



**CITY OF MIDDLETOWN  
COMMON COUNCIL MEETING AGENDA  
AUGUST 15, 2023**

1. PLEDGE OF ALLEGIANCE
2. ROLL CALL
3. APPROVAL OF MINUTES
  - 3.1 Accept the Minutes of June 20, 2023
4. CORRESPONDENCE, COMMUNICATION AND REPORTS
5. FOR THE GOOD OF THE CITY
6. REMARKS OF THE MAYOR
7. REMARKS OF THE DEPARTMENT HEADS
8. PUBLIC HEARINGS AND GRIEVANCES
9. PETITIONS AND COMPLAINTS
10. REMARKS OF THE ALDERMAN AND REPORTS OF THE COMMITTEES
11. UNFINISHED BUSINESS
12. NEW BUSINESS
  - 12.1 Resolution to grant a 30-day Notification Waiver as per the New York Alcoholic Beverage Control Law to House of Birra, LLC
  - 12.2 Resolution Authorizing Amendment #1 in the amount of \$10,850.00 from CDM Smith for a Water Quality Study
  - 12.3 Resolution Authorizing an Agreement with Civic Plus for an Agenda Management Solution
  - 12.4 Resolution accepting donations from Howard Avery and CSEA Retirees for Recreation and Parks Scholarships
  - 12.5 Resolution accepting donations from Patrick & Kelly Kennedy and Lola Caldwell in Memory of Patricia Keys

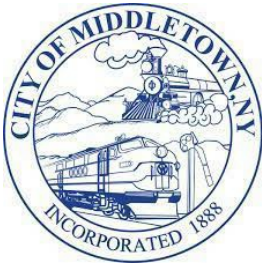
- 12.6 Resolution Authorizing the Temporary Borrowing of \$2,500,000 from the General Fund for the Parking Garage Project on South Street
- 12.7 Resolution Authorizing Short-Term Borrowing in the Amount of \$25,193,982
- 12.8 Resolution Authorizing a \$669,952.91 Budget Transfer to Reimburse the Water Fund
- 12.9 Resolution Authorizing Budget Transfer totaling \$59,179 to Cover Some of the Costs of the 2023-2024 Capital Expenditure Plan
- 12.10 Resolution Authorizing a \$1732.91 Payment to Don Paris for ARPA Consulting and Report Filing
- 12.11 Resolution Authorizing Street Closures for the 2023 Fire Department Parade
- 12.12 Resolution Awarding the Mountain Avenue and High Barney Road Water Tank Replacement to DN Tanks, LLC of New York

13. LOCAL LAWS

14. AUDIT OF CLAIMS AND ACCOUNTS

- 14.1 Resolution Authorizing the Accounts be Audited, Claims Adjusted, and the Treasurer be Authorized to Issue Warrants for their Payment

15. ADJOURNMENT



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

THE FOLLOWING WAS PRESENTED

By Ald.

Sec'd by Ald.

Date of Adoption: August 15, 2023

Index No:

| Names             | Ayes | Noes | Abstain | Absent |
|-------------------|------|------|---------|--------|
| Ald. Tobin        |      |      |         |        |
| Ald Jean-Francois |      |      |         |        |
| Ald. Johnson      |      |      |         |        |
| Ald. Wray         |      |      |         |        |
| Ald. Kleiner      |      |      |         |        |
| Ald. Green        |      |      |         |        |
| Ald. Witt         |      |      |         |        |
| Ald. Masi         |      |      |         |        |
| Pres. Rodrigues   |      |      |         |        |
| Total             |      |      |         |        |

**Accept the Minutes of June 20, 2023**

**ATTACHMENTS:**

[06.20.23 CC Minutes.pdf](#)



COMMON COUNCIL MEETING  
CITY OF MIDDLETOWN  
June 20, 2023 Minutes  
City Hall  
16 James Street  
Middletown, New York 10940

P R E S E N T

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

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

(Pledge of Allegiance)

**2. Roll Call**

**PRESIDENT RODRIGUES:** Roll.

Roll Call: Tobin, Jean-Francois, Johnson, Wray, Kleiner, Green, Witt, Masi, President Rodrigues.

**3. Approval of Minutes**

**PRESIDENT RODRIGUES:** Approval of minutes.

**RICHARD MCCORMACK, CITY CLERK:** May 2nd, 2023.

**PRESIDENT RODRIGUES:** Do I have a motion?

**ALD. MASI:** So moved.

**ALD. GREEN:** Second.

**PRESIDENT RODRIGUES:** Seconded by Alderman Green. All in favor?

**ALDERMAN:** Aye.

**4. Correspondence, Communications and Reports**

**PRESIDENT RODRIGUES:** Correspondence.

**RICHARD MCCORMACK, CITY CLERK:** Nothing this evening.

**5. For the Good of the City**

**PRESIDENT RODRIGUES:** For the Good of the City, I'd like to call the Mayor up to introduce the New York State Odyssey of the Mind Champions from Presidential Park and Monhagen Middle School.

**JOSEPH DESTEFANO, MAYOR:** Yes. Congratulations  
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once again to the champions. And once again we're here to honor them with Keys to the City and in some cases for the three repeaters since they already have the key, we have some flowers for them.

But we're so proud and we wanted to as a City, as a community express our congratulations to them for winning the New York State Championships and all their efforts in the Worlds and let them know that this community is very proud of their efforts and pretty proud of their success in representing the Middletown School District, you know, the Middletown/Wallkill area.

So we're gonna call them up one by one with a proclamation for each and also with a Key to the City. And, Rick, will you be helping out with that or Miguel is going to come down also. So we'll be calling them up. And as your name is called, please come up and then we'll stand for a group photo if you don't mind.

**(Keys to the City presentation)**

**From Monhagen 2022/23 Team:**

**Addison Burger, Norah Cardinal, Norah Cardinal, Heather Checo (member of PPE's 2021/2022 Team), Jaily Harmon, Alexa Ocasio (member of PPE's 2021/2022 Team), Jailene Rivera, and Addison Strenfel.**

**From President Park Elementary Team:**

**Kamila Chilito (member of PPE's 2021/2022**

Team), Julianna Galdamez, Julia Grogan, Avarie Jones, Lauren Georghegan, and Nafisha Udin.

**Coaches: Sharleigh Carter and April Moran**

**MAYOR DESTEFANO:** So if we could, if we have the coaches come up and say a few words about the experience if you'd like or representative.

**ODYSSEY OF MIND COACH:** So we just wanted to thank the City of Middletown, Mayor DeStefano, the Common Council for recognizing the wonderful work that these girls did from, both, Presidential Park and Monhagen. We were the coaches from Monhagen, but we are so proud of all of the girls from both teams. It was great to see them compete at Regionals. Both teams won first place at States and then all their hard work at World's, so we are very proud of you.

Anyone, any of the parents want to say a few words or feel free to come up. You do? Okay. Hearing none, that's it. So thank you and congratulations once again.

**PRESIDENT RODRIGUES:** Thank you.

**MALE SPEAKER:** Dismissed.

**PRESIDENT RODRIGUES:** I don't -- I don't want to say dismissed, but you don't have to stay for our long meeting. You guys are welcome to leave.

All right. For the Good of the City, anyone  
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else would like to address the Council please step forward.

**GAIL JETER:** Hi, my name is Gail Jeter and I'm here as a representative of a group that is working to activate the Middletown NAACP. The NAACP is not exclusively African American, all are welcome. The NAACP is non-partisan as well.

We will be focusing on working together with one another as well as our elected officials for racial equality, for economic empowerment, for -- to improve health, to improve education through resources and programs that are available, and to educate the members regarding political awareness.

We're inviting those who would like to participate. We have a website -- an email now for those who are interested. And our email is [ocnaacpmiddletown@gmail.com](mailto:ocnaacpmiddletown@gmail.com).

Our next meeting is actually June 26th. Is it on Zoom. So if you know someone who is interested, they can email me or actually a couple of folks here do know me, so, you know, they can contact me if there's someone who would be interested. I think it will be very good for the City as well as the County.

Okay. Thank you very much.

**PRESIDENT RODRIGUES:** Thank you.

Anyone else would like to address the Council?

**6. Remark of Mayor**

**PRESIDENT RODRIGUES:** All right. Remarks of Mayor.

**JOSEPH DESTEFANO, MAYOR:** So glad leaving the chair there annoyed Mr. Masi to the point where he had to get up and --

**ALD. MASI:** (Indiscernible).

**JOSEPH DESTEFANO, MAYOR:** Well, I want to give an update on some of the matters, but, once again, reinforce our -- our pride in the students' success and to congratulate the Middletown School District on commitment to that project, the Odyssey of the Mind. I know for years I remember Goshen winning all the time. And I was wondering what happened to Middletown, even compete in it. And I don't know if they did or not, you know, 10, 15 years ago. But certainly over the last few years, there's been a lot of success for that program and a lot of pride to the community and a lot of pride you could see in the faces of the kids.

So moving onto the number one issue around the City is construction around, in and around the downtown area. And not only the Middletown, but the East Main Street part that is not in Middletown, but in the Town of Wallkill and the traffic delays. So let's separate the

two. One, East Main Street is not the City of the Middletown construction project. That is the Orange and Rockland replacing utility line, gas lines to make everybody safe. And but there is a huge traffic backups at times down there. So if you could avoid East Main Street during the day heading out of the City, I would do so.

But in the general downtown area, we continue to move forward with the construction project. They are now pouring more sidewalks and we're hoping to get more sidewalks closed up as we move forward. I know the Council President will have a question or two for the Commission of Public Works and hear his comments. And I'm looking forward to the responses.

In regards to the O&W, we did receive another extension on the bid for the Phase 1 which is the structural and the mitigation of the environmental issues. And we did receive -- move another step forward in regards to formation of the LLC that is necessary for us to acquire the -- or to sell tax credits for the project. And that will bring us up closer to that 20-plus-million-dollar number.

We also are happy to announce that we did receive and I may have said at the last meeting a \$1.8 million Restore Grant for the O&W. And that, again, is

closing that gap on the necessary funds that once we get by Phase 1, structural and environmental mitigation, then we'll be into the permanent financing stage in bidding the second part of the -- of the project. So it's progress. And I know we all were hoping it would have gone quicker, but several factors kicked in place including probably about a 40 percent increase in cost. And, also, you know, all the things related to construction problems that we know with staffing.

And, but the main thing here was the federal and state credits, historic tax credits. So we're -- we're that much closer. We are now, I know, Maria's been on and Jacob's been on meetings with -- with CNS engineers, the Syracuse firm that is overseeing the project. And -- and we have a meeting coming up, I believe, this Thursday to get the final updates and hopefully set the pace for heading home and finishing the project.

Playtogs is also another project that we're hearing a lot of -- about. The only approval that was given at Playtogs was for a distributor of Amazon-type products. It's not an Amazon distributor. But my understanding is the project has, that project has gone by the waist side. But they are continuing to do the improvements on the building that they feel will make the

building marketable for some type of use.

A lot of people, you know, that had some issues or some, not a lot. Some people had issues with approving that type of use on Dolson Avenue. And I could tell you that we have to -- we have to face the reality of zoning. And the Playtogs' building is zoned I1 or I2. I think it's I1 or I1a which is light industrial. And if we change the Playtogs' building from light industrial to commercial or residential, you're gonna see a huge explosion of residential development along that strip. And that is something that I don't -- I know I don't support, but I don't what your individual opinions are on the matter.

But we felt the safest thing to do as an administration was not to make a request to change the zoning from industrial to keep it at a light industrial where we control the planning process, emissions, traffic, and all those through the Planning Board process.

The project that was approved had a maximum of 16 trucks which that road can, you know, it's a five-lane road, could handle very easily.

What project comes in after that, I don't know. Maybe that old one gets revived because it is approved.

But the positive part is the building is being  
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reconstructed. It had very low ceilings and so it wasn't very attractive for many types of uses. It's a large building, I mean, well over 200,000 square feet. And as you can see by the vacancies and different parts of commercial strips, buildings like that are just not conducive to retail anymore. They're == they're -- the old uses are not viable uses in the future.

So we have to be careful when some people have, you know, made recommendations about future uses of the property. We have to be very careful on how we handle that with zoning. And I think remaining as an industrial use is probably the best interest of the city.

The Heritage Trail, we have been having numerous meetings regarding the trail. The final design coming from East Main to out through downtown to Ingrassia Road is still being worked on by HVEA, the contractors hired by the county. We still need to purchase after some meetings with them some widening of some of the right-of-ways heading out the downtown. But I believe the -- it's very close also on that project with the final design.

Our goal from the City perspective and I know the engineers' perspective is to get everything in place this year and approved and then hopefully have a construction season in '24. That's for the -- for the

trail coming through.

Now, you can see it's already segmented. You have a piece of the trail built back here. You're gonna have a East Main through the Robert Street or Orchid Street. We'll also probably be constructed separately. And then the other part, the confusing part or the complicated part goes from East Main Street out through West Main Street and outside the City. So, so that's the section we're still working on is East Main to West Main. And hopefully that's going to be resolved.

Middletown, Amy's project, Amy's project is still on hold. We had been meeting with the Town of Goshen and getting updates from them on the project. It's still in the Orange County Partnership. The project is still a active project. Amy's is still spending money on it. My -- last I heard was they may have downsized the project a bit, but there are some contractual obligations that Amy's has to the City regarding the water taking. And we'll been meeting with them in the -- in the near future to discuss a possible extension. I believe we did it once already, Jacob; correct?

**JACOB TAWIL DPW COMMISSIONER:** Yes.

**JOSEPH DESTEFANO, MAYOR:** Yeah. We extended it once because of COVID. And we're going to now meet with them again to see what their timeline is and -- and make

sure that, you know, that there's the possibility that we may get paid for whatever water they are contracting for or apportion of that water and to also downsize their demand.

If the project size is downsized from 300,000 gallons a day to 150,000 gallons a day, then we need to free up that 150,000 gallons a day for other use.

So we'll be meeting with Amy's to get a timeline. And with the Orange County partnership, I did confirm with Maureen Halahan that the project is still a viable active project, so that's the -- that's the positive part.

Other notes, I know, Gerry, you asked about the courthouse. And I don't know how many of you are around City Hall during the daytime, but I know many of you do come here in and out. But if you notice, there are police cars here from everywhere, Port Jervis, not only Wallkill, but many communities within County.

FEMALE SPEAKER: (Indiscernible) be waiting just another minute to get started with the webinar tonight (indiscernible).

**ALDERMAN JOHNSON:** Sorry.

**JOSEPH DESTEFANO, MAYOR:** What's that.

**FEMALE SPEAKER:** We're just waiting for people to file in who were waiting in the lobby.

**ALDERMAN JOHNSON:** Sorry.

**JOSEPH DESTEFANO, MAYOR:** That's okay. I -- I thought somebody was talking to me over -- I'm hearing voices.

But, basically, these courthouses have now -- the City court houses have become regional courthouses. And we're doing arraignments. We're handling a lot of cases that are from the surrounding townships. And that's a decision made by the New York Office of Court Administration to utilize the full-time courtrooms and to, I'm assuming, it's in the best interest of the New York State Court System that they're doing so. But at the same time, they're trying to shift that burden of providing facility totally to us.

So we've put the project on hold because the estimates came in much, much higher than we anticipated, then the engineers had projected. And we're trying to convince the State, through our consultants, that they need to pitch in a pretty heavy penny here in order for us to build this joint courtroom, remove from the Middletown City Hall and a police station to -- onto Robert Street, I mean, South Street.

And my position is that if they don't do that, at some point we need to move on from the South Street project and maintain the order in which we've been doing

for the last seven or eight years when they put the mandate on us.

The second courtroom that they mandated is this room here. It's not used during the day. They have security set up. Operationally, the State does not like it because they have to have a second security team in. But so they'll have to do a cost-benefit analysis of whether adding extra security is worth it versus the -- having the two courtrooms together on South Street and to a new facility.

But I'm not going to ask the Middletown taxpayers to put up, you know, 5.5 to 6 million dollars to build a court facility for the State of New York that is used by most communities in Orange County at least on a regular basis from what I see. I know they're not here just having coffee. They're -- I see prisoners being brought in. People being, you know, parking in the bank. Yesterday morning bringing in prisoners. I see state police bringing in prisoners. And -- and that's all well and good. That's the operation of the court is fine. But don't expect Middletown tax payers to bear that burden of the -- of the physical construction costs of the building.

So we're hoping to get a final answer from them. I don't know if we will. I'm sure that at some

point they may challenge us with the mandate that they gave us. But I -- I think we're -- we feel pretty good knowing that we're providing them with a second facility, now, this room. It's not utilized five days a week. It's not even utilized two or three days a week full. It's used part time. And to ask Middletown -- or not to ask because if they ask the answer is no, but to mandate us to build this facility for them and then have it be regionally used doesn't make sense to me because based on our numbers alone we don't need it.

So, but the -- that will be the decision, I think, of the Court and possibly could end up in litigation, I don't know. But we'll -- we'll see where that goes.

We spoke about the (indiscernible) issues in the Committee meeting. I appreciate the chairman give me two minutes of that meeting.

**MALE SPEAKER:** (Indiscernible).

**JOSEPH DESTEFANO, MAYOR:** Well, thank you, Mr. Chairman. And I express my concern that I think the answer is all of the above. It's not just one or two things. And I don't believe it's just enforcement because I think it's not reasonable. Andrew, you gave the example of Montgomery. Montgomery is basically one road in, one road out and it's much easier to enforce.

It's not East Main, Monhagen, and all these other streets.

So cameras are a possibility if -- and I believe Sparrow maybe right. It used to be the State had to authorize them. But cameras are also going to catch you and you and you going 35 miles an hour. And -- and I don't mean you personally, I mean, your neighbors. And they have a -- they have a downside to them too where you all of a sudden government is all over. They do. They have a downside. When you're going --

**MALE SPEAKER:** (Inaudible).

**JOSEPH DESTEFANO, MAYOR:** It's not -- someone going 35 miles an hour is not a criminal. That's -- that's not the case. But there are -- there are -- and that's why police have discretion when they do these things. We do find that most speeders in neighborhoods are people that live in the neighborhoods. Most speeders on Monhagen, Eisenhower, Highland, maybe California, West Main, Waywayanda, East Main are not neighborhood people. Those are -- because those are high-volume areas.

So my thoughts are we should focus on those main boulevards and see what the solutions are. And possibly on those roads, cameras may be an answer. But -- but I don't -- I don't ignore the fact that there are other ways of -- which other communities have traffic

calming in order to slow down the traffic. But, again, that will be your decision, what you what to fund and when you want to fund it.

And I believe I covered everything that I wanted to touch on.

Gerry, did you have any questions? Did I miss anything? I know you sent me --

**ALD. KLEINER:** Maybe an update on the psych center.

**JOSEPH DESTEFANO, MAYOR:** Yeah. The psych is -- we did hear back from the date on why we have enclosed on acquiring those properties. And the -- they did give us an amended timeline to mid-to-late summer. The latest problem was the tunnels that -- and, specifically, that goes from Tuckerman to Schmidts and how that tunnel is gonna be closed off. And I believe that's been resolved. The last email that I received or that Alex received from -- from the State that's been resolved, it's now being presented to the seven agencies that have to sign off. And then we'll go to the Attorney General for the final approval. They showed that timeline should be mid-to-late summer. And mid-to-late summer I'll probably be here saying to you they now tell us it's gonna be around Halloween because this has been seven years Christmas, seven years.

But based on the paper, it looks like we're getting closer, paperwork that's coming through.

Alderman Green.

**ALD. GREEN:** Thank you. Yeah, there was one other question and, Gerry, I don't know if you sent it or not. And I don't know if you can comment on it about a parking structure in the location --

**JOSEPH DESTEFANO, MAYOR:** Yes.

**ALD. GREEN:** -- where we might put it. I know there was different ideas being thrown around.

**JOSEPH DESTEFANO, MAYOR:** We had -- we had multiple locations based on certain projects. We're working with Senator Skoufis' office to finalize the location. We're trying to coordinate with him within the next week or two to have it announced. Before the announcement is made we will be sharing it with you. And but I'll be sharing with you privately, but I can't share it publically at this point because it's -- the final decision hasn't been made. But the -- it's a \$2.5 million dollar grant. We do know that. And the garage structure will be built in phases. Phase 1 will be -- we'll handle -- will increase our parking by about 70 to 90 cars. And then Phase 2 and Phase 3 can go up to a couple of hundred cars. But right now we're focusing on Phase 1.

**ALD. GREEN:** Thank you.

**PRESIDENT RODRIGUES:** Jean-Francois.

**ALD. JEAN-FRANCOIS:** Yes, I had the opportunity to attend Juneteenth celebration which was excellent. And I know you were there too. I know, as far as I believe there's out of 50 states, there's 20 states that's on board as far as a paid holiday. And I know New York State is one of them.

**JOSEPH DESTEFANO, MAYOR:** Yep.

**ALD. JEAN-FRANCOIS:** But on that day, New York -- City of Middletown employees was operating. Can you kind of elaborate --

**JOSEPH DESTEFANO, MAYOR:** Sure.

**ALD. JEAN-FRANCOIS:** -- how that process works?

**JOSEPH DESTEFANO, MAYOR:** Sure. City -- and Orange County was also open and other communities throughout the State were open. The State does recognize it as a holiday, a federal holiday and gives state employees the day off. Under, you know, different communities contractually handle time off differently. For example, I believe in New York City one of the unions there they get 36 days a year combined vacation, sick, personal. They get X amount of days per year and they can appropriate it out. We, you know, and not all employees of the City take off on holidays. For example,

police, fire, and I believe even shift workers still work their regular schedule.

But that being said, so you have about half the employees are maybe daily employees Monday through Friday and the other half are shift workers of 24/7 workers. The contract for the City of Middletown identifies 13 federal -- 13 holidays that the employees get paid for. Those 13 are made up over the years by -- by designating, basically, federal holidays and making them -- identifying them by name in the contract. So, for example, when you had President's Day -- you have Lincoln's birthday and you have Washington's birthday, both, in the month of February. The federal -- they were contractual days for city employees. When the federal government consolidated those two holidays and made them one holiday, the City employees still enjoyed Lincoln's birthday and Washington's birthday off. So -- so they get Lincoln's birthday because -- and it's not a federal holiday and they also get the other one.

So they get 13 holidays. We go to them each year, even in non-contract years and say to them what holidays -- we all know the typical ones, the Christmas, the Easter -- not Easter because Easter is a Sunday, but Christmas, July 4th, Thanksgiving, you know, is always a set date. But so we say to them what 13 holidays do you

want off. I started emailing them and requesting of them prior to even it becoming a federal holiday saying why don't we look at shifting from Lincoln's birthday as one of the 13 and making Juneteenth one of the 13. They said no, they said we want another day. And I said, no, that's not going to happen. You get 13 days. I think that's -- it's not like you're at, like, 10 or 9 below the -- there's I believe 11 national holidays.

**ALD. JEAN-FRANCOIS:** Six, I think six.

**JOSEPH DESTEFANO, MAYOR:** Well, whatever the number is. They exceed the amount of federal holidays that you have. So it's their choice. We've told employees if they want to take off, they can take off. You know, they can use any kind of time they want. But it's up to the union. And I think they're just playing hardball looking for some public feedback saying why do they have to work on, you know, City Hall, why do they have to work on the federal holiday.

Now, I'm gonna give you another example. A few years back, maybe within the last 10 years, Election Day was a day off for City employees. It was identified in the contract it's a day off. They then decided that we would rather have the day after Thanksgiving off giving us a four-day holiday. So we now identify the -- the -- that Black Friday, right, as the fourth day, as a four-

day weekend for the City employees which is fine.

Now, there's discussion about making Election Day a federal holiday again. So one of my early discussions with them I say, hey, if that happens, we're gonna flip it back. They said, no, no way. So now -- now -- now we're going to 15 holidays potentially for the employees.

So when I spoke yesterday at the Juneteenth I mentioned to the people there they need to get involved, not only in government, they need to get involved in their unions to celebrate these days. That union, the CSEA that who dictates it because it doesn't affect police, it doesn't affect fire for the day off because they work their regular schedule days. It only affects CSEA. And that's how we settle the holidays in the City.

That union should recognize that Juneteenth is important enough to the people of the City of Middletown, to their employees that they should make that one of the 13 holidays that they get.

Paying -- paying them for another holiday is probably well over \$100,000 in costs to us. And, like I said, it's not like we don't, you know, we're pretty chintze on -- on giving of time. We -- there's 13 paid holidays that they get. Pick one of them, take any one you want. You want to take away Columbus Day, take away

Columbus Day. I don't care which one you take, but take away whatever -- if you want -- if you want to celebrate Juneteenth then do it in a manner that's been within the confines of the 13 days off.

**ALD. JEAN-FRANCOIS:** Thank you for the explanation, Mayor.

**JOSEPH DESTEFANO, MAYOR:** Yes, sir.

**PRESIDENT RODRIGUES:** Anyone else?

Mayor, just going back to the sidewalks, so, you know, we've been going back and forth with the text messages. East Main Street, my area, 86 East Main Street started in June. A dumpster rolled up and they started jackhammering last June by the corners. It sat there. By the middle of July or beginning of July I texted Jacob and I said, Jacob, every day I come to work or I'm seeing at my shop that there's a sidewalk being teared up, there's something put in there. And it went June, July, August, September, October. In November I was told my sidewalk was gonna be done. It wasn't done. They dumped stone and closed off on November 15th my sidewalk. So everyone in my shop was told if you go to Home Depot, get a 50 pound bag of salt, let's dump it on there. Watch kids and -- and adult go onto East Main Street to go around to Academy Avenue because the sidewalk was closed.

April it started back up again. It was almost

every day. They even found bones. I had to call the police chief. They found -- they called the MEs office. They blocked off and they keep putting close, close, close, close. So been going back and forth with Jacob since last July.

I spoke to Josh today from Boyce and I spoke to WSP, I think that's the lady's name from -- from the company, the engineering company that watches Boyce and everything.

**JOSEPH DESTEFANO, MAYOR:** Yes.

**PRESIDENT RODRIGUES:** And -- and they brought up concerns. You know, Josh admits that there is issues. Josh said that our communication with the business owners that it was none.

**JOSEPH DESTEFANO, MAYOR:** By our you're saying Boyce's communications?

**PRESIDENT RODRIGUES:** Boyce, yes.

**JOSEPH DESTEFANO, MAYOR:** Yes.

**PRESIDENT RODRIGUES:** Yes. Josh admits he's the executive principal/VP whatever his job is. I have people and I kept telling people, like, listen, I know we're going through -- we're going through this. We see sidewalks -- the new sidewalks are on. And right in front of my place after I said it to Jacob, I said, Jacob, please make sure that the telephones are done and

everything.

In the winter, here comes Orange and Rockland. I've got a new telephone pole. So I've got two telephone poles. I got a new hole in the -- in the sidewalk and everything. We -- Josh admits sidewalks were -- parking spots are gone. Some -- some owners have now shared driveways. They have not communicated with the owners of the business, the landlords, anybody. And, you know, and then listen to today I called the lady from WSP and she's saying that she has multiple reports, multiple reports of what the stuff is going on.

And she said you're right. I said, look, you're -- you're on East Main Street tearing up East Main Street, but then you're on South Street tearing up South Street and -- and then you're going onto to Fulton Street. Now, you're on Academy, now you're on West Main, you're on Fulton. You're paving. We paved a month ago. The lines are not there.

Lines at CVS, two cars pulls up and two cars go straight. If you're out of town, you don't know where you're going. It's a left hand turn, but it's not marked. There's no temporary signs.

Again, Josh admits it. The thing I don't like is last week we're going back and forth, me, you, and Jacob and the foreman or the VP of Operations said he

came to my shop and said that what is your busiest day. Your busiest day is Friday. All right. We're gonna avoid Friday and everything. I have a camera in my office and I have a Ring camera in my office. So if the regular camera doesn't catch it, the Ring camera catches it. All he said was I'm Mike from Boyce, have Miguel give me a call. And he sat there in front of me and Jacob and said, I asked your employee what was your busiest day and whatever.

Back on Friday, once again, they were back, block my entrance again. Two deliveries I could not get. I had to put my pregnant secretary at the -- at the gas station and redirect people to Academy Avenue.

WSP today said there was issues last year. She stopped -- she said the reason why the sidewalk was closed was because she told them that she was not going to allow them to pave it because it was below 30 degrees and the sidewalk was gonna be destroyed or whatever. She also said that there's a \$1.2 million issue with the wrong material that they used. And -- and they're asking for forgiveness and they're having issues.

She also said that -- because I -- I asked her because I was like, you know, I see so many different people. Everyday there's a different crew. And, like, you know, like, you try to go out there, like, hey, what

are you guys doing out there today? What are we doing? You know, like, you're blocking off my entrance. You're putting a dumpster in my driveway.

Like today they parked the -- the loader with the material in my driveway. So I said what are you guys doing? Oh, we don't know. We're just -- we're just told. And then I was told that it was too hot last July and August, so they walk off the -- off the thing.

So I think I think Merck is a certified payroll. There was issues with the certified payroll. So the lady said from WSP saying that, you know, I can come. My -- my, you know, my engineering company could come to the Council meeting and let you guys know that we have tried to stop Boyce from doing all this stuff. And we're -- we're still, you know, we're still dealing with them. And nothing is happening.

So I -- I just said, listen, I hope my area is done, but I feel for the business owners. I feel for people that, you know, they paved a month ago and it's about materials, about timing. It's about their vendor. It's about the people who are supposed to stripe. I think it's a safety issue. A simple thing of a pointed arrow and paint over it or something.

So, you know, I know we're trying. And I've -- I've told this to other business owners. They come down,

they're, like, hey, what -- what are they doing to my sidewalks? I'm saying look online, call -- call the City. We're -- we're trying to give everybody -- we're gonna get better sidewalks. It's gonna look good.

The condition, Railroad right now, anybody can go right now, Railroad and East Main Street, they poured a new -- a new sidewalk. The lady said go look at it, it's two inches thick. A sidewalk should not be -- a new sidewalk should not be two inches thick.

**JOSEPH DESTEFANO, MAYOR:** What -- what lady told you that?

**PRESIDENT RODRIGUES:** The -- the WSP lady.

**JOSEPH DESTEFANO, MAYOR:** Well, they're the people that are supposed to be ensuring --

**PRESIDENT RODRIGUES:** And they're writing it up. They said that they --

**JOSEPH DESTEFANO, MAYOR:** I don't know. I'm not there when WSP is talking to you. But WSP is a national company. They're big, a traffic operation company. They're the people that we hire to manage the project. We don't manage the project. And there are state DOT rules, there are contracts that everyone has to abide by. So I don't -- I don't know -- I do know your place is open up specifically early and wasn't completed. I know in other areas things were opened up, but could

not be completed because of different issues.

For example, some parts are downtown. Basements were underneath the sidewalks, so they had to reconsider and reengineer. And you'll notice on East -- on North Street some of the sidewalks were not done again because they would had to be done -- there are structural issues related to that.

But Jacob is going to come up and give you the explanation on what is happening. I know he's expressed to everyone that's asked that he's not happy with the fact that they -- he's not making any excuses for me, let me put it that way.

What the solutions are or what our egress is I don't know. We, you know, if you want the attorneys to look at it -- if WSP is telling you --

**PRESIDENT RODRIGUES:** I've spoken to them today.

**JOSEPH DESTEFANO, MAYOR:** I -- I don't know how they're certifying a sidewalk because they don't get paid unless WSP certifies it. So if -- if they have somebody in the field that's telling you that the sidewalk they poured is inadequate, yet they're submitting paperwork to the State DOT that for reimbursement then that will probably be a criminal matter.

But -- but I don't know who you're talking

to at WSP, but I'm sure Jacob can come and he can address the issues with you. We knew it was going to be a problem. I think Jacob did address some of it with us, a group the other day about how contractors work regarding these types of things, with some contractors in coordinating multiple subs, (indiscernible) moving of telephone poles. You'll notice you got IBW there. You've got other -- other trades. There's like four or five trades working the deal.

So but I'm not a contractor. I can't put a nail into a wall, so I will let Jacob come up and give you the answers to that.

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

Good evening. And, the Council President, he has every right to be frustrated about East Main and Academy. That location they ripped out the sidewalk too -- too soon and they could not -- there was an issue with the design of that intersection. So who told who when, you know, them and the engineers are saying, well, you know, should of, you know, we wanted to build it, we were ready to go. And now the engineer said hold off, we have to do something with this intersection. We have to move things around. And that happens.

So it's very unfortunate it. I cannot defend it. I told the Council President that in front of the

Mayor a million times. I cannot defend it. I called Boyce. I told Boyce in front of the Council President that you cannot defend that. And they were trying to defend -- be offended that one person, one VP from Boyce and I -- I put him in his place I believe. And he's very -- he's a very good person. I mean, he's trying his best.

It's a very complicated project. It doesn't just defy anything that they have not done right. There's no justification. I told him if you don't think the project is not buildable, rip out the plans and let's go to court and say, listen, I can't build this project because the design is not -- is not effective.

So that being said, I'm 100 percent with you. I'm not happy about it at all. That lady from WSP when she told you the asphalt cannot be applied because the temperature was cold and this and that, we're talking about temporary asphalt. Temporary asphalt could have been applied. Yes, the DOT is extremely stringent.

For her to tell you that there is two inches of sidewalk instead of four inches, you know, and -- and, well, what is she doing there? That's her job.

**PRESIDENT RODRIGUES:** So I think --

**JACOB TAWIL, DPW COMMISSIONER:** We got four --

**PRESIDENT RODRIGUES:** So I think that's a great

idea. So I think we should bring and we -- Council deserves, I mean, what's this, like, a \$22-million-dollar project?

**JACOB TAWIL, DPW COMMISSIONER:** Yeah, \$30 million altogether.

**PRESIDENT RODRIGUES:** \$30 million; right? So doesn't the Council deserve to hear from -- from the people. Like she's our -- we're paying them. We're paying them to inspect it. We're -- we're -- she says she has multiple reports. We can go to her office on Dolson Avenue right by the physical therapy and we can read all the stuff that she says she's been submitting to you and the City that Boyce is incompetent and they can't do the job.

**JACOB TAWIL, DPW COMMISSIONER:** She's not right. She's absolutely off the wall with this comment.

**PRESIDENT RODRIGUES:** All right. Well, then we need to find out.

**JACOB TAWIL, DPW COMMISSIONER:** She's absolutely -- she's absolutely -- Lisa her name is.

**PRESIDENT RODRIGUES:** Okay.

**JACOB TAWIL, DPW COMMISSIONER:** Most likely. She's an inspector. I demand -- I don't want to talk about this in public about persons. I have -- I have -- I have certain --

**PRESIDENT RODRIGUES:** Well, it's troubling when -- when she's saying --

**JACOB TAWIL, DPW COMMISSIONER:** It is troubling.

**PRESIDENT RODRIGUES:** -- that their -- their certified payroll wasn't correct. When their \$1.2 million wrong material that she questioned and they're asking for -- they're asking for forgiveness because they used the wrong material of \$1.2 million.

**JACOB TAWIL, DPW COMMISSIONER:** It's not forgiveness. It's before DOT to be approved and she knows it.

**PRESIDENT RODRIGUES:** Okay.

**JACOB TAWIL, DPW COMMISSIONER:** Her boss is before DOT to approve this material.

**PRESIDENT RODRIGUES:** And she has (inaudible) of cracks that we -- we seen it. We've all seen it across the street from De Filippis. There's cracks. There's broken sidewalks already. And she has a whole bunch of report that it continued -- continued to pour new floor, you know, new sidewalks and they continued to crack and break.

**JACOB TAWIL, DPW COMMISSIONER:** Well, she has - she's the one who orders the lab. The lab is there taking samples. She is there witnessing the compaction.

She is there measuring the depth. She is there, I want to say, she -- there's a team of four, four. We're paying over \$1 million for DSP and for their representative to come in there and just throw all these things out there. They Mayor, by the way, he's aware, not aware -- I share with him every little thing that happened in that job. We're not sitting there sleeping.

We knew about the material. They go blaming -- WSP they're blaming the previous inspectors that were on the job for the past year. It's still ultimately WPS's responsibility.

I explained that to her a million times and to her bosses. Okay. She's refusing, I mean, she's refusing, I mean, she's a good person and -- and she's refusing to understand the, the situation that is taking place. It's her responsibility when she sees something 2 inches, shame on her for not stopping them and having them to move right away. She's our eyes and ears.

I am there almost every day to solve problems because they say the Mayor was with me. Alderman Masi was with me. They designed stuff, they built stuff, I'm not happy with. And I'm trying to catch it. I'm trying -- today I spent -- I spent over -- over half of my day with them because they want us to all of sudden remove -- relocate water line.

This morning we relocated a fire hydrant to try to -- the project work -- to try to make the project work. Everything is (indiscernible) design.

Now, it is a complicated project. It is an old city. You're running \$30 million at almost every street in the city. Honestly, I have not had part, I mean, there are -- there are some complaints. Okay. Our office did not receive that many complaints. They did not receive that many complaints at all. DPW, usually people call us, you missed our garbage, you missed a twig in the street. There's a dead animal. We have not --

**PRESIDENT RODRIGUES:** You don't have to say you -- you didn't receive it. Josh, the, you know, the second in command said he received it and he said he felt bad because there was no communication, hey, we're starting today. We're gonna start ripping out your sidewalk. Hey, you're losing your parking spots anymore because we're putting new sides. Hey, you no longer have a regular driveway, you have a shared driveway. Josh admitted that to today.

**JACOB TAWIL, DPW COMMISSIONER:** Well, I spoke -  
- yeah.

**PRESIDENT RODRIGUES:** So they had complaints. They're calling Boyce.

**JACOB TAWIL, DPW COMMISSIONER:** There's one  
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shared -- one shared driveway in there. It was technically not feasible to have -- it was separate driveways coming in. There was knob of a sidewalk and a curb in between. WSP and Boyce including Josh knows that it is not feasible to separate the sideways [sic] because by the time you have (indiscernible) approach to the high area to separate the two sidewalk -- the two driveways from each other, you can't -- you can't. It's just gonna far apart, you can't do that.

Boyce said that. We discussed that today. We've been discussing it. Lisa, she's running around with this for -- for -- running around. Everybody knows it. We discussed it today in the construction meeting. We knew the solution could not physically be done. So the solution was for Boyce -- Josh was sitting in the meeting today. He knows what the -- he proposed a solution to go meet with the owner and give them white line in there to separate the two driveways because otherwise -- because the two driveways they were joined together after the entrance.

Okay. That's why -- this is a \$30-million project about miles and miles and miles of the city. We expect problems. And problems have been happening. We've been addressing them. WSP has been -- has been working with us very closely. The Mayor has been working

with us. We've been pushing along as much as we can, as fast as we can.

Your -- the intersection of East Main Academy right across from Central Firehouse, can't defend it. I told Boyce and I scream at them in front of your face, in front of you, excuse me, in front of you telling them that you can't defend this. Don't tell him. There's a -- he's a business man or these business. But it's fortunately the project is moving along. They have to take on -- we have three phases of the project. Next cell is being sent out. The -- the schedule is on our website. Nixle was sent out this afternoon about the striping that you just mentioned. They're going to be striping tonight and tonight and the -- and the night after hopefully. You know, hopefully not Thursday.

**PRESIDENT RODRIGUES:** So we paved Main Street and North Street a month ago. Do you think it's right not to stripe a line down the middle or a turning lane?

**JACOB TAWIL, DPW COMMISSIONER:** They have -- they have -- no, there are lines down the middle.

**PRESIDENT RODRIGUES:** Yes, there's little spots.

**JACOB TAWIL, DPW COMMISSIONER:** Yes. That's what all contractors do until you do - until you have the subcontractor.

**PRESIDENT RODRIGUES:** It keeps going and going.

**JACOB TAWIL, DPW COMMISSIONER:** I understand that.

**PRESIDENT RODRIGUES:** Even for East Main Street, for me to get -- because, according to Mike, when we spoke last week, the reason why he can't do the sidewalk was because the parts were not ordered. And if we didn't go back and forth, it would not get done. It was not gonna get done. It wasn't on schedule. He told me it wasn't on schedule because he was ordering -- he was ordering -- something was on backorder. So I was like, listen, I don't care about the sidewalk.

**JACOB TAWIL, DPW COMMISSIONER:** No, but that's --

**PRESIDENT RODRIGUES:** I lived like that that already from June of last year. You closed it in November 15th. I don't care about the sidewalk. But when you put barricades and you're giving me an 8-foot entrance, people on East Main Street can't do the swing on their car and come into to the place. They could not. And I just -- this is what drives me all day long.

And I'm like -- I have to say it to the other people, like, hey, this is because it's gonna benefit us. The City's gonna look beautiful. Hang in there. But it's to the point now where it's every day. And you sat

there. You said Friday is your busiest day. I said, I don't know, whose told you that. Oh, your secretary did. Okay. What happened Friday? They came back again and they came back again.

**JACOB TAWIL, DPW COMMISSIONER:** No because -- because we did not decide. Because we did not decide that day. They say they consulted in front of you because I said who did you talk to. You said you consulted with this business, who did you talk to. He said, yes, I talked to this lady in there and she told me which one is my busiest day and so on. And they said, no, it's not my busiest day.

But we can -- we can -- we can, you know, we're sending a Nixle all the time, you know, like the Mayor was saying. We're trying to inform the people all the time. Today we sent Nixle about fire hydrant that has to be relocated because of the project. It's, it's a tough project. Nobody -- you can't please everybody with this project. There are mistakes, no question about it.

**PRESIDENT RODRIGUES:** You sent two Nixle, one for the fire hydrant and one for striping.

**JACOB TAWIL, DPW COMMISSIONER:** That's today.

**PRESIDENT RODRIGUES:** Yeah, that's it.

**JACOB TAWIL, DPW COMMISSIONER:** No, we sent --

**PRESIDENT RODRIGUES:** You have not sent --

well, I haven't got anything about East Main Street.

**JACOB TAWIL, DPW COMMISSIONER:** I respectfully

--

**PRESIDENT RODRIGUES:** We can look it up. We can look it up.

**JACOB TAWIL, DPW COMMISSIONER:** Yeah, we can look it up. And the schedule is on our website. It's continuously on our website. And -- and we can take a look at it. And if something's not posted, again, it's my apologies. We're paying millions of dollars in there for quality of control. The DOT is the worst -- is the worst inspector in there. Their requirement is extremely stringent. They come and inspect and audit. It's not only WSP, the UT themselves will come.

The -- the ADA curbs and sidewalks, the \$4.5 million that we've done, it's finished in 2021, we just did the walkthrough with the DOT in there. The DOT is extremely, extremely stringent. Their specifications are like they told you, extremely stringent. Some inspectors, they're -- they're -- they're -- they don't comprehend sometimes what they are saying and the make the problem appear much bigger than what they are.

**PRESIDENT RODRIGUES:** All right. So I just -- I don't want to beat over and over and you're gonna tell me other projects and everything.

So WSP sends out reports. WSP sends out reports to you, only you or who do they send out the reports to?

**JACOB TAWIL, DPW COMMISSIONER:** No, they don't send reports to me. There are emails going back and forth every day about 20 of them going back and forth with each other. It's not -- it's not only to me. They're communicating with each other and they're copying me.

**PRESIDENT RODRIGUES:** Okay.

**JACOB TAWIL, DPW COMMISSIONER:** And they're copying other people in my office. Would you like to be copied on them?

**PRESIDENT RODRIGUES:** Yes. I think the whole Council should see it. We're paying them \$1 million and this lady is telling me this when I just called her today.

**JACOB TAWIL, DPW COMMISSIONER:** Okay. I'll send -- I'll send --

**PRESIDENT RODRIGUES:** I think that we -- we need to know what's going on.

**JACOB TAWIL, DPW COMMISSIONER:** I'll send a text.

**JOSEPH DESTEFANO, MAYOR:** Did she put in writing anything that she said?

**PRESIDENT RODRIGUES:** No, she -- we just -- I spoke to her.

**JOSEPH DESTEFANO, MAYOR:** Could you call her and ask her to send a memo to me?

**PRESIDENT RODRIGUES:** Yeah. She said I can go down to her office.

**JOSEPH DESTEFANO, MAYOR:** No, no, ask her to send it in writing. I don't want to listen to her.

**PRESIDENT RODRIGUES:** I'll call -- I'll call her tomorrow morning.

**JACOB TAWIL, DPW COMMISSIONER:** Well, tonight I'll send -- I'll send a letter -- I'll send an email to all the WSP personnel and -- and tell them -- tell them what has taken place. And the Council now wants -- wants an update.

And as you know, everybody Boyce wanted to come and address the Council. Everybody wanted to come address the Council and the Mayor and all that stuff. It's complicated project. People are on top of each other. Problems in old city. We don't know what's in the ground. We know as much as we know what's in the ground. Even when they know what's in the ground, they build some time stuff on top of it and that's where we come in. I say, no, that's not acceptable. They said, well, we'll move the water line. Who's going to pay for

moving the water line?

So we're holding our -- our line in there. Some of the things that are said to you, unfortunately, they could be, you know, they are true, but that's part of the construction that is taking place. And it's being dealt with.

And there were letters going back and forth and you're not gonna paid and you're gonna get paid. And you have 48 hours to get back to us. And I get phone calls 7:00 in the morning from the bosses and WSP saying, Jacob, we discovered this. What, you know, we suggest this and then we go talk it out.

And then I come afterwards, after we make the decision, I come and report it to the Mayor. If the Mayor is not happy with it, we can change it.

This is -- this is ongoing thing. This is what we do, the Mayor and I when we talk. It's just ongoing. And that's just only one project of multiple projects that we are dealing with.

Sometimes I didn't tell you that the dam, at some point they told me, Jacob, the dam is becoming unstable, we -- we have a problem. Okay. Where is everybody when the water level was getting higher and higher. I had, me, I had to go scramble and find a solution. And we had engineers specializing in dams. But

that's one of the project that we're working with.

Again, I regret and I -- I apologize for what -  
- what has taken place in front of East Main and Academy  
in there. It's uncalled for. It's lack of organization,  
lack of, you know, the businesses they should not have to  
suffer. This is not that acceptable. I said that in  
front of you to them. And I keep saying that. And, you  
know, listen, if there is any -- if anybody is hurt in  
there, we're willing to make them good. We're willing to  
make the business good. That's -- that's ultimately what  
they have told me because they don't, you know, they're  
not there to -- to hurt anybody. They're trying to get  
the job and, again, it is complicated job.

**ALD. TOBIN:** Question about the materials that  
were unsuitable, was that fixed or --

**JACOB TAWIL, DPW COMMISSIONER:** No, it's --  
it's what they have installed material. The DOT, God  
bless them, they require you when you build a job to go  
have a pile of material, big huge pile of material. The  
DOT inspector will go test it, take samples of it to make  
sure it does meet the requirement. It's crushed stone  
basically, crushed stone. It's got to meet the  
requirement on item 4.

Then you have to put a sign in there saying  
this is approved sign, just a sign, put a sign in the

pile to say that this sign was -- this pile was analyzed, passed the DOT and that's acceptable.

Sometimes you got take another analysis, another sample of that pile and it's a little bit different. Why? Because it's a stone and it's a huge pile, it might be a little different.

**ALD. TOBIN:** Okay.

**JACOB TAWIL, DPW COMMISSIONER:** That's not what happened here. Hold on. That's not what happened here. This -- they're referring -- what she is referring to at the beginning of the project in there, the first year it was different inspectors. Different inspectors, we were not happy with them and we kicked them out, not the boss, not the company, certain inspectors. We did kick them out. It was a -- it was a fighting. As like when I sit down in there meeting, they're almost representing the contractor more than they're representing us. And I keep reminding the guy, hey, you're not working for them, you're working for us.

Make a long story short, these people were kicked out. Certified payroll she's referring to is under those people who were there. Those people who were there that are ultimately under WSB's control. Our contract is with WSB. Nobody's innocent. They are -- they are to protect our interest.

So the material that was put under some of the sidewalk was not -- was not tested material, I believe in accordance with the regulation of DOT to put the pile, put the thing on it.

**ALD. TOBIN:** I'm not sure, but I heard --

**JACOB TAWIL, DPW COMMISSIONER:** No, it's a crushed stone. It's not like a quick sand. They didn't put quick sand under the sidewalk or anything like that.

**ALD. TOBIN:** They just wanted, you know, we paid Boyce and two years later the sidewalks are all breaking.

**PRESIDENT RODRIGUES:** They're breaking now. They're breaking now. She has a report from the sidewalks that have over the winter. They're broken. They're cracked. There's issues. There's a report. I'll get it tomorrow.

**JACOB TAWIL, DPW COMMISSIONER:** Good so. You know, any deficiencies in the work will have to be addressed, any deficiencies. And, honestly, some of the work that has taken place usually within a year the warranty is over. Because of the length of this project, most of these sidewalks we're talking about it's -- they've got to be three years because it's a three-year project. And there's no final acceptance until everything is accepted. So you have much more aging

process, much more loading process is going to be taken care of all these sidewalks.

They are there. I've got advanced testing, independent of WSB, independent of City of Middletown, independent of Boyce sitting there doing compassion test, measuring the depth of the material. We've got WSP measuring the depth of the material. Everything is being done with eyes wide open watching everything that happens. If anything that happened in there that's substandard, shame on them, WSP and shame on Boyce. And we'll get to the bottom of it. There's no money being shoveled everywhere.

You're paying about 5 -- 5 percent of the overall amount of this project. You're paying 5 percent, City taxpayers. 95 percent, give or take, don't hold me to this number, 95 percent of it is gonna -- is paid by the federal government through New York City DOT. There are a million eyes watching it. The City of Middletown is -- is the luckiest city to get this much work done in such a short period of time. And -- and the quality of the work and the grants that we got. It's a dream. It's really a dream for us to get this far and to get this project and to get it constructed.

It's going to be a major facelift, major improvement for the (indiscernible), for the downtown,

for sidewalks that you mention all along all the way out to city line by almost to QuickChek you're gonna have sidewalks, you're gonna have walkable -- for walkability in the City of Middletown.

**ALD. TOBIN:** I agree. I mean, I just -- when I heard that word that raised a flag for me. That's why --

**JACOB TAWIL, DPW COMMISSIONER:** I -- I know. That's why I'm upset about her saying this to the Council President without elaborating. What is it quicksand? Did they put mud in there? Did they, I mean, it's -- it's a procure that was -- I'm not minimizing it. We've been fighting with it. And their boss, the WSP boss is talking to the DOT. And -- and the person in the DOT because it's very simple. You destroy one sample, take -- take samples and there take them and I'll test it if you want if push comes to shove. You do random samples. I've been doing this all my life. This is not brain surgery. We'll -- we'll get to the bottom of it.

**ALD. TOBIN:** All right. Thank you.

**PRESIDENT RODRIGUES:** Anyone else have anything for Jacob? Thank you.

## **7. Remarks of the Department Heads**

**PRESIDENT RODRIGUES:** Economic Development.

**MARIA BRUNI, ECONOMIC DEVELOPMENT:** Good evening. I just want to remind everybody that the

fireworks are on July 1st at Davidge Park. And this year we have a Disney tribute group performing for the families and everybody coming up there. So everything begins at 7. We're looking forward to a good holiday weekend. And that's all I have for tonight.

**PRESIDENT RODRIGUES:** Any questions for Maria?

**MARIA BRUNI, ECONOMIC DEVELOPMENT:** Thank you.

**PRESIDENT RODRIGUES:** Fire Chief..

**NICK BARBER, FIRE CHIEF:** Good evening, everybody. I just want to let everybody know on June 24th we have Alex's Lemonade Stand. It's gonna be at Central Firehouse on the ramp selling lemonade. 100 percent proceeds go to the fight childhood cancer. Hope everybody comes out, buys a glass of lemonade supports them. I know I'll be there because they helped my son, so.

I'm sure everybody read in today's thing there whatever you call it anymore, paper, Fireman Joe has left his perch. He's in Newburg right now. And the article was not too accurate. The color has not been chosen for Fireman Joe. The base will be moved over 5 feet to the left. I spoke to Rotolo, there's going to be wire -- electric run for a lantern and a couple spot lights ground mounted shining up on Fireman Joe. Other than that, it's just getting started, so we've got about four

months before he comes back.

Any questions?

**PRESIDENT RODRIGUES:** Any questions for the Fire Chief. Thank you, Chief.

Police Chief.

**JOHN EWANCIW, POLICE CHIEF:** Good evening. As we approach the Fourth of July weekend, I just want to remind the residents that City of Middletown has opted out of any type of firework use. They're not allowed to sell them, not allowed to utilize them. So I encourage all of the residents to come out and enjoy the fireworks that are put on by the City.

And there's a purpose behind that. You know, we're a condensed area. We have fires, injuries every year. And we're trying to prevent that and avoid noise concerns, fires, injuries, so on and so forth. So please enjoy the holiday responsibly, but respect our rules and regulations. We will be out enforcing those City Codes as well. Other than that, I have nothing unless you have something for me.

**PRESIDENT RODRIGUES:** Any questions for the Police Chief? Thank you, Chief.

City Clerk.

**RICHARD MCCORMACK, CITY CLERK:** Nothing this evening.

**PRESIDENT RODRIGUES:** Any questions for the City Clerk? All right.

**8. Public Hearings and Grievances**

**RICHARD MCCORMACK, CITY CLERK:** Good evening. Notice is hereby given that the City of Middletown will hold a public hearing on Tuesday, June 20th, 2023 on or as near as 7:30 as possible Common Council Chambers, 2nd Floor, 16 James Street to hear any and all persons wishing to be heard on the proposed rezoning of the following parcel from R2 family residential district to C2 limited business district to be governed henceforth by the revisions of Section 475-20. Tax map SBL41-2-12.1 Section 2, any commercial cleaning services operating upon this parcel shall be subject to the following restrictions. All services must be provided offsite. All large equipment must be stored inside the structure as per the direction of the Planning Board. This order shall take effect immediately.

Any and all persons wishing to be heard will be given an opportunity to speak either for or against proposed zoning amendment. The complete proposed zoning amendment is available in the Office of the Common Council Clerk, City Hall, 16 James Street, Room 12 and on the city website. The public hearing will be conducted in person and live on Channel 20 for viewing. Any person

unable to participate in the time of the public hearing may email comments to rmccormack@middletown-ny.com by order of the Common Counsel.

**PRESIDENT RODRIGUES:** Okay. At this time, the public hearing is now open. Anyone from the public? Any Councilman have any issues? Comments? Do I have a motion to close?

**ALD. MASI:** So moved.

**PRESIDENT RODRIGUES:** Alderman Masi. Second?

**ALD. WITT:** Second.

**PRESIDENT RODRIGUES:** Alderman Witt. All in favor?

**ALDERMANS:** Aye.

#### 9. Petitions and Complaints

**PRESIDENT RODRIGUES:** Petitions and Complaints, nothing.

#### 10. Remarks of Alderman

**PRESIDENT RODRIGUES:** Reports of Committees and Alderman, Alderman Masi.

**ALD. MASI:** Two -- two quick things. One I want to congratulate on the Odyssey of the Mind Champion Teams from, both, Presidential Park and Monhagen Middle School. That was a great thing that we did tonight recognizing them. And I'm sure they put a lot of time and effort in and, and they deserve it.

The final thing I would like to acknowledge and congratulate the Presidential Park Elementary School students, faculty, and staff for the Flag Day Program they put on for the American Legion Post 151 and our military veterans. It was a moving, a appreciated ceremony. And as a veteran I thank you very much.

That's it. Thank you.

**PRESIDENT RODRIGUES:** Alderman Witt.

**ALD. WITT:** Thank you. Just high school graduation is scheduled for Friday at 6:00. You can get into the stadium as early as 4. But at 5 p.m. the parking lot closes. So you will be able to park at the Fairgrounds and you will be shuttled to the stadium. But that -- that's where we stand right now. If there's any changes we will let you know on the district website, [middletowncityschools.org](http://middletowncityschools.org) and social media. Thank you.

**PRESIDENT RODRIGUES:** Alderman Green.

**ALD. GREEN:** Thank you very much. Yeah, just a huge shout out to those Odyssey of the Mind Teams. That's awesome and they deserve every bit of recognition that they get.

I do want to publically thank Commissions Tawil and the City Clerk, Rick, there for all their help. There was some confusion about garbage pickup with federal holidays and things. And I know we -- we spoke

about that before. But thank you for taking my messages so early in the morning. Sometimes I forget I'm up so early, how early, I'm just messaging people. But I really appreciate all your help. Thank you. And forgetting that website matter I brought to the table fixed. Thank you.

**PRESIDENT RODRIGUES:** Alderman Kleiner.

**ALD. KLEINER:** Thank you. Believe it or not tomorrow night's the longest day of the year, tomorrow is.

**PRESIDENT RODRIGUES:** The 1st.

**ALD. KLEINER:** Yes, it will be the first day of summer.

I want to thank the Mayor for the updates on the projects that -- to questions that we get asked so much in our constituents meetings. So I thank him for the updates.

I congratulate all the girls on the winning Odyssey of the Mind teams. It's -- it's a great thing for Middletown.

The -- also remind people that June 30th is Jimmy Sturr on the Friday night concerts. I know a lot of people like to go to that before the July 1st fireworks.

Also, I want to remind people too that our next  
AMERICAN LEGAL TRANSCRIPTION (845) 452-3090

Council meetings we will not have a July 4th meeting, so our next council meeting is July 18th. So before then, we will have our 2nd Ward constituents meeting. And that will be on July 10th. And then in August our Council meeting will be on August 15th.

I thank Parks and Rec and the Lions Club for doing the fishing derby. The young man who won in his age group also won for the two biggest fish and also won for the most fish. So I don't have his name, but I congratulate him.

And -- and I think I'm going to leave it at that. Thank you.

**PRESIDENT RODRIGUES:** Alderwoman Wray.

**ALD. WRAY:** I just want to congratulate the girls from OM. I know particularly the girls at Presidential gave up a lot of lunch periods, a lot of after school time. And that's two years in a row now for those girls. I'm super proud of all of them.

In other news that is fresh for tonight, both our senior boys baseball and junior girls softball for Little League are both going to the championship game this week. So I'm just proud of all those kids and wish them well. That's all I have tonight. Thank you.

Oh, and to our graduates this week, I'm sorry. I cannot -- I cannot say congrats to them. You guys have

done wonderful things. I'm praying for good weather as always because it always make it a lot of smoother. So best of luck to all of them. That's all.

**PRESIDENT RODRIGUES:** Alderman Johnson.

**ALD. JOHNSON:** Go Middies. Thank you.

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

**ALD. JEAN-FRANCOIS:** Yes, good evening. I just want to congratulate everyone that participated in the Juneteenth celebration. It was well deserved. Very important, I learned a lot from that celebration. I just want to thank everyone that was involved with that especially the (indiscernible) district. I know they put a lot of work into that and that was greatly appreciated. Thank you.

**PRESIDENT RODRIGUES:** Alderman Tobin.

**ALD. TOBIN:** I just want to echo the congratulations to the teams being state champs and going onto the Worlds. And I didn't catch the names of the coaches, but, you know, we appreciate all the time they spend above and beyond to help these kids and take their time to travel across the country. And it's a testament to the school system.

## **11. Unfinished Business**

**(None this evening)**

## **12. New Business.**

**PRESIDENT RODRIGUES:** Okay. New business.

**RICHARD MCCORMACK, CITY CLERK:** Good evening.

We have a Resolution sponsored by Alderman Johnson amending the zoning code to change a lot on Sprague Avenue from R2 to C2.

**PRESIDENT RODRIGUES:** Resolution sponsored by Alderman Johnson, seconded by Alderman Tobin. Any discussion? Roll.

Roll Call: Aye: Tobin, Jean-Francois, Johnson, Wray, Kleiner, Green, Witt, Masi; Abstain: President Rodrigues. Carries.

**RICHARD MCCORMACK, CITY CLERK:** Resolution sponsored by Alderman Green authorizing a block party on Saturday, July 8th on Sunset Street between Highland Place and Highland Avenue.

**PRESIDENT RODRIGUES:** Resolution sponsored by Alderman Green, seconded by Alderman Kleiner. Any discussion? Roll.

Roll Call: Aye: Tobin, Jean-Francois, Johnson, Wray, Kleiner, Green, Witt, Masi, President Rodrigues. Carries.

Resolution sponsored by Alderman Johnson, seconded by Alderman Tobin. Any discussion? Roll.

Roll Call: Aye: Tobin, Jean-Francois, Johnson, Wray, Kleiner, Green, Witt, Masi; Abstain:

President Rodrigues. Carries.

**RICHARD MCCORMACK, CITY CLERK:** Resolution sponsored by Alderman Masi authorizing the Orange County Summer Youth Employment Program Worksite Agreement for 2023.

**PRESIDENT RODRIGUES:** Resolution sponsored by Alderman Masi, seconded by Alderman Green. Any discussion? Roll.

Roll Call: Aye: Tobin, Jean-Francois, Johnson, Wray, Kleiner, Green, Witt, Masi, President Rodrigues. Carries.

**RICHARD MCCORMACK, CITY CLERK:** Resolution sponsored by Alderman Jean-Francois awarding bids for the disposal of aluminum metal appliances and cast iron to Tepliz Metal Processing.

**PRESIDENT RODRIGUES:** Resolution sponsored by Alderman Jean-Francois, seconded by Alderman Johnson. Any discussion? Roll.

Roll Call: Aye: Tobin, Jean-Francois, Johnson, Wray, Kleiner, Green, Witt, Masi, President Rodrigues. Carries.

**RICHARD MCCORMACK, CITY CLERK:** Resolution sponsored by Alderman Witt awarding the bid for the annual plumbing maintenance work to G. Richard Truex P&H.

**PRESIDENT RODRIGUES:** Resolution sponsored by  
AMERICAN LEGAL TRANSCRIPTION (845) 452-3090

Alderman Witt, seconded by Alderman Wray. Any discussion? Roll.

Roll Call: Aye: Tobin, Jean-Francois, Johnson, Wray, Kleiner, Green, Witt, Masi, President Rodrigues. Carries.

**RICHARD MCCORMACK, CITY CLERK:** Resolution sponsored by Alderman Wray awarding the bid for the annual HVAC maintenance work to Val Bruni Plumbing & Hearing.

**PRESIDENT RODRIGUES:** Resolution sponsored by Alderman Wray, seconded by Alderman Kleiner. Any discussion? Roll.

Roll Call: Aye: Tobin, Jean-Francois, Johnson, Wray, Kleiner, Green, Witt, Masi, President Rodrigues. Carries.

**RICHARD MCCORMACK, CITY CLERK:** Resolution sponsored by Alderman Tobin awarding the bid for the disposal of C&D and tires from the clean-up program to Taylor-Montgomery.

**PRESIDENT RODRIGUES:** Resolution sponsored by Alderman Tobin, seconded by Alderman Johnson. Any discussion?

Jacob, do we have to drive this to Montgomery?

**JACOB TAWIL, DPW COMMISSIONER:** Not for the tires.

**PRESIDENT RODRIGUES:** Not for the tires.

**JACOB TAWIL, DPW COMMISSIONER:** No, the tires they bring the dumpster.

**PRESIDENT RODRIGUES:** So C&D, do we have any C&D?

**JACOB TAWIL, DPW COMMISSIONER:** C&D usually we take care of it ourselves. It goes to our transfer station, but when we demolish a house or something. But we always bid it just in case it goes beyond our limits.

**PRESIDENT RODRIGUES:** Okay. Anyone else?

Roll.

Roll Call: Aye: Tobin, Jean-Francois, Johnson, Wray, Kleiner, Green, Witt, Masi, President Rodrigues. Carries.

**RICHARD MCCORMACK, CITY CLERK:** Resolution sponsored by Alderman Kleiner awarding the bid for the annual electric maintenance work to Harry F. Rotolo & Son, Inc.

**PRESIDENT RODRIGUES:** Resolution sponsored by Alderman Kleiner, seconded by Alderman Green. Any discussion? Roll.

Roll Call: Aye: Tobin, Jean-Francois, Johnson, Wray, Kleiner, Green, Witt, Masi, President Rodrigues. Carries.

**RICHARD MCCORMACK, CITY CLERK:** Resolution  
AMERICAN LEGAL TRANSCRIPTION (845) 452-3090

sponsored by Alderman Green awarding bids for water pipe and gray iron castings.

**PRESIDENT RODRIGUES:** Resolution sponsored by Alderman Green, seconded by Alderman Tobin. Any discussion? Roll.

Roll Call: Aye: Tobin, Jean-Francois, Johnson, Wray, Kleiner, Green, Witt, Masi, President Rodrigues. Carries.

**RICHARD MCCORMACK, CITY CLERK:** Resolution sponsored by Alderman Masi awarding the chemical bid.

**PRESIDENT RODRIGUES:** Resolution sponsored by Alderman Masi, seconded by Alderman Jean-Francois. Any discussion? Roll.

Roll Call: Aye: Tobin, Jean-Francois, Johnson, Wray, Kleiner, Green, Witt, Masi, President Rodrigues. Carries.

### **13. Local Laws**

**(Nothing this evening)**

### **14. Audit of Claims and Accounts**

**PRESIDENT RODRIGUES:** Audit.

**ALD. MASI:** Mr. President, I move the accounts be audited, the claims be adjusted and the City Treasurer be authorized to issue warrants for their payments.

**PRESIDENT RODRIGUES:** Resolution sponsored by Alderman Masi, seconded by Alderman Green. Roll.

Roll Call: Ayes: Tobin, Jean-Francois,  
Johnson, Wray, Kleiner, Green, Witt, Masi, President  
Rodrigues. Carries.

**15. Adjournment**

**PRESIDENT RODRIGUES:** Move for adjournment.

**ALD. MASI:** So moved.

(PROCEEDING CONCLUDED)

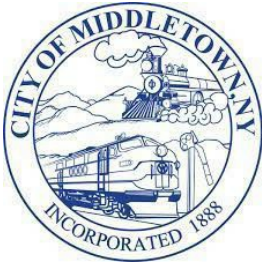
CERTIFICATION

I, LISA KANE, certify the foregoing transcript of proceedings  
of the June 20, 2023 Middletown City Council meeting was  
prepared using the required electronic equipment and is a true  
and accurate record of the proceedings.

Signature: *Lisa Kane*

Date: July 11, 2023

Agency: American Legal Transcription  
11 Market Street, Suite 215  
Poughkeepsie, New York 12601



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

THE FOLLOWING WAS PRESENTED

By Ald. Johnson

Sec'd by Ald. Tobin

Date of Adoption: June 20, 2023

Index No: 133-23

| Names             | Ayes | Noes | Abstain | Absent |
|-------------------|------|------|---------|--------|
| Ald. Tobin        | X    |      |         |        |
| Ald Jean-Francois | X    |      |         |        |
| Ald. Johnson      | X    |      |         |        |
| Ald. Wray         | X    |      |         |        |
| Ald. Kleiner      | X    |      |         |        |
| Ald. Green        | X    |      |         |        |
| Ald. Witt         | X    |      |         |        |
| Ald. Masi         | X    |      |         |        |
| Pres. Rodrigues   |      |      | X       |        |
| Total             | 8    |      | 1       |        |

**Resolution Amending the Zoning Code to Change a Lot on Sprague Avenue from R-2 to C-2**

WHEREAS, the Common Council of the City of Middletown recently added the use of offsite commercial cleaning services, with certain restrictions, in the C-2 Limited Zoning District bounded by Sprague Avenue, Sterling Street, Academy Avenue, and Genung Street, and

WHEREAS, the commercial cleaning service located at 108-110 Sprague Avenue, SBL 41-2-14, has a paved rear entrance that is partially located on a contiguous vacant parcel, SBL 41-2-12.1, which is zoned R-2, and

WHEREAS, the both lots are presently owned by the same entity, and

WHEREAS, this owner wishes to utilize the contiguous parcel for access to the commercial cleaning business, and

WHEREAS, the contiguous parcel is bounded on two sides by contiguous parcels also zoned C-2, and

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

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

Section 1. The Code of the City of Middletown, N.Y., Chapter 123, Zoning, as adopted March 27, 1967 and amended, and in particular Section 475 -6, Zoning Map, be and is hereby further amended by rezoning the following parcel from R -2 Two Family Residential District to C-2 Limited Business District, to be governed henceforth by the provisions of Section 475-20:

Tax Map

SBL 41-2-12.1

Section 2. Any commercial cleaning services operating upon this parcel shall be subject to the following restrictions:

1. All services must be provided offsite; and
2. All large equipment must be stored inside a structure as per the direction of the Planning Board.

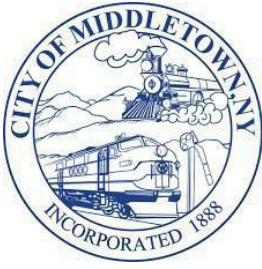
- Section 3. This Ordinance shall take effect immediately.

**ATTACHMENTS:**

[C-2 Zone Addition - Sprague Avenue Lot.pdf](#)

[Notice of Public Hearing R2 to C2 Zoning Amendment.pdf](#)

[Notice of Public Hearing R2 to C2 Zoning Amendment Legal Ad Affidavit.pdf](#)



**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: June 20, 2023

Index No: 134-23

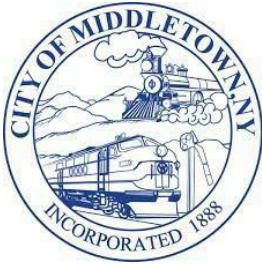
| Names             | Ayes | Noes | Abstain | Absent |
|-------------------|------|------|---------|--------|
| Ald. Tobin        | X    |      |         |        |
| Ald Jean-Francois | X    |      |         |        |
| Ald. Johnson      | X    |      |         |        |
| Ald. Wray         | X    |      |         |        |
| Ald. Kleiner      | X    |      |         |        |
| Ald. Green        | X    |      |         |        |
| Ald. Witt         | X    |      |         |        |
| Ald. Masi         | X    |      |         |        |
| Pres. Rodrigues   | X    |      |         |        |
| Total             | 9    |      |         |        |

**Resolution Authorizing a Block Party on Saturday, July 8, 2023 on Sunset Street between  
Highland Place and Highland Avenue**

BE IT RESOLVED that the Common Council of the City of Middletown authorizes a block party on Saturday, July 8, 2023, (rain date Sunday, July 9, 2023) on Sunset Street between Highland Place and Highland Avenue, from 12 PM-8 PM.

**ATTACHMENTS:**

[Block Party Request Sunset Street.pdf](#)



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

THE FOLLOWING WAS PRESENTED

By Ald. Jean-Francois

Sec'd by Ald. Johnson

Date of Adoption: June 20, 2023

Index No: 135-23

| Names             | Ayes | Noes | Abstain | Absent |
|-------------------|------|------|---------|--------|
| Ald. Tobin        | X    |      |         |        |
| Ald Jean-Francois | X    |      |         |        |
| Ald. Johnson      | X    |      |         |        |
| Ald. Wray         | X    |      |         |        |
| Ald. Kleiner      | X    |      |         |        |
| Ald. Green        | X    |      |         |        |
| Ald. Witt         | X    |      |         |        |
| Ald. Masi         | X    |      |         |        |
| Pres. Rodrigues   | X    |      |         |        |
| Total             | 9    |      |         |        |

### **Resolution Awarding Bids for the Disposal of Aluminum/ Metal/ Appliances and Cast-iron to Teplitz Metal Processing**

WHEREAS Bids for the disposal of aluminum/ metal/ appliances and cast-iron were received and opened at the Board of Estimate & Apportionment meeting held on June 15, 2023, and recorded on the Bid Tabulation Sheet (attached); and

WHEREAS the Commissioner of Public Works has reviewed the bids and respectfully requests awarding the bid as follows:

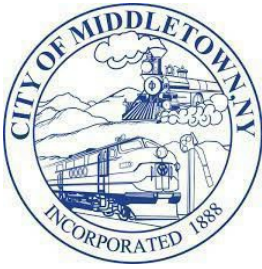
#### **Teplitz Metal Processing, 75 Church St., Middletown, NY 10940:**

in the amount paid to the City of \$195/ton delivered by City trucks-in City unloading.

#### **ATTACHMENTS:**

[2023 Disposal of Aluminum-Mteal-Appliances Bid Tabulation Sheet.pdf](#)

[Disposal of Aluminum Award Letter.pdf](#)



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

THE FOLLOWING WAS PRESENTED

By Ald. Witt

Sec'd by Ald. Wray

Date of Adoption: June 20, 2023

Index No: 136-23

| Names             | Ayes | Noes | Abstain | Absent |
|-------------------|------|------|---------|--------|
| Ald. Tobin        | X    |      |         |        |
| Ald Jean-Francois | X    |      |         |        |
| Ald. Johnson      | X    |      |         |        |
| Ald. Wray         | X    |      |         |        |
| Ald. Kleiner      | X    |      |         |        |
| Ald. Green        | X    |      |         |        |
| Ald. Witt         | X    |      |         |        |
| Ald. Masi         | X    |      |         |        |
| Pres. Rodrigues   | X    |      |         |        |
| Total             | 9    |      |         |        |

**Resolution Awarding the Bid for Annual Plumbing Maintenance Work G. Richard Truex P&H,**

WHEREAS Bids for the Annual Plumbing Maintenance Work, City Buildings/Facilities were received and opened at the Board of Estimate & Apportionment meeting held on June 15, 2023, and recorded on the Bid Tabulation Sheet (attached); and

WHEREAS the Commissioner of Public Works has reviewed the bids and respectfully requests awarding the bid as follows:

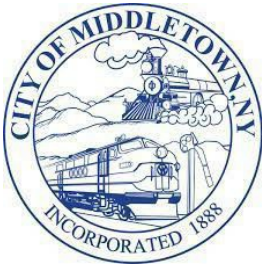
**G. Richard Truex P&H, Inc., P. O. Box 2152, Middletown, NY 10940:**

\$95 for the hourly rate, \$152.50/hr. for OT, and \$200/hr. Sundays and holidays.

**ATTACHMENTS:**

[2023 Plumbing Bid Tabulation Sheet.pdf](#)

[Plumbing Award Letter.pdf](#)



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

THE FOLLOWING WAS PRESENTED

By Ald. Tobin

Sec'd by Ald. Johnson

Date of Adoption: June 20, 2023

Index No: 137-23

| Names             | Ayes | Noes | Abstain | Absent |
|-------------------|------|------|---------|--------|
| Ald. Tobin        | X    |      |         |        |
| Ald Jean-Francois | X    |      |         |        |
| Ald. Johnson      | X    |      |         |        |
| Ald. Wray         | X    |      |         |        |
| Ald. Kleiner      | X    |      |         |        |
| Ald. Green        | X    |      |         |        |
| Ald. Witt         | X    |      |         |        |
| Ald. Masi         | X    |      |         |        |
| Pres. Rodrigues   | X    |      |         |        |
| Total             | 9    |      |         |        |

**Resolution Awarding the Bid of Disposal of C&D, and tires from the Clean Up Program to Taylor-Montgomery**

WHEREAS Bids for the Disposal of C&D, and tires from Clean Up Program were received and opened at the Board of Estimate & Apportionment meeting held on June 15, 2023, and recorded on the Bid Tabulation Sheet (attached); and

WHEREAS the Commissioner of Public Works has reviewed the bids and respectfully requests awarding the bid as follows:

**Taylor-Montgomery, LLC. 350 Neelytown Rd. Montgomery NY 12548:**

Disposal of C&D \$135.00/ton at bidder's transfer station;

Tires: \$575 per 30 cy dumpster plus the material content weight charges for the tires at \$595/ton includes the first (30 day) monthly rental period.

Additional monthly rental fee of \$250 per month applies after initial (30 days) monthly rental period expires.

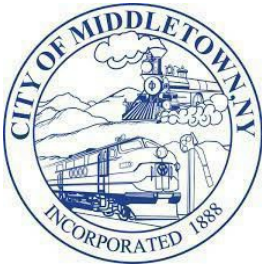
This monthly rental fee is in addition to container charges upon delivery and the materials (tires) to be

disposed content weight tipping fees. \$395.00 per container + \$400.00/ton

**ATTACHMENTS:**

[2023 Disposal of Construction Debris and Tires Bid Tabulation Sheet.pdf](#)

[Disposal of C and D Award Letter.pdf](#)



**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: June 20, 2023

Index No: 138-23

| Names             | Ayes | Noes | Abstain | Absent |
|-------------------|------|------|---------|--------|
| Ald. Tobin        | X    |      |         |        |
| Ald Jean-Francois | X    |      |         |        |
| Ald. Johnson      | X    |      |         |        |
| Ald. Wray         | X    |      |         |        |
| Ald. Kleiner      | X    |      |         |        |
| Ald. Green        | X    |      |         |        |
| Ald. Witt         | X    |      |         |        |
| Ald. Masi         | X    |      |         |        |
| Pres. Rodrigues   | X    |      |         |        |
| Total             | 9    |      |         |        |

**Resolution Awarding the Bid for Annual Electric Maintenance Work to Harry F. Rotolo & Son, Inc.**

WHEREAS Bids for Annual Electric Maintenance Work were received and opened at the Board of Estimate & Apportionment meeting held on June 15, 2023, and recorded on the Bid Tabulation Sheet (attached); and

WHEREAS the Commissioner of Public Works has reviewed the bids and respectfully requests awarding the bid as follows:

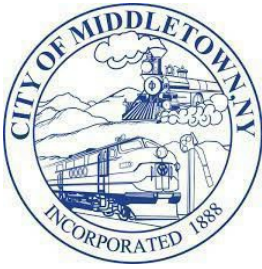
**Harry F. Rotolo & Son, Inc., 390 East Main Street, Middletown, NY 10940:**

@\$89/hr. rate; \$127/hr. OT rate; \$155/hr. holiday rate.; \$50/hr. Bucket truck rate (max. \$200/day).

**ATTACHMENTS:**

[2023 Electrical Bid Tabulation Sheet.pdf](#)

[Electric Award Letter.pdf](#)



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

THE FOLLOWING WAS PRESENTED

By Ald. Green

Sec'd by Ald. Tobin

Date of Adoption: June 20, 2023

Index No: 139-23

| Names             | Ayes | Noes | Abstain | Absent |
|-------------------|------|------|---------|--------|
| Ald. Tobin        | X    |      |         |        |
| Ald Jean-Francois | X    |      |         |        |
| Ald. Johnson      | X    |      |         |        |
| Ald. Wray         | X    |      |         |        |
| Ald. Kleiner      | X    |      |         |        |
| Ald. Green        | X    |      |         |        |
| Ald. Witt         | X    |      |         |        |
| Ald. Masi         | X    |      |         |        |
| Pres. Rodrigues   | X    |      |         |        |
| Total             | 9    |      |         |        |

**Resolution Awarding Bids for Water Pipe and Gray Iron Castings**

WHEREAS Bids for the Water Pipe and Gray Iron Castings were received and opened at the Board of Estimate & Apportionment meeting held on June 15, 2023, and recorded on the Bid Tabulation Sheet (attached); and

WHEREAS the Commissioner of Public Works has reviewed the bids and respectfully requests awarding the bid as follows:

**Schmidt's Wholesale, P. O. Box 5100, Monticello, NY 12701:**

6" cement lined, Class 52 ductile iron Tyton joint water pipe @ \$27.85/lin. ft.\*subject to availability when needed

8" cement lined, Class 52 ductile iron Tyton joint water pipe @ \$39.41/lin. ft.\*subject to availability when needed

12" cement lined, Class 52 ductile iron Tyton joint water pipe @ \$64.87/lin. ft.\*subject to availability when needed

16" cement lined, Class 52 ductile iron Tyton joint water pipe @ \$93.83/lin. ft.

24" cement lined, Class 52 ductile iron Tyton joint water pipe @ \$154.55/lin. ft.

Fittings for 10" pipe – 90<sup>0</sup> bend domestic @ \$628.08 ea.

Fittings for 12" pipe - 45<sup>0</sup> bend domestic @ \$372.98.00 ea.

Manhole Frame 24"- 6" high import @ \$162.00 ea.

1" Manhole ext. ring for 24" import @ \$72.00 ea.

1 ½" Manhole ext. ring for 24" import @ \$60.00 ea.

2" Manhole ext. ring for 24" import @ \$66.00 ea.

1" Manhole ext. ring for 26" import @ \$110.00 ea.

1 ½" Manhole ext. ring for 26" import @ \$69.00 ea.

**Schmidt's Wholesale, P. O. Box 5100, Monticello, NY 12701 (cont.):**

2" Manhole ext. ring for 26" import @ \$72.00 ea.

Valve Box lid marked water import @ \$17.00 ea.

Valve box riser (6" high) import @ \$30.00 ea.

Valve box riser (3" high) import @ \$21.00 ea.

Valve box riser (2" high) import @ \$17.00 ea.

Valve box riser (1.5" high) import @ \$15.00 ea.

**Core & Main, 650 Sheafe Rd., Poughkeepsie, NY 12601:**

Fittings for 24" pipe - 45<sup>0</sup> bend domestic @ \$1273.45 ea.

Hydrants: Hydrants: Kennedy #K81AW Spin in 4" reg. @ \$4,116.55

Kennedy #K81AW Spin in 6" bronze lined @ \$4,240.25

Kennedy #K81 5' bury @ \$3,641.75

**Ferguson Waterworks, 200 Atlantic Ave., New Hyde Park, NY 11040:**

Fittings for 6" pipe - 11 1/4<sup>0</sup> bend imported @ \$196.69 ea.

- 22 1/2<sup>0</sup> bend imported @ \$192.36 ea.

- 45<sup>0</sup> bend imported @ \$201.02 ea.

- 90<sup>0</sup> bend imported @ \$223.20.00 ea.

Fittings for 8" pipe - 11 1/4<sup>0</sup> bend imported @ \$260.77 ea.

- 22 1/2<sup>0</sup> bend imported @ \$273.22 ea.

- 45<sup>0</sup> bend imported @ \$276.47 ea.

- 90<sup>0</sup> bend imported @ \$307.32 ea.

Fittings for 10" pipe - 11 1/4<sup>0</sup> bend imported @ \$389.22 ea.

- 22 1/2<sup>0</sup> bend imported @ \$390.31 ea.
- 45<sup>0</sup> bend imported @ \$390.85 ea.

Hydrants: Mueller A423 Super Centurion 250 5' bury @ \$3,459.30

Mueller A423 Super Centurion 250 6' bury @ \$3,605.99

Mueller Prod. Spin In 5' bury @ \$4,675.79

Mueller Prod. Spin In 6' bury @ \$4,912.04

Hydrant Option- Stortz Connection Pumper Nozzle @ \$240

Valves - Resilient Seat 6" dia. @ \$1,148.10 ea.

- Resilient Seat 8" dia. @ \$1,771.03 ea.

- Resilient Seat 10" dia. @ \$2,725.90 ea.

- Resilient Seat 14" dia. @ \$9,614.18 ea.

- Resilient Seat 16" dia. @ \$10,569.30 ea.

- Resilient Seat 18" dia. @ \$17,041.69 ea.

- Resilient Seat 20" dia. @ \$20,482.20 ea.

- Resilient Seat 24" dia. @ \$29,034.00 ea.

Hymax Couplings- 14" pipe @ \$1,354.49 ea.

Hymax Couplings -16" pipe @ \$1,396.23 ea.

Hymax Couplings -18" pipe @ \$1,642.56 ea.

Hymax Couplings -20" pipe @ \$1,773.93 ea.

Hymax Couplings- 24" pipe @ \$1,888.92 ea.

**Ferguson Waterworks, 200 Atlantic Ave., New Hyde Park, NY 11040(cont.):**

Manhole Cover 24"- import @ \$126.75 ea.

Manhole Frame 24"- 4" high domestic @ \$156.98 ea.; import @ \$111.63 ea.

Manhole Frame 26"- 4" high import @ \$138.37 ea.

Valve box riser (1" high) import @ \$11.69 ea.

#2540 Highway catch basin head imported @ \$147.67 ea.

#2540 Highway catch basin frame imported @ \$232.56 ea.

2" catch basin ext. for grate #2540 domestic @ \$243.75 ea.

2 1/2" catch basin ext. for grate #2540 domestic @ \$262.50 ea.

**Newburgh Winwater Co., 653 State Rte. 52, PO Box 353, Walden, NY 12586:**

6" cement lined, Class 52 ductile iron Tyton joint water pipe @ \$27.85/lin. ft.\*subject to availability when needed

8" cement lined, Class 52 ductile iron Tyton joint water pipe @ \$39.41/lin. ft.\*subject to availability when needed

10" cement lined, Class 52 ductile iron Tyton joint water pipe @\$51.45/lin. ft.

12" cement lined, Class 52 ductile iron Tyton joint water pipe @ \$64.87/lin. ft.\*subject to availability when needed

14" cement lined, Class 52 ductile iron Tyton joint water pipe @ \$80.13lin. ft.

20" cement lined, Class 52 ductile iron Tyton joint water pipe @ \$123.24/lin. ft.

Fittings for 6" pipe - 11 1/4<sup>0</sup> bend domestic @ \$319.90 ea.

- 22 1/2<sup>0</sup> bend domestic @ \$316.01 ea.

- 45<sup>0</sup> bend domestic @ \$326.89 ea.

- 90<sup>0</sup> bend domestic @ \$354.10 ea.

Fittings for 8" pipe - 11 1/4<sup>0</sup> bend domestic @ \$389.23 ea.

- 22 1/2<sup>0</sup> bend domestic @ \$413.77 ea.

- 45<sup>0</sup> bend domestic @ \$416.88 ea.

- 90<sup>0</sup> bend domestic @ \$461.18 ea.

Fittings for 10" pipe - 11 1/4<sup>0</sup> bend domestic @ \$593.53 ea.

- 22 1/2<sup>0</sup> bend domestic @ \$582.65 ea.
- 45<sup>0</sup> bend domestic @ \$591.21
- 90<sup>0</sup> bend imported @ \$456.48 ea.

Fittings for 12" pipe - 11 1/4<sup>0</sup> bend domestic @ \$777.14 ea; imported @ \$500.78 ea.

- 22 1/2<sup>0</sup> bend domestic @ \$796.57 ea; imported @ \$515.13 ea.

- 45<sup>0</sup> bend imported @ \$548.13 ea.

- 90<sup>0</sup> bend domestic @ \$976.10 ea; imported @ \$603.13 ea.

Fittings for 14" pipe - 11 1/4<sup>0</sup> bend domestic @ \$1,409.88 ea.; imported @ \$882.91 ea.

- 22 1/2<sup>0</sup> bend domestic @ 1,389.67 ea.; imported @ \$824.09 ea.

- 45<sup>0</sup> bend domestic @ \$1,378.79 ea.; imported @ \$818.83 ea.

- 90<sup>0</sup> bend domestic @ \$1,601.07 ea.; imported @ \$936.48 ea.

Fittings for 16" pipe - 11 1/4<sup>0</sup> bend domestic @ \$1,694.50 ea.; imported @ \$1,050.52 ea.

- 22 1/2<sup>0</sup> bend domestic @ \$1,694.50 ea.; imported @ \$1021.83 ea.
- 45<sup>0</sup> bend domestic @ \$1,734.14 ea.; imported @ \$1,042.87 ea.

**Newburgh Winwater Co., 653 State Rte. 52, PO Box 353, Walden, NY 12586 (cont.):**

- 90<sup>0</sup> bend domestic @ \$2,025.58 ea.; imported @ \$1,248.04 ea.

Fittings for 18" pipe - 11 1/4<sup>0</sup> bend domestic @ \$2,349.98 ea.; imported @ \$1,459.54 ea.

- 22 1/2<sup>0</sup> bend domestic @ \$2,224.08 ea.; imported @ \$1,295.50 ea.

- 45<sup>0</sup> bend domestic @ \$2,234.96.00 ea.; imported @ \$1,431.80 ea.

- 90<sup>0</sup> bend domestic @ \$2,678.72 ea.; imported @ \$1,564.28 ea.

Fittings for 20" pipe - 11 1/4<sup>0</sup> bend domestic @ \$2,727.42 ea.; imported @ \$1,624.80 ea.

- 22 1/2<sup>0</sup> bend domestic @ \$2,751.52 ea.; imported @ \$1,674.07 ea.

- 45<sup>0</sup> bend domestic @ \$2,659.03 ea.; imported @ \$1,637.72 ea.

- 90<sup>0</sup> bend domestic @ \$3,454.86 ea.; imported @ \$2,071.50 ea.

Fittings for 24" pipe - 11 1/4<sup>0</sup> bend domestic @ \$3,549.52 ea.; imported @ \$2,219.87 ea.

- 22 1/2<sup>0</sup> bend domestic @ \$3,717.39 ea.; imported @ \$2,292.09 ea.
- 45<sup>0</sup> bend imported @ \$2,386.78 ea.
- 90<sup>0</sup> bend domestic @ \$6,856.39 ea.; imported @ \$3,012.83 ea.

- Resilient Seat 12" dia. @ \$3,235.16 ea.

Valves -Butterfly 6" dia. @ \$1,176.35 ea.

Valves -Butterfly 8" dia. @ \$1,380.82 ea.

Valves -Butterfly 10" dia. @ \$1,903.65 ea.

Valves -Butterfly 12" dia. @ \$2,280.88 ea.

Valves -Butterfly 14" dia. @ \$3,734.18 ea.

Valves -Butterfly 16" dia. @ \$4,443.35 ea.

Valves -Butterfly 18" dia. @ \$4,990.12 ea.

Valves -Butterfly 20" dia. @ \$6,713.24 ea.

Valves -Butterfly 24" dia. @ \$9,064.65 ea.

Repair clamps – 14" pipe (ductile, cast iron) @ \$515.85 ea.

Repair clamps – 16" pipe (ductile, cast iron) @ \$577.57 ea.

Repair clamps – 18" pipe (ductile, cast iron) @ \$612.02 ea.

Repair clamps – 20" pipe (ductile, cast iron) @ \$699.88 ea.

Repair clamps – 24" pipe (ductile, cast iron) @ \$969.60 ea.

**Campbell Foundry Company, 800 Bergen St., Harrison, NJ 07029:**

Manhole Cover 24"- domestic @ \$145.00 ea.

Manhole Frame 24"- 6" high domestic @ \$185.00 ea.

Manhole Frame 24"- 8" high domestic @ \$195.00 ea.; import @ \$175.00 ea.

Manhole Cover 26"- domestic @ \$180.00 ea.; import @ \$160.00 ea.

Manhole Frame 26"- 4" high domestic @ \$180.00 ea.

26"- 6" high domestic @ \$180.00 ea.; import @ \$160.00 ea.

26"- 8" high domestic @ \$180.00 ea.; import @ \$160.00 ea.

1" Manhole ext. ring for 24" domestic @ \$155.00 ea.

1 ½" Manhole ext. ring for 24" domestic @ \$165.00 ea.

2" Manhole ext. ring for 24" domestic @ \$175.00 ea.

1" Manhole ext. ring for 26" domestic @ \$170.00 ea.

**Campbell Foundry Company, 800 Bergen St., Harrison, NJ 07029 (cont.):**

1 ½" Manhole ext. ring for 26" domestic @ \$180.00 ea.

2" Manhole ext. ring for 26" domestic @ \$190.00 ea.

#2540 Highway catch basin head domestic @ \$200.00 ea.

#2540 Highway catch basin grate domestic @ \$250.00 ea.; imported @ \$225.00 ea.

#2540 Highway catch basin frame domestic @ \$275.00 ea.

#3432 Heavy duty highway frame domestic @ \$275.00 ea.; imported @ \$250.00 ea.

#3432 "Bicycle Proof" Steam Flow Grates domestic @ \$275.00 ea.; imported @ \$250.00 ea.

#2576 Manhole step domestic @ \$22.00 ea.; imported @ \$18.00 ea.

3" manhole ext. rings for cover #1254 domestic @ \$195.00 ea.

#3430B Highway frame domestic @ \$250.00 ea.; import @ \$225.00 ea.

#3430B Highway grate domestic @ \$275.00 ea.; imported @ \$250.00 ea.

#3433 Heavy duty frame domestic @ \$390.00 ea.; imported @ \$350.00 ea.

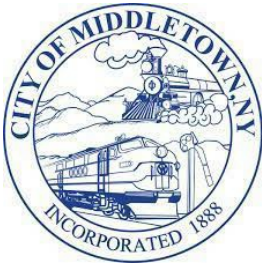
#3433 Heavy duty grate domestic @ \$375.00 ea.; imported @ \$345.00 ea.

#3440 Heavy duty complete domestic @ \$1,050.00; imported @ \$950.00 ea.

**ATTACHMENTS:**

[2023 WATER PIPE BID TABULATION PDF.pdf](#)

[2023 WATER PIPE BID REQUEST FOR AWARD.pdf](#)



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

THE FOLLOWING WAS PRESENTED

By Ald. Masi

Sec'd by Ald. Jean-Francois

Date of Adoption: June 20, 2023

Index No: 140-23

| Names             | Ayes | Noes | Abstain | Absent |
|-------------------|------|------|---------|--------|
| Ald. Tobin        | X    |      |         |        |
| Ald Jean-Francois | X    |      |         |        |
| Ald. Johnson      | X    |      |         |        |
| Ald. Wray         | X    |      |         |        |
| Ald. Kleiner      | X    |      |         |        |
| Ald. Green        | X    |      |         |        |
| Ald. Witt         | X    |      |         |        |
| Ald. Masi         | X    |      |         |        |
| Pres. Rodrigues   | X    |      |         |        |
| Total             | 9    |      |         |        |

**Resolution Awarding the Chemical Bid**

WHEREAS Bids for Chemicals were received and opened at the Board of Estimate & Apportionment meeting held on June 15, 2023, and recorded on the Bid Tabulation Sheet (attached); and

WHEREAS the Commissioner of Public Works has reviewed the bids and respectfully requests awarding the bid as follows:

**Thatcher Company of New York, P.O. Box 27407, Salt Lake City, UT 84127-0407:**

Aluminium Sulfate 4000 gals. del. @ \$459.50/dry short ton \*min. order 4,000 gals.

Copper sulfate in 50 lb. bags, in minimum loads of five tons @ \$4,040.00/ton \*min. order 5 tons

-

**George Coyne Chemical Co. Inc., 3015 State Rd, Croydon, PA 19021:**

Sodium Chlorite 25% 1000 gals. del. @ \$10.13/gal.

-

**PVS Minibulk, Inc., 10900 Harper Ave., Detroit, MI 48213:**

Hydrochloric Acid 15% in minimum 1,000 gal. del. @ \$3.07/gal.

**JCI Jones Chemicals, Inc., 1765 Ringling Blvd. Sarasota, FL 34236:**

Caustic Soda 25% 4000 gals. per del. @ \$1,081.00/DST

Sodium Hypochlorite 2000 gals. per del. @ \$2.16/gal.

**Univar Solutions USA INC., 200 Dean Stivers Pl., Morrisville, PA 19067:**

Flusilic Acid 1000 gals. per del. @ \$7.80/gal

**Surpass Chemical Co., 1254 Broadway, Albany, NY 12204:**

Sodium Hypochlorite 12.5% (in 55 gal. drums) @ \$3.497/gal

**SNF, Inc./Polydyne Inc., One Chemical Plant Rd., Riceboro, GA 31323:**

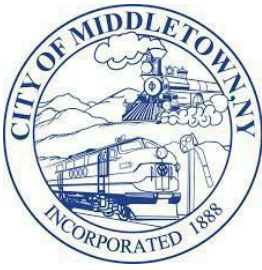
Cationic Dry Polymer per lb. (min. del. 36 bags) @ \$2.30/ lbs.

Cationic Liquid Polymer per drum (min. del. 4 drums @ \$1.65/lbs.

**ATTACHMENTS:**

[CHEMICAL BID TABULATION-WORKSHEET 2023 \(one page\).pdf](#)

[2023 FINAL CHEMICAL AWARD REQUEST LETTER.pdf](#)



**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: June 20, 2023

Index No: 141-23

| Names             | Ayes | Noes | Abstain | Absent |
|-------------------|------|------|---------|--------|
| Ald. Tobin        | X    |      |         |        |
| Ald Jean-Francois | X    |      |         |        |
| Ald. Johnson      | X    |      |         |        |
| Ald. Wray         | X    |      |         |        |
| Ald. Kleiner      | X    |      |         |        |
| Ald. Green        | X    |      |         |        |
| Ald. Witt         | X    |      |         |        |
| Ald. Masi         | X    |      |         |        |
| Pres. Rodrigues   | X    |      |         |        |
| Total             | 9    |      |         |        |

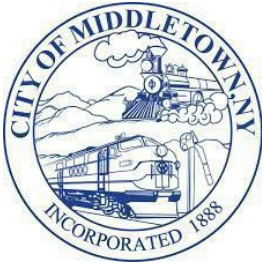
**Resolution Authorizing the Orange County Summer Youth Employment Program Worksite Agreement for 2023**

RESOLVED; that the Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment and authorizes an the County of Orange Summer Youth Employment Program Worksite Agreement for 2023.

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

**ATTACHMENTS:**

[SYEP Contract 2023.pdf](#)



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

THE FOLLOWING WAS PRESENTED

By Ald. Wray

Sec'd by Ald. Kleiner

Date of Adoption: June 20, 2023

Index No: 142-23

| Names             | Ayes | Noes | Abstain | Absent |
|-------------------|------|------|---------|--------|
| Ald. Tobin        | X    |      |         |        |
| Ald Jean-Francois | X    |      |         |        |
| Ald. Johnson      | X    |      |         |        |
| Ald. Wray         | X    |      |         |        |
| Ald. Kleiner      | X    |      |         |        |
| Ald. Green        | X    |      |         |        |
| Ald. Witt         | X    |      |         |        |
| Ald. Masi         | X    |      |         |        |
| Pres. Rodrigues   | X    |      |         |        |
| Total             | 9    |      |         |        |

**Resolution Awarding the Bid for Annual HVAC Maintenance Work to Val Bruni Plumbing & Heating**

WHEREAS Bids for the Annual HVAC Maintenance Work, City Buildings/Facilities were received and opened at the Board of Estimate & Apportionment meeting held on June 15, 2023, and recorded on the Bid Tabulation Sheet (attached); and

WHEREAS the Commissioner of Public Works has reviewed the bids and respectfully requests awarding the bid as follows:

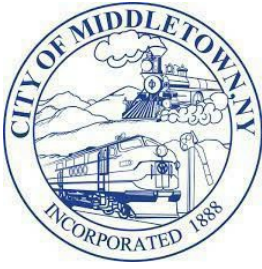
**Val Bruni Plumbing & Heating, PO Box 864, Middletown NY 10940:**

At an hourly rate of: \$125; an Overtime rate of: \$187.50/hr and a Holiday rate of: \$250/hr.

**ATTACHMENTS:**

[2023 HVAC Bid Tabulation Sheet.pdf](#)

[HVAC Award Letter.pdf](#)



**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: June 20, 2023

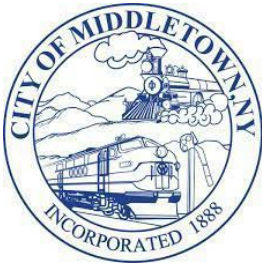
Index No:

| Names             | Ayes | Noes | Abstain | Absent |
|-------------------|------|------|---------|--------|
| Ald. Tobin        | X    |      |         |        |
| Ald Jean-Francois | X    |      |         |        |
| Ald. Johnson      | X    |      |         |        |
| Ald. Wray         | X    |      |         |        |
| Ald. Kleiner      | X    |      |         |        |
| Ald. Green        | X    |      |         |        |
| Ald. Witt         | X    |      |         |        |
| Ald. Masi         | X    |      |         |        |
| Pres. Rodrigues   | X    |      |         |        |
| Total             | 9    |      |         |        |

**Resolution Authorizing the Accounts be Audited, Claims Adjusted, and the Treasurer be Authorized to Issue Warrants for their Payment**

**I MOVE THE ACCOUNTS BE AUDITED, THE CLAIMS ADJUSTED AND THE**

**TREASURER BE AUTHORIZED TO ISSUE WARRANTS FOR THEIR PAYMENTS**



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

THE FOLLOWING WAS PRESENTED

By Ald.

Sec'd by Ald.

Date of Adoption: August 15, 2023

Index No: 164-23

| Names             | Ayes | Noes | Abstain | Absent |
|-------------------|------|------|---------|--------|
| Ald. Tobin        |      |      |         |        |
| Ald Jean-Francois |      |      |         |        |
| Ald. Johnson      |      |      |         |        |
| Ald. Wray         |      |      |         |        |
| Ald. Kleiner      |      |      |         |        |
| Ald. Green        |      |      |         |        |
| Ald. Witt         |      |      |         |        |
| Ald. Masi         |      |      |         |        |
| Pres. Rodrigues   |      |      |         |        |
| Total             |      |      |         |        |

**Resolution to grant a 30-day Notification Waiver as per the New York Alcoholic Beverage Control Law to House of Birra, LLC**

Whereas, Bambuco A Taste of Columbia, LLC at 240 Wickham Avenue, Middletown NY has requested a waiver of the thirty (30) day notification requirement set forth in Section 64(2)(a) of the New York Alcoholic Beverage Control Law, and

Whereas, the Middletown Police Department has reviewed and approved said request for a 30-day waiver,

Therefore be it resolved, that the City of Middletown, NY has no objection to an On-Premises Liquor License being granted to House of Birra, LLC, for the business located at 125 Dolson Avenue, Middletown, NY 10940 and does hereby grant the 30-day notification waiver.

**ATTACHMENTS:**

[House of Birra Liquor Lic Request.pdf](#)

To Whom may concern,

My name is Alan Ortiz and I am Co-Owner of House of Birria LLC located at 125 Dolson Ave Unit 29, Middletown NY. We are a new restaurant opened in July of 2023. Previously we operated a Food Truck on Route 17-M in New Hampton NY where we were able to gather a large clientele and following, thus we decided to open up a brick and mortar restaurant in Middletown to follow our success from the food truck. Please consider and accept this bid to be on the agenda for the Middletown Council Board Meeting for August of 2023 as we seek to obtain our liquor license, Attached to this letter is our application that we will be submitting to the State Liquor Authority. We are looking to shorten the 30 day notice so that we are able to send the application to the state authority as soon as possible to be able to obtain our provisional license to offer alcoholic beverages at our establishment. The reason why we believe that we could be able to shorten the 30 day notice to the municipality is because the previous establishment (Mi Rocoto Peru) that operated here did have a full liquor license before they closed their doors in less than a year (December 2022).

Please consider this request to have this topic go in front of the board to approve this request.

Contact info:

Establishment: House of Birria

Address: 125 Dolson Ave, Unit 29, Middletown NY, 10940

Owner: Alan Ortiz

Contact Number: 8453447504

Email: [Houseofbirria@gmail.com](mailto:Houseofbirria@gmail.com)

Home Address: 14 Roosevelt Ave, Middletown NY, 10940

Thank you for your consideration.

Sincerely,  
Alan Ortiz

**RECEIVED**  
**AUG 08 2023**  
**CITY CLERK**  
**CITY OF MIDDLETOWN**

## Standardized NOTICE FORM for Providing 30-Day Advance Notice to a Local Municipality or Community Board

1. Date Notice Sent: \_\_\_\_\_

1a. Delivered by: \_\_\_\_\_

2. Select the type of Application that will be filed with the Authority for an On-Premises Alcoholic Beverage License:

For premises outside the City of New York:

☒ New Application ☐ Removal ☐ Class Change

For premises in the City of New York:

☐ New Application ☐ New Application and Temporary Retail Permit ☐ Temporary Retail Permit ☐ Removal

☐ Class Change ☐ Method of Operation ☐ Corporate Change ☐ Renewal ☐ Alteration

For **New** and Temporary Retail Permit applicants, answer each question below using all information known to date

For **Renewal** applicants, answer all questions

For **Alteration** applicants, attach a complete written description and diagrams depicting the proposed alteration(s)

For **Corporate Change** applicants, attach a list of the current and proposed corporate principals

For **Removal** applicants, attach a statement of your current and proposed addresses with the reason(s) for the relocation

For **Class Change** applicants, attach a statement detailing your current license type and your proposed license type

For **Method of Operation Change** applicants, although not required, if you choose to submit, attach an explanation detailing those changes

**Please include all documents as noted above. Failure to do so may result in disapproval of the application.**

**This 30-Day Advance Notice is Being Provided to the Clerk of the Following Local Municipality or Community Board:**

3. Name of Municipality or Community Board: \_\_\_\_\_

City of Middletown, NY

**Applicant/Licensee Information:**

4. Licensee Serial Number (if applicable): \_\_\_\_\_

Expiration Date (if applicable): \_\_\_\_\_

5. Applicant or Licensee Name: \_\_\_\_\_

Alvin Ortiz

6. Trade Name (if any): \_\_\_\_\_

7. Street Address of Establishment: \_\_\_\_\_

125 Dokon Ave, Suite 29

8. City, Town or Village: \_\_\_\_\_

Middletown

, NY Zip Code: \_\_\_\_\_

10940

9. Business Telephone Number of applicant/ Licensee: \_\_\_\_\_

845 343 9125

10. Business E-mail of Applicant/Licensee: \_\_\_\_\_

HouseofBirria@gmail.com

11. Type(s) of alcohol sold or to be sold: \_\_\_\_\_

☐ Beer & cider

☐ Wine, Beer & Cider

☒ Liquor, Wine, Beer & Cider

12. Extent of Food Service: \_\_\_\_\_

☒ Full Food menu; full kitchen run by a chef/cook

☐ Menu meets legal minimum food requirements; food prep area required

13. Type of Establishment: \_\_\_\_\_

Mexican Restaurant

☐ Seasonal Establishment

☐ Juke Box

☐ Disc Jockey

☒ Recorded Music

☐ Karaoke

14. Method of Operation: \_\_\_\_\_

(check all that apply)

☐ Live Music (give details i.e., rock bands, acoustic, jazz, etc.): \_\_\_\_\_

☐ Patron Dancing

☐ Employee Dancing

☐ Exotic Dancing

☐ Topless Entertainment

☐ Video/Arcade Games

☐ Third Party Promoters

☐ Security Personnel

☐ Other (specify): \_\_\_\_\_

15. Licensed Outdoor Area: \_\_\_\_\_

☐ None

☐ Patio or Deck

☐ Rooftop

☐ Garden/Grounds

☐ Freestanding Covered Structure

(check all that apply)

☐ Sidewalk Cafe

☐ Other (specify): \_\_\_\_\_

**RECEIVED**

**AUG 08 2023**

**CITY CLERK  
CITY OF MIDDLETOWN**

16. List the floor(s) of the building that the establishment is located on: 1st Floor
17. List the room number(s) the establishment is located in within the building, if appropriate: # 29
18. Is the premises located within 500 feet of three or more on-premises liquor establishments? ☒ Yes ☒ No
19. Will the license holder or a manager be physically present within the establishment during all hours of operation? ☒ Yes ☐ No
20. If this is a transfer application (an existing licensed business is being purchased) provide the name and serial number of the licensee:
- | Name | Serial Number |
|------|---------------|
|      |               |
21. Does the applicant or licensee own the building in which the establishment is located? ☐ Yes (if YES, SKIP 23-26) ☒ No

**Owner of the Building in Which the Licensed Establishment is Located**

22. Building Owner's Full Name: Kale Realty Corp
23. Building Owner's Street Address: 125 DOKON AVE, Suite 22
24. City, Town or Village: Middletown State: NY Zip Code: 10940
25. Business Telephone Number of Building Owner: 845-343-5614

**Representative or Attorney Representing the Applicant in Connection with the Application for a License to Traffic in Alcohol at the Establishment Identified in this Notice**

26. Representative/Attorney's Full Name: \_\_\_\_\_
27. Representative/Attorney's Street Address: \_\_\_\_\_
28. City, Town or Village: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_
29. Business Telephone Number of Representative/Attorney: \_\_\_\_\_
30. Business E-mail Address of Representative/Attorney: \_\_\_\_\_

I am the applicant or licensee holder or a principal of the legal entity that holds or is applying for the license. Representations in this form are in conformity with representations made in submitted documents relied upon by the Authority when granting the license. I understand that representations made in this form will also be relied upon, and that false representations may result in disapproval of the application or revocation of the license.

By my signature, I affirm - under **Penalty of Perjury** - that the representations made in this form are true.

31. Printed Principal Name: \_\_\_\_\_ Title: \_\_\_\_\_

**Principal Signature:** \_\_\_\_\_

**APPLICATION FOR ALCOHOLIC BEVERAGE CONTROL RETAIL LICENSE (ON PREMISES)**

*It is not necessary to employ any person, agency or organization to assist you in filing this application. Beware of persons claiming to be able to assist you in securing action on your application. The payment of money or other thing of value for the use of influence, or promise of influence in obtaining a license is a violation of law and offenders will be prosecuted.*

**1. APPLICANT**

Name of Applicant:

(e.g., Sole Proprietor, Partnership, Corporation, LLC, LLP, LP, etc.)

House of Birria LLC

Trade Name(DBA): (see instructions) \*\* must be provided if premises will be called by any name other than as listed in the "Name of Applicant"

Premises Street Address:

125 Dolson Ave #29

City:

Middletown

, NY

Zip Code:

10940

County:

Orange

Telephone Number of Premises (include area code):

8458439125

Mailing Address (if different than above):

City:

State:

Zip Code:

E-mail address (required):

House of Birria@gmail.com

Business Website:

**2. CONTACT (if different than applicant)**

Name of Contact:

Alan Ortiz

☐ Attorney

☐ Representative

☒ Contact Person

Office Address:

14 Roosevelt Ave

City:

Middletown

State:

NY

Zip Code:

10940

Telephone Number of Office (include area code):

845-344-7504

E-mail address (required):

OrtizAlan18@gmail.com

**3. For SEASONAL licenses only (select license date range):**

to:

**4. Number of ADDITIONAL BARS (if any):**

**5. Which season will the add bars operate:**

**6. Federal Tax ID Number:**

87-2290836

**7. Certificate of Authority to Collect NYS Sales Tax:**

87-2290836

**[OFFICE USE ONLY]**

DATE FILED:

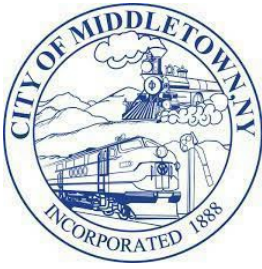
SERIAL #:

Approved ☐

Disapproved ☐

License Board Member

Date



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

THE FOLLOWING WAS PRESENTED

By Ald.

Sec'd by Ald.

Date of Adoption: August 15, 2023

Index No: 165-23

| Names             | Ayes | Noes | Abstain | Absent |
|-------------------|------|------|---------|--------|
| Ald. Tobin        |      |      |         |        |
| Ald Jean-Francois |      |      |         |        |
| Ald. Johnson      |      |      |         |        |
| Ald. Wray         |      |      |         |        |
| Ald. Kleiner      |      |      |         |        |
| Ald. Green        |      |      |         |        |
| Ald. Witt         |      |      |         |        |
| Ald. Masi         |      |      |         |        |
| Pres. Rodrigues   |      |      |         |        |
| Total             |      |      |         |        |

**Resolution Authorizing Amendment #1 in the amount of \$10,850.00 from CDM Smith for a  
Water Quality Study**

RESOLVED; that the Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment and authorizes the attached Amendment #1 from CDM Smith, dated June 22, 2023 in the amount of \$10,850.00 for the following:

- a bathymetric survey to be performed at each of the three reservoirs
- to provide documentation of the water depths
- to help with locating collection sites for sampling of the reservoir sediment

RESOLVED; that the Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment and authorizes the Treasurer to transfer \$10,850, in the following manner, to cover the cost of the proposed work.

| FROM                                   | AMOUNT      | TO                                          |
|----------------------------------------|-------------|---------------------------------------------|
| H.0843.900<br>2012 WTP General Expense | \$10,850.00 | F.8340.400<br>Reservoir Water Quality Study |

**ATTACHMENTS:**

[MEMO-\\_BOE\\_CDM\\_SMITH\\_PROPOSAL\\_AMENDMENT\\_1\\_WATER\\_QUALITY\\_STUDY.pdf](#)

# DEPARTMENT OF PUBLIC WORKS

## MEMORANDUM

Date: July 31, 2023  
To: Honorable Mayor DeStefano, Members of the Board of Estimate  
and Apportionment, Members of the Common Council  
Cc: Leonora Liz, Treasurer and Richard McCormack, City Clerk  
From: Jacob Tawil, Commissioner of Public Works  
Re: Amendment #1 Middletown Reservoir Water Quality Study

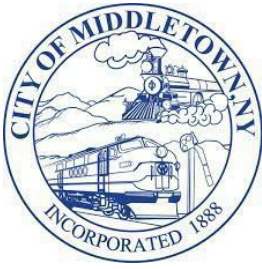
Please find the enclosed Amendment #1 from CDM Smith, dated June 22, 2023, requesting additional compensation in the amount of \$10,850.00 for a bathymetric survey to be performed at each of the three reservoirs to provide documentation of the water depths, to help with locating collection sites for sampling of the reservoir sediment and for laboratory analyses.

We are requesting the approval of this amendment in the amount of \$10,850, which will increase CDM Smith's existing contract to \$146,170.

| <b>FROM</b>              | <b>AMOUNT</b> | <b>TO</b>                     |
|--------------------------|---------------|-------------------------------|
| H.0843.900               | \$10,850.00   | F.8340.400                    |
| 2012 WTP General Expense |               | Reservoir Water Quality Study |

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: August 15, 2023

Index No: 166-23

| Names             | Ayes | Noes | Abstain | Absent |
|-------------------|------|------|---------|--------|
| Ald. Tobin        |      |      |         |        |
| Ald Jean-Francois |      |      |         |        |
| Ald. Johnson      |      |      |         |        |
| Ald. Wray         |      |      |         |        |
| Ald. Kleiner      |      |      |         |        |
| Ald. Green        |      |      |         |        |
| Ald. Witt         |      |      |         |        |
| Ald. Masi         |      |      |         |        |
| Pres. Rodrigues   |      |      |         |        |
| Total             |      |      |         |        |

**Resolution Authorizing an Agreement with Civic Plus for an Agenda Management Solution**

RESOLVED; that the Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment and authorizes the attached agreement with Civic Plus in the amount of \$7437 for an Agenda Management Solution.

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

**ATTACHMENTS:**

[Middletown NY- CivicClerk statement of work - 06092023.pdf](#)

**CivicPlus**

302 South 4th St. Suite 500  
 Manhattan, KS 66502  
 US

**Quote #:****Date:****Expires On:**

Statement of Work

Q-44508-1

6/8/2023 3:55 PM

12/31/2023

**Client:**

MIDDLETOWN, NEW YORK

**Bill To:**

MIDDLETOWN, NEW YORK

| SALESPERSON  | Phone | EMAIL                      | DELIVERY METHOD | PAYMENT METHOD |
|--------------|-------|----------------------------|-----------------|----------------|
| Chris McCann | x     | chris.mccann@civicplus.com |                 | Net 30         |

| QTY  | PRODUCT NAME                                                      | DESCRIPTION                                                                                                                        | PRODUCT TYPE |
|------|-------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------|--------------|
| 1.00 | CivicClerk Annual Fee                                             | CivicClerk Annual Fee - Agenda and Minutes Management                                                                              | Renewable    |
| 1.00 | CivicClerk Year 1 Annual Fee Discount                             | Year 1 Annual Fee Discount                                                                                                         | Renewable    |
| 1.00 | Agenda & Meeting Management Select Premium Implementation Package | Premium Implementation Package – Up to # of Boards                                                                                 |              |
| 1.00 | CivicClerk Premium Configuration                                  | CivicClerk Premium Configuration                                                                                                   | One-time     |
| 1.00 | CivicClerk Custom Template Design                                 | CivicClerk Custom Template Set - includes 2 Agenda templates, 1 Item Report template, 1 Minutes template, 1 Agenda Script template | One-time     |
| 2.00 | CivicClerk Consulting (1h, virtual)                               | 1 hour Virtual Consulting                                                                                                          | One-time     |
| 1.00 | CivicClerk Virtual Training (Half Day Block)                      | Training (Virtual) - half day, up to 4 hours                                                                                       | One-time     |

|                                    |              |
|------------------------------------|--------------|
| List Price - Year 1 Total          | USD 8,636.00 |
| Total Investment - Initial Term    | USD 7,437.00 |
| Annual Recurring Services - Year 2 | USD 5,035.80 |

|                               |                                   |
|-------------------------------|-----------------------------------|
| Initial Term & Renewal Date   | 12 Months                         |
| Initial Term Invoice Schedule | 100% Invoiced upon Signature Date |

|                   |                                                                                     |
|-------------------|-------------------------------------------------------------------------------------|
| Renewal Procedure | Automatic 1 year renewal term, unless 60 days notice provided prior to renewal date |
|-------------------|-------------------------------------------------------------------------------------|

|                          |                             |
|--------------------------|-----------------------------|
| Renewal Invoice Schedule | Annually on date of signing |
| Annual Uplift            | 5% starting in Year 2       |

This Statement of Work ("SOW") shall be subject to the terms and conditions of the CivicPlus Master Services Agreement and the applicable Solution and Services terms and conditions located at <https://www.civicplus.help/hc/en-us/p/legal-stuff> (collectively, the "Binding Terms"), By signing this SOW, Client expressly agrees to the terms and conditions of the Binding Terms throughout the term of this SOW.

## Acceptance

The undersigned has read and agrees to the following Binding Terms, which are incorporated into this SOW, and have caused this SOW to be executed as of the date signed by the Customer which will be the Effective Date:

Authorized Client Signature

CivicPlus

By:

By:

Name:

Name:

Title:

Title:

Date:

Date:

Organization Legal Name:

Billing Contact:

Title:

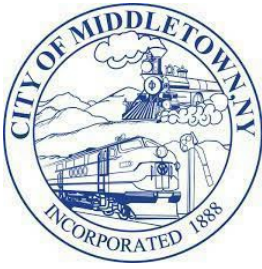
Billing Phone Number:

Billing Email:

Billing Address:

Mailing Address: (If different from above)

PO Number: (Info needed on Invoice (PO or Job#) if required)



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

THE FOLLOWING WAS PRESENTED

By Ald.

Sec'd by Ald.

Date of Adoption: August 15, 2023

Index No: 167-23

| Names             | Ayes | Noes | Abstain | Absent |
|-------------------|------|------|---------|--------|
| Ald. Tobin        |      |      |         |        |
| Ald Jean-Francois |      |      |         |        |
| Ald. Johnson      |      |      |         |        |
| Ald. Wray         |      |      |         |        |
| Ald. Kleiner      |      |      |         |        |
| Ald. Green        |      |      |         |        |
| Ald. Witt         |      |      |         |        |
| Ald. Masi         |      |      |         |        |
| Pres. Rodrigues   |      |      |         |        |
| Total             |      |      |         |        |

**Resolution accepting donations from Howard Avery and CSEA Retirees for Recreation and Parks Scholarships**

RESOLVED; that the Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment and accepts the following donations for use toward Recreation and Parks Scholarships:

- \$10,000.00 from Howard Avery
- \$150.00 from CSEA Retirees

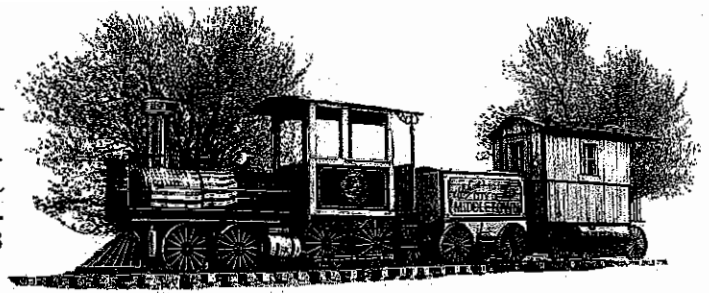
RESOLVED; that the Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment and authorizes the Treasurer to deposit the donations into account A.2705.07 Summer Camp Scholarships.

**ATTACHMENTS:**

[8-10-23 BOE.pdf](#)

# Middletown Recreation and Parks Department

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



Tuesday, August 8, 2023

RE: Authorization to accept donation

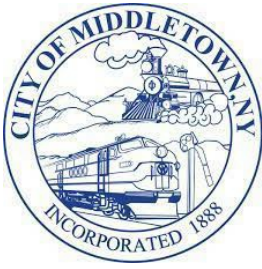
Dear Board of Estimates & Council Members:

The Recreation & Parks Department was given several donations totaling \$10,250.00 to go towards Scholarships. All of these donations were designated by the donors for Camp Scholarships. Please accept this donation and authorize the Treasurer to deposit the donation into account A.2705.07 Summer Camp Scholarships.

1. \$10,000.00 Donation from Howard Avery
2. \$150.00 Donation from CSEA Retirees
3. \$50 Donation from Patrick and Kelly Kennedy (in Memory of Patricia Keys)
4. \$50 Donation from Lola Caldwell (in Memory of Patricia Keys)

Sincerely,

  
Raelynn Bertholf, Superintendent of Recreation  
Middletown Recreation & Parks Department



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

THE FOLLOWING WAS PRESENTED

By Ald.

Sec'd by Ald.

Date of Adoption: August 15, 2023

Index No: 168-23

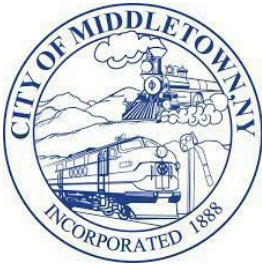
| Names             | Ayes | Noes | Abstain | Absent |
|-------------------|------|------|---------|--------|
| Ald. Tobin        |      |      |         |        |
| Ald Jean-Francois |      |      |         |        |
| Ald. Johnson      |      |      |         |        |
| Ald. Wray         |      |      |         |        |
| Ald. Kleiner      |      |      |         |        |
| Ald. Green        |      |      |         |        |
| Ald. Witt         |      |      |         |        |
| Ald. Masi         |      |      |         |        |
| Pres. Rodrigues   |      |      |         |        |
| Total             |      |      |         |        |

**Resolution accepting donations from Patrick & Kelly Kennedy and Lola Caldwell in Memory of Patricia Keys**

RESOLVED; that the Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment and accepts the following donations for use toward Recreation and Parks Scholarships:

- \$50 Donation from Patrick and Kelly Kennedy (in Memory of Patricia Keys)
- \$50 Donation from Lola Caldwell (in Memory of Patricia Keys)

RESOLVED; that the Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment and authorizes the Treasurer to deposit the donations into account A.2705.07 Summer Camp Scholarships.



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

THE FOLLOWING WAS PRESENTED

By Ald.

Sec'd by Ald.

Date of Adoption: August 15, 2023

Index No: 169-23

| Names             | Ayes | Noes | Abstain | Absent |
|-------------------|------|------|---------|--------|
| Ald. Tobin        |      |      |         |        |
| Ald Jean-Francois |      |      |         |        |
| Ald. Johnson      |      |      |         |        |
| Ald. Wray         |      |      |         |        |
| Ald. Kleiner      |      |      |         |        |
| Ald. Green        |      |      |         |        |
| Ald. Witt         |      |      |         |        |
| Ald. Masi         |      |      |         |        |
| Pres. Rodrigues   |      |      |         |        |
| Total             |      |      |         |        |

**Resolution Authorizing the Temporary Borrowing of \$2,500,000 from the General Fund for the  
Parking Garage Project on South Street**

RESOLVED; that the Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment and authorizes a temporary borrowing from the General Fund Balance in the amount of \$2,500,000 for the Parking Garage Project on South Street.

The funds will be reimbursed to the General Fund by the NYS DASNY Grant given by Senator Skoufis. The funds will be assigned to Project Line H.5132.201

| FROM                 | AMOUNT      | TO                                                                            |
|----------------------|-------------|-------------------------------------------------------------------------------|
| General Fund Balance | \$2,500,000 | H.5132.201<br><br>A_2023_PARKING GARAGE -<br>SOUTH ST NYS DASNY GRANT<br>INFA |

**ATTACHMENTS:**  
[Parking Garage.pdf](#)

## Richard McCormack

**From:** Leonora Liz  
**Sent:** Tuesday, August 8, 2023 2:21 PM  
**To:** Richard McCormack  
**Subject:** BOE Request



Leonora  
City Treasurer

### CITY OF MIDDLETOWN Office of the City Treasurer

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

8/8/2023

TO: BOARD OF ESTIMATE AND APPORTIONMENT

Please add the following requests for approval.

1. Requesting from the Board of Estimate to approve and authorize a temporary borrowing from the General Fund Balance in the amount of \$2,500,000 for the Parking Garage Project on South Street. The funds will be reimbursed to the General Fund by the NYS DASNY Grant given by Senator Skoufis. The funds will be assigned to Project Line H.5132.201

| FROM                 | Amount      | TO                                              |
|----------------------|-------------|-------------------------------------------------|
| General Fund Balance | \$2,500,000 | H.5132.201                                      |
|                      |             | A_2023_PARKING GARAGE -SOUTH ST NYS DASNY GRANT |
|                      |             | INFA                                            |

2. Requesting from the Board of Estimate to approve the following annual short-term borrowing:

2023 Prior BAN renewal: \$12,963,248

2023 BAN new monies: \$12,930,734

**Total: \$25,193,982**

3. Requesting from the Board of Estimate to approve the following transfer to reimburse the Water fund for completed project.

| From                                       | Amount       | To                               |
|--------------------------------------------|--------------|----------------------------------|
| H.0959.900                                 | \$669,952.91 | H.9500.905                       |
| High lift pump project                     |              | Interfund Transfer to Water Fund |
| Reimburse water fund for project completed |              |                                  |

4. Requesting from the Board of Estimate to approve and authorize the following transfers from various completed general fund projects to cover the some of the costs of the 2023-2024 Capital Expenditure Plan:

| FROM                                                    | AMOUNT    | TO                                                |
|---------------------------------------------------------|-----------|---------------------------------------------------|
| H.0975.900                                              | \$ 1,914  |                                                   |
| CITY WELCOME SIGNAGE                                    |           |                                                   |
| H.0901.470                                              | \$ 24,333 |                                                   |
| CITY HALL REAR VESTIBULE PROJECT.REPAIRS TO BUILDING    |           |                                                   |
| H.0879.900                                              | \$ 600    |                                                   |
| BONACIC LEGISLAT GRNT.GENERAL EXPENSE                   |           |                                                   |
| H.0966.900                                              | \$ 380    |                                                   |
| RESTORE NY GRANT 2018                                   |           |                                                   |
| H.0803.200                                              | \$ 5,110  |                                                   |
| POLICE/FIRE GENERATOR.OTHER EQUIPMENT                   |           |                                                   |
| H.0970.201                                              | \$ 1,146  |                                                   |
| POLICE VEHICLES                                         |           |                                                   |
| H.0969.201                                              | \$ 2,053  |                                                   |
| FIRE ENGINE & LADDER TRUCKS                             |           |                                                   |
| H.0976.200                                              | \$ 23,336 |                                                   |
| PARAMOUNT SOUND/FIRE ALARM SYSTEMS                      |           |                                                   |
| H.0748.200                                              | \$ 218    |                                                   |
| PAINT MACHINE STREET                                    |           |                                                   |
| H.0731.200                                              | \$ 464    |                                                   |
| FIRE-SELF CONTAINED BREATHING APPARATUS.OTHER EQUIPMENT |           |                                                   |
| H.0763.200                                              | \$ 72     |                                                   |
| DAVIDGE PLAYGROUND EQUIPMENT.OTHER EQUIPMENT            |           |                                                   |
| H.0950.900                                              | \$ 93     | H.7110.212                                        |
| CR 108/78 ROUND-A-BOUT                                  | \$ 59,719 | A_2023 P&R Addition_Maple Hill Pool Splash Pad_LI |

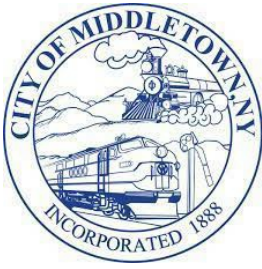
Kind Regards,

*Leonora Liz*  
(She/Her/Hers)

City Treasurer  
City Of Middletown

(W) [www.middletown-ny.com](http://www.middletown-ny.com) | (A) 16 James Street, Middletown, NY 10940 | (P) 845-346-4153 | (F) 845-343-1101

*"To handle yourself, use your head; to handle others, use your heart. " – Eleanor Roosevelt*



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

THE FOLLOWING WAS PRESENTED

By Ald.

Sec'd by Ald.

Date of Adoption: August 15, 2023

Index No: 170-23

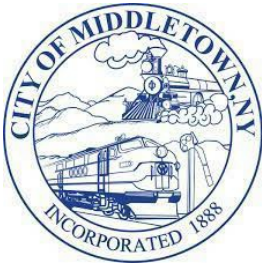
| Names             | Ayes | Noes | Abstain | Absent |
|-------------------|------|------|---------|--------|
| Ald. Tobin        |      |      |         |        |
| Ald Jean-Francois |      |      |         |        |
| Ald. Johnson      |      |      |         |        |
| Ald. Wray         |      |      |         |        |
| Ald. Kleiner      |      |      |         |        |
| Ald. Green        |      |      |         |        |
| Ald. Witt         |      |      |         |        |
| Ald. Masi         |      |      |         |        |
| Pres. Rodrigues   |      |      |         |        |
| Total             |      |      |         |        |

**Resolution Authorizing Short-Term Borrowing in the Amount of \$25,193,982**

RESOLVED; that the Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment and authorizes \$25,193,982 in the following manner:

2023 Prior BAN renewal: \$12,963,248

2023 BAN new monies: \$12,930,734



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

THE FOLLOWING WAS PRESENTED

By Ald.

Sec'd by Ald.

Date of Adoption: August 15, 2023

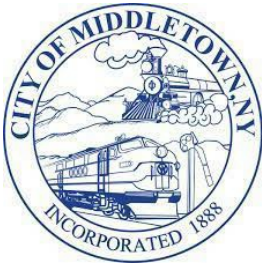
Index No: 171-23

| Names             | Ayes | Noes | Abstain | Absent |
|-------------------|------|------|---------|--------|
| Ald. Tobin        |      |      |         |        |
| Ald Jean-Francois |      |      |         |        |
| Ald. Johnson      |      |      |         |        |
| Ald. Wray         |      |      |         |        |
| Ald. Kleiner      |      |      |         |        |
| Ald. Green        |      |      |         |        |
| Ald. Witt         |      |      |         |        |
| Ald. Masi         |      |      |         |        |
| Pres. Rodrigues   |      |      |         |        |
| Total             |      |      |         |        |

## **Resolution Authorizing a \$669,952.91 Budget Transfer to Reimburse the Water Fund**

RESOLVED; that the Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment and authorizes the Treasurer to transfer \$669,952.91, in the following manner, to reimburse the water fund for a completed project.

| FROM                                                                               | AMOUNT       | TO                                             |
|------------------------------------------------------------------------------------|--------------|------------------------------------------------|
| H.0959.900<br>High lift Pump Project<br>Reimburse water fund for project completed | \$669,952.91 | H.9500.905<br>Interfund Transfer to Water Fund |



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

THE FOLLOWING WAS PRESENTED

By Ald.

Sec'd by Ald.

Date of Adoption: August 15, 2023

Index No: 172-23

| Names             | Ayes | Noes | Abstain | Absent |
|-------------------|------|------|---------|--------|
| Ald. Tobin        |      |      |         |        |
| Ald Jean-Francois |      |      |         |        |
| Ald. Johnson      |      |      |         |        |
| Ald. Wray         |      |      |         |        |
| Ald. Kleiner      |      |      |         |        |
| Ald. Green        |      |      |         |        |
| Ald. Witt         |      |      |         |        |
| Ald. Masi         |      |      |         |        |
| Pres. Rodrigues   |      |      |         |        |
| Total             |      |      |         |        |

## Resolution Authorizing Budget Transfer totaling \$59,179 to Cover Some of the Costs of the 2023-2024 Capital Expenditure Plan

RESOLVED; that the Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment and authorizes the Treasurer to transfer \$59,179, in the following manner, to cover some of the costs of the 2023-2024 Capital Expenditure Plan;

| FROM                                                               | AMOUNT    | TO |
|--------------------------------------------------------------------|-----------|----|
| H.0975.900<br>City Welcome Signage                                 | \$ 1,914  |    |
| H.0901.470<br>City Hall Rear Vestibule Project Repairs To Building | \$ 24,333 |    |
| H.0879.900<br>Bonacic Legislat Grnt. General Expense               | \$ 600    |    |
| H.0966.900<br>Restore Ny Grant 2018                                | \$ 380    |    |
|                                                                    |           |    |

|                                                         |           |                                                                 |
|---------------------------------------------------------|-----------|-----------------------------------------------------------------|
| H.0803.200                                              |           |                                                                 |
| Police/Fire Generator.Other Equipment                   | \$ 5,110  |                                                                 |
| H.0970.201                                              |           |                                                                 |
| Police Vehicles                                         | \$ 1,146  |                                                                 |
| H.0969.201                                              |           |                                                                 |
| Fire Engine & Ladder Trucks                             | \$ 2,053  |                                                                 |
| H.0976.200                                              |           |                                                                 |
| Paramount Sound/Fire Alarm Systems                      | \$ 23,336 |                                                                 |
| H.0748.200                                              |           |                                                                 |
| Paint Machine Street                                    | \$ 218    |                                                                 |
| H.0731.200                                              |           |                                                                 |
| Fire-Self Contained Breathing Apparatus.Other Equipment | \$ 464    | H.7110.212<br>A_2023 P&R Addition Maple Hill Pool Splash Pad LI |
| H.0763.200                                              |           |                                                                 |
| Davidge Playground Equiptment.Other Equipment           | \$ 72     |                                                                 |
| H.0950.900                                              |           |                                                                 |
| Cr 108/78 Round-A-Bout                                  | \$ 93     |                                                                 |

**ATTACHMENTS:**

[Finance Office Transfer Request.pdf](#)  
[Capital Expenditure Transfer.pdf](#)

## Richard McCormack

**From:** Leonora Liz  
**Sent:** Tuesday, August 8, 2023 2:21 PM  
**To:** Richard McCormack  
**Subject:** BOE Request



Leonora  
City Treasurer

### CITY OF MIDDLETOWN Office of the City Treasurer

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

8/8/2023

TO: BOARD OF ESTIMATE AND APPORTIONMENT

Please add the following requests for approval.

1. Requesting from the Board of Estimate to approve and authorize a temporary borrowing from the General Fund Balance in the amount of \$2,500,000 for the Parking Garage Project on South Street. The funds will be reimbursed to the General Fund by the NYS DASNY Grant given by Senator Skoufis. The funds will be assigned to Project Line H.5132.201

| FROM                 | Amount      | TO                                              |
|----------------------|-------------|-------------------------------------------------|
| General Fund Balance | \$2,500,000 | H.5132.201                                      |
|                      |             | A_2023_PARKING GARAGE -SOUTH ST NYS DASNY GRANT |
|                      |             | INFA                                            |

2. Requesting from the Board of Estimate to approve the following annual short-term borrowing:

2023 Prior BAN renewal: \$12,963,248

2023 BAN new monies: \$12,930,734

**Total: \$25,193,982**

3. Requesting from the Board of Estimate to approve the following transfer to reimburse the Water fund for completed project.

| From                                       | Amount       | To                               |
|--------------------------------------------|--------------|----------------------------------|
| H.0959.900                                 | \$669,952.91 | H.9500.905                       |
| High lift pump project                     |              | Interfund Transfer to Water Fund |
| Reimburse water fund for project completed |              |                                  |

4. Requesting from the Board of Estimate to approve and authorize the following transfers from various completed general fund projects to cover the some of the costs of the 2023-2024 Capital Expenditure Plan:

| FROM                                                    | AMOUNT    | TO                                                |
|---------------------------------------------------------|-----------|---------------------------------------------------|
| H.0975.900                                              | \$ 1,914  |                                                   |
| CITY WELCOME SIGNAGE                                    |           |                                                   |
| H.0901.470                                              | \$ 24,333 |                                                   |
| CITY HALL REAR VESTIBULE PROJECT.REPAIRS TO BUILDING    |           |                                                   |
| H.0879.900                                              | \$ 600    |                                                   |
| BONACIC LEGISLAT GRNT.GENERAL EXPENSE                   |           |                                                   |
| H.0966.900                                              | \$ 380    |                                                   |
| RESTORE NY GRANT 2018                                   |           |                                                   |
| H.0803.200                                              | \$ 5,110  |                                                   |
| POLICE/FIRE GENERATOR.OTHER EQUIPMENT                   |           |                                                   |
| H.0970.201                                              | \$ 1,146  |                                                   |
| POLICE VEHICLES                                         |           |                                                   |
| H.0969.201                                              | \$ 2,053  |                                                   |
| FIRE ENGINE & LADDER TRUCKS                             |           |                                                   |
| H.0976.200                                              | \$ 23,336 |                                                   |
| PARAMOUNT SOUND/FIRE ALARM SYSTEMS                      |           |                                                   |
| H.0748.200                                              | \$ 218    |                                                   |
| PAINT MACHINE STREET                                    |           |                                                   |
| H.0731.200                                              | \$ 464    |                                                   |
| FIRE-SELF CONTAINED BREATHING APPARATUS.OTHER EQUIPMENT |           |                                                   |
| H.0763.200                                              | \$ 72     |                                                   |
| DAVIDGE PLAYGROUND EQUIPMENT.OTHER EQUIPMENT            |           |                                                   |
| H.0950.900                                              | \$ 93     | H.7110.212                                        |
| CR 108/78 ROUND-A-BOUT                                  | \$ 59,719 | A_2023 P&R Addition_Maple Hill Pool Splash Pad_LI |

Kind Regards,

*Leonora Liz*  
(She/Her/Hers)

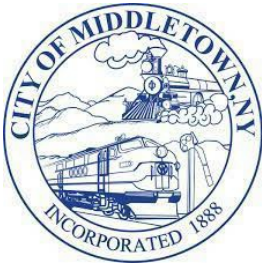
City Treasurer  
City Of Middletown

(W) [www.middletown-ny.com](http://www.middletown-ny.com) | (A) 16 James Street, Middletown, NY 10940 | (P) 845-346-4153 | (F) 845-343-1101

*"To handle yourself, use your head; to handle others, use your heart. " – Eleanor Roosevelt*

Transfer Funding from General Fund Completed projects to cover cost of various project approved 2023-2024 Capital Plan

| FROM                                                    | AMOUNT    | TO                                                |
|---------------------------------------------------------|-----------|---------------------------------------------------|
| H.0975.900                                              | \$ 1,914  |                                                   |
| CITY WELCOME SIGNAGE                                    |           |                                                   |
| H.0901.470                                              | \$ 24,333 |                                                   |
| CITY HALL REAR VESTIBULE PROJECT.REPAIRS TO BUILDING    |           |                                                   |
| H.0879.900                                              | \$ 600    |                                                   |
| BONACIC LEGISLAT GRNT.GENERAL EXPENSE                   |           |                                                   |
| H.0966.900                                              | \$ 380    |                                                   |
| RESTORE NY GRANT 2018                                   |           |                                                   |
| H.0803.200                                              | \$ 5,110  |                                                   |
| POLICE/FIRE GENERATOR.OTHER EQUIPMENT                   |           |                                                   |
| H.0970.201                                              | \$ 1,146  |                                                   |
| POLICE VEHICLES                                         |           |                                                   |
| H.0969.201                                              | \$ 2,053  |                                                   |
| FIRE ENGINE & LADDER TRUCKS                             |           |                                                   |
| H.0976.200                                              | \$ 23,336 |                                                   |
| PARAMOUNT SOUND/FIRE ALARM SYSTEMS                      |           |                                                   |
| H.0748.200                                              | \$ 218    |                                                   |
| PAINT MACHINE STREET                                    |           |                                                   |
| H.0731.200                                              | \$ 464    |                                                   |
| FIRE-SELF CONTAINED BREATHING APPARATUS.OTHER EQUIPMENT |           |                                                   |
| H.0763.200                                              | \$ 72     |                                                   |
| DAVIDGE PLAYGROUND EQUIPTMENT.OTHER EQUIPMENT           |           |                                                   |
| H.0950.900                                              | \$ 93     | H.7110.212                                        |
| CR 108/78 ROUND-A-BOUT                                  | \$ 59,719 | A_2023 P&R Addition_Maple Hill Pool Splash Pad_LI |



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

THE FOLLOWING WAS PRESENTED

By Ald.

Sec'd by Ald.

Date of Adoption: August 15, 2023

Index No: 173-23

| Names             | Ayes | Noes | Abstain | Absent |
|-------------------|------|------|---------|--------|
| Ald. Tobin        |      |      |         |        |
| Ald Jean-Francois |      |      |         |        |
| Ald. Johnson      |      |      |         |        |
| Ald. Wray         |      |      |         |        |
| Ald. Kleiner      |      |      |         |        |
| Ald. Green        |      |      |         |        |
| Ald. Witt         |      |      |         |        |
| Ald. Masi         |      |      |         |        |
| Pres. Rodrigues   |      |      |         |        |
| Total             |      |      |         |        |

**Resolution Authorizing a \$1732.91 Payment to Don Paris for ARPA Consulting and Report Filing**

RESOLVED; that the Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment and authorizes a \$1732.91 payment to Don Paris for ARPA consulting and report filing.

BE IT FURTHER RESOLVED; that the Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment and authorizes the Treasurer to transfer \$1,732.91, in the following manner, to cover the payment.

| FROM        | AMOUNT    | TO                           |
|-------------|-----------|------------------------------|
| A.4785 ARPA | \$1732.91 | A.1325.100 Finance-Personnel |

**ATTACHMENTS:**

[Finance Office Transfer Request.pdf](#)

## Richard McCormack

**From:** Leonora Liz  
**Sent:** Tuesday, August 8, 2023 2:21 PM  
**To:** Richard McCormack  
**Subject:** BOE Request



Leonora  
City Treasurer

### CITY OF MIDDLETOWN Office of the City Treasurer

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

8/8/2023

TO: BOARD OF ESTIMATE AND APPORTIONMENT

Please add the following requests for approval.

1. Requesting from the Board of Estimate to approve and authorize a temporary borrowing from the General Fund Balance in the amount of \$2,500,000 for the Parking Garage Project on South Street. The funds will be reimbursed to the General Fund by the NYS DASNY Grant given by Senator Skoufis. The funds will be assigned to Project Line H.5132.201

| FROM                 | Amount      | TO                                              |
|----------------------|-------------|-------------------------------------------------|
| General Fund Balance | \$2,500,000 | H.5132.201                                      |
|                      |             | A_2023_PARKING GARAGE -SOUTH ST NYS DASNY GRANT |
|                      |             | INFA                                            |

2. Requesting from the Board of Estimate to approve the following annual short-term borrowing:  
2023 Prior BAN renewal: \$12,963,248  
2023 BAN new monies: \$12,930,734  
**Total: \$25,193,982**

3. Requesting from the Board of Estimate to approve the following transfer to reimburse the Water fund for completed project.

| From                                       | Amount       | To                               |
|--------------------------------------------|--------------|----------------------------------|
| H.0959.900                                 | \$669,952.91 | H.9500.905                       |
| High lift pump project                     |              | Interfund Transfer to Water Fund |
| Reimburse water fund for project completed |              |                                  |

4. Requesting from the Board of Estimate to approve and authorize the following transfers from various completed general fund projects to cover the some of the costs of the 2023-2024 Capital Expenditure Plan:

| FROM                                                    | AMOUNT    | TO                                                |
|---------------------------------------------------------|-----------|---------------------------------------------------|
| H.0975.900                                              | \$ 1,914  |                                                   |
| CITY WELCOME SIGNAGE                                    |           |                                                   |
| H.0901.470                                              | \$ 24,333 |                                                   |
| CITY HALL REAR VESTIBULE PROJECT.REPAIRS TO BUILDING    |           |                                                   |
| H.0879.900                                              | \$ 600    |                                                   |
| BONACIC LEGISLAT GRNT.GENERAL EXPENSE                   |           |                                                   |
| H.0966.900                                              | \$ 380    |                                                   |
| RESTORE NY GRANT 2018                                   |           |                                                   |
| H.0803.200                                              | \$ 5,110  |                                                   |
| POLICE/FIRE GENERATOR.OTHER EQUIPMENT                   |           |                                                   |
| H.0970.201                                              | \$ 1,146  |                                                   |
| POLICE VEHICLES                                         |           |                                                   |
| H.0969.201                                              | \$ 2,053  |                                                   |
| FIRE ENGINE & LADDER TRUCKS                             |           |                                                   |
| H.0976.200                                              | \$ 23,336 |                                                   |
| PARAMOUNT SOUND/FIRE ALARM SYSTEMS                      |           |                                                   |
| H.0748.200                                              | \$ 218    |                                                   |
| PAINT MACHINE STREET                                    |           |                                                   |
| H.0731.200                                              | \$ 464    |                                                   |
| FIRE-SELF CONTAINED BREATHING APPARATUS.OTHER EQUIPMENT |           |                                                   |
| H.0763.200                                              | \$ 72     |                                                   |
| DAVIDGE PLAYGROUND EQUIPMENT.OTHER EQUIPMENT            |           |                                                   |
| H.0950.900                                              | \$ 93     | H.7110.212                                        |
| CR 108/78 ROUND-A-BOUT                                  | \$ 59,719 | A_2023 P&R Addition_Maple Hill Pool Splash Pad_LI |

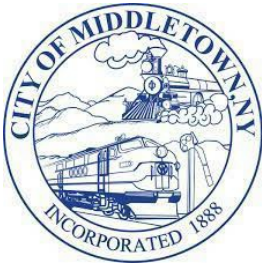
Kind Regards,

*Leonora Liz*  
(She/Her/Hers)

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

THE FOLLOWING WAS PRESENTED

By Ald.

Sec'd by Ald.

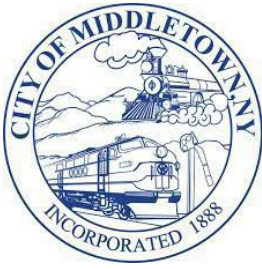
Date of Adoption: August 15, 2023

Index No: 174-23

| Names             | Ayes | Noes | Abstain | Absent |
|-------------------|------|------|---------|--------|
| Ald. Tobin        |      |      |         |        |
| Ald Jean-Francois |      |      |         |        |
| Ald. Johnson      |      |      |         |        |
| Ald. Wray         |      |      |         |        |
| Ald. Kleiner      |      |      |         |        |
| Ald. Green        |      |      |         |        |
| Ald. Witt         |      |      |         |        |
| Ald. Masi         |      |      |         |        |
| Pres. Rodrigues   |      |      |         |        |
| Total             |      |      |         |        |

**Resolution Authorizing Street Closures for the 2023 Fire Department Parade**

RESOLVED; that the Common Council of the City of Middletown hereby authorizes the Chief of Police to close all necessary streets for the Fire Department Parade on Saturday, October 7, 2023, line up at 2:00PM on Highland Avenue, and step off at 3:00PM, finishing at Thrall Park.



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

THE FOLLOWING WAS PRESENTED

By Ald.

Sec'd by Ald.

Date of Adoption: August 15, 2023

Index No: 175-23

| Names             | Ayes | Noes | Abstain | Absent |
|-------------------|------|------|---------|--------|
| Ald. Tobin        |      |      |         |        |
| Ald Jean-Francois |      |      |         |        |
| Ald. Johnson      |      |      |         |        |
| Ald. Wray         |      |      |         |        |
| Ald. Kleiner      |      |      |         |        |
| Ald. Green        |      |      |         |        |
| Ald. Witt         |      |      |         |        |
| Ald. Masi         |      |      |         |        |
| Pres. Rodrigues   |      |      |         |        |
| Total             |      |      |         |        |

**Resolution Awarding the Mountain Avenue and High Barney Road Water Tank Replacement to DN Tanks, LLC of New York**

RESOLVED; that the Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment and awards the Mountain Avenue and High Barney Road Water Tank Replacement to the lowest qualified bidder, DN Tanks, LLC of New York as follows:

The Mountain A venue water storage tank replacement will be awarded in the amount of \$3,998,560 to DN Tanks.

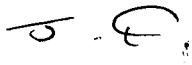
The High Barney water storage tank replacement will be awarded in the amount of \$2,864,250 to DN Tanks. This is exclusive of add alternate number 1, which was declined by the City.

**ATTACHMENTS:**

[REQUEST FOR RESOLUTION- AWARD WATER TANKS PROJ- MOUNTAIN AVE AND HIGH BARNEY.pdf](#)

# DEPARTMENT OF PUBLIC WORKS

## MEMORANDUM

Date: July 21, 2023  
To: Honorable Mayor DeStefano, Council President Rodrigues  
and Members of the Common Council  
Cc: City Clerk Richard McCormack and City Treasurer Leonora Liz  
From: Jacob Tawil, Commissioner of Public Works   
Re: Mountain Avenue Water Tank and High Barney Water Tank  
Replacement Projects Bids

We respectfully request a Council Resolution to award both of the referenced bids to the lowest responsible qualified bidder, DN Tanks of New York, LLC.

The Mountain Avenue water storage tank replacement will be awarded in the amount of \$3,998,560 to DN Tanks.

The High Barney water storage tank replacement will be awarded in the amount of \$2,864,250 to DN Tanks. This is exclusive of add alternate number 1, which was declined by the City.

Publicly advertised bids were received and opened during Board of Estimates meeting on 7/12/2023, with total of two bids received for each project. Bid tabulation sheets and recommendation of contract award are enclosed.

Funding for these projects have already been established.

Thank you.



July 18, 2023

Jacob S. Tawil, PE  
Commissioner of Public Works  
City of Middletown  
16 James Street  
Middletown, NY 10940

**Re: Mountain Avenue Water Storage Tank Replacement  
Recommendation of Contract Award**

Dear Jacob:

We have reviewed the bids for the above referenced Project submitted on Wednesday, July 12, 2023. There were two (2) bids received; you were previously provided with a tabulation of all bids.

DN Tanks of New York, LLC (DN Tanks) of Wakefield, MA submitted the low base bid of \$3,998,560.00.

DN Tanks' bid is complete including acknowledgement of Addendum No. 1, Addendum No. 2, Addendum No. 3, and Bid Security. CPL has reviewed DN Tanks' Statement of Qualifications. DN Tanks was also our basis of design for the project. DN Tanks understands the scope of work and is comfortable with their bid.

Based on our review of the bids and our conversation with DN Tanks, we recommend that the bid be awarded to DN Tanks of New York, LLC for the amount of \$3,998,560.00.

Please contact me if you have any questions or if you wish to discuss further.

Very truly yours,

David A. Chase, PE, LEED AP  
Senior Project Manager

C: File

## BID TABULATION SHEET

|                  |                                                                   |
|------------------|-------------------------------------------------------------------|
| PROJECT:         | MOUNTAIN AVENUE WATER STORAGE TANK REPLACEMENT                    |
| OWNER:           | CITY OF MIDDLETOWN                                                |
| ENGINEER:        | CPL - 26 IBM ROAD, POUGHKEEPSIE, NY 12601                         |
| CPL PROJECT NO.: | 12113.01 DWSRF No. 18203                                          |
| BID OPENING:     | JULY 12, 2023 - 4:00 P.M. - 16 JAMES STREET, MIDDLETOWN, NY 10940 |

| CONTRACTOR                                                       | COMPLETED BID FORM | SIGNED BID FORM | BID SECURITY | ACKNOWLEDGE ADDENDUM 1 (3.01.A) | ACKNOWLEDGE ADDENDUM 2 (3.01.A) | ACKNOWLEDGE ADDENDUM 3 (3.01.A) | BASE BID (5.01.E) | Notes                 |
|------------------------------------------------------------------|--------------------|-----------------|--------------|---------------------------------|---------------------------------|---------------------------------|-------------------|-----------------------|
| DN Tanks of New York, LLC<br>11 Teal Road<br>Wakefield, MA 01880 | X                  | X               | X            | X                               | X                               | X                               | \$3,998,560.00    | * Apparent Low Bidder |
| Preload, LLC<br>4000 Tower Road<br>Louisville, KY 40219          | X                  | X               | X            | X                               | X                               | X                               | \$4,776,000.00    |                       |
|                                                                  |                    |                 |              |                                 |                                 |                                 |                   |                       |
|                                                                  |                    |                 |              |                                 |                                 |                                 |                   |                       |
|                                                                  |                    |                 |              |                                 |                                 |                                 |                   |                       |
|                                                                  |                    |                 |              |                                 |                                 |                                 |                   |                       |
|                                                                  |                    |                 |              |                                 |                                 |                                 |                   |                       |
|                                                                  |                    |                 |              |                                 |                                 |                                 |                   |                       |



July 18, 2023

Jacob S. Tawil, PE  
Commissioner of Public Works  
City of Middletown  
16 James Street  
Middletown, NY 10940

**Re: High Barney Water Storage Tank Replacement  
Recommendation of Contract Award**

Dear Jacob:

We have reviewed the bids for the above referenced Project submitted on Wednesday, July 12, 2023. There were two (2) bids received; you were previously provided with a tabulation of all bids.

DN Tanks of New York, LLC (DN Tanks) of Wakefield, MA submitted the low base bid of \$2,864,250.00. DN Tanks' bid for Add Alternate No. 1 (Hydrodynamic Mixing System) was \$111,200.00. As discussed via email, the City is declining to accept Add Alternate No. 1.

DN Tanks' bid is complete including acknowledgement of Addendum No. 1, Addendum No. 2, Addendum No. 3, and Bid Security. CPL has reviewed DN Tanks' Statement of Qualifications. DN Tanks was also our basis of design for the project. DN Tanks understands the scope of work and is comfortable with their bid.

Based on our review of the bids and our conversation with DN Tanks, we recommend that the bid be awarded to DN Tanks of New York, LLC for the amount of \$2,864,250.00 (exclusive of Add Alternate No. 1).

Please contact me if you have any questions or if you wish to discuss further.

Very truly yours,

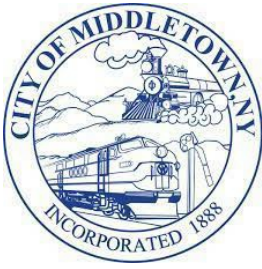
David A. Chase, PE, LEED AP  
Senior Project Manager

C: File

## BID TABULATION SHEET

| BID TABULATION SHEET |                                                                   |
|----------------------|-------------------------------------------------------------------|
| PROJECT:             | HIGH BARNEY WATER STORAGE TANK REPLACEMENT                        |
| OWNER:               | CITY OF MIDDLETOWN                                                |
| ENGINEER:            | CPL - 26 IBM ROAD, POUGHKEEPSIE, NY 12601                         |
| CPL PROJECT NO.:     | 12113.01 DWSRF No. 18203                                          |
| BID OPENING:         | JULY 12, 2023 - 4:00 P.M. - 16 JAMES STREET, MIDDLETOWN, NY 10940 |

[illegible]



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

THE FOLLOWING WAS PRESENTED

By Ald.

Sec'd by Ald.

Date of Adoption: August 15, 2023

Index No:

| Names             | Ayes | Noes | Abstain | Absent |
|-------------------|------|------|---------|--------|
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| Ald. Wray         |      |      |         |        |
| Ald. Kleiner      |      |      |         |        |
| Ald. Green        |      |      |         |        |
| Ald. Witt         |      |      |         |        |
| Ald. Masi         |      |      |         |        |
| Pres. Rodrigues   |      |      |         |        |
| Total             |      |      |         |        |

**Resolution Authorizing the Accounts be Audited, Claims Adjusted, and the Treasurer be Authorized to Issue Warrants for their Payment**

**I MOVE THE ACCOUNTS BE AUDITED, THE CLAIMS ADJUSTED AND THE**

**TREASURER BE AUTHORIZED TO ISSUE WARRANTS FOR THEIR PAYMENTS**