City is moving forward. It's in good hand. Thank you.

PRESIDENT RODRIGUES: Alderman Johnson.

ALD. JOHNSON: The Mayor's a tough act to follow, so I won't. Thank you.

PRESIDENT RODRIGUES: Wray.

ALD. WRAY: Agreed. All I can say is onward and upward, we love your vision, Mayor and Council President Rodrigues.

PRESIDENT RODRIGUES: Alderman Kleiner.

ALD. KLEINER: Thank you. Thank you, Mayor and your staff. It's a great presentation and it's amazing to see how much is going on in the City and has gone on and will go on.

The main thing we want to mention is that we will have a constituents meeting next Monday, April 10th and the Police Chief Ewanciw is going to be there to answer questions, so please come out for that. Thank you.

PRESIDENT RODRIGUES: Alderman Green.

ALD. GREEN: Thank you very much. Yes, we do hope to see you on the 10th for our constituents meeting. Thank you to the Chief for agreeing to -- to come to everyone and speak.

Also, congratulations, Mayor, thank you for a wonderful State of the City Address. You touched on some very, very important key points, you know, both on the county, state, and definitely the local level. Exciting stuff to come. It's a pleasure to work with you and -- and glad to see what's going forward. Thank you.

PRESIDENT RODRIGUES: Alderman Witt.

ALD. WITT: I have nothing this evening. Thank you.

PRESIDENT RODRIGUES: Alderman Masi.

ALD. MASI: I certainly have nothing.

8. Petitions and Complaints

(None this evening)

9. Unfinished Business

(None this evening)

10. New Business.

PRESIDENT RODRIGUES: New business.

RICHARD MCCORMACK, CITY CLERK: Good evening. We have a Resolution sponsored by Alderman Masi to accept a $17,000 grant from the Orange County Youth Bureau.

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

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

RICHARD MCCORMACK, CITY CLERK: Resolution sponsored by Alderman Jean-Francois authorization to amend City Code as it pertained to a three hour parking in the business improvement zone.

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

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

RICHARD MCCORMACK, CITY CLERK: Resolution sponsored by Alderman Jean-Francois to amend City Code to extend the definition of commercial vehicles as it relates to the regulation and control of municipal parking lots.

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

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

RICHARD MCCORMACK, CITY CLERK: Resolution sponsored by Alderman Johnson to amend City Code to prohibit overnight parking permits in the DMU Downtown Mixed Use Zoning District.

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

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

RICHARD MCCORMACK, CITY CLERK: Resolution sponsored by Alderman Tobin accepting a $450,000 from a Dormitory Authority of the State of New York for the purchase and installation of surveillance cameras and

supported infrastructure.

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

Alderman Kleiner.

ALD. KLEINER: I just want to mention that if you go on the City website and the -- the plan for this is amazing. And you can get all the details there on where they'll be and -- and what's involved. Thank you.

PRESIDENT RODRIGUES: Anyone else? Roll.

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

RICHARD MCCORMACK, CITY CLERK: Resolution sponsored by Alderman Masi authorizing a $145,000 budget transfer from the Debt Service Fund balance to the Water System Improvement Fund.

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

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

RICHARD MCCORMACK, CITY CLERK: Resolution sponsored by Alderman Masi authorizing a $6,699.74 budget

transfer to cover the shortage of funds in the 2022 repairs to truck number 22 and 23.

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

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

RICHARD MCCORMACK, CITY CLERK: Resolution sponsored by Alderman Witt authorizing the renaming of the Babe Ruth Field to the Daniel Miller Field.

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

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

RICHARD MCCORMACK, CITY CLERK: Resolution sponsored by Alderman Kleiner authorizing the use of portable lights by the Otisville Country Fair.

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

Alderman Kleiner.

ALD. KLEINER: I just want to mention that this

is at the end of July. And if you look they're coordinating with and combining with Cornel Cooperative. So it's gonna be quite an event this year. I think it's worth looking up. Thank you.

PRESIDENT RODRIGUES: Anyone else? Roll.

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

RICHARD MCCORMACK, CITY CLERK: Resolution sponsored by Alderman Wray authorizing the Run for Downtown Committee to host an event at Erie Way Park.

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

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

RICHARD MCCORMACK, CITY CLERK: Resolution sponsored by Alderman Green declaring the Common Council as the SEQRA lead agency for a zoning change to prohibit short-term rentals.

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

Roll Call: Aye: Tobin, Jean-Francois,

Johnson, Wray, Kleiner, Green, Witt, Masi, President Rodrigues. Carries.

RICHARD MCCORMACK, CITY CLERK: Resolution sponsored by Alderman Witt accepting a $3,500 donation from the Middletown Little League to offset field improvement costs.

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

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

RICHARD MCCORMACK, CITY CLERK: Resolution sponsored by Alderman Kleiner authorizing a city-wide yard sale.

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

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

RICHARD MCCORMACK, CITY CLERK: Resolution sponsored by Alderman Green authorizing street closures for the Middletown Little League Parade on Saturday, April 15th.

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

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

RICHARD MCCORMACK, CITY CLERK: Resolution sponsored by Alderman Masi authorizing an agreement with the County of Orange for the use of the fire safety trailer.

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

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

RICHARD MCCORMACK, CITY CLERK: Resolution sponsored by Alderman Johnson to amend the City Code to prohibit unreasonable noise from a motor vehicle.

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

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

11. Local Laws

(Nothing this evening)

12. Audit of Claims and Accounts

PRESIDENT RODRIGUES: Audit.

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

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

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

13. Adjournment

PRESIDENT RODRIGUES: Move for adjournment.

ALD. MASI: So moved.

(PROCEEDING CONCLUDED)

I, LISA KANE, certify the foregoing transcript of proceedings of the April 4, 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: April 24, 2023

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

RESOLUTION NO. 67-23

Item Cover Page

COMMON COUNCIL AGENDA ITEM REPORT

THE FOLLOWING WAS PRESENTED

By Ald. Masi

Sec'd by Ald. Johnson

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

DATE OF ADOPTION: 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

RESOLUTION NO. 68-23

Item Cover Page

COMMON COUNCIL AGENDA ITEM REPORT

THE FOLLOWING WAS PRESENTED

By Ald. Jean-Francois

Sec'd by Ald. Green

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

DATE OF ADOPTION: 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

RESOLUTION NO. 69-23

Item Cover Page

COMMON COUNCIL AGENDA ITEM REPORT

THE FOLLOWING WAS PRESENTED

By Ald. Jean-Francois

Sec'd by Ald. Wray

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

DATE OF ADOPTION: 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.

RESOLUTION NO. 70-23

Item Cover Page

COMMON COUNCIL AGENDA ITEM REPORT

THE FOLLOWING WAS PRESENTED

By Ald. Johnson

Sec'd by Ald. Jean-Francois

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

DATE OF ADOPTION: 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:

B. 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.

B. 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.

RESOLUTION NO. 71-23

Item Cover Page

COMMON COUNCIL AGENDA ITEM REPORT

THE FOLLOWING WAS PRESENTED

By Ald. Tobin

Sec'd by Ald. Wray

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

DATE OF ADOPTION: April 4, 2023

SUBJECT: **Resolution accepting a $450,000 Grant from the Dormitory Authority of ht e 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 ht e 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 Interfund Transfer from Community Dev	$40,000	H.0776.200 Police – City Wide Surveillance camera

ATTACHMENTS:
DASNY.pdf

RESOLUTION NO. 72-23

Item Cover Page

COMMON COUNCIL AGENDA ITEM REPORT

THE FOLLOWING WAS PRESENTED

By Ald. Masi

Sec'd by Ald. Johnson

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

DATE OF ADOPTION: 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 Bal.	$145,000.00	Water System Imp H.0947.900

ATTACHMENTS:
water fund.pdf

RESOLUTION NO. 73-23

Item Cover Page

COMMON COUNCIL AGENDA ITEM REPORT

THE FOLLOWING WAS PRESENTED

By Ald. Masi

Sec'd by Ald. Wray

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

DATE OF ADOPTION: 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 Lot Crew Material & Supplies	$2,046.86	A.5110.440 Other Equipment
A.5110.479 Equipment Rental	$4,652.88	

ATTACHMENTS:
Repairs.pdf

RESOLUTION NO. 74-23

Item Cover Page

COMMON COUNCIL AGENDA ITEM REPORT

THE FOLLOWING WAS PRESENTED

By Ald. Witt

Sec'd by Ald. Green

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

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

RESOLUTION NO. 75-23

Item Cover Page

COMMON COUNCIL AGENDA ITEM REPORT

THE FOLLOWING WAS PRESENTED

By Ald. Kleiner

Sec'd by Ald. Jean-Francois

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

DATE OF ADOPTION: 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

RESOLUTION NO. 76-23

Item Cover Page

COMMON COUNCIL AGENDA ITEM REPORT

THE FOLLOWING WAS PRESENTED

By Ald. Wray

Sec'd by Ald. Jean-Francois

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

DATE OF ADOPTION: 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

RESOLUTION NO. 77-23

Item Cover Page

COMMON COUNCIL AGENDA ITEM REPORT

THE FOLLOWING WAS PRESENTED

By Ald. Green

Sec'd by Ald. Kleiner

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

DATE OF ADOPTION: 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).

RESOLUTION NO. 78-23

Item Cover Page

COMMON COUNCIL AGENDA ITEM REPORT

THE FOLLOWING WAS PRESENTED

By Ald. Witt

Sec'd by Ald. Masi

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

DATE OF ADOPTION: 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

RESOLUTION NO. 79-23

Item Cover Page

COMMON COUNCIL AGENDA ITEM REPORT

THE FOLLOWING WAS PRESENTED

By Ald. Kleiner

Sec'd by Ald. Green

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

DATE OF ADOPTION: 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 conquers 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

RESOLUTION NO. 80-23

Item Cover Page

COMMON COUNCIL AGENDA ITEM REPORT

THE FOLLOWING WAS PRESENTED

By Ald. Green

Sec'd by Ald. Masi

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

DATE OF ADOPTION: 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

RESOLUTION NO. 81-23

Item Cover Page

COMMON COUNCIL AGENDA ITEM REPORT

THE FOLLOWING WAS PRESENTED

By Ald. Masi

Sec'd by Ald. Wray

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

DATE OF ADOPTION: 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

RESOLUTION NO. 82-23

Item Cover Page

COMMON COUNCIL AGENDA ITEM REPORT

THE FOLLOWING WAS PRESENTED

By Ald. Johnson

Sec'd by Ald. Kleiner

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

DATE OF ADOPTION: 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.

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 04.04.23

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	9			

I MOVE THE ACCOUNTS BE AUDITED, THE CLAIMS ADJUSTED AND THE

TREASURER BE AUTHOIZIED TO ISSUE WARRENTS FOR THEIR PAYMENTS

COMMON COUNCIL MEETING
CITY OF MIDDLETOWN
April 18, 2023 – Minutes
City Hall
16 James Street
Middletown, New York 10940

PRESENT:

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

ABSENT:

Ald. Kate Wray

ALSO PRESENT:

Richard McCormack, City Clerk
Joseph M. DeStefano, Mayor
Alex Smith, Esq., Corporation Counsel

Proceedings electronically recorded.
Transcript produced by Kimberly J. Zogby

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1. Pledge of Allegiance

(Pledge of Allegiance.)

2. Roll Call

PRESIDENT RODRIGUES: Roll.

MR. MCCORMACK: Alderman Tobin.

ALD. TOBIN: Here.

MR. MCCORMACK: Alderman Jean-Francois.

ALD. JEAN-FRANCOIS: Here.

MR. MCCORMACK: Alderman Johnson.

ALD. JOHNSON: Here.

MR. MCCORMACK: Alderwoman Wray.

(No audible response.)

MR. MCCORMACK: Alderman Kleiner.

ALD. KLEINER: Here.

MR. MCCORMACK: Alderman Green.

ALD. GREEN: Here.

MR. MCCORMACK: Aderman Witt.

ALD. WITT: Here.

MR. MCCORMACK: Alderman Masi.

ALD. MASI: Here.

MR. MCCORMACK: President Rodrigues.

PRESIDENT RODRIGUES: Here.

MR. MCCORMACK: A quorum is present.

3. Approval of Minutes

(None this evening.)

4. Correspondence, Communications, and Reports

(None this evening.)

5. For the Good of the City

PRESIDENT RODRIGUES: For the Good of the City; anyone that would like to address the council, please step forward.

MR. GOMEZ: Good evening, everyone. Kevin Gomez, member of the Middletown School Board.

I just want to share, on behalf of our School Board, some of the events that have occurred recently and upcoming events.

We had, on April 11th, Elementary Humanities Night at Presidential Park Elementary School. It was a wonderful activity, where parents, along with teachers and administrators got together to see the wonderful different -- wonderful work our kids are doing in humanities.

And we had a guest speaker, Charles Smith, a poet and author, who shared some of his works, among them, I Am the World and another one called I Am an American, emphasizing to our children the importance of appreciating each other's diversity and, of course, feeling proud of being an American.

Odessey of the Mind. This past weekend, our teams went out and did great. And in the words of our Superintendent, Mrs. Creeden: Our Middies are living our

motto: legacy makers. We had three teams travel to the New York State Championship for Odessey of the Mind this weekend, both elementary and middle school teams took first place at New York State Championship -- that's first place. Both of these teams will travel to the OM World in Michigan over the Memorial Day Weekend.

And for the very first time, we sent a high school team and they placed fifth at the New York State Championship. And this is part of our legacy, again, in the words of our Superintendent: An amazing accomplishment.

Okay, we also have upcoming, I believe it will be this Friday, Multicultural Night. That will be in Middletown High School, where there will be a variety of activities, food, music, dancing, guest speakers celebrating, again, the diversity of the culture and ethnic backgrounds of our Middletown School District or City of Middletown Town of Wallkill communities.

And then, also -- the excitement continues -- On May 9th, we will be having the Candidates' Night that will be moderated, I just learned today, by our distinguished Honorable Alderman, the Honorable Paul Johnson.

ALD. JOHNSON: Maybe reconsidered, at this point, but, we'll see how it goes.

MR. GOMEZ: Well, you have the chance to meet the candidates, including myself, or as Michael Jackson or The Jackson 5 used to sing, as long as it takes, I'll be there.

And, as well as -- and then May 16th -- March -- yeah, May 16 will be Election Night. The community will, also, in addition to electing Board members, will be able to vote on the district budget.

So, these are the events that are coming up and I know there is a list of more events, and I want to thank -- and again, our distinguished Alderman, a member of our district, Kevin Witt, for preparing it, and I will be sharing them, as time goes along. Thank you very much.

And finally, as a member of the community, and also as a Board member, I do want to thank the Mayor for his comments at the State of the City, where he acknowledged the importance of comprehensive bail reform. I do believe that that is something we need to revisit to make sure that our jurists have the discretion to ensure that, if a defendant is a risk of flight, and that also includes someone who, because of their past record, may pose a danger, reasonable bail could be set.

There are a lot of offenses that involve children, everything from selling drugs near school grounds, or possession of a weapon by a juvenile that are

not bail offenses now.

So, I think it's good that we take comprehensive action and we ensure not only that defendants' due process rights are defended but public safety, at large, as well.

So, I'm going to thank the Mayor for the being the conscience when it comes to the public safety of our community.

Thanks all. Thank you very much.

PRESIDENT RODRIGUES: Thank you. Thanks for coming.

MS. PIERCE: Good evening.

My name is Marilyn Pierce. I'm the co-chair of the Middletown Warming Station. And thanks to all of you, we have a wonderful spot that we are able to use during the coldest months of the year in our new Mulberry Street home. So, thank you so much.

I'd like to give a little bit of information about our season. We opened on November 20, 2022 and our last night was April 6, 2023.

We have paid staff members, three leaders, and we have five services. We have Terry, Torchia (phonetic), and Jen, who come and work on rehousing and have been able to find, hopefully, permanent housing for some of our guests; Downtown Laundry, which does a phenomenal job for us at a discounted rate; Carmine's Bakery, which gives us

bagels, and rolls, and breads, and all kinds of things for our guests to enjoy; and Hector Rivera from St. Paul's Church, who comes when we need a translator because I tried to learn Spanish in the last year but my Latin and French kind of got in the way -- it really didn't work.

We had a total of 149 volunteers. That includes our two-hour volunteers who come from 8:00 to 10:00 at night, our overnight volunteers who come from 8:00 at night until 8:00 in the morning; and also, volunteers who fix dinners and brought food at 8:30 at night and breakfast bags for our guests.

Because the soup kitchen is not opening for breakfast, we want to make sure that our guests have something to eat. So, we've been having people bring breakfast bags with a drink, and muffins, and so forth for our guests.

One hundred sixty-four different guests stayed at the Warming Station this season -- this is up 36 percent from last season -- 118 of them were men and 26 were women. Our average number of beds used per night was 25.

I mean at the beginning of the year, we had like just a few people come when we first started and then, there were nights when we had to turn people away because 30 was our maximum. Even up to the last night we were

open, we were still getting new guests, homeless guests.

Total number of beds, which was our total stay for the season, was 3,470; up 27 percent from last season. The ages of our guests were from 18 to 70 but, most of our guests were between 31 and 40 years of age. We had seven veterans and we were open 138 nights.

There were 4,140 dinners served and over a ton of laundry done, which is sheets, pillowcases, and blankets. We don't do personal laundry for any of the guests.

During that very cold snap we had in December around Christmas, The Warm Place at the Salvation was not yet open. They opened January first. So, the Warming Station stayed open all day and night on Friday, Saturday, and Sunday December 23rd, 24th, and 25th because we could not imagine or send anybody out into that cold. There were some very dedicated volunteers, who came, even on Christmas Day, so that we could remain open in that frigid weather.

We would like to thank Mike -- I hope I say his name right -- Zahorchak, who comes to the warming station every day to check to make sure everything is working well. He was always there, if we had a problem. He came right away.

Our Touro Medical students not only put on two

health fairs for the whole Middletown community, but they were the majority of our volunteers again this season. So, a super thank you to Touro and their students, without whom there were some nights we would not have been able to open.

Last, but certainly not least, a huge thank you goes to Jerry Kleiner. Jerry comes to our Coordinating Committee meetings, he listens carefully, and gives his input on some of the issues that we have. I guess we could say he's our liaison between the Warming Station and the City. Jerry, we thank you very much and we'd like to present you with this certificate.

There were times and some Thanksgiving in years' past when Jerry would open up Mulberry House on Thanksgiving Day and go down so that our homeless guests had a place to go.

It takes an entire community to accomplish the things that we manage to end up doing at the Warming Station. Our guests have become like a family, most of them.

We've had very few problems but, when we have a problem, we thank Chief Ewanciw, the Police Department. They have been very cooperative with the Warming Station.

Community members volunteer their time. They're always ready to donate items, monetary donations, and any

of the items that our guests need. Our time is the most valuable; that's what we need more than anything else. We did lose quite a few of our volunteers after COVID.

So, we just want you to know our heartfelt thanks go out to everyone and anyone who did anything, or had anything at all to do with the Warming Station this season. And we thank you from the bottom of our hearts.

Thank you so much.

PRESIDENT RODRIGUES: Thank you.

MR. CROSS: Good evening, everyone. Darrin Cross from the Middletown Little League.

And Mrs. Pierce, thank you. It's heartbreaking to hear those numbers.

I just want to give an update on the 2023 Little League season. We opened on Saturday. This is our 70th season as the Middletown Little League. We had the parade and we finally got the call right and we canceled games because it stormed like crazy about an hour after we were done.

This year, we are up to 300 players and we will host a little over 300 games at Watts Park between April and October. We wish we could take more kids but we have a problem with registration. Parents like to try to sign up late and we are lacking volunteers. I've been doing this for ten years and this is our hardest year of

volunteers. We're getting more kids and less volunteers and that's a problem. So, if anybody's out listening, parents, please get involved.

We're asking the public, now that we're open, please use caution on Wisner and Watkins Avenue. Every year, there seems to be cars driving down that road, and motorcycles, at 60-70 miles per hour. It's not a matter of if but it's a matter of when it's going to happen; and I hope it never happens.

Also, this year, we dedicated what everybody called the Big Field as now Daniel Miller Field. Daniel was an umpire for our league. He was very influential in the Little League community and he is missed by many of us. And I want to thank everybody for the support that made it happen.

I want to thank the Parks Department employees, John Bianchi; Matt Lybolt, the new supervisor and his crew; Raelynn and Nicole, and their entire staff; and all the City officials that continually support Middletown Little League.

I'd also like to thank the Middletown Police Department, the Middletown Fire Department, Elks Lodge, and all of our sponsors.

And I'd also like to thank all the City employees that take pride in their community because

putting a parade together, there's a lot of moving parts. You know they were out cleaning the streets; they were out with the roadblocks. There was a lot happening to make it successful.

And most importantly, I just want to thank the parents, the players, the volunteers that we do have that continue to make our league a success.

Thank you.

PRESIDENT RODRIGUES: Thank you.

Anyone else who would like to address the Council?

6. Remarks of the Mayor

PRESIDENT RODRIGUES: Okay, remarks of the Mayor.

MAYOR DeSTEFANO: We have a lot of thank yous this week. Also, the Kiwanis Club celebrated 100 years this weekend. I was unable to make it Friday night but it's quite an honor. I know, Mr. Masi, I believe you are still a member of the Kiwanis.

ALD. MASI: I am.

MAYOR DeSTEFANO: Yes, and they had a 100-year anniversary.

ALD. MASI: Ninety years.

MAYOR DeSTEFANO: What's that?

ALD. MASI: I've been there 90 years.

MAYOR DeSTEFANO: Oh, 90 years. I didn't say it.

But I also want to thank Marilyn and the volunteers with the Warming Center. Jerry, job well done. You really have been the conscience of the Council regarding the housing situation and the Warming Center; an honor well-deserved and we appreciate all your guidance and your opinions on matters related to that over the years. And you certainly have helped influence policy here in the City.

Odessey of the Mind, just a great accomplishment. I know the Superintendent sent me a text that night and said you had better get more keys to the City because not only did one team win, but we had two teams that won, and the high school team, for the first time, came in fifth, as Mr. Gomez said. So, I'm assuming that the Council will be inviting the two teams, probably after the World's because we may have a World Champion there, after the Michigan, and Mr. McCormack will be handling that.

But other than that, I don't think I have anything else to add. If you have any questions, I'll be more than happy to address them.

PRESIDENT RODRIGUES: Any questions for the Mayor?

Thank you, Mayor.

7. Remarks of Department Heads

PRESIDENT RODRIGUES: Remarks of Department Heads.

Economic Development.

MS. BRUNI: Good evening, everyone.

The Business Improvement District has been working with downtown merchants on a Cinco de Mayo event. So, this year, we're presenting a Cinco de Mayo promotion and event, starting Friday, May 5th, all weekend, and Saturday May 6th and May 7th.

We're going to have merchants participating in specials. We're going to have musicians in various areas of the downtown, and strolling mariachi groups, and so forth.

Your support tonight, there is a resolution waiving fees for the sidewalk sale for the downtown, is much appreciated because it will help with getting the merchants onboard with the sidewalk sale for that weekend and promotions.

Also, we've been working with Because It Matters 24/7! on the Juneteenth celebration. So, Juneteenth, June 19th, it will be held at John F. Degnan Square. So, everything will start getting posted in events schedule and so forth regarding that event.

As well, Summer Concert Series are starting June 2nd. Everything has been programmed. June 3rd, the Farmers Market starts. So, we've been actively busy with all -- programming our events and getting things ready for the summer season.

This weekend, we have a big show at the Paramount, The Orchestra, featuring former members of ELO. So, that's this Saturday. Tickets -- you can purchase tickets on MiddletownParamount.com or at the door Saturday night.

And also, I'm looking for your support on the resolution tonight regarding BFJ for Master Plan for the Transportation site in our downtown.

And that's all I have for tonight.

PRESIDENT RODRIGUES: Any questions for Maria?

MS. BRUNI: Thank you.

PRESIDENT RODRIGUES: Thank you, Maria.

DPW Commissioner.

MR. TAWIL: Good evening, all.

So, we'll start off with the Alderman Masi, the reservoirs 93 percent full. We have stopped the flow coming in the Shawangunk Reservoirs so that we can work on the dams. It's about two and a half feet low, right now, the Shawangunk Reservoir, and we're trying to get it lower yet.

Orange and Rockland have been working on restoring and repairing the streets in the City of Middletown, where they have installed gas mains.

Fairlawn Avenue, Claremont, Ashley, West Main Street, Monhagen, and all the cross trenches that will go across Wickham Avenue, they are going to start working on that on Thursday and, possibly, on Friday. There's going to be some detour on Wickham Avenue in there, so that they can expedite the work. Otherwise, they can stay there for days trying to do it one half of the street at a time.

So, for Thursday and, possibly, Friday, this Thursday and Friday, please try to find alternate routes. We will be sending out Nixle advising people. And so that's Orange and Rockland is doing the work. It's not the City of Middletown but this is work that's much needed to restore all the ditches that they have done and making sure that you don't have those bumps on the road when you drive across Wickham Avenue or any of the work that they have done.

The work Thursday will be between 9:00 and 2:30, 9:00 in the morning until 2:30 in the afternoon. If they don't finish Thursday, they'll come back Friday. And the idea is to try to absorb the peak travel time to cause less inconvenience to the public.

They're going to be working also on Robertson

Drive and Vincent Drive, as well. And I know, Alderman, you're going to be discussing that later.

And in construction for the Traffic Operation Phase II just started on Monday. So, you'll see Boyce Excavation there, the GC, the contractor, Ray Pantel is the electrical contractor. You'll see them running around downtown and everywhere else. We're going to be expanding into Phase 2. Phase 2 is shown on our website, the work area and the intersections that are going to be impacted this year. Phase 2 is this year. Phase 1 was last year. And 2024 will be Phase 3 of the construction.

So, just, again, just be careful. Bear with us in here because that's a major improvement to our city.

The dam project for Shawangunk dams, it's moving along. There's going to be some extra material coming out of the dams that we remove. The Parks and Recreation, they want to use it to flatten some area in Maple -- in Maple Hill Park. So, if you see some activities in Maple Hill, it's because we're placing some of the extra soil in there so that it can be flattened -- the area can be flattened and then Parks, they will have more use to it -- more use for that area of Maple Hill.

Spring cleanup is moving along very well. By Thursday, we will be done with the 1st Ward and then we will go to the 4th Ward, and then 3rd, and then 2nd Ward.

We notice that there is less amount of bulk pickup or garbage out there for us to pick up for the spring cleanup, which is a good thing.

Water flushing system, we're done. So, you don't have to watch out for discolor of water, except if you hear about water main break or we are working on the system to maintain it. That's the time when you watch for your water, and observe it, and make sure that we are not -- the water is not discolored.

The grass started. This is the season now where the grass is going to start growing higher and higher. So, we have started issuing violations and -- letters, really, not violation, saying if you don't cut it within five days, we'll cut it. We already cut people some certain areas in there and they will be charged for it, obviously. And we don't want to do that. So, please keep an eye on your own lawn and cut it when you think it's appropriate but no more than six inches, it's got to be cut, please.

The plumbing test was given and six people took it. Three passed it. So, we're going to have three more licensed plumbers in the City of Middletown.

The DPW Annual Report is on our -- the 2022 Annual Report has been posted on our website. We usually do it after the Mayor's State of the City. And please

feel free to read through it and, if you have any questions, review it, we'll be happy to discuss any item that we listed in there with you, when you are ready or if you have any comments.

Our Annual Water Quality Report will be also published very soon. It's under final review and that's something we take pride of with the water that we provide to our City. And I know one of the operators, he does a good job for us, he is sitting here today, representing the Little League.

Now, I'm going to go back to recycling again. You know every week -- every other week, which is every meeting, I've been mentioning recycling, recycling. Please pay attention to recycling. Visit our website; the brochure is right there. Very soon, we are going to start imposing penalties in there and fines and the Council will be considering adding those fines to our Code so that people who are just, they are chronic people and there are chronic people who are watching which letter goes to where, how often the letter has been going, and there are some people just repeat offenders, time after time. Please pay attention to it. We appreciate the idea that you want to recycle but you recycle appropriately, please.

Look at the brochure that we have on our website. Call us if you have any questions. That's what

we're here for. I had a person from Vincent Drive came to me with a letter. He said he wants to see Jacob. So, I met with him and he said what did I do wrong in here? Here is a picture. So, the gentleman, he was very honest. He was very truthful. I said here it is, it's a plastic bag; because we provide pictures along with the letter of warning that we send over to people who are not complying with the recycling. He said, oh, my gosh, now I understand.

So, we discussed it a little bit more. Now he is understanding. I appreciate him very much, the person from Vincent Drive, coming over, taking time to understand, and we appreciate that.

So, we urge everybody to comply with the recycling ordinance, please.

With that, I will conclude, Council President.

PRESIDENT RODRIGUES: Is that why Vincent Drive was picked up first?

MR. TAWIL: I'm sorry?

PRESIDENT RODRIGUES: The garbage today.

MR. TAWIL: Spring cleanup?

PRESIDENT RODRIGUES: Yeah. Is that why you picked up Vincent Drive first?

Any questions for Jacob?

Alderman Jean-Francois.

ALD. JEAN-FRANCOIS: Commissioner --

MR. TAWIL: Yes, sir?

ALD. JEAN-FRANCOIS: -- I received a DPW Annual Report and I was very pleased, looking at the report. I know over the years, you and I spent time to visit some of the sites and I've got to say, not only is it hard work, it's also dangerous work that these men do, and I appreciate that. Thank you for you and your Department, everyone that's involved with these projects.

MR. TAWIL: Thank you.

ALD. JEAN-FRANCOIS: Thank you very much.

MR. TAWIL: Thank you. And you were going to talk about the -- okay.

PRESIDENT RODRIGUES: Alderman Kleiner.

ALD. KLEINER: Thank you. Commissioner, can you remind people that yard waste needs to be put in containers, cans or paper bags? But we've seen these out-of-town landscaping companies come and just blow the leaves and such out into the street like it was leaf pickup in the fall. And also, I've seen yard waste put in plastic bags. So, if we could tell people you can't do that.

MR. TAWIL: Absolutely. Absolutely. You heard it from the Alderman. Absolutely. Thank you very much. You always remind us of this and it's extremely important.

So, if you put it in a plastic bag, what we're going to do is we're going to rip the plastic bag, dump the contents in our truck and then leave the plastic bag, unfortunately. So, if you have a can in there, well, put it in the can. Otherwise, you know, most likely the plastic bags, we'll try to pick them up but the Alderman is absolutely right. Do not leave them in a plastic bag. Make it in biodegradable bags or put it in a container but not plastic bags.

And if you have branches --

ALD. KLEINER: Not out loose in the street.

MR. TAWIL: Exactly, and not out loose in the street. And if you have branches, the branches must be wrapped with a string, 30 inches long, and that's it. This is not leaves pickup time, where you're allowed to put the yard waste in the street.

ALD. KLEINER: I have one other question. I don't know when we'll get to milling and such later on but a lot of our crosswalks are just kind of disappearing and I wondered if we're going -- and I think you know a particularly dangerous crosswalk is that one on Monhagen Avenue, where Oliver Avenue comes out. There's no handicapped entrance on either side and it's such a busy street and people go by so quickly.

We used to have a sign in the middle of the

street about slowing down for pedestrians in a crosswalk but the little sign on the side, people are going too fast to see it. So, it's -- I think we need to restripe a bunch of the crosswalks and particularly that, we need to figure out something where there's -- I don't know. It didn't fit in with any of our programs for handicapped access.

MR. TAWIL: What is the location, Alderman, again? I'm sorry.

ALD. KLEINER: Monhagen Avenue where Oliver comes out.

MR. TAWIL: Oh, yeah. No, no, we have a big project for that. That's coming in -- that's part of our Traffic Operations.

ALD. KLEINER: But it --

MR. TAWIL: Go ahead.

ALD. KLEINER: Okay, if that is part of the Traffic because I didn't see it. I knew that intersection didn't qualify for a traffic light.

MR. TAWIL: No, we have a blinking --

ALD. KLEINER: And if we wait for the Heritage Trail to get there, who knows?

MR. TAWIL: No, no. No, no. It's part of our Traffic Operation --

ALD. KLEINER: Okay.

MR. TAWIL: -- that intersection. That intersection total will be what?

MAYOR DeSTEFANO: It's going to be a blinking light, not a traffic light.

MR. TAWIL: Yeah, it's a blinking -- yes.

MAYOR DeSTEFANO: Plus, a pedestrian crossing.

MR. TAWIL: Yeah, and there's going to be a blinking light right in the middle. So, you can't miss it.

ALD. KLEINER: Okay. That'll certainly help, yeah.

MR. TAWIL: Yes, we did the study. We did the evaluation. You're going to have ADA accessible in there. You're going to have a small section of the Heritage -- well, you're not going to have the Heritage Trail but it will be planned for.

PRESIDENT RODRIGUES: In about 20-30 years, right?

MR. TAWIL: What?

PRESIDENT RODRIGUES: Twenty or thirty years?

MR. TAWIL: No, actually, we're meeting tomorrow, the Mayor and I, with the Orange County and their engineers about the Heritage Trail Phase 2, which is from the Switch and from East Main Street, all the way through Davidge Park, through Ingrassia Road. Yeah,

tomorrow we're meeting.

PRESIDENT RODRIGUES: All right, Alderman Witt.

ALD. WITT: Yeah, thank you, Commissioner.

MR. TAWIL: So, thank you very much.

ALD. KLEINER: Thank you.

ALD. WITT: Thank you. Regarding the Orange and Rockland repairs, is there a timetable for when the yard -- lawn and yard repairs and property damage is going to get taken care of? Because people's yards were just torn up during this whole thing and I'm getting questions and I'm sure Alderman Masi is, as well, about when this is going to happen.

MR. TAWIL: Yes, as you know, we try to contact our biggest person who is in charge and he did not get back to us yet. But Vincent Drive, the contractor, he is -- the repair and the asphalt, it's going to be done I mean within -- I can't tell you when but within a month. But the topsoil and seed, I'm going to owe you an answer on that. We tried to get an answer from the higher up and it did not work. We'll try to apply pressure to get you an answer. My apologies for being late with the answer but you were copied on the emails.

ALD. WITT: Yes.

MR. TAWIL: And he apologized. He said, I don't have an answer for you yet; I'll get back to you soon.

And he did not get back to us yet. So, we'll do our best to get you an answer. I appreciate that very much.

ALD. WITT: I had a second question.

MR. TAWIL: Yes, sir.

ALD. WITT: Maybe this is a history lesson. So, we're not -- at one point, I thought -- this was a few years ago, when I was on the last time, that we were not happy with the work that somebody had done blacktopping the roads and that we were now doing it and billing them for like half of it. Did we get away from that?

MR. TAWIL: Yes.

ALD. WITT: Okay.

MR. TAWIL: Yes, we are because Orange and Rockland, right now, they are doing it --

ALD. WITT: Okay.

MR. TAWIL: -- which is paving from the curb to the centerline of the road.

ALD. WITT: Right, right.

MR. TAWIL: They're doing it and they're using a contractor that we like, which is All County Asphalt. And before they (inaudible) some other people. And so, this guy, he knows what he's doing.

ALD. WITT: Okay.

MR. TAWIL: And they used him the last few years and he seems to be doing a good job.

ALD. WITT: Okay, thank you very much.

MR. TAWIL: I just want to go back to Alderman Kleiner for one second.

Alderman Kleiner, we do repave and restripe all the crosswalk every year. So, you know. I know they fade by this time but we're going to start very soon repainting all --

PRESIDENT RODRIGUES: Alderman Jean-Francois has another question.

ALD. JEAN-FRANCOIS: Yeah, one more question that I have, Commissioner.

MR. TAWIL: Yes, sir.

ALD. JEAN-FRANCOIS: Driving around, I see a lot of televisions being put with the bulk pickup. Are we addressing that? Because it's way too early. We do have, what's that, May 1st, electronic drop-off.

MR. TAWIL: May 20th.

ALD. JEAN-FRANCOIS: Yes.

MR. TAWIL: May 20th.

ALD. JEAN-FRANCOIS: But folks is dropping off a lot of televisions. So, are we addressing that? Are we warning them?

MR. TAWIL: Yeah, absolutely we do. We go knock at the door. We have the happy police in there goes knock at the door, tell them, hey, you got to take it -- versus

the serious police in here with the guns. What we call is happy police part of our Codes Enforcement, which they go knock at the doors, please remind them that this is not the drop off time.

So, that's, yes, we are. And remind everybody, we're not going to pick them up. It's illegal for us to pick them up. It's a New York State law that we have go drop them off at our yard, where we have a recycling -- specialty recycling company in electronics and they will come and pick up everything from us and they will receive it from our residents. That's going to be on Saturday, I believe it's May 20th, at the DPW Garage.

ALD. JEAN-FRANCOIS: Thank you, Commissioner.

MR. TAWIL: Yes, sir.

PRESIDENT RODRIGUES: Thank you, Jacob.

MR. TAWIL: Yes, sir.

PRESIDENT RODRIGUES: Police Chief. Happy Police Chief.

CHIEF EWANCIW: I guess I'm the not happy police today.

Good evening. I actually have nothing, unless you have questions for me.

PRESIDENT RODRIGUES: Any questions for the Police Chief?

Thank you, Chief.

CHIEF EWANCIW: Thank you.

PRESIDENT RODRIGUES: Superintendent of Recreation.

MS. BERTHOLF: Good evening.

Quick, tonight, the resolution you have before you to transfer that money is for the much-needed restrooms in the back of Davidge. We hold several special events back there, with two porta-potties. And every year, we're at risk of having to do our camps in the back of Davidge and, with 150 kids and porta-potties, it doesn't really work out too well.

And also, if you could just help support us and share our Facebook posts with the Lifeguarding Class. The registration ends for that on the 21st of April and the class is going to be held on the 28th and 29th. It's a free class for anyone 15 and over, that they can take that class, pass it, and guaranteed job with us over the summer, as long as they pass a class. And the class will also be free.

Again, we are hurting for lifeguards and our last resort is, with approval of the Council, to increase the hourly rate for the lifeguards, to try and get more guards in. But again, we are advertising. We are pushing out to the schools, the phys ed departments, to the athletes, to everyone we can think of and we are still

struggling to get the guards applying.

So, if you could help us in any way on sharing that post and trying to get some people to take the class, that would be greatly appreciated.

Any questions?

PRESIDENT RODRIGUES: Any questions?

UNIDENTIFIED SPEAKER: What is the current rate?

MS. BERTHOLF: Starting, minimum wage is at $4.20 and we start a 15-year-old at $15.25 -- $15.20.

UNIDENTIFIED SPEAKER: Thank you.

MS. BERTHOLF: Which sounds great but, when the Legoland they're starting at $17 an hour.

UNIDENTIFIED SPEAKER: Maybe we'll bump it up to $20, but we'll see.

MS. BERTHOLF: Yeah.

UNIDENTIFIED SPEAKER: How many hours are you --

MS. BERTHOLF: It's -- they have to -- to take the class for free?

UNIDENTIFIED SPEAKER: To get a job, how many hours a week is somebody --

MS. BERTHOLF: Oh, five days a week, with rotating weekends. But to do the class for free, you'd have to work seven of the nine weeks over the summer and then be on that five-day a week rotating schedule.

And we're also -- if people are certified, we'll

also take subs. And at this point, we would even certify you if you were willing to work two days a week because we are in need.

PRESIDENT RODRIGUES: All right. I appreciate it. Thank you.

Corporation Counsel.

MR. SMITH: I don't have anything tonight, unless somebody's got any questions.

PRESIDENT RODRIGUES: Questions for the Corporation Counsel?

City Clerk.

MR. MCCORMACK: Good evening, everybody. I just wanted to call your attention. There's a resolution before you this evening to engage Civic Plus for a new city website. Our city website is pretty old, at this point, and it's time for some updating. I'm looking for your support on that.

We have the Citywide Clean-up this Saturday, April 22nd, at Erie Way Park. If you haven't already signed up, you still can through SignUp Genius on our website.

And last, but not least, we also -- I want to thank the Council for your support on the Citywide Yard Sale at our last Council meeting. We've had a really strong outpouring of people interested in signing up

already. Please sign up. It also will coincide with our opening weekend for the Middletown Farmers Market. Hopefully, it will draw some people into town.

PRESIDENT RODRIGUES: Okay, any questions for Rick?

8. Public Hearings and Grievances

PRESIDENT RODRIGUES: Okay, Rick, Public Hearings and Grievances.

MR. MCCORMACK: Good evening.

Notice is hereby given that the City of Middletown will hold a public hearing on Tuesday, April 18, 2023 on or as near 7:30 p.m. as possible in the Common Council Chambers, Second Floor, at 16 James Street, to hear any and all persons wishing to be heard on a proposed zoning amendment to Section 475 by adding a new section, 475-35-1, Short-Term Rentals, to read as follows:

Short-Term Rentals. The short-term rental of a residential property or a portion thereof for a period of less than 30 days is prohibited in all zoning districts in the City of Middletown, subject to certain exemptions available on the website in the Office of the City Clerk.

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

The complete proposed zoning amendment is

available on the City website and the office of the Common Council Clerk.

Any person unable to participate at the time of the public hearing can email comments to rmccormack@middletown-ny.com.

By the order of the Common Council.

PRESIDENT RODRIGUES: Okay, at this time, the public hearing is now open. Anyone from the public?

Okay. Anyone from the Council?

Do I have a motion to close?

ALD. MASI: So moved.

PRESIDENT RODRIGUES: Alderman Masi. Do I have a second?

ALD. JOHNSON: Second.

PRESIDENT RODRIGUES: Alderman Johnson. All in favor?

(Chorus of aye.)

PRESIDENT RODRIGUES: Public hearing is closed.

9. Petitions and Complaints (None this evening.)

10. Remarks of the Aldermen and Reports of Committees

PRESIDENT RODRIGUES: Okay, remarks of aldermen.

Alderman Masi.

ALD. MASI: Just a couple of quick things. On the Warming Station, I thought it was really a great report and everyone that works on it, congratulations to

them.

And Jerry, a special congratulations to you and thank you for everything you do with that.

The Odessey of the Mind, that's fantastic. It just goes to show what the Middletown School System is all about. It's a big strength for them and I'm really happy for the kids and the coaches.

And then, finally, I was happy that I was able to take part in the Little League parade on Saturday. Thank you to all the volunteers, all the coaches, and Raelynn and her crew did a fantastic job, again.

Thank you.

PRESIDENT RODRIGUES: Alderman Witt.

ALD. WITT: Thank you very much.

First of all, just to follow along with the contributions of the Middletown School District and the community, between the faculty, staff, scholars, teachers, clubs, associates. I know myself and Mr. McCormack have been going back and forth and there is going to be a commitment of about 200, at least, from the School District. And I was at a meeting tonight, actually, somewhere else, and Ms. Bertholf was there as well, with Mr. Coates, saying that there could be some more sports teams participating as well. So, I wouldn't be surprised if that number gets closer to 250 or 300.

So, it's a great day and I don't think anyone expects anybody to clean for four hours but, come on out. And it's a good time.

The Warming Station, Marilyn Pierce was very kind with her praise of other people and I can just tell you that she's amazing how much time and effort that she's put into this whole thing. And I'm not even doing it justice by just saying that or whatever. So, thank you.

Thank you, Jerry, for what you do but Marilyn has been the glue and the heartbeat of that for years -- many, many years. So, thank you very much.

Thank you.

PRESIDENT RODRIGUES: Alderman Green.

ALD. GREEN: Thank you.

I will echo that quickly; Marilyn is truly an asset to the city and to the homeless population. And she gives without any thought of selfishness to herself as does Jerry with this as well. I know, between the two of them, they put more hours that you can even imagine into helping out those in need. So, it's very much appreciated.

Of course, congratulations to the Odyssey of the Mind teams. To have three that go to states, two that place first, I mean that's just -- if that doesn't say that we're giving an amazing education and an amazing

opportunity to students, it would be such a shame to not be able to say that because, I mean, we're just so lucky and so fortunate to have some wonderful talented kids.

I know, Alderman Tobin, I believe you had -- your daughter was in the play this weekend, Annie, at Monhagen Middle School. My niece was in it. And the entire cast -- we're just so fortunate and so lucky to have great facilities and talented students in our city. So, congratulations to all of them.

As well, I did fail to mention at our last meeting, because it was the State of the City, that we did have a great turnout for the Fire Department versus Twin Towers Faculty basketball game. I will not mention the score because Twin Towers had a homefield advantage. So, we'll see. Next time, maybe we'll do it somewhere else. Maybe we'll look at the Rec Center and maybe we'll have the homefield advantage but we'll see how that is.

But thank you to them for opening that up and everyone who came for that.

It's unfortunate, I did have a prior event, I wasn't able to attend the Little League parade but my son loves to go by and he sees all the teams playing. So, I know I'll be out there marching with him and, hopefully, volunteering and helping out as soon as he's of age.

We did attend, also, the Rec Center's egg hunt,

which was a phenomenal event. I mean my little guy had a great time and I know there was an older crew I heard great things about. So, our Rec Center is second to none, of course.

Chief Ewanciw, I do want to thank you for coming to our constituents' meeting. You had a lot of questions. You spent -- you know, no rush to get out of there and we really appreciate it and I know our constituents appreciated you being there as well.

We did talk about you know a lot of this cannabis code, which we brought up again tonight in the Legislative Committee. And I had two quick experiences with that being an issue over the last week.

One was, kids blatantly in our parks, just sitting there, smoking cannabis. Again, just because it's legal to use in-home, does not mean you can use it in our parks, does not mean you can use it in your car.

I was at the car wash and in the line next to me, a gentleman was using a full-on bong; not smoking a joint, which you still cannot do but full-on just doing that.

You know certainly, it's driving while impaired. It's just an equal offense, I believe, to driving while intoxicated. You know it's really serious stuff. It's not a joke. You know, follow the State law. I understand

that there's some question about it and I hope that we can clarify it here on our end and hope that Albany can clarify it and get to work on that enforcement as well.

Thank you.

PRESIDENT RODRIGUES: Alderman Kleiner.

ALD. KLEINER: Thank you. I also want to thank Chief Ewanciw for coming to our constituents' meeting and staying for the whole time. I thought he did a really terrific job.

The Warming Station, it's what Marilyn does -- Marilyn, and Michelle, and Matt Airall, who are the head of the Warming Station. They are just amazing.

And Andrew, thank you for your work on the website and everything you do. And Touro, I don't know what we would do without Touro students volunteering. So, they really have been terrific.

Hopefully, there will be some improvements for next season. It's still a work in progress. So, the best, hopefully, the best we can do.

The cleanup is going to be this Saturday, April 22nd, Earth Day. And I just remind people that probably what you would call -- these days, you would call that very woke year of 1970, when we figured out that it was not a good idea to just be burning anything you wanted, or dumping anything in the water you wanted, and people

became aware. There was a real movement. There were people out in the streets saying, rivers on fire are not a good idea. And we got the Clean Water Act. Shortly later, we got the Clean Air Act. You know there was no EPA that was established in 1970, there was no OSHA, all these regulations, but the regulations to protect public health and safety and try and save the planet. So, we're living with the benefits of that movement and people were trying to go backwards. So, we hope we keep going forward.

So, our contribution to Earth Day is a simple one, it's just try and go out and clean up the City, pick up the litter, and keep in the spirit of it.

The Little League parade was terrific. I want to thank Darrin and all the Little League people. It was -- the field was dedicated. The Babe Ruth Field was dedicated to Daniel Miller. That was a very popular dedication. His mom was there and people were very moved by that.

But also, it was Jackie Robinson Day and, again, lest we forget, in 1947, Jackie Robinson, that was the day he played his first game at Ebbets Field and broke the color barrier in major league baseball. So, it was quite an historic day and it's great to see Middletown carrying on.

I spoke with Bob Hayward because had asked me about Memorial Day this year. So far, the plan is for Middletown to do a Memorial Day ceremony at Thrall Park and the Town of Wallkill will do one at their park across from Maddy's. And I'm hoping, maybe, the Town of Wallkill will do theirs at 10:00 and Middletown will do theirs at 11:00. That hasn't been set in stone yet but that way, people could go to one and then go down to Thrall Park for the other ceremony. That would be very nice.

I also want to thank our City clerk, Mr. McCormack, who has taken over for the Citywide Clean-up and doing an amazing job. I know the Citywide Yard Sale was his idea and I think it's a great idea. A lot of people have been asking for that for a long time.

And updating the website, people who know me know that that's why I agreed to be on the Council way back when, because we had a website that talked about a council meeting on some day in February but it wasn't actually going to be at City Hall; it didn't mention that. And the meeting, I brought that up, it was in May. So, in May, we were talking about a February Council meeting.

So, the idea of having a funded website, these days with social media, it's not as critical but I still think it's very important to have it and have all the information so that it's all there, available to the

public.

And I guess that's all I see. Thank you.

PRESIDENT RODRIGUES: Thank you.

Alderman Johnson.

ALD. JOHNSON: Thank you. I share my colleagues' sentiments regarding the Warming Station. All appreciated.

I did mention, at the opening of the Legislative Committee earlier this evening, that Alderwoman Wray wanted everyone to know that she was not feeling well this evening and not able to attend but, she extends her regrets.

Thank you.

PRESIDENT RODRIGUES: Alderman Jean-Francois.

ALD. JEAN-FRANCOIS: Thank you.

Good evening. We start our annual spring cleaning. I would like everyone to be vigilant because, over the years, we do have people that does illegal dumping, which is costing the City a lot of money. If you do see something, say something. Don't approach anyone. Don't engage with anyone. If you could take a picture of the plate or call the Police Department to let them know what is going on, that would be appreciated. Because over the years, it cost the City a lot of money. If that continues, eventually, that cost is going to pass on to

us.

So, we do not want that to happen. Please, whatever you could do to help the situation, please do so.

And also, if you haven't had a chance to view the DPW Annual Report online, please do so. It's a great work, hard work, and the Department is doing a wonderful job keeping the City safe and keeping the City functioning. Thank you very much.

PRESIDENT RODRIGUES: Thank you.

Alderman Tobin.

ALD. TOBIN: Yeah, I echo what Alderman Green said about cannabis. I'm glad we're putting in some enforcement provisions. I support adult-use cannabis and adult-use alcohol but the way it's been rolled out by the State is that it's kind of a free-for-all, with kids using cannabis, OD'ing on it. It should be licensed. I mean it's like a liquor store. You shouldn't be able to sell it unless you have a license. So, it's being sold everywhere, apparently.

And I do, like Alderman Green, we walked around the 4th Ward and we'll see someone sitting in car smoking. And I'm like all right, he's listening to music. Then, we'll get down the street and see the guy take off in the car; they drove away.

So, you know you should not be driving impaired.

That's dangerous.

I'm proud of the school, the Odessey of the Mind. That's amazing news.

I'd like to thank Marilyn and the Warming Station for all they do to help out the City and you know the least of us that need all that help.

And Little League, Darrin Cross -- I went to the Little League parade -- 70 years. Congratulations. Ten years of volunteerism; thank you. I know it's a lot and it's like herding cats, I imagine, trying to get all the volunteers to do what they need to do but, you know, when you look at the faces of those kids on opening day, you know it makes it worth it. That's totally the spirit of America there. You can't get anymore American than that. They're all happy to play baseball, and maybe get a hotdog afterwards, and you know run around with their teammates. So, that was a great experience.

I'm looking forward to the Cinco de Mayo event.

And I know like a lot of people watching, they think that we disagree on everything but a lot of the work is on the committees. Tonight's committee went a little long but, it was an example that we work out all the kind of things we are concerned about. By the time it reaches the floor, a lot of those things have all been ironed out and we agree on that a good piece of legislation is being

passed.

And then tonight, there's a CSEA. Is it a contract or memorandum of agreement? Contract. Just so there's not appearance of a conflict, I'm president of the Labor Federation for CSEA's affiliates. So, I'm going to be abstaining.

PRESIDENT RODRIGUES: Okay, thank you.

11. Unfinished Business (None This Evening)

12. New Business

PRESIDENT RODRIGUES: New business.

MR. MCCORMACK: Good evening. We have a resolution sponsored by Alderman Masi, authorizing a $35,133.59 budget transfer for a permanent restroom at Davidge Park.

PRESIDENT RODRIGUES: Resolution sponsored by Alderman Masi, seconded by Alderman Witt.

Any discussion?

Roll.

MR. MCCORMACK: Tobin.

ALD. TOBIN: Aye.

MR. MCCORMACK: Jean-Francois.

ALD. JEAN-FRANCOIS: Aye.

MR. MCCORMACK: Johnson.

ALD. JOHNSON: Aye.

MR. MCCORMACK: Kleiner.

ALD. KLEINER: Aye.

MR. MCCORMACK: Green.

ALD. GREEN: Aye.

MR. MCCORMACK: Witt.

ALD. WITT: Aye.

MR. MCCORMACK: Masi.

ALD. MASI: Aye.

MR. MCCORMACK: President Rodrigues.

PRESIDENT RODRIGUES: Aye.

MR. MCCORMACK: It carries.

A resolution sponsored by Alderman Green, authorizing a proposal from BFJ Planning for a Master Plan for the Middletown Transportation Center.

PRESIDENT RODRIGUES: Resolution sponsored by Alderman Green, seconded by Alderman Tobin.

Any discussion?

Roll.

MR. MCCORMACK: Tobin.

ALD. TOBIN: Aye.

MR. MCCORMACK: Jean-Francois.

ALD. JEAN-FRANCOIS: Aye.

MR. MCCORMACK: Johnson.

ALD. JOHNSON: Aye.

MR. MCCORMACK: Kleiner.

ALD. KLEINER: Aye.

MR. MCCORMACK: Green.

ALD. GREEN: Aye.

MR. MCCORMACK: Witt.

ALD. WITT: Aye.

MR. MCCORMACK: Masi.

ALD. MASI: Aye.

MR. MCCORMACK: President Rodrigues.

PRESIDENT RODRIGUES: Aye.

MR. MCCORMACK: It carries.

A resolution sponsored by Alderman Kleiner accepting a donation from the Olde Erie Brewpub and Grille for the City for the Citywide Clean-Up.

PRESIDENT RODRIGUES: Resolution sponsored by Alderman Kleiner, seconded by Alderman Johnson.

Any discussion?

Roll.

MR. MCCORMACK: Tobin.

ALD. TOBIN: Aye.

MR. MCCORMACK: Jean-Francois.

ALD. JEAN-FRANCOIS: Aye.

MR. MCCORMACK: Johnson.

ALD. JOHNSON: Aye.

MR. MCCORMACK: Kleiner.

ALD. KLEINER: Aye.

MR. MCCORMACK: Green.

ALD. GREEN: Aye.

MR. MCCORMACK: Witt.

ALD. WITT: Aye.

MR. MCCORMACK: Masi.

ALD. MASI: Aye.

MR. MCCORMACK: President Rodrigues.

PRESIDENT RODRIGUES: Aye.

MR. MCCORMACK: It carries.

A resolution sponsored by Alderman Witt, authorizing an agreement with Civic Plus for a new city website.

PRESIDENT RODRIGUES: Resolution sponsored by Alderman Witt, seconded by Alderman Johnson.

Any discussion?

Roll.

MR. MCCORMACK: Tobin.

ALD. TOBIN: Aye.

MR. MCCORMACK: Jean-Francois.

ALD. JEAN-FRANCOIS: Aye.

MR. MCCORMACK: Johnson.

ALD. JOHNSON: Aye.

MR. MCCORMACK: Kleiner.

ALD. KLEINER: Aye.

MR. MCCORMACK: Green.

ALD. GREEN: Aye.

MR. MCCORMACK: Witt.

ALD. WITT: Aye.

MR. MCCORMACK: Masi.

ALD. MASI: Aye.

MR. MCCORMACK: President Rodrigues.

PRESIDENT RODRIGUES: Aye.

MR. MCCORMACK: It carries.

A resolution sponsored by Alderman Johnson approving the Memorandum of Agreement between the Middletown Civil Service Association (CSEA) and the City of Middletown.

PRESIDENT RODRIGUES: Resolution sponsored by Alderman Johnson, seconded by Alderman Masi.

Any discussion?

Roll.

MR. MCCORMACK: Tobin.

ALD. TOBIN: Abstain.

MR. MCCORMACK: Jean-Francois.

ALD. JEAN-FRANCOIS: Aye.

MR. MCCORMACK: Johnson.

ALD. JOHNSON: Aye.

MR. MCCORMACK: Kleiner.

ALD. KLEINER: Aye.

MR. MCCORMACK: Green.

ALD. GREEN: Aye.

MR. MCCORMACK: Witt.

ALD. WITT: Aye.

MR. MCCORMACK: Masi.

ALD. MASI: Aye.

MR. MCCORMACK: President Rodrigues.

PRESIDENT RODRIGUES: Aye.

MR. MCCORMACK: It carries.

A resolution sponsored by Alderman Jean-Francois waiving fees for sidewalk sales in the Business Improvement District from Friday, May 5, 2023, through Sunday, May 7, 2023.

PRESIDENT RODRIGUES: Resolution sponsored by Alderman JeanFrancois, seconded by Alderman Kleiner.

Any discussion?

Roll.

MR. MCCORMACK: Tobin.

ALD. TOBIN: Aye.

MR. MCCORMACK: Jean-Francois.

ALD. JEAN-FRANCOIS: Aye.

MR. MCCORMACK: Johnson.

ALD. JOHNSON: Aye.

MR. MCCORMACK: Kleiner.

ALD. KLEINER: Aye.

MR. MCCORMACK: Green.

ALD. GREEN: Aye.

MR. MCCORMACK: Witt.

ALD. WITT: Aye.

MR. MCCORMACK: Masi.

ALD. MASI: Aye.

MR. MCCORMACK: President Rodrigues.

PRESIDENT RODRIGUES: Aye.

MR. MCCORMACK: It carries.

A resolution sponsored by Alderman Tobin confirming the Mayor's Appointment of Ray Pantel to the Electrical Board.

PRESIDENT RODRIGUES: Resolution sponsored by Alderman Tobin, seconded by Alderman Green.

Any discussion?

Roll.

MR. MCCORMACK: Tobin.

ALD. TOBIN: Aye.

MR. MCCORMACK: Jean-Francois.

ALD. JEAN-FRANCOIS: Aye.

MR. MCCORMACK: Johnson.

ALD. JOHNSON: Aye.

MR. MCCORMACK: Kleiner.

ALD. KLEINER: Aye.

MR. MCCORMACK: Green.

ALD. GREEN: Aye.

MR. MCCORMACK: Witt.

ALD. WITT: Aye.

MR. MCCORMACK: Masi.

ALD. MASI: Aye.

MR. MCCORMACK: President Rodrigues.

PRESIDENT RODRIGUES: Aye.

MR. MCCORMACK: It carries.

Resolution sponsored by Alderman Masi amending Resolution 67-23, dated April 4, 2023, to increase Funding Award to $17,000.

PRESIDENT RODRIGUES: Resolution sponsored by Alderman Masi, seconded by Alderman Kleiner.

Any discussion?

Roll.

MR. MCCORMACK: Tobin.

ALD. TOBIN: Aye.

MR. MCCORMACK: Jean-Francois.

ALD. JEAN-FRANCOIS: Aye.

MR. MCCORMACK: Johnson.

ALD. JOHNSON: Aye.

MR. MCCORMACK: Kleiner.

ALD. KLEINER: Aye.

MR. MCCORMACK: Green.

ALD. GREEN: Aye.

MR. MCCORMACK: Witt.

ALD. WITT: Aye.

MR. MCCORMACK: Masi.

ALD. MASI: Aye.

MR. MCCORMACK: President Rodrigues.

PRESIDENT RODRIGUES: Aye.

MR. MCCORMACK: It carries.

Resolution sponsored Alderman Witt, approving the Volunteer Firefighters Length of Service Award Program List for 2022.

PRESIDENT RODRIGUES: Resolution sponsored by Alderman Witt, seconded by Alderman Jean-Francois.

Any discussion?

Alderman Green.

ALD. GREEN: First off, I will be abstaining. My name does appear on the list. And second of all, there is an issue next to my name on the list that does have my address that is not in the 2nd Ward. We did address that. That will be changed on the final. I do not live on Claremont Court.

So, I just wanted to mention that but I will be abstaining because I am on the list. Thank you.

PRESIDENT RODRIGUES: Anyone else?

Roll.

MR. MCCORMACK: Tobin.

ALD. TOBIN: Aye.

MR. MCCORMACK: Jean-Francois.

ALD. JEAN-FRANCOIS: Aye.

MR. MCCORMACK: Johnson.

ALD. JOHNSON: Aye.

MR. MCCORMACK: Kleiner.

ALD. KLEINER: Aye.

MR. MCCORMACK: Green.

ALD. GREEN: Abstain.

MR. MCCORMACK: Witt.

ALD. WITT: Aye.

MR. MCCORMACK: Masi.

ALD. MASI: Aye.

MR. MCCORMACK: President Rodrigues.

PRESIDENT RODRIGUES: Aye.

MR. MCCORMACK: It carries.

Resolution sponsored Alderman Jean-Francois awarding the 2023 Street Materials and Asphalt Materials Bid.

PRESIDENT RODRIGUES: Resolution sponsored by Alderman Jean-Francois, seconded by Alderman Kleiner.

Any discussion?

Roll.

MR. MCCORMACK: Tobin.

ALD. TOBIN: Aye.

MR. MCCORMACK: Jean-Francois.

ALD. JEAN-FRANCOIS: Aye.

MR. MCCORMACK: Johnson.

ALD. JOHNSON: Aye.

MR. MCCORMACK: Kleiner.

ALD. KLEINER: Aye.

MR. MCCORMACK: Green.

ALD. GREEN: Aye.

MR. MCCORMACK: Witt.

ALD. WITT: Aye.

MR. MCCORMACK: Masi.

ALD. MASI: Aye.

MR. MCCORMACK: President Rodrigues.

PRESIDENT RODRIGUES: Aye.

MR. MCCORMACK: It carries.

13. Local Laws

PRESIDENT RODRIGUES: Alex.

MR. SMITH: I just have a brief suggestion regarding the Short-Term Rentals resolution. I spoke with the Mayor and the Commissioner about it just now.

Since no one spoke at the public hearing, I see no reason why the Council, if you see fit, someone make a motion to vote on it tonight, the resolution.

ALD. MASI: I'll make that motion.

ALD. JOHNSON: Second.

MR. SMITH: If you need a copy of it, Rick, I have one here.

MR. MCCORMACK: No, I've got it.

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

Do you have the resolution?

MR. MCCORMACK: I don't but --

MR. SMITH: You don't? Here it is.

PRESIDENT RODRIGUES: Approach the bench. Go ahead. We're used to that.

MR. MCCORMACK: Who made the motion? I'm sorry. It was Masi and?

PRESIDENT RODRIGUES: Masi and seconded by Alderman Johnson.

MR. MCCORMACK: Okay. All right.

PRESIDENT RODRIGUES: Any discussion on the motion?

Roll.

MR. MCCORMACK: Tobin.

ALD. TOBIN: Aye.

MR. MCCORMACK: Jean-Francois.

ALD. JEAN-FRANCOIS: Aye.

MR. MCCORMACK: Johnson.

ALD. JOHNSON: Aye.

MR. MCCORMACK: Kleiner.

ALD. KLEINER: Aye.

MR. MCCORMACK: Green.

ALD. GREEN: Aye.

MR. MCCORMACK: Witt.

ALD. WITT: Aye.

MR. MCCORMACK: Masi.

ALD. MASI: Aye.

MR. MCCORMACK: President Rodrigues.

PRESIDENT RODRIGUES: Aye.

MR. MCCORMACK: It carries.

PRESIDENT RODRIGUES: Alderman Johnson.

ALD. JOHNSON: Following in the spirit of the evening, earlier today we had a discussion at Legislative Committee regarding a code for cannabis dispensaries. As a result of that conversation and passing it, I would like to offer the following resolution:

WHEREAS, by Local Law No. 1 of the Year 2021, adopted July 20, 2021, the City of Middletown opted out of the establishment of cannabis retail dispensary licenses within the City of Middletown pursuant to Section 131 of the New York Cannabis Law; and

WHEREAS, the Mayor is recommending a change to the Zoning Code, establishing a new section, 475-28A, Cannabis Sales.

NOW, THEREFORE, be it Resolved that the Common Council of the City of Middletown will hold a public hearing on the proposed change to the Zoning Code on

Tuesday, May 2, 2023, at or as near to 7:30 p.m. as possible, in the Common Council Chambers, 16 James Street, Second Floor, Middletown, New York.

PRESIDENT RODRIGUES: Resolution sponsored by Alderman Johnson.

Do I have a second?

Alderman Masi.

Any discussion?

Roll.

MR. MCCORMACK: Tobin.

ALD. TOBIN: Aye.

MR. MCCORMACK: Jean-Francois.

ALD. JEAN-FRANCOIS: Aye.

MR. MCCORMACK: Johnson.

ALD. JOHNSON: Aye.

MR. MCCORMACK: Kleiner.

ALD. KLEINER: Aye.

MR. MCCORMACK: Green.

ALD. GREEN: Aye.

MR. MCCORMACK: Witt.

ALD. WITT: Aye.

MR. MCCORMACK: Masi.

ALD. MASI: Aye.

MR. MCCORMACK: President Rodrigues.

PRESIDENT RODRIGUES: Aye.

MR. MCCORMACK: It carries.

14. Audit of Claims and Accounts

PRESIDENT RODRIGUES: Audit.

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.

MR. MCCORMACK: Tobin.

ALD. TOBIN: Aye.

MR. MCCORMACK: Jean-Francois.

ALD. JEAN-FRANCOIS: Aye.

MR. MCCORMACK: Johnson.

ALD. JOHNSON: Aye.

MR. MCCORMACK: Kleiner.

ALD. KLEINER: Aye.

MR. MCCORMACK: Green.

ALD. GREEN: Aye.

MR. MCCORMACK: Witt.

ALD. WITT: Aye.

MR. MCCORMACK: Masi.

ALD. MASI: Aye.

MR. MCCORMACK: President Rodrigues.

PRESIDENT RODRIGUES: Aye.

MR. MCCORMACK: It carries.

15. ADJOURNMENT

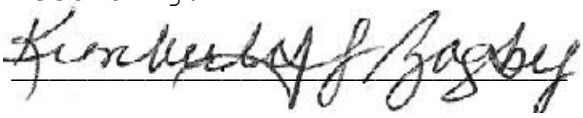
PRESIDENT RODRIGUES: Motion for adjournment?

UNIDENTIFIED SPEAKER: So moved.

(Proceeding concluded.)

CERTIFICATION

I, KIMBERLY J. ZOGBY, certify that the foregoing transcript of the April 18, 2023 Middletown City Council meeting was prepared using the required transcription equipment and is a true and accurate transcript of the recording.



AMERICAN LEGAL TRANSCRIPTION

11 Market Street, Suite 215

Poughkeepsie, New York 12601

Dated: May 1, 2023

CITY OF MIDDLETOWN, NEW YORK
COMMON COUNCIL RECORD OF VOTE

THE FOLLOWING WAS PRESENTED

By Ald. Masi

Sec'd by Ald. Witt

Date of Adoption: April 18, 2023

Index No: 84-23

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 $35,133.59 Budget Transfer for a Permanent Restroom at Davidge Park

RESOLVED; that the Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment and authorizes the Treasurer to transfer the remainder of the money in the Reservoir Restroom Capital Project H.0764.900 to a new Capital Project line allowing them to put a much-needed permanent restroom in the back of Davidge Park near shelters 1 & 2.

FROM	AMOUNT	TO
H.0764.900 Reservoir Restroom General Expense	$35,133.59	H.0764.01 Parks and Rec- Davidge Park Restrooms

ATTACHMENTS:

Transfer of Capital $.pdf

CITY OF MIDDLETOWN, NEW YORK
COMMON COUNCIL RECORD OF VOTE

THE FOLLOWING WAS PRESENTED

By Ald. Green

Sec'd by Ald. Tobin

Date of Adoption: April 18, 2023

Index No: 85-23

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 proposal from BFJ Planning for a Master Plan for the Middletown Transportaion Center site.

RESOLVED; that the Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment authorizes a proposal by BFJ regarding the preparation of a Master Plan for the Middletown Transportation Center site and vicinity.

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

FURTHER RESOLVED; that the Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment authorizes the use of $55,000.00 of ARPA funds to pay BFJ for their work as presented in the proposal.

FROM	AMOUNT	TO
A.4785-ARPA Project	$55,000	H.0996.900- INFILL DEVELOPMENT PROJECT

ATTACHMENTS:

BFJ_Middletown TOD Plan proposal _REVISED-03_29_23.pdf
Downtown Infill Project Master Plan Proposal.pdf

CITY OF MIDDLETOWN, NEW YORK
COMMON COUNCIL RECORD OF VOTE

THE FOLLOWING WAS PRESENTED

By Ald. Kleiner

Sec'd by Ald. Johnson

Date of Adoption: April 18, 2023

Index No: 86-23

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 donation from the Olde Erie Brewpub and Grille for the City-wide Clean-Up

RESOLVED; that the Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment and accepts a donation of $50 from DeStefano's Olde Erie Brewpub & Grille, LLC for the City's Annual Clean-Up Day and authorizes the Treasurer to deposit the funds to line A.2705.01 City Wide Pride -Gift and Donations.

ATTACHMENTS:
Accept a Donation from Olde Erie.pdf

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: April 18, 2023

Index No: 87-23

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 Civic Plus for a New City Website

RESOLVED; that the Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment and authorizes an agreement with Civic Plus, for 37,500, for a new City website. The new website will incorporate the current Police Department site and the Middletown Business Improvement District website.

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 said agreement.

FURTHER RESOLVED; that the Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment and authorizes the use of $37,500 in ARPA funds*to cover the unanticipated expense.

FROM	AMOUNT	TO
ARPA FUNDS	$37,500	A.1010.400 Common Council Clerk – Contractual Services

*The Middletown Business Improvement District will reimburse the City $4,560 ($3,700 One- time and $860/yr , annual maintenance fee), which is the cost of migrating and hosting their webpages. The BID will continue to reimburse the City for the annual maintenance fee moving forward,)

ATTACHMENTS:
Middletown NY - Engage Premium Contract v3.pdf
Civic Plus Website REVISED.pdf Civic Plus Memo REVISED.pdf

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: April 18, 2023

Index No: 88-23

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 approving the Memorandum of Agreement between the Middletown Civil Service Association (CSEA) and the City of Middletown

RESOLVED that the Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment and approves the Memorandum of Agreement (MOA) between the **Middletown Civil Service Association (CSEA)** and the City of Middletown, effective January 1, 2022 through December 31, 2026

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 agreement.

ATTACHMENTS:
Final MOA CSEA 2022 - 2026 032023.pdf

CITY OF MIDDLETOWN, NEW YORK
COMMON COUNCIL RECORD OF VOTE

THE FOLLOWING WAS PRESENTED

By Ald. Jean-Francois

Sec'd by Ald. Kleiner

Date of Adoption: April 18, 2023

Index No: 89-23

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 Waiving Fees Side Walk Sales in the Business Improvement District from Friday, May 5, 2023, through Sunday, May 7, 2023

RESOLVED; that the Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment and hereby waives the fees and application process associated with applying for Side-Walk Sales for the weekend of Friday, May 5 through Sunday, May 7, 2023, as part of the City's Cinco De Mayo Celebration.

FURTHER RESOLVED that all rules and regulations currently governing sidewalk sales will remain in full effect for the duration of the weekend.

CITY OF MIDDLETOWN, NEW YORK
COMMON COUNCIL RECORD OF VOTE

THE FOLLOWING WAS PRESENTED

By Ald. Tobin

Sec'd by Ald. Green

Date of Adoption: April 18, 2023

Index No: 90-23

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 Confirming the Mayor's Appointment of Ray Pantel to the Electrical Board

RESOLVED that the Common Council of the City of Middletown confirms the Mayor's appointment of Ray Pantel to the Electrical Board, replacing Jeff Spiro, for a term expiring on December 31, 2023.

CITY OF MIDDLETOWN, NEW YORK
COMMON COUNCIL RECORD OF VOTE

THE FOLLOWING WAS PRESENTED

By Ald. Masi

Sec'd by Ald. Kleiner

Date of Adoption: April 18, 2023

Index No: 91-23

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 amending Resolution 67-23, dated April 4, 2023,
to Increase the Funding Award to $21,000

RESOLVED; that the Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment and amends resolution 67-23, adopted on April 4, 2023 to increase the funding awards for the Too Good Programs- Youth Police Academy and Too Good Programs-Youth Community Outreach.

RESOLVED; that the Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment accepts a ~~$17,000~~ $21,000 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~~ $7,000
A. 3120.468 Too Good Programs- Youth Community Outreach ~~$5,000~~ $7,000

ATTACHMENTS: OC Police Grant.pdf OC ADD'L FUNDING FOR TOO GOOD update.pdf

CITY OF MIDDLETOWN, NEW YORK
COMMON COUNCIL RECORD OF VOTE

THE FOLLOWING WAS PRESENTED

By Ald. Witt

Sec'd by Ald. Jean-Francois

Date of Adoption: April 18, 2023

Index No: 92-23

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 Approving the Volunteer Firefighters Length of Service Award Program (LOSAP) List for 2022

RESOLVED that the Common Council of the City of Middletown approves the attached Volunteer Firefighters Length of Service Award Program (LOSAP) List for 2022.

ATTACHMENTS:
Losap 2022-City Hall.pdf

CITY OF MIDDLETOWN, NEW YORK
COMMON COUNCIL RECORD OF VOTE

THE FOLLOWING WAS PRESENTED

By Ald. Jean-Francois

Sec'd by Ald. Kleiner

Date of Adoption: April 18, 2023

Index No: 93-23

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 awarding the 2023 Street Materials & Asphalt Materials Bid

RESOLVED that the Common Council of the City of Middletown awards the 2023 Street Materials & Asphalt Materials Bid to the

to the lowest qualified bidder(s) as follows. (Copy of the bid tabulation sheet is attached).

Please note, that a recommendation of the award is not based on the unit bid price alone, but also on the close proximity of the source to the City.

-

Dick's Concrete Co., Inc., 1053 County Route 37, New Hampton, NY 10958:

NYS Item 304-2.02: Stockpile @ $18.00/ton

Crushed Stone: #2 Stockpile @ $22.00/ton

Run of Bank Gravel delivered to various locations @ $16.70/cu. yd.

Run of Bank Gravel loaded into City Trucks @ $13.70/ton

Callanan Industries 93 Sullivan Rd, Monticello NY 12701:

NYS Item 304-2.02: Plant @ $12.00/ton

Crushed Stone: #2 Plant @$15.20/ton

Crushed Stone: #3 Stockpile @ $24.20/ton; Plant @ $15.20/ton

Rip Rap: Plant @ $15.75/ton

NYS Item 403.16 T.C. Type 6: F.O.B. @ $73.00/ton *full tandem truck (±20 tons per load)

NYS Item 403.18 T.C. Type 7: F.O.B. @ $75.50/ton*full tandem truck (±20 tons per load)

NYS Item 403.13 A.C.B.C. Type 3: F.O.B @ $71.50/ton*full tandem truck (±20 tons per load)

NYS Item 403.11 B.C. Type 1: F.O.B @ $66.25/ton*full tandem truck (±20 tons per load)

NYS Item 403.12 B.C. Type 2: F.O.B @ $66.25/ton*full tandem truck (±20 tons per load)

Asphalt Pre-Mix for Cold Patching: Delivery @ $139.50/ton; $130.50/ton F.O.B Plant

Tetz & Sons, Inc. /Tetz Asphalt 63 Cemetery Rd., Middletown, NY 10941:

Screened & Washed Sand: Stockpile @ $28.50/ton; Plant @ $25.00/ton

Screened Gravel: Stockpile @ $21.25/ton; Plant @ $17.26/ton

NYS Item 403.14 A.C.B.C. Type 4: F.O.B @ $81.00/ton

NYS Item 403.16 T.C. Type 6: F.O.B. @ $83.00/ton *less than 20 tons per load

NYS Item 403.18 T.C. Type 7: F.O.B. @ $85.00/ton*less than 20 tons per load

NYS Item 403.13 A.C.B.C. Type 3: F.O.B @ $80.00/ton*less than 20 tons per load

NYS Item 403.11 B.C. Type 1: F.O.B @ $80.00/ton*less than 20 tons per load

NYS Item 403.12 B.C. Type 2: F.O.B @ $80.00/ton*less than 20 tons per load

Rip Rap: Stockpile @ $26.00/ton; Plant @ $22.00/ton (Rte. 6 Slate Hill)

ATTACHMENTS:
2023 STREET MATERIAL AND ASPHALT BID TAB AND RECOMMENDATION OF AWARD LETTER.pdf

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 04.18.223

Index No: 94-23

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 Amending City Code to Prohibit Short Terms Rentals

WHEREAS, various complaints are being received by the City regarding short-term rentals in residential dwellings.

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 475, Zoning, is hereby amended by adding a new Section 475-35-1, Short-Term Rentals, to read as follows:

475-35-1. Short-Term Rentals. The short-term rental of a residential property or a portion thereof for a period of less than thirty (30) days is prohibited in all zoning districts in the City of Middletown, subject to the following exemptions:

A. A legally operating commercial hotel/motel is not subject to this prohibition;

B. Short-term rentals of property during emergencies affecting the City of Middletown declared by any federal, state, county or City authority shall not be subject to this

prohibition, provided that the owner of the property obtains permission for the rental from the Commissioner of Public Works; and

C. Family members who are granted the use of premises without charge shall not be subject to this prohibition.

Nothing in this Section shall be construed as amending or excusing compliance with the provisions of Section 475-35 of the Zoning Code.

Section 2 - The Code of the City of Middletown, N.Y., Chapter 296, Housing, is hereby amended by adding a Subsection C, Short-Term Rentals, to Section 296-18, Term of permit; renewal, to read as follows:

C. Short -Term Rentals. No permit may be issued for short-term rentals of less than thirty (30) days, except as provided in Section 475-35-1 of the Zoning Code.

Section 3 - The Code of the City of Middletown, N.Y., Chapter 296, Housing, is hereby amended by adding a Subsection C, Short-Term Rentals, to Section 296-36, Term of rental permit; renewal, to read as follows:

C. Short -Term Rentals. No permit may be issued for short-term rentals of less than thirty (30) days, except as provided in Section 475-35-1 of the Zoning Code.

Section 4 - This ordinance shall take effect immediately.

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 04.18.223

Index No: 95-23

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			

Resolution Authorizing a Public Hearings on Proposed Changes to the Zoning Code as it Pertains To Cannabis Dispensaries

WHERAS, by Local Law #1 of the Year 2021, adopted July 20, 2021, the City of Middletown opted out of the establishment of cannabis retail dispensary licenses within the City of Middletown pursuant to Section 131 of the New York Cannabis Law and

WHEREAS, the Mayor is recommending a change to the Zoning Code establishing a new section 475-28A Cannabis Sales.

NOW THEREFORE BE IT RESOLVED that the Common Council of the City of Middletown will hold a public hearing on the proposed change to the Zoning Code on Tuesday, May 2, 2023, at or as near to 7:30 PM as possible in the Common Council Chambers, 16 James Street, 2nd Floor, Middletown, NY.

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: April 18, 2023

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	9			

Resolution Directing the Audit of Claims and Accounts

I MOVE THE ACCOUNTS BE AUDITED, THE CLAIMS ADJUSTED AND THE

TREASURER BE AUTHORIZED TO ISSUE WARRANTS FOR THEIR PAYMENTS

CITY OF MIDDLETOWN, NEW YORK
COMMON COUNCIL
RECORD OF VOTE

THE FOLLOWING WAS PRESENTED

By Ald.

Sec'd by Ald.

Date of Adoption: May 16, 2023

Index No:

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				

Public Hearing: Proposed Change to Zoning Code UR-3 District

CITY OF MIDDLETOWN
NOTICE OF PUBLIC HEARING

Notice is hereby given that the City of Middletown will hold a public hearing on Tuesday, May 16, 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 a proposed zoning amendment to Chapter 123, Zoning, as adopted March 27, 1967 and amended, be and is hereby further amended by adding a new Paragraph (10) to Subsection C, Uses requiring issuance of both a special use permit and site plan approval by the Planning Board, to read as follows:

(10) Child day-care facility, provided that such facility:
- (a) Is licensed by the State of New York;
- (b) Contains at least 3,000 square feet of usable floor space;
- (c) Provides an outside play area of at least 600 square feet; and
- (d) Provides an off-street drop-off area for such children to avoid impacting street traffic in the area.

The complete proposed zoning amendment is available in the office of the Common Council Clerk, City Hall, 16 James Street, room 12, and on the City Website.
Any and all persons wishing to be heard will be given an opportunity to speak either for or against the proposed zoning amendment.

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: 5/10/23 & 5/11/23
City Website

ATTACHMENTS:
Proposed Legislation- Zoning - Day Care Facilities UR-3.pdf
Affidavit of Publication Day Care Facilities UR-3.pdf
Notice of Public Hearing Zoning Amendment UR-3 to Add Daycare.pdf

CITY OF MIDDLETOWN COMMON COUNCIL
RESOLUTION

WHEREAS, the City of Middletown has been presented with a proposal for a child day care facility in the UR-3 zoning district which is abutted on its northwestern side by Irwin Avenue and on its northeastern side by Wisner Avenue, and

WHEREAS, this zoning district also abuts the facilities and playgrounds associated with the Twin Towers Middle School, and

WHEREAS, the Mayor and Economic Development Director are recommending to rezone this particular UR-3 district to allow for child day care facilities.

NOW, THEREFORE, BE IT RESOLVED, AND BE IT ORDAINED, by the Common Council of the City of Middletown, as follows:

Section 1. The Code of the City of Middletown, N.Y., Chapter 123, Zoning, as adopted March 27, 1967 and amended, be and is hereby further amended by adding a new Paragraph (10) to Subsection C, Uses requiring issuance of both a special use permit and site plan approval by the Planning Board, to read as follows:

(10) Child day-care facility, provided that such facility:
(a) Is licensed by the State of New York;
(b) Contains at least 3,000 square feet of usable floor space;
(c) Provides an outside play area of at least 600 square feet; and
(d) Provides an off-street drop-off area for such children to avoid impacting street traffic in the area.

Section 2. This Ordinance shall take effect immediately.

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:

05/10/2023, 05/11/2023

and that the fees charged are legal.
Sworn to and subscribed before on 05/11/2023

Legal Clerk

Notary, State of WI, County of Brown

8-25-26

My commision expires

Publication Cost:	$82.26		
Order No:	8801610	# of Copies:	
Customer No:	684389	1	
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, May 16, 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 a proposed zoning amendment to Chapter 123, Zoning, as adopted March 27, 1967 and amended, be and is hereby further amended by adding a new Paragraph (10) to Subsection C, Uses requiring issuance of both a special use permit and site plan approval by the Planning Board, to read as follows:

(10) Child day-care facility, provided that such facility:

(a) Is licensed by the State of New York;

(b) Contains at least 3,000 square feet of usable floor space;

(c) Provides an outside play area of at least 600 square feet; and

(d) Provides an off-street drop-off area for such children to avoid impacting street traffic in the area.

The complete proposed zoning amendment is available in the office of the Common Council Clerk, City Hall, 16 James Street, room 12, and on the City Website.

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

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: 5/10/23 & 5/11/23
City Website

CITY OF MIDDLETOWN
NOTICE OF PUBLIC HEARING

Notice is hereby given that the City of Middletown will hold a public hearing on Tuesday, May 16, 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 a proposed zoning amendment to Chapter 123, Zoning, as adopted March 27, 1967 and amended, be and is hereby further amended by adding a new Paragraph (10) to Subsection C, Uses requiring issuance of both a special use permit and site plan approval by the Planning Board, to read as follows:

(10) Child day-care facility, provided that such facility:

(a) Is licensed by the State of New York;

(b) Contains at least 3,000 square feet of usable floor space;

(c) Provides an outside play area of at least 600 square feet; and

(d) Provides an off-street drop-off area for such children to avoid impacting street traffic in the area.

The complete proposed zoning amendment is available in the office of the Common Council Clerk, City Hall, 16 James Street, room 12, and on the City Website.

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

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: 5/10/23 & 5/11/23
City Website

CITY OF MIDDLETOWN, NEW YORK
COMMON COUNCIL
RECORD OF VOTE

THE FOLLOWING WAS PRESENTED

By Ald.

Sec'd by Ald.

Date of Adoption: May 16, 2023

Index No: 110-23

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				

Resolution Authorizing a 5,000 Budget Transfer for a Commercial Washer for the Fire Department

RESOLVED; that the Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment the Treasurer to transfer $5,000, in the following manner, to replace a commercial grade washer extractor used to clean firefighting coats & pants. The costs to repair the current unit are prohibitive.

FROM	AMOUNT	TO
A.3410.202 Coats & Boots	$5000	A.3410.200 Other Equipment

ATTACHMENTS:
Transfer 2023-1 Washer Extractor.pdf

Middletown Fire Department

81 East Main St.
Middletown, NY 10940

www.middletownfiredept.com

845-344-5003
845-344-5031 Fax

May 8,2023

Board of Estimate
City of Middletown
16 James Street
Middletown, NY 10940

The Fire Department respectfully requests the Board of Estimate recommend and the Common Council approve a resolution to transfer the following monies within the 2023 Fire Department Operating Budget:

From:		To:
A.3410.202 Coats & Boots	$ 5000.	A.3410.200 Other Equipment

To replace our commercial grade washer extractor used to clean firefighting coats & pants. The costs to repair the current unit are prohibitive.

Sincerely,

Nick Barber
Fire Chief

CITY OF MIDDLETOWN, NEW YORK
COMMON COUNCIL
RECORD OF VOTE

THE FOLLOWING WAS PRESENTED

By Ald.

Sec'd by Ald.

Date of Adoption: May 16, 2023

Index No: 111-23

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				

Resolution Authorizing an Agreement with the Enlarged City School District of Middletown for the School Resource Officer Program for the 2023-2024 School Year

RESOLVED; that the Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment authorizes an agreement between the City of Middletown and the Enlarged City School District of Middletown for the purpose of carrying out the School Resource Officer program for the 2023-2024 school year.

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

ATTACHMENTS:
SRO Agreement 2023-2024.pdf
2023 2024 CONTRACT REQUEST.pdf

AGREEMENT

This agreement (the "Agreement"), made and dated the _____ day of _____, 2023, is between the City of Middletown, a municipal corporation in Orange County, with offices at 16 James Street, Middletown, New York 10940, hereinafter referred to as the CITY, and the Enlarged City School District of Middletown, a municipal corporation in Orange County, with offices at 223 Wisner Avenue, Middletown, New York 10940, hereinafter referred to as the DISTRICT.

WHEREAS, the CITY and the DISTRICT have agreed to cooperate for the purpose of the facilitation and the carrying out of the School Resource Officer program; and

WHEREAS, this Agreement is made pursuant to General Municipal Law, Article 5-G; and

WHEREAS, it is in the best interest of the DISTRICT to obtain the services of uniformed police officers of the CITY to serve as "School Resource Officers" (SROs), in the DISTRICT's Middletown High School, Twin Towers, Presidential Park and Truman Moon schools during the school year period, including summer school (hereinafter "Services");

NOW, **THEREFORE**, in consideration of the mutual covenants, promises, representations and conditions contained herein, the Parties hereto agree as follows:

1. The CITY hereby agrees to provide five (5) SROs to the DISTRICT for its use from July 1, 2023 to June 30, 2024. The SROs shall be assigned to the Middletown High School(2-SROs), Twin Towers Middle School, Presidential Park School and Truman Moon School and shall perform such duties, on a daily basis during the 2023-2024 school year, as requested, trained for and mutually agreed upon between the parties. The CITY further agrees to provide a marked police car at each school during the time an SRO is assigned to that school.

2. The DISTRICT and the CITY share the following goals and objectives regarding assignment of SROs to the DISTRICT's schools:

    - The SROs will provide a police presence in the DISTRICT in order to promote an atmosphere of enhanced school safety for faculty, staff, students and parents in the District;

    - The SROs also will serve as a resource to students, teachers, school administrators and parents, so as to:

        - Increase student awareness about crime prevention, internet safety, conflict resolution, violence prevention, restorative justice and peer mediation;

- Increase school faculty and staff awareness about policies and procedures for preventing/responding to incidents of violence and other threats to school safety;

- Build rapport with the student body and school community and thereby increase community confidence in the CITY Police Department;

- The SROs will be available to work cooperatively with teachers to provide education in criminal justice and other related topics, as requested and appropriate, to increase students' knowledge of and respect for the law and the function of law enforcement agencies;

- The SROs will conduct criminal investigations with the goals of promoting safety for the school community, establishing a deterrent to delinquent student behavior, and promoting and ensuring the safety of the students, faculty and administration of the DISTRICT;

- The SROs will proactively address problems and pressures as they relate to students before such problems manifest into socially and legally unacceptable behavior. These problems may involve the use of alcohol, drugs, and tobacco. They may also involve peer pressure, gang activity, and sexual activity.

- The SRO will refrain from acting as a school disciplinarian. SROs will not be responsible for the enforcement of disciplinary infractions of the Code of Conduct that are determined not to constitute violations of the law.

3. The DISTRICT shall:

   - Remit payment to the CITY for the Services of the five (5) SROs assigned to the schools described in Paragraph "1" at the rate of $88.07 per hour per each SRO, with the understanding that each SRO shall be paid for an 8-hour day during the school year, and on an as-needed hourly basis during summer school. The CITY shall submit an invoice to the DISTRICT on a monthly basis. Such invoice shall include the actual days or parts of days worked, and any other information necessary to effect payment. The DISTRICT shall forward payment of any undisputed amount within thirty (30) days of the receipt of the invoice. In the event any SRO is unable to perform the required duties at the subject schools, the amount remitted to the CITY shall be pro-rated for the actual days worked.

   - Ensure that school personnel, school board members, students, and parents are informed of the duties and presence of the SROs on campus

- Administratively address student violations of the Code of Conduct that are not believed to be crimes and to refrain from engaging the SROs to investigate or resolve noncriminal offenses.

4. Any SRO assigned to the DISTRICT shall remain, at all times, an employee of the CITY's Police Department, under the care, control and supervision of the CITY's Chief of Police.

5. The DISTRICT warrants and represents that this Agreement is exclusively by and between the DISTRICT and the CITY. The officers, employees, or agents of the CITY shall not be employees of the DISTRICT for any purpose, including but not limited to, the application of the Fair Labor Standards Act, provisions related to minimum wage and overtime payments, the Federal Insurance Contribution Act, the Social Security Act, the Federal Unemployment Tax Act, the provisions of the Internal Revenue code, the New York State Unemployment Insurance Law. The DISTRICT shall not be liable for obligations, if any, incurred by the CITY for unpaid wages or overtime premiums.

6. The DISTRICT acknowledges that the CITY's Chief of Police shall retain the right to utilize and direct the Services of the SROs to perform other police duties for the CITY, at any time deemed necessary and for whatever purpose, in the sole discretion of the CITY's Chief of Police. Any such utilization of an SRO shall occur immediately upon notice, either verbal or in writing, to the DISTRICT, from the Office of the CITY's Chief of Police, and the DISTRICT shall not be responsible for the payment of the SRO's hourly wage for any such time when, at the direction of the CITY's Chief of Police, the SRO is performing duties other than that of an SRO. An SRO's duties include any training associated with the position.

7. In the event an SRO is absent from work, the SRO shall notify his or her supervisor at the CITY and the principal of the school to which the SRO is assigned on that particular day. To the extent possible, the CITY shall provide an interim replacement

8. The CITY warrants and represents that its SROs shall submit fingerprints, unless already on file with and available for use by the New York State Division of Criminal Justice Services (DCJS), and be criminally cleared by the New York State Education Department (NYSED) to have direct, in-person, face-to-face communication and interaction with the DISTRICT's students, in accordance with applicable law (namely NY Education Law §2503(18), §3035, and 8 NYCRR §87.2(k)(1)[ii]). Fingerprinting costs (if any) and criminal clearance costs shall be paid or reimbursed to the CITY by the DISTRICT.

9. The CITY shall indemnify and hold harmless the DISTRICT against any liability, loss or expense which may result from any act or omission of the CITY or any of the City's officers, employees or agents for which the DISTRICT might otherwise be liable or sustain loss or expense, in connection with the CITY's performance or

non-performance under this Agreement, unless due to the actions or omissions of the DISTRICT or any of the DISTRICT's officers, employees or agents. The DISTRICT indemnifies and hold harmless the CITY against any liability, loss or expense which may result from any act or omission of the DISTRICT or any of the DISTRICT's officers, employees or agents in connection with the DISTRICT's performance or non-performance under this Agreement, unless due to actions or omissions of the CITY or any of the CITY's officers, employees or agents.

10. The CITY shall: (a) purchase and maintain comprehensive general liability, professional liability, and other such insurance in an amount not less than $1,000,000 per occurrence and $2,000,000 aggregate, as is appropriate, for the Services being performed and furnished hereunder; (b) maintain errors and omissions insurance with minimum policy limits of $1, 000,000 per occurrence and $2,000,000 aggregate during the term of this Agreement; and (c) provide protection from and against claims for damages due to bodily injury, sickness, death, and property damage, including the loss of use resulting therefrom, which arise from the Services being performed and furnished hereunder. The CITY shall, prior to performing Services hereunder, deliver to the DISTRICT, a certificate of insurance that evidences that such insurance naming the DISTRICT as the insured party is in full force and effect, and shall maintain such insurance throughout the term of this Agreement.

11. The CITY shall not discriminate against any DISTRICT students, or agents, officers, or employees on the basis of age, gender, color, creed, disability, national origin, sexual orientation, or any other class protected by law.

12. The CITY shall maintain strict confidentiality of all student records and information received by or from the DISTRICT, if any, in accordance with all applicable state and federal laws, including but not limited to the federal Family Educational Rights and Privacy Act (FERPA – 20 USC §1232g; 34 CFR Part 99) and Section 2-d of the New York Education Law; provided however, that if such records are necessary to perform the duties required of a police officer, the District shall cooperate fully with any subpoena, court order or other lawful process required to authorize disclosure of the records. To the extent an addendum to this Agreement is necessary to comply with future regulations governing Section 2-d of the New York Education Law, the Parties agree to execute such addendum.

13. Either party may cancel this Agreement, without cause, upon not less than thirty (30) days prior written notice delivered to the other party via certified mail, return receipt requested and at the addresses set forth in the first paragraph of the Agreement. The DISTRICT will pay the CITY within ninety (90) days of the date of termination for undisputed Services performed up to the time of termination. In the event of termination, the Agreement will continue to govern the parties' rights and obligations with respect to Services performed prior to termination.

14. This Agreement is the entire understanding and agreement between the parties with respect to the subject matter covered, and all prior agreements, understandings, covenants, promises, warranties and representations, oral or written, expressed or implied, not incorporated into this Agreement are superseded. This Agreement may not be amended or supplemented in any way, except in writing, dated, and signed by authorized representatives of both parties.

15. The CITY shall not assign, transfer, convey, or otherwise dispose of this Agreement or any of its contents, or its right title, or interest therein, or of its power to execute such contract to any other person, corporation, agency, or other entity.

16. Notices required under this Agreement shall be sufficient if contained in writing and delivered by hand or sent by express or overnight mail or by registered or certified mail, return receipt requested mail, postage prepaid addressed to the parties as follows:

    City of Middletown
    16 James Street
    Middletown, New York 10940

    District Clerk
    Enlarged City School District of Middletown
    223 Wisner Avenue
    Middletown, NY 10940

    All notices of communication should be deemed given when received by the intended recipient.

17. If, for any reason, any provision of this Agreement is held unenforceable by a court of competent jurisdiction, all other provisions of this Agreement will remain in full force and effect, and the unenforceable provision shall be replaced by a mutually acceptable and enforceable provision in accordance with the parties' original intent.

18. Claims, disputes, or other matters in question between the parties to this Agreement, arising out of or relating to the Agreement or breach thereof, shall be subject to and decided in accordance with the laws of the State of New York, and any such claims or causes arising out of or in connection with the Agreement shall be commenced in Supreme Court of the State of New York in Orange County.

19. This Agreement is subject to the approval of the DISTRICT's Board of Education and the Middletown Common Council.

20. This Agreement shall be in force in effect for the period of July 1, 2023 through June 30, 2024, unless terminated sooner in accordance with paragraph 13 of the Agreement or renewed upon written consent of both parties.

WHEREFORE, the CITY and the DISTRICT hereby execute the Agreement as follows:

CITY OF MIDDLETOWN

By:_____
Title: Mayor___ _____
Date:_____

ENLARGED CITY SCHOOL DISTRICT OF MIDDLETOWN

By:_____
Title: President, Board of Education _
Date:_____

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

May 9, 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,

Please find the attached agreement between the City of Middletown and the Enlarged City School District of Middletown for the purpose of carrying out the School Resource Officer program for the 2023-2024 school year.

Please be kind enough to prepare a resolution authorizing the Mayor to sign the agreement.

Once the contract is signed, please return the original to us for forwarding to the Middletown School District.

Thank you.

Very truly yours,

John Ewanciw
Chief of Police

Enclosure
JE:ccd

CITY OF MIDDLETOWN, NEW YORK
COMMON COUNCIL
RECORD OF VOTE

THE FOLLOWING WAS PRESENTED

By Ald.

Sec'd by Ald.

Date of Adoption: May 16, 2023

Index No: 112-23

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				

Resolution Accepting a $4999 Municipal Tourism Grant from the County of Orange

RESOLVED; that the Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment and accepts a $4999 Municipal Tourism Grant from the County of Orange.

FURTHER **RESOLVED;** that the Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment and authorizes the Treasurer to apply these funds to the Paramount budget, line A.7011.4

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 documents pertaining to the grant.

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

ATTACHMENTS:
Municipal Tourism Grant.pdf
Fully Executed City of Middletown.pdf

CITY OF MIDDLETOWN
Office of Economic & Community Development

May 9, 2023

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

RE: Municipal Tourism Grant

Dear Members:

I am requesting authorization to accept the Municipal Tourism Grant from the County of Orange in the amount of $4,999.00, and to authorize the Mayor, to sign any and all documents pertaining to this grant. Also, to authorize the Treasurer to apply these funds to the Paramount budget, line A.7011.4.

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

Thank you for your attention to this matter.

Maria Bruni, Director
Economic & Community Development

Steven M. Neuhaus
County Executive

Amanda Dana
Director of Tourism

March 24, 2023

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

Dear Mayor DeStefano, JDS

Orange County is pleased to inform you that the City of Middletown has been awarded a Municipal Tourism Grant in the amount of $4,999.00.

We thank the City of Middletown for its application, and for its continued efforts to host great events that are such an asset to the community. Best of luck with this event and those to follow.

We look forward to working with you again.

Sincerely,

Steven M. Neuhaus
County Executive

Amanda Dana
Director of Tourism & Film

CITY OF MIDDLETOWN, NEW YORK
COMMON COUNCIL
RECORD OF VOTE

THE FOLLOWING WAS PRESENTED

By Ald.

Sec'd by Ald.

Date of Adoption: May 16, 2023

Index No: 113-23

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				

Resolution authorizing a Proposal from CDM Smith for a Reservoir Water Quality Study

RESOLVED; that the Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment and authorizes the attached proposal from CDM Smith for the reservoir water quality study to ensure that the latest treatment, techniques, and technology are implemented in treating algae blooms, minimizing long term adverse effects on the City reservoirs.

RESOLVED; that the Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment and authorizes the Treasurer to transfer $135.320, in the following manner, to cover ongoing City reservoir maintenance.

FROM	AMOUNT	TO
Debt Service Fund Balance	$135,320	F.8340.400 Contractual Services

ATTACHMENTS:
CDM Smith Proposal -Middletown Reservoir Water Quality Study - 05-8-2023.pdf

May 8, 2023

Mr. Jacob Tawil, P.E.
Commissioner of Public Works
City of Middletown
16 James Street
Middletown, NY 10940

Subject: City of Middletown Department of Public Works
Revised Proposal for Middletown Reservoir Water Quality Study

Dear Mr. Tawil:

Thank you for providing Camp Dresser McKee & Smith (CDM Smith) with the opportunity to submit this proposal to the City of Middletown (City) for professional engineering services for the above referenced project. We appreciate the time you spent with us to discuss your goals for the study and have revised the proposal accordingly.

Understanding of the Problem: Monhagen Reservoir is the terminal reservoir for the water supply of Middletown, NY. In October/November 2022, an unusual late fall season algal bloom was witnessed visually in the reservoir and resulted in taste complaints described as musty/earthy in the finished water. Monhagen Reservoir was treated with copper sulfate on 10/14/22 and reservoir quality visually improved. The reservoir was temporarily taken offline and raw water was drawn from Highland Reservoir as the primary source with some water from the Monhagen Reservoir.

The City provided the results of vertical profiles of temperature and dissolved oxygen (DO) collected on 11/21/22 and 11/28/22 and algal identification and enumeration from two water samples also collected on 11/2/22 and 11/25/22. The vertical profiles indicated the Monhagen Reservoir was between 5 and 6°C and weakly stratified (0.2-0.3°C differential), and that dissolved oxygen levels[1], which were recorded between 7.5 and 8.5 mg/L on 11/21/22 and 9 and 10 mg/L on 11/28/22, also declined with depth (about 1 mg/L differential). Of the identified algae in Monhagen Reservoir, only *Anabaena* and *Aphanizomenon* were among the dominant algal genera that can impart a musty taste to water.[2] The concentration of *Anabaena* about doubled in the second sample, while *Aphanizomenon* was relatively unchanged.

[1] DO data at the end of November indicate DO levels well below saturation values (dissolved oxygen at 100% saturation in 5°C is about 12.8 mg/L) that would be very unusual throughout a vertical profile when the water temperature is cooled.
[2] Musty/earthy taste is also commonly associated with actinomycetes, bacteria that help break down organic matter; these do not appear to have been tested in the water samples.

While both phosphorus and nitrogen are needed to support algal growth in water bodies, inland water bodies are typically limited by the availability of phosphorus in the water column. Late season algal blooms traced to phosphorus sources are increasingly common in the northeast United States, and can result from a variety of causes, some examples of which include:

- Phosphorus that is released from sediment to the bottom water of a lake when water bodies are thermally stratified during the summer which then mixes throughout the water column in the autumn when the lake destratifies.
- Warmer fall water temperature and longer duration stratification associated with the changing climate.
- External phosphorus loads associated with fall storms.
- Autumn landscape fertilization.

While the City currently uses the algicide copper sulfate to provide pre-emptive treatment of algae in its reservoir system, it is interested in learning if hydrogen peroxide would provide more effective treatment for certain algal conditions.

Purpose of this Work Scope: This proposal outlines a process aimed at identifying the likely cause or causes of the 2022 late-season algal bloom(s) in Monhagen Reservoir by reviewing data from the City's reservoir system. Middletown also seeks to develop a comprehensive understanding of its system and develop a long-term plan on how to improve reservoir water quality in all of their reservoirs by implementing a strategy to reduce the likelihood of future blooms and effectively treat the water for drinking if and/or when they do occur in the future.

The work is divided in two parts:

- **Part I –Analysis about the late Fall 2022 Algal Bloom and Initial Data Collection**: Part I is intended to provide a high-level examination of the available information related to the fall algal bloom and support for data collection work. It also includes initial data collection focused on phosphorus in the water column and sediments to fill the significant data gaps related to eutrophication of the reservoirs. Part I includes an optional task to perform pilot studies on efficacy of hydrogen peroxide as an algicide.

- **Part II – Follow-on Study and Recommendations:** The scope of Part II is indicative of the types of work that may be needed as a follow-on to the Part I work. It will be refined at the conclusion of Part I.

Part I: Initial Data Collection and Analysis of the late Fall 2022 Algal Bloom

As the late fall 2022 algal bloom was unusual, a review of conditions and operations of Middletown's reservoir system, along with a comparison to conditions and operations observed in recent years, can provide insight into possible explanations for the bloom. CDM Smith will review data from Monhagen, Highland, and Shawangunk Reservoirs, along with Kinch Pond and Mill Pond if there were being used in late summer/fall 2022.

Task I.1: Data Collection and Review of Existing Materials

CDM Smith, in collaboration with the City of Middletown DPW, will compile and review existing reports, data sets, relevant drawings and maps, and other pertinent materials, building on our knowledge and data collected during the development of Middletown's Source Water Protection Plan (SWPP). At a minimum, we will review:

- Any additional watershed analyses and reports completed since the 2019 SWPP
- Existing raw water quality data, specifically:
    - Temperature and turbidity (2016-2022)
    - Cyanotoxins in 2016
- Existing in-lake data for Monhagen, Highland and Shawangunk Reservoirs:
    - T/DO profile and Secchi depth data from 2016 and 2018-2022
    - Algal data for 2018-2022
    - Any additional water quality data (e.g., nutrient or chlorophyll a concentrations)
- Reservoir operational logs in 2018-2022 (flows, water levels, etc.)
- Annual copper sulfate treatment reports from 2016-2022
- Climatological data
- Reservoir bathymetric maps
- Current and past logging operations within the reservoir watersheds

Task I.2: Discuss 2022 Algal Bloom with Middletown Staff

CDM Smith will hold a virtual meeting with Middletown staff to review 2022 conditions and operations and how they differed from previous years. In addition to some of the items in Task 1, the discussions will include changes in watershed activities in the last couple of years (e.g., large building or road construction projects or changes at the Hidden Valley Estates STP). The goal is to create a timeline for the 2022 algal bloom.

Task I.3: Analyze Data and Present Findings

Using the information from Tasks 1 and 2, CDM Smith will examine the data for trends or unusual 2022 conditions that might be related to the late fall bloom, including weather, water levels, water temperature, wind, reservoir/systems operations, and plant operations in the three main reservoirs of Middletown's system. CDM Smith will also analyze the temperature and dissolved oxygen profile data using limnological estimators (such as the anoxic factor) to assess possible phosphorus contributions from the reservoir's sediments (internal load) and to compare water quality conditions in 2022 to observations in previous years.

Based our work on the 2019 SWPP, we anticipate there could be a few key data gaps (bathymetry, internal phosphorus load measurements, records of transfers and their phosphorus concentrations, which Tasks I.4-I.6 will address for the 2023 growing season) to developing a solid understanding of the likely causes and solutions to prevent future taste and odor events. Therefore, the findings will include identification of key data needs and recommendations on filling them.

CDM Smith's recommendations will be summarized in a PowerPoint presentation and presented virtually to the City. The findings will be summarized to present hypotheses and/or a likely cause of the 2022 taste and odor event, along with recommendations on changes to the City's current sampling programs, and potential actions that could be taken if a similar event occurs.

Task I.4 Support for 2023 Monitoring

CDM Smith and Middletown have discussed several enhancements to the City's existing water quality monitoring program to better understand sources of phosphorus to the reservoir system. This expanded program is anticipated to include the collection of:

- Temperature and dissolved oxygen profiles at the deepest points of the reservoirs every two weeks as determined from reservoir bathymetry (these profiles should be in addition to the profiles currently collected by the city unless the bathymetry data indicates the current profile locations reach the deepest point).
- Soluble reactive phosphorus (SRP) and total phosphorus profiles every two weeks starting as soon as the City can be ready through October, with measurements collected near the bottom, at the thermocline, and at the surface. The surface sample would be a 2 m core (Figure 1 is a typical core device constructed using PVC pipe). The thermocline and bottom samples should be grab samples collected with a van Dorn or similar sample device. CDM Smith has a van Dorn that can be provided to the City, and we have included shipping it to the City in our costs. It is important to collect these measurements at the lowest detection limit practicable (e.g., ~1 µg/L), and have include costs for analysis of 10 sample dates (June-October) by Upstate Freshwater Institute in Syracuse in our costs.
- Collect grab samples of SRP and total phosphorus of external inflows and transfers at least twice per month when transfers are active. We have included costs for 10 sample dates for 2 transfers in our costs.
- An updated bathymetric survey of the three reservoirs to be completed and provided by the City. CDM Smith can provide the City guidance on data collection if requested.

As part of this task, CDM Smith will provide up to 40 hours of on-call assistance to the City to implement enhancements to its water quality monitoring program. This could include collaboration with the City of Middletown DPW to develop a plan to implement the field work, trouble shoot with City staff conducting monitoring, and the select appropriate and qualified laboratories or subcontractors.

Figure 1: Example Integrated Sampling Device

Task I.5: Sediment Phosphorus Analysis

Available data indicates internal recycling of phosphorus from the sediments is a source of phosphorus to Middletown's three main reservoirs. Excess phosphorus can cause excessive algal growth, which can impact the treatment process as well as pose a risk to human health. While internal loading can be a potentially large source of phosphorus in water supply reservoirs and natural lakes, adequate data has not yet been collected to characterize internal phosphorus release rates of Middletown's reservoirs.

To begin filling this gap, sediment samples should be collected from each reservoir at a variety of depths. Four samples should be collected from Shawangunk and Monhagen Reservoirs, and 3 samples from Highland Reservoir. Samples will be analyzed for total phosphorus, iron-bound

phosphorus, and loosely sorbed phosphorus to estimate the labile phosphorus in each reservoir. In conjunction with the enhanced monitoring program, this data will be used to estimate the potential for internal phosphorus release under anoxic conditions.

Sampling should be targeted for June 2023, and can either be accomplished by:

- Option1: A staff person from CDM Smith working with a City employee using the City's boat. CDM Smith would provide the sampling device and assist the City with preparing the samples for shipping.
- Option2: The City could subcontract the work to the Upstate Freshwater Institute, who would bring their own boat and provide a turnkey service with City staff involved with logistics for getting the boat into each reservoir.

Task I.6: Analyze Data and Present Findings

Using the information from Tasks I.4 and I.5, along with addition data provided by the City from its 2023 data collection program (e.g., T/DO profiles, algal ID data, transfer dates and flows (if flow meters are active), algicide application dates etc.), CDM Smith will examine the 2023 data for water quality/algal trends in the three main reservoirs of Middletown's system for cause-effect relationships. Limnological estimators from Task I.3 will also be updated for 2023 conditions to assess possible phosphorus contributions from the reservoir's sediments (internal load) and to compare water quality conditions in 2022 and 2023.

CDM Smith's recommendations and findings will be summarized in a PowerPoint presentation and presented virtually to the City. The presentation will be focused on our analysis of the 2023 water quality conditions focusing on the drivers of algal conditions, and will present additional recommendations for monitoring in 2024.

At the presentation CDM Smith will seek to reach agreement with the City on whether Part II of the study is needed and its scope elements.

Task I.7: Project Management and Meetings

We propose four formal meetings (virtual) to accomplish the following:

1. Project kick-off workshop of 2022 bloom (Task I.2)
2. Present and review findings of the analysis of the 2022 algal bloom
3. Present and review findings from the 2023 data collection
4. Discuss the need and scope for Part II

Part I Optional Task: Alternative Algaecide Pilot Study

As an optional task, CDM Smith will team with Water Resources Services, Inc. (WRS) to conduct a jar test pilot study using ambient reservoir water to determine if an alternative algaecide (hydrogen peroxide) to copper sulfate would be effective controlling nuisance algae within Middletown's reservoirs. The pilot study would consist of three testing periods within the 2023 growing season to evaluate the response to algae in each reservoir throughout the growing season, where each test will consist of three doses. Algal samples will be collected and preserved prior to and after the jar test and analyzed in the WRS lab. All algal samples for any given test would be

examined under a microscope and a standard count would be made with identification of algae in each sample. Comparison of pre- and post-treatment samples would be provided with a focus on the qualitative change in live algal types and quantitative change in algal abundance overall.

Following the pilot test, CDM Smith and Water Resource Services will summarize the findings in a technical memorandum recommending whether and under what conditions a peroxide-based algaecide would be beneficial for control of nuisance algae in Middletown's reservoir and will develop a treatment plan for use of a peroxide-based algaecide.

CDM Smith will hold a virtual meeting to discuss the findings and recommendations for modifications to the City's current algal treatment program.

Assumptions for Part I:

Task 1: None. CDM Smith notes that the City has already provide much, if not all, of the data needed for the review.

Task 2: This task includes one virtual meeting with City staff to discuss the 2022 algal bloom

Task 3: The deliverable for this task is a PowerPoint presentation of findings delivered at one virtual meeting with City staff.

Task 4:

- CDM Smith will provide up to 40 hours of on-call assistance to the City with respect to implementation of a modified monitoring program in 2023.
- All monitoring will be conducted by the City.
- CDM Smith will contract with the Upstate Freshwater Institute (UFI) for analysis of up to 110 water samples for total phosphorus and SRP. UFI will provide sample bottle and coolers; the City will be responsibility for shipping costs.
- CDM Smith will provide the City with a van Dorn sampler for taking water samples at depth and has included the cost for shipping it to the City.
- The City will assemble the 2 m core sample device similar to that shown in Figure 1 and use it.
- The City will conduct the bathymetric surveys of Monaghan, Highland, and Shawangunk Reservoirs, with the goal of providing detailed bathymetry with 0.5 foot vertical accuracy. The City will provide CDM Smith either contoured maps or digital data in the format of matched set x/y GPS coordinates and depth. If the City desires bathymetry maps to be tied to elevation, it will either survey the water level on the date of the survey or provide the conversion from a known water depth (that is taken on the date of bathymetry data collection) to elevation.

Task 5:

- The City will be responsible for providing site access for the sediment data collection program.

- UFI will provide analysis of sediment samples and sample collection jars/bottles and shipping coolers; if shipping is needed the City will be responsible for shipping costs.
- The data collection will either be done by:
  - Option 1 - CDM Smith with City staff using the City's boat noting that CDM Smith will provide the sampling device; if CDM Smith performs the sampling, CDM Smith will prepare a health and safety plan, or
  - Option 2 - UFI, who will provide their own boat.
- If Option 1 is selected, CDM Smith will contract with UFI for analysis of the samples, but the City will be responsible for shipping costs of sediment samples to UFI.

Task 6: The deliverable for this task is a PowerPoint presentation of findings delivered at one virtual meeting with City staff.

Task 7: The duration of Part I is seven months.

Part I Optional Task: Peroxide Algicide Pilot

- CDM Smith will subcontract with Water Resource Services, Inc. to perform the first pilot test, conduct all algal analysis required for the test. In addition to the first pilot and laboratory services, WRS will provide up to 24 hours of consulting to advise on implementation of an alternative algaecide.
- CDM Smith staff will stay in regular contact with City staff to discuss algal conditions in the reservoir and the timing of the pilot studies.
- City staff will collect the water samples to be used in the peroxide pilot. The goal will be do perform the sampling just prior to application of algicide to maximize the algal presence in the sample.
- The City will provide a suitable lab space for conduct of the pilot tests.
- WRS will provide sampling kits, which consist of the bottle, a preservative vial, and instructions on a label.
- Tests would be performed for 6 samples using one peroxide product, duplicates at each of 3 doses.
- The peroxide algal pilot will either be conducted by:
  - Option 1 – WRS will conduct the first pilot with the assistance of City staff. City staff will prepare the second and third pilot tests and ship the preserved samples to WRS.
  - Option 2 – WRS and CDM Smith will conduct the first pilot test, and CDM Smith staff will conduct the second and third pilot tests.
- The City will be responsible for shipping samples to WRS for rounds 2 and 3.
- The deliverables for this task are a technical memorandum with findings and recommendations and a virtual meeting with City staff.

Part II:

The proposed scope for Part II is indicative of the types of efforts that might be needed to provide an improved understanding of conditions in the watershed and reservoirs to understand why the 2022 bloom occurred, lessons from the 2023 sampling program (and possibly the peroxide algicide jar tests) and actions to reduce/prevent another late season algal bloom. With a set of hypotheses or likely cause for the 2022 taste and odor event and 2023 algal conditions identified in Part I, Part II will focus on defining and assisting with implementation (as the City requests) of field data collection, additional analysis, recommendations on water treatment plant improvements or preventative/remedial actions that could be taken in the reservoirs.

The goal of Part II is to create a long-term plan to improve water quality in Middletown's reservoir system.

The following proposed scope for Part II will be revised based on the findings in Part I.

Task II.1: Field Data Collection

Work in Phase I may indicate the need for additional field work or monitoring data collection beyond the enhancements implemented in Part I.3, I.4 and I.5. The potential Part II scope for these field data collection items builds on that provided in the SWPP and Part I.

Comprehensive Growing Season Monitoring Program – An example growing season monitoring program is included at the end of the scope of work. It would be tailored to Middletown's needs based on the results of Part I.

Improved External (Watershed and Transfer) Load Characterization - Collecting information on the timing and quantity of transfers among Middletown's reservoirs and other water supply sources; this will be facilitated as Middletown adds flow meters to its reservoir system, which is currently underway. Continued measurement of the phosphorus (TP and SRP) concentration would also be needed at the start of transfer initiation and perhaps monthly during ongoing transfers (sample frequency to be re-evaluated after Part I is complete).

Task II.2: Additional Analyses

The newly collected data in Task II.1 will facilitate additional analyses of key factors in algal bloom formation and could include one or more of the following topics.

Improved Hydrologic Understanding

Measurements of hydrologic streamflow and/or groundwater inflow in the contributing watershed to Middletown's reservoirs are limited as are the timing and volumes of transfers between reservoirs but have been estimated using various techniques for different studies. After reviewing the various hydrologic estimates, the associated methods to represent relative contributions from transfers, surface water and groundwater, and how these ratios may vary under different types of climatic conditions, we would use analytical techniques or a hydrologic model to help solidify an

understanding of the hydrology to better associate nutrient sources and loads and timing with the hydrology of the contributing basin.

Assessment of Monitoring Data

Monitoring data collected as part of this program would be compared to QA objectives and then assessed to identify key drivers in algal blooms in the City's reservoirs. A concise presentation of the data (suitable for inclusion as an appendix in a project report) would be prepared and provided to the City for review and comment.

Improved Phosphorus Load Understanding

CDM Smith previously completed a land-use based assessment of external load sources to Monhagen Reservoir as a component of the 2019 SWPP. Internal loads were not quantified due to limited reservoir monitoring data. In this task, newly collected water quality data would be used to validate and refine the external load estimates from the SWPP and estimate the internal phosphorus load under typical conditions. We could, for instance, use the refined load estimates and the water quality monitoring data to calibrate the Lake Loading Response Model (LLRM) for Monhagen Reservoir and the other main reservoirs. Water quality monitoring data collected as part of Phase II would be included in the modeling effort. This model would be used to evaluate reductions in internal and external phosphorus loads necessary to reduce the likelihood of harmful algal blooms.

Watershed Investigations

Watershed investigations were recommended by CDM Smith in the 2019 SWPP and by DEC in the Harmful Algal Bloom Action Plan to improve understanding of potential phosphorus sources to Middletown's water supply. These studies include:

- A watershed survey examining potential sources of phosphorus, including sources of erosion, agricultural land uses, and other developed areas.
- Identify potential locations for stormwater BMPs within Middletown's property holdings in the watershed.
- A parcel-by-parcel survey to identify parcels being used for horse and livestock-related and non-animal related agricultural use.
- If not previously done, complete an assessment of riparian corridors using the riparian opportunity assessment tool.

Task II.3: Expert Opinion

This task would integrate all existing and newly collected/generated information from previous tasks on the hydrology, water quality, pollutant sources, pollutant loads, algicide use, and observed algal activity associated with Monhagen, Highland and Shawangunk Reservoirs. CDM Smith, in consultation with the City of Middletown DPW, would formulate an expert opinion on the prevailing sources of phosphorus, the hydrology of the basins, the dynamics of phosphorus entering, interacting within, and leaving the reservoirs, and the conditions that can lead to harmful algal blooms. This assessment would principally be based on expert interpretation of existing and new information collected during this study and could also be supported by correlation or other

statistical analysis and comparative studies of other water bodies. This opinion would support alternatives development in Task II.5.

Task II.4: Drinking Water Treatment System Analysis (Optional)

If the expert opinion in Task II.3 indicates that short-term actions taken in the watershed or reservoir might not be sufficient to prevent/minimize late season algal blooms, then CDM Smith would review the current water treatment plant process to identify new or modified actions or processes that could eliminate/minimize the taste and odor in the finished water.

Task II.5: Watershed/In-lake Alternatives Assessment and Recommendation

Working collaboratively with the City, we would build on recommendations in the SWPP and update our understanding the recent actions (such as land purchases by the City), refine a list of actions to enhanced protection against harmful algal blooms with a focus on late-season blooms. Implementation strategies, including frequency and scale would also be included. The categories of alternatives to be evaluated would include, but not necessarily be limited to:

- Responsive in-lake treatment (during algal blooms).
- Preventative in-lake and/or sediment treatment (before algae occurs).
- Update watershed management practices from those in the source water protection plan, if analyses indicate this is needed.
- Continued or expanded regular monitoring.

Based on this list and discussions, we would recommend a program of practical and affordable measures aimed at reducing the potential for algal blooms in Monhagen Reservoir.

Task II.6: Long-term Plan

Following a discussion of the findings from Task II.4 and II.5, CDM Smith would prepare a draft plan that identifies and prioritizes actions the City could take to improve water quality in the reservoir system. The plan would summarize the data collected, methods, findings, and recommended timeline for implementing actions.

This plan would be reviewed with the City and comments incorporated in a final report. The newly collected water quality data will be included in tables, figures, and/or appendices.

Task II.7: Part II Project Management and Meetings

We propose five formal meetings (in-person or virtual) to accomplish the following:

1. Part II kick-off
2. Review and refine proposed field monitoring plan (Task 2)
3. Review findings of technical work
5. Formulate a strategy for water treatment and flexible operations (Task 8)
6. Presentation of draft long-term plan

Additionally, we anticipate regular progress calls (virtual) to discuss and adapt the project as it occurs and coordinate project management activities.

EXAMPLE GROWING SEASON MONITORING PROGRAM

A growing season, water quality monitoring program would run 8-months (3-seasons), which is a standard practice to help investigate/identify drivers/causes of harmful algal blooms

Category	Water Quality Constituent	Sampling Locations	Sampling Frequency *(within April-Nov 2023)*
In-Lake Physical/Chemical Constituents with Lab Analysis	Total Phosphorus, Orthophosphate	2-4 locations, including near intake and deepest location in lake	• Monthly • Before/after 2-3 significant rain events • During observed algae bloom(s)
	Nitrate		
	Nitrite		
	Ammonia		
	Total Kjeldahl Nitrogen		
	Chlorophyll-a		
	Total Suspended Solids		
	Geosmin/MIB and Cyanotoxin Level (either lab or in-situ positive/negative test)	Site(s) of observed algal bloom(s)	During observed algal bloom(s)
In-Lake Biological Analyses	Algal and actinomycetes identification and enumeration	2-4 locations as a core water sample, including near intake and site(s) of observed algal bloom(s)	• Monthly • Before/after 2-3 significant rain events • During observed algal bloom(s)
In-Situ Lake Measurements	**Current Measurements** Temperature Dissolved Oxygen Secchi Disk Depth **Consider Adding** Turbidity, pH, chlorophyll a, phycocyanin	Vertical profiles with measurements at 3-foot intervals as is currently done	• Weekly as is currently done • During observed algae bloom(s) • Collect additional profile at deepest point in each reservoir
Watershed / System Constituents	Phosphorus nutrients and field parameters	Intake at Shawangunk Reservoir	Monthly or starting with at initiation of transfer(s)
	Phosphorus nutrients and field parameters in accessible natural streams	TBD: Culverts if applicable (simple methods with channel geometry and flow depth/velocity)	• Monthly • Before/after 2-3 significant rain events
	Flow estimation in accessible natural streams		
	Phosphorus in groundwater	Any shallow groundwater well(s) near the lake perimeter (if available)	Once or twice

Category	Water Quality Constituent	Sampling Locations	Sampling Frequency *(within April-Nov 2023)*
Sediment	Sediment phosphorus flux (3-month laboratory analysis under controlled oxygen conditions)	2-4 cores, including deepest location in lake	Once, preferably in spring before sediment dynamics begin depleting nutrient levels
	Sediment chemistry (total phosphorus, loosely-bound phosphorus, iron-bound phosphorus, solids content)		
Quality Assurance	All laboratory tests	Pre-selected	Duplicates and blanks at ~10 – 20% of samples collected for each laboratory constituent

Project Cost

The cost to perform the work in Part 1 is shown in Table 1 below.

Tasks	Part I – Tasks I.1-I.7	Optional Task for Part I	Total
Assuming Option 1	$103,250*	$14,700***	$117,950
Assuming Option 2	$110,420**	$24,900****	$135,320

* I.5 (pg 6) – CDM Smith works with City Staff to obtain samples

** I-5 (pg 6)– CDM Smith will subcontract with UFI to perform sampling and analysis

*** Optional Peroxide Task (pg 8) WRS conduct pilot with City Staff

**** Optional Peroxide Task (pg 8) WRS and CDM Smith conduct pilot

All pricing is contingent on the proposal being approved and awarded to CDM Smith by the City of Middletown in May of 2023. Cost will be invoiced per our Master Services Agreement with the City of Middletown. Once Part 1 is completed, CDM Smith and the City of Middletown would develop the scope for Part 2 and CDM smith would provide a proposal and associated cost.

Very truly yours,

Keith F. Kelly, P.E.
Partner
Camp, Dresser, McKee & Smith

cc: B Kolb, CDM Smith
D O'Rourke, CDM Smith
K Westphal, CDM Smith

CITY OF MIDDLETOWN, NEW YORK
COMMON COUNCIL
RECORD OF VOTE

THE FOLLOWING WAS PRESENTED

By Ald.

Sec'd by Ald.

Date of Adoption: May 16, 2023

Index No: 114-23

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				

Resolution Approving a Proposal from CT Male for an Engineering Assessment of Six Dams

RESOLVED; that the Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment and approves the attached Engineering proposal from CT Male, dated 4/19/2023 for Engineering Assessment, EA, for 6 Dams at a cost of $135,350.00.

RESOLVED; that the Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment and authorizes the Treasurer to transfer $135,350, in the following manner, to cover the cost of the proposal.

FROM	AMOUNT	TO
F.9000.860 Health Insurance	$135,350	F.8320.512 City Dams

This work is required by DEC Dam Safety Division and is due by the end of this year.

ATTACHMENTS:
2023.04.19.City of Middletown Proposal- EA for Class B & C Dams.pdf

C.T. MALE ASSOCIATES
Engineering, Surveying, Architecture, Landscape Architecture & Geology, D.P.C.

50 Century Hill Drive, Latham, NY 12110
518.786.7400 FAX 518.786.7299 ctmale@ctmale.com

April 19, 2023

Mr. Jacob S. Tawil, P.E.
Commissioner, Department of Public Works
City of Middletown
16 James Street
Middletown, NY 10940

Re: Proposal for Engineering Assessments
City of Middletown Class B & C Structures
Middletown, NY

Dear Mr. Tawil:

C.T. Male Associates Engineering, Surveying, Architecture, Landscape Architecture & Geology, D.P.C. (C.T. Male) is pleased to present this proposal to prepare Engineering Assessment (EA) Updates for the City's Class B and Class C dams including:

- Woodward Dam (Class C),
- Greenleaf Dike (Class C),
- Monhagen Dike (Class C),
- Highland Lake Dam (Class C),
- Monhagen Dam (Class B)
- Lamson Dike (Class B).

A summary of the work to be performed is based on C.T. Male's previously prepared EA's in 2013, work completed at the structures since the 2013 EA's were issued and latest C.T. Male safety inspections. It is proposed that the final EA's for Woodward Dam, Greenleaf Dike, and Lamson Dike be completed in late 2023 after the current rehabilitation work has been completed.

The work to complete updates to the EA's does not require any additional field survey. Any prior mapping (field survey or the design plans for the Shawangunk Reservoir Structures Rehabilitation project) will be utilized for development of the EA updates.

Engineering Assessments

The updated Engineering Assessment for all of the structures will be performed in accordance with NYSDEC, Department of Water, Bureau of Flood Protection and Dam Safety regulations for Class "C" high hazard dams and Class "B" intermediate hazard dams, which include NYR Part 673.13 and TOGS 3.1.4 "Guidance for Dam Engineering Assessment

Reports." The Engineering Assessments must be performed by a Licensed Professional Engineer. Engineering Assessments of dams are comprised of the following five components. The scope of work associated with each component/task is summarized on the following pages of this proposal.

1. Safety Inspection
2. Hazard Classification Assessment
3. Hydrologic & Hydraulic Assessment
4. Stability Analysis
5. Engineering Assessment Report

Task 1 – Safety Inspection

Safety inspections were completed for Monhagen Dam, Monhagen Dike and Highland Lake Dam in December 2022. Those safety inspections will be used as part of the EA for those structures. The safety inspections for Woodward Dam, Greenleaf Dike, and Lamson Dike were completed in November 2021. These three structures are currently under construction to address issues associated with the prior EA in 2013 and items picked up in the recent safety inspections. The scope of work for reconstruction of these three dams includes what amounts to a Safety Inspection. Therefore, no additional work to perform Safety Inspections for these structures is necessary as part of the EA updates. Copies of the existing safety inspections will be included in the EA.

Task 2- Hazard Classification Assessment

The hazard classification will be reviewed to ensure the current hazard classification is applicable to the structure. Failure of high hazard dams may result in widespread or serious damage to home(s); damage to main highways, industrial or commercial buildings, railroads, and/or important utilities including water supply, sewage treatment, fuel, power, cable, or telephone infrastructure or substantial environmental damage; such that the loss of human life or widespread substantial economic loss is likely. Class B intermediate hazard dams have the potential to damage isolated homes, main highways and minor railroads, and may result in the interruption of important utilities. Loss of life is not expected.

NYSDEC published a draft technical guidance document in 2011 (TOGS 3.1.5) which provides guidance on hazard classification of dams. This document provides more refined guidance on determining hazard classification and will be utilized during the hazard classification assessment. The recently updated Emergency Action Plans (EAPs) will be used as a basis for Task 2.

Task 3 - Hydrologic & Hydraulic Assessment

NYSDEC requires that the dam's outlet works pass the spillway design flood, which, for dams with a hazard classification of "C" is equal to 50% of the Probable Maximum Flood (PMF) and for a hazard classification "B" is equal to 150% of the 100-year storm. C.T. Male will review and update the models for each dam's watershed utilizing aerial photography, topographic and soil mapping. Any changes to the watershed characteristics or the precipitation rates will be included in the modeling. It should be noted that since the last EA for Highland Lake Dam, NYSDEC has increased this dam's hazard classification from Class "B" to Class "C." As such, the effort to perform Task 3 for Highland Lake Dam is more significant than the other dams where the hazard classifications and therefore the spillway design flood remain the same as the 2013 analysis.

Each dam's spillway will be modeled using the computer program HydroCAD during the spillway design flood event. NYSDEC requires that the evacuation of the spillway be evaluated, by determining if the spillway can evacuate the storage between the maximum high water and the spillway crest within 48 hours. In addition to the spillway capacity analyses, NYSDEC requires that the low-level drain be analyzed. The low-level drain is required to drain 90% of the normal impoundment within 14 days. Any changes to the low-level drain calculations will be updated in this EA.

If the spillway or low level drain are determined to not meet the NYSDEC sizing guidelines, the EA will include a summary of necessary upgrades to the spillway or drain, as applicable.

Task 4 - Stability Analyses

A geotechnical engineer on our staff will review any existing available information on file related to past geotechnical investigations or stability analyses for the dams. For Monhagen Dike, Monhagen Dam and Highland Lake Dam, the previous EA recommended advancing geotechnical borings to support the geotechnical analysis. For these dams, the prior EAs utilized assumed soil properties for the stability analysis. For these dams only, two (2) exploratory borings will be advanced to a depth of approximately 40 feet below existing grades. As they are advanced, soil samples will be obtained and standard penetration tests performed continuously to a depth of 20 feet and at nominal five (5) foot intervals thereafter in accordance with the procedures of ASTM Designation D-1586. Subsurface Exploration Logs will be prepared indicating the soil sample classifications, and the records and observations made during their advancement. C.T. Male will subcontract with a driller to perform this work and C.T. Male will provide drilling oversight.

The stability of the dam's earthen embankment and masonry sections will be analyzed for the applicable load cases in accordance with the requirements set forth in the NYSDEC document "*Guidelines for Design of Dams*" and the U.S. Army Corps of Engineer's publication referenced therein.

Task 5 - Engineering Assessment Report

Upon completion of Tasks 1 through 4, C.T. Male will prepare an Engineering Assessment Report summarizing the findings of the safety inspections, spillway capacity and slope stability analyses, and the hazard classification assessment. This report will include recommended rehabilitation and repairs necessary to bring the dam into compliance with NYSDEC Dam Safety Regulations if deficiencies are determined. The evaluation of rehabilitation and repairs will be conceptual in nature and will only be used to determine the relative magnitude of the improvements needed.

The EA updates will be completed by December 31, 2023, as long as the construction schedule for Shawangunk Reservoir (Woodward Dam, Greenleaf Dike and Lamson Dike) holds for their completion date. The priority will to be to have the EA updates for Monhagen Reservoir and Highland Lake Dam completed first. Three (3) signed and sealed hard copies of the reports will be submitted to the City. One (1) copy of the report with the supporting hydrologic and hydraulic calculations and geotechnical calculations in electronic format will be submitted to NYSDEC Dam Safety.

Proposed Fees

The fees we propose for each structure are provided below. The work will be billed lump sum with reimbursable expenses billed as incurred. The soil boring expenses are estimated based upon the quantity and depth outlined in Task 4.

Monhagen Dike

Lump Sum:	$19,500.00
Plus Reimbursable Expenses- Includes Soil Borings (Estimated)	$13,500.00
Total with Estimated Reimbursables:	***$33,000.00***

Monhagen Dam

Lump Sum:	$17,500.00
Plus Reimbursable Expenses- Includes Soil Borings (Estimated)	$12,300.00
Total with Estimated Reimbursables:	***$31,000.00***

Highland Lake Dam

Lump Sum:	$28,600.00
Plus Reimbursable Expenses- Includes Soil Borings (Estimated)	$13,500.00
Total with Estimated Reimbursables:	***$42,100.00***

Woodward Dam	Lump Sum:	$12,250.00
Greenleaf Dike	Lump Sum:	$9,700.00
Lamson Dike	Lump Sum:	$8,500.00

Total Estimated Fee (includes estimated reimbursables): $136,550.00

Again, thank you for requesting this proposal from C.T. Male Associates. Should you have any questions regarding this proposal, please do not hesitate to call me directly at 518.786.7651 or k.serra@ctmale.com.

Sincerely,

C.T. MALE ASSOCIATES

Kathryn Serra, P.E.
Project Manager

Charles R. Kortz, P.E.
Managing Engineer

CITY OF MIDDLETOWN, NEW YORK
COMMON COUNCIL
RECORD OF VOTE

THE FOLLOWING WAS PRESENTED

By Ald.

Sec'd by Ald.

Date of Adoption: May 16, 2023

Index No: 115-23

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				

Resolution Requesting the New York State Legislature to Establish the Middletown Parking Authority

Whereas, per previous agreement, Assemblywoman Gunther and Senator Skoufis have introduced legislation in the New York State Legislature that would establish the Middletown Parking Authority; and

Whereas, the Assembly bill is listed as bill number A.6920, and the Senate bill is listed as bill number S.6552; and

Now, therefore, be it resolved by the Common Council of the City of Middletown supports the approval of A.6920 and S.6522 by the New York State Legislature and authorizes the appropriate City officials to sign, seal and transmit to the Assembly and the Senate the necessary home rule request forms regarding the proposed legislation.

ATTACHMENTS:
A6920.pdf
S6552.pdf
Home Rule Form.pdf

STATE OF NEW YORK

6920

2023-2024 Regular Sessions

IN ASSEMBLY

May 9, 2023

Introduced by M. of A. GUNTHER -- read once and referred to the Committee on Corporations, Authorities and Commissions

AN ACT to amend the public authorities law, in relation to establishing the Middletown parking authority and providing for its powers, duties and obligations; to repeal certain provisions of the public authorities law relating thereto; and providing for the repeal of such provisions upon expiration thereof

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Title 21 of article 7 of the public authorities law is REPEALED and a new title 21 is added to read as follows:

TITLE 21
MIDDLETOWN PARKING AUTHORITY

Section 1621-a. Short title.
1621-b. Definitions.
1621-c. Middletown parking authority.
1621-d. Purpose and powers of the authority.
1621-e. Civil service status of officers and employees.
1621-f. Conveyance of property by the city to the authority; acquisition of property by the city or by the authority.
1621-g. Construction and purchase contracts.
1621-h. Moneys of the authority.
1621-i. Bonds of the authority.
1621-j. Notes of the authority.
1621-k. Agreements of the city and the state.
1621-l. State and city not liable on bonds.
1621-m. Bonds and notes legal investments for public officers and fiduciaries.

EXPLANATION--Matter in *italics* (underscored) is new; matter in brackets [ ] is old law to be omitted.

LBD10744-01-3

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1621-n. Tax exemptions.
1621-o. Tax contract by the state.
1621-p. Remedies of bondholders.
1621-q. Actions against the authority.
1621-r. Termination of the authority.
1621-s. Severability.
1621-t. Inconsistent provisions in other acts superseded.

§ 1621-a. Short title. This title shall be known and may be cited as the "Middletown parking authority act."

§ 1621-b. Definitions. As used or referred to in this title, unless a different meaning clearly appears from the context:

1. The term "authority" shall mean the corporation created by section sixteen hundred twenty-one-c of this title;

2. The term "city" shall mean the city of Middletown;

3. The term "bonds" and "notes" shall mean the bonds and notes, respectively, authorized in this title;

4. The term "board" shall mean the board established pursuant to section sixteen hundred twenty-one-c of this title;

5. The term "real property" shall mean lands, structures, franchises, and interest in lands, and any and all things usually included within the said term, and includes not only fees simple absolute but also any and all lesser interests, such as easements, rights of way, and rights, sub-surface rights, uses, leases, licenses, and all other incorporeal hereditaments and every estate, interest or right, legal or equitable, including terms of years, and liens thereon by way of judgments, mortgages or otherwise, and also claims for damage to real estate, in the area of the city; and

6. The term "project" or "projects" shall mean any area or place operated or to be operated by the authority for the parking or storing of motor and other vehicles and shall, without limiting the foregoing, include all real and personal property, driveways, roads, approaches, structures, terminals of all kinds, garages, meters, mechanical equipment, and all appurtenances and facilities either on, above or under the ground which are used or usable in connection with such parking or storing of such vehicles in the area of the city.

§ 1621-c. Middletown parking authority. 1. A board to be known as the "Middletown parking authority" is hereby created. The board shall be a body corporate and politic, constituting a public benefit corporation, and its existence shall commence upon the appointment of the members as provided in this section.

2. (a) The board shall consist of a chairperson and four other members, all of whom shall be appointed by the mayor with the approval of the common council of the city. The appointment of the chairperson shall be for a term of four years. Of the other members first appointed, one shall be appointed for a period of one year, one for a period of two years, one for a period of three years, and one for a period of four years. At the expiration of such terms, the terms of office of the successors of the board members shall be four years. Each member shall continue to serve until the appointment and qualification of his or her successor. A board member may be appointed for additional terms.

(b) Vacancies on the board occurring otherwise than by the expiration of term, shall be filled for the unexpired term by the mayor with the approval of the common council.

(c) The members of the board shall choose from their number a vice-chairperson and such other officers deemed desirable by the board.

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3. The common council may remove any member of the board for inefficiency, neglect of duty or misconduct in office, giving the board member a copy of the charges against the board member and an opportunity of being heard in person, or by counsel, in his or her defense, upon not less than ten days' notice.

4. The members of the board shall be entitled to no compensation for their services but shall be entitled to reimbursement for their actual and necessary expenses incurred in the performance of their official duties.

5. The powers of the authority shall be vested in and exercised by a majority of the members of the board then in office.

6. The board may delegate to one or more of its members or to its officers, agents and employees such powers and duties as it may deem proper.

§ 1621-d. Purpose and powers of the authority. The purpose of the authority shall be to provide, operate or maintain, or any combination thereof, one or more projects in the city. To carry out said purpose, the authority shall have power:

1. To sue and be sued;

2. To have a seal and alter the same at pleasure;

3. To acquire, hold and dispose of personal property for its corporate purposes, including the power to purchase prospective or tentative awards in connection with the condemnation of real property;

4. To acquire real property subject to the approval of at least four members of the common council in the name of the city by purchase or condemnation or gift, and use necessary real property. All real property acquired by the authority by condemnation shall be acquired in the manner provided in the eminent domain procedure law, and further provided, that the authority shall give the common council of the city written notice of its intent to acquire any land by condemnation, whereupon said common council, within a period of forty-five days after the giving of such notice, by resolution voted upon affirmatively by at least two members of such common council, may determine that such land shall not be so acquired, in which event the authority shall be without further power to so acquire the same by condemnation;

5. To make by-laws for the management and regulation of its affairs, and, subject to agreements with bondholders, for the regulation of the project;

6. With the consent of the city to use agents, employees, and facilities of the city, including the corporation counsel, paying to the city its agreed proportion of the compensation or costs;

7. To appoint an attorney, and to fix his or her compensation;

8. To appoint officers, agents, employees, and consultants, to prescribe their qualifications and to fix their compensation; subject, however, to the provisions of the civil service law, as provided in this section;

9. To designate officers and employees, appointed or used by the authority, as specified in this section, who shall be empowered to issue appearance tickets as provided for in article one hundred fifty of the criminal procedure law. Persons so designated are hereby authorized to issue and serve such tickets for traffic infractions relating to parking within "project" areas as defined herein, in accordance with law and when authorized by local law of the city to issue and serve such tickets for traffic infractions committed anywhere in such city including at parking spaces controlled by parking meters;

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10. To make contracts, leases, as lessor or lessee, and any operating agreement, and to execute all instruments necessary or convenient;

11. To acquire, construct, reconstruct, improve, equip and furnish any project as may be necessary or convenient;

12. To maintain and operate any projects;

13. To accept grants, loans or contributions from the United States, the state of New York, or any agency or instrumentality of either of them, or the city, or any person, by bequest or otherwise, and to expend the proceeds for any purposes of the authority;

14. To fix and collect rentals, fees and other charges for the use of any project and to pledge the same, all subject to and in accordance with such agreements with bondholders as may be made as hereinafter provided;

15. To construct, operate or maintain in the projects all facilities and equipment necessary or convenient in connection therewith; and to contract for the providing, operation or maintenance of any parts thereof or for services to be performed; to rent parts thereof, and grant concessions, all on such terms and conditions as it may determine; provided, however, that neither the authority, the city, or any agency of the authority or city, or any other person, firm or corporation shall, within or on any property comprising a part of any project authorized by this title, sell, dispense or otherwise handle any product used in or for the servicing of any motor vehicle using any project or facilities authorized by this title.

§ 1621-e. Civil service status of officers and employees. Officers and employees of any board, commission or department of the city may be transferred to the authority in accordance with the provisions of the civil service law and shall be eligible for such transfer and appointment without examination to offices and positions under the authority. Officers and employees of the city who are members or beneficiaries of any existing pension or retirement system shall continue to have the rights, privileges, obligations and status with respect to such system or systems as are now prescribed by law, and all such employees who have been appointed to positions in the service of the city under the rules of the municipal civil service commission of the city shall have the same status with respect thereto after transfer to the authority as they had under their original appointments. The appointment and promotion of all employees of the authority shall be made in accordance with the provisions of the civil service law and all employees of the authority shall have the same rights and benefits as city employees.

§ 1621-f. Conveyance of property by the city to the authority; acquisition of property by the city or by the authority. 1. The city may, by resolution or resolutions of the common council or by instruments authorized by such resolutions, convey, with or without consideration, to the authority real and personal property owned by the city for use by the authority as a project or projects or a part thereof or in connection therewith and pledge and pay to the authority, as security for its bonds, notes or other liabilities, certain revenues and income of the city from parking facilities owned or operated by the city. In case of real property so conveyed, the title thereto shall remain in the city but the authority shall have the use and occupancy thereof for so long as its corporate existence shall continue, unless otherwise provided for by the authority and the city. In the case of personal property so conveyed, the title shall pass to the authority.

2. The city may acquire by gift, purchase or condemnation real property in the name of the city for any of the projects or for the widening

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of existing roads, streets, parkways, avenues or highways or for new roads, streets, parkways, avenues or highways to any of the projects, or partly for such purposes and partly for other city purposes, by gift, purchase or condemnation in the manner provided by law for the acquisition of real property by the city. For like purposes, the city may close such streets, roads, parkways, avenues, or highways as may be necessary or convenient, except as to state highways and arterial ways which may not be closed without the consent of the state commissioner of transportation.

3. Contracts may be entered into between the city and the authority providing for the property to be conveyed or pledged or paid by the city to the authority, the additional property to be acquired by the city and so conveyed, the streets, roads, parkways, avenues, and highways to be closed by the city and the amounts, terms and conditions of payment to be made by the authority. Such contracts may also contain covenants by the city as to the road, street, parkway, avenue and highway improvements to be made by the city and as to such matters which pertain to any conveyance or pledge and payment of moneys or property to the authority. Any such contracts between the city and the authority may be pledged by the authority to secure its bonds and notes and may not be modified thereafter except as provided by the terms of such contract and such pledge. The common council may authorize such contracts between the city and the authority and no other authorization on the part of the city for such contracts shall be necessary. Any such contracts may be so authorized and entered into by the city and in such manner as the common council may determine, and the payments required to be made by the city may be made and financed notwithstanding that no provision therefor shall have first been made in the capital budget of the city. All contractual or other obligations of the city incurred in carrying out the provisions of this title shall be included in and provided for by each capital budget of the city thereafter made, if and to the extent that they may appropriately be included therein.

4. Subject to subdivision four of section sixteen hundred twenty-one-d of this title, the authority may itself, subject to prior approval of the common council, acquire, in the name of the city, real property necessary or convenient in connection with any project at the cost and expense of the authority by purchase or condemnation pursuant to the eminent domain procedure law. The authority shall have the use and occupancy of such real property so long as its corporate existence shall continue.

5. In case the authority shall have the use and occupancy of any real property which it shall determine is no longer required for a project, then, if such real property was acquired at the cost and expense of the city, the authority shall have power to surrender its use and occupancy thereof to the city, or, if such real property was acquired at the cost and expense of the authority, then the authority shall have power to sell, lease or otherwise dispose of said real property at public sale, and shall retain and have the power to use the proceeds of sale, rentals or other moneys derived from the disposition thereof for its purposes.

§ 1621-g. Construction and purchase contracts. 1. The authority shall let contracts for construction in the same manner, so far as practicable, as is provided by law for contracts for the city, except that where the estimated expense of a contract does not exceed five thousand dollars such contract may be entered into without public letting. Nothing in this section shall be construed to limit the power of the authority to do any construction directly by the officers, agents and employ-

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ees of the authority. Contracts for the purchase of supplies, materials and equipment shall be let in the same manner as is provided by law for contracts of the city.

2. For the purposes of article fifteen-A of the executive law only, the authority shall be deemed a state agency, as the term is used in such article, and its contracts for design, construction, services and materials shall be deemed state contracts within the meaning of that term as set forth in such article.

§ 1621-h. Moneys of the authority. All moneys of the authority shall be paid to the city treasurer of the city as agent of the authority, who shall not commingle such moneys with any other moneys. Such moneys shall be deposited in a separate bank account or accounts. The moneys in such accounts shall be paid out by the city treasurer of the city on requisition of the chairperson of the authority or of such other person or persons as the authority may authorize to make such requisitions after audit by the city treasurer of the city. All deposits of such moneys shall be secured by obligations of the United States or of the state of New York of a market value equal at all times to the amount of the deposit, and all banks and trust companies are authorized to give such security for such deposits. The treasurer of the city and his or her legally authorized representatives are authorized and empowered from time to time to examine the accounts and books of the authority, including its receipts, disbursements, contracts, leases, sinking funds, investments and any other records and papers relating to its financial standing. The authority shall have power, notwithstanding the provisions of this section, to contract with the holders of any of its bonds or notes as to the custody, collection, securing, investment and payment of any moneys of the authority or any moneys held in trust or otherwise for the payment of bonds or notes or in any way to secure bonds or notes, and to carry out any such contract notwithstanding that such contract may be inconsistent with the previous provisions of this section. Moneys held in trust or otherwise for the payment of bonds or in any way to secure bonds and deposits of such moneys may be secured in the same manner as moneys of the authority, and all banks and trust companies are authorized to give such security for such deposits. The accounts of the authority shall be subject to the supervision of the state comptroller. The authority shall render a complete account of its proceedings to the common council at its first meeting of each year and at such other times as may reasonably be requested by the common council.

§ 1621-i. Bonds of the authority. 1. The authority shall have the power and is hereby authorized from time to time to issue its negotiable bonds for any of its corporate purposes and to pay such expenses, costs and payments as may be deemed by the board necessary or desirable to or in connection with the acquisition, construction, reconstruction, improving, equipping and furnishing of any project and the financing thereof, including surveys, planning, provisions for capitalized interest, reserve funds and appropriate feasibility studies, and for the placing of the project or projects in operation. The aggregate principal amount of such bonds outstanding at any one time shall not exceed twenty-five percent of the bonded indebtedness limitation from time to time imposed by section 104.00 of the local finance law. The authority shall have power from time to time and whenever it deems refunding expedient, to refund any bonds by the issuance of new bonds, whether the bonds to be refunded have or have not matured and may issue bonds partly to refund bonds then outstanding and partly for any other purpose described

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in this subdivision. The refunding bonds may be exchanged for the bonds to be refunded with such cash adjustments as may be agreed, or may be sold and the proceeds applied to the purchase, payment or redemption of the bonds to be refunded. Except as may otherwise be expressly provided by the authority, the bonds of every issue shall be general obligations of the authority payable out of any moneys or revenues of the authority, subject only to any agreements with the holders of particular bonds pledging any particular moneys or revenues. Whether or not the bonds are of such form and character as to be negotiable instruments under article eight of the uniform commercial code, the bonds shall be, and are hereby made, negotiable instruments within the meaning of and for all the purposes of the uniform commercial code, subject only to the provisions of the bonds for registration.

2. The bonds shall be authorized by resolution of the board and shall bear such date or dates, mature at such time or times, not exceeding thirty years from their respective dates, bear interest at such rate or rates, payable annually or semi-annually, be in such denominations, be in such form, either coupon or registered, carry such registration privileges, be executed in such manner, be payable in lawful money of the United States of America at such place or places, and be subject to such terms of redemption, as such resolution or resolutions may provide. The bonds may be sold at public or private sale for such price or prices as the authority shall determine; provided, however, that any private sale shall be subject to the approval of the state comptroller where such sale is not to the comptroller, or the director of the budget where such sale is to the comptroller.

3. Any resolution or resolutions authorizing any bonds or any issue of bonds may contain provisions, which shall be a part of the contract with the holders of the bonds thereby authorized, as to:

(a) pledging all or any part of the revenues of a project or projects and revenues and income of the authority to secure the payment of the bonds, subject to such agreements with bondholders as may then exist;

(b) the rentals, fees and other charges to be charged, and the amounts to be raised in each year thereby, and the use and disposition of the revenues;

(c) the setting aside of reserves or sinking funds, and the regulation and disposition thereof;

(d) limitations on the right of the authority to restrict and regulate the use of a project;

(e) limitations on the purpose to which the proceeds of sale of any issue of bonds then or thereafter to be issued may be applied and pledging such proceeds to secure the payment of the bonds or of any issue of the bonds;

(f) limitations on the issuance of additional bonds; the terms upon which additional bonds may be issued and secured; the refunding of outstanding or other bonds;

(g) the procedure, if any, by which the terms of any contract with bondholders may be amended or abrogated, the amount of bonds the holders of which must consent thereto, and the manner in which such consent may be given;

(h) limitations on the amount of moneys derived from a project to be expended for operating, administrative or other expenses of the authority;

(i) vesting in a trustee or trustees such property, rights, powers and duties in trust as the authority may determine which may include any or all, the rights, powers and duties of the trustee appointed by the bond-

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holders pursuant to section sixteen hundred twenty-one-p of this title, and limiting or abrogating the right of the bondholders to appoint a trustee under said section or limiting the rights, duties and powers of such trustee;

(j) any other matters, of like or different character, which in any way affect the security or protection of the bonds.

4. Notwithstanding any other provision of law, it is the intention hereof that any pledge of revenues or other moneys made by the authority shall be valid and binding from the time when the pledge is made; that the revenues or other moneys so pledged and thereafter received by the authority shall immediately be subject to the lien of such pledge without any physical delivery thereof or further act; and that the lien of any such pledge shall be valid and binding as against all parties having claims of any kind in tort, contract or otherwise against the authority irrespective of whether such parties have notice thereof. Neither the resolution nor any other instrument by which a pledge is created need be recorded or filed in order to protect the security interest granted.

5. Neither the members of the authority nor any person executing the bonds shall be liable personally on the bonds or be subject to any personal liability or accountability by reason of the issuance thereof.

6. The authority shall have power out of any funds available therefor to purchase bonds upon such terms and conditions as the authority may determine. The authority may hold, cancel or resell such bonds, subject to and in accordance with agreements with bondholders.

7. In the discretion of the authority, the bonds may be secured by a trust indenture by and between the authority and a corporate trustee, which may be any trust company, bank or national banking association having the powers of a trust company in the state of New York. Such trust indenture may contain such provisions for protecting and enforcing the rights and remedies of the bondholders as may be reasonable and proper and not in violation of law, including covenants setting forth the duties of the authority in relation to the construction, maintenance, operation, repair and insurance of the project or projects, and the custody, safeguarding and application of all moneys, and may provide that the project or projects shall be constructed and paid for under the supervision and approval of consulting engineers. The authority may provide by such trust indenture for the payment of the proceeds of the bonds and the revenues of the project or projects or other revenues of the authority to the trustee under such trust indenture or other depository, and for the method of disbursement thereof, with such safeguards and restrictions as it may determine. All expenses incurred in carrying out such trust indenture may be treated as a part of the cost of maintenance, operation, and repairs of the project or projects. If the bonds shall be secured by a trust indenture, the bondholders shall have no authority to appoint a separate trustee to represent them, and the trustee under such trust indenture shall have and possess all of the powers which are conferred by section sixteen hundred twenty-one-p of this title upon a trustee appointed by bondholders.

§ 1621-j. Notes of the authority. The authority shall have power from time to time to issue notes and from time to time to issue renewal notes (hereafter "notes"), maturing not later than five years from their respective original dates in an amount not exceeding at any one time one hundred thousand dollars, over and above the amount of bonds authorized by subdivision one of section sixteen hundred twenty-one-i of this title, for any purpose or purposes for which bonds may be issued, whenever the authority shall determine that payment thereof can be made in

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full from any moneys or revenues which the authority expects to receive from any source. The authority may pledge such moneys or revenues or source thereof (subject to any other pledge thereof) for the payment of the notes and may in addition secure the notes in the same manner and with the same effect as herein provided for bonds. The notes shall be sold and issued in the same manner as bonds. The authority shall have power to make contracts for the future sale from time to time of the notes, by which the purchaser shall be committed to purchase the notes from time to time on terms and conditions stated in such contracts, and the authority shall have power to pay such consideration as it shall deem proper for such commitments. In case of default on its notes, or violation of any of the obligations of the authority to the noteholders, the noteholders shall have all the remedies provided herein for bondholders. Such notes shall be as fully negotiable as the bonds of the authority.

§ 1621-k. Agreements of the city and the state. 1. The city is authorized to, and the state of New York does hereby pledge to and agree with the holders of the bonds or notes that neither the city nor the state, respectively, will limit or alter the rights hereby vested in the authority to acquire, construct, reconstruct, improve, equip, furnish, maintain or operate any project or projects, to establish and collect rentals, fees and other charges and to fulfill the terms of any agreements made with the holders of the bonds or notes, or in any way impair the rights and remedies of the bondholders or noteholders, until the bonds or notes, together with interest thereon, with interest on any unpaid installments of interest and all costs and expenses in connection with any action or proceeding by or on behalf of the bondholders or noteholders, are fully met and discharged.

2. The authority is hereby authorized, in its discretion, for and on behalf of itself and, subject to approval by the common council and the mayor of the city of Middletown, to covenant and agree with the holders of the bonds or notes, with such exceptions and limitations as it may deem in the public interest and in the interests of the authority's bondholders and noteholders, that no public parking areas or spaces, including the installation and operation of parking meters on the public streets of the city, except those acquired and operated by the authority will be constructed or operated in the city by the city (except as hereinafter provided), or by any public benefit or other corporation, the members of which are elected or appointed by city officials, until either: (a) the bonds or notes, together with interest thereon, interest on any unpaid installments of interest and all costs and expenses in connection with any action or proceeding by or on behalf of the bondholders or noteholders are fully met and discharged; or (b) principal or interest of any of the bonds or notes shall be overdue and unpaid for a period of three years or more; provided, however, nothing contained in this section shall be deemed to impair the right of the city to continue to operate the presently existing municipal parking facilities and any replacements thereof.

§ 1621-l. State and city not liable on bonds. The bonds, notes and other obligations of the authority shall not be a debt of the state of New York or of the city, and neither the state nor the city shall be liable thereon, nor shall they be payable out of any funds other than those of the authority.

§ 1621-m. Bonds and notes legal investments for public officers and fiduciaries. The bonds and notes are hereby made securities in which all public officers, and bodies of the state and all municipalities and

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municipal subdivisions, all insurance companies and associations and other persons carrying on an insurance business, all banks, bankers, trust companies, savings banks and savings associations, including savings and loan associations, building and loan associations, investment companies and other persons carrying on a banking business, all administrators, guardians, executors, trustees and other fiduciaries and all other persons whatsoever who are now or may hereafter be authorized to invest in bonds or other obligations of the state, may properly and legally invest funds including capital in their control or belonging to them. The bonds and notes are also hereby made securities which may be deposited with and shall be received by all public officers and bodies of this state and all municipalities and municipal subdivisions for any purpose for which the deposit of bonds or other obligations of this state is now or may hereafter be authorized.

§ 1621-n. Tax exemptions. 1. It is hereby determined that the creation of the authority and the carrying out of its corporate purposes is in all respects for the benefit of the people of the city of Middletown and its environs, and is a public purpose, and the authority shall be regarded as performing an essential governmental function in the exercise of the powers conferred upon it by this title and shall be required to pay no taxes or assessments upon any of the property acquired by it or under its jurisdiction or control or supervision or upon its activities.

2. Any bonds or notes issued pursuant to this title, together with the income therefrom, as well as the property of the authority, shall be exempt from taxation, except for transfer and estate taxes.

§ 1621-o. Tax contract by the state. The state of New York covenants with the purchasers and with all subsequent holders and transferees of bonds or notes issued by the authority pursuant to this title, in consideration of the acceptance of and payment for the bonds or notes, that the bonds or notes of the authority issued pursuant to this title and the income therefrom, and all moneys, funds and revenues pledged to pay or secure the payment of such bonds or notes, shall at all times be free from taxation except for estate taxes and taxes on transfers by or in contemplation of death.

§ 1621-p. Remedies of bondholders. 1. In the event that the authority shall default in the payment of principal of or interest on any issue of the bonds after the same shall become due, whether at maturity or upon call for redemption, and such default shall continue for a period of thirty days, or in the event that the authority shall fail or refuse to comply with the provisions of this title, or shall default in any agreement made with the holders of any issue of the bonds, the holders of twenty-five per centum in aggregate principal amount of the bonds of such issue then outstanding, by instrument or instruments filed in the office of the clerk of the county of Orange and proved or acknowledged in the same manner as a deed to be recorded, may appoint a trustee to represent the holders of such bonds for the purposes provided in this section.

2. Such trustee may, and upon written request of the holders of twenty-five per centum in principal amount of such bonds then outstanding shall, in the trustee's own name:

(a) by mandamus or other suit, action or proceeding, at law or in equity, enforce all rights of the bondholders, including the right to require the authority to collect revenues adequate to carry out by any agreement as to, or pledge of, such revenues, and to require the author-

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ity to carry out any other agreements with the holders of such bonds and to perform its duties under this title;

(b) bring suit upon such bonds;

(c) by action or suit in equity, require the authority to account as if it were the trustee of an express trust for the holders of such bonds;

(d) by action or suit in equity, enjoin any acts or things which may be unlawful or in violation of the rights of the holders of such bonds;

(e) declare all such bonds due and payable, and if all defaults shall be made good then with the consent of the holders of twenty-five per centum of the principal amount of such bonds then outstanding, to annul such declaration and its consequences.

3. The supreme court shall have jurisdiction of any suit, action or proceeding by the trustee on behalf of bondholders. The venue of any such suit, action or proceeding shall be laid in the county of Orange.

4. Before declaring the principal of all such bonds due and payable, the trustee shall first give thirty days' notice in writing to the authority.

5. Any such trustee, whether or not the issue of bonds represented by such trustee has been declared due and payable, shall be entitled as of right to the appointment of a receiver of any part or parts of the project the revenues of which are pledged for the security of the bonds of such issue, and such receiver may enter and take possession of such part or parts of the project and, subject to any pledge or agreement with bondholders, shall take possession of all moneys and other property derived from or applicable to the acquisition, construction, operation, maintenance and reconstruction of such part or parts of the project and proceed with the acquisition of any real property necessary or convenient in connection with the project that the authority has covenanted to construct, and with any construction which the authority is under obligation to do and to operate, maintain and reconstruct such part or parts of the project and collect and receive all revenues thereafter arising therefrom subject to any pledge thereof or agreement with bondholders relating thereto and perform the public duties and carry out the agreements and obligations of the authority under the direction of the court. In any suit, action or proceeding by the trustee, the fee, counsel fees and expenses of the trustee and of the receiver, if any, shall constitute taxable disbursements and all costs and disbursements allowed by the court shall be a first charge on any revenues derived from such project.

6. Such trustee shall, in addition to the foregoing, have and possess all of the powers necessary or appropriate for the exercise of any functions specifically set forth in this section or incident to the general representation of bondholders in the enforcement and protection of their rights.

§ 1621-q. Actions against the authority. 1. In every action against the authority for damages, for injuries to real or personal property, or for the destruction thereof, or for personal injuries or death, the complaint shall contain an allegation that at least ninety days have elapsed since the demand, claim or claims upon which such action is founded were presented to a member of the authority, or to its secretary, or to its chief executive officer and that the authority has neglected or refused to make an adjustment or payment thereof for ninety days after such presentment.

2. Except in an action for wrongful death, an action against the authority for damages for injuries to real or personal property, or for

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the destruction thereof, or for personal injuries, alleged to have been sustained, shall not be commenced more than one year and ninety days after the cause of action therefor shall have accrued, nor unless a notice of claim shall have been served on the authority within the time limit established by and in compliance with all requirements of section fifty-e of the general municipal law. An action against the authority for wrongful death shall be commenced in accordance with the notice of claim and time limitation provisions of title eleven of article nine of this chapter.

§ 1621-r. Termination of the authority. Whenever all of the bonds and notes issued by the authority shall have been redeemed or cancelled, and all its liabilities and duties met or discharged, the authority shall cease to exist and all rights, title and interests and all obligations and liabilities thereof vested in or possessed by the authority shall thereupon vest in and be possessed by the city of Middletown.

§ 1621-s. Severability. If any clause, sentence, paragraph, subdivision, section or part of this article shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part thereof directly involved in the controversy in which such judgment shall have been rendered. It is hereby declared to be the intent of the legislature that this article would have been enacted even if such invalid provisions had not been included herein.

§ 1621-t. Inconsistent provisions in other acts superseded. Insofar as the provisions of this title are inconsistent with the provisions of any other act, general or special, or of any local law of the city, the provisions of this title shall be controlling.

§ 2. This act shall take effect immediately and shall expire and be deemed repealed upon the occurrence of the events set forth in section 1621-r of title 21 of article 7 of the public authorities law, as added by section one of this act. Upon such occurrence, the mayor of the city of Middletown shall notify the legislative bill drafting commission in order that the commission may maintain an accurate and timely effective data base of the official text of the laws of the state of New York in furtherance of effectuating the provisions of section 44 of the legislative law and section 70-b of the public officers law.

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STATE OF NEW YORK

6552

2023-2024 Regular Sessions

IN SENATE

April 26, 2023

Introduced by Sen. SKOUFIS -- read twice and ordered printed, and when printed to be committed to the Committee on Corporations, Authorities and Commissions

AN ACT to amend the public authorities law, in relation to establishing the Middletown parking authority and providing for its powers, duties and obligations; to repeal certain provisions of the public authorities law relating thereto; and providing for the repeal of such provisions upon expiration thereof

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Title 21 of article 7 of the public authorities law is REPEALED and a new title 21 is added to read as follows:

TITLE 21
MIDDLETOWN PARKING AUTHORITY

Section 1621-a. Short title.
1621-b. Definitions.
1621-c. Middletown parking authority.
1621-d. Purpose and powers of the authority.
1621-e. Civil service status of officers and employees.
1621-f. Conveyance of property by the city to the authority; acquisition of property by the city or by the authority.
1621-g. Construction and purchase contracts.
1621-h. Moneys of the authority.
1621-i. Bonds of the authority.
1621-j. Notes of the authority.
1621-k. Agreements of the city and the state.
1621-l. State and city not liable on bonds.

EXPLANATION--Matter in *italics* (underscored) is new; matter in brackets [ ] is old law to be omitted.

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1621-m. Bonds and notes legal investments for public officers and fiduciaries.
1621-n. Tax exemptions.
1621-o. Tax contract by the state.
1621-p. Remedies of bondholders.
1621-q. Actions against the authority.
1621-r. Termination of the authority.
1621-s. Severability.
1621-t. Inconsistent provisions in other acts superseded.

§ 1621-a. Short title. This title shall be known and may be cited as the "Middletown parking authority act."

§ 1621-b. Definitions. As used or referred to in this title, unless a different meaning clearly appears from the context:

1. The term "authority" shall mean the corporation created by section sixteen hundred twenty-one-c of this title;

2. The term "city" shall mean the city of Middletown;

3. The term "bonds" and "notes" shall mean the bonds and notes, respectively, authorized in this title;

4. The term "board" shall mean the board established pursuant to section sixteen hundred twenty-one-c of this title;

5. The term "real property" shall mean lands, structures, franchises, and interest in lands, and any and all things usually included within the said term, and includes not only fees simple absolute but also any and all lesser interests, such as easements, rights of way, and rights, sub-surface rights, uses, leases, licenses, and all other incorporeal hereditaments and every estate, interest or right, legal or equitable, including terms of years, and liens thereon by way of judgments, mortgages or otherwise, and also claims for damage to real estate, in the area of the city; and

6. The term "project" or "projects" shall mean any area or place operated or to be operated by the authority for the parking or storing of motor and other vehicles and shall, without limiting the foregoing, include all real and personal property, driveways, roads, approaches, structures, terminals of all kinds, garages, meters, mechanical equipment, and all appurtenances and facilities either on, above or under the ground which are used or usable in connection with such parking or storing of such vehicles in the area of the city.

§ 1621-c. Middletown parking authority. 1. A board to be known as the "Middletown parking authority" is hereby created. The board shall be a body corporate and politic, constituting a public benefit corporation, and its existence shall commence upon the appointment of the members as provided in this section.

2. (a) The board shall consist of a chairperson and four other members, all of whom shall be appointed by the mayor with the approval of the common council of the city. The appointment of the chairperson shall be for a term of four years. Of the other members first appointed, one shall be appointed for a period of one year, one for a period of two years, one for a period of three years, and one for a period of four years. At the expiration of such terms, the terms of office of the successors of the board members shall be four years. Each member shall continue to serve until the appointment and qualification of his or her successor. A board member may be appointed for additional terms.

(b) Vacancies on the board occurring otherwise than by the expiration of term, shall be filled for the unexpired term by the mayor with the approval of the common council.

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(c) The members of the board shall choose from their number a vice-chairperson and such other officers deemed desirable by the board.

3. The common council may remove any member of the board for inefficiency, neglect of duty or misconduct in office, giving the board member a copy of the charges against the board member and an opportunity of being heard in person, or by counsel, in his or her defense, upon not less than ten days' notice.

4. The members of the board shall be entitled to no compensation for their services but shall be entitled to reimbursement for their actual and necessary expenses incurred in the performance of their official duties.

5. The powers of the authority shall be vested in and exercised by a majority of the members of the board then in office.

6. The board may delegate to one or more of its members or to its officers, agents and employees such powers and duties as it may deem proper.

§ 1621-d. Purpose and powers of the authority. The purpose of the authority shall be to provide, operate or maintain, or any combination thereof, one or more projects in the city. To carry out said purpose, the authority shall have power:

1. To sue and be sued;

2. To have a seal and alter the same at pleasure;

3. To acquire, hold and dispose of personal property for its corporate purposes, including the power to purchase prospective or tentative awards in connection with the condemnation of real property;

4. To acquire real property subject to the approval of at least four members of the common council in the name of the city by purchase or condemnation or gift, and use necessary real property. All real property acquired by the authority by condemnation shall be acquired in the manner provided in the eminent domain procedure law, and further provided, that the authority shall give the common council of the city written notice of its intent to acquire any land by condemnation, whereupon said common council, within a period of forty-five days after the giving of such notice, by resolution voted upon affirmatively by at least two members of such common council, may determine that such land shall not be so acquired, in which event the authority shall be without further power to so acquire the same by condemnation;

5. To make by-laws for the management and regulation of its affairs, and, subject to agreements with bondholders, for the regulation of the project;

6. With the consent of the city to use agents, employees, and facilities of the city, including the corporation counsel, paying to the city its agreed proportion of the compensation or costs;

7. To appoint an attorney, and to fix his or her compensation;

8. To appoint officers, agents, employees, and consultants, to prescribe their qualifications and to fix their compensation; subject, however, to the provisions of the civil service law, as provided in this section;

9. To designate officers and employees, appointed or used by the authority, as specified in this section, who shall be empowered to issue appearance tickets as provided for in article one hundred fifty of the criminal procedure law. Persons so designated are hereby authorized to issue and serve such tickets for traffic infractions relating to parking within "project" areas as defined herein, in accordance with law and when authorized by local law of the city to issue and serve such tickets

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for traffic infractions committed anywhere in such city including at parking spaces controlled by parking meters;

10. To make contracts, leases, as lessor or lessee, and any operating agreement, and to execute all instruments necessary or convenient;

11. To acquire, construct, reconstruct, improve, equip and furnish any project as may be necessary or convenient;

12. To maintain and operate any projects;

13. To accept grants, loans or contributions from the United States, the state of New York, or any agency or instrumentality of either of them, or the city, or any person, by bequest or otherwise, and to expend the proceeds for any purposes of the authority;

14. To fix and collect rentals, fees and other charges for the use of any project and to pledge the same, all subject to and in accordance with such agreements with bondholders as may be made as hereinafter provided;

15. To construct, operate or maintain in the projects all facilities and equipment necessary or convenient in connection therewith; and to contract for the providing, operation or maintenance of any parts thereof or for services to be performed; to rent parts thereof, and grant concessions, all on such terms and conditions as it may determine; provided, however, that neither the authority, the city, or any agency of the authority or city, or any other person, firm or corporation shall, within or on any property comprising a part of any project authorized by this title, sell, dispense or otherwise handle any product used in or for the servicing of any motor vehicle using any project or facilities authorized by this title.

§ 1621-e. Civil service status of officers and employees. Officers and employees of any board, commission or department of the city may be transferred to the authority in accordance with the provisions of the civil service law and shall be eligible for such transfer and appointment without examination to offices and positions under the authority. Officers and employees of the city who are members or beneficiaries of any existing pension or retirement system shall continue to have the rights, privileges, obligations and status with respect to such system or systems as are now prescribed by law, and all such employees who have been appointed to positions in the service of the city under the rules of the municipal civil service commission of the city shall have the same status with respect thereto after transfer to the authority as they had under their original appointments. The appointment and promotion of all employees of the authority shall be made in accordance with the provisions of the civil service law and all employees of the authority shall have the same rights and benefits as city employees.

§ 1621-f. Conveyance of property by the city to the authority; acquisition of property by the city or by the authority. 1. The city may, by resolution or resolutions of the common council or by instruments authorized by such resolutions, convey, with or without consideration, to the authority real and personal property owned by the city for use by the authority as a project or projects or a part thereof or in connection therewith and pledge and pay to the authority, as security for its bonds, notes or other liabilities, certain revenues and income of the city from parking facilities owned or operated by the city. In case of real property so conveyed, the title thereto shall remain in the city but the authority shall have the use and occupancy thereof for so long as its corporate existence shall continue, unless otherwise provided for by the authority and the city. In the case of personal property so conveyed, the title shall pass to the authority.

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2. The city may acquire by gift, purchase or condemnation real property in the name of the city for any of the projects or for the widening of existing roads, streets, parkways, avenues or highways or for new roads, streets, parkways, avenues or highways to any of the projects, or partly for such purposes and partly for other city purposes, by gift, purchase or condemnation in the manner provided by law for the acquisition of real property by the city. For like purposes, the city may close such streets, roads, parkways, avenues, or highways as may be necessary or convenient, except as to state highways and arterial ways which may not be closed without the consent of the state commissioner of transportation.

3. Contracts may be entered into between the city and the authority providing for the property to be conveyed or pledged or paid by the city to the authority, the additional property to be acquired by the city and so conveyed, the streets, roads, parkways, avenues, and highways to be closed by the city and the amounts, terms and conditions of payment to be made by the authority. Such contracts may also contain covenants by the city as to the road, street, parkway, avenue and highway improvements to be made by the city and as to such matters which pertain to any conveyance or pledge and payment of moneys or property to the authority. Any such contracts between the city and the authority may be pledged by the authority to secure its bonds and notes and may not be modified thereafter except as provided by the terms of such contract and such pledge. The common council may authorize such contracts between the city and the authority and no other authorization on the part of the city for such contracts shall be necessary. Any such contracts may be so authorized and entered into by the city and in such manner as the common council may determine, and the payments required to be made by the city may be made and financed notwithstanding that no provision therefor shall have first been made in the capital budget of the city. All contractual or other obligations of the city incurred in carrying out the provisions of this title shall be included in and provided for by each capital budget of the city thereafter made, if and to the extent that they may appropriately be included therein.

4. Subject to subdivision four of section sixteen hundred twenty-one-d of this title, the authority may itself, subject to prior approval of the common council, acquire, in the name of the city, real property necessary or convenient in connection with any project at the cost and expense of the authority by purchase or condemnation pursuant to the eminent domain procedure law. The authority shall have the use and occupancy of such real property so long as its corporate existence shall continue.

5. In case the authority shall have the use and occupancy of any real property which it shall determine is no longer required for a project, then, if such real property was acquired at the cost and expense of the city, the authority shall have power to surrender its use and occupancy thereof to the city, or, if such real property was acquired at the cost and expense of the authority, then the authority shall have power to sell, lease or otherwise dispose of said real property at public sale, and shall retain and have the power to use the proceeds of sale, rentals or other moneys derived from the disposition thereof for its purposes.

§ 1621-g. Construction and purchase contracts. 1. The authority shall let contracts for construction in the same manner, so far as practicable, as is provided by law for contracts for the city, except that where the estimated expense of a contract does not exceed five thousand dollars such contract may be entered into without public letting. Noth-

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ing in this section shall be construed to limit the power of the authority to do any construction directly by the officers, agents and employees of the authority. Contracts for the purchase of supplies, materials and equipment shall be let in the same manner as is provided by law for contracts of the city.

2. For the purposes of article fifteen-A of the executive law only, the authority shall be deemed a state agency, as the term is used in such article, and its contracts for design, construction, services and materials shall be deemed state contracts within the meaning of that term as set forth in such article.

§ 1621-h. Moneys of the authority. All moneys of the authority shall be paid to the city treasurer of the city as agent of the authority, who shall not commingle such moneys with any other moneys. Such moneys shall be deposited in a separate bank account or accounts. The moneys in such accounts shall be paid out by the city treasurer of the city on requisition of the chairperson of the authority or of such other person or persons as the authority may authorize to make such requisitions after audit by the city treasurer of the city. All deposits of such moneys shall be secured by obligations of the United States or of the state of New York of a market value equal at all times to the amount of the deposit, and all banks and trust companies are authorized to give such security for such deposits. The treasurer of the city and his or her legally authorized representatives are authorized and empowered from time to time to examine the accounts and books of the authority, including its receipts, disbursements, contracts, leases, sinking funds, investments and any other records and papers relating to its financial standing. The authority shall have power, notwithstanding the provisions of this section, to contract with the holders of any of its bonds or notes as to the custody, collection, securing, investment and payment of any moneys of the authority or any moneys held in trust or otherwise for the payment of bonds or notes or in any way to secure bonds or notes, and to carry out any such contract notwithstanding that such contract may be inconsistent with the previous provisions of this section. Moneys held in trust or otherwise for the payment of bonds or in any way to secure bonds and deposits of such moneys may be secured in the same manner as moneys of the authority, and all banks and trust companies are authorized to give such security for such deposits. The accounts of the authority shall be subject to the supervision of the state comptroller. The authority shall render a complete account of its proceedings to the common council at its first meeting of each year and at such other times as may reasonably be requested by the common council.

§ 1621-i. Bonds of the authority. 1. The authority shall have the power and is hereby authorized from time to time to issue its negotiable bonds for any of its corporate purposes and to pay such expenses, costs and payments as may be deemed by the board necessary or desirable to or in connection with the acquisition, construction, reconstruction, improving, equipping and furnishing of any project and the financing thereof, including surveys, planning, provisions for capitalized interest, reserve funds and appropriate feasibility studies, and for the placing of the project or projects in operation. The aggregate principal amount of such bonds outstanding at any one time shall not exceed twenty-five percent of the bonded indebtedness limitation from time to time imposed by section 104.00 of the local finance law. The authority shall have power from time to time and whenever it deems refunding expedient, to refund any bonds by the issuance of new bonds, whether the bonds to

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be refunded have or have not matured and may issue bonds partly to refund bonds then outstanding and partly for any other purpose described in this subdivision. The refunding bonds may be exchanged for the bonds to be refunded with such cash adjustments as may be agreed, or may be sold and the proceeds applied to the purchase, payment or redemption of the bonds to be refunded. Except as may otherwise be expressly provided by the authority, the bonds of every issue shall be general obligations of the authority payable out of any moneys or revenues of the authority, subject only to any agreements with the holders of particular bonds pledging any particular moneys or revenues. Whether or not the bonds are of such form and character as to be negotiable instruments under article eight of the uniform commercial code, the bonds shall be, and are hereby made, negotiable instruments within the meaning of and for all the purposes of the uniform commercial code, subject only to the provisions of the bonds for registration.

2. The bonds shall be authorized by resolution of the board and shall bear such date or dates, mature at such time or times, not exceeding thirty years from their respective dates, bear interest at such rate or rates, payable annually or semi-annually, be in such denominations, be in such form, either coupon or registered, carry such registration privileges, be executed in such manner, be payable in lawful money of the United States of America at such place or places, and be subject to such terms of redemption, as such resolution or resolutions may provide. The bonds may be sold at public or private sale for such price or prices as the authority shall determine; provided, however, that any private sale shall be subject to the approval of the state comptroller where such sale is not to the comptroller, or the director of the budget where such sale is to the comptroller.

3. Any resolution or resolutions authorizing any bonds or any issue of bonds may contain provisions, which shall be a part of the contract with the holders of the bonds thereby authorized, as to:

(a) pledging all or any part of the revenues of a project or projects and revenues and income of the authority to secure the payment of the bonds, subject to such agreements with bondholders as may then exist;

(b) the rentals, fees and other charges to be charged, and the amounts to be raised in each year thereby, and the use and disposition of the revenues;

(c) the setting aside of reserves or sinking funds, and the regulation and disposition thereof;

(d) limitations on the right of the authority to restrict and regulate the use of a project;

(e) limitations on the purpose to which the proceeds of sale of any issue of bonds then or thereafter to be issued may be applied and pledging such proceeds to secure the payment of the bonds or of any issue of the bonds;

(f) limitations on the issuance of additional bonds; the terms upon which additional bonds may be issued and secured; the refunding of outstanding or other bonds;

(g) the procedure, if any, by which the terms of any contract with bondholders may be amended or abrogated, the amount of bonds the holders of which must consent thereto, and the manner in which such consent may be given;

(h) limitations on the amount of moneys derived from a project to be expended for operating, administrative or other expenses of the authority;

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(i) vesting in a trustee or trustees such property, rights, powers and duties in trust as the authority may determine which may include any or all, the rights, powers and duties of the trustee appointed by the bondholders pursuant to section sixteen hundred twenty-one-p of this title, and limiting or abrogating the right of the bondholders to appoint a trustee under said section or limiting the rights, duties and powers of such trustee;

(j) any other matters, of like or different character, which in any way affect the security or protection of the bonds.

4. Notwithstanding any other provision of law, it is the intention hereof that any pledge of revenues or other moneys made by the authority shall be valid and binding from the time when the pledge is made; that the revenues or other moneys so pledged and thereafter received by the authority shall immediately be subject to the lien of such pledge without any physical delivery thereof or further act; and that the lien of any such pledge shall be valid and binding as against all parties having claims of any kind in tort, contract or otherwise against the authority irrespective of whether such parties have notice thereof. Neither the resolution nor any other instrument by which a pledge is created need be recorded or filed in order to protect the security interest granted.

5. Neither the members of the authority nor any person executing the bonds shall be liable personally on the bonds or be subject to any personal liability or accountability by reason of the issuance thereof.

6. The authority shall have power out of any funds available therefor to purchase bonds upon such terms and conditions as the authority may determine. The authority may hold, cancel or resell such bonds, subject to and in accordance with agreements with bondholders.

7. In the discretion of the authority, the bonds may be secured by a trust indenture by and between the authority and a corporate trustee, which may be any trust company, bank or national banking association having the powers of a trust company in the state of New York. Such trust indenture may contain such provisions for protecting and enforcing the rights and remedies of the bondholders as may be reasonable and proper and not in violation of law, including covenants setting forth the duties of the authority in relation to the construction, maintenance, operation, repair and insurance of the project or projects, and the custody, safeguarding and application of all moneys, and may provide that the project or projects shall be constructed and paid for under the supervision and approval of consulting engineers. The authority may provide by such trust indenture for the payment of the proceeds of the bonds and the revenues of the project or projects or other revenues of the authority to the trustee under such trust indenture or other depository, and for the method of disbursement thereof, with such safeguards and restrictions as it may determine. All expenses incurred in carrying out such trust indenture may be treated as a part of the cost of maintenance, operation, and repairs of the project or projects. If the bonds shall be secured by a trust indenture, the bondholders shall have no authority to appoint a separate trustee to represent them, and the trustee under such trust indenture shall have and possess all of the powers which are conferred by section sixteen hundred twenty-one-p of this title upon a trustee appointed by bondholders.

§ 1621-j. Notes of the authority. The authority shall have power from time to time to issue notes and from time to time to issue renewal notes (hereafter "notes"), maturing not later than five years from their respective original dates in an amount not exceeding at any one time one hundred thousand dollars, over and above the amount of bonds authorized

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by subdivision one of section sixteen hundred twenty-one-i of this title, for any purpose or purposes for which bonds may be issued, whenever the authority shall determine that payment thereof can be made in full from any moneys or revenues which the authority expects to receive from any source. The authority may pledge such moneys or revenues or source thereof (subject to any other pledge thereof) for the payment of the notes and may in addition secure the notes in the same manner and with the same effect as herein provided for bonds. The notes shall be sold and issued in the same manner as bonds. The authority shall have power to make contracts for the future sale from time to time of the notes, by which the purchaser shall be committed to purchase the notes from time to time on terms and conditions stated in such contracts, and the authority shall have power to pay such consideration as it shall deem proper for such commitments. In case of default on its notes, or violation of any of the obligations of the authority to the noteholders, the noteholders shall have all the remedies provided herein for bondholders. Such notes shall be as fully negotiable as the bonds of the authority.

§ 1621-k. Agreements of the city and the state. 1. The city is authorized to, and the state of New York does hereby pledge to and agree with the holders of the bonds or notes that neither the city nor the state, respectively, will limit or alter the rights hereby vested in the authority to acquire, construct, reconstruct, improve, equip, furnish, maintain or operate any project or projects, to establish and collect rentals, fees and other charges and to fulfill the terms of any agreements made with the holders of the bonds or notes, or in any way impair the rights and remedies of the bondholders or noteholders, until the bonds or notes, together with interest thereon, with interest on any unpaid installments of interest and all costs and expenses in connection with any action or proceeding by or on behalf of the bondholders or noteholders, are fully met and discharged.

2. The authority is hereby authorized, in its discretion, for and on behalf of itself and, subject to approval by the common council and the mayor of the city of Middletown, to covenant and agree with the holders of the bonds or notes, with such exceptions and limitations as it may deem in the public interest and in the interests of the authority's bondholders and noteholders, that no public parking areas or spaces, including the installation and operation of parking meters on the public streets of the city, except those acquired and operated by the authority will be constructed or operated in the city by the city (except as hereinafter provided), or by any public benefit or other corporation, the members of which are elected or appointed by city officials, until either: (a) the bonds or notes, together with interest thereon, interest on any unpaid installments of interest and all costs and expenses in connection with any action or proceeding by or on behalf of the bondholders or noteholders are fully met and discharged; or (b) principal or interest of any of the bonds or notes shall be overdue and unpaid for a period of three years or more; provided, however, nothing contained in this section shall be deemed to impair the right of the city to continue to operate the presently existing municipal parking facilities and any replacements thereof.

§ 1621-l. State and city not liable on bonds. The bonds, notes and other obligations of the authority shall not be a debt of the state of New York or of the city, and neither the state nor the city shall be liable thereon, nor shall they be payable out of any funds other than those of the authority.

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§ 1621-m. Bonds and notes legal investments for public officers and fiduciaries. The bonds and notes are hereby made securities in which all public officers, and bodies of the state and all municipalities and municipal subdivisions, all insurance companies and associations and other persons carrying on an insurance business, all banks, bankers, trust companies, savings banks and savings associations, including savings and loan associations, building and loan associations, investment companies and other persons carrying on a banking business, all administrators, guardians, executors, trustees and other fiduciaries and all other persons whatsoever who are now or may hereafter be authorized to invest in bonds or other obligations of the state, may properly and legally invest funds including capital in their control or belonging to them. The bonds and notes are also hereby made securities which may be deposited with and shall be received by all public officers and bodies of this state and all municipalities and municipal subdivisions for any purpose for which the deposit of bonds or other obligations of this state is now or may hereafter be authorized.

§ 1621-n. Tax exemptions. 1. It is hereby determined that the creation of the authority and the carrying out of its corporate purposes is in all respects for the benefit of the people of the city of Middletown and its environs, and is a public purpose, and the authority shall be regarded as performing an essential governmental function in the exercise of the powers conferred upon it by this title and shall be required to pay no taxes or assessments upon any of the property acquired by it or under its jurisdiction or control or supervision or upon its activities.

2. Any bonds or notes issued pursuant to this title, together with the income therefrom, as well as the property of the authority, shall be exempt from taxation, except for transfer and estate taxes.

§ 1621-o. Tax contract by the state. The state of New York covenants with the purchasers and with all subsequent holders and transferees of bonds or notes issued by the authority pursuant to this title, in consideration of the acceptance of and payment for the bonds or notes, that the bonds or notes of the authority issued pursuant to this title and the income therefrom, and all moneys, funds and revenues pledged to pay or secure the payment of such bonds or notes, shall at all times be free from taxation except for estate taxes and taxes on transfers by or in contemplation of death.

§ 1621-p. Remedies of bondholders. 1. In the event that the authority shall default in the payment of principal of or interest on any issue of the bonds after the same shall become due, whether at maturity or upon call for redemption, and such default shall continue for a period of thirty days, or in the event that the authority shall fail or refuse to comply with the provisions of this title, or shall default in any agreement made with the holders of any issue of the bonds, the holders of twenty-five per centum in aggregate principal amount of the bonds of such issue then outstanding, by instrument or instruments filed in the office of the clerk of the county of Orange and proved or acknowledged in the same manner as a deed to be recorded, may appoint a trustee to represent the holders of such bonds for the purposes provided in this section.

2. Such trustee may, and upon written request of the holders of twenty-five per centum in principal amount of such bonds then outstanding shall, in the trustee's own name:

(a) by mandamus or other suit, action or proceeding, at law or in equity, enforce all rights of the bondholders, including the right to

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require the authority to collect revenues adequate to carry out by any agreement as to, or pledge of, such revenues, and to require the authority to carry out any other agreements with the holders of such bonds and to perform its duties under this title;

(b) bring suit upon such bonds;

(c) by action or suit in equity, require the authority to account as if it were the trustee of an express trust for the holders of such bonds;

(d) by action or suit in equity, enjoin any acts or things which may be unlawful or in violation of the rights of the holders of such bonds;

(e) declare all such bonds due and payable, and if all defaults shall be made good then with the consent of the holders of twenty-five per centum of the principal amount of such bonds then outstanding, to annul such declaration and its consequences.

3. The supreme court shall have jurisdiction of any suit, action or proceeding by the trustee on behalf of bondholders. The venue of any such suit, action or proceeding shall be laid in the county of Orange.

4. Before declaring the principal of all such bonds due and payable, the trustee shall first give thirty days' notice in writing to the authority.

5. Any such trustee, whether or not the issue of bonds represented by such trustee has been declared due and payable, shall be entitled as of right to the appointment of a receiver of any part or parts of the project the revenues of which are pledged for the security of the bonds of such issue, and such receiver may enter and take possession of such part or parts of the project and, subject to any pledge or agreement with bondholders, shall take possession of all moneys and other property derived from or applicable to the acquisition, construction, operation, maintenance and reconstruction of such part or parts of the project and proceed with the acquisition of any real property necessary or convenient in connection with the project that the authority has covenanted to construct, and with any construction which the authority is under obligation to do and to operate, maintain and reconstruct such part or parts of the project and collect and receive all revenues thereafter arising therefrom subject to any pledge thereof or agreement with bondholders relating thereto and perform the public duties and carry out the agreements and obligations of the authority under the direction of the court. In any suit, action or proceeding by the trustee, the fee, counsel fees and expenses of the trustee and of the receiver, if any, shall constitute taxable disbursements and all costs and disbursements allowed by the court shall be a first charge on any revenues derived from such project.

6. Such trustee shall, in addition to the foregoing, have and possess all of the powers necessary or appropriate for the exercise of any functions specifically set forth in this section or incident to the general representation of bondholders in the enforcement and protection of their rights.

§ 1621-q. Actions against the authority. 1. In every action against the authority for damages, for injuries to real or personal property, or for the destruction thereof, or for personal injuries or death, the complaint shall contain an allegation that at least ninety days have elapsed since the demand, claim or claims upon which such action is founded were presented to a member of the authority, or to its secretary, or to its chief executive officer and that the authority has neglected or refused to make an adjustment or payment thereof for ninety days after such presentment.

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2. Except in an action for wrongful death, an action against the authority for damages for injuries to real or personal property, or for the destruction thereof, or for personal injuries, alleged to have been sustained, shall not be commenced more than one year and ninety days after the cause of action therefor shall have accrued, nor unless a notice of claim shall have been served on the authority within the time limit established by and in compliance with all requirements of section fifty-e of the general municipal law. An action against the authority for wrongful death shall be commenced in accordance with the notice of claim and time limitation provisions of title eleven of article nine of this chapter.

§ 1621-r. Termination of the authority. Whenever all of the bonds and notes issued by the authority shall have been redeemed or cancelled, and all its liabilities and duties met or discharged, the authority shall cease to exist and all rights, title and interests and all obligations and liabilities thereof vested in or possessed by the authority shall thereupon vest in and be possessed by the city of Middletown.

§ 1621-s. Severability. If any clause, sentence, paragraph, subdivision, section or part of this article shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part thereof directly involved in the controversy in which such judgment shall have been rendered. It is hereby declared to be the intent of the legislature that this article would have been enacted even if such invalid provisions had not been included herein.

§ 1621-t. Inconsistent provisions in other acts superseded. Insofar as the provisions of this title are inconsistent with the provisions of any other act, general or special, or of any local law of the city, the provisions of this title shall be controlling.

§ 2. This act shall take effect immediately and shall expire and be deemed repealed upon the occurrence of the events set forth in section 1621-r of title 21 of article 7 of the public authorities law, as added by section one of this act. Upon such occurrence, the mayor of the city of Middletown shall notify the legislative bill drafting commission in order that the commission may maintain an accurate and timely effective data base of the official text of the laws of the state of New York in furtherance of effectuating the provisions of section 44 of the legislative law and section 70-b of the public officers law.

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IMPORTANT: READ INSTRUCTIONS ON REVERSE SIDE

HOME RULE REQUEST

(Request by a Local Government for Enactment of a Special Law)

To the Legislature:

Pursuant to Article IX of the Constitution, the ..... of
(county, city, town or village)

..... requests the enactment of Senate / Assembly bill (no. .....),
(name) (strike out one)

entitled "

."

It is hereby declared that a necessity exists for the enactment of such legislation, and that the facts establishing such necessity are as follows: (Check appropriate box)

☐ The local government does not have the power to enact such legislation by local law.

☐ Other facts, as set forth in the following "Explanation" establish such necessity.

EXPLANATION

(If space below is not sufficient, use separate sheet and attach here)

Such request is made by: (Check appropriate box)

☐ The chief executive officer of such local government, concurred in by a majority of the total membership of the local legislative body. (See paragraph A below)

☐ The local legislative body of such local government, at least two-thirds of the total membership thereof having voted in favor of such request. (See paragraph B below)

READ BEFORE SIGNING

A If the request is made by the chief executive officer and concurred in by a majority of the total membership of the local legislative body, *both* the chief executive officer *and* the clerk of the local legislative body must sign below. In such case use the word "majority" below even though the vote may have been greater.

B. If the request is made by the local legislative body, at least two-thirds of the total membership thereof having voted in favor of such request, *only* the clerk of the local legislative body must sign below. In such case use the words "two-thirds" below.

CHIEF EXECUTIVE OFFICER'S SIGNATURE

(Signed) .....
(chief executive officer)

.....
(Print or type name below signature)

Date: ....., 20 ....
(Title of chief executive officer)

CLERK'S CERTIFICATION

I, ..., do hereby certify that I am Clerk of the .....
(print or type name) (local legislative body)

..... of the .....
(county, city, town or village)

of ..... and that on the ..... day of ..... ,
(name)

20____, such legislative body, at least two-thirds / a majority (strike out one) of the total membership having voted in favor thereof, approved the foregoing request.

(Signed) .....
(clerk)

(SEAL OF LOCAL GOVERNMENT)

.....
(Print or type name below signature)

Date: ....., 20 .....

INSTRUCTIONS

Copies required:

Two signed copies of this form, specifying the final bill number and title must be filed with *each* House of the Legislature.

Examples:

(a) If the bill has been introduced in only *one* House of the Legislature, four copies of the request form must be filed, i.e., two with the Senate and two with the Assembly.

(b) If the identical bill has been introduced in *both* Houses, eight copies of the request form must be filed, i.e., two with the Senate and two with the Assembly for the Senate bill and the same for the Assembly bill.

Date of request:

The signing of a home rule request or the adoption of a resolution by the local legislative body approving such request cannot precede the date on which the bill is actually introduced in the Legislature. In the case of prefiled bills, the actual date of introduction is the first day of the legislative session. The request may be signed or the resolution adopted the same day as the date of introduction.

Amended bills:

Each time the bill is amended a new request must be filed (with the appropriate number of copies) and the new request must correctly identify the bill number as last amended. The signing of the request, and the date of the supporting resolution, cannot precede the date of the amendment.

Transmittal:

The signed forms should be sent as follows:

To the Senate:

Home Rule Counsel
Senate Post Office
208 Legislative Office Building
Albany, N. Y. 12247

To the Assembly:

Home Rule Counsel
Assembly Post Office
210 Legislative Office Building
Albany, N. Y. 12248

Definition of terms:

Chief executive officer.

In the case of a county, the elective or appointive chief executive officer, if there be one, or otherwise the chairman of the board of supervisors; in the case of a city or village, the mayor (not manager); and in the case of a town, the supervisor. (Municipal Home Rule Law §40)

Local legislative body.

The board of supervisors, board of aldermen, common council, council, commission, town board, board of trustees or other elective governing board or body vested by state statute, charter or other law with jurisdiction to initiate and adopt local laws or ordinances. (Municipal Home Rule Law §2)

Local government.

A county, city, town or village (Const. Art. IX, §3; Municipal Home Rule Law §2)

Special law

A state statute which in terms and in effect applies to one or more, but not all, counties (other than those wholly included within a city) cities, towns or villages. (Const. Art. IX §3; Municipal Home Rule Law §2)

Total membership.

The total voting power of a legislative body. (Municipal Home Rule Law, § §20, 40)

CITY OF MIDDLETOWN, NEW YORK
COMMON COUNCIL
RECORD OF VOTE

THE FOLLOWING WAS PRESENTED

By Ald.

Sec'd by Ald.

Date of Adoption: May 16, 2023

Index No: 116-23

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				

Resolution Authorizing the Hiring Lorrie Banks as a Temporary Part Time Cashier in the Finance Department

RESOLVED that the Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment authorizes the hiring of a temporary Part -Time Cashier, Lorrie Banks, at a rate of $28 per hour for three days a week only during collections. Lorrie will assist the Finance Department, while the current cashier is on leave.

CITY OF MIDDLETOWN, NEW YORK
COMMON COUNCIL
RECORD OF VOTE

THE FOLLOWING WAS PRESENTED

By Ald.

Sec'd by Ald.

Date of Adoption: May 16, 2023

Index No:

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Ald. Kleiner				
Ald. Green				
Ald. Witt				
Ald. Masi				
Pres. Rodrigues				
Total				

Resolution Amending the City Code to Create a New Section 475-28A Prohibiting Cannabis Sales in the City

WHERAS, by Local Law #1 of the Year 2021, adopted July 20, 2021, the City of Middletown opted out of the establishment of cannabis retail dispensary licenses within the City of Middletown pursuant to Section 131 of the New York Cannabis Law.

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 475, Zoning, be and is hereby amended by creating a new Section 475-28A of Article IV, General Regulations, to read as follows:

Section 475-28A. Cannabis Sales.

(1). The sale of cannabis, cannabinoids, cannabinoid hemp, cannabis

flower, cannabis products, cannabis-infused products, hemp and hemp extract, as those terms are defined in Section 3 of the New York Cannabis Law, is prohibited in and on all private and public property in every zoning district in the City of Middletown.

(2). Penalties. Any person who violates any of the provision of this Section or any person who owns or controls property upon which such violation occurs shall, upon conviction, be guilty of an offense punishable by a fine of not less than $250 nor more than $2,000 or by imprisonment for a period not exceeding 15 days, or by both such fine and imprisonment. Each day that a violation is permitted to exist shall constitute a separate offense. The term "person," as used in this Section, shall include the owner, property manager as defined in Chapter 296 of the City Code, occupant, mortgagee, vendee in possession, assignee of rents, receiver, executor, trustee, lessee, agent, or any other person, firm or corporation directly or indirectly in control of a premises or part thereof.

Section 2 - Severability. If the provisions of any section, subsection, paragraph, subdivision or clause of this Ordinance shall be judged invalid by a court of competent jurisdiction, such order of judgment shall not affect or invalidate the remainder of any section, subsection, paragraph, subdivision or clause of this Ordinance.

Section 3 - This Ordinance shall take effect immediately.

ATTACHMENTS:
Zoning - Cannabis Dispensaries (Legislation).pdf
PH Zoning Amendment Cannabis Sales.pdf
Cannabis Sales Prohibition Legal Affidavit.pdf
OC Planning Clearence Cannabis Zoning Change.pdf

RESOLUTION

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Section 2 - Severability. If the provisions of any section, subsection, paragraph, subdivision or clause of this Ordinance shall be judged invalid by a court of competent jurisdiction, such order of judgment shall not affect or invalidate the remainder of any section, subsection, paragraph, subdivision or clause of this Ordinance.

Section 3 - This Ordinance shall take effect immediately.

CITY OF MIDDLETOWN
NOTICE OF PUBLIC HEARING

Notice is hereby given that the City of Middletown will hold a public hearing on Tuesday, May 2, 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 a proposed zoning amendment to create a new Section 475-28A of Article IV, General Regulations, to read as follows:

Section 475-28A. Cannabis Sales.

(1). The sale of cannabis, cannabinoids, cannabinoid hemp, cannabis flower, cannabis products, cannabis-infused products, hemp and hemp extract, as those terms are defined in Section 3 of the New York Cannabis Law, is prohibited in and on all private and public property in every zoning district in the City of Middletown.

The complete proposed zoning amendment is available in the office of the Common Council Clerk, City Hall, 16 James Street, room 12, and on the City Website.

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

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: 4/26/23 & 4/27/23
City Website

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:

04/27/2023, 04/28/2023

and that the fees charged are legal.
Sworn to and subscribed before on 04/28/2023

Legal Clerk

Notary, State of WI, County of Brown

My commision expires

Publication Cost:	$82.26	
Order No:	8746837	# of Copies:
Customer No:	684389	1
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
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By the order of the Common Council.

Richard P. McCormack
Clerk of the Common Council

Steven M. Neuhaus
County Executive

Orange County Department of Planning

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

Alan J. Sorensen, AICP
Commissioner

www.orangecountygov.com/planning
planning@orangecountygov.com

County Reply – Mandatory Review of Local Planning Action as per NYS General Municipal Law §239-l, m, & n

Local Referring Board: City of Middletown Common Council
Applicant: City of Middletown Common Council
Project Name: Creation of Zoning Section 475-28A
Referral ID #: MTC 04-23M
Tax Map #: City Wide
Local File #: None Provided
Proposed Action: Zoning amendment to prohibit cannabis sales in and on all private and public property in every zoning district in the City of Middletown
Reason for County Review: Adoption or amendment of local law
Date of Full Statement: April 19, 2023

Comments:

The Department has received the above referenced local law and has found no evidence that significant intermunicipal or countywide impacts would result from its approval. We have no advisory comments regarding this project.

County Recommendation: Local Determination

Date: April 28, 2023
Prepared by: Obed Varughese
Planner

Alan J. Sorensen, AICP
Commissioner of Planning

As per NYS General Municipal Law 239-m & n, within 30 days of municipal final action on the above referred project, the referring board must file a report of the final action taken with the County Planning Department. For such filing, please use the final action report form attached to this review or available on-line at www.orangecountygov.com/planning.

CITY OF MIDDLETOWN, NEW YORK
COMMON COUNCIL
RECORD OF VOTE

THE FOLLOWING WAS PRESENTED

By Ald.

Sec'd by Ald.

Date of Adoption: May 16, 2023

Index No: 117-23

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Ald. Green				
Ald. Witt				
Ald. Masi				
Pres. Rodrigues				
Total				

Resolution Confirming the Mayor's Appointment of Norris Gipson to Recreation Commission

Resolved that the Common Council of the City of Middletown confirms the Mayor's appointment of Norris Gipson (Replacing Anthony Williams) to the Recreation Commission, for a term ending on March 24, 2024.

ATTACHMENTS:
Norris Gipson Resume.pdf

NORRIS GIPSON

Middletown, NY 10940 | (845) 800-6462 | gipson001@wcsu.edu
34 Knapp Avenue, Middletown, NY 10940

PROFESSIONAL SUMMARY

- Senior health promotion and exercise science major at Western Connecticut State University
- Implemented a program on campus to help combat and educate students on food insecurity
- Personable, upbeat and focused on performing duties successfully with efficient and organized support.
- Ready to apply years of experience and diverse skills to a new role.
- Demonstrates leadership abilities through role as Assistant Director

EDUCATION

Western Connecticut State University, Danbury, CT | May 2021
Bachelor of Science; Degree in Health Promotion and Exercise Sciences

SKILLS

- Event planning and execution
- Procedure implementation
- Microsoft Office Applications: Word, Outlook, PowerPoint
- Video Conferencing Platforms: Zoom, Webex, Microsoft Teams
- HIPPA Training

PROFESSIONAL EXPERIENCE

★ Currently the Program Coordinator for the Middletown Housing Authority
4/12/23 (RB)

YMCA OF MIDDLETOWN

Camp Assistant Director | Middletown, NY | May 2021- Present

- Assist the Camp Director in all aspects of the summer camp program such as creating activities and programs, managing camp records and setting goals for camp
- Responsible for overseeing camp counselors, monitoring counselor productivity and advising staff on how to attend to campers needs
- ~~Enforce safety procedures and protocols for wellbeing of campers~~
- Facilitate morning opening ceremony

WESTERN CONNECTICUT STATE UNIVERSITY

Resident Assistant, Event Staff | Danbury, CT | September 2019 – May 2021

- Set up event facilities and equipment, cleaned areas and organized supplies
- Worked in maintenance, accomplishing all assigned tasks with efficiency and accuracy
- Created and hosted a variety of social, cultural and community service programs
- Reported any issues or concerns to supervisor in accordance with campus guidelines

MIDDLETOWN HOUSING AUTHORITY

Maintenance and Grounds Keeper | Middletown, NY | June 2015 – Present

- Inspected facility and building grounds to identify areas requiring maintenance and repair or posing safety hazards
- Cared for lawns by mulching, aerating, weeding, grubbing and trimming and edging around walkways, walls and flower beds
- Maintained routine landscaping schedules to boost lawn health and keep facilities neat and well-groomed
- Communicated with landowners about ground conditions, budgets and repair requirements

CITY OF MIDDLETOWN, NEW YORK
COMMON COUNCIL
RECORD OF VOTE

THE FOLLOWING WAS PRESENTED

By Ald.

Sec'd by Ald.

Date of Adoption: May 16, 2023

Index No:

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				

Resolution Authorizing the Accounts be Audited, the Claims Adjusted

I MOVE THE ACCOUNTS BE AUDITED, THE CLAIMS ADJUSTED AND THE

TREASURER BE AUTHORIZED TO ISSUE WARRANTS FOR THEIR PAYMENTS