

**CITY OF MIDDLETOWN
COMMON COUNCIL MEETING AGENDA
MAY 17, 2022**

1. PLEDGE OF ALLEGIANCE
2. ROLL CALL (COUNCIL CLERK)
3. APPROVAL OF MINUTES April 5, 2022 & April 19, 2022
4. CORRESPONDENCE, COMMUNICATIONS AND REPORTS (COUNCIL CLERK)
5. FOR THE GOOD OF THE CITY (PUBLIC PARTICIPATION)
6. REMARKS OF THE MAYOR
7. REMARKS OF DEPARTMENT HEADS
8. PUBLIC HEARINGS AND GRIEVANCES (NOTHING THIS EVENING)
9. PETITIONS AND COMPLAINTS (NOTHING THIS EVENING)
10. REMARKS OF THE ALDERMAN AND REPORTS OF COMMITTEES
11. UNFINISHED BUSINESS (NOTHING THIS EVENING)
12. NEW BUSINESS (RESOLUTIONS)
 - Resolution authorizing the Treasurer to transfer \$15,000 within the Parks & Recreation Budget
 - Resolution accepting a \$200 donation from the Middletown Lions Club for the Department of Parks and Recreation for the 2022 Fishing Derby
 - Resolution authorizing the Treasurer to transfer \$370 from within the Parks and Recreation budget to cover program scholarships
 - Resolution accepting a \$2,500 donation from Walmart to the Middletown Police Department for Kids Day and Night Out Against Crime events
 - Resolution accepting donations from local businesses for the National Night Out Against Crime event
 - Resolution authorizing an agreement with the County of Orange for the use of the Safety Trailer by the Middletown Police Department
 - Resolution authorizing an agreement with the County of Orange for the 2022 Summer Youth Employment Program
 - Resolution authorizing the Treasurer to transfer \$600,000 from the Sewer Fund Balance to cover cost with the Waste Water Treatment Plan Screw Pumps Projects
 - Resolution awarding the Street Materials Bid
 - Resolution authoring the Treasurer to make year-end budget adjustments for fiscal year 2021
 - Resolution awarding the Portable Refrigerated Ice Skating Rink Bid



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- Resolution to confirm the Mayor's appointment Leonora Liz as City Treasurer
- Resolution to confirm the Mayor's reappointment of Richard P. McCormack as City Clerk, Registrar and Clerk of the Common Council
- Resolution to confirm the Mayor's reappointment of Dave Raymond to the Civil Service Commission
- Resolution authorizing an agreement with BFJ Planning to prepare a conceptual redevelopment plan for the Middletown Transportation Center site and vicinity
- Resolution authorizing an agreement with the Enlarged City School District of Middletown for the School Resource Officer's Program for the 2022-2023 school year
- Resolution authorizing Kevin Lucchetti as per diem Data Collector in the Assessor's Office

13. LOCAL LAWS INTRODUCTION OF LOCAL LAW #4 OF 2022
A Local Law Increasing the Term of
Office of the City Treasurer
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
APRIL 5, 2022
City Hall
16 James Street
Middletown, New York 10940

P R E S E N T

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

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1. Pledge of Allegiance
2. Roll Call

PRESIDENT RODRIGUES: Roll.

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 15th, 2022 and March 1st, 2022.

ALD. MASI: So moved.

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

ALDERMANS: Aye.

4. Correspondence, Communications and Reports

PRESIDENT RODRIGUES: Correspondence.

RICHARD MCCORMACK, COUNCIL CLERK: A report from agricultural markets on the Municipal Shelter report inspection report from March 10th.

PRESIDENT RODRIGUES: Received and filed.

RICHARD MCCORMACK, COUNCIL CLERK: And a standard notice of form providing a third day advanced notice to a local municipality or community board for a liquor license.

PRESIDENT RODRIGUES: Received and filed.

5. For the Good of the City

PRESIDENT RODRIGUES: For the Good of the City.

I would like to call the Mayor up for a special presentation.

JOSEPH DESTEFANO, MAYOR: Good evening, everyone. We're honored this evening. We have a full house. And we have a full house for a very great reason for our community. First I'd like to welcome our Superintendent Amy Creeden and Bishop -- Bishop Williams from the Middletown School Board, the president of the Middletown School Board along with the other members, Mr. Perrino, Ms. Tobiassen -- and I'm not sure if I missed anyone else -- who are members of the Middletown School Board here along with the parents and a group from the Presidential Park School.

If you're not familiar with it and you should be, a short while ago we welcomed back to Middletown a group of young ladies from a competition for the New York State Odyssey of the Mind. And not just that they participated in the competition, but they are the New York State champs. So we wanted to acknowledge -- so we have a little recognition certificates and other gifts for them to be acknowledged tonight. But before we do that, I'd like to

just have them all stand one by one at their seats as I call their name. Alana Newsome (phonetic), Heather Checko (phonetic), Zoe Lola (phonetic), Juliana Galdamez (phonetic), I apologize if I didn't say that right, Camilia Chileto (phonetic). The next one I better get right because her mother works for us, Alexa Ocazio. And last, but not least Julia Grogan (phonetic).

Now, I would like to invite up Julie Nolan who is the head of this beautiful team. And she'll introduce her -- her team of people that worked on it and also explain to everyone and people watching on our access channel what Odyssey of the Mind is. So go ahead, Julie.

MS. NOLAN: Thank you, Mayor. Hi, I'm Julie Nolan. This is my partner Mel Sylva.

MS. SYLVA: Mel Sylva.

MS. NOLAN: We've been doing this together for a couple years now, about six or seven years. I actually started with Mr. Witts' wife when the program just came back to Middletown. And I just want to explain what the program is. It's a creative problem solving. The girls get a problem that's five pages long and they have to solve it in an eight-minute skit. And in that problem there are lines and lines and lines of things they have to do. It took seven months. And you can't spend money, just under -

- although this year it went up, it was \$125, so we recycle everything and build beautiful sets out of it.

MS. SYLVA: We're garbage pickers.

MS. NOLAN: Yes, we made our kids -- I said recycle, it sounds a little nicer.

This year was very special, first of all, because we won first place which was huge. And we also won Ranatra Fusca Award which is the highest award you can win on Odyssey of the Mind for being creative which was huge. And now we're onto worlds.

And it's also very unique because this year they had to create a musical over basically think of like Hamilton, somebody who was famous, but not really famous and should be remembered better. And they chose someone right here from Middletown, Lydia Sayer Hasbrouck. I don't know if anybody knows, but after you see their performance and if you want to talk to them, you're going to know all about her.

JOSEPH DESTEFANO, MAYOR: (Inaudible).

MS. NOLAN: Yes, that's how it all started. It started with the historical sign and we made that as one of our props. So you'll see that. You're going to play the -
-

JOSEPH DESTEFANO, MAYOR: Yes, we are. Yes.

MS. NOLAN: So, yeah, if you want to after you see it and talk to the girls and see how they found out about her and, you know, she might need a bigger plaque here in City Hall now that she's better remembered.

All right. Thank you. Enjoy.

JOSEPH DESTEFANO, MAYOR: Thank you. And now we're going to have a little video. We were hoping that they would perform, but the props and transferring everything was just too much, so they are providing us with the video. Eileen, you want to start it up. It's a about seven, eight minutes long, so enjoy the tape.

(Video played.)

JOSEPH DESTEFANO, MAYOR: We might have to put that on Broadway, it would be a nice story to tell. There's a lot of talent there. I'd also like to bring up the school superintendent, our new superintendent, Amy Creeden. And I'm sure she has a few nice words to say about her proud moments.

AMY CREEDEN, SUPERINTENDENT: Thank you, Common Council, President Rodriguez, and Mayor DeStefano. Really exciting night for our community and the district. This is certainly something that's shared by all of us. Not only did this all female team win, but they won in Women's History Month. And so what we've been saying in school is

that we don't want to talk necessarily just about women's history, but we want to talk about women right now and what they're doing. And so it's really exciting for them.

And also just to note that each year that the Odyssey of the Mind has the competition, it is up to the judges to decide if a team receives the Fusco Award. And they don't give it out every year. And they only give it out to teams who demonstrate just overall incredible awesomeness, outstanding performance. And so that's something to note that all of the judges in addition to the team winning have to then make a determination and come to an unanimous agreement about a team if they're going to acknowledge a team with this award. So truly something spectacular for this team. And when we had an opportunity to receive some feedback from some of the judges, they said that it wasn't even close. This team blew them away and is certainly a team to watch when they head to Iowa. So thank you very much for honoring them tonight.

JOSEPH DESTEFANO, MAYOR: And you've already accomplished something because we're going to fix that sign, that marker too because I think it's a little faded, so.

So what we're going to do next is we're going to have you come up. We're going to present you with our

certificates and we have a little gift for you to take home with you, so we're going to call you up one by one. Okay.

RICHARD MCCORMACK, COUNCIL CLERK: Julia Grogan. Alexa Ocasio. Camilia Chileto. Juliana Galdamez. Zoe Lola. Heather Checko. Alina Newsome.

JOSEPH DESTEFANO, MAYOR: Now in those boxes was a key to the City. It doesn't work really for the front door of City Hall, but it is the key to the City. So thank you all. And I want to take a couple minute break and then we can find out a little bit more about Lydia. Thank you.

(Recess taken.)

PRESIDENT RODRIGUES: If anyone would like to address the Council, please step forward.

SUSAN DEPEW: Good evening. Susan DePew from Middletown Pride Cleanup Committee. I just would like to ask the Alderman to do a favor for the group. We're trying to gather information. Would you please give us the streets and the community areas that need to be really cleaned up in your Wards, so -- so that it makes a difference? We have so many people who are interested in helping to make Middletown better. And that is a great example of Middletown being at the premium spot it can be seeing kids like that. It just brings -- brings me to being a great grandma. I just -- anyway, so I'm asking you

please to just go through the streets that are bothersome in your Wards and let me know and let Rich know. Thank you.

PRESIDENT RODRIGUES: Thank you.

Anyone else?

Eileen, we have somebody online?

EILEEN: Yes, we do. I have Juan. You're unmuted on our end. Feel free to go ahead. You have three minutes.

JUAN AIELLO: Hello. My name is Juan Aiello. And before I start, I want to quickly send out my congratulations to Alderman Sparrow and Alderman Jean-Francois on their reelection.

Anyway, I wanted to address Council on an issue concerning the Heritage Trail as coming -- cutting through the City of Middletown. Personally, I can't wait for it, I think it is a an awesome idea. And, but, as you know, when I was a candidate for Alderman at the last election cycle and I went around knocking on doors of our wonderful neighbors. And several safety issues have been brought to my attention. One of the residents actually invited me over to her home to witness how close the trail is to her backyard. Now, she stated to me that she's reached out to the City of Middletown and the County. The County

responded back to her. It's a long letter. She didn't take it really positively. But I did see it with my own eyes how close this trail runs from her property. Now, (inaudible) I'm aware because it used to be a railroad trail that there's quite a bit of space, but where she is, she's literally two feet away from the trail. The trail also sits about 3 feet above her backyard, so she actually has no privacy.

And she was sort of hoping that either the City or the County would sort of step up and provide like a privacy fence. And, apparently, as I said before, the City of Middletown didn't respond back to her, but the County did. And I want to quickly pull up the letter here. But, basically, one second, the County replied -- suggested that they -- that she plant either Evergreen trees along her property which and/or the City might be able to do it for her or get a privacy fence on her property. But, to be honest, she would need to get something like 12 feet to have any kind of privacy. So I will post these photos on my Facebook page, Juan4freedom.com. That's the Number 4, and so you could see for yourselves. But that's one particular issue that was brought to my attention. And I - - I totally agree with her. I mean, I can't wait for the trail to come through, but if I was living there, I would

be very upset about what's going to happen. And I don't understand why the County can't put up a 6 foot privacy fence on their -- on the trail. It would probably be much cheaper than trying to plant several trees on her property.

The other issue brought to my attention brought by two other residents also, they just wanted to know if the City of Middletown will is going to provide any kind of patrol on the trail or any security cameras because, you know, again, I didn't think about this, but I would be a little concerned if I had strangers, hundreds of strangers passing through my backyard and, you know, so those -- those thing I wanted to address to the Council. I hope they address it. I know the Mayor is a big fan of quality of life issues. And that's all I have for today. Thank you, guys.

PRESIDENT RODRIGUES: Thank you. All right.

6. Remarks of the Mayor.

PRESIDENT RODRIGUES: Remarks of the Mayor.

JOSEPH DESTEFANO, MAYOR: I'm glad the candidate for office this past November has decided to share with us recently this. This trail has been in the works for 21 years. And every person who has brought an issue to the City has been addressed including some privacy issues. I don't know who the person is because he didn't identify

them. But I believe that he probably should convey to them that the appropriate people to contact would be the City Officials. I don't know if they contacted Sparrow or Jude. They're both shaking their head no. I know they didn't contact my office. I don't know why they would contact the losing candidate in a race rather than a winning candidate in a race. But we certainly will have -- entertain their phone call and meet with them and address it like we've addressed other issues along the trail.

As for the security issue, it's kind of insulting for a candidate for office to raise a concern on a 30-mile trail that because it's coming into Middletown all of a sudden we need security of some type along the trail, security devices. But I'll just ignore that part for now. But we certainly would be willing to examine the options for privacy. Although I'm assuming it's along Sprague Avenue because that's where some of the other people have raised the issue and we'll -- we'll look at it when the homeowner calls us. But I'm not going to respond to look at Mr. Aiello's Freedom website and probably see a picture of Donald Trump on there and then I don't want to see that either so.

So I'll move onto the next issues which was the event that we had tonight was fantastic. The kids are just

so happy. I was fortunate to be there when the -- I took my grandson and my daughter was there for the bus trip back. And you can just see the pride. And Kevin -- Kevin was there also. Andrew might have been there, I'm not sure.

But the -- this is what we're selling here in Middletown. You know, the school district, the -- the community, the community events, the trails, the recreation, the downtown, that's all what we're selling quality of life. And we certainly want to address the quality of life for any person who has a concern especially if it's a legitimate concern, so we'll -- we'll do that.

On -- on the other side, we -- you've seen a lot of activity downtown with construction. They're doing the saw cuts for the balance of the curb and sidewalk program. But this is not just downtown. This will be almost every, every signalized intersection in the City will be getting the sidewalk work, new pedestrian crossings, ADA compliant crossings, at least 250 feet from each intersection of sidewalk and some areas more because we're connecting the gaps. You know, if we're doing a traffic light and are 500 feet or 1,000 feet apart and we're 250 in each way, then we're filling in the other 500 feet in between it.

The total project is \$26 million. The minimum

funding will be 80 percent. The maximum funding will be 95. We're very hopeful it's going to be the 95. But previous, we've, you know, you've appropriated the money. And we're hoping that we don't hit any -- any problems. But this is going to be a massive project. It's going to be realigning some streets, the corner of Canal and James where we tore down the building is being realigned. The intersection at Wickham and Highlight is going to be realigned with I believe a turning lane. The light at Lake, for example, will have a turning arrow, so you're not backed up to down to Monhagen Avenue in certain times of the day when someone wants to make a left turn onto Lake.

So all those things are being taken into consideration. Jacob is in charge of the project. And we're hopefully -- hoping for a successful project. The schedule is up on our website. It's been on Facebook. We've shared it with our business community. There will be some inconvenience in the areas that when construction is under way, but the contractor will have to put, you know, steel plates over your driveway or if it's a business, they'll have to do that. So if anyone is having any problems or complications with the contractor and with the work you should call the Department of Public Works and we will address it immediately. Don't call Mr. Aiello, call

the Department of Public Works.

So the other issue that -- well, I can wait for the next meeting. I know we've been here a while. We have something to go. But I just wanted to address those points tonight and let people know that construction is happening. And there is a resolution tonight for a funding of using 50,000, the ARPA funding for planning for -- that money will be applied to, some in-fill planning and possibly psychiatric center planning. Drapkin Strategies is -- we're all familiar with him from Pattern for Progress. He retired from that and has started his own consulting firm. And we met with him today, Maria and myself. We had a nice tour of what we're hoping that he will be able to work on for us. And I think it will be very beneficial for the City as we move forward in the next year or to.

So if you have any questions, I'll be more than happy to address them either tonight or, you know, at a future date. So thank you so much.

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

7. Remarks of Department Heads

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

MARIA BRUNI, ECONOMIC DEVELOPMENT: Good evening,

everyone. Just -- just to update you that we're moving forward with our summer concert series events. And the Paramount has been hosting concerts. We have one this Saturday, April 9th, the Association. Hope to see folks come out for that.

And as -- as I'm speaking about events, the Run for Downtown also coming back full force this year. And we're looking for your support tonight. As you know, the City hosts along with the business improvement district -- the Run for Downtown Committee hosts the annual run. And they've contributed \$60,000 towards that pavilion in Erie Way Park. And, overall, over around 120,000 since the inception of the race towards the downtown and downtown projects. So we are going to be doing a kickoff event. And we're looking for your support tonight on the resolution. And the kickoff event is to thank the contributors because they are also major sponsors that have been involved in this -- in this run. And looking forward to that.

And that's all I have for tonight. If anyone has any questions.

PRESIDENT RODRIGUES: Any questions for Maria?

Alderman Kleiner.

ALD. KLEINER: Thank you. I saw that the

Paramount postponed or cancelled the movies this past weekend as it said for technical difficulties. Has that been resolved?

MARIA BRUNI, ECONOMIC DEVELOPMENT: It's being resolved. It's a projector issue that we have to send back the -- there's a board in the projector and we have to send it back and it's got to get fixed. And -- and hopefully it will be resolved this week or early next week so.

ALD. KLEINER: Okay. And I know you had a Thursday movie scheduled. Is that off the schedule now too?

MARIA BRUNI, ECONOMIC DEVELOPMENT: We're going to see if we can reshow -- oh, for this Thursday?

ALD. KLEINER: Yeah.

MARIA BRUNI, ECONOMIC DEVELOPMENT: I believe, yeah, we won't be able to pull it off for this Thursday. But if by any chance we'll be posting and updating if we do. But it is, you know, we have one -- one projector. We're not six screens, so these things happen. And, like I said, the board is getting mailed to the company. They're going to fix it and send it back and then we'll be -- we'll be back to the movies soon.

ALD. KLEINER: Okay. Thank you.

MARIA BRUNI, ECONOMIC DEVELOPMENT: Yep.

PRESIDENT RODRIGUES: Thank you, Maria.

DPW Commissioner.

JACOB TAWIL, DPW COMMISSIONER: Good afternoon.

I had a special request to move fast, so I'll move fast tonight from Alderwoman Ramkissoo because she's tired. She's been watching the games and so on.

The reservoirs, Alderman Masi, full 100 percent. We're happy about that.

The flushing for our water distribution system, we have completed the 2nd and 3rd Ward and now we're going to be starting on Monday the 1st and 4th Wards. So please be on the lookout for discolored water. 2nd and 3rd Ward, they can start using the water comfortably because any discolored water would have passed by now. It will take us three weeks hopefully less to finish the first and fourth ward for water system flushing.

Tomorrow will be, again, we're meeting with DOT and the contractor for the water line on Monhagen Avenue, Route 211 in there to scope out the extent of paving and milling on 211. So and hopefully getting the contractor back to work to finish the project because we do have some issues there. So hopefully we can resolve some of them at least tomorrow.

Traffic operation, the Mayor, he spoke about it

in great details. Please be careful when you walk by the workers. They're working for us, so, you know, we want them to go home safely. Be patient. Find alternate routes if you have to, if you're not comfortable with one-lane traffic. But we -- we expect to keep the traffic moving. Just be patient, please, and look out for the safety of the workers that they are doing this work for us and they want to go home safely to their families that they're doing the work to support them.

The Wesleyan Field, Parks and Recs and the Water Department, they've been doing the excavation for the electrician to do all the electric work in there and the lighting. And that is almost completed. We also installed today the water line to supply the future concession stand and the irrigation system. There's going to be some portable irrigation system that will be used. After that, the contractor will come back and finish the final coat on top of the track and that will be the end of the project. So I think it's -- it's a nice successful project.

We've been talking for a couple of years about the zombie poles and the double poles and all that stuff. We have 60 of them that they have to be removed totally because of the traffic operation studies and traffic operation project. And -- and, really, it's -- they're an

eyesore and some of them I don't know how safe they are. But make a long story short, Brian Smith, our deputy commissioner, he's really working hard on this coordinating this effort with Frontier and with Spectrum and all the internet providers, the fiber optic providers. There are three of them in the city. And Orange and Rockland really is out of it because they moved right away. What remains is Spectrum and Frontier. And now they have two teams in there working. They're going to be working nonstop to try to eliminate all the double poles in the city starting with the 60 poles that are required for the traffic operations and the signalized intersection.

So I just want to call out Brian because he did the -- he really took special interest in this and kept pursuing it. And I want to thank Frontier, Spectrum, and all the other companies for cooperating with us and really making this eyesore disappear hopefully very soon.

Yard waste officially started yesterday. Remember, please go to our website. No leaves to be pushed on the street or in the gutter. Everything has to be canned in a container, so we can come and pick it up. No loose branches. It's got to be cut certain length. It's got to be bound with a string. So look at our website DPW at the City of Middletown website and you'll find the exact

specifications for it.

Reminder also the spring cleanup is going to be starting on April 25th. It's going to be the 2nd Ward. May -- May 2nd will be the 1st Ward; May 9th, 4th Ward; and May 16th, is the 3rd Ward. That starts on Monday. Make sure everything is out, please, by Sunday. Do not put it out too early. Our Code Enforcement has been going around the City and they're sending people friendly reminders, if possible, otherwise issuing a violation for people to take their junk back in until the time for their Ward to be put out otherwise the City would look like a landfill. So please help up out keep our City clean. And hopefully we'll have no names to be submitted for Ms. Sue DePew for cleanup, if everybody cleans up after themselves in -- in the their front yard. And the streets, leave them to us we will clean them. We have the sweepers going on non-stop basically.

Also, beyond the lookout, please, for illegal dumping meaning people coming from the outside to dump their junk and whatever they have into our streets, in front of your house at night, please call the police department immediately at night. You can take a picture. We will not share your information. It will be confidential. We just want to catch these people and

discourage them from coming because it costs us a lot of money to get rid of all this junk and -- and picking it up and trucking it all the way to Pennsylvania, a landfill in Pennsylvania. So please be vigilant and take pictures, report it during the day to the DPW and the police department, after hours to the police department. Let's keep our city clean and let's do this operation economically.

And with that, I will conclude for now. If you have any questions for me.

PRESIDENT RODRIGUES: Alderman Green.

ALD. GREEN: Yeah, real quick and the Mayor may have covered this, so I apologize if I'm doubling up. But I did have someone ask me with the traffic operations, I know originally there was a plan across from the -- the armory to cut out that little pass-through section where you have Liberty Street and Wickham --

JACOB TAWIL, DPW COMMISSIONER: Yes.

ALD. GREEN: -- is that still something that's going to happen?

JACOB TAWIL, DPW COMMISSIONER: Yes. Yes.

ALD. GREEN: Okay, great.

JACOB TAWIL, DPW COMMISSIONER: That -- that short cut in there, the dangerous shortcut --

ALD. GREEN: Yeah.

JACOB TAWIL, DPW COMMISSIONER: -- the extension of Liberty Street is going to be eliminated. There's going to be park -- it's going to be park area in there, just an extension of it. And from Highland, you'll be able to turn left on -- on Wickham Avenue with the traffic lights and everything. And WSP they had -- they were flying a drone today. WSP is the engineering firm that designed the project, so that they can show pictures before and after with the drone. So we're all very excited. It's going to be state of the art technology for all this signalized intersections. They're going to be synchronized. They're going to be coordinated. It's going to take some, you know, we're going to have to work at the beginning, but eventually it will work.

ALD. GREEN: Awesome, thank you.

JACOB TAWIL, DPW COMMISSIONER: Yes, sir.

PRESIDENT RODRIGUES: Anyone else? Alderman Tobin.

ALD. TOBIN: Commissioner, could you just share what you share with us about Amchir and the draining of the or what you guys did cutting down the vegetation, the plan to go back --

JACOB TAWIL, DPW COMMISSIONER: Yes. So -- so,

basically --

ALD. TOBIN: -- for the folks up there? So, basically, some people were complaining about Amchir's -- in the 4th Ward there's not -- well, not some people, one person, is not -- is not being paid attention to by the City of Middletown and so on which is far, far, from the truth. Most of Amchir Village has just been recently milled and repaved. As an example, I'll get to the drainage. We have -- we have put sidewalks that they never had sidewalks in certain locations such as on Dolson Avenue in there to encourage walkers, business, encourage to promoting life really for walkers and getting life into that section of the city. So we've been paying more -- more attention than anything. The roundabout in there, you know, \$2 million investment in the roundabout and paving and James P. Kelly Way and all these. So we've been paying as much as attention as -- as we pay to the rest of the City. They have not been ignored. They've been somewhat argue that they have been favored somewhat, but they needed that.

So regarding the drainage, we have we have already one there and we cut out all the growth as much as we can reach right now because it's the wet season. We've done like that a month ago. I know you got the complaint

after we already cut it out. There are still some sections remaining in there, but it's too wet. We have to drive over the railroad track to get to it. That railroad track is not dead. It can -- it is used. It's owned by a company. We can't get on it without permission from them.

City took owner -- not ownership, City -- City started maintaining those ditches along the railroad tracks. Those ditches they drain entire Amchir Village right into them. That's where all the drainage, all the runoff, it ends up on those ditches along the railroad track. So we have been maintaining it. Now once it dries up in the summer, we will go in there with our big machines and we will literally dredge those ditches around the railroad tracks as much as possible and remove the vegetation entirely.

Alderman Sparrow and I and Alderman Jude and I, we went there. We checked all the culverts after you got that complaint because we usually drive around because he's DPW Chairman for the Council, so we drive around different projects him and I. So we stopped in there. I said, well, let's go see it. And all the culverts, none of them were plugged, water was running. You know, and there is standing water, there has always been standing water except if there's a drought condition. Water, I mean, standing,

but still moving. It's not just sitting there. But that's -- that's how it is. We have not ignored it. We took it over. It should be the responsibility of the railroad. We tried that for years, they would not maintain it, so we took it over. We're maintaining it by directions from the Mayor. And -- and that's where we are. We're not ignoring it.

PRESIDENT RODRIGUES: Anyone else?

Thank you for being quick.

Fire Chief.

NICK BARBER, FIRE CHIEF: Good evening. First I just want congratulate the kids for the Odyssey of the Mind. That was -- that's very great that they did that.

But for the month -- month of March, we did 84 calls. Right now we're on schedule we're on about 1,000 calls for a year if it keeps up.

We did participate in the Little League parade. And we also participated -- we sent fire trucks up for Odyssey of the Mind when they came back, so that was nice.

Maria brought up Run for Downtown. This year Run for Downtown and the fire department are teaming up. We're teaming up to save Fireman Joe downtown which is leaning, getting ready to fall over. And I'm working with Jacob to get the bids out in the papers, so people can bid it and

hopefully get it down this year.

But like Maria said, August 20th, Run for Downtown, the fire department, we are having our -- putting together a first responder challenge for this Run for Downtown. If you didn't know, Middletown -- Middletown were the champions last year because we competed against ourselves, so we won. But this year we're offering it up to 52 other departments in Orange County. And hopefully once the word gets out, all the flyers get out, we get 52 responses back from other departments to take us on. We do hold the trophy.

MALE SPEAKER: How many on a team?

NICK BARBER, FIRE CHIEF: As many as you want to bring. So I figure you, the Mayor, and Miquel.

MALE SPEAKER: That's what we were thinking.

NICK BARBER, FIRE CHIEF: Yes.

JOSEPH DESTEFANO, MAYOR: I'll be in the electric cart.

NICK BARBER, FIRE CHIEF: But other than that, that's all I have for tonight. Anything else?

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

PRESIDENT RODRIGUES: City Treasurer. He was quick.

KELLY ANN KELLY, CITY TREASURER: Good evening, everybody. There is a Resolution tonight requesting authorization for the refunding of some bonds. And Alderman Witt wanted me to speak a little bit about it. Basically, the City contracts with a company called Capital Market Advisors and they actually look out for savings for the City. They look at the interest rates. Basically, it's like refinancing your mortgage. So it was a 30-year bond issuance. And at this point in time, you know, with the cost of the -- their fees and the legal fees, they felt it was worth us for us to refinance the bonds. In cash value, it's going to save us \$325,000 over the next couple of years. They do a whole net present value thing and they're saying it's about 256. But, you know, they tell us this is a really good thing to do right now. No problem. Any other questions?

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

KELLY ANN KELLY, CITY TREASURER: No problem.

PRESIDENT RODRIGUES: Police Chief.

JOHN EWANCIW, POLICE CHIEF: Good evening. Just a couple of things this evening. First this past Wednesday, one of my staff, a longtime member of the police station, Detective Sergeant Jason Jennings retired. I just

want to wish him well and acknowledge his achievements with the department. He will definitely be missed. And I wish him well as he enters into the next chapter of his life's journey.

Additionally, last week we had the first graduation of our Youth Leadership Academy. We had 18 participants. Very successful program. And I'd like to thank Sergeant Welch who ran it. Did an amazing job. And all the support from our, you know, elected officials and our community members that made that all happen. So thank you for that.

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

PRESIDENT RODRIGUES: Any questions for the police chief.

ALD. KLEINER: Hi, Chief. One -- one quick question. We -- we have a resolution. I see a lot of material supporting it for the -- buying the simulator.

NICK BARBER, FIRE CHIEF: Yes.

ALD. KLEINER: My question is what is a simulator.

NICK BARBER, FIRE CHIEF: Okay. So the simulator, it's a driving simulator that would be housed at the police academy which is on the Parks and Rec property

off of County Route 78. And it is an electronic driving instrument that we could put police officers into a controlled environment where they will drive through EVOC courses, emergency vehicle operations courses in that controlled environment. It's computer animated, automated. And it's really state of the art. It's a lot safer and we could put them through a lot more challenges and tests.

ALD. KLEINER: Very good. Thank you.

NICK BARBER, FIRE CHIEF: You're welcome.

PRESIDENT RODRIGUES: Anyone else? Thank you, Chief.

Recreation. I know you're here. Trying to hide in the back.

RAELYNN BERTHOLF, SUPERINTENDENT RECREATION:

Trying. Good evening, everyone. Spring is upon us, trying to be here. Our maintenance department is very busy right now, Little League fields, getting our reservoir trails back in shape, and working on the Wolf's Lair Field project as well.

Once in a while we always here there's nothing for the youth to do in Middletown and there's only -- we only offer free -- paid programming. But just want to make it known that we do offer a lot of free programming for the kids. And this Sunday, April 10th at 1:00 p.m. we're even

starting to bring -- go into neighborhoods, so we're offering this Sunday in Summit Field Housing Authority we're doing a free Zumba class for all families, all levels, all ages. And we're going to be rotating once a month trying to hit different neighborhoods doing family Zumba classes.

We also have our Easter egg hunt on Saturday, April 16th at our facility. We have Story Time Come Alive for toddlers. We also have youth fitness and basketball open gym. And we have teen boxing on Friday nights and teen basketball open gym. And, again, those are all free programming for our community.

Paid programs for the spring. We have our spring break program coming up April 11th through the 15th. We have the Let's Play gym time for toddlers, lacrosse clinics, martial arts, break dancing, adult youth and teen art classes, soccer clinics, foundations of dance, cheerleading clinic, cooking classes, Kitchen for Kids, and a crocheting clinic for all ages.

So we're always busy. And I'm sure like a lot of you you hate when someone says there's nothing to do in Middletown. There is, you just have to look.

Transportation, I mentioned it last meeting. We did start it. The first two weeks unfortunately we didn't

have anyone take it. But numbers are starting to pick up now, so it is successful for Wednesday nights. We had about 10 kids use the transportation and even more kids when they got the ride to the facility, they got on the bus to get home. So it is working.

Summer sports camp, we have the permits into Monhagen. We're just waiting for final approval from the school district. They have a lot of programming going on this summer, so they're trying to get themselves situated. And then hopefully very soon we'll hear back and get final confirmation to be in one of the schools to have our summer sports camp. Any questions?

PRESIDENT RODRIGUES: Any questions? All right. Thank you. Great job.

Corporation counsel.

ALEX SMITH, CORPORATION COUNSEL: Evening. I don't have anything unless anyone has any questions for me.

PRESIDENT RODRIGUES: Any questions for the corporation counsel? Thank you.

City Clerk.

RICHARD MCCORMACK, CITY CLERK: Just a reminder we have our citywide Pride Cleanup taking place on April 23rd. You can sign up online through the City's website, www.middleton-ny.com. We're using Signup Genius. There's

a whole list of streets and areas that need to have some attention paid to them. And if there's anything missing, feel free to email me or get a hold of us at the City Clerk's Office and we'll add them to the list as well.

PRESIDENT RODRIGUES: Okay. Any questions? All right.

8. Public Hearings and Grievances.

RICHARD MCCORMACK, CITY CLERK: Notice is hereby given that the City of Middletown will hold a public hearing on Tuesday, April 5th, 2022, on or as near to 7:30 p.m. as possible in the Common Council Chambers, Second Floor, 16 James Street at 7:30 to hear any and all persons wishing to be heard on the recently passed local Number 3 of 2022, a local law updating the notice provisions in the enforcement of delinquent property taxes. Full text of the local law Number 3 of 2022 is available in the Office of the Common Council Clerk, City Hall, 16 James Street, Room Number 12 and on the City website.

PRESIDENT RODRIGUES: Okay. At this time, the public hearing is open. Anyone from the public who'd like to speak? Anyone on line?

EILEEN: Not at this time.

PRESIDENT RODRIGUES: Okay. Any council member? Do I have a motion to close?

ALD. MASI: So moved.

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

ALDERMANS: Aye.

PRESIDENT RODRIGUES: Remarks of the Alderman. Alderman Masi. You have another one?

RICHARD MCCORMACK, CITY CLERK: Yeah, the second one.

ALD. MASI: First thing I'd like to do --

PRESIDENT RODRIGUES: Wait, wait, wait. I got to go back to the public hearing --

ALD. MASI: That's okay.

PRESIDENT RODRIGUES: -- on the second one. I'm sorry.

RICHARD MCCORMACK, CITY CLERK: Notice is hereby given that the City of Middletown will hold a public hearing on Tuesday, April 5th, 2022, on or as near to 7:30 p.m. as possible in the Common Council Chambers, Second Floor, 16 James Street at 7:30 to hear any and all persons wishing to be heard on a proposed change to the definition of retail business in the DMU downtown mixed use district to exclude onsite consumables. Any person or persons wishing to be heard will be given an opportunity to speak either for or against the proposed change in the definition

of retail business. Complete proposed change is available in the Office of the Common Council Clerk, City Hall, 16 James Street, Room Number 12 and on the City website.

PRESIDENT RODRIGUES: All right. At this time, the public hearing is now open. Again, anyone from the public? And any council member? Alderman Tobin.

MALE SPEAKER: Any question, Tobin?

ALDERMAN TOBIN: Just so the general public knows what we're talking about.

ALD. TOBIN: Well, the issue is is that we -- we've gotten word that some retail stores are, in effect, morphing into eating and drinking places where people are hanging out eating or drinking what they -- what they buy at retail. And we could bring violations against the owner because the owner got permission or was in a zoning district where you could operate a retail store, he or she. And they're, in effect, violating their permit or violating the zoning district by becoming an eating and drinking establishment. Instead of doing that, I think we felt that the smarter thing to do would be to make it clear up front that if you apply to become a retail store or you have permission from the zoning district to be a retail store that you're going to sell at retail, you're not going to be selling to people who are then going to be eating and

drinking at your place. If -- if you want that, you have to apply to the Planning Board for permission to do that, so the Planning Board can examine your premises and see that everything fits into, you know, running an eating and drinking establishment and set rules.

ALDERMAN TOBIN: Thank you.

PRESIDENT RODRIGUES: Anyone else? Do I got a motion to close?

ALD. MASI: So moved.

PRESIDENT RODRIGUES: Masi seconded by Alderman Witt. Roll. I mean, all in favor?

ALDERMANS: Aye.

9. Petitions and Complaints

(None this evening.)

10. Remarks of the Alderman.

PRESIDENT RODRIGUES: Now remarks of the Alderman. Alderman Masi.

ALD. MASI: All right. I'd like to open with once again congratulating the young ladies from Presidential Park Odyssey of the Mind Team. You watch the news enough and you see so many negative things about the youth and then, unfortunately, you don't see more of this. And it's a wonderful thing. And I'm very proud of them, very proud of the school system. And this was very nice.

Two, Sue, thank you very much for the cleanup. I do have some streets in 1st Ward. I'm sure Kevin will have some other streets. I'll -- I'll give them to Rick.

And then my last thing quickly just an advertisement. Unfortunately, the -- because of the weather, the first of this year Kiwanis Pancake Breakfast was cancelled. It's rescheduled for this Saturday -- this Saturday at the high school, excuse me, April 9th. If you need tickets, I happen to have them. If not, tickets are available at the -- at the door. If you've already got them, obviously, they're good for the 9th. Thank you very much.

PRESIDENT RODRIGUES: Okay. Alderman Witt.

ALD. WITT: Thank you very much. Quickly, we have -- we're going to have our first 1st Ward meeting on April 13th from 6 to 7 here. We hope you can make it.

And the second part is just to sort of expand on the greatness of tonight with these girls and this performance. What we saw tonight was actually taped before they did their regional competition and because they did not allow spectators at that time. So they went out and did that performance at Goshen and won the regional competition to qualify for states. I happen to speak with the director of that for something else. And the way that

works is they have an elementary level, a middle school level, and a high school level. And she told me that that performance that those girls put on was the best that they had seen at any level in years. So it was amazing how -- and they wrote all of that. They built the sets. They did the music. I mean, obviously, they borrowed some stuff. But it was -- they -- they did all of that.

So then they take it on the road up to Albany and they went up against 15 teams. And the way this works is this is a two-part deal actually. The first is that performance which they did very well and won that performance with that performance. But there's also a part of this called spontaneous where they have five of seven are taken into a room and given an open-ended question where they have to within a certain timeframe give answers that would be logically that could fill into these -- these -- fill in the blank for what it's worth. And they also -- you have about two or three minutes to do this and they're judged by how many make sense and how many don't and on their creativity. They also won that too out of 15 teams. So it's -- it's unheard of how at -- for this competition like how much this team dominated. And it was great to see probably 200 people including the Mayor who were there for the -- the welcome home. And as Chief Barber said, it was

nice to have the police there and -- and the fire trucks.
So thank you for listening to that story.

PRESIDENT RODRIGUES: Alderman Green.

ALD. GREEN: Thank you very much. Yeah, it was a fantastic couple of weeks, I guess, for the youth in the City. Always proud of them. You know, of course, the Odyssey of the Mind Team, the police Youth Leadership Academy. It was phenomenal to really see those 18 -- I believe it was 18, yeah, young adults all come together, all different walks of life it seemed, all different backgrounds. And just the transformation and the learning back and forth between the police department and the youth that was amazing.

Little League parade was wonderful. A little bit chilly. The Mayor and I we're -- we're up there walking. I know Coach Kate was out with her team. And then, you know, we all == we all joined together on the stage where it was like a wind tunnel. But it was amazing to see, you know, all of the teams out there. They put a lot of heart and work and soul into their -- their banners. And they get out there and really show, you know, how proud they were to be playing their different levels. And what a fantastic job. So thank you to everyone who put that together.

We will be having our contingents meeting in this room on Monday the 11th at 7:00 p.m. The Mayor will be joining us. And I did find out thanks to Alderman Kleiner we will have COVID testing kits available in case anyone does need them. So, again, that will be here Monday the 11th at 7 p.m.

And just to follow up, I am excited to hear that there will be an arrow at that left onto Lake Avenue because sometimes people get a little impatient and I get honked at a lot because I do take that light. So thank you very much.

PRESIDENT RODRIGUES: Alderman Kleiner.

ALD. KLEINER: Thank you. I'm going to speak first as president of the Middletown Historical Society. I want to thank the Odyssey kids. What a great job on Lydia Sayer Hasbrouck. Of course, her husband, John Hasbrouck was -- did the first Middletown City directory and was editor and publisher of the Wig Press throughout the Civil War. And then what a great team they were. And she would write letters surreptitiously to the paper. She's -- we will hopefully get the -- get the historic marker restored, so it's a little easier to read. But she's -- she's somebody you should know about. And I congratulate the kids for taking her story and really running with it.

The Little League parade, I want to -- I made a little shout out for the Asylum 9 which was Middletown's first baseball team at the state hospital. And baseball has been a big deal in Middletown ever since. And remembering Thomas Watts who donated the land for Watts Park. I mean, people in Middletown have always stepped up. The parade was terrific this year. The kids -- the banners were great. Everyone was so enthusiastic. So I thank the coaches and the sponsors, but I also want to recognize Darren and Rosanna because they -- as they mentioned, they didn't miss a Little League season even through the pandemic. They managed by hook or by crook to make it work. And I remind people that in 1952 half the season was cancelled including the playoffs because of the Polio pandemic. So it's -- it's quite an accomplishment and I give them credit for it.

Next -- before we meet again, we will -- we will have Easter Sunday. I wish everyone a happy Easter. We will have Passover. I wish everyone a happy Passover.

I -- I just want to mention that we are up to 982,000 deaths in this country. At the last meeting we were 900 and I believe 965. So we're, you know, 17, 18,000 more people since then. So it's -- it's still a real issue and we do take it seriously.

I want to thank Rick for his support of our -- this will be his first one, but our Pride Cleanup Day. He has -- he has taken it and run with it. And the Signup Genius on the website and I encourage any of the teams or any of the groups of kids to do that and sign up that way. It's -- it's a great program. It's easy to sign up. You pick your area, you pick your streets. And the more we do that ahead of time, the more time we'll have to be out there actually cleaning up. So thank you, Rick, for that.

And I think basically -- and congratulations to -- thank you to Sergeant Welch and the Police Leadership Academy. Those kids were also great. That was a -- that was a wonderful ceremony. And as I said at that meeting, it's all about community. It's a word we've heard a lot tonight. It's the Middletown community and its -- its leaders and sponsors and people who -- who all the sponsors for the Run for Downtown and for all the community events we do, they don't get enough credit. Thank you.

PRESIDENT RODRIGUES: Thank you. Alderman Ramkisson.

ALD. RAMKISSOON: At the risk of repeating anything, I will try not to. Just the Odyssey of the Mind team, those are my kids. They're all Presidential Park, I see them every day. I'm their Miss Katie. They put in a

lot of time in this, lunches, recesses, after school. And, obviously, it paid off. They're amazing, brilliant little kids. We've got a whole school of them over them and I'm just really proud of them. So that was cool.

Little League opening day was a beautiful day. We had sunshine in a bunch of days of rain. And I love being Coach Katie and being around the kids. And it's a good time. I don't think we speak enough about the amount of volunteerism in this community. The members of the Little League Board, the members of all of our sports that we run in town, they're all volunteers. No one is paid for this. These are parents taking their time out to have these opportunities for our kids. And it's amazing. Our parents are coaches. Our umpires are our kids. And it's a really cool thing that we do here. And I was at that park until 5:00 at night on Saturday and it all was amazing. And I just -- it's just another one examples when we go out together as Middletown we're from every walk of life and everywhere you can imagine and we all have a really great time together and it was a great day. That's it.

PRESIDENT RODRIGUES: Alderman Johnson.

ALD. JOHNSON: Thank you. Congrats to Odyssey of the Mind. Back in the day when my kids were of that age bracket, I briefly looked at the qualifications and the

expectations for the coach and I saw it was way more than I could possible do. So, yes, it is about the kids, but I think we also need to remember the coaches put in a tremendous amount of time as well to make it all happen, so I thank them as well.

I try to stick mostly to local when I have this opportunity, but I find it difficult tonight. I think in the last few days looking at the news, there's a saying that history repeats itself. And as we read about mass executions, infiltration camps, I think the parallels to Nazi Germany are becoming increasingly difficult to ignore. So where's it going to end? It's not clear. And I know there's a long, long respected concept of separation of church and state, but I would offer tonight we should pray for Ukraine. Thank you.

PRESIDENT RODRIGUES: Thank you. Alderman Jean-Francois.

ALD. JEAN-FRANCOIS: Yes. Good evening. First I would like to thank Alderman Masi for conducting our 4th Ward meeting this past Saturday. Sparrow and I had other attention, we had other things to do, so we couldn't attend the meeting, so he stepped right in and take care of business for us. And he was pretty proud, you know, to step in and -- and get involved even if it was only an

hour, but he did the right thing. I appreciate that a lot because we definitely couldn't make it that day.

And, also, Commissioner, I've got to say that one negative feedback that we received from Amchir thank you for clearing that up because that -- the week prior, Sparrow and I was in that area. We collected signatures. We must have at least knock on 20 doors and all positive feedback. And I was shocked to hear that one person had an issue. And you and I canvass that area. And that particular day it was raining pretty hard and the water was flowing with no issues. So like I say, you can't make everyone happy. Thank you.

Also, kudos to the Odyssey of Mind young ladies, they were great. Great job. Thank you.

PRESIDENT RODRIGUES: Alderman Tobin.

ALD. TOBIN: Yeah, I'd like to thank Alderman Masi for pitching in for us when we couldn't make it. I was up in Albany for the weekend.

I'd like to offer my congratulations to Coach Nolan and Sylva and the Odyssey of the Mind state championship team. I wish them good luck in worlds. It was such -- watching the video, such a great blend of talent. You could see some were dancing, some were singing, some were playing the orchestra. And I agree with

the superintendent, there was an overall awesomeness of the group. And it was really nice to see especially the history teacher and the difference that people can make, like, individuals in the suffrage movement. And the pride that they had for Orange County and Middletown, really put us on the map there.

And all of these events I've been seeing recently, whether it's the police program, the leadership academy, I couldn't make the -- the Little League thing, but the parade, I wish I could. And the Odyssey of the Mind, there's so many talented students and children in our -- in our City and it's great to see them shine especially an all-female team.

Also, the person that spoke before that called in, you know, Jude and I handle probably over 100 constituent concerns a year. Each week we're probably handling one or two. We work with a team with the Mayor, the Council president, the Department Heads to try to solve as many problems as we can, get questions answered. We might not always have the answer that you want, but we do work our hardest to get you -- to try to solve the problems that you bring to us. We are available. You can reach out to us on the website. We do have a constituents meeting on Saturday mornings, first Saturday of each month at 10 a.m.

You just got to make sure you're here by 10 because when we come upstairs, the door locks behind us.

And so and it doesn't matter whether you're a Republican or Democrat, we help everybody and we're here to serve you guys and so -- and we try to do our best with the City. So please if you have any issue or concern, please reach out to us. Our phone numbers and emails are on the website. And we handle everything from up near High Barney Road all the way down to East Main Street. Thank you.

PRESIDENT RODRIGUES: Thank you.

11. Unfinished Business.

(None this evening.)

12. New Business.

PRESIDENT RODRIGUES: New Business.

RICHARD MCCORMACK, COUNCIL CLERK: This evening we have a Resolution sponsored by Alderman Masi authorizing a DASNY Grant application to purchase a simulator for the Middletown Police Department.

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

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

RICHARD MCCORMACK, COUNCIL CLERK: A resolution sponsored by Alderman Witt authorizing the retirement of the K9 Ares from Middletown Police Department.

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

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

RICHARD MCCORMACK, COUNCIL CLERK: A Resolution sponsored by Alderman Green authorizing, excuse me, adopting a credit card policy for the City of Middletown.

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

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

RICHARD MCCORMACK, COUNCIL CLERK: A Resolution sponsored by Alderman Kleiner authorizing the refunding of 2014 bonds.

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

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

Ramkissoon, Kleiner, Green, Witt, Masi, President
Rodrigues. Carries.

RICHARD MCCORMACK, COUNCIL CLERK: A Resolution sponsored by Alderman Ramkissoon approving the revised 2022 salary schedule for part-time employees.

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

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

RICHARD MCCORMACK, COUNCIL CLERK: A Resolution sponsored by Alderman Johnson authorizing three agreements with Troy and Banks for audits.

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

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

RICHARD MCCORMACK, COUNCIL CLERK: Resolution sponsored by Alderman Jean-Francois authorizing a budget transfer in the amount of \$4,465.

PRESIDENT RODRIGUES: Resolution sponsored by

Alderman Jean-Francois, seconded by Alderman Johnson. Any discussion? Roll.

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

RICHARD MCCORMACK, COUNCIL CLERK: Resolution sponsored by Alderman Tobin authorizing a budget transfer in the amount of \$496.

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

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

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

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

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

RICHARD MCCORMACK, COUNCIL CLERK: Resolution

sponsored by Alderman Witt approving Z-3 Consultants as City of Middletown Electrical Underwriters.

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

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

RICHARD MCCORMACK, COUNCIL CLERK: A Resolution sponsored by Alderman Green authorizing an agreement with Drapkin Strategies.

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

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

14. Audit of Claims and Accounts

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

PRESIDENT RODRIGUES: Sponsored by Alderman Masi, seconded by Ramkissoo. Any discussion?

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

Ramkissoon, Kleiner, Green, Witt, Masi, President

Rodrigues. Carries.

15. Adjournment

PRESIDENT RODRIGUES: Motion for adjournment.

ALDERMAN: So moved.

(PROCEEDING CONCLUDED)

CERTIFICATE

I, LISA KANE, certify the foregoing transcript of proceedings of the April 5, 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: April 28, 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. Masi

Sec'd by Ald. Green

Date of Adoption 04.05.22

Index No: 65-22

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 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.

**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 04.05.22

Index No: 66-22

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 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.

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

THE FOLLOWING WAS PRESENTED

By Ald. Green

Sec'd by Ald. Tobin

Date of Adoption 04.05.22

Index No: 67-22

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 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 reasurer 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.

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

THE FOLLOWING WAS PRESENTED

By Ald. Kleiner

Sec'd by Ald. Green

Date of Adoption 04.05.22

Index No: 68-22

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 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.

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

THE FOLLOWING WAS PRESENTED

By Ald. Ramkissoon

Sec'd by Ald. Tobin

Date of Adoption 04.05.22

Index No: 69-22

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 a revised 2022 salary schedule for Part Time employees.

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

THE FOLLOWING WAS PRESENTED

By Ald. Johnson

Sec'd by Ald. Masi

Date of Adoption 04.05.22

Index No: 70-22

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 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.

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

THE FOLLOWING WAS PRESENTED

By Ald. Jean-Francois

Sec'd by Ald. Johnson

Date of Adoption 04.05.22

Index No: 71-22

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 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

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

THE FOLLOWING WAS PRESENTED

By Ald. Tobin

Sec'd by Ald. Green

Date of Adoption 04.05.22

Index No: 72-22

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 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

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

THE FOLLOWING WAS PRESENTED

By Ald. Masi

Sec'd by Ald. Kleiner

Date of Adoption 04.05.22

Index No: 73-22

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 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.

**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 04.05.22

Index No: 74-22

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 Z-3 Consultants to be added to the list of authorized City of Middletown Electrical Underwriters.

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

THE FOLLOWING WAS PRESENTED

By Ald. Green

Sec'd by Ald. Kleiner

Date of Adoption 04.05.22

Index No: 75-22

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 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.



Common Council Meeting
APRIL 19, 2022 - Transcript
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. Kevin Witt
Ald. Joseph Masi

A B S E N T

Ald. Andrew Green

Digitally Recorded Proceeding, transcribed by:
Lisa Kane

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1. Pledge of Allegiance

2. Roll Call

PRESIDENT RODRIGUES: All right. Roll.

RICHARD MCCORMACK, COUNCIL CLERK: Good afternoon, everybody.

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

3. Approval of Minutes.

PRESIDENT RODRIGUES: Okay. Approval of minutes.

RICHARD MCCORMACK, COUNCIL CLERK: We have the minutes from March 15, 2022.

ALD. MASI: So moved.

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

ALDERMANS: Aye.

4. Correspondence, Communications and Reports

PRESIDENT RODRIGUES: Correspondence.

RICHARD MCCORMACK, COUNCIL CLERK: We have an application for a subdivision from Tom Loreno (phonetic).

PRESIDENT RODRIGUES: Forward to Mr. Green's Committee. Anything else?

RICHARD MCCORMACK, COUNCIL CLERK: That's it.

5. For the Good of the City

PRESIDENT RODRIGUES: For the Good of the City.

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

SUSAN DEPEW: Good evening, Susan Depew. I'd just like to invite everybody from the City of Middletown to join us this Saturday at 9 to 12 at our new named old place about 150 feet from where we're all at City Hall. It's John Degnan Square. Okay. It used to be Festival Square. Please join us. It has been a long time since the City of Middletown has had the opportunity to have one of these events. This is our 10th year that we're doing this. We've not done in 2021. We are going to be the biggest this year. We want everyone's participation. You can -- you can pick any street you want to clean. You can pick any park you want to clean. You don't have to stay the whole three hours from 9 to 12, but we would love you to come. Bring your children, bring your friends. If you want to walk your dog with us, do so. Make sure the dog doesn't have any little remnants leaving behind you. Anyway, please join us. We're welcoming everybody. Thank you very much.

PRESIDENT RODRIGUES: And the weather is going to be great, sunny and 57 degrees.

Anyone else who would like to address the

Council?

6. Remarks of the Mayor.

PRESIDENT RODRIGUES: Okay. Remarks of the Mayor. I see a presentation.

JOSEPH DESTEFANO, MAYOR: Good evening. And we haven't done this in a while. And that was the first slide. So Sue said it probably better than I could. And I want to thank all the different groups that are involved in this event. I know Keven has been involved with the school district and we have quite a few students coming, different clubs, and different sporting teams. So, but Sue is right, we are trying to get more neighborhoods involved too. That if your street needs cleaning, just stop down. You can pick up the pickers and the gloves and we'll -- so we can identify where, you know, after the event our DPW goes around and picks up the bags that are labeled. So we'd like to just have a little coordination. And it's a good time. Good time to meet your neighbors and -- and help the City.

One thing one of the Alderman did reply to me and said, you know, when we're looking for the list of problem areas and he made a good point and said the City is much cleaner this year because of the garbage cans and a lot of the neighborhoods are much cleaner. But we still have

problem areas and -- and we want to make sure that we get them cleaned up after the winter time especially our park areas and our downtown area. So appreciate anyone who could come out and join us. And I want to thank Sue and Rick and their whole team for once again putting this together.

We had a good visit last from Congressman Maloney. And any time the Congressman wants to bring \$3.5 million to Middletown, he's welcome. He's welcome any time he wants to come, but that time he, you know, he did come in with a check. This is for -- part of President Biden's infrastructure plan bill that was passed by -- by Congress and will go to do the water main project from the water main -- from the water plant down one of the mains that comes down Monhagan Avenue area.

And so Jacob has also submitted -- they're doing another round it appears this year for infrastructure. And we have submitted a list of projects. They asked last night that we identify three. And, of course, the further extension of this line is one of them. And a larger project which is the raw water lines which we've been talking to you guys about over the years which these are treated water lines, but they're all water lines that bring water, the lake and capture from Kinch Dam. They also need

to be replaced at some point and that is a very expensive project. So we're hoping one of those projects gets funded.

So I want to thank the Congressman and Senator Schumer and Senator Gillibrand and, of course, President Biden for passing that bill. And it means a lot to us as we move to replace these, in some cases, 100 plus year old water mains.

What you have seen also downtown is in some areas of downtown is saw cutting of our roads. Some people are mistaking this that we're going to be widening the sidewalks. And that's not true. I had a couple of calls that why are you going to widen the sidewalks. And, of course, one person referenced I'm doing it because my wife owns a restaurant on West Main Street, so I want to have more sidewalk space in front of the restaurant. I said, well, try to explain to them, no, that's not what's happening. Masi says it makes sense. But the saw cutting is when they start digging up the sidewalk and the curbs they will -- don't rip up the whole road and it's only the curb area.

So this is a citywide project for every traffic - - every traffic signal throughout the City will be with the exception, I believe, of one, maybe two, but I believe it's

just one now will be ADA compliant, new sidewalks, new curb, pedestrian crossing devices that are ADA complaint.

So this is the schedule. You can go online and you can get an idea. We've communicated to the bid district. The project started down on North and John and will come up towards the -- we're going to try to go through Franklin Square first because we want to beat that -- the Run for Downtown. We want to get ahead of that schedule for that, so that section is complete for the Run for Downtown.

But you can see the -- on that list there are several intersections that are going to be done this year. The project will be about two-and-a-half to three years total. It's going to realign some intersections such as Canal and -- and West Main, also Highland and Wickham. And as Jacob mentioned at the last meeting, excuse me, that little knot -- little street of Liberty Street, that little section will be eliminated. They'll be turn signals like at Lake -- Lake and Wickham, so we can make traffic flow through there.

So, overall, it's a -- it's a good project. There will be a lot of rebuilding of drain basins. They'll be some stamped concrete crossings, so people can identify pedestrian crossings better. So, overall, it's a -- it's a

very good project. It's running about \$30 million. We're hoping that 95 percent of the eligible part under the traffic operations will be funded through the Orange County or through the federal government primarily and passed through to the State. And -- and what's it called, Jacob?

JACOB TAWIL, DPW COMMISSIONER: DOT.

JOSEPH DESTEFANO, MAYOR: DOT, yeah.

JACOB TAWIL, DPW COMMISSIONER: Federal approved funding.

JOSEPH DESTEFANO, MAYOR: It's federal funding passed through DOT, right. And then it comes through the County in some function in some way. So we're hoping for 95 percent of that to be funded. And, of course, we have some of our DRI money in here. And we have some of other monies that have been spent. So you -- you might ask the question is you see a sidewalk like downtown, some parts of the sidewalk was replaced already and now we're going to continue it in a different, you know, a year or two later. The reason is these are three different pools of money and we have to do as the money comes in and apply it to the appropriate pool.

So there's going to be a lot of digging up around town. All the businesses and homes and driveways, wherever you are, your driveway, the contractor is required to make

them passable. So your business will have -- people will be able to go in and out of your business if you have a driveway. They'll be putting down the steel platforms, so your cars can drive in. If you don't you should call my office or call DPW and we'll try to make sure that that gets done immediately. That's a responsibility of the contractor.

There's going to be some inconvenience, we all know that. But we want to minimize the inconvenience to all the parties. And when it's done, I think you'll be very happy.

Next is a update on the O&W. This is a recent picture from last week. And I'd figure I'd put it up here before Mr. Kleiner asked about it. And they are doing the asbestos, the environmental audit right now. And they're doing the roof in this picture here. We're hoping to have construction plans, bid documents I think by late this year, maybe October/November.

ALDERMAN: There's no roof on there.

JOSEPH DESTEFANO, MAYOR: There is a roof there. That was you when you were firefighting. You were up there.

MALE SPEAKER: It's gone. There's no roof. There's a tree going through it.

JOSEPH DESTEFANO, MAYOR: They have to examine every part of the building to make sure they can -- there's no asbestos in the building. I got Jacob talking in my ear. He's helping me. He's helping me.

PRESIDENT RODRIGUES: He's in the right position.

JOSEPH DESTEFANO, MAYOR: That's right. So this project, you know, there's been a lot of social media chatter the last few days about -- about the project that why isn't the building being saved. People think it's being demolished. No it's not being demolished. The crews are there to save the building. We do have a tenant. You know, the project is moving forward. And so far we, you know, we have high prospects for this building to be renovated. It's going to happen, so we have the majority of funding in place. We may be needing to move some funding around because as you know the last -- part of the project we had 700,000 for a separate grant from New York State that we were hoping to get called the Consolidated Funding Application from last year. So short term we may have to fund this 700,000 that we didn't get last with possibly through ARPA in order to qualify for the other grant money, but we'll be presenting that to you at the next meeting. Before the State releases their money, they want to see that we have encumbered or -- not encumbered,

committed funds to complete the project. But we'll still apply for additional funding as we move forward in this year's State budget.

And that's about it other than there's a public hearing immediately following my comments. And I'll be making a comment on that too. There's two people here for that, so I'll stay here unless you have any questions.

PRESIDENT RODRIGUES: Any questions for the Mayor? Alderman Johnson.

ALD. JOHNSON: Two things, Mayor. Just as appoint of information, I did present our O&W topic at the Board meeting two weeks ago, so that was another venue that people could understand that we are rehabbing the building.

JOSEPH DESTEFANO, MAYOR: Okay. Good. Thank you.

ALD. JOHNSON: Are there any -- do you have any thoughts worth sharing on the Maple Hill Pool?

JOSEPH DESTEFANO, MAYOR: Yeah. Maple Hill Pool, I sent an email out to you, Kate and -- and I think Miquel and -- Council President, and we're going to try to get some feedback from that neighborhood. It's mixed. I've heard people that I've talked to, some want the pool to stay, many want the pool to go. But that's only people that have talked to me and it's not a lot of people. It's

not a big sample. So I think the best thing we can do is meet with neighbors up there, give an idea of what they would want, what they think would be best for the neighborhood and then decide whether we're going to put a pool back there because the pool this year will not be open. Well, not -- it won't be open ever because it's done. It's 54, 55 years old. And it's going to cost \$1 million to repair. And it would cost probably a million and a half to replace. So it appears the repair would be out and the replace would be in if we go that route.

But it's certainly will change that neighborhood. In the summertime you have a large volume of kids. People from that whole end of town going there. Do you want the traffic, not want the traffic? What will be in its place? So those are the discussions we need to have. And then the alternative is with the Parks Department is not recommending, but they're giving as an option would be to build an additional pool adjacent to Davidge, but not a pool, but one of those wading pools that you --

ALDERMAN JOHNSON: A water park kind of --

JOSEPH DESTEFANO, MAYOR: Like a water park type pool. And there's some advantages to that. One is that in deep pools are no longer the in thing especially for government or hotels. If you go to hotels, you'll see the

pools are usually 3.5, 4 feet deep. There's no more 8,10 foot deep pools for safety reasons. But also are staffing issues which are major. We're not sure we're going to be able to open the pools for all the hours that we want this year with only two pools.

ALDERMAN JOHNSON: Right.

JOSEPH DESTEFANO, MAYOR: So we offered a free course. I think we had 9 or 10 people participate. Whether they all come to work for us is a different question. We need about 7 lifeguards a day to run the two pools. And with only 10 people, that's not a lot of hours.

We are getting questions from different groups that traditionally have used the pools, but over the last year or so or last year especially because the lack of lifeguards, the seniors, we were not able to provide them with pools in the morning because of the camps. And they traditionally went at a different hour. We just didn't have any lifeguards. So it is a crisis. We upped our pay. We're talking to people about giving them additional pay on weekends which seems to be the biggest problem. But it's also the biggest time that you need the pools open because that's the majority of family use at the -- at the park especially at Davidge.

So I don't have an opinion one way or the other

other than I'd like to get the input from the neighbors, not necessarily in a formal public hearing, but maybe just a meeting at Maple Hill at one of the pavilions and inviting neighbors.

ALD. JOHNSON: So maybe a coordinating.

JOSEPH DESTEFANO, MAYOR: Yeah, if you guys want to coordinate and then we'll just have like a discussion and see what they would like to see and then see what's doable with -- to our parks program. But that pool will be shut down for -- it's done forever.

ALD. JOHNSON: And, once again, whatever we do there would not be the traditional pool that we're used to. It would be more like a water-theme park.

JOSEPH DESTEFANO, MAYOR: I -- I don't know if that is doable up there. But the proposal because I don't know about staffing. We have to have Raelynn here to address some of that. And I think your question is do we want to do that type of pool up in Maple Hill too.

ALD. JOHNSON: Right.

JOSEPH DESTEFANO, MAYOR: I don't know. Their idea from the Rec Department if we're going to do that type of pool would be to do it with Davidge because then you could have one central point of entry and they can have a limited -- it reduces the amount of lifeguards and

supervisory staff that they need. So that was the idea of long term as they don't see a short-term solution to the lifeguard situation. It's kids -- young people are traditionally the people we use, high school swim team, college kids coming home, but that doesn't seem to be the - the desirable short-term summer job anymore.

ALD. JOHNSON: I just want to make sure that we know what -- what the options are that we're discussing with the survey.

JOSEPH DESTEFANO, MAYOR: Yeah. Well, we would certainly have -- I think we could put something together like through Raelynn and give the options. But I think it's best rather than do a survey first, maybe have a meeting first and then they can speak to it first then let it sink it because I'm not give you 100 percent accurate information probably. I don't have all the details like -- like Raelynn does. So I think having her at a meeting would be the best thing.

ALD. JOHNSON: We'll send out a feeler for something like a pool in the same location, how do people feel about that?

JOSEPH DESTEFANO, MAYOR: And whether the location is conducive because I know it's up on a hill. And you have the -- you have a drop off there too. How big

-- how much space is needed, I don't know, so we'll have to
-- we'll have to talk about it.

ALD. JOHNSON: Thank you.

PRESIDENT RODRIGUES: Anyone else? Thank you,
Mayor.

JOSEPH DESTEFANO, MAYOR: All right.

7. Remarks of Department Heads

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

MARIA BRUNI, ECONOMIC DEVELOPMENT: Good evening,
everyone. Just to inform you that the bids are out for the
ice rink project for Erie Way Park under the pavilion. So
those bids are going to be due on Wednesday, April 27th at
the Board of Estimate will open them.

Also, you could see there's a couple resolution
regarding summer concerts and farmers markets. So things
are progressing and we should be releasing our summer
concert schedule within the next week or two.

And that's all I have for tonight.

PRESIDENT RODRIGUES: Any questions for Maria?

Thank you, Maria.

MARIA BRUNI, ECONOMIC DEVELOPMENT: Thank you.

PRESIDENT RODRIGUES: DPW Commissioner.

JACOB TAWIL, DPW COMMISSIONER: Good afternoon.

The reservoirs, Alderman Masi, they're full 100 percent with all the rain. There's going to be some time when we sit here scared worrying about the water levels, so that's why we got into the habit of reporting it to you.

Reminder for our residents about the spring cleanup coming right after the City of Middletown citywide cleanup that Sue DePew was speaking of and we're going to start with the 2nd Ward and April 25th; 1st Ward, May 1st; 4th Ward, May 9th; and 3rd Ward will be May 16th. Again, just put it up, please, the night before which is Sunday before or you can do it over the weekend, but not much longer before that.

Also, again, just a reminder, keep an eye for the people who come from outside the City to illegal dumping at night or even during the day when everybody is out to work. If you see something, call the police department or call DPW please during the regular office hours.

The Mayor spoke about the 300 -- \$3.5 million for the water main. We're waiting for the word to say that the money is there, so we can engage the consultant and start immediately working on the design and hopefully we'll get fast track project.

24-inch high pressure water main, we're looking to get the contractor back there to finish the job.

Hopefully within a couple of weeks it will be moving. The Mayor spoke about the traffic operation in details, so I'll skip that.

Water flushing hopefully will be done next week in the 4th Ward otherwise all the other wards are completed. But still be careful because the 4th Ward is adjacent to, you know, other wards. So be careful when you are doing the laundry. Look for the water, make sure it's not disclosed and it's clean before you do the laundry.

And with that, I will conclude.

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

City Treasurer.

KELLY ANN KELLY, CITY TREASURER: Good evening, everybody. I did get some not terrible news today, but not good news. The Deputy Treasurer resigned today. She was afforded an opportunity she just can't turn down. She's a single mom. It's a job five minutes from her house. It's a promotion in title, but it's not good for me and the City. We are going to recruit for the position. She gave a month's notice which I thought was very nice. We're advertised already on Nycom, New York State GFOA, the Government Financial Officers, going to try and maybe put it on our Facebook page. If anybody knows anybody, please

reach out to me. Anybody has any ideas on how to recruit, reach out to me. I know it was difficult to get that position hired if I remember, Mayor. So any help you guys can offer I would greatly appreciate.

PRESIDENT RODRIGUES: All right.

KELLY ANN KELLY, CITY TREASURER: And that all I have.

PRESIDENT RODRIGUES: Any questions
Thank you, Kelly. Good luck.

All right. City Clerk.

RICHARD MCCORMACK, CITY CLERK: I just want to thank Ms. DePew for all her efforts getting the weekend cleanup together. Thank you for Mr. Kleiner for bringing it all together. And we're looking forward to a great event this weekend.

PRESIDENT RODRIGUES: Any questions for Rick?

All right.

8. Public Hearings and Grievances.

PRESIDENT RODRIGUES: Public hearings.

RICHARD MCCORMACK, CITY CLERK: Good evening. We have one public hearing this evening. Notice is hereby given that the City of Middletown will hold a public hearing on Tuesday, April 19th, 2022, on or as near to 7:30 p.m. as possible in the Common Council Chambers, Second

Floor at 16 James Street to hear any and all persons wishing to be heard on proposed rezoning of one lot at 44-48 East Avenue from DMW downtown mixed use district to the R2 family residential district. Any and all persons wishing to be heard will be given an opportunity to speak either for or against the proposed zoning -- change of zoning. Complete proposal is available on the City website and the Office of the Common Council Clerk. For any persons unable to participate at the time of the public hearing, emailed comments may be submitted in advance to rmccormack@middletown-NY.com by order of the Common Counsel.

PRESIDENT RODRIGUES: At this time, the public hearing is now open.

JOSEPH DESTEFANO, MAYOR: Hi. I just wanted to give an opening on it because this has been going back and forth through code and Mr. Gonzalez is here. I think he'll speak to it also.

The -- the issue is that East Avenue, one side of East Avenue for some reason or another was put into the business improvement district and the -- which covers in a DMU zone. First floor residential is not allowed. This one specific building is the former Ben Gilman office, if you remember when Ben Gilman was on East Avenue. And it's

a large piece of property. It's a residential home with an exposed basement, the back. You know, the grade allows for the basement, basically, a full basement above -- above ground.

So the house was purchased and they were attempting to use it as -- did use it as a residential facility. I know their mom was living on the lower floor. But, unfortunately, the code did not allow us to let them have residential housing on that floor. We looked into the different zoning and why -- why the bid was ever included on East Avenue that side is beyond me. But to change it now, the whole block would be a little more difficult because if you look at East Avenue from East Main to Washington Street where this is, that's mostly one family homes. So we didn't want to change that whole section, we wanted to leave that there because they're mostly smaller lots, but mostly one-family homes. So we looked at the map and we saw that there were some special accommodations made in the past for I think the Historical Society. And if you look at the map it's not evenly down one side of East Avenue versus the other side.

So I suggested that we make this piece of property itself because it's contiguous to R2 which we need to have -- we need to have that contiguous zoning and they

seem to -- it seems to solve their problem that the house is going to be occupied on the first floor because it makes no sense to have the lower floor where she has a handicapped mom. And I'm sorry I forgot to -- yeah, her mom was on the first floor because her mom is in a wheelchair and then, basically, the street-level floor. But then technically the first floor of the building would be unoccupied and then the third floor of the building could be occupied. And the only thing they could go in between would be commercial. And I think we all know that East Avenue is not going to try some kind of commercial development.

So she's here to answer any of your question if you have. She has some pictures if you need to see them, but --

PRESIDENT RODRIGUES: Is it -- is it turning into a three family?

JOSEPH DESTEFANO, MAYOR: No, two family.

PRESIDENT RODRIGUES: Two family.

JOSEPH DESTEFANO, MAYOR: It will be a two family. The one apartment can have two floors.

PRESIDENT RODRIGUES: Okay.

JOSEPH DESTEFANO, MAYOR: But it will be a two family. Her mom will be in the basement and the first

floor and then a second apartment on the third floor.

PRESIDENT RODRIGUES: Okay.

JOSEPH DESTEFANO, MAYOR: I say that correctly?

MALE SPEAKER: Yes.

JOSEPH DESTEFANO, MAYOR: Do you have any questions?

PRESIDENT RODRIGUES: Does anyone on the Board have any questions? Does anybody from the public have any question. Okay.

May I have a motion to close?

ALD. MASI: So moved.

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

ALD. JEAN-FRANCOIS: Second.

PRESIDENT RODRIGUES: Alderman Jean-Francois. All in favor.

ALDERMANS: Aye.

PRESIDENT RODRIGUES: Public hearing is closed. All right.

9. Petitions and Complaints

(None this evening.)

10. Remarks of the Alderman.

PRESIDENT RODRIGUES: Remarks of the Alderman. Alderman Tobin.

ALD. TOBIN: Nothing this evening.

PRESIDENT RODRIGUES: Alderman Jean-Francois.

ALD. JEAN-FRANCOIS: Yes. I just remind the community that we have been getting a lot of rain, so the grass is growing pretty quickly. We'd like to remind everyone please keep up with the grass. We don't want Code Enforcement to come knocking on your door. Those guys are pretty persistent. So we try to alleviate that. Just keep up with the grass and as it get higher as the summer continue. Thank you.

PRESIDENT RODRIGUES: Okay. Alderman Johnson.

ALD. JOHNSON: Nothing this evening.

PRESIDENT RODRIGUES: Alderman Ramkisson.

ALD. RAMKISSOON: Nothing this evening.

PRESIDENT RODRIGUES: Alderman Kleiner.

MALE SPEAKER: Don't say it, Gerry.

ALD. KLEINER: Not quite so fast. The Mayor and Sue said it well about Pride Cleanup Day, so. And as President Rodrigues said, the weather looks good. It's a nice winter day out today, but the weather looks good for Saturday. So please come out and help us pick up litter and help us clean up the City. Earth Day is Friday, so it's a perfect time for it.

I want to thank the Mayor for coming to our

constituents meeting. It was a week ago Monday. He stayed for an hour-and-a-half and updated everybody on most everything going on the City. So we -- we really appreciate that.

And I -- last -- last week we also had a resolution retiring K9 Ares. It was Lieutenant Cunningham's canine, a dog. And he agreed to take the dog home and have it live with him. And I want to thank both of them for that. I'm sure they'll both be very happy. So the thing I forgot to mention last time.

We also have a Resolution tonight on recognizing Monday, April 27th as Holocaust Remembrance Day. And with what's going on in Ukraine today I think it's very important that we all think about genocide and what we thought was never again happening again.

And, finally, Andrew, hope you're feeling better. Get well, come back soon. Thank you.

PRESIDENT RODRIGUES: Alderman Witt.

ALD. WITT: Nothing this evening.

PRESIDENT RODRIGUES: Alderman Masi.

ALD. MASI: Nothing this evening.

11. Unfinished Business.

(None this evening.)

12. New Business.

PRESIDENT RODRIGUES: New Business.

RICHARD MCCORMACK, COUNCIL CLERK: Good evening.

We have a Resolution sponsored by Alderman Masi declaring two Middletown Police Department firearms as surplus.

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

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

RICHARD MCCORMACK, COUNCIL CLERK: We have a Resolution sponsored by Alderman Masi authorizing a budget transfer of \$3,000.

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

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

RICHARD MCCORMACK, COUNCIL CLERK: Resolution sponsored by Alderman Johnson amending the City Code changing the definition of retail stores.

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

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

RICHARD MCCORMACK, COUNCIL CLERK: Resolution sponsored by Alderman Kleiner approving an extension of time of six months for two Resolutions dated May 4th, 2021, Number 98-21 and Number 99-21 for the Presidential Heights Realty Subdivision.

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

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

RICHARD MCCORMACK, COUNCIL CLERK: A Resolution sponsored by Alderman Tobin authorizing the Mayor to sign performance agreements for the summer of 2022 concert series and the Stars and Strips event.

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

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

RICHARD MCCORMACK, COUNCIL CLERK: A Resolution

sponsored by Alderman Jean-Francois authorizing the closure of Union Street as needed for the 2022 Farmers Market.

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

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

RICHARD MCCORMACK, COUNCIL CLERK: Resolution sponsored by Alderman Masi to amend the City Code to extend the trial period to allow live music at outdoor cafes from May 17th, 2022 through and including October 21st, 2022.

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

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

RICHARD MCCORMACK, COUNCIL CLERK: Resolution sponsored by Alderman Kleiner recognizing Holocaust Remembrance Day.

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

ALD. KLEINER: I just want to thank the County for passing this about a week ago at the April 8th meeting. And this Resolution is very similar to theirs, but we added very much the recognition of Ukraine in what's going on today. Thank you.

PRESIDENT RODRIGUES: Anyone else? Roll.

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

14. Audit of Claims and Accounts

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

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

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

15. Adjournment

PRESIDENT RODRIGUES: Okay. Motion for adjournment.

ALD. KLEINER: So moved.

(PROCEEDING CONCLUDED)

CERTIFICATE

I, LISA KANE, certify the foregoing transcript of proceedings of the April 19, 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: May 2, 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. Masi

Sec'd by Ald. Witt

Date of Adoption 04.19.22

Index No: 76-22

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

RESOLVED that the Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment and declares two guns used by the Middletown Police Department Tactical Team and no longer serve a purpose as surplus.

BE IT FURTHER RESOLVED that the Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment authorizing the sale of said guns for \$1,000 each to two police departments within our community as follows:

Remington Model 700 Scoped Rifle .308 Caliber (2)

(1)Serial #G6318027 to Blooming Grove Police Department

(1)Serial #F6264247 to Town of Chester Police Department

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

THE FOLLOWING WAS PRESENTED

By Ald. Masi

Sec'd by Ald. Johnson

Date of Adoption 04.19.22

Index No: 77-22

NAMES AYES NOES ABSTAIN ABSENT

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

RESOLVED that the Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment and authorizes the Treasurer to transfer \$3,000 for the purpose of additional consulting fees for RBT, CPA's for ARPA guidance and reporting in the following manner:

FROM

A.4785

AMOUNT

\$3,000

TO

A,F,G.8888.9000 ARPA
General, Water, Sewer
(split 3 ways)

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

THE FOLLOWING WAS PRESENTED

By Ald. Johnson

Sec'd by Ald. Tobin

Date of Adoption 04.19.22

Index No: 78-22

NAMES AYES NOES ABSTAIN ABSENT

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

WHEREAS, the Mayor and Corporation Counsel have requested a limitation on the definition of retail stores in the DMU Zoning District.

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

Section 1 - The Code of the City of Middletown, N.Y., Chapter 475, Zoning, be and is hereby amended by replacing Paragraph (1) to Subsection D, Permitted Uses, of Section 475.21.1 (DMU Downtown Mixed Unit) to read as follows:

(1). Retail stores, provided that:

- (a). All goods prepared on the premises are sold at retail; and
- (b). No goods sold may be consumed on the premises; and
- (c). The floor area of the store does not exceed 3,000 square feet.

Section 2 - The Code of the City of Middletown, N.Y., Chapter 475, Zoning, be and is hereby amended by replacing Paragraph (19) to Subsection F, Uses requiring issuance of both a special use permit and site plan approval by the Planning Board, of Section 475.21.1 (DMU Downtown Mixed Unit) to read as follows:

(19). Retail stores whose floor area exceeds 3,000 square feet, provided that:

- (a). All goods prepared on the premises are sold at retail; and
- (b). No goods sold may be consumed on the premises.

Section 3 - This ordinance shall take effect immediately.

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

THE FOLLOWING WAS PRESENTED

By Ald. Kleiner

Sec'd by Ald. Masi

Date of Adoption 04.19.22

Index No: 79-22

NAMES AYES NOES ABSTAIN ABSENT

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

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

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

THE FOLLOWING WAS PRESENTED

By Ald. Tobin

Sec'd by Ald. Kleiner

Date of Adoption 04.19.22

Index No: 80-22

NAMES AYES NOES ABSTAIN ABSENT

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

RESOLVED; that the Common Council of the City of Middletown hereby authorizes the Mayor to sign all agreements with the perspective performers for the 2022 Summer Concert Series and the Stars & Stripes event.

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

THE FOLLOWING WAS PRESENTED

By Ald. Jean-Francois

Sec'd by Ald. Johnson

Date of Adoption 04.19.22

Index No: 81-22

NAMES AYES NOES ABSTAIN ABSENT

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

RESOLVED; that the Common Council of the City of Middletown hereby authorizes the closing of Union Street, as needed, for the Farmers Market, on Saturdays beginning on June 4, 2022 through October 22, 2022 from 7 AM to 2 PM.

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

THE FOLLOWING WAS PRESENTED

By Ald. Masi

Sec'd by Ald. Kleiner

Date of Adoption 04.19.22

Index No: 82-22

NAMES AYES NOES ABSTAIN ABSENT

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

Whereas, Section 475-28 (G) (4) of the Code of the City of Middletown prohibits live music and live music performances in outdoor and sidewalk cafes, and

Whereas, the Common Council in 2020 passed a resolution allowing live music and live music performances in outdoor and sidewalk cafes on a trial basis from May 18, 2020 until and including October 15, 2020, and

Whereas, the Legislative Committee of the Common Council has recommended that live music and live music performances in outdoor and sidewalk cafes be allowed for another one year trial period under the same terms as conditions as existed from May 17, 2022 until and including October 21, 2022.

Now, therefore, be it resolved by the Common Council of the City of Middletown that Section 475-28 (G) (4) of the Code of the City of Middletown is hereby repealed and replaced in its entirety by the following:

Section 475-28 (G). Miscellaneous provisions.

...

(4) Outdoor and sidewalk cafes may be allowed to provide music, so long as such music does not violate or does not conflict with any applicable law or ordinance such as the City's noise ordinance (except as may otherwise be provided below), or does not create a nuisance to surrounding residents or properties. Live music or live music performances are not permitted in or at sidewalk cafes. With respect to outdoor cafes only (and only within the geographic area described below), live music or live music performances will be permitted from May 17, 2022 until and including October 21, 2022 during the hours of 12:00 noon until 10:00 p.m. on Thursday, Friday and Saturday, and 1:00 p.m. until 9:00 p.m. on Sunday, in such a manner as to generate an instantaneous sound pressure level not to exceed 90 decibels (DBA) as measured from any point along the boundary line of the real property on which the outdoor café is located and from which the sound pressure is generated.

For purposes of this subsection (4), live music or live music performances will be allowed in or at outdoor cafes only within the area contained within the City's Business Improvement District (except not in or on properties located south of Fulton Street) and in or on properties on either side of East Main Street from Academy Avenue to the west side of Railroad Avenue.

Live music or live music performances will be allowed in or at outdoor cafes as described above during a trial period lasting only until October 21, 2022, unless the ability and permission to have live music or live music performances in or at outdoor cafes is extended by action of the Common Council of the City. If the time period is not extended by action of the Common Council, then live music or live music performances will not be permitted after October 21, 2022 in or at outdoor cafes.

Lighting in outdoor and sidewalk cafes shall be minimal and shall not be allowed to disturb surrounding residents or properties. No outdoor cooking of any type is permitted in outdoor and sidewalk cafes.

Be it further resolved that Section 475-28 (H) of the Code of the City of Middletown is amended by adding the following as a second paragraph in Section 475-28 (H):

Notwithstanding the previous paragraph and in addition to any penalties imposed under the previous paragraph of this Section 475-28 (H), violations of Section 475-28 (G) (4) of the Code of the City of Middletown may be enforced by the Police Department, any code enforcement officer of the Department of Public Works or the Fire Inspector and disposed of as follows:

- (1) For the first violation of Section 475-28 (G) (4) of the Code of the City of Middletown by an outdoor café's operation, the owner and/or operator of the outdoor café shall be issued a verbal or written warning informing the owner and/or operator of the violation and directing that it be ceased immediately.
- (2) For the second violation and subsequent violations of Section 475-28 (G) (4) of the Code of the City of Middletown by an outdoor café's operation, the owner and/or operator of the outdoor café shall be issued a written violation notice and/or an

- appearance ticket ordering the owner and/or operator to appear in Middletown City Court to answer the violation(s).
- (3) At any time, the Police Department of the City, upon inspection and discovery of a violation of Section 475-28 (G) (4) of the Code of the City of Middletown by an outdoor café's operation, may immediately cause the offending outdoor cafe to be cleared of patrons, if such action is reasonably necessary to protect the public health, safety, welfare or convenience.
 - (4) If the operation of an outdoor cafe is alleged to be in violation of Section 475-28 (G) (4) of the Code of the City of Middletown a second time, the outdoor café permit issued to the owner and/or operator of the outdoor café shall be revoked by the City Clerk.
 - (5) Any person found guilty of violating Section 475-28 (G) (4) of the Code of the City of Middletown shall be guilty of a violation and shall be liable for a fine of not less than \$250.00 nor more than \$2,000.00 for the first occurrence, and such fines shall be increased to a fine of not less than \$500.00 nor more than \$4,000.00 for any subsequent occurrence(s).

Be it further resolved that this resolution shall take effect immediately.

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

THE FOLLOWING WAS PRESENTED

By Ald. Kleiner

Sec'd by Ald. Masi

Date of Adoption 04.19.22

Index No: 83-22

NAMES AYES NOES ABSTAIN ABSENT

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

**RESOLUTION RECOGNIZING APRIL 27, 2022 AS HOLOCAUST MEMORIAL DAY
"YOM HASHOAH."**

WHEREAS, in 1953, Israel signed a law to recognize a day each year for all its citizens to commemorate the victims of the Holocaust "Yorn Hashoah Ve-Hagevurah" (the day of remembrance of the Holocaust and Heroism); and

WHEREAS, in 2005, the General Assembly of the United Nations adopted a Resolution on the Holocaust Remembrance, reaffirming, among other things, (i) the Universal Declaration of Human Rights which proclaims that everyone is entitled to all the rights and freedoms set forth therein, without distinction of any kind, such as race, religion and other status and (ii) that the Holocaust, which resulted in the murder of one third of the Jewish people, along with countless members of other minorities, will forever be a warning to all people of the dangers of hatred, bigotry, racism and prejudice; and

WHEREAS, today, Holocaust Memorial Day, is recognized internationally as the day to commemorate all those who were victims of the Holocaust and Nazi persecution, as well as the victims of earlier and later genocides; and

WHEREAS our nation and the world are seeing atrocities and genocides occur in the nation of Ukraine not seen on the European Continent since World War II and that such unprovoked

aggressions are reminiscent of those occurring during World War II and such aggressions ought to be condemned;

NOW, THEREFORE, BE IT HEREBY RESOLVED, that the Middletown Common Council recognizes April 27, 2022 as Holocaust Memorial Day and We commend these sentiments to every citizen of Middletown that all might remember and reflect upon the Holocaust and more recent genocides as a clear warning of where racism and other forms of prejudice and discrimination can lead.

COMMON COUNCIL
CITY OF MIDDLETOWN
CERTIFICATION OF RESOLUTION

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

WITNESS My Hand and the Official Seal of the City of Middletown, New York, this 26th day of April, 2022.

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

Seal

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

THE FOLLOWING WAS PRESENTED

By Ald. _____

Sec'd by Ald. _____

Date of Adoption 05.17.22

Index No: 94-22

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 \$15,000 in the following manner to repair the existing heat and AC systems in the preschool area, which are currently inoperable.

<u>FROM</u>	<u>AMOUNT</u>	<u>TO</u>
A.7321.100	\$15,000	A.8060.470
Special Programs. Pers Serv		Parks & Rec. Repairs to Building

The quote from Val Bruni is attached \$12,370. The additional funds will be used for the electrical work needed with the project.

Middletown Recreation and Parks Department

898 CR-78, Middletown, New York 10940 Tel: (845)846-4180 Fax: (845)844-2918



RECEIVED

MAY 10 2022

City Clerk
City of Middletown

Monday, May 9, 2022

RE: Transfer within 2022 Operating Budget

Dear Board of Estimates & Council Members:

The Recreation & Parks Department is requesting authorization for the Treasurer to transfer \$15,000.00 from account A.7321.1 Special Programs - Personal Services to account A.8060.470 Parks & Recreation - Repairs to Building. The existing heat and AC systems are not operable in our preschool area. The quote from Val Bruni is attached \$12,370. The additional funds will be used for the electrical work needed with the project.

Sincerely,

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

Raelynn Bertholt, Superintendent of Recreation
Middletown Recreation & Parks Department

Val Bruni Plumbing and Heating Inc.

PO Box 864
25-1/2 Webb Road
Middletown, NY 10940

Voice: 845-342-4356
Fax: 845-342-4359

QUOTATION

Quote Number: 1075-Q54319

Quote Date: Mar 23, 2022

Page: 1

Quoted To:
CITY OF MIDDLETOWN 16 JAMES ST MIDDLETOWN, NY 10940

Job Location:
CITY OF MIDDLETOWN - PARKS & REC 393 CTY ROUTE 78 MIDDLETOWN, NY 10940

Customer ID	Good Thru	Payment Terms
MDTN CITY - 1075	4/22/22	Net 5 Days

WE HEREBY SUBMIT SPECIFICATIONS AND ESTIMATES FOR:

Item Qty	Description	Price Each	Amount
1.00	CENTER ROOM IN DAYCARE AREA: EXISTING HEAT AND AC SYSTEM IS NOT OPERABLE DUE TO THE FOLLOWING REASONS: #1 - THERE IS A LEAK ON THE HEAT COIL. #2 - EXISTING AC CONDENSER SHORT CYCLES AND TURNS ON RANDOMLY. * PROPOSE TO ABANDON THE ABOVE AND INSTALL: (1) CARRIER MINI SPLIT 2- TON UNIT SYSTEM. CONSISTING OF (1) INDOOR UNIT AND (1) OUTDOOR UNIT. PRICE INCLUDES NECESSARY PIPE, FITTINGS AND LABOR TO CONNECT AND START-UP. LABOR BASED ON NYS PREVAILING WAGE SCHEDULE. *NOTE: ALL ELECTRICAL TO BE BY OTHERS. TOTAL PRICE:	12,370.00000	12,370.00

ALL WORK WILL CONFORM WITH N.Y.S. AND LOCAL CODES.
OWNER AGREES THAT THE PRICE QUOTED IS BARRING ANY UNFORSEEN CIRCUMSTANCES.
ANY DELAYS OR ADDITIONAL MATERIALS REQUIRED DUE TO CIRCUMSTANCES BEYOND OUR CONTROL
WILL BE BILLED AS ADDITIONAL COST ABOVE QUOTED PRICE. (QUOTE IS GOOD FOR 30 DAYS.)
MATERIALS HOLD MANUFACTURERS WARRANTIES ONLY

SIGNATURE: _____

DATE: _____

Subtotal	12,370.00
Sales Tax	
TOTAL	12,370.00

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

THE FOLLOWING WAS PRESENTED

By Ald. _____

Sec'd by Ald. _____

Date of Adoption 05.17.22

Index No: 95-22

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 accepts a donation from the Middletown Lion's Club of \$200 to go towards trophies and awards for the 2022 Fishing Derby.

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 deposit the donation into account A.2029 Special Programs.

Middletown Recreation and Parks Department

898 CR-78, Middletown, New York 10940 Tel: (845)846-4180 Fax: (845)844-2918



Monday, May 9, 2022

RE: Authorization to accept donation

Dear Board of Estimates & Council Members:

The Recreation & Parks Department was given a donation in the amount of \$200.00 from the Middletown Lions Club to go towards trophies and awards for the 2022 Fishing Derby. Please accept this donation and authorize the Treasurer to deposit the donation into account A.2029 Special Programs.

Sincerely,

Raelynn Bertholf, Superintendent of Recreation
Middletown Recreation & Parks Department

RECEIVED

MAY 10 2022

City Clerk
City of Middletown

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

THE FOLLOWING WAS PRESENTED

By Ald. _____

Sec'd by Ald. _____

Date of Adoption 05.17.22

Index No: 96-22

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 \$370.00 in the following manner to cover scholarships for one (1) child to attend the Breakdancing Clinic (\$40.00) and 3 scholarships (\$110.00 each) for children to attend the Spring Break Program.

FROM

A.2705.0

Gifts & Donations for Scholarships

AMOUNT

\$370

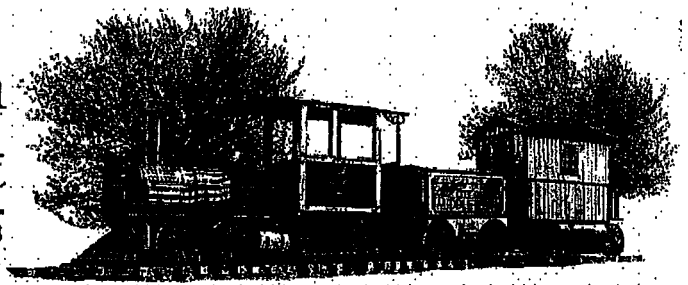
TO

A.2029

Special Programs

Middletown Recreation and Parks Department

898 CR-78, Middletown, New York 10940 Tel: (845)846-4180 Fax: (845)844-2918



Monday, May 2, 2022

RE: Authorization for Transfer of Funds

Dear Board of Estimates & Council Members:

The Recreation & Parks Department is requesting authorization for the Treasurer to transfer \$370.00 from account A.2705.07 Gifts & Donations for Scholarships to account A.2029 Special Programs. We provided 1 scholarship for a child to attend the Breakdancing Clinic (\$40.00) and 3 scholarships (\$110.00 each) for children to attend the Spring Break Program.

Sincerely,

Raelynn Bertholf, Superintendent of Recreation
Middletown Recreation & Parks Department

RECEIVED

MAY 03 2022

City Clerk
City of Middletown

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

THE FOLLOWING WAS PRESENTED

By Ald. _____

Sec'd by Ald. _____

Date of Adoption 05.17.22

Index No: 97-22

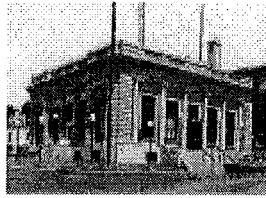
NAMES AYES NOES ABSTAIN ABSENT

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 accepts a donation from Walmart for \$2,500 to assist in the planning and scheduling of vendors at our annual Kids Day and Night Out Against Crime events.

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 deposit the funds in the Community Budget line A.3120.501.

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

MAY 03 2022

City Clerk
City of Middletown

May 3, 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,

Sergeant Welch has applied for a grant from Walmart for \$2500 to assist in the planning and scheduling of vendors at our annual Kids Day and Night Out Against Crime events. The funds have been awarded and we request that the money be added to our Community Budget line A.3120.501.

If you have any questions, please contact me.

Very truly yours,

John Ewanciw
Chief of Police

JE:ccd

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

THE FOLLOWING WAS PRESENTED

By Ald. _____

Sec'd by Ald. _____

Date of Adoption 05.17.22

Index No: 98-22

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 accepts donations from the following local businesses in support of the National Night Out Against Crime:

Heritage Financial Credit Union \$250

Kiwanis Club of Middletown \$250

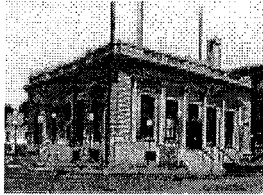
Applebee-McPhillips Funeral \$250

Middletown Professional Car Wash (operated by JW Car Wash Inc.) \$300

NYCOMCO \$200

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 deposit the funds in the Community Budget line A.3120.501.

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

MAY 10 2022

**City Clerk
City of Middletown**

May 9, 2022

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

Dear Mayor DeStefano and Members of the Board of Estimate,

We are in receipt of the below listed donations from local businesses supporting our National Night Out Against Crime. We are requesting permission to accept these donations and deposit them into the police budget line used for this community events (A.3120.501).

Heritage Financial Credit Union \$250
Kiwanis Club of Middletown \$250
Applebee-McPhillips Funeral \$250
Middletown Professional Car Wash (operated by JW Car Wash Inc) \$300
NYCOMCO \$200

Total \$1250

Very truly yours,

John Ewanciw
Chief of Police

JE:ccd

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

THE FOLLOWING WAS PRESENTED

By Ald. _____

Sec'd by Ald. _____

Date of Adoption 05.17.22

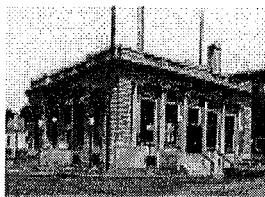
Index No: 99-22

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 authorizes agreements with the County of Orange for the Safety Trailer.

BE IT FURTHER RESOLVED that the Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment and authorizes the Mayor to execute said agreements.

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

May 12, 2022

MAY 12 2022

**City Clerk
City of Middletown**

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

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

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

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

If you have any questions, please contact me.

Very truly yours,

John Ewanciw
Chief of Police

JE:ccd

NATIONAL
NIGHT OUT



ORANGE COUNTY
DEPARTMENT OF EMERGENCY SERVICES
DIVISION OF FIRE SERVICES



Steven M. Neuhaus
County Executive

Vini Tankasali
Deputy Commissioner
Orange County Fire Services
9 Training Center Lane
New Hampton, New York 10958
TEL: (845) 374-1900 FAX: (845) 374-1906
www.orangecountygov.com

Brendan R. Casey
Commissioner

May 11, 2022

City of Middletown
16 James Street
Middletown, NY 10940

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

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

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

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

Sincerely,

Shannon Gillespie
Administrative Secretary
Enclosure

USE AGREEMENT

FOR COUNTY OF ORANGE FIRE SAFETY TRAILER

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

I. TERM OF THIS AGREEMENT

This Agreement commences on August 1, 2022 and expires on August 3, 2022. The County may elect to terminate this Agreement at any time with written notice to the other party, effective in accordance with the terms of the notice provision in Section XVIII of this Agreement.

II. PURPOSE OF THIS AGREEMENT

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

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

III. RENT

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

IV. RESPONSIBILITIES OF THE PARTIES

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

A. County's Responsibilities

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

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

B. User's Responsibilities

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

V. COUNTY'S RIGHT TO INSPECT

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

VI. USER'S INSPECTION AND ACCEPTANCE

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

VII. RETURN OF PROPERTY

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

VIII. WARRANTIES

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

IX. USE, CARE AND OPERATION OF PROPERTY

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

X. AUTHORITY OF COUNTY REPRESENTATIVES

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

XI. ALTERATIONS

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

XII. LOSS OR DAMAGE

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

XIII. INDEMNIFICATION AND HOLD HARMLESS

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

XIV. ASSIGNMENT OR SUBLEASING BY USER

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

XV. WAIVER

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

XVI. SEVERABILITY

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

XVII. GOVERNING LAW

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

XVIII. NOTICE

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

Page 5 of 5



Steven M. Neuhaus
County Executive

**ORANGE COUNTY
DEPARTMENT OF EMERGENCY SERVICES
DIVISION OF FIRE SERVICES**



Brendan R. Casey
Commissioner

Vini Tankasali
Deputy Commissioner
Orange County Fire Services
9 Training Center Lane
New Hampton, New York 10958
TEL: (845) 374-1900 FAX: (845) 374-1906
www.orangecountygov.com

May 11, 2022

City of Middletown
16 James Street
Middletown, NY 10940

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

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

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FOR COUNTY OF ORANGE FIRE SAFETY TRAILER

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I. TERM OF THIS AGREEMENT

This Agreement commences on June 3, 2022 and expires on June 6, 2022. The County may elect to terminate this Agreement at any time with written notice to the other party, effective in accordance with the terms of the notice provision in Section XVIII of this Agreement.

II. PURPOSE OF THIS AGREEMENT

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

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

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

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X. AUTHORITY OF COUNTY REPRESENTATIVES

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2. The Deputy Commissioner of the Division of Fire Services, or his or her designee, shall serve as the County's authorized representative for the administration of this Agreement.
2. The Deputy Commissioner of the Division of Fire Services, shall have the authority to issue written procedures for use of the Fire Safety Trailer under this Agreement.
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XVII. GOVERNING LAW

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XVIII. NOTICE

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

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

THE FOLLOWING WAS PRESENTED

By Ald. _____

Sec'd by Ald. _____

Date of Adoption 05.17.22

Index No: 100-22

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 an agreement with the County of Orange for the 2022 Summer Youth Employment Program at the Mulberry House Senior Center.

BE IT FURTHER RESOLVED that the Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment and authorizes the Mayor to execute said agreement.

**SUMMER YOUTH EMPLOYMENT PROGRAM
WORKSITE AGREEMENT**

Worksite# _____

Worksite Name: _____ Mulberry House Senior Center _____

Allotted Slots: _____ 2 _____

This Summer Youth Employment Program Worksite Agreement ("**Agreement**") is entered into as of this 5 day of July, 2022, by and between the County of Orange ("**County**"), a municipal corporation, by and through its Employment & Training Administration ("**ETA**"), with its principal offices located at 40 Matthews Street, Suite 301, Goshen, New York") and

_____ Mulberry House Senior Center _____ located at
_____ 62-70 West Main Street, Middletown, NY 10940 _____ ("**Worksite**").

The Worksite shall implement the Summer Youth Employment Program ("**SYEP**") in accordance with the provision of this Agreement commencing July 5, 2022 and ending close of business on August 5, 2022 unless extended, in writing, by the mutual agreement of the parties hereto ("**Term**").

This Agreement includes the following incorporated attachments:

- Schedule A – Worksite Supervisor(s)
- Schedule B – SYEP Participant Job Duties
- Schedule C – Secretary of the US Department of Labor SCANS Criteria.

In addition, ETA shall deliver to Worksite a copy of the New York State Department of Labor Child Labor Laws, which are incorporated into this Agreement by reference.

Worksite has requested, and the County will place, SYEP youth participants ("**SYEP Participants**") for meaningful work experience employment with the Worksite.

The terms and conditions of the SYEP Participant placements are as follows:

I. COUNTY RESPONSIBILITIES

County, by and through its ETA, shall:

- A. Monitor and evaluate SYEP Participants assigned to Worksite.
- B. Monitor Worksite to determine its compliance with the terms and conditions of this Agreement and recommend any corrective action necessary to continue this Agreement.

- C. Pay the wages of SYEP Participants assigned to Worksite and maintain all earnings, social security, and tax records related thereto.
- D. Procure and maintain Worker's Compensation coverage for SYEP Participants.
- E. Have no liability under this Agreement to Worksite, any SYEP Participant, or anyone else beyond the funds appropriated and available for this Agreement. This Agreement is made subject to and limited by the County's receipt of federal funds sufficient to sustain a county-wide program SYEP. County does not assume any financial responsibility to sustain a SYEP Participant in the event federal funds are not available.

II. WORKSITE RESPONSIBILITIES

Worksite shall:

- A. Specify any and all supervisors who may have signatory authority for SYEP Participant's timesheets in **Schedule A**.
- B. Provide 2 jobs for SYEP Participants during the Term, which jobs shall be in accordance with the statement of duties specified in **Schedule B**.
- C. Neither ask for, nor accept any monetary consideration for providing the services described herein.
- D. To the extent required by Article 15 of the New York State Executive Law (also known as the Human Rights Law) and all other applicable New York State and federal statutory, regulatory and constitutional non-discrimination provisions, including, but not limited to, Title VI of the Civil Rights Act of 1964 (P.L. 88-352), all as may be as amended, Worksite will not discriminate against any SYEP Participant because of race, creed, color, sex (including gender identity or expression), national origin, sexual orientation, military status, age, disability, predisposing genetic characteristics, marital status or domestic violence victim status.
- E. Ensure that the work experience of SYEP Participants is in accordance with the program objectives of the SYEP, which, among other things, is to provide youth with a real work experience that will enhance their skills, as outlined in **Schedule C**, and foster the development of good work habits.
- F. Ensure a safe and healthy work environment for SYEP Participants.
- G. Take all necessary measures to provide skill training wherever possible and, to the maximum extent practicable, contribute to the occupational development, upward mobility, and employability of the SYEP Participants. Worksite acknowledges that most SYEP Participants are unskilled.

- H. Provide sufficient work to occupy the SYEP Participants during work hours and sufficient equipment and/or materials to enable SYEP Participants to carry out the work assignments.
- I. Provide full-time adult supervision of assigned SYEP Participants ensuring that there is **at least one (1) adult supervisor for every twelve (12) SYEP Participants**.
- J. Maintain adequate attendance records in accordance with "Participant Time and Attendance Procedures" as established by ETA. Timesheets must be signed by both the Worksite supervisor and the SYEP Participant.
- K. Send all supervisors of SYEP Participants to participate in a brief Supervisor's Orientation at a time and location scheduled by ETA.
- L. Provide ETA staff with a written schedule of work hours for each SYEP Participant, which schedule(s) are hereby incorporated into this Agreement by reference.
- M. Notify ETA immediately of any injury and/or accident involving a participant and, for other than injuries and/or accidents, report to ETA any incidents or problems encountered by SYEP Participants and advise ETA of SYEP Participant who could benefit from special counseling as soon as practicable, given the severity of the incident or problem.
- N. Comply with all applicable New York State and Federal child labor laws, rules and regulations, including, but not limited to, the Workforce Investment Act of 1998 and regulations promulgated thereunder ("**WIOA**"), all as may be amended.
- O. Grant authorized ETA staff, representatives of the Local Workforce Investment Board, and representatives of any State or Federal agencies administering funds under WIOA, at all reasonable times, access to and the right to visit, unannounced, Worksite locations to monitor the service provided by Worksite under this Agreement.
- P. Comply with Federal and New York State laws, rules and regulations prohibiting sectarian, partisan or religious services, counseling, proselytizing instruction, or influence to SYEP Participants. WIOA funds shall not be used for the promotion of any religious activity or utilized for any religious purposes. The County retains the exclusive right and authority to determine whether or not the Worksite is, and remains, in compliance with this provision.
- Q. By its signature below, Worksite hereby acknowledges that if it is negligent in carrying out the terms and conditions of this Agreement, it may not be used in the SYEP at a future date, and/or will be held financially responsible for costs deemed illegal by auditors or monitors. These remedies, if effected, shall not constitute the sole or exclusive remedies afforded County, nor shall it constitute a waiver of the County's right to claim damages or otherwise refuse payment or to take any other action provided for by law, in equity, or pursuant to this Agreement.
- R. Pursuant to State of New York State Finance Law §139-1, by execution of this Agreement, the Worksite and the individual signing this Agreement on behalf of the Worksite certifies,

under penalty of perjury, that the Worksite has and has implemented a written policy addressing sexual harassment prevention in the workplace and provides annual sexual harassment prevention training to all of its employees. Such policy shall, at a minimum, meet the requirements of Section 201-g of the State of New York Labor Law. A model policy and training has been created by the New York State Department of Labor and can be found on its website at:

<https://www.ny.gov/programs/combating-sexual-harassment-workplace>.

The County's policy against sexual harassment and other unlawful discrimination and harassment in the workplace can be found on the County's website at:

<https://www.orangecountygov.com/1137/Human-Resources>.

III. GENERAL PROVISIONS

- A. Termination. The County may, by written notice to Worksite effective immediately, terminate this Agreement in whole, or in part, or remove any SYEP Participant from any Worksite location, at any time (1) for the County's convenience; (2) upon the failure of Worksite to comply with the terms or conditions of this Agreement or any federal, state or local law, rule or regulation, including WIOA; (3) in the event the federal funds supporting the SYEP are discontinued; or (4) upon bankruptcy, insolvency or closure of Worksite.
- B. Independent Contractor. Except when Worksite is a department, agency or unit of the County, in performing the services under this Agreement, Worksite shall operate as, and have the status of, an independent contractor and shall not act as agent, or be an agent, of the County. In accordance with such status as an independent contractor, Worksite covenants and agrees that neither it nor its employees or agent will hold themselves out as, nor claim to be officers or employees of the County, or of any department, agency or unit thereof by reason hereof, and that it will not, by reason hereof, make any claim, demand or application to or for any right or privilege applicable to an officer or employee of the County.
- C. Subcontracting/Assignment. Worksite shall not assign any of its rights, interest, or obligations under this Agreement, or subcontract any of the services to be performed by it under this Agreement. Worksite shall not reassign SYEP Participants to another Worksite location without the written permission of ETA.
- D. Pay-to-Play. Pursuant to Section 10 of the County's "**Pay-to-Play Local Law**", (Local Law No. 13 of 2013, as amended) the regulatory and penalty provisions of the Pay-to-Play Local Law are incorporated by reference. A copy of the law may be requested from County's Department of General Services.
- E. Indemnification.
 - 1. To the fullest extent permitted by law, Worksite shall defend, indemnify and hold harmless County and its officers, employees, contractors, agents, assignees and other representatives, from and against any and all claims, liabilities, expenses, costs, losses, damages and causes of action (including without limitation, reasonable attorneys' fees

and costs of litigation and/or settlement) arising out of, directly or indirectly, the services performed and/or goods provided pursuant to this Agreement by Worksite or its officers, directors, members, partners, employees, SYEP Participants, contractors, agents, assignees or other representatives.

2. Without limiting the foregoing, to the fullest extent permitted by law, Worksite specifically agrees to defend, indemnify and hold County harmless against claims, including claims by Worksite's customers and/or subcontractors, based on infringement of copyright, patent, trade secret, trademark, libel, slander, or invasion of privacy, arising out of, directly or indirectly, the services performed and/or goods provided by Worksite its officers, directors, partners, members, employees, contractors, agents, assignees or other representatives pursuant to this Agreement.
3. In the event that any claim is made or any action is brought against County arising out of, in connection with or otherwise relating to this Agreement either within or without the scope of Worksite's duties, obligations or applicable industry standards, or those of any of Worksite's respective officers, directors, partners, members, employees, contractors, agents, or other representative's; then County shall have the right to withhold further payments hereunder, for the purpose of set-off, in sufficient sums to cover the claims, liabilities, expenses, costs, losses, damages or causes of action. This remedy, if effected, shall not constitute the sole or exclusive remedy afforded County, nor shall it constitute a waiver of that the County's right to claim damages or otherwise refuse payment or to take any other action provided for by law, in equity, or pursuant to this Agreement.

F. General Release. The acceptance by Worksite or its assignees of the final payment under this Agreement (whether based on invoice, judgment of any court of competent jurisdiction, administrative or any other means) shall constitute and operate as a general release to County from any and all claims of Worksite arising out of the performance of this Agreement.

G. Set-Off Rights.

1. County shall have all of its common law, equitable and statutory rights of set-off. These rights shall include, but are not limited to, County's right to withhold for the purposes of set-off any monies otherwise due to Worksite:
 - a. under this Agreement;
 - b. under any other agreement or contract with County, including any agreement or contract for a term commencing prior to or after the term of this Agreement; or
 - c. from County by operation of law.
2. County also has the right to withhold any monies otherwise due under this Agreement for the purposes of set-off as to any amounts due and owing to County for any reason whatsoever including, without limitation, tax delinquencies, fee delinquencies or monetary penalties or interest relative thereto.

3. These remedies, if effected, shall not constitute the sole or exclusive remedies afforded the County, nor shall it constitute a waiver of that the County's right to claim damages or otherwise refuse payment or to take any other action provided for by law, in equity, or pursuant to this Agreement.

H. Disputes. Except as otherwise provided by this Agreement, any dispute concerning this Agreement, which is not disposed of by the mutual consent of the parties hereto, shall be decided by the ETA or by its duly authorized representative for final resolution. Any and all disputes involving this Agreement, including the breach or alleged breach thereof, may not be submitted to arbitration unless specifically agreed to in writing by the County Executive, or his or her designee, but must instead only be heard in the Supreme Court of the State of New York, with venue in Orange County or, if appropriate, in the federal District Court with venue in the Southern District of New York, White Plains division.

I. Modification. County reserves the right to update or change the provisions of this Agreement as conditions require, including, but not limited to for compliance with New York State or Federal laws or regulations. All modifications to this Agreement shall be in writing and executed by both parties. If Worksite does not agree to a modification necessary for compliance with New York State or Federal laws or regulations, this Agreement shall be deemed terminated, as of the date compliance with the subject law or regulation is required.

J. Governing Law. This Agreement shall be governed by the laws of the State of New York, without giving effect to choice of law provisions. Worksite shall render all services under this Agreement in accordance with applicable provisions of all Federal, New York State and Local laws, rules and regulations as are in effect at the time services are rendered.

K. Business Authorization and Registration; Service of Process. Worksite shall be properly authorized and registered to do business as required by the laws of the state of New York applicable to Worksite's business entity type. Regardless of the propriety or legality of Worksite's business authorization and registration status, as a condition of contract, Worksite shall agree to service of process as follows: In addition to the methods of service allowed by New York's Civil Practice Law and Rules, Worksite consents to service of process upon it by registered or certified mail, return receipt requested, to the address indicated in this Agreement. Service shall be complete upon Worksite's actual receipt of process, or upon County's receipt of the return by the United States Postal Service as refused or undeliverable. Worksite shall immediately notify County, in writing, via registered or certified mail, return receipt requested, of each change or address to which service of process can be made. Service by County to the last known address shall be sufficient.

L. Notice.

1. All notices permitted or required hereunder shall be in writing and shall be transmitted either:

- a. via certified or registered United States mail, return receipt requested;

- b. by personal delivery;
 - c. by overnight delivery service with a nationally recognized carrier (e.g. FedEx, UPS); or
2. The parties agree to mutually designate individuals as their respective representative for the purposes of receiving notices under this Agreement. Additional individuals may be designated in writing by the parties for purposes of implementation and administration/billing, resolving issues and problems, and/or for dispute resolution. Notices shall be addressed as follows or to such different addresses as the parties may from time to time designate in accordance with subdivision 4 below:

County

Name: Orange County Employment & Training Administration
Title: Stephen Knob, Director
Address: 40 Matthews Street, Suite 301, Goshen, NY 10924
Phone Number: (845) 615-3630

Worksite

Name: Mulberry House Senior Center
Title: Julissa Sierra, Director
Address: 62-70 West Main Street, Middletown, NY 10940
Phone Number: (845) 346-4074

3. Any such notice shall be deemed to have been given either at the time of personal delivery or, in the case of expedited delivery service or certified or registered United States mail, as of the date of first attempted delivery at the address and in the manner provided herein.
4. The parties may, from time to time, specify any new or different contact person or address in the United States as their address for purpose of receiving notice by notifying County, in writing, via registered or certified mail, return receipt requested, of each change.

M. Binding Effect.

This Agreement shall be binding upon the parties hereto and their respective successors and assigns.

N. Severability.

If any part, term or provision of this Agreement is declared or found to be illegal, unenforceable, or void, then both parties shall be relieved of all obligations arising under such provisions, but the remainder of this Agreement shall be interpreted so as to carry out the intent of the parties in an equitable manner.

Q. Compliance.

1. Worksite and its officers, directors, partners, members, employees, contractors, agents, assignees or other representatives shall at all times comply with all applicable New York state and federal laws and regulations in the performance of this Agreement.
2. Worksite understands that it may be necessary for County to submit to governmental agencies or to a court of law part of or all of the data, analyses and/or conclusions developed in the performance of the Scope of Work as well as certification, payment applications or other documentation certified and/or signed by Worksite or its officers, directors, partners, members, employees, contractors, agents, assignees or other representatives. Worksite is aware that there are significant state and/or federal civil and criminal penalties for submitting false information, including the possibility of fines and imprisonment. Worksite is responsible for such penalties resulting from false information submitted by Worksite or its officers, directors, partners, members, employees, contractors, agents, assignees or other representatives and shall, to the fullest extent permitted by law, defend, indemnify and hold harmless County and its officers, employees, contractors, agents, assignees and other representatives, from and against any and all claims, liabilities, expenses, costs, losses, damages and causes of action (including without limitation, reasonable attorneys' fees and costs of litigation and/or settlement) arising out of, directly or indirectly, the submission of any false information by Worksite or its subcontractors.

S. Waiver.

No covenant, condition or undertaking contained in this Agreement may be waived except by the written agreement of the parties. Forbearance or indulgence in any form by either party in regard to any covenant, condition or undertaking to be kept or performed by the other party shall not constitute a waiver thereof and, until complete satisfaction or performance of all such covenants, conditions and undertakings, the other party may be entitled to invoke any remedy available under this Agreement, despite any such forbearance or indulgence.

T. Entire Agreement.

This Agreement sets forth the entire agreement between the parties with regard to the subject matter hereof, and supersedes all prior representations, agreements and understandings, written or oral.

IN WITNESS WHEREOF, the parties have signed this Agreement on the date(s) below written:

WORKSITE

Signature of Authorized Official

Print Name

Title

Date

COUNTY OF ORANGE

Stefan ("Steven") M. Neuhaus
County Executive

Date

SCHEDULE A – WORKSITE SUPERVISOR(S)

If any representative of the Worksite, other than the signatory of this Agreement will be signing youth timesheets for the Worksite, please have each supervisor sign below and specify their Worksite:

1. _____
Supervisor Signature Print Name Date

Worksite Location

2. _____
Supervisor Signature Print Name Date

Worksite Location

3. _____
Supervisor Signature Print Name Date

Worksite Location

4. _____
Supervisor Signature Print Name Date

Worksite Location

5. _____
Supervisor Signature Print Name Date

Worksite Location

SCHEDULE B – SYEP Participant Job Duties

SCHEDULE C – Secretary of the US Department of Labor SCANS Criteria

THE SECRETARY’S COMMISSION ON ACHIEVING NECESSARY SKILL (SCANS)

What skills will prepare our youth to participate in the modern workplace? What skill levels do entry-levels jobs require? In 1990, the Secretary of the Department of Labor, establishment the Secretary’s Commission on Achieving Necessary Skill (SCANS)

WHAT ARE WORKPLACE SKILLS?

To find meaningful work, youth need to master certain workplace skill, SCANS calls these essential “foundation skill” and “competencies”.

Workers use foundation skills-academic and behavioral characteristics-to build competencies on.

Foundation skills fall into three domains:

- **Basic Skill**-reading, writing, speaking, listening, and knowing arithmetic and mathematical concept;
- **Thinking Skills**-reasoning, making decisions, thinking creatively, solving problems, seeing things in the mind’s eye and knowing how to learn: and
- **Personal Qualities**-responsibility, self-esteem, sociability, self-management, integrity and honesty.

Competencies, however, more closely relate to what people actually do at work. The competencies the SCANS has identified fall into five domains:

- **Resources** - identifying, organizing, planning, and allocating time, money, materials, and workers
- **Interpersonal Skills** - negotiating, exercising leadership, working with diversity, teaching others new skills, serving clients and customers, and participating as a team member.
- **Information Skill** - using computer to process information and acquiring and evaluating, organizing, and maintaining, and interpreting and communicating information
- **Systems Skill** - understanding systems, monitoring and correcting system performance, and improving and designing systems; and
- **Technology Utilization Skills** - selecting technology, applying technology to a task, and maintaining and troubleshooting technology

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

THE FOLLOWING WAS PRESENTED

By Ald. _____

Sec'd by Ald. _____

Date of Adoption 05.17.22

Index No: 101-22

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 \$600,000 in the following manner for the Waste Water Treatment Plan Screw Pumps Project.

FROM

AMOUNT

TO

\$600,000

H.0965.900

Sewer Fund Balance

WWTP Screw Pumps

The project included expenses that are not covered by the EFC funding of \$2,993,147. The city had \$600,000 city funding for this project that was reversed by the Finance Department. We are requesting that the said \$600,000 be properly transferred back temporarily into the project account from the available Sewer Fund balance. Funds will be replenished with Capital Borrowings in August. The City may choose to bond this funding at a later date.

DEPARTMENT OF PUBLIC WORKS

MEMORANDUM

RECEIVED

MAY 12 2022

City Clerk
City of Middletown

Date: May 11, 2022
To: Honorable Members of the Board of Estimate
and Apportionment
Cc: Kelly Ann Kelly -Treasurer
Rick McCormack, City Clerk
From: Jacob Tawil-Commissioner of Public Works
Re: Transfer of Funds – Screw Pumps

Requested Transfers

The City WWTP Screw Pumps Project included expenses that are not covered by the EFC funding of \$2,993,147. We had \$600,000 city funding for this project that was reversed by the Finance Department. We are requesting that the said \$600,000 be properly transferred back temporarily into the project account from the available Sewer Fund balance. Funds will be replenished with Capital Borrowings in August. The City may choose to bond this funding at a later date.

	FROM	AMOUNT	TO
1.	Sewer Fund Balance	\$600,000.00	H.0965.900 WWTP Screw Pumps

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 05.17.22

Index No: 102-22

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 awards the following lowest qualified bidders for Street Materials:

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

Screened Gravel: Stockpile @ \$18.20/ton; Plant @ \$16.20/ton

Crushed Stone: #3 Stockpile @ \$19.15/ton

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

Callanan Industries 93 Sullivan Rd, Monticello NY 12701:

Screened & Washed Sand: Stockpile @ \$22.50/ton

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

Screened & Washed Sand: Plant @ \$19.50/ton

NYS Item 403.16 T.C. Type 6: F.O.B. @ \$72.00/ton

NYS Item 403.18 T.C. Type 7: F.O.B. @ \$73.00/ton

NYS Item 403.14 A.C.B.C. Type 4: F.O.B @ \$71.00/ton

NYS Item 403.13 A.C.B.C. Type 3: F.O.B @ \$71.00/ton

NYS Item 403.11 B.C. Type 1: F.O.B @ \$70.00/ton

NYS Item 403.12 B.C. Type 2: F.O.B @ \$70.00/ton

Asphalt pre-mix for cold patching: F.O.B @ \$125.00/ton

Agri Sales PO Box 217, Montgomery, NY 12549:

NYS Item 304-2.02: Stockpile @ \$17.00/ton; Plant @ \$10.75/ton

Crushed Stone: #2 Stockpile @ \$20.00/ton; Plant @\$13.75/ton

Crushed Stone: #3 Plant @\$14.75/ton

Rip Rap: Stockpile @ \$22.00/ton; Plant @ \$15.75/ton

Run of Bank Gravel loaded into City Trucks @ \$13.75/ton

Package Pavement 675 Leetown Rd., PO Box 408, Stormville, NY 12582:

Asphalt Pre-Mix for Cold Patching: Delivery @ \$143.00/ton *minimum for delivery is 25 tons.

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

Please be advised that the bid that was submitted by Woodbourne Lawn & Garden has been rejected due to no response after several attempts made to contact them for clarity on their submission.

Department of Public Works

City of Middletown

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



16 James Street
Middletown, N.Y. 10940-1587
Tel: (845) 343-3169
Fax: (845) 343-4014

May 11, 2022

Board of Estimate & Apportionment
Honorable Mayor and Members
of the Common Council
City of Middletown, NY

RECEIVED

MAY 12 2022

City Clerk
City of Middletown

RE: Award Recommendation Letter
Street Materials Bid of April 14, 2022

Gentlemen:

I have reviewed the above captioned bids and respectfully request awarding the lowest qualified bidder the following. (Copy of bid tabulation sheet is attached). Please note, that a recommendation of award is not based on the unit bid price alone, but also on the close proximity of the source to the City.

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

Screened Gravel: Stockpile @ \$18.20/ton; Plant @ \$16.20/ton
Crushed Stone: #3 Stockpile @ \$19.15/ton
Run of Bank Gravel delivered to various locations @ \$16.70/cu. yd.

Callanan Industries 93 Sullivan Rd, Monticello NY 12701:

Screened & Washed Sand: Stockpile @ \$22.50/ton

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

Screened & Washed Sand: Plant @ \$19.50/ton
NYS Item 403.16 T.C. Type 6: F.O.B. @ \$72.00/ton
NYS Item 403.18 T.C. Type 7: F.O.B. @ \$73.00/ton
NYS Item 403.14 A.C.B.C. Type 4: F.O.B @ \$71.00/ton
NYS Item 403.13 A.C.B.C. Type 3: F.O.B @ \$71.00/ton
NYS Item 403.11 B.C. Type 1: F.O.B @ \$70.00/ton
NYS Item 403.12 B.C. Type 2: F.O.B @ \$70.00/ton
Asphalt pre-mix for cold patching: F.O.B @ \$125.00/ton

Agri Sales PO Box 217, Montgomery, NY 12549:

NYS Item 304-2.02: Stockpile @ \$17.00/ton; Plant @ \$10.75/ton

Crushed Stone: #2 Stockpile @ \$20.00/ton; Plant @ \$13.75/ton

Crushed Stone: #3 Plant @ \$14.75/ton

Rip Rap: Stockpile @ \$22.00/ton; Plant @ \$15.75/ton

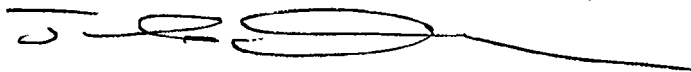
Run of Bank Gravel loaded into City Trucks @ \$13.75/ton

Package Pavement 675 Leetown Rd., PO Box 408, Stormville, NY 12582:

Asphalt Pre-Mix for Cold Patching: Delivery @ \$143.00/ton *minimum for delivery is 25 tons.

Please be advised that the bid that was submitted by Woodbourne Lawn & Garden has been rejected due to no response after several attempts made to contact them for clarity on their submission.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'J. Tawil', with a long horizontal line extending to the right.

Jacob S. Tawil, P.E.
COMMISSIONER OF PUBLIC WORKS

kg
Att.

SAND AND GRAVEL

BID of April 14, 2022	Dick's Concrete Company Inc. 1053 County Rte. 37 New Hampton NY 10958 845-374-5966		Callanan Industries PO Box 15097 Albany NY 12212		Tetz Asphalt, LLC 130 Crotty Rd Middletown NY 10940		Agri Sales PO Box 217 Montgomery NY 12549		JML Quarries Inc. 1936 State Rte. 17B White Lake NY 12786	
	Stockpile	Plant	Stockpile	Plant	Stockpile	Plant	Stockpile	Plant	Stockpile	Plant
Screened & Washed Sand per ton	\$23.00/ton	\$21.00/ton	\$22.50/ton	NO BID	\$23.75/ton	\$19.50/ton	\$26.00/ton*	\$19.75/ton*	NO BID	NO BID
Screened Gravel per ton	\$18.20/ton	\$16.20/ton	NO BID	NO BID	\$21.25/ton	\$17.25/ton	\$23.00/ton*	\$16.75/ton*	NO BID	NO BID
NYS Item 304-2.02 per ton	\$17.10/ton	\$15.10/ton	\$20.00/ton	NO BID	\$21.00/ton*	\$14.50/ton	\$17.00/ton*	\$10.75/ton*	\$22.25/ton	\$12.00/ton
Crushed Stone: #2 per ton	\$20.35/ton	\$18.35/ton	\$22.00/ton	NO BID	\$24.50/ton	\$22.50/ton	\$20.00/ton*	\$13.75/ton*	\$26.00/ton	\$15.50/ton
#3 per ton	\$19.15/ton	\$17.15/ton	\$23.00/ton	NO BID	\$24.25/ton	\$22.25/ton	\$21.00/ton*	\$14.75/ton*	\$26.00/ton	\$15.50/ton
Rip rap(light stone fill) per ton	\$24.50/ton	\$19.50/ton	\$23.50/ton	NO BID	\$24.00/ton	\$22.00/ton	\$22.00/ton*	\$15.75/ton*	\$28.00/ton	\$17.50/ton
Run of Bank Gravel delivered to various locations within the City of Middletown, NY per cu.yd.	\$16.70/cubic yard		NO BID		\$17.00/cubic yard		\$20.00/ton		NO BID	
Run of Bank Gravel loaded into City owned trucks by the successful bidder per cu.yd.	\$14.70/cubic yard		NO BID		\$16.75/cubic yard		\$13.75/ton		NO BID	
The material upon which the prices are quoted is produced at:	New Hampton and Port Jervis	93 Sullivan Rd. Monticello, NY 12701			Rte. 6 Slate Hill *Rte. 94 Chester		22 McBridge Rd. Slate Hill NY 10973 (5.3 Miles to DPW garage) 680 Bloomingburg Rd. Bloomingburg NY 12721 (7.3 Miles to DPW garage)		145 Dump Rd. Wurtsboro NY 12790	

SAND AND GRAVEL

BID of April 14, 2022	Woodbourne Lawn & Garden Box 27 Woodbourne NY 12788 *Submitted two different bids								
	Stockpile	Plant	Stockpile	Plant	Stockpile	Plant	Stockpile	Plant	Plant
Screened & Washed Sand per ton	NO BID	SCREENED NOT WASHED \$9.50/ton							
Screened Gravel per ton	NO BID	NO BID							
NYS Item 304-2.02 per ton	NO BID	\$14.75/ton							
Crushed Stone: #2 per ton	NO BID	\$18.50/ton							
#3 per ton	NO BID	\$18.50/ton							
Rip rap(light stone fill) per ton	NO BID	\$20.00/ton							
Run of Bank Gravel delivered to various locations within the City of Middletown, NY per cu.yd.	NO BID	NO BID							
Run of Bank Gravel loaded into City owned trucks by the successful bidder per cu.yd.		NO BID							
The material upon which the prices are quoted is produced at:		LEFT BLANK							

PRE-MIX/ASPHALT MATERIALS

BID OF April 14, 2022 NAME OF BIDDERS:	Item 403.16 Top Course Type 6	Item 403.18 Top Course Type 7	Item 403.14 Asphalt Concrete Binder Course Type 4	Item 403.13 Asphalt Concrete Binder Course Type 3	Item 403.11 Base Course Type 1	Item 403.12 Base Course Type 2	Cold Patch	Material upon which quotes are made is produced at:
Package Pavement 675 Leetown Road PO Box 408 Stormville, NY 12582	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	Delivery: \$143.00 *25 ton min. for delivery Plant: \$127.00	3530 Rt. 52 Stormville, NY 12582
Callanan Industries PO Box 15097 Albany NY 12212	Plant: \$75.00/ton	Plant: \$78.00/ton	NO BID	Plant: \$73.00/ton	Plant: \$72.00/ton	Plant: \$72.00/ton	Delivery: \$148.50/ton Plant: \$140.00/ton	93 Sullivan Road Monticello, NY 12701
Tetz Asphalt, LLC 130 Crotty Rd Middletown NY 10940	Plant: \$72.00/ton	Plant: \$73.00/ton	Plant: \$71.00/ton	Plant: \$71.00/ton	Plant: \$70.00/ton	Plant: \$70.00/ton	Plant: \$125.00/ton	63 Cemetery Rd. Middletown, NY 10940

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

THE FOLLOWING WAS PRESENTED

By Ald. _____

Sec'd by Ald. _____

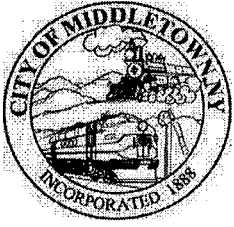
Date of Adoption 05.17.22

Index No: 103-22

NAMES AYES NOES ABSTAIN ABSENT

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

RESOLVED that the Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment authorizes the Treasurer to make the attached preliminary Year End 2021 Budget Adjustments needed to balance the accounts in the various funds.



DEPARTMENT OF FINANCE City Of Middletown

Kelly A. Kelly
Treasurer

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

RECEIVED

MAY 12 2022

City Clerk
City of Middletown

Date: May 1, 2022

To: The Board of Estimates

From: Kelly Ann Kelly, Treasurer

I am requesting approval for the attached preliminary Year End 2021 Budget Adjustments needed to balance the accounts in the various funds.

CITY OF MIDDLETOWN

GENERAL FUND

FROM:		TO:			
ACCOUNT NO.	ACCOUNT DESCRIPTION	AMOUNT	ACCOUNT NO	ACCOUNT DESCRIPTION	AMOUNT
A.1010.433	Common Council-Personal Training	\$ 447.43	A.1010.464	Common Council - Records Management	\$ 447.43
A.1325.103	Finance Overtime	\$ 1,500.00	A.1325.460	Finance-Collection Agreement	\$ 916.55
A.1325.433	Finance - Personal Training	\$ 801.04	A.1325.479	Finance-Equipment Rental	\$ 122.04
			A.1325.480	Finance - Office Expense	\$ 1,262.45
		\$ 2,301.04			\$ 2,301.04
A.1355.400	Assessor-Contractual Services	\$ 1,303.21	A.1355.100	Assessor-Personal Services	\$ 1,303.21
		\$ 1,303.21			\$ 1,303.21
A.1420.480	Corp. Council. Office Expense	\$ 564.64	A.1420.100	Corp Council. Personal Services	\$ 387.39
			A.1420.479	Corp. Council. Equipment Rental	\$ 177.25
		\$ 564.64			\$ 564.64
A.1440.400	Civil Service-Contractual Expense	\$ 3,000.00	A.1430.100	Civil Service-Personal Services	\$ 9,787.71
A.1430.401	Civil Service-Travel Expense	\$ 1,400.00	A.1430.480	Civil Service - Office Expense	\$ 311.91
A.1430.479	Civil Service-Equip Rental	\$ 354.23			
A.1362.900	Tax Sale Expense	\$ 5,345.39			
		\$ 10,099.62			\$ 10,099.62
A.1620.103	Maintenance - Overtime	\$ 252.52	A.1620.100	Maintenance-Personal Services	\$ 252.52
A.1900.997	FEMA - Large Projects	\$ 7,044.82	A.1900.907	Special Items. COVID	\$ 7,044.82
A.1900.964	Refund & Cancellation Tax	\$ 1,286.43	A.1900.950	Taxes on City Property	\$ 1,286.43
A.3120.103	Police-Overtime	\$ 39,598.83	A.1320.100	Police - Personal Svc	\$ 22,239.60
A.3120.435	Police - College Program	\$ 35,613.57	A.3120.104	Police - CSEA Longevity	\$ 250.00
A.3120.110	Police - Part Time	\$ 3,683.00	A.3120.108	Police-207C	\$ 41,896.31
A.3120.200	Police - Other Equipment	\$ 682.66	A.3120.400	Police-Contractual	\$ 9,710.56
A.3137.103	GIVE. OT	\$ 11,329.04	A.3120.417	Police - Gas & Oil	\$ 3,454.87
			A.3124.103	Police Traffic - Overtime	\$ 1,554.10
			A.3126.103	Police_STOP DWI	\$ 472.62
			A.3140.103	Police - Fed Reimb	\$ 5,416.53
			A.3141.103	Police - STOP DWI	\$ 5,912.51

A.1210.100	Mayor - Personal Services	\$ 90,907.10			\$ 90,907.10
A.6772.400	Seniors-Contractual	\$ 2,476.75	A.6200.100	Economic Dev-Personal Services	\$ 2,476.75
A.7020.100	Recreation-Personal Services	\$ 2,925.54	A.6772.100	Seniors-Personal Services	\$ 2,925.54
A.7140.100	Playgrounds, Personal Services	\$ 9,553.21	A.7020.04	Recreation-Middletown Cares	\$ 10,348.05
		\$ 8,553.89	A.7020.103	Recreation-Overtime	\$ 582.10
			A.7110.100	Parks, Personal	\$ 7,003.70
			A.7180.100	Pool, Personal Services	\$ 155.25
			A.7250.100	Tennis, Personal Services	\$ 18.00
		\$ 18,107.10			\$ 18,107.10
A.8160.103	Waste Collection, Overtime	\$ 19,995.51	A.8160.100	Waste Collection, Personal Services	\$ 46,231.54
A.8180.900	Demolition of Buildings	\$ 26,236.03			\$ 46,231.54
		46,231.54			
A.9000.810	State Retirement	58,820.18	A.8888.900	Auditing and Accounting	\$ 492.30
A.9000.812	LOSAP	900.00	A.9000.840	Workers Comp	\$ 79,113.63
A.9000.815	Police & Fire Retire	8,730.75	A.9000.861	Retiree Health	\$ 121,041.72
A.9000.830	Social Security	68,107.89	A.9000.870	Unused Sick Leave	\$ 24,858.27
A.9000.835	MTA Tax	1,256.87	A.9000.891	Dental, Mgmt	\$ 2,260.78
A.9000.842	Comp - Vol Fire	13,503.00	A.9000.896	Meal Allowance	\$ 2,795.00
A.9000.850	Unemployment	56,990.00			
A.9000.889	Dental/Vision	2,776.31			
A.9000.889	Welfare Fund	953.81			
A.9000.893	Disability	2,559.97			
A.9000.860	State Health Insurance	15,962.92			
		\$ 230,561.70			\$ 230,561.70
A.5031	Interfund Transfer	\$ 4,229,837.50	A.9710.900	Debt General Expense	\$ 24,122.50
		\$ 4,229,837.50	A.9730.600	Principal on Indebtness	\$ 4,205,715.00
					\$ 4,229,837.50

WATER FUND	TOTAL	9,274,260.39	TOTAL	9,274,260.39
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FROM:			TO:		
F.1331.900	Water - General Expense	\$	10,687.82	F.1900.480	Office Expense
F.1900.998	Water - FEMA - Large Projects	\$	12,061.10	F.8330.100	Purification Personal Services
F.1940.900	Purchase of Land	\$	4,919.64	F.8340.104	CSEA _ Longevity
F.8310.400	Water - Contractual	\$	66,662.10	F.8330.415	Purification - Light & Heat
					\$ 1,487.36
					\$ 47,832.40
					\$ 250.00
					\$ 8,341.90

F.8320.100	Pumping - Personal Services	\$	42,075.72	A.8330.440	Purification - Repairs to Equipment	\$	487.48
				F.8340.103	Distribution Syst-Personal Service	\$	483.80
				F.8888.900	Water - General Exp	\$	1,329.12
				F.9000.810	Water - State Retirement System	\$	13,526.88
				F.9000.860	Health Ins - Retirees	\$	7,774.58
				F.9000.861	Unused Sick Leave	\$	12,722.13
				F.9000.870	Dental - Mgt	\$	50.16
				F.9000.896	Meal Allow	\$	44.85
				F.91710.900	Debt - General	\$	30,612.06
				F.9730.701	Interest on Debt	\$	11,463.66
		TOTAL \$	136,406.38		TOTAL \$		136,406.38
SEWER FUND							
FROM:				TO:			
G.8130.446	Landfill Sludge	\$	67,645.15	G.1900.481	Telephone Expense	\$	15.01
G.8130.440	Repairs to Equip	\$	27,066.72	G.8120.503	Town of Wallkill Vincent Dr	\$	14,767.94
G.9000.860	State Health Insurance	\$	22,812.22	G.8130.100	Sewage T & D Personal Services	\$	21,537.25
G.9710.600	Prinicpal on Indebtness	\$	25,000.00	G.8130.415	Sewage T & D Light and Heat	\$	7,727.22
				G.9000.861	Sewer - Health Ins Retirees	\$	1,291.21
				G.8130.103	Sewage Dental Mgmt	\$	50.88
				G.9710.701	Interest on Indebtness	\$	41,696.33
				G.9710.900	Debt - General Exp	\$	13,043.25
				G.9730.600	Principal on Indebtness	\$	42,395.00
		TOTAL \$	142,524.09		TOTAL \$		142,524.09
GOLDENAREA							
FROM:				TO:			
GA.5680.100	Personal Services	\$	5,408.16	GA.5680.810	Retirement	\$	9,246.25
GA.5680.440	Repairs to Equipment	\$	4,727.51	GA.9000.889	Dental/Vision	\$	2,076.44
GA.5680.103	Overtime	\$	766.49	GA.9000.893	Disability	\$	16.62
GA.9000.830	Social Security	\$	864.38	GA.5680.495	Misc	\$	279.78
				GA.5680.830	Social Security	\$	147.45
		TOTAL \$	11,766.54		TOTAL \$		11,766.54
Grand Total			9,564,957.40	Grand Total			9,564,957.40

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

THE FOLLOWING WAS PRESENTED

By Ald. _____

Sec'd by Ald. _____

Date of Adoption 05.17.22

Index No: 104-22

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 recommends the awarding of the Portable Refrigerated Ice-Skating Rink to the following lowest qualified bidder, Iron Sleek, Inc. (Copy of tabulation sheet is attached).

Iron Sleek Inc., bid price - \$101,320.52

BE IT FURTHER RESOLVED that the Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment and authorizes the Mayor to execute any documents/contract necessary to the project.

CDBG funds will be applied for the payment of this project.

CITY OF MIDDLETOWN
Office of Economic & Community Development

RECEIVED
MAY 12 2022
City Clerk
City of Middletown

May 12, 2022

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

RE: **Award Recommendation**
Portable Refrigerated Ice-Skating Rink Project of April 27, 2022

Dear Members:

Myself and John Bianchi of the Parks Department have reviewed the bids regarding the Portable Refrigerated Ice-Skating Rink and respectfully request awarding the lowest qualified bidder, Iron Sleek, Inc. (Copy of tabulation sheet is attached).

Iron Sleek Inc., bid price - \$101,320.52

Also, requesting to authorize the Mayor to execute any documents/contract necessary to the project.

CDBG funds will be applied for the payment of this project.

Thank you for your attention to this matter.

Maria Bruni, Director
Economic & Community Development

BID OPENING CITY OF MIDDLETOWN BID OPENING

OFFICE OF ECONOMIC AND COMMUNITY DEVELOPMENT

16 JAMES STREET

MIDDLETOWN, NEW YORK 10940

845-346-4170

FAX-845-343-2009

DATE: April 27, 2022

RE: Portable Refrigerated Ice-Skating Rink

RECEIVED
MAY 12 2022
City Clerk
City of Middletown

CONTRACTOR'S NAME

BID AMOUNT

Everything Ice, Inc.

\$222,678.00

Iron Sleek, Inc.

\$101,320.52

WITNESSES:

Bids were opened at the meeting of the City of Middletown Board of Estimate.

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

THE FOLLOWING WAS PRESENTED

By Ald. _____

Sec'd by Ald. _____

Date of Adoption 05.17.22

Index No: 105-22

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

RESOLVED that the Common Council of the City of Middletown concurs with the Mayor's appointment of Leonora Liz as City Treasurer to fill the term of the current Treasurer effective June 1, 2022- December 31, 2024.

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

THE FOLLOWING WAS PRESENTED

By Ald. _____

Sec'd by Ald. _____

Date of Adoption 05.17.22

Index No: 106-22

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 confirm the Mayor's reappointment of Richard P. McCormack as City Clerk, Registrar and Clerk of the Common Council to a 3-year term beginning June 1, 2022 through May 31, 2025.

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

THE FOLLOWING WAS PRESENTED

By Ald. _____
Sec'd by Ald. _____
Date of Adoption 05.17.22

Index No: 107-22

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 confirm the Mayor’s reappointment of Dave Raymond to the Civil Service Commission to a 6 year term, expiring on 5/31/2028.

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

THE FOLLOWING WAS PRESENTED

By Ald. _____

Sec'd by Ald. _____

Date of Adoption 05.17.22

Index No: 108-22

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 an agreement with BFJ Planning in an amount of \$29,000, to prepare a conceptual Redevelopment plan for the Middletown Transportation Center site and vicinity.

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

RESOLVED that the Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment and authorizes the Treasurer to make the following budget transfer:

<u>FROM</u>	<u>AMOUNT</u>	<u>TO</u>
ARPA	\$29,000	A.6200.400
		Economic Dev. – Contractual

BFJ Planning

RECEIVED

MAY 17 2022

**City Clerk
City of Middletown**

PLANNING
URBAN DESIGN
ENVIRONMENTAL ANALYSIS
REAL ESTATE CONSULTING
TRANSPORTATION PLANNING

May 16, 2022

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

Subject: Proposal for Conceptual Redevelopment Plan

Dear Mayor DeStefano:

Thank you for asking BFJ to submit a proposal to prepare a conceptual redevelopment plan for the Middletown Transportation Center site and vicinity. To follow up on our meeting of May 9, we understand that the City is seeking assistance in developing approaches to integrate the Orange County Planning Department's plan for improvements to the bus terminal parking lot, which accommodates both the County's objectives for connectivity to the Heritage Trail, as well as the City's goals for continued downtown revitalization. This project would identify a potential program of uses and conceptual design for the approximately 3-5 acre site that would enable the City, in collaboration with the County, to engage the development community in securing specific redevelopment proposals.

This proposal letter sets forth our proposed project approach, scope of work, timeline and budget for completing the requested work.

SCOPE OF WORK

Phase 1: Site Analysis

This task will begin with a kick-off meeting with the City to confirm the scope of work and timeline and discuss potential uses to be considered for the site. After this meeting, we will conduct a site visit to establish the property's existing conditions and surrounding context, which will include photo documentation of the site and its adjacent areas.

Task 1.1: Planning, Land Use, and Infrastructure Analysis

BFJ will review relevant municipal, regional or State planning documents, to determine the conformance of potential redevelopment scenarios with established planning goals, objectives, and policies. We will also survey historic, environmental, cultural and community resources in the project area, as well as any known environmental contamination issues, based on information from relevant agencies such as the New York State Department of Environmental Conservation (NYSDEC) and the New York State Historic Preservation Office (SHPO).

CHARLOTTE, NC
CHATHAM, NJ
CHICAGO, IL
NEW YORK, NY
PITTSBURGH, PA
STAMFORD, CT
WASHINGTON, DC

PAUL BUCKHURST AIA, AICP
FRANK S. FISH FAICP
GEORGES JACQUEMART PE, AICP
SARAH K. YACKEL AICP

BUCKHURST FISH
& JACQUEMART, INC.
115 FIFTH AVENUE
NEW YORK, NY 10003
T: 212.353.7474
F: 212.353.7494

WWW.BFJPLANNING.COM

In addition, BFJ will map adjacent land uses, using available GIS data and online mapping as needed, to establish an area context and the potential for connectivity or conflict with surrounding uses. BFJ will also review the zoning regulations governing the site, including provisions affecting the use, bulk and density of future redevelopment, such as maximum height, minimum yard setbacks, maximum lot coverage, residential density, required parking, etc.

Lastly, we will assess the site's existing infrastructure, including capacity of water, sewer and other utilities; roads and driveways; sidewalks; and site easements. This assessment will help to identify any necessary infrastructure improvements to facilitate redevelopment of the site, as well as any variations based on specific potential reuses (i.e., residential/office/commercial/recreational). We will rely on existing data sources from the City, including coordination with staff as appropriate. At this time, we do not anticipate that a consultant engineer would be required; however, we can include one on the team if necessary based on consultation with the City.

Task 1.2: Stakeholder Meetings

In this phase, BFJ will meet with the key stakeholders involved with the site, to understand their needs and constraints that should be considered in future redevelopment. We anticipate that these meetings, anticipated at up to 4-5, may include:

- Orange County Planning Department
- Coach USA
- Businesses currently located within the bus terminal building
- Adjacent property owners (if determined necessary by the City)

We expect that most of these meetings could be conducted virtually, and that relevant City staff or other consultants should be included.

BFJ will compile the information from Tasks 1.1 and 1.2 into a technical memo on the site redevelopment feasibility. This memo will flag key challenges that the City should take into consideration, including trail connections, infrastructure issues, and site ownership/leasing arrangements.

Phase 2: Redevelopment Scenarios**Task 2.1: Preliminary Scenarios**

Based on the work completed in Phase 1, BFJ Planning will develop up to three (3) preliminary redevelopment scenarios for the Transportation Center site. These scenarios will be developed in consultation with the City, but could include:

- Residential-focused scenario: mixed-use buildings, with ground-floor retail but maximizing residential density
- Mixed-use scenario including a boutique hotel
- Mixed-use scenario including commercial/cultural/recreational uses

Each scenario would provide required connectivity to the Heritage Trail and accommodate parking and loading needs for the bus facility. We assume that, prior to development of these scenarios, we will obtain consensus with the City on the scope of the property under consideration (i.e., the inclusion of properties that would require future acquisition). The scenarios will be illustrated by sketch concept diagrams that show potential configuration of buildings and site infrastructure (i.e. parking and access).

This task would conclude with a meeting with Orange County Planning to present the preliminary scenarios and obtain buy-in on their feasibility and acceptance to the County. Based on that meeting, BFJ will coordinate with the City on next steps and the need for further work to develop a recommended scenario, as described below.

Task 2.2: Recommended Scenario (If needed)

Based on direction from the City, BFJ will identify a recommended reuse scenario that appropriately balances the various stakeholder needs and furthers the City's goals of revitalization. This scenario will consider potential marketability, anticipated impacts on municipal services and the school system, and fiscal effects. However, BFJ's proposal does not include a detailed market and fiscal analysis of proposed redevelopment scenarios. Such as analysis could be undertaken, if desired by our affiliate Urbanomics, for an additional fee.

The recommended redevelopment scenario will be illustrated with a concept plan that will depict the proposed parcel configuration and layout of buildings, road access and parking and landscape and open space treatment. This scenario is not intended to design the site, but to provide sufficient context and guidance so that the City can issue a Request for Expressions of Interest (RFEI) or similar process to solicit proposals for public-private development of the site.

The final project deliverable will be a short written report that summarizes the analysis and process and provides the recommended redevelopment scenario. This report would be provided to the City and could easily be attached to a future RFEI.

SCHEDULE

We understand that the Orange County Planning Department would like to see an alternative concept proposal within two months. We believe it is important to ensure that the County has the opportunity to weigh in on the preliminary redevelopment scenarios in order to develop a recommended scenario that has their full support. Therefore, we would anticipate providing the preliminary redevelopment scenarios (i.e. completing the work through Task 2.1) within two (2) months from signing of a contract. As directed by the City, we would then complete Task 2.2 and the final report within one (1) additional month. However, we are flexible with the schedule and can make reasonable adjustments based on feedback from the City.

BUDGET

We have estimated a fee of \$29,000 for this project for work through Task 2.1. As discussed above, based on the City's direction, the work could continue with a Task 2.2 to develop a recommended scenario. This additional task is estimated at \$6,000. In addition, if a market and fiscal analysis is desired, we can provide an additional cost estimate for that work. The project will be billed monthly on a percent complete basis against the lump sum fee for the two phases above. The fee structure by phase/task is as follows:

Phase 1: Site Analysis	
Task 1.1: Planning, Land Use, and Infrastructure Analysis	\$9,000
Task 1.2: Stakeholder Meetings	\$3,500
Phase I Sub-total	\$12,500
Phase 2: Redevelopment Scenarios	
Task 2.1: Preliminary Scenarios	\$14,000
Phase 2 Sub-total	\$14,000
City Meetings (4-5)	\$2,500
TOTAL	\$29,000

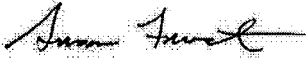
The BFJ Team would consist of myself as principal-in-charge, with Thomas Madden as project manager and Jonathan Martin as urban designer. Noah Levine would assist with graphics and report production. This team brings significant knowledge of Middletown, with Noah and myself having worked on the DRI and Jonathan on the City's comprehensive plan some years ago. As we mentioned at our meeting, Thomas joins BFJ after a tenure as

Middletown Conceptual Redevelopment Plan Proposal
May 16, 2022
Page | 5

economic development director for the City of Stamford, CT. We believe his decades of planning and market experience are a good fit for this project.

A countersignature below will serve as authorization to proceed with work on the scope of work described above. Please don't hesitate to contact me 212-353-7458 or s.favate@bfjplanning.com should you have any questions or need additional information. We look forward to the opportunity to work with you on this project.

Sincerely,



Susan Favate, AICP, PP
Principal

AUTHORIZATION OF WORK

Agreed to:

Mayor Joseph DeStefano
City of Middletown, NY

Date

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

THE FOLLOWING WAS PRESENTED

By Ald. _____

Sec'd by Ald. _____

Date of Adoption 05.17.22

Index No: 109-22

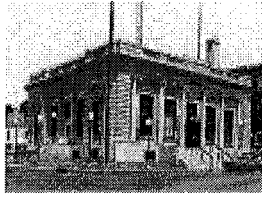
NAMES	AYES	NOES	ABSTAIN	ABSENT
-------	------	------	---------	--------

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 an agreement between the City of Middletown And the Enlarged City School District of Middletown for the purpose of carrying out the School Resource Officer Program for the 2022-2023 school year.

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

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

MAY 16 2022

City Clerk
City of Middletown

May 13, 2022

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

Dear Mayor DeStefano and Members,

Please find the attached agreement between the City of Middletown and the Enlarged City School District of Middletown for the purpose of carrying out the School Resource Officer program for the 2022-2023 school year.

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

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

Thank you.

Very truly yours,

John Ewanciw
Chief of Police

Enclosure
JE:ccd

RECEIVED

MAY 16 2022

City Clerk
City of Middletown

AGREEMENT

This agreement (the "Agreement"), made and dated the _____ day of _____, 2022, is between the City of Middletown, a municipal corporation in Orange County, with offices at 16 James Street, Middletown, New York 10940, hereinafter referred to as the CITY, and the Enlarged City School District of Middletown, a municipal corporation in Orange County, with offices at 223 Wisner Avenue, Middletown, New York 10940, hereinafter referred to as the DISTRICT.

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

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

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

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

1. The CITY hereby agrees to provide five (5) SROs to the DISTRICT for its use from July 1, 2022 to June 30, 2023. The SROs shall be assigned to the Middletown High School(2-SROs), Twin Towers Middle School, Presidential Park School and Truman Moon School and shall perform such duties, on a daily basis during the 2022-2023 school year, as requested, trained for and mutually agreed upon between the parties. The CITY further agrees to provide a marked police car at each school during the time an SRO is assigned to that school.
2. The DISTRICT and the CITY share the following goals and objectives regarding assignment of SROs to the DISTRICT's schools:
 - The SROs will provide a police presence in the DISTRICT in order to promote an atmosphere of enhanced school safety for faculty, staff, students and parents in the District;
 - The SROs also will serve as a resource to students, teachers, school administrators and parents, so as to:
 - Increase student awareness about crime prevention, internet safety, conflict resolution, violence prevention, restorative justice and peer mediation;

- Increase school faculty and staff awareness about policies and procedures for preventing/responding to incidents of violence and other threats to school safety;
- Build rapport with the student body and school community and thereby increase community confidence in the CITY Police Department;
- The SROs will be available to work cooperatively with teachers to provide education in criminal justice and other related topics, as requested and appropriate, to increase students' knowledge of and respect for the law and the function of law enforcement agencies;
- The SROs will conduct criminal investigations with the goals of promoting safety for the school community, establishing a deterrent to delinquent student behavior, and promoting and ensuring the safety of the students, faculty and administration of the DISTRICT;
- The SROs will proactively address problems and pressures as they relate to students before such problems manifest into socially and legally unacceptable behavior. These problems may involve the use of alcohol, drugs, and tobacco. They may also involve peer pressure, gang activity, and sexual activity.
- The SRO will refrain from acting as a school disciplinarian. SROs will not be responsible for the enforcement of disciplinary infractions of the Code of Conduct that are determined not to constitute violations of the law.

3. The DISTRICT shall:

- Remit payment to the CITY for the Services of the five (5) SROs assigned to the schools described in Paragraph "1" at the rate of \$80.00 per hour per each SRO, with the understanding that each SRO shall be paid for an 8-hour day during the school year, and on an as-needed hourly basis during summer school. The CITY shall submit an invoice to the DISTRICT on a monthly basis. Such invoice shall include the actual days or parts of days worked, and any other information necessary to effect payment. The DISTRICT shall forward payment of any undisputed amount within thirty (30) days of the receipt of the invoice. In the event any SRO is unable to perform the required duties at the subject schools, the amount remitted to the CITY shall be pro-rated for the actual days worked.
- Ensure that school personnel, school board members, students, and parents are informed of the duties and presence of the SROs on campus

- Administratively address student violations of the Code of Conduct that are not believed to be crimes and to refrain from engaging the SROs to investigate or resolve noncriminal offenses.
4. Any SRO assigned to the DISTRICT shall remain, at all times, an employee of the CITY's Police Department, under the care, control and supervision of the CITY's Chief of Police.
 5. The DISTRICT warrants and represents that this Agreement is exclusively by and between the DISTRICT and the CITY. The officers, employees, or agents of the CITY shall not be employees of the DISTRICT for any purpose, including but not limited to, the application of the Fair Labor Standards Act, provisions related to minimum wage and overtime payments, the Federal Insurance Contribution Act, the Social Security Act, the Federal Unemployment Tax Act, the provisions of the Internal Revenue code, the New York State Unemployment Insurance Law. The DISTRICT shall not be liable for obligations, if any, incurred by the CITY for unpaid wages or overtime premiums.
 6. The DISTRICT acknowledges that the CITY's Chief of Police shall retain the right to utilize and direct the Services of the SROs to perform other police duties for the CITY, at any time deemed necessary and for whatever purpose, in the sole discretion of the CITY's Chief of Police. Any such utilization of an SRO shall occur immediately upon notice, either verbal or in writing, to the DISTRICT, from the Office of the CITY's Chief of Police, and the DISTRICT shall not be responsible for the payment of the SRO's hourly wage for any such time when, at the direction of the CITY's Chief of Police, the SRO is performing duties other than that of an SRO. An SRO's duties include any training associated with the position.
 7. In the event an SRO is absent from work, the SRO shall notify his or her supervisor at the CITY and the principal of the school to which the SRO is assigned on that particular day. To the extent possible, the CITY shall provide an interim replacement
 8. The CITY warrants and represents that its SROs shall submit fingerprints, unless already on file with and available for use by the New York State Division of Criminal Justice Services (DCJS), and be criminally cleared by the New York State Education Department (NYSED) to have direct, in-person, face-to-face communication and interaction with the DISTRICT's students, in accordance with applicable law (namely NY Education Law §2503(18), §3035, and 8 NYCRR §87.2(k)(1)[ii]). Fingerprinting costs (if any) and criminal clearance costs shall be paid or reimbursed to the CITY by the DISTRICT.
 9. The CITY shall indemnify and hold harmless the DISTRICT against any liability, loss or expense which may result from any act or omission of the CITY or any of the City's officers, employees or agents for which the DISTRICT might otherwise be liable or sustain loss or expense, in connection with the CITY's performance or

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

10. The CITY shall: (a) purchase and maintain comprehensive general liability, professional liability, and other such insurance in an amount not less than \$1,000,000 per occurrence and \$2,000,000 aggregate, as is appropriate, for the Services being performed and furnished hereunder; (b) maintain errors and omissions insurance with minimum policy limits of \$1, 000,000 per occurrence and \$2,000,000 aggregate during the term of this Agreement; and (c) provide protection from and against claims for damages due to bodily injury, sickness, death, and property damage, including the loss of use resulting therefrom, which arise from the Services being performed and furnished hereunder. The CITY shall, prior to performing Services hereunder, deliver to the DISTRICT, a certificate of insurance that evidences that such insurance naming the DISTRICT as the insured party is in full force and effect, and shall maintain such insurance throughout the term of this Agreement.
11. The CITY shall not discriminate against any DISTRICT students, or agents, officers, or employees on the basis of age, gender, color, creed, disability, national origin, sexual orientation, or any other class protected by law.
12. The CITY shall maintain strict confidentiality of all student records and information received by or from the DISTRICT, if any, in accordance with all applicable state and federal laws, including but not limited to the federal Family Educational Rights and Privacy Act (FERPA – 20 USC §1232g; 34 CFR Part 99) and Section 2-d of the New York Education Law; provided however, that if such records are necessary to perform the duties required of a police officer, the District shall cooperate fully with any subpoena, court order or other lawful process required to authorize disclosure of the records. To the extent an addendum to this Agreement is necessary to comply with future regulations governing Section 2-d of the New York Education Law, the Parties agree to execute such addendum.
13. Either party may cancel this Agreement, without cause, upon not less than thirty (30) days prior written notice delivered to the other party via certified mail, return receipt requested and at the addresses set forth in the first paragraph of the Agreement. The DISTRICT will pay the CITY within ninety (90) days of the date of termination for undisputed Services performed up to the time of termination. In the event of termination, the Agreement will continue to govern the parties' rights and obligations with respect to Services performed prior to termination.

14. This Agreement is the entire understanding and agreement between the parties with respect to the subject matter covered, and all prior agreements, understandings, covenants, promises, warranties and representations, oral or written, expressed or implied, not incorporated into this Agreement are superseded. This Agreement may not be amended or supplemented in any way, except in writing, dated, and signed by authorized representatives of both parties.
15. The CITY shall not assign, transfer, convey, or otherwise dispose of this Agreement or any of its contents, or its right title, or interest therein, or of its power to execute such contract to any other person, corporation, agency, or other entity.
16. Notices required under this Agreement shall be sufficient if contained in writing and delivered by hand or sent by express or overnight mail or by registered or certified mail, return receipt requested mail, postage prepaid addressed to the parties as follows:

City of Middletown
16 James Street
Middletown, New York 10940

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

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

17. If, for any reason, any provision of this Agreement is held unenforceable by a court of competent jurisdiction, all other provisions of this Agreement will remain in full force and effect, and the unenforceable provision shall be replaced by a mutually acceptable and enforceable provision in accordance with the parties' original intent.
18. Claims, disputes, or other matters in question between the parties to this Agreement, arising out of or relating to the Agreement or breach thereof, shall be subject to and decided in accordance with the laws of the State of New York, and any such claims or causes arising out of or in connection with the Agreement shall be commenced in Supreme Court of the State of New York in Orange County.
19. This Agreement is subject to the approval of the DISTRICT's Board of Education and the Middletown Common Council.
20. This Agreement shall be in force in effect for the period of July 1, 2022 through June 30, 2023, unless terminated sooner in accordance with paragraph 13 of the Agreement or renewed upon written consent of both parties.

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

CITY OF MIDDLETOWN

By: _____
Title: Mayor _____
Date: _____

ENLARGED CITY SCHOOL DISTRICT OF MIDDLETOWN

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

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

THE FOLLOWING WAS PRESENTED

By Ald. _____

Sec'd by Ald. _____

Date of Adoption 05.17.22

Index No: 110-22

NAMES AYES NOES ABSTAIN ABSENT

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

RESOLVED that the Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment and authorizes Kevin Lucchetti to begin work as a per diem Data Collector beginning May 23, 2022 in the Assessor's Office.



**CITY OF MIDDLETOWN
OFFICE OF THE ASSESSOR**

Marianne Feely, Commissioner of Assessment
16 James Street
Middletown, NY 10940
(845)346-4141 Fax (845)346-0106

RECEIVED

MAY 16 2022

**City Clerk
City of Middletown**

May 16, 2022

Honorable Joseph DeStefano
Board of Estimate & Apportionment
City of Middletown
16 James Street
Middletown, NY 10940

Dear Mayor DeStefano and Members of the Board of Estimate,

As you are aware, I have been without a Data Collector since Kevin Luccketti resigned from his position and moved to South Carolina in January. Kevin will be visiting for a few weeks, and has offered to work temporarily in his former position. I am requesting that he be allowed to begin work on a per diem basis, May 23, 2022.

Thank you for your consideration.

Sincerely,

Marianne Feely
Commissioner of Assessment

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

THE FOLLOWING WAS PRESENTED

By Ald. _____

Sec'd by Ald. XXXXXXXXXXXXXXXXXXXX

Date of Adoption 05.17.22

Index No: Local Law #4 of 2022

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				

LOCAL LAW #4 OF 2022

A LOCAL LAW INCREASING THE TERM OF OFFICE OF THE CITY TREASURER

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 increase the term of office of the City Treasurer.

Section 2. Section 62 of the Charter of the City of Middletown is hereby amended by replacing the second sentence thereof, to read in its entirety as follows:

The Treasurer shall be a full-time employee of said City and shall serve a five (5) year term.

Section 3. Severability.

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

Section 4. Effective Date.

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

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RECEIVED

MAY 12 2022

**City Clerk
City of Middletown**