

**CITY OF MIDDLETOWN
COMMON COUNCIL MEETING AGENDA
APRIL 5, 2022**

1. PLEDGE OF ALLEGIANCE
2. ROLL CALL (COUNCIL CLERK)
3. APPROVAL OF MINUTES March 1, 2022
February 15, 2022
4. CORRESPONDENCE, COMMUNICATIONS AND REPORTS (COUNCIL CLERK)
5. FOR THE GOOD OF THE CITY (PUBLIC PARTICIPATION)
Presidential Park Odyssey of the Mind Team
6. REMARKS OF THE MAYOR
7. REMARKS OF DEPARTMENT HEADS
8. PUBLIC HEARINGS AND GRIEVANCES **Local Law #3 of 2022,
Delinquent Taxes**

Change in definition of Retail Sales
9. PETITIONS AND COMPLAINTS (NOTHING THIS EVENING)
10. REMARKS OF THE ALDERMAN AND REPORTS OF COMMITTEES
11. UNFINISHED BUSINESS (NOTHING THIS EVENING)
12. NEW BUSINESS (RESOLUTIONS)
 - Resolution authorizing a DASNY Grant application to purchase a simulator for the Middletown Police Department
 - Resolution authorizing the retirement of K9 Ares from the Middletown Police Department
 - Resolution adopting a credit card policy for the City of Middletown
 - Resolution authorizing the refunding of 2014 Bonds
 - Resolution approving the revised 2022 salary schedule for part time employees
 - Resolution authorizing three agreements with Troy and Banks for audits
 - Resolution authorizing a budget transfer in the amount of \$4465
 - Resolution authorizing a budget transfer in the amount of \$496
 - Resolution authorizing the Run 4 Downtown Committee to host an event at Erie Way Park



**CITY OF MIDDLETOWN
COMMON COUNCIL MEETING AGENDA
APRIL 5, 2022**

- Resolution approving Z-3 Consultants as authorized City of Middletown Electrical Underwriters
- Resolution authorizing an agreement with Drapkin Strategies

13. LOCAL LAWS (NOTHING THIS EVENING)
14. AUDIT OF CLAIMS AND ACCOUNTS (FINANCE COMMITTEE CHAIR)
15. ADJOURNMENT

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





Common Council Meeting
City of Middletown
February 15, 2022
City Hall
16 James Street
Middletown, New York 10940

P R E S E N T

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

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

PRESIDENT RODRIGUES: Roll.

2. Roll Call

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

3. Approval of Minutes.

PRESIDENT RODRIGUES: Approval of minutes.

COUNCIL CLERK: We have the Common Council Meeting Minutes from January 18th, 2022.

ALD. MASI: So moved.

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

COUNCIL MEMBERS: Aye.

4. Correspondence, Communications and Reports

PRESIDENT RODRIGUES: Correspondence.

COUNCIL CLERK: None this evening.

5. For the Good of the City

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

(None this evening.)

6. Remarks of the Mayor.

(Nothing this evening.)

7. Remarks of Department Heads

PRESIDENT RODRIGUES: Remarks of Department Head, Economic Development.

MARI BRUNI, ECONOMIC DEVELOPMENT: Good evening, everyone. Last week we enjoyed two ribbon cuttings in our downtown area, Eternal Bouquets on North Street and Dayes Premium Coffee Roasters. And it was a great opening and ribbon cutting. And we have another one tomorrow on North Street, 10 North Street, Art Vicki Creations. Come by and that's at 1:30 tomorrow and we'll be cutting the ribbon again. And we're looking forward to some more businesses opening up with -- throughout the city and some more ribbon cuttings as we -- as we continue.

Also, tonight your support on the transfer of 220 1/2 Linden to the CDA. We would like to get this into the CDA, so we can rehab it and get it into our home ownership program.

And that's all I have for tonight.

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

MARI BRUNI, ECONOMIC DEVELOPMENT: Thank you.

PRESIDENT RODRIGUES: DPW Commissioner

JACOB TAWIL, DPW COMMISSIONER: Good evening, all. We are working with -- to update you about the

capital projects. One of them we are working on the 26 million dollar traffic operations with Boyce Excavations and the engineers to try to phase the project in there because we are talking about 20 intersections in the City of Middletown. So if we start working on them all, you know, similar times or something like that, we penalize the City. So we're trying to be very careful where to start from. We're going to be focusing on starting from downtown and then branching outwards while maintaining the traffic throughout the construction. So that's, that's progressing. And we're really excited about this project.

Another project -- at the next Council meeting we're going to be submitting a request from you to -- for well pickup for spring cleanup. And we're proposing some dates and we need the Council resolution. For that I'll tell you roughly what we have right now. We're starting -- we're proposing to start on the 25th of April. And that would be the 2nd Ward. The 1st Ward would be the 2nd -- 2nd of May and then 4th Ward the 9th of May and then the 3rd Ward would be the 16th of May. And that's for the bulk pickup, spring cleanup.

And we're going to have the electronic drop off day on May 28th. So I'm just giving this information to the public tentatively. It's not final until you guys --

until the Council votes on it and approve it. And then the dates will be determined. So just giving people's heads up where we're going to start and when the electronic drop off is going to be.

With that being said, I'm going to right now. If you have any questions for anybody.

PRESIDENT RODRIGUES: Any questions for Jacob? Alderman Kleiner.

ALD. KLEINER: Just a quick question, Commissioner. When -- for Lincoln's birthday people were early on putting out their recycling cans. So we've got to see them out for a day. And so many of them had the tops up and overflowing and such. Would you just remind people about please don't overfill the cans and how it could make it difficult?

JACOB TAWIL, DPW COMMISSIONER: Yeah, absolutely. Thank you very much for bringing that up. Alderman Kleiner was driving, you know, was driving around and he sent me some pictures in there of some recycling carts in there and they had some material right next to the material on top of them. And, and really this is what we are trying to avoid. I keep saying the -- the public in general, they've been very cooperative with us and we appreciate that very much, so does the Mayor, so does the Council. We really

appreciate it because the -- the program is a great success for us with the mechanical arm.

However, you know, just keep that in mind. Please do not put anything outside the containers and try not to overfill the containers so that the cover is open all the way to the back. I mean, if it's a little bit open that's fine, our trucks can handle it. But try not to do it, please. If you need additional carts, you can order additional carts from -- call us from DPW. It's \$100 for the whole year. It's worth it. But there are so number -- limited number of carts you can have. But it's something to consider. If you do generate more than one cart, you're welcome to have a second one at \$100 charge. And the same for recyclables, if you have too much recyclables and you want to have a second cart, by all means do that.

But it's very important for our program to be successful for us to try to reallocate our manpower from sanitation department to other departments in there to make it pay for us, the investment in the new arms. You need -- we need your cooperation, please. Do not overfill and do not put anything on the side. From the very beginning we -- we sent code enforcement. We issued some violations and it was very few violations. Everybody is cooperating as far as we're concerned and we appreciate that very much.

PRESIDENT RODRIGUES: Anyone one else? Thank you, Jacob.

JACOB TAWIL, DPW COMMISSIONER: Thank you.

PRESIDENT RODRIGUES: Fire chief.

NICK BARBER, FIRE CHIEF: Good evening, everybody. Hope everybody is doing well. Just wanted to update everybody that the new Cascade System, installed, up and running at the central firehouse. The old one was 24 years old. It seen better days, so we donated it for parts to outside departments.

To date, we've had 140 alarms. We're up about 40 compared to what we had in the last couple of years.

And the department is looking at having our annual awards dinner June 25th, so mark that in your calendars. It will be at the Town of Wallkill Golf Course.

And recruitment is back up and running. We're currently interviewing more candidates for becoming volunteer fireman here in the city. So we have a couple on the applications in and we'll be interviewing and hopefully send them off to school. Any questions?

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

NICK BARBER, FIRE CHIEF: Thanks.

PRESIDENT RODRIGUES: City Treasurer.

KELLY ANN KELLY, CITY TREASURER: Good evening.

I do not have anything.

PRESIDENT RODRIGUES: Any question for Kelly?

Thank you, Kelly.

PRESIDENT RODRIGUES: Police Chief.

JOHN EWANCIW, POLICE CHIEF: Good evening. Just a few things this evening. Once again, I'd like to remind the public and everybody listening that we have our police exam coming up on April 9th. The last day for filing for the exam is March 7th.

Additionally, we set up two, two events to help the potential candidates. One is going to be March 2nd here in this room. It will be a open house question and answer opportunity for people to come and ask us whatever they want about the -- the process, the hiring process, the test. That will be from 5 p.m. to 7 p.m. on March 2nd. And the other is going to be with a company that we've utilized in the past and has been a successful program. It's through Police Tutorial Services on Sunday, March 27th. They're going to offer a cram course for anyone that is taking the exam, our police exam or any police exam this coming spring. It's going to be from 10 a.m. to 3 p.m. It's a Zoom platform. And they've -- because of our continued partnership with them, they've reduced the price

from 225 to 125 for people taking our exam. So I think it is well worth it. It will give a little bit of insight.

Other than that, I'd like to just recognize two of our new officers that graduated from the police academy today. The Orange County Police Chiefs Associate held their graduation of police academy today at the Paramount Theatre. Twenty-five police officers graduated today, two of which were ours for the City of Middletown. That would be Officer Euvin and Officer Zhagui, so congratulations to them.

Other than that, I have nothing this evening.

ALD. MASI: Chief, you just want to remind people who are going to take the test if they took it this past September, the procedure.

JOHN EWANCIW, POLICE CHIEF: Absolutely. What Mr. Masi is speaking of is because we are doing the test, the police exam earlier this year, it's typically in the fall, we were fortunate to be able to get a spring spot, so anyone that took a police officer exam anywhere in the State of New York this past fall can apply for our exam. They pay the initiation fee, but their test score from their previous fall's exam would carry over to our current exam.

One other thing while we're on that topic also is

we are doing a bilingual exam as well. There's the English proficiency and the Spanish proficiency exam, so.

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, everyone. Before you tonight everyone got a copy of 2021 annual report for you to look over. If you have any questions I'll gladly take any emails or phone calls about the annual report.

Also tonight we have two resolutions. The first one Nicole and I have been working very hard on the proposal for the Orange County Bureau for funding for 2022. So we're just asking for the resolution approving the Mayor to sign the contracts and receive all the funding along with it.

And, also, our second resolution to appoint a new member to the Recreation Commission, Lynnette Williams. She was just hired at the Middletown High School as the head principal. We are looking forward to having her onboard. Her relationship to the community and also being in the high school and having that direct connection to all

the students there, giving her information and also having the advice and suggestions of the students coming in to us at our Rec Commission. And, also, the reappointment of Shawna Strenfel who is very committed to Middletown and the Rec Commission and the whole city and everything we have to offer.

And last but not least, I would like to welcome our newest employee, Contessa Beckford. She's our new Provisional Program Coordinator.

CONTESSA BECKFORD, PROVISIONAL PROGRAM

COORDINATOR: Hi, guys, I have (inaudible).

RAELYNN BERTHOLF, SUPERINTENDENT OF RECREATION:

We are very excited to have her. She comes highly recommended from every reference, everyone in the community who knows her. She was at the Y previously. So her face is very familiar to the community. And she comes, like I said, highly, highly recommended, very well educated, very well spoken. And we are definitely looking forward to the future with the rec department and all the ideas and all -- everything that she's going to bring. So I'd like to welcome Contessa Beckford.

RAELYNN BERTHOLF, SUPERINTENDENT OF RECREATION:

Who'd like to say a brief, brief few words.

PRESIDENT RODRIGUES: Welcome.

CONTESSA BECKFORD, PROVISIONAL PROGRAM

COORDINATOR: Sorry, I just have a tag along tonight. I just want to say thank you for the opportunity. And I'm so excited about joining the awesome team and the great things that they are doing. And it's truly a pleasure to be part of the City of the Middletown and this awesome team. Yay. Thank you.

PRESIDENT RODRIGUES: Welcome.

RAELYNN BERTHOLF, SUPERINTENDENT OF RECREATION:

And that's all. Any questions?

PRESIDENT RODRIGUES: Any questions for Raelynn?

RAELYNN BERTHOLF, SUPERINTENDENT OF RECREATION:

Nope. Thank you.

PRESIDENT RODRIGUES: Thank you, Raelynn.

City Clerk.

RICHARD MCCORMACK, CITY CLERK: Nothing this evening.

PRESIDENT RODRIGUES: Any questions for our Clerk? No.

All right. Let's move over to Alderman. Mr. Masi.

ALD. MASI: Nothing this evening.

PRESIDENT RODRIGUES: All right. Mr. Witt.

ALD. WITT: Thank you. Just one thing.

Tomorrow, Wednesday, February 16th from 4:30 to 7:30, the Middletown School District is going to be distributing at no cost these COVID test kits at Carter Elementary School. Carter Elementary School is what people may know as the former mechanic's town. That's now Carter. And we also need you to come in. They changed the building a couple of years ago, so now the front is the back and the back is the front. So please enter through Schutt Road and make a right and there's a big circle. And we'll be able to take care of you. Thank you.

PRESIDENT RODRIGUES: Alderman Green.

ALD. GREEN: Thank you very much. Sorry. We -- Jerry and I will be having our 2nd Ward constituents meeting on March 14th. So we will have another meeting before then. We just wanted to give everyone an opportunity to -- to get it on your schedule. That will be at 7 p.m. here in City Hall.

And I just want to welcome everyone who's new. We have new volunteers coming, new police officers, new employees. Feels like spring already with all this new stuff, so it's -- it's a great thing to see and just means that we're moving forward. Thank you.

PRESIDENT RODRIGUES: Alderman Kleiner.

ALD. KLEINER: Thank you. My first question is

when will the State of the City Address be?

PRESIDENT RODRIGUES: The 23rd.

ALD. KLEINER: It's definitely the 27th. And
that will be at --

PRESIDENT RODRIGUES: The 23rd.

ALD. KLEINER: Wait, the 23rd. Okay.

PRESIDENT RODRIGUES: The 23rd at 7 p.m.

ALD. KLEINER: At 7 p.m. Okay. Thank you.

I -- I just want -- I want to thank Jeff Shumard who retired this last Planning Board meeting. He's retired as of March 4th. He's been our Planning Board Engineer for a long time. And actually an appearance by Larry Rizold (phonetic) to wish him well. And if you don't know Jeff's father who was also Jeff, he was Jeff W. Shumard, was a long time Public Works Commissioner in the City of Middletown. So I wish Jeff well. I thank him for his service.

Also, I want to thank Shawna Strenfold and welcome Lynnette Williams to the Parks and Rec Commission. It's -- it's -- it's a really necessary job. And -- and Shawna has been great. She's been chairman for the last year years. We have sirens going by.

I also want to congratulate her husband coach Tim Strenfold who was recognized as high school coach of the

year in New York State. I thought that was a great honor for a Middletown coach.

I also want to remember Evelyn Issics (phonetic) who passed away since the last meeting. Evelyn was Middletown educator, long time school board member and (inaudible) Heights neighbor. So she will be missed and condolences to her family.

And we also had a meeting here with Senator James Skoufis who is going to be our senator come January of next year. And we -- in redistricting we've been added to his senate district. And it was a very good meeting and a very good discussion. I'm looking forward to him representing us.

And that's it. Thank you.

PRESIDENT RODRIGUES: Alderman Ramkisson.

ALD. RAMKISSOON: I have nothing this evening.

PRESIDENT RODRIGUES: Alderman Johnson.

ALD. JOHNSON: Thank you. As you know, we had a tentative Legislative Committee meeting scheduled this evening. I cancelled that. In the last 96 hours, I've spoken with three interested parties regarding this particular issue. And I would say that my assessment is that the idea has been eclipsed by the process or lack thereof. And interested parties will regroup and produce a

conversation and it will be apparently more collaborative and inclusive. And they'll get back to us in a timely manner if deemed appropriate. Thank you.

PRESIDENT RODRIGUES: Alderman Jean-Francois.

ALD. JEAN-FRANCOIS: Yes. Good evening. Sparrow and I had our constituents meeting this past Saturday. We were looking forward to having a great conversation with our constituents, but unfortunately no one showed up at the meeting. So Sparrow volunteered --

ALDERMAN: Doing a good job.

ALD. JEAN-FRANCOIS: So Sparrow volunteered to cook cookies next time at our next meeting, so hopefully people will show up. Thank you. That's all I have.

PRESIDENT RODRIGUES: Alderman Tobin.

ALD. TOBIN: Nothing this evening.

12. New Business.

PRESIDENT RODRIGUES: New Business.

PRESIDENT RODRIGUES: New business.

12. New Business.

COUNCIL CLERK: Good evening. We have a Resolution sponsored by Alderman Witt authorizing the Mayor to submit a funding proposal to the Orange County Youth Bureau.

PRESIDENT RODRIGUES: A resolution sponsored by

Alderman Witt, seconded by Alderman Green. Any discussion?

PRESIDENT RODRIGUES: Roll.

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

COUNCIL CLERK: We have a Resolution sponsored by Alderman Green authorizing the transfer of 2020 1/2 Linden Avenue to the Community Development Agency.

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

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

COUNCIL CLERK: We have a Resolution sponsored by Alderman Kleiner authorizing the Mayor to sign an agreement with the Low Income Household Water Assistance Program.

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

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

COUNCIL CLERK: Resolution sponsored by Alderman

Masi authorizing the Otisville Country Fair to borrow two portable lights.

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

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

COUNCIL CLERK: Resolution sponsored by Alderman Witt appointing members of the Recreation Commission.

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

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

That concludes new business.

13. Local Laws

(None this evening.)

14. Audit of Claims and Accounts

PRESIDENT RODRIGUES: Audit.

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

PRESIDENT RODRIGUES: A motion by Alderman Masi,
seconded by Alderman Green.

Roll.

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

15. Adjournment.

PRESIDENT RODRIGUES: 7:50, move for adjournment.

ALDERMAN: So moved.

(PROCEEDING CONCLUDED)

CERTIFICATE

I, LISA KANE, certify the foregoing transcript of proceedings
prior to New Business of the February 15, 2022 Middletown City
Council meeting was prepared using the required electronic
equipment and is a true and accurate record of the proceedings.

Signature: *Lisa Kane*

Date: March 16, 2022

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

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

THE FOLLOWING WAS PRESENTED

By Ald. Witt

Sec'd by Ald. Green

Date of Adoption 02.15.22

Index No: 42-22

NAMES AYES NOES ABSTAIN ABSENT

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

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

**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 02.15.22

Index No: 43-22

NAMES AYES NOES ABSTAIN ABSENT

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

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

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

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

THE FOLLOWING WAS PRESENTED

By Ald. Kleiner

Sec'd by Ald. Masi

Date of Adoption 02.15.22

Index No: 44-22

NAMES AYES NOES ABSTAIN ABSENT

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

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

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

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

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

THE FOLLOWING WAS PRESENTED

By Ald. Masi

Sec'd by Ald. Johnson

Date of Adoption 02.15.22

Index No: 45-22

NAMES AYES NOES ABSTAIN ABSENT

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

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

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

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

THE FOLLOWING WAS PRESENTED

By Ald. Witt

Sec'd by Ald. Kleiner

Date of Adoption 02.15.22

Index No: 46-22

NAMES AYES NOES ABSTAIN ABSENT

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

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

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

Appointment of Lynette Williams, Term expires 3/24/25.
Ms. Williams is filling the unexpired term of Rolin Lybolt.



Common Council Meeting
City Of Middletown
March 1, 2022
City Hall
16 James Street
Middletown, New York 10940

P R E S E N T

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

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1. Pledge of Allegiance

PRESIDENT RODRIGUES: Roll.

2. Roll Call

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

3. Approval of Minutes.

PRESIDENT RODRIGUES: Approval of minutes.

RICHARD MCCORMACK, COUNCIL CLERK: We have the minutes from February 1st, 2022.

ALD. MASI: So moved.

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

COUNCIL MEMBERS: Aye.

4. Correspondence, Communications and Reports

PRESIDENT RODRIGUES: Correspondence.

RICHARD MCCORMACK, COUNCIL CLERK: None this evening.

5. For the Good of the City

PRESIDENT RODRIGUES: For the Good of the City. Anyone would like to address the Council, please step forward. Is there anybody on line?

FEMALE SPEAKER: Not at this time.

6. Remarks of the Mayor.

JOSEPH DESTEFANO, MAYOR: Nothing this evening.

7. Remarks of Department Heads

PRESIDENT RODRIGUES: Okay. Department Heads, Economic Development.

MARIA BRUNI, ECONOMIC DEVELOPMENT: Good evening, everyone. This evening we had a Community Development Agency meeting to approve our audit and reports to submit to the state. And also we're moving on our next project at 149A Wisner Avenue, approval of the bid for the rehab.

Also, on the agenda you will find a resolution authorizing the agreement with Youngs Explosives for our fireworks celebration I believe is July 2nd. I look forward to your support on that.

And this Sunday at the Paramount Theatre live the Red Hot Chili Pipers, not Peppers, Pipers. It's the sensational world renowned bagpipe rock band. So it's going to be a cool show and we're looking forward to jumpstarting our concert season.

And that's all I have for this evening.

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

PRESIDENT RODRIGUES: DPW Commissioner

JACOB TAWIL, DPW COMMISSIONER: Good evening,

all. Alderman Masi, the reservoirs are at 99.5 percent full. I neglected to report that last time.

ALD. MASI: Could you get that other 5?

JACOB TAWIL, DPW COMMISSIONER: What's that?

ALD. MASI: Could we get that other half percent?

JACOB TAWIL, DPW COMMISSIONER: We'll get it.

ALD. MASI: Thank you.

JACOB TAWIL, DPW COMMISSIONER: We'll get it very soon. We'll get it very soon. And so we're in very good shape, obviously, our reservoirs.

Reminder please for the public and, and everyone, if you see any potholes, we keep sending out Nixle messages and put messages on the social media, report them to DPW. Don't assume that we know about them and eventually we'll come over there. This is the season for potholes. You see -- you see them all over the place because of the freeze and full cycle that we go through. Water will get trapped under the asphalt, goes through the cracks. It's going to expand when it freezes. It pops the asphalt and -- and we'll end up with a big or small pothole. So please report it to us.

And at this time, so everybody knows, we're going down to New Jersey to truck in hot asphalt because our plants in here are closed because of the weather/

Obviously, they close over the winter, so we go as close as possible to our area down to New Jersey to pick up asphalt. So the day after tomorrow we're going to be bringing asphalt again. And we brought asphalt last week just before the storm, the ice storm. So that's what we do because the cold patch is not going to last. It's just an emergency repair. So we go and invest the time to go down to New Jersey to bring the hot asphalt in here. And this way the repair will last longer. So please call us at 343-3169.

Tonight before the Common Council is a request for resolution to authorize spring cleanup. And I did go over the dates last meeting. So, you know, hopefully we'll get their support. I'm sure that we will get their support because they're always asking for it.

And also there's an electronic drop off date as well as been established hopefully as part of the resolution. If not, I can mention what that date is. Rick, if you know if it's part of the resolution the electronic drop?

RICK: Yeah.

JACOB TAWIL, DPW COMMISSIONER: It is. Thank you very much. So that's part of the resolution. So once the Mayor signs them tomorrow it will be on the website and it

will be the official date for spring cleanup and electronics drop off at DPW garage.

Reminder, again, when we had this ice storm we finished about Friday, late Friday afternoon. And people had the weekend to shovel their sidewalks. And, so, please make sure that you do shovel your sidewalks. And so please make sure that you do shovel your sidewalks and clean it because the City, again, they have their own responsibility to shovel their own, their own sidewalks, the city-owned sidewalks and parking lots and so on and so forth.

So last storm it was our guys they started about 10:30 at night. They continued to work and then the following day -- until the following day about 3, 3:00. So give us a break, please. You know, help us out by cleaning your own sidewalks.

Most importantly is the curb cuts, the corner properties in there where people have to cross across the street. So make sure that there's no dam in there of ice or snow, so they can continue walking on the sidewalk safely rather than going into the street. We appreciate that very much.

So far we made the note of -- our code enforcement made the note of about 400, approximately 400 properties that they have not complied with shoveling their

curbs and sidewalks between yesterday and today. So we'll be getting there. You'll be charged. The repeat offenders, you will be taken to court for additional fines. And -- and that's what -- that's what's going to happen, so please help us out.

And today we had or preconstruction meeting with DOT, the local projects and our consultant WSP and the contractor, Boyce, for the \$26.5 million construction project for upgrading our signalized intersections. Every signalized intersection except for one in the City of the Middletown would be upgraded with pedestrian crossing. We've been talking about this for years. It's been through the pipe. I'm not going to bore you with the details. We'll be -- we'll be seeing it more and more. Once we have the phasing of -- of the intersections, we will post them on the website, so everybody is aware of them and you can plan accordingly. We don't expect to kill the traffic completely from any one location. So there's going to be some detours. There's going to be one-way traffic, but you'll be able to move around in the City of Middletown. We will be posting that phasing plan on our website once it's ready. We're going back and forth with the contractor right now.

With that, I will conclude my remarks. Mr.

Council President, if you have any questions for me.

PRESIDENT RODRIGUES: Any questions for Jacob?

Alderman Masi.

ALD. MASI: Jacob, I want to commend you and your department. I know I contacted you about several downtown properties and residential properties that weren't shoveled. And it's a shame. People, you do have a responsibility. And you have a responsibility, your neighbors too, so that you've got to shovel your sidewalks to let people pass. And I want to thank you for your guys taking care of it. And I'm hoping when you bring them to court that the judge gives them the severest penalty they can especially the repeat offenders. And I know there are several repeat offenders, I turn them in every storm. So thank you, guys.

JACOB TAWIL, DPW COMMISSIONER: Yeah, well, thank you for -- that brings another. Like, Alderman Masi, you know, I appreciate that very much. You know, some people think it's -- we get annoyed when we get these referrals about this sidewalk is not shoveled. It's not really. It's very important for us especially at the major intersections around the schools, around these areas. I know we have our code enforcement officers are going scanning the city. But it will help when you notice,

especially the Alderman or the public, if you notice some critical location in there, around the schools, at busy intersections like the Armory. We just -- we just cleaned it today, the Armory. We gave them to Monday to clean it, they did not clean the Armory, so we went there and they're going to get nice bill from us and they might be taken to court as well. And we do that at different, you know, different places in there. Again, the whole idea is not to put the people's life in danger by pushing them into the street, allow them continuous walking by open up -- opening up the -- the curb at the corner lots, so they can continue walking across -- across the street. Thank you, again.

PRESIDENT RODRIGUES: Jacob, you said bill and probably take them to court?

JACOB TAWIL, DPW COMMISSIONER: The repeat offenders, yes, sir. Yes, that's what we are planning on. We're going to bill, I mean, shovel. Again, the trouble is the limited personnel in there, that's the trouble, the limited personnel. Everybody is busy. So we go do what we can. We have to shovel our own sidewalks before we start issuing violations. But the critical locations, we jump on them before -- before we even take care of our own sidewalks like the sidewalk on Lake Avenue that we own or sidewalk on Sterling Street. That will be, you know, Lake

Avenue it should be a priority. Sterling may not be as much priority because another sidewalk is available across the street. But we will focus on, like, attacking the armory, all these places in there that have failed to do it.

PRESIDENT RODRIGUES: So if we're doing it, aren't they in violation?

JACOB TAWIL, DPW COMMISSIONER: What's that?

PRESIDENT RODRIGUES: The snowstorm happened on Friday. We went Saturday it's 24 hours, then Sunday and on Monday --

JACOB TAWIL, DPW COMMISSIONER: Monday.

PRESIDENT RODRIGUES: -- and today Tuesday --

JACOB TAWIL, DPW COMMISSIONER: Yep.

PRESIDENT RODRIGUES: -- we do it.

JACOB TAWIL, DPW COMMISSIONER: No, no, we've been doing it Monday. We started Monday. We even shoveled --

PRESIDENT RODRIGUES: Okay. So that's past the 24 hours --

JACOB TAWIL, DPW COMMISSIONER: Right.

PRESIDENT RODRIGUES: -- and they're in violation.

JACOB TAWIL, DPW COMMISSIONER: Well, they are in

violation, yeah, but --

PRESIDENT RODRIGUES: Why don't we do it, bill them and also take them to court for --

JACOB TAWIL, DPW COMMISSIONER: Yes, once we -- yes, once we're able to get to it, yes. But what you are suggesting, I guess, is you have all these people in there. You know, why don't you take them to court immediately and that's something we can do, yes, you're absolutely right.

PRESIDENT RODRIGUES: I sat here for 18 years and I hear this over and over and over, every year, CVS, everybody heard it, right? They would rather pay us \$250 the fine and we do their sidewalk.

JACOB TAWIL, DPW COMMISSIONER: Not anymore.

PRESIDENT RODRIGUES: I know.

JACOB TAWIL, DPW COMMISSIONER: Not -- not after we upped it.

PRESIDENT RODRIGUES: After we had to change the rules to get them to comply.

JACOB TAWIL, DPW COMMISSIONER: Exactly. And that's what it is.

PRESIDENT RODRIGUES: Every year we still see people --

JACOB TAWIL, DPW COMMISSIONER: Yep.

PRESIDENT RODRIGUES: -- week after the snowstorm

3 feet of snow on their sidewalk and we have kids walking on the street.

JACOB TAWIL, DPW COMMISSIONER: Yes. And when you notice something like you report it to me, we make it a priority in there. When you say, hey, guys, this is a critical location, we make a priority to go after. Alderman Masi does the same. Several of you guys do the same. The Mayor he does the same all the time when he's driving. He calls, Jacob, this place, this place. And we go take them. We set our properties, we set them on backburner temporally. We go address these critical locations, then we go back. Point is we need the public cooperation. Can't do it. Public cooperation, you know, otherwise that's -- that's a very good suggestion in there which is maybe, you know, if you guys want, you know, we can talk about it off -- offline and maybe we can just all these violators we'll take them to court. We've got 400, we got 400 names.

PRESIDENT RODRIGUES: And we all know they'll get a \$50, \$60 fine from our judges, that's what they give or \$75 the most and we're -- they're back to the same spot.

JACOB TAWIL, DPW COMMISSIONER: To be honest with you, Alderman -- Council President, if -- it's -- it's bad enough when you drag somebody tell them, hey, you've got to

come to court. That means you're not going to work, you're going to miss that day. Your -- your whole day --

PRESIDENT RODRIGUES: Let's do it. Let's do it. All right. It's not fair for the kids walking down the street on Wisner Avenue and Wickham because they can't get down. I do it. Now, I got a business downtown. I know I have to get there on Friday night and shovel and then here comes the street and then do it again and I have to go back out and shovel. Saturday morning, guess what I was doing, breaking up ice. I did it. Shoveled again. You have to take care of it. They're not responsible.

JACOB TAWIL, DPW COMMISSIONER: Absolutely. Absolutely, I agree.

PRESIDENT RODRIGUES: Bring them to court.

Anything else? Thank you, Jacob.

JACOB TAWIL, DPW COMMISSIONER: Thank you, sir.

PRESIDENT RODRIGUES: City Treasurer.

KELLY ANN KELLY, CITY TREASURER: Good evening. There is a resolution tonight asking for a change on the City's investment policy. We needed to remove some banks that we no longer use and we needed to up the limits on the two of the banks that we currently are banking with. And that's all I have.

PRESIDENT RODRIGUES: Any question for Kelly?

Thank you, Kelly.

PRESIDENT RODRIGUES: Police Chief.

JOHN EWANCIW, POLICE CHIEF: Good evening, Council. Just a few things this evening. Just a reminder, the police exam is coming up. It is April 9th. Kind of keep repeating this. We're trying to put it out to the community the best we can. This comes around about every four years is typically the time that it, that it reoccurs.

Applications are due by March 7th. Tomorrow evening right here in the Council chambers from 5 to 7, that would be March 2nd, we're doing a question and answer session for anybody that may want to take the exam or want knowledge about the exam or the process and be able to help people possibly fill out applications or guide them.

And then we partnered with a company to conduct a cram course which would be March 27th via Zoom and that's all done through a private entity.

Just a couple other things. Overnight parking is still in effect through March 15th. I just want to remind the members of the public. Please do your due diligence and remove your vehicles from the street.

And, lastly, I just want to go back and revisit a topic that I know the Mayor spoke about during the State of the City. But on February 20th we had an act of violence

that took a young member of our community's life, a senseless act of violence. And it's becoming more and more common, not so much here, but in and around our community. And the more we look into things, we find that there's stuff that leads up to them that's pretty obvious to family members, friends, and colleagues and nobody reaches out for help.

So I know a few months ago I kind of said the same sediment that we, as a community, we have to look out after our neighbors, our friends, our family. We have to speak up. We have to be the leaders in this community. I ask the members of the public, please, when you see something, when you hear something, when you hear of something that could turn out bad or in violence, please reach out and get some help. Maybe you're not comfortable with the police department. We're working hard to change that perception and give people a sense of trust. But there's somebody that someone trust that they can go out and look for help. But stuff like this ripples through a community, changes people's lives forever. And we would like to do everything that we can to partner with community members, partner with whomever and be there to help people to prevent these incidents from happening again in the future.

So I again ask the members of the community to do your due diligence. And it takes a village, it takes a village to, you know, look after each other, so let's do our part please.

Other than that, I have nothing unless you have anything for me.

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

JOHN EWANCIW, POLICE CHIEF: Thank you.

PRESIDENT RODRIGUES: Recreation.

NICOLE DESTEFANO, RECREATION PROGRAM COORDINATOR:
Good evening, everyone. Tonight we are requesting a resolution to be passed by the Council for the Recreation Department to donate the Middletown (inaudible) bus to Middletown PD. And I have nothing else to report on.

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

City Clerk.

RICHARD MCCORMACK, CITY CLERK: Nothing this evening.

PRESIDENT RODRIGUES: Any questions? All right.
8. Public Hearings and Grievances.

(None this evening.)

9. Petitions and Complaints

(None this evening.)

10. Remarks of the Alderman.

PRESIDENT RODRIGUES: Remarks of the Committees
[sic]. Alderman Tobin.

ALD. TOBIN: Nothing this evening.

PRESIDENT RODRIGUES: Alderman Jean-Francois.

ALD. JEAN-FRANCOIS: Yes. It's pretty disturbing we have to tell folks to clean their own sidewalk. And just think about, just because you don't want to do it for yourself, think about the elderly people, it could be your mom, your -- your grandfather, your grandmother, and even a handicapped person that's walking around this area, you know. And just, you know, to me I find it very disturbing and it's something that should be done about that for sure. Thank you.

PRESIDENT RODRIGUES: Alderman Johnson.

ALD. JOHNSON: Thank you. Chief's remarks well stated. Thank you very much. Nothing else this evening.

PRESIDENT RODRIGUES: Alderman Ramkissoo:

ALD. RAMKISSOON: I just wanted to briefly thank the Mayor for the State of the City last week. It was really a good speech and it's always nice to hear how we're doing. And I just wanted to thank our leadership, Mayor, Council President, for your vision for the City and how you

always guide us in the right direction. And it's the hard work and dedication of everyone who works for the City that is the reason why that speech is chock full of all our improvements and accomplishments. And the great things that we're doing here. And that's all I have.

PRESIDENT RODRIGUES: Alderman Kleiner.

ALD. KLEINER: Thank you. In two weeks, March 14th, we will -- Alderman Green and I will have our 2nd Ward constituents meeting right here in council chambers. That's at 7 p.m. We skipped the two coldest months when the numbers were high.

And I also want to thank the Mayor for the State of the City. And it's amazing to listen to everything that's going on. I have my list of questions about a lot of things. I'm still going to wait until the next meeting when the Mayor gives his remarks to bring them up.

And the State of the Union is tonight at, I believe, 9 p.m. And the state of the world, golly, it's tough. And I know the invasion of Ukraine is not a local issue, but it is a local issue. It's everyone's issue and when that war is going on and lives are being lost. So anything -- anything we can do to support Ukraine, I'm -- I'm for it. Thank you.

PRESIDENT RODRIGUES: Alderman Green.

ALD. GREEN: Thank you. I think I want to echo everything that Alderman Kleiner just said. The State of - State of the City was great. It's always a wonderful thing to see, you know, everything that's coming, everything that's happened all laid out in one address. So it's really nice to see that. Well done, Mayor. Thank you very much for sharing that.

We look forward to the State of the Union tonight.

I hope to see everyone at our 2nd Ward meeting on the 14th here in the council chambers.

And, as well, I just, you know, want to put out my thoughts and -- and prayers and concern over the Ukraine situation and, you know, just really hope for a little bit of healing in this world. I think a lot of people would right now give -- give anything to have their biggest problem be shoveling their sidewalk. So I think you need to be a little thankful for the things that are our problems that -- that some people have a lot worse going on in the world so. Thank you very much.

PRESIDENT RODRIGUES: Alderman Witt.

ALD. WITT: Thank you very much. Well, we would like to -- Alderman Masi and I would like to share that next Wednesday, March 9th we're going to have a 1st Ward

constituents meeting here in the council chambers from 6 until 7. We hope to see folks from the 1st Ward to come out. And during that time, we're also going to be giving away COVID tests if anybody needs them. We have that through the City. The Mayor got that going for us and we're going to take advantage of that for anyone who still feels the need. Certainly, if you -- if you need one now, you can reach out to myself or Alderman Masi and we'll be happy to help you with that.

I -- I want to echo everyone's sentiments on the State of the City. It, you know, everybody -- if you're watching this, you probably pay attention to what's going on pretty much. A lot of people don't and I would certainly recommend people taking the time and watching the video of that. Because, really, you know, rather than speculate, rather than guess, rather than go by what you think is going to happen or not, I mean, the Mayor sat there and talked to us for a little more than an hour. And it was great and it was a great report.

So that's all I got. Thank you very much.

PRESIDENT RODRIGUES: Alderman Masi.

ALD. MASI: First I'd like to thank Alderman Witt for taking the bull by the horn and getting things going with constituent meetings and the handout of the COVID

test.

Second, I'm hoping that everyone will condemn Russia, their government, and boycott any products if you come in contact with them. And, obviously, our prayers go out to the Ukraine people.

And on a lighter note, I guess it's an advertisement. But Saturday March 12th, Middletown Kiwanis is having another pancake breakfast. And anyone that needs tickets I have them or just come up to the high school from 7 to noon. And it's our 67th annual Kiwanis pancake breakfast. Thank you.

PRESIDENT RODRIGUES: Thank you.

11. Unfinished Business.

(None this evening.)

12. New Business.

PRESIDENT RODRIGUES: New Business.

RICHARD MCCORMACK, COUNCIL CLERK: We have a Resolution sponsored by Alderman Witt authorizing a vehicle transfer from the Department of Parks and Recreation to the police department.

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

Roll Call: Ayes: Tobin, Jean-Francois, Johnson,

Ramkissoon, Kleiner, Green, Witt, Masi, President

Rodrigues. Resolution carries.

RICHARD MCCORMACK, COUNCIL CLERK: We have a Resolution sponsored by Alderman Masi authorizing a change to the City's investment policy.

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

Roll Call: Ayes: Tobin, Jean-Francois, Johnson, Ramkissoon, Kleiner, Green, Witt, Masi, President Rodrigues. Carried.

RICHARD MCCORMACK, COUNCIL CLERK: Resolution by Alderman Tobin declaring a police department vehicle as surplus.

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

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

RICHARD MCCORMACK, COUNCIL CLERK: Resolution sponsored by Alderman Green authorizing a contract renewal with the CherryRoad Technologies, Inc.

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

discussion? Roll.

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

RICHARD MCCORMACK, COUNCIL CLERK: Resolution sponsored by Alderman Kleiner adopting the spring 2022 spring cleanup week schedule.

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

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

RICHARD MCCORMACK, COUNCIL CLERK: Resolution sponsored by Alderman Johnson authorizing an agreement with Young Explosive Fireworks Exhibition.

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

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

RICHARD MCCORMACK, COUNCIL CLERK: Resolution sponsored by Alderman Witt authorizing a transfer of

\$100,000 from the AARPA Fund to the Department of Parks and Recreation.

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

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

RICHARD MCCORMACK, COUNCIL CLERK: We have a --
13. Local Law

PRESIDENT RODRIGUES: Local law.

RICHARD MCCORMACK, COUNCIL CLERK: Local law sponsored by Alderman Masi updating the notice provisions in their enforcement of delinquent property taxes.

PRESIDENT RODRIGUES: That's first reading?

RICHARD MCCORMACK, COUNCIL CLERK: That's correct.

PRESIDENT RODRIGUES: Okay.

14. Audit of Claims and Accounts

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

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

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

15. Adjournment

PRESIDENT RODRIGUES: Move for adjournment.

ALDERMAN: So moved.

PRESIDENT RODRIGUES: So moved.

(PROCEEDING CONCLUDED)

CERTIFICATE

I, LISA KANE, certify the foregoing transcript of proceedings
prior to New Business of the March 1, 2022 Middletown City
Council meeting was prepared using the required electronic
equipment and is a true and accurate record of the proceedings.

Signature: *Lisa Kane*

Date: March 17, 2022

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

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

THE FOLLOWING WAS PRESENTED

By Ald. Witt

Sec'd by Ald. Green

Date of Adoption 03.01.22

Index No: 47-22

NAMES AYES NOES ABSTAIN ABSENT

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

RESOLVED; that the Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment and authorizes Recreation & Parks Department to donate the following vehicle to the Middletown Police Department.

2005 Ford E-350 Van (Middletown Cares Bus) Vin # 1FDSE35P95HB26718

BE IT FURTHER RESOLVED; that the Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment and authorizes the Middletown Police Department to acquire the above mentioned vehicle from the Recreation department to utilize for the Youth Leadership Academy, Juvenile Police Academy and other community events.

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

THE FOLLOWING WAS PRESENTED

By Ald. Masi

Sec'd by Ald. Johnson

Date of Adoption 03.01.22

Index No: 48-22

NAMES AYES NOES ABSTAIN ABSENT

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

RESOLVED; that the Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment and authorizes the following change to the City of Middletown's investment policy section 65.7 Designation of Depositories:

- Remove JP Morgan Chase
- Remove Key Bank
- Update Maximum Deposit - TD Bank from \$18,000,000 to \$35,000,000
- Update Maximum Deposit – Orange Bank & Trust from \$12,500,000 to \$35,000,000

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

THE FOLLOWING WAS PRESENTED

By Ald. Tobin

Sec'd by Ald. Ramkissoon

Date of Adoption 03.01.22

Index No: 49-22

NAMES AYES NOES ABSTAIN ABSENT

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

RESOLVED; that the Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment and authorizes the following Middletown Police Department vehicles be declared as surplus property:

2014 Ford 1FAHP2MKXEG101153
2011 Ford 2FABP78BV5bx101163
2011 Ford 2FABP7BV7BX109247
2008 Ford 2FAHP71V88X159143
1986 GREEN HUMMER AM 000443

These vehicles are in disrepair needing work that would cost more than the value of the vehicles. They would be disposed of by utilizing a vehicle auction.

**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 03.01.22

Index No: 50-22

NAMES AYES NOES ABSTAIN ABSENT

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

RESOLVED; that the Common Council of the City of Middletown hereby concurs with the Board of Estimate and Apportionment to renew the attached contract with CherryRoad Technologies Inc. for information technology support services for the City of Middletown for 2022 and authorize the Mayor to sign the attached contract.

**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 03.01.22

Index No: 51-22

NAMES AYES NOES ABSTAIN ABSENT

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

RESOLVED; that the Common Council of the City of Middletown approves the following 2022 Spring Cleanup Week schedule:

CLEAN UP SCHEDULE

Second Ward – April 25, 2022

(Set out Sunday evening, April 24, 2022)

First Ward – May 2, 2022

(Set out Sunday evening, May 1, 2022)

Fourth Ward – May 9, 2022

(Set out Sunday evening, May 8, 2022)

Third Ward – May 16, 2022

(Set out Sunday evening, May 15, 2022)

*Electronic Drop Off Day has been designated for City residents only on Saturday May 28, 2022 from 8:00AM until 3:00PM located at the DPW recycling center (76 Monhagen Ave.)

**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 03.01.22

Index No: 52-22

NAMES AYES NOES ABSTAIN ABSENT

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

RESOLVED; that the Common Council of the City of Middletown hereby concurs with the Board of Estimate and Apportionment and approves an agreement with Young Explosives Fireworks Exhibition and authorizes the Mayor to sign the 2022 agreement.

The 2022 fireworks display will be held on Saturday, July 2, 2022 at Fancher Davidge Park. This item is a budgeted item.

Upon consultation with our corporation counsel Mr. Smith this service is deemed as a professional service.

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

THE FOLLOWING WAS PRESENTED

By Ald. Witt

Sec'd by Ald. Masi

Date of Adoption 03.01.22

Index No: 53-22

NAMES	AYES	NOES	ABSTAIN	ABSENT
Ald. Tobin	X			
Ald. Jean-Francois	X			
Ald. Johnson	X			
Ald. Ramkissoon	X			
Ald. Kleiner	X			
Ald. Green	X			
Ald. Witt	X			
Ald. Masi	X			
Pres. Rodrigues	X			
TOTAL	9			

RESOLVED; that the Common Council of the City of Middletown hereby concurs with the Board of Estimate and Apportionment and approved the Mayor's request for \$100,000 to be allocated from the ARPA funds to the Recreation Department for the purchase of Recreation Equipment.

FROM
A.4785
ARPA

AMOUNT
\$100,000

TO
A.7020.200
Recr. Other Equip

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

THE FOLLOWING WAS PRESENTED

By Ald. Masi

Sec'd by Ald. XXXXXXXXXXXX

Date of Adoption 03.01.22

Index No: Local Law # 3 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				

LOCAL LAW #3 OF 2022

**A LOCAL LAW UPDATING THE NOTICE PROVISIONS IN THE ENFORCEMENT
OF DELINQUENT PROPERTY TAXES**

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 update the notice provisions in the City Charter provisions for enforcement of delinquent property taxes.

Section 2. Section 81 of the Charter of the City of Middletown, Sale of unpaid tax liens, is hereby amended to replace Paragraph 2 thereof, to read in its entirety as follows:

2. **Notice of sale.** A printed notice of the time and place of the sale containing a description of the property encumbered by the lien to be sold shall be posted in Middletown City Hall at least thirty (30) days before the date fixed for the sale. A copy of the notice shall be served at least thirty (30) days before the date fixed for the sale by

personal delivery or by registered or certified mail, return receipt requested, and by regular mail upon the property owner and any mortgagee, lessee, lienholder or assignee of either whose mortgage, lease, lien or assignment shall have been previously recorded in the Office of the Clerk of the County of Orange. A copy of the notice shall be published once per week for three (3) successive weeks in the official newspaper of the City, the last such notice being published at least seven (7) days prior to the date fixed for the sale. An omission to give any notice required herein, or the defacing or removal of a posted notice, does not affect the title of a purchaser without notice of the omission or offense.

Section 3. Section 81-a of the Charter of the City of Middletown, Bulk sales for unpaid tax liens, is hereby amended to replace Paragraph 8 thereof, to read in its entirety as follows:

8. Notice of bulk sale. A printed notice of the time and place of the sale containing a description of the property to be sold shall be posted in Middletown City Hall at least thirty (30) days before the date fixed for the sale. A copy of the notice shall be served at least thirty (30) days before the date fixed for the sale by personal delivery or by registered or certified mail, return receipt requested, and by regular mail upon the property owner and any mortgagee, lessee, lienholder or assignee of either whose mortgage, lease, lien or assignment shall have been previously recorded in the Office of the Clerk of the County of Orange. A copy of the notice shall be published once per week for three (3) successive weeks in the official newspaper of the City, the last such notice being published at least seven (7) days prior to the date fixed for the sale. An omission to give any notice required herein, or the defacing or removal of a posted notice, does not affect the title of a purchaser without notice of the omission or offense.

Section 4. Section 83 of the Charter of the City of Middletown, Redemption, is hereby amended to replace Paragraph 2 thereof, to read in its entirety as follows:

2. Real property subject to a delinquent tax lien may be redeemed by payment to the Treasurer, on or before the expiration of the redemption period, of the amount paid by the purchaser of the lien or liens, and all other sums which the purchaser may have paid for taxes or assessments on said real estate; together with the interest thereon from the time such payments were made, at the rate of fifteen per centum a year, and the actual and necessary expenses the purchaser or City may have incurred in the service of the notices provided for in this title; and on such payments being made the title acquired by such sale shall cease. Any person having any right, title or interest in, or lien upon, any such property may redeem such property in the manner provided herein. In case such payment is made by the owner of said real estate, then, and in that event, all mortgages, judgments, decrees or claims which were a lien on said real estate at the time the tax or assessment for which the sale has been made, became a lien thereon, shall be and remain liens upon said real estate, anything hereinbefore contained to the contrary

notwithstanding. Upon such payment being made by any such person so entitled to redeem any real estate, the sale of the lien so redeemed, and the certificates of such sale shall be null and void, and the person so redeeming shall be entitled to have such certificate canceled of record.

Section 5. Section 93 of the Charter of the City of Middletown, Conveyance of title, is hereby amended to read in its entirety as follows:

§ 93. Conveyance of title.

1. No owner whose deed, or in case he or she holds such property by descent or device, the deed of his or her ancestor or deviser, shall have been duly recorded in the office of the clerk of the County of Orange, before the sale of any lien for any tax or assessment, and no mortgagee, lessee, lienholder or assignee of either, whose mortgage, lease, lien or assignment shall have been so recorded, shall be divested of all rights in such property, by reason of an unpaid lien or tax sale conducted pursuant to this title, unless ninety (90) days notice in writing of such conveyance, shall have been given by the City or the purchaser of the lien or those claiming under him or her, to such owner, mortgagee, lessee or assignee, by depositing such notice in the post office of said City, by certified mail return receipt requested and by regular mail, directed to the owner, mortgagee, or lessee or assignee at his or her place of residence as stated in the deed, lease, mortgage or assignment of such mortgage or lease, and, in the case of an owner, directed to any address of such owner on file in the Office of the Assessor.

2. In addition to the written notice provided for herein, any property to be conveyed pursuant to this title must be posted with notice of such conveyance no later than thirty (30) days prior to such conveyance.

3. In the event that notice as required herein is not sent to any of the persons herein mentioned entitled to such notice, in such event the time within which any such person or those claiming under him or her may redeem such property is extended to within three (3) years from the lien date. In case of failure to redeem within said three years from the lien date, the sale and conveyance thereof shall become absolute and all persons barred forever.

4. Upon expiration of the redemption period and completion of the procedures required herein, and upon execution by the City of a deed to a tax-delinquent parcel to the City or to a qualifying purchaser of an unpaid tax lien, the City or qualified purchaser shall be seized of an estate in fee simple absolute in such parcel and all persons, including the State, infants, incompetents, absentees and non-residents, except as specifically exempted by law, who may otherwise have had any right, title, interest, claim, lien, or equity of redemption in or upon such parcel shall be barred and forever foreclosed of any such right, title, interest, claim, lien or equity of redemption, and the City or qualified

purchaser may hold such parcel for itself or sell or release such parcel as provided by law.

5. Sale to previous owner. After conveyance of title as provided herein, the City or qualified purchaser may convey the subject parcel to the previous owner. Such a conveyance shall restore all parties, including owners, mortgagees and any and all lienors, receivers and administrators and encumbrancers, to the status they held at the time the City or qualified purchaser acquired title to the subject parcel, as if the title had never been conveyed, and shall render the subject parcel liable for all taxes, deficiencies, management fees and liens, penalties, interest, and other charges which had accrued prior to the conveyance of title and which continued to accrue after the conveyance of title.

6. Conveyance prohibited to certain City officials, officers and employees. No City of Middletown elected official, nor any officer or employee in the Offices of the Assessor, Corporation Counsel, or Treasurer may bid for or acquire or purchase any parcel of real property which is offered for sale by the City in any manner as a result of the tax delinquency of such parcel. This prohibition shall include a prohibition against such City officials, officers or employees bidding upon or acquiring or purchasing such properties directly or through an agent, representative, attorney or other third party, including but not limited to a spouse or child. It shall be presumptive proof of a violation of this Section if such City official, officer or employee shall have acquired any interest whatsoever, including but not limited to the holding of a mortgage, lien or other financial interest, in any such property, howsoever acquired, either directly or through any third parties, within two (2) years of the date upon which such property was sold or conveyed by the City of Middletown. This provision may be enforced by disciplinary action or by an appropriate action at law or in equity in the Supreme Court of the State of New York.

Section 6. Severability.

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

Section 7. Effective Date.

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

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

THE FOLLOWING WAS PRESENTED

By Ald. _____

Sec'd by Ald. _____

Date of Adoption 04.05.22

Index No: 65-22

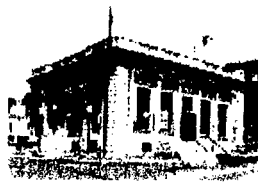
NAMES AYES NOES ABSTAIN ABSENT

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

RESOLVED that the Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment and authorizes the Mayor to sign all necessary documents for submission pertaining to DASNY grant #24878. These funds have been secured by Assemblywoman Aileen Gunther.

RESOLVED that the Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment and authorizes the creation of a budget line for this grant in the amount of \$125,000 for the requisition and purchase of the simulator.

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

RECEIVED

MAR 17 2022

**CITY CLERK
CITY OF MIDDLETOWN**

March 17, 2022

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

Dear Mayor DeStefano and members of the BOE,

The State has awarded the City of Middletown a State and Municipal Facilities Program (SAM) grant for the purchase and Installation of a Simulator, for the Orange County Police Academy in the amount of \$125,000.

I am requesting permission for the Mayor (as the sole authorized signatory) to sign all necessary documents for submission pertaining to DASNY grant #24878. These funds have been secured by Assemblywoman Aileen Gunther.

I additionally request that budget line be set up for this grant in the amount of \$125,000 for the requisition and purchase of the simulator.

If you have any questions, please contact me.

Very truly yours,

A handwritten signature in dark ink, appearing to read "John Ewanciw", written over a horizontal line.

John Ewanciw
Chief of Police

JE:ccd



DASNY

KATHY HOCHUL
Governor

ALFONSO L. CARNEY, JR.
Chair

REUBEN R. MCDANIEL, III
President & CEO

March 8, 2022

VIA EMAIL

John Ewanciw
Chief of Police
City of Middletown
16 James Street
Middletown, New York 10940

*Re: State and Municipal Facilities Program ("SAM")
Purchase and Installation of a Simulator for the Orange County Police Academy
Project ID: 24878*

Dear John Ewanciw:

As you know, the State has awarded the City of Middletown ("Grantee") a State and Municipal Facilities Program ("SAM") grant for the above-referenced project in the amount of \$125,000.00 (the "Grant").

This letter explains the documentation you will need to complete and return to DASNY. ***Please return the completed documentation electronically, as described below within thirty days or send an email to callcenter@dasny.org to let us know when you anticipate being able to return the information.***

Note: DASNY reserves the right to request new paperwork or information if submission of requested items is delayed.

Please keep in mind that the completion of these documents is the beginning of the Grant Administration process and a number of approvals must be obtained before DASNY may enter into a Grant Disbursement Agreement (GDA, the contract between DASNY and the Grantee) with the Grantee. ***Please read the FAQs. They provide information you will need throughout the grant administration process.***

As part of the legal review of your Grant, DASNY will need you to complete and return the following documents. The documents and their purposes are summarized below.

ALBANY (HEADQUARTERS): 515 Broadway, Albany, NY 12207 | 518-257-3000
BUFFALO: 539 Franklin Street, Buffalo, NY 14202 | 716-884-9780
NEW YORK CITY: 28 Liberty Street, FI 55, New York, NY 10005 | 212-273-5000
ROCHESTER: 3495 Winton Place, Building C, Suite 1, Rochester, NY 14623 | 585-450-8400

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

www.dasny.org



Note: An Authorized Officer is someone who can bind the Grantee to a contract. Please contact the Grantee's attorney if there are any questions as to who can sign on behalf of the Grantee. By signing these documents, the person signing is certifying that they are authorized to bind the Grantee to the terms of the documents.

Grantee Certification

- Certain laws prohibit the use of public funds to finance religious programs or programs that may favor one religion over another. As the issuer of the bonds that will finance the project to be funded with Grant funds, DASNY must verify that it is in compliance with all applicable Federal and State laws and regulations.

Accordingly, please review the attached Grantee Certification (at the end of this letter) to ensure it accurately states the purposes for which the Grant funds will be used. Please arrange for two Authorized Officers of your organization to sign the Grantee Certification.

Project Certification

- As the issuer of the bonds that will finance the project to be funded with Grant funds, DASNY must verify that it is in compliance with all applicable Federal and State laws and regulations. This includes verifying that Grant funds will not be used for a project that was previously funded with Grant proceeds, administered by DASNY, for substantially the same project at the same location as described in a Preliminary Application or Project Information Sheet DASNY processed within the last six (6) years.

Accordingly, please review the attached Project Certification (at the end of this letter) and arrange for an Authorized Officer of your organization to sign the Project Certification.

Grantee Questionnaire (GQ)

- As the trustee of public funds, DASNY needs to be certain that bond proceeds are paid only to organizations that are deemed to be responsible entities. Full and accurate responses on the GQ will help to achieve this goal. If a GQ is needed, a request will be made to obtain Authorized Officer names and email addresses so that the GQ may be sent through DocuSign (and will also be noted in the template return letter attached). The GQ must be completed and signed by an Authorized Officer of the Grantee as well as the Chair of the Board (or other Authorized Officer) before DASNY can process the grant. Please be advised that the GQ will be incorporated into the GDA and that the submission of false information on the GQ could be a violation of Federal and State Penal Laws.

Evidence of Site Control

- Site control is required to evidence that the Grantee has sufficient authorization and control to undertake the project at the project location. In order to verify the Grantee owns, leases, or otherwise has control over the site where the project will be located, please provide a copy of the deed, lease, or other document evidencing site control by the Grantee.



- In the case where site control can not be provided in the form of a deed, please return the attached Certificate of Municipal Site Control.

Financial Documentation

- Please send a copy of quotes, proposals, cost estimates or any other document that will justify the overall project value. As part of DASNY's financial review of the project, we must receive an estimate setting forth the projects costs necessary to complete the project. If the cost estimate is higher than the value of the grant, DASNY will need to see evidence of the other source(s) of funding for the project. Please see the attached checklist as a reference for what is needed for the financial review.

State Environmental Quality Review Act / State Historic Preservation Act Compliance

- Grantees are advised that grant-funded projects are subject to the State Environmental Quality Review Act (SEQRA) and State Historic Preservation Act (SHPA).
- If the Grantee is a municipality or State agency, you will be asked to submit a copy of your SEQRA determination. If the SEQRA review has not yet begun, you will be asked to establish Lead Agency for the review and include DASNY as an involved agency, and include the NYS Office of Parks, Recreation and Historic Preservation's (OPRHP's) State Historic Preservation Office (SHPO) as an interested party.
- Coordination with OPRHP is required if the project building or site is eligible for, or listed on, the State and National Registers of Historic Places; if the building or site is considered a contributing element to a defined historic district; or is located in an area of archaeological sensitivity. You can find this information on the OPRHP and NYS Department of Environmental Conservation (DEC) websites: SHPO Online Tools - NYS Parks, Recreation & Historic Preservation and <http://www.dec.ny.gov/eafmapper/>. Please provide DASNY with a copy of the determination letter from OPRHP once the consultation has been completed. Note: consultation with OPRHP may also be required for structures approaching 50 years old, and/or if the project involves ground disturbance/demolition.
- If the Grantee is not a municipality or State agency, but your project would require a discretionary permit (such as Planning Board approval) from a municipality or State agency, please request that the SEQRA Lead Agency add DASNY as an involved agency and OPRHP as interested party.

If you have any questions regarding the SEQRA or SHPA process, please email grantssegr@dasny.org.

For your convenience, we have enclosed a form cover letter for you to use when you return all of the completed documents to DASNY. **Incomplete documents will delay the processing of your Grant application.** You will be contacted during the review process if additional information is needed, and it is therefore very important to keep open communications throughout this process.



DASNY

Page 4

If there are any changes to the contact information for the primary contact for your organization, the authorized officer contact information, or change in your organizational address – please reach out to DASNY (callcenter@dasny.org) so we can update our records as soon as possible. Any delay in relaying changes may result in a delay of reviews and the processing of your Grant.

In the meantime, please review the enclosed list of **Frequently Asked Questions**. This list was designed to answer many of the questions that you may have about the Grant process. **Please keep this document to use as a reference during the administration of the Grant.**

Should you have any questions concerning the enclosed documentation, please either call (518) 257-3177 or email callcenter@dasny.org and someone from Grants Administration will contact you.

Sincerely,

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

Sarah D. Antonacci
Assistant Director, Grants Administration

PLEASE PRINT ON ORGANIZATIONAL ("GRANTEE") LETTERHEAD
AND RETURN ALL DOCUMENTATION TO CALLCENTER@DASNY.ORG

Grants Administration
DASNY
515 Broadway
Albany, NY 12207

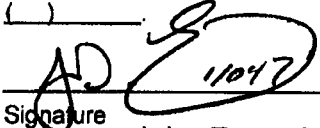
SUBJECT: *State and Municipal Facilities Program ("SAM")
Purchase and Installation of a Simulator for the Orange County
Police Academy
Project ID: 24878*

Dear Grants Administration:

Attached please find the following documents in connection with the SAM Grant awarded to our organization:

- ☐ Completed Grantee Certification signed by two (2) authorized officers;
- ☐ Completed Project Certification signed by an authorized officer;
- ☐ Evidence of Site Control;
 - o Certificate of Municipal Site Control
- ☐ Financial documentation; and
- ☐ SEQRA and SHPO documentation

If any further information is needed or if you have any questions, please give [Grantee Contact Person] a call at

() _____


Signature John Ewanciw

Print Name Chief of Police

Title

GRANTEE CERTIFICATION
City of Middletown
Purchase and Installation of a Simulator for the Orange County
Police Academy
Project ID: 24878

WE HEREBY WARRANT, REPRESENT AND CERTIFY TO DASNY that:

- The City of Middletown has applied for a State and Municipal Facilities Program ("SAM") Grant in the amount of \$125,000.00. This Grant will be used for the Purchase and Installation of a Simulator for the Orange County Police Academy. We understand that the Grant funds may be used only for certain community improvement purposes as set forth in the enabling legislation and that the Grant Disbursement Agreement (GDA) to be executed in connection with this Grant contains a provision that states that Grant funds may not be used to finance a program or project that will in any way promote or facilitate religious worship, instruction or proselytizing. We have been informed that this provision exists to ensure compliance with Federal and State law. Therefore, as Authorized Officers of the City of Middletown, we hereby certify the following in connection with the project to be financed by the Grant:
 - no religious purpose shall be advanced or promoted by the project or program funded by the Grant;
 - the project or program will provide no religious instruction or counseling, conduct no religious worship or services, engage in no religious proselytizing, and exert no other religious influence in the provision of services or the use of facilities or furnishings assisted in any way by public funds;
 - the project or program shall be open to all without regard to religion; and
 - the Grantee shall take affirmative steps to ensure that information is widely disseminated with respect to the following aspects of the project or program:
 - the project or program is publicly funded;
 - the project or program is open to all, regardless of religious affiliation; and
 - the project or program beneficiaries are not limited to any particular sect or group.
 - the Grantee shall exercise care to make sure the facilities and/or services to be supported in whole or in part by grant proceeds are available and accessible to all members of the public by ensuring project location(s) and/or service areas are in proximity to public transportation; sufficient parking; and by choosing project location(s) and/or service areas that do not restrict use to a certain subset of the population defined by religion;
- We understand that the State of New York, DASNY and other entities that may be involved in the Grant process are relying on the above information in making the determination whether to award a SAM Grant to the City of Middletown.
- We have the authority to submit this certification on behalf of the City of Middletown.
- By signing these documents, I certify that I am an authorized officer for the Grantee.

Please sign and return these documents to DASNY at calcenter@dasny.org. Please return them from the Grantee's organizational email address and retain the original copies for production to DASNY if requested. By providing electronic signature(s), the Grantee's designee will be providing validly binding legal documents, just the same as a pen-and-paper signature.

Authorized Officer Signature
Joseph DeStefano

Printed Name

Date
Mayor

Title

Authorized Officer Signature

Printed Name

Date

Title

CERTIFICATE OF MUNICIPAL SITE CONTROL

We, the undersigned, an Authorized Officer of the City of Middletown and the Municipal Attorney for City of Middletown under the penalties of perjury, hereby certify, warrant, represent and confirm to the DORMITORY AUTHORITY OF THE STATE OF NEW YORK ("DASNY"), the following:

- 1) The City of Middletown is a municipal corporation constituting a county, town, city or village within the meaning of §2 of Article 1 of the General Municipal Law.
- 2) The City of Middletown has applied for a Grant and acknowledges that Grant funds may be used only for certain purposes as set forth in the Grant's enabling legislation.
- 3) The Grant Disbursement Agreement (GDA) to be entered into by and between the City of Middletown and DASNY shall require the Grantee to certify that City of Middletown has the requisite control over the Project Site.
- 4) The Grant project will be located at the following **Project Site**:

Name: *Parks & Recreation Facility*
Street Address: *393 County Route 78*
Town / Village *Middletown*
County: *Orange*

- 5) The fee title of the Project Site is owned by the Grantee (choose one):

☒ a. Pursuant to deed identifying the Grantee as the fee owner, which deed was recorded in the Office of the Clerk of the County of ORANGE.
OR

☐ b. Pursuant to Executive or Legislative action granting title. Provide citation: _____
OR

☐ c. As referenced by a copy of the most recent tax bill provided by the tax assessor's office which indicates ownership of the Project Site is vested in the Grantee, **attached hereto**.
OR

☐ d. The Project Site will be located within a right of way or easement under the jurisdiction of the Grantee.

- 6) The Grant project to be constructed, built, reconstructed and/or operated and located on the Project Site is permitted by, does not and will not conflict with, or result in a breach of any of the terms or provisions of, or constitute a default under any deed restriction, encumbrance, restrictive covenant, agreement, easement and/or other lien. The Grant project shall comply in all respects with any and all applicable governmental laws, rules, regulations and ordinances.

- 7) Grantee further warrants and represents:
- a. There are no actions pending or threatened which may affect title to the Project Site or which may affect Grantee's ability to complete the Grant project;
 - b. There are no judgments filed against the Grantee or any liens filed against the Project Site or any portion thereto; and
 - c. There are no facts or circumstances which could affect title to the Project Site that have not been set forth herein.
- 8) We understand and agree that it is the Grantee's responsibility to comply with all deed restrictions, restrictive covenants, encumbrances, easements and other liens and any applicable laws, rules, regulations or ordinances concerning the Project Site.
- 9) We understand that the State of New York, DASNY and other entities that may be involved in the Grant process are relying on the above representations in making the determination whether to award a Grant to the Grantee and as an inducement to enter into the Grant Disbursement Agreement (GDA).
- 10) We have the authority to submit this certification on behalf of the Grantee.

Please sign and return these documents to DASNY at callcenter@dasny.org. Please return them from the Grantee's organizational email address and retain the original copies for production to DASNY if requested. By providing electronic signature(s), the Grantee's designee will be providing validly binding legal documents, just the same as a pen-and-paper signature.

Grantee: City of Middletown

By:

Name (sign): _____

Name (print): Joseph DeStefano

Title: **Authorized Officer**

Dated: _____, 20__

By:

Name (sign): _____

Name (print): Alex Smith

Title: **Municipal Attorney**

Dated: _____, 20__

PROJECT CERTIFICATE OF THE
City of Middletown
State and Municipal Facilities Program (the "SAM")
For the Purchase and Installation of a Simulator for the Orange County
Police Academy
(Project ID: 24878)

I, the undersigned, an Authorized Officer of City of Middletown (the "Grantee"), DO HEREBY CERTIFY that:

- All contractors and vendors retained to perform services in connection with the Project shall be authorized to do business in the State of New York and shall possess and maintain all professional licenses and/or certifications required to perform the tasks undertaken in connection with the Project.
- To the extent that SAM Grant proceeds are used to reimburse the Grantee for the cost of any portion of the Project noted above, the Grantee certifies that no other external funding source, including but not limited to, State or Federal restructuring loans, State or Federal grants, or grants, loans, or other funding from any other public or private source (currently or within the last six (6) years), will be used for substantially the same project costs at the same location as described in the Application or Project Information Sheet provided to DASNY.
- If the Project includes vehicle purchase(s), removable equipment, or furnishings including but not limited to, computer hardware and software, air conditioning units, lab equipment, office furniture and telephone systems, the Grantee has or will develop, implement, and maintain an inventory system for tracking such items, as well as has or will develop, implement, and maintain a usage policy.
- The Grantee has informed DASNY via the Project Application, Project Information Sheet, or other correspondence if City of Middletown is a state related entity, or if the project location is owned by a state related entity. Furthermore, if the status of the Grantee or project location changes, the Grantee will inform DASNY of any changes that would impact the tax-exempt status of the Grant.
- The Grantee acknowledges that Grant proceeds cannot be utilized to pay for:
 - Deposits advance payments, or progress payments until work is completed, or goods received by grantee;
 - to pay down long term debt;
 - internal labor costs;
 - rental or leased equipment;
 - stockpiled materials;
 - materials and/or services provided by another entity other than a licensed contractor or vendor.
- The Grantee will maintain accurate books and records through project completion/payout of the Grant as well as for six (6) years from the date the Project is completed and will make those books and records available to DASNY, its agents, officers and employees during the Grantee's business hours upon reasonable request.

IN WITNESS WHEREOF, I have hereunto set my hand this _____ day of _____, 20_____.

By signing these documents, I certify that I am an authorized officer for the Grantee.

Please sign and return these documents to DASNY at callcenter@dasny.org. Please return them from the Grantee's organizational email address and retain the original copies for production to DASNY if requested. By providing electronic signature(s), the Grantee's designee will be providing validly binding legal documents, just the same as a pen-and-paper signature.

City of Middletown

By: _____

Name: Joseph DeStefano

Title Mayor

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

THE FOLLOWING WAS PRESENTED

By Ald. _____

Sec'd by Ald. _____

Date of Adoption 04.05.22

Index No: 66-22

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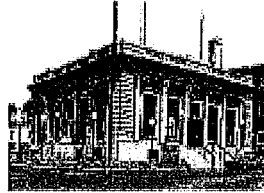
Ald. Tobin				
Ald. Jean-Francois				
Ald. Johnson				
Ald. Ramkissoon				
Ald. Kleiner				
Ald. Green				
Ald. Witt				
Ald. Masi				
Pres. Rodrigues				
TOTAL				

RESOLVED; that the Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment and authorizes the retirement of K9 Ares from the Middletown Police Department.

LET IT BE FURTHER RESOLVED; that the Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment and authorizes that K9 Ares from the Middletown Police Department continues to live with Lieutenant Cunningham and his family through the remainder of his life.

LET IT BE FURTHER RESOLVED; that the Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment that the Cunningham family will incur all future costs associated with K9 Ares with the K9 unit deferring some of the costs through donations from the Middletown K9 Association, and that Lieutenant Cunningham cannot transfer K9 Ares to any other party.

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

RECEIVED

MAR 23 2022

**CITY CLERK
CITY OF MIDDLETOWN**

March 22, 2022

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

Dear Mayor DeStefano and Members of the Common Council:

I am requesting permission to retire Police K-9 Ares from our department. K9 Ares's handler, Patrick Cunningham, was recently promoted to the rank of Patrol Lieutenant, which significantly increased his work-related responsibilities. This new role would make Lieutenant Cunningham's continued work as a K-9 handler inefficient and not in the best interests of the department or the larger Middletown community.

Through the years, K9 Ares and Lieutenant Cunningham have built a special bond together. Due to the age of K-9 Ares and the significant demands of the K-9 training program, it would not be suitable to have K-9 Ares recertify as a Police K-9 with a new handler. Lieutenant Cunningham has therefore requested that K9 Ares live out his retirement with him and his family.

As part of assuming ownership of K-9 Ares from the City of Middletown, the Cunningham family has agreed to assume all future costs associated with his care. There are plans in place to defer some of these costs through donations from the Middletown K-9 Officers Association, which will help ensure that Ares receives the outstanding care he deserves.

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

Very truly yours,

John Ewanciw
Chief of Police

AGREEMENT

This Agreement is made the ____ day of April, 2022 by and between Lieutenant Patrick Cunningham ("Ares"), a Middletown police officer, with a business address at 2 James Street, Middletown, New York, 10940, and the City of Middletown ("City"), a municipal corporation with its place of business at 16 James Street, Middletown, New York 10940.

WHEREAS Lieutenant Patrick Cunningham has been the handler of a K-9 dog, known as "Ares", in the service of the Middletown Police Department, and

WHEREAS the City desires to retire "Ares" and no longer utilize the dog for police or municipal purposes, and

WHEREAS Lieutenant Patrick Cunningham has expressed a desire to be the permanent owner and caretaker of "Ares".

NOW, THEREFORE, in consideration of One Dollar (\$1.00) and other good and valuable consideration,

1. The above recitals are hereby incorporated as if restated herein at length.
2. The City hereby retires "Ares" from police and municipal services, and gives "Ares" to Lieutenant Patrick Cunningham as the animal's permanent owner and caretaker.
3. All costs associated with the care of "Ares" shall as of the date of this Agreement be the responsibility of Lieutenant Patrick Cunningham.

4. Lieutenant Patrick Cunningham agrees to indemnify and hold harmless the City, its officers and employees, to the fullest extent allowed by law for any and all claims made against the City, its officers and employees in connection with the ownership, handling and care of "Ares".

IN WITNESS WHEREOF, the parties hereto have executed this Agreement the day and year first above written.

CITY OF MIDDLETOWN

By:

Joseph DeStefano, Mayor

Lieutenant Patrick Cunningham

STATE OF NEW YORK)
)
COUNTY OF ORANGE)

On the _____ day of April, 2022 before me, the undersigned, a Notary Public in and for said State, personally appeared Mayor Joseph M. DeStefano, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity and that by his/her/their signature(s) on the instrument the individual(s) or the person upon behalf of which individual(s) acted, executed the instrument.

Notary Public

STATE OF NEW YORK)
)
COUNTY OF ORANGE)

On the _____ day of April, 2022 before me, the undersigned, a Notary Public in and for said State, personally appeared Lieutenant Patrick Cunningham, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity and that by his/her/their signature(s) on the instrument the individual(s) or the person upon behalf of which individual(s) acted, executed the instrument.

Notary Public

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

THE FOLLOWING WAS PRESENTED

By Ald. _____

Sec'd by Ald. _____

Date of Adoption 04.05.22

Index No: 67-22

NAMES AYES NOES ABSTAIN ABSENT

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

RESOLVED that the Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment and establishes a credit card policy.

CREDIT CARD POLICY

1) **Purpose:** The purpose of this policy is to set forth the procedures and requirements for the proper use of the City's credit cards. This policy applies to all City Officials and Employees who are permitted to use the City's credit cards to pay for actual and necessary expenses incurred in the performance of work-related duties for the City.

2) **Authorization:**

- A. Only Authorized employees shall be permitted to use City credit cards and have signing authority.
- B. The following Department Heads have been authorized to possess and use City credit cards with the applicable limits:

i. Mayor of City	\$5,000
ii. DPW Superintendent	\$3,000
iii. Chief of Police	\$6,000
iv. Director of Economic & Community Development	\$2,000
v. City Treasurer	\$2,000
vi. City Clerk	\$2,000

3) Credit Card Usage:

- A. City credit cards shall only be used for legitimate City business expenses.
- B. All credit card purchases must comply with General Municipal Law section 103 and the City's procurement policy.

4) Documentation of Credit Card Purchases:

- A. All credit card purchases shall be supported by a vendor invoice or itemized purchase receipt that identifies what was purchased.
- B. Cardholders shall submit receipts with their monthly statement from the credit cards company via the Accounting software in a timely manner so the monthly bill may be paid on time.

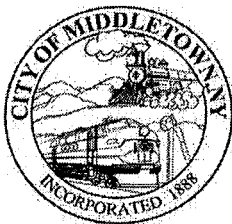
5) Restrictions on Credit Card Usage:

- A. City credit cards shall not be used for cash advances, cash withdrawals, or payment of any personal or unauthorized expenses.
- B. City credit cards shall not be used in those businesses and locations at which the City has an open account.
- C. Any individual who makes an unauthorized purchase with a City credit card shall be required to reimburse the City for the purchase. The amount of such unauthorized purchases may be recovered from an employee's paychecks.

6) Safekeeping and Monitoring of Credit Cards:

- A. City credit cards shall be kept in a secure location when not in use.
- B. Cardholders must take proper care of City credit cards and shall take all reasonable precautions against damage, loss or theft. Any damage, loss or theft must be reported immediately to the Mayor or City treasurer and the appropriate financial institution. Failure to take proper care of credit cards or failure to report damages, loss or theft may be subject to the employee to financial liability.

7) Fraud and Abuse Reporting: Any employee that discovers potentially fraudulent, abusive or otherwise questionable credit card activity shall report activity to the Mayor. These types of transaction will be investigated upon notice and the cardholder's account may be suspended during that investigation period.



DEPARTMENT OF FINANCE City Of Middletown

Kelly A. Kelly
Treasurer

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

Date: March 30, 2022

To: The Board of Estimate

From: Kelly Ann Kelly, Treasurer

RECEIVED
MAR 30 2022
City Clerk
City of Middletown

I am requesting approval and adopting of the attached credit card policy.

RECEIVED

MAR 30 2022

City Clerk
City of Middletown

CREDIT CARD POLICY

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

THE FOLLOWING WAS PRESENTED

By Ald. _____

Sec'd by Ald. _____

Date of Adoption 04.05.22

Index No: 68-22

NAMES	AYES	NOES	ABSTAIN	ABSENT
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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 and authorizes the attached 2014 Bond Refunding resolution in the amount of \$4,945,000 which will save the City approximately \$325,000 over the life of the Bond.

REFUNDING BOND RESOLUTION DATED APRIL 5, 2022.

A RESOLUTION AUTHORIZING THE ISSUANCE PURSUANT TO SECTION 90.00 OR SECTION 90.10 OF THE LOCAL FINANCE LAW OF REFUNDING BONDS OF THE CITY OF MIDDLETOWN, ORANGE COUNTY, NEW YORK, TO BE DESIGNATED SUBSTANTIALLY "PUBLIC IMPROVEMENT REFUNDING (SERIAL) BONDS", AND PROVIDING FOR OTHER MATTERS IN RELATION THERETO AND THE PAYMENT OF THE BONDS TO BE REFUNDED THEREBY.

WHEREAS, the City of Middletown, Orange County, New York (hereinafter, the "City") heretofore issued \$6,292,900 Public Improvement (Serial) Bonds, 2014, dated February 20, 2014, pursuant to separate bond resolutions to pay the cost of various capital purposes in and for said City as further described in the bond determinations certificate of the City Treasurer dated February 20, 2014 (hereinafter

referred to as the "Refunded Bond Determinations Certificate"), such Public Improvement (Serial) Bonds, 2014, being dated February 20, 2014 with remaining maturities on February 15 in the years 2023 through 2039, both inclusive, as more fully described in the Refunded Bond Determinations Certificate (the "Refunded Bonds"); and

WHEREAS, it would be in the public interest to refund all or a portion of the \$4,850,000 outstanding principal balance of said bonds maturing in the years 2023 to 2039, both inclusive (the "Refunded Bonds") by the issuance of refunding bonds pursuant to Section 90.00 or Section 90.10 of the Local Finance Law; and

WHEREAS, such refunding will result in present value savings in debt service as so required by Section 90.10 of the Local Finance Law; NOW, THEREFORE, BE IT

RESOLVED, by the Common Council of the City of Middletown, Orange County, New York, as follows:

Section 1. For the object or purpose of refunding the \$4,850,000 outstanding principal balance of the Refunded Bonds, including providing moneys which, together with the interest earned from the investment of certain of the proceeds of the refunding bonds herein authorized, shall be sufficient to pay (i) the principal amount of the Refunded Bonds, (ii) the aggregate amount of unmatured interest payable on the Refunded Bonds to and including the date on which the Refunded Bonds which are callable are to be called prior to their respective maturities in accordance with the refunding financial plan, as hereinafter defined, (iii) the costs and expenses incidental to the issuance of the refunding bonds herein authorized, including the development of the refunding financial plan, as hereinafter defined, compensation to the underwriter or underwriters, as hereinafter defined, costs and expenses of executing and performing the terms and conditions of the escrow contract or contracts, as hereinafter defined, and fees and charges of the escrow holder or holders, as hereinafter mentioned, (iv) the redemption premium payable on the Refunded Bonds, and (v) the premium or premiums for a policy or policies of municipal bond insurance or cost or costs of other credit enhancement facility or facilities, for the refunding bonds herein authorized, or any portion thereof, there are hereby authorized to be issued not exceeding \$5,100,000 refunding serial bonds

of the City pursuant to the provisions of Section 90.00 or Section 90.10 of the Local Finance Law (the "Public Improvement Refunding Bonds" or the "Refunding Bonds"), it being anticipated that the amount of Refunding Bonds actually to be issued will be approximately \$4,945,000, as provided in Section 4 hereof. The City Refunding Bonds shall each be designated substantially "PUBLIC IMPROVEMENT REFUNDING (SERIAL) BOND" together with such series designation and year as is appropriate on the date of sale thereof, shall be of the denomination of \$5,000 or any integral multiple thereof (except for any odd denominations, if necessary) not exceeding the principal amount of each respective maturity, shall be numbered with the prefix R-22 (or R with the last two digits of the year in which the Refunding Bonds are issued as appropriate) followed by a dash and then from 1 upward, shall be dated on such dates, and shall mature annually on such dates in such years, bearing interest semi-annually on such dates, at the rate or rates of interest per annum, as may be necessary to sell the same, all as shall be determined by the City Treasurer pursuant to Section 4 hereof. It is hereby further determined that (a) such Refunding Bonds may be issued in series, (b) such Refunding Bonds may be sold at a discount in the manner authorized by paragraph e of Section 57.00 of the Local Finance Law and pursuant to subdivision 2 of paragraph f of Section 90.10 of the Local Finance Law, and (c) such Refunding Bonds may be issued as a single consolidated issue. It is hereby further determined that such Refunding Bonds may be issued to refund all, or any portion of, the Refunded Bonds, subject to the limitation hereinafter described in Section 10 hereof relating to approval by the State Comptroller.

Section 2. The Refunding Bonds may be subject to redemption prior to maturity upon such terms as the City Treasurer shall prescribe, which terms shall be in compliance with the requirements of Section 53.00 (b) of the Local Finance Law. If less than all of the Refunding Bonds of any maturity are to be redeemed, the particular refunding bonds of such maturity to be redeemed shall be selected by the City by lot in any customary manner of selection as determined by the City Treasurer.

The Refunding Bonds shall be issued in registered form and shall not be registrable to bearer or convertible into bearer coupon form. In the event said Refunding Bonds are issued in non-certificated form, such bonds, when issued, shall be initially issued in registered form in denominations such that one bond

shall be issued for each maturity of bonds and shall be registered in the name of Cede & Co., as nominee of The Depository Trust Company, New York, New York ("DTC"), which will act as securities depository for the bonds in accordance with the Book-Entry-Only system of DTC. In the event that either DTC shall discontinue the Book-Entry-Only system or the City shall terminate its participation in such Book-Entry-Only system, such bonds shall thereafter be issued in certificated form of the denomination of \$5,000 each or any integral multiple thereof (except for any odd denominations, if necessary) not exceeding the principal amount of each respective maturity. In the case of non-certificated Refunding Bonds, principal of and interest on the bonds shall be payable by check or draft mailed by the Fiscal Agent (as hereinafter defined) to The Depository Trust Company, New York, New York, or to its nominee, Cede & Co., while the bonds are registered in the name of Cede & Co. in accordance with such Book-Entry-Only System. Principal shall only be payable upon surrender of the bonds at the principal corporate trust office of such Fiscal Agent (or at the office of the City Clerk as Fiscal Agent as hereinafter provided).

In the event said Refunding Bonds are issued in certificated form, principal of and interest on the Refunding Bonds shall be payable by check or draft mailed by the Fiscal Agent (as hereinafter defined) to the registered owners of the Refunding Bonds as shown on the registration books of the City maintained by the Fiscal Agent (as hereinafter defined), as of the close of business on the fifteenth day of the calendar month or last business day of the calendar month preceding each interest payment date as appropriate and as provided in a certificate of the City Treasurer providing for the details of the Refunding Bonds. Principal shall only be payable upon surrender of bonds at the principal corporate trust office of a bank or trust company or banks or trust companies located or authorized to do business in the State of New York, as shall hereafter be designated by the City Treasurer as fiscal agent of the City for the Refunding Bonds (collectively the "Fiscal Agent").

Refunding Bonds in certificated form may be transferred or exchanged at any time prior to maturity at the principal corporate trust office of the Fiscal Agent for bonds of the same maturity of any authorized denomination or denominations in the same aggregate principal amount.

Principal and interest on the Refunding Bonds will be payable in lawful money of the United States of America.

The City Treasurer, as chief fiscal officer of the City, is hereby authorized and directed to enter into an agreement or agreements containing such terms and conditions as he or she shall deem proper with the Fiscal Agent, for the purpose of having such bank or trust company or banks or trust companies act, in connection with the Refunding Bonds, as the Fiscal Agent for said City, to perform the services described in Section 70.00 of the Local Finance Law, and to execute such agreement or agreements on behalf of the City, regardless of whether the Refunding Bonds are initially issued in certificated or non-certificated form; provided, however, that the City Treasurer is also hereby authorized to name the City Clerk as the Fiscal Agent in connection with the Refunding Bonds.

The City Treasurer is hereby further delegated all powers of this Common Council with respect to agreements for credit enhancement, derived from and pursuant to Section 168.00 of the Local Finance Law, for said Refunding Bonds, including, but not limited to the determination of the provider of such credit enhancement facility or facilities and the terms and contents of any agreement or agreements related thereto.

The Refunding Bonds shall be executed in the name of the City by the manual or facsimile signature of the City Treasurer, and a facsimile of its corporate seal shall be imprinted thereon. In the event of facsimile signature, the Refunding Bonds shall be authenticated by the manual signature of an authorized officer or employee of the Fiscal Agent. The Refunding Bonds shall contain the recital required by subdivision 4 of paragraph g of Section 90.00 of the Local Finance Law or subdivision 4 of paragraph j of Section 90.10 of the Local Finance Law, as applicable, and the recital of validity clause provided for in Section 52.00 of the Local Finance Law and shall otherwise be in such form and contain such recitals, in addition to those required by Section 51.00 of the Local Finance Law, as the City Treasurer shall determine. It is hereby determined that it is to the financial advantage of the City not to impose and collect from registered owners of the Refunding Bonds any charges for mailing, shipping and insuring bonds transferred or exchanged by the Fiscal Agent, and, accordingly, pursuant to paragraph c of Section 70.00 of the Local Finance Law, no such charges shall be so collected by the Fiscal Agent.

Section 3. It is hereby determined that:

(a) the maximum amount of the Refunding Bonds authorized to be issued pursuant to this resolution does not exceed the limitation imposed by subdivision 1 of paragraph b of Section 90.10 of the Local Finance Law;

(b) the maximum period of probable usefulness permitted by law at the time of the issuance of the Refunded Bonds, for the objects or purposes financed by the Refunded Bonds, pursuant to paragraph a of Section 11.00 of the Local Finance Law, is as described in Exhibit A attached hereto and hereby made a part hereof;

(c) the last installment of the Refunding Bonds will mature not later than the expiration of the period of probable usefulness of the objects or purposes for which said Refunded Bonds were issued in accordance with the provisions of subdivision 1 of paragraph a of Section 90.00 of the Local Finance Law and subdivision 1 of paragraph c of Section 90.10 of the Local Finance Law, as applicable;

(d) the estimated present value of the total debt service savings anticipated as a result of the issuance of the Refunding Bonds, if any, computed in accordance with the provisions of subdivision 2 of paragraph b of Section 90.10 of the Local Finance Law, is as shown in the Refunding Financial Plan described in Section 4 hereof.

Section 4. The financial plan for the aggregate of the refundings authorized by this resolution (collectively, the "Refunding Financial Plan"), showing the sources and amounts of all moneys required to accomplish such refundings, the estimated present value of the total debt service savings and the basis for the computation of the aforesaid estimated present value of total debt service savings, are set forth in Exhibit B attached hereto and hereby made a part hereof. The Refunding Financial Plan has been prepared based upon the assumption that the Refunding Bonds will be issued in one series to refund all of the Refunded Bonds in the principal amount of \$4,945,000, and that the Refunding Bonds will mature, be of such terms, and bear interest as set forth in said Exhibit B. This Common Council recognizes that the Refunding Bonds may be issued in one or more series, and for all of the Refunded Bonds, or portions thereof, that the amount

of the Refunding Bonds, maturities, terms, and interest rate or rates borne by the Refunding Bonds to be issued by the City will most probably be different from such assumptions and that the Refunding Financial Plan will also most probably be different from that attached hereto as Exhibit B. The City Treasurer is hereby authorized and directed to determine which of the Refunded Bonds will be refunded and at what time, the amount of the Refunding Bonds to be issued, the date or dates of such bonds and the date or dates of issue, maturities and terms thereof, the provisions relating to the redemption of Refunding Bonds prior to maturity, whether the Refunding Bonds will be insured by a policy or policies of municipal bond insurance or otherwise enhanced by a credit enhancement facility or facilities, whether the Refunding Bonds shall be sold at a discount in the manner authorized by paragraph e of Section 57.00 of the Local Finance Law, and the rate or rates of interest to be borne thereby, whether the Refunding Bonds shall be issued having substantially level or declining annual debt service and all matters related thereto, and to prepare, or cause to be provided, a final Refunding Financial Plan for the Refunding Bonds and all powers in connection therewith are hereby delegated to the City Treasurer; provided, that the terms of the Refunding Bonds to be issued, including the rate or rates of interest borne thereby, shall comply with the requirements of Section 90.00 or Section 90.10 of the Local Finance Law as applicable. The City Treasurer shall file a copy of his certificate determining the details of the Refunding Bonds and the final Refunding Financial Plan with the City Clerk not later than ten (10) days after the delivery of the Refunding Bonds, as herein provided.

Section 5. The City Treasurer is hereby authorized and directed to enter into an escrow contract or contracts (collectively the "Escrow Contract") with a bank or trust company, or with banks or trust companies, located and authorized to do business in this State as said City Treasurer shall designate (collectively the "Escrow Holder") for the purpose of having the Escrow Holder act, in connection with the Refunding Bonds, as the escrow holder to perform the services described in Section 90.10 of the Local Finance Law.

Section 6. The faith and credit of said City of Middletown, Orange County, New York, are hereby irrevocably pledged to the payment of the principal of and interest on the Refunding Bonds as the

same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. To the extent not paid from other sources, there shall be annually levied on all the taxable real property in said City a tax sufficient to pay the principal of and interest on such Refunding Bonds as the same become due and payable.

Section 7. All of the proceeds from the sale of the Refunding Bonds, including the premium, if any, but excluding accrued interest thereon, shall immediately upon receipt thereof be placed in escrow with the Escrow Holder for the Refunded Bonds. Accrued interest on the Refunding Bonds shall be paid to the City to be expended to pay interest on the Refunding Bonds. Such proceeds as are deposited in the escrow deposit fund to be created and established pursuant to the Escrow Contract, whether in the form of cash or investments, or both, inclusive of any interest earned from the investment thereof, shall be irrevocably committed and pledged to the payment of the principal of and interest on the Refunded Bonds in accordance with Section 90.10 of the Local Finance Law, and the holders, from time to time, of the Refunded Bonds shall have a lien upon such moneys held by the Escrow Holder. Such pledge and lien shall become valid and binding upon the issuance of the Refunding Bonds and the moneys and investments held by the Escrow Holder for the Refunded Bonds in the escrow deposit fund shall immediately be subject thereto without any further act. Such pledge and lien shall be valid and binding as against all parties having claims of any kind in tort, contract or otherwise against the City irrespective of whether such parties have notice thereof.

Section 8. Notwithstanding any other provision of this resolution, so long as any of the Refunding Bonds shall be outstanding, the City shall not use, or permit the use of, any proceeds from the sale of the Refunding Bonds in any manner which would cause the Refunding Bonds to be an "arbitrage bond" as defined in Section 148 of the Internal Revenue Code of 1986, as amended, and, to the extent applicable, the Regulations promulgated by the United States Treasury Department thereunder.

Section 9. In accordance with the provisions of Section 53.00 and of paragraph h of Section 90.10 of the Local Finance Law, in the event such bonds are refunded, the City hereby elects to call in and redeem each of the Refunded Bonds which the City Treasurer shall determine to be refunded in accordance

with the provisions of Section 4 hereof and with regard to which the right of early redemption exists. The sum to be paid therefor on such redemption date shall be the par value thereof, and the accrued interest to such redemption date. The Escrow Agent for the Refunding Bonds is hereby authorized and directed to cause notice of such call for redemption to be given in the name of the City in the manner and within the times provided in the Refunded Bond Certificate. Such notice of redemption shall be in substantially the form attached to the Escrow Contract. Upon the issuance of the Refunding Bonds, the election to call in and redeem the callable Refunded Bonds and the direction to the Escrow Agent to cause notice thereof to be given as provided in this paragraph shall become irrevocable, provided that this paragraph may be amended from time to time as may be necessary in order to comply with the publication requirements of paragraph a of Section 53.00 of the Local Finance Law, or any successor law thereto.

Section 10. The Refunding Bonds shall be sold at public competitive sale or at private sale to an underwriter as shall be determined by the City Treasurer for purchase prices to be determined by the City Treasurer, plus accrued interest from the date or dates of the Refunding Bonds to the date or dates of the delivery of and payment for the Refunding Bonds. Subject to the approval of the terms and conditions of such private sale by the State Comptroller as may be required by subdivision 2 of paragraph f of Section 90.10 of the Local Finance Law, the City Treasurer is hereby authorized to execute and deliver a purchase contract for the Refunding Bonds in the name and on behalf of the City providing the terms and conditions for the sale and delivery of the Refunding Bonds to the Underwriter if sold at private sale. After the Refunding Bonds have been duly executed, they shall be delivered by the City Treasurer to the purchaser or to the underwriter in accordance with said purchase contract upon the receipt by the City of said the purchase price, including accrued interest.

Section 11. The City Treasurer and all other officers, employees and agents of the City are hereby authorized and directed for and on behalf of the City to execute and deliver all certificates and other documents, perform all acts and do all things required or contemplated to be executed, performed or done by this resolution or any document or agreement approved hereby.

Section 12. All other matters pertaining to the terms and issuance of the Refunding Bonds shall be determined by the City Treasurer and all powers in connection thereof are hereby delegated to the City Treasurer. The City Treasurer shall be further authorized to issue said Refunding Bonds pursuant to Section 90.00 or Section 90.10 of the Local Finance Law as said officer shall determine necessary.

Section 13. The validity of the Refunding Bonds may be contested only if:

1. Such obligations are authorized for an object or purpose for which said City is not authorized to expend money, or
2. The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

3. Such obligations are authorized in violation of the provisions of the Constitution.

Section 14. A summary of this resolution, which takes effect immediately, shall be published in the official newspapers of said City, together with a notice of the City Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

Dated: April 5, 2022.



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March 30, 2022

Via E-Mail (kkelly@Middletown-ny.com)

Ms. Kelly Ann Kelly
City Treasurer
City of Middletown
16 James Street
Middletown, NY 10904

Re: City of Middletown, Orange County, New York
Proposed Refunding Bond Resolution — 2014 Refunded Bonds
Orrick File: 42347-2-503

Dear Kelly Ann:

For your consideration, enclosed please find one copy of a form of refunding bond resolution for possible adoption by the Common Council. Please attach as Exhibit A the Preliminary Refunding Financial Plan provided to you by Capital Markets Advisors, LLC, with the par amount of \$4,945,000 dated March 15, 2022, 4:06 p.m. This resolution requires the affirmative vote of two-thirds of the voting strength of the Common Council for adoption.

Also enclosed is a Legal Notice of estoppel attached to which is a summary form of the Refunding Bond Resolution for publication. This summary form does not include the exhibits in order to cut down on publication costs. This should be published when convenient after adoption.

We will need an **ORIGINALLY** certified copy of the Refunding Bond Resolution, as well as an **ORIGINAL** printer's affidavit of publication of the Legal Notice of estoppel when available, first sent to us by pdf. These originals should also be sent to us at our office via overnight delivery.

Please do not hesitate to call if you have any questions.

With best wishes,

Very truly yours,

Tom

Thomas E. Myers

TEM/es

Enclosures

cc: Ms. Janet Morley (jmorley@capmark.org)

REFUNDING BOND RESOLUTION

At a regular meeting of the Common Council of the City of Middletown, Orange County, New York, held at the Common Council Chambers, City Hall, in Middletown, New York, in said City, on the 5th day of April, 2022, at ____:____ o'clock P.M., Prevailing Time.

The meeting was called to order by _____, and upon roll being called, the following were

PRESENT:

ABSENT:

The following resolution was offered by Councilman _____, who moved its adoption, seconded by Councilman _____, to-wit:

REFUNDING BOND RESOLUTION DATED APRIL 5, 2022.

A RESOLUTION AUTHORIZING THE ISSUANCE PURSUANT TO SECTION 90.00 OR SECTION 90.10 OF THE LOCAL FINANCE LAW OF REFUNDING BONDS OF THE CITY OF MIDDLETOWN, ORANGE COUNTY, NEW YORK, TO BE DESIGNATED SUBSTANTIALLY "PUBLIC IMPROVEMENT REFUNDING (SERIAL) BONDS", AND PROVIDING FOR OTHER MATTERS IN RELATION THERETO AND THE PAYMENT OF THE BONDS TO BE REFUNDED THEREBY.

WHEREAS, the City of Middletown, Orange County, New York (hereinafter, the "City") heretofore issued \$6,292,900 Public Improvement (Serial) Bonds, 2014, dated February 20, 2014, pursuant to separate bond resolutions to pay the cost of various capital purposes in and for said City as further described in the bond determinations certificate of the City Treasurer dated February 20, 2014 (hereinafter referred to as the "Refunded Bond Determinations Certificate"), such Public Improvement (Serial) Bonds, 2014, being dated February 20, 2014 with remaining maturities on February 15 in the years 2023 through 2039, both inclusive, as more fully described in the Refunded Bond Determinations Certificate (the "Refunded Bonds"); and

WHEREAS, it would be in the public interest to refund all or a portion of the \$4,850,000 outstanding principal balance of said bonds maturing in the years 2023 to 2039, both inclusive (the "Refunded Bonds") by the issuance of refunding bonds pursuant to Section 90.00 or Section 90.10 of the Local Finance Law; and

WHEREAS, such refunding will result in present value savings in debt service as so required by Section 90.10 of the Local Finance Law; NOW, THEREFORE, BE IT

RESOLVED, by the Common Council of the City of Middletown, Orange County, New York, as follows:

Section 1. For the object or purpose of refunding the \$4,850,000 outstanding principal balance of the Refunded Bonds, including providing moneys which, together with the interest earned from the investment of certain of the proceeds of the refunding bonds herein authorized, shall be sufficient to pay (i) the principal amount of the Refunded Bonds, (ii) the aggregate amount of unmatured interest payable on the Refunded Bonds to and including the date on which the Refunded Bonds which are callable are to be called prior to their respective maturities in accordance with the refunding financial plan, as hereinafter defined, (iii) the costs and expenses incidental to the issuance of the refunding bonds

herein authorized, including the development of the refunding financial plan, as hereinafter defined, compensation to the underwriter or underwriters, as hereinafter defined, costs and expenses of executing and performing the terms and conditions of the escrow contract or contracts, as hereinafter defined, and fees and charges of the escrow holder or holders, as hereinafter mentioned, (iv) the redemption premium payable on the Refunded Bonds, and (v) the premium or premiums for a policy or policies of municipal bond insurance or cost or costs of other credit enhancement facility or facilities, for the refunding bonds herein authorized, or any portion thereof, there are hereby authorized to be issued not exceeding \$5,100,000 refunding serial bonds of the City pursuant to the provisions of Section 90.00 or Section 90.10 of the Local Finance Law (the "Public Improvement Refunding Bonds" or the "Refunding Bonds"), it being anticipated that the amount of Refunding Bonds actually to be issued will be approximately \$4,945,000, as provided in Section 4 hereof. The City Refunding Bonds shall each be designated substantially "PUBLIC IMPROVEMENT REFUNDING (SERIAL) BOND" together with such series designation and year as is appropriate on the date of sale thereof, shall be of the denomination of \$5,000 or any integral multiple thereof (except for any odd denominations, if necessary) not exceeding the principal amount of each respective maturity, shall be numbered with the prefix R-22 (or R with the last two digits of the year in which the Refunding Bonds are issued as appropriate) followed by a dash and then from 1 upward, shall be dated on such dates, and shall mature annually on such dates in such years, bearing interest semi-annually on such dates, at the rate or rates of interest per annum, as may be necessary to sell the same, all as shall be determined by the City Treasurer pursuant to Section 4 hereof. It is hereby further determined that (a) such Refunding Bonds may be issued in series, (b) such Refunding Bonds may be sold at a discount in the manner authorized by paragraph e of Section 57.00 of the Local Finance Law and pursuant to subdivision 2 of paragraph f of Section 90.10 of the Local Finance Law, and (c) such Refunding Bonds may be issued as a single consolidated issue. It is hereby further determined that such Refunding Bonds may be issued to refund all, or any portion of, the Refunded Bonds, subject to the limitation hereinafter described in Section 10 hereof relating to approval by the State Comptroller.

Section 2. The Refunding Bonds may be subject to redemption prior to maturity upon such terms as the City Treasurer shall prescribe, which terms shall be in compliance with the requirements of Section 53.00 (b) of the Local Finance Law. If less than all of the Refunding Bonds of any maturity are to

be redeemed, the particular refunding bonds of such maturity to be redeemed shall be selected by the City by lot in any customary manner of selection as determined by the City Treasurer.

The Refunding Bonds shall be issued in registered form and shall not be registrable to bearer or convertible into bearer coupon form. In the event said Refunding Bonds are issued in non-certificated form, such bonds, when issued, shall be initially issued in registered form in denominations such that one bond shall be issued for each maturity of bonds and shall be registered in the name of Cede & Co., as nominee of The Depository Trust Company, New York, New York ("DTC"), which will act as securities depository for the bonds in accordance with the Book-Entry-Only system of DTC. In the event that either DTC shall discontinue the Book-Entry-Only system or the City shall terminate its participation in such Book-Entry-Only system, such bonds shall thereafter be issued in certificated form of the denomination of \$5,000 each or any integral multiple thereof (except for any odd denominations, if necessary) not exceeding the principal amount of each respective maturity. In the case of non-certificated Refunding Bonds, principal of and interest on the bonds shall be payable by check or draft mailed by the Fiscal Agent (as hereinafter defined) to The Depository Trust Company, New York, New York, or to its nominee, Cede & Co., while the bonds are registered in the name of Cede & Co. in accordance with such Book-Entry-Only System. Principal shall only be payable upon surrender of the bonds at the principal corporate trust office of such Fiscal Agent (or at the office of the City Clerk as Fiscal Agent as hereinafter provided).

In the event said Refunding Bonds are issued in certificated form, principal of and interest on the Refunding Bonds shall be payable by check or draft mailed by the Fiscal Agent (as hereinafter defined) to the registered owners of the Refunding Bonds as shown on the registration books of the City maintained by the Fiscal Agent (as hereinafter defined), as of the close of business on the fifteenth day of the calendar month or last business day of the calendar month preceding each interest payment date as appropriate and as provided in a certificate of the City Treasurer providing for the details of the Refunding Bonds. Principal shall only be payable upon surrender of bonds at the principal corporate trust office of a bank or trust company or banks or trust companies located or authorized to do business in the State of New York, as shall hereafter be designated by the City Treasurer as fiscal agent of the City for the Refunding Bonds (collectively the "Fiscal Agent").

Refunding Bonds in certificated form may be transferred or exchanged at any time prior to maturity at the principal corporate trust office of the Fiscal Agent for bonds of the same maturity of any authorized denomination or denominations in the same aggregate principal amount.

Principal and interest on the Refunding Bonds will be payable in lawful money of the United States of America.

The City Treasurer, as chief fiscal officer of the City, is hereby authorized and directed to enter into an agreement or agreements containing such terms and conditions as he or she shall deem proper with the Fiscal Agent, for the purpose of having such bank or trust company or banks or trust companies act, in connection with the Refunding Bonds, as the Fiscal Agent for said City, to perform the services described in Section 70.00 of the Local Finance Law, and to execute such agreement or agreements on behalf of the City, regardless of whether the Refunding Bonds are initially issued in certificated or non-certificated form; provided, however, that the City Treasurer is also hereby authorized to name the City Clerk as the Fiscal Agent in connection with the Refunding Bonds.

The City Treasurer is hereby further delegated all powers of this Common Council with respect to agreements for credit enhancement, derived from and pursuant to Section 168.00 of the Local Finance Law, for said Refunding Bonds, including, but not limited to the determination of the provider of such credit enhancement facility or facilities and the terms and contents of any agreement or agreements related thereto.

The Refunding Bonds shall be executed in the name of the City by the manual or facsimile signature of the City Treasurer, and a facsimile of its corporate seal shall be imprinted thereon. In the event of facsimile signature, the Refunding Bonds shall be authenticated by the manual signature of an authorized officer or employee of the Fiscal Agent. The Refunding Bonds shall contain the recital required by subdivision 4 of paragraph g of Section 90.00 of the Local Finance Law or subdivision 4 of paragraph j of Section 90.10 of the Local Finance Law, as applicable, and the recital of validity clause provided for in Section 52.00 of the Local Finance Law and shall otherwise be in such form and contain such recitals, in addition to those required by Section 51.00 of the Local Finance Law, as the City Treasurer shall determine. It is hereby determined that it is to the financial advantage of the City not to impose and collect from registered owners of the Refunding Bonds any charges for mailing, shipping and insuring bonds

transferred or exchanged by the Fiscal Agent, and, accordingly, pursuant to paragraph c of Section 70.00 of the Local Finance Law, no such charges shall be so collected by the Fiscal Agent.

Section 3. It is hereby determined that:

(a) the maximum amount of the Refunding Bonds authorized to be issued pursuant to this resolution does not exceed the limitation imposed by subdivision 1 of paragraph b of Section 90.10 of the Local Finance Law;

(b) the maximum period of probable usefulness permitted by law at the time of the issuance of the Refunded Bonds, for the objects or purposes financed by the Refunded Bonds, pursuant to paragraph a of Section 11.00 of the Local Finance Law, is as described in Exhibit A attached hereto and hereby made a part hereof;

(c) the last installment of the Refunding Bonds will mature not later than the expiration of the period of probable usefulness of the objects or purposes for which said Refunded Bonds were issued in accordance with the provisions of subdivision 1 of paragraph a of Section 90.00 of the Local Finance Law and subdivision 1 of paragraph c of Section 90.10 of the Local Finance Law, as applicable;

(d) the estimated present value of the total debt service savings anticipated as a result of the issuance of the Refunding Bonds, if any, computed in accordance with the provisions of subdivision 2 of paragraph b of Section 90.10 of the Local Finance Law, is as shown in the Refunding Financial Plan described in Section 4 hereof.

Section 4. The financial plan for the aggregate of the refundings authorized by this resolution (collectively, the "Refunding Financial Plan"), showing the sources and amounts of all moneys required to accomplish such refundings, the estimated present value of the total debt service savings and the basis for the computation of the aforesaid estimated present value of total debt service savings, are set forth in Exhibit B attached hereto and hereby made a part hereof. The Refunding Financial Plan has been prepared based upon the assumption that the Refunding Bonds will be issued in one series to refund all of the Refunded Bonds in the principal amount of \$4,945,000, and that the Refunding Bonds will mature, be of such terms, and bear interest as set forth in said Exhibit B. This Common Council recognizes that the Refunding Bonds may be issued in one or more series, and for all of the Refunded Bonds, or portions

thereof, that the amount of the Refunding Bonds, maturities, terms, and interest rate or rates borne by the Refunding Bonds to be issued by the City will most probably be different from such assumptions and that the Refunding Financial Plan will also most probably be different from that attached hereto as Exhibit B. The City Treasurer is hereby authorized and directed to determine which of the Refunded Bonds will be refunded and at what time, the amount of the Refunding Bonds to be issued, the date or dates of such bonds and the date or dates of issue, maturities and terms thereof, the provisions relating to the redemption of Refunding Bonds prior to maturity, whether the Refunding Bonds will be insured by a policy or policies of municipal bond insurance or otherwise enhanced by a credit enhancement facility or facilities, whether the Refunding Bonds shall be sold at a discount in the manner authorized by paragraph e of Section 57.00 of the Local Finance Law, and the rate or rates of interest to be borne thereby, whether the Refunding Bonds shall be issued having substantially level or declining annual debt service and all matters related thereto, and to prepare, or cause to be provided, a final Refunding Financial Plan for the Refunding Bonds and all powers in connection therewith are hereby delegated to the City Treasurer; provided, that the terms of the Refunding Bonds to be issued, including the rate or rates of interest borne thereby, shall comply with the requirements of Section 90.00 or Section 90.10 of the Local Finance Law as applicable. The City Treasurer shall file a copy of his certificate determining the details of the Refunding Bonds and the final Refunding Financial Plan with the City Clerk not later than ten (10) days after the delivery of the Refunding Bonds, as herein provided.

Section 5. The City Treasurer is hereby authorized and directed to enter into an escrow contract or contracts (collectively the "Escrow Contract") with a bank or trust company, or with banks or trust companies, located and authorized to do business in this State as said City Treasurer shall designate (collectively the "Escrow Holder") for the purpose of having the Escrow Holder act, in connection with the Refunding Bonds, as the escrow holder to perform the services described in Section 90.10 of the Local Finance Law.

Section 6. The faith and credit of said City of Middletown, Orange County, New York, are hereby irrevocably pledged to the payment of the principal of and interest on the Refunding Bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. To

the extent not paid from other sources, there shall be annually levied on all the taxable real property in said City a tax sufficient to pay the principal of and interest on such Refunding Bonds as the same become due and payable.

Section 7. All of the proceeds from the sale of the Refunding Bonds, including the premium, if any, but excluding accrued interest thereon, shall immediately upon receipt thereof be placed in escrow with the Escrow Holder for the Refunded Bonds. Accrued interest on the Refunding Bonds shall be paid to the City to be expended to pay interest on the Refunding Bonds. Such proceeds as are deposited in the escrow deposit fund to be created and established pursuant to the Escrow Contract, whether in the form of cash or investments, or both, inclusive of any interest earned from the investment thereof, shall be irrevocably committed and pledged to the payment of the principal of and interest on the Refunded Bonds in accordance with Section 90.10 of the Local Finance Law, and the holders, from time to time, of the Refunded Bonds shall have a lien upon such moneys held by the Escrow Holder. Such pledge and lien shall become valid and binding upon the issuance of the Refunding Bonds and the moneys and investments held by the Escrow Holder for the Refunded Bonds in the escrow deposit fund shall immediately be subject thereto without any further act. Such pledge and lien shall be valid and binding as against all parties having claims of any kind in tort, contract or otherwise against the City irrespective of whether such parties have notice thereof.

Section 8. Notwithstanding any other provision of this resolution, so long as any of the Refunding Bonds shall be outstanding, the City shall not use, or permit the use of, any proceeds from the sale of the Refunding Bonds in any manner which would cause the Refunding Bonds to be an "arbitrage bond" as defined in Section 148 of the Internal Revenue Code of 1986, as amended, and, to the extent applicable, the Regulations promulgated by the United States Treasury Department thereunder.

Section 9. In accordance with the provisions of Section 53.00 and of paragraph h of Section 90.10 of the Local Finance Law, in the event such bonds are refunded, the City hereby elects to call in and redeem each of the Refunded Bonds which the City Treasurer shall determine to be refunded in accordance with the provisions of Section 4 hereof and with regard to which the right of early redemption exists. The sum to be paid therefor on such redemption date shall be the par value thereof, and the accrued interest to such redemption date. The Escrow Agent for the Refunding Bonds is hereby

authorized and directed to cause notice of such call for redemption to be given in the name of the City in the manner and within the times provided in the Refunded Bond Certificate. Such notice of redemption shall be in substantially the form attached to the Escrow Contract. Upon the issuance of the Refunding Bonds, the election to call in and redeem the callable Refunded Bonds and the direction to the Escrow Agent to cause notice thereof to be given as provided in this paragraph shall become irrevocable, provided that this paragraph may be amended from time to time as may be necessary in order to comply with the publication requirements of paragraph a of Section 53.00 of the Local Finance Law, or any successor law thereto.

Section 10. The Refunding Bonds shall be sold at public competitive sale or at private sale to an underwriter as shall be determined by the City Treasurer for purchase prices to be determined by the City Treasurer, plus accrued interest from the date or dates of the Refunding Bonds to the date or dates of the delivery of and payment for the Refunding Bonds. Subject to the approval of the terms and conditions of such private sale by the State Comptroller as may be required by subdivision 2 of paragraph f of Section 90.10 of the Local Finance Law, the City Treasurer is hereby authorized to execute and deliver a purchase contract for the Refunding Bonds in the name and on behalf of the City providing the terms and conditions for the sale and delivery of the Refunding Bonds to the Underwriter if sold at private sale. After the Refunding Bonds have been duly executed, they shall be delivered by the City Treasurer to the purchaser or to the underwriter in accordance with said purchase contract upon the receipt by the City of said the purchase price, including accrued interest.

Section 11. The City Treasurer and all other officers, employees and agents of the City are hereby authorized and directed for and on behalf of the City to execute and deliver all certificates and other documents, perform all acts and do all things required or contemplated to be executed, performed or done by this resolution or any document or agreement approved hereby.

Section 12. All other matters pertaining to the terms and issuance of the Refunding Bonds shall be determined by the City Treasurer and all powers in connection thereof are hereby delegated to the City Treasurer. The City Treasurer shall be further authorized to issue said Refunding Bonds pursuant to Section 90.00 or Section 90.10 of the Local Finance Law as said officer shall determine necessary.

Section 13. The validity of the Refunding Bonds may be contested only if:

1. Such obligations are authorized for an object or purpose for which said City is not authorized to expend money, or
2. The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

3. Such obligations are authorized in violation of the provisions of the Constitution.

Section 14. A summary of this resolution, which takes effect immediately, shall be published in the official newspapers of said City, together with a notice of the City Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

Dated: April 5, 2022.

The foregoing resolution was duly put to a vote which resulted as follows:

_____	VOTING	_____
_____	VOTING	_____
_____	VOTING	_____
_____	VOTING	_____
_____	VOTING	_____
_____	VOTING	_____
_____	VOTING	_____
_____	VOTING	_____
_____	VOTING	_____

The resolution was thereupon declared duly adopted.

* * * * *

CERTIFICATION

STATE OF NEW YORK)
) ss.:
COUNTY OF ORANGE)

I, the undersigned Clerk of the City of Middletown, Orange County, New York (the "Issuer"), DO
HEREBY CERTIFY:

- 1) That a meeting of the Issuer was duly called, held and conducted on the 5th day of April, 2022.
- 2) That such meeting was a **special regular** (circle one) meeting.
- 3) That attached hereto is a proceeding of the Issuer which was duly adopted at such meeting by the Board of the Issuer.
- 4) That such attachment constitutes a true and correct copy of the entirety of such proceeding as so adopted by said Board.
- 5) That all members of the Board of the Issuer had due notice of said meeting.
- 6) That said meeting was open to the general public in accordance with Section 103 of the Public Officers Law, commonly referred to as the "Open Meetings Law".
- 7) That notice of said meeting (the meeting at which the proceeding was adopted) was given PRIOR THERETO in the following manner:

PUBLICATION (here insert newspaper(s) and date(s) of publication)

POSTING (here insert place(s) and date(s) of posting)

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Issuer this
_____ day of April, 2022.

(CORPORATE
SEAL)

City Clerk

EXHIBIT A

REFUNDED BOND ISSUES OBJECTS OR PURPOSES AND PERIODS OF PROBABLE USEFULNESS

\$6,292,900 Public Improvement (Serial) Bonds, 2014

Sewer system reconstruction. A specific object or purpose. Period of probable usefulness: 40 years pursuant to subdivision 4 of Section 11.00 of the Local Finance Law, computed from the date of the first obligations issued therefor for the specific object or purpose, as provided in the Bond Determinations Certificate for said bonds dated February 20, 2014.

Sewer system reconstruction. A specific object or purpose. Period of probable usefulness: 40 years pursuant to subdivision 4 of Section 11.00 of the Local Finance Law, computed from the date of the first obligations issued therefor for the specific object or purpose, as provided in the Bond Determinations Certificate for said bonds dated February 20, 2014.

Purchase fire trucks. A class of objects or purposes. Period of probable usefulness: 20 years pursuant to subdivision 27 of Section 11.00 of the Local Finance Law, computed from the date of the first obligations issued therefor for the specific object or purpose, as provided in the Bond Determinations Certificate for said bonds dated February 20, 2014.

Machinery and equipment (15 years). A class of objects or purposes. Period of probable usefulness: 15 years pursuant to subdivision 28 of Section 11.00 of the Local Finance Law, computed from the date of the first obligations issued therefor for the class of objects or purposes, as provided in the Bond Determinations Certificate for said bonds dated February 20, 2014.

Machinery and equipment (10 years). A class of objects or purposes. Period of probable usefulness: 10 years pursuant to subdivision 28 of Section 11.00 of the Local Finance Law, computed from the date of the first obligations issued therefor for the class of objects or purposes, as provided in the Bond Determinations Certificate for said bonds dated February 20, 2014.

Improvements to buildings. A class of objects or purposes. Period of probable usefulness: 25 years pursuant to subdivision 12 of Section 11.00 of the Local Finance Law, computed from the date of the first obligations issued therefor for the class of objects or purposes, as provided in the Bond Determinations Certificate for said bonds dated February 20, 2014.

Pole barn. A specific object or purpose. Period of probable usefulness: 30 years pursuant to subdivision 11 of Section 11.00 of the Local Finance Law, computed from the date of the first obligations issued therefor for the class of objects or purposes, as provided in the Bond Determinations Certificate for said bonds dated February 20, 2014.

Water meters. A specific object or purpose. Period of probable usefulness: 20 years pursuant to subdivision 30 of Section 11.00 of the Local Finance Law, computed from the date of the first obligations issued therefor for the class of objects or purposes, as provided in the Bond Determinations Certificate for said bonds dated February 20, 2014.

Water and sewer mains. Each a specific object or purpose. Period of probable usefulness: 40 years pursuant to subdivision 1 and 4 of Section 11.00 of the Local Finance Law, computed from the date of the first obligations issued therefor for the specific object or purpose, as provided in the Bond Determinations Certificate for said bonds dated February 20, 2014.

Cottage and Prince Steet sewers. Each A specific object or purpose. Period of probable usefulness: 40 years pursuant to subdivision 4 of Section 11.00 of the Local Finance Law, computed from the date of the first obligations issued therefor for the specific object or purpose, as provided in the Bond Determinations Certificate for said bonds dated February 20, 2014.

Municipal pool. A specific object or purpose. Period of probable usefulness: 15 years pursuant to subdivision 61 of Section 11.00 of the Local Finance Law, computed from the date of the first obligations issued therefor for the specific object or purpose, as provided in the Bond Determinations Certificate for said bonds dated February 20, 2014.

Recreation. A specific object or purpose. Period of probable usefulness: 15 years pursuant to subdivision 19 of Section 11.00 of the Local Finance Law, computed from the date of the first obligations issued therefor for the specific object or purpose, as provided in the Bond Determinations Certificate for said bonds dated February 20, 2014.

Water Treatment Plant – Phase I. A specific object or purpose. Period of probable usefulness: 40 years pursuant to subdivision 1 of Section 11.00 of the Local Finance Law, computed from the date of the first obligations issued therefor for the specific object or purpose, as provided in the Bond Determinations Certificate for said bonds dated February 20, 2014.

Water Treatment Plant – Phase II. A specific object or purpose. Period of probable usefulness: 40 years pursuant to subdivision 1 of Section 11.00 of the Local Finance Law, computed from the date of the first obligations issued therefor for the specific object or purpose, as provided in the Bond Determinations Certificate for said bonds dated February 20, 2014.

Mill Pond. A specific object or purpose. Period of probable usefulness: 15 years pursuant to subdivision 20 of Section 11.00 of the Local Finance Law, computed from the date of the first obligations issued therefor for the specific object or purpose, as provided in the Bond Determinations Certificate for said bonds dated February 20, 2014.

Garbage truck. A specific object or purpose. Period of probable usefulness: 15 years pursuant to subdivision 28 of Section 11.00 of the Local Finance Law, computed from the date of the first obligations issued therefor for the specific object or purpose, as provided in the Bond Determinations Certificate for said bonds dated February 20, 2014.

Reconstruction of water supply system. A specific object or purpose. Period of probable usefulness: 40 years pursuant to subdivision 1 of Section 11.00 of the Local Finance Law, computed from the date of the first obligations issued therefor for the specific object or purpose, as provided in the Bond Determinations Certificate for said bonds dated February 20, 2014.

Reconstruction of water supply system. A specific object or purpose. Period of probable usefulness: 40 years pursuant to subdivision 1 of Section 11.00 of the Local Finance Law, computed from the date of the first obligations issued therefor for the specific object or purpose, as provided in the Bond Determinations Certificate for said bonds dated February 20, 2014.

Acquisition of building. A specific object or purpose. Period of probable usefulness: 30 years pursuant to subdivision 11 of Section 11.00 of the Local Finance Law, computed from the date of the first obligations issued therefor for the specific object or purpose, as provided in the Bond Determinations Certificate for said bonds dated February 20, 2014.

Refunded Bonds issued with substantially level or declining annual debt service. Allocated to each financed object or purpose on a pro-rata basis in each maturity based on principal amount allocable to each object or purpose.

EXHIBIT B

PRELIMINARY REFUNDING FINANCIAL PLAN

**CITY OF MIDDLETOWN,
ORANGE COUNTY, NEW YORK**

LEGAL NOTICE OF ESTOPPEL

NOTICE IS HEREBY GIVEN that the resolution, a summary of which is published herewith, has been adopted by the Common Council of the City of Middletown, Orange County, New York, on April 5, 2022, and the validity of the obligations authorized by such resolution may be hereafter contested only if such obligations were authorized for an object or purpose for which said City is not authorized to expend money, or if the provisions of law which should have been complied with as of the date of publication of this notice were not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of publication of this notice, or such obligations were authorized in violation of the provisions of the Constitution.

Dated: Middletown, New York

April 5, 2022

/s/ Richard McCormack
City Clerk

SUMMARY OF REFUNDING BOND RESOLUTION DATED APRIL 5, 2022.

SUMMARY OF A RESOLUTION AUTHORIZING THE ISSUANCE PURSUANT TO SECTION 90.00 OR SECTION 90.10 OF THE LOCAL FINANCE LAW OF REFUNDING BONDS OF THE CITY OF MIDDLETOWN, ORANGE COUNTY, NEW YORK, TO BE DESIGNATED SUBSTANTIALLY "PUBLIC IMPROVEMENT REFUNDING (SERIAL) BONDS", AND PROVIDING FOR OTHER MATTERS IN RELATION THERETO.

WHEREAS, the City of Middletown, Orange County, New York (hereinafter, the "City") heretofore issued Public Improvement (Serial) Bonds, 2014 (the "2014 Bonds"); and

WHEREAS, it would be in the public interest to refund all or a portion of the outstanding \$4,850,000 principal balance of the 2014 Bonds maturing in 2023 and thereafter (the "Refunded Bonds"), by the issuance of refunding bonds pursuant to Section 90.00 or Section 90.10 of the Local Finance Law;

NOW, THEREFORE, BE IT RESOLVED, by the Common Council of the City of Middletown, Orange County, New York, as follows:

Section 1. For the object or purpose of refunding the \$4,850,000 outstanding aggregate principal balance of the Refunded Bonds, including providing moneys which, together with the interest

earned from the investment of certain of the proceeds of the refunding bonds herein authorized, shall be sufficient to pay (i) the principal amount of the Refunded Bonds, (ii) the aggregate amount of unmatured interest payable on the Refunded Bonds to and including the date on which the Refunded Bonds which are callable are to be called prior to their respective maturities in accordance with the refunding financial plan, as hereinafter defined, (iii) the costs and expenses incidental to the issuance of the refunding bonds herein authorized, (iv) the redemption premium payable on the Refunded Bonds, and (v) the premium or premiums for a policy or policies of municipal bond insurance or cost or costs of other credit enhancement facility or facilities, for the refunding bonds herein authorized, or any portion thereof, there are hereby authorized to be issued not exceeding \$5,100,000 refunding serial bonds of the City pursuant to the provisions of Section 90.00 or Section 90.10 of the Local Finance Law (the "City Refunding Bonds" or the "Refunding Bonds"), it being anticipated that the amount of Refunding Bonds actually to be issued will be approximately \$4,945,000, as provided in Section 4 hereof.

Section 2. The Refunding Bonds may be subject to redemption prior to maturity upon such terms as the City Treasurer shall prescribe, which terms shall be in compliance with the requirements of Section 53.00 (b) of the Local Finance Law.

Section 3. It is hereby determined that:

(a) the maximum amount of the Refunding Bonds authorized to be issued pursuant to this resolution does not exceed the limitation imposed by subdivision 1 of paragraph b of Section 90.10 of the Local Finance Law;

(b) the maximum period of probable usefulness permitted by law at the time of the issuance of the Refunded Bonds, for the objects or purposes financed therein is as provided in the Bond Determinations Certificate therefor, referenced in Exhibit A attached to the complete text of this resolution (the "Complete Resolution"), which Exhibit A is not published herewith;

(c) the last installment of the Refunding Bonds will mature not later than the expiration of the period of probable usefulness of the objects or purposes for which said Refunded Bonds were issued in accordance with the provisions of subdivision 1 of paragraph a of Section 90.00 of the Local Finance Law and subdivision 1 of paragraph c of Section 90.10 of the Local Finance Law; and

(d) the estimated present value of the total debt service savings anticipated as a result of the issuance of the Refunding Bonds, if any, computed in accordance with the provisions of subdivision 2 of paragraph b of Section 90.10 of the Local Finance Law, with regard to the Refunded Bonds, is \$260,439.15 as shown in the Refunding Financial Plan described in Section 4 hereof.

Section 4. The financial plan for the refunding authorized by this resolution (the "Refunding Financial Plan"), showing the sources and amounts of all moneys required to accomplish such refundings are as provided in Exhibit B attached to the Complete Resolution. The Refunding Financial Plan has been prepared based upon the assumption that the Refunding Bonds will be issued, in one series to refund all of the Refunded Bonds, in the principal amount of \$4,945,000, and that the Refunding Bonds will mature, be of such terms, and bear interest as set forth in said Exhibit B.

Section 5. The City Treasurer is hereby authorized and directed to enter into an escrow contract or contracts (collectively the "Escrow Contract") with a bank or trust company, or with banks or trust companies, located and authorized to do business in this State as said City Treasurer shall designate (collectively the "Escrow Holder") for the purpose of having the Escrow Holder act, in connection with the Refunding Bonds, as the escrow holder to perform the services described in Section 90.10 of the Local Finance Law.

Section 6. The faith and credit of said City of Middletown, Orange County, New York, are hereby irrevocably pledged to the payment of the principal of and interest on the Refunding Bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. There shall be annually levied on all the taxable real property in said City a tax sufficient to pay the principal of and interest on such Refunding Bonds as the same become due and payable.

Section 7. All of the proceeds from the sale of the Refunding Bonds, including the premium, if any, but excluding accrued interest thereon, shall immediately upon receipt thereof be placed in escrow with the Escrow Holder for the Refunded Bonds.

Section 8. The City Treasurer is delegated authority to sell said Refunding Bonds at public competitive sale or at private sale to an underwriter as shall be hereafter determined by said City Treasurer and all details in connection therewith.

A COPY OF THE COMPLETE TEXT OF THIS RESOLUTION TOGETHER WITH EXHIBITS IS ON FILE IN THE OFFICE OF THE CITY CLERK WHERE IT IS AVAILABLE FOR PUBLIC INSPECTION DURING NORMAL BUSINESS HOURS UPON APPOINTMENT.

City of Middletown

Orange County, New York

\$4,945,000 Public Improvement Refunding (Serial) Bonds, 2022

Comparative Sale + 25,35 bps (as of 3.14.22)

Refunding Summary

Dated 05/15/2022 | Delivered 05/15/2022

Sources Of Funds

Par Amount of Bonds	\$4,945,000.00
Reoffering Premium	93,014.05
Total Sources	\$5,038,014.05

Uses Of Funds

Total Underwriter's Discount (0.500%)	24,725.00
Costs of Issuance	80,000.00
Gross Bond Insurance Premium (40.0 bp)	19,780.00
Deposit to Current Refunding Fund	4,909,658.58
Rounding Amount	3,850.47
Total Uses	\$5,038,014.05

Flow of Funds Detail

State and Local Government Series (SLGS) rates for	3/15/2022
Date of OMP Candidates	
Current Refunding Escrow Solution Method	Net Funded
Total Cost of Investments	\$4,909,658.58
Interest Earnings @ 0.235%	928.12
Total Draws	\$4,910,586.70

Issues Refunded And Call Dates

2014 Bonds	6/14/2022
------------	-----------

PV Analysis Summary (Net to Net)

Net PV Cashflow Savings @ 2.951%(EIC)	256,588.68
Contingency or Rounding Amount	3,850.47
Net Present Value Benefit	\$260,439.15
Net PV Benefit / Refunded Principal	5.370%
Net PV Benefit / Refunding Principal	5.267%
Average Annual Cash Flow Savings	19,162.32
Total New Net D/S	6,447,078.13
Total Prior D/S	6,772,837.62
Total Cashflow Savings	325,759.49

Bond Statistics

Average Life	9.628 Years
Average Coupon	3.1550464%
Net Interest Cost (NIC)	3.0531553%
Bond Yield for Arbitrage Purposes	3.0005257%
True Interest Cost (TIC)	3.0628467%
Effective Interest Cost (EIC)	2.9509848%

Capital Markets Advisors, LLC
Independent Municipal Advisor

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

THE FOLLOWING WAS PRESENTED

By Ald. _____

Sec'd by Ald. _____

Date of Adoption 04.05.22

Index No: 69-22

NAMES	AYES	NOES	ABSTAIN	ABSENT
-------	------	------	---------	--------

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

RESOLVED that the Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment and approves a revised 2022 salary schedule for Part Time employees.

RECEIVED

MAR 31 2022

City Clerk
City of Middletown

Middletown Employees
Non-Union Part Time
Projected 2022 Increases

Dept	ID	Last Name	First Name	Pay Rate	3% Inc.	2022 3% Salary	YRLY HRS AVERAGE	2021 SALARY
DPW	6283	Cummings	Susan	15.49	0.4647	15,953.9	960	14,000.00
CS	1264	Welch	Pamela	17.18	0.5154	18,590.1	1043	26,745.39
PAR	1286	Gillen	Stephanie	15.00	0.4500	15,450.0	660	10,197.00
CD	1497	Zahorchak	Michael	15.61	0.4682	16,074.2	1100	17,681.60
PD	1603	Schumaci	John	20.07	0.6022	20,675.8	1144	23,653.12
PD	8838	Gallo	Nicholas	13.20	0.3960	13,596.0	1044	14,187.43
srs	1716	Teixeira	Jaqueline	13.20	0.3960	13,596.0	1046	14,221.42
srs	1289	Sabater	Edwin	15.00	0.4500	15,450.0	185	2,858.25

Approved by BOE 3/10/2022

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

THE FOLLOWING WAS PRESENTED

By Ald. _____

Sec'd by Ald. _____

Date of Adoption 04.05.22

Index No: 70-22

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

RESOLVED that the Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment approving three separate agreements with Troy and Banks, Inc. to perform the following audits and authorizing the Mayor to sign said agreements.

- Municipal Franchise Fee Audit
- Gross Receipts Fee Audit
- Utility/Telecom Audit

The Fee for these audits will be 35% of any recoveries to the City as a result of these audits.

TROY & BANKS
♦ CONSULTANTS LLC ♦

THOMAS T. RANALLO
EDGAR H. POSTVEIT
SCOTT LEWIS, CPA
GARY L. SHARP
KEITH N. WIESE

2216 KENSINGTON AVENUE
KENSINGTON AT SARATOGA
BUFFALO, NY 14226
TOLL FREE (800) 499-8599
PHONE (716) 839-4402
FAX (716) 839-4452

Municipal Franchise Fee Audit
SCOPE OF SERVICES

RECEIVED

MAR 18 2022

CITY CLERK
CITY OF MIDDLETOWN

1. Verify the accurate reporting of revenues subject to franchise fee.
2. An evaluation of customer coding to determine if all customers inside of the incorporated boundaries of the City are properly coded as City locations.
3. Recalculate the franchise fee due the Client using the approved effective rates.
4. Issue report summarizing and explaining our findings.
5. Negotiate a financial settlement with utility if an underpayment is identified.

Municipal Franchise Fee Audit Documentation Requirements

1. Troy & Banks Municipal Franchise Fee Audit Agreement.
2. Municipal Franchise Fee Letter of Authorization.
3. Accounting payments detailing the monthly franchise fee calculations and revenue received.
4. Electronic listing (Excel Database) of all active addresses containing the zip codes within the City limits (residential/commercial/industrial). Street names should be sorted in alphabetical order with the related house/building numbers in numerical sequence.

TROY & BANKS
Utility and Telecommunication Consultants

Corporate Offices:

BUFFALO - NEW YORK
2216 Kensington Avenue
Kensington Avenue
at Saratoga
Buffalo, NY 14226
(800) 499-8599
(716) 839-4402
Telefax (716) 839-4452

Branch Offices:

CALIFORNIA
398 E. Carob Ave.
Fresno, CA 93654

Post Office Box 550700
So. Lake Tahoe, CA 96155

FLORIDA
Post Office Box 14192
Ft. Lauderdale, FL 33302

2330 Warbler Circle
Lakeland, FL 33810

NEW YORK
Rockefeller Center
Post Office Box 3968
New York, NY 10185
(212) 699-0621

450 Jericho Turnpike
Suite 203
Mineola, NY 11501
(516) 746-0992

31 Hidden Valley Road
Rochester, NY 14624

TEXAS
6418 Eckhart Rd. #3101
San Antonio, TX 78240

VIRGINIA
325 East Bayview Blvd.
Suite #201
Norfolk, VA 23503
(757) 932-1414

e-mail:
save@troybanks.com

internet address:
www.troybanks.com

Agreement

This Agreement is entered into as of _____ between Troy & Banks, Inc. ("TB") and

_____ with an address at

_____ (the "Client").

In consideration of the mutual agreements hereafter set forth, TB and Client agree as follows:

1. The Client engages TB to conduct a one-time audit of the City's collection of the Municipal Franchise Fee. T&B agrees to conduct such audit.
2. Municipal Franchise Fee Recovery – For any refunds, recoveries, credits or rebates identified and obtained by TB for collection of the Municipal Franchise Fee, TB shall be paid 35% of Municipal Franchise Fee that is owed to the City, TB shall be paid 35% of all monies refunded, credited or recovered for the City.
3. TB has made and makes no guarantee or assurance of any credit, refund or recovery amount or cost saving results.
4. **If Client does not receive refunds, credits, or reductions in future billings, there will be no fee for TB services.**
5. This Agreement sets forth the entire understanding and agreement between the parties.

[Client Name] _____

Troy & Banks, Inc.

By: _____

By: _____
Thomas T. Ranallo, President

Name: _____

Title: _____

Telephone: _____

Telefax: _____

LETTER OF AUTHORIZATION (LOA)

**PLEASE RETYPE THIS LETTER ONTO YOUR COMPANY
LETTERHEAD**

Date:

Company subject to Municipal Franchise Fee as defined in _____ of the Charter of the City of _____

RE: Audit of Municipal Franchise Fee

Dear Representative:

We have this date engaged Troy & Banks, Inc. as utility and telephone consultants to serve as our agent for auditing and evaluating the City of _____ collections of the Municipal Franchise Fee.

Please respond to Troy & Banks, Inc. in all matters regarding payment of Municipal Franchise Fee to the City of _____. This includes providing all billing information, billing records, correspondence, payment records and jurisdictional coding information related to the Municipal Franchise Fee. This authorization shall continue until same is canceled in writing from our office.

Troy & Banks is hereby authorized to pursue the franchise fee due to the City of _____ for past underpayments of fees and act as our agent should a refund check be desired in lieu of a credit.

Their representative will present this request when contacting your offices.

Very truly yours,

Print Name:
Title:

TROY & BANKS
♦ CONSULTANTS LLC ♦

RECEIVED

MAR 18 2022

CITY CLERK

CITY OF MIDDLETOWN

2216 KENSINGTON AVENUE
KENSINGTON AT SARATOGA
BUFFALO, NY 14226
TOLL FREE (800) 499-8599
PHONE (716) 839-4402
FAX (716) 839-4452

THOMAS T. RANALLO
EDGAR H. FOSTVEIT
SCOTT LEWIS, CPA
GARY L. SHARP
KEITH N. WIESE
KEITH G. TYSON

Gross Receipts Tax (Gross Operating Revenue) Audit
SCOPE OF SERVICES

1. Verify the accurate reporting of revenues subject to tax;
2. An evaluation of customer coding to determine if all customers inside of the incorporated boundaries of the City are properly coded as City locations.
3. Recalculate the franchise fee due the Client using the approved effective rates.
4. Issue report summarizing and explaining our findings.
5. Negotiate a financial settlement with cable operator if an underpayment exists.

Gross Receipts Tax Audit Documentation Requirements

1. Listing of all zip codes located inside of the City's incorporated boundaries including zip codes which may overlap with other jurisdictions.
2. Copy of the City or Municipal Charter that outlines the collection of Gross Receipts Tax (GRT).
3. Copies of GRT fee remittances covering the period under examination.
4. Electronic listing (Excel Database) of all addresses located inside of the City's incorporated boundaries. Street names should be sorted in alphabetical order with the related house numbers in numerical sequence. The street numbers should be sorted in numerical sequence also with related house numbers in numerical sequence. The City, State and Zip Codes should be in separate columns.

LETTER OF AUTHORIZATION (LOA)

**PLEASE RETYPE THIS LETTER ONTO YOUR COMPANY
LETTERHEAD**

Date:

Company subject to Gross Receipts Tax as defined in _____ of the Charter of the City of _____

RE: Audit of Gross Receipts Tax

Dear Representative:

We have this date engaged Troy & Banks, Inc. as utility and telephone consultants to serve as our agent for auditing and evaluating the City of _____ collections of the Gross Receipts Tax.

Please respond to Troy & Banks, Inc. in all matters regarding payment of Gross Receipts Tax to the City of _____. This includes providing all billing information, billing records, correspondence, payment records and jurisdictional coding information related to the Gross Receipts Tax. This authorization shall continue until same is canceled in writing from our office.

Troy & Banks is hereby authorized to pursue the tax due to the City of _____ for past underpayments of tax and act as our agent should a refund check be desired in lieu of a credit.

Their representative will present this request when contacting your offices.

Very truly yours,

Print Name:

Title:

TROY & BANKS
Utility and Telecommunication Consultants

Corporate Offices:

BUFFALO - NEW YORK
2216 Kensington Avenue
Kensington Avenue
at Saratoga
Buffalo, NY 14226
(800) 499-8599
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Branch Offices:

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Post Office Box 550700
So. Lake Tahoe, CA 96155

FLORIDA
1713 Whitehall Drive
Suite 203
Davie, FL 33324

Post Office Box 14192
Ft. Lauderdale, FL 33302

2330 Warbler Circle
Lakeland, FL 33810

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(212) 699-0621

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Williston Park, NY 11596
(516) 746-0992

31 Hidden Valley Road
Rochester, NY 14624

TEXAS
6418 Eckhert Rd. #3101
San Antonio, TX 78240

VIRGINIA
325 East Bayview Blvd.
Suite #201
Norfolk, VA 23503
(757) 932-1414

e-mail:
save@troybanks.com

internet address:
www.troybanks.com

Agreement

This Agreement is entered into as of _____ between Troy & Banks, Inc. ("TB") and

_____ with an address at

_____ (the "Client").

In consideration of the mutual agreements hereafter set forth, TB and Client agree as follows:

1. The Client engages TB to conduct a one-time audit of the City's collection of the Gross Receipts Tax (GRT). T&B agrees to conduct such audit.
2. GRT Recovery – For any refunds, recoveries, credits or rebates identified and obtained by TB for collection of the Gross Receipts Tax, TB shall be paid 35% of GRT that is owed to the City, TB shall be paid 35% of all monies refunded, credited or recovered for the City.
3. TB has made and makes no guarantee or assurance of any credit, refund or recovery amount or cost saving results.
4. **If Client does not receive refunds, credits, or reductions in future billings, there will be no fee for TB services.**
5. This Agreement sets forth the entire understanding and agreement between the parties.

[Client Name] _____

Troy & Banks, Inc.

By: _____

By: _____

Thomas T. Ranallo, President

Name: _____

Title: _____

Telephone: _____

Telefax: _____

MAR 18 2022

**CITY CLERK
CITY OF MIDDLETOWN**

Corporate Offices:

BUFFALO - NEW YORK

2216 Kensington Avenue
Kensington Avenue
at Saratoga
Buffalo, NY 14226
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2330 Warbler Circle
Lakeland, FL 33810

NEVADA

786 Bigler Court
Post Office Box 2678
Zephyr Cove, NV 89449

NEW YORK

Rockefeller Center
Post Office Box 3968
New York, NY 10185
(212) 699-0821

450 Jericho Turnpike
Suite 203
Mineola, NY 11501
(516) 746-0992

OREGON

111 SW Harrison St. 1D
Portland, OR 97201

TEXAS

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(757) 932-1414

e-mail:

save@troybanks.com

internet address:

www.troybanks.com

Agreement

This Agreement is entered into as of _____ between Troy & Banks, Inc. ("TB") and
_____ with an address at
_____ (the "Client").

In consideration of the mutual agreements hereafter set forth, TB and Client agree as follows:

1. The Client engages TB to conduct an audit or survey of Client's gas, electric, telecommunications and water/sewer utility ("Utility") service accounts for the purpose of securing refunds, credits and cost reductions resulting from discovery of charges or costs in excess of those permitted or allowed by applicable contracts, tariffs, statutes, rules and regulations and/or from overcharges or billing errors. TB agrees to conduct such audit.
2. Overcharges – For any refunds, credits or rebates obtained by TB for prior overcharges, billing errors or costs in excess of those permitted by applicable contracts, tariffs, statutes, rules or regulations, TB shall be paid 35% of all monies refunded or credited to the Client.
3. Future Cost Reductions - For any reductions in future costs for electric, gas, telecommunication and water services resulting from TB analysis, the fee is 35% of the amount saved each month for 12 months. TB will document actual monthly savings obtained by analysis of tariff cost applications.
4. TB has made and makes no guarantee or assurance of any credit or refund amount or cost saving results.
5. **If Client does not receive refunds, credits, or reductions in future billings, there will be no fee for TB services.**
6. This Agreement sets forth the entire understanding and agreement between the parties.

[Client Name] _____

Troy & Banks, Inc.

By: _____

By: _____
Thomas T. Ranallo, President

Name: _____

Title: _____

Telephone: _____

Telefax: _____

**PLEASE RETYPE THIS AUTHORIZATION FORM
ONTO YOUR COMPANY LETTERHEAD**

Date:

Our utility and telephone companies are:

Dear Representative:

We have this date engaged Troy & Banks, Inc. as utility and telephone consultants to serve as our agent for the purpose of auditing and evaluating our account(s).

Please respond to Troy & Banks, Inc. in all matters pertaining to our accounts with you. This includes providing all billing information, billing records, and order activity with reference to our service and equipment. This authorization shall continue until same is canceled in writing from our office.

Troy & Banks is hereby authorized to pursue credits due us for past billing discrepancies and act as our agent should a refund check be desired in lieu of a credit.

Their representative will present this request when contacting your offices.

Very truly yours,

Print Name:

Title:



TROY & BANKS

SMART SOLUTIONSSM

Statement of Objectives

Our principal business is utility and telecommunications auditing and consulting. Our mission is to apply our vast technical and analytical experience to help our Clients:

1. Reduce the costs of utility and telecommunications and other "auditable" external charges,
2. Recover payments made by our Clients in error,
3. Sort through the variety of service packages and options so they can make good choices among various providers,
4. Research tariff options, billing histories, service classifications, rate changes, service option modifications, and contract changes, and
5. Keep their costs as low as possible without sacrificing the services they require to achieve their own objectives.

At Troy & Banks, our greatest resources are our experienced staff, our home grown audit software for the analysis of invoices, and our extensive national tariff library. As part of our business philosophy or general methods used in doing business, Troy & Banks employs a number of strategies to insure maximum cost recovery.

Troy & Banks audit staff makes it a point to minimize the amount of time that the Client's personnel will have to put into the audit. We have the experience to make this audit work "behind the scenes" directly with the Client's vendors.

In order for Troy & Banks to perform our audit, we will need the following items:

1. Copy of a summary account listing by vendor including account number and address, preferably in an electronic format – OR – one month's (1) complete bill from each of the Client's accounts including all utility and telecommunications accounts.
2. An executed Agreement and Letter of Authorization form.

Each step of the audit process requires that data is tracked and logged. Invoice copies, transcripts, account numbers, vendors and their representatives, phone numbers, fax numbers, e-mails, vendor addresses, updated tariff information, audit results, claim items, claim dates, claim results, refund results, public service complaint submissions, and hearing dates and resolutions all contribute to the data that needs to be managed, analyzed and organized. All information logged can be used to produce various types of status reports.

Utility Audit

Troy & Banks deployed a four step process to complete the audit:

Step I: *Collection of Billing Information*

Troy & Banks is provided with an invoice copy for each of the accounts that are to be audited.

Step II: *Ordering of Historical Customer Service Records*

Troy & Banks reaches out to all vendors and requests historical billing records for each account.

Step III: *Detailed Audit*

Once billing records are received and the applicable tariffs are reviewed, Troy & Banks thoroughly audits each account. Examples of the items that will be evaluated for each account are:

- Incorrect Monthly Charges
- Incorrect Rate Assignments
- Alternate Rate Schedules
- Abnormal Demand Reads
- Multiple Month Billings
- Applicable Riders
- Applicable Credits or Discounts
- Incorrect Delivery Voltage Levels and Meter Multipliers
- Incorrect taxes

Step IV: *Claim Resolution & Future Savings Evaluation*

As incorrect billing items and opportunities for future savings are identified, claim letters are submitted to the respective utility(ies).

Telecommunications Audit

The following steps outline the process that Troy & Banks utilizes with regard to our audit.

1. Collect all Vendor account numbers
2. Collect all pertinent billing invoices
3. Collect all contract/service agreements, lease agreements, etc.
4. Review all billing and contracts for the following inconsistencies
 - a. Incorrect monthly charges
 - b. Dead accounts or lines
 - c. Incorrect taxes
 - d. Evaluation of current configuration
5. Establish location addresses to visit on initial site visits
6. Establish site contacts for each location
7. Conduct necessary site visits
8. Collaborate data from site visits
9. Determine need for further joint carrier site visits.
10. Coordinate any needed Tag and Locate visits with carrier and the Client's site contact
11. Compile results of tag and locate site visits
12. Initiate billing dispute of any services not found
13. Obtain Client's order to remove any non-existent services from billing
14. Track claim process
15. Notify Client of claim status.
16. Verify any billing changes with respective carriers.



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

THE FOLLOWING WAS PRESENTED

By Ald. _____

Sec'd by Ald. _____

Date of Adoption 04.05.22

Index No: 71-22

NAMES AYES NOES ABSTAIN ABSENT

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

RESOLVED that the Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment and authorizes the Treasurer to transfer \$4,465.00 in the following manner to close out the James P. Kelly Roundabout Project and receive our remaining reimbursement of \$94,431.36 from the D.O.T.

The D.O.T has requested an audit report "Agreed Upon Procedures Report" from our accountants RBT. The audit report cost was \$4,465.00.

<u>FROM</u>	<u>AMOUNT</u>	<u>TO</u>
H.0890.01 Sterling Street Phase II	\$ 4,465.00	H.0950.900 CR 108/78 Roundabout

DEPARTMENT OF PUBLIC WORKS

MEMORANDUM

Date: March 28, 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
MAR 28 2022
City Clerk
City of Middletown

Requested Transfers

A transfer is needed to close out the James P. Kelly Roundabout Project and receive our remaining reimbursement of \$94,431.36 from the D.O.T. The D.O.T has requested an audit report "Agreed Upon Procedures Report" from our accountants RBT. The audit report cost was \$4,465.00. We are requesting the following transfer:

FROM	AMOUNT	TO
1. H.0890.01 Sterling Street Phase II	\$ 4,465.00	H.0950.900 CR 108/78 Roundabout

Thank you.

EL

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

THE FOLLOWING WAS PRESENTED

By Ald. _____

Sec'd by Ald. _____

Date of Adoption 04.05.22

Index No: 72-22

NAMES AYES NOES ABSTAIN ABSENT

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

RESOLVED that the Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment and authorizes the Treasurer to transfer \$496.00 in the following manner to cover a 2021 USA Blue Book Invoice that was recently received for materials & supplies for the Water Treatment Plant. \$250 is remaining in last year budget and \$496.00 is needed to cover the Invoice totaling \$745.42.

FROM

F.8330.400
Contractual Services

AMOUNT

\$496.00

TO

F.8330.450
Materials & Supplies

DEPARTMENT OF PUBLIC WORKS

MEMORANDUM

Date: March 30, 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
MAR 30 2022
City Clerk
City of Middletown

Requested Transfers

A transfer is needed to cover a 2021 USA Blue Book Invoice that was recently received for materials & supplies for the Water Treatment Plant. \$250 is remaining in last year budget and \$496.00 is needed to cover the Invoice totaling \$745.42. We are requesting the following transfer:

FROM	AMOUNT	TO
1. F.8330.400 Contractual Services	\$496.00	F.8330.450 Materials & Supplies

Thank you.

EL

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

THE FOLLOWING WAS PRESENTED

By Ald. _____

Sec'd by Ald. _____

Date of Adoption 04.05.22

Index No: 73-22

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

RESOLVED; that the Common Council of the City of Middletown hereby grants the Run 4 Downtown organization's application to provide beer and wine, on May 12, 2022 at Erie Way Park from 5PM to 8PM for a Run 4 Downtown kick off / event sponsor recognition event.

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

Special Event Permit Application

New York State Liquor Authority

Landlord Authorization Form

Date(s) of event:

May 12, 2022

Name of Applicant:

Run 4 Downtown

Venue Name:

Pavilion @ Erie Way Park

Venue Street Address:

1-30 Union Street

Venue City and zip code:

Middletown, NY 10940

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

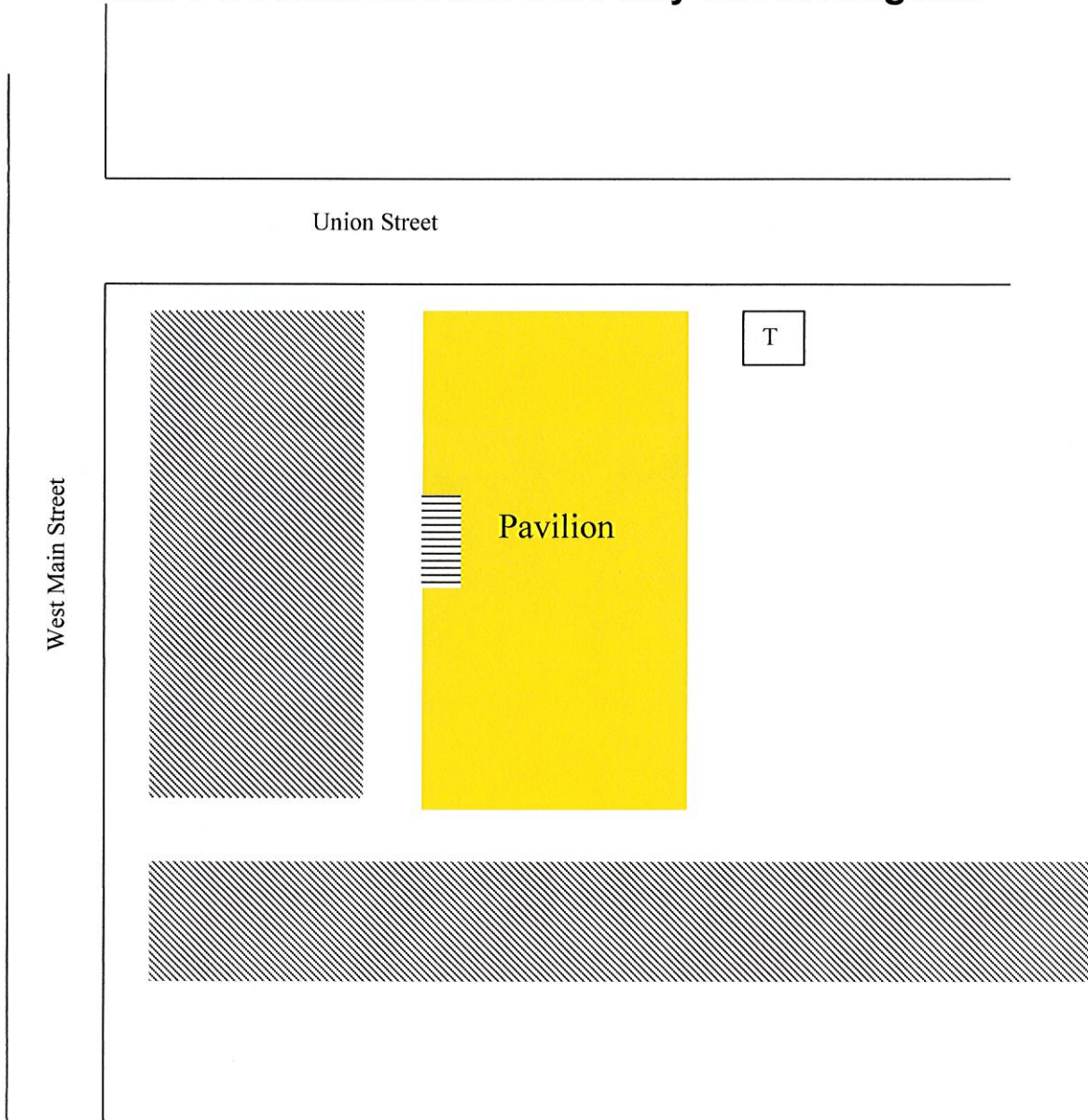
Print Name of Landlord/Owner

Print Your Name and Title

Signature & Date



Run 4 Downtown Kick-Off Party Event Diagram



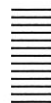
Key:



Toilet

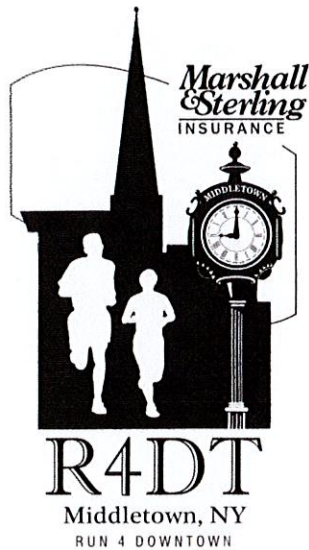


Parking



Guest Check-in Table

Beer/Wine Service in the Pavilion only



Security Measures Statement

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

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

THE FOLLOWING WAS PRESENTED

By Ald. _____

Sec'd by Ald. _____

Date of Adoption 04.05.22

Index No: 74-22

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

Resolved that the Common Council of the City of Middletown approves Z-3 Consultants to be added to the list of authorized City of Middletown Electrical Underwriters.

Department of Public Works

Memorandum

To: Honorable Common Council President Rodrigues and DPW Committee
Chairman Jude Jean-Francois

CC: Honorable Mayor DeStefano and City Clerk Richard McCormack

From: Jacob S. Tawil, P.E., Commissioner of Public Works

Date: 3/7/2022

RE: Request for Approval of Electrical Underwriter: Z-3 Consultants

I am hereby requesting the approval of Z-3 Consultants to be added to the list of authorized City of Middletown Electrical Underwriters. I have attached their request for review and approval. We have checked their references and received letters of recommendation.

Thank you.

RECEIVED

MAR 07 2022

City Clerk
City of Middletown

JT/kg

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

THE FOLLOWING WAS PRESENTED

By Ald. _____

Sec'd by Ald. _____

Date of Adoption 04.05.22

Index No: 75-22

NAMES AYES NOES ABSTAIN ABSENT

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

RESOLVED that the Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment and authorizes the Mayor to sign an agreement with Drapkin Strategies for Project Management Services in the amount of \$50,000.

BE IT FURTHER RESOLVED that the Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment and authorizes the Treasurer to transfer \$50,000 in the following manner:

<u>FROM</u>	<u>AMOUNT</u>	<u>TO</u>
A.4785	\$50,000	A.1210.400
ARPA		Mayor. Contractual Services

Funding for these services will come from the ARPA funds.

DRAPKIN STRATEGIES
173 BOWERS ROAD
ROCK HILL, NEW YORK 12775
845-527-3101/jddrapkin@gmail.com

Agreement between the City of Middletown and Drapkin Consulting Group dba "Drapkin Strategies" for the provision of Project Management Services

The City of Middletown is in need of project management services. The provision of project management includes, but is not limited to, the following services:

The provision of research into a wide variety of issues that impact the creation of projects such as project feasibility, economic benefits, and impacts and integration upon the local community,

The coordination of multiple consultants that are required for the successful outcome of a project,

The integration of ancillary projects to increase the beneficial impacts of the primary projects,

Attend and/or lead project meetings, provide agendas and document meeting notes as needed,

Work with City Staff and consultants to identify issues that require the adjustment of scope, schedule and budget

Interaction with potential developers including meetings and phone calls,

Working with other stakeholders (e.g. city departments) to coordinate and develop project schedules,

Consultant and contract management.

During the engagement, Drapkin services shall supply either in writing or verbally, weekly updates as the status of the efforts undertaken on behalf of the city.

Drapkin Strategies represents that it has the capacity and skills to provide the above services.

The term of the agreement shall be from April ^{6th} through June 30th.

The city of Middletown agrees to pay Drapkin Strategies \$50,000 for the above services

Payment for services shall be due as follows:

April 30, 2022	\$20,000
May 30, 2022	\$15,000
June 30, 2022	\$15,000

It is understood that the city, upon consultation with Drapkin Strategies, shall retain the services of additional targeted consultants to assist in the progress of program management. The costs of such consultants shall be borne by the city. Drapkin strategies shall have management responsibilities over such consultants

During the period of engagement, the city of Middletown retains the right to determine which programs, it wishes to assign Drapkin Strategies to dedicate the above services to.

Drapkin Strategies:

By: Jonathan Drapkin, President

City of Middletown

By: Mayor Joe DeStefano