



Common Council Meeting
October 5, 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. Paul Johnson
Ald. Kate Ramkissoo
Ald. Sparrow Tobin
Ald. Jude Jean-Francois
Ald. Joseph Masi
Ald. Andrew Green

A B S E N T

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1 1. Pledge of Allegiance

2 **PRESIDENT RODRIGUES:** Please stand and I'll ask
3 tonight for a moment of silence. The first one is Ronald
4 Lybolt. Ronald is a past Commissioner of Recreation and
5 also worked as a supervisor for the Parks and Recreation.

6 The second one is Peter Baggatta, former police
7 officer in the City of Middletown. May they rest in
8 peace.

9 (Moment of silence observed.)

10 Thank you.

11 **PRESIDENT RODRIGUES:** Roll.

12 2. Roll Call

13 Roll Call: Ramkisson, Tobin, Kleiner,
14 Johnson, Jean-Francois, Burr, Green, Masi, President
15 Rodrigues.

16 3. Approval of Minutes.

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

18 **COUNCIL CLERK:** Tonight we have the minutes
19 from the September 7th, 2021 meeting.

20 **ALD. MASI:** So moved.

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

23 **COUNCIL MEMBERS:** Aye.

24 4. Correspondence, Communications and Reports

25 **PRESIDENT RODRIGUES:** Correspondence.

1 **COUNCIL CLERK:** We have one municipal shelter
2 inspection report for Port Jervis.

3 **PRESIDENT RODRIGUES:** Received and filed.

4 **COUNCIL CLERK:** That is all for correspondence.
5 5. For the Good of the City

6 **PRESIDENT RODRIGUES:** For the Good of the City,
7 anyone who would like to address the Council, please step
8 forward.

9 Eileen, anybody on line?

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

11 6. Remarks of the Mayor.

12 **PRESIDENT RODRIGUES:** Okay. Remarks of the
13 Mayor.

14 **JOSEPH DESTEFANO, MAYOR:** Thank you. Good
15 evening.

16 Look at the smiley face on the screen. Now,
17 how many times do you see Chris smile when she came to a
18 Common Council meeting? Not often. Now that she's
19 retired, we have this big smiling face.

20 But, Chris, you put in a long time here in the
21 City of Middletown. And we -- I know the City employees
22 recognize you at your -- at the cocktail party. And we
23 also wanted to say thank you at the last meeting. Many
24 of the Board Members acknowledged your retirement and
25 your years of service here. So we wanted to join in with

1 them and knowing that you were going to be here to
2 tonight to support your successor.

3 But I also wanted to say that you did a great
4 job. And you oversaw the transition from Academy Avenue
5 to, actually, two transitions. Into Academy Avenue you
6 were the assistant. And coming out of -- or you were
7 involved in a team over there -- and coming out of
8 Academy Avenue up to County Route 78 -- you've expanded
9 programming and you've done a tremendous job. So thank
10 you again for all your years of service.

11 So now we go onto the new team. Tonight you
12 have a resolution that's going to appoint Realyynn
13 Bertholf, a long-time employee of the City. Started part
14 time, I believe, in 1999 and became full time in 2008.
15 And Nicole Psarakis who started I believe in 2000 -- I
16 don't remember when she started now. I don't have my
17 notes. But she's been here for a while as part time and
18 full time employee.

19 And so we'll have a resolution and immediately
20 after the resolution we'll swear both candidates in. The
21 Board of Investment will be establishing the salary for
22 that. It doesn't take effect until Chris is officially
23 out, I think, in about five more weeks. So that's when
24 the effective date will be. But in the meantime, the two
25 of them are running the Parks Department and they're

1 doing a good job. So I wanted to welcome both of them on
2 board. And as soon as the resolution with your
3 permission, Mr. Council President, we will swear them in
4 immediately after the vote, so I appreciate it.

5 2022 budget, Kelly Ann is here today with
6 Lenora Liz. Both are new in their positions and both are
7 doing a great job with the budget along with Denise in
8 the Finance Office. We've gone through round one.
9 Initially we had 2.9 million to trim in order to address
10 the deficit from the proposed budget. And, remember,
11 proposed budget is wish list. Several things were in the
12 budget and adjustments had to be made. But the draft
13 original budget had a big gap. For the media's sake
14 that's watching, we're -- we're not doing that great
15 thing where we're making \$3 million in cuts, that's not
16 true. We're just adjusting priorities and adjusting
17 revenues. So we're working on it.

18 But we hope to be and I believe we will be
19 within the tax cap for the, maybe 10th year in a row, at
20 or below the tax cap set by New York State. That's our
21 goal and I believe we'll -- we'll reach it.

22 Our first round is through the Finance
23 Committee, I mean, through the Board of Estimate. We'll
24 make the necessary adjustments. And then the Board of
25 Estimate will do the required public hearings. Kelly Ann

1 will be the person shepherding that through and meeting
2 all the necessary deadlines that we have to make, you
3 know, before December to pass the budget.

4 But if you would like, our next round of budget
5 hearings, if you would like to attend, you're more than
6 welcome to attend as council members and the public is
7 also welcome to attend once we make it a public document.
8 So we'll look forward to any input you folks may have.

9 But just some of the highlights are we will be
10 fully funding the police department, the 71 officers that
11 are sworn now, we will be funding them, all positions.
12 Fire department staffing will stay the same. City Hall
13 staffing will stay the same. Department of Public Works,
14 we will be reducing through attrition. We are not laying
15 off anyone. So over the next couple of years, we'll be
16 reducing the sanitation department as promised with the
17 introduction of the automated arm. And some of those
18 cuts have already taken place on vacant positions.

19 So I think you'll be happy with the budget when
20 presented. There is some revenue adjustments.

21 Things to look forward to next year and over
22 the next 10 years are our census. We did a lot of work
23 with the census. I mentioned it a couple of meetings
24 ago. Maria Bruni's office and, specifically, Kaitlyn
25 McNamara, Kaitlyn led the local Consensus Committee. And

1 we went from the second most populated city in the
2 county, about two points behind Newburg to the most
3 populated city in the county, about two points ahead of
4 Newburg.

5 So that shift if you're all familiar with the
6 -- we kept hammering it throughout the -- throughout the
7 year. That shift of three to four points is going to
8 make a significant difference in the allocation of sales
9 tax revenue when the existing contract, assuming it's
10 going to be renewed by the county in its current form
11 when that apportionment takes -- kicks in in 2022, it's
12 going to make a significant difference for us.

13 So we're -- we're happy with the numbers at
14 this point. We're happy with the budget presentations of
15 the -- of the Department heads. And we'll also be able
16 to add some services in certain areas.

17 One crisis areas that you may not be aware of
18 and I know I did make the Third Ward Alderman aware of is
19 that the Maple Hall -- Maple Hill Pool is now -- we had
20 troubles at the beginning of the year. We didn't open it
21 for lifeguard shortages, but the pool is severely
22 damaged. It's 50 years old plus. And the pool will
23 require well over a million dollars in repairs. So
24 that's one of the long-range concerns that we have.

25 We are looking at alternatives. I've asked the

1 Third Ward for some feedback on that from their neighbors
2 up there in California Avenue, Maple Avenue, around the
3 Maple Hill Park. So we'll start preparing for the other
4 options. And one of the other options we're looking at
5 through the Parks Department and Realyann will be leading
6 the charge here along with John Bianci, the Parks
7 Foreman, is to look at expanding the Davidge area
8 possibly with a large wading pool which are the more
9 popular.

10 And, you know, the deep pools, public pools
11 were a thing of yesterday. Even hotels you notice hotels
12 only go 3 or 4 feet with their pools. So the deep-end
13 pools are no longer something that you see for quite a
14 few reasons. But liability for a community is primarily
15 the big pushing -- the big push with getting away from
16 those deep-end pools for communities. So that's
17 something that will be on our table for down the -- for
18 down the line.

19 But recreation programs will be expanding.
20 Also, our field has been hydroseeded. The track will be
21 poured in about a week to 10 days. All programs that
22 you've invested our tax payer's money in over the last
23 couple of years will be coming to fruition now with --
24 now that post-COVID hold ups are -- COVID is not over,
25 but some of the supply hold ups are over and we're able

1 to move these projects a lot quicker including the
2 Monhagen Avenue waterline.

3 So, we're happy with the budget. If you have
4 any questions give me a call.

5 Marijuana legislation, I believe we had 16
6 people that spoke at the public hearing. Thirteen people
7 spoke very loudly against it. They also beat their chest
8 that we're going to overturn -- we're going to go to the
9 public. We're going to -- the public is with us. We're
10 going to get the necessary signatures that are going to
11 require this to go to a ballot. And I welcome that
12 because I knew they weren't going to get the necessary
13 signatures. I would have hoped they would have because I
14 would have loved the public to vote on this.

15 We have not shut the door. And medical
16 marijuana, obviously, is something we supported. I said
17 I sent a letter to Albany in support of the medical
18 marijuana legislation a year or two ago or a few years
19 ago. I'm absolutely opposed to the public consumption.
20 I think it's dangerous.

21 But if you've read the paper in the last few
22 weeks regarding the appointment of former-Senator Jen
23 Metzger to the Cannabis Control Board, you would have
24 also had the same stories that this is almost two months
25 after we passed our legislation. The State still does

1 not have their act together on the Cannabis Control Board
2 and the rules and regulations.

3 That was our concern. It's been proven right.
4 It's -- the -- they don't know what they're going to do
5 with these rules and regulations. They're getting push
6 back from all over the state. Communities all over the
7 state are opting out. So there's a big concern up there.
8 And we're going to continue to push and request that
9 Senator Martucci and Assemblywoman Gunther give some
10 pushback also regarding public consumption on our
11 streets.

12 And what someone does in their home is their
13 business. But what someone does standing next to a park
14 is all of our business. And we're going to continue to
15 push and work on that and make sure that we can protect
16 our citizens the way our community. We set the goals and
17 the guidelines for the community. And our community
18 tells us how they want us -- how we should react.

19 And I think they sent a loud message by not
20 submitting one signature. Thirteen out of the 16 people
21 and I believe one of them is here tonight, 13 out of 16
22 people stood at this microphone beating their chest about
23 going to the public and this is what the public wants.
24 And not one signature came in. So that tells you
25 something about our community. They spoke loudly and we

1 heard them. And now we're going to speak even more
2 loudly when we come -- when it comes to pushing
3 legislation in Albany in the direction that we would like
4 to see it.

5 We would like, at least I would like at least
6 the public option -- at least the option to opt out of
7 public consumption on our streets.

8 If community A wants to let people smoke pot on
9 their streets, smoke pot at the bus stop, that's up to
10 the community A. I don't think it's something we should
11 be doing here. And right now, people, your kid could be
12 standing at the bus in the morning waiting for their bus
13 and someone could be standing right next to them smoking
14 marijuana legally if -- once this whole law kicks in
15 place. It's wrong. It's -- and it's something we've got
16 to keep pushing for and keep fighting against.

17 The COVID crisis is not over. We are down to
18 number three in the county. Warwick is number two and I
19 think Palm Tree is number one. We have Orange County has
20 had 903 deaths so far. And anyone who believes the COVID
21 crisis is over is fooling themselves. I knew three
22 people that have passed away in the past two weeks,
23 people who I've known personally of COVID. And we have
24 to keep fighting it.

25 So we're -- we're sort of governed by the state

1 regulations in this area. But we're asking people to
2 take all necessary precautions. If you come into any of
3 the public buildings in the city, you must wear a mask.
4 If you don't have a mask on, we will ask you to put a
5 mask on. We will give it to you if necessary. But if
6 you do not put a mask on when you're in City Hall or any
7 of our public buildings, you will not be serviced.

8 So if you need a birth certificate in the
9 Clerk's Office and you won't put a mask on, you're not
10 getting a birth certificate from the Clerk's Office.
11 It's easy and simple as that.

12 Most people are complying, but we have had a
13 few cases where people have refused. But we're not going
14 to -- we're not going to service you. And they did not
15 get serviced either.

16 Tomorrow, the big opening, the reopening of the
17 skate park. And the park, as you know the history, as we
18 had a severe vandalism to the park. And it had, both,
19 racial and sexist comments were graffitied all over the
20 park in large letters. The park was damaged. The
21 surface was damaged to the point where we had to repair
22 it after removing the graffiti. And it required about an
23 \$18,000 investment. I think 13 or 14 was associated with
24 the vandalism. So with that resulted in a felony.

25 We did one -- we did arrest one person. We're

1 looking for two others. That person has been charged
2 with a felony due to the size of the damage at the park.
3 We also took the opportunity to do other repairs. The
4 park has been open a couple of years now, so we -- we did
5 other repairs. That was the balance of the 18,000 less
6 the 13,000 or around those numbers, so.

7 We also completed the sod placement in the back
8 around the park, so when it reopens tomorrow there will
9 be police tape and some fencing up around the grass
10 areas. We ask the participants or the users of the park
11 to respect the walkways that are being placed to get to
12 the skate park to get onto -- onto the surface. And,
13 again, if they don't, then I will put a fence up around
14 the park until the grass takes hold. And it's just as
15 simple as that. We're not going to make public
16 investment and have a few people destroy it.

17 So they need to respect the barriers that will
18 be put up. We made a pretty significant investment into
19 that whole area. And we're going to protect it to the
20 best that we can.

21 So tomorrow morning I believe at 7:30 it
22 reopens. And I hope those who -- and do that type of
23 activity, skating, will enjoy the park and really
24 maintain it and keep an eye on it themselves. If they
25 see something wrong, call the police. The police are

1 only right around the corner.

2 West Main Street culvert is going to give Kate
3 and Paul a lot of agita over the next 10 weeks. The
4 project is expected to take 10 weeks. It's the main drag
5 coming into the city on the -- was it the southwest side
6 of the community? Mount Hope Road, you're detoured up to
7 California or down to Pilgrim Corners. Pilgrim Corners
8 also has -- Monhagen Avenue also has some drainage work
9 being done on it.

10 So a lot of activity in the community. But it
11 does create an inconvenience. So if you could find
12 alternate routes, I would encourage you. California was
13 very busy over the last couple of days. We do have extra
14 police patrols there. So if you do go down California
15 Avenue, make sure you pay attention to the stop signs, to
16 the bus stops, to the buses with their flashing lots.

17 **UNKNOWN MALE SPEAKER:** Speed limit -- and the
18 speed limit.

19 **JOSEPH DESTEFANO, MAYOR:** And the speed limit.
20 And don't call me if you get nailed for a ticket because
21 we -- you're forewarned is forearmed, I guess, that's the
22 term. So there will be plenty of police on California
23 Avenue over the next 10 weeks protecting the kids,
24 protecting that area. And don't forget it's right by
25 Maple Hill Park also. So we want to make sure that you

1 listen to the warnings and that you abide by the speed
2 limit and pay attention.

3 O and W Train Station project, you have a
4 resolution tonight authorizing the -- I think it's
5 authorizing the RFQ, Maria, is that --

6 **MS. BRUNI:** No, the grant.

7 **JOSEPH DESTEFANO, MAYOR:** No, the grant. This
8 is for the Dazni (phonetic) grant. As you know, we have
9 \$3 million that we're going to request that you
10 appropriate from that federal ARP money. We have a \$2
11 million grant through Aileen Gunther's office. We have 8
12 -- \$800,000 grant through the County Executive's Office
13 and the Community Development Office of the county, the
14 Home Program. We have a \$750,000 priority project grant
15 pending. We were identified as a priority project under
16 consolidated funding applications.

17 And we also have at the -- at the encouragement
18 of the -- of the state community development people,
19 we've increased the grant request from a million and a
20 half to 4.1 million. And that is to also include the
21 build out for Head Start for the ABCD Program.

22 We're hopeful that we're going to get some, if
23 not all of that money. We will be able to do this
24 project right now. So the Board of Estimate, I mean, I
25 think it was the Board of Estimate. Did we authorize the

1 RFQ or it's not necessary? But we will be putting --
2 placing the RFQ in the paper for the engineer services.
3 It's a request for qualifications. It's a 14-page
4 document.

5 As for people who have some history in historic
6 preservation and, basically, it's, as you know, we had an
7 engineer that was done that had assisted us in putting
8 together some of the work for the preliminary
9 application. But now we -- in order to qualify for the
10 money, we have to do this request for qualifications.
11 Once that's in place, this project will start rolling.
12 We're already doing the -- the NEPA, the -- which is like
13 a federal SEQR. We did the -- they're doing the SEQR
14 application. The asbestos analysis, we're all doing all
15 of those things now.

16 This project will move very quickly for this
17 type of rehab. We have to spend the federal money within
18 three years. And the community development money from
19 New York State might be a shorter period of time. So
20 this is going to off very quickly. This is in Alderman
21 Masi and Alderman Burr's ward. I want to thank you too
22 for your support on the project. All of the support of
23 the Common Council has made a big difference in our grant
24 applications because the state when they look and see
25 that a community is ready participate and partner with

1 them, they're ready to give us -- they know we're going
2 to spend the money and we're going to spend it wisely.
3 So this will be -- it's an iconic structure in our
4 community and it will make a big difference.

5 On Saturday, we all marched. Most of the Council
6 marched, the fire department parade. Decent turnout,
7 pretty good turnout by the public. Good turnout by the
8 Middletown Fire Department and other departments. I want
9 to thank all the departments that participated. I want
10 to thank Chief Barber and congratulate former Chief Don
11 Lewis on being the grand marshal of the parade. A good
12 time was had by all. And the parade this year had a
13 special guest. And the special guest was the Erie Bell.
14 And Friday night, Middletown defeated Port Jervis 34-33.

15 I apologized to some of the members of the fire
16 department that we had -- the inspection night is usually
17 on Friday night. And we had the Port Jervis game was
18 starting at 7 o'clock and the fire inspection was
19 starting at 6 o'clock in Middletown. So we had a very
20 brief inspection with elected officials. But the judges
21 and Jacob was available for the additional inspection
22 nights. But it all became worth it the next day when we
23 welcomed back into town, you might have heard the sirens
24 Saturday night or Friday night. We welcomed back the
25 Erie Bell into the city. And these are just some

1 pictures of the -- in front of Any Old Thing, Tracy
2 Racine's establishment on West Main Street celebrating
3 the return. We had it for like six years in a row, lost
4 it last year, and now we have it back.

5 As I mentioned before, COVID is still a threat.
6 Health and safety, remember to wear your mask as much as
7 possible and get vaccinated if you can.

8 Any questions?

9 **PRESIDENT RODRIGUES:** Any questions for the
10 Mayor?

11 **JOSEPH DESTEFANO, MAYOR:** Yankees 8:08. It's
12 now 8:22.

13 **UNKNOWN MALE SPEAKER:** They're on right now. I
14 could see them.

15 **JOSEPH DESTEFANO, MAYOR:** They're on. All
16 right. Go Yankees.

17 **UNKNOWN MALE SPEAKER:** Keep the meeting going.

18 **UNKNOWN MALE SPEAKER:** Of course you can talk
19 as long as you want.

20 7. Remarks of Department Heads

21 **PRESIDENT RODRIGUES:** Okay. Remarks of the
22 Department Heads. Economic Development.

23 **MARI BRUNI, ECONOMIC DEVELOPMENT:** Good
24 evening, everyone. Tonight we had our Community
25 Development Agency meeting and Finance Committee meeting

1 regarding advancing the 2022 budget to the State.

2 Update on our DRI façade program. We have two
3 more buildings that are about ready to go out. And these
4 are the two buildings that are left for the program. So
5 you're going to start seeing some activity. That's the
6 former Bull's Opera House, former Nina's Restaurant
7 building that one and then a building on Franklin Street.

8 Tonight you have some resolutions. We're doing
9 an amendment to our COVID CDBG funds. We're redirecting
10 some funds to go towards public -- public facility and
11 public services. We're redirecting funds that we were
12 unable to move swiftly. And so we're adding some more
13 funds to finalize the warming station which is going to
14 be opening in November. Stay tuned. We're going to have
15 a press event for that as well.

16 And then, also, we're going to be purchasing
17 some sanitizing litter-type vacuums for the Parks
18 Department and the downtown.

19 And also, the Mayor mentioned the O & W grant
20 is on the agenda. That's for the Gunther 2 million to
21 authorize the Mayor to sign and submit.

22 And a transfer for the Paramount. As you saw
23 over the weekend, we announced nine shows coming in 20 --
24 end of 2021 and 2022 for the Paramount, live shows. So
25 ticket sales are happening. And people are impressed

1 with our COVID guidelines that we put in place for the
2 theatre. It's vaccinated show or you must show proof of
3 a negative test. So those guidelines are in place for
4 the theater.

5 And the bid district and John started the --
6 the tree search for the tree for downtown for Christmas.
7 So stay tuned for that. We'll be posting our search in
8 the next couple of days.

9 And that's all I have for tonight.

10 **PRESIDENT RODRIGUES:** Any questions for Maria?
11 Thank you, Maria.

12 **MARI BRUNI, ECONOMIC DEVELOPMENT:** Yeah, you
13 must also at the shows, you're going to be required to
14 wear a mask during -- even if you're vaccinated as well.
15 Sorry. And that's it.

16 **PRESIDENT RODRIGUES:** Any questions for Maria?
17 Thank you, Maria.

18 **MARI BRUNI, ECONOMIC DEVELOPMENT:** Thank you.

19 **PRESIDENT RODRIGUES:** DWP Commissioner.

20 **JACOB TAWIL, DPW COMMISSIONER:** Good evening,
21 all. I'm going to start off with Alderman Masi. The
22 reservoirs are 100 percent capacity. And we are very
23 happy, obviously, with that.

24 I just want -- I just want to get everybody's
25 attention to what the Mayor said. For 10 years, the

1 Mayor and the Common Council, they've been below the tax
2 cap. In spite of all the tremendous projects, I mean,
3 tens of millions of dollars we've been doing in here in
4 construction and capital projects including this year
5 about \$3 million in milling and repaving our roads, miles
6 and miles of roads.

7 Our wastewater treatment plant is being
8 upgraded with equipment that's been running since 1989.
9 Until now it's being -- the screw pumps are being
10 upgraded. Water lines that are 100 years are being
11 replaced on 211 outside the City of Middletown. You
12 know, bridges have been replaced, culverts have been
13 replaced. Literally, tens and tens of millions of
14 dollars in there have been -- are being spent by grants
15 and by assistance from the -- from the state. And that's
16 under the leadership of this Mayor and under the
17 leadership of this Council and the Council President.

18 I just want people -- I don't want it to be
19 just unnoticed. I'm not bragging here about their
20 accomplishing or our accomplishment. I just don't want
21 it to be unnoticed by everybody. It's just tremendous.

22 So talking about grants, the Mayor, he spoke
23 briefly about New York Rising Grant. That's \$3.5 million
24 from the state. We got -- at the beginning we got \$3
25 million and then we applied for an additional half-a-

1 million dollar and we got it. That's New York Rising.

2 We've been working diligently on the design on
3 finding the bad spots, the bottlenecks, the deteriorated
4 sections in Middletown drainage system. And the one West
5 Main Street Bridge or culvert in there by -- by the West
6 End Bar, former West End Bar, it was really in very --
7 very poor shape. So, luckily, we got the money, we got
8 the grant. The work just started. It's going to be,
9 like the Mayor said, it's going to be, you know, a little
10 bit painful in there with the detour and the traffic and
11 all that stuff. But for the first couple of days, we've
12 been watching it, it's been, honestly, an unissued.

13 We are troubleshooting the location of the
14 signs, the detour signs, the road closure signs and
15 adjusting and fine tuning them. And I think today we
16 made the last adjustment.

17 It's been closed for two days. The contractor
18 has been going full speed to try to minimize the time it
19 will take him to complete the project.

20 The biggest problem is material supplies and
21 the (inaudible) structures that they had to be ordered.

22 So that's where we are. So that project is
23 moving. Please be -- be patient. You know, that -- this
24 is progress. It's for the benefit of the city for
25 probably another good 60, 80, hopefully 100 years this

1 bridge will last. And it's very complicated. We're
2 going to be employ -- we're going to be deploying piles
3 in there to support it unlike the old structures. They
4 used to be like spread footing or -- or something similar
5 to that. So it's rather complicated. So just bear with
6 us. The end will be -- will be good just like when we do
7 the milling and paving. It's painful when we're doing
8 it. Once it's done it's a beautiful thing to look at and
9 to have.

10 Grand Street, that's another -- that's a second
11 section of the grant, of the New York Rising, \$3.5
12 million grant. And that is Grand Street culvert
13 replacement which is the Draper Brook. Part of it is
14 replacement with brand new box culvert. The other part
15 will be treating it from the inside, building it from the
16 inside with shotcrete method. And that project has
17 started. You're going to have interruption of traffic
18 and some detour every now and then. So, please, you
19 know, again bear with us.

20 Water -- the water line, as you can see the new
21 -- the new water line construction on 211 has started.
22 That is (inaudible) rather. We had to order semi-larger
23 pipe in there or some thicker wall pipe in there because
24 of some issues. And that has been delivered and an
25 accelerated schedule because everything has been pushed

1 back. But make a long story short, you're going to have
2 one way -- one lane traffic on 211 which is a state road,
3 that's still outside the City of Middletown. And, just
4 again, be patient, please. Give the people a break. The
5 workers are, you know, just give them a break in there.
6 Don't put their life in danger. Slow down, please, and
7 be safe. So you can go home and the workers can go home
8 too safely. We appreciate that very much.

9 I mentioned the screw pumps. We have
10 successfully installed and commissioned two screw pumps.
11 They've been operational for three weeks. We replaced
12 another pump. And next Thursday we're going to replace
13 the fourth pump. And then we'll commission the new two
14 pumps the following week.

15 The high lift pump station that -- which is
16 basically just to remind you it's a pump station at the
17 water treatment plant that replaced an old pump station
18 that was constructed, again, in the 18, end of 19, I'm
19 sorry, 1995. So it's been running non-stop. And -- and
20 this pump station, hopefully it will be commissioned next
21 month.

22 Before you there is a resolution tonight. I'm
23 requesting your support for the -- putting the leaves on
24 the street, so DPW can go and pick them up. Right now
25 you're not permitted to put the leaves on the street.

1 Everything has to be bagged and everything has to be
2 wrapped with the string and so on and so forth per our
3 code. Once the Council approves it, then we'll be able
4 to put it on the curb on the -- on the side of the street
5 about 4 feet away from the curb. And -- and so hopefully
6 we'll get that resolution approved by the counsel.

7 And this will conclude my remarks. If you have
8 any questions.

9 **PRESIDENT RODRIGUES:** Any questions for Jacob?
10 Thank you, Jacob.

11 Fire Chief.

12 **NICK BARBER, FIRE CHIEF:** Like the Mayor said,
13 we celebrated our 159th annual parade. It was a descent
14 turnout. I thank everybody that showed up. Mark the
15 calendars, October 7th, 2023, that's going to be our next
16 parade. Inspection night will be the night before at
17 6:00 p.m. Okay. Hopefully, they're won't be a bell game
18 that night.

19 But we're up to 160 -- 679 calls for the year
20 so far. Right now we're a little bit below average and,
21 you know, that's fine. Other than I have nothing.

22 **PRESIDENT RODRIGUES:** Any question for the Fire
23 Chief? Thank you Fire Chief.

24 City Treasurer.

25 **KELLY ANN KELLY, CITY TREASURER:** Good evening

1 again. I just want to formally announce Lenora Liz is
2 the new Deputy Treasurer for the City of Middletown.
3 She's replacing Janet Gallo who she knows has been here
4 for 30 years. So she has a lot big shoes to fill. Janet
5 and Don have, both, been wonderful to both of us. And I
6 want to thank you guys for allowing them to transition
7 because it's really made it very easy for both of us.
8 And that's all I have tonight.

9 **PRESIDENT RODRIGUES:** Any question for the City
10 Treasurer? Thank you.

11 Superintendent of Recreation.

12 **UNKNOWN MALE SPEAKER:** Which one?

13 **PRESIDENT RODRIGUES:** Well, whoever gets up.

14 **CHRISTINE BRINCKERHOFF, SUPERINTENDENT OF**

15 **RECREATION:** Well, since she's not getting paid
16 yet, that means I can still do it, right? Plus just one
17 more time to get Mr. Masi. One more time.

18 **ALD. MASI:** You're welcome any time.

19 **CHRISTINE BRINCKERHOFF, SUPERINTENDENT OF**

20 **RECREATION:** I just want to take the quick time
21 to give attention to the administrative staff coming in.
22 It makes it really easy to retire when you know the
23 Department is going to be left in really good hands. And
24 it's a Department I've been with my entire life. So that
25 is -- that is awesome and comforting to know.

1 Nicki has brought some many new ideas that
2 Raelynn and I didn't have and skills she has that we
3 didn't have to the Department. She's ready to take on
4 bigger responsibility. She's even getting pretty good
5 working on the street. She does all right. She's
6 getting her street on, so that works.

7 Raelynn, I mean, Raelynn is just dear to my
8 heart. Raelynn was a kid in our program. She was a high
9 school kid counselor in our program. I think I even
10 caught her a couple times jumping the fence in Davidge
11 Park in her younger days. So she knows all the tricks of
12 the Department. And she's worked her way from Program
13 Coordinator to Assistant Superintendent and now
14 Superintendent. And I couldn't be prouder. I couldn't be
15 prouder. She has been an incredible wingman and she's
16 going to do a great job.

17 And then, lastly, I would just like to thank
18 the entire staff for giving me a very nice send off, a
19 very respectful nice send off. It was very nice. And I
20 am fully confident that this Department is only going to
21 get bigger and better under their leadership and with
22 your support.

23 So last time I am speaking and thank you. I
24 hope it wasn't too painful. And I'm going to let Raelynn
25 give you the business end.

1 **RAELYNN BERTHOLF, SUPERINTENDENT OF**

2 **RECREATION:** Just a big thank you to Brinck and
3 congratulations. We had great leadership through the
4 years. I and Nicole, I'm sure she would agree that we
5 learned a lot under her leadership. And we're definitely
6 going to continue all the great programs that she
7 created. So congratulations, Brinck.

8 Also, on behalf of myself and the Recreation
9 Department, condolences to the Lybolt family.

10 And, also, thank you to the Mayor and all the
11 Commission members. We are looking forward to doing many
12 great things and keeping up all the good work.

13 And we do have a resolution tonight for -- from
14 Mid City Transit. So we'd like to thank them for
15 offering a donation of another minivan, a minivan that
16 will definitely be in great use for our maintenance
17 department. So it put (inaudible) equipment in it and
18 transport, so we're not using trailers constantly. And
19 that's all.

20 **PRESIDENT RODRIGUES:** Any questions for

21 Raelynn? Thank you, Raelynn.

22 City Clerk.

23 **JOHN NAUMCHIK, CITY CLERK:** Tonight we have two
24 resolutions. One is to adopt a juvenile curfew for
25 Halloween. That will be going in the newspaper. And

1 also I send it to the schools to let them know about
2 that.

3 And, also, we're going to be rescheduling the
4 Common Council meeting not to coincide with election day.

5 And, also, I'd like to say my congratulations
6 again to Chris. Great job, thank you. And
7 congratulations to Raelynn and Nicole. Looking forward
8 to working with you.

9 **PRESIDENT RODRIGUES:** Thanks, John.

10 **JOHN NAUMCHIK, CITY CLERK:** That's all I have.

11 **PRESIDENT RODRIGUES:** Any questions for John?

12 All right.

13 8. Public Hearings and Grievances.

14 **PRESIDENT RODRIGUES:** Public Hearings and
15 Grievances.

16 **JOHN NAUMCHIK, CITY CLERK:** Okay. Tonight we
17 have a public hearing revising Chapter 475 zoning to
18 allow limited residential usage of the first floor of a
19 commercial-mixed use building in the DMU downtown mixed
20 use zoning district.

21 We did a public hearing notice. Notice is
22 hereby given that the City of Middletown will hold a
23 public hearing on Tuesday, October 5th on or near 8:00
24 p.m. as possible. Common Council Chambers, second floor,
25 16 James Street, to hear any and all persons wishing to

1 be heard on the proposed revising to Chapter 475 zoning
2 to allow limited residential usage of the first floor of
3 a commercial mixed-use building in the DMU downtown mixed
4 use zoning district.

5 Any and all persons wishing to be heard will be
6 given the opportunity to speak either for or against the
7 proposed revising of the zoning code. The complete
8 proposed revising of the zoning code was available in my
9 office in City Hall, 16 James Street, Room 12 and also on
10 the City website.

11 The public hearing will also be conducted via
12 video teleconference, live on Channel 20. And we -- you
13 could register to be -- to speak if you had anything to
14 say.

15 Also, if there's -- somebody did not do that,
16 you can also send me an advance. I did not receive any
17 emails on comments. This is by order of the Common
18 Council. This was published in the *Timshel Record* on
19 September 20th and September 21st and also on the City
20 website.

21 **PRESIDENT RODRIGUES:** At this time the public
22 hearing is now open.

23 **JOSEPH DESTEFANO, MAYOR:** Yes. I just want to
24 let the Council know what this is. A few -- a short
25 while ago we created in the DMU zone allowing for certain

1 buildings within the DMU to have a partial first floor
2 occupancy. The building had to have a 30,000 square foot
3 footprint. If there was a second building in the
4 property like Middletown Village Apartments, the building
5 that did not have street frontage would be allowed to
6 have first floor occupancy. But -- and the Planning
7 Board would be the -- would be the approving body of the
8 first floor occupancy.

9 There was some ambiguity in the law. And after
10 speaking with corporation counsel, he felt that we should
11 clear it up and make it much more clearer than it is in
12 the existing law. So that's all this is. This is just
13 some cleanup of something we did a while back. And --
14 but it doesn't change the intent of the law.

15 The legislative intent was clear at the time,
16 so we're just matching all of the, I guess, crossing the
17 Ts and dotting the Is, nothing new here.

18 **PRESIDENT RODRIGUES:** Anyone from the public
19 would like to speak? Any Council Members who would like
20 to say something?

21 Okay. A motion to close?

22 **ALD. MASI:** So moved.

23 **ALD. JOHNSON:** Second.

24 **PRESIDENT RODRIGUES:** Masi, second by Alderman
25 Johnson. All in favor?

1 **COUNCIL MEMBERS:** Aye.

2 **PRESIDENT RODRIGUES:** The public hearing is
3 closed.

4 9. Petitions and Complaints

5 (Nothing this evening.)

6 10. Remarks of the Alderman.

7 **PRESIDENT RODRIGUES:** Okay. Remarks of
8 Alderman. Alderman Burr.

9 **ALD. BURR:** My condolences to the Lybolt
10 family. I served on the Park Commission with Rollin for
11 over 16 years. He was a great asset to the Commission.

12 Brinck, once again, I'd like to thank you for
13 the many years of service. And Raelynn and Nicole,
14 congratulations on your new positions. Thank you.

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

16 **ALD. JEAN-FRANCOIS:** Yes. Good evening.

17 Congratulations to the Middies. For some reason, I think
18 the bell looked a lot better in Middletown than Port
19 Jervis. So hopefully we'll keep it here for a while.

20 Chris, I've got to say, the thing that
21 impressed me the most about you and your staff during the
22 pandemic. And -- and most of the school was closed.

23 There was nothing going on. And you was being very
24 creative to try to keep our kids engaged into activities.

25 And that was very powerful for you and your staff. So

1 thank you. Nicole and Raelynn, welcome. Thank you.

2 **PRESIDENT RODRIGUES:** Alderman Kleiner.

3 **ALD. KLEINER:** Thank you. I also want to send
4 my condolences to the Lybolt family. Rollin has been
5 just an institution in Parks and Rec. So he will be
6 missed.

7 Brinck, again, congratulations on retiring.
8 But you -- I know you'll be around, but you will be
9 missed. But, I agree, you have a great team coming in.
10 So thank you for everything you've done.

11 Congratulations to the Middies, to our MVP
12 running back who scored, I believe, three touchdowns and
13 to the defense who stopped that two-point conversion.
14 That was the difference in the game. So we have the Erie
15 Bell is back where it belongs. That was great. It was
16 great to see it in the fire parade. Thank you, Chief
17 Barber.

18 I also want to thank Art Libsey (phonetic) who
19 was our sort of master of ceremonies at the reviewing
20 stand. And he always does a great job.

21 We will have a Second Ward constituents meeting
22 next Monday. We know it's Columbus Day. It always is.
23 But we have our meeting anyway in case anyone wants to
24 come and join in.

25 If you're watching this at home live, why?

1 This is Channel 20, the Yankee game is on Channel 21 just
2 -- just in case you missed it.

3 And, finally, I just want to add the warming
4 station, I thank the Mayor and Maria. They've done a
5 great job on reconfiguring the old Mulberry House to be
6 the warming station. But I'm bringing it up at this
7 meeting because there are three training sessions
8 scheduled for volunteers. And the first one will be
9 Wednesday, October 13th. And that's at the 8 to 10
10 Mulberry Street. The next one is Tuesday, the 21st --
11 Thursday the 21st. And then there's a third one, Tuesday
12 the 26th. There will be a couple more in November, but I
13 will bring those up at the time.

14 And November 19th there will be -- at 11 a.m.
15 there will be a dedication of the new warming station,
16 GMIC warming station, Mulberry House. So and it opens on
17 November 21st for overnight guests.

18 And that's it. Thank you.

19 **PRESIDENT RODRIGUES:** Alderman Ramkissooon.

20 **ALD. RAMKISSOON:** Good evening. Brinck,
21 congratulations once again. We don't appreciate that
22 Jacob sent with an informative session for you to take
23 with you into retirement. And for our dynamic -- what,
24 I'm just saying -- for the dynamic duo coming in after
25 you, Raelynn and Nicole, I know you guys are going to do

1 an outstanding job. You've been doing it with Brinck all
2 these years, so I'm sure we are going to have a seamless
3 transition.

4 Chief Barber, I'm sorry for not going to
5 inspection night, but I was stuck in traffic on the way
6 to the bell game. But I'm glad I was there right to the
7 finish. That was the longest two-point conversion I've
8 ever seen because I didn't think that play was ever going
9 to touch the ground. But we won, the bell came back
10 home. It was a wonderful parade. We had beautiful
11 weather and an outstanding turnout. And it's just a
12 really good week to be a Middie. That's all I have
13 tonight.

14 **PRESIDENT RODRIGUES:** Alderman Johnson.

15 **ALD. JOHNSON:** Thank you. My condolences as
16 well to the Lybolts. I've gotten to know them more
17 recently in my day job. But I only come to realize
18 lately that Mr. Lybolt made such a significant
19 contribution to our community. So I expressed my
20 condolences to the family as well.

21 A lot of community glue took place in the last
22 week or two. The bell back. You know, sports rivalries
23 are always good for the spirit especially if you've on
24 the winning side of the sport.

25 Fireman's parade 59 years, that's also some of
AMERICAN LEGAL TRANSCRIPTION (845) 452-3090

1 the glue for our community to go out and support each
2 other and kind of go out to a simpler time. I think we
3 can all use a simpler time at this point in our lives.

4 Thanks again to Brinck. I've known Realynn
5 longer than she probably care to admit, so we'll just
6 leave it at that. But thank you so much. Like Brinck,
7 I've seen you come, come a long long way. And
8 congratulations to Nicole as well. I thank you very
9 much.

10 **PRESIDENT RODRIGUES:** Alderman Green.

11 **ALD. GREEN:** Thank you very much. Yeah, my
12 condolences to the Lybolt and Baggatta families as well.

13 And congratulations to the Middies on the bell.
14 What a nail biter of a game there at the end. You know,
15 in all my years at Middletown High School, I think that
16 was the craziest finish I've watched in a while. So
17 congratulations. Glad we have the bell back. I think
18 it's well deserved.

19 Brinck, congratulations. Thank you. I
20 remember many years of sports camps and things going way
21 back now through -- through this and just what a
22 wonderful career and the wonderful things you've done for
23 the City. Thank you so much.

24 And to Raelynn and Nicole, congratulations. We
25 look forward to -- to just really growing and seeing the

1 great things to come in that -- in that department.

2 I don't think we could have purchased better
3 weather for our fire parade. I mean, it really was just
4 a wonderful day. Thank you for all the departments that
5 came out, all the firefighters that came out, the fire
6 police, all the great bands and organizations who were
7 there. It was a really wonderful day to be in the City
8 of Middletown.

9 On top of that, we just -- just to reiterate,
10 we do have our constituents meeting here Monday at 7 p.m.
11 That will be the 11th, so we hope to see you Monday.
12 Thank you.

13 **PRESIDENT RODRIGUES:** Alderman Tobin.

14 **ALD. TOBIN:** Yes. I forget to ask a question
15 about the last resolution, the one we're going through
16 about the trucks. I want to jump on that.

17 My condolences to the Carol and the Lybolt
18 family. And I know I speak for the rest of the Lions
19 Club and he'll be surely missed. His advice all the
20 service that's he's given to the community over the
21 years.

22 I'd also like to thank the fire department, all
23 the volunteers that help our community. It was great to
24 show appreciation. And a little bit of sense of normalcy
25 to get people back out and celebrating all the good work

1 they do for us and recognize that their contributions to
2 our community, we can't thank them enough.

3 I'd also like to thank Brinck for, you know,
4 all she does -- did for the -- you probably will still
5 do, I bet, help them out, but for the Rec Department.
6 You know, we're so lucky to live in a community and a
7 school district that offers so much for our children, so
8 many opportunities. And I count myself lucky to -- to
9 live here. And it's because of the hard work that the
10 folks in the Rec Department do. I wish the new team the
11 best of luck. And I know, you know, I'm so proud of all
12 the stuff we offer our kids. And, you know, and that's
13 important to give your kids something, you know, to
14 choose good opportunities and opportunities and so many
15 things. I can go on and on.

16 And that's it. Thank you.

17 **PRESIDENT RODRIGUES:** Alderman Masi.

18 **ALD. MASI:** My condolences to the Lybolt family
19 also. I've known -- knew Rollin for more than 50 years.

20 Chief Barber and former Chief Lewis, thank you
21 for a great parade and all the people that participated.
22 And I was glad to see that Chief Lewis got to be the
23 grand marshal.

24 Brinck, would could I say? Thank you for
25 allowing me to kid around with you for all these years.

1 Thank you for all the work that you did. The Department
2 certainly grew under your leadership. And the two
3 incoming, Raelynn and Nicole, congratulations. Good
4 luck. And it will be fun working with you. Thank you.

5

6

7

CERTIFICATE

8 I, LISA KANE, certify the foregoing transcript of proceedings
9 prior to New Business of the October 5, 2021 Middletown City
10 Council meeting was prepared using the required electronic
11 equipment and is a true and accurate record of the
12 proceedings.

13

14 Signature: *LISA KANE*

15 Date: October 21, 2021

16 Agency: American Legal Transcription

17 11 Market Street, Suite 215

18 Poughkeepsie, New York 12601

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12. New Business.

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

THE FOLLOWING WAS PRESENTED

By Ald. Burr

Sec'd by Ald. Masi

Date of Adoption 10-05-21

Index No: 196-21

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			
	9			
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.

COMMON COUNCIL
CITY OF MIDDLETOWN
CERTIFICATION OF RESOLUTION

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

WITNESS My Hand and the Official Seal of the City of Middletown, New York, this _____ day of _____, 2021.

John C. Naumchik
City Clerk
Clerk of the Common Council
City of Middletown, NY

Seal

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

THE FOLLOWING WAS PRESENTED

By Ald. Jean-Francois

Sec'd by Ald. Green

Date of Adoption 10-05-21

Index No: 197-21

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	9			

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. Kleiner

Sec'd by Ald. Ramkissoon

Date of Adoption 10-05-21

Index No: 198-21

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			
	9			
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.

**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 10-05-21

Index No: 199-21

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	9			

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	Amount	To
A.1420.488	\$15,000.00	A.1420.489
Corporation Counsel Grievance		Litigation

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

THE FOLLOWING WAS PRESENTED

By Ald. Johnson

Sec'd by Ald. Green

Date of Adoption 10-05-21

Index No: 200-21

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	9			

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

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

THE FOLLOWING WAS PRESENTED

By Ald. Green

Sec'd by Ald. Johnson

Date of Adoption 10-05-21

Index No: 201-21

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	9			

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.

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

THE FOLLOWING WAS PRESENTED

By Ald. Tobin

Sec'd by Ald. Kleiner

Date of Adoption 10-05-21

Index No: 202-21

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	9			

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, NEW YORK
COMMON COUNCIL
RECORD OF VOTE**

THE FOLLOWING WAS PRESENTED

By Ald. Masi

Sec'd by Ald. Kleiner

Date of Adoption 10-05-21

Index No: 203-21

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	9			

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, NEW YORK
COMMON COUNCIL
RECORD OF VOTE**

THE FOLLOWING WAS PRESENTED

By Ald. Masi

Sec'd by Ald. Ramkissoon

Date of Adoption 10-05-21

Index No: 204-21

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	9			

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
F.8330.458
Chemicals

AMOUNT
\$6,000.00

TO
F.8330.404
Lab Services

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

THE FOLLOWING WAS PRESENTED

By Ald. Tobin

Sec'd by Ald. Green

Date of Adoption 10-05-21

Index No: 205-21

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	9			

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.

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

THE FOLLOWING WAS PRESENTED

By Ald. Green

Sec'd by Ald. Jean-Francois

Date of Adoption 10-05-21

Index No: 206-21

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	9			

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

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

THE FOLLOWING WAS PRESENTED

By Ald. Johnson

Sec'd by Ald. Ramkissoon

Date of Adoption 10-05-21

Index No: 207-21

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	9			

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 FOLLOWING WAS PRESENTED

By Ald. Ramkissoo

Sec'd by Ald. Johnson

Date of Adoption 10-05-21

Index No: 208-21

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	9			

WHEREAS, the increased overnight parking of large vehicles in residential zones has generated a number of complaints from residents of the City of Middletown.

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

Section 1. There is to be added to Chapter 460, Vehicles and Traffic, Article I, Traffic Regulations, of the Code of the City of Middletown a new Section 460-23.2, entitled "Overnight Parking Restrictions for Large Trucks" to read in its entirety as follows:

Section 460-23.2 Overnight Parking Restrictions for Large Trucks

It shall be unlawful to park any motorized vehicle equipped with over six (6) wheels on any street in any residential zoning district or on any street abutting a residential zoning during the hours from dusk to dawn. Persons who violate this Section are subject to a fine of \$150.00 for each violation. In addition, any vehicle violating this Section may be towed or removed or caused to be removed under the direction of the Police Department or the Commissioner of Public Works, without notice to the owner. The charge for such removal shall consist of the amount of all the expenses actually and necessarily incurred in effecting such removal. Such charges shall not exceed those charges described in Chapter 440, Towing, in addition to any

charges for storage. Such storage charges shall be in conformity with Chapter 440, and such amount shall be charged to the owner or person in charge of the subject vehicle. No vehicle shall be released until the owner or person in charge pays all towing and storage fees associated with the removal.

Section 2. Effective Date.

This Resolution and Ordinance shall take effect immediately.

13. Local Laws

Council Clerk-Nothing this evening.

14. Audit

On motion of Ald. Masi 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, Masi, President Rodrigues

15. Adjournment

There being no further business meeting adjourned at 9:01 PM