



**CITY OF MIDDLETOWN
COMMON COUNCIL MEETING AGENDA
SEPTEMBER 19, 2023**

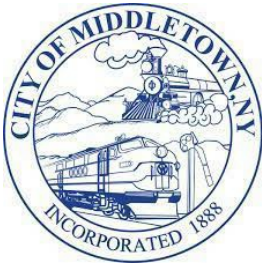
1. PLEDGE OF ALLEGIANCE
2. ROLL CALL
3. APPROVAL OF MINUTES
 - 3.1 Accepting the Minutes of July 18, 2023
4. CORRESPONDENCE, COMMUNICATION AND REPORTS
5. FOR THE GOOD OF THE CITY
6. REMARKS OF THE MAYOR
7. REMARKS OF THE DEPARTMENT HEADS
8. PUBLIC HEARINGS AND GRIEVANCES
9. PETITIONS AND COMPLAINTS
10. REMARKS OF THE ALDERMAN AND REPORTS OF THE COMMITTEES
11. UNFINISHED BUSINESS
12. NEW BUSINESS
 - 12.1 Resolution Authorizing a Rate Increase for Septage Acceptance
 - 12.2 Resolution Authorizing Budget Transfers to Cover Orange and Rockland Utility Bills through December 2023
 - 12.3 Resolution Authorizing a \$272,050 Budget Transfer to Cover H2O Contract at the Water Treatments Plants
 - 12.4 Resolution Waiving the City of Middletown's Marriage License Fee for Active Duty Military Personnel
13. LOCAL LAWS

13.1 **Local Law # 2 of 2023:** A LOCAL LAW AMENDING THE PROVISIONS IN THE ENFORCEMENT OF DELINQUENT PROPERTY TAXES TO COMPLY WITH THE RULING OF THE UNITED STATES SUPREME COURT IN TYLER v HENNEPIN COUNTY, 598 U.S. 631 (2023)

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 19, 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				

Accepting the Minutes of July 18, 2023

ATTACHMENTS:

[07.18.23 CC Minutes.pdf](#)



COMMON COUNCIL MEETING
CITY OF MIDDLETOWN
July 18, 2023 Minutes
City Hall
16 James Street
Middletown, New York 10940

PRESENT:

J. Miguel Rodrigues, President
Ald. Joseph Masi
Ald. Jude Jean-Francois
Ald. Andrew Green
Ald. Paul Johnson
Ald. Gerald Kleiner
Ald. Kevin Witt
Ald. Kate Wray

ABSENT:

Ald. Sparrow Tobin

ALSO PRESENT:

Indira Diaz, City Clerk Pro Tempore
Joseph M. DeStefano, Mayor
Alex Smith, Esq., Corporation Counsel

*Proceedings electronically recorded.
Transcript produced by Kimberly J. Zogby*

AMERICAN LEGAL TRANSCRIPTION
11 Market Street, Suite 215
Poughkeepsie, NY 12601
Tel: (845) 452-3090 - FAX (845) 452-6099
amlegaltrans@aol.com

INDEX

	<u>PAGE</u>
1. PLEDGE OF ALLEGIANCE.....	5
2. ROLL CALL.....	5
3. APPROVAL OF MINUTES (May 16, 2023 & June 6, 2023).	6
4. CORRESPONDENCE, COMMUNICATION AND REPORTS None this evening.....	6
5. FOR THE GOOD OF THE CITY (None this evening.)	
6. REMARKS OF THE MAYOR Joseph DeStefano.....	6
7. REMARKS OF THE DEPARTMENT HEADS	
Jacob Tawil, Public Works.....	19
Nick Barber, Fire Department.....	28
Leonora Liz, City Treasurer.....	30
Raelynn Bertholf, Recreation.....	32
Indira Diaz, City Clerk	38
8. PUBLIC HEARINGS AND GRIEVANCES.....	38
(None this evening.)	
9. PETITIONS AND COMPLAINTS.....	38
(None this evening.)	
10. REMARKS OF THE ALDERMEN AND REPORTS OF THE COMMITTEES	
Alderman Jean-Francois.....	38
Alderman Johnson.....	39
Alderwoman Wray.....	39
Alderman Kleiner.....	40
Alderman Green.....	41
Alderman Witt.....	42
Alderman Masi.....	42
11. UNFINISHED BUSINESS.....	42
(None this evening.)	
12. NEW BUSINESS	
12.1 Resolution authorizing the closure of a parking lot at 123-125 North Street for a Love Our City Event sponsored by the 2nd Baptist Church.....	42

<u>INDEX</u> (Cont'd.)	<u>PAGE</u>
12.2 Resolution to grant a 30-day notification waiver as per the New York Alcoholic Beverage Control Law to Bambuco A Taste of Columbia, LLC at 240 Wickham Avenue.....	43
12.3 Resolution authorizing a credit limit increase for the Police Department's city-issued credit card.....	44
12.4 Resolution accepting a grant of \$6927 from the County of Orange for the STOP DWI Program.....	45
12.5 Resolution accepting a donation of \$250 from the Middletown Professional Firefighters Association for the purpose of supporting our National Night Out in June.....	46
12.6 Resolution accepting a \$100,000 Grant from the New York State Department of Criminal Justice Services under the G.I.V.E. 2023-2024 (Gun Involved Violence Elimination).....	47
12.7 Resolution authorizing a \$15,000 budget transfer to purchase a Fluoride Analyzer.....	48
12.8 Resolution authorizing a proposal engaging Architect Joe Fucci to prepare plans, specs, and contract bid documents for Wolslayer field lights....	49
12.9 Resolution authorizing a \$3,000 budget transfer within the Assessor's Office budget.....	50
12.10 Resolution authorizing the issuance of a city credit card to Marianne Feely.....	51
12.11 Resolution authorizing an Amended Cash Management Agreement with TD Bank.....	52
12.12 Resolution authorizing the 2023-2024 Capital Expense Plan.....	53

INDEX (Cont'd.)PAGE

12.13 Resolution authorizing the issuance of \$970,000 bonds for land acquisition for future municipal infill redevelopment as described in the Middletown Transportation Center Site Analysis.....	54
12.14 Resolution authorizing \$8,625,734.75 in bonds for various capital items.....	55
12.15 Resolution authorizing the issuance of \$3,605,000 bonds for improvements to the water system and dams.....	56
12.16 Resolution waiving a commercial use requirement in a C3 Zone for the Middletown Commons Project.....	57
12.17 Resolution authorizing a proposal from Rotolo Electric to do work at the Middletown Waste Water Treatment Plant.....	58
12.18 Resolution Authorizing a grant application to complete a Brownfield study of The Middletown Community Campus.....	59
12.19 Resolution congratulating and recognizing the McQuoid Engine & Ladder Company, No. 3 Volunteers on their 150th Anniversary of its founding.....	60
13. LOCAL LAWS (None this evening.).....	61
14. AUDIT OF CLAIMS AND ACCOUNTS	
14.1 Resolutions Directing the Audit of Claims and Accounts.....	61
15. ADJOURNMENT.....	62

1. Pledge of Allegiance

(Pledge of Allegiance.)

PRESIDENT RODRIGUES: Please remain standing, as I ask for a moment of silence for former Police Sergeant Ray Shoemaker (phonetic), may he rest in peace.

Thank you.

2. Roll Call

PRESIDENT RODRIGUES: Roll.

MS. DIAZ: Alderman Tobin.

(No audible response.)

MS. DIAZ: Alderman Jean-Francois.

ALD. JEAN-FRANCOIS: Here.

MS. DIAZ: Alderman Johnson.

ALD. JOHNSON: Here.

MS. DIAZ: Alderwoman Wray.

ALD. WRAY: Here.

MS. DIAZ: Alderman Kleiner.

ALD. KLEINER: Here.

MS. DIAZ: Alderman Green.

ALD. GREEN: Here.

MS. DIAZ: Alderman Witt.

ALD. WITT: Here.

MS. DIAZ: Alderman Masi.

ALD. MASI: Here.

MS. DIAZ: President Rodrigues.

PRESIDENT RODRIGUES: Here.

We've got a quorum.

3. Approval of Minutes

PRESIDENT RODRIGUES: Approval of minutes from May 16 and June 2nd.

ALD. MASI: So moved.

ALD. WITT: Second.

PRESIDENT RODRIGUES: Alderman Masi, seconded by Alderman Witt.

All in favor?

(Chorus of aye.)

4. Correspondence, Communications, and Reports

PRESIDENT RODRIGUES: Correspondence.

MS. DIAZ: No correspondence.

PRESIDENT RODRIGUES: No correspondence.

5. For the Good of the City

PRESIDENT RODRIGUES: For the Good of the City; anyone that would like to address the council, please step forward.

6. Remarks of the Mayor

PRESIDENT RODRIGUES: Okay, remarks of the Mayor.

MAYOR DESTEFANO: I believe somebody switched the flags on us. Isn't the flag supposed to be on the other side?

PRESIDENT RODRIGUES: Yeah. Was it for the pictures? Did you use them for the pictures?

ALD. MASI: He moved them. He did use them for pictures.

PRESIDENT RODRIGUES: Oh.

MAYOR DESTEFANO: I was just amused by the entire council looking over in the corner where they usually are. The flag is behind you.

Well, thank you for the opportunity and first, I wanted to address the issue of fireworks and to show you what progress we've made over the last few years, since we did opt out of the fireworks ordinance.

One thing is, people, a lot of people in Middletown think the fact that we opted out of the sale that -- and use, that it's just not going to happen but it's not going to happen unless we do some enforcement.

And, as you know, a few years back, when we started, it was really, really out of control and that's why we did pass the exemption. I recall riding down Mills Avenue with Mr. Masi and we could hardly see in front of the car because there was so much smoke and so many blasts. So, we decided to start putting into place certain ordinances.

And then, last year, we made a change from having the District Attorney prosecute the arrests that

were made to having our local counsel because, what was happening is, with the bail reform situation, the District Attorney's Office did not have the resources to prosecute minor offenses. And as you know, this has happened in other states, where the shoplifting and other minor offenses -- and it just continues to escalate.

So, we decided to, under the advice of our Corporation Counsel, to change it from an action that the District Attorney would prosecute to a local code violation, and local arrest, and our City Corporation Counsel would prosecute it.

So, as you can see, these are only the '22 and '23 calls but, back in '20 and '21, obviously during Covid, the one year we did have a big spike, but we did make some progress. In '22, we had 103 calls over that five-day period, primarily the majority going on 4th of July, and we made a total of 13 arrests. And these arrests are not people taken into custody. These are appearance tickets that are given to them to appear in court.

In the past, prior to us passing the law, these cases were ACD'd or basically, adjournment in contemplation of dismissal and there was no consequence to the people that were doing them. So, of course, they continued to do them.

Since we passed the law, the court can impose, I believe, up to a \$750 fine and, with repeat offenders, we have asked or will ask that jail time be added to the violation and the court can impose up to ten days in Orange County Jail.

So, last year, in '22, we made 13 arrests. I think -- I believe, all 13 ended up pleading guilty and paid \$500 fines. This year, our call volume was down. I know a lot of neighborhoods felt that it was as bad or worse than the past but, we did have pockets that were really, really bad, and we had about 84 calls and 64 just on the 4th of July alone. But this year, we made 33 arrests. Those people will be going to court. We are going to ask for hopefully and the judge will concur with the maximum penalty. If there are any repeat offenders, we will ask, as I said, for jail time on them. But it's not up to us, as a city, to give out the sentence; it's up to the judge.

So, we're hoping for more cooperation from the court and, hopefully, people will start seeing that we're serious about this matter and that we -- that there's going to be a consequence to doing this. People think it's like a harmless thing; it's not. We know about the veterans. We know about pets. We know about fires that were started up on Cottage Street due to excessive

fireworks being shot off.

So, there's a lot of bad things that go on, and especially the people who do them later at night when kids are trying to sleep. It's just not conducive to a good life in an urban setting. So, we take it very serious and we're going to do more.

We're looking at alternatives that other communities do with some drone technology. We may be coming to you for the passing of some ordinances, if possible, that will allow if the drone can identify a private property that the fireworks are being set off from, that we can then summons the property owner at a following date that we don't have to catch the person in action. Because that's the difficulty is the police, under the existing process, literally have to see the person shooting off the fireworks.

So, you can see there's a lot of police work that goes into this. We had 13 officers working July 4th just on fireworks alone and a lot of that was under cover. I know one lady wrote to me the next day and said your response was nonsense. I called the police. The car rode by and I didn't see the police again; didn't even stop. And I tried to explain to her that, while you're only seeing the visible police car, you're not seeing what followed, which was the undercover people coming in and

then making an arrest.

So, the public needs to understand that there's more to it and to also understand that we can do more and that's why we'll be coming to you, hopefully, with some changes in the law that will allow us to go after property owners also, not just have to catch them in the act. But if we have video on drone coming from 26 Ogden Street, we'll be able to give Mr. Masi a ticket.

So, that's that. So you know I can assure you the police were running all night, including the chief and his lieutenants were out.

And I recall one story, kind of funny but kind of stupid at the same time. The chief was pulled over with one of the lieutenants in one neighborhood and they were watching in an unmarked car. And they were waiting for the fireworks to go off and another car pulled up alongside and said, "What time are the fireworks starting?" So, the people were actually inviting people to their fireworks and they did get arrested, I believe, those people.

So, we take it seriously. I understand the frustration. I know in my own neighborhood it's very loud and last night -- the last two nights, they still are lighting off fireworks. So, we're doing our best but, hopefully, next year we'll be more prepared.

We did have the drones out a little bit this year and, with legislation, if we're able to pass that kind of legislation, I think we'll make a real dent into it next year also.

On the next issue, I know the chief is also going to talk about it, but I need to commend the heroic efforts of the city's firefighters for their swift response and bravery in rescuing an infant from a dangerous situation.

The incident occurred this past week. It was around 12:30 in the afternoon -- and this is coming off the Middletown Professional Firefighters website -- and a car containing four adults and a child in distress pulled up on the ramp of the Central Firehouse.

As the adults exited the vehicle, a Lieutenant Taggart and Firefighters Mitchell and Damiani met them on the ramp. The father stated his baby was not breathing and handed the child to -- directly to Lieutenant Taggart. The child's head and extremities were limp and its breathing rate was low, and very shallow, and the breaths were gargled.

The child's father explained that it had been feverish the entire day and, after observing signs of choking and fluid in the airway, Lieutenant Taggart performed a series of back blows to clear any possible

airway obstruction. At the same time, Firefighter Damiani called for an ambulance from Mobile Life -- Mobile Life Services and Firefighter Mitchell prepared emergency oxygen for the infant.

Firefighter Mills and Firefighter Rojas, who were returning from an unrelated incident on Prospect Street, immediately began assist in rendering aid.

Firefighter Mills assisted Lieutenant Taggart and Firefighter, Rojas, who is bilingual, and the people who were on the ramp that arrived were Spanish, interviewed the family and, as I said, they were Spanish-speaking, to obtain more information on the child's medical status.

The child, after several rounds of back blows, spit up fluid and began to cry. Oxygen was administered by the Middletown Fire Department and the child was monitored closely before being turned over to the care of Mobile Life Support Services, who transported the child to Garnet Medical Center.

The Fire Department also issued a public thank you to the Middletown Police Department who responded with haste to render aid to the Fire Department and the child.

This desperate situation called for immediate action, quick action, and decisive action and the

firefighters, due to their training and commitment, responded with remarkable speed.

I would like to emphasize the importance of the Fire Department's tireless efforts in safeguarding the community and acknowledge the risks they face daily, both our paid staff and our volunteer staff, led by Chief Barber. The bravery serves as a testament to their dedication, to the well-being of the city's residents, and the heroic actions of the firefighters in rescuing the infant, have undoubtedly saved a life and they have earned our community's recognition of their efforts in appreciation for their selfless service.

So, I would like to just give them a round of applause and invite them to a future meeting.

And the last issue we need to address is the citywide flooding over the past few weeks. As you know, this is not unique to the City of Middletown. This is the northeast is suffering probably its worst flooding in memory, I think from what some have said. And we saw the tragedy that happened up at West Point in the Highland Falls area, resulting in at least one death. In western Pennsylvania I think there were five or six deaths, including a young family.

The recent rainfall caused significant water accumulation in various parts of the city. Some of them

are areas that we are well aware of that, even in smaller -- lesser rainfalls, do flood.

So, I think we, as a city and as a council, need to acknowledge the challenges that are faced by the residents and we need to, not only express our concerns, but start looking at additional potential solutions. It's something we've doing over the years but we're going to have to -- with the climate change, we're going to need to step it up a little bit.

So, I wanted to assure the public that we, as a city, is actively working to address the flooding situation. We want to emphasize the safety and well-being of the residents and their property, and the utmost importance, that all available resources are being utilized to mitigate the impact of flooding.

Our volunteer and paid department -- Fire Department, we out at all hours of the day and night with basements, clearing out the flooded basements. I mean the power failure made it worse because then sump pumps weren't working and, when the sump pump is not working, the basement is going to flood even quicker. So, they were very active in their response.

Now, we've made significant investments in our infrastructure, in our drainage systems over the years, and we continue to do so. And while the severity of the

recent rainfall exceeded the system's capacity, there's no question about it, there used to be a big focus on Sterling Street and Wilson Street. Those are two areas that are constantly flooded. A little bit over in Watkins. We made some changes over in the Wilson Street areas, with the straightening out of some pipes but unfortunately, or fortunately for maybe people downstream, that when you do these changes, you can't just increase the size of the pipe and shift water downstream without doing the engineering that's necessary and the justification to let it happen. Otherwise, you are opening up the city for litigation by maybe addressing our problem in a slight way but creating further problems downstream for other people.

There's no question that some of the houses in the city should not have been built where they were built. Sterling Street is the lowest point in the city. We spent millions of dollars trying to correct the problem and we did try to put in a larger pipe when the project was done and that was rejected by the DEC or the -- by Albany, based on the engineering analysis.

We objected, at the time. We felt we needed a larger pipe. They said no. But I was down on Sterling Street and those manholes were still surcharging and those poor people in that area were putting up with a problem

once again. It's not as frequent, agreed, but it's still a big, big problem. The same thing with one section of Wilson Street and parts of Grand Avenue.

So, we're looking at solutions and we're going to try to do our best to come up with some solutions. They may mitigate some of the issues, maybe not totally, but at least to try to address some of the situations that we see.

As I mentioned the emergency response teams, especially the volunteer firefighters, who were out pumping out basements, deserve a lot of credit. Chief Barber, you had a great response from your team and I wanted to thank you publicly for all your folks did for those few days and I understand we're going to have more weather similar to that.

But we also need to encourage people to take proper safety efforts. If you're in a low area with the weather changing, you might consider -- and you have a sump pump, you might consider purchasing a generator, a small generator so that your sump pump can operate during power failures. That may save you a lot of damage in your homes. But there are things that we're going to look at and recommendations we're going to make citywide.

But I think it's important that we reaffirm the city's commitment to addressing the issue of flooding

comprehensively. We'll work closely with the relevant agencies. As I said, the DEC plays a big role in what -- how we can move water around, and retaining the appropriate experts, and developing relationships with all community stakeholders to develop a not only short-term strategy but a long-term strategy regarding this.

I know I've heard from many of you regarding the issue and I can assure you that we are doing our best to make it happen. But you can see from the pictures how powerful it was. That's our dam being topped off there up by Kinch Dam. I believe that's Wawayanda Avenue, where the bank washed out.

You can see, I think the one picture is Wilson Street on the right and it's just a horrible situation and people are right, they don't need to live like this but, we're going to have to put up with it for a while until we can come up with a better solution.

So, that's all I have. Any questions?

PRESIDENT RODRIGUES: Any questions for the Mayor?

All right, thank you, Mayor.

MAYOR DESTEFANO: Thank you.

7. Remarks of Department Heads

PRESIDENT RODRIGUES: Remarks of Department Heads.

DPW Commissioner.

MR. TAWIL: Good evening, all. So, maybe leave these pictures on the screen. I thank the Mayor for his -- you know getting the attention of what has happened to us during the last couple of weeks, you know starting from the 4th -- 4th of July when we had the power outage in there, a tremendous amount of water came down. We basically were you know something you don't see in here, which is we were swimming in sewage in the waste water treatment plant because the generator would not kick on and Orange and Rockland they are starting to have frequent outages. So, we had to panic and get things going and, thank God, we got it going right away. And it happened again last Sunday.

Before you there is a council resolution for requesting approving of Eaton(phonetic) or through Rotolo Electric to come and troubleshoot the switchgear we have at the sewage treatment plant, which is you know technology is so advanced now, everything is solid state that regular electrician cannot handle that.

And behind City Hall, we have an automatic transfer switch manual. At any problem, we can pull it and we can switch from commercial power to generator power. At the waste water treatment plant, we cannot do that. Even advanced electrical contracts cannot do it.

It has to go through Eaton switchgear.

So, before you that resolution and we will appreciate you getting us approved. We did order the services of Eaton, by the way. We are not waiting as an emergency because it is very much needed. Of course, the DEC is all aware of that.

And in general, to be honest with you, I think the City of Middletown we did very well, compared to other communities.

The Mayor has approved one of our garbage trucks go to Highland Falls to help them out, including a driver and labor from us because they are very short-handed. Orange County DPW is helping Town of Wallkill, is helping many other municipalities, I think even Port Jervis may have sent something.

So, all in all, the City did very well. However, like the Mayor said, it did expose some of our vulnerability again, which is, in this case, not the huge structures but the small pipes in there that are underground and they are collapsing. And you know it just is going to take a huge amount of funding to handle those little ones, such as the one -- the picture on the left, on my left. That's Myrtle Avenue in there. The road, itself, started collapsing in the middle of the road, right under the storm -- right over the storm sewer. And

the reason is the huge amount of water is being tried to be carried through that storm sewer pipe, which is old and it has some -- it has eroded and it has failed. This one happens to be clay. It has failed, when we looked with the camera in there. And this is a huge expense that has to happen.

So, I want to take this opportunity to thank the Water Department, the Sewer Department, and the Street Department, and the operator at the waste water treatment plant. They worked very, very, very long hours to try to protect the public, close the roads, keep catch basins and manholes secure, and you know, even coming up right in the middle, we had Wawayanda Avenue, where the side of the hill gave way and blocked Wawayanda Avenue. They came out immediately with the dump trucks, and the loaders, and everything like that.

So, this is, unfortunately, it's going to be the new pattern. We talked about this with the global warming and the change. This is the highest, if you listen to the news, the highest temperature throughout the world on record you know this time of the year, which is it is not only in this country. It is not only in this region. It's throughout.

So you know it's just something that, like the Mayor said, it's advisable that people will have emergency

generators because commercial power is failing, unfortunately, and because you know of those trees coming down or whatever happens. I don't know why the commercial power failed but we have to be somewhat self-sufficient.

We had traffic lights throughout Dolson Avenue, the whole Dolson Avenue was without any traffic lights and we had to panic, and run around, and put stop signs, temporary stop signs. And the Police Department is helping out, and, also, the Fire Department was helping with pumping people out.

So, it's -- you know to make a long story short, right on Wilson and Beers, as well, there was a road collapse in there and that's because the pipe was pushing too much water through it. The water has no place to go. It's just very simple. And it becomes under pressure and it comes out. It heaves the asphalt. And here, we have a failure -- road failure.

Our guys have been working tirelessly to address it and we are doing it.

So with that, again, I regret the condition that we're in but, honestly, we are blessed, compared to other communities.

With that, the reservoir report for Alderman Masi, we're at 105 percent capacity, which is the Mayor showed you a picture of Kinch Dam, how much water. This

Kinch Dam is under construction. The picture behind it showed that there is the Golfer (phonetic) Dam was overwhelmed, topped off. Water came overwhelmed, buried all the contractor's work that he has done, upstream and downstream from this dam, potentially, destabilizing the gatehouse that you were looking at at Kinch Dam. And that's yet all to be evaluated.

At the same time, we have another three dams being worked on on Shawangunk. So, it's totally the wrong time of the year for this to happen. And I think it's pouring now, right? Yeah, it started pouring now after a sunny day. And like the Mayor said, we're expecting worse weather to come.

At the same time, we're trying to, so people will understand what we go through, we're trying to dam some of our dams so that they will not spill and overflow other dams or other reservoirs -- sorry, other reservoirs, so we will not destabilize the dams, such as Monhagen and, at the same time, we are not allowed to discharge any water from it because we have to apply copper sulfate to treat algae. And so we have to play this balancing act all the time and try to get our reservoirs chemically treated so they will not be wiped out, so we will have drinkable water.

At the same time, we don't want to destabilize

our dams. And, at the same time, we would like to keep the water level down in certain dams, such as Shawangunk. This is high priority for us right now.

Kinch has got topped off, ruined some of the work. We don't know the extent of it. We'll have to deal with that. But that's where we are.

These are serious life -- you know life issues. And we know that people lost lives, some people lost their lives in Highland Falls. West Point was like a lake in there. So, it's a big problem. We have -- the Mayor is absolutely right, we have to start chewing (phonetic) again to try to be ready for this kind of thing, which is going to be very extremely hard and extremely expensive to deal with and to handle because it will require a major upgrade for all the sewer lines, storm sewer lines and so on.

Something that is bright, a bright point, Aspen, a development on County Route 78. County Route 78 got flooded a couple of times, however, North Aspen Development, which used to be a flood zone in there. When it rains an inch, people they used to go open their back door and open the front door, and allow water just to rush through it. I'm not exaggerating. That's how North Aspen used to be.

Right now, we built a flood diversion wall in

there on North Aspen -- on County Route 78 and it has been protecting North Aspen every since. So, we're very proud of that. That's what the Mayor was referring to, coming up with some out-of-the-box ideas in there on how to deal with these things, such as a flood diversion wall in North Aspen.

Moving on to the other projects right herein town, which is the traffic operation, the Mayor and I, we just met with the DOT. The DOT sent their teams and their bosses in here to talk about the project, and how is it going, and so on, and so forth, because they heard some things.

So, we clarified everything over to them and I think everything is under control. It's just people sometimes they get excited about certain things and we will get it -- we will get it under control. And it is under control. The only -- the problem, right now, seems to be with the concrete, which has nothing to do with the contractor. It's the supplier or possibly the testing of the concrete that has been rejected the last few days.

And that's going to be addressed this Thursday. DOT is dispatching a team over to the plant, where the concrete is being mixed. Also, they are going to be evaluating the testing lab that's doing the testing onsite, which he is independent of anybody, even of the

City.

So, we'll get to the bottom of it. So, like they say, when it pours -- when it rains, it pours. So, it is pouring here and we're trying to -- and we are dealing with all these projects I think magnificently with the men and women at the DPW. They're really doing a great job and coming -- you know doing whatever it takes to get the job done and protect our residents.

Another thing, when it rains, it pours, we are short-handed with code enforcement. So, everybody understands, one code enforcement retired, building inspector has surgery, and another one is out. So and we cannot find any certified code enforcement officers to hire. And we have put the word out there.

So, now we hired a provisional code enforcement officer. He is going to start Monday. We are very excited out him. So, hopefully, he will get the training and he will pass civil service test so he can become permanent within the condition of civil service, top three, and so on, and so forth. And hopefully, that will work out for us very well.

But we are, again, very short-handed but the guys are doing what they can. We have an acting building inspector right now, one of the code enforcement officers trying to deal with the planning board, and their own

jobs, and so on and so forth. But we will stay on top of it and we will deal with it.

With that, if you have any questions for me, anyone?

PRESIDENT RODRIGUES: Any questions for Jacob?

Jacob, just going back to Wilson Street.

MR. TAWIL: Yes.

PRESIDENT RODRIGUES: Was that because of Magnolia Park? That's what a lot of people were saying.

MR. TAWIL: Yeah, to be honest with you, Alderman, I did go over there myself and I took pictures of the detention ponds that they built and they were functioning fine.

PRESIDENT RODRIGUES: Functioning?

MR. TAWIL: Yes. What we promised the residents over there, the Mayor and I, is, once the water subsides a little bit, we're going to send our cameras.

If you recall, like six maybe seven years ago, we went in there, we cleared some roots, and all that stuff. So, we're going to go (inaudible).

The residents, they believe that there is a blockage between Wilson and Brick Pond, or the other side, at least, of Beers Drive. So, we promised them we are going to put the cameras through. Right now, we cannot stop the flow because, obviously, we have too much flow.

Once we have the chance, we will go in immediately and any issues, we will address them right away. But water is flowing. Every time you look at it, water is flowing.

PRESIDENT RODRIGUES: Okay. Anyone else?

Thank you, Jacob.

MR. TAWIL: Thank you.

PRESIDENT RODRIGUES: Fire Chief.

CHIEF BARBER: Good evening, everybody.

Talking about the storm, I don't want to sound like a broken record but, on July 9th, we responded to 21 emergencies and, on the 16th, we only responded to eight. So, I didn't think it was that bad, compared to Highland Falls, West Point area, and stuff. Those guys are still rocking and rolling down there.

Looking at the pictures, I live right up the street from Wilson Street. It's almost a common thing. Anytime you get heavy downpour like that over there, it happens over there.

Sterling Street wasn't as bad as I thought, compared to years past but you know, take the good with the bad.

Moving on, Run 4 Downtown, happening August 19th. We're having a first responders challenge. This goes out to PD, Mobile Life, whoever wants to take us on. I got my right hand man right there; he's going to run for

me and we're going to bring home the trophy this year. We lost it to Mechanicstown last year, but we're bringing it back.

And this year, we have -- we had a little thing at the firehouse, Alex's Lemonade Stand. He was a little boy, nine years old. His name is Jayce. And he set out a goal to raise \$1,500 this year for to help fight childhood cancer. He not only met that goal, he beat it. He held it at the ramp on Central Firehouse. Mr. Masi was there; thank you. We want to say thank you.

But, he also wrote a thank you letter that I want to read out: It says, Dear Middletown Fire Department: Thank you for allowing us to host our lemonade stand at the Fire Department. With your help, we raised so much money for childhood cancer.

My favorite part is when he got to wear a reflective vest. And he's got such an imagination because this next line, it says: Chief Randy MacLean is a great neighbor and he's also a great firefighter. So, that imagination that kid's got you know.

And he's always hardworking and keeping everybody safe.

So, I want to thank Jayce and his family for coming out, holding it at Central Firehouse. We helped them meet their goal and they'll be back next year.

I don't know what else I can say, after what the Mayor said about the Middletown Professional Firefighters. It's no prouder moment than being the chief of the Middletown Fire Department when something like that happens. They train hard. They train well. They know their jobs.

And I don't want to sound like a broken record but, they did an awesome job. I'm very proud of those guys and we will be bringing them up here to City Hall at a later date and showing them recognition.

Other than that, any questions?

PRESIDENT RODRIGUES: Any questions for the Fire Chief?

Thank you, Chief.

CHIEF BARBER: Thanks.

PRESIDENT RODRIGUES: City Treasurer.

MS. LIZ: Hi. Good evening, everyone. I have two resolutions before you -- well, a couple but, the two major ones is that we are getting ready for our annual borrowing. We're borrowing so, I have a resolution to approve our capital expenditure plan for 2023 to 2024. Again, it's to start those projects and that the departments can go ahead and order their equipment, start their projects for infrastructure replacements, things like things that we need, major projects, like the traffic

operations and the city dam.

The second resolution is to be able to bond some of those projects' funding and that will be coming in August.

Does anybody have any questions?

PRESIDENT RODRIGUES: Any questions?

Alderman Kleiner.

ALD. KLEINER: Hi. Thank you.

I just want to say, again, this is from the Board Estimate meeting, I get the idea this is our normal bonding procedure because I think it totals something like \$13 million and people look at that and whoa.

But this is not new additional spending. I mean this is pretty much routine city business.

MS. LIZ: Yes, this is routine. We did not do a new funding borrowing last year. So, these are still projects that were delayed from borrowing this from last year.

So, correct. These are all procedural. We do this annually, depending on the financial needs. We try to do it as conservative as possible and the departments, they really do a wonderful job trying to get grant funding to repay those bonds.

ALD. KLEINER: Thank you.

MS. LIZ: No problem.

PRESIDENT RODRIGUES: Anyone else?

All right, thank you.

Superintendent of Recreation.

MS. BERTHOLF: Good evening. Just an update on what's going on with Rec.

Our Maintenance Department just finished installing a single-table pavilion at Academy Avenue Park. With the tearing down of the gazebo, we needed some type of shelter for our summer playground program, when the staff hands out lunches.

The bathroom project at Davidge Park is almost complete. We're hoping by the end of this week, early next week we can get those porta potties out of there and get the new bathrooms opened up.

We're also working with the Health Department right now. I know the Senior Center, with their aquacize class has been requesting stairs going into Sproat Street pool, something removable. So, we're working with the Health Department now seeing as long as we stay with the code for the pools.

We are running into the issue that the majority of the ADA-approved stairs, portable stairs are 36 inches. And if you've been to Sproat, it's a very small shallow end. So, it's at 32 inches. So, we're trying to figure out if we can move the stairs into a little bit deeper

water. It's not looking good but we are still trying to look for stairs that come a lot smaller but, the majority of them don't.

We've also been getting feedback about Babe Ruth with the foul ball situation. That's constantly going on over there. We did get a quote from Ketcham Fencing for \$4,480 to add 10 feet by 60 feet net over the existing ten-foot high fence and that is just along the first base side. So, it's not third base side. There's not as many foul balls in that direction. It also doesn't cover further down Watkins, those other two ball fields that are there. That's just Babe Ruth, the first base side.

So, we don't have that in our budget. That's something, a project, that wasn't budgeted for but if we -- the council finds a consistent need for that, we will look into putting something like that into the budget for next year.

Recreation update on some of the numbers for our programs right now. Our Sports Camp, week 1, had 103; week 2, 91; week 3, 158; and currently 149. Those numbers seem -- 158 seem a little high but if some of you, if you had younger kids that attended, we used to be at 250 a week there. That was the norm for a while but, with the school offering so many different programs for free over the summer, our numbers have been slowly declining in the

past few years, especially with what the School District is offering.

Our Little People Playtime, week 1 had 29; week 2, 29; week 3, 38; and right now they have 36 in week 4.

Our swim lessons, all the sessions are full.

Tennis clinics, the youth summer session filled up with 26 youth. The adult spring session only had 12 and the adult summer first session only has 10.

Our pools averaging on hot days, we're averaging at War Memorial Pool about 180 swimmers on hot days. An average at Sproat Street on hot days is 35, which is really good, especially, in the past, that numbers have been low there. But, 35 is definitely not bad for Sproat and, again, that's just on hot days.

Our playground program is the program that we've been looking at for the past few years. I'm sure you've all noticed but the kids just aren't outside playing on the playgrounds in an organized fashion like they used to. We're averaging about 100 lunches -- only 100 lunches served throughout all of our ten sites, which is not a lot.

In our programs, we only have about average six to ten kids per park that are actually coming to utilize the Playground Summer Lunch Program. We've been advertising. We've gone to neighbors. The playground

staff, if they see the kids at the parks, they are going up to them but it's a problem that's been past few years and we're still looking and taking suggestions for any ways to boost attendance in that program.

Some special events we have coming up. Saturday, July 22nd, we're showing the movie "Home." The movie starts at 8:15.

Thursday, August 24th is the Faith Fair with the Greater Middletown Interfaith Council. It's an opportunity for all religious organizations to meet and greet our community and that's a free event.

And I think, besides the fireworks, one of the biggest events that we've been doing, the City being involved, is It Takes a Village Back-to-School Community event, which is going to be held on Saturday, September 9th. And I hope that date does not change again because it's been --

PRESIDENT RODRIGUES: After school.

MS. BERTHOLF: -- getting shifted around a lot but we're hoping that one sticks.

And last but not least, on Thursday, June 8th, three members of our office attended the Orange County Youth Bureau's 41st County Executive Award luncheon for adult and youth. There were 135 awards given out that day and, I'm proud to say, that four of the people who

received awards were our staff and some of our volunteers.

Aniya Gonzalez, who is a member of our Mayor's Youth Council, a recent graduate from Middletown High School, she received an award.

Derrell Taylor, who started off attending our programs and has become one of our workers, he also received an award.

Sasha Bertholf received an award for outstanding youth leader.

And one of the prestigious awards that are given out every year is the Betty Jane Polaris Asset Builder/Adult Volunteer Award and that was actually given out to Sue Depew for all of her outstanding work with the City cleanup year, after year, after year. So, Sue, congratulations.

Every year we try to nominate a few of our staff and volunteers that come to our programs and we're happy, this year, that four of them were selected for awards.

Any questions?

PRESIDENT RODRIGUES: Any questions for Raelynn?
Alderman Kleiner.

ALD. KLEINER: I just have to mention, because I keep getting asked about a pickleball court. So, just to keep it in mind, if the opportunity comes up.

MS. BERTHOLF: It's something that for next year

putting in the capital budget but it's just figuring out where to put it. But it's something that we'll look at or even -- I know the tennis players don't like to share the court with pickleball and pickleball doesn't like to share with tennis. But maybe transforming one of the tennis courts to a pickleball court, just pickleball with just the pickleball lines. Hopefully we can appease everybody with that without putting in a brand new fenced-in pickleball court somewhere. But we'll definitely keep looking into that.

PRESIDENT RODRIGUES: Anyone else?

All right, thank you, Raelynn.

City Clerk?

MS. DIAZ: Nothing this evening.

PRESIDENT RODRIGUES: Any questions for the City Clerk?

All right.

8. Public Hearings and Grievances

PRESIDENT RODRIGUES: All right, Public Hearings, nothing.

9. Petitions and Complaints (None this evening.)

10. Remarks of the Aldermen and Reports of Committees

PRESIDENT RODRIGUES: Remarks of aldermen.

Alderman Jean-Francois.

ALD. JEAN-FRANCOIS: Yes, good evening. It

seems like we have a rough start this year. I want to thank the Fire Department for their life-saving effort and also, DPW, Street Department, Water Department for their effort to try to keep the city dry. I know it's been real hard this year with all the rain and the water we're getting but I think these guys are doing great jobs and I appreciate their effort.

Thank you.

PRESIDENT RODRIGUES: Alderman Johnson.

ALD. JOHNSON: I would concur. You're putting the service and public service -- we thank all of you because it's an on-call job and that's not always convenient. But obviously, the demand is high and the response is high.

Thank you.

PRESIDENT RODRIGUES: Alderwoman Wray.

ALD. WRAY: I just want to say it's a relief. We had a big rain that caused us to suffer pretty bad. And I held my breath a little bit when the rain fell this time but, a lot of the mitigation that we did post-Irene, it's nice to see that it certainly did help us come through these storms a lot better than in the past.

So, kudos to DPW and everyone involved in helping us get the grant money we needed to secure our city.

That's all I have.

PRESIDENT RODRIGUES: Alderman Kleiner.

ALD. KLEINER: Thank you and I do thank the DPW staff and everyone who is working through what seems to be the new normal now, in terms of rain and flooding. It's going to still be a problem.

I also want to thank everyone involved in presenting Jimmy Sturr and the fireworks, since we haven't met since then. And I thought was -- I think the fireworks were the best attended that I've ever seen. So, I thank everyone involved in doing that.

Because we won't meet before then, I remind people that Night Out, when we would have had our next meeting, it's August -- Tuesday, August 1st and I assume that's in Thrall Park but that will be Night Out.

Our next meeting will be on August 15th and our constituents meeting will be Monday, August 14th, just before the Council meeting. So, I thank everyone who always comes out and keeps us informed on what's going on.

We did, if you've seen the announcement, we did have the announcement and we thank Senator Skoufis for the funding for the parking garage project, which is also underway and that will be across from the Paramount. And hopefully, we will get a bright new crosswalk from there over to the Paramount. That would be a big help.

And I think that's it. Thank you.

PRESIDENT RODRIGUES: Alderman Green.

ALD. GREEN: Thank you. Yeah, a huge shout out to the career staff at the Fire Department for that lifesaving. That's amazing to hear and always to know there's a good outcome and people willing to do those things in the world at a moment's notice.

I did also want to mention I just thought the fireworks show was amazing. My entire family was there. My son was in awe. Definitely not like I was as a child, who covered my ears, he was all happy and ready to roll with it. So, well done.

I think you know, as a city, that was a massively well-attended event but, at the end, try and remember to clean up a little more after yourselves. I did walk through the park at the end and there were lots of little bits of stuff all around. But overall, what an awesome, awesome weekend.

And kudos and thank you to the Police Department for doing -- going above and beyond with those arrests this year. I know we saw a lot of people on Facebook who were a little miffed at what was going on in their neighborhood or what they could hear. And just a reminder that some of the things you see and hear are outside of the city. So, things we definitely can't help.

Other than that, I think that's all I have.
Thank you.

PRESIDENT RODRIGUES: Alderman Witt.

ALD. WITT: Thank you very much.

Raelynn, thank you very much for that comprehensive report on everything that's going on with the summer programs. The numbers may be down but there's still a tremendous amount of kids who are benefitting and getting to do so many things in this city. And I mean it just never stops all the opportunities they have.

And even before the summer started with the Little League teams having the success that they did in All Stars, it's just great. And thank you for sharing that and for the hard work of you and your department.

Thank you.

PRESIDENT RODRIGUES: Alderman Masi.

ALD. MASI: I'm sure all my colleagues will agree that this is a time we are extremely proud of our entire workforce, be it the DPW under Jacob, the Fire Department, Nick, the Police Department, Recreation. We've all come together, and we thank you very much, and we are proud of you.

11. Unfinished Business (None This Evening)

12. New Business

PRESIDENT RODRIGUES: Okay, new business.

MS. DIAZ: A resolution sponsored by Alderman Masi, authorizing the closure of the parking lot at 123-125 North Street for a Love Our City Event sponsored by the 2nd Baptist Church.

PRESIDENT RODRIGUES: Resolution sponsored by Alderman Masi, seconded by Alderman Witt.

Any discussion?

Roll.

MS. DIAZ: Alderman Tobin.

(No audible response.)

MS. DIAZ: Alderman Jean-Francois.

ALD. JEAN-FRANCOIS: Aye.

MS. DIAZ: Alderman Johnson.

ALD. JOHNSON: Aye.

MS. DIAZ: Alderman Wray.

ALD. WRAY: Aye.

MS. DIAZ: Alderman Kleiner.

ALD. KLEINER: Aye.

MS. DIAZ: Alderman Green.

ALD. GREEN: Aye.

MS. DIAZ: Alderman Witt.

ALD. WITT: Aye.

MS. DIAZ: Alderman Masi.

ALD. MASI: Aye.

MS. DIAZ: President Rodrigues.

PRESIDENT RODRIGUES: Aye.

MS. DIAZ: It carries.

PRESIDENT RODRIGUES: Thank you.

MS. DIAZ: A resolution sponsored by Alderman Witt, to grant a 30-day notification waiver as per the New York Alcoholic Beverage Control Law to Bambuco A Taste of Columbia, LLC at 240 Wickham Avenue.

PRESIDENT RODRIGUES: Resolution sponsored by Alderman Witt, seconded by Alderman Johnson.

Any discussion?

Roll.

MS. DIAZ: Alderman Jean-Francois.

ALD. JEAN-FRANCOIS: Aye.

MS. DIAZ: Alderman Johnson.

ALD. JOHNSON: Aye.

MS. DIAZ: Alderwoman Wray.

ALD. WRAY: Aye.

MS. DIAZ: Alderman Kleiner.

ALD. KLEINER: Aye.

MS. DIAZ: Alderman Green.

ALD. GREEN: Aye.

MS. DIAZ: Alderman Witt.

ALD. WITT: Aye.

MS. DIAZ: Alderman Masi.

ALD. MASI: Aye.

MS. DIAZ: President Rodrigues.

PRESIDENT RODRIGUES: Aye.

MS. DIAZ: It carries.

A resolution sponsored by Alderman Green, authorizing a credit limit increase for the Police Department's city-issued credit card.

PRESIDENT RODRIGUES: Resolution sponsored by Alderman Green, seconded by Alderman Kleiner.

Any discussion?

Roll.

MS. DIAZ: Alderman Jean-Francois.

ALD. JEAN-FRANCOIS: Aye.

MS. DIAZ: Alderman Johnson.

ALD. JOHNSON: Aye.

MS. DIAZ: Alderwoman Wray.

ALD. WRAY: Aye.

MS. DIAZ: Alderman Kleiner.

ALD. KLEINER: Aye.

MS. DIAZ: Alderman Green.

ALD. GREEN: Aye.

MS. DIAZ: Alderman Witt.

ALD. WITT: Aye.

MS. DIAZ: Alderman Masi.

ALD. MASI: Aye.

MS. DIAZ: President Rodrigues.

PRESIDENT RODRIGUES: Aye.

MS. DIAZ: It carries.

A resolution sponsored by Alderman Kleiner, accepting a grant of \$6,927 from the County of Orange for the STOP DWI Program.

PRESIDENT RODRIGUES: Resolution sponsored by Alderman Kleiner, seconded by Alderman Wray.

Any discussion?

Roll.

MS. DIAZ: Alderman Jean-Francois.

ALD. JEAN-FRANCOIS: Aye.

MS. DIAZ: Alderman Johnson.

ALD. JOHNSON: Aye.

MS. DIAZ: Alderwoman Wray.

ALD. WRAY: Aye.

MS. DIAZ: Alderwoman -- Alderman Kleiner.

ALD. KLEINER: Aye.

MS. DIAZ: Alderman Green.

ALD. GREEN: Aye.

MS. DIAZ: Alderman Witt.

ALD. WITT: Aye.

MS. DIAZ: Alderman Masi.

ALD. MASI: Aye.

MS. DIAZ: President Rodrigues.

PRESIDENT RODRIGUES: Aye.

MS. DIAZ: It carries.

A resolution sponsored by Alderman -- Alderwoman Wray -- I'm sorry -- accepting a donation of \$250 from the Middletown Professional Firefighters Association for the purpose of supporting our National Night Out in June.

PRESIDENT RODRIGUES: Resolution sponsored by Alderwoman Wray, seconded by Alderman Johnson.

Any discussion?

Roll.

MS. DIAZ: Alderman Jean-Francois.

ALD. JEAN-FRANCOIS: Aye.

MS. DIAZ: Alderman Johnson.

ALD. JOHNSON: Aye.

MS. DIAZ: Alderwoman Wray.

ALD. WRAY: Aye.

MS. DIAZ: Alderman Kleiner.

ALD. KLEINER: Aye.

MS. DIAZ: Alderman Green.

ALD. GREEN: Aye.

MS. DIAZ: Alderman Witt.

ALD. WITT: Aye.

MS. DIAZ: Alderman Masi.

ALD. MASI: Aye.

MS. DIAZ: President Rodrigues.

PRESIDENT RODRIGUES: Aye.

MS. DIAZ: It carries.

A resolution sponsored by Alderman Johnson accepting a \$100,000 Grant from the New York State Department of Criminal Justice Services under the G.I.V.E. 2023-2024 (Gun Involved Violence Elimination).

PRESIDENT RODRIGUES: Resolution sponsored by Alderman Johnson, seconded by Alderman JeanFrancois.

Any discussion?

Alderman Kleiner.

ALD. KLEINER: Yeah, I just wanted to mention that I believe this is the one that gets increased because our Police Department has been so good at using the money so, the State has increased the amount.

Thank you.

PRESIDENT RODRIGUES: Anyone else?

Roll.

MS. DIAZ: Alderman Jean-Francois.

ALD. JEAN-FRANCOIS: Aye.

MS. DIAZ: Alderman Johnson.

ALD. JOHNSON: Aye.

MS. DIAZ: Alderwoman Wray.

ALD. WRAY: Aye.

MS. DIAZ: Alderman Kleiner.

ALD. KLEINER: Aye.

MS. DIAZ: Alderman Green.

ALD. GREEN: Aye.

MS. DIAZ: Alderman Witt.

ALD. WITT: Aye.

MS. DIAZ: Alderman Masi.

ALD. MASI: Aye.

MS. DIAZ: President Rodrigues.

PRESIDENT RODRIGUES: Aye.

MS. DIAZ: It carries.

A resolution sponsored by Alderman Jean-Francois authorizing a \$15,000 budget transfer to purchase a Fluoride Analyzer.

PRESIDENT RODRIGUES: Resolution sponsored by Alderman Jean-Francois, seconded by Alderman Masi.

Any discussion?

Roll.

MS. DIAZ: Alderman Jean-Francois.

ALD. JEAN-FRANCOIS: Aye.

MS. DIAZ: Alderman Johnson.

ALD. JOHNSON: Aye.

MS. DIAZ: Alderwoman Wray.

ALD. WRAY: Aye.

MS. DIAZ: Alderman Kleiner.

ALD. KLEINER: Aye.

MS. DIAZ: Alderman Green.

ALD. GREEN: Aye.

MS. DIAZ: Alderman Witt.

ALD. WITT: Aye.

MS. DIAZ: Alderman Masi.

ALD. MASI: Aye.

MS. DIAZ: President Rodrigues.

PRESIDENT RODRIGUES: Aye.

MS. DIAZ: A resolution sponsored by Alderman Jean-Francois authorizing a proposal engaging Architect Joe Fucci to prepare plans, specs, and contract bid documents for Wolslayer field lights.

PRESIDENT RODRIGUES: Resolution finally by Alderman Jean-Francois, seconded by Alderman Johnson. Thank you, Jacob.

Any discussion?

Roll.

MS. DIAZ: Alderman Jean-Francois.

ALD. JEAN-FRANCOIS: Aye.

MS. DIAZ: Alderman Johnson.

ALD. JOHNSON: Aye.

MS. DIAZ: Alderwoman Wray.

ALD. WRAY: Aye.

MS. DIAZ: Alderman Kleiner.

ALD. KLEINER: Aye.

MS. DIAZ: Alderman Green.

ALD. GREEN: Aye.

MS. DIAZ: Alderman Witt.

ALD. WITT: Aye.

MS. DIAZ: Alderman Masi.

ALD. MASI: Aye.

MS. DIAZ: President Rodrigues.

PRESIDENT RODRIGUES: Aye.

MS. DIAZ: It carries.

Resolution sponsored Alderman Masi, authorizing a \$3,000 budget transfer within the Assessor's Office Budget.

PRESIDENT RODRIGUES: Resolution sponsored by Alderman Masi, seconded by Alderman Jean-Francois.

Any discussion?

Roll.

MS. DIAZ: Alderman Jean-Francois.

ALD. JEAN-FRANCOIS: Aye.

MS. DIAZ: Alderman Johnson.

ALD. JOHNSON: Aye.

MS. DIAZ: Alderwoman Wray.

ALD. WRAY: Aye.

MS. DIAZ: Alderman Kleiner.

ALD. KLEINER: Aye.

MS. DIAZ: Alderman Green.

ALD. GREEN: Aye.

MS. DIAZ: Alderman Witt.

ALD. WITT: Aye.

MS. DIAZ: Alderman Masi.

ALD. MASI: Aye.

MS. DIAZ: President Rodrigues.

PRESIDENT RODRIGUES: Aye.

MS. DIAZ: It carries.

A resolution sponsored Alderman Witt authorizing the issuance of a City credit card to Marianne Feely.

PRESIDENT RODRIGUES: Resolution sponsored by Alderman Witt, seconded by Alderman Green.

Any discussion?

As long as Masi doesn't get a card, I'm okay.

ALD. MASI: I never get one.

PRESIDENT RODRIGUES: Roll.

MS. DIAZ: Alderman Jean-Francois.

ALD. JEAN-FRANCOIS: Aye.

MS. DIAZ: Alderman Johnson.

ALD. JOHNSON: Aye.

MS. DIAZ: Alderwoman Wray.

ALD. WRAY: Aye.

MS. DIAZ: Alderman Kleiner.

ALD. KLEINER: Aye.

MS. DIAZ: Alderman Green.

ALD. GREEN: Aye.

MS. DIAZ: Alderman Witt.

ALD. WITT: Aye.

MS. DIAZ: Alderman Masi.

ALD. MASI: Aye.

MS. DIAZ: President Rodrigues.

PRESIDENT RODRIGUES: Aye.

MS. DIAZ: It carries.

A resolution sponsored by Alderman Green
authorizing an Amended Cash Management Agreement with TD
Bank.

PRESIDENT RODRIGUES: Resolution sponsored by
Alderman Green, seconded by Alderman Johnson.

Any discussion?

Roll.

MS. DIAZ: Alderman Jean-Francois.

ALD. JEAN-FRANCOIS: Aye.

MS. DIAZ: Alderman Johnson.

ALD. JOHNSON: Aye.

MS. DIAZ: Alderwoman Wray.

ALD. WRAY: Aye.

MS. DIAZ: Alderman Kleiner.

ALD. KLEINER: Aye.

MS. DIAZ: Alderman Green.

ALD. GREEN: Aye.

MS. DIAZ: Alderman Witt.

ALD. WITT: Aye.

MS. DIAZ: Alderman Masi.

ALD. MASI: Aye.

MS. DIAZ: President Rodrigues.

PRESIDENT RODRIGUES: Aye.

MS. DIAZ: It carries.

A resolution sponsored by Alderman Kleiner
authorizing the 2023-2024 Capital Expense Plan.

PRESIDENT RODRIGUES: Resolution sponsored by
Alderman Kleiner, seconded by Alderman Green.

Any discussion?

Roll.

MS. DIAZ: Alderman Jean-Francois.

ALD. JEAN-FRANCOIS: Aye.

MS. DIAZ: Alderman Johnson.

ALD. JOHNSON: Aye.

MS. DIAZ: Alderwoman Wray.

ALD. WRAY: Aye.

MS. DIAZ: Alderman Kleiner.

ALD. KLEINER: Aye.

MS. DIAZ: Alderman Green.

ALD. GREEN: Aye.

MS. DIAZ: Alderman Witt.

ALD. WITT: Aye.

MS. DIAZ: Alderman Masi.

ALD. MASI: Aye.

MS. DIAZ: President Rodrigues.

PRESIDENT RODRIGUES: Aye.

MS. DIAZ: It carries.

A resolution sponsored by Alderwoman Wray authorizing the issuance of \$970,000 bonds for a land acquisition for future municipal infill redevelopment, as described in the Middletown Transportation Center Site Analysis.

PRESIDENT RODRIGUES: Resolution sponsored by Alderwoman Wray, seconded by Alderman Green.

Any discussion?

Roll.

MS. DIAZ: Alderman Jean-Francois.

ALD. JEAN-FRANCOIS: Aye.

MS. DIAZ: Alderman Johnson.

ALD. JOHNSON: Aye.

MS. DIAZ: Alderwoman Wray.

ALD. WRAY: Aye.

MS. DIAZ: Alderman Kleiner.

ALD. KLEINER: Aye.

MS. DIAZ: Alderman Green.

ALD. GREEN: Aye.

MS. DIAZ: Alderman Witt.

ALD. WITT: Aye.

MS. DIAZ: Alderman Masi.

ALD. MASI: Aye.

MS. DIAZ: President Rodrigues.

PRESIDENT RODRIGUES: Aye.

MS. DIAZ: It carries.

A resolution sponsored by Alderman Johnson authorizing \$8,625,734.75 in bonds for various capital items.

PRESIDENT RODRIGUES: Resolution sponsored by Alderman Johnson, seconded by Alderman Masi.

Any discussion?

Roll.

MS. DIAZ: Alderman Jean-Francois.

ALD. JEAN-FRANCOIS: Aye.

MS. DIAZ: Alderman Johnson.

ALD. JOHNSON: Aye.

MS. DIAZ: Alderwoman Wray.

ALD. WRAY: Aye.

MS. DIAZ: Alderman Kleiner.

ALD. KLEINER: Aye.

MS. DIAZ: Alderman Green.

ALD. GREEN: Aye.

MS. DIAZ: Alderman Witt.

ALD. WITT: Aye.

MS. DIAZ: Alderman Masi.

ALD. MASI: Aye.

MS. DIAZ: President Rodrigues.

PRESIDENT RODRIGUES: Aye.

MS. DIAZ: It carries.

A resolution sponsored by Alderman Jean-Francois authorizing the issuance of \$3,605,000 bonds for improvements to the water system and dams.

PRESIDENT RODRIGUES: Resolution sponsored by Alderman Jean-Francois, seconded by Alderwoman Wray.

Any discussion?

Roll.

MS. DIAZ: Alderman Jean-Francois.

ALD. JEAN-FRANCOIS: Aye.

MS. DIAZ: Alderman Johnson.

ALD. JOHNSON: Aye.

MS. DIAZ: Wray.

ALD. WRAY: Aye.

MS. DIAZ: Kleiner.

ALD. KLEINER: Aye.

MS. DIAZ: Green.

ALD. GREEN: Aye.

MS. DIAZ: Witt.

ALD. WITT: Aye.

MS. DIAZ: Masi.

ALD. MASI: Aye.

MS. DIAZ: Rodrigues.

PRESIDENT RODRIGUES: Aye.

MS. DIAZ: It carries.

ALD. MASI: That's the way.

PRESIDENT RODRIGUES: You're getting there.
You're learning.

MS. DIAZ: My second time.

A resolution sponsored by Alderman Green waiving
a commercial use requirement in a C3 Zone for the
Middletown Commons Project.

PRESIDENT RODRIGUES: Resolution sponsored by
Alderman Green, seconded by Alderman Kleiner.

Any discussion?

Roll.

MS. DIAZ: Jean-Francois.

ALD. JEAN-FRANCOIS: Aye.

MS. DIAZ: Johnson.

ALD. JOHNSON: Aye.

MS. DIAZ: Wray.

ALD. WRAY: Aye.

MS. DIAZ: Kleiner.

ALD. KLEINER: Aye.

MS. DIAZ: Green.

ALD. GREEN: Aye.

MS. DIAZ: Witt.

ALD. WITT: Aye.

MS. DIAZ: Masi.

ALD. MASI: Aye.

MS. DIAZ: Rodrigues.

PRESIDENT RODRIGUES: Aye.

MS. DIAZ: It carries.

A resolution sponsored by Alderman Masi authorizing a proposal from Rotolo Electric to do work at the Middletown Waste Water Management Plant.

PRESIDENT RODRIGUES: Resolution sponsored by Alderman Masi, seconded Alderman Jean-Francois.

Any discussion?

Roll.

MS. DIAZ: Jean-Francois.

ALD. JEAN-FRANCOIS: Aye.

MS. DIAZ: Johnson.

ALD. JOHNSON: Aye.

MS. DIAZ: Wray.

ALD. WRAY: Aye.

MS. DIAZ: Kleiner.

ALD. KLEINER: Aye.

MS. DIAZ: Green.

ALD. GREEN: Aye.

MS. DIAZ: Witt.

ALD. WITT: Aye.

MS. DIAZ: Masi.

ALD. MASI: Aye.

MS. DIAZ: President Rodrigues.

PRESIDENT RODRIGUES: Aye.

MS. DIAZ: It carries.

A resolution authorize -- I'm sorry. A resolution sponsored by Alderman Green authorizing a grant application to complete a Brownfield study of the Middletown Community Campus.

PRESIDENT RODRIGUES: Resolution sponsored by Alderman Green, seconded by Alderman Johnson.

Any discussion?

Roll.

MS. DIAZ: Jean-Francois.

ALD. JEAN-FRANCOIS: Aye.

MS. DIAZ: Johnson.

ALD. JOHNSON: Aye.

MS. DIAZ: Wray.

ALD. WRAY: Aye.

MS. DIAZ: Kleiner.

ALD. KLEINER: Aye.

MS. DIAZ: Green.

ALD. GREEN: Aye.

MS. DIAZ: Witt.

ALD. WITT: Aye.

MS. DIAZ: Masi.

ALD. MASI: Aye.

MS. DIAZ: President Rodrigues.

PRESIDENT RODRIGUES: Aye.

MS. DIAZ: It carries.

PRESIDENT RODRIGUES: Alderman Masi?

ALD. MASI: Yes, I'd like to introduce a resolution. I'd like to sponsor it and I'm hoping we get a unanimous second.

Whereas, the McQuoid Engine and Ladder Company, No. 3 is celebrating the 150th anniversary of its founding as a volunteer unit in the Middletown Fire Department in 1873; and

Whereas, more than a thousand Middletown men and women have worn the McQuoid uniform over those 150 years and created a company reputation for swift reliable responses to all calls for help; and

Whereas, as first responders, McQuoids risk life and limb each time they answer an alarm and do so with no thought of payment or personal reward. They often sacrifice sleep, meals, family time to meet their Fire Department commitment; and

Whereas, the McQuoids have applauded the contributions of many fire service colleagues, fellow Middletown Fire Department companies, chiefs, officers, mutual aid responders, career firefighters, company

benefactors, and member families in reaffirming the company's commitment to the mission of the Fire Department.

Now, therefore, we, the Members of Middletown Common Council do hereby recommend -- commend and congratulate the volunteers of the McQuoids Engine and Ladder Company on 150 years of devoted service to their fellow citizens of the City of Middletown.

PRESIDENT RODRIGUES: Motion by Alderman Masi, make it unanimous.

All in favor?

(Chorus of aye.)

PRESIDENT RODRIGUES: Congratulations to the McQuoids and Chief. Congratulate them.

13. Local Laws

(None this evening.)

14. Audit of Claims and Accounts

PRESIDENT RODRIGUES: Audit.

ALD. MASI: Obviously, you know I did not write this.

PRESIDENT RODRIGUES: Jack McMahon did.

ALD. MASI: Jack McMahon wrote it. All right.

Mr. President, I move the accounts be audited, the claims be adjusted, and the City Treasurer be authorized to issue warrants for their payment.

PRESIDENT RODRIGUES: Resolution sponsored by
Alderman Masi, seconded by Alderwoman Wray.

Roll.

MS. DIAZ: Jean-Francois.

ALD. JEAN-FRANCOIS: Aye.

MS. DIAZ: Johnson.

ALD. JOHNSON: Aye.

MS. DIAZ: Wray.

ALD. WRAY: Aye.

MS. DIAZ: Kleiner.

ALD. KLEINER: Aye.

MS. DIAZ: Green.

ALD. GREEN: Aye.

MS. DIAZ: Witt.

ALD. WITT: Aye.

MS. DIAZ: Masi.

ALD. MASI: Aye.

MS. DIAZ: President Rodrigues.

PRESIDENT RODRIGUES: Aye.

MS. DIAZ: It carries.

PRESIDENT RODRIGUES: You did a great job. I
think Rick's in trouble.

15. ADJOURNMENT

PRESIDENT RODRIGUES: Motion to adjourn?

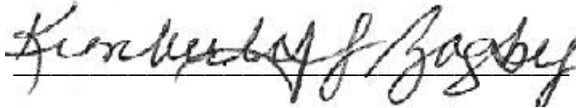
UNIDENTIFIED SPEAKER: So moved.

UNIDENTIFIED SPEAKER: So moved.

(Proceeding concluded.)

CERTIFICATION

I, KIMBERLY J. ZOGBY, certify that the foregoing transcript of the July 18, 2023 Middletown City Council meeting was prepared using the required transcription equipment and is a true and accurate transcript of the recording.

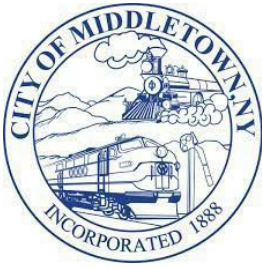
A handwritten signature in black ink, appearing to read "Kimberly J. Zogby", is written over a horizontal line.

AMERICAN LEGAL TRANSCRIPTION

11 Market Street, Suite 215

Poughkeepsie, New York 12601

Dated: August 12, 2023



CITY OF MIDDLETOWN, NEW YORK COMMON COUNCIL RECORD OF VOTE

THE FOLLOWING WAS PRESENTED

By Ald. Masi

Sec'd by Ald. Witt

Date of Adoption: July 18, 2023

Index No:

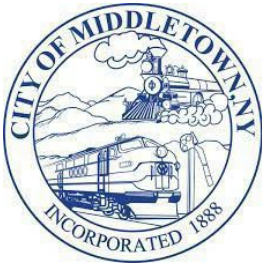
Names	Ayes	Noes	Abstain	Absent
Ald. Tobin				X
Ald Jean-Francois	X			
Ald. Johnson	X			
Ald. Wray	X			
Ald. Kleiner	X			
Ald. Green	X			
Ald. Witt	X			
Ald. Masi	X			
Pres. Rodrigues	X			
Total	8			X

Accept Minutes of May 16, 2023, June 6, 2023

ATTACHMENTS:

[05.16.23 CC Minutes.pdf](#)

[06.06.23 CC Minutes.pdf](#)



CITY OF MIDDLETOWN, NEW YORK COMMON COUNCIL RECORD OF VOTE

THE FOLLOWING WAS PRESENTED

By Ald. Masi

Sec'd by Ald. Witt

Date of Adoption: July 18, 2023

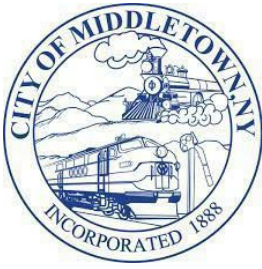
Index No: 143-23

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			X

Resolution Authorizing the Closure of a Parking Lot at 123-125 North Street for a Love Our City Event sponsored by the 2nd Baptist Church

RESOLVED that the Common Council of the City of Middletown authorize the closure of a parking lot located at 123-125 North Street on July 29, 2023 from 11 AM-6 PM for the 2nd Baptist Church's Love Our City Event.

FURTHER RESOLVED that the Common Council of the City of Middletown waive the city prohibition against amplified sounds for this event.



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

THE FOLLOWING WAS PRESENTED

By Ald. Witt

Sec'd by Ald. Johnson

Date of Adoption: July 18, 2023

Index No: 144-23

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			X

Resolution to grant a 30-day Notification Waiver as per the New York Alcoholic Beverage Control Law to Bambuco A Taste of Columbia, LLC at 240 Wickham Avenue

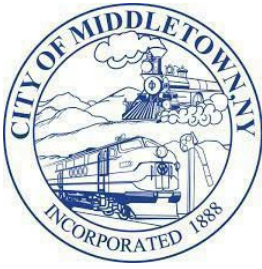
Whereas, Bambuco A Taste of Columbia, LLC at 240 Wickham Avenue, Middletown NY has requested a waiver of the thirty (30) day notification requirement set forth in Section 64(2)(a) of the New York Alcoholic Beverage Control Law, and

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

Therefore be it resolved, that the City of Middletown, NY has no objection to an On-Premises Liquor License being granted to Bambuco A Taste of Columbia, LLC, for the business located at 240 Wickham Avenue, Middletown, NY 10940 and does hereby grant the 30-day notification waiver.

ATTACHMENTS:

[Bambuco Taste of Columbia Liquor Lic.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: July 18, 2023

Index No: 145-23

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			X

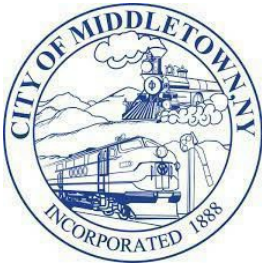
Resolution Authorizing a Credit Limit Increase for the Police Department's City Issued Credit Card

RESOLVED; that the Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment authorizes an increase in the Police Department's city-issued credit card from \$6,000 to \$10,000.

FURTHER RESOLVED that the Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment and authorizes the Treasurer to amend the credit card Policy to reflect the limit increase for the Police Department.

ATTACHMENTS:

[CREDIT CARD POLICY.pdf](#)



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

THE FOLLOWING WAS PRESENTED

By Ald. Kleiner

Sec'd by Ald. Wray

Date of Adoption: July 18, 2023

Index No: 146-23

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			X

Resolution Accepting A Grant of \$6927 from the County of Orange for the STOP DWI Program

WHERE AS in March 2023 the Common Council entered into an Inter-Municipal Agreement with the County of Orange for STOP DWI funding for the contract dates of November 11, 2023 through January 1, 2024; and

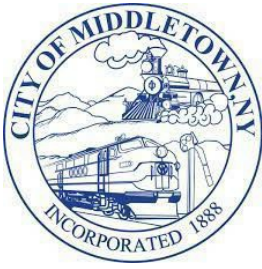
WHEREAS, A second funding period has been awarded;

NOW THEREFORE BE IT RESOLVED; that the Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment accept an award of \$6927 for the second enforcement period and from the County of Orange for the STOP DWI Program.

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 deposit these funds revenue line A.3333 and authorizes these funds to be expensed from A.3141.103 through Stop DWI overtime entries .

ATTACHMENTS:

[STOP DWI 2nd period.pdf](#)



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

THE FOLLOWING WAS PRESENTED

By Ald. Wray

Sec'd by Ald. Johnson

Date of Adoption: July 18, 2023

Index No: 147-23

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			X

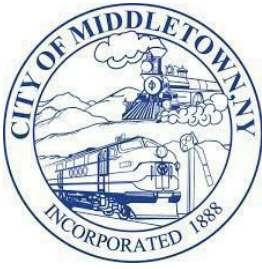
Resolution accepting a donation of \$250 from the Middletown Professional Firefighters Association for the purpose of supporting our National Night Out on June

RESOLVED; that the Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment and accepts a donation of \$250 from the Middletown Professional Firefighters Association for the purpose of supporting National Night Out Against Crime in August.

FURTHER RESOLVED; that the Common Council of the City of Middletown 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 of our police budget by the same amount.

ATTACHMENTS:

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



CITY OF MIDDLETOWN, NEW YORK COMMON COUNCIL RECORD OF VOTE

THE FOLLOWING WAS PRESENTED

By Ald. Johnson

Sec'd by Ald. Jean-Francois

Date of Adoption: July 18, 2023

Index No: 148-23

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			X

Resolution accepting a \$100,000 Grant from the New York State Department of Criminal Justice Services under the G.I.V.E 2023-2024 (Gun Involved Violence Elimination)

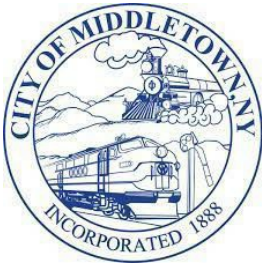
RESOLVED; that the Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment and accepts a \$100,000 Grant from the New York State Department of Criminal Justice Services under the G.I.V.E 2023-2024 (Gun Involved Violence Elimination) for the period of July 1, 2023, through June 30, 2024.

FURTHER RESOLVED; that the Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment and authorizes

the Treasurer to add it to our established G.I.V.E grant budget line A. 3127.103.

This project would be paid in full through the New York State GIVE grant administered by the New York State Department of Criminal Justice Services. This funding will be used for Gun Involved Violence Elimination initiatives.

ATTACHMENTS:
[GIVE GRANT 2023.pdf](#)



CITY OF MIDDLETOWN, NEW YORK COMMON COUNCIL RECORD OF VOTE

THE FOLLOWING WAS PRESENTED

By Ald. Jean-Francois

Sec'd by Ald. Masi

Date of Adoption: July 18, 2023

Index No: 149-23

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			X

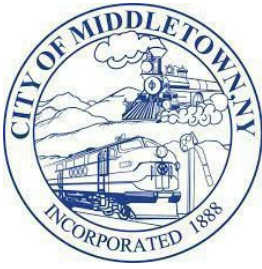
Resolution authorizing a \$15,000 Budget Transfer to purchase a Fluoride Analyzer

RESOLVED; that the Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment and authorizes the Treasurer to transfer \$15,000, in the following manner, to purchase a Fluoride Analyzer that is 14 years old and is no longer functioning properly.

FROM	AMOUNT	TO
F.8330.458 Chemicals	\$15,000	F.8330.200 Other Equipment

ATTACHMENTS:

[DWP Transfer Memo- Fluoride Analyzer](#)



**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: July 18, 2023

Index No: 150-23

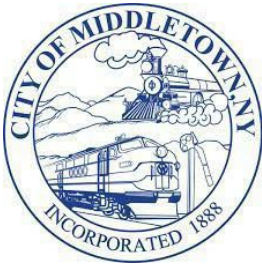
Names	Ayes	Noes	Abstain	Absent
Ald. Tobin				X
Ald Jean-Francois	X			
Ald. Johnson	X			
Ald. Wray	X			
Ald. Kleiner	X			
Ald. Green	X			
Ald. Witt	X			
Ald. Masi	X			
Pres. Rodrigues	X			
Total	8			X

Resolution Authorizing a Proposal Engaging Architect Joe Fucci to Prepare Plans, Specs, and Contract Bid Documents for Wolslayer Field Lights

RESOLVED; that the Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment and authorizes the attached proposal from Architect Joe Fucci to prepare plans, specs, and contract bid documents for Wolslayer Field lights.

ATTACHMENTS:

[FANCHER-DAVIDGE FIELD LIGHT SPECS - 0918.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: July 18, 2023

Index No: 151-23

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			X

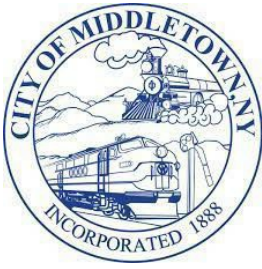
Resolution Authorizing a Budget \$3,000 budget Transfer within the Assessor's Office Budget

RESOLVED; that the Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment and authorizes the Treasurer to transfer \$3,000, in the following manner, to cover unanticipated expenses in the Assessor's Office due to new exemption legislation.

FROM	AMOUNT	TO
A.1355.400 Contractual Services	\$3000	A.1355.480 Office Expense

ATTACHMENTS:

[Transfer Request 7-2023.pdf](#)



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

THE FOLLOWING WAS PRESENTED

By Ald. Witt

Sec'd by Ald. Green

Date of Adoption: July 18, 2023

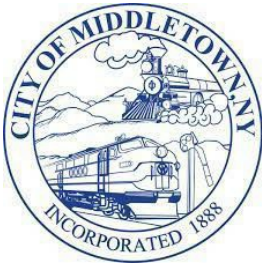
Index No: 152-23

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			X

Resolution Authorizing the Issuance of a City Credit Card to Marianne Feely

RESOLVED; that the Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment and authorizes issuing a city credit card, with a \$2,000 limit to Marianne Feely to be utilized for conferences and other purchases.

FURTHER RESOLVED; that the Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment amending the current credit card policy to reflect the authorization of the Assessor to utilize a city credit card at a set limit of \$2,000.



CITY OF MIDDLETOWN, NEW YORK COMMON COUNCIL RECORD OF VOTE

THE FOLLOWING WAS PRESENTED

By Ald. Green

Sec'd by Ald. Johnson

Date of Adoption: July 18, 2023

Index No: 153-23

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			X

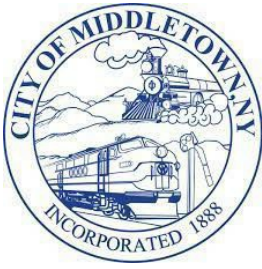
Resolution Authorizing an Amended Cash Management Agreement with TD Bank

RESOLVED; that the Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment and authorizes the attached amended Cash Management Agreement with TD Bank to add protective services against fraud in our existing accounts with TD Bank.

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:

[TD Cash Mgmt Agreement.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: July 18, 2023

Index No: 154-23

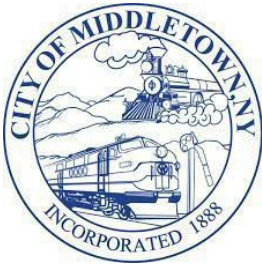
Names	Ayes	Noes	Abstain	Absent
Ald. Tobin				X
Ald Jean-Francois	X			
Ald. Johnson	X			
Ald. Wray	X			
Ald. Kleiner	X			
Ald. Green	X			
Ald. Witt	X			
Ald. Masi	X			
Pres. Rodrigues	X			
Total	8			X

Resolution Authorizing the 2023-2024 Capital Expense Plan

RESOLVED; that the Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment and authorizes the attached Capital Expense Plan.

ATTACHMENTS:

[2023-2024 Capital Expenditure Plan.pdf](#)



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

THE FOLLOWING WAS PRESENTED

By Ald. Wray

Sec'd by Ald. Green

Date of Adoption: July 18, 2023

Index No: 155-23

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			X

Resolution Authorizing the Issuance of \$970,000 Bonds for Land Acquisition for Future Municipal Infill Redevelopment as described in the Middletown Transportation Center Site Analysis

A RESOLUTION AUTHORIZING THE ISSUANCE OF \$970,000 BONDS OF THE CITY OF MIDDLETOWN, ORANGE COUNTY, NEW YORK, TO PAY THE COST OF THE ACQUISITION OF PARCELS OF LAND FOR FUTURE MUNICIPAL INFILL REDEVELOPMENT AS DESCRIBED IN THE MIDDLETOWN TRANSPORTATION CENTER SITE ANALYSIS DATED AUGUST 4, 2022, IN AND FOR SAID CITY.

BE IT RESOLVED, by the Common Council of the City of Middletown, Orange County, New York, as follows:

Section 1. The acquisition of parcels of land for future municipal infill redevelopment as described in the Middletown Transportation Center Site Analysis dated August 4, 2022, in and for the City of Middletown, Orange County, New York, including incidental expenses in connection therewith, are hereby authorized at a maximum estimated cost of \$970,000

Section 2. The plan for the financing of such maximum estimated cost is by the issuance of \$970,000 bonds of said City hereby authorized to be issued therefor pursuant to the provisions of the Local Finance Law; provided, however, that the amount of bonds to be issued shall be reduced to the extent of grants received in connection therewith.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid class of objects or purposes is thirty years, pursuant to subdivision 21(a) of paragraph (a) of Section 11.00 of the Local Finance Law.

Section 4. The faith and credit of said City of Middletown, Orange County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such obligations as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such year. There shall annually be levied on all the taxable real property of said City, a tax sufficient to pay the principal of and interest on such obligations as the same become due and payable.

Section 5. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the bonds herein authorized, including renewals of such notes, is hereby delegated to the City Treasurer, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said City Treasurer, consistent with the provisions of the Local Finance Law.

Section 6. Such bonds shall be in fully registered form and shall be signed in the name of the City of Middletown, Orange County, New York, by the manual or facsimile signature of the City Treasurer and a facsimile of its corporate seal shall be imprinted or impressed thereon and may be attested by the manual or facsimile signature of the City Clerk.

Section 7. All other matters, except as provided herein relating to such bonds, including determining whether to issue such bonds having substantially level or declining debt service and all matters related thereto, prescribing whether manual or facsimile signatures shall appear on said bonds, prescribing the method for the recording of ownership of said bonds, appointing the fiscal agent or agents for said bonds, providing for the printing and delivery of said bonds (and if said bonds are to be executed in the name of the City by the facsimile signature of the City Treasurer, providing for the manual countersignature of a fiscal agent or of a designated official of the City), the date, denominations, maturities and interest payment dates, place or places of payment, and also including the consolidation with other issues, shall be determined by the City Treasurer. It is hereby determined that it is to the financial advantage of the City not to impose and collect from registered owners of such serial bonds any charges for mailing, shipping and insuring bonds transferred or exchanged by the fiscal agent, and, accordingly, pursuant to paragraph c of Section 70.00 of the Local Finance Law, no such charges shall be so collected by the fiscal agent. Such bonds shall contain substantially the recital of validity clause provided for in section 52.00 of the Local Finance Law and shall otherwise be in such form and contain such recitals in addition to those required by section 52.00 of the Local Finance Law, as the City Treasurer shall determine.

Section 8. The powers and duties of advertising such bonds for sale, conducting the sale and awarding the bonds, are hereby delegated to the City Treasurer, who shall advertise such bonds for sale, conduct the sale, and award the bonds in such manner as the City Treasurer shall deem best for the interests of said Village; provided, however, that in the exercise of these delegated powers, the City Treasurer shall comply fully with the provisions of the Local Finance Law and any order or rule of the State Comptroller applicable to the sale of municipal bonds. The receipt of the City Treasurer shall be a full acquittance to the purchaser of such bonds, who shall not be obliged to see to the application of the purchase money.

Section 9. Such bonds shall be in fully registered form and shall be signed in the name of the City of

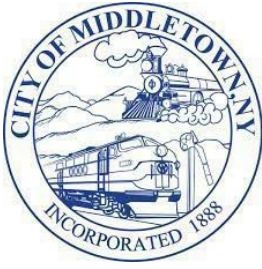
Middletown, Orange County, New York, by the manual or facsimile signature of the City Treasurer and a facsimile of its corporate seal shall be imprinted or impressed thereon and may be attested by the manual or facsimile signature of the Village Clerk.

Section 11. The validity of such bonds and bond anticipation notes may be contested only if: 1) Such obligations are authorized for an object or purpose for which said City is not authorized to expend money, or 2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or 3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 12. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein. Section 14. This resolution, which takes effect immediately, shall be published in summary form in The Times Herald Record, the official newspaper, together with a notice of the City Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

ATTACHMENTS:

[City of Middletown BOND RES \(land Acquisition Municipal Infill\) \(2-507\) 4137-7148-3720 1.pdf](#)



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

THE FOLLOWING WAS PRESENTED

By Ald. Johnson

Sec'd by Ald. Masi

Date of Adoption: July 18, 2023

Index No: 156-23

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

Resolution Authorizing \$8,625,734.75 in Bonds for Various Capital Items

BOND RESOLUTION DATED JULY 18, 2023.

RESOLUTION AUTHORIZING VARIOUS CAPITAL ITEMS IN AND FOR THE CITY OF MIDDLETOWN, ORANGE COUNTY, NEW YORK, AT A TOTAL MAXIMUM ESTIMATED COST OF \$8,625,734.75, AND AUTHORIZING THE ISSUANCE OF \$8,625,734.75 BONDS OF SAID CITY TO PAY THE COSTS THEREOF.

BE IT RESOLVED, by the Common Council of the City of Middletown, Orange County, New York, as follows:

Section 1. The following are hereby authorized in and for the City of Middletown, Orange County, New York, including, in each case, as applicable, original furnishings, equipment, machinery, apparatus, appurtenances, and incidental improvements and expenses:

- a) Purchase of police equipment and police canine, at a maximum estimated cost of \$172,000, being a class of objects or purposes having a period of probable usefulness of five years pursuant to subdivision 32 of paragraph a of Section 11.00 of the Local Finance Law;
- b) Purchase of police vehicles, at a maximum estimated cost of \$478,200, being a class of objects or purposes having a period of probable usefulness of three years pursuant to subdivision 77 of paragraph

a of Section 11.00 of the Local Finance Law;

c) Replacement of heating and cooling system at Police Department, at a maximum estimated cost of \$195,000, being a specific object or purpose having a period of probable usefulness of ten years pursuant to subdivision 13 of paragraph a of Section 11.00 of the Local Finance Law;

d) Purchase of equipment for the Fire Department, at a maximum estimated cost of \$74,000, being a class of objects or purposes having a period of probable usefulness of five years pursuant to subdivision 32 of paragraph a of Section 11.00 of the Local Finance Law;

e) Purchase of vehicles and equipment for construction and maintenance for Parks and Recreation Department at cost of each of \$30,000 and over, at a maximum estimated cost of \$295,380, being a class of objects or purposes having a period of probable usefulness of fifteen years pursuant to subdivision 28 of paragraph a of Section 11.00 of the Local Finance Law;

f) Bench replacements in parks and playground equipment at Sprout Street Pool Playground, at a maximum estimated cost of \$94,000, being a class of objects or purposes having a period of probable usefulness of fifteen years pursuant to subdivision 19(c) of paragraph a of Section 11.00 of the Local Finance Law;

g) Gym boiler replacement, at a maximum estimated cost of \$75,120, being a specific object or purpose having a period of probable usefulness of ten years pursuant to subdivision 13 of paragraph a of Section 11.00 of the Local Finance Law;

h) War Memorial Pool House flooring replacement, at a maximum estimated cost of \$40,000, being a specific object or purpose having a period of probable usefulness of twenty-five years pursuant to subdivision 12(a) of paragraph a of Section 11.00 of the Local Finance Law;

i) Bleachers purchase and installation, at a maximum estimated cost of \$40,000, being specific objects or purposes, having a period of probable usefulness of fifteen years pursuant to subdivision 19(c) of paragraph a of Section 11.00 of the Local Finance Law;

j) Purchase of stand-up blower, at a maximum estimated cost of \$12,500, being a specific object or purpose having a period of probable usefulness of five years pursuant to subdivision 28 of paragraph a of Section 11.00 of the Local Finance Law;

k) Hand ball court improvements, at a maximum estimated cost of \$20,000, being a specific object or purpose having a period of probable usefulness of fifteen years pursuant to subdivision 19(c) of paragraph a of Section 11.00 of the Local Finance Law;

l) Maple Hill pool splash pad construction, at a maximum estimated cost of \$440,281, being a specific object or purpose having a period of probable usefulness of twenty years pursuant to subdivision 61 of paragraph a of Section 11.00 of the Local Finance Law;

m) Reconstruction of Sanitation Department facilities, at a maximum estimated cost of \$210,733, being a class of objects or purposes having a period of probable usefulness of twenty-five years pursuant to subdivision 12(a) of paragraph a of Section 11.00 of the Local Finance Law;

n) Purchase of vehicles and equipment for DPW construction and maintenance, each item of which costs \$30,000 or over, at a maximum estimated cost of \$2,138,463.48, being a class of objects or

purposes having a period of probable usefulness of fifteen years pursuant to subdivision 28 of paragraph a of Section 11.00 of the Local Finance Law;

o) Purchase of a milling head for skid steer, at a maximum estimated cost of \$26,428.27, being a specific object or purpose having a period of probable usefulness of ten years pursuant to subdivision 28 of paragraph a of Section 11.00 of the Local Finance Law;

p) Reconstruction of DPW Street Department facilities, at a maximum estimated cost of \$395,826, being a class of objects or purposes having a period of probable usefulness of twenty-five years pursuant to subdivision 12(a) of paragraph a of Section 11.00 of the Local Finance Law;

q) Traffic Operations Project, including paving, curbs, sidewalks and incidental traffic pole improvements, at a maximum estimated cost of \$3,000,000, being a class of objects or purposes having a period of probable usefulness of fifteen years pursuant to subdivision 20(c) of paragraph a of Section 11.00 of the Local Finance Law;

r) Purchase of sewer screw pumps, at a maximum estimated cost of \$600,000, being a specific object or purpose having a period of probable usefulness of forty years pursuant to subdivision 4 of paragraph a of Section 11.00 of the Local Finance;

s) Asbestos removal project at City facilities, at a maximum estimated cost of \$150,000, being a class of objects or purposes having a period of probable usefulness of five years pursuant to subdivision 35 of paragraph a of Section 11.00 of the Local Finance; and

t) Construction of new athletic field at Monhagen Avenue, at a maximum estimated cost of \$167,803 being a specific object or purpose having a period of probable usefulness of fifteen years pursuant to subdivision 19(c) of paragraph a of Section 11.00 of the Local Finance.

Section 2. The aggregate maximum estimated cost of the aforesaid objects or purposes is \$8,625,734.75, and the plan for the financing thereof is by the issuance of the \$8,625,734.75 serial bonds authorized by Section 1 hereof, allocated to each of the objects or purposes in accordance with the maximum estimated cost of each as stated in Section 1 hereof; provided, however, that the amount of bonds to be issued shall be reduced to the extent of grants received in connection therewith.

Section 3. The faith and credit of said City of Middletown, Orange County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such obligations as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such year. There shall annually be levied on all the taxable real property of said City, a tax sufficient to pay the principal of and interest on such obligations as the same become due and payable.

Section 4. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the bonds herein authorized, including renewals of such notes, is hereby delegated to the City Treasurer, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said City Treasurer, consistent with the provisions of the Local Finance Law.

Section 5. Such bonds shall be in fully registered form and shall be signed in the name of the City of Middletown, Orange County, New York, by the manual or facsimile signature of the City Treasurer and a facsimile of its corporate seal shall be imprinted or impressed thereon and may be attested by the

manual or facsimile signature of the City Clerk.

Section 6. All other matters, except as provided herein relating to such bonds, including determining whether to issue such bonds having substantially level or declining debt service and all matters related thereto, prescribing whether manual or facsimile signatures shall appear on said bonds, prescribing the method for the recording of ownership of said bonds, appointing the fiscal agent or agents for said bonds, providing for the printing and delivery of said bonds (and if said bonds are to be executed in the name of the City by the facsimile signature of the City Treasurer, providing for the manual countersignature of a fiscal agent or of a designated official of the City), the date, denominations, maturities and interest payment dates, place or places of payment, and also including the consolidation with other issues, shall be determined by the City Treasurer. It is hereby determined that it is to the financial advantage of the City not to impose and collect from registered owners of such serial bonds any charges for mailing, shipping and insuring bonds transferred or exchanged by the fiscal agent, and, accordingly, pursuant to paragraph c of Section 70.00 of the Local Finance Law, no such charges shall be so collected by the fiscal agent. Such bonds shall contain substantially the recital of validity clause provided for in section 52.00 of the Local Finance Law and shall otherwise be in such form and contain such recitals in addition to those required by section 52.00 of the Local Finance Law, as the City Treasurer shall determine.

Section 7. The validity of such bonds and bond anticipation notes may be contested only if:

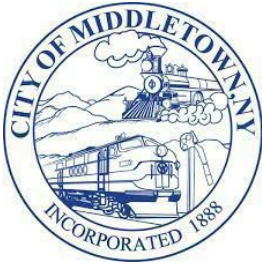
- 1) Such obligations are authorized for an object or purpose for which said City is not authorized to expend money, or
- 2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
- 3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 8. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 9. This resolution, which takes effect immediately, shall be published in summary form in The Times Herald Record, the official newspaper, together with a notice of the City Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

ATTACHMENTS:

[City of Middletown \(2-505\) BOND RES CAPITAL IMPROVEMENTS \(2023\) 4154-7948-2184 1.pdf](#)



CITY OF MIDDLETOWN, NEW YORK COMMON COUNCIL RECORD OF VOTE

THE FOLLOWING WAS PRESENTED

By Ald. Jean-Francois

Sec'd by Ald. Wray

Date of Adoption: July 18, 2023

Index No: 157-23

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			X

Resolution Authorizing the Issuance of \$3,605,000 Bonds for Improvements to the Water System and Dams

BOND RESOLUTION DATED JULY 18, 2023. A RESOLUTION AUTHORIZING THE ISSUANCE OF \$3,605,000 BONDS OF THE CITY OF MIDDLETOWN, ORANGE COUNTY, NEW YORK, TO PAY THE COST OF Improvements to water system dams IN AND for SAID CITY.

BE IT RESOLVED, by the Common Council of the City of Middletown, Orange County, New York, as follows:

Section 1. Improvements to water system dams, in and for the City of Middletown, Orange County, New York, including incidental improvements and expenses in connection therewith, are hereby authorized at a maximum estimated cost of \$3,605,000

Section 2. The plan for the financing of such maximum estimated cost is by the issuance of \$3,605,000 bonds of said City hereby authorized to be issued therefor pursuant to the provisions of the Local Finance Law; provided, however, that the amount of bonds to be issued shall be reduced to the extent of grants received in connection therewith.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid class of objects or purposes is forty years, pursuant to subdivision 1 of paragraph (a) of Section 11.00 of the Local Finance Law.

Section 4. The faith and credit of said City of Middletown, Orange County, New York, are hereby

irrevocably pledged for the payment of the principal of and interest on such obligations as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such year. There shall annually be levied on all the taxable real property of said City, a tax sufficient to pay the principal of and interest on such obligations as the same become due and payable.

Section 5. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the bonds herein authorized, including renewals of such notes, is hereby delegated to the City Treasurer, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said City Treasurer, consistent with the provisions of the Local Finance Law.

Section 6. Such bonds shall be in fully registered form and shall be signed in the name of the City of Middletown, Orange County, New York, by the manual or facsimile signature of the City Treasurer and a facsimile of its corporate seal shall be imprinted or impressed thereon and may be attested by the manual or facsimile signature of the City Clerk.

Section 7. All other matters, except as provided herein relating to such bonds, including determining whether to issue such bonds having substantially level or declining debt service and all matters related thereto, prescribing whether manual or facsimile signatures shall appear on said bonds, prescribing the method for the recording of ownership of said bonds, appointing the fiscal agent or agents for said bonds, providing for the printing and delivery of said bonds (and if said bonds are to be executed in the name of the City by the facsimile signature of the City Treasurer, providing for the manual countersignature of a fiscal agent or of a designated official of the City), the date, denominations, maturities and interest payment dates, place or places of payment, and also including the consolidation with other issues, and sale to the New York State Environmental Facilities Corporation, shall be determined by the City Treasurer. It is hereby determined that it is to the financial advantage of the City not to impose and collect from registered owners of such serial bonds any charges for mailing, shipping and insuring bonds transferred or exchanged by the fiscal agent, and, accordingly, pursuant to paragraph c of Section 70.00 of the Local Finance Law, no such charges shall be so collected by the fiscal agent. Such bonds shall contain substantially the recital of validity clause provided for in section 52.00 of the Local Finance Law and shall otherwise be in such form and contain such recitals in addition to those required by section 52.00 of the Local Finance Law, as the City Treasurer shall determine.

Section 8. The powers and duties of advertising such bonds for sale, conducting the sale and awarding the bonds, are hereby delegated to the City Treasurer, who shall advertise such bonds for sale, conduct the sale, and award the bonds in such manner as the City Treasurer shall deem best for the interests of said Village, including, but not limited to, the power to sell said bonds to the New York State Environmental Facilities Corporation; provided, however, that in the exercise of these delegated powers, the City Treasurer shall comply fully with the provisions of the Local Finance Law and any order or rule of the State Comptroller applicable to the sale of municipal bonds. The receipt of the City Treasurer shall be a full acquittance to the purchaser of such bonds, who shall not be obliged to see to the application of the purchase money.

Section 9. Such bonds shall be in fully registered form and shall be signed in the name of the City of Middletown, Orange County, New York, by the manual or facsimile signature of the City Treasurer and a facsimile of its corporate seal shall be imprinted or impressed thereon and may be attested by the manual or facsimile signature of the Village Clerk.

Section 10. The City Treasurer is hereby further authorized, at her sole discretion, to execute a project finance and loan agreement, and any other agreements with the New York State Department of Health and/or the New York State Environmental Facilities Corporation, including amendments thereto, and including any instruments (or amendments thereto) in the effectuation thereof, in order to effect the financing or refinancing of the class of objects or purposes described in Section 1 hereof, or a portion

thereof, by a bond, and/or note issue of said City in the event of the sale of same to the New York State Environmental Facilities Corporation.

Section 11. The power to issue and sell notes for said specific object or purpose to the New York State Environmental Facilities Corporation pursuant to Section 169.00 of the Local Finance Law is hereby delegated to the City Treasurer. Such notes shall be of such terms, form and contents as may be prescribed by said City Treasurer consistent with the provisions of the Local Finance Law.

Section 12. The validity of such bonds and bond anticipation notes may be contested only if:

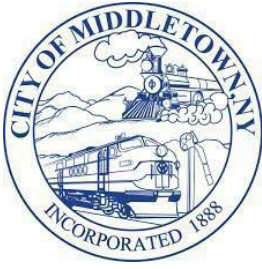
- 1) Such obligations are authorized for an object or purpose for which said City is not authorized to expend money, or
- 2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
- 3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 13. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 14. This resolution, which takes effect immediately, shall be published in summary form in The Times Herald Record, the official newspaper, together with a notice of the City Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

ATTACHMENTS:

[City of Middletown BOND RES \(Water System Dams\) \(2-506\) 4141-9025-7992 1.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: July 18, 2023

Index No: 158-23

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			X

Resolution Waiving A Commercial Use Requirement in a C3 Zone for the Middletown Commons Project

WHEREAS the Middletown Planning Board has been presented with a proposal for a mixed, residential (150 units)/commercial use located at 203-231 Dolson Avenue, C-3 zone; and

WHEREAS the proposed 1st floor is part amenities and part commercial retail; and

WHEREAS Per <https://ecode360.com/11069635#11069635> (475-21 B 16) first floor (street level) must be a commercial use unless waived by the Common Council; and

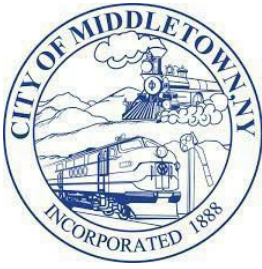
WHEREAS the Middletown Planning Board has referred the project to the Common Council for review and is recommending said waiver be issued; and

WHEREAS the Legislative Committee of the Common Council has reviewed the the proposed 1st floor floor plan and believes the project should move forward as presented;

NOW THEREFORE BE IT RESOLVED that the Common Council of the City of Middletown hereby authorizes a waiver of the street level commercial use requirement as prescribed in City Code Section 475-21 B.16 for the Middletown Commons Project located at 203-231 Dolson Avenue and refers the project back to the Planning Board for further consideration and final determinations.

ATTACHMENTS:

[Middletown Commons Email.pdf](#) [MT Commons_Proposed First Floor Plan_071323.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: July 18, 2023

Index No: 161-23

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 Authorizing a Proposal from Rotolo Electric to do Work at the Middletown Waste Water Treatment Plant.

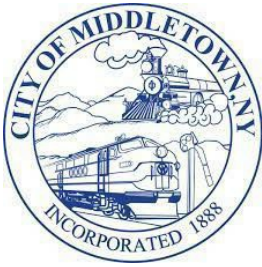
RESOLVED; that the Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment authorizing the attached Proposal from Rotolo Electric to do Work at the Middletown Waste Water Treatment Plant.

BE IT FURTHER RESOLVED that the Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment authorizing the Treasurer to transfer \$32,000 from the WWTP Screw Pumps Project to cover the cost of this project for year one. Subsequent years cost will be included in our WWTP Annual operating budget.

FROM H.0965.900 WWTP Screw Pumps	AMOUNT \$32,000	TO G.8110.400 Sewer Admin-Contractual Services
--	--------------------	---

ATTACHMENTS:

[Middletown WTP update Final.pdf](#)



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

THE FOLLOWING WAS PRESENTED

By Ald. Green

Sec'd by Ald. Johnson

Date of Adoption: July 18, 2023

Index No: 162-23

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 Authorizing a Grant Application to complete a Brownfield study of the Middletown Community Campus.

RESOLVED; that The Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment authorizes

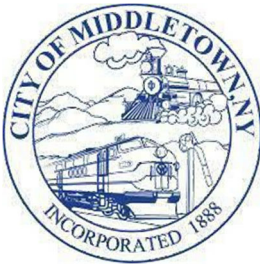
to apply for financial assistance through the 2023 Consolidated Funding Application (CFA) under the Brownfield Opportunity Areas grant, which is administered through the Department of State.

The City will be requesting funding to complete a brownfield opportunity area plan of the Middletown Community Campus (140 Monhagen Ave). The City is requesting \$250,771.50 in funding; including the City's 10% match of \$27,863.50, this brings the total project cost to \$278,635. If awarded funding, the City will complete the BOA Plan in a timely manner and seek official Designation of the Brownfield Opportunity Area by the Secretary of State upon completion of the BOA Plan.

FURTHER RESOLVED that The Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment to approve and endorse funding application, to identify Mayor DeStefano as the authorized representative and sole signatory, authorize the Mayor to execute all financial and administrative processes relating to the completion of the application and BOA document, and commit to funding the 10% share of the project cost should grant funds be awarded.

ATTACHMENTS:

[07.18.23 Brownfield Study Resolution.pdf](#)



CITY OF MIDDLETOWN, NEW YORK COMMON COUNCIL RECORD OF VOTE

THE FOLLOWING WAS PRESENTED

By Ald. Masi

Sec'd by Ald. Unanimous

Date of Adoption: July 18, 2023

Index No: 163-23

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			X

Resolution congratulating and recognizing The McQuoid Engine & Ladder Company, No. 3 Volunteers on their 150th anniversary of its founding.

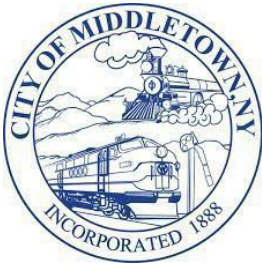
WHEREAS, the McQuoid Engine & Ladder Company, No. 3, is celebrating the 150th anniversary of it's founding as a volunteer unit of the Middletown Fire Department in 1873, and

WHEREAS, more than a thousand Middletown men and women have worn the McQuoid uniform over those 150 years and created a company reputation for swift, reliable responses to all calls for help, and

WHEREAS, as first responders, McQuoids risk life and limb each time they answer an alarm and do so with no thought of payment or personal reward. They often sacrifice sleep, meals and family time to meet their Fire Department commitment, and,

WHEREAS, the McQuoids have applauded the contributions of their many fire service colleagues – fellow MFD companies, chief officers, mutual aid responders, career firefighters, company benefactors and member families – in reaffirming the company's commitment to the mission of the Fire Department,

NOW THEREFORE, We, the members of the Middletown Common Council, do hereby recognize, commend, and congratulate the volunteers of the McQuoid Engine & Ladder Company on 150 years of devoted service to their fellow citizens of the City of Middletown.



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

THE FOLLOWING WAS PRESENTED

By Ald. Masi

Sec'd by Ald. Wray

Date of Adoption: July 18, 2023

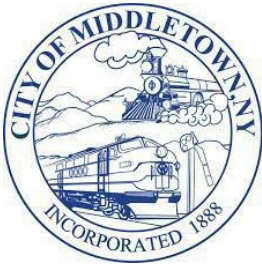
Index No:

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	8			1

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 19, 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 Rate Increase for Septage Acceptance

WHEREAS The City of Middletown Wastewater Treatment Plant has been accepting sludge from septage haulers at the cost of \$.105 per gallon since December 1, 2016; and

WHEREAS a review of adjacent wastewater treatment plants with similar practices of accepting sludge found that they are charging \$.11 per gallon of septage;

NOW THEREFORE BE IT RESOLVED; that the Common Council of the City of Middletown, NY, concurs with the Board of Estimate and Apportionment and authorizes a rate increase from .105 to \$.11 per gallon for septage.

ATTACHMENTS:

[BOE MEMO- SEPTAGE RATE INCREASE.pdf](#)

DEPARTMENT OF PUBLIC WORKS

MEMORANDUM

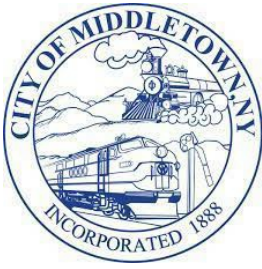
Date: August 24, 2023
To: Honorable Mayor DeStefano, Members of the Board of Estimate
and Apportionment, Members of the Common Council
Cc: Leonora Liz, Treasurer and Richard McCormack, City Clerk
From: Jacob Tawil, Commissioner of Public Works 
Re: Septage Collection

The City of Middletown Wastewater Treatment Plant has been accepting sludge from septage haulers at the cost of \$.105 per gallon since December 1, 2016. We've done a quick survey of adjacent wastewater treatment plants with similar practices of accepting sludge and found that they are charging \$.11 per gallon of septage.

We are requesting your consideration to authorize the increase to \$.11 per gallon.

Thank you.

JT/kg



CITY OF MIDDLETOWN, NEW YORK COMMON COUNCIL RECORD OF VOTE

THE FOLLOWING WAS PRESENTED

By Ald.

Sec'd by Ald.

Date of Adoption: September 19, 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 Budget Transfers to Cover Orange and Rockland Utility Bills through December 2023

RESOLVED; that the Common Council of the City of Middletown, NY, concurs with the Board of Estimate and Apportionment and authorizes the Treasurer to transfer funds, in the following manner, to cover the costs of O&R utilities for the remainder of the year.

FROM	AMOUNT	TO
General Fund	\$44,380.00	A.1620.415 Light & Heat (Maint./Bldgs)
General Fund	\$20,532.00	A.5182.900 Street Lighting
F.8320.100 Pumping Sta.-Pers. Svc.	\$48,000.00	F.8330.415 Purification (WTP)
G.8130.100 WWTP-Pers. Svc	\$35,000.00	G.8130.415 Sewage T&D (WWTP)
G.8120.100 Storm/Sanit. Sewer-Pers. Svc.	\$50,000.00	G.8130.415 Sewage T&D (WWTP)

The electric supply charge per KWH increased from 5.435 cents to 10.844 cents beginning at the end of

December 2022 (with billing generated at the end of January 2023).

ATTACHMENTS:

[Appvd BOE memo.pdf](#)

DEPARTMENT OF PUBLIC WORKS

MEMORANDUM

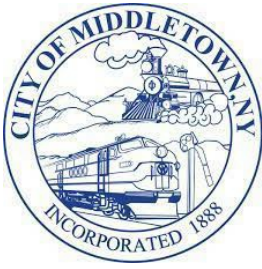
Date: September 12, 2023
To: Honorable Mayor DeStefano, Honorable Members of the Board of Estimate and Apportionment, Members of the Common Council
Cc: Leonora Liz, Treasurer and Richard McCormack, City Clerk
From: Jacob Tawil, Commissioner of Public Works 
Re: Funds Transfer Requests for 2023 Utility Expenses

We are requesting the following transfers to cover the costs of O&R utilities for the remainder of the year due to a dramatic price increase in 2023. The electric supply charge per KWH increased from 5.435 cents to 10.844 cents beginning at the end of December 2022 (with billing generated at the end of January 2023).

FROM	AMOUNT	TO
1. General Fund	\$44,380.00	A.1620.415 Light & Heat (Maint./Bldgs)
2. General Fund	\$20,532.00	A.5182.900 Street Lighting
3. F.8320.100 Pumping Sta.-Pers. Svc.	\$48,000.00	F.8330.415 Purification (WTP)
4. G.8130.100 WWTP-Pers. Svc	\$35,000.00	G.8130.415 Sewage T&D (WWTP)
5. G.8120.100 Storm/Sanit. Sewer-Pers. Svc.	\$50,000.00	G.8130.415 Sewage T&D (WWTP)

Thank you.

JT/sc



CITY OF MIDDLETOWN, NEW YORK COMMON COUNCIL RECORD OF VOTE

THE FOLLOWING WAS PRESENTED

By Ald.

Sec'd by Ald.

Date of Adoption: September 19, 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 \$272,050 Budget Transfer to Cover H2O Contract at the Water Treatments Plants

RESOLVED; that the Common Council of the City of Middletown, NY, concurs with the Board of Estimate and Apportionment and authorizes the Treasurer to transfer \$272,050, in the following manner, to cover H2O contracts for operation at WTP and WWTP.

This shortage in funding was anticipated in the January 17, 2023 Council Resolution 31-23, copy attached.

FROM	AMOUNT	TO
H.0993.900 Demolition	\$144,375.00	F.8330.400 Contractual
H.0993.900 Demolition	\$51,409.00	G.8130.400 Contractual
H.0855.900 Septage Receiving	\$76,266.00	G.8130.400 Contractual

ATTACHMENTS:

[transfer.pdf](#)

DEPARTMENT OF PUBLIC WORKS

MEMORANDUM

Date: September 12, 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

We are respectfully requesting fund transfer to cover H2O contracts for operation at WTP and WWTP in the amount of \$144,375 and \$127,675 respectively for a total of \$272,050.

This shortage in funding was anticipated in the January 17, 2023 Council Resolution 31-23, copy attached.

Working with the City Treasurer we found the following sources of funding.

	FROM	AMOUNT	TO
1.	H.0993.900 Demolition	\$144,375.00	F.8330.400 Contractual
2.	H.0993.900 Demolition	\$51,409.00	G.8130.400 Contractual
3.	H.0855.900 Septage Receiving	\$76,266.00	G.8130.400 Contractual

Thank you.

MC

Monthly fees for H2O were budgeted short as their fees increased in 2023.

We were able to use some 2022 money in the beginning of the year to help with part of the payments.

In yellow is the funds needed for the remainder of the year

WTP---F8330.400---\$144,375 (July-Dec Payments)

STP---G.8130.400---\$127,675 (Sept-Dec payments)

2022 fees were:

WTP-\$8,750/month--\$105,000/yr --this was what was budgeted

STP-\$21,000/month---\$252,000/yr—this is what was budgeted

2023 Fees are:

WTP-\$24,062.50/month--\$288,750/yr

STP-\$31,918.75/month---\$383,025/yr

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

THE FOLLOWING WAS PRESENTED

By Ald. Johnson

Sec'd by Ald. Kleiner

Date of Adoption 01.17.23

Index No: 31-23

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 authorizing a proposal from H2O to renew contracts for Services at the Water and Waste Water Treatment Plants

RESOLVED; that the Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment authorizing a proposal from H2O, dated January 6, 2023, requesting renewal of the contracts for monthly services at the Water Treatment Plant (WTP) and Waste Water Treatment Plant (WWTP).

The fee for services at the WTP for 2023 will be a total of \$24,062.50 per month for 12 months. This is currently a budgeted item; however, a budget transfer will need to take place at a later date from the water and sewer balance to cover the difference. The fund transfer request will come from the City Treasurer.

DEPARTMENT OF PUBLIC WORKS

MEMORANDUM

Date: January 11, 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: Approval of Proposal from H2O for Services at the WTP & WWTP

We are hereby requesting you to consider and approve the enclosed proposal from H2O, dated January 6, 2023, requesting renewal of the contracts for monthly services at the WTP and WWTP.

The fee for services at the WTP for 2023 will be a total of \$24,062.50 per month for 12 months. This is currently a budgeted item, but we are requesting a transfer from the Water Fund to cover the difference needed for the year.

$\$288,750$
 $-105,000$
 $\$183,750$

FROM	AMOUNT	TO
Water Fund Bal.	\$183,750	F.8330.400 Contractual Services

The fee for services, plus an additional full time 3A operator, at the WWTP for 2023 will be a total of \$31,918.75 per month for 12 months. This is currently a budgeted item, but we are requesting a transfer from the Sewer Fund to cover the difference needed for the year.

$\$303,025$
 $-172,000$
 $\$131,025$

FROM	AMOUNT	TO
Sewer Fund Bal.	\$131,025	G.8130.400 Contractual Services

Thank you.

JT/kg

*Needed Total \$314,775
but actual = \$272,050
Needed to
finish the Year*



January 6th, 2023

City of Middletown
16 James Street
Middletown, NY 10940

RE: City of Middletown
Water Treatment Systems
Professional Management Services

JCO Inc., now a fully owned subsidiary of H₂O Innovation Operation and Maintenance, LLC and operating as such, is pleased to have provided management services to the City of Middletown ("City") over the years and would like to thank the City for the opportunity to serve your community. We remain committed to continuing servicing the City with the same expertise, dependability and loyalty we have demonstrated over the years.

We are currently providing the following services to the City:

Service	Monthly Fee
WTP Chief Operator and consultancy	\$24,062.50
WWTP Chief Operator	\$21,000.00
Additional Full Time WWTP 3A Operator	\$10,140.25

Although the Consumer Price Index is 5.9% for 2023, we would like to propose a 2.5% increase only on the Sewer services. The monthly fees for 2023 will be as follows:

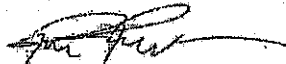
Service	Current Fee	Net Change	New Monthly Fee
Water treatment plant consultancy	\$24,062.50	N/A	24,062.50 8330
Sewer Chief Operator	\$21,000.00	\$525	\$21,525 9130
Additional Full Time 3A Operator	\$10,140.25	\$253.50	\$10,393.75 8730

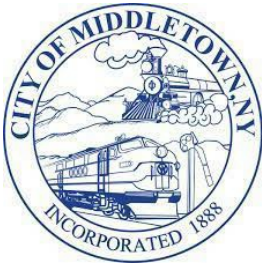
7 55,981.25

If you have any questions and/or comments, feel free to contact the undersigned.

Please sign this letter confirming your agreement and acceptance of the above new monthly fees as well as H₂O Innovation standard terms and conditions of operation attached hereto.

Respectfully,


Roy Rysinger
Vice President and Client Services Director
For the City of Middletown



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

THE FOLLOWING WAS PRESENTED

By Ald.

Sec'd by Ald.

Date of Adoption: September 19, 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 Waiving the City of Middletown's Marriage License Fee for Active Duty Military Personnel

WHEREAS in 2019 New York State passed a law waiving the State's collection of its portion of Marriage License Fees for Active Duty Military Personnel;

RESOLVED; that the Common Council of the City of Middletown, NY, concurs with the Board of Estimate and Apportionment and authorizes waiving the City of Middletown's portion of marriage license fee for Active duty military personnel.

ATTACHMENTS:

[Marriage License Fee Waiver Bill.pdf](#)

STATE OF NEW YORK

3756

2019-2020 Regular Sessions

IN SENATE

February 13, 2019

Introduced by Sen. MAYER -- read twice and ordered printed, and when printed to be committed to the Committee on Judiciary

AN ACT to amend the domestic relations law, in relation to waiving the fee for marriage licenses for active duty members of the armed forces

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Subdivision 3 of section 14-a of the domestic relations
2 law, as amended by chapter 297 of the laws of 1963, is amended to read
3 as follows:

4 3. a. No fee shall be charged for any certificate when required by the
5 veterans administration or by the division of veterans' affairs of the
6 state of New York to be used in determining the eligibility of any
7 person to participate in the benefits made available by the veterans
8 administration or by the state of New York.

9 b. A town or city may elect to waive the fee for a certificate when
10 either of the parties making application for such certificate is a
11 member of the armed forces of the United States on active duty.

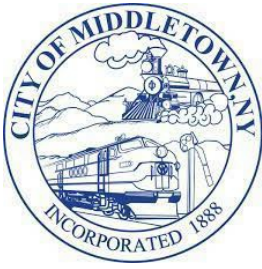
12 § 2. Subdivision 4 of section 15 of the domestic relations law, as
13 amended by chapter 35 of the laws of 2017, is amended to read as
14 follows:

15 4. Before issuing any licenses herein provided for, the town or city
16 clerk shall be entitled to a fee of thirty dollars, which sum shall be
17 paid by the applicants before or at the time the license is issued;
18 provided, however, that when either of the parties applying for such
19 license is a member of the armed forces of the United States on active
20 duty (i) a town or city may not collect that portion of the fee which
21 would otherwise be transmitted to the state commissioner of health
22 pursuant to this subdivision and (ii) such town or city may elect to
23 waive the portion of the fee which the town or city is entitled to. Any
24 town or city clerk who shall issue a license to marry any persons one or
25 both of whom shall not be at the time of the marriage under such license

EXPLANATION--Matter in italics (underscored) is new; matter in brackets
[-] is old law to be omitted.

LBD00461-01-9

1 legally competent to marry without first requiring the parties to such
2 marriage to make such affidavits and statements or who shall not require
3 the production of documentary proof of age or the procuring of the
4 approval and consents provided for by this article, which shall show
5 that the parties authorized by said license to be married are legally
6 competent to marry, shall be guilty of a misdemeanor and on conviction
7 thereof shall be fined in the sum of one hundred dollars for each and
8 every offense. On or before the fifteenth day of each month, each town
9 and city clerk, except in the city of New York, shall transmit to the
10 state commissioner of health twenty-two dollars and fifty cents of the
11 amount received for each fee collected, which shall be paid into the
12 vital records management account as provided by section ninety-seven-
13 cccc of the state finance law; provided, however, that no fee shall be
14 collected on behalf of or paid to the commissioner of health when either
15 of the parties applying for such license is a member of the armed forces
16 of the United States on active duty. In any city the balance of all fees
17 collected for the issuing of a marriage license, or for solemnizing a
18 marriage, so far as collected for services rendered by any officer or
19 employee of such city, shall be paid monthly into the city treasury and
20 may by ordinance be credited to any fund therein designated, and said
21 ordinance, when duly enacted, shall have the force of law in such city.
22 Notwithstanding any other provisions of this article, the clerk of any
23 city with the approval of the governing body of such city is hereby
24 authorized to designate, in writing filed in the city clerk's office, a
25 deputy clerk, if any, and/or other city employees in such office to
26 receive applications for, examine applications, investigate and issue
27 marriage licenses in the absence or inability of the clerk of said city
28 to act, and said deputy and/or employees so designated are hereby vested
29 with all the powers and duties of said city clerk relative thereto. Such
30 deputy and/or employees shall perform said duties without additional
31 compensation.
32 § 3. This act shall take effect immediately.



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

THE FOLLOWING WAS PRESENTED

By Ald.

Sec'd by Ald.

Date of Adoption: September 19, 2023

Index No: Local Law #2 of 2023

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				

**Local Law # 2 of 2023: A LOCAL LAW AMENDING THE PROVISIONS IN THE
ENFORCEMENT OF DELINQUENT PROPERTY TAXES TO COMPLY WITH THE
RULING OF THE UNITED STATES SUPREME COURT IN TYLER v HENNEPIN
COUNTY, 598 U.S. 631 (2023)**

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

Section 1. Purpose of this Enactment.

The purpose of this enactment is to amend the provisions in the City Charter regarding the enforcement of delinquent property taxes to comply with the ruling of the United States Supreme Court in the recent case of Tyler v Hennepin County, 598 U.S. 631 (2023)

Section 2. Section 81 of the Charter of the City of Middletown, Sale of unpaid tax liens, is hereby amended to replace Paragraph 3 thereof, to read in its entirety as follows:

3. Conduct and terms of sale. The proceedings may be stopped at any time before the sale by any person, by paying the amount of the tax or assessment, with the interest allowed thereon by this Charter, and the expense of advertising. The attorney or officer selling the lien shall require the purchaser, in the terms of sale, to pay at the close of the sale, a sum sufficient to pay said tax or assessment, interest, expense and charges. The purchaser shall not be required to pay more than sufficient to pay the tax or assessment, interest, expenses and charges until after the time for the redemption of such real estate shall expire, according to the provisions of this Charter. The terms of sale must advise the purchaser that the purchaser shall be required to comply with the ruling of the United States Supreme Court in *Tyler v Hennepin County*, 598 U.S. 631 (2023). The terms of sale must advise the purchaser that title to the subject property will not be conveyed until the purchaser provides proof to the City that (a) the purchaser has obtained an appraisal of the subject property from a licensed appraiser, (b) the purchaser has utilized the appraisal to calculate the amount the property owner must be reimbursed after subtraction of unpaid taxes, interest, fees and other costs incurred by the purchaser, and (c) that the purchaser has notified the property owner of the amount to be reimbursed after conveyance of title. Said attorney or officer shall, in all cases, reduce his or her terms of sale to writing, and require the purchaser to subscribe the same; which terms of sale shall be annexed to the certificate of sale which is herein required to be filed with the Treasurer, and shall be filed with the same. All sales in such cases shall be at public venue, between the hours of nine o'clock in the morning and four o'clock in the afternoon, and shall be made to the highest bidder therefor.

Section 3. Section 81 of the Charter of the City of Middletown, Sale of unpaid tax liens, is hereby amended to replace Paragraph 7, thereof, to read in its entirety as follows:

7. Certificates assignable. The certificates of sale hereinbefore mentioned, shall be assignable by the purchaser or his legal representatives, and such assignment shall be acknowledged or proven in the manner required by law to entitle deeds of real estate to be recorded. The assignment must contain the requirements contained in Paragraph 3, above, regarding the ruling in *Tyler v Hennepin County*. The Common Council may give to the assignee of any such certificate a conveyance of the real estate therein described, after the expiration of the redemption period pursuant to the terms of this Charter, provided all assignments thereof shall have been duly recorded in the clerk's office of said county, and provided that the assignee has complied with all of the obligations contained in Paragraph 3, above, regarding the ruling in *Tyler v Hennepin County*,

Section 4. Section 83 of the Charter of the City of Middletown, Redemption, is hereby

amended to replace Paragraph 3, thereof, to read in its entirety as follows:

3. After the expiration of the redemption period as herein defined, if any part of the premises sold shall remain unredeemed, the City must verify that the property owner has been reimbursed in the amount calculated pursuant to Paragraph 3 of Section 81 above, and that there has been full compliance with the ruling of Tyler v Hennepin County. After such verification, the Common Council shall give to the purchaser, his or her legal representatives or assigns, a conveyance of the premises so remaining unredeemed, which conveyance shall be valid and effectual to convey all the right, title and interest which may have been sold in the manner aforesaid and such conveyance shall be presumptive evidence in all courts and places that the tax assessment for which such lien may have been sold, was legally imposed and that the proceedings to authorize such sale were correct. The grantee named in any such conveyance may obtain possession of the real estate therein described, in the manner prescribed by law in relation to persons holding over demised premises, after the expiration of their terms, without the consent of their landlords, and said grantee, by virtue of such conveyance, shall acquire all the right, title and interest in the real estate therein described, and the right to the possession of the same, and shall have, hold and enjoy such real estate, free and clear from all claims, liens or encumbrances, except such taxes and assessments as may have been charged thereon at the time of such sale, or at any time thereafter.

Section 5. Section 93 of the Charter of the City of Middletown, Conveyance of title, is hereby amended to replace Paragraph 4, thereof, to read in its entirety as follows:

4. Upon expiration of the redemption period and completion of the procedures required herein, including the reimbursement required by Tyler v Hennepin County , and upon execution by the City of a deed to a tax-delinquent parcel to the City or to a qualifying purchaser of an unpaid tax lien, the City or qualified purchaser shall be seized of an estate in fee simple absolute in such parcel and all persons, including the State, infants, incompetents, absentees and non-residents, except as specifically exempted by law, who may otherwise have had any right, title, interest, claim, lien, or equity of redemption in or upon such parcel shall be barred and forever foreclosed of any such right, title, interest, claim, lien or equity of redemption, and the City or qualified purchaser may hold such parcel for itself or sell or release such parcel as provided by law.

Section 6. Section 95 of the Charter of the City of Middletown, City as purchaser of tax-delinquent property, is hereby amended to read in its entirety as follows:

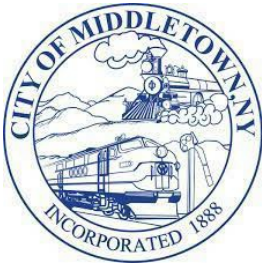
The city of Middletown may become the purchaser at any sale which may be made under the provisions of this act, and in case the said city shall be vested with the same rights as any other purchaser, but in no case shall the city at such sale bid a sum or become the purchaser for a greater amount than sufficient to pay the tax or assessment, with interest, including the costs and expenses of such sales, and in all cases of such sales the said city shall bid a sum sufficient to pay such tax or assessment, interest, cost and expenses. The mayor or other person designated by the common council shall attend all such sales and make such bid. The city must comply with the ruling in Tyler v Hennepin County by undertaking the obligations set forth in Paragraph 3 of Section 81, above. Any sale made in violation of this provision shall be void.

Section 7. Severability.

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

Section 8. Effective Date.

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



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

THE FOLLOWING WAS PRESENTED

By Ald.

Sec'd by Ald.

Date of Adoption: September 19, 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 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