



**CITY OF MIDDLETOWN
COMMON COUNCIL MEETING AGENDA
NOVEMBER 6, 2023**

1. PLEDGE OF ALLEGIANCE
2. ROLL CALL
3. APPROVAL OF MINUTES
 - 3.1 Accept Minutes of September 19 and October 3, 2023
4. CORRESPONDENCE, COMMUNICATION AND REPORTS
5. FOR THE GOOD OF THE CITY
6. REMARKS OF THE MAYOR
7. REMARKS OF THE DEPARTMENT HEADS
8. PUBLIC HEARINGS AND GRIEVANCES
9. PETITIONS AND COMPLAINTS
10. REMARKS OF THE ALDERMAN AND REPORTS OF THE COMMITTEES
11. UNFINISHED BUSINESS
12. NEW BUSINESS
 - 12.1 Resolution Authorizing \$161,460 in Budget Transfers within the Police Department Budget
 - 12.2 Resolution Awarding the Bid for Wolslayer Field Lighting to Harry Rotolo & Sons Inc.
 - 12.3 Resolution Authorizing a Bond Resolution in the Amount of \$3,506,810 for the Water Storage Tank Project
 - 12.4 Resolution Authorizing a proposal with Marshall and Sterling for Workmen's Compensation Insurance for 2024
 - 12.5 Resolution to accept a Municipal Legislative Grant from the County of Orange in the amount of \$4,999.00

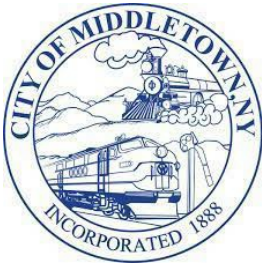
- 12.6 Resolution authorizing the Temporary Borrowing of \$500,000 from the General Fund for the purchase and installation of 150 decorative light poles and light fixtures for Streets/Sidewalks in the downtown.
- 12.7 Resolution authorizing an Amendment to a Bond Resolutions for PPU Extension on the ADA Sidewalks and Ramp Improvement Projects
- 12.8 Resolution Authorizing an Agreement with Orange County Youth Bureau
- 12.9 Resolution Amending City Code to Create a Fee for an Electrical Permit
- 12.10 Resolution Amending City Code as it Pertains to Renewing Rental Permits
- 12.11 Resolution Amending City Code to Create a Tax Exemption for Volunteer Fire Fighters
- 12.13 Resolution Authorizing the Closure of Union Street on Saturday, December 2 from 12:30p-8:00p for a 'Yuletide on Union Street' Holiday Market & Ice-Skating event

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: November 6, 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 September 19 and October 3, 2023

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ATTACHMENTS:

[09.19.23 CC Minutes.pdf](#)

[10.03.23 CC Minutes.pdf](#)



COMMON COUNCIL MEETING
CITY OF MIDDLETOWN
September 19, 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
Ald. Kate Wray
Ald. Joseph Masi

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

(Pledge of Allegiance)

2. Roll Call

PRESIDENT RODRIGUES: Roll.

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

3. Approval of Minutes

PRESIDENT RODRIGUES: Approval of minutes.

RICHARD MCCORMACK, CITY CLERK: We have the minutes from July 18th, 2023.

ALD. MASI: So moved.

ALD. JOHNSON: Second.

PRESIDENT RODRIGUES: Masi, Mr. Johnson. All in favor?

ALDERMANS: Aye.

4. Correspondence, Communications and Reports

PRESIDENT RODRIGUES: Correspondence.

RICHARD MCCORMACK, CITY CLERK: We have a thank you letter from the Country Fair of Otisville, New York thanking us for letting them use our lights for the fair this past August.

PRESIDENT RODRIGUES: Received and filed.

5. For the Good of the City

PRESIDENT RODRIGUES: Okay. For the Good of the City, if anyone would like to address the council

please step forward. This is gonna be nice. All right. We're gonna have a record.

6. Remark of Mayor

(None this evening)

7. Remarks of the Department Heads

PRESIDENT RODRIGUES: Remarks of Department Heads, Economic Development.

MARIA BRUNI, ECONOMIC DEVELOPMENT: Good evening, everyone. We have a few things happening this weekend. Senator Skoufis is having the annual Middletown Barbecue and Community Resource Fair at Erie Way Park. It's from 11 to 2:00, but the rain location is going to be Erie Way Park, not - - I know the flyers say, I believe, Galleria, but we've decide -- they decided today they'll stick with Erie Way Park under the pavilion, but it will be later in the afternoon. So just keep watching social media and our website and their website. So we look forward to that event.

Also, we have the music of Chicago Beginnings Friday night at the Paramount Theatre.

We're looking for the perfect Christmas tree again, so we -- we begun that process. Anybody knows of a nice 40-foot plus tree contact the bid office 343-8075.

Also, we're launching round two of our façade improvement grant program. We -- this is some funds from

leftover DRI façade. And we're launching that. And it's more of a distilled down program this time. The maximum award is \$29,000 and change, so that means a total project can't exceed \$39,000. And it's the 25/75 percent match. So that's being launched as of today, so we will look forward to hopefully -- and this is targeted just the bid district of downtown because these are the DRI funds and the target area is downtown.

And we're just moving ahead with housing rehab and small business loans as well. And that's all I have for tonight.

PRESIDENT RODRIGUES: Any questions for Maria? Did the old Nina's building, did it get a façade grant?

MARIA BRUNI, ECONOMIC DEVELOPMENT: They -- they turned it down. So, but we'll see if -- if they'll -- if they'll apply for this round for at least windows or something. But we have to -- it will go out to everyone. And we'll see if they come back.

PRESIDENT RODRIGUES: Okay.

MARIA BRUNI, ECONOMIC DEVELOPMENT: All right.

PRESIDENT RODRIGUES: Thank you.

MARIA BRUNI, ECONOMIC DEVELOPMENT: Yep.

PRESIDENT RODRIGUES: DPW Commissioner.

JACOB TAWIL, DPW COMMISSIONER: Good evening, Council President, Council Members. So we'll start off

updating the reservoir level. So we're at 100 percent, over 100 percent full. We're trying to maintain Shawangunk Reservoir down because they're doing some work right now, installing drainage system behind the dam. So we're trying to lower it as much as we can, but we have quite a bit of water. We've been bypassing a lot of it through Mill Pond. But we are -- we are completely full with the water level at the reservoirs.

Milling and paving and microsealing and crack sealing for City program has been done, completed. Now we're working on striping the roads that were done by the City. And we're even trying to find some contractor in there who will come and do it whose got direct machines. The way our guys are doing it they just with the paint machine and, you know, pushing it and following it. And it's not really it drew straight lines in there, so we're trying to do that in there. Having difficulty finding people, but we'll continue to do that, so. But you'll see all the crosswalks being striped, all the stop bars were be striped, all the important stuff will be striped.

Traffic operation, as you can see it's -- it's moving full speed. Today they paved -- they milled earlier and today they paved Canal Street. And we're working on some of the issues that comes up during construction such as voids under sidewalks. And they

have their own engineer designing it and our engineers and myself are looking at it and --and we're moving along. So right now they're shooting right across -- along -- doing Fulton and then going down Academy and then Dolson Avenue. That's the plan. We need one easement from Orange and Rockland by the public plaza in there because it's all public -- it's all private property in order for us to install the sidewalk. So that is being worked on.

Bill's Flavor, we're working to finalize the property taking from them, so we can finish that intersection. We've done everything we had to do. Thank you very much for supporting it. Now we're waiting for Bill's Flavor to sign it so that we can start the construction. The design has been done already for it.

There is some additional funding left over in the CMAC funding in Orange County and DOT project which is really federal funding through Orange County Transportation Council. We have applied for it, about \$620,000. So hopefully we will get the support of the county and the Orange County Transportation Council for that.

The -- for Alderman Rodrigues, Council President Rodrigues because he keeps telling me about the grass, this season we generated \$38,300 of fees and 100 -

- no, we don't want to do that, obviously.

PRESIDENT RODRIGUES: Good, punish them.

JACOB TAWIL, DPW COMMISSIONER: No, it's --it's we cut about 184 properties, 184.

PRESIDENT RODRIGUES: And on my end, I have denied everyone that came to the board. They were legit.

JACOB TAWIL, DPW COMMISSIONER: I saw that. I saw that. No, we appreciate -- we appreciate you guys and the guys doing the work, they appreciate you too. Not just taking anybody's word over -- over theirs.

And Highland Avenue tank, it's been drained. It's been without water for a few weeks now. And we're handing -- handling the pressure and the water demand adequately for the area for Vincent Drive and all that neighborhood in there and through the City because taking that storage volume out of Highland Avenue tank not being available for firefighting and all of that stuff. All the water right now is coming from the 2 million gallon, the storage tank at the water treatment plant. So we're keeping the tank up all the time to maintain the pressure. We're making some adjustment between different pressure systems, so we can have adequate pressure at Benson Drive. And so far there's no issues or no complaints, anything like that.

So the painting of that -- of that tank is

proceeding as -- as scheduled. We have construction contract signed for replacing the other Mountain Avenue tank and the Randal Heights Tank. And, I'm sorry, not Randal Heights the High Barney tank.

And -- and that will do it. Now, I will touch very quickly about the Resolutions before you. We ask for an increase in the septage hauling rate from 10-and-a-half cents per gallon to 11-cents-per gallon. At the rate we're taking right now it will generate another \$25,000 for us per year.

There are some budget transfers in here just to cover some -- some items that are needed. If you have any questions I'll be happy to address them.

Do you have any questions for me?

PRESIDENT RODRIGUES: Alderman Witt.

ALD. WITT: Thank you, Commissioner. I just want to say that the -- the crosswalks in the intersection throughout the City look amazing.

JACOB TAWIL, DPW COMMISSIONER: Very nice.

ALD. WITT: I'm hearing from people who live in the City and people who don't even live in the City who have not been around in awhile and just it looks fantastic. Thank you.

JACOB TAWIL, DPW COMMISSIONER: Thank you very much. We hear the same thing as well from people who are

visiting and so on. Very nice. Thank you.

PRESIDENT RODRIGUES: Alderman Kleiner.

ALD. KLEINER: Thank you. They do look great. But speaking of crosswalks, Monhagen and Oliver Avenue, it is just such a dangerous --

JACOB TAWIL, DPW COMMISSIONER: Yeah.

ALD. KLEINER: -- intersection. And when you do get to striping that should be at the top of the list because right now there's no stripping, there are no signs saying danger, slow down for pedestrians in crosswalk and, you know, you have Monhagen Auto with the cars parked out towards -- towards Monhagen, so you can't see up the road. You can't see cars coming up -- down the hill. It's -- it's really --

JACOB TAWIL, DPW COMMISSIONER: That's part of this project. That's part of this project, part of the traffic operation.

ALD. KLEINER: Well --

JACOB TAWIL, DPW COMMISSIONER: And there's gonna be --

ALD. KLEINER: It can't be soon enough.

JACOB TAWIL, DPW COMMISSIONER: Oh, I understand that. We -- we all agree. That's why it was studied and we've done the traffic counts in there to see if you can justify putting a traffic light and there's no

traffic light justification for it. So we're gonna have the blinking lights. I believe that's what I have. I haven't looked at it recently.

ALD. KLEINER: Right. In the meantime, when you're stripping that should be the top of the stripping list.

JACOB TAWIL, DPW COMMISSIONER: Yeah, I just don't want to put --

PRESIDENT RODRIGUES: Kevin was there today.

JACOB TAWIL, DPW COMMISSIONER: Huh?

PRESIDENT RODRIGUES: Kevin was out there today measuring.

JACOB TAWIL, DPW COMMISSIONER: Was he?

PRESIDENT RODRIGUES: Spray painting the new, you know, the new pavement.

JACOB TAWIL, DPW COMMISSIONER: Good. They just got to be careful without the -- I just don't want to speak out because I haven't reviewed the plans for a long time. But that's done and designed. You've got to be careful to not put crosswalks in there without the proper caution lights that would go with it, so that people are protected, because of, you know. So we'll -- I'll update you on that where we are.

ALD. KLEINER: We had the crosswalk there and you paved over it now.

JACOB TAWIL, DPW COMMISSIONER: Okay. So that's what he's measuring to restore it then.

ALD. KLEINER: Yep.

JACOB TAWIL, DPW COMMISSIONER: Okay, good.

PRESIDENT RODRIGUES: It needs it because a lot of kids do cross that.

JACOB TAWIL, DPW COMMISSIONER: I agree. Yeah, I agree.

PRESIDENT RODRIGUES: There's like maybe seven buses that stop there too.

JACOB TAWIL, DPW COMMISSIONER: Yep.

PRESIDENT RODRIGUES: Alderman Jean-Francois.

ALD. JEAN-FRANCOIS: Commissioner, over the weekend I see our guys picking up the old-fashion way as far as the recyclables. Is there a reason for that?

JACOB TAWIL, DPW COMMISSIONER: Yeah. We do it, yeah, like that all the time, unfortunately because the -- the volume of the recyclables is huge. Remember now, when we're picking up garbage, we're picking up the garbage four different wards, 1st, 2nd, 3rd, 4th; right? Recyclable it's all picked up in one day. So we'll have the three armed trucks in there working that we own picking up the, you know, the new way and we have the other two trucks in there going in there, the rear loaders with the guys. They're not carrying anything.

They're not allowed to carry anything. They're just rolling the blue container over to the tipper that's in the back of the rear loader and then it -- and then it dumps it there. So that's always. We're gonna continue to do that for -- for, you know, because we have a lot of volume and recycles. That's why we have the five trucks instead of just the three going to each ward because we're picking up the whole city.

ALD. JEAN-FRANCOIS: All right. Thank you.

JACOB TAWIL, DPW COMMISSIONER: Yes.

PRESIDENT RODRIGUES: Anyone else?

JACOB TAWIL, DPW COMMISSIONER: Yeah, one more thing about the traffic and the crossing in there. One of the issue with the read dedications that we are having with the -- with the Miamisberg which is the development on East Main and Anthony Street in the City of Middletown is we're having a disagreement with the developer in there. The Planning Board, just so you guys are aware of it, the Planning Board resolution many years ago they approved the project with developer having to do a study to see if a traffic light is required between Magnolia Road and East Main Street. That's the main entrance. So they've done the traffic study and the traffic study and the counts did not show a need for a traffic light. So, however, Alderman Tobin and I believe Alderman Jude as

well they wrote it up that, hey, there are walkers in their street, school walkers. They walk from that development, 150 units. They're gonna have children in there going to the high school. They walk because there isn't no busing there. How are they gonna cross the road? So we've been arguing with the developer back and forth. And now he's getting lawyers involved. He doesn't want to do anything, a blinking light. It is true that warrants they call them does not justify adding a new traffic light per DOT specifications and requirements. However, we want at least a pedestrian crossing across East Main Street and some kind of a blinking light in there to alert the public otherwise, you know, the people -- the kids will sit there for half an hour trying to run for it.

PRESIDENT RODRIGUES: And it's hard to make a left.

JACOB TAWIL, DPW COMMISSIONER: And -- and -- and --

PRESIDENT RODRIGUES: Really hard. Like 4, 5:00 when East Main is really busy --

JACOB TAWIL, DPW COMMISSIONER: Yep.

PRESIDENT RODRIGUES: -- I cannot pull out and make a left.

JACOB TAWIL, DPW COMMISSIONER: Yep. And the
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Council President, he brought that to my attention too. He sat there, stuck trying to make a left onto East Main Street from Magnolia. And, you know, just -- so -- so if you see, you might -- you might have problems between us and the developer we worked, I just want to assure you that we worked very closely together throughout the project, we helped out. And he -- he was helping out, but now for some reason he -- he's not-- he's not working with us about -- about some kind of pedestrian crossing and a blinking light in there to protect the people who live in that area. And they bought nice houses in there. It's a very nice development, very expensive development, the housing going over there. He did a great job in there. But now we're -- we're -- we're at a disagreement so you guys are aware of it if it comes before you with the attorneys and all that.

PRESIDENT RODRIGUES: All right.

Alderman Kleiner.

ALD. KLEINER: You reminded me talking about the kids and the school. At our constituents meeting someone brought up that apparently at certain times of the day they're making Grand Avenue just one way, so they're not allowing traffic to go from Wisner down Grand Avenue. And I don't remember us approving that at all. I don't remember know -- the police chief isn't here to

ask about that. So I didn't know if you knew anything about that.

JACOB TAWIL, DPW COMMISSIONER: No, I didn't know anything about that. Making Grand Avenue one way?

ALD. KLEINER: Yeah, while the traffics coming in.

PRESIDENT RODRIGUES: Yeah, I think Witt (inaudible) for that.

JACOB TAWIL, DPW COMMISSIONER: Okay. I don't know anything about that.

ALD. WITT: So --- so the way they're doing that is for the last couple, three years you can't make a left or a right onto Grand from Wisner from 7:20 to like 7:40. So it's like 20 minutes because that involves the school drop off. So what they're allowing people to do in the new drop off zone is you can come out of that zone and actually make a left up Grand, but you can't come off of Wisner to make Grand. And what they -- and then it opens back up again, like, quarter to 8.

JACOB TAWIL, DPW COMMISSIONER: I guess the police department is controlling that; right? Kevin, the police department is doing that, yeah?

ALD. WITT: Yes. Yes.

PRESIDENT RODRIGUES: Jacob, one last thing. Truck 3, the old truck 3 at the old water treatment

plant, we're not driving it to Puerto Rico; correct?

JACOB TAWIL, DPW COMMISSIONER: I don't know.

Did we have a change of plans?

PRESIDENT RODRIGUES: We need to do something with it. It sits --

JACOB TAWIL, DPW COMMISSIONER: I agree.

PRESIDENT RODRIGUES: It's sitting there. I don't think it's sitting there --

JACOB TAWIL, DPW COMMISSIONER: That's the ladder. I explained to them. It's the old ladder truck that we had in there. The City was gonna donate that to Puerto Rico when they had the disaster.

PRESIDENT RODRIGUES: Can't get it there. It's very hard.

JACOB TAWIL, DPW COMMISSIONER: It's very expensive.

PRESIDENT RODRIGUES: And, you know, I think we need to do something.

JACOB TAWIL, DPW COMMISSIONER: Yeah. We can bring it back to the Board of Estimate if you wish. Absolutely.

PRESIDENT RODRIGUES: Yes. All right. Thank you, Jacob.

JACOB TAWIL, DPW COMMISSIONER: Thank you.

City Clerk.

RICHARD MCCORMACK, CITY CLERK: Nothing this evening.

PRESIDENT RODRIGUES: Questions for the City Clerk? All right.

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: Nothing this evening.

PRESIDENT RODRIGUES: Alderman Witt.

ALD. WITT: Thank you. I just have two things. Both sort of school related, but also community related as well. Congratulations to the football team for bringing the bell back home from Port Jervis last Thursday, 29 to 8. It was good to see so many folks there and I actually think that Middletown had more people there than Port Jervis, at least it sounded that way. So it was a great day and the kids are really enjoying the fact that the bell is back home and -- and our community really seems to get into that. It's not just your usual parents and, you know, kid crowd. You have a lot of older folks. And it, it was a nice night.

And then the second thing is on this Saturday at 10, 10:00 we're having at the high school the first induction of the Middletown Athletic Wall of Fame. And it's -- it's been a number of years in the making. David Coates, the athletic director, did a really good job putting this together. And there are seven people.

And this is gonna be if you are in the lower athletic loop through that entrance way if you go near the gym to the right there's like, it's a wall, it's like, a digital touch screen. And it has the plaques, it's not really plaques, but like a fabric covering. And you'll be able to touch the screen and see about the person. But it's also a website that we're gonna have available. So the induction ceremony is 10:30 on Saturday. It starts at 10. And they're gonna be introduced at the game. That's at 1:00 against Kingston. They're gonna come out for the coin toss. It should be a really nice day. And -- and the seven people who are getting in for our community to -- to hear and know is Dick Wolslayer, Joe Radivoy, Stacy Morris, Lois-Ann Hayes, Mike Aviles, Tim Reynolds, and Mel Molsey. So it should be a really nice day and I wish those folks congratulations. And it will be nice to have the spotlight for sure. Thank you.

PRESIDENT RODRIGUES: Thank you.

Alderman Green.

ALD. GREEN: Thank you very much. Yeah, Alderman Witt said it the best. Congratulations to the Middies. Seeing everyone on Facebook and just chatting, you know, regardless of age, where you are in City, it's awesome to see everyone come together over such a great event and win. I hope we can hold it for, you know, as long as we -- we can. So good for that. And just because in the news a fire parade in Middletown technically addressed was cancelled. It's not the Middletown. Middletown's Fire parade still going on on October 7th, so hope to see everyone out there. Thank you.

PRESIDENT RODRIGUES: Thank you. Alderman Witt -- Kleiner.

ALD. KLEINER: Thank you. Kevin, where is that ceremony going to be held?

ALD. WITT: It's at the -- well, the actual ceremony is going to be in the lower level of the high school. You go through the -- the lower entrance and then when you hit the gym you make a quick right and it's, like, between this new collaborative space and the gym. So that will be where the ceremony will be held. The ceremony will probably go from 10:30 until maybe noon. And then they're gonna bring everybody down in the

beginning at the field before the game. And then they'll be involved like the coin toss and introduce -- or they'll be introduced to the -- the fans. I'm sorry if I didn't say that. I apologize.

ALD. KLEINER: Yeah, no. Thank you. And Andrew reminder to everybody about the fire parade because people seem surprised when I mention the fire parade because we have our -- and that's October 7th, it's a Saturday. And that's when we were gonna have our historical society 100th Anniversary meeting, but we weren't gonna compete with the fire parade. So it's gonna be on October 14th. It's gonna be at Carlo's from about 12:30 to 2 or so. And anyone can come to that. It's our annual membership meeting. We have to have that every year. But it's, you know, it will be combined with a luncheon and a lot of things going on. So anyone interested in attending, you can get in touch with me or leave a message at the Historical Society. That number is 342-0971. And that's it. Thank you.

PRESIDENT RODRIGUES: All right. Alderman Wray.

ALD. WRAY: I don't have anything this evening. I just want to say congrats, go Middies. The bells back where it belongs. I always love when it's in the Christmas parade and it's a lot to be excited about here,

especially in Middletown with our kids, and our athletics and our scholars. And they're just doing great things, so pay attention.

PRESIDENT RODRIGUES: Alderman Johnson.

ALD. JOHNSON: Thank you. I too will congratulate the Middies, but I really also want to know if we all enjoyed the double rainbow last night. Fully intact, two rainbows. Come on. You can't get better than that. Thank you.

PRESIDENT RODRIGUES: Alderman Jean-Francois.

ALD. JEAN-FRANCOIS: Congratulations to the Middies. Great job, wonderful game. Actually I didn't get a chance to see it, but I listened to it on the radio. It was pretty exciting.

And, also, kudos to the street department. These guys have been working their tails off. You know, I think we're gonna be in great shape for the winter just because the hard work they've been doing recently as far as the paving and microsealing all the hard work that they're doing. And with the sanitation, these guys are also doing great jobs. And I've watched these guys from the window on the weekend and they're doing a wonderful job. I want to thank everyone that's involved in that.

And, Maria, you and your staff are doing a great job with the housing development. Thank you.

PRESIDENT RODRIGUES: Alderman Tobin.

ALD. TOBIN: Nothing this evening.

11. Unfinished Business

(None this evening)

12. New Business.

PRESIDENT RODRIGUES: New business.

RICHARD MCCORMACK, CITY CLERK: Good evening.

We have a Resolution sponsored by Alderman Massi authorizing a rate increase for the Septage -- Septage Acceptance.

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

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

RICHARD MCCORMACK, CITY CLERK: Resolution sponsored by Alderman Johnson authorizing budget transfers to cover Orange and Rockland utility bills through December 2023.

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

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

Rodrigues. Carries.

RICHARD MCCORMACK, CITY CLERK: Resolution sponsored by Alderman Jean-Francois authorizing a \$272,050 budget transfer to cover H2O contract at the Water Treatment Plants.

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

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

RICHARD MCCORMACK, CITY CLERK: Resolution sponsored by Alderman Masi waiving the City of Middletown's marriage license fee for active duty military personnel.

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

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

13. Local Laws

RICHARD MCCORMACK, CITY CLERK: We have a Local Law Number 2 of 2023 sponsored by Alderman Johnson amending the provisions in the enforcement of delinquent

property taxes to comply with the ruling of the United States Supreme Court in the Tyler versus Hennepin County case.

PRESIDENT RODRIGUES: Resolution sponsored -- Local Law sponsored by Alderman Johnson. Do I have a second? Alderman Green. Any discussion? Roll.

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

Move for adjournment? My bad.

14. Audit of Claims and Accounts

PRESIDENT RODRIGUES: Audit.

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

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

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

15. Adjournment

PRESIDENT RODRIGUES: Now move for adjournment.

(PROCEEDING CONCLUDED)

CERTIFICATION

I, LISA KANE, certify the foregoing transcript of proceedings of the September 19, 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: October 23, 2023

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



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

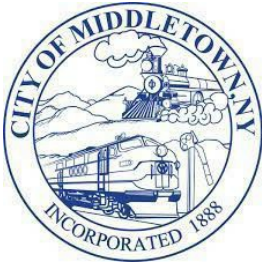
1. PLEDGE OF ALLEGIANCE
2. ROLL CALL
3. APPROVAL OF MINUTES
 - 3.1 Accepting the Minutes of July 18, 2023
4. CORRESPONDENCE, COMMUNICATION AND REPORTS
5. FOR THE GOOD OF THE CITY
6. REMARKS OF THE MAYOR
7. REMARKS OF THE DEPARTMENT HEADS
8. PUBLIC HEARINGS AND GRIEVANCES
9. PETITIONS AND COMPLAINTS
10.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

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

14. AUDIT OF CLAIMS AND ACCOUNTS

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

15. ADJOURNMENT



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

THE FOLLOWING WAS PRESENTED

By Ald. Masi

Sec'd by Ald. Green

Date of Adoption: September 19, 2023

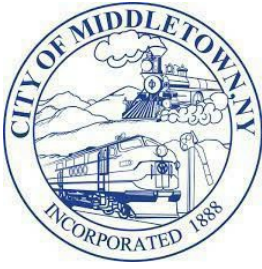
Index No:

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

Accepting the Minutes of July 18, 2023

ATTACHMENTS:

[07.18.23 CC Minutes.pdf](#)



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

THE FOLLOWING WAS PRESENTED

By Ald. Masi

Sec'd by Ald. Johnson

Date of Adoption: September 19, 2023

Index No: 185-23

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

Resolution Authorizing a Rate Increase for Septage Acceptance

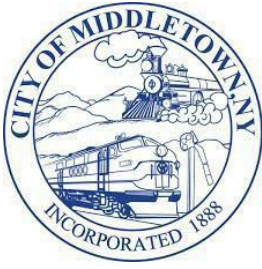
WHEREAS The City of Middletown Wastewater Treatment Plant has been accepting sludge from septage haulers at the cost of \$.105 per gallon since December 1, 2016; and

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

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

ATTACHMENTS:

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



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: 186-23

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

Resolution Authorizing Budget Transfers to Cover Orange and Rockland Utility Bills through December 2023

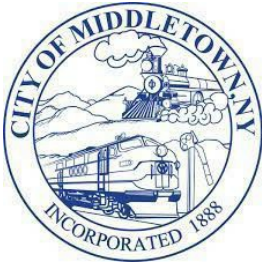
RESOLVED; that the Common Council of the City of Middletown, NY, concurs with the Board of Estimate and Apportionment and authorizes the Treasurer to transfer funds, in the following manner, to cover the costs of O&R utilities for the remainder of the year.

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

The electric supply charge per KWH increased from 5.435 cents to 10.844 cents beginning at the end of December 2022 (with billing generated at the end of January 2023).

ATTACHMENTS:

[Appvd BOE memo.pdf](#)



CITY OF MIDDLETOWN, NEW YORK COMMON COUNCIL RECORD OF VOTE

THE FOLLOWING WAS PRESENTED

By Ald. Jean-Francois

Sec'd by Ald. Kleiner

Date of Adoption: September 19, 2023

Index No: 187-23

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

Resolution Authorizing a \$272,050 Budget Transfer to Cover H2O Contract at the Water Treatments Plants

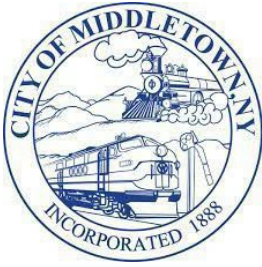
RESOLVED; that the Common Council of the City of Middletown, NY, concurs with the Board of Estimate and Apportionment and authorizes the Treasurer to transfer \$272,050, in the following manner, to cover H2O contracts for operation at WTP and WWTP.

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

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

ATTACHMENTS:

[transfer.pdf](#)



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

THE FOLLOWING WAS PRESENTED

By Ald. Masi

Sec'd by Ald. Kleiner

Date of Adoption: September 19, 2023

Index No: 188-23

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

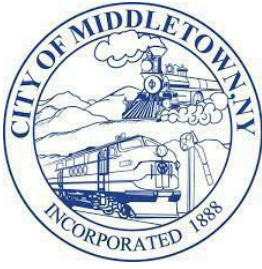
Resolution Waiving the City of Middletown's Marriage License Fee for Active Duty Military Personnel

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

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

ATTACHMENTS:

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



**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:

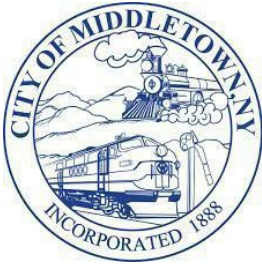
The city of Middletown may become the purchaser at any sale which may be made under the provisions of this act, and in case the said city shall be vested with the same rights as any other purchaser, but in no case shall the city at such sale bid a sum or become the purchaser for a greater amount than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

Sec'd by Ald. Witt

Date of Adoption: September 19, 2023

Index No:

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

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

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

TREASURER BE AUTHORIZED TO ISSUE WARRANTS FOR THEIR PAYMENTS



COMMON COUNCIL MEETING
CITY OF MIDDLETOWN
October 3, 2023 Minutes
City Hall
16 James Street
Middletown, New York 10940

PRESENT:

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

ALSO PRESENT:

Richard McCormack, City Clerk
Joseph M. DeStefano, Mayor
Alex Smith, Esq., Corporation Counsel

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

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

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1. Pledge of Allegiance

(Pledge of Allegiance.)

2. Roll Call

PRESIDENT RODRIGUES: Roll.

MR. MCCORMACK: Alderman Tobin.

ALD. TOBIN: Here.

MR. MCCORMACK: Alderman Jean-Francois.

ALD. JEAN-FRANCOIS: Here.

MR. MCCORMACK: Alderman Johnson.

ALD. JOHNSON: Here.

MR. MCCORMACK: Alderwoman Wray.

ALD. WRAY: Here.

MR. MCCORMACK: Alderman Kleiner.

ALD. KLEINER: Here.

MR. MCCORMACK: Alderman Green.

ALD. GREEN: Here.

MR. MCCORMACK: Alderman Witt.

ALD. WITT: Here.

MR. MCCORMACK: Alderman Masi.

ALD. MASI: Here.

MR. MCCORMACK: President Rodrigues.

PRESIDENT RODRIGUES: Here.

A quorum is present.

3. Approval of Minutes

PRESIDENT RODRIGUES: Okay, approval of minutes.

MR. MCCORMACK: September 15th -- I'm sorry.
August 15th and September 5th.

ALD. MASI: So moved.

PRESIDENT RODRIGUES: Motion to approve both;
Mr. Masi, seconded by Alderman Witt.

All in favor?

Alderman Kleiner?

ALD. KLEINER: I just -- I couldn't be sure
whether it is August 15th or September 5th but, when we
talked in our remarks about Barbara Bedell and Chris
Farlekas, in the minutes, it says Barber, B-A-R-B-E-R
Bedell. I would like that corrected to Barbara.

And Chris Farlekas, I would like it clear that
it's Chris Farlekas because it's just, they say, phonetic,
and it's not recognizable.

MR. MCCORMACK: Noted.

ALD. KLEINER: Those two corrections.

PRESIDENT RODRIGUES: Anyone else? Okay, all in
favor?

(Chorus of aye.)

4. Correspondence, Communications, and Reports

PRESIDENT RODRIGUES: Correspondence.

MR. MCCORMACK: We have a standard notice form
for providing a 30-day advance notice to a local
municipality or community board for a liquor license from

IKARO Steakhouse, Inc.

PRESIDENT RODRIGUES: Received and filed?

UNIDENTIFIED SPEAKER: Yup.

MR. MCCORMACK: We also have a letter from the Stewart Military Appreciation Picnic.

Dear Honorable Joseph DeStefano: On behalf of the Planning Committee, I would like to personally thank you for so generously donating the stage for the Military Appreciation Day 2023.

This year's picnic was a great success and it couldn't have happened without you. Your donation meant that our military neighbors at Stewart Air National Guard Base enjoyed a wonderful day of family fun, music, and great food. In all, thousands of servicemembers and their families spent the day with us and it was clear that they enjoyed the event.

Your good work and outstanding dedication is appreciated by me and, most importantly, by our military family.

Best Regards, Alan Seidman.

PRESIDENT RODRIGUES: Okay, received and filed.

5. For the Good of the City

PRESIDENT RODRIGUES: For the Good of the City. I'd like to call the mayor up.

MAYOR DESTEFANO: Good evening. You know we

have had opportunity over the last year or so, we started a pretty nice tradition of recognizing long-time business people in our community. And you know we've given awards in recognition to Tony Boffa, Tony Boffa's Restaurant, 70 plus year and, also, Maria Bruno from Maria's Fashions on Prospect Avenue.

Tonight you have the honor of recognizing Dr. Thomas Littner, who recently retired, although, he's not old enough to retire I think. He tells everyone he's still 40-something years old. But he -- Tom has been practicing for 40 plus years and he is a SUNY Orange Alumni, Middletown business owner, as I said, for 40 plus years.

He has been volunteering at our community in many areas, from Middletown Little League Coach to Orange-Ulster BOCES Dental Assistant Program teacher. He is part of the ENCORE Program. He is staff at Garnett Hospital, a Kiwanis member for 15 -- or 30 -- 35 years. Maybe he can be an eye doctor, rather than a dentist; I could use him right now. And also, a member of the Elks for many, many years.

But Tom epitomizes what Middletown is. It's a small community, still, where we all recognize the role that others play in our community, and how they have lived their life here, and also benefited so many and impacted

on so many people's lives.

So, I wanted to bring Tom up and give him a token of our appreciation on behalf of the City of Middletown, and the City of Middletown Common Council, and myself, and ask him to say a few words because he is a man of few words.

So, come on up, Tom. He said more than a few words. Congratulations and --

DR. LITTNER: Thank you very much, everybody.

MAYOR DESTEFANO: -- we appreciate all the time that you have (inaudible).

DR. LITTNER: So, I'm allowed to say a few words so, that's all I'm going to do.

But so, thank you, Mayor, and your team. You have a lot of people behind you and for you. And so, that's something that's wonderful about Middletown is the leadership of the Mayor.

Common Council, thank you for -- and the other Department heads that are here this evening. Thank you for all that you do for Middletown. I mean for me, it doesn't get unnoticed. I mean I see the -- I see the work that's going on now with the sidewalks, the paving, the plowing, the Common Council helping me when I've changed all my zoning over the years. I appreciate all of that because that enabled me to continue to grow and expand my

office and my business.

It seemed like every time I came up here, it was like a hot knife through butter. I mean I just walk up here and everybody's like, okay, whatever you want. And it was like so wonderful. I know it wasn't that easy but, let me tell you, it helped me greatly to have that support and love from Middletown and love from Middletown.

Thank you, of course, to my family, who is here. And so, they have helped me, of course, obviously.

The City of Middletown has been very good to me over the past 40 years and I thank you for all your support.

Thank you.

PRESIDENT RODRIGUES: Thank you.

MAYOR DESTEFANO: It's not a gold watch, Doc, but it's a little token of our appreciation. And also, thank you to Theresa and your family for all the support they have given us also, to the City of Middletown.

6. Remarks of the Mayor

MAYOR DESTEFANO: So, moving on, I touch on the ambulance issue in a pre-meeting. I'll be giving more detail on that in the near future, as we get more details on what's happening.

But just in general, the ambulance crisis is a Statewide crisis right now with not only response time

but, staffing and costs. And we are going to be looking at potentially some problems with not only service but cost of service. So, we'll -- but we'll be getting into more detail as we go ahead and we're trying to get more information out of our State representatives on that.

I don't have much more. We discussed some items in committee and I'm here to take your questions, if you have any.

Mr. Masi.

ALD. MASI: Mr. Mayor, you want to mention that the budget process that's in place right now --

MAYOR DESTEFANO: Yes, yes. Well, we have begun the budget process. We've gone through each department head -- each department, so far. And we, as usual, the requests far exceed the revenues and so, there's -- it's going to require significant cutting within the budget.

We also have you know additional requests that are legitimate requests. For example, we met today with the Warming Center, Jerry Kleiner, one issue that we've had with the -- not issue but it's a concern is the Warming Center closes -- releases everyone at 7:00 and public buildings are not opening until 9:00. So, on bitter cold days, the folks have been looking for places to go, whether they are doorways or private property in the downtown area, it became a concern. Plus, the weather

conditions were not conducive to someone being out in that bitter cold.

So, we asked the Warming Center folks to look at a possibility of extending their hours to, for example, when the Salvation Army may open or other, like the library, may open. And they did come back with a plan today. We're evaluating the plan. We're hoping to have some funding options moving forward.

It's not a lot of money but it's something that's unanticipated in the budget process, at this point, but it's only a small amount of money. The big amount of money, of course, would be the ambulance issue.

But we still have significant cuts to make in our budget, though, and budget requests. So, we'll be hoping to meet all deadlines. Leonora is doing whatever she needs to do with transfers. As you know, we do transfer money from our water fund into our general fund. So, we'll have a better and clearer picture for you probably within the next couple of weeks.

Any other questions? All right, thank you.

5. FOR THE GOOD OF THE CITY (Con't.)

PRESIDENT RODRIGUES: All right, going back for the Good of the City, anyone who would like to address the Council, please step forward.

MS. CID: Hello, good evening, everyone. My

name is Vanessa Cid, 7 Linden Avenue, and also with For the Many Today. So happy to see so many of your faces.

I'm here today to urge you all to conduct a vacancy study in the City of Middletown. As you know, Middletown currently is facing a housing crisis, as any other city in the Hudson Valley, across the State, and Nationwide.

Right now, what we're seeing is that the State legislative session has left out our tenants and some things that we've done to protect them. Doing so, would create a Rent Guidelines Board that can freeze or possibly even reduce rent in buildings with six or more units built before 1974.

The City of Kingston has actually already done this and the cities of Newburgh and Poughkeepsie are in the process of doing their own vacancy studies.

We should not let Middletown fall further behind. And in your mailboxes, you all should have gotten the rent increase that one of the buildings on 70 Sproat Street got. They actually got a rent increase last year; \$200. This year, \$400.

Our communities are being priced out. We can't afford to live here. And the thing that's even more disheartening is that, in the letter, it says that, if they wish to continue renting, they continue their payment

with the new rent increase on November 1st or they self-evict.

People have nowhere else to go and the tenants that I've been speaking to at this building have picked up a third job. So, now they don't even have time to spend time with their children, to help them with their homework, eat dinner with them, let alone go to their activities after school.

So, right now, in New York State, many people are not familiar but there is actually no roof in place that says a landlord can raise your rent up to X amount. Unless you live in a rent-regulated apartment building, your landlord is actually allowed to raise your rent for up to \$1,000 and there is absolutely nothing you can do about it because they are in all their given right.

So, there's a solution here: ETPA. You all received the information. I reached out to a couple of you. I haven't heard back but I do hope that it's something that you all will take into consideration and follow up with me.

Thank you.

PRESIDENT RODRIGUES: Thank you.

Anyone else?

UNIDENTIFIED SPEAKER: Good evening. We are here in representation of middle -- Soccer Club of

Middletown. Here are some of our children, and parents, and coaches, as well.

So, we are here to make our request. The Soccer Club of Middletown has been actively servicing families in the City of Middletown since 2015 and has been a part of the East Hudson Youth Soccer League since 2021.

Two of our groups, the Wolves and the Tigers, are the current reigning champions of the league. Due to increasing interest in the men, we have expanded this year and added another age division to our team. Our coaches volunteer their spare time and passion for the sport to provide the City youth with the best experience possible. Most of the cost, maintenance, and upkeep of the league are at the expense of the coaches, volunteers, and parents.

We are reaching out today to ask the City of Middletown for help in which every way is possible. We are grateful for the support we have been receiving from the Parks and Recreation Department and they allow usage of the Watts Park fields.

However, compared to other sports fields on the ground, they do not compare. On the upper part, where the soccer field is located, there are multiple holes due to the rain erosion and flooding, which increases the chances of injuries. When heavier rain is received, it takes days

for the fields to dry out the pockets of water that build up.

We lack field lighting that, during this time of the year, is crucial. We currently depend on parents, who turn on their headlights facing the field to light the area after the sun goes down.

We have been told multiple times that the goals and nets do not meet the standards for the age of children on our teams. The coaches purchased netting themselves, however, the cost of the constant repurchasing is becoming increasingly difficult.

We are also requesting, if possible, to have some sort of safety netting along the main fence to catch potential high-kick balls to prevent damage to cars parked in the lot.

We try our best to run our program throughout the year but, with the colder months approaching, practicing outside will become increasingly difficult to do so. It would be great to have a place to practice indoors, at least once a week, in order to keep these children engaged and active, even during this time of the year.

We appreciate your time and patience in hearing us. We hope to be able to continue serving the youth and families of this community with your help.

Thank you.

PRESIDENT RODRIGUES: Thank you.

Okay, anyone else?

7. Remarks of Department Heads

PRESIDENT RODRIGUES: Okay, moving over to the Department Heads.

Economic Development.

MS. BRUNI: Good evening.

We had a Community Development Agency meeting at 7:15; updated you on the properties that we've sold and properties that are underway for renovations and sale through our Home Buyer Program.

We are going to post -- thank you, Alderman Tobin. We're going to post some of our before and afters and about our program on our new website. So, you could check that out and learn more about our Home Buyer Program.

On the Paramount front, this weekend we have, Saturday night, "Shadows of the 60s," a tribute to Motown supergroups. Come out and see a great show Saturday night. Showtime is at 8:00. You can buy tickets online middletownparamount.com or at the door.

Also, in conjunction with Run4Downtown, the business improvement district in the city, we are doing our first Pumpkin Patch at Erie Way Park and we're going

to be giving away free pumpkins. We're going to have some music, decorating, and more. And this is going to be October 14th, starting at 10:00 a.m.

And I would like to thank Run4Downtown organization. I know we got through the big race in August. They are going to be purchasing all the pumpkins for that day.

And also, coming in October, is our Heart-A-Thon, 2023 Heart-A-Thon weekend at the Paramount. Great movies. And thank you to Eileen, who is behind that door, who puts these movies together and gets everything going for our Heart-A-Thon weekend.

And that's all I have right now.

PRESIDENT RODRIGUES: Any questions for Maria?

MS. BRUNI: Thank you.

PRESIDENT RODRIGUES: Thank you, Maria.

DPW Commissioner.

MR. TAWIL: Good evening, all.

Congratulations to Dr. Littner. He's a dear person to us and has always been out there. I remember him many, many years ago, when we were trying to introduce fluoride in the water, when he came with a whole bunch of doctors. The Sons of Middletown really, they came to advocate for fluoride in the water and it was a big push to convince the Council and the Mayor, at the time, to

introduce fluoride in our water, which is very helpful.

And CDC is encouraging that and they gave us letter of award for introducing it. Department of Health, as well, New York State, and Orange County, they encourage the use of fluoride, and so on.

I don't want to change the subject about fluoride now but, I appreciate him very much. I wish him the best of luck and to enjoy his retirement.

Alderman Masi, reservoir level is at 95 percent. We have abundance of water right now. Really, one of the problems is trying to lower the water in one of the reservoirs, in Shawangunk, because we are upgrading three different dams in there. And right now, we are doing the embankment on the wet side of the dam and the water level is high and we are trying to control it, and wastewater and bypass water.

But, we have plenty of water, which is always a good thing to have, except now when we are upgrading our dams, all four of them. It really, it caused some real aggravation for us but we are getting towards the end of the projects for both Kinch Dam and Shawangunk's three dams.

Traffic operation is moving along very well and you can see the progress, when you drive around the city. It's very impressive and a major facelift for our city.

And you'll see it more when the project is completed next year, when we have all new traffic lights, ADA accessible curbs and sidewalks, and intersections, pedestrian crossings, and so on. So, it's going to be a very good addition to our city, which is very much needed.

Tomorrow, there will be striping. The contractor will be striping South Street and they will continue striping all around the new paved areas, as well as our crews, DPW, striping our own streets. We'll be doing that at the same time.

Regarding the Water Treatment Plant -- all street paving is done, by the way, by the city or by the contractor who have done paving for this year. And we are trying to now anticipate the weather and the cold weather, and program accordingly, so we don't have too many sites open.

We expect electrical contractor to continue to work through the winter, hopefully, putting out the traffic lights, and poles, and so on, and pedestrian poles, and we'll see how that goes. It's all a function to weather permitting.

And well water in the water treatment plant, we had a spike in iron and manganese during the seasonal -- what we believe the seasonal reservoirs turnover in this time of the year, which means the bottom water comes up to

the top and the top goes to the bottom. That's a turnover due to weather conditions, the temperature changes. And we were able to adjust the chemicals at the water treatment plant so we had minimal spike in manganese. We were able to bring the iron down to nondetectable levels but, the manganese spiked a little bit but it came down now, and I believe we have it under control.

Reservoir studies for the well water quality is still going on by CDM Smith. Water storage taken Highland Avenue, the contractor is making progress. However, because of the cold weather that's anticipated soon, we may have to work on Saturday and Sunday, at least three weekends during -- starting early hours. They made that request. I'll be discussing it with the mayor and will be getting back to the contractor.

We want to be careful to make sure that this Highland tank -- Highland Avenue tank is put back into operation and service storing water for us as soon as possible. We don't want to spend the winter without that tank being functional. So, we may have to put up with some noise but I will be discussing that with the mayor and then getting back to the contractor.

The other water storage tanks have not started yet. So, we're working with the contractor for a schedule.

We had two grants from EPA; \$3.5 million, roughly, each, and we're going back and forth. We've been going back and forth with EPA about the best way to approach the RFQ, request for qualification for engineers and whether the previous engineer, who helped develop the grant, who helped the city, who helped us in developing the grant application, which was very successful, whether they could bid on the -- whether they could participate in the RFQ. And today, we just got the answer that yes, they can, from the EPA.

So, hopefully, next week, we'll start moving forward at \$7 million that we desperately need to improve our water infrastructure and that's, basically, the water line coming from the water treatment plant down to the city.

With that, I will complete my report, if you have any questions for me.

PRESIDENT RODRIGUES: Any questions?

Alderman Green.

ALD. GREEN: Not necessarily a question but I just want to give props to the crews doing that Highland Avenue tank. I know it's so very close to the road and yet, there are very minimal disruptions to the traffic pattern. And if you haven't driven by it and seen it, it's really actually a very impressive job. So, well done

for them.

MR. TAWIL: Thank you.

PRESIDENT RODRIGUES: Alderman Kleiner.

ALD. KLEINER: Yeah, thank you.

We have a resolution tonight about picking up leaves.

MR. TAWIL: Yes.

ALD. KLEINER: I just wanted to -- so that we could go over it a few times before we get to it. I think it starts the beginning of November through the beginning of December but --

MR. TAWIL: Yes.

ALD. KLEINER: -- if you'd just say what the rules are for that.

MR. TAWIL: Sure. Sure. You know the leaves can only be disposed on the street within four -- four feet, really, at maximum, from the curb. And make sure you don't pile it so high, you don't put it next to the intersection, please, because it becomes a hazardous condition for kids. You can't see kids if it's too high. If it's close to the intersection, then you interfere with the line of sight of vehicles and pedestrians.

So, keep that in mind and do not mix it with branches, you know continue to tie branches. You know continue to tie branches together so that we can pick them

up.

But yeah, and the dates are before you. I think it's November 6th starts until December 6th or something like that. Yeah, that all will be once Council approves it, the Mayor signs it the next day, then we will put it on our website and it will -- we will have an ad in the paper, as well.

Thank you.

PRESIDENT RODRIGUES: Okay. Anyone else?

Thank you, Jacob.

MR. TAWIL: Thank you.

PRESIDENT RODRIGUES: Fire Chief.

CHIEF BARBER: Good evening, everybody.

Just a friendly reminder. Inspection night this Friday, 6:00 p.m. If you're coming, we'll pick you up out here and bring you around to all the fire houses.

And the parade; line up is at 2:00, step-off is at 3:00. I will have rain ponchos. So, I hope to see everybody there.

Other than that, any questions?

PRESIDENT RODRIGUES: Alderman Witt.

ALD. WITT: Yeah, thank you, Chief.

Do you know how many out-of-town --

CHIEF BARBER: Twenty.

ALD. WITT: Oh, nice.

CHIEF BARBER: Twenty.

ALD. WITT: Very good. Thank you.

CHIEF BARBER: How many visitors. How many out-of-town guests are coming.

That's it? Okay.

PRESIDENT RODRIGUES: All right, thank you.

Police Chief.

CHIEF EWANCIW: Good evening.

I have nothing, unless you have questions for me.

PRESIDENT RODRIGUES: Any questions for the police chief?

All right. Thank you, Chief.

Superintendent of Recreation.

MS. BERTHOLF: Good evening.

I just want to say it's a pleasure working with Coach Reyes and his team, using our facilities, both outside and indoors.

The concerns about the potholes and the dips in the field was brought to our attention about two weeks ago. Our guys are in the process of getting quotes for a truckload of topsoil. It's something that wasn't budgeted for. So, getting it done immediately is a struggle. We are nearing the end of our fiscal year and so we just have to make sure that we have enough in materials and

supplies.

But that is something that we did, once we were made aware, that we did look into it to get that repaired.

I also spoke to Coach Reyes and we're going to email the school district, in hopes of getting them some more winter space and just get them connected with Dave Coates and Kevin Gleason on trying to get them more gym time in the winter.

If you saw on Facebook, we are doing a bus trip to the Radio City Music Hall. Kelly, somehow, worked her magic and got amazing orchestra seat tickets. We opened it up at 12:00 today and it sold out by 12:10. So, we're very excited by that and hoping that, next year, we could do more bus trips.

And on the plus side, with the cost of the tickets and the bus, we're -- we weren't doing it to make money but we up-charged a little bit, of course, and ended up making \$1,000 on the trip, total. So, that's awesome.

Any questions?

PRESIDENT RODRIGUES: Any questions?

Alderman Jean-Francois.

ALD. JEAN-FRANCOIS: I noticed the soccer club are having lighting --

PRESIDENT RODRIGUES: Light?

ALD. JEAN-FRANCOIS: -- issues. Is there

anything you can do about that?

MS. BERTHOLF: Besides buying lights?

PRESIDENT RODRIGUES: Mike.

MAYOR DESTEFANO: I can address that.

ALD. JEAN-FRANCOIS: Thank you, Mayor.

MAYOR DESTEFANO: As you know, we're -- we made a heavy investment in Wolslayer Field and our plans are to install some lighting over on Wolslayer Field but it will be multiuse. It would have to work -- primary use of Wolslayer will be football, youth football and to work around that schedule there, we would be able to give the Soccer Club some time on Wolslayer Field.

The reason why we can't do lighting at Watts, along the area of the soccer field, or the Babe Ruth League, or even some of the Little League fields on Watkins, is the neighbors adamantly opposed it, when it was proposed several years ago. They don't want the late night activity. It's very close to their homes.

So, the current lighting situation at Watts is stuck into the back, where the football fields are.

So, there will be an opportunity for, next season, hopefully, to have them use the football field or the all-purpose field at Wolslayer Field, where there are concessions, where there is plenty of parking and lighting.

So, that's our plan to do something along those lines. I think they will be very happy with the conditions over there. I know that their program is expanding.

But, as for some of the other stuff about you know -- I'm assuming they're operating under the same guidelines as Youth Football or Little League, where we don't give direct subsidies -- and I don't know if they're asking for a direct subsidy -- to any of the youth programs. They are separate private entities but we do subsidize in many ways, including field maintenance.

And while they were talking, I did send a text to the foreman. And he said, you know the heavy rains did a lot of washing out on some of the fields. So, that caused some of the problems, at least. And it's becoming -- they're just becoming aware of it but, if there were problems before, they weren't conveyed to us, at least not to my office or, hopefully, not to Raelyn's office. But, once they are brought to our attention, we'll try to address it.

But the Wolslayer Field project, the drainage there is state of the art drainage. So, that issue is not -- as a matter of fact, there's too much drainage. We have to water it sometimes because, even after a rainstorm, because it drains all the water out.

So, there are possibilities of extending the opportunity for the Soccer Club to use that field with lighting. The Council just, I believe, appropriated a -- what was it -- \$230,000 from the Rec program contingency to put the lighting in there.

But additional lighting at Watts, you know Jerry and Andrew, I don't think either one of you were around at the time at Second Ward but I was around and it was pretty adamantly opposed by the neighbors with housing close right there.

And one of the reasons why we did Wolslayer was that very issue of additional lighting not impacting the neighbors in that area.

And parking has become a problem at Watts, too. You know when you have the soccer and the baseball going at the same time, it's become a real, real problem. So, trying to move some of the activity over to Wolslayer Field on Monhagen I think is in everybody's best interest.

ALD. JEAN-FRANCOIS: Thank you, Mayor.

MAYOR DESTEFANO: Okay.

MS. BERTHOLF: There's also been -- I was on a Zoom meeting for State funding that's coming up. As the Rec Department, we've applied for some of the funding for 2024 but just made aware that there is additional funding for nonprofits that have a 501(c)(3) that have youth that

have a team sport.

I spoke to Youth Football, Little League, and they're going to, hopefully, look into applying for some of the funds. It could be up to \$50,000.

I will speak with Soccer about applying for that, also. And that money could be used towards new goals, equipment, or any upgrades, which, obviously, would benefit us. We're allowed to partner with them, if it's facility upgrades, because we're a municipality but we're not allowed, ourselves, to apply for the funding because we're not a sport team.

But once that funding is released, the youth teams that we work with, that use our facilities, we are going to contact them in hopes of working together to do facility -- any facility updates and, hopefully, get them money, too, for equipment, or scholarships, or uniforms, anything.

Any other questions?

PRESIDENT RODRIGUES: Alderman Green.

ALD. GREEN: Yeah, just kind of piggybacking off of that you know, just I know it is buttending (phonetic) season and just another cry from our -- for advocacy from our constituents for you know, hopefully, maybe getting some kind of netting near the baseball fields for any of those higher balls that kind of go into the --

MS. BERTHOLF: Those -- that actually, the purchase order was just approved.

ALD. GREEN: Well, that's awesome.

MS. BERTHOLF: So, it's going to be on Babe Ruth first base side. Right now, that's all there is money for.

ALD. GREEN: No, anything is better than nothing and I appreciate it.

MS. BERTHOLF: So, those other fields that are on Watkins, that would be down the road more, but we did have enough in park improvements to get that one done.

ALD. GREEN: That's great. I appreciate it.

MS. BERTHOLF: Absolutely.

ALD. GREEN: Thank you.

MS. BERTHOLF: Yup.

PRESIDENT RODRIGUES: Okay. All right, thank you.

Corporation Counsel.

MR. SMITH: I also wanted to congratulate Dr. Littner. I can't remember how many of my teeth he's pulled in the last 30 years but, aside from that, he deserves our thanks.

And other than that, I don't have any comments, unless anybody has any questions.

PRESIDENT RODRIGUES: Any questions for Alex?

Thank you, Alex.

City Clerk.

MR. MCCORMACK: Good evening. Just a reminder. The general election is November 7th. You can still register to vote through October 28th. Contact the Board of Elections in Orange County, in Goshen, if you'd like to.

Thank you.

8. Public Hearings and Grievances

PRESIDENT RODRIGUES: All right, public hearings and grievances.

MR. MCCORMACK: Good evening. Notice is hereby given that the City of Middletown will hold a public hearing on Tuesday, October 3, 2023 on or as near 7:30 p.m. as possible in the Common Council Chambers, second floor, 16 James Street, to hear any and all persons wishing to be heard on the recently passed Local Law #2 of 2023, regarding a local law amending the provisions in the enforcement of the delinquent property taxes to comply with the ruling of the United States Supreme Court in *Tyler vs. Hennepin County*, 598 U.S. 631 (2023).

The full text of the local law is available in the Office of the Common Council Clerk, City Hall, 16 James Street, and on the city website.

PRESIDENT RODRIGUES: Okay. At this time, the

public hearing is how open. Anyone from the public?

Any councilmen?

Do I have a motion to close?

ALD. MASI: So moved.

PRESIDENT RODRIGUES: Alderman Masi, seconded by Alderman Johnson.

All in favor?

(Chorus of aye.)

9. Petitions and Complaints (None this evening.)

10. Remarks of the Aldermen and Reports of Committees

PRESIDENT RODRIGUES: Remarks of aldermen.

Alderman Masi.

ALD. MASI: I just wanted to reiterate what the mayor had said about the budget here. Last week and this week, the mayor, the city clerk, and I have met with all of the department heads. And as he said, they come in with a really good wish list. And now, the hard part is paring it down so that we can get within a reasonable budget. I'll keep you guys appraised as we go along.

Thank you.

PRESIDENT RODRIGUES: Alderman Witt.

ALD. WITT: Thank you.

I hope we have a good day on Saturday for the firefighters parade. That's a pretty long-standing Middletown tradition and it's great to see so many

companies that are going to be coming in from out of town.

So, I hope everyone has a good time with that.

So, thank you.

PRESIDENT RODRIGUES: Alderman Green.

ALD. GREEN: Thank you.

I guess, as a constituent and a long-time family friend, Dr. Littner, congratulations. Thank you for all you do for our city and for sticking around in business here. We definitely appreciate you and love having you here.

Alderman Kleiner and I will be here on Monday evening, even though City Hall is closed. Still, in the evening, we will be having our constituents meeting here. It will be at 7:00 p.m. in the Council Chambers.

And then, other than that, I do hope that, rain or not, people will come out and support the fire parade, as it is only going to happen every three years. So, this will be the last one for another three years.

So, I hope to see you all out there.

PRESIDENT RODRIGUES: Alderman Kleiner.

ALD. KLEINER: Thank you.

Great to see so many people here and so many families here. It's just terrific. We haven't had this many young people in the council for a long, long time. So, thank you all for coming and supporting your requests.

And I hope we are really able to deal with it as much as possible.

The fire parade, you have rain or shine. It's too bad it wasn't sometime this week but Saturday, whatever it brings, we'll be there.

Our constituents meeting, I want to remind people that you don't have to be from the 2nd Ward. We let other people in. And also, Mayor DeStefano will be at our constituent meeting. So, come ask your questions.

Next Tuesday, October 10th, is the Thrall Library vote. Most people usually aren't aware of that but it's for their budget and for their board. And Thrall Library has been an important part of this community for many, many years. So, if you can make it out, go out and vote.

A week from Saturday, again, I'm going to mention the Historical Society has our 100th anniversary meeting. And it used to be that would be a front page story, when we had a real local newspaper. But it will be, hopefully, a great event.

And then, lastly, I know it's warm this week but, as the Mayor said, the Warming Station Committee is looking forward to this winter. And the very first Training Station for volunteering at the Warming Station will be Wednesday, October 11th at 7:00 p.m. You don't

have to preregister or anything. If you are interested in volunteering or helping in any way, you can just show up. And again, the website is middletownwarmingstation.com.

So, thank you.

PRESIDENT RODRIGUES: Alderwoman Wray.

ALD. WRAY: I'll be quick. I think we are losing these poor kids.

I will say this, I see a lot of faces I recognize from the school. And I spend an awful lot of time at Watts Park and the Soccer Club is always there, and they are always working, and they are always practicing. You know, the first thought when you came to speak about connecting you with the school. Obviously, Raelyn, who is superb at her work, is way ahead of that with me. It's a perfect point of contact.

But I know for us, soccer kind of waned for a while in our town. So, having this group of enthusiastic kids in this sport -- Middies love to win. That's what we've been doing a lot of lately. So, you know bringing them, a team that is the future of their sport, is not a bad thing. It's a great connection. So, I'm excited that Raelyn is always right on top of all of the concerns for our kids and keeping our -- them safe and a great place to raise your children.

So, that's really all I have tonight. I just

wanted to say that and have a good evening.

PRESIDENT RODRIGUES: Alderman Johnson.

ALD. JOHNSON: Thank you.

Not too much, other than to acknowledge Dr. Littner, a career of which you can be proud. We all thank you and congratulation you.

PRESIDENT RODRIGUES: Alderman Jean-Francois.

ALD. JEAN-FRANCOIS: Thank you.

Our 4th Ward constituents meeting will be this Saturday, October 7th, at 10:00 in this chamber. Sparrow and I will be here. So, everyone, feel free to join us, if you can.

Thank you.

PRESIDENT RODRIGUES: Alderman Tobin.

ALD. TOBIN: Yes, it's great to see kids involved in sports. I think that you learn a lot from it. So, I'm glad everybody's participating. Whether it's football, baseball, or soccer, it's great for the kids, great for the community.

I'd like to thank Dr. Littner for his years of service to the community.

I look forward to the parade on Saturday, rain or shine.

I'd like to thank Vanessa Cid for bringing up the important issue of the rent crisis. You know it's a

vicious cycle, especially now in our area, post-Covid. A lot of people have moved up from the City, the whole entire Hudson Valley. So, that's raised rates for rents but wages have remained flat. So, we have a lot of working people that the percentage of their income has gone beyond 30 percent, which they say is unhealthy. They may be paying 50 percent of their income towards their rent.

And so, this is a real struggle for a lot of families, especially if they don't have credit. I mean I grew up as a rent -- I mean renting and you know the only time they fix the home, even though the rent increases, is when you leave the house. And so, even though you may pay your rent every month on time, that doesn't affect your credit rating. So, then you don't get credit. So, you get a mortgage.

My mortgage is a little over \$1,000. I don't think you can get an apartment, a decent apartment, anyway, for that.

So we have a real you know have and have nots, as far as renters. And it's a struggle. It's real. I know that Governor Hochul is taking it up. We've taken action against Airbnbs to kind of make sure they're not taking up our housing stock.

I'd be interested in anything else we could do

to help our renters.

Thank you.

11. Unfinished Business (None this evening.)

12. New Business

PRESIDENT RODRIGUES: New business.

MR. MCCORMACK: Good evening.

We have a resolution from Alderman Kleiner moving the November 7, 2023 Council meeting to November 6th, in observance of Election Day.

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

Any discussion?

Roll.

MR. MCCORMACK: Tobin.

ALD. TOBIN: Aye.

MR. MCCORMACK: Alderman Jean-Francois.

ALD. JEAN-FRANCOIS: Aye.

MR. MCCORMACK: Alderman Johnson.

ALD. JOHNSON: Aye.

MR. MCCORMACK: Alderman Wray.

ALD. WRAY: Aye.

MR. MCCORMACK: Alderman Kleiner.

ALD. KLEINER: Aye.

MR. MCCORMACK: Alderman Green.

ALD. GREEN: Aye.

MR. MCCORMACK: Alderman Witt.

ALD. WITT: Aye.

MR. MCCORMACK: Alderman Masi.

ALD. MASI: Aye.

MR. MCCORMACK: President Rodrigues.

PRESIDENT RODRIGUES: Aye.

MR. MCCORMACK: It carries.

Resolution sponsored by Alderman Green
authorizing a block party on Lenox Place between Courtland
Place and Cantrell Avenue.

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

Any discussion?

ALD. GREEN: Yup, real quick.

PRESIDENT RODRIGUES: Alderman Green.

ALD. GREEN: Yeah, I just want to say that I'm
glad to see this. This used to be a longstanding
tradition in that neighborhood. So, it's good to see them
bringing it back again.

Thank you.

PRESIDENT RODRIGUES: Anyone else?

Roll.

MR. MCCORMACK: Tobin.

ALD. TOBIN: Aye.

MR. MCCORMACK: Jean-Francois.

ALD. JEAN-FRANCOIS: Aye.

MR. MCCORMACK: Johnson.

ALD. JOHNSON: Aye.

MR. MCCORMACK: Wray.

ALD. WRAY: Aye.

MR. MCCORMACK: Kleiner.

ALD. KLEINER: Aye.

MR. MCCORMACK: Green.

ALD. GREEN: Aye.

MR. MCCORMACK: Witt.

ALD. WITT: Aye.

MR. MCCORMACK: Masi.

ALD. MASI: Aye.

MR. MCCORMACK: President Rodrigues.

PRESIDENT RODRIGUES: Aye.

MR. MCCORMACK: It carries.

Resolution sponsored by Alderman Jean-Francois
authorizing the general city wide clean up period for
leaves in the street.

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

Any discussion?

Roll.

MR. MCCORMACK: Tobin.

ALD. TOBIN: Aye.

MR. MCCORMACK: Jean-Francois.

ALD. JEAN-FRANCOIS: Aye.

MR. MCCORMACK: Johnson.

ALD. JOHNSON: Aye.

MR. MCCORMACK: Wray.

ALD. WRAY: Aye.

MR. MCCORMACK: Kleiner.

ALD. KLEINER: Aye.

MR. MCCORMACK: Green.

ALD. GREEN: Aye.

MR. MCCORMACK: Witt.

ALD. WITT: Aye.

MR. MCCORMACK: Masi.

ALD. MASI: Aye.

MR. MCCORMACK: President Rodrigues.

PRESIDENT RODRIGUES: Aye.

MR. MCCORMACK: It carries.

Resolution sponsored by Alderman Masi accepting a \$9,854.40 grant from the New York State Division of Criminal Justice Services to support the purchase of Live Scan equipment for the Police Department.

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

Any discussion?

Roll.

MR. MCCORMACK: Tobin.

ALD. TOBIN: Aye.

MR. MCCORMACK: Jean-Francois.

ALD. JEAN-FRANCOIS: Aye.

MR. MCCORMACK: Johnson.

ALD. JOHNSON: Aye.

MR. MCCORMACK: Wray.

ALD. WRAY: Aye.

MR. MCCORMACK: Kleiner.

ALD. KLEINER: Aye.

MR. MCCORMACK: Green.

ALD. GREEN: Aye.

MR. MCCORMACK: Witt.

ALD. WITT: Aye.

MR. MCCORMACK: Masi.

ALD. MASI: Aye.

MR. MCCORMACK: President Rodrigues.

PRESIDENT RODRIGUES: Aye.

MR. MCCORMACK: It carries.

Resolution sponsored by Alderman Witt accepting a \$14,875 grant from the New York State Governor's Traffic Safety Committee for the Police Traffic Services Program.

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

Any discussion?

Roll.

MR. MCCORMACK: Tobin.

ALD. TOBIN: Aye.

MR. MCCORMACK: Jean-Francois.

ALD. JEAN-FRANCOIS: Aye.

MR. MCCORMACK: Johnson.

ALD. JOHNSON: Aye.

MR. MCCORMACK: Wray.

ALD. WRAY: Aye.

MR. MCCORMACK: Kleiner.

ALD. KLEINER: Aye.

MR. MCCORMACK: Green.

ALD. GREEN: Aye.

MR. MCCORMACK: Witt.

ALD. WITT: Aye.

MR. MCCORMACK: Masi.

ALD. MASI: Aye.

MR. MCCORMACK: President Rodrigues.

PRESIDENT RODRIGUES: Aye.

MR. MCCORMACK: It carries.

Resolution sponsored by Alderwoman Wray
accepting a \$500,000 grant for the purchase and
installation of decorative light poles and light fixtures
in the Downtown.

PRESIDENT RODRIGUES: Resolution sponsored by

Alderwoman Wray, seconded by Alderman Johnson.

Any discussion?

Roll.

MR. MCCORMACK: Tobin.

ALD. TOBIN: Aye.

MR. MCCORMACK: Jean-Francois.

ALD. JEAN-FRANCOIS: Aye.

MR. MCCORMACK: Johnson.

ALD. JOHNSON: Aye.

MR. MCCORMACK: Wray.

ALD. WRAY: Aye.

MR. MCCORMACK: Kleiner.

ALD. KLEINER: Aye.

MR. MCCORMACK: Green.

ALD. GREEN: Aye.

MR. MCCORMACK: Witt.

ALD. WITT: Aye.

MR. MCCORMACK: Masi.

ALD. MASI: Aye.

MR. MCCORMACK: President Rodrigues.

PRESIDENT RODRIGUES: Aye.

MR. MCCORMACK: It carries.

Resolution sponsored by Alderman Witt declaring
Recreation and Parks equipment as surplus.

PRESIDENT RODRIGUES: Resolution sponsored by

Alderman Witt, seconded by Alderman Jean-Francois.

Any discussion?

Roll.

MR. MCCORMACK: Tobin.

ALD. TOBIN: Aye.

MR. MCCORMACK: Jean-Francois.

ALD. JEAN-FRANCOIS: Aye.

MR. MCCORMACK: Johnson.

ALD. JOHNSON: Aye.

MR. MCCORMACK: Wray.

ALD. WRAY: Aye.

MR. MCCORMACK: Kleiner.

ALD. KLEINER: Aye.

MR. MCCORMACK: Green.

ALD. GREEN: Aye.

MR. MCCORMACK: Witt.

ALD. WITT: Aye.

MR. MCCORMACK: Masi.

ALD. MASI: Aye.

MR. MCCORMACK: President Rodrigues.

PRESIDENT RODRIGUES: Aye.

MR. MCCORMACK: It carries.

Resolution sponsored by Alderman Johnson
accepting a 2013 Ford shuttle bus from the Town of
Wallkill.

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

Any discussion?

Roll.

MR. MCCORMACK: Tobin.

ALD. TOBIN: Aye.

MR. MCCORMACK: Jean-Francois.

ALD. JEAN-FRANCOIS: Aye.

MR. MCCORMACK: Johnson.

ALD. JOHNSON: Aye.

MR. MCCORMACK: Wray.

ALD. WRAY: Aye.

MR. MCCORMACK: Kleiner.

ALD. KLEINER: Aye.

MR. MCCORMACK: Green.

ALD. GREEN: Aye.

MR. MCCORMACK: Witt.

ALD. WITT: Aye.

MR. MCCORMACK: Masi.

ALD. MASI: Aye.

MR. MCCORMACK: President Rodrigues.

PRESIDENT RODRIGUES: Aye.

MR. MCCORMACK: It carries.

13. Local Laws

(None this evening.)

14. Audit of Claims and Accounts

PRESIDENT RODRIGUES: Audit.

ALD. MASI: Mr. President, I moved the accounts be audited, the claims be adjusted, and the city treasurer be authorized to issue warrants for their payment.

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

Roll.

MR. MCCORMACK: Tobin.

ALD. TOBIN: Aye.

MR. MCCORMACK: Jean-Francois.

ALD. JEAN-FRANCOIS: Aye.

MR. MCCORMACK: Johnson.

ALD. JOHNSON: Aye.

MR. MCCORMACK: Wray.

ALD. WRAY: Aye.

MR. MCCORMACK: Kleiner.

ALD. KLEINER: Aye.

MR. MCCORMACK: Green.

ALD. GREEN: Aye.

MR. MCCORMACK: Witt.

ALD. WITT: Aye.

MR. MCCORMACK: Masi.

ALD. MASI: Aye.

MR. MCCORMACK: President Rodrigues.

PRESIDENT RODRIGUES: Aye.

MR. MCCORMACK: It carries.

15. ADJOURNMENT

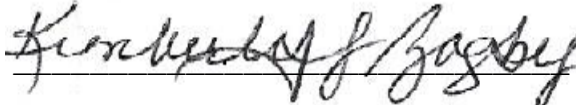
PRESIDENT RODRIGUES: Motion to adjourn?

UNIDENTIFIED SPEAKER: So moved.

(Proceeding concluded.)

CERTIFICATION

I, KIMBERLY J. ZOGBY, certify that the foregoing transcript of the October 3, 2023 Middletown City Council meeting was prepared using the required transcription equipment and is a true and accurate transcript of the recording.

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

AMERICAN LEGAL TRANSCRIPTION

11 Market Street, Suite 215

Poughkeepsie, New York 12601

Dated: October 18, 2023



**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

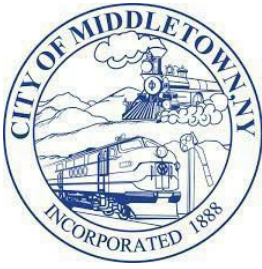
12.8 Resolution accepting a 2013 Ford Shuttle Bus from the Town of Wallkill

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. Masi

Sec'd by Ald. Witt

Date of Adoption: October 3, 2023

Index No:

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

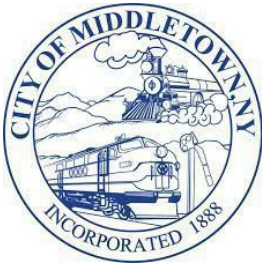
Accept Minutes of August 15 and September 5, 2023

Accept Minutes of August 15 and September 5, 2023

ATTACHMENTS:

[08.15.23 CC Minutes.pdf](#)

[09.05.23 CC Minutes.pdf](#)



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

THE FOLLOWING WAS PRESENTED

By Ald.

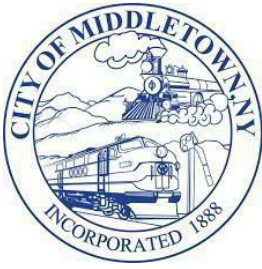
Sec'd by Ald.

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				

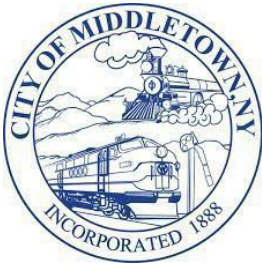
**Public Hearing: Local Law # 2 of 2023: A LOCAL LAW AMENDING THE PROVISIONS
IN THE ENFORCEMENT OF DELINQUENT PROPERTY TAXES TO COMPLY
WITH THE RULING OF THE UNITED STATES SUPREME COURT IN TYLER v
HENNEPIN COUNTY, 598 U.S. 631 (2023)**

ATTACHMENTS:

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

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

[LL2 of 2023.pdf](#)



CITY OF MIDDLETOWN, NEW YORK COMMON COUNCIL RECORD OF VOTE

THE FOLLOWING WAS PRESENTED

By Ald. Kleiner

Sec'd by Ald. Green

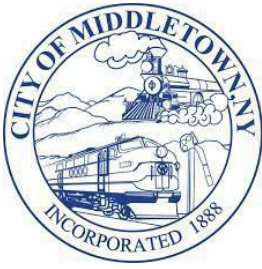
Date of Adoption: October 3, 2023

Index No: 189-23

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

Resolution 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. Green

Sec'd by Ald. Masi

Date of Adoption: October 3, 2023

Index No: 190-23

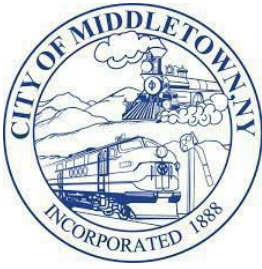
Names	Ayes	Noes	Abstain	Absent
Ald. Tobin	X			
Ald Jean-Francois	X			
Ald. Johnson	X			
Ald. Wray	X			
Ald. Kleiner	X			
Ald. Green	X			
Ald. Witt	X			
Ald. Masi	X			
Pres. Rodrigues	X			
Total	9			

Resolution Authorizing a Block Party on 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](#)



**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: October 3, 2023

Index No: 191-23

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

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

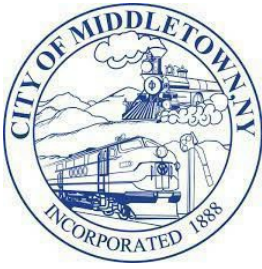
RESOLVED that from November 6, 2023, to December 8, 2023, the City of Middletown will hold its general city-wide clean-up period for leaves in the street. (Set out no further than four (4) feet from the curb.) All other times during the year leaves must be placed in receptacles. Department of Public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



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

THE FOLLOWING WAS PRESENTED

By Ald. Masi

Sec'd by Ald. Green

Date of Adoption: October 3, 2023

Index No: 192-23

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

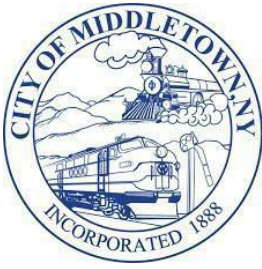
Resolution Accepting a \$9,854.40 Grant from the New York State Division of Criminal Justice Services to support the purchase of Livescan Equipment for the Police Department

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](#)



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: October 3, 2023

Index No: 193-23

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

Resolution 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.

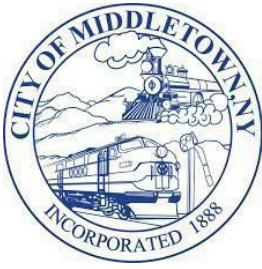
BE IT FURTHER RESOLVED; that the Common Council of the City of Middletown, NY, concurs with the Board of Estimate and Apportionment and authorizes the mayor to sign the contract.

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](#)



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

THE FOLLOWING WAS PRESENTED

By Ald. Wray

Sec'd by Ald. Johnson

Date of Adoption: October 3, 2023

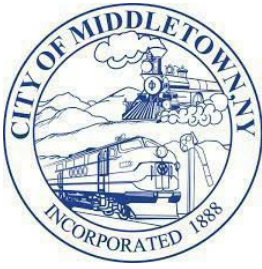
Index No: 194-23

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

Resolution 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. Witt

Sec'd by Ald. Jean-Francois

Date of Adoption: October 3, 2023

Index No: 195-23

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

Resolution Declaring Recreation and Parks Equipment as Surplus

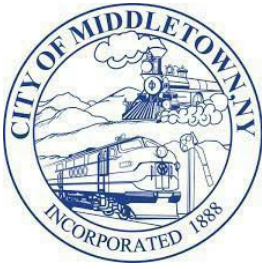
BE IT RESOLVED; that the Common Council of the City of Middletown, NY, concurs with the Board of Estimate and Apportionment and declares the following Recreation and Parks Department equipment as surplus and authorizes them to go to auction.:

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](#)



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

THE FOLLOWING WAS PRESENTED

By Ald. Johnson

Sec'd by Ald. Masi

Date of Adoption: October 3, 2023

Index No: 196-23

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

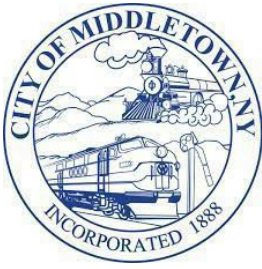
Resolution accepting a 2013 Ford Shuttle Bus from the Town of Wallkill

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](#)



**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: October 3, 2023

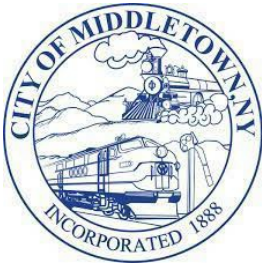
Index No:

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

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

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

TREASURER BE AUTHORIZED TO ISSUE WARRANTS FOR THEIR PAYMENTS



CITY OF MIDDLETOWN, NEW YORK COMMON COUNCIL RECORD OF VOTE

THE FOLLOWING WAS PRESENTED

By Ald.

Sec'd by Ald.

Date of Adoption: November 6, 2023

Index No: 203-23

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 \$161,460 in Budget Transfers within the Police Department Budget

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 transfer \$102,310, in the following manner, in order to cover shortfalls due to staffing changes throughout the year.

FROM	AMOUNT	TO
A.3120.100 Personal Services	\$100,000	A.3120.103 Overtime
A.3120.100 Personal Services	\$1,650	A.3120.432 Background investigation
A.3120.100 Personal Services	\$660	A.3120.431 Drug Testing

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 transfer \$4800, in the following manner, in order to a shortage in payment for the initial 2022 payment of the axon program. Axon did not advise us of our 2022 obligation until the bill was generated for 2023.

FROM	AMOUNT	TO
A.3120.100 Personal Services	\$4,800	A.3120.400 Contractual services

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 transfer \$45,000, in the following manner, to cover a shortage in the repairs to equipment budget line, specifically an increase in vehicle maintenance and camera repairs.

FROM	AMOUNT	TO
A.3120.100 Personal Services	\$45,000	A.3120.440 Repairs to Equipment

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 transfer \$9,350, in the following manner, for the purchase of three additional speed radar signs for placement throughout the city.

FROM	AMOUNT	TO
A.3120.100 Personal Services	\$9,350	A.3120.200 Equipment

ATTACHMENTS:

[MPD_Budget_Transfer.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

October 11, 2023

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

Dear Mayor DeStefano and Members of the Board of Estimate,

I am requesting that the City of Middletown Common Council approve the following transfers requests within our 2023 budget lines to cover shortfalls due to staffing changes throughout the year:

From	Amount	To
A.3120.100 Personal Services	\$100,000	A.3120.103 Overtime
A.3120.100 Personal Services	\$1,650	A.3120.432 Background investigation
A.3120.100 Personal Services	\$660	A.3120.431 Drug Testing

The following is to cover a shortage in payment for the initial 2022 payment of the axon program. Axon did not advise us of our 2022 obligation until the bill was generated for 2023.

A.3120.100 Personal Services	\$4800	A.3120.400 Contractual services
---------------------------------	--------	------------------------------------

The following transfer is to cover a shortage in the repairs to equipment budget line, specifically an increase in vehicle maintenance and camera repairs.

A.3120.100 Personal Services	\$45,000	A.3120.440 Repairs to Equipment
---------------------------------	----------	------------------------------------

The following transfer is for the purchase of three additional speed radar signs for placement throughout the city.

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

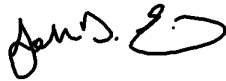
A.3120.100
Personal Services

\$9,350

A.3120.200
Equipment

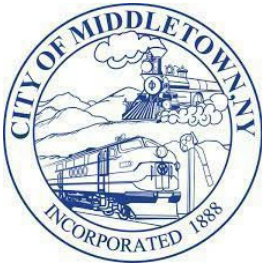
Kindly, prepare a resolution for the Mayor to sign the attached agreement.

Very truly yours,



John Ewanciw
Chief of Police

JE:ccd



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

THE FOLLOWING WAS PRESENTED

By Ald.

Sec'd by Ald.

Date of Adoption: November 6, 2023

Index No: 204-23

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

Resolution Awarding the Bid for Wolslayer Field Lighting to Harry Rotolo & Sons Inc.

BE IT RESOLVED; that the Common Council of the City of Middletown, NY, concurs with the Board of Estimate and Apportionment and awards the bid for the lights at Wolslayer Field to the only submitted bidder, Harry F. Rotolo & Sons Inc., in the amount of \$278,142.24

An alternate price for Color Lighting is an additional \$53,000.

Publicly advertised bids were received and opened during the Board of Estimates meeting on October 23, 2023, with a total of one bid received for this project. A bid recommendation, from project architect AEGIS Design/Joseph Fucci, for contract award, is enclosed.

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 transfer \$278,142.24, in the following manner to cover this project.

Funding for the project is being made available from Parks and Recreation Capital Hook Up fees line.

FROM	Amount	To
Debt Service Fund Balance	\$278,142.24	H.7140.213 A.2023. Wolslayer Field Lights

ATTACHMENTS:

[BOE MEMO-ATHLETIC LIGHTS.pdf](#)

DEPARTMENT OF PUBLIC WORKS

MEMORANDUM

Date: October 26, 2023
To: Honorable Mayor DeStefano, Council President Rodrigues
and Members of the Common Council
Cc: City Clerk Richard McCormack, City Treasurer Leonora Liz and
Superintendent of Recreation Raelynn Bertholf
From: Jacob Tawil, Commissioner of Public Works 
Re: Wolslayer Field: Athletic Lights Bid

We respectfully request a Council Resolution to award the above referenced bid to the only submitted bidder, Harry F. Rotolo & Sons Inc., in the amount of \$278,142.24

An alternate price for Color Lighting is an additional \$53,000.

Publicly advertised bids were received and opened during the Board of Estimates meeting on October 23, 2023, with a total of one bid received for this project. A bid recommendation, from project architect AEGIS Design/Joseph Fucci, for contract award, is enclosed.

Funding for the project is being made available from Parks and Recreation Capital fees line.

Thank you.

Re: Bid

Jacob Tawil <jtawil14@yahoo.com>

Mon 10/23/2023 6:21 PM

To: aegisdesign1@frontier.com <aegisdesign1@frontier.com>

Cc: Joseph DeStefano <jdestefano@middletown-ny.com>; Katie Gass <kgass@middletown-ny.com>

Thank you Joe

Sent from my iPhone

Please excuse any typographical errors.

On Oct 23, 2023, at 5:13 PM, aegisdesign1@frontier.com wrote:

Jacob,

I reviewed the Rotolo bid, of \$278,142.24.00, and it compares well with preliminary pricing of \$293,840.00. I would recommend awarding the Bid to Rotolo.

Regards,

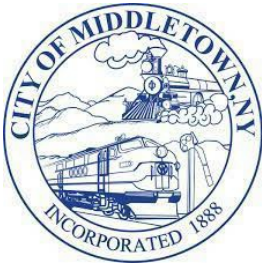
Joe

Regards,

Joseph L. Fucci

AEGIS Design
Joseph L. Fucci, Architect
32 Starhaven Avenue
Middletown, N.Y. 10940
(845) 978-2918
aegisdesign1@frontier.com

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.



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

THE FOLLOWING WAS PRESENTED

By Ald.

Sec'd by Ald.

Date of Adoption: November 6, 2023

Index No: 205-23

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 Bond Resolution in the Amount of \$3,506,810 for the Water Storage Tank Project

A RESOLUTION AUTHORIZING THE ISSUANCE OF AN ADDITIONAL \$3,506,810 BONDS OF THE CITY OF MIDDLETOWN, ORANGE COUNTY, NEW YORK, TO PAY COSTS IN CONNECTION WITH THE CONSTRUCTION OF WATER STORAGE TANKS, IN AND FOR SAID CITY.

BE IT RESOLVED, by the affirmative vote of not less than two-thirds of the total voting strength of the Common Council of the City of Middletown, Orange County, New York, as follows:

Section 1. For the specific object or purpose of paying costs in connection with the construction of water storage tanks, in and for the City of Middletown, Orange County, New York, including incidental costs and expenses, there are hereby authorized to be issued an additional \$3,506,810 bonds pursuant to the provisions of the Local Finance Law. Said specific object or purpose is hereby authorized at a new maximum estimated cost of \$8,806,810.

Section 2. The plan for the financing of such \$8,806,810 maximum estimated cost is as follows: a) By the issuance of the \$5,300,000 bonds of said City heretofore authorized to be issued therefor pursuant to a superseding bond resolution dated April __, 2019; and b) By the issuance of the additional \$3,506,810 bonds of said City herein authorized; provided, however, that the amount of obligations ultimately to be issued will be reduced by any State and/or Federal grants-in-aid to be received by said City for said

purpose.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is forty years, pursuant to subdivision 1 of paragraph a of Section 11.00 of the Local Finance Law.

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

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

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

Section 7. The City Treasurer is hereby further authorized, at his sole discretion, to execute a project finance and/or loan agreement, and any other agreements with the New York State Environmental Facilities Corporation, including amendments thereto, and including any instruments (or amendments thereto) in the effectuation thereof, in order to effect the financing or refinancing of the object or purpose described in Section 1 hereof, or a portion thereof, by a bond or note issue of said City in the event of the sale of same to the New York State Environmental Facilities Corporation.

Section 8. All other matters, except as provided herein relating to such bonds, including determining whether to issue such bonds having substantially level or declining debt service and all matters related thereto, prescribing whether manual or facsimile signatures shall appear on said bonds, prescribing the method for the recording of ownership of said bonds, appointing the fiscal agent or agents for said bonds, providing for the printing and delivery of said bonds (and if said bonds are to be executed in the name of the City by the facsimile signature of the City Treasurer, providing for the manual countersignature of a fiscal agent or of a designated official of the City), the date, denominations, maturities and interest payment dates, place or places of payment, and also including the consolidation with other issues, shall be determined by the City Treasurer. It is hereby determined that it is to the financial advantage of the City not to impose and collect from registered owners of such serial bonds any charges for mailing, shipping and insuring bonds transferred or exchanged by the fiscal agent, and, accordingly, pursuant to paragraph c of Section 70.00 of the Local Finance Law, no such charges shall be so collected by the fiscal agent. Such bonds shall contain substantially the recital of validity clause provided for in section 52.00 of the Local Finance Law and shall otherwise be in such form and contain such recitals in addition to those required by section 52.00 of the Local Finance Law, as the City Treasurer shall determine.

Section 9. The validity of such bonds and bond anticipation notes may be contested only if: 1) Such obligations are authorized for an object or purpose for which said City is not authorized to expend

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

Section 10. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 11. This resolution, which takes effect immediately, shall be published in summary form in the official newspaper, together with a notice of the City Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

ATTACHMENTS:

[City of Middletown ADDITIONAL MONEY \(water storage tanks\) 4159-9511-9180 1.pdf](#)



Orrick, Herrington & Sutcliffe LLP
51 West 52nd Street
New York, NY 10019-6142

+1 212 506 5000

orrick.com

October 24, 2023

Via E-Mail (lliz@middletown-ny.com)

Ms. Leonora Liz
Treasurer
City of Middletown
16 James Street
Middletown, NY 10940

Thomas E. Myers

E tmyers@orrick.com

D +1 212 506 5212

F +1 212 506 5151

Re: City of Middletown, Orange County, New York
Water Storage Tanks - – Additional \$3,506,810
Orrick File: 42347-2-43

Dear Leonora:

In accordance with your recent request, we have prepared and enclose herewith a draft form of bond resolution relating to the above matter for adoption by the Common Council.

Please see that this resolution is adopted by the affirmative vote of at least two-thirds of the entire voting strength of the Common Council. After adoption, the summary Legal Notice of Estoppel of the resolution, a form of which is enclosed herewith for your convenience, should be published once in the official newspaper of the City.

When available kindly furnish us with a certified copy of the enclosed resolution, together with an original printer's affidavit of publication of the Legal Notice of Estoppel thereof.

Please also provide us with a certified copy of the April 2019 bond resolution and printer's affidavit of publication of the Legal Notice of Estoppel thereof.

Please do not hesitate to call if you have any questions.

With best wishes,

Very truly yours,

Tom

Thomas E. Myers
TEM/es
Enclosures

cc: Jacob Tawil (jtawil14@yahoo.com)
Katie Gass (kgass@middletownny.gov)
Domenic Emilio (DEmilio@cplteam.com)
Tim Moot (tmoot@cplteam.com)
David Chase (dchase@cplteam.com)

ADDITIONAL MONEY BOND RESOLUTION
(water storage tanks)

At a regular meeting of the Common Council of the City of Middletown, Orange County, New York, held at the Common Council Chambers, City Hall, in Middletown, New York, in said City, on the ____ day of _____, 2023, at _____ o'clock P.M., Prevailing Time.

The meeting was called to order by _____, and upon roll being called, the following were

PRESENT:

ABSENT:

The following resolution was offered by Councilman _____, who moved its adoption, seconded by Councilman _____, to-wit:

BOND RESOLUTION DATED _____, 2023.

A RESOLUTION AUTHORIZING THE ISSUANCE OF AN ADDITIONAL \$3,506,810 BONDS OF THE CITY OF MIDDLETOWN, ORANGE COUNTY, NEW YORK, TO PAY COSTS IN CONNECTION WITH THE CONSTRUCTION OF WATER STORAGE TANKS, IN AND FOR SAID CITY.

BE IT RESOLVED, by the affirmative vote of **not less than two-thirds of the total voting strength** of the Common Council of the City of Middletown, Orange County, New York, as follows:

Section 1. For the specific object or purpose of paying costs in connection with the construction of water storage tanks, in and for the City of Middletown, Orange County, New York, including incidental costs and expenses, there are hereby authorized to be issued an additional \$3,506,810 bonds pursuant to the provisions of the Local Finance Law. Said specific object or purpose is hereby authorized at a new maximum estimated cost of \$8,806,810.

Section 2. The plan for the financing of such \$8,806,810 maximum estimated cost is as follows:

- a) By the issuance of the \$5,300,000 bonds of said City heretofore authorized to be issued therefor pursuant to a superseding bond resolution dated April __, 2019; and
 - b) By the issuance of the additional \$3,506,810 bonds of said City herein authorized;
- provided, however, that the amount of obligations ultimately to be issued will be reduced by any State and/or Federal grants-in-aid to be received by said City for said purpose.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is forty years, pursuant to subdivision 1 of paragraph a of Section 11.00 of the Local Finance Law.

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

Section 5. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the bonds herein

authorized, including renewals of such notes, is hereby delegated to the City Treasurer, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said City Treasurer, consistent with the provisions of the Local Finance Law.

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

Section 7. The City Treasurer is hereby further authorized, at his sole discretion, to execute a project finance and/or loan agreement, and any other agreements with the New York State Environmental Facilities Corporation, including amendments thereto, and including any instruments (or amendments thereto) in the effectuation thereof, in order to effect the financing or refinancing of the object or purpose described in Section 1 hereof, or a portion thereof, by a bond or note issue of said City in the event of the sale of same to the New York State Environmental Facilities Corporation.

Section 8. All other matters, except as provided herein relating to such bonds, including determining whether to issue such bonds having substantially level or declining debt service and all matters related thereto, prescribing whether manual or facsimile signatures shall appear on said bonds, prescribing the method for the recording of ownership of said bonds, appointing the fiscal agent or agents for said bonds, providing for the printing and delivery of said bonds (and if said bonds are to be executed in the name of the City by the facsimile signature of the City Treasurer, providing for the manual countersignature of a fiscal agent or of a designated official of the City), the date, denominations, maturities and interest payment dates, place or places of payment, and also including the consolidation with other issues, shall be determined by the City Treasurer. It is hereby determined that it is to the financial advantage of the City not to impose and collect from registered owners of such serial bonds any charges for mailing, shipping and insuring bonds transferred or exchanged by the fiscal agent, and, accordingly, pursuant to paragraph c of Section 70.00 of the Local Finance Law, no such charges shall be so collected by the fiscal agent. Such bonds shall contain substantially the recital of validity clause provided for in section 52.00 of the Local Finance Law and shall otherwise be in such form and contain such recitals in addition to those required by section 52.00 of the Local Finance Law, as the City Treasurer shall determine.

Section 9. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said City is not authorized to expend money, or
- 2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

- 3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 10. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 11. This resolution, which takes effect immediately, shall be published in summary form in the official newspaper, together with a notice of the City Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

_____	VOTING	_____
_____	VOTING	_____
_____	VOTING	_____
_____	VOTING	_____
_____	VOTING	_____
_____	VOTING	_____
_____	VOTING	_____

The resolution was thereupon declared duly adopted.

* * * * *

CERTIFICATION

STATE OF NEW YORK)
) ss.:
COUNTY OF ORANGE)

I, the undersigned Clerk of the City of Middletown, in the County of Orange, New York (the "Issuer"),
DO HEREBY CERTIFY:

1. That a meeting of the Issuer was duly called, held and conducted on the ____ day of _____, 2023.
2. That such meeting was a **special regular** (circle one) meeting.
3. That attached hereto is a proceeding of the Issuer which was duly adopted at such meeting by the Common Council of the Issuer.
4. That such attachment constitutes a true and correct copy of the entirety of such proceeding as so adopted by said Common Council.
5. That all members of the Common Council of the Issuer had due notice of said meeting.
6. That said meeting was open to the general public in accordance with Section 103 of the Public Officers Law, commonly referred to as the "Open Meetings Law".
7. That notice of said meeting (***the meeting at which the proceeding was adopted***) was caused to be given **PRIOR THERETO** in the following manner:

PUBLICATION (here insert newspaper(s) and date(s) of publication - should be a date or dates falling prior to the date set forth above in item 1)

POSTING (here insert place(s) and date(s) of posting- should be a date or dates falling prior to the date set forth above in item 1)

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Issuer this ____
day of _____, 2023.

City Clerk

(CORPORATE SEAL)

LEGAL NOTICE OF ESTOPPEL

The bond resolution, summary of which is published herewith, has been adopted on _____, 2023, and the validity of the obligations authorized by such resolution may be hereafter contested only if such obligations were authorized for an object or purpose for which the City of Middletown, Orange County, New York, is not authorized to expend money, or if the provisions of law which should have been complied with as of the date of publication of this notice were not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of publication of this notice, or such obligations were authorized in violation of the provisions of the Constitution.

A complete copy of the resolution summarized herewith is available for public inspection during regular business hours at the Office of the City Clerk for a period of twenty days from the date of publication of this Notice.

Dated: Middletown, New York,

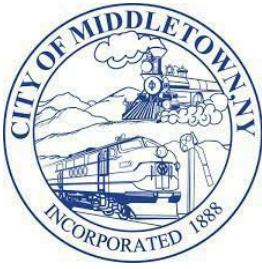
_____, 2023.

/s/ Richard McCormack
City Clerk

BOND RESOLUTION DATED _____, 2023.

A RESOLUTION AUTHORIZING THE ISSUANCE OF AN ADDITIONAL \$3,506,810 BONDS OF THE CITY OF MIDDLETOWN, ORANGE COUNTY, NEW YORK, TO PAY COSTS IN CONNECTION WITH THE CONSTRUCTION OF WATER STORAGE TANKS, IN AND FOR SAID CITY.

Specific object or purpose:	Construction of water storage tanks
Period of probable usefulness:	40 years
New maximum estimated cost:	\$8,806,810
Obligations previously authorized:	\$5,300,000
Amount of additional obligations to be issued pursuant to this resolution:	\$3,506,810 bonds to reduced by grants received in connection therewith



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

THE FOLLOWING WAS PRESENTED

By Ald.

Sec'd by Ald.

Date of Adoption: November 6, 2023

Index No: 206-23

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 proposal with Marshall and Sterling for Workmen's Compensation Insurance for 2024

BE IT RESOLVED; that the Common Council of the City of Middletown, NY, concurs with the Board of Estimate and Apportionment and authorizes the 2024 Marshall and Sterling Workmen's Compensation proposal for January 1st, 2024 through December 31, 2024 in the amount of \$49,000.

BE IT 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 said proposal.

ATTACHMENTS:

[Marshall and Sterling 2024.pdf](#)

PROPOSAL FOR
WORKERS' COMPENSATION ONLY
CITY OF MIDDLETOWN

BY

Marshall & Sterling, Inc.
January 1, 2024

PROPOSAL OVERVIEW

Marshall & Sterling Inc. (MS) is proposing to provide to the City of Middletown (CITY) **‘Workers’ Compensation (WC) Services” for a one year duration from 01/01/2023-12/31/2024.**

COMPANY BACKGROUND

Founded in 1864, MS is one the nation’s oldest insurance organizations. In 159 years it has grown to be the **56th** largest agency in the United States (**32nd** largest among privately held brokers). The 17 locations throughout New York and the three locations in the U.S. Virgin Islands write approximately \$500 million in premiums that produce almost \$100 million in annual revenue. The **company’s principal ownership rests with the 859 employees through an Employee Stock Ownership Trust.** We provide access to all lines of insurance coverages and products through contractual agreements with essentially all of the major insurance carriers and markets.

SCOPE OF SERVICES

Under the broad categories listed below we propose to offer the following services:

I. IDENTIFICATION

- We will review all aspects of the WC insurance program presently in place. We will obtain and review all policies, evaluating the appropriateness, completeness and compliance of coverage.
- **We will assist in monitoring the CITY’s new WC claims database, including** claims needing special attention.
- We will meet with appropriate CITY staff, insurance company staff, safety personnel, legal advisors and other individuals as deemed necessary in order to gain valuable perspective on the present overall program and to prioritize important issues.

II. RISK ANALYSIS

- We will review the operation of the current program from both a cost benefit standpoint, as well as from an operating and administrative basis. We will be looking for efficiency improvements and costs savings.
- We will present, when requested, a determination of the total cost of WC risk for the CITY in a formal report to establish a basis for planning purposes.
We will, with the assistance of an actuary paid by the CITY, examine WC retention and deductible levels and present our recommendations.

- **We will, after understanding the CITY's tolerance for WC risk, review alternative methods of financing WC risk and present appropriate options.**

III. RISK ADMINISTRATION A. General Administration

Services

- We will assist with the development of a formal WC Risk Management Policy Statement that will be presented for CITY review and acceptance. This document will establish and state the Risk Management goals of the CITY, set general standards for operating procedures, define responsibilities and outline the requirements for the maintenance of reports and records
- We will undertake to develop procedures to coordinate the flow of information between the CITY and MS.

B. Assistance in Brokerage and Insurance Company Relationships

- Appropriate personnel will be made available within a reasonable time period to meet with the CITY as requested. A senior staff person will be available by phone at any time during regular work hours.

IV. CLAIM SERVICES - NEW WC CLAIMS ONLY

A. MS will monitor data on all new WC claims, including:

- We will review initial new WC claim report from CITY for completeness.
- We will confirm new WC claim report was properly sent to the carrier.
- We will confirm the carrier received the new WC claim report and established a claim.
- **We will confirm the carrier's Nurse Advocate made contact with the injured employee.**
- **We will confirm the Transitional Duty Program form was sent to the injured employee's Medical Provider, as appropriate.**
- We will confirm the Medical Provider form has been returned to the CITY to be forwarded to the carrier, as appropriate.
We will confirm additional indemnity for injured employees subject to 207a or 207c is being correctly handled.
- We will suggest the carrier initiate surveillance or increase surveillance, as appropriate.
- We will review loss history on a quarterly basis to identify frequency and severity patterns regarding new WC claims only.

- We will research and advise the CITY, when requested, on coverage or coverage . issues related to specific new WC claims.

B. On-Line Capabilities

- We will coordinate the use of an on-line Risk Management Information System with your **WC carrier. Among the system's capabilities are claims management, litigation management and first report of injury reporting.** These are remote access capabilities and we would plan to allow direct access to the proper CITY personnel.
- **This system will be utilized to allow us to continually monitor claims for the CITY's Risk Management Program.**

FEE PROPOSAL

Marshall & Sterling services for the City of Middletown for one (1) year for the sum of: \$49,000.00, billed in equal quarterly installments.

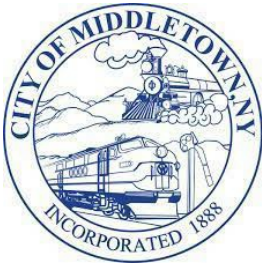
This contract is effective January 1, 2024 between Marshall & Sterling, Inc. and the City of Middletown.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Gregory W. Townsend", with a stylized flourish at the end.

Gregory W/Townsend, Consultant
Marshall & Sterling, Inc.

Accepted by Honorable Mayer Joseph M. DeStefano
December __, 20 __



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

THE FOLLOWING WAS PRESENTED

By Ald.

Sec'd by Ald.

Date of Adoption: November 6, 2023

Index No: 207-23

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

Resolution to accept a Municipal Legislative Grant from the County of Orange in the amount of \$4,999.00

BE IT RESOLVED; that the Common Council of the City of Middletown, NY, concurs with the Board of Estimate and Apportionment and accepts the Municipal Legislative Grant from the County of Orange in the amount of \$4,999.00, to be used toward the purchase of a canopy for the stage at John F. Degnan Square. The Legislative Sponsor for the project is Legislator Michael Paduch.

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 any and all documents pertaining to this grant.

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 establish the line A.7011.498 Paramount Municipal Legislative Grant Expense for the amount of \$4,999. Funds will be deposited to account line A.2807 OC Theater Grant.

ATTACHMENTS:

[Municipal Legislative Grant Program_updated.pdf](#)

CITY OF MIDDLETOWN
Office of Economic & Community Development

October 31, 2023

City of Middletown
Board of Estimate
16 James Street
Middletown, New York 10940

RE: Municipal Legislative Grant Program

Dear Members:

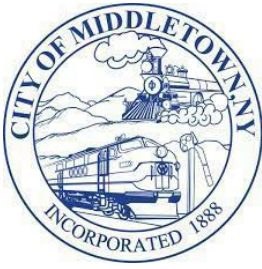
I am requesting authorization to accept the Municipal Legislative Grant from the County of Orange in the amount of \$4,999.00, and to authorize the Mayor, to sign any and all documents pertaining to this grant. The Legislative Sponsor for the project is Legislator Michael Paduch.

Also, requesting authorization for the Treasurer to establish the line A.7011.498 Paramount Municipal Legislative Grant Expense for the amount of \$4,999. Funds will be deposited to account A.2807 OC Theater Grant.

These grant funds will be applied toward the purchase of a canopy for the stage at John F. Degnan Square.

Thank you for your attention to this matter.

Maria Bruni, Director
Economic & Community Development



CITY OF MIDDLETOWN, NEW YORK COMMON COUNCIL RECORD OF VOTE

THE FOLLOWING WAS PRESENTED

By Ald.

Sec'd by Ald.

Date of Adoption: November 6, 2023

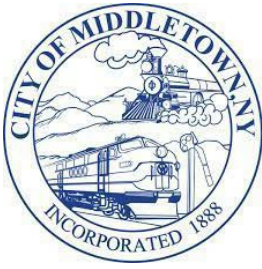
Index No: 208-23

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

Resolution authorizing the Temporary Borrowing of \$500,000 from the General Fund for the purchase and installation of 150 decorative light poles and light fixtures for Streets/Sidewalks in the downtown.

BE IT RESOLVED; that the Common Council of the City of Middletown, NY, concurs with the Board of Estimate and Apportionment and authorizes a temporary borrowing from the General Fund Balance in the amount of \$500,000 as seed funding for the purchase and installation of 150 decorative light poles and light fixtures for Streets/Sidewalks in the downtown. The temporary borrowing will be reimbursed by the \$500,000 DASNY Grant award #26122 secured by Assemblywomen Gunther. The total cost of the estimated project is \$600,000. The City will match the funds at a later date once the project has started for the remaining \$100,000.

FROM	AMOUNT	TO
General Fund Balance	\$500,000	H.8510.201 A_2023_Light Pole Replacement



CITY OF MIDDLETOWN, NEW YORK COMMON COUNCIL RECORD OF VOTE

THE FOLLOWING WAS PRESENTED

By Ald.

Sec'd by Ald.

Date of Adoption: November 6, 2023

Index No: 209-23

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

Resolution authorizing an Amendment to a Bond Resolutions for PPU Extension on the ADA Sidewalks and Ramp Improvement Projects

A RESOLUTION AMENDING A BOND RESOLUTION DATED JULY 7, 2020 ADOPTED BY THE COMMON COUNCIL OF THE CITY OF MIDDLETOWN, ORANGE COUNTY, NEW YORK, IN CONNECTION WITH engineering costs for ADA sidewalks and ramps improvements IN AND FOR SAID city, TO EXPAND THE PROJECT SCOPE AND EXTEND THE MAXIMUM MATURITY OF BONDS AUTHORIZED TO BE ISSUED BEYOND FIVE YEARS.

WHEREAS, by a bond resolution dated July 7, 2020, the Common Council of the City of Middletown, Orange County, New York, authorized the issuance of \$4,342,000 bonds of said City to pay engineering costs for ADA sidewalks and ramps improvements, in and for said City, and determined that the period of probable usefulness thereof was five years, as a financing for the planning for the capital project of such improvements; and

WHEREAS, such bond resolution restricts the maximum maturity of the bonds to five years; and

WHEREAS, it has now been determined that such costs included construction as well and it is in the financial interest of said City to amortize such serial bonds over a period in excess of five years, the period of probable usefulness of said class of objects or purposes being at least 10 years under Section 11.00(a)(24) of the Local Finance Law; and

WHEREAS, it is now desired to amend such bond resolution dated July 7, 2020 accordingly; NOW, THEREFORE,

BE IT RESOLVED, by the affirmative vote of **not less than two-thirds of the total voting strength** of the Common Council of the City of Middletown, Orange County, New York, as follows:

Section 1. Section 1(g) of bond resolution dated July 7, 2020, more fully described in the preambles hereof, is hereby

amended to read as follows:

“Section 1(g). ADA sidewalks and ramps improvements, at a maximum estimated cost of \$4,342,000, being a class of objects or purposes, having a period of probable usefulness of ten years, pursuant to subdivision 24 of paragraph a of Section 11.00 of the Local Finance Law.

Section 2. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said City is not authorized to expend money, or
- 2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

- 3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 3. This resolution, which takes effect immediately, shall be published in summary form in the official newspaper of said City, together with a notice of the City Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

ATTACHMENTS:

[City of Middletown AMENDATORY BOND RES \(sidewalks and ramps\) EXTEND PPU 4138-8696-8908 1.pdf](#)



Orrick, Herrington & Sutcliffe LLP
51 West 52nd Street
New York, NY 10019-6142

+1 212 506 5000

orrick.com

Thomas E. Myers

E tmyers@orrick.com

D +1 212 506 5212

F +1 212 506 5151

November 2, 2023

VIA E-MAIL (LLiz@middletown-ny.com)

Ms. Leonora Liz
City Treasurer
City of Middletown
16 James Street
Middletown, New York 10940

Re: City of Middletown, Orange County, New York
Amendatory Bond Resolution – Extension of Period of Probable Usefulness
Orrick File: 42347-2-NEW

Dear Leonora:

In accordance with a request from your financial advisors, we have prepared and enclose herewith a draft form of amendatory bond resolution relating to the above matter for adoption by the Common Council at its next meeting.

Please see that this resolution is adopted by the affirmative vote of at least two-thirds of the entire voting strength of the Common Council. After adoption, the summary Legal Notice of Estoppel of the resolution, a form of which is enclosed herewith for your convenience, should be published once in the official newspaper of the City.

When available kindly furnish us with a certified copy of the enclosed resolution, together with an original printer's affidavit of publication of the Legal Notice of Estoppel thereof, via email and mail.

Please do not hesitate to call if you have any questions.

With best wishes,

Very truly yours,

Tom

Thomas E. Myers
/es

Enclosures

cc: Janet Morley (jmorley@capmark.org)
Jacob Tawil (jtawil@middletown-ny.com)

AMENDATORY BOND RESOLUTION
(PPU Extension)

At a regular meeting of the Common Council of the City of Middletown, Orange County, New York, held at the Common Council Chambers, City Hall, in Middletown, New York, in said City, on the ____ day of November, 2023, at _____ o'clock P.M., Prevailing Time.

The meeting was called to order by _____, and upon roll being called, the following were

PRESENT:

ABSENT:

The following resolution was offered by Councilman _____, who moved its adoption, seconded by Councilman _____, to-wit:

BOND RESOLUTION DATED NOVEMBER __, 2023.

A RESOLUTION AMENDING A BOND RESOLUTION DATED JULY 7, 2020 ADOPTED BY THE COMMON COUNCIL OF THE CITY OF MIDDLETOWN, ORANGE COUNTY, NEW YORK, IN CONNECTION WITH ENGINEERING COSTS FOR ADA SIDEWALKS AND RAMPS IMPROVEMENTS IN AND FOR SAID CITY, TO EXPAND THE PROJECT SCOPE AND EXTEND THE MAXIMUM MATURITY OF BONDS AUTHORIZED TO BE ISSUED BEYOND FIVE YEARS.

WHEREAS, by a bond resolution dated July 7, 2020, the Common Council of the City of Middletown, Orange County, New York, authorized the issuance of \$4,342,000 bonds of said City to pay engineering costs for ADA sidewalks and ramps improvements, in and for said City, and determined that the period of probable usefulness thereof was five years, as a financing for the planning for the capital project of such improvements; and

WHEREAS, such bond resolution restricts the maximum maturity of the bonds to five years; and

WHEREAS, it has now been determined that such costs included construction as well and it is in the financial interest of said City to amortize such serial bonds over a period in excess of five years, the period of probable usefulness of said class of objects or purposes being at least 10 years under Section 11.00(a)(24) of the Local Finance Law; and

WHEREAS, it is now desired to amend such bond resolution dated July 7, 2020 accordingly; NOW, THEREFORE,

BE IT RESOLVED, by the affirmative vote of **not less than two-thirds of the total voting strength** of the Common Council of the City of Middletown, Orange County, New York, as follows:

Section 1. Section 1(g) of bond resolution dated July 7, 2020, more fully described in the preambles hereof, is hereby amended to read as follows:

“Section 1(g). ADA sidewalks and ramps improvements, at a maximum estimated cost of \$4,342,000, being a class of objects or purposes, having a period of probable usefulness of ten years, pursuant to subdivision 24 of paragraph a of Section 11.00 of the Local Finance Law.

Section 2. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said City is not authorized to expend money, or

2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 3. This resolution, which takes effect immediately, shall be published in summary form in the official newspaper of said City, together with a notice of the City Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

_____	VOTING	_____
_____	VOTING	_____
_____	VOTING	_____
_____	VOTING	_____
_____	VOTING	_____
_____	VOTING	_____
_____	VOTING	_____
_____	VOTING	_____
_____	VOTING	_____

The resolution was thereupon declared duly adopted.

* * * * *

CERTIFICATION

STATE OF NEW YORK)
) ss.:
COUNTY OF ORANGE)

I, the undersigned Clerk of the City of Middletown, in the County of Orange, New York (the "Issuer"), DO HEREBY CERTIFY:

1. That a meeting of the Issuer was duly called, held and conducted on the ____ day of November, 2023.
2. That such meeting was a **special regular** (circle one) meeting.
3. That attached hereto is a proceeding of the Issuer which was duly adopted at such meeting by the Common Council of the Issuer.
4. That such attachment constitutes a true and correct copy of the entirety of such proceeding as so adopted by said Common Council.
5. That all members of the Common Council of the Issuer had due notice of said meeting.
6. That said meeting was open to the general public in accordance with Section 103 of the Public Officers Law, commonly referred to as the "Open Meetings Law".
7. That notice of said meeting (***the meeting at which the proceeding was adopted***) was caused to be given **PRIOR THERETO** in the following manner:

PUBLICATION (here insert newspaper(s) and date(s) of publication - should be a date or dates falling prior to the date set forth above in item 1)

POSTING (here insert place(s) and date(s) of posting- should be a date or dates falling prior to the date set forth above in item 1)

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Issuer this ____ day of November, 2023.

City Clerk

(CORPORATE SEAL)

LEGAL NOTICE OF ESTOPPEL

The bond resolution, summary of which is published herewith, has been adopted on November __, 2023, and the validity of the obligations authorized by such resolution may be hereafter contested only if such obligations were authorized for an object or purpose for which the City of Middletown, Orange County, New York, is not authorized to expend money, or if the provisions of law which should have been complied with as of the date of publication of this notice were not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of publication of this notice, or such obligations were authorized in violation of the provisions of the Constitution.

A complete copy of the resolution summarized herewith is available for public inspection during regular business hours at the Office of the City Clerk for a period of twenty days from the date of publication of this Notice.

Dated: Middletown, New York,

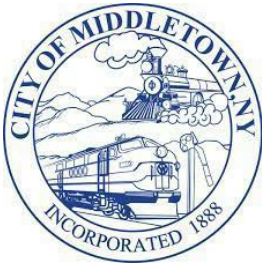
_____, 2023.

City Clerk

BOND RESOLUTION DATED NOVEMBER __, 2023.

A RESOLUTION AMENDING A BOND RESOLUTION DATED JULY 7, 2020 ADOPTED BY THE COMMON COUNCIL OF THE CITY OF MIDDLETOWN, ORANGE COUNTY, NEW YORK, IN CONNECTION WITH ENGINEERING COSTS FOR ADA SIDEWALKS AND RAMPS IMPROVEMENTS IN AND FOR SAID CITY, TO EXTEND EXPAND THE PROJECT SCOPE AND THE MAXIMUM MATURITY OF BONDS AUTHORIZED TO BE ISSUED BEYOND FIVE YEARS.

Object or purpose:	ADA sidewalks and ramps improvements
Period of probable usefulness:	Ten years
Total Maximum estimated cost:	\$4,342,000
Amount of obligations to be issued pursuant to the July 7, 2020 bond resolution, as amended by this resolution:	\$4,342,000



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

THE FOLLOWING WAS PRESENTED

By Ald.

Sec'd by Ald.

Date of Adoption: November 6, 2023

Index No: 210-23

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

Resolution Authorizing an Agreement with Orange County Youth Bureau

Whereas The Orange County Youth Bureau has approved our RFP application for funding in 2024 with Department Head Discretion. and

Whereas the funding will come from the NYSOCFS: Youth Sports Education Funding. The goal of the funding is to provide our youth with sports and education, opportunities and support to improve youth and community outcomes in specific "Life Areas."and

Whereas The Middletown Recreation Department will receive \$12,510 for the Middletown Recreation Young Warrior Boxing Program and \$25,000 for the Middletown Recreation Fitness Program and

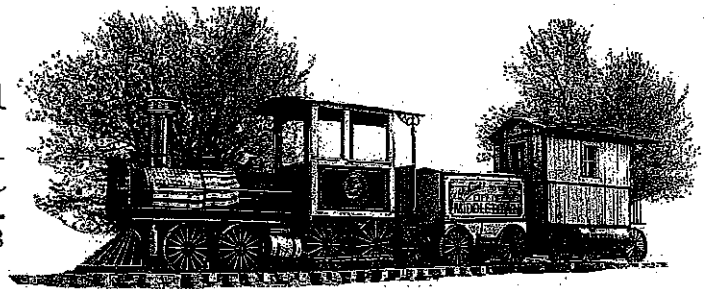
Now therefore be it resolved that the Common Council of the City of Middletown, NY, concurs with the Board of Estimate and Apportionment and authorizes the Mayor to sign any and all necessary 2024 contracts and Requests for Funding in relation to the Orange County Youth Bureau on behalf of the City of Middletown.

ATTACHMENTS:

[11-2-23 BOE.pdf](#)
[youth bureau contract.pdf](#)

Middletown Recreation and Parks Department

393 CR-78, Middletown, New York 10940 Tel: (845)846-4180 Fax: (845)844-2918



Thursday, November 2, 2023

RE: Authorization for Mayor to sign Youth Bureau Contracts and RFP's for 2024

Dear President Rodrigues & Council Members:

The Orange County Youth Bureau has approved our RFP application for funding in 2024 with Department Head Discretion. The funding will come from the NYSOCFS: Youth Sports Education Funding. The goal of the funding is to provide our youth with sports and education, opportunities and support to improve youth and community outcomes in specific "Life Areas." The Middletown Recreation Department will receive \$12,510 for the Middletown Recreation Young Warrior Boxing Program and \$25,000 for the Middletown Recreation Fitness Program.

In order to receive this funding and apply for future funding in 2024 please authorize Mayor DeStefano to sign any and all necessary 2024 contracts and Requests for Funding in relation to the Orange County Youth Bureau on behalf of the City of Middletown.

Sincerely,

A handwritten signature in black ink, appearing to read "Raelynn Bertholf".

Raelynn Bertholf
Superintendent of Recreation

**YOUTH EMPLOYMENT PROGRAM
WORKSITE AGREEMENT**

Worksite# _____

Worksite Name: City of Middletown Recreation and Parks Department _____

Allotted Slots: 1 _____

This Youth Employment Program Worksite Agreement ("**Agreement**") is entered into as of this 5 day of February, 2024, by and between the County of Orange ("**County**"), a municipal corporation, by and through its Employment & Training Administration ("**ETA**"), with its principal offices located at 40 Matthews Street, Suite 301, Goshen, New York") and

City of Middletown Recreation and Parks Department located at
393 County Rt 78, Middletown, NY 10940 ("**Worksite**").

The Worksite shall implement the Youth Employment Program ("**YEP**") in accordance with the provision of this Agreement commencing February 5, 2024 and ending close of business on June 30, 2024 unless extended, in writing, by the mutual agreement of the parties hereto ("**Term**").

This Agreement includes the following incorporated attachments:

- Schedule A – Worksite Supervisor(s)
- Schedule B – YEP Participant Job Duties
- Schedule C – Secretary of the US Department of Labor SCANS Criteria.

In addition, ETA shall deliver to Worksite a copy of the New York State Department of Labor Child Labor Laws, which are incorporated into this Agreement by reference.

Worksite has requested, and the County will place, YEP youth participants ("**YEP Participants**") for meaningful work experience employment with the Worksite.

The terms and conditions of the YEP Participant placements are as follows:

I. COUNTY RESPONSIBILITIES

County, by and through its ETA, shall:

- A. Monitor and evaluate YEP Participants assigned to Worksite.
- B. Monitor Worksite to determine its compliance with the terms and conditions of this Agreement and recommend any corrective action necessary to continue this Agreement.

- C. Pay the wages of YEP Participants assigned to Worksite and maintain all earnings, social security, and tax records related thereto.
- D. Procure and maintain Worker's Compensation coverage for YEP Participants.
- E. Have no liability under this Agreement to Worksite, any YEP Participant, or anyone else beyond the funds appropriated and available for this Agreement. This Agreement is made subject to and limited by the County's receipt of federal funds sufficient to sustain a county-wide program YEP. County does not assume any financial responsibility to sustain a YEP Participant in the event federal funds are not available.

II. WORKSITE RESPONSIBILITIES

Worksite shall:

- A. Specify any and all supervisors who may have signatory authority for YEP Participant's timesheets in **Schedule A**.
- B. Provide 1 jobs for YEP Participants during the Term, which jobs shall be in accordance with the statement of duties specified in **Schedule B**.
- C. Neither ask for, nor accept any monetary consideration for providing the services described herein.
- D. To the extent required by Article 15 of the New York State Executive Law (also known as the Human Rights Law) and all other applicable New York State and federal statutory, regulatory and constitutional non-discrimination provisions, including, but not limited to, Title VI of the Civil Rights Act of 1964 (P.L. 88-352), all as may be as amended, Worksite will not discriminate against any YEP Participant because of race, creed, color, sex (including gender identity or expression), national origin, sexual orientation, military status, age, disability, predisposing genetic characteristics, marital status or domestic violence victim status.
- E. Ensure that the work experience of YEP Participants is in accordance with the program objectives of the YEP, which, among other things, is to provide youth with a real work experience that will enhance their skills, as outlined in **Schedule C**, and foster the development of good work habits.
- F. Ensure a safe and healthy work environment for YEP Participants.
- G. Take all necessary measures to provide skill training wherever possible and, to the maximum extent practicable, contribute to the occupational development, upward mobility, and employability of the YEP Participants. Worksite acknowledges that most YEP Participants are unskilled.

- H. Provide sufficient work to occupy the YEP Participants during work hours and sufficient equipment and/or materials to enable YEP Participants to carry out the work assignments.
- I. Provide full-time adult supervision of assigned YEP Participants ensuring that there is **at least one (1) adult supervisor for every twelve (12) YEP Participants**.
- J. Maintain adequate attendance records in accordance with "Participant Time and Attendance Procedures" as established by ETA. Timesheets must be signed by both the Worksite supervisor and the YEP Participant.
- K. Send all supervisors of YEP Participants to participate in a brief Supervisor's Orientation at a time and location scheduled by ETA.
- L. Provide ETA staff with a written schedule of work hours for each YEP Participant, which schedule(s) are hereby incorporated into this Agreement by reference.
- M. Notify ETA immediately of any injury and/or accident involving a participant and, for other than injuries and/or accidents, report to ETA any incidents or problems encountered by YEP Participants and advise ETA of YEP Participant who could benefit from special counseling as soon as practicable, given the severity of the incident or problem.
- N. Comply with all applicable New York State and Federal child labor laws, rules and regulations, including, but not limited to, the Workforce Investment Act of 1998 and regulations promulgated thereunder ("WIOA"), all as may be amended.
- O. Grant authorized ETA staff, representatives of the Local Workforce Investment Board, and representatives of any State or Federal agencies administering funds under WIOA, at all reasonable times, access to and the right to visit, unannounced, Worksite locations to monitor the service provided by Worksite under this Agreement.
- P. Comply with Federal and New York State laws, rules and regulations prohibiting sectarian, partisan or religious services, counseling, proselytizing instruction, or influence to YEP Participants. WIOA funds shall not be used for the promotion of any religious activity or utilized for any religious purposes. The County retains the exclusive right and authority to determine whether or not the Worksite is, and remains, in compliance with this provision.
- Q. By its signature below, Worksite hereby acknowledges that if it is negligent in carrying out the terms and conditions of this Agreement, it may not be used in the YEP at a future date, and/or will be held financially responsible for costs deemed illegal by auditors or monitors. These remedies, if effected, shall not constitute the sole or exclusive remedies afforded County, nor shall it constitute a waiver of the County's right to claim damages or otherwise refuse payment or to take any other action provided for by law, in equity, or pursuant to this Agreement.
- R. Pursuant to State of New York State Finance Law §139-1, by execution of this Agreement, the Worksite and the individual signing this Agreement on behalf of the Worksite certifies,

under penalty of perjury, that the Worksite has and has implemented a written policy addressing sexual harassment prevention in the workplace and provides annual sexual harassment prevention training to all of its employees. Such policy shall, at a minimum, meet the requirements of Section 201-g of the State of New York Labor Law. A model policy and training has been created by the New York State Department of Labor and can be found on its website at:

<https://www.ny.gov/programs/combating-sexual-harassment-workplace>.

The County's policy against sexual harassment and other unlawful discrimination and harassment in the workplace can be found on the County's website at:

<https://www.orangecountygov.com/1137/Human-Resources>.

III. GENERAL PROVISIONS

- A. Termination. The County may, by written notice to Worksite effective immediately, terminate this Agreement in whole, or in part, or remove any YEP Participant from any Worksite location, at any time (1) for the County's convenience; (2) upon the failure of Worksite to comply with the terms or conditions of this Agreement or any federal, state or local law, rule or regulation, including WIOA; (3) in the event the federal funds supporting the YEP are discontinued; or (4) upon bankruptcy, insolvency or closure of Worksite.
- B. Independent Contractor. Except when Worksite is a department, agency or unit of the County, in performing the services under this Agreement, Worksite shall operate as, and have the status of, an independent contractor and shall not act as agent, or be an agent, of the County. In accordance with such status as an independent contractor, Worksite covenants and agrees that neither it nor its employees or agent will hold themselves out as, nor claim to be officers or employees of the County, or of any department, agency or unit thereof by reason hereof, and that it will not, by reason hereof, make any claim, demand or application to or for any right or privilege applicable to an officer or employee of the County.
- C. Subcontracting/Assignment. Worksite shall not assign any of its rights, interest, or obligations under this Agreement, or subcontract any of the services to be performed by it under this Agreement. Worksite shall not reassign YEP Participants to another Worksite location without the written permission of ETA.
- D. Pay-to-Play. Pursuant to Section 10 of the County's "**Pay-to-Play Local Law**", (Local Law No. 13 of 2013, as amended) the regulatory and penalty provisions of the Pay-to-Play Local Law are incorporated by reference. A copy of the law may be requested from County's Department of General Services.
- E. Indemnification.
 - 1. To the fullest extent permitted by law, Worksite shall defend, indemnify and hold harmless County and its officers, employees, contractors, agents, assignees and other representatives, from and against any and all claims, liabilities, expenses, costs, losses, damages and causes of action (including without limitation, reasonable attorneys' fees

and costs of litigation and/or settlement) arising out of, directly or indirectly, the services performed and/or goods provided pursuant to this Agreement by Worksite or its officers, directors, members, partners, employees, YEP Participants, contractors, agents, assignees or other representatives.

2. Without limiting the foregoing, to the fullest extent permitted by law, Worksite specifically agrees to defend, indemnify and hold County harmless against claims, including claims by Worksite's customers and/or subcontractors, based on infringement of copyright, patent, trade secret, trademark, libel, slander, or invasion of privacy, arising out of, directly or indirectly, the services performed and/or goods provided by Worksite its officers, directors, partners, members, employees, contractors, agents, assignees or other representatives pursuant to this Agreement.
 3. In the event that any claim is made or any action is brought against County arising out of, in connection with or otherwise relating to this Agreement either within or without the scope of Worksite's duties, obligations or applicable industry standards, or those of any of Worksite's respective officers, directors, partners, members, employees, contractors, agents, or other representative's; then County shall have the right to withhold further payments hereunder, for the purpose of set-off, in sufficient sums to cover the claims, liabilities, expenses, costs, losses, damages or causes of action. This remedy, if effected, shall not constitute the sole or exclusive remedy afforded County, nor shall it constitute a waiver of that the County's right to claim damages or otherwise refuse payment or to take any other action provided for by law, in equity, or pursuant to this Agreement.
- F. General Release. The acceptance by Worksite or its assignees of the final payment under this Agreement (whether based on invoice, judgment of any court of competent jurisdiction, administrative or any other means) shall constitute and operate as a general release to County from any and all claims of Worksite arising out of the performance of this Agreement.
- G. Set-Off Rights.
1. County shall have all of its common law, equitable and statutory rights of set-off. These rights shall include, but are not limited to, County's right to withhold for the purposes of set-off any monies otherwise due to Worksite:
 - a. under this Agreement;
 - b. under any other agreement or contract with County, including any agreement or contract for a term commencing prior to or after the term of this Agreement; or
 - c. from County by operation of law.
 2. County also has the right to withhold any monies otherwise due under this Agreement for the purposes of set-off as to any amounts due and owing to County for any reason whatsoever including, without limitation, tax delinquencies, fee delinquencies or monetary penalties or interest relative thereto.

3. These remedies, if effected, shall not constitute the sole or exclusive remedies afforded the County, nor shall it constitute a waiver of that the County's right to claim damages or otherwise refuse payment or to take any other action provided for by law, in equity, or pursuant to this Agreement.
- H. Disputes. Except as otherwise provided by this Agreement, any dispute concerning this Agreement, which is not disposed of by the mutual consent of the parties hereto, shall be decided by the ETA or by its duly authorized representative for final resolution. Any and all disputes involving this Agreement, including the breach or alleged breach thereof, may not be submitted to arbitration unless specifically agreed to in writing by the County Executive, or his or her designee, but must instead only be heard in the Supreme Court of the State of New York, with venue in Orange County or, if appropriate, in the federal District Court with venue in the Southern District of New York, White Plains division.
- I. Modification. County reserves the right to update or change the provisions of this Agreement as conditions require, including, but not limited to for compliance with New York State or Federal laws or regulations. All modifications to this Agreement shall be in writing and executed by both parties. If Worksite does not agree to a modification necessary for compliance with New York State or Federal laws or regulations, this Agreement shall be deemed terminated, as of the date compliance with the subject law or regulation is required.
- J. Governing Law. This Agreement shall be governed by the laws of the State of New York, without giving effect to choice of law provisions. Worksite shall render all services under this Agreement in accordance with applicable provisions of all Federal, New York State and Local laws, rules and regulations as are in effect at the time services are rendered.
- K. Business Authorization and Registration; Service of Process. Worksite shall be properly authorized and registered to do business as required by the laws of the state of New York applicable to Worksite's business entity type. Regardless of the propriety or legality of Worksite's business authorization and registration status, as a condition of contract, Worksite shall agree to service of process as follows: In addition to the methods of service allowed by New York's Civil Practice Law and Rules, Worksite consents to service of process upon it by registered or certified mail, return receipt requested, to the address indicated in this Agreement. Service shall be complete upon Worksite's actual receipt of process, or upon County's receipt of the return by the United States Postal Service as refused or undeliverable. Worksite shall immediately notify County, in writing, via registered or certified mail, return receipt requested, of each change or address to which service of process can be made. Service by County to the last known address shall be sufficient.
- L. Notice.
1. All notices permitted or required hereunder shall be in writing and shall be transmitted either:
 - a. via certified or registered United States mail, return receipt requested;

- b. by personal delivery;
 - c. by overnight delivery service with a nationally recognized carrier (e.g. FedEx, UPS); or
2. The parties agree to mutually designate individuals as their respective representative for the purposes of receiving notices under this Agreement. Additional individuals may be designated in writing by the parties for purposes of implementation and administration/billing, resolving issues and problems, and/or for dispute resolution. Notices shall be addressed as follows or to such different addresses as the parties may from time to time designate in accordance with subdivision 4 below:

County

Name: Orange County Employment & Training Administration
Title: Stephen Knob, Director
Address: 40 Matthews Street, Suite 301, Goshen, NY 10924
Phone Number: (845) 615-3630

Worksite

Name: City of Middletown Recreation Department
Title: Celines Rodriguez, Program Coordinator
Address: 393 County Route 78, Middletown, NY 10940
Phone Number: (845) 346-4183

3. Any such notice shall be deemed to have been given either at the time of personal delivery or, in the case of expedited delivery service or certified or registered United States mail, as of the date of first attempted delivery at the address and in the manner provided herein.
4. The parties may, from time to time, specify any new or different contact person or address in the United States as their address for purpose of receiving notice by notifying County, in writing, via registered or certified mail, return receipt requested, of each change.

M. Binding Effect.

This Agreement shall be binding upon the parties hereto and their respective successors and assigns.

N. Severability.

If any part, term or provision of this Agreement is declared or found to be illegal, unenforceable, or void, then both parties shall be relieved of all obligations arising under such provisions, but the remainder of this Agreement shall be interpreted so as to carry out the intent of the parties in an equitable manner.

Q. Compliance.

1. Worksite and its officers, directors, partners, members, employees, contractors, agents, assignees or other representatives shall at all times comply with all applicable New York state and federal laws and regulations in the performance of this Agreement.
2. Worksite understands that it may be necessary for County to submit to governmental agencies or to a court of law part of or all of the data, analyses and/or conclusions developed in the performance of the Scope of Work as well as certification, payment applications or other documentation certified and/or signed by Worksite or its officers, directors, partners, members, employees, contractors, agents, assignees or other representatives. Worksite is aware that there are significant state and/or federal civil and criminal penalties for submitting false information, including the possibility of fines and imprisonment. Worksite is responsible for such penalties resulting from false information submitted by Worksite or its officers, directors, partners, members, employees, contractors, agents, assignees or other representatives and shall, to the fullest extent permitted by law, defend, indemnify and hold harmless County and its officers, employees, contractors, agents, assignees and other representatives, from and against any and all claims, liabilities, expenses, costs, losses, damages and causes of action (including without limitation, reasonable attorneys' fees and costs of litigation and/or settlement) arising out of, directly or indirectly, the submission of any false information by Worksite or its subcontractors.

S. Waiver.

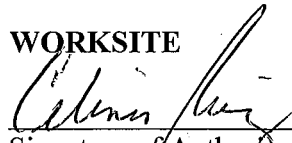
No covenant, condition or undertaking contained in this Agreement may be waived except by the written agreement of the parties. Forbearance or indulgence in any form by either party in regard to any covenant, condition or undertaking to be kept or performed by the other party shall not constitute a waiver thereof and, until complete satisfaction or performance of all such covenants, conditions and undertakings, the other party may be entitled to invoke any remedy available under this Agreement, despite any such forbearance or indulgence.

T. Entire Agreement.

This Agreement sets forth the entire agreement between the parties with regard to the subject matter hereof, and supersedes all prior representations, agreements and understandings, written or oral.

IN WITNESS WHEREOF, the parties have signed this Agreement on the date(s) below written:

WORKSITE


Signature of Authorized Official

Celine Rodriguez
Print Name

Program Coordinator
Title

11/1/23
Date

COUNTY OF ORANGE

Stefan ("Steven") M. Neuhaus
County Executive

Date

SCHEDULE A – WORKSITE SUPERVISOR(S)

If any representative of the Worksite, other than the signatory of this Agreement will be signing youth timesheets for the Worksite, please have each supervisor sign below and specify their Worksite:

1. Celina Rodriguez Celina Rodriguez 11/1/23
Supervisor Signature Print Name Date
Middletown Recreation Campus - 393 County Rt 78
Worksite Location

2. Nicole Psarakis NICOLE PSARAKIS 11/01/2023
Supervisor Signature Print Name Date

MIDDLETOWN RECREATION CAMPUS-393 COUNTY RT. 78 MDTN. NY 10940
Worksite Location

3. Raelynn Bertholf Raelynn Bertholf 11/2/23
Supervisor Signature Print Name Date

Middletown Recreation Department
Worksite Location

4. Kelly Ocasio Kelly Ocasio 11/2/23
Supervisor Signature Print Name Date

Middletown Recreation Department
Worksite Location

5. _____
Supervisor Signature Print Name Date

Worksite Location

SCHEDULE B – YEP Participant Job Duties

Housekeeping

- Light Housekeeping

Dietary

- Light food prep and dishwashing

Activity Dept.

- Assisting with activity programs, transporting residents to activities program and to beauty salon

Medical Records

- Medical record filing

SCHEDULE C – Secretary of the US Department of Labor SCANS Criteria

THE SECRETARY’S COMMISSION ON ACHIEVING NECESSARY SKILL (SCANS)

What skills will prepare our youth to participate in the modern workplace? What skill levels do entry-levels jobs require? In 1990, the Secretary of the Department of Labor, establishment the Secretary’s Commission on Achieving Necessary Skill (SCANS)

WHAT ARE WORKPLACE SKILLS?

To find meaningful work, youth need to master certain workplace skill, SCANS calls these essential “foundation skill” and “competencies”.

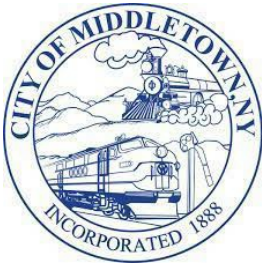
Workers use foundation skills-academic and behavioral characteristics-to build competencies on.

Foundation skills fall into three domains:

- **Basic Skill**-reading, writing, speaking, listing, and knowing arithmetic and mathematical concept;
- **Thinking Skills**-reasoning, making decisions, thinking creatively, solving problems, seeing things in the mind’s eye and knowing how to learn: and
- **Personal Qualities**-responsibility, self-esteem, sociability, self-management, integrity and honesty.

Competencies, however, more closely relate to what people actually do at work. The competencies the SCANS has identified fall into five domains:

- **Resources** - identifying, organizing, planning, and allocating time, money, materials, and workers
- **Interpersonal Skills** - negotiating, exercising leadership, working with diversity, teaching others new skills, serving clients and customers, and participating as a team member.
- **Information Skill** - using computer to process information and acquiring and evaluating, organizing, and maintaining, and interpreting and communicating information
- **Systems Skill** - understanding systems, monitoring and correcting system performance, and improving and designing systems; and
- **Technology Utilization Skills** - selecting technology, applying technology to a task, and maintaining and troubleshooting technology



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

THE FOLLOWING WAS PRESENTED

By Ald.

Sec'd by Ald.

Date of Adoption: November 6, 2023

Index No: 211-23

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 Amending City Code to Create a Fee for an Electrical Permit

WHEREAS, the Department of Public Works is recommending the imposition of a fee for an electrical permit that is issued in stand-alone situations where the electrical work is not being performed as part of the work approved by a building permit.

NOW THEREFORE BE IT Resolved, and be it Ordained, by the Common Council of the City of Middletown, New York, as follows:

Section 1 - The Code of the City of Middletown, N.Y., Chapter 235, Electricians and Electrical Standards, is hereby amended by adding a new Subsection (E) to Section 235-15, Permits, to read as follows:

(E) A fee in the amount of Fifty Dollars (\$50.00) shall be paid prior to the commencement of any electrical work pursuant to a permit issued under the provisions of this Section, unless such work is included in the scope of work approved by an existing building permit issued by the Department of Public Works.

Section 2 - This ordinance shall take effect immediately.

ATTACHMENTS:

[Electrical Permits - Fees.pdf](#)

RESOLUTION

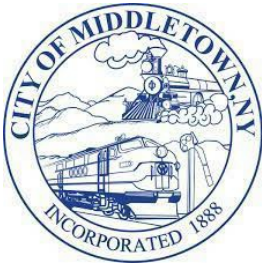
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Resolution Amending City Code as it Pertains to Renewing Rental Permits

WHEREAS, the Department of Public Works has been noting delays by owners of rental properties in timely renewing rental permits, and

WHEREAS, such delays are resulting in significant time periods in which tenants are occupying properties subsequent to the expiration of existing rental permits.

NOW THEREFORE BE IT Resolved, and be it Ordained, by the Common Council of the City of Middletown, New York, as follows:

Section 1 - The Code of the City of Middletown, N.Y., Chapter 296, Housing, is hereby amended by adding a Paragraph (4) to Subsection B, Renewal, of Section 296-18, Term of permit; renewal, to read as follows:

(4) Any owner of rental property who fails to secure a renewal rental permit prior to the expiration of the current rental permit shall be subject to a late fee of One Hundred Dollars

(\$100.00), to be imposed in the sole discretion of the Commissioner of Public Works. Additionally, any time period in which a rental property is occupied subsequent to the expiration of an existing permit without procurement of a renewal permit constitutes a per day violation subjecting the owner to the penalties provided for in Section 296-25 of this Article. Any renewed rental permit that is issued subsequent to the expiration of the existing permit shall be backdated to the date of expiration of the existing permit.

Section 2 - The Code of the City of Middletown, N.Y., Chapter 296, Housing, is hereby amended by adding a Paragraph (3) to Subsection B, Renewal, of Section 296-36, Term of rental permit; renewal, to read as follows:

(3) Any owner of rental property who fails to secure a renewal rental permit prior to the expiration of the current rental permit shall be subject to a late fee of One Hundred Dollars (\$100.00), to be imposed in the sole discretion of the Commissioner of Public Works. Additionally, any time period in which a rental property is occupied subsequent to the expiration of an existing permit without procurement of a renewal permit constitutes a per day violation subjecting the owner to the penalties provided for in Section 296-40 of this Article. Any renewed rental permit that is issued subsequent to the expiration of the existing permit shall be backdated to the date of expiration of the existing permit.

Section 3 - This ordinance shall take effect immediately.

ATTACHMENTS:

[Rental Permits - Renewal Delays.pdf](#)

RESOLUTION

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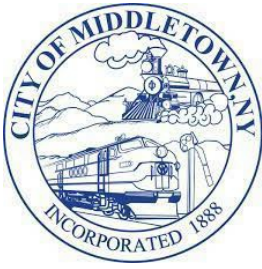
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COMMON COUNCIL
RECORD OF VOTE**

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Pres. Rodrigues				
Total				

Resolution Amending City Code to Create a Tax Exemption for Volunteer Fire Fighters

WHEREAS, the Common Council of the City of Middletown wishes to provide the City's volunteer firefighters and their spouses with the property tax exemption recently enacted in Section 466-a of the Real Property Tax Law.

NOW THEREFORE BE IT RESOLVED by the Common Council of the City of Middletown that Chapter 430 of the Middletown City Code, Taxation, is hereby amended by creating a new Article VII therein, to read as follows:

ARTICLE VII. Volunteer Firefighters Property Tax Exemption.

Section 430-24. Grant of Exemption. Real property owned by an active volunteer member of any volunteer fire company in the City of Middletown Fire Department residing within the City of Middletown shall be exempt from taxation to the extent of ten percent (10%) of the assessed value of such property for City purposes, exclusive of special assessments.

Section 430-25. Qualifications for Exemption. The aforesaid exemption shall not be granted to any volunteer firefighter unless:

1. The applicant resides in the City of Middletown and is a member of a volunteer fire company of the City of Middletown Fire Department;

1. The real property which is the subject of such exemption is the primary residence of the applicant;

1. The property is used exclusively for residential purposes; provided however, that in the event any portion of such property is not used exclusively for the applicant's residence but is used for other purposes, such portion shall be subject to taxation and the remaining portion only shall be entitled to the exemption provided by this Article; and

- 1.

- (1). The applicant has obtained and displayed a certificate issued by the authority having jurisdiction for the volunteer fire company indicating that the applicant has been an active member of such company for at least two (2) years; or

- (2). The applicant has been certified by the authority having jurisdiction for the volunteer fire company as an active member of such company for at least two (2) years.

1. The applicant has been certified by the authority having jurisdiction for the volunteer fire company as eligible to receive Length of Service Award Program (LOSAP) credit in the tax year prior to the tax year for which the exemption is sought.

Section 430.26. Continuation of eligibility requirements. The applicant shall maintain continual eligibility for the exemption by being a continuously active member of the volunteer fire company. An active member shall meet the requirements for active service as defined by

each company. Annual attestation by such company is required to maintain this exemption.

Section 430.27. Grant of lifetime exemption. Any active member of a volunteer fire company who accrues more than twenty (20) years of active service, as defined in Section 430.26, and is so certified by the authority having jurisdiction of such company shall be granted the ten (10) percent exemption authorized by this Article for the remainder of his or her life as long as his or her primary residence is located within the City of Middletown. This twenty-year requirement applies to any year of active service, and need not be consecutive years

Section 430.28. Un-remarried Surviving Spouses of Volunteers Killed in the Line of Duty. An un-remarried surviving spouse of volunteer firefighters killed in the line of duty shall be entitled to continue the partial exemption granted hereunder, provided that:

1. Such un-remarried spouse is certified by the authority having jurisdiction of the relevant volunteer fire company as an un-remarried spouse of an active member if such company who was killed in the line of duty;

1. Such deceased volunteer had been an active member for at least five (5) years; and

1. Such deceased volunteer had been receiving the exemption for such property authorized by this Article prior to his or her death.

Section 430.29. Un-remarried Surviving Spouses of Volunteers With at Least Twenty (20) Years of Service. An un-remarried surviving spouse of volunteer firefighters with at twenty (20) years of service shall be entitled to continue the partial exemption granted hereunder, provided that:

1. Such un-remarried spouse is certified by the authority having jurisdiction of the relevant volunteer fire company as an un-remarried spouse of a deceased

member of such company;

1. Such deceased volunteer had been an active member of such company for at least twenty (20) years; and

1. Such deceased volunteer had been receiving the exemption for such property authorized by this Article prior to his or her death.

Section 430.30. The provisions of Sections 430.26, 430.27, 430.28, and 430.29 of this Article shall apply to volunteer firefighters who are certified members of more than one (1) volunteer fire company in the City of Middletown Fire Department.

Section 430.31. Application Process.

1. To obtain the initial exemption, a volunteer firefighter must, on or before the applicable taxable status date, file an application for the partial real property tax exemption authorized by this Article with the Assessor of the City of Middletown, on a form as prescribed by the New York State Commissioner of Taxation and Finance and acceptable to the City of Middletown.

430. Once the exemption is granted, the exemption may continue for the authorized period provided that the eligibility requirements of Section 430.25 continue to be satisfied. It is not necessary to reapply after the initial year for the exemption for it to continue. However, proof of continued eligibility under the provisions of Section 430.25 would be required after the initial application.

AND BE IT FURTHER RESOLVED by the Common Council of the City of Middletown that the sections, paragraphs, sentences, clauses, and phrases of this Article are severable, and if any phrase, clause, sentence, paragraph, or section of this Article shall be declared unconstitutional or illegal by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality or illegality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this Article.

AND BE IT FURTHER RESOLVED by the Common Council of the City of Middletown that this Article shall take effect immediately.

ATTACHMENTS:

[Firefighters Property Tax Exemption.pdf](#)

RESOLUTION

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C. The property is used exclusively for residential purposes; provided however, that in the event any portion of such property is not used exclusively for the applicant's residence but is used for other purposes, such portion shall be subject to taxation and the remaining portion only shall be entitled to the exemption provided by this Article; and

D.

(1). The applicant has obtained and displayed a certificate issued by the authority having jurisdiction for the volunteer fire company indicating that the applicant has been an active member of such company for at least two (2) years; or

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E. The applicant has been certified by the authority having jurisdiction for the volunteer fire company as eligible to receive Length of Service Award Program

(LOSAP) credit in the tax year prior to the tax year for which the exemption is sought.

Section 430.26. Continuation of eligibility requirements. The applicant shall maintain continual eligibility for the exemption by being a continuously active member of the volunteer fire company. An active member shall meet the requirements for active service as defined by each company. Annual attestation by such company is required to maintain this exemption.

Section 430.27. Grant of lifetime exemption. Any active member of a volunteer fire company who accrues more than twenty (20) years of active service, as defined in Section 430.26, and is so certified by the authority having jurisdiction of such company shall be granted the ten (10) percent exemption authorized by this Article for the remainder of his or her life as long as his or her primary residence is located within the City of Middletown. This twenty-year requirement applies to any year of active service, and need not be consecutive years

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C. Such deceased volunteer had been receiving the exemption for such

property authorized by this Article prior to his or her death.

Section 430.30. The provisions of Sections 430.26, 430.27, 430.28, and 430.29 of this Article shall apply to volunteer firefighters who are certified members of more than one (1) volunteer fire company in the City of Middletown Fire Department.

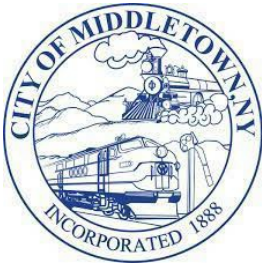
Section 430.31. Application Process.

A. To obtain the initial exemption, a volunteer firefighter must, on or before the applicable taxable status date, file an application for the partial real property tax exemption authorized by this Article with the Assessor of the City of Middletown, on a form as prescribed by the New York State Commissioner of Taxation and Finance and acceptable to the City of Middletown.

B. Once the exemption is granted, the exemption may continue for the authorized period provided that the eligibility requirements of Section 430.25 continue to be satisfied. It is not necessary to reapply after the initial year for the exemption for it to continue. However, proof of continued eligibility under the provisions of Section 430.25 would be required after the initial application.

AND BE IT FURTHER RESOLVED by the Common Council of the City of Middletown that the sections, paragraphs, sentences, clauses, and phrases of this Article are severable, and if any phrase, clause, sentence, paragraph, or section of this Article shall be declared unconstitutional or illegal by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality or illegality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this Article.

AND BE IT FURTHER RESOLVED by the Common Council of the City of Middletown that this Article shall take effect immediately.



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

THE FOLLOWING WAS PRESENTED

By Ald.

Sec'd by Ald.

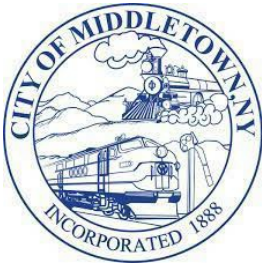
Date of Adoption: November 6, 2023

Index No:

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

**Resolution Authorizing the Closure of Union Street on Saturday, December 2 from 12:30p-8:00p
for a 'Yuletide on Union Street' Holiday Market & Ice-Skating event**

Be it resolved that the Common Council of the City of Middletown authorizes the closure of Union Street on Saturday, December 2 from 12:30p-8:00p for a Yuletide on Union Street and Holiday Market Ice-Skating event



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

THE FOLLOWING WAS PRESENTED

By Ald.

Sec'd by Ald.

Date of Adoption: November 6, 2023

Index No:

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

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

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

TREASURER BE AUTHORIZED TO ISSUE WARRANTS FOR THEIR PAYMENTS