



**CITY OF MIDDLETOWN
COMMON COUNCIL MEETING AGENDA
OCTOBER 3, 2023**

1. PLEDGE OF ALLEGIANCE
2. ROLL CALL
3. APPROVAL OF MINUTES
 - 3.1 Accept Minutes of August 15 and September 5, 2023
4. CORRESPONDENCE, COMMUNICATION AND REPORTS
5. FOR THE GOOD OF THE CITY
 - 5.1 Honoring Dr. Thomas E Littner for 40 Years of Service to the Middletown Community
6. REMARKS OF THE MAYOR
7. REMARKS OF THE DEPARTMENT HEADS
8. PUBLIC HEARINGS AND GRIEVANCES
 - 8.1 Public Hearing: 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)
9. PETITIONS AND COMPLAINTS
10. REMARKS OF THE ALDERMAN AND REPORTS OF THE COMMITTEES
11. UNFINISHED BUSINESS
12. NEW BUSINESS
 - 12.1 Resolution Moving the November 7, 2023 Common Council Meeting to November 6, 2023
 - 12.2 Resolution Authorizing a Block Party on Lenox Place Between Courtland Place and Cantrell Avenue

12.3 Resolution Authorizing the General City Wide Clean Up Period for Leaves in the Street

12.4 Resolution Accepting a \$9,854.40 Grant from the New York State Division of Criminal Justice Services to support the purchase of Livescan Equipment for the Police Department

12.5 Resolution Accepting a \$14,875 Grant from the New York State Governor's Traffic Safety Committee for the Police Traffic Services Program

12.6 Resolution accepting a \$500,000 Grant for the Purchase and Installation of New Decorative Light Poles and Light Fixtures In The Downtown

12.7 Resolution Declaring a 2006 Ford F250 As Surplus

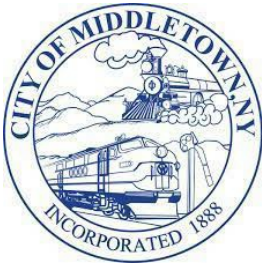
12.8 Resolution accepting a 2013 Ford Shuttle Bus from the Town of Wallkill

13. LOCAL LAWS

14. AUDIT OF CLAIMS AND ACCOUNTS

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

15. ADJOURNMENT



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

THE FOLLOWING WAS PRESENTED

By Ald.

Sec'd by Ald.

Date of Adoption: October 3, 2023

Index No:

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

Accept Minutes of August 15 and September 5, 2023

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ATTACHMENTS:

[08.15.23 CC Minutes.pdf](#)

[09.05.23 CC Minutes.pdf](#)



COMMON COUNCIL MEETING
CITY OF MIDDLETOWN
August 15, 2023 Minutes
City Hall
16 James Street
Middletown, New York 10940

P R E S E N T

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

A B S E N T

Ald. Katie Wray

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

(Pledge of Allegiance)

2. Roll Call

PRESIDENT RODRIGUES: Roll.

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

3. Approval of Minutes

PRESIDENT RODRIGUES: Okay. Approval of minutes.

ALDERMAN: So moved.

PRESIDENT RODRIGUES: We have a motion by Alderman Kleiner. We have a second? Alderman Kleiner.

ALD. KLEINER: Okay. I'd -- I'd like to make a motion that we put off approving the minutes for -- until next meeting.

PRESIDENT RODRIGUES: A motion to table for review.

ALD. MASI: Second.

PRESIDENT RODRIGUES: Second by Alderman Masi. All in favor?

ALDERMANS: Aye.

PRESIDENT RODRIGUES: All right.

4. Correspondence, Communications and Reports

PRESIDENT RODRIGUES: Correspondence.

RICHARD MCCORMACK, CITY CLERK: Good evening.

We've received a letter from the Middletown Housing Authority notifying the City that their Board of Directors has appointed Toni Keys to take over as the Executive Director position after Elizabeth Parker has retired.

PRESIDENT RODRIGUES: Received and filed.

RICHARD MCCORMACK, CITY CLERK: We have the July Municipal Shelter inspection report.

PRESIDENT RODRIGUES: Received and filed.

RICHARD MCCORMACK, CITY CLERK: And we have a standardized notice form for providing 30 day advance notice to a local municipality or community board for a liquor license for Heritage Restoration Properties also known as Clemson Brothers Brewery.

PRESIDENT RODRIGUES: Okay. Forward to the police department and corporation counsel.

RICHARD MCCORMACK, CITY CLERK: And that's it.

PRESIDENT RODRIGUES: Okay.

5. For the Good of the City

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

DAVE MADDEN: Good evening, gentlemen. Thank you for the opportunity to come up here and speak. My name is Dave Madden and the co-director of the 17th

Annual Marshall & Sterling Insurance Run for Downtown which will take place Saturday morning here in the City of Middletown.

A little brief history. We started this back in 2006. And to date we have donated back just under \$150,000 to various projects in the City including a \$15,000 donation to the restoration of the Fireman Joe statute that will be revealed probably September/October of this year which is exciting.

Going into this year's event, we've had the best year of sponsorship. Our sponsors are turning out in droves. We expect the same with our participants. We expect there to be 5 to 6 hundred runners and walkers taking part in the Run for Downtown. Each of them, one of them bringing another couple people back for the post-race festivities. And we invite all of you to partake in everything that's happening down here Saturday morning.

The walkers are gonna start at 8:45. The runners are gonna start about 9:00 in the morning. The post-race festivities start at 9:30 and will go until noon. And we invite all of you and all of the residents of the City of Middletown to come out, support this great event, celebrate our community, cheer the runners on, cheer the walkers on, and take part in everything that we

have going on here. Thank you.

PRESIDENT RODRIGUES: Thank you.

Anyone else who would like to address the Council?

6. Remark of Mayor

PRESIDENT RODRIGUES: Okay. Remarks of Mayor.

JOSEPH DESTEFANO, MAYOR: Good evening.

PRESIDENT RODRIGUES: You can't say that.

JOSEPH DESTEFANO, MAYOR: On the screen you'll see the Moody's report which was issued by, obviously, Moody's Investment Services. First I want to congratulate Leonora on a job well done. Not only did we maintain our A1 credit rating and I did forward this to the Council. I believe you all have received and reviewed it, but there was many positive comments in the report regarding the City operations including the spending that we've been closely scrutinized over the years, our strong fund balance, and strong and not only growing fund balance also, and the strong budget performances which is something that we've been very proud of and we've worked very diligently on, both, the administration and, of course, you as a Common Council.

Some negatives in it are, of course, the -- as cited by Moody's is the City's resident income is below the national average. And they look at that as a

negative. And also they reference the -- the debt situation of the City. But during the report, again, this year, our interview with Moody's and Leonara and the group that we were doing the presentation with, other city department heads, we made a point of pointing out to them that this debt -- and they -- and they already had this, by the way. But we emphasized the debt is mostly related to water and sewer operations. And the water and sewer operations are the business, basically, of the City. It's our business model of selling water and sewer and it's the revenue generator as we go forward.

So Moody's then separates the water and sewer debt from the general fund debt and we're in much better shape when we go to that -- when we look at that model.

So Moody's felt it was practical and didn't make a recommendation and did give us a A1 rating. I -- I saw Leonara did distribute bond ratings for, I think, some of the other communities in the county and I think we were competitive on the -- on the rate that we were given.

So we're doing -- we're doing our best with managing our taxpayer's funds. And I think the -- the report will be available if not available online already. Rick can make it available on our website for the public to review. And if they have any questions, we certainly

will address the questions directly to -- to the public.

Next is the Night Out Against Crime. Chief Ewanciw, Jackie Welch was the coordinator. It was a great event, well attended. Probably the best one in quite a few years from -- from my viewpoint of attendance. I want to thank all the agencies that participated and, of course, all the police officers and I saw Jeff Thoelen, Lieutenant Thoelen.

I almost got knocked over by the police dog during a demonstration. I think he's getting a little older now, Chief. I don't think you can handle that dog attacking your arm. But it's worth your while, I think, if -- if you weren't there to watch one of these canine demonstrations because it is absolutely amazing to see because we're making those investments in these -- in these areas. So that's one night they do the demonstration for the public to see. And it's really impressive.

But the overall operation, but more or less with the interaction between the police and the -- and the community was very impressive. It was a beautiful night out. And Thrall Park is a great location for the event. And -- and many agencies participating with us.

Next is Dave Madden was just up here regarding the Run for Downtown. And he told you about the sponsors

this year have really stepped up to the plate. And we really appreciate all of the multiple donations that have been made by the Run for Downtown over the years. As you know, the clock in Run for Downtown park was also one of the gifts and paying for part of the pavilion in the backyard area of Erie Way Park. So all this money that's raised, called Run for Downtown is -- these monies are invested back in downtown. So the more people that participate, the more sponsorships, the more the donations come, but it's also a great community event.

This year the Middletown School District under the direction of Superintendent Creedon is doing a sensory program, a race, a short race and also offering some program -- programming. And Marshall & Sterling, of course, is the -- is the sponsor. So we want to thank them for being the prime sponsor. But they're also multiple sponsors.

And we encourage you that you don't have to be a runner or a walker to participate in the post-race festivities. Please come downtown or view the race from your neighborhood if you can. But remember 9:30, the festivities are 9:45. Festivities start downtown. And there's music, live music. And I think you'll enjoy the -- the morning on a Saturday morning.

Next is the inspection parade. Chief Barber

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will probably touch on it more. The night before is the inspection night. Hopefully all have responded to the invitation. If you're able to attend the inspection night, we would appreciate you as members of the Council attending. But on the 7th is the parade. And as you know, we only do it every three years now. So I'm sure the Chief has some good plans in place for it to be a successful parade. And I want to thank the volunteers and the members of the Middletown Fire Department for organizing.

And that's all I have for tonight. Do you have any questions of me?

PRESIDENT RODRIGUES: Any questions for the Mayor?

JOSEPH DESTEFANO, MAYOR: Thank you.

PRESIDENT RODRIGUES: All right. Thank you.

7. Remarks of the Department Heads

PRESIDENT RODRIGUES: Remarks of the Department Heads, Economic Development. Trying to hide in the back. Yeah.

MARIA BRUNI, ECONOMIC DEVELOPMENT: Good evening, everyone. Just to go off of Run for Downtown, it's Rock, Roll, Run weekend because Friday night we have Asia featuring John Payne at the Paramount Theatre. So we made this part of the whole Run for Downtown weekend.

So the concert is at 8:00.

But also Thursday night we have a free outdoor concert at Run for Downtown Park. And Friday night we have the Friday night concert is going to be held at Run for Downtown Park along with Asia at the Paramount. And then the run on Saturday morning.

So there's a lot going on this weekend. We hope everyone comes out and enjoys the finally beautiful weekend that we're supposed to have. I don't want to jinx now.

But, yeah, so that's all I have for tonight. If -- just come and enjoy the festivities and all the great music this weekend. Any questions?

PRESIDENT RODRIGUES: Any questions for Maria?

MARIA BRUNI, ECONOMIC DEVELOPMENT: Thank you.

PRESIDENT RODRIGUES: DPW Commissioner.

JACOB TAWIL, DPW COMMISSIONER: Good evening, all. So we haven't -- I haven't seen you for the month, so most of you. So I'm gonna go through the projects.

PRESIDENT RODRIGUES: We all missed you.

JACOB TAWIL, DPW COMMISSIONER: And -- and I'm just gonna zip through them. And then if you have any questions, please stop me and then I will address them or I can address them at the end of the comments, whatever you would like.

Number one, Alderman Masi, before you -- before you leave us, reservoir levels 92 percent which is -- which his good. We're keeping them -- we're keeping them low and you have to be able to be able to work on the dams.

The reservoir study by CDM Smith is moving along very well. We've done one jar testing using hydrogen peroxide which ultimately, hopefully, we're hoping that it will be used in lieu of cooper sulfate because the City has been using cooper sulfate for -- for decades now for controlling algae and we're trying to find an alternative. So hopefully that will work out. So we've done one jar test. We don't have the results yet. And we're looking to do another jar test along with the different sampling for temperature, PH, acidity and - - and so on throughout the profile of all the reservoirs.

Before you tonight, there is an added Resolution for CDM Smith to do a survey of the bottom of the reservoirs to see how much actual sediment has accumulated over the years because we have not done this for -- for God knows when the City last -- last had done this, the profile of the bottom of the reservoir to see how much sediment we have and what shape they are in and all that stuff. So that's about \$10,800. So we'd request that you endorse it. That will be added to the

fees for the study CDM is doing for about \$140,000.

Highland Avenue tank, we're getting ready to take the tank offline, so that it will be painted. So the residents of Vincent Drive and Sproat Street and in that area they have a certain pressure zone. That pressure zone is gonna fluctuate now starting -- starting today as a matter of fact.

We had to isolate the tank and adjust open different pressure zones in there to feed it and hopefully keep it balanced. So we're trying to keep the pressure -- right now we're keeping the pressure a little bit higher than normal, but we'll see how it goes.

About a month ago we kept the pressure high and we had several water main breaks like in two days, so when the pressure was too high. So now we're adjusting it down. We have different way of doing it and we'll see how it goes. Hopefully we're not gonna have too many water main breaks and things will move smoothly until the water is back online. The water storage tank, Highland Water storage tank is back online.

Before you tonight, we're requesting two resolutions awarding the contract to the placement for the construction of replacement of Mountain Avenue tank and High Barney tank. Both of those tanks are in very bad shape. As you know, you know, the story, so we're --

we're here now.

There is about \$1 million grant and the rest, the balance of it is subsidized state-revolving fund to spend the money on those two projects. So we're very happy with that and hopefully -- hopefully it's gonna -- it's gonna work out very well for us.

Shawangunk Dams and -- and Kinch Dam, we had -- the weather hasn't been helpful for us with the rain and especially for Kinch. And a lot of delays happen, but the project is moving along very well.

Tomorrow -- yesterday and tomorrow we're gonna be replacing, basically, within the gatehouse of the Shawangunk Dam. That's where we would draw the water. There are valves in there. They date back to the 1900 when the dam was constructed. So we're in the process of replacing them. Started today with a diver and then tomorrow and the day after until we get the job with replacing those valves. And that would be huge for us because before when we were trying to control the flow between the reservoirs it was wishy-washy all the time. We were afraid that the valves are gonna break. We're not gonna be able to operate them and so on. So that would be a bigger lead for our water department once we have the brand new vales in there in the Shawangunk Dam intake house.

Parking garage design, before you there's a Resolution tonight. But what I'm gonna update you on is the actual design started, design work started. And we've done the soil borings. Clark Patterson Lee (CPL) have done the soil borings. So that project is moving along. And hopefully we will get the grant very soon for it, otherwise, we may have to put the brakes on it until the grant is there. But I think the Mayor is requesting the appropriate from -- temporary borrowing for that project.

Highland and Monhagen Dams, DC, also they are under -- they're over us in order to update engineering assessment and to see if we need to do the same thing we've done for Shawangunk and Kinch Dams if we're gonna do the same thing upgrade the Monhagen and the Highland Dams because they are a Class C high hazard dams.

So we've done the boring. CTM (phonetic) is doing -- leading that project, the consultant with soil borings to find out what kind of soil there is. And then we will conclude the study very soon, come up with accommodation and we'll see where we go from there.

A 20-inch high pressure water main, we're trying to finalize that. We have some legal issues. We're trying to iron them out between us and the contractor and the engineer. Hopefully, that will be

resolved very soon.

We have two other grants in there for Phase 2 and Phase 3 of that same water line, finished water line. We're in contact with EPA in order to cement and -- and guarantee the grant. The grants they're about \$3.5 million each. And the last conversation we had with them is we have to do an RFQ, request for qualifications, from -- for consultants. And we're gonna be working on that and putting it out soon. And hopefully we will be successful in obtaining the grant once we go through that.

Milling and paving, you see our crews in there. That's different from the traffic operation. The milling has been completed and now paving is expected for this year is expected to be concluded by the end of next week weather permitting. Like today's weather in there, although it was just drizzling, it wasn't really raining hard, we could not pave, so we lost the whole day.

So tomorrow we're gonna be paving Oak and -- and then South Street. And this way Dave can relax, so all his route will be paved and he can run without -- without tripping or stumbling all over the rough surface, yeah. Absolutely. So hopefully that will be completed tomorrow, but you will have before Friday because the Mayor he was jumping up and down to make sure that is

accomplished. And it will be accomplished.

Traffic operations, as you can see it, I don't have to tell you, construction is all over the place. Boyce is really putting crews all over and -- and they're accomplishing a lot. And I'm very happy with the progress of this project and they're really moving along.

We're gonna be accepting some private streets from private developments such as Sunrise Hills and Magnolia Park. All these are private right now, but very soon they're gonna be dedicated to the City and then the City will start plowing them and start -- and then the mail will be delivered to their individual homes, whatever agreement they have with the post office. And we'll be able to pick up the garbage in those locations as well and distribute our garbage carts.

Cutting the grass, we generated about 28,000, 29,000 just cutting people's grass and there who are not complying with our code.

And I would conclude at this point if you have any questions for me.

PRESIDENT RODRIGUES: Any questions for Jacob?
All right, Jacob. Thank you.

JACOB TAWIL, DPW COMMISSIONER: Thank you.

PRESIDENT RODRIGUES: Fire Chief.

NICK BARBER, FIRE CHIEF: Good evening,
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everybody. I'll touch on Fireman Joe. I also got to thank Dave and Anne in the Run for Downtown for a generous donation. Without their help and the City's help it would never have transpired.

The work being done on Fireman Joe is awesome. The work she's doing is coming out fantastic. Right now they are waxing it, putting a coat of wax over it for the mold.

We've been going -- myself and Chief Randy Maclean has been going there once a week and doing the inspections on it and it's been coming out fabulous.

I don't know if it's gonna make the deadline. There's a couple hurdles we're going through right now. But it might be a week or so late. It is what it is. So I'd rather have it done right than rush it than have to do it again in 20 years when I'm not around so.

I want to thank -- we've been having a hard time finding the granite for this -- for the base. Talked to Richard McPhilips. He came through. And he's actually located the granite base for us. They're gonna set it, do the footing for it and everything, so it's gonna come out wonderful. And he did it within he budget so. So I've got to give thanks to him.

Unfortunately, Run for Downtown, I was the lead head guy running for the fire department, but something

pulled in my muscle -- in my leg. I can't do it, so Andrew Green is gonna step in and take over for me. So to the fire department, good luck, guys. We've got to take on the mechanics again and hopefully some other competitors. And hopefully we bring the trophy back to Middletown. It's never left my house, but we don't want anybody to know that.

Our bird simulator is up and running. I invite any counsel member, the Mayor to come on out and see it in action. It's phenomenal. It's really doing a good job for the firefighters here in the City of Middletown, teaching them a lot. And if you come out, we'll teach you how to read the smoke and everything else. It's doing great. I appreciate Senator Skoufis with the grant money and the City coming up with the rest of the money. And so everything's helping out.

That's all I have. If there's any questions.

PRESIDENT RODRIGUES: Any questions for the Fire Chief. All right, Chief, thank you.

NICK BARBER, FIRE CHIEF: Thanks.

PRESIDENT RODRIGUES: City Treasurer.

LEONORA LIZ, CITY TREASURER: Hi, good evening, everyone. I have a Resolution in front of you today for the renewal of our bond for 2023 portion. It's \$25 million. A portion of that is to renew last year's bond.

And a portion of that is to fund our 2023/2024 capital plan that was in the agenda for last minute meeting.

So like the Mayor said, we were awarded the bid based on our credit rating. We had a meg 1 credit rating which is top for bond short-term rating and the A1 for bond. So for this year, we decided to go with the bond rating. And it is at a competitive rate with our neighbors, City of Newburg, Town of Wallkill. We were right there with the 3.5 percent interest.

So if you have any questions for me.

PRESIDENT RODRIGUES: Any questions? No questions.

LEONORA LIZ, CITY TREASURER: All right. Thank you.

PRESIDENT RODRIGUES: Thank you.

Police Chief.

JOHN EWANCIW, POLICE CHIEF: Good evening, Council. I just want to piggyback on a few things that the Mayor mentioned about night out. First and foremost, Sergeant Walsh did an outstanding job. Just wanted to publicly recognize her for that. And as Chief Barber said, Senator Skoufis has come along for us as well with funding. He's funded a good portion of our night out, both this year and last year. So we'd like to thank him as well for that. As well as the school district,

they've been instrumental in providing food for us for not just that event, but many of our other outreach events.

July 17th, Officer Barone was awarded the New York State Chiefs of Police Officer of the Year Award. We presented that to him in Albany. It was the same night at the last council meeting. Him and his family came up. Great -- great outpouring of support and whatnot for him. And am very proud of him for -- for everything he did that day. Although it doesn't change anything, it's -- it's nice that he's recognized.

We're actually in the planning process of a community barbeque, ourselves, Parks and Rec, the school district, many of the local businesses. It's gonna be September 9th from 1 to 5 at Davidge Park. This will be the third year. It's been a great turnout the last two years. It's grown each -- each year. Hopefully you guys will come out and join us that day. It's a great event.

In regards to the Run for Downtown, I just want to remind people especially in the downtown and along the race route that there will be some areas of no parking and street closures. The last thing we ever want to do is tow cars. So we'll do our best to try to alleviate that, but we do ask for cooperation from the residence.

And then my last item is something that's been
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near and dear to many of you. And we've had many conversations is the traffic enforcement. I just want to give you some insight. As of July 31st this year year-to-date from the previous year, the department is 49 percent increase in traffic enforcement issuing summons. I'm hoping that you're seeing that -- that difference. I'm hoping that you're hearing from your constituents that we're addressing some of the concerns. You know, it is something that we take very serious trying to find solutions. I do feel that enforcement is the primary solution. And I'd like to thank my members for stepping up hearing the concerns and addressing that -- those issues for you and for the city as a whole.

Other than that, I have nothing unless you have something for me.

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

Superintendent of Recreation.

RAELYNN BERTHOLF, SUPERINTENDENT OF RECREATION:

Just a few things as Mr. Howard Avery makes his way up. Our summer program, our camps are wrapping up. Seven long weeks of camp, but everything went smoothly besides a few little issues that were handled in house.

We have a week-and-a-half left of playgrounds and pools left for the summer.

Our fall programs are all going up on Bass (phonetic) today. They just went up for our registration site. So everything is up for fall and we're still adding a few more programs also.

Before you tonight we do have acceptance of a few donations that we received. The first donation is -- blew my mind when the chief came into the office that day. We were all completely shocked. We had no clue. Mr. Howard Avery donated \$10,000 to the recreation department. We are completely floored by this. His love for the recreation department runs deep. He was a previous employer of us, one of the best employees. A night cleaner, would come during the day no matter what we needed. The long summer days when we were in dire need of ice cream cake from Carvel, we could definitely count on Howard to go and get that.

But Howard loves the City. He loves Middletown. He love the kids. So that \$10,000 donation, he wanted to make sure it went towards camp scholarships for the youth in town that can't afford to go to camp. And is definitely gonna be put to good use next year to allow other kids to attend camp.

And he also did make another donation. And I want the chief to come up.

JOHN EWANCIW, POLICE CHIEF: So as Raelynn
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mentioned, she called me a little over a month ago and had me stop by the office to see Howard. I was overwhelmed when I got there and he presented me with a check for \$10,000 for the PBA as well. His gratitude is tremendous. I know back when you guys were on Academy Avenue when we would train out of that building, you would provide my -- my staff with coffee and donuts. I don't know why you brought donuts to the cops, but they enjoyed it. So we appreciate it.

And I know you had mentioned to me that you would like to see that money go back into the community for youth programs. So I relayed that to the PBA. Unfortunately, they're on vacation, so they couldn't be here to recognize you and thank you. But on their behalf I would like to thank you for everything you've done, not just for the City, but that donation is outstanding, like, more than I would have ever guessed anybody would do. So it shows your commitment to this community. Thank you so much.

HOWARD AVERY: You're welcome.

JOHN EWANCIW, POLICE CHIEF: And I do have just a couple of tokens for you just to show a little appreciation.

JOSEPH DESTEFANO, MAYOR: Yeah. The Council President, if you can come down with the -- we also have

to make a presentation to Howard on behalf of showing our thanks to you for your commitment, not only your years of service as an employee, but also the generous donation, both, to the recreation department and to the PBA, so a small token of our appreciation.

RAELYNN BERTHOLF, SUPERINTENDENT OF RECREATION:

Again, thank you, Mr. Howard Avery, we do appreciate that.

Another donation was given from the CSA Retirees. Every year they use our picnic shelter and have an annual retiree picnic and they take up a donation. And every year they also donate that towards a camp scholarship.

And, also, the last two donations are from Pat and Kelly Kennedy and Lola Caldwell in memory of Patricia Keys. Her grandson, Anthony Bush, currently works at sports camp. He's been there for the last few years. And Anthony would tell me his love that his grandmother had for kids was tremendous. And countless stories that after camp he would constantly talk to her about the kids at camp and how he was voted best counselor last year by the kids and actually by the staff.

So we're very thankful that and gracious that his family chose to request that any donations are made to the Parks and Rec in her memory to be used towards

camp scholarships also.

Any questions?

PRESIDENT RODRIGUES: Any questions?

RAELYNN BERTHOLF, SUPERINTENDENT OF RECREATION:

All right. Thank you.

PRESIDENT RODRIGUES: All right. Thank you.

City Clerk.

RICHARD MCCORMACK, CITY CLERK: Good evening, everybody. I would just like to start with acknowledging that we received a report a few minutes ago that Channel 20 was out and was broadcasting the Port Jervis school board meeting. It was not an issue on our end, it was with the cable company and they have since resolved it. So we apologize to the folks watching at home. You can always see the full meeting on our website, middletownny.gov.

Which brings me to our other exciting news. On August the 1st, the City launched a brand new redesigned website with a new web address. Our website is more interactive than ever before. I think it has a lot more information that it did before. We are continuing to update it and organize it, so the folks in our community and our constituents, your constituents will be able to access all the information they need to get to know what's going on in the city, to understand what goes on

in our meetings, and to be aware of the events that are taking place in the community.

As the Council found out this afternoon, you can subscribe to any one of a number of different modules and parts of the website to get automatic updates when that part of the website is updated from meeting calendars and event postings to agendas. Everything is there at your disposal in a neat and organized fashion. And we are excited about it. That's part one of our rebranding launch of the website.

Coming online in the next few months to all our city officials and the city employees, we'll be migrating to middletownny.gov email addresses. No more looking to explain what a hyphen is to some folks and we're excited about that.

And the other thing that we are doing next week, we will be launching an online dog registration portal to bring more of our services to our community that cannot be here in the city between 8:30 and 4:30.

PRESIDENT RODRIGUES: Okay. Any questions for the City Clerk? All right. Thank you.

8. Public Hearings and Grievances

(None this evening)

9. Petitions and Complaints

(None this evening)

10. Remarks of Alderman

PRESIDENT RODRIGUES: Remarks of Alderman, Alderman Masi.

ALD. MASI: So many exciting things going on in Middletown. I want to thank everyone for them starting out with Leanora. Thank you for taking care of our money.

Thank you very much for the donation. It's very helpful to the recreation department and to the police department.

And the Maddens, thank you for being so involved. Maria, the chief, recreation, Jacob, everyone's doing a fantastic job. And I -- I know as an elected official, I certainly appreciate it. So I just want to say thank you to all of you.

PRESIDENT RODRIGUES: Alderman Witt.

ALD. WITT: Thank you very much. This is -- this is kind of old news, but I think is relevant to our -- our community and our audience when they get a chance to watch this. I just want to share, people may not realize that long time Times Herald-Record community columnist Barbara Bedell passed away on July 27th. So she was 87 years old and spent 46 years as the Time -- at the Times-Herald record writing about all good stuff all the time.

She was a tremendous friend of the veterans. She was a friend of service organizations. She introduced us to people who didn't look like us, who didn't live like us, who didn't pray like us. And we all had a chance to meet these folks as members of our community. And there wasn't a lot of that. Barbara -- Barbara sold newspapers. And I know that comes across as something that people say as a bad thing. Well, they're just trying to sell newspapers, you know. But that's the idea of the business.

And she did it for a long time. And she was a great lady. And I think her last column was Eater Sunday on 2019. And -- and, I mean, that -- that's -- she was one of the last ties. I mean, this community and -- and communities -- the Record in its prime covered, you know, three -- three different or three counties; Sullivan, Ulster, and Orange. And she was relevant in all of them. And that's the goal when you get in that business to be relevant and she definitely was.

So she passed away at 87 years old. She was a great lady. Thanks for listening.

PRESIDENT RODRIGUES: Thank you.

Alderman Green.

ALD. GREEN: Yeah. There's a ton tonight that you heard that the saying it takes a village, it takes a

city, I think, and everyone in here, you know, can -- can really see that from all the comments and presentations this evening.

Mr. Avery, that just amazing mind-blowing donations are phenomenal.

And Dave and Anna, what you've done for the City over the years, it's just -- it's not, you know, everyone up here in -- in every department and City Hall, but it's everyone throughout the City who really makes us as great as we are. So thank you everyone for that.

I do want to say to Rick, an amazing job on the website. I know what that takes. And it's amazing now to be able to go on your phone even. Mobile is phenomenal. I know it was kind of rough before. But more websites are on mobile now than ever before, so that's great.

Night Out was an awesome, awesome time. It was packed. I don't even know. We're gonna have to expand Thrall Park eventually if we keep doing things there, so watch out for that. But it was -- it was a great event. I know every kid who was there had a smile on their face and everyone was just learning so much about the City and what the police department and other departments throughout the City do.

I'm looking forward to the Run for Downtown.

Chief, we'll do our best. You know, you know, if you never give the trophy it's always here. So I think that's the way that we're gonna look at it for right now. But, no, we'll have a great time. Hope to see everyone out there. I know the party afterwards it's going to be phenomenal. It always is, but it's always nice to take part in the race. And for once I'm not coming home from vacation the day before, so I have a little time to, you know, fast for four days so, we'll have some fun. Thanks.

PRESIDENT RODRIGUES: Alderman Kleiner.

ALD. KLEINER: Thank you. And thank you, Kevin, because on -- on the top of my list was Barber Bedell. And the word for Barber was community. And she cared about the whole community. There were places she wouldn't go and things she wouldn't cover because they didn't include the whole community. And she just stuck with that.

But the thing you don't realize about Barber and -- and we were, you know, politically opposites. It didn't make a bit of difference with Barber. But what she was was she was extremely talented to put out that column every single day. It's just amazing. And -- and, yes, she did have a particular soft spot for veterans, but she -- she cared for every group and she brought them

all together. And -- and she did it remarkably well. And always if there was a group and it was a Barbara Bedell picture, everybody was where they were supposed to be because if Barbara said you line up here, you lined up there. She just was amazing. And we -- we really have missed her. And she -- she was the paper.

I mean, Chris Varlacust (phonetic) was another heart for the veterans too. But we -- it's -- it's a big whole in the community that we don't have and no one has yet filled.

We also since the last meeting lost Tom Swirsky was, among other things, he was a 4th Ward Alderman in Middletown. But his family had -- when we went to high school, a lot of times where you went for lunch was the North Street Delicatessen. And that was his father, Joe Swirsky's pride and joy and the best roast beef sandwiches you ever had were at the North Street Delicatessen. So Tom also worked at Bays (phonetic) and Prylock (phonetic) and, you know, people who know Middletown from the old days will really miss him too.

Howard Avery, I just was blown away when I saw the contribution. And I can't thank you enough. It's always -- when we were at Academy Avenue in any event, if you needed help with anything Howard was there. He was out at the playgrounds. He was everywhere. And it's --

it's just -- it's an amazing tribute to Middletown and I thank you very much.

Our next Council meeting is September 5th, so we will see you then. Thank you.

PRESIDENT RODRIGUES: Alderman Johnson.

ALD. JOHNSON: Thank you. I'll join my colleagues and thanking you as well in your investment in our children. And I'm sure they'll pass it on, so we appreciate that very much.

And to the Maddens and (inaudible) for the weekend plans, it doesn't happen by itself, does it, Maddens? So thank you for all the hours you put in for a nice morning of entertainment for our community and for raising some money. Me personally I'll be at my day job, but I'll be there in spirit. Thank you.

PRESIDENT RODRIGUES: Alderman Jean-Francois.

ALD. JEAN-FRANCOIS: Yes, good evening. I also had the opportunity to attend the Night out Against Crime like the Mayor mentioned. It was a great event. And the one thing I like the most about the National Night Out is when the police department is engaged with our community especially nowadays it's very crucial to see that. I just hope that we could have that more often. And I know it takes a lot of time, a lot of effort to organize that event, but I wish we could have that more often. It be

great for our community and this planet that we live in.

Commissioner, on behalf of 4th Ward constituents and Sparrow and I, especially the street department and everyone that's involved, I saw the list for the paving especially for the 4th Ward. You've got Adams Avenue, Bedford Avenue, Budd Avenue, Dubois Street, Earl Street, Engle (phonetic) Street, Randall Terrace, and South Street. The only question I have is South Street is gonna be paved to the city line? I forgot to ask you that earlier?

JACOB TAWIL, DPW COMMISSIONER: No, I appreciate that. Actually, the part from South Street from the college from Fulton, actually, all the way to city line is gonna be taken off the list because of conflict with the college.

ALD. JEAN-FRANCOIS: Okay.

JACOB TAWIL, DPW COMMISSIONER: So South Street and Waywaywanda, we're not going to be doing them because they were scheduled to start on the 28th. And that's the week where the college is going to start. And they requested from the Mayor that we don't really disturb that. So we can't delay it. It's gonna be a mess. And, you know, so we'll just -- we're gonna take out Waywaywanda Avenue, South Street, and Bidford as well.

ALD. JEAN-FRANCOIS: Okay.

JACOB TAWIL, DPW COMMISSIONER: But we have tons of roads on -- on the 4th Ward still and all the construction that's taking place on Dolson Avenue, Fulton, and so on.

ALD. JEAN-FRANCOIS: All right. I just want to thank you guys in advance. You guys always do a great job.

And also I'm looking forward to downtown, Run for Downtown. Thank you.

PRESIDENT RODRIGUES: Alderman Tobin.

ALD. TOBIN: A lot of people to thank tonight which is a good thing. And I think it also has to do with the leadership of the Mayor as well. I mean, it takes -- he creates an environment where people can get -- come up with ideas and run with them literally. I imagine the Madden family approached the Mayor at one point and was like let's do this Run for Downtown and he agreed to it. And it really turned into an amazing thing. So thank you for all the time you put into that and Maria and the whole team.

I'd like to thank Leonara for the great rating. I know that's also hard to manage the budget, to keep that A1 rating which really saves the taxpayers money when we go out to borrow money.

excellent. The smiles on the kids' faces was worth it. Just seeing everybody running around having fun. And all the different community groups are a part of it. It really was a community event.

Commissioner Tawil, the streets look great. I love the crosswalks. You know, everybody is telling me how nice downtown looks with the new sidewalks and the crosswalks. Those are great.

And I'd like to thank the people that made donations especially Howard Avery for that -- those generous donations to the City. Thank you for the philanthropy. I know and especially your commitment to the youth.

And finally thank the Clerk for launching the new website. I know that you've been working on it a long time, had a lot of ideas and bring us into the 21st Century here. Thank you.

11. Unfinished Business

(None this evening)

12. New Business.

PRESIDENT RODRIGUES: All right. New business.

RICHARD MCCORMACK, CITY CLERK: Good evening.

We have a Resolution sponsored by Alderman Green to grant a 30-day notification waiver for the New York Alcoholic Beverage control law to the House of Birra, LLC.

PRESIDENT RODRIGUES: Motion by Alderman Green, seconded by Alderman Kleiner.

Quick question. What's the address?

RICHARD MCCORMACK, CITY CLERK: 120 -- 125 Dolson or 180 Dolson?

MALE SPEAKER: Good evening. It's 125 Dolson Avenue at the Campbell Plaza. It's Unit 29.

PRESIDENT RODRIGUES: Okay. Thank you.

Anyone else have any questions? Roll.

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

RICHARD MCCORMACK, CITY CLERK: Resolution sponsored by Alderman Masi authorizing Amendment Number 1 in the amount of \$10,850 from CDM Smith for water quality study.

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

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

RICHARD MCCORMACK, CITY CLERK: Resolution sponsored by Alderman Witt authorizing an agreement with Civic Plus for an Agenda Management Solution.

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

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

RICHARD MCCORMACK, CITY CLERK: Resolution sponsored by Alderman Kleiner accepting donations from Howard Avery and the CSEA Retirees for Recreation and Parks scholarships.

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

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

RICHARD MCCORMACK, CITY CLERK: Resolution sponsored by Alderman Johnson accepting donations from Patrick and Kelly Kennedy and Lola Caldwell in memory of Patricia Keys.

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

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

Rodrigues. Carries.

RICHARD MCCORMACK, CITY CLERK: Resolution sponsored by Alderman Johnson authorizing the temporary barring of \$2.5 million from the general fund for parking garage projects on South Street.

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

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

RICHARD MCCORMACK, CITY CLERK: Resolution sponsored by Alderman Jean-Francois authorizing short-term borrowing in the amount of \$25,193,982.

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

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

RICHARD MCCORMACK, CITY CLERK: Resolution sponsored by Alderman Tobin authorizing a \$669,952.91 budget transfer to reimburse the water fund.

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

discussion? Roll.

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

RICHARD MCCORMACK, CITY CLERK: Resolution
sponsored by Alderman Masi authorizing a budget transfer
totaling \$59,179 to cover some costs of the 23/24 capital
expenditure plan.

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

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

RICHARD MCCORMACK, CITY CLERK: Resolution
sponsored by Alderman Witt authorizing a \$1,732.91
payment to Don Paris for ARPA consulting and report
filing.

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

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

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

sponsored by Alderman Green authorizing street closures for the '23 Fire Department parade.

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

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

RICHARD MCCORMACK, CITY CLERK: Resolution sponsored by Alderman Kleiner awarding the Mountain Avenue and High Barney Road water tank replacement to DN Tanks LLC of New York.

PRESIDENT RODRIGUES: Kleiner?

RICHARD MCCORMACK, CITY CLERK: Kleiner.

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

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

13. Local Laws

(Nothing this evening)

14. Audit of Claims and Accounts

PRESIDENT RODRIGUES: Audit.

ALD. MASI: Mr. President, I move the accounts
AMERICAN LEGAL TRANSCRIPTION (845) 452-3090

be audited, the claims be adjusted and the City Treasurer be authorized to issue warrants for their payments.

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

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

15. Adjournment

PRESIDENT RODRIGUES: Move for adjournment.

ALD. MASI: So moved.

(PROCEEDING CONCLUDED)

CERTIFICATION

I, LISA KANE, certify the foregoing transcript of proceedings of the August 15, 2023 Middletown City Council meeting was prepared using the required electronic equipment and is a true and accurate record of the proceedings.

Signature: *Lisa Kane*

Date: September 15, 2023

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



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

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

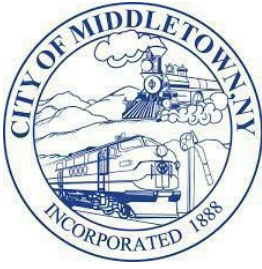
- 12.6 Resolution Authorizing the Temporary Borrowing of \$2,500,000 from the General Fund for the Parking Garage Project on South Street
- 12.7 Resolution Authorizing Short-Term Borrowing in the Amount of \$25,193,982
- 12.8 Resolution Authorizing a \$669,952.91 Budget Transfer to Reimburse the Water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

13. LOCAL LAWS

14. AUDIT OF CLAIMS AND ACCOUNTS

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

15. ADJOURNMENT



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

THE FOLLOWING WAS PRESENTED

By Ald. Green

Sec'd by Ald. Kleiner

Date of Adoption: August 15, 2023

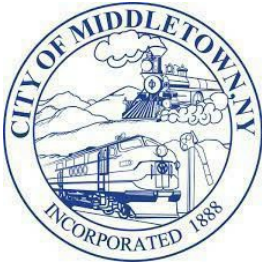
Index No: TABLED

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

Accept the Minutes of June 20, 2023

ATTACHMENTS:

[06.20.23 CC Minutes.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: August 15, 2023

Index No: 164-23

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

Whereas, Bambuco A Taste of Columbia, LLC at 125 Dolson Avenue, Middletown NY has requested a waiver of the thirty (30) day notification requirement set forth in Section 64(2)(a) of the New York Alcoholic Beverage Control Law, and

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

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

ATTACHMENTS:

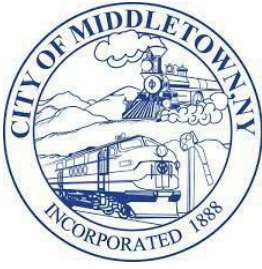
[House of Birra Liquor Lic Request.pdf](#)

COMMON COUNCIL
CITY OF MIDDLETOWN
CERTIFICATION OF RESOLUTION

I, Richard P. McCormack, City Clerk and Common Council Clerk of the City of Middletown, do hereby certify that I have compared the foregoing copy of this resolution with the original on file in my office, and that the same is a true and correct transcript of said original resolution and of the whole thereof, as duly adopted by said Common Council at a meeting duly called and held at City Hall on 8/15/23 by the required and necessary vote of the members to approve the resolution.

WITNESS My Hand and the Official Seal of the City of Middletown, New York, this _____ day of _____, 2023.

Richard P. McCormack
City Clerk/Clerk of the Common Council



CITY OF MIDDLETOWN, NEW YORK COMMON COUNCIL RECORD OF VOTE

THE FOLLOWING WAS PRESENTED

By Ald. Masi

Sec'd by Ald. Johnson

Date of Adoption: August 15, 2023

Index No: 165-23

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

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

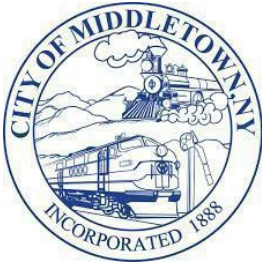
- a bathymetric survey to be performed at each of the three reservoirs
- to provide documentation of the water depths
- to help with locating collection sites for sampling of the reservoir sediment

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

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

ATTACHMENTS:

[MEMO-_BOE_CDM_SMITH_PROPOSAL_AMENDMENT_1_WATER_QUALITY_STUDY.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: August 15, 2023

Index No: 166-23

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

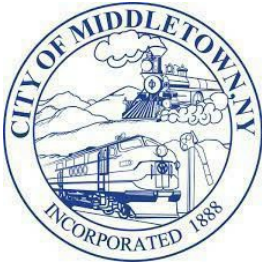
Resolution Authorizing an Agreement with Civic Plus for an Agenda Management Solution

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

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

ATTACHMENTS:

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



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

THE FOLLOWING WAS PRESENTED

By Ald. Kleiner

Sec'd by Ald. Johnson

Date of Adoption: August 15, 2023

Index No: 167-23

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

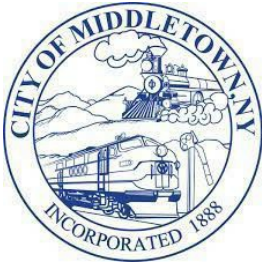
RESOLVED; that the Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment and accepts the following donations for use toward Recreation and Parks Scholarships:

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

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

ATTACHMENTS:

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



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: August 15, 2023

Index No: 168-23

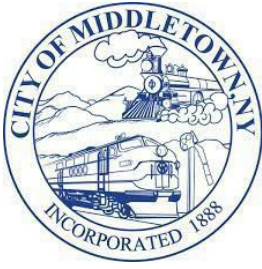
Names	Ayes	Noes	Abstain	Absent
Ald. Tobin	X			
Ald Jean-Francois	X			
Ald. Johnson	X			
Ald. Wray				X
Ald. Kleiner	X			
Ald. Green	X			
Ald. Witt	X			
Ald. Masi	X			
Pres. Rodrigues	X			
Total	8			1

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

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

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

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



CITY OF MIDDLETOWN, NEW YORK COMMON COUNCIL RECORD OF VOTE

THE FOLLOWING WAS PRESENTED

By Ald. Johnson

Sec'd by Ald. Green

Date of Adoption: August 15, 2023

Index No: 169-23

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

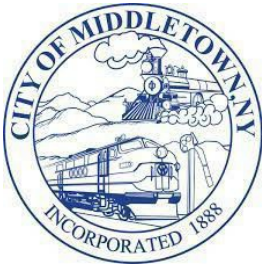
RESOLVED; that the Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment and authorizes a temporary borrowing from the General Fund Balance in the amount of \$2,500,000 for the Parking Garage Project on South Street.

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

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

ATTACHMENTS:

[Parking Garage.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: August 15, 2023

Index No: 170-23

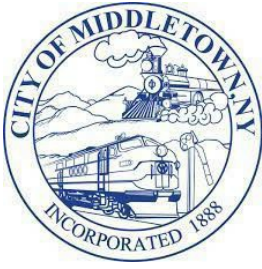
Names	Ayes	Noes	Abstain	Absent
Ald. Tobin	X			
Ald Jean-Francois	X			
Ald. Johnson	X			
Ald. Wray				X
Ald. Kleiner	X			
Ald. Green	X			
Ald. Witt	X			
Ald. Masi	X			
Pres. Rodrigues	X			
Total	8			1

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

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

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

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



CITY OF MIDDLETOWN, NEW YORK COMMON COUNCIL RECORD OF VOTE

THE FOLLOWING WAS PRESENTED

By Ald. Tobin

Sec'd by Ald. Johnson

Date of Adoption: August 15, 2023

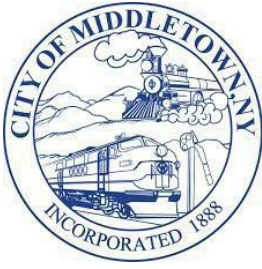
Index No: 171-23

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 \$669,952.91 Budget Transfer to Reimburse the Water Fund

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

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



CITY OF MIDDLETOWN, NEW YORK COMMON COUNCIL RECORD OF VOTE

THE FOLLOWING WAS PRESENTED

By Ald. Masi

Sec'd by Ald. Tobin

Date of Adoption: August 15, 2023

Index No: 172-23

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

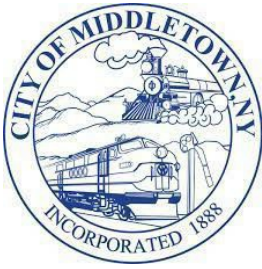
RESOLVED; that the Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment and authorizes the Treasurer to transfer \$59,179, in the following manner, to cover some of the costs of the 2023-2024 Capital Expenditure Plan;

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

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

ATTACHMENTS:

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



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

THE FOLLOWING WAS PRESENTED

By Ald. Witt

Sec'd by Ald. Jean-Francois

Date of Adoption: August 15, 2023

Index No: 173-23

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 \$1732.91 Payment to Don Paris for ARPA Consulting and Report Filing

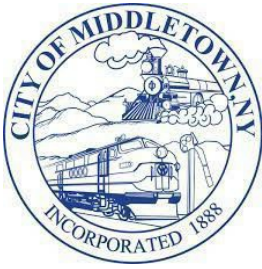
RESOLVED; that the Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment and authorizes a \$1732.91 payment to Don Paris for ARPA consulting and report filing.

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

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

ATTACHMENTS:

[Finance Office Transfer Request.pdf](#)



CITY OF MIDDLETOWN, NEW YORK COMMON COUNCIL RECORD OF VOTE

THE FOLLOWING WAS PRESENTED

By Ald. Green

Sec'd by Ald. Kleiner

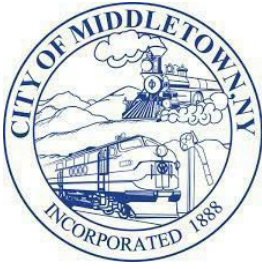
Date of Adoption: August 15, 2023

Index No: 174-23

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 Street Closures for the 2023 Fire Department Parade

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



CITY OF MIDDLETOWN, NEW YORK COMMON COUNCIL RECORD OF VOTE

THE FOLLOWING WAS PRESENTED

By Ald. Kleiner

Sec'd by Ald. Green

Date of Adoption: August 15, 2023

Index No: 175-23

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

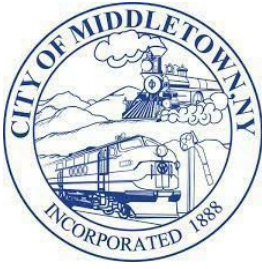
RESOLVED; that the Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment and awards the Mountain Avenue and High Barney Road Water Tank Replacement to the lowest qualified bidder, DN Tanks, LLC of New York as follows:

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

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

ATTACHMENTS:

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



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

THE FOLLOWING WAS PRESENTED

By Ald. Masi

Sec'd by Ald. Johnson

Date of Adoption: August 15, 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



COMMON COUNCIL MEETING
CITY OF MIDDLETOWN
September 5, 2023 Minutes
City Hall
16 James Street
Middletown, New York 10940

P R E S E N T

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

A B S E N T

Ald. Katie Wray
Ald. Joseph Masi

Digitally Recorded Proceeding, transcribed by:
Lisa Kane

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

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1. Pledge of Allegiance

(Pledge of Allegiance)

2. Roll Call

PRESIDENT RODRIGUES: Roll.

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

3. Approval of Minutes

PRESIDENT RODRIGUES: Okay. Approval of minutes.

RICHARD MCCORMACK, CITY CLERK: We have the minutes from June 20th, 2023 as corrected.

PRESIDENT RODRIGUES: Do I got a motion to accept?

ALD. JOHNSON: So moved.

PRESIDENT RODRIGUES: Johnson, seconded by Alderman Jean-Francois. All in favor?

ALDERMANS: Aye.

4. Correspondence, Communications and Reports

PRESIDENT RODRIGUES: Correspondence.

RICHARD MCCORMACK, CITY CLERK: Nothing this evening.

5. For the Good of the City

PRESIDENT RODRIGUES: For the Good of the City, we'd like to bring the Mayor up for presentation.

JOSEPH DESTEFANO, MAYOR: Good evening. The
AMERICAN LEGAL TRANSCRIPTION (845) 452-3090

day after Labor Day and it's appropriate for us this evening to recognize some of our long-term employees here in the City of Middletown.

Each year the New York Conference of Mayors issues certificates of public -- public service certificates to employees that have reached the mark of 25 years and then in 5-year increments; 30 years, 35 years, and so on.

So this evening we have, I think, 6 members of our workforce who have reached the 25-year plateau and one of them -- one of the 6 is at 35 years. So we'd like to bring them up one by one and thank them once again for their service and their commitment to the City of Middletown for the hard work they've performed over the years. And also to say thank you for what they've done and what they will continue to do as employees of the City of Middletown and just recognize that with a certificate.

I saw one Matt Lybolt, the -- the newlywed is here. And his father-in-law is here. And I heard he's gonna be throwing a party after this all an expense -- all expenses paid by Andy Bairstow, so. We're all invited. All I heard was a laugh. I didn't hear him say yes.

All right. So if we can come up one by one.

Do you want to come down, Miguel, or no?

(Presentation of Certificates)

Lenny Ferara - 25 years of service

Donnie Robinholt - 25 years of service

George Valentine - 25 years of service

Matt Lybolt - 25 years of service

Brian Ogden - 25 years of service

William Halinan - 35 years of service

And that was it. So we had the three that are present, three that we will give to their department heads to hand out. And if anybody has a camera, we can get a picture.

6. Remark of Mayor

PRESIDENT RODRIGUES: Okay. Move over to remarks of Mayor.

JOSEPH DESTEFANO, MAYOR: Nothing else this evening unless you have any questions.

PRESIDENT RODRIGUES: No questions for the Mayor. All right.

7. Remarks of the Department Heads

PRESIDENT RODRIGUES: Department heads. Fire Chief.

NICK BARBER, FIRE CHIEF: Nothing this evening unless you've got questions.

PRESIDENT RODRIGUES: I've got a question.

NICK BARBER, FIRE CHIEF: No you don't.

PRESIDENT RODRIGUES: Come on up. I hear the new Dunkin' Donuts -- are we up to six car accidents already?

NICK BARBER, FIRE CHIEF: No.

PRESIDENT RODRIGUES: Okay.

NICK BARBER, FIRE CHIEF: You're up to three.

PRESIDENT RODRIGUES: Three?

NICK BARBER, FIRE CHIEF: Yes.

PRESIDENT RODRIGUES: Is it on James Kelly Way?

NICK BARBER, FIRE CHIEF: Yes. It's not due to them entering in there, its people coming out of QuickChek the wrong way trying to go up. And then people just cutting other people off.

PRESIDENT RODRIGUES: Okay. So not -- from QuickChek to Dunkin's Donuts?

NICK BARBER, FIRE CHIEF: Yeah. You're -- you're not supposed to come out of QuickChek that way, you're only supposed to enter. And somebody tried --

ALD. JOHNSON: They're coming out that way closer to the other road? Really?

NICK BARBER, FIRE CHIEF: One time that I know of.

ALD. JOHNSON: It bends this way.

NICK BARBER, FIRE CHIEF: One time that I was
AMERICAN LEGAL TRANSCRIPTION (845) 452-3090

called there, yes.

ALD. JOHNSON: Wow.

NICK BARBER, FIRE CHIEF: That's your only question?

PRESIDENT RODRIGUES: That's my only question. Thank you.

NICK BARBER, FIRE CHIEF: Okay. There's another one right there.

PRESIDENT RODRIGUES: Number four. DPW Commissioner.

JACOB TAWIL, DPW COMMISSIONER: Good evening. I'll -- I'll be very -- very brief also. All the projects are moving along very well. Let us know if you have any questions about them from the dams through -- the paving is complete, milling and paving is complete. And the -- the microsurfacing and crack sealing is ongoing. And right now we are -- tomorrow we're gonna be doing the -- do the second coat for Pilgrams Estate. And the day after that we will be doing Randall Heights, Height, Adam, Budd Street, Earl Street, Debois, and Ingalls. So -- and that will conclude our -- our microsurfacing program for the year.

Do you have any questions for me?

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

JACOB TAWIL, DPW COMMISSIONER: Thank you.

PRESIDENT RODRIGUES: All right.

Superintendent of Recreation.

RAELYNN BERTHOLF, SUPERINTENDENT OF RECREATION:

Good evening. Just a quick congratulations to Matt Lybolt and Brian Ogden. And thank you for all that you guys do. And don't worry, we will put the four-hour call out for tonight. Just kidding. Just kidding.

Any questions?

PRESIDENT RODRIGUES: You might need it for the bill. All right. Thank you.

City Clerk.

RICHARD MCCORMACK, CITY CLERK: Nothing this evening.

PRESIDENT RODRIGUES: All right.

8. Public Hearings and Grievances

PRESIDENT RODRIGUES: Public Hearings.

(None this evening)

9. Petitions and Complaints

(None this evening)

10. Remarks of Alderman

PRESIDENT RODRIGUES: Remarks of Alderman, Alderman Witt.

ALD. WITT: Nothing this evening.

PRESIDENT RODRIGUES: Alderman Green.

ALD. GREEN: Yeah. A quick, you know, congratulations and thank you to everyone who received their service awards. Definitely no lack of commitment there. And it's also proud to see people who are on for 25 and up, so that's a -- that's a great thing to be, excuse me, good to be recognized for.

Also, just, you know, hope everyone had a great back-to-school day for those who went back today in the city. Everything seemed pretty smooth. And I know that there's some -- some new ways of doing things at some of the buildings. So, you know, just always a little bit of growing pains, but everything, you know, seemed to be all right. And, you know, hope that everyone has a great school year.

And Gerry and I will be skipping our usual date which would have been September 11th for obvious reasons. We won't be having our constituents' meeting that evening, but we will be doing it on the 18th here at 7 p.m. So, September 18th at 7 p.m. come for the 2nd Ward constituents meeting. Thank you.

PRESIDENT RODRIGUES: Thank you.

Alderman Kleiner.

ALD. KLEINER: Thank you. We also in our October meeting that will be the October 9th that's our constituent meeting and the Mayor has graciously agreed

to join us at that constituent's meeting. So and anyone can attend. We focus on the 2nd Ward, but anyone is welcome.

And we have two-and-a-half more weeks of summer in spite of Labor Day and the artificial vacation. So have a nice rest of the summer. Thank you.

PRESIDENT RODRIGUES: Alderman Johnson.

ALD. JOHNSON: Thank you. I'll join my colleagues in thanking and congratulating our long-term employees. We appreciate your contributions to the City. Thank you very much. That's it.

PRESIDENT RODRIGUES: Alderman Jean-Francois.

ALD. JEAN-FRANCOIS: Nothing this evening.

PRESIDENT RODRIGUES: Alderman Tobin.

ALD. TOBIN: Yes. I also want to congratulate employees for their years of dedicated public service, so, you know, couldn't do it without you, so thank you very much.

And best of luck to all the students starting the school year. It should be a good one.

11. Unfinished Business

(None this evening)

12. New Business.

PRESIDENT RODRIGUES: All right. New business.

RICHARD MCCORMACK, CITY CLERK: Good evening.

We have a Resolution sponsored by Alderman Tobin accepting a \$250 donation for -- from the Kiwanis Club of Middletown for the Police Department.

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

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

RICHARD MCCORMACK, CITY CLERK: Resolution sponsored by Alderman Jean-Francois accepting a \$250 donation from the Middletown Teacher's Association for the police department.

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

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

RICHARD MCCORMACK, CITY CLERK: Resolution sponsored by Alderman Witt accepting a proposal from Lewis Sign Company for a total of \$23,972.50 for a football score board at Wolslayer Field.

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

discussion? Roll.

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

RICHARD MCCORMACK, CITY CLERK: Resolution
sponsored by Alderman Johnson authorizing a \$2,000 budget
transfer from within the Corporation Council budget line.

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

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

RICHARD MCCORMACK, CITY CLERK: Resolution
sponsored by Alderman Green authorizing the acquisition
of property from Bell Flavors and Fragrances.

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

ALD. TOBIN: Gerry has --

ALD. KLEINER: No. I -- just quickly I just
want to thank Bell Properties. This is a gift to the
City, so I want it on the record that we thank them for
it.

PRESIDENT RODRIGUES: Correct.

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

RICHARD MCCORMACK, CITY CLERK: Resolution sponsored by Alderman Jean-Francois authorizing a \$9,500 budget transfer for the appraisal reports for the Heritage Rail Trail Extension project in the Middletown and New Jersey LLC parcel.

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

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

PRESIDENT RODRIGUES: Resolution sponsored by Alderman Kleiner authorizing a proposal from Rotolo Electric for the ELC2 CPU upgrade and source selector switch.

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

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

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

sponsored by Alderman Johnson authorizing a \$17,500 budget transfer for senior trips.

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

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

RICHARD MCCORMACK, CITY CLERK: Resolution sponsored by Alderman Johnson authorizing an agreement with Capital Market Advisors to serve as the City's financial advisors.

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

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

13. Local Laws

RICHARD MCCORMACK, CITY CLERK: We have a local law sponsored by Alderman Johnson amending the provisions in the enforcement of the delinquent of property taxes to comply with the ruling of the United States Supreme Court.

PRESIDENT RODRIGUES: This is the first
AMERICAN LEGAL TRANSCRIPTION (845) 452-3090

reading?

RICHARD MCCORMACK, CITY CLERK: That's correct.

PRESIDENT RODRIGUES: Okay.

14. Audit of Claims and Accounts

PRESIDENT RODRIGUES: Audit.

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

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

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

15. Adjournment

PRESIDENT RODRIGUES: 7.45. Move for adjournment.

(PROCEEDING CONCLUDED)

CERTIFICATION

I, LISA KANE, certify the foregoing transcript of proceedings of the September 5, 2023 Middletown City Council meeting was prepared using the required electronic equipment and is a true and accurate record of the proceedings.

Signature: *Lisa Kane*

Date: September 15, 2023

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



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

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

3.1 Approval of Minutes for June 20, 2023

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

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

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

George Valentine (MPD) 25 Years of Service

Mathew Lybolt (Rec) 25 Years of Service

Brian Ogden (Rec) 25 Years of Service

6. REMARKS OF THE MAYOR
7. REMARKS OF THE DEPARTMENT HEADS
8. PUBLIC HEARINGS AND GRIEVANCES
9. PETITIONS AND COMPLAINTS
10. REMARKS OF THE ALDERMAN AND REPORTS OF THE COMMITTEES
11. UNFINISHED BUSINESS
12. NEW BUSINESS

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

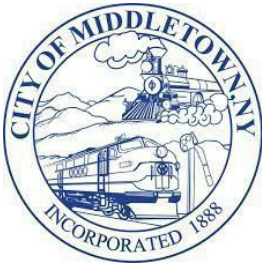
13. LOCAL LAWS

- 13.1 **Introduction of 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. Johnson

Sec'd by Ald. Jean-Francois

Date of Adoption: September 5, 2023

Index No:XXXXXXXXXXXX

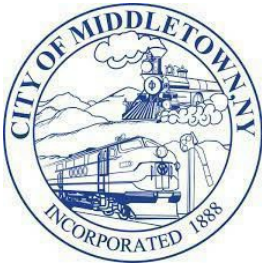
Names	Ayes	Noes	Abstain	Absent
Ald. Tobin	X			
Ald Jean-Francois	X			
Ald. Johnson	X			
Ald. Wray				X
Ald. Kleiner	X			
Ald. Green	X			
Ald. Witt	X			
Ald. Masi				X
Pres. Rodrigues	X			
Total	7			2

Approval of Minutes for June 20, 2023

Approval of Minutes for June 20, 2023

ATTACHMENTS:

[06.20.23 CC Minutes-Corr.pdf](#)



CITY OF MIDDLETOWN, NEW YORK COMMON COUNCIL RECORD OF VOTE

THE FOLLOWING WAS PRESENTED

By Ald. Tobin

Sec'd by Ald. Witt

Date of Adoption: September 5, 2023

Index No: 176-23

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	7			2

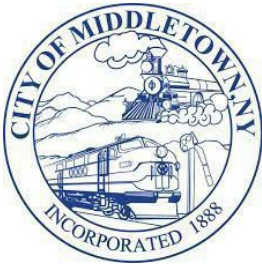
Resolution Accepting a \$250 Donation from the Kiwanis Club of Middletown for the Police Department

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

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

ATTACHMENTS:

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



**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: September 5, 2023

Index No: 177-23

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	7			2

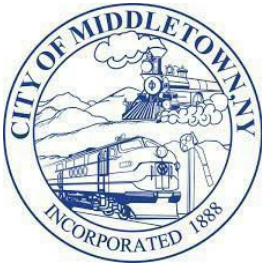
Resolution Accepting a \$250 Donation from the Middletown Teacher's Association for the Police Department

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

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

ATTACHMENTS:

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



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: September 5, 2023

Index No:178-23

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	7			2

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

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

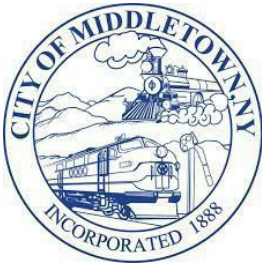
BE IT FURTHER RESOLVED; that the Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment and authorizes the Treasurer to transfer \$29,972.50, in the following manner, to cover the cost of the project.

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

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

ATTACHMENTS:

[Lewis Sign Proposal.pdf](#)



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: September 5, 2023

Index No: 179-23

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	7			2

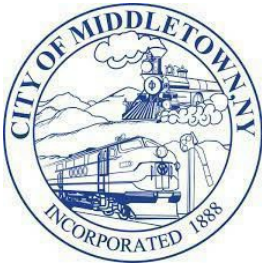
Resolution Authorizing a \$2000 Budget Transfer from within the Corporation Counsel Budget Line

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

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

ATTACHMENTS:

[Corp Counsel Transfer Request.pdf](#)



**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: September 5, 2023

Index No: 180-23

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	7			2

Resolution Authorizing the Acquisition of Property from Bell Flavors and Fragrances

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

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

ATTACHMENTS:

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

THE FOLLOWING WAS PRESENTED

By Ald. Jean-Francois

Sec'd by Ald. Kleiner

Date of Adoption: September 5, 2023

Index No: 181-23

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	7			2

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

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

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

Middletown and New Jersey Railroad LLC Parcel-SS East Main Street, Middletown, NY \$3,500**

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

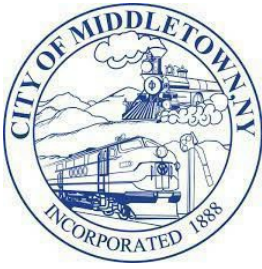
This work was approved by the Mayor and the Commissioner of Public Works due to:

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

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

ATTACHMENTS:

[transfer.pdf](#)



CITY OF MIDDLETOWN, NEW YORK COMMON COUNCIL RECORD OF VOTE

THE FOLLOWING WAS PRESENTED

By Ald. Kleiner

Sec'd by Ald. Jean-Francois

Date of Adoption: September 5, 2023

Index No: 182-23

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	7			2

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

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

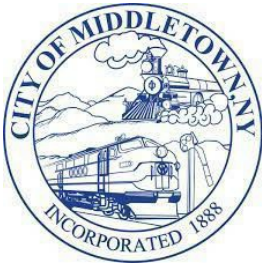
BE IT FURTHER RESOLVED; that the Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment and authorizes the Treasurer to transfer \$51,907.25, in the following manner, to cover the cost of the proposal.

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

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

ATTACHMENTS:

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



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

THE FOLLOWING WAS PRESENTED

By Ald. Johnson

Sec'd by Ald. Green

Date of Adoption: September 5, 2023

Index No: 183-23

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	7			2

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

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

-

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

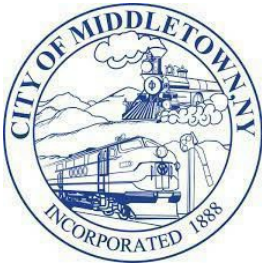
Increase Expense Line A.6772.467 Senior Citizens program \$15,000

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

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

ATTACHMENTS:

[Senior Center.pdf](#)



CITY OF MIDDLETOWN, NEW YORK COMMON COUNCIL RECORD OF VOTE

THE FOLLOWING WAS PRESENTED

By Ald. Johnson

Sec'd by Ald. Tobin

Date of Adoption: September 5, 2023

Index No: 184-23

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	7			2

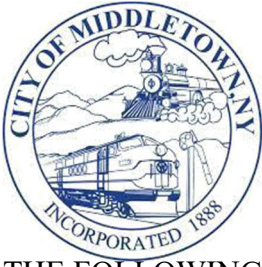
Resolution Authorizing an Agreement with Capital Market Advisors to Serve as the City's Financial Advisors

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

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

ATTACHMENTS:

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



CITY OF MIDDLETOWN, NEW YORK COMMON COUNCIL RECORD OF VOTE

THE FOLLOWING WAS PRESENTED

By Ald.

Sec'd by Ald.

Date of Adoption: September 5, 2023

Index No: Introduction: 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				

Introduction of 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:

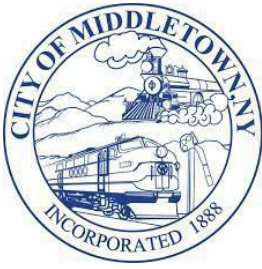
The city of Middletown may become the purchaser at any sale which may be made under the provisions of this act, and in case the said city shall be vested with the same rights as any other purchaser, but in no case shall the city at such sale bid a sum or become the purchaser for a greater amount than 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. Johnson

Sec'd by Ald. Jean-Francois

Date of Adoption: September 5, 2023

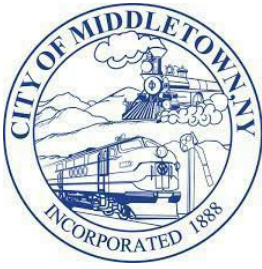
Index No: XXXXXXXXXXXXXXXX

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	7			2

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.

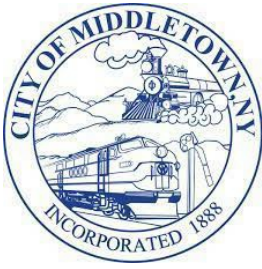
Sec'd by Ald.

Date of Adoption: October 3, 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				

Honoring Dr. Thomas E Littner for 40 Years of Service to the Middletown Community



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

THE FOLLOWING WAS PRESENTED

By Ald.

Sec'd by Ald.

Date of Adoption: October 3, 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				

**Public Hearing: 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)**

ATTACHMENTS:

[Public Hearing Notice LL 2 of 2023.pdf](#)

[LL2 of 2023 Publication Affidavit.pdf](#)

[LL2 of 2023.pdf](#)

**CITY OF MIDDLETOWN
NOTICE OF PUBLIC HEARING
Local Law Number 2 of 2023**

Notice is hereby given that the City of Middletown will hold a public hearing on Tuesday, October 3, 2023, on or as near to 7:30 p.m. as possible, in the Common Council Chambers, 2nd floor, 16 James Street, to hear any and all persons wishing to be heard on the recently passed Local Law Number 2 of 2023 regarding:

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)

A full text of Local Law Number 2 of 2023 is available in the office of the Common Council Clerk, City Hall, 16 James Street, Room 12 and on the City Website.

Richard P. McCormack
City Clerk

Publish: 9/28/23 & 9/29/23
City Website

LOCALiQ

Observer-Dispatch | Daily Messenger
Times Telegram | New Jersey Herald
Times Herald-Record

PO Box 631202 Cincinnati, OH 45263-1202

PROOF OF PUBLICATION

Richard McCormack
Kelly C
Middletown, City
16 James ST
Middletown NY 10940-5724

STATE OF NEW YORK, COUNTY OF ORANGE

The Times Herald-Record, a daily newspaper distributed in the Orange, Ulster, Pike, PA and Sullivan Counties, published in the English language in the City of Middletown, County of Orange, State of New York printed and published and personal knowledge of the facts herein state and that the notice hereto annexed was Published in said newspapers in the issues dated on:

09/28/2023, 09/29/2023

and that the fees charged are legal.

Sworn to and subscribed before on 09/29/2023

Legal Clerk

Notary, State of WI, County of Brown

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MARIAH VERHAGEN
Notary Public
State of Wisconsin

CITY OF MIDDLETOWN NOTICE OF PUBLIC HEARING

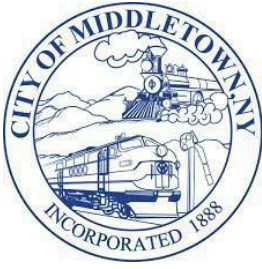
Local Law Number 2 of 2023

Notice is hereby given that the City of Middletown will hold a public hearing on Tuesday, October 3, 2023, on or as near to 7:30 p.m. as possible, in the Common Council Chambers, 2nd floor, 16 James Street, to hear any and all persons wishing to be heard on the recently passed Local Law Number 2 of 2023 regarding:

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)

A full text of Local Law Number 2 of 2023 is available in the office of the Common Council Clerk, City Hall, 16 James Street, Room 12 and on the City Website.

Richard P. McCormack
City Clerk



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

THE FOLLOWING WAS PRESENTED

By Ald. Johnson

Sec'd by Ald. Green

Date of Adoption: September 19, 2023

Index No: Local Law #2 of 2023

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

**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:

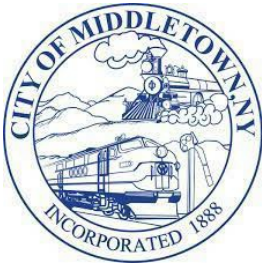
The city of Middletown may become the purchaser at any sale which may be made under the provisions of this act, and in case the said city shall be vested with the same rights as any other purchaser, but in no case shall the city at such sale bid a sum or become the purchaser for a greater amount than 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.

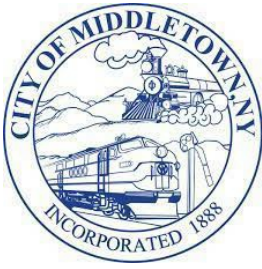
Date of Adoption: October 3, 2023

Index No: 189-23

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 Moving the November 7, 2023 Common Council Meeting to November 6, 2023

Be it resolved that the Common Council of the City of Middletown hereby moves the November 7, 2023 Common Council meeting to Monday, November 6, 2023, in Observance of Election Day.



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

THE FOLLOWING WAS PRESENTED

By Ald.

Sec'd by Ald.

Date of Adoption: October 3, 2023

Index No: 190-23

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

Resolution Authorizing a Block Party on Lenox Place Between Courtland Place and Cantrell Avenue

Be it resolved that the Common Council of the City of Middletown Authorizes a Block Party on Saturday, October 7, 2023, from 3 PM-5 PM on Lenox Place between Courtland Place and Cantrell Avenue

ATTACHMENTS:

[Block Party 32 Lennox Place.pdf](#)

9/25/2023

To whom it may concern:

On Saturday 10/7/2023 we are asking our neighbors who reside on Lenox Place if it's okay to close the street from 3pm to 5pm so that we can celebrate our daughter's 9th birthday with a bounce house in front of our home. We will have a small speaker playing music as well.

In order for the town to allow us to do so we have to get the signatures of our neighbors.

1. 38 Lenox Pl Suzanne Loli
 2. 36 Lenox Pl [Signature]
 3. 34 Lenox Pl Rosemary Kearns
 4. 30 Lenox Pl is empty.
 5. 28 Lenox Pl is empty.
 6. 27 Lenox Pl I believe they are away Vgn.
 7. 26 Lenox Pl [Signature]
 8. 24 Lenox Pl [Signature]
9. 25 Lenox Pl. Roslyn Smith / Amy Glass

Thank you,

Vanessa Diaz Negrón

Richard Negrón

V Negrón
[Signature]



CITY OF MIDDLETOWN, NEW YORK APPLICATION FOR BLOCK PARTY

I, the undersigned, do hereby make application for a Block Party in the City of Middletown, New York

Name of Applicant Vanessa Diaz negron

Address of Applicant 32 lenox Place

middletown ny 10940

Phone Number of Applicant 845)321-6125

Day and date the Block Party will be held 10/7/2023 @ 3pm

Hours Block Party will start and end 3pm to 5 pm

Name of Streets to be blocked lenox Place between
Courtland Pl & Cantrell Avenue.

BLOCK PARTY APPLICATION REQUIREMENTS:

On a separate sheet of paper, please indicate the following information:

Name, addresses and signatures of no less 75% of homeowners on the closed street area for permission to have Block Party.

A description of any equipment to be used, including whether music is to be played and what devices are needed for the provision of such music, when applicable.

Description of any vendors within the closed street area.

By signing this application, the applicant agrees to all the provisions of the Middletown City Code pertaining to Chapter 332 Noise and Chapter 319 Litter.

Signed: Vanessa D negron.

Date: 9/25/2023

For Office Use Only:

Resolution Number and Date _____

1907-1908

1907-1908

1907-1908

1907-1908

1907-1908

1907-1908

1907-1908

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1907-1908

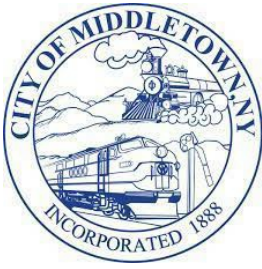
1907-1908

1907-1908

1907-1908

1907-1908

1907-1908



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

THE FOLLOWING WAS PRESENTED

By Ald.

Sec'd by Ald.

Date of Adoption: October 3, 2023

Index No: 191-23

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

Resolution Authorizing the General City Wide Clean Up Period for Leaves in the Street

RESOLVED that from November 6, 2023, to December 8, 2023, the City of Middletown will hold its general city-wide clean-up period for leaves in the street. (Set out no further than four (4) feet from the curb.) All other times during the year leaves must be placed in receptacles. Department of Public Works crews will pick up leaves in the street during this time only, no exceptions.

The initial Leaves pick up schedules will be as follows:

1. First Ward
2. Second Ward
3. Third Ward
4. Fourth Ward

ATTACHMENTS:

[2023 GENERAL CITY WIDE LEAVES PICK UP.pdf](#)

Department of Public Works

City of Middletown

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



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

September 25, 2023

Honorable Mayor, Council President
and Members of the Common Council
City of Middletown, NY

RE: General City Wide Leaves pick up for 2023

Honorable Mayor, Council President and Council Members:

It is once again time for the annual leaves in the street. We request that from November 6, 2023 to December 8, 2023 the City of Middletown will hold its general city wide clean up period for leaves in the street. (Set out no further than four (4) feet from the curb.) All other times during the year leaves must be placed in receptacles. Department of Public Works crews will pick up leaves in the street during this time period only, no exceptions.

The initial Leaves pick up schedules will be as follows:

1. First Ward
2. Second Ward
3. Third Ward
4. Fourth Ward

Thank you.

Respectfully submitted,

Jacob S. Tawil, P.E.
COMMISSIONER OF PUBLIC WORKS

kg
Att.

ATTENTION

City of Middletown Residents

Leaf Pick Up

From November 6, 2023 to December 8, 2023 the City of Middletown will hold its general city wide clean up period for leaves in the street. (*Set out no further than four (4) feet from the curb.*) All other times during the year leaves must be placed in receptacles. Department of Public Works crews will pick up leaves in the street during that time period only, no exceptions.

The initial leaf pick up schedule will be as follows: First Ward, Second Ward, Third Ward and Fourth Ward.

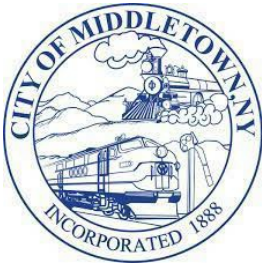
Any questions, call DPW at 343-3169 or visit our website for postings and updates www.Middletownny.gov

Joseph M. DeStefano, Mayor

J. Miguel Rodrigues, Alderman-at-Large

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





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

THE FOLLOWING WAS PRESENTED

By Ald.

Sec'd by Ald.

Date of Adoption: October 3, 2023

Index No: 192-23

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

Resolution Accepting a \$9,854.40 Grant from the New York State Division of Criminal Justice Services to support the purchase of Livescan Equipment for the Police Department

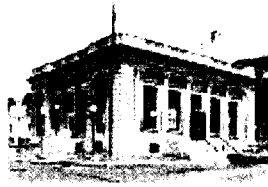
BE IT RESOLVED; that the Common Council of the City of Middletown, NY, concurs with the Board of Estimate and Apportionment and accepts a grant award in the amount of \$9,854.40 given by New York State Division of Criminal Justice Services to support the purchase of Livescan equipment.

BE IT RESOLVED; that the Common Council of the City of Middletown, NY, concurs with the Board of Estimate and Apportionment and authorizes the Treasurer to add the funds to the existing equipment budget line A.3120.200. These funds will be reimbursed after submission to the state.

ATTACHMENTS:

[LIVESCAN.pdf](#)

JOHN EWANCIW
CHIEF OF POLICE



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

CITY OF MIDDLETOWN POLICE DEPARTMENT

2 JAMES STREET
MIDDLETOWN, NEW YORK 10940
ESTABLISHED 1888

September 20, 2023

Honorable Joseph M. DeStefano
Mayor- City of Middletown
City Hall
Members of the City of Middletown Common Council
16 James Street
Middletown, NY 10940

RE: Livescan Equipment Program-Middletown City PD-T637748

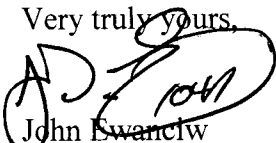
Dear Mayor DeStefano and Members of the Council:

We are requesting permission to accept an award in the amount of \$9,854.40 given to us by the New York State Division of Criminal Justice Services to support the purchase of Livescan equipment.

Upon approval to accept these funds, I am kindly requesting this funding be added to our existing equipment budget line A.3120.200. These funds will be reimbursed after submission to the state of proof and back up of the purchase.

Thank you.

Very truly yours,


John Ewanciw
Chief of Police

JE:ccd



Division of Criminal Justice Services

KATHY HOCHUL
Governor

ROSSANA ROSADO
Commissioner

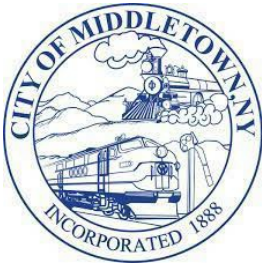
DEAN DEFRUSCIO
Deputy Commissioner

Grant Award Notice

Grantee/Contractor: City of Middletown / Middletown City Police Department	Date: 9/15/23
Program Name: Livescan Equipment Program	Award Amount: \$9,854.40 ¹
Signatory Name and Title: Joseph M. DeStefano, Mayor	Term Dates: TBD
Email: mayor@middletown-ny.com	Contract Number: T637748
Program Description: To support the purchase of Livescan equipment.	
The following additional information is provided as required when grants are supported with federal funding:	
<u>Federal Award Identification Information</u>	
Award Name: New York State FY 2021 Edward Byrne Memorial Justice Assistance Grant (JAG) Program Application Federal Award Number: 15PBJA-21-GG-00284-JAGX Name of the Federal Award Agency: Bureau of Justice Assistance (BJA) Federal Award Lapse Date: 9/30/2024 Total Amount of Federal Award: \$ 8,955,920 Federal Fiscal Year of Funds: FFY 21 Catalog of Federal Domestic Assistance (CFDA) Title and Number: 16.738 Edward Byrne Memorial Justice Assistance Grant Program	
Grant Questions	
Primary Contact Grace Feeney-Caswell, Public Safety Grants Representative NYS Division of Criminal Justice Services Office of Program Development and Funding Phone: 518.457.2203 Email: grace.feeney-caswell@dcjs.ny.gov	Secondary Contact Meagan Armstrong, Public Safety Grants Representative NYS Division of Criminal Justice Services Office of Program Development and Funding Phone: 518.485.5569 Email: meagan.armstrong@dcjs.ny.gov

¹ The award amount listed above is contingent upon the completion and submission (as applicable) of all contractual obligations as well as approval by the NYS Division of Budget and execution of the grant contract by the NYS Office of the State Comptroller. This funding is provided by the Division of Criminal Justice Services (DCJS) with federal funds through the Bureau of Justice Assistance. Grantees receiving these funds will be subject to federal rules, regulations, and reporting requirements.

Thank you for all the work you do. We look forward to working with you in our continued efforts to safeguard the health and safety of all New York residents and visitors.



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

THE FOLLOWING WAS PRESENTED

By Ald.

Sec'd by Ald.

Date of Adoption: October 3, 2023

Index No: 193-23

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

Resolution Accepting a \$14,875 Grant from the New York State Governor's Traffic Safety Committee for the Police Traffic Services Program

BE IT RESOLVED; that the Common Council of the City of Middletown, NY, concurs with the Board of Estimate and Apportionment and accepts a \$14,875 grant award from by the New York State Governor's Traffic Safety Committee for the use of the "Police Traffic Services" program effective October 1, 2023.

BE IT FURTHER RESOLVED; that the Common Council of the City of Middletown, NY, concurs with the Board of Estimate and Apportionment and authorizes the mayor to sign the contract.

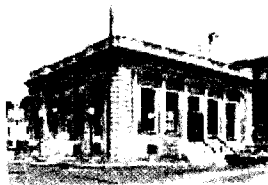
BE IT FURTHER RESOLVED; that the Common Council of the City of Middletown, NY, concurs with the Board of Estimate and Apportionment and authorizes the Treasurer to add the funds to the existing Traffic Services budget line A.3124.103.

The purpose of this award is to increase seat belt usage and reduce aggressive, speeding, distracted and other dangerous driving behaviors in an effort to reduce serious injury or death from traffic crashes.

ATTACHMENTS:

[PTS 2024.pdf](#)

JOHN EWANCIW
CHIEF OF POLICE



TELEPHONE
845-343-3151
FAX NUMBER
845-346-4140

CITY OF MIDDLETOWN POLICE DEPARTMENT

2 JAMES STREET
MIDDLETOWN, NEW YORK 10940
ESTABLISHED 1888

September 20, 2023

Honorable Joseph M. DeStefano
Mayor- City of Middletown
City Hall
Members of the City of Middletown Common Council
16 James Street
Middletown, NY 10940

RE: Police Traffic Services 2024-Middletown City PD-00092-(036)

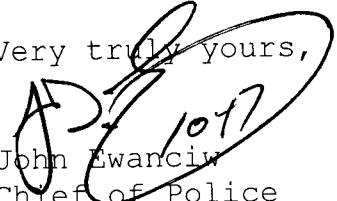
Dear Mayor DeStefano and Members of the Council:

We are requesting permission to accept an award in the amount of \$14,875 given to us by the New York State Governor's Traffic Safety Committee for the use in the "Police Traffic Services" program effective October 1, 2023.

The purpose of this award is to increase seat belt usage and reduce aggressive, speeding, distracted and other dangerous driving behaviors in an effort to reduce serious injury or death from traffic crashes.

Please prepare a resolution authorizing the mayor to sign the attached contract. Upon approval, I am asking that the funding be deposited into our existing Traffic Services budget line A.3124.103.

Very truly yours,


John Ewanciw
Chief of Police

JE:ccd



Department of Motor Vehicles

(518) 474-0972
Fax: (518) 473-6946

GOVERNOR'S TRAFFIC SAFETY COMMITTEE
6 EMPIRE STATE PLAZA • ALBANY, NY 12228

September 18, 2023

Jacqueline Welch
Sergeant
Middletown City Police Department
2 James Street
Middletown, NY 10940-5710

Re: PTS-2024-Middletown City PD -00092-(036)
Police Traffic Services
T007074
CFDA #: 20.600
EFFECTIVE DATE: October 1, 2023

Dear Sergeant Jacqueline Welch:

On behalf of the Governor's Traffic Safety Committee, I am pleased to notify you that the Middletown City Police Department has been awarded a total of \$14,875 to participate in the statewide Police Traffic Services Program. Our goal is to increase seat belt usage and reduce dangerous driving behaviors in an effort to reduce serious injury and death from traffic crashes. A breakdown of your grant award amount is as follows:

Category	Award Amount
Seat Belt Mobilization Enforcement	\$4,250
Regular PTS Enforcement	\$10,625
Other Than Personal Services	\$0
Grand Total	\$14,875

Before incurring any project related expenses, login to eGrants to review your approved budget as it may have been reduced or otherwise changed from what was requested. Crucial documents regarding your grant, the claims process, equipment, and other grant related topics can be found by visiting <https://trafficsafety.ny.gov/highway-safety-grant-program#grant-award>.

Attached to this email are the contract and a signatory page with instructions. Please follow the instructions to facilitate the prompt processing of your contract. The contract will only be effective after the Signature page has been signed by the County, City, Town, or Village, and notarized, then returned to, **and** signed by, the New York State Governor's Traffic Safety Committee.

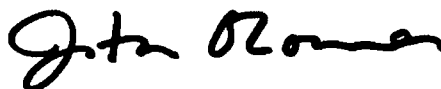
Please note the following requirement:

Payment for claims submitted under this grant award shall be rendered electronically in accordance with the Office of the State Comptroller's procedures and practices governing electronic payment unless payment by paper check is expressly authorized by the head of the State Agency, in his or her sole discretion after the Contractor establishes extenuating circumstances requiring payment by paper check.

TrafficSafety.ny.gov

Thank you for participating in this very important statewide enforcement program. I wish you success in your efforts. If you have any questions, please contact the Governor's Traffic Safety Committee at (518) 474-5111.

Sincerely,

A handwritten signature in black ink, appearing to read "Justin O'Connor".

Justin O'Connor
Director

CRD:bp
Enclosure

STATE OF NEW YORK MASTER CONTRACT FOR GRANTS FACE PAGE

STATE AGENCY (Name & Address): New York State Governor's Traffic Safety Committee 6 Empire State Plaza, Room 410B Albany, NY 12228	BUSINESS UNIT/DEPT. ID: DMV01/3700393 CONTRACT NUMBER: T007074 CONTRACT TYPE: ☐ Multi-Year Agreement ☐ Simplified Renewal Agreement ☒ Fixed Term Agreement
CONTRACTOR SFS PAYEE NAME: MIDDLETOWN CITY OF	TRANSACTION TYPE: ☒ New ☐ Renewal ☐ Amendment
CONTRACTOR DOS INCORPORATED NAME:	PROJECT NAME: Police Traffic Services - PTS
CONTRACTOR IDENTIFICATION NUMBERS: NYS Vendor ID Number: 1000002266 Federal Tax ID Number: 146002297 DUNS Number (if applicable): 966964405	AGENCY IDENTIFIER: PTS-2024-Middletown City PD -00092-(036) CFDA NUMBER (Federally Funded Grants Only): 20.600
CONTRACTOR PRIMARY MAILING ADDRESS: 16 JAMES ST MIDDLETOWN, NY 10940 CONTRACTOR PAYMENT ADDRESS: ☒ Check if same as primary mailing address 16 JAMES ST MIDDLETOWN, NY 10940 CONTRACT MAILING ADDRESS: ☐ Check if same as primary mailing address 2 JAMES ST MIDDLETOWN, NY 10940	CONTRACTOR STATUS: ☐ For Profit ☒ Municipality, Code: 330230000 000 ☐ Tribal Nation ☐ Individual ☐ Not-for-Profit Charities Registration Number: Exemption Status/Code: ☐ Sectarian Entity

STATE OF NEW YORK MASTER CONTRACT FOR GRANTS FACE PAGE

CURRENT CONTRACT TERM: From: 10/01/2023 To: 09/30/2024 CURRENT CONTRACT PERIOD: From: 10/01/2023 To: 09/30/2024 AMENDED TERM: From: To: AMENDED PERIOD: From: To:	CONTRACT FUNDING AMOUNT: <i>(Multi-year - enter total projected amount of the contract; Fixed Term/Simplified Renewal - enter current period amount):</i> CURRENT: \$14,875 AMENDED: FUNDING SOURCE(S) ☐ State ☒ Federal ☐ Other
---	---

FOR MULTI-YEAR AGREEMENTS ONLY - CONTRACT PERIOD AND FUNDING AMOUNT:
(Out years represent projected funding amounts)

#	CURRENT PERIOD	CURRENT AMOUNT	AMENDED PERIOD	AMENDED AMOUNT
1				
2				
3				
4				
5				

ATTACHMENTS PART OF THIS AGREEMENT:

- | | |
|--|--|
| ☒ Attachment A: | ☒ A-1 Program Specific Terms and Conditions
☒ A-2 Federally Funded Grants and Requirements Mandated by Federal Laws |
| ☒ Attachment B: | <div style="display: flex; justify-content: space-between;"> <div> ☒ B-1 Expenditure Based Budget
 ☐ B-3 Capital Budget
 ☐ B-1(A) Expenditure Based Budget (Amendment)
 ☐ B-2(A) Performance Based Budget (Amendment)
 ☐ B-3(A) Capital Budget (Amendment)
 ☐ B-4(A) Net Deficit Budget (Amendment) </div> <div> ☐ B-2 Performance Based Budget
 ☐ B-4 Net Deficit Budget </div> </div> |
| ☒ Attachment C: Work Plan | |
| ☒ Attachment D: Payment and Reporting Schedule | |
| ☐ Other: | |

IN WITNESS THEREOF, the parties hereto have executed or approved this Master Contract on the dates below their signatures.

CONTRACTOR:

MIDDLETOWN CITY OF

By: _____

Printed Name

Title: _____

Date: _____

STATE AGENCY:

New York State Governor's Traffic Safety Committee

By: _____

Mary Arthur

Printed Name

Title: Program Manager

Date: _____

STATE OF NEW YORK

County of _____

On the ____ day of _____, _____, before me personally appeared _____, to me known, who being by me duly sworn, did depose and say that he/she resides at _____, that he/she is the _____ of the _____, the contractor described herein which executed the foregoing instrument; and that he/she signed his/her name thereto as authorized by the contractor named on the face page of this Master Contract.

(Notary) _____

ATTORNEY GENERAL'S SIGNATURE

Printed Name

Title: _____

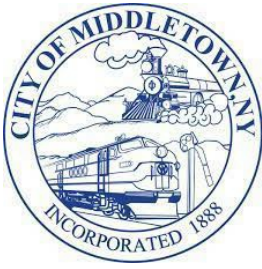
Date: _____

STATE COMPTROLLER'S SIGNATURE

Printed Name

Title: _____

Date: _____



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

THE FOLLOWING WAS PRESENTED

By Ald.

Sec'd by Ald.

Date of Adoption: October 3, 2023

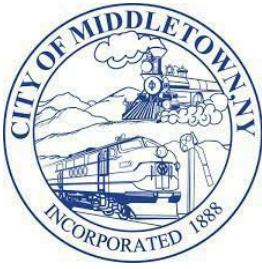
Index No: 194-23

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

Resolution accepting a \$500,000 Grant for the Purchase and Installation of New Decorative Light Poles and Light Fixtures In The Downtown

BE IT RESOLVED that the Common Council of the City of Middletown, NY, does hereby concur with the Board of Estimate and Apportionment to accept DASNY Grant #26122 for the amount of \$500,000.00, and to authorize the Mayor, as the sole signatory, to sign any and all documents pertaining to this grant.

This grant will be used to purchase and install approximately 150 decorative light poles and light fixtures for streets/sidewalks in the downtown. These will replace the existing downtown decorative light poles and fixtures. This grant was secured by Assemblywoman Gunther.



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

THE FOLLOWING WAS PRESENTED

By Ald.

Sec'd by Ald.

Date of Adoption: October 3, 2023

Index No: 195-23

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 Declaring a 2006 Ford F250 As Surplus

BE IT RESOLVED; that the Common Council of the City of Middletown, NY, concurs with the Board of Estimate and Apportionment and declares the following Recreation and Parks Department equipment as surplus and authorizes them to go to auction.:

2006 Ford F250- Vin:1FDAF57Y46EB56108- Plate: L97471. It will no longer pass inspection, stopped running and has a lot of rot. This truck is no longer needed by the City of Middletown for any governmental purposes.

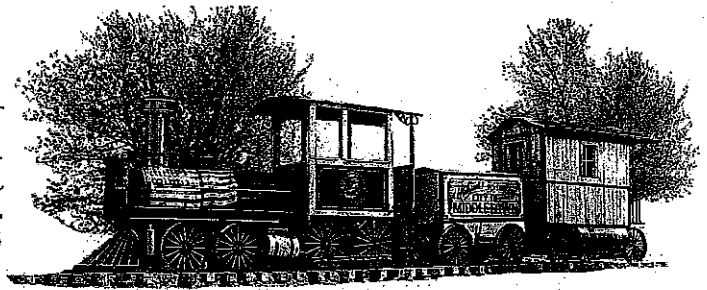
New Holland Ford Tractor Surplus- It has stopped running and has a lot of rust and rot. This tractor is no longer needed by the City of Middletown for any governmental purposes.

ATTACHMENTS:

[Recreation and Parks Surplus Equipment Request 10-2-23 BOE.pdf](#)

Middletown Recreation and Parks Department

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



Thursday, September 28, 2023

RE: Surplus Vehicle & Tractor

Dear Board of Estimates & Council Members:

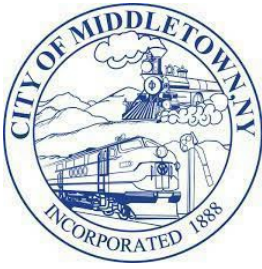
The Recreation & Parks Department is requesting authorization to declare a 2006 Ford F250 Vin:1FDAF57Y46EB56108 Plate: L97471 surplus and allow it to go to auction. It will no longer pass inspection, stopped running and has a lot of rot. This truck is no longer needed by the City of Middletown for any governmental purposes.

The Recreation & Parks Department is requesting authorization to declare a New Holland Ford Tractor Surplus and allow it to go to auction. It has stopped running and has a lot of rust and rot. This tractor is no longer needed by the City of Middletown for any governmental purposes.

Sincerely,

A handwritten signature in cursive script that reads "Raelynn Bertholf".

Raelynn Bertholf, Superintendent of Recreation
Middletown Recreation & Parks Department



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

THE FOLLOWING WAS PRESENTED

By Ald.

Sec'd by Ald.

Date of Adoption: October 3, 2023

Index No: 196-23

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

Resolution accepting a 2013 Ford Shuttle Bus from the Town of Wallkill

BE IT RESOLVED; that the Common Council of the City of Middletown, NY, concurs with the Board of Estimate and Apportionment and accepts a 2013 Ford Shuttle Bus from the Town of Wallkill, gifted September 28, 2023, and authorization for the mayor to sign the title.

The bus will be used for Senior Transportation Program and other community events as needed.

ATTACHMENTS:

[tow bus donation 2013 ford shuttle.pdf](#)

TOWN OF WALLKILL
99 TOWER DR BLDG A
MIDDLETOWN NY 10941

003134

CERTIFICATE OF TITLE

NEW YORK STATE

dmv.ny.gov



Title and Identification No.

1FDFF4FS8DDA89077
1FDFF4FS8DDA89077

Year

2013

Make

FORD

Model Code

EC4

Body/Hull

SUBN

Document No.

191604S

Color

WH

Wt./Sts./Lgth.

9855

Fuel

GAS

Cyl./Prop.

10

New or Used

USED

Type of Title

VEHICLE

Date Issued

6/24/19

Name and Address of Owner(s)

TOWN OF WALLKILL
99 TOWER DR BLDG A
MIDDLETOWN NY 10941

ODOMETER READING:

132805

ACTUAL MILEAGE

132805

This document is your proof of ownership for this vehicle, boat or manufactured home. Keep it in a safe place, not with your license or registration or in your vehicle or boat. To dispose of your vehicle, boat or manufactured home, complete the transfer section on the back and give this title to the new owner.

Lienholder

Lienholder

* NO LIENS RECORDED *

* NO LIENS RECORDED *

Lienholder

Lienholder

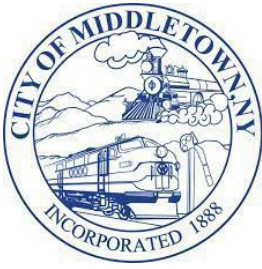
* NO LIENS RECORDED *

* NO LIENS RECORDED *

MV-999 (1/15)

DEPARTMENT OF MOTOR VEHICLES

125



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

THE FOLLOWING WAS PRESENTED

By Ald.

Sec'd by Ald.

Date of Adoption: October 3, 2023

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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