

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

1. PLEDGE OF ALLEGIANCE
2. ROLL CALL (COUNCIL CLERK)
3. APPROVAL OF MINUTES September 6, 2022
September 20, 2022 (COUNCIL CLERK)
4. CORRESPONDENCE, COMMUNICATION AND REPORTS (COUNCIL CLERK)
5. REMARKS OF THE MAYOR
6. REMARKS OF DEPARTMENT HEADS
7. PUBLIC HEARINGS AND GRIEVANCES 2 Lot Subdivision (Lot Line Change)
1 Stub Street & 48 Beers Drive
(Lorino/Boyd)
8. PETITIONS AND COMPLAINTS (NOTHING THIS EVENING)
9. REMARKS OF THE ALDERMAN AND REPORTS OF COMMITTEES
10. UNFINISHED BUSINESS (NOTHING THIS EVENING)
11. NEW BUSINESS (RESOLUTIONS)
 - Resolution to grant a 30-day waiver as per the New York Alcoholic Beverage Control Law to Yishan Korean Food LLC, at 75 Railroad Avenue
 - Resolution authorizing a \$2000 budget transfer to cover overdrafts
 - Resolution to Accept state and local overtime (SLOT) reimbursements for overtime incurred by our officers assisting in open ATF investigations
 - Resolution authorizing pay increases for certain positions of the Middletown Police Department
 - Resolution to accept a \$6,250 grant award from Senator Skoufis' office for National Night Out Against Crime event
 - Resolution to accept additional funding from Orange County for the Senior Citizen Transportation Program
 - Resolution Authorizing a Wholesale Waiver Agreement/Proposal
 - Resolution declaring a Recreation and Parks Vehicle as Surplus
 - Resolution authorizing a \$167,803 budget transfer to cover costs associated with the Wolslayer Field Project
 - Resolution authorizing a proposal from CDM Smith for the Water Withdrawal Permit Application
 - Resolution to approve a modification of the restrictions contained in the deed conveying 45-51 Academy Avenue



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12. LOCAL LAWS

(NOTHING THIS EVENING)

13. AUDIT OF CLAIMS AND ACCOUNTS

(FINANCE COMMITTEE CHAIR)

14. ADJOURNMENT





COMMON COUNCIL Meeting
CITY OF MIDDLETOWN
September 6, 2022
City Hall
16 James Street
Middletown, New York 10940

P R E S E N T

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

A B S E N T

Miguel Rodrigues, President of Common Council

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1. Pledge of Allegiance

ACTING PRESIDENT MASI: Thank you.

2. Roll Call

ACTING PRESIDENT MASI: Roll Call.

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

ACTING PRESIDENT MASI: All right. At this time
I'd like to call on Alderman.

ALDERMAN GREEN: Acting President, Masi, I'd like
to make a motion to move to Executive Session to discuss a
litigation matter.

ALDERMAN: I second that motion.

ACTING PRESIDENT MASI: Motion has been made and
seconded. We will now go into Executive Session.

(Council goes into Executive Session)

ACTING PRESIDENT MASI: All right. I need a
motion to come out of Executive Session. Motion by
Alderman Kleiner, seconded by Alderman Green.

All in favor?

COUNCIL MEMBERS: Aye.

ACTING PRESIDENT MASI: All right. We went in at
7:33, came out at 7:55.

3. Approval of Minutes.

ACTING PRESIDENT MASI: Approval of minutes.

RICHARD MCCORMACK, CITY CLERK: We have the minutes from the August 1st, 2022 Common Council meeting.

ACTING PRESIDENT MASI: All in favor?

COUNCIL MEMBERS: Aye.

ACTING PRESIDENT MASI: Opposed?

(No verbal response)

4. Correspondence, Communications and Reports

ACTING PRESIDENT MASI: Correspondence.

RICHARD MCCORMACK, CITY CLERK: We have a notice of a public hearing from the Town of Wallkill Zoning Board of Appeals for the Frito-Lay project and the public hearing be held on Monday, September 12th, 2022 at 7:30.

ACTING PRESIDENT MASI: Received and filed.

5. For the Good of the City

ACTING PRESIDENT MASI: For the Good of the City. Anyone wants to come before us and speak? You've got four minutes.

MR. GOMEZ : Good evening, Mr. President, Mayor Stefano, Members of the Common Council. As you know, I'm Kevin Gomez, member of the Middletown School Board. As you all know, today was the first day of school and I think -- we are hopefully we're off to a great store which I believe will be a promising school year for all of our children.

And, again, on Saturday, September 10th, the

Middletown School District in conjunction or in partnership with the City of Middletown and our outstanding police department will be holding our back-to-school barbeque at Davidge Park from 1 to 4 p.m. And they'll be a lot of wonderful activity there for our children and for our community.

Our superintendent has been holding throughout the summer different meetings with members of the community, parents who wish to meet with her and discuss issues of importance. They could register by appointment. These meetings or these town halls allow members of the community to come and share what's in their minds as well as allow everybody to hear each other out. These actually were, in fact, were inspired by a forum our funding committee held back in December of 2021 where we have the chair of our state center education committee, the Honorable Shelley Mayer, Assembly Woman Gunther, and other members of our community discuss the school financing process.

So I believe we're going forward in good spirit to keep our community informed and allowed a conversation for the good of our children. Okay. And -- and for our (indiscernible) committee, we are -- we are looking at to see whether we hopefully have more state funding for public

safety.

I know that the New York State's Sheriff's Association for years called for a separate budget line to be provided, so that there will have guaranteed financial resources for safety. With that I want to credit and thank, both, the administration of Mayor DeStefano as well as Town of Wallkill supervisor George Serrano and his predecessors for our partnership when it comes to the SROs. And, hopefully, if we've able to get down the road at independent state -- independent line in the state budget, that would also help relieve some of the financial costs to our district and our municipalities have had to endure over the years.

And, finally, as you all know, our school board meetings are the first and third Thursday of the month. They're in this district website as well as the school calendar. Both may be subject to change, but they're out there for elected officials and, of course, our parents.

Everybody have a wonderful evening. Thank you.

ACTING PRESIDENT MASI: Thank you. Anyone else? Anyone on line? Hearing none.

6. REMARKS OF THE MAYOR

ACTING PRESIDENT MASI: Remarks of the Mayor.

JOSEPH DESTEFANO, MAYOR: You know, when you're

having a drought and drought conditions, you -- you look for something to happen that will bring the rain. And what better than to have Mr. Masi come back and bring miserable weather with him. But in this case it was welcomed.

ACTING PRESIDENT MASI: Thank you.

JOSEPH DESTEFANO, MAYOR: So --

ACTING PRESIDENT MASI: Was I/

JOSEPH DESTEFANO, MAYOR: No, but the -- the rain was welcome.

So we're still doing -- we're asking people to not conserve, but to just pay attention to your water usage. Jacob will probably give an update. I'm not sure if he has calculations for today, but I believe we were in the mid to low 80s prior to today and yesterday. But just to use common sense, I guess, and try to conserve as much water as possible. But the rain is welcome.

We want to also announce that in -- in our Parks Department John Bianchi had a 30-something-plus years has retired. John is going to stay on part time as we transition the department. We're looking at the possibility of using the -- putting the parks itself, the operation, you know, the maintenance of the parks under DPW and having the recreation aspect continue to be handled by the Recreation Department.

In essence, John has been doing that when Chris became Park Superintendent. We gave a promotion to John or added a titled because he was a union employee to, basically, operate almost as a deputy commissioner of Parks just for maintenance purposes. So we not only had an increase in -- you had overtime, but you also had the -- a siphon that we've been paying over the years, so.

In our charter now, I believe the Parks Department does come under DPW. Historically, the Recreation Department has handled it. But in conversations with Raelynn, we believe that during this maybe year or so of this transition we'll see if we can operate with shifting some of those responsibilities, field maintenance, things that traditionally DPW doesn't handle; garbage pickup in the park, all those things through the -- through the DPW office to see if it works. If not, then we have to go back to Parks with a different skill set for the person who manages that -- that certain staff. But all camps, everything else, you know, the majority of the work stays under the -- under the Rec Program.

Just a project we're looking at. And I want to thank John for his years of service and also for staying on for the next year plus as we look at the different options that we're -- we're going to have moving forward.

The -- Mr. Gomez touched on one event coming up which is the event by It Takes Village in the school district of the City of Middletown. And Fred Williams has been the coordinator on it. Fred is a member of the Middletown School Board and he's really taken this project and -- and made it something which I think will be really, really big, the -- just due to the response on social media.

Superintendent Creedon and -- and myself are -- are assisting in ways, but Fred has really taken the project and run. All of our departments will be -- are participating in some way. I know the Recreation Department will have a table at the event along with the Economic Development will have some materials there promoting some city programs. But for the most part, it is an event run by It Takes a Village and partnership with both the school district and the City.

So I want to thank our Superintendent, Amy Creedon and the Middletown School Board for their cooperation with us. And I think all of you would be welcome at the event. I believe they're going to have a program starting around 2:00, a brief program. So if you'd like to attend, that may be the time for you to attend.

Also, to say thank you to the Run for Downtown

group, Dave and Anna Madden for another successful event in downtown. I believe they had over 400 runners. The event is building back up to what it was. Before COVID we had over 600 runners, but there were well over 1,000 people downtown for the party and for the post-race event. And it was very well attended. And I believe everybody that attended was very happy. The weather was great and we were all enthusiastic about seeing all the large groups of people back in downtown.

Jacob has advised us through our chairman, myself, the Chairman Jean-Francois and Mr. Tawil met before the meeting and Jacob gave us an update on the paving. And I'm sure Jude will go into it a little bit more.

And I want to thank the DPW and the work crews for the -- their efforts. They -- they did a great job in getting the -- the streets down, especially the targeted areas for the race because some of the streets were part of the race activities, so they had to really move during that really hot period of time. And blacktopping in -- in that heat really didn't go together too well.

So thank you, Jacob, and thank the men in your department for the -- for a job well done.

Also upcoming events are on 9/13 the Wall that Heals will be coming into the Middletown area. It's going

to be at the -- over by the Mount Carmel and St. Albert's area. And if you're not familiar with it, you can go on the City website. It's at the Our Lady of Mount Carmel soccer field from the September 15th through the 18th. It's arriving on the 13th. It will be escorted from Angry Orchard that day. And more details will be posted on our website. But it is something that goes around the country. And there -- there will, again, programs offered during that period of time. So I would encourage anyone who has an opportunity to go visit the Wall the Heals during that period of the 15th through the 18th.

Also, on September 17th, Senator Skoufis is here on the Erie Way Park. We'll be hosting his community events where he brings together different not-for-profits and different organizations and to make themselves available. I guess it's also a barbeque free to the public. But the -- the idea being that bringing all these different organizations, these public service organizations together as one, he's done in other communities that he represents. And as you know, hopefully, at least from my perspective, hopefully he will be representing us in January.

As you know, Senator Martucci is not running. And since he closed his office back in March/April, Senator

Scoufis has been kind enough to open his door for -- for us here in the City of Middletown, not only on constituent referrals, but also government referrals. Where we need assistance with Albany, he's been the guy to go to along with Assemblywoman Gunther. So I need to put that on the -- one of the reasons why we're doing this event with him is because his outreach to the City and to our constituents.

Also, welcome back to school. The Chief, I hope, will probably address a little bit about school buses and public safety and to ensure that people do follow the rules especially when it comes to passing school buses. And he can go into a little bit of detail on what he plans to do with people who do that.

And, also, one last item that I had to talk about was the grant announcement through Speaker Carl Heastie and Assemblywoman Gunther. They were down to announce a million-dollar grant to, both, the City of Middletown, the Town of Wallkill, and a small portion of that to the Town of -- to the City of Middletown School District in which the superintendent talked about her program. Kevin will probably address a little bit of the program that the school will be doing with the 50,000. But the 450,000 will be going into a camera expansion project in our downtown and, the greater downtown area. And the chief may want to

speak in more detail on it.

But I want to thank Assemblywoman Gunther for her efforts and along with Speaker Heastie. It is a public safety issues, but it's also protecting the assets. We've made significant investments in and around our city and these cameras not only deter, but they also help solve crimes. But our use primarily is, you know, we've always fought perception issues in our downtown, so I'm sure it will help with that. But, more importantly, I think it will protect our assets and protect our people. Just another way of -- of keeping the city safe and keeping our residents and our visitors safe in our downtown area.

So that's all I have. If you have any questions, I'd be more than happy to address them.

ACTING PRESIDENT MASI: Anyone, any questions for the Mayor? Thank you. Oh, I'm sorry, Alderman Tobin.

ALD. TOBIN: The Frito-Lay project, did you say anything about that?

JOSEPH DESTEFANO, MAYOR: What's that?

ALD. TOBIN: You mentioned something about a Frito-Lay project --

JOSEPH DESTEFANO, MAYOR: That's in the Town of Wallkill.

ALD. TOBIN: Town of Wallkill, oh, okay.

JOSEPH DESTEFANO, MAYOR: We're getting a -- just notice of a public hearing, correct?

RICHARD MCCORMICK, CITY CLERK: Yes.

JOSEPH DESTEFANO, MAYOR: Yeah, I don't know what the -- I think it has something to do with lot coverage.

ALD. TOBIN: Oh, okay.

JOSEPH DESTEFANO, MAYOR: But it's -- it's a Town of Wallkill project.

ACTING PRESIDENT MASI: Anyone else? Thank you, Mayor.

JOSEPH DESTEFANO, MAYOR: Thanks.

7. REMARKS OF DEPARTMENT HEADS

ACTING PRESIDENT MASI: Remarks of Department Heads. Economic Development, Director Bruni, please.

MARIA BRUNI, ECONOMIC DEVELOPMENT: Good evening, everyone. Just want to remind everyone that our Office of Community Development, our Small Business Loan Program and Housing Rehab Loan Program and Grant Program, please call the office if you want to learn more about it, 346-4170 or go to our website.

As you can see throughout town, there is rehab going on through our Community Development Block Grant. So if you own a home in the City of Middletown or want to open a business in the City of Middletown or expand, please call

our office.

Also, this Saturday we have the Stylistics performing at the Paramount Theatre. Tickets are going well. And, please, again, check out our website or call for tickets.

And I want to also thank the -- the crew from the summer, all the work that was done with the concert series, the fireworks, the Run for Downtown, all other events, the Farmers Market. Stephanie, Eileen, and Joseph, they were -- they're a great team to have. And they worked hard this summer. And we got more events through the fall and also with the Paramount. So I want to thank them publically for all their hard work and dedication to -- to the Department.

And that's all I have.

ACTING PRESIDENT MASI: Any questions for Maria?
Thank you, Maria.

MARIA BRUNI, ECONOMIC DEVELOPMENT: Thank you.

ACTING PRESIDENT MASI: DPW Commissioner,
Commissioner Tawil.

JACOB TAWIL, DPW COMMISSIONER: Good -- good evening, all. And Alderman Masi, welcome back.

ACTING PRESIDENT MASI: Thank you.

JACOB TAWIL, DPW COMMISSIONER: We'll start off reporting on the reservoirs. It's been a concern of ours

like the Mayor just stated because just we've been having unusually dry season. The last couple of days of rain, they are really welcome. Probably by tonight we will have about three inches over -- over the two days since it started which is -- which is very good. We will not see the results in our reservoirs until for a couple of days because it takes -- it takes a while for them -- for the rain to come down, the storm water to come down to our reservoirs and hopefully fill the top a little bit.

So at this time we're at 82 percent full. That's where are. Like the Mayor said, just remind the public, please, all the time, not only today or tomorrow and whenever it rains or even if drought or not drought, try to conserve water all the time. You know, it's a very limited resource, resources. And -- and we want to protect it and preserve it and as much as possible. So don't waste any water. If you have any leaking fix yours in your house. Please fix them. You know, that goes for me too for my household, for everybody. It's not, like, you know, just keep that in mind. These drips they add up very quickly.

We -- we go through a lot of work to try to find any even minimal leaks without our system, dig up the streets and try to fix them. And lately we've been working on water main breaks. And when you have water main breaks

and break and we have an old system sometimes. It's very hard to isolate it. And people, they, you know, complain how come nobody told us there's water main break. How come, you know, you're interrupting our water which is we understand that and we feel the pain. But it makes you appreciate when -- when there's no water, so please conserve and preserve our natural resources especially the drinking water. And subscribe to Nixel. It's on our website. The Mayor talks about it all the time. The police chief talks about it all the time. It takes less than a minute to subscribe. And then any event that happens, you will get a -- you'll -- you'll get a message. Mostly likely, you know, good events, but also an emergency water main breaks, water interruption, traffic detours or something like that. Most likely we will send out a Nixel right away. So please take a minute in there, go to the website, subscribe for it, it's worth it. You'll be prepared, you'll know what's going on.

Another thing I just want to touch, the -- the sanitation and then the Mayor and I will make a presentation before the -- before the -- before the DPW Committee and then eventually before the Council.

The mechanical arm trucks, first of all, I want to thank you all on behalf of the Mayor and myself. Thank

you all for the support for getting those new trucks for us with the robotic arm. It's been a great success for us. We've been finishing the routes much faster than before.

And -- and it's really -- and the recycling, blue cans that we've been giving out to people, it's been promoting and encouraging recycling. However, we just want to touch on something in here. Please read very carefully the literature that tells you exactly what to recycle. The recycling that we are collecting it's called dirty recyclables because there is no market for them because our citizens, our residents, for good reason, I'm sure they are good motivation, they're trying to recycle as much as possible. So if they don't know, if it's doubtful, they put it in the recycling can. That will end up really hurting us. And we'll end up paying more money to go through the recyclables that are not clean.

So once we're going to have the Mayor and myself we're going to be doing a major push to educate the public about what is recyclables and what is not, what's acceptable and what is not. And we urge you to please stay with it and give us only what is approved for recycling otherwise we'll end up losing money.

And the people who are collecting it sometimes we don't know what they do with it. We're -- we're not sure

just sorting it out is going to be worthwhile for them. So we don't know what happens to it.

But, anyway, make -- make a long story short, we're going to be doing this campaign very soon. And please pay attention to the literature that we sent to you guys through the water bill and through Nixel and through our website and just stick to what is acceptable as recyclables and maybe rinse the can and so on and so forth. We'll get into that in greater detail.

But make a long story short, that's the message I want to send to you guys tonight is recycles. Stick to the literature that we already have on our website, but we're already going to be -- we are going to give you more literature about it and more education, so that we can -- we can, basically, generate some revenue out of it rather than losing funding and paying money for it.

Another subject is the annual paving program like the Mayor said. And I -- I want to thank him for complimenting the men. He always does. And he feels what they go through. And it's very much appreciated from all the men when they hear you guys giving them their -- your support and knowing that you recognize the effort and the pain that they go through to get the job accomplished. And that goes for our subcontractors too who did the paving.

So with that being said, we have concluded our paving program. It was budgeting at \$2.5 million in there. You may notice that we have done some handicap ADA ramps at all the places that we milled and paved. And so it's about \$2.5 million. None of it came from our budget. It came from help from the State and for that we appreciate the State and what they done to us. So another \$2.5 million it wasn't part of our operating budget or capital budget, it's given to us. And we used it and we'll continue to use it in the future as well to pave and improve our City.

Curbs and sidewalks project and the intersection, as you can see them, they're moving along very well. The water line project in there, the paving, I know, I did say in the middle of the month roughly, give or take, we're going to be paving Monhagen Avenue. Now it's going to be between middle of the month and the end of this month to mill and pave the Council President calls it Rodeo.

ALDERMAN: I'm sure he'll be excited.

JACOB TAWIL, DPW COMMISSIONER: Yeah. So we're going to be -- we're going to be milling and paving that rodeo very, very -- between the 15th and the end of the month.

ACTING PRESIDENT MASI: Thank you, Commission.

Any questions for him? Alderman Johnson.

ALD. JOHNSON: Getting back to the recycling, I was at the center on Monhagen. I see you reorganized that. What -- what is your goal with the way you put those bins there? Is that part of what you're trying to do?

JACOB TAWIL, DPW COMMISSIONER: Yeah. That's -- that's another thing. We've done that already. Before we used to, you know, a lot of people to come and dump their recyclables there in an open -- open container --

ALD. JOHNSON: Correct.

JACOB TAWIL, DPW COMMISSIONER: -- and open concrete container, open concrete bin. And then we had to go in there and scoop it, put it on dump truck and then take it to the County. So now what we've done is we installed dumpsters in there. And the dumpsters there are suitable for our trucks or packers to come pick them up, dump them into the packer which is the garbage truck then compress them. So instead of just taking one truck load of loose recyclables, now we have compressed -- compressed recyclables in there which is one trip instead of going three, four times. We go one time with the packer because it's all compressed recyclable material. So that's the change that you have noticed.

ALD. JOHNSON: Great. It looks like. We saw it (indiscernible).

JACOB TAWIL, DPW COMMISSIONER: Yes, yes. It's much cleaner, but also it's much more economical for us to do.

ALD. JOHNSON: Nice upgrade. Thank you.

ACTING PRESIDENT MASI: Anyone else? Thank you, Commissioner.

JACOB TAWIL, DPW COMMISSIONER: Thank you.

ACTING PRESIDENT MASI: Police Chief, Chief Ewanciw.

JOHN EWANCIW, POLICE CHIEF: Good evening.

Just a few things this evening. First I'd like to just notify the Council and members of the public that we have a new addition that just joined our department today. It's a member of Independent Living. They provide us an outreach coordinator on a full-time basis, trial basis -- hopefully, it's going to go for some time -- that is going to work with us in the field and in the office doing some follow up and outreach for mental health. It seems like a very energetic young lady. Today was her first day with us. She's becoming familiar with Middletown, familiar with policing, so we look forward to her partnership and the partnership at Independent Living. It's very similar to the partnership that we had with Fearless which is the domestic violence coordinator as well

where they do some follow up and continued follow up with people that need those services.

In regards to opening of school, it's an exciting day for many, nervous for some others, hectic for many. Just like many first days of school, traffic becomes an issue for us. You know, everybody, you know, wants to get there, get their children there safely. We had quite a traffic scene this morning, however, the people that were out there for us said that it moved smoothly, it just took a little bit. And they did get it cleared up very quickly.

What I ask of the residence is to please follow the direction of the police officers and the school personnel that are out there. They have guides and they -- they're trying to guide people in a correct way to keep everyone safe.

With that, also while residents are driving, please be observant of the children. A lot of children walk to school. They cross the roads. We do have crossing guards, but please be observant. Take a few moments, slow down, pay attention to the kids, the buses.

As the Mayor mentioned, the enforcement of bus -- people passing the buses, there's actually a resolution before the Council this evening in regards to some money for the Governor's Traffic Safety Grant that has a

component for enforcement of housing school buses. So if that is passed and we receive the money, we'll be able to do some specific enforcement based on those funds.

In regards to -- actually, just going back to school, I'd like to wish on behalf of the Middletown Police Department all the students a safe and happy year. I hope they -- they do very well. We're here for them. The SROs are in the school. We've met with the school personnel, the safety directors and anything that we can do on our end we are here to support and help with that.

The camera project that the Mayor had mentioned, that is a project that myself and Maria have been meeting with a vendor and their engineer the last month-and-a-half, two months or so. I think it's a very robust project. I'm very excited to work with this vendor, very, like, forward thinking. He's not just building for what we're looking at today, he's building for the future in his proposal when he gets to us.

As the Mayor said, like the perception, we here that time and time again about perception. But I think what we're looking to implement here is going to cover a majority of the parking lots in the downtown, the walkways, the parks in the downtown. It gives us another layer of security and protection. In today's environment, sometimes

people are reluctant to be witnessed to something or to notify that they saw something or cooperate with an investigation. Now, with this additional video, it's going to help us prosecute cases and move cases forward.

So we look forward to that. I think it's going to be start of the art system. As I mentioned, the vendor, very forward thinking giving us some ideas that we didn't think about the past and just better coverage and future expansion. So we definitely look forward to that. And I think it's a great investment for the community as a whole and it brings so much more security and safety to -- to the downtown area.

I have nothing else, unless you have questions.

ACTING PRESIDENT MASI: Any questions for the Chief? Chief, thank you very much.

JOHN EWANCIW, POLICE CHIEF: Thank you.

ACTING PRESIDENT MASI: Superintendent of Recreation, Ms. Bertholf.

RAELYNN BERTHOLF, SUPERINTENDENT RECREATION:

Good evening, everyone. First off, congratulations to John Bianchi who recently retired. We will definitely still be seeing him around a lot. He's retired, but still with us and helping us for another year possibly more. So we're very appreciative of John and all

his years of service and everything that he's done for us.

Our maintenance department, pools are covered and closed. This weekend, depending on how much rain, we are getting in the conditions of the field. Little League fall ball is starting, so, I mean, his guys are going to start getting the fields ready and prepped again for the Little League for their fall season. Our field prep for all of our fall programming, they're also preparing. And with the rain becomes lots of mowing that they're going to be catching up on that they didn't have to do all summer. So it will be playing catch up for the next week after this rain stops.

And, eventually, Thursday, Friday, early next week, they're going to be trimming back the trees surrounding the dog park. It's done twice a year. A lot of them start to just grow and overhang into the dog parks. They're going to be trimming around the perimeter to clear that up also.

For the Rec, our pools are closed. Thank you to all of our lifeguards. Nicole had a wonderful staff over. Danielle Macaveney (phonetic) who was a saint this summer who helped us out. She got us the lifeguards. She ran the class that was -- we were able to open both pools. As you know, a lot of towns and private pools they weren't able to

open because of the lifeguard shortage. But us running the class was night and day. Those brand new guards did amazing. If any of you went to the pools, they were on it.

We had great managers, great supervisors. And, again, special thank you to Danielle who did a lot of our in-house services to our lifeguards. It was very helpful. Pretty -- we had -- it's just in the way that we handle our events at the pools that it may a difference this summer with having Danielle there and all of her years of knowledge with the pool and helping us out. So thank you to her.

Fall programming, registration is up on website. We have adult tennis clinics, cheerleading clinics, soccer clinics, breakdancing, rising all-stars basketball, crochet clinic, and a lacrosse clinic. Those are all paid programming.

Our free programming that we have for our community which is partially funded by the Orange County Youth Bureau. We have teen boxing, teen basketball open gym, youth open gym, youth basketball open gym, and youth fitness classes. And those are all the free programming that we have for our community.

We -- we are going to start up our bussing again in two weeks. So we're switching it to Thursday nights.

Contessa is working with Mid-City to get the pricing. And, again, thank you guys for voting that in and seeing that through to get the kids who don't have the transportation and opportunity to go at least once a week to our facility to use our -- to utilize our programs.

Our Facebook and our Instagram, we're going to be announcing soon our Halloween festivities that we have planned for Saturday, October 15th. Nicki wanted me to say it's going to be a spooktacular time.

The Mayor's Youth Council is also starting up this month. We have two more -- two more -- the reading and the crafts at the Farmers Market in September and October where you can catch Ms. Sharon and get a story and the kids can do a craft.

We're also going to be attending a unity fair with the YMCA. We're going to have a table there.

Also this weekend, with the back-to-school event, we're also going to have a table there and be a very vital part in this Saturday's events.

And, last, before you there's two donations. We'd like to thank the Orange Runners Club for making a donation to us. And also United Way who helps -- their donation helped offset the cost of the Cops and Kids Field Day. So thank you to those two organizations.

Any questions?

ACTING PRESIDENT MASI: Any questions?

RAELYNN BERTHOLF, SUPERINTENDENT RECREATION:

Nope.

ACTING PRESIDENT MASI: Thank you,
Superintendent. Appreciate it.

RAELYNN BERTHOLF, SUPERINTENDENT RECREATION:

Thank you.

City Assessor, Ms. Feely, please.

MARIANNE FEELY, CITY ASSESSOR: Good evening,
everyone. I don't have anything to report tonight.

Does anyone have any questions for me?

ACTING PRESIDENT MASI: Does anyone have any
questions?

MARIANNE FEELY, CITY ASSESSOR: Okay. Thank you.

ACTING PRESIDENT MASI: Thank you.

City Clerk, Mr. McCormack.

RICHARD MCCORMACK, CITY CLERK: Good evening,
everybody. Just as a reminder to the community, hunting
season is upon us and the City Clerk's Office is available
to purchase hunting and fishing licenses. We're open from
8:30 to 4:15 for all your hunting needs.

And on that -- on that light, on the resolutions
tonight, there is a resolution being put forward with a

company named Permitium that will allow us to securely and safely accept vital record applications online. And you'll be able to pay for them online as well. We'll still have to mail you the official copies in the mail, but this will dramatically decrease the amount of time that it takes us to turn those types of products around for our community so.

ACTING PRESIDENT MASI: Any questions? Thank you.

8. PUBLIC HEARINGS AND GRIEVANCES:

ACTING PRESIDENT MASI: Public Hearings and Grievances.

RICHARD MCCORMACK, CITY CLERK: We have a public hearing tonight on Local Law #6 of 2022. Notice is hereby given that the City of Middletown will hold a public hearing on Tuesday, September 6th, 2022 on or as near to 7:30 p.m. as possible, Common Council Chambers, 2nd Floor, 16 James Street beginning at 7:30 p.m. to hear any and all persons wishing to be heard on the recently passed Local Law #6 of 2022 regarding a law updating the Commissioner of Assessment Charter Provisions. Full text of the Local Law is available in the Common Council Clerk's Office, 16 James Street, here at City Hall and on the City website.

ACTING PRESIDENT MASI: Public hearing is open.

Anyone from the public have any comments, questions?

Anyone from the Council? Anyone online?

Okay. A motion by Alderman Witt and seconded by Alderman Tobin to close the public hearing. All in favor?

ALDERMAN: Aye.

ACTING PRESIDENT MASI: Thank you.

9. Petitions and Complaints

RICHARD MCCORMACK, CITY CLERK: Nothing this evening.

10. Remarks of the Alderman.

ACTING PRESIDENT MASI: Remarks of the Alderman.
Alderman Witt.

ALD. WITT: Thank you very much.

Just to first follow up on what the Mayor was talking about and in terms of that million-dollar grant. The school district is receiving \$50,000. And that money is going to go towards operating an office space on North Street to do community outreach. Superintendent Creedon has been very proactive in terms of reaching out to the community. This is an opportunity for people to have a space where they don't have to necessarily come into the buildings. It's in the center of town and it's going to be near -- I don't have the exact number off the top of my head, but it's going to be near the Orchard and North

Street intersection toward the square. So look for that to -- to begin soon I would imagine.

The second thing is we're going to have our First Ward Constituent meeting on Wednesday, September 14th at 6:00 here in these chambers, 6 to 7. So if you do decide to come, we -- we'd love to see you. And please enter, if you can, through the side door which would be the first federal parking lot. That's probably the best spot and gives you the most room.

And the last thing would be just because I do know our audience here, the Middletown/Port Jervis football game will be held on Friday, September 16th at Middletown at 7:00 at the stadium. We have the bell. We'd like to keep it. And I can just tell folks that, excuse me, at this time there are no restrictions in place, masks or anything like that, no attendance restrictions. So it would be great to get 4 or 5,000 people there.

So that's all I have. Thank you.

ACTING PRESIDENT MASI: Thank you.

Alderman Green.

ALD. GREEN: Thank you very much.

First off, congratulations to John Bianchi. Thanks for sticking on for a little while, but someone will be missed seeing around.

Run for Downtown was awesome. Thank you, Mayor, for touching on that. It was a great day. The weather definitely held out for a while. We got a little sprinkle, but it felt good after four miles.

Alderman Kleiner and I will have our constituents meeting here Monday, the 12th at 7 p.m. in the Council Chambers.

And then just congratulations on the first successful day of school for everyone in Middletown. I know some other districts were back earlier, but, you know, traffic headaches will alleviate over time, I'm sure, and things will get back to smooth sailing. But, you know, congratulations to all the kids and hope you have a great year. Thank you.

ACTING PRESIDENT MASI: Alderman Kleiner.

ALD. KLEINER: Thank you Acting President Masi.

I will repeat what Alderman Witt said about the Erie Bell game against Port Jervis on September 16th at 7 p.m. We are having our class of 1962 60th reunion the following day and we hope to have some members from that 1962 Middletown football team at the game and out on the field before kickoff. That was the last undefeated Middletown football team, 1962. And it's the only undefeated team in the last 100 plus years. So I -- I

think -- I hope it will be a good night. And I want to, you know, thank them and congratulate that -- members of that team who are still around and hopefully some will show up.

Also on the 17th and I know these things because that's the day our reunion is the Town of Wallkill is having their 250th celebration. And they're having a parade at 10 a.m. and it's going to go from Orange Bank and Trust over to Galleria. And then all afternoon they'll be in the Galleria parking lot with different events and celebrations.

The Wall That Heals, if you don't know, that's a three-quarter model of the Vietnam Veterans Memorial Wall in Washington, DC. It was very controversial at the time. It has come to be one of our most, certainly, cherished monuments. And if you are planning on seeing it, it will be there from the 15th through the 18th. But on Sunday the 18th, it closes at 2 p.m. So if you're going to plan on going on Sunday, you need to get there before 2, otherwise, it's open day and night from the 15th on.

Also on the Town of Wallkill on their website, they have been recommending, not -- not enforcing, but recommending water restrictions. So they -- their website has a pretty good list of ways to save water. And don't

let the three inches of rain fool you. We've had a heck of a drought this summer, so we -- we need quite a bit more. And as the Mayor says, it's -- it's -- and Commissioner says, it's a good idea to conserve water anyway.

It's -- I want to also thank John Bianchi and wish him good luck in his retirement. You can see he's not getting out of here for another year, but he is retired.

Thank Dave Maddon, the Run for Downtown. It was quite a nice turnout, mostly runners this year. And hopefully as we get back in the swing, they'll be more people to just join in the festivities.

And, lastly, I -- I just want to recognize the passing of Celeste Van Fleet. Celeste was 98 years old, soon to be 99 and had been living the last couple of years in a home in California. But she and her husband Robert were just major forces in Middletown. Robert was a journalist. He was early, early on fighting Aids and speaking out about the need to fight it.

I believe he at one time was Common Council Clerk. He was just very involved in the City. And Celeste I think outdid him in her activism in -- in her sports and everything that she got started in Middletown. Of course we all know her at the Heritage Trail advocate from the beginning and the Shade Tree person who would come in here

and tell us if we didn't know what was going on and what needed to be done.

So I just want to recognize her passing, send our condolences out to her family. But her many, many friends in Middletown, we will definitely miss Celeste. Thank you.

ACTING PRESIDENT MASI: Thank you.

Alderwoman Ramkissoo.

ALD. RAMKISSOON: I'm just going to be brief. As the first day of school today, I think we all know everything runs a little long, everything is a little hectic. It's, from the most part, besides, you know, the - the rain, the dismissal, and the usual the buses and getting used to our routine, I think we had a great day. The kids were great. Everything really went smoothly at school.

As for parents, I think we've -- you've been here more than 25 minutes, you understand how our first two weeks look. We have a momentous task with getting as many students as we have home where they belong, with whom they belong, and I think we do a great job. So a little grace, a little kindness for staff, everyone is doing their best.

That's all I have.

ACTING PRESIDENT MASI: Thank you.

Alderman Johnson.

ALD. JOHNSON: Thank you. I was sorry to hear about Celeste. I mean, I worked a lot with Robert Van Fleet back in the tumultuous school board days which we don't have anymore. And that's the ending of an era for sure.

ACTING PRESIDENT MASI: Alderman Johnson, can I interrupt you just a second. I know because I watch these meetings and I know a number of people have mentioned to me, you are so far back from the mic that, unfortunately, they really don't get to hear what you're saying.

ALD. JOHNSON: I thought that was an attribute, but I guess not.

ACTING PRESIDENT MASI: No, that's -- that's the truth. And I do watch them and it's difficult to understand. Of course I'm hard of hearing anyway, but --

ALD. JOHNSON: Duly noted.

So as far as Bianchi, let's just say Bianchi rocks and move along.

If you followed what's happening in Jackson, Mississippi, this is a DPW comment so. Since I've been here you paid a lot of attention talking to the Commissioner of Public Works keeping the water treatment plant in shape, upgrading it, doing all the infrastructure. And when I listen to what's happening

in Jackson, Mississippi, which apparently, according to the media, is a major example of mismanagement, of not keeping up infrastructure, of now having a water treatment plant that doesn't treat water, of having 150,000 people with no (indiscernible) water and some of them with no water it's just a pause for me to reflect on how fortunate we are with the way you keep everything up in Middletown. And when you look at Jackson, Mississippi you realize it should not be taken for granted. Thank you.

ACTING PRESIDENT MASI: Thank you.

Alderman Jean-Francois.

ALD. JEAN-FRANCOIS: Thank you.

The Mayor mentioned and the Commissioner, our street department, these guys work hard all summer. It's been very hot. I'm pretty sure they contribute to a lot of the water drought that it had by drinking so much water because once that heat upon you, no matter how much water you drink, I mean, it doesn't really -- it's just hit on you. You know, our grass, I only cut my grass twice this year. And that's -- that's, you know, that's the kind of heat we'd be having this year. For these guys to work so hard, you know, from the bottom of heart, I really thankful for all the hard work that they put in. You know, this department really rock.

John Bianchi, we've been friends for a good amount of time. And, John, I couldn't think anyone else that could do the job that John does. He's definitely -- if you're listening, John, you're definitely going to be missed. Thank you.

ACTING PRESIDENT MASI: Thank you.

Alderman Tobin.

ALD. TOBIN: Yeah, just ditto what everybody else said. You know, I totally agree driving with caution. I drive to work the same time all the kids are out and, you know, it could be the person you're behind is a senior driving to school for the first time or the bus driver it's learning the route, you know, so we just need some patience out there. And if you really need to get to work early, leave a little earlier because sometimes it's hard to see when it's raining and our kids are out crossing the streets and getting to their school buses.

I'd like to thank John Bianchi for his years of service. You know, he'll be missed.

And to mention member -- just Kevin Gomez is on the Fair Funding Committee. I was part of that years ago when we had a big coalition between the school boards, the administrators, and teachers countywide. But it kind of -- after the -- I guess we got the foundation, it seemed to

fall apart. I mean, I'm glad to see that Middletown is still doing it. But I'd like to see maybe the county-wide effort pulled back up again to push for funding for the region.

That's all I have.

ACTING PRESIDENT MASI: Thank you.

11. Unfinished Business.

(Nothing this evening)

12. New Business.

ACTING PRESIDENT MASI: New Business.

RICHARD MCCORMACK, CITY CLERK: Good evening.

We have a resolution sponsored by Alderman Tobin to accept a \$14,400 Grant from the New York State Governor's Traffic Safety Committee.

ACTING PRESIDENT MASI: A resolution sponsored by Alderman Witt, excuse me, Alderman Tobin, seconded by Alderman Witt. Any comments or questions? Roll.

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

RICHARD MCCORMACK, CITY CLERK: Resolution sponsored by Alderman Witt authorizing a \$3,000 budget transfer for the purchase of chlorine.

ACTING PRESIDENT MASI: We have a resolution sponsored by Alderman Witt, seconded by Alderman Green.

Comments or questions? Roll.

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

RICHARD MCCORMACK, CITY CLERK: Resolution sponsored by Alderman Green accepting a \$477.50 donation from the United Way of Dutchess Orange Region for Cops and Kids Field Day.

ACTING PRESIDENT MASI: Resolution sponsored by Alderman Green and seconded by Alderman Kleiner. Any comments or questions? Roll.

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

RICHARD MCCORMACK, CITY CLERK: Resolution sponsored by Alderman Kleiner accepting a \$500 donation from the Orange County Runners Club.

ACTING PRESIDENT MASI: We have a resolution sponsored by Alderman Kleiner, seconded by Alderman Johnson. Comments, questions? Roll.

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

RICHARD MCCORMACK, CITY CLERK: Resolution sponsored by Alderman Witt authorizing a \$3,000 budget transfer for the purchase of chlorine.

ACTING PRESIDENT MASI: We have a resolution

sponsored by Alderman Witt, seconded by Alderman Green.

Comments or questions? Roll.

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

RICHARD MCCORMACK, CITY CLERK: Resolution sponsored by Alderwoman Ramkissoo authorizing a \$106,473.50 budget transfer for parking lot paving.

ACTING PRESIDENT MASI: We have a resolution sponsored by Alderwoman Ramkissoo, seconded by Alderman Jean-Francois. Comments, questions? Roll.

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

RICHARD MCCORMACK, CITY CLERK: Resolution sponsored by Alderman Johnson authorizing a \$10,000 budget transfer for overtime at the Wastewater Treatment Plant.

ACTING PRESIDENT MASI: We have a resolution sponsored by Alderman Johnson, seconded by Alderman Tobin. Comments, questions? Roll.

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

RICHARD MCCORMACK, CITY CLERK: Resolution sponsored by Alderman Jean-Francois approving a \$29,000 letter of credit from Highrose Ridge.

ACTING PRESIDENT MASI: We have a resolution

sponsored by Alderman Jean-Francois, seconded by Alderman Witt. Comments, questions? Roll.

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

RICHARD MCCORMACK, CITY CLERK: Resolution sponsored by Alderman Tobin authorizing a \$5,000 budget transfer from the Alderman salary.

ACTING PRESIDENT MASI: Resolution sponsored by Alderman Tobin, seconded by Alderman Green. Comments, questions? Roll.

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

Abstain: Kleiner.

Carries.

RICHARD MCCORMACK, CITY CLERK: Resolution sponsored by Alderman Johnson authorizing an agreement with Permitium to provide an online application for vital records request.

ACTING PRESIDENT MASI: Resolution sponsored by Alderman Johnson, seconded by Alderwoman Ramkissoon. Comments, questions? Roll.

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

RICHARD MCCORMACK, CITY CLERK: Resolution

sponsored by Alderman Witt authorizing a grant application with Dormitory Authority of the State of New York.

ACTING PRESIDENT MASI: Resolution sponsored by Alderman Witt, seconded by Alderman Kleiner. Comments? Roll.

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

RICHARD MCCORMACK, CITY CLERK: Resolution sponsored by Alderman Green confirming the Mayor's appointment of Rose Tumminia as Deputy City Treasurer.

ACTING PRESIDENT MASI: Resolution sponsored by Alderman Green seconded by Alderman Johnson. Comments? Roll.

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

RICHARD MCCORMACK, CITY CLERK: Resolution sponsored by Alderman Kleiner authorizing a \$10,000 budget transfer for title searches.

ACTING PRESIDENT MASI: Resolution sponsored by Alderman Kleiner seconded by Alderman Tobin. Comments? Roll.

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

RICHARD MCCORMACK, CITY CLERK: A Resolution

sponsored by Alderwoman Ramkissoo authorizing a contract amendment for Jacob Tawil.

ACTING PRESIDENT MASI: Resolution sponsored by Alderwoman Ramkissoo seconded by Alderman Johnson. Comments? Really. Roll.

ALD. RAMKISSOON: Let me think about it. No, I'm just kidding.

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

RICHARD MCCORMACK, CITY CLERK: Resolution sponsored by Alderman Jean-Francois to close Phillips Street from Number 210-224 on Saturday, September 17th from 3 to 10 for a block party.

ACTING PRESIDENT MASI: Resolution sponsored by Alderman Jean-Francois, seconded by Alderman Witt. Comments? Roll.

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

RICHARD MCCORMACK, CITY CLERK: Resolution sponsored by Alderman Johnson approving a settlement agreement in the case of Pennymac Loan Services.

ACTING PRESIDENT MASI: Resolution sponsored by Alderman Johnson, seconded by Alderman Green. Comments? Roll.

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

RICHARD MCCORMACK, CITY CLERK: Resolution sponsored by Alderman Tobin declaring a SEQRA Lead -- SEQRA Notice Lead Agency designation and determination of significance for Raw Water Replacement, Phase I, Kinch Pond to Shawangunk Reservoir.

ACTING PRESIDENT MASI: Resolution sponsored by Alderman Tobin, seconded by Alderman Jean-Francois. Comments? Roll.

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

RICHARD MCCORMACK, CITY CLERK: Resolution sponsored by Alderman Jean-Francois authorizing an amendment to the City Code to place a handicap parking spot on Houston Avenue.

ACTING PRESIDENT MASI: Resolution sponsored by Alderman Jean-Francois seconded by Alderman Tobin. Comments? Roll.

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

13. Local Laws

(None this evening)

14. Audit of Claims and Accounts

ACTING PRESIDENT MASI: Alderman Johnson.

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

ACTING PRESIDENT MASI: Seconded by Alderman Witt. Roll.

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

15. Adjournment

ACTING PRESIDENT MASI: Motion to adjourn.
Alderman Witt, seconded by Alderman Green. All in favor.

ALDERMANS: Aye.

(PROCEEDING CONCLUDED)

CERTIFICATE

I, LISA KANE, certify the foregoing transcript of proceedings of the September 6, 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: September 30, 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. Tobin

Sec'd by Ald. Witt

Date of Adoption 09.06.22

Index No: 196-22

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

**Resolution to accept a \$14,400 Grant from the New York State
Governor's Traffic Safety Committee**

RESOLVED; that the Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment accepts a \$14,400 grant from the New York State Governor's Traffic Safety Committee for the use in the "Police Traffic Services" program effective October 1, 2022.

RESOLVED; that the Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment and authorizes an increase, for the same amount, in the Traffic Services budget line A.3124.103.

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 attached contract.

The purpose of this award is to increase seat belt usage and reduce aggressive, speeding, distracted and other dangerous driving behaviors in an effort to reduce serious injury or death from traffic crashes.

**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 09.06.22

Index No: 197-22

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 authorizing a \$3000 budget transfer for the purchase of Chlorine

RESOLVED; that the Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment and authorizes the Treasurer to transfer \$3000 in the following manner to cover the rising costs of chlorine for the City's pools.

FROM	AMOUNT	TO
A.7180.440	\$3,000	A.7180.450
Swimming Pools – Repairs to Equipment		Swimming Pools – Material & Supplies

**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 09.06.22

Index No: 198-22

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 accepting a \$477.50 donation from United Way of Dutchess-Orange Region for
Cops and Kids Field Day**

RESOLVED; that the Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment and accepts a \$477.50 donation from the United Way of Dutchess-Orange Region for the July 16, 2022 Cops & Kids Field Day Event in Collaboration with Middletown Cares Coalition.

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 revenue budget line A.2705.00 Gifts & Donations and increase budget line A.7321.450 Special Programs Materials & Supplies.

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

THE FOLLOWING WAS PRESENTED

By Ald. Kleiner

Sec'd by Ald. Johnson

Date of Adoption 09.06.22

Index No: 199-22

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 accepting a \$500 donation from the Orange County Runners Club

RESOLVED; that the Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment and accepts a \$500 donation from the Orange County Runners Club.

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 revenue budget line A.2705.00 Gifts & Donations.

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

THE FOLLOWING WAS PRESENTED

By Ald. Ramkissoon

Sec'd by Ald. Jean-Francois

Date of Adoption 09.06.22

Index No: 200-22

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 authorizing a \$106,473.50 budget transfer for Parking Lot Paving

RESOLVED; that the Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment and authorizes the Treasurer to transfer \$106,473.50 in the following manner to cover the costs of paving the following City owned parking lots: City Hall (\$25,855.00), Senior Center (\$60,754.80) and Recreation Center/ Police Academy (\$19,863.70).

FROM

A.1620.453

Paving & Drainage

AMOUNT

\$4,000

TO

A.5110.453

Paving & Drainage

H.0751.453

Paving of City Streets - ARPA

\$97,473.50

A.5110.453

Paving & Drainage

**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 09.06.22

Index No: 201-22

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 authorizing a \$10,000 budget transfer Overtime at the
Waste Water Treatment Plant**

RESOLVED; that the Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment and authorizes the Treasurer to transfer \$10,000 in the following manner to cover overtime at the Waste Water Treatment Plant due to shift coverage.

FROM

G.8120.100

Pers. Svcs. – Storm & Sanitary Sewer

AMOUNT

\$10,000.00

TO

G.8130.103

Overtime – WWTP

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

THE FOLLOWING WAS PRESENTED

By Ald. Jean-Francois

Sec'd by Ald. Witt

Date of Adoption 09.06.22

Index No: 202-22

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 approving a \$29,000 letter of credit from Highrose Ridge

RESOLVED; that the Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment and approves a letter of credit that was issued for the project Highrose Ridge, in the name of the applicant HBR Homes LLC, for the amount of \$29,000. This letter of credit will replace the since expired letters of credit, OD20002675 and OD20002676 in the total amount of \$309,000 as the entire project is substantially completed.

This letter of credit is valid and will expire on February 20, 2023.

**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 09.06.22

Index No: 203-22

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

Resolution authorizing a \$5000 budget transfer for Alderman's Salary

RESOLVED; that the Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment and authorizes the Treasurer to transfer \$5000 in the following manner to cover an Alderman's Salary through the end of FY 2022

FROM	AMOUNT	TO
General Fund Balance	\$5,000	A.1010.100
		PERSONAL SERVICES

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

THE FOLLOWING WAS PRESENTED

By Ald. Johnson

Sec'd by Ald. Ramkissoon

Date of Adoption 09.06.22

Index No: 204-22

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 Authorizing An Agreement With Permitium To Provide An Online Application
For Vital Records Requests**

RESOLVED; that the Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment and authorizes an agreement with Permitium to provide an online application for Vital Records Requests. There is no cost to the City.

Permitium will provide the residents with a secure, online application platform to request Birth, Death and marriage certificates. Customers will be able to request and pay for certificates online.

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 attached contract.

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

THE FOLLOWING WAS PRESENTED

By Ald. Witt

Sec'd by Ald. Kleiner

Date of Adoption 09.06.22

Index No: 205-22

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 authorizing an a Grant Application with
Dormitory Authority of the State of New York**

RESOLVED; that the Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment and authorizes the Middletown Fire Department to complete a grant application for \$75,000 to fund the cost of a burn simulator building.

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 attached contract.

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

THE FOLLOWING WAS PRESENTED

By Ald. Green

Sec'd by Ald. Johnson

Date of Adoption 09.06.22

Index No: 206-22

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 Confirming the Mayor's Appointment of
Rosa Tumminia as Deputy City Treasurer**

RESOLVED the at Common Council of the City of Middletown confirm the Mayor's appointment of Rosa Tumminia as Deputy City Treasurer to a five year term, beginning September 1, 2022 and ending August 31, 2027.

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

THE FOLLOWING WAS PRESENTED

By Ald. Kleiner

Sec'd by Ald. Tobin

Date of Adoption 09.06.22

Index No: 207-22

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 authorizing a \$10,000 budget transfer for Title Searches

RESOLVED; that the Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment and authorizes the Treasurer to transfer \$10,000 in the following manner in order to pay for the title searches related to 2022 bulk lien sale and tax sale.

From	Amount	To
A.1420.488	\$10,000	A.1362.900
Corporation Counsel Grievance		General Expense

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

THE FOLLOWING WAS PRESENTED

By Ald. Ramkissoon

Sec'd by Ald. Johnson

Date of Adoption 09.06.22

Index No: 208-22

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 authorizing a contract amendment for Jacob Tawil

RESOLVED; that the Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment and authorizes that Section 5, Amendment # 1 of Mr. Tawil's contract be extended for 2021 and 2022.

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

THE FOLLOWING WAS PRESENTED

By Ald. Jean-Francois

Sec'd by Ald. Witt

Date of Adoption 09.06.22

Index No: 209-22

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 To Close Phillips Street from 210-224 On
Saturday, September 17, 2022 From 3:00PM To 10:00PM For A Block Party**

RESOLVED; that the Common Council of the City of Middletown approves and authorizes the closing of Phillips Street from #210 to #224 On Saturday, September 17, 2022 From 3:00PM To 10:00PM For A Block Party.

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

THE FOLLOWING WAS PRESENTED

By Ald. Johnson

Sec'd by Ald. Green

Date of Adoption 09.06.22

Index No: 210-22

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 approving a Settlement Agreement in the case of Pennymac Loan Services, LLC
v. Common Council of the City of Middletown, et al, Orange County Index # EF000170-
2021**

RESOLVED; that the Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment approves a settlement agreement in the case of Pennymac Loan Services, LLC v. Common Council of the City of Middletown, et al, Orange County Index # EF000170-2021

FURTHER RESOLVED: that the Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment and authorizes the Mayor, the Common Council President, the Treasurer and the former Treasurer to sign said agreement.

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

THE FOLLOWING WAS PRESENTED

By Ald. Tobin

Sec'd by Ald. Jean-Francois

Date of Adoption 09.06.22

Index No: 211-22

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

**SEQRA NOTICE LEAD AGENCY DESIGNATION AND
DETERMINATION OF SIGNIFICANCE
FOR RAW WATER REPLACEMENT – PHASE 1 – KINCH POND TO SHAWANGUNK
RESERVOIR**

Whereas, the City of Middletown has proposed the replacement of an existing 24” raw water line from Kinch Pond to Shawangunk Reservoir with a new 36” or 42” water transmission line running parallel to the existing line (Proposed Action) in conjunction with an August 2022 Engineering Report prepared by the consulting firm CPL (formerly Clark Patterson Lee) of Poughkeepsie, New York; and

Whereas, in accordance with the provisions of 6 NYCRR Part 617 (SEQRA), the project is determined to be a Type 1 Action which is subject to a coordinated review; and

Whereas, the intent of Common Council to act as Lead Agency has been circulated to all Involved Agencies; and

Whereas, no Involved Agencies challenged the intent of the Common Council to act as Lead Agency.

Now Therefore Be It Resolved that the City hereby designates itself as Lead Agency for the proposed action pursuant to 6 NYCRR Part 617.

Be It Further Resolved that based upon examination of the Environmental Assessment Form (EAF), its own independent analysis of the Proposed Action, and comparison with the criteria for determining significance under 6 NYCRR 617.7, the Common Council finds that the Proposed Action will not have a significant environmental impact and hereby issues a Negative Declaration; and

Be it Further Resolved that this determination is based on the facts and conclusions as noted in the attached EAF.

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

THE FOLLOWING WAS PRESENTED

By Ald. Jean-Francois

Sec'd by Ald. Tobin

Date of Adoption 09.06.22

Index No: 212-22

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

**A Resolution Authorizing an amendment to the City Code to place a
Handicapped Parking Spot on Houston Avenue**

RESOLVED; that the Common Council of the City of Middletown authorizes to amend the City Code Chapter 460, Vehicle and Traffic, Section 460-28 No-parking zone; handicap permit only to add the following:

- (F) One spot on the southern side of Houston Avenue, approximately 40 feet from the intersection of East Avenue beginning at the No Parking from here to corner sign.



COMMON COUNCIL Meeting
CITY OF MIDDLETOWN
September 20, 2022
City Hall
16 James Street
Middletown, New York 10940

P R E S E N T

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

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

(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, CITY CLERK: We have the minutes from the August 16, 2022.

ALD. MASI: So moved.

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

ALDERMANS: Aye.

4. Correspondence, Communications and Reports

PRESIDENT RODRIGUES: Correspondence.

RICHARD MCCORMACK, CITY CLERK: We have a letter from the Otisville County Fair.

"Dear Mayor DeStefano, as we close out the 32nd Annual Otisville County Fair, we count our blessing for community members like yourself. Thanks for your continued support, we were able to provide the community with another successful fair. On behalf of the Otisville Fair

Committee, Otisville Lions Club, and other volunteers thank you.

During the four-day fair, many local organizations were able to raise funds that aid citizens in our area. Those funds improve the quality of life for our residents and make our community a better place to live. Your help every year provides the community spirit that can thrive in today's hectic world. Again, thank you for supporting this wonderful community event.

We sincerely appreciate it. Thank you for the use of your light towers for the parking area during the event. These lights help to ensure the safety of all fairgoers. We look forward to working together again next year for the 33rd Otisville County Fair. Sincerely, Jim Jennings and Sue Marshall, co-chairman."

PRESIDENT RODRIGUES: Received and filed.

RICHARD MCCORMACK, CITY CLERK: I also have a service award letter from Penflex.

PRESIDENT RODRIGUES: Received and filed.

RICHARD MCCORMACK, CITY CLERK: And a letter from the New York State Department of Environmental Conservation, the annual comprehensive inspection.

"An inspection referenced today, the facility was performed on August 25th, 2022 for the purpose of

evaluating compliance with the state pollution discharge elimination system, SPDES permit in Article 17 of the Environmental Conservation Law. The facility inspection was given a satisfactory rating. Please refer to the attached copy of the inspection report."

PRESIDENT RODRIGUES: Received and filed.

RICHARD MCCORMACK, CITY CLERK: That concludes communications.

5. For the Good of the City

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

KEVIN GOMEZ: Good evening, everyone, Mayor DeStefano, President Rodrigues, distinguished members of the Common Council, and all present.

I'm here, Kevin Gomez, on behalf of the Middletown School Board as a board member or trustee of the community. I think the events we've had the last two weeks demonstrate the importance of having a strong working partnership with -- with our municipal partners, Middletown and Town of Wallkill.

To start, The Takes a Village Back-to-School Barbeque was a great successful, and the turnout was larger than expected. And we're grateful for all the members of

our community, different distinguished civil leaders, our police department how they helped make this a wonderful success for our children and testament that we are a strong and united community. We are one Middletown.

Also, our school buildings have been having their back-to-school open houses giving the opportunities for parents to meet with teachers, to meet with administrators.

And we're also very grateful, last week, as you know, there was a public safety scare, but the (indiscernible) that followed, the support we have from the administration of our Mayor and Police Chief Ewanciw, we had a very strong police presence. And it's my understanding that it was the -- one of the most smoothest entry days and exit days for kids to go to school, feeling safe and sound.

I'm also pleased to report that our Fair Funding Committee did pass our resolution and it was passed by -- not only by the school board calling on the New York State Legislature to adopt independent budget line to fund public safety. We believe that this burden should not bore alone by school districts or local municipalities. And never we should be back in the place where we have to choose when it comes to dollars and cents between academics and public safety. They both go hand and hand.

We'll be getting a resolution sended [sic] over to our different elected officials and I will see to it that we get copies over to the Mayor and our members of the Common Council.

That's all I have to say today. Have a great evening.

PRESIDENT RODRIGUES: Thank you.

Anyone else to address the Council?

6. REMARKS OF THE MAYOR

PRESIDENT RODRIGUES: Okay. Remarks of the Mayor.

JOSEPH DESTEFANO, MAYOR: Yes, good evening.

And it has been an exciting couple of weeks. We opened it with the Stylistics. We had a great turnout at the Paramount Theater. And we ended it with the Wall that Heals. Hopefully, a good portion of the Middletown residents, Middletown area residents were able to attend it. It was at the Mount Carmel School in the rear between the church and the school. And it was a wonderful presentation. The tours that were given and the -- the emotions at the wall itself were -- were heartfelt.

And I want to thank the committees that organized it and brought it into the Middletown/Wallkill area. I'd also thank the Town of Wallkill and their cooperation with

the City in assisting the wall there.

We also participated in the 250 year celebration of the Town of Wallkill. As you know, we were part of the Town of Wallkill until 1888. I was unable to make the parade, but the -- we did attend the press conference at Town of Wallkill Hall. A lot of pride in Wallkill. And I've always stated for the past 20 years that we should be looking at being one again. So I'll make that pitch back out there that we would be one hell of an economic force, reduce costs for our taxpayers, follow the -- the model that many southern cities and townships followed to reduce cost of government. And hopefully at some point at least the Township will -- now that they're 250 years old will decide that we will take that state money that is being offered for communities to discuss mergers or at the very least to discuss merging of services, sharing of services.

So there is -- there is state money available for that. And some communities in New York State have actually done this. And there's been significant savings to taxpayers at the same time to improve services.

But that's just my pitch to Supervisor Serrano who's new and has been very cooperative and we do work fine together. But I just -- as I congratulate them, I'd like to just throw that there once again.

As mentioned by Board Member Gomez, the back-to-school event was a great event, a great turnout. I want to thank the chief and his grill team. They had the Middletown Police Department cooking all day long.

The fire department was present. Amy Creedon, the school superintendent was seen doing a double dutch I think it's called.

ALD. KLEINER: Yes.

Is that what it's called? You witnessed it, Gerry?

ALD. KLEINER: Yeah, I saw it.

JOSEPH DESTEFANO, MAYOR: Oh, you did. Okay. Maybe you can provide video at some point too to us. We may play it.

And -- and others, the band, the music, the kids, the families, just all enjoyed themselves. I know there was fishing, other activities, football activities. So we estimated about 2,500 people I think attended. And Kevin was there taking pictures for the school district and doing the promotions there. And it was just a wonderful, wonderful event. And next year we'll be a little bit more prepared in anticipating this much, much larger crowd.

On a sad note, we did lose to Port Jervis on Friday night. We did lead 19 to 6 going into the third

quarter, I mean, early in the third quarter. But congratulations to Port Jervis.

I usually have a hot dog bet with the Mayor of Port Jervis, but he must not have been too confident this year because he didn't call to make the bet. So I saved a couple hot dogs. So we'll get them back next year though.

The Otisville Fair, we do participate with other governments and share services, so thank them for the kind acknowledgement. But we -- we also borrow from Township's too and Town of Wallkill and Otisville. We borrow trucks. But it was nice to hear the kind words, not to me, it's primarily to Jacob and the City, so that's great.

And I want to touch on one point with Mr. Gomez. I'm so glad you -- you touched on the public safety aspect because I proposed this to the school district four or five years ago when this whole -- the issue started with Dr. Reese wanted to take the SROs out of the school and -- and talking about budget issues. And I asked that the school district join us in going to Albany. And I did go to Albany and lobby and advocate on behalf of getting a separate budget line into school budgets where people can vote on security separately.

So I don't know if it's the same thing, but it's important that school budgets not get voted down based on

school security. And in some cases that's what's going to happen as the escalation in cost happen. You're going to start seeing this.

And I think most people may disagree or agree with the budget itself, but certainly will not disagree with the fact that we need to have police SROs in our schools. That burden cannot fall solely on a city like us. We're only or maybe less than 50 percent of the Middletown School District. So it's important that we probably should look at that fair funding resolution that was passed by the district, see if it's something that we can also support as a body because I strongly believe that we need to maintain the integrity of the SRO system moving forward and that includes an obligation on our side too because when we create a position of SROs in the schools, we're hiring an additional police officer.

We're getting partial reimbursement from the school district, not 100 percent reimbursement. But, you know, there is downtime that we don't get reimbursed for. Maybe it's 80 percent, 90 percent, whatever the number is. It's still an obligation and there is still legacy costs to having that position later on. So having that separate position and having that security of the confidence that the public will maintain school security I think is

important.

So I want to welcome the Fair Funding Committee on Board. A couple years late, but it's important that we -- we all get there together.

So that's all I have if you have any questions.

PRESIDENT RODRIGUES: Any questions for the Mayor?

JOSEPH DESTEFANO, MAYOR: Thank you.

PRESIDENT RODRIGUES: All right. Thank you.

7. REMARKS OF DEPARTMENT HEADS

PRESIDENT RODRIGUES: Remarks of Department Heads. Economic Development.

MARIA BRUNI, ECONOMIC DEVELOPMENT: Good evening, everyone.

Just a few things happening this weekend. On Saturday at Erie Way Park, of course, the Middletown Farmers Market continues from 8 a.m. to 1 p.m. And then from 11 a.m. to 2 p.m. the Middletown Community Barbecue and Resource Fair which is hosted by Senator Scoufis and TD Bank.

And then starting at 5:30, the police -- the Middletown PD will have festivities and activities starting with a special concert featuring Inside Brag. They were a favorite this summer downtown. And then they will conclude

the evening with the movie *Bad Guys*. And I understand some folks are going to be dressed in character, correct, Chief? So this is all happening this Saturday, Erie Way Park where the skate park is.

Also, Pattern for Progress, you've heard me talk about them in the past, has chosen downtown to hold their Main Street conference. And because we were such a success with our DRI, they chose us to have a Hudson Valley Main Street conference. And that's going to be October 6th. You can go on our Facebook and -- and sign up for -- for the conference.

And then also there's a couple resolutions on the agenda tonight that I look for your support.

And that's all I have for this evening.

PRESIDENT RODRIGUES: Any questions for Maria?

Thank you, Maria.

MARIA BRUNI, ECONOMIC DEVELOPMENT: Thank you.

PRESIDENT RODRIGUES: Police Chief.

JOHN EWANCIW, POLICE CHIEF: Good evening.

I actually have nothing else unless you have questions for me?

PRESIDENT RODRIGUES: Any questions for the police chief? All right. Thank you, chief.

DPW Commissioner.

JACOB TAWIL, DPW COMMISSIONER: Good evening, Council President, members of the Common Council, the Mayor. Thank you, Chief, for leaving your time for me. The \$20 are there. The 20 bucks are there.

So we'll start off for the -- I'm sorry, I'm not dressed for the occasion because I've been all day with -- for code enforcement, today, tomorrow, and the day after.

But we'll start off with the reservoir report for Alderman Masi and everybody in the public.

Although we had almost six inches of rain the last couple of weeks and this month, because the previous months we did not hardly have any rain, like inch-and-a-half for the previous months before that, the ground was so dry, not much of the water made it to our reservoirs. However, we started before this heavier rain, recent rain, at 81 -- 80 -- 83.1 percent. Now we're 83.9 percent as off today the reading. So we moved up a little. At least we stabilize, not continue to drop because we're using the water. And it's hot and warm and there's evaporation and we're losing water anyway. So at least we stabilize and we move back up again. So it's -- it's very optimistic. Hopefully we're going to be having more rain coming, but I'm not -- I'm not very disturbed about it.

However, conservation is the key. Water

conservation, please. I don't want to keep -- keep repeating that. It's good for the environment. It's good for your pocketbook, it's good overall.

The council president for milling and paving for -- on 211 and Monhagen Avenue, I started copying the Mayor and the Council President on my emails with the contractor and the engineers because we're extremely unhappy as much as the Council President, Alderman Johnson, Alderman Ramkissoo, they're complaining about that situation, so am I. It's not acceptable. But that's -- that's where we are.

We're going -- we're going to end up, unfortunately, for another reason going to court possibly with the contractor. And the contractor is one of the best contractors I ever worked with to be honest with you except he dropped the ball on this road. After they fixed it, they ripped it up again. And now it's in a very, very stressing situation where it's at the shape of the road.

So make a long story short, again, I copied everybody on my emails. We applied pressure. Even on DOT was not responding to them unfortunately to have a meeting because we cannot pave 211 without DOT's blessing. So finally we did apply pressure and they responded, DOT. They had a meeting together.

So the final schedule is October 3rd and 4th. That would be -- there will be milling and October 5th will be paving. And that's -- the DOT is on board, inspector is on board, and engineer is on board, the contractor is on board. Allstate -- All County Paving is on board as well.

After that, the contractor is planning -- the asphalt contractor he works for Orange -- Orange and Rockland as well. He continue -- he wants to keep going repaving everything that Orange and Rockland has disturbed and it's been sitting there for about -- about at least one season, so that we would have achieved the settlement. So they're going to continue going down West Main.

So 3rd and 4th is the milling of that depressing disgraceful section of Monhagen and 211. After that they're going to be paving it on the 5th. And then after that they're going to continue to take care of whatever Orange and Rockland owes us.

So before the thing was they don't have to pave Monhagen -- the intersection of Monhagen and West Main -- West Main because we're going to be doing it anyway under our traffic operations, but we're not going to stay for a year, another year like this because of the phasing and the schedule, so they're going to be fixing it. So that's the plan so far. And -- and we're going to hold them to it as

much as we can.

Another -- another issue I want to bring up and I want to request the Council President to put it on the agenda for DPW. The Mayor -- the Mayor and I have been discussing the advantage of the new sanitation trucks and the mechanical arm and how we're really have success with them. And we are picking up the municipal solid waste or the garbage much faster than what it used to be with least amount of damage. Now our men are not allowed to touch the garbage cans except for yard waste pickup. They are -- they are under directive not to touch them. Everything has to be done with the mechanical arm this way isolating and minimizing any potential for workman's comp.

So before now we had one driver and one loader in there just to adjust the location of the cans or the carts because they're have, so that the truck, our mechanical arm will come and pick it up.

Make a long story short, the proposal would like to -- the Mayor and I would like to -- would like to make before you and the DPW Committee if the Council President approves is to have pick up the entire city in three days instead of four days. So municipal solid waste we're very successful with it. So instead of four days we pick it up in three days. And then the last Thursday and Friday we'd

pick up recyclables because right now recyclables are too much. We give cans -- carts to everyone. Now everybody is recycling.

We're going to do an indication campaign soon in order to advise people and educate them what kind of recyclables are good and what kind is not. So don't be overly consciousness about dumping everything, maybe they'll use it for recyclables. That will hurt us. Our recyclables become really worthless. And -- and so we have to stick to that, but we'll get into that later on.

So now we pick up the entire city in three days, Monday, Tuesday, Wednesday and then Thursday, Friday we'll pick up the recyclables. In the future once we have a vacation day, Monday, Tuesday, Wednesday, we will pick up the entire recyclables on Friday then. So that will save on overtime. So that's when you're going to start seeing the savings in 13 or 14, whatever number of vacations we have per year or holidays, we're not going -- we're not going to work that Saturday for picking up the recyclables. So 13, 14 days, whatever the number of holidays are, we'll present all that before you when we -- when we do the presentation, the Mayor and I.

But that's where we're going. That's -- you're going to start seeing the advantage of -- of the mechanical

trucks. And hopefully it will support us to purchase more in the future because right now we have three of them and we use them every day. And now we're going to be using them five days a week because we'll pick up all the recyclables using them five days a week because we'll pick up all the recyclables using the mechanical arms.

With us when we come and make the presentation, some members of our team and the sanitation department, they'll be here and they will be assistant -- assisting to answer any questions or any concerns that you may have that the Mayor and I may not be able to address it.

And another project you see the success and the progress of the traffic operations. And we're very excited about it. You can see the results in there. It's a major facelift for the city and we haven't even started doing the intersections. We're just doing in between the intersections. And we're very excited about it. And you can see the fruits of the labor of years and years to try to bring this project together to come up with the \$30 million that we have to spend on it.

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

PRESIDENT RODRIGUES: Any questions for Jacob?

Alderman Johnson.

ALD. JOHNSON: Just a quick one. So if I have a Monday holiday, garbage will be Tuesday, Wednesday, Thursday, recyclables will be all day Friday? Is that how that would work?

JACOB TAWIL, DPW COMMISSIONER: Yes, yes.

ALD. JOHNSON: Thank you.

JACOB TAWIL, DPW COMMISSIONER: Whichever day off, so three days -- right now we pick up the entire city in four days for municipal solid waste for garbage, each ward in one day. So we're going to keep -- we're going to divide the 1st Ward only which happens to be picked up on Thursday. We're going to divide it in subsections among the three other Wards. So and this way entire city will be picked up in -- in three days. But we'll -- the Mayor and I will get into that much more details when we -- when you allow us to.

PRESIDENT RODRIGUES: Alderman Kleiner.

ALD. KLEINER: Thank you. Jacob, I just wanted to commend your department on dealing with the water main breaks. I know we've had some major ones. And they've been so good at getting out there and getting it fixed and getting everything up to normal, so it's always nice to see that second Nixle report that everything's okay and you're moving on. So congratulations to them and thanks.

JACOB TAWIL, DPW COMMISSIONER: Thank you.

ALD. KLEINER: The other question I have is I've seen people already with the leaf blowers blowing leaves out into the street.

JACOB TAWIL, DPW COMMISSIONER: Yeah.

ALD. KLEINER: Do we know when leaf pickup will begin? And could we tell people again don't do that yet?

JACOB TAWIL, DPW COMMISSIONER: Yeah, absolutely. Thank you very much. I mean, it's -- it's going to be sometime in November and we will provide you with the Council Resolution. You know, you'll have an official Council Resolution.

But, absolutely, by -- by no means, everything has to be within the receptacles and follow our -- our code. It's -- it's right there. The size -- if you have branches, they have to be 30 inch in there. They have to be in bundles in there, wrapped and all that stuff. Please bear with us.

And thank you, Alderman, for bringing this. Otherwise the city will look terrible for -- and we will not be able to put the sweeper into locations where we have the leaves on the -- on the street. The sweeper cannot go and pick it up. It will bind it and it cannot function. So we're going to have to drive around it and your

neighborhood, unfortunately, is not going to be that good. So please keep everything within the receptacles and work with us.

And -- and, by the way, thank you for bringing up to my attention about yesterday's water main break. It was a mistake of a contractor working on demolition. And you could just see the screens -- screams rather and the complaints from everyone from Touro College to the schools to Orange County Community College, everybody, to all the (indiscernible), everybody. You know, without water, you know, life stops honestly. You know, everybody is going to order tankers. Where do we get tankers from? And we're going to shut down -- we've got to shut the school and shut down the Orange Community College, Touro College and so on and so forth. So that's the important of -- of water.

And I'm sure everybody appreciates it, so that's why just please continue to conserve. Use as much as you need, don't waste. And -- and we'll continue to invest with the support of the Mayor and the Council President and the council members have we have been very seriously more than ever in improving our water and sewer infrastructure.

PRESIDENT RODRIGUES: Anyone else?

Thank you, Jacob.

JACOB TAWIL, DPW COMMISSIONER: Thank you.

PRESIDENT RODRIGUES: City Treasurer.

LEONORA LIZ, CITY TREASURER: Hi. Good evening, everyone. Am I talking loud enough? I know I talk a little bit low sometimes.

So I just have one thing or two things to report on. We just had our bulk lien sale on September 15th. We sold about 101 properties. And I just wanted to make it clear, like, to the public that a bulk lien sale is not the same as a private lien sale. This is more to give families the opportunity to pay back their delinquent taxes versus us selling their properties to a private investors.

So just in comparison to 2001 and 2020 which is sort of the -- the year we're comparing it to. 2020 was 369 properties, so we're down to 101 which is great. And that is because we are planning to relevy the water and sewer bills, so that does help tremendously.

Segueing into that, I just wanted to remind the public that bills will be -- they have up -- up until October 31st to pay their water/sewer bills for anything past 2021. Anything past October 31st will be relevied to their property taxes.

Other than that, do you have any questions?

PRESIDENT RODRIGUES: Questions for treasurer?

LEONORA LIZ, CITY TREASURER: All right.

PRESIDENT RODRIGUES: Thank you.

LEONORA LIZ, CITY TREASURER: Have a good night.

PRESIDENT RODRIGUES: Superintendent of Recreation.

RAELYNN BERTHOLF, SUPERINTENDENT RECREATION:

Good evening. I have nothing to report, but for 20 bucks I'm willing to give more time.

PRESIDENT RODRIGUES: You're fired.

RAELYNN BERTHOLF, SUPERINTENDENT RECREATION: All right. Any questions?

PRESIDENT RODRIGUES: I have two.

RAELYNN BERTHOLF, SUPERINTENDENT RECREATION: Yes.

PRESIDENT RODRIGUES: Wolslayer Field, we're going to have to play games there in November.

RAELYNN BERTHOLF, SUPERINTENDENT RECREATION: Okay.

PRESIDENT RODRIGUES: The school is going to be tied up. We need to get some stuff, you know, wrapped up to get it there. I don't know where we're at. I don't know, it seems like it's slowing down over there.

RAELYNN BERTHOLF, SUPERINTENDENT RECREATION: The sinking issue was fixed. There we got -- cement got into the water line from installing that last sink. That was

cleared out. And Truex (phonetic) is finishing up the last little bit that he needs to do.

Our maintenance guy -- a few of our guys that was finishing up work has completed it. John Bianchi did let Rotolo know because he was waiting for that before he can go in and wrap up what he needed to do as well.

PRESIDENT RODRIGUES: And then the next thing is Maple Hill Park, the pool. We need to work on it what we're going to do, Council, Mayor. It was hot this year. We -- we have a huge population --

JOSEPH DESTEFANO, MAYOR: Yeah. We've been discussing that pool. And I want to be perfectly honest and blunt with you. I -- I have reached out to the Alderman in the 3rd Ward to discuss it. You know, the Sproat Street Pool is very much underutilized. Maple Hill Pool will probably run us in excess of a million-and-a-half dollars to replace. We're looking at different options for -- up at Davidge of possibly a splash pad which seem to be more popular or not a wading pool, but something -- something different to expand possibly the facility. Also the shortage of lifeguards and the shortage of staffing has made it shortened hours at some of the other pools.

So we're planning on having a meeting with the people of California Avenue in that area to discuss what

they would like to see there. But me, personally, I'm not prepared to move forward with a replacement of a -- of a pool that where we already have two pools and one is significantly underutilized.

So that's where we're at. And then, you know, at some point in the future, Sproat is also getting old. How old is Sproat? Yeah, Sproat was there when I was a kid, so it's well over 50 years old itself. It was there when Masi was a kid, so it's 80 or 90 years old. So maybe at that time when Sproat seems to fade away, it might be a time to look at something different. But I don't know if we're in a position to spend a million-and-a-half, two million dollars, you know, maybe more, maybe less.

Newburgh just spent \$11 million. I know it's a much larger facility. But when Davidge is not at capacity every day, so they do have -- they do have opportunities for swimming and Sproat is significantly underutilized. So that's where we're at from -- from the administrative side. But if you folks want to look -- take a look at it yourselves, feel free. You're happy to do that.

RAELYNN BERTHOLF, SUPERINTENDENT RECREATION:

And we are just getting estimates for not a big pool because lifeguarding is an issue. I don't see that going away any time soon. So having a big pool and needing the

lifeguard is an issue, so we are also looking into spray pad options and zero depth because, technically, you don't need a lifeguard when you have it, so we could have other rec leaders there.

And, also, Davidge Park, this summer we -- as busy as it looked, there wasn't one day we hit capacity there. We came very close to it on two of those hot heatwave days, but we haven't hit capacity at all this summer.

PRESIDENT RODRIGUES: Okay. Any questions for Raelynn? All right. Thank you.

City Clerk.

RICHARD MCCORMACK, CITY CLERK: Nothing this evening.

PRESIDENT RODRIGUES: Any questions for the City Clerk? All right.

8. Public Hearing and Grievances:

(None this evening)

9. Petitions and Complaints

(None this evening)

10. Remarks of the Alderman.

PRESIDENT RODRIGUES: Remarks of Alderman.
Alderman Masi.

ALD. MASI: Thank you, President Rodrigues.

I just have -- I just have a little quick thing. I had the honor of representing the Mayor on Saturday at the Wall that Heals' ceremony. And I wrote some remarks down and I just want to touch on a couple of them in case you people weren't there or haven't seen any literature on it.

I want to thank the American Legion Post 151 of which I happen to be a proud member to the Knights of Columbus, Orange and Rockland, Con Edison, the Town of Wallkill and, certainly, the City of Middletown. They were the sponsors.

And I have one other thing that I ended with. And it said to the 58,281 names on the wall, the 1,500 plus service members unaccounted for from the Vietnam War, their families and all who served in Vietnam I honor you and thank you for your sacrifices. May we always remember them and in whatever religion we practice may we say prayers for them. And I ended with God bless America and thank you. Thank you.

PRESIDENT RODRIGUES: Thank you.

Alderman Witt.

ALD. WITT: Thank you very much.

We had our 1st Ward meeting last Wednesday. And we had some folks who showed up and we had a good time, and

it was very informative. It was really good conversation and we hope it's the start of some bigger things.

I'd like to thank Officer Berman for coming by and helping out. That's always nice to have a police officer there to answer some questions for us.

And our next meeting is going to be on Wednesday, October 12th right here from 6 to 7 p.m., so we'd love to see you.

And just to quickly follow up on the community barbeque, it was a wonderful time. And it was so nice to see the collaboration between the City and the school district. And Mitch Williams and Freddie Williams did a great job as the organizers of this event. So I look forward to it next year. Thank you.

PRESIDENT RODRIGUES: Thank you.

Alderman Green.

ALD. GREEN: Thank you very much.

Yeah, I'll just echo that quickly. That barbeque was fantastic. It was amazing to see everyone out there, you know, having a great time. And the local businesses and organizations and the school district and the City and the police and fire and everyone just coming together, it's always amazing to see. And what a fantastic event. You would have thought there was -- there was some royalty here

or the President in town because you couldn't find parking easily and, you know, the walk for the lot was -- was pretty interesting to do. So I'm just glad that everyone had a good time and that -- that it seemed to go off without a hitch so.

Other than that, we are having our constituents meeting here at City Hall Monday October 10th. That will be at 7 p.m. And we hope to see you here. Thank you.

PRESIDENT RODRIGUES: Alderman Kleiner.

ALD. KLEINER: Thank you.

I'm going to join the course. It was amazing at -- at Davidge Park. The line of traffic was absolutely non-stop going in and coming out. So I thank everyone involved in doing the It Takes a Village Event. I don't think anyone -- I know they ran out of everything, you know, like halfway through. I think the food lasted for most of the day, but the police were on the barbeque as people have said. So, you know, who expected two to three thousand people. And it's wonderful to see the community turn out like that.

I, too, want to thank the veterans and everyone involved for the Wall that Heals. I couldn't get out there until Sunday, but I did go out Sunday. And it's quite an experience. And I recognize Maya Lin was a Yale graduate

student when she had the idea for that wall. And what an amazing concept it's become.

I congratulate the Town of Wallkill on their 250th anniversary. We had our reunion, our 60th class reunion going on at the same time, so I couldn't make it out there. But I -- I do congratulate them and I heard it was very successful.

I also want to wish a good holiday to our Jewish community. Rosh Hashanah is September 25th to the 27th. And it be the year 5783 on their calendar. And Yom Kippur is October 4th and 5th. We're going to move our meeting to October 3rd, so that we don't have the meeting on Yom Kippur.

Autumn also is Thursday. So we're ready for it. I think Parks and Rec is just loaded in the programs and the things that are going to go on. So I wish them success.

And at our next constituents meeting, we'll be talking to the people who now live on Brink Avenue North. And in case you haven't heard, the name has been changed because it conflicted with that little bit of Brink Avenue on the other side of Lake Avenue that wasn't there for many, many years. But now that's Brink Avenue and the 2nd Ward side is going to be Brink Avenue North so you'll know

what you're looking for. Thank you.

PRESIDENT RODRIGUES: Alderman Ramkissoo.

ALD. RAMKISSOON: Good evening.

My allergies are killing me, so I'm talking funny, so I'll keep it short tonight.

Next Tuesday will be the 3rd Ward meeting and we'll be holding it in Maple Hill Park. Another month I think we can make it maybe through October. But it will be at 6:30 p.m.

As for the pool, just really quickly. I know maybe we talked about the possibility of putting out an online survey too to the community, and I'm sure we'll still probably do something like that. That feedback always helps. But you are correct, there wasn't a lot of activity at the pool. My daughter worked Sproat, some days two people all day. So we do need to kind of explore what options our community actually wants and will use.

That's all I have today.

PRESIDENT RODRIGUES: Alderman Johnson.

ALD. JOHNSON: Nothing this evening.

PRESIDENT RODRIGUES: Jean-Francois.

ALD. JEAN-FRANCOIS: Yes. I'd like to thank Maria for her and her staff for putting a great show this past week. And everyone is talking about the Stylistics.

And it was -- it was well -- well showed. And people at work that's older than I am and they were excited by the Stylistics. It's a great show. And thank you for you and your staff for putting up a great show.

And I can't stop thanking DPW and street department. And, you know, like the Commissioner mentioned, they had stopped paving two weeks ago. But these guys pave over 100 roads in Middletown and they did an excellent job especially working with this hot summer. And I want to thank them very much for the beautiful job that they did.

Also, the sanitation department, I want to thank these guys for keeping our city real clean. They're doing a wonderful job. Thank you.

PRESIDENT RODRIGUES: Thank you.

Alderman Tobin.

ALD. TOBIN: Nothing this evening.

11. Unfinished Business.

(Nothing this evening)

12. New Business.

PRESIDENT RODRIGUES: New Business.

RICHARD MCCORMACK, CITY CLERK: Good evening. We have a Resolution sponsored by Alderman Witt authorizing a \$18,000 budget transfer from within the Parks and Rec's

Department budget to cover unexpected costs.

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

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

RICHARD MCCORMACK, CITY CLERK: A Resolution sponsored by Alderman Witt authorizing a \$628.60 budget transfer from within the Parks and Rec budget to cover Thursday evening transportation.

PRESIDENT RODRIGUES: A 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, CITY CLERK: Resolution sponsored by Alderman Masi authorizing budget transfers to cover overdrafts.

PRESIDENT RODRIGUES: Sorry. I don't know what happened with my phone. All right. Sorry about that. Start that again.

RICHARD MCCORMACK, CITY CLERK: A Resolution

sponsored by Alderman Masi authorizing budget transfers to cover overdrafts.

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

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

RICHARD MCCORMACK, CITY CLERK: Resolution sponsored by Alderman Masi authorizing a proposal from Orange Bank and Trust Company for Integrated Receivable Systems and Printing Services for water and sewer bill.

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, President Rodrigues. Carries.

RICHARD MCCORMACK, CITY CLERK: Resolution sponsored by Alderman Kleiner authorizing a \$70,000 transfer from within the Paramount Theatre budget to cover upcoming shows.

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

discussion? Roll.

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

RICHARD MCCORMACK, CITY CLERK: Resolution sponsored by Alderwoman Ramkissoo authorizing the purchase of 18 Hoover Drive from the City's Bulk Lien Provider for transfer to the Community Development Agency.

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

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

RICHARD MCCORMACK, CITY CLERK: Resolution sponsored by Alderman Johnson authorizing a proposal from Clark Patterson Lee for grant assistance with the Raw Water Improvement Project.

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

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

RICHARD MCCORMACK, CITY CLERK: Resolution sponsored by Alderman Kleiner moving a Common Council meeting date from Tuesday, October 4th to Monday, October 3rd, 2022.

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

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

RICHARD MCCORMACK, CITY CLERK: That concludes New Business.

13. Local Laws

(None this evening)

14. Audit of Claims and Accounts

PRESIDENT RODRIGUES: Okay. Audi.

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: All right. Resolution by Alderman Masi, seconded by Alderman Green. Roll.

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

15. Adjournment

PRESIDENT RODRIGUES: Move for adjournment.

ALD. MASI: So moved.

PRESIDENT RODRIGUES: Alderman Masi.

(PROCEEDING CONCLUDED)

CERTIFICATE

I, LISA KANE, certify the foregoing transcript of proceedings of the September 20, 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: October 10, 2022

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

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

THE FOLLOWING WAS PRESENTED

By Ald. Witt

Sec'd by Ald. Masi

Date of Adoption 09.20.22

Index No: 213-22

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			

**Resolution authorizing an \$18,000 transfer from within the Parks and Recreation
Department Budget to cover Unexpected Costs**

RESOLVED; that the Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment authorizing the Treasurer to transfer \$18,000 from A.7200.100 Day Camp, in the following manner to cover unexpected repair costs, fuels costs and overdrafts.

FROM	AMOUNT	TO
A.7200.100	\$6,000	A.7020.440
Day Camp Personal Services		Gen Rec. Repair to Equipment
• To cover the cost of unexpected repair costs		
A.7200.100	\$1,855.37	A.7110.417
Day Camp Personal Services		Parks – Gas & Oil
• To cover over drafts to account		
A.7200.100	\$10,144.63	A.7020.417
Day Camp Personal Services		Gen. Rec. Gas & Oil
• To cover unexpected cost of gas		

**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 09.20.22

Index No: 214-22

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			

**Resolution authorizing a \$628.60 transfer from within the Parks and Recreation
Department Budget to cover Thursday Evening Transportation**

RESOLVED; that the Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment authorizing the Treasurer to transfer \$628.60 from within the Parks And Recreation Department budget in the following manner, to cover Thursday evening transportation to the Parks and Recreation Facility.

FROM	AMOUNT	TO
A.7140.401	\$317.50	A.7321.401
Playground – Travel Expenses		Special Programs
 A.7180.103	 \$311.35	 A.7321.401
Pool Personal -Overtime		Special Programs

**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 09.20.22

Index No: 215-22

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			

Resolution Authorizing Budget Transfers to Cover Overdrafts

RESOLVED; that the Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment authorizing the Treasurer to transfer funds in the following manner to cover overdrafts:

<u>FROM</u>	<u>AMOUNT</u>	<u>TO</u>
G.9730 .600 Principal on Indebtness	\$30.01	G.9785.701 Interest on Indebtness
G.9730.600 Principal on Indebtness	\$3,166.67	G.9710.900 General Expense
GA.9000.830 Social Security Payments	\$1,359 \$74.80	GA.9000.830 GA.900.893
GA.9000.850 Unemployment Insurance	\$177.41	GA.9000.889 Dental/Optic Ins – CSEA
A.1430.401 Travel Expense To cover unforeseen office expenses within the Civil Services Dept.	\$320	A.1430.480 Office Expense

General Fund Balance \$25,997.43 A.1620.474
 To cover the cost for 2021 Hoffman lodge Parking Permit

**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 09.20.22

Index No: 216-22

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			

Resolution Authorizing a Proposal from Orange Bank and Trust Company for Integrated Receivable Systems and Printing Services for Water and Sewer Billing

RESOLVED; that the Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment and authorizes a proposal from Orange Bank and Trust Company to implement the integrated receivable systems and printing services for Water and Sewer billing.

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 proposal and new cash management agreement. Orange Bank will not charge us a services fee.

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

THE FOLLOWING WAS PRESENTED

By Ald. Kleiner

Sec'd by Ald. Tobin

Date of Adoption 09.20.22

Index No: 217-22

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			

**Resolution authorizing a \$70,000 transfer from within the Paramount Theatre Budget
to Cover Upcoming Shows**

RESOLVED; that the Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment authorizing the Treasurer to transfer \$70,000 from within the Paramount Theatre Budget, in the following manner, to cover the cost of upcoming shows.

From	Amount	To
A.7010.440 Repairs to Equipment	\$5,000.00	A.7010.200 Equipment
A.7010.448 Promoters & Sponsors	\$65,000.00	A.7010.800 City Sponsored Events

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

THE FOLLOWING WAS PRESENTED

By Ald. Ramkissoon

Sec'd by Ald. Kleiner

Date of Adoption 09.20.22

Index No: 218-22

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			

**Resolution authorizing the Purchase of 18 Hoover Drive from the City' Bulk Lien Provider
for Transfer to the Community Development Agency**

WHEREAS; the City wants to purchase/take a property located at 18 Hoover Drive, for transfer into the CDA from Cheswold, the City's bulk lien provider, which is a quality house in good neighborhood which the following purchase price is the amount that the owners owe Cheswold to release their lien:

18 Hoover Drive \$23,233.73

WHEREAS; this transaction will need a temporary General Fund balance transfer of \$23,233.73 and when the houses pass to CDA they will reimburse the City for the payment restoring the General Fund Balance.

SO LET IT BE RESOLVED; that the Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment to approve the purchase/take of a property at 18 Hoover Drive, for transfer into the CDA, authorize the temporary budget transfer in the following manner and for the Mayor to be able to sign documents related to the purchase/take back.

From Amount To

General Fund Balance

\$23,233.73

A.1940.900

Purchase of Land

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

THE FOLLOWING WAS PRESENTED

By Ald. Johnson

Sec'd by Ald. Jean-Francois

Date of Adoption 09.20.22

Index No: 219-22

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			

**Resolution authorizing a Proposal from Clark Patterson Lee for Grant Assistance with the
Raw Water Improvement Project**

RESOLVED; that the Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment and approve a proposal from Clark Patterson Lee (CPL) for grant assistance with the Raw Water Improvement project.

RESOLVED; that the Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment and authorizes the Treasurer to transfer \$10,000, in the following manner, to cover the cost.

FROM	AMOUNT	TO
Water Fund Balance	\$10,000	F.8340.400
		Contractual Services

**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 09.20.22

Index No: 220-22

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			

**Resolution Moving a Common Council Meeting Date from
Tuesday, October 4th to Monday, October 3rd, 2022**

RESOLVED; that the Common Council of the City of Middletown hereby moves the Common Council Meeting of Tuesday, October 4, 2022 to Monday, October 3, 2022 in Observance of Yom Kippur.

**CITY OF MIDDLETOWN
NOTICE OF PUBLIC HEARING**

Notice is hereby given that the City of Middletown will hold a public hearing on Tuesday, October 18, 2022, on or as near to 7:30 p.m. as possible, Common Council Chambers, 2nd floor, 16 James Street, to hear any and all persons wishing to be heard on the proposed 2 lot subdivision at 1 Stub Street and 48 Beers Drive.

Any and all persons wishing to be heard will be given an opportunity to speak either for or against the proposed 2-lot subdivision.

The complete proposed application and map of the property for the 2-lot subdivision are available in the office of the Common Council Clerk, City Hall, 16 James Street, room 12, and on the City Website.

The Public Hearing shall be conducted in person and via video/tele-conference and live on Channel 20 for viewing. The link below is to register for the virtual public hearing:

<https://middletown-ny.digitaltownhall.com/>

For any person unable to participate at the time of the public hearing, email comments may be submitted in advance to rmccormack@middletown-ny.com

By the order of the Common Council.

Richard P. McCormack
Clerk of the Common Council

Publish: 10/10/22 & 10/11/22
City Website



MIDDLETOWN
40 FULTON ST
MIDDLETOWN, NY 10940-9998
(800)275-8777

10/04/2022

02:12 PM

Product	Qty	Unit Price	Price
---------	-----	------------	-------

CTOM - Firm - Domestic	49		\$24.50
------------------------	----	--	---------

CTOM - Firm - Domestic	11		\$5.50
------------------------	----	--	--------

Grand Total:			\$30.00
--------------	--	--	---------

Credit Card Remit			\$30.00
-------------------	--	--	---------

Card Name: MasterCard

Account #: XXXXXXXXXXXX7206

Approval #: 06135J

Transaction #: 635

AID: A0000000041010 Contactless

AL: MASTERCARD

MASTERCARD

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Track your Packages

Sign up for FREE @

<https://informedelivery.usps.com>

All sales final on stamps and postage. ®

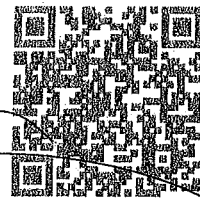
Refunds for guaranteed services only.

Thank you for your business.

Tell us about your experience.

Go to: <https://postalexperience.com/Pos>

or scan this code with your mobile device,



or call 1-800-410-7420.

UPN: 355295-0060.

Receipt #: 840-51050111-1-5582920-2

Clerk: 46

42-10-9 1 Stub St.

330900 42-9-9
Omari I Paul
17 Beth Pl
Middletown NY 10940

330900 42-9-10
Guang Ji Shi
19 Beth Pl
Middletown NY 10940

330900 42-9-11
Catherine M Ruiz
21-23 Beth Pl
Middletown NY 10940

330900 42-9-12
Edna Ferguson
Paul Eugene Ferguson
33 Beers Dr
Middletown NY 10940

330900 42-9-13
Michele I Coury
35-37 Beers Dr
Middletown NY 10940

330900 42-9-14
Bryan J Frain
39 Beers Dr
Middletown NY 10940

330900 42-9-15
George Gunther
Michael D Wolff
41 Beers Dr
Middletown NY 10940

330900 42-10-2
Nicholas Barber
Brigitte Barber
56 Phillips St
Middletown NY 10940

330900 42-10-3
Luis Sano
P.O. Box 2198
Monroe NY 10950

330900 42-10-5
Michael Benedetto
Nicole Benedetto
54 Beers Dr
Middletown NY 10940

330900 42-10-6
Juan R Ayala
Monique T Ayala
52 Beers Dr
Middletown NY 10940

330900 42-10-7
Lyla Teneyck
50 Beers Dr
Middletown NY 10940

330900 42-10-8
Glenn L Sabrina E Boyd Living Trust
48 Beers Dr
Middletown NY 10940

330900 42-10-9
Thomas Lorino
1 Stub St
Middletown NY 10940

330900 42-11-5
Assunta LK Yuen
Chee Choy Yuen
51-53 Phillips St
Middletown NY 10940

330900 42-11-6
Chee Choy Yuen
Assunta LK Yuen
51-53 Phillips St
Middletown NY 10940

330900 42-11-7
Michelle Danette Hernandez
7052 Sultana Ave
Fontana CA 92336

330900 42-11-8
City of Middletown
16 James St
Middletown NY 10940

330900 42-12-10
Mario Napolitano
Darlene Napolitano
10 Jackson Ave
Middletown NY 10940

330900 42-12-11
Susan J Handman Revoc. Living Trust
Susan J Handman
8 Jackson Ave
Middletown NY 10940

330900 42-12-12
Edward J Vail
6 Jackson Ave
Middletown NY 10940

330900 42-12-13
Marsha L Jaczko
4 Jackson Ave
Middletown NY 10940

330900 42-12-14
Carolina Escamilla
Juana Abad-De Los Santos
2 Jackson Ave
Middletown NY 10940

330900 42-15-1
Mark J Mayer
2 West Jackson Ave
Middletown NY 10940

330900 42-15-2
Cynthia J Powell
90 Tracey Pl C1
Engelwood NJ 07631

330900 42-15-3
Jennifer A Siegel
6 West Jackson Ave
Middletown NY 10940

330900 42-15-4
Nadia Mustafa
8 West Jackson Ave
Middletown NY 10940

330900 42-15-14
Jennifer A Siegel
6 West Jackson Ave
Middletown NY 10940

330900 42-15-15
Slesinski Family Irrev. Trust
Suzanne N Slesinski
53 Liberty St
Middletown NY 10940

330900 42-15-16
Mark J Mayer
2 West Jackson Ave
Middletown NY 10940

330900 43-5-30
Parminder Singh
Balbir Kaur
40 Beers Dr
Middletown NY 10940

330900 43-5-31
Densford D Escarpeta
Nadine E Escarpeta
42 Beers Dr
Middletown NY 10940

330900 43-5-32
Wallace Fisher
44 Beers Dr
Middletown NY 10940

330900 60-2-2.-8
Justin Morgan
Jingyi Zhang
42 Brick Pond Rd
Middletown NY 10940

330900 60-2-2.-10
Ronald J Greene
Laura Fratto
46 Brick Pond Rd
Middletown NY 10940

330900 60-2-2.-12
Jing Fang
94 Fairways Dr
Middletown NY 10940

330900 60-2-2.-11
Jiping Geng
48 Brick Pond Rd
Middletown NY 10940

330900 60-2-2.-7
Anthony R Perez
Paola A Mejia
20 Wayne Ct
Middletown NY 10940

330900 60-2-2.-9
Eric A Quinones
Carlos A Quinones
44 Brick Pond Rd
Middletown NY 10940

330900 60-2-2.-14
Donald Bailey Revoc Lifetime Trust
Deanna Terry
49 Brick Pond Rd
Middletown NY 10940

330900 60-2-2.-15
Ricardo Sanchez
Soraya Sanchez
51 Brick Pond Rd
Middletown NY 10940

330900 60-2-2.-17
Maria R Amorosso
55 Brick Pond Rd
Middletown NY 10940

330900 60-2-2.-13
Songsu Zhang
Zhongxin Yang
47 Brick Pond Rd
Middletown NY 10940

330900 60-2-2.-16
Jacqueline Fontaine
53 Brick Pond Rd
Middletown NY 10940

330900 60-2-2.-19
Guangjun Wang
Hua Yu
59 Brick Pond Rd
Middletown NY 10940

330900 60-2-2.-20
Vincent F Gallipoli
Faith Gallipoli
61 Brick Pond Rd
Middletown NY 10940

330900 60-2-2.-24
Suzanne J Sacco
69 Brick Pond Rd
Middletown NY 10940

330900 60-2-2.-21
Anthony Colozzi
Joanne Colozzi
63 Brick Pond Rd
Middletown NY 10940

330900 60-2-2.-22
Amalio Onorato
38 Old Mountain Rd
Port Jervis NY 12771

330900 60-2-2.-18
Zhan Liu
2263 84th St Apt 5F
Brooklyn NY 11214

330900 60-2-2.-25
Bela A Gesztesi III
83 Brimstone Hill Rd
Middletown NY 10941

330900 60-2-2.-23
Maryann Notre
Darren M Notre
67 Brick Pond Rd
Middletown NY 10940

330900 60-2-2.-31
Rosemarie Merkel
83 Brick Pond Rd
Middletown NY 10940

330900 60-2-2.-33
Steven Reyes
87 Brick Pond Rd
Middletown NY 10940

330900 60-2-2.-27
Zhongqiang Wang
Ping Wang
75 Brick Pond Rd
Middletown NY 10940

330900 60-2-2.-29
Zheng Zeng
79 Brick Pond Rd
Middletown NY 10940

330900 60-2-2.-26
Raul F Torres
Christopher Torres
73 Brick Pond Rd
Middletown NY 10940

330900 60-2-2.-28
Anitra Frawley
77 Brick Pond Rd
Middletown NY 10940

330900 60-2-2.-30
James D Williams
Anna Williams
81 Brick Pond Rd
Middletown NY 10940

330900 60-2-2.-32
Shelley Milburn
85 Brick Pond Rd
Middletown NY 10940

OWNERS ENDORSEMENT

COUNTY OF ORANGE
STATE OF NEW YORK

Thomas Lorino being duly sworn, deposes and
says that he/she resides at 1 stub street, middle town, NY
in the County of Orange and State of New York and that he is the
owner in fee or _____ of the _____
OFFICIAL TITLE
_____ Corporation which is the owner
in fee of the premises described in the foregoing application and that he has authorized
_____ to make the foregoing application for
approval as described herein.

Sworn before me this 16th day of Sept 2022

Linda C. Vanderbeck
NOTARY PUBLIC

LINDA C. VANDERBECK
Notary Public, State of New York
No. 01VA4953669
Qualified in Ulster County
Commission Expires July 24, 2025

Thomas Lorino
OWNERS SIGNATURE

OWNERS ENDORSEMENT

COUNTY OF ORANGE
STATE OF NEW YORK

Glenn L. Boyd being duly sworn, deposes and
says that he/she resides at 48 Beers Drive, Middletown, NY 10940
in the County of Orange and State of New York and that he is the
owner in fee or _____ of the _____
OFFICIAL TITLE
_____ Corporation which is the owner
in fee of the premises described in the foregoing application and that he has authorized
Thomas Lorino to make the foregoing application for
approval as described herein.

Sworn before me this 16th day of Sept 2022

Linda C. Vanderbeck
NOTARY PUBLIC

LINDA C. VANDERBECK
Notary Public, State of New York
No. 01VA4953669
Qualified in Ulster County
Commission Expires July 24, 2025

Glenn L. Boyd

OWNERS SIGNATURE



**City of Middletown
Middletown, New York
APPLICATION FOR Subdivision
APPLICATION FEE: \$250.00
ESCROW FEE: \$100.00**

Number of Lots of the Subdivision 1 Current Zone R-1

Section B-1 Block 4 Lot 23 and 24

Address of Subject Property 1 Stub Street and 48 Beers Drive

Owner of Property Thomas Lorino (1 Stub) Glenn L. Boyd (48 Beers)

Owner Address 1 Stub Street and 48 Beers Drive

City Middletown State NY Zip 10940

Telephone: Home _____ Cell: 845-283-2881

Email tlorino@hvc.rr.com

Applicant Name Thomas Lorino & Glenn Boyd

If different from Owner
Applicant Address _____

City _____ State _____ Zip _____

Telephone: Home _____ Cell: _____

Email _____

Minor (2-3 lots) _____ \$250.00

Plus Escrow _____ \$100.00

Major (over 3 lots) _____ \$500.00

Paid Check 712

Paid Check 713

Paid _____

Plus \$100 per lot for each lot over 10 lots, and \$1000.00 escrow to be replenished if required

NOTE: Over 4 lot subdivision will go to Planning Board for recommendation before going to Common Council.

Proposed uses; List the number of proposed lots and uses, which are to be created by this subdivision if approved. Additional sheets may be attached if more space is required.

Their are "no new lots" to be created but rather just a straightening out of the existing property lines.
Currently the existing lots are triangular shaped and we are trying to "square them off".

Zoning; In the space provided list all lots or areas which would require a re-zoning of any zoning district. List all factors dealing with the requested re-zoning. Additional sheets may be attached if more space is required.

Non Compliance of Zoning; In the space provided list all lots, which are not in compliance with the zoning regulations of the City of Middletown. Provide all information from the zoning ordinance in which the lot is non-compliant and the reasons therefore. Additional sheets may be attached if more space is required.

NOTE; if any of the new lots are non-compliant to the City of Middletown zoning code you may be required to apply to the ZBA for a variance.

A notarized letter from the property owner granting permission to seek the zone change or addition, if the applicant is not the owner, is required for all applications.

NOTE: As per SEQRA law a short form EAF will be required with all applications

Sign at the place indicated and print name.

Signature of applicant

Print Name and title Thomas Lorino - Owner 1 Stub Street Date 9/15/2022

Glenn Boyd - Owner 48 Bens Drive 9/27/2022

TO BE FILLED OUT BY THE CITY CLERK'S OFFICE

A fee of \$250.00 was collected on _____ Check # 712

Escrow Amount \$100.00 on _____ Check # 713

Signature of Clerk or Designee

Date

Short Environmental Assessment Form

Part 1 - Project Information

Instructions for Completing

Part 1 – Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part I based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 – Project and Sponsor Information			
Name of Action or Project: Lorino - Boyd - Line Lot Change - Subdivision			
Project Location (describe, and attach a location map): Stub Street - Beers Drive, Middletown, NY			
Brief Description of Proposed Action: To "straighten out" the existing property lines. Currently the existing lots are triangular shaped and we are trying to Square them off.			
Name of Applicant or Sponsor: Thomas Lorino		Telephone: 845-283-2881 E-Mail: tlorino@hvc.rr.com	
Address: 1 Stub Street			
City/PO: Middletown		State: New York	Zip Code: 10940
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.		NO ☒	YES ☐
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval:		NO ☒	YES ☐
3. a. Total acreage of the site of the proposed action? b. Total acreage to be physically disturbed? c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		_____ acres _____ acres _____ acres 20,069 S.F. 23,623 S.F. Lorino Boyd	
4. Check all land uses that occur on, are adjoining or near the proposed action:			
☐ Urban ☐ Rural (non-agriculture) ☐ Industrial ☐ Commercial ☒ Residential (suburban) ☐ Forest ☐ Agriculture ☐ Aquatic ☐ Other(Specify): ☐ Parkland			

5. Is the proposed action, a. A permitted use under the zoning regulations? b. Consistent with the adopted comprehensive plan?	NO ☐ ☐	YES ☒ ☒	N/A ☐ ☐
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO ☐	YES ☒	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	NO ☒	YES ☐	
8. a. Will the proposed action result in a substantial increase in traffic above present levels? b. Are public transportation services available at or near the site of the proposed action? c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	NO ☒ ☒ ☒	YES ☐ ☐ ☐	
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: _____ _____ _____	NO ☐	YES ☒	
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____ _____ _____	NO ☐	YES ☒	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____ _____ _____	NO ☐	YES ☒	
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places? b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	NO ☒ ☒	YES ☐ ☐	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency? b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ _____ _____	NO ☒ ☒	YES ☐ ☐	

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: ☐ Shoreline ☐ Forest ☐ Agricultural/grasslands ☐ Early mid-successional ☐ Wetland ☐ Urban ☒ Suburban		
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO	YES
	☒	☐
16. Is the project site located in the 100-year flood plan?	NO	YES
	☒	☐
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes, a. Will storm water discharges flow to adjacent properties? b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe:	NO	YES
	☒	☐
	☒	☐
	☒	☐
18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)? If Yes, explain the purpose and size of the impoundment:	NO	YES
	☒	☐
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe:	NO	YES
	☒	☐
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe:	NO	YES
	☒	☐
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE Applicant/sponsor/name: <u>Thomas Lolino</u> Date: <u>9/15/2022</u> Signature: <u>[Signature]</u> Title: <u>owner of 1st St Street</u>		

Glenn Boyd
 G. Boyd
 owner of 48 BEARS DR.

PRINT FORM

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

THE FOLLOWING WAS PRESENTED

By Ald. _____

Sec'd by Ald. _____

Date of Adoption 10.18.22

Index No: 232-22

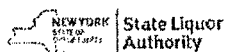
NAMES	AYES	NOES	ABSTAIN	ABSENT
Ald. Tobin				
Ald. Jean-Francois				
Ald. Johnson				
Ald. Ramkissoon				
Ald. Kleiner				
Ald. Green				
Ald. Witt				
Ald. Masi				
Pres. Rodrigues				
TOTAL				

**Resolution to grant a 30-day waiver as per the New York Alcoholic Beverage Control Law
to Yishan Korean Food LLC, at 75 Railroad Avenue**

Whereas, Yishan Korean Food LLC, at 75 Railroad Avenue, Middletown NY has requested a waiver of the thirty (30) day notification requirement set forth in Section 64(2)(a) of the New York Alcoholic Beverage Control Law, and

Whereas, the Middletown Police Department has reviewed and approves said request for a 30-day waiver,

Therefore be it resolved, that the City of Middletown, NY has no objection to an On-Premises Liquor License being granted to Yishan Korean Food LLC, for the business located at 75 Railroad Avenue, Middletown, NY 10940 and does hereby grant the 30-day notification waiver.



OFFICE USE ONLY		
☐ Original	☐ Amended	Date _____

Standardized NOTICE FORM for Providing 30-Day Advance Notice to a Local Municipality or Community Board

1. Date Notice Sent: **10-06-2022**1a. Delivered by: **Personal Delivery with Proof of Receipt**

2. Select the type of Application that will be filed with the Authority for an On-Premises Alcoholic Beverage License:

For premises outside the City of New York:

☒ New Application ☐ Removal ☐ Class Change

For premises in the City of New York:

☐ New Application ☐ New Application and Temporary Retail Permit ☐ Temporary Retail Permit ☐ Removal
☐ Class Change ☐ Method of Operation ☐ Corporate Change ☐ Renewal ☐ Alteration

For New and Temporary Retail Permit applicants, answer each question below using all information known to date
 For Renewal applicants, answer all questions

For Alteration applicants, attach a complete written description and diagrams depicting the proposed alteration(s)

For Corporate Change applicants, attach a list of the current and proposed corporate principals

For Removal applicants, attach a statement of your current and proposed addresses with the reason(s) for the relocation

For Class Change applicants, attach a statement detailing your current license type and your proposed license type

For Method of Operation Change applicants, although not required, if you choose to submit, attach an explanation detailing those changes

Please include all documents as noted above. Failure to do so may result in disapproval of the application.

This 30-Day Advance Notice is Being Provided to the Clerk of the Following Local Municipality or Community Board:

3. Name of Municipality or Community Board: **CITY OF MIDDLETOWN****Applicant/Licensee Information:**

4. Licensee Serial Number (if applicable): _____ Expiration Date (if applicable): _____

5. Applicant or Licensee Name: **YISHAN KOREAN FOOD LLC**

6. Trade Name (if any): _____

7. Street Address of Establishment: **75 RAILROAD AVENUE, 1ST FL**8. City, Town or Village: **MIDDLETOWN**, NY Zip Code: **10940**9. Business Telephone Number of applicant/ Licensee: **908-947-8934**10. Business E-mail of Applicant/Licensee: **YISHANSUN199@GMAIL.COM**11. Type(s) of alcohol sold or to be sold: ☐ Beer & cider ☐ Wine, Beer & Cider ☒ Liquor, Wine, Beer & Cider12. Extent of Food Service: ☒ Full Food menu; full kitchen run by a chef/cook ☐ Menu meets legal minimum food requirements; food prep area required13. Type of Establishment: **Restaurant (full kitchen and full menu required)**
☐ Seasonal Establishment ☐ Juke Box ☐ Disc Jockey ☐ Recorded Music ☐ Karaoke
14. Method of Operation: (check all that apply) ☐ Live Music (give details i.e., rock bands, acoustic, jazz, etc.): _____
☐ Patron Dancing ☐ Employee Dancing ☐ Exotic Dancing ☐ Topless Entertainment

☐ Video/Arcade Games ☐ Third Party Promoters ☐ Security Personnel
☒ Other (specify): **YOUTUBE MUSIC OR DOWNLOADED MUSIC**15. Licensed Outdoor Area: ☒ None ☐ Patio or Deck ☐ Rooftop ☐ Garden/Grounds ☐ Freestanding Covered Structure
(check all that apply) ☐ Sidewalk Cafe ☐ Other (specify): _____

OFFICE USE ONLY		
☐ Original	☐ Amended	Date _____

16. List the floor(s) of the building that the establishment is located on: **FIRST FLOOR**
17. List the room number(s) the establishment is located in within the building, if appropriate: **N/A**
18. Is the premises located within 500 feet of three or more on-premises liquor establishments? ☐ Yes ☒ No
19. Will the license holder or a manager be physically present within the establishment during all hours of operation? ☒ Yes ☐ No
20. If this is a transfer application (an existing licensed business is being purchased) provide the name and serial number of the licensee:
- | | |
|-------|---------------|
| _____ | _____ |
| Name | Serial Number |
21. Does the applicant or licensee own the building in which the establishment is located? ☐ Yes (if YES, SKIP 23-26) ☒ No

Owner of the Building in Which the Licensed Establishment is Located

22. Building Owner's Full Name: **YISHAN MANAGEMENT LLC**
23. Building Owner's Street Address: **75 RAILROAD AVENUE**
24. City, Town or Village: **MIDDLETOWN** State: **NY** Zip Code: **10940**
25. Business Telephone Number of Building Owner: **908-947-8934**

Representative or Attorney Representing the Applicant in Connection with the Application for a License to Traffic in Alcohol at the Establishment Identified in this Notice

26. Representative/Attorney's Full Name: **88 ACCOUNTING CORP**
27. Representative/Attorney's Street Address: **133-47 ROOSEVELT AVE, 3FL**
28. City, Town or Village: **FLUSHING** State: **NY** Zip Code: **11354**
29. Business Telephone Number of Representative/Attorney: **917-563-1225**
30. Business E-mail Address of Representative/Attorney: **JAX@88ACCOUNTING.COM**

I am the applicant or licensee holder or a principal of the legal entity that holds or is applying for the license. Representations in this form are in conformity with representations made in submitted documents relied upon by the Authority when granting the license. I understand that representations made in this form will also be relied upon, and that false representations may result in disapproval of the application or revocation of the license.

By my signature, I affirm - under **Penalty of Perjury** - that the representations made in this form are true.

31. Printed Principal Name: **ILSEON SON** Title: **PRESIDENT/MEMBER**

Principal Signature: _____

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

THE FOLLOWING WAS PRESENTED

By Ald. _____

Sec'd by Ald. _____

Date of Adoption 10.18.22

Index No: 233-22

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				

Resolution authorizing a \$2000 budget transfer to cover overdrafts

RESOLVED; that the Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment to authorize the Treasurer to transfer \$2,000, in the following manner to cover overdrafts.

FROM

A.0899.00

Recreation Donation

AMOUNT

\$2,000

TO

A.7020.00 General

Use of Recreation Donations

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

THE FOLLOWING WAS PRESENTED

By Ald. _____

Sec'd by Ald. _____

Date of Adoption 10.18.22

Index No: 234-22

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				

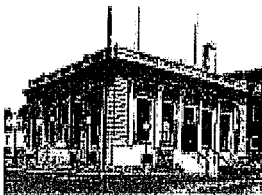
**Resolution Accepting state and local overtime (SLOT) reimbursements for overtime
incurred by our officers assisting in open ATF investigations**

RESOLVED; that the Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment and accepts state and local overtime (SLOT) reimbursements for overtime incurred by our officers assisting in open ATF investigations.

The purpose of this task force will conduct investigations into the illegal possession, use, and sale of firearms and other violations of Federal Firearm laws.

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 reimbursed funds into A.4013 ATF Reimbursement Grant.

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

September 30, 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,

I am requesting permission to accept state and locate overtime (SLOT) reimbursements for overtime incurred by our officers assisting in open ATF investigations.

The purpose of this task force will conduct investigations into the illegal possession, use, and sale of firearms and other violations of Federal Firearm laws.

If you have any questions, please contact me.

Very truly yours,

A handwritten signature in black ink, appearing to read "John Ewanciw", is positioned above the printed name of the Chief of Police. The signature is fluid and cursive.

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 10.18.22

Index No: 235-22

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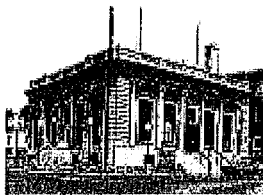
Ald. Tobin				
Ald. Jean-Francois				
Ald. Johnson				
Ald. Ramkissoon				
Ald. Kleiner				
Ald. Green				
Ald. Witt				
Ald. Masi				
Pres. Rodrigues				
TOTAL				

**Resolution authorizing pay increases for certain positions of
the Middletown Police Department**

RESOLVED; that the Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment and authorizes the following pay increases to maintain competitive among other municipalities.

PT Maintenance Staff- \$18 ph
PT Crossing Guards - \$18 ph
PT Parking Enforcement - \$20 ph

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

October 12, 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,

I recently conducted an assessment of pay rates among our part time employees, and concluded that pay increases are needed to maintain competitive among other municipalities. I am kindly requesting that the following employees be considered for an hourly pay increase.

PT Maintenance Staff- \$18 ph
PT Crossing Guards - \$18 ph
PT Parking Enforcement - \$20 ph

Thank you.

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 10.18.22

Index No: 236-22

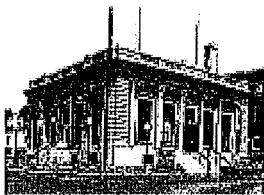
NAMES AYES NOES ABSTAIN ABSENT

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

**Resolution to accept a \$6,250 grant award from Senator Skoufis' office for National Night
Out Against Crime event**

RESOLVED; that the Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment and accepts a \$6,250 grant award from Senator Skoufis' office for the Middletown Police Department's operating expenses for our National Night Out Against Crime event.

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

October 6, 2022

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

Dear Mayor DeStefano and members of the BOE,

The City of Middletown Police Department has been awarded \$6,250 sponsored by Senator Skoufis' office. The funding will be used for operating expenses for our National Night Out Against Crime event.

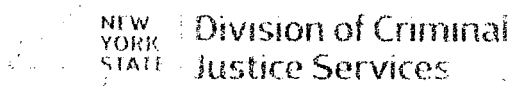
I am requesting to have a resolution prepared allowing us to accept this funding.

If you have any questions, please contact me.

Very truly yours,

John Ewanciw
Chief of Police

JE:ccd



KATHY HOCHUL
Governor

ROSSANA ROSADO
Commissioner

YVONNE TURNER
Director

Grant Award Notice/Purchase Order

Grantee/Contractor: Middletown, City of/Middletown City Police Department	Date: 9/2/2022
Program Name: Anti-Violence Initiative	Award Amount¹: \$6,250
Contact Name and Title: Chief John Ewanciw	GMS Project ID: VI22-1006-D00
Email: jewanciw@middletownpolice.com	Purchase Order #: T103873
	DCJS #: VI22103873
Additional Information: Funds will be used for operating expenses, including but not limited to contractual services, travel, equipment, property rental and or ownership costs, utilities, and or other operating expenses to support the services and expenses of the City of Middletown (Police Department)'s National Night Out.	

Primary Contact Robert Frost Public Safety Grants Representative 1 NYS Division of Criminal Justice Services Office of Program Development and Funding Phone: 518-485-2979 Email: robert.frost@dcjs.ny.gov

Thank you for all the work you do. We look forward to working with you in our continued efforts to safeguard the health and safety of all New York residents and visitors.

Attachment: Award Legislative Information

¹ Award is contingent upon the approval by the NYS Division of Budget.

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

THE FOLLOWING WAS PRESENTED

By Ald. _____

Sec'd by Ald. _____

Date of Adoption 10.18.22

Index No: 237-22

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

Resolution to accept additional funding from Orange County for the Senior Citizen Transportation Program

RESOLVED; that the Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment and accepts additional funding from Orange County for the Senior Citizen Transportation program and authorization for the Mayor to sign the new agreement. The current contract amount is \$25,635 and proposed the amount is \$37,635.

AMENDMENT AGREEMENT

This Amendment Agreement ("Amendment #2"), effective as of September 1, 2022 ("Effective Date") and as set forth herein, modifies that certain Agreement for Vendor Services effective January, 2021 ("Agreement"), as previously amended and extended by that certain Amendment and Extension Agreement effective as of January 1, 2022 ("Amendment #1"), by and between the **County of Orange**, a municipal corporation and one of the Counties of the State of New York, with offices at 255-275 Main Street, Goshen, New York 10924 ("County"), and the **City of Middletown**, a municipal corporation with principal offices at 16 James Street, Middletown, New York 10940 ("Vendor"). County and Vendor may be referred to herein individually as a "Party" or collectively as the "Parties."

RECITALS

WHEREAS, County, through its Office for the Aging ("OFA") issued a request on November 25, 2020 seeking proposals for Title III-B Senior Transportation ("RFP- OFA01-20");

WHEREAS, Vendor submitted a proposal dated December 22, 2020 in response to RFP- OFA01-20 ("Vendor's Proposal"), which is superseded and replaced by the terms set forth on the Exhibit A-1, which was reviewed and selected by OFA;

WHEREAS, the Parties entered into the Agreement pursuant to which Vendor agreed to provide the Title III-B Senior Transportation identified in RFP-OFA01-20 and Vendor's Proposal ("Services");

WHEREAS, the term of the Agreement was for one (1) year, commencing on January, 2021 and ending on December 31, 2021 ("Initial Term");

WHEREAS, the Agreement provided for the renewal and extension thereof, for up to four (4) additional periods of one (1)-year each, at County's sole option;

WHEREAS, the Parties agreed by that certain Amendment and Extension Agreement dated January 1, 2022 (Amendment #1), agreed to renew and extend the Agreement for an additional period of one (1) year, commencing on April 1, 2022, at a cost not to exceed \$25,635.00; and

WHEREAS, the Parties now desires to amend the Agreement, to increase the funding available for the services based on actual expenses of the Vendor.

NOW, THEREFORE, for and in consideration of the covenants and obligations contained herein and for good and other valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Parties agree as follows:

1. The foregoing recitals are true and correct and are hereby incorporated into this Amendment #2 as if set forth at length herein.

2. The not to exceed cost to be paid by the County to Vendor for the Services is

hereby increased from \$25,635.00 to \$37,635.00 as set forth on the annexed Schedule B-1, which is hereby incorporated into and made part of this Amendment #2.

3. Pursuant to Paragraph 2 above, the not to exceed cost set forth in Article 3 of the Agreement, is hereby amended to an aggregate sum of \$63,270.00.

4. The annexed Schedule B-1 hereby supersedes and replaces Schedule B (annexed to the Amendment #2) in its entirety.

7. Sexual Harassment Certification by Vendor. Pursuant to the New York State Finance Law §139-1, by execution of this Amendment #2, Vendor and the individual signing this Amendment #2 on behalf of the Vendor certifies, under penalty of perjury, that Vendor 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 New York State 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>.

8. Except as modified by this Amendment #2, the Agreement remains unchanged and in full force and effect. The terms used in this Amendment #2, unless otherwise defined herein, shall have the meanings as set forth in the Agreement. If there shall be any conflict or inconsistency between the terms and conditions of this Amendment #2 and the Agreement, the terms and conditions of this Amendment #2 shall control.

IN WITNESS WHEREOF, the Parties have caused this Amendment #2 to be executed by their duly authorized officers as of the date last written below, to be effective as of the Effective Date.

County of Orange

City of Middletown

By: _____
Name: Stefan ("Steven") M. Neuhaus
Title: County Executive

By: _____
Name: Joseph DeStefano
Title: Mayor

DATE: _____

DATE: _____

SCHEDULE B-1

FEES AND EXPENSES

UNITS OF SERVICE	UNIT COST	TOTAL BUDGET/ COST OF SERVICE
6,344 units of Transportation	\$20.77 (per one way trip per person)	\$131,764.00

The COUNTY and VENDOR agree that the sources utilized to fund the Total Cost of Service of \$131,764.00 shall be as follows:

(a) Area Agency Funds – For the satisfactory provision of the SERVICES, the COUNTY will reimburse VENDOR in a total amount not to exceed \$37,635.00;

(b) Anticipated Income – Voluntary contributions in the amount of \$6,315.00 anticipated to be received during the term of this Agreement from those individuals who receive the SERVICES from VENDOR pursuant to this Agreement, which shall be retained by VENDOR and used to expand the SERVICES; and

(c) Subcontractor Funds – VENDOR shall contribute the sum of \$87,814.00 to the cost of the SERVICES after application of those voluntary contributions received from those individuals who receive the SERVICES.

Please Note - Vendor acknowledges and understands that the risk that the voluntary contributions actually received may be less than the \$6,315.00 projected on Schedule B-1 to the Agreement shall be borne by Vendor.

DISCLOSURE OF PRIOR NON-RESPONSIBILITY DETERMINATIONS

See instructions on next page before completing this form.

Name of Individual or Entity Seeking to Enter into the Procurement Contract: _____

Address: _____

Name and Title of Person Submitting this Form: _____

1. Has any Governmental Entity made a finding of non-responsibility regarding the individual or entity seeking to enter into the Procurement Contract in the previous four years? (Please circle): No Yes

If yes, please answer the next questions:

2. Was the basis for the finding of non-responsibility due to a violation of State Finance Law §139-j (Please circle): No Yes

3. Was the basis for the finding of non-responsibility due to the intentional provision of false or incomplete information to a Governmental Entity? (Please circle): No Yes

4. If you answered yes to any of the above questions, please provide details regarding the finding of non-responsibility below and attach additional pages as necessary.

Governmental Entity: _____

Date of Finding of Non-responsibility: _____

Basis of Finding of Non-responsibility: _____

5. Has any Governmental Entity or other governmental agency terminated or withheld a Procurement Contract with the above names individual or entity due to the intentional provision of false or incomplete information? (Please circle): No Yes

6. If yes, please provide details below and attach additional pages as necessary.

Governmental Entity: _____

Date of Termination or Withholding of Contract: _____

Basis of Termination or Withholding: _____

Offeror certifies that all information provided to the Governmental Entity with respect to State Finance Law §139-k is complete, true and accurate.

By: _____ Date: _____

Signature

**Instructions for Completing the
Offeror Disclosure of Prior Non-Responsibility Determinations**

Background:

New York State Finance Law §139-k(2) obligates a Governmental Entity to obtain specific information regarding prior non-responsibility determinations with respect to State Finance Law §139-j. This information must be collected in addition to the information that is separately obtained pursuant to State Finance Law §163(9). In accordance with State Finance Law §139-k, an Offeror must be asked to disclose whether there has been a finding of non-responsibility made within the previous four (4) years by any Governmental Entity due to: (a) a violation of State Finance Law §139-j or (b) the intentional provisions of false or incomplete information to a Governmental Entity. The terms "Offeror" and "Governmental Entity" are defined in State Finance Law §139-k(1). State Finance Law §139-j sets forth detailed requirements about the restrictions on Contacts during the procurement process. A violation of State Finance Law §139-j includes, but is not limited to, an impermissible Contact during the restricted period (for example, contacting a person or entity other than the designated contact person, when such contact does not fall within one of the exemptions).

As part of its responsibility determination, State Finance Law §139-k(3) mandates consideration of whether an Offeror fails to timely disclose accurate or complete information regarding the above non-responsibility determination. In accordance with law, no Procurement Contract shall be awarded to any Offeror that fails to timely disclose accurate or complete information under this section, unless a finding is made that the award of the Procurement Contract to the Offeror is necessary to protect public property or public health safety, and that the Offeror is the only source capable of supplying the required Article of Procurement within the necessary timeframe. See State Finance Law §§139-j(10)(b) and 139-k(3).

Instructions:

The County of Orange includes this disclosure request regarding prior non-responsibility determinations in accordance with State Finance Law §139-k in its solicitation of proposals or bid documents or specifications or contract documents, as applicable, for procurement contracts. The attached form is to be completed and submitted by the individual or entity seeking to enter into a Procurement Contract, Supplemental or Change Order. This document must accompany each Bid Form, Letter of Interest, or Proposal submitted by all Offerors.

IRAN DIVESTMENT ACT CERTIFICATION

The Iran Divestment Act of 2012 ("Act"), Chapter 1 of the 2012 Laws of New York, added State Finance Law (SFL), §165-a and General Municipal Law §103-g, effective April 12, 2012. Under the Act, the Commissioner of the New York State Office of General Services ("OGS") developed a list ("Prohibited Entities List") of "persons" who are engaged in "investment activities in Iran" (both are defined terms in the law). In accordance with SFL § 165-a(3), the Prohibited Entities List may be found on the OGS website at <http://www.ogs.ny.gov/about/regs/docs/ListofEntities.pdf>.

Pursuant to General Municipal Law §103-g, by signing below, Offeror certifies as true under the penalties of perjury that:

By submission of this proposal each Offeror and each person signing on behalf of any Offeror certifies, and in the case of a joint proposal each party thereto certifies as to its own organization, under penalty of perjury, that to the best of its knowledge and belief that each Offeror is not on the list created pursuant to paragraph (b) of subdivision 3 of section 165-a of the State Finance Law.

A proposal shall not be considered for award nor shall any award be made where the certification has not been made, provided, however, that if in any case the Offeror cannot make the certification, the Offeror shall so state and shall furnish with the proposal a signed statement which sets forth in detail the reasons therefor. The County may award a contract to an Offeror who cannot make the required certification on a case-by-case basis if:

- 1) The investment activities in Iran were made before April 12, 2012, the investment activities in Iran have not been expanded or renewed after April 12, 2012, and the person has adopted, publicized, and is implementing a formal plan to cease the investment activities in Iran and to refrain from engaging in any new investments in Iran; or
- 2) The County makes a determination that the goods and services are necessary for the County to perform its functions and that, absent such an exemption, the political subdivision would be unable to obtain the goods or services for which the contract is offered. Such determination shall be made in writing and shall be a public document.

During the term of the Contract, should the County receive information that a person is in violation of the above-referenced certifications, the County will offer the person an opportunity to respond. If the person fails to demonstrate that it has ceased its engagement in the investment which is in violation of the Act within 90 days after the determination of such violation, then the County shall take such action as may be appropriate including, but not limited to, imposing sanctions, seeking compliance, recovering damages, or declaring the contractor in default.

The County reserves the right to reject any bid, proposal, contract or request for assignment for an entity that appears on the Prohibited Entities List prior to the award or execution of a contract or any renewal thereof, as applicable, and to pursue a responsibility review with respect to any entity that is awarded a contract and appears on the Prohibited Entities List after contract award.

DATE

SIGNATURE

BUSINESS NAME

NAME

TITLE

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

THE FOLLOWING WAS PRESENTED

By Ald. _____

Sec'd by Ald. _____

Date of Adoption 10.18.22

Index No: 238-22

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

**Resolution Authorizing the City of Middletown 15(8) Wholesale Waiver
Agreement/Proposal**

RESOLVED; that the Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment and authorizes the attached City of Middletown 15(8) Wholesale Waiver Agreement/Proposal to reimburse older workmen's compensation. The amount of the reimbursement is \$1,475,229 to be used towards future tail claims.

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.

WHOLESALE WAIVER AGREEMENT

This WHOLESALE WAIVER AGREEMENT (the “**Agreement**”), is entered into by and among the New York State Workers’ Compensation Board and the Chair thereof (the “**Board**”), in the Board’s capacity to oversee and manage the Special Disability Fund (“**SDF**”) as referenced in Workers Compensation Law (“**WCL**”) §§14(6) and 15(8), and in the Board’s capacity, pursuant to the authority set forth in **WCL** §32(a)-(i), to, among other items, including but not limited to those related to the SDF, approve waiver agreements, and the Board’s Waiver Agreement Management Office (“**WAMO**”), pursuant to the authority set forth in **WCL** §32(e)-(i), and the Self-Insured Employer, City of Middletown (“**SIE**”). The Board, WAMO, and the **SIE** are collectively referred to below as the “**Parties**” and individually as a “**Party**.” This Agreement shall be effective as of the date on which it is fully executed by all Parties (“Effective Date”).

RECITALS

WHEREAS, the SIE provides workers’ compensation coverage for its employees for all workers’ compensation claims giving rise to a right to compensation and other benefits under the WCL;

WHEREAS, the SIE is or may be entitled to reimbursement pursuant to WCL §§14(6) and/or 15(8) for certain compensation and/or benefits in workers’ compensation claims covered by the SIE which have been or will be paid by the SIE;

WHEREAS, Exhibit A lists workers’ compensation claims entitled to reimbursement pursuant to WCL §§14(6) and/or 15(8) that are presently known to be covered by the SIE;

WHEREAS, Exhibit B lists the current known existing Board assigned W codes, and the former Board existing W codes for the SIE. All references to the SIE herein are deemed to encompass and bind all of the workers’ compensation claims covered by the SIE for all existing and future known and unknown members and their W codes;

WHEREAS, the then-Governor of the State of New York proposed and the New York State Legislature enacted legislation in March 2007 to reform the New York State Workers’ Compensation

System. Among other provisions, the legislation provided for closure of the SDF, from which WCL §§14(6) and 15(8) claims are paid. The legislation, enacted as Chapter 6 of the Laws of New York, 2007, includes a number of provisions to assist in the management and payment of the liability of the SDF, including but not limited to the provisions of WCL §32(e) through (i);

WHEREAS, no specific guidelines have been issued by the Chair involving wholesale waiver agreements (i.e., agreements in which the carrier or self-insured employer assumes full liability for their claims and waives any additional reimbursement or liability of the SDF), such as this Agreement. Therefore, pursuant to WCL §32(e) in the absence of such guidelines or directives, WAMO has used such discounting factors as the office has determined are in the financial interest of the SDF in calculating the consideration to be paid to the SIE under this Agreement; and,

WHEREAS, with respect to the SIE, the Board has received requests for reimbursements and, where appropriate, has directed that such reimbursements be made over time and expects to receive future requests for reimbursement from the SIE for an indeterminate period of time.

NOW THEREFORE, in consideration of the mutual benefits to be received by the Parties hereto and the mutual covenants and agreements herein contained, the Parties hereby agree as follows:

Article I. Waiver of Covered Claims Obligations

Section 1.01 Subject to the receipt by the SIE of the Consideration set out in Section 3.01, the SIE hereby irrevocably releases the Board, WAMO, the SDF, the Special Funds Conservation Committee and their predecessors, successors, assigns, agents, representatives, employees, officers, and directors, from any and all reimbursement claims, liabilities, adjustments, obligations, offsets, actions, litigation costs and fees, causes of action, proofs of claim, suits, debts, sums of money, accounts, reckonings, bonds, bills, covenants, contracts, conversions, agreements, promises, damages, judgments, claims, third-party liens and demands whatsoever, whether known, unknown or suspected, arising out of, or in connection with or in any manner related to any and all claims contained in Exhibit A, and any and all claims in which liability under WCL §§14(6) or 15(8) has or could potentially become established;

Article II. Warranties and Covenants

Section 2.01 To the best information and belief of the SIE, the SIE represents, warrants and covenants as follows as of the date of execution hereof:

- a. As of the date of execution of this Agreement, all outstanding requests for reimbursement under WCL §§14(6) or 15(8) have been submitted to the Board by the SIE;
- b. As of the date of execution of this Agreement, the SIE will not submit to the Board any further requests for reimbursement under WCL §§14(6) or 15(8);
- c. The SIE has been fully reimbursed by the Board for all valid requests it has submitted. Any claimed or unclaimed WCL §§14(6) or 15(8) reimbursement that has not been received by the SIE prior to the date of execution of this Agreement is deemed to have been included in the sum of the Consideration for this Agreement in Section 3.01.
- d. There are no pending agreements, transactions, negotiations, regulatory actions or lawsuits in which the SIE is involved nor are there any threatened regulatory actions or lawsuits of which the SIE is aware that would render this Agreement or any part thereof void, avoidable, or unenforceable;
- e. The SIE has not transferred, assigned, or contracted to transfer or assign to any person, corporation, company or entity any of its rights, title, benefit or obligations directly arising out of or in connection with the workers' compensation claims for which it provides coverage, including without limitation any amounts which are within the contemplation of this Agreement;
- f. Insofar as applicable, the SIE affirms that it is in full compliance with the provisions of WCL §32(i)(5);
- g. The SIE affirms that it has not intentionally misrepresented any material fact related in any way to this Wholesale Waiver Agreement;
- h. The SIE affirms and acknowledges it remains statutorily liable to continue to provide coverage for and make payments in respect of any and all workers' compensation claims eligible for such coverage and payments in its capacity as the SIE notwithstanding the waiver granted pursuant to this Agreement.

i. Unless exempt, after the date of execution of this Agreement and prior to the next anticipated filing of the annual SIE actuarial report and audited financials, the SIE will re-value all claims in which WCL §§14(6) or 15(8) had been established or presumed. In so re-valuing, the SIE shall assume full value, and then discount as permitted by the Board. The SIE acknowledges that its security deposit required pursuant to WCL §50 will be adjusted accordingly.

Section 2.02 To the best information and belief of each of the Board and WAMO, the Board and WAMO, as applicable, collectively represent, warrant and covenant as follows as of the date of execution hereof and on the Completion Date (as defined below), as applicable:

a. The Board has reimbursed all valid requests submitted by the SIE. Any WCL §§14(6) or 15(8) reimbursement that has not been provided to the SIE by the Board prior to the date of execution of this Agreement is deemed to have been included in the sum of the Consideration for this Agreement in Section 3.01.

b. The Board and WAMO waive any existing or potential overpayments, credits, and offset rights arising from WCL §§14(6) or 15(8) reimbursement payments made in any and all claims contained in Exhibit A, and any and all claims in which liability under WCL §§14(6) or 15(8) has or could potentially become established.

c. As of the date of execution of this Agreement, the Board shall not accept, review, or pay any requests for reimbursement under WCL §§14(6) or 15(8) from the SIE;

d. There are no pending agreements, transactions, negotiations, regulatory actions or lawsuits in which either the Board or WAMO is involved nor are there any threatened regulatory actions or lawsuits of which any of the Parties are aware that would render this Agreement or any part thereof void, avoidable, or unenforceable.

e. The Board has not transferred, assigned, or contracted to transfer or assign to any person, corporation, company or entity any of its rights, title, benefit or obligations directly arising out of or in connection with the workers' compensation claims covered by the SIE, including without limitation any amounts which are within the contemplation of this Agreement.

f. The Board and WAMO have not undertaken any action that would impede, prohibit or limit its ability to make payment under this Agreement.

g. The Board and WAMO affirm that they have not intentionally misrepresented any material fact related in any way to this Wholesale Waiver Agreement.

Article III. Consideration

Section 3.01 The Board and WAMO agree to pay the SIE the sum of One Million, Four Hundred Seventy-Five Thousand, Six Hundred Seventy-Three Dollars (\$1,475,673) from the SDF for the waiver of the SIE's right to seek reimbursement under WCL §§14(6) or 15(8) for any and all past, present, and future claims (the "**Consideration**"). Said payment shall be made no later than thirty (30) days following the Effective Date of this Agreement (the "**Completion Date**"). Notwithstanding the foregoing, if the Completion Date occurs on a weekend or a holiday, then the payment must be completed by the end of the next business day. The Board shall make the above captioned payments via Automated Clearing House (ACH) to the SIE.

Article IV. Successors and Assigns

Section 4.01 This Agreement shall inure to the benefit of and bind the Parties hereto and their respective successors and assigns.

Article V. Independent Investigation

Section 5.01 Each of the Parties acknowledges that prior to entering into this Agreement it had its own opportunity to engage in its own independent investigation and analysis. Each Party expressly acknowledges that it is not relying on the other for any advice whatsoever nor has it entered into this Agreement on the basis of any representation by any other Party hereto. Each of the Parties acknowledges that it has read this Agreement, that it has had the opportunity to discuss it with legal counsel, and that it fully understands all of the terms herein.

Article VI. No Third-Party Beneficiary

Section 6.01 This Agreement is intended to confer rights and benefits only upon, and shall inure only to the benefit of, the Parties hereto and their respective successors and assigns. It shall not be

deemed to confer any rights on any other third Party, including any rights based upon a claim of collateral estoppel or res judicata.

Article VII. Integration and Waiver

Section 7.01 This Agreement shall constitute the entire agreement among the Parties pertaining to the subject matter hereof and supersedes any and all prior or contemporaneous understandings or agreements. No supplement, modification, waiver or termination hereof shall be binding or enforceable unless executed in writing by the Parties to be bound thereby. No delay, omission or forbearance on the part of any Party to this Agreement in exercising or enforcing any right, power or remedy under this Agreement shall impair such right, power or remedy or operate as a waiver thereof. The single or partial exercise or enforcement of such right, power or remedy shall not preclude any other or further exercise or enforcement thereof or of any other right, power or remedy. The rights, powers and remedies provided in this Agreement are cumulative and not exclusive of any rights, powers and remedies provided by law.

Article VIII. Termination

Section 8.01 In the event that the entire amount of the Consideration has not been disbursed to the SIE by the Completion Date (or by the end of the next business day if the Completion Date falls on a holiday or weekend), the entire Agreement will become null and void ten (10) business days from the receipt by the Board of written notice from the SIE, said notice to be provided in accordance with Section 10.01 of this Agreement to the addressees listed in Exhibit C.

Section 8.02 The Board shall have ten (10) business days from the Board's receipt of any written notice provided pursuant to Section 8.01 above to effectively cure or otherwise remedy the failure to pay by remitting any amount due. If the Board does not cure within the ten (10) business day time period, the SIE shall have ten (10) business days in which to reimburse the Board any sums the Board has already paid to SIE as Consideration, pursuant to Article III above, under this Agreement. Said reimbursement by the SIE shall be made in the same manner as the Consideration is to be paid pursuant to Article III above.

Article IX. Choice of Laws

Section 9.01 The performance and interpretation of this Agreement shall be governed by the laws of the State of New York, exclusive of the rules with respect to conflict of laws, with respect to any dispute arising under this Agreement between the Parties. If any dispute should arise between the Parties regarding the interpretation and enforcement of this Agreement, such dispute or disputes shall be referred to the exclusive jurisdiction of the Supreme Court of the State of New York, Albany County.

Article X. Notices

Section 10.01 Any notice or other communication under or in connection with this Agreement shall be in writing and shall be delivered (i) personally or (ii) sent by first class post/mail (or by air mail if overseas) or (iii) by overnight courier service or (iv) by e-mail, to the addresses of the Parties as set out in Exhibit C attached hereto or to such other person or address as any Party may specify by notice in writing to the others.

Article XI. Interpretation

Section 11.01 The language of this Agreement is the result of negotiation between all Parties hereto, and any ambiguities in said language shall not be construed against or in favor of any Party or Parties hereto.

Article XII. Execution and Approval

Section 12.01 Each Party to this Agreement represents that it is authorized to enter into this Agreement and the transactions contemplated herein.

Section 12.02 Each signatory to this Agreement represents that said signatory is authorized and empowered to execute this Agreement and the transactions contemplated herein and that any and all required approval(s) on its behalf have been properly obtained and that the Agreement is entered into voluntarily.

Section 12.03 In signing this Agreement, Joseph DeStefano, Mayor, City of Middletown, represents and attests that he has the authority to bind the SIE to the terms and conditions of this Agreement,

and by signing does so bind said parties to all of the terms and conditions of this Agreement.

Section 12.04 Counterparts; electronic execution. This Agreement may be signed and exchanged in counterpart by email or regular/certified/overnight mail and this Agreement as so signed and exchanged will constitute the binding Agreement of the Parties. Delivery of an executed counterpart of a signature page to this Agreement by facsimile or in electronic format (e.g., ".pdf" or ".tif") shall be effective as delivery of a manually executed counterpart of this Agreement.

[Remainder of page intentionally left blank]

IN WITNESS WHEREOF, the Parties have hereunto set their hands as of the dates set forth.

CITY OF MIDDLETOWN

By: _____
Name: Joseph DeStefano
Title: Mayor
Date:

**DIRECTOR OF THE WAIVER AGREEMENT MANAGEMENT OFFICE,
[or designee], NEW YORK STATE WORKERS' COMPENSATION BOARD**

By: _____
Name: Heather N. Justice
Title: Associate Attorney, New York State Workers' Compensation Board
Date:

**DIRECTOR OF FINANCE [or designee], NEW YORK STATE WORKERS'
COMPENSATION BOARD, AS ADMINISTRATOR OF THE SPECIAL
DISABILITY FUND**

By: _____
Name: Melissa K. Stefanko
Title: Director of Finance, New York State Workers' Compensation Board
Date:

**CHAIR [or designee], NEW YORK STATE WORKERS' COMPENSATION
BOARD**

By: _____
Name: Heather MacMaster
Title: Deputy General Counsel and Legislative Counsel, New York State
Workers Compensation Board
Date:

EXHIBIT A

30405077
30402938
30209932
59318991
59309026
59304583
59222948
59116671
59113465
59718221
30300579
50003171

EXHIBIT B

W836001

EXHIBIT C

NOTICE TO CITY OF MIDDLETOWN:

Joseph DeStefano
Mayor, City of Middletown
16 James Street
Middletown, NY 10940
mayor@middletown-ny.com

NOTICE TO THE BOARD:

New York State Workers' Compensation Board
c/o Finance Office
328 State Street, Room 331
Schenectady, NY 12305
FinancePaymentUnit@wcb.ny.gov

AND

New York State Workers' Compensation Board
c/o Office of General Counsel
328 State Street
Schenectady, NY 12305
officeofgeneralcounsel@wcb.ny.gov



**Workers'
Compensation
Board**

KATHY HOCHUL
Governor

CLARISSA M. RODRIGUEZ
Chair

DAVID F. WERTHEIM
Acting Executive Director

**CITY OF MIDDLETOWN (W#836001)
15(8) Wholesale Waiver Agreement
Proposal**

Proposal Date: 8/25/2022
Valuation/Reimbursement Hold Date: 8/3/2022
Life Table Used: 2021 NYS Department of Health Life Expectancy Chart

Undiscounted Medical and Indemnity Value:	\$1,770,126
Discount Rate*:	3.47%
Undiscounted Medical and Discounted Indemnity Value:	\$1,452,229
Outstanding Medical Reimbursements:	\$23,444
Outstanding Indemnity Reimbursements:	\$0
Proposed Total Settlement:	\$1,475,673

* Discount factor based on 20 Year Treasury Yield 3.47%

This is a draft proposal subject to the final language of the settlement agreement. This draft proposal is considered expired 60 days after the Proposal Date.

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

THE FOLLOWING WAS PRESENTED

By Ald. _____

Sec'd by Ald. _____

Date of Adoption 10.18.22

Index No: 239-22

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

Resolution declaring a Recreation and Parks Vehicle as Surplus

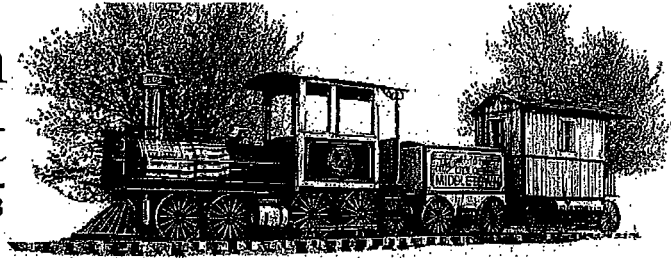
RESOLVED; that the Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment and declares the following Recreation & Parks vehicle as surplus and authorizes the vehicle to go to auction.

2004 Chevy Truck
Vin:1GCHK23U84F250418
Plate: AL6911

This truck is no longer needed by the City of Middletown for any governmental purposes.

Middletown Recreation and Parks Department

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



Wednesday, October 12, 2022

RE: Surplus Vehicle

Dear Board of Estimates & Council Members:

The Recreation & Parks Department is requesting authorization to declare a 2004 Chevy Truck
Vin:1GCHK23U84F250418 Plate: AL6911 surplus and allow it to go to auction. This truck is no
longer needed by the City of Middletown for any governmental purposes.

Sincerely,

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

Raelynn Bertholf, Superintendent of Recreation
Middletown Recreation & Parks Department

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

THE FOLLOWING WAS PRESENTED

By Ald. _____

Sec'd by Ald. _____

Date of Adoption 10.18.22

Index No: 241-22

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				

Resolution authorizing a proposal from CDM Smith for the Water Withdrawal Permit Application

RESOLVED; that the Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment and authorizes a proposal from CDM Smith in the amount of \$41,700.00 for additional engineering and professional services in regard to the Water Withdrawal Permit application for Mill Pond permanent skimming project.

The additional services, as further explained in the referenced proposal, will provide assistance in regards to Amy's Kitchen water withdrawal permit and will allow CDM Smith to resubmit the Mill Pond water withdrawal permit application on behalf of the City.

This will be added to their original contract which will increase CDM Smith's existing contract to \$133,400.

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 proposal.

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 \$41,700, in the following manner:

FROM	AMOUNT
H.0738.900	\$41,700.00
Raise Dams- General Expense	

TO
F.8310.400
Contractual Services

DEPARTMENT OF PUBLIC WORKS

MEMORANDUM

Date: October 13, 2022
To: Honorable Mayor DeStefano, Members of the Board of Estimate
and Apportionment, Members of the Common Council
Cc: Leonora Liz, Treasurer and Richard McCormack, City Clerk
From: Jacob Tawil, Commissioner of Public Works
Re: Amendment #2 Additional Engineering Services to Support Water Withdrawal
Permit Application- Mill Pond-CDM Smith

Please find the enclosed proposal from CDM Smith, dated August 24, 2022, requesting additional compensation in the amount of \$41,700.00 for additional engineering and professional services in regards to the Water Withdrawal Permit application for Mill Pond permanent skimming project, to be added to their original contract.

The additional services, as further explained in the referenced proposal, will provide assistance in regards to Amy's Kitchen water withdrawal permit and will allow CDM Smith to resubmit the Mill Pond water withdrawal permit application on behalf of the City.

We are requesting the approval of this proposal in the amount of \$41,700, which will increase CDM Smith's existing contract to \$133,400 and authorizing the Mayor to sign the same.

FROM	AMOUNT	TO
H.0738.900	\$41,700.00	F.8310.400
Raise Dams		Contractual Services
General Expense		

Thank you.

JT/kg

**TASK ORDER NO. 8 TO
MASTER SERVICES AGREEMENT
BETWEEN
OWNER AND ENGINEER**

This is Task Order No. 10 dated September , 2022 attached to and made part of the Master Services Agreement dated March 2020, between Camp Dresser McKee & Smith (CDM Smith) (ENGINEER) and City of Middletown (OWNER).

This Task Order describes the Scope of Services, Time Schedule, Charges, and Payment Conditions for the Task Order known as:

Amendmnet No. 2 - Additional professional Engineering Services to Support the Water Withdrawal Permit Application for Mill Pond Permanent Skimming Project (the "Project").

1. Scope of Services

ENGINEER shall provide for OWNER the following specific Services:

See Attached Proposal

2. Time Schedule

The time periods for the performance of ENGINEER's Services are as follows:

See Attached Proposal

3. Compensation and Invoicing

Compensation for Services of ENGINEER described in this Task Order will be on the following basis:

See Attached Proposal

4. Terms and Conditions

The terms and conditions of the Agreement referred to above shall apply to this Task Order except to the extent expressly modified herein. In the event of any such modification, the modification shall be set forth below and the Article of the Agreement to be modified shall be specifically referenced. Modifications included in this Task Order are:

None

5. Terms or Provisions in Conflict

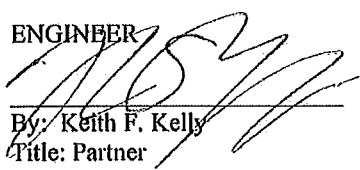
If the provisions set forth in the Agreement are in conflict with the provisions set forth in this Task Order, the provisions of this Task Order shall govern.

Acceptance of the terms of this Task Order is acknowledged by the following authorized signatures of the parties to the Agreement:

OWNER

By: Joseph M DeStefano
Title: Mayor
Date: September , 2022

ENGINEER



By: Keith F. Kelly
Title: Partner
Date: August 24, 2022

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

THE FOLLOWING WAS PRESENTED

By Ald. _____

Sec'd by Ald. _____

Date of Adoption 10.18.22

Index No: 240-22

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				

Resolution authorizing a \$167,803 budget transfer to cover costs associated with the Wolslayer Field Project

RESOLVED; that the Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment and authorizes the Treasurer to transfer \$167,803, in the following manner, for the Wolslayer Field Project due to the following:

- 5 change orders in the amount of \$307,231.11 for Turco Gold Inc.
- Work Completed and paid for \$1,390,420.11.
- Work completed and yet to be paid including retainage \$191,657.27.
- Available Funding remaining in the capital project account \$19,549.15. Plus \$3,805.04 in retainage account for Turco. Totaling \$23,354.19.
- Funding Previously approved for Fusco Engineering but may not be needed \$20,000.00
- Funds needed to close Turco Golf project (\$191,657.27-\$23,354.19 -\$20,000.00) = \$148,303.08.
- Rotolo funds needed for temporary lighting \$19,500.00.

FROM
General Fund Balance

AMOUNT
\$167,803.08

TO
H.0963.900

Monhagen/Davidge Expansion

Please refer to the attached project spreadsheet. Please note that additional fencing around the field, if needed, at an estimated cost of \$84,000.00.

DEPARTMENT OF PUBLIC WORKS

MEMORANDUM

Date: October 7, 2022

To: Honorable Mayor DeStefano, Council President Rodrigues,
Members of the Board of Estimate and Apportionment, Members
of the Common Council

Cc: Leonora Liz, Treasurer and Richard McCormack, City Clerk

From: Jacob Tawil, Commissioner of Public Works

Re: Wolslayer Field Project

We are requesting funds transfer needed to cover work completed by Contractor Turco Golf Inc. which includes 5 Change Order Requests in the amount of \$307,231.11.

1. Work Completed and paid for \$1,390,420.11.
2. Work completed and yet to be paid including retainage \$191,657.27.
3. Available Funding remaining in the capital project account \$19,549.15.
Plus \$3,805.04 in retainage account for Turco. Totaling \$23,354.19.
4. Funding Previously approved for Fusco Engineering but may not be
needed \$20,000.00
5. Funds needed to close Turco Golf project (\$191,657.27-\$23,354.19 -
\$20,000.00) = \$148,303.08.
6. Rotolo funds needed for temporary lighting \$19,500.00.
Total Funds needed \$167,803.08

A transfer of funds is necessary as follows:

FROM	AMOUNT	TO
1. General Fund	\$167,803.08	H.0963.900 Monhagen/Davidge Expansion

Please refer to attached project spreadsheet. Please note that additional fencing around the field if needed at an estimated to cost of \$84,000.00.

Thank you.

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

THE FOLLOWING WAS PRESENTED

By Ald. _____

Sec'd by Ald. _____

Date of Adoption 10.18.22

Index No: 242-22

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

**Resolution to approve a modification of the restrictions contained in the
deed conveying 45-51 Academy Avenue**

WHEREAS, the City of Middletown in March, 2021 conveyed property at 45-51 Academy Avenue with various deed restrictions, including the requirement of permanent use of the premises as a school, offices, recreation facility or day care center, and

WHEREAS, the deed restrictions also prohibited use of the premises for residential purposes, and

WHEREAS, the present owner has requested that the City permit certain school-connected residential units at the premises.

NOW THEREFORE BE IT RESOLVED that the Common Council hereby approves the following modification of the restrictions contained in the deed conveying 45-51 Academy Avenue:

2. The Premises may not include residential units unless they are being occupied by students, faculty, residential staff or security of the school operating on the Premises.

AND IT IS FURTHER RESOLVED, that the Mayor, subject to approval by the Corporation Counsel, is authorized to execute any documents necessary for the implementation of this Resolution and the amendment of the conveyance.

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

THE FOLLOWING WAS PRESENTED

By Ald. Johnson

Sec'd by Ald.

Date of Adoption 10.18.22

Index No:

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

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

**I MOVE THE ACCOUNTS BE AUDITED, THE CLAIMS ADJUSTED AND THE
TREASURER BE AUTHORIZED TO ISSUE WARRANTS FOR THEIR PAYMENTS**