

**CITY OF MIDDLETOWN
COMMON COUNCIL MEETING AGENDA
DECEMBER 21, 2021**

1. PLEDGE OF ALLEGIANCE
2. ROLL CALL (COUNCIL CLERK)
3. APPROVAL OF MINUTES (Council Meeting November 16, 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 (NOTHING THIS EVENING)
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 reallocate a \$245 donation for supplies for the feral cat program.
 - Resolution to authorize the treasurer to transfer \$3420 from within the City Clerk's 2021 Budget to cover printing costs for the overnight and vacation parking permits
 - Resolution to authorize the Mayor to sign a contract with the Human Society of Port Jervis
 - Resolution to approve the Policies and Procedures for Elected Officials, Department Heads and Employees
 - Resolution to approve the Assessment Collectors Warrant for 2022
 - Resolution to authorize the treasurer to transfer \$12,000 within the DPW 2021 Budget to cover overtime.
 - Resolution to authorize the Mayor to sign a proposal with JCO, Inc., to provide the management services and act as a chief operator of the Water Treatment Plant.
 - Resolution to add a yield sign to Vincent Drive.
 - Resolution to add a stop sign at the intersection of Cottage Street and Vincent Drive.
 - Resolution to authorize the Mayor to sign a contract with the Miracle Recreation Equipment Company for playground equipment.
 - Resolution to accept a donation of \$220 from Astar Heating & Air for 2 camp scholarships.
 - Resolution to authorize the treasurer to transfer \$42,500 within the 2021 Parks and Recreation budget.



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- Resolution to authorize a modification to Resolution 146-21 for the use of the \$2.2 million of ARPA Funding for the Streetscape Project
- Resolution to authorize the Mayor to sign a proposal for QuES&T to provide a pre-renovation asbestos survey in the amount of \$8,545.
- Resolution to authorize the Mayor to sign a proposal for QuES&T to provide a pre-demolition asbestos survey in an amount of \$8,930.
- Resolution to authorize the Treasurer to transfer \$21,000 from within the DPW budget.
- Resolution to approve an extension of time of six (6) months for two resolutions dated May 04, 2021, #98-21 and #99-21 for the Presidential Heights Realty Subdivision.

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.





Common Council Meeting
November 16, 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. Andrew Green
Ald. Joseph Masi

A B S E N T

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Ald. Green	25
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Ald. Ramkissoon	27

1 1. Pledge of Allegiance

2 **PRESIDENT RODRIGUES:** Roll.

3 2. Roll Call

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

7 3. Approval of Minutes.

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

9 **COUNCIL CLERK:** Tonight we have the minutes
10 from Council from October 19th, 2021.

11 **ALD. MASI:** So moved.

12 **PRESIDENT RODRIGUES:** Motion by Alderman Masi,
13 seconded by Alderman Tobin. All in favor?

14 **COUNCIL MEMBERS:** Aye.

15 4. Correspondence, Communications and Reports

16 **PRESIDENT RODRIGUES:** Correspondence.

17 **COUNCIL CLERK:** Nothing this evening.

18 5. For the Good of the City

19 **PRESIDENT RODRIGUES:** Okay. For the Good of
20 the City. Anyone who would like to address the council,
21 please step forward.

22 Eileen, do we have anybody online? Okay.

23 6. Remarks of the Mayor.

24 **PRESIDENT RODRIGUES:** Okay, Remarks of the
25 Mayor.

1 **MAYOR DESTEFANO:** Good evening. Our treasurer,
2 Kelly Ann, went through this with the Finance Committee
3 previous to the meeting. And last week we had a public
4 hearing of the Board of Estimate. I just wanted to give
5 a quick walkthrough for the public regarding the 2002 --
6 '22 budget.

7 As you can see on the screen, the increase of
8 the operations are on the left. The '21 column is on the
9 left, the '22 column is on the right. And it gives the
10 five major categories on page -- on that page.

11 And we go onto the next page and we carry on
12 with pensions, workman comp, health insurance, and
13 payroll taxes. The big one to look at here is health
14 insurance. And that's up 17.17 percent or not 17.17
15 percent of our budget and up a little bit. But we can
16 possibly -- probably anticipate a increase sometime mid-
17 year. What we're hearing out of Albany is that the rates
18 are going to go higher possibly than they originally
19 anticipated. And we had some kind of word today that
20 that may happen, probably will happen, no definitive
21 word. So I don't want to mislead you that during the
22 year we will probably be doing a budget fund balance
23 transfer to make up the -- the adjustment that's
24 necessary. So payroll taxes are -- our -- our health
25 insurance is a huge cost.

1 And we go onto the next page and that will give
2 you a recap of the increase in tax rate. It is 1.7
3 percent. It's under the cap. The estimate household,
4 the average household will go up \$55. And a water and
5 sewer rate will go up 17 -- 17 cents from \$17 combined to
6 \$17.17.

7 The next slide is the tax cap and the variance
8 of the tax cap. That's a formula by the State. But the
9 rate is up 1.7. This includes other factors. And, but
10 we are still within the State tax cap limits. So we
11 will be voting on that this evening. And I believe it
12 did pass the committee unanimously.

13 So I would take any questions on it now if you
14 had any questions on the budget if you would like.

15 **PRESIDENT RODRIGUES:** Any questions for the
16 Mayor on the budget?

17 **MAYOR DESTEFANO:** Well, I wanted to thank the
18 Board of Estimate, Miguel and Mr. Masi, for their work on
19 it along with our Treasurer Kelly Ann and her office, her
20 deputy Lenora.

21 The next issue is the Christmas tree arrival.
22 We had Saturday morning a big arrival into downtown. As
23 you can see in the left is everyone recognizes John
24 Perino. That's the Interim Superintendent Kelly Creeden
25 or Kelly, I got Kelly behind me -- Amy Creeden and along

1 with her son. The Middletown School District did donate
2 the tree this year. It's the tree that was off of Wisner
3 and Grand and Wisner -- Wisner, Grand and Irwin. John
4 Degnan has been after this tree for many, many years, but
5 it wasn't until the school district is proposing to do a
6 bus loop in that area that it became available.

7 So on the right you see the city crews led by
8 Ross Mastria, the incoming Deputy replacing Mark Pengel.
9 And they all did a wonderful job.

10 On the left here, the guy in the Green Bay
11 jacket is me and Maria Bruni and her department, John
12 Naumchik. So we had a lot of volunteers. The volunteers
13 on the right did not do anything to bring the tree in,
14 neither did the guy in the green jacket.

15 So we want to say a special thanks to all these
16 companies because it -- it was a project. This took
17 about probably two-and-a-half hours, at least, to go from
18 the high school on Grand Avenue to the location here on
19 West Main Street. Aspen Tree Service has been doing it
20 for many years. And this is all donated time and
21 services, regional trucking. They had a 50, I think, a
22 55-foot long trailer that it was on. And the tree took
23 up every bit of that trailer. Light Bright Signs
24 offering their -- their crane. And, of course, thanking
25 the Middletown School District and Superintendent Creeden

1 along with Middletown DPW, Middletown Police Department.

2 It was a long process, but it will all
3 culminate on an event on -- and the ceremony, our annual
4 ceremony on November 26. This will be -- the tree will
5 be decorated this Saturday by Rotolo Electric. Again,
6 another donation by a local Middletown business. And
7 with the labor being provided by the International
8 Brotherhood of Electrical Workers Local Union 363 and
9 they will be donating their time this Saturday.

10 And the Christmas tree lighting will be on the
11 26th. It will begin at 6 p.m. If your organization is
12 looking to march in the parade that will begin down by
13 Garcia's Market, you must get -- reach out to Maria's
14 office and she will put you in contact with the people.
15 You cannot just show up and march in the parade. You
16 have to be preregistered. And there are guidelines and
17 rules that you will have to follow to be in the parade.
18 But we're hoping for a huge turnout. And I'm sure we
19 will have one especially -- if weather cooperates.

20 We also will be having on November 29th the
21 menorah lighting at Run for Downtown Park. This is, I
22 believe, our third or fourth, last year cancelled by
23 COVID where we did just a small event. But the -- this
24 will be done in the -- in the park area right next to
25 Something Sweet. And we call it the Middletown Festival

1 of Lights. So, hopefully, many of you will be also to
2 attend that. And the public is invited to that also.

3 Moving onto the next slide is the warming
4 station. This Friday on November 19th at 11 a.m. we will
5 be having a ribbon cutting for the warming station. And
6 it will be opening for the winter season on Sunday,
7 November 21st. That will be the first night it's in
8 operation.

9 As you know, the City has made a significant
10 investment in the building. And we -- last year we were
11 hearing a lot of input from neighbors around the temple.
12 And I think everything ended up working out in the end.
13 But we heard the voices of the neighbors and the concerns
14 and we certainly addressed it. And I think the -- you'll
15 be happy with the end product. If you haven't been
16 there, there's been a significant amount of work there.
17 And I wanted to thank Jerry and Andrew for your
18 commitment in helping getting this relocated from the
19 temple. And I wanted to thank the temple for stepping up
20 last year and providing the service. I know the rabbi
21 who is no longer here was very much the vocal point of a
22 lot of community anger from certain parts of the
23 community. But it looks like everything worked out and
24 we are now locating them into a permanent headquarters.

25 And as Maria pointed out last week, this

1 project has been identified by HUD as a -- as a national
2 model. And she did make a presentation. One of five
3 communities on the use of COVID funds. And that
4 presentation is being forwarded to Congress. So I think
5 we all did a job well done, but especially I think you
6 guys put up with a lot, so we appreciate your -- your
7 efforts.

8 If you've had the opportunity to run by the or
9 ride by the old Nina's building where Nina's Restaurant
10 was located and you don't see that ugly green metal or
11 whatever it was, aluminum up in the top, that's because
12 this is the final DRI façade restoration project. This
13 is the last of them. We had two in the cooker there.
14 But the one on Union Street has pulled out. They've made
15 other plans to do a different type of project. So this
16 is -- this is it.

17 And, actually, this was the poster child of our
18 DRI Programs from the beginning. And we were hoping that
19 it would happen. It did. What's underneath really has
20 surprised a lot of people. Most of us knew from our
21 pictures from the Historical Society what the place would
22 look like. We didn't know it was going to be in as good
23 as shape as this though.

24 I don't know what possessed them to cover what
25 you see on the right with what you see on the left. But

1 I guess that's a mystery that will never be solved.
2 Maybe Mr. Masi will recall when it happened, but it's a
3 mystery that will never be solved. But this building is
4 really going to be a standout building for -- for the
5 downtown and for the City. It's an iconic building and
6 will fall right in line with -- with the O -- O&W Station
7 project.

8 As you know, the Federal Infrastructure Bill
9 has passed and has been signed by President -- President
10 Biden yesterday. We're trying to identify what -- what's
11 in it for us because there's a lot in it for a lot of
12 people. As you know, Congressman Maloney had announced a
13 couple of projects. We don't know if they're
14 specifically in the bill. I did contact his office and
15 ask for a breakdown. I don't believe that breakdown is
16 available yet to our level, to the municipal level. But
17 there will be significant money, infrastructure money, in
18 this bill for cities like Middletown. And that will
19 include led pipe issues, our water and sewer projects and
20 other infrastructure projects.

21 I did read one article that there may be
22 sidewalk money in this bill which would be very
23 significant, I think, for us because we have a lot of
24 communities, neighborhoods in our city that need
25 sidewalks. I haven't been able to confirm that, but I --

1 I did read one article on it. And, you know, the last
2 time the Federal Government made large blocks of sidewalk
3 money available was way back, I think, before Reagan.
4 And so that's -- and you can see the condition of
5 sidewalks in some of the urban centers. It shows.

6 So we're -- at least I'm very happy and I'm
7 sure all of us are that the Infrastructure Bill did pass.
8 It's 1.2 trillion. It's a lot of money, the biggest bill
9 ever. I want to congratulate the President and Congress
10 for -- and Congressman Maloney for -- and Senator Schumer
11 for a job well done. And now it's our job to lobby
12 Congressman Maloney and Senator Schumer to bring some of
13 that bacon back into Middletown. And we'll be doing
14 that.

15 So if you have an opportunity, drop him a line,
16 drop him an email and let him know that it's important
17 for us to work on our infrastructure here also.

18 The COVID is -- is not away -- didn't go away.
19 We're still concerned about the -- the conditions. We
20 still have our masking in effect in City Hall. I know
21 not all of us are doing it all the time and myself
22 included, but we all need to do a better job because the
23 numbers are up. I see the numbers in the surrounding
24 schools and all schools in Orange County are up. And
25 we've had some of our police, some of our fire, and some

1 of our DPW workers are all out again on COVID including
2 some of their family members.

3 So, please pay attention to it. We have almost
4 926 deaths in Orange County alone and close to 800,000
5 deaths in the United States. So Europe now is back --
6 going back into lockdowns. So we -- we need to make, you
7 know, pay attention and make sure that we continue to
8 take this as -- as serious as we did throughout the
9 process. And so I'm just asking people to remember to
10 wear the mask as much as possible when you're in a group
11 or when you're in a crowd. And when you're in City Hall,
12 we do have signs coming in. We have a single point of
13 entry. You need to have a mask to enter the building.
14 If you do not have a mask, you cannot get served. And
15 that's for the protection of our employees and of other
16 people that are in the building.

17 So if you're coming to City Hall or any of the
18 city buildings, please wear a mask. All of our employees
19 are being reminded of the protocols that are required
20 within the buildings in the -- in the public parts of the
21 building. And we also encourage you if you haven't been
22 vaccinated to get vaccinated. If you have been
23 vaccinated and eligible for the booster, please consider
24 doing so.

25 That's all I have, if you have any questions.

1 **PRESIDENT RODRIGUES:** Any questions for the
2 Mayor?

3 Alderman Burr.

4 **ALD. BURR:** Joe, with the upcoming holiday, are
5 we going to implement using the blue can as garbage?

6 **MAYOR DESTEFANO:** Yes. Jacob and I are
7 finalizing a plan that's around Christmas time we'll be
8 definitely doing it. We probably will have to do
9 something the following week of Thanksgiving too because
10 I'm assuming that Thanksgiving is going to produce a
11 large amount of -- a large amount of trash.

12 But Jacob is -- he's the guy that came up with
13 it. It's not such a complicated plan. It's just that
14 that two weeks that -- the week following Thanksgiving
15 and the week following Christmas that we will be doing
16 additional pick up, not additional, but using the blue
17 cans for -- for household garbage. But we'll -- we'll
18 make the announcement and firm it all up.

19 Any other questions? Thank you.

20 **PRESIDENT RODRIGUES:** Thank you.

21 **PRESIDENT RODRIGUES:** Thank you.

22 7. Remarks of Department Heads

23 **PRESIDENT RODRIGUES:** Remarks of Department
24 Heads, Economic Development.

25 **MARI BRUNI, ECONOMIC DEVELOPMENT:** Good

1 evening. Just a couple of things. The Paramount Theatre
2 we've been moving forward with our movie program and it's
3 been doing quite well. And we've been released another
4 first-run movie. We're going to start showing King
5 Richard starting this Friday, so hope everybody comes
6 out. We'll be showing it for a couple weeks.

7 I have a couple of items on the agenda tonight
8 for your support. And one of them I want to note that
9 the Business Improvement District has donated \$25,000
10 towards the all-terrain liter compact urban cleaning
11 vehicle. And that's -- we're getting one for the
12 downtown area which is electric and the Business
13 Improvement District, the Board of Directors authorized a
14 donation of \$25,000 to be applied towards that unit.

15 And that's about it I have for tonight.

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

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

19 **PRESIDENT RODRIGUES:** Thank you, Maria.

20 DPW Commissioner.

21 **JACOB TAWIL, DPW COMMISSIONER:** Good evening,
22 all. Start off I'm going to run through the capital
23 projects very quickly. Number one, Alderman Masi, the
24 reservoirs are 100 percent full.

25 So the capital projects, please stop me or ask

1 me questions if you have any one -- any question about
2 any of them. West Main Street Bridge, basically, it's
3 progressing very nicely. The culvert is in and they are
4 building the wing walls. Excuse me.

5 The water treatment plan pump station, the work
6 is almost completed. Some electrical work remains to be
7 completed and then we'll do the start up. That's the
8 water treatment plan pump station.

9 Waste water treatment plant, screw pumps and
10 pump stations, two of them, primary and secondary, we did
11 the last start up today for the last screw pump. So from
12 now on, hopefully, once we figure out all the bugs within
13 the system that will be the end of it. And hopefully I
14 will not have to report to you any more about those screw
15 pumps because I've been reporting to you about -- for
16 about two years about the status of this project. That's
17 how long it took.

18 Grand Street culvert, there were some issues in
19 there; a fuel storage tank, uncovered and so on and so
20 forth on the property, in the private property. And
21 we're in coordination with the Cornerstone Community
22 Health Center. That slowed us -- slowed us down a little
23 bit, but we're moving along nicely now with installing
24 the culvert on Grand Street.

25 The water line project, it's moving again on

1 and off. We have some issues with it, but it is moving
2 along.

3 Davidge Park expansion, the fields are
4 constructed. And, basically, we're going to be starting
5 -- one contractor will be gone very soon I hope and then
6 the new contractor will start with the electric work.
7 Parks and Recreation would be doing the excavation for
8 the electrical contractor. And -- and the City decided
9 to do that in order to save money.

10 Dams, we have several dams are being upgraded.
11 The plans, the design plans are in progress right now.
12 One or two projects are ready to go out for bid. We're
13 finalizing them and we'll keep you posted. Hopefully
14 with the infrastructure funds that the Mayor was speaking
15 of, hopefully we'll be able to find some money to fund
16 those dams projects and the future water line
17 replacements, sewer line replacement, drainage.

18 We're getting ready with all different packages
19 in there to submit immediately once they ask, so we can
20 be somewhat ready. We've been successful in the past and
21 I hope -- I trust that we will be successful in the
22 future to get more money.

23 Reminder about the safety of the pedestrians
24 and the children and the school students in there with
25 the piling the leaves in the street. Please keep it as

1 close as possible to the sidewalk away from the
2 intersections until we can come and pick them up. We're
3 trying to do many things, you know, at the same time
4 during the end of the season.

5 And so with that, I will -- I want to conclude
6 with some remarks about Alderman Tom Burr. I have worked
7 with Alderman since 2005. And, you know, he's been -- he
8 decided not to run for office again. And I just want to
9 take the time to thank him. He's been honorable
10 gentleman and there he's been -- he's been there for the
11 City putting his, really, truly his heart and soul into
12 his job as an elected official, all the time in touch
13 with me bringing to my attention any -- any issues in his
14 ward or sometimes through the City. He's been straight
15 forward, never played any games. All the time his heart
16 is in the right place to help his constituents and to
17 help the City. And -- and he'll be missed. I know
18 you're not going too far from us, but I will sincerely
19 miss you. I thank you so much for being so honest and so
20 honorable. And it was an honor dealing with you.

21 You have any questions?

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

23 Alderman Kleiner.

24 **ALD. KLEINER:** Jacob, could you just go over
25 what you told me about the -- the Thanksgiving we'll have

1 regular -- Thanksgiving will be the holiday, but that
2 Friday even though City Hall is closed they'll be regular
3 pickup starting then so.

4 **JACOB TAWIL, DPW COMMISSIONER:** You presented
5 it very well, absolutely. So -- so, yes, Thursday,
6 that's the only day -- so the garbage, whoever was due to
7 be picked upon Thursday, I think that would be the 1st,
8 1st Ward will be picked up on Friday. Although City Hall
9 is closed, but sanitation department will be working.
10 And then recycling will be picked up on -- on Saturday.

11 **ALD. KLEINER:** On Saturday.

12 **JACOB TAWIL, DPW COMMISSIONER:** Yep.

13 **ALD. KLEINER:** Thank you.

14 **JACOB TAWIL, DPW COMMISSIONER:** So that's the
15 plan.

16 And look out for an Excel or -- or some
17 notification on the -- on our website like the Mayor was
18 saying if it's decided to use the -- to be permitted to
19 allow the blue can to be used possibly the week after.
20 Just keep an eye on it like the Mayor has said.

21 **ALD. KLEINER:** Thank you.

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

23 **ALD. JEAN-FRANCOIS:** Yes, Commissioner, how you
24 doing? First of all, I want to say your department is
25 doing a wonderful job --

1 **JACOB TAWIL, DPW COMMISSIONER:** Thank you, sir.

2 **ALD. JEAN-FRANCOIS:** -- the street department.

3 But in front of Waywayanda, in front of post office, I
4 noticed Orange and Rockland is responsible to pave. Are
5 they planning on doing that any time soon before the
6 winter?

7 **JACOB TAWIL, DPW COMMISSIONER:** Yes, yeah.
8 We've been after them. I mean, that -- that location
9 really, Council President would -- would be interested in
10 that. We made them backfill with K-Krete at that
11 location. It's still -- because the surface restoration
12 was so poor that we would have done it. It's not -- it's
13 not -- we've been arguing with them and they promised to
14 get it paved. Now their schedule is possibly towards the
15 end of this week, early or next week. That's where we
16 are. We keep applying pressure on them, pushing to try
17 to pave it. But that -- that excavation was backfilled
18 with K-Krete control density fill which means it doesn't
19 allow it to settle. But, I mean, look at it now, it's
20 not the most pleasant way to drive.

21 Also, we're not very happy about the surface
22 restoration of the contractor of Monhagen Avenue. And
23 right now we're dealing with some legal issues there.
24 And possibly some issues is going to be done with the
25 pipe itself, so we're not sure that surface restoration

1 is going to be final. I can't get in to too much because
2 we are with attorneys and all that stuff, but we're not
3 happy about that surface restoration either on Monhagen
4 which is done by city contractor. You know, it's a
5 struggle with all these projects, but we're getting
6 there. But thank you for bringing that up though.

7 **ALD. JEAN-FRANCOIS:** Thank you, Commissioner.

8 **JACOB TAWIL, DPW COMMISSIONER:** And thank you
9 for being around to -- to go around and check all -- all
10 these infrastructure projects. You've been going with me
11 now a few times to see it for yourself and I appreciate
12 that very much.

13 **ALD. JEAN-FRANCOIS:** Great. And -- and the
14 pump from the waste department treatment was -- actually
15 was installed today? Was it operable?

16 **JACOB TAWIL, DPW COMMISSIONER:** Yes, yes. It's
17 doing very well. The screw pump, the last screw pump,
18 the last start up, yes, it went very well today.

19 **ALD. JEAN-FRANCOIS:** Thank you.

20 **JACOB TAWIL, DPW COMMISSIONER:** Thank you.

21 **PRESIDENT RODRIGUES:** Anyone else? Thank you,
22 Jacob.

23 Fire Chief.

24 **NICK BARBER, FIRE CHIEF:** Nothing this evening.

25 **PRESIDENT RODRIGUES:** Any questions for the

1 Fire Chief? All right.

2 City Treasurer.

3 **KELLY ANN KELLY, CITY TREASURER:** I don't have
4 anything this evening unless you have anything for me.

5 **PRESIDENT RODRIGUES:** Any questions for Kelly?
6 Thank you.

7 Superintendent of Recreation.

8 **RAELYNN BERTHOLF, SUPERINTENDENT OF RECREATION:**
9 Good evening. Our winter programs are up and online.
10 Painting classes, cartooning, martial arts, lots of free
11 fitness classes to anyone who lives in the City of
12 Middletown or attends Middletown schools. We highly
13 encourage families to take advantage of these free
14 fitness classes that we have for -- for the youth and
15 teens.

16 We have our winter break program online. The
17 kids have no school Monday, December 27th to -- a full
18 week until Friday, December 31st. Kindergarten through
19 eighth grade and that's from 8 a.m. to 4:30, winter break
20 program. And, again, registration is up online for that.

21 That is all.

22 **PRESIDENT RODRIGUES:** Any questions for
23 Raelynn? Thank you.

24 Corporation Counsel.

25 **ALEX SMITH, CORPORATION COUNSEL:** And I don't

1 have anything this evening unless anybody has any
2 questions.

3 **PRESIDENT RODRIGUES:** Glad to see you. Any
4 questions for Mr. Smith?

5 City -- City Clerk.

6 **JOHN NAUMCHIK, CITY CLERK:** I have nothing this
7 evening either. Thank you.

8 **PRESIDENT RODRIGUES:** Any questions for John?
9 All right.

10 8. Public Hearings and Grievances.

11 (Nothing this evening.)

12 9. Petitions and Complaints

13 (Nothing this evening.)

14 10. Remarks of the Alderman.

15 **PRESIDENT RODRIGUES:** Okay. Remarks of
16 Alderman. Alderman Masi.

17 **ALD. MASI:** Good evening. The Finance
18 Committee met earlier this evening to discuss the 2022
19 budget. I'm sorry. The Finance Committee had a meeting
20 earlier this evening to discuss the 2022 budget for the
21 City of Middletown. I would like to thank Treasurer
22 Kelly, Ms. Candella (phonetic) from the Finance
23 Department, and all the department heads who met with
24 Mayor DeStefano, President Rodrigues, Treasurer Kelly,
25 and myself to put together this budget. And I am hoping

1 that Council will vote later tonight to adopt the 2022
2 budget.

3 I would also like to thank the American Legion
4 Post 151 and American Legion Post 1181 for their Veterans
5 Day celebrations along with the Middletown Elks Lodge.

6 And, finally, while I was at Post 151 with --
7 with the Mayor, he was at both of the celebrations as I
8 was, I was approached and asked what could possibly be
9 done to switch the annual Memorial Day parade to the
10 annual Veterans Day parade. Now, please remember this is
11 in its infancy. I had no idea it was a problem before
12 and it's not that it's a problem, it's just that most
13 people feel and I did look up the difference between the
14 two and they thought that Memorial Day, the members of
15 151 and I did speak to some of the Council members and it
16 seems to make sense. I don't know where it's going to
17 go, but I will open up a dialog and I'm hoping that we
18 will get some response from some other people.

19 But if you look up the meanings of Memorial Day
20 versus Veterans Day, Memorial Day is a day of
21 remembrance, remembering the men and women who died while
22 serving in the United States Armed Forces. Veterans Day
23 is an official US holiday which honors the people who
24 have served in the Armed Services throughout the years
25 and they're considered veterans.

1 And their idea out there was that Memorial Day
2 was much more solemn and not a celebratory where Veterans
3 Day is. And they wondering is there ever a possibility.
4 And -- and I say I will at least look into it.

5 And the other thing I did and, of course,
6 people brought up well, November the weather could be a
7 factor. I went back 10 years for November 11th from the
8 hours from 10:00 to 1:00 and believe it or not there was
9 only one day where there was light rain. There was one
10 day when it was in the low 30s. Most of the time it was
11 in the mid-50s up to 60, but cloudy.

12 So I don't know where this is going to go and I
13 don't want people to say, well, you're trying to do it.
14 I was approached. I said I will investigate. I will
15 throw it out there. And anyone that wants to comment
16 whatsoever from the public, please reach out to me. But
17 that's something that 151 had asked. And I want to thank
18 both of the Posts for their Veterans Day celebrations and
19 everyone who attended. Thank you very much.

20 **PRESIDENT RODRIGUES:** Thank you. Alderman
21 Tobin.

22 **ALD. TOBIN:** I would just like to thank the
23 residents for reelecting Jude and I for another term.
24 The 4th Ward is large from Anthony Street to High Barney.
25 And we work hard for every one of our residents, no

1 matter their party, we try to solve problems with the
2 assistance of the Council President, the Mayor, the
3 department heads and find solutions. And I think the
4 voters recognize that. And I'd like to thank them for
5 their confidence in us and let them know I'm honored to
6 serve another term.

7 **PRESIDENT RODRIGUES:** Alderman Green.

8 **ALD. GREEN:** Thank you very much. Yeah, I'll
9 echo that. Just, you know, thank you to the voters. I
10 look forward to serving another term with the majority of
11 this -- this council. And, Alderman Burr, I won't say my
12 good-byes just yet. You're stuck with us a little while
13 longer. So congratulations to everyone who did win and
14 look forward to serving again another term with
15 Councilman Elect Witt coming on. It will be nice to
16 serve with him as well.

17 And thank you to everyone that came out to our
18 constituents meeting. We had a pretty good crowd. A lot
19 got done.

20 And I think that's all I have. You know, just
21 really excited actually. I just wanted to mention about
22 the Nina's building. I did notice all the -- all the
23 workman there and everything going up. And I just
24 happened to be driving by when they pulled off the first
25 panel and thought I had almost crashed my car because I

1 couldn't believe how beautiful it was underneath after
2 all these years. So a wonderful project and -- and,
3 certainly, the perfect final project to be done for the
4 façade. So a lot of great things coming and just the
5 final part of just a little bit of it so. I look forward
6 to what's next. Thanks.

7 **PRESIDENT RODRIGUES:** Alderman Johnson.

8 **ALD. JOHNSON:** Thank you. I, too, I think
9 Alderman Ramkissoo and I we reached out to our last
10 constituents in this last election and we appreciate the
11 opportunity to serve once again for the next two years.

12 On a good note, I drove past the Paramount the
13 other night when the marquee was lit up and the doors,
14 it's just amazing, it really is. So congratulations to
15 all to bringing that project to fruition.

16 On a note-so-good note, as most of you know, I
17 live in Pilgrims Estate and I drive past the post office
18 every morning on my way to work at the Animal Health
19 Center. And it's horrendous. It's not just bad, it's
20 horrendous. So hopefully we will not have to wait months
21 or a year to have that rectified. So I'm sure Jacob is
22 working on it, but it's -- did I say horrendous, yeah,
23 it's horrendous.

24 **ALD. JEAN-FRANCOIS:** I thought you said the
25 post office is horrendous.

1 **ALD. JOHNSON:** From Pilgrims Estates down --
2 well, you mentioned it, but I just wanted to agree with
3 you. It's almost not drivable. So do your best. Thank
4 you very much.

5 **PRESIDENT RODRIGUES:** Alderman Ramkissoo.

6 **ALD. RAMKISSOON:** I'm just going to echo that
7 real quick because 3rd Ward person who drives Monhagan
8 and Waywayonda often it's four wheel drive bad and even
9 then it's -- it's just not fun. So my sympathies to for
10 the people who actually live directly on those roads and
11 it's unavoidable. It's -- it's not a fun time, so I hope
12 that we're able to come to some conclusion because O & R
13 really enjoys ripping our roads apart that we work very
14 hard to keep very nice.

15 For Election Day, I just want to say thank you
16 again to those who came out to support Paul and I. We
17 love doing the work all these years and we make a pretty
18 solid team. So it's -- it's been a pleasure. We've
19 enjoyed talking to you guys. It's nice to hear the
20 feedback. And everyone seems to be on the same page here
21 in Middletown that we're all moving in the right
22 direction. And great things happen here regularly.
23 We're just onward and upward and it's awesome.

24 I think that's all I have for this evening.
25 I'm going to leave it at that. I had a great time at the

1 Veterans service. There was some powerful speeches
2 there. I agree with Alderman Masi about, you know,
3 making the shift to celebrate veterans on the day that
4 it's more celebratory and honorable than a time of
5 memoriam. I'm a proud granddaughter of a veteran.
6 Someone, you know, one of our veterans at the service
7 made a speech about reaching out and making sure you stay
8 in contact with them and check in. I lost a childhood
9 friend who was a Marine who took his own life for just
10 those very reasons for what he went through. And it's
11 just, it's very sad. And there are too many of them
12 doing that. And I just think that's important that we
13 all be aware. You know, just because it's not always the
14 funny revision, just make sure it's never gone. That's
15 all I have.

16 **PRESIDENT RODRIGUES:** Alderman Kleiner.

17 **ALD. KLEINER:** Thank you. I'd also like to
18 thank, excuse me, Jim Scaley and all the people who put
19 on the Veterans Day service at the Elks Club. It's very
20 nice. And they have been talking about the idea of doing
21 a Veteran's Day parade for -- for some time now. So
22 we'll see -- we'll see where that goes.

23 It was nice to see the Bull's Opera House come
24 back to life and get that green shell off it. And I'm
25 sure as they keep working on it, it's really going to be

1 quite -- quite a site to see. It's from the Historical
2 Society perspective, yeah, it really looks good.

3 Tommy, you've got two more meetings, so I'm
4 going to let that go until December.

5 And the voting in Middletown, I really want to
6 thank the voters of the 2nd Ward as Alderman Green said.
7 We -- we were and it was nice to be uncontested for one
8 election. But we still had, I think, a 34 percent
9 turnout in the 2nd Ward. I think the county average was
10 26 percent. So for uncontested race, we really thank the
11 people because we encouraged everyone to come out and
12 vote. It was important. There were propositions. There
13 were county races. And -- and we -- when we look around
14 the country, we have people trying to make it so much
15 harder to vote. It's important to keep that in mind and
16 don't let a time go by where you don't.

17 And the warming station will be Friday. I hope
18 it won't be too cold Friday morning, but it's getting
19 cold. They still need overnight volunteers. You can
20 always go on line to Middletownwarmingstation.com, the
21 information is all there about how to sign up.

22 And, lastly, I just wish everyone a happy and
23 safe Thanksgiving. And hope you have a really nice
24 holiday. Thank you.

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

1 **ALD. JEAN-FRANCOIS:** Thank you. Good evening.
2 I'm excited to have been here to won another election as
3 an Alderman in the 4th Ward. Despite the challenges of
4 the virus, people turn out to make their voices heard.
5 And the team, our team and our party have worked hard and
6 fought hard for the people in Middletown and we won.

7 I want to thank the Mayor especially for his
8 support and the leadership and also President Rodrigues
9 and my fellow Alderman, Sparrow Tobin which I corroborate
10 with running together. Great job, Sparrow.

11 Our theme in Middletown is moving -- keeping
12 Middletown moving forward. Once a resident with the
13 people of Middletown of the community, we are doing a
14 public safety, sustainable public works, economic
15 development and all the things we have done and all the
16 things we will do for the people in Middletown.

17 I look forward to this new term as a special
18 thanks for the people of Middletown. I believe in my
19 party and it turned out to voters. I promise to continue
20 to work hard, fight hard to keep Middletown moving
21 forward. I would like everyone to say with me with the
22 them we ran this year it's to keep Middletown moving
23 forward. Can everyone say that with me?

24 **COUNCIL MEMBERS:** Keeping Middletown moving
25 forward. Thank you.

1 **PRESIDENT RODRIGUES:** Alderman Burr.

2 **ALD. BURR:** I'd like to thank Jacob for his
3 kind words. Jacob, I appreciate working with you for 16
4 years. I'd like to thank the Board of Estimate for
5 another budget, eight years staying under the 2 percent
6 tax cap, you know, looking out for the constituents of
7 our city. And that's all.

8 And congratulations to the Christmas tree,
9 Maria. It was quite a job. I was watching them knock it
10 down. Thank you.

11 **PRESIDENT RODRIGUES:** Thank you. New business.

12

13 CERTIFICATE

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

19

20 Signature: *Lisa Kane*

21 Date: December 14, 2021

22 Agency: American Legal Transcription

23 11 Market Street, Suite 215

24 Poughkeepsie, New York 1260

12. New Business

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

THE FOLLOWING WAS PRESENTED

By Ald. Masi

 Sec'd by Ald. Johnson

 Date of Adoption 11-16-21

 Index No: 232-21

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			
	9			
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 \$10,000.00 to fund the "IT Assessment and Strategic Planning Findings and Recommendation Report" to the ARPA budget reducing the Maple Hill Walkway project by the same amount in the following manner:

FROM	AMOUNT	TO
A.4785	\$3,333.34	A.1331.900
ARPA Funds		General Fund. Data Processing
A.4785	\$3,333.33	A.1331.900
ARPA Funds		General Fund. Data Processing
A.4785	\$3,333.33	A.1331.900
ARPA Funds		General Fund. Data Processing

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

THE FOLLOWING WAS PRESENTED

By Ald. Tobin

Sec'd by Ald. Jean-Francois

Date of Adoption 11-16-21

Index No: 233-21

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 hereby concurs with the Board of Estimate and Apportionment to approve the attached contract with the Middletown Humane Society for 2022 and authorize the Mayor to sign the attached one year contract with terms as the same as last year.

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

THE FOLLOWING WAS PRESENTED

By Ald. Green

Sec'd by Ald. Kleiner

Date of Adoption 11-16-21

Index No: 234-21

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			
	9			
TOTAL				

Resolved; that the Common Council of the City of Middletown authorizes a police escort for the St. Joseph's Procession on the Feast of Our Lady of Guadalupe on Sunday, December 12, 2021 beginning at 12:00 PM and last until 1:00 PM.

Route: Leave the Church parking lot a turn left onto Cottage Street, then left onto Wisner, from there turn left onto North Street, left onto East Main Street, left on Robert Street, and then right on Cottage Street and continue on Cottage Street to the Church.

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

THE FOLLOWING WAS PRESENTED

By Ald. Johnson

Sec'd by Ald. Masi

Date of Adoption 11-16-21

Index No: 235-21

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 hereby concurs with the Board of Estimate and Apportionment to approve the attached contract Marshall & Sterling, Inc for consultant work related to Workers Compensation for a cost of \$42,000.00 and authorize the Mayor to sign the agreement which the terms are the same as last year.

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

THE FOLLOWING WAS PRESENTED

By Ald. Ramkissoo

Sec'd by Ald. Kleiner

Date of Adoption 11-16-21

Index No: 236-21

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			
	9			
TOTAL				

RESOLVED; that the Common Council of the City of Middletown hereby approves and authorizes the Mayor to sign the attached Stipulation of Settlement with the Town of Wawayanda in regards to hookup fees of the delivery of water and sewer service to users in the Town of Wawayanda.

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

THE FOLLOWING WAS PRESENTED

By Ald. Kleiner

Sec'd by Ald. Tobin

Date of Adoption 11-16-21

Index No: 237-21

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 hereby concurs with the Board of Estimate and Apportionment to authorize the Treasurer to transfer \$6,500.00 within the Middletown Fire Department 2021 budget due to overage in heating costs for the Fire Department in the following manner:

FROM
A.3410.207
Equipment – Hose

AMOUNT
\$6,500.00

TO
A.3420.415
Fire Dept – Heat and Light

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

THE FOLLOWING WAS PRESENTED

By Ald. Masi

Sec'd by Ald. Johnson

Date of Adoption 11-16-21

Index No: 238-21

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			
	9			
TOTAL				

Whereas, the Board of Estimate and Apportionment has approved and submitted an itemized statement in writing of the estimated revenues and expenditures of the General City Government, the Water Department and the Sewer Department other than amounts to be raised by taxation for County purposes, for the fiscal year January 1, 2022 through December 31, 2022, and,

Whereas, the estimates are entered in full in the minutes as attached to this resolution, and

Now, therefore, be it resolved and ordained that the Common Council of Middletown, NY does hereby approve and adopt the aforesaid annual budget presented as follows:

<u>Description:</u>	<u>General Fund:</u>	<u>Water Fund:</u>	<u>Sewer Fund:</u>
Revenue	\$21,436,328	\$7,377,730	\$5,877,835
Expense	\$43,127,875	\$7,377,730	\$5,877,835
Appropriation:			
Estimated Revenue:	\$21,436,328		

Tax Levy – General
City Purposes \$21,691,547

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

THE FOLLOWING WAS PRESENTED

By Ald. Jean-Francois

Sec'd by Ald. Burr

Date of Adoption 11-16-21

Index No: 239-21

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			
	9			
TOTAL				

WHEREAS; the City of Middletown Police Department will receive a 3rd period award for 80 hours of service or a dollar amount not to exceed \$4,586.00 from the County of Orange for the STOP-DWI enforcement period, and

WHEREAS; the funds are to be paid to the City of Middletown and not to be reimbursed to the Police Department budget.

SO LET IT BE RESOLVED; that the Common Council of the City of Middletown hereby concurs with the Board of Estimate and Apportionment to accept the 3rd period award of \$4,586.00 from the County of Orange for the STOP-DWI enforcement period of November 6, 2021 through January 1, 2022.

LET IT BE FURTHER RESOLVED; upon approval authorize the Treasurer to add the funding to the STOP DWI Budget line A.3141.103.

**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 11-16-21

Index No: 240-21

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			
	9			
TOTAL				

RESOLVED; that the Common Council of the City of Middletown authorizes the Chief of Police and/or his designee or the Commissioner of Public Works and/or his designee to close streets beginning at 4:30PM for the Annual Tree Lighting Ceremony to be held on Friday, November 26, 2021. The following closures will commence as follows:

5pm - 7pm - North Street from Wickham to Railroad Avenue; 5:30 pm - 8pm - North Street from Railroad to the Square (West & East Main Street), and from the Square to James Street.
5:30 pm - 8pm - James Street; East Main Street from Williams Street to North - 5:30pm -8pm.
Also no parking along the entire Parade Route to commence at 3:30pm till 8pm;

The parade route will start on North Street by the Chase Bank/Garcia's Market and will continue down North Street where it intersects with West Main Street. At the West Main Street intersection the parade turns right past John F. Degnan Square and turns right into James Street in the James Street Parking Lot.

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

THE FOLLOWING WAS PRESENTED

By Ald. Tobin

Sec'd by Ald. Kliener

Date of Adoption 11-16-21

Index No: 241-21

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			
	9			
TOTAL				

RESOLVED; that the Common Council of the City of Middletown hereby concurs with the Board of Estimate and Apportionment to authorize the Mayor to sign the attached agreement with Mobil Life Support Services for the expressed purpose of supplying emergency ambulance services for the City of Middletown from November 17, 2021 through November 17, 2022.

**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 11-16-21

Index No: 242-21

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			
	9			
TOTAL				

RESOLVED; that the Common Council of the City of Middletown hereby concurs with the Board of Estimate and Apportionment to authorize the Treasurer to transfer \$45,500.00 within the 2021 budget for an Emergency Replacement to the Boiler at the Parks and Recreation Building as the current boiler is beyond repair in the following manner:

FROM

A.9000.815

Police & Fire Retirement

AMOUNT

\$45,500.00

TO

A.1620.200

Maint. Dept. Other Equip

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

THE FOLLOWING WAS PRESENTED

By Ald. Green

Sec'd by Ald. Kleiner

Date of Adoption 11-16-21

Index No: 243-21

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 hereby concurs with the Board of Estimate and Apportionment to authorize the Treasurer to transfer a total of \$2,500.00 within the Community Development 2021 budget in the following manner:

FROM	AMOUNT	TO
CD 8686.433	\$1,500.00	8686.456
Personnel Training		Program Related Expense
 CD 8686.440	 \$750.00	 8686.456
Repairs to Equipment		Program Related Expense
 CD 8686.440	 \$250.00	 8686.482
Repairs to Equipment		Advertising

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

THE FOLLOWING WAS PRESENTED

By Ald. Johnson

Sec'd by Ald. Tobin

Date of Adoption 11-16-21

Index No: 244-21

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			
	9			
TOTAL				

RESOLVED; that the Common Council of the City of Middletown hereby concurs with the Board of Estimate and Apportionment to approve the purchase of two following properties that are adjacent to the City line in the Town of Wallkill in the amount of \$800.00:

1. 69-1-13.2 in Town of Wallkill for \$500.00
2. 69-1-14.13 in Town of Wallkill for \$300.00

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

THE FOLLOWING WAS PRESENTED

By Ald. Masi

Sec'd by Ald. Green

Date of Adoption 11-16-21

Index No: 245-21

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			
	9			
TOTAL				

RESOLVED; that the Common Council of the City of Middletown hereby concurs with the Board of Estimate and Apportionment to authorize the Treasurer to transfer \$3,500.00 within the Economic Development 2021 budget in the following manner:

<u>FROM</u>	<u>AMOUNT</u>	<u>TO</u>
A.6200.401	\$3,500.00	A.6200.400
Travel		Contractual

**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 11-16-21

Index No: 246-21

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 hereby concurs with the Board of Estimate and Apportionment to approve the attached amendment easement extension and authorize the Mayor to sign the easement extension agreement between the City and Amy's Kitchen Manufacturing Facility to connect to the City sewer and water systems with a new extended date of December 31, 2023.

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

THE FOLLOWING WAS PRESENTED

By Ald. Kleiner

Sec'd by Ald. Green

Date of Adoption 11-16-21

Index No: 247-21

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 hereby concurs with the Board of Estimate and Apportionment to authorize the Treasurer to transfer \$27,000.00 within the 2021 budget for a portion of the purchase of 2 all-terrain Litter Vacuums to be purchased by the City for use in the downtown area and Parks and Recreation in the following manner:

FROM
A.4785
ARPA

AMOUNT
\$27,000.00

TO
A.6200.201
Econ Dev. Vehicles

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

THE FOLLOWING WAS PRESENTED

By Ald. Ramkissoon

Sec'd by Ald. Masi

Date of Adoption 11-16-21

Index No: 248-21

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 hereby concurs with the Board of Estimate and Apportionment to authorize the Treasurer to transfer \$155,000.00 within the Economic & Community Development Department pending the CDBG amendment approval by HUD. The funds will be provided to the City through the CARES Act, CDBG-CV.

LET IT BE FURTHER RESOLVED; that the Common Council of the City of Middletown hereby concurs with the Board of Estimate and Apportionment that the following funds are to be applied toward the purchase of 2 all-terrain litter vacuum/compact urban cleaning vehicles. The electric unit will be for the Downtown BID and the diesel unit will be for the Parks Department in the following manner:

<u>FROM</u>	<u>AMOUNT</u>	<u>TO</u>
CD 8686.907	\$155,000.00	A.6200.201
COVID-19		Vehicles

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

THE FOLLOWING WAS PRESENTED

By Ald. Green

Sec'd by Ald. Kleiner

Date of Adoption 11-16-21

Index No: 249-21

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 hereby concurs with the Board of Estimate and Apportionment to accept a donation from the Downtown Middletown Business Improvement District in the amount of \$25,000.00 for the purchase of an electric all terrain litter vacuum/compact urban cleaning vehicle for Downtown Middletown Business Improvement District.

**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 11-16-21

Index No: 250-21

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 hereby concurs with the Board of Estimate and Apportionment to approve the purchase of 47 Sproat Street from the bulk lien provider to ensure the City's interest in this property due to the significant cost incurred from the court ordered demolition of the property.

LET IT BE FURTHER RESOLVED; that the Common Council of the City of Middletown hereby concurs with the Board of Estimate and Apportionment to authorize the Mayor to sign all documents pertaining to the purchase and selling of the property.

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 8:49 PM

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

THE FOLLOWING WAS PRESENTED

By Ald. _____

Sec'd by Ald. _____

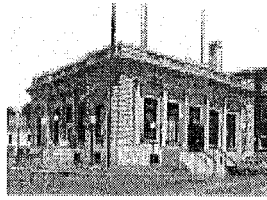
Date of Adoption 12-21-21

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 reallocate a donation in the amount of \$245.00 for supplies or care for our feral cat program in 2010. Chief Ewanciw is requesting to please reallocate those funds to Robin Stewart of Dumped Stray Animal Rescue, since she is the contracted vendor for our program. She would be requested to utilize the funding to support her program.

JOHN EWANCIW
CHIEF OF POLICE



TELEPHONE
845-343-3151
FAX NUMBER
845-343-2660

CITY OF MIDDLETOWN POLICE DEPARTMENT

2 JAMES STREET
MIDDLETOWN, NEW YORK 10940
ESTABLISHED 1888

December 2, 2021

RECEIVED
DEC 02 2021
City Clerk
City of Middletown

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

Dear Mayor DeStefano and Members of the Board of Estimate,

The City of Middletown received a donation in the amount of \$245.00 for supplies or care for our feral cat program.

I am requesting to please reallocate those funds to Robin Stewart of Dumped Stray Animal Rescue, since she is the contracted vendor for our program. She would be requested to utilize the funding to support her program.

Thank you in advance.

Very truly yours,

John Ewanciw
Chief of Police

JE:ccd

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

THE FOLLOWING WAS PRESENTED

By Ald. _____

Sec'd by Ald. _____

Date of Adoption 12-21-21

Index No: _____

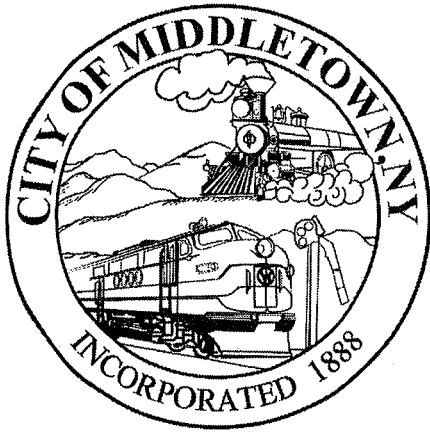
NAMES	AYES	NOES	ABSTAIN	ABSENT
Ald. Ramkissoon				
Ald. Tobin				
Ald. Kleiner				
Ald. Johnson				
Ald. Jean-Francois				
Ald. Burr				
Ald. Green				
Ald. Masi				
Pres. Rodrigues				
TOTAL				

RESOLVED; that the Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment to authorize the treasurer to transfer \$3420.00 from within the City Clerk's 2021 Budget to cover the printing costs associated with the purchase of overnight and vacation parking permits.

These will be used in the color-coded parking lots in the City.

Please transfer in the following manner:

FROM	AMOUNT	TO:
A.1010.464	\$3420.	A.1010.490
Records Management		Printing



*FROM THE OFFICE OF THE
CITY CLERK*

*Richard P. McCormack
CITY OF MIDDLETOWN NY*

WWW.MIDDLETOWN-NY.COM

Email:rmccormack@middletown-ny.com

MEMO TO: Board of Estimate and Apportionment

DATE: December 13, 2021

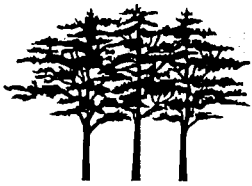
SUBJECT: **Budget Transfer: Overnight Parking Permits**

Request for a \$3420.00 Transfer from within the City Clerk's 2021 Budget to cover the printing costs associated with the purchase of overnight and vacation parking permits.

These will be used in the color coded parking lots in the City.

Please transfer in the following manner:

FROM	AMOUNT	TO:
A.1010.464	3420.00	A.1010.490
Records Management		Printing



MIDDLE TOWN PRESS Promotions

20 West Main Street, Middletown, NY 10940
Tel: 845.343.1895 • Fax: 845.343.1897

INVOICE NUMBER 41238
DATE ORDERED 8.30.21
COMPLETION DATE 12.3.21
DATE PAID _____
CODE NAV JOB# 27922

PRINTING • DESIGN • ADVERTISING • MARKETING • PROMOTIONAL ITEMS • MAILING • WEB

NAME City of Mdn Clerk
ADDRESS 16 James St
CITY, STATE, ZIP Mdn 10940
PHONE 346.4168 FAX _____
CONTACT NAME John Nannochik

SPECIAL INSTRUCTIONS:

PO# _____
PROOF: YES ☒ NO ☐ X _____

EMAIL _____

QUANTITY	DESCRIPTION	PRICE
1000	parking permits	2850.00
8 sets of 100	2 diff. designs	
1 set of 200	3x4 round corners	
	clear poly layflat	
	backwards copy	
	white lam.	
	8 sets overnight	
	w/ 8 color changes	
	1 vacation	
	full adhesive	

@ 2.45 RECEIVED

DEC 08 2021
City Clerk
City of Middletown

9 set-ups
@ 60ea.

540.00

DESIGN NOTES, SHIPPING INSTRUCTIONS, SPECIAL INSTRUCTIONS:

Thank you!
interior application
for car windows

SUB TOTAL 3390.00

☒ SHIPPING/HANDLING 29.38

TAX 2x

TOTAL 3419.38

DEPOSIT: CASH ☐ CHECK ☐ # _____ DISC ☐ AMEX ☐ M/C ☐ VISA ☐

www.mtprintandpromote.com
info@mtprintandpromote.com

CASH ☐ CHECK ☐ # _____ DISC ☐ AMEX ☐ M/C ☐ VISA ☐

BALANCE DUE

BALANCE DUE

TERMS & CONDITIONS: I understand that all orders submitted for processing are subject to payment in full upon receipt unless a credit account has been established. Terms on established credit account: Net paid after 30 days of invoices, are subject to late fee of 2% per month, or maximum allowed by law. If necessary to place account for collection, the customer will be responsible for all costs of collection including, but not limited to attorney's fees. **ALL ORDERS ARE FINAL.**
WE DO NOT ACCEPT CANCELLATIONS. DEPOSITS ARE NON-REFUNDABLE.

X _____
AUTHORIZED SIGNATURE
X _____
RECEIVED

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

THE FOLLOWING WAS PRESENTED

By Ald. _____

Sec'd by Ald. _____

Date of Adoption 12-21-21

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 and authorize the Mayor to sign the attached 2022 contract renewal between the City of Middletown and The Humane Society of Port Jervis/Deer Park, Inc at the same rate as 2021.

RECEIVED

DEC 06 2021

City Clerk

City of Middletown

AGREEMENT

THIS AGREEMENT made this 1st day of January, 2022 pursuant to the provisions of Article 7 of the Agriculture and Markets Law, by and between the City of Middletown, a municipal corporation organized under the laws of the State of New York, party of the first part, address: 16 James Street, Middletown, NY 1094 (hereinafter referred to as the "City,") and The Humane Society of Port Jervis/Deerpark, Inc., a not-for-profit corporation duly organized and existing under the Not-For-Profit Law of the State of New York, and having its office and principal place of business at 202 Route 209, Port Jervis, New York, 12771, party of the second part (hereinafter referred to as the "Society").

WITNESSETH:

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

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

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

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

- To arrange for a veterinarian or a New York State Licensed technician to humanely euthanize any dog for which euthanasia is necessary and legally authorized, and to arrange for the cremation of any dogs so euthanized.
- To prepare, retain, and make available to the City complete and accurate records concerning the care and disposition of all dogs cared for by the shelter hereunder as well as any expenses incurred and any fees collected.
- The Society shall **NOT** accept for impoundment any dogs which:
 - Are in need of veterinary services, except in accordance with paragraph 1(e), or
 - Are not accompanied by the appropriate Dog Control Officer's seizure report
 - It does not have room to house within the shelter.
- The Society shall accept from the City Dog Control Officer(s) any homeless stray and
- abandoned which are picked up by the Dog Control Officer(s) in the City. The Society will allow the Dog Control Officer(s) of the City access to its shelter at reasonable times.
- In consideration for the above mentioned services, the City shall remit to the Society, within 20 days after the Town Board has audited and approved for payment the Society's voucher, the sum of **\$ 250.00 per dog** to be paid quarterly.
- Nothing contained herein shall limit the Society's rights under Section 183 of the Lien Law, or pursuant to Section 373 of the Agriculture and Markets Law, or as derived from any other general or special law, or by means of any civil action or proceeding to recover from the owner thereof any necessary or reasonable costs and expenses incurred by the Society in providing pound and shelter for any City dogs.

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

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

- The term of this agreement is from January 1, 2022 through December 31, 2022, unless earlier terminated pursuant to the provisions of paragraph 8. In the event that the parties fail to fully renew this Agreement upon the termination of the same, this Agreement shall

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

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

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

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

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

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

To: City of Middletown

16 James Street

Middletown, NY 10940

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

202 Route 209

Port Jervis, New York 12771

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

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

(Seal of the City)

Supervisor/Mayor

Attest:

City Clerk

THE HUMANE SOCIETY OF PORT JERVIS/DEERPARK, INC.

Attest:

Dora A. Cassara

President

(Seal of the City)

Supervisor/Mayor

Attest:

City Clerk

THE HUMANE SOCIETY OF PORT JERVIS/DEERPARK, INC.

Attest:

Dora A Cassara

President

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

THE FOLLOWING WAS PRESENTED

By Ald. _____

Sec'd by Ald. _____

Date of Adoption 12-21-21

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 attached Policies and Procedures for Elected Officials, Department Heads and Employees, effective immediately.

**POLICIES AND PROCEDURES
FOR
ELECTED OFFICIALS, DEPARTMENT HEADS
AND
EMPLOYEES**



CITY OF MIDDLETOWN, NEW YORK

2021

**POLICIES AND PROCEDURES
FOR
ELECTED OFFICIALS, DEPARTMENT HEADS
AND
EMPLOYEES**



CITY OF MIDDLETOWN, NEW YORK

2021

Definitions and word Usage

1. As used in this chapter, the following terms shall have the meanings indicated:

CITY OF MIDDLETOWN – the City of Middletown shall be referred to as the “*City*”.

CIVIL SERVICE LAW – the “*Civil Service Law*” shall mean the New York State Civil Service Law and shall include any City of Middletown Rules and Regulations for service.

COMMON COUNCIL – The “*Common Council*” shall mean the Common Council of the City of Middletown.

DEPARTMENT HEAD – “*Department Head*” shall mean the person in charge of any department, agency, bureau, unit, or subdivision of the City of Middletown. This definition will be applicable in the event such person is serving in an acting, temporary, or provisional status in the position of Department Head. This term shall also include the mayor, where an individual otherwise designated as Department Head must report to the mayor.

ELECTED OFFICIAL – “*Elected Official*” shall refer to any elected official(s) of the City of Middletown, more specifically, the Mayor, the Common Council President or any person elected to serve upon the Common Council.

EMPLOYEE – “*Employee*” shall mean a person employed by the City, including but not limited to, an appointed official, an appointed member of a board or commission, Department Head, managerial employee, confidential employee, supervisory employee, provisional employee, probationary employee, full time employee, part-time employee, temporary employee, seasonal employee, trainee, or student intern, but NOT an independent contractor.

MAYOR – “*Mayor*” shall mean the Mayor of the City of Middletown or any individual acting with the mayor’s authority. The mayor has direct supervisory responsibility over the Department Heads.

MUNICIPAL VEHICLE – A vehicle owned by and registered to the City of Middletown.

SUPERVISOR – “*Supervisor*” shall mean an individual so designated by the Department Head to direct and inspect the performance of employees.

- A. The use of the masculine shall be deemed to mean the feminine, and the use of the singular shall be deemed to be the plural, as the individual case may require or as the same may be appropriate.*

2. Employee Classifications.

- A. For the purposes of this Chapter, unless otherwise preempted pursuant to applicable Civil Service rules or regulations and/or terms of a collective bargaining agreement binding upon the City, the following terms shall the meanings indicated:*

FULL-TIME EMPLOYEE – the term “*full time employee*” shall mean an employee who is scheduled on a regular basis to work a minimum of thirty-five (35) hours per week.

PART – TIME EMPLOYEE – A “*part-time employee*” is an individual who works fifty percent or less of the time prescribed as the standard work week (20 hours or less weekly/1040 hours yearly). This definition applies to all competitive class positions. If a “part-time employee, is in a title other than a competitive class, if it were full time, they can work 29 hours a week or less for a maximum of 1508 hours a year.

TEMPORARY EMPLOYEE – the term “*temporary employee*” shall mean an employee who is employed on an interim or sporadic basis, or who is employed to work on a special, emergency or on-call basis for a specified period of time, consistent with the Civil Service Law as applicable.

SEASONAL EMPLOYEE – The term “*seasonal employee*” shall mean an employee who is employed to work for a given season.

- B. For the purposes of this Chapter, unless otherwise preempted pursuant to applicable Civil Service rules or regulations and/or terms of a collective bargaining agreement binding upon the City, the following terms shall the meanings indicated:*

FLSA NON-COVERED EMPLOYEE – The term “*FLSA non-covered employee*” shall mean an employee not covered under the Fair Labor Standards Act (FLSA).

FLSA EMEMPT EMPLOYEE – An “*exempt employee*” shall mean a covered employee who qualifies for an exemption from the minimum wage and overtime provisions of the Fair Labor Standards Act. Exempt employees are generally employed on a “salary basis” and will customarily earn equivalent of at least \$536.10 per week. Such employees are not eligible for overtime compensation. Their primary duties fall under on or more of the following three defined categories:

- i. **Executive** – Employees with executive functions direct or supervise the work of two or more employees *and* their primary duties must be management.
- ii. **Administrative** – Employees with administrative duties are generally responsible for office or non-manual work directly related to management policies or general business operations *and* their work customarily requires the exercise of discretion and independent judgment.
- iii. **Professional** – Employees with professional responsibilities perform work requiring knowledge of an advanced type in a field of science or learning customarily acquired by a prolonged course of specialized study *and* Their work customarily and regularly requires the exercise of discretion and independent judgment, *or* their work is original and creative in character in a recognized field of artistic endeavor.

NON-EXEMPT EMPLOYEE – the term “*non-exempt employee*” shall mean a covered who is subject to the minimum wage and overtime provisions of the Fair Labor Standards Act. Non-exempt employees are generally employed based on a single “hourly rate.” Non-exempt employees are eligible for overtime compensation at the rate of one and one half (1-1/2) the regular hourly rate for hours worked more than forty during a given week.

- B. The use of the masculine shall be deemed to mean the feminine, and the use of the singular shall be deemed to be the plural, as the individual case may require or as the same may be appropriate.*

CIVIL SERVICE

- **MERIT SYSTEM** The civil service merit system in New York State is based on the State Constitution, which provides that appointments and promotions in the civil service of the State and all the civil divisions shall be made according to merit and fitness to be ascertained, as far as practicable, by competitive examination. Administration of the merit system in the City of Middletown is the responsibility of the Director of Civil Service. The Office of Commission Operations and Municipal Assistance Division of the New York State Department of Civil Service provide Director technical advice, guidance, and direct services on a wide range of merit system administration and human resource management issues.

➤ **JURISDICTIONAL CLASSIFICATION**

Many City of Middletown employees serving under the merit system fall within the classified service. As such, they are divided into four jurisdictional classifications:

1. *Competitive Class:* The competitive class includes positions not classified in the exempt, non-competitive and labor classes. Candidates for this class of positions must meet the minimum qualifications established by the City of Middletown Civil Service Commission and are subject to competitive civil service examination. This class includes a wide variety of clerical, technical, administrative and professional positions.

2. *Non-Competitive Class:* The non-competitive class includes positions for which minimum qualifications are established by the City of Middletown Civil Service Commission but for which a written competitive examination is not practicable. Appointments to positions in the non-competitive class are based on a review of the candidate's training and experience against the minimum qualifications established for the position by the Middletown Civil Service Commission.

3. *Exempt Class:* The exempt class includes deputies authorized by law to act for department heads and other positions for which competitive or non-competitive examination is not practicable.

4. Labor Class: The labor class consists of unskilled labor positions. These positions generally have no minimum qualifications. This class may include laborer and helper type positions.

➤ **EXAMINATIONS**

Examinations are announced by the City of Middletown Civil Service Commission and are open to anyone who meets the minimum qualifications. Examination announcements are available from the City of Middletown Civil Service Commission and The City of Middletown Website. For further information, please visit www.middletown-ny.com follow the link to the City of Middletown Civil Service Department.

➤ **VETERANS' CREDITS**

An applicant who is a veteran may be entitled to receive additional credit on an examination, provided he or she meets all requirements for such credit. An applicant currently in the armed forces may request and receive conditional credit but must meet all criteria for such credit prior to its use. The credit may be requested many times but may only be used once to achieve a permanent appointment to any civil service position in New York State. An application for veterans' credits is available from the City of Middletown Civil Service Department.

➤ **ELIGIBLE LISTS**

The names of candidates who pass an examination for a competitive position are placed on an eligible list for that title. The list ranks successful candidates based upon their scores on the examination. Additional credits may be awarded to veterans, for seniority and to the children of police officers and firefighters killed in the line of duty, in the jurisdiction where they served. Lists of eligible candidates are public records and are available for inspection in the City of Middletown Civil Service Department, as prescribed by Civil Service law.

➤ **APPOINTMENTS**

The following types of appointments are made to competitive class positions:

1. *Permanent:* Appointments are made from a list of eligible candidates in accordance with Civil Service law.

2. *Provisional:* If no list exists, or if less than three active eligible candidates are on the list, then a provisional appointment may be authorized. A provisional nominee's qualifications, as stated on a completed Application for Examination/Employment, are compared to the minimum qualifications for the position. The candidate must be approved prior to the provisional appointment.

3. *Temporary:* Under certain circumstances, a temporary appointment of specified duration may be made to a competitive class position. As with all permanent and provisional appointments, a temporary appointee must file an Application for Examination/Employment and the Department of Civil Service must determine that the temporary employee meets the minimum qualifications for the position.

➤ **PROBATIONARY PERIOD**

- A. Except as herein otherwise provided, every permanent appointment from an open-competitive list and every original appointment to a position in the non-competitive, exempt or labor class shall be for a probationary term of not less than eight nor more than twenty-six weeks.
- B. The probationary term for a trainee position in which an appointee is required to serve a specified training term, shall be not less than twelve nor more fifty-two weeks.
- C. The probationary term for firefighter positions shall be not less than twelve nor more than fifty-two.
- D. The probationary term for police officer shall be not less than twelve nor more than seventy-eights weeks.
- E. The probationary term for promotion shall be for a period of twelve weeks. Upon written notice of the appointing authority, the probationary period upon promotion may be waived and the

appointee given a permanent appointment except for appointments made in accordance with Rule XII (9).

- F. An appointment shall become permanent upon the retention of the probationer after his/her completion of the maximum period of service or upon earlier written notice following completion of the minimum period of service that his/her probationary term is successfully completed. A copy of such notice shall be sent to the Commission.

If the conduct or performance of a probationer is not satisfactory, his/her employment may be terminated at any time after the completion of the minimum period of service, and on or before completion of the maximum period of service in the manner prescribed in these rules.

➤ **PROMOTIONS**

Generally, in the competitive class, a civil service examination is required for promotion. To be eligible to participate in a promotional examination, one must have served a minimum amount of time on a permanent basis in a lower grade competitive class position, as prescribed by the City of Middletown Civil Service Commission. For promotion from one noncompetitive title to another, there may be a minimum amount of time required to have been served in a lower grade position, depending on the position.

➤ **TRANSFERS**

In the competitive class, if an employee wishes to be considered for a transfer from a permanent position to a vacant one with similar duties and qualifications, a transfer may be requested. Transfer requests are considered if there are no preferred and promotion lists for the vacant position title. Transfers must be approved by the Department of Civil Service as well as the Office of the Mayor.

- **RESIGNATION** A resignation is required to be in writing to the appointing authority with adequate notice given prior to the anticipated departure. Unless a date is specified, resignation will be effective upon presentation to the appointing authority.

- **REINSTATEMENT**

A permanent competitive class employee who has left a civil service position may be reinstated without examination to the position he or she left, or to any wholly vacant position to which he or she was eligible for transfer or reassignment.

- **REDUCTION IN FORCE**

No one can predict the economic future. The time may come when the city finds it necessary to initiate a reduction in force because of funding, reorganization, staffing changes or changes in service and work requirements. The order of layoff for protected employees will be in accordance with the New York State Civil Service Law and/or your collective bargaining agreement, if applicable.

HOURS OF DUTY AND LEAVE

➤ **HOURS OF WORK**

Work schedules vary, depending on the function of the department. Work schedules may also vary by shift. Some City Departments are multiple shift operations. Work schedules of other than eight (8) hour shifts, or flextime schedules may be implemented in some departments. Punctuality in adhering to start and end times of the workday and meal periods is a requirement. If you must be absent from work due to unexpected circumstances, contact your supervisor within the time set forth by your department's policy and/or the applicable collective bargaining agreement. Your assigned work schedule and location are not to be construed as conditions of employment. Work schedules and locations may change based on the functions and activities of your organization. Reference your collective bargaining agreement for additional information.

➤ **VACATION LEAVE**

Those who are full-time employees will accrue vacation leave at a rate in accordance with your collective bargaining agreement. Accrual rates increase upon completion of a predetermined number of continuous years of full-time City employment.

➤ **SICK LEAVE**

As a full-time employee, you will accrue sick leave at a rate in accordance with your collective bargaining agreement. A maximum of one hundred sixty-five (165) days of accrued sick leave credits shall be credited to your retirement benefits. Sick leave is absence with pay for illness, physical disability, or for medical examination or treatment which cannot be scheduled outside of working hours. If you must be absent from work due to illness, contact your supervisor within the time set forth by your department's policy and/or the applicable collective bargaining agreement. Sick leave more than four (4) consecutive workdays shall be supported by a written statement or certificate from a physician attesting that the illness warranted absence from work. Accruing sick leave protects one's income during a time of extended illness. Reference your collective bargaining agreement for additional information

POLICIES/DUTIES/EXPECTATIONS

➤ **CODE OF ETHICS**

The City of Middletown Ethics and Disclosure Law establishes the standard of conduct for Department Heads, Aldermen and Alderwomen, employees, and consultants of the City of Middletown. It specifically provides that no employee shall engage either directly or indirectly in any activity that conflicts with their duties, shall represent any private interest, shall disclose confidential information, shall obtain privileges for self or others, shall benefit financially or otherwise violates this standard. An Ethics Disclosure Statement is attached to this Employee Handbook.

➤ **EQUAL EMPLOYMENT OPPORTUNITY**

The City of Middletown's Policy Against Unlawful Discrimination and Harassment in the Workplace ensures equal employment opportunities to all City employees and applicants for employment without regard to race, color, religion, sex, national origin, age, disability, military or veteran status, sexual orientation or any other protected characteristic or conduct in accordance with applicable federal, state and local laws. All complaints of discrimination and/or harassment will be investigated promptly and thoroughly.

➤ **PUBLIC RELATIONS**

As City of Middletown employees, we all have contact in varying degrees with the public, either personally, by telephone or by correspondence. Remember, these people are not only taxpayers, but are also our employers. They may be asking for advice or assistance or may be registering a complaint. Treat them as you wish to be treated. Be courteous, patient and helpful. The effective servicing of the public is a top priority of City government. Your job and the way you do it can help us achieve this goal. Exert the extra effort!

➤ **MEDIA INQUIRIES**

On occasion, you may receive an inquiry from the media regarding a situation in your department or a request for information. Please direct these inquiries through the chain of command in your department for appropriate response

by the designated management official responsible for handling such requests. **Please keep in mind that certain information is of private nature, falling under privacy laws. Only the Department Head after consultation with the Mayor's office and the Corporation Counsels office can release information. Any release of information from an employee other than a Department Head, or without the permission of the Department Head and or the mayor is strictly prohibited.**

➤ **OUTSIDE INTERESTS**

While working for the City of Middletown government, employees may engage in personal interests to the extent that these activities do not adversely affect their performance as government employees. To ensure department practices are followed, please speak with your Department Head. Finally, all personal interest that may have a related relationship or a perceived related relationship to the City of Middletown must be fully disclosed on an annual basis with the employees Ethics Disclosure Statement.

➤ **LABOR ORGANIZATIONS**

A total of three__ Labor Unions represents most City of Middletown employees. The names of these labor unions are the Middletown Professional Fire Fighters Association (MPFFA), Civil Service Employees' Association, Inc.– City of Middletown Employees' Unit (CSEA) and the Policemen's Benevolent Association (PBA). Employees are not required to join a union, but should they choose to do so, union dues are automatically deducted from the employee's paycheck.

➤ **SUPERVISION**

As a City of Middletown employee, your employment activity falls under the direction of your departmental head whose authority is derived from the Mayor and the City Charter. Your Department Head is available to answer your questions and assist you in your work. If you have any work-related problems, be sure to discuss them first with your Department Head who has genuine concern for your work performance. Teamwork between Department Head and Employee is essential to accomplishing the City of Middletown's mission. Your success is important to the Mayor, the Common Council, your Department Head and to the City of Middletown.

➤ **DISCIPLINE**

No personnel system is so infallible that measures of corrections and discipline can be completely avoided. When an employee has failed to conform to the policies and procedures of the City of Middletown, or when work performance is consistently inadequate, or conduct is unacceptable, then the Department Head must take corrective measures. If the employee's work performance or conduct fails to improve after corrective measures are taken, then formal disciplinary action may be taken in accordance with Civil Service Law, applicable collective bargaining agreements and/or other established procedures.

➤ **CONTRACT GRIEVANCES**

It is the policy of the City of Middletown to review and attempt to resolve problems at the earliest possible stage. If you have a problem or complaint, we recommend you discuss it with your Department Head and/or the mayor. If the problem is not resolved and if your position is represented by a union, you may utilize the grievance procedure, if applicable to the matter, and as outlined in the relevant collective bargaining agreement. If the problem is not resolved and if your position is **NOT** represented by a union, you may contact an attorney.

➤ **CONFIDENTIALITY**

City of Middletown employees who are involved in activities, functions and programs that are of a sensitive nature should become familiar with the degree of required confidentiality. The disclosure of confidential information is prohibited and could subject you to disciplinary action. Your Department Head will advise you of the department's requirements and procedures regarding the release of information.

➤ **CITY VEHICLES**

Employees may, in the execution of their job responsibilities, require transportation to conduct City of Middletown business away from their normal work site. A City owned or leased vehicle may be utilized. Employees are required to read the provisions of the City Vehicle Policy and affirm their understanding of it by their signature. When employees use their personal vehicles in the conduct of official City business, there is a provision for reimbursement under the terms of the collective bargaining agreement

and City policy. Any questions you may have concerning vehicle usage procedures should be directed to your Department Head. Please note that pursuant to City of Middletown policy, smoking is not permitted and the transport of any person, other than those conducting City business, in any City of Middletown vehicle. For the purposes of this explanation, the following personnel are exempt from this policy: The Mayor, The Common Council President, The Chief of the Police Department, The Fire Chiefs, and the Commissioner of Public Works.

➤ **PERFORMANCE EVALUATIONS**

Your work as an employee of the City of Middletown can be evaluated on an annual basis. Special ratings may also be requested under certain circumstances. Your Department Head must complete the rating form and discuss it with you. This will provide an excellent opportunity for the two of you to talk over your work performance and the standards required to do your job. Upon completion of your discussion, you are requested to sign the form. You will be provided with a copy.

➤ **TRAVEL ALLOWANCES**

City of Middletown employees who make authorized trips for City purposes will be eligible for actual transportation and meal expense reimbursement. Prevailing rates as established by the City will be paid. The mode of transportation will be that which is most economical and practical as related to the nature of the function and must be approved by the Department Head. You must coordinate all travel plans with the responsible individual in your department.

➤ **INTERNET, E-MAIL AND OTHER ELECTRONIC AND TELEPHONIC COMMUNICATIONS POLICY**

In today's climate, it is especially important to use a business-like manner in all communication via City electronic communications systems, including e-mail, the Internet, and telephonic communications systems. These resources are critical to City business. Each employee of the City is required to read, understand, and sign the City's policy with respect to electronic and telephonic communications and adhere to it.

CITY OF MIDDLETOWN GOVERNMENT

SUBSTANCE ABUSE POLICY

The City of Middletown is committed to providing a drug and alcohol-free work environment for its employees. It is the City's intent to maintain a healthy and safe workplace for its employees with the expectation that all employees will discharge their duties at an acceptable performance level and be unimpaired by drug and/or alcohol use. Substance abuse by an employee can endanger the employee's safety and the safety of fellow employees. In addition, it can subject the public to unacceptable safety risks and undermine the City's ability to operate efficiently and effectively. The unlawful manufacturing, distribution, dispensation, possession, sale or use of a controlled substance in the City of Middletown workplace is strictly prohibited. Any employee who violates this prohibition is subject to disciplinary action up to and including discharge. In addition, any employee who is convicted of any criminal drug statute for a violation occurring in the workplace must notify his/her department head no later than five (5) days after such conviction. The city will also periodically require employees to attend training sessions at which the dangers of drug and alcohol abuse and the City's Employee Assistance Program will be discussed. New employees will attend this session as part of their orientation program. In furtherance of this policy, the City has negotiated the following Drug and Alcohol Testing language with CSEA, PBA and the MPFFA, respectively.

DRUG TESTING

SECTION I

DEFINITIONS

A. Illegal substance - any drug or controlled substance listed in Public Health Law Section 3306 (Schedules I through V), including but not limited to heroin, LSD, hashish or hash oil, morphine or its derivatives, mescaline, peyote, phencyclidine (angel dust), opium, opiates, methadone, cocaine, quaaludes, amphetamines, Seconal, codeine, phenobarbital, and valium for which an employee does not have proper medical authorization.

B. Proper medical authorization - a prescription or other writing from a licensed physician or dentist for the use of a drug during medical treatment.

C. Drug - any prescription or over the counter medication not included in Definition I (A) above, including cannabis, cannabinoid or any form of marijuana or a substance containing Tetrahydrocannabinol (THC).

D. Drug use - The use, possession, distribution or sale of any illegal substance during work hours; the use of any illegal substance prior to reporting for duty which impairs to any degree an employee's ability to perform his/her job duties; the use of any drugs prior to reporting for work or during work hours which impairs to any degree an employee's ability to perform his/her job duties; and an employee who tests positive for illegal substances or drugs through a drug testing is presumed in violation of the policy pursuant to the procedure set forth in Section V below.

E. Alcohol abuse - a reading of .05 or more alcoholic content determined by breathalyzer test.

SECTION II

DRUG/ALCOHOL TESTING

A. Reasonable Suspicion: Testing may be done if there is reasonable suspicion to believe that an employee is guilty of alcohol, illegal substance, or drug use in violation of this policy. There is reasonable suspicion to believe an employee is guilty of alcohol, illegal substance, or drug abuse if any of the following standards is met:

(1) Where there is:

a.) direct observation of use of an illegal substance or alcohol while on duty.

b.) direct observation of use of an illegal substance or alcohol at such time prior to reporting for duty that there is a reasonable belief that the employee has reported for duty under the influence of an illegal substance or alcohol in violation of this policy as defined in Section I above.

c.) direct observation of use of a drug (as defined in Section I(C)) on duty such that there is a reasonable belief that the employee is impaired by the drug in violation of this policy as defined in Section I above

d.) direct observation of the use of a drug on such a basis prior to reporting for work that there is a reasonable belief that the employee has reported for work in an impaired condition or is impaired on duty in violation of this policy as defined in Section I above.

(2) Based on observation of the employee's conduct, performance, appearance, behavior, speech, body odors, or erratic behavior while on duty or at such time prior to reporting for duty that it is reasonably believed that the employee has used or is under the influence of an illegal substance, alcohol or drugs including observation of a pattern of conduct including absences or lateness for work.

(3) Information is provided from a reliable and credible source that the employee is engaging in illegal use, possession, distribution, or sale of an illegal substance or drug while on duty; or is under the influence of an illegal substance, alcohol or drugs while on duty, or at such time prior to reporting for duty, in such a manner or on such a basis that there is a reasonable basis to believe that the employee is reporting for work or working under the influence of alcohol or drugs.

(4) The determination as to whether there is reasonable suspicion to test is to be made by the Department Head or his/her designee. The information provided to the Department Head and/or direct observations of the Department Head shall be reduced to writing by the Department Head. The writing shall include a specific statement as to what conduct has been observed or what information was provided and by whom and whether the source was reliable.

(5) After suspension or reassignment due to alcohol or drug use: If any employee has been suspended or reassigned due to alcohol or drug use, testing will be done once prior to his/her return to duty and on a random basis for a twelve (12) month period after return to duty, not to exceed six (6) tests after his/her return to duty.

SECTION III

TESTING PROCEDURES

A. Alcohol Testing: Alcohol testing will be done by a breathalyzer test. In lieu of a breathalyzer test, a urine screening may be performed. A urine test will be conducted in accordance with the procedures set forth under subsection B herein for drug testing. A breathalyzer test will be conducted in accordance with the following procedure: The breathalyzer test will be given according to its operating instructions by an officer certified by New York State to perform the test. A breathalyzer Operational Checklist form will be completed by the police officer administering the test, indicating the name of the employee tested, date and time of test, blood/alcohol content registered, name of officer administering the test and location of test. The supervisor will place the checklist in an envelope marked with the employee's name and social security number. The employee will be requested to sign his/her name to the front of the envelope, indicating that the completed form was placed in the envelope. However, an employee's refusal to sign, if any, shall not invalidate the test results. The supervisor will sign the envelope and will date the signatures and provide same to the Office of the Mayor or his/her designee.

B. Urine Testing: Urine testing will be done in a hospital, medical office/clinic or laboratory site to be chosen by the city, after consultation with CSEA, which, from time to time, or depending on the day of the week or hour of the day may change. The employee will be transported to the testing site by a supervisor. The employee will complete a chain of custody form as directed by the lab technician. The employee will provide his or her urine specimen in private and the providing of the sample will not be observed. The employee will fill the specimen container and close it immediately after giving the specimen. The employee will initial and date the security tape and seal the specimen bottle. The employee will give the sealed specimen container to the technician who will log it and secure it for screening. The employee will complete information requested on the chain of custody form and sign it and date the form. However, an employee's refusal to follow the chain of custody procedures shall not invalidate test results. The laboratory's chain of custody procedures will be followed if different from the procedures set forth herein. The sample given shall be tested at a laboratory selected by the City which has Substance Abuse and Mental Health Services Administration (SAMHSA) certification. The sample test results shall be read in

accordance with standards utilized by the certified laboratory. The laboratory shall acknowledge that the sample was securely sealed when received. The designated laboratory shall initially perform the enzyme multiplied immunoassay test (EMIT) on a split sample for the presence of drugs and illegal substances. A sample which tests positive shall be retested by the laboratory using the gas chromatography mass spectroscopy test (GC-MS). A sample shall be deemed positive for the presence of drugs if both the EMIT test and confirmation GC-MS test are positive. In the event the EMIT test or confirmatory GC-MS test result is negative, then the sample shall be deemed negative for the presence of intoxicating substances. A negative report shall be provided to the Office of the Mayor, who shall so inform the employee of the test results. If the results of the EMIT and confirmatory GC-MS test result are positive, the laboratory shall provide copies of the test results to the Office of the Mayor. The Department Head shall advise the employee within 24 hours of receipt of the results thereof. Urine testing for alcohol shall be done in accordance with general standards utilized by the certified laboratory. Positive results may result in disciplinary or other action as set forth in Sections V and VI below. After the employee receives notice of a confirmed positive test from the Office of the Mayor, the employee may make a written request within five (5) calendar days to the Office of the Mayor for a retest of the remaining portion of the split sample. The employee may then, at his or her own expense, have the sample retested by the laboratory that performed the initial test or by a different duly licensed laboratory selected by the employee. The selected laboratory shall be responsible for pick-up and transport of the sample back to the initial laboratory and it shall ensure chain of custody. The employee shall be responsible for all costs associated with the second test and shall plan for payment with the laboratory performing the retest. However, if the retest by the employee proves negative (both screening and GC-MS or equivalent) and the City determines that the employee's retest is accurate and there is a question of the validity of the City's initial test, which proved positive, the City may, in its discretion, pay the cost for the employee's retest. The results of the retest shall be sent to the Office of the Mayor, who will then provide a copy of the test results to the employee.

SECTION IV

REASSIGNMENT PENDING TEST RESULTS AND DISCIPLINARY ACTION

Any employee who is suspected of using an illegal substance, drugs and/or alcohol in violation of this policy may, in the discretion of the Department Head or his/her designee, be immediately removed from duty pending the results of the drug/alcohol test and be charged his or her leave accruals for the period that the employee is so removed. In lieu of removal the Department Head or his/her designee may, in his/her discretion, reassign the employee to such duty as is determined by the Department Head or his/her designee. Where the results are negative then the employee shall be placed back on regular assignment and leave accruals shall be restored. Where the results of the test are positive, or if an employee fails or refuses to submit to an ordered test, the employee shall be subject to discipline up to and including discharge.

SECTION V

DISCIPLINARY PROCEDURE/PENALTIES

A. The use of alcohol during a tour of duty or at such times prior to reporting for duty as may impair to any degree the performance of job assignment is prohibited. A breathalyzer test reading of 0.05 or more is presumed to be a violation of this Policy and will result in disciplinary action as set forth below.

B. Use of any illegal substance during work hours as provided in Section I(A) of this policy, is strictly prohibited and will result in disciplinary action as set forth below. Use of or abuse of any illegal substance off-duty where the employee reports for work under the influence of said substance or use of any drug off-duty or during work hours so that the employee's ability to perform his/her job assignment is impaired to any degree, is deemed a violation of this policy and will result in disciplinary action. On duty possession of substances or prescription drugs not properly medically authorized and/or illegal distribution or sale of illegal substances or prescription drugs while on duty is prohibited and will result in disciplinary action as set forth herein up to and including dismissal from service. An employee who tests positive for drug use through drug screening user analysis done pursuant to this policy, through a positive drug screening (EMIT) and positive gas chromatography mass spectroscopy test (GC-MS) is presumed to be in violation of this policy and impaired.

C. Nothing in this policy shall prohibit the City from seeking disciplinary penalty against an employee for violation of this policy where the City has not conducted a drug or alcohol test pursuant to this policy or based upon the results of a drug or alcohol test performed while the employee is on duty or resulting from on-duty conduct pursuant to New York State statutory law.

D. An employee ordered to submit to a drug or alcohol test pursuant to this policy may consult with an available union representative after being ordered to submit to said test.

E. Refusal or failure to take a breathalyzer test or drug screening urine analysis as required pursuant to this policy shall be admissible evidence at a disciplinary hearing and will create a presumption of use of alcohol or drugs in violation of this policy. In addition, refusal, or failure to take a test as required pursuant to this policy shall subject the employee to a charge of insubordination and disobeying an order in addition to charges for alcohol or drug abuse and use. Tampering with or adulterating a sample will result in disciplinary action up to and including dismissal from service as set forth herein. An invalid drug test (i.e., The result of a drug test for a urine specimen that contains an unidentified adulterant or an unidentified interfering substance, has abnormal physical characteristics, or has an endogenous substance at an abnormal concentration that prevents the laboratory from completing or obtaining a valid drug test result.) will also result in disciplinary action up to and including dismissal from service. If an employee is not able to provide a sufficient urine sample, the procedures outlined in Section 40.193 of the federal regulations, Trans. Workplace Drug and Alcohol Testing Programs will be followed. (49 CFR Part 40)

F. Employees deemed to have violated this alcohol/drug policy who are entitled to a hearing pursuant to Section 75 of the Civil Service Law shall be afforded said hearing in compliance with the Collective Bargaining Agreement between the parties. This alcohol and drug policy shall not be construed to and does not create any hearing rights for employees not otherwise entitled to a hearing as provided for in Section 75 of the Civil Service Law.

G. Penalties. An employee found guilty of violating this policy shall be subject to disciplinary penalties as set forth in Section 75 of the Civil Service Law including suspension and dismissal and in addition, may be required to participate in drug and/or alcohol counseling as set forth in Section VI below.⁵¹

H. The results of any breathalyzer test or urine analysis/drug screening that are positive shall be made part of the employee's personnel file. If the results of the above tests are negative, said results shall not be placed in the employee's personnel file unless specifically requested by the employee or if the City obtains the employee's consent to file said results. This shall not preclude the City from keeping a separate record of negative test results on file in the Employee's Department, apart from the employee's personnel file, should the fact of a negative alcohol or drug test be deemed necessary by the City for the defense of the City in litigation that may result due to the employee's conduct or involvement in an occurrence or incident which resulted in the drug or alcohol screening.

I. In addition to disciplinary action, nothing in this alcohol/drug policy shall be deemed to prevent the Employer from referring the results of a positive alcohol or drug test to the appropriate police or other law enforcement agency for purposes of criminal action, if the conduct which resulted in the test constitutes criminal conduct.

SECTION VI

ALCOHOL/DRUG REHABILITATION PROGRAM

Where a permanently appointed employee, on his or her own behalf, or someone on his or her behalf, voluntarily informs the Department Head that he or she is experiencing problems with alcohol or drug use, who has not previously been the subject of a disciplinary penalty, following applicable due process procedures, if any, for alcohol or drug use and has not been involved in any conduct or occurrence which would require the employee to be tested pursuant to this policy, that employee will be afforded the opportunity to participate in an alcohol or drug rehabilitation program, rather than being subjected to disciplinary action. The program in which the employee will participate must be a program approved by New York State and must be approved by the city. Enrollment in an alcohol or drug program in lieu of disciplinary action shall only be available where the employee has never tested positive for drug or alcohol use while employed by the City. A

leave of absence for treatment on an in-patient or out-patient basis will be granted for a period not to exceed sixty (60) calendar days. However, the Office of the Mayor, after consultation with the Department Head, may approve an additional leave of thirty (30) calendar days in his/her discretion. While on leave of absence, the employee may use accumulated sick time, vacation time, holidays, and other accrued leave time. Otherwise, said leave of absence is without pay. The terms of the policy relative to said absences are not meant to affect or diminish those rights an employee would otherwise be entitled to pursuant to Sections 72 and 73 of the Civil Service Law. An employee who chooses to participate in an outpatient program and who does not wish to take a leave of absence, may, in the discretion of the Department Head, continue with his or her duties either on regular assignment, reassignment or limited duty as deemed appropriate by the Department Head in his/her sole discretion. Nothing herein, however, shall be deemed to create a right on the part of an employee to limited, reassigned or light duty. Such reassignment, light or limited duty shall only be provided if the Department Head deems it available within the Department. An employee is responsible for all costs for and associated with any treatment program in which he or she participates. The City shall bear no responsibility for any such costs, except for those benefits normally provided to Unit members pursuant to the Collective Bargaining Agreement. An employee participating in a program must sign a Release for the City to be provided with information by the program regarding testing done by the program and the employee's participation and performance in the program. Return to work after completion of the program may only occur upon certification from the program that the employee has satisfactorily participated in the program, that the program recommends return to regular assignment and that there is proof of no alcohol or drug use for a period of two (2) weeks prior to return to work. Upon return to work, the employee shall be subject to testing as set forth in Section II above. The final decision as to whether

to permit an employee to return to work shall be made by the Office of the Mayor after consultation with the Department Head but no later than two (2) weeks after receipt of the information discussed above. In the event the Office of the Mayor determines not to permit the employee to return to work, any action taken by the City to implement this determination must be in accordance with any rights the employee has pursuant to New York State Civil Service Law and/or the Collective Bargaining Agreement. Any employee who voluntarily chooses to participate in a program but fails to successfully complete the program or be recommended for return to work by the program or the Office of the Mayor, shall be subject to other appropriate action, including disciplinary action, and sanctions pursuant to Section 75 of the Civil Service Law, up to and including termination, as ordered by the Office of the Mayor. Prior to such action being taken or commenced by the Office of the Mayor, there shall be a meeting with the employee, a Union Head and the Office of the Mayor or his/her designee and Department Head to discuss the employee's failure to complete the program. Where an employee has not voluntarily sought treatment and is the subject of disciplinary action, in lieu of or in addition to the penalties as set forth in the Civil Service Law and this agreement, the employee may be required to participate in an alcohol or drug rehabilitation program. The employee will only be permitted to return to regular assignment upon the recommendation of the accredited alcohol or drug abuse program and with the approval of the Office of the Mayor, subject to any rights provided for in New York State Civil Service Law. Failure to participate in and satisfactorily meet the requirements of the program will result in disciplinary action pursuant to Section 75 of the Civil Service Law. Prior to such action being taken or commenced by the Office of the Mayor, there shall be a meeting with the employee, a union representative, if so, requested by the employee, the Department Head and the Office of the Mayor or his/her designee to discuss the employee's failure to complete the program. For employees represented

by IAFF LOCAL 1027, PBA, or the CSEA, reference the drug and alcohol testing provisions of the applicable union Agreement.

PROCEDURES TO FOLLOW WHEN SUPERVISOR HAS REASONABLE SUSPICION TO TEST EMPLOYEE:

1.) Department heads should establish a chain of command within their departments for the reporting of potential substance abuse problems.

2.) Testing may be done if there is reasonable suspicion to believe that an employee is guilty of alcohol, illegal substance or drug use in violation of the standards outlined in Section II, Drug/Alcohol Testing.

3.) Document observations/behavior on the Reasonable Suspicion – Drug and Alcohol Testing Form at time of incident or as soon as possible after the incident has occurred. If the employee is part of the D.O.T. drug and alcohol testing pool (employees who are required to hold CDL licenses as part of their job duties), this document must be prepared and signed by the witnesses within 24 hours of the observed behavior or before the results of the test are released, whichever is earlier (49 CFR 391.99 (d).)

4.) Supervisors should report the situation and submit the Drug and Alcohol Testing Form to the appropriate management/supervisory personnel in his/her department who are responsible for or charged with determining if reasonable suspicion exists to test.

5.) Advise the employee of the need to speak with him/her in a private location with the Department Head and/or his/her designated official who are charged with determining if reasonable suspicion exists to test the employee.

6.) Confront the employee regarding his/her behavior/performance and your concern about his/her fitness to perform his/her job.

7.) Give the employee an opportunity to respond. Document all conversations and observations.

8.) If the Department Head or his/her designee determines that the employee's behavior/performance does not warrant reasonable suspicion testing, document your reasons why on the Reasonable Suspicion – Drug and Alcohol Testing Form.

9.) If the Department head or his/her designee determines that the employee's behavior/performance does warrant reasonable suspicion testing, give the employee a direct order that he/she is to submit to testing.

10.) An employee ordered to submit to a drug or alcohol test may consult with an available union representative after being ordered to submit to said test.

11.) If the employee refuses to be tested, state very clearly that you are ordering the employee to submit to a substance abuse test. Advise them that their failure to comply is a profoundly serious act of insubordination and is grounds for termination from the city.

12.) Contact the Middletown Police Department for testing arrangements if the employee is ordered to submit to a breathalyzer test. Contact Partners in Safety (tel. No. 341-0515 for 24-hour service) for testing arrangements if the employee is ordered to submit to a drug test. If the employee is part of the D.O.T. drug and alcohol testing pool (employees who are required to hold CDL licenses as part of their job duties), contact Partners to arrange for the alcohol and/or the drug test. Notify the Office of the Mayor that the employee has been ordered to submit to a drug and/or alcohol.

13.) The Department Head or his/her designee shall reduce to writing on the Reasonable Suspicion – Drug and Alcohol Testing Form the information provided to the Department head and/or direct observations of the Department head. The writing shall include a specific statement as to what conduct has been observed or what information was provided and by whom and whether the source was reliable.

14.) An employee who has been directed to submit to a test should not be permitted to consume any substance including but not limited to liquids, food, candy, gum and/or chemical solutions prior to the conduct of the test. A supervisor must transport the employee to the testing site. A union representative may also accompany the employee or meet the employee at the testing site and remain at the testing site with the employee.

15.) If the employee is submitting to a breathalyzer test, it will be given in accordance with operating instructions by an officer certified by New York State to perform the test. The supervisor will place the Breathalyzer Operational Checklist (includes the name of the employee tested, date and time of test, blood/alcohol content registered), which is to be completed by the officer administering the test, in an envelope marked with the employee's name and social security number. The

employee will be requested to sign his/her name to the front of the envelope, indicating that the completed form was placed in the envelope. However, an employee's refusal to sign, if any, shall not invalidate the test results. The supervisor will sign the envelope and will date the signatures and provide same to the Office of the Mayor or his/her designee.

16.) Whether the employee agrees to/refuses to submit to the test, plan to have the employee taken home. Do not permit him/her to go home or drive alone. If the employee refuses any assistance, make sure you document that the employee refused assistance. If the employee leaves the worksite or testing facility and you believe s/he may be operating a motor vehicle, contact the Middletown Police Department immediately and provide them with as much information as possible.

17.) Any employee who is suspected of using an illegal substance, drugs and/or alcohol and is required to submit to a test, may, in the discretion of the Department Head be immediately removed from duty. The employee may be assigned duty as determined by the Department Head. The reassignment may continue pending the results of the alcohol and/or drug test.

18.) If the drug/alcohol test result is positive, the employee shall be disciplined in accordance with the terms of this policy. Contact the Office of the Mayor for guidance on the appropriate steps to be taken.

SECTION VII

COMPLIANCE WITH NEW YORK STATE CANNABIS LAW

Where applicable, all drug testing and disciplinary procedures and actions must comply with the provisions of Chapter 7-A of the New York State Consolidated Laws, the Cannabis Law.

CITY OF MIDDLETOWN POLICY AGAINST UNLAWFUL DISCRIMINATION AND HARASSMENT IN THE WORKPLACE

PURPOSE:

THE CITY OF MIDDLETOWN (“CITY”) HAS DEVELOPED THIS POLICY TO ENSURE EQUAL EMPLOYMENT OPPORTUNITIES TO ALL CITY EMPLOYEES AND APPLICANTS FOR EMPLOYMENT WITHOUT REGARD TO RACE, COLOR, CREED, RELIGION, SEX, NATIONAL ORIGIN, AGE, DISABILITY, PREGNANCY RELATED CONDITION, MARITAL STATUS, FAMILIAL STATUS, DOMESTIC VIOLENCE VICTIM STATUS, MILITARY OR VETERAN STATUS, SEXUAL ORIENTATION, GENETIC INFORMATION, GENDER IDENTITY, GENDER EXPRESSION, TRANSGENDER STATUS, GENDER DYSPHORIA OR ANY OTHER CHARACTERISTIC OR BASIS PROTECTED BY APPLICABLE LAW.

THE POLICY IS ALSO INTENDED TO PREVENT UNLAWFUL SEXUAL HARASSMENT AND OTHER FORMS OF HARASSING CONDUCT IN THE WORKPLACE, AND TO CORRECT HARASSING CONDUCT THAT DOES OCCUR BEFORE IT BECOMES SEVERE OR PERVASIVE. ALL COMPLAINTS OF UNLAWFUL DISCRIMINATION AND/OR HARASSMENT WILL BE INVESTIGATED PROMPTLY, THOROUGHLY, AND IMPARTIALLY. THE COMPLAINT WILL BE KEPT CONFIDENTIAL DURING THE INVESTIGATION TO THE EXTENT POSSIBLE BUT THE COUNTY RESERVES THE RIGHT TO DISCLOSE INFORMATION AS REASONABLY NECESSARY TO CONDUCT A THOROUGH INVESTIGATION AND TAKE CORRECTIVE ACTION. RETALIATION AGAINST ANY EMPLOYEE FOR FILING A GOOD FAITH COMPLAINT OR PARTICIPATING IN AN INVESTIGATION IS STRICTLY PROHIBITED. PROHIBITION AGAINST DISCRIMINATION AND HARASSMENT AND RESPONSIBILITIES OF EMPLOYEES

The City is committed to creating an employment atmosphere free of unlawful discrimination and harassment based on race, color, creed, religion, sex, national origin, age, disability, pregnancy-related condition, marital status, familial status, domestic violence victim status, military or veteran status, sexual orientation, genetic information, gender identity, gender expression, transgender status, gender dysphoria or any other characteristic or basis protected by applicable law. The City’s policy prohibits unlawful discrimination sexual and other forms of

harassment and retaliation in the workplace. This policy applies to all persons involved in the operation of the City and prohibits unlawful harassment and discrimination by any employee of the City as well as by others including outside vendors, customers, consultants, and residents as it relates to the City workplace. Improper interference with the ability of City employees to perform their expected job duties is not tolerated. Any employee who engages in unlawful sexual or other forms of harassment, discrimination or retaliation, and any supervisor or member of management who knowingly permits such conduct to occur, will be subject to appropriate disciplinary action, up to and including termination of employment. It is the responsibility of each City employee who believes he or she has been subjected to unlawful discrimination or harassment in the workplace, whether by a city employee or non-employee (which includes but is not limited to someone not directly employed by or connected with the City (e.g., an outside vendor, customer, consultant, resident), to utilize the procedures the City has established to report and correct discrimination and harassment. The City's complaint procedure is set forth below. As a general matter (there may be exceptions in individual cases), the city will try to resolve employee complaints regarding alleged discrimination and/or harassment at the departmental level. Each member of management is responsible for creating an atmosphere free of unlawful discrimination and harassment, sexual or otherwise. Any member of management who receives a complaint of discrimination or harassment under this policy must follow the complaint procedure outlined here within so that the City can investigate and try to resolve the complaint. Individuals engaging in discrimination, harassment, or retaliation, as well as supervisors who fail to report violations of this policy, or knowingly allow prohibited conduct to continue, will be subject to discipline. Individuals who engage in conduct that rises to the level of a violation of law can be held personally liable for such conduct. Further, all employees are responsible for respecting the rights of their coworkers.

DEFINITIONS

DISCRIMINATION:

Discrimination is the act of treating or allowing similarly situated employees or applicants for employment to be treated differently with respect to hiring, firing, promotion or any other term or condition of employment because of any characteristics or basis protected by applicable law or this Policy.

HARASSMENT:

Harassment is unwelcome verbal or physical conduct that is based on any characteristic or basis protected by law or this Policy (for example, sex, race, color, religion, national origin, age, disability or other 28 protected groups under federal and New York State laws), or because of participation in protected conduct under applicable law or Policy, where:

(1) the conduct creates or can reasonably be considered to create an intimidating, hostile or offensive working environment that interferes with an individual's work performance; or

(2) enduring the conduct becomes a condition of continued employment or otherwise adversely affects an individual's employment opportunities. Examples of harassing conduct include, but are not limited to:

- Epithets, slurs, negative stereotyping, or threatening, intimidating or hostile acts that relate to a protected characteristic or protected conduct.
- Verbal, written, recorded, or electronically transmitted messages or graphic material that creates an intimidating, hostile or offensive work environment.
- The display in the workplace of demeaning, insulting, intimidating, or hostile objects, images, pictures, or cartoons that relate to a protected characteristic or protected conduct.
- Demeaning comments regarding family members in connection with an employee's protected characteristic or protected conduct.
- Any other conduct or behavior deemed to be a violation of this policy by the City.

- Petty slights, annoyances and isolated incidents (unless extremely serious) may not rise to the level of unlawful harassment but nonetheless are not acceptable.

PROTECTED CONDUCT:

The City does not retaliate against employees because of their participation in protected conduct, in accordance with applicable law. Examples of protected conduct include commencing a good faith complaint of unlawful discrimination, harassment or retaliation, or participation in an investigation, charge or lawsuit concerning unlawful discrimination, harassment, or retaliation, whether as a party or a witness.

SEXUAL HARASSMENT:

Sexual Harassment is a form of harassment. It may, but does not have to, consist of conduct such as:

(1) offensive comments, jokes, innuendoes, gestures, or other sexually oriented conduct; and/or

(2) unwelcome sexual advances or requests for sexual favors, or other verbal or physical conduct of a sexual nature where:

(a) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment.

(b) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or

(c) conduct that has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment, even if the individual is not the intended target. Examples of prohibited sexual harassment include but are not limited to:

- Unwanted physical contact or conduct of any kind, including rubbing, massaging, stroking hair, brushing against another's body, grabbing, groping, kissing, fondling, flirtations, advances, whistling, touching, pinching, assault, blocking normal movement or sexually suggestive touching.

- Foul or obscene language or verbal or written abuse of a sexual nature, including demeaning, insulting, intimidating, or sexually suggestive verbal, written, recorded, or electronically transmitted messages.

- Demeaning, insulting, intimidating, or sexually suggestive comments about an individual's dress or body; leering, whistling, commenting about one's sex life or experience, staring or stalking.

- Sexually oriented or explicit remarks, including written or oral references to sexual conduct, gossip regarding one's sex life, body, sexual activities, deficiencies, or prowess.

- Pressure for sexual favors, including implying or threatening that an applicant's or employee's cooperation (or refusal) will have any effect on the person's job assignments, wages, promotions, future job opportunities and/or other terms and conditions of employment.

- The display in the workplace of demeaning, insulting, intimidating, or sexually suggestive objects, pictures, posters, calendars, graffiti, cartoons, or images.

- Offensive computer or electronic images, e-mail, or voice-mail message.

- Questions about one's sex life or experience.

- Repeated requests for dates.

- Unwanted or offensive letters or poems.³⁰

- Sexual assault or rape. • Conduct or comments consistently targeted at only one gender, even if the content is not sexual.

- Teasing or other conduct directed toward a person because of the person's gender.

- Any other conduct or behavior deemed to be a violation of this policy by the County.

COMPLAINT PROCEDURE

An employee who believes that he or she has been discriminated against and/or harassed may, but is not required to, tell the perpetrator that his or her conduct is unwelcome and to request that it be discontinued. If the inappropriate conduct does not cease, or if the employee is unable, unwilling, or uncomfortable addressing the alleged perpetrator directly, or if the employee simply prefers not to do so, the employee should pursue the matter through the below complaint procedure. It is important to report all concerns as soon as possible. The city must be made aware of the situation so that an investigation can be conducted and, where appropriate, action taken to remediate or prevent the conduct from continuing. In all instances the complaint should be brought as soon as possible following the incident.

STEP 1

REPORTING STAGE

REPORT BY AN APPLICANT: An applicant for City employment who believes that he or she has been unlawfully discriminated against or harassed in connection with the application process may report such discrimination or harassment, verbally or in writing, directly to the Office of the Mayor, (845) 360-4100. If the applicant elects to lodge the complaint in writing, a Complaint Form, which is available from the Office of the Mayor, may be mailed in a sealed envelope marked "CONFIDENTIAL" to: Office of the Mayor, City of Middletown, 16 James Street, Middletown, NY 10940. If the complaint concerns the mayor or someone who works directly in the Mayor's Office, it may instead be reported to the City Attorney, (845) 346-4140, and/or the completed Complaint Form may be mailed, in a sealed envelope marked "CONFIDENTIAL" to: Office of the Corporation Counsel, City of Middletown, 16 James Street, Middletown, NY 10940.

REPORT BY AN EMPLOYEE: Any employee who believes he or she has been subjected to conduct prohibited by this policy or by applicable law should report the incident/complaint to his or her supervisor or Department Head as soon as possible. Upon receipt of a discrimination/harassment complaint, the supervisor or Department Head with whom the complaint is filed will promptly report it to the Office of the Mayor. An employee who does not feel comfortable reporting the incident to his or her supervisor or Department Head should report the incident to the Office of the Mayor, (845) 346-4100. If the complaint concerns the Mayor's Office or someone

that works directly in the mayor's office, it may instead be reported to the City Attorney, (845) 346-4140. An employee may initiate the complaint procedure by reporting discrimination and/or harassment either verbally or in writing. If an employee elects to lodge a complaint in writing, a Complaint Form, which is available from the Office of the Corporation Counsel, may be delivered, in person or by mail, to his or her supervisor or Department Head. Alternatively, an employee may mail the Complaint Form in a sealed envelope marked "CONFIDENTIAL" to the Office of the Mayor, 16 James Street, Middletown NY 10940. If the complaint is being filed with the City Attorney, the Complaint Form should be mailed, in a sealed envelope marked "CONFIDENTIAL" to: The Office of the Corporation Counsel, 16 James Street, Middletown, NY 10940. Unsigned/incomplete Complaint Forms may hinder or prevent the City from resolving employee complaints.

REPORT BY A SUPERVISOR OR DEPARTMENT HEAD: A supervisor or Department Head who receives a complaint of discrimination or harassing conduct, whether in a formal complaint or informally, must immediately report the Complaint to the Office of the Mayor, or if for any reason the Supervisor or Department Head is uncomfortable doing so, the complaint may be reported to the City Attorney. The phone numbers, addresses and forms described in the "Report by an Employee" section above should be utilized.

STEP 2

INVESTIGATION STAGE

CONDUCTING THE INVESTIGATION: The Office of the Mayor (or, if appropriate, the City Attorney or an independent party) will undertake a prompt, thorough and impartial investigation of the allegations of properly reported complaints. Confidentiality will be maintained during the investigation to the extent possible consistent with the City's need to conduct a thorough investigation and take appropriate corrective action. Employees are required to cooperate in all investigations conducted pursuant to this policy. The City therefore reserves the right to disclose during the investigation the details and the nature of the complaint to those with a need to know, which may reasonably include but is not limited to the person alleged to have committed the harassment or discrimination. The

complainant and the person alleged to have committed the harassment or discrimination will be advised of the outcome of the investigation.

STEP 3

RESOLUTION STAGE

If, following the investigation, it is determined that an individual has engaged in unlawful discrimination or harassment or unlawful retaliation, disciplinary action, up to and including termination, may be taken against the offending employee. Other appropriate action may also be taken against the employee depending on the circumstances. If someone other than an employee has engaged in the offending behavior, appropriate steps will be taken.

NO RETALIATION: Retaliation occurs when an employer takes a materially adverse action because an applicant or employee asserts rights protected by applicable law. “Adverse action” **INCLUDES BUT IS NOT LIMITED TO:** any action that would keep an employee from reporting discrimination, harassment or retaliation; shunning and avoiding an individual who reports discrimination, harassment or retaliation; express or implied threats or intimidation intended to prevent an individual from reporting discrimination, harassment or retaliation; and denying employment benefits because an applicant or employee reported or encouraged another employee to report discrimination, harassment or retaliation or participated in the reporting and investigation process described below. The city will not tolerate, and will not itself take, any form of retaliatory action against any employee or applicant for employment who makes a complaint or who utilizes or participates in an investigation or the complaint procedure, even if the underlying discrimination or harassment allegation is unsuccessful. Any employee or applicant for employment who is concerned about retaliation should review the City’s Policy Against Retaliation, which includes a complaint and investigation procedure for resolving concerns about retaliation.

BAD FAITH: False or bad faith statements will be considered by the investigator when determining, among other things, credibility, procedural matters and whether the claim has merit. Individuals who oppose any practice made unlawful under applicable law must do so in a reasonable manner, based on a good faith belief that the conduct opposed is unlawful or

could become unlawful. Should the employee fail to do so, appropriate steps will be taken which may include disciplinary action, up to and including termination of employment.

- **LEGAL PROTECTIONS AND EXTERNAL REMEDIES:** Aside from the internal complaint process at the City, employees and applicants also have the right to file a complaint, including seeking compensation, with the following agencies. Please check directly with these agencies, for the time limits and the proper procedures for filing with them:
- *ORANGE COUNTY HUMAN RIGHTS COMMISSION 40 Matthews St, Suite 301 Goshen, NY 10924 (845) 615-3680*
- *NEW YORK STATE DIVISION OF HUMAN RIGHTS EQUAL EMPLOYMENT OPPORTUNITY COMMISSION One Fordham Plaza, 4th Floor Bronx, NY 10458 (718) 741-8400 33 Whitehall Street, 5 th Floor New York, NY 10004 (800) 669-4000*

1. New York State Division of Human Rights (DHR) The Human Rights Law (HRL), codified as N.Y. Executive Law, art. 15, § 290 et seq., applies to employers in New York State with respect to sexual harassment, and protects employees, paid or unpaid interns and non-employees regardless of immigration status. A complaint alleging violation of the Human Rights Law may be filed either with DHR or in New York State Supreme Court. Complaints with DHR may be filed any time within one year of the harassment. If an individual did not file at DHR, they can sue directly in state court under the HRL, within three years of the alleged discrimination. An individual may not file with DHR if they have already filed a HRL complaint in state court. Complaining internally to the County does not extend your time to file with DHR or in court. The one year or three years is counted from date of the most recent incident of harassment. You do not need an attorney to file a complaint with DHR, and there is no cost to file with DHR.³⁴ DHR will investigate your complaint and determine whether there is probable cause to believe that discrimination has occurred. Probable cause cases are forwarded to a public hearing before an administrative law judge. If discrimination is found after a hearing, DHR has the power to award relief, which varies but may include requiring your employer to take action to stop the harassment,

or redress the damage caused, including paying monetary damages, attorney's fees and civil fines. DHR's main office contact information is: NYS Division of Human Rights One Fordham Plaza, Fourth Floor Bronx, New York 10458 (718) 741-8400 www.dhr.ny.gov Contact DHR at (888) 392-3644 or visit dhr.ny.gov/complaint for more information about filing a complaint. The website has a complaint form that can be downloaded, filled out, notarized, and mailed to DHR. The website also contains contact information for DHR's regional offices across New York State.

2. United States Equal Employment Opportunity Commission (EEOC) The EEOC enforces federal anti-discrimination laws, including Title VII of the 1964 federal Civil Rights Act (codified as 42 U.S.C. § 2000e et seq.). An individual can file a complaint with the EEOC anytime within 300 days from the harassment. There is no cost to file a complaint with the EEOC. The EEOC will investigate the complaint and determine whether there is reasonable cause to believe that discrimination has occurred, at which point the EEOC will issue a Right to Sue letter permitting the individual to file a complaint in federal court. The EEOC does not hold hearings or award relief but may take other action including pursuing cases in federal court on behalf of complaining parties. Federal courts may award remedies if discrimination is found to have occurred. If an employee believes that they have been discriminated against at work, they can file a "Charge of Discrimination." The EEOC has district, area, and field offices where complaints can be filed. Contact the EEOC by calling 1-800-669-4000 (1-800-669-6820 (TTY)), visiting their website at www.eeoc.gov or via email at info@eeoc.gov If an individual filed an administrative complaint with DHR, DHR will file the complaint with the EEOC to preserve the right to proceed in federal court.

3. Local Protections Many localities enforce laws protecting individuals from sexual harassment and discrimination. An individual should contact the county, city, or town in which they live to find out if such a law exists. In Orange County, employees may file complaints of discrimination, harassment, and sexual harassment with the Orange County Human Rights Commission. Contact their office at

40 Matthews Street, Suite 301, Goshen, NY 10924.
www.humanrights@orangecountygov.com

4. Contact the Local Police Department If the harassment involves physical touching, coerced physical confinement or coerced sex acts, the conduct may constitute a crime. Contact the local police department.

Remember, we cannot remedy claimed discrimination, harassment, or retaliation unless you bring these claims to the attention of management. Please report any conduct which you believe violates this policy or our Equal Employment Opportunity policy to your Supervisor, the Department Head

CITY OF MIDDLETOWN GOVERNMENT DOMESTIC VIOLENCE EMPLOYEE AWARENESS AND ASSISTANCE POLICY

I. ACKNOWLEDGEMENT:

The City of Middletown Government recognizes the need to promote a work environment that is free from Domestic Violence and is supportive of employees who are victims of domestic abuse. This policy provides employees who are in abusive relationships with the opportunity to obtain needed assistance to protect themselves and to remain productive members of The City of Middletown Government.

II. PURPOSE OF POLICY:

The purpose of this policy is to address the occurrence of Domestic Violence and its impact in the workplace, to heighten awareness of Domestic Violence in general, to provide information for employees and supervisor/management to better respond to the needs of those victims, and to refer victims to appropriate community and workplace resources.

III. DEFINITIONS:

For the purpose of this policy, the following terms will be defined as follows:

A. **Domestic Violence:** Actions or a pattern of coercive behavior which can include stalking; harassment; physical or sexual violence or the threat of violence; psychological, economic, and emotional abuse, used against an intimate partner, with the goal of establishing and maintaining power and control over an intimate partner.

B. **Abuser:** The person who directs his/her coercive and violent acts against a victim.

C. **Victim:** The person against whom an abuser directs his/her coercive and violent acts.

D. **Intimate Partner:** Includes persons who are legally married to one another; were formerly married to one another; have a child in common regardless of whether they were ever married or lived together at any time; are unrelated but who have had intimate or continuous social contact with one another and who have access to

one another's household; or who have or have had a dating or sexual relationship, including same sex couples.

E. **Domestic Violence Service Provider:** Agency or a staff member of an agency, that primarily or exclusively provides comprehensive services to victims of Domestic Violence.

F. **Batterers Intervention Program:** A program that includes, but is not limited to, the operation of educational classes for abusers as part of a coordinated criminal and civil justice and community response.

IV. **POLICY:**

General Assistance to Victims of Domestic Violence: The City of Middletown will provide upon request information concerning referrals to any employee who is a victim of Domestic Violence.

- Such referrals may include but are not limited to:
- The City of Middletown Employees Assistance Program
- Orange County Crime Victims Program
- Safe Homes, Inc.
- New York State Office for the Prevention of Domestic Violence.

Acts or Threats of Domestic Violence in the Workplace: The City of Middletown will not tolerate Domestic Violence that includes harassment by any employee while in City Offices, facilities, worksites, vehicles, or while conducting City business. Any employee who is found to have threatened, harassed, or abused a current or former partner at the workplace or from the workplace using any workplace resources such as work time, work vehicles, workplace phones, FAX machines, mail, e-mail, or other means, may be subject to corrective or disciplinary action in accordance with existing collective bargaining unit agreements.

Perpetrators of Domestic Violence: Employees who are perpetrators of Domestic Violence are also encouraged to seek assistance and contact their supervisor, EAP office or a batterer's intervention program.

Education, Information and Training: The City of Middletown will make available and post in locations of high visibility, such as bulletin boards, break rooms and restrooms, a list of resources for victims and perpetrators of Domestic Violence.

- Such resources may include but are not limited to:
 - The City of Middletown Employees Assistance Program (EAP)
 - Orange County Crime Victims Program
 - Safe Homes, Inc.
 - New York State Domestic Violence Hotline Numbers (Spanish and English)
 - Orange County Batterers Intervention Course
 - Through the Orange County Department of Human Resources, the City of Middletown will seek, from time-to-time, to offer seminars on Domestic Violence.

V. **LABOR/MANAGEMENT CLAUSE:**

The provisions of this executive order/policy are not intended to alter any existing collective bargaining unit agreements.

APPENDIX A

RESOURCES:

- ◆ Emergency Assistance 911

- ◆ Corporate Services Employee Assistance Program (EAP) (800) 962-7487 www.cccsos.org

- ◆ Orange County Crime Victims Assistance Program (845) 291-4015 or (845) 291-4780 (Goshen) (845) 568-5021 or (845) 568-5030 (Newburgh) (845) 360-0260 or (845) 360-0262 (Middletown)

- ◆ Fearless! (Formerly Orange County Safe Homes, Inc.) (845) 562-5340 (24 hr. Hotline)

- ◆ Anger Management in Orange County
 - Center for Stress Reduction, Goshen (845) 291-0999
 - RECAP, Newburgh (845) 342-3978
 - Action Toward Independence, Monticello (845) 794-4228

- ◆ New York State Domestic Violence Hotline (English) 1-800-942-6906

- ◆ Telefono de Urgencia Para la Violencia Domestica del Estado de Nueva York 1-800-942-6908

- ◆ Orange County Department of Mental Health (845) 291-2600 (888) 750-2266 (24 hr. Mobile Mental Health Team)

- ◆ Orange County Alcohol and Drug Abuse Council (845) 294-9000

- ◆ Orange County Mental Health Association 1-800-832-1200 (845) 346-4357 (Helpline) (845) 342-2400 (Office)

CITY OF MIDDLETOWN ELECTRONIC

COMMUNICATION SYSTEMS POLICY

The City of Middletown continues to be progressive in its use of technology to streamline City operations, improve service to citizens, and manage information flow. The City's electronic communication systems will assist us to work smarter, create time effectiveness, reduce paperwork, and provide the challenge to use technological capabilities for greater creativity. These systems include, but are not limited to the telephone, voice mail, facsimiles (FAX), computers, electronic mail (E-mail), and the Internet (WEB sites). All systems assist us in timely and efficient communications which aid in providing superior customer service. However, as technological advances allow for the transmission of more and more information in less and less time, the communication process also becomes less formal. Care must be taken to ensure that accuracy, security, control, and confidentiality of the information conveyed via these systems, is maintained and that all communications, or research conducted on the Internet, is appropriate and professional. The availability of passwords and deletion facilities tends to create the illusion of privacy and confidentiality, but that control does not really exist. With the arrival of the Information Age, it becomes appropriate for the development of policies to guide us in the efficient, secure, and legal use of available electronic communication systems. The Mayor and the Common Council of the City of Middletown reserve the right to modify this policy at any time.

Section A.

- **OWNERSHIP OF MESSAGES:** The City's electronic communication systems are to be used in direct support of assigned duties and responsibilities of conducting the City's business. The personal use of such systems is permitted with department approval, but messages so generated shall not be treated any differently than normal City business messages. Therefore, employees should not have the expectations that any of these messages will be confidential or private.

Section B.

➤ NON-BUSINESS USE OF THESE PUBLIC ASSETS THAT ARE PROHIBITED INCLUDE:

1. Employees may not use the City's resources to place orders, charge goods and services, to pay subscription fees or access accounts that are of a personal nature.

2. Employees may not use the electronic communication systems for playing games, for jokes; or 'junk mail'; participating in betting pools, or other sorts of Internet gambling; the creation or distribution of chain letters; participating in non-job-related listservs or news groups, or ANY illegal activities.

3. Solicitations for, or advertising of, commercial ventures, private personal business, religious or political causes, 'blanket' fund raising, or other non-job-related activities are not allowed via the City's communication systems.

4. The use of communication systems for creating, possessing, copying, accessing, viewing, downloading, transmitting, or distributing sexually explicit materials or materials disparaging of others, threatening, harassing, obscene, disruptive, of a profane nature, harmful to morale, or otherwise objectionable, is strictly prohibited. The city monitors access to the Internet on a regular basis. Objectionable sites are restricted and attempted access can be tracked. In any case, the city cannot be responsible for information found while "surfing the Web".

5. Employees are prohibited from using the City's communication systems to express their own personal views and represent them as those of the city. Remember, face-to-face communications can be supported by body language as voice inflection enhances phone communications. The 'print' messages on a computer 'screen' do not have these aids and can inadvertently convey a different connotation than intended. Therefore, all 'print' communications should be

conducted thoughtfully with a respect of the receiver, its public nature and business purpose.

6. Unless otherwise permitted by the Mayor or Department Head, Employees must use the email addressed assigned to them from the city when conducting City business via email. You may not use your own personal email addresses. Please keep in mind that emails are sent regarding any type of City business are subject to NYS Freedom of Information Laws.

7. Unless otherwise permitted by the Mayor or Department Head, Employees are prohibited from using their own personal Cell phones to make calls, text message or anything else for city business. All correspondence, written and electronic, are subject to NYS Freedom of Information Laws. If you conduct city business on your own personal cellular phone, then your personal cell phone can be reviewed by the city, obtained under the Freedom of Information Act, and/or subpoenaed.

8. Regardless if you work from home or in a city office or department, the rules and regulations regarding electronic devices are still in place.

9. The Mayor and the Common Council President are exempt from the rules related to the usage of the Electronics Communication Systems.

10. Employees may, upon the permission of their Department Head or the Mayor, use the Electronics Communication Systems for limited personal use.

Section C.

- **NO PRESUMPTION OF PRIVACY:** Electronic communications via the City's systems are not private. They are business records that can be reviewed by the city, obtained under the Freedom of Information Act, and/or subpoenaed. Accordingly, employees should have no expectation of privacy regarding any electronic communication, business-related or personal that they create, send, receive, or store on any of the City's electronic communication systems. The use of codes or passwords does not create privacy for highly confidential or sensitive information sent through e-mail or exchanged on the Internet. The Internet is not a controlled environment; e-mail messages can quickly and irrevocably be disseminated to anyone on a local area or wide area network (the addresses or other unauthorized viewers). The City reserves the right to keep an employee's e-mail address active for a reasonable period following an employee's departure from the City to ensure that important business communications reach the City.

Section D.

- **CITY'S RIGHT TO MONITOR MESSAGES:** The City reserves the right for any legitimate business purpose to monitor, access, retrieve, read, and disclose messages created, sent, received, Internet sites visited, and material stored on the City's electronic communication systems without prior notice to the originators and recipients of such messages. This right is exercised to determine whether there have been any violations of law, breaches of confidentiality or security, communications made harmful to the business interests of the City, or any violations of this policy or any other City policy. An employee's use of any of the City's electronic communication systems constitutes consent for the City to monitor any action, site visited, or communication made using the City's equipment.

Section E.

- **MESSAGE RESTRICTIONS:** The City strictly prohibits the use of its electronic communication systems to communicate defamatory, obscene, harassing, disruptive, derogatory, profane, or otherwise objectionable material or comments. Actions or communications construed as harassing or disparaging based on race, gender, national origin, age, sexual orientation, religion, political beliefs, or disability including, but not limited to, sexual comments or images and racial or ethnic slurs are not allowed. Use of the

electronic communication systems to convey any such prohibited material, or any activity that by law is illegal, is grounds for disciplinary action, up to and including termination.

Section F.

- **PROHIBITED ACTIVITIES:** Employees may not use the City's electronic communication systems to:

1. Upload, download, or otherwise transmit copyrighted, trademarked, or patented material; trade secrets; or other confidential, private, or proprietary information or materials. Distributing material electronically is the same as copying it on a copy machine. Protected material should not be inadvertently distributed.

2. Upload, download, or otherwise transmit any illegal information or materials.

3. Upload, or download software not licensed by the City or shared software through public domain unless authorized by the Common Council of the City of Middletown and/or their designee. Placing unlicensed software on the City's system violates licensing agreements.

4. Gain unauthorized access to remote computers or other systems or damage, alter, or disrupt such computers or systems in any way. Employees may not, without authorization, use someone else's code or password to gain access to that individual's computer or e-mail files. Employees shall not disclose anyone's code or password, including their own, or send any messages or material using any other name other than their own.

5. Enable unauthorized third parties to neither have access to or use the City's electronic communication systems, nor jeopardize the security of such systems.

Section G.

- **VIOLATIONS**

- Violations of this policy may result in suspension of Internet, e-mail, or other privileges, disciplinary action, up to and including termination. The City reserves the right to hold the employee personally liable for any violations of this policy.

Section H.

- **MESSAGE CREATION:** Employees must use the utmost care in creating electronic communications. Even when deleting a message, it may still exist on a backup system, be recreated, printed out, or forwarded to someone else without its creator's knowledge. Such records may have to be produced in connection with a lawsuit, subpoena or F.O.I. request.

Section I.

- **RECORD RETENTION:** As with paper documents, it is each employee's responsibility to ensure that those files, documents, programs, and electronic messages that should be retained are in fact saved. Those records that need not be retained should be deleted.

Section J.

- **COMPUTER VIRUS PROTECTION:** Computer systems are at risk of being invaded by a virus through loaded software or downloaded material through the Internet. Only software acquired through licensing agreements or shared software through public domain that is authorized by the City through Information Technology may be loaded onto the city computers. All files downloaded from the Internet shall be scanned immediately for computer viruses. No program or macro shall be downloaded without the approval Information Technology.

Section K.

- **MEETING ATTENDANCE:** The use of electronic communication systems for attendance of meetings is prohibited, unless otherwise permitted by the Mayor, Council President or Department Head.

Eligibility to Continue Coverage When You Retire

You and your dependents are eligible to continue NYSHIP coverage upon your retirement if you meet all the requirements outlined in this section. Read this information carefully. **You will not be eligible to continue NYSHIP coverage as a retiree if you do not meet the eligibility requirements outlined in this section and submit all required materials.**

NOTE: The Retirement System's requirements to receive a pension are different from NYSHIP's requirements to continue NYSHIP coverage as a retiree.

TO CONTINUE COVERAGE AS A NEW YORK STATE RETIREE, YOU MUST MEET THE FOLLOWING ELIGIBILITY REQUIREMENTS:

1. Complete the minimum service requirement.

The minimum service requirement is based on the date you last entered State service.

- **If you were last hired on or after April 1, 1975,** you must have had at least 10 years of benefits eligible State service or at least 10 years of combined service with the State and one or more Participating Employer or Participating Agency. *
- **If you were last hired before April 1, 1975,** you must have had at least five years of benefits-eligible State service or at least five years of combined service with the State and one or more Participating Employer or Participating Agency. *

“Benefits-eligible service” means a period of employment during which you were eligible for NYSHIP coverage with an employer contribution to your cost for coverage. At least one year of your qualifying service must be with New York State.

** Participating Agencies and Participating Employers include New York State local governments/agencies (such as school districts, libraries, fire districts and parks) and quasi-public organizations, public authorities and public benefit corporations. Under Civil Service law, New York City cannot participate in NYSHIP. Therefore, service with New York City does not count toward the minimum service requirement for continuing NYSHIP coverage in retirement.*

2. Satisfy requirements for retiring as a member of a retirement system.

You must be qualified for retirement as a member of a retirement system administered by New York State, such as the New York State and Local Retirement System (NYSLRS), which comprises the Employees' Retirement System (ERS) and the Police and Fire Retirement System (PFRS), or the New York State Teachers' Retirement System or any of New York State's political subdivisions.

If you are not a member of a retirement system administered by the State or any of New York State's political subdivisions (or you are enrolled in an optional retirement program such as Teachers Insurance and Annuity Association of America [TIAA]), you must satisfy one of the following conditions:

- You must meet the age requirement of the NYSLRS retirement tier in effect at the time you last entered service
- You must be qualified to receive Social Security disability payments

Note: If you retire but delay collecting your state pension or delay receiving disbursements from an optional retirement program, you may continue your NYSHIP coverage under retiree provisions, provided you meet the eligibility requirements listed above. This is referred to as "constructive retirement."

**COVERAGE WITH OTHER NYSHIP EMPLOYERS:
IF YOU WORKED FOR ANOTHER EMPLOYER OR AGENCY
THAT IS ELIGIBLE TO PARTICIPATE IN NYSHIP, ASK
YOUR BENEFITS COORDINATOR WHETHER YOUR
SERVICE COUNTS TOWARD MEETING THE MINIMUM
SERVICE REQUIREMENT.**

3. Be enrolled in NYSHIP.

You must be enrolled in NYSHIP as an enrollee or a dependent at the time of your retirement. Enrollment in NYSHIP may be through The Empire Plan, a NYSHIP HMO or the Opt-out Program. Your health insurance premiums, whether paid through payroll deduction or directly while on a leave of absence, including deferred premiums while on Workers' Compensation Leave, must be paid in full. You will receive a final billing

notice for any unpaid premiums shortly after your retirement. You will be ineligible to continue coverage into retirement if you have any unpaid balances.

Note: If you are enrolled in the Opt-out Program, you are not eligible to continue this program when you retire. You must elect another option or defer coverage.

(See Deferred Health Insurance Coverage).

4.ELIGIBILITY REQUIREMENTS FOR NYSHIP COVERAGE

Please see attached NYSHIP General Information Book GIB-PE Active/2016 that addresses areas of concern for city employees related to health and dental coverage upon retirement. The requirements to receive a pension are different from NYSHIP's requirements to continue health coverage as a retiree.

In addition to NYSHIP Eligibility Requirements, the city has adopted the following:

1. The City of Middletown has reaffirmed a prior policy of a minimum service requirement that is more than NYSHIP's. Pursuant to city administrative policy, an employee is required to have a minimum of 10 years of full-time service as an employee and eligible for health care benefits from the City of Middletown to be eligible for Health Insurance Benefits upon retirement. All other NYSHIP requirements remain in place unless addressed in this handbook or the collective bargaining agreements.
2. The City does not count any prior employment with public employers as a credit towards years of service with the City of Middletown as it pertains to meeting the Minimum Service Requirements for eligibility of retirement health benefits. For example, employee transfers from School District A with 15 years in the retirement system. The work five more years with the City of Middletown and are eligible for retirement. They are NOT eligible for health insurance benefits from the City of Middletown. They may be eligible for COBRA benefits.

3. Elected Officials with a minimum of 10 years in office qualify for the health benefits upon retirement if they satisfy the requirements for retiring as a member of a retirement system as outlined in attached NYSHIP memo.
4. See attached Memo from Mayor Joseph M. DeStefano dated January 14, 2020

Disability Retirement

Whether your retirement is considered a service retirement or a disability retirement, you will have the same benefits and will be subject to the same policies if you are eligible to continue coverage as a retiree. However, the requirements you must meet to be eligible for NYSHIP coverage in retirement are different.

If you are applying for a disability retirement, be sure to refer to your collective bargaining agreement and/or if you are not covered by a collective bargaining agreement, contact the City of Middletown Benefits Coordinator to discuss your options.

- **Ordinary disability retirement:** For an ordinary (not work-related) disability retirement granted by an approved retirement system, you must meet all requirements outlined in the preceding section.

- **Work-related (accidental) disability retirement:** For a disability retirement resulting from a work-related illness or injury granted by an approved retirement system, the minimum service requirement is waived.

Maintain coverage while your disability retirement is being decided.

To ensure continued eligibility for NYSHIP coverage after you retire, maintain NYSHIP coverage while you wait for the decision on your disability retirement.

If your disability retirement is not approved and you did not maintain NYSHIP coverage (while on leave or in vestee or COBRA status), coverage for you and your dependents will end. **You will not be eligible to reenroll in NYSHIP.**

Disability retirement award

To request retiree coverage after you receive a disability award, contact EBD as soon as you receive the decision on your disability retirement. Provide a copy of the award letter from the retirement system that includes your disability retirement effective date.

For more detailed information please visit:

<https://www.cs.ny.gov/employee-benefits/nyship/shared/publications/general-information-book/2021/ny-gib-2021.pdf>

General Information Book GIB-NY Active/2021

City of Middletown

Board of Ethics Disclosure Statement

Pursuant to the provisions of a Local Law establishing a Code of Ethics for officers and employees of the City of Middletown, New York, which was adopted by the Common Council of the City of Middletown on September 27, 1999, all elected officials, commissioners, deputy commissioners, department heads, assistant department heads, member of the Recreation Commission and the Police Commission, members of the Zoning Board of Appeals, Planning Board, Board of Ethics, and Board of Assessment of Review and members of all licensing boards in the City of Middletown are required to file this Disclosure Statement with the Board of Ethics of the City of Middletown, New York.

This Disclosure Statement is to be filed annually on or before January 31, with respect to the preceding calendar year. Officials and board members are encouraged to update the Disclosure Statement, as appropriate, after the initial filing. Pursuant to the Local Law, the Board of Ethics is required to transmit the Statement to the City Clerk of the City of Middletown, or his/her designee, within seven days after such filing, and the Statement will thereupon become a public record open to public inspection.

Any officer or employee who wishes to claim privacy as to any of the information disclosed herein may, at the time of the filing of this Disclosure Statement, simultaneously file with the Board of Ethics a written claim of privacy specifying with particularity the portions of the Statement which are requested to be deleted there from in the record maintained by the City Clerk. Such claim of privacy will be acted upon by the Board of Ethics in accordance with the Local Law and written procedures to be established by the Board.

Section 1. Definitions. For this Statement, the following definitions shall apply:

A. A “consumer transaction” and a “consumer credit transaction” refer to the purchase or extension of credit for the purchase of any property or services which are primarily for personal, family, household, or agricultural purposes.

B. “Attached Vendor Sheet” refers to the Vendor Sheet provided by the City of Middletown, which is attached to this Disclosure Statement, and which reflects

the names of all entities providing goods and services to the City of Middletown in an amount of \$5,000 or greater in the past calendar year.

C. "Attached Official and Board Member List" refers to the List provided by the City of Middletown, which is attached to this Disclosure Statement, which contains the names and positions of all officials and board members required to submit this Disclosure Statement.

Section 2. The following items are to be completed by all officers and employees of the City of Middletown required to file this Disclosure Statement:

A. Are you related by blood or marriage to any person named on the Attached Official and Board Member List?

Yes _____ No _____

If yes, please identify the person(s), and describe your relationship. ____

B. Did you have, in the past calendar year, any corporate, partnership, landlord-tenant or other business relationship with any person named on the Attached Official and Board Member List or with the City itself (other than your employment relationship)?

Yes _____ No _____

If yes, please identify the person(s), and describe your business relationship. _____

C. Have you or your spouse or any of your minor children, in the past calendar year, purchased or sold any goods or services, in an amount exceeding \$5,000, from or to any person named on the Attached Official and Board Member List or from or to the City itself?

Yes _____ No _____

If yes, please identify the Vendor, and describe the purchase or sale. __

D. Have you or your spouse or any of your minor children, in the past calendar year, purchased or sold any goods or services, in an amount exceeding \$5,000, except for a consumer transaction or consumer credit transaction, from or to any person or entity listed on the Attached Vendor Sheet?

Yes _____ No _____

If yes, please identify the Vendor, and describe the purchase or sale. __

E. Have you or your spouse or any of your minor children, in the past calendar year, participated in any loan or credit transaction, except a consumer credit transaction, the outstanding balance of which, during the past year, is more than \$5,000, with any person or entity listed on the Attached Vendor Sheet?

Yes _____ No _____

If yes, please identify the entity, and the position therein held. _____

F. Are you or your spouse or any of your minor children an employee, officer, owner, director, member, trustee, partner or consultant to any entity listed on the Attached Vendor Sheet?

Yes _____ No _____

If yes, please identify the entity, and the position therein held. _____

G. Do you or your spouse or any of your minor children own or have a contractual interest in any real property located within the City of Middletown, other than your personal residence?

Yes _____ No _____

If yes, please identify the property by street address. _____

H. Have you or your spouse or any of your minor children, in the past calendar year, made any application, petition or request for a site plan, special use permit, variance amendment, change of zoning, approval of a subdivision plat, exemption for a plat or official map, or any license or permit pursuant to the provisions of, in or in connection with, any ordinance, local law, rule or regulation of the City of Middletown or any of its agencies or boards?

Yes _____ No _____

If yes, please identify the application, petition, or request. _____

- I. Are you related by blood or marriage to any person who is a member of any negotiating team for the City of Middletown's collective bargaining agreements?

Yes _____ No _____

If yes, please identify the person(s), and describe your relationship. ____

I hereby swear (or affirm) under the penalties of perjury that the foregoing information is true and accurate.

Name of person filling out statement –print.

Signature of person filling out statement.

Date Sworn to before me this ____ day of _____, 20____.

Notary Public

Privacy Claims. At the time of the filing of any disclosure statement, the employee or officer filing the same may simultaneously file with the Board of Ethics a written claim of privacy specifying with particularity those portions of said statement which the employee or officer requests be deleted there from in the record thereof to be maintained by the City Clerk. The Board of Ethics, prior to transmission of such statement to the City Clerk, shall delete any such item upon a finding that the same is of highly personal nature, does not in any way relate to the duties of the position held by such person and does not create an actual or potential conflict of interest. The employee or officer shall have an opportunity to appear before the Board of Ethics.

I hereby request that the following portions of this Statement be deleted: _____

I, _____, hereby request to meet with the Ethics Board regarding my claim of privacy in filling out this Disclosure Statement.

EMPLOYEE ACKNOWLEDGEMENT

I hereby acknowledge that I have received a copy of the City of Middletown Employee Handbook, with the following attachments:

1. Substance Abuse Policy
2. Unlawful Discrimination and Harassment Policy
3. Domestic Violence Policy
4. Electronic Communications Systems Policy
5. NYSHIP Continuity of Coverage after Retirement Information
6. Ethics Disclosure Statement

I further acknowledge that I have read or will read the contents in its entirety and will contact my manager, supervisor, or department head with any questions.

I further attest that I agree to abide by the City of Middletown Employee Handbook, as adopted and amended, and the policy attachments hereby attached.

Employee Name (Please Print)

Department

Employee Signature

Department Head Signature

Date of Signature

Date of Signature

A copy of this signature page is to be placed in the employee's personnel file as well as with each Department Head.

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

THE FOLLOWING WAS PRESENTED

By Ald. _____

Sec'd by Ald. _____

Date of Adoption 12-21-21

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				

ASSESSMENT
COLLECTOR'S WARRANT
FOR 2022

STATE OF NEW YORK)
COUNTY OF ORANGE) SS.:
CITY OF MIDDLETOWN)

THE PEOPLE OF THE STATE OF NEW YORK TO Kelly Ann Kelly, COLLECTOR
OF THE CITY OF MIDDLETOWN, IN SAID COUNTY, GREETING:

YOU ARE HEREBY REQUIRED AND COMMANDED TO COLLECT from the
several persons named in the assessment roll, to which this warrant is annexed, the several sums
mentioned in the total \$21,691,547 column thereof opposite their respective name, together with
your fees thereon as herein provided.

On all sums of taxes or assessments received or collected within thirty days after giving the
notice required by law you are to collect no fees. After the expiration of thirty days, you are
hereby authorized to add and collect two per centum on every dollar for collecting the same as
your fees thereon.

YOU ARE FURTHER REQUIRED AND COMMANDED to pay over all monies so
collected by you, (exclusive of your fees for collection), to the proper officer daily and return this
warrant to me within ninety days from date.

If any person shall neglect or refuse to pay any tax imposed upon him, or the fees herein
allowed, after giving the notice required by law and waiting the time specified in the statute, you
are hereby authorized to levy the same by distress and sale upon any personal property in said
County belonging to, or in possession of, such person and cause the same to be sold, at public
auction or otherwise in accordance with the City Charter, for the payment of such tax and the
fees and expenses of collection, and no claim of property to be made by any other person thereto
shall be available to prevent such sale and for so doing this shall be your sufficient warrant.

IN WITNESS THEREOF, the Common Council of said City, at a regular session, held
on 12/21/21 has authorized this warrant to be signed by the Mayor of said City, and the Seal of
the City to be affixed thereto, by a resolution duly passed by a majority vote of said Council, and
I, in pursuance of such authorization, have this 22nd day of December in the year of our Lord
Two Thousand Twenty One hereunto set my hand and caused the Corporate Seal of the City of
Middletown to be affixed.

MAYOR

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

THE FOLLOWING WAS PRESENTED

By Ald. _____

Sec'd by Ald. _____

Date of Adoption 12-21-21

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 \$12,000 within the DPW 2021 Budget. This account was recently overdrawn, due to necessary shift coverage due to a full time employee retiring, which was unforeseen, creating overtime at the plant.

The funds should be transferred in the following manner:

FROM	AMOUNT	TO
F.8320.100 Pers. Svcs. –Pumping Station	\$12,000.00	F.8330.103 Overtime – WTP

DEPARTMENT OF PUBLIC WORKS

MEMORANDUM

RECEIVED

DEC 14 2021

City Clerk
City of Middletown

Date: December 10, 2021
To: Honorable Members of the Board of Estimate
and Apportionment
Cc: Kelly Ann Kelly, Treasurer and Richard McCormack, City Clerk
From: Jacob Tawil, Commissioner of Public Works
Re: Transfer of Funds

We are respectfully requesting a transfer of funds from the Personal Service line, F.8320.100, into the WTP Overtime account, F.8330.103. This account was recently overdrawn, due to necessary shift coverage due to a full time employee retiring, which was unforeseen, creating overtime at the plant.

FROM	AMOUNT	TO
F.8320.100 Pers. Svcs. -Pumping Station	\$12,000.00	F.8330.103 Overtime - WTP

Thank you.

JT/kg

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

THE FOLLOWING WAS PRESENTED

By Ald. _____

Sec'd by Ald. _____

Date of Adoption 12-21-21

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 and authorize the Mayor to sign the attached 2022 contract renewal between the City of Middletown and JCO, Inc., to provide the management services and act as a chief operator of the Water Treatment Plant for the year ending on December 31, 2022 at a rate of \$8750/month.

RECEIVED

DEC 14 2021

DEPARTMENT OF PUBLIC WORKS City Clerk
City of Middletown

MEMORANDUM

Date: December 3, 2021
To: Honorable Mayor DeStefano, Council President Rodrigues,
Honorable Members of the Board of Estimate and Apportionment,
Members of the Common Council,
CC: Kelly A. Kelly, Treasurer and John Naumchik, City Clerk
From: Jacob Tawil, Commissioner of Public Works
Re : City of Middletown, WTP, Professional Services JCO

The City of Middletown has used the professional services of JCO, Inc. since 2011 to provide the management services and act as a chief operator of the Water Treatment Plant.

JCO, Inc. is intimately familiar with the operation of the plant and based on that experience, we are satisfied with JCO, Inc.'s performance.

It should be noted that JCO has not raised their monthly fees since their initial professional engagement with the City in 2011.

I am requesting that the Board of Estimate and Apportionment approve the enclosed request for professional services from JCO, Inc. for one year ending on 12/31/22 for the amount of \$8,750.00 per month.

Thank you.

JT/kg

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

THE FOLLOWING WAS PRESENTED

By Ald. _____

Sec'd by Ald. _____

Date of Adoption 12-21-21

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 City of Middletown Common Council amends the City Code chapter 460-Vehicles and Traffic, section 460-11 section C; yield intersections to add:

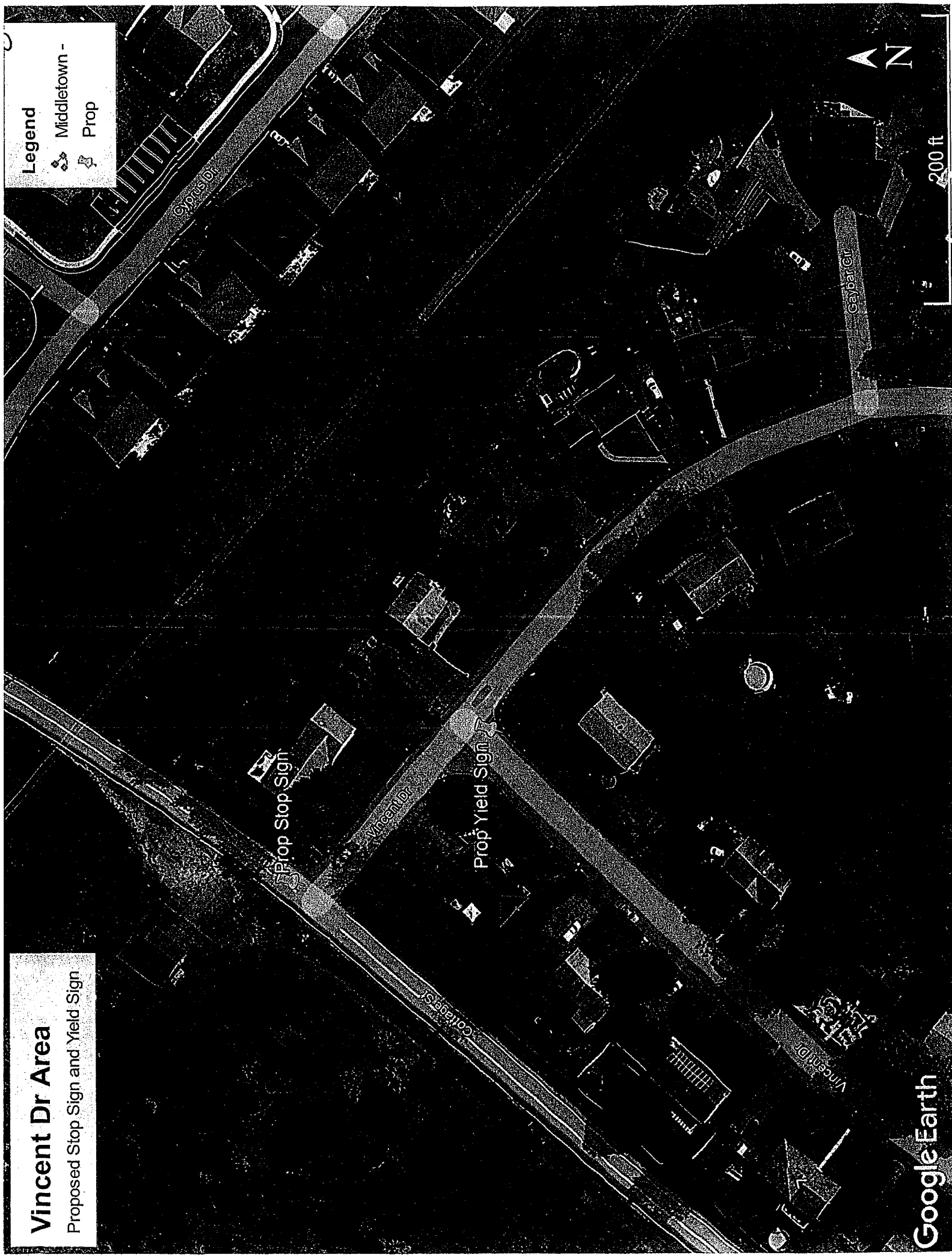
Vincent Drive shall be declared a yield street at the intersection of Vincent Drive parallel to Cottage Street.

Vincent Dr Area

Proposed Stop Sign and Yield Sign

Legend

- Middletown -
- Prop



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

THE FOLLOWING WAS PRESENTED

By Ald. _____

Sec'd by Ald. _____

Date of Adoption 12-21-21

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 City of Middletown Common Council amends the City Code chapter 460-Vehicles and Traffic, section 460-11 section b; stop streets to add:

Vincent Drive will be a stop street at the northerly intersection of Cottage Street where it intersects with Vincent Drive.

Vincent Dr Area

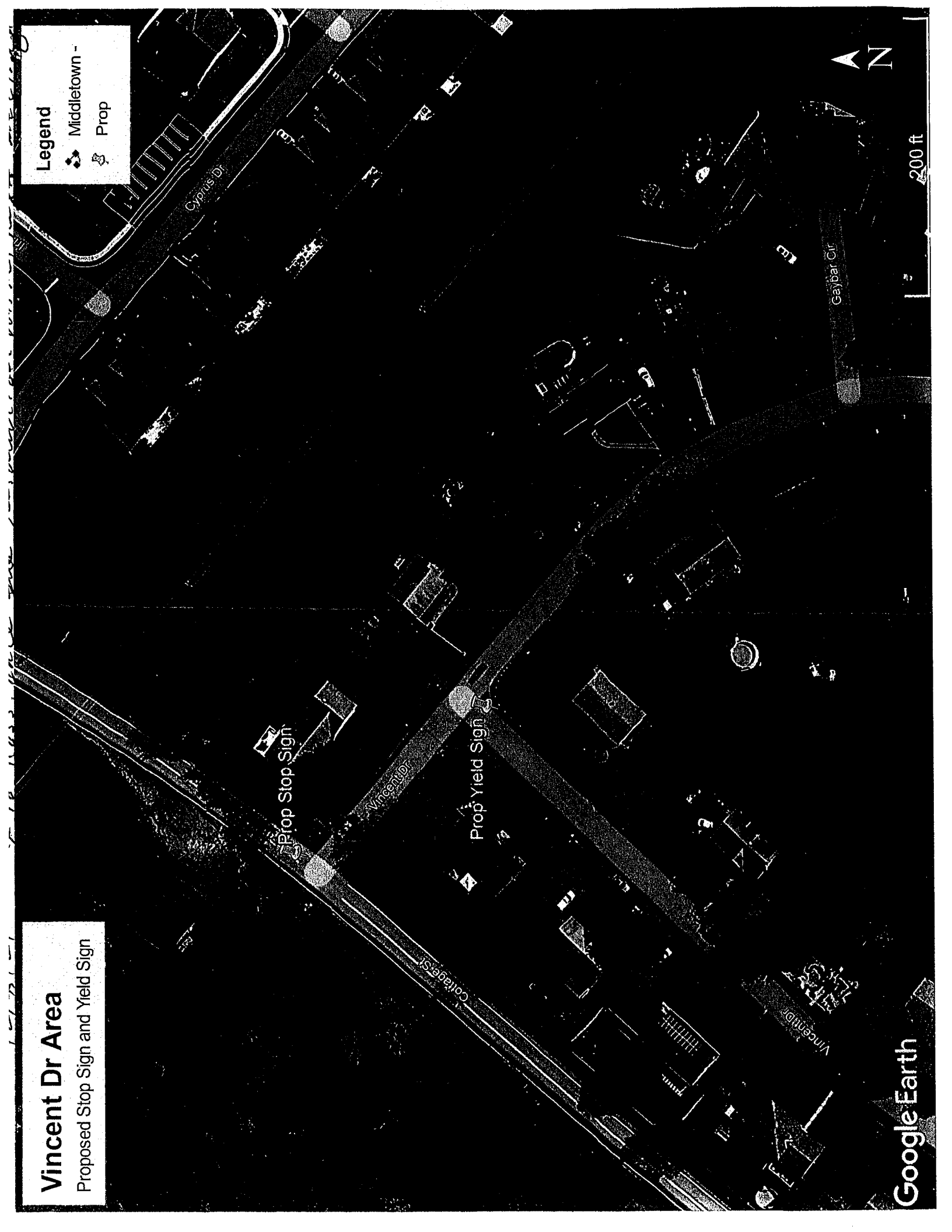
Proposed Stop Sign and Yield Sign

Legend

- Middletown -
- Prop



200 ft



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

THE FOLLOWING WAS PRESENTED

By Ald. _____

Sec'd by Ald. _____

Date of Adoption 12-21-21

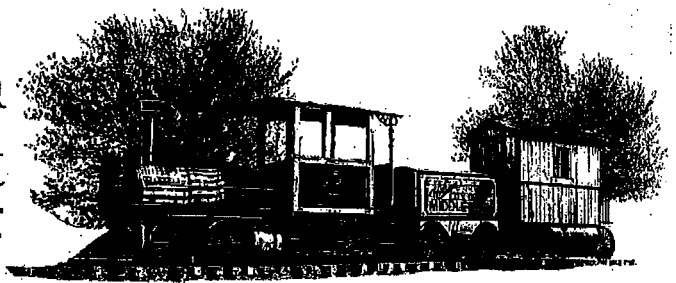
Index No: _____

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 and authorize the Mayor to sign the attached contract with the Miracle Recreation Equipment Company to order and install playground equipment at the Recreation Campus totaling \$29,998.75 from our 2021 Operating Budget A.7110.478 Parks/Park Improvements.

Middletown Recreation and Parks Department

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



Tuesday, December 14, 2021

Dear President Rodrigues & Council Members:

The Recreation & Parks Department would like to purchase much needed playground equipment for the Recreation Campus. Please authorize the purchase from our 2021 Operating Budget.

RESOLVED, that the Common Council of the City of Middletown, NY, does hereby authorize the Mayor to sign the Miracle Recreation Equipment Company Contract to order and install playground equipment at the Recreation Campus totaling \$29,998.75 from our 2021 Operating Budget A.7110.478 Parks/Park Improvements.

Sincerely,


Raelynn Bertholf, Superintendent of Recreation
Middletown Recreation & Parks Department

RECEIVED
DEC 14 2021
City Clerk
City of Middletown



Miracle Recreation Equip. Co.
878 E. US Hwy 60
Monett, MO 65708
1-888-458-2752

QUOTE: R0069210185

Project: R0069_44540493601_01

Prepared For:

Raelynn Aviles
Middletown Parks & Recreation
45 Academy ave
Middletown, NY 10940
(845) 346-4180 (phone)

Project Name & Location:

Prepared by:

Pettinelli Recreation Inc.

423 Kenwood Avenue
Delmar, NY 12054
(518) 461-5917 (phone)
Robert@PettinelliRecreation.com

Quote Number: R0069210185
Quote Date: 12/10/2021
Valid For: 30 Days From Quote Date

718S197J

Product line: TotsChoice
Age group: 2-5

Components

Part Number	Description	Qty	Weight	Unit Price	Total
7185019	(718S197J) TRIANGLE DECK (ATTACHES TO 3 POSTS)	2			
7185029	(718S197J) SQUARE DECK (ATTACHES TO 4 POSTS)	1			
7185493	(718S197J) 3 1/2" OD X 106" POST (3' DECK)	1			
7185494	(718S197J) 3 1/2" OD X 118" POST (4' DECK)	1			
718573	(718S197J) 3 1/2" OD X 162" POST FOR ROOF (3'6" TO 5'DK)	4			
7186384	(718S197J) GROOVE II SLIDE (4' DECK)	1			
71867549	(718S197J) 5'2" TYPHOON SLIDE 270 DEG (4' DECK)	1			
71871517	(718S197J) ELECTRONIC ANIMAL PANEL	1			
718716	(718S197J) VIEW GROOVE PANEL	1			
7187554E	(718S197J) HONEYCOMB CLIMBER W/ARCH ENCLOSURE (4' DECK)	1			
7188172B	(718S197J) BENCH PANEL (BELOW DECK ONLY)	1			
71885139	(718S197J) SQUARE TRANSFER POINT W/CLOSED HR (3' DECK)	1			
7188661	(718S197J) TRIPLE PLAY ROOF, MID	1			

12/10/2021
QUOTE: R0069210185

Page 1 of 4

718999Z	CUSTOMER SERVICE KIT (NO PRICE)	1	7.00	0.00	0.00
718S197J	SALE - TOTS' CHOICE 3 DECK SYSTEM	1	2,365.00	16,299.00	16,299.00
960	LUCKY THE LADYBUG "C" SPRING RIDER	1	245.00	1,776.00	1,776.00
961	BUZZY THE BUMBLEBEE "C" SPRING RIDER	1	340.00	1,589.00	1,589.00

RiskSign_Included

Product line: Freestanding

Age group:

Components

Part Number	Description	Qty	Weight	Unit Price	Total
787Z	RISK MANAGEMENT SIGN - ENGLISH (NO PRICE)	1	0.00	0.00	0.00

Additional Items

Part Number	Description	Qty	Weight	Unit Price	Total
925961	THUMB DRIVE 2GB - MREC	1	0.00	0.00	0.00
926021	MREC CARD F/THUMB DRIVE	1	0.00	0.00	0.00
INSTALL BOOK	INSTALL BOOK FOR PP ORDERS	1	0.00	0.00	0.00

Totals:

Equipment Weight:	2,957.00 lbs
Equipment List:	\$19,664.00
Discount Amount:	-\$500.00
Equipment Price:	\$19,164.00
Freight:	\$1,684.75
Installation:	\$9,150.00
Products by Other:	\$0.00
SubTotal:	\$29,998.75
Estimated Sales Tax*:	\$0.00
Grand Total:	\$29,998.75

Notes:

This Quote shall not become a binding contract until signed and delivered by both Customer and Miracle Recreation Equipment Company ("Miracle"). Sales Representative is not authorized to sign this Quote on behalf of Miracle or Customer, and signed Quotes cannot be accepted from Sales Representative. To submit this offer, please sign below and forward a complete signed copy of this Quote directly to "Miracle Sales Administration" via fax (417) 235-3551 or email: orders@miraclerec.com. Upon acceptance, Miracle will return a fully-signed copy of the Quote to Customer (with copy to Sales Representative) via fax or email.

12/10/2021

QUOTE: R0069210185

Page 2 of 4

Quote Number: R0069210185 **Quote Date:** 12/10/2021 **Equipment:** \$19,664.00 **Grand Total:** \$29,998.75

Submitted By	Printed Name and Title	Date
THE FOREGOING QUOTE AND OFFER ARE HEREBY APPROVED AND ACCEPTED BY MIRACLE RECREATION EQUIPMENT		
By:		

ADDITIONAL TERMS & CONDITIONS OF SALE

2. **Default, Remedies & Delinquency Charges.** Customer's failure to pay any invoice when due, or its failure to otherwise comply with the terms of this Quote, shall constitute a default under all unsatisfied invoices ("Event of Default"). Upon an Event of Default, Miracle shall have all remedies available to it at law or equity, including, without limitation, all remedies afforded a secured creditor under the Uniform Commercial Code. Customer agrees to assist and cooperate with Miracle to accomplish its filing and enforcement of mechanic's or other liens with respect to the Equipment or its location or its repossession of the Equipment, and Customer expressly waives all rights to possess the Equipment after an Event of Default. All remedies are cumulative and not alternative, and no exercise by Miracle of a remedy will prohibit or waive the exercise of any other remedy. Customer shall pay all reasonable attorneys fees plus any costs of collection incurred by Miracle in enforcing its rights hereunder. Subject to any limitations under law, Customer shall pay to Miracle as liquidated damages, and not as a penalty, an amount equal to 1.5% per month of any payment that is delinquent in such month and is not received by Miracle within ten (10) days after the date on which due.

4. **Restrictions.** Until all amounts due hereunder are paid in full, Customer shall not: (i) permit the Equipment to be levied upon or attached under any legal process; (ii) transfer title to the Equipment or any of Customer's rights therein; or (iii) remove or permit the removal of the Equipment to any location not specified in this Quote.

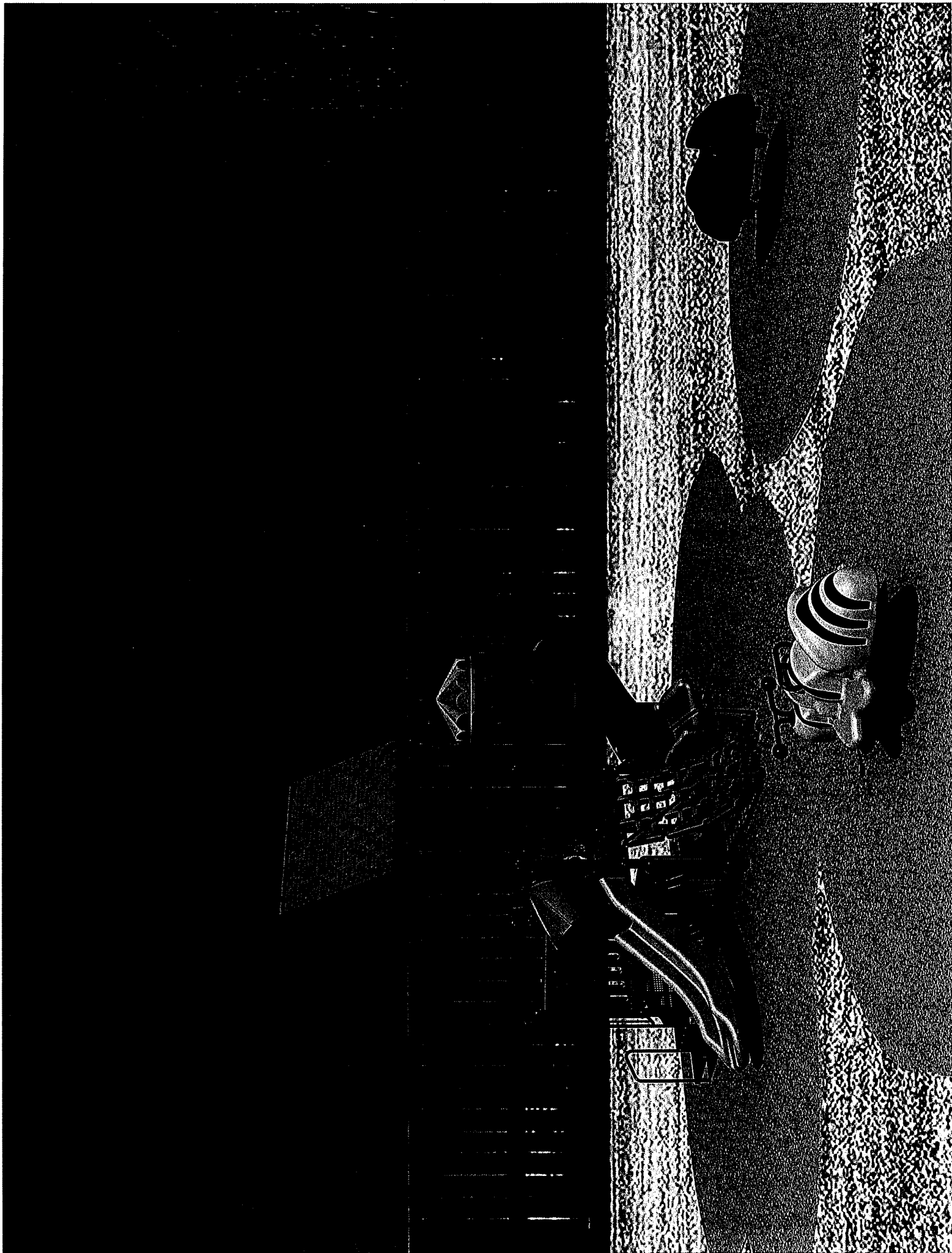
6. **Choice of Law and Jurisdiction.** All agreements between Customer and Miracle shall be interpreted, and the parties' obligations shall be governed, by the laws of the State of Missouri without reference to its choice of law provisions. Customer hereby consents to the personal jurisdiction of the state and federal courts located in the city and county of St. Louis, Missouri.

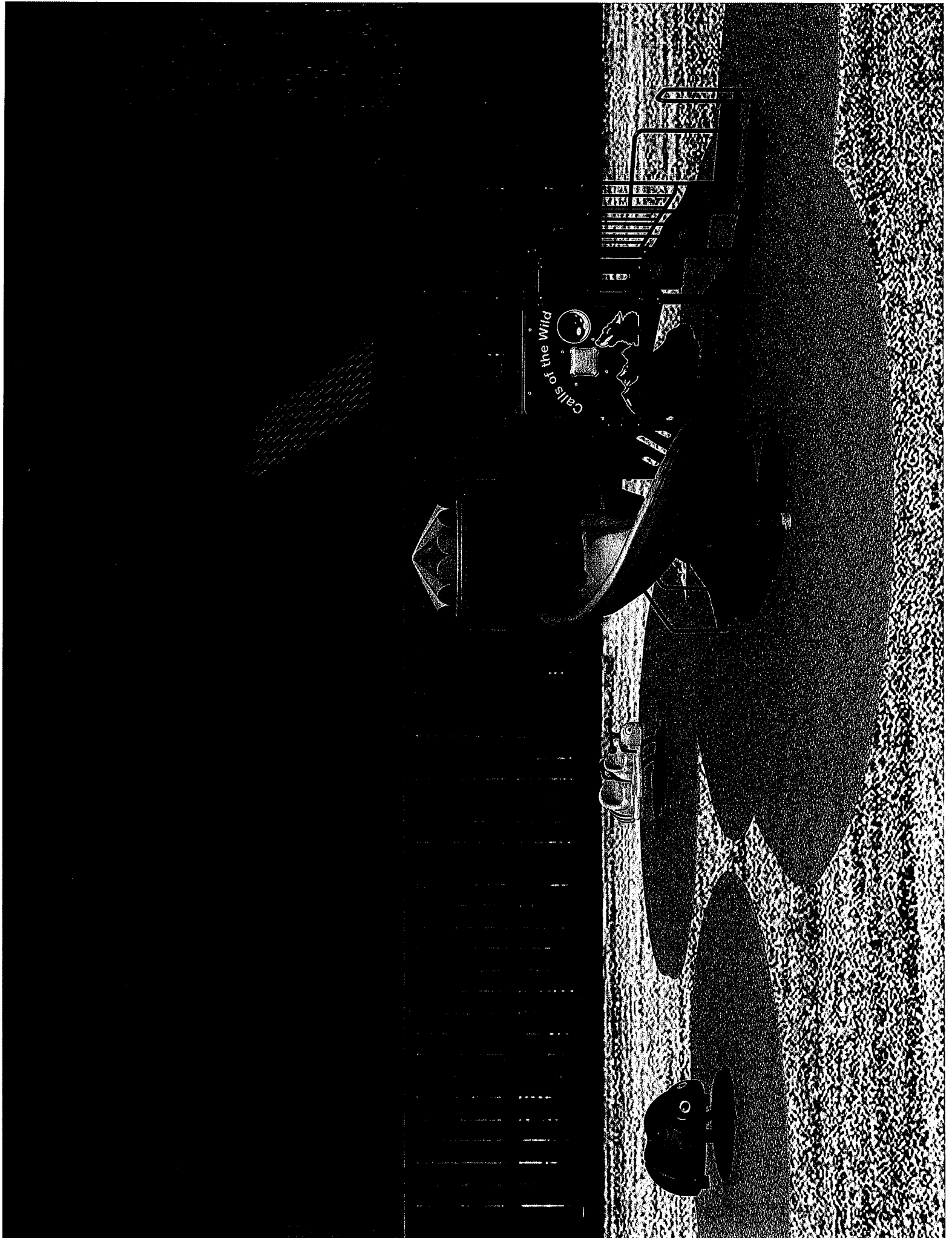
8. Waiver; Invalidity. Miracle may waive a default hereunder, or under any invoice or other agreement between Customer and Miracle, or cure such a default at Customer's expense, but shall have no obligation to do either. No waiver shall be deemed to have taken place unless it is in writing, signed by Miracle. Any one waiver shall not constitute a waiver of other defaults or the same kind of default at another time, or a forfeiture of any rights provided to Miracle hereunder or under any invoice. The invalidity of any portion of this Quote shall not affect the force and effect of the remaining valid portions hereof.

9. Entire Agreement; Amendment; Binding Nature. This fully-executed Quote, as supplemented by Change Orders and invoices containing exact amounts of estimates provided herein, constitutes the complete and exclusive agreement between the parties. A Change Order is a written instrument signed by the Customer and Miracle stating their agreement as to any amendment in the terms of this Quote. Customer acknowledges that Change Orders may result in delays and additional costs. The parties agree that all Change Orders shall include appropriate adjustments in price and time frames relating to any requested amendments. Upon full execution, this Quote shall be binding upon and inure to the benefit of the parties and their successors and assigns.

10. Counterparts; Electronic Transmission. This Quote, any invoice, and any other agreement between the parties, may be executed in counterparts, each of which shall constitute an original. The facsimile or other electronic transmission of any signed original document and retransmission of any signed facsimile or other electronic transmission shall be the same as the transmission of an original. At the request of either party, the parties will confirm facsimile or other electronically transmitted signatures by signing an original document.

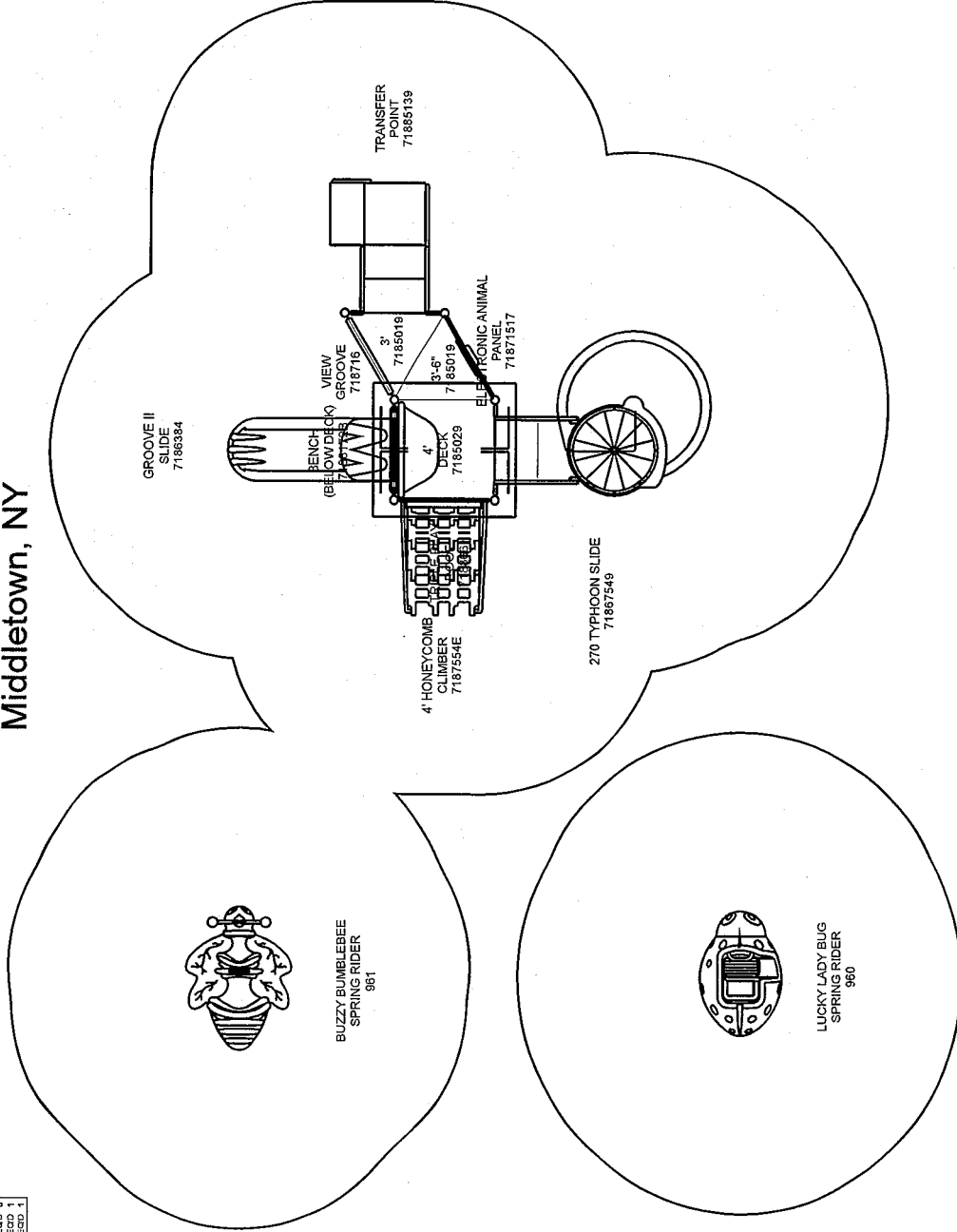
Rev E 021815





2-5
 AGE GROUP 2-5
 ELEVATED PLAY ACTIVITIES ACCESSIBLE BY TRANSFER: 3 REQD 2
 ELEVATED PLAY ACTIVITIES ACCESSIBLE BY RAMP: 0 REQD 0
 GROUND LEVEL ACTIVITY TYPE 2 REQD 1
 GROUND LEVEL ACTIVITY QUANTITY 3 REQD 1

Middletown, NY



PETTINELLI RECREATION, INC.
 423 Kenwood Avenue
 Delmar, NY
 PHONE NO: (518) 461-5917
 FAX NO:
 GROUND SPACE: 30'-6" x 21'-0"
 PROTECTIVE AREA: 43'-0" x 33'-6"
 DRAWN BY: Robert Pettinelli
 DATE: 12/10/2021

R0069_44540493601

☒ COMPLIES TO ASTM/CPSC
☐

☒ COMPLIES TO ADA
☐

To promote safe and proper equipment use by children, Miracle recommends the installation of either a Miracle safety sign or other appropriate safety signage near each play system's main entry point(s) to inform parents and supervisors of the age appropriateness of the play system and general rules for safe play.

THE PLAY COMPONENTS IDENTIFIED IN THIS PLAN ARE IPEMA CERTIFIED. THE USE AND LAYOUT OF THESE COMPONENTS CONFORM TO THE REQUIREMENTS OF ASTM F1487.

AN ENERGY ABSORBING PROTECTIVE SURFACE IS REQUIRED UNDER & AROUND ALL PLAY SYSTEMS

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

THE FOLLOWING WAS PRESENTED

By Ald. _____

Sec'd by Ald. _____

Date of Adoption 12-21-21

Index No: _____

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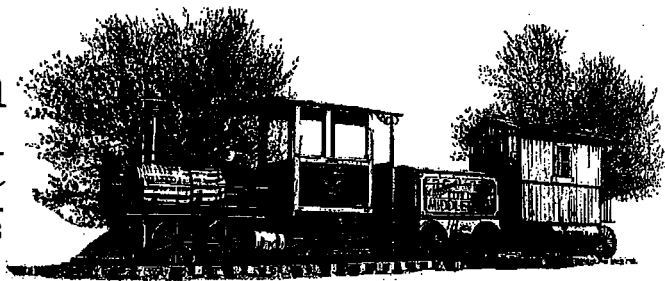
Ald. Ramkissoon				
Ald. Tobin				
Ald. Kleiner				
Ald. Johnson				
Ald. Jean-Francois				
Ald. Burr				
Ald. Green				
Ald. Masi				
Pres. Rodrigues				
TOTAL				

RESOLVED; that the Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment to accept a donation from ASTAR Heating & Air LLC. in the amount of \$220.00 for 2 Camp Scholarships.

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 deposit the donation into account A.2705.07 Camp Scholarships.

Middletown Recreation and Parks Department

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



Tuesday, December 14, 2021

Dear Board of Estimates & Council Members:

The Recreation & Parks Department received a donation from ASTAR Heating & Air LLC. in the amount of \$220.00 for 2 Camp Scholarships. In order to accept this donation, please authorize the following resolution:

WHEREAS; Recreation & Parks Department was given a donation in the amount of \$220.00 for Camp Scholarships 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.2705.07 Camp Scholarships.

Sincerely,

Raelynn Bertholf, Superintendent of Recreation
Middletown Recreation & Parks Dept.

RECEIVED

DEC 14 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 12-21-21

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 make the following transfers within the 2021 operating budget of the Middletown Recreation & Parks Department totaling \$42,500.

FROM

A.7321.100

Special Programs/Personal Services

AMOUNT

\$42,000.00

TO

A.7020.100

General Rec./Personal Services

A.7321.100

Special Programs/Personal Services

\$500.00

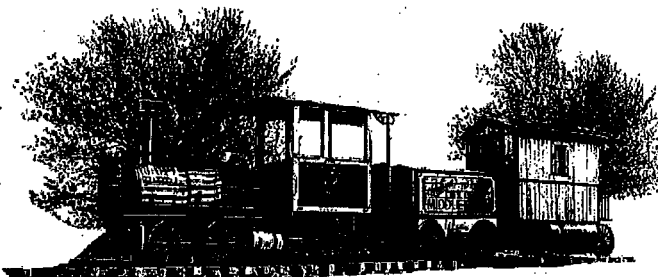
A.7110.104

Parks Personal/CSEA Longevity

The transfer will cover accumulated sick and vacation time paid out for the former Superintendent of Recreation and salary increase for the current Superintendent of Recreation and the Assistant to the Superintendent. It will also cover a mis-calculation of CSEA longevity pay.

Middletown Recreation and Parks Department

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



Tuesday, December 14, 2021

RE: 2021 Operating Budget Transfers

Dear President Rodrigues & Council Members:

RECEIVED

DEC 14 2021

City Clerk
City of Middletown

Please authorize the Treasurer to make the following transfers within the 2021 operating budget of the Middletown Recreation & Parks Department:

<u>FROM</u>	<u>AMOUNT</u>	<u>TO</u>
A.7321.100 Special Programs/Personal Services	\$42,000.00	A.7020.100 General Rec./Personal Services
A.7321.100 Special Programs/Personal Services	\$500.00	A.7110.104 Parks Personal/CSEA Longevity

To cover accumulated sick and vacation time paid out for the Retirement of Christine Brinckerhoff. The salary increases of Superintendent of Recreation Raelynn Bertholf and Assistant to the Superintendent Nicole Psarakis. And the miss calculation of CSEA longevity pay.

Sincerely,

Raelynn Bertholf, Superintendent of Recreation
Middletown Recreation Department

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

THE FOLLOWING WAS PRESENTED

By Ald. _____

Sec'd by Ald. _____

Date of Adoption 12-21-21

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 authorizing a modification to Resolution 146-21 for the use of the \$2.2 million of ARPA Funding for the Streetscape Project, the allocation should be postponed and allocated out of the 2nd Trance of the ARPA monies, as this project will not be beginning until late spring of 2022. The 2nd Trance is anticipated to be received in June of 2022.



RECEIVED

DEC 15 2021

City Clerk
City of Middletown

DEPARTMENT OF FINANCE City Of Middletown

Kelly A. Kelly
Treasurer

16 James Street
Middletown, NY 10940
Tel: (845) 346-4150
Fax: (845) 343-1101

Date: December 15, 2021

To: The Board of Estimate

From: Kelly Ann Kelly, Treasurer

I am requesting a modification to Resolution 146-21 for the use of the \$2.2 million of ARPA Funding for the Streetscape Project, the allocation should be postponed and allocated out of the 2nd Tranche of the ARPA monies, as this project will not be beginning until late spring of 2022. The 2nd Tranche is anticipated to be received in June of 2022.

**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 07-20-21

Index No: 146-21

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	7			2

WHEREAS; the City has received 50% of ARPA funds and the guidelines and timelines on spending the funds, and

WHEREAS; RBT the City's accounting firm has agreed to assist the City in developing the required backup for spending these funds, and

WHEREAS; the Mayor has development a preliminary spending plan attached to this resolution, and

WHEREAS; the Mayor is requesting the approval and funding from the ARPA funds of three of following projects at this time:

1. Streetscape - Finish and fund the sidewalks on Dolson, Ridge and many other intersections where we need to connect different funding sources to each other. This will require \$2.2 million.
2. Additional paving as agreed by consensus. Additional funds required are \$1.5 million.
3. Fire Department Cascade System- \$65,000.00

LET IT BE RESOLVED; that the Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment to approve the three projects, the funding from the ARPA, establish capital project a lines in the 2021 budget and authorize the Mayor to sign all documents for the three projects.

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

THE FOLLOWING WAS PRESENTED

By Ald. _____

Sec'd by Ald. _____

Date of Adoption 12-21-21

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 and authorize the Mayor to sign the attached proposal for QuES&T to provide a pre-renovation asbestos survey at 25 South Street, the old Federal Courthouse building, in the amount of \$8,545.

The funding for this will be paid out of the capital line, H.0916.900, for this project.

DEPARTMENT OF PUBLIC WORKS

MEMORANDUM

RECEIVED

DEC 15 2021

City Clerk

City of Middletown

Date: December 14, 2021
To: Honorable Mayor DeStefano, Honorable Members of the Board of
Estimate and Apportionment, Members of the Common Council,
Kelly A. Kelly-Treasurer
Cc: Richard McCormack- City Clerk
From: Jacob Tawil-Commissioner of Public Works
Re: Quality Environmental Solutions & Technologies Proposal
Pre-Renovation Asbestos: 25 South Street (Courthouse)

QuES&T has submitted a proposal to provide a pre-renovation asbestos survey at 25 South Street, the old Federal Courthouse building, in the amount of \$ 8,545.00.

The funding for this will be paid out of the capital line, H.0916.900, for this project.

Thank you.

JT/kg

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

THE FOLLOWING WAS PRESENTED

By Ald. _____

Sec'd by Ald. _____

Date of Adoption 12-21-21

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 and authorize the Mayor to sign the attached a proposal for QuES&T to provide a pre-demolition asbestos survey to be performed at 335 Guymard Turnpike. This proposal includes surveys to be completed on eleven (11) structures located on the above referenced property in the amount of \$8,930.

The funding for this will be paid out of the funds available for the Watershed purchasing grants. If this is found not to qualify, then the funds will be transferred from the water fund balance.

DEPARTMENT OF PUBLIC WORKS

MEMORANDUM

RECEIVED

DEC 17 2021

City Clerk
City of Middletown

Date: December 15, 2021
To: Honorable Mayor DeStefano, Honorable Members of the Board of
Estimate and Apportionment, Members of the Common Council,
Kelly A. Kelly-Treasurer
Cc: Richard McCormack- City Clerk
From: Jacob Tawil-Commissioner of Public Works
Re : Quality Environmental Solutions & Technologies Proposal
Pre-Demo Asbestos Survey: 335 Guymard Turnpike (Mt Hope Farm)

QuES&T has submitted a proposal to provide a pre-demolition asbestos survey to be performed at 335 Guymard Turnpike. This proposal includes surveys to be completed on eleven (11) structures located on the above referenced property in the amount of \$8,930.00.

The funding for this will be paid out of the funds available for the Watershed purchasing grants. If this is found not to qualify, then the funds will be transferred from the water fund balance.

Thank you.

JT/kg

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

THE FOLLOWING WAS PRESENTED

By Ald. _____

Sec'd by Ald. _____

Date of Adoption 12-21-21

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 21,000 from within the 2021 DPW budget in the following manner:

<u>FROM</u>	<u>AMOUNT</u>	<u>TO</u>
G.8130.446	\$5,000	G.8130.458
Landfill Sludge		Sewage T&D (OLD) Chemicals

\$5,000 transfer is needed to cover Chemicals needed for the Waste Water Treatment Plant. Balance of account is at \$50 for remainder of the year.

<u>FROM</u>	<u>AMOUNT</u>	<u>TO</u>
G.8130.446	\$10,000	G.8130.404
Landfill Sludge		Lab Services

A transfer is needed to cover testing for the Waste Water Treatment Plant for the remainder of the year. Balance is at \$2,475.61 and an additional \$10,000.00 is needed to cover remaining required testing for IPP.

<u>FROM</u>	<u>AMOUNT</u>	<u>TO</u>
A.8160.450	\$5,000	A.8160.440
Materials & Supplies		Repairs to Equipment

A transfer is needed to cover an unexpected repair to front and rear brake repairs to Truck #17 in the Sanitation Department. Repair costs total \$5,060.00 and balance is at \$1,490.72 for the remainder of the year.

<u>FROM</u>	<u>AMOUNT</u>	<u>TO</u>
F.8320.504	\$1,000	F.8320.512
Water Shed Management		City Dams

A transfer is needed to cover additional cost for Dam safety inspections. An additional \$1,000 is needed for increase in price of the inspections. Original budget was for \$10,000 total charges are \$11,000.00.

DEPARTMENT OF PUBLIC WORKS

MEMORANDUM

RECEIVED

DEC 15 2021

City Clerk
City of Middletown

Date: December 15, 2021
To: Honorable Members of the Board of Estimate
and Apportionment
Cc: Kelly Ann Kelly -Treasurer
Rick McCormack, City Clerk
From: Jacob Tawil-Commissioner of Public Works
Re: Transfer of Funds

Requested Transfers

We are requesting the transfer below:

1. \$5,000 transfer is needed to cover Chemicals needed for the Waste Water Treatment Plant. Balance of account is at \$50 for remainder of the year.
2. A transfer is needed to cover testing for the Waste Water Treatment Plant for the remainder of the year. Balance is at \$2,475.61 and an additional \$10,000.00 is needed to cover remaining required testing for IPP.
3. A transfer is needed to cover an unexpected repair to front and rear brake repairs to Truck #17 in the Sanitation Department. Repair costs total \$5,060.00 and balance is at \$1,490.72 for the remainder of the year.
4. A transfer is needed to cover additional cost for Dam safety inspections. An additional \$1,000 is needed for increase in price of the inspections. Original budget was for \$10,000 total charges are \$11,000.00.

FROM	AMOUNT	TO
1. G.8130.446 Landfill Sludge	\$5,000.00	G.8130.458 Sewage T&D (OLD) Chemicals
2. G.8130.446 Landfill Sludge	\$10,000.00	G.8130.404 Lab Services
3. A.8160.450 Materials & Supplies	\$5,000.00	A.8160.440 Repairs to Equipment

4. F.8320.504
Water Shed Management

\$1,000.00

F.8320.512
City Dams

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 12-21-21

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 an extension of time in the amount of six (6) months, as per the date on this resolution, for two resolutions dated May 04, 2021, #98-21 and #99-21 for the Presidential Heights Realty Subdivision due to the need that the project has to obtain outside agency approvals for the NYSDEC and OCDOH for water main and sewer main extensions before the map can be filed.

SUBDIVISION APPLICATION

City of Middletown, New York

RECEIVED

FEB 11 2021

City Clerk
City of Middletown

Date deemed complete _____

Date _____

Accepted by _____

1. Address of Subject Property 32 Davidge Road & 67 Highland View Place

Section 55 Block 1 Lot 88, 89.2 & 106.22 Current Zoning District R-1

Building Existing _____ New X

2. Owner of Property J&G Builders, LLC

Owner's Address 13 Hayes Court, Unit 101

City Monroe State NY Zip 10950

Phone numbers: Home: _____

Business: 845-782-2425

Cell: _____

Fax: N/A

3. Applicant name same as owner

If different from Owner

Applicants Address _____

City _____ State _____ Zip _____

Phone numbers: Home: _____

Business: _____

Cell: _____

Fax: _____

Clerk

4. Total square footage of land to be modified: 4.7 acres // 204,732 SF
5. Number of lots to be created by the subdivision: 7
6. Indicated the proposed uses for each subdivided lot that has been created by this subdivision. Additional sheets may be attached if more space is required.

Single family residential homes

7. List the size of each subdivided lot that is requested:

Lot #1	Lot area <u>17,270</u>	Front yard <u>30</u>	Rear yard <u>30</u>
	Side yards <u>10 + 30</u>	Parking <u>2</u>	
Lot #2	Lot area <u>23,055</u>	Front yard <u>30</u>	Rear yard <u>30</u>
	Side yards <u>22/22</u>	Parking <u>2</u>	
Lot #3	Lot area <u>28,822</u>	Front yard <u>30</u>	Rear yard <u>30</u>
	Side yards <u>13/30</u>	Parking <u>2</u>	
Lot #4	Lot area <u>37,432</u>	Front yard <u>30</u>	Rear yard <u>30</u>
	Side yards <u>16/30</u>	Parking <u>2</u>	
Lot #5	Lot area <u>19,317</u>	Front yard <u>30</u>	Rear yard <u>30</u>
	Side yards _____	Parking <u>2</u>	
Lot #6	Lot area <u>17,893</u>	Front yard <u>30</u>	Rear yard <u>30</u>
	Side yards <u>11/11</u>	Parking <u>2</u>	
Lot #7	Lot area <u>15,906</u>	Front yard <u>30</u>	Rear yard <u>30</u>
	Side yards <u>11/11</u>	Parking <u>2</u>	
Lot #8	Lot area _____	Front yard _____	Rear yard _____
	Side yards _____	Parking _____	

8. List all current and future buildings that will be located on the property:

All single family dwellings

9. Signature: 

Printed Name and Title: Matt Thomas

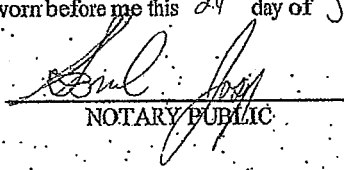
Date: 9/24/2020

OWNERS ENDORSEMENT

COUNTY OF ORANGE
STATE OF NEW YORK

Mikel Jeremias being duly sworn, deposes and
says that he/she resides at 13 Hayes Court
in the County of Orange and State of New York and that he is the
owner in fee or President of the J&G
Builders, LLC OFFICIAL TITLE Corporation which is the owner
in fee of the premises described in the foregoing application and that he has authorized
Lanc & Tully, P.C. to make the foregoing application for
approval as described herein.

Sworn before me this 24 day of Sep 20 20


NOTARY PUBLIC


OWNERS SIGNATURE

SAMUEL JOSEPH
Notary Public, State of New York
No. 01JO6090741
Qualified in Orange County
Commission Expires 04/21/2022

**CITY OF MIDDLETOWN
NOTICE OF PUBLIC HEARING**

Notice is hereby given that the City of Middletown will hold a public hearing on Tuesday, April 20, 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 7 lot subdivision at 32 Davidge Road & 67 Highland View Place.

Any and all persons wishing to be heard will be given an opportunity to speak either for or against the proposed 7 lot subdivision.

The complete proposed application of the property for the 7 lot subdivision is available in the office of the Common Council Clerk, City Hall, 16 James Street, room 12 and on the City Website.

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

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

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

By the order of the Common Council.

John C. Naumchik
Clerk of the Common Council

Publish: 4/12/21 & 4/13/21
City Website

TIMES HERALD-RECORD

P.O. Box 2046, 40 Mulberry Street, Middletown, NY 10940-6357

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:

04/12/2021

04/13/2021



Signature of Representative:

Tricia Crowe

Sworn to before me this 16 Day of Apr 20 21



Notary Public, Orange County

ELIZABETH MARTHA RAPALO
Notary Public - State of New York
No. 01RA6344907
Qualified in Orange County
My Commission Expires 07/11/20 24

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By the order of the Common Council.

John C. Naumchik
Clerk of the Common Council



Steven M. Neuhaus
County Executive

Orange County Department of Planning

124 Main Street
Goshen, NY 10924-2124
Tel: (845) 615-3840
Fax: (845) 291-2533

Alan J. Sorensen, AICP
Commissioner

www.orangecountygov.com/planning
planning@orangecountygov.com

RECEIVED

MAR 22 2021 County Reply – Mandatory Review of Local Planning Action
as per NYS General Municipal Law §239-l, m, & n

City Clerk
City of Middletown

Local Referring Board: City of Middletown Common Council

Referral ID #: MTC 01-21M

Applicant: J & G Builders, LLC

Tax Map #: 55-1-88, 89.2, 106.22

Project Name: 7-lot Subdivision

Local File #: None provided.

Proposed Action: Proposed subdivision of existing parcels to create 7 single-family residential lots.

Reason for County Review: Within 500' of the Town of Wallkill Municipal Boundary

Date of Full Statement: February 19, 2021

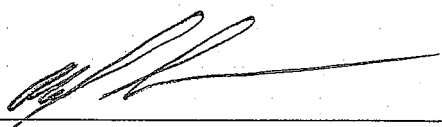
Comments:

The Department has received the above referenced 7-lot residential subdivision and has found no evidence that significant intermunicipal or countywide impacts would result from its approval. We appreciate the location of the proposed project within the designated Priority Growth Area. By directing development to the Priority Growth Area, the utility of existing public infrastructure is maximized while helping to preserve open space, agricultural land and the character of the less densely populated areas of the County.

County Recommendation: Local Determination

Date: March 15, 2021

Prepared by: Zachary Coleman
Planner


Alan J. Sorensen, AICP
Commissioner of Planning

As per NYS General Municipal Law 239-m & n, within 30 days of municipal final action on the above referred project, the referring board must file a report of the final action taken with the County Planning Department. For such filing, please use the final action report form attached to this review or available on-line at www.orangecountygov.com/planning.

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

THE AUDIT OF THE COMMON COUNCIL

By Alderman

Sec'd by Alderman

Date of Adoption: 12-21-21

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				

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