

**CITY OF MIDDLETOWN
COMMON COUNCIL MEETING AGENDA
JANUARY 18, 2022**

1. PLEDGE OF ALLEGIANCE
2. ROLL CALL (COUNCIL CLERK)
3. APPROVAL OF MINUTES
Council Meeting December 07, 2021
Council Meeting December 21, 2021
Council Meeting January 3, 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 amending the city code to prohibit barbequing on the sidewalk.
 - Resolution amending the city code to prohibit smoking and vaping of any kind in City Parks, Playgrounds, Properties, Parking Lots and Facilities.
 - Resolution amending the city code create a new chapter 213, Code and Quality of Life Enforcement.
 - Resolution amending the city code create a new chapter 317, Limited Use Motorcycles.
 - Resolution authorizing the Treasurer to transfer \$13,100 from within the Corporation Counsel's 2021 budget.
 - Resolution authorizing the Mayor to sign a server migration agreement with Springbrook Software (KVS Software).
 - Resolution authorizing a proposal from JCO to provide a licensed 3A Operator for the Water Treatment Plant
 - Resolution declaring a Middletown Police Vehicle as surplus
 - Resolution modifying resolution 96-21 to correct an account code.
 - Resolution authorizing the Treasurer to transfer \$520.88 from within the 2021 Community Development budget.



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13. LOCAL LAWS
 - INTRODUCTION OF LOCAL LAW #1 OF 2022
A LOCAL LAW CHANGING THE NOTIFICATION
REQUIREMENTS FOR SPECIAL MEETINGS OF THE COMMON COUNCIL
 - INTRODUCTION OF LOCAL LAW #2 OF 2022
A LOCAL LAW ALLOWING DELINQUENT WATER AND SEWER
CHARGES TO BE RELEVIED INTO REAL PROPERTY TAX BILLS
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
December 7, 2021
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 Ramkissoo
Ald. Sparrow Tobin
Ald. Jude Jean-Francois
Ald. Andrew Green
Ald. Joseph Masi

A B S E N T

Ald. Tom Burr

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1. Pledge of Allegiance

PRESIDENT RODRIGUES: Please remain standing as I ask for a moment of silent. Today is the 80th Anniversary of the attack on Pearl Harbor. And also a moment of silent for former Mayor Richard Hutchins who served from 1981 to 1985. May he rest in peace. Thank you.

Roll.

2. Roll Call

Roll Call: Ramkissoo, Tobin, Kleiner, Johnson, Jean-Francois, Green, Masi, President Rodrigues.

3. Approval of Minutes.

PRESIDENT RODRIGUES: Approval of minutes.

COUNCIL CLERK: We have Common Council meeting minutes from November 1st, 2021.

ALD. MASI: So moved.

PRESIDENT RODRIGUES: Motion by Alderman Masi, seconded by Alderman Johnson. All in favor?

COUNCIL MEMBERS: Aye.

4. Correspondence, Communications and Reports

PRESIDENT RODRIGUES: Correspondence.

COUNCIL CLERK: We have a report from Agam (phonetic) Marcus for the Port Jervis Humane Society.

PRESIDENT RODRIGUES: Received and filed.

Is that it?

COUNCIL CLERK: That's it.

5. For the Good of the City

(None this evening.)

6. Remarks of the Mayor.

PRESIDENT RODRIGUES: I'd like to call the Mayor up.

MAYOR DESTEFANO: I'd like to begin by welcoming Rick McCormick as our new clerk. Your first job -- first day of the job on the -- on the big desk, so welcome. And, coincidentally, Rick is a former member of the Middletown School Board believe it or not from many, many years ago.

And tonight we are welcoming in the interim Superintendent Amy Creeden, Bishop -- the bishop, Bishop Williams, the president of the school board, John Perrino, member of the school board and some of the professionals they've been brought in. They've been kind enough upon my invitation to come here this evening to make a presentation regarding the capital projects that are being proposed for Twin Towers and some of the other schools. I think a roof at Maple -- Truman Moon.

But, more importantly, just to give you a brief introduction regarding the relationship that we've been developing with the Middletown School Board and the relationship that we've been developing with the Middletown

School Board and the communication.

The communication has been excellent between myself and the acting superintendent and members of the board have been serving on the Martin -- the MBK community forum from Anthony Williams and that group. And so we're having a lot of interaction with the school district. And I think that's all good for, both, the City and for the school district. John Perrino has always said -- because John has been here for 120 years -- what's good for the City is good for the school district and what's good for the school district is good for the City. And that's true.

So tonight they're going to make a presentation on a project cost of \$83 million. And I know some of the feedback that you've received and I received is all positive in the sense that people know that we need work done in our schools.

You know, Middletown is the -- due to the last census data that was filed, we were the fourth fastest growing city in New York State. We had a population growth of over 8 percent in the city alone. As you know, the City only makes up about half of the school district because we're an enlarged district. And the area around the town of Wallkill that's part of the school district is also growing. Our schools are bursting. We know that when you

have a lot of people in a small place that it causes other problems. So and I think that's contributing to some of the activity that we've seen lately in urban schools throughout the country is facility. Sometimes we don't have the adequate facilities to address the needs -- the needs of the students.

So this project is a good project. I've examined it for a few weeks now. I think whenever you can spend \$83 million and have no impact on your tax levy, on your local tax payers, I think it's a good thing.

Now, some of the feedback, I've had calls and people would say, but it's coming from somewhere. Well, it's coming from somewhere for this purpose of doing schools. And if we don't take it, it's going to go somewhere else. And at some point, you're going to be faced with the burden of addressing the overpopulation in our schools and all the other issues.

And also keep in mind as Middletown residents, that as we improve these schools we are, in essence, improving the property values in our communities because the number one reason why people move into a community and the number one reason why our community has grown by 8 percent while many cities have had a declining population over the past 10 years can be attributed to the school

district and the programs that are offered and the success of the district going back many, many years.

So I want to applaud the district for being willing to come out and discuss this publically. And they are bringing their professional team to give us an outline. I understand it's going to be about close to 15 minutes. I think it's important that we listen and have -- if any questions, I'm sure they'll entertain them. But what I'm asking the public that is viewing this to do is keep in mind that this has no impact on you as a taxpayer. And it has an \$83 million investment into your community with no - - nothing out of your pocket. And it will only take that property value of yours that has increased tremendously over the last couple of years and improve it even more.

So without further ado, the acting superintendent Amy Creeden will come up and introduce her team and make comments that she feels appropriate. Thank you. Amy.

AMY CREEDEN, ACTING SUPERINTENDENT: Good evening. Congratulations, Mr. McCormack, on your new position.

Good evening. Thank you, Mayor DeStefano, President Rodrigues, and the City of Middletown Common Council. We value the partnership between this great City and the schools. And we're overwhelmingly excited to

receive the invitation to present this evening.

Tonight we're going to provide you with a quick vision for the project design, something we have not explored yet in the school district, a unique partnership.

As we approach the final stages of our push to bring our shared vision for Twin Towers to the community, we are confident that tonight what we present to you was the missing piece. We've partnered with the consulting team, Landon and Rian. They're here with us this evening and you'll get to hear from them in just a few moments. They've assisted us in designing and preparing a community and diversity participation plan specifically for this \$83 million project.

The Twin Towers Project was conceived as a community school project. And the district has been working over the past month to pursue how best to deliver the project to our valued community. This project will work to engage a workforce located in our community and the surrounding region and will represent the diverse elements, resource, and workforce of our community. This partnership will make sure that the Twin Towers Project will continue to stimulate our local economy and keep local dollars local.

We want to thank our community partners,

specifically, the Mayor, his staff, this Common Council, the Board of Education, Bishop James Rollins, and our friends at the Town of Wallkill as well as our legislative partner Aileen Gunther. It was through everybody's shared voices and varied perspectives that this project came together. Open, honest dialog with each of our valued stakeholders encourage us to sort of push our boundaries a bit more than we had done previously. And we thought really creatively about project design and, again, how to keep local dollars local.

Right now our focus is getting to December 14th. It's just a short bit away. And we're aware that once we hit December 14th, if the vote becomes in our favor, our work has only just begun, but we're super excited.

So I'm going to turn the presentation over after I introduce our team. We have our architect here from KG&D, Walter Hauser and the folks from Landon & Rian, Windell Gray, Lloyd Dickerson, and Stacey Beaumont. And our Board of Trustees is represented tonight by Pastor Williams, Vince Criscenzo, and Mr. Perrino. I'll start the presentation.

WALT HAUSER, KG&D Architects: Good evening. My name is Walt Hauser, Principal at KG&D Architects. We've been working with the District on a number of recent

capital projects. And quickly walk you through the proposal.

It's really multi-faceted. So the proposed project will be a modernization of a building that was built in the late 30s. It will have site improvements that will impact and improve the traffic that occurs around the building, not only related to bus traffic, but parent drop off and will include additional space for the increased student population in the district.

So the imagine you see here in the yellowish building is the existing facility. So and there are two major improvements related to traffic. One is the bus drop off which we see on the left with the little bus in it. That's in the area of the building sign. You may know the digital building sign. So that will be a new bus drop off outside of the auditorium. And then in front of the main entrance on the right, we're introducing a parent drop off. So the idea is we'll actually double the capacity of vehicles that can be parked in front of the building. So the idea is speed up that operation. Additionally, that separates the bus traffic from the staff traffic in the rear of the building. So we have three distinct areas. And it provides us the greatest potential to handle that traffic with scheduling.

So one of the major components of this building is missing compared to other components in the district is outdoor play space that can be used when conditions aren't perfect. So this -- we're proposing a small synthetic turf play area. It's not a full-sized field. And also outdoor hard court surfaces, so two basketball courts. And the idea is this could be used for recess and physical education when the weather isn't perfect. It gives them, essentially, a year-round outdoor facility. This is something that this school in particular doesn't have compared to some other schools in the district.

And then the big piece of work is interior renovation of the existing facility for modernization which will include an all new HVAC system, do totally new HVAC to include air conditioning. This is the only school in the district that does not have air conditioning.

And then in white in the rear of the building a new three-story addition which will house a new cafeteria space, a new library media center, and then classrooms on the upper two floors.

So the bulk of the work is the renovation, additions and alterations to Twin Towers. The project also includes a small roof replacement project, the Maple Annex at Truman Elementary. You can see it highlighted in pink.

It's about \$1.4 million roof replacement. That will happen concurrently with the Twin Towers.

AMY CREEDEN, ACTING SUPERINTENDENT: So just to touch a little bit on some of the points that the Mayor so appropriately highlighted before. We have at this time generational funding available to the school district which makes what would become a really unmanageable project for the City of Middletown and Town of Wallkill in terms of burden on the taxpayer really manageable. So through some of the federal funding that we have received through the American Rescue Plan and the Corona Virus Stimulus Funding, we are going to allocate \$13.5 million of the American Rescue and \$5 million of the Corona Stimulus Funding, both of which are federally funded that flow through the state to support this project.

Additionally, we're going to use \$17.3 of our capital reserves. And then we have \$2.5 million in a food service fund balance primarily coming from the amazing job that our food service team in delivering 4 and a half million meals during the 18 months of the pandemic.

And so what becomes left then is the unappropriated fund balance which 7.8 million. So these are all the different places where the funding will come together fund. So what's left is the anticipated state aid

which is almost \$37 million.

So how do we do this without an increase to the tax levy. So the projected cost for the two projects is just over \$81 million for the Twin Towers complete modernization and the communities schools approach and then just over 1 million for the Maple Hill Annex at Truman Moon roof replacement which brings the total project cost to \$83,232,000.

So what the District and grant share is for just over 46 million. And so over 15 years, we will borrow just about \$37 million. But what happens is that we anticipate that on that money that we will borrow, we will pay out for that money. But what we will get back is \$37 million in state aid. So how it comes back to us is in an annual payment of just over 2 million -- \$2.4 million.

So I think what some folks were seeing and some of the information that was presented in some of the bond notification, the public notification was that the District was borrowing just about \$37 million. And so folks were saying, but where is that coming back. And so I think the easiest way for it to say is that we anticipate that we will receive all of that back in state aid. Each building our capital project has a certain percent that we receive in state aid. And so we have confidence that when we

borrow that money, we bond that money, that we will get back the \$2.4 million each year in annual payments over 15 years which will bring us to the \$37 million.

So the vote is December 14th. And what I would like to do now is introduce the folks from Landon & Rian who will talk about why we have really dug in on this project and isolated -- keeping local dollars local through some innovative to Middletown problem solving and project planning.

WINDELL GRAY, LANDON & RIAN ENTERPRISES: Thank you, Superintendent. Good evening. My name is Windell Gray. I'm the owner and CEO and president of Landon & Rian Enterprises. I've been doing minority business, women business, compliance and EEO compliance for over 26 years. Just a little story, I got into this business, oh, maybe like 28 years ago because Rochester and the county, they were concerned about diversity on a \$27 million three-phrase project. And so they began to talk. And they said, you know, we really want somebody in the community to come in and we want to give them a job. And, basically, they wanted to train them for three years on all aspects of construction management. And they said with the hope that person would one day that person would come back into their own community and start a business. That one-in-a-million

person was me 28 years ago. So we kind of spread out across the state. So I definitely believe in that program.

I want to introduce Lloyd Dickerson.

LLOYD DICKERSON, LANDON & RIAN ENTERPRISES:

Good evening, everyone. Lloyd Dickerson, Landen & Rian. I've been with the company about 18 years. I handle a lot of the K through 12 and a lot of the SUNY projects that we have. Nice to be with you.

STACEY BEAUMONT, LANDON & RIAN ENTERPRISES: Hi, I'm Stacey Beaumont. I've been with Landen & Rian for just over eight years. I am a senior compliance consultant and also the resident expert on our compliance software management system.

WINDELL GRAY, LANDON & RIAN ENTERPRISES: Also, a little bit background about our company. It's called Landen & Rian Enterprises. Actually, it started off with my son. We called it Landen. It was Landen of New York. My wife and I had a daughter, so her name is Rian and so we had to reconstruct the business, reorganize the business. We didn't want to give her a complex, so that's why it's called Landen & Rian Enterprises. All right. It's equal opportunity. And I'll just say my daughter will probably take over the company fastest than my oldest son. I just wanted to say that.

A little bit about the company. Landen & Rian, I'm sorry, just wanted to give you an agenda. We want to talk about the company profile. We're going to talk about project experience on similar projects that we did in the State of New York. We're going to talk about project approach and maybe question and answer after that.

A little bit about us. Once again, we were founded in 1999 in Rochester, New York. We are a New York State certified minority owned firm. We are also a New York State disadvantaged business. We have extensive public and private sector experience around the state and we have three offices. One is Rochester, New York which is our headquarters. We have a Syracuse office and we have an office in Albany. And we have 14 employees at this time.

We specialize in construction industry in terms of minority business enterprises, women business enterprises, disadvantaged business enterprises, and small business enterprises. Also make sure I want to say this. We also specialize in helping the veterans, the SDOV firms if they have a goal for that. And we do EEO compliance which EEO compliance means workforce participation. All right.

With that MB and all those acronyms, NB, DB, we also help write policies. We help put programs, community

programs together as far as your diversity. We do community outreach and also public involvement. We do safety monitoring on a lot of projects. I, myself, is a 10 and 30 OSHA outreach trainer. And so a lot of times I'm teaching 10 and 30 out OSHA classes or I'm also teaching for -- most I do for the community I teach flagging classes and also DOT Hazcon which actually helps people to go into, you know, we have a shortage of truckers and help them become, you know, become truckers.

We also do a lot of construction management technical supportive services. And, once again, we have over 20 years in New York State NBW compliance monitoring services.

Lloyd Dickerson is going come and he's going to talk about some of our project experience.

LLOYD DICKERSON, LANDON & RIAN ENTERPRISES: So we chose a few of the projects that kind of was in the same wheelhouse as this. So just four of them. The one that we have first is our Syracuse City School District project. We started that around 2011 and it's slated to end around 2022. That is a two-phase project, 1 -- phase 1 and 2. That is about \$438 million. On this project we had about 55 primes and about 120 to 130 subcontractors. Part of our responsibility we provided MWBE monitoring, onsite progress

meetings. What we do is what we call CUF reviews, commercial useful functions. We go to the project to make sure the person or the contractor is slated to do that job is doing that task. We also negotiated the project labor agreement.

This project, as you can see here, we had a lot of goals. For people that may not know, MBE stands for minority business enterprise and WBE is women business enterprise. This project we exceeded the goal. That had a goal of 12 percent for the minority and 8 percent for the women. We also had a workforce goal of 10 percent for the minority and 10 percent for the women. And this particular one, the superintendent wanted a resident goal, so we also exceeded that goal. It was a 20 percent. And we also had a former student goal of 2 percent. So this was our biggest project yet with a lot of different goals.

Binghamton University, we were on that project in 2014. Kind of the same scope, so I won't go through that again. Non-compliance follow up. We're just trying to show some of the projects that we were on that we exceeded the goal. This one had a goal of 10 percent and we exceeded the MBE goal by 6 and the WBE goal by 2 percent.

The last two that I have is another city school district project we did, Albany City School District back

in '09. That was about \$237 million. Less primes on that, about 15 and about 40 subs. For this project, again, we exceeded the goal, their goal by 3 percent for the minority businesses and 5 percent for the women. For the workforce which some people call local hire also, we exceeded that by 2 percent and exceeded the female participation goal by 1 percent.

So, currently, we're on the Yonkers New Community School Project. That just started. I think that's about \$68 million. So we've updated the diversity plan. Also provided diversity frontend documents for the bids to go out. And, again, provided MWBE and EEO monthly progress reporting. That has an easier goal to remember, 20 percent for the minority, 10 percent for the women, same for the workforce, 20 percent and 10 percent. So we hope that project will be another successful one that we can present.

WINDELL GRAY, LANDON & RIAN ENTERPRISES: Thanks, Lloyd.

So I just want to talk about our project approach. When we go after a project, one of them is we want to conduct informational presentation to local and minority women on businesses, contract associations, contract associations, church community, business communities. And, basically, we want to introduce the

project to the minority women on businesses to we need to encourage them to bid on the project. All right. So we're going to have to really get out in the community. A lot of times guys won't bid because they say it's too big. But we show them -- we talk about right size of the project and breaking it down. And, also, that's in collaboration with the design team. We want to right size the project which, basically, we take the bid packages and we break it down into smaller packages. With that is looking at the those packages. They want it instrumental and make them more interested in it. It's not just helping the minority businesses while women owned business, but small businesses in the community. They look at those bid package and they want to bid on it also. So it creates a lot -- generates a lot of interest.

And we also want to utilize local media, electronic and print to market and promote the training and hiring for those businesses. We also want to provide job fairs with trades, local businesses to identify qualify workers and to introduce them to other programs that will assist them in finding employment.

So we had one project that it had, let's see, the college was involved. We had a supermarket. It was a hotel. We brought the construction in and the city and we

had a huge job fair. And, basically, we came together and we had a lot of resumes. And even in the retail spots, a lot of those guys were in those job fairs and actually got hired by the hotels and the universities. So we had a big -- that was a big outing for us with that one.

And, also, we will reach out to local contracting and create interest the project. I stated that. But training and guidance to assist local contractors submitting bids and getting selected to participate on the bid. Basically, we'll do our outreaches where actually we're having one tomorrow for a project that we have. We would do an outreach and basically the MB firms would be the prime contracts or architects would tell them about the projects and basically tell them who to bid to, who's the big prime contract, who to bid to, how to fill out the paperwork. And, basically, we'd be working with them to kind of integrate them and knowing the other bidders, so they can come out to bid. And that's usually really helpful in starting off it goes.

We will be meeting with high schools and college students and workforce community training groups. Basically, we're going to show them how to participate on the project. In turn to that, we have as far as internship programs, what we have found, we have a lot of

architectural firms, engineering firms. They already have paid internships, so we introduced the community, the college kids to that, so they can also participate in those internships. All right. And, also, with the college kids, we want to do career fairs. When we do career fairs, we come into the schools and, basically, we talk about -- we talk about the trades. We talk about engineering and also entrepreneurship. You know, I'm a business owner, we talk about that, how they could be a part of that.

And, also, just examples of how workforce goals are achieved. We conduct workshops to increase local workforce participation. We may come into the community and we have an EEO workshop. A lot of times guys are kind of on the sidelines. And we come in and we talk to them about getting into the unions or just getting into the trades. And so we will talk to them. We also can do that. We can do that not just in English, we also can do it in Spanish all right. We have the capabilities of that.

And we work with primes, local unions increase local hire as far as their apprenticeship program. Use the apprenticeship programs have a local ratio of how they can hire, but we actually try to get them to increase that ratio, so we can get them on the project.

And then also with this last slide, the scoping

meetings with all successful primes to ensure proper minority women participation. We call that a minority women utilization plan. And basically what that minority and utilization plan, we put out the front end documents. The prime contract to have to state what minority women business they working for, what's the amount they have, and what's the scope of work. We'll look at that to verify that they are true minority-owned businesses. A lot of times you have supplies the state says you only can count 60 percent of supplies. We look at all those numbers. If we don't meet the goal, we'll sit down with the prime contractors, we'll look at his scope of work and we'll say what other areas can you bid out. And then when they give us those other areas, we would get them matching, MWBE firm, so they can actually bid on it. And that's how we keep achieving their goals. It helps them out too.

Also, as far as construction management training programs, Landen & Rian Enterprises since we've been in business, we did about four to five construction management training courses, thereabout, seven to eight weeks. We partner with churches, colleges, construction firms. I know I talked to the superintendent of Syracuse University which I'm an alumni of is interested in coming with their construction management program and actually training the

students or people in the community. And they will give college credits for that. So we be working on that. All right. And there's some of the topics that we work on as far as the construction management training.

Also, Stacey is going to talk about we do have an electronic compliance audit process. You know, everything is automated, so Stacey is going to talk about that.

STACEY BEAUMONT, LANDON & RIAN ENTERPRISES: So our electronic software management system allows us to monitor payments for who, what, when, and how for all subcontractors. In addition, there is also a workforce component that allows us to monitor not just the minority and female workforce, but also allows us to pinpoint local workforce hours. And I will turn it over to Lloyd.

WINDELL GRAY, LANDON & RIAN ENTERPRISES: Hey, Lloyd, you want to wait? Lloyd want to tell how much money as far as the workforce, not just the workers.

LLOYD DICKERSON, LANDON & RIAN ENTERPRISES: Yeah, currently on our Syracuse project, it's a \$300 million project. \$74 million stayed in the community. So that's \$74 million. Syracuse just has a certification just within the City. They're not using Empire State certification. So that's 74 million of local contractors, women and minority firms.

So this -- my last slide today is what we call a project highlight. The Mayor in Syracuse is also on the Board. And what he likes to see is, okay, what are some of these programs doing. This particular one is our latest. It's a young lady name Karen Jones. She was on the project for a while as an electrician. She tried to start her own company in around 2014, 2018. It was unsuccessful. She tried again in 2020 and successfully started her business. Now Karen actually has two contracts on the project. She's one of two minority female master electricians in New York. She actually lives in our community, works in our community, and now hires in our community. So we do this about once a month and then we try to let people know in the community that this can be done, so the programs do work.

And now if we have any questions and answers -- yes.

MAYOR DESTEFANO: You mentioned a couple of times project labor agreements. With this have a project labor agreement and will you be negotiating that?

MALE SPEAKER: To be determined. As of right now, no.

MAYOR DESTEFANO: Okay.

MR. DICKERSON: But I would like to say --

MAYOR DESTEFANO: It will be prevailing wage, though?

WINDELL GRAY: Oh, yeah.

MAYOR DESTEFANO: Work will be prevailing. But have you talked to -- have you talked to the building trades yet?

WINDELL GRAY: Not yet.

STACEY BEAUMONT: No, not yet.

WINDELL GRAY: But just give you the experience, I have about 15 years working with project labor agreements. Syracuse was a project labor agreement. And I was the one that the City kind of put out there to negotiate the project labor agreement. The unions are very happy right. We exceeded all the numbers. And, basically, they have like a side letter agreement, a tagalong, we actually worked with them to put the tagalong so we -- because we have to kind of carve it, so we can include minority-owned business and won't be a restriction for it.

MAYOR DESTEFANO: I know the -- for the carpenter's, for example, I just met with them last week. And they had their first graduating class of women for their apprenticeship program. There was 10 women that began the program and eight graduated. So they're anxious to look at projects like this where, you know, and as you

know, any time there's federal or state money, labor unions want to make sure that money is staying local. So whatever you can do in the area, a project labor agreements would be appreciated to at least speak with the Hudson Valley Building Trades.

WINDELL GRAY, LANDON & RIAN ENTERPRISES: Okay.

No doubt. Thank you.

STACEY BEAUMONT, LANDON & RIAN ENTERPRISES: And we just wanted to close out by, you know, make sure that we recognize that Middletown is a city that is rich with history. And it's really our goal not only to create this beautiful building of Twin Towers which sits so perfectly situated right in the community with so much access by foot or by car that we continue to highlight the beauty that that building has, but also many years from now have it be a space where families that are moving into the area can look back and say not only did they sort of, you know, participate in, you know, growing the building by, you know, voting and, you know, support of the project, but more than that they can participate in the workforce that will be part of the creation of the building. So we want folks to be able to zoom out and stand back years from now and look at the building and say I'm proud not only because I'm a member of the school community or I live in the

community or in the region, but I also participated in, you know, doing the sheetrock on -- in -- in part of that section or the brickwork or, you know, any of the other jobs that will be available to the community.

So we feel really proud to be able to deliver this project, proposal to the community. Really excited and blessed to have so much partnership between the City and the Mayor, the Town of Wallkill, and, you know, the many voices that we've had on it.

So we'll take any other questions. But thank you for the opportunity to present tonight.

PRESIDENT RODRIGUES: Alderman Tobin.

STACEY BEAUMONT: Alderman Tobin.

ALD. TOBIN: Yeah. I mean, as a former coach, I really am proud of the Middletown facilities as I've gone through the county, all the different buildings. And we really have some top-notch facilities. Also, what was I going to say? I had -- also, as almost another hat I wear, I'm on the state board for the statewide Union Board of Directors. And I know we're trying to do community school model throughout the state. There's only a few areas that have used it. And I think it's a great idea to lower the barriers that our children face to an education whether it's dental services, eye glasses or bringing those

services into the school making it a community school. So I applaud you for that, that's an excellent move.

And I just had a question about the residency. How do we -- how do you track that? I mean, are you keeping track of, like, their addresses, where they're writing the checks or, you know, someone could say they're from Middletown, they have an apartment, 10 people are living there. I'm just curious how you keep track of that.

LLOYD DICKERSON, LANDON & RIAN ENTERPRISES:

Yeah, so what we do is during the bid documents we have what they call work attestation form. So we require that and for it to be signed and submitted. And that has all of their addresses on it. And then we put that into our system and it tracks to make sure there's no double counting. So if you have someone and they move and then as the certified payrolls come in, I'd be able to identify that that person is either being double counted or has moved or is no longer on the project. That helps us keep a track of who's there and who's not. So when you submit a workforce projection to us as a contractor and say you're going to hire this amount of minority women, we follow that throughout the process. So every month we're updated. We don't wait until the end of the project. So then if someone falls through the crack we know within the 30 days.

PRESIDENT RODRIGUES: Alderman Johnson.

ALDERMAN JOHNSON: I had a question for the superintendent. I know Mr. Turtle isn't here and I may defer. You mentioned several sources including what you called capital reserve. So I'm not sure if fund balance is still a term used in public education, but there used to be guidelines of maximum and minimum. Where does that number and where does that number land at the end of the project, the fund balance or whatever it's called.

AMY CREEDEN, INTERIM SUPERINTENDENT: Sure. So I'll just go back --

ALD. JOHNSON: Or I'll defer to Mike if it's not appropriate.

AMY CREEDEN, INTERIM SUPERINTENDENT: I think this is what -- this slide that you were referring to. And so we have or maybe actually just one slide back may help explain it a little further. There we go. So we are using just over \$17 million of our capital reserves. So in 2017, the voters approved a \$20-million capital reserve. And so we -- there is \$5 million left in that capital reserve. And then in 2021, we created a -- the voters approved on the creation of a second capital reserve with \$12 million in it. So that \$17 million is those two accounts combined together. And the reason why we do those capital reserves,

present those to the community for their voter approval is exactly for projects like this, so that when it comes time to do capital improvements, we have the funding to support them without increasing the tax levy.

ALD. JOHNSON: Very good. Thank you. Appreciate that.

AMY CREEDEN, INTERIM SUPERINTENDENT: You're welcome.

PRESIDENT RODRIGUES: Okay. Anyone else?

Well, I appreciate your time. Thank you for the presentation. Great job.

AMY CREEDEN, INTERIM SUPERINTENDENT: One more plug. December 14th, come out and vote. Thank you very

PRESIDENT RODRIGUES: Take a break, two minutes.

(Recess taken.)

5. For the Good of the City

KATHERINE MCMENEMY: Good evening, everyone. My name is Katherine McMenemy and I live at 19 Willow Place. I was in about a month ago and presented two situations. First, I'd like to say the tree in Middletown looks wonderful, the Christmas tree.

I'd like to thank Benjamin, Jacob, and the DPW team. They did straighten out some of the excess foliage in the back of Willow Place that borders on the railroad.

I'm optimistic enough to hope that perhaps in the spring they'll be able to do additional work cleaning out the canals themselves.

The other reason I came is because of the temporary ice rink that I had suggested as a possibility that Middletown might be interested in putting something like this up for the entertainment of the children and the families in the City. So I'm just here today -- my idea hasn't gotten lost by me and I hope it has not gotten lost by all of you. And I just want to keep it going. So to see, perhaps, I don't know if it's doable for this year. If it's not, then I will be back. Thank you very much.

MAYOR DESTEFANO: It's a good idea. And we've actually have been looking at doing something in Festival Square with artificial ice over the last couple of years. And your commented last meeting, we started exploring -- doing something different. We've spoken to different vendors and we're actually now looking at the Pavilion area for doing real ice with refrigeration from say October, mid-October to, you know, until March or so. So we are exploring it. We've -- Raelynn is here. She has proposals on the artificial ice. But we're hearing downsides to that. And we've moved our focus from like a just something over by the Christmas tree, something small to something

larger over 30 by 80 over at the Pavilion. It won't happen this year. But I'm -- we're hoping that the council will approve one of the funding requests which will be -- we anticipate I think the project to be around \$100,000 which isn't all that unreasonable with refrigeration. We're hoping to have -- present it to the Council formally when we get more of the concepts from the developers.

But it hasn't gone on deaf ears. Maria has been on the fake ice for probably about two years now. But we're off the fake ice, we're on the real ice. So thank you for pushing it and keep coming back.

KATHERINE MCMENEMY: Thank you very much.

PRESIDENT RODRIGUES: Anyone else would like to address the Council?

KEN DELEEUEW: Good evening. How are you? My name is Ken Deleeuw, 170 Monhagen Avenue. Two quick things. The first is this Sunday, December 12th at St. John's Lutheran Church we'll be doing a brass concert of holiday and Christmas music. It's at 3:00 p.m. And it is a benefit concert for the warming station here in the City of Middletown. So we've been doing this concert for almost 15 years. Last year we had to kind of put a kibosh on it, everything was virtual. So we're back to live music. So it's open to the public. Again, it's at St. John's

Lutheran Church. And if you don't know where that is, just go out West Main Street, hit County Route 78, about 1,000 feet up the road on the left-hand side. So it is a free concert. And we just kind of pass the hat. And whatever we get for, you know, for proceeds, we give that to the warming station to help them with their budget. And any questions on that?

And then the second thing, I fist pumped Jacob on the way in. As a resident of Monhagen Avenue, we really love looking at the forest across the street at the psych center. But come -- come fall it is a leaf nightmare. And Jacob and his -- his people, they were out there. They were really proactive this year and they raked up mountains of leaves. And I thanked him. And I just want to publically thank him and his staff for doing an excellent job. It's a lot of stress to see all those leaves with the prevailing winds coming your way. So they're gone and Jacob, thank you. Thank you. That's all I have.

PRESIDENT RODRIGUES: Thank you. Anyone else?
All right. Remarks of the Mayor.

6. Remarks of the Mayor.

MAYOR DESTEFANO: I want to thank the interim superintendent and Landen & Rian and all those who spoke for the excellent presentation. We -- it's going to be a

good project for Middletown for -- as I said during my opening with the -- for the taxpayers of our City also.

Move on. As was mentioned a few times, the Christmas tree lighting was absolutely -- probably the best one we've had. I mean, people came out. The event was -- the parade was long and the kids had fun. The only thing we didn't do post lightening was the A Wonderful Life at the theatre. We hope to have that back next year. And we didn't do it for obvious reasons with COVID. And having that many people into the theatre especially kids, you know, we can do social distancing with, you know, with some adults and mask wearing, but we didn't want to put that many kids into the theatre. So I think we made the right call on that. But next year, we're hoping to expand the program a little bit. And Maria and her crew did an excellent job. I want to thank all the agencies and departments that were involved in it; the police department, Jackie Welch, Parks Department, Raelynn and her crew. So it was an excellent job by all.

We also we had the menorah lighting that Monday at Something Sweet, a Run for Downtown Park. And it was well attended. The school also participated. I believe it was the third, fourth, and fifth grade choir from I don't think it was from Presidential.

MALE SPEAKER: Maple Hill.

MAYOR DESTEFANO: Maple Hill. Okay, from Maple Hill. And it was well attended and a little bit, you know, shorter program. But and it was a little colder also. But it was a great program. And I want to thank Temple Sinai and the new rabbi, Rabbi Kober -- Kobert, I keep making her French. I asked her too. I'm watching too much late night TV, Colbert, right? Rabbi Kobert and the members of Temple Sinai for once again. This was the fourth annual that we had and we hope the tradition carries many, many more years.

We have good news on the O&W project. And you're going to be voting on a couple of things tonight. And I did send out some emails today regarding the project to you. But the -- as you know, right now, where we stand with the project. We have \$2 million that was put in the New York State budget by Assemblywomen Gunther. And that money is committed. And that was under the New York State Capital Assistance Program.

The home program from the Count is a \$800,000 grant. That's still pending. We've heard good things about it. So we're pretty confident that's going to happen.

We also have pending from the State a \$750,000

Environmental Protection Fund Grant. We haven't heard much other than it's been advanced to the next level. And that's the last that we've heard about that. But we're still considering it as an opportunity for funding.

The CDBG Cares Act which is federal and state money -- it's federal money through the state, that we have received a verbal and I think a written commitment on from Albany. So that is \$4.1 million. A portion of that is going to be used for the Head Start, the ABCD buildout within the building. So the total project cost is now increased because we're going to be doing some of the buildout. So project funding in place at this moment or pending is \$7.65 million. The -- tonight, as you know, in order to receive some of those grants that we made a commitment to them that the City would be committing a \$1 million in funding. This may be some in-kind services. But we would be -- we've talked about the project was it's better to spend a million to get it rehabbed then a million to a million and a half to two building down especially since an iconic structure. So tonight, in order to start drawing on those other funds, we need to show the State that we are making a commitment to funding. So that will be one of the resolutions.

And the other resolution is to appropriate \$3

million from the American Recovery Plan money, the ARPA funding into this project. The project is absolutely eligible for this federal funding. It meets all the guidelines, all the COVID guidelines especially with the ABCD Program there. So the total project cost is about \$11.6 million as you saw in the emails today that we're pretty confident and that was a draft email that was sent to you today that we're pretty confident that we're going to be able to get this project done within the timeline. I spoke with project labor agreement with the school district. That was my question to them. And we have retained a firm to do the feasibility study of having a project laborer agreement. And it looks very favorable now that the City will save significant money by going that route. And that document once it's final, we'll be making it public as part of the public record, but right now it's in draft form. And we're just talking about it. But we're excited about it. I have met with the building trades. They're excited about moving ahead on the project also.

Tonight you will also be voting on the engineer for the project. As you know, Mr. Fusco was very much involved in this project with the Middletown Community Health Center and has done a lot of work for the City, preliminary work on a per diem basis. He's also one of

four applicants that we received on the RSP. All qualified and all -- very qualified. And Jacob has a letter of recommendation tonight to award it to Mr. Fusco. It's a close call with all of the companies, but Fusco has a history on the project as maybe one or two of the others do also. But I think he has some much more extensive history on it. And has done a lot of the preliminary work when he was with the Middletown Community Health Centers.

So he's local. He is bringing in a big outfit to work with him. So I'm confident that he'll be able to do the job. I know Jacob has made a recommendation. There were -- I think out of the four applicants, I think Jacob was a principal or partner with two of them, so but that was probably more than 20 years ago. So -- so I felt comfortable in the fact of asking Jacob for a recommendation based on his commitment and his role here in the City and he is making that recommendation to the Council. And I concur with the recommendation.

So we're excited about getting this project moving. As you know, the feasibility study timeline is very important because some of these funds have timelines attached to them where the money must be spent within a certain period of time. So we're anxious to get moving. And we're anxious to hire the engineer or at least tonight

we'll be approving to designate to him. And then the next step is negotiating the contract which will, I believe, come back to you also. So if -- or we'll become with Jacob's recommendation. And it's basically standard fees and standard rates. So we're excited about it. And I hope you're as excited as I am and that you'll get this project moving tonight.

The COVID cases, as you know, are -- we're going backwards in some areas including Orange County. I saw the article today focused on 5 to 11 where Orange County is one of the low counties in New York State, Orange, Rockland, and some counties upstate that where vaccination rates for kids 5 to 11. I can tell you my grandson is home now for the second time in three weeks on quarantine because someone in the -- in the school or in his unit or whatever however they break it down has been exposed. And it's no way that we can continue this. So we need to get our kids vaccinated. We need to get people, our adults vaccinated. People are dying. Miguel will tell you the hospitals are filling up again. And the only way around this is vaccination or it's something we're going to live with.

So hopefully people will reconsider. Talk to your doctor. Get the vaccination. We're approaching 1,000 deaths in Orange County alone. And I think we're

approaching 800,000 nationally. So and then I think 4 or 5 million throughout the world. So please consider it. It's important. So for Christmas, maybe get a vaccination and do the community a favor also. Give us all a gift. And also shop small. And I want to wish everyone a Merry Christmas if I don't see you at the next meeting and happy holidays to all. And any questions I'd be more than happy to address them.

PRESIDENT RODRIGUES: Any questions for the Mayor? Thank you, Mayor.

MAYOR DESTEFANO: Thank you.

7. Remarks of Department Heads

PRESIDENT RODRIGUES: Remarks of Department Heads, Economic Development.

MARI BRUNI, ECONOMIC DEVELOPMENT: Good evening, everyone. This past week we had a couple more ribbon cuttings. Downtown Village on Montgomery Street, as you know, vacant warehouse in that area was renovated by developer Sal Vaspoli. And he had a ribbon cutting. There's 21 apartments and commercial space as well. And also Painted Horse Chocolate is Retrell Commons (phonetic). As you know, she was part of our Race for Space competition at that location. And I'm pleased to say that she is going to start opening to the public on December 11th, that's

this weekend. And they're working hard. They're filling the store with all kinds of chocolate goodies, so good visit them starting this weekend.

Also this evening, we had a CDA, Community Development Agency meeting. And reported that with some more accomplishments for housing rehab for homeownership program will hopefully reach 14 properties that we rehabbed and put families into. So we're pretty proud of that number.

And I, too, want to thank everybody regarding the tree lighting. It was an amazing night as the Mayor mentioned. And especially my team, Stefania, Eileen, Joseph, and Kailyn, the bid office, and, you know, just everybody pulled together, police, fire, DPW, Park and Rec, all the participants, the school district, all the volunteers. You know, you may not see some of the volunteers that are out there helping us as well. So it was just an amazing night. And thank you to everybody. That's all I have.

PRESIDENT RODRIGUES: Any questions for Maria? Alderman Kleiner.

ALD. KLEINER: Maria, would you just mention also the Mulberry House dedication, the GMIC warming center because that's since our last meeting.

MARI BRUNI, ECONOMIC DEVELOPMENT: Correct. We did have a third ribbon cutting. I'm losing track here. Yes, the warming station opened on November 19th and we had the dedication November 16th. And that, too, was a really great event. And everybody came together to make that happen as well in our community and launched a successful program right on Mulberry Street. And thank you for reminding me.

ALD. KLEINER: Thank you.

MARI BRUNI, ECONOMIC DEVELOPMENT: So we had three ribbon cuttings.

PRESIDENT RODRIGUES: Thank you, Maria.

DPW Commissioner.

JACOB TAWIL, DPW COMMISSIONER: Good evening, all. We'll start off with Alderman Masi. The reservoirs are full, but in great shape. We're in good shape with the water situation.

And the pump station at the water treatment plant, we're approaching the start up. The electrician has to finish. I think he's got a couple more weeks. And adding more security cameras in there and invisible fence around certain areas. That will be done. And then hopefully we'll have the start up. After that we will retire the pump station that's been water at the water feed

pump plant since 19 -- 1989 non-stop. And I'm happy to report that I designed that pump station, me and Jeff Shoemart (phonetic). So it's when we were consultants working for the City.

The water temporary pavement has been removed at Monhagen Avenue. So the local alderman in there and the council president, you know, it's done. And that's still temporary because we're going to go back after the project is completed and we're going to mill from the edge of the road to the center line of the road just like we do with any other project and repave it. So this is still temporary, but it's much better than what it was before.

The contractor is resuming the installation of the 20-inch, 24-inch water main. And he's going to be going into the psychiatric center, former psychiatric center campus and all the way to the first entrance of the psychiatric center of Monhagen Avenue which is closer to the City, closer to waste Main.

On Friday, we're having some legal issues that I've been reporting to you with this water line certain sections of that water line. This Friday we're going to be having a meeting with our attorneys, specialty attorneys, and the contractor's attorneys and we'll see if we can be on the same page and come up with certain agreements. So

we will update you. But that's -- that's attorneys and legal issues at this time with certain sections of it, not the whole water line. So the whole water line installation continues. The contractor is doing a great job. And they're trying their best.

Before you tonight, just we auctioned off some equipment for DPW and vehicles, old vehicles. That resolution before you will generate about more than \$63,000 in there for us. Just getting rid of some junk equipment.

Heritage Trail the Mayor did not report to you about it. We've been wait -- we've been meeting with them, with the engineers and with the contractors and with the county. And within a couple of weeks, the whole trail will be done and hopefully it will be open. The only thing is -- the only hang up right now is the rails over the bridges that cross over Genung Street and Sprague because it has to be made in America the steel as condition of DOT in there. And they bought steel that was -- railing that was not made in America, so that caused some delay. So that's the only thing that will hold us back from opening up the Heritage Trail from the switch end or East Main Street all the way back to tie into the Goshen section where Heartly (phonetic) Road.

The leaves, just a reminder, we are done putting

out leaves or in yard ways. So, please, we're trying to catch up with the city going all over again. So please do not put anymore leaves outside. Do not rake anymore because we just -- it's going to snow possibly tomorrow. It will be hazardous condition in there because our trucks they're going to come in and plow the road and they may not see the leaves, the piles of the leaves because they're covered or what have you. They're going to spread them all over the place. It becomes slippery. It's hazardous. So whatever you've done, that's -- that's the end of it. We advertise that well ahead of time to let you know when the deadline is which was last weekend. So please, you know, refrain from putting any more leaves because it will be hazardous to everyone. We appreciate that very much.

The following week, if this continues, we're going to have send Code Enforcement unfortunately and -- and do some -- some enforcement. We don't want to do that, so please help us out. It's for your safety and your neighborhood safety. No more leaves in the street or yard waste.

Waywayanda Avenue also that was a problem in there with the temporary pavement. Orange and Rockland did that. They milled and paved the road from the edge to the center line of the road. I think it's very nice and it's

acceptable.

The Mayor mentioned Al Fusco and my recommendation to award -- to award the project to Al Fusco. And, you know, Middletown is a small town. I've been here since 1984. Like the Mayor said, I was principal, you know, one of seven principals with Claude Paterson, a 220-person firm and juniors and architects. I was one of 7 principals in there. Now the firm is 500 people, doubled. But, you know, Fusco I was partnered with him. It used to be Fusco Tawil Engineering. So, you know, I can't turn left or right except without bumping into people I had previous -- it's a small -- small place and I had association with many people around here, but that's why. But so that's why I had to mention it, but I had to make the recommendation from Fusco because of his previous knowledge working on the grants with the Mayor and Maria and his knowledge with the -- with the plans, with the history, the institutional knowledge and so on and so forth. Otherwise the four firms that submitted for it, LAN Architects out of Goshen, CPL, Clark Patterson and Lee, and Coppola, AG Copolla, and Fusco, all of them, they can handle it. Fusco has got a big muscle coming with him, teaming up with him, an architecture firm. So I'm very comfortable that he can do the job. And it's a very

compressed timeline because of the grants. And that's why, you know, it's just within six months he has to produce final plans and so on and so forth. So we can't have -- we can't start fresh. I was impressed, again, with the qualifications of all -- all of the four firms that submitted. Any one of them four can do it. But because of the time issue in there, I felt that my recommendation to you to award it to Al Fusco.

New York Rising Project in there, the project pretty much is completed for West Main Street. Now we have to work on some concrete curbs and sidewalks. The project came under budget. It's a grant from the Governor on the New York Rising, so we're going to be adding more curbs and sidewalks all the way up to Maple Avenue and we're going to go down from the bridge down as far as we can to use up all the money that's available. So that's an additional curbs and sidewalks. We discussed that today with New York Rising and the contractor and the engineers and, hopefully, we can pull it off. That should be done within a couple of weeks, three weeks, the whole -- the whole thing.

The same with Grant Street culvert, we have money left over in the budget and we're going to be adding curbs and sidewalks because they are badly needed over there on Grant Street as well. So we'll be replacing as much as we

can. It's outside the scope of the project, but we have additional funding remaining and we'll be able, hopefully, to use them for curbs and sidewalks and additional paving.

And I'm very happy to see the plans for the school, Twin Towers. There's a pull off in there for the students, drop off. It's extremely safe. We've been advocating that with the school district, I have been, for years. And I'm glad to finally see it happen in there. It's going to be much -- much safer, much less concern with the traffic and people getting run over. I'm hoping that the Orange County Community College will do the same in front of the Commons and South Street because we suggested that to them when I used to meet with their safety committee years and years ago. And that is very much needed. Hopefully, so hopefully Orange County Community College will do the same and have a pull off for the buses in there to drop student to be less likely to have accidents where human tragedies in there.

And with that I will conclude -- I conclude my remarks. If you have any questions for me.

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

JACOB TAWIL, DPW COMMISSIONER: Thank you.
Fire Chief.

JACOB TAWIL, DPW COMMISSIONER: Oh, I'm sorry.

John -- I'm sorry. May I? John Naumchik, I have it in my notes. I'm, you know, I'm very -- I'm very happy for him that he's going to be retiring and relaxing, but he will be sorely missed. I dealt with him. He's been reliable. Whatever we wanted, he spit it out immediately for us in terms of documents, contracts. I will miss him very much and I wish him the very best.

NICK BARBER, FIRE CHIEF: Good evening, everybody. I just want to welcome Richard aboard. You've got some pretty big shoes to fill. And I will be upsetting you a few times so.

But just want to let you know, Phoenix Engine Company Number 4 will be doing their Santa parade on December 18th, so keep an eye out for it. They will be following all the City and CDC guidelines for the COVID.

To date, we have 837 calls. And there's a couple of resolutions in front of you tonight, looking for your support. And wish to wish everybody a Merry Christmas and Happy Holiday. John, I'm going to miss you, buddy. Take care.

PRESIDENT RODRIGUES: All right. Thanks, Chief.

NICK BARBER, FIRE CHIEF: Any questions? No.

Thanks.

PRESIDENT RODRIGUES: Police Chief.

JOHN EWANCIW, POLICE CHIEF: Good evening. Just a few things this evening I'd like to address. First is it's a topic of concern. Some of you may have heard of it. This past Sunday, December 5th, about 7:25 p.m. on Watkins Avenue we had an incident that caught a lot of people's attention, specifically, ours because of the nature of it. The family at that location had or were subject to someone shooting pellets or bbs at the menorah that was inflated in front of their home. They reported it to us the following day because they weren't sure that it actually occurred that night. They did capture a portion of the incident on some video that they had. And we are doing everything we can to try to follow up on that video. Detectives have been assigned to the case and we are diligently working it. But we are also looking for some support from the community to see if anybody has any additional information or any knowledge or anything that they can point us in the right direction. And if they do, there's multiple ways to share that information with us through Nixle, through our tip line. You can call us, you can email us, whatever it may be. But anything that we can get to help us bring this to a conclusion is greatly appreciated. As I said, this is a serious situation to us and we take it very serious and

we'll do everything we can to address that.

Additionally, we are seeing a small uptick in thefts. This time a year it's even a little bit more prevalent. Packages in vehicles, unlocked vehicles, for the most part, some mail being, you know, removed from porches or sidewalks. So what I ask is if people could take that extra precaution make sure you lock your doors. Make sure you -- you do what you can to ensure that someone maybe could get a package or sign for a package. But at the same time, let's be neighborly and let's look out for our neighbors as well. Keep an eye out. We know if our neighbors are home or not home, who should and shouldn't be there. And I think that will definitely help up curb some of this. And give us a call if people do see any type of suspicious activity. Let us look into it. If nothing else, we send the person on their way and someone doesn't lose any, any of their hard-earned gifts or packages.

Additionally, today another call of concern. We dealt with this many years ago. Several of you, many of you are familiar with it, the swatting calls that we dealt with at the school many years ago. It was an ongoing situation for some time. Since then, today is the first time we've dealt with that. It was not at the school, it was at a local residence. It came in as a person shot.

Through the investigation, we realized that it was a swatting call. And also through investigation we realize that a neighboring town had a similar call just prior to us. So we have our resources working on that. We learned a lot from the last time this occurred, so we were jumping right back onto that same platform to see if we could track this person down and hold them accountable.

On a positive or actually not on a positive note, just some -- some follow up. Also, throughout the summer we've talked on -- on several occasions, sometimes privately, sometimes openly in the meeting about some of the youth activities that are taking place, some of the violence or crime that is associated with youth. This year we saw a majority of our more serious crimes were related to our youth population. To try to address some of that, we partnered with the school district, our Parks and Recs, some of our other community partners and community leaders. And on November 15th, we did an intervention. What we did is we identified through our sources and through the school sources, groups of people or of youth that have kind of not been doing the right thing in our eyes. We invited them and their families in. We had a candid conversation with them, explained to them what is going on, the consequences of their poor behavior. And hopefully we go through to

some of them.

We did it one other time back in 2019. It was pretty successful. So we -- we gave it another shot. And, you know, if we could, you know, connect with a few of them and give them some other resources to put their energy into, I think it will be successful.

On that same note, and this comes, basically, from a letter from the school. It kind of caught my attention in regards to the same stuff as far as youth behavior. Again, bringing back to us looking out for our neighbors, looking out for the people in our families, our friends. It takes a village to raise a child. That's an old saying. It still goes true today. So if we see one of our family members acting out, if we see a neighbor, someone that's affiliated with us, please take the time to address that. But, also, at the same time address that positive behavior that they do as well, so that they know there's encouragement for -- for good choices as well.

So a few meetings ago I mentioned that we had the Middletown Police had received a grant. So we have actually pretty much finalized that grant. It's a \$20,000 grant through the youth bureau from New York State. And we worked with the partners through the Orange County Youth Bureau and came up with a plan, an agenda, for our funding.

And beginning January 12th, we are going to host a Middletown Police Youth Leadership Academy. It's a 12-week program. We're going to start January 12th. It's going to be Wednesday nights from 3:30 to 6:00 p.m. As part of the grant, we are afforded the opportunity to provide food for the participants, transportation for the participants. And we have a pretty full agenda to include topics such as police community relations, leadership skills, dangers of narcotics, social media safety, resume building, teamwork and team projects. And as an additional to the 12 weeks, we are offering some additional classes to the participants where they can leave being ADCPR and Narcan certified. So we are hoping that they get some great takeaways, that we have some great participation. We're looking for 20 to 25 participants in the age range from 13 to about 19. So if anyone knows anyone that maybe a good participant, please put them in touch with Sergeant Welch, 346-4032. And we'd be looking forward to working with them.

And, lastly, I'd like to also congratulate John Naumchik. John, thank you. It's been a pleasure. I wish you the best in your retirement. As Jacob said, you've always done everything you can for us, all of us here, so thank you for that.

Other than that, I have nothing unless you have

questions for me.

PRESIDENT RODRIGUES: Any questions for the police chief? Alderman Johnson.

ALD. JOHNSON: I've got a question. Just -- we discussed some informal code changes that were going to come before my committee.

JOHN EWANCIW, POLICE CHIEF: Yes.

ALD. JOHNSON: And when you and Alex are ready for that, I'll schedule a meeting.

JOHN EWANCIW, POLICE CHIEF: I'm ready. Yes.
Thank you.

PRESIDENT RODRIGUES: Anyone else? Thank you, Chief.

JOHN EWANCIW, POLICE CHIEF: Thank you.

PRESIDENT RODRIGUES: Superintendent of Recreation.

RAELYNN BERTHOLF, SUPERINTENDENT OF RECREATION:
Good evening. If you know any youth who are in need of any extra holiday help or cheer, this Saturday we are collaborating with HJM Management to do a toy drive for the youth. It is a -- you must preregister. It's found on our registration site or Facebook.

Also, this Saturday, if you check our -- if you've seen our Facebook page with the Middletown Police

Department, Fire Department, DPW, and the school district, we are doing another holiday parade. Our route is listed on our Facebook page, so please check it out. We are not driving through the streets this time. We are going through the school parking lot, so make sure you check out the Facebook page for the exact routes and locations.

Our winter break program registration is currently up. That week they have no school, Monday, December 27th to Friday, December 31st, we are having our winter break programs, so register your kids now.

We also have a sketching class and all of our free fitness classes you can register for.

A quick maintenance update. All of our bathrooms and parks have been winterized. You've noticed, I'm sure, a lot of the high winds lately, so John Bianci and his crew have been very busy cleaning up a lot of the downed trees on the Reservoir Trails and also a lot of leaf removal in the parks and on the Rutherford (phonetic) Trails keeping them clear.

The capital project at the reservoir is going on in the Van Duzer lot. The new roof is on. They are currently working on the waterline going into the building. And they are going to begin tapping into the septic tank. And the power is being connected there.

They are also working on a memorial bench in path for Rollin Lybolt at Davidge Park.

And one last thing, again, like everyone else, congratulations to John Naumchik and welcome to Rick McCormack. Any questions?

PRESIDENT RODRIGUES: Any questions? Thank you. Excellent report.

City Clerk. Which one wants to come up. All right, Rick, it's yours.

RICHARD MCCORMACK, CITY CLERK: Thank you to everybody for welcoming me this evening. I do have certainly some big shoes to fill and I'm looking forward to working with everybody.

PRESIDENT RODRIGUES: Awesome. Any questions for Rick? All right.

8. Public Hearings and Grievances.

(Nothing this evening.)

9. Petitions and Complaints

(Nothing this evening.)

10. Remarks of the Alderman.

PRESIDENT RODRIGUES: Okay. Remarks of Alderman. Alderman Masi.

ALD. MASI: John, thank you for all the years of service. It was a pleasure working with you. And, Rick, I

look forward to working with you. And just in case I can't make the next meeting, all my -- I want to wish all my colleagues and everyone out there a Merry Christmas and a Happy New Year and whatever faith you're in that your holidays are good, safe, and enjoyable.

PRESIDENT RODRIGUES: Alderman Tobin.

ALD. TOBIN: Same thing. Welcome, Rick. And thank you for all your years of service, John. And happy holidays. And the tree lighting was excellent. I'm getting a lot of positive feedback and compliments about how great it was and how people missed it. So thank you.

PRESIDENT RODRIGUES: Alderman Green.

ALD. GREEN: Thank you very much. Yeah, John, thank you is not enough. It's been a pleasure. From the moment I, you know, stepped foot in here, you've been a guiding light in certain areas and I've definitely been able to help me through the ropes. And, you know, you definitely earned your -- your well-deserved retirement. And, Rick, welcome, it's nice to have you here with us. And you do have big shoes to fill, but we're sure you're up to the task. And John will definitely leave you in a good spot.

We will be having a 2nd Ward constituents meeting on Monday the 13th at 7 p.m. here in the council chambers.

We do ask because of the uptick in COVID everyone please come in masked and we will have a safe indoor meeting. Look forward to seeing you there.

Tree lighting, menorah lighting, all the ribbon cuttings especially, you know, we had that great dedication of the warming station, it was really nice to see such a large crowd there in support and especially to see Rabbi Schwab there who definitely was there from the very beginning.

I just want to say because there's so many projects going on right now, whether it be through the City here, through the school district, I think, you know, with the Heritage Trail and everything and the O&W station, when we say Middletown is moving forward, when we talk about that in campaigns and things like that, that's what we mean. Things are definitely moving forward, things are getting better. Things are just becoming great. And -- and it's definitely a pleasure to be a part of this and to have so many opportunities afforded to our community. Thank you.

PRESIDENT RODRIGUES: Alderman Johnson.

ALD. JOHNSON: Thank you. Paving on Monhagen duly noted. Thank you very much.

Friday night, I think Maria and her crew are one

of those unique organizations to take something that's relatively complicated and make it look deceptively simple. And thank you for that.

I agree with the Mayor, it was unprecedented in recent past. I think everybody was in the mood to do something good. And I think that fit the bill, so thank you all for that.

With respect to John, nobody is going to miss John more than I do, so just be clear on that. He's been my Sherpa and kept me out of trouble on many occasions. Mr. McCormack, most of what he told you about me, if anything, is going to be true. So deal with that as you can. And as was alluded to, Rick and I were on the school board together a very long time ago. And I did refer to him as Young Rick at that time because I think you were probably the youngest school board member in the State of New York ever. And I do have permission to still call him young Rick if I have to. So thank you very much and welcome.

RICK MCCORMACK, CITY CLERK: I think you (inaudible).

ALD. JOHNSON: Extremely. It makes me older than dirt, so.

PRESIDENT RODRIGUES: Alderman Ramkissoo.

ALD. RAMKISSOON: Good evening. I just, John, there are no words. Okay. You know everything, you don't even have to look it up. It's been years of, like, endless questions and you always having the answer and me never having my paperwork in on time and being endlessly patient. So I don't know how you put up with us that long, but God bless you and enjoy your retirement.

Rick, Nick was right. We are all going to upset you at some point. So we all apologize in advance. You'll forgive us, I hope.

The tree lighting was amazing. It really was a great year. I've been to so many of them. But if you are a part of this community in any way shape or form, it's just another one of those nights where you're really, really happy to be a Middie. It just feels really good to be a part of this community some times. And those nights really highlight it and everything that Rec and police department and DPW and Maria and crew, what you guys do to make that happen, it is magical. It was magical. We love even just driving by the tree. I'm like it's great, it's so great. So that's all I have to say about that. It was outstanding.

For the school project, I just want to state that we really do have an outstanding school district here. I

know there's been a lot of things going on. But at the end of the day, what our children have in terms of opportunities when it comes to athletics and academics and technology and all these opportunities that are here, I am lucky enough to have kids who are taking advantage of all of them. And they are astonishing and endless. And I'm proud of this district. And I'm really excited about the way this district and the City have really kind of come together over recent years. And we're just going to do great things and it's really cool

So with that, I will stop speaking. Thank you.

PRESIDENT RODRIGUES: Alderman Kleiner.

ALD. KLEINER: Thank you. Welcome, Rick. It's going to be interesting, I'm sure. And, John, you know, John has gone above and beyond so many times. He always had everything you needed. And it -- to just as Alderman Masi said, it's just been a pleasure. It's always been such a positive experience working with John. And we know he'll be around for a few more weeks, so we're going to take advantage of that too.

The GMIC warming station, the dedication was amazing. Rabbi Schwab came up for it. It was cold and windy. The Mayor says be brief. They -- they said be brief. Rabbi Schwab says "I'm never brief." So we got a

full history of the warming station. But it's -- it's such an amazing project. And the -- the dedication of that, well, they still overnight volunteers.

Middletownwarmingstation.com. With COVID it's -- it's more difficult to get volunteers, so that's -- they are also accepting two hour volunteers to make it a lot easier during that busy time and the overnights. So if there's any chance you can do that, please give a night or a couple of hours or an overnight if you can.

The tree lighting, the holiday parade, the menorah lighting was an amazing event especially since, you know, after last year, this was the community on a really cold and windy night coming together and really coming out and supporting the city. And you wouldn't know that happened and you wouldn't know GMIC warming station happened if you read the local paper. And my comment to the editors has been we don't have a local paper anymore. I was told that, well, they don't cover ribbon cuttings anymore and they don't cover parades. And you can imagine how that got me going. And I said this was not a ribbon cutting story and this was not a tree lighting story. This is a COVID recovery story. This has a history of -- of conflict and working through things. And the City is stepping up and taking COVID recovery funds and doing an

amazing job after last year and the difficulties in the neighbor and with Temple Sinai and the whole congregation. And what -- what's -- we've come up with as Maria has told us and the Mayor has told us in the past has been called one of the five best uses of COVID recovery funds in the entire country.

And the tree lighting, well, we've renovate and redid downtown. And it's now the John F. Degnan Square. And the tree is in a whole different location. And the City came out and supported that in an amazing way and took part in that. That's a COVID recovery story, that's not a tree lighting story. And that tree came from Twin Towers, you know, built -- built during the Roosevelt Recovery Period. It was one of those projects. So it's a history story. It's a continuing story. And apparently they wouldn't know the story if it hit them on the head and sometimes you do that. We still need them because we need an official legal source to print our advertisements in for the City. But other than that, I don't see why anybody would need the *Record* for anything sorry to say.

When -- when -- a little negative. More complaints about the YMCA and their lack of even asking people to be vaccinated. They are definitely on the side of the virus. They don't care about masks. They don't

care about vaccinations. They only care about their bottom line and not upsetting the unvaccinated people and hoping they won't cancel their memberships. So it's been an issue. And the way they've handled it has been extremely disappointed.

This Saturday, December 11th at 2 p.m. in the Town Hall in the Town of Wallkill, the Town of Wallkill Historical Association and I mention this because there's going to be a presentation by Fred Isicks (phonetic) and by Andy Mills to great Middletown residents. And it's going to be on the original roads and turnpikes in Orange County and specifically focusing on the Goshen Turnpike and the amount of history with that you wouldn't believe. So if you get a chance, I hope you can turn out.

And other than that, just I hope to be here two weeks from tonight and wish everyone, you know, Merry Christmas, Happy New York and happy holidays. But say it ahead of time, have a -- have a wonderful holiday season anyway. Thank you.

PRESIDENT RODRIGUES: Alderman Jean-Francois.

ALD. JEAN-FRANCOIS: Yes, good evening. I have to disagree with Alderman Johnson. I think I'm going to miss John more than you do. John, I think you're a rock star. You know, many times when I call you I could see,

you know, just by listening to your voice sometime I call you so many time I could see the frustration, but you always come through. But, you know, like I said, you're a rock star, John. We're definitely going to miss you. Congratulations, Rick.

And how can you not talk about the tree lighting? I mean, when I first left my home it was so cold. The whole time thinking no one is going to come out for this because it's too cold. And -- and as you started walking the parade, get closer downtown, I turn around, I said, wow, there was so many folks out there. I couldn't believe it. And the whole time I'm thinking, well, this is what COVID does. You know, yeah, people just looking through (inaudible) to see what's going on. And it's great to see everyone came out and support that. Marie, you and your staff, I think you guys outdone yourselves this time.

And, Commissioner, at the last meeting we mentioned we had a brief request for Waywayanda and Monhagen Avenue. You guys did a wonderful job and it was quickly done. As a matter of fact, with the gas prices so high I be taking a longer trip just to go around to avoid that area. And thank you, I'm saving a lot of money just by you fixing that road. Appreciate it. Thank you. Thank you. Thank you.

PRESIDENT RODRIGUES: Thank you. Good evening. I also have to congratulate John. I will be missing him. Any leader to have John on their side, John makes us look really, really good especially up here. John is probably one of the most organized persons I ever have met in my career here. We -- we shared from day one, John will call me every minute from good to bad. Even when we had the active shooter, he would call me and say, "There's a man walking around in City Hall with a gun." And I remember that day. And I said, "John, hang up and call the police." I said, "Please, don't call me", you know. And, you know, we -- we've gone through a lot of good, a lot of long meetings and John -- John has been there for us for a very, very long time. And well deserved. I hate to see you go, but I know we can always count on you. And I know Rick is already getting into the right groove. I know the whip is out, so, you know, I appreciate everything. I congratulate you from the bottom of my heart because I -- I will miss you a lot. So thank you.

PRESIDENT RODRIGUES: New business.

12. New Business.

(PROCEEDING CONCLUDED)

CERTIFICATE

I, LISA KANE, certify the foregoing transcript of proceedings prior to New Business of the December 7, 2021 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: December 27, 2021

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. Masi

Sec'd by Ald. Tobin

Date of Adoption 12-07-21

Index No:251- 21

NAMES	AYES	NOES	ABSTAIN	ABSENT
Ald. Ramkissoon	X			
Ald. Tobin	X			
Ald. Kleiner	X			
Ald. Johnson	X			
Ald. Jean-Francois	X			
Ald. Burr				X
Ald. Green	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 Mayor to sign and enter into the attached agreement with the County of Orange for the extension of the Title III-B Senior Transportation effective January 1, 2022.

**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 12-07-21

Index No: 252-21

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

WHEREAS, the Police Chief is proposing an ordinance to prohibit double parking.

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 a new Section 460-12.1, Double parking prohibited, to read as follows:

Section 460-12.1. Doubling parking prohibited.

No person shall stop, stand or park a vehicle on the roadway side of any vehicle stopped, standing or parked at the edge or curb or a street. A violation of the provisions of this Section shall be punished, upon conviction, by a fine of \$100.00.

Section 2 - This ordinance shall take effect immediately.

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

THE FOLLOWING WAS PRESENTED

By Ald. Kleiner

Sec'd by Ald. Green

Date of Adoption 12-07-21

Index No: 253-21

NAMES	AYES	NOES	ABSTAIN	ABSENT
Ald. Ramkissoon	X			
Ald. Tobin	X			
Ald. Kleiner	X			
Ald. Johnson	X			
Ald. Jean-Francois	X			
Ald. Burr				X
Ald. Green	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 Mayor to sign the attached agreement with the Orange Bank & Trust Company for Smart Safe program for the Finance Department.

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

THE FOLLOWING WAS PRESENTED

By Ald. Ramkissoo

Sec'd by Ald. Kleiner

Date of Adoption 12-07-21

Index No: 254-21

NAMES	AYES	NOES	ABSTAIN	ABSENT
Ald. Ramkissoo	X			
Ald. Tobin	X			
Ald. Kleiner	X			
Ald. Johnson	X			
Ald. Jean-Francois	X			
Ald. Burr				X
Ald. Green	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 within the Senior Center 2021 budget a total of \$4,000.00 to bring the Senior Bus up to regulations to pass NYS vehicle inspection in the following manner:

FROM
GA.5680.100

AMOUNT
\$4,000.00

TO
GA.5680.440

**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 12-07-21

Index No: 255-21

NAMES	AYES	NOES	ABSTAIN	ABSENT
Ald. Ramkissoon	X			
Ald. Tobin	X			
Ald. Kleiner	X			
Ald. Johnson	X			
Ald. Jean-Francois	X			
Ald. Burr				X
Ald. Green	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 \$195,261.85 from the Water Fund Balance to fund the balance of the purchase of 28 Pilgrim Corners Road, Middletown, NY in the following manner:

FROM	AMOUNT	TO
Water Fund Balance	\$195,261.85	F.1940.900 Purchase of Land

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

THE FOLLOWING WAS PRESENTED

By Ald. Green

Sec'd by Ald. Johnson

Date of Adoption 12-07-21

Index No: 256-21

NAMES	AYES	NOES	ABSTAIN	ABSENT
Ald. Ramkissoon	X			
Ald. Tobin	X			
Ald. Kleiner	X			
Ald. Johnson	X			
Ald. Jean-Francois	X			
Ald. Burr				X
Ald. Green	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 \$25,000.00 from the 2021 ARPA funds to cover plumbing costs associated with the Reservoir Restroom Capital Project in the following manner:

FROM

A.4785
ARPA Funds

AMOUNT

\$25,000.00

TO

H.0764.900
Capitol- Reservoir Restrooms

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

THE FOLLOWING WAS PRESENTED

By Ald. Tobin

Sec'd by Ald. Masi

Date of Adoption 12-07-21

Index No: 257-21

NAMES	AYES	NOES	ABSTAIN	ABSENT
Ald. Ramkissoon	X			
Ald. Tobin	X			
Ald. Kleiner	X			
Ald. Johnson	X			
Ald. Jean-Francois	X			
Ald. Burr				X
Ald. Green	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 Mayor to sign the attached contract with Nearmap US, Inc for a subscription to an aerial imagery program for the Assessor's Office.

**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 12-07-21

Index No: 258-21

NAMES	AYES	NOES	ABSTAIN	ABSENT
Ald. Ramkissoon	X			
Ald. Tobin	X			
Ald. Kleiner	X			
Ald. Johnson	X			
Ald. Jean-Francois	X			
Ald. Burr				X
Ald. Green	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 Mayor to sign the attached Essential Assurance Agreement with Norcom for the repairs and maintenance of the City's Mitel desk phones for an annual cost of \$5,648.00 up front payment for a 12 month contract commencing November 23, 2021.

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

THE FOLLOWING WAS PRESENTED

By Ald. Jean-Francois

Sec'd by Ald. Green

Date of Adoption 12-07-21

Index No: 259-21

NAMES	AYES	NOES	ABSTAIN	ABSENT
Ald. Ramkissoon	X			
Ald. Tobin	X			
Ald. Kleiner	X			
Ald. Johnson	X			
Ald. Jean-Francois	X			
Ald. Burr				X
Ald. Green	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 approve the attached annual renewal agreement with PERMA for their 3rd party administration services and authorize the Mayor to sign the agreement. Terms and conditions are the same as prior years.

**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 12-07-21

Index No: 260-21

NAMES	AYES	NOES	ABSTAIN	ABSENT
Ald. Ramkissoon	X			
Ald. Tobin	X			
Ald. Kleiner	X			
Ald. Johnson	X			
Ald. Jean-Francois	X			
Ald. Burr				X
Ald. Green	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 a total of \$9,120.00 to fund contract for Telephone Maintenance and to fund Tax Expense for properties not included in 2021 Budget in the following manner:

FROM

A.1900.910

Liability Insurance

F.1900.910

Liability Insurance

G.1900.910

Liability Insurance

AMOUNT

\$3,400

\$1,150

\$1,150

TO

A.1900.481

Telephone Exp

F.1900.481

Telephone Exp

G.1900.481

Telephone Exp

FROM

F.1900.910

Liability Insurance

AMOUNT

\$3,420.85

TO

F.1900.950

Taxes on City Property

**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 12-07-21

Index No: 261-21

NAMES	AYES	NOES	ABSTAIN	ABSENT
Ald. Ramkissoon	X			
Ald. Tobin	X			
Ald. Kleiner	X			
Ald. Johnson	X			
Ald. Jean-Francois	X			
Ald. Burr				X
Ald. Green	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 a total of \$17,032.00 within the Police Department 2021 budget in the following manner:

<u>FROM</u>	<u>AMOUNT</u>	<u>TO</u>
A.3120.410 Uniform Allowance For the purchase of new dispatcher chairs that are in disrepair.	\$5,000	A.3120.480 Office Expense
A.3120.110 Part-time Officers For the purchase of 2 new G5 AED machines to replace 2 units that are in disrepair.	\$2,982	A.3120.200 Other Equipment
A.3120.410 Uniform Allowance To cover the cost increase for 2021 taxi cab permits	\$50	A.3120.454 Taxi Cab Permits
A.3120.432 Background Investigation To cover physicals and drug testing costs for new hires	\$1,000	A.3120.431 Chemical Analysis
A.3120.410 Uniform Allowance To cover the replacement for upgrades and repairs of the cell camera system, replacement of the antenna for OCCC camera system, and install new remote door lock for booking area.	\$7,000	A.3120.440 Camera Repairs
A.3120.410 Uniform Allowance	\$1,000	A.3120.433 Training

**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 12-07-21

Index No: 262-21

NAMES	AYES	NOES	ABSTAIN	ABSENT
Ald. Ramkissoo	X			
Ald. Tobin	X			
Ald. Kleiner	X			
Ald. Johnson	X			
Ald. Jean-Francois	X			
Ald. Burr				X
Ald. Green	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 a total of \$6,500.00 within the 2021 Fire Department 2021 budget to fund fire reporting software, Toshiba expenses & background checks and re-class to overtime account in the following manner:

<u>FROM</u>	<u>AMOUNT</u>	<u>TO</u>
A.3410.206	\$1,500.	A.3410.400
AFFF Foam		Contractual Expenses
 A.3410.106	 \$5,000.	 A.3410.103
Overtime-Fire Inspector		Overtime

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

THE FOLLOWING WAS PRESENTED

By Ald. Green

Sec'd by Ald. Jean-Francois

Date of Adoption 12-07-21

Index No: 263-21

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

WHEREAS, at the recommendation of the Mayor, Public Works Commissioner and Treasurer, the Common Council wishes to provide specific methodology to consistently calculate water/sewer hook-up fees for new construction and for change of use of existing buildings.

NOW, therefore, be it RESOLVED AND ORDAINED by the Common Council of the City of Middletown as follows:

Section 1. Chapter 193 of the Code of the City of Middletown, Building Construction, Article XIII, Development Charge, Section 193.52, Connection charge for residential uses, is hereby amended to read as follows:

A. Construction inside the City. For each new residential building constructed in the City of Middletown, there shall be a water, sewer and recreational hookup charge of \$2,300 per dwelling unit; in any dwelling unit where there are more than 12 fixtures, an additional charge of \$10 per fixture shall be added. For each new mixed-use building constructed in the City of Middletown, there shall be a water, sewer and recreational hookup charge of \$2,300 per dwelling unit; this charge shall be additional to the hookup charge assessed for the non-residential portion of the building.

B. Construction outside the City. For each new residential building constructed outside the City of Middletown which is permitted to receive City sewer and/or water

service, there shall be a minimum water and sewer hookup charge of \$2,300 per dwelling unit, and the Common Council shall have the discretion to charge a higher fee; in any dwelling unit where there are more than 12 fixtures, an additional charge of \$10 per fixture shall be added. For each new mixed-use building constructed outside the City of Middletown, there shall be a water, sewer and recreational hookup charge of \$2,300 per dwelling unit, and this charge shall be additional to the hookup charge assessed for the non-residential portion of the building; the Common Council shall have the discretion to charge a higher hookup fee.

C. An addition of 10 or more dwelling units in a residential or mixed-use building shall require a hookup charge to be calculated and assessed as described in Subsections A and B, above.

Section 2. Chapter 193 of the Code of the City of Middletown, Building Construction, Article XIII, Development Charge, Section 193.53, Connection charge for non-residential users, is hereby amended to read as follows:

A. For all non-residential new construction inside or outside the City, the hookup charge shall be based upon the estimated consumption of water and sewer services as compared with the average water and sewer consumption of an individual dwelling unit; the average residential unit consumption is 146,000 gallons per year (400 gallons per day multiplied by 365 days). This estimate and charge shall be determined by the Treasurer and the Commissioner of Public Works, and shall be proportionately based upon a hookup charge of \$2,300 per individual unit, except that this unit figure shall be \$2,000 for out-of-City construction, subtracting the \$300 park contribution in recognition of the out-of-City non-residential usage. Thus, by way of example, new non-residential construction inside the City that is estimated to consume 292,000 gallons per year shall be charged a hookup fee of \$4,600. New non-residential construction outside the City that is estimated to consume 292,000 gallons per year shall be charged a hookup fee of \$4,000.00. For non-residential construction inside or outside the City, the Common Council shall have the discretion to charge a lower or higher hookup fee. However, in no event shall a hookup fee be charged in excess of \$500,000.00.

B. The hookup fee assessed in Subsection A shall be subject to a 3-year lookback review process. This process shall occur only if the property owner or the City requests such a lookback prior to the end of the 3-year period after connection. This process shall be performed by the Treasurer and Commissioner of Public Works. The average annual water consumption for the 3 years after connection shall be obtained. If this average exceeds the estimated consumption initially calculated by the City, the initial hookup fee shall be increased proportionately. If this average is less than the estimated consumption, the initial hookup fee shall be reduced proportionately, except that in no event may the hookup fee be reduced less than \$2,300 for in-City construction and \$2,000 for out-of-City construction.

C. A change of use in a non-residential building that results in an increase in consumption in water usage of more than 730,000 gallons in a calendar year shall require

a hookup charge to be calculated and assessed as described in Subsections A and B, above.

Section 3. Chapter 193 of the Code of the City of Middletown, Building Construction, Article XIII, Development Charge, Section 193.55,1 Issuance of building permit, is hereby amended to read as follows:

No certificate of occupancy shall be issued and no connection to the City water/sewer system shall be implemented until the hookup charge provided in Section 193.52 or Section 193.53 has been paid to the Treasurer.

Section 4. Chapter 193 of the Code of the City of Middletown, Building Construction, Article XIII, Development Charge, Section 193.56, Use of moneys received, is hereby amended to read as follows:

The moneys received as a result of the hookup charge shall be proportionally used as follows:

A. Two thousand dollars of the moneys received shall be used to offset prior water and sewer capital improvements and shall be deposited in the City's reserve for bonded debt fund.

B. Three hundred dollars of the moneys received shall be used to offset prior recreational capital improvements and shall be deposited in the City's reserve for bonded debt fund, except that this Subsection shall not apply to nonresidential uses outside of the City.

Section 5. This ordinance shall take effect immediately.

1 Section 193.54 is intentionally left blank.

**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 12-07-21

Index No: 264-21

NAMES	AYES	NOES	ABSTAIN	ABSENT
Ald. Ramkissoon	X			
Ald. Tobin	X			
Ald. Kleiner	X			
Ald. Johnson	X			
Ald. Jean-Francois	X			
Ald. Burr				X
Ald. Green	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 Mayor to sign the attached contract with the Tri-State Geese Police Contract to control the Geese Population in Watts Memorial Park, Maple Hill Park and Fancher Davidge Park and Davidge Park Expansion for 2022.

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

THE FOLLOWING WAS PRESENTED

By Ald. Masi

Sec'd by Ald. Tobin

Date of Adoption 12-07-21

Index No: 265-21

NAMES	AYES	NOES	ABSTAIN	ABSENT
Ald. Ramkissoon	X			
Ald. Tobin	X			
Ald. Kleiner	X			
Ald. Johnson	X			
Ald. Jean-Francois	X			
Ald. Burr				X
Ald. Green	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 a total of \$7,900.00 within the DPW 2021 budget for unexpected costs in the following manner:

FROM	AMOUNT	TO
F.8330.458 Chemicals	\$2,000.00	F.8330.404 Lab Services
A.1490.479 Equipment Rental	\$900.00	A.1620.200 Other Equipment
A.5110.100 Personal Services	\$5,000.00	A.5110.450 Materials & Supplies

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

THE FOLLOWING WAS PRESENTED

By Ald. Jean-Francois

Sec'd by Ald. Green

Date of Adoption 12-07-21

Index No: 266-21

NAMES	AYES	NOES	ABSTAIN	ABSENT
Ald. Ramkissoon	X			
Ald. Tobin	X			
Ald. Kleiner	X			
Ald. Johnson	X			
Ald. Jean-Francois	X			
Ald. Burr				X
Ald. Green	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 a total of \$18,100.00 within the DPW 2021 budget to cover fuel costs for City vehicles for the remainder of the year due to rising prices in the following manner:

FROM	AMOUNT	TO
A.8160.100 Pers. Svcs. - Sanit.	\$13,400.00	A.8160.417 Gas and Oil - Sanit.
F.8320.100 Pers. Svcs. - Pumping	\$4,700.00	F.8320.417 Gas and Oil - Pumping

**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 12-07-21

Index No: 267-21

NAMES	AYES	NOES	ABSTAIN	ABSENT
Ald. Ramkissoo	X			
Ald. Tobin	X			
Ald. Kleiner	X			
Ald. Johnson	X			
Ald. Jean-Francois	X			
Ald. Burr				X
Ald. Green	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 a total of \$17,500.00 within the DPW 2021 budget due to:

- Necessary shift coverage due to cutting back on part time employee's hours worked, creating overtime at the plant.
- To cover WWTP employee leaving part time City employment at the WWTP and joining JCO to be able to work 40 hours per week and to minimize unbudgeted overtime created by the retirement of a WWTP employee.
- The increase of overtime at the WWTP, which increased the meal allowance account to be overdrawn.

In the following manner:

FROM
G.8120.100
Pers. Svcs. – Storm & Sanitary Sewer

AMOUNT
\$8,000.00

TO
G.8130.103
Overtime - WWTP

FROM
G.8120.100
Pers. Svcs. – Storm & Sanitary Sewer
Services

AMOUNT
\$9,000.00

TO
G.8130.400
WWTP- Contractual

FROM
G.8120.100
Pers. Svcs. – Storm & Sanitary Sewer

AMOUNT
\$500.00

TO
G.9000.896
Meal Allowance

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

THE FOLLOWING WAS PRESENTED

By Ald. Jean-Francois

Sec'd by Ald. Green

Date of Adoption 12-07-21

Index No: 268-21

NAMES	AYES	NOES	ABSTAIN	ABSENT
Ald. Ramkissoon	X			
Ald. Tobin	X			
Ald. Kleiner	X			
Ald. Johnson	X			
Ald. Jean-Francois	X			
Ald. Burr				X
Ald. Green	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 a total of \$25,000.00 within the DPW 2021 budget to cover necessary repairs to the carrier blade of Truck #16 in the following manner:

FROM	AMOUNT	TO
A.8160.100	\$25,000.00	A.8160.440
Pers. Svcs. – Sanitation		Sanitation- Repairs to Equipment

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

THE FOLLOWING WAS PRESENTED

By Ald. Ramkissoon

Sec'd by Ald. Tobin

Date of Adoption 12-07-21

Index No: 269-21

NAMES	AYES	NOES	ABSTAIN	ABSENT
Ald. Ramkissoon	X			
Ald. Tobin	X			
Ald. Kleiner	X			
Ald. Johnson	X			
Ald. Jean-Francois	X			
Ald. Burr				X
Ald. Green	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 \$13,000.00 within the DPW 2021 budget to cover the price increases for two Dodge Rams as per the attached memo in the following manner:

FROM	AMOUNT	TO
A.5110.100 Personal Services	\$13,000.00	H.0747.201 Dodge Ram 3500

**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 12-07-21

Index No: 270-21

NAMES	AYES	NOES	ABSTAIN	ABSENT
Ald. Ramkissoon	X			
Ald. Tobin	X			
Ald. Kleiner	X			
Ald. Johnson	X			
Ald. Jean-Francois	X			
Ald. Burr				X
Ald. Green	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 a total of \$58,451.11 within the 2021 City budget to cover expenses in the following manner:

<u>FROM</u>	<u>AMOUNT</u>	<u>TO</u>
A.9000.893	\$35,000	A.9000.840
Disability Insurance		Worker's Compensation

To cover overage in Worker Compensation expense. Currently over by \$22,543 with one month to go.

<u>FROM</u>	<u>AMOUNT</u>	<u>TO</u>
A.1900.964	\$23,343.14	A.1940.900
Refund & Cancellation Tx		Purchase of Land

To cover cost associated with the purchase back of 47 Sproat Street from Bulk Tax Sale.

<u>FROM</u>	<u>AMOUNT</u>	<u>TO</u>
A.1420.210	\$107.97	A.1420.479
Corp Counsel. Office Equip		Corp Counsel. Equipment Rental

**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 12-07-21

Index No: 271-21

NAMES	AYES	NOES	ABSTAIN	ABSENT
Ald. Ramkissoon	X			
Ald. Tobin	X			
Ald. Kleiner	X			
Ald. Johnson	X			
Ald. Jean-Francois	X			
Ald. Burr				X
Ald. Green	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 approve funding for the O&W Building Restoration Project from ARPA funds in the amount of \$3,000,000.

LET IT BE FURTHER RESOLVED; that the Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment to authorize the Treasurer to establish a capital project line, in the 2021 budget for the O&W Building Restoration Project and authorize the mayor to sign all documents for the project subject to review by the Commissioner of Public Works.

LET IT BE FURTHER RESOLVED; that the Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment to authorize the Treasurer to transfer \$3,000,000.00 from the ARPA funds in the following manner:

FROM
A.4785
ARPA

AMOUNT
\$3,000,000

TO
H.0994.900
O & W Build Restoration

**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 12-07-21

Index No: 272-21

NAMES	AYES	NOES	ABSTAIN	ABSENT
Ald. Ramkissoon	X			
Ald. Tobin	X			
Ald. Kleiner	X			
Ald. Johnson	X			
Ald. Jean-Francois	X			
Ald. Burr				X
Ald. Green	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 committing up to \$1,000,000 of City of Middletown funds from the General Fund towards the O&W Building Restoration Project which can include in-kind services as per the requirement of the NYS grants that the City demonstrate financial commitment.

**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 12-07-21

Index No: 273-21

NAMES	AYES	NOES	ABSTAIN	ABSENT
Ald. Ramkissoon	X			
Ald. Tobin	X			
Ald. Kleiner	X			
Ald. Johnson	X			
Ald. Jean-Francois	X			
Ald. Burr				X
Ald. Green	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 \$20,000.00 within the 2021 DPW budget to construct two new proposed fence enclosures with gates for two new garbage/recycling depots downtown:

- One behind the Paramount Parking lot
- One at East Main St. parking lot

in the following manner:

<u>FROM</u>	<u>AMOUNT</u>	<u>TO</u>
A.8160.100	\$20,000.00	A.1620.470
Personal Services		Repairs to Building

**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 12-07-21

Index No: 274-21

NAMES	AYES	NOES	ABSTAIN	ABSENT
Ald. Ramkissoo	X			
Ald. Tobin	X			
Ald. Kleiner	X			
Ald. Johnson	X			
Ald. Jean-Francois	X			
Ald. Burr				X
Ald. Green	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 award bids for the following surplus vehicles auctioned off through Auctions International:

2006 Ford E150 Van (VIN#1FTRE14W66HA94733) - \$7,500.00

2000 Bobcat 863 Skid (VIN#514444690) - \$12,100.00

2009 Ford F350 (VIN#1FDWF31509EA17865) - \$9,600.00

1988 John Deere 510C Backhoe- \$4,950.00

2008 Ford F350 (VIN#1FDW37R88EA18285) - \$5,700.00

1996 John Deere 644G Front Loader (VIN#DW644GB558857) - \$20,200.00

1997 Kawasaki Mule ATV - \$1,350.00

Massey Ferguson- \$2,250.00

Total \$63,650.00

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

THE FOLLOWING WAS PRESENTED

By Ald. Kleiner

Sec'd by Ald. Jean-Francois

Date of Adoption 12-07-21

Index No: 275-21

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

RESOLVED; that the Common Council of the City of Middletown amends the City Code, Chapter 460 Vehicles and Traffic, Section 460-11 Through streets; stop streets; yield intersections, subsection B Stop Streets to add:

Walnut Lane will be a three way stop at Amchir Ave

LET IT BE FURTHER RESOLVED; that the Common Council of the City of Middletown authorizes the Commissioner of Public Works or his designee to add two stop signs on the east and west side of Walnut Lane.

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

THE FOLLOWING WAS PRESENTED

By Ald. Ramkissoon

Sec'd by Ald. Green

Date of Adoption 12-07-21

Index No: 276-21

NAMES	AYES	NOES	ABSTAIN	ABSENT
Ald. Ramkissoon	X			
Ald. Tobin	X			
Ald. Kleiner	X			
Ald. Johnson	X			
Ald. Jean-Francois	X			
Ald. Burr				X
Ald. Green	X			
Ald. Masi	X			
Pres. Rodrigues			x	
TOTAL	7		1	1

WHEREAS, the City of Middletown in December, 2014 issued a Request for Concepts/Qualifications for the purchase and development of 11-15 King Street, Middletown, New York, and

WHEREAS, two proposals were submitted, and

WHEREAS, the City of Middletown, in September, 2015, accepted the proposal from Jonathan Lee ("Purchaser") for the purchase and development of 11-15 King Street based upon specific terms and conditions which were memorialized by letter dated September 16, 2015, and

WHEREAS, the aforesaid terms and conditions included a timeline of obligations to be met, and

WHEREAS, certain litigation ensued regarding this property which delayed the implementation of the aforesaid timeline for purchase and development, and

WHEREAS, this litigation and delay were not in any way the fault of the Purchaser, and

WHEREAS, the Purchaser is still interested in and willing to implement the purchase and development of 11-15 King Street in accordance with the specifications set forth in the Request for Concepts/Qualifications, and

WHEREAS, the Corporation Counsel advises that adherence to the specifications contained in the original 2014 Request, coupled with the unavoidable delay occasioned by the litigation, eliminates the need to issue a new Request, and

WHEREAS, the Mayor and Community Development Director have prepared an updated timeline which specifies the terms and conditions for the purchase and development of 11-15 King Street, and

WHEREAS, this updated timeline is annexed hereto, and made a part hereof, and

WHEREAS, the Purchaser has indicated his consent to be bound by this timeline and the terms and conditions contained therein.

NOW THEREFORE BE IT RESOLVED that the Common Council hereby concurs with the Board of Estimate that the annexed timeline containing the terms and conditions for the purchase and development of 11-15 King Street is appropriate and is in the best interests of the City of Middletown, and it is further

RESOLVED, that the Council hereby approves the aforesaid timeline, including the terms and conditions set forth therein, and the sale of 11-15 King Street to the Purchaser in accordance therewith, and it is further

RESOLVED that the Mayor, subject to approval by the Corporation Counsel, is authorized to execute any documents necessary for the implementation of the timeline and purchase and development of 11-15 King Street.

**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 12-07-21

Index No: 277-21

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

AMENDED RESOLUTION

RESOLVED; that the Common Council of the City of Middletown amends the City Code of the City of Middletown Chapter 30, Common Council, Section 30-2, time and place of regular meetings to change the time of the Common Council Meeting from 8:00 p.m. to 7:30 p.m. in the following manner:

The regular meeting of the Common council shall be held on the first and third Tuesday of each month at 7:30 p.m. in the common Council Chambers, City Hall. When a regular meeting of the Common Council shall fall on a legal holiday, such meeting shall be held on the first business day thereafter unless otherwise ordered.

This resolution shall take effect starting at the January 18, 2022 Common Council meeting.

Note: Original resolution indicated time change to 7PM.

**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 12-07-21

Index No:278-21

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

RESOLVED; that the Common Council of the City of Middletown approves the selection of Fusco Engineering and Land Surveying P.C, 233 East Main Street, Middletown, NY 10940, as the consulting engineer for the O&W Renovation and repurposing project per the RFQ issued and as recommended by the Mayor and the Commissioner of Public Works.

13. Local Laws

Council Clerk-Nothing this evening.

14. Audit

On motion of Ald. Masi seconded by Ald. Johnson

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. Ramkissoo, Tobin, Kleiner, Johnson, Jean-Francois, Green, Masi, President Rodrigues

15. Adjournment

There being no further business meeting adjourned at 9:51 PM



December 21, 2021
City Hall
16 James Street
Middletown, New York 10940

PRESENT:

Miguel Rodrigues, President
Ald. Tom Burr
Ald. Gerald Kleiner
Ald. Andrew Green
Ald. Paul Johnson
Ald. Kate Ramkissoo
Ald. Sparrow Tobin
Ald. Jude Jean-Francois

ABSENT:

Ald. Joseph Masi

ALSO PRESENT:

Richard McCormack, Clerk

Digitally Recorded Proceeding, transcribed by:
Kimberly Zogby

AMERICAN LEGAL TRANSCRIPTION
11 Market Street, Suite 215
Poughkeepsie, NY 12601
Tel: (845) 452-3090 - FAX (845) 452-6099
amlegaltrans@aol.com

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1. Pledge of Allegiance

PRESIDENT RODRIGUES: Please stand for the Pledge.

(Pledge of Allegiance.)

2. Roll Call

PRESIDENT RODRIGUES: Roll.

MR. MCCORMACK: Ramkissoo.

ALD. RAMKISSOON: Present.

MR. MCCORMACK: Tobin.

ALD. TOBIN: Here.

MR. MCCORMACK: Kleiner.

ALD. KLEINER: Here.

MR. MCCORMACK: Johnson.

ALD. JOHNSON: Here.

MR. MCCORMACK: Jean-Francois.

ALD. JEAN-FRANCOIS: Here.

MR. MCCORMACK: Burr.

ALD. BURR: Here.

MR. MCCORMACK: Green.

ALD. GREEN: Here.

MR. MCCORMACK: Masi.

(No Response.)

MR. MCCORMACK: President Rodrigues.

PRESIDENT RODRIGUES: Here.

MR. MCCORMACK: A quorum is present.

3. Approval of Minutes

PRESIDENT RODRIGUES: Approval of minutes.

MR. MCCORMACK: We have the Common Council meeting minutes of November 16th, 2021.

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

All in favor?

COUNCIL MEMBERS: Aye.

4. Correspondence, Communications and Reports

PRESIDENT RODRIGUES: Correspondence.

MR. MCCORMACK: None this evening.

5. For the Good of the City.

PRESIDENT RODRIGUES: For the Good of the City, anyone who would like to address the Council, please step forward.

MS. LOCKETT: Good evening, everyone. Happy Holidays. I'm Leilani Lockett. I am a Middletown resident and I also work for POW'R Against Tobacco.

Unfortunately, I was quarantined with my kids on the last meeting. I would rather have been here. Trust me, school work at home is not fun.

But I just wanted to thank the Council for their consideration of adding vaping and cannabis to your smoke-free policy for the City of Middletown. We know that young people are affected by especially vaping right now. It's running rampant in the high schools and middle schools and we want to make sure that our parks, and our playgrounds, and our recreational spaces are safe for

families to enjoy without inhaling tobacco, or cannabis, or whatever is going around.

So, I'm just here as a free resource through the New York State Department of Health, Bureau of Tobacco Control program. We have free signage. I've spoken to Realynn and we're going to work to get those signs up and out.

And just thank you, again. If you need any assistance or support, we're here. Any businesses that want to go smoke-free, vape-free, we can also assist with that.

PRESIDENT RODRIGUES: We're going to need a lot of signs -- 57 locations.

MS. LOCKETT: Fifty-seven? Okay, we're on it.

Thank you, everyone. Have a great night and happy holidays.

PRESIDENT RODRIGUES: Thank you.

Anyone else who would like to address the Council?

At this time, I would like to call Realynn up and the Parks Committee -- Commissioners.

MS. BERTHOLF: Good evening, everyone. On behalf of the Middletown Recreation Department and the Middletown Recreation Commission, and former superintendent, Christine Brinckerhoff, we'd like to present Mr. Tom Burr with the 2021 Distinguished Service Award.

This is in recognition of outstanding service to the betterment of the quality of life in the City of Middletown.

Thank you, Mr. Burr.

MS. BRINCKERHOFF: And just really quick, I had the privilege of working with Mr. Burr, obviously, almost my whole entire career at Middletown. A sounding board, he kept you level. You could run into his store any day for help. You could call him any day.

He's going to be missed. We know he bleeds blue. What's nice is he's going to be in the same situation. I got to leave and a competent person behind me. And we know you got a real good guy that bleeds blue coming in behind you, too.

So, best of luck to you and thank you for all of your service. I greatly appreciated it.

MS. BERTHOLF: And again, on behalf of the Recreation Commission and the Recreation Department, we do thank you. And all the lifeguards, who ran over and got some sandwiches every summer, they thank you as well.

Thank you.

PRESIDENT RODRIGUES: Thank you.

6. Reports of Department Heads.

PRESIDENT RODRIGUES: Okay. Reports of Department Heads. Economic Development.

MS. BRUNI: Good evening, everyone.

Congratulations, Alderman Burr. And thank you for all your help with my department over the years, and all your support. Thank you for everything.

Just a couple items tonight, just to update. Community Development Agency: We closed on the Pine Street property on Friday. So, we have another happy homeowner in our community and she is moving in. And we are working on another home, hopefully, that will be completed in January or February.

And coming to the Paramount tomorrow, the new Matrix movie. So, that's a first-run moving opening tomorrow. So, we're excited about that.

And I just want to wish everybody a Merry Christmas and a Happy New Year.

And that's all I have.

PRESIDENT RODRIGUES: Any questions for Maria?

Thank you, Maria.

MS. BRUNI: Thank you.

PRESIDENT RODRIGUES: DPW Commissioner.

MR. TAWIL: Good evening, all. Start off with Alderman Burr, I mean Tom. I've said quite a bit of things about you last meeting. So, you know you'll be dearly missed from the City. You've been honorable, and a gentleman, and been there for everyone throughout your career. The many years I have worked with you, you've been always there and ready to help, with open mind and open heart, to do what's best for the City of Middletown. And for that, I'm very grateful. It's been great working with you.

Alderman Masi is not here but he sent me a text. He said, Jacob, please don't forget to update the residents -- he did --

update the residents about the reservoir -- volume of the reservoir and I promised him I will.

So, our reservoir is, right now, about at 96.5 percent full. This year, we had 60 inches of rain, so far. Sixty inches is a tremendous amount of rain, compared to around just under 40 or around 40 that we have in a normal year.

Over the past 20 years, the only year that was higher than this year is back in 2011, when we had Hurricane Irene and Lee. We had 78 inches of rain that year.

Unfortunately, this month, it is relatively dry. Our street department and the snowplowing, they are very happy about this but, our reservoirs are not very happy about this. We need the rain and we need the water.

So, that is why, in spite of the huge amount of rain that we had throughout the year, our reservoirs are relatively, you know I mean it's minor, 96.5 percent capacity and that is because our volume is very -- storage volume is very limited. So, we need a continuous amount of rain. So, if it rains too hard in a short period of time, or throughout the year, and then it stops raining and then we have a dry period, our reservoir, the water level will start depleting. That's the nature of the beast and we are looking for additional water resources but, for now, we have plenty for what we need to meet our demand. So, that's what we are wanting.

Now, with the holidays coming, the mayor has advised from before, and the Council President and the Common Council, that we are

going to have an additional court for Thanksgiving and for the holidays, meaning for garbage pickup, for municipal solid waste or garbage pickup, meaning, the Monday after Christmas, which is going to be the 4th Ward, in the morning, you can have -- you can use the blue -- if you have extra garbage to dispose of, you don't have to only just fill up the green, you can use also the recyclable blue cart to fill your municipal solid waste. And we'll do that for all of the week after Christmas, which is the following, you know next week.

So, we'll start Monday 4th Ward, 3rd -- 4th Ward, 2nd Ward, 3rd Ward, and 1st Ward. And is it fourth?

UNIDENTIFIED SPEAKER: Yes.

MR. TAWIL: Yeah, I got it. Thank you.

So, that being said, please keep the garbage cans as close as possible to the curb, away from any parked cars. And you know I know the cars have not been parked now because overnight but now, the City is going to relax it. The chief will be addressing that. They're going to relax the parking because the weather is cooperating. So, it's going to be more hardship in our sanitation department but we will handle it. Just try to keep it away from cars or gas meters.

There was an incident. One cart -- garbage -- this morning, as a matter of fact, was very close to a gas meter and the arm went to grab it, to grab the garbage can, and grabbed the gas meter as well. So, it was quite a scene, quite an incident.

Everybody's safe, thank God, and everything worked out well but you know that's goes to show how critical the operation is of these arms and to try to work with us, to put them in a place where you expect the truck to safely pick up that that garbage can and move it.

So, if you have an Excel (phonetic), today we had like two water main breaks and one fire hydrant we had to replace. So, you know the Water Department was really -- I usually don't call on them that much but they are there for us, the Water Department under Brian Smith and Deputy Commissioner. And they are working very hard, especially on a day like this. They fixed two water main breaks and they replaced the fire hydrant. And those are emergencies.

And also, that goes to show the age of our -- the aging system that we have for our infrastructure, water system, sewer system, and the need to continue to invest in it, and to replace it, and to upgrade it.

Talking about capital projects, I'm not going to go too far but, tomorrow, West Main Street, at the end of the day, it will be open for traffic. So, the bridge is completed and that is under New York Rising. We had -- just a reminder, we had three and a half million dollars of grant, basically money -- free money from the State, to do two projects. One of them is West Main, replace the bridge on West Main by the entrance of the City and the other one is Grant Street, to replace an aging culvert that has collapsed on Grant Street. Both of them, the two projects, are very successful. They will be completed this year.

And we had some extra money in there so, we went back and we invested the money in additional curbs and sidewalks on both Grant Street -- that will be done on Grant Street -- that hasn't been done yet -- and on Maple, West Main Street up to Maple Avenue. So, both of them are very successful.

I'm not going to report to you anymore on the capital projects but I want to wish everybody a Merry Christmas, Happy Holidays, and all the best for next year.

PRESIDENT RODRIGUES: Thank you, Jacob.

Any questions for Jacob?

Jacob, I have two things: The 24th and the 31st recycling schedule. What would it fall under? Are we still picking up on the 24th and the 31st?

MR. TAWIL: The 24th, yeah. The 24th it will be picked up. And 31st --

PRESIDENT RODRIGUES: Is a Friday, also.

MR. TAWIL: Yeah, Friday. I'm going to look at the schedule. We'll send an Excel out but probably it's going to be pushed over for the following day or for the first.

PRESIDENT RODRIGUES: The first?

MR. TAWIL: Yeah, let me check on that. I'll send an Excel out.

PRESIDENT RODRIGUES: Okay. And then streetlights. I've had people call me about streetlights.

MR. TAWIL: Yes.

PRESIDENT RODRIGUES: We used to -- Orange and Rockland used to own them.

MR. TAWIL: Yeah.

PRESIDENT RODRIGUES: They can't call Orange and Rockland anymore, correct?

MR. TAWIL: That's exactly right. They have to call DPW, 343-3169, any issues with any streetlights because the City now owns the streetlights. And any issues, you have to call us, please, and just tell us where the streetlights are out. And that will be very helpful because most of our guys, they are working during the day. We really don't know what's going on at night.

You know I know the Police Department they do some referral for us about streetlights that are out but we rely mostly on our residents, who live throughout the City. And if there is any streetlight that is out, just please call us at DPW, 343-3169.

There has been some backordered for some of the arms that were closed -- that were broken, but we are getting more and more supplies now. And we're going to be stocking up, too, as well, so that we can get -- be more responsive in the future.

PRESIDENT RODRIGUEZ: Alderman Kleiner?

ALD. KLEINER: Yes, Commissioner, at our constituents meeting, people asked, generally, how are the new garbage trucks working out? Is everything successful? And are we doing the whole City or are there still parts we're not doing?

MR. TAWIL: Yes, they have been a great success, to be

honest with you.

ALD. KLEINER: Okay.

MR. TAWIL: And whenever there is no parking on the streets, we only allow -- we only get the driver to go by themselves. So, we save on manpower now.

However, when we allow parking in the street in there, then we have to have another loader to go out with them, in order to help push the cans over so the arm can grab them -- put them in the right place. Because before, we were hitting cars, and you know we're not getting to them. The driver has to get out of the truck, go move the cans over so he can grab them because they are sitting right behind the cars, parked cars.

So, the parked cars are a big problem for us and that's why we had to put people on the truck. One person, not two persons. One person to situate them. But now, there's no parking. Now, the drivers are going by themselves.

Now the BID District, it has not been converted yet. Some of them have been converted; others have not. And the mayor, he is working on some kind of schedule in there, an arrangement on the map, where to -- where each building can put their garbage cans or the refuse in the dumpsters. We are constructing new dumpsters. We just added a dumpster location at -- behind the Paramount by Middletown Press, another one across from DeFilippis, and we're adding more centralized locations, so we don't have ten million carts we have to pick up. And there's no place to put them in the street. And then

once you put them in the street, who is going to pick them up? They sit there all day.

So, we're trying to minimize the distribution of carts in the BID area, so that people will use the dumpsters.

ALD. KLEINER: Thank you.

MR. TAWIL: You are very welcome.

PRESIDENT RODRIGUES: Alderman Jean-Francois?

ALD. JEAN-FRANCOIS: Yes. The only complaint I have for sanitation, the old trucks wake me up in the morning. Now, I'm late for work every morning with the new truck.

MR. TAWIL: Yeah, they're very quiet. That's right. And fast, too. I mean you can watch them. If you want to watch them in there, the truck comes in boom, takes it, then keeps going. It's a very efficient operation and it's really working out very well and knock on wood you know.

There are some mishaps every now and then but we are dealing with them.

PRESIDENT RODRIGUES: All right, Jacob, thank you.

MR. TAWIL: You're welcome.

PRESIDENT RODRIGUES: Police Chief.

CHIEF EWANCIW: Good evening.

I'd like to congratulate Alderman Burr, as well. Tom, you've been a great asset to us over my whole career. You've always been there for the Police Department. I know you're invested in the City and we'll greatly miss you. And I greatly appreciate everything

you've done for us. So, thank you and congratulations.

As Jacob alluded to, I did have a conversation today with the mayor in regards to suspending overnight parking for the holiday season. So, we've agreed, effective Friday, December 24th through Sunday, January 2nd, that we will not be enforcing overnight parking, unless there is inclement weather.

Just so everybody knows, that if we have any type of precipitation that's going to require DPW coming out, we do have to have the cooperation of getting the vehicles off the street and we will have enforcement efforts in lieu of that as well.

So, again, Friday, December 24th to January 2nd, no enforcement of overnight parking to help with our residents, allow them to have friends and family over for the holiday season.

Other than that, I have nothing, except to wish everyone a Merry Christmas and a Happy and Healthy New Year on behalf of the Middletown Police Department.

PRESIDENT RODRIGUES: Any questions for the Police Chief?
Thank you, Chief.

Superintendent of Recreations.

MS. BERTHOLF: One last reminder. Our winter break camp program is -- we're still having registration. There is plenty of room. We're going to close it out Thursday at 4:30 so we can get our staff in order for the camp over the Christmas break.

A big thank you to the Middletown Police Department for a very successful Cops and Cookies evening. The kids loved decorating

the cookies and watching a movie.

Thank you to the Middletown Fire Department, Police Department, and the Middletown School District for a very successful holiday parade. We wish the weather was a little better. It was very misty, raining all day, but we were still out there and had a successful parade. The turnout was a little low because of the weather but, again, thank you to those three departments.

And congratulations to the Veltri family, who won the holiday light display. Their house is located on Eisenhower, if anyone would like to drive by. They were our winners. And Rick McCormack and Kelly Ocasio did a wonderful job MCing. And you can check out that video on our YouTube channel.

And that is all.

PRESIDENT RODRIGUES: Okay. Any -- Alderman Tobin?

ALD. TOBIN: I'm not sure if it's Jacob's department or yours. But the Lion's Club, people have noticed the signs have been coming down on the entryways to the City. I was wondering if they were going to replace them or do we need to give you new signs, or are we going to get those signs back? Like you know the Kiwanis, Lions Club?

MR. TAWIL: I think Maria, she's been working with the mayor --

ALD. TOBIN: Oh, okay.

MR. TAWIL: -- about putting all these signs and she has been reaching out to those individual clubs.

Maria, she is --

ALD. TOBIN: They're asking me. So, I just --

MS. BRUNI: We're putting together criteria like on the size of the sign and that. And then, we'll be getting in touch with all the service clubs to put them back on.

So, there's going to be some kind of criteria or I don't know if it's an application or such, but we will be in touch with everybody.

ALD. TOBIN: Like for a new sign? Like a new -- it looked like there were some about -- it could be refreshed, some of the old.

MS. BRUNI: Yeah, where the new Gateways we did on Monhagen and on to North Street by the Globe over there on the corner --

ALD. TOBIN: Okay.

MS. BRUNI: -- I know those areas, they all -- they came down.

So, there's going to be some, like I said, some criteria on the size of the signs. So, we'll be reaching out.

ALD. TOBIN: Okay, thank you.

PRESIDENT RODRIGUEZ: And City Clerk.

MR. MCCORMACK: Thank you.

Just a reminder, the City Council's Reorganization meeting will take place on January 3rd, beginning at 6:30 in Council Chambers. And parking, overnight and vacation parking permits, the application is available on the City's website. So, be sure to check that out.

Thank you.

PRESIDENT RODRIGUES: Any questions for the City Clerk?

Okay, thank you.

7. REMARKS OF ALDERMEN

PRESIDENT RODRIGUES: Remarks of Aldermen. Alderman Tobin.

ALD. TOBIN: I just want to wish everybody Happy Holidays.

Thank you, Burr, for your service and nunchuck. It's definitely going to be different without you but I know you'll be here in spirit and you can tune in and watch us on TV, if you miss us.

PRESIDENT RODRIGUES: Alderman Green.

ALD. GREEN: Thank you very much.

Yeah, Alderman Burr, it's been an honor and a pleasure to serve with you. I've known you certainly long before I got on the Council but, it's been wonderful to have you here. And I wish you all the best going forward.

Of course, a Happy Holidays, Merry Christmas, a Happy New Year to everyone.

I just wanted to touch, really quickly, on something that has kind of been eating at me for a few days with regards to the pandemic, and mask mandates, and the real question of enforcement and things on that.

You know I go out to the stores, just like everyone else, when I need to. And when the store has a big sign in front that is in red and says, to enter you must wear a mask, I don't expect to go in there and only see 60 percent of the people to be wearing a mask.

It's not a joke. It's not made up.

You know the keyboard epidemiologists, who I see through Facebook, like to say that it's the governor's way of sticking it to them and they're going to stick it back by not wearing a mask. You know I don't think that the governor is losing any sleep at night over John Doe from the City of Middletown not wearing a mask inside ShopRite.

But I will tell you that I lose sleep at night thinking about my son, who can't be vaccinated, who does actually wear a mask without even being asked to, and doesn't complain. This is his third Christmas and he has yet to sit on Santa's lap because he can't get vaccinated and I spent two nights in the ER this year with what would be a simple cold for us just because his body couldn't handle that.

So, when you're thinking of sticking it to the governor, please think of who you are actually sticking it to, those who can't fend for themselves right now, and the families that are affected by that. Please mask up. Be considerate of others.

It is the holiday season. I think we have kind of all gotten a little tired of this. I understand but let's remember that you know there is humility in humanity and try and treat each other with a little more respect. You know on the highways, be a little nicer. Don't ride up people's butts on their bumpers. It's been crazy out there. You know slow down. Take a breath. Think about what's really going on and who is really affected by your actions and how you can just help us all get through this and really enjoy what's

left of 2021 and really, really work on enjoying 2022.

So again, Merry Christmas. Thank you, everyone, for listening to me doing this but it really has been eating at me.

Have a great Christmas. Happy New Year. Thank you.

PRESIDENT RODRIGUES: Well said.

Alderman Johnson.

ALD. JOHNSON: Thank you, sir.

Tommy Burr, most of our interactions have been at this room but I always think of you as a straight shooter who keeps it simple. And that's a very good combination of characteristics so, I thank you for that.

The Legislative Committee met this evening. We put forth a lot of quality-of-life issues, including the cannabis smoking resolution. They will come before the Board at the first full meeting, the second meeting in January, not the reorg meeting.

Main Street opening up. Thank you, thank you, from the 3rd Ward. Pine Street before Christmas. Thank you, thank you for CDA.

I'm going to follow in my colleague's footsteps. I think I'm safe in saying I'm the only guy at the table that's had a graduate course that's called virology and epidemiology but, correct me if I'm wrong. Not that I remember all of it because it was 45 years ago but, it's still there. And I think I'm going to offer you a public service announcement on behalf of COVID.

As COVID looks back on the last two years, it has a lot to be thankful for. It started off very inconspicuously and

fortunately, for COVID, it went almost worldwide before anybody even knew that it existed. Check -- success for COVID.

COVID is also a force and it happens to be a virus and viruses can change their DNA, not exactly at will but, as needed. If humans could change their DNA, what a wonderful world it might be but, COVID can. When you take a virology or epidemiology course, you're introduced to the term naïve host. So, a naïve host is a host in the herd who has neither seen your DNA by natural infection or by inoculation.

So, COVID is thankful that there is still a very good supply of naïve hosts in the population, both in our country and worldwide. When a virus morphs, it's statistically more likely to get better than get worse. So, when you think about what's being put in the press about Omicron, less virulent but more transmissible.

When you're a virus, you don't want all your hosts to die, because then you have no place to live but, you do want to have an endless supply of naïve hosts because it gives you a place to hang out, change your wardrobe, and move on. And the experts tell us that Omicron is 20 percent more transmissible. God knows how they figured that out. Probably in a petri dish but I believe it to be true.

So, sociopolitics aside, if you are a virologist, as long as you have a good supply of naïve hosts, the virus will continue to prosper. The variants will continue to morph. The experts now say 2024.

So, those who are not vaccinated, that's your choice but

COVID thanks you. And those who don't wear a mask, that is a municipal choice for all of us. COVID thanks you. And I agree with Mr. Green. So far, December 13th is the best kept secret in the month of December.

And for businesses, one last thing, don't ask the entry level employee to enforce this rule. You're management. You're a manager. You're the one who should be walking the floor of your store and saying, sir/madame, if you don't have a mask, we're going to have to ask you to leave. It's a very short conversation. I understand it can be very inflammatory but, that doesn't mean it shouldn't be had.

And on that note, I wish you all a very Happy Christmas and a Merry New Year. Take care.

PRESIDENT RODRIGUEZ: Alderman Ramkissoo.

ALD. RAMKISSOON: Good evening. I just want to start by saying, Tom, it has been a pleasure working with you these last years and it's going to be weird to not have you around. And I've learned a lot from you and you've been here my entire tenure and I just -- I wish you all the best and all good things for you and family.

As myself, and I am sure Mr. McCormack can agree, those of us living on California Avenue are really excited about the opening of West Main Street tomorrow, more than anyone. And for everyone who lives in my neighborhood, thank you for being a good sport and muddling through with all of us. It has been crazy on a street that's looking like a highway and certainly isn't built to be one but

we all made it and we're happy. You know we knew it had to be done. This is infrastructure and you certainly don't want to wait for it to break. So, we're happy it's done. We're happy we'll be able to go into the holiday with an open road, our kids on buses, and I'm sure our bus company are thrilled with the two schools over there that need to get up and down that road really quickly. It's a big deal. So, we thank you, thank you, thank you for working so hard to get that to meet deadlines.

As for that, I just want to say you know on behalf of Alderman Green and kind of echo their statements about all of this, we are all kind of dealing with this. I know everyone is exhausted working in the schools. The kids are. The teachers are. We're all kind of maxed out these days in the last two years but, I think you know the most important thing we could have is a little kindness and understanding. As a parent, a member of the -- of students in the district and kind of seeing the words that get traded online and things like that, there's a lot of real quick tempers and inflammatory words that get spoken out. And I think we all just need to be understanding that, for the most part, everybody out here is just really trying to do their best, and to keep everyone safe, and to make it all work. And I think, for all the people that I know and work with in the District, and in the City, and everywhere else, they are doing that.

So, my thanks to all of you and Merry Christmas, happiest of New Years. See you on the third.

PRESIDENT RODRIGUES: Alderman Kleiner.

ALD. KLEINER: Thank you.

I just first want to send my condolences to the Gurda family -- Mike Gurda, Junior. We knew Mike Gurda, Senior and Adele, our neighbors up in our Randall Heights neighborhood for many, many years. But, as president of the Orange County Agricultural Society, State tennis champion, and all the things he did in his life, he will be missed. So, I wanted to mention that first.

The GMIC Warming Station, middletownwarmingstation.com. It's going to be a long winter and always need volunteers, always need help. They're doing a great job in new facilities from the City. Thank you, Maria. Thank you to the mayor, and anyone who pitched in. It's been a real blessing.

Eight hundred thousand deaths. You know Dave Bechtel, John Prine. I mean I don't know what it takes to make a pandemic real. And you get tired of it. Well, sure, we're tired but, you're dealing with a pandemic. You're dealing with a virus. And to echo what Alderman Johnson said, you know this is an example of evolution and you find out the mutations, the little accidents that are not successful, they just disappear. The ones that have an accident that makes it more successful, like Omicron, well, it takes over. That's how evolution works.

So, we're getting a great demonstration of that and we just all need to accept the reality of it, pitch in, think in terms of public health and not politics, and do the best you can to protect

yourself and to protect everyone else.

Thank you to Rick McCormack, our new City Clerk, who has just come onboard and is doing an excellent job. I just want to recognize that.

Tommy, I met in our first campaign. I just had to ask him to make sure I had the time right but, it was 2005, when he was running. And you know, I'm a lifelong Democrat. He's a lifelong Republican. I went over and introduced myself and said, you know if we both get elected and we're on the Council, we'll be working together. And since then, there's been nobody who knows more about what's going on in the City than Tommy. He's always been willing to talk. He's always been willing to help. And you know I worked with Bill Burr at The Record and so I had some history with the Burr family.

But Tommy, you've been amazing, an absolutely amazing alderman in showing you what nonpartisanship and working together can really be. It's for the good of the City and that constitution we take the oath to.

And lastly, well, the good news is, from hereon out, the days get longer. We've passed the Winter Solstice but that means it is the start of winter. And so, I do wish everyone -- I hope everyone had a joyous Hanukkah and I wish everyone Happy Holidays -- Christmas, Kwanzaa, whatever you enjoy celebrating and, also, Happy New Year. Every year we go, well, how could it possibly be worse; and then we find out. So, we're hoping this year it gets better.

So, Happy Holidays to everyone. Thank you.

PRESIDENT RODRIGUES: Alderman Jean-Francois.

ALD. JEAN-FRANCOIS: Yes, good evening.

Alderman Burr, I consider you as a great friend over the years and like Alderman Kleiner said, I learned a lot from you. I can't believe you've been here since 2005. I think you have served the City well and I still can't believe you're a Republican. I think you bleed Democrat.

You know Tom and I had many discussions. He reminds me you know the house that I grew up, we had Republicans, we had Democrats, and Independents. And we used to have a discussion and still able to move forward the next day like it is nothing. And Tom and I, you know we agree to disagree and we've never had a real disagreement. I think that's what the world needs today.

And I remember growing up. You know it was proud to say you're a Democrat or a Republican but, nowadays, I find people are whispering. It's unbelievable.

So, you know it's been a pleasure. Many blessings to you and your family. Thank you, Tom.

PRESIDENT RODRIGUES: Alderman Burr.

ALD. BURR: First of all, I'd like to thank everybody for their kind words, especially, Commissioner Tawil, my Parks and Rec buddies that we've been together, especially me and Brink (phonetic), 16 years, and it's always been a pleasure.

It's been an honor and pleasure to serve on the Common

Council for the past 16 years. I'd like to thank the mayor, the Council president, the aldermen, past and present, because I went through quite a few aldermen in my day.

I'd like to thank all the department heads for all their help you know making our job a lot easier.

I'd like to thank the employees, the volunteers that volunteer on all our board.

And it's been a very fulfilling job here. I mean the job that we do -- everybody says oh, well, all we hear is aye, aye, aye, aye but, what we accomplished in my time in 16 years, first started out with a water plant and a sewer plant within a year of each other. You know we were here endless nights until one o'clock in the morning, this engineer, that engineer, this engineer. Finally, we got it done and that way everything, you know under the leadership of the mayor, council president, and you guys, I mean the accomplishments are unbelievable.

I'd like to thank the Parks and Rec for their award tonight. It's very touching to me.

I'd like to thank my wife and my kids for giving me the opportunity to serve.

And I wish everybody Happy Holidays.

And my 1st Ward constituents you know gave me eight terms. I appreciate that.

And that's all I have. Thank you, Council President, and thank you all.

PRESIDENT RODRIGUES: Thank you.

Tonight, as I was going back, I was like all right, I got elected in 2003 -- 17 years. He's got 16 years. We went over 400 meetings together. Never, ever have we ever had an issue. Tom looked at me every time, was like we've got to do what's right for the City.

When we go to town meetings and county meetings, they're like how come Middletown always vote the aye, aye, aye and you guys never argue? You see some of these town meetings and they go on and on in a fight. He's our only Republican. People don't even know who the Republicans and Democrats are in Middletown.

You are a true gentlemen from born and raised in Middletown to owning a business. Tom's Market is the best subs in town. So, I want to put out a plug for him and keep supporting him. He's a staple in our city and, as an alderman and council president, Tom has always looked at me, sometimes in that room, and says, this is how I'm going to vote because it's right by the City of Middletown. Never, ever played politics and that, to me, is a true gentleman in my book.

And I thank you for your service. And I'm going to miss you but maybe, in 2024, I'll come down to Florida and hang out with you but, not now.

Going back to the mask mandate and the COVID. I am the only person in my department in the hospital -- I work for the hospital -- I enter every single patient that comes into the hospital

on all three hospitals. If you're positive, you get admitted, you go through my department.

Today, this morning, six o'clock in the morning, I'm trying to stay in bed. I look over -- 19 new admissions. It is getting out of control again.

So, when people don't want to wear a mask, or don't want to get their vaccine, or anything, just remember that there are healthcare employees out there who are doing the job. We are open 24/7. We are seeing the ICUs -- I think I have five ICU beds available. It's tough. It's hard. And it's tough for everyone working in health care, when everybody's having these parties, get together, Thanksgiving, Christmas, and you're okay and you don't have to wear a mask and whatever, but then you're coming in and we're seeing it.

And we're seeing it and it's hitting our community. The City of Middletown, almost 30,000 people, it's hitting our community hard. So, a mask does work. I hate it. I hate wearing my mask but it does work. Washing your hands, staying away.

If you're sick, if you're not feeling well, stay home. You know call out. You have sick time. And it's tough to see everything.

We are burnt at the hospital. We had the mandate in September, now we have this. We're on our fourth wave. It's tough. And everybody saying it's not fair; senior citizens, I can't get the shot; it's not fair to young kids, new infants. It's tough. And you

know talk to each other.

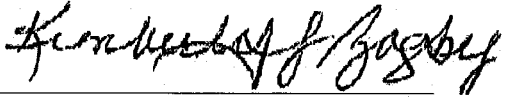
Remember, during the holidays, yes, hug your family and everybody but also, please think about the other people that are out there who -- our doors are always open at the hospital.

Thank you.

New business.

CERTIFICATION

I, KIMBERLY J. ZOGBY, certify that the foregoing transcript of proceedings prior to New Business of the December 21, 2021 Middletown City Council meeting was prepared using the required transcription equipment and is a true and accurate transcript of the recording.

A handwritten signature in black ink, appearing to read "Kimberly J. Zogby", is written over a horizontal line.

AMERICAN LEGAL TRANSCRIPTION

11 Market Street, Suite 215

Poughkeepsie, New York 12601

Dated January 7, 2022

12.New Business

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

THE FOLLOWING WAS PRESENTED

By Ald. Burr

Sec'd by Ald. Green

Date of Adoption 12-21-21

Index No: 279-21

NAMES	AYES	NOES	ABSTAIN	ABSENT
Ald. Ramkissoon	X			
Ald. Tobin	X			
Ald. Kleiner	X			
Ald. Johnson	X			
Ald. Jean-Francois	X			
Ald. Burr	X			
Ald. Green	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 reallocate a donation in the amount of \$245.00 for supplies or care for our feral cat program in 2010. Chief Ewanciw is requesting to please reallocate those funds to Robin Stewart of Dumped Stray Animal Rescue, since she is the contracted vendor for our program. She would be requested to utilize the funding to support her program.

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

THE FOLLOWING WAS PRESENTED

By Ald. Burr

Sec'd by Ald. Jean-Francois

Date of Adoption 12-21-21

Index No: 280-21

NAMES	AYES	NOES	ABSTAIN	ABSENT
Ald. Ramkissoon	X			
Ald. Tobin	X			
Ald. Kleiner	X			
Ald. Johnson	X			
Ald. Jean-Francois	X			
Ald. Burr	X			
Ald. Green	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 \$3420.00 from within the City Clerk's 2021 Budget to cover the printing costs associated with the purchase of overnight and vacation parking permits.

These will be used in the color-coded parking lots in the City.

Please transfer in the following manner:

FROM

A.1010.464

Records Management

AMOUNT

\$3420.

TO:

A.1010.490

Printing

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

THE FOLLOWING WAS PRESENTED

NAMES AYES NOES ABSTAIN ABSENT

By Ald. Burr

Sec'd by Ald. Kleiner

Date of Adoption 12-21-21

Index No: 281-21

Ald. Ramkissoon	X			
Ald. Tobin	X			
Ald. Kleiner	X			
Ald. Johnson	X			
Ald. Jean-Francois	X			
Ald. Burr	X			
Ald. Green	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 accept and authorize the Mayor to sign the attached 2022 contract renewal between the City of Middletown and The Humane Society of Port Jervis/Deer Park, Inc at the same rate as 2021.

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

THE FOLLOWING WAS PRESENTED

By Ald. Burr

Sec'd by Ald. Ramkissoon

Date of Adoption 12-21-21

Index No: 282-21

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

RESOLVED that the Common Council of the City of Middletown approves the attached Policies and Procedures for Elected Officials, Department Heads and Employees, effective immediately.

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

THE FOLLOWING WAS PRESENTED

By Ald. Burr

Sec'd by Ald. Tobin

Date of Adoption 12-21-21

Index No: 283-21

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

Resolution to approve the Assessment Collectors Warrant for 2022

ASSESSMENT
COLLECTOR'S WARRANT
FOR 2022

STATE OF NEW YORK)
COUNTY OF ORANGE) SS.:
CITY OF MIDDLETOWN)

THE PEOPLE OF THE STATE OF NEW YORK TO Kelly Ann Kelly, COLLECTOR OF THE CITY OF MIDDLETOWN, IN SAID COUNTY, GREETING:

YOU ARE HEREBY REQUIRED AND COMMANDED TO COLLECT from the several persons named in the assessment roll, to which this warrant is annexed, the several sums mentioned in the total \$21,691,547 column thereof opposite their respective name, together with your fees thereon as herein provided.

On all sums of taxes or assessments received or collected within thirty days after giving the notice required by law you are to collect no fees. After the expiration of thirty days, you are hereby authorized to add and collect two per centum on every dollar for collecting the same as your fees thereon.

YOU ARE FURTHER REQUIRED AND COMMANDED to pay over all monies so collected by you, (exclusive of your fees for collection), to the proper officer daily and return this warrant to me within ninety days from date.

If any person shall neglect or refuse to pay any tax imposed upon him, or the fees herein allowed, after giving the notice required by law and waiting the time specified in the statute, you are hereby authorized to levy the same by distress and sale upon any personal property in said County belonging to, or in possession of, such person and cause the same to be sold, at public auction or otherwise in accordance with the City Charter, for the payment of such tax and the fees and expenses of collection, and no claim of property to be made by any other person thereto shall be available to prevent such sale and for so doing this shall be your sufficient warrant.

IN WITNESS THEREOF, the Common Council of said City, at a regular session, held on 12/21/21 has authorized this warrant to be signed by the Mayor of said City, and the Seal of the City to be affixed thereto, by a resolution duly passed by a majority vote of said Council, and I, in pursuance of such authorization, have this 22nd day of December in the year of our Lord Two Thousand Twenty One hereunto set my hand and caused the Corporate Seal of the City of Middletown to be affixed.

MAYOR

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

THE FOLLOWING WAS PRESENTED

By Ald. Burr

Sec'd by Ald. Kleiner

Date of Adoption 12-21-21

Index No: 284-21

NAMES	AYES	NOES	ABSTAIN	ABSENT
Ald. Ramkissoon	X			
Ald. Tobin	X			
Ald. Kleiner	X			
Ald. Johnson	X			
Ald. Jean-Francois	X			
Ald. Burr	X			
Ald. Green	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 \$12,000 within the DPW 2021 Budget. This account was recently overdrawn, due to necessary shift coverage due to a full time employee retiring, which was unforeseen, creating overtime at the plant.

The funds should be transferred in the following manner:

FROM	AMOUNT	TO
F.8320.100 Pers. Svcs. -Pumping Station	\$12,000.00	F.8330.103 Overtime - WTP

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

THE FOLLOWING WAS PRESENTED

By Ald. Burr

Sec'd by Ald. Green

Date of Adoption 12-21-21

Index No: 285-21

NAMES	AYES	NOES	ABSTAIN	ABSENT
Ald. Ramkissoon	X			
Ald. Tobin	X			
Ald. Kleiner	X			
Ald. Johnson	X			
Ald. Jean-Francois	X			
Ald. Burr	X			
Ald. Green	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 accept and authorize the Mayor to sign the 2022 renewal agreement between the City of Middletown and JCO, Inc., to provide the management services and act as a chief operator of the Water Treatment Plant for the year ending on December 31, 2022 at a rate of \$8750/month.

JCO has not raised their monthly fees since their initial professional engagement with the City in 2011.

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

THE FOLLOWING WAS PRESENTED

NAMES AYES NOES ABSTAIN ABSENT

By Ald. Burr

Sec'd by Ald. Jean-Francois

Date of Adoption 12-21-21

Index No: 286-21

Ald. Ramkissoon	X			
Ald. Tobin	X			
Ald. Kleiner	X			
Ald. Johnson	X			
Ald. Jean-Francois	X			
Ald. Burr	X			
Ald. Green	X			
Ald. Masi				X
Pres. Rodrigues	X			
TOTAL	8			1

RESOLVED; that the City of Middletown Common Council amends the City Code chapter 460- Vehicles and Traffic, section 460-11 section C; yield intersections to add:

Vincent Drive shall be declared a yield street at the intersection of Vincent Drive parallel to Cottage Street.

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

THE FOLLOWING WAS PRESENTED

By Ald. Burr

Sec'd by Ald. Tobin

Date of Adoption 12-21-21

Index No: 287-21

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

RESOLVED; that the City of Middletown Common Council amends the City Code chapter 460- Vehicles and Traffic, section 460-11 section b; stop streets to add:

Vincent Drive will be a stop street at the northerly intersection of Cottage Street where it intersects with Vincent Drive.

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

THE FOLLOWING WAS PRESENTED

By Ald. Burr

Sec'd by Ald. Kleiner

Date of Adoption 12-21-21

Index No: 288-21

NAMES	AYES	NOES	ABSTAIN	ABSENT
Ald. Ramkissoon	X			
Ald. Tobin	X			
Ald. Kleiner	X			
Ald. Johnson	X			
Ald. Jean-Francois	X			
Ald. Burr	X			
Ald. Green	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 accept and authorize the Mayor to sign the attached contract with the Miracle Recreation Equipment Company to order and install playground equipment at the Recreation Campus totaling \$29,998.75 from our 2021 Operating Budget A.7110.478 Parks/Park Improvements.

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

THE FOLLOWING WAS PRESENTED

By Ald. Burr

Sec'd by Ald. Jean-Francois

Date of Adoption 12-21-21

Index No: 289-21

NAMES	AYES	NOES	ABSTAIN	ABSENT
Ald. Ramkissoon	X			
Ald. Tobin	X			
Ald. Kleiner	X			
Ald. Johnson	X			
Ald. Jean-Francois	X			
Ald. Burr	X			
Ald. Green	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 accept a donation from ASTAR Heating & Air LLC. in the amount of \$220.00 for 2 Camp Scholarships.

LET IT BE FURTHER RESOLVED; that the Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment to authorize the Treasurer to deposit the donation into account A.2705.07 Camp Scholarships.

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

THE FOLLOWING WAS PRESENTED

By Ald. Burr

Sec'd by Ald. Kleiner

Date of Adoption 12-21-21

Index No: 290-21

NAMES	AYES	NOES	ABSTAIN	ABSENT
Ald. Ramkissoon	X			
Ald. Tobin	X			
Ald. Kleiner	X			
Ald. Johnson	X			
Ald. Jean-Francois	X			
Ald. Burr	X			
Ald. Green	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 make the following transfers within the 2021 operating budget of the Middletown Recreation & Parks Department totaling \$42,500.

FROM**A.7321.100**

Special Programs/Personal Services

AMOUNT**\$42,000.00****TO****A.7020.100**

General Rec./Personal Services

A.7321.100

Special Programs/Personal Services

\$500.00**A.7110.104**

Parks Personal/CSEA Longevity

The transfer will cover accumulated sick and vacation time paid out for the former Superintendent of Recreation and salary increase for the current Superintendent of Recreation and the Assistant to the Superintendent. It will also cover a mis-calculation of CSEA longevity pay.

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

THE FOLLOWING WAS PRESENTED

By Ald. Burr

Sec'd by Ald. Green

Date of Adoption 12-21-21

Index No: 291-21

NAMES	AYES	NOES	ABSTAIN	ABSENT
Ald. Ramkissoo	X			
Ald. Tobin	X			
Ald. Kleiner	X			
Ald. Johnson	X			
Ald. Jean-Francois	X			
Ald. Burr	X			
Ald. Green	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 authorizing a modification to Resolution 146-21 for the use of the \$2.2 million of ARPA Funding for the Streetscape Project, the allocation should be postponed and allocated out of the 2nd Trance of the ARPA monies, as this project will not be beginning until late spring of 2022. The 2nd Trance is anticipated to be received in June of 2022.

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

THE FOLLOWING WAS PRESENTED

By Ald. Burr

Sec'd by Ald. Ramkissoon

Date of Adoption 12-21-21

Index No: 292-21

NAMES	AYES	NOES	ABSTAIN	ABSENT
Ald. Ramkissoon	X			
Ald. Tobin	X			
Ald. Kleiner	X			
Ald. Johnson	X			
Ald. Jean-Francois	X			
Ald. Burr	X			
Ald. Green	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 accept and authorize the Mayor to sign the attached proposal for QuES&T to provide a pre-renovation asbestos survey at 25 South Street, the old Federal Courthouse building, in the amount of \$8,545.

The funding for this will be paid out of the capital line, H.0916.900, for this project.

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

THE FOLLOWING WAS PRESENTED

By Ald. Burr

Sec'd by Ald. Tobin

Date of Adoption 12-21-21

Index No: 293-21

NAMES	AYES	NOES	ABSTAIN	ABSENT
Ald. Ramkissoon	X			
Ald. Tobin	X			
Ald. Kleiner	X			
Ald. Johnson	X			
Ald. Jean-Francois	X			
Ald. Burr	X			
Ald. Green	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 accept and authorize the Mayor to sign the attached a proposal for QuES&T to provide a pre-demolition asbestos survey to be performed at 335 Guymard Turnpike. This proposal includes surveys to be completed on eleven (11) structures located on the above referenced property in the amount of \$8,930.

The funding for this will be paid out of the funds available for the Watershed purchasing grants. If this is found not to qualify, then the funds will be transferred from the water fund balance.

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

THE FOLLOWING WAS PRESENTED

By Ald. Burr

Sec'd by Ald. Jean-Francois

Date of Adoption 12-21-21

Index No: 294-21

NAMES	AYES	NOES	ABSTAIN	ABSENT
Ald. Ramkissoon	X			
Ald. Tobin	X			
Ald. Kleiner	X			
Ald. Johnson	X			
Ald. Jean-Francois	X			
Ald. Burr	X			
Ald. Green	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 21,000 from within the 2021 DPW budget in the following manner:

<u>FROM</u>	<u>AMOUNT</u>	<u>TO</u>	
G.8130.446	\$5,000	G.8130.458	Landfill
Sludge		Sewage T&D (OLD) Chemicals	

\$5,000 transfer is needed to cover Chemicals needed for the Waste Water Treatment Plant. Balance of account is at \$50 for remainder of the year.

<u>FROM</u>	<u>AMOUNT</u>	<u>TO</u>
G.8130.446	\$10,000	G.8130.404
Landfill Sludge		Lab Services

A transfer is needed to cover testing for the Waste Water Treatment Plant for the remainder of the year. Balance is at \$2,475.61 and an additional \$10,000.00 is needed to cover remaining required testing for IPP.

<u>FROM</u>	<u>AMOUNT</u>	<u>TO</u>
A.8160.450	\$5,000	A.8160.440
Materials & Supplies		Repairs to Equipment

A transfer is needed to cover an unexpected repair to front and rear brake repairs to Truck #17 in the Sanitation Department. Repair costs total \$5,060.00 and balance is at \$1,490.72 for the remainder of the year.

<u>FROM</u>	<u>AMOUNT</u>	<u>TO</u>
F.8320.504	\$1,000	F.8320.512
Water Shed Management		City Dams

A transfer is needed to cover additional cost for Dam safety inspections. An additional \$1,000 is needed for increase in price of the inspections. Original budget was for \$10,000 total charges are \$11,000.00.

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

THE FOLLOWING WAS PRESENTED

By Ald. Burr

Sec'd by Ald. Kleiner

Date of Adoption 12-21-21

Index No: 295-21

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

RESOLVED; that the Common Council of the City of Middletown approves an extension of time in the amount of six (6) months, as per the date on this resolution, for two resolutions dated May 04, 2021, #98-21 and #99-21 for the Presidential Heights Realty Subdivision due to the need that the project has to obtain outside agency approvals for the NYSDEC and OCDOH for water main and sewer main extensions before the map can be filed.

13. Local Laws

Council Clerk-Nothing this evening.

14. Audit

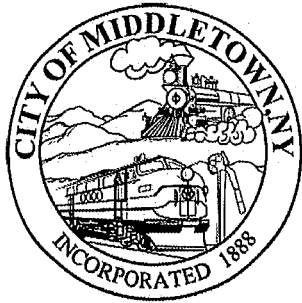
On motion of Ald. Johnson seconded by Ald. Green

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. Ramkissoo, Tobin, Kleiner, Johnson, Jean-Francois, Burr, Green, President Rodrigues

15. Adjournment

There being no further business meeting adjourned at 8:38 PM



**Reorganization Meeting
January 3, 2022
City Hall
16 James Street
Middletown, New York 10940**

PRESENT:

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

ABSENT:

Ald. Joseph Masi

ALSO PRESENT:

Richard McCormack, Clerk
Joseph M. DeStefano, Mayor

*Proceedings electronically recorded.
Transcript produced by Kimberly J. Zogby*

AMERICAN LEGAL TRANSCRIPTION
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amlegaltrans@aol.com

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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 Ramkissoo.

ALD. RAMKISSOON: Here.

MR. MCCORMACK: Alderman Kleiner.

ALD. KLEINER: Here.

MR. MCCORMACK: Alderman Green.

ALD. GREEN: Here.

MR. MCCORMACK: Alderman Witt.

ALD. WITT: Here.

MR. MCCORMACK: Alderman Masi.

PRESIDENT RODRIGUES: Absent.

MR. MCCORMACK: President Rodrigues.

PRESIDENT RODRIGUES: Here.

MR. MCCORMACK: A quorum is present.

3. Oath of Office for the Mayor and President of the Common Council.

PRESIDENT RODRIGUES: Okay, at this time, we will do the oath of office. I call the mayor and myself up.

MR. MCCORMACK: Please raise your right hand and repeat after me.

(Oath of Office.)

MR. MCCORMACK: Congratulations.

4. Oath of Office for Aldermen

PRESIDENT RODRIGUES: First Ward.

ALD. WITT: Can I have my family with me?

PRESIDENT RODRIGUES: Yeah, of course.

MR. MCCORMACK: Please raise your right hand and repeat after me.

(Oath of Office First Ward Alderman Witt.)

MR. MCCORMACK: Alderman Green and Alderman Kleiner.

(Oath of Office Second Ward Aldermen Green and Kleiner.)

MR. MCCORMACK: Congratulations.

Raise your hands and repeat after me.

(Oath of Office Third Ward Aldermen Ramkissoon and Johnson.)

MR. MCCORMACK: Congratulations.

All right, raise your hands and repeat after me.

(Oath of Office Fourth Ward Aldermen Jean-Francois and Tobin.)

MR. MCCORMACK: Congratulations.

5. Remarks of the Mayor

PRESIDENT RODRIGUES: Okay, remarks of the mayor.

MAYOR DESTEFANO: I just wanted to wish everyone a Happy New Year.

Congratulations to all. Welcome back, Alderman Witt, and a fond farewell to Alderman Burr.

But really no new business, other than we're requesting, once again, a state of emergency regarding COVID so that we can implement some purchasing authorization. It doesn't go directly to the Council. It's filed with Albany. We'll probably be filing it tomorrow. But that's the only news fit to report this evening.

So, congratulations all.

PRESIDENT RODRIGUES: Thank you.

6. Remarks of the Aldermen

PRESIDENT RODRIGUES: Remarks of the aldermen. Alderman Tobin.

ALD. TOBIN: I'm looking forward to a new year, hopefully ride this wave out and get back to business.

I hope everybody has a healthy and happy New Year.

PRESIDENT RODRIGUES: Alderman Jean-Francois.

ALD. JEAN-FRANCOIS: Happy New Year, everyone. I also am looking forward to an exciting new year. Let's keep it going.

Thank you.

PRESIDENT RODRIGUES: Alderman Johnson.

ALD. JOHNSON: Thank you, sir. Happy New Year. Onward and upward.

Mr. Witt, welcome back.

PRESIDENT RODRIGUES: Alderman Ramkissoo.

ALD. RAMKISSOON: Good evening. Happy New Year.

I just want to congratulate everyone who has returned to the Board.

And Kevin, welcome back. It's always been a pleasure working with you. So, I'm looking forward to doing it again.

Here we go, Middletown.

PRESIDENT RODRIGUES: Alderman Kleiner.

ALD. KLEINER: Thank you. Happy New Year to everyone. We hope it's a better one than last year.

Welcome back Alderman Witt. We worked together before and a great addition to the Council.

And again, I thank Tom Burr for his many, many years of service on the Council.

We are not going to have a Second Ward constituents meeting. It would have been on January 10th and, out of -- with the numbers just skyrocketing up, we think the less time we spend here the better right now. So, we're going to cancel it. We'll see what February brings.

The Warming Station has two more training sessions, January 4th and January 19th -- that's a Tuesday and a Wednesday -- for volunteers. And if you can volunteer at the middletownwarmingstation.com.

I want to thank, publicly, the students at Touro College because they've just been amazing at volunteering this year.

And I want to -- since our next meeting will be January 18th, that Monday will be Martin Luther King holiday. So, I want to remind everyone of that and remind everyone of the first fierce urgency of now, as we are three days away from the anniversary of the attack on the Capitol.

Thank you.

PRESIDENT RODRIGUES: Alderman Green.

ALD. GREEN: Thank you.

Yes, Happy New Year and a healthy new year to everyone.

Congratulations to all here, Mayor, Council President.

Alderman Witt, it's a pleasure to be able to serve with you. I sit in the seat you once held and now it's nice to sit next to you. So, I look forward to working with you.

I did just want to bring up one thing I saw this morning that got published on Spectrum News was a short article and video on the Veltri family, who won our holiday light contest. They are a Second Ward family on Eisenhower Drive. The last I drove by, the lights were still active. So, if you haven't had a chance to go down, take a look quickly before they put them away for the year. But it's a great thing to have and nice of Spectrum News to pick it up.

So, Happy New Year, again.

PRESIDENT RODRIGUES: Alderman Witt.

ALD. WITT: Thank you very much.

I'm just so grateful for this opportunity, again, and for the support that I receive from my family, friends, and our community. I know I have big shoes to fill but I'm looking forward to the challenge.

I'm also looking forward to working with this group of hardworking people to keep Middletown moving forward.

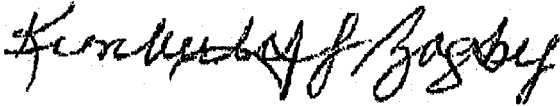
Thank you.

PRESIDENT RODRIGUES: All right. New business.

(Proceeding concluded.)

CERTIFICATION

I, KIMBERLY J. ZOGBY, certify that the foregoing transcript of proceedings prior to New Business of the January 3, 2022 Middletown City Council Reorganization meeting was prepared using the required transcription equipment and is a true and accurate transcript of the recording.

A handwritten signature in black ink, reading "Kimberly J. Zogby", is written over a horizontal line.

AMERICAN LEGAL TRANSCRIPTION

11 Market Street, Suite 215

Poughkeepsie, New York 12601

Dated January 8, 2022

12. New Business

**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 01.03.22

Index No: 1-22

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

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 hereby establishes the following committees and their membership as Standing Committees of the City of Middletown Common Council:

Finance

Planning & Economic Development

Public Safety

Recreation & Parks

Community Communication &

Historical Society

Legislative

Public Works, Traffic

Revenue

Recycling

Quality of Life/Code Enforcement City Wide

And be it further resolved, that the Common Council declares that the Treasurer, Kelly Ann Kelly, and the Chairman of the Finance Committee, Joseph Masi, are hereby authorized and directed to sign all checks, drafts, acceptances, undertakings or other orders on bank accounts of the City of Middletown by personal or by facsimile signature.

**CITY OF MIDDLETOWN COMMON COUNCIL
COMMITTEE ASSIGNMENTS
2022**

FINANCE COMMITTEE Masi, Chairperson Johnson, Vice-Chair Jean-Francois Green Ramkissoon	LEGISLATIVE COMMITTEE Johnson, Chairperson Masi, Vice-Chair Green Tobin Ramkissoon
PLANNING AND ECONOMIC DEVELOPMENT Green, Chairperson Johnson, Vice-Chair Jean-Francois Witt Ramkissoon	PUBLIC WORKS/TRAFFIC Jean-Francois, Chairperson Kleiner, Vice-Chair Green Ramkissoon Witt
RECREATION & PARKS Witt, Chairperson Tobin, Vice-Chair Ramkissoon Kleiner Masi	PUBLIC SAFETY Tobin, Chairperson Masi, Vice-Chair Ramkissoon Jean-Francois Johnson
REVENUE Ramkissoon, Chairperson Masi, Vice-Chair Jean-Francois Johnson Green	RECYCLING Jean-Francois, Chairperson Green, Vice-Chair Kleiner Tobin Johnson
COMMUNITY COMMUNICATION AND HISTIOICAL SOCIETY Kleiner, Chairperson Tobin, Vice-Chair Witt Green Jean-Francois	QUALITY OF LIFE/CODE ENFORCEMENT ENTIRE CITY Entire Council on Committee

Updated: 12/27/2021

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

THE FOLLOWING WAS PRESENTED

By Ald. Green

Sec'd by Ald. Johnson

Date of Adoption 01.03.22

Index No: 2-22

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, New York State General Municipal Law, Section 104-b, states that a municipality should annually adopt a Procurement Policy, and

Whereas, the Corporation Counsel of the City of Middletown has advised the Council that it must look at, revise, if necessary, and adopt the Procurement Policy on an annual basis in accordance with New York State statute,

Now, therefore, be it resolved, that the Common Council of the City of Middletown does hereby adopt the attached written policies and procedures for procurement of goods and services for the City of Middletown.

Procurement Policy

§ 104-1. Adoption of procedures.

The following procedures are adopted for procurement of goods and services.

§ 104-2. Purchases.

For purchases, the following procedures are to be followed:

A.

For purchases of items costing over \$20,000, competitive bidding in accordance with applicable laws and regulations is required.

B.

For purchases of items costing between \$5,000 and \$19,999.99, three or more written price quotes from suppliers are required.

C.

For purchases of items costing between \$2,000 and \$4,999.99, three or more verbal quotes from suppliers are required.

D.

For purchases of items costing between \$0 and \$1,999.99, appropriate verbal quotes from suppliers, in the discretion of the department head undertaking the purchasing, are required.

§ 104-3. Public works contracts.

For public works contracts, the following procedures are to be followed:

A.

For contracts over \$35,000, competitive bidding in accordance with applicable laws and regulations is required.

B.

For contracts between \$5,000 and \$34,999.99, three or more written quotes from qualified contractors are required.

C.

For contracts between \$2,000 and \$4,999.99, three or more verbal quotes from qualified contractors are required.

D.

For contracts between \$0 and \$1,999.99, appropriate verbal quotes from qualified contractors, in the discretion of the department head who wishes to enter into the contracts, are required.

§ 104-4. Other services.

[Amended 2-5-2013]

A.

In the event it can be anticipated that a particular service (e.g., painting services) may be required by the City for various projects which, in total, are expected to exceed \$35,000 for the year, then the procurement of those services will be subject to competitive bidding.

B.

There are, however, certain types of services provided to the City that may be considered routine and delivered in the ordinary course of business that are not capable of precise cumulative monetary calculation but are necessary to be incurred promptly and/or locally to protect the health, welfare or

safety of the residents of the City, employees of the City or structures and equipment owned by the City. Such services include, but are not limited to, repairs to City vehicles such as sanitation trucks or trucks used in snowplowing or street repairs; repairs to City buildings and processes, such as electrical or plumbing work in or on the City's sewage treatment plant or water treatment plant; or assistance from outside companies for snow or garbage removal. In such cases, the cumulative payment to those companies may total more than \$35,000 per year, but it is impossible to know from year to year whether such costs will exceed \$35,000. In such cases, and in accordance with § 104-b, Subdivision 2g, of the New York General Municipal Law, it is the determination of the Common Council of the City of Middletown that the best interests of the City will not be served by competitive bidding in such cases but that the department head charged with such purchases may obtain such routine services as needed by the City in the ordinary course of business from time to time.

C.

Notwithstanding the foregoing, if the department head charged with such purchase determines that the anticipated service covered by that one purchase likely will exceed the cost of \$35,000 and such service is not the subject of any exception under this procurement policy (such as an emergency purchase or the purchase from a sole source supplier), then the procurement of such service will be subject to competitive bidding as set forth elsewhere in this chapter.

§ 104-5. Verbal quotes.

Whenever this policy allows for verbal quotes, the department head must maintain a written log which lists appropriate information from each supplier or contractor supplying such verbal quotes.

§ 104-6. Exceptions.

Exceptions to the above procurement processes are to be allowed in purchases or public work contracts which involve emergencies, true leases, and sole source purchases. In such events, the responsible department head must document the circumstances allowing the exception to the above procurement processes and should, whenever possible, attempt to make purchases and secure public works contracts at the lowest possible cost and should obtain at least three verbal quotes, to the extent possible under the circumstances.

§ 104-7. Requests for proposals.

Whenever possible, professional services are to be obtained through requests for proposals (RFPs) issued by the Board of Estimate and Apportionment. All responses to RFPs are to be reviewed by the Board of Estimate, which must make a recommendation to the Common Council for final approval.

§ 104-8. Award to other than lowest bidder.

Whenever any contract is awarded to other than the lowest bidder or proposer, the reasons are to be set forth in writing and filed with the appropriate department or board.

§ 104-9. Effect on other procedures.

Nothing in these procurement processes changes any administrative procedures required by the Charter of the City of Middletown, such as the approval of the Board of Estimate and Apportionment for purchases and contracts.

§ 104-10. Contracts awarded based on best-value analysis.

[Added 6-3-2014 by L.L. No. 2-2014]

Notwithstanding anything else contained in this chapter to the contrary, the Common Council, after approval of the Board of Estimate and Apportionment, may award purchase contracts and service contracts that have been procured pursuant to competitive bidding or otherwise under New York General Municipal Law § 103(1) or this chapter by either the lowest responsible bidder standard or the best-value standard.

A.

"Best value" is defined in State Finance Law § 163 to mean "the basis for awarding contracts for services to the offerer which optimizes quality, cost and efficiency, among responsive and responsible offerers. Such basis shall reflect, wherever possible, objective and quantifiable analysis. Such basis may also identify a quantitative factor for offerers that are small businesses or certified minority- or women-owned business enterprises as defined in subdivisions one, seven, fifteen and twenty of section three hundred ten of the [New York] Executive Law to be used in evaluation of offers for awarding of contracts for services." For purposes of this section, the Common Council adopts the above definition of "best value," as the same may be modified from time to time by the State Legislature.

B.

Pursuant to New York General Municipal Law § 103(1), the best-value standard may be used for purchase contracts, including contracts for service work, but it excludes and may not be used for any purchase contracts necessary for the completion of public works contracts pursuant to New York Labor Law Article 8.

C.

If the monetary thresholds of New York General Municipal Law § 103 are increased or decreased in the future by the State Legislature, the monetary thresholds set forth herein will be deemed simultaneously amended to match the new General Municipal Law thresholds.

D.

Whenever any contract is awarded by the Common Council (after approval of the Board of Estimate and Apportionment) on the basis of best value instead of the lowest responsible bidder, the basis for determining best value will be thoroughly and accurately documented. Such documentation may include, but is not necessarily limited to, the cost of maintenance; durability; availability of replacement parts or maintenance contractors; longer product life; product performance criteria; quality of craftsmanship; or compatibility with existing City buildings or property.

§ 104-11. Standards for federal CDBG-DR procurement actions.

[Added 11-15-2016]

Notwithstanding anything else contained in this chapter to the contrary, eligible Community Development Block Grant – Disaster Recovery (CDBG-DR) expenditures and procurement actions undertaken on or after January 1, 2017, shall comply with the procurement standards as set forth in 2 CFR Parts 200.317 through 200.326, as the same may be amended from time to time. In the event of a conflict between state or local laws and regulations and the procurement requirements of 2 CFR Part 200, the more stringent requirements will apply.

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

THE FOLLOWING WAS PRESENTED

By Ald. Johnson

Sec'd by Ald. Tobin

Date of Adoption 01.03.22

Index No: 3-22

NAMES	AYES	NOES	ABSTAIN	ABSENT
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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 does hereby adopt the attached Investment Policy for the City of Middletown.

CHAPTER 65 INVESTMENT POLICY

§ 65-1 SCOPE

This investment policy applies to all monies and other financial resources available for investment on its own behalf or on behalf of any other entity or individual.

§ 65.2 OBJECTIVES

The primary objectives of the city of Middletown's investment activities are, in priority order,

- ☐ Legal: to conform with all applicable federal, state and other local requirements;
- ☐ Safety: to adequately safeguard principal;
- ☐ Liquidity: to provide sufficient liquidity to meet all operating requirements; and
- ☐ Yield: to obtain reasonable rate of return.

§ 65.3 DELEGATION OF AUTHORITY

The governing board's responsibility for administration of the investment program is delegated to the Treasurer who shall establish written procedures for the operation of the investment program consistent with these investment guidelines. Such procedures shall include an adequate internal control structure to provide a satisfactory level of accountability based on data base or records incorporating description and amounts of investments, transaction dates, and other relevant information and regulate the activities of subordinate employees.

§ 65.4 PRUDENCE

All participants in the investment process shall seek to act responsibly as custodians of the public trust and shall avoid any transaction that might impair public confidence in the City of Middletown to govern effectively.

Investments shall be made with judgment and care, under circumstances then prevailing, which persons of prudence discretion and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the safety of the principal as well as the probable income to be derived.

All participants involved in the investment process shall refrain from personal business activity that could conflict with the proper execution of the investment program, or which could impair their ability to make impartial investment decisions.

§ 65.5 DIVERSIFICATION

It is the policy of the City of Middletown to diversify its deposits and investments by financial institutions, by investment, and by maturity scheduling.

§ 65.6 INTERNAL CONTROLS

It is the policy of the City of Middletown for all monies collected by any officer or employee of the government to transfer those funds to the Treasurer within one day of deposit, or within the time specified in law, whichever is shorter.

The Treasurer is responsible for establishing and maintaining an internal control structure to provide reasonable, but not absolute, assurance that deposits and investments are safeguarded against loss from unauthorized use or disposition, that transactions are executed in accordance with management's authorization and recorded properly, and are managed in compliance with applicable laws and regulations.

§ 65.7 DESIGNATION OF DEPOSITORIES

The bank and trust companies authorized for the deposit of monies up to the maximum amounts are:

Depository Name	Maximum Amount
JP Morgan Chase	\$18,000,000
TD Bank	\$18,000,000
Sterling National Bank	\$18,000,000
Orange Trust Bank	\$12,500,000
Key Bank	\$ 5,250,000

§ 65.8 COLLATERALIZING OF DEPOSITS

In accordance with the provisions of General Municipal Law, §10, all deposits of the City of Middletown, including certificates of deposits and special time deposits, in excess of the amount insured under the provisions of the Federal Deposit Insurance Act shall be secured:

- 1) By a pledge of "eligible securities" with an aggregate "market value" as provided by GML §10, equal to the aggregate amount of deposits from the categories designated in Appendix A to the policy.
- 2) By an eligible "irrevocable letter of credit" issued by a qualified bank other than the bank with the deposits in favor of the government for a term not to exceed 90 days with an aggregate value equal to 140% of the aggregate amount of the deposits and the agreed upon interest, if any or 100% in the case of an irrevocable letter of credit issued in favor of the local government by certain Federal Home Loan Banks. A qualified bank is one whose commercial paper and other unsecured short-term debt obligations are rated in one of the three highest rating categories by at least one nationally recognized statistical rating organization or by a bank that is in compliance with applicable federal minimum risk-based capital requirements.
- 3) By an eligible surety bond payable to the government for an amount at least equal to 100% of the aggregate amount of the deposits and the agreed upon interest, if any, executed by

an insurance company authorized to do business in New York State, whose claims - paying ability is rated in the highest rating category by at least two nationally recognized statistical rating organizations.

§ 65.9 SAFEKEEPING AND COLLATERALIZATION

Eligible securities used for collateralizing deposits shall be held by a third party or trust company subject to security and custodial agreements.

The security agreement shall provide that eligible securities are being pledged to secure local government deposits together with agreed upon interest, if any, and any costs or expenses rising out of collection of such deposits upon default. It shall also provide the conditions under which the securities may be sold, presented for payment, substituted or released and the events, which will enable the local government to exercise its rights against the pledged securities. In the event that the securities are not registered or inscribed in the name of the local government, such securities shall be delivered in a form suitable for transfer or with the City of Middletown, or its custodial bank.

The custodial agreement shall provide that securities held by the bank or trust company, or agent of and custodian for, the local government, will be kept separate and apart from the general assets of the custodial bank or trust company and will not, in any circumstances, be commingled with or become part of the backing for any other deposit or other liabilities. The agreement shall also describe that the custodian shall confirm the receipt, substitution or release of the securities. The agreement shall provide for the frequency of revaluation of eligible securities and for the substitution or release of securities when a change in the rating of a security may cause ineligibility. Such agreement shall include all provisions necessary to provide the local government a perfected interest in the securities.

§ 65.10 PERMITTED INVESTMENTS

As authorized by General Municipal Law, §11, the City of Middletown authorizes the Treasurer to invest monies not required for immediate expenditure for terms not to exceed its projected cash flow needs in the following types of investments:

- ☐ Special time deposit accounts authorized to do business in New York State;
- ☐ Certificates of deposit;
- ☐ Obligations of the United States of America;
- ☐ Obligations guaranteed by the agencies of the United States of America where the payment of principal and interest are guaranteed by the United States of America:
- ☐ Obligations of the State of New York;
- ☐ Obligations issued pursuant to LFL §24.00 or 25.00 (with the approval of the State Comptroller) by any municipality, school district or district corporation other than the City of Middletown;
- ☐ Obligations of public authorities, public housing authorities, urban renewal agencies and industrial development agencies where the general State statutes governing such entities or whose specific enabling legislation authorizes such investments.
- ☐ Certificates of Participation (COPs) issued pursuant to GML §109-b.

☐ Obligations of this local government, but only with any monies in a reserve fund established pursuant to GML §6-c, 6-d, 6-g, 6-h, g-j, 6-k, 6-l, 6-m, or 6-n.

All investment obligations shall be payable or redeemable at the option of the City of Middletown within such times as the proceeds will be needed to meet expenditures for purposes for which the monies were provided and, in the case of obligations purchased with the proceeds of bonds or notes, shall be payable or redeemable at the option of the City of Middletown within two years of the date of purchase. The designated depository will confirm all purchases and transactions in writing to the City of Middletown.

§ 65.11 AUTHORIZED FINANCIAL INSTITUTIONS AND DEALERS

The City of Middletown shall maintain a list of financial institutions and dealers approved for investment purposes and establish appropriate limits to the amount of investments, which can be made with each financial institution or dealer. All financial institutions with which the local government conducts business must be credited worthy. Banks shall provide their most recent Consolidated Report of Condition (Call Report) at the request of the City of Middletown. Security dealers not affiliated with a bank shall be required to be classified as reporting dealers affiliated with the New York Federal Reserve Bank as primary dealers. The Treasurer is responsible for evaluating the financial position and maintaining a listing of proposed depositories, trading partners and custodians. Such listing shall be evaluated at least annually.

§ 65.12 PURCHASE OF INVESTMENTS

The Treasurer is authorized to contract for the purchase of investments:

1. Directly, including through a repurchase agreement, from an authorized trading partner.
2. By participation in a cooperative program with another authorized governmental entity pursuant to Article 5G of the General Municipal Law where such program meets all the requirements set forth in the Office of the State Comptroller Opinion No. 88-46, and the specific program has been authorized by the governing board.
3. By utilizing an ongoing investment program with an authorized trading partner pursuant to a contract authorized by the governing board.

All purchased obligations, unless registered or inscribed in the name of the local government, shall be purchased through, delivered to and held in the custody of a bank or trust company. Such obligations shall be purchased, sold or presented for redemption or payment by such bank or trust company only in accordance with prior written authorization from the officer authorized to make the investment. All such transactions shall be confirmed in writing to the City of Middletown by the bank or trust company. Any obligations held in the custody of a bank or trust company shall be held pursuant to a written custodial agreement as described in General Municipal Law, §10.

The custodial agreement shall provide the securities held by the bank or trust company, as agent and of custodian for, the City of Middletown, will be kept separate and apart from the general assets of the custodial bank or trust company and will not, in any circumstances, be commingled with or become part of the backing for any other deposit or other liabilities. The agreement shall describe how the custodian shall confirm the receipt and release of the securities. Such agreement shall include all provisions necessary to provide the City of Middletown a perfected interest in the securities.

§ 65.13 REPURCHASE AGREEMENTS

Repurchase agreements are authorized subject to the following restrictions:

- o All repurchase agreements must be entered into subject to a Master Repurchase Agreement.
- o Trading partners are limited to banks or trust companies authorized to do business in New York and primary reporting dealers.
- o Obligations shall be limited to obligations of the United States of America and obligations guaranteed by agencies of the United States of America.
- o No substitution of security will be allowed.
- o The custodian shall be a party other than the trading partner.

§ 65.14 OPERATIONS, AUDIT AND REPORTING

The Treasurer, having custody of money, shall authorize the purchase and sale of all securities and execute contracts on behalf of the City of Middletown. Oral directions concerning the purchase, transaction, or sale of securities shall be confirmed in writing. The City of Middletown shall pay for purchased securities upon delivery.

The City of Middletown will encourage the purchase and sale of securities through a competitive or negotiated process involving solicitations of at least three bids for each transaction.

At the time independent auditors conduct the annual financial audit of the accounts and affairs of the City of Middletown, the auditors shall audit compliance with the Investment Guidelines.

The legislative body of the City of Middletown shall review and approve the annual investment report at its Annual reorganization meeting.

The provisions of these Investment Guidelines and any amendments hereto, shall take effect prospectively, and shall not invalidate the prior selection of any custodial bank or prior investment.

APPENDIX A Schedule of Eligible Securities

- i. Obligations issued, or fully insured or guaranteed as to the payment of principal and interest, by the United States of America, an agency thereof or United States Government sponsored corporation.
- ii. Obligations partially insured or guaranteed by any agency of the United States of America, at a proportion of the Market Value of the obligation that represents the amount of the insurance or guaranty.

Revised 01/22

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

THE FOLLOWING WAS PRESENTED

By Ald. Ramkissoon

Sec'd by Ald. Jean-Francois

Date of Adoption 01.03.22

Index No: 4-22

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 does hereby adopt the attached Fee Schedule for services for the City of Middletown.

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

THE FOLLOWING WAS PRESENTED

By Ald. Johnson

Sec'd by Ald. Green

Date of Adoption 01.03.22

Index No: 5-22

NAMES AYES NOES ABSTAIN ABSENT

Ald. Tobin	X			
Ald. Jean-Francois	X			
Ald. Johnson	X			
Ald. Ramkissoo	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 following amendment to Resolution 96-21 which authorized amendment #2 with B&L for the Middletown Community Campus Redevelopment Water System Infrastructure Improvements Additional Construction Administration & Observation Services.

The Resolution approved the Mayor to sign the amendment and now a transfer in the amount not to exceed \$85,000 is needed to fund the project.

<u>FROM</u>	<u>AMOUNT</u>	<u>TO</u>
F.8341.900 Water General Expense	\$85,000	H.0947.900 Water System Improvements

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

THE FOLLOWING WAS PRESENTED

By Ald. Green

Sec'd by Ald. Kleiner

Date of Adoption 01.03.22

Index No: 6-22

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 approve and authorize the Mayor to sign the attached proposal from Clark Patterson Lee for a Building Condition Survey for 11 King Street Basic Services in the amount of \$13,000 with several optional services totaling \$12,700 for a potential total project cost of \$25,700, not all the options presented may be selected and funded.

Funding for this to come from A.8160.400 which has sufficient funds to cover all options should they be needed.

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

THE FOLLOWING WAS PRESENTED

By Ald. Ramkissoon

Sec'd by Ald. Johnson

Date of Adoption 01.03.22

Index No: 7-22

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 approve the Treasurer to make the following transfers with the 2021 Economic & Community Development Budget totaling \$16,898.02 These adjustments are needed due to change in personal/retirement and buyouts.

From	Amount	To
A.6200.400 Contractual	\$7,358.02	A.6200.100 Personal Services
CD.8686.860 State Health Insurance	\$3,711.94	CD.8686.100 Personal Services
CD.8686.860 State Health Insurance	\$5,828.06	CD.8686.456 CD Program Related Expenses

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

THE FOLLOWING WAS PRESENTED

By Ald. Kleiner

Sec'd by Ald. Green

Date of Adoption 01.03.22

Index No: 8-22

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 approve the Treasurer to make the following transfer from within the 2021 Paramount Budget.

From	Amount	To
A.7010.490 Printing	\$25.00	A.7010.480 Office Supplies

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

THE FOLLOWING WAS PRESENTED

By Ald. Witt

Sec'd by Ald. Ramkissoon

Date of Adoption 01.03.22

Index No: 9-22

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 Mayor to purchase 2000 Covid tests from Orange County in the amount of \$20,000, four Police Vehicles in the amount of \$220,000 and authorizes the Mayor to sign an agreement with Lexipol System in the amount of \$50,000.

LET IT FURTHER BE RESOLVED that Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment to authorize the Treasurer to transfer a total of \$290,000 from within the 2022 budget in the following manner to fund the above

<u>FROM</u>	<u>AMOUNT</u>	<u>TO</u>
A.4785	\$20,000	A.1210.907
ARPA		Mayor. Covid Related Exp.
	\$220,000	A.3120.201 Police. Vehicles
	\$50,000	A.3120.400 Police. Contractual

Funding for this will be made out of the ARPA money.

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

THE FOLLOWING WAS PRESENTED

By Ald. Jean-Francois

Sec'd by Ald. Johnson

Date of Adoption 01.03.22

Index No: 10-22

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 Mayor's reappointment of Tracy Racine to the Board of Assessment Review for a five (5) year term, expiring on September 30, 2026.

**COMMON COUNCIL
CITY OF MIDDLETOWN
CERTIFICATION OF RESOLUTION**

I, Richard P. McCormack, City Clerk and Common Council Clerk of the City of Middletown, do hereby certify that I have compared the foregoing copy of this resolution with the original on file in my office, and that the same is a true and correct transcript of said original resolution and of the whole thereof, as duly adopted by said Common Council at a meeting duly called and held at City Hall on January 3, 2022 by the required and necessary vote of the members to approve the resolution.

WITNESS My Hand and the Official Seal of the City of Middletown, New York, this 4th day of January, 2022.

Richard P. McCormack
City Clerk
Clerk of the Common Council
City of Middletown, NY

Seal

**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 01.03.22

Index No: 11-22

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 Mayor's reappointment of Anthony Capozella as Planning Board Chairman for a seven year term, expiring on December 31, 2028.

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

THE FOLLOWING WAS PRESENTED

By Ald. Kleiner

Sec'd by Ald. Tobin

Date of Adoption 01.03.22

Index No: 12-22

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 Mayor's reappointment of Robert Deitrich as Chairman of the Board of Ethics for a two year term expiring on December 31, 2023.

**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 01.03.22

Index No: 13-22

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	7		1	1

RESOLVED that the Common Council of the City of Middletown concurs with the Mayor's reappointment of David Green to the Board of Ethics for a three year term, expiring on December 31, 2024.

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

THE FOLLOWING WAS PRESENTED

By Ald. Tobin

Sec'd by Ald. Jean-Francois

Date of Adoption 01.03.22

Index No: 14-22

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 Mayor's reappointment of the following individuals to the Industrial Development Agency for a 1 year term expiring on December 31, 2022:

Joseph M. DeStefano
Andrew Britto
Anthony Cantoli
David Madden
Wayne Hawkins

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

THE FOLLOWING WAS PRESENTED

By Ald. Jean-Francois

Sec'd by Ald. Johnson

Date of Adoption 01.03.22

Index No: 15-22

NAMES AYES NOES ABSTAIN ABSENT

Ald. Tobin	X			
Ald. Jean-Francois	X			
Ald. Johnson	X			
Ald. Ramkissoo	X			
Ald. Kleiner	X			
Ald. Green	X			
Ald. Witt	X			
Ald. Masi				X
Pres. Rodrigues			X	
TOTAL	7		1	1

RESOLVED that the Common Council of the City of Middletown concurs with the Mayor's reappointment J. Miguel Rodrigues to the Police Commission for a 4 year term expiring on December 31, 2025.

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

THE FOLLOWING WAS PRESENTED

By Ald. Green

Sec'd by Ald. Ramkissoon

Date of Adoption 01.03.22

Index No: 16-22

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 Mayor's reappointment of Bobby Lerz to the Architectural Review Board for a three year term expiring on December 31, 2024.

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

THE FOLLOWING WAS PRESENTED

By Ald. Kleiner

Sec'd by Ald. Green

Date of Adoption 01.03.22

Index No: 17-22

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 Mayor's appointment of Brian Smith as a Deputy Commissioner of Public Works for a 3 year term expiring on December 31, 2024.

**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 01.03.22

Index No: 18-22

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 Mayor's appointment of Rosario Mastria as a Deputy Commissioner of Public Works for a 3 year term expiring on December 31, 2024.

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

THE FOLLOWING WAS PRESENTED

By Ald. Ramkissoon

Sec'd by Ald. Johnson

Date of Adoption 01.03.22

Index No: 19-22

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 Mayor's reappointment of Maria Bruni as the Director of Economic & Community Development for a 1 year term, expiring on December 31, 2022.

**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 01.03.22

Index No: 20-22

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 Mayor's reappointment of Kelly Ann Kelly as City Treasurer for a 3 year term expiring on December 31, 2024.

13. Local Laws

Council Clerk-Nothing this evening.

14. Audit

On motion of Ald. Johnson seconded by Ald. Tobin

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, Jean-Francois, Johnson, Ramkissoon, Kleiner, Green, Witt, President Rodrigues

15. Adjournment

There being no further business meeting adjourned at 6:51 PM

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

THE FOLLOWING WAS PRESENTED

By Ald. _____

Sec'd by Ald. _____

Date of Adoption 01.18.22

Index No: _____

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

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.

RECEIVED

DEC 13 2021

City Clerk
City of Middletown

RESOLUTION

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:

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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. _____

Sec'd by Ald. _____

Date of Adoption 01.18.22

Index No: _____

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				

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).

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

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).

Lot 1).

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

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.

RESOLUTION

RECEIVED

DEC 13 2021

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:

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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. _____

Sec'd by Ald. _____

Date of Adoption 01.18.22

Index No: _____

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				

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:

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

RECEIVED

RESOLUTION

DEC 21 2021

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

City Clerk

City of Middletown

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.

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- 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
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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. _____

Sec'd by Ald. _____

Date of Adoption 01.18.22

Index No: _____

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				

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.

FORWARD TO
LEGISLATION COMMITTEE

SEP 28 2021

City Clerk
City of Middletown

RESOLUTION

WHEREAS, the increased unsafe use of limited use motorcycles has created a substantial safety risk to persons and property in the City of Middletown.

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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.

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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. _____

Sec'd by Ald. _____

Date of Adoption 01.18.22

Index No: _____

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 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	\$12,600	A.1420.489
Corporation Counsel Grievance		Litigation
 A.1420.433	 \$500	 A.1420.489
Personnel Training		Litigation

MEMORANDUM

DATE: January 5, 2022
TO: Kelly A. Kelly, Treasurer
Richard McCormack, City Clerk
FROM: Alex Smith, Corporation Counsel
RE: Budget Transfer

RECEIVED
JAN 05 2022
City Clerk
City of Middletown



This is to request a following transfer within the 2021 budget lines:

From	Amount	To
A.1420.488	\$12,600	A.1420.489
Corporation Counsel Grievance		Litigation
A1420.433	\$500	A.1420.489
Personnel Training		Litigation

This transfer is to replenish A.1420.489 line in order to pay unpaid litigation invoices.

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

THE FOLLOWING WAS PRESENTED

By Ald. _____

Sec'd by Ald. _____

Date of Adoption 01.18.22

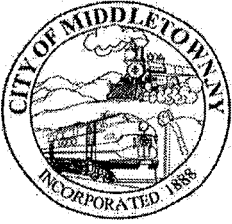
Index No: _____

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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 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.



DEPARTMENT OF FINANCE
City Of Middletown

RECEIVED
JAN 12 2022
City Clerk
City of Middletown

Kelly A. Kelly
Treasurer

16 James Street
Middletown, NY 10940
Tel: (845) 346-4150
Fax: (845) 343-1101

Date: January 11, 2022

To: The Board of Estimates

From: Kelly Ann Kelly, Treasurer

I am requesting approval for 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.

RECEIVED

JAN 12 2022

City Clerk
City of Middletown



Order Form

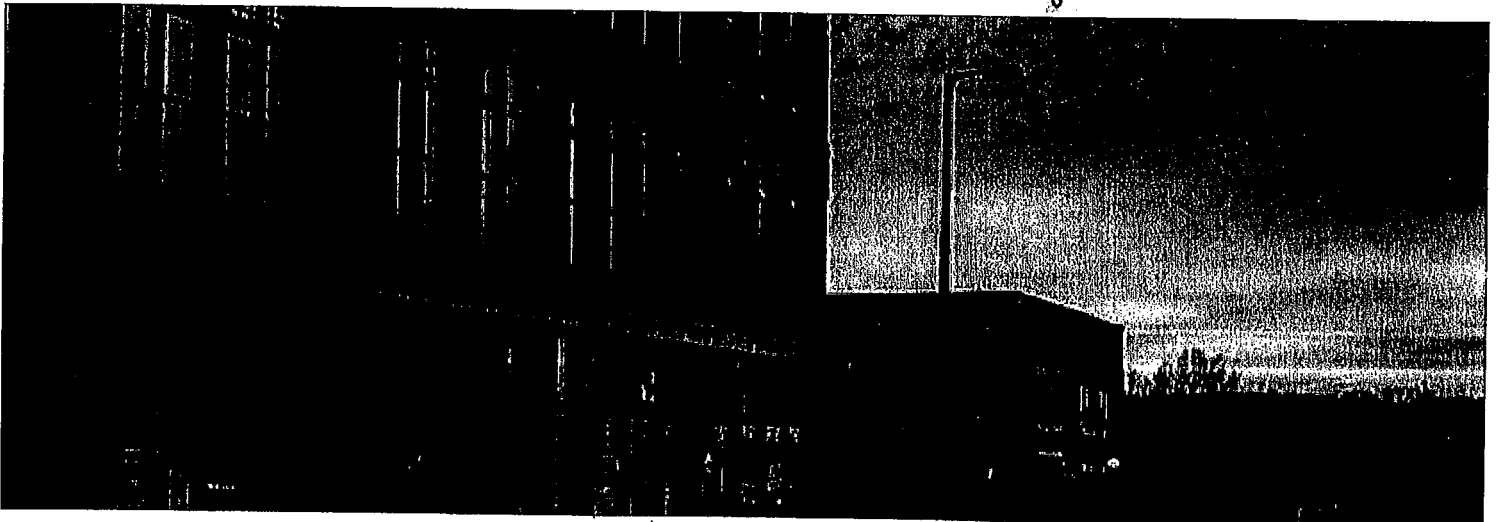
Middletown, NY - City of

01-10-2022

Middletown, NY - City of :KVS Server Migration

Expiration Date: 04-10-2022

IT Budget A.1331.900





Dear ,

Thank you for the opportunity to submit this order form in the amount of \$2,268.00.

All of us at Springbrook are working to provide the best possible solutions for your agency and your citizens.

Our goal is nothing short of your 100% satisfaction.

Thank you for being a valued customer.

Sincerely,

Paula Hulburt

Paula Hulburt



Estimated Professional Services Pricing

Item Name	Rate	Description	Quantity	Net Price
Standard Professional Services	\$189.00	Professional Services	12	\$2,268.00
Estimated Professional Services Total Net Price				\$2,268.00

Grand Total:	\$2,268.00
* Excludes Applicable Sales Tax	

Order Details

General Information	
Customer Name:	Middletown, NY - City of
Customer Contact:	
Customer Address:	16 James St., Middleton, New York, United States, 10940
Governing Agreement(s):	This Order Form is governed by the applicable terms found at: MSA: https://sprbrk.box.com/v/sprbrk-saas-terms MLA: https://sprbrk.app.box.com/v/sprbrk-onpremise-terms Professional Services: https://sprbrk.app.box.com/v/sprbrk-svcs-terms
Term(s):	year

Order Terms	
Items Ordered	Order Start Date
Professional Services Orders	Date of the last signature on the Order Form
Managed Services	Date of the last signature on the Order Form
Software Licenses, Subscriptions, Maintenance and Hosting (New)	The earlier of a) date of delivery** of software or log-in to hosted software to Customer or b) 60 days after last signature on the Order Form
Software Licenses, Subscriptions, Maintenance and Hosting (Renewal)	The day after expiration of your last order of the same product
Special Order Terms	None

**The date of delivery of software to the Customer is the date the software is made available to the customer, either by delivery of software or delivery of first log-in to a hosted environment, which may be either a test or production environment. This date of delivery is frequently earlier than the dates professional services are completed, the Customer completes user acceptance testing, the Customer distributes additional log-ins to end users, and the Customer go-live in a production environment.

Order Duration

- Any Software Licenses or Hardware are one-time, non-refundable purchases.
- Subscriptions, Maintenance, Hosting and Support ("Recurring Services") continue from the Order Start Date through the term listed in this Order Form (or if not listed, 1 year).
- Orders for Recurring Services auto-renew unless the Customer or Springbrook provides a written notice of non-renewal at least sixty (60) days before the end of the Order Term
- Subscription Service fees and any other recurring fees will be subject to an automatic annual increase by not more than of the prior year's Subscription Service fees ("Standard Annual Price Increase").

Invoice Timing and Delivery

- Invoices are delivered electronically via e-mail to the billing contact on file for the Customer. Customer Invoices are issued for the full amount of software and services purchased as follows:

Items Ordered	Invoice Timing
Professional Services Orders	Monthly for services in the prior month* unless specified in Special Professional Services Invoicing Terms
Managed Services and Annual Report Services	Managed Services, Report Services, begin upon the order start date and continue through June 30 of signed year. Specialized training services begin upon order start date and continue for four months. Other specialized support services within Managed Services, begin upon order start date for one year.
Software Licenses and Hardware	Customer signature on Order Form
Subscriptions, Maintenance and Hosting (New)	Customer signature on Order Form
Software Licenses, Subscriptions, Maintenance and Hosting (Renewal)	60 days in advance of the Order Start Date
CivicPay Transactions	Monthly for transactions in the prior month

*Professional Services pricing is based on expected hours using Springbrook's standard implementation methodology. Actual hours and billings may vary from this estimate. Please note that only when project costs exceed \$5,000 of this estimate, a signed change order will be required to continue work – changes under \$5,000 will continue to be delivered and billed accordingly.

Special Order Terms	
Special Order Terms	None
In the event of an inconsistency between this Order Form, any governing agreement, purchase order, or invoice, the Order Form shall govern as it pertains to this transaction.	

Payment Terms	
Payment Terms	Net 30
Special Invoicing Terms	None
Special Professional Service Invoicing Terms	
Billing Contact	Kelly Connolly
Billing Email	kconnolly@middletown-ny.com
If the Customer requires a PO number on invoices, Customer must provide Springbrook with the PO number and a copy of the PO <u>prior</u> to invoice issuance. If a PO number is not provided prior to the invoice issuance date, invoices issued on this Order Form will be valid without a PO reference.	
PO# (If required):	

As Buyer, by signing you agree to the terms and conditions as set forth in this agreement.

Agency Representative

BUYER SIGNATURE

Springbrook Representative

SELLER SIGNATURE

SELLER NAME

SELLER TITLE

SELLER SIGNATURE DATE

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

THE FOLLOWING WAS PRESENTED

By Ald. _____

Sec'd by Ald. _____

Date of Adoption 01.18.22

Index No: _____

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Ald. Jean-Francois				
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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 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:

<u>FROM</u>	<u>AMOUNT</u>	<u>TO</u>
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

Richard McCormack

From: J Tawil <jtawil14@yahoo.com>
Sent: Tuesday, January 11, 2022 3:03 PM
To: Kelly Ann Kelly; Joseph DeStefano; Joseph DeStefano; Joseph Masi Yahoo; J Miguel Rodriguez; Richard McCormack; Alex Smith; Katie Gass; Erica Letos; Mayle
Subject: Re: 3A Full Time Operator Proposal

Hi Kelly,

Correction: The entire \$121,683.00 will needs to be transferred to WWTP Contractual Services budget line # G8130.400, where \$72,692.00 will be transferred from WWTP Employees Payroll line # G813.100, and the remaining \$48,991 will need to be transferred from applicable employees benefits/insurance budget lines.

Thank you

Jacob S. Tawil, P.E. | Commissioner
Department of Public Works
City of Middletown | 16 James Street |
Middletown, New York 10940 |
T: 845-343-3169 | F: 845-343-4014

 Please consider the environment before printing this email.

RECEIVED
JAN 11 2022
City Clerk
City of Middletown

On Tuesday, January 11, 2022, 02:08:14 PM EST, J Tawil <jtawil14@yahoo.com> wrote:

Hello Kelly,

We are requesting that this item be included on the Board of Estimates Agenda for their considerations, as follows:

Mr. Rob Anderson, Licensed WWTP Operator has retired. We have been trying to find replacement without any luck.

JCO has been providing Chief Operator and a full time operator services for the WWTP.

I discussed this immediate shortage in coverage created by Mr. Anderson's retirement with JCO, where they offered to provide the properly licensed 3A operator @ 40 hours per week at total cost to the City, which includes all benefits, than Mr. Anderson's. City's annual savings would be over \$5,000.

Mr. Anderson had 1A License.

Please refer to the attached letter and cost break down for more details for the cost.

Upon your approval, we will be prepared to move immediately with this proposal, as we already have \$72,692.00 in straight salary budgeted for this position. the balance

of **\$121,683.00 - \$72,692.00 = \$48,991** will need to be transferred from applicable employees benefits/insurance budget line to WWTP employees payroll, line # G8130.100.

Thank you

Jacob S. Tawil, P.E. | Commissioner

Department of Public Works

City of Middletown | 16 James Street |

Middletown, New York 10940 |

T: 845-343-3169 | F: 845-343-4014



Please consider the environment before printing this email.

----- Forwarded Message -----

From: Roy Rysinger <royrysinger@jcoinc.org>

To: Jacob Tawil <jtawil14@yahoo.com>

Cc: Travis Steimle <tsteimle@jcoinc.org>; Ryan Rysinger <ryanrysinger@jcoinc.org>; Jeff Rysinger <jeffrysinger@jcoinc.org>; Dale Post <dpost@jcoinc.org>

Sent: Wednesday, January 5, 2022, 05:20:24 PM EST

Subject: 3A Full Time Operator Proposal

Good evening Jacob,

As discussed, I've attached our proposal for a full-time 3A Operator. This individual would effectively be replacing Rob Anderson. As we spoke about on our recent call, the need to fill this position is a top priority.

I've also included our budget for this position, which includes the Gross Margin / Profit to JCO. Generally, we aim for a 25%-30% margin on Operator positions, but I wanted to be extremely conscious of the City's budget and prior-anticipated costs. I've highlighted some points below:

- FBC of Rob Anderson **\$127,037.87**
- JCO Billable: **\$121,683.00**
- Yearly Savings To The City: **\$5,354.87**
- Gross Margin: **15%**
- Enhanced Services: **JCO is providing a full-time 3A Operator which satisfies the NYSDEC Operator Requirements pursuant to NYSDEC TOGS Series III.B.2**

We are prepared to supply staffing within 1 week.

Please let me know your thoughts,

Thanks!

--

Roy R. Rysinger

Vice President

JCO, Inc. Environmental Services | Water and Wastewater Treatment

845.754.1943 | www.jcoinc.org



Project Name: City of Middletown
Due Date: 05 JAN 21

Prepared By: RR/GB
Approved By:
Final Approval (M3):
Delegation of Authority:

\$ USD

IFS Code	Category	Calculation:	Annual Budget	Comments / Notes:
Revenues				
	Revenues - O&M - Base Contract		121,683	
	Revenues - O&M - Direct Reimbursements			
	Revenues - O&M - Other			
	Total Revenues		121,683	
Expenses				
620005	Salary expenses - Regular Hours		70,200	See Direct Labor Tab
620020	Salary expenses - Overtime	4.00%	2,808	
620060	Remote allocation expenses		-	
620070	Bonus		1,755	See Direct Labor Tab
620075	Employee Appreciation Expenses		250	
620080	Group Insurance expenses		12,588	See Group Insurance Tab
620090	401K expenses (3%)	3%	2,190	
620105	Workers compensation expenses	5.50%	4,015	
620110	ESPP expenses		-	
620115	Payroll Taxes (8.3%)	8.30%	6,060	
620120	Training charges	\$200	200	
620125	Payroll Processing Fees	\$15	180	\$15/person/pay weeks
620130	Drug Screens		-	
620140	Meals & Entertainment expenses		-	
620150	Travel & Lodging expenses		-	
640000	Outside Services		-	
640010	Operating supplies		-	
640020	Lab supplies		-	
640030	Chemicals		-	See Chemicals Tab
640040	Electricity & Heating		-	See Utilities Tab
640050	Sludge Disposal		-	
640060	Refuse Disposal		-	
640070	Compost Expenses		-	
640080	Compost Payment Accrual		-	
640090	Biosolids Recycling		-	
640100	Repairs & Maintenance - Machinery & Equipment		-	
640110	Vehicle Expenses		-	Allowance
640120	Vehicle Leasing & Financing		-	
640130	Fuel		-	
640140	Uniforms	\$400	400	\$400/person
640150	Safety	\$125	125	\$125/person
640160	Accident Repairs		-	
640170	Auto Insurance Premiums		-	
640180	Other Insurance Premiums	0.0125	1,250	(Or) See GL Tab
640185	Bond Fees		-	
640190	Telecommunications		-	
640200	Mobile Phones		600	\$50/person/mo
				Budget Category
				Direct Labor \$ 75,013
				Benefits/Taxes \$ 21,218
				Operating Expenses \$ 1,625
				Lab Supplies \$ -
				Maintenance Cap \$ -
				Commercial Insurance \$ 5,265
				Contingency \$ -
				Gross Margin \$ 18,562
				1st Year Value \$ 121,683
				\$ 121,882

640210	Rent	-		
640220	Office Expenses	500		
640230	Promotions, Advertising & Memberships	-	\$0	
640250	Donations	-		
640260	Reimbursements	-		
640270	CRER (Cap Rep & Exp Rep)	-		
810225	Depreciation expenses - Computer equipment	-		
810230	Depreciation expenses - Office furniture	-		
810235	Depreciation expenses - Automotive equipment	-		
	Total Expenses	103,121		
	Contingency	-	0%	
	Overhead & Profit	18,562	18.0%	
	Gross Margin	15%		

See V&E Tab



JCO, Inc.
Environmental Services

January 5, 2022

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

RECEIVED
JAN 11 2022
City Clerk
City of Middletown

RE: Proposal for Full Time 3A Wastewater for The City of Middletown Wastewater Treatment Facility

Mr. Tawil:

For over 30 years, JCO, Inc. has provided utility operation and management services to clients throughout New York and Pennsylvania. We understand that you are seeking a firm to provide a full time 3A Wastewater for the City of Middletown Wastewater Treatment Facility. As an environmental services group specializing in the fields of water and wastewater treatment operations and consulting/management, JCO, Inc. has long provided these services to numerous municipalities and facilities.

Scope of Services include:

- ☐ Providing an on-site, full time (40 hours per week) Licensed NYS Grade 3A Wastewater Operator. Operator schedule will be set by JCO based upon the daily, weekly and monthly staffing needs of the facility;
- ☐ Performing in-house laboratory analyses to satisfy regulatory requirements;
- ☐ Collecting and transporting required samples to a NYS-certified laboratory for analyses;
- ☐ Performing preventative and routine maintenance and minor repairs;
- ☐ Recommending, coordinating, and supervising other work/services performed by independent contractors;
- ☐ Maintaining 24 hours-per-day emergency communications and coverage of the facilities;



JCO, Inc.

Environmental Services

The JCO, Inc. rate schedule for 2022 is listed below:

City of Middletown WWTP	Monthly Operations and Maintenance Fee
Full Time 3A Wastewater Operator	\$10,140.25

Payment due upon receipt. An annual CPI increase will be applied at the anniversary date.

We provide personnel to perform the routine operation, maintenance, and minor repairs of the facilities. The facility owner is responsible for all costs associated with operating and maintaining the facilities (i.e. all utilities, treatment chemicals, laboratory reagents, state approved lab fees, property taxes, capital improvements, all supplies, equipment, repairs, sludge disposal fees, independent contractor fees etc.), and for equipment and grounds/building maintenance (i.e. landscaping, snow removal, mowing, painting, etc.).

JCO, Inc. continues to demonstrate our dependability and expertise in operating and maintaining water and wastewater treatment systems. We pride ourselves on our excellent service record and reputation, as well as our dedication to long-term service.

A formal contract shall be provided upon mutual agreement to the Scope of Services detailed herein.

Roy Rysinger,
Vice President, JCO, Inc.

Sign:

Date: 1/5/22.

Date:

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

THE FOLLOWING WAS PRESENTED

By Ald. _____

Sec'd by Ald. _____

Date of Adoption 01.18.22

Index No: _____

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 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.

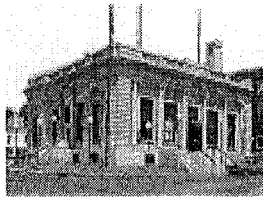
Year
2007

Make
Ford

Vin#
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.

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

January 11, 2022

RECEIVED
JAN 11 2
City Clerk
Middletown

Honorable Joseph M. DeStefano &
City of Middletown Common Council
16 James Street
Middletown, NY 10940

Dear Mayor DeStefano and Members of the Common Council:

Please accept this letter as my request to declare the following vehicle as surplus property:

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.

If you have any questions please do not hesitate to contact me.

Very truly yours,

John Ewanciw
Chief of Police

RECEIVED
JAN 11 2022
City Clerk
City of Middletown

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 01.18.22

Index No: _____

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				

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.

DEPARTMENT OF PUBLIC WORKS

MEMORANDUM

Date: December 21, 2021- updated January 11, 2022
To: Honorable Members of the Board of Estimate
and Apportionment
Cc: Kelly Ann Kelly -Treasurer
Rick McCormack, City Clerk
From: Jacob Tawil-Commissioner of Public Works
Re: Transfer of Funds

RECEIVED
JAN 11 2022
City Clerk
City of Middletown

Requested Transfers

Updated request 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.

Resolution 96-21 authorized amendment #2 with B&L for the Middletown Community Campus Redevelopment Water System Infrastructure Improvements Additional Construction Administration & Observation Services. The Resolution approved the Mayor to sign the amendment and now a transfer in the amount not to exceed \$85,000 is needed to fund the project.

	FROM	AMOUNT	TO
1.	Water Fund Balance	\$85,000.00	H.0947.900 Water System Improvements

Thank you.

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

THE FOLLOWING WAS PRESENTED

By Ald. _____

Sec'd by Ald. _____

Date of Adoption 01.18.22

Index No: _____

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 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	286.90	CD 8686.456
Auto Expense		Program Related Expense
 CD 8686.400	 175.98	 CD 8686.456
Contractual		Program Related Expense
 CD 8686.479	 58.00	 CD 8686.456
Equipment Rental		Program Related Expense

CITY OF MIDDLETOWN
Office of Economic & Community Development

RECEIVED

JAN 12 2022

City Clerk
City of Middletown

January 12, 2022

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

RE: Office of Community Development/Dept 8686

Dear Members:

I am requesting budget transfers within the 2021 Community Development Department.

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

Due to unexpected loan payoffs requiring more lien releases than was budgeted for 2021.

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. XXXXXXXXXXXX

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.



*FROM THE OFFICE OF THE
CITY CLERK*

*Richard P. McCormack
CITY OF MIDDLETOWN NY*

WWW.MIDDLETOWN-NY.COM

Email: [rmccormack@middletown-](mailto:rmccormack@middletown-ny.com)

MEMO TO: President Rodrigues & Members of the Common Council

DATE: January 14, 2022

SUBJECT: Local Law #1 Special Meeting Procedures adoption schedule

Local Law #1- Special Meeting Procedures will be introduced at the January 18, 2022 Common Council Meeting and will be placed on the February 1, 2022 agenda for adoption.

If approved, the required public hearing will take place in the Council Chambers at 1PM on February 15, 2022.

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

THE FOLLOWING WAS PRESENTED

By Ald. _____

Sec'd by Ald. XXXXXXXXXXXX

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.



*FROM THE OFFICE OF THE
CITY CLERK*

*Richard P. McCormack
CITY OF MIDDLETOWN NY*

WWW.MIDDLETOWN-NY.COM

Email: [rmccormack@middletown-](mailto:rmccormack@middletown-ny.com)

MEMO TO: President Rodrigues & Members of the Common Council

DATE: January 14, 2022

SUBJECT: Local Law #2 Relevy Taxes adoption schedule

*Local Law #2-a local law allowing delinquent water and sewer charges to be
releived into real property tax bills* will be discussed during a Legislative
Committee meeting on January 18th, 2022 at 7:15PM.

If approved by Committee, the Mayor would like it introduced to the full Council
during the meeting that night which would allow it to be placed on the February 1,
2022 agenda for adoption.

If approved, the required public hearing will take place in the Council Chambers at 1PM
on February 15, 2022.