

**CITY OF MIDDLETOWN**  
**BOARD OF ESTIMATE AND APPORTIONMENT AGENDA**  
**FEBRUARY 20, 2024 - 6:45 PM**  
**COMMON COUNCIL CHAMBERS**

1. ROLL CALL
2. APPROVAL OF MINUTES
  - 2.1. Accept the Minutes of February 15, 2024
3. NEW BUSINESS
  - Authorization for a Reduction in the Performance Bond for ADC Middletown LLC,  
(Magnolia Park) to \$197,580
4. ADJOURNMENT



**CITY OF MIDDLETOWN  
BOARD OF ESTIMATE AND APPORTIONMENT MINUTES  
FEBRUARY 15, 2024**

**Pledge of Allegiance**

**Roll Call**

**Present:** Council President Rodrigues, Alderman Masi

**Absent:** Mayor DeStefano

**Approval of Minutes**

**Accept the Minutes of February 1, 2024, and February 6, 2024**

**Motion by:** Alderman Masi **Seconded by:** Council President Rodrigues

**AYES:** Council President Rodrigues, Alderman Masi

**NAYS:** None

**ABSTAIN:** None

**NEW BUSINESS**

**Authorization to enter into an agreement with the County Of Orange for the Fire Safety Trailer for National Night Out**

BE IT RESOLVED; that the Board of Estimate and Apportionment authorizes the attached agreement with the County Of Orange for the use of the Fire Safety Trailer for the National Night Out Against Crime event.

BE IT FURTHER RESOLVED; that the Board of Estimate and Apportionment authorizes the Mayor to sign the agreement.

**Motion by:** Alderman Masi **Seconded by:** Council President Rodrigues

**AYES:** Council President Rodrigues, Alderman Masi

**NAYS:** None

**ABSTAIN:** None

**Authorization to Surplus Vehicles in the Police Department** *WHEREAS, the following vehicles are in disrepair, needing work that would cost more than the value of the vehicles;*  
 NOW THEREFORE BE IT RESOLVED; that the Board of Estimate and Apportionment declares the following vehicles as surplus property and authorizes their disposal at a vehicle auction.

| <i>Year</i> | <i>Make</i> | <i>VIN Number</i> | <i>Vehicle number</i> | <i>Color</i>  | <i>Issue(s)</i>           |
|-------------|-------------|-------------------|-----------------------|---------------|---------------------------|
| 2014        | Ford        | 1FAHP2MKXEG101152 | 33                    | Marked patrol | Engine, exhaust, frame    |
| 2007        | Chevrolet   | 1GNFK03087R405178 | 31                    | TAC           | Various electrical issues |
| 2009        | Chevrolet   | 2G1WT57N691292859 | 29                    | Parking       | Electrical issues         |

**Motion by:** Council President Rodrigues **Seconded by:** Alderman Masi

**AYES:** Council President Rodrigues, Alderman Masi

**NAYS:** None

**ABSTAIN:** None

**Authorization to increase the Part Time Police Assistant rate increase to \$23/hr**

BE IT RESOLVED; that the Board of Estimate and Apportionment authorizes a one-dollar (\$1) an hour change from \$22/hr to \$23/hr for a part-time Police Assistant.

**Motion by:** Alderman Masi **Seconded by:** Council President Rodrigues

**AYES:** Council President Rodrigues, Alderman Masi

**NAYS:** None

**ABSTAIN:** None

**Authorization to amend contract approved for 2024 transportation program**

BE IT RESOLVED; that the Board of Estimate and Apportionment authorizes an amendment to an agreement with the County of Orange for Title III-B *funding for the Transportation Program, increasing the cost from \$23,200.50 to \$25,635.00.*

BE IT FURTHER RESOLVED; that the Board of Estimate and Apportionment authorizes the Mayor to sign the agreement.

*BE IT FURTHER RESOLVED that the Board of Estimate and Apportionment authorizes the Treasurer to add the additional funding to GA.4089 Other Government Aid.*

**Motion by:** Alderman Masi **Seconded by:** Council President Rodrigues

**AYES:** Council President Rodrigues, Alderman Masi

**NAYS:** None

**ABSTAIN:** None

**Authorization to Increase Senior Trips Revenue Line**

BE IT RESOLVED; that the Board of Estimate and Apportionment authorizes an increase in the Senior Center Trips and Activity Revenue line (A. 2351) and the expense line (A.6772.467) from \$70,000 to \$87,917.27, to cover the anticipated cost of upcoming senior trips.

| TRIP : |                        | CIA & FDR       | SHEN YUN            | Mackinac      | ALVIN AILEY        | THE WIZ             | AMISHLANDS          | SILVER             | Shadowland      | 9/11 & NYC         |
|--------|------------------------|-----------------|---------------------|---------------|--------------------|---------------------|---------------------|--------------------|-----------------|--------------------|
| Date   | 2024                   | MARCH 15th      | APRL 18TH           | MAY 3rd-11th  | MAY 12TH           | JUNE 12TH           | JULY 10TH-12TH      | JULY 16th          | AUGUST          | SEPT. 18TH         |
|        |                        |                 |                     | Collette Tour |                    |                     |                     |                    |                 |                    |
| 1/26   | Charter Invoice        | 1,235.00        | \$ 1,375.00         | PAYMENT       | \$ 1,375.00        | \$ 1,375.00         |                     | \$ 1,375.00        |                 |                    |
|        | venue Invoice          | 2,426.33        | \$ 7,095.00         | DIRECT        | \$ 4,418.00        | \$ 6,464.50         | \$ 27,450.00        | \$ 2,200.00        | 1,040.00        | \$ 9,450.00        |
|        | Dining invoice         |                 | \$ 3,300.00         | TO THEM       | \$ 1,750.00        | \$ 4,513.44         |                     |                    | 1,300.00        |                    |
|        | <b>Total Trip Cost</b> | <b>3,661.33</b> | <b>\$ 11,770.00</b> |               | <b>\$ 7,543.00</b> | <b>\$ 12,352.94</b> | <b>\$ 27,450.00</b> | <b>\$ 3,575.00</b> | <b>2,340.00</b> | <b>\$ 9,450.00</b> |
|        | <b>\$ 87,917.27</b>    |                 |                     |               |                    |                     |                     |                    |                 |                    |

**Motion by:** Council President Rodrigues **Seconded by:** Alderman Masi

**AYES:** Council President Rodrigues, Alderman Masi

**NAYS:** None

**ABSTAIN:** None

### **Authorization to Accept the 2023 COPS Technology Grant in the amount of \$300,000**

BE IT RESOLVED; that the Board of Estimate and Apportionment accepts a \$300,000 grant to participate in the COPS Technology and Equipment Program effective through December 31, 2024.

BE IT FURTHER RESOLVED; that the Board of Estimate and Apportionment authorizes the Treasurer to deposit the funds into the COPS grant budget line, A.3134.200

*The FY 2023 COPS Office Technology and Equipment Program (TEP) is an invitation only grant program designed to develop and acquire effective equipment, technologies, and interoperable communications that assist in responding to and preventing crime.*

**Motion by:** Alderman Masi **Seconded by:** Council President Rodrigues

**AYES:** Council President Rodrigues, Alderman Masi

**NAYS:** None

**ABSTAIN:** None

### **Approval of proposal from H2O for services at the WTP and WWTP 2024**

BE IT RESOLVED; that the Board of Estimate and Apportionment authorizes an agreement with H2O, dated February 8, 2024, for monthly services at the Water Treatment Plant and Waste Water Treatment Plan. The fee for services at the WTP for 2024 will be a total of \$24,062.50 per month for 12 months. This is currently a budgeted item. The fee for services, plus an additional full-time 3A operator, at the WWTP for 2024 will be a total of \$31,918.75 per month for 12 months. This is currently a budgeted item.

BE IT FURTHER RESOLVED; that the Board of Estimate and Apportionment authorizes the Mayor to sign the agreement.

**Motion by:** Council President Rodrigues **Seconded by:** Alderman Masi

**AYES:** Council President Rodrigues, Alderman Masi

**NAYS:** None

**ABSTAIN:** None

### **Authorization for 2024 Annual Spring Clean Up and Electronic Drop Off Day**

**Motion by:** Alderman Masi **Seconded by:** Council President Rodrigues

**AYES:** Council President Rodrigues, Alderman Masi

**NAYS:** None

**ABSTAIN:** None

**ADJOURNMENT**

**Motion by:** Alderman Masi **Seconded by:** Council President Rodrigues

**AYES:** Council President Rodrigues, Alderman Masi

**NAYS:** None

**ABSTAIN:** None



**CITY OF MIDDLETOWN, NEW YORK  
BOARD OF ESTIMATE  
RECORD OF VOTE**

THE FOLLOWING WAS PRESENTED

By: None  
Seconded by: None  
Date of Adoption: February 20, 2024  
Index No:

| Names                  | Ayes | Noes | Abstain | Absent |
|------------------------|------|------|---------|--------|
| Mayor<br>DeStefano     |      |      |         |        |
| President<br>Rodrigues |      |      |         |        |
| Ald. Masi              |      |      |         |        |
| Total                  |      |      |         |        |

**Authorization for a Reduction in the Performance Bond for ADC Middletown LLC,  
(Magnolia Park) to \$197,580**

BE IT RESOLVED; that the Board of Estimate and Apportionment authorizes a reduction of the performance bond for ADC Middletown LLC from \$3,440,107.41 to \$197,580 based on the attached recommendation.

Prepared by:  
Jacob Tawil

**Attachments:**

|    |                                                                                      |
|----|--------------------------------------------------------------------------------------|
| 1. | ADC Middletown LLC Bond Reduction Request and Maintenance Bond Ltr. Updated 1.18.24. |
|----|--------------------------------------------------------------------------------------|

27 November 2023  
Updated 15 January 2024

Mr. Jacob Tawil, P.E., DPW Commissioner  
City of Middletown Department of Public Works  
16 James Street  
Middletown, NY 10940

Re: **ADC Middletown, LLC – Performance Bond Reduction Request 22 November 2023**  
**Maintenance Bod for Proposed Dedicated Roads**

Dear Mr. Tawil,

Pursuant to the request of ADC Middletown LLC, I have reviewed the work completed to date on the above-referenced project.

I have performed SWPPP (stormwater reviews) and infrastructure oversight since project initiation and I am familiar with the site development work.

Attached is a spreadsheet comparing the original project scope versus the work completed as of 22 November 2023. The original project budget was \$3,637,687.41.

In my professional opinion, the value of the work completed as of 22 November 2023 is \$3,440,107.41. ADC Middletown LLC would like to have their **performance bond reduced to \$197,580.00** reflecting the work remaining to be completed. The work remaining is the installation of the top asphalt course on Anthony Street.

ADC Middletown, LLC has also submitted dedication deeds and associated supporting documentation to dedication the portion of Magnolia Park Road (Road A) from its intersection with East Main Street, approximately 1,382 feet to Oak Hill Road (Road B) and the entirety of Oak Hill Road (Road B) from Magnolia Park Road (Road A) to Anthony Street, approximately 325 feet. The total length of the roadways proposed to be dedicated is 1,707 feet.

The original bond amount was \$3,637,687.41. The total length of the roadways in the project is approximately 4,625 feet resulting in a construction cost of approximately \$786.53 per foot. The total bond amount included site work, streets, storm water drainage, water supply and sanitary sewer.

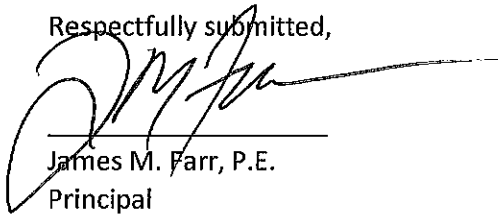
Based on the original bond amount of \$3,637,687.41, the cost per foot for the improvements was \$786.53 per foot, the total length of the roadways to be dedicated is 1,707 feet resulting in a total cost of the improvements to be dedicated of \$1,342,606.71 (1,707 feet of roadway x \$786.53). The City requires a maintenance bond of 10% of the completed improvements for roadways to be dedicated. The calculated **maintenance bond amount is \$134,260.67** ( \$1,342,606.71 x 10% ).

In summary ADC Middletown, LLC is requesting a **performance bond reduction from \$3,637,687.41 to \$197,580.00.**

ADC Middletown, LLC will also post a **maintenance bond amount is \$134,260.67** in a form acceptable to the City for the portion of the roadways to be dedicated to the City which at this time which includes the portion of Magnolia Park Road (Road A) from its intersection with East Main Street, approximately 1,382 feet to Oak Hill Road (Road B) and the entirety of Oak Hill Road (Road B) from Magnolia Park Road (Road A) to Anthony Street, approximately 325 feet. The total length of the roadways proposed to be dedicated is 1,707 feet.

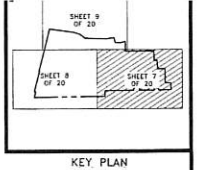
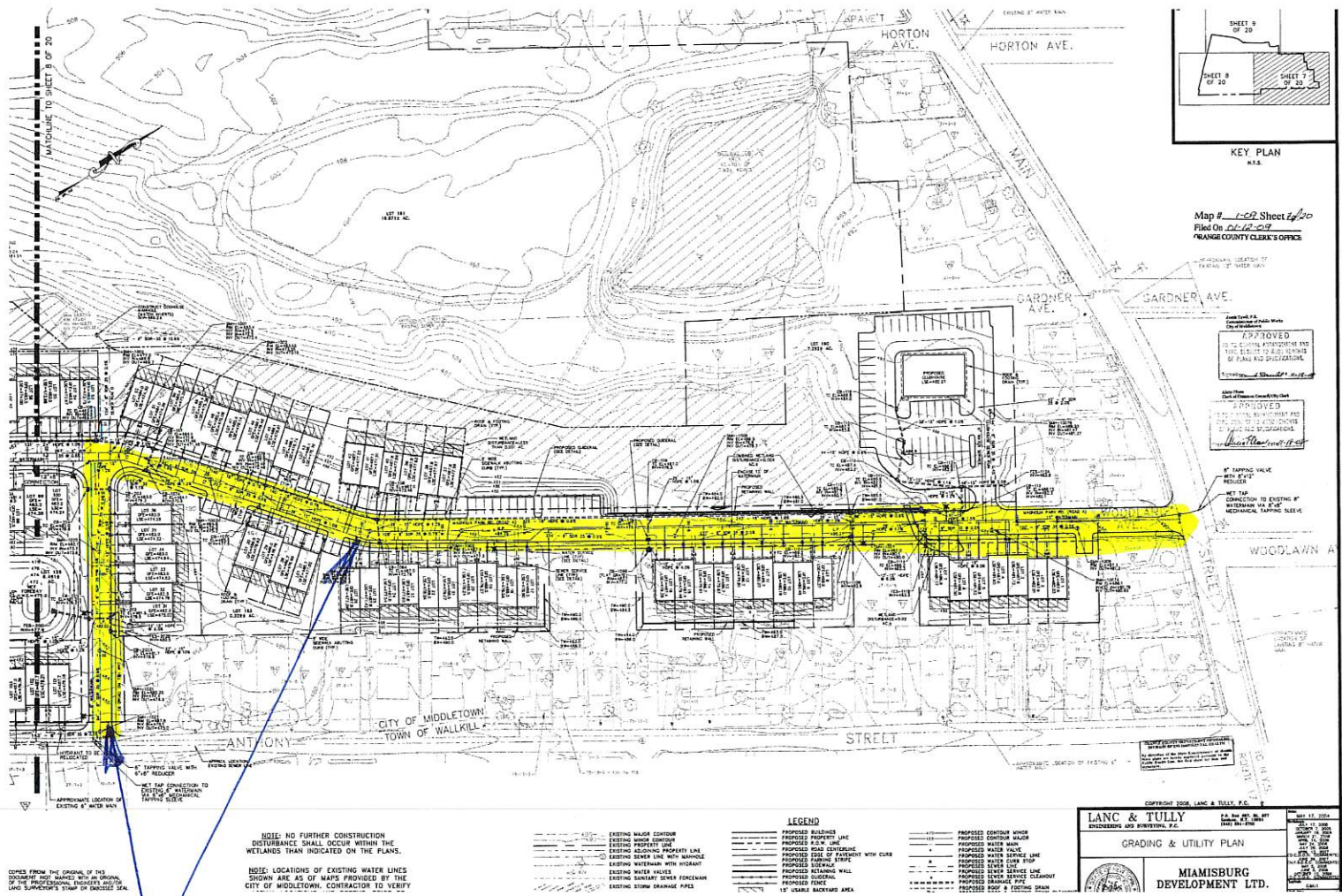
Please review the enclosed project budget spreadsheet. Should you have any questions please call me at (914) 474-1980 or e-mail me at [JFarr@Farr-Engineering.com](mailto:JFarr@Farr-Engineering.com).

Respectfully submitted,



James M. Farr, P.E.  
Principal

Cc: Mayor Joseph M. DeStefano and City Council  
Mr. Brian Smith., Deputy Commissioner of Public Works  
Mr. Dan Gueron, General Manger ADC Middletown, LLC  
Mr. David Tondreau, Project Manager, ADC Middletown, LLC



Map # 1-002 Sheet 8 of 20  
 Filed On 06-12-09  
 FRANK COUNTY CLERK'S OFFICE

17-710VED  
 10-12-2009  
 10-12-2009  
 10-12-2009

8" TAPPING VALVE  
 8" TAPPING VALVE  
 8" TAPPING VALVE

WOODLAWN AVE.

STREET

ANTONY

CITY OF MIDDLETOWN  
 TOWN OF WALKILL

LANC & TULLY  
 GRADING & UTILITY PLAN  
 MIAMISBURG  
 DEVELOPMENT LTD.

## PUBLIC IMPROVEMENTS

**Magnolia Park**  
**Project: Miamisburg Development**  
**Location: City of Middletown**

Prepared on: 04/30/08  
Revised on: 3/19/16  
Updated: 11/22/2023

[illegible]

Prepared on: 04/30/08  
Revised on: 3/19/16  
Updated: 11/22/2023

[illegible]



Prepared on: 04/30/08  
Revised on: 3/19/16  
Updated: 11/22/23

[illegible]

Prepared on: 04/30/08  
Revised on: 3/19/16  
Updated: 11/22/2023

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Project: Miamisburg Development  
Magnolia Park

Prepared on: 04/30/08  
Revised on: 3/19/16  
Updated: 11/22/23

|                | TOTAL PRICE     | PRICE (INSTALLED TO DATE) |
|----------------|-----------------|---------------------------|
| SITE WORK      | \$ 632,585.49   | \$ 632,585.49             |
| STREETS        | \$ 965,146.92   | \$ 767,566.92             |
| STORM DRAINAGE | \$ 685,370.00   | \$ 685,370.00             |
| WATER SUPPLY   | \$ 594,460.00   | \$ 594,460.00             |
| SANITARY SEWER | \$ 592,225.00   | \$ 592,225.00             |
| ACCESSARY      | \$ 167,900.00   | \$ 167,900.00             |
| TOTAL          | \$ 3,637,687.41 | \$ 3,440,107.41           |

VALUE OF WORK REMAINING: \$ 197,580.00