CITY OF MIDDLETOWN
COMMON COUNCIL MEETING AGENDA
FEBRUARY 15, 2022

1. PLEDGE OF ALLEGIANCE
2. ROLL CALL (COUNCIL CLERK)
3. APPROVAL OF MINUTES Meeting of January 18, 2022
4. CORRESPONDENCE, COMMUNICATIONS AND REPORTS (NOTHING THIS EVENING)
5. FOR THE GOOD OF THE CITY (PUBLIC PARTICIPATION)
6. REMARKS OF THE MAYOR
7. REMARKS OF DEPARTMENT HEADS
8. PUBLIC HEARINGS AND GRIEVANCES (NOTHING THIS EVENING)
9. PETITIONS AND COMPLAINTS (NOTHING THIS EVENING)
10. REMARKS OF THE ALDERMAN AND REPORTS OF COMMITTEES
11. UNFINISHED BUSINESS (NOTHING THIS EVENING)
12. NEW BUSINESS (RESOLUTIONS)
    - Resolution authorizing the Mayor to submit a funding proposal to the Orange County Youth Bureau.
    - Resolution authorizing the transfer of 220 ½ Linden Avenue to the Community Development Agency.
    - Resolution authorizing the Mayor to sign an agreement with Low Income Household Water Assistance Program
    - Resolution authorizing the Otisville Country Fair to borrow two portable lights.
    - Resolution appointing members of the Recreation Commission
13. LOCAL LAWS (NOTHING THIS EVENING)
14. AUDIT OF CLAIMS AND ACCOUNTS (FINANCE COMMITTEE CHAIR)
15. ADJOURNMENT

The agenda is tentative and established on all accessible information at this time. Items may be eliminated at any time. Resolutions are added on an emergency basis.

Common Council Meeting
January 18, 2022
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 Ramkissoon
Ald. Kevin Witt
Ald. Andrew Green
Ald. Joseph Masi

A B S E N T

Ald. Jude Jean-Francois

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

PRESIDENT RODRIGUES: Roll.

2. Roll Call

Roll Call: Johnson, Ramkissoon, Kleiner, Green, Witt, Masi, President Rodrigues.

3. Approval of Minutes.

PRESIDENT RODRIGUES: Approval of minutes.

COUNCIL CLERK: We have the minutes this evening from December 7th, December 21st, and January 23rd, 2022.

ALD. MASI: So moved.

PRESIDENT RODRIGUES: We have a motion by Mr. Masi, seconded by Alderman Green. All in favor?

COUNCIL MEMBERS: Aye.

4. Correspondence, Communications and Reports

PRESIDENT RODRIGUES: Correspondence.

COUNCIL CLERK: None this evening.

5. For the Good of the City

PRESIDENT RODRIGUES: Anyone who would like to address the Council, please step forward.

Eileen, do we have anybody on line? Hearing none.

6. Remarks of the Mayor.

(None this evening.)

7. Remarks of Department Heads.

PRESIDENT RODRIGUES: Remarks of Department Heads. Economic Development.

MARI BRUNI, ECONOMIC DEVELOPMENT: Good evening, everyone. Our Department has been busy this past month with reorganizational meetings and annual meetings. We had the bid annual meeting last week. And today we had our IDA and CDA reorganizational meetings. And everything went very well. And on, on to continuing with 2022 and, hopefully, we'll have a successful year.

And that's all I have for tonight.

PRESIDENT RODRIGUES: Any questions for Maria?

Thank you, Maria.

Fire Chief.

NICK BARBER, FIRE CHIEF: We've been busy too, a lot of busted water pipes. So far we're up to 67 calls for the month of January. And we finished off, I believe, last year with 886, just up 20, 20 runs from year previous.

Other than that, that's all I have for right now. Questions?

PRESIDENT RODRIGUES: Any questions for the Fire Chief? Just, Chief, on those email -- send me an email of all the broken water pipes.

NICK BARBER, FIRE CHIEF: All of them. You have

it on Rover, you know.

PRESIDENT RODRIGUES: I know, but I want it in an email.

NICK BARBER, FIRE CHIEF: I'll take -- I'll do your secretary work.

PRESIDENT RODRIGUES: Appreciate it.

NICK BARBER, FIRE CHIEF: Okay.

Police Chief.

JOHN EWANCIW, POLICE CHIEF: Good evening. Just a couple of quick things this evening. First, I'd like to recognize the fifth grade students at Presidential Park Elementary School. This past Friday they had their DARE graduation. Once again, Officer Beebe did a great job bringing all the students up to graduation level, so congratulations to her as well.

And, secondly, I just want to remind the community about parking. The overnight parking is in effect. Especially during the winter storm, please don't leave your cars out there and cause us to tow them. It's -- it's very expensive, so please follow along with the rules.

Tonight there be some downtown parking restrictions due to snow removal, so please pay attention that as well.

Other than that, I have nothing.

PRESIDENT RODRIGUES: Any questions for the police chief?

Houston Avenue has a car buried in the snow with several tickets on it.

JOHN EWANCIW, POLICE CHIEF: With several tickets?.

PRESIDENT RODRIGUES: We can -- we can tow that one tonight.

JOHN EWANCIW, POLICE CHIEF: At least it has tickets.

PRESIDENT RODRIGUES: It's low numbers, like, maybe 13, 14.

JOHN EWANCIW, POLICE CHIEF: Find it, they have a lot of snow on it. Thank you.

PRESIDENT RODRIGUES: All right. Superintendent of Recreation.

RAELYNN BERTHOLF, SUPERINTENDENT OF RECREATION: Good evening, everyone. We started programming, keeping it going. We have a few new programs. Cooking class actually filled up soon, like, within a day of posting it. And we also have some new art classes and indoor soccer, so check out our registration site. And, Mr. Masi, welcome back, I missed you.

ALD. MASI: Thank you. I was wondering why the other two department or three department heads -- I appreciate that. Thank you.

MALE SPEAKER: Do you want me to answer that right now?

RAELYNN BERTHOLF, SUPERINTENDENT OF RECREATION: And then, Your Honor, that is all tonight. Any questions?

PRESIDENT RODRIGUES: Any, any questions for Raelynn? Raelynn, I know I'm going to say this, I'm probably going to say this once a month, lifeguards.

RAELYNN BERTHOLF, SUPERINTENDENT OF RECREATION: Yes.

PRESIDENT RODRIGUES: We've got to recruit. We have to open the pools up this year. I know we've got to do it.

RAELYNN BERTHOLF, SUPERINTENDENT OF RECREATION: We're going to be working on permits to get into the pool and looking for someone to run our classes for us.

PRESIDENT RODRIGUES: All right. Thank you.

RAELYNN BERTHOLF, SUPERINTENDENT OF RECREATION: You're welcome.

City Treasurer.

KELLY ANN KELLY, CITY TREASURER: Good evening. I just wanted to thank you all for approving that local law

that will make the Finance Department's job very happy. In fact, some of the residents actually like it at the Village of Walden. A lot of people just didn't pay their water bill and then they were able to use more deductions on their taxes. That's what they used to tell me. You know, I just spoke to Alex, we're probably going to do some fees maybe to still entice people to pay it, you know, instead of going on the taxes, but thank you. And welcome back, Mr. Masi.

PRESIDENT RODRIGUES: Any questions for Kelly? Thank you, Kelly.

City Clerk.

RICHARD MCCORMACK, CITY CLERK: Welcome back, Mr. Masi. That's it.

PRESIDENT RODRIGUES: Any questions? All right.

8. Public Hearings and Grievances.

PRESIDENT RODRIGUES: No public hearings.

9. Petitions and Complaints

PRESIDENT RODRIGUES: No Petitions and Complaints.

10. Remarks of the Alderman.

PRESIDENT RODRIGUES: Remarks of Alderman. Alderman Masi.

ALD. MASI: First, I am glad to be back. I left

sunny California, but it's nicely back in your hometown and be part of this group.

I wasn't around for Christmas or New Year's, so Merry Christmas and Happy New Year, Happy Hanukah, whatever to everyone.

Just a couple other things and I'll get out of here. First Ward residents, remember that since yesterday was a holiday, do not put your garbage out tomorrow night, put it out Thursday night.

And if anyone is looking for a free COVID, all you have to do is go online, go on COVID19 and each household will be shipped one package with four free tests in it. You can go there or you can go up, you can go online to USPS, that's the postal office, they also have a link to it.

And then, finally, the last thing and I'll stop it now, but I will be bringing this up again. I want to congratulate our governor. I see that on January 9th in the paper, Hochul wants term limits, higher ethics, no book deals. As you know, I happen to be a proponent of term limits. I will stop here, but at some time in the future I will be bringing it up again.

PRESIDENT RODRIGUES: Alderman Witt.

ALD. WITT: Thank you very much. One of my new

responsibilities in this position is -- is taking over the Recreation and Parks Committee Chairmanship from Alderman Burr. And on Wednesday, I attended the Recreation Committee meeting, excuse me, Recreation Commission meeting. And something to sort of tuck away. We may hopefully be having it come here is one of the things we talked about was trying to figure out a way to have transportation from around the city in different spots to get to our new recreation campus since it is no longer in the center of town. So we have Mr. Higby from MidCity is going to crunch some numbers for us and, you know, bring it back. And we're going to take a look at it and see what we can make work. There was -- there were discussions about possible different areas within town that we would have buses coming on certain days. And, hopefully, at some point if we can make it happen, perhaps, that would mean the adjusting of -- of times for some of these programs. So if we sort of had a set time that everybody knew when it was going to happen and -- and when it would end, hopefully we can help get more children involved in these programs. So I'll keep you posted. But it, you know, just to let you know that it's -- it's happening or attempting to happen. Thank you.

PRESIDENT RODRIGUES: Thank you.

Alderman Green.

ALD. GREEN Thank you. I do just want to make a note this evening. I've been driving around today and noticed there are still a lot of sidewalks that haven't been cleared even attempted to be clear that I've noticed. You know, it's -- it's definitely a hazard to people who are walking and school back in today. And, you know, we have children who need to cross the street. So if you have a sidewalk, please clear it, you know, or else we -- we will be sending out crews to -- to clean it off and you will be charged for it.

Also, if you live on an intersection or a corner, please clear out to the street, so that, again, children can -- can safety pass without having to walk through snow or walk into the street to get by.

And also just another note, please clear around your fire hydrants if you have any by your house. Thank you.

PRESIDENT RODRIGUES: Alderman Kleiner.

ALD. KLEINER: Thank you. The warming station will be having another training session tomorrow. I think it's the last one on the schedule for now. It's at 8-10 Mulberry Street at 7 p.m. If anyone is able to volunteer, it's -- this last couple of weeks you get the idea of why

we really need the warming station. I don't know what we'd do without it.

And I -- I had a lot of updates on my list. And I'm going to save those for the next meeting just like the Heritage Trail and the O & W, Amy's Kitchen and the whole, a whole bunch of other projects that are ongoing that it would be nice to get an update on soon.

And on that line, I asked the Mayor and he said February 15th, the February 15th meeting he will be giving his State of the City. So we may wait for then for some of the updates. But in the Mayor's honor, I just want to say go Bills and go '9ers. Thank you.

PRESIDENT RODRIGUES: Alderman Ramkissoon.

ALD. RAMKISSOON: Welcome back, Joe. I'm glad to see you.

I don't really have anything this evening. I just want to make sure that I congratulate those kids. I was actually able to be at the DARE graduation this year and I lucked into being able to help out and watch my son participate. The kids were great. What Officer Beebe does with them is fantastic. It's just another program that our police department does in the City to interact with the kids and the community which is kind of one of the reasons why our PD is the best of the best. And it's a great

program, it's working well. Congrats to you, a feather in your cap, chief, and for Officer Beebe.

And that's all I have tonight. Thank you.

PRESIDENT RODRIGUES: Alderman Johnson.

ALD. JOHNSON: Thank you, Sir.

I'll say welcome back as well. You know, my family was in Bakersfield for a while. I still call California the craziest state, but I hope you enjoy staying there the time that you do.

To Alderman Witt, I want to congratulate you. You've hit the ground running. One of the very first comments when we were going to put that location into -- into being was accessibility compared to Academy Ave. and walking to it. So thank you very much for taking care of that, I appreciate it.

PRESIDENT RODRIGUES: Alderman Tobin.

ALD. TOBIN: Yes, I agree with the warming station, you know, I was thinking that over the weekend. Thanks, thanks for the volunteers giving folks a place to stay. It was so cold. My pipes froze. I think it's like the second time the whole time I've been in my house in like 20 years so. Nothing blew up, but it as still, you know, thanks, thanks for those special people.

And I'd love to have the idea to get

transportation out there. I live near the Academy. I know kids have walked to the rec center and we don't want them crossing the county route there. So that would be a great idea. I'd love to see the county maybe their buses too somehow link in there as well. But anything we can do to get them out there would be great. Thank you.

PRESIDENT RODRIGUES: Okay. I just want to thank DPW for the snowstorm cleanup. I like to drive in the snow and it was fun for me. So they did an awesome job. And today is Jacob's birthday, so I want to wish him a happy birthday. He's not here today, so he's out with family. And that's all I have.

PRESIDENT RODRIGUES: New business.

12. New Business.

COUNCIL CLERK: Good evening. We have a resolution sponsored by Alderman Johnson amending the City Code to prohibit barbecuing on the sidewalk.

PRESIDENT RODRIGUES: A resolution sponsored by Alderman Johnson, seconded by Alderman Green. Any discussion? Roll.

Roll Call: Tobin, Johnson, Ramkissoon, Kleiner, Green, Witt, Masi, President Rodrigues. Motion carries.

We have a resolution sponsored by Alderman Johnson amending the City Code to prohibit smoking and

vaping of any kind in City parks, playgrounds, properties, parking lots, and facilities.

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

Roll Call: Tobin, Johnson, Ramkissoon, Kleiner, Green, Witt, Masi, President Rodrigues. Motion carries.

COUNCIL CLERK: We have a resolution sponsored by Alderman Green amending the City Code to create a new Chapter 213 Code and Quality Life Enforcement.

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

Roll Call: Tobin, Johnson, Ramkissoon, Kleiner, Green, Witt, Masi, President Rodrigues. Resolution carries.

CITY CLERK: We have a resolution sponsored by Alderman Tobin amending the City Code to create a New Chapter 317 for limited use motorcycles.

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

Roll Call: Tobin, Johnson, Ramkissoon, Kleiner, Green, Witt, Masi, President Rodrigues. Motion carries.

CITY CLERK: We have a resolution sponsored by Alderman Masi authorizing the Treasurer to transfer $13,100 from within the Corporation Counsel's 20211 budget.

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

Roll Call: Tobin, Johnson, Ramkissoon, Kleiner, Green, Witt, Masi, President Rodrigues. Motion carries.

CITY CLERK: We have a resolution sponsored by Alderman Masi authorizing the Mayor to sign a Server Migration Agreement with Springbrook Software for the KVS Software Program.

PRESIDENT RODRIGUES: Resolution sponsored by Alderman Masi, seconded by Alderman Johnson. Any discussion? Roll Call: Tobin, Johnson, Ramkissoon, Kleiner, Green, Witt, Masi, President Rodrigues. Motion carries.

CITY CLERK: We have a resolution sponsored by Alderman Witt authorizing a proposal from JCO to provide a licensed 3A operator for the water treatment plant.

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

Roll Call: Tobin, Johnson, Ramkissoon, Kleiner,

Green, Witt, Masi, President Rodrigues. Motion carries.

CITY CLERK: And we have a resolution sponsored by Alderman Tobin declaring a Middletown police vehicle as surplus.

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

Roll Call: Tobin, Johnson, Ramkissoon, Kleiner, Green, Witt, Masi, President Rodrigues. Carries.

CITY CLERK: We have a resolution sponsored by Alderman Masi modifying Resolution 96-21 to correct an account code.

PRESIDENT RODRIGUES: Resolution sponsored by Alderman Masi, seconded by Alderman Ramkissoon. Any discussions? Roll.

Roll Call: Tobin, Johnson, Ramkissoon, Kleiner, Green, Witt, Masi, President Rodrigues.

CITY CLERK: We have a resolution sponsored by Alderman Ramkissoon authorizing the Treasurer to transfer $520.88 from within the 2021 Community Development budget.

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

Roll Call: Tobin, Johnson, Ramkissoon, Kleiner,

Green, Witt, Masi, President Rodrigues. Motion carries.

CITY CLERK: That concludes new business.

PRESIDENT RODRIGUES: Local laws.

CITY CLERK: We have local law introduction Number 1 of 2022 changing the notification requirements for special meetings of the Common Council.

PRESIDENT RODRIGUES: Number 1 and do we have a Number 2?

CITY CLERK: Number 2 is allowing a delinquent water and sewer charges to be relevied into real property tax bills.

PRESIDENT RODRIGUES: Okay. First reading. And audit.

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

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

Roll Call: Tobin, Johnson, Ramkissoon, Kleiner, Green, Witt, Masi, President Rodrigues. Motion carries.

PRESIDENT RODRIGUES: Okay. Move for adjournment.

MALE SPEAKER: So moved.

(PROCEEDING CONCLUDED)

CERTIFICATE

I, LISA KANE, certify the foregoing transcript of proceedings of the January 18, 2022 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: February 7, 2022

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

CITY OF MIDDLETOWN, NEW YORK
COMMON COUNCIL
RECORD OF VOTE

THE FOLLOWING WAS PRESENTED

By Ald. Johnson

Sec'd by Ald. Green

Date of Adoption 01.18.22

Index No:21 -22

NAMES	AYES	NOES	ABSTAIN	ABSENT
Ald. Tobin	X			
Ald. Jean-Francois				X
Ald. Johnson	X			
Ald. Ramkissoon	X			
Ald. Kleiner	X			
Ald. Green	X			
Ald. Witt	X			
Ald. Masi	X			
Pres. Rodrigues	X			
TOTAL	8			1

WHEREAS, the increased use of public sidewalks for barbequing has created a safety risk to persons and property 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. Chapter 416, Streets and Sidewalks, of the Code of the City of Middletown is hereby amended by adding a new Section 416-8a to Article I, General Regulations, to read as follows:

Section 416-8a. Barbeques.

It shall be unlawful to barbeque foods or emplace barbeque equipment on any sidewalk in the City of Middletown. A person who shall violate a provision of this Section shall be guilty, upon conviction, of an offense punishable by a fine of not more than $250, or by imprisonment for a period not exceeding fifteen (15) days, or by any combination thereof.

Section 2. 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. Johnson

Sec'd by Ald. Kleiner

Date of Adoption 01.18.22

Index No: 22-22

NAMES	AYES	NOES	ABSTAIN	ABSENT
Ald. Tobin	X			
Ald. Jean-Francois				X
Ald. Johnson	X			
Ald. Ramkissoon	X			
Ald. Kleiner	X			
Ald. Green	X			
Ald. Witt	X			
Ald. Masi	X			
Pres. Rodrigues	X			
TOTAL	8			1

WHEREAS, the Mayor, Superintendent of Recreation, Police Chief, Commissioner of Public Works, Community Development Director, and Corporation Counsel have made recommendations in light of the recent enactment of the 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 348, Parks and Recreation, is hereby amended by replacing Article V thereof, to read as follows:

Article V. Smoking in City Parks, Playgrounds, Properties, Parking Lots and Facilities.

Section 348-17. Smoking Prohibitions in City Parks, Playgrounds, Properties, Parking Lots and Facilities.

A. There shall be no smoking or vaping of cigars, cigarettes, tobacco products, cannabis or cannabis products or use of electronic cigarettes or e-cigarettes in the following City parks, playgrounds, properties, parking lots and facilities:

1. John F. Degnan Square (29-37 West Main Street, City Tax Map Section 31, Block 10, Lot 17.2).

2. Jerry's Park (44-46 North Street, City Tax Map Section 31, Block 8, Lot 7).

3. 116 North Street Park (116 North Street, City Tax Map Section 25, Block 9, Lot 11).

4. Run For Downtown Park (R4DT Park) (9-15 North Street, City Tax Map Section 31, Block 7, Lot 19.2).

5. Sproat Street Park (28-36 Sproat Street, City Tax Map Section 17, Block 5, Lot 1).

6. Wallace Park (76-82 North Street, City Tax Map Section 31, Block 8, Lot 2).

7. Watts Memorial Park (5-15 Wisner Avenue and 100-142 Watkins Avenue, City Tax Map Section 4, Block 3, Lot 10).

8. Erie Way Park (including the City's skatepark) (1-31 Union Street, City Tax Map Section 31, Block 12, Lot 12.122).

9. Academy Avenue Park (46-58 Academy Avenue, City Tax Map Section 40, Block 3, Lot 1).

10. Beattie Hill Park, 100-102 Prospect Avenue, City Tax Map Section 36, Block 5, Lot 28).

11. Ben & Paula Amchir Park (2-12 Birch Drive, City Tax Map Section 53, Block 5, Lot 1).

12. Bennett Hill Park (105-117 East Avenue, City Tax Map Section 40, Block 8, Lot 1).

13. Fancher-Davidge Park (158-170 Lake Avenue, City Tax Map Section 14, Block 1, Lot 1).

14. Jerome W. Neil Park (118-120 Linden Avenue and 282-290 North Street, City Tax Map Section 16, Block 7, Lot 12.1).

15. Katherine Chappell Memorial Park (57-63 Beacon Street, City Tax Map Section 11, Block 6, Lot 77).

16. Maple Hill Park (California Avenue, West Main Street and Maple Avenue, City Tax Map Section 28, Block 14, Lot 1).

17. Thrall Park (21-41 Grove Street, City Tax Map Section 26, Block 4, Lot 1).

18. Middletown City Hall (16 James Street).

19. Middletown Police Station (2 James Street).

20. Middletown City Court (2 James Street).

21. Middletown Central Fire Station (81 East Main Street).

22. North Street Fire House.

23. Wallkill Avenue Fire House.

24. Paramount Theatre (17-21 South Street, City Tax Map Section 35, Block 3, Lot 16.1).

25. Heritage Trail sections within the City of Middletown.

26. James Street parking lot.

27. East Main Street parking lot (7-27 East Main Street).

28. West Main Street parking lot (adjacent to 28 West Main Street).

29. West Main Street parking lot (between 12 West Main Street and 20 West Main Street, extending to South Street).

30. South Street parking lot (adjacent to 2-8 South Street and extending behind 2-8 South Street and along Washington Street, on two levels (Upper & Lower lots).

31. Paramount Theatre parking lot (23 South Street, City Tax Map Section 35, Block 3, Lot 17).

32. South Street Lot (adjacent to 26 South Street and across from 25 South Street [the court building]).

33. Canal Street parking lot.

34. Erie Station/adjacent to 90 North Street.

35. Second Baptist Church parking lot (on North Street, between 123 North Street and 135 North Street and extending to Grove Street).

36. Courtland Street parking lot.

37. Railroad Avenue/North Street corner lot.

38. North Street parking lot adjacent to 101 North Street.

39. Henry Street Lot.

40. Salvation Army building parking lot (between Mill Street and Hanford Street Lot).

41. Erie Way (between North Street and Cottage Street).

42. Coach USA Lot.

43. City parking lot (between Cottage Street and Montgomery Street).

44. Watts Park parking areas along Wisner Avenue and Watkins Avenue.

45. Orchard Street parking lot.

46. Union Street Lot.

47. Rail Trail Commons Lot.

48. North Street parking lot adjacent to 118-118.5 North Street.

49. Mulberry House Parking Lot (12-14 Mulberry Street, City Tax Map Section 35, Block 1, Lot 7).

50. Mulberry House (8-10 Mulberry Street, City Tax Map Section 35, Block 1, Lot 6).

51. Recreation Campus (393 County Route 78).

52. Water Treatment Plant (88 Pilgrim Corners Road).

53. Wastewater Treatment Plant (159 Dolson Avenue).

54. Water Department Garage (78-84 Monhagen Avenue).

55. DPW Garage (to salt shed) (44-76 Monhagen Avenue).

56. All City Reservoirs and Watershed properties.

57. All City Water Storage Tank sites.

B. There shall be no smoking or vaping of cigars, cigarettes, tobacco products, cannabis or cannabis products or use of electronic cigarettes or e-cigarettes within fifty (50) feet of all entrances, exit(s), open windows, ventilation intake systems and covered entrances of any of the properties or facilities listed in Subsection A, above, excepting however that this prohibition shall not apply to any of the properties or facilities listed in Paragraphs 25-49 of Subsection A, above.

C. There shall be no smoking or vaping of cigars, cigarettes, tobacco products, cannabis or cannabis products or use of electronic cigarettes or e-cigarettes within two hundred (200) feet of any school (as that term is defined in the New York Education Law), school grounds, house of worship, public or association library (as that term is defined in the New York Education Law) or United States Post Office, excepting, however, that the provisions of this Subsection shall not apply to smoking or vaping in a residence, or within the real property boundary lines of such residential real property.

D. A person who shall violate any provision of this Section shall be guilty, upon conviction, of an offense punishable by a fine not less than $100 nor more than $500 or by imprisonment for a period not exceeding 15 days, or by both such fine and imprisonment.

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. This Ordinance shall take effect immediately.

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 01.18.22

Index No: 23-22

NAMES	AYES	NOES	ABSTAIN	ABSENT
Ald. Tobin	X			
Ald. Jean-Francois				X
Ald. Johnson	X			
Ald. Ramkissoon	X			
Ald. Kleiner	X			
Ald. Green	X			
Ald. Witt	X			
Ald. Masi	X			
Pres. Rodrigues	X			
TOTAL	8			1

WHEREAS, the Mayor, Police Chief and Corporation Counsel have recommended enhanced capability for local adjudication of offenses involving code enforcement and quality of life issues, and

WHEREAS, the Common Council finds that it is appropriate for cities to adjudicate code enforcement and local quality of life issues in city courts rather than superior courts, and

WHEREAS, the Common Council finds that district attorneys in New York State are hindered from prosecuting local code enforcement and quality of life issues due to budgetary and staffing constraints.

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., is hereby amended by creating a new Chapter 213, Code and Quality of Life Enforcement, to read as follows:

Chapter 213. Code and Quality of Life Enforcement.

Section 213-1. Disorderly Conduct in City Facilities, Parks, Playgrounds, Properties, Parking Lots, Streets and Sidewalks.

It is prohibited for any person, age of 16 years or older, to engage in disorderly conduct in any City facility, park, playground, property, parking lot, street or sidewalk. A person is guilty of disorderly conduct when he or she, with intent to cause public inconvenience, annoyance or alarm, or recklessly creating a risk thereof:

A. Engages in fighting or in violent, tumultuous or threatening behavior; or

B. Makes unreasonable noise; or

C. Uses abusive or obscene language, or makes an obscene gesture; or

D. Without lawful authority, disturbs any lawful assembly or meeting of persons; or

E. Obstructs vehicular or pedestrian traffic; or

F. Congregates with other persons in a public place and refuses to comply with a lawful order of the police to disperse; or

G. Creates a hazardous or physically offensive condition by any act which serves no legitimate purpose.

Section 213-2. Harassment in City Facilities, Parks, Playgrounds, Properties, Parking Lots, Streets and Sidewalks.

It is prohibited for any person, age of 16 years or older, to engage in harassment in any City facility, park, playground, property, parking lot, street or sidewalk. A person is guilty of harassment when he or she, with intent to harass, annoy or alarm another person:

A. Strikes, shoves, kicks or otherwise subjects such other person to physical contact, or attempts or threatens to do the same; or

B. Follows a person in or about a public place or places; or

C. Engages in a course of conduct or repeatedly commits acts which alarm or seriously annoy such other person and which serve no legitimate purpose.

Section 213-3. Obstructing Governmental Administration.

It is prohibited for any person, age of 16 years or older, to obstruct governmental administration. A person is guilty of obstructing governmental administration when he or she intentionally obstructs, impairs or perverts the administration of this Chapter or any other provision of the Middletown City Code, or prevents or attempts to prevent a public servant from performing an official function involving the administration of this Chapter or any other provision of the Middletown

City Code, by means of intimidation, physical force or interference, or by means of any independently unlawful act.

Section 213-4. Resisting Arrest.

It is prohibited for any person, age of 16 years or older, to resist arrest. A person is guilty of resisting arrest when he intentionally prevents or attempts to prevent a police officer or peace officer from effecting an authorized arrest of himself or another person for violation of any provision of this Chapter or any other Chapter of the Middletown City Code.

Section 213-5. Penalties.

A person who shall violate any provision of this Chapter shall be guilty, upon conviction, of an offense punishable by a fine not less than $250 nor more than $1,000 or by imprisonment for a period not exceeding 15 days, or by both such fine and imprisonment.

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. This Ordinance shall take effect immediately.

CITY OF MIDDLETOWN, NEW YORK
COMMON COUNCIL
RECORD OF VOTE

THE FOLLOWING WAS PRESENTED

By Ald. Tobin

Sec'd by Ald. Kleiner

Date of Adoption 01.18.22

Index No: 24-22

NAMES	AYES	NOES	ABSTAIN	ABSENT
Ald. Tobin	X			
Ald. Jean-Francois				X
Ald. Johnson	X			
Ald. Ramkissoon	X			
Ald. Kleiner	X			
Ald. Green	X			
Ald. Witt	X			
Ald. Masi	X			
Pres. Rodrigues	X			
TOTAL	8			1

WHEREAS, the increased unsafe use of limited use motorcycles has created a substantial safety risk to persons and property 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. There is to be added to the Code of the City of Middletown a new Chapter 317, entitled "Limited Use Motorcycles" to read in its entirety as follows:

CHAPTER 317. LIMITED USE MOTORCYCLES

Section 317-1. Definitions.

As used in this Ordinance, the following terms shall have the meanings indicated:

LIMITED USE MOTORCYCLE – A limited use vehicle having only two or three wheels, with a seat or saddle for the operator, and shall have the ability to be exclusively propelled by anything other than muscular power, and has a maximum performance speed of not more than forty (40) miles per hour.

PRIVATE PROPERTY – All land and buildings in the City of Middletown not included in the definition of "public property" nor part of the public road system.

PUBLIC PROPERTY – Lands and buildings, including City parks, owned or leased or operated pursuant to easement by the City of Middletown, any school district property, or any property owned or leased by the County of Orange or the State of New York or any other equivalent body. This definition specifically excludes any public roadways owned or maintained by any of the aforementioned public entities.

Section 317-2. Prohibited Acts.

It shall be unlawful to operate a limited use motorcycle in the following locations and/or manners:

A. Upon or near any public roadway, unless such limited use motorcycle is properly registered pursuant to the provisions of New York State Vehicle and Traffic Law, Chapter 71, Title 11, Article 48A.

B. Upon public property at any time without express consent or permit issued by the governmental agency in control of said property.

C. Upon private property (other than that private property owned by the family of the operator) without the written consent of all the owners of the private property. Written consent must be carried with all limited use motorcycle operators at all times.

D. In violation of New York State Vehicle and Traffic Law, Chapter 71, Title 11, Article 48A and the rules and regulations of the Department of Motor Vehicles of the State of New York. Should the Department of Motor Vehicles require registration or licensing of said vehicles, then it shall be unlawful to operate said vehicle without proper registration and licensing.

Section 317-3. Penalties.

A person who shall violate a provision of this Chapter shall be guilty, upon conviction, of an offense punishable by a fine of not more than $2500, for the first offense and $5000 for a second or subsequent offense within a 12-month period measured from the date of the first alleged violation of this Chapter, or by imprisonment for a period not exceeding fifteen (15) days, or by impoundment of the limited use motorcycle for a period not to exceed sixty (60) days, or by any combination thereof. Limited use motorcycles that are impounded in violation of this Chapter shall only be released to the titled and/or registered owner, as listed on a valid title and/or registration, or to a subject with a proper notarized bill of sale that includes the vehicle identification number and indicates he/she is the owner of said limited use motorcycle. No motorcycle

shall be released until the owner pays all towing and storage fees associated with the impoundment.

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. Green

Date of Adoption 01.18.22

Index No: 25-22

NAMES	AYES	NOES	ABSTAIN	ABSENT
Ald. Tobin	X			
Ald. Jean-Francois				X
Ald. Johnson	X			
Ald. Ramkissoon	X			
Ald. Kleiner	X			
Ald. Green	X			
Ald. Witt	X			
Ald. Masi	X			
Pres. Rodrigues	X			
TOTAL	8			1

RESOLVED; that the Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment to authorize the Treasurer to transfer $13,100 from with Corporation Counsels 2021 budget in the following manner to cover unpaid litigation invoices.

From	**Amount**	**To**
A.1420.488 Corporation Counsel Grievance	$12,600	A.1420.489 Litigation
A.1420.433 Personnel Training	$500	A.1420.489 Litigation

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 01.18.22

Index No: 26-22

NAMES	AYES	NOES	ABSTAIN	ABSENT
Ald. Tobin	X			
Ald. Jean-Francois				X
Ald. Johnson	X			
Ald. Ramkissoon	X			
Ald. Kleiner	X			
Ald. Green	X			
Ald. Witt	X			
Ald. Masi	X			
Pres. Rodrigues	X			
TOTAL	8			1

RESOLVED; that the Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment to authorizing the Mayor to sign a server migration agreement with Springbrook Software (KVS Software).

The estimated cost is $2,268.00 for 12 hours of work at $189 per hour. Per George Weissner this migration is necessary as KVS is requiring to be housed on a Microsoft 2019 or more current platform.

The funding for this migration is budgeted in the A.1331.900 Data Processing. General Expense.

CITY OF MIDDLETOWN, NEW YORK
COMMON COUNCIL
RECORD OF VOTE

THE FOLLOWING WAS PRESENTED

By Ald. Tobin

Sec'd by Ald. Johnson

Date of Adoption 01.18.22

Index No: 27-22

NAMES	AYES	NOES	ABSTAIN	ABSENT
Ald. Tobin	X			
Ald. Jean-Francois				X
Ald. Johnson	X			
Ald. Ramkissoon	X			
Ald. Kleiner	X			
Ald. Green	X			
Ald. Witt	X			
Ald. Masi	X			
Pres. Rodrigues	X			
TOTAL	8			1

RESOLVED; that the Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment to declare the following Middletown Police vehicle surplus and no use to the City and authorize the Police Chief or his designee to dispose the vehicles through the auction process.

Year	**Make**	**Vin#**
2007	Ford	2FAHP71W27X148677

This vehicle is in disrepair needing work that would cost more than the value of the vehicle. This vehicle would be disposed of in a manner most advantageous to the City of Middletown.

CITY OF MIDDLETOWN, NEW YORK
COMMON COUNCIL
RECORD OF VOTE

THE FOLLOWING WAS PRESENTED

By Ald. Masi

Sec'd by Ald. Ramkissoon

Date of Adoption 01.18.22

Index No: 28 -22

NAMES	AYES	NOES	ABSTAIN	ABSENT
Ald. Tobin	X			
Ald. Jean-Francois				X
Ald. Johnson	X			
Ald. Ramkissoon	X			
Ald. Kleiner	X			
Ald. Green	X			
Ald. Witt	X			
Ald. Masi	X			
Pres. Rodrigues	X			
TOTAL	8			1

RESOLVED; that the Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment modifying Resolution 96-21 to correct account funds are to be taken from. Original request was from F.8341.900 General Expense line should have been from the Water Fund Balance.

CITY OF MIDDLETOWN, NEW YORK
COMMON COUNCIL
RECORD OF VOTE

THE FOLLOWING WAS PRESENTED

By Ald. Witt

Sec'd by Ald. Kleiner

Date of Adoption 01.18.22

Index No: 29-22

NAMES	AYES	NOES	ABSTAIN	ABSENT
Ald. Tobin	X			
Ald. Jean-Francois				X
Ald. Johnson	X			
Ald. Ramkissoon	X			
Ald. Kleiner	X			
Ald. Green	X			
Ald. Witt	X			
Ald. Masi	X			
Pres. Rodrigues	X			
TOTAL	8			1

RESOLVED; that the Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment and approves a proposal from JCO to provide a properly licensed 3A operator at 40 hours per week including all benefits.

BE IT FURTHER RESOLVED that Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment and authorizes the Treasurer to transfer $121,683 from within the DPW budget in the following manner to cover the consulting costs:

FROM	AMOUNT	TO
G.8130.100 Sewer. Personal Services	$72,692	G.8130.400 Sewer. Contractual
G.9000.830 Sewer. Social Security	$5,560	G.8130.400 Sewer. Contractual
G.9000.860 Sewer. Health Insurance	$28,998	G.8130.400 Sewer. Contractual
G.9000 .810 Sewer. Retirement	$9,449.65	G.8130.400 Sewer. Contractual
G.9000.889 Sewer. Dental	$2,211.36	G.8130.400 Sewer. Contractual
G.9000.840 Sewer. W. Comp	$2,771.99	G.8130.400 Sewer. Contractual

CITY OF MIDDLETOWN, NEW YORK
COMMON COUNCIL
RECORD OF VOTE

THE FOLLOWING WAS PRESENTED

By Ald. Ramkissoon

Sec'd by Ald. Masi

Date of Adoption 01.18.22

Index No: 30-22

NAMES	AYES	NOES	ABSTAIN	ABSENT
Ald. Tobin	X			
Ald. Jean-Francois				X
Ald. Johnson	X			
Ald. Ramkissoon	X			
Ald. Kleiner	X			
Ald. Green	X			
Ald. Witt	X			
Ald. Masi	X			
Pres. Rodrigues	X			
TOTAL	8			1

RESOLVED; that the Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment and authorizes the Treasurer to transfer $520.88 from within the 2021 Community Development Department's budget in the following manner to cover unexpected loan payoffs requiring more lien releases than was budgeted for 2021.

FROM	AMOUNT	TO
CD 8686.418 Auto Expense	286.90	CD 8686.456 Program Related Expense
CD 8686.400 Contractual	175.98	CD 8686.456 Program Related Expense
CD 8686.479 Equipment Rental	58.00	CD 8686.456 Program Related Expense

CITY OF MIDDLETOWN, NEW YORK
COMMON COUNCIL
RECORD OF VOTE

THE FOLLOWING WAS PRESENTED

By Ald. Johnson

Sec'd by Ald. XXXXXXXXXXX

Date of Adoption 01.18.22

Index No: Introduction of Local Law #1 of 2022

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

A LOCAL LAW CHANGING THE NOTIFICATION REQUIREMENTS FOR SPECIAL MEETINGS OF THE COMMON COUNCIL

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

Section 1. Purpose of this Enactment.

The purpose of this enactment is to change the notification requirements for special meetings of the Middletown Common Council

Section 2. Section 23 of the Charter of the City of Middletown is hereby amended by replacing the first sentence of the second paragraph, to read in its entirety as follows:

> The council shall appoint the time and place of its meetings, which shall be held regularly at least once in each month, and the mayor, president of the common council, or any three aldermen, may call special meetings, by notice in writing, via email, text message and Nixle; the clerk of the council shall also notify each member by telephone.

Section 3. Effective Date.

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

CITY OF MIDDLETOWN, NEW YORK
COMMON COUNCIL
RECORD OF VOTE

THE FOLLOWING WAS PRESENTED

By Ald. Johnson

Sec'd by Ald. XXXXXXXXXXX

Date of Adoption 01.18.22

Index No: Introduction of Local Law #2 of 2022

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

A LOCAL LAW ALLOWING DELINQUENT WATER AND SEWER CHARGES TO BE RELEVIED INTO REAL PROPERTY TAX BILLS

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

Section 1. Purpose of this Enactment.

The purpose of this enactment is to allow delinquent water and sewer charges to be re-levied into real property tax bills.

Section 2. Section 79 of the Charter of the City of Middletown is hereby amended to add a new Paragraph 3, to read in its entirety as follows:

> Notwithstanding the provisions of Paragraph 1, above, in this Section, and notwithstanding any other provision in this Charter, any water or sewer charge not received by the Treasurer by its due date shall be considered delinquent, and shall be levied, together with late-payment fees, into the general city property tax at the time of the next levy. Such amounts shall be indicated in a separate column on the tax roll issued against the subject real property. Such re-levied water and sewer liens shall be subject to the same penalties imposed for the nonpayment of City taxes, and shall be collected in the same manner as provided in this Charter for the collection and enforcement of delinquent property taxes.

Section 3. Severability.

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

Section 4. Effective Date.

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

14. Audit

On motion of Ald. Masi seconded by Ald. Ramkissoon

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

Roll Call: Ayes: Ald. Tobin, Johnson, Ramkissoon, Kleiner, Green, Witt, President Rodrigues

15. Adjournment

There being no further business meeting adjourned at 08:29 PM

CITY OF MIDDLETOWN, NEW YORK
COMMON COUNCIL
RECORD OF VOTE

THE FOLLOWING WAS PRESENTED

By Ald. _____

Sec'd by Ald. _____

Date of Adoption 02.15.22

Index No: 42-22

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

RESOLVED; that the Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment and authorizes the Mayor to submit a proposal to the Orange County Youth Bureau for funding and following approval authorize the Mayor to sign any and all necessary contracts on behalf of the City of Middletown.

Middletown Recreation and Parks Department

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

Tuesday, February 8, 2022

RE: Authorization for Mayor to sign Youth Bureau RFP & Contracts

Dear President Rodrigues & Council Members:

On Friday, January 21, 2022 The Orange County Youth Bureau announced a "Request for Proposals" for available funding from NYSOCFS: Youth Development Grant and/or Orange County Solutions Funding. The goal of the funding is to provide our youth with services, opportunities and support designated to improve youth and community outcomes in specific "Life Areas." The Middletown Recreation Department will be applying for 2022 funding to expand on our Summer Playground Program and Recreational Fitness Programs.

In order to apply for available funding the following Council Resolution is needed:

RESOLVED, that the Common Council of the City of Middletown, NY, does hereby authorize the Mayor to submit a proposal to the Orange County Youth Bureau for funding and following approval authorize the Mayor to sign any and all necessary contracts on behalf of the City of Middletown.

Sincerely,

Raelynn Bertholf
Superintendent of Recreation

RECEIVED
FEB 08 2022
City Clerk
City of Middletown

CITY OF MIDDLETOWN, NEW YORK
COMMON COUNCIL
RECORD OF VOTE

THE FOLLOWING WAS PRESENTED

By Ald.

Sec'd by Ald.

Date of Adoption 02.15.22

Index No: 43-22

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

RESOLVED; that the Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment and approves the transfer of 220 ½ Linden Avenue to the Community Development Agency for the purpose of implementing the property into the homeownership program.

BE IT FURTHER RESOLVED the Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment and approves authorizes corporation counsel to prepare and the Mayor to execute the necessary documents.

CITY OF MIDDLETOWN
Office of Economic & Community Development

RECEIVED
FEB 08 2022
City Clerk
City of Middletown

February 8, 2022

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

RE: 220 ½ Linden Avenue

Dear Members:

I am requesting the following authorization of a City owned property:

To approve the transfer of 220 ½ Linden Avenue to the Community Development Agency for the purpose of implementing the property into the homeownership program.

&

To also authorize corporation counsel to prepare the necessary documents and for the Mayor to execute the documents.

Thank you for your attention to this matter.

Maria Bruni, Director
Economic & Community Development

CITY OF MIDDLETOWN, NEW YORK
COMMON COUNCIL
RECORD OF VOTE

THE FOLLOWING WAS PRESENTED

By Ald.

Sec'd by Ald.

Date of Adoption 02.15.22

Index No: 44-22

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

RESOLVED; that the Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment and authorizes the Mayor to sign an agreement with the LIHWAP – NYS Low Income Household Water Assistance Program.

Benefits are administered through the NYS Office of Temporary and Disability Assistance (OTDA) and are based on the amount of unpaid water and wastewater bills owed by applicants up to a maximum of $2,500 per drinking water or wastewater provider, or $5,000 if drinking water and wastewater services are combined, per applicant household.

Benefits are paid directly to the household's drinking water and/or wastewater vendor(s).

NEW YORK STATE OF OPPORTUNITY. | Office of Temporary and Disability Assistance

RECEIVED
FEB 11 2022
City Clerk
City of Middletown

NEW YORK STATE LOW INCOME HOUSEHOLD WATER ASSISTANCE PROGRAM VENDOR AGREEMENT

This Agreement ("Agreement") shall govern the purchase of water services from the Water Service Provider (Vendor) on behalf of households eligible for the Low Income Household Water Assistance Program (LIHWAP). Federal funds awarded under LIHWAP shall be used as part of an overall emergency effort to prevent, prepare for, and respond to the COVID-19 pandemic, with the public health focus of ensuring that low income households have access to drinking water and wastewater services. The funds will be used to cover and/or reduce arrearages, rates and fees associated with reconnection or prevention of disconnection of services. If funding is available, the New York State Office of Temporary and Disability Assistance (NYS OTDA) will evaluate providing bill assistance to eligible households to reduce the household's cost for drinking water and wastewater services. This Agreement is a contract between NYS OTDA and the Vendor for the provision of direct vendor payments to assist low income households with drinking water and wastewater reconnection and ongoing services.

The parties acknowledge that this Agreement and the services provided by the Vendor are governed by and subject to federal laws and regulations in addition to issued federal and State guidance in relation to the Low Income Household Water Assistance Program.

In order to receive LIHWAP payments on behalf of eligible households, the Vendor agrees and assures to NYS OTDA to abide by the below listed provisions contained in this agreement. Drinking water and/or wastewater service benefits paid directly to Vendors will be issued through the NYS Office of the State Comptroller (NYS OSC).

1. Households receiving assistance from LIHWAP shall not be treated adversely on the basis of receipt of such assistance under applicable provision of the LIHWAP Supplemental Terms and Conditions 11h under Federal LIHWAP Assistance Listing No. 93.568(B) (with modifications based on P.L. 116-260).

2. Vendors will not discriminate, either in the costs of goods supplied or the services provided, against the household on whose behalf LIHWAP payments are made.

3. The Vendor understands that payment and satisfaction of any claims under LIHWAP will be made by NYS OTDA, through the NYS OSC. The Vendor further understands that they must comply with all applicable requirements of the Consolidated Appropriations Act of 2021 (CAA) and the American Rescue Plan Act of 2021 (ARPA), as well as all applicable policy determinations and directives of the NYS OTDA. The Vendor may be prosecuted under applicable federal and/or State law for false claims, statements or documents or concealment of material fact.

4. The Vendor agrees to accept all LIHWAP benefits authorized on behalf of residential customers and without imposing any conditions precedent. "Residential customer" is defined in accordance with Title 16 of the New York Compilation of Codes, Rules and Regulations, Part 14.2(b)(18).

5. The Vendor agrees to continue, establish or reestablish service for LIHWAP authorized residential customers and maintain such service for such LIHWAP authorized residential customer for ninety (90) calendar days after receipt of each LIHWAP benefit authorized and received on behalf of residential customers.

6. The Vendor agrees that arrears are charges for which payment has not been made more than 20 calendar days after payment was due. A payment is considered to be made on the date when it is received by the Vendor or one of its authorized agents. Payment is due whenever specified by a Vendor on its bill, as long as the date is not before the bill is hand-delivered to the customer, or less than three (3) calendar days after the bill is mailed.

7. Vendors may not transfer or cash-out LIHWAP benefits to recipients. Unexpended funds due to account closing and/or incorrect payments and funds that are unable to be credited to a recipient's account must be returned to NYS OTDA no later than thirty (30) business days after discovery, or September 30th of the current program year, whichever comes first, or upon request by NYS OTDA. A LIHWAP Vendor Refund Form must accompany all refunds. The vendor must contact NYS OTDA for a copy of this form at: NYSLIHWAP.vendor@otda.ny.gov.

8. The Vendor cannot apply LIHWAP payments to commercial accounts for non-residential services. LIHWAP payments must only be applied to LIHWAP authorized residential customer accounts.

9. The Vendor shall maintain an accounting system and supporting fiscal records adequate to audit for a period of not less than three program years (current year plus three years) and will otherwise verify the proper disbursement of LIHWAP funds. The Vendor shall allow NYS OTDA representatives access to all books and records relating to LIHWAP households for the purpose of compliance verification with this Agreement.

10. The Vendor shall permit and cooperate with federal and/or State audits and/or investigations undertaken in accordance with the CAA, and ARPA, and also any State and/or county investigations undertaken to ensure program integrity.

11. The Vendor shall treat all information relative to LIHWAP and, in particular, information relating to recipients, as confidential information, and shall not use any information so obtained in any manner except as necessary to the proper discharge of their obligation and the securement of their rights hereunder. The Vendor further agrees to protect all confidential information in accordance with all applicable federal and State laws, rules and regulations. The Vendor further agrees to abide, at a minimum, by the requirements set forth in Attachment 1, the OTDA Security and Confidentiality Terms.

12. The Vendor agrees to continue or restore service for the minimum time periods outlined in this agreement when notified by NYS OTDA that a LIHWAP benefit will be issued on behalf of an eligible household and vendor acknowledges acceptance of LIHWAP benefits. The time period begins from the date of the earliest notification by NYS OTDA.

13. The Vendor agrees to clearly identify the amount of LIHWAP payment(s) received in a manner which identifies the payment as received from LIHWAP on household statements, receipts, or accounts.

14. The Vendor understands that failure to cooperate with any Federal, State, or local investigation, audit, or program review may result in the immediate disqualification from participation in LIHWAP.

15. The Vendor agrees to take corrective action in the time frame specified by NYS OTDA if violations of this Agreement are discovered. Corrective action may include, but is not limited to, providing detailed documentation of changes made and detailed plans for future changes that will bring the Vendor into compliance. The vendor understands that failure to implement corrective actions may result in the immediate disqualification from participation in LIHWAP.

16. This Agreement shall remain in effect unless superseded by another Agreement or terminated by either party. A written agreement must be submitted thirty (30) business days in advance of the effective date to replace, modify or terminate the agreement.

17. Vendor agrees that any modification to this agreement must be reviewed and agreed to by NYS OTDA. Vendor agreement modification must be made in writing and submitted to NYS OTDA through NYSLIHWAP.vendor@otda.ny.gov.

☐ **Check here to hereby declare to the New York State Office of Temporary and Disability Assistance (NYS OTDA) that you, the vendor or vendor's representative, have the authority to bind such vendor, that you have read and understand the above, and that it is your intention to sign and submit this Vendor Agreement on behalf of the vendor to NYS OTDA, and further agree that the vendor will comply with and abide by the Vendor Agreement while participating as a Vendor in the New York State Low Income Household Water Assistance Program.**

Vendor or Vendor's Representative name _____

Vendor or Vendor's Representative signature _____

Vendor Business Name _____
Address _____
Vendor TIN _____

Vendor Type:
_____ Drinking Water
_____ Wastewater
_____ Combined Drinking Water/Wastewater

Primary Contact _____
Phone _____
Email _____
FAX _____

Secondary Contact _____
Phone _____
Email _____
FAX _____

CITY OF MIDDLETOWN, NEW YORK
COMMON COUNCIL
RECORD OF VOTE

THE FOLLOWING WAS PRESENTED

By Ald. _____

Sec'd by Ald. _____

Date of Adoption 02.15.22

Index No: 45-22

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

BE IT RESOLVED that the Common Council of the City of Middletown authorizes the use of two portable lights by the Otisville Lions/Country Fair during the 32nd Annual Otisville Country Fair from Wednesday, August 24, 2022 through Monday, August 29th.

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.

Co-Chairmen

Jim Jennings
(845) 386-1315 (Home)
(845) 494-2817 (Cell)

Sue Marshall
(845) 283-0635 (Cell)

1501 Rte. 211 W
Middletown, New York 10940

32nd Annual Otisville Country Fair
In Memory of Dave & Marilyn Budd
August 25, 26, 27, & 28, 2022

January 26, 2022

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

Dear Mayor Joseph M. DeStefano,

This is a formal request for use of two of your portable lights for the 32nd Annual Otisville Country Fair. We will need them from Wednesday, August 24th through Sunday, August 28th. We can return them on Monday, August 29th.

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

Thank you for your consideration.

Sincerely,

Jim Jennings
Co-Chairman

Sue Marshall
Co-Chairman

"Sponsored by the Otisville Lions Club"

CITY OF MIDDLETOWN, NEW YORK
COMMON COUNCIL
RECORD OF VOTE

THE FOLLOWING WAS PRESENTED

By Ald. _____

Sec'd by Ald. _____

Date of Adoption 02.15.22

Index No: 46-22

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

RESOLVED that the Common Council of the City of Middletown concurs with the Mayor's reappointment and appointment to the Recreation Commission:

Reappoint of Shawna Strenfel, Terms expires 3/24/27

Appointment of Lynette Williams, Term expirers3/24/25.
Ms. Williams is filling the unexpired term of Rolin Lybolt.

Richard McCormack

From: Joseph DeStefano <mayordestefano@yahoo.com>
Sent: Monday, February 14, 2022 12:08 PM
To: Richard McCormack
Cc: Raelynn Bertholf; J Miguel Rodrigues; Kate Ramkissoon; Paul Johnson; Paul Johnson; Jude A. Jean-Francois; Andrew Green; Joseph Masi Yahoo; Jerry Kleiner; Jude A. Jean-Francoise; Jerry Kleiner; Sparrow Tobin; Kevin Witt
Subject: Rec Commission

Rick,

Please prepare and forward to the common council the following appointments:
1. Reappoint Shawna Strenfel to commission, term to expire 3/24/27
2. Appoint Lynette Williams to the commission, filling term of Rolin Lybolt, to expire 3/24/25

Raelynn,
Please forward information regarding Lynette to the common council in case they have any questions.
Joe

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