

**CITY OF MIDDLETOWN
COMMON COUNCIL MEETING AGENDA
DECEMBER 6, 2022**

1. PLEDGE OF ALLEGIANCE
2. ROLL CALL (COUNCIL CLERK)
3. APPROVAL OF MINUTES
October 18, 2022
November 1, 2022
(COUNCIL CLERK)
4. CORRESPONDENCE, COMMUNICATION
AND REPORTS
5. FOR THE GOOD OF THE CITY (PUBLIC PARTICIPATION)
Recreation Department Program Testimony
6. REMARKS OF THE MAYOR
7. REMARKS OF DEPARTMENT HEADS
8. PUBLIC HEARINGS AND GRIEVANCES
Public Hearing: C-2 Zoning
Amendment
9. PETITIONS AND COMPLAINTS (NOTHING THIS EVENING)
10. REMARKS OF THE ALDERMAN AND REPORTS OF COMMITTEES
11. UNFINISHED BUSINESS (NOTHING THIS EVENING)
12. NEW BUSINESS (RESOLUTIONS)
 - Resolution Authorizing a Proposal from Granicus for Electronic Meeting Agenda Management
 - Resolution authorizing an agreement with the Port Jervis Humane Society
 - Resolution authorizing an agreement with the Middletown Humane Society
 - Resolution authorizing a \$4000 Budget Transfer within the Goldenarea Budget to cover Fuel for the Shuttle Bus
 - Resolution authorizing the temporary borrowing of \$1,970,000 from the General Fund Balance by the Department of Economic and Community Development
 - Resolution authorizing Bonnie Masci to work as a Temporary Part-time Clerk in the Department of Public Works
 - Resolution authorizing a rate increase for Interstate Waste Services' for Solid Waste Disposal for 2023
 - Resolution authorizing a \$35,613.57 Budget Transfer from the General Fund to Cover College Programs for the Police Department
 - Resolution authorizing a \$75,000 Budget Transfer from the General Fund to Establish a Temporary Borrowing for the Fire Department's Burn Simulator
 - Resolution authorizing a Type of Use Addition to the C-2 Zoning District
 - Resolution accepting the Resignation of Dean Coleman from the Middletown Housing Authority and Appointing Reggie Steed to Serve the Balance of the Term
 - Resolution authorizing a Release of Covenants and Restrictions for 25 Mill Street



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





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:
Lisa Kane

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

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1. Pledge of Allegiance

(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
---	--------------------------	---

**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**



**Common Council Meeting
November 1, 2022
City Hall
16 James Street
Middletown, New York 10940**

PRESENT:

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

ALSO PRESENT:

Richard McCormack, Clerk
Joseph M. DeStefano, Mayor

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

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

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1. Pledge of Allegiance

(Pledge of Allegiance.)

2. Roll Call

PRESIDENT RODRIGUES: Roll.

MR. MCCORMACK: Alderman Tobin.

ALD. TOBIN: Here.

MR. MCCORMACK: Alderman Jean-Francois.

ALD. JEAN-FRANCOIS: Here.

MR. MCCORMACK: Alderman Johnson.

ALD. JOHNSON: Here.

MR. MCCORMACK: Alderwoman Ramkissoo.

ALD. RAMKISSOON: Here.

MR. MCCORMACK: Alderman Kleiner.

ALD. KLEINER: Here.

MR. MCCORMACK: Alderman Green.

ALD. GREEN: Here.

MR. MCCORMACK: Alderman Witt.

ALD. WITT: Here.

MR. MCCORMACK: Alderman Masi.

ALD. MASI: Here.

MR. MCCORMACK: President Rodrigues.

PRESIDENT RODRIGUES: Here.

MR. MCCORMACK: A quorum is present.

3. Approval of Minutes

(None this evening.)

4. Correspondence, Communications, and Reports

PRESIDENT RODRIGUES: Correspondence.

MR. MCCORMACK: Nothing this evening.

5. For the Good of the City

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

All right, remarks of the Mayor

6. Remarks of the Mayor

PRESIDENT RODRIGUES: All right, Mayor's remarks.

MAYOR DESTEFANO: Okay, just a reminder, and I'm sure Gerry will go into it, that Tuesday, a week from today, is Election Day. We, in the City, are once again hosting early voting. The early voting is available to any voter in Orange County at the Middletown site or at any of the sites within the County.

And also, there are some limited hours that we are providing, once again, free rides to the polls for early voting. So, those hours are posted daily and are also on our website. We are trying to increase the hours. Right now, I think it's mostly mornings, weekday mornings. You can call the Senior Center. You don't have to be a senior to get a ride. It is apolitical. We don't ask you who you are voting for, what party you are. Just as long as you are a Middletown resident and you need a ride to the polls, we will pick you up and bring you to vote and then you can go home and wait and see who won on Election Day.

So, we are just trying to encourage everyone to get out. The community

needs to send a message that we have people here that are interested in what is happening in Albany and in Washington. And whatever side of the aisle you are on, we need to get out and vote. So, hopefully, you will exercise that.

Tonight, we are just going to touch on the budget. The proposed budget is not yet posted on our city website but will be shortly, but I'm going to go through it briefly with you folks here.

We do have a public hearing that is planned to be held on Wednesday, November 9th, at 4:30 and that will be -- the budget will be posted much prior to that for public review. And the approval and adoption of the budget will be on Tuesday, November 15th, hopefully, approved and adopted that night.

Going through it, you can see the '22 and '23 numbers. Our operations, we've had an increase in operations from 6,500 to 7.1 million. Special items are: personal services are up slightly, employee benefits are up slightly, debt service is being converted from BANs -- this is BANs Bond Anticipation Notes -- and long-term debt.

The pension cost, as you can see, have reduced slightly, are a smaller part of our budget this year.

And workman's comp is also going down. And that, primarily, is due to some of the changes that we've made over the years in A) in how we handle claims, and B) although we don't have the analysis in, but I can tell you I believe the sanitation trucks, over the last few years, have been very helpful. If you recall, the sanitation was 50 percent of our workman's comp claims, at one point. And we don't see the claims on that level.

Health insurance has gone up almost a million dollars. I can tell you that we are working with our unions to give other options. We've had some very favorable

discussions with some of the unions and that will, hopefully bring those long-term costs down -- our short-term and long-term costs down on health insurance.

Payroll taxes are up slightly. So, the total of employee benefits has a slight increase.

We are at the tax cap for the tenth or eleventh year in a row. The water and sewer rates will go up about 34 cents from \$17.17 combined to \$17.51. And it appears the average, if I am looking at this correctly, Leonora, the average home would have a \$62.00 increase in property taxes for 2023.

So, overall, we have a six percent increase in expenses. Current inflation is 8.2 so, we're below the current inflation rate.

Areas of increase are the health insurance, as I mentioned. It has increased at over a ten percent rate.

Supply and demand on materials and supplies has really impacted us tremendously. Our Parks and Recreation programs have expanded, for example, pool maintenance. Our cost of energy has gone up huge, as everyone else in the world but, we expect about a \$350,000 a year increase in electric kilowatt hour expense, based on our contract with M&R Energy, the bids, at least, that are coming in.

The debt service payment is we used \$350,000 of the debt service fund balance. There is no other trickery in the budget. There is no money being transferred from fund balance into the general fund or from water fund.

The tax levy is below the tax cap set by New York State. And on the plus side, we are expecting an increase in New York States sales tax for the three quarters of 2023, based on the future contract extension between Orange County and the three cities.

So, we will get this out to you and we will also get it posted. And if there

are any questions from the public, we certainly would respond prior to the public hearing and also to you folks but the public hearing is scheduled, as I said, for the 15th and, hopefully, we'll get some feedback.

We do not have any additional employees added into the -- either for police or for fire. We are working on some creative ways to increase service without increasing police or firemen but that is not a budget issue. That will be actually a budget-saving issue but we can't put it into the plan, at this point.

So, if you have any questions, I'd take them now or you can study it and come back. And feel free to email me or give me a call.

PRESIDENT RODRIGUES: Any questions for the Mayor?

Okay, thank you, Mayor.

MAYOR DESTEFANO: I want to thank the Council President and the Finance Chairman, Mr. Masi, for their hard work, and also Leonora and her staff for all the hours that we put in putting the budget together.

You didn't think I would say thank you, did you?

PRESIDENT RODRIGUES: You're a good man --

MAYOR DESTEFANO: Yeah, thank you.

PRESIDENT RODRIGUES: -- sometimes.

UNIDENTIFIED SPEAKER: Why did you thank him?

7. Remarks of Department Heads

PRESIDENT RODRIGUES: Remarks of Department Heads.

DPW Commissioner.

MR. TAWIL: Good evening. So, our reservoirs, Alderman Masi, 84.3 percent capacity. So, we're in good shape but still, we haven't had that much rain. So,

hopefully, we will have so much more rain to fill it up -- fill the reservoirs up.

Today, we had -- we advised the public last time and you that we have a project out for bid for upgrading the three dams for Shawangunk Reservoir. Today, we had the pre-bid meeting, which all the contractors will come out, ask questions, understand what the project is all about. So, we had like eight contractors today, which is great for us. Hopefully, we will get favorable numbers, when we open the bids in November -- well November 22nd, I believe is the bid opening but it is on our website.

With that being said, we have, with our water-taking permit from the DEC we had conditions in there as part of the water-taking permit, which is to install flow meters at different places. Two of them, we have installed by October 28th, which is the date given to us by the DEC and that is for Indigot Creek and for Mill Pond. So, the flow meters are there and functioning. We are supposed to use them only when we are pumping. And we are not pumping, obviously, because we still have plenty of water and we are in good shape.

So, another condition of the water-taking permit is to install flow meters, two of them at Kinch Reservoir and one of them at Shawangunk. And those are an extensive operation that we have to do. It is not an easy construction or easy installation like we did with the other two. So, they are being incorporated into the dam upgrade projects.

The dam upgrade project is for Shawangunk and another one for Kinch. Right now, we have the Shawangunk upgrade out for bid right now. We are hoping, in another week, we will get out the plans to bid the improvement for Kinch Reservoir, after which -- during which, the installation of the flow meter required by the DEC will be done.

So, the DEC is not -- they are saying well, you haven't met your deadlines but they understand. It was their idea to incorporate the flow meters in the dam upgrade construction for Kinch and for Shawangunk. So, it is a long story to say that we are working with the DEC to meet their target dates for the installation of the flow meters but they are being incorporated -- they are incorporated into the dam upgrade projects, which means it's going to take a little bit more time. So, we are hoping towards November next year the flow meters will be functioning and the DEC will be happy with that. We are hoping they will be happy with that.

Before you tonight there is a resolution to increase the compensation for the contract for water treatment plant operator. That's a private operator in there. Part of the increase will be to cover retired operator from the City of Middletown that we cannot fill that position. We have been looking for water treatment plant operators for a few years with the help of the Civil Service Office, Alderman Masi.

And we are having the same issue with the waste water treatment plant and that is an issue throughout New York State. It is not only specific to us with the lack of certified operators and qualified operators.

So, before you, is that increase. The increase looks huge but, when you break it down into providing -- supplementing the hours for an operator, a licensed operator and then you go back and increase their annual contract with us by 35 percent, you know it will make some sense the increase. It still looks high. They asked for a much higher number. They asked for \$376,000. After negotiating with them, we cut it down to \$288,000 per year.

We have to remember that this company, it was a family-owned company. The father or the founder of the company just retired. He has been working with us since

2011. He never asked for a penny in increase in his contract and he did a great job for us. And now he retired.

And so, his company got purchased by a Canadian company and now everybody has to get paid the fair market price and he showed us the numbers and how much they are paying people and how much compensation they are asking for. And the numbers make sense of what they are providing for us.

So, that does not preclude us from looking for other operators in the future and so on and so forth. You know they might be the best operators for us in the future, as well. But the City is still looking and we will be looking in the future but, for now, we ask for your support to support the increase in this contract.

Another issue is the leaves -- because I don't want to just talk too much here -- the leaves, please, many people are not listening to us. We don't want to start issuing violations. Hold back the leaves. Keep the leaves in the front of your yard until you see the date of when we are going to pick up the leaves in your ward. Again, don't put it all at once because November 7th or whatever the date is -- I believe it is November 7th, right, Gerry?

ALD. KLEINER: Yes.

MR. TAWIL: Yeah, November 7th when you are allowed to put the leaves in the street. Just hold it back. Don't put it all in the street because it provides hazardous conditions, especially if we have some snow or ice, or something like that in November. You don't know. So, just keep it in front of your -- in your front yard as much as you can, please, and don't put it in the street until after November 7th. We appreciate that very much.

Any questions?

PRESIDENT RODRIGUES: Any questions for Jacob?

Alderman Jean-Francois.

ALD. JEAN-FRANCOIS: Yes, Commissioner, can you tell us what is the purpose for the flow meters?

MR. TAWIL: For the flow meters, it will help us and it will help the DEC, as well, to monitor how much flow is going from one reservoir to another reservoir, to transfer water from one reservoir to another and also, how much water we are discharging or allowing to go into the stream to support aquatic life in the stream, downstream.

Of course, the City has been functioning like this for a hundred years. It never had the flow meters. This is the first time we are going to be installing them as a condition of the DEC to give us the water-taking permit and allowing us to expand our water district, supply the Psychiatric Center out of 17M in Goshen with water and sewer, and Amy's Kitchen, to give them water and all that stuff. That's part -- it's all evolution with our water-taking permit by the DEC to get to that point, which is -- we support it. We are not against it. We agreed with it. You know it's going to take some money and some effort and it's going to be valuable data for us even to collection -- more than the DEC but the DEC is the one who asked for it.

ALD. JEAN-FRANCOIS: Thank you.

MR. TAWIL: You're welcome.

PRESIDENT RODRIGUES: Alderman Tobin.

ALD. TOBIN: I just have a question for the Commissioner. Is there other operators that, if this company does not work out, we can find? I mean I know I'm not really in favor of privatization but I did vote the last time because we're in a rock and a

hard place, there was a health and safety issue. But like it bothers me that a company from Canada is now in charge of our waste water treatment. I mean --

PRESIDENT RODRIGUES: Water and sewer.

ALD. TOBIN: Water and sewer. Are there other operations that could take over, that we could get if it doesn't work out with this company?

MR. TAWIL: Yeah, we'll be looking. Eventually, we will have to advertise this project for public bidding --

ALD. TOBIN: Okay.

MR. TAWIL: -- for those private positions and I will talk to you offline, the Mayor and I about what other things we -- because we are in conversation with the unions as well.

ALD. TOBIN: Okay.

MAYOR DESTEFANO: We've been giving the test and no one is taking it.

ALD. TOBIN: Yeah, I know. That's unfortunate.

MR. TAWIL: Yeah, we've been advertising in the paper.

MAYOR DESTEFANO: That's why we're here. Yeah, let me just -- I just want to finish my point.

MR. TAWIL: Yup.

MAYOR DESTEFANO: The reason why we're here with a private company is because, as Jacob said, there's only 33 operators statewide, licensed for this. But we've been giving the test and no one has been giving it -- or taking it. So, we don't have the ability to hire an employee, which forces us to go to the private sector. And these companies, you know these are not eight-hour a day contracts. These are

companies that are overseeing the licensing. They have that special license that is required for a water treatment plant of our size.

So, we're between a rock and a hard place but, once we are able to work out things with the union, then we can bid things, either long distance, or there were discussions the other day about trying to get somebody internally. But, unfortunately, no one has taken a test.

So, if anyone is listening and they want a nice career, I mean, water treatment operator, these licenses are -- they are very valuable. People are making a big buck on it but it is out of our control regarding city employees.

We have given every opportunity to the staffing at both water and waste water to give them the education and necessary time to become licensed. But it's not only here, it's all over the state. So, that's the position we're in and that is why we are -- the numbers look big but, when you consider taking the other position out and the fact that there hasn't been increase in so many years, it seems almost reasonable. But we will bid it, at some point.

ALD. TOBIN: Thank you.

MAYOR DESTEFANO: You're welcome.

MR. TAWIL: Also, one more thing. The Mayor is 100 percent right. We put even ads in the paper. We put ads in Indeed, the civil services advertising to come and take the test, and the usual channels and there are no takers.

But also, what is in important is, it doesn't mean just to have the license. We have people who have licenses and they can operate. They are qualified. The license will allow them to operate the plant but, unfortunately, they are not -- they can't do it. So, it is not only getting the license it is also being -- having the talent and the capability to

run it. You know you have good doctors; you have bad doctors. You know it doesn't mean every doctor can run their own business.

PRESIDENT RODRIGUES: Alderman Jean-Francois.

ALD. JEAN-FRANCOIS: Do we know when the next test is taking place?

MR. TAWIL: Yeah, it's been Alderman Masi's work. Civil Service will advertise that and they advertised it a couple of times already. We've been through this iteration a couple of times.

To finish what the Mayor was saying, we had one operator in there. He just finished his licensing. Without even obtaining his license, we hired him immediately, when a letter from the Department of Health saying that this guy, he met all the requirements. We hired him on the spot and he is part of the union right now. He's working for us.

So, if we find them, we'll get them in there. It doesn't mean they can become chief operator but they can become operator -- shift operators. And shift operators, it's okay, they can manage. But the chief operator is a whole different level, although you may have the license for it.

PRESIDENT RODRIGUES: Alderman Kleiner.

ALD. KLEINER: Thank you.

Jacob, I just want to reemphasize the point that we've hired these people for the past 11 years and they have not raised their contract price ever to us.

MR. TAWIL: Absolutely. Since 2011, absolutely.

ALD. KLEINER: Yeah, how he was able to do that, I'm not sure but now it has caught up with us.

MR. TAWIL: Yeah, it's basically like you said, Gerry -- Alderman. Because it's a family-owned business. The guy, he owned the business so, he took pride of running Middletown. He literally did.

ALD. KLEINER: Yeah.

MR. TAWIL: And he wasn't going to get rich of us but now, the new company, now they have to pay salaries for different people. He owned the company. He was making good money. He was happy.

So, now a different regime and --

PRESIDENT RODRIGUES: Thank you.

MR. TAWIL: Yeah, thank you very much for bringing that up, too.

PRESIDENT RODRIGUES: Thank you, Jacob.

MR. TAWIL: Yes, sir.

PRESIDENT RODRIGUES: City Treasurer.

MS. LIZ: Good evening. I have no remarks for tonight.

Do you have any questions for me?

PRESIDENT RODRIGUES: Any questions?

Thank you.

Police Chief.

CHIEF EWANCIW: Good evening.

Last -- two weeks ago, I had Detective Charles Nyland retire from the Department after 20 years. So, I just want to publicly recognize him and thank him for his 20 years of service to Middletown.

Before he became a police officer with us, he was actually a teacher at the Middletown High School.

And I just want to wish him luck in the next chapters of his life. He was a great asset and he will definitely be missed.

In regards to our Police Commission meeting, this month's meeting has been rescheduled from the 17th to the 21st, due to a scheduling issue on my behalf.

And lastly, I would just like to -- I know I did share an email with all of the council members but just publicly address that Police Officer Evan Barone has been awarded the 2020 New York State Police Officer of the Year award. It is such an honor. It does not bring Officer Barone back. It does not take away his injuries. It does not address any of that. However, it is an honor that he has been recognized by New York State as the Police Officer of the Year for 2020.

So, I just wanted to put that out there.

And just recently, we just had the sentencing of the individual that shot Officer Barone. And we are pleased, being that it was not just an attack on here, on our own police officer but police in general, and the individual that was responsible for shooting Officer Barone was sentenced to 58 and a half years in prison.

So, we appreciate the Court's findings in that matter.

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

PRESIDENT RODRIGUES: Any questions for the Police Chief?

Thank you, Chief.

Superintendent of Recreations.

MS. BERTHOLF: Good evening, everyone.

I would just like to thank everyone who donated candy for our numerous Halloween events that we had. I do love October but I am very glad that Halloween and all these Trunk or Treats are over.

We did have a very successful dog costume contest at the Dog Park. If you went by on Saturday, that parking lot was jam-packed with people with the Dog Park Halloween costume. Thanks to the City Clerk's Office, who was there registering some of the City of Middletown residents' dogs there, also.

Also, thank you to the Middletown Fire Department and Police Department, who did come to a lot of our Halloween events, especially the Little Wreckers Toddler Program that we have that they came and gave out candy. And the Fire Department, who also came, and showed the kids the trucks and did the whole fire safety unit with the kids.

We have a Thanksgiving food drive that the Mayor's Youth Council is currently working on. You'll see boxes in City Hall and also in our department, as well. So, we are taking canned goods and any nonperishable things to pack Thanksgiving baskets.

November 19th, we are going to have a skateboard contest, obviously, at the Skate Park. We are in the process of securing the prizes and the giveaways for the contest, and starting registration very shortly from little kids all the way up through adults, and their own women and girls' bracket, also, for the contest.

We are starting to plan our winter events, our winter sports clinics, our winter recreation activities, and also, most importantly, our free rec fitness programs that are going to continue throughout the winter.

We are very happy that our college kids are coming home for Thanksgiving. We are going to have a meeting with, I would probably say, 80 percent of our college kids that worked for us over the summer that do an amazing job, and start planning winter activities for that long break that they are home. A lot of them are

college athletes and they play specialty sports. So, we're looking to either do a few nights a week, or one night, two nights, two-week, three-week programs while they are home. And like I said, specialty programs for specialty sports that our college athletes are very good at.

And most importantly, mid-November we are looking forward to having our ice-skating rink set up. Mid-November it will be here, set up, and we just ordered all the supplies needed for it. So, that should be here also, hopefully, by mid-November to get that up and running.

Any questions?

PRESIDENT RODRIGUES: Any questions for Raelynn?

Okay, thank you.

Corporation Counsel.

MR. SMITH: I don't have anything tonight, unless somebody has got some questions for me.

PRESIDENT RODRIGUES: Any questions for our Corporation Counsel?

Thank you, Alex.

City Clerk.

MR. MCCORMACK: I just wanted to thank Parks and Rec and Raelynn for inviting us out to the Dog Park this weekend. We've been trying to expand some of our City Clerk services outside normal working hours. We partnered with the school district last week and we offered municipal IDs at one of their events and we're going to be doing it again in two weeks. So, thank you for the opportunity of working with you guys.

PRESIDENT RODRIGUES: Any questions for the City Clerk? Okay.

8. Public Hearings and Grievances (None this evening.)**9. Petitions and Complaints (None this evening.)****10. Remarks of the Aldermen and Reports of Committees**

PRESIDENT RODRIGUES: Remarks of Aldermen.

Alderman Masi.

ALD. MASI: Yeah, I have two things. One, the City Clerk just finished his presentation. I just want to tell him I'm sorry I wasn't here at the last meeting and I am extremely disappointed that a former employee that was given pretty much the City and came here and tried to embarrass you and embarrass the leadership of the City of Middletown.

Everyone makes mistakes and maybe you made one, maybe you didn't. I have been here 18 years and I've made some. But for him to come here and do what he did, as just not called for. And I'm assuming he will be back again and I will be the wrath of his comments. I could care less.

But I want to tell you, I think you have been doing an outstanding job and I'm happy you are here. And I am hoping that those comments did not negatively affect you and that, under no circumstances, will you leave.)

Second, Election Day is coming up. Early voting has started and, I believe, Mr. Mayor, I was told because I did vote early myself, it was 7:00 to 3:00 Monday through Friday. That's what I was told over at the Senior Center.

MAYOR DESTEFANO: There are different times.

ALD. MASI: Okay.

MAYOR DESTEFANO: It's posted.

ALD. MASI: Okay. Anyway, if you haven't voted, please remember a

couple of things when you go in to vote, whether it is economics, whether it is the City, the one thing that is pretty constant, we have to take care of our local law enforcement. We don't want crime to take us over. We have an excellent, and I mean an excellent police force. They do their job.

When you are going to vote, please know the candidates you are going to vote for and make sure that they encourage and support our Police Department.

I happen to know of an incident where Middletown has put many hours in, the police have done their job, have had contact with an individual 147 times, arrested him 48 times. He knows the system, plays it well, and is just always back out there.

So, please support the people that support our Police Departments and do make sure you get out there to vote. Thank you.

PRESIDENT RODRIGUES: Alderman Witt.

ALD. WITT: Thank you very much. Just one thing I wanted to mention. Our Ward meeting will be next Wednesday, November 9th, at 5:30. It will be here in the Common Council Chambers, second floor of City Hall.

We had some questions last time about the Twin Towers renovations. That referendum passed last December but I'll have some information, some of the visual aids that we had from a year ago there, if anyone wants to see what the proposed finished product will look like.

So, I hope to see you. Thank you.

PRESIDENT RODRIGUES: Alderman Green.

ALD. GREEN: Thank you very much.

The only thing I have this evening is that on Monday, the 14th, will be the 2nd Ward constituents meeting here at City Hall at 7:00 p.m. So, even though it will

seem weird it is, actually, the second Monday. So, Monday, November 14th at 7:00 p.m.

Thank you.

PRESIDENT RODRIGUES: Alderman Kleiner.

ALD. KLEINER: Thank you.

We voted on Saturday and I do want to thank the people who are making that possible, all the election workers. And what's going on around the country, threats to election workers because you don't like the results, it really -- making a threat against an election worker ought to be a crime in itself and ought to be prosecutable. So, I thank them.

I remind people, yes, early voting is through Sunday, November 6th on Sunday 9:00 to 5:00 and then, next Tuesday, November 8th will be Election Day. Don't forget to flip your ballot over because on the back of it is the environmental bond and I hope everyone will vote in favor of New York being able to bond really important environmental issues to help keep our water clean, our air clean, our planet safe to live on.

So, everybody, please go vote.

Next Friday, November 11th, is Veterans Day and the American Legion Post 151 will be doing a Veterans Day recognition celebration. And that, of course, is the 11th day of the 11th month, at the 11th hour. So, no one should be confused as to the time. It's always the same. So, please come out for that.

Well, one thing, quickly. The Board of Estimate meetings, which have always been at 4:30 on Thursdays, have lately been at 3:00 on Thursdays or at 3:30. And I wanted to make sure that people know that and, if you are interested in watching a Board of Estimate meeting, make sure you look at the City calendar so that you are there

in time. I know I missed a couple of them because I didn't catch on early enough that they were doing it early to accommodate people's schedules and I understand that. So, just be aware of that.

I just want to make one comment on the difference between misinformation and disinformation. Misinformation, anybody can make a mistake; the information can be incorrect. Disinformation, which we see so much of, is intentional. And when you still claim that Donald Trump won the election, that is disinformation. And the argument against it is not that there is no proof that Biden didn't win, it's that there is overwhelming evidence that it was a free and fair election, the most free and fair election we have ever had.

This overwhelming recount after recount, court case after court case. So, it's not just the negative. It's the positive. And if you don't know how to tell fact from fiction that way, you need to go back to school for a little while. It's just unbelievable.

So, I urge people to vote like your democracy depended on it because it really does.

Thank you.

PRESIDENT RODRIGUES: Alderwoman Ramkissoo.

ALD. RAMKISSOON: Good evening. I just wanted to make sure I said congratulations on a well-deserved for Officer Barone. So new to the force and, obviously, so highly trained to have handled that situation the way that he did. So, I'm proud of him for the award and my thoughts are with him and his family. And we keep wishing for his quick return to full health.

For the budget, I know you did a great job, Leonora. And my thanks to the Board of Estimate, and the Finance Committee, and all our Department Heads who,

somehow, manage to make those numbers work every year. You guys do a great job.

That's really all I have today. I'll just leave it at that.

Go and vote. Vote, vote, vote. Don't forget.

PRESIDENT RODRIGUES: Alderman Johnson.

ALD. JOHNSON: Thank you.

I agree; kudos to all of the people involved in the budget process. Thank you so much.

I was going to let the last meeting lie but, Mr. Masi has opened the door. I had the inadvertent opportunity to chair the meeting and I was somewhat taken unawares by the speaker's comments. And perhaps I was deferring to his status as a former chief of police but there are three items that need to be corrected.

Number one, they are for the future, not for me. Yesterday is gone. I screwed it up. I can't do it over. There is a four-minute time limit. Seven minutes is not four minutes. The speaker should have known better.

Secondly, the speaker identified himself as an ADA advocate and then proceeded to discuss, in detail, an employee's medical history and status. I'm not sure that that is accurate. I'm not sure it doesn't violate HIPAA regulations. But once again, I didn't know of such a category as an advocate for ADA.

And number three, and most importantly, I should have called a point of order. If you want to -- if anybody comes to this microphone and wants to critique a process, have at it. Once you put an employee's name into the mix -- you could have easily said the process was not followed, it was 20 days, it was 46 days but, once you put the person's name into it, I should have called a point of order and told the speaker you can proceed accordingly, according to these rules, or you can stop speaking.

It's water under the bridge but it needs to be said for the future. Thank you.

PRESIDENT RODRIGUES: Thank you.

Alderman Jean-Francois.

ALD. JEAN-FRANCOIS: Yes, good evening.

Our 4th Ward constituents meeting will be here at this Saturday, November 5th, from 10:00 to 11:00 and Sparrow and I will be here.

Alderman Masi?

ALD. MASI: Where do you plan on having it? Did you say this week?

ALD. JEAN-FRANCOIS: Correct, this weekend, this Saturday.

ALD. MASI: We have a test.

MR. MCCORMACK: We'll talk.

ALD. JEAN-FRANCOIS: Okay.

ALD. MASI: Just to be clear, it won't be here --

ALD. JEAN-FRANCOIS: We can have it in your office.

ALD. MASI: -- in this --

ALD. JEAN-FRANCOIS: Okay. We can have it in your office. Is that okay?

ALD. MASI: Oh, absolutely.

ALD. JEAN-FRANCOIS: Okay.

ALD. MASI: I just -- but I don't want people -- because we have a test that day.

ALD. JEAN-FRANCOIS: Okay. All right.

ALD. TOBIN: We'll have it upstairs.

ALD. MASI: Thank you.

ALD. JEAN-FRANCOIS: Upstairs, from 10:00 to 11:00. Sparrow will be here. Please come join us. Thank you.

PRESIDENT RODRIGUES: Alderman Tobin.

ALD. TOBIN: I'd just like to thank Kevin Gomez from the School Board and the Mayor for supporting his resolution calling for a separate aid category -- or a separate -- yeah, aid for schools to provide security for our children. I mean we have guards in banks. We have guards at the mall. We have guards at jewelry stores, federal buildings, judges, I think it's courtrooms. I think there is nothing more precious than our students and our children in our community and they should be guarded as well. So, thank you.

Yes, go out and vote; I agree. And do your homework. I mean there is so much propaganda out there, especially if you watch YouTube. I know my children are sick of the commercials on either side. So, do your homework. You know there is a lot of propaganda. I really encourage people -- each side has websites, check it out and don't believe the fearmongering and some of the stuff you see on the negative commercials, which really turns people off to politics because you see oh, this guy is horrible, this guy is horrible, and people end up saying I hate both sides. So, really, I encourage people to do their homework and vote for what's important for them.

Thank you.

11. Unfinished Business (None This Evening)

12. New Business

PRESIDENT RODRIGUES: New business.

MR. MCCORMACK: We have a resolution sponsored by Alderman

Jean-Francois declaring a SEQRA Notice Lead Agency Designation and Determination of Non-significance for a two-lot subdivision at Stub Street and Beers Drive.

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

Any discussion?

Roll.

MR. MCCORMACK: Tobin.

ALD. TOBIN: Aye.

MR. MCCORMACK: Jean-Francois.

ALD. JEAN-FRANCOIS: Aye.

MR. MCCORMACK: Johnson.

ALD. JOHNSON: Aye.

MR. MCCORMACK: Ramkissoo.

ALD. RAMKISSOON: Aye.

MR. MCCORMACK: Kleiner.

ALD. KLEINER: Aye.

MR. MCCORMACK: Green.

ALD. GREEN: Aye.

MR. MCCORMACK: Witt.

ALD. WITT: Aye.

MR. MCCORMACK: Masi.

ALD. MASI: Aye.

MR. MCCORMACK: President Rodrigues.

PRESIDENT RODRIGUES: Aye.

MR. MCCORMACK: It carries.

A resolution sponsored by Alderman Tobin approving a two-lot subdivision lot line change for 1 Stub Street and 48 Beers Drive.

PRESIDENT RODRIGUES: A resolution sponsored by Alderman Tobin and seconded by Alderman Green.

Any discussion?

Roll.

MR. MCCORMACK: Tobin.

ALD. TOBIN: Here -- aye. Sorry. Aye.

MR. MCCORMACK: Jean-Francois.

ALD. JEAN-FRANCOIS: Aye.

MR. MCCORMACK: Johnson.

ALD. JOHNSON: I am here and I say aye.

MR. MCCORMACK: Kleiner.

ALD. KLEINER: Aye.

MR. MCCORMACK: Ramkissoo.

ALD. RAMKISSOON: Aye.

MR. MCCORMACK: Green.

ALD. GREEN: Aye.

MR. MCCORMACK: Witt.

ALD. WITT: Aye.

MR. MCCORMACK: Masi.

ALD. MASI: Aye.

MR. MCCORMACK: President Rodrigues.

PRESIDENT RODRIGUES: Aye.

MR. MCCORMACK: It carries.

A resolution sponsored by Alderman Masi requesting the County of Orange to exempt properties of the City of Middletown from certain county real estate taxes.

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

Any discussion?

Roll.

MR. MCCORMACK: Tobin.

ALD. TOBIN: Aye.

MR. MCCORMACK: Jean-Francois.

ALD. JEAN-FRANCOIS: Aye.

MR. MCCORMACK: Johnson.

ALD. JOHNSON: Aye.

MR. MCCORMACK: Ramkissoo.

ALD. RAMKISSOON: Aye.

MR. MCCORMACK: Kleiner.

ALD. KLEINER: Aye.

MR. MCCORMACK: Green.

ALD. GREEN: Aye.

MR. MCCORMACK: Witt.

ALD. WITT: Aye.

MR. MCCORMACK: Masi.

ALD. MASI: Aye.

MR. MCCORMACK: President Rodrigues.

PRESIDENT RODRIGUES: Aye.

MR. MCCORMACK: It carries.

A resolution sponsored by Alderman Witt accepting a \$169.15 donation from the Kiwanis Club of Middletown.

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

Any discussion?

Roll.

MR. MCCORMACK: Tobin.

ALD. TOBIN: Aye.

MR. MCCORMACK: Jean-Francois.

ALD. JEAN-FRANCOIS: Aye.

MR. MCCORMACK: Johnson.

ALD. JOHNSON: Aye.

MR. MCCORMACK: Ramkissoo.

ALD. RAMKISSOON: Aye.

MR. MCCORMACK: Kleiner.

ALD. KLEINER: Aye.

MR. MCCORMACK: Green.

ALD. GREEN: Aye.

MR. MCCORMACK: Witt.

ALD. WITT: Aye.

MR. MCCORMACK: Masi.

ALD. MASI: Aye.

MR. MCCORMACK: President Rodrigues.

PRESIDENT RODRIGUES: Aye.

MR. MCCORMACK: It carries.

A resolution sponsored by Alderman Johnson declaring at 50-foot strip of land in front of 6 Manhattan Avenue as surplus and authorizing a quitclaim deed conveying said property to the owner.

PRESIDENT RODRIGUES: Resolution sponsored by Alderman Johnson, seconded by Alderman Masi.

Any discussion?

Roll.

MR. MCCORMACK: Tobin.

ALD. TOBIN: Aye.

MR. MCCORMACK: Jean-Francois.

ALD. JEAN-FRANCOIS: Aye.

MR. MCCORMACK: Johnson.

ALD. JOHNSON: Aye.

MR. MCCORMACK: Ramkissoon.

ALD. RAMKISSOON: Aye.

MR. MCCORMACK: Kleiner.

ALD. KLEINER: Aye.

MR. MCCORMACK: Green.

ALD. GREEN: Aye.

MR. MCCORMACK: Witt.

ALD. WITT: Aye.

MR. MCCORMACK: Masi.

ALD. MASI: Aye.

MR. MCCORMACK: President Rodrigues.

PRESIDENT RODRIGUES: Aye.

MR. MCCORMACK: It carries.

A resolution sponsored by Alderman Green authorizing an increase in the Corporation Counsel's litigation rate.

PRESIDENT RODRIGUES: Resolution sponsored by Alderman Green, seconded by Alderman Kleiner.

Any discussion?

Roll.

MR. MCCORMACK: Tobin.

ALD. TOBIN: Aye.

MR. MCCORMACK: Jean-Francois.

ALD. JEAN-FRANCOIS: Aye.

MR. MCCORMACK: Johnson.

ALD. JOHNSON: Aye.

MR. MCCORMACK: Ramkissoo.

ALD. RAMKISSOON: Aye.

MR. MCCORMACK: Kleiner.

ALD. KLEINER: Aye.

MR. MCCORMACK: Green.

ALD. GREEN: Aye.

MR. MCCORMACK: Witt.

ALD. WITT: Aye.

MR. MCCORMACK: Masi.

ALD. MASI: Aye.

MR. MCCORMACK: President Rodrigues.

PRESIDENT RODRIGUES: Aye.

MR. MCCORMACK: It carries.

A resolution sponsored by Alderwoman Ramkissoo authorizing a \$10,000 budget transfer to cover O&R expenses at the Senior Center.

PRESIDENT RODRIGUES: Resolution sponsored by Alderwoman Ramkissoo, seconded by Alderman Tobin.

Any discussion?

Roll.

MR. MCCORMACK: Tobin.

ALD. TOBIN: Aye.

MR. MCCORMACK: Jean-Francois.

ALD. JEAN-FRANCOIS: Aye.

MR. MCCORMACK: Johnson.

ALD. JOHNSON: Aye.

MR. MCCORMACK: Ramkissoo.

ALD. RAMKISSOON: Aye.

MR. MCCORMACK: Kleiner.

ALD. KLEINER: Aye.

MR. MCCORMACK: Green.

ALD. GREEN: Aye.

MR. MCCORMACK: Witt.

ALD. WITT: Aye.

MR. MCCORMACK: Masi.

ALD. MASI: Aye.

MR. MCCORMACK: President Rodrigues.

PRESIDENT RODRIGUES: Aye.

MR. MCCORMACK: It carries.

A resolution sponsored by Alderman Kleiner authorizing an agreement with New York Cooperative Liquid Assets Security Systems.

PRESIDENT RODRIGUES: Resolution sponsored by Alderman Kleiner, seconded by Alderman Green.

Any discussion?

Roll.

MR. MCCORMACK: Tobin.

ALD. TOBIN: Aye.

MR. MCCORMACK: Jean-Francois.

ALD. JEAN-FRANCOIS: Aye.

MR. MCCORMACK: Johnson.

ALD. JOHNSON: Aye.

MR. MCCORMACK: Ramkissoo.

ALD. RAMKISSOON: Aye.

MR. MCCORMACK: Kleiner.

ALD. KLEINER: Aye.

MR. MCCORMACK: Green.

ALD. GREEN: Aye.

MR. MCCORMACK: Witt.

ALD. WITT: Aye.

MR. MCCORMACK: Masi.

ALD. MASI: Aye.

MR. MCCORMACK: President Rodrigues.

PRESIDENT RODRIGUES: Aye.

MR. MCCORMACK: It carries.

A resolution sponsored by Alderman Masi authorizing waiving building permit and hookup fees for 52 Broad Street.

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

Any discussion?

Roll.

MR. MCCORMACK: Tobin.

ALD. TOBIN: Aye.

MR. MCCORMACK: Jean-Francois.

ALD. JEAN-FRANCOIS: Aye.

MR. MCCORMACK: Johnson.

ALD. JOHNSON: Aye.

MR. MCCORMACK: Ramkissoo.

ALD. RAMKISSOON: Aye.

MR. MCCORMACK: Kleiner.

ALD. KLEINER: Aye.

MR. MCCORMACK: Green.

ALD. GREEN: Aye.

MR. MCCORMACK: Witt.

ALD. WITT: Aye.

MR. MCCORMACK: Masi.

ALD. MASI: Aye.

MR. MCCORMACK: President Rodrigues.

PRESIDENT RODRIGUES: Aye.

MR. MCCORMACK: It carries.

A resolution sponsored by Alderman Tobin authorizing budget transfers totaling \$52,525 in the Police Department budget.

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

Any discussion?

Roll.

MR. MCCORMACK: Tobin.

ALD. TOBIN: Aye.

MR. MCCORMACK: Jean-Francois.

ALD. JEAN-FRANCOIS: Aye.

MR. MCCORMACK: Johnson.

ALD. JOHNSON: Aye.

MR. MCCORMACK: Ramkissoo.

ALD. RAMKISSOON: Aye.

MR. MCCORMACK: Kleiner.

ALD. KLEINER: Aye.

MR. MCCORMACK: Green.

ALD. GREEN: Aye.

MR. MCCORMACK: Witt.

ALD. WITT: Aye.

MR. MCCORMACK: Masi.

ALD. MASI: Aye.

MR. MCCORMACK: President Rodrigues.

PRESIDENT RODRIGUES: Aye.

MR. MCCORMACK: It carries.

A resolution sponsored by Alderman Jean-Francois authorizing the purchase of five additional body cameras and a docking station for the Middletown Police Department.

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

Any discussion?

Roll.

MR. MCCORMACK: Tobin.

ALD. TOBIN: Aye.

MR. MCCORMACK: Jean-Francois.

ALD. JEAN-FRANCOIS: Aye.

MR. MCCORMACK: Johnson.

ALD. JOHNSON: Aye.

MR. MCCORMACK: Ramkissoon.

ALD. RAMKISSOON: Aye.

MR. MCCORMACK: Kleiner.

ALD. KLEINER: Aye.

MR. MCCORMACK: Green.

ALD. GREEN: Aye.

MR. MCCORMACK: Witt.

ALD. WITT: Aye.

MR. MCCORMACK: Masi.

ALD. MASI: Aye.

MR. MCCORMACK: President Rodrigues.

PRESIDENT RODRIGUES: Aye.

MR. MCCORMACK: It carries.

A resolution sponsored by Alderman Masi authorizing Amendment #4 to the B&L contract for additional construction administration and construction observation services.

PRESIDENT RODRIGUES: Resolution sponsored by Alderman Masi, seconded by Alderman Tobin.

Any discussion?

Roll.

MR. MCCORMACK: Tobin.

ALD. TOBIN: Aye.

MR. MCCORMACK: Jean-Francois.

ALD. JEAN-FRANCOIS: Aye.

MR. MCCORMACK: Johnson.

ALD. JOHNSON: Aye.

MR. MCCORMACK: Ramkissoon.

ALD. RAMKISSOON: Aye.

MR. MCCORMACK: Kleiner.

ALD. KLEINER: Aye.

MR. MCCORMACK: Green.

ALD. GREEN: Aye.

MR. MCCORMACK: Witt.

ALD. WITT: Aye.

MR. MCCORMACK: Masi.

ALD. MASI: Aye.

MR. MCCORMACK: President Rodrigues.

PRESIDENT RODRIGUES: Aye.

MR. MCCORMACK: It carries.

A resolution sponsored by Alderman Green authorizing a proposal from WSP for grant application assistance.

PRESIDENT RODRIGUES: Resolution sponsored by Alderman Green, seconded by Alderwoman Ramkissoon.

Any discussion?

Roll.

MR. MCCORMACK: Tobin.

ALD. TOBIN: Aye.

MR. MCCORMACK: Jean-Francois.

ALD. JEAN-FRANCOIS: Aye.

MR. MCCORMACK: Johnson.

ALD. JOHNSON: Aye.

MR. MCCORMACK: Ramkissoo.

ALD. RAMKISSOON: Aye.

MR. MCCORMACK: Kleiner.

ALD. KLEINER: Aye.

MR. MCCORMACK: Green.

ALD. GREEN: Aye.

MR. MCCORMACK: Witt.

ALD. WITT: Aye.

MR. MCCORMACK: Masi.

ALD. MASI: Aye.

MR. MCCORMACK: President Rodrigues.

PRESIDENT RODRIGUES: Aye.

MR. MCCORMACK: It carries.

A resolution sponsored by Alderman Witt authorizing a \$40,000 budget transfer to cover overtime costs at the water and waste water treatment plants.

PRESIDENT RODRIGUES: Resolution sponsored by Alderman Witt, seconded by Alderman Tobin.

Any discussion?

Roll.

MR. MCCORMACK: Tobin.

ALD. TOBIN: Aye.

MR. MCCORMACK: Jean-Francois.

ALD. JEAN-FRANCOIS: Aye.

MR. MCCORMACK: Johnson.

ALD. JOHNSON: Aye.

MR. MCCORMACK: Ramkissoo.

ALD. RAMKISSOON: Aye. Aye.

MR. MCCORMACK: Kleiner.

ALD. KLEINER: Aye.

MR. MCCORMACK: Green.

ALD. GREEN: Aye.

MR. MCCORMACK: Witt.

ALD. WITT: Aye.

MR. MCCORMACK: Masi.

ALD. MASI: Aye.

MR. MCCORMACK: President Rodrigues.

PRESIDENT RODRIGUES: Aye.

MR. MCCORMACK: It carries.

A resolution sponsored by Alderman Witt, authorizing a \$136,415 budget transfer to cover fencing and paving projects at Wolfslayer Field.

PRESIDENT RODRIGUES: Resolution sponsored by Alderman Witt, seconded by Alderman Green.

Any discussion?

Roll.

MR. MCCORMACK: Tobin.

ALD. TOBIN: Aye.

MR. MCCORMACK: Jean-Francois.

ALD. JEAN-FRANCOIS: Aye.

MR. MCCORMACK: Johnson.

ALD. JOHNSON: Aye.

MR. MCCORMACK: Ramkissoon.

ALD. RAMKISSOON: Aye.

MR. MCCORMACK: Kleiner.

ALD. KLEINER: Aye.

MR. MCCORMACK: Green.

ALD. GREEN: Aye.

MR. MCCORMACK: Witt.

ALD. WITT: Aye.

MR. MCCORMACK: Masi.

ALD. MASI: Aye.

MR. MCCORMACK: President Rodrigues.

PRESIDENT RODRIGUES: Aye.

MR. MCCORMACK: It carries.

A resolution sponsored by Alderman Green authorizing a change order for JCO's operations at the water treatment plant.

PRESIDENT RODRIGUES: Resolution sponsored by Alderman Green, seconded by Alderman Kleiner.

Any discussion?

Roll.

MR. MCCORMACK: Tobin.

ALD. TOBIN: Aye.

MR. MCCORMACK: Jean-Francois.

ALD. JEAN-FRANCOIS: Aye.

MR. MCCORMACK: Johnson.

ALD. JOHNSON: Aye.

MR. MCCORMACK: Ramkissoo.

ALD. RAMKISSOON: Aye.

MR. MCCORMACK: Kleiner.

ALD. KLEINER: Aye.

MR. MCCORMACK: Green.

ALD. GREEN: Aye.

MR. MCCORMACK: Witt.

ALD. WITT: Aye.

MR. MCCORMACK: Masi.

ALD. MASI: Aye.

MR. MCCORMACK: President Rodrigues.

PRESIDENT RODRIGUES: Aye.

MR. MCCORMACK: It carries.

A resolution sponsored by Alderman Johnson to support the Enlarged City School District of Middletown's resolution requesting New York State adopt an annual independent budget line for use by school districts for public safety.

PRESIDENT RODRIGUES: Resolution sponsored by Alderman

Johnson, seconded by Alderman Kleiner.

Any discussion?

Roll.

MR. MCCORMACK: Tobin.

ALD. TOBIN: Aye.

MR. MCCORMACK: Jean-Francois.

ALD. JEAN-FRANCOIS: Aye.

MR. MCCORMACK: Johnson.

ALD. JOHNSON: Aye.

MR. MCCORMACK: Ramkissoo.

ALD. RAMKISSOON: Aye.

MR. MCCORMACK: Kleiner.

ALD. KLEINER: Aye.

MR. MCCORMACK: Green.

ALD. GREEN: Aye.

MR. MCCORMACK: Witt.

ALD. WITT: Aye.

MR. MCCORMACK: Masi.

ALD. MASI: Aye.

MR. MCCORMACK: President Rodrigues.

PRESIDENT RODRIGUES: Aye.

14. Audit of Claims and Accounts

PRESIDENT RODRIGUES: Audit.

ALD. MASI: Mr. President, I move the accounts be audited, the claims be

adjusted, and the City Treasurer be authorized to issue warrants for their payment.

PRESIDENT RODRIGUES: Resolution sponsored by Alderman Masi, seconded by Alderman Johnson.

Roll.

MR. MCCORMACK: Tobin.

ALD. TOBIN: Aye.

MR. MCCORMACK: Jean-Francois.

ALD. JEAN-FRANCOIS: Aye.

MR. MCCORMACK: Johnson.

ALD. JOHNSON: Aye.

MR. MCCORMACK: Ramkissoon.

ALD. RAMKISSOON: Aye.

MR. MCCORMACK: Kleiner.

ALD. KLEINER: Aye.

MR. MCCORMACK: Green.

ALD. GREEN: Aye.

MR. MCCORMACK: Witt.

ALD. WITT: Aye.

MR. MCCORMACK: Masi.

ALD. MASI: Aye.

MR. MCCORMACK: President Rodrigues.

PRESIDENT RODRIGUES: Aye.

MR. MCCORMACK: It carries.

15. ADJOURNMENT

PRESIDENT RODRIGUES: Move for adjournment.

UNIDENTIFIED SPEAKER: Motion.

(Proceeding concluded.)

CERTIFICATION

I, KIMBERLY J. ZOGBY, certify that the foregoing transcript of the November 1, 2022 Middletown City Council meeting was prepared using the required transcription equipment and is a true and accurate transcript of the recording.



AMERICAN LEGAL TRANSCRIPTION

11 Market Street, Suite 215

Poughkeepsie, New York 12601

Dated: November 22, 2022

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

THE FOLLOWING WAS PRESENTED

By Ald. Jean-Francois

Sec'd by Ald. Johnson

Date of Adoption 11.01.22

Index No: 243-22

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 Declaring SEQRA Notice Lead Agency Designation and Determination of Non Significance for a 2 lot sub-division at 1 Stub Street and 48 Beers Drive

WHEREAS, the City of Middletown Common Council has been presented with a proposal for a 2-lot subdivision for contiguous properties located at 1 Stub Street, Middletown, New York, known as Middletown tax parcel Section 42, Block 10, Lot 9, and 48 Beers Drive, Middletown, New York, known as Middletown tax parcel Section 42, Block 10, Lot 8, and

WHEREAS, the proposed subdivision constitutes an Unlisted Action pursuant to the State Environmental Quality Review Act ("SEQRA") regulations, and

WHEREAS, the Common Council is the only involved agency under SEQRA for this subdivision request, and therefore would be the Lead Agency for the SEQRA review of this action, and

WHEREAS, the Common Council has received a Short Environmental Assessment Form describing this action, and

WHEREAS, the City of Middletown Common Council has identified the relevant areas of environmental concern and thoroughly considered the criteria for determining significance set forth at 6 NYCRR Part 617.7 (c).

NOW, THEREFORE, BE IT RESOLVED that the City of Middletown Common Council declares itself Lead Agency with respect to this subdivision request pursuant to 6 NYCRR § 617.6(b)(1), and be it

FURTHER RESOLVED that the Common Council, after reviewing the Application materials, including the Short EAF, hereby determines that the application is an Unlisted Action under SEQRA.

FURTHER RESOLVED that the Common Council hereby declares that the proposed action will not result in a significant adverse impact on the environment, and an environmental impact statement will not be prepared, and be it

FURTHER RESOLVED that this Negative Declaration is made pursuant to Article 8 of the Environmental Conservation Law.

**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 11.01.22

Index No: 244-22

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 approving a 2 lot subdivision (Lot Line Change) for
1 Stub Street and 48 Beers Drive**

WHEREAS, the applicants, Thomas Lorino and Glenn L. Boyd, have submitted a joint proposal for a 2-lot subdivision for contiguous properties located at 1 Stub Street, Middletown, New York, known as Middletown tax parcel Section 42, Block 10, Lot 9, and 48 Beers Drive, Middletown, New York, known as Middletown tax parcel Section 42, Block 10, Lot 8, and

WHEREAS, the purpose of this subdivision is to straighten out the property lines of these two contiguous single family lots in a single family zoning district, and

WHEREAS, the applicants have complied with all applicable requirements for final subdivision approval, and

WHEREAS, a public hearing was held on Tuesday, October 18,, 2022.

NOW THEREFORE BE IT RESOLVED by the Common Council of the City of Middletown that final subdivision approval be and hereby is granted to the joint application to subdivide the contiguous properties located at Section 42, Block 10, Lot 9

and Section 42, Block 10, Lot 8, as shown on a map entitled “Lot Line Change For Lorino & Boyd” prepared by Paul Roggeman, dated September 12, 2022, and revised September 30, 2022, and filed in the Office of the Middletown Common Council Clerk, and

BE IT FURTHER RESOLVED by the Common Council that the applicants are directed to submit all necessary documents to the Office of the Orange County Clerk to file and record this subdivision within 60 days of this Resolution.

**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 11.01.22

Index No: 245-22

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 requesting the County of Orange to Exempt Properties of the City of Middletown from certain County real estate taxes

Whereas; the City of Middletown wishes to request the County of Orange to exempt the City of Middletown from certain real estate taxes on lands solely devoted to public use as a part of the City of Middletown watershed and related equipment thereon for fiscal year 2024.

Now, therefore be it resolved, that the Common Council of the City of Middletown, NY does hereby request the County of Orange, NY, to exempt properties of the City of Middletown, NY from certain County real estate taxes on lands solely devoted to public use as part of the City of Middletown watershed and related equipment thereon and located within the Towns of Mount Hope and Wallkill for the fiscal year 2024, respectively, as follows:

TOWN OF MOUNT HOPE

12-1-23
14-1-44.1
14-1-76
14-1-95
14-1-127
17-1-19

TOWN OF WALLKILL

999-1-21
999-1-22
999-1-23
999-1-24
999-1-25
999-1-26
999-1-27
999-1-28
999-1-29
999-1-19
999-1-20
48-1-5.1
64-1-4.1
48-1-5.2
48-1-6.1
64-1-2
69-1-15
999-1-20.1
49-1-32
49-1-62.2

**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 11.01.22

Index No: 246-22

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 accepting a \$169.15 donation from the Kiwanis Club of Middletown

RESOLVED that the Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment and accepts a donation in the amount of \$169.15 from the Kiwanis Club of Middletown and authorizes the Treasurer to deposit the donation into revenue budget line A.2705.00 Gifts & Donations and increase budget line A.7020.00 Use of Recreation Donations.

This donation was given to pay for the tree planted at the Warming Station in honor of Pastor Peter Rustico.

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

THE FOLLOWING WAS PRESENTED

By Ald. Johnson

Sec'd by Ald. Masi

Date of Adoption 11.01.22

Index No: 247-22

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 declaring a 50 foot strip of Land in front of 6 Manhattan Avenue as Surplus
and Authorizing a quitclaim deed conveying said Property
to the owner of 6 Manhattan Avenue**

WHEREAS, the property owner at 6 Manhattan Avenue (SBL 33-3-39) is requesting that the City, by quitclaim deed without consideration, convey an approximately 50-foot strip of land so that the owner's property connects with Manhattan Avenue, and

WHEREAS, the City conveyed a similar quitclaim deed without consideration to the adjoining property at 4 Manhattan Avenue by Resolution dated April 14, 2003, and

WHEREAS, the 2003 Resolution was supported by paperwork indicating that the City had previously conveyed similar small strips of land to nearby properties because it was apparent that the original subdivider did not convey a strip of land between Manhattan Avenue and the individual lots adjoining the street, and

WHEREAS, the owner of 6 Manhattan has provided a survey and metes and bound description of the strip of land to be conveyed to the City, and

WHEREAS, the Department of Public Works has confirmed that there are no water lines in the small strip of land to be conveyed.

NOW THEREFORE BE IT RESOLVED by the Common Council of the City of Middletown that the Council concurs with the Board of Estimate and Apportionment to declare the subject strip of land to be surplus property with no public use or value, and be it further

RESOLVED that the Common Council concurs with the Board of Estimate to authorize the Mayor to sign a quitclaim deed, without consideration, and necessary recording documents to convey the subject parcel owned by the City as per the attached survey and metes and bounds to the owner of 6 Manhattan Avenue, SBL 33-3-39.

**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 11.01.22

Index No: 248-22

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 increase in Corporation Counsel's Litigation Rate

WHEREAS, Travelers Insurance Company has raised the Corporation Counsel's litigation rate from \$150.00 per hour to \$200.00 per hour for City litigation handled by the Corporation Counsel which is covered by Travelers.

NOW THEREFORE BE IT RESOLVED by the Common Council of the City of Middletown that the Council concurs with the Board of Estimate that the Corporation Counsel's litigation rate for City litigation handled by the Corporation Counsel which is not covered by Travelers Insurance is hereby raised from \$150.00 per hour to \$200.00 per hour, effective immediately.

**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 11.01.22

Index No: 249-22

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 \$10,000 Budget transfer to cover
O&R expenses at the Senior Center**

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 unexpected O&R expenses from a faulty meter at the Senior Center.

FROM
A.6772.100
Personal Services

AMOUNT
\$10,000

TO
A.6772.415
Light & Heat

**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 11.01.22

Index No: 250-22

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 agreement with
New York Cooperative Liquid Assets Securities System**

WHEREAS, New York General Municipal Law, Article 5-G, Section 119-o (“Section 119-o”) empowers municipal corporations [defined in Article 5-G, Section 119-n to include school districts, boards of cooperative educational services, counties, cities, town and villages, and districts] to enter into, amend, cancel and terminate agreements for the performance among themselves (or one for the other) of their respective functions, powers and duties on a cooperative or contract basis;

WHEREAS, the City of Middletown, New York wishes to invest portions of its available investment funds in cooperation with other corporations and/or districts pursuant to the NYCLASS Municipal Cooperation Agreement Amended and Restated as of March 28, 2019;

WHEREAS, the City of Middletown, New York wishes to assure the safety and liquidity needs of their funds;

Now, therefore, it is hereby resolved as follows:

That Leonora Liz, Treasurer of the City of Middletown, New York is hereby authorized to participate in the NYCLASS program under the terms of the NYCLASS Municipal Agreement Amended and Restated as of March 28, 2019.

**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 11.01.22

Index No: 251-22

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 Waiving Building Permit and Hook Up Fees for 52 Broad Street

RESOLVED that the Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment and authorizes waiving the Building permit fee and hook up fee for 52 Broad Street.

This is initially in reference to resolution 54-20; the Sky Mendoza Supplemental Needs Trust purchase of the property.

**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 11.01.22

Index No: 252-22

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 totaling \$52,525 in the Police Department Budget

RESOLVED that the Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment and authorizes the Treasurer to make \$52,525 in budget transfers, in the following manner, from within the Police Department Budget.

FROM	AMOUNT	TO
A.3120.400	\$25,000	A.3120.417
Contractual Services		Gas & oil
To cover unexpected shortages in fuel costs due to rising prices.		

FROM	AMOUNT	TO
A.3120.400	\$979.98	A.3120.200
Contractual Services		Other Equipment
For the increase in cost for a new ballistic shield.		

FROM	AMOUNT	TO
A.3120.400	\$461.73	A.3120.200
Contractual Services		Other Equipment
For the increase in budgeted cost for the network switch cable run in to JAB.		

FROM	AMOUNT	TO
A.3120.400	\$3,983.91	A. 3120.200
Contractual Services		Other Equipment

For the increase in budgeted cost for the Record Hardware replacement.

FROM	AMOUNT	TO
A.3120.400	\$7,600	A. 3120.200
Contractual Services		Other Equipment

To cover the cost to trade-in and upgrade our outdated M4 Patrol Rifles.

The above transfer requests are being covered by the balance of the budgeted FUSUS money that is no longer being utilized.

FROM	AMOUNT	TO
A.3120.100	\$5,500	A.3120.200
Personnel Services		Other Equipment

For the purchase of 5 new body-worn cameras to be distributed as below.

- 1- New hire officer
- 2- Parking Enforcement officers
- 2- Spare

FROM	AMOUNT	TO
A.3120.100	\$9,000	A.3120.200
Personnel Services		Other Equipment

For the purchase of gently used office furniture and the moving costs associated with acquiring it. This furniture will replace old and broken furniture throughout the police department.

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

THE FOLLOWING WAS PRESENTED

By Ald. Jean-Francois

Sec'd by Ald. Masi

Date of Adoption 11.01.22

Index No: 253-22

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 five additional body cameras and a docking station
for 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 purchase of five (5) additional body cameras and a docking station to the current contract at a cost of \$5,500, covered within the 2022 budget.

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

THE FOLLOWING WAS PRESENTED

By Ald. Masi

Sec'd by Ald. Tobin

Date of Adoption 11.01.22

Index No: 254-22

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 amendment #4 to B&L Contract for additional Construction
Administration and Construction Observation Services**

RESOLVED that the Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment and authorizes Amendment 4 to B&L Contract with the City for additional Construction Administration and Construction Observation Services as it relates to the 20" HP Watermain Replacement project in the amount of \$145,000.

RESOLVED that the Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment and authorizes the Mayor to sign Amendment #4.

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

THE FOLLOWING WAS PRESENTED

By Ald. Green

Sec'd by Ald. Ramkissoon

Date of Adoption 11.01.22

Index No: 255-22

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 WSP for Grant Application Assistance

RESOLVED that the Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment and authorizes application for the following grants:

1. ATTAIN, Advanced Transportation Technology, and Innovation. This grant has the potential of a large award but requires a 20% local match.
2. SMART, Strengthening Mobility and Revolutionizing Transportation Program. This grant does not require a local match but is segmented into two potential awards, design phase, and the construction phase.

RESOLVED that the Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment and authorizes a proposal from WSP for assisting the City in applying for the two (2) referenced grants at a cost of \$46,864.00.

FURTHER RESOLVED that the Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment and authorizes the Mayor to Sign said proposal.

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 \$46,864, in the following manner, to cover the above referenced costs.

FROM	AMOUNT	TO
General Fund Balance	\$46,864	H.0908.03

Traffic Smart Signal Control Sys Project

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

THE FOLLOWING WAS PRESENTED

By Ald. Witt

Sec'd by Ald. Tobin

Date of Adoption 11.01.22

Index No: 256-22

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 \$40,000 budget transfer to cover overtime costs at the Water and Waste Water Treatment Plants

RESOLVED that the Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment and authorizes the Treasurer to transfer \$40,000, in the following manner, to cover overtime costs at the Water and Waste Water Treatment Plants.

FROM	AMOUNT	TO
F.8330.100	\$20,000.00	F.8330.103
Pers. Svcs. – Purification		Overtime - WWTP

This transfer is needed to cover overdrafts due to an increase in overtime at the Filter Plant to cover for retired staff.

FROM	AMOUNT	TO
G.8120.100	\$20,000.00	G.8130.103
Pers. Svcs. – Storm & Sanitary Sewer		Overtime – WWTP

This transfer is needed due to the amount of overtime required for necessary operations at the WWTP and cover for retired staff.

**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 11.01.22

Index No: 257-22

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 \$136,415 budget transfer to cover fencing and paving projects at Wolslayer Field

RESOLVED that the Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment and authorizes a proposal for the Paving of the Entrance Aprons at Wolslayer Athletic Field in the amount of \$44,875.00 in which Sullivan County Paving & Construction Inc. is using NYS OGS contract Bid pricing.

FURTHER RESOLVED that the Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment to authorize a proposal from Ketcham Fencing in the amount of \$91,540.00 for the installation fencing around the field per the plans.

FURTHER RESOLVED; that the Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment to authorize the Treasurer to transfer \$136,415.00, in the following manner, to cover paving and fencing at Wolslayer Field.

FROM	AMOUNT	TO
H.0751.453	\$136,415.00	H.0963.900
Paving of City Streets-ARPA		Monhagen/Davidge Expansion

CERTIFICATION OF RESOLUTION

I, Richard P. McCormack, Common Council Clerk of the City of Middletown, hereby certify that I have compared the attached resolution with the original on file in my office and adopted by the Common Council on November 1, 2022 and that the same is a true copy thereof and the whole of such original resolution.

City of Middletown, NY
Richard P. McCormack,

Date

**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 11.01.22

Index No: 258-22

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 Change Order for JCO's Operations at the
Water Treatment Plant**

RESOLVED that the Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment and authorizes the attached Change Order to the agreement for JCO to provide Water Treatment Facility Operations at the Water Treatment Plant at a total cost of \$24,062.50 a month.

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 change order.

Funding for this increase will be covered as much as possible from other budget items, as much as possible, for the remainder of the year. Commissioner may apply for the extra funding needed towards the end of the year and as the need arises

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

THE FOLLOWING WAS PRESENTED

By Ald. Johnson

Sec'd by Ald.

Date of Adoption 11.01.22

Index No: 259-22

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 in Support of the Enlarged City School District of Middletown's Resolution
Requesting New York State Adopt An Annual Independent Budget Line for Use by School
District for Public Safety Expenditures**

WHEREAS AS The Enlarged City School District of Middletown unanimously adopted a resolution on September 15, 2022, Requesting that the State of New York Legislature adopt an annual independent budget line earmarked for use by school districts for public safety expenditures and initiatives as presented and

WHEREAS the City of Middletown's Common Council has reviewed said resolution and believes such action on the part of the State Legislature is necessary to ensure comprehensive and universal safety measures across all schools to ensure student safety.

Now, therefore, be it resolved that the City of Middletown supports the school district's request to the State (attached) to adopt An Annual Independent Budget Line for Use by School District for Public Safety Expenditures.

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

THE FOLLOWING WAS PRESENTED

By Ald. Masi

Sec'd by Ald. Johnson

Date of Adoption 11.01.22

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	9			

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

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

THE FOLLOWING WAS PRESENTED

By Ald. _____

Sec'd by Ald. _____

Date of Adoption 12.06.22

Index No: 275-22

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

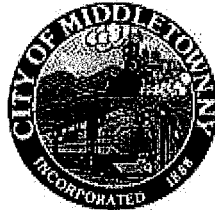
**Resolution Authorizing a Proposal from Granicus for Electronic
Meeting Agenda Management**

RESOLVED that the Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment and authorizes an agreement with Granicus for an Electronic Meeting Agenda Management.

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

Richard McCormack

From: Richard McCormack
Sent: Monday, November 28, 2022 1:52 PM
To: Leonora Liz
Subject: BOE Request
Attachments: NY_Middletown NY_Q-231716_2022NOV22.pdf



Richard P. McCormack
City Clerk, Registrar

CITY OF MIDDLETOWN

Office of the City Clerk, Registrar & Common Council Clerk

16 James Street, Middletown, NY 10940
Tel: (845) 346-4166 Fax: (845) 344-5428 www.middletown-ny.com

TO: Board of Estimate
FROM: Rick McCormack, City Clerk
DATE: Monday, November 28, 2022
RE: Authorization to Accept a Proposal for Agenda Management Solution

Attached is a proposal from Granicus to provide the City of Middletown with an electronic meeting agenda management solution. The total cost for the first year is \$12,852. This will be funded through the City Clerk's Office Budget for FY2023. We will not receive an invoice until the new year. I am seeking approval now to have the program fully implemented in January of 2023.

Implementation of the agenda management solution will begin with the Board of Estimate and the Common Council and can be expanded, as needed/desired, to the other Boards within City government- at no additional cost.

This agenda management tool will further increase transparency in our meeting process, providing quicker and easier access to agenda materials to both the Council and the residents of the City of Middletown.

Richard P. McCormack

City Clerk, Registrar/Clerk of the Common Council
Records Management Officer
City of Middletown, New York 10940
(845)346-4168 (desk)
(845)344-5428 (fax)
rmccormack@middletown-ny.com
Please visit our website @ www.middletown-ny.com



408 Saint Peter Street, Suite 600
Saint Paul, MN 55102
United States

THIS IS NOT AN INVOICE

Order Form
Prepared for
Middletown NY

Granicus Proposal for Middletown NY

ORDER DETAILS

Prepared By: Annie-Laurie Setten
Phone:
Email: annie-laurie.setten@granicus.com
Order #: Q-231716
Prepared On: 11/22/2022
Expires On: 11/30/2022

ORDER TERMS

Currency: USD
Payment Terms: Net 30 (Payments for subscriptions are due at the beginning of the period of performance.)
Period of Performance: The term of the Agreement will commence on the date this document is signed and will continue for 36 months.

PRICING SUMMARY

The pricing and terms within this Proposal are specific to the products and volumes contained within this Proposal.

One-Time Fees			
Solution	Billing Frequency	Quantity/Unit	One-Time Fee
Peak - Setup & Configuration	Up Front	1 Each	\$0.00
Peak Online Group Training	Upon Delivery	6 Hours	\$0.00
Open Platform - Setup and Configuration	Up Front	1 Hours	\$0.00
Send Agenda (Peak) Set up and Config	Up Front	1 Each	\$0.00
govDelivery for Integrations Set Up and Config	Up Front	1 Each	\$0.00
GovMeetings Live Cast Setup and Config	Up Front	1 Each	\$0.00
Encoding Appliance HDW - WOWZA Live Cast	Upon Delivery	1 Each	\$3,500.00
Granicus Video - Online Training	Upon Delivery	6 Hours	\$1,350.00
Granicus Live Cast Encoder Setup and Configuration	Up Front	1 Each	\$875.00
US Shipping Charge C - Large Item	Upon Delivery	1 Each	\$125.00
Open Platform - Setup and Configuration	Up Front	1 Hours	\$0.00
SUBTOTAL:			\$5,850.00

New Subscription Items			
Solution	Billing Frequency	Quantity/Unit	Annual Fee
Peak Agenda Management	Annual	1 Each	\$7,500.00
Open Platform Suite	Annual	1 Each	\$0.00
Send Agenda (Peak)	Annual	1 Each	\$0.00
govDelivery for Integrations	Annual	1 Each	\$0.00
GovMeetings Live Cast	Annual	1 Each	\$3,852.00
Open Platform Suite	Annual	1 Each	\$0.00
Granicus Live Cast Encoding Software	Annual	1 Each	\$1,500.00
SUBTOTAL:			\$12,852.00

FUTURE YEAR PRICING

Solution(s)	Period of Performance	
	Year 2	Year 3
Peak Agenda Management	\$8,025.00	\$8,586.75
Open Platform Suite	\$0.00	\$0.00
Send Agenda (Peak)	\$0.00	\$0.00
govDelivery for Integrations	\$0.00	\$0.00
GovMeetings Live Cast	\$4,121.64	\$4,410.15
Open Platform Suite	\$0.00	\$0.00
Granicus Live Cast Encoding Software	\$1,605.00	\$1,717.35
SUBTOTAL:	\$13,751.64	\$14,714.25

PRODUCT DESCRIPTIONS

Solution	Description
Peak Agenda Management	Peak Agenda Management is a Software-as-a-Service (SaaS) solution that enables government organizations to simplify the agenda management and minutes recording process of the clerk's office. Peak Agenda Management allows clerks to streamline the way they compile and produce agendas and record minutes for public meetings and includes: • Unlimited user accounts • Unlimited meeting bodies and meeting types • Access to up to one (1) Peak Agenda Management site
Open Platform Suite	Open Platform is access to MediaManager, upload of archives, ability to post agendas/documents, and index of archives. These are able to be published and accessible through a searchable viewpage.
Send Agenda (Peak)	Send Agenda is dependent on an active subscription to the relevant govMeetings agenda.
Peak - Setup & Configuration	Setup and Configuration for Peak Agenda Management includes implementation of: • Up to one (1) meeting body's Standard Agenda, Cover Page and Minutes report template • Up to one (1) public view page portal
Peak Online Group Training	Online Group Training for Peak Agenda Management allows clients to have up to six (6) users participate in online group sessions with a Granicus trainer and other client users to learn how to use the system.
Open Platform - Setup and Configuration	Setup and configuration for Open Platform
govDelivery for Integrations	Send notification bulletins directly to constituents who subscribe to receive updates directly through Granicus (powered by govDelivery). Receive a monthly metrics report delivered via email to show subscriber growth and engagement activity for the past month of bulletin sends, and grow subscribers through access to the Granicus Advanced Network. Note: govDelivery integrations is dependent on an active subscription to the relevant govMeetings agenda or govAccess CMS solutions.

Solution	Description
GovMeetings Live Cast	govMeetings Live Cast provides the ability to manage public meetings from anywhere, on almost any device using cloud based software and a Granicus Live Cast encoder. It will stream public meetings in HD, allow users to live index items, record and publish minutes, and provide archive videos for on-demand viewing.
Encoding Appliance HDW - WOWZA Live Cast	WOWZA Live Cast encoder is the hardware appliance used convert the video feed for video streaming on the web. It also records the video and provides the MP4 file for archive playback.
Granicus Video - Online Training	Granicus Video - Online Training
Open Platform Suite	Open Platform is access to MediaManager, upload of archives, ability to post agendas/documents, and index of archives. These are able to be published and accessible through a searchable webpage.
US Shipping Charge C - Large Item	US shipping of a large item
Granicus Live Cast Encoding Software	Granicus Live Cast Software will convert the video feed for video streaming on the web which will also record video and provides the MP4 file for archive playback. <i>Only used with the Live Cast encoder hardware and Live Cast solution.</i>
Open Platform - Setup and Configuration	Setup and configuration for Open Platform

GRANICUS ADVANCED NETWORK AND SUBSCRIBER INFORMATION

- **Granicus Communications Suite Subscriber Information.**
 - Data provided by the Client and contact information gathered through the Client's own web properties or activities will remain the property of the Client ('Direct Subscriber'), including any and all personally identifiable information (PII). Granicus will not release the data without the express written permission of the Client, unless required by law.
 - Granicus shall: (i) not disclose the Client's data except to any third parties as necessary to operate the Granicus Products and Services (provided that the Client hereby grants to Granicus a perpetual, non-cancelable, worldwide, non-exclusive license to utilize any data, on an anonymous or aggregate basis only, that arises from the use of the Granicus Products by the Client, whether disclosed on, subsequent to, or prior to the Effective Date, to improve the functionality of the Granicus Products and any other legitimate business purpose, including the

right to sublicense such data to third parties, subject to all legal restrictions regarding the use and disclosure of such information).

- **Data obtained through the Granicus Advanced Network.**
 - Granicus offers a SaaS product, known as the Communications Cloud, that offers Direct Subscribers recommendations to subscribe to other Granicus Client's digital communication (the 'Advanced Network'). When a Direct Subscriber signs up through one of the recommendations of the Advanced Network, that subscriber is a 'Network Subscriber' to the agency it subscribed to through the Advanced Network.
 - Network Subscribers are available for use while the Client is under an active subscription with Granicus. Network Subscribers will not transfer to the Client upon termination of any Granicus Order, SOW, or Exhibit. The Client shall not use or transfer any of the Network Subscribers after termination of its Order, SOW, or Exhibit placed under this agreement. All information related to Network Subscribers must be destroyed by the Client within 15 calendar days of the Order, SOW, or Exhibit placed under this agreement terminating.
 - Opt-In. During the last 10 calendar days of the Client's subscription, the Client may send an opt-in email to Network Subscribers that shall include an explanation of the Client's relationship with Granicus terminating and that the Network Subscribers may visit the Client's website to subscribe to further updates from the Client in the future. Any Network Subscriber that does not opt-in will not be transferred with the subscriber list provided to the Client upon termination.

UPDATES TO SHARED SHORT CODES FOR SMS/TEXT MESSAGING (US CLIENTS ONLY):

- Granicus will be migrating all clients with SMS/Text Messaging Solutions using a shared short code option to a unique standard toll-free number within the United States (International numbers not supported). Short Codes are recommended for Text-to-Subscribe functionalities, if enabled where available, for an additional fee.
- Client must have explicit opt-in for all destinations sent to and adhere to all CTIA guidelines for the duration of its use.

THIRD PARTY DISCLAIMER

ClearCaster and LiveCast Services: Client and Granicus agree that a third party will provide services under this Agreement. Client expressly understands that the third party is an independent contractor and not an agent or employee of Granicus. Granicus is not liable for acts performed by such an independent third party.

TERMS & CONDITIONS

- Link to Terms: <https://granicus.com/legal/licensing>
- ClearCaster Terms & Conditions attached to this quote are incorporated herein by reference.
- This quote is exclusive of applicable state, local, and federal taxes, which, if any, will be included in the invoice. It is the responsibility of Middletown NY to provide applicable exemption certificate(s).
- If submitting a Purchase Order, please include the following language: The pricing, terms and conditions of quote Q-231716 dated 11-22-2022 are incorporated into this Purchase Order by reference and shall take precedence over any terms and conditions included in this Purchase Order.
- Any lapse in payment may result in suspension of service and will require the payment of a setup fee to reinstate the subscription.
- Notwithstanding anything to the contrary, Granicus reserves the right to adjust pricing at any renewal in which the volume has changed from the prior term without regard to the prior term's per-unit pricing.
- Granicus will provide a three (3) year warranty with respect to required hardware. Within the three (3) year warranty period, Granicus shall repair or replace any required hardware provided directly from Granicus that fails to function properly due to normal wear and tear, defective workmanship, or defective materials.

BILLING INFORMATION

Billing Contact:		Purchase Order Required?	☐ - No ☐ - Yes
Billing Address:		PO Number: <i>If PO required</i>	
Billing Email:		Billing Phone:	

If submitting a Purchase Order, please include the following language:

The pricing, terms, and conditions of quote Q-231716 dated 11/22/2022 are incorporated into this Purchase Order by reference and shall take precedence over any terms and conditions included in this Purchase Order.

AGREEMENT AND ACCEPTANCE

By signing this document, the undersigned certifies they have authority to enter the agreement. The undersigned also understands the services and terms.

Middletown NY	
Signature:	
Name:	
Title:	
Date:	

ClearCaster Terms & Conditions

The ClearCaster products are subject to the following terms:

Permitted Use. Granicus hereby grants during each Order Term or as otherwise specified in the Order, and Customer hereby accepts, solely for its internal use, a worldwide, revocable, non-exclusive, non-transferrable right to use the ClearCaster products to the extent allowed in the relevant Order (collectively the "Permitted Use"). The Permitted Use shall also include the right, subject to the conditions and restrictions set forth herein, to use the ClearCaster products up to the levels limited in the applicable Order.

Data Sources. Data uploaded into ClearCaster products must be brought in from Customer sources (interactions with end users and opt-in contact lists). Customer cannot upload purchased contact information into the ClearCaster products without Granicus' written permission and professional services support for list cleansing.

Passwords. Passwords are not transferable to any third party. Customer is responsible for keeping all passwords secure and all use of the the ClearCaster products accessed through Customer's passwords.

Content. Customer can only use the ClearCaster products to share content that is created by and owned by Customer and/or content for related organizations provided that it is in support of other organizations but not as a primary communication vehicle for other organizations that do not have a Granicus subscription. Any content deemed inappropriate for a public audience or in support of programs or topics that are unrelated to Customer, can be removed or limited by Granicus.

Disclaimers. Any text, data, graphics, or any other material displayed or published on Customer's website must be free from violation of or infringement of copyright, trademark, service mark, patent, trade secret, statutory, common law or proprietary or intellectual property rights of others. Granicus is not responsible for content migrated by Client or any third party.

Advertising. The ClearCaster products shall not be used to promote products or services available for sale through Customer or any third party unless approved in writing, in advance, by Granicus. Granicus reserves the right to request and review the details of any agreement between Customer and a third party that compensates Customer for the right to have information included in Content distributed or made available through the ClearCaster products prior to approving the presence of Advertising within the ClearCaster products.

Restrictions. Customer shall not:

- Misuse any Granicus resources or the ClearCaster products or cause any disruption, including but not limited to, the display of pornography or linking to pornographic material, advertisements, solicitations, or mass mailings to individuals who have not agreed to be contacted;
- Use any process, program, or tool for gaining unauthorized access to the systems, networks, or

accounts of other parties, including but not limited to, other Granicus customers;

- Customer must not use the Granicus products, services or the ClearCaster products in a manner in which system or network resources are unreasonably denied to other Granicus clients;
- Customer must not use the services or ClearCaster products as a door or signpost to another server.
- Access or use any portion of the ClearCaster products, except as expressly allowed by this Order;
- Copy, distribute, sublicense, or otherwise share, software provided on the ClearCaster products;
- Disassemble, decompile, or otherwise reverse engineer all or any portion of the ClearCaster products; or add or remove software on the ClearCaster products without Granicus consent;
- Use the ClearCaster products for any unlawful purposes;
- Export or allow access to the ClearCaster products in violation of U.S. laws or regulations;
- Except as expressly permitted in this Order, subcontract, disclose, rent, or lease the ClearCaster products, or any portion thereof, for third party use; or
- Modify, adapt, or use the ClearCaster products to develop any software application intended for resale which uses the ClearCaster products in whole or in part.

Customer Feedback. Customer assigns to Granicus any suggestion, enhancement, request, recommendation, correction or other feedback provided by Customer relating to the use of the ClearCaster products. Granicus may use such submissions as it deems appropriate in its sole discretion.

Reservation of Rights. Subject to the limited rights expressly granted hereunder, Granicus and/or its licensors reserve all right, title and interest in the ClearCaster products, the documentation and resulting product including all related intellectual property rights. Further, no implied licenses are granted to Customer. The Granicus name, the Granicus logo, and the product names associated with the services are trademarks of Granicus or its suppliers, and no right or license is granted to use them.

License to Content; Access. Customer hereby grants Granicus and its vendors a limited right and license to view, access, use, modify, adapt, reproduce, transmit, distribute, display, and disclose Content for the sole purpose of providing the ClearCaster products. Customer agrees that Granicus and its vendors may remotely access the ClearCaster products for the sole purpose of providing Granicus products and services, and the ClearCaster products.

Warranties and Disclaimers. The ClearCaster products are provided "AS IS" and as available. EACH PARTY HEREBY DISCLAIMS ANY AND ALL OTHER WARRANTIES OF ANY NATURE WHATSOEVER WHETHER ORAL AND WRITTEN, EXPRESS OR IMPLIED, INCLUDING, WITHOUT LIMITATION, THE IMPLIED WARRANTIES OF MERCHANTABILITY, TITLE, NON-INFRINGEMENT, AND FITNESS FOR A PARTICULAR PURPOSE. NEITHER GRANICUS NOR ITS SUPPLIERS WARRANT THAT THE CLEARCASTER PRODUCTS WILL MEET CUSTOMER'S REQUIREMENTS NOR THAT THE OPERATION THEREOF WILL BE UNINTERRUPTED OR ERROR FREE.

Notwithstanding the foregoing and subject to payment of all applicable fees, Granicus will provide a three (3) year warranty with respect to required hardware. Within the three (3) year warranty period, Granicus shall repair or replace any required hardware provided directly from Granicus that fails to function properly due to normal wear and tear, defective workmanship, or defective materials.

EXCLUSION OF CONSEQUENTIAL AND RELATED DAMAGES. UNDER NO CIRCUMSTANCES SHALL GRANICUS NOR ITS SUPPLIERS BE LIABLE FOR ANY SPECIAL, INDIRECT, PUNITIVE, INCIDENTAL, OR CONSEQUENTIAL DAMAGES, WHETHER AN ACTION IS IN CONTRACT OR TORT AND REGARDLESS OF THE THEORY OF LIABILITY, EVEN IF A PARTY HAS BEEN ADVISED OF THE POSSIBILITY OF SUCH DAMAGES. FURTHER, GRANICUS NOR ITS SUPPLIER SHALL BE LIABLE FOR: (A) ERROR OR INTERRUPTION OF USE OR FOR LOSS OR INACCURACY OR CORRUPTION OF CUSTOMER DATA; (B) COST OF PROCUREMENT OF SUBSTITUTE GOODS, SERVICES, TECHNOLOGY, OR HARDWARE; (C) LOSS OF BUSINESS; (D) DAMAGES ARISING OUT OF ACCESS TO OR INABILITY TO ACCESS THE SERVICES, SOFTWARE, CONTENT, HARDWARE, CLEARCASTER PRODUCTS, OR RELATED TECHNICAL SUPPORT; OR (E) FOR ANY MATTER BEYOND GRANICUS' REASONABLE CONTROL, EVEN IF A PARTY HAS BEEN ADVISED OF THE POSSIBILITY OF SUCH DAMAGES.

LIMITATION OF LIABILITY. IN NO INSTANCE SHALL EITHER PARTY'S LIABILITY TO THE OTHER PARTY FOR DIRECT DAMAGES RESULTING EXCLUSIVELY FROM THE CLEARCASTER PRODUCTS (WHETHER IN CONTRACT OR TORT OR OTHERWISE) EXCEED THE FEES PAID BY CUSTOMER FOR GRANICUS PRODUCTS AND SERVICES DURING THE SIX (6) MONTHS IMMEDIATELY PRECEDING THE DATE THE DAMAGED PARTY NOTIFIES THE OTHER PARTY IN WRITING OF THE CLAIM FOR DIRECT DAMAGES. NEITHER PARTY MAY INSTITUTE AN ACTION IN ANY FORM ARISING OUT OF NOR IN CONNECTION WITH THE CLEARCASTER PRODUCTS MORE THAN TWO (2) YEARS AFTER THE CAUSE OF ACTION HAS ARISEN.

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

THE FOLLOWING WAS PRESENTED

By Ald. _____

Sec'd by Ald. _____

Date of Adoption 12.06.22

Index No: 276-22

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

Resolution authorizing an agreement with the Port Jervis Humane Society

RESOLVED that the Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment and authorizes an agreement with the Port Jervis Human Society for 2023.

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

Humane Society of Port Jervis / Deer Park
202 Route 209
Port Jervis, N.Y, 12771
(845) 856-3677



To Whom It May Concern,

Due to inflation and the rising costs of day-to-day operations and veterinary care, we have raised our rates per dog for our 2023 contracts.

If you'd like to discuss this matter, please feel free to contact me.

We appreciate your continued alliance and support with the Humane Society of Port Jervis/ Deerpark.

Thank You

Blacie Decker

Shelter Director

AGREEMENT

THIS AGREEMENT made this 1st day of January, 2023 pursuant to the provisions of Article 7 of the Agriculture and Markets Law, by and between the City of Middletown, a municipal corporation organized under the laws of the State of New York, party of the first part, address: 16 James Street, Middletown, NY 1094 (hereinafter referred to as the "City,") and The Humane Society of Port Jervis/Deerpark, Inc., a not-for-profit corporation duly organized and existing under the Not-For-Profit Law of the State of New York, and having its office and principal place of business at 202 Route 209, Port Jervis, New York, 12771, party of the second part (hereinafter referred to as the "Society").

WITNESSETH:

WHEREAS, The Society owns and operates a shelter for the care of dogs and the City requires a facility suitable for such shelter and care, and

WHEREAS, the City desires to utilize the services of the Society and access to said shelter,

NOW, THEREFORE, in consideration of the mutual covenants, promises and agreements contained herein, the Society and the City do hereby agree as follows:

- The Society shall act as a secondary shelter for dogs seized within the City by an authorized Dog Control Officer in accordance with Article 7 of the Agriculture and Markets Law. The Society's duties with respect to said dogs shall be performed at the cost and expense of the Society and are as follows:
 - To properly shelter, care, feed, and water such dogs for the minimum redemption period required by the Agriculture and Markets Law;
 - To make such dogs available for redemption by their owners for a period of time equal to or greater than the minimum redemption period.
 - To make such dogs available for adoption for a period of time equal to or greater than the minimum redemption period if at the end of the appropriate redemption period, said dog has not been redeemed by its owner, provided that the dog's temperament and health makes it suitable for adoption, which is to be determined solely by the Society's Director.
 - To determine that the appropriate license has been issued and the appropriate fees paid to the City before the dog is released to the owner. The Society shall have no obligation to return the dog to the owner until satisfactory proof of such has been provided to the Society.
 - Any sick or injured animal picked up by the Dog Control Officer shall receive appropriate veterinarian care prior to delivery to the shelter. At the time of delivery to the shelter, the Dog Control Officer shall provide the shelter, in writing, the veterinarian's diagnosis, treatment protocol, and necessary medication to treat the dog. Any subsequent additional expense related to the dog shall be billed directly to the City.

- To arrange for a veterinarian or a New York State Licensed technician to humanely euthanize any dog for which euthanasia is necessary and legally authorized, and to arrange for the cremation of any dogs so euthanized.
- To prepare, retain, and make available to the City complete and accurate records concerning the care and disposition of all dogs cared for by the shelter hereunder as well as any expenses incurred and any fees collected.
- The Society shall **NOT** accept for impoundment any dogs which:
 - Are in need of veterinary services, except in accordance with paragraph 1(e), or
 - Are not accompanied by the appropriate Dog Control Officer's seizure report
 - It does not have room to house within the shelter.
- The Society shall accept from the City Dog Control Officer(s) any homeless stray and
- abandoned which are picked up by the Dog Control Officer(s) in the City. The Society will allow the Dog Control Officer(s) of the City access to its shelter at reasonable times.
- In consideration for the above mentioned services, the City shall remit to the Society, within 20 days after the Town Board has audited and approved for payment the Society's voucher, the sum of **\$ 300.00 per dog** to be paid quarterly.
- Nothing contained herein shall limit the Society's rights under Section 183 of the Lien Law, or pursuant to Section 373 of the Agriculture and Markets Law, or as derived from any other general or special law, or by means of any civil action or proceeding to recover from the owner thereof any necessary or reasonable costs and expenses incurred by the Society in providing pound and shelter for any City dogs.

Nothing contained herein shall limit the City's rights under applicable provisions of the law, or by means of any civil action or proceeding, to recover the owner of any dog delivered by the City to the Society's shelter any fees, charges or outstanding fines or penalties owned by such owner of the City.

Nothing herein shall obligate the City to deliver to the Society any minimum number of dogs or all of the dogs seized in the City by the City Dog Control Officer(s).

- The term of this agreement is from January 1, 2023 through December 31, 2023, unless earlier terminated pursuant to the provisions of paragraph 8. In the event that the parties fail to fully renew this Agreement upon the termination of the same, this Agreement shall

be deemed to be self-perpetuating, unless the same is formally terminated as hereinbefore provided by either party.

- The Society shall not commence services under this contract unless it has obtained all insurance required under this paragraph and such insurance has been approved by the City.
 - **Compensation Insurance** – The Society shall take out and maintain during the life of this contract, Workers' compensation insurance for its employees to be assigned to the work hereunder.
 - **General Liability and Property Damage Insurance** – The Society shall take out and maintain during the life of this contract, such general liability and property damage insurance as shall protect it from claims for damages for personal injury, as well as from claims for property damage which may arise from operations under this contract. The amounts of such insurance shall be as follows: (See attached Certificate of Insurance).
 - The Society shall furnish the above insurances to the City and shall also name the City as an additional named insured in said policies.
 - Any significant incident involving a dog after it has been delivered to the shelter shall be reported to the Office of the Supervisor/Mayor of the City as soon as possible and not later than twenty-four hours from the time of such incident. A detailed written report must be submitted to the City as soon thereafter as possible but not later than three (3) days after the date of such incident.
- The City shall have the right to cease performing (except for payment for past services rendered) or terminate the contract if:
 - The Society is adjudged bankrupt or makes an assignment for the benefit of creditors; or
 - A receiver or liquidator is appointed for the Society or for any of its property and is not dismissed within twenty (20) days after such appointment or the proceedings in connection therewith are not stayed on appeal within the said twenty (20) days, or
 - The Society fails or refuses to comply with all applicable laws or ordinances; or
 - The Society is guilty of substantial violation of any provision of this contract;
 - In any event, either party, may, without prejudice to any other rights or remedy it may have, within fourteen (14) days written notice to the other party, terminate this Agreement.
- The Society shall have the right to ease performing or terminate the contract if the City is guilty of a substantial violation of any provisions of this contract.

- It is hereby mutually covenanted and agreed that the relation of the Society to the services to be performed by it under this contract shall be that of an independent contractor. As an independent contractor, it will be responsible for all damage, loss or injury to persons or property that may arise in or be incurred during the conduct and progress of said services, whether or not the Society, its agents, or employees have been negligent. The Society shall hold and keep the City free and discharged of and from any and all responsibility and liability of any sort or kind. The Society shall assume all responsibility for risks or casualties of every description, for loss or injury to persons or property arising out of the nature of the services, from the action of the elements, or from any unforeseen or unusual difficulty. The Society shall assume all blame, loss and responsibility of any nature by reason of neglect or violation of any federal, state, county, or local laws, regulations or ordinances.
- The Society agrees to defend, indemnify and save the City, its officers, agents and employees, harmless from any and all liability imposed on the City, its officers, agents and/or employees arising from the negligence, active or passive, of the Society, and the City agrees to defend, indemnify and save the Society, its officers agents and employees, harmless from any and all liability imposed on the Society, its officers agents and/or employees arising from the negligence, active or passive, of the City.
- In accordance with the provisions of Section 109 of the General Municipal Law, the Society is hereby prohibited from assigning, transferring, conveying, subletting or otherwise disposing of this agreement, or of its right, title or interest in this agreement, or its power to execute this agreement, to any other person or corporation without the previous consent in writing of the City.
- Each and every provision of law and clause required by law to be inserted in this contract shall be deemed to have been inserted herein. If any such provision is not inserted through mistake or otherwise, then upon the application of either party this contract shall be physically amended to make such insertion. In particular, the Society shall, amongst other things, fully comply with:
 - Labor Law Section 220-e and Executive Law Sections 291-299 and the Civil rights Law relating to prohibition against discrimination and equal opportunity.
 - Affirmative action as required by the Labor law.
- Should any dispute arise between the City and the Society regarding the manner or sufficiency of the performance of the services to be rendered hereunder, the disputed matter shall be settled by arbitration in accordance with the laws of the State of New York. There shall be three arbitrators, one of whom shall be selected by each of the parties hereto, and the third by two arbitrators so selected. If the selection of any arbitrator is not made within fifteen (15) days of the time that either party has notified the other of the name of the arbitrator it has selected, then the arbitrator or arbitrators not selected shall be appointed in a manner provided by the laws of the State of New York. The work shall not be interrupted or delayed pending such decision.

- The Supervisor/Mayor has executed this agreement pursuant to a resolution adopted by the Town Board of City of Middletown, at a meeting thereof held on _____.

The Supervisor/Mayor of City of Middletown, whose signature appears hereafter, is duly authorized and empowered to execute this instrument and enter into such an agreement on behalf of the City. The Society represents that the officer of the Society, whose signature appears hereafter, is duly authorized and empowered to execute this instrument and enter into such an agreement on behalf of the Society. The instrument shall be executed in duplicate. At least one copy shall be permanently filed, after execution thereof, in the office of the City Clerk.

- Any and all notices and payments required hereunder shall be addressed as follows, or to such other address as may hereafter be designated as follows, or to such other address as may hereafter be designated in writing by either party hereto:

To: City of Middletown

16 James Street

Middletown, NY 10940

To: The Humane Society of Port Jervis/Deerpark, Inc.

202 Route 209

Port Jervis, New York 12771

- No waiver of any breach of any condition of the Agreement shall be binding unless in writing and signed by the party waiving said breach. No such waiver shall in any way affect any other term or condition of this Agreement or constitute a cause or excuse for a repetition of such or any other breach unless the waiver shall include the same.
- This Agreement constitutes the complete understanding of the parties. No modifications of any provisions thereof shall be valid unless in writing and signed by both parties.
- This Agreement is governed by the laws of the State of New York.

IN WITNESS WHEREOF, the City of Middletown Clerk has caused its corporate seal to be affixed hereto and these present to be signed by _____, its Supervisor/Mayor duly authorized to do so, and to be attested by _____, Clerk of City of Middletown, and the Society has caused its corporate seal to be affixed hereto and these presents to be signed by its President, the day and year first above written.

(Seal of the City)

Supervisor/Mayor

Attest:

City Clerk

THE HUMANE SOCIETY OF PORT JERVIS/DEERPARK, INC.

Attest:

Dora A Cassara

President

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

THE FOLLOWING WAS PRESENTED

By Ald. _____

Sec'd by Ald. _____

Date of Adoption 12.06.22

Index No: 277-22

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

Resolution authorizing an agreement with the Middletown Humane Society

RESOLVED that the Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment and authorizes an agreement with the Middletown Human Society for 2023.

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

142 Bloomingburg Road
Middletown, New York 10940

Tel: 845-361-1861

Fax: 845-361-5881



Open Daily
12 Noon - 4pm

adoptmhs@gmail.com

www.middletownhumanesociety.com

November 5, 2022

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

Dear Mayor:

We are pleased to extend our services to you for 2023.

As you may know, the Humane Society of Middletown has gone to great lengths to increase significantly adoption of animals received from your town/city to permanent, loving families. In addition, we have improved the quality of life for the animals at the Humane Society while they await their new families. We appreciate your support, and hope that the Humane Society will continue to provide your residents with a source of affordable rabies vaccinations. Residents can learn more about Humane Society activities and services, as well as the loving animals that are available for adoption, by going to our website, www.middletownhumanesociety.com.

If the enclosed agreement meets with your approval, kindly sign it and return an executed contract at your earliest convenience to the attention of Martha Gale, Financial Administrator at the above address.

If you have any questions, now or at any time, please do not hesitate to contact us.

Very truly yours,

Marlene K. Freehill
President
Board of Directors

Enclosure

Humane Society of Middletown
142 Bloomingburg Road
Middletown, NY 10940
(845) 361-1861
Fax (845) 361-5881

Agreement between the City of Middletown and the Humane Society of Middletown, Inc. for the period beginning January 1, 2023 and ending December 31, 2023.

The Humane Society of Middletown, Inc. agrees to accept any dog brought to our shelter by your Animal Control Officer (ACO), or Dog Control Officer (DCO), from your municipality space permitting.

The dogs, in accordance with New York State Agricultural law, must be held for the legal holding period, after which they may be put up for adoption if not claimed by the owner. If said dogs are not claimed or adopted, they may be humanely euthanized.

If the Shelter must hold a dog beyond the legal holding time for your municipality because of a pending court case, bite case, etc., we will charge your municipality \$25.00 per diem, per dog. We can only hold up to three (3) animals for your municipality when the animals are seized by an ACO/DCO in the event of a cruelty case.

When leaving a dog that the DCO/ACO believes may be dangerous, the dog must be kept in the outside only part of the ACO/DCO pen and follow the agreed upon protocol. Written information must be given to the shelter or the shelter manager that clearly communicates that the animal may be dangerous.

Since we do not have a veterinarian on premises, we are unable to accept any animal with suspected mange, rabies, distemper, parvovirus or an injury that requires immediate medical attention. These animals will have to be taken to a veterinarian by your ACO/DCO for treatment or euthanasia. Any resulting bills for these animals will be paid directly to the veterinarian by your Town/City.

If the Humane Society assists your municipality due to the unavailability of your animal control officer or police department, your municipality will be billed an additional fee of \$100.00.

The municipality will pay a fee of \$300.00 per dog delivered to the Society.

The municipality will pay a fee of \$75.00 per cat delivered to the Society.

A flat rate of \$100.00 will be charged for each dog delivered DOA.

A flat rate of \$50.00 will be charged for each cat delivered DOA.

The Humane Society will send out vouchers once a month. A record of the disposition of the dogs from the prior month will be sent out by the end of the month.

Humane Society of Middletown, Inc.

By:

Board President

Date

Municipality Supervisor

Date

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

THE FOLLOWING WAS PRESENTED

By Ald. _____

Sec'd by Ald. _____

Date of Adoption 12.06.22

Index No: 278-22

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 \$4000 Budget Transfer with in the Goldenarea Budget to cover
Fuel for the Shuttle Bus**

RESOLVED that the Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment and authorizes the Treasurer to transfer \$4,000, in the following manner, to cover the cost of fuel for shuttle bus due to increase in cost for the remainder of 2022.

FROM	AMOUNT	TO
GA.5680.100	\$4,000	GA.5680.417
Personal Services		Gas & Oil

Richard McCormack

From: Julisa Sierra
Sent: Monday, November 28, 2022 1:21 PM
To: Leonora Liz
Cc: Richard McCormack
Subject: Board of Estimate

1. Julisa Sierra is requesting authorization for the Treasurer to transfer funds within the Goldenarea Budget and the use of Donations in the General Fund to cover the cost of fuel for shuttle bus due to increase in cost for the remainder of 2022.

FROM	AMOUNT	TO
A.6772.05	\$4,000	GA.5680.417
Senior Citizen Donations		Gas & Oil

Julisa Sierra

Senior Citizen Center Director

City Of Middletown

Mulberry House Senior Center

62-70 West Main St

Middletown, NY 10940

Office: 845-346-4075

Fax: 845-346-4072

Julisa.sierra@middletown-ny.com

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

THE FOLLOWING WAS PRESENTED

By Ald. _____

Sec'd by Ald. _____

Date of Adoption 12.06.22

Index No: 279-22

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 the temporary borrowing of \$1,970,000 from the General Fund
Balance by the Department of Economic and Community Development**

RESOLVED that the Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment and authorizes temporary borrowing from General Fund Balance in the amount of \$1,970,000 for the purchase of five properties for the purpose of the future Infill Development Project and to establish the accounting line in the capital fund.

This expense will be partially reimbursed in the amount of \$1,000,000 by the DASNY Grant.

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

THE FOLLOWING WAS PRESENTED

By Ald. Ramkissoon

Sec'd by Ald.

Date of Adoption 12.06.22

Index No: 280-22

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 Bonnie Masci to work as a Temporary Part-time Clerk in the
Department of Public Works**

RESOLVED that the Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment and authorizes Bonnie Masci former principal clerk of DPW who has since retired, as a temporary part-time clerk at a rate of \$50 an hour.

No transfer of funds is needed at this time. Please note that we are actively pursuing a permanent employee for this position.

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

THE FOLLOWING WAS PRESENTED

By Ald. _____

Sec'd by Ald. _____

Date of Adoption 12.06.22

Index No: 281-22

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 rate increase for Interstate Waste Services' for Solid Waste
Disposal for 2023**

RESOLVED that the Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment and authorizes a rate of \$84.78 per ton with IWS for hauling and disposal of City Municipal Solid Waste for the year 2023.

Due to Interstate Waste Services' negotiations with Orange County regarding the disposal agreement. There will be a 5% increase in the rate for the disposal of Solid Waste. The new rate per ton will be increased from \$80.00 to \$84.78. The rates will coincide with the Orange County contract dates which runs from January 1, 2023 - December 31, 2023.

DEPARTMENT OF PUBLIC WORKS

MEMORANDUM

Date: December 1, 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: Interstate Waste Services Rate Increase

Due to Interstate Waste Services' negotiations with Orange County regarding the disposal agreement. There will be a 5% increase in the rate for the disposal of Solid Waste. The new rate per ton will be increased from \$80.00 to \$84.78. The rates will coincide with the Orange County contract dates which runs from January 1, 2023 - December 31, 2023.

We are requesting a council resolution approving the new rate of \$84.78 per ton with IWS for hauling and disposal of City Municipal Solid Waste for the year 2023.

Thank you.

EL

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

THE FOLLOWING WAS PRESENTED

By Ald. _____

Sec'd by Ald. _____

Date of Adoption 12.06.22

Index No: 282-22

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				

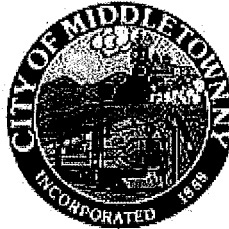
**Resolution authorizing a \$35,613.57 Budget Transfer from the General Fund to Cover
College Programs for the Police Department**

RESOLVED that the Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment and authorizes the Treasurer to transfer \$35,613.57, in the following manner, To restore funds for College Programs in the Police Department.

FROM	AMOUNT	TO
General Fund Balance	\$35,613.57	A.3120.435 Police Department -College Program

Richard McCormack

From: Leonora Liz
Sent: Thursday, December 1, 2022 10:36 AM
To: Richard McCormack
Subject: BOE Item - Treasurer



Leonora
City Treasurer

CITY OF MIDDLETOWN **Office of the City Treasurer**

16 James Street, Middletown, NY 10940
Tel: (845) 346-4153 Fax: (845) 343-1101 www.middletown-ny.com

December 2022

To: The Board of Estimate

From: Leonora Liz, Treasurer

I am requesting the following transfers within the General Fund:

FROM	AMOUNT	TO
General Fund Balance	\$35,613.57	A.3120.435
		Police Department -College Program
To restore funds for College Programs in the Police Department.		

FROM	AMOUNT	TO
General Fund Balance	\$75,000	H.0797.900
		Burning Simulator Building

Establish a Temporary Borrowing from General Fund in the amount of \$75,000 towards the Fire Dept. - Burning Simulator Building Project. The \$75,000 will be reimbursed by DASNY.

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

THE FOLLOWING WAS PRESENTED

By Ald. _____

Sec'd by Ald. _____

Date of Adoption 12.06.22

Index No: 283-22

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

Resolution authorizing a \$75,000 Budget Transfer from the General Fund to Establish a Temporary Borrowing for the Fire Department's Burn Simulator

RESOLVED that the Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment and authorizes the Treasurer to transfer \$75,000, in the following manner to establish a temporary borrowing from General Fund for the Fire Dept. - Burning Simulator Building Project.

The \$75,000 will be reimbursed by DASNY.

FROM
General Fund Balance

AMOUNT
\$75,000

TO
H.0797.900
Burning Simulator Building

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

THE FOLLOWING WAS PRESENTED

By Ald. _____

Sec'd by Ald. _____

Date of Adoption 12.06.22

Index No: 284-22

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 Type of Use Addition to the C-2 Zoning District

WHEREAS, the City of Middletown has been presented with a proposal for an office for a commercial cleaning business at the corner of Sprague Avenue and Sterling Street, and

WHEREAS, the Mayor is recommending an addition of this type of use in the C-2 zoning district in the subject area, and

WHEREAS, the Common Council has issued a Negative Declaration for this proposed action pursuant to the State Environmental Quality Review Act ("SEQRA") regulations.

NOW, THEREFORE, BE IT RESOLVED, AND BE IT ORDAINED, by the Common Council of the City of Middletown, as follows:

Section 1. The Code of the City of Middletown, N.Y., Chapter 123, Zoning, as adopted March 27, 1967 and amended, and in particular Section 475-20, C-2 Limited Business District, Subsection B, Uses requiring issuance of both a special use permit and site plan approval by the Planning Board, Paragraph (11), Offices for the following, be

and is hereby further amended by adding a new Subparagraph (l) to Paragraph 11, to read as follows:

(l) Offsite commercial cleaning services, but only in that C-2 zoning district bounded by Sprague Avenue, Sterling Street, Academy Avenue, and Genung Street, and further provided that:

(i) All services must be provided offsite; and

(ii) All large equipment must be stored inside a structure as per the direction of the Planning Board.

Section 2. This Ordinance shall take effect immediately.

**CITY OF MIDDLETOWN
NOTICE OF PUBLIC HEARING**

Notice is hereby given that the City of Middletown will hold a public hearing on Tuesday, December 6, 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 zoning amendment to Section 475-20, C-2 Limited Business District, Subsection B, Uses requiring the issuance of both a special use permit and site plan approval by the Planning Board, Paragraph (11), Offices for the following, be and is hereby further amended by adding a new Subparagraph (l) to Paragraph 11, to read as follows:

(l) Offsite commercial cleaning services, but only in that C-2 zoning district bounded by Sprague Avenue, Sterling Street, Academy Avenue, and Genung Street, and further provided that:

- (i) All services must be provided offsite; and
- (ii) All large equipment must be stored inside a structure as per the direction of the Planning Board.

Any and all persons wishing to be heard will be given an opportunity to speak either for or against the proposed zoning amendment.

The complete proposed zoning amendment is 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.

<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: 11/29/22 & 11/30/22
City Website

**CITY OF MIDDLETOWN COMMON COUNCIL
RESOLUTION**

WHEREAS, the City of Middletown has been presented with a proposal for an office for a commercial cleaning business at the corner of Sprague Avenue and Sterling Street, and

WHEREAS, the Mayor is recommending an addition of this type of use in the C-2 zoning district in the subject area, and

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NOW, THEREFORE, BE IT RESOLVED, AND BE IT ORDAINED, by the Common Council of the City of Middletown, as follows:

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- (i) All services must be provided offsite; and
- (ii) All large equipment must be stored inside a structure as per the direction of the Planning Board.

Section 2. This Ordinance shall take effect immediately.

LOCALiQ

Observer-Dispatch | Daily Messenger
Times Telegram | New Jersey Herald
Times Herald-Record

PO Box 631202 Cincinnati, OH 45263-1202

PROOF OF PUBLICATION

Richard McCormack
Accounts Payable
Middletown, Common Council
16 JAMES STREET
MIDDLETOWN NY 10940

STATE OF NEW YORK, COUNTY OF ORANGE

The Times Herald-Record, a daily newspaper distributed in the Orange, Ulster, Pike, PA and Sullivan Counties, published in the English language in the City of Middletown, County of Orange, State of New York printed and published and personal knowledge of the facts herein state and that the notice hereto annexed was Published in said newspapers in the issues dated on:

11/29/2022, 11/30/2022

and that the fees charged are legal.

Sworn to and subscribed before on 11/30/2022

Legal Clerk

Notary, State of WI, County of Brown

My commission expires

Publication Cost: \$63.72

Order No: 8094291

Customer No: 684383

PO #:

THIS IS NOT AN INVOICE!

Please do not use this form for payment remittance.

CITY OF MIDDLETOWN NOTICE OF PUBLIC HEARING

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(i) Offsite commercial cleaning services, but only in that C-2 zoning district bounded by Sprague Avenue, Sterling Street, Academy Avenue, and Genung Street, and further provided that:
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(ii) All large equipment must be stored inside a structure as per the direction of the Planning Board.

Any and all persons wishing to be heard will be given an opportunity to speak either for or against the proposed zoning amendment.

The complete proposed zoning amendment is 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.

<https://middletown-ni.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-ni.com

By the order of the Common Council,
Richard P. McCormack
Clerk of the Common Council

MARIAH VERHAGEN
Notary Public
State of Wisconsin

330900 40-4-12.2
Pasab Estates LLC
P.O. Box 871
Monsey NY 10952

330900 40-5-9
James L Rhein
23 Beacon St
Middletown NY 10940

330900 40-5-10
Javier Valera Acero
86-86 1/2 Sprague Ave
Middletown NY 10940

330900 40-5-11
Jose J Rendon-Tadeo
88-88 1/2 Sprague Ave
Middletown NY 10940

330900 40-5-12
Schadrac St Louis
90 Sprague Ave
Middletown NY 10940

330900 40-5-13
Jose C Moran
111 Wickham Ave
Middletown NY 10940

330900 40-5-15
Fanta Nawada
Saminou Marankan
96 Sprague Ave
Middletown NY 10940

330900 40-5-16
Green Family Trust
Paul Green
623 Cardinal Rd
Cortlandt Manor NY 10567

330900 40-5-17
Herbert O Williams Jr
Deborah L Hunter
21 Sterling St
Middletown NY 10940

330900 40-5-18
Behavioral Solutions, NY Inc.
2150 Central Park Ave Ste 208
Yonkers NY 10710

330900 40-5-19
Charles Tran Property LLC
18 Brotherhood Plz
Washingtonville NY 10992

330900 40-5-20
Sterling Street LLC
P.O. Box 297
Monsey NY 10952

330900 40-5-21
Rachel Perlstein
4 Joshua Ct
Monsey NY 10952

330900 40-5-22
Emmanuel Lopez-Ventura
Yngrid S Lopez
38 Spring St
Middletown NY 10940

330900 40-5-23
Ramon E Lopez
29 Columbia Ave
Middletown NY 10940

330900 40-5-24
Said F Makar
10 Rock Ave
Highland Mills NY 10930

330900 40-5-25
Quillar Baidy III
32 Spring St
Middletown NY 10940

330900 40-5-26
Oswald Dexter Boucher
Garry Sharon Boucher
3045 Gunther Ave
Bronx NY 10469

330900 41-1-4.2
Yasmin Bhasin
Anil Bhasin
22 High Meadows North
Saddle River NJ 07458

330900 41-1-5
Ronald Singleton
Michelle Singleton
34 Genung St
Middletown NY 10940

330900 41-1-6
Ricardo Aviles
Jacqueline Aviles
36-38 Genung St
Middletown NY 10940

330900 41-1-7
New Land Holdings, LLC
P.O. Box 207
New Hampton NY 10958

330900 41-1-8
Gloria Doty
42 Genung St
Middletown NY 10940

330900 41-1-9
Julie Rodriguez
Victor M Rodriguez
44 Genung St
Middletown NY 10940

330900 41-1-10
James F Delillo
Gerlyn Casenas Delillo
46 Genung St
Middletown NY 10940

330900 41-1-11
Orange & Rockland Util Inc
1 Blue Hill Pl
Pearl River NY 10965

330900 41-1-12
Carsar Realty Corp
64 Genung St
Middletown NY 10940

330900 41-1-28
Yasmin Bhasin
Anil Bhasin
22 High Meadows North
Saddle River NJ 07458

330900 41-2-4
Equities LLC Orange County Real Estate
28 Bradner Ave
Middletown NY 10940

330900 41-2-5
RR6, LLC
42 Willow Tree Rd
Monsey NY 10952

330900 41-2-6
Yubo Wang
12 Sterling St
Middletown NY 10940

330900 41-2-7
City of Middletown
16 James St
Middletown NY 10940

330900 41-2-8
City of Middletown
16 James St
Middletown NY 10940

330900 41-2-9
Celcius J Touzin
18 Sterling St
Middletown NY 10940

330900 41-2-10
Michael Sniffen
20 Sterling St
Middletown NY 10940

330900 41-2-11
Rayllin Rafael Suero
Agata Suero
22 Sterling St
Middletown NY 10940

330900 41-2-12.1
108-110 Sprague Avenue LLC
P.O. Box 918
New Hampton NY 10958

330900 41-2-12.2
Jacob Okolo
5 Jones Ct
Albany NY 12204

330900 41-2-13
Peak Real Properties, LLC
99-103 Sprague Ave
Middletown NY 10940

330900 41-2-14
108-110 Sprague Avenue LLC
P.O. Box 918
New Hampton NY 10958

330900 41-2-15
Jo-Ann Ives
112 Sprague Ave
Middletown NY 10940

330900 41-2-16
MOTS Sprague LLC
28 Front St
Monroe NY 10950

330900 41-2-17
Laura Romero-Culhane
116 Sprague Ave
Middletown NY 10940

330900 41-2-18.1
Stafford Properties LLC
147 Highland Ave
Middletown NY 10940

330900 41-2-18.2
Kendy Varela
Agapito Dionicio Campoverde
118 Sprague Ave
Middletown NY 10940

330900 41-2-19
Stafford Properties LLC
147 Highland Ave
Middletown NY 10940

330900 41-2-20
Harold Thomas
Bonnie L Thomas
122-124 Sprague Ave
Middletown NY 10940

330900 41-2-22
126 Sprague Avenue LLC
3 Rose Ln
Middletown NY 10940

330900 41-2-23
Olga T Bracero
Laura Vicente Rivera
47 Genung St
Middletown NY 10940

330900 41-2-24
Jigar Shah
Chandni J Shah
73 Lois Ln
Monroe NY 10950

330900 41-2-25.1
Victor Ortiz
6 Elm St
Middletown NY 10940

330900 41-2-26
Michael Sniffen
20 Sterling St
Middletown NY 10940

330900 41-2-28
State Of NY Ofc of MRDDL
10-16 Leonard St
Middletown NY 10940

330900 41-2-29
Edward V Fengya
P.O. Box 311
Middletown NY 10940

330900 41-2-30
Edward V Fengya
P.O. Box 311
Middletown NY 10940

330900 41-2-31.1
Bertha L Corrales
P.O. Box 2448
Middletown NY 10940

330900 41-2-37
Arnaldo Franco
46-44 204th St
Bayside NY 113631

330900 41-2-38
Edwin Soria
Elizabeth Guzman
47-09 Junction Blvd
Corona NY 11368

330900 41-2-39
SHENGDE LLC
92-96 Academy Ave
Middletown NY 10940

330900 41-2-40
K Brothers LLC
2138 Silas Deane Hwy
Rocky Hill CT 06067

330900 41-2-41
RECAP Housing Finance NYS
641 Lexington Ave 3rd Fl
New York NY 10022

330900 41-2-42
State Of NY Staten Is Dev Cen
37 Genung St
Middletown NY 10940

330900 41-2-43
108-110 Sprague Avenue LLC
108-110 Sprague Ave
Middletown NY 10940

330900 41-3-4
J Sierra Enterprise LLC
81-89 Sprague Ave
Middletown NY 10940

330900 41-3-5
Hayes CT Group LLC
2 Radomsk Way Unit 312
Monroe NY 10950

330900 41-3-6
Ausencio Fernandez
93 Sprague Ave
Middletown NY 10940

330900 41-3-7
Amy Sprague Trust
Sandra Lee Sprague
95 Sprague Ave
Middletown NY 10940

330900 41-3-8
Ana Rivera
97 Sprague Ave
Middletown NY 10940

330900 41-3-9
Peak Real Properties, LLC
99-103 Sprague Ave
Middletown NY 10940

330900 41-3-10
Holdings LLC Middletown Enterprises
31 N Ridge Rd
Pomona NY 10970

330900 41-3-11
RKG Holding LLC
277 Mountainview Dr
Monroe NY 10950

330900 41-3-12
Universal Communications Network, Inc
123-125 Sprague Ave
Middletown NY 10940

330900 41-3-13.1
Samuel Kalu Nwakuma
Samartha Fatal Nwakuma
61 Genung St
Middletown NY 10940

330900 41-4-1.1
City of Middletown
16 James St
Middletown NY 10940

330900 41-4-1.2
Middletown & New Jersey
Railroad LLC
505 S Broad St
Kennett Square PA 19348

330900 41-4-24.22
Middletown & New Jersey
Railroad LLC
505 S Broad St
Kennett Square PA 19348

330900 41-4-31
Angel H Gualan
Maria Zapata
10 S Railroad Ave
Middletown NY 10940

330900 41-4-33
Shanna C Chavis
Joshua Simon
18 South Railroad Ave
Middletown NY 10940

330900 41-4-34
Rebecca Mc Zorn
Joseph Louis McZorn
22 South Railroad Ave
Middletown NY 10940

330900 41-4-35
Richard J Sherman Sr
Danielle C Sherman
20 South Railroad Ave & Rear
Middletown NY 10940

330900 41-4-36
Shanna C Chavis
Joshua Simon
18 South Railroad Ave
Middletown NY 10940

330900 41-4-37.11
Elrom Properties LLC
59 Viola Rd
Suffern NY 10901

330900 41-4-37.2
Elrom Properties LLC
59 Viola Rd
Suffern NY 10901

330900 41-4-38.12
Linda Parham
14 South Railroad Ave
Middletown NY 10940

330900 41-4-39
John Cassidy Jr
12 South Railroad Ave
Middletown NY 10940

330900 41-4-40
Angel Gualan
10 South Railroad Ave
Middletown NY 10940

330900 41-4-41
Donald B Wood
8 South Railroad Ave
Middletown NY 10940

330900 41-4-42
Donald B Jones
2895 Yellow Birch Ln
Waldorf MD 20603

330900 41-4-43.1
Ella Mitchell Holt
73 Genung St
Middletown NY 10940

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

THE FOLLOWING WAS PRESENTED

By Ald. _____

Sec'd by Ald. _____

Date of Adoption 12.06.22

Index No: 285-22

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 the Resignation of Dean Coleman from the Middletown
Housing Authority and Appointing Reginald Steed to Serve the Balance of the Term**

BE IT RESOLVED that the Common Council of the City of Middletown accepts the resignation of Dean Coleman from the Middletown Housing Authority, effective October 14, 2022.

BE IT FURTHER resolved that the Common Council of the City of Middletown confirms the Mayor's appointment of Reginald Steed to service of the Middletown Housing Authority, through December 31, 2023, the balance of Mr. Coleman's term.

Richard McCormack

From: Joseph DeStefano <mayordestefano@yahoo.com>
Sent: Tuesday, November 22, 2022 10:04 AM
To: J Miguel Rodrigues
Cc: Richard McCormack
Subject: Housing Authority
Attachments: DOC112222 STEED.pdf

To: President Rodrigues
From: Mayor DeStefano
Re: Middletown Housing Authority

Attached you will find the resignation letter of Dean Coleman, Member of the Middletown Housing Authority. Also attached is a letter of interest from Mr. Reggie Steed offering to serve on this Board. Please prepare the necessary resolution appointing Mr. Steed to serve the balance of Mr. Colemans term.

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Mr. Dean R. Coleman, Sr.
2510 Datura Loop
St. Cloud, FL 34772

September 16, 2022

Middletown Housing Authority
22 Sweezy Avenue
Middletown, NY 10940

Dear Hon. Joseph M. DeStefano, Mayor

Please accept this as a formal notice of my resignation from the position of Board Member at Middletown Housing Authority effective four weeks from today, making my last day of serving on the board October 14, 2022.

After carefully complying with the regulations, I have made the decision to submit this request due to my relocation to Florida and will no longer be able to serve on this board. Serving on this board has been a wonderful experience. I am eternally grateful that you gave me the opportunity to be part of this board.

I will do all in my power to minimize any inconvenience caused to anyone on the board by my resignation. I would like to make a recommendation for my position on the board. I sincerely feel that Reginald Steed, a resident of Middletown would be an outstanding asset to the board due to his housing knowledge and experience.

I wish you and Middletown Housing Authority continued growth and success in the future.

Sincerely,

A handwritten signature in black ink, appearing to read 'Dean R. Coleman, Sr.', with a stylized, cursive script.

Dean R. Coleman, Sr.
Board Member

September 15, 2022

Middletown Housing Authority
22 Sweezy Avenue
Middletown, NY 10940

To Whom It May Concern:

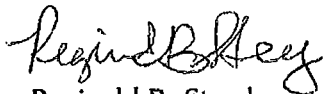
My name is Reginald B. Steed and I would like to present you with this Letter of Interest. I wish to be considered for membership on the Middletown Housing Authority Board. I have been a Property Manager in Orange County New York for over 15 years. I have vast experience in Low Income and Market Housing. I have been a resident of Middletown for over 20 years and still reside here.

I have volunteered countless hours in the Middletown community. I am a member of Second Baptist Church, located on 125 North Street, where I serve as a Trustee. I also serve as the leader of St. John Lodge #7 which is located in Middletown as well. My children have graduated from Middletown High School. My son received an Associate's Degree from Orange County Community College and my daughter is a Sophomore at Orange County Community College.

Middletown is a beautiful city and it would be honor and privilege to assist our friends and neighbors with their housing needs. I was referred by Dean Coleman who currently resides on the Middletown Housing Authority Board.

References can be furnished upon request and feel free to reach out with any questions that you might have. I would like to thank you in advance for your consideration.

Sincerely,



Reginald B. Steed
89 Vincent Drive
Middletown, NY 10940
(845) 326-2076

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

THE FOLLOWING WAS PRESENTED

By Ald. Green

Sec'd by Ald.

Date of Adoption 12.06.22

Index No: 286-22

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 a Release of Covenants and Restrictions for 25 Mill Street

RESOLVED that the Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment and authorizes a Release of Covenants and Restrictions for 25 Mill Street and further authorizes the Mayor to sign the agreement.

RELEASE OF COVENANTS AND RESTRICTIONS

KNOW ALL PERSONS BY THESE PRESENTS, that the City of Middletown, a municipal corporation organized and existing under the Laws of the State of New York, and having its office at 16 James Street, Middletown, New York 10940 in consideration of TEN (\$10.00) DOLLARS lawful money of the United States and other good and valuable consideration, receipt of which is hereby acknowledged, does hereby release and forever quitclaim the premises described as 25 Mill Street, Middletown, NY 10940, Section 35 Block 1 Lot 12 from those restrictive covenants numbered 1 and 2 in deed dated November 17, 2021 from City of Middletown To Mill Restoration Co., Inc. recorded in the Orange County Clerk's Office in Liber 15201 page 1307 on April 7, 2022

Dated: December 2022

The City of Middletown

By: _____
Joseph M. DeStefano, Mayor

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

On the Day of December, 2022, before me, the undersigned, personally appeared JOSEPH M. DESTEFANO personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity(ies), and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

—

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

THE FOLLOWING WAS PRESENTED

By Ald. Johnson

Sec'd by Ald.

Date of Adoption 12.06.22

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 WARRENTS FOR THEIR PAYMENTS**