CITY OF MIDDLETOWN
COMMON COUNCIL MEETING AGENDA
JANUARY 16, 2024

1. PLEDGE OF ALLEGIANCE
2. ROLL CALL
3. APPROVAL OF MINUTES
   - 3.1. Accept the Minutes of December 5 and December 19, 2023
4. CORRESPONDENCE, COMMUNICATION AND REPORTS
5. FOR THE GOOD OF THE CITY
6. REMARKS OF THE MAYOR
7. REMARKS OF THE DEPARTMENT HEADS
8. PUBLIC HEARINGS AND GRIEVANCES
9. PETITIONS AND COMPLAINTS
10. REMARKS OF THE ALDERMAN AND REPORTS OF THE COMMITTEES
11. UNFINISHED BUSINESS
12. NEW BUSINESS

    Authorization to Amend City Code by creating a new Chapter 438, Tobacco/Hookah/Vaping Establishment Licenses

    Authorization to Amend City Code to Allow Health and Fitness in the C-3 General Business Zoning District

    Authorization to offer MVP Health Insurance as an Optional Benefit to all Eligible City Employees

    Authorization to make a $518 Budget Transfer to Cover the Cost ARPA Consultant

Don Paris

Authorization to Amend Resolution 248-23 Awarding Bids for Demolition of Properties at 27 ½ Smith Street, 99 East Avenue and
404 North Street

Authorization to Enter into an Agreement with RBT CPAs LLC

Adoption of a Fund Balance Policy

Appointment of Qazi Hussain and Jose Munoz as Volunteer Firefighters

Appointment Emily Green Pacella to the Board of Assessment Review

Reappointment of Richard Croughan as Assistant Corporation Counsel

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

TO: THE HONORABLE MAYOR AND CITY COUNCIL
AGENDA: Common Council Meeting
DATE: January 16, 2024
ITEM #:
SUBJECT: Accept the Minutes of December 5 and December 19, 2023

Recommendation for Action: Accept the Minutes of December 5 and December 19, 2023

Prepared by:

Attachments:
1. 12.05.23 CC Minutes
2. 12.19.23 CC Minutes

CITY OF MIDDLETOWN, NEW YORK
COMMON COUNCIL
RECORD OF VOTE

THE FOLLOWING WAS PRESENTED

By: None
Seconded by: None
Date of Adoption: January 16, 2024
Index No:

I hereby certify that the attached is a true copy of a Resolution and/or Local Law adopted by the City of Middletown Common Council.

Richard P. McCormack
Clerk to the Common Council

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				

I hereby approve the attached Resolution/Local Law.

Joseph M. DeStefano, Mayor

Date

Accept the Minutes of December 5 and December 19, 2023

Accept the Minutes of December 5 and December 19, 2023

Prepared by:

Attachments:
1. 12.05.23 CC Minutes
2. 12.19.23 CC Minutes

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

P R E S E N T

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

ALSO PRESENT
Joseph M. DeStefano, Mayor
Richard P. McCormack, City Clerk

Digitally Recorded Proceeding, transcribed by:
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INDEX **PAGE**

1. Pledge of Allegiance 3

2. Roll Call 3

3. Approval of Minutes 3

4. Correspondence, Communication, Reports 3

5. For the Good of the City
   BY: John Ewanciw, Police Chief 3
   BY: Greg Jaloszynski 7

6. Remarks by the Mayor
   BY: Joseph DeStefano, Mayor 9

7. Remarks by the Department Heads
   BY: Maria Bruni, Economic Development 13
   BY: Nick Barber, Fire Chief 15
   BY: John Ewanciw, Police Chief 16
   BY: Jacob Tawil, DPW Superintendent 17
   BY: Ald. Masi 21
   BY: Ald. Kleiner 22
   BY: Raelynn Bertholf, Sup. of Recreation 23
   BY: Richard McCormack, City Clerk 23

8. Remarks by the Alderman
   BY: Ald. Tobin 24
   BY: Ald. Jean-Francois 24
   BY: Ald. Johnson 24
   BY: Ald. Wray 25
   BY: Ald. Kleiner 26
   BY: Ald. Green 27
   BY: Ald. Witt 28
   BY: Ald. Masi 29

9. New Business
   BY: Richard McCormack, City Clerk 29
   BY: Ald. Kleiner 34

10. Audit of Claims and Accounts
    BY: Ald. Masi 36

11. Adjournment
    BY: Ald. Masi 37

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. Forum is present.

3. Approval of Minutes

(None this evening)

4. Correspondence, Communications and Reports

PRESIDENT RODRIGUES: Correspondence.

RICHARD MCCORMACK, CITY CLERK: Nothing this evening.

5. For the Good of the City

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

JOHN EWANCIW, POLICE CHIEF: Good evening, Members of the Council, Mayor. If I could have Officer Barone join me.

So the original plan this evening was to have Officer Barone acknowledged by our vest vendor, the -- the vendor that makes the bullet proof vest that we wear everyday. Unfortunately, we just got notification that the vendor has COVID, so he will not be joining us this evening. But because we have everyone out, we can still

go through the motions and he just would not get the plague this evening from that -- that vendor. We'll have to have him catch up. But Officer Barone for those that haven't seen him a while. He looks good. He's happy, he's smiling.

Just to let me go through just real quick. I don't want to rehash everything that, you know, Officer Barone's been through. The incident occurred where he was shot on August 29th, 2020. That was a life-changing incident for him. You've heard -- many of you've been to some of the presentations where you've heard the story. The story doesn't change. The facts are the facts and Officer Barone is a hero at the end of the day. He did amazing work that day, that will never change. That allows him to be here today with us and that allows us to continue to honor him.

Over the last several years, he's received numerous accommodations and awards. He received the Governor's Award last November for Officer of the Year in 2021. And then this year he received New York State's Chief of Police Award where we brought him up to Albany and he was awarded there as well and many other accommodations along the way.

But it's not been an easy road for him. If you asked me six months ago, seven months ago, two months

ago, I didn't think we'd ever have Evan Barone back in our organization. It's been our strive. We've strived to do it for many, many years now. It's been just over three years. And he's gone through a lot of surgeries, physical therapy, you know name it, he's been through it. And what's got him through this is the support of his friends and family which are here with him today; his mom, his dad, his wife, his brother. So I think they deserve a round of applause for everything they've done for him.

And just as a reminder, the -- the terrible person that did this to -- to Evan, he's facing 58-and-a-a-half years to life after a jury trial, so.

So just a real quick explanation of what was gonna happen tonight with the vendor. So everybody kind of knows Even was shot in the arm. But many of you don't know, maybe you do, many people don't know is that bullet went straight through his arm and struck him right here in his vest, right above his heart. His vest stopped that bullet from going into him. That's why that vendor -- that's why they were gonna come forward and present him with an award.

Basically, that vest stopped that bullet. We don't know what that bullet was gonna do, but it did stop it right there. The vest did its job. We're very, very

appreciative of that.

When we met with the vendor a couple of weeks ago, he explained to us that each and every vest is handmade by an individual. They actually sign it, the person that makes that vest. That's how they verify it. So at some point, Evan has the opportunity to go to the factory in North Carolina where they're made and actually meet the person that actually made that vest that saved him that day. So hopefully we'll get him there at some point if he so desires. We got to make sure the vendor comes through with the awards first.

But just to keep it brief, in November 2022 when we were at the Paramount and Evan received the Governor's Award for Police Officer of the Year, many people spoke. But there was one thing that I said that evening or that afternoon. I -- I turned to Evan and I said, "I want you to come back. I want you back." That wasn't for me. I want Evan to be well. I wanted that for you, you know. This is your, your profession, your career, your heart, isn't this? And I'm so happy that you are back.

For those that don't know, Evan returned to full duty on November 6th. So he's got a little bit to make up with us. The department has advanced over the last couple of years, but he is rocking and rolling and

he's happy. He's progressing. He jumped right back in, I think, a lot quicker than you anticipated.

OFFICER BARONE: Yeah.

JOHN EWANCIW, POLICE CHIEF: So we're -- we're all very happy and very, very fortunate that Evan's -- Evan's back to work doing what he loves to do. So that's kind of all I have. So just a round of applause for him coming back.

But thank you. And I appreciate all the support that each and every one of you have given us, the department as well as Evan throughout the -- the last several years to get him through this as well. So thank you.

PRESIDENT RODRIGUES: Thank you.

Okay. For the Good of the City, anyone would like to address the Council?

Okay. Moving onto the Mayor's remarks.

We got one.

GREG JALOSZYNSKI: Real quick. Greg Jaloszynski, 12th Rock Sports. I just wanted to give you guys a quick update on what's going on with the project. I don't know how much you know about it, but we bought 14 acres behind Maple Hill Elementary School. We're working with the Town of Wallkill on developing this site. Currently we're in Phase 3 of site development.

We've got some big things happening over 2023 and 2024 is looking even busier. We're supposed to finish Phase 3 which is all of the site work. That will be pad for the building, all the parking lots and start the utilities next summer. So the funding continues to come in. We keep adding programming and we keep getting national recognition which is pretty cool. So we are scheduled to host the National Masters Throws Championships in September of 2024 which will bring athletes in from around the country.

Recently we hosted the MAC championships for cross country. We have a great partnership with Twin Ponds on the farm out in Montgomery, an 80-acre parcel that we have cross-country courses on. So we've made a footprint in the track and field community, but our heartbeat is for the kids in this area and to bring the rest of their life value to the sports experience with our programming. And what we're seeing is there's a massive shortage of indoor accessible space. So that's the need that we're trying to meet right now by building the indoor facility.

It's a 200 meter track with 1,200 seats, 8 collegiate volleyball courts which turn into or basketball courts which turn into 8 volleyball courts. We have the ability to host major tournaments and it's

gonna bring awesome exposure to the restaurants and the businesses here in the Middletown area and beyond. And we're super excited to be a part of Orange County and this entire community.

So thanks for the opportunity to share tonight. And I think Dr. Johnson gave you guys some of the literature to check out the website. There's a wonderful walk-through video of the facility. And I invite you to come check out the events. We run stuff year round. Starting April we will start running events again, so come check out any weekend. All right. Thank you.

PRESIDENT RODRIGUES: All right. Thank you.

Anyone else?

6. Remark of Mayor

PRESIDENT RODRIGUES: All right, Mayor, you're up.

JOSEPH DESTEFANO, MAYOR: Good evening. I too want to join the chorus with congratulating Evan and welcome him back to -- the job. I know the Chief has been giving regular updates on his status and we're all very proud. And I'm sure his parents are very proud of him also today and his wife. So welcome back. And we're looking for a many year relationship with you and the City of Middletown. You've got at least 20 to go, I guess.

So to begin with tonight, we did have the annual Christmas tree lighting parade and ceremony. And the event was attended by thousands of people. Probably I think we anticipated or not anticipated, we -- we -- but well, we did anticipate a good crowd especially with the weather, but I think the crowd was better than we anticipated. And the streets were lined from North Street down by the old Bank of New York all the way up to Festival Square onto West Main. And it all came together. And I think they estimated between 3 and 4 thousand people. So people did enjoy themselves.

And -- and I want to congratulate Maria Bruni and her staff. And also to recognize that Congressman Ryan did send over a certificate of congressional recognition. His staff here was -- was also here at the event and they were very impressed with it. So it's a certificate from the Congressman's office in celebration of the Christmas Tree Lighting ceremony and parade. And we gratitude in bringing the holiday day spirit to our community dated November 24th and signed by the Congressman.

So since Maria does do 99 percent of the work along with her staff on that, so this isn't for me, so I'd like Maria to come up and I'd like to present it to her. And I'm sure she's really angry right now. Here

you go.

MARIA BRUNI, ECONOMIC DEVELOPMENT: Thank you.

JOSEPH DESTEFANO, MAYOR: She -- she loves being in the spotlight.

So, also, this -- in the spirit of the holiday season, this Thursday, December 7th will be the Festival of Lights, Menorah lighting on North Street. I think we're contacting some of the businesses. We will be shutting down North Street for a short period of time between Orchard and the Square. And we hope that you all attend. There are choirs from the, I think, from the middle schools will be attending also. And it's a very nice event. It's not a long event, but -- but it's usually very well attended and we hope to see everyone there. The public is invited.

And, also, the -- there is a resolution tonight. We had a last minute board of estimate meeting. I've been discussing the issue of ambulance service in the city and not just the city, but in New York State in general. You have a Resolution tonight that will allow me to sign a contract with Empress who has purchased Mobile Life for close to $700,000. And we are using the ARPA funds for 2024. But this is going to be a one-year contract with the hopes of working it into a three-year contract in which we will have a dedicated ambulance

service within the city.

It's costly. Going from zero to almost, you know, $700,000 in year one is -- when it's not expected it's gonna really give a shot at our tax -- our budgeting process next year. But from what I understand, Newburg is being requested over -- well over $1 million. Poughkeepsie I heard is even more than Newburg. So if the county and state leaders don't see it, there is a crisis in the ambulance service in this state. This will certainly hopefully wake them up.

But it's -- the burden is on us now. We have to make sure we maintain the minimum of service that we and in this case we'll probably be getting a little bit quicker service because these two units will be dedicated within the City of Middletown once we go to a multi-year contract. So that's our goal.

We're also looking to work with our fire department to start -- they are now a basic life support response which is one of the ambulance service levels. But we hope to open some discussions with them about getting some of our fire personnel certified as EMTs and possibly working with the Common Council and the fire union to see if we can enhance that service within the fire service within the City of Middletown.

And that's all I have. If you have any

questions.

PRESIDENT RODRIGUES: Any questions for the Mayor?

JOSEPH DESTEFANO, MAYOR: All right. Appreciate it.

PRESIDENT RODRIGUES: All right. Thank you, Mayor.

7. Remarks of the Department Heads

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

MARIA BRUNI, ECONOMIC DEVELOPMENT: Good evening, everyone. I just want to recognize the tree lighting and parade doesn't come together without numerous volunteers and help. And the team who was behind this, we start early in the year planning this. And I just want to say thank you to Joseph Ferara, Stefania Sandy (phonetic), and Eileen Hansen for my department. They're the ones behind the scenes. They're working hard on this program. And they're already looking forward to next year. They're already -- we just -- we already had a post meeting and they're coming up with a lot of great ideas. And we're looking forward to next year.

All the numerous volunteers, our MC, for instance, Andy Britto and of course Santa appears that

night magically. All the parade attendees, we had about close to 50 groups and clubs in -- in the parade, community groups, City departments, the Middletown School District, sports teams. And of course we made new friends, the Ardizzone family, the donors of the tree. Joyce and Lisa, it was speculator for them. Had a lot of memories for them, the tree, when they planted it and so forth. So it was a magical night for them.

And thank you to the police department and the fire department and DPW. And, again, everybody, your support on this program, it's 26 years, we're looking forward to the 27th year and, of course, the business improvement district. And this program was started by John Degnan. So, you know, we're gonna continue that tradition. And thank you for allowing us to continue this and move forward.

With that said, we had Jimmy Sturr this past weekend, so Christmas and the holidays are continuing. And now on Sunday at 3:00, we had the 2018 version of the Grinch. Together with Parks Department we're presenting the movie at the Paramount Theatre.

And we're moving forward with the 24th season at the Paramount. And I'll be announcing new shows that are gonna be up for sale soon and hopefully at the next meeting I can make that announcement.

And that's all I have for tonight.

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

MARIA BRUNI, ECONOMIC DEVELOPMENT: Thank you.

PRESIDENT RODRIGUES: Fire Chief.

N**ICK BARBER, FIRE CHIEF:** Good evening, everybody. Last time I was here I was asked about Fireman Joe. And we went out and took a couple of pictures of him when we were out in Newburg. The first picture I'll explain. When they first looked at him they said he had 12 to 18 months before he started deteriorating. If you look real close, his right arm pretty much fell off and it was held in with paper mache and Expandafoam. That's -- that's what was holding it in. The front of the feet are totally gone.

The second picture is the bust of him that they sculpted out of it. That's -- that's gonna be bronzed just the way you see it there. The details of it were phenomenal. They did rename it to Fireman Joe-Joe. He told me to say that.

PRESIDENT RODRIGUES: Just for the record.

N**ICK BARBER, FIRE CHIEF:** And the third picture is the artist, Pagie Tooker and Assistant Chief Randy McClain, he -- he always goes with me out there to inspect it. The granite will be in December 22nd.

Hopefully the weather will be good enough to set it. And once she's done bronzing the whole thing, it will be there. So that will be one thing I accomplished over the three years. And that's what it took three years.

The triannual elections for chiefs coming up December 12th at Central Firehouse. The time for that is 12 to 7. So if you remember, come on out and vote.

And I was contacted by Phil from the New Middletown Department Store, the old Tompkins. I guess he told the newspaper the fire department and his store is bringing back Santa to Tompkins, so that's gonna happen this coming weekend. The time is still up in the air, but it will happen. I might need the street closed for about a half an

.hour on those streets. I didn't think it would be an issue.

But, other than that, it's been a great three years as your fire chief. This will be my last meeting as your chief. The elections will be coming up. And I wish everybody well. Any questions?

PRESIDENT RODRIGUES: Any questions for our fire chief? Thank you, Chief.

N**ICK BARBER, FIRE CHIEF:** Thanks.

PRESIDENT RODRIGUES: Police Chief.

JOHN EWANCIW, POLICE CHIEF: Good evening once

again. Just a couple of quick notes. With the change in the season, our overnight parking regulations took effect December 1st. So as a reminder to everyone, members of the community, 2 a.m. to 6 a.m. there is no on-street parking on any street. However, the Council has made some regulations over the last couple of years as far as residence that don't have driveways have an opportunity to apply for an on-street parking permit. And then there are opportunities to buy permits for the downtown long-term lots. And there are very specific rules to that. And it's specific to a vehicle and specific to a lot. So that could all be done to the Clerk's Office.

Additionally, as a reminder, as we get into the inclement weather time, any time there's two-and-a-half inches of snow or more, the streets have to be clear. The parking regulations go into effect and allow -- to allow DPW to clear the streets for all of us.

Other than that, I have nothing this evening unless you have anything for me.

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

JOHN EWANCIW, POLICE CHIEF: Thank you.

PRESIDENT RODRIGUES: DPW Commissioner.

JACOB TAWIL, DPW COMMISSIONER: Good evening, all. Alderman Masi, we'll start with the reservoirs.

They are overflowing all of them and we're in very good shape. All the dams, the work that has been done, it's excellent. They're holding up very well. And they were really very successful projects.

We have several Resolutions before you tonight as basically transfer of funds for repair to equipment and vehicles. But, mostly, we have -- we are requesting award for bids for demolishing three homes in the City of Middletown that have been abandoned, an eye sore. And in an effort of the City to clean our neighborhood, those houses will be gone and they will no longer look like a nightmare, really, for that neighborhood. So we would appreciate your support for that. And that is properly budgeted item.

Today talking about the dams, we spend the day with the -- with the vendor in there, the representative for the flow meters where we installed the flow meters of the dams because the DEC, they want us to monitor all the flows coming around the dams, around the reservoirs from one reservoir to another to the water treatment plant. So we were fine tuning and troubleshooting the flow meters all day today with the water department and the vendor.

About the leaves pickup, just want to remind everybody that this Friday will be the last day permitted

to deposit any leaves on city streets. So please abide with that because we could have snow any time soon and we're just trying to catch up with the rest of the city. So, please, by Friday, that would be the last day to deposit any leaves on city streets. Whatever is there, we're coming around to pick it up.

The projects for the water storage tanks, Highland Avenue water storage tank is being repainted and the contractor is back at work in there. We have hired with authorization from the Mayor the specialty inspector in there to represent us because the contract asks for specialty inspector to be hired by the contractor who is doing the work, so now we brought ours in for minimal cost just to ensure that the work is done properly and the paint system will last for, you know, for -- for years to come to optimum ambient conditions.

So we're covered with that. I'm very comfortable now. We added that team to our -- to our already very active and knowledgeable inspection team.

Mountain Avenue tank, the new site is being prepared in there. Site work is progressing. Some taps into a 12-inch main, connections, and isolation valves have been installed by the contractor and that is moving along.

In March, early spring, they're going to start

pouring the concrete panels on site and then they will stand them up. That's a special process. Then they'll bring a widening machine in there for winding the wire around it. And then they shotcrete it. And those tanks are supposed to last for a very, very long time. So that will start on the spring.

Site work is continuing at this time.

The traffic operations known as the curbs and sidewalks, everybody knows it as curbs -- new curbs and sidewalks. Basically, all the construction work is completed for the season and will resume early spring. However, the electrician continues to work and you can see all these slight -- all these pedestrian traffic lights -- poles had been installed. And he's going to be going around -- around the city. Some of the mast for the traffic lights will be installed. And all the prep work, most of the prep work has been done in many intersections including putting the basins in the ground for the poles and putting the electric conduits underground and so on and so forth.

And the Mayor, Council President, and the Council, they have like they do every year, they approved using the blue recycling can for garbage the week after Christmas. So the week after Christmas, the city will be permitted to use addition because usually you have

additional -- additional garbage, municipal solid waste. So you can use it, use the blue can or the blue cart to -- to deposit your municipal solid waste and put it by the curb. And that only that one time will be able to pick it up. That was also allowed the week after Thanksgiving. And, but now everybody is aware of it. You can do it after Christmas.

I will conclude my comments, Council President. If anybody has any questions.

PRESIDENT RODRIGUES: Alderman Masi.

ALD. MASI: Jacob, just getting back to the leaf pickup.

JACOB TAWIL, DPW COMMISSIONER: Yeah.

ALD. MASI: I know we rotated each year and this year, obviously, the 1st Ward was the first one. And I know Kevin and I have been getting a number of calls. I just want to make -- make sure that all of our residents realize that you will be going back through the 1st Ward.

JACOB TAWIL, DPW COMMISSIONER: Yes. Yes. Right now we just finished -- we finished 1st, 2nd, 3rd, and now we're in the 4th. And the 4th really is not heavy as the rest of them, so we expect to finish very soon. And then we'll go around one more time through 1st Ward and then 2nd and 3rd and 4th.

But the most important thing is after Friday, please, do not deposit anymore in the street. Whatever is there, we'll come back -- we'll come and pick it up, but don't put any more after Friday please.

ALD. MASI: Thank you.

JACOB TAWIL, DPW COMMISSIONER: Yep.

PRESIDENT RODRIGUES: All right. Thank you, Jacob.

Oh, Alderman Kleiner.

ALD. KLEINER: Jacob.

JACOB TAWIL, DPW COMMISSIONER: Oh, I'm sorry. Sorry.

ALD. KLEINER: Just very quickly because people do hire, you know, contractors and lawn people and they're out there with their leaf blowers, so I'm sure after you go around the last time people are still gonna be putting leaves out in the street. Do we let you know if that happens or --

JACOB TAWIL, DPW COMMISSIONER: Yeah.

ALD. KLEINER: -- do we let the police know or how --

JACOB TAWIL, DPW COMMISSIONER: Please both of us, us and the police because the Council resolution is very clear. You're authorized to put it between November 6th and December 8. That's it. After that you're not

allowed. You're -- you're littering and you're causing hazard to the public after that. So by all means, call us, call the Mayor's office, call the -- call the police and call DPW. We'll take care of it.

ALD. KLEINER: Okay. We do have some huge piles in the 2nd Ward, but you'll be back for those?

JACOB TAWIL, DPW COMMISSIONER: Well, absolutely. Whatever is there it will be picked up.

ALD. KLEINER: Okay.

JACOB TAWIL, DPW COMMISSIONER: Whatever is there it will be picked up.

ALD. KLEINER: Thank you.

JACOB TAWIL, DPW COMMISSIONER: Yep.

PRESIDENT RODRIGUES: All right. Superintendent of Recreation.

RAELYNN BERTHOLF, SUPERINTENDENT OF RECREATION: Just want to do another presentation if you don't mind. Nothing to report.

PRESIDENT RODRIGUES: Any questions?

ALD. JOHNSON: Good answer.

PRESIDENT RODRIGUES: Thank you.

City Clerk.

RICHARD MCCORMACK, CITY CLERK: Nothing this evening.

PRESIDENT RODRIGUES: Any questions for Rick?

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: Nothing this evening.

PRESIDENT RODRIGUES: Alderman Jean-Francois.

ALD. JEAN-FRANCOIS: Yes, good evening. First I'd like to say it's good to see Officer Barone back. Many blessings to you and your family. And this is always support our fire department and the police department. You guys putting your life on the line for the City of Middletown every night, everyday, every evening, every year. And this is -- I'm always grateful to what you guys do. And I always appreciate the hard work that you guys do for the City of Middletown. Thank you.

PRESIDENT RODRIGUES: Alderman Johnson.

ALD. JOHNSON: Thank you. I'll certainly join the Council with Officer Barone had quite the journey to get from Point A to Point B. And to end up back in full service is a remarkable testament to his fortitude and a

little bit of good luck and a vest. Thank you.

Chief, I think you did one or two other things besides -- besides Fire Joe-Joe, so congratulations for all of that. We appreciate your good work. And we'll look forward to your successor, perhaps, don't know.

Council President, I saw your notation you'd like all of us to finish out our punch list for various committees. And legislative will do its very best to meet your expectations. Thank you.

PRESIDENT RODRIGUES: All right. Alderman Wray.

ALD. WRAY: My congrats to Officer Barone. I'm really excited to see him back. He was great from the start and I know we were very worried whether he could make a return, but this is wonderful news not just for him and his family, but for our community because he's a wonderful addition to our police department.

Chief Barber, what could I say? Sorry to see you leave Car 1, but it's been a joy to have you, obviously. Thanks for all your hard work and all you do to keep the city safe.

Tree lighting, Maria, I have to say it is my favorite night of the year in Middletown. I'll say it a thousand times. We don't miss it. My kids are always in it. I don't care how cold it is, somehow we do

eventually get feeling back in our feet. It was wonderful. It was well-attended. We lucked out with weather once again. And it's just -- it's a really nice night to be reminded about all the wonderful things that make us one of the best cities around. That's all I have.

PRESIDENT RODRIGUES: Alderman Kleiner.

ALD. KLEINER: Thank you, Chief Barber. Thank you for your three years. And much success in the future.

Congratulations to Officer Barone. It's terrific to see him back on the force. We really appreciate it.

We will have our next constituents meeting will be Monday, December 11th at -- I guess we'll keep it at 7 p.m. here in City Hall. And then we're gonna forego January and February. It's a tough time to get down, but, certainly, we're always available if you want to have a meeting we'll be here.

I also want to thank Congressman Ryan. The Mayor mentioned him. But I noticed in the paper that he secured a $2.8 million grant for Cornerstone. And that's gonna be used, I believe, on their Grove Street address location. So I -- I thought that was a great thing to see.

Remind everyone December 7th it is Pearl Harbor Day. And I was told by Bob Hayward that there will not be a local observance of Pearl Harbor Day this year. They usually have done one. I think John Nelson was our last Pearl Harbor survivor. But there is an observance in Newburg.

Also, remind people about the Menorah lighting on December 7th. And that's at the Run for Downtown Park at 5:30 as the Mayor mentioned.

And, also, all those annoying Medicare Advantage ads will stop on December 7th because that's the last day, so that's a good thing. That's it. Thank you.

PRESIDENT RODRIGUES: Alderman Green.

ALD. GREEN: Thank you very much. Chief Barber, you're stuck seeing me outside of here, so, you know, but it's been -- it's been an honor to have you service Car 1. And, certainly, I know you won't be a stranger. And, you know, it's considered a good way to cap off your -- your chiefdom with a nice statute back in the city. So thank you for that and for all you've done for us.

And for Officer Barone and his family, just to be back on the job, it's just -- to hear the story every time then to see, you know, him here smiling, it's just

enough to -- to really bring a tear to your eye. And just such an awesome family for our city and, you know, the sacrifice just so much so. Congratulations to him from being back and just so happy for you there.

And then I just hope we'll see our constituents here on Monday night at 7 p.m. Thanks.

PRESIDENT RODRIGUES: Alderman Witt.

ALD. WITT: Thank you very much. We had a Recreation and Parks committee meeting prior to this meeting. Superintendent Bertholf did a tremendous job. Sort of a year in review for the -- the department, but a deeper dive into everything that those folks do there for our community and our people and our city. And there's just -- it's going to be on the city's website. And I encourage people to take a look at it because it was really a comprehensive report and well done and -- and thank you very much for that.

Congratulations, Nicky on a great run. I know it didn't just start three years ago. So your service is greatly appreciated. And it is -- it's always great to see, you know, Evan Barone back and, you know, back doing his thing. And I had an opportunity to know him since high school, his high school, not mine. And I'm sure others here have known him longer. So it's such a great story and it's so nice to see the support system that he

has. So thank you very much.

PRESIDENT RODRIGUES: Alderman Masi.

ALD. MASI: Raelynn, number one, thank you very much. It was really a nice program that you put on and we certainly appreciate it.

Nick, you're gonna be missed, Nick. You really are. Please don't -- please don't go too far.

Officer Barone and the Barone family, I've known them for many, many years and I'm really happy for them.

And I'll finish up with Maria. Thank you for the parade and all your staff. Not only the people that were involved in it, but the people that attended, as the Mayor said when you're walking up the street and you see so many people there, you know, it's really a nice feeling that people come out for something like that. So, Maria, thank you and your staff.

11. Unfinished Business

(None this evening)

12. New Business.

PRESIDENT RODRIGUES: Okay. New business.

RICHARD MCCORMACK, CITY CLERK: Good evening. We have a Resolution sponsored by Alderman Masi authorizing a $4,500 budget transfer from within the City Clerk's budget.

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. Carries.

RICHARD MCCORMACK, CITY CLERK: Resolution sponsored by Alderman Witt authorizing a $365 budget transfer from within the Civil Service budget.

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

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

RICHARD MCCORMACK, CITY CLERK: Resolution sponsored by Alderman Green authorizing the retirement of K-9 Gambit from the Middletown Police Department.

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

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

RICHARD MCCORMACK, CITY CLERK: Resolution

sponsored by Alderman Kleiner authorizing a $19,200 budget transfer from within the Paramount Theatre's budget.

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

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

RICHARD MCCORMACK, CITY CLERK: Resolution sponsored by Alderwoman Wray authorizing a $7,794.39 budget transfer from within the Recreation and Parks budget.

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

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

RICHARD MCCORMACK, CITY CLERK: Resolution sponsored by Alderman Johnson authorizing a $109,479.02 budget transfer from within the Department of Public Works' budget.

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. Carries.

RICHARD MCCORMACK, CITY CLERK: Resolution sponsored by Alderman Jean-Francois authorizing a $9,943.01 budget transfer from within the Department of Public Works' budget.

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

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

RICHARD MCCORMACK, CITY CLERK: Resolution sponsored by Alderman Tobin authorizing a $29,600 budget transfer from within the Department of Public Works' budget.

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

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

RICHARD MCCORMACK, CITY CLERK: Resolution

sponsored by Alderman Masi authorizing a $12,000 budget transfer from within the Department of Public Works' 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. Carries.

RICHARD MCCORMACK, CITY CLERK: Resolution sponsored by Alderman Witt authorizing a $520 budget transfer from within the Department of Public Works' budget.

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

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

RICHARD MCCORMACK, CITY CLERK: Resolution sponsored by Alderman Green authorizing a $3,000 budget transfer for the 146th North Street façade project.

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

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

RICHARD MCCORMACK, CITY CLERK: Resolution sponsored by Alderman Kleiner authorizing a $1,000 budget transfer from within the Department of Public Works' budget.

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

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

RICHARD MCCORMACK, CITY CLERK: Resolution authorizing a $93,579.52 budget transfers from within various city budget lines.

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

ALD. KLEINER: I -- I just want to mention for the record that all these budget transfers have been reviewed by our Treasurer, Leonara Liz, and they're all routine end-of-the-year transfers. Thank you.

PRESIDENT RODRIGUES: Anyone else? Roll.

Aye: Tobin, Jean-Francois, Johnson, Wray,

Kleiner, Green, Witt, Masi, President Rodrigues. Carries.

RICHARD MCCORMACK, CITY CLERK: Resolution sponsored by Alderman Johnson appointing Kylee Kresge as a volunteer firefighter with Excelsior Hook & Ladder Company Number 1.

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

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

RICHARD MCCORMACK, CITY CLERK: Resolution sponsored by Alderman Jean-Francois awarding bids for the demolition of properties at 27 1/2 Smith Street, 99 East Avenue, and 404 North Street.

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

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

RICHARD MCCORMACK, CITY CLERK: Resolution sponsored by Alderman Tobin authorizing Quest Environment for air monitoring during the demolition work at 27 1/2

Smith Street, 99 East Avenue, and 404 North Street.

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

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

RICHARD MCCORMACK, CITY CLERK: And a Resolution sponsored by Alderman Masi authorizing an agreement with Empress Ambulance.

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. Carries.

RICHARD MCCORMACK, CITY CLERK: This concludes New Business.

13. Local Laws

(Nothing this evening)

14. Audit of Claims and Accounts

PRESIDENT RODRIGUES: Okay. Audit.

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

PRESIDENT RODRIGUES: Resolution sponsored by Alderman Masi, second --

ALD. JOHNSON: Second.

PRESIDENT RODRIGUES: -- by Alderman Johnson. Roll.

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

15. Adjournment

PRESIDENT RODRIGUES: Move for adjournment.

ALD. MASI: So moved.

(PROCEEDING CONCLUDED)

CERTIFICATION

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

Signature: *LISA KANE*

Date: December 26, 2023

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

CITY OF MIDDLETOWN
COMMON COUNCIL MEETING AGENDA
DECEMBER 5, 2023

1. PLEDGE OF ALLEGIANCE
2. ROLL CALL
3. APPROVAL OF MINUTES
4. CORRESPONDENCE, COMMUNICATION AND REPORTS
5. FOR THE GOOD OF THE CITY

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

    12.1 Resolution Authorizing a $4500 Budget Transfer from within the City Clerk's Budget

    12.2 Resolution Authorizing a $365 Budget Transfer within the the Civil Service Bud

    12.3 Resolution Authorizing the Retirement of K9 Gambit from the Middletown Police Department

    12.4 Resolution Authorizing $19,200 in Budget Transfer from within the Paramount Theatres Budget

    12.5 Resolution Authorizing a $7794.39 Budget Transfer from within the Recreation and Parks Budget

12.6 Resolution Authorizing a $109,479.02 Budget Transfer within the Department of Public Works Budget

12.7 Resolution Authorizing a $9943.01 Budget Transfer from within the Department of Public Works Budget

12.8 Resolution Authorizing a $29,600 Budget Transfer from within the Department of Public Works Budget

12.9 Resolution Authorizing a $12,000 Budget Transfer from within the Department of Public Works Budget

12.10 Resolution Authorizing a $520 Budget Transfer from within the Department of Public Works Budget

12.11 Resolution Authorizing a $3,000 Budget Transfer for the 146 North Street Façade Project

12.12 Resolution Authorizing a $1,000 Budget Transfer from within the Department of Public Works Budget

12.13 Resolution Authorizing $93,579.52 in Budget Transfers from within Various City Budget Lines

12.14 Resolution Appointing Kylee Kresge as a Volunteer Fire Fighter with Excelsior Hook & Ladder Co. #1

12.15 Resolution Awarding Bids for Demolition of Properties at 27 ½ Smith Street, 99 East Avenue and 404 North Street

12.16 Resolution Authorizing Quest Environment for Air Monitoring During Demolition Work at 27 ½ Smith Street, 99 East Avenue and 404 North Street

12.17 Resolution Authorizing an Agreement with Empress Ambulance

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. Johnson

Date of Adoption: December 5, 2023

Index No: 234-23

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 $4500 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 $4500, in the following manner, for entrance way mats.

FROM	AMOUNT	TO
A.1010.400 Clerks-Contracted Services	$4500	A.1010.480 Clerks- Office Expenses

ATTACHMENTS:
Budget Transfer Req for Offic Supplies.pdf

CITY OF MIDDLETOWN, NEW YORK
COMMON COUNCIL
RECORD OF VOTE

THE FOLLOWING WAS PRESENTED

By Ald. Witt

Sec'd by Ald. Green

Date of Adoption: December 5, 2023

Index No: 235-23

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 $365 Budget Transfer within the the Civil Service Bud

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 $365, in the following manner, from within the Civil Service Budget.

FROM	AMOUNT	TO
A.1430.401 Civil Service -Travel Expense	$365	A.1430.480 Civil Service -Office Expense

ATTACHMENTS:
Civil Service Transfer Req.pdf

CITY OF MIDDLETOWN, NEW YORK
COMMON COUNCIL
RECORD OF VOTE

THE FOLLOWING WAS PRESENTED

By Ald. Green

Sec'd by Ald. Tobin

Date of Adoption: December 5, 2023

Index No: 236-23

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 Retirement of K9 Gambit from the Middletown Police Department

RESOLVED; that the Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment and authorizes the retirement of K9 Gambit from the Middletown Police Department.

LET IT BE FURTHER RESOLVED; that the Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment and authorizes that K9 Gambit from the Middletown Police Department continues to live with Officer McDonald and his family through the remainder of his life.

LET IT BE FURTHER RESOLVED; that the Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment that the McDonald family will incur all future costs associated with K9 Gambit with the K9 unit deferring some of the costs through donations from the Middletown K9 Association, and that Officer McDonald cannot transfer K9 Ares to any other party.

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

CITY OF MIDDLETOWN, NEW YORK
COMMON COUNCIL
RECORD OF VOTE

THE FOLLOWING WAS PRESENTED

By Ald. Kleiner

Sec'd by Ald. Green

Date of Adoption: December 5, 2023

Index No: 237-23

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 $19,200 in Budget Transfer from within the Paramount Theatres Budget

BE IT RESOLVED; that the Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment and authorizes the Treasurer to transfer $19,200, in the following manner to cover the installation of railings & barriers, etc., to the theatre attic catwalks as well as lighting fixtures, monitor for the theatre and Christmas Tree.

FROM	AMOUNT	TO
A.7010.448 Promoters & Sponsors	$8,000.00	A.7010.470 Building Repairs
A.7010.448 Promoters & Sponsors	$6,200.00	A.7010.200 Equipment
A.7010.440 Repairs to Equipment	$5,000.00	A.7010.200 Equipment

CITY OF MIDDLETOWN, NEW YORK
COMMON COUNCIL
RECORD OF VOTE

THE FOLLOWING WAS PRESENTED

By Ald. Wray

Sec'd by Ald. Witt

Date of Adoption: December 5, 2023

Index No: 238-23

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 $7794.39 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 $7794.39, in the following manner to cover the unforeseen repairs on the 580M Backhoe Loader and the 2017 Garbage Truck. The Backhoe had blown radiator hose and hydraulic cooler failure. The Garbage Truck had a failed caliper and worn brake pads.

FROM	AMOUNT	TO
A.7180.100 Pool – Personal Services	$7,794.39	A.7020.440 General Recreation – Repairs to Equipment

ATTACHMENTS:
Repair Transfer.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: December 5, 2023

Index No: 239-23

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 $109,479.02 Budget Transfer 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 $109479.02, in the following manner to cover the shortage of funds needed for repairs to the following trucks: Truck 16, 25, 22, 27, 23 Loader and sweeper.

FROM	AMOUNT	TO
A.8160.445 Solid Waste	$57,965.36	A.5110.440 Street Repairs
A.8160.445 Solid Waste	$25,000.00	A.8160.440 Sanitation Repairs
A.8160.445 Solid Waste	$26,513.66	A.8170.440 Sweeper Repairs

CITY OF MIDDLETOWN, NEW YORK
COMMON COUNCIL
RECORD OF VOTE

THE FOLLOWING WAS PRESENTED

By Ald. Jean-Francois

Sec'd by Ald. Wray

Date of Adoption: December 5, 2023

Index No: 240-23

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 $9943.01 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 $9943.01, in the following manner to cover the shortage of funds needed to replace the traffic cabinet to the traffic light at Highland Ave.

FROM	AMOUNT	TO
A.8160.445 Landfill	$9,943.01	A.1620.476 Traffic Systems

ATTACHMENTS:
Transfer of Funds 11-27-23--traffic systems Traffic Cabinet.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: December 5, 2023

Index No: 241-23

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 $29,600 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 $29,600.00, in the following manner to cover the shortage of funds for Caustic Soda, Aluminum and Hypochlorite for the remainder of the year.

FROM	AMOUNT	TO
A.8160.445 Landfill	$29,600.00	F.8330.458 Chemicals

ATTACHMENTS:
Transfer of Funds 11-22-23-chemicals.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: December 5, 2023

Index No: 242-23

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 $12,000 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 $12000, in the following manner to cover overtime costs at the Water Treatment Plant.

FROM	AMOUNT	TO
F.8320.100 Pers. Svcs. – Pumping	$12,000.00	F.8330.103 Overtime - WTP

ATTACHMENTS:
BOE MEMO WTP OT.pdf

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: December 5, 2023

Index No: 243-23

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 $520 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 $520, in the following manner to cover a shortage in the footwear allowance line.

FROM	AMOUNT	TO
F.3010.409 Public Safety Clothing Allowance	$520.00	F.3010.408 Public Safety- Footwear Allowance

ATTACHMENTS:
Transfer of Funds 11-29-23-Footwear.pdf

CITY OF MIDDLETOWN, NEW YORK
COMMON COUNCIL
RECORD OF VOTE

THE FOLLOWING WAS PRESENTED

By Ald. Green

Sec'd by Ald. Kleiner

Date of Adoption: December 5, 2023

Index No: 244-23

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 $3,000 Budget Transfer for the 146 North Street Façade Project

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 $3000, in the following manner for the 146 North Street Façade Project/DOJ related work, which had no funds allocated for this project.

FROM	AMOUNT	TO
A.8160.445 Landfill	$3,000.00	A.1490.400 Contractual

ATTACHMENTS:
Transfer Request 146 North Street.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: December 5, 2023

Index No: 245-23

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 $1,000 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 $1000, in the following manner to cover shortage of funds for DPW Toshiba printer as it appears that DPW main office has exceeded the number of copies allocated to us through Toshiba copier's contract.

FROM	AMOUNT	TO
A.8160.445 Landfill	$1,000.00	A.1490.479 Equipment Rental

ATTACHMENTS:
Transfer of Funds 11-27-23--Equipment Rental Toshiba.pdf

CITY OF MIDDLETOWN, NEW YORK
COMMON COUNCIL
RECORD OF VOTE

THE FOLLOWING WAS PRESENTED

By Ald. Wray

Sec'd by Ald. Masi

Date of Adoption: December 5, 2023

Index No: 246-23

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 $93,579.52 in Budget Transfers from within Various City Budget Lines

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 $93579.52, in the following manner to cover overdrafts and cover costs for the remainder of the 2023 budget.

FROM	AMOUNT	TO
A.1010.400 Clerks- Contractual Services	$126.08	A.1010.103 Clerk-Overtime
A.1420.488 Corp Council -Grievance	$8,000	A.1420.489 Corp Council -Litigation Expense
A.1420.210 Corp Council – Office Equipment	$500	A.1420.480 Corp Council – Office Expense
A.1420.433 Corp Council- Personal Training	$300	A.1420.479 Corp Council – Equipment Rental

A.1355.480 Assessor Office Expense	$70	A.1355.408 Assessor – Foot ware Allowance
A.1440.400 Engineering Contractual Services	$2,752.50	A.1490.413 Labor Negotiations
A.7020.100 General Recreation _Personal Services	$2,290	A.7020.408 General Recreation_Foot ware
A.7020.100 Gen Recreation_ Personal Services	$1,000	A.7110.104 Gen Recreation_ CSEA Longevity Pay
A.9000.850 Unemployment Insurance	$7,164.88	A.8888.900 Audit & Accounting Gen Expense
G.9000.860 State Health Insurance	$16,000	G.9000.861 Health Insurance Retirees
G.9000.860 State Health Insurance	$48,000	G.8110.100 Sewer Admin Personal Services
G.9000.830 Social Security	$3,621.41	G.8888.900 Auditing and Accounting – Gen Expense
F.9000.830 Social Security	$3,754.65	F.8888.900 Auditing and Accounting – Gen Expense

ATTACHMENTS:
BOE Request to over drafts (002).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: December 5, 2023

Index No: 247-23

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 Appointing Kylee Kresge as a Volunteer Fire Fighter with Excelsior Hook & Ladder Co. #1

Resolved, the Common Council of the City of Middletown approves the following Firefighters, for membership for the Volunteer Fire Department:

Kylee Kresge – Excelsior Hook & Ladder Co. #1

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: December 5, 2023

Index No: 248-23

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

Resolution Awarding Bids for Demolition of Properties at 27 ½ Smith Street, 99 East Avenue and 404 North Street

WHEREAS Bids were received for on November 16, 2023 for asbestos abatement and/or demolition at 27 ½ Smith Street, 99 East Avenue and 404 North Street; and

WHEREAS said bids were examined the and checked on the contractors references;

NOW THEREFORE BE IT RESOLVED that the following Bids for the Demoation of Properties be awarded as follows:

1. 27 ½ Smith Street to be awarded to Gentile Construction of Yonkers, NY in the amount of $48,600 for complete demolition of the structure as asbestos containing material.
2. 99 East Avenue to be awarded to Zuke's Excavation of Binghamton, NY in the amount of $39,800 for complete demolition of the structure as asbestos containing material.
3. 404 North Street to be awarded to Zuke's Excavating of Binghamton, NY in the amount of $40,000 for complete demolition of the structure as asbestos containing material. Please note that two bids were received in the same amount of $40,000 for demolition of the structure as asbestos containing material.*

*Both low bidders were contacted and as of the time of typing this memo, Apex Development has not responded to our calls. Our recommendation is to award to Zuke's Excavation in the amount of $40,000 for complete demolition of the structure as asbestos containing material.

These are properly budgeted items.

ATTACHMENTS:
COUNCIL MEMO-AWARD DEMO BIDS.pdf

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: December 5, 2023

Index No: 249-23

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 Quest Environment for Air Monitoring During Demolition Work at 27 ½ Smith Street, 99 East Avenue and 404 North Street

BE IT RESOLVED that the City of Middletown Common Council authorizes Quest Environmental for their professional services, as the sole provider, for Air Monitoring which is required during the controlled demolition of houses with asbestos containing material at 27 ½ Smith Street, 99 East Avenue and 404 North Street. The cost is estimated to be $10,000. Actual cost will vary depending on the actual time of construction and monitoring needed.

This is a properly budgeted item.

ATTACHMENTS:
MEMO- JACOB TO COUNCIL QUEST AIR MONITORING.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: December 5, 2023

Index No: 250-23

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 Empress Ambulance

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 Empress Ambulance Services for ambulance services for the period beginning January 1, 2024, through December 31, 2024, at a rate of $57,321.72/month.

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.

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 687,861, in the following manner to cover the cost of the agreement.

A.4785 ARPA	687,861	A.4540.400 Ambulance Contractual Service

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: December 5, 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
December 19, 2023 Minutes
City Hall
16 James Street
Middletown, New York 10940

PRESENT:

Ald. Paul Johnson, President Pro Tempore
Ald. Andrew Green
Ald. Jude Jean-Francois
Ald. Gerald Kleiner
Ald. Sparrow Tobin
Ald. Kevin Witt

ALSO PRESENT:

Richard McCormack, City Clerk
Joseph M. DeStefano, Mayor

ABSENT:

J. Miguel Rodrigues, President
Ald. Joseph Masi
Ald. Kate Wray

Proceedings electronically recorded.
Transcript produced by Kimberly J. Zogby

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INDEX

PAGE

1. PLEDGE OF ALLEGIANCE..... 5

2. ROLL CALL..... 5

3. APPROVAL OF MINUTES
October 17, November 6 & 21, 2023..... 6

4. CORRESPONDENCE, COMMUNICATION AND REPORTS..... 6

5. FOR THE GOOD OF THE CITY
Shannon Mannese..... 6
Paula Blumenau..... 8

6. REMARKS OF THE MAYO
Joseph DeStefano..... 13

7. REMARKS OF THE DEPARTMENT HEADS
Maria Bruni, Economic Development..... 16
Jacob Tawil, Public Works..... 16
Leonora Liz, City Treasurer..... 19
John Ewanciw, Police Chief..... 20
Richard McCormack, City Clerk..... 21

8. PUBLIC HEARINGS AND GRIEVANCES
8.1 Public Hearing:
Tobacco Licenses..... 22

9. PETITIONS AND COMPLAINTS
(None this evening.)..... 24

10. REMARKS OF THE ALDERMEN AND REPORTS
OF THE COMMITTEES
Alderman Kleiner..... 24
Alderman Jean-Francois..... 26
Alderman Green..... 26
Alderman Tobin..... 27
Alderman Witt..... 29
Alderman Johnson..... 31

11. UNFINISHED BUSINESS
(None this evening.)..... 31

12. NEW BUSINESS

12.1 Resolution authorizing a $1,760 budget transfer
for camp scholarships..... 31

INDEX (Cont'd.)

PAGE

12. NEW BUSINESS (Cont'd.)

12.2 Resolution authorizing a $11,565.84 budget transfer from within the Department of Public Works budget..... 32

12.3 Resolution authorizing a $13,250 Budget transfer from within the Department of Public Works budget..... 33

12.4 Resolution authorizing a renewal agreement with PERMA for Workers' Compensation Coverage for 2024.... 34

12.5 Resolution approving the assessment collectors warrant for 2024..... 35

12.6 Resolution authorizing a $30,000 budget transfer within the Fire Department's budget..... 35

12.7 Resolution authorizing a $3,700 budget transfer from the Paramount..... 36

12.8 Resolution authorizing $3,502.75 in budget transfer from within the Community Development Department budget..... 37

12.9 Resolution authorizing a new contract with the Humane Society of Middletown..... 38

12.10 Resolution authorizing a new agreement with Pets Alive for 2024..... 39

12.11 Resolution authorizing a new agreement with The Humane Society of Port Jervis..... 39

12.12 Resolution authorizing a new agreement with the Sullivan County SPCA..... 40

12.13 Resolution accepting a $5,000,000 grant for replacing a raw water line between Kinch and Shawangunk Dams..... 41

12.14 Resolution authorizing a $1,500 budget transfer from within the City Clerk's budget..... 42

INDEX (Cont'd.)

PAGE

12. NEW BUSINESS (Cont'd.)

12.15 Resolution authorizing an agreement with Tri-State Geese Police..... 43

12.16 Resolution authorizing a $156,867.60 budget transfer from within the Police Department budget.... 43

12.17 Resolution authorizing the 2024-2025 School Resources Officer Agreement between the City of Middletown and the Enlarged City School District of Middletown..... 44

12.18 Resolution authorizing a $23,000 budget transfer from within the Recreation and Parks budget..... 45

12.19 Resolution authorizing salary adjustments for non-union and management employees..... 46

12.20 Resolution authorizing a public hearing for a zoning amendment..... 47

13. LOCAL LAWS
(None this evening.)..... 48

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..... 48

15. ADJOURNMENT..... 49

1. Pledge of Allegiance

(Pledge of Allegiance.)

2. Roll Call

ALD. JOHNSON: Thank you. Would the Clerk call the roll?

MR. MCCORMACK: Alderman Tobin.

ALD. TOBIN: Here.

MR. MCCORMACK: Alderman Jean-Francois.

ALD. JEAN-FRANCOIS: Here.

MR. MCCORMACK: Alderman Johnson.

ALD. JOHNSON: Here.

MR. MCCORMACK: Alderwoman Wray.

(No audible response.)

MR. MCCORMACK: Alderman Kleiner.

ALD. KLEINER: Here.

MR. MCCORMACK: Alderman Green.

ALD. GREEN: Here.

MR. MCCORMACK: Aderman Witt.

ALD. WITT: Here.

MR. MCCORMACK: Alderman Masi.

(No audible response.)

MR. MCCORMACK: President Rodrigues.

(No audible response.)

A quorum is present.

ALD. JOHNSON: Thank you. As you are no doubt

painfully aware, the President and Mr. Masi are not here this evening. So, it's the rookie chance to run the meeting and wish me luck.

We do have six out of nine. We still have a quorum. And let the games begin.

3. Approval of Minutes

ALD. JOHNSON: I'm seeking an approval of minutes, as listed. I need a motion, please.

ALD. WITT: So moved.

ALD. JOHNSON: Motion by Mr. Witt and a second by Mr. Jean-Francois.

Any discussion, questions, corrections, or comments?

Hearing none, all in favor?

(Chorus of aye.)

ALD. JOHNSON: Any opposed or abstained?

Motion carries.

4. Correspondence, Communications, and Reports

ALD. JOHNSON: Mr. Clerk, are there any items under correspondence, communications, and reports?

MR. MCCORMACK: Not this evening.

ALD. JOHNSON: Thank you very much.

5. For the Good of the City

ALD. JOHNSON: We're up to item 5, for the Good of the City.

Madam Auditor, would you like to join us?

MS. MANNESE: Good evening. I'm just going to give a brief overview of the 2022 audit.

The City did receive a clean opinion. So, that's the sole purpose of the audit. I'd just like to point out a few key things.

The net position increased a little over $19,500,000, which is very good. This was due to having over $70,000,000 in revenue and $50,500,000 in expenses. And I'd like to point out that the expenses decreased a little over $8.3 million, which is commendable, especially in this environment.

The governmental fund balance, as of 12/31/2022 was just shy of $24 million. So, that's a very, very strong position to be in.

At the fund level, there was also a $5.2 million increase in fund balance from prior years. So, you're growing and that's very good.

And I'd just like to conclude by saying that there were no material weaknesses or significant deficiencies in internal controls.

So, overall, great job.

I'd like to thank Leonora and Rosa, who is not here, and the rest of their team. Any questions?

ALD. JOHNSON: Are there any questions from any

of the members?

Could you like pardon my ignorance? Could you just restate your name for the record?

MS. MANNESE: Shannon Mannese.

ALD. JOHNSON: Thank you very much.

MS. MANNESE: Not a problem.

ALD. JOHNSON: Hearing no questions or comments, thank you very much for being available this evening. And happy holidays to you.

MS. MANNESE: Same to you.

ALD. JOHNSON: For the Good for the City, Ms. Blumenau.

MS. BLUMENAU: Thank you so much, Mayor, Council Members. I appreciate the opportunity to be here. And I know many of you might know me from Middletown School Board. And I appreciate all of the support and collaboration there. And some of you might know me from our citywide menorah lighting with Temple Sinai and the City. All those are great and wonderful opportunities that I get to do in my volunteer time.

But on a daily basis, I work for Jewish Family Service of Orange County, which is located right here in the Town of Wallkill. And in that agency, I just wanted to share, give you all a brochure, a little bit of information about us. And I'd love the opportunity to

speak more in-depth about our agency.

We provide services through several programs at JFS and we are entering our 40th year in 2024. So, I'm sure you'll be seeing some celebrations going on throughout the year to commemorate 40 years of service in Orange County.

What you should know about Jewish Family Services is that our doors are open to the entire community. We serve anyone who is, right now with our Friendly Visitor Program, those that are over 60, in partnership with Office for the Aging. Those members of the community, older adults who need support with transportation to essential appointments, like doctor appointments or other essential transportation. We also provide valuable food security through help with grocery shopping. Our program also provides wellness calls and visits to those who are homebound, who are isolated, providing valuable mental health support for those who are isolated and home alone on a regular basis. Those are the main support systems that we offer to the -- to our older adults through the Friendly Visitor Program.

And you may have heard about our Friendly Visitor Program out there. We support, in the City of Middletown, 18 individuals currently, who need transportation, or grocery shopping, or a combination

through volunteers who are community members. We partner also, for the Friendly Visitor Program, with our neighbors in the Town of Wallkill. They support the program helping us and subsidizing JFS to help us with a coordinator to just go and dive deeper into that community, seeking out support for older adults through volunteers and, also, reaching out in the community to find neighbors who need support.

So, the Friendly Visitor Program has been helping individuals throughout Orange County. We have, currently, our current -- I just dropped my paper -- we're over 400 neighbors throughout Orange County who are getting support through the Friendly Visitor Program, with about 180 volunteers. So, you can imagine, it's a little off balance. We are always looking for volunteers and recruiting.

We do have a volunteer training coming up in January. Those who know anybody who is looking for volunteer opportunities that can drive, over 25, can drive a neighbor to an appointment and anyone under 25 can do everything else. So, there's plenty of opportunity there for volunteerism.

Other programs that we provide in the community outside of the Friendly Visitor Program, we offer counseling and case management also to older adults. All

of the services, by the way, are free of charge. So, I didn't mention that but they are not -- there's no cost for those programs because of our partnerships with the Office for the Aging and the subsidies from some of our partners out there. We partner with seven municipalities, in total, in the county.

The other program that I wanted to share with you is our services for developmentally disabled children and adults, our KidsConnect Program, which provides valuable support, respite support to children with disabilities in the summertime and, also, will be providing this year, beginning this year, with monthly respite programs, once a month to help parents just kind of get a break. Having a developmentally disabled child can be extremely challenging when services during the day kids are going to school, they have after school programs, they might even have one-on-ones. The weekends can be difficult. So, it allows -- this program allows us to provide valuable respite for those families so they can just take a break, get out, do what they need to do to reset at least once a month.

And we also provide support for older adults with disabilities, as well, through our program called Roots, which is the -- one of our programs that is a Jewish-based program.

Finally, we also offer support to Holocaust survivors. Currently, there are 18 Holocaust survivors that we are providing support to in the county and they are all throughout the county, from you know -- from right to the -- from corner to corner of Orange County and definitely right here in Middletown.

So, that's what I wanted to share. We are happy to be a part of this Middletown area and happy to support those neighbors who are in need and we look forward to continuing that.

And, if you know of a neighbor in need, and many of us do know someone who might need something, please refer them to us. You have our brochure right in your hand with our phone number and contact information. And we want everyone to feel supported by their own community. And that's our goal, to empower those facing challenging times to live with dignity, hope, and faith. So, thank you so -- hope and strength.

So, thank you so much. Have a great evening and happy holidays to all of you.

ALD. JOHNSON: Well, thank you for making yourself available and say hi to anybody that knows us. Okay? Thank you.

Is there anyone else who wishes to speak for the Good of the City? Any young people in the back row there?

You're all good, smiling? Good.

6. Remarks of the Mayor

ALD. JOHNSON: All right, remarks of the Mayor.

MAYOR DESTEFANO: Good evening.

First of all, I'd like to thank Paula for the presentation. I'm familiar with the great work of Jewish Family Services and they do an awful lot in our county, especially in the Middletown area. And so, it's always nice to get that word out. So, thank you so much for the presentation.

Also, on December 7th, Paula mentioned it briefly, about the menorah lighting. We had a very successful event at the Run 4 Downtown Park. I want to thank Temple Sinai, Rabbi Cobert, and Middletown School District for the great singers. Kevin was there, I think, taking pictures and Jerry and I know Alderman Masi. I think Alderman Green might have been there, also, but it was a nice turn out and a nice event.

The program, maybe about a half an hour program, but it's growing and growing each year. So, it's celebrating the diversity of our community and we were so happy with the turnout and the response from the community.

You heard tonight about the audit report -- very positive. I had a briefing this afternoon with Leonora

and Shannon. And we want to acknowledge the great work that Leonora has done over the past year, plus, that she has been in charge of that department. And that's probably one of the best reports that we've had in a few years. And so, it's a very positive report.

It doesn't mean Jacob can go out and spend that fund balance, either, but I know he's thinking about it. Just so you're all on public notice that it's not his.

Tonight, you'll be voting on accepting a $5 million grant for our raw water lines from the Kinch Dam area, I believe. And this was done through Governor Hochul's office. Jacob was involved in this process, working with our engineering company.

And I want to thank the Governor, Senator Skoufis, and Assemblywoman Gunther for funneling this money, this taxpayer money, back into our infrastructure. It's an important part of our rebuilding of our water and sewer. I know we do catch some flack every once in a while about our water and sewer rates. You know we are in one of the top third in the county on water and sewer rates, but people have to realize that we're dealing with you know 100 plus years infrastructure. People don't see those raw water lines under the transmission lines, going from reservoir to reservoir or the 100-year-old water mains.

So, this project, alone, is $16 million. So this is the first five that will be done for Phase I. So, you can imagine the cost involved here and the labor involved. So, any outside money absolutely is welcome.

The last item that I had was wishing everyone a Merry Christmas, Happy Holidays, whatever way you celebrate, and looking forward to a nice prosperous New Year with our residents and our Common Council.

And I will make myself available for any questions, if you have them.

ALD. JOHNSON: Members, any questions or comments for the Mayor?

Hearing none, thank you Your Honor. We appreciate it.

MAYOR DESTEFANO: It's nice to see you up there, Mr. Johnson, rather than Mr. Masi. So, you're my preferred stand-in Council President.

ALD. JOHNSON: Are you done with your comments, at this time?

MAYOR DESTEFANO: Thank you, sir.

ALD. JOHNSON: Thank you, I appreciate it.

Are we almost done? We're only halfway. Okay, good.

7. Remarks of Department Heads

ALD. JOHNSON: Okay, remarks of Department

Heads.

Economic Development, step right up.

MS. BRUNI: Good evening.

I just want to remind everyone those last-minute gift ideas, the Paramount Theater just announced a few great shows coming up: Mania The ABBA Tribute, A Flock of Seagulls, The Guess Who, Tavares, Herman's Hermits. We're working on a bunch more as well, but last-minute gift ideas, MiddletownParamount.com or visit the Paramount, the box office. Eileen and Stephanie will be there to help you, either by the phone, internet, or in person.

Also, I look for your support on a couple resolutions tonight.

And Merry Christmas, Happy Holidays, and a Happy New Year to all.

And that's all I have.

ALD. JOHNSON: Thank you very much.

Any questions or comments the Commissioner?

Hearing none, thank you very much. I appreciate it.

Commissioner of Public Works. You can speak as long as you would choose. It's okay with me.

MR. TAWIL: Well, I will be brief. Good evening, everyone.

Alderman Masi is not here but the reservoir

levels are 100 percent full. So, we're in good shape.

I appreciate the Mayor signing the letter of acceptance for that grant for $5 million. And like he said, it's only Phase I of a long project to replace our raw water mains, which they were installed back in the 1900s, most of them and they are really our lifeline. This is how we get the water from Kinch into Shawangunk into Monhagen Reservoir, then to the Water Treatment Plant.

So, the $5 million that we got, we're responsible for an additional 40 percent. So, that represents 60 percent of the project. So, the total project will be about $8.3 million for this aspect of it.

So, we're talking about getting money to the city, you know the traffic operations in there, most of it is grant money. We were responsible, after the $31 million, responsible for 5 percent only. I mean this is how we keep our -- you know you see all this great improvement in there with minimal investment for the city. So, of course, it's under the leadership of the Mayor and the Common Council.

We also secured an additional -- I told you about it before but of what took place last week from the Orange County transportation Council to give us an additional $640,000 for the traffic operation; for

engineering and inspection.

And with that being said, and I want to wish you all a Merry Christmas, Happy Holidays, and Happy New Year.

And if you have any questions for me?

ALD. JOHNSON: I had a quick one. With the rain on Sunday and Monday, the City was dryish?

MR. TAWILL: We did okay. We had flooding just two streets, which is the typical location and they got closed but we fared very well, compared to other communities around us. You know you get notification from Wallkill and from other places they got streets -- you know in Cornwall, they declared emergency and so on -- state of emergency. So, we did very well.

ALD. JOHNSON: Good to hear.

Any other questions for the commissioner? Jerry.

ALD. KLEINER: I know we had a couple watermain breaks recently. Is that just for --

MR. TAWILL: Today. Today.

ALD. KLEINER: We had one -- oh.

MR. TAWILL: Today. No.

ALD. KLEINER: We had two today?

MR. TAWILL: We had two today, yes, sir.

ALD. KLEINER: Okay. Is that just from the -- and the crews get out there and repair those so fast. So,

my commendation to them for that in this miserable weather. But is that because of our older infrastructure that we --

MR. TAWILL: It's older infrastructure. Also, in the changes in temperature usually this time of the year it happens.

ALD. KLEINER: Okay.

MR. TAWILL: It happens to us and you know just reality of life for us. So, we deal. We deal with it.

ALD. KLEINER: Okay, thank you.

MR. TAWILL: You're welcome. Cast iron pipe. Of course, most of our pipes are cast iron pipes because cast iron pipes, the old ones, they are very brittle. So, they break with any movement of the ground and the earth and the change in temperature versus the newer pipe, which is ductile iron pipe, which is you know it has much more strength and flexibility, rather than the cast iron.

ALD. JOHNSON: Anyone else?

Hearing none, thank you very much, Commissioner.

MR. TAWILL: Thank you.

Treasurer.

MS. LIZ: Good evening, everyone.

I just wanted to say thank you, Mayor. I wouldn't be able to do what I do without my team. So, just a humble gratefulness for the team that I have and

the Deputy Treasurer that pushes us through to meet deadlines.

I have no remarks, besides if you have any questions about what was presented today.

ALD. JOHNSON: Well, congratulations on your audit. Are there any questions for the Treasurer?

Hearing none, thank you very much.

MS. LIZ: Happy Holidays, everyone.

ALD. JOHNSON: To you as well.

Police Chief.

CHIEF EWANCIW: Good evening.

I just wanted to take a moment and thank each and every one of you for the support you provide the Police Department throughout the year and all the work you and the Mayor do behind the scenes to keep the City working. So, I appreciate that and look forward to working with you in 2024, as well.

I'd also like to wish each of you a Merry Christmas, Happy Holidays, happy and healthy safe New Year.

Other than that, I have one other thing. In regards to parking, as we enter into the holiday season, as long as the Council is okay with it, we'd like to suspend overnight parking, on-street parking, from December 23rd through January 2nd, to accommodate our

residents and their families and friends as they celebrate the holidays.

However, there is a caveat to that that if we do get any type of winter weather, that the suspension is lifted and the overnight parking will be enforced. And that is to allow DPW to come out and clear the streets and make it maneuverable for everybody in the community.

So, as long as the Council has no issue with that, we'd like to suspend overnight parking December 23rd through January 2nd.

ALD. JOHNSON: That's consistent with past practice. Is that correct?

CHIEF EWANCIW: It is. We've broke it up in the past by small blocks but, as long as the weather is cooperative, we'll keep it right there, again, if it's okay with you.

ALD. JOHNSON: Any comments to the Chief? Okay, we're all good.

Anything else?

CHIEF EWANCIW: I have nothing, unless you have questions for me.

ALD. JOHNSON: Thank you very much.

CHIEF EWANCIW: Thank you.

City Clerk.

MR. MCCORMACK: Good evening. I have nothing

this evening, just would like to also wish everybody a Happy Holiday and a safe New Year.

ALD. JOHNSON: Very good. Thank you.

8. Public Hearings and Grievances

ALD. JOHNSON: Subsequent to previous deliberations, we have a public hearing this evening. Would you care to do the honors?.

MR. MCCORMACK: Absolutely. Good evening.

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, in the 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.

Persons wishing to be heard will be given the opportunity to speak either for or against the proposed changes to the parking -- to the smoking guidelines.

The proposed legislation is available in the Office of the Common Council Clerk, City Hall, 16 James Street.

Any person unable to participate, at the time of the public hearing, may email comments in advance to rmccormack@middletownny.gov.

By the order of the Common Council.

Richard P. McCormack.

ALD. JOHNSON: Thank you. I need a motion to open the hearing. Mr. Green.

I need a second. Jean-Francois, I appreciate it.

Is there anyone present who cares to address the Council with respect to this public hearing? Going once. Going twice. Done.

Any comments from the Members of the Council?

Hearing none, I need a motion to close the public hearing.

Mr. Green -- oh, sorry. Mr. Mayor.

MAYOR DESTEFANO: I recommend you keep it open for two weeks for written comment.

ALD. JOHNSON: Okay. So, what does that mean with respect to this agenda?

MAYOR DESTEFANO: It means you can't close it.

ALD. JOHNSON: So, it's --

MAYOR DESTEFANO: You just need a motion to keep the public hearing open for two weeks for written comment from the public. I'm not sure the word got out to everyone. Obviously, nobody's here and I think it will be an issue that people will want to comment on. And once they see it on the news or hear it on the radio, they'll

have an opportunity for two weeks to submit written comment to the board and make it a part of the public hearing record.

ALD. JOHNSON: Thank you, Your Honor. So, as indicated, the public hearing is open subsequent to any written comments from the public for approximately two weeks. Is that correct?

MAYOR DESTEFANO: Right.

ALD. JOHNSON: Thank you very much.

9. Petitions and Complaints

ALD. JOHNSON: Any petitions or complaints?

MR. MCCORMACK: Nothing this evening.

ALD. JOHNSON: You guys have any complaints yet; you good? You're all good. Okay.

10. Remarks of the Aldermen and Reports of Committees

PRESIDENT RODRIGUES: Remarks of the aldermen.

Mr. Kleiner, you're going first.

ALD. KLEINER: Wow, that's a change. Thank you. I'll be brief. Even though Mr. Masi isn't here, I'll still be brief.

I want to thank Paula and thank Jewish Family Services for all they do for the city. They certainly do a lot.

I thank the Warming Station volunteers. There is another training on January 8th at 7:00 p.m., if anyone

would like to consider volunteering for a two-hour overnight shift. But on nights like tonight -- and they've been full to capacity. So, it's really -- appreciate them.

I stopped by enThralled! Today. I want to thank Senator Skoufis. There was -- there were a lot of people there and a lot of stuffed animals for the giveaway this afternoon. So, that was a really fun event.

I want to thank and congratulate Leonora. That's as good an audit as we have had, I think, since I've been on the Council. And so thank you and your team.

And I also want to the thank the Police Chief and the Police Department because they make us proud in Middletown and they are part of the Middletown community and thinking of it as a community. So, thank you, Chief.

And as I said to Jacob, the people out fixing those watermain breaks, it's -- it may not get noticed a lot but it certainly is appreciated. They do a tremendous job.

I'm happy we're getting the $5 million that's from the State Revolving Fund, but it shows that they are aware that having clean water is a top priority in New York State.

And I was happy to be at the menorah lighting. The Mayor covered that. And the crowd is growing so, it

is also another great event.

And I also will wish everyone a happy holiday, Merry Christmas, whatever you celebrate. I know we have three more days, I think, or two more days before winter officially begins. So, we'll see you in January.

Thank you.

ALD. JOHNSON: Thank you, my friend.

Mr. Jean-Francois, you are up.

ALD. JEAN-FRANCOIS: Good evening.

Kudos to the street department. These guys did a wonderful job picking up, going around, especially in the 4th Ward, with the leaves. And I mean there was piles of leaves in one area in the 4th Ward and, within hours, those guys was out there you know doing what they do best and I want to thank everyone that was involved with that.

And the audit team, great job. You guys did a wonderful job. It's always great when you know the money is taken care of, so we don't have no worries.

This is basically I just want to like to say to everyone Happy New Year, Merry Christmas, and be blessed. Thank you.

ALD. JOHNSON: Thank you, sir.

Mr. Green.

ALD. GREEN: All right, thank you.

Yeah, nod to Leonora. There's one thing this

city we can take pride in, it's you know that we can always sleep well at night, knowing our finances are taken care of and this audit just proves it. And we know audits are not that fun to go through, but well done and keep up the great work with that.

Just as Alderman Kleiner and the Mayor alluded to, the menorah lighting was actually a really, really well-attended event. A little warmer than it's been in the past, a little less icy. So, you know hopefully we can keep that part of it up. But again, everyone who celebrated Hanukkah, I hope it was a wonderful holiday for you.

A Merry Christmas to those celebrating. A Happy New Year to everyone. Be safe. Be healthy. Stay warm. And we'll see you in the new year.

ALD. JOHNSON: Thank you.

Mr. Tobin.

ALD. TOBIN: A couple things.

When we see the severe weather, we get these warnings and there's states of emergency. I noticed I saw on the news a gentleman from New Jersey went around a blocked road and died in a flood. So, when you see those state of emergencies or warnings you know take them seriously. You know four-wheel drive doesn't do anything for ice or water. So you know, even if you have like a

super-duper truck, it's still dangerous and it puts our first responders at risk when they have to go save those people. So, please keep that in mind.

I was saddened by the violence in our school district, I mean for everybody involved. All the great things our school district does, it was so unfortunate. Prayers to the students that were injured and for the -- you know someone's child who kind of threw their -- potentially threw their life away you know whatever decision they made. So, that's a sad day. And all the people that were affected by it. Again, Middletown School District does so many good things and the news coverage I don't think did it justice. They were just hammering the school. So, that was very unfortunate.

Then, I'd like to be more positive. The audit was great. A 25 percent increase in the fund balance, that's amazing.

I'd like to also thank Paula Blumenau. Jude and I, we go door-to-door every year with our constituents and we definitely meet people that could use help. We meet -- sometimes we meet seniors or people with disabilities and we know we're probably the only people they've talked to all day and maybe sometimes they have insecurities with food and other issues. They need help. So, I definitely keep your card on me as we travel around.

The water infrastructure, I think you know I'm glad we're investing in it. It's kind of like -- I think it's like plumbing in your house. Either pay now or you pay more later if you notice a problem. So, you've got to take care of it if you see a leak or whatever.

And I'd just like to wish everybody Happy Holidays and a Happy New Year. Thank you.

ALD. JOHNSON: Thank you, sir.

Mr. Witt.

ALD. WITT: Thank you very much.

Thank you, Mrs. Blumenau, for coming out and sharing the work that you and your organization does. I'd like to -- Sparrow, you mentioned having the card. I'm just going to read off of it the contact number, in case anyone who is watching would like to contact Mrs. Blumenau. It's 845-341-1173, extension 305.

The only other thing I have is yesterday, here, there was the Youth Leadership Academy graduation. It was a program that our police put on with collaboration from the Middletown School District. It was between 15 and 20 young people from the high school and Twin Towers who met once a week for three months. I believe there were probably 12 to 15 officers who were part of this program. And it was just another opportunity for our children to have positive interaction with the police.

And I mean there were honest conversations that they had between each other and something Lieutenant Thoelen said yesterday about it, it was like, when we're there and they're elementary school kids and they see the police, you know oh, we're the greatest thing in the world. But then, when it becomes junior high and high school, he's like, eh, not so much. And this was a chance for these young folks to get an opportunity to get to know our police.

And I was curious. My daughter went through the DARE program with then Officer Welch at Presidential Park. And I asked here today -- she's in college now -- how she felt about that. And she said that she thought it was a really good opportunity for people to learn about things, but there were opportunities for her classmates that she would see them talking to now Sergeant Welch you know about situations, that that was their opportunity for them to approach her.

And I know Madison mentioned the fact that whenever she would see Sergeant Welch around, it was always a very positive feeling for her that she knew a police officer and felt like that she could to speak with her.

You know they do a lot with the DARE and then, Too Good for Drugs, and Too Good for Violence, and now

this Youth Leadership Academy. So, I hope it continues and I just wanted to acknowledge that.

And Happy Holidays to everybody else. Thank you for listening.

ALD. JOHNSON: Thank you, Mr. Witt.

I just want to make one brief comment with respect to the incident at Monhagen. We all understand that it fell under the jurisdiction of Town of Wallkill law enforcement, but I think we've all been led to believe that the Middletown Police Department was well represented and did a good job, represented us well. So, thank you to Chief and to all of your members of your staff. We appreciate that.

11. Unfinished Business (None this evening.)

ALD. JOHNSON: Are there any petitions -- or are there any unfinished business?

MR. MCCORMACK: No unfinished business.

ALD. JOHNSON: Very good.

12. New Business

ALD. JOHNSON: On to new business.

MR. MCCORMACK: Good evening.

We have a resolution sponsored by Alderman Witt, Resolution authorizing a $1,760 budget transfer for camp scholarships.

ALD. JOHNSON: I'm sensing Mr. Green is offering

a second.

Is there any discussion?

Hearing none, Clerk, call the roll.

MR. MCCORMACK: Tobin.

ALD. TOBIN: Aye.

MR. MCCORMACK: Jean-Francois.

ALD. JEAN-FRANCOIS: Aye.

MR. MCCORMACK: Johnson.

ALD. JOHNSON: Aye.

MR. MCCORMACK: Kleiner.

ALD. KLEINER: Aye.

MR. MCCORMACK: Green.

ALD. GREEN: Aye.

MR. MCCORMACK: Witt.

ALD. WITT: Aye.

MR. MCCORMACK: It carries.

Resolution sponsored by Alderman Green authorizing a $11,565.84 budget transfer from within the Department of Public Works budget.

ALD. JOHNSON: I'm feeling energy from Mr. Kleiner for second.

Any discussion?

Clerk, call the roll.

MR. MCCORMACK: Tobin.

ALD. TOBIN: Aye.

MR. MCCORMACK: Jean-Francois.

ALD. JEAN-FRANCOIS: Aye.

MR. MCCORMACK: Johnson.

ALD. JOHNSON: Aye.

MR. MCCORMACK: Kleiner.

ALD. KLEINER: Aye.

MR. MCCORMACK: Green.

ALD. GREEN: Aye.

MR. MCCORMACK: Witt.

ALD. WITT: Aye.

MR. MCCORMACK: It carries.

Resolution sponsored by Alderman Kleiner authorizing a $13,250 budget transfer from within the Department of Public Works budget.

ALD. JOHNSON: Thank you, Mr. Jean-Francois, for a second.

Any discussion?

Clerk, call the roll.

MR. MCCORMACK: Tobin.

ALD. TOBIN: Aye.

MR. MCCORMACK: Jean-Francois.

ALD. JEAN-FRANCOIS: Aye.

MR. MCCORMACK: Johnson.

ALD. JOHNSON: Aye.

MR. MCCORMACK: Kleiner.

ALD. KLEINER: Aye.

MR. MCCORMACK: Green.

ALD. GREEN: Aye.

MR. MCCORMACK: Witt.

ALD. WITT: Aye.

MR. MCCORMACK: It carries.

Resolution sponsored by Alderman Jean-Francois authorizing a renewal agreement with PERMA for Workers' Compensation Coverage for 2024.

ALD. JOHNSON: Thank you, Mr. Tobin offers a second. We appreciate that.

Any discussion?

Clerk, call the roll.

MR. MCCORMACK: Tobin.

ALD. TOBIN: Aye.

MR. MCCORMACK: Jean-Francois.

ALD. JEAN-FRANCOIS: Aye.

MR. MCCORMACK: Johnson.

ALD. JOHNSON: Aye.

MR. MCCORMACK: Kleiner.

ALD. KLEINER: Aye.

MR. MCCORMACK: Green.

ALD. GREEN: Aye.

MR. MCCORMACK: Witt.

ALD. WITT: Aye.

MR. MCCORMACK: It carries.

Resolution sponsored by Alderman Tobin approving the assessment collectors warrant for 2024.

ALD. JOHNSON: Mr. Witt offers a second. We appreciate it.

Any discussion?

All in favor -- sorry, wrong department.

Clerk, call the roll.

MR. MCCORMACK: Tobin.

ALD. TOBIN: Aye.

MR. MCCORMACK: Jean-Francois.

ALD. JEAN-FRANCOIS: Aye.

MR. MCCORMACK: Johnson.

ALD. JOHNSON: Aye.

MR. MCCORMACK: Kleiner.

ALD. KLEINER: Aye.

MR. MCCORMACK: Green.

ALD. GREEN: Aye.

MR. MCCORMACK: Witt.

ALD. WITT: Aye.

MR. MCCORMACK: It carries.

Resolution sponsored by Alderman Witt authorizing a $30,000 budget transfer within the Fire Department's budget.

ALD. JOHNSON: Mr. Green offers a second.

Any discussion?

Clerk, call the roll.

MR. MCCORMACK: Tobin.

ALD. TOBIN: Aye.

MR. MCCORMACK: Jean-Francois.

ALD. JEAN-FRANCOIS: Aye.

MR. MCCORMACK: Johnson.

ALD. JOHNSON: Aye.

MR. MCCORMACK: Kleiner.

ALD. KLEINER: Aye.

MR. MCCORMACK: Green.

ALD. GREEN: Aye.

MR. MCCORMACK: Witt.

ALD. WITT: Aye.

MR. MCCORMACK: It carries.

A resolution sponsored by Alderman Green authorizing a $3,700 budget transfer from the Paramount.

ALD. JOHNSON: Mr. Kleiner makes a second.

Any discussion?

Clerk, call the roll.

MR. MCCORMACK: Tobin.

ALD. TOBIN: Aye.

MR. MCCORMACK: Jean-Francois.

ALD. JEAN-FRANCOIS: Aye.

MR. MCCORMACK: Johnson.

ALD. JOHNSON: Aye.

MR. MCCORMACK: Kleiner.

ALD. KLEINER: Aye.

MR. MCCORMACK: Green.

ALD. GREEN: Aye.

MR. MCCORMACK: Witt.

ALD. WITT: Aye.

MR. MCCORMACK: It carries.

A resolution sponsored by Alderman Kleiner authorizing $3,502.75 budget transfer from within the Community Development Department budget.

ALD. JOHNSON: Thank you. Mr. Jean-Francois offers a second. I appreciate that.

Any discussion?

Clerk, call the roll.

MR. MCCORMACK: Tobin.

ALD. TOBIN: Aye.

MR. MCCORMACK: Jean-Francois.

ALD. JEAN-FRANCOIS: Aye.

MR. MCCORMACK: Johnson.

ALD. JOHNSON: Aye.

MR. MCCORMACK: Kleiner.

ALD. KLEINER: Aye.

MR. MCCORMACK: Green.

ALD. GREEN: Aye.

MR. MCCORMACK: Witt.

ALD. WITT: Aye.

MR. MCCORMACK: It carries.

A resolution sponsored by Alderman Jean-Francois authorizing a new contract with the Humane Society of Middletown.

ALD. JOHNSON: Mr. Tobin rises to the occasion for a second.

I will make my usual comment that I work, partially for pay, partially pro bono, for the Humane Society of Middletown, as I have done since 1983 and I feel eligible to vote.

Clerk, call the roll.

MR. MCCORMACK: Tobin.

ALD. TOBIN: Aye.

MR. MCCORMACK: Jean-Francois.

ALD. JEAN-FRANCOIS: Aye.

MR. MCCORMACK: Johnson.

ALD. JOHNSON: Aye.

MR. MCCORMACK: Kleiner.

ALD. KLEINER: Aye.

MR. MCCORMACK: Green.

ALD. GREEN: Aye.

MR. MCCORMACK: Witt.

ALD. WITT: Aye.

MR. MCCORMACK: It carries.

A resolution sponsored by Alderman Tobin authorizing a new agreement with Pets Alive for 2024.

ALD. JOHNSON: Mr. Witt offers a second.

Any discussion?

Clerk, call the roll.

MR. MCCORMACK: Tobin.

ALD. TOBIN: Aye.

MR. MCCORMACK: Jean-Francois.

ALD. JEAN-FRANCOIS: Aye.

MR. MCCORMACK: Johnson.

ALD. JOHNSON: Aye.

MR. MCCORMACK: Kleiner.

ALD. KLEINER: Aye.

MR. MCCORMACK: Green.

ALD. GREEN: Aye.

MR. MCCORMACK: Witt.

ALD. WITT: Aye.

MR. MCCORMACK: It carries.

A resolution sponsored by Alderman Kleiner authorizing a new agreement with The Humane Society of Port Jervis.

ALD. JOHNSON: And Mr. Jean-Francois offers a second. Thank you.

Any discussion?

Clerk, call the roll.

MR. MCCORMACK: Tobin.

ALD. TOBIN: Aye.

MR. MCCORMACK: Jean-Francois.

ALD. JEAN-FRANCOIS: Aye.

MR. MCCORMACK: Johnson.

ALD. JOHNSON: Aye.

MR. MCCORMACK: Kleiner.

ALD. KLEINER: Aye.

MR. MCCORMACK: Green.

ALD. GREEN: Aye.

MR. MCCORMACK: Witt.

ALD. WITT: Aye.

MR. MCCORMACK: It carries.

A resolution sponsored by Alderman Green authorizing a new agreement with the Sullivan County SPCA.

ALD. JOHNSON: Mr. Kleiner offers a second. Thank you.

Any discussion?

It appears the animal agencies are all well-represented.

Clerk, call the roll.

MR. MCCORMACK: Tobin.

ALD. TOBIN: Aye.

MR. MCCORMACK: Jean-Francois.

ALD. JEAN-FRANCOIS: Aye.

MR. MCCORMACK: Johnson.

ALD. JOHNSON: Aye.

MR. MCCORMACK: Kleiner.

ALD. KLEINER: Aye.

MR. MCCORMACK: Green.

ALD. GREEN: Aye.

MR. MCCORMACK: Witt.

ALD. WITT: Aye.

MR. MCCORMACK: It carries.

A resolution sponsored by Alderman Tobin accepting a $5,000,000 grant for replacing a raw water line between Kinch and Shawangunk Dams.

ALD. JOHNSON: Thank you. Mr. Witt offers a second.

Any discussion?

Clerk, call the roll.

MR. MCCORMACK: Tobin.

ALD. TOBIN: Aye.

MR. MCCORMACK: Jean-Francois.

ALD. JEAN-FRANCOIS: Aye.

MR. MCCORMACK: Johnson.

ALD. JOHNSON: Aye.

MR. MCCORMACK: Kleiner.

ALD. KLEINER: Aye.

MR. MCCORMACK: Green.

ALD. GREEN: Aye.

MR. MCCORMACK: Witt.

ALD. WITT: Aye.

MR. MCCORMACK: It carries.

A resolution sponsored by Alderman Witt authorizing a $1,500 budget transfer from within the City Clerk's budget.

ALD. JOHNSON: Thank you, Mr. Green, for the second.

Any discussion?

Clerk, call the roll.

MR. MCCORMACK: Tobin.

ALD. TOBIN: Aye.

MR. MCCORMACK: Jean-Francois.

ALD. JEAN-FRANCOIS: Aye.

MR. MCCORMACK: Johnson.

ALD. JOHNSON: Aye.

MR. MCCORMACK: Kleiner.

ALD. KLEINER: Aye.

MR. MCCORMACK: Green.

ALD. GREEN: Aye.

MR. MCCORMACK: And Witt.

ALD. WITT: Aye.

MR. MCCORMACK: It carries.

A resolution sponsored by Alderman Green authorizing an agreement with Tri-State Geese Police.

ALD. JOHNSON: Mr. Kleiner offers a second.

Any discussion?

Clerk, call the roll.

MR. MCCORMACK: Tobin.

ALD. TOBIN: Aye.

MR. MCCORMACK: Jean-Francois.

ALD. JEAN-FRANCOIS: Aye.

MR. MCCORMACK: Johnson.

ALD. JOHNSON: Aye.

MR. MCCORMACK: Kleiner.

ALD. KLEINER: Aye.

MR. MCCORMACK: Green.

ALD. GREEN: Aye.

MR. MCCORMACK: Witt.

ALD. WITT: Aye.

MR. MCCORMACK: It carries.

We have a resolution sponsored by Alderman Kleiner authorizing a $156,867.60 budget transfer from within the Police Department budget. There was a computational error in the title but the correct numbers are all listed on the resolution itself.

ALD. JOHNSON: Okay, who is on the floor? Jean-Francois is rising to the occasion for a second. Thank

you.

Any discussion or comments on the clarification?

Clerk, call the roll.

MR. MCCORMACK: Tobin.

ALD. TOBIN: Aye.

MR. MCCORMACK: Jean-Francois.

ALD. JEAN-FRANCOIS: Aye.

MR. MCCORMACK: Kleiner.

ALD. KLEINER: Aye.

MR. MCCORMACK: Johnson.

ALD. JOHNSON: Aye.

MR. MCCORMACK: Green.

ALD. GREEN: Aye.

MR. MCCORMACK: Witt.

ALD. WITT: Aye.

MR. MCCORMACK: It carries.

A resolution sponsored by Alderman Jean-Francois authorizing the 2024-2025 School Resources Officer Agreement between the City of Middletown and the Enlarged City School District of Middletown.

ALD. JOHNSON: Mr. Tobin offers a second.

Any discussion?

Clerk, call the roll.

MR. MCCORMACK: Tobin.

ALD. TOBIN: Aye.

MR. MCCORMACK: Johnson.

ALD. JOHNSON: Aye.

MR. MCCORMACK: Kleiner.

ALD. KLEINER: Aye.

MR. MCCORMACK: Green.

ALD. GREEN: Aye.

MR. MCCORMACK: Witt.

ALD. WITT: Aye.

MR. MCCORMACK: It carries.

ALD. JEAN-FRANCOIS: You missed one.

MR. MCCORMACK: Jean-Francois. I'm sorry.

ALD. JEAN-FRANCOIS: Aye.

MR. MCCORMACK: I apologize, sir.

ALD. JOHNSON: If you guys would stop moving around, we would be able to figure this out.

MR. MCCORMACK: A resolution sponsored by Alderman Tobin authorizing a $23,000 budget transfer from within the Recreation and Parks budget.

ALD. JOHNSON: Offered by Mr. Tobin, seconded by Mr. Green.

Discussion?

Clerk, call the roll.

MR. MCCORMACK: Tobin.

ALD. TOBIN: Aye.

MR. MCCORMACK: Jean-Francois.

ALD. JEAN-FRANCOIS: Aye.

MR. MCCORMACK: Johnson.

ALD. JOHNSON: Aye.

MR. MCCORMACK: Kleiner.

ALD. KLEINER: Aye.

MR. MCCORMACK: Green.

ALD. GREEN: Aye.

MR. MCCORMACK: Witt.

ALD. WITT: Aye.

MR. MCCORMACK: It carries.

A resolution sponsored by Alderman Witt authorizing salary adjustments for non-union and management employees.

ALD. JOHNSON: This on the floor, Mr. Tobin makes a second.

This involves three particular employees.

Any discussion? Any requests for Executive Session?

Hearing --

ALD. WITT: It involves all employees.

ALD. JOHNSON: All employees.

ALD. WITT: Three have a -- three different -- four have a rate different than (inaudible).

ALD. JOHNSON: Thank you for the clarification.

Having heard that, is there any request for

Executive Session?

Any other discussion?

Hearing none, Clerk, call the roll.

MR. MCCORMACK: Tobin.

ALD. TOBIN: Aye.

MR. MCCORMACK: Jean-Francois.

ALD. JEAN-FRANCOIS: Aye.

MR. MCCORMACK: Johnson.

ALD. JOHNSON: Aye.

MR. MCCORMACK: Kleiner.

ALD. KLEINER: Aye.

MR. MCCORMACK: Green.

ALD. GREEN: Aye.

MR. MCCORMACK: Witt.

ALD. WITT: Aye.

MR. MCCORMACK: It carries.

A resolution sponsored by Alderman Green authorizing a public hearing for a zoning amendment.

ALD. JOHNSON: And Mr. Kleiner takes it home with a second.

Any discussion?

Clerk, call the roll.

MR. MCCORMACK: Tobin.

ALD. TOBIN: Aye.

MR. MCCORMACK: Jean-Francois.

ALD. JEAN-FRANCOIS: Aye.

MR. MCCORMACK: Johnson.

ALD. JOHNSON: Aye.

MR. MCCORMACK: Kleiner.

ALD. KLEINER: Aye.

MR. MCCORMACK: Green.

ALD. GREEN: Aye.

MR. MCCORMACK: Witt.

ALD. WITT: Aye.

MR. MCCORMACK: It carries.

13. Local Laws

ALD. JOHNSON: Any local laws this evening?

MR. MCCORMACK: No local laws, sir.

14. Audit of Claims and Accounts

ALD. JOHNSON: I'm going to invoke executive privilege and make a motion that the accounts be audited, the claims be adjusted, and the City Treasurer be authorized to issue warrants for their payment.

I'm seeking a second.

Thank you, Mr. Green.

Discussion?

All in favor -- sorry. Sorry. Right to the end.

Clerk, call the roll.

MR. MCCORMACK: Tobin.

ALD. TOBIN: Aye.

MR. MCCORMACK: Jean-Francois.

ALD. JEAN-FRANCOIS: Aye.

MR. MCCORMACK: Johnson.

ALD. JOHNSON: Aye.

MR. MCCORMACK: Kleiner.

ALD. KLEINER: Aye.

MR. MCCORMACK: Green.

ALD. GREEN: Aye.

MR. MCCORMACK: Witt.

ALD. WITT: Aye.

MR. MCCORMACK: It carries.

15. ADJOURNMENT

ALD. JOHNSON: A wiser man than I once said Merry Christmas to all and to all a good night.

I need a motion to adjourn. Mr. Green, thank you.

Mr. Tobin second.

Discussion?

Okay, Clerk, call the roll.

MR. MCCORMACK: Tobin.

ALD. TOBIN: Aye.

MR. MCCORMACK: Jean-Francois.

ALD. JEAN-FRANCOIS: Aye.

MR. MCCORMACK: Johnson.

ALD. JOHNSON: Aye.

MR. MCCORMACK: Kleiner.

ALD. KLEINER: Aye.

MR. MCCORMACK: Green.

ALD. GREEN: Aye.

MR. MCCORMACK: Witt.

ALD. WITT: Aye.

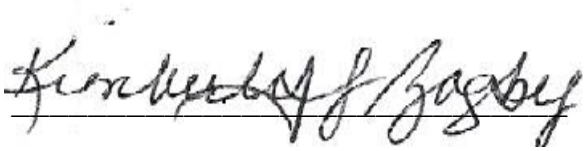
MR. MCCORMACK: The motion carries.

ALD. JOHNSON: Thank you very much. Have a good evening and good holiday.

(Proceeding concluded.)

CERTIFICATION

I, KIMBERLY J. ZOGBY, certify that the foregoing transcript of the December 19, 2023 Middletown City Council meeting was prepared using the required transcription equipment and is a true and accurate transcript of the recording.



AMERICAN LEGAL TRANSCRIPTION

11 Market Street, Suite 215

Poughkeepsie, New York 12601

Dated: December 29, 2023

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 with in the Department of Public Works Budget
    - 12.3 Resolution Authorizing a $13250 Budget Transfer from with in 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 $156,867.60 Budget Transfer from with in 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

12.19 Resolution Authorizing Salary Adjustments for Non-Union and Management Employees

12.20 Resolution Authorizing a Public Hearing for a Zoning Amendment

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. Witt

Sec'd by Ald. Jean-Francois

Date of Adoption: December 19, 2023

Index No:

Names	Ayes	Noes	Abstain	Absent
Ald. Tobin	X			
Ald Jean-Francois	X			
Ald. Johnson	X			
Ald. Wray				X
Ald. Kleiner	X			
Ald. Green	X			
Ald. Witt	X			
Ald. Masi				X
Pres. Rodrigues				X
Total	6			3

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

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, NEW YORK
COMMON COUNCIL
RECORD OF VOTE

THE FOLLOWING WAS PRESENTED

By Ald. Witt

Sec'd by Ald. Green

Date of Adoption: December 19, 2023

Index No: 251-23

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			3

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

CITY OF MIDDLETOWN, NEW YORK
COMMON COUNCIL
RECORD OF VOTE

THE FOLLOWING WAS PRESENTED

By Ald. Green

Sec'd by Ald. Kleiner

Date of Adoption: December 19, 2023

Index No:

Names	Ayes	Noes	Abstain	Absent
Ald. Tobin	X			
Ald Jean-Francois	X			
Ald. Johnson	X			
Ald. Wray				X
Ald. Kleiner	X			
Ald. Green	X			
Ald. Witt	X			
Ald. Masi				X
Pres. Rodrigues				X
Total	6			3

Resolution Authorizing a $11565.84 Budget Transfer from with in 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, Guiderail repair-Harding & Mills Rd, and professional services for WSP for Magnolia Park Signal Warrant Analysis.

FROM	AMOUNT	TO
A.1620.470 Repairs to Building	$650.00 (Colby Attorney Services)	A.1490.400 Contractual
A.1620.470 Repairs to Building	$1388.10 (Eagle Mat- Mats for City Hall)	A.1490.400 Contractual
A.1620.470 Repairs to Building	$5,050.00 (WSP- Magnolia Park)	A.1490.400 Contractual
A.1620.470 Repairs to Building	$4,477.74 (Guiderail Replacement Harding & Mills Rd.)	A.1490.400 Contractual

ATTACHMENTS:

transfer-003.pdf

CITY OF MIDDLETOWN, NEW YORK
COMMON COUNCIL
RECORD OF VOTE

THE FOLLOWING WAS PRESENTED

By Ald. Kleiner

Sec'd by Ald. Jean-Francois

Date of Adoption: December 19, 2023

Index No:

Names	Ayes	Noes	Abstain	Absent
Ald. Tobin	X			
Ald Jean-Francois	X			
Ald. Johnson	X			
Ald. Wray				X
Ald. Kleiner	X			
Ald. Green	X			
Ald. Witt	X			
Ald. Masi				X
Pres. Rodrigues				X
Total	6			3

Resolution Authorizing a $13250 Budget Transfer from with in 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 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
A. 5110.100 Pers. Svcs.-Street	$250.00	A.5110.104 Longevity-Street

Also requesting a transfer of funds as described below to cover longevity pay for an employee who was not budgeted.

ATTACHMENTS:
BOE MEMO- PERSONAL SERVICES TRANSFER.pdf

CITY OF MIDDLETOWN, NEW YORK
COMMON COUNCIL
RECORD OF VOTE

THE FOLLOWING WAS PRESENTED

By Ald. Jean-Francois

Sec'd by Ald. Tobin

Date of Adoption: December 19, 2023

Index No: 254-23

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			3

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

CITY OF MIDDLETOWN, NEW YORK
COMMON COUNCIL
RECORD OF VOTE

THE FOLLOWING WAS PRESENTED

By Ald. Tobin

Sec'd by Ald. Witt

Date of Adoption: December 19, 2023

Index No: 255-23

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			3

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 and authorizes the Mayor to sign it.

ATTACHMENTS:
Tax_Warrant_2024.pdf

CITY OF MIDDLETOWN, NEW YORK
COMMON COUNCIL
RECORD OF VOTE

THE FOLLOWING WAS PRESENTED

By Ald. Witt

Sec'd by Ald. Green

Date of Adoption: December 19, 2023

Index No: 256-23

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			3

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 Personal Services	$20,000.	A.3410.103 Overtime
*A.3410.106	$5,000	A.3410.103 Overtime
**A.3410.207 Equipment-Hose	$5,000	A.3410.440 Repairs to Equipment

*To cover overtime thru December 2023.
**Repairs thru year-end

ATTACHMENTS:
Transfer 2023 OT on letterhead.docx

CITY OF MIDDLETOWN, NEW YORK
COMMON COUNCIL
RECORD OF VOTE

THE FOLLOWING WAS PRESENTED

By Ald. Green

Sec'd by Ald. Kleiner

Date of Adoption: December 19, 2023

Index No: 257-23

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			3

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 Promoters & Sponsors	$2,500.00	A.7010.447 Credit Card/Online Fees
A.7010.448 Promoters & Sponsors	$1,200.00	A.7010.200 Equipment

CITY OF MIDDLETOWN, NEW YORK
COMMON COUNCIL
RECORD OF VOTE

THE FOLLOWING WAS PRESENTED

By Ald. Kleiner

Sec'd by Ald. Jean-Francois

Date of Adoption: December 19, 2023

Index No: 258-23

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

Resolution authorizing $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, $3502.75, in the following manner:

FROM	AMOUNT	TO
CD 8686.433 Personnel Training	$1,000.00	8686.456 Program Related Expense
CD 8686.440 Repairs to Equipment	$517.00	8686.456 Program Related Expense
CD 8686.440 Repairs to Equipment	$483.00	8686.457 Program Elements SBL/PUB
CD 8686.479 Equipment Rental	$400.00	8686.457 Program Elements SBL/PUB
CD 8686.418 Auto Expense	$1,000.00	8686.457 Program Elements SBL/PUB
CD 8686.480 Office Expense	$102.75	8686.400 Contractual Services

CITY OF MIDDLETOWN, NEW YORK
COMMON COUNCIL
RECORD OF VOTE

THE FOLLOWING WAS PRESENTED

By Ald. Jean-Francois

Sec'd by Ald. Tobin

Date of Adoption: December 19, 2023

Index No: 259-23

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			3

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

CITY OF MIDDLETOWN, NEW YORK
COMMON COUNCIL
RECORD OF VOTE

THE FOLLOWING WAS PRESENTED

By Ald. Tobin

Sec'd by Ald. Witt

Date of Adoption: December 19, 2023

Index No: 260-23

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			3

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

CITY OF MIDDLETOWN, NEW YORK
COMMON COUNCIL
RECORD OF VOTE

THE FOLLOWING WAS PRESENTED

By Ald. Kleiner

Sec'd by Ald. Jean-Francois

Date of Adoption: December 19, 2023

Index No: 261-23

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			3

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

CITY OF MIDDLETOWN, NEW YORK
COMMON COUNCIL
RECORD OF VOTE

THE FOLLOWING WAS PRESENTED

By Ald. Green

Sec'd by Ald. Kleiner

Date of Adoption: December 19, 2023

Index No: 262-23

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			3

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

CITY OF MIDDLETOWN, NEW YORK
COMMON COUNCIL
RECORD OF VOTE

THE FOLLOWING WAS PRESENTED

By Ald. Tobin

Sec'd by Ald. Witt

Date of Adoption: December 19, 2023

Index No: 265-23

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			3

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

CITY OF MIDDLETOWN, NEW YORK
COMMON COUNCIL
RECORD OF VOTE

THE FOLLOWING WAS PRESENTED

By Ald. Witt

Sec'd by Ald. Green

Date of Adoption: December 19, 2023

Index No: 266-23

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			3

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 2023.

FROM	AMOUNT	TO
A.1010.400 Contracted Services	$1,500	A.1010.464 Record Management

ATTACHMENTS:
Budget Transfer Req for Records Management.docx

CITY OF MIDDLETOWN, NEW YORK
COMMON COUNCIL
RECORD OF VOTE

THE FOLLOWING WAS PRESENTED

By Ald. Green

Sec'd by Ald. Kleiner

Date of Adoption: December 19, 2023

Index No: 267-23

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			3

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

CITY OF MIDDLETOWN, NEW YORK
COMMON COUNCIL
RECORD OF VOTE

THE FOLLOWING WAS PRESENTED

By Ald. Kleiner

Sec'd by Ald. Jean-Francois

Date of Adoption: December 19, 2023

Index No: 268-23

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			3

Resolution Authorizing a $156,867.60 Budget Transfer from with in 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 $156,867.60, in the following manner to cover unanticipated shortfalls and the purchase of a new vehicle:

FROM	AMOUNT	TO
A.3120.410 Uniform Allowance	$39,000	A.3120.100 Personal Services
A.3120.110 Part Time Officer	$26,000	A.3120.100 Personal Services
A.3120.440 Repairs to Equipment	$9,000	A.3120.100 Personal Services
A.3120.450 Materials and Supplies	$12,122.60	A.3120.108 207C-Police
A.3120.433 Personnel Training	$495	A.3120.432 Background Investigations

A.3120.433 Personnel Training	$250	A.3120.408 Boot Allowance
A.3120.417 Gas & Oil	$35,000	A.3120.201 Vehicles
A.3120.400 Contractual Services	$35,000	A.3120.201 Vehicles

ATTACHMENTS:
Police Budget Transfer.pdf

CITY OF MIDDLETOWN, NEW YORK
COMMON COUNCIL
RECORD OF VOTE

THE FOLLOWING WAS PRESENTED

By Ald. Jean-Francois

Sec'd by Ald. Tobin

Date of Adoption: December 19, 2023

Index No: 269-23

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			3

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

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: December 19, 2023

Index No: 270-23

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			3

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 trasnfer, $23,000, in the following manner:

FROM	AMOUNT	TO
*A.7200.100 Camps Personal Services	$15,000	A.7020.450 General Recreation Material & Supplies
**A.7180.450 Pool – Material & Supplies	$5,000	A.8060.470 Recreation Facility – Repairs to Building
***A.7180.100 Pools – Personal Services	$3,000	A.7110.103 Parks – Personal Services OT

*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.

**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.

***This is to cover the overdraft of the account and Ice-Skating Rink OT for the remainder of the year.

ATTACHMENTS:
BOE Transfers.pdf

CITY OF MIDDLETOWN, NEW YORK
COMMON COUNCIL
RECORD OF VOTE

THE FOLLOWING WAS PRESENTED

By Ald. Witt

Sec'd by Ald. Tobin

Date of Adoption: December 19, 2023

Index No: 271-23

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			3

Resolution Authorizing Salary Adjustments for Non-Union and Management Employees

BE IT RESOLVED; that the Common Council of the City of Middletown, NY, concurs with the Board of Estimate and Apportionment and authorizes salary adjustments for non-union and management employees, effective January 1, 2024.

CITY OF MIDDLETOWN, NEW YORK
COMMON COUNCIL RECORD OF VOTE

THE FOLLOWING WAS PRESENTED

By Ald.Green

Sec'd by Ald. Kleiner

Date of Adoption: December 19, 2023

Index No: 272-23

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			3

Resolution Authorizing a Public Hearing for a Zoning Amendment

WHEREAS, the City of Middletown has been presented with a proposal for a health and fitness facility in the C-3 General Business zoning district, and

WHEREAS, this particular use is currently allowed in the DMU, Limited General Business, Light Industrial, and Light Industrial/General Business zoning districts.

NOW THEREFORE BE IT RESOLVED that the Common Council of the City of Middletown will hold a public hearing on the proposed change on Wednesday, January 3, 2024, at or as near to 4:00 PM as possible in the Common Council Chambers, 16 James Street, 2nd Floor, Middletown, NY.

ATTACHMENTS:
Zoning - Health and Fitness - C3.pdf

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	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			3

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: Alderman Johnson
Seconded by: Alderman Green
Date of Adoption: January 16, 2024
Index No: 13-24

I hereby certify that the attached is a true copy of a Resolution and/or Local Law adopted by the City of Middletown Common Council.

Richard P. McCormack
Clerk to the Common Council

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			

I hereby approve the attached Resolution/Local Law.

Joseph M. DeStefano, Mayor

Date

Authorization to Amend City Code by creating a new Chapter 438, Tobacco/Hookah/Vaping Establishment Licenses

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.

Prepared by:

Attachments:

1. Tobacco Licenses
2. PH Affidavit
3. PH Minutes Tobacco Licenses

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 commision expires 8-25-26

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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.

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

CITY OF MIDDLETOWN, NEW YORK
PUBLIC HEARING
December 19, 2023

Acting Council President Johnson opened the public hearing.
The City Clerk read the following notice:

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.

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

Attendance: Mayor DeStefano, Acting Common Council President Johnson, City Aldermen, Richard P. McCormack, City Clerk & Various Department Heads.

There were no speakers.

Mayor DeStefano recommended the Council leave the public hearing open for an additional two weeks to receive further written comments.

No additional comments were received.

On January 2, 2024 on a motion by Alderman Johnson, seconded by Alderman Witt and approved unanimously by the Common Council the public hearing was closed.
Respectfully submitted,

Richard P. McCormack
City Clerk

CITY OF MIDDLETOWN, NEW YORK
COMMON COUNCIL
RECORD OF VOTE

THE FOLLOWING WAS PRESENTED

By: Alderman Johnson
Seconded by: Alderman Kleiner
Date of Adoption: January 16, 2024
Index No: 14-24

I hereby certify that the attached is a true copy of a Resolution and/or Local Law adopted by the City of Middletown Common Council.

Richard P. McCormack
Clerk to the Common Council

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			

I hereby approve the attached Resolution/Local Law.

Joseph M. DeStefano, Mayor

Date

Authorization to Amend City Code to Allow Health and Fitness in the C-3 General Business Zoning District

WHEREAS, the City of Middletown has been presented with a proposal for a health and fitness facility in the C-3 General Business zoning district, and

WHEREAS, this particular use is currently allowed in the DMU, Limited General Business, Light Industrial, and Light Industrial/General Business zoning districts.

NOW, THEREFORE, BE IT RESOLVED, AND BE IT ORDAINED, by the Common Council of the City of Middletown, as follows:

Section 1. The Code of the City of Middletown, N.Y., Chapter 123, Zoning, as adopted March 27, 1967 and amended, be and is hereby further amended by adding a new Paragraph (26) to Subsection B, Uses requiring issuance of both a special use permit and site plan approval by the

Planning Board, to read as follows:

(26) Health club or fitness facility which may include such facilities as weight-lifting equipment; indoor running tracks; swimming pools; tennis, squash or racquetball courts; exercise machines, such as treadmills and rowers; skating, roller or boxer rinks; and accessory facilities such as saunas, showers and locker rooms, but excluding any facility involving the use or discharge of firearms.

Section 2. This Ordinance shall take effect immediately.

Prepared by:

Attachments:

1. PH Notice Health and Fitness
2. PH Minutes Health and Fitness Zoning Amendment
3. PH Affidavit Zoning - Health and Fitness - C3
4. OC Planning Sign Off Health and Fitness

CITY OF MIDDLETOWN
NOTICE OF PUBLIC HEARING

Notice is hereby given that the City of Middletown will hold a public hearing on Wednesday, January 3, 2024, on or as near to 4:30 p.m. as possible, Common Council Chambers, 2nd floor, 16 James Street, to hear any and all persons wishing to be heard on a proposed zoning amendment to read as follows:

Section 1. The Code of the City of Middletown, N.Y., Chapter 123, Zoning, as adopted March 27, 1967 and amended, be and is hereby further amended by adding a new Paragraph (26) to Subsection B, Uses requiring issuance of both a special use permit and site plan approval by the Planning Board, to read as follows:

(26) Health club or fitness facility which may include such facilities as weight-lifting equipment; indoor running tracks; swimming pools; tennis, squash or racquetball courts; exercise machines, such as treadmills and rowers; skating, roller or boxer rinks; and accessory facilities such as saunas, showers and locker rooms, but excluding any facility involving the use or discharge of firearms.

Section 2. This Ordinance shall take effect immediately.

The complete proposed zoning amendment is available in the office of the Common Council Clerk, City Hall, 16 James Street, room 12, and on the City Website.

Any and all persons wishing to be heard will be given an opportunity to speak either for or against the proposed zoning amendment.

For any person unable to participate at the time of the public hearing, email comments may be submitted in advance to rmccormack@middletownny.gom

By the order of the Common Council.

Richard P. McCormack
Clerk of the Common Council

Publish: 12/29/23 & 12/30/23
City Website

CITY OF MIDDLETOWN, NEW YORK
PUBLIC HEARING
January 3, 2024

The City Clerk opened the public hearing and read the following notice.

CITY OF MIDDLETOWN
NOTICE OF PUBLIC HEARING

Notice is hereby given that the City of Middletown will hold a public hearing on Wednesday, January 3, 2024, on or as near to 4:30 p.m. as possible, Common Council Chambers, 2nd floor, 16 James Street, to hear any and all persons wishing to be heard on a proposed zoning amendment to read as follows:

Section 1. The Code of the City of Middletown, N.Y., Chapter 123, Zoning, as adopted March 27, 1967 and amended, be and is hereby further amended by adding a new Paragraph (26) to Subsection B, Uses requiring issuance of both a special use permit and site plan approval by the Planning Board, to read as follows:

(26) Health club or fitness facility which may include such facilities as weightlifting equipment; indoor running tracks; swimming pools; tennis, squash or racquetball courts; exercise machines, such as treadmills and rowers; skating, roller or boxer rinks; and accessory facilities such as saunas, showers and locker rooms, but excluding any facility involving the use or discharge of firearms.

Section 2. This Ordinance shall take effect immediately.

The complete proposed zoning amendment is available in the office of the Common Council Clerk, City Hall, 16 James Street, room 12, and on the City Website.

Any and all persons wishing to be heard will be given an opportunity to speak either for or against the proposed zoning amendment.

For any person unable to participate at the time of the public hearing, email comments may be submitted in advance to rmccormack@middletownny.gom

By the order of the Common Council.
Richard P. McCormack
Clerk of the Common Council
Publish: 12/29/23 & 12/30/23
City Website

Attendance: Richard P. McCormack, City Clerk & Alderman Gerald Kleiner

Ald. Kleiner spoke in support of the change, noting that a fitness center used to exist in the same vicinity but on the Town of Wallkill, side and he saw no problem with expanding the zoning on the Middletown side to include such use.

Following Ald. Kleiner' s comments, Mr. McCormack left the hearing open for ten minutes, with no additional speakers, the hearing was closed at 4:11 PM.
Respectfully submitted,

Richard P. McCormack
City Clerk

LOCALiQ

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

PO Box 631202 Cincinnati, OH 45263-1202

PROOF OF PUBLICATION

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

STATE OF NEW YORK, COUNTY OF ORANGE

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

12/29/2023, 12/31/2023

and that the fees charged are legal.
Sworn to and subscribed before on 12/31/2023

Legal Clerk

Notary, State of WI, County of Brown

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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 Wednesday, January 3, 2024, on or as near to 4:30 p.m. as possible, Common Council Chambers, 2nd floor, 16 James Street, to hear any and all persons wishing to be heard on a proposed zoning amendment to read as follows:
Section 1. The Code of the City of Middletown, N.Y., Chapter 123, Zoning, as adopted March 27, 1967 and amended, be and is hereby further amended by adding a new Paragraph (26) to Subsection B, Uses requiring issuance of both a special use permit and site plan approval by the Planning Board, to read as follows:
(26) Health club or fitness facility which may include such facilities as weight-lifting equipment; indoor running tracks; swimming pools; tennis, squash or racquetball courts; exercise machines, such as treadmills and rowers; skating, roller or boxer rinks; and accessory facilities such as saunas, showers and locker rooms, but excluding any facility involving the use or discharge of firearms.
Section 2. This Ordinance shall take effect immediately.
The complete proposed zoning amendment is available in the office of the Common Council Clerk, City Hall, 16 James Street, room 12, and on the City Website.
Any and all persons wishing to be heard will be given an opportunity to speak either for or against the proposed zoning amendment.
For any person unable to participate at the time of the public hearing, email comments may be submitted in advance to rmccormack@middletownny.com

By the order of the
Common Council.

Richard P. McCormack
Clerk of the Common Council

Steven M. Neuhaus
County Executive

Orange County Department of Planning

124 Main Street
Goshen, NY 10924-2124
Tel: (845) 615-3840
Fax: (845) 291-2533

Alan J. Sorensen, AICP
Commissioner

www.orangecountygov.com/planning
planning@orangecountygov.com

County Reply – Mandatory Review of Local Planning Action as per NYS General Municipal Law §239-l, m, &n

Local Referring Board: City of Middletown City Council
Applicant: City of Middletown
Project Name: Zoning Change
Referral ID #: MTC 06-23M
Tax Map #: City-wide.
Local File #: None provided.
Proposed Action: Local Law to include health and fitness facilities in the C-3 General Business zoning district.
Reason for County Review: Adoption or amendment of a local law.
Date of Full Statement: December 12, 2023

Comments:

The Department of Planning has received the above referenced Local Law and has found no evidence that significant intermunicipal or countywide impacts would result from its approval.

County Recommendation:

Date: December 13, 2023
Prepared by: Kate Schmidt
Planner

Local Determination

Alan J. Sorensen, AICP
Commissioner of Planning

As per NYS General Municipal Law 239-m & n, within 30 days of municipal final action on the above referred project, the referring board must file a report of the final action taken with the County Planning Department. For such filing, please use the final action report form attached to this review or available on-line at www.orangecountygov.com/planning.

CITY OF MIDDLETOWN, NEW YORK
COMMON COUNCIL
RECORD OF VOTE

THE FOLLOWING WAS PRESENTED

By: Alderman Witt
Seconded by: Alderman Johnson
Date of Adoption: January 16, 2024
Index No: 15-24

I hereby certify that the attached is a true copy of a Resolution and/or Local Law adopted by the City of Middletown Common Council.

Richard P. McCormack
Clerk to the Common Council

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			

I hereby approve the attached Resolution/Local Law.

Joseph M. DeStefano, Mayor

Date

Authorization to offer MVP Health Insurance as an Optional Benefit to all Eligible City Employees

BE IT RESOLVED; that the Common Council of the City of Middletown, NY, concurs with the Board of Estimate and Apportionment and authorizes offering MVP Health Insurance to serve as an optional benefit plan for all eligible City Employees, including non-union employees beginning February 1, 2024. The plan includes the following: MVP Health Insurance Plan (dual option), MVP Flex Spending Account (FSA) and MVP Health Reimbursement Arrangement (HRA).

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.

Prepared by:

Attachments:

1. Q0031144-05_JSD_City of Middletown_Customer Quote_011124 (3)
2. City of Middletown 3.1.24

MVP Health Care
NEW YORK GROUP RATE QUOTE
Stand Alone Offerings

Customer Name: **City of Middletown**

Group Number:	**NEW**	***Contract Period:***	**3/1/2024 - 12/31/2024**
Quote Expires:	**3/1/2024**	***Rate Region:***	**MW**

These rates are Guaranteed provided all contingencies are met and both products and rates are approved as filed

Sold ☐

Product Scenario 1

Option 1

Product	**Integrated Hybrid EPO with OON**	
Base Plan	**NY7EYE065XLHEPN**	
Funding Arrangement	**Prospective**	
Product Status	**Filed**	
	Quoted Rates	Estimated Contracts
Single	$932.61	5
Double	$2,145.01	2
PC	$1,771.97	1
Family	$2,378.17	9
	Estimated Annual Premium	$385,543

Quote Contingencies

- Stand Alone Offerings Only
- Quote assumes MVP is the exclusive carrier
- Quote assumes an out of area % of less than 50% of enrolled subscribers.
- Quote assumes less than 10% of enrolled subscribers are retired.
- Subject to Home Office Approval.
- Group SIC Code: 9111
- Must Provide Current Carrier Renewal Information
- Employer Group Size Attestation must be submitted verifying Large group status prior to implementation
- MVP reserves the right to adjust rates due to changes in federal or state benefit mandates or tax policies.
- MVP reserves the right to revise the rates if actual enrollment varies by 10% from the assumed enrollment above

MVP reserves the right to rerate if any of these change.

Assumed Contracts	**175**
Broker Commissions	**Negotiated 0%**
CIGNA Offering Type	**Non-Affiliation**
Maximum Deductible Funding	**0%**
Pooling Level	**$150,000**

Was an MVP sponsored HSA sold with the HDHP product(s)? **YES or NO**

Marketing Representative: **Date:**

Group Representative/Broker: **Date:**

MVP Health Care
NEW YORK GROUP RATE QUOTE
Stand Alone Offerings

Customer Name:	**City of Middletown**		
Group Number:	**NEW**	***Contract Period:***	**3/1/2024 - 12/31/2024**
Quote Expires:	**3/1/2024**	***Rate Region:***	**MW**

Benefit Summary

Product Scenario 1

	Option 1
Product	**Integrated Hybrid EPO with OON**
Base Plan	**NY7EYE065XLHEPN**
In Network:	
PCP/SPC OV:	$25/$40
Deductible:	$1,500/$3,000/Emb
Coinsurance:	30%
Out of Pocket Max:	$3,500/$7,000/Emb
Inpatient:	Ded.& Coins.
Emergency:	$150
Outpatient Surg:	Ded.& Coins.
Wellness:	WellBeing Rewards
Pharmacy:	Rx-changes $10/$30/$50 to $5/$35/$70
Out of Network:	
Deductible:	$2,000/$4,000
Coinsurance:	40%
Out of Pocket Max:	$6,600/$13,200
Additional:	10 visits Acupuncture Vision Exam 24M-Copay Plan Domestic Partner Coverage WellBeing Rewards OON Rx-changes $10/$30/$50 to $5/$35/$70 Mail Order Rx 2.5x to 2.0x

Additional Information

- All of the benefits noted above are a summary. Please see the plans benefit document for full details.
- Maximum Deductible Funding 0%
- All Plans include the Mandated Benefit changes

- Rider Codes: Option 1 RXNY7EPO616XL MNEPO736L YNEPO208LB GNEPO703L MNEPO771LC PNEPO703L RXNY7EPO616XL RXNY7EPO703L

- Rider Codes: Option

Marketing Representative: **Date:**

Group Representative/Broker: **Date:**

MVP Select Care, Inc.
Health Reimbursement Account and Flexible Spending Account
New York Large Group Administrative Fee Proposal for

City of Middletown

Effective Date:	March 1, 2024	through	December 31, 2024

Per Participant Per Month Administrative Fee	**$4.00**

Other Charges:

Implementation Fee	$350

Summary Plan Document (SPD)

☐	Yes, SPD Requested	Included in Implementation Fee
☐	No, SPD ***Not*** Requested	n/a

Changes/Customized Programming/Corrections/Audit Requests:	$100 per hour
Non-Discrimination Testing *(per test, if requested)* :	$350 per Test

Claims Run Out Service:

Charges for the first three months following the Employer Group termination date are based upon the following percentages of the total administrative fee for the month prior to termination:

Month 1: 100% Month 2: 50% Month 3: 50%

Notes:

Final pricing is subject to Home Office Approval and may be revised based upon plan design. All Comprehensive HRA plan designs require prior approval, plans requiring manual processing will not be implemented.

HRA funding must be equivalent to or less than percentage noted on medical rate quote

ACH Payment Processing for claims funding is required for all services. Pre-funding is required for all debit card enabled accounts.

Administrative Fees will be invoiced separately from claims activity and medical premiums.

☐ Please check here if you would the monthly Administrative Fees deducted via ACH from the bank account indicated on the Spending Account application.

Agreement:

Client Signature: _____

Title: _____ *Date:* _____

MVP Signature: _____

Title: _____ *Date:* _____

CITY OF MIDDLETOWN, NEW YORK
COMMON COUNCIL
RECORD OF VOTE

THE FOLLOWING WAS PRESENTED

By: None
Seconded by: None
Date of Adoption: January 16, 2024
Index No: 16-24

I hereby certify that the attached is a true copy of a Resolution and/or Local Law adopted by the City of Middletown Common Council.

Richard P. McCormack
Clerk to the Common Council

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	9			
Total				

I hereby approve the attached Resolution/Local Law.

Joseph M. DeStefano, Mayor

Date

Authorization to make a $518 Budget Transfer to Cover the Cost ARPA Consultant Don Paris

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 $518, in the following manner, for Don Paris' quarter 4 ARPA reporting:

FROM	AMOUNT	TO
A.4785 ARPA	$518	A.1325.100 Finance Personal Services

Prepared by:

Attachments:
None

CITY OF MIDDLETOWN, NEW YORK
COMMON COUNCIL
RECORD OF VOTE

THE FOLLOWING WAS PRESENTED

By: Alderman Jean-Francois
Seconded by: Alderman Johnson
Date of Adoption: January 16, 2024
Index No: 17-24

I hereby certify that the attached is a true copy of a Resolution and/or Local Law adopted by the City of Middletown Common Council.

Richard P. McCormack
Clerk to the Common Council

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			

I hereby approve the attached Resolution/Local Law.

Joseph M. DeStefano, Mayor

Date

Authorization to Amend Resolution 248-23 Awarding Bids for Demolition of Properties at 27 ½ Smith Street, 99 East Avenue and 404 North Street

WHEREAS, Bids were received on November 16, 2023, for asbestos abatement and/or demolition at 27 ½ Smith Street, 99 East Avenue, and 404 North Street; and

WHEREAS, said bids were examined and checked on the contractor's references; and

WHEREAS, on December 5, 2023, the City of Middletown Common Council awarded the Bids as follows

1. 27 ½ Smith Street to be awarded to Gentile Construction of Yonkers, NY in the amount of $48,600 for complete demolition of the structure as asbestos-containing material.

2. 99 East Avenue to be awarded to Zuke's Excavation of Binghamton, NY in the amount of $39,800 for complete demolition of the structure as asbestos-containing material.

3. 404 North Street to be awarded to Zuke's Excavating of Binghamton, NY in the amount of $40,000 for complete demolition of the structure as asbestos-containing material.

WHEREAS the original resolution must be amended to award the demolition of 27 1/2 Smith Street to the third (3rd) lowest bidder, Dan's Hauling,

NOW THEREFORE BE IT RESOLVED that the Common Council of the City of Middletown hereby amends resolution 248-23 and awards the biff for the demolition of 27 1/2 Smith Street to the third (3rd) lowest bidder, Dan's Hauling, in the amount of $51,600*

*Apex Development Inc., the second-lowest bidder, has not been responsive to our communications trying to verify their bid.

Prepared by:

Attachments:

1. 27 1/2 Smith Street Demo
2. 248-23 Demolition Bid Awards

DEPARTMENT OF PUBLIC WORKS

MEMORANDUM

Date: January 9, 2024

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: Withdraw Award of Bid for Demolition of Property at 27 ½ Smith Street

We are respectfully requesting to withdraw the previous council resolution, #248-23, awarding the demolition of only 27 ½ Smith Street to Gentile Construction.

We are respectfully requesting a new council resolution awarding the demolition of 27 ½ Smith Street to the third (3rd) lowest bidder, Dan's Hauling, in the amount of $51,600.
Apex Development Inc., the second lowest bidder, have not been responsive to our communications trying to verify their bid.

The bid tabulation is attached for your review.

Thank you.

JT/kg

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: December 5, 2023

Index No: 248-23

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

Resolution Awarding Bids for Demolition of Properties at 27 ½ Smith Street, 99 East Avenue and 404 North Street

WHEREAS Bids were received for on November 16, 2023 for asbestos abatement and/or demolition at 27 ½ Smith Street, 99 East Avenue and 404 North Street; and

WHEREAS said bids were examined the and checked on the contractors references;

NOW THEREFORE BE IT RESOLVED that the following Bids for the Demoation of Properties be awarded as follows:

1. 27 ½ Smith Street to be awarded to Gentile Construction of Yonkers, NY in the amount of $48,600 for complete demolition of the structure as asbestos containing material.
2. 99 East Avenue to be awarded to Zuke's Excavation of Binghamton, NY in the amount of $39,800 for complete demolition of the structure as asbestos containing material.
3. 404 North Street to be awarded to Zuke's Excavating of Binghamton, NY in the amount of $40,000 for complete demolition of the structure as asbestos containing material. Please note that two bids were received in the same amount of $40,000 for demolition of the structure as asbestos containing material.*

*Both low bidders were contacted and as of the time of typing this memo, Apex Development has not responded to our calls. Our recommendation is to award to Zuke's Excavation in the amount of $40,000 for complete demolition of the structure as asbestos containing material.

These are properly budgeted items.

ATTACHMENTS:
COUNCIL MEMO-AWARD DEMO BIDS.pdf

CITY OF MIDDLETOWN, NEW YORK
COMMON COUNCIL
RECORD OF VOTE

THE FOLLOWING WAS PRESENTED

By: Alderman Green
Seconded by: Alderman Kleiner
Date of Adoption: January 16, 2024
Index No: 18-24

I hereby certify that the attached is a true copy of a Resolution and/or Local Law adopted by the City of Middletown Common Council.

Richard P. McCormack
Clerk to the Common Council

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			

I hereby approve the attached Resolution/Local Law.

Joseph M. DeStefano, Mayor

Date

Authorization to Enter into an Agreement with RBT CPAs LLC

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 RBT CPAs, LLC for Accounting Services for Fiscal Year 2024.

Prepared by:

Attachments:

1. RBT Consulting Engagement Letter 2024

LIMITED LIABILITY PARTNERSHIP
CERTIFIED PUBLIC ACCOUNTANTS BUSINESS DEVELOPMENT CONSULTANTS

December 1, 2023

Joseph DeStefano, Mayor
Members of the City Council
City of Middletown, New York
16 James Street
Middletown, NY 10940

Attention: Joseph DeStefano, Mayor

The Objective and Scope of the Services Provided
You have requested that RBT CPAs, LLP ("RBT", "we", "us", or "our"), provide accounting and/or consulting services for City of Middletown (the "City") as detailed below. We are pleased to confirm our acceptance and our understanding of this engagement by means of this letter ("Engagement Letter").

We will perform the following accounting and/or consulting services, at the specific request of City personnel. Such services may include, but are not limited to, the following:

- Assist City personnel with the annual financial report (the "AFR") for the fiscal year ended December 2023, including, but not limited to:
  - Entering City accounting information as adjusted to the New York State Office of the State Comptroller's ("NYS OSC") AFR software.
  - Assisting with identifying and correcting AFR edits prior to filing.
  - Reviewing draft AFR with City personnel.

- Make recommendations based on observations and inquiries to improve efficiency of recordkeeping and effectiveness of internal controls.

- Respond to questions, whether by phone, email or in person, regarding the proper accounting for transactions on an on-going basis.

This agreement will remain in effect through December 31, 2024.

We will maintain our independence in accordance with the standards of the American Institute of Certified Public Accountants ("AICPA").

Our services under this Engagement Letter do not include services for tax return preparation, tax advice or representation in any tax matter. Nevertheless, we may discuss with you certain tax considerations or provide you with tax information that may be relevant to our services. Any such discussions or information would be based upon limited tax research, limited due diligence and limited analysis regarding the underlying facts. Because additional research or a more complete review of the facts could affect our analysis and conclusions, the information provided during these discussions should not be used as the basis for proceeding with any transaction or any tax return reporting.

The Responsibilities of Management
The financial statements are the responsibility of the City's management. You acknowledge that other management responsibilities include maintaining adequate records and effective internal controls over financial reporting, selecting and applying accounting principles, and safeguarding assets. We will help you adjust the books of account in order to prepare a working trial balance from which financial statements can be prepared. We will not perform any management functions, make management decisions or otherwise perform in a capacity equivalent to that of your employees or officers.

As outlined in this Engagement Letter, we will assist in the preparation of the City's financial statements, and we may advise the City about appropriate accounting principles and their application, but the responsibility for the financial statements remains with the City. As part of our engagement, we may also propose adjusting or correcting journal entries to the City's financial statements. However, management has the final responsibility for reviewing the proposed entries and understanding the nature and impact of the proposed entries to the financial statements. It is our understanding management has designated Leonora Liz, Treasurer to oversee such services; evaluate the adequacy and results of the services performed; accept responsibility for the results of the services; and establish and maintain internal controls, including monitoring ongoing activities.

Records and Assistance
If circumstances relating to the conditions of your records were to arise during the course of our work that, in our professional judgment, prevent us from completing the engagement, we will notify you promptly. In such a situation, we retain the unilateral right to take any course of action permitted by professional standards, including withdrawal from the engagement.

During the course of our engagement, we may accumulate records containing data that should be reflected in the City's books and records. The City will determine that all such data, if necessary, will be so reflected. Accordingly, the City will not expect us to maintain copies of such records in our possession.

Fees and Costs
Our fees for these services will be billed based on time spent at discounted hourly rates for assigned personnel according to the following rate schedule:

Partner	$349/hour
Manager	$315/hour
Supervisor	$286/hour
Senior	$239/hour
In-Charge	$185/hour
Associate	$151/hour

Travel and expenses will be billed directly. The discounted rate schedule above assumes anticipated cooperation from City personnel, timely responses to inquiries, and timely completion and delivery of client assistance requests. If the criteria are not met, the discounted rates will no longer be applicable and services will be billed at standard hourly rates.

Partner	$436/hour
Manager	$394/hour
Supervisor	$357/hour
Senior	$299/hour
In-Charge	$231/hour
Associate	$189/hour

Use of Subcontractors and Third-Party Products
We also may provide services to you using certain third-party hardware, software, equipment, or products (collectively, "Third-Party Products" and each, individually, a "Third-Party Product"). You acknowledge that the use of a Third-Party Product may involve the processing, input, disclosure, movement, transfer, and storage of information provided by or on behalf of you to us, including Confidential Information and Personal Information, within the Third-Party Product's infrastructure and not ours. You further acknowledge that the terms of use and service, including, but not limited to, applicable laws, set forth in the end-user license, end-user subscription agreement, or other end-user agreement for such Third-Party Product (collectively, "EULA(s)") will govern all obligations of such licensor relating to data privacy, storage, recovery, security, and processing within such Third-Party Product's infrastructure, as well as, the service levels associated with such Third-Party Product. You hereby consent to the disclosure of your information, including your Confidential Information and Personal Information, to the licensors of such Third-Party Products for the purpose described herein.

To the extent RBT gives the City access to a Third-Party Product in connection with the services contemplated herein, the City agrees to comply with the terms of any applicable EULA for such Third-Party Product, and the City shall be solely responsible for the improper use of a Third-Party Product or a violation of the applicable EULA for such Third-Party Product, by the City, or any user to whom the City grants access to such Third-Party Product. The City agrees to indemnify and hold RBT harmless from and against any claims, actions, lawsuits, proceedings, judgments, liens, losses, damages, costs, expenses, fees (including reasonable legal fees, expenses, and costs) and other liabilities relating to, or arising from or out of, the improper use of a Third-Party Product, or a violation of the terms of the applicable EULA for such Third-Party Product, by the City, or any user to whom the City grants access to such Third-Party Product.

You acknowledge that the use of Third-Party Products may be subject to limitations, delays, interruptions, errors, and other problems which are beyond our control, including, without limitation, internet outage or lack of availability related to updates, upgrades, patches, fixes, maintenance, or other issues. We will not be liable for any delays, delivery failures, or other losses or damages resulting from such issues. Nor will we be held responsible or liable for any loss, or unauthorized use or disclosure, of any information or data provided by you, including, without limitation, Personal Information provided by you, resulting from the use of a Third-Party Product.

Use and Ownership; Access to Engagement Documentation
The Engagement Documentation for this engagement is the property of RBT. For the purposes of this Engagement Letter, the term "Engagement Documentation" shall mean the confidential and proprietary records of RBT's engagement procedures performed, relevant engagement evidence obtained, other engagement-related workpapers, and conclusions reached. Engagement Documentation shall not include custom-developed documents, data, reports, analyses, recommendations, and deliverables authored or prepared by RBT for the City under this Engagement Letter, or any documents belonging to the City or furnished to RBT by the City.

In the event we are required by government regulation, subpoena or other legal process to produce our documents or our personnel as witnesses with respect to our engagement for the City, the City will, so long as we are not a party to the proceeding in which the information is sought, reimburse us for our professional time and expenses, as well as the fees and expenses of our counsel, incurred in responding to such requests.

Indemnification, Limitation of Liability, and Claim Resolution
Because RBT will rely on the City and its management and City Council to discharge the foregoing responsibilities, the City agrees to indemnify, hold harmless and release RBT and its partners, principals, officers, directors, employees, affiliates, subsidiaries, contractors, Subcontractors, agents, representatives, successors, or assigns from all third-party claims, liabilities, losses and costs arising in circumstances where there has been a knowing misrepresentation by a member of the City's management.

The City and RBT agree that no claim arising out, from, or relating to the services rendered pursuant to this Engagement Letter shall be filed more than two years after the date of the deliverables issued by RBT or the date of this Engagement Letter if no deliverable has been issued. In no event shall RBT or the City, or any of their respective partners, principals, officers, directors, employees, affiliates, subsidiaries, contractors, subcontractors, agents, representatives, successors, or assigns (collectively the "Covered Parties" and each individually, a "Covered Party"), be liable for the interruption or loss of business, any lost profits, savings, revenue, goodwill, software, hardware, or data, or the loss of use thereof (regardless of whether such losses are deemed direct damages), or incidental, indirect, punitive, consequential, special, exemplary, or similar such damages, even if advised of the probability of such damages. Except for a Covered Party's indemnification obligations under this engagement letter, to the fullest extent permitted by law, the total aggregate liability of the Covered Parties arising out of, from, or relating to this Engagement Letter, or the report issued or services provided hereunder, regardless of the circumstances or nature or type of claim, including, without limitation, claims arising from a Covered Party's negligence or breach of contract or warranty, or relating to or arising from a government, regulatory or enforcement action, investigation, proceeding, or fine, will not exceed the total amount of the fees paid by the City to RBT under this Engagement Letter. Notwithstanding the foregoing, nothing in this limitation of liability provision shall, or shall be interpreted or construed to, relieve the City and City Council of their payment obligations to RBT under this Engagement Letter.

Confidentiality
RBT and the City may, from time to time, disclose Confidential Information (as defined below) to one another. Accordingly, RBT and the City agree as the recipient of such Confidential Information (the "Receiving Party") to keep strictly confidential all Confidential Information provided to it by the disclosing party (the "Disclosing Party") and use, modify, store, and copy such Confidential Information only as necessary to perform its obligations and exercise its rights under this Engagement Letter. Except as otherwise set forth herein, the Receiving Party may only disclose the Confidential Information of the Disclosing Party to its personnel, agents, and representatives who are subject to obligations of confidentiality at least as restrictive as those set forth herein and only for the purpose of exercising its rights and fulfilling its obligations hereunder. To avoid any doubt, RBT is permitted to disclose the City's Confidential Information to RBT's personnel, agents, and representatives to provide the services or exercise its rights under this Engagement Letter or for the purpose of maintaining compliance with applicable laws and professional, regulatory, and/or ethical standards.

As used herein, "Confidential Information" means, information in any form, oral, graphic, written, electronic, machine-readable or hard copy consisting of: (i) any nonpublic information provided by the Disclosing Party, including, but not limited to, all of its inventions, designs, data, source and object code, programs, program interfaces, know-how, trade secrets, techniques, ideas, discoveries, marketing and business plans, pricing, profit margins and/or similar information; (ii) any information that the Disclosing Party identifies as confidential; or (iii) any information that, by its very nature, a person in the same or similar circumstances would understand should be treated as confidential, including, but not limited to, this Engagement Letter.

As used herein, the term "Confidential Information" will not include information that: (i) is publicly available at the time of disclosure by the Disclosing Party; (ii) becomes publicly available by publication or otherwise after disclosure by the Disclosing Party, other than by breach of the confidentiality obligations set forth herein by the Receiving Party; (iii) was lawfully in the Receiving Party's possession, without restriction as to confidentiality or use, at the time of disclosure by the Disclosing Party; (iv) is provided to the Receiving Party without restriction as to confidentiality or use by a third party without violation of any obligation to the Disclosing Party; or (v) is independently developed by employees or agents of the Receiving Party who did not access or use the Disclosing Party's Confidential Information.

The Receiving Party will treat the Disclosing Party's Confidential Information with the same degree of care as the Receiving Party treats its own confidential and proprietary information, but in no event will such standard of care be less than a reasonable standard of care. The Receiving Party will promptly notify the Disclosing Party if it becomes aware that any of the Confidential Information of the Disclosing Party has been used or disclosed in violation of this Engagement Letter.

Preexisting Nondisclosure Agreements
In the event that the parties have executed a separate nondisclosure agreement, such agreement shall be terminated as of the effective date of this Engagement Letter and the terms of this Engagement Letter shall apply to the treatment of information shared by the parties hereto.

Personal Information
As used herein, the term "Personal Information" means any personal information, as may be defined by applicable privacy, data protection, or cybersecurity laws, that directly or indirectly identifies a natural person, and includes, but is not limited to, nonpublic, personally identifiable information such as Social Security numbers, Social Insurance numbers, driver's license numbers or government-issued identification card numbers, and health information.

Each party agrees to transmit Personal Information consistent with applicable laws and any other obligations the respective party may have. We are permitted to use all such Personal Information to perform our obligations and exercise our rights under this Engagement Letter.

You represent and warrant that you have provided all notices and obtained all consents required under applicable data protection laws prior to your collection, use and disclosure to us or our Subcontractors of such Personal Information and shall take reasonable steps to ensure that such Personal Information does not include irrelevant or unnecessary information about individuals.

We agree to maintain appropriate security measures to protect such Personal Information in accordance with applicable laws.

If we become aware of an unauthorized acquisition or use of City-provided Personal Information, we will promptly inform you of such unauthorized acquisition or use as required by applicable laws and, upon your written request, reasonably cooperate with you at your sole cost in support of any breach notification requirements as imposed upon you by applicable laws.

Retention of Records
We will return to you all original records you provide to us in connection with this engagement. Further, in addition to providing you with those deliverables set forth in this Engagement Letter, we will provide to you a copy of any records we prepare or accumulate in connection with such deliverables which are not otherwise reflected in your books and records without which your books and records would be incomplete. You have the sole responsibility for retaining and maintaining in your possession or custody all of your financial and nonfinancial records related to this engagement. We will not host, and will not accept responsibility to host, any of your records. We, however, may maintain a copy of any records of yours necessary for us to comply with applicable law and/or professional standards or to exercise our rights under this Engagement Letter. Any such records retained by us will be subject to the confidentiality obligations set forth herein and destroyed in accordance with our record retention policies.

Termination
Your failure to make full payment of any and all undisputed amounts invoiced in a timely manner constitutes a material breach for which we may refuse to provide deliverables and/or, upon written notice, suspend or terminate our services under this Engagement Letter. We will not be liable to you for any resulting loss, damage or expense connected with the suspension or termination of our services due to your failure to make full payment of undisputed amounts invoiced in a timely manner.

You may terminate this Engagement Letter for any reason upon fifteen (15) days' prior written notice to us. In the event you terminate this engagement, you will pay us for all services rendered (including deliverables and products delivered), expenses incurred, and noncancelable commitments made by us on your behalf through the effective date of termination.

Either party may terminate this Engagement Letter upon written notice if: (i) circumstances arise that in its judgment would cause its continued performance to result in a violation of law, a regulatory requirement, applicable professional or ethical standards, or, in the case of RBT, our client acceptance or retention standards; or (ii) if the other party is placed on a Sanctioned List (as defined herein), or if any director or executive of, or other person closely associated with such other party or its affiliate, is placed on a Sanctioned List.

We will not be responsible for any delay or failure in our performance resulting from acts beyond our reasonable control or unforeseen or unexpected circumstances, such as, but not limited to, acts of God, government or war, riots or strikes, disasters, fires, floods, epidemics, pandemics or outbreaks of communicable disease, cyberattacks, and internet or other system or network outages. At your option, you may terminate this Engagement Letter where our services are delayed more than 120 days; however, you are not excused from paying us for all amounts owed for services rendered and deliverables provided prior to the termination of this Engagement Letter.

When an engagement has been suspended at the request of management or those charged with governance and work on that engagement has not recommenced within 120 days of the request to suspend our work, we may, at our sole discretion, terminate this Engagement Letter without further obligation to you. Resumption of our work following termination may be subject to our client acceptance procedures and, if resumed, will require additional procedures not contemplated in this Engagement Letter. Accordingly, the scope, timing and fee arrangement discussed in this Engagement Letter will no longer apply. In order for us to recommence work, the execution of a new Engagement Letter will be required.

The parties agree that those provisions of this Engagement Letter which, by their context, are intended to survive, including, but not limited to, payment, limitations on liability, claim resolution, use and ownership, and confidentiality obligations, shall survive the termination of this Engagement Letter.

Miscellaneous
We may mention your name and provide a general description of the engagement in our client lists and marketing materials.

Notwithstanding anything stated to the contrary in this Engagement Letter, the City acknowledges and consents that we also may utilize Confidential Information and Personal Information to (i) improve the quality of our services and offerings and/or (ii) develop or perform internal data analysis or other insight generation. Information developed in connection with these purposes may be used by us to provide services or offerings. We will not use your Confidential Information or Personal Information in a way that would permit the City or an individual to be identified by third parties without your prior written consent.

Our professional standards require that we perform certain additional procedures, on current and previous years' engagements, whenever a partner or professional employee leaves the firm and is subsequently employed by or associated with a client in a key position. Accordingly, you agree to compensate us for any additional costs incurred as a result of your employment of one of our partners, principals or employees.

Each party hereto affirms it has not been placed on a Sanctioned List (as defined below) and will promptly notify the other party upon becoming aware that it has been placed on a Sanctioned List at any time throughout the duration of this Engagement Letter. The City shall not, and shall not permit third parties to, access or use any of the deliverables provided for hereunder, or Third-Party Products provided hereunder, in violation of any applicable sanctions laws or regulations, including, but not limited to, accessing or using the deliverables provided for hereunder or any Third-Party Products from any territory under embargo by the United States. The City shall not knowingly cause RBT to violate any sanctions applicable to RBT. As used herein "Sanctioned List" means any sanctioned person or entity lists promulgated by the Office of Foreign Assets Control of the U.S. Department of the Treasury, the U.S. State Department, the Consolidated Canadian Autonomous Sanctions List, the United Nations Security Council, the European Union, and United Kingdom.

Any term of this Engagement Letter that would be prohibited by or impair our independence under applicable law or regulation shall not apply, to the extent necessary only to avoid such prohibition or impairment.

Notices
Unless otherwise expressly agreed upon by the parties in this Engagement Letter, all notices required to be given hereunder will be in writing and addressed to the party at the business address provided in this Engagement Letter, or such other address as such party may indicate by a notice delivered to the other party. Except as otherwise expressly provided in this Engagement Letter, notices hereunder will be deemed given and effective: (i) if personally delivered, upon delivery; (ii) if sent by registered or certified mail or by overnight courier service with tracking capabilities, upon receipt; and, (iii) if sent by electronic mail (without indication of delivery failure), at such time as the party that sent the notice receives confirmation of receipt, whether by read-receipt confirmation or otherwise.

Governing Law
This Engagement Letter, including, without limitation, its validity, interpretation, construction, and enforceability, and any dispute, litigation, suit, action, claim, or other legal proceeding arising out of, from, or relating in any way to this Engagement Letter, any provisions herein, a report issued or the services provided hereunder, will be governed and construed in accordance with the laws of the State of New York, without regard to its conflict of law principles, and applicable U.S. federal law.

Entire Agreement
This Engagement Letter constitutes the complete and exclusive statement of agreement between RBT and the City and supersedes all prior agreements, understandings, and proposals, whether oral or written, relating to the subject matter of this Engagement Letter.

If any term or provision of this Engagement Letter is determined to be invalid or unenforceable, such term or provision will be deemed stricken, and all other terms and provisions will remain in full force and effect.

This Engagement Letter may be amended or modified only by a written instrument executed by both parties.

Electronic Signatures and Counterparts
Each party hereto agrees that any electronic signature of a party to this Engagement Letter or any electronic signature to a document contemplated hereby (including any representation letter) is intended to authenticate such writing and shall be as valid, and have the same force and effect, as a manual signature. Any such electronically signed document shall be deemed (a) to be "written" or "in writing," (b) to have been signed and (c) to constitute a record established and maintained in the ordinary course of business and an original written record when printed from electronic files. Each party hereto also agrees that electronic delivery of a signature to any such document (via email or otherwise) shall be as effective as manual delivery of a manual signature. For purposes hereof, “electronic signature” includes, but is not limited to, (a) a scanned copy (as a "pdf" (portable document format) or other replicating image) of a manual ink signature, (b) an electronic copy of a traditional signature affixed to a document, (c) a signature incorporated into a document utilizing touchscreen capabilities or (d) a digital signature. This Engagement Letter may be executed in one or more counterparts, each of which shall be considered an original instrument, but all of which shall be considered one and the same agreement. Paper copies or "printouts," of such documents if introduced as evidence in any judicial, arbitral, mediation or administrative proceeding, will be admissible as between the parties to the same extent and under the same conditions as other original business records created and maintained in documentary form. Neither party shall contest the admissibility of true and accurate copies of electronically signed documents on the basis of the best evidence rule or as not satisfying the business records exception to the hearsay rule.
Please sign and return a copy of this Engagement Letter to indicate your acknowledgment of, and agreement with, the arrangements for our engagement, including our respective responsibilities.

Acknowledgement and Acceptance
Each party acknowledges that it has read and agrees to all of the terms and conditions contained herein. Each party and its signatory below represent that said signatory is a duly authorized representative of such party and has the requisite power and authority to bind such party to the undertakings and obligations contained herein.

AGREED TO AND ACKNOWLEDGED BY:

RBT CPAs, LLP

Shannon M Mannese, CPA, CFE

Shannon M. Mannese, CPA, CFE
Partner

Confirmed on behalf of the City of Middletown:

_____ _____
Council Member Date

_____ _____
Mayor Joseph DeStefano Date

CITY OF MIDDLETOWN, NEW YORK
COMMON COUNCIL
RECORD OF VOTE

THE FOLLOWING WAS PRESENTED

By: Alderman Masi
Seconded by: Alderman Green
Date of Adoption: January 16, 2024
Index No: 19-24

I hereby certify that the attached is a true copy of a Resolution and/or Local Law adopted by the City of Middletown Common Council.

Richard P. McCormack
Clerk to the Common Council

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			

I hereby approve the attached Resolution/Local Law.

Joseph M. DeStefano, Mayor

Date

Adoption of a Fund Balance Policy

BE IT RESOLVED; that the Common Council of the City of Middletown, NY, concurs with the Board of Estimate and Apportionment and adopts the attached Fund Balance Policy.

Prepared by:

Attachments:

1. Fund Balance Policy

DATE OF ADOPTION:

CITY OF
Middletown
NEW YORK

FUND BALANCE POLICY

FINANCE OFFICE

TABLE OF CONTENTS

I.	**PURPOSE……**	**3**
II.	**DEFINITIONs……**	**3-4**
III.	**TARGET LEVELS OF UNASSIGNED FUND BALANCE…….**	**4**
IV.	**USE AND ALLOCATION……**	**4**
V.	**RESERVES……**	**4**
VI.	**REPORTING AND COMPLIANCE……..**	**5**
VII.	**ANNUAL REVIEW AND REVISION……..**	**5**

I. Purpose

City of Middletown, NY (the "City") recognizes the significance of sound financial management and establishes this Fund Balance Policy for the General, Water and Sewer Fund to:

- Ensure financial stability and resilience against economic fluctuations.
- Maintain sufficient reserves for emergencies and unforeseen circumstances.
- Establish guidelines for prudent use of available funds while meeting community needs.
- Provide transparency in financial reporting to stakeholders.
- Protect the City's credit worthiness and provide adequate cash flow needs.
- Protect the City against reducing service levels or raising of taxes due to temporary revenue shortfall, one-time expenditure, emergency and disasters.

The Office of NYS Comptroller recommends local governments establish a policy to maintain reasonable levels of unexpended surplus funds and other principle funds to hedge against unanticipated expenditures and/or revenue shortfalls.

II. Definitions

Fund Balance is the total accumulation of operating surpluses and deficits since the beginning of a local government's existence. The fund balance shall be categorized as follows in accordance with GASB principle 54:

Nonspendable:
Amounts that cannot be spent in the current period either because of their form or because they must be maintained intact*. Classification: prepaid items, inventory*

Restricted:
Amounts that are subject to externally enforceable legal purpose restrictions imposed by creditors, grantors, contributors or law and regulation of other governments or through constitutional provisional or enabling legislation. *Classifications: Capital Reserves, Tax Stabilization Reserves, Debt Reserves, Insurance Reserves, and other reserves allowed by State statutes.*

Committed:
Amounts that are subject to purpose constraints imposed by a formal action of the government's highest level of decision – making authority (the Common Council) before the end of the year. The same level of formal action is required to remove the constraints*. Classification: The Office of State Comptroller recommends most local governments do not have committed funds due to reserves.*

Assigned:
Amounts that are subject to a purpose constrained that represents an intended use established by the government's highest level of decision-making authority or by its designated body or official. The purpose of the assigned fund balance represents the residual amount of fund balance. *Classification: The Office of State Comptroller states that resolutions, ordinance, and*

local laws constitute a constraint of resources and will result in an assignment of resources. Encumbrances will typically be considered an assignment of fund balance.

Unassigned:
Represents the residual amount of fund balance in the General Fund. Use is least constrained in this category. In funds other than General Fund, this classification should only be used to report deficit balances. *Classification: all other unassigned fund balances.*

III. Target Levels for Unassigned Fund Balance

The City recommends to maintain an unassigned fund balances at levels consistent with:

5% -20% of the prior year expenditure made from General, Water and Sewer fund.

The City Treasurer shall annually calculate and verify the compliance with this policy. The formula to calculate the fund balance will be as follows:

- The audited balance available in the unassigned fund balance of the most recent fiscal year, divided by the total expenditures.

Surplus: In the event the unassigned fund balance exceeds the maximum requirement, the excess may be used for any lawful purpose approved by the Common Council.

Deficit: In the event the unassigned fund balance falls below minimum requirement of 5%, the City Treasurer shall prepare and submit a plan to restore balance to minimum target levels in the next budget year.

IV. Use and Allocation

Criteria for Utilization:

- **Unrestricted Unassigned Fund Balance**: Available for unforeseen expenditures, one-time expense emergencies, offsetting economic downturn, covering an unanticipated or excess shortfall in revenues or spike in expenses or other lawful purposes approved by the governing body.
- **Restricted, Committed, and Assigned Fund Balances:** Shall be used for their designated purposes only, as specified by legal or contractual obligations or governing body decisions.

V. Reserves

As financial circumstances may warrant, the City will look to establish funds including but not limited to, retirement contribution, contingencies, tax stabilization and capital; emergencies including repairs.

VI. Reporting and Compliance

Regular Reporting:

- Periodic reporting on fund balance status in financial statements and other relevant documents.
- Ensuring compliance with accounting standards, governmental regulations, and reporting requirements.
- Transparency in communicating fund balance status to stakeholders, including the governing body, citizens, auditors, and regulatory authorities.

VIII. Annual Review and Revision

- The fund balance policy shall be reviewed annually or more frequently if necessary, considering changes in financial conditions, legislative mandates, or organizational needs.
- This policy will be presented for review and adoption annually by the Common Council.

CITY OF MIDDLETOWN, NEW YORK
COMMON COUNCIL
RECORD OF VOTE

THE FOLLOWING WAS PRESENTED

By: Alderwoman Wray
Seconded by: Alderman Jean-Francois
Date of Adoption: January 16, 2024
Index No: 20-24

I hereby certify that the attached is a true copy of a Resolution and/or Local Law adopted by the City of Middletown Common Council.

Richard P. McCormack
Clerk to the Common Council

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		1	

I hereby approve the attached Resolution/Local Law.

Joseph M. DeStefano, Mayor

Date

Appointment of Qazi Hussain and Jose Munoz as Volunteer Firefighters

Be it resolved that the City of Middletown Common Council conquers with the Mayor's appointments of Qazi Hussain – McQuoid Engine & Ladder Co. #3
Jose Munoz – Ontario Hose Co. #5 as Volunteer Firefighters.

Prepared by:

Attachments:
None

CITY OF MIDDLETOWN, NEW YORK
COMMON COUNCIL
RECORD OF VOTE

THE FOLLOWING WAS PRESENTED

By: Alderman Tobin
Seconded by: Alderman Johnson
Date of Adoption: January 16, 2024
Index No:

I hereby certify that the attached is a true copy of a Resolution and/or Local Law adopted by the City of Middletown Common Council.

Richard P. McCormack
Clerk to the Common Council

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		1	

I hereby approve the attached Resolution/Local Law.

Joseph M. DeStefano, Mayor

Date

Appointment Emily Green Pacella to the Board of Assessment Review

BE IT RESOLVED that the Common Council of the City of Middletown concurs with the Mayor's reappointment of Emily Green Pacella to the Board of Assessment Review for a term expiring on September 30, 2028.

Prepared by:

Attachments:
None

CITY OF MIDDLETOWN, NEW YORK
COMMON COUNCIL
RECORD OF VOTE

THE FOLLOWING WAS PRESENTED

By: Alderman Kleiner
Seconded by: Alderman Green
Date of Adoption: January 16, 2024
Index No: 21-24

I hereby certify that the attached is a true copy of a Resolution and/or Local Law adopted by the City of Middletown Common Council.

Richard P. McCormack
Clerk to the Common Council

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			

I hereby approve the attached Resolution/Local Law.

Joseph M. DeStefano, Mayor

Date

Reappointment of Richard Croughan as Assistant Corporation Counsel

BE IT RESOLVED that the Common Council of the City of Middletown concurs with the Mayor's reappointment of Richard Croughan to serve as Assistant Corporation Counsel for a term expiring on December 31, 2024.

Prepared by:

Attachments:
None

CITY OF MIDDLETOWN, NEW YORK
COMMON COUNCIL
RECORD OF VOTE

THE FOLLOWING WAS PRESENTED

By: Alderman Masi
Seconded by: Alderman Johnson
Date of Adoption: January 16, 2024
Index No:

I hereby certify that the attached is a true copy of a Resolution and/or Local Law adopted by the City of Middletown Common Council.

Richard P. McCormack
Clerk to the Common Council

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			

I hereby approve the attached Resolution/Local Law.

Joseph M. DeStefano, Mayor

Date

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

Prepared by:

Attachments:
None