



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

1. PLEDGE OF ALLEGIANCE
2. ROLL CALL
3. APPROVAL OF MINUTES
 - 3.1 Accept minutes from 10/17, 11/6 & 11/21/2023
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
 - 8.1 Public Hearing: Tobacco Licenses
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 \$1760 Budget Transfer for Camp Scholarships
 - 12.2 Resolution Authorizing a \$11565.84 Budget Transfer from within the Department of Public Works Budget
 - 12.3 Resolution Authorizing a \$13250 Budget Transfer from within the Department of Public Works Budget
 - 12.4 Resolution Authorizing a Renewal Agreement with PERMA for Workers' Compensation Coverage for 2024

12.5 Resolution Approving the Assessment Collectors Warrant for 2024

12.6 Resolution Authorizing a \$30,000 budget transfer within the Fire Department's Budget

12.7 Resolution Authorizing a \$3,700 Budget Transfer from the Paramount

12.8 Resolution authorizing \$3502.75 in Budget Transfer from within the Community Development Department Budget

12.9 Resolution Authorizing a new contract with the Humane Society of Middletown

12.10 Resolution Authorizing an new agreement with Pets Alive for 2024

12.11 Resolution Authorizing a new Agreement with The Humane Society of Port Jervis

12.12 Resolution Authorizing a New Agreement with the Sullivan County SPCA

12.13 Resolution Accepting a \$5,000,000 Grant for Replacing a Raw Water Line Between Kinch and Shawangunk Dams

12.14 Resolution Authorizing a \$1500 Budget Transfer from within the City Clerk's Budget.

12.15 Resolution Authorizing an Agreement with Tri-State Geese Police

12.16 Resolution Authorizing a \$121,867.60 Budget Transfer from within the Police Department Budget

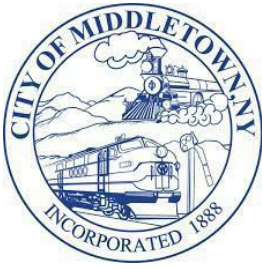
12.17 Resolution Authorizing the 2024-2025 School Resources Officer Agreement between the City of Middletown and the Enlarged City School District of Middletown

12.18 Resolution Authorizing a \$23,000 Budget Transfer from within the Recreation and Parks Budget

13. LOCAL LAWS

14. AUDIT OF CLAIMS AND ACCOUNTS

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: December 19, 2023

Index No:

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

Accept minutes from 10/17, 11/6 & 11/21/2023

Accept minutes from 10/17, 11/6 & 11/21/2023

ATTACHMENTS:

[10.17.23 CC Minutesx.pdf](#)

[11.06.23 CC Minutes.pdf](#)

[11.21.23 CC Minutes.pdf](#)



COMMON COUNCIL MEETING
CITY OF MIDDLETOWN
October 17, 2023 Minutes
City Hall
16 James Street
Middletown, New York 10940

PRESENT:

J. Miguel Rodrigues, President
Ald. Jude Jean-Francois
Ald. Andrew Green (Not present)
Ald. Paul Johnson
Ald. Gerald Kleiner
Ald. Joseph Masi
Ald. Sparrow Tobin
Ald. Kevin Witt
Ald. Kate Wray

ALSO PRESENT:

Richard McCormack, City Clerk
Joseph M. DeStefano, Mayor

Proceedings electronically recorded
Transcript produced by Laurie A. Pellitteri

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ADJOURNMENT

1 **1. Pledge of Allegiance**

2 (Pledge of Allegiance.)

3 **2. Roll Call**

4 PRESIDENT RODRIGUES: Roll.

5 MR. MCCORMACK: Alderman Tobin.

6 ALD. TOBIN: Here.

7 MR. MCCORMACK: Alderman Jean-Francois.

8 ALD. JEAN-FRANCOIS: Here.

9 MR. MCCORMACK: Alderman Johnson.

10 ALD. JOHNSON: Here.

11 MR. MCCORMACK: Alderwoman Wray.

12 ALD. WRAY: Here.

13 MR. MCCORMACK: Alderman Kleiner.

14 ALD. KLEINER: Here.

15 MR. MCCORMACK: Alderman Green.

16 ALD. GREEN: (No audible response)

17 MR. MCCORMACK: Alderman Witt.

18 ALD. WITT: Here.

19 MR. MCCORMACK: Alderman Masi.

20 ALD. MASI: Here.

21 MR. MCCORMACK: President Rodrigues.

22 PRESIDENT RODRIGUES: Here.

23 MR. MCCORMACK: A quorum is present.

24 **3. Approval of Minutes**

25 (None this evening.)

4. Correspondence, Communication and Reports

PRESIDENT RODRIGUES: Correspondence?

MR. MCCORMACK: We have a standardized notice form for a 30-day advance notice for a liquor license for Antojito's Mangu Middletown Restaurant Corp.

PRESIDENT RODRIGUES: Received and filed.

MR. MCCORMACK: Thank you. That's it for this evening.

5. For the Good of the City

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

MS. TORLEY: Hello, and good evening. My name is Marilyn Torley, and I work over at Fei Tian College in Middletown. For those who are not familiar with our college, it is a non-profit four-year college with degree programs such as data science, biomedical, we have graphic arts, art management and dance -- oh, and computer -- quantum computing, which is just something new that we've added.

And the reason that I am here this evening is that I would like you to be aware that we just started a program called Friendship Families. We have a lot of international students. We have students from Germany and Ireland, Japan, China, Vietnam, many, many

1 different countries, and we want to give them an
2 opportunity to better understand America and the
3 traditions that we hold so dear. And we feel the best
4 way of doing that is to connect our families here in
5 Middletown to our students.

6 What does that look like? It's not meaning
7 that they're going to be living with you. It means
8 that if you go out on an outing, you go to a picnic,
9 you -- there is so many wonderful things to do here in
10 the Hudson Valley, that you would be connected with one
11 of the students, and you would create a relationship
12 that would last the year.

13 Our request is that you spend at least one
14 opportunity with them a month. So whether it's, as I
15 said, an outing, a football game, something for, you
16 know, harvest time of the year, and we just wanted to
17 let everyone know that this program is starting and
18 that we have a process for, you know, being interviewed
19 and you get to know the student before you go on and
20 create that relationship. And we appreciate the time
21 that the families would take with our students.

22 Thank you.

23 PRESIDENT RODRIGUES: Thank you. Anyone else
24 who would like to address the Council?

25 MS. CID: Hello, good evening. Vanessa Cid,

1 7 Linden Avenue. I am here today just to remind you
2 all that I am gonna keep reaching out in regards to
3 ETPA, but also to offer some suggestions, just because
4 there was a meeting held two weeks ago. There was a
5 public hearing for citizen input for the annual action
6 plan, and a lot of people that I had spoken to had not
7 heard about it, and when I went to look back at the
8 paper, the physical newspaper, it was literally this,
9 this length (indicating), um, not readable, and if it's
10 someone that doesn't read the paper anymore or you
11 don't buy it or you don't have a subscription, you
12 wouldn't have seen it. So, I just ask that the next
13 time that this meeting is scheduled or if another one
14 is to be made for the year ends, that we can work
15 together to make sure that more people in the community
16 know about it and can make it so that they can also
17 give their input. Thank you.

18 PRESIDENT RODRIGUES: Thank you.

19 Anyone else?

20 **6. Remarks of the Mayor.**

21 PRESIDENT RODRIGUES: Okay, remarks from the
22 Mayor.

23 MAYOR DeSTEFANO: Yes. First, I want to open
24 with thanking Fei Tian College. I think it's a great
25 program, and hopefully many people in our community

1 will take advantage of it.

2 I also need to have an Executive Session to
3 discuss some contractual issues with some of our
4 vendors, or a couple of our vendors, and we can do that
5 at the end of the meeting, if you so choose.

6 And also, just to a quick point when --
7 Vanessa's point. The meetings are advertised, agendas
8 are posted. We do take ads out and legal notices as
9 required. Meetings are posted on our website, public
10 hearings are posted. And the folks have a responsi-
11 bility to look for information to the City. We can't
12 contact 30,000 people or spend thousands and thousands
13 of dollars putting up a notice on every meeting that
14 will be held at City Hall. Community Development in
15 some years past has had the public hearing well
16 attended, and in some years, people seem not to take so
17 much of an interest in it, but -- but the meetings, not
18 only do we comply with the legal requirements of
19 posting the legal notices, but we do quite a bit of
20 outreach, and unfortunately, or fortunately, she was
21 aware of the meeting and was here. So I'm not sure
22 what the concern was because obviously Vanessa and her
23 organization did know about the meeting.

24 So, just to clarify that, that we do follow
25 all the, not only the appropriate protocols but -- and

1 requirements, but we do go above and beyond.

2 Tonight you are also going -- you have a
3 resolution in front of you -- or no, a resolution going
4 into committee regarding the fire exemption, a proposal
5 that was drafted by myself and Maryann along with our
6 Corporation Counsel Alex Smith, Maryann being our
7 Assessor, and it is the Volunteer Firefighter's
8 Property Tax Exemption, and we're basically
9 recommending to the Council that we tie it in our LOSAP
10 program. This was an option by the state. The school
11 district is adopting it -- one also, I think it's
12 similar. Theirs is based on service also. We specify
13 the service has to meet LOSAP requirements. So I am
14 assuming the Council present will put it into Committee
15 and the Committee will make the recommendations to the
16 full Council.

17 And that's all I have, unless you have any
18 questions.

19 PRESIDENT RODRIGUES: Any questions for the
20 Mayor? All right.

21 MAYOR DeSTEFANO: Thank you.

22 **7. Remarks of Department Heads**

23 PRESIDENT RODRIGUES: Remarks of the
24 department heads, economic development.

25 MS. BRUNI: Good evening, everyone. I also

1 want to note as the Mayor mentioned about the public
2 hearing notices, it is in English and Spanish the
3 notices, so I just wanted to also add that. The
4 I.D.A. had their meeting tonight. We worked on the
5 proposed budget to submit to the State, just like we do
6 for the Community Development Agency.

7 Also, you have a resolution tonight hoping to
8 -- for support on an increase on the cap for the home
9 ownership program, which you all know is a very
10 successful program that the Community Development
11 Agency has been running for the past few years, and I
12 believe we're up to 15, 16 new homeowners in our -- in
13 our City. So, we have some more homes on the books
14 that are gonna be ready to be rehabbed and get some
15 more folks moving into our City with very nice rehabbed
16 property.

17 Also, our pumpkin event last week was a
18 success at the farmer's market. We gave out over 300
19 pumpkins. Thank you Run for Downtown for purchasing
20 the pumpkins for the giveaway. Also, Cheryl one of our
21 BID board directors, board of directors and owner of
22 Sub Q Tattoo was there helping the kids paint all the
23 pumpkins, so it was a good time despite the weather.

24 Um, this Friday at the Paramount, we have the
25 Hudson Valley International Film Festival. They'll be

1 there for the opening night movies. Horror-thon
2 Weekend, October 27th, 28, 29th. And also we're still
3 looking for that perfect tree for downtown for
4 Christmas. We got some inquiries, and we're doing our
5 scouting, but if anyone, please contact us 343-8075,
6 the BID office or my office 346-4170. And that's all I
7 have for this evening.

8 PRESIDENT RODRIGUES: Quick question. Is the
9 I.D.A. still allowed to do pilots?

10 MS. BRUNI: Yes, we just had a successful
11 one. We just did Polycraft on the Industrial Drive, so
12 we did a pilot sales tax exemption and that was a great
13 project, bringing close to 135 jobs to our City.

14 PRESIDENT RODRIGUES: Correct. Okay. Anyone
15 else? Thank you, Maria.

16 Fire Chief.

17 CHIEF BARBER: Good evening, everybody. I
18 just want to thank the Mayor, Council, Jacob for
19 showing up for inspection night. The night before the
20 parade, even though, you know, despite all the requests
21 to cancel the parade, it's never been cancelled in 160
22 years. Um, had some people trying to convince me to
23 cancel the parade, um, but mother nature held off, gave
24 us two hours, and we got it in. So it was a great day.
25 We got the parade in, everybody was happy.

1 And I want to congratulate the Police
2 Department, they won best color guard in the parade
3 that day. So, cudos to them. And just want to let
4 everybody know the foundation base will be poured this
5 Saturday for Fireman Joe, and that's the first step for
6 the granite to go on. Rotolo will be there doing the
7 wiring for it, and then we'll get Fireman Joe back
8 here. And, Jacob, was right, it does kinda look like
9 me.

10 PRESIDENT RODRIGUES: Alderman Masi.

11 ALD. MASI: Chief, do you have any idea how
12 the reservoirs are doing?

13 CHIEF BARBER: Yes, the reservoirs are at 98
14 percent.

15 PRESIDENT RODRIGUES: (Inaudible) gotta say a
16 least a hundred. Alderman Tobin?

17 ALD. TOBIN: I know you have given it to us
18 in the past, but do you know off the top of your head,
19 they mentioned the LOSAP. Do you know how many people
20 are in the -- qualify for the LOSAP?

21 CHIEF BARBER: That qualify, this past year
22 was I believe 33.

23 ALD. TOBIN: And how many live in the City,
24 is it all 33, do you think?

25 CHIEF BARBER: Pretty much all 33 of them

1 live in the City.

2 ALDERMAN TOBIN: All right, thank you.

3 PRESIDENT RODRIGUES: Anyone else? All
4 right, thank you, Chief.

5 CHIEF BARBER: Just -- they do have to be
6 homeowners, correct?

7 UNIDENTIFIED: Correct.

8 CHIEF BARBER: Yes. So not all of them are
9 homeowners, so it's not that high of a number.

10 PRESIDENT RODRIGUES: Any other questions?
11 Thank you, Chief.

12 Acting Police Chief.

13 ACTING CHIEF THOELEN: Good evening everyone,
14 I'm here on behalf of Chief Ewanciw. He is out at in
15 San Diego at the International Association of Chiefs of
16 Police Conference which is kinda the premier law
17 enforcement conference of over 16,000 law enforcement
18 professionals from all over the world. So we're very
19 thankful that we get that opportunity for him to attend
20 there, and he brings a lot of different resources,
21 networking and training that's very, very valuable to
22 our agency.

23 I'd like to congratulate Chief Barber on an
24 outstanding parade. I guess we did win best non-
25 firematic color guard and Chief Ewanciw and I did get

1 an opportunity to March. It was nice, the rain held
2 out, and it was a really great event for them to
3 showcase what an outstanding fire department we have to
4 complement our outstanding Police Department.

5 Um, we have Halloween coming up, so we would
6 just like to remind all the parents, there will be a
7 curfew in effect. Um, the Common Council usually votes
8 on that for us and puts that in effect so that we can
9 help keep the streets safe and clear for Halloween.
10 So, just keep your kids inside, enjoy it, have fun.
11 We'll have extra resources out in the field. We'll be
12 going around giving out candy. So if you see our
13 police officers on Halloween, make sure you hit them up
14 and shake them down for some candy that we're more than
15 happy to give out.

16 PRESIDENT RODRIGUES: Okay. Any questions
17 for Acting Chief?

18 Alderman Kleiner.

19 ALD. KLEINER: Thank you. I heard at the
20 Police Commission that we have an Animal Control
21 Officer now.

22 ACTING CHIEF THOELEN: That is correct. He's
23 actually -- he was one of our dispatchers, Marcus
24 Small. So he comes to us with about three to four
25 years as a police dispatcher. Born and raised in

1 Middletown. His dad works for DPW, so he definitely
2 knows the City of Middletown inside out, upside down
3 and backwards, and he'll be able to address a lot of
4 those animal complaints that we were handling as a
5 Police Department.

6 It's really nice to have that resource back
7 where it belongs. And he's there to serve the
8 community in any way possible.

9 ALD. KLEINER: And he'll actually start when?
10 I mean --

11 ACTING CHIEF THOELEN: He's already working.
12 His first official day I believe was last Monday.

13 ALD. KLEINER: Last Monday.

14 ACTING CHIEF THOELEN: Yes, the ninth.

15 ALD. KLEINER: Okay. Thank you.

16 PRESIDENT RODRIGUES: Anyone else? All
17 right, thank you.

18 ACTING CHIEF THOELEN: Thank you.

19 PRESIDENT RODRIGUES: City Clerk.

20 MR. McCORMACK: Just a quick reminder, early
21 voting will begin on Saturday, October 28th. Here in
22 the City of Middletown, it will take place at the
23 Middletown Senior Center. The hours go anywhere from
24 9:00 a.m. to 5:00 p.m.. The full schedule is available
25 on the city website. So make sure you get out and

1 vote, and I believe you still have a few days left to
2 register to vote.

3 PRESIDENT RODRIGUES: Any questions for City
4 Clerk?

5 Recreation.

6 MS. BERTHOLF: Good evening, I have nothing
7 to report tonight.

8 PRESIDENT RODRIGUES: Any questions?
9 Alderman Witt?

10 UNIDENTIFIED: Oh, no.

11 ALD. WITT: Good evening. So I happen to
12 drive by Wolslayer Field recently, and it looks great,
13 and I saw a couple of people walking there, and since
14 the school -- during the school day the tracks are not
15 available to be used and because the daylight is
16 getting less and less, what are the hours for that
17 facility for people to be able to walk on there?

18 MS. BERTHOLF: If the sun's out, you're
19 welcome to walk on the track.

20 ALD. WITT: All right. Very good. Thank
21 you.

22 MS. BERTHOLF: Yep.

23 PRESIDENT RODRIGUES: Anyone else?

24 All right, thank you.

25 Mayor, if you would like to come up.

1 MAYOR DeSTEFANO: Yes. Either this is --
2 Gerry, why don't you come up too because you're a
3 member of the Historical Society. And this is a
4 hundred years for the Middletown Wallkill Precinct, the
5 Historical Society, and it was -- you know, Gerry has
6 been very active in the society, and we also have with
7 us tonight Peter Laskaris, if he would come up. I
8 think Peter is in the room. Peter is our City
9 Historian. And, um, and on behalf of the City, you
10 know, we'd like to present a plaque, A Proclamation to
11 you, a Certificate of Recognition thanking the
12 Historical Society for all they do for the City. So I
13 wanted to give Gerry, and Gerry, you can award it to
14 (inaudible).

15 (Applause.)

16 MAYOR DeSTEFANO: How many years?

17 MR. LASKARIS: 38.

18 MAYOR DeSTEFANO: Peter has been the City
19 Historian for 38 years, so we have to give him one in
20 two more years when he hits 40.

21 All right. Thank you.

22 **8. Public Hearings and Grievances**

23 (Nothing this evening.)

24 **9. Petitions and Complaints**

25 (Nothing this evening.)

1 **10. Remarks of the Alderman and Reports of the**
2 **Committees**

3 PRESIDENT RODRIGUES: Okay, remarks of
4 Alderman. Alderman Tobin.

5 ALD. TOBIN: Nothing this evening.

6 PRESIDENT RODRIGUES: Alderman Jean-Francois?

7 ALD. JEAN-FRANCOIS: Nothing this evening.

8 PRESIDENT RODRIGUES: Alderman Johnson?

9 ALD. JOHNSON: A couple of things. The
10 Legislative Committee, we have a worksheet, and I am
11 waiting for my handlers to put the material together.
12 As soon as it's ready for presentation, we'll schedule
13 the meeting.

14 Um, I guess by a modicum of disclosure, I
15 asked Doctor Torley to come this evening to talk about
16 the Fei Tian program. I am recently become affiliated
17 with the college as an adjunct professor. My students
18 are the best. If you want to sponsor a student, pick
19 one of mine. As Doctor said, my kids happen to have
20 come from Germany, Ireland. They came two months ago
21 by themselves. No connection to anything other than
22 Fei Tian College, living on a dorm. And college can be
23 tough. Language barrier can be tough. Being in
24 another continent can be tough. So if anybody is
25 interested, you can certainly call the college, or

1 you're always welcome to call me at my office and we
2 can facilitate communication.

3 Thirdly, I'm always late to the party. And
4 last Monday was something we call Columbus Day. And
5 then as I was scrolling through various media, I
6 realized it's called Indigenous People's Day. And then
7 I further realized that in some places, it is no longer
8 called Columbus Day, it is called Indigenous People's
9 Day.

10 I'm not lobbying for anything like that. But
11 when -- on Earth Day, I took the opportunity to go up
12 to Mohonk. They had a conference, Indigenous People,
13 and the speakers were a member of a Lenape tribe, and a
14 environmental lawyer who has been doing it for about
15 forty years. I was totally out of my element. I
16 didn't really know that much about what we were going
17 to talk about. Many people there had sponsored various
18 programs.

19 Um, Indigenous peoples are still living their
20 experience from the beginning. The Chief left me with
21 two -- two phrases. One: When the big ships came,
22 things did not go well. Um, I don't think he really
23 thought about Columbus. I think he thought about the
24 big ships coming up the Hudson and things not going
25 well. And when it came to protecting the environment,

1 he offered the philosophy of his tribe: Before you do
2 something, ask permission.

3 So, it's just a little bit of things to think
4 about. Once again, I'm not lobbying to not have
5 Columbus Day anymore, but like many other groups in our
6 society, we tend not to think about them until we do.
7 And then we find out that they're still kind of
8 recovering from what they experienced.

9 Thank you.

10 PRESIDENT RODRIGUES: Thank you.

11 Alderwoman Wray.

12 ALD. WRAY: I will just speak -- the only
13 thing I want to say tonight is, as we enter into the
14 season of putting our leaves in the road, that we be
15 really mindful of how far we put our leaves in the
16 road. Um, it's just -- for me, I'm more of a bagger
17 because I don't like the wind blowing leaves right back
18 on my lawn after I did all the work of raking them.
19 But it is what it is. That's me and Jacob's
20 conversation, but for those of us, it is a safety
21 issue. It narrows our road, that's one. When they're
22 wet and rainy, it's slippery and dangerous. So having
23 your leaves, please really stick to the few feet from
24 the curb. It is a safety issue. Please do not put
25 your leaves out way too early. We do have a schedule

1 so that they are not sitting out there for a month
2 rotting in the rain and any weather that comes our way.

3 So that is my only request for the good of
4 the people that work and live here and our safety.
5 That's all I have. Thank you.

6 PRESIDENT RODRIGUES: Alderman Kleiner.

7 ALD. KLEINER: Thank you. Chief Barber,
8 congratulations. The fire parade, I don't know how you
9 did it. It just rains constantly except during the
10 fire parade. So, you worked your magic, and I want to
11 thank you. And thank all the other out of town
12 departments who came to join our parade. And I also
13 want to congratulate Shawn Gerow (phonetical). I know
14 he's stepping down after many, many years as fire
15 department secretary. So, I thought the parade was
16 quite a great event.

17 Um, we had our constituent's meeting on
18 Columbus Day or Indigenous People's Day, but -- and I
19 want to thank the Mayor who came to our meeting and was
20 very good at answering everybody's questions. So,
21 thank you.

22 It's that time of year where the Warming
23 Station is getting ready to, um, house people who need
24 a place to stay overnight. And so that if you are able
25 to volunteer at all, either for the overnight shift or

1 for the two-hour shift before then just helping to
2 serve food, or this year there's gonna also be a two-
3 hour shift in the morning, because the Soup Kitchen
4 does not serve their breakfast anymore. So people need
5 a place to go between 7 and when everything opens up.
6 So we're gonna try and be open another two hours. And
7 training for that will be at 7 p.m. at the Warming
8 Station, the Old Mulberry House on Mulberry Street, and
9 that's October 24th, October the 30th, and also
10 November 8th. So, I hope people will consider doing
11 that.

12 The Warming Station. We had a person at the
13 Warming Station who, of the guests who stayed there, he
14 had their trust completely, and this was Gary Texter.
15 And Gary Texter is the Pastor in Bloomingburg Church.
16 And Gary was almost a miracle worker in going out and
17 trying to help people and trying to get them situated
18 and get them in a better situation.

19 And Gary was one of the first people to get
20 COVID, and he was on a respirator for months. He was
21 on -- in the hospitals and at rehab for I think a total
22 of nine months. He got home just before Christmas.
23 And he's taken that opportunity to write a book now,
24 and his book is called Finding Hope Within the Crisis.
25 And if you look up Gary Texter on Google, you'll find

1 this book all over the place. But I mention it now
2 because he is gonna be doing a talk, a book signing and
3 a talk on Saturday, October 21st, so next Saturday from
4 2 to 4 p.m., and that will be at the Our Lady of the
5 Assumption Church, and that's at 17 High Street in
6 Bloomington.

7 So, if you can make it, his doctors will be
8 there, and they'll talk about the whole, it's -- I
9 don't want to say adventure, but the whole time and
10 what he went through and the whole episode. So, that
11 will be nice.

12 And lastly, we did -- I thank the Mayor and
13 thank the City Clerk for the Certificate. A lot of
14 people do a lot of work for the Historical Society.
15 And we had our 100th Anniversary Dinner this past
16 Saturday. Nobody missed the solar eclipse because of
17 course it was Saturday. It was raining all day. But
18 that was really special. And I want to thank -- I want
19 to thank Andrew Green is also our Councilman who can't
20 be here tonight, but he's also on our Board of
21 Directors, and Peter Laskaras, as you know, has been
22 our City Historian for -- I mean, he must have started
23 in grade school, 38 years, but he's also at that time
24 been very productive in terms of writing the history of
25 Middletown, and the books, and there will be a new book

1 coming out as soon as Chester Printing can get it, get
2 it together and get it printed.

3 But also I want to thank Jack McMahon
4 (phonetical) who as you go out there and look in the
5 display case on the left, there is a whole lot of
6 literature from the Historical Society, a lot that
7 Peter has written, some that Marvin Cohen, may he rest
8 in peace. But Marvin who was our answer man for
9 anything we wanted to know, particularly about the fire
10 department or railroads or cars.

11 So there are a lot of Middletown books there
12 and a lot of information, and we're open Wednesday from
13 1 to 4 every Wednesday at the Van Duzer House, 25 East
14 Avenue. Thank you.

15 PRESIDENT RODRIGUES: Okay, Alderman Witt.

16 ALD. WITT: Nothing this evening.

17 PRESIDENT RODRIGUES: Alderman Masi.

18 ALD. MASI: Good thing I have Jacob's time.
19 44 Prince Street. I just want the residents to know in
20 that area, I have had several conversations with the
21 Mayor and Jacob, and it is being handled thankfully.
22 So I want those people over there to know that we
23 haven't forgotten about them.

24 Forum Diner. The people that live on
25 Blanchard, they have contacted me and Kevin, and I know

1 we have spoken with the Mayor and Jacob, and once
2 again, that's being taken care of. So I want those
3 people to know that when they come, we do listen to
4 them.

5 Fire Chief Nick Barber, it's almost time.
6 You did an outstanding job as Chief, and your
7 leadership will certainly be missed. I know you are
8 gonna stay around, but you won't be the Top Chief.

9 Police Officer Scott Mullin. He did a great
10 job. About a week and-a-half ago, packages in my
11 neighborhood were taken off of three porches. One of
12 the porches happened to be mine. And within a 24-hour
13 period, he solved the crime, found out who the person
14 was, retrieved the packages. Thanks to the Police
15 Department, and especially Officer Mullin as one of
16 those packages, as I say was mine, and I know the Mayor
17 would be disappointed if I didn't get him a Christmas
18 present.

19 Middletown business owner Ralph Carr
20 (phonetical) today told me he saw me and he wanted to
21 send a message to everyone. He wanted to thank anyone
22 that's involved in what's going on in Middletown, all
23 of us, the administration, and how the beautification
24 of the Middletown is coming, and he thinks it's a
25 wonderful thing.

1 I'm almost done. Sunrise Hills. Kevin, the
2 Mayor, myself and Jacob met with the residents there,
3 and we want to thank you for inviting us to your
4 meeting last week, and the follow-up we heard, and we
5 saw for ourselves the issues, and we promise you that
6 they are being looked at and will be taken care of.

7 And finally, I want to thank the employees at
8 Garnet Medical Center for the wonderful treatment I
9 received a few weeks ago, and a special shout-out to
10 Melissa, Betty and Janine in the observation unit.

11 Thank you very much. That's it.

12 **11. Unfinished Business**

13 (None this evening.)

14 **12. New Business**

15 PRESIDENT RODRIGUES: Okay, new business.

16 MR. MCCORMACK: Good evening. We have a
17 resolution sponsored by Alderman Masi accepting a \$462
18 donation from the United Way, the Dutchess-Orange
19 Region.

20 PRESIDENT RODRIGUES: Resolution by Alderman
21 Masi, second by Alderman Witt. Any discussion?

22 Roll.

23 MR. MCCORMACK: Tobin?

24 ALD. TOBIN: Aye.

25 MR. MCCORMACK: Jean-Francois?

1 ALD. JEAN-FRANCOIS: Aye.

2 MR. MCCORMACK: Johnson?

3 ALD. JOHNSON: Aye.

4 MR. MCCORMACK: Wray?

5 ALD. WRAY: Aye.

6 MR. MCCORMACK: Kleiner?

7 ALD. KLEINER: Aye.

8 MR. MCCORMACK: Witt.

9 ALD. WITT: Aye.

10 MR. MCCORMACK: Masi?

11 ALD. MASI: Aye.

12 MR. MCCORMACK: President Rodrigues.

13 PRESIDENT RODRIGUES: Aye.

14 MR. MCCORMACK: Carries.

15 Resolution sponsored by Alderman Witt

16 authorizing an increase in the Community Development

17 Agency's borrowing cap from the City of Middletown.

18 PRESIDENT RODRIGUES: Resolution sponsored by

19 Alderman, seconded by Alderman. Any discussion?

20 Roll.

21 MR. MCCORMACK: Tobin?

22 ALD. TOBIN: Aye.

23 MR. MCCORMACK: Jean-Francois?

24 ALD. JEAN-FRANCOIS: Aye.

25 MR. MCCORMACK: Johnson?

1 ALD. JOHNSON: Aye.

2 MR. MCCORMACK: Wray?

3 ALD. WRAY: Aye.

4 MR. MCCORMACK: Kleiner?

5 ALD. KLEINER: Aye.

6 MR. MCCORMACK: Witt.

7 ALD. WITT: Aye.

8 MR. MCCORMACK: Masi?

9 ALD. MASI: Aye.

10 MR. MCCORMACK: President Rodrigues.

11 PRESIDENT RODRIGUES: Aye.

12 MR. MCCORMACK: Carries.

13 Resolution sponsored by Alderman Kleiner
14 authorizing budget transfers totaling \$267,826.

15 PRESIDENT RODRIGUES: Resolution sponsored by
16 Alderman Kleiner, seconded by Alderman Johnson. Any
17 discussion?

18 Roll.

19 MR. MCCORMACK: Tobin?

20 ALD. TOBIN: Aye.

21 MR. MCCORMACK: Jean-Francois?

22 ALD. JEAN-FRANCOIS: Aye.

23 MR. MCCORMACK: Johnson?

24 ALD. JOHNSON: Aye.

25 MR. MCCORMACK: Wray?

1 ALD. WRAY: Aye.

2 MR. MCCORMACK: Kleiner?

3 ALD. KLEINER: Aye.

4 MR. MCCORMACK: Witt.

5 ALD. WITT: Aye.

6 MR. MCCORMACK: Masi?

7 ALD. MASI: Aye.

8 MR. MCCORMACK: President Rodrigues.

9 PRESIDENT RODRIGUES: Aye.

10 MR. MCCORMACK: Carries. Resolution
11 sponsored by Alderwoman Wray authorizing a \$1,000
12 budget transfer for the table replacements at the
13 Senior Center.

14 PRESIDENT RODRIGUES: Resolution by
15 Alderwoman Wray, seconded by Alderman Johnson, any
16 discussion?

17 Roll.

18 MR. MCCORMACK: Tobin.

19 ALD. TOBIN: Aye.

20 MR. MCCORMACK: Jean-Francois.

21 ALD. JEAN-FRANCOIS: Aye.

22 MR. MCCORMACK: Johnson.

23 ALD. JOHNSON: Aye.

24 MR. MCCORMACK: Wray.

25 ALD. WRAY: Aye.

1 MR. MCCORMACK: Kleiner.

2 ALD. KLEINER: Aye.

3 MR. MCCORMACK: Witt.

4 ALD. WITT: Aye.

5 MR. MCCORMACK: Masi?

6 ALD. MASI: Aye.

7 MR. MCCORMACK: President Rodrigues.

8 PRESIDENT RODRIGUES: Aye.

9 MR. MCCORMACK: Carries.

10 Resolution sponsored by Alderman Johnson
11 requesting the County of Orange to exempt properties of
12 the City of Middletown from certain County real estate
13 taxes.

14 PRESIDENT RODRIGUES: Resolution sponsored by
15 Alderman Johnson, seconded by Alderman Masi. Any
16 discussion?

17 Roll.

18 MR. MCCORMACK: Tobin.

19 ALD. TOBIN: Aye.

20 MR. MCCORMACK: Jean-Francois.

21 ALD. JEAN-FRANCOIS: Aye.

22 MR. MCCORMACK: Johnson.

23 ALD. JOHNSON: Aye.

24 MR. MCCORMACK: Wray.

25 ALD. WRAY: Aye.

1 MR. MCCORMACK: Kleiner.

2 ALD. KLEINER: Aye.

3 MR. MCCORMACK: Witt.

4 ALD. WITT: Aye.

5 MR. MCCORMACK: Masi?

6 ALD. MASI: Aye.

7 MR. MCCORMACK: President Rodrigues.

8 PRESIDENT RODRIGUES: Aye.

9 MR. MCCORMACK: Carries.

10 Resolution by Alderman Kleiner Honoring the
11 Historical Society of Middletown and the Wallkill
12 Precinct on their 100th anniversary.

13 PRESIDENT RODRIGUES: Resolution sponsored by
14 Alderman Kleiner seconded by Alderman Tobin. Any
15 discussion?

16 Roll.

17 MR. MCCORMACK: Tobin.

18 ALD. TOBIN: Aye.

19 MR. MCCORMACK: Jean-Francois.

20 ALD. JEAN-FRANCOIS: Aye.

21 MR. MCCORMACK: Johnson.

22 ALD. JOHNSON: Aye.

23 MR. MCCORMACK: Wray.

24 ALD. WRAY: Aye.

25 MR. MCCORMACK: Kleiner.

1 ALD. KLEINER: Aye.

2 MR. MCCORMACK: Witt.

3 ALD. WITT: Aye.

4 MR. MCCORMACK: Masi.

5 ALD. MASI: Aye.

6 MR. MCCORMACK: President Rodrigues.

7 PRESIDENT RODRIGUES: Aye.

8 MR. MCCORMACK: Carries.

9 **13. Local Laws**

10 PRESIDENT RODRIGUES: Local Law nothing.

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

12 PRESIDENT RODRIGUES: Audit?

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

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

19 Roll.

20 MR. MCCORMACK: Tobin.

21 ALD. TOBIN: Aye.

22 MR. MCCORMACK: Jean-Francois.

23 ALD. JEAN-FRANCOIS: Aye.

24 MR. MCCORMACK: Johnson.

25 ALD. JOHNSON: Aye.

1 MR. MCCORMACK: Wray.

2 ALD. WRAY: Aye.

3 MR. MCCORMACK: Kleiner.

4 ALD. KLEINER: Aye.

5 MR. MCCORMACK: Witt.

6 ALD. WITT: Aye.

7 MR. MCCORMACK: Masi.

8 ALD. MASI: Aye.

9 MR. MCCORMACK: President Rodrigues.

10 PRESIDENT RODRIGUES: Aye.

11 MR. MCCORMACK: Carries.

12 PRESIDENT RODRIGUES: Alderman Johnson?

13 ALD. JOHNSON: Mr. President, I move we go to
14 Executive Session to discuss a contractual matter and
15 potential litigation.

16 PRESIDENT RODRIGUES: Resolution sponsored by
17 Alderman Johnson. Do I have a second?

18 ALD. TOBIN: Second.

19 PRESIDENT RODRIGUES: Alderman Tobin. All in
20 favor?

21 (Chorus of aye).

22 THE COURT: We're now in Executive Session.

23 (Proceeding concluded.)

24

25

1 C E R T I F I C A T I O N

2 I, LAURIE A. PELLITTERI, certify that the foregoing
3 transcript of the October 17, 2023 Middletown City Council
4 meeting was prepared using the required transcript equipment
5 and is a true and accurate transcript of the recording.

6 Signature: Laurie A. Pellitteri (Electronically signed.)

7 AMERICAN LEGAL TRANSCRIPTION

8 11 Market Street, Suite 215

9 Poughkeepsie, New York 12601

10 Dated: December 6, 2023

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**CITY OF MIDDLETOWN
COMMON COUNCIL MEETING AGENDA
OCTOBER 17, 2023**

1. PLEDGE OF ALLEGIANCE
2. ROLL CALL
3. APPROVAL OF MINUTES
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 Accepting a \$462.33 Donation from the United Way of Dutchess-Orange Region
 - 12.2 Resolution Authorizing an Increase in the Community Development Agency's Borrowing Cap from the City of Middletown
 - 12.3 Resolution Authorizing Budget Transfers Totaling \$267,826
 - 12.4 Resolution Authorizing a \$1000 Budget Transfer for Table Replacements at the Senior Center
 - 12.5 Resolution requesting the County of Orange to Exempt Properties of the City of Middletown from certain County real estate taxes
 - 12.612.6 Resolution Honoring The Historical Society Of Middletown And The Wallkill Precinct on

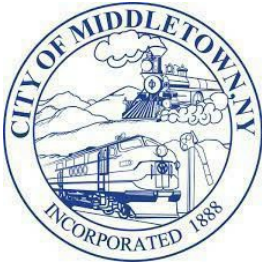
their 100th Anniversary

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 17, 2023

Index No: 197-23

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

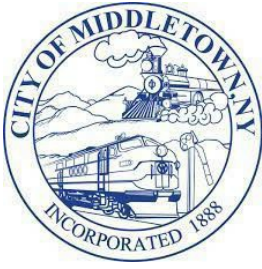
Resolution Accepting a \$462.33 Donation from the United Way of Dutchess-Orange Region

BE IT RESOLVED; that the Common Council of the City of Middletown, NY, concurs with the Board of Estimate and Apportionment and accepts a donation in the amount of \$462.33 from United Way of the Dutchess-Orange Region for the July 15, 2023 Cops & Kids Field Day Event in Collaboration with Middletown Cares Coalition.

BE IT FURTHER RESOLVED; that the Common Council of the City of Middletown, NY, concurs with the Board of Estimate and Apportionment authorizes the Treasurer to deposit the donation into revenue budget line A.2705.00 Gifts & Donations and increase budget line A.7321.450 Special Programs Materials & Supplies.

ATTACHMENTS:

[Recreation and Parks Donation.pdf](#)



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

THE FOLLOWING WAS PRESENTED

By Ald. Witt

Sec'd by Ald. Wray

Date of Adoption: October 17, 2023

Index No: 198-23

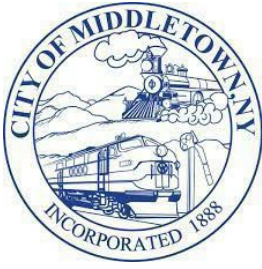
Names	Ayes	Noes	Abstain	Absent
Ald. Tobin	X			
Ald Jean-Francois	X			
Ald. Johnson	X			
Ald. Wray	X			
Ald. Kleiner	X			
Ald. Green				X
Ald. Witt	X			
Ald. Masi	X			
Pres. Rodrigues	X			
Total	8			1

**Resolution Authorizing an Increase in the Community Development Agency's Borrowing Cap
from the City of Middletown**

WHEREAS; the Community Development Agency (CDA) is currently borrowing from the City up to \$300,000 annually for the rehabilitation of properties sold by the CDA and would like to request to up the borrowing limit from \$300,000 to \$450,000 annually; AND

WHEREAS; the City's liquid excess cash that is not acting as compensating balances accrues interest in a money market account at 1.5%. The CDA would pay the City monthly for outstanding balances at 1.5% keeping the City whole.

NOW THEREFORE BE IT RESOLVED; that the Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment to allow the City to lend the Middletown Community Development Agency (CDA) up to \$450,000 annually for the rehabilitation of properties sold by the CDA which will not be a hardship to the City in terms of cash flow so there is no operating risk to either party.



CITY OF MIDDLETOWN, NEW YORK COMMON COUNCIL RECORD OF VOTE

THE FOLLOWING WAS PRESENTED

By Ald. Kleiner

Sec'd by Ald. Johnson

Date of Adoption: October 17, 2023

Index No: 199-23

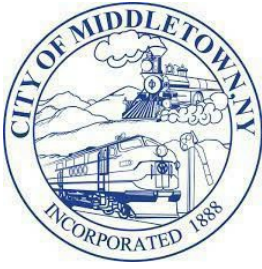
Names	Ayes	Noes	Abstain	Absent
Ald. Tobin	X			
Ald Jean-Francois	X			
Ald. Johnson	X			
Ald. Wray	X			
Ald. Kleiner	X			
Ald. Green				X
Ald. Witt	X			
Ald. Masi	X			
Pres. Rodrigues	X			
Total	8			1

Resolution Authorizing Budget Transfers Totaling \$267,826

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 \$267,826, in the following manner, to cover various expenses as noted.

FROM	AMOUNT	TO	PURPOSE
A.1325.433 Finance Training	\$800	A.1325.401 Finance Travel	To cover the cost of conference travel for Fall NYCOM
A.1930.930 Judge and Claims	\$10,000	A.1420.488 Corp Counsel Arbitration and Grievance	To cover the overdrafts for arbitration costs within the 2023 General Fund Budget
A.9000.870 Unused Sick Leave	\$30,000	A.1420.488 Corp Counsel Arbitration and Grievance	To cover the overdrafts for arbitration costs within the 2023 General Fund Budget

A.9000.870 Unused Sick Leave	\$20,000	A.1420.489 Corp Counsel Litigation Expense	To cover the overdrafts for arbitration costs within the 2023 General Fund Budget
A.9000.891Dental/Optic MGT	\$207,026	A.9000.889 Dental/Optic CSEA	To cover the cost of Dental/Optic CSEA for the remainder of 2023



**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 17, 2023

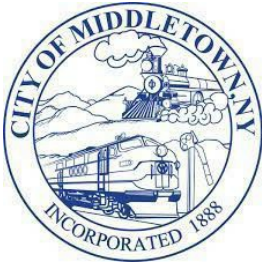
Index No: 200-23

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

Resolution Authorizing a \$1000 Budget Transfer for Table Replacements at the Senior Center

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 \$1,000, in the following manner, for table replacements needed for activities and programs within Senior Center.

FROM	AMOUNT	TO
A.2705.05 Senior Donations	\$1000	A.6772.450 -Senior Material & Supplies account



**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 17, 2023

Index No: 201-23

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

**Resolution requesting the County of Orange to Exempt Properties of the City of Middletown
from certain County real estate taxes**

Whereas; the City of Middletown wishes to request the County of Orange to exempt the City of Middletown from certain real estate taxes on lands solely devoted to public use as a part of the City of Middletown watershed and related equipment thereon for fiscal year 2025.

Now, therefore be it resolved, that the Common Council of the City of Middletown, NY does hereby request the County of Orange, NY, to exempt properties of the City of Middletown, NY from certain County real estate taxes on lands solely devoted to public use as part of the City of Middletown watershed and related equipment thereon and located within the Towns of Mount Hope and Wallkill for the fiscal year 2025, respectively, as follows:

Town of Mount Hope	Town of Wallkill	Town of Wallkill
--------------------	------------------	------------------

12-1-23		48-1-6.1
14-1-44.1	999-1-21	48-1-5.1
	999-1-19	64-1-2
14-1-76		69-1-15
	999-1-22	
14-1-5	999-1-20	48-1-5.2
		64-1-4.1
14-1-127	999-1-23	
		49-1-32
16-1-32.22	999-1-24	
		49-1-62.2
16-1-74	999-1-25	
		69-1-1.2
16-1-37.2	999-1-26	
	999-1-28	69-1-14.2
16-1-36.211		
	999-1-29	69-1-1.2
16-1-71.1	999-1-20.1	
	999-1-27	64-1-47.322
16-1-35		
17-1-19		49-1-85.41

ATTACHMENTS:

[Watershed Tax Exemption.pdf](#)

[Add'l Watershed Propertys.pdf](#)

COMMON COUNCIL
CITY OF MIDDLETOWN
CERTIFICATION OF RESOLUTION

I, Richard P. McCormack, Common Council Clerk of the City of Middletown, hereby certify that I have compared the attached resolution with the original on file in my office and adopted by the Common Council on October 17, 2023 and that the same is a true copy thereof and the whole of such original resolution.

Richard P. McCormack
Clerk of the Common Council
City of Middletown, NY

11/27/2023
Date

Katie,

Please add to the list and send to Rick for resolution.

Please add a caption:

“Property to remain forever green purchased with major contribution from NYSDEC grant.

Thank you

Sent from my iPhone

Please excuse any typographical errors.

On Oct 11, 2023, at 10:11 AM, Zima, Laura R. <zimalr@cdmsmith.com> wrote:

Hi Katie,

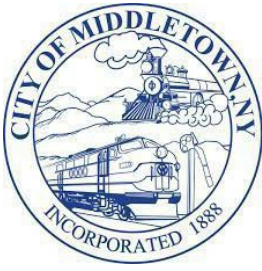
Please see attached for a summary of info for the properties purchased. Also below is a table summarizing just the requested items from your email. Let me know if you have any questions. Thanks!

Previous Property Owner	SBL#	Location
USA Construction	16-1-32.22	Guymard Tpk Mount Hope
Banca (Horse facility)	16-1-74	335 Guymard Tpk Mount Hope
Johanns	16-1-37.2	Kohler Rd Mount Hope
Krogslund	16-1-36.211	Kohler Rd Mount Hope
Tijeras	16-1-71.1 16-1-35	54 Kohler Rd Mount Hope
Mountain Club at Wallkill	69-1-1.2	County Route 78 Wallkill

Laura R. Zima, PE, PMP
Project Manager
CDM Smith
3 Lear Jet Lane, Suite 100N
Latham, NY 12110
(office) 518.782.4537
cdmsmith.com

<image003.jpg>

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

THE FOLLOWING WAS PRESENTED

By Ald. Kleiner

Sec'd by Ald. Tobin

Date of Adoption: October 17, 2023

Index No: 202-23

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

**Resolution Honoring The Historical Society Of Middletown And The Wallkill Precinct on their
100th Anniversary**

WHEREAS, the Historical Society of Middletown and the Wallkill Precinct has served as a steadfast guardian of our community's rich history for the past century; and

WHEREAS, this organization has diligently collected, preserved, and shared the stories, artifacts, and memories that make Middletown a place of significance and importance; and

WHEREAS, the Historical Society of Middletown and the Wallkill Precinct has engaged in countless activities, exhibitions, educational programs, and events that have enlightened and enriched the lives of our citizens and visitors, fostering a deep appreciation for our heritage; and

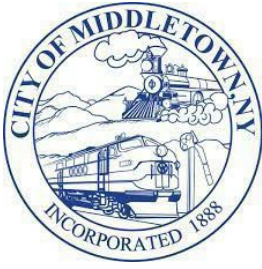
WHEREAS, the commitment and dedication of the members, volunteers, and leaders of the Historical Society of Middletown and the Wallkill Precinct have been unwavering, and their tireless efforts have contributed to the preservation of our community's history for generations to come; and

NOW THEREFORE BE IT RESOLVED that the Common Council of the City of Middletown recognizes and honors the Historical Society of Middletown and the Wallkill Precinct on the occasion of its 100th anniversary.

BE IT FURTHER RESOLVED that we commend the society for its dedication to preserving our history and educating our community about the rich heritage of Middletown;

BE IT FURTHER RESOLVED that we express our profound appreciation for the Historical Society of Middletown and the Wallkill Precinct's significant contributions to our community and its ongoing commitment to preserving our shared heritage.

BE IT FURTHER RESOLVED that we extend our warmest congratulations to the Historical Society of Middletown and the Wallkill Precinct on this momentous occasion and look forward to a continued partnership in preserving and celebrating our history.



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

THE FOLLOWING WAS PRESENTED

By Ald.

Sec'd by Ald.

Date of Adoption: October 17, 2023

Index No:

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

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

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

TREASURER BE AUTHORIZED TO ISSUE WARRANTS FOR THEIR PAYMENTS



COMMON COUNCIL MEETING
CITY OF MIDDLETOWN
November 6, 2023 Minutes
City Hall
16 James Street
Middletown, New York 10940

P R E S E N T

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

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

(Pledge of Allegiance)

2. Roll Call

PRESIDENT RODRIGUES: Roll.

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

3. Approval of Minutes

PRESIDENT RODRIGUES: Okay. Approval of minutes.

KAREN SISCO: We have the minutes of September 19th and October 3rd, I'm sorry, October 3rd, 2023.

ALD. MASI: So moved.

PRESIDENT RODRIGUES: Motion by Alderman Masi for both, Alderman Witt. All in favor?

ALDERMAN: Aye.

4. Correspondence, Communications and Reports

PRESIDENT RODRIGUES: Okay. No correspondence.

5. For the Good of the City

PRESIDENT RODRIGUES: For the Good of the City, we have a special presentation from the school district.

AMY CREEDON, SUPERINTENDENT OF SCHOOLS:

Greetings, President Rodrigues, Mayor DeStefano, and Members of the Council. Thank you so much for giving us an opportunity here this evening to just share very

briefly about a proposition that will go before the voters that we think is important for the City, the school district, and school -- school communities across the state.

I just have a few notes here and then we're going to go to a video that will give you, I think, a better description and includes some visuals too.

So tomorrow, New Yorkers have an opportunity to change the State's Constitution with Proposition Number 1. So this change affects small cities and, in particular, school districts with Proposition Number 1 which increases our current debt limit if it votes in the affirmative from 5 percent to 10 percent.

This change allows Middletown City School District and the 56 other small city school districts across the state equal opportunities as our rural and suburban counterparts.

This is important because with our school district's budget which even voting in the affirmative on this proposition still forces the district, rightfully so, to put a budget in front of its community and have them vote on it. So we want to make sure that our constituents walk away from this not thinking that a vote in the affirmative on Proposition 1 takes away their power to still use their voice at the time that the

school district presents the community with its budget. It doesn't do that. All it does is enable us to put before our school community in a fiscally responsible way projects that are more efficient because our borrowing power would be that of our suburban and rural counterparts.

And so what I'd like to do is queue up the video, give you an opportunity to view it. It's about fiveish minutes. And then we can take any questions from members of the counsel. Okay. Thank you.

(Video presented)

AMY CREEDON, SUPERINTENDENT OF SCHOOLS: So, just in closing, I again want to thank the Council and the Mayor and the City of Middletown at large and our neighbors in the Town of Wallkill for all the support that they provide for the school community.

Two springs ago, the Mayor and I sit outside of City Hall and we're talking about the revitalization of - - on the school and the community. And I think both agree that you can't have one being empowered and growing and becoming fabulous without the other; right? So when the city wins, the school district wins; when the school district wins, the city wins. So this change in the constitution would absolutely, in my opinion, result in the city and the school district winning. There would be

revitalization and growth in both areas and both are very valuable and important to us.

So we'll take any questions you have and want to thank you again for the time this evening.

PRESIDENT RODRIGUES: Any questions? Thank you.

AMY CREEDON, SUPERINTENDENT OF SCHOOLS: Thank you.

UNIDENTIFIED SPEAKER: Good luck tomorrow, everyone.

ALD. JOHNSON: Thanks. Appreciate it.

UNIDENTIFIED SPEAKER: Thanks.

PRESIDENT RODRIGUES: Mayor.

JOSEPH DESTEFANO, MAYOR: There's also a second proposition dealing with small cities and that's on the sewage. And, basically, the same type of resolution or proposition where small cities have to be renewed for every 10 years in order for us to basically stretch out our borrowing when we do repairs or new facilities. So I would encourage everyone to vote yes on both resolutions or both propositions because they both affect the small cities such as Middletown. And we know how important it is to maintain our finances. And, you know, we're gonna be talking budget later. And we have, I think, almost 10 years in a row now staying under the cap, tax cap. And

part of that is our ability to borrow money and stretch project costs out over a period of time rather than expensing these large scale projects in a short period of time. So that's my pitch there.

But on a -- on a better note, Members of the Council, ladies and gentlemen in the audience, today we gather here also to pay tribute to an extraordinary individual who has dedicated a significant part of his life to serving our community with unwavering commitment and selflessness. We're here to honor and celebrate the remarkable career -- remarkable career of our former fire chief, Merritt Winner. And, Chief, can you please come forward? I know you're here. And welcome to your family. We're gonna embarrass you a little bit, Chief.

So Merritt Winner's journey into the world of firefighting began decades ago. And his dedication to this noble profession has been nothing short of all inspiring. For 64 years, he served the Middletown Fire Department, for 12 of those years in the lineage of one of the chiefs or assistant chiefs, and four years at the helm of the fire department as chief leading with grace, courage in unyielding spirit that truly set him apart.

I had the privilege of working with Chief Merritt as a member of the Council and -- and he truly is an inspiring man.

In the world of firefighting, we often use the words like "bravery", "heroism", and "dedication" to describe men and women who put their lives on the line to protect our community. Merritt Winner exemplifies all of those qualities and more.

In addition to his commitment to the fire department, his community service work extended beyond that. Chief Winner served as a committee member of the New York Rising Committee and the program to address the flooding issue after Hurricane Sandy and all the damage we had here in the City of Middletown.

He is a regular attendee at Common Council meetings, strong opinions on many issues, but always respectful. He currently volunteers as a driver for Meals on Wheels.

In addition, Merritt's service goes beyond the call of duty. He has been an integral part of our community, working tirelessly to educate and inspire the next generation of firefighters. His commitment to training and mentoring has left an indelible mark on our department ensuring that our firefighters are not just well prepared, but are also compassionate and dedicated to our community's well-being.

Beyond the fire station, Merritt Winner has been a friend and a pillar of support for so many in our

community. His kindness, his willingness to lend a hand, and his genuine concern for the welfare of our residents that made him a beloved figure in our City.

Today as we honor Merritt Winner, we are here not just celebrating a career, but a legacy of service and sacrifice that will continue to inspire us for generations to come. It is with this immense gratitude and pride that we recognize his unparalleled contributions to our community.

Merritt, your dedication to our community has left an indelible mark as I said early and your legacy will continue to shine brightly. As a token of our appreciation and respect, we present to you on behalf of the Middletown Common Council and the residents of our City, the Key to our City today. But more important and more important than this physical symbol, please name -- please know that your name will be forever etched in the hearts of the people you have served so faithfully.

In addition, on November 18th, 2023, Merritt Winner will turn 90 -- 90 years old. In honor of your love and dedication to our City, I am presenting you with a certificate this evening and the Common Council will be passing a resolution dedicating November 18th, 2023 as Merritt Winner Day in the City of Middletown.

In closing, let us all join together in a round
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of applause for Merritt Winner, a true hero and a remarkable individual who has dedicated his life to making our community safer and stronger.

So thank you, Chief Winner, for your years of dedicated service. You're an inspiration to all of us and your impact on our community and will never be forgotten. And congratulations on a career well lived. Here is our Key to the City along with this certificate of recognition reading "On the occasion of this 90th birthday, the City of Middletown is proud to declare November 18th as Merritt Winner Day in the City of Middletown."

MERRITT WINNER: I'm kind of overwhelmed. But I -- yeah, I've spent a lot of years in the fire department, 64 of them. However, the things I learned as fire chief in terms of management of people, observing contracts and all that sort of stuff turned into financial compensation because it was recognized at my employment. And I was promoted and given greater salary because of that.

So the other thing is that I've met and worked with some great people. And it's -- I -- I don't think -- the City owes me anything. I've -- I've benefited from it and I really appreciate the recognition. Thank you very much.

JOSEPH DESTEFANO, MAYOR: Thank you. We want to get a picture with you with the Commit Council if you don't mind.

PRESIDENT RODRIGUES: Okay. For the Good of the City, anyone else would like to address the Council, please step forward. Hearing none.

6. Remark of Mayor

PRESIDENT RODRIGUES: Remarks of Mayor.

JOSEPH DESTEFANO, MAYOR: Just a reminder to the public and Council and especially the Board of Estimate is aware that we will be holding our public hearing for the 2024 budget on November 15th. The budget will be available to view on the website tomorrow, November 7th. And the City will be having the budget hearings on November 15th at 4 p.m.

We also accept written comment. And that will give people, basically, a week to review the proposed budget and make any recommendations they see fit to the -
- to the Common Council.

You know, about a week or two ago, we made a big marijuana bust. Not we, the Middletown Police Department did. And once it appeared on social media a lot of support for the hard work and thank yous to the Middletown Police Department. But there were also quite a few comments which I thought really exemplified how

poorly New York State did this marijuana turnout and this -- these new laws. And one of the reasons why I recommended and Council, I believe, for the same reasons opted out of the state marijuana program.

And this is the bust that we made on Wickham Avenue. And as you can see, everything in this picture is marketed to kids. Now, tell me if you approve as a parent sitting at home who supports the marijuana laws that when your son or daughter is at a friend's house and they go into the cabinet and they think they're taking out a bag of Crunch Berries and they're taking out a bag of cannabis-infused cereal. And that's the type of thing that we're up against.

So people need to realize I don't really care if you smoke marijuana. I don't like to smell it. I don't think you should be smoking it in front of my kids, my grandkids or even your own kids. I don't believe people who live in an apartment building should suffer with the odor coming out of the -- your apartment because you feel like it's important for you to smoke marijuana. And the people's children are suffering in the other apartments. And believe me, we get a lot of those calls especially from 4th Ward residents, Ridge Street, one building in particular, where I believe the lady has finally able to locate another apartment out of the --

out of that building. But they were forced to move because of the odor of marijuana in the building. And that her young children under -- under the age of 10 I believe were suffering from the odor.

So this is not the big picture of legalization. This is the small picture in locally how this phase or phase in of this marijuana law has really been so screwed up and has just exacerbated the problem in communities such as ours. And now people really think that it's legal for them to sell products like this.

We are looking to toughen the laws even more working with the state Cannabis Control Board. The chief has really focused on this in our community. We've been really focusing on tobacco shops. I'm going to introduce what other communities seem to be doing throughout the state in regards to the tobacco shops that are operating in a way that makes it almost not impossible, because, obviously, we're -- we're busting some of them. But it's making it very difficult and taking up a lot of police resources because we can bust the same place over and over again and there's no -- there -- there's no, basically, no penalty except maybe some small financial penalty. And -- and it takes a lot of police resources to bring these things about.

now issued permits for people who sell tobacco. So I forwarded to the corporation counsel to do the research hoping that we will be able to have a local license that if a tobacco shop, such as this, this was a tobacco shop, engages in certain types of activities such as this that harm, are directed towards our kids and our community, that we would then have the ability to close that place down by revoking, after due process, their permit to operate as a business.

Currently we're not allowed to do that. We're not allowed because the Planning Board approval is a approval to the property. It's an approval for that person to operate or that business to operate at that property. So it looks like communities throughout New York State are trying to be creative now in how they're approaching these things, so that local control will have a little bit more authority.

So I just wanted to bring that to your attention, but, more importantly, I wanted to bring to the public's attention what is going on out there. This is not the first bust that we made where we've had cannabis Crunch Berries or Skittles or candies of that type. I think every one that we've made in these tobacco shops has resulted in this. And there are, of course, legitimate tobacco shops too that are not engaged in this

type of behavior.

But we need to change our focus a little bit and give the police department some additional tools. And that's why I've requested the corporate counsel look into the matter. And we will keep you abreast.

On the positive side, we had two ribbon cuttings this past week or two. Saturday morning we had Dunkin Donuts, the new one on -- on Dolson Avenue, it's a very busy place right now, and the Pegasus Shipping Center on East Main Street. Mr. Masi represented me at that. I was unable to make that one, but I, coincidentally, I did make the donut one. So congratulations to both businesses and -- and we wish them well.

The tree arrival, the tree will arrive at John F. Degnan Square on Saturday, November 11th. And this year our tree is donated by the Ardizzone family out in Scotchtown. I believe, yeah, this is a picture of that tree. I thought she was in -- Mrs. Ardizzone was in the picture. Just to give you an idea. I think it was measured at 38 feet. She is down there at the bottom there.

ALD. MASI: Yeah, right at the bottom left.

JOSEPH DESTEFANO, MAYOR: So it was measured at 38 feet. And we're looking to another successful event.

And I'm sure Maria will go into further detail on that.

Tomorrow is Election Day if you haven't voted already. Please remember to go out and vote. Remember when a community votes, people, other levels pay more attention to us. And it's important that we show that Middletown is participating in that system. And bells are ringing now when I said that. You hear that.

PRESIDENT RODRIGUES: Yeah, we're gonna see white smoke pretty soon.

JOSEPH DESTEFANO, MAYOR: Yeah. The -- the clock in the back, the grandfather clock was donated in memory of my father-in-law and his wife, Charles and Pat Clark, and by their -- by their family. And hopefully Mr. Rodrigues won't take it home. He said he loves it.

PRESIDENT RODRIGUES: It will be sitting -- it will be sitting next to the door -- the dog.

JOSEPH DESTEFANO, MAYOR: Veteran's Day is coming up. And rather than, you know, we are fortunate to have one veteran on our Common Council, only one and -- and that's Mr. Masi. So I'm gonna defer to him to talk about the Veteran's Day ceremonies within the City of Middletown when that time comes up.

And that's all I have for this evening. If you have any questions, I'll be more than happy to address them.

PRESIDENT RODRIGUES: Any questions for the Mayor? All right. Thank you.

JOSEPH DESTEFANO, MAYOR: Thank you.

7. Remarks of the Department Heads

PRESIDENT RODRIGUES: Okay. Remarks of the Department Heads, Economic Development.

MARIA BRUNI, ECONOMIC DEVELOPMENT: Good evening. I'll just go into the tree arrival for Saturday, give you some background on all the donated services for this -- just for the arrival. We have Aspen Landscaping and Tree Service who for years have been donating their service to cut the tree. Regional Trucking will be transporting the tree in. Lite Brite Signs is going to be there with a crane operator to assist as well. And, of course, thank you to the Ardizzone family for donating this year.

Also, you know, DPW Jacob, thank you. Ross was one -- on the tree hunt as well, helping, assisting. And DPW is going to be involved on Saturday as well with the cutting of the tree, transporting it, and installing it at Degnan Square.

Also, PD Chief, thanks for the police escort for that day. And along with the tree hunt, Ross, John Bianco, Joseph Ferrera, the bid and all of us have been diligently finding that 38-plus-foot tree for the -- for

the square.

And then we move to Saturday, November 18th where the tree is going to be decorated. And that's by Harry Rotolo & Sons, IBEW 363 electrical union workers. They will be -- as they've been doing for many years as well donating their services to decorate the tree.

And then the ceremony is Friday, November 24th. Santa arrives via Middletown fire trust. And we look forward to a big parade again and a big ceremony. And as you can tell, the season is here, it's upon us. So we're super excited.

Also, the -- tonight I look for your support on municipal legislative grant sponsored by Legislator Michael Paduch for \$4,999 that will go towards the purchase of a canopy for Degnan Square for the stage, so we, during the summer months, we'll have some kind of coverage for -- for the -- for the stage.

And on the Community Development Agency front, November 9th this week, we will be closing on the Linden Avenue property that's been in contract. So we're closing this week on that property. And we'll have a new homeowner going in. You know, worked with Pathstone, our office with the program, the grant program and all that. So we look forward to new homeowner at that property this week.

And that's all I have.

PRESIDENT RODRIGUES: Any questions for Maria?
Great job, Maria.

MARIA BRUNI, ECONOMIC DEVELOPMENT: Thank you.

PRESIDENT RODRIGUES: Jerry, I'm sorry.

ALD. KLEINER: I -- I don't know if this is actually your department, but we have a resolution for borrowing \$500,000 for the decorative lighting downtown. And I just wanted to make that point that's --

MARIA BRUNI, ECONOMIC DEVELOPMENT:
Reimbursable.

ALD. KLEINER: That's -- yes. We have a grant for that and that we'll be reimbursed.

MARIA BRUNI, ECONOMIC DEVELOPMENT: Correct.
We -- you accepted -- you accepted the grant at the last meeting, but this is for the -- for the setting up the line and the borrowing. And it is a reimbursable grant.

ALD. KLEINER: In the meantime. Thank you.

MARIA BRUNI, ECONOMIC DEVELOPMENT: Yep.

PRESIDENT RODRIGUES: Thank you, Maria.

DPW Commissioner.

JACOB TAWIL, DPW COMMISSIONER: Good evening, all. We'll start with the reservoir, water level for Alderman Masi. We're at 102 percent, so that means we're overflowing which is very good.

ALD. MASI: Didn't think I'd understand that?

JACOB TAWIL, DPW COMMISSIONER: No, of course you do.

The other thing is good news that Kinch Dam has been completed. And DEC came and they've done the final inspection and they accepted it. The contractor was over there today and tomorrow doing some punch list items. And we're gonna be doing some modification to the piping ourselves in order to be able to install a flow meter that is required by the DEC. And that's for the bypass floor around the dam. They want to know how much, exactly how much water we are bypassing around the dam. And before we -- there's a minimum we have to comply with. So that would be done in short order.

And Shawangunk Dams also excellent news. All three dams have been completed. DEC has done the inspection and they approved the work. And now there's some minor piping that has to be done for the bypass pumping at Shawangunk which would be done by the contractor. It's -- there's some delay in there for couple of weeks for fabrication of the piping. And you will be here to complete it. That was Servidone. They've done an excellent job for us in the dams.

Traffic operation, the project today we've done the final -- the contractor did the final paving here

Franklin Square and all the approaching roads into it. And so there will not be any more paving until next year because, obviously, because of the weather. However, they'll continue to work on some sidewalks. No more curbing, just sidewalks weather permitting.

And electrician, Ray Pantel, hopefully he'll be able to work throughout the winter installing the traffic light poles and -- and doing his electrical wiring and so on. So that's -- that's the plan for it.

The Mayor and I have applied for an additional \$642,000 grant from the DOT under CMAQ funding. And Orange County Transportation Council has approved it. But the final vote will not happen until December. But the point is that we're already indicated the approval to it which is very good for us. That's an additional almost three-quarter of a million dollar additional funding for this project, the traffic operations.

The -- we have an annual inspection by the Department of Health for our water treatment plant. And now we're working to reactivate our package plant because the Mayor he'll update you at some point. We've been having some very interesting and fruitful meetings with the county and other agencies. Again, the Mayor will talk about that. There's a need for us to activate our dissolve air floatation, the package plant and have it

ready to go online to deliver -- deliver more water hopefully which would be great for us and for our fund for -- funding for our water system.

Highland Avenue tank, bad news today. The contractor, the GC, painting the tank, his insurance has expired today, so we gave him a stop work order. He can no longer do any work at the site until he takes care of his insurance. Hopefully it's only paperwork and, you know, it will be reactivated tomorrow and then he can resume the work. But that's a weather-sensitive operation, the painting of Highland Avenue tank. And we're concerned about it. I just wanted to bring that to your attention, so you're aware of our concern.

And just to conclude, I know tomorrow is Election Day. And you drive around the City and even outside the City, the stuff that you see here and the stuff you don't see here because it's way out in different towns, township, whether it is the dams, the reservoirs, the water lines, the flow meters, the sewer lines, all the work along with the traffic operation work. This could not have been done without the support and the encouragement of, obviously, the Mayor and the Council president, but also all the Council Members that supported us. Without that support, none of this would - - would happen. So I just wanted to acknowledge them

just before -- before -- they usually acknowledge our achievement. I want to acknowledge their -- their understanding and support and encouragement for everything that we do. And none of this stuff would be done without the Mayor and Council President and the Council supporting it.

You have any questions for me?

PRESIDENT RODRIGUES: Any questions for Jacob? Alderman Kleiner?

ALD. KLEINER: Thank you, Jacob. Because it's -- it's a significant spending, would you explain a little bit about the resolution for -- the bond resolution for the additional three-and-a-half million for the water storage tank project?

JACOB TAWIL, DPW COMMISSIONER: Yes. Thank you.

So this project started a few years ago where we appropriated \$5.5 million in there for the water storage tanks out of City funding from the water -- fund balance or borrowing from the under the water fund balance.

In the meantime, we applied for a grant and funding from EFC which has been approved. And they approved us up to eight plus million dollars in there. And that will include replacement of two tanks and the

repainting of Highland Avenue tank.

Part of the \$8 million they gave us, \$3 million are grant, 2.9 something are grant. The rest of it is gonna be funded through the State of New York under their rating which is excellent. And they will get very favorable interest rate. So that's what they increased before. It was just appropriating funding \$5.5 million for painting and replacing tanks and so on and so forth. And, luckily we applied and we were very successful. And it's -- it's really great news. Instead of us paying back the \$5.5 million out of our own borrowing, we were able to get 3 million, just under \$3 million-dollar grant. The rest of it is gonna be funded under the State revolving fund with low-interest loan.

ALD. KLEINER: Thank you.

JACOB TAWIL, DPW COMMISSIONER: Yes, you're welcome.

PRESIDENT RODRIGUES: And, Alderman Wray.

ALD. WRAY: I was just curious (indiscernible) the trail (indiscernible).

JACOB TAWIL, DPW COMMISSIONER: I'm sorry?

ALD. WRAY: The trail.

PRESIDENT RODRIGUES: The trails, the reservoirs trails.

JACOB TAWIL, DPW COMMISSIONER: Yeah. They've
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been --

PRESIDENT RODRIGUES: They're not reopened yet.

JACOB TAWIL, DPW COMMISSIONER: Well, we -- I think -- I think -- I think they are. They should be reopened. We have just minor work to be done at -- at Greenleaf and then they should be reopened.

PRESIDENT RODRIGUES: And, Jacob, I have a question. Sidewalks that was -- were had some cracks, are they gonna be repaired?

JACOB TAWIL, DPW COMMISSIONER: Yes. They'll be -- they'll be -- it depends on the severity of the crack. Most of them are gonna be replaced. But we will -- we will have detailed look at them. We still have the contractor for one year.

PRESIDENT RODRIGUES: Who's maintaining the list, is it the City?

JACOB TAWIL, DPW COMMISSIONER: I'm sorry?

PRESIDENT RODRIGUES: The list of all the cracked --

JACOB TAWIL, DPW COMMISSIONER: We haven't really done a thorough inspection. It's to our advantage to let it go. But the engineer has a list already of the ones, like, in St. Paul and here, there's some one -- some of them are cracked, you know. It's a huge project, so we expect something like that.

PRESIDENT RODRIGUES: Okay.

JACOB TAWIL, DPW COMMISSIONER: But we will do one thorough -- thorough investigation and walk through it.

PRESIDENT RODRIGUES: Okay. Thank you.

JOSEPH DESTEFANO, MAYOR: (Indiscernible).

JACOB TAWIL, DPW COMMISSIONER: The Mayor, the Mayor is saying there is foot -- footprints in the City Hall -- in front of City Hall with the new sidewalk. That would be replaced too, so add it to Council President list.

PRESIDENT RODRIGUES: I'll get the list.

PRESIDENT RODRIGUES: Fire Chief.

NICK BARBER, FIRE CHIEF: Other than congratulating past chief Merritt Winner, Mayor, that was very nice what you did, what the Council did for him tonight. Other than that, that's all I have. Questions?

PRESIDENT RODRIGUES: Alderman Kleiner.

NICK BARBER, FIRE CHIEF: Is this going around to everybody tonight, Gerry?

ALD. KLEINER: Yeah, I think so. Any updates on Fireman Joe?

NICK BARBER, FIRE CHIEF: Fireman Joe, the foundation has been poured. That was poured two weeks ago. We're just waiting for the granite to come in.

ALD. KLEINER: Okay.

NICK BARBER, FIRE CHIEF: But the conduits been run for the electric, Rotolo is on board with doing all the electrical work. And we're gonna have a couple of lights shining up on Fireman Joe. And we're adding another light because we're gonna add a flagpole to the - - if you're facing it, it will be to the right of Fireman Joe.

ALD. KLEINER: Thank you.

NICK BARBER, FIRE CHIEF: But that's where we're at right now. And the colder it gets, the harder it's gonna be to set the granite. So, hopefully, global warming kicks in and we'll be able to set it. And then it can get colder.

ALD. KLEINER: Rather than wait. Thank you.

JOSEPH DESTEFANO, MAYOR:: The flag pole's gonna be to the right?

NICK BARBER, FIRE CHIEF: As you're facing Fireman Joe, it will be to the right.

JOSEPH DESTEFANO, MAYOR: It should always be to the right. Make sure you check your protocols.

NICK BARBER, FIRE CHIEF: It will be to the right.

JOSEPH DESTEFANO, MAYOR: Not as you're facing it though.

NICK BARBER, FIRE CHIEF: Well, we'll just pretend we moved the flag over like they did the other night.

JOSEPH DESTEFANO, MAYOR: Check your protocols.

NICK BARBER, FIRE CHIEF: I'll -- I'll check that etiquette for the -- for the flag. But that's the only spot we got. Any other questions?

PRESIDENT RODRIGUES: All right. Anyone else? All right. Thank you, Chief.

NICK BARBER, FIRE CHIEF: Thanks.

PRESIDENT RODRIGUES: Accessor.

MARIANNE FEELY, COMMISSIONER OF ASSESSMENT:

Good evening. I just want to thank all our veterans for their service to this country. And I wanted to mention that there is a veterans exemption if they're not aware of that. And you would just need to bring your DD214 and a disability rating if you have one and we'll get you started on it. So just wanted to put that out there. Does anyone have any questions?

PRESIDENT RODRIGUES: Any questions?

MARIANNE FEELY, COMMISSIONER OF ASSESSMENT:

Okay. Thank you.

PRESIDENT RODRIGUES: Police Chief.

JOHN EWANCIW, POLICE CHIEF: Good evening.

Just a few things this evening. Over the last
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couple of weeks we've had a rash of car larcenies again. We've made a couple arrests, however, it really hasn't quelled it all that much. They seem to be focused on unlocked cars. So I once again I encourage people to lock their cars just to help kind of deter that type of activity.

Our multi-police commission meeting this month has been moved to Tuesday, November 14th due to some scheduling conflicts.

And just a quick update. The Council approved a grand project for us about a year or so ago in regards to cameras in the downtown. We're about 75 percent completed with that project. It's adding 29 cameras to our downtown area which would be great. That includes like the skatepark area, the pavilion, all the way through the downtown, some of the garbage deposits or deposits and some of the -- the common areas throughout the downtown.

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

PRESIDENT RODRIGUES: I do. Alderman Masi.

ALD. MASI: Chief, I want to thank you and the department for all they did with the packages that were taken and also the car break-ins. Obviously, you're aware that I happen to be one of the people that got hit.

I guess my big question is you guys go out and you do all that work and everything, what now happens?

JOHN EWANCIW, POLICE CHIEF: In regards to when you say what now, when we make an arrest?

ALD. MASI: They've -- they've -- you said you've made a couple of arrests. The individuals that have been arrested, what do they go through now? Is there a penalty?

JOHN EWANCIW, POLICE CHIEF: So, typically, they're -- they're given an appearance ticket upon arrest. Depending on their criminal history and what else may be going on in their life will determine where that penalty ends. But the initial process is typically an appearance ticket.

ALD. MASI: Who makes the decision from here?

JOHN EWANCIW, POLICE CHIEF: In regards to?

ALD. MASI: What kind of penalty?

JOHN EWANCIW, POLICE CHIEF: That's done through the court system between the judge and the District Attorney's Office.

ALD. MASI: You want to talk about the past history?

JOHN EWANCIW, POLICE CHIEF: No, I don't think that's a good --

ALD. MASI: Okay.

JOHN EWANCIW, POLICE CHIEF: -- good

conversation to have here.

ALD. MASI: Okay.

PRESIDENT RODRIGUES: Okay. Anyone else?

Thank you, Chief.

JOHN EWANCIW, POLICE CHIEF: Thank you.

PRESIDENT RODRIGUES: Superintendent of Recreation.

RAELYNN BERTHOLF, SUPERINTENDENT OF RECREATION:

Good evening, everyone. Just a few updates with maintenance. The scoreboard is up at Wolslayer Field and nothing but great feedback from the parents who were there this past weekend being able to see the score, the time, and just the benefits of having a scoreboard there.

November 9th, it is here already. The ice skating rink will be -- start to be installed already. We did need a new liner, only about 450, \$450. So a new liner had to be purchased for that. And also the company is coming to install it. If any of you went by last year and watched the installation, it is way out of our maintenance department's expertise.

And the first night, just like last year, will be the tree lighting will be the first night that the ice skating rink is open. And that will have free skate sessions for about three hours throughout the night.

Catch and fencing, we'll finally be installing -- Alderman Kleiner, the -- the netting on Babe Ruth side, so please let your residents know that will be -- they're gonna start that tomorrow installing that netting hopefully to prevent cars and the -- with the foul balls. That's been a major ongoing issue there.

Leaf removal, that's one of the major things they're working on. It's all over the parks, so just please give us patience and grace and time. There's a lot of leaves and only so many workers that we have. They're even assisting with DPW's leaf removal, so there's a lot of leaves in the City, so just give us time. And we are working to get them out the parks.

Finally, after many complaints from residents that there's nothing for adults to do that we don't offer programming for adults, we have a pickleball for adults. We have instructional classes that started. This is our second session and it did fill up as soon as we opened it. So that's our second session of instructional pickleball that filled up. We are starting a open play pickleball where it's not instruction. We have the two courts that we utilize on the gym floor. They pay -- if they're a City resident it's \$10, non-city it's 15 for the night. You just come and they just play pickup games and rotate throughout the night.

We're also happily starting volleyball. We finally got the system and the coaches. So we're even adding adult volleyball instructional clinics and also adult volleyball pickup games at night. All those registrations are on the site. And with volleyball we also have starting at age 5 up through adults with instructional classes for volleyball.

The reservoir trails were mentioned. Our office will be in touch with Commissioner Tawil just to get a confirmation on what trails. And then we will get a post up to the public, so they can get out there and get on the trails that some of the phone calls that we've been receiving. So once we get the official notice of what trail is still closed and what trails are back open, we will get a post up tomorrow about that.

And soon you will have coming before you we're in the process of speaking with civic rec. The City we've changed to the Civic Plus, the website. Right now we use Edmunds GovTech for our registration system. Their customer service is not too good. We do have a lot of issues. The major obstacle that we face with Edmunds GovTech is they don't translate the site to Spanish, so that's a major issue that we have. We're lucky to have Celines Rodriguez in the office, but it is a lot because she has to take the families, all their information in

Spanish load it into the system, create their account and then literally read through every single program if they don't understand it or can't read English. So she's reading every single program, all the details, translating everything to them and then signing their children up for programs. So we're working with CivicRec right now. They gave us a demo and showed us what they offer making it compatible with the City. We would get a discount because of the many civic programs that the City has. So we're just waiting for final pricing. Everything sounds great, but we're waiting for that final price to see what that cost is. And once we have that, we'll bring it back to the Council and the Board of Estimate once we have those pricings.

Any questions?

PRESIDENT RODRIGUES: Any questions for Recreation? Alderman Kleiner.

ALD. KLEINER: Don't want to leave you out.

We do have a resolution for the lighting at Wolslayer Field.

RAELYNN BERTHOLF, SUPERINTENDENT OF RECREATION:
Yes.

ALD. KLEINER: And even though it's a lot of money, I just want -- and I don't know if this is your department or Jacob's, but the architect for the project

had -- had estimated at a little higher than the sole bid we got. So we're looking forward to that.

RAELYNN BERTHOLF, SUPERINTENDENT OF RECREATION:

Yeah. That -- all Jacob, so thank you. He handled all of that --

ALD. KLEINER: Okay.

RAELYNN BERTHOLF, SUPERINTENDENT OF RECREATION:

-- putting out that bid and working with the architect for the pricing, so I can't take any credit, so.

ALD. KLEINER: Okay. Thank you.

RAELYNN BERTHOLF, SUPERINTENDENT OF RECREATION:

You're welcome.

PRESIDENT RODRIGUES: Anyone else? Thank you.
Civil Service.

ALD. MASI: Thank you. Yeah, I wanted to announce that civil service will be giving the following exams, the firefighter and bilingual firefighter exam on Saturday, January 13th, obviously, of '24. The important part is the applications must be received in the Civil Service Office here in City Hall no later than 12 noon on Monday, December 4, 2023. And they're \$40 for each test. Obviously, if you want to take both tests it's -- it's \$80. And you can make one money order.

But I want to get that out there because we've had a lot of inquiries about the next civil service test

for firefighter and bilingual firefighter. So it's out there. Hopefully, people that were interested will sign up and then be here for the test in January. Thank you.

PRESIDENT RODRIGUES: 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 Tobin.

ALD. TOBIN: I'd just like to thank Chief Merritt for his years of service to the City. Thank you.

PRESIDENT RODRIGUES: Alderman Jean-Francois.

ALD. JEAN-FRANCOIS: Also, congratulations to Chief Winner. I mean, the name fits the person. I mean, he's really a winner because a lot of time when we have city events, he's always out there making his rounds and -- and giving out flyers and trying to recruit folks for the fire department. I mean, he's just a great man. I just love to see him walking around and -- and doing what he does. I want to thank him for his service.

And, also, tomorrow, please don't forget, we have to vote. Our position is two propositions. Please vote on both of them. Thank you.

PRESIDENT RODRIGUES: Alderman Johnson.

ALD. JOHNSON: Thank you. I'll second the motion for Chief Winner, much appreciation. Thank you.

PRESIDENT RODRIGUES: Alderman Wray.

ALD. WRAY: I just would like to echo that. Chief Winner, ever since the moment I started on this counsel has been a huge source of knowledge and information and history and background in almost anything I can possibly want to know about Middletown. I'm fortunate enough that he lives in our ward. And just we're the best ward, we make the best. And I just want to congratulate him on -- on being recognized tonight. It was well deserved as anyone more deserving of their own day here in City. And that's all I have tonight.

PRESIDENT RODRIGUES: Alderman Kleiner.

ALD. KLEINER: Thank you again, also, Chief Winner for so long as been a recruiter deluxe for the fire department. He was unbelievable and has done so much for the City, so congratulations to him.

Tomorrow is Election Day. And I've always said I'm a democrat small D. And I believe in voting. And I believe in the process. And I want to thank the people out there. You already see some posts about worrying about whose gonna do what with the votes. It doesn't happen in -- with the Orange County Board of Elections

and with our volunteers. They -- they run it very well. And I -- I thank everyone. They do get paid, but I thank them because it's a long, long day that they're out, so.

And the warming station will be opening on November 19th. And that will be at night. But the -- there will be an opening ceremony November 19th at 7:30 p.m., so if anyone is interested in learning about the warming station. And there will be two more -- there are two more -- three more training sessions scheduled. And that's at the Mulberry House Warming Station. And that will be 7 p.m., Wednesday, November 8th and 7 p.m., Monday, November 27th. And then also 7 p.m. Tuesday, December 12th. And, again, thank all the Touro College students and the other folks who show up. But volunteers, that's the main, always at the warming station. So if you think you could do it, please come out and see what it's about. Thank you.

PRESIDENT RODRIGUES: Alderman Green.

ALD. GREEN: Thank you very much. Yeah, Chief Winner and the word "recruitment" go together hand and hand. If there was an incident and there was a little crowd going, he had more pamphlets in his pocket ready to go for people and -- and was ready to sign them up on the spot every time he was -- he was out there. So 90 years strong and no doubt 90 more to go. So, you know,

congratulations to Chief Winner.

You know, please go out and vote tomorrow. I can't stress the importance of it enough, early voting. I just want to thank all the people who are out there working at the poles. I know early voting is not always the busiest days, so, certainly, the hours can get tedious. But everyone when I went in was very chipper and happy and willing to help. So be sure to -- to thank them and, you know, kind of be kind to them tomorrow because they're definitely gonna have a busy day.

I just do want to bring up, yet, that we have a constituents meeting. I thank Alderman Kleiner for reminding me. It's gonna be Monday the 13th and that will be right here in the Council chambers at 7 p.m., so we hope to see you then. Thank you.

PRESIDENT RODRIGUES: Alderman Witt.

ALD. WITT: Thank you. I have a few things, but I will keep it moving, I promise.

The leaf pickup is going on right now in the 1st Ward. So if you have not done that yet, if the weather is nice the next couple of days you can get them out in the street no more than 4 feet, we'd appreciate that.

There's no school tomorrow for kids because there's a superintendent's conference day and there's no

school on Friday in honor of Veteran's Day even though that's the 10th.

This weekend coming up Friday, Saturday, Sunday is the New York State boys soccer championship, the Middletown High School. It is the 14th year that this has taken place here. This is a good thing for our community as well. We do hope that folks do solicit the City of Middletown businesses and Dr. or Alderman Johnson, Dr. Johnson also too and Maria were very instrumental a couple of years ago coming up with a dining guide to let people know who attend this that there are options to -- to dine in Middletown. And speaking with Maria before the meeting, those flyers and pamphlets will be available for people to see as they come into the stadium.

Also, one final thing is the boys football team is going to be playing for a sectional championship on Saturday in Newburg. President Rodrigues' son on the team, 1:00. It's -- a couple of things. It's \$8 to get into the game and it's only being done electronically, so there are -- there's an ability to order tickets ahead of time. It's a link that's on the Middletown School District website as well as the Facebook page. And I don't know, we're going to try to find out if there's somehow that is showing this game for free.

Maybe President --

PRESIDENT RODRIGUES: WALL Radio.

ALD. WITT: WALL Radio will have it also. But I know that the National Federation of High Schools cover it, but they don't give it away for free. So if Newburg happens to record this, we will have the link on our website and on social media, so our community can watch this game as well from home. That's it. Thank you.

PRESIDENT RODRIGUES: Alderman Masi.

ALD. MASI: First, for Chief Winner, I've known you for better than 50 years, a well-deserved honor. And thank you very much for all your time and your service.

Election Day is tomorrow, please, people, get out there and vote. Even though many of us are -- are running unopposed, it's still important to cast your ballot. And remember to flip it over, you've got two very important propositions on the other side.

And, now, a couple things about Veteran's Day. First thing I just got a text from Maria Bruni and she asked me to let everyone know that at the Paramount Theatre, any veteran on Veteran's Day who comes in and purchases a ticket, they will get a second for a showing free. So if you buy one, you get the second one free for Veteran's.

151 will hold their Veteran's Day celebration this Saturday, November 11th at 10 a.m. at Post 151 Headquarters on Waywayanda Avenue.

Now, the Town of Wallkill, American Legion Post 1181 will hold their Veteran's Day celebration this Saturday, November 11th at 11 a.m. at the Middletown Elks Lodge on Highland Avenue. So I wanted you to be aware of both of those. And thank you.

11. Unfinished Business

(None this evening)

12. New Business.

PRESIDENT RODRIGUES: Okay. New business.

KAREN SISCO: We have a Resolution sponsored by Alderman Masi; Resolution authorizing \$161,460 in budget transfers within the police department budget.

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

Aye: Tobin, Jean-Francois, Johnson, Wray, Kleiner, Green, Witt, Masi; President Rodrigues. Motion carries.

KAREN SISCO: We have a Resolution sponsored by Alderman Witt; Resolution awarding the bid for Wolslayer Field lighting to Harry Rotolo & Sons.

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

Aye: Tobin, Jean-Francois, Johnson, Wray, Kleiner, Green, Witt, Masi; President Rodrigues. Motion carries.

KAREN SISCO: We have a Resolution sponsored by Alderman Green; Resolution authorizing a bond resolution in the amount of \$3,506,810 for the Water Storage Tank Project.

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

Aye: Tobin, Jean-Francois, Johnson, Wray, Kleiner, Green, Witt, Masi; President Rodrigues. Motion carries.

KAREN SISCO: We have a Resolution sponsored by Alderman Kleiner; Resolution authorizing a proposal with Marshall and Sterling for workmen's compensation insurance for 2024.

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

Aye: Tobin, Jean-Francois, Johnson, Wray, Kleiner, Green, Witt, Masi; President Rodrigues. Motion carries.

KAREN SISCO: We have a Resolution sponsored by Alderwoman Wray; Resolution to accept a municipal legislative grant from the County of Orange in the amount of \$4,999.

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

ALD. KLEINER: I know the Mayor mentioned this, but I want to again thank Legislator Mike Paduch for getting this grant for us.

PRESIDENT RODRIGUES: Anyone else? Roll.

Aye: Tobin, Jean-Francois, Johnson, Wray, Kleiner, Green, Witt, Masi; President Rodrigues. Motion carries.

KAREN SISCO: We have a Resolution sponsored by Alderman Jean-Francois; 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 street/sidewalks in the downtown.

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

ALD. KLEINER: Also, I believe this was Assemblywoman Gunther who got this grant for -- half-a-

million-dollar grant for lighting downtown. So I want to thank her on the record too.

PRESIDENT RODRIGUES: Anyone else? Roll.

Aye: Tobin, Jean-Francois, Johnson, Wray, Kleiner, Green, Witt, Masi; President Rodrigues. Motion carries.

KAREN SISCO: We have a Resolution sponsored by Alderman Tobin; Resolution authorizing an amendment to a bond resolution for PPU extension on the ADA Sidewalks and Ramp Improvement Projects.

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

Aye: Tobin, Jean-Francois, Johnson, Wray, Kleiner, Green, Witt, Masi; President Rodrigues. Motion carries.

KAREN SISCO: We have a Resolution sponsored by Alderman Witt; Resolution authorizing agreement with Orange County Youth Bureau.

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

Aye: Tobin, Jean-Francois, Johnson, Wray, Kleiner, Green, Witt, Masi; President Rodrigues. Motion carries.

KAREN SISCO: We have a Resolution sponsored by Alderman Johnson; Resolution amending City Code to create a fee for an electrical permit.

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

Aye: Tobin, Jean-Francois, Johnson, Wray, Kleiner, Green, Witt, Masi; President Rodrigues. Motion carries.

ALD. JOHNSON Mr. President, in light of the advance of the earlier committee meeting for legislation, I'd like to make a motion to table items 12.10 and 12.11 pending further consideration and clarification.

PRESIDENT RODRIGUES: The Resolution for the rental permits?

ALD. JOHNSON: Yes, sir.

PRESIDENT RODRIGUES: Okay. I got motion by --

ALD. JOHNSON: (Indiscernible) resolution they

--

PRESIDENT RODRIGUES: I got a motion to table by Alderman Johnson. Do I have a second?

ALD. GREEN: Second.

PRESIDENT RODRIGUES: Alderman Green. No rental permits. The next one.

KAREN SISCO: Okay.

PRESIDENT RODRIGUES: All in favor?

ALDERMEN: Aye.

PRESIDENT RODRIGUES: Any opposed?

(No verbal response)

PRESIDENT RODRIGUES: All right. That one's
tabled.

KAREN SISCO: We have a Resolution sponsored by
Alderman Johnson; Resolution amending City Code to create
a tax exemption for volunteer firefighters.

PRESIDENT RODRIGUES: Resolution sponsored by
Alderman Johnson.

ALD. JOHNSON: I -- I had put them together. I
didn't realize they had to be separate.

PRESIDENT RODRIGUES: Okay.

ALD. JOHNSON: I would like to also make a
motion to table Item 12.11, any clarification and
consideration.

PRESIDENT RODRIGUES: So a motion from Alderman
Johnson to table. Alderman Wray will second it. All in
favor?

ALDERMEN: Aye.

PRESIDENT RODRIGUES: Any opposed?

(No verbal response)

PRESIDENT RODRIGUES: All right. That ones
also tabled. All right.

KAREN SISCO: We have a Resolution sponsored by Alderwoman Wray and Johnson; Resolution declaring November 18th, 2023 Merritt Winter Day in the City of Middletown.

PRESIDENT RODRIGUES: Resolutions by Alderman Wray and Johnson. Any discussion? Roll.

Aye: Tobin, Jean-Francois, Johnson, Wray, Kleiner, Green, Witt, Masi; President Rodrigues. Resolution passes.

KAREN SISCO: We have a Resolution sponsored by Alderman Jean-Francois; Resolution authorizing the closure of Union Street on Saturday, December 2nd from 12:30 to 8 p.m. -- 12:30 p.m. to 8 p.m. for Yuletide on Union Street Holiday Market and ice skating evening.

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

Aye: Tobin, Jean-Francois, Johnson, Wray, Kleiner, Green, Witt, Masi; President Rodrigues. Resolution passes.

KAREN SISCO: Resolution sponsored by Alderman Masi; Resolution authorizing SAS Electrical Inspection as a City of Middletown electrical inspector.

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

discussion? Roll.

Aye: Tobin, Jean-Francois, Johnson, Wray, Kleiner, Green, Witt, Masi; President Rodrigues. Motion passes.

KAREN SISCO: We have a Resolution sponsored by Alderman Witt; Resolution accepting a \$34,000 grant from the County of Orange Youth Bureau for the youth programs in Outreach.

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

Aye: Tobin, Jean-Francois, Johnson, Wray, Kleiner, Green, Witt, Masi; President Rodrigues. Motion passes.

KAREN SISCO: We have a Resolution sponsored by Alderman Green; Resolution authorizing an agreement to purchase a vacant parcel of land at 11-25 Harding Street.

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

Aye: Tobin, Jean-Francois, Johnson, Wray, Kleiner, Green, Witt, Masi; President Rodrigues. Resolution carries.

KAREN SISCO: We have a Resolution sponsored by Alderman Masi; Resolution authorizing the relevy water

and sewer bills into the 2024 tax budget.

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

Aye: Tobin, Jean-Francois, Johnson, Wray, Kleiner, Green, Witt, Masi; President Rodrigues. Motion passes.

13. Local Laws

(Nothing this evening)

14. Audit of Claims and Accounts

PRESIDENT RODRIGUES: Audit.

ALD. MASI: All right. Just prior to the audit, I just got an update from -- text from Maria Bruni and I may have misstated on the Veteran's Day. It's buy one ticket, get one ticket free for Veteran's for either the 2:45 or the 7:30 showing of Killers of the Flower Moon on Veteran's Day.

PRESIDENT RODRIGUES: You want to text Ms. Bruni back or --

ALD. MASI: Pardon?

PRESIDENT RODRIGUES: You want to text her back. She's right over there.

ALD. MASI: Well, I wanted to make the announcement, so people understood what I said before. Don't be a smart ass.

PRESIDENT RODRIGUES: Audit.

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

PRESIDENT RODRIGUES: All right.

ALD. JOHNSON: Second.

PRESIDENT RODRIGUES: Alderman Johnson. Roll.

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

PRESIDENT RODRIGUES: I need a motion to go into the Executive Session --

ALD. MASI: So moved.

PRESIDENT RODRIGUES: -- for contracts negotiations.

ALD. MASI: So moved.

PRESIDENT RODRIGUES: Alderman Masi.

ALD. WITT: Second.

PRESIDENT RODRIGUES: Seconded by Alderman Witt. All in favor?

ALDERMENS: Aye.

PRESIDENT RODRIGUES: We're now in Executive --

(PROCEEDING CONCLUDED)

CERTIFICATION

I, LISA KANE, certify the foregoing transcript of proceedings of the November 6, 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: December 7, 2023

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



**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
 - 5.1 Presentation from the Enlarged City School District of Middletown regarding Proposition One
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

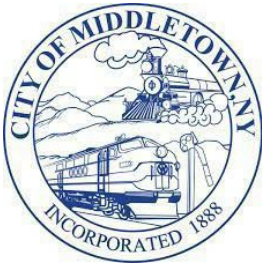
- 12.5 Resolution to accept a Municipal Legislative Grant from the County of Orange in the amount of \$4,999.00
- 12.6 Resolution authorizing the Temporary Borrowing of \$500,000 from the General Fund for the purchase and installation of 150 decorative light poles and light fixtures for Streets/Sidewalks 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
- 12.12 Resolution Declaring November 18, 2023 Merritt Winner Day in the City of Middletown
- 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
- 12.14 Resolution Authorizing SAS Electrical Inspection as a City of Middletown Electrical Inspector
- 12.15 Resolution Accepting a \$34,000 Grant from the County of Orange Youth Bureau for the Youth Programs and Outreach
- 12.16 Resolution Authorizing an Agreement to Purchase a Vacant Parcel of Land at 11-25 Harding Street

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: November 6, 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			

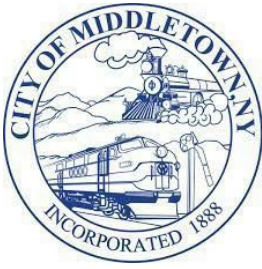
Accept Minutes of September 19 and October 3, 2023

Accept Minutes of September 19 and October 3, 2023

ATTACHMENTS:

[09.19.23 CC Minutes.pdf](#)

[10.03.23 CC Minutes.pdf](#)



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

THE FOLLOWING WAS PRESENTED

By Ald.

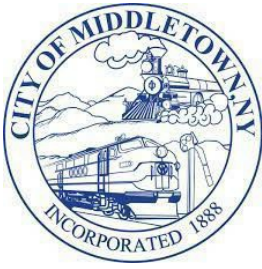
Sec'd by Ald.

Date of Adoption: 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				

Presentation from the Enlarged City School District of Middletown regarding Proposition One



CITY OF MIDDLETOWN, NEW YORK COMMON COUNCIL RECORD OF VOTE

THE FOLLOWING WAS PRESENTED

By Ald. Masi

Sec'd by Ald. Tobin

Date of Adoption: November 6, 2023

Index No: 203-23

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 \$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.

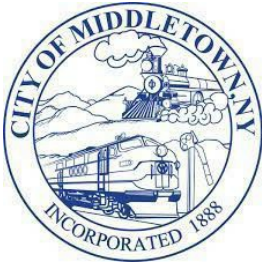
FROM	AMOUNT	TO
A.3120.100 Personal Services	\$45,000	A.3120.440 Repairs to Equipment

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](#)



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

THE FOLLOWING WAS PRESENTED

By Ald. Witt

Sec'd by Ald. Kleiner

Date of Adoption: November 6, 2023

Index No: 204-23

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

Resolution Awarding the Bid for 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.

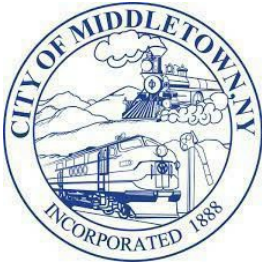
BE IT RESOLVED; that the Common Council of the City of Middletown, NY, concurs with the Board of Estimate and Apportionment and authorizes the Treasurer to transfer \$278,142.24, in the following manner to cover this project.

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](#)



CITY OF MIDDLETOWN, NEW YORK COMMON COUNCIL RECORD OF VOTE

THE FOLLOWING WAS PRESENTED

By Ald. Green

Sec'd by Ald. Johnson

Date of Adoption: November 6, 2023

Index No: 205-23

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 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

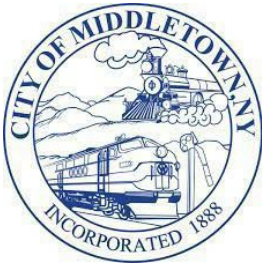
money, or 2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or 3) Such obligations are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



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

THE FOLLOWING WAS PRESENTED

By Ald. Kleiner

Sec'd by Ald. Masi

Date of Adoption: November 6, 2023

Index No: 206-23

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			

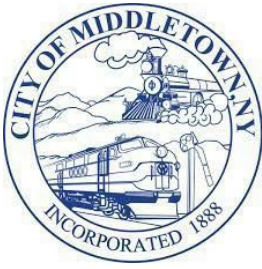
Resolution Authorizing a proposal with Marshall and Sterling for Workmen's Compensation Insurance for 2024

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](#)



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

THE FOLLOWING WAS PRESENTED

By Ald. Wray

Sec'd by Ald. Kleiner

Date of Adoption: November 6, 2023

Index No: 207-23

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

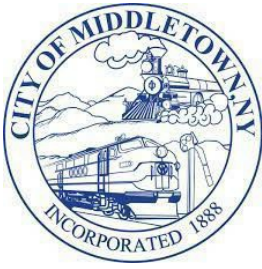
BE IT RESOLVED; that the Common Council of the City of Middletown, NY, concurs with the Board of Estimate and Apportionment and accepts the Municipal Legislative Grant from the County of Orange in the amount of \$4,999.00, to be used toward the purchase of a canopy for the stage at John F. Degnan Square. 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, NEW YORK
COMMON COUNCIL
RECORD OF VOTE**

THE FOLLOWING WAS PRESENTED

By Ald. Jean-Francois

Sec'd by Ald. Johnson

Date of Adoption: November 6, 2023

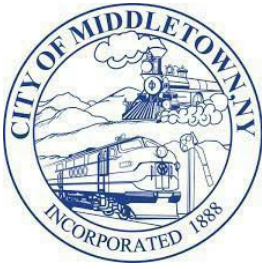
Index No: 208-23

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 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. Tobin

Sec'd by Ald. Green

Date of Adoption: November 6, 2023

Index No: 209-23

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 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,

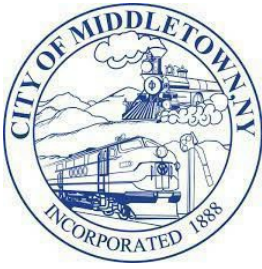
and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

- 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](#)



CITY OF MIDDLETOWN, NEW YORK COMMON COUNCIL RECORD OF VOTE

THE FOLLOWING WAS PRESENTED

By Ald. Witt

Sec'd by Ald. Kleiner

Date of Adoption: November 6, 2023

Index No: 210-23

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 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

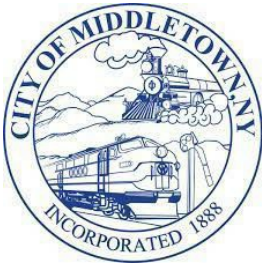
Whereas the funding will come from the NYSOCFS: Youth Sports Education Funding. The goal of the funding is to provide our youth with sports and education, opportunities and support to improve youth and community outcomes in specific "Life Areas."and

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](#)



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

THE FOLLOWING WAS PRESENTED

By Ald. Johnson

Sec'd by Ald. Jean-Francois

Date of Adoption: November 6, 2023

Index No: 211-23

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 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

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:

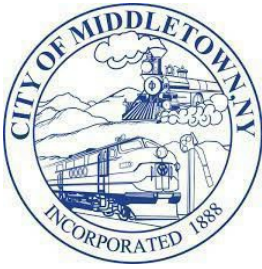
Section 1 - The Code of the City of Middletown, N.Y., Chapter 296, Housing, is hereby amended by adding a Paragraph (4) to Subsection B, Renewal, of Section 296-18, Term of permit; renewal, to read as follows:

(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.



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

THE FOLLOWING WAS PRESENTED

By Ald. Johnson

Sec'd by Ald. Wray

Date of Adoption: November 6, 2023

Index No: 212-23

Motion to table by Johnson, seconded by Wray.

Unanimous

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 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

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:

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

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

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

(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.

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

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:

A. 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;

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

C. 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:

A. 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;

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

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.

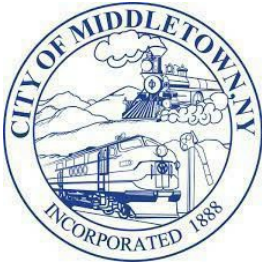
Section 430.31. Application Process.

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. Wray/Johnson

Sec'd by Ald. Unanimous

Date of Adoption: November 6, 2023

Index No: 213-24

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 November 18, 2023 Merritt Winner Day in the City of Middletown

WHEREAS, Merritt Winner, a lifelong resident of Middletown, has demonstrated an unwavering commitment to our community through his selfless service and dedication; and

WHEREAS, Merritt Winner was born on November 18, 1933, in Middletown, and has deep-rooted connections to this city, having grown up in Silver Lake, graduated from Middletown High School, and attended Orange County Community College; and

WHEREAS, Merritt Winner began his professional career in the late 1950s at Polak's Frutal Works (later Hercules) on Sprague Avenue, where he served as the plant engineer and remained dedicated to his work until the company was sold in the 1990s; and

WHEREAS, Merritt Winner has exhibited exceptional commitment to the Middletown Fire Department, becoming a member of the Eagle Engine Company in May 1959, serving as Treasurer for 32 years for a total of 64 years of service, including 9 years as Assistant Chief (1973-1981), and three years as Chief (1981-1984), he currently holds the distinction of being the second-oldest active member in the department and the oldest living past Chief; and

WHEREAS, Merritt Winner's contributions to the Eagle Engine Company have been recognized by being named Eagle of the Year five times and serving as Treasurer of the Eagles since 1990; and

WHEREAS, Merritt Winner's dedication extends beyond the fire department, as he has been an active committee member of NY Rising, addressing issues related to flooding in Middletown following

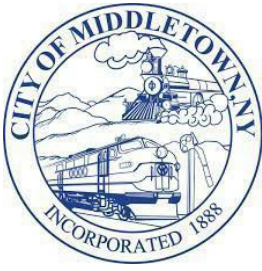
Hurricane Sandy, and a committed volunteer driver for Meals on Wheels; and

WHEREAS, Merritt Winner will celebrate his 90th birthday on November 18, 2023, and this milestone provides us with an exceptional opportunity to express our gratitude and admiration for his contributions to the City of Middletown;

NOW, THEREFORE, BE IT RESOLVED that the Common Council of the City of Middletown, NY, hereby declares November 18, 2023, as "Merritt Winner Day" in honor of his lifelong dedication to our community and his 90th birthday.

BE IT FURTHER RESOLVED that the City of Middletown acknowledges Merritt Winner's outstanding contributions and encourages all residents to recognize and celebrate this remarkable individual on Merritt Winner Day.

IN WITNESS WHEREOF, the Common Council of the City of Middletown, NY, has caused this resolution to be executed on this 6th Day of November in the year Two Thousand and Twenty-Three.



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

THE FOLLOWING WAS PRESENTED

By Ald. Johnson

Sec'd by Ald. Wray

Date of Adoption: November 6, 2023

Index No: 214-23

Motion to Table by Johnson, seconded by Wray.

Unanimous

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 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.

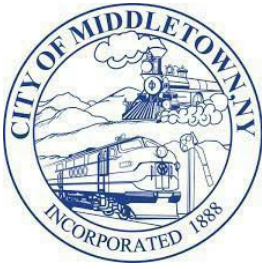
Section 2 - The Code of the City of Middletown, N.Y., Chapter 296, Housing, is hereby amended by adding a Paragraph (3) to Subsection B, Renewal, of Section 296-36, Term of rental permit; renewal, to read as follows:

(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](#)



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

THE FOLLOWING WAS PRESENTED

By Ald. Jean-Francois

Sec'd by Ald. Masi

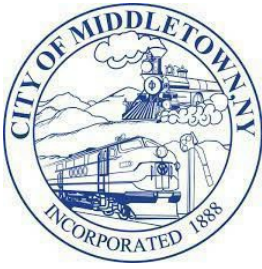
Date of Adoption: November 6, 2023

Index No: 215-23

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 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. Witt

Sec'd by Ald. Wray

Date of Adoption: November 6, 2023

Index No: 216-23

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 \$34,000 Grant from the County of Orange Youth Bureau for the Youth Programs and Outreach

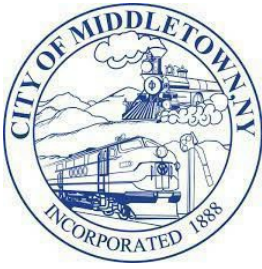
BE IT RESOLVED; that the Common Council of the City of Middletown, NY, concurs with the Board of Estimate and Apportionment and accepts a \$34,000 grant from the Orange County Youth Bureau for 2024 for the Junior Police Academy, Youth Outreach, and the Youth Leadership Academy.

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 deposit these funds as follows:

1. 3120.501 Youth Leadership Academy \$12,000
2. 3120.468 Too Good Programs- Junior Police Academy \$12,000
3. A.3120.468 Too Good Programs- Youth Community Outreach \$10,000

ATTACHMENTS:

[MPD Youth Program Funding Award Letter.pdf](#)



CITY OF MIDDLETOWN, NEW YORK COMMON COUNCIL RECORD OF VOTE

THE FOLLOWING WAS PRESENTED

By Ald. Green

Sec'd by Ald. Witt

Date of Adoption: November 6, 2023

Index No: 217-23

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 an Agreement to Purchase a Vacant Parcel of Land at 11-25 Harding Street

BE IT RESOLVED; that the Common Council of the City of Middletown, NY, concurs with the Board of Estimate and Apportionment and authorizes the attached contract to purchase a parcel of vacant land located at 11-25 Harding Street, Middletown NY 10940 in the amount of \$114,000. Also requesting to authorize the Treasurer to transfer a TEMPORARY BORROWING from General Fund Balance to H.1940.201 Purchase of Land – 11-25 Harding Street.

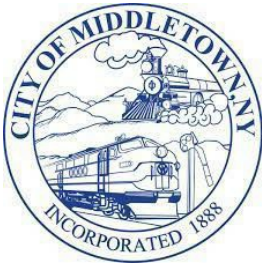
BE IT FURTHER RESOLVED; that the Common Council of the City of Middletown, NY, concurs with the Board of Estimate and Apportionment and authorizes the Treasurer to transfer a temporary borrowing of \$114,000 in the following manner, to purchase the property.

FROM	AMOUNT	TO
General Fund Balance	\$114,000	H.1940.201 Purchase of Land – 11-25 Harding Street.

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 agreement and any and all necessary paperwork for the purchase of the property.

ATTACHMENTS:

[11-25 Harding Street Purchase Agreement](#)



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

THE FOLLOWING WAS PRESENTED

By Ald. Masi

Sec'd by Ald. Johnson

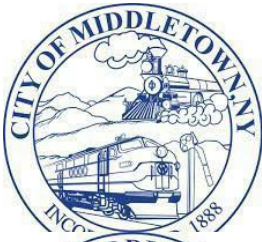
Date of Adoption: November 6, 2023

Index No: 218-23

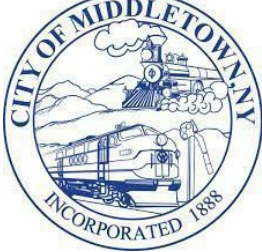
Names	Ayes	Noes	Abstain	Absent
Ald. Tobin	X			
Ald Jean-Francois	X			
Ald. Johnson	X			
Ald. Wray	X			
Ald. Kleiner	X			
Ald. Green	X			
Ald. Witt	X			
Ald. Masi	X			
Pres. Rodrigues	X			
Total	9			

Resolution Authorizing SAS Electrical Inspection as a City of Middletown Electrical Inspector

RESOLVED; that the Common Council of the City of Middletown concurs with the Commissioner of Public Works to approve and amend the City Code to add three new Electrical Inspectors for the City of Middletown to the City Code Chapter 235 Electricians and Electrical Standards, Section 235-14 Inspections, Section A, the following Electrical Inspector: **SAS Electrical Inspection**



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



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

THE FOLLOWING WAS PRESENTED

By Ald. Masi

Sec'd by Ald. Jean-Francois

Date of Adoption: November 6, 2023

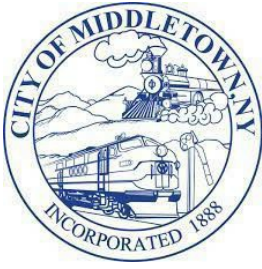
Index No: 219-23

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 re- Levy of water and Sewer bills into the 2024 Tax Bill

Be it Resolved that the common council of the city of Middletown concurs with the board of estimates and apportionment authorizes the treasurer to re - levy 2022 water and sewer delinquent bills into the 2024 real property tax bills in the following amounts:

Unpaid Sewer: 442 Parcels \$208,155.50
Unpaid Water: 444 Parcels = \$292,236.35



**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: November 6, 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
November 21, 2023 Minutes
City Hall
16 James Street
Middletown, New York 10940

PRESENT:

J. Miguel Rodrigues, President
Ald. Joseph Masi
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

ABSENT:

Ald. Jude Jean-Francois
Ald. Andrew Green

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

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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.

(No audible response.)

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.

(No audible response.)

MR. MCCORMACK: Alderman Witt.

ALD. WITT: Here.

MR. MCCORMACK: Alderman Masi.

ALD. MASI: Here.

MR. MCCORMACK: Council President Rodrigues.

PRESIDENT RODRIGUES: Here.

A quorum is present.

3. Approval of Minutes

PRESIDENT RODRIGUES: Okay, approval of minutes.

So moved.

MR. MCCORMACK: No minutes this evening.

PRESIDENT RODRIGUES: No minutes?

MR. MCCORMACK: No minutes.

PRESIDENT RODRIGUES: Okay. All right.

4. Correspondence, Communications, and Reports

PRESIDENT RODRIGUES: Correspondence.

MR. MCCORMACK: We have one letter this evening from Whiteman, Osterman, and Hanna, attorneys-at-law, involving the redevelopment of lands on U.S. Route 6 by the OCW Development Company, LLC, for a warehouse storage and distribution facility.

Dear involved and interested agencies: As required by 6 NYCRR 617.12, and at the request of the Town of Wawayanda Planning Board, please find enclosed the Board's SEQRA negative declaration with respect to the above-reference proposed action in the Town of Wawayanda, Orange County, New York.

The Planning Board, acting as the established SEQRA lead agency for review of the project, approved the enclosed SEQRA negative declaration at its regular meeting on November 8th.

Any questions regarding the enclosed should be directed to the Town of Wawayanda Planning Board.

We'll also post it on our website.

PRESIDENT RODRIGUES: Okay. Received and filed.

MR. MCCORMACK: That's it.

5. For the Good of the City

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

MS. CID: Good evening, everyone. Vanessa, from For the Many and 7 Linden Avenue.

I'm here today because I'm still pushing for ETPA, but also to let you all know the progress that's been happening with ETPA around the Hudson Valley is that, in the City of Newburgh, they have officially wrapped up their vacancy study and it looks like they are pushing forward to enact ETPA and form a rental guidelines board. So I hope that that's something that we can hopefully move forward with in the coming year.

And I have sent out emails and followed up and I realized that, because you all got a new website and the new email address, a lot of the emails have bounced. So, I just wanted to flag that, in case anybody else has been emailing you all.

Thank you.

PRESIDENT RODRIGUES: Anyone who would like to address the Council?

6. Remarks of the Mayor

PRESIDENT RODRIGUES: Okay, remarks of the Mayor.

MAYOR DESTEFANO: Good evening. Leonora is going to take over from here, just to go through the budget for -- that you'll be voting on this evening and, the first few slides here will be Leonora making a presentation.

MS. LIZ: Good evening everyone. In front of you, you have -- this is the budget presentation going over the appropriations for 2024.

In front of you, you have the 2023 operations, in total of \$7.144 million versus, for 2024, we're proposing \$7.381.

Special items, that is our insurance and other specialty items. For 2023 it was 1.4 -- 1.4 -- one hundred -- and -- one million four -- oh my gosh excuse me -- sorry; \$1,450,000 -- \$1,450,000. For 2024, we're proposing \$1,459,000. Personnel services was \$19,021,000, for 2024 we're proposing \$19,649,000. Employee benefits, we're looking at fourteen million six hundred and fifty eight -- \$14,658,000. For 2024, we're proposing sixteen million -- \$16,018,000. Our debt service for 2023 was \$3,245,000. For 2024, we're proposing debt service of \$3,047,000.

So total, in comparison to 2024, we're looking

at a variance of 4 percent. Our total full-time employees, as of right now, is 213.

This slide is just a snapshot of the percentage of impact that our employees' benefits has on our budget. You have the 2023 totals versus the 2024.

For pension, in 2023, was \$3,487,000. In 2024, we're looking at \$3,778,000. Our workman's comp was \$1,001,000 for 2023. In 2024, we're looking at \$1,178,000. Health insurance, was about -- for 2023, was \$8,360,000. For 2024, we're looking at \$9,232,000.

And then, payroll taxes and other benefits, for 2023 was \$1,809,000. For 2024, it's -- we're looking at one million eight -- \$1,831,000.

So, total difference, we're looking at about a 33 percent -- 33-34 percent impact to budget for 2024.

Wrong one. Sorry, I'm going the wrong way.

This is a snapshot of our major revenue sources. We have the tax cap, for 2023, was at 92.55 per a hundred -- per thousand. For 2024, it's going to be about an increase to \$95.42. That's a \$2.87 change versus 2023. The variance is about three percent.

Estimated average household, based on those rates, for 2023, it was \$2,776; 2024, it's estimating \$2,863, a change of \$86. That's about a three percent change.

And for our water and sewer rates, we're looking at a two percent increase. So, for 2023, it was \$17.51. For 2024, we're proposing a rate of \$17.86. That's a 35 cents change, which is a two percent increase.

Here is a screenshot -- a snapshot of our property tax cap for 2024 versus 2023. So, the tax levy for 2023 was \$22,310,967. For 2024, our tax cap is \$23,140,116. The variance, the difference, is about a 3.72.

So for overall, we are within the tax cap, budget-neutral, meaning that we are not accessing any fund balance in order to balance out the budget, with our revenues equaling our expenses, which is great news, given the economy.

And that's it for me. Does anybody have any questions?

PRESIDENT RODRIGUES: Alderman Masi.

ALD. MASI: It's not a question. It's a comment. I can tell you, on day one, when we first met, it was nothing like this. We owe Leonora a big debt of gratitude. She and the Mayor, they called in every department head and, I think, every one of them couldn't believe what they had to do. And then, she would get -- call them again, and tell them, this is the way it's got to be.

I mean this was not an easy process. I had absolutely nothing to do with it. I got to listen in on some of it, but --

MAYOR DESTEFANO: I agree with that.

ALD. MASI: Well, it's the truth.

And she just did a great, great job and we owe her a debt of gratitude. And thank you. I appreciate it.

MS. LIZ: No, thank you. And definitely, the department heads, and the mayor, it was definitely a team effort.

MAYOR DESTEFANO: Thank you, Leonora. And, hopefully, we'll adopt the budget this evening. If you have any questions, further questions, we certainly can address them under the resolutions for you.

Getting into the budget, and one item that did not make the budget this year, which, if you recall my State of the City back earlier this year, I talked about the need to address the ambulance service throughout New York State and how the New York Conference of Mayors has now made it a priority because the disarray of both the volunteer ambulance corps throughout New York State and the paid ambulance service.

And if you recall, last year, Mobile Life notified us that they would be billing us, I believe it was six or seven hundred thousand dollars, going from zero

to \$700,000 for basic service; meaning that, the ambulance that are here would be prioritized for Middletown. It doesn't include any billing for -- to the customers. This is just a basic service cost going from zero to almost \$700,000.

We were able to negotiate with Mobile Life last year and maintain it at zero, knowing that, at some point in the future, that we were hoping that the State would start addressing the mobile -- or the ambulance crisis throughout the State. It didn't happen. I know there are some discussions up in Albany, mostly dealing with volunteer ambulance corps and some support for them. But, similar to the fire service and the volunteer corps, their volunteerism is down. So, even a lot of volunteer corps now are paying people to staff, at least half of the day, or contracting with other agencies.

Mobile Life, unfortunately, or I guess maybe fortunately, too, I don't know, was bought out by a company called Empress. Empress has notified us, and I've explained this to the Council in Executive Session, in October, right during the middle of our budget process, that their estimated billing -- that they need to go to contract with the City. Our contract was expiring or had expired and that the billing to the City of Middletown would be \$680,000, in that area.

Again, from zero to \$680,000. And that, basically, is an all or nothing proposal. Either contract with us or we can no longer provide basic ambulance service to the City of Middletown. You would be into a mutual aid system, if you provide -- and there's a whole bunch of things with that, too, where you have a community, like say Monroe, has a volunteer ambulance corps. They are allowed to be in the mutual aid system because they provide some type of service. We, as a city don't.

So, what a lot of cities are doing, is they're shifting and speaking with their paid fire departments to start providing ambulance service. Like New York City you know the EMT service is part of -- basically, part of the fire department, also.

So, we had a decision, as we were moving forward. And we met with Empress. We were able to make -- negotiate with them some service requirements, rather than the ambulances being here, part of a mutual aid system going, or transports, or hospital transports, or nursing home transports, that we would get two dedicated ambulances to the city and they would not be utilized as part of mutual aid for communities that do not have ambulance service.

And I know Empress is talking to some of these

other communities. For example, Wawayanda does not have a paid or a volunteer service. So, these ambulances would not go into Wawayanda, unless they entered the mutual aid system. They would be dispatched -- I don't know how they would be dispatched, but I know Empress is also talking to them. But there are a few communities in the County that are not part of this whole system.

So, it's very complicated. We worked out a one-year contract and we are using the ARPA funds, which is part of the COVID monies -- post-COVID monies, under President Biden, to pay for these this year, for 2024.

This will be a budget item next year. Empress is looking for a three-year commitment. We have discussed with them the formula. We have discussed with them working to possibly talk to some of our services here, whether it's in the -- primarily in the fire department to start providing basic life support.

There's two life supports in the ambulance service. One is ALS, which is advanced life support, and the other is BLS, which is basic life support. Our fire department does that now on a third-call basis.

So, if you're responding to -- if mutual aid -- for example, if the ambulances were not available, the time out was say, 20 minutes, the Middletown Fire Department could be dispatched on an emergency call, and

have been dispatched under those scenarios. Most of our -- all of the firefighters are trained with basic life support. Some of them are EMTs, but not all.

So, we are going to be discussing with them, also, the possibilities of absorbing some of this service, because we need to have a certain level of protection within the city.

So, just so you're aware that the budget that Leonora just presented did not contain any funding for ambulance service as being provided under the ARPA funds for 2024; 2025 forward will be within our budget and it will be very difficult, probably, next year to stay within that tax cap.

We'll have to do some -- look at other ways of cost-cutting, possibly, but it's -- it's basically a shift from State and county levels down to the local level to provide these different services.

To me, it makes no sense for each individual community, because people cross over to provide this type of service. It makes more sense to have a regional county approach to it, but that's not happening. So, we're -- you know we're going to be in flux for the next year, seeing how we can supplement the Mobile Life services and, also, reduce our cost with them possibly to offset some of the -- some of the local costs that we may be absorbing

through our fire department for call frequency and, possibly, increase staffing there.

So, that's -- that's that. It's a serious situation. We're taking it seriously and we're hoping that things might pop on the State level because every community in New York is crying about it. And as I said, the Conference of Mayors now has prioritized it as one of its top three topics in emergency services.

We also had a lot of good news over the weekend and many people attended Friday, the opening of the New Middletown ribbon cutting, the former Tompkins Building on North Street. It's absolutely beautiful. It was a huge investment by the proprietors of the business and a great time was had by all.

I want to thank everyone who was able to attend and also thank many of the people on social media that appreciated the investment there. It's a department store that specializes -- has specialty items and is very impressive. And, hopefully, they'll be here for many, many years to come.

So, congratulations to the owners of the New Middletown store here at North Street.

We also had a second ribbon cutting on Saturday morning, which was the CrossFit TakeBack ribbon cutting on Railroad Avenue. Mr. Masi and I met at 5:30 that morning.

We did the CrossFit program. And then, we were able to come back at 9:30 for the ribbon cutting. Correct, Mr. Masi?

ALD. MASI: Absolutely. I've never known you to tell a lie.

MAYOR DESTEFANO: That's correct. That's correct.

Our next is the Middletown Hillside Cemetery Board honor the Revolutionary War soldiers. Alderman Kleiner was able to make it, also. And I want to thank Andy Mills, the American Legion, and all the people at Hillside for all the organization I think -- I think mister -- I believe maybe the Historical Society had something to do with that. I know they did have some work at Tompkins, too. And Peter Laskaris spoke at the Tompkins Building.

But this was really a special event, well-attended, on Sunday at the -- at Hillside. And you know Hillside is such a treasure for this community. Jerry, I'm sure, will probably talk a little bit about it. He's much more up to speed on what's going on there. But, it was a wonderful event and Andy Mills and his staff -- or not his staff-- his volunteers and the American Legion deserve a lot of credit and we want to thank them for that.

Also, this Saturday -- or no. We're going to be declaring, along with, hopefully, every community across the nation, a Small Business Saturday. And we have a resolution that will be presented tonight to the Board. And we'd like to read the resolution, rather than just a summary of it. So, I'll do that at this time.

Whereas, the Government of the City of Middletown, New York celebrates our local small businesses and the contributions they make to our local economy and community; and

Whereas, according the U.S. Small Business Administration, there are 33.2 million small businesses in the United States. Small businesses represent 99.7 percent of firms with paid employees. Small businesses are responsible for 62.7 percent of net new jobs created since 1995 and small businesses employ 46.4 percent of the employees in the private sector of the United States; and

Whereas, 68 cents of every dollar spent at a small business in the United States stays in that local community and every dollar spent at a small business creates an additional 48 cents in local business activity, as a result of employees and local businesses purchasing local goods and services. And 72 percent of consumers reported that Small Business Saturday 2022 made them want to shop and dine at small, independently owned retailers

and restaurants all year long; and the City of Middletown -- and;

Whereas, the City of Middletown, New York supports our local businesses that create jobs, boost our local economy, and preserve our communities; and

Whereas, advocacy groups, as well as public and private organizations across the country have endorsed this -- the Saturday after Thanksgiving as Small Business Saturday.

Now, therefore, be it resolved that I, Joseph DeStefano, Mayor of the City of Middletown, together with Common Council President, J. Miguel Rodrigues, and the entire Common Council do hereby proclaim November 25, 2023 as Small Business Saturday and urge residents in our community and communities across the country to support small businesses and merchants on Small Business Saturday and to shop small throughout the year.

So, we're asking for that resolution to be passed this year -- this evening, I mean, not this year. And hopefully, there will be unanimous support.

That's all I have. If you have any questions, I'll be willing to address them.

PRESIDENT RODRIGUES: Any questions for the Mayor?

You do?

ALD. KLEINER: I was just questioning, because I don't see it on the printed agenda. Is that coming from the floor later in the meeting?

MR. MCCORMACK: It was a -- it's a proclamation.

MAYOR DESTEFANO: It's a proclamation?

MR. MCCORMACK: It does not require Council attention.

MAYOR DESTEFANO: Oh, we don't need to vote on it, then? It's just a proclamation. Okay. Well, we'll do that. And you're going to present it to who? We're going to send it Through the people that emailed --

MR. MCCORMACK: It's the small businesses.

MAYOR DESTEFANO: The small businesses?

MR. MCCORMACK: Yes.

MAYOR DESTEFANO: Okay, good.

Well, that's that. So, I stand corrected.

ALD. KLEINER: Thank you both.

MAYOR DESTEFANO: Thank you.

7. Remarks of Department Heads

PRESIDENT RODRIGUES: Remarks of Department Heads.

Economic Development.

MS. BRUNI: Good evening, everyone. Today we had a couple of meetings. We had the IDA, Industrial Development Agency, meeting this afternoon, and then,

also, our Community Development Agency met this evening with the CDA. Another home that was vacant that the city took and the CDA restored, rehabbed; we have a new homeowner as of a couple weeks. So, we're very excited about that. We're moving on to our next home that we should have a home buyer soon for, as well.

Also, I just want to say Friday is the big Santa's Coming to Town. So, we start off Friday afternoon at the Paramount Theater with a free showing, "It's a Wonderful Life" at two o'clock. And then, Friday evening, we have the tree-lighting ceremony and parade.

We have 47 participants for the parade this year. And everything begins at 6:00. Parade steps off at 6:30.

So, come downtown and enjoy the festivities. We're looking forward to that.

And, also, like the Mayor mentioned, for Saturday, Small Business Saturday; support and shop local.

And Happy Thanksgiving to everybody.

PRESIDENT RODRIGUES: Any questions for Maria?

Thank you, Maria.

DPW Commissioner.

MR. TAWIL: Good evening, all.

Water level at the reservoirs, Alderman Masi, 99 percent full. We are happy to report that we have water-

taking permits from the DEC that require installation of several new meters that we never had at all our reservoirs, bypassing the reservoirs, how much we are feeding from one reservoir to another.

And that's all been completed and we met that requirement for our water-taking permit, as of last -- last week. That was the last week to have to be installed. We were waiting for the Kinch Dam to be completed.

Last Wednesday, the Orange County Department of Health, they came to do their annual inspection of the water treatment plant and the water system, and it all went very well.

We had to recommission the Dissolved Air Flotation packaged water treatment plant because we are gearing up, hopefully, for providing more water. And that was one of the things that were raised, is to put back the packaged plant. So, I did spend quite a bit of time in there to recommission that plant, because not many people were familiar with it.

So, now, it's functioning. All we have to do, just change some -- do some modification for the SKATA (phonetic) for the programming, so that it will combine the two of them, the newer plant and the Dissolved Air Flotation plant together, to function as one system, as

they were designed.

And traffic operations, as you can see, I can't stress enough how beneficial this traffic operations, curbs and sidewalks, ADA accessibility, traffic lights, pedestrian crossing, how much of a tremendous, tremendous improvement it has done to our city and we are continuing.

So, we're done with the construction work pretty much right now because of the weather. All the concrete work is done. The electrical work is going to continue. You'll start seeing some pedestrian poles being installed at different intersections. And then, eventually, the traffic light poles, en mass, themselves, they will be installed. They are in stock right now. We have enough to cover, I believe, about ten intersections. We just got -- the contractor got the delivery about a couple of weeks ago.

So, that will continue throughout the winter, weather permitting. So, you'll still see some activities.

Leaves pickup, we finished the -- we started with the 1st Ward; that was completed. We are doing the 2nd Ward now. We have one more day. Hopefully, by tomorrow, the 2nd Ward will be completed with picking up the leaves. After that, we'll go to the 3rd Ward, and then the 4th Ward.

So, reminder for everybody, please do not -- do

not push the piles of leaves too far into the street. If you have to put them partially on your property, do so. You know be mindful of the traffic and the school buses, and the kids playing in the street, and the line of sight for anybody who is turning. Stay away from the intersections. The usual that we keep talking about and the Code is very specific. Don't put it beyond four feet from your -- from the curb.

Today, obviously, we had the very -- you know some precipitation event. Some of it was snow. So, our trucks went out in order to put some salting in there, a very small amount of salt, in order to establish some base because we have not had any, obviously, any snow since -- you know for a few months now and this is the beginning of it. So, we wanted to establish some base on the ground to help us out in the next storm.

So, that was done and I thank DPW guys. They were there and they jumped on it and they finished like an hour ago.

Before you is going to be a Council resolution, Magnolia Park, which used to be called Miamisburg, which is the development of East Main Street and Anthony Street. That's in the City of Middletown. As I reported to you before, we had major, major dispute with the developer, although we were working together, until we asked for

something that could not be done. So, we had a big issue, hired attorneys and everything like that.

Now, it's all settled. He's going to be constructing the crosswalks across East Main Street from Magnolia Park Street and that will have a flashing beacon. He did order the flashing beacon in there. It's going to look like Highland Avenue crosswalks in there with the flashing beacon. That's been very successful Highland Avenue and Sunrise. It's going to be an exact copy of it, solar powered. And that's where we are.

So, we did reach, finally, an agreement, the Mayor, Alex, and I, and we are moving forward with it. And before you is a resolution to approve the road dedication so that we can take over Magnolia Park or Magnolia Lane and Hillside -- Cedar Hill, I believe. That's in the resolution, short street, short stop that goes up to Anthony.

And that was only Phase I. After that, we'll go to Phase II of the project for accepting the roads. When we say accepting the roads, that means the City will take them over. We'll start -- the police will start enforcing parking restrictions in there. There's going to be some stop signs, some yield signs, some -- we'll start sweeping the streets in there. We will start picking up garbage and giving them the municipal solid waste containers and

the recycling containers. And you know, eventually, we will be paving them and so on. And we will be snowplowing them, as well, and maintain the street -- the section of the street that's been dedicated.

None of this will happen -- not tomorrow -- until we get conditions in the resolutions that's before you met, which is going to be met, I believe, in 30 days.

Highland Avenue tank, that project is dragging on a little bit. We had some issue, as I reported to you before, with the insurance of the contractor. That has been resolved. The contractor has remobilized and went to the site today, and he's going to be providing heating equipment and dehumidifiers so that to provide the optimum condition for paint -- for painting the interior of the tank.

We have specialty inspectors and we have engineers and we're keeping a close eye on it to make sure that everything passes the test. And still, the painting is being completed under the most optimum conditions, as required by the main paint manufacturer. So, we have all these specialty inspectors there to make sure we get the right job.

And with that, I will conclude. If you have any questions?

PRESIDENT RODRIGUES: Alderman Masi.

ALD. MASI: Jacob, just because we have the holiday this week, would you remind people with the trash and with the recycling?

MR. TAWIL: Yeah, everything, obviously, Thanksgiving Day, we will not have any -- any pickup. So, everything will be pushed back the one day; the recyclables as well.

PRESIDENT RODRIGUES: Alderman Witt.

ALD. WITT: Thank you, Commissioner.

Back also to the leaves, once everything is completed, they are going to go back around, again, right, weather permitting?

MR. TAWIL: Yes. Yes, we will. We will go back around but you know we want -- you know we would request from people to put everything out at once because you know it just it's a lot of time to keep going. But yes, absolutely, we'll go back one more time. Yes, sir.

PRESIDENT RODRIGUES: Anybody else?

All right, Jacob, thank you.

Police Chief.

CHIEF EWANCIW: Good evening.

We are in the process of testing a piece of equipment. Some of you may have seen it or inquiries in regards to it. It's a solar camera system that is stationery at Park Circle right now. It's a mobile

system.

I did some research on it, met with the vendors, and we're actually testing it for 30 days. We really like the abilities and capabilities of this piece of equipment. So, after the 30 days, if it's something that we're interested in, I believe I have a grant to cover the funding for at least a year.

This is something you see in some of the box store shopping centers. It's got some unique features that you could use some of the analytics to create travel zones or create voice commands. It has strobe lights built into it that, if someone enters into an area that they shouldn't be, sends out an audible message and some lighting. So, we'll have it out there for a little bit. Working with the vendors with some of the functions and whatnot on it.

But definitely, I think we could use it here in the City for a multitude of applications. So, I will keep you apprised of our progress with it, as we move forward. And if you have any questions or if you'd like to know more about it, by all means, let me know and I'll do my best to answer those questions for you.

Other than that, I have nothing, unless you have questions for me; other than, I would like to wish each, and every one of you, and everybody in the community a

safe and happy Thanksgiving.

PRESIDENT RODRIGUES: Any questions for the police chief?

Thank you, Chief.

CHIEF EWANCIW: Thank you.

PRESIDENT RODRIGUES: City Treasurer.

MS. LIZ: Good evening. I have nothing else for you this evening.

PRESIDENT RODRIGUES: All right.

MS. LIZ: Happy Thanksgiving.

PRESIDENT RODRIGUES: Any questions?

Alderman Kleiner.

ALD. KLEINER: Yeah, I was asked this a couple times. When it says the variance is 3.72 percent and people understanding of the tax cap, that the tax cap is at 2 percent, is there something we're all missing?

MS. LIZ: The tax cap is not 2 percent. It's a calculation that is done by the State. So, we present them with our tax cap that was prior. There are certain exclusions. There are inclusions. For example, we have a pilot program here, which is part of the results. So, the tax cap is set overall at a 2 percent but there's a calculation that's done that takes into consideration all these other factors, which sets the tax cap for the City.

So, before we even do the budget, I file the tax

cap.

ALD. KLEINER: Okay, thank you.

PRESIDENT RODRIGUES: And a lot of the State mandates, every year, keep increasing, correct?

MS. LIZ: Correct. So --

PRESIDENT RODRIGUES: And they just shove it down our throats.

MS. LIZ: Exactly.

PRESIDENT RODRIGUES: Alderman Johnson.

ALD. JOHNSON: Two things. I'll concur with Mr. Masi and thank you, team, for the good work you did.

MS. LIZ: Thank you.

ALD. JOHNSON: But the Mayor did allude, briefly, to the idea of maybe going above the tax cap, in the future, with the emergency medical care. What are the ramifications if that were to occur?

MS. LIZ: We would have to have a public hearing. So, you would have to have a unanimous vote, as well. So, you would have to prepare way more in advance, if we are to exceed the tax cap next year.

ALD. JOHNSON: Thank you.

PRESIDENT RODRIGUES: All right.

Superintendent of Recreation.

MS. BERTHOLF: Good evening, everyone.

Brief tonight. Before you is the resolution for

us to get the Civic Rec Program. I spoke on it at last meeting but, if anybody has any further questions about that.

Our year is wrapping up. Also, our geese police is wrapping up. There's been a big influx at Davidge, recently but, we are ending in November. So, hopefully, the geese will be gone soon for the winter because our patrol is gone.

Any questions?

PRESIDENT RODRIGUES: I just have one thing. Raelynn, Nicole, Kelly, and Sharon did a phenomenal job. Radio City show, the bus, the planning. I went. I didn't want to go but I was told to go and it was -- we were in New York City within an hour and something, you know probably an hour and a half. The show was great. The timing, the planning, everything that -- they put a basket together with cookies and water. We had a great time.

I think that's going to probably for next time, or even start looking at maybe doing it -- I think you filled in what, ten minutes?

MS. BERTHOLF: Yes. Yeah. Next year, we're definitely looking into the possibility of two buses. We definitely think we could have filled the second one, being it filled in ten minutes and we were just getting calls about if we were offering a second one but we didn't

want to run the risk, especially it being the end of the year.

PRESIDENT RODRIGUES: And the seats were great.

MS. BERTHOLF: Yeah.

PRESIDENT RODRIGUES: They were right on the level. It was great.

MS. BERTHOLF: Yeah.

PRESIDENT RODRIGUES: Because I thought we were going to go up top and they were like, no, your seats are down here. So --

MS. BERTHOLF: Yeah, these were in orchestra, floor level. So, you couldn't beat the seats for the price that Kelly was able to get.

PRESIDENT RODRIGUES: Yeah.

Alderman Kleiner?

ALD. KLEINER: Thank you. I mentioned earlier that I had some questions about the geese police and what their schedule is, since there are a lot of geese using Davidge right now.

MS. BERTHOLF: Yeah and November is their last patrol. But they are currently still doing it right now.

ALD. KLEINER: Okay, thank you.

MS. BERTHOLF: You're welcome.

PRESIDENT RODRIGUES: Okay, anyone else?

All right, thank you.

City Clerk.

MR. MCCORMACK: Nothing this evening.

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

8. Public Hearings and Grievances

PRESIDENT RODRIGUES: All right, public hearings and grievances.

MR. MCCORMACK: We have a public hearing this evening.

Notice is hereby given that the City of Middletown will hold a public hearing on Tuesday, November 21, 2023 on or as near to 7:30 p.m. as possible in the Common Council Chambers, 16 James Street, to hear any and all persons wishing to be heard on the proposed two-lot subdivision at 11-25 Harding Street.

Any and all persons wishing to be heard, will be given an opportunity to speak either for or against the proposed two-lot subdivision.

The complete proposed application and map for the property for the subdivision are available in the Office of the Common Council Clerk at City Hall, 16 James Street, and on the city website.

Any person unable to participate at the time of the public hearing may email comments in advance to

rmccormack@middletownny.gov.

By order the Common Council. Richard P.
McCormack, Clerk of the Common Council.

PRESIDENT RODRIGUES: All right. At this time,
the public hearing is now open. Anyone from the public?

Anyone from the council? Alderman Kleiner.

ALD. KLEINER: Just quickly, this is the
property that we voted to buy, I think, at the last
meeting and it is going to be used for the Heritage Trail.
So, it's going to benefit Middletown. Thank you.

PRESIDENT RODRIGUES: Anyone else?

Have I got a motion to close?

ALD. MASI: So moved.

PRESIDENT RODRIGUES: Masi. Second? Alderman
Witt.

All in favor?

(Chorus of aye.)

The hearing is now closed.

9. Petitions and Complaints (None this evening.)

10. Remarks of the Aldermen and Reports of Committees

PRESIDENT RODRIGUES: Remarks of aldermen.

Alderman Tobin.

ALD. TOBIN: I just, briefly, just want to
congratulate the Middletown Football Team, High School
Football Team, for winning their section title. It made

the whole school proud. Thank you.

PRESIDENT RODRIGUES: Alderman Johnson.

ALD. JOHNSON: Thank you.

I just wanted to clarify with the Clerk, we had two resolutions in the legislative. One of them appears on this agenda, one does not. Is there going to be a public hearing on the --

MR. MCCORMACK: Yes, we anticipate a public hearing on the tobacco licensing legislation sometime in December.

ALD. JOHNSON: Thank you.

And I hope -- I hope the community will join us for the Thanksgiving parade. I've commented to the Mayor, it harkens back to when life was simpler in the world and I think, in this current world, we could use a simpler life.

So, I hope as many people as possible come out and join us. And it might even be above 30 degrees. You never know.

So, thank you.

PRESIDENT RODRIGUES: Alderwoman Wray.

ALD. WRAY: Cold never stops us. I've got a bag of handwarmers and bodywarmers for me and the kids. We're going to make it.

I don't really have anything this evening. I

just want to thank DPW for always doing a great job with the leaves. I also want to thank our residents because I think, for the most part, people really stuck to keeping them very close to the curbs. It wasn't really out in the road, like I've seen in years prior. So, my thank you to everyone who did that in the interest of everyone's safety.

I look for -- I hope everyone has a great Thanksgiving. I look forward to the tree lighting; that's my favorite night in Middletown, it really is. It's such a good time.

And so, a safe and happy holiday to everyone. And that's all I have tonight.

PRESIDENT RODRIGUES: Alderman Kleiner.

ALD. KLEINER: Thank you. It's a nasty night out tonight and the Warming Station did open on Sunday. It was their first night and they still will need volunteers. They have another -- they have four training sessions scheduled. If you think you're able to volunteer, either for an overnight or a two-hour shift, the training is Monday, November 27th -- and these are all at 7:00 p.m. at the Mulberry -- at the Mulberry Warming Station: Monday, November 27th; Tuesday, December 12th; Monday, December 18th; and Monday, January 8th. So, anyone who can help and, again, many thanks for the Turo

students, who are volunteering.

I want to, on behalf of Andrew Green, who could not be here tonight, and myself, I want to thank the 2nd Ward residents for coming out to vote and thank everyone who came out to vote.

We see, in the Town of Wallkill, where they're virtually tied in the race for supervisor, and that's most certainly going to go to a recount. That's automatic if the difference is less than a half of a percent. So, it will be a while before we know who that one -- who won that one. But, it shows you how important it is to get out and vote.

MAYOR DESTEFANO: They are tied.

ALD. KLEINER: What's that?

MAYOR DESTEFANO: They are tied.

ALD. KLEINER: They are tied, the Mayor says.

PRESIDENT RODRIGUES: Exactly tied in number?

ALD. KLEINER: So, it's just amazing. But they'll have to -- I believe, have to certify all the absentee ballots by December 2nd and then, they can go to a recount. And that will be a hand recount. So, people do -- the Board of Elections does a great job.

The Hillside ceremony was really very nice. And this is a family from out west that came with mirrors and such and were able to figure out the names on some of

those old gravestones that were moved from the original Congregational Church. Very hard to read but they had a technique. So, they added five names and they put up a big stone monument for them.

And that's the Hillside Board of Directors and it's Andy Mills and Dr. Fred Isseks behind it and, also, with help from Ray Ayers, who took over for Bob Benedict, when Bob passed away this spring, at running Hillside Cemetery. So, they do a great job.

We will have a constituents meeting. It will be Monday, December 11th at 7:00 p.m. right here in the Council Chambers. At this time, we plan to skip the January and February constituents' meetings. It's dark and cold but, if there's any major issue that comes up, we'll certainly have them anyway.

A few times, we've mentioned that we've used ARPA funds to really rescue Middletown when we've needed the money. And I want to remind people that was the American Rescue Plan that was passed in the spring of 2021, with President Biden's push to get that passed. And it rescued everyone to keep the country going from the pandemic. And it's really been, certainly, a huge help to Middletown and, I believe, in the rest of the country.

Andrew, of course, you know if you're going to miss a pre-Thanksgiving meeting, of course you schedule

your surgery for Monday afternoon -- well, Monday morning; it ends up being Monday afternoon. So, I wish Andrew a speedy recovery and I'm sure we will be seeing him back at the next meeting.

Thank you.

PRESIDENT RODRIGUES: Thank you.

Alderman Witt.

ALD. WITT: Thank you very much.

I am excited about the tree lighting and the parade; 47 different people -- or 47 different groups. That sounds like a great night. And it is a night of memories. I know Facebook pops up things that happened years ago. And there was a photo that came up of probably 14 years ago, of my daughter on my shoulder eating a candy cane that Tom Bushy, the very talented former Times Herald Record reporter, took. And I think she'll be at this thing with me this week but, I don't think we're going to be reenacting that photo.

PRESIDENT RODRIGUES: Do it.

ALD. WITT: I don't know. We'll make sure there's some medical care for me, probably, at that point.

But I hope we see a lot of people. It is a great night for the City.

I want to thank the Council President.
Something I ran by him last month about a committee

meeting that we're going to have on the 5th for the Recreation and Parks Department. We hear, every meeting, Raelynn get up, our Superintendent, and talk about all the great work that the Rec Department does. And I thought it would be a good idea for us to do sort of a review, in light of, certainly, the budget time, just everything that her department and her team does for us as a City.

So, I have -- thank you, Miguel, for the time. It's going to be scheduled for half an hour ahead of time. That way, if you're not interested in watching this, I don't want to tie up the meeting. But I think it'll be great to hear from her and meet her team, and the Rec Commission. So, I hope we get some eyes to see that. And thank you.

Thank you very much.

PRESIDENT RODRIGUES: Alderman Masi.

ALD. MASI: Just a reminder that the firefighter exam, the deadline to submit applications is December 4th. It has to be in the office by noon on December 4th.

Number two, we have a resolution tonight to adopt the 2024 budget and I'm hoping, after all the great work that Leonora did, that it'll pass unanimously.

Three, happy Thanksgiving -- happy and healthy Thanksgiving to everyone.

And the last thing, hope to see you all on

Friday night at the parade and tree lighting. Thank you.

11. Unfinished Business (None this evening.)

12. New Business

PRESIDENT RODRIGUES: New business.

MR. MCCORMACK: Good evening.

We have a resolution sponsored by Alderman Masi adopting the City of Middletown's 2024 budget.

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

Any discussion?

Roll.

MR. MCCORMACK: Tobin.

ALD. TOBIN: Aye.

MR. MCCORMACK: Johnson.

ALD. JOHNSON: Aye.

MR. MCCORMACK: Wray.

ALD. WRAY: Aye.

MR. MCCORMACK: Kleiner.

ALD. KLEINER: 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 Tobin to accept
a \$4000 grant from the County of Orange for 2023-2024
STOP-DWI High Visibility Engagement Program.

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

Any discussion?

Roll.

MR. MCCORMACK: Tobin.

ALD. TOBIN: Aye.

MR. MCCORMACK: Johnson.

ALD. JOHNSON: Aye.

MR. MCCORMACK: Wray.

ALD. WRAY: Aye.

MR. MCCORMACK: Kleiner.

ALD. KLEINER: 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 donation of \$349 from the Kawanis Club of Middletown for

the red oak tree planted at Thrall Park, to celebrate the 100th anniversary of the Kawanis Club.

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

Any discussion?

Roll.

MR. MCCORMACK: Tobin.

ALD. TOBIN: Aye.

MR. MCCORMACK: Johnson.

ALD. JOHNSON: Aye.

MR. MCCORMACK: Wray.

ALD. WRAY: Aye.

MR. MCCORMACK: Kleiner.

ALD. KLEINER: 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 Kleiner, authorizing an agreement with CivicPlus for the CivicRec Portal for the Recreation and Parks Registration Program.

PRESIDENT RODRIGUES: Resolution sponsored by

Alderman Kleiner, seconded by Alderman Masi.

Any discussion?

Roll.

MR. MCCORMACK: Tobin.

ALD. TOBIN: Aye.

MR. MCCORMACK: Johnson.

ALD. JOHNSON: Aye.

MR. MCCORMACK: Wray.

ALD. WRAY: Aye.

MR. MCCORMACK: Kleiner.

ALD. KLEINER: 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 \$7,927 grant from the County of Orange for the
Stop DWI third enforcement period.

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

Any discussion?

Roll.

MR. MCCORMACK: Tobin.

ALD. TOBIN: Aye.

MR. MCCORMACK: Johnson.

ALD. JOHNSON: Aye.

MR. MCCORMACK: Wray.

ALD. WRAY: Aye.

MR. MCCORMACK: Kleiner.

ALD. KLEINER: 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,
authorizing a \$155,338.12 budget transfer to cover the
cost of city paving projects.

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

Any discussion?

Roll.

MR. MCCORMACK: Tobin.

ALD. TOBIN: Aye.

MR. MCCORMACK: Johnson.

ALD. JOHNSON: Aye.

MR. MCCORMACK: Wray.

ALD. WRAY: Aye.

MR. MCCORMACK: Kleiner.

ALD. KLEINER: 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,
authorizing an amendment and extension to the Goldenarea
Senior Transportation Agreement with the County of Orange.

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

Any discussion?

Roll.

MR. MCCORMACK: Tobin.

ALD. TOBIN: Aye.

MR. MCCORMACK: Johnson.

ALD. JOHNSON: Aye.

MR. MCCORMACK: Wray.

ALD. WRAY: Aye.

MR. MCCORMACK: Kleiner.

ALD. KLEINER: Aye.

MR. MCCORMACK: Green. I'm sorry. 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 Kleiner,
authorizing Resolution Authorizing a Renewal Agreement
with Nearmap for the Assessor's Office.

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

Any discussion?

Roll.

MR. MCCORMACK: Tobin.

ALD. TOBIN: Aye.

MR. MCCORMACK: Johnson.

ALD. JOHNSON: Aye.

MR. MCCORMACK: Wray.

ALD. WRAY: Aye.

MR. MCCORMACK: Kleiner.

ALD. KLEINER: 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
declaring SEQRA notice lead agency designation and
determination of non-significance for a 2-lot subdivision
at 11-25 Harding Street.

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

Any discussion?

Roll.

MR. MCCORMACK: Tobin.

ALD. TOBIN: Aye.

MR. MCCORMACK: Johnson.

ALD. JOHNSON: Aye.

MR. MCCORMACK: Wray.

ALD. WRAY: Aye.

MR. MCCORMACK: Kleiner.

ALD. KLEINER: 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
approving a 2-lot subdivision for 11-25 Harding Street.

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

Any discussion?

Roll.

MR. MCCORMACK: Tobin.

ALD. TOBIN: Aye.

MR. MCCORMACK: Johnson.

ALD. JOHNSON: Aye.

MR. MCCORMACK: Wray.

ALD. WRAY: Aye.

MR. MCCORMACK: Kleiner.

ALD. KLEINER: 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 Tobin
authorizing agreements for the Paramount Theatre's 2024-
2025 Season.

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

Any discussion?

Roll.

MR. MCCORMACK: Tobin.

ALD. TOBIN: Aye.

MR. MCCORMACK: Johnson.

ALD. JOHNSON: Aye.

MR. MCCORMACK: Wray.

ALD. WRAY: Aye.

MR. MCCORMACK: Kleiner.

ALD. KLEINER: 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 amending
City Code to prohibit harboring various farm animals on
properties in the City.

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

Any discussion?

Alderman Kleiner.

ALD. KLEINER: I just want to enumerate the animals we're adding, since we already have a law prohibiting farm animals. But we're adding to that donkeys, guinea fowl, pheasants, quail, roosters, sheep, and turkeys, one of which I have in my freezer right now.

PRESIDENT RODRIGUES: Not alive.

ALD. KLEINER: That's it.

PRESIDENT RODRIGUES: Anyone else?

UNIDENTIFIED SPEAKER: He's tightening it up, Mr. President, just tightening it up.

PRESIDENT RODRIGUES: No comment.

Roll.

MR. MCCORMACK: Tobin.

ALD. TOBIN: Aye.

MR. MCCORMACK: Johnson.

ALD. JOHNSON: Aye.

MR. MCCORMACK: Wray.

ALD. WRAY: Aye.

MR. MCCORMACK: Kleiner.

ALD. KLEINER: Aye.

MR. MCCORMACK: Witt.

ALD. WITT: Aye.

MR. MCCORMACK: Masi.

ALD. MASI: Aye.

MR. MCCORMACK: President Rodrigues.

PRESIDENT RODRIGUES: Aye.

MR. MCCORMACK: It carries.

A resolution sponsored by Alderman Tobin
dedicating Magnolia Park Development.

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

Any discussion?

This doesn't get them off the hook for
everything, right? We still got some -- some stuff, bond?

MR. TAWIL: It's only Phase I, yes.

PRESIDENT RODRIGUES: Okay. All right.

Any discussion?

Roll.

MR. MCCORMACK: Tobin.

ALD. TOBIN: Aye.

MR. MCCORMACK: Johnson.

ALD. JOHNSON: Aye.

MR. MCCORMACK: Wray.

ALD. WRAY: Aye.

MR. MCCORMACK: Kleiner.

ALD. KLEINER: 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 to approve an extension of six months for two resolutions dated May 04, 2021, 98-21 and 99-21 for the Presidential Heights Realty Subdivision.

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

Any discussion?

Roll.

MR. MCCORMACK: Tobin.

ALD. TOBIN: Aye.

MR. MCCORMACK: Johnson.

ALD. JOHNSON: Aye.

MR. MCCORMACK: Wray.

ALD. WRAY: Aye.

MR. MCCORMACK: Kleiner.

ALD. KLEINER: Aye.

MR. MCCORMACK: Witt.

ALD. WITT: Aye.

MR. MCCORMACK: Masi.

ALD. MASI: Aye.

MR. MCCORMACK: President Rodrigues.

PRESIDENT RODRIGUES: Abstain.

MR. MCCORMACK: It carries.

That's it for new business, sir.

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: Johnson.

ALD. JOHNSON: Aye.

MR. MCCORMACK: Wray.

ALD. WRAY: Aye.

MR. MCCORMACK: Kleiner.

ALD. KLEINER: 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: Move for adjournment?

UNIDENTIFIED SPEAKER: So moved.

(Proceeding concluded.)

CERTIFICATION

I, KIMBERLY J. ZOGBY, certify that the foregoing transcript of the November 21, 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: December 4, 2023



**CITY OF MIDDLETOWN
COMMON COUNCIL MEETING AGENDA
NOVEMBER 21, 2023**

1. PLEDGE OF ALLEGIANCE
2. ROLL CALL
3. APPROVAL OF MINUTES
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
 - 8.1 Public Hearing: 11-25 Harding Street Sub-Division
9. PETITIONS AND COMPLAINTS
10. REMARKS OF THE ALDERMAN AND REPORTS OF THE COMMITTEES
11. UNFINISHED BUSINESS
12. NEW BUSINESS
 - 12.1 Resolution Adopting the City of Middletown's 2024 Budget
 - 12.2 Resolution to Accept a \$4000 Grant from the County of Orange for 2023-2024 STOP-DWI High Visibility Engagement
 - 12.3 Resolution Accepting a Donation of \$349 from the Kiwanis Club of Middletown for the Red Oak Tree Planted at Thrall Park to celebrate the 100th Anniversary of the Kiwanis Club
 - 12.4 Resolution Authorizing an agreement with CivicPlus for the CivicRec Portal for Recreation and Parks Registration Program Registrations
 - 12.5 Resolution Accepting a \$7927 Grant from the County of Orange for the Stop DWI Third Enforcement Period

12.6 Resolution Authorizing \$155,338.12 in Budget Transfers to Cover the Cost of City Paving Projects

12.7 Resolution Authorizing an Amendment and Extension to the Goldenarea Senior Transportation Agreement with the County of Orange

12.8 Resolution Authorizing a Renewal Agreement with Nearmap for the Assessor' Office

12.9 Resolution Declaring SEQRA Notice Lead Agency Designation and Determination of Non-Significance for a 2-lot sub-division at 11-25 Harding Street

12.10 Resolution approving a 2-lot subdivision (Lot Line Change) for 11-25 Harding Street

12.11 Resolution Authorizing Agreements for the Paramount Theatre's 2024-2025 Season

12.12 Resolution Amending City Code to Prohibit Harboring Various Farm Animals on Properties in the City

12.13 Resolution Dedicating Magnolia Park Development

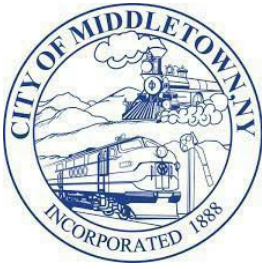
12.14 Resolution to approve an extension of time of six (6) months for two resolutions dated May 04, 2021, #98-21 and #99-21 for the Presidential Heights Realty Subdivision

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 21, 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: 11-25 Harding Street Sub-Division

ATTACHMENTS:

[11-25 Harding St Sub Division.pdf](#)

[11-25 Harding Street Maps.pdf](#)

THE FOLLOWING WAS PRESENTED

By Ald. Masi

Sec'd by Ald. Johnson

Date of Adoption: November 21, 2023

Index No: 220-23

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

Resolution Adopting the City of Middletown's 2024 Budget

BE IT RESOLVED; that the Common Council of the City of Middletown, NY, concurs with the Board of Estimate and Apportionment and adopts the City of Middletown's itemized statement in writing of the estimated revenue and expenditures of the General City Government, the Water Department and the Sewer Department other than amounts to be raised by taxation for County purposes, for fiscal year January 1, 2024 through December 31, 2024.

BE IT RESOLVED; that the Common Council of the City of Middletown, NY, concurs with the Board of Estimate and Apportionment and adopts the City of Middletown's 2024 Budget

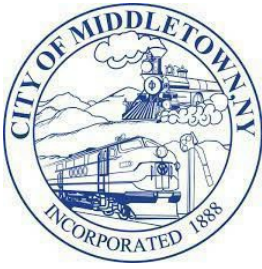
Description	General Fund	Water Fund	Sewer Fund
Revenue	\$24,414,278	\$7,676,370	\$6,267,811
Expense	\$47,554,394	\$7,676,370	\$6,267,811
Appropriation:47,554,394			
Estimated Revenue: 24,414,278			
Tax Levy – General City Purpose: \$23,140,116			

ATTACHMENTS:

[Public Hearing 2024 Budget.pdf](#)

[2024 City Budget Notice PH Affidavit](#)

[2024 CITY WIDE BUDGET.pdf](#)



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

THE FOLLOWING WAS PRESENTED

By Ald. Tobin

Sec'd by Ald. Johnson

Date of Adoption: November 21, 2023

Index No: 221-23

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

Resolution to Accept a \$4000 Grant from the County of Orange for 2023-2024 STOP-DWI High Visibility Engagement

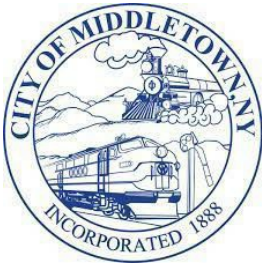
BE IT RESOLVED; that the Common Council of the City of Middletown, NY, concurs with the Board of Estimate and Apportionment and accepts a \$4000 grant from the County of Orange for the 2023-2024 STOP-DWI High Visibility Engagement (formerly crackdown campaign).

BE IT FURTHER RESOLVED; that the Common Council of the City of Middletown, NY, concurs with the Board of Estimate and Apportionment and authorizes an agreement with Orange County for the 2023-2024 STOP-DWI High Visibility Engagement (formerly crackdown campaign) enforcement period of November 1, 2023 through September 30, 2024.

BE IT RESOLVED; that the Common Council of the City of Middletown, NY, concurs with the Board of Estimate and Apportionment authorizes the Treasurer to add the funding to the STOP DWI Crackdown Budget line A.3126.103.

ATTACHMENTS:

[2024 STOP DWI crackdown.pdf](#)



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

THE FOLLOWING WAS PRESENTED

By Ald. Witt

Sec'd by Ald. Kleiner

Date of Adoption: November 21, 2023

Index No: 222-23

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

Resolution Accepting a Donation of \$349 from the Kiwanis Club of Middletown for the Red Oak Tree Planted at Thrall Park to celebrate the 100th Anniversary of the Kiwanis Club

BE IT RESOLVED; that the Common Council of the City of Middletown, NY, concurs with the Board of Estimate and Apportionment and accepts a donation in the amount of \$349 from the Kiwanis Club of Middletown to pay for the Red Oak tree planted at Thrall Park to celebrate the 100th Anniversary of the Kiwanis Club.

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 deposit the donation into revenue budget line A.2705.00 Gifts & Donations

ATTACHMENTS:

[Kiwanis Donation Resolution.pdf](#)

THE FOLLOWING WAS PRESENTED

By Ald. Kleiner

Sec'd by Ald. Masi

Date of Adoption: November 21, 2023

Index No: 223-22

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

Resolution Authorizing an agreement with CivicPlus for the CivicRec Portal for Recreation and Parks Registration Program Registrations

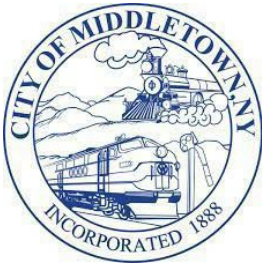
BE IT RESOLVED; that the Common Council of the City of Middletown, NY, concurs with the Board of Estimate and Apportionment and authorizes an agreement with Civic Plus for the CivicRec Portal for Recreation and Parks Program registrations. This will replace the BAS portal.

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 \$13,233.58, in the following manner, to cover the new CivicRec Portal.

FROM	AMOUNT	TO
A.7321.100 Special Programs -Personal Services	\$13,233.58	A.7020.480 General Recreation – Office Expense

BE IT FURTHER RESOLVED; that the Common Council of the City of Middletown, NY, concurs with the Board of Estimate and Apportionment and authorizes to sign the contracts associated with CivicRec in 2023 for the statement of work.

ATTACHMENTS: [CivicRec Resolution.pdf](#)



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

THE FOLLOWING WAS PRESENTED

By Ald. Johnson

Sec'd by Ald. Wray

Date of Adoption: November 21, 2023

Index No: 224-23

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

Resolution Accepting a \$7927 Grant from the County of Orange for the Stop DWI Third Enforcement Period

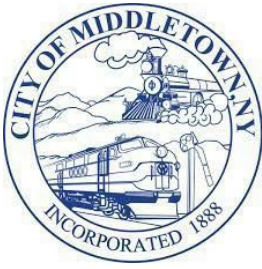
WHEREAS The City entered into an Inter-Municipal Agreement with the County of Orange and approved by the Common Council in March 2023, for STOP DWI funding for the contract dates of November 11, 2023 through January 1, 2024.

NOW THEREFORE BE IT RESOLVED; that the Common Council of the City of Middletown, NY, concurs with the Board of Estimate and Apportionment and accepts a the third enforcement period funding in the amount of of \$7,927.

BE IT FURTHER RESOLVED concurs with the Board of Estimate and Apportionment and authorizes the Treasurer to deposit the funds into revenue line A.3333. These funds will be expensed from A.3141.103 through Stop DWI overtime entries

ATTACHMENTS:

[DWI 2023 3rd period.pdf](#)



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

THE FOLLOWING WAS PRESENTED

By Ald. Wray

Sec'd by Ald. Johnson

Date of Adoption: November 21, 2023

Index No: 225-23

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

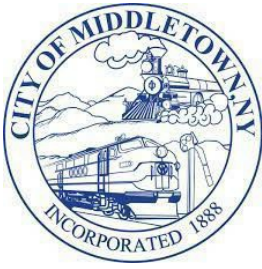
Resolution Authorizing \$155,338.12 in Budget Transfers to Cover the Cost of City Paving Projects

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 \$155,338.12, in the following manner, to cover the cost of City Paving for West Main Lot, Library Lot and Lot 11 (Court St Lot) and 22 North Street Lot). The total cost of the project is \$216,138.84

FROM	AMOUNT	TO
A.1620.455 Paving & Drainage	\$4,000	H.0751.453 Paving of City Streets
A.5110.453	\$5,000	H.0751.453
A.4785 ARPA	\$146,338.12	H.0751.453 Paving of City Streets

ATTACHMENTS:

[Parking Lot Paving.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: November 21, 2023

Index No: 226-23

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

Resolution Authorizing an Amendment and Extension to the Goldenarea Senior Transportation Agreement with the County of Orange

BE IT RESOLVED; that the Common Council of the City of Middletown, NY, concurs with the Board of Estimate and Apportionment authorizes an amendment and extension to the Goldenarea Senior Transportation agreement with Orange County, and authorization for the Mayor to sign it. The total increased cost of the program is \$171,353.50 and Orange County's increased contribution is \$48,835.50.

ATTACHMENTS:

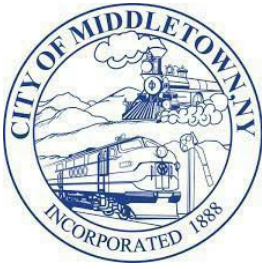
[Amendment #4 \(2023\)- v.pdf](#)

[Disclosure of Prior Non-Responsibility Determinations.pdf](#)

[Iran Divestment Act Certification.pdf](#)

[Pay to Play.pdf](#)

[Insurance Requirement Memo - 2023 \(002\).pdf](#)



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

THE FOLLOWING WAS PRESENTED

By Ald. Kleiner

Sec'd by Ald. Tobin

Date of Adoption: November 21, 2023

Index No: 227-23

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

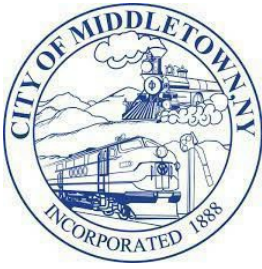
Resolution Authorizing a Renewal Agreement with Nearmap for the Assessor's Office

BE IT RESOLVED; that the Common Council of the City of Middletown, NY, concurs with the Board of Estimate and Apportionment and authorizes renewing of an agreement with Nearmap for the Assessor's Office. Nearmap is a mapping company that captures aerial imagery twice a year for the City.

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 agreement.

ATTACHMENTS:

[Nearmap contract 2024.pdf](#)



CITY OF MIDDLETOWN, NEW YORK COMMON COUNCIL RECORD OF VOTE

THE FOLLOWING WAS PRESENTED

By Ald. Johnson

Sec'd by Ald. Tobin

Date of Adoption: November 21, 2023

Index No: 228-23

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

Resolution Declaring SEQRA Notice Lead Agency Designation and Determination of Non- Significance for a 2-lot sub-division at 11-25 Harding Street

CITY OF MIDDLETOWN COMMON COUNCIL RESOLUTION AND NOTICE OF DETERMINATION OF NON-SIGNIFICANCE PURSUANT TO 6 NYCRR 617.10

WHEREAS, the City of Middletown Common Council has been presented with a proposal for a 2-lot subdivision for property located at 11-25 Harding Street, Middletown, New York, known as Middletown tax parcel Section 30, Block 1, Lot 16.2, and

WHEREAS, the proposed subdivision constitutes an Unlisted Action pursuant to the State Environmental Quality Review Act ("SEQRA") regulations, and

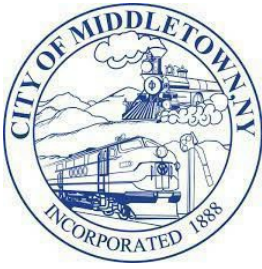
WHEREAS, the Common Council is the only involved agency under SEQRA for this subdivision request, and therefore would be the Lead Agency for the SEQRA review of this action, and

WHEREAS, the Common Council has received a Short Environmental Assessment Form describing this action, and

WHEREAS, the City of Middletown Common Council has identified the relevant areas of environmental concern and thoroughly considered the criteria for determining significance set forth at 6 NYCRR Part 617.7 (c).

NOW, THEREFORE, BE IT RESOLVED that the City of Middletown Common Council declares itself Lead Agency with respect to this subdivision request pursuant to 6 NYCRR § 617.6(b)(1), and be it

FURTHER RESOLVED that the Common Council, after reviewing the Application materials, including the Short EAF, hereby determines that the application is an Unlisted Action under SEQRA.



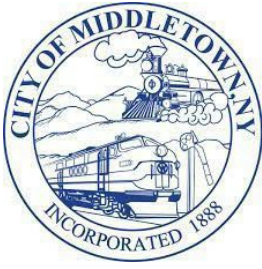
CITY OF MIDDLETOWN, NEW YORK COMMON COUNCIL RECORD OF VOTE

FURTHER RESOLVED that the Common Council hereby declares that the proposed action will not result in a significant adverse impact on the environment, and an environmental impact statement will not be prepared, and be it

FURTHER RESOLVED that this Negative Declaration is made pursuant to Article 8 of the Environmental Conservation Law.

ATTACHMENTS:

[11-25 Harding Street Sub Division SEQR Application](#)



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: November 21, 2023

Index No: 229-23

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

Resolution approving a 2-lot subdivision (Lot Line Change) for 11-25 Harding Street

WHEREAS, the applicant, Thomas Morse, has submitted a proposal for a 2-lot subdivision for property located at 11-25 Harding Street, Middletown, New York, known as Middletown tax parcel Section 30, Block 1, Lot 16.2, and

WHEREAS, the purpose of this subdivision is to assist the City of Middletown in the extension of the Heritage Trail, and

WHEREAS, the applicant has complied with all applicable requirements for final subdivision approval, and

WHEREAS, a public hearing was held on November 21, 2023.

NOW THEREFORE BE IT RESOLVED by the Common Council of the City of Middletown that final subdivision approval be and hereby is granted to the application to subdivide the property located at Section 30, Block 1, Lot 16.2 as shown on a map entitled "City of Middletown Acquisition Map" prepared by Insite Engineering, Surveying & Landscape Architecture, PC, dated October 23, 2023, and filed in the Office of the Middletown Common Council Clerk, and

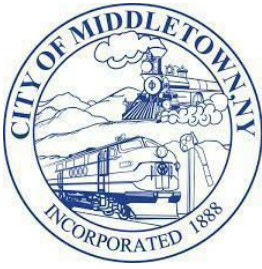
BE IT FURTHER RESOLVED by the Common Council that the applicant and/or the City Department of Public Works is directed to submit all necessary documents to the Office of the Orange County Clerk to file and record this subdivision within 60 days of this Resolution.

ATTACHMENTS:

[11-25 Harding St Sub Division.pdf](#)

[11-25 Harding Street Contract of Sale.pdf](#)

[11-25 Harding Street Maps.pdf](#)



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

THE FOLLOWING WAS PRESENTED

By Ald. Tobin

Sec'd by Ald. Masi

Date of Adoption: November 21, 2023

Index No: 230-23

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

Resolution Authorizing Agreements for the Paramount Theatre's 2024-2025 Season

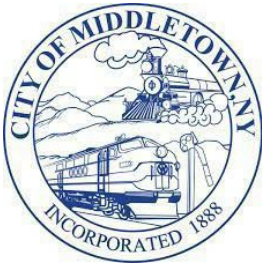
Whereas, authorization to approve rental and other agreements for use of the Paramount Theatre has been transferred to the City of Middletown as per Resolution #308-17 on November 06, 2017, and

Whereas, the yearly number of such agreements varies from 30 to 75 agreements, and

Whereas, the Corporation Counsel reviews all such agreements prior to execution, and

Whereas, the negotiation and execution of these documents, by necessity, occurs within a short timeframe,

Now, therefore, be it resolved by the Common Council of the City of Middletown that the Mayor is hereby authorized to execute, upon Corporation Counsel review, all rental and related agreements for the Paramount Theatre for the 2024-2025 which will be January 1, 2024 through December 31, 2025.



CITY OF MIDDLETOWN, NEW YORK COMMON COUNCIL RECORD OF VOTE

THE FOLLOWING WAS PRESENTED

By Ald. Witt

Sec'd by Ald. Johnson

Date of Adoption: November 21, 2023

Index No: 231-23

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

Resolution Amending City Code to Prohibit Harboring Various Farm Animals on Properties in the City

WHEREAS, there have been complaints regarding the harboring of various farm animals on properties in the City of Middletown.

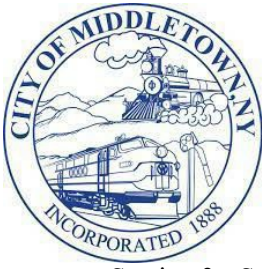
NOW THEREFORE BE IT Resolved, and be it Ordained, by the Common Council of the City of Middletown, New York, as follows:

Section 1. Article III, Farm Animals, of Chapter 161, Animals, of the Code of the City of Middletown, is hereby amended by modifying Section 161-13, Prohibited animals, to read in its entirety as follows:

It shall be unlawful to permit any of the following farm animals to be harbored or allowed to remain in any dwelling or lot in the City of Middletown: cattle, chicken, donkey, duck, goat, goose, guineafowl, horse, pheasant, pig, quail, rooster, sheep, or turkey.

Section 2. Article III, Farm Animals, of Chapter 161, Animals, of the Code of the City of Middletown, is hereby amended by modifying Section 161-14, Penalties for offenses, to read in its entirety as follows:

Any person who violates any of the provisions of this article shall be guilty of an offense within the meaning of the Penal Law of the State of New York and, upon conviction thereof, shall be subject to a fine of not less than \$50 nor more than \$250 for each violation, or by imprisonment for a period not exceeding 15 days, or by both such fine and imprisonment, and in addition may be required by the court, in its discretion, to pay restitution to the City of Middletown for any expenses associated with the seizure, impoundment, shelter, care or destruction of the violator's animals. Each day that a violation is permitted to exist shall constitute a separate offense. The term "person," as used in this Article, shall include the owner, property manager as defined in Chapter 296 of the City Code, occupant, mortgagee, vendee in possession, assignee of rents, receiver, executor, trustee, lessee, agent, or any other person, firm or corporation directly or indirectly in control of a premises or part thereof.



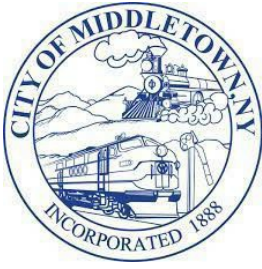
**CITY OF MIDDLETOWN, NEW YORK
COMMON COUNCIL
RECORD OF VOTE**

Section 3. Severability.

The sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable, and if any phrase, clause, sentence, paragraph, or section of this Ordinance 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 Ordinance.

Section 4. Effective Date.

This Resolution and Ordinance shall take effect immediately.



CITY OF MIDDLETOWN, NEW YORK COMMON COUNCIL RECORD OF VOTE

THE FOLLOWING WAS PRESENTED

By Ald. Tobin

Sec'd by Ald. Wray

Date of Adoption: November 21, 2023

Index No: 232-23

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

Resolution Dedicating Magnolia Park Development

WHEREAS, ADC Middletown, LLC previously received City of Middletown approval for the project identified as Miamisburg Development (Magnolia Park), with the approved plans, prepared by Lanc & Tully Engineering & Surveying PC, filed in the office of the Orange County Clerk on January 12, 2009 as Filed Map No. 1-09; and

WHEREAS, the Magnolia Park Project includes the construction of new streets, identified as Magnolia Park Road, Cedar Hill Drive, and Phillips Street, as depicted on the approved plan, to be dedicated as public streets; and

WHEREAS, Cedar Hill Drive, Phillips Street, and a portion of Magnolia Park Road has been offered for dedication to the City of Middletown, as described on Schedule "A" hereto; and

WHEREAS, the construction of Cedar Hill Drive, Phillips Street, and such portion of Magnolia Park Road, including all underground and above-ground utilities and public improvements as depicted on the approved plans, has been completed in compliance with the requirements of the City of Middletown and in accordance with the approved plans and specifications for the Magnolia Park Project; and

WHEREAS, ADC Middletown, LLC has submitted its Engineering Certification of completed street construction, certifying that all public improvements have been completed in accordance with the approved plans and specifications for the Magnolia Park Project; and

WHEREAS, as-built plans for Cedar Hill Drive, Phillips Street, and such portion of Magnolia Park Road, as required by the City of Middletown, have been submitted by ADC Middletown, LLC, and have been reviewed and accepted by the City of Middletown Commissioner of Public Works; and

WHEREAS, the construction of such portion of Magnolia Park Road has been inspected and approved by the City of Middletown Commissioner of Public Works or his representative; and

WHEREAS, all requirements for the dedication and acceptance of public streets by the City of Middletown have been satisfied by ADC Middletown, LLC regarding Cedar Hill Drive, Phillips Street, and such portion of Magnolia Park Road except as noted below that remains due; and

WHEREAS, the approved Magnolia Park Project plans further include stormwater control facilities provided on Lots 159 and 160; and

WHEREAS, such stormwater control facilities on Lots 159 and 160 have been constructed in accordance with the approved Magnolia Park Project plans and specifications, and in accordance with the prevailing and required stormwater control treatment practices and regulations required by the City of Middletown and the New York State Department of Environmental Conservation; and

WHEREAS, the City of Middletown requires execution of a Stormwater Control Facility Maintenance Agreement by the private owner of such stormwater facilities, respecting the operation, maintenance, repair and/or replacement of such stormwater facilities in perpetuity in order to insure the ongoing and intended performance of such stormwater facilities; and

WHEREAS, the form and content of such required Stormwater Control Facility Maintenance Agreement is attached hereto as Schedule “B”; and

WHEREAS, the approved Magnolia Park Project plans further provide for the construction of off-street parking for Lots 1, 159, 160, and 163 located along Magnolia Park Road; and as further shown on the plans titled “As Built Survey of Property for ADC Middletown LLC”, with latest revision date of July 21, 2023, as prepared by Gary Rich, PLS.

WHEREAS, such off-street parking facilities for Lots 1, 159, 160, and 163 have been constructed in accordance with the approved Magnolia Park Project plans and specifications and in accordance with the prevailing and required practices and regulations required by the City of Middletown; and

WHEREAS, the City of Middletown requires the execution of a Off-Street Parking Maintenance Agreement for the maintenance, cleaning, repair, and/or replacement of such off-street parking facilities in order to insure the ongoing and intended performance of such off-street parking; and

WHEREAS, intersection of Magnolia Park Rd. and Cedar Hill Dr will be a three way stop intersection; and

WHEREAS, intersection of Cedar Hill Dr and Anthony Street will be a stop intersection at Anthony Street; and

WHEREAS, Street parking on Magnolia Park Road will be permitted on both sides of the road except the first one hundred and three (103) feet on the east side of Magnolia Park Rd. from the intersection of East Main Street, within twenty (20) feet from the edge of a crosswalk, in front of driveways (per City Code), in front of off street parking stalls, and per City Code for City winter parking restrictions.

WHEREAS, Street parking on Cedar Hill Dr Road will be permitted on both sides of the road except the first fifty-nine (59) feet on the south side of Cedar Hill Dr from the intersection of Anthony Street, within twenty (20) feet from the edge of a crosswalk, in front of driveways (per City Code), and per City Code for City winter parking restrictions.

WHEREAS, Street parking on Phillips Street will continue to be permitted on the east side of the newly dedicated road to a point five hundred seventy-eight (578) feet along the curb line from the southerly property corner of House No. 226 on the existing portion of Phillips Street and into the new cul-de-sac, with no parking to occur within twenty (20) feet from the edge of a crosswalk, in front of driveways (per City Code), and per City Code for City winter parking restrictions.

WHEREAS, the form and content of such required Off-Street Parking Maintenance Agreement is attached hereto as Schedule “C”.

WHEREAS, ADC Middletown, LLC has provided the City with bonds in compliance with Middletown City Code Section 420-6(U); and

WHEREAS, ADC Middletown, LLC has provided the City with a policy of title insurance in compliance with Middletown City Code Section 420-6(Y); now, therefore

BE IT RESOLVED, that the City of Middletown does hereby accept the dedication of Cedar Hill Drive, Phillips Street, and a portion of Magnolia Park Road, and all public improvements associated therewith, as described in the Schedule “A” hereto, on the following conditions:

1. The final form of the deed to Cedar Hill Drive, Phillips Street, and such portion of Magnolia Park Road, and any other document relevant to the dedication thereof, shall be subject to the approval of the City Attorney.
2. ADC Middletown, LLC will have a complete crosswalk system installed and functional on East Main Street with all ADA accessible ramps and crosswalks, as approved by the Commissioner of Public Works, constructed by May 1, 2024.
3. ADC Middletown, LLC must provide the City with bonds in compliance with Middletown City Code Section 420-6(U) by December 22, 2023.
4. ADC Middletown, LLC must provide the City with a policy of title insurance in compliance with Middletown City Code Section 420-6(Y) by December 22, 2023. The City will not perform any maintenance services until approval of the title insurance reports.

RESOLVED, the Commissioner of Public Works is hereby authorized to execute the City of Middletown Stormwater Control Facility Maintenance Agreement on behalf of the City of Middletown for the Magnolia Park Project, in form and content as attached hereto as Schedule “B”; and be it further

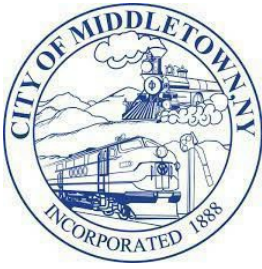
RESOLVED, the Commissioner of Public Works is hereby authorized to execute the City of Middletown Off-Street Parking Maintenance Agreement on behalf of the City of Middletown for the Magnolia Park Project, in form and content as attached hereto as Schedule “C”.

ATTACHMENTS:

[Magnolia Park - Off-Street Parking Schedule C 11-20-23.pdf](#)

[Magnolia Park - Schedule A 11-20-23.pdf](#)

[Magnolia Park - Stormwater Agreement - Schedule B 11-20-23.pdf](#)



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

THE FOLLOWING WAS PRESENTED

By Ald. Johnson

Sec'd by Ald. Kleiner

Date of Adoption: November 21, 2023

Index No: 233-23

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	6		1	2

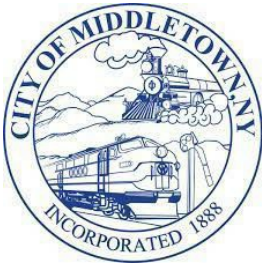
Resolution to approve an extension of time of six (6) months for two resolutions dated May 04, 2021, #98-21 and #99-21 for the Presidential Heights Realty Subdivision

RESOLVED; that the Common Council of the City of Middletown approves an extension of time in the amount of six (6) months, as per the date on this resolution, for two resolutions dated May 04, 2021, #98-21 and #99-21 for the Presidential Heights Realty Subdivision due to the need that the project has to obtain outside agency approvals for the NYSDEC and OCDOH for water main and sewer main extensions before the map can be filed. This extension is for the period of time including November 2, 2023 through and including May 2, 2024

ATTACHMENTS:

[Presidential Heights Sub Div Ext Req.pdf](#)

[Presidential Hts Subdivision Extension.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: November 21, 2023

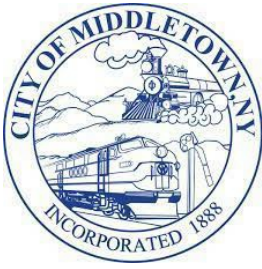
Index No:

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	7			2

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

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

TREASURER BE AUTHORIZED TO ISSUE WARRANTS FOR THEIR PAYMENTS



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

THE FOLLOWING WAS PRESENTED

By Ald.

Sec'd by Ald.

Date of Adoption: December 19, 2023

Index No:

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

Public Hearing: Tobacco Licenses

ATTACHMENTS:

[Tobacco Licenses.pdf](#)

[PH Affidavit.pdf](#)

[Tobacco Licenses.docx](#)

**CITY OF MIDDLETOWN
NOTICE OF PUBLIC HEARING**

Notice is hereby given that the City of Middletown will hold a public hearing on Tuesday, December 19, 2023, on or as near to 7:30 p.m. as possible, Common Council Chambers, 2nd floor, 16 James Street, to hear any and all persons wishing to be heard on the proposed creation of licenses for smoke shops, as well as providing guidelines for obtaining and retaining such licenses.

Any and all persons wishing to be heard will be given an opportunity to speak either for or against the proposed changes to the parking regulations.

The proposed legislation is available in the office of the Common Council Clerk, City Hall, 16 James Street, room 12, and on the City Website.

For any person unable to participate at the time of the public hearing, email comments may be submitted in advance to rmccormack@middletownny.gov

By the order of the Common Council.

Richard P. McCormack
Clerk of the Common Council

Publish: 12/14/23
City Website

LOCALiQ

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

PO Box 631202 Cincinnati, OH 45263-1202

PROOF OF PUBLICATION

Martina Tu
Kelly C
Middletown, City
16 James ST
Middletown NY 10940-5724

STATE OF NEW YORK, COUNTY OF ORANGE

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

12/14/2023

and that the fees charged are legal.
Sworn to and subscribed before on 12/14/2023

Legal Clerk

Notary, State of WI, County of Brown

My commission expires

Publication Cost: \$42.53

Order No: 9616011

Customer No: 684389

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of Copies:

1

THIS IS NOT AN INVOICE!

Please do not use this form for payment remittance.

MARIAH VERHAGEN
Notary Public
State of Wisconsin

CITY OF MIDDLETOWN NOTICE OF PUBLIC HEARING

Notice is hereby given that the City of Middletown will hold a public hearing on Tuesday, December 19, 2023, on or as near to 7:30 p.m. as possible, Common Council Chambers, 2nd floor, 16 James Street, to hear any and all persons wishing to be heard on the proposed creation of licenses for smoke shops, as well as providing guidelines for obtaining and retaining such licenses.

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By the order of the Common Council.

Richard P. McCormack
Clerk of the Common Council
Publish: 12/14/23
City Website

RESOLUTION

WHEREAS, the Mayor, Police Chief and Corporation Counsel have recommended the creation of licenses for smoke shops, as well as providing guidelines for obtaining and retaining such licenses.

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., is hereby amended by creating a new Chapter 438, Tobacco/Hookah/Vaping Establishment Licenses, to read as follows:

Chapter 438. Tobacco/Hookah/Vaping Establishment Licenses.

Section 438-1. Tobacco/Hookah/Vaping Establishment License Required.

A. Effective immediately, no person shall own or operate a Tobacco/Hookah/Vaping establishment, unless a license is first obtained from the City of Middletown Commissioner of Public Works (“Commissioner”).

B. Within fifteen (15) days of the effective date of this Ordinance, the Commissioner of Public Works shall send a copy of this Ordinance by regular and certified mail to all current owners and operators of Tobacco/Hookah/Vaping establishments in this City. Within sixty (60) days of the effective date of this Ordinance, all current owners and operators of Tobacco/Hookah/Vaping establishments in this City must apply for a valid Tobacco/Hookah/Vaping license to continue operation.

C. The application cost for this license shall be Two Hundred Dollars (\$200.00).

D. This Chapter in no way repeals nor contradicts zoning regulations or special use permit requirements in any zoning district in this City. However, this Chapter adds a second requirement to zoning regulations in the form of a license, and therefore all special use permit approvals must be conditioned on obtaining a license pursuant to this Chapter.

Section 438-2. Application. Every applicant for a license issued pursuant to this Chapter shall submit the following information:

A. The name, address, and telephone number of the individual or entity applying for a license, together with the name and location of the business to receive the license. If the applicant is a corporation or limited liability company, the applicant must

list an individual who resides within the City of Middletown or within fifteen (15) miles of the City limits for purposes of service and notice.

B. The applicant's driver's license as proof of residency.

C. Proof of registration with the New York State Department of Taxation as a tobacco and/or vape retail dealer is required.

D. Any other reasonable information requested by the Commissioner.

E. All applications for a license shall be referred by the Commissioner to the Middletown Police Chief, who shall promptly cause an investigation to be made into the criminal background and prior bad acts or code violations of the applicant. The applicant must provide fingerprints to support this investigation. The Chief must report the findings to the Commissioner, and make a recommendation as to whether or not approval of the license is recommended. If approval is not recommended, the report shall state the reasons therefor.

Section 438-3. License.

A. Within sixty (60) days of receipt of a complete application, unless extended by the Commissioner's request for additional information, the Commissioner shall issue a written determination on the application.

B. All licenses issued pursuant to this Chapter shall contain the following:

(1). The license is valid for one (1) year only, measured from the date of its issuance;

(2). The license is for the subject establishment only, and is nontransferable;

(3). There shall be no dispensing, processing, cultivation, sale, handling, distributing, or gifting of cannabis, cannabinoids, cannabinoid hemp, cannabis flower, cannabis products, cannabis-infused products, hemp and hemp extract, as those terms are defined in Section 3 of the New York Cannabis Law, within, upon, or in relation to the subject establishment.

Section 438-4. Grounds for Denial. An application for a license may be denied by the Commissioner, following a public hearing, based on any one of the following:

A. The Report of the Police Chief.

B. Any past or present demonstration by the applicant of an unwillingness to comply with the Middletown City Codes.

C. The lack of a current tobacco and/or vapor product registration from the New York State Department of Taxation.

D. An indication that the location of the proposed establishment is more likely than not to negatively impact the neighborhood based upon its proximity to a school, or other form of educational facility, place of worship or assembly, or public park.

E. If the applicant is not satisfied with the final determination of the Commissioner, he/she/it may file an Article 78 proceeding pursuant to the provisions of the New York Civil Practice Law and Rules.

Section 438-5. Conditions For Operation.

A. Hours of operation. Store hours operation shall be between 7:00 a.m. and 11:00 p.m. from Sunday to Thursday, and 7:00 a.m. to 12:00 a.m. on Friday and Saturday. The specific hours of operation for each store shall be set by the Planning Board.

B. Signage.

(1). Store hours shall be posted in a conspicuous place within public view.

(2). There shall be no public display of advertisements for electronic cigarettes, vapor products, smoking paraphernalia, or tobacco products, within 1,500 feet of a school or place of worship, in accordance with NY Public Health Law Article 13-F, Section 1399-DD-1.

(3). Windows shall be unobstructed by advertisements and/or any other materials.

C. Equipment.

(1). Each store shall have working surveillance cameras in the interior and exterior of the building. Footage from said cameras shall be stored for thirty (30) days.

(2). All broken windows must be replaced within three (3) days.

(3). Smoking or vaping of any kind is prohibited within the store unless expressly authorized in the license.

(4). All graffiti must be removed within three (3) business days following verbal or written notice from the Department of Public Works or Fire Inspector.

D. Inspection. All Tobacco/Hookah/Vaping establishments shall be inspected annually by the Department of Public Works or Fire Inspector.

E. Compliance with codes. The owner, operator, agents or employees of any Tobacco/Hookah/Vaping establishment shall comply with all provisions of applicable Federal, State, and City statutes, ordinances and codes.

Section 438-6. Suspension and Revocation of License.

A. Any owner, operator, agent or employee of any Tobacco/Hookah/Vaping establishment found to violate any of the provisions of this Chapter may be liable for the penalties prescribed in Section 438-8 of this Chapter and other applicable provisions of the City Code, and may in addition subject the license of the establishment to immediate suspension in the discretion of the Commissioner.

B. The owner, operator, agent or employee of any establishment whose license is suspended shall be entitled to a public hearing before the Middletown Common Council within fifteen (15) days of such suspension. Such owner, operator, agent or employee may be represented at such hearing by counsel of his/her/its choosing and at his/her/its expense. Such owner, operator, agent or employee shall also be entitled to call witnesses to testify on his/her/its behalf at such hearing. Within fifteen (15) days of such hearing, the Common Council shall issue a written final determination and provide a copy thereof to violating establishment. Pending such final determination, there shall be no sale, distribution, or dispensing of goods or merchandise at the violating establishment.

C. If the Common Council determines that there has been a violation of this Chapter, it may in its discretion revoke the license of the subject establishment for a period of one (1) year. If the subject owner, operator, agent or employee is not satisfied with the final determination, he/she/it may file an Article 78 proceeding pursuant to the provisions of the New York Civil Practice Law and Rules.

Section 438-7. License Renewal.

A. An application to renew any license issued under this Chapter shall be filed with the Department of Public Works no more than ninety (90) days and no less than sixty (60) days prior to the expiration of the current license. An application to renew a license which has been revoked pursuant to the provisions of Section 438-6 may be

made no more than ninety (90) days prior to the expiration of the revocation period and may be made at any time subsequent to such expiration.

B. Every day of operation without a license renewal shall constitute a separate violation punishable as provided in Section 438-8 of this Chapter.

C. Renewal applications shall be accompanied by a non-refundable fee of Two Hundred Dollars (\$200.00).

D. The application must include the information required in Subsections A, B, C, and D of Section 438-2.

E. The Commissioner may, but is not required to, submit a renewal application to the Police Chief for the investigation described in Subsection E of Section 438-2.

F. The Commissioner may consider the licensed establishment's compliance with all applicable laws, codes, rules and regulations governing the activities of the establishment, including but not limited to, building codes, noise ordinances, and any other information deemed applicable when considering a renewal application.

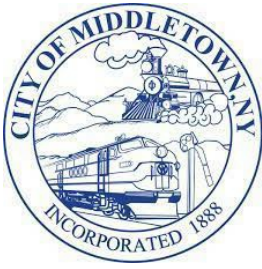
G. Within thirty (30) days of receipt of a complete application, unless extended by the Commissioner's request for additional information, the Commissioner shall issue a written determination on the renewal application. The Commissioner shall not deny the renewal application without first affording the applicant a public hearing before the Commissioner.

H. If the applicant is not satisfied with the final determination of the Commissioner, he/she/it may file an Article 78 proceeding pursuant to the provisions of the New York Civil Practice Law and Rules.

Section 438-8. Penalties. In addition to the penalties proscribed by Section 438-6, a person who shall violate any provision of this Chapter shall be guilty, upon conviction, of an offense punishable by a fine not less than \$250 nor more than \$1,000 or by imprisonment for a period not exceeding 15 days, or by both such fine and imprisonment.

Section 2. Severability. The sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable, and if any phrase, clause, sentence, paragraph, or section of this Ordinance 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 Ordinance.

Section 3. This Ordinance 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: December 19, 2023

Index No:

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

Resolution Authorizing a \$1760 Budget Transfer for Camp Scholarships

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 \$1,760, in the following manner, for Camp Scholarships.

FROM	AMOUNT	TO
A.2705.07 Gifts & Donations	\$1760	A.2027 Damp Camp Fees.

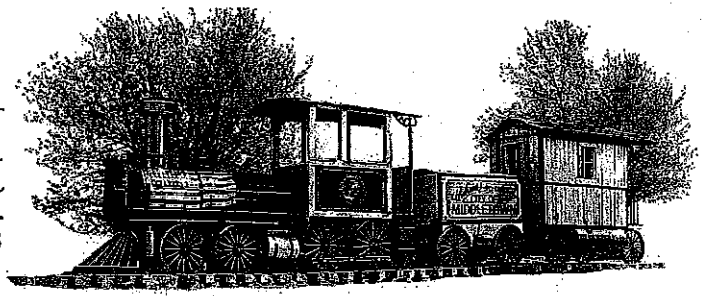
We provided 16 weeks' worth of camp scholarships spread out between several youth in the City of Middletown.

ATTACHMENTS:

[Camp Scholarships Budget Transfer](#)

Middletown Recreation and Parks Department

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



November 30, 2023

RE: Authorization for Transfer of Funds

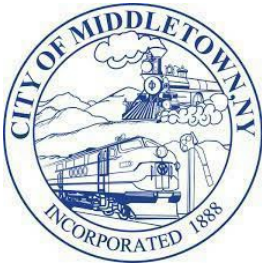
Dear Board of Estimates & Council Members:

The Recreation & Parks Department is requesting authorization for the Treasurer to transfer \$1,760 from account A.2705.07 Gifts & Donations for Scholarships to account A.2027 Damp Camp Fees. We provided 16 weeks' worth of camp scholarships spread out between several youth in the City of Middletown.

Sincerely,

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

Raelynn Bertholf, Superintendent of Recreation
Middletown Recreation & Parks Department



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

THE FOLLOWING WAS PRESENTED

By Ald.

Sec'd by Ald.

Date of Adoption: December 19, 2023

Index No:

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

Resolution Authorizing a \$11565.84 Budget Transfer from within the Department of Public Works Budget

BE IT RESOLVED; that the Common Council of the City of Middletown, NY, concurs with the Board of Estimate and Apportionment authorizes the Treasurer to transfer \$11565.84, in the following manner to cover shortage of funds for Colby Attorney Services, Eagle Mat & Floor, Guidrail repair-Harding & Mills Rd, and professional services for WSP for Magnolia Park Signal Warrant Analysis.

FROM	AMOUNT	TO
A.1620.470	\$650.00	A.1490.400
Repairs to Building	(Colby Attorney Services)	Contractual
A.1620.470	\$1388.10	A.1490.400
Repairs to Building	(Eagle Mat- Mats for City Hall)	Contractual
A.1620.470	\$5,050.00	A.1490.400

Repairs to Building	(WSP- Magnolia Park)	Contractual
---------------------	----------------------	-------------

A.1620.470	\$4,477.74	A.1490.400
------------	------------	------------

Repairs to Building	(Guiderail Replacement	Contractual
	Harding & Mills Rd.)	

ATTACHMENTS:

[transfer-003.pdf](#)

DEPARTMENT OF PUBLIC WORKS

MEMORANDUM

Date: December 6, 2023
To: Honorable Members of the Board of Estimate
And Apportionment
Cc: Leonora Liz-Treasurer
Richard McCormack- City Clerk
From: Jacob Tawil-Commissioner of Public Works
Re: Transfer of Funds

I respectfully request a transfer from 2023 Repairs to Building to 2023 Contractual to cover shortage of funds for Colby Attorney Services, Eagle Mat & Floor, Guiderail repair-Harding & Mills Rd, and professional services for WSP for Magnolia Park Signal Warrant Analysis.

	FROM	AMOUNT	TO
1.	A.1620.470 Repairs to Building	\$650.00 (Colby Attorney Services)	A.1490.400 Contractual
2.	A.1620.470 Repairs to Building	\$1388.10 (Eagle Mat- Mats for City Hall)	A.1490.400 Contractual
3.	A.1620.470 Repairs to Building	\$5,050.00 (WSP- Magnolia Park)	A.1490.400 Contractual
4.	A.1620.470 Repairs to Building	\$4,477.74 (Guiderail Replacement Harding & Mills Rd.)	A.1490.400 Contractual
	TOTAL	\$11,565.84	

Thank you.

DEPARTMENT OF PUBLIC WORKS

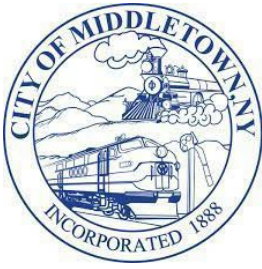
MEMORANDUM

Date: December 6, 2023
To: Honorable Members of the Board of Estimate
And Apportionment
Cc: Leonora Liz-Treasurer
Richard McCormack- City Clerk
From: Jacob Tawil-Commissioner of Public Works 
Re: Transfer of Funds

I respectfully request a transfer from 2023 Repairs to Building to 2023 Contractual to cover shortage of funds for Colby Attorney Services, Eagle Mat & Floor, Guiderail repair-Harding & Mills Rd, and professional services for WSP for Magnolia Park Signal Warrant Analysis.

	FROM	AMOUNT	TO
1.	A.1620.470 Repairs to Building	\$650.00 (Colby Attorney Services)	A.1490.400 Contractual
2.	A.1620.470 Repairs to Building	\$1388.10 (Eagle Mat- Mats for City Hall)	A.1490.400 Contractual
3.	A.1620.470 Repairs to Building	\$5,050.00 (WSP- Magnolia Park)	A.1490.400 Contractual
4.	A.1620.470 Repairs to Building	\$4,477.74 (Guiderail Replacement Harding & Mills Rd.)	A.1490.400 Contractual
	TOTAL	\$11,565.84	

Thank you.



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

THE FOLLOWING WAS PRESENTED

By Ald.

Sec'd by Ald.

Date of Adoption: December 19, 2023

Index No:

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

Resolution Authorizing a \$13250 Budget Transfer from within the Department of Public Works 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 \$13250, in the following manner, to cover 2023 salary increases.'

FROM	AMOUNT	TO
A.5110.100	\$6,000.00	A.1620.100
Pers. Svcs. – Street		Pers. Svcs – Maintenance
F.8320.100	\$ 7,000.00	F.8340.100
Pers. Svcs.- Pumping Station		Pers. Svcs.- Distribution

Also requesting a transfer of funds as described below to cover longevity pay for an employee who was not budgeted.

FROM	AMOUNT	TO
5110. 5110.100	\$250.00	A.5110.104
Pers. Svcs.-Street		Longevity-Street

ATTACHMENTS:

[BOE MEMO- PERSONAL SERVICES TRANSFER.pdf](#)

DEPARTMENT OF PUBLIC WORKS

MEMORANDUM

Date: December 5, 2023

To: Honorable Mayor DeStefano, Council President Rodrigues,
Members of the Board of Estimate and Apportionment, Members of the
Common Council

Cc: Leonora Liz, Treasurer and Richard McCormack, City Clerk

From: Jacob S. Tawil, P.E.- Commissioner of Public Works



Re: Transfer of Funds- Personal Services

We are respectfully requesting a transfer of funds as described below to cover 2023 salary increases which were not a budgeted item.

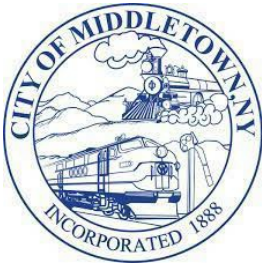
FROM	AMOUNT	TO
A.5110.100 Pers. Svcs. – Street	\$6,000.00	A.1620.100 Pers. Svcs – Maintenance
F.8320.100 Pers. Svcs.- Pumping Station	\$ 7,000.00	F.8340.100 Pers. Svcs.- Distribution

We are also requesting a transfer of funds as described below to cover a longevity pay for an employee who was not budgeted.

FROM	AMOUNT	TO
A. 5110.100 Pers. Svcs.-Street	\$250.00	A.5110.104 Longevity-Street

Thank you.

JT/kg



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

THE FOLLOWING WAS PRESENTED

By Ald.

Sec'd by Ald.

Date of Adoption: December 19, 2023

Index No:

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

Resolution Authorizing a Renewal Agreement with PERMA for Workers' Compensation Coverage 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 renewing an agreement with PERMA for Workmen Compensation for 2024. and authorization for the Mayor to sign it.

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 agreement.

ATTACHMENTS:

[Middletown, C-Contract'24.pdf](#)

Public Employer Risk Management Association, Inc. (PERMA)
Program Agreement for Third Party Administration Services

THIS AGREEMENT dated as of _____ entered into by and between the Public Employer Risk Management Association, Inc. (“PERMA”), a New York not-for-profit corporation having its principal place of business at 9 Cornell Road, Latham, New York 12110 and **City of Middletown, a city, having its principal place of business at 16 James Street, , Middletown, NY, 10940** (the “Member”), for administrative services to be provided by PERMA in connection with the Member’s obligation to provide workers’ compensation benefits for and to its employees.

1. **Purpose.** The Member desires to engage PERMA to provide Worker’s Compensation Law claims administration services for certain “tail claims” that have arisen and PERMA is willing to provide those claims administration services upon the terms set forth in this agreement.

2. **Definitions.** For purposes of this agreement, the following terms will have the meanings indicated:

- a. **“Allocated Loss Adjustment Expenses”** means all costs and expenses PERMA incurs that are attributed to the processing of Tail Claims, including, but not limited to, fees, costs, assessments and other charges imposed by the Workers’ Compensation Board, medical cost containment and management services, in the amounts set forth in Schedule B, attorneys’ fees and disbursements, court reporter services and transcripts, deposition charges and transcripts, fees for the service of process, court costs, courier/express mail, appeal bonds, printing costs related to trials and appeals, witness and expert fees, medical examinations and review, laboratory costs, engineering fees, independent adjuster fees, surveillance, photography and similar costs and expenses reasonably incurred and related to the investigation and defense of claims or the protection and collection of subrogation rights of the Member.
- b. **“Benefit Payments”** means payments that are required by the Workers’ Compensation Law and the rules, regulations and decisions of the Workers’ Compensation Board to be made to claimants, providers and other vendors with respect to a Tail Claim.
- c. **“Electronic Data Interchange or EDI”** means the Worker’s Compensation Board has adopted Claims Electronic Data Interchange Release 3.0, as adopted by the Workers’ Compensation Board, or such other electronic data interchange as may be adopted by the Workers’ Compensation Board.
- d. **“Tail Claim”** means existing indemnity and medical worker’s compensation claims and all Worker’s Compensation Board awards against the Member that arose prior to **3/15/2008** that the Member has assigned to PERMA to administer.

3. **Term.** This agreement will be effective on **1/1/2024** and will continue in force for one year, unless sooner terminated in accordance with paragraph 8.

4. **PERMA's obligations.** During the term of this Agreement, PERMA, will provide to the Member the services provided for in this agreement with respect to Tail Claims. PERMA will, as appropriate:

- a. Process claims and disburse Benefit Payments within the timeframe required by the Worker's Compensation Law, provided that the Member advances the funds required and approves payments in accordance with the requirements of this agreement;
- b. Contract with CorVel or another third party for review of medical bills, and with Optum or another third party for pharmacy benefit management services, all at the sole cost and expense of the Member;
- c. Cause all required workers' compensation forms to be prepared and filed;
- d. Contact the injured employee or employees, as appropriate;
- e. For those Members paying by wire/automated clearing house (ACH) transfer, provide to the Member, on a weekly basis, a check register for each check run the previous week and drawn on the bank account established by the member;
- f. For those Members paying by cash, provide to the Member, on a monthly basis, an invoice and check register for each check run during the previous month and drawn on the bank account established by PERMA for the member;
- g. Retain and supervise, on behalf of and at the sole cost and expense of the Member, legal counsel necessary for the prosecution or defense of any claim or litigation related to a claim, subject to the approval of counsel by the Member, which shall not be unreasonably withheld or delayed;
- h. Attend, through a representative of PERMA, or an attorney retained by PERMA, all compensation hearings;
- i. Promptly advise the Member of Worker's Compensation Board decisions related to each claim;
- j. Initiate a challenge to any other administrative decisions made by an Administrative Law Judge or seek to correct a factual error in an administrative decision, if PERMA determines that it is reasonably necessary to do so;
- k. Recommend to the Member whether to request a modification, rescission or review of an award or decision of the Worker's Compensation Board, a panel of the Board, an Administrative Law Judge issued after a hearing and after the exhaustion of administrative remedies, recommend whether to file a judicial appeal and act upon the Member's decision once made;
- l. Settle claims within the authority given PERMA by the Member or as otherwise agreed in writing by the Member and PERMA; and
- m. Pay all claims by check identifying the Member as the insurer.

5. The Member's obligations. The Member will:

- a. Pay all Benefits Payments by either wire/automated clearing house (ACH) transfer or cash advance.
 - i. If paying by wire/automated clearing house (ACH) transfer, the Member must deposit and maintain, in a bank account identified to PERMA, the amount of the Benefit Payments and Allocated Loss Adjustment Expenses PERMA estimates will be required to be paid or incurred during a 30-day period. PERMA may increase or decrease the estimate as PERMA reasonably determines. If PERMA increases the estimate, the Member will promptly replenish the account to the estimated amount by wire/ACH transfer. If PERMA decreases the estimate, PERMA will return the excess amount to the Member. Within 48 hours of receiving from PERMA the check register for each check run the previous week and drawn on the bank account established by the member, the Member will review the check register and transfer to PERMA sufficient funds to cover all payments reflected in the register. If the Member is unable to pay that amount within the time required, PERMA will draw on the deposited amount to pay the Benefits Payments. If the amount of the Benefits payments exceeds the amount of the deposit that is available, PERMA will not make the Benefits Payment until the Member deposits the necessary funds. If PERMA is required by the Workers' Compensation Board to pay a penalty for paying Benefits Payments late because the Member failed to make the deposit required by this paragraph, the Member will be liable to PERMA for the penalty and PERMA will deduct the amount of the penalty from the Member's account.
 - ii. If paying by cash advance, the Member must deposit and maintain, in a segregated bank account established by PERMA, the amount of the Benefit Payments and Allocated Loss Adjustment Expenses PERMA estimates will be required to be paid or incurred during a 90-day period. PERMA may increase or decrease the estimate as PERMA reasonably determines. If PERMA increases the estimate, the Member will promptly pay the additional amount to PERMA. If PERMA decreases the estimate, PERMA will hold the excess amount to be applied to future Benefit Payments and Allocated Loss Adjustment Expenses, and the Member's future required contributions will be reduced accordingly. Within 48 hours of receiving from PERMA the check register for each check run the previous month and drawn on the bank account established by the member, the Member will review the invoice and check register and pay to PERMA, by the 10th day of the month, sufficient funds to cover all payments reflected in the register. If the Member is unable to pay that amount within the time required, PERMA will draw on the deposited amount to pay the Benefits Payments. If the amount of the Benefits payments exceeds the amount of the deposit that is available, PERMA will not make the Benefits Payment until the Member pays the necessary funds to PERMA.

If PERMA is required by the Workers' Compensation Board to pay a penalty for paying Benefits Payments late because the Member failed to make the payments required by this section, the Member will be liable to PERMA for the penalty and PERMA will deduct the amount of the penalty from the Member's account.

- b. Pay to PERMA, within 30 days of invoice, an annual administrative fee for each claim in the amount set forth in Schedule A and all Allocated Loss Adjustment Expenses.
- c. Promptly upon the commencement of this agreement, and thereafter as may be required by PERMA, provide or cause to be provided to PERMA all required EDI and any other information required by the Worker's Compensation Board. The Member must provide the EDI and other information, at the Member's sole cost and expense, in a form reasonably acceptable to PERMA. If PERMA is required by the Workers' Compensation Board to pay a penalty because the Member has failed to provide EDI or any other information, the Member will be liable to PERMA for the penalty and PERMA will deduct the amount of the penalty from the Member's account.
- d. Cooperate fully with PERMA by (i) providing all information PERMA reasonably requests, including all information PERMA reasonably deems necessary or helpful to defend any claim; (ii) if another individual or entity is currently holding the Member's funds with respect to any Tail Claims, directing that individual or entity either to transfer those funds to PERMA or to refund those funds to the Member; (iii) when requested by PERMA, attend hearings and trials by an employee or other person knowledgeable of the facts and authorized to resolve the claim; (iv) assist in effecting settlements, securing and giving evidence, obtaining the attendance of witnesses, and conducting all hearings, suits and other proceedings; (v) arrange that all claims, all related inpatient and outpatient provider bills of any type and any other correspondence that is received relating to Tail Claims, are sent directly to PERMA.
- e. Pay any costs and expenses incurred in the fulfillment of these obligations of the Member.

6. **Member Compliance with Worker's Compensation Law.** This Agreement does not assign or delegate to PERMA any responsibility the Member has under the Worker's Compensation Law, including, but not limited to, the Member's obligation to provide workers' compensation benefits to its employees, the Member's obligation to report with respect to workers' compensation claims and the Member's record retention obligations with respect to workers' compensation claims. The Member is responsible for all fines and penalties issued under the Worker's Compensation Law as a result of the Member's failure to satisfy those obligations. PERMA does not accept or assume any such responsibility, in whole or in part.

7. **Indemnification.** PERMA assumes no liability for any obligation of the Member under the Workers' Compensation Law or any decision of the Workers' Compensation Board. The Member will indemnify, defend and hold PERMA, its subcontractors and their respective

affiliates, owners, partners, members, officers, directors, shareholders, agents and employees harmless from and against any and all of any kind, including reasonable attorneys' fees and disbursements, except to the extent that the claims, liabilities, damages or expenses are solely caused by PERMA's gross negligence or willful misconduct.

8. **Termination.** Either party may terminate this agreement on 30 days' notice to the other party. PERMA may terminate this agreement immediately upon notice to the Member if the member fails to pay any amount required to be paid by the member under this agreement. Upon termination, all amounts due PERMA from the Member will become immediately due and payable. The Member's obligations set forth in paragraphs 5 and 7 will survive the expiration or earlier termination of this agreement.

9. **Notices.** Notices under this agreement must be sent by electronic mail or facsimile to the designated contact at the email or facsimile number shown below. Notice sent to the contact person designated by the Member is notice to the Member.

If to the Member:

Attn: Leonora Liz

Fax: 845-343-1101

Email: LLiz@middletown-ny.com

Phone: 845-346-4153

If to PERMA:

Attn: Mary Beth Woods

Fax: 1-877-737-6232

Email: memberservices@perma.org

Phone: 518-220-1111

10. **Not a contract of insurance.** This is not a contract of insurance. PERMA is not and is not, in any way, to be deemed by reason of this agreement to be an insurer, underwriter or guarantor with respect to any benefits payable for which the Member may be liable with respect to the workers' compensation claims that are the subject of this agreement. PERMA is acting under this agreement solely as a claims' administrator with respect to the Tail Claims, and not as an insurer with respect to those or to any other claims. PERMA will not, under any circumstances, advance its own funds on behalf of the Member.

11. **Applicable law and forum.** This agreement will be construed under and governed by the laws of the State of New York. Any dispute under this agreement must be heard in the Supreme Court of the State of New York, County of Albany. The parties consent to the jurisdiction of that court and the venue.

12. **Force majeure.** PERMA is not responsible for nonperformance or defective or late performance of its obligations under this agreement if the nonperformance, defective or late performance is due to causes beyond its control and occur without its fault or negligence, including without limitation, acts of God, strikes, war (including civil war), acts of any state or government, fire, explosions, the elements, epidemics, quarantine restrictions, blackout, embargo or unusually severe weather.

13. **Third parties.** This agreement is not intended to benefit and may not be construed to benefit, or to create any rights in, any third party.

14. **Amendments.** This agreement may not be modified or amended except in a written document signed by both parties.

15. **Severability.** If any provision of this agreement is held to be invalid or unenforceable for any reason, such invalidity or unenforceability will not affect the remainder of the agreement, which will remain in full force and effect and will be enforceable in accordance with its terms.

16. **Entire agreement; waiver.** This agreement constitutes the entire agreement between the parties and supersedes all prior understandings between the parties.

17. **No waiver.** No waiver or discharge of any breach of this agreement will be effective unless it is in writing signed by the party granting the waiver or discharge. The waiver of any breach of any provision of this agreement is not, and may not be deemed, a waiver of any subsequent breach of any provision of this agreement.

18. **Counterparts.** This agreement may be executed in multiple counterparts. All of the counterparts will, together, constitute a single, complete and fully executed document.

IN WITNESS WHEREOF, PERMA and the Member have duly executed this agreement as of the day and year first above written.

Public Employers Risk Management Association, Inc.

By: Mary Beth Woods
Mary Beth Woods, Executive Director

City of Middletown

By: _____
Name and Title

Schedule A

Fees

Indemnity Tail Claims 600 per year per claim

Medical Tail Claims 200 per year per claim

Schedule B

Managed Care Fees

Medical Bill Review and PPO Network Charges \$5.60 per bill

Treasury Services-Per Transaction¹

- Online Review in CareMC/Edge
- Explanation of Review
- Annual 1099 Reporting
- EDI Compliance & Transmission

\$5.75 per Bill

Includes check fee, postage, duplicate bill fee, electronic submission and State reporting (NY HCRA Surcharge).

Enhanced Medical Bill Review 23% of Savings

Includes technical and professional review of bills for correct coding, up coding, unbundling, national condit edits, facility and surgical bill line item audit, review for non-compensable charges, review of implant charges, validation of diagnostic related group (DRG) coding, and review of non-fee scheduled services for fair and reasonable payment. Fees are calculated based on incremental savings achieved below the State mandated fee schedule.

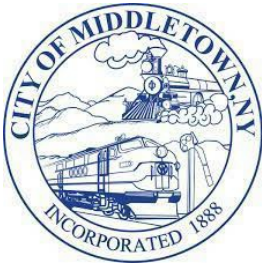
PPO Network 23% of Savings

Includes access to proprietary national PPO network solution. Fees are calculated based on incremental savings achieved below the State fee schedule and enhanced savings.

Out of Network Negotiations 23% Savings

CorVel may negotiate out of network charges with a medical provider to pay an agreed upon rate. Fees are calculated based on an incremental saving achieved below the State fee schedule and enhanced savings.

Mandatory CMS MMSEA Reporting \$8.75 per transaction



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

THE FOLLOWING WAS PRESENTED

By Ald.

Sec'd by Ald.

Date of Adoption: December 19, 2023

Index No:

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

Resolution Approving the Assessment Collectors Warrant for 2024

BE IT RESOLVED; that the Common Council of the City of Middletown, NY, concurs with the Board of Estimate and Apportionment and approves the Assessment Collectors Warrant for 2024

ATTACHMENTS:

[Tax Warrant 2024.docx](#)

ASSESSMENT
COLLECTOR'S WARRANT
FOR 2024

STATE OF NEW YORK)
COUNTY OF ORANGE) SS.:
CITY OF MIDDLETOWN)

THE PEOPLE OF THE STATE OF NEW YORK TO Leonora Liz, COLLECTOR OF
THE CITY OF MIDDLETOWN, IN SAID COUNTY, GREETING:

YOU ARE HEREBY REQUIRED AND COMMANDED TO COLLECT from the
several persons named in the assessment roll, to which this warrant is annexed, the several sums
mentioned in the total \$23,140,116 column thereof opposite their respective name, together with
your fees thereon as herein provided.

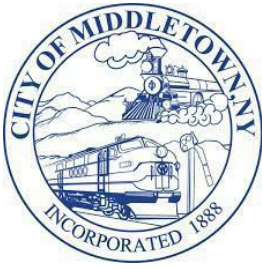
On all sums of taxes or assessments received or collected within thirty days after giving the
notice required by law you are to collect no fees. After the expiration of thirty days, you are
hereby authorized to add and collect two per centum on every dollar for collecting the same as
your fees thereon.

YOU ARE FURTHER REQUIRED AND COMMANDED to pay over all monies so
collected by you, (exclusive of your fees for collection), to the proper officer daily and return this
warrant to me within ninety days from date.

If any person shall neglect or refuse to pay any tax imposed upon him, or the fees herein
allowed, after giving the notice required by law and waiting the time specified in the statute, you
are hereby authorized to levy the same by distress and sale upon any personal property in said
County belonging to, or in possession of, such person and cause the same to be sold, at public
auction or otherwise in accordance with the City Charter, for the payment of such tax and the
fees and expenses of collection, and no claim of property to be made by any other person thereto
shall be available to prevent such sale and for so doing this shall be your sufficient warrant.

IN WITNESS THEREOF, the Common Council of said City, at a regular session, held
on 12/19/23 has authorized this warrant to be signed by the Mayor of said City, and the Seal of
the City to be affixed thereto, by a resolution duly passed by a majority vote of said Council, and
I, in pursuance of such authorization, have this 20st day of December in the year of our Lord Two
Thousand Twenty two hereunto set my hand and caused the Corporate Seal of the City of
Middletown to be affixed.

MAYOR



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

THE FOLLOWING WAS PRESENTED

By Ald.

Sec'd by Ald.

Date of Adoption: December 19, 2023

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Ald. Witt				
Ald. Masi				
Pres. Rodrigues				
Total				

Resolution Authorizing a \$30,000 budget transfer within the Fire Department's 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 \$30,000, in the following manner.

FROM	AMOUNT	TO
A.3410.100	\$ 20,000.	A.3410.103
Personal Services		Overtime

A.3410.106	\$ 5,000.	A.3410.103
		Overtime

To cover overtime thru December 2023.

A.3410.207	\$ 5,000.	A.3410.440
------------	-----------	------------

Equipment-Hose

Repairs to Equipment

Repairs thru year-end

ATTACHMENTS:

[Transfer 2023 OT on letterhead.docx](#)



81 East Main St.
Middletown, NY 10940

www.middletownfiredept.com

845-344-5003
845-344-5031 Fax

December 13,2023

Board of Estimate
City of Middletown
16 James Street
Middletown, NY 10940

The Fire Department respectfully requests the Board of Estimate recommend and the Common Council approve a resolution to transfer the following monies WITHIN the 2023 Fire Department Operating Budget:

<u>From:</u>		<u>To:</u>
A.3410.100 Personal Services	\$ 20,000.	A.3410.103 Overtime
A.3410.106	\$ 5,000.	A.3410.103 Overtime
To cover overtime thru December 2023.		
A.3410.207 Equipment-Hose	\$ 5,000.	A.3410.440 Repairs to Equipment
Repairs thru year-end		

Sincerely,

Nick Barber
Fire Chief

Nick Barber, Fire Chief
Robert Brady, 1st Asst. Chief, Randy MacLean, 2nd Asst. Chief, Nick Elia, 3rd Asst. Chief
Sean Gerow Secretary, William R. Kelder Treasurer
Monhagen’s Eagles Excelsior’s McQuoid’s Phoenix Ontario’s Waalkill’s Fire Police Local 1027

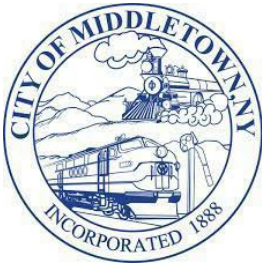
81 East Main St.
Middletown, NY 10940



www.middletownfiredept.com

845-344-5003
845-344-5031 Fax

Nick Barber, Fire Chief
Robert Brady, 1st Asst. Chief, Randy MacLean, 2nd Asst. Chief, Nick Elia, 3rd Asst. Chief
Sean Gerow Secretary, William R. Kelder Treasurer
Monhagen's Eagles Excelsior's McQuoid's Phoenix Ontario's Waalkill's Fire Police Local 1027



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

THE FOLLOWING WAS PRESENTED

By Ald.

Sec'd by Ald.

Date of Adoption: December 19, 2023

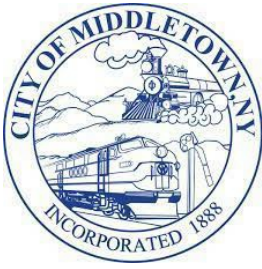
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Ald. Johnson				
Ald. Wray				
Ald. Kleiner				
Ald. Green				
Ald. Witt				
Ald. Masi				
Pres. Rodrigues				
Total				

Resolution Authorizing a \$3,700 Budget Transfer from the Paramount

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 \$3700, in the following manner.

From	Amount	To
A.7010.448	\$2,500.00	A.7010.447
Promoters & Sponsors		Credit Card/Online Fees
A.7010.448	\$1,200.00	A.7010.200
Promoters & Sponsors		Equipment



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

THE FOLLOWING WAS PRESENTED

By Ald.

Sec'd by Ald.

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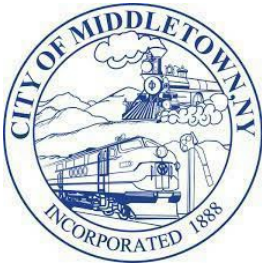
**Resolution authorizing \$3502.75 in Budget Transfer from within the Community Development
Department Budget**

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, XXXXX, in the following manner

1. Maria Bruni is requesting the approval to authorize the Treasurer for budget transfers within the Community Development Department.

FROM	AMOUNT	TO
CD 8686.433	\$1,000.00	8686.456
Personnel Training		Program Related Expense
CD 8686.440	\$ 517.00	8686.456
Repairs to Equipment		Program Related Expense
CD 8686.440	\$ 483.00	8686.457
Repairs to Equipment		Program Elements SBL/PUB

CD 8686.479	\$ 400.00	8686.457
Equipment Rental		Program Elements SBL/PUB
CD 8686.418	\$1,000.00	8686.457
Auto Expense		Program Elements SBL/PUB
CD 8686.480	\$ 102.75	8686.400
Office Expense		Contractual Services



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

THE FOLLOWING WAS PRESENTED

By Ald.

Sec'd by Ald.

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Ald. Witt				
Ald. Masi				
Pres. Rodrigues				
Total				

Resolution Authorizing a new contract with the Humane Society of Middletown

BE IT RESOLVED; that the Common Council of the City of Middletown, NY, concurs with the Board of Estimate and Apportionment and authorizes the new contract with Humane Society of Middletown to provide dog shelter services for 2024, contract expires December 31, 2024

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 agreement.

ATTACHMENTS:

[Middletown Humane Society Contract 2024 \(1\).pdf](#)

142 Bloomingburg Road
Middletown, New York 10940

Tel: 845-361-1861

Fax: 845-361-5881



Open Daily
12 Noon - 4pm

adoptmhs@gmail.com

www.middletownhumanesociety.com

November 5, 2023

Joseph DeStefano, Mayor
City of Middletown
16 James Street
Middletown, NY 10940

RECEIVED

NOV 17 2023

**CITY CLERK
CITY OF MIDDLETOWN**

Dear Mayor:

We are pleased to extend our services to you for 2024.

As you may know, the Humane Society of Middletown has gone to great lengths to increase significantly adoption of animals received from your town/city to permanent, loving families. In addition, we have improved the quality of life for the animals at the Humane Society while they await their new families. We appreciate your support, and hope that the Humane Society will continue to provide your residents with a source of affordable rabies vaccinations. Residents can learn more about Humane Society activities and services, as well as the loving animals that are available for adoption, by going to our website, www.middletownhumanesociety.com.

If the enclosed agreement meets with your approval, kindly sign it and return an executed contract at your earliest convenience to the attention of Martha Gale, Financial Administrator at the above address.

If you have any questions, now or at any time, please do not hesitate to contact us.

Very truly yours,

Marlene K. Freehill
President
Board of Directors

Enclosure

Humane Society of Middletown
142 Bloomingburg Road
Middletown, NY 10940
(845) 361-1861
Fax (845) 361-5881

Agreement between the City of Middletown and the Humane Society of Middletown, Inc. for the period beginning January 1, 2024 and ending December 31, 2024.

The Humane Society of Middletown, Inc. agrees to accept any dog brought to our shelter by your Animal Control Officer (ACO), or Dog Control Officer (DCO), from your municipality space permitting.

The dogs, in accordance with New York State Agricultural law, must be held for the legal holding period, after which they may be put up for adoption if not claimed by the owner. If said dogs are not claimed or adopted, they may be humanely euthanized.

If the Shelter must hold a dog beyond the legal holding time for your municipality because of a pending court case, bite case, etc., we will charge your municipality \$25.00 per diem, per dog. We can only hold up to three (3) animals for your municipality when the animals are seized by an ACO/DCO in the event of a cruelty case.

When leaving a dog that the DCO/ACO believes may be dangerous, the dog must be kept in the outside only part of the ACO/DCO pen and follow the agreed upon protocol. Written information must be given to the shelter or the shelter manager that clearly communicates that the animal may be dangerous.

Since we do not have a veterinarian on premises, we are unable to accept any animal with suspected mange, rabies, distemper, parvovirus or an injury that requires immediate medical attention. These animals will have to be taken to a veterinarian by your ACO/DCO for treatment or euthanasia. Any resulting bills for these animals will be paid directly to the veterinarian by your Town/City.

If the Humane Society assists your municipality due to the unavailability of your animal control officer or police department, your municipality will be billed an additional fee of \$100.00.

The municipality will pay a fee of \$300.00 per dog delivered to the Society.

The municipality will pay a fee of \$75.00 per cat delivered to the Society.

A flat rate of \$100.00 will be charged for each dog delivered DOA.

A flat rate of \$50.00 will be charged for each cat delivered DOA.

The Humane Society will send out vouchers once a month. A record of the disposition of the dogs from the prior month will be sent out by the end of the month.

Humane Society of Middletown, Inc.

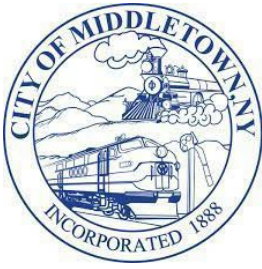
By:

Board President

Date

Municipality Supervisor

Date



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

THE FOLLOWING WAS PRESENTED

By Ald.

Sec'd by Ald.

Date of Adoption: December 19, 2023

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Ald. Witt				
Ald. Masi				
Pres. Rodrigues				
Total				

Resolution Authorizing an new agreement with Pets Alive 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 a new contract with Pets Alive to provide dog, cat, and animal shelter services for 2024, the contract expires in December 2024.

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 agreement.

ATTACHMENTS:

[Pets Alive Contract 2024 \(1\).pdf](#)

AGREEMENT

THIS AGREEMENT is made this ____ day of _____, 2023, pursuant to the provisions of Article 7 of the Agriculture and Markets Law, by and between the **City of Middletown**, a municipal corporation organized under the laws of the State of New York, located at 16 James Street, Middletown, New York 10940 (“City”), and **Pets Alive Inc.**, a charitable organization and corporation duly organized under the laws of the State of New York, located at 363 Derby Road, Middletown, New York 10940.

WITNESSETH:

WHEREAS, Pets Alive owns and operates a shelter for the care of dogs, cats, and other animals; and

WHEREAS, the City desires to utilize the services of Pets Alive as set forth herein.

NOW, THEREFORE, in consideration of the mutual covenants, promises, and agreements contained herein, Pets Alive and the City do hereby agree as follows:

1. Pets Alive shall provide shelter, subject to the exceptions set forth in Paragraph 2, below, for dogs seized within the City by the authorized Animal Control Officer in accordance with Article 7 of the Agriculture and Markets Law and Chapter 161 of the Middletown City Code (“**Seized Dog**”). Pets Alive agrees:

a) To properly shelter, care, feed and water Seized Dogs for the minimum redemption period required by the Agriculture and Markets Law (“**Redemption Period**”); and

b) To make Seized Dogs available for redemption by their owners for at least the Redemption Period; and

c) To make Seized Dogs available for adoption for any minimum period required by applicable law if, at the end of the Redemption Period, said dog has not been redeemed by its owner (provided that the dog’s temperament and health makes it suitable for adoption, which is to be determined in the sole discretion of Pets Alive).

2. Pets Alive shall not be obligated to accept any Seized Dogs:

- a) If Pets Alive does not have adequate space to house such dogs; or
- b) Which are in need of veterinary services, except in accordance with Paragraph 3, below, or
- c) Which are not accompanied by the appropriate Animal Control Officer's seizure report; or
- d) Which, due to their temperament, are likely to need euthanasia (as Pets Alive is a no-kill animal sanctuary).

3. Any sick or injured Seized Dog shall receive appropriate veterinarian care prior to delivery to Pets Alive. At the time of delivery, the Animal Control Officer shall provide Pets Alive, in writing, the veterinarian's diagnosis, treatment protocol, and necessary medication to treat such Seized Dog. Any subsequent additional veterinary expense related to such Seized Dog shall be billed directly to the City.

4. Pets Alive agrees to prepare, retain, and make available to the City complete and accurate records concerning the care and disposition of all Seized Dogs cared for by Pets Alive hereunder as well as any expenses incurred.

5. In consideration for the above mentioned services, in addition to the expenses set forth in Paragraph 3 above, the City shall pay Pets Alive as follows: (a) Two Hundred and Fifty Dollar intake fee per Seized Dog accepted by Pets Alive. Each month, Pets Alive will submit a bill to the City for all expenses set forth in Section 3 and this Section 5; the City shall pay such bill within thirty (30) days of receipt thereof.

6. Nothing contained herein shall limit Pets Alive's rights under Section 183 of the Lien Law, or pursuant to Section 373 of the Agriculture and Markets Law, or as derived from any other general or special law, or by means of any civil action or proceeding to recover from the owner thereof any necessary or reasonable costs and expenses incurred by Pets Alive in providing care, shelter, food and water for any Seized Dog.

7. Nothing contained herein shall limit the City's rights under applicable provisions of the law, or by means of any civil action or proceeding, to recover from the owner of any dog delivered by the City to Pets Alive any fees, charges or outstanding fines or penalties owed by such owner to the City.

8. Nothing herein shall obligate the City to deliver to Pets Alive any minimum number of dogs or all Seized Dogs. Pets Alive makes no express or implied representation or warranty; its services hereunder are provided "as is". Pets Alive will not be liable to the City for any incidental, indirect, special, punitive or consequential damages or any kind of lost profits in connection with this Agreement, whether or not either party is aware of the possibility of such damages and notwithstanding the failure of any remedy to achieve its essential purpose. The liability of Pets Alive hereunder will not exceed the amount paid to Pets Alive hereunder in the six (6) months prior to the event giving rise to such liability. In the event that applicable law disallows any or all of the limitations of liability contained in this provision, Pets Alive's liability shall be limited to the greatest extent permitted by law.

9. It is agreed that the relation of Pets Alive to the services to be performed by it under this Agreement shall be that of an independent contractor.

10. Pets Alive agrees to defend, indemnify and save the City, its officers, agents and employees, harmless from any and all liability imposed on the City, its officers, agents and/or employees arising from the negligence, active or passive, of Pets Alive. The City agrees to defend, indemnify and save Pets Alive, its officers, agents, volunteers and employees, harmless from any and all liability imposed on Pets Alive, its officers, agents, volunteers and/or employees arising from the City's breach of any obligation hereunder, violation of any law, or negligence (active or passive).

11. The term of this agreement is from January 1, 2024, through December 31, 2024.

Either party, however, without prejudice to any other rights or remedy it may have, may with fourteen (14) days written notice to the other party, terminate this Agreement.

12.

a) This Agreement represents the entire Agreement between the parties regarding the subject matter hereof, which they have equally bargained for, and it supersedes all prior negotiations, writings and agreements regarding such subject matter. Any modifications of the Agreement must be in writing and signed by both parties.

b) Neither party may assign its rights or delegate its obligations under this Agreement without the other party's prior written consent. This Agreement will be binding upon the parties hereto and their successors and permitted assigns.

c) No waiver of any term or condition of this Agreement, or of any breach of this Agreement or of any part thereof, will be deemed a waiver of any other term or condition of the Agreement or of any later breach of the Agreement or of any part thereof.

d) This Agreement will be construed and interpreted according to the laws of the State of New York, without regard to conflict of law principles. Each party submits to the jurisdiction of the Federal and state courts located in Orange County, New York.

e) If any provision of this Agreement is held by a court of competent jurisdiction to be unenforceable, such provision will be changed and interpreted to accomplish the objectives of such provision to the greatest extent possible under applicable law and the remaining provisions of this Agreement will not be affected and will continue in full force and effect.

f) All notices required or permitted under this Agreement shall be in writing and be sufficiently given and deemed to have been received upon personal delivery or delivery by overnight courier or certified mail addressed to the parties at the addresses set forth in the preamble hereof. Notice of a change in address shall be given in writing to the other party and shall be effective upon receipt.

g) This Agreement may be executed in counterparts, each of which taken together shall constitute one single agreement between the parties.

[Signature Page Follows]

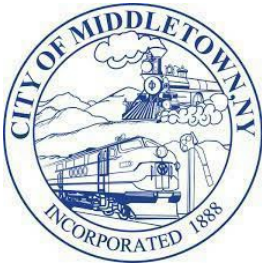
IN WITNESS WHEREOF, the parties hereto have executed this Agreement on the date first above written.

City of Middletown

Pets Alive Inc.

By

By



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

THE FOLLOWING WAS PRESENTED

By Ald.

Sec'd by Ald.

Date of Adoption: December 19, 2023

Index No:

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

Resolution Authorizing a new Agreement with The Humane Society of Port Jervis

BE IT RESOLVED; that the Common Council of the City of Middletown, NY, concurs with the Board of Estimate and Apportionment and authorizes an agreement with The Humane Society of Port Jervis to provide dog shelter services for 2024, contract expires December 31, 2024

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 agreement.

ATTACHMENTS:

[Port Jervis Humane Society Contract 2024.pdf](#)

AGREEMENT

THIS AGREEMENT made this 1st day of January, 2024 pursuant to the provisions of Article 7 of the Agriculture and Markets Law, by and between the City of Middletown, a municipal corporation organized under the laws of the State of New York, party of the first part, address: 16 James Street, Middletown, NY 1094 (hereinafter referred to as the “City,”) and The Humane Society of Port Jervis/Deerpark, Inc., a not-for-profit corporation duly organized and existing under the Not-For-Profit Law of the State of New York, and having its office and principal place of business at 202 Route 209, Port Jervis, New York, 12771, party of the second part (hereinafter referred to as the “Society”).

WITNESSETH:

WHEREAS, The Society owns and operates a shelter for the care of dogs and the City requires a facility suitable for such shelter and care, and

WHEREAS, the City desires to utilize the services of the Society and access to said shelter,

NOW, THEREFORE, in consideration of the mutual covenants, promises and agreements contained herein, the Society and the City do hereby agree as follows:

- The Society shall act as a secondary shelter for dogs seized within the City by an authorized Dog Control Officer in accordance with Article 7 of the Agriculture and Markets Law. The Society’s duties with respect to said dogs shall be performed at the cost and expense of the Society and are as follows:
 - To properly shelter, care, feed, and water such dogs for the minimum redemption period required by the Agriculture and Markets Law;
 - To make such dogs available for redemption by their owners for a period of time equal to or greater than the minimum redemption period.
 - To make such dogs available for adoption for a period of time equal to or greater than the minimum redemption period if at the end of the appropriate redemption period, said dog has not been redeemed by its owner, provided that the dog’s temperament and health makes it suitable for adoption, which is to be determined solely by the Society’s Director.
 - To determine that the appropriate license has been issued and the appropriate fees paid to the City before the dog is released to the owner. The Society shall have no obligation to return the dog to the owner until satisfactory proof of such has been provided to the Society.
 - Any sick or injured animal picked up by the Dog Control Officer shall receive appropriate veterinarian care prior to delivery to the shelter. At the time of delivery to the shelter, the Dog Control Officer shall provide the shelter, in writing, the veterinarian’s diagnosis, treatment protocol, and necessary medication to treat the dog. Any subsequent additional expense related to the dog shall be billed directly to the City.

- To arrange for a veterinarian or a New York State Licensed technician to humanely euthanize any dog for which euthanasia is necessary and legally authorized, and to arrange for the cremation of any dogs so euthanized.
- To prepare, retain, and make available to the City complete and accurate records concerning the care and disposition of all dogs cared for by the shelter hereunder as well as any expenses incurred and any fees collected.
- The Society shall **NOT** accept for impoundment any dogs which:
 - Are in need of veterinary services, except in accordance with paragraph 1(e), or
 - Are not accompanied by the appropriate Dog Control Officer's seizure report
 - It does not have room to house within the shelter.
- The Society shall accept from the City Dog Control Officer(s) any homeless stray and
- abandoned which are picked up by the Dog Control Officer(s) in the City. The Society will allow the Dog Control Officer(s) of the City access to its shelter at reasonable times.
- In consideration for the above mentioned services, the City shall remit to the Society, within 20 days after the Town Board has audited and approved for payment the Society's voucher, the sum of **\$ 300.00 per dog** to be paid quarterly.
- Nothing contained herein shall limit the Society's rights under Section 183 of the Lien Law, or pursuant to Section 373 of the Agriculture and Markets Law, or as derived from any other general or special law, or by means of any civil action or proceeding to recover from the owner thereof any necessary or reasonable costs and expenses incurred by the Society in providing pound and shelter for any City dogs.

Nothing contained herein shall limit the City's rights under applicable provisions of the law, or by means of any civil action or proceeding, to recover the owner of any dog delivered by the City to the Society's shelter any fees, charges or outstanding fines or penalties owned by such owner of the City.

Nothing herein shall obligate the City to deliver to the Society any minimum number of dogs or all of the dogs seized in the City by the City Dog Control Officer(s).

- The term of this agreement is from January 1, 2024 through December 31, 2024, unless earlier terminated pursuant to the provisions of paragraph 8. In the event that the parties fail to fully renew this Agreement upon the termination of the same, this Agreement shall

be deemed to be self-perpetuating, unless the same is formally terminated as hereinbefore provided by either party.

- The Society shall not commence services under this contract unless it has obtained all insurance required under this paragraph and such insurance has been approved by the City.
 - **Compensation Insurance** – The Society shall take out and maintain during the life of this contract, Workers' compensation insurance for its employees to be assigned to the work hereunder.
 - **General Liability and Property Damage Insurance** – The Society shall take out and maintain during the life of this contract, such general liability and property damage insurance as shall protect it from claims for damages for personal injury, as well as from claims for property damage which may arise from operations under this contract. The amounts of such insurance shall be as follows: **(See attached Certificate of Insurance)**.
 - The Society shall furnish the above insurances to the City and shall also name the City as an additional named insured in said policies.
 - Any significant incident involving a dog after it has been delivered to the shelter shall be reported to the Office of the Supervisor/Mayor of the City as soon as possible and not later than twenty-four hours from the time of such incident. A detailed written report must be submitted to the City as soon thereafter as possible but not later than three (3) days after the date of such incident.
- The City shall have the right to cease performing (except for payment for past services rendered) or terminate the contract if:
 - The Society is adjudged bankrupt or makes an assignment for the benefit of creditors; or
 - A receiver or liquidator is appointed for the Society or for any of its property and is not dismissed within twenty (20) days after such appointment or the proceedings in connection therewith are not stayed on appeal within the said twenty (20) days, or
 - The Society fails or refuses to comply with all applicable laws or ordinances; or
 - The Society is guilty of substantial violation of any provision of this contract;
 - In any event, either party, may, without prejudice to any other rights or remedy it may have, within fourteen (14) days written notice to the other party, terminate this Agreement.
- The Society shall have the right to ease performing or terminate the contract if the City is guilty of a substantial violation of any provisions of this contract.

- It is hereby mutually covenanted and agreed that the relation of the Society to the services to be performed by it under this contract shall be that of an independent contractor. As an independent contractor, it will be responsible for all damage, loss or injury to persons or property that may arise in or be incurred during the conduct and progress of said services, whether or not the Society, its agents, or employees have been negligent. The Society shall hold and keep the City free and discharged of and from any and all responsibility and liability of any sort or kind. The Society shall assume all responsibility for risks or casualties of every description, for loss or injury to persons or property arising out of the nature of the services, from the action of the elements, or from any unforeseen or unusual difficulty. The Society shall assume all blame, loss and responsibility of any nature by reason of neglect or violation of any federal, state, county, or local laws, regulations or ordinances.
- The Society agrees to defend, indemnify and save the City, its officers, agents and employees, harmless from any and all liability imposed on the City, its officers, agents and/or employees arising from the negligence, active or passive, of the Society, and the City agrees to defend, indemnify and save the Society, its officers agents and employees, harmless from any and all liability imposed on the Society, its officers agents and/or employees arising from the negligence, active or passive, of the City.
- In accordance with the provisions of Section 109 of the General Municipal Law, the Society is hereby prohibited from assigning, transferring, conveying, subletting or otherwise disposing of this agreement, or of its right, title or interest in this agreement, or its power to execute this agreement, to any other person or corporation without the previous consent in writing of the City.
- Each and every provision of law and clause required by law to be inserted in this contract shall be deemed to have been inserted herein. If any such provision is not inserted through mistake or otherwise, then upon the application of either party this contract shall be physically amended to make such insertion. In particular, the Society shall, amongst other things, fully comply with:
 - Labor Law Section 220-e and Executive Law Sections 291-299 and the Civil rights Law relating to prohibition against discrimination and equal opportunity.
 - Affirmative action as required by the Labor law.
- Should any dispute arise between the City and the Society regarding the manner or sufficiency of the performance of the services to be rendered hereunder, the disputed matter shall be settled by arbitration in accordance with the laws of the State of New York. There shall be three arbitrators, one of whom shall be selected by each of the parties hereto, and the third by two arbitrators so selected. If the selection of any arbitrator is not made within fifteen (15) days of the time that either party has notified the other of the name of the arbitrator it has selected, then the arbitrator or arbitrators not selected shall be appointed in a manner provided by the laws of the State of New York. The work shall not be interrupted or delayed pending such decision.

- The Supervisor/Mayor has executed this agreement pursuant to a resolution adopted by the Town Board of City of Middletown, at a meeting thereof held on _____.

The Supervisor/Mayor of City of Middletown, whose signature appears hereafter, is duly authorized and empowered to execute this instrument and enter into such an agreement on behalf of the City. The Society represents that the officer of the Society, whose signature appears hereafter, is duly authorized and empowered to execute this instrument and enter into such an agreement on behalf of the Society. The instrument shall be executed in duplicate. At least one copy shall be permanently filed, after execution thereof, in the office of the City Clerk.

- Any and all notices and payments required hereunder shall be addressed as follows, or to such other address as may hereafter be designated as follows, or to such other address as may hereafter be designated in writing by either party hereto:

To: City of Middletown

16 James Street

Middletown, NY 10940

To: The Humane Society of Port Jervis/Deerpark, Inc.

202 Route 209

Port Jervis, New York 12771

- No waiver of any breach of any condition of the Agreement shall be binding unless in writing and signed by the party waiving said breach. No such waiver shall in any way affect any other term or condition of this Agreement or constitute a cause or excuse for a repetition of such or any other breach unless the waiver shall include the same.
- This Agreement constitutes the complete understanding of the parties. No modifications of any provisions thereof shall be valid unless in writing and signed by both parties.
- This Agreement is governed by the laws of the State of New York.

IN WITNESS WHEREOF, the City of Middletown Clerk has caused its corporate seal to be affixed hereto and these present to be signed by _____, its Supervisor/Mayor duly authorized to do so, and to be attested by _____, Clerk of City of Middletown, and the Society has caused its corporate seal to be affixed hereto and these presents to be signed by its President, the day and year first above written.

(Seal of the City)

Supervisor/Mayor

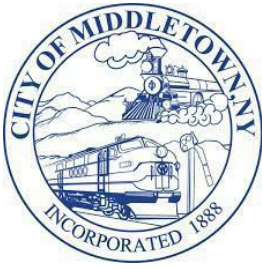
Attest:

City Clerk

THE HUMANE SOCIETY OF PORT JERVIS/DEERPARK, INC.

Attest:

President



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

THE FOLLOWING WAS PRESENTED

By Ald.

Sec'd by Ald.

Date of Adoption: December 19, 2023

Index No:

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

Resolution Authorizing a New Agreement with the Sullivan County SPCA

BE IT RESOLVED; that the Common Council of the City of Middletown, NY, concurs with the Board of Estimate and Apportionment and authorizes a new agreement with Sullivan County SPCA to provide dog shelter services for 2024, contract expires December 31, 2024.

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 agreement.

ATTACHMENTS:

[Sullivan County SPCA Insurance Liability Letter.pdf](#)

[Sullivan County SPCA 2024 contract.pdf](#)



104 Rock Hill Drive Rock Hill, New York 12775
(845) 796-3120 Sullivanspca.org

To the Middletown Police Dept.

We at the Sullivan County S.P.C.A do have general liability and property damage insurance. You will not be liable for any damage caused by any animals brought to us.

Sullivan County SPCA
104 Rock Hill Drive
Rock Hill, New York 12775
(845) 796-3120
Fax (845)794-2254

Agreement between the town of Middletown Police and the Sullivan County SPCA for the period beginning December 1st, 2023 and ending December 1st 2024.

The Sullivan County SPCA agrees to accept any adoptable dog brought to our shelter by your Animal Control Officer (ACO), or Dog Control Officer (DCO), from your municipality, space permitting.

The dogs in accordance with New York Agricultural law must be held for the legal holding period, after which they may be put up for adoption if not claimed by the owner. If said dogs are not claimed or adopted, they may be humanely euthanized.

If the shelter must hold a dog beyond the legal holding time for your municipality because of a pending court case, bites, etc., we will charge your municipality \$25.00 per diem, per dog. We can only hold up to (3) animals for your municipality when the animals are seized by an ACO/DCO in the event of a cruelty case.

Since we do not have a veterinarian on premises, we are unable to accept any animal with suspected mange, rabies, distemper, parvovirus or an injury that requires immediate attention.

The municipality will pay a fee of \$300.00 per dog delivered to the SPCA

The SPCA will send out vouchers once a month. A record of the disposition of the dogs from the prior month will be sent out by the end of the month.

Sullivan County SPCA

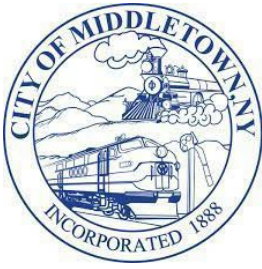
By: _____

Board President

Date

Municipality Supervisor

Date



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

THE FOLLOWING WAS PRESENTED

By Ald.

Sec'd by Ald.

Date of Adoption: December 19, 2023

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

Resolution Accepting a \$5,000,000 Grant for Replacing a Raw Water Line Between Kinch and Shawangunk Dams

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 in the amount of \$5,000,000 for replacing a section of the raw water line between Kinch and Shawangunk as Phase 1A of the Raw Water Main Project.

ATTACHMENTS:

[MEMO- JACOB TO COUNCIL RAW WATER MAIN PROJ PHASE 1A ACCEPT AWARD GRANT.pdf](#)

DEPARTMENT OF PUBLIC WORKS

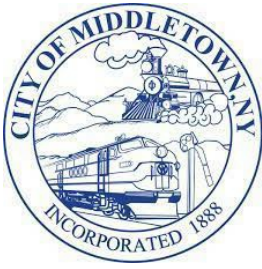
MEMORANDUM

Date: December 13, 2023
To: Honorable Mayor DeStefano, Council President Rodrigues
and Members of the Common Council
Cc: City Clerk Richard McCormack and City Treasurer Leonora Liz
From: Jacob Tawil, Commissioner of Public Works
Re: \$5,000,000 Grant Award- Raw Water Main Project- Phase 1A

Enclosed, please find the letter awarding the City of Middletown a grant in the amount of \$5,000,000 for replacing a section of the raw water line between Kinch and Shawangunk as Phase 1A of the Raw Water Main Project.

We are respectfully requesting a Council resolution accepting the award, as signed by Mayor DeStefano on December 13, 2023, in the enclosed acceptance letter.

Thank you.



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

THE FOLLOWING WAS PRESENTED

By Ald.

Sec'd by Ald.

Date of Adoption: December 19, 2023

Index No:

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

Resolution Authorizing a \$1500 Budget Transfer from within the City Clerk's 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 \$1500, in the following manner, to cover meeting minutes transcripts through the end of the 2023.

FROM	AMOUNT	TO
A.1010.400		A.1010.464
Contracted Services	\$1,500	Record Management

ATTACHMENTS:

[Budget Transfer Req for Records Management.docx](#)



Richard P. McCormack
City Clerk, Registrar

CITY OF MIDDLETOWN

Office of the City Clerk, Registrar & Common Council Clerk

16 James Street, Middletown, NY 10940

Tel: (845) 346-4166 Fax: (845) 344-5428 www.middletown-ny.com

To: Mayor DeStefano, Council President Rodrigues, Members of the Board of Estimate and Members of the Common Council

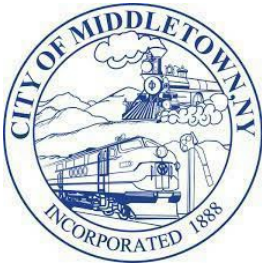
From: Rick McCormack, City Clerk

CC: Leonora Liz, City Treasurer

RE: Budget Transfer for Meeting Transcripts

Requesting a Budget Transfer for the meeting minutes transcripts through the end of the year.

FROM	AMOUNT	TO
A.1010.400		
Contracted Services	\$1500	A.1010.464
		Records Management



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

THE FOLLOWING WAS PRESENTED

By Ald.

Sec'd by Ald.

Date of Adoption: December 19, 2023

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

Resolution Authorizing an Agreement with Tri-State Geese Police

BE IT RESOLVED; that the Common Council of the City of Middletown, NY, concurs with the Board of Estimate and Apportionment and authorizes an agreement with the Tri-State Geese Police for Canadian Geese Control in 2024. The rate is \$375.00/week, which is \$10.00 increase from last year.

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 agreement.

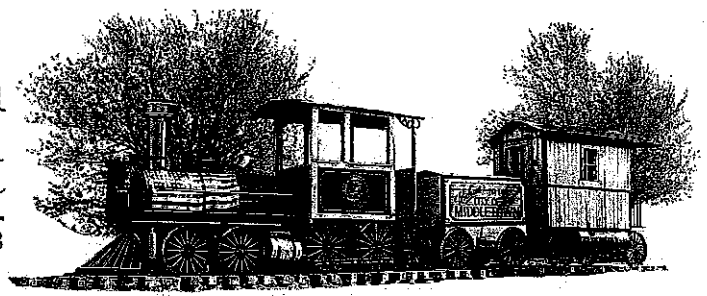
Their work last year met expectations in reducing the goose population in our parks.

ATTACHMENTS:

[Geese Police BOE.pdf](#)

Middletown Recreation and Parks Department

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



Thursday, December 14, 2023

Dear President Rodrigues & Council Members:

Our department's suggestion for Canadian Geese Control for 2024 is to continue with the Tri-State Geese Police. Tri-State Geese Police quote for 2024 is \$375.00/week, which is \$10.00 increase from last year. Their work last year met expectations in reducing the goose population in our parks.

RESOLVED, that the Common Council of the City of Middletown, NY, does hereby authorize the Mayor to sign the Tri-State Geese Police Contract to control the Geese Population in Watts Memorial Park, Maple Hill Park and Fancher Davidge Park and Davidge Park Expansion.

Sincerely,

A handwritten signature in cursive script, appearing to read "Raelynn Bertholf".

**Raelynn Bertholf, Superintendent of Recreation
Middletown Recreation & Parks Dept.**

TRI-STATE



GEESE POLICE

Call Us To...*Get The FLOCK OUT!*

P.O. BOX 283, DINGMANS FERRY, PA 18328

PHONE: 877-GEESE 86 (433-7386) • FAX: 570-686-1503

November 30, 2023

Middletown Recreation and Parks Department
Attn: Raelynn Bertholf, Superintendent of Recreation
Address: 393 County Route 78, Middletown, NY 10940
Office: 845-346-4180
Fax: 845-344-2918
Email: raelynn@middletown-ny.com

Re: Agreement for Weekly Services at **Middletown Recreation and Parks Department**
Middletown, New York

Dear Raelynn:

Thank you for your interest in the services of Geese Police. Please sign the proposals and fax or mail one copy to us. Upon receipt of signed proposal, we will be able to begin services at your request.

Geese Police will provide environmentally safe Canada goose control with use of working border collies. Geese Police will visit your site several times a day during the initial two weeks of service. Geese Police will subsequently visit your site at least once a day or more as deemed necessary by Geese Police during any additional week of service. Geese Police visits to the site will occur at different periods of the day for seven (7) days a week.

FEES FOR SERVICE: Geese Police charges the following fees for the service:

**Fancher Davidge Park
**Davidge Park Extension
**Watts Park
**Maple Hill Park

Weekly Price: **\$ 375.00 /Per Week****
Billed directly to facility.

Price if sites are serviced simultaneously

****Suggested Service Dates: February 19, 2024 – June 16, 2024 and August 12, 2024 – November 24, 2024 (32 Weeks Total)****

Addling Fee: **\$75.00/ Per Nest Found and Treated**

(We Addled 5 Nests in 2023. Budget for the same amount in 2024 \$375.00.)

The additional weekly service will be billed as listed above provided that there is not a five (5) week lapse of service. Geese Police has determined that the conditioning of the Canada Geese will be lost if not subjected to the Border Collies for a period of five (5) weeks. If there is a lapse of five (5) weeks of service, Geese Police will conduct the initial two (2) week service and the client will be charged for that service. It will be the responsibility of the client to notify Geese Police when the services will begin and end for this as needed service contract. Geese Police will provide the service as required and it will be the responsibility of the client to notify Geese Police to end the service. Geese Police will assist the client in making these decisions to achieve the best Canada Goose control program.

ADDLING CHARGES: Geese Police recommends that all its clients register for the ***Resident Canada Goose Nest Egg Registration*** to obtain federal authorization for treating Canada goose nests and eggs on your property. This new regulation, that replaces the federal permit requirement, is necessary for addling of the Canada goose eggs on your property, which authorizes the control of local population of Canada Geese by freezing, shaking, puncturing or oiling of the eggs and immediately replacing the eggs to the nest. This procedure requires a “no-feeding” policy to be in effect at all times. The client will be responsible for registering with the US Fish & Wildlife Service. Geese Police will assist the client in this process. Geese Police will also supply the information required for the annual report due at the end of the season. Geese Police will give the client permission to name Geese Police as the ***agent/employee***. Geese Police will be named as ***agent/employee*** under the condition that Geese Police will be the only entity to handle the eggs and nests. If another company or your employees handles the eggs or nests, Geese Police will assess a penalty of \$1,000.00 per occurrence. In addition to our weekly service charge, there will be an addling charge of **\$75.00 per nest**.

Land owners and public land managers must be registered for the current breeding season to lawfully conduct these activities as is required since under 16 U.S.C. §707, any individual who takes, kills, attempts to take or pursues any migratory bird, nest or egg shall be deemed guilty of a misdemeanor and upon conviction shall be fined not more than \$15,000.00 or be imprisoned not more than six (6) months or both.

SAFETY SUGGESTIONS: Geese Police strongly recommends not to use fishing string, wire or rope to grid lake surfaces. It creates a hazard for our dogs, as well as the geese, other birds and wildlife. It also increases your liability and creates maintenance hazards. Geese Police uses various techniques to persuade geese out of ponds and surrounding areas. It is not necessary to grid lake surfaces with the service provided by Geese Police. The Geese Police techniques are environmentally safe and approved by the State and the Federal Fish & Wildlife Services.

“NO FEEDING” SIGNS: Geese Police strongly suggests that “No Feeding the Water Fowl” signs be placed at your site. Please check with your local municipality to determine if there is an ordinance pertaining to the feeding of Canada Geese. If your municipality has such an ordinance, inquire about having the signs indicate the ordinance number. Geese Police is also available to make suggestions for newsletters and bulletin board notices.

NOTIFICATIONS: It is the client’s responsibility to notify Geese Police at least twenty-four (24) hours prior to the application of any chemicals including but not limited to fertilizers, pesticides, herbicides, insecticides, fungicides and water treatments at the site. The chemicals can have an adverse effect on the Border Collies and handlers. Geese Police will not be at the site for a period of twenty-four (24) hours after the application. If the client fails to notify Geese Police of a chemical application at the site and a Border Collie or handler are adversely effected then the client will be responsible for all ensuing damages.

INDEMINITY: Geese Police is fully insured to conduct its service. Geese Police will indemnify and hold harmless the client for any damages that may result from the operation. Geese Police will furnish a copy of its insurance binder upon request.

PAYMENT: The client will pay the service fee for the initial two (2) week period prior to the start of the service at the site. The client will pay the additional weekly services upon receipt of the invoice. The client will be assessed an interest rate of one and half (1½ %) percent monthly or eighteen (18%) percent annual on any invoice that is thirty (30) days late. If Geese Police is required to initiate legal proceedings to collect unpaid amounts, the client will be responsible for all fees and costs incurred by Geese Police to collect said amounts.

If this Agreement is acceptable, please sign below and return this letter to our office.
Thank you for choosing Geese Police for your Canada Goose control.

Very truly yours,

Craig Neveras

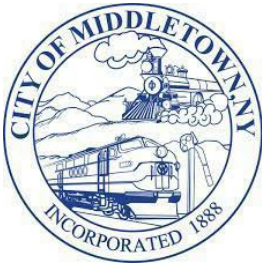
Craig Neveras, Owner & President
Geese Police of the Tri-State Area

Middletown Recreation and Parks Department hereby agrees and accepts the
aforementioned terms and conditions on this ____ day of _____, 2023.

Middletown Recreation and Parks Department

Signature of Authorized Agent

Print Name/Title



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

THE FOLLOWING WAS PRESENTED

By Ald.

Sec'd by Ald.

Date of Adoption: December 19, 2023

Index No:

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

Resolution Authorizing a \$121,867.60 Budget Transfer from 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 \$121,867.60, in the following manner to cover unanticipated shortfalls and the purchase of a new vehicle:

FROM	AMOUNT	TO
Uniform Allowance	\$39,000	Personal Services
A.3120.410		A.3120.100
Part Time Officer	\$26,000	Personal Services
A.3120.110		A.3120.100
Repairs to Equipment	\$9,000	Personal Services
A.3120.440		A.3120.100

Materials and Supplies	\$12,122.60	207C-Police
A.3120.450		A.3120.108
Personnel Training	\$495	Background Investigations
A.3120.433		A.3120.432
Personnel Training	\$250	Boot Allowance
A.3120.433		A.3120.408
A.3120.417	\$35,000	A.3120.201
Gas & Oil		Vehicles
A.3120.400	\$35,000	A.3120.201
Contractual Services		Vehicles

ATTACHMENTS:
[Police 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

December 15, 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 unanticipated shortfalls and the purchase of a new vehicle:

From	Amount	To
Uniform Allowance A.3120.410	\$39,000	Personal Services A.3120.100
Part Time Officer A.3120.110	\$26,000	Personal Services A.3120.100
Repairs to Equipment A.3120.440	\$9,000	Personal Services A.3120.100
Materials and Supplies A.3120.450	\$12,122.60	207C-Police A.3120.108
Personnel Training A.3120.433	\$495	Background Investigations A.3120.432
Personnel Training A.3120.433	\$250	Boot Allowance A.3120.408
A.3120.417 Gas & Oil	\$35,000	A.3120.201 Vehicles
A.3120.400 Contractual Services	\$35,000	A.3120.201 Vehicles

JOHN EWANCIW
CHIEF OF POLICE



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

CITY OF MIDDLETOWN POLICE DEPARTMENT

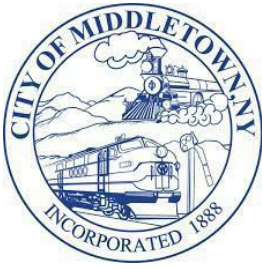
2 JAMES STREET
MIDDLETOWN, NEW YORK 10940
ESTABLISHED 1888

Very truly yours,

A handwritten signature in black ink, appearing to read "John E. Ewanciw".

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: December 19, 2023

Index No:

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

Resolution Authorizing the 2024-2025 School Resources Officer Agreement between the City of Middletown and the Enlarged City School District of Middletown

BE IT RESOLVED; that the Common Council of the City of Middletown, NY, concurs with the Board of Estimate and Apportionment and authorizes the attached agreement between the City of Middletown and the Enlarged City School District of Middletown for the purpose of carrying out the School Resource Officer program for the 2024-2025 school year.

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 the agreement.

ATTACHMENTS:

[2024 2025 CONTRACT REQUEST.pdf](#)

[SRO_MOU_2024-2025 - updated.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

December 15, 2023

Mayor Joseph DeStefano
Members of the Common Council
And Board of Estimate
City of Middletown
16 James Street
Middletown, New York 10940

Dear Mayor DeStefano and Members,

Please find the attached agreement between the City of Middletown and the Enlarged City School District of Middletown for the purpose of carrying out the School Resource Officer program for the 2024-2025 school year.

Please be kind enough to prepare a resolution authorizing the Mayor to sign the agreement.

Once the contract is signed, please return the original to us for forwarding to the Middletown School District.

Thank you.

Very truly yours,

John Ewanciw
Chief of Police

Enclosure
JE:ccd

AGREEMENT

This agreement (the “Agreement”), made and dated the _____ day of _____, 2023, is between the City of Middletown, a municipal corporation in Orange County, with offices at 16 James Street, Middletown, New York 10940, hereinafter referred to as the CITY, and the Enlarged City School District of Middletown, a municipal corporation in Orange County, with offices at 223 Wisner Avenue, Middletown, New York 10940, hereinafter referred to as the DISTRICT.

WHEREAS, the CITY and the DISTRICT have agreed to cooperate for the purpose of the facilitation and the carrying out of the School Resource Officer program; and

WHEREAS, this Agreement is made pursuant to General Municipal Law, Article 5-G; and

WHEREAS, it is in the best interest of the DISTRICT to obtain the services of uniformed police officers of the CITY to serve as “School Resource Officers” (SROs), in the DISTRICT’s Middletown High School, Twin Towers, Presidential Park and Truman Moon schools during the school year period, including summer school (hereinafter “Services”);

NOW, THEREFORE, in consideration of the mutual covenants, promises, representations and conditions contained herein, the Parties hereto agree as follows:

1. The CITY hereby agrees to provide five (5) SROs to the DISTRICT for its use from July 1, 2024 to June 30, 2025. The SROs shall be assigned to the Middletown High School(2-SROs), Twin Towers Middle School, Presidential Park School and Truman Moon School and shall perform such duties, on a daily basis during the 2024-2025 school year, as requested, trained for and mutually agreed upon between the parties. The CITY further agrees to provide a marked police car at each school during the time an SRO is assigned to that school.
2. The DISTRICT and the CITY share the following goals and objectives regarding assignment of SROs to the DISTRICT’s schools:
 - The SROs will provide a police presence in the DISTRICT in order to promote an atmosphere of enhanced school safety for faculty, staff, students and parents in the District;
 - The SROs also will serve as a resource to students, teachers, school administrators and parents, so as to:
 - Increase student awareness about crime prevention, internet safety, conflict resolution, violence prevention, restorative justice and peer mediation;

- Increase school faculty and staff awareness about policies and procedures for preventing/responding to incidents of violence and other threats to school safety;
- Build rapport with the student body and school community and thereby increase community confidence in the CITY Police Department;
- The SROs will be available to work cooperatively with teachers to provide education in criminal justice and other related topics, as requested and appropriate, to increase students' knowledge of and respect for the law and the function of law enforcement agencies;
- The SROs will conduct criminal investigations with the goals of promoting safety for the school community, establishing a deterrent to delinquent student behavior, and promoting and ensuring the safety of the students, faculty and administration of the DISTRICT;
- The SROs will proactively address problems and pressures as they relate to students before such problems manifest into socially and legally unacceptable behavior. These problems may involve the use of alcohol, drugs, and tobacco. They may also involve peer pressure, gang activity, and sexual activity.
- The SRO will refrain from acting as a school disciplinarian. SROs will not be responsible for the enforcement of disciplinary infractions of the Code of Conduct that are determined not to constitute violations of the law.

3. The DISTRICT shall:

- Remit payment to the CITY for the Services of the five (5) SROs assigned to the schools described in Paragraph "1" at the rate of \$91.33 per hour per each SRO, with the understanding that each SRO shall be paid for an 8-hour day during the school year, and on an as-needed hourly basis during summer school. The CITY shall submit an invoice to the DISTRICT on a monthly basis. Such invoice shall include the actual days or parts of days worked, and any other information necessary to effect payment. The DISTRICT shall forward payment of any undisputed amount within thirty (30) days of the receipt of the invoice. In the event any SRO is unable to perform the required duties at the subject schools, the amount remitted to the CITY shall be pro-rated for the actual days worked.
- Ensure that school personnel, school board members, students, and parents are informed of the duties and presence of the SROs on campus

- Administratively address student violations of the Code of Conduct that are not believed to be crimes and to refrain from engaging the SROs to investigate or resolve noncriminal offenses.
- 4. Any SRO assigned to the DISTRICT shall remain, at all times, an employee of the CITY's Police Department, under the care, control and supervision of the CITY's Chief of Police.
- 5. The DISTRICT warrants and represents that this Agreement is exclusively by and between the DISTRICT and the CITY. The officers, employees, or agents of the CITY shall not be employees of the DISTRICT for any purpose, including but not limited to, the application of the Fair Labor Standards Act, provisions related to minimum wage and overtime payments, the Federal Insurance Contribution Act, the Social Security Act, the Federal Unemployment Tax Act, the provisions of the Internal Revenue code, the New York State Unemployment Insurance Law. The DISTRICT shall not be liable for obligations, if any, incurred by the CITY for unpaid wages or overtime premiums.
- 6. The DISTRICT acknowledges that the CITY's Chief of Police shall retain the right to utilize and direct the Services of the SROs to perform other police duties for the CITY, at any time deemed necessary and for whatever purpose, in the sole discretion of the CITY's Chief of Police. Any such utilization of an SRO shall occur immediately upon notice, either verbal or in writing, to the DISTRICT, from the Office of the CITY's Chief of Police, and the DISTRICT shall not be responsible for the payment of the SRO's hourly wage for any such time when, at the direction of the CITY's Chief of Police, the SRO is performing duties other than that of an SRO. An SRO's duties include any training associated with the position.
- 7. In the event an SRO is absent from work, the SRO shall notify his or her supervisor at the CITY and the principal of the school to which the SRO is assigned on that particular day. To the extent possible, the CITY shall provide an interim replacement
- 8. The CITY warrants and represents that its SROs shall submit fingerprints, unless already on file with and available for use by the New York State Division of Criminal Justice Services (DCJS), and be criminally cleared by the New York State Education Department (NYSED) to have direct, in-person, face-to-face communication and interaction with the DISTRICT's students, in accordance with applicable law (namely NY Education Law §2503(18), §3035, and 8 NYCRR §87.2(k)(1)[ii]). Fingerprinting costs (if any) and criminal clearance costs shall be paid or reimbursed to the CITY by the DISTRICT.
- 9. The CITY shall indemnify and hold harmless the DISTRICT against any liability, loss or expense which may result from any act or omission of the CITY or any of the City's officers, employees or agents for which the DISTRICT might otherwise be liable or sustain loss or expense, in connection with the CITY's performance or

- non-performance under this Agreement, unless due to the actions or omissions of the DISTRICT or any of the DISTRICT's officers, employees or agents. The DISTRICT indemnifies and hold harmless the CITY against any liability, loss or expense which may result from any act or omission of the DISTRICT or any of the DISTRICT's officers, employees or agents in connection with the DISTRICT's performance or non-performance under this Agreement, unless due to actions or omissions of the CITY or any of the CITY's officers, employees or agents.
10. The CITY shall: (a) purchase and maintain comprehensive general liability, professional liability, and other such insurance in an amount not less than \$1,000,000 per occurrence and \$2,000,000 aggregate, as is appropriate, for the Services being performed and furnished hereunder; (b) maintain errors and omissions insurance with minimum policy limits of \$1, 000,000 per occurrence and \$2,000,000 aggregate during the term of this Agreement; and (c) provide protection from and against claims for damages due to bodily injury, sickness, death, and property damage, including the loss of use resulting therefrom, which arise from the Services being performed and furnished hereunder. The CITY shall, prior to performing Services hereunder, deliver to the DISTRICT, a certificate of insurance that evidences that such insurance naming the DISTRICT as the insured party is in full force and effect, and shall maintain such insurance throughout the term of this Agreement.
 11. The CITY shall not discriminate against any DISTRICT students, or agents, officers, or employees on the basis of age, gender, color, creed, disability, national origin, sexual orientation, or any other class protected by law.
 12. The CITY shall maintain strict confidentiality of all student records and information received by or from the DISTRICT, if any, in accordance with all applicable state and federal laws, including but not limited to the federal Family Educational Rights and Privacy Act (FERPA – 20 USC §1232g; 34 CFR Part 99) and Section 2-d of the New York Education Law; provided however, that if such records are necessary to perform the duties required of a police officer, the District shall cooperate fully with any subpoena, court order or other lawful process required to authorize disclosure of the records. To the extent an addendum to this Agreement is necessary to comply with future regulations governing Section 2-d of the New York Education Law, the Parties agree to execute such addendum.
 13. Either party may cancel this Agreement, without cause, upon not less than thirty (30) days prior written notice delivered to the other party via certified mail, return receipt requested and at the addresses set forth in the first paragraph of the Agreement. The DISTRICT will pay the CITY within ninety (90) days of the date of termination for undisputed Services performed up to the time of termination. In the event of termination, the Agreement will continue to govern the parties' rights and obligations with respect to Services performed prior to termination.

14. This Agreement is the entire understanding and agreement between the parties with respect to the subject matter covered, and all prior agreements, understandings, covenants, promises, warranties and representations, oral or written, expressed or implied, not incorporated into this Agreement are superseded. This Agreement may not be amended or supplemented in any way, except in writing, dated, and signed by authorized representatives of both parties.
15. The CITY shall not assign, transfer, convey, or otherwise dispose of this Agreement or any of its contents, or its right title, or interest therein, or of its power to execute such contract to any other person, corporation, agency, or other entity.
16. Notices required under this Agreement shall be sufficient if contained in writing and delivered by hand or sent by express or overnight mail or by registered or certified mail, return receipt requested mail, postage prepaid addressed to the parties as follows:

City of Middletown
16 James Street
Middletown, New York 10940

District Clerk
Enlarged City School District of Middletown
223 Wisner Avenue
Middletown, NY 10940

All notices of communication should be deemed given when received by the intended recipient.

17. If, for any reason, any provision of this Agreement is held unenforceable by a court of competent jurisdiction, all other provisions of this Agreement will remain in full force and effect, and the unenforceable provision shall be replaced by a mutually acceptable and enforceable provision in accordance with the parties' original intent.
18. Claims, disputes, or other matters in question between the parties to this Agreement, arising out of or relating to the Agreement or breach thereof, shall be subject to and decided in accordance with the laws of the State of New York, and any such claims or causes arising out of or in connection with the Agreement shall be commenced in Supreme Court of the State of New York in Orange County.
19. This Agreement is subject to the approval of the DISTRICT's Board of Education and the Middletown Common Council.
20. This Agreement shall be in force in effect for the period of July 1, 2024 through June 30, 2025, unless terminated sooner in accordance with paragraph 13 of the Agreement or renewed upon written consent of both parties.

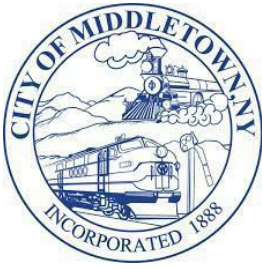
WHEREFORE, the CITY and the DISTRICT hereby execute the Agreement as follows:

CITY OF MIDDLETOWN

By: _____
Title: Mayor _____
Date: _____

ENLARGED CITY SCHOOL DISTRICT OF MIDDLETOWN

By: _____
Title: President, Board of Education _____
Date: _____



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

THE FOLLOWING WAS PRESENTED

By Ald.

Sec'd by Ald.

Date of Adoption: December 19, 2023

Index No:

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

Resolution Authorizing a \$23,000 Budget Transfer from within the Recreation and Parks 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, \$23,000, in the following manner:

FROM	AMOUNT	TO
A.7200.100	\$15,000	A.7020.450
Camps Personal Services		General Recreation Material & Supplies

This is to purchase a new Side by Side. This recently caught fire and is no longer operable. We will need to replace it in 2023 ASAP. We utilize it to patrol and maintain the Reservoir trails. It is also used at Special Events.

FROM	AMOUNT	TO
A.7180.450	\$5,000	A.8060.470
Pool – Material & Supplies		Recreation Facility – Repairs to Building

This is to cover unforeseen emergency repairs that are currently being worked on by Val Bruni. The heat in our gymnasium is blowing cold air and we have a leak in a bathroom stall coming from the floor when you flush the toilet.

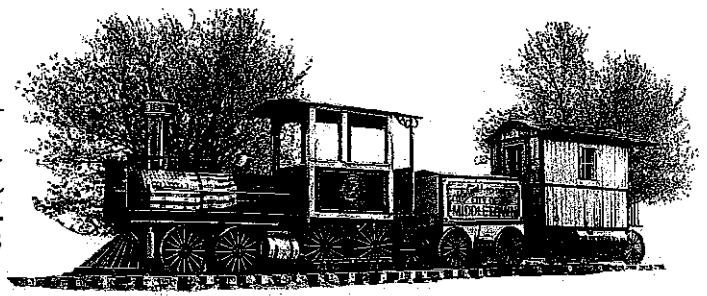
FROM	AMOUNT	TO
A.7180.100	\$3,000	A.7110.103
Pools – Personal Services		Parks – Personal Services OT

This is to cover the overdraft of the account and Ice-Skating Rink OT for the remainder of the year.

ATTACHMENTS:
[BOE Transfers.pdf](#)

Middletown Recreation and Parks Department

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



Friday, December 15, 2023

RE: Transfer within 2023 Operating Budget

Dear Board of Estimates & Council Members:

The Recreation & Parks Department is requesting authorization for the Treasurer to make the following budget transfers.

\$15,000 from account A.7200.100 Camps - Personal Services to account A.7020.450 General Recreation - Material & Supplies. This is to purchase a new Side by Side. Ours recently caught fire and is no longer operable. We will need to replace it in 2023 ASAP. We utilize it to patrol and maintain the Reservoir trails. It is also used at Special Events.

\$5,000 from account A.7180.450 Pool - Material & Supplies to account A.8060.470 Recreation Facility - Repairs to Building. This is to cover unforeseen emergency repairs that are currently being worked on by Val Bruni. The heat in our gymnasium is blowing cold air and we have a leak in a bathroom stall coming from the floor when you flush the toilet.

\$3,000 from account A.7180.100 Pools - Personal Services to account A.7110.103 Parks - Personal Services OT. This is to cover the overdraft of the account and Ice-Skating Rink OT for the remainder of the year.

Sincerely,

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

Raelynn Bertholf, Superintendent of Recreation
Middletown Recreation & Parks Department