

**CITY OF MIDDLETOWN  
COMMON COUNCIL MEETING AGENDA  
OCTOBER 05, 2021**

1. PLEDGE OF ALLEGIANCE
2. ROLL CALL (COUNCIL CLERK)
3. APPROVAL OF MINUTES Council Meeting September 07, 2021
4. CORRESPONDENCE, COMMUNICATIONS AND REPORTS (COUNCIL CLERK)
5. FOR THE GOOD OF THE CITY (PUBLIC PARTICIPATION)
6. REMARKS OF THE MAYOR
7. REMARKS OF DEPARTMENT HEADS
8. PUBLIC HEARINGS AND GRIEVANCES
  - PH revising Chapter 475, Zoning, to allow limited residential usage of the first floor of a commercial, mixed-use building in the DMU Downtown Mixed Use zoning district.
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 to adopt a juvenile curfew during the Halloween period of 2021.
  - Resolution to re-schedule the Common Council Meeting from Tuesday, November 2, 2021 to Monday, November 1, 2021 not to coincide with Election Day.
  - Resolution to concur with the Mayor's appointments of Raelynn Bertholf to Superintendent of Recreation and Nicole Psarakis to the Assistant Superintendent of Recreation.
  - Resolution to authorize the Treasurer to transfer \$15,000.00 within the Corporation Counsel 2021 budget to pay unpaid litigation voices.
  - Resolution to authorize the Treasurer to transfer \$2,500.00 within the 2021 Paramount budget to replace the AED at the Paramount and purchase a tablet.
  - Resolution to accept a donation from Mid-City Transit of a 2009 Gas powered Chevy van, to be used by the Parks Department to carry equipment and personal to maintain parks.



**CITY OF MIDDLETOWN  
COMMON COUNCIL MEETING AGENDA  
OCTOBER 05, 2021**

- Resolution to approve a Community Development Amendment to the CDBG Action Plan 2019 and authorize the Mayor to sign all necessary documents and certifications regarding the amendment.
- Resolution to authorize the Mayor to sign, as the sole signatory, any and all necessary documents required pertaining to DASNY grant for the O&W Project.
- Resolution to authorize the Treasurer to transfer \$6,000.00 within the DPW 2021 budget to cover Lab Costs for the remainder of the year.
- Resolution to approve the participation by the City of Middletown Fire Department in the Orange County Fire Mutual Aid Plan.
- Resolution for the general city wide clean up period for leaves in the street for 2021.
- Resolution to retain Freeman & Howard, attorneys at law to render legal services with the ongoing fresh water public works project.

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

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





City of Middletown  
Common Council Meeting  
**September 7, 2021**  
City Hall  
16 James Street  
Middletown, New York 10940

P R E S E N T

Miguel Rodrigues, President of Common Council  
Ald. Tom Burr  
Ald. Gerald Kleiner  
Ald. Andrew Green  
Ald. Paul Johnson  
Ald. Kate Ramkissoo  
Ald. Sparrow Tobin  
Ald. Jude Jean-Francois

A B S E N T

Ald. Joseph Masi

Digitally Recorded Proceeding, transcribed by:  
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| Ald. Tobin                      | 16          |

1 1. Pledge of Allegiance

2 **PRESIDENT RODRIGUES:** Roll.

3 2. Roll Call

4 Roll Call: Ramkissoo, Tobin, Kleiner,  
5 Johnson, Jean-Francois, Burr, Green, President Rodrigues.

6 3. Approval of Minutes

7 **PRESIDENT RODRIGUES:** Approval of minutes.

8 **COUNCIL CLERK:** Tonight we have two common  
9 Council meeting minutes, one from August 3rd and one from  
10 August 17th.

11 **PRESIDENT RODRIGUES:** All right. Motion by  
12 Alderman Green, seconded by Alderman Johnson.

13 Any discussion? All in favor?

14 **COUNCIL MEMBERS:** Aye.

15 4. Correspondence, Communications and Reports

16 **PRESIDENT RODRIGUES:** Correspondence.

17 **COUNCIL CLERK:** Okay. We received a lease from  
18 103 North Street that needs to go to the Legislative  
19 Committee.

20 **PRESIDENT RODRIGUES:** Okay.

21 **COUNCIL CLERK:** The Kiwanis received that I --  
22 they would like to invite the Common Council for our  
23 first annual tree dedication. Everyone received that in  
24 their mailbox. Okay, received and filed.

25 And then Aegon Marketing, we received the dog

1 control officer inspector report that shall be received  
2 and filed.

3 And then Aegon Marketing, we also received a  
4 municipal shelter inspection report for Port Jervis. And  
5 that's received and filed.

6 That is all for correspondence.

7 5. For the Good of the City.

8 **PRESIDENT RODRIGUES:** For the Good of the City,  
9 anyone who would like to address the Council, please step  
10 up.

11 Eileen, do we have anybody on line?

12 **EILEEN:** Not at this time.

13 6. Remarks of the Mayor.

14 **PRESIDENT RODRIGUES:** Okay. Remarks of the  
15 Mayor.

16 **JOSEPH DESTEFANO, MAYOR:** Nothing this evening.

17 7. Remarks of Department Heads

18 DPW Commissioner.

19 **JACOB TAWIL, DPW COMMISSIONER:** Good evening,  
20 all.

21 So, we have many resolutions here, DPW, before  
22 you. I am not going to make any comments on them except  
23 if you have any questions I'll be happy to come up and  
24 address them, so I will not waste your -- your time.

25 So, we had our major rain event on September

1        2nd. And -- and it was -- it was one of the heaviest  
2        rain that we had since Irene and Lee. We had 7.8 inches  
3        of rain in about 20 hours which is quite a bit. The good  
4        news is all the infrastructure reinforcement that we did  
5        for our drainage system has worked. North Aspen and  
6        County Route 78 protected that entire development, that  
7        flood diversion wall. The water level came up, flooded  
8        County Route 78. It still protected the entire  
9        development as it was designed and constructed to do.

10                Maple Hill in there, I was in close contact  
11        with Nick Pople (phonetic) in there, one of the residents  
12        who lives in that area. He was, you know, he was  
13        concerned, but he was very happy there's no adverse  
14        impact of this almost 8 inch of rain on him. Before it  
15        was couple of inches his whole yard would be flooded and  
16        -- or maybe 1 inch and we -- it would have major issue.

17                All the culverts that we installed under FEMA  
18        funding in there, millions and millions of dollars across  
19        DPW garage and so on and so forth, they worked very well.  
20        And we still had some flooding, some road closures in  
21        typical places, was (inaudible) Avenue and Sterling and  
22        some other areas in there which is, you know, but that's  
23        all, you know, that's kind of expected because of the  
24        severity of the storm.

25                Tomorrow night, just to warn our residents,  
                 AMERICAN LEGAL TRANSCRIPTION (845) 452-3090

1 already flood warnings are in effect for tomorrow night  
2 into the next day early in the morning with gusts of  
3 wind. So be on the lookout for downed trees or downed  
4 wires. And be very careful. Please call either our  
5 police department if you have any concern regarding down  
6 wires call the -- after hours, that's the police  
7 department otherwise call DPW 343-3169 during regular  
8 office hours. And called Orange and Rockland if you have  
9 any concern about smelling gas or downed wires or  
10 anything like that. Just stay away from them, stay away  
11 from flooded roads, please.

12 And your catch basin in front of your house or  
13 in your neighborhood, if it's safe enough for you to  
14 clean it -- to clean the top off of leaves or debris or  
15 anything like that before the storm, that would be very  
16 helpful.

17 And during the storm, if you feel that it is  
18 safe enough for you to do so, please do the cleaning  
19 because that probably will save your neighborhood of  
20 potential flooding.

21 The Mayor did not report to you on downtown in  
22 here, but downtown project, the contractor came in,  
23 dressed up everything. It looks very good. There is  
24 punch list items that yet to be done. And there's  
25 irrigation systems yet to be completed. And they're

1 working on it. Hopefully, they'll be done in a couple of  
2 weeks. And that project would be totally completed.

3 The traffic operation project, the one we've  
4 been reporting to you about finally it's coming to  
5 reality. We opened the bid on -- on August 31st. There  
6 were few bids in there. And one bid was very close to  
7 the engineer's estimate, about 20 -- 26, 27 million  
8 dollars there. So we're going over the valuation,  
9 evaluating the bids right now ourselves and the  
10 consultant, DSP. And, hopefully, we'll be making  
11 recommendation to you and the Mayor and the DOT by the  
12 next Council meeting.

13 Water line project in there, the 20-inch high-  
14 pressure waterline replacement, we're having some issues  
15 in four sections of the installed pipe. We're very  
16 concerned about it. We directed the contractor to  
17 replace the above-ground piping which has not been  
18 installed yet with the heavier thicker class (inaudible)  
19 pipe to avoid any fabrication issue that we had with the  
20 previous batch. And that is being done. And we're  
21 working very closely with the contractor. The contractor  
22 so far has been very helpful. The issue is with the  
23 fabricator or the manufacturer of the (inaudible) pipe.  
24 We are trying to resolve this issue, so that the City's  
25 interest is protected for 100 years to come because

1       that's what we designed these things for.

2               And Davidge Park expansion project is moving  
3       along as you guys have seen which is we're getting the  
4       electrical contractor now. We're going to be doing --  
5       DPW is going to be doing the excavation for the  
6       electrical contractor to put his conduits in. I met with  
7       the Mayor a few times about it. And we're proceeding to  
8       lay the -- the ground for -- and the basis, basically,  
9       for the future lighting for the field. So there isn't  
10      going to be any lighting right now because of budget  
11      consideration. But in the future, it will be easily  
12      added in there since we're going to have the conduit and  
13      the wires underground already installed.

14             And electronic drop off reminder, it's -- it's  
15      on Saturday, not this Saturday, the 18th. And it's going  
16      to be at DPW garage on Monhagen Avenue. And it's going  
17      to be from 8 o'clock until 3 o'clock. So bring -- bring  
18      your electronics. Alderman Kleiner reminded me that we  
19      don't have description on our website of what will be  
20      accepted and what will not be accepted. So it has been  
21      added. And it's there now and you can look it up on our  
22      website, City website and DPW section what will be  
23      accepted and what is not. Just bring your electronics  
24      over to the DPW garage. Our guys will be there to help  
25      you unload it and you will move along. COVID regulations

1 will be -- will be observed meaning masks and to stay  
2 away from each other without any close contact with  
3 anybody.

4 With that, I will conclude my regards. Council  
5 President, if you have questions for me.

6 **PRESIDENT RODRIGUES:** Any questions for Jacob?

7 Thank you for the update, Jacob.

8 **JACOB TAWIL, DPW COMMISSIONER:** Alderman.

9 **ALD. KLEINER:** There's one question.

10 **PRESIDENT RODRIGUES:** Alderman Jean-Francois.

11 **ALDERMAN JEAN-FRANCOIS:** Yes. Commissioner,  
12 I've been getting a few phone call with residents that  
13 have flooded basement. There was one that if the City  
14 could do another possibility we could do another bulk  
15 pickup because they have a lot of --

16 **JACOB TAWIL, DPW COMMISSIONER:** That's --  
17 that's a good question. To be honest with you, it was on  
18 my mind and I -- my fault I neglected to bring it up to  
19 the Mayor -- to discuss it with the Mayor.

20 **ALDERMAN JEAN-FRANCOIS:** Okay.

21 **JACOB TAWIL, DPW COMMISSIONER:** I'll discuss it  
22 with the Mayor and we'll bring it up to your attention.  
23 It would be a good idea to do, you know, for people who  
24 got impacted, adversely impacted with the flood --

25 **ALDERMAN JEAN-FRANCOIS:** Okay.

1                   **JACOB TAWIL, DPW COMMISSIONER:** -- to pick up.  
2                   But I'll discuss it with the Mayor. I don't have any --  
3                   anything yet.

4                   **ALDERMAN JEAN-FRANCOIS:** Thank you.

5                   **JACOB TAWIL, DPW COMMISSIONER:** Thank you.  
6                   That's -- thank you for bringing that up.

7                   **PRESIDENT RODRIGUES:** Are we getting any calls?  
8                   Anybody asking?

9                   **JACOB TAWIL, DPW COMMISSIONER:** I -- not to my  
10                  knowledge. But I was thinking about it. You know, I've  
11                  seen it -- I've seen it done in other cities. And it's  
12                  been in the back of my mind. It's just my fault. I  
13                  neglected to bring it up to the Mayor's attention.

14                  **PRESIDENT RODRIGUES:** Okay. Fire Chief.

15                  **NICK BARBER, FIRE CHIEF:** Good evening. As  
16                  Jacob said, during the storm 7.8 inches of rain. We  
17                  responded to 34 emergency calls. We had two calls, two  
18                  electrical fires that we took care of.

19                  And I just want to remind people, when they see  
20                  a fire truck coming down the street with lights and  
21                  sirens, don't go around them. The person that did go  
22                  around them wound up in 4 foot of water stuck in his car  
23                  on Wisner Avenue. So karma does strike.

24                  Just to let the Council know, our 16 Scott  
25                  packs came in. Now, all of our Scott packs are up to

1 date. Engine 4 and Engine 6 received them.

2 And our parade is still scheduled for October  
3 2nd with inspection night October 1st. All of you are  
4 invited for inspection night, 6:00 p.m. We'll pick you  
5 guys up.

6 Any questions?

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

9 City Treasurer.

10 **KELLY ANN KELLY, CITY TREASURER:** Good evening.  
11 I don't have anything, unless you have any questions for  
12 me.

13 **PRESIDENT RODRIGUES:** Any questions?

14 Thank you, Kelly.

15 **KELLY ANN KELLY, CITY TREASURER:** Okay.

16 **PRESIDENT RODRIGUES:** Police Chief.

17 **JOHN EWANCIW, POLICE CHIEF:** Good evening,  
18 Council. I just have one thing just to share with the  
19 community and the Council this evening is in the coming  
20 days, hopefully by the end of the week we'll be going  
21 live with our Community Feedback Program. It's called  
22 QHIT. It's a program we partnered with the affiliated  
23 with our records management system. So whenever someone  
24 calls us or is a victim of some type of a crime, not  
25 every crime, but certain crimes, it automatically

1 generates a survey to that person. It's a quick two to  
2 three question survey just to get some feedback from the  
3 community of how we're actually serving the community.  
4 So that's going to go into effect hopefully by the end of  
5 this week. We've been working on it now for about six  
6 weeks, putting it in place, getting everything up -- up  
7 to speed.

8 This is not to report emergencies. It is not  
9 to make complaints or anything to that effect. It is  
10 specifically to address the service that was provided to  
11 the member of the community.

12 So I just want to make everybody aware we did  
13 some social media pushout on that with a little video to  
14 see what it's about. But, hopefully, it is going to be  
15 well received and hopefully gives us some good feedback  
16 as to how we are serving the community and if we need to  
17 make any changes in a positive direction.

18 Other than that, I have no questions unless you  
19 have questions for me.

20 **PRESIDENT RODRIGUES:** Any questions for the  
21 police chief? Thank you, Chief.

22 **JOHN EWANCIW, POLICE CHIEF:** Thank you.

23 **PRESIDENT RODRIGUES:** City Clerk.

24 **JOHN NAUMCHIK, CITY CLERK:** Okay. Tonight in  
25 local laws, there's an introduction only tonight of Local  
AMERICAN LEGAL TRANSCRIPTION (845) 452-3090

1 Law Number 2 of 2021. And that's increasing the terms of  
2 the Deputy Commissioners of Public Workers. That will be  
3 voted on in the next meeting which is September 21st.

4 Also, to -- just a note that everybody that's  
5 having garage sales or yard sales to make sure that they  
6 need a permit and no signs are allowed on any of the  
7 telephone poles in the City of Middletown or trees.  
8 They've been -- I've seen many on the poles. We've  
9 picked a couple and I've been sending letters out. Just  
10 a reminder. Thank you.

11 That's all I have.

12 **PRESIDENT RODRIGUES:** Thank you, John.

13 8. Public Hearings and Grievances.

14 (Nothing this evening.)

15 9. Petitions and Complaints

16 (Nothing this evening.)

17 10. Remarks of the Alderman.

18 **PRESIDENT RODRIGUES:** Okay. Remarks of  
19 Alderman. Alderman Burr.

20 **ALD. BURR:** Nothing this evening.

21 **PRESIDENT RODRIGUES:** Alderman Jean-Francois.

22 **ALD. JEAN-FRANCOIS:** Nothing.

23 **PRESIDENT RODRIGUES:** Alderman Kleiner.

24 **ALD. KLEINER:** Thank you. We have a -- Andrew

25 and I have a Second Ward Constituents meeting be coming

1 up Monday, September 13th, 7:00 p.m. at City Hall. And  
2 Mayor DeStefano will be part of the meeting. He's  
3 graciously agreed to come to our meeting if you have  
4 questions. Keep it in mind.

5 I want to wish our Jewish community friends a  
6 happy Rosh Hashanah. That's tonight until tomorrow.  
7 It's the year 5782. And next week is Yom Kippur. So  
8 it's -- it's a holy time for the community.

9 I also want to mention that September 17th  
10 coming up is Constitution Day. And it's one I always  
11 point out, the day that the Constitution was signed and  
12 adopted in 1781. I think that's, these days, very  
13 important date and an important event to remember.

14 And this Saturday will be the 20th anniversary  
15 of the 9/11 attack. So keep that in mind. And I don't  
16 know of any specific events locally, but we certainly  
17 will all remember. Thank you.

18 **PRESIDENT RODRIGUES:** Alderman Ramkissoo.

19 **ALD. RAMKISSOON:** Good evening. I just wanted  
20 to mention briefly that we are -- a bunch of us were in  
21 attendance at Festival Square on Friday, the 27th where  
22 we dedicated that park and forever renamed that John  
23 Degnan Square. And I just wanted to mention it because  
24 it was a beautiful moment. And he is a very great man  
25 and a big part of Middletown. And I think it was really

1 neat to watch him be able to enjoy being honored by the  
2 people that he served for so many years. So I just  
3 wanted to mention him in the meeting as well.

4 The next thing I'd say is just about school.  
5 We're back to school, week 1, just two days. Just --  
6 just twos and we are figuring it out. It has been a year  
7 since we've had all the kids in school. So I just on  
8 behalf -- as another mom and as a person who does work in  
9 the school, just deep breath moms, dads, kids, staff, all  
10 of us. We're going to get there and a little patience  
11 goes a long way.

12 That's all I have.

13 **PRESIDENT RODRIGUES:** Alderman Johnson.

14 **ALD. JOHNSON:** Thank you. I agree with  
15 Alderwoman Ramkisson. The John Degnan was a good thing.  
16 He's given us many, many years of service, both, as an  
17 educator and as an administrator for the City. He  
18 accepted the honor with appropriate humility, but I'm  
19 sure he actually enjoyed it. So, great move whoever's  
20 idea that was, great idea. Thank you.

21 **PRESIDENT RODRIGUES:** Alderman Green.

22 **ALD. GREEN:** Thank you very much. Just a lot  
23 happened since our last meeting, it's amazing to think.  
24 But, you know, we had a great Run for Downtown, of course  
25 the Degnan dedication. You know, and I just want to

1       thank all the crews and everyone, all the departments who  
2       worked so hard during that storm. It really -- was --  
3       was an effort by everyone involved, so that's something  
4       we need to recognize.

5               As Alderman Kleiner mentioned, you know, I -- I  
6       remember exactly where I was, what happened on September  
7       11th, I'll never forget. And I know so many around us  
8       who were directly affected, whether it be family,  
9       friends, those who were lost. So just keep remembrance  
10      of that as we go into Saturday and 20 years on.

11             And just, again, for everyone who's  
12      celebrating, well wishes and a Happy New Year and Happy  
13      Rosh Hashanah.

14             Thank you very much.

15             **PRESIDENT RODRIGUES:** Alderman Tobin.

16             **ALD. TOBIN:** Yeah, ditto on the most everything  
17      there, you know, Happy New Year.

18             Also, my condolences to Legislator Paduch for  
19      the loss in his family.

20             And September 11th, you know, never forget 20  
21      years later. Never forget the people that we lost, but  
22      also we should never forget the people that that were  
23      there that helped, you know, save the people and rebuild  
24      the city and that, you know, are suffering from some of  
25      the health effects 20 years later. So, you know, as a

1 society, it's important to remember that. It touched us  
2 so closely here in the New York Metropolitan area.

3 And Alderman Jean-Francois and myself had a  
4 chance to visit the Farmers Market this weekend. It was  
5 excellent, so much fresh produce right from the farm to,  
6 you know, right to you. So I encourage everybody check  
7 it out. Thank you.

8 11. Unfinished Business.

9 (Nothing this evening.)

10 **PRESIDENT RODRIGUES:** That's it. New business.

11

12 CERTIFICATE

13 I, LISA KANE, certify the foregoing transcript of proceedings  
14 prior to New Business of the September 7, 2021 Middletown City  
15 Council meeting was prepared using the required electronic  
16 equipment and is a true and accurate record of the  
17 proceedings.

18

19 Signature: *LISA KANE*

20 Date: September 20, 2021

21 Agency: American Legal Transcription

22 11 Market Street, Suite 215

23 Poughkeepsie, New York 12601

24

## 12. New Business

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

THE FOLLOWING WAS PRESENTED

By Ald. Burr

Sec'd by Ald. Green

Date of Adoption 09-07-21

Index No: 179-21

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

WHEREAS; Recreation & Parks Department was given a donation in the amount of \$1,300.00 for the purchase of benches and,

WHEREAS; The Middletown Recreation & Parks Department is requesting that the Common Council accept this donation and authorize the Treasurer to deposit the donation into account A.7110.478 Park Improvements.

**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 09-07-21

Index No: 180-21

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

RESOLVED; that the Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment to authorize the Mayor to sign the attached proposal from CDM Smith for additional professional engineering services, allowing them to continue grant project support for the City of Middletown. The cost to amend the current contract with CDM Smith is estimated to be \$75,000. This would be an amendment to the current authorization under City Resolution 44-18, which has previously been amended under resolutions 164-19 and 134-20.

LET IT BE 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 \$75,000.00 within the DPW 2021 budget which would be included in future reimbursement requests made on behalf of the City of Middletown to NYSDEC under the contracts for the City's two WQIP grants in the following manner:

|                        |             |                                  |
|------------------------|-------------|----------------------------------|
| FROM                   | AMOUNT      | TO                               |
| H.0967.966             | \$75,000.00 | F.8310.400                       |
| Land Acquisition-Water |             | Water Administration Contractual |
| Protection Project     |             |                                  |
| Purchase of Property   |             |                                  |

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

THE FOLLOWING WAS PRESENTED

By Ald. Kleiner

Sec'd by Ald. Ramkissoon

Date of Adoption 09-07-21

Index No: 181-21

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

WHEREAS; The Middletown Courthouse Renovation Project will include a schematic design phase of the project through the construction administration phase, for a total fee of \$215,600, and

WHEREAS; there is a remaining total of \$118,916.90 on the current purchase order for this project. Having to subtract the remaining balance of the current fee authorization, the additional fee amount requested is \$96,683.10.

SO LET IT BE RESOLVED; that the Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment to authorize the Mayor to sign the attached updated proposal from B&L to provide additional engineering design services for the new Middletown Courthouse Renovation Project, the former Federal Courthouse.

LET IT BE FURTHER RESOLVED: that the Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment to authorize the Treasurer to fund the project in the amount of \$96,683.10 from the project funding H.0916.900 line.

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

THE FOLLOWING WAS PRESENTED

By Ald. Ramkissoo

Sec'd by Ald. Jean-Francois

Date of Adoption 09-07-21

Index No: 182-21

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

RESOLVED; that the Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment to authorize the Treasurer to transfer \$75,000.00 within the DPW budget due to a major increase in overtime hours worked by the department due to the distribution of the new garbage and recycling carts to all City residents and the newly implemented Sanitation plan in the following manner:

|                  |             |                     |
|------------------|-------------|---------------------|
| FROM             | AMOUNT      | TO                  |
| A.8160.100       | \$75,000.00 | A.8160.103          |
| Personal Service |             | Sanitation Overtime |

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

THE FOLLOWING WAS PRESENTED

By Ald. Johnson

Sec'd by Ald. Kleiner

Date of Adoption 09-07-21

Index No: 183-21

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

RESOLVED; that the Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment to authorize the Mayor to sign the attached contract with New York Security Systems Inc for the Video Surveillance and Access Control System Service/Contract Maintenance program for City Hall and Community Center in the amount of \$500.00 per month on an annual payment of \$6,000.00.

LET IT BE FUTHER RESOLVED; that the Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment to fund the program from the A.1490.400 account.

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

THE FOLLOWING WAS PRESENTED

By Ald. Tobin

Sec'd by Ald. Burr

Date of Adoption 09-07-21

Index No: 184-21

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

RESOLVED; that the Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment to authorize the Treasurer to transfer \$15,000.00 within the 2021 operating budget of the Middletown Recreation & Parks Department to cover insufficient funds to account #A.7110.440 due to multiple vehicle breakdowns including our garbage truck and dump truck in the following manner:

FROM  
A.7180.100  
Pools: Personal Services

AMOUNT  
\$15,000.00

TO  
A.7110.440  
Parks: Repairs to  
Equipment

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

THE FOLLOWING WAS PRESENTED

By Ald. Burr

Sec'd by Ald. Kleiner

Date of Adoption 09-07-21

Index No: 185-21

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

RESOLVED; that the Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment to authorize the request from the Ulster County the use of the mobile stage on Saturday, September 11, 2021, with a rain date of September 22, 2021.

LET IT BE FURTHER RESOLVED; that the Common Council of the City of Middletown authorizes the City to set up and take down as well as transport the stage and authorize the Mayor to sign all necessary documents between the City and the County of Ulster.

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

THE FOLLOWING WAS PRESENTED

By Ald. Jean-Francois

Sec'd by Ald. Green

Date of Adoption 09-07-21

Index No: 186-21

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

WHEREAS; when the City hired a Deputy Commissioner, the City offered to pay him an additional \$10,000.00 to \$15,000.00 per year once he steps up and takes on the Plumbing Inspector job and duties, including conducting all plumbing inspections, and reporting, and

WHEREAS; the Deputy Commissioner was hired on August 10, 2020 and since then he has taken on the Plumbing Inspector duties.

SO LET IT BE RESOLVED; that the Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment to authorize to increase the Deputy Commissioner annual pay by \$15,000.00 retroactive from January 1, 2021, as he was taking on the duty of the Plumbing Inspector.

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

THE FOLLOWING WAS PRESENTED

By Ald. Jean-Francois

Sec'd by Ald. Tobin

Date of Adoption 09-07-21

Index No: 187-21

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

RESOLVED; that the Common Council of the City of Middletown hereby amend the City Code, Chapter 460 Vehicles and Traffic, Section 460-28, No-Parking zone; Handicapped permits only to remove the following:

(63) Directly in front of 14 Houston Ave.

## 13. Local Laws

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

THE FOLLOWING WAS PRESENTED

By Ald. Jean-Francois

Sec'd by Ald. XXXXXXXX

Date of Adoption 09-07-21

Index No: Introduction of LL #2 of 2021

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

A LOCAL LAW INCREASING THE TERMS OF THE DEPUTY COMMISSIONERS OF PUBLIC WORKS

BE IT ENACTED BY THE COMMON COUNCIL OF THE CITY OF MIDDLETOWN AS FOLLOWS:

Section 1. Purpose of this Enactment. The purpose of this enactment is to increase the terms of office for the Deputy Commissioners of Public Works from one (1) year to three (3) years.

Section 2. The first sentence of Section 11 of the Charter of the City of Middletown is hereby amended to read as follows:

§ 11. All officers elected or appointed under this Charter, except Mayor, Aldermen, City Judge, Chief of Police, Corporation Counsel, Commissioner of Public Works, Deputy Commissioners of Public Works, City Clerk, Registrar and Clerk of the Common Council, Treasurer, Members of the Board of Health and Civil Service employees, shall hold offices for one (1) year, and until their successors shall qualify.

Section 3. A new Section 68-D is added to the Charter of the City of Middletown to read in its entirety as follows:

68-D. The Deputy Commissioners of public works shall be full-time employees of the City of Middletown and shall serve three (3) year terms, commencing from the time of appointment.

Section 4. Severability.

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

Section 5. Effective Date.

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

#### 14. Audit

On motion of Ald. Johnson seconded by Ald. Green

I move that the accounts be audited the claims be adjusted and the Treasurer be authorized to issue warrants for their payment.

Roll Call: Ayes: Ald. Ramkissoon, Tobin, Kleiner, Johnson, Jean-Francois, Burr, Green, Pres. Rodrigues-8

#### 15. Adjournment

There being no further business meeting adjourned at 8:22 PM

**MUNICIPAL SHELTER INSPECTION REPORT - DL-90**Rating: **Unsatisfactory30**Purpose: **Inspection****RECEIVED****SEP 27 2021**DATE/TOA: **9/16/21 11:15 am**

**City Clerk**  
**City of Middletown**

**HUMANE SOCIETY OF PORT JERVIS-DEER PK INC**  
**202 RTE 209**  
**PORT JERVIS NY 12771**

Inspector: **Joyce Amels**Inspector #: **67**


---

These are the findings of an inspection of your facility on the date(s) indicated above:

---

- |                                                                                                                                                                                                                                                                         |     |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----|
| <b>1. Shelter is structurally sound</b>                                                                                                                                                                                                                                 | Yes |
| <b>2. Housing area and equipment is sanitized regularly</b>                                                                                                                                                                                                             | Yes |
| <b>3. Repairs are done when necessary</b>                                                                                                                                                                                                                               | No  |
| <i>Interior kennels need resurfacing/ resealing. Exterior runs on left side of entry need concrete cracks repaired and runs need resealing. Exterior runs on right side of entry need resealing. Exterior runs in adjacent building need resurfacing and resealing.</i> |     |
| <b>4. Dogs are handled safely</b>                                                                                                                                                                                                                                       | Yes |
| <b>5. Adequate space is available for all dogs</b>                                                                                                                                                                                                                      | Yes |
| <b>6. Light is sufficient for observation</b>                                                                                                                                                                                                                           | Yes |
| <b>7. Ventilation is adequate</b>                                                                                                                                                                                                                                       | Yes |
| <b>8. Drainage is adequate</b>                                                                                                                                                                                                                                          | Yes |
| <b>9. Temperature extremes are avoided</b>                                                                                                                                                                                                                              | Yes |
| <b>10. Clean food and water is available and in ample amount</b>                                                                                                                                                                                                        | Yes |
| <b>11. Veterinary care is provided when necessary</b>                                                                                                                                                                                                                   | Yes |
| <b>12. Dogs are euthanized humanely, by authorized personnel</b>                                                                                                                                                                                                        | Yes |
| <b>13. Complete intake and disposition records are maintained for all seized dogs</b>                                                                                                                                                                                   | Yes |
| <b>14. Dogs transferred for purposes of adoption in compliance with Article 7</b>                                                                                                                                                                                       | Yes |
| <b>15. Redemption period is observed before adoption, euthanasia or transfer</b>                                                                                                                                                                                        | Yes |
| <b>16. Owners of identified dogs are properly notified</b>                                                                                                                                                                                                              | Yes |
| <b>17. Redeemed dogs are licensed before release</b>                                                                                                                                                                                                                    | Yes |
| <b>18. Proper impoundment fees paid before dogs are released</b>                                                                                                                                                                                                        | Yes |
| <b>19. Written contract or lease with municipality</b>                                                                                                                                                                                                                  | Yes |

## Town - City - Village Information for Inspection:

**TCV CODE    TCV NAME**

|      |                     |
|------|---------------------|
| 3305 | Town of Deerpark    |
| 3307 | Town of Greenville  |
| 4811 | Town of Mamakating  |
| 3319 | Town of Wawayanda   |
| 3321 | City of Middletown  |
| 3323 | City of Port Jervis |

REMARKS:

REPRESENTATIVE PRESENT FOR INSPECTION: **CC Nicosia**  
TITLE: **shelter manager**

REVIEWED BY: **David Chico**  
REVIEWED DATE: **09/17/2021**



## Agriculture and Markets

Joseph DeStefano  
City Mayor - City of Middletown  
16 James St  
Middletown, NY 10940

RECEIVED  
SEP 27 2021  
City Clerk  
City of Middletown

September 20, 2021

Enclosed is the **Municipal Shelter Inspection Report** completed on **09/16/2021**. This inspection relates to Agriculture and Markets Laws and Regulations which may be viewed on the website below.

As the report indicates, dog shelter services were rated "Unsatisfactory" for reasons noted on the report.

Please discuss this notice with municipal officials and take appropriate action so that municipal shelter services are in compliance.

Another inspection will occur in approximately **(30) days** after the date of inspection. It is anticipated that all deficiencies will be corrected by this time.

If you have any questions regarding this inspection, please feel free to contact Joyce Amels, Animal Health Inspector at (845) 500-1498.

Dr. David M. Chico  
Veterinarian 3  
(518) 457-3502

**CITY OF MIDDLETOWN  
NOTICE OF PUBLIC HEARING**

Notice is hereby given that the City of Middletown will hold a public hearing on Tuesday, October 5, 2021 on or as near to 8:00 .m. as possible, Common Council Chambers, 2<sup>nd</sup> floor, 16 James Street, to hear any and all persons wishing to be heard on the proposed revising to Chapter 475, Zoning, to allow limited residential usage of the first floor of a commercial, mixed-use building in the DMU Downtown Mixed Use zoning district.

Any and all persons wishing to be heard will be given an opportunity to speak either for or against the proposed revising of the Zoning Code.

The complete proposed revising of the Zoning code 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 will also be conducted via video/tele-conference and live on Channel 20 for viewing. To register for the video/tele-conference please use the link below:

<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 [jnaumchik@middletown-ny.com](mailto:jnaumchik@middletown-ny.com)

By the order of the Common Council.

John C. Naumchik  
Clerk of the Common Council

Publish: 9/20/21 & 9/21/21  
City Website

# TIMES HERALD-RECORD

90 Crystal Run Road, Ste 310, Middletown, NY 10941

State of New York:

County of Orange: ss:

Tricia Crowe

Being duly sworn deposes and says that the Local Media Group, Inc. is organized under the last of the State of New York and is, at all the times hereinafter mentioned, was the printer and publisher of the Times Herald-Record, a daily newspaper distributed in the Orange, Ulster, Rockland, Dutchess, Pike, PA, Delaware and Sullivan, Counties, published in the English language in the City of Middletown, County of Orange, State of New York, that deponent is the

## Legal Advertising Rep.

of said The Times Herald-Record acquainted with the facts hereinafter stated, and duly authorized by said Corporation to make this affidavit; that the

## Public Notice

a true printed copy of which is attached, has been duly and regularly published in the manner require by law in said The Times Herald-Record in each of its issues published upon each of the following dates, to with: In its issues of:

09/20/2021

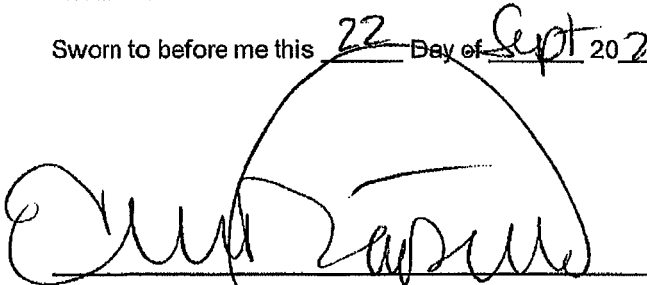
09/21/2021



Signature of Representative:

Tricia Crowe

Sworn to before me this 22 Day of Sept 20 21



Notary Public, Orange County

ELIZABETH MARTHA RAPALO  
Notary Public - State of New York  
No. 01RA6344907  
Qualified in Orange County  
My Commission Expires 07/11/2024

## CITY OF MIDDLETOWN NOTICE OF PUBLIC HEARING

Notice is hereby given that the City of Middletown will hold a public hearing on Tuesday, October 5, 2021 on or as near to 8:00 .m. as possible, Common Council Chambers, 2nd floor, 16 James Street, to hear any and all persons wishing to be heard on the proposed revising to Chapter 475, Zoning, to allow limited residential usage of the first floor of a commercial, mixed-use building in the DMU Downtown Mixed Use zoning district.

Any and all persons wishing to be heard will be given an opportunity to speak either for or against the proposed revising of the Zoning Code.

The complete proposed revising of the Zoning code 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 will also be conducted via video/tele-conference and live on Channel 20 for viewing. To register for the video/tele-conference please use the link below: <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 [jnaumchik@middletown-ny.com](mailto:jnaumchik@middletown-ny.com)

By the order of the Common Council.

John C. Naumchik  
Clerk of the Common Council

WHEREAS, the Common Council wishes to allow limited residential usage of the first floor of a commercial, mixed-use building in the DMU Downtown Mixed Use zoning district.

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

Section 1 - The Code of the City of Middletown, N.Y., Chapter 475, Zoning, be and is hereby amended by replacing Paragraph (2) of Subsection C of Section 475-21.1, DMU Downtown Mixed Use District, to read as follows:

(2) The first floor (street level) of any building located in the DMU zone must be a commercial use as allowed in this § 475-21.1 (as the same may be amended from time to time). Residential uses of the first floor of any building or structure located in the DMU district are prohibited, unless waived by the Planning Board in its sole discretion, subject to the following conditions and restrictions:

(a) A waiver can only be granted if the size of the footprint of the building is 35,000 square feet or more; this minimum size requirement cannot be achieved by adding more physical space to a building; and

(b) A waiver can only be granted if all one-bedroom dwelling units in the building each consist of at least 750 square feet; and

(c) A waiver can only be granted if all two-bedroom dwelling units in the building each consist of at least 850 square feet; and

(d) The Planning Board can only grant a partial first floor waiver; the waiver cannot create an entirely residential first floor; and

(e) Subparagraphs (a) and (d), above, shall not apply to waiver requests for the conversion of an existing building which does not have street frontage because there is a structure between the subject building and the street, provided, however, that such a waiver must comply with the conditions set forth in Subparagraphs (b) and (c), above.

Section 2 - This ordinance shall take effect immediately.

RECEIVED  
SEP 16 2021  
City Clerk  
City of Middletown

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

THE FOLLOWING WAS PRESENTED

By Ald. \_\_\_\_\_

Sec'd by Ald. \_\_\_\_\_

Date of Adoption 10-05-21  
\_\_\_\_\_

Index No: \_\_\_\_\_

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

**WHEREAS**, the Common Council of the City of Middletown desires to assure the safety of the public both on the streets and in their homes during the celebration of Halloween, and,

**WHEREAS**, the Common Council of the City of Middletown has determined that it is in the best interest of the City of Middletown to adopt a juvenile curfew during the Halloween period and to encourage parents and guardians to supervise, control and know the whereabouts of their children during such period,

**NOW THEREFORE BE IT RESOLVED AND ORDAINED BY THE COMMON COUNCIL OF THE CITY OF MIDDLETOWN**, that during the period of October 29, 2021 through November 1, 2021 between the hours of 9:00 pm through 6:00 am on each day, commencing on October 29, 2021, it shall be unlawful for any person under the age of eighteen (18) years (hereafter referred to as "minor") to be in any public place (including but not limited to, any street, alley, highway or other public thoroughfare, sidewalk, park, playground, store, shop, restaurant, tavern, café, theater, shopping center and any other place devoted to amusement or open to the general public) or on private property other than such minor's home or usual place of abode, within the City of Middletown, New York, either on foot or in a vehicle, except:

1. When accompanied by a parent or guardian; or
2. When the minor is on an emergency errand; or
3. When the minor is on a specific business or activity directed by his or her parent or guardian, in writing, identifying the minor, the specific business or activity, the location or locations of such business or activity and the time when such business or activity shall end, and signed by such parent or guardian; or
4. When the presence of such minor is required in connection with some legitimate employment, trade, profession or occupation.

**AND BE IT FURTHER RESOLVED AND ORDAINED**, that it shall be unlawful for any person, operating or having charge of any public place to knowingly permit or suffer the presence of minors between the hours set for above,

**AND BE IT FURTHER RESOLVED AND ORDAINED,** that the following procedures shall be followed in the event of any violations of the above curfew:

1. Any Police or Peace Officer, upon finding a minor in violation of the prohibitions set forth above shall ascertain the name and the address of the minor and warn the minor that he or she is in violation of curfew and shall direct the minor to proceed at once to his or her home or usual place of abode. The police or peace officer shall report such action to the parents or guardian of the minor.
2. If such minor refuses to heed the warning or direction given by any police or peace officer or refuses to give the police or peace officer his or her correct name and address, or if the minor has been warned on a previous occasion that he or she was in violation of curfew, such minor shall be taken to the City of Middletown Police Station and the parent or guardian of the minor shall be notified to come and take charge of such minor and return such minor to the minor's home or usual place of abode. Such minor, in the discretion of the Chief of Police, may also be issued an appearance ticket to appear in the Middletown City Court to answer charges of violation of the curfew, and any operator of any public place who has suffered the presence of such minor or minors may also be issued an appearance ticket to appear in the Middletown City Court to answer charges of violation of the curfew.

**AND BE IT FURTHER RESOLVED AND ORDAINED,** that any person violating the provisions of this Ordinance and found guilty of the same shall be fined not more than Two Hundred fifty dollars (\$250.00) and/or sentenced to not more than fifteen (15) days in jail for each offense.

## John Naumchik

---

**From:** jewanciw@middletownpolice.com  
**Sent:** Wednesday, September 22, 2021 12:15 PM  
**To:** John Naumchik  
**Subject:** RE: 2021 Halloween Curfew

Looks good to me

**John Ewanciw – Chief of Police**

City of Middletown Police Department

2 James St.

Middletown, NY 10940

(845)346-4004 *office*

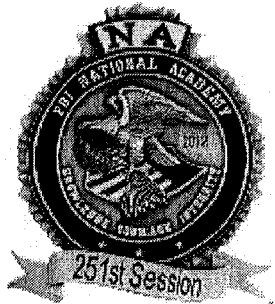
(845)346-4041 *fax*

[jewanciw@middletownpolice.com](mailto:jewanciw@middletownpolice.com)

***The City of Middletown Police Department***

*Serving The Public With Integrity Since 1888*

Please Visit our Website @ [www.middletownpolice.com](http://www.middletownpolice.com)



---

**From:** John Naumchik <jnaumchik@middletown-ny.com>  
**Sent:** Wednesday, September 22, 2021 10:24 AM  
**To:** John Ewanciw (jewanciw@middletownpolice.com) <jewanciw@middletownpolice.com>  
**Subject:** 2021 Halloween Curfew

Chief,

Please see dates for 2021 Halloween curfew.

Please approve dates for the 10/06/21 Council Meeting.

Thank you,

John

WHEREAS, the Common Council of the City of Middletown desires to assure the safety of the public both on the streets and in their homes during the celebration of Halloween, and,

WHEREAS, the Common Council of the City of Middletown has determined that it is in the best interest of the City of Middletown to adopt a juvenile curfew during the Halloween period and to encourage parents and guardians to supervise, control and know the whereabouts of their children during such period,

NOW THEREFORE BE IT RESOLVED AND ORDAINED BY THE COMMON COUNCIL OF THE CITY OF MIDDLETOWN, that during the period of October 29, 2021 through November 1, 2021 between the hours of 9:00 pm through 6:00 am on each day, commencing on October 29, 2021, it shall be unlawful for any person under the age of eighteen (18) years (hereafter referred to as "minor") to be in any public place (including but not limited to, any street, alley, highway or other public thoroughfare, sidewalk, park, playground, store, shop, restaurant, tavern, café, theater, shopping center and any other place devoted to amusement or open to the general public) or on private property other than such minor's home or usual place of abode, within the City of Middletown, New York, either on foot or in a vehicle, except:

1. When accompanied by a parent or guardian; or
2. When the minor is on an emergency errand; or
3. When the minor is on a specific business or activity directed by his or her parent or guardian, in writing, identifying the minor, the specific business or activity, the location or locations of such business or activity and the time when such business or activity shall end, and signed by such parent or guardian; or
4. When the presence of such minor is required in connection with some legitimate employment, trade, profession or occupation.

AND BE IT FURTHER RESOLVED AND ORDAINED, that it shall be unlawful for any person, operating or having charge of any public place to knowingly permit or suffer the presence of minors between the hours set for above,

AND BE IT FURTHER RESOLVED AND ORDAINED, that the following procedures shall be followed in the event of any violations of the above curfew:

1. Any Police or Peace Officer, upon finding a minor in violation of the prohibitions set forth above shall ascertain the name and the address of the minor and warn the minor that he or she is in violation of curfew and shall direct the minor to proceed at once to his or her home or usual place of abode. The police or peace officer shall report such action to the parents or guardian of the minor.
2. If such minor refuses to heed the warning or direction given by any police or peace officer or refuses to give the police or peace officer his or her correct name and address, or if the minor has been warned on a previous occasion that he or she was in violation of curfew, such minor shall be taken to the City of Middletown Police Station and the parent or guardian of the minor shall be notified to come and take charge of such minor and return such minor to the minor's home or usual place of abode. Such minor, in the discretion of the Chief of Police, may also be issued an appearance ticket to appear in the Middletown City Court to answer charges of violation of the curfew, and any operator of any public place who has suffered the presence of such minor or minors may also be issued an appearance ticket to appear in the Middletown City Court to answer charges of violation of the curfew.

AND BE IT FURTHER RESOLVED AND ORDAINED, that any person violating the provisions of this Ordinance and found guilty of the same shall be fined not more than Two Hundred fifty dollars (\$250.00) and/or sentenced to not more than fifteen (15) days in jail for each offense.

**John C. Naumchik**

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)

[jnaumchik@middletown-ny.com](mailto:jnaumchik@middletown-ny.com)

Please visit our website @ [www.middletown-ny.com](http://www.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 10-05-21  
\_\_\_\_\_

Index No: \_\_\_\_\_

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

RESOLVED; that the Common Council of the City of Middletown re-schedules the Common Council Meeting from Tuesday, November 2, 2021 to Monday, November 1, 2021 not to coincide with Election Day.

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

THE FOLLOWING WAS PRESENTED

By Ald. \_\_\_\_\_

Sec'd by Ald. \_\_\_\_\_

Date of Adoption 10-05-21  
\_\_\_\_\_

Index No: \_\_\_\_\_

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| Ald. Johnson       |      |      |         |        |
| Ald. Jean-Francois |      |      |         |        |
| Ald. Burr          |      |      |         |        |
| Ald. Green         |      |      |         |        |
| Ald. Masi          |      |      |         |        |
| Pres. Rodrigues    |      |      |         |        |
| TOTAL              |      |      |         |        |

RESOLVED; that the Common Council of the City of Middletown concurs with the Mayor's appointment of Raelynn Bertholf to Superintendent of Recreation and Nicole Psarakis to the Assistant Superintendent of Recreation.

## John Naumchik

---

**From:** Joseph DeStefano <mayordestefano@yahoo.com>  
**Sent:** Wednesday, September 29, 2021 2:09 PM  
**To:** John Naumchik  
**Cc:** Kate Ramkissoon; Paul Johnson; Paul Johnson; Thomas Burr; Andrew Green; Joseph Masi Yahoo; Jerry Kleiner; Jude A. Jean-Francoise; Jerry Kleiner; Jude A. Jean-Francois; Sparrow Tobin; J Miguel Rodrigues  
**Subject:** Appointments

President Rodrigues and Members of the Common Council,

Please prepare the necessary resolutions appointing the following:

1. Superintendent of Recreation - Raelynn Bertholf
2. Assistant Superintendent of Recreation - Nicole Psarakis

They are both currently employed in the Rec Department and are ranked on the Civil Service active list and eligible for appointment.

Respectfully,

Joe DeStefano  
Mayor

RECEIVED  
SEP 29 2021  
City Clerk  
City of Middletown

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

THE FOLLOWING WAS PRESENTED

By Ald. \_\_\_\_\_

Sec'd by Ald. \_\_\_\_\_

Date of Adoption 10-05-21  
\_\_\_\_\_

Index No: \_\_\_\_\_

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

RESOLVED; that the Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment to authorize the Treasurer to transfer \$15,000.00 within the Corporation Counsel 2021 budget to pay unpaid litigation invoices in the following manner:

From  
A.1420.488  
Corporation Counsel Grievance

Amount  
\$15,000.00

To  
A.1420.489  
Litigation

---

**MEMORANDUM**

---

**DATE:** September 24, 2021  
**TO:** Kelly A. Kelly, Treasurer  
John Naumchik, City Clerk  
**FROM:** Alex Smith, Corporation Counsel  
**RE:** Budget Transfer

**RECEIVED**  
SEP 27 2021  
City Clerk  
City of Middletown

This is to request a following transfer within our 2021 budget lines:

|                               |          |            |
|-------------------------------|----------|------------|
| From                          | Amount   | To         |
| A.1420.488                    | \$15,000 | A.1420.489 |
| Corporation Counsel Grievance |          | Litigation |

This transfer is to replenish A.1420.489 line in order to pay unpaid litigation invoices.

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

THE FOLLOWING WAS PRESENTED

By Ald. \_\_\_\_\_

Sec'd by Ald. \_\_\_\_\_

Date of Adoption 10-05-21  
\_\_\_\_\_

Index No: \_\_\_\_\_

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

RESOLVED; that the Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment to authorize the Treasurer to transfer \$2,500.00 within the 2021 Paramount Budget to replace the AED at the Paramount and purchase a tablet to be used for social media purposes in the following manner:

|                      |            |            |
|----------------------|------------|------------|
| From                 | Amount     | To         |
| A.7010.440           | \$2,500.00 | A.7010.200 |
| Repairs to Equipment |            | Equipment  |

# OECD

**Paramount Theatre  
17 South Street  
Middletown, New York 10940**

September 27, 2021

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

RECEIVED  
SEP 28 2021  
City Clerk  
City of Middletown

**RE: Paramount Theatre**

Dear Members:

I am requesting the following transfers within the 2021 Paramount Budget.

| From                               | Amount    | To                      |
|------------------------------------|-----------|-------------------------|
| A.7010.440<br>Repairs to Equipment | \$2500.00 | A.7010.200<br>Equipment |

The above transfer is needed to replace the AED at the Paramount and purchase a tablet to be used for social media purposes.

Thank you for your attention to this matter.

Maria Bruni, Director  
Economic & Community Development  
City of Middletown

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

THE FOLLOWING WAS PRESENTED

By Ald. \_\_\_\_\_

Sec'd by Ald. \_\_\_\_\_

Date of Adoption 10-05-21  
\_\_\_\_\_

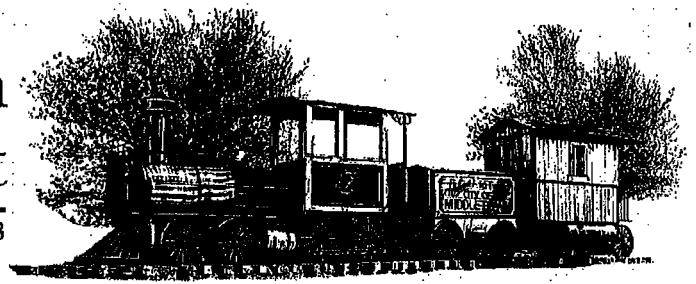
Index No: \_\_\_\_\_

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

RESOLVED; that the Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment to accept a donation from Mid-City Transit of a 2009 Gas powered Chevy van to be used by the Parks Department to carry equipment and personal to maintain parks.

# Middletown Recreation and Parks Department

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



Tuesday, September 28, 2021

RECEIVED

SEP 28 2021

City Clerk  
City of Middletown

**RE: Donation of Van from Mid-City Transit**

**Dear Board of Estimates:**

Mid-City Transit has offered the Middletown Recreation & Parks Department a donation of a 2009 Gas powered Chevy van. This van would be used by the Parks Dept to carry equipment and personal to maintain parks. Working Supervisor Bianchi reports the van is in good condition.

The Middletown Recreation & Parks Department is willing to accept this donation with approval from the Board of Estimates and Common Council.

Sincerely,

**Christine Brinckerhoff, Superintendent  
Middletown Recreation & Parks Dept.**

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

THE FOLLOWING WAS PRESENTED

By Ald. \_\_\_\_\_

Sec'd by Ald. \_\_\_\_\_

Date of Adoption 10-05-21  
\_\_\_\_\_

Index No: \_\_\_\_\_

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

RESOLVED; that the Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment to approve the submission of the Amendment to the Community Development Block Grant (CDBG) 2019 Action Plan budget/Project. The amendment is to withdraw and reallocate funds from the project line SBL-CV, administration/planning and CDBG program income. This amendment will allow and increase in funding to CV projects known as Public Services and Public Facility.

LET IT BE FURTHER RESOLVED; that the Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment to authorize the Mayor to sign all necessary documents and certifications regarding the amendment.

CITY OF MIDDLETOWN  
Office of Economic & Community Development

September 27, 2021

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

RECEIVED  
SEP 28 2021  
City Clerk  
City of Middletown

**RE: Community Development Amendment to the CDBG Action Plan 2019/CDBG-CV**

Dear Members:

I am requesting the approval and submission of the Amendment to the Community Development Block Grant (CDBG) 2019 Action Plan budget/Project. The amendment is to withdraw and reallocate funds from the project line SBL-CV, administration/planning and CDBG program income. This amendment will allow and increase in funding to CV projects known as Public Services and Public Facility. Also, authorization for the Mayor to sign all necessary documents and certifications regarding the Amendment.

Thank you for your attention to this matter.

Maria Bruni, Director  
Economic & Community Development



# AMENDMENT TO THE 2019 ACTION PLAN

RECEIVED

SEP 28 2021

City Clerk  
City of Middletown

**AMENDMENT TO THE COMMUNITY  
DEVELOPMENT BLOCK GRANT (CDBG)  
2019 ACTION PLAN TO RECEIVE CDBG  
CORONAVIRUS AID (CDBG-CV)**

Joseph M. DeStefano, Mayor  
J. Miguel Rodriguez, Council President  
Maria Bruni, Director Office of Economic &  
Community Development  
Prepared by the  
City of Middletown  
Office of Economic & Community  
Development

September 23, 2021

## **AMENDMENT TO THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) 2019 ACTION PLAN TO RECEIVE CDBG CORONAVIRUS AID (CDBG-CV3)**

### **A. BACKGROUND**

The City of Middletown is a recipient of a CDBG COVID-19 response grant (CDBG-CV and CDBG-CV3) in accordance with the Coronavirus Aid, Relief and Economic Security Act (CARES Act), Public Law 116-136 to respond to the growing effects of the current public health crisis. The City of Middletown Office of Economic and Community Development (OECD) submitted a final 2019 Action Plan Component to the 2015-2019 Five-Year Consolidated Plan to the U.S. Department of Housing and Urban Development (HUD) June 18, 2019. A public comment period was undertaken from October 1, 2018 through October 31, 2018. Two public hearings were held September 17, 2018 and November 1, 2018. An amendment to this plan was submitted on May 8, 2020 for the first round of CDBG-CV funding and again on June 17, 2021 for the final round of CDBG-CV funding.

The Amendment guidelines contained in the City's Citizen Participation Plan require that an Amendment be undertaken whenever the needs, goals, priorities or funding identified in an Action Plan is changed in a material way, such that the same is no longer consistent with the initial proposed activity contained within the applicable Action Plan when adopted subsequent to modification made thereafter.

The City of Middletown, in response to the additional cost of materials due to shortages caused by the COVID- 19 pandemic (COVID-19), has identified that there is a need to create an Amendment to the amended 2019 Action Plan.

At this time, The City of Middletown is submitting a third substantial amendment to the approved amended 2019 Action Plan to address the following program changes:

- Amend the Action Plan budget/project to re-allocate funds to the Greater Middletown Interfaith Council Warming Station and Sanitation projects

### **B. AMENDMENT**

This Amendment to the 2019 Action Plan involves a re-allocation of CDBG-CV and CDBG-CV3 funding from the federal department of Housing and Urban Development.

**Amend the Action Plan budget/Project allocation to defund the SBL-CV proposed project and unused Administration and Planning funds, as well as CDBG program income to other existing CDBG-CV projects**

The Action Plan budget submitted on June 18, 2019 contained the following proposed projects and allocations:

**ORIGINAL 2019 BUDGET**

2019 allocation \$498,458

2019 Estimated Program Income allocated for admin \$30,000 (2019)

Prior Year estimated program income allocated \$116,800

| PROPOSED BUDGET      | Grant   | Program Income                 | Old EN \$\$                    | Total   |         |
|----------------------|---------|--------------------------------|--------------------------------|---------|---------|
| Administration       | 99,691  | 30,000 (2019)                  | 0                              | 129,691 |         |
| Single Family Rehab  | 207,665 | 10,000 (2017)<br>15,000 (2014) | 55,000 (2018)                  | 287,665 |         |
| Multi Family Rehab   | 57,000  | 5000 (2018)                    | 39,000 (2018)<br>17,500 (2017) | 118,500 |         |
| Code Enforcement     | 23,675  | 0                              | 0                              | 23,675  |         |
| Economic Development | 110,427 | 100,000 (2018)                 | 39,290 (2018)                  | 249,717 |         |
| Homebuyer            | 0       | 1,800                          | 0                              | 1,800   |         |
|                      | 498,458 | 146,800                        | 165,790                        | 0       | 811,048 |

**The first amendment (May 2020) was in regards to CDBG-CV allocation additions and additional proposed projects:**

**Estimated CDBG-CV Budget**

CDBG-CV allocation - \$292,206.00

| Project                     | CDBG-CV             |
|-----------------------------|---------------------|
| Public Services             | \$73,765.00         |
| Economic Development        | \$160,000.00        |
| Administration and Planning | \$58,441.00         |
| <b>TOTAL</b>                | <b>\$292,206.00</b> |

Please see Attachment 1 for project and activity descriptions.

**The second amendment (June 2021) was in regards to CDBG-CV3 allocation additions and additional proposed projects:**

| Estimated CDBG-CV3 Budget       |                    |              |
|---------------------------------|--------------------|--------------|
| CDBG-CV3 allocation - \$250,534 |                    |              |
| Project                         | ACTIVITIES         | CDBG-CV      |
| Public Facility                 | Greater Middletown | \$200,428.00 |
|                                 | Warming Station    |              |
| Administration and Planning     |                    | \$50,106.00  |
| TOTAL                           |                    | \$250,534.00 |

Please see Attachment 2 for project and activity descriptions.

**The current amendment (September 2021) is in regards to the re-allocation of CDBG-CV funds to existing CDBG-CV and CDBG-CV3 projects**

| Estimated CDBG-CV/CV3 reallocation |                                                                       |              |
|------------------------------------|-----------------------------------------------------------------------|--------------|
| Public Services                    | Sanitizing , Middletown Pantry,<br>Guild of St. Margaret Soup Kitchen | \$204,163.00 |
| Economic Development               | SBL-CV                                                                | 0            |
| Administration and Planning C/CV3  |                                                                       | \$29,002.00  |
| Public Facility                    | Greater Middletown<br>Warming Station                                 | \$309,575.00 |
| TOTAL CDBG-CV                      |                                                                       | \$542,740.00 |
| CDBG funding                       |                                                                       | \$50,000.00  |
| Total all funding                  |                                                                       | \$592,740.00 |

Please see Attachments for project and activity descriptions.

### **C. PUBLIC PARTICIPATION**

A public hearing will be held on October 4, 2021 as well as a public comment period on the Amendment which will commence September 23, 2021 and end on October 4, 2021. Public participation has been held in accordance with the HUD waiver dated April 2, 2020 to allow at least a five-day notice, publication and comment period.

Any persons wishing to obtain a copy of the Amendment may do so by request to [CommDev@Middletown-NY.com](mailto:CommDev@Middletown-NY.com), calling the Office of Economic & Community Development at 845-346-4170, on the City of Middletown website; Economic & Community Development page: <https://www.middletown-ny.com/en/departments/economic-development.html>, or in person at the OECD Office, 16 James St. Middletown, NY 10940.

Common Council approval is pending on October 5, 2021 at the Common Council Meeting.

### **D. PUBLIC COMMENT ON AMENDMENT**

Any persons wishing to provide comments on the Amendment may do so during the public hearing or the comment period by writing to the Office of Economic and Community Development at the following address: Office of Economic and Community Development; City Hall; 16 James Street; Middletown, New York 10940 or by email to [CommDev@Middletown-NY.com](mailto:CommDev@Middletown-NY.com).

**Attachment 1 – CDBG-CV**

**April 2020**

**Project and Activity Descriptions**

1. Public Services

24 CFR 570.201 (e) allows for the provision of public services (including labor, supplies, and materials) including but not limited to those concerned with employment, crime prevention, child care, health, drug abuse, education, fair housing counseling, energy conservation, welfare (but excluding the provision of income payments identified under § 570.207(b)(4)), homebuyer downpayment assistance, or recreational needs. The City of Middletown intends to use CDBG-CV funds to provide health and nutrition services to vulnerable populations in the City of Middletown. The City will develop policies and/or monitoring to prevent the duplication of benefits in accordance with HUD guidance.

a. Middletown Pantry

As COVID-19 spreads throughout communities we are hearing more and more about how senior citizens are more vulnerable to the virus. However, the struggle for seniors, who are low-income and/or have underlying health issues, is to comply with the safety recommendations. "Older adults experiencing poverty tend to live on fixed incomes, have limited transportation options, and often experience difficulty meeting their basic nutritional needs. This makes them especially vulnerable when an unexpected life event or financial expense occurs, because they typically do not have sufficient savings or the ability to work more to make up for losses. During a pandemic, it could be deadly."

(Brookings Institute : <https://www.brookings.edu/blog/the-avenue/2020/03/16/for-millions-of-low-income-seniors-coronavirus-is-a-food-security-issue/>)

In the City of Middletown 11.3% of those 60 years and over and 11.8% of those 65 years and over live in poverty. Information on income by age, not relative to poverty, is not available. But one can assume that many moderate-income seniors are on a fixed income and one small disaster away from need. (2018 ACS 5-year estimates – Table S1701 - Poverty Status in the last 12 months)

Poverty is such in the City of Middletown that the Middletown Enlarged City School District provides their nearly 7400 students with free lunch and breakfast. Although the distribution of those meals has continued throughout the COVID-19 crisis, families who have never had to resort to food banks or community kitchens have found themselves

in need. Indeed, 25.8 percent of children 18 and under lived below the poverty level in the last 12 months.

In the last 30 days the City's Recreation and Parks Department has received 129 referrals from other agencies regarding families who are in need. Mulberry House Senior Center outreach has identified over 100 persons in the last 30 days in need of nutrition assistance. More are families and seniors in need are identified each day. This activity would fund a grant for limited nutrition service. Each request would provide a basic nutrition package. This would enable the Pantry to serve 1200 households over the next 5 months.

b. Guild of St. Margaret Soup Kitchen

Since the COVID-19 restrictions started in New York State vulnerable individuals and families have lost jobs and along economic insecurity comes food insecurity. The Guild of St Margaret Soup Kitchen has fed the hungry in the City of Middletown for nearly 40 years. They have provided approximately 3000 meals a month over the last year. Since COVID-19 restrictions have been in place and they have migrated from dine-in meals to take out. The need is such that they are now serving 5100 meals a month.

As a result of current events their costs for food and supplies have risen. They have a budget deficit of \$3300 a month.

This activity will cover the cost of food and supplies beyond the Kitchen's annual budget up to \$15,000 through December 31, 2020.

c. Sanitation

The City of Middletown has 20 parks, public spaces and green spaces and a theatre. Playground equipment, picnic pavilions and other equipment/amenities as well as the theatre have been closed since the inception of COVID-19 restrictions. Before reopening these spaces, the equipment and amenities will need to be sanitized. This activity will fund the purchase of a hot water commercial pressure washer, commercial steam cleaners and steam extractor for disinfection.

2. Administration and Planning

The City intends to use 20% (\$58,441) of the funds for administration and planning purposes.

## **Attachment 2 – CDBG-CV3**

### **Project activity and description**

1. Warming Station - The Greater Middletown Interfaith Council's Warming Station is an overnight facility for homeless individuals during the cold months of the year. The current location is unsuitable for Covid-related reasons, i.e., inappropriate ventilation, not enough room for social distancing requirements and other things of that nature. CDBG-CV3 funds will be used to renovate a suitable space for the warming station in a city-owned location. The facility may also be used as a community center when not in use as a warming station. The Council will lease the location from the City for an initial period of 5 years.
2. Administration and planning  
The City intends to use 20% (\$50,106) of the funds for administration and planning purposes.

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

THE FOLLOWING WAS PRESENTED

By Ald. \_\_\_\_\_

Sec'd by Ald. \_\_\_\_\_

Date of Adoption 10-05-21  
\_\_\_\_\_

Index No: \_\_\_\_\_

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

RESOLVED; that the Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment to authorize the Mayor to sign, as the sole signatory, any and all necessary documents required pertaining to DASNY grant #24495 for the O&W Project which the City has been awarded \$2 million by Assemblywoman Gunther for this project through the New York State Capital Assistance Program (NYSCAP.)

CITY OF MIDDLETOWN  
Office of Economic & Community Development

September 28, 2021

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

RECEIVED  
SEP 28 2021  
City Clerk  
City of Middletown

**RE: O&W Restoration Grant Application**

Dear Members:

I am requesting authorization for the Mayor to sign, as the sole signatory, any and all necessary documents required pertaining to DASNY grant #24495 for the O&W Project. The City has been awarded \$2 million by Assemblywoman Gunther for this project through the New York State Capital Assistance Program (NYSCAP.)

Thank you for your attention to this matter.

Maria Bruni, Director  
Economic & Community Development

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

THE FOLLOWING WAS PRESENTED

By Ald. \_\_\_\_\_

Sec'd by Ald. \_\_\_\_\_

Date of Adoption 10-06-21  
\_\_\_\_\_

Index No: \_\_\_\_\_

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

RESOLVED; that the Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment to authorize the Treasurer to transfer \$6,000.00 within the DPW 2021 budget to cover Lab Costs for the remainder of the year due to unexpected testing required at the Water Treatment Plant in the following manner:

|            |            |              |
|------------|------------|--------------|
| FROM       | AMOUNT     | TO           |
| F.8330.458 | \$6,000.00 | F.8330.404   |
| Chemicals  |            | Lab Services |

# DEPARTMENT OF PUBLIC WORKS

## MEMORANDUM

RECEIVED

Date: September 28, 2021  
To: Honorable Members of the Board of Estimate  
and Apportionment  
Cc: Kelly Ann Kelly-Treasurer  
John Naumchik, City Clerk  
From: Jacob Tawil-Commissioner of Public Works  
Re: Transfer of Funds

SEP 28 2021  
City Clerk  
City of Middletown

### Requested Transfers

Transfer is needed to cover Lab Costs for the remainder of the year due to unexpected testing required at the Water Treatment Plant. Balance of account is currently at \$75 for remainder of the year.

A transfer of funds is necessary as follows:

| FROM                       | AMOUNT     | TO                         |
|----------------------------|------------|----------------------------|
| 1. F.8330.458<br>Chemicals | \$6,000.00 | F.8330.404<br>Lab Services |

Thank you.

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

THE FOLLOWING WAS PRESENTED

By Ald. \_\_\_\_\_

Sec'd by Ald. \_\_\_\_\_

Date of Adoption 10-06-21  
\_\_\_\_\_

Index No: \_\_\_\_\_

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

Resolved, that the Common Council of the City of Middletown approves the participation by the City of Middletown Fire Department in the Orange County Fire Mutual Aid Plan as now in effect and as amended from time to time ("Plan"); and, be it further

Resolved, that City of Middletown acknowledges and accepts its financial responsibility) for such participation pursuant to General Municipal Law Section 209(2) – (4); and, be it further

Resolved, that City of Middletown Fire Department agrees to comply with all the provisions of this Plan and will respond to all calls for assistance from another fire company or fire department through the County Division of Emergency Communications; and, be it further

Resolved, that City of Middletown, to the best of its knowledge, knows of no resolution or agreement against "outside service" by the City of Middletown fire company or fire department that would affect the power of such company or department to participate in the Plan and, be it further

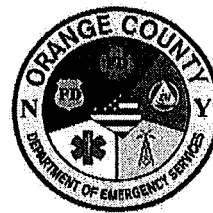
Resolved, that Mayor of the City of Middletown is hereby authorized to sign the Plan; and, be it further

Resolved, that City of Middletown will deliver to the County of Orange Fire Coordinator, an executed copy of the Plan and a certified copy of this Resolution upon adoption.



Steven M. Neuhaus  
County Executive

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



Brendan R. Casey  
Commissioner

**Vini Tankasali**  
*Deputy Commissioner*  
Orange County Fire Services  
22 Wells Farm Road  
Goshen, New York 10924  
TEL: (845) 374-1900 FAX: (845) 374-1906  
[www.orangecountygov.com](http://www.orangecountygov.com)

**RECEIVED**

**SEP 29 2021**

**City Clerk  
City of Middletown**

September 23, 2021

**ATTN:** City of Middletown Mayor Joseph M. DeStefano

**RE:** Orange County Fire Mutual Aid Plan

Dear Mayor DeStefano,

In 2019 the Orange County Fire Mutual Aid Plan underwent a periodic revision and was approved at the end of the year by the Fire Advisory Board, County Executive, and then subsequently adopted by the County Legislature. This plan replaces all previous versions

Pursuant to New York State General Municipal Law 209, any municipality or fire district participating in the plan must formally adopt this plan via a resolution. This was originally planned to be addressed in 2020, however, COVID-19 delays prevented us from processing them until now.

Enclosed is a copy of the complete updated plan, without the appendixes, and a blank resolution that is required for adoption of the plan. The appendixes can be found online on the Orange County Fire Services page at <https://www.orangecountygov.com/407/Fire>. Located on the Fire Services page is also a summary of changes to the plan from the previous approved version.

Please return the approving participation resolution to the Orange County Emergency Services Center (Attention: Orange County Fire Coordinator Tankasali), 22 Wells Farm Road, Goshen, NY 10924.

In advance, thank you for your attention and cooperation with this request. Please feel free to contact me for any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Vini Tankasali".

Vini Tankasali  
Orange County Fire Coordinator  
Deputy Commissioner of Emergency Services  
Division of Fire Services

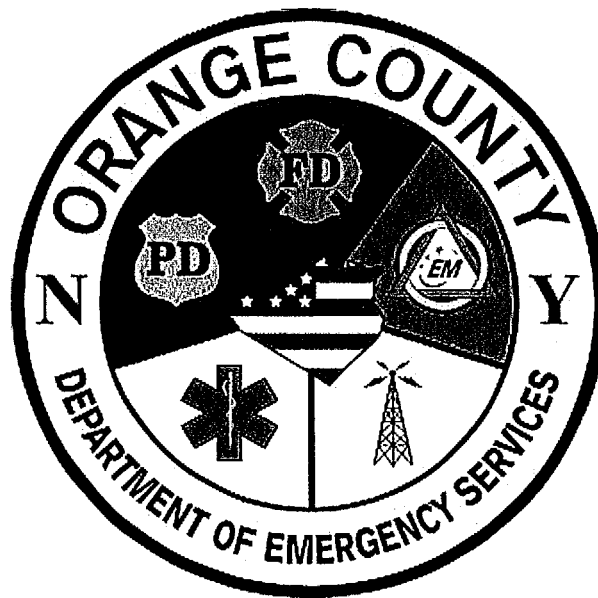
# ORANGE COUNTY FIRE MUTUAL AID PLAN

**Steven M. Neuhaus**  
County Executive

RECEIVED

SEP 29 2021

City Clerk  
City of Middletown



**Brendan R. Casey**  
Commissioner  
Department of Emergency Services

**Vini Tankasali**  
Deputy Commissioner  
Division of Fire Services



## **Orange County Fire Mutual Aid Plan**

|                        |      |
|------------------------|------|
| Original Adoption Date | 1954 |
| Revised                | 1957 |
| Revised                | 1985 |
| Revised                | 1995 |
| Revised                | 2000 |
| Revised                | 2005 |
| Revised                | 2012 |
| Revised                | 2019 |

This revision supersedes all previous Orange County Mutual Aid Plans.

Recommended for adoption by the Orange County Fire Advisory Board  
Rich Graham, Chairperson  
Date: 7/18/18

Reviewed and Approved by New York State Office of Fire Prevention and Control  
William Rifenburgh, Deputy Chief  
Date: 5/3/19

Submitted by the Orange County Fire Coordinator, Vini Tankasali  
Date: 8/31/19

Adopted by the Orange County Legislature  
Date: 10/3/19

Approved by the Orange County Executive, Steven M. Neuhaus  
Date: 10/3/19

Submitted to the New York State Office of Fire Prevention and Control  
Date: 10/10/19

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## **ORANGE COUNTY FIRE MUTUAL AID PLAN**

### **Purpose**

The purpose of this Orange County Fire Mutual Aid Plan ("Plan") is to provide assistance and protection to all Orange County ("County") communities in the case of fire and other emergencies in which the services of appropriately trained firefighters and equipment in accordance with accepted standards would be used and to cooperate and act in accordance with New York State ("State") and local laws.

### **Statement**

A community's responsibility in fire protection is to prevent and/or limit the loss of life and property due to a fire or fire-related emergency. In fulfilling this responsibility, a fire agency must maintain appropriately trained personnel, appropriate resources necessary for safe and effective firefighting operations, and uniformity within the County Fire Mutual Aid System.

### **Administration**

The administration and execution of this Plan shall be the duty of the County Fire Coordinator as defined by County Law Section 225-a (3).

### **Definitions**

**"Fire Agencies"** shall, for the purposes of this Plan, include Fire Departments, Fire Companies, Fire Districts (incorporated and unincorporated), and shall also include any firefighting unit as may be defined or described in Section 209 of the New York State General Municipal Law ("General Municipal Law").

**"Incident Commander"** shall refer to the individual responsible for incident activities, including the development of strategies and tactics as well as the requesting and release of Mutual Aid resources. The Incident Commander has overall authority and responsibility for incident operations.

**"Mutual Aid"** is organized, supervised, coordinated, cooperative, reciprocal assistance in which appropriately trained personnel, equipment and the physical facilities of all participating Fire Agencies, regardless of type or size, are utilized for fire and other emergencies in which the services of firefighters would be used throughout the County and its adjacent areas.

**"NFPA"** means the National Fire Protection Agency.

### **Amendments**

Amendments to this Plan will be made whenever deemed necessary by the County Fire Advisory Board and/or the County Fire Coordinator, but at minimum every five (5) years. Amendments shall follow this procedure:

1. Fire service agencies may submit written comments regarding this Plan to the County Fire Coordinator annually on or before October 31<sup>st</sup>.
2. Proposed amendments shall be:
  - a. prepared by the County Fire Coordinator.
  - b. reviewed and recommended by New York State Office of Fire Prevention and Control ("OFPC").
  - c. reviewed and recommended by the Commissioner Department of Emergency Services.
  - d. reviewed and recommended for adoption by the County Fire Advisory Board.
  - e. submitted to the County Legislature for adoption by the County Fire Coordinator.
  - f. adopted by the County Legislature.
  - g. approved by the County Executive.
3. The approved Plan will be submitted to the OFPC for inclusion in the State Fire Mobilization and Mutual Aid Plan ("State Plan").

### **Mutual Aid Overview**

Mutual aid is a regular part of the Office of Fire Prevention and Control State Fire Mobilization and Mutual Aid Plan and it is agreed that all present and future Fire Agencies organized pursuant to law that are located within the County, or its adjacent areas, are expected become part of this Plan.

Agencies operating under this Plan will operate under the National Incident Management System as mandated by Homeland Security Presidential Directive HSPD-5.

With the possibility of the need for mutual assistance in time of fire or other emergency, where the services of appropriately trained firefighters and/or equipment would be used, the cities, villages, districts, and Fire Agencies of the County and its adjacent areas have pledged their firefighting equipment, rescue equipment, appropriately trained personnel and recognize they have a contractual obligation to comply with this Plan, as now in force and as amended in the public interest from time to time.

### **Participation**

Entering and Participating in this Plan.

The Fire Agencies eligible for participation in this Plan at the time of its adoption are set forth in Appendix I.

Any duly established fire agency eligible for participation in this Plan may participate in this Plan by filing in the Office of the County Fire Coordinator a certified copy of a resolution substantially in the form set forth in Appendix II hereof, as appropriate, duly adopted by the appropriate governing board of that fire company or fire department<sup>1</sup>. Such resolution shall state that such fire company or fire department: (i) elects to participate in this Plan; (ii) acknowledges and accepts their financial responsibility for such participation pursuant to General Municipal Law Section 209(2) – (4); (iii) agrees to comply with all the provisions of this Plan; (iv) to the best of its knowledge, knows of no resolution against “outside service” by such fire company or fire department that would affect the power of such company or department to participate in this Plan or, alternatively, identities with specificity such restrictions; (v) will respond to all calls for assistance from another fire company or fire department through the County Division of Emergency Communications; and (vi) will deliver an executed copy of the Plan to the County Fire Coordinator.

If a fire agency reorganizes to such an extent that either it or its governing body changes form, written notification of such reorganization shall be given to the County Fire Coordinator and a new resolution shall be adopted and filed in the Office of the County Fire Coordinator within thirty (30) calendar days of such reorganization.

#### Extent and Limit of Participation by State and Federal Institutions.

State and Federal institutions may participate in this Plan to the extent State and Federal Laws allow such participation by agreement and such agreements make provision for financial responsibility for their personnel.

#### Extent and Limit of Participation Out of State (with Adjacent Counties in State of New Jersey and Commonwealth of Pennsylvania).

At the time of adoption of this Plan there is no formal agreement making provision for Mutual Aid with the State of New Jersey or the Commonwealth of Pennsylvania. Local reciprocal assistance, if any, is in accordance with Section 14-G of the General Municipal Law. All requests for assistance will be routed through the County Emergency Communications Center.

---

|                       |                                                                                                                                                                                       |
|-----------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <sup>1</sup> Villages | Resolution to be adopted by the Board of Fire Commissioners, if any, if not, by the Village Board.                                                                                    |
| Cities                | Resolution to be adopted by the City Council                                                                                                                                          |
| Fire Districts:       | Resolution to be adopted by the Board of Fire Commissioners                                                                                                                           |
| Towns:                | Resolution to be adopted by the Town Board when fire department has their headquarters outside villages and or Fire Districts are located in Fire Protection or Fire Alarm Districts. |

Those departments who are willing to provide services to fire departments across state lines may do so after ensuring proper insurance coverage for personnel and equipment and indicating their availability or unavailability to respond in accordance with the provisions of General Municipal Law Article 14-G. Departments who are unwilling or are unable to provide services to fire departments across state lines must notify the County Fire Coordinator of such in writing.

#### Extent and Limit of Participation with Adjacent Counties in the State.

Mutual aid is provided to and received from Sullivan, Ulster, Dutchess, Putnam, Rockland and Westchester Counties. Requests for such Mutual Aid shall be made through the respective fire control centers under the direction of their county fire coordinator or legally appointed deputies in accordance with this Plan and the State Plan. Mutual aid from other counties within the State, but not adjacent to Orange County, shall be provided under the provisions of the State Plan.

#### Request for Mutual Aid.

Each participating fire department or fire company may request assistance from another fire company or fire department pursuant to the provisions of this Plan. Requests shall take the following forms:

- The request of a fire chief or officer in charge of any fire or other emergency.
- The pre-planned and/or automatic pre-planned response to any building, area, or district agreed upon by all agencies involved and filed in writing at the County's Emergency Communications Center.

#### Incidents Deemed to be in Another Jurisdiction

Whenever a Fire Department responds to an incident and determines it to be out of their jurisdiction, they shall take the following actions.

1. Notify the County's Emergency Communications Center to either dispatch or notify the duty officer of the proper fire department.
2. Take appropriate action to control the incident.

**Note:** All requests for Mutual Aid shall be requested through the County Emergency Communications Center. In all cases, the fire department or fire company receiving the Mutual Aid would be the requestor of record.

#### Obligation to Respond.

Under this Plan, a fire department is obligated to respond to any call for assistance from another fire department. There are certain situations in which a fire department would not be expected to respond on a Mutual Aid call, such as, when equipment is temporarily

out of service due to maintenance, when a department is operating at its own emergency, or when a department is unable to provide adequate staffing. A fire department's main obligation is to protect its own jurisdiction. Additionally, a fire department may restrict its outside activities, provided notice is given to the County Fire Coordinator outlining those restrictions. (i.e. special equipment that cannot leave the jurisdiction, equipment for which ordinary structural fire equipment would not be an adequate substitute for, equipment that is not adaptable for highways, or distance limitations)

Each participating fire department or fire company shall respond to any call for assistance from another fire company or fire department with appropriately trained personnel and equipment made pursuant to the provisions of this Plan and the Orange County Mutual Aid Staffing and Response Policy (Appendix III).

Should any fire company or fire department refuse to respond to a call for assistance from a participating fire company or fire department, the chief of the fire department or fire company refusing to respond together with one or more members of its governing body (fire commissioners, village board, town board or member of the Board of Directors) shall, upon notification from the County Fire Coordinator, appear before the Fire Advisory Board. Notice of time and place of the hearing shall be given by the County Fire Coordinator by registered mail on not less than ten (10) calendar days' notice prior to the day of the hearing.

The notice must specify the details of the alleged failure to respond. The Fire Advisory Board must forward to the County Fire Coordinator its written findings and recommendations. The County Fire Coordinator, upon receipt of such findings and recommendations, must take appropriate action, including, but not limited to suspension or ejection from this Plan provided that no area of the County shall be left unprotected. The County Fire Coordinator does not possess the power to take disciplinary action against a fire company officer. Notification of the action taken will be sent to the fire department/fire company insurance carriers and ISO commercial risk services.

Once a fire department responds to a Mutual Aid request, that department's equipment and manpower are committed to the requesting department until released by the officer in charge of the requesting department. The Officer in Charge of the requesting department will make every effort to release Mutual Aid, both on-scene and on-standby, as soon as it is feasible to do so to allow resources to return to service in their own jurisdiction.

Departments requesting standby units from other agencies must provide reasonable accommodations for the standby company's apparatus and crew. The requesting department's Officer in Charge will consider rotating standby units or crews for extended operations. Any department that may need to vacate a standby must receive approval from the Officer in Charge of the requesting department. A Deputy County Fire Coordinator may be utilized as a point of contact.

For any apparatus responding to a Mutual Aid call or whose equipment may be utilized by Mutual Aid personnel, Fire Departments participating in this Plan agree to complete annual aerial, hose, ladder and pump testing as listed:

- Performance Testing of Aerial Devices per NFPA 1911 (Current Edition), Chapter 19
- Performance Testing of Fire Pumps per NFPA 1911 (Current Edition), Chapter 18
- Service Testing of Ground Ladders per NFPA 1932 (Current Edition), Chapter 7
- Service Testing of Fire Hose per NFPA 1962 (Current Edition), Chapter 4

#### Withdrawal from this Plan.

Any fire company, fire department, or governing body may elect to withdraw from this Plan by adopting a resolution to such effect. Withdrawal shall become effective thirty (30) calendar days after receipt by the County Fire Coordinator.

Withdrawal from this Plan will result in the suspension of Mutual Aid. Such withdrawal shall remain in effect until such fire company or fire department re-enters this Plan by resolution and has been approved to do so by the County Fire Coordinator.

Any fire company or fire department withdrawing from this Plan, upon the effective date, shall surrender and return to the County Fire Coordinator's Office all County owned equipment.

Effective as of the date of withdrawal, all permissions to use County licensed radio frequencies and radio permits are revoked and all radio identifiers and call signs issued to a withdrawing fire company or fire department shall be cancelled effective on the date of withdrawal, except for those departments or companies possessing FCC issued licenses.

#### Use and Abuse of Mutual Aid.

Mutual aid is organized, supervised, coordinated, cooperative, reciprocal assistance in which appropriately trained personnel, apparatus, equipment and physical facilities of fire departments, regardless of type or size, are utilized for a fire or other emergency in which the services of firefighters would be used throughout the County and other adjacent areas.

It is not conceivable that every fire department would be expected to have personnel and equipment available to handle every emergency situation that it may encounter. Therefore, Mutual Aid is used to bring specialized equipment and personnel to those situations that are above and beyond the ordinary or where equipment and manpower of a fire department may be taxed. The important aspect of Mutual Aid is that it is a reciprocal agreement between fire departments. It is expected to be given as well as received. It is also expected that a fire department will have the resources to respond with at least one piece of equipment to a neighboring community on Mutual Aid and still provide adequate coverage to its own district.

Automatic responses are used as a part of this Plan to bring extra equipment to target hazards, fill in temporarily for equipment being out of service or to cover areas when roads or bridges are closed. An automatic response is considered above and beyond the intent of Mutual Aid. When an automatic response is initiated, it must be agreed to by all parties involved in the automatic response. Mutual aid and/or automatic responses are not intended to be used to cover a jurisdiction's discretionary reduction in personnel or equipment. In all cases where Mutual Aid or an automatic response is requested, the jurisdiction requesting assistance is financially responsible for the loss or damage of all equipment responding to, operating at, or returning from a Mutual Aid call, including stand-by. Additionally, this responsibility extends to the replacement of any expendable items such as foam, firefighting chemicals etc.

In instances where the use of Mutual Aid or automatic responses becomes excessive or abusive, the department will investigate ways to overcome the burden. For example, attempts will be made to recruit additional volunteers, fire protection districts may be created within a jurisdiction to reduce the response area of a fire department or pay-per-call or contracted automatic responses may be negotiated.

It must be understood that the intent of Mutual Aid is to provide needed qualified manpower and equipment during those instances where a fire department has allocated all local resources and yet additional assistance is needed to mitigate the incident. Mutual aid should not become routine unless it is by the mutual agreement of the parties involved and the assistance is reciprocal.

Should any fire department deem another fire department to be abusing Mutual Aid, the chief of the department reporting the abuse will notify, in writing, the County Fire Coordinator with specifics detailing the alleged abuse. The chief of the fire department accused of abusing Mutual Aid and one or more members of its governing body (fire commissioners, village board, town board or member of the Board of Directors) shall, upon notification from the County Fire Coordinator, appear before the Fire Advisory Board. Notice of time and place of the hearing shall be given by the County Fire Coordinator by registered mail, not less than ten (10) calendar days prior to the day of the hearing. The notice must specify the details of the alleged abuse of Mutual Aid.

The Fire Advisory Board must forward to the County Fire Coordinator its written findings and recommendations. The County Fire Coordinator, upon receipt of such findings and recommendations, must take appropriate action, including, but not limited to suspension or ejection from this Plan, provided that no area of the County shall be left unprotected. The County Fire Coordinator does not possess the power to take disciplinary action against a fire company officer. Notification of the action taken will be sent to the fire department/fire company insurance carriers and ISO commercial risk services.

### **Organization**

The organizational chart for the Fire Services in the County appears in Appendix IV.

## **Office of the County Fire Coordinator**

County Fire Coordinator – The County’s Board of Supervisors under Act No. 7 of 1951 created the Office of the County Fire Coordinator to develop and maintain programs for fire training and Mutual Aid in cases of fire and other public emergencies in which the services of firefighters would be used, and to cooperate with the Office of Fire Prevention and Control. The County Fire Coordinator acts as a liaison between the County Executive, County Legislature, the Fire Advisory Board, the fire fighting forces throughout the County and the officers and governing boards or bodies thereof.

Local Law No. 8 of the year 2003 amended the County Charter, duly adopted by Local Law No. 8 of the year 1968, and the County Administrative Code, duly adopted by Local Law No. 10 of the year 1969, creating the Department of Emergency Services for the purpose of consolidating oversight and supervision for emergency communications, emergency management, fire services, emergency medical services, and police liaison services. Local Law No. 8 of the year 2003 enacted Section 26.02(1) of the Charter, which reads, in pertinent part: “The Commissioner of Emergency Services shall: ... have charge, oversight and supervision for the Divisions of Emergency Communications, Emergency Management, Fire Services, Emergency Medical Services and Police Liaison Services.”

Further, Local Law No. 8 of 2003 enacted Section 26.05 of the Charter that provides: “There shall be a Division of Fire Services headed by a Deputy Commissioner (AKA County Fire Coordinator) who shall be appointed in accordance with Section 26.02(3) on the basis of his/her experience and qualifications for the office. He or she shall have oversight and be responsible to the Commissioner [of Emergency Services] for fire operations, fire investigations, hazardous material responses, technical rescue and training affiliated with such. He or she shall have and exercise all powers and duties as conferred or imposed upon him the Commissioner.”

### Extent and limit of authority of the County Fire Coordinator.

The County Fire Coordinator, as Chief Administrative Fire Officer at the County level, will have the following duties and responsibilities:

- Prepare and/or update and administer this Plan.
- Respond to the scene of fires and other emergencies requiring the services of firefighters and serve as an aide to the Fire Chief/Incident Commander in obtaining needed equipment, technical assistance, coordination at the scene, liaison to other agencies or other functions as may be requested by the fire chief or officer in charge. The notification policy for the Fire Coordinator and Deputy Fire Coordinators appears in Appendix VII.
- Coordinate the State Fire Training Program with the Office of Fire Prevention and Control.

- Oversee the Fire Training Center Manager in administering and supervising the County Fire Training Center and all training programs developed by staff for the benefit of the County fire services.
- Serve as liaison officer between the fire service in the County and Office of Fire Prevention of Control, the County Executive, the County Legislative, and the Fire Advisory Board.
- Plan and estimate the need for additional or unique equipment for the County specialty teams (technical rescue, hazardous materials, and fire investigation) and recommend the purchase of such equipment or the organization of such teams.
- Ensure all County fire companies and departments participate in the State Fire Reporting System.
- Develop and administer a plan for Arson Control for the County adopted by the County Legislature and approved by the County Executive and oversee the operation of the County Fire Investigation Unit.
- Develop and administer a plan for Hazardous Material Control for the County adopted by the County Legislature and approved by the County Executive and oversee the operation of the County Hazardous Materials Response Team.
- Develop and administer plans for other emergencies in which the services of firefighters would be used.
- Act as liaison between the fire service companies and department and all other emergency service agencies.
- Ensure the adequate distribution of fire equipment within the County during times of extreme emergency situations and may, at his/her discretion, re-deploy equipment to ensure adequate resources and coverage throughout the County.

**Note:** When equipment is relocated as a precautionary measure, by the County Fire Coordinator or his/her representative, responsibility for damage or loss of such equipment remains the obligation of the individual department. Upon assignment to an incident, then loss or damage becomes the responsibility of the department requesting Mutual Aid resources.

**Note:** The chief of each fire department will be the primary point of contact for the County Fire Coordinator. The chief of fire department is responsible to notify his/her respective fire district or municipal boards and his/her subordinate officers and members of any matters or policies that warrant their awareness.

### Deputy County Fire Coordinators.

Deputy County Fire Coordinators represent the County Fire Coordinator at the scene of fires and emergencies where the services of firefighters would be used. A County Fire Coordinator or Deputy County Fire Coordinator may not assume command at any incident.

The County Fire Coordinator shall appoint and supervise all Deputy County Fire Coordinators, and assign them to a battalion, special team, or special function, to assist with the implementation of this Plan. Deputy County Fire Coordinators shall serve at the pleasure of the County Fire Coordinator for a term of five (5) years and may be removed at any time at the discretion of the County Fire Coordinator. Deputy County Fire Coordinators may be re-appointed at the conclusion of their five (5) year term at the discretion of the County Fire Coordinator.

### **Line of Authority**

#### Absence of the County Fire Coordinator.

The County Fire Coordinator shall designate in writing on file in the Office of the County Clerk and the Clerk of the County Legislature, the order in which Deputy County Fire Coordinators are to possess powers and perform the duties of the County Fire Coordinator during his/her absence or inability to act, pursuant to Section 401(2) of the County Law.

#### Vacancy in the Position of County Fire Coordinator.

The County Commissioner of Emergency Services shall designate an acting County Fire Coordinator to perform the duties of County Fire Coordinator until a permanent successor is appointed by the County Executive and approved by the County Legislature.

### **Status of Local Fire Department**

#### Maintenance of Individuality.

Each fire department in this Plan shall retain its internal command and individuality.

#### Authority of "requesting" fire chief or officer in charge.

A "requesting" fire chief or officer in charge is the one who requests Mutual Aid for his/her department in accordance with this Plan.

The "line of command" at a fire or other emergency, in which services of firefighters and officers are utilized under Mutual Aid, remains with the fire department requesting Mutual Aid.

The fire chief or Incident Commander will work with the County Fire Coordinator and/or Deputy County Fire Coordinators and chiefs, line officers, or acting officers of the departments providing Mutual Aid. The firefighters in the assisting departments will be supervised by their own officers, who in turn, are commanded by officers of the department requesting Mutual Aid. Under no circumstances shall a Mutual Aid department leave their assigned task until properly relieved and released by the Incident Commander.

A department requesting a standby company shall leave personnel at their station to act as guides for the Mutual Aid company when possible.

It is the obligation of the requesting chief or officer in charge to promptly release Mutual Aid departments as soon as feasible.

Any firefighter having responded to an incident, shall not make statements, provide photos or other images to the news media, or engage in social media regarding the incident, unless authorized to do so by the Incident Commander of the incident and through any internal approvals of their department. Any request for information regarding an incident is to be directed to the Incident Commander of the incident.

#### State Institutions.

If any State institutions not participating in Mutual Aid request the fire department in whose jurisdiction the institution lies, the command of the operation shall lie with the local fire department's officer in charge, who will in turn cooperate with the institution's chain of command. Any additional Mutual Aid shall be the responsibility of the local fire department's officer in charge. The firefighting costs and incurred losses are reimbursable under Section 54-e of the State Finance Law.

#### Federal Institutions.

Federal agencies are allowed under Federal Regulations to have reciprocal agreements. Mutual aid assistance losses or damages are recoverable under the Federal Fire Prevention and Control Act of 1974. Fire Agencies that engage in firefighting on a property under the jurisdiction of the United States may file a claim for reimbursement for the amount of direct expenses and losses incurred by such fire service under 15 U.S.C. §2210.

### **Operation of the County Department of Emergency Communications**

#### Coordination and Dispatching Service.

Operation of the County Fire Mutual Aid Radio System ("Fire Radio System") is under the jurisdiction of the Division of Emergency Communications. Specifications of the system can be found in the current version of the County Radio Field Guide (Appendix V).

All requests for Mutual Aid must be requested through the County Emergency Communications Center.

#### Radio and Telephone Communications Regulations.

Radio and telephone communications procedures shall conform to that prescribed by the then in effect County Radio Field Guide (Appendix V), the Federal Communications Commission Rules and Regulations, and the procedures and protocols as promulgated by the County Division of Emergency Communications.

No fire radio may operate on frequencies licensed under the Fire Radio System unless specifically authorized by the County Fire Coordinator or the Deputy Commissioner of the Division of Emergency Communications, County Department of Emergency Services.

#### Method of Determining Status of Equipment, Apparatus, and Manpower.

Each fire chief, upon taking office or upon the request of the County Fire Coordinator, shall update his/her respective fire department's inventory list, officer contact list and review box alarms to ensure that information maintained at the County Division of Emergency Communications is up to date and correct. From these records, the County Fire Coordinator and/or his/her Deputies will notify Office of Fire Prevention and Control of updated inventories on an annual basis. These inventory records shall be consistent with the National Incident Management System of typing and kindling.

**Note:** Assignment of apparatus numbers will be dictated by the County Fire Coordinator.

### **Standard Thread**

All apparatus and its associated equipment participating in this Plan shall be equipped with standard threads as defined by the National Bureau of Standards or provide sufficient adapters to permit interconnection with National Standard threads according to General Municipal Law Section 209(e)(5).

### **Participation in the State Plan**

The County Fire Coordinator or his/her Deputy, in line of authority designated pursuant to Section 401 of the County Law, after utilizing all available assistance within the County, may contact Office of Fire Prevention and Control and request activation of the State Plan. The County Fire Coordinator or his/her Deputy shall, upon request, commit resources to counties throughout the state under the State Plan. Those departments sending resources under activation of the State Plan are responsible for their own equipment and personnel while enroute. Upon assignment, the requesting department becomes liable for any loss or damage to apparatus or equipment or supplies used or operating and maintenance expense in accordance with Section 209-e of the General Municipal Law.

#### Authority and Responsibility of the Regional Fire Administrator.

The authority and responsibility of the Regional Fire Administrator under the activated State Plan is established by Office of Fire Prevention and Control.

#### Retirement Provisions Relating to the Position of Regional Fire Administrator.

Should the County Fire Coordinator be separated from his/her office for any reason, he/she is simultaneously separated as Regional Fire Administrator if he/she also holds that position. The State Fire Administrator is authorized by law to appoint this regional position.

#### County Number.

The County number issued to the County under the State Plan is 36 and that County number shall be utilized on all reports etc.

### **Coordination with Other Emergency Services**

#### Inter-service Coordination.

The County Fire Coordinator shall develop and establish agreements, formal or informal, with appropriate emergency and public service organizations. Resource information on police, EMS, gas, and electric power, telephone companies, hospitals, Coast Guard, local industries, State, and Federal agencies shall be maintained at the County Division of Emergency Communications. Requests for these services shall come through the Division of Emergency Communications as appropriate.

### **County-Wide Fire Reporting**

#### Collecting and Analyzing Reports on Fires.

Each chief, or his/her designee, of a fire department participating in this Plan is directed to participate in the State Fire Reporting System as required under General Municipal Law Section 204-d.

### **Training**

The courses developed by the Office of Fire Prevention and Control are adopted as standard through the County.

The County Fire Coordinator or his/her designee shall:

1. select locations and dates for courses;
2. supervise instruction by County Fire Instructors and audit classes instructed by State Fire Instructors;

3. determine need for existing courses and new courses; and
4. subject to appropriations maintain fire training center facilities and training props;

### **Arson Control Program**

County Resolution 306 of the year 2000 duly adopted on December 7, 2000 established the County Fire Investigation Unit. The County's Arson Control Program includes a cooperative regional effort on the part of fire and police agencies, prosecuting personnel, and the Division of Fire Services according to General Municipal Law Section 204-c. Such program will encompass public awareness, training of County firefighters in cause and origin determination, and training for firefighters and police personnel involved in arson investigation. The County's Arson Control Program operates pursuant its plan for arson investigation, which is reviewed annually and updated at least every five years. The County Fire Coordinator, in conjunction with the Deputy County Fire Coordinator for Arson Investigation, shall have the responsibility of reviewing and updating this Plan. The County Joint Accelerant Detection Canine Program, established in 2017, is a joint program between the County Sheriff's Office, County Fire Services, and the County District Attorney's Office to provide an Arson Detection Canine resource (staffed by the County Sheriff's Office) to the County.

### **Emergency Hazardous Materials Control Program**

County Resolution 307 of 2000 duly adopted on December 7, 2000 established the County Hazardous Materials Emergency Response Team. The Emergency Hazardous Materials Control Program provides an organized, coordinated, cooperative structure to help mitigate incidents involving substances which, by their nature, are likely to cause death or injury to responding public safety forces and the general public. The public safety interest of the program is to provide training, technical assistance, mitigation and decontamination in accordance with General Municipal Law Section 204-f. The County Hazardous Materials Emergency Response Team operates under the County's plan for emergency hazardous materials, which is reviewed annually and updated at least every five years. The County Fire Coordinator, in conjunction with the Deputy County Fire Coordinator for Hazardous Materials, shall have the responsibility of reviewing and updating this Plan. The Orange County Hazardous Materials Emergency Response Team's response may include equipment from partner agencies as necessary. The Orange County Hazardous Materials Emergency Response Team will participate in a regional partnership with Rockland County, Sullivan County and Ulster County.

### **Technical Urban Search and Rescue Program**

County Resolution 267 of 2009 duly adopted on November 5, 2009 authorized the County Executive, together with the Commissioner of Emergency Services, to create in the Division of Fire Services a specialized countywide rescue team pursuant to General Municipal Law Section 204-bb. The Technical Urban Search and Rescue Program provides an organized, coordinated, cooperative structure to provide resources for

building collapses, trench rescues, rope rescues, or any other operation that is deemed a special operation. The County Technical Rescue Team is comprised of several individual fire departments, located in Orange and Sullivan Counties together with individual members who reside in the County. Equipment may respond from partner agencies as necessary.

### **Regional Teams**

“Regional Teams” are defined as two (2) or more Fire Agencies responding together to provide a specific function or service. Examples may include water rescue teams/taskforces, firefighter assist and search teams (FAST), and dive rescue/recover teams and must be approved by the County Fire Coordinator. Once approved, notification of the team, including departments participating in the team, will be made through the County Fire Coordinator. Requests for these teams will result in the response of departments specified to be participating in the team.

### **Accountability System**

Orange County, by and through its Department of Emergency Services, Division of Fire Services, will provide an accountability/credentialing system to be used by Fire Agencies. All Fire Agencies are urged to utilize this system. Fire Agencies are permitted to utilize their own systems in conjunction with the County system.

Fire Agencies supplying Mutual Aid shall ensure that their assigned personnel are properly credentialed when responding to a request for assistance pursuant to this Plan. Incident Commanders shall maintain accountability for all personnel operating under their command.

### **MAYDAY/URGENT Policy**

The County MAYDAY/URGENT Policy shall be the countywide procedure utilized for both MAYDAY situations and URGENT situations (Appendix VI).

### **Hudson River Response Plan**

The County Hudson River Response Plan has been established to formalize response to emergencies on the Hudson River. The Hudson River Response Plan calls for a coordinated response by those Fire Agencies on the Hudson River who have marine response capabilities. The Hudson River Response Plan appears in Appendix VIII.

When participating Fire Agencies respond with equipment to unknown location calls on the Hudson River, responsibility for damage or loss of such equipment will remain the obligation of the responding agency. Upon identification of the location and jurisdiction of a call, the Incident Commander of that jurisdiction can elect to accept the responding equipment from other agency(ies) or decline the resources. If the responding equipment

is accepted, then loss or damage becomes the responsibility of the requesting agency accepting the Mutual Aid resources.

### **Fire Prevention Program**

It is recommended that a Fire Prevention Program be developed and implemented by fire departments that include a cooperative, coordinated effort to provide public awareness programs and personal fire safety programs for the benefit of County residents.

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

THE FOLLOWING WAS PRESENTED

By Ald. \_\_\_\_\_

Sec'd by Ald. \_\_\_\_\_

Date of Adoption 10-05-21  
\_\_\_\_\_

Index No: \_\_\_\_\_

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

RESOLVED; that from November 02, 2021 to December 03, 2021 the City of Middletown will hold its general city wide clean up period for leaves in the street. (Set out no further than four (4) feet from the curb.) All other times during the year leaves must be placed in receptacles. Department of Public Works crews will pick up leaves in the street during this time period only, no exceptions.

The **initial** Leaves Pick up schedule will be as follows:

1. Third Ward
2. Fourth Ward
3. First Ward
4. Second Ward

# Department of Public Works

## City of Middletown

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



16 James Street  
Middletown, NY 10940  
Phone: 845-343-3169  
Fax: 845-343-4014

September 22, 2021

Honorable Mayor, Council President  
and Members of the Common Council  
City of Middletown, NY

**RECEIVED**

**SEP 30 2021**

**City Clerk  
City of Middletown**

RE: General City Wide Leaves pick up for 2021

Honorable Mayor, Council President and Council Members:

It is once again time for leaves in the street. We request that from November 1, 2021 to December 3, 2021 the City of Middletown will hold its general city wide clean up period for leaves in the street. (Set out no further than four (4) feet from the curb.) All other times during the year leaves must be placed in receptacles. Department of Public Works crews will pick up leaves in the street during this time period only, no exceptions.

The initial Leaves pick up schedules will be as follows:

1. Third Ward
2. Fourth Ward
3. First Ward
4. Second Ward

Thank you.

Respectfully submitted,

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

kg  
Att.

RECEIVED

SEP 30 2021

City Clerk  
City of Middletown

## **ATTENTION**

### **City of Middletown Residents**

### **Leaf Pick Up**

From November 1, 2021 to December 3, 2021 the City of Middletown will hold its general city wide clean up period for leaves in the street. (*Set out no further than four (4) feet from the curb.*) All other times during the year leaves must be placed in receptacles. Department of Public Works crews will pick up leaves in the street during that time period only, no exceptions.

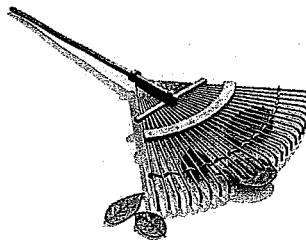
The initial leaf pick up schedule will be as follows: Third Ward, Fourth Ward, First Ward and Second Ward.

Any questions, call DPW at 343-3169 or visit our website for postings and updates [www.Middletown-ny.com](http://www.Middletown-ny.com)

**Joseph M. DeStefano, Mayor**

J. Miguel Rodrigues, Alderman-at-Large

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



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

THE FOLLOWING WAS PRESENTED

By Ald. \_\_\_\_\_

Sec'd by Ald. \_\_\_\_\_

Date of Adoption 10-05-21  
\_\_\_\_\_

Index No: \_\_\_\_\_

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

RESOLVED; that the Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment to retain Freeman & Howard, attorneys at law to render legal services with the ongoing fresh water public works project.

LET IT BE FURTHER RESOLVED; that the Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment to authorize a \$5,000.00 legal retainer for Freeman & Howard, to fund the services within the DPW 2021 budget and authorize the Mayor to sign all documents pertaining to legal services.

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

THE AUDIT OF THE COMMON COUNCIL

By Alderman     Masi

Sec'd by Alderman

Date of Adoption: 10-05-21

| NAMES              | AYES | NOES | ABSTAIN | ABSENT |
|--------------------|------|------|---------|--------|
| Ald. Ramkissoo     |      |      |         |        |
| Ald. Tobin         |      |      |         |        |
| Ald. Kleiner       |      |      |         |        |
| Ald. Johnson       |      |      |         |        |
| Ald. Jean-Francois |      |      |         |        |
| Ald. Burr          |      |      |         |        |
| Ald. Green         |      |      |         |        |
| 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**