



Common Council Meeting
October 18, 2022
City Hall
16 James Street
Middletown, New York 10940

P R E S E N T

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

A B S E N T

Miguel Rodrigues, President of Common Council
Ald. Masi, President Rodrigues.

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

(Pledge of Allegiance)

ACTING PRESIDENT JOHNSON: Good evening, ladies and gentlemen. As you may notice, I am not the Council president, I'm not the Mayor, I'm not the finance guy. So all of those folks had a prior commitment and the Council president has asked me to be in charge. So let's cross our fingers and carry on.

Would the Clerk call the roll?

2. Roll Call

ACTING PRESIDENT JOHNSON: Roll.

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

ACTING PRESIDENT JOHNSON: Thank you, sir.

3. Approval of Minutes.

ACTING PRESIDENT JOHNSON: You -- the Council, you're in possession of minutes from September 6th and September 20th. I need a motion to approve.

ALD. WITT: So moved.

ACTING PRESIDENT JOHNSON Mr. Witt. Thank you. I need a second. Mr. Tobin. Thank you.

Any discussion, questions or corrections on the minutes?

Would the Clerk call the roll. All in favor?

Never mind. All in favor?

ALDERMAN: Aye.

ACTING PRESIDENT JOHNSON: Any oppose or abstain?

Motion carries. Thank you.

4. Correspondence, Communications and Reports

ACTING PRESIDENT JOHNSON: Is there any correspondence at this time?

RICHARD MCCORMACK, CITY CLERK: We do have a letter this evening from the Department of Transportation. "Thank you for your correspondence. The New York State Department of Transportation dated July 11, 2022 requesting the following roads be designated as access highways for special dimension vehicles, 53 foot tractor trailers in the City of the Middletown, in the towns of Waywayanda, and Wallkill, James P. Kelly Way, Route 17M to CR78, CR78 from James P. Kelly Way to CR49, and CR49 from CR78 to 334, County Route 49.

Please know that on October 9th it will be illegal to drive special dimensioned vehicles on these segments of James P. Kelly way, County Route 78, and County Route 48."

ACTING PRESIDENT JOHNSON: Thank you.

RICHARD MCCORMACK, CITY CLERK: Thank you.

ACTING PRESIDENT JOHNSON: Anything else?

RICHARD MCCORMACK, CITY CLERK: That's it.

ACTING PRESIDENT JOHNSON: Very good.

5. For the Good of the City

ACTING PRESIDENT JOHNSON: This is the opportunity to address for the Good of the City. Is there anybody among us who would like to address the Council this evening please come forward.

Good evening, Chief.

UNIDENTIFIED SPEAKER: Alderman, how are you?

ALD. JEAN-FRANCOIS: Pretty good. Yourself, how you doing?

UNIDENTIFIED SPEAKER: I'm going well. Thank you.

ALD. JEAN-FRANCOIS: Okay. Good seeing you.

UNIDENTIFIED SPEAKER: Alderman, how are you this evening?

ACTING PRESIDENT JOHNSON: We'll split the difference, so say former.

UNIDENTIFIED SPEAKER: Because I don't work here. I love this City, but I'm not employed. Chief Ewanciw is the chief.

ALDERMAN: Thank you. How are you?

UNIDENTIFIED SPEAKER: How are you, Mr. Green?

ALD. GREEN: Well, thank you.

UNIDENTIFIED SPEAKER: How are you, Mr. Kleiner?

ALD. KLEINER: Good, thank you. Nice to see you.

UNIDENTIFIED SPEAKER: Nice to see you. Hello,
my friend.

I'll keep my remarks to what I have written, so I
don't become contentious.

Good evening, Council Members. I'm sure most of
you remember me as you do as the past chief of police. I
appear before you this evening to address an issue which
you may or may not be aware of.

I'm sure most of you are familiar with Joel
Sierra. Joel Sierra is a Lieutenant Firefighter in your
police department, I mean, in your fire department, excuse
me. He's a county legislator. He's a local business
owner, a family man, but he's also a dear friend of mine.

I actually convinced Joel Sierra to accept the
position as a Middletown Firefighter. I don't know if any
of you are aware of that when I was Chief of Police. It's
-- it's a position that he holds very proudly.

As you may or may not be aware, Lieutenant
Firefighter Joel Sierra suffered an on-duty injury earlier
this year. What you may be unfamiliar with is the extent
of his injury. Lieutenant Firefighter Joel Sierra suffered

in the medical term a CSF. A CSF is the acronym for a cerebral spinal fluid leak. What it means is that he actually had cerebral spinal fluid coming out of his nose. This could be a very debilitating or life threatening situation.

I'm not here to disparage the City. As you know, I lived here in the city. I was one of the -- well, not the first Chief, Lou Ogden would probably take that position and God Bless him -- who lived in the city limits and I still love the city. I still come here often when I can. This morning I was out running on the streets in 34 degree weather. It's a little chilly for a Florida guy now.

But what I want to make you aware of is the position that the City is taking when it comes to Lieutenant Firefighter Joel Sierra could have state-wide implications for paid firemen across the State of New York and I don't think you're aware of that.

I'm not here to debate the merits of the case. The City has a right to explain its position and that's moving forward. That's not what I'm here for.

I provided you with copies of the information that I've requested from the City Clerk, Mr. McCormick, dated August 25th, 2022 because Mr. Sierra, Lieutenant

Firefighter Joel Sierra, is a personal friend of mine. And I -- I'm his advocate according to the Americans with Disabilities Act for persons who may have temporary disabilities such as his.

I also provided you with an acknowledgement that I received from Mr. McCormick. And, Mr. McCormick, I don't want you to take this personal, I'm not here to disparage you. I want you to know that. However, I'm here for a purpose.

So the other document that I provided you with is the acknowledgement from Mr. McCormick that I received on August 26th, 2022 stating that my request would be reviewed and I'd be notified under separate cover within 20 business days of my request.

Mr. McCormick responded to my request 37 days approximately to my count after I had indicated, not to him, but as a gentlemen to other members of the City that I would be appearing here in this meeting in protest of those actions.

Now, Mr. McCormick, you and I don't know each other. I've never met you. I'm sure you're a great guy. And we've never worked together. But if we did, you would know that I try my hardest to be a person of integrity. And if we did work together, you would know that I would

fly from Florida and be here this evening.

So what I'm asking you this evening as the governing body of this City is that I intend to file more FOIA requests in an effort to fully investigate what has happened to my friend, Lieutenant Firefighter Joel Sierra. And I ask you as the City's governing body to hold Mr. McCormack accountable for fulfilling his duties and responsibilities according to the Public Officer's Law of the State of New York.

I am not trying to be disrespectful to you and I'm not trying to be disrespectful to you. But I will be here and I will defend Lieutenant Firefighter Joel Sierra's position to the best of my ability. And I would hate -- I would hate for it to have to come to me resorting to litigation because I love this City. This was my home. And it will be totally disrespectful, I feel, for me to have to resort to that position.

Thank you for your time.

ACTING PRESIDENT JOHNSON: Thank you as well. Rest assured we will duly consider your remarks and take that under strong consideration with the Mayor.

Is there anyone else who wishes to address the Council that's in the room at this time?

Not seeing any, Eileen, is there anybody on line

that wishes to address the Council?

EILEEN: Not at this time.

ACTING PRESIDENT JOHNSON: Very good. Thank you, both.

That's for the Good of the City.

6. REMARKS OF THE MAYOR

(None this evening)

7. REMARKS OF DEPARTMENT HEADS

ACTING PRESIDENT JOHNSON: Remarks of Department Head, Economic Development.

MARIA BRUNI, ECONOMIC DEVELOPMENT: Good evening, everyone.

Just want to report on a couple of items. The Farm Market ends this Saturday. And we had a pretty great season. One thing I want to report on is the Orange County Department of Health. We had a grant program, the B-I-D, the BID, applied for a grant for their healthy voucher program. So throughout the summer, the Farm Market season we distributed -- the county distributed over 700 to be approximate 767 coupons which translated in about in \$7,670 in sales for the farmers. So it was a very successful program. We have a balance of a little over \$4,000 going into next season, so we're looking to finalizing and carrying on the program for next year. So you can see we

had a great market season and, you know, a great grant program that really worked well for this year.

We also -- the BID is also applying for SNAP for next year. So as you can see, we're progressing with what we've been saying is now that we have a permanent home for the market, Erie Way Park, to grow this and keep growing as the years go on.

We had a CDA meeting this evening. And we approved the budget to be submitted to the State.

And also we have coming up at the theater another great concert this weekend, ABBA, an ABBA tribute group, ABBA Mania. And then the 2022 Horrorthon, a lot of great movies for the weekend of Halloween. Eileen who's behind the door there, she did a great job programming the Horrorthon this year.

And we're still looking for a tree. We're getting people inquiring about a tree for the Square in the tree lighting, so we're doing our search and hope to have something soon.

And we're getting ready for, again, the holiday season.

And also our Housing Rehab Program is going strong and all that good stuff.

And that's all I have for tonight.

ACTING PRESIDENT JOHNSON: Are there any questions or comments for Maria?

Hearing none, thank you very much.

MARIA BRUNI, ECONOMIC DEVELOPMENT: Thank you.

ACTING PRESIDENT JOHNSON: Appreciate it.

Commissioner of Public Works.

JACOB TAWIL, DPW COMMISSIONER: Good evening, all.

So with Alderman Masi not being here I will start with the reporting on the reservoir level which is it's about -- reservoir level is about 84 percent full. We did benefit from the recent rain. And it worked out well for us. However, just to give you an idea what the things we go through in there to understand and appreciate the water and the reservoir system that we have, on Wednesday I get a phone call that we may have algae bloom in the Monhagen Reservoir. Rush over there, reservoir scared the heck out of me what it looked like and possible algae bloom, possible turnover, possible everything. That's the main feed of reservoir to us.

So we had to immediately try to think what can we do and what can we -- what can we change and so on and so forth. So immediately with the help from the water department, we switched from different reservoir to take

most of the water coming from Highland Reservoir. We immediately applied for DEC for special permit to apply cup of sulfate.

And all our men are cooperating and working, you know, Wednesday night until 8:00 we're able. I saw the problem about 4:00. We called them in and we continued to work until 8:00 until we switched the different reservoir. And all of this just to make sure that the City of Middletown which is, obviously, paramount for us is to make sure that we have -- we produce the best water for our residents and our customers for the water system.

And this emphasizes the point and highlights the point of the City purchasing watershed to protect our reservoirs in the watershed and with the grant from the DEC which is the \$6 million grant with the matching 20 percent or 25 percent matching from us which is it's a great program. The City of Middletown, for the future, for hundreds of years to come, they should continue to buy, purchase watershed to protect our reservoirs, make sure that what we have nothing, but the clean runoff to go in there, so we don't have to worry about much about algae blooms and about different contaminate that will get into our reservoirs and to avoid the unfortunate situation that Newburg, City of Newburg had with some contaminate going

into their reservoir because of the industry development around them and what runs into the reservoir.

So we want to avoid that. We've been doing that for years now, for a few years. DEC is helping us. And DEC approved the special permit. They give us special permit right away to apply cup of sulfate. Cup of sulfate could not be applied until we have sunny day, so it happened Wednesday. So we lost Thursday because of the heavy rain.

Friday morning I had another special consultant in there coming from New Jersey just to help us out with the proper dosage because you have only one shot at it. Once you apply cup of sulfate then you have to wait for a couple of weeks to get a special permission from the DEC. So you can't -- if it doesn't work once, oh, you go add some more the next day. It doesn't work that way because it could result in fish kill, it could result in many things adverse condition of the reservoir.

So our industry is very complicated. And our guys are trying -- they're doing a good job and we're watching it. And it's 24 hour job for us just watching the reservoirs and the water treatment.

So another -- another thing today, under the water taking permits from the DEC and supplying water to

Amy's Kitchen, there's a condition of our water taking permit from the DEC to install flow meters at the outlet of Mill Pond and Indigo. We ordered the flow meter. We were installing them today and we're trying to commission them. This is just FYI so people know that everything is going to be monitored and everything is going to be -- we're going to keep an eye of everything, not only by our rules, but also by the DEC they're requiring us to do so.

So Shawangunk Dam we're required to do certain upgrade for Shawangunk Dam. That project is going to be out for bid -- the bid opening is going to be November 22nd. Bid opening is November 22nd. This is for the contractors out there. Please pass the word around. If anybody's interested in bidding on this job, the project is going to be available end of this week, the plans, so you can pick them up. Pre-bid meeting would be November 1st. So please be there. You know, try to look at the plans and have questions, so we can address them and hopefully you'll do well in the bid opening once you know what's going on with the project. That's Shawangunk Dam and it's one, two, three -- three dams not just one, Shawangunk Reservoir Dams.

Another project you can see around in here, the \$30 million project we keep reporting on, traffic

operations. You know, the contractor is moving along and we're gonna to try to shrink the scope of the work site as much as possible, so that if the weather turns, then we are ready to shut it down and just start focusing on snow removal and ice control and so on.

Street department, it's been very busy trying to put all our trucks and plows and sanders and salters and so on, you know, try them, drive around and so on and so forth to make sure that we are ready for the snow, so it doesn't, you know, we will not be caught short.

At the same time we're going to have to take some of the sanders off, put them on -- take them off in order to pick up the leaves because we need all our trucks to pick up the leaves in the city. We're trying to come up with different technology. I'll keep you updated about -- about the leaves. We're gonna do some demos and so on so forth. We tried it in the past. We were not too impressed what's out there, but now we're few years later, we're looking at it again to see more efficient, better way to pick up the leaves from our streets.

So, again, for our residents, please, you know, our success is dependent on you, your cooperation, your -- your love for the City like it's, you know, it's paramount. So work with us. Do not deposit any leaves before the date

of November 7th. Okay. Please, do keep it on your front yard, in the backyard, make a pile on your property, but don't put it on the street because you're gonna disrupt our operation. It's against -- against the code. It's against the Council resolution. You'll end up getting fined. We don't want to do that. Just keep it on your property until November 7th.

And keep in mind arrangement, not the whole city should put out their leaves on November 7th. You know, while legally you can, remember the arrangement of the wards how we're gonna go pick them up. We're gonna start with the 2nd Ward, 3rd Ward, 4th Ward, then the last ward would be the 1st Ward to pick up. All that is available on our website. Please visit our website or call DPW 343-3169 with any questions.

With that I will conclude. I don't want to take too for Acting Council President Johnson, Dr. Johnson. I don't want to abuse --

ACTING PRESIDENT JOHNSON: You're welcome -- you're welcome in my chamber.

JACOB TAWIL, DPW COMMISSIONER: I don't want to abuse my welcome.

ACTING PRESIDENT JOHNSON: Are there any other questions for Jacob or comments?

Yes, Sparrow.

ALD. TOBIN: Just a -- well, one compliment. The sidewalks look great. I really -- I think they're doing a great job.

But two, could you just review what areas are being replaced with sidewalks because we're getting some requests from people, like, hey, could you do my block or just so they know what -- what areas are -- part of the federal money.

JACOB TAWIL, DPW COMMISSIONER: Yeah. It's -- it's -- it's basically dictated to us by the DOT. All this project had to be approved by the DOT. And -- and I'm not sure it's about give minus -- plus -- it's less than 250 feet from an intersection that's where we stop. So in certain areas in there, well, it doesn't make any sense to stop just in the middle of the block because, why, because we have 100 foot from either side that would remain old beat up curbs and sidewalks. So we had other source of funding such as the street -- street scape from DRI which would be used in downtown. And also we have the ARPA funding, additional grant money. And that's only to fill the gaps in between the two, not to go further to nowhere, but to fill the gaps.

So, in other words, and I'll give you an example

here. We have James Street and -- and West Main and we have Franklin Square. If you do 250 feet from either side, you're gonna end up with like 200 feet of old sidewalk that's remaining there. We can't leave the City like that, so that's why we're utilizing other funding to fill up this gap. And that is the simple rule that we have used.

It's not going beyond the 250 feet, but it's filling the gaps, so it doesn't look Swiss Cheese. Nice intersection in the middle is crappy, excuse my expression, crappy and old curbs and sidewalks and there's no granite curb and so on and so forth, it doesn't make any sense. So that's -- that's the whole idea behind it.

ACTING PRESIDENT JOHNSON: Any other questions for Jacob? Hearing none, once again, thank you very much.

JACOB TAWIL, DPW COMMISSIONER: Thank you.

ACTING PRESIDENT JOHNSON: Superintendent of Recreation.

RAELYNN BERTHOLF, SUPERINTENDENT RECREATION:

Good evening, everyone. Dr. Johnson, you look wonderful up there tonight.

ACTING PRESIDENT JOHNSON: Oh, thank you so much.

RAELYNN BERTHOLF, SUPERINTENDENT RECREATION:

Nothing to report except a thank you to every -- all the vendors and agencies and leagues that participated in the

trunk or treat at the Farmers Market this past Saturday. It was a great turnout. Thank you to the YMCA who we partnered with for this event. It was a great event.

And also thank you to City Clerk, Mr. McCormick, whose been a great help recently for all that you do especially with the dog park licensing that we're partnering with the Facebook group that highly attends the dog park. The City Clerk has been a great help and we're truly appreciative of everything that you do.

Any questions?

ACTING PRESIDENT JOHNSON: How is Wolslayer coming?

RAELYNN BERTHOLF, SUPERINTENDENT RECREATION: Our part is done besides the stalls.

ACTING PRESIDENT JOHNSON: Great. Are there any questions for Raelynn? Hearing none, thank you very much.

RAELYNN BERTHOLF, SUPERINTENDENT RECREATION:
Thank you.

ACTING PRESIDENT JOHNSON: Appreciate it.
City Clerk.

RICHARD MCCORMACK, CITY CLERK: Nothing this evening.

ACTING PRESIDENT JOHNSON: Very good.

8. Public Hearing and Grievances:

ACTING PRESIDENT JOHNSON: Okay. Public hearing and grievances.

RICHARD MCCORMACK, CITY CLERK: Notice is hereby given that the City of Middletown will hold a public hearing on Tuesday, October 18th, 2020, 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 two lot subdivision at 1 Stub Street and 48 Beers Drive. Any and all persons wishing to be heard will be given the opportunity to speak either for or against the proposed two lot subdivision. The complete proposed application and map of the property for the two lot subdivision are available in the office of the Common Council Clerk, 16 James Street, Room 12 and on the City website.

The public hearing shall be conducted in person and via video teleconference and live on Channel 20 for viewing. The link is -- to register for the virtual public hearing is below by order of the Common Council.

ACTING PRESIDENT JOHNSON: And mailings are good?

RICHARD MCCORMACK, CITY CLERK: Mailing is good.

ACTING PRESIDENT JOHNSON: Good. Thank you.

All right. I need a motion to open the hearing. Mr. Witt, thank you. Mr. Green, thank you. Any

discussion? All in favor?

ALDERMAN: Aye.

ACTING PRESIDENT JOHNSON: Thank you. The hearing is now open, would you care to remind us of what you want to think about.

TOM LORENO: What I'm trying to do here today is to --

ACTING PRESIDENT JOHNSON: Could you please state your name for the record?

TOM LORENO: Oh, I'm sorry. My name is Tom Loreno. I'm the owner of one of the lots that we're trying to subdivide. We're -- make a line lot change which is 1 Stub Street. And what we're doing here is that our lots, me and my neighbor, our lots are triangular shaped right now. And so 30 years ago when we both moved in approximately the same month, we did a survey and we did a handshake. And the mistake we made, we did the survey, but what should have taken a handshake to here, but we did not and that's why you see me here now.

So we have lived with it for 30 years and it was -- everything worked fine for us, but now we decided it's time to make it official. So what -- all quite simple it's just a triangular shape. We're just trying to straighten them both up, square them up a little bit, so it's just a

little bit easier for everybody.

Some of the pains I've had to go through this myself is that I learned my shed was not -- a little bit over on City property. We have promptly moved that as per the direction of the City. And it's resurveyed and 100 percent exactly where it's supposed to be, not encroaching on anybody's property at all.

ACTING PRESIDENT JOHNSON: Very good.

TOM LORENO: That's what I have to say. Mr. Boyd could not make it tonight, he has work, but he's 100 percent on board with this project as well.

ACTING PRESIDENT JOHNSON: Thank you very much, sir.

TOM LORENO: Thank you. Appreciate whatever you could do and I want --

ACTING PRESIDENT JOHNSON: We're familiar with the facts, but thank you for reviewing them.

TOM LORENO: Mr. McCormick has been very resourceful as far as helping me get through this. I just want to say thank you very much.

ACTING PRESIDENT JOHNSON: Great. Anyone else who wishes to be heard regarding this top?

Eileen, anybody on line that wishes to be heard?

EILEEN: Not at this time.

ACTING PRESIDENT JOHNSON: Any members of the Council? Alderman Kleiner.

ALD. KLEINER: This -- I thank the gentleman for his preparation. And looking at this, it just makes absolute perfect sense. So I -- I see no issue with it whatsoever.

ACTING PRESIDENT JOHNSON: Any other members of the Council wish to comment? Seeing none, I seek a motion to close the hearing. Mr. Witt, thank you. Mr. Green, thank you. Any discussion? All in favor?

ALDERMAN: Aye.

ACTING PRESIDENT JOHNSON: Thank you. Motion -- public hearing is now closed. Mr. McCormick, what should we expect next?

RICHARD MCCORMACK, CITY CLERK: This Resolution will appear on the first meeting in November from the Common Council approval.

ACTING PRESIDENT JOHNSON: Okay.

TOM LORENO: Thank you.

ACTING PRESIDENT JOHNSON: You're in the tunnel, you're good to go. Thank you very much.

TOM LORENO: Thank you very much.

9. Petitions and Complaints

ACTING PRESIDENT JOHNSON: All righty. Any

petitions or complaints?

RICHARD MCCORMACK, CITY CLERK: Not this evening.

ACTING PRESIDENT JOHNSON: None this evening.

10. Remarks of the Alderman

PRESIDENT RODRIGUES: Remarks of Alderman.

I'm going to switch it up. Alderwomen Ramkissoo.

ALDERWOMAN RAMKISSOON: Wow. I don't really have anything this evening. I just wanted a reminder for the 3rd Ward residents that next week, Tuesday, the 25th is our monthly ward constituent meeting. Weather permitting, we'll be look at 6:30 at Maple Hill Park at the Bobiciks (phonetic) Pavilion. If it's not in the 60s like it said it's going to be next week we will put out an announcement for potentially bringing it back to City Hall. But for now we'd like to see if we can enjoy the view just one more time.

So that's really all I have. That's all.

ACTING PRESIDENT JOHNSON: It might be cider and hot chocolate weather. We'll see. I said it might be cider or hot chocolate weather, we'll see how it goes.

Alderman Kleiner.

ALD. KLEINER: You are mixing it up. Thank you. What a lovely day for a baseball game. But the Yankee game is over and the congressional debate is over, so here we

are 8:00.

I want to thank the Commissioner. He came to our 2nd Ward constituents meeting and was very gracious and it was a good discussion. So thank you very much for that. We appreciate it.

Before we meet again, early voting will start. So I wanted to remind people that in Middletown, the Middletown Senior Center, I believe it's the upper part of the Senior Center will be the place for early voting. And our -- our next meeting I take it is on the 1st, but early voting starts Saturday, October 29th from 10 a.m. to 6 p.m., Sunday, October 30th, 9 a.m. to 5 p.m., then Monday, Tuesday, Wednesday, Thursday, Friday, Saturday, and Sunday, November 6th. So if you plan on early voting, the times change like on Halloween it's 7 a.m. to 3 p.m. and the next Tuesday it's 12 noon to 8 p.m. So you'd want to check that.

And if you go on the Orange County website and open up the Board of Elections, you will find -- wherever the camera is -- you will find the sample ballot. And it shows you everything you need to know. And don't forget, there is a proposition on the back, so you want to look at that. That's for protecting water and clean air and such in New York State.

Other than that, I -- I think -- I brought up an issue about and what we're doing with feral cats in the City. And I think that needs to be addressed. And Alderman Masi is looking into that and the Mayor is looking into that. So I will save that for next time. And any other questions I have, I'm going to save for next meeting. Thank you.

ACTING PRESIDENT JOHNSON: Thank you.

Alderman Jean-Francois.

ALD. JEAN-FRANCOIS: Yes. Good evening. I'd also like to thank the traffic operation crew. They're doing a great job. The City is looking great. All the sidewalk is looking great. And I know it's a long way coming. The job should be done within another year or so, so it's a great progress. I like what I seen. The City is looking great. Thank you.

ACTING PRESIDENT JOHNSON: Alderman Green.

ALD. GREEN: Thank you very much.

Yeah, I do want to thank the Commissioner for taking my spot at our constituents meeting. I know they're big shoes to fill, but I hear you did a great job. I was away on business, so I appreciate it. Thank you very much for being there.

And also I just wanted to mention on behalf of

the Chief's Office at the fire department that just a reminder for everyone here that inspection night is this Friday night and we're going to be meeting at City Hall at 6 p.m., so we hope everyone can attend. Thank you.

ACTING PRESIDENT JOHNSON: Thank you.

Alderman Tobin.

ALD. TOBIN: Just to look forward to inspection night. Nothing else.

ACTING PRESIDENT JOHNSON: Alderman Witt.

ALD. WITT: Thank you. We had our 1st Ward meeting on October 12th. Thank you to the members of the Middletown Police Department who attended. It's been a -- we're getting into a nice groove with this and it's great to have those folks there to help answer some questions for us and our community. Our next meeting is on November 9th.

And that's all I have. Thank you.

ACTING PRESIDENT JOHNSON: Thank you very much, ladies and gentlemen.

11. Unfinished Business.

ACTING PRESIDENT JOHNSON: There is no unfinished business. We'll move to new business.

12. New Business.

RICHARD MCCORMACK, CITY CLERK: Good evening. We have a Resolution from Alderman Witt to grant a 30-day

waiver as per the New York Alcoholic Beverage Control Law to Yishan Korean Food LLC at 75 Railroad Avenue.

ACTING PRESIDENT JOHNSON: I have a motion from Alderman Witt. I need a second. Alderwoman Ramkissoo. Any discussion? Call the Roll.

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

RICHARD MCCORMACK, CITY CLERK: Resolution sponsored by Alderman Green authorizing a \$2,000 budget transfer to cover overdrafts.

ACTING PRESIDENT JOHNSON: I have a motion presented by Alderman Green. I need a second. Alderman Jean-Francois. Any discussion? Clerk, Call the Roll.

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

RICHARD MCCORMACK, CITY CLERK: Resolution sponsored by Alderman Kleiner to accept state and local overtime slot reimbursements for overtime incurred by officers assisting in open ATF investigations.

ACTING PRESIDENT JOHNSON: I have a motion offered by Alderman Kleiner. I need a second. Alderman Green. Is there any discussion? Clerk, call the Roll.

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

RICHARD MCCORMACK, CITY CLERK: Resolution sponsored by Alderwoman Ramkissoo authorizing pay increases for certain positions at the Middletown Police Department.

ACTING PRESIDENT JOHNSON: I have a motion by Alderman Ramkissoo. I need a second. Alderman Tobin. Any discussion? Clerk, call the Roll.

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

ACTING PRESIDENT JOHNSON: Thank you.

RICHARD MCCORMACK, CITY CLERK: Resolution sponsored by Alderman Jean-Francois to accept a \$6,250 grant award from Senator Skoufis' office for the National Night Out Against Crime event.

ACTING PRESIDENT JOHNSON: I have a motion offered by Alderman Jean-Francois. I need a second. Alderwoman Ramkissoo. Thank you. Any discussion? All in favor. I mean, sorry, call the Roll.

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

RICHARD MCCORMACK, CITY CLERK: Resolution sponsored by Alderman Tobin to accept additional funding from the Orange County Senior Citizen Transportation Program.

ACTING PRESIDENT JOHNSON: A Resolution offered by Alderman Tobin and you have a second from Alderman Kleiner. Is there any discussion? Clerk, call the roll.

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

RICHARD MCCORMACK, CITY CLERK: A Resolution sponsored by Alderman Witt authorizing a wholesale waiver agreement/proposal.

ACTING PRESIDENT JOHNSON: A Resolution offered by Alderman Witt. I need a second. Alderman Jean-Francois. Is there any discussion? Clerk, call the Roll.

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

RICHARD MCCORMACK, CITY CLERK: Resolution sponsored by Alderman Green declaring a recreation of parks -- a recreation in parks' vehicle as surplus.

ACTING PRESIDENT JOHNSON: I have a motion offered by Alderman Green. Do I have second? Alderman Tobin. Any discussion? Clerk, call the Roll.

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

RICHARD MCCORMACK, CITY CLERK: Resolution sponsored by Alderman Kleiner authorizing a \$167,803 budget transfer to cover costs associated with the Wolslayer Field Project.

ACTING PRESIDENT JOHNSON: I have a motion from Alderman Kleiner. Do I have a second? Alderman Witt. Is there any discussion? Clerk, call the Roll.

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

RICHARD MCCORMACK, CITY CLERK: Resolution sponsored by Alderwoman Ramkissoo authorizing a proposal from CDM Smith for the Water Withdrawal Permit Application.

ACTING PRESIDENT JOHNSON: I have a Resolution offered by Alderwoman Ramkissoo. Do I have a second? Alderman Kleiner. Is there any discussion? Clerk, call the Roll.

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

RICHARD MCCORMACK, CITY CLERK: Resolution sponsored by Alderman Jean-Francois to approve a modification of the restrictions contained in the deed conveying 45-51 Academy Avenue.

ACTING PRESIDENT JOHNSON: I have a Resolution offered by Alderman Jean-Francois. I'm looking for a second. Alderman Kleiner. Is there any discussion? Clerk, call the Roll.

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

12. Local Laws

ACTING PRESIDENT JOHNSON: Local Laws.

RICHARD MCCORMACK, CITY CLERK: No local laws
this evening.

13. Audit

ACTING PRESIDENT JOHNSON: Alderwoman Ramkissoo, can you help us out.

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

ACTING PRESIDENT JOHNSON: Thank you. I need a second. Alderman Green. Thank you.

Any discussion? Clerk, call the role.

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

15. Adjournment

ACTING PRESIDENT JOHNSON: Okay. I need a motion to adjourn.

ALDERWOMAN RAMKISSOON: So moved.

ACTING PRESIDENT JOHNSON: Second.

ALDERMAN: Aye.

ACTING PRESIDENT JOHNSON: All in favor?

ALDERMANS: Aye.

ACTING PRESIDENT JOHNSON: Thank you. We're
adjourned.

(PROCEEDING CONCLUDED)

CERTIFICATE

I, LISA KANE, certify the foregoing transcript of proceedings of
the October 18, 2022 Middletown City Council meeting was
prepared using the required electronic equipment and is a true
and accurate record of the proceedings.

Signature: *Lisa Kane*

Date: November 23, 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. Ramkissoon

Date of Adoption 10.18.22

Index No: 232-22

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			2

**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.

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

THE FOLLOWING WAS PRESENTED

By Ald. Green

Sec'd by Ald. Jean-Francois

Date of Adoption 10.18.22

Index No: 233-22

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			2

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
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**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 10.18.22

Index No: 234-22

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			2

Resolution to Accept 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.

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

THE FOLLOWING WAS PRESENTED

By Ald. Ramkissoon

Sec'd by Ald. Tobin

Date of Adoption 10.18.22

Index No: 235-22

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			2

**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

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

THE FOLLOWING WAS PRESENTED

By Ald. Jean-Francois

Sec'd by Ald. Ramkissoon

Date of Adoption 10.18.22

Index No: 236-22

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			2

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.

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

THE FOLLOWING WAS PRESENTED

By Ald. Tobin

Sec'd by Ald. Kleiner

Date of Adoption 10.18.22

Index No: 237-22

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			2

**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.

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

THE FOLLOWING WAS PRESENTED

By Ald. Witt

Sec'd by Ald. Jean-Francois

Date of Adoption 10.18.22

Index No: 238-22

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			2

Resolution Authorizing a 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.

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

THE FOLLOWING WAS PRESENTED

By Ald. Green

Sec'd by Ald. Tobin

Date of Adoption 10.18.22

Index No: 239-22

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			2

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.

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

THE FOLLOWING WAS PRESENTED

By Ald. Kleiner

Sec'd by Ald. Witt

Date of Adoption 10.18.22

Index No: 240-22

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			2

**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.

**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 10.18.22

Index No: 241-22

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			2

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

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

THE FOLLOWING WAS PRESENTED

By Ald. Jean-Francois

Sec'd by Ald. Kleiner

Date of Adoption 10.18.22

Index No: 242-22

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			2

**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. Ramkissoon

Sec'd by Ald. Green

Date of Adoption 10.18.22

Index No:

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			2

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