



**CITY OF MIDDLETOWN
COMMON COUNCIL MEETING AGENDA
SEPTEMBER 5, 2023**

1. PLEDGE OF ALLEGIANCE
2. ROLL CALL
3. APPROVAL OF MINUTES

3.1 Approval of Minutes for June 20, 2023

4. CORRESPONDENCE, COMMUNICATION AND REPORTS
5. FOR THE GOOD OF THE CITY

New York Conference of Mayor's (NYCOM) Employee Longevity Recognition

Leonard Ferara (DPW) 25 Years of Service
William Halinan (DPW) 35 Years of Service
Donnie Robinholt (DPW) 25 Years of Service

George Valentine (MPD) 25 Years of Service

Mathew Lybolt (Rec) 25 Years of Service

Brian Ogden (Rec) 25 Years of Service

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

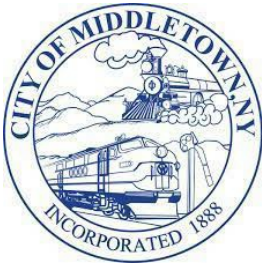
- 12.1 Resolution Accepting a \$250 Donation from the Kiwanis Club of Middletown for the Police Department
- 12.2 Resolution Accepting a \$250 Donation from the Middletown Teacher's Association for the Police Department
- 12.3 Resolution Accepting a Proposal from Lewis Signs Co. for a total of \$23,972.50 for a Football Scoreboard at Wolslayer Field
- 12.4 Resolution Authorizing a \$2000 Budget Transfer from within the Corporation Counsel Budget Line
- 12.5 Resolution Authorizing the Acquisition of Property from Bell Flavors and Fragrances
- 12.6 Resolution Authorizing a \$9500 Budget Transfer for Appraisal Reports for the Heritage Rail Trail Extension project and Middletown and New Jersey Railroad LLC Parcel
- 12.7 Resolution Authorizing a Proposal from Rotolo Electric for the ELC2 CPU upgrade and Source Selector Switch
- 12.8 Resolution Authorizing A \$17,500 Budget Transfer for Senior Trips
- 12.9 Resolution Authorizing an Agreement with Capital Market Advisors to Serve as the City's Financial Advisors

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: September 5, 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				

Approval of Minutes for June 20, 2023

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ATTACHMENTS:

[06.20.23 CC Minutes-Corr.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.

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 them, 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, while they are in there 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 WSP 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 ADA 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 tomorrow 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 was on schedule. He told me it was 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 my 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 DOT 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 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 WSP's control. Our contract is with WSP. 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 WSP, 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 BID, for the downtown,

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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 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)

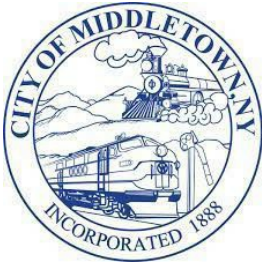
CERTIFICATION

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.

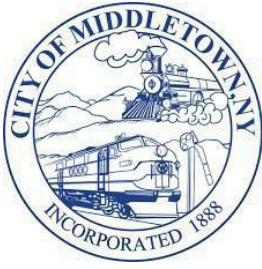
- Section 3. This Ordinance shall take effect immediately.

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

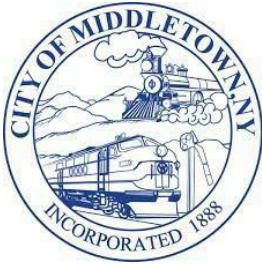
Names	Ayes	Noes	Abstain	Absent
Ald. Tobin	X			
Ald Jean-Francois	X			
Ald. Johnson	X			
Ald. Wray	X			
Ald. Kleiner	X			
Ald. Green	X			
Ald. Witt	X			
Ald. Masi	X			
Pres. Rodrigues	X			
Total	9			

**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:

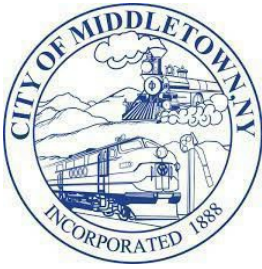
Teplitz Metal Processing, 75 Church St., Middletown, NY 10940:

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:

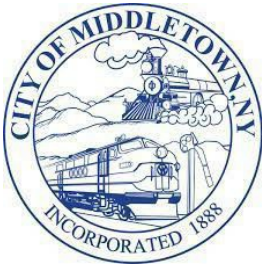
G. Richard Truex P&H, Inc., P. O. Box 2152, Middletown, NY 10940:

\$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.

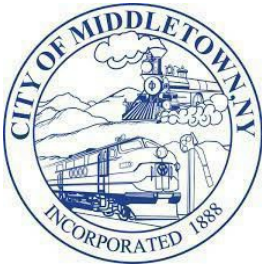
This monthly rental fee is in addition to container charges upon delivery and the materials (tires) to be

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:

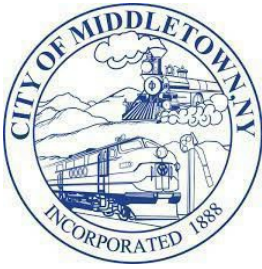
Harry F. Rotolo & Son, Inc., 390 East Main Street, Middletown, NY 10940:

@\$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° bend domestic @ \$628.08 ea.

Fittings for 12" pipe - 45° 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° 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° bend imported @ \$196.69 ea.

- 22 1/2° bend imported @ \$192.36 ea.

- 45⁰ bend imported @ \$201.02 ea.

- 90⁰ bend imported @ \$223.20.00 ea.

Fittings for 8" pipe - 11 1/4⁰ bend imported @ \$260.77 ea.

- 22 1/2⁰ bend imported @ \$273.22 ea.

- 45⁰ bend imported @ \$276.47 ea.

- 90⁰ bend imported @ \$307.32 ea.

Fittings for 10" pipe - 11 1/4⁰ bend imported @ \$389.22 ea.

- 22 1/2⁰ bend imported @ \$390.31 ea.
- 45⁰ 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 1/4⁰ bend domestic @ \$319.90 ea.

- 22 1/2⁰ bend domestic @ \$316.01 ea.

- 45⁰ bend domestic @ \$326.89 ea.

- 90⁰ bend domestic @ \$354.10 ea.

Fittings for 8" pipe - 11 1/4⁰ bend domestic @ \$389.23 ea.

- 22 1/2⁰ bend domestic @ \$413.77 ea.

- 45⁰ bend domestic @ \$416.88 ea.

- 90⁰ bend domestic @ \$461.18 ea.

Fittings for 10" pipe - 11 1/4⁰ bend domestic @ \$593.53 ea.

- 22 1/2⁰ bend domestic @ \$582.65 ea.
- 45⁰ bend domestic @ \$591.21
- 90⁰ bend imported @ \$456.48 ea.

Fittings for 12" pipe - 11 1/4⁰ bend domestic @ \$777.14 ea; imported @ \$500.78 ea.

- 22 1/2⁰ bend domestic @ \$796.57 ea; imported @ \$515.13 ea.

- 45⁰ bend imported @ \$548.13 ea.

- 90⁰ bend domestic @ \$976.10 ea; imported @ \$603.13 ea.

Fittings for 14" pipe - 11 1/4⁰ bend domestic @ \$1,409.88 ea.; imported @ \$882.91 ea.

- 22 1/2⁰ bend domestic @ 1,389.67 ea.; imported @ \$824.09 ea.

- 45⁰ bend domestic @ \$1,378.79 ea.; imported @ \$818.83 ea.

- 90⁰ bend domestic @ \$1,601.07 ea.; imported @ \$936.48 ea.

Fittings for 16" pipe - 11 1/4⁰ bend domestic @ \$1,694.50 ea.; imported @ \$1,050.52 ea.

- 22 1/2⁰ bend domestic @ \$1,694.50 ea.; imported @ \$1021.83 ea.
- 45⁰ 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.):

- 90⁰ bend domestic @ \$2,025.58 ea.; imported @ \$1,248.04 ea.

Fittings for 18" pipe - 11 1/4⁰ bend domestic @ \$2,349.98 ea.; imported @ \$1,459.54 ea.

- 22 1/2⁰ bend domestic @ \$2,224.08 ea.; imported @ \$1,295.50 ea.

- 45⁰ bend domestic @ \$2,234.96.00 ea.; imported @ \$1,431.80 ea.

- 90⁰ bend domestic @ \$2,678.72 ea.; imported @ \$1,564.28 ea.

Fittings for 20" pipe - 11 1/4⁰ bend domestic @ \$2,727.42 ea.; imported @ \$1,624.80 ea.

- 22 1/2⁰ bend domestic @ \$2,751.52 ea.; imported @ \$1,674.07 ea.

- 45⁰ bend domestic @ \$2,659.03 ea.; imported @ \$1,637.72 ea.

- 90⁰ bend domestic @ \$3,454.86 ea.; imported @ \$2,071.50 ea.

Fittings for 24" pipe - 11 1/4⁰ bend domestic @ \$3,549.52 ea.; imported @ \$2,219.87 ea.

- 22 1/2⁰ bend domestic @ \$3,717.39 ea.; imported @ \$2,292.09 ea.
- 45⁰ bend imported @ \$2,386.78 ea.
- 90⁰ 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.

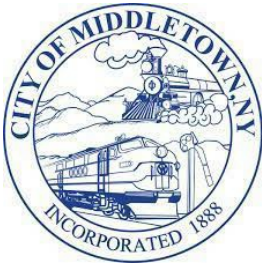
#3433 Heavy duty grate domestic @ \$375.00 ea.; imported @ \$345.00 ea.

#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:

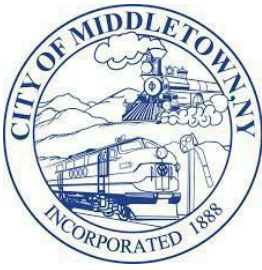
Cationic Dry Polymer per lb. (min. del. 36 bags) @ \$2.30/ lbs.

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			

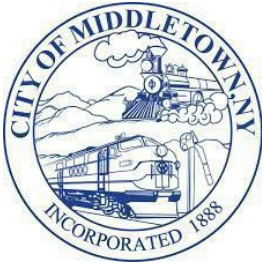
Resolution Authorizing the Orange County Summer Youth Employment Program Worksite Agreement for 2023

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:

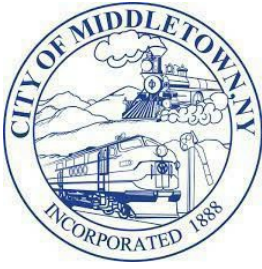
Val Bruni Plumbing & Heating, PO Box 864, Middletown NY 10940:

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

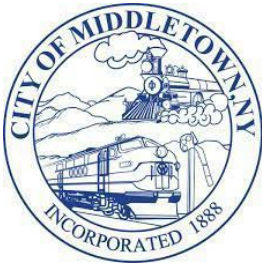
Index No:

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: September 5, 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				

Resolution Accepting a \$250 Donation from the Kiwanis Club of Middletown for the Police Department

RESOLVED; that the Common Council of the City of Middletown, NY, concurs with the Board of Estimate and Apportionment and accepts a \$250 donation from the Kiwanis Club of Middletown for the Police Department Neighborhood Watch Program and community events aimed at doing so.

RESOLVED; that the Common Council of the City of Middletown, NY, concurs with the Board of Estimate and Apportionment and authorizes the Treasurer to deposit these funds into the Police Donation budget line A.2705.06 and to increase the A.3120.501 Community line on the police budget by the same amount.

ATTACHMENTS:

[NATIONAL NIGHT OUT 2023-2.pdf](#)

JOHN EWANCIW
CHIEF OF POLICE



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

CITY OF MIDDLETOWN POLICE DEPARTMENT

2 JAMES STREET
MIDDLETOWN, NEW YORK 10940
ESTABLISHED 1888

August 17, 2023

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

Dear Mayor DeStefano and Members of the Board of Estimate,

We are in receipt of a \$250.00 donation from the Kiwanis Club of Middletown and a \$250.00 donation from the Middletown Teachers Association supporting our Neighbor Hood Watch and community events aimed at doing so.

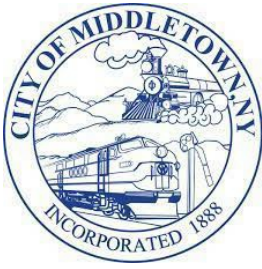
We are requesting permission to accept this donation into the Police Donation budget line A.2705.06.

Furthermore, we request to increase the A.3120.501 Community line of our police budget by the same amount.

Very truly yours,

John Ewanciw
Chief of Police

JE:ccd



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

THE FOLLOWING WAS PRESENTED

By Ald.

Sec'd by Ald.

Date of Adoption: September 5, 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				

Resolution Accepting a \$250 Donation from the Middletown Teacher's Association for the Police Department

RESOLVED; that the Common Council of the City of Middletown, NY, concurs with the Board of Estimate and Apportionment and accepts a \$250 donation from the Middletown Teacher's Association for the Police Department Neighborhood Watch Program and community events aimed at doing so.

RESOLVED; that the Common Council of the City of Middletown, NY, concurs with the Board of Estimate and Apportionment and authorizes the Treasurer to deposit these funds into the Police Donation budget line A.2705.06 and to increase the A.3120.501 Community line on the police budget by the same amount.

ATTACHMENTS:

[NATIONAL NIGHT OUT 2023-2.pdf](#)

JOHN EWANCIW
CHIEF OF POLICE



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

CITY OF MIDDLETOWN POLICE DEPARTMENT

2 JAMES STREET
MIDDLETOWN, NEW YORK 10940
ESTABLISHED 1888

August 17, 2023

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

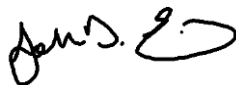
Dear Mayor DeStefano and Members of the Board of Estimate,

We are in receipt of a \$250.00 donation from the Kiwanis Club of Middletown and a \$250.00 donation from the Middletown Teachers Association supporting our Neighbor Hood Watch and community events aimed at doing so.

We are requesting permission to accept this donation into the Police Donation budget line A.2705.06.

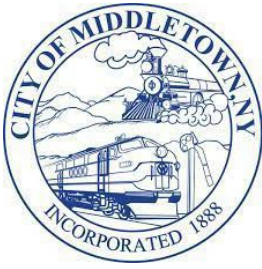
Furthermore, we request to increase the A.3120.501 Community line of our police budget by the same amount.

Very truly yours,



John Ewanciw
Chief of Police

JE:ccd



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

THE FOLLOWING WAS PRESENTED

By Ald.

Sec'd by Ald.

Date of Adoption: September 5, 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				

Resolution Accepting a Proposal from Lewis Signs Co. for a total of \$23,972.50 for a Football Scoreboard at Wolslayer Field

RESOLVED; that the Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment and accepts a proposal from Lewis Signs Co. for a total of \$23,972.50 for a Football Scoreboard at Wolslayer Field.

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 \$29,972.50, in the following manner, to cover the cost of the project.

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

FROM	AMOUNT	TO
Debt Service Fund Balance	\$29,972.50	H.7110.213

ATTACHMENTS:

[Lewis Sign Proposal.pdf](#)



J. Miguel Rodrigues
City of Middletown

Football Scoreboard Proposal for Wolslayer Field

Supply one Eversan model 9360 Football Scoreboard 8'h x 18'w blue background with white trim. Red LED numerals, wireless control pad. \$16402.50
Freight \$1200.00

Header sign build by Lewis Signs and lettered as per approved sketch \$1420.00

Supply two W10x 15 I Beams 24' long primed and painted \$1300.00

Excavate Footings, Supply and set the beams plumb in concrete \$2,150.00

Return trip concrete has had a week to cure erect the scoreboard and header on the beams work with your electrician to hook up electric service to scoreboard \$1,500.00

We will need a first payment of 50% so we can order the scoreboard from Eversan. They are currently at 4 weeks from receiving deposit to being ready to ship.

Total \$23,972.50

A 50 % first payment is required to place the order

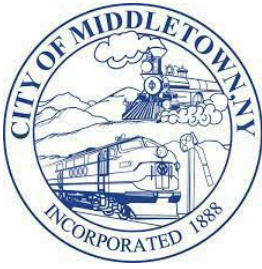
Engineering Stamp if required _____ \$TBD

Acceptance of Proposal-The above prices, specifications and Conditions are satisfactory and are hereby accepted. You are authorized to do work as specified. Payment will be made upon receipt of invoice.

Signature _____ Date _____

Note: This proposal may be withdrawn by us if not accepted within 30 days

ELECTRONIC SIGNS — LED SIGNS —DIGITAL DISPLAYS— CRANE SERVICE — FLAGPOLES
& LEWIS MEDIA BILLBOARDS
26 FLUORESCENT DRIVE, SLATE HILL, N.Y. 10973



CITY OF MIDDLETOWN, NEW YORK COMMON COUNCIL RECORD OF VOTE

THE FOLLOWING WAS PRESENTED

By Ald.

Sec'd by Ald.

Date of Adoption: September 5, 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				

Resolution Authorizing a \$2000 Budget Transfer from within the Corporation Counsel Budget Line

RESOLVED; that the Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment and authorizes the Treasurer to transfer \$1,000, in the following manner, to cover unpaid invoices within the Office of Corporation Counsel.

FROM	Amount	TO
A.1900.991 Appraisals	\$1000	A.8010.90 ZBA General Expense
A.1900.991 Appraisals	\$1000	A.8020.900 Planning Board General Expense

ATTACHMENTS:

[Corp Counsel Transfer Request.pdf](#)

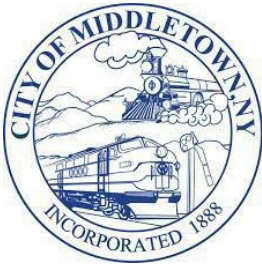
Richard McCormack

From: Martina Tu
Sent: Thursday, August 24, 2023 10:07 AM
To: Leonora Liz; Richard McCormack
Subject: Budget transfer request

Good Morning,
This is to request a following transfer within our 2023 budget lines:

From	Amount	To
A.1900.991 Appraisals	\$1,000.00	A.8010.900 ZBA General Expense
A.1900.991 Appraisals	\$1,000.00	A.8020.900 Planning Board General Expense

This transfer is to replenish A8010.900 and A8020.900 lines in order to pay unpaid invoices.
Thank you.



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

THE FOLLOWING WAS PRESENTED

By Ald.

Sec'd by Ald.

Date of Adoption: September 5, 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				

Resolution Authorizing the Acquisition of Property from Bell Flavors and Fragrances

RESOLVED; that the Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment and authorizes the acquisition of property from Bell Flavors and Fragrances that is adjacent to Academy Avenue and East Main Street sidewalk in order to facilitate a better intersection design at Academy Avenue that complies with ADA requirements.

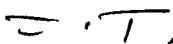
Bell Flavors has graciously agreed to give the property to the City at no cost. The City will be responsible for all fees associated with the legal and survey work required for this taking.

ATTACHMENTS:

[MEMO- PROPERTY TAKING BELLS FLAVOR.pdf](#)

DEPARTMENT OF PUBLIC WORKS

MEMORANDUM

Date: August 24, 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: Property Taking- Bell Flavor and Fragrances

We respectfully request approval to obtain property from Bell Flavors and Fragrances that is adjacent to Academy Avenue and East Main Street sidewalk in order to facilitate a better intersection design at Academy Avenue that complies with ADA requirements.

Bell Flavors has graciously agreed to give the property to the City at no cost. The City will be responsible for all fees associated with the legal and survey work required for this taking.

Please refer to the attached documents as reference.

Thank you.

Department of Public Works

City of Middletown

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



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

NOTICE TO OWNER

August 22, 2023

Bell Flavors & Fragrances
500 Academy Drive
Northbrook, IL 60062-2497

Re: Middletown Traffic Operations & Streetscapes Projects
Middletown, Orange County, NY
Map(s) 1 Parcel(s) 1

Dear Property Owner:

The **City of Middletown** is preparing to acquire property rights needed for the above-captioned intersection improvement project as previously discussed in email correspondence on January 2, 2023, and November 7, 2022 (attached). Bell Flavors and Fragrances (BELL) email on June 19, 2023, states that they have no objection currently to the proposed property taking (preliminary map attached).

The **City of Middletown** will be responsible for all aspects of construction and all costs, fees and expenses associated with this project including the restoration of BELL fencing and land, all zoning requirements, preparation and recording of all legal documents including but not limited to the deed to convey the requested parcel to the City of Middletown and any temporary construction easement.

The **City of Middletown** will provide BELL with a certificate of insurance that names BELL as an additional insured for this project and that the City will agree to defend and indemnify BELL for any injury or property damage arising out of this project that occurs on BELL's property during the project and that the project will not cause disruption to BELL's business operations.

The City of Middletown will not require Bell to create a plat or otherwise subdivide its property in order to convey the requested parcel to the City of Middletown.

The **City of Middletown** will assist with the acquisition of real property rights needed for the project. An acquisitions specialist will contact you to discuss the acquisition process. In addition, the specialist will provide details about the proposed construction and project schedule. As the acquisition process progresses, we will provide you with a map showing the extent of your property that will be needed for the project (preliminary map attached).

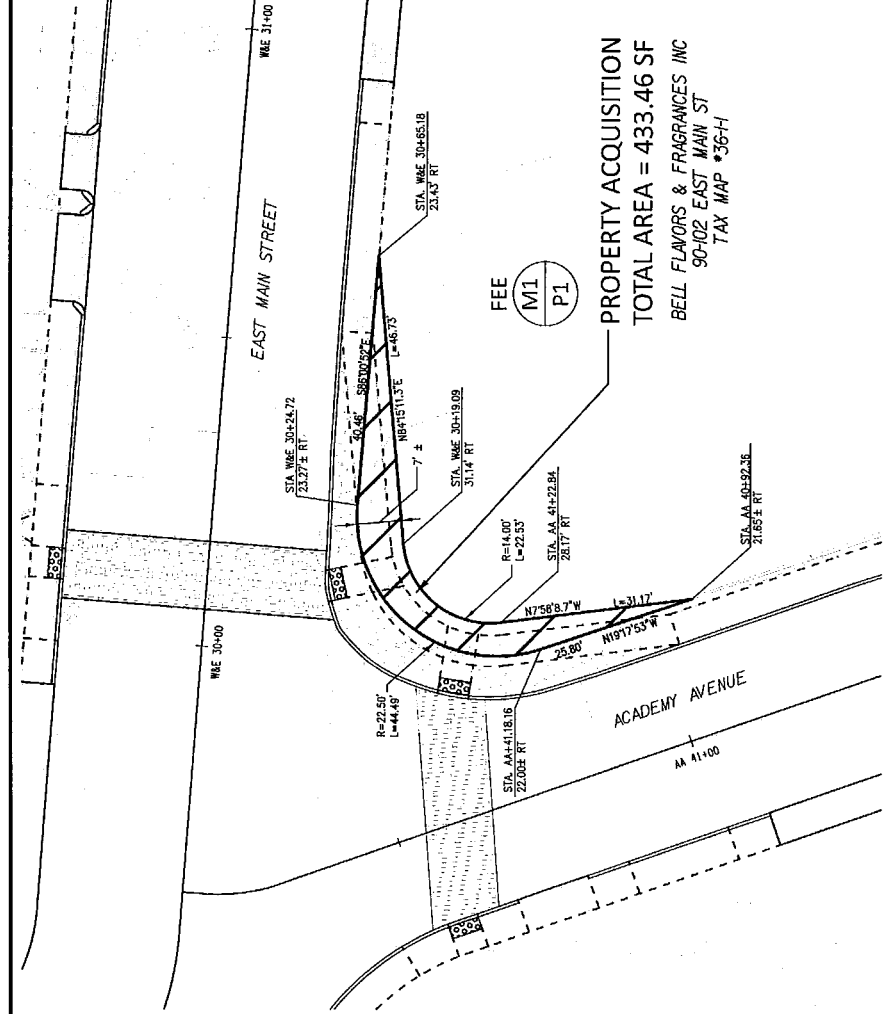
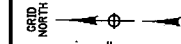
Please contact **Jacob Tawil, Commissioner of Public Works for the City of Middletown** if you have any questions about this project or the right-of-way acquisition process.

Thank you for your attention to this matter.

Very truly yours,

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

Enclosure



PROPERTY ACQUISITION
TOTAL AREA = 433.46 SF
BELL FLAVORS & FRAGRANCES INC
90+02 EAST MAIN ST
TAX MAP #36-H

MAP OF PROPERTY WHICH THE COMMISSIONER OF PUBLIC WORKS DEEMS NECESSARY TO BE ACQUIRED IN THE NAME OF THE PEOPLE OF THE CITY OF MIDDLETOWN IN FEE ACQUISITION, PURSUANT TO SECTION 118 OF THE HIGHWAY LAW AND THE EMINENT DOMAIN PROCEDURE LAW. ALL THAT PIECE OR PARCEL HEREIN AFTER DESIGNATED AS PARCEL NO. 1, SITUATE IN THE CITY OF MIDDLETOWN, COUNTY OF ORANGE, STATE OF NEW YORK AS SHOWN ON THE ACCOMPANYING MAP AND DESCRIBED AS FOLLOWS:

PARCEL NO. 1, A FEE ACQUISITION TO BE EXERCISED FOR THE PURPOSE OF PROPOSED ROADWAY AND SIDEWALK IMPROVEMENTS.

BEGINNING AT A POINT ON THE EASTERLY BOUNDARY OF ACADEMY AVENUE, SAID POINT BEING 21.55'± DISTANT EASTERLY MEASURED AT RIGHT ANGLES FROM STATION AA 40+92.36 OF THE PROPOSED BASELINE FOR ACADEMY AVENUE INTERSECTION IMPROVEMENTS; THENCE THROUGH THE PROPERTY OF BELL FLAVORS & FRAGRANCES (REPUTED OWNERS) THE FOLLOWING COURSES AND DISTANCES: (1) NORTH 7°-58'-8.7" WEST 31.17' TO A POINT 28.17' DISTANT EASTERLY MEASURED AT RIGHT ANGLES FROM STATION AA 41+22.84 OF SAID BASELINE; AND (2) AN ARC CURVING RIGHT WITH RADIUS OF 14.00' FOR 22.53' TO A POINT 31.14' DISTANT SOUTHERLY MEASURED AT RIGHT ANGLES FROM STATION W&E 30+19.09 OF THE PROPOSED BASELINE FOR EAST MAIN STREET; AND (3) NORTH 84°-15'-11.3" EAST 46.73'± TO A POINT ON THE SOUTHERLY BOUNDARY OF EAST MAIN STREET. THE LAST MENTIONED POINT BEING 23.43'± DISTANT SOUTHERLY MEASURED AT RIGHT ANGLES FROM STATION W&E 30+65.18 OF SAID BASELINE. THENCE THE FOLLOWING COURSES AND DISTANCES: (1) NORTH 86°-00'-52" WEST 30+46'± TO A POINT 23.27'± DISTANT SOUTHERLY MEASURED AT RIGHT ANGLES FROM STA W&E 30+24.72 OF SAID BASELINE; AND (2) AN ARC CURVING LEFT WITH RADIUS OF 22.50' FOR 44.48' TO A POINT 22.00' EASTERLY MEASURED AT RIGHT ANGLES FROM STATION AA 41+18.16 OF SAID BASELINE; AND (3) SOUTH 19°-17'-53" EAST 25.80' TO THE POINT OF BEGINNING, SAID PARCEL BEING 433.46 SQUARE FEET MORE OR LESS.

RESERVING, HOWEVER, TO THE OWNER OF ANY RIGHT, TITLE OR INTEREST IN AND TO THE PROPERTY ABOVE DELINEATED, AND SUCH OWNER'S SUCCESSORS OR ASSIGNS, THE RIGHT OF ACCESS AND THE RIGHT OF USING SAID PROPERTY AND SUCH USE SHALL NOT BE FURTHER LIMITED OR RESTRICTED UNDER THIS EASEMENT BEYOND THAT WHICH IS NECESSARY TO EFFECTUATE ITS PURPOSES FOR AND ESTABLISHED BY, THE CONSTRUCTION OR RECONSTRUCTION AND AS SO CONSTRUCTED OR RECONSTRUCTED, THE MAINTENANCE, OF THE HEREIN IDENTIFIED PROJECT.

THE ABOVE MENTIONED BASELINES ARE A PORTION OF THE MIDDLETOWN TRAFFIC OPERATIONS STAGE I AND II PROJECT.

I HEREBY CERTIFY THAT THE PROPERTY MAPPED ABOVE IS NECESSARY FOR THIS PROJECT AND THE ACQUISITION THEREOF IS RECOMMENDED.

DATE: AUGUST 17, 2023

Jacob S. Tawil, P.E. - Commissioner

JACOB S. TAWIL P.E.
COMMISSIONER OF PUBLIC WORKS

ALTERED BY:
DN

PROJECT MANAGER K. CRAIG

CHECK
DRAWING M. HERRIS

CHECK
DESIGN

JOB MANAGER

DESIGN SUPERVISOR

FILE NAME = 17-AUG-2023 16:49
USER = wsp\mhp\pw.svo

STATE OF NEW YORK
KATHARINE T. CRAIG
086021
PROFESSIONAL ENGINEER

ALTERED BY:
DN



AS-BUILT REVISIONS
DESCRIPTION OF ALTERATIONS:

REGION	
COUNTY: ORANGE	

PIN	

BRIDGES	

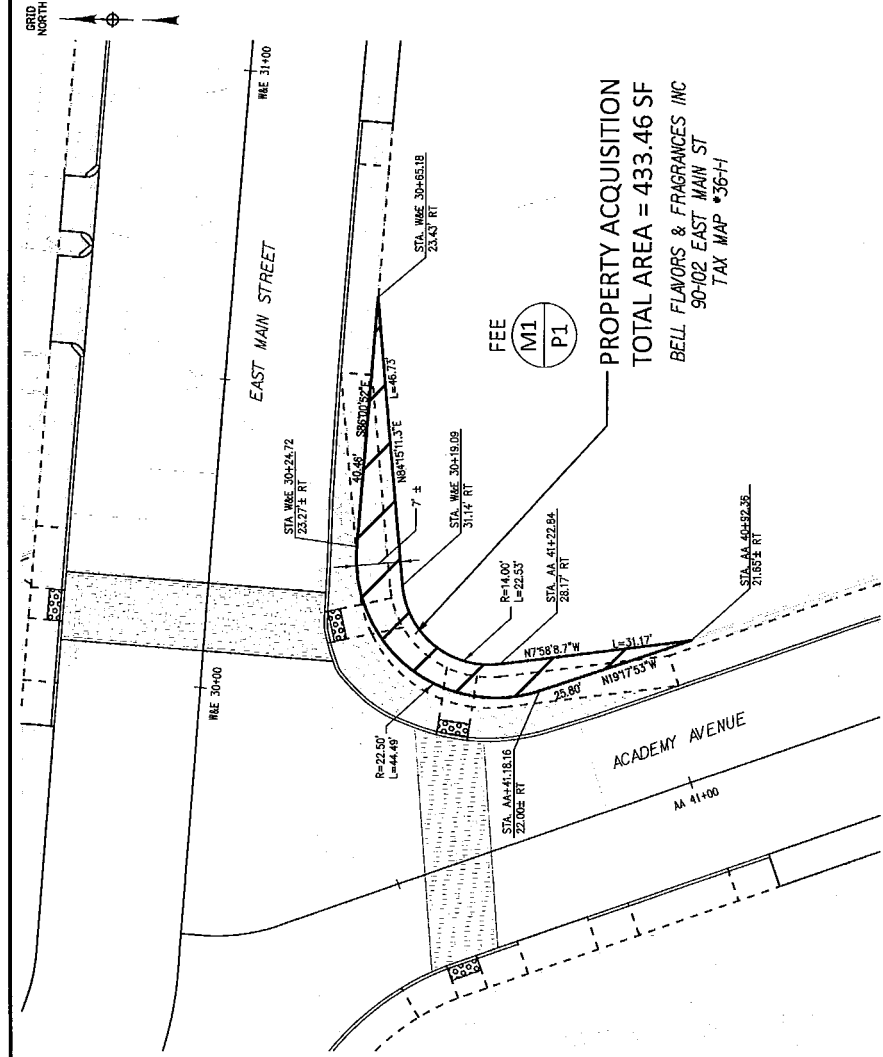
CULVERTS	

ALL DIMENSIONS IN FT UNLESS OTHERWISE NOTED	
PROPERTY ACQUISITION PLAN EAST MAIN STREET AND ACADEMY AVENUE	

CONTRACT NUMBER	
DRAWING NO. PA-01	
SHEET NO. 1	OF 1

IT IS A VIOLATION OF LAW FOR ANY PERSON, UNLESS THEY ARE ACTING UNDER THE DIRECTION OF A LICENSED PROFESSIONAL ENGINEER, ARCHITECT, LANDSCAPE ARCHITECT OR LAND SURVEYOR, TO ALTER AN ITEM IN ANY WAY, IF AN ITEM BEARING THE STAMP OF A LICENSED PROFESSIONAL IS ALTERED, THE ALTERING ENGINEER, ARCHITECT, LANDSCAPE ARCHITECT, OR LAND SURVEYOR SHALL STAMP THE DOCUMENT AND INCLUDE THE NOTATION "ALTERED BY" FOLLOWED BY THEIR SIGNATURE, THE DATE OF SUCH ALTERATION, AND A SPECIFIC DESCRIPTION OF THE ALTERATION.





PROPERTY ACQUISITION
TOTAL AREA = 433.46 SF
BELL FLAVORS & FRAGRANCES INC
90-02 EAST MAIN ST
TAX MAP *36-H

MAP OF PROPERTY WHICH THE COMMISSIONER OF PUBLIC WORKS DEEMS NECESSARY TO BE ACQUIRED IN THE NAME OF THE PEOPLE OF THE CITY OF MIDDLETOWN IN FEE ACQUISITION, PURSUANT TO SECTION 118 OF THE HIGHWAY LAW AND THE EMINENT DOMAIN PROCEDURE LAW, ALL THAT PIECE OR PARCEL HEREIN AFTER DESIGNATED AS PARCEL NO. 1, SITUATE IN THE CITY OF MIDDLETOWN, COUNTY OF ORANGE, STATE OF NEW YORK AS SHOWN ON THE ACCOMPANYING MAP AND DESCRIBED AS FOLLOWS:

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THE ABOVE MENTIONED BASELINES ARE A PORTION OF THE MIDDLETOWN TRAFFIC OPERATIONS STAGE I AND II PROJECT.

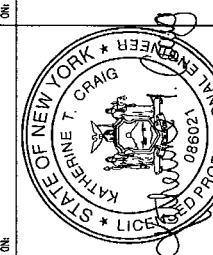
I HEREBY CERTIFY THAT THE PROPERTY MAPPED ABOVE IS NECESSARY FOR THIS PROJECT, AND THE ACQUISITION THEREOF IS RECOMMENDED.

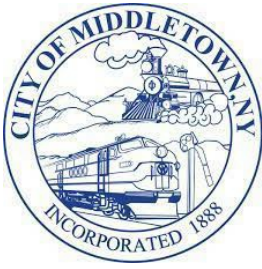
DATE: AUGUST 17, 2023

Jacob S. Tamil P.E. Commissioner

JACOB S. TAMIL P.E.
COMMISSIONER OF PUBLIC WORKS

JOB MANAGER DESIGN CHECKING DRAFTING PROJECT MANAGER K. CRAIG	ALTERED BY: ON:	AS-BUILT REVISIONS DESCRIPTION OF ALTERATIONS: SCALE: 1"=20'	COUNTY: ORANGE		REGION:		PIN:		BRIDGES		CULVERTS		ALL DIMENSIONS IN FT. UNLESS OTHERWISE NOTED		CONTRACT NUMBER
			PROPERTY ACQUISITION PLAN EAST MAIN STREET AND ACADEMY AVENUE		DRAWING NO. PA-01 SHEET NO. 1 OF 1		PROPERTY ACQUISITION PLAN EAST MAIN STREET AND ACADEMY AVENUE		DRAWING NO. PA-01 SHEET NO. 1 OF 1		DRAWING NO. PA-01 SHEET NO. 1 OF 1		DRAWING NO. PA-01 SHEET NO. 1 OF 1		
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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: September 5, 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				

Resolution Authorizing a \$9500 Budget Transfer for Appraisal Reports for the Heritage Rail Trail Extension project and Middletown and New Jersey Railroad LLC Parcel

RESOLVED; that the Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment and authorizes the Treasurer to transfer \$9500, in the following manner, to cover appraisal reports for the following projects:

Heritage Rail Trail Extension project-11 Harding Street, Middletown, NY-\$6,000*

Middletown and New Jersey Railroad LLC Parcel-SS East Main Street, Middletown, NY

\$3,500**

FROM	AMOUNT	TO
General Fund Balance	\$9,500.00	A.1490.400

This work was approved by the Mayor and the Commissioner of Public Works due to:

*AE Morse has a sale pending for the entire property and requires appraisal ASAP

****A potential grant may be available to purchase the Train Station/office building property.**

ATTACHMENTS:

[transfer.pdf](#)

DEPARTMENT OF PUBLIC WORKS

MEMORANDUM

Date: August 24, 2023
To: Honorable Members of the Board of Estimate
And Apportionment
Cc: Leonora Liz-Treasurer
Richard McCormack- City Clerk
From: Jacob Tawil-Commissioner of Public Works
Re: Transfer of Funds



I am requesting a transfer from the General Fund to DPW Contractual for appraisal reports for the following:

1-Heritage Rail Trail Extension project-11 Harding Street, Middletown, NY-\$6,000.00

2-Middletown and New Jersey Railroad LLC Parcel-SS East Main Street, Middletown, NY
\$3,500.00

This work was approved by the Mayor and the Commissioner of Public Works due to:

1-AE Morse has a sale pending for entire property and required appraiser ASAP

2-Potential grant may be available to purchase the Train Station/office building property.

FROM	AMOUNT	TO
1. General Fund	\$9,500.00	A.1490.400 Contractual

Thank you.

VOUCHER
CITY OF MIDDLETOWN
 CITY HALL
 16 JAMES STREET
 MIDDLETOWN, NEW YORK 10940

PURCHASE ORDER
No. _____

VOUCHER NO. _____

VENDOR
NUMBER _____

ISSUING
DEPARTMENT _____

THIS ORDER EXEMPT FROM ALL FEDERAL & STATE TAXES
NO. 14-6002297

CLAIMANT'S
NAME
AND
ADDRESS

Ackerly & Hubbell Appraisal Corp.
 1072 Main Street,
 Fishkill NY 12524
 Tax ID# 14-1811274

SPACE BELOW FOR CITY USE ONLY			
INV. DATE	INVOICE NO.	FUND APPROPRIATION NO.	AMOUNT
TOTAL			
SHIP VIA _____			DELIVERY DATE NEEDED _____

DATE	INVOICE NO.	QUANTITY	DESCRIPTION OF MATERIAL OR SERVICES	UNIT PRICE	AMOUNT
8/21/2023	5802	1	Appraisal Report for Middletown & New Jersey Railroad, LLC Parcel; SS East Main Street, Middletown, NY 10940	3,500.00	3,500.00
PLEASE COMPLETE AND SIGN THIS VOUCHER AND RETURN WITH YOUR INVOICE FOR PROMPT PAYMENT.					

CLAIMANT'S CERTIFICATION

I, Wanda Palavicini, certify that the above account in the amount of \$ 3,500.00 is true and correct; that the items, services and disbursements charged were rendered to or for the City of Middletown on the dates stated; that no part has been paid or satisfied; that taxes, from which the city is exempt, are not included; and that the amount claimed is actually due.

DATE 8/21/2023 SIGNATURE Wanda Palavicini TITLE Office Manager

DEPARTMENT APPROVAL

The above services or materials were rendered or furnished to the City of Middletown on the dates stated and the charges are correct. Therefore, I hereby certify that I have complied with all policies and procedures for the procurement of goods and services.

8/23/23 J. [Signature]
DATE AUTHORIZED OFFICIAL

APPROVAL FOR PAYMENT

This claim is approved and ordered paid from the appropriations indicated above.

DATE _____ FINANCE COMMITTEE _____



Invoice Date	Invoice #
8/21/2023	5802
Date Due	
9/21/2023	

Ackerly & Hubbell Appraisal Corp.
1072 Main Street, Fishkill NY 12524
Main Office: 845-454-6525
Corporate ID: 14-1811274
Billing Inquiries: wanda@rphubb.com
Payment is accepted by check payable to: Ackerly & Hubbell Appraisal Corp.

Bill To
City of Middletown
16 James Street
Middletown, NY 10940
Attn: Mayor Joseph Destefano

Client Ref #	File #	Description	Amount
N/A	23-204	Middletown & New Jersey Railroad, LLC Parcel; SS East Main Street, Middletown, NY 10940 Appraisal Report	\$ 3,500.00
		Total Amount Billed	\$ 3,500.00

Payment Date	Check Number	Description	Amount
		Total Amount Paid	\$ 0.00

Total Amount Due: \$ 3,500.00

J.S.

VOUCHER
CITY OF MIDDLETOWN
CITY HALL
16 JAMES STREET
MIDDLETOWN, NEW YORK 10940

PURCHASE ORDER

No.

VENDOR
NUMBER

VOUCHER NO.

Account Paid

ISSUING
DEPARTMENT

THIS ORDER EXEMPT FROM ALL FEDERAL & STATE TAXES
NO. 14-6002297

CLAIMANT'S
NAME
AND
ADDRESS

Ackerly & Hubbell Appraisal Corp.
1072 Main Street,
Fishkill NY 12524
Tax ID# 14-1811274

SPACE BELOW FOR CITY USE ONLY

INV. DATE	INVOICE NO.	FUND APPROPRIATION NO.	AMOUNT
TOTAL			
SHIP VIA			DELIVERY DATE NEEDED

DATE	INVOICE NO.	QUANTITY	DESCRIPTION OF MATERIAL OR SERVICES	UNIT PRICE	AMOUNT
8/21/2023	5801	1	Appraisal Report for Heritage Rail Trail Extension Project; 11 Harding Street, Middletown, NY 10940	6,000.00	6,000.00
PLEASE COMPLETE AND SIGN THIS VOUCHER AND RETURN WITH YOUR INVOICE FOR PROMPT PAYMENT.					

CLAIMANT'S CERTIFICATION

I, Wanda Palavicini, certify that the above account in the amount of \$ 6,000.00
is true and correct; that the items, services and disbursements charged were rendered to or for the City of Middletown
on the dates stated; that no part has been paid or satisfied; that taxes, from which the city is exempt, are not included;
and that the amount claimed is actually due.

DATE 8/21/2023 SIGNATURE Wanda Palavicini TITLE Office Manager

DEPARTMENT APPROVAL

The above services or materials were rendered or furnished to the
City of Middletown on the dates stated and the charges are correct.
Therefore, I hereby certify that I have complied with all policies and
procedures for the procurement of goods and services.

8/23/23 [Signature]
DATE AUTHORIZED OFFICIAL

APPROVAL FOR PAYMENT

This claim is approved and
ordered paid from the
appropriations indicated above.

DATE FINANCE COMMITTEE



Invoice Date	Invoice #
8/21/2023	5801
Date Due	
9/21/2023	

Ackerly & Hubbell Appraisal Corp.
1072 Main Street, Fishkill NY 12524
Main Office: 845-454-6525
Corporate ID: 14-1811274
Billing Inquiries: wanda@rphubb.com
Payment is accepted by check payable to: Ackerly & Hubbell Appraisal Corp.

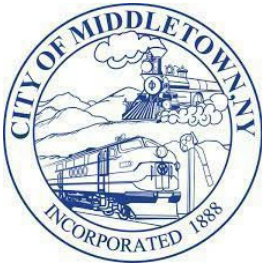
Bill To
City of Middletown
16 James Street
Middletown, NY 10940
Attn: Mayor Joseph Destefano

Client Ref #	File #	Description	Amount
N/A	23-203	Heritage Rail Trail Extension Project; 11 Harding Street, Middletown, NY 10940 Appraisal Report	\$ 6,000.00
		Total Amount Billed	\$ 6,000.00

Payment Date	Check Number	Description	Amount
		Total Amount Paid	\$ 0.00

Total Amount Due: \$ 6,000.00

5.9 -



CITY OF MIDDLETOWN, NEW YORK COMMON COUNCIL RECORD OF VOTE

THE FOLLOWING WAS PRESENTED

By Ald.

Sec'd by Ald.

Date of Adoption: September 5, 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				

Resolution Authorizing a Proposal from Rotolo Electric for the ELC2 CPU upgrade and Source Selector Switch

RESOLVED; that the Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment authorizes a proposal from Rotolo Electric in the amount of \$42,120.10 for the ELC2 CPU upgrade and \$10,787.15 for the source selector switch.

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 \$51,907.25, in the following manner, to cover the cost of the proposal.

FROM	AMOUNT	TO
G.8110.200 Personal Services	\$51,907.25	G.8130.400 WWTP Contractual Services

These pieces are essential to make sure the emergency generator starts automatically upon commercial power failure. Therefore, also requesting the following transfers within the Sewer Budget

ATTACHMENTS:

[BOE MEMO- ROTOLO-EATON PROPOSAL.pdf](#)

DEPARTMENT OF PUBLIC WORKS

MEMORANDUM

Date: August 24, 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: Proposal from Rotolo/Eaton for EESS-PSC

Enclosed, please find a price quote from Rotolo/Eaton to replace the PLC in the Eaton gear switch at the Wastewater Treatment Plant.

We are requesting a fund transfer in the amount of \$42,120.10 for the ELC2 CPU upgrade and \$10,787.15 for the source selector switch. These pieces are essential to make sure the emergency generator starts automatically upon commercial power failure.

Source of funding is requested from the sewer fund balance at this time. We will be working with Leonora for other potential sources of funding.

FROM
Sewer Fund Bal.

AMOUNT
\$51,907.25

TO
G.8130.400
WWTP Contractual

Thank you.

Proposal

Page No. of Pages

HARRY F. ROTOLO & SON, INC.
390 East Main Street
Middletown, New York 10940
(845) 343-8160
Fax (845) 343-8610

Attn: Jacob Tawil/John Wallace

PROPOSAL SUBMITTED TO

City of Middletown

STREET

16 James Street

CITY, STATE AND ZIP CODE

Middletown, NY 10940

PHONE

845-343-3169

DATE

August 18, 2023

JOB NAME

EESS-PSC

JOB LOCATION

WWTP-159 Dolson Ave, Middletown, NY 10940

FAX NUMBER

We hereby submit specifications and estimates for:

We are pleased to provide you with a price for the EESS-PSC proposal for the WWTP at 159 Dolson Ave, Middletown, NY 10940. Please see (2)

options and adder (see attached scope).

Option #1: New ELC Program and Onsite testing.....\$31,337.79

Option #2: ELC2 CPU Upgrade.....\$42,120.10

Adder: Preferred Source Selector Switch.....\$10,787.15

Prices do not include overtime, double time, second shift, special insurance and/or bonding if required will be an additional cost.

B/O: permits, inspections, utility fees, excavation/concrete work, dumpsters, and cutting/patching if required.

Note: Rotolo's labor and if required additional materials will be billed as time/material.

If you have any questions, please do not hesitate to call our office. Thank you!

We Propose hereby to furnish material and labor - complete in accordance with above specifications, for the sum of:

See above. dollars (\$).

Payment to be made as follows:

All material is guaranteed to be as specified. All work to be completed in a workmanlike manner according to standard practices. Any alteration or deviation from above specifications involving extra costs will be executed only upon written orders, and will become an extra charge over and above the estimate. All agreements contingent upon strikes, accidents or delays beyond our control. Owner to carry fire, tornado, and other necessary insurance. Our workers are fully covered by Workmen's Compensation Insurance.

Authorized Signature Harry F. Rotolo, III

Note: This proposal may be withdrawn by us if not accepted within 30 days

Acceptance of Proposal - The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be made as outlined above.

Date of Acceptance:

Signature

Signature

EESS-PSC Proposal

Proposal Date: March 14, 2022

Proposal#: PSCU3615ANB11

Customer: Middletown WWTP
Project: LVA MTG PLC Upgrade
Location: Middletown, NY

Aneesh Bagwe
Lead Negotiation Application Engineer
Mobile Phone: 480-280-7779

Steve Rapp
Engineering Manager
Mobile Phone: 724-719-5682

Eaton is pleased to provide a Fixed Firm price for this project in the scope option as shown below. A fixed price purchase order should be provided in that amount. See ordering instructions below.

Scope Description	Sell Price
Option#1: New ELC Program and Onsite Testing	\$31,337.79
Option#2: ELC2 CPU Upgrade	\$42,120.10
Adder: Preferred Source Selector switch	\$10,787.15

Project Overview:

Customer has existing Eaton LVA Switchgear (Original GO# - MAY03580-005) with Eaton ELC PLC for the Main-Tie-Generator transfer scheme. The existing M-T-G transfer is open transition for manual retransfer and automatic retransfer. Eaton PSC will provide the following options that include modifications to existing system and system upgrade.

Option#1: New ELC Program and Onsite Testing

Eaton PSC will provide configuration for the existing ELC Main-Tie-Gen automatic transfer scheme. This will also include onsite testing in order to make sure the automatic transfer scheme is functioning correctly as per the current sequence of operation

Services:

1. Eaton will provide the following services for this project
 - 1.1. PLC Programming – Provide PLC program that is compatible with the ELC hardware and accommodate the same transfer scheme sequences as the original install
 - 1.2. Offsite Simulation – Run simulation test to validate the program and control functionality of the Main-Tie-Gen transfer scheme
 - 1.3. Site Trip – Mobilize one (1) PSC Engineer and one (1) EESS FSR for one (1) day to upload latest PLC program and test the transfer scheme conditions as per sequence of operation

Materials:

Hardware (Based on Option#1)		
Item	Quantity	Description
1.	1	Eaton ELC Battery

Any order issued in response to this quotation will be governed by the terms and conditions contained in Eaton Selling Policy 25-000 which is attached hereto. The prices set forth in this quotation do not include any taxes. This quotation is valid for 60 days unless otherwise amended in writing by Eaton.

Shipment: F.O.B: Factory. Freight: Prepaid Added. Payment Terms: Net 30 days.



Powering Business Worldwide

Option#2: ELC2 CPU Upgrade

Eaton PSC will provide design, configuration, hardware, site installation and site commissioning for upgrade of the existing Eaton LVA switchgear transfer system. The upgrade will include replacement of Eaton ELC with ELC2 CPU

Services:

2. Eaton will provide the following services for this project
 - 2.1. Engineering Design – Revise existing Switchgear drawings such as AC/DC schematics and wiring drawings to show PLC CPU replacement
 - 2.2. PLC Programming – Provide latest PLC program that is compatible with the upgraded hardware and accommodate the same transfer scheme sequences as the original install
 - 2.3. Hardware Procurement – PSC will supply the hardware as loose equipment for Material as identified below for EESS FSR to perform installation
 - 2.4. Offsite Simulation – Run simulation test to validate the program and control functionality of the Main-Tie-Gen transfer scheme
 - 2.5. Site Trip – Mobilize one (1) PSC Engineer and one (1) EESS FSR for one (1) day for replacement of existing ELC CPU with ELC2, replacement of UPS, upload latest PLC program and testing the transfer scheme conditions as per sequence of operations after the retrofit modifications are complete

Materials:

Hardware (Based on Option#2)		
Item	Quantity	Description
2.	1	Eaton ELC2-PV28NNDR
3.	1	Phoenix Contact Power Supply/UPS Combo w/ battery module
4.	1 LOT	Miscellaneous equipment such as terminal blocks, wires, labels, etc.

Adder: Preferred Source Selector Switch

Install Preferred Source selector switch to "Transfer to Generator" and "Transfer to Utility". The selector switch will allow manual transfer to generator and back to utility while utility source is available. The scope of work shall include updating design drawings to add digital input module, selector switch and its associated wiring; revise PLC program to implement this functionality; and onsite testing shall be performed as part of Option#1 or Option#2.

Materials:

Hardware (For Adder)		
Item	Quantity	Description
1.	1	Preferred Source Selector Switch
2.	1	Eaton ELC 8-PT Digital Input Module
3.	1 LOT	Miscellaneous equipment such as wires, labels, etc.

References:

The following documents were used in the scope development and estimating efforts for this proposal:

1. LVA Switchgear Drawings
2. Site Photos

Any order issued in response to this quotation will be governed by the terms and conditions contained in Eaton Selling Policy 25-000 which is attached hereto. The prices set forth in this quotation do not include any taxes. This quotation is valid for 60 days unless otherwise amended in writing by Eaton.

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Powering Business Worldwide

Assumptions/Roles/Exclusions:

1. Roles - The customer will provide the following:
 - 1.1. Project Manager or person to serve as the primary contact for the Eaton Project Team
 - 1.2. Site Access as required to ensure successful installation, startup and testing
 - 1.3. Planned momentary outage during sequence testing
2. Assumptions - Eaton has assumed the following:
 - 2.1. Existing voltage sensing relays are in working condition
 - 2.2. The existing breaker aux contacts, breaker control coils and the breaker motor operators associated to the Main, Tie and Generator Breakers are reliable and functioning correctly
 - 2.3. Switchgear Control Power (CPTs /PTs, relays, fuses) is in good operating order including control power switchover between control power derived from each incoming utility and generator source (that includes all undervoltage detection and Dev. 83 based control power transfer). No modifications to existing switchgear Control Power are included in this proposal.
 - 2.4. Adder pricing is assumed to be part of Option#1 and Option#2
3. Exclusions - The following items are excluded as part of this projects scope of work
 - 3.1. Customer Training is excluded
 - 3.2. Replacement of voltage sensing relays is excluded
 - 3.3. Implementation of hardwired breaker interlocks for the Main, Tie and Generator Breakers is excluded
 - 3.4. Revised drawings provided for the system upgrade shall not be factory certified drawings
4. Site Delays & Additional Scope –
Site delays beyond the control of Eaton and authorized additional scope will be charged per the prevailing rates in accordance with Eaton's Electrical Engineering Services & Systems Price List, including but not limited to:
 - 4.1. Additional site visits caused by lack of site readiness or availability for System testing
 - 4.2. On-site and off-site labor, including standby time and portal-to-portal time
 - 4.3. Travel and living expenses, plus a handling charge of 25%
 - 4.4. Material costs, plus a handling charge of 35%

Validity

Prices will remain firm for 60 days from date of proposal.

Terms

NET30

General Terms

- Taxes are not included in the investment price.
- Selling Policy 25-000 apply.
- Please reference the proposal number on all correspondence.
- EESS-PSC requires 2 weeks' ARO to schedule start of services.
- Startup services requires 2 weeks' notice for scheduling.
- After an order is reconciled, cancellation charges will apply at a rate of 10% up to \$5,000 in addition to any actual costs incurred including any restocking fees or penalties.
- Job cancellation/delay charges: If a job is cancelled, delayed, or postponed 5 days or less prior to scheduled service, EESS reserves the right to assess a charge of 35% of the purchase order value or actual costs, plus a 15% handling charge (whichever is greater)

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Powering Business Worldwide

Qualifications

- Time classifications
 - Straight time: Monday through Friday, normal business hours up to 8 hours
 - Overtime: Monday through Friday, 8–12 hours or outside of normal business hours, Saturday up to 8 hours
 - Premium: Monday through Friday, more than 12 hours, Saturday more than 8 hours, Sundays, and holidays
- Standby time: When service personnel are on the job site but are unable to perform services requested due to circumstances beyond EESS control, the customer will be billed at applicable rates

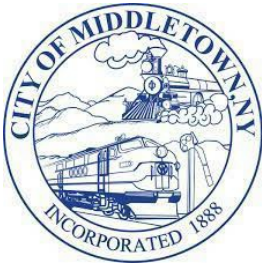
Order Information:

Please reference the Proposal Number PSCU3615ANB1 on any correspondence and the purchase order.
Please email a copy of the purchase order to the following:

Mario Maresca
Eaton Corporation
Email Address: MarioHMaresca@Eaton.com
Phone Number: 518-877-7016

Any order issued in response to this quotation will be governed by the terms and conditions contained in Eaton Selling Policy 25-000 which is attached hereto. The prices set forth in this quotation do not include any taxes. This quotation is valid for 60 days unless otherwise amended in writing by Eaton.

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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: September 5, 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				

Resolution Authorizing A \$17,500 Budget Transfer for Senior Trips

RESOLVED; that the Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment and authorizes the Treasurer to transfer and make adjustments in the amount of \$17,500, in the following manner, for the Senior Trips lines for expenses of charter and venues as follows:

-

Increase Revenue line A.2351 Senior Trips \$15,000

Increase Expense Line A.6772.467 Senior Citizens program \$15,000

FROM	AMOUNT	TO
General Fund Balance	\$17,500	A.6772.467 Senior Citizen Programs

Total funds needed to cover the cost of the remaining Senior Trips for 2023 \$32,500

ATTACHMENTS:

[Senior Center.pdf](#)

Richard McCormack

From: Leonora Liz
Sent: Tuesday, August 29, 2023 9:10 AM
To: Richard McCormack; Julisa Sierra
Subject: FW: Budget Transfer Request

Good morning,

Adding the following to the BOE agenda:

*** *This Resolution was tabled on 8/10/2023 and modified.*** Julisa Sierra is requesting the approval to authorize the Treasurer to make the following transfer and adjustments within the Senior Trips lines for expenses of charter and venues as follows:

Increase Revenue line A.2351 Senior Trips \$15,000

Increase Expense Line A.6772.467 Senior Citizens program \$15,000

Transfer

<u>From Account line</u>	<u>to account line</u>	<u>Transfer Amount</u>
General Fund Balance	A.6772.467	\$17,100
		Senior Citizen Programs

Total funds needed to cover the cost of the remaining Senior Trips for 2023 \$32,100

Kind Regards,

Leonora Liz
(She/Her/Hers)

City Treasurer
City Of Middletown

(W) www.middletownny.gov | (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

From: Julisa Sierra <julisa.sierra@middletown-ny.com>
Sent: Monday, August 21, 2023 4:41 PM
To: Leonora Liz <LLiz@middletown-ny.com>
Cc: Mayor <mayor@middletown-ny.com>
Subject: Budget Transfer Request

As per our conversation please note that at budget time (August 2022) only \$35,000 were allocated in Senior Trips which were based on tentative schedule after scheduling trips for 2023, after completing actual trip schedule I had submitted anticipated expense to Denise which calculate to over \$69,000. At this point I have 5 additional trips that balances are due, where funds transfer must be made to complete transactions as follows:

1. Culinary & walkway Trip -September 20, 2023 total \$4,810
 - leprechaun lines- \$1,200
 - Bocus Restaurant (group lunch-\$45/pp-56 guests)- \$2,520
 - Culinary Tour (\$15/pp) -\$840
 - Walkway tour group price-\$250
2. Pride of Hudson Cruise- Oct. 4, 2023 total \$3,125
 - Leprechaun lines-\$1,200
 - Hudson Cruises(\$30/pp-38 guests) -\$1,050
 - lunch \$25/pp (35 guests)-\$875
3. CT River Valley just Cancelled not enough to go (19) Oct. 11-13, 2023
Issue paid refunds -\$9,210 total
4. Miracle of Christmas -November 16 & 17, 2023 total due \$13,592
 - \$200 deposit made 3/9/23
 - 8 single rooms @ \$488 each= \$3,904
 - 32 double occ. @ \$309 each = \$9,888
5. Christmas Spectacular- Dec.6, 2023- total due \$1,300
 - leprechaun lines -\$1,300
 - Radio City Hall (55 tickets) paid already \$5,300

Total amount requested for budget transfer is \$32,037

Julisa Sierra

Senior Citizen Center Director

City Of Middletown

Mulberry House Senior Center

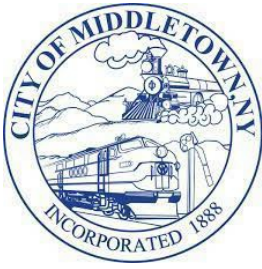
62-70 West Main St

Middletown, NY 10940

Office:845-346-4075

Fax: 845-346-4072

Julisa.sierra@middletown-ny.com



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

THE FOLLOWING WAS PRESENTED

By Ald.

Sec'd by Ald.

Date of Adoption: September 5, 2023

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Ald. Wray				
Ald. Kleiner				
Ald. Green				
Ald. Witt				
Ald. Masi				
Pres. Rodrigues				
Total				

**Resolution Authorizing an Agreement with Capital Market Advisors to Serve as the City's
Financial Advisors**

RESOLVED; that the Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment and authorizes the attached agreement with Capital Market Advisors to serve as the City's financial advisors.

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:

[Agreement with CMA for Financial Advisory Services.pdf](#)

Capital Markets Advisors, LLC

Independent Financial Advisors

FINANCIAL ADVISORY SERVICES AGREEMENT

This Agreement has been entered into this _____ day of _____, 2023 by and between the City of Middletown, New York (the "City") and Capital Markets Advisors, LLC ("CMA"), a limited liability company created under the laws of the State of New York and having its principal place of business at 11 Grace Avenue, Suite 308, Great Neck, New York 11021.

Section 1 Financial Advisory Services

CMA will provide the following services in connection with bond and note financings (the "Issue"), undertaken by City during the term of this Agreement.

- 1.01 Review legal, financial, economic and other information necessary for CMA to advise the City in planning, structuring and otherwise completing each Issue to be undertaken by the City.
- 1.02 Discuss a plan of financing which will include CMA's analysis and recommendations to the City regarding funding requirements, structuring alternatives, marketing, method of sale, security features, call provisions, credit ratings, credit enhancement, term, federal tax implications and such other matters which the City and CMA agree should be included in the plan of financing.
- 1.03 Prepare or assist in the preparation of financing documents, as required by the City, including but not limited to: term sheet, Official Statement, Notice of Sale and bid sheet, request for a credit rating, request for bond insurance, DTC Letter of Representations, and post-sale analysis.
- 1.04 Upon the request of the City, CMA will assist the City in the selection of other service providers necessary to conduct each Issue including but not limited to Bond Counsel, rating agencies, bond insurer, underwriters, trustee and financial printer, if appropriate.
- 1.05 Prepare and maintain a financing schedule, costs of issue, list of participants, and take such other actions requested by the City to efficiently manage each Issue to meet City's objectives.
- 1.06 Participate in the sale of the debt, confirm net interest cost calculation, verify underwriter's compensation and make a recommendation as to award.
- 1.07 Assist the City with the delivery of proceeds of each Issue, payment of issuance costs and other matters related to closing each Issue.
- 1.08 Prepare final debt service schedules.
- 1.09 Assist with the closing of the Issue and verify receipt of Issue proceeds.

Section 2 Compensation

- 2.01 For CMA's performance of services on behalf of the City as described in Sections 1 hereof, CMA's compensation, a portion of which is contingent on an issue closing, will be as follows:
 - For bond issues: base fee \$10,250 plus \$0.55 per \$1,000 of bonds issued over \$5 million
 - For note issues: base fee of \$5,250 plus \$0.30 per \$1,000 of notes issued for issues over \$5 million
 - For note issues with no Official Statement: \$3,500
 - For issues through NYS EFC: a fee of \$20,500 which includes both short-term and long-term financing of the loan. Such fee is due upon receipt of funding from EFC in the amount of \$10,250 at

Capital Markets Advisors, LLC

Independent Financial Advisors

the closing of the short-term financing and \$10,250 upon the closing of the long-term financing. If only a long-term EFC issue is issued: a fee is \$18,000 at the closing of the loan

- For capital leases: a base fee of \$6,500 plus \$0.50 per \$1,000 of lease debt issued
- For Continuing Disclosure services: an annual fee of \$2,600

- 2.02 For advisory services rendered for which the above fees are not applicable, CMA will be compensated on an hourly basis at a rate of \$185 per hour.
- 2.03 The City will pay normal issuance costs such as printing, postage, photocopying, overnight delivery, web posting, Bond Counsel, rating agency fees and other associated expenses.
- 2.04 Payment of CMA's compensation for a financing is due within 30 days of receipt by the City of CMA's invoice.

Section 3 Term of Agreement

The term of this Agreement shall be from the date hereof to December 31, 2024.

Section 4 Responsibilities of Parties

CMA does not assume the responsibilities of the City, nor the responsibilities of the other professionals and vendors representing the City, in the provision of services and the preparation of financing documents for financings under this agreement. CMA accepts the relationship of trust and confidence established between it and the City. CMA agrees to furnish its best skill and judgment in the performance of its services in the most expeditious and economical manner consistent with the interests of the City. Information obtained by the CMA, either through its own efforts or provided by the City, included in the financing documents, or otherwise provided to the City, is by reason of experience and professional judgment, believed to be accurate; however, such information is not guaranteed by the CMA. However, nothing in this paragraph shall relieve CMA from liability due to negligence or want of due diligence in the performance of its services.

Section 5 Binding Effect

All agreements and covenants contained herein are severable and in the event any of them shall be held to be invalid by any competent court, this agreement shall be interpreted as if such invalid agreements or covenants were not contained herein, and the remaining provisions of this agreement shall remain in full force and effect. Each party hereto represents and warrants that this agreement has been duly authorized and executed by it and constitutes its valid and binding agreement and any governmental approvals necessary for the performance of this agreement have been obtained.

Section 6 Required Regulatory Disclosure

Municipal Advisor Regulators

Municipal Securities Rulemaking Board ("MSRB") Rule G-10 requires that municipal advisors, including CMA, provide to their clients the following information once each calendar year: (i) CMA is registered as an independent municipal advisor with the MSRB and the US Securities and Exchange Commission ("SEC"); (ii) CMA is subject to the regulations and rules on municipal advisory activities established by the SEC and MSRB; (iii) the website for the MSRB is www.msrb.org and the website for the SEC

Capital Markets Advisors, LLC

Independent Financial Advisors

is www.sec.gov and (iv) in addition to having educational materials about the municipal securities market, the MSRB website has a municipal advisory client brochure that describes the protections that may be provided by the MSRB rules and how to file a complaint with the appropriate regulatory authority.

Conflicts of Interest Disclosure

CMA is an MSRB Registered Municipal Advisor that conducts all municipal advisory activities subject to the fiduciary standards of conduct. MSRB Rule G-42 requires that municipal advisors disclose to their clients any actual or potential material conflict of interest, including certain categories of potential conflicts of interest identified in Rule G-42, if applicable. If no such material conflicts of interest are known to exist, municipal advisors are required to provide a written statement to that effect.

To the best of CMA's knowledge and belief, neither CMA nor any associated person has any material undisclosed conflict of interest.

- CMA has no financial interest in, nor does CMA receive any undisclosed compensation from, any firm or person that CMA may use in providing any advice, service, or product to or on behalf of any CMA client.
- CMA does not pay contracted MSRB registered solicitors or other MSRB registered municipal advisors directly or indirectly in order to obtain or retain an engagement to perform municipal advisory services for any municipal entity.
- CMA does not receive any payments from a third party to enlist CMA's recommendation of services, municipal securities transactions, or any municipal financial product or service.
- CMA does not have any fee-splitting arrangements with any provider of investments or services to any municipal entity.
- CMA may have conflicts of interest arising from compensation for municipal activities to be performed that are contingent on the size or closing of such transaction for which CMA is providing advice. This potential conflict of interest exists if CMA should fail to get paid for its work on a transaction in the event that transaction does not close. Given the wide diversity of CMA's clients and sources of revenue, we do not believe that the contingent nature of CMA's compensation in this agreement creates a material conflict of interest.
- CMA services a wide variety of other clients that may from time to time have interests that could have a direct or indirect impact on the interests of other municipal clients. These other clients may, from time to time and depending on specific circumstances, have competing interests, such as accessing the market with the most advantageous timing. In acting in the interests of its various clients, CMA could potentially face a conflict of interest arising from these competing client interests. However, none of these other engagements or relationships would impair CMA's ability to fulfill its regulatory duties to its municipal clients.
- There are no other actual conflicts of interest that could reasonably be anticipated to impair CMA's ability to provide advice to any municipal entity in accordance with the standard of fiduciary conduct.

Information Regarding Legal Events and Disciplinary History Disclosure

MSRB Rule G-42 requires that municipal advisors provide to their clients certain disclosures of legal or disciplinary events material to the client's evaluation of the municipal advisor or the integrity of the municipal advisor's management or advisory personnel.

- CMA and two of its Associated Persons are currently subject to a legal event that could be material to a client's evaluation of the Firm.

Capital Markets Advisors, LLC

Independent Financial Advisors

- CMA's Form MA and Form MA-Is for each of the Firm's Associated Persons are posted in the Edgar Database located on the U.S. Securities and Exchange Commission's website (www.sec.gov).
- CMA has made a legal event disclosure on its Form MA and two of its Associated Persons' Form MA-I's filed with the U.S. Securities and Exchange Commission.

Future Supplemental Disclosures

As required by MSRB Rule G-42, these disclosures may be supplemented or amended, from time to time as needed, to reflect changed circumstances resulting in new conflicts of interest or changes in the conflicts of interest described, or to provide information with regard to any legal or disciplinary events. CMA will provide its municipal clients with any supplement or amendment as it becomes available throughout the terms of each agreement or contract.

Section 7 Independent Contractor

CMA hereby acknowledges and agrees that its status under this Agreement will be that of an independent contractor. CMA and its officers, agents and employees shall not represent themselves as City employees to any third party, nor shall they make any claim to the City, or to any other person or entity, for benefits or privileges granted to City employees, including but not limited to, Unemployment and Workers Compensation benefits. CMA further acknowledges and agrees that the City shall not take any deductions or withholdings from CMA's compensation to pay federal or state taxes, or any other assessment, cost, expense or obligation which CMA or its officers, employees or agents may incur as a result of CMA receiving compensation pursuant to this agreement.

Section 8 Modification

This Agreement contains the entire agreement of the parties. It may be amended in whole or in part from time to time in writing by mutual consent of the parties.

IN WITNESS WHEREOF, the parties have duly executed this Agreement as of the day and year first set forth on the first page hereof.

Capital Markets Advisors, LLC

Richard Tortora

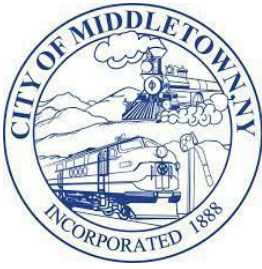
Richard R. Tortora
President

City of Middletown, New York

By: _____

Name: _____

Title: _____



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

THE FOLLOWING WAS PRESENTED

By Ald.

Sec'd by Ald.

Date of Adoption: September 5, 2023

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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