



**CITY OF MIDDLETOWN
COMMON COUNCIL MEETING AGENDA
FEBRUARY 20, 2024**

1. PLEDGE OF ALLEGIANCE
2. ROLL CALL
3. APPROVAL OF MINUTES
 - 3.1. Accept the Minutes of January 16, 2024
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
 - 34-24 Authorization to enter into an agreement with the County Of Orange for the Fire Safety Trailer for National Night Out
 - 35-24 Authorization to Surplus Vehicles in the Police Department
 - 36-24 Authorization to increase the Part Time Police Assistant rate increase to \$23/hr
 - 37-24 Authorization to Amend the 2024 Transportation Program Contract to Increase the Total Cost to \$25,635.00

38-24 Authorization to Increase Senior Trips Revenue Line

39-24 Authorization to Accept the 2023 COPS Technology Grant in the amount of \$300,000

40-24 Authorizes an Agreement with H2O for services at the Water Treatment Plant at a rate of \$24,062.50 per month and at the Waste Water Treatment Plant at a rate of \$31,918.75, per month

41-24 Authorization for 2024 Annual Spring Clean Up and Electronic Drop Off Day

42-24 Approval of the Volunteer Firefighters Length of Service Award Program (LOSAP) List for 2023

43-24 Authorization to Amend City Code ordinances to Provide for a Student Transport Medallion

44-24 Authorization for a Reduction in the Performance Bond for ADC Middletown LLC, (Magnolia Park) to \$197,580

13. LOCAL LAWS

Introduction of Local Law #1 of 2024: A Local Law Allowing Delinquent Overgrown Vegetation, Snow Removal, Garbage Can, Bulk Pick-Up, Dead Tree Removal, And Building Demolition Charges To Be Relevied Into Real Property Tax Bills

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: None
Seconded by: None
Date of Adoption: February 20, 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 January 16, 2024

Accept the Minutes of January 16, 2024

Prepared by:
Rick McCormack, City Clerk

Attachments:

1.	01.16.24 CC Minutes
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COMMON COUNCIL MEETING
CITY OF MIDDLETOWN
January 16, 2024 Minutes
City Hall
16 James Street
Middletown, New York 10940

P R E S E N T

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

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

(Pledge of Allegiance)

2. Roll Call

PRESIDENT RODRIGUES: Roll.

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

3. Approval of Minutes

PRESIDENT RODRIGUES: Approval of minutes.

RICHARD MCCORMACK, CITY CLERK: We have December 5th and December 19th.

ALD. MASI: So moved.

RICHARD MCCORMACK, CITY CLERK: Masi, seconded by Alderman Witt.

All in favor?

ALDERMANS: Aye.

4. Correspondence, Communications and Reports

PRESIDENT RODRIGUES: Okay. Correspondence.

RICHARD MCCORMACK, CITY CLERK: Nothing this evening.

5. For the Good of the City

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

Leilani Lockett: Hello, good evening. I am a City of Middletown resident. I'm a parent here. And I

also work for POWR Against Tobacco. I work with you on the TFO or Tobacco Free Outdoors for the parks and playgrounds and municipally owned properties around the city. And I'm here tonight to thank you for your progression and progress on retailers.

Young people are accessing tobacco products and all kinds of products that they should not have. And POWR Against Tobacco is here to support your work.

Please reach out to us, but thank you again for keeping these products out of the hands of our young people because it's very important that they don't start smoking or using cannabis before they are of age of to, like, really legal age and age to really make that decision. So please reach out to us. Thank you.

PRESIDENT RODRIGUES: Thank you.

STEVE MONTSERRAT: My name is Steve Montserrat (phonetic). I am a Middletown resident. I also am the coordinator for Middletown Cares Committee Coalition. And I just wanted to come up and say thank you for the -- the -- your code and your amendments that you're doing for the marijuana and everything that was going on.

I was really proud to be a Middletown resident back in October when we had that big -- big bust of everything that was going on. As far as the kids are concerned as a prevention, educator for Catholic

Charities, I always talk to the kids about having opportunity and not starting drugs and alcohol until they're of age to make proper decisions. And the ability of it is so prominent all over the place that that bust actually made it a lot harder for our kids to get their hands on those products. So it is very important to continue this work because studies show that the -- later they start doing any kind of substances, the more successful they'll be and the better they'll be a productive community member.

So thank you for this opportunity. If you need anything from Middletown Cares, we are more than willing and able to help you guys. And please thank you again.

PRESIDENT RODRIGUES: Thank you.

ALD. MASI: Thank you.

PRESIDENT RODRIGUES: Anyone would like to address the counsel?

6. Remark of Mayor

PRESIDENT RODRIGUES: Okay. Remarks of the Mayor.

JOSEPH DESTEFANO, MAYOR: Good evening. First I'd like to open with thanking the DPW Department and the men and women who work in the DPW for the great job they did with the snow. I know that we had a full salt mine and we don't have it anymore, but --

PRESIDENT RODRIGUES: You might be calling Sam's Club.

JOSEPH DESTEFANO, MAYOR: Right. We're gonna go out to Sam's Club, right.

But the streets were really cleared and they were cleared early. And -- and, you know, if it was just a matter of driving on the streets, probably could have gone to school, but it's the sidewalks and the intersections and the danger and then, of course, snowing later. And so I agree with the decision to close school. And but the DPW did a great job.

Yesterday a group of us, myself, I know Alderman Masi, Witt, Kleiner, Tobin, Jean-Francois, we were all at the MLK Day at the YMCA. One, I want to thank the YMCA for the great job they did, the program. It was about a two-hour program. A lot of performances by the kids in our community. And as I said yesterday, if you see the group of kids that were performing, you know the future is bright for our city because these were kids that are really dedicated, talented, and willing to speak out on -- on important issues.

So the -- so Bishop Rollins ran the event and did a fine job emceeing. And Jacob Tawil, Maria Bruni, and Raelynn and I believe maybe one or two other department heads were there. And it was a good showing

by the city.

We had well over 100 people in attendance, by far, since I've been going, the biggest crowd that I've seen at the MLK event. So, hopefully, it's indicative of the national times where people are waking up and seeing that their rights and -- are in jeopardy and people will be interested in voting this -- this coming November.

One discussion that we've had at the Board of Estimate and formally Ms. -- we've did some fire interviews this past week. We have three vacancies in the -- in the paid department. One is not really vacancy, but it's a deployment which it's a three-year deployment for one of our members who is in his 17th year. So he's all but gonna finish his career being deployed with the military. So there's still some costs that we have to assume with that deployment, not direct salary, but benefits, pension and all that.

And we have two others and possibly a third vacancy. So the list, the current list was expiring. They just gave a test on this past Saturday, Mr. Masi, through Civil Service. So after consultation with the Board and the fact that I believe only 40 or 45 took the test -- am I correct, Mr. Masi?

ALDERMAN MASI: I think 47.

JOSEPH DESTEFANO, MAYOR: Forty-seven. So in
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that are took -- took the upcoming test. That doesn't mean they all passed the test. We're concerned about having a viable list and filling some vacancy because potentially next year we have another four of our paid staff that could be -- are eligible, not could be, are eligible for retirement. So we felt it was prudent to hire four at this time. We may need a budget adjustment during the year to cover because now we have training. We'll have some duplicative -- duplicative health benefits.

One of the people retiring was our fire inspector, Theron Adkins. So we need to have at least at least a two plus month overlap with the new fire inspector going into his position. So it's gonna create a little added expense in the fire department. So at some point we'll be coming back to you for some additional funds.

So we did, we did hire four or made offers of four. Three of them accepted the position, one declined. And we're interviewing the -- an alternate tomorrow hopefully filling the fourth position.

The academy starts in March and that's why it's important that we -- that we make a decision and -- and fill the -- we did -- Chief Brady did reserve four spots in the -- in the fire academy at Westchester.

So, again, don't be surprised when you get a request in the near future. If you have any concerns about it, we'd appreciate you sharing it with us prior to that. And we'll see if we can address some of your issues.

I'm hoping to do the State of the City in mid-February. I was hoping to do it in mid-January, but, unfortunately, all of the department head reports are not in yet.

MR. MASI: Whose aren't in?

JOSEPH DESTEFANO, MAYOR: Well, when Mr. Tawil gets up I think you can ask him and I think he will let you know if -- if his is in or not.

So it does take a little time to put them all together and -- and put the words together, so we need to -- the target date will be mid-February, the second meeting in the February schedule.

I want to thank POWR Against Tobacco and Mr. Montserrat for their kind words. You know, when the legislation came out from the state, we -- we took a very strong stance against the -- the whole cannabis issue for a variety of reasons. We all had our individual reasons. But I think we were all unanimous in the fact that we knew the State of New York would screw it up and they did. And they continue to screw it up and it's getting

worse and worse.

If you've been to New York City in Times Square, it's -- it's a disgrace. And the problems with street retailers, with people opening tobacco shops and using them as fronts for selling illegal marijuana. Still, still illegal to sell unless you have a license. This legislation will allow us to control that a lot better.

So we're gonna continue pushing that agenda. The State will have to get it right at some point. As I said, I don't have any personal grind against medical or someone over the age of 21 or whatever the age is making those decisions. But I -- I do have a big problem with it publicly because, you know, when you're drinking a beer out in front of a restaurant, your neighbor there doesn't smell the beer. So when you're smoking marijuana it affects everybody in the area, whether it's a bus stop or a park or just on our downtown streets, so.

But those are some of the reasons that we gave it the time. But the big reason was the State of New York and how they bundled -- bungled this. And I think they continue to bungle it. And we're trying to make some corrections on the local level that we can. So I would hope that you'd be supportive of the legislation tonight.

And that's all I have this evening other than the MVP health insurance optional benefits to all eligible city employees, I think Leonora has touched on this before. It is optional. I think the unions are in agreement. We can't offer it to any of the bargaining units unless they agree. And I believe CSCA and maybe police have already agreed. Fire might -- might have and might have or is close to agreeing. But it's not something we're forcing down someone. With medical co-pay so high, this is an opportunity for employees to bring that -- their co-pay from 15 percent in some cases of a \$40,000 plan which is \$6,000 a year down to zero. And the City also saves some money.

So it's a good plan. At any time people can opt back into the NYSHIP Plan. And anytime that it flips where it becomes more expensive than the NYSHIP Plan if it comes that way, we have the opportunity at some point with proper notice to void the plan also. So I think it's a good opportunity for both the City and the employees to save some money. And that would be the -- the only issue I wanted to touch on tonight.

Any questions?

PRESIDENT RODRIGUES: Any questions for the Mayor?

Alderman Witt.

ALD. WITT: Yeah. Thank you, Mayor.

Just -- just to be clear with the -- the fire hirings. So the anticipated up to four for next year are gonna come off of the list of the test that was just taken on Saturday?

JOSEPH DESTEFANO, MAYOR: That's correct.

ALD. WITT: All right. Thank --

JOSEPH DESTEFANO, MAYOR: That list will be out probably few months I think it takes to score them.

ALD. WITT: Yes.

JOSEPH DESTEFANO, MAYOR: If that, yeah.

ALD. WITT: Okay. Thank you.

PRESIDENT RODRIGUES: Anyone else?

JOSEPH DESTEFANO, MAYOR: Okay. Thank you.

PRESIDENT RODRIGUES: Thank you.

7. Remarks of the Department Heads

PRESIDENT RODRIGUES: Department Heads, Economic Development.

MARIA BRUNI, ECONOMIC DEVELOPMENT: Good evening. This evening we had our reorganizational meeting for the Community Development Agency. We're working on the annual meeting for the IDA at the end of the month and we had our annual meeting for the business improvement district.

Also, this past weekend we had a ribbon

cutting, House of Birria Tacos & Cantina at 125 Dolson Avenue. And we wish them a lot of luck and I think they're gonna do great.

And that's about it. We're taking small business loan applications and housing rehab apps.

And that's all I have for tonight.

PRESIDENT RODRIGUES: Questions for Maria?

Alderman Kleiner.

ALD. KLEINER: I don't know if this would be for you or Raelynn. Winter Festival, do you know what -- when that is and what will be involved?

MARIA BRUNI, ECONOMIC DEVELOPMENT: That -- that would be Raelynn or -- yeah.

ALD. KLEINER: Okay.

MARIA BRUNI, ECONOMIC DEVELOPMENT: Sorry.

ALD. KLEINER: I'll wait. Thank you.

PRESIDENT RODRIGUES: All right. Thank you, Maria.

Fire Chief.

ROBERT BRADY, FIRE CHIEF: Good evening. To go along with what the Mayor said with the hiring of the four, since the last council meeting, I don't know if everybody has been aware, but we also did lieutenant interviews off of the civil service list. We promoted John Bianchi, Jr. as our lieutenant on our Group 1 on the

fire station. I'm looking forward to working with him.

We are going to start ramping up our recruitment committee again for the -- for the volunteer service. If anyone has anyone that's -- or knows anyone that's 16, please send them to the firehouse any Monday night. We're always there on Monday nights. You know, we're looking for active members.

We just graduated four from the Firefighter 1 down at the Orange County. I'm not sure if everyone saw. You know, they did a -- they do a nice graduation now for the candidates because it's 140 something hours I believe that -- that a new fireman in New York State has to go through as a volunteer. So it definitely is some commitment. And so if anyone knows anybody that's 16, send them down Monday night and we'll try to, you know, work with them and get them in.

And that's all I have my first meeting, so take it easy on me.

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

Police Chief.

JOHN EWANCIW, POLICE CHIEF: Good evening. Alderman Kleiner, in regard to the Winter Fest, I do have the details. So the Winter Fest is going to be February 3rd with a snow date of February 17th. The time is from

12 p.m. to 3 p.m. It's gonna be at the Union -- 1-31 Union Street at the ice rink. It says music, outdoor activities, ice skating, bon fire with Middletown Fire Department, treats, et cetera. Sounds like it will be a good time.

ALD. KLEINER: Thank you.

JOHN EWANCIW, POLICE CHIEF: I have nothing unless anyone has 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. We'll start with the reservoir levels. Obviously, they're full, Alderman Masi, so no worries there.

The guys, obviously, the Mayor thanked them for -- thanked DPW for the good work they're doing in plowing our roads. And also with the water main breaks, you know, it's -- it's been going on and, you know, they're there for us and they're taking care of the situation and dealing with the problem and we sincerely appreciate their effort, both in the street and the Water Department as well.

With that, with the snow plowing, I want to call out the police department. They've been extremely

helpful to us. Not in this storm, but the previous one, it was a bigger storm where they had to go around at night, get cars to get moved or to be towed away and go after people who would throw the snow back in the street and so on and so forth. So our sincere thanks for the police department. They were very helpful and they were -- the minute we called -- our guys called them, they come out and they help and it's tremendous.

The demolition projects, some people could see it, 99 East Avenue is completed and it's finished. That -- that house is gone. Now they're working on 404 North -- 404 North Street. And next before you you're gonna have a resolution for I believe it's 25 1/2 Smith Street to reverse the previous Resolution awarding the bid to a certain contractor and give it to somebody else because the low bidder could not deliver on the insurance. That's the reason why we're just reversing that Resolution and awarding it to the third bidder. The second bidder has not been responsive to our phone calls, so we're not commending him, so we're going to the third -- third bidder, low bidder. And he's responsible. We worked with him before and I'm sure he will do a great job with that Smith Street house.

Highland Avenue tank about the insurance, we -- we continue to have lapse of insurance for the contractor

who's doing the painting for Highland Avenue tank and that's causing problems. We have to issue stop work order every time his insurance -- his insurance lapses and it's causing problems. So hopefully will be the last one. We're almost there. It will take, like, one more week to finish the entire job, but we had to put another stop work on him on Friday.

The traffic operations, as you can see, many of the traffic lights had been installed while, not many, a couple of them had been installed and are functioning -- functioning, not the pedestrian crossing, just the traffic lights on Orchard and -- and, as an example, North and Railroad. You can see them in there, they're very nice. The old ones have not been totally taken down yet. The wires and the poles and everything it will be a very nice intersection, appealing intersection once -- once it's fully functional.

Again, with the freezing weather and the temperature dropping tonight, please be careful walking whether it's a sidewalk or in the street. Everything is freezing up again. Like the Mayor said, we're gonna have a special crew going out 3:00 in the morning in order to salt the roads in certain areas, not throughout the city, but to try to touch up any areas that may have been frozen. So just be careful and good luck travelling

tomorrow or tonight.

Any questions?

PRESIDENT RODRIGUES: Questions? Alderman Witt.

ALD. WITT: Yeah, thank you. Just to help you out tonight until tomorrow, Middletown Schools are on a two-hour delay --

JACOB TAWIL, DPW COMMISSIONER: Good.

ALD. WITT: -- for tomorrow. Okay.

JACOB TAWIL, DPW COMMISSIONER: That's always (inaudible).

PRESIDENT RODRIGUES: Alderman Green.

ALD. GREEN: Thank you. Commissioner, I just had a question from a few residents about picking up recyclables on the weekends with the holidays. They've noticed that when it's supposed to be on a Saturday because of a holiday, sometimes they see trucks going out on Friday. Is that just done as, like, a courtesy in case people forget to put them out or they've noticed trucks out Friday and Saturday.

JACOB TAWIL, DPW COMMISSIONER: Yeah. Some people they're not aware of the --

ALD. GREEN: Right.

JACOB TAWIL, DPW COMMISSIONER: -- extended holiday. So what we do is we usually have some time

left. If we have time left in the trucks, they go and pick up the recyclables that are already out --

ALD. GREEN: Sure.

JACOB TAWIL, DPW COMMISSIONER: -- so that will lessen our overtime on Saturday.

ALD. GREEN: I appreciate it.

JACOB TAWIL, DPW COMMISSIONER: That's -- that's -- that's the reason. If -- if we see them out and we have time, we're done picking up garbage, we go pick them up. It will make our life easier for Saturday.

ALD. GREEN: Sure. Thank you.

PRESIDENT RODRIGUES: Alderman Kleiner.

ALD. KLEINER: Yes, Commissioner. We had a couple issues with we weren't sure about plowing. And I just wanted to thank you very much because people responded right away and took care of that in the 2nd Ward. So much, very much appreciated.

JACOB TAWIL, DPW COMMISSIONER: Absolutely. Thank you.

ALD. KLEINER: Thank you.

JACOB TAWIL, DPW COMMISSIONER: Thank you.

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

JACOB TAWIL, DPW COMMISSIONER: Yep.

PRESIDENT RODRIGUES: City Clerk.

RICHARD MCCORMACK, CITY CLERK: Nothing this evening.

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

8. Public Hearings and Grievances

PRESIDENT RODRIGUES: Public hearings and grievances.

RICHARD MCCORMACK, CITY CLERK: Nothing this evening.

PRESIDENT RODRIGUES: This evening -- all right.

9. Petitions and Complaints

(None this evening)

10. Remarks of Alderman

PRESIDENT RODRIGUES: All right. Remarks of Alderman, Alderman Masi.

ALD. MASI: Nothing this evening. Thank you.

PRESIDENT RODRIGUES: Alderman Witt.

ALD. WITT: Other than just for anyone who might have just missed that, Middletown Schools for Wednesday are on a two-hour delay. So I just heard that from the superintendent. So forgive me for looking at my phone, but that was part of my day job.

Also, I -- I think that's it. Thank you very much.

PRESIDENT RODRIGUES: All right.

Alderman Green.

ALD. GREEN: Thank you. Yeah, just remind everyone, you know, be safe. Allow a little extra time for braking and stuff in the ice. And also, sorry, there was a noise. I see people shuffling around.

And, also, you know, please clean off your cars as best as you can in the morning because it's never nice to be behind someone whose car is flailing snow all over your windshield. It kind of refreezes everything, just as to the danger, so just be a little careful.

And just a reminder that we won't be having our February constituents meeting. We will hold off until March. Hopefully, you know, the weather will be a little better for us then. But if you have any questions, always reach out. Thank you.

PRESIDENT RODRIGUES: Alderman Kleiner.

ALD. KLEINER: Thank you. Also, wanted to mention the Martin Luther King celebration yesterday at the YM -- YMCA and thank the Interphase Council and the YMCA for their presentation. Martin Luther King Day actually happened to fall on his birthday this year, so that -- that was a point of note.

I also recommend if you've never read it, read his letter from Birmingham Jail and read his beyond Vietnam speech because it was a great program, but we

don't want to get too comfortable because he was about looking at injustice and making trouble to try and end it. So you get a little better understanding if you read those two things of what he was up against and what he faced. And I lived in Washington, DC from 1964 going to school until 1968, so I -- I saw a lot of that in person.

Town of Wallkill Community Center tomorrow, the Department of Transportation has a informational presentation from 2 to 4 and from 6 to 8. And it's about the project and to expand Route 17 to three lanes. So they're doing a presentation and taking comments on that. It -- it should be interesting.

I want to thank Jaycee and congratulate her. She was sworn in at the last -- last Wednesday at the Parks and Rec Committee meeting and I think she's gonna be a great addition to the commission.

And, you know, also wanted to mention that there is -- I saw this story on *Mid Hudson News* today. There will be a blood drive in the Galleria. That's at the end of the month on January 31st. But blood banks, if you followed it, are very low in New York and around the country. So that's gonna be January 31st from 11 p.m. to 5 p.m. at the lower level of -- of JC Penny. And we don't have another meeting before then, so I thought I would mention it tonight.

That's it. Thank you.

PRESIDENT RODRIGUES: All right. Alderman Wray.

ALD. WRAY: Good evening. I wanted to say thank you to our friends from POWR Against Tobacco and Middletown Cares for speaking tonight. And, you know, I definitely agree with their statements. I know Sergeant Welch had my girls go out and try to make some buys for them the summer before last and they did and they were able to. And so even with the laws, kids are able to get their hands on things they should not. And I think that anything we can do to protect our kids is important in what we do here and especially when it comes to these vapes which are finding are like genetically damaging to people. It's just scary stuff that our kids are exposed to. So everything you're doing I appreciate. And our police department, and our city legislation I think we're doing good work there to keep our kids safe.

And, obviously, rec always keeps them healthy and happy to, so great work there. That's all I have.

PRESIDENT RODRIGUES: Alderman Johnson.

ALD. JOHNSON: Nothing this evening.

PRESIDENT RODRIGUES: Alderman Jean-Francois.

ALD. JEAN-FRANCOIS: Good evening. MLK event was a great event. I had a great time. And so many

talented folks, young kids. And we had this one girl that was singing *Amazing Grace*. I could have sworn it was at Carnegie Hall when she started singing. I had to take a double look. So if you weren't there you miss a good show.

Hopefully we have this show at the Paramount next year because there was so many people there I think it was overflowing. So the Paramount would be a good place to have that.

Also, DPW, Street Department, these guys did a great job and to clean our street. And I tip my hat at these guys. They did a wonderful job. Thank you.

PRESIDENT RODRIGUES: Alderman Tobin.

ALD. TOBIN: I'd also like to thank POWER Against Tobacco. I mean, I know they've done studies of the brain that your brain isn't fully developed until your early 20s, so, I mean, starting any kind of vaping or substance abuse at a young age is horrible. And it's so prevalent around here. They're making, like, Doritos and all different things are obviously marketing to children, so thank you.

To echo the sentiments of Alderman Francois, Jean-Francois and the Mayor, MLK tribute was touching and a touching tribute to one of our nation's heroes. Martin Luther King, Jr. if he was alive today I think would have

a lot today about our current Supreme Court and decisions they've been making especially about overturning affirmative action.

There's much work yet to be done. I think that was a message from the meeting was also about community. Simply passing laws is not like the easy button that changes things. Otherwise after they've made slavery legal in 1860 everything would have been fine. But 400 years or hundreds of years of legalized slavery, there's a deep wound that needs to be healed in America. And -- and so I think after this weekend and seeing the youth that were at the -- the ceremony, I think the -- the next generation is up to the challenge. And, you know, it was nice to see all the young people there. And the music was spectacular. So definitely was a great time. Thank you.

PRESIDENT RODRIGUES: Thank you.

11. Unfinished Business

(None this evening)

12. New Business.

PRESIDENT RODRIGUES: New business.

RICHARD MCCORMACK, CITY CLERK: Good evening.

We have a Resolution sponsored by Alderman Johnson amending the City Code by creating a new Chapter 438 for tobacco, hookah, and vaping establishment licenses.

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

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

RICHARD MCCORMACK, CITY CLERK: Resolution sponsored by Alderman Johnson to amend City Code to allow health and fitness in the C3 general business zoning district.

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

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

RICHARD MCCORMACK, CITY CLERK: Resolution sponsored by Alderman Witt to offer MVP health insurance as an optional benefit to all eligible city employees.

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

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

RICHARD MCCORMACK, CITY CLERK: Resolution sponsored by Alderman Masi to make a \$518 budget transfer to cover the cost of ARPA Consultant Don Paris.

PRESIDENT RODRIGUES: Resolution sponsored by Alderman Joe -- Alderman Masi, I'm sorry, seconded by Alderman Kleiner. Any discussion? Roll.

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

RICHARD MCCORMACK, CITY CLERK: Resolution sponsored by Alderman Jean-Francois to amend Resolution 248-23 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.

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

RICHARD MCCORMACK, CITY CLERK: Resolution sponsored by Alderman Green to enter into an agreement with RBT's CPAs LLC.

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

discussion? Roll.

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

RICHARD MCCORMACK, CITY CLERK: Resolution sponsored by Alderman Masi to adopt a fund balance policy.

PRESIDENT RODRIGUES: Resolution sponsored by Alderman Masi, seconded by Alderman Green. Any discussion? Is the Jacob Tawil fund balance? Oh. Roll.

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

RICHARD MCCORMACK, CITY CLERK: Resolution sponsored by Alderwoman Wray appointing Qazi Hussain and Jose Munoz as volunteer firefighters.

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

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

RICHARD MCCORMACK, CITY CLERK: Resolution sponsored by Alderman Tobin appointing Emily Green Pacella to the Board of Assessment Review.

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

Alderman Green.

ALD. GREEN: I will be abstaining from this one as well because it is my sister. Thank you.

PRESIDENT RODRIGUES: Duly noted. Anyone else? Roll.

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

RICHARD MCCORMACK, CITY CLERK: Resolution sponsored by Alderman Kleiner reappointing Richard Croughan as Assistant Corporation Counsel.

PRESIDENT RODRIGUES: Resolution sponsored by Alderman Kleiner. Do I have a second? Alderman Green. Any discussion? Roll.

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

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

13. Local Laws

(None this evening)

14. Audit of Claims and Accounts

PRESIDENT RODRIGUES: Audit.

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

PRESIDENT RODRIGUES: Resolution sponsored by Alderman Masi, seconded by Alderman 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 January 16, 2024 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: February 12, 2024

Agency: American Legal Transcription

11 Market Street, Suite 215

Poughkeepsie, New York 12601

AMERICAN LEGAL TRANSCRIPTION (845) 452-3090



**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: 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

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CITY OF MIDDLETOWN NOTICE OF PUBLIC HEARING

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By the order of the Common Council.

Richard P. McCormack
Clerk of the Common Council
Publish: 12/14/23
City Website

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.gov

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.gov

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:

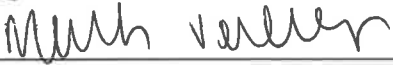
12/29/2023, 12/31/2023

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Sworn to and subscribed before on 12/31/2023



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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

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

Referral ID #: MTC 06-23M

Tax Map #: City-wide.

Local File #: None provided.

Comments:

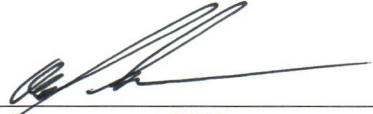
The Department of Planning has received the above referenced Local Law and has found no evidence that significant intermunicipal or countywide impacts would result from its approval.

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 online 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
- Was an MVP sponsored HSA sold with the HDHP product(s)?

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

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

Quote Expires:

3/1/2024

Contract Period:

3/1/2024 - 12/31/2024

Rate Region:

MW

Benefit Summary

Product Scenario 1

		Option 1
Product	Base Plan	Integrated Hybrid EPO with OON 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:

Subject to Home Office Approval
SMS

New, Large NY

1/10/2024



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 \$518 A.1325.100
ARPA 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.



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

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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 concurs 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



CITY OF MIDDLETOWN, NEW YORK COMMON COUNCIL RECORD OF VOTE

THE FOLLOWING WAS PRESENTED

By: None
Seconded by: None
Date of Adoption: February 20, 2024
Index No: 34-24

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				
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

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 Common Council of the City of Middletown, NY, concurs with the Board of Estimate and Apportionment and 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 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:
John Ewanciw, Chief of Police

Attachments:

1.	smoke trailer contract
----	------------------------



Steven M. Neuhaus
County Executive

ORANGE COUNTY
DEPARTMENT OF EMERGENCY SERVICES
DIVISION OF FIRE SERVICES



Peter J. Cirigliano II
Commissioner

Vini Tankasali
Deputy Commissioner
Orange County Fire Services
9 Training Center Lane
New Hampton, New York 10958
TEL: (845) 374-1900 FAX: (845) 374-1906
www.orangecountygov.com

January 26, 2024

City of Middletown
16 James Street
Middletown, NY 10940

I have completed the preliminary paperwork to start the contract process with the County of Orange for the Safety Trailer. Please complete the following:

1. Please fill out Page 5 under the User Contact Info on the right hand side of the document and sign, print, title and date under User. **Please note whomever calls to set up this agreement is the person who needs to be duly authorized to sign this paperwork and show proof of a resolution. THE NAMES MUST MATCH.**
2. We also need insurance certificates attached to the contract showing General Liability insurance in accordance with Article 13 of the contract. This General Liability insurance must list the County of Orange, 255-275 Main Street, Goshen, NY 10924, as additional insured. Please make sure that the liability coverage shows the value of the Fire Safety trailer being at a maximum of \$55,000. You must also present proof of **Workers Compensation (C-105.2) and Disability Benefits insurance (DB-120.1)**. If you are exempt from workers' compensation and/or disability benefits insurance coverage requirements, then a **CE-200** is required by the Worker's Compensation Board.
3. E-Mail everything back to me at:
sgillespie@orangecountygov.com
4. When the contract is approved Shannon Gillespie will call to let you know and you may contact Jim McCann at 845-374-1900 to set up the pickup of the Fire Safety trailer.

The process for having a contract approved in Orange County can sometimes take a while. It has several departments it proceeds through prior to final approval by the County Executive. **Please be advised that you should not proceed with your obligation towards this contract until you have received the contract signed by the County Executive. There is no contract with Orange County until it is signed by the County Executive.** As soon as the contract is signed and the process completed by the County Executive a copy of the contract will be forward to you.

If you have any questions, please feel free to call me at (845) 374-1900.

Sincerely,

Shannon Gillespie
Administrative Secretary
Enclosure

USE AGREEMENT

FOR COUNTY OF ORANGE FIRE SAFETY TRAILER

THIS AGREEMENT, effective as of the last date entered below, is entered into between the **COUNTY OF ORANGE**, by and through its Department of Emergency Services, Division of Fire Services, located at 9 Fire Training Lane, New Hampton, NY 10958, ("County") and the City of Middletown ("Department") by and through Joseph DeStefano, in his official capacity as Mayor of City of Middletown ("User"). The County agrees to allow the User use of the County Fire Safety Trailer subject to the terms and conditions of this Agreement.

I. TERM OF THIS AGREEMENT

This Agreement commences on August 2, 2024 and expires on August 7, 2024. The County may elect to terminate this Agreement at any time with written notice to the other party, effective in accordance with the terms of the notice provision in Section XVIII of this Agreement.

II. PURPOSE OF THIS AGREEMENT

The purpose of this Agreement is to share a resource that will support and stimulate fire safety awareness in the general public. The resource is the County Fire Safety Trailer—a mobile 2-story trailer equipped with various fire safety and prevention features. This Agreement will establish a method for communities to promote fire safety with the following goals at its core.

- A. Reduce loss of life and property due to fire.
- B. Reduce injuries due to fire.
- C. Reduce occurrence of fire in homes.
- D. Improve maintenance of smoke detectors in homes.
- E. Improve understanding of importance of home fire drills and escape plans.
- F. Improve understanding of how and when to use E-911 to summon assistance during emergencies.

III. RENT

There shall be no rent charged for use of the Fire Safety Trailer.

IV. RESPONSIBILITIES OF THE PARTIES

The County and the User agree to the following responsibilities and will exert all reasonable efforts to fulfill the responsibilities stated below.

A. County's Responsibilities

- 1. Housing and general maintenance of the Fire Safety Trailer.
- 2. Scheduling use of the Fire Safety Trailer.

3. Revisions of the Fire Safety Trailer procedure manual.

4. Providing orientation to User on safe transportation and use of the Fire Safety Trailer.

B. User's Responsibilities

1. Orientation of support personnel for safe transportation and operation of the Fire Safety Trailer.

2. Safe transportation of the Fire Safety Trailer.

3. Safe operation of the Fire Safety Trailer.

4. Cleaning the Fire Safety Trailer and re-stocking consumed supplies before returning it to the County.

5. Absorbing costs for repair of damages to the fire Trailer that may occur while in Users possession.

6. Provide liability coverage for injuries or death that may occur to visitors of the Fire Safety Trailer while in User's possession. User shall provide County with a certificate of insurance naming the County as an additional insured. The coverage shall be:

i. A minimum of one million dollars (\$1,000,000.00) per occurrence for death or injury to visitors.

ii. Maximum of fifty-five thousand dollars (\$55,000.00) for repair or replacement of the Fire Safety Trailer and its contents.

7. Costs relating to insuring, transporting and operating the Fire Safety Trailer shall be the responsibility of the User.

V. COUNTY'S RIGHT TO INSPECT

County shall have the right at any time during normal business hours to enter on the premises where the Fire Safety Trailer is located for the purpose of inspecting it or observing its use, maintenance and operation.

VI. USER'S INSPECTION AND ACCEPTANCE

User acknowledges that it has inspected the Fire Safety Trailer prior to using it pursuant to this Agreement, that it is in good condition, and that User has accepted the Fire Safety Trailer in good condition.

VII. RETURN OF PROPERTY

On the expiration or termination of this Agreement, User agrees to return to County, at User's own expense, the Fire Safety Trailer in as good a condition as it was when delivered to user, ordinary wear and tear resulting from Fire Safety Trailer use alone excepted, and free from all liens and encumbrances, to the County's Fire Training Center, located at 9 Fire Training Lane, New Hampton, NY 10958.

VIII. WARRANTIES

County does not make any warranties, express or implied, nor shall any warranties arise by operation of law, as to the Fire Safety Trailer, including fitness for any particular use, merchantability, design, capacity, or performance.

IX. USE, CARE AND OPERATION OF PROPERTY

User shall use the Fire Safety Trailer in a careful and proper manner, and shall comply with all laws and regulations prescribed by governmental authority and with the County's instructions relating to the possession, use, maintenance, repair, and operation of the Fire Safety Trailer.

X. AUTHORITY OF COUNTY REPRESENTATIVES

1. This Agreement must be executed by the County Executive, or his or her designee, in order to bind the County.
2. The Deputy Commissioner of the Division of Fire Services, or his or her designee, shall serve as the County's authorized representative for the administration of this Agreement.
2. The Deputy Commissioner of the Division of Fire Services, shall have the authority to issue written procedures for use of the Fire Safety Trailer under this Agreement.
3. The Deputy Commissioner of the Division of Fire Services, or his or her designee, shall have the authority to approve or disapprove use of the Fire Safety Trailer by any User.
4. The Deputy Commissioner of the Division of Fire Services, or his or her designee, is authorized to require Users to undergo any orientation or refresher orientation he or she may deem necessary for safe transportation and operation of the Fire Safety Trailer.

XI. ALTERATIONS

User shall not make any alterations, additions or improvements to the Fire Safety Trailer without the prior written consent of County. All such additions and improvements shall immediately become the property of County and subject to the terms of this Agreement.

XII. LOSS OR DAMAGE

User assumes all risks of loss of or damage to the Fire Safety Trailer from any cause and shall reimburse the County for any loss or damages to the property. This provision shall survive any expiration or termination of this Agreement.

XIII. INDEMNIFICATION AND HOLD HARMLESS

User agrees to indemnify, defend and hold the County harmless from all actions, suits, liabilities or damages resulting from, or arising out of, any acts or omissions by the User, its agents, employees, customers, or invitees in the occupation or use of the Fire Safety Trailer, and to pay all costs, including but not limited to litigation expenses and reasonable attorneys fees, connected therewith. This provision shall survive any expiration or termination of this Agreement.

XIV. ASSIGNMENT OR SUBLEASING BY USER

User shall not assign, sublet or transfer any of its rights under this Agreement without the prior written consent of County. User shall not lend or allow the Fire Safety Trailer to be used by any person other than User's employees, without the prior written consent of County.

XV. WAIVER

No delay or omission to exercise any right of County under this Agreement shall be construed as a waiver of any such right or as impairing any such right. Any waiver by County of a single breach or default shall not be construed as a waiver of any prior or subsequent breach or default.

XVI. SEVERABILITY

If a court of competent jurisdiction holds any provision of this Agreement invalid, it shall be considered deleted from this Agreement, but such invalidity shall not affect the other provisions that can be given effect in the absence of the invalid provisions.

XVII. GOVERNING LAW

This Agreement shall be governed by and construed in accordance with the laws of the State of New York, regardless of any conflicts of laws or rules that would require the application of another jurisdiction's laws.

XVIII. NOTICE

All notices as required in this Agreement shall be in writing. Except as otherwise provided herein, all notices may be given by certified mail, by personal delivery, by nationally recognized overnight courier service or by facsimile. Notice by certified mail will be effective upon sending provided such notice is simultaneously transmitted by facsimile, subject to the confirmation requirements contained herein. Notice by personal delivery will be effective upon delivery to the other party. Notice by nationally recognized overnight courier service shall be effective one (1) day after delivery of notice to such overnight courier service. Notice by facsimile will be effective upon receipt by the other party. If notice is given by facsimile, the sender thereof shall,

immediately after sending such notice, confirm by telephone, addressee's receipt of such notice. Notices to the County and the User must be addressed to the address or addresses of the respective party as set forth above. All reference to "days" in this Section XVIII shall be deemed to mean calendar days.

County Contact:

Name: James McCann
Title: Training Center Manager
Address: 9 Training Center Lane,
New Hampton, NY 10958

Phone No.: 845-374-1900

User Contact:

Name: Joseph DeStefano
Title: Mayor
Address: 16 James St.
Middletown, NY 10940

Phone No.: 845-346-4100

Fax No.: N/A

Email: pgalli@middletownpolice.com

XVIX. ENTIRE AGREEMENT

This Agreement constitutes the entire Agreement between the parties. This Agreement shall not be amended except by written Agreement signed by both parties.

XX. HEADINGS

Headings or titles to sections or paragraphs of this Agreement are solely for the convenience of the parties and shall have no affect whatsoever on the interpretation of the provisions of this Agreement.

COUNTY

By: _____
Stefan ("Steven") M. Neuhaus
County Executive

Date: _____

USER

By: _____ (Signature)

Joseph DeStefano (Printed)

Mayor (Title)

Date: _____



CITY OF MIDDLETOWN, NEW YORK COMMON COUNCIL RECORD OF VOTE

THE FOLLOWING WAS PRESENTED

By: None
Seconded by: None
Date of Adoption: February 20, 2024
Index No: 35-24

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				
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

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 Common Council concurs with the Board of Estimate and Apportionment and declares the following vehicles as surplus property and authorizes their disposal at a vehicle auction.

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

Prepared by:
John Ewanciw, Chief of Police

Attachments:

1.	2024 VEHICLES SURPLUS- AUCTION
----	--------------------------------

JOHN EWANCIW
CHIEF OF POLICE



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

CITY OF MIDDLETOWN POLICE DEPARTMENT

2 JAMES STREET
MIDDLETOWN, NEW YORK 10940
ESTABLISHED 1888

February 9, 2024

Honorable Joseph M. DeStefano &
City of Middletown Common Council
16 James Street
Middletown, NY 10940

Dear Mayor DeStefano and Members of the Common Council:

Please accept this letter as my request to declare the following vehicles as surplus property:

year	make	vin number	vehicle number	color	issue(s)
2014	Ford	1FAHP2MKXEG101152	33	marked patrol	engine, exhaust, frame
2007	Chevrolet	1GNFK03087R405178	31	TAC	various electrical issues
2009	Chevrolet	2G1WT57N691292859	29	Parking	Electrical issues

These vehicles are in disrepair needing work that would cost more than the value of the vehicles. They would be disposed of by utilizing a vehicle auction.

If you have any questions please do not hesitate to contact me.

Very truly yours,

John Ewanciw
Chief of Police

JE:ccd



CITY OF MIDDLETOWN, NEW YORK COMMON COUNCIL RECORD OF VOTE

THE FOLLOWING WAS PRESENTED

By: None
Seconded by: None
Date of Adoption: February 20, 2024
Index No: 36-24

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				
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

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

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

Prepared by:
John Ewanciw, Chief of Police

Attachments:

1.	pt police assistant increase
----	------------------------------

JOHN EWANCIW
CHIEF OF POLICE



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

CITY OF MIDDLETOWN POLICE DEPARTMENT

2 JAMES STREET
MIDDLETOWN, NEW YORK 10940
ESTABLISHED 1888

February 9, 2024

Honorable Joseph M. DeStefano &
City of Middletown Common Council
16 James Street
Middletown, NY 10940

Dear Mayor DeStefano and Members of the Common Council:

I am requesting consideration for the change of rate for the Part time clerical position as Police Assistant from \$22 per hour to \$23 per hour.

If you have any questions please do not hesitate to contact me.

Very truly yours,

A handwritten signature in black ink, appearing to read "John Ewanciw". The signature is stylized with a large, looped "J" and "E".

John Ewanciw
Chief of Police

JE:ccd



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

THE FOLLOWING WAS PRESENTED

By: None
Seconded by: None
Date of Adoption: February 20, 2024
Index No: 37-24

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				
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

Authorization to Amend the 2024 Transportation Program Contract to Increase the Total Cost to \$25,635.00

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

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

Prepared by:
Julisa Sierra, Senior Center Dir

Attachments:

1.	Amendment #5 for 2024
2.	City of Middletown Resolution



ORANGE COUNTY AMENDMENT

NO: 5

EFFECTIVE DATE: January 1, 2024

VENDOR: City of Middletown

AGREEMENT FOR: Title III-B Funding for Transportation Services for the Elderly (RFP OFA01-20)

The Agreement for Vendor Services, dated January 1, 2021, between the **COUNTY OF ORANGE** (“County”) and City of Middletown (“Vendor”) as previously amended by Amendment No. 4 dated November 8, 2023, as previously amended and extended by Amendment No. 3 dated January 1, 2023, as previously amended by Amendment No. 2 dated September 1, 2022, as previously amended and extended by Amendment No.1 dated January 1, 2022 (“Agreement”) is hereby further amended and extended as follows:

- 1) **EXTENSION OF TERM.** The County hereby exercises its third option to extend the term of the Agreement for an additional one (1) year period commencing January 1, 2024, and ending December 31, 2024. (Renewal Term #3)
- 2) The annexed Schedule B-4 hereby supersedes and replaces Schedule B-3 (annexed to Amendment #4) in its entirety.
- 3) **NOT-TO-EXCEED COST.** The not-to-exceed cost set forth in Article 3 of the Agreement is increased by \$25,635.00 to \$137,740.50 as more particularly set forth below.
- 4) **SEXUAL HARASSMENT CERTIFICATION.** Pursuant to the New York State Finance Law §139-l, by execution of this Amendment No. 5 the Vendor and the individual signing this Amendment No. 5 on behalf of the Vendor certifies, under penalty of perjury, that the Vendor has and has implemented a written policy addressing sexual harassment prevention in the workplace and provides annual sexual harassment prevention training to all of its employees. Such policy shall, at a minimum, meet the requirements of Section 201-g of the New York State Labor Law. A model policy and training has been created by the New York State Department of Labor and can be found on its website at:

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

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

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

- 5). **INTEGRATION.** Except as modified by this Amendment No. 5, the Agreement shall remain unchanged and in full force and effect. The terms used in this Amendment No. 5, unless otherwise defined in this Amendment No. 5, shall have the meanings as set forth in the Agreement. If there shall be any conflict or inconsistency between the terms and conditions of this Amendment No. 5, and the Agreement, the terms and conditions of this Amendment No. 5, shall control.

- 6). **SIGNATURES.** A manually signed copy of this Amendment No. 5, delivered by facsimile, email, or other means of electronic transmission shall be deemed to have the same legal force and effect as delivery of an original signed copy of this Amendment No 5.

The foregoing changes result in the following adjustment of Agreement not-to-exceed cost and term as follows:

Agreement Not-to-Exceed Cost Prior to this Amendment	\$112,105.50
Net Increase resulting from this Amendment	\$25,635.00
Agreement Not-to- Exceed Cost including this Amendment	\$137,740.50
Agreement Term Prior to this Amendment	1/1/2021 – 12/31/2023
Agreement Term including this Amendment	1/1/2021 – 12/31/2024.

COUNTY

VENDOR

By: _____

By: _____

Title: _____

Title: _____

Date: _____

Date: _____

SCHEDULE B-4

FEES AND EXPENSES

UNITS OF SERVICE	UNIT COST	TOTAL BUDGET/ COST OF SERVICE
6,344 units of Transportation	\$20.77 (per one way trip per person)	\$131,764.00

The COUNTY and VENDOR agree that the sources utilized to fund the Total Cost of Service of \$131,764.00 shall be as follows:

(a) Area Agency Funds – For the satisfactory provision of the SERVICES, the COUNTY will reimburse VENDOR in a total amount not to exceed \$25,635.00;

(b) Anticipated Income – Voluntary contributions in the amount of \$6,315.00 anticipated to be received during the term of this Agreement from those individuals who receive the SERVICES from VENDOR pursuant to this Agreement, which shall be retained by VENDOR and used to expand the SERVICES; and

(c) Subcontractor Funds – VENDOR shall contribute the sum of \$99,814.00.
to the cost of the SERVICES after application of those voluntary contributions received from those individuals who receive the SERVICES.

Please Note - Vendor acknowledges and understands that the risk that the voluntary contributions actually received may be less than the \$6,315.00 projected on Schedule B-4 to the Agreement shall be borne by Vendor.



Senior Transportation: (845) 346-4070
Senior Activities: (845) 346-4071
Fax: (845) 346-4072

City of Middletown, New York
Mulberry House Senior Center
62-70 West Main St
Middletown, NY 10940

Center Information: (845) 346-4073
Senior Travel: (845) 346-4074
Director: (845) 346-4075

December 13, 2023

Board of Estimate
City of Middletown
16 James Street
Middletown, NY 10940

The Senior Citizen Department, Mulberry House Senior Center respectfully requests the Board of Estimate recommend and the Common Council approve a resolution to accept additional funding of \$23,200.50 from Orange County Office for the Aging for 2023 Goldenarea Transportation within Senior Department Operating Budget and also review and accept amendments to accept funding for 2024 Fiscal year toward Golden Area transportation from Orange County Office for the Aging, within Senior Center, Goldenarea Transportation program as follows.

Also requesting to authorize the Treasurer to add the funding to the Other Govt Aid GA.4089.

Sincerely,

Julisa Sierra

Julisa Sierra

CITY OF MIDDLETOWN, NEW YORK COMMON COUNCIL RECORD OF VOTE

Prepared by:
Julisa Sierra, Senior Center Dir

Attachments:
None



CITY OF MIDDLETOWN, NEW YORK COMMON COUNCIL RECORD OF VOTE

THE FOLLOWING WAS PRESENTED

By: None
Seconded by: None
Date of Adoption: February 20, 2024
Index No: 39-24

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				
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

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

BE IT RESOLVED; that the Common Council concurs with the Board of Estimate and Apportionment and 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 Common Council concurs with the Board of Estimate and Apportionment and 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.

Prepared by:
John Ewanciw, Chief of Police

Attachments:

1.	DOJ COPS GRANT 20232024
----	-------------------------

JOHN EWANCIW
CHIEF OF POLICE



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

CITY OF MIDDLETOWN POLICE DEPARTMENT

2 JAMES STREET
MIDDLETOWN, NEW YORK 10940
ESTABLISHED 1888

February 14, 2024

Mayor Joseph DeStefano
Members of the Common Council
And Board of Estimate
City of Middletown
16 James Street
Middletown, New York 10940

RE: 15JCOPS-23-GG-01692-TECP
FY 2023 COPS Technology and Equipment Program Invitational Solicitation

Dear Mayor DeStefano and Members,

The City of Middletown Police Department has been awarded \$300,000 to participate in the COPS Technology and Equipment Program effective through December 31, 2024.

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.

Upon approval, I am asking that this funding be added to the already created COPS grant budget line, A.3134.200.

Thank you.

Very truly yours,

John Ewanciw
Chief of Police

JE:ccd



CITY OF MIDDLETOWN, NEW YORK COMMON COUNCIL RECORD OF VOTE

THE FOLLOWING WAS PRESENTED

By: None
Seconded by: None
Date of Adoption: February 20, 2024
Index No: 40-24

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				
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

Authorizes an Agreement with H2O for services at the Water Treatment Plant at a rate of \$24,062.50 per month and at the Waste Water Treatment Plant at a rate of \$31,918.75, per month

BE IT RESOLVED; that the Common Council concurs with the Board of Estimate and Apportionment and authorizes an agreement with H2O, dated February 8, 2024, for monthly services at the Water Treatment Plant (WTP) and Waste Water Treatment Plan (WWTP). 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 Common Council concurs with the Board of Estimate and Apportionment and authorizes the Mayor to sign the agreement.

Prepared by:
Jacob Tawil

Attachments:

1.	MEMO- BOE H2O-JCO 2024 RENEWAL WTP WWTP
----	---

DEPARTMENT OF PUBLIC WORKS

MEMORANDUM

Date: February 9, 2024
To: Honorable Mayor DeStefano, Members of the Board of Estimate
and Apportionment, Members of the Common Council
Cc: Leonora Liz, Treasurer and Richard McCormack, City Clerk
From: Jacob Tawil, Commissioner of Public Works
Re: Approval of Proposal from H2O for Services at the WTP & WWTP

We are hereby requesting you to consider and approve the enclosed proposal from H2O, dated February 8, 2024, requesting renewal of the contracts for monthly services at the WTP and WWTP.

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.

Thank you.

JT/kg



CITY OF MIDDLETOWN, NEW YORK COMMON COUNCIL RECORD OF VOTE

THE FOLLOWING WAS PRESENTED

By: None
Seconded by: None
Date of Adoption: February 20, 2024
Index No: 41-24

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				

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

BE IT RESOLVED that the Common Council of the City of Middletown, NY, concurs with the Board of Estimate and Apportionment and authorizes the 2024 Annual Spring Clean Up and Electronic Drop Off Day based on the following schedule:

Week of April 8, 2024, 4th Ward
Week of April 15, 2024, 3rd Ward
Week of April 22, 2024, 2nd Ward
Week of April 29, 2024, 1st Ward

Saturday, May 11, 2024, Electronic Drop Off Day from 8 AM-3 PM under the same conditions as in previous years with drop off to be located at DPW facilities at 76 Monhagen Ave. DPW employees will be present to assist in the operation.

BE IT FURTHER RESOLVED; that the Common Council concurs with the Board of Estimate and Apportionment and authorizes the Commissioner of Public Works to hire Advanced Recycling at \$1,900 per day for picking up the electronic recycling.

Prepared by:
Jacob Tawil

Attachments:

1.	MEMO- 2024 SPRING CLEAN UP AND ELECTRONIC PICK UP MEMO
----	--

DEPARTMENT OF PUBLIC WORKS

MEMORANDUM

Date: February 13, 2024

To: Honorable Mayor DeStefano, Honorable Members of the Board
of Estimate and Apportionment, Members of the Common Council

Cc: Leonora Liz, Treasurer, Richard McCormack, Clerk

From: Jacob Tawil, Commissioner of Public Works

Re : 2024 Spring Annual Clean Up Week and Electronics Drop Off Event

We are respectfully requesting a resolution approving the attached dates for the City's annual spring clean-up and electronic drop off event.

Spring Clean Up will begin on Monday April 8, 2024 in the Fourth Ward, April 15, 2024 in the Third Ward, April 22, 2024 in the Second Ward and will end the week of April 29, 2024 in the First Ward. The pickup schedule is attached.

Following the Spring Clean Up, an Electronics Drop Off Event for City residents will be scheduled for Saturday May 11, 2024 from 8:00am until 3:00pm, under the same conditions as per previous years with drop off to be located at DPW facilities at 76 Monhagen Ave. DPW employees will be present to assist in the operation. We are requesting authorization that the Commissioner of Public Works be able to hire Advanced Recycling at a price of \$1,900 per day for picking up the electronic recycling.



CITY OF MIDDLETOWN, NEW YORK COMMON COUNCIL RECORD OF VOTE

THE FOLLOWING WAS PRESENTED

By: None
Seconded by: None
Date of Adoption: February 20, 2024
Index No: 42-24

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				
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

Approval of the Volunteer Firefighters Length of Service Award Program (LOSAP) List for 2023

BE IT RESOLVED that the Common Council of the City of Middletown hereby approves the attached Volunteer Firefighters Length of Service Award Program (LOSAP) List for 2023.

Prepared by:
Andrew Green, Secretary

Attachments:

1.	LOSAP City Hall Forms
----	-----------------------

2023 FIRE DEPARTMENT SERVICE CERTIFICATION FORM

SERVICE AWARD PROGRAM

City of Middletown

Middletown Fire Department

DEADLINE: March 31, 2024

INSTRUCTIONS

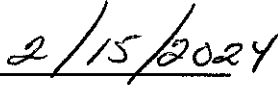
New York State General Municipal Law requires that a list of members of the Fire Department indicating who earned a year of service credit during 2023, those who did not earn a year of service credit during 2023, and those who waived participation must be certified under oath by the President, Secretary, and Chief (or comparable officers). Once complete, the entire 2023 Data Request Package should be sent to the City of Middletown for approval.

CERTIFICATION

We certify under oath that the attached list includes all active members of the Fire Department during the 2023 calendar year and indicates the points earned by each volunteer in accordance with the Service Award Program Point System which will be used to determine who will be credited with a year of service. We further certify that any prior service credit reported on the listing was earned during 2023 in accordance with the provisions of the Service Award Program.



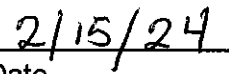
President Signature



Date



Secretary Signature



Date

Fire Company Official Signature

Date

2023 SPONSOR APPROVAL FORM

SERVICE AWARD PROGRAM

City of Middletown

Middletown Fire Department

DEADLINE: May 1, 2024

INSTRUCTIONS

This form is to be signed by either the clerk (along with a copy of the certified resolution) or by all members of the City of Middletown governing board once the certified service listing has been reviewed and approved by the Board. Once this form has been completed, the entire Data Request Package should be returned to the Fire Department so that the list can be posted for at least 30 days as required by New York State Law.

APPROVAL

By resolution of the City of Middletown governing board, the 2023 service listing of all volunteer firefighters of the Middletown Fire Department has been approved. Attached is a certified copy of the resolution.

Clerk Signature

Date

If a copy of the certified resolution is not available, please have all members of the governing board sign below. The City of Middletown herein approves the Service Award Program list of all 2023 active members of the Fire Department.

Governing Board Member Signature

Date

Governing Board Member Signature

Date

Governing Board Member Signature

Date

Governing Board Member Signature

Date

Governing Board Member Signature

Date

2023 SPONSOR AUTHORIZATION FORM

SERVICE AWARD PROGRAM

City of Middletown

Middletown Fire Department

DEADLINE: July 1, 2024

This form is to be signed by the Supervisor of the City of Middletown after the 2023 service listing has been posted for 30 days, as certified by the completion of the 2023 Fire Department Posting Certification Form. Please sign and return the entire Data Request Package to:

Penflex Actuarial Services, LLC
50 Century Hill Drive, Suite 3
Latham, NY 12110

AUTHORIZATION

I hereby authorize Penflex Actuarial Services, LLC to use the data submitted herein for the active volunteer firefighters Service Award Program 2023 records. I understand this data will be used to determine the funding requirements of the Service Award Program, the eligibility of participants to be paid Service Award Program benefits, and the amount of benefits to be paid to such persons. I understand that if any of the 2023 administrative services provided by Penflex Actuarial Services, LLC must be redone due to errors in the data submitted herein, there may be an additional charge payable by the Program Sponsor. I further understand that Penflex Actuarial Services, LLC will not be liable for any errors in the calculation of the amounts due or payable from the Service Award Program Trust Fund which is the direct result of error(s) in the data submitted herein.

Signature
Mayor of the City of Middletown

Date

2023 Service Award Program Firefighter Records
Middletown Fire Department Service Award Program

		Accrued 2023		Service Points		Mailing Address	City, State & Zip Code	Status
Last Name	First Name	MI	Date of Birth	Gender	Credit Earned			
1	Abrue	Simon	12/31/1962	M	0	20 Robertson Drive	Middletown, NY 10940	Active
2	Adams	Keith	12/18/1991	M	1	272 North Stree Apt 2F	Middletown, NY 10940	Active
3	Al-Amin	Abdul	11/9/1968	M	1	58 Brewster	Middletown, NY 10940	Active
4	Alicea	Carlos	3/25/1983	M	1	39 Grand Ave.	Middletown, NY 10940	Active
5	Anzures	Telesforo	1/5/1977	M	5	74 Sheffield Drive	Middletown, NY 10940	Active
6	Barber	Nicholas	1/3/1968	M	9	56 Phillip Street	Middletown, NY 10940	Active
7	Barone	Eric	10/8/1996	M	6	41 Harrison Street	Middletown, NY 10940	Active
8	Barone	Evan	6/17/1994	M	0			Active
9	Barone	Samuel	6/21/1960	M	8	41 Harrison Street	Middletown, NY 10940	Entitled 7/2020
10	Battisti	Arthur	7/21/1955	M	3	14 Ogden Street	Middletown, NY 10940	Entitled 10/2015
11	Baudendistel	Brandon	8/30/1991	M	2	2 Schoonmaker Drive	Middletown, NY 10940	Active
12	Bennet	Robert	3/10/1980	M	9	PO Box 82	Middletown, NY 10940	Active
13	Blakeslee	Archie	11/17/1926	M	6	35 Belmont Avenue	Middletown, NY 10940	Active
14	Boyea	Amber	5/16/1994	F	2	100 Stratford Lane	Middletown, NY 10940	Active
15	Brady	Robert	7/8/1971	M	9	50 Gardner Avenue	Middletown, NY 10940	Active
16	Bromley	George	9/25/1963	M	0			Active
17	Browne	Alexander	11/24/1995	M	1	14 Knapp Avenue	Middletown, NY 10940	Active
18	Browne	Roberto	4/13/1955	M	0			Active
19	Bruno	Lucia	7/10/2001	F	1	22 Rose Crest Court	Middletown, NY 10940	Active
20	Caba	Juan	10/4/1972	M	6	31 Ogden Street	Middletown, NY 10940	Active

Please reference the *Instructions* before completing the listing. All blank entries must be completed prior to certification.

2023 Service Award Program Firefighter Records
Middletown Fire Department Service Award Program

Last Name	First Name	MI	Date of Birth	Gender	Accrued 2023		Mailing Address	City, State & Zip Code	Status
					Service Credit	Points Earned			
21	Catillos	Elliot	7/27/1975	M	0	___	6 Houston Avenue	Middletown, NY 10940	Active
22	Cauchard	Richard	M. 12/20/1966	M	9	88	16 State Street	Otsville, NY 10963	Entitled 10/2019
23	Concepcion	Clinton	D. 10/30/1985	M	7	___	PO Box 891	Middletown, NY 10940	Active
24	DeGroat Jr.	Stewart	5/29/1967	M	4	75	33 Horton Avenue	Middletown, NY 10940	Active
25	Delgado	Rodolfo	4/23/1990	M	0	___	64 Montgomery Street	Middletown, NY 10940	Active
26	Deillo	Christopher	J. 6/5/1957	M	1	___	580 S. Centerville Road	Middletown, NY 10940	Entitled 4/2022
27	Dineen Jr.	Patrick	2/22/1994	M	0	___	___	___	Active
28	Dineen Sr.	Patrick	8/27/1968	M	1	___	45 Broad Street	Middletown, NY 10940	Active
29	Duggan	Kevin	10/19/1960	M	0	___	___	___	Active
30	Elia Jr.	Dominick	R. 9/26/1970	M	2	105	83 Watkins Avenue	Middletown, NY 10940	Active
31	Flores	Carlos	F. 10/13/1961	M	8	66	230 Highland Avenue	Middletown, NY 10940	Active
32	Flores	Gilbert	J. 3/11/1969	M	5	___	11 Bonnell Street	Middletown, NY 10940	Active
33	Fox	Jay	4/6/1966	M	0	___	___	___	Active
34	Freundlich	Gary	11/21/1984	M	6	___	328 Concord Lane	Middletown, NY 10940	Active
35	Fucci	Bryan	M. 2/26/1991	M	2	___	38 Roosevelt Avenue	Middletown, NY 10940	Active
36	Galante	Ian	2/4/1973	M	0	___	___	___	Active
37	Garlinghouse	Randie	11/8/1969	M	0	___	___	___	Active
38	Genoval	Eddie	6/6/1982	M	3	___	133 Lake Avenue	Middletown, NY 10940	Active
39	Gerow	Sean	M. 3/25/1971	M	8	___	16 Heather Lane	Middletown, NY 10940	Active
40	Gomez	Jonathan	1/25/1996	M	0	___	___	___	Active

Please reference the *Instructions* before completing the listing. All blank entries must be completed prior to certification.

2023 Service Award Program Firefighter Records

Middletown Fire Department Service Award Program

Last Name		First Name	MI	Date of Birth	Gender	Accrued Service Credit	2023 Points Earned	Mailing Address	City, State & Zip Code	Status
41	Gonzalez	Jose		6/30/1967	M	0				Active
42	Gordon	Kristopher		5/10/1994	M	0				Active
43	Green	Andrew		2/14/1989	M	1	91	Clairmont Court	Middletown, NY 10940	Active
44	Green	Coty	B.	4/15/1996	M	8	62	8 Wirthrop Avenue	Middletown, NY 10940	Active
45	Hagan	Bernard	J.	4/26/1982	M	6	70	54 Sprout Street	Middletown, NY 10940	Active
46	Healy	Joseph		5/4/1991	M	4	73	323 Highland Ave.	Middletown, NY 10940	Active
47	Hussini	Michael		5/3/1975	M	0		161 Wisner Avenue	Middletown, NY 10940	Active
48	Inholz Jr.	William		3/19/1992	M	2				Active
49	Inzarry Jr.	Leonides		11/14/1967	M	0		158 W. Main Street Apt. 2	Middletown, NY 10940	Active
50	Jones	Lillian		5/21/1987	F	1		75 Hudson Street	Port Jervis, NY 12770	Active
51	Kelder	William			M	0				Active
52	Kent	Gerard		2/14/1970	M	2				Active
53	Lewis	Anthony		11/19/1998	M	1		20 Irwin Avenue	Middletown, NY 10940	Active
54	Lewis	Kyle		10/16/1995	M	2				Active
55	Lewis	Maurice		2/16/1984	M	1				Active
56	Lewis Jr.	Gerard	E.	2/11/1989	M	7	75	8 Hickory Terrace	Middletown, NY 10940	Active
57	Luis Jr.	Don	B.	8/17/1961	M	9	84	11 Keystone Park	Middletown, NY 10940	Entitled 10/2021
58	Lybolt	Mark		12/24/1967	M	1				Active
59	Maclean	Randy	A.	10/23/1965	M	9	95	48 Lake Avenue	Middletown, NY 10940	Active
60	Manis	Drew	S.	12/26/1996	M	7	84	11 Thomas Jefferson Place	Middletown, NY 10940	Active

Please reference the *Instructions* before completing the listing. All blank entries must be completed prior to certification.

2023 Service Award Program Firefighter Records

Middletown Fire Department Service Award Program

Last Name		First Name		MI	Date of Birth	Gender	Accrued Service Credit	2023 Points Earned	Mailing Address	City, State & Zip Code	Status
61	Matos Jr.	Wilberto			11/3/1995	M	1	___	27 W. Main Street	Middletown, NY 10940	Active
62	Menard	Christopher	M.		3/1/1971	M	6	___	163 Wickham Avenue	Middletown, NY 10940	Active
63	Mojica	Jose	F.		2/16/1945	M	9	80	6 Westminster Drive	Middletown, NY 10940	Entitled 1/2021
64	Murphy	Joseph			12/22/1983	M	0	___	___	___	Active
65	Ortiz	Cesar			8/29/1995	M	1	___	2 Schindler Court Apt. 3	Middletown, NY 10940	Active
66	Perna	Paul			7/22/1961	M	0	___	___	___	Active
67	Perna Jr.	George	W.		6/11/1956	M	9	73	17 Keystone Park	Middletown, NY 10940	Active
68	Predmore Sr.	Kevin	M.		4/1/1970	M	5	64	98 Grand Ave.	Middletown, NY 10940	Active
69	Prokopchak	Peter	A.		12/11/1956	M	0	___	P.O. Box 2352	Middletown, NY 10940	Active
70	Reyes	Dominic			6/2/1960	M	1	N/A	4 Arden Court	Middletown, NY 10940	Deceased 6/2020
71	Rodrigues	Julio			7/27/1987	M	4	50	260 E. Main Street	Middletown, NY 10940	Active
72	Rowley	Patrick	J.		4/17/1962	M	8	55	79 Beattie Avenue	Middletown, NY 10940	Active
73	Russo	Edmund	J.		8/18/1965	M	2	___	5 Livingston Street	Middletown, NY 10940	Active
74	Ryder	Daniel	K		4/24/1968	M	1	___	279 East Main Street	Middletown, NY 10940	Active
75	Ryder	Dustyn			4/5/1995	M	2	___	279 E Main Street	Middletown, NY 10940	Active
76	Saldana	Jacen			12/30/1995	M	0	___	___	___	Active
77	Shah	Anish			11/29/1978	M	0	___	___	___	Active
78	Silvermail	Heidi	M.		2/7/1980	F	1	___	16 Horton Ave	Middletown, NY 10940	Active
79	Simpson	Dorothy			7/11/1980	F	0	___	___	___	Active
80	Sinclair	Easie			7/11/1980	M	0	___	___	___	Active

Please reference the *Instructions* before completing the listing. All blank entries must be completed prior to certification.

2023 Service Award Program Firefighter Records
Middletown Fire Department Service Award Program

Last Name		First Name	MI	Date of Birth	Gender	Accrued Service Credit	2023 Points Earned	Mailing Address	City, State & Zip Code	Status
81	Slingerland	Ashleigh		3/12/1993	F	1	___	126 Fairfax Ave.	Middletown, NY 10940	Active
82	Soriano	Robert		6/22/1996	M	0	___	___	___	Active
83	Stell	Donna		___	F	0	___	___	___	Active
84	Stephens Jr.	Regan	R.	6/17/1976	M	2	___	80 Tall Oaks Drive	Middletown, NY 10940	Active
85	Stephens Sr.	Regan		10/28/1950	M	5	___	80 Tall Oaks Drive	Middletown, NY 10940	Entitled 10/2015
86	Tiffany	Wayne	D.	8/9/1946	M	9	61	304 Congers Avenue	Northvale, NJ 07647	Active
87	Torres	Steven		5/17/1995	M	2	___	___	___	Active
88	Vazquez	Josh		7/13/1996	M	0	___	___	___	Active
89	Veillard	Edwin		4/18/1981	M	0	___	___	___	Active
90	Waizenegger	Edward	J.	8/18/1956	M	9	59	138 North Beacon Street	Middletown, NY 10940	Entitled 10/2016
91	Waizenegger	Mark		10/27/1983	M	0	___	___	___	Active
92	Walker	Chris		___	M	0	___	___	___	Active
93	Williams	Leighton		6/13/1977	M	4	93	19 Hoover Drive	Middletown, NY 10940	Active

Please reference the *Instructions* before completing the listing. All blank entries must be completed prior to certification.

Middletown Fire Department Service Award Program

Points

[illegible]



CITY OF MIDDLETOWN, NEW YORK COMMON COUNCIL RECORD OF VOTE

THE FOLLOWING WAS PRESENTED

By: None
Seconded by: None
Date of Adoption: February 20, 2024
Index No: 43-24

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				
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

Authorization to Amend City Code ordinances to Provide for a Student Transport Medallion

WHEREAS, at the recommendation of the Police Department, the Common Council wishes to amend the City of Middletown's taxicab ordinances to provide for a student transport medallion, and

NOW, therefore, be it RESOLVED AND ORDAINED by the Common Council of the City of Middletown as follows:

Section 1. Chapter 433 of the Code of the City of Middletown, Taxicabs, is hereby amended by adding a new Subsection F to Section 433-14, License Plate and Card, to read as follows:

F. Student transport taxicab license. Owners of vehicles larger than a four-door sedan or station wagon that are used to lawfully transport children to and from schools must apply for a student transport taxicab license. Such applicants must comply with all of the requirements of this section and chapter, except the auction provisions contained in § 433-24D(3) and the rate card provisions contained in § 433-20B, and except as otherwise provided in this chapter. The fee for a student transport taxicab license shall be \$300. Student transport taxicab licenses shall be limited to 15 and are not transferable. Such licenses shall be

issued as of April 1 in each and every year and shall expire on the March 31 next succeeding, unless sooner suspended or revoked. A student transport taxicab license must be issued for a specific vehicle, and shall not be used for any other vehicle, except by permission of the Chief of Police or his designee. A violation of any provision of this subsection shall result in the revocation of the student transport taxicab license, as well as subject the violator to any of the penalties provided in Section 433-27 of this chapter.

Section 2. Chapter 433 of the Code of the City of Middletown, Taxicabs, is hereby amended by adding a new Paragraph (6) to Subsection C of Section 433-13, Inspection before licensing vehicles; insurance, to read as follows:

(6) Student transport vehicles. Student transport vehicles licensed pursuant to the provisions of § 433-14F of this chapter must be inspected in accordance with all of the provisions of Subsection B and Subsection C(1) through (4), above.

Section 3. Chapter 433 of the Code of the City of Middletown, Taxicabs, is hereby amended by adding a new sentence at the end of Paragraph (1) of Subsection A of Section 433-20, Rates of fare, to read as follows:

The provisions of this Subsection shall also not apply to any provider of student transport services who has received a student transport license pursuant to the provisions of this Chapter.

Section 4. Chapter 433 of the Code of the City of Middletown, Taxicabs, is hereby amended by adding a new sentence at the end of Paragraph (1) of Subsection C of Section 433-20, Rates of fare, to read as follows:

The provisions of this Subsection shall also not apply to any provider of student transport services who has received a student transport license pursuant to the provisions of this Chapter.

Section 5. This ordinance shall take effect immediately.

Prepared by:
Alex Smith, Corporation Counsel

Attachments:

None



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

THE FOLLOWING WAS PRESENTED

By: None
Seconded by: None
Date of Adoption: February 20, 2024
Index No: 44-24

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				
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

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

BE IT RESOLVED; that the Common Council concurs with the Board of Estimate and Apportionment and 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.
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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.

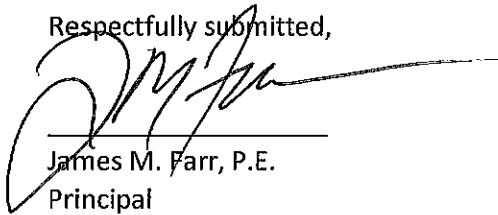
Based on the original bond amount of \$3,637,687.41, the cost per foot for the improvements was \$786.53 per foot, the total length of the roadways to be dedicated is 1,707 feet resulting in a total cost of the improvements to be dedicated of \$1,342,606.71 (1,707 feet of roadway x \$786.53). The City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

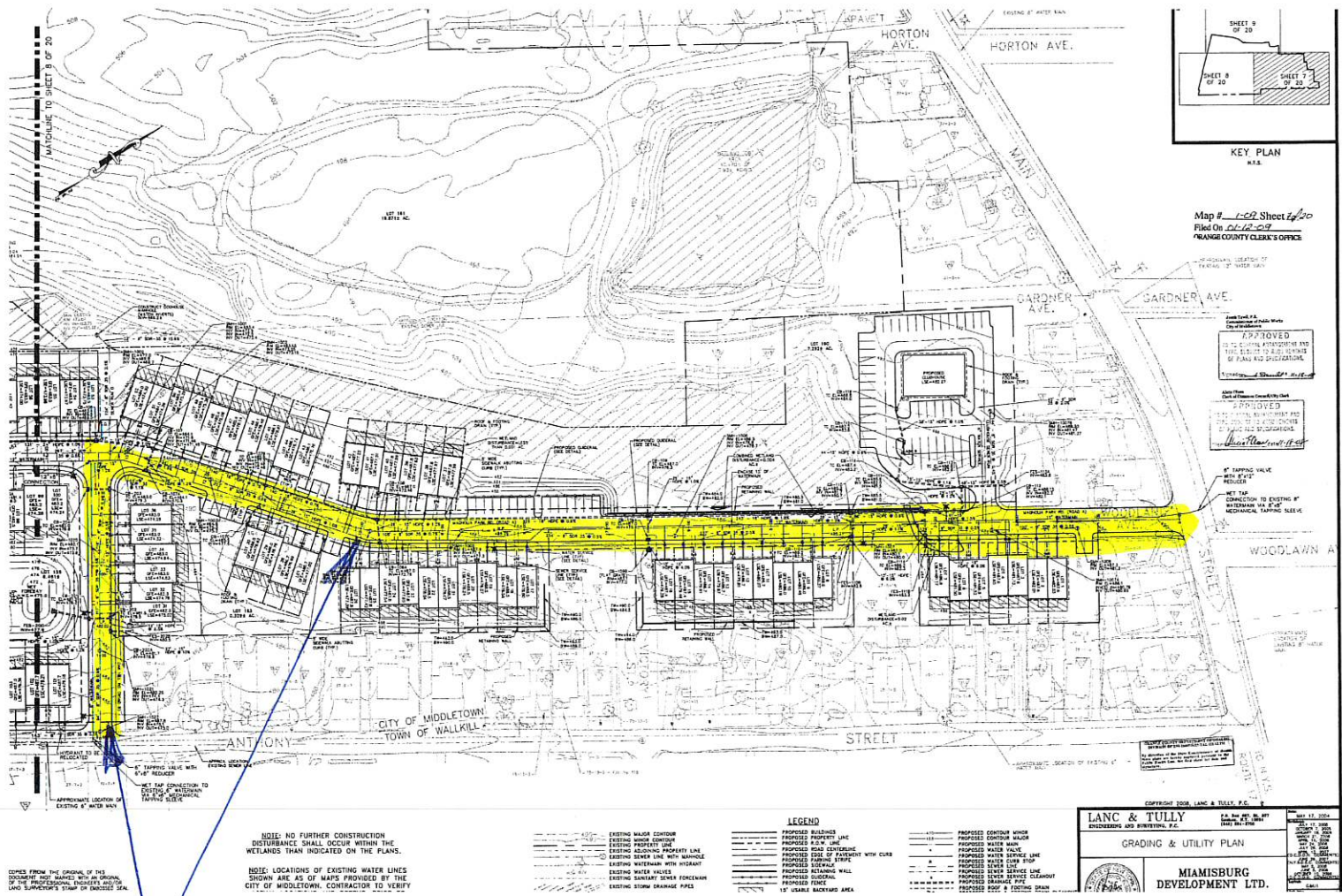
Please review the enclosed project budget spreadsheet. Should you have any questions please call me at (914) 474-1980 or e-mail me at JFarr@Farr-Engineering.com.

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



PORTION OFFERED FOR
CURRENT DEDICATION
JAN 2024

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

[illegible]

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



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

THE FOLLOWING WAS PRESENTED

By: None
Seconded by: None
Date of Adoption: February 20, 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

Introduction of Local Law #1 of 2024: A Local Law Allowing Delinquent Overgrown Vegetation, Snow Removal, Garbage Can, Bulk Pick-Up, Dead Tree Removal, And Building Demolition Charges To Be Relevied Into Real Property Tax Bills

LOCAL LAW #1 OF 2024

A LOCAL LAW ALLOWING DELINQUENT OVERGROWN VEGETATION, SNOW REMOVAL, GARBAGE CAN, BULK PICK-UP, DEAD TREE REMOVAL, AND BUILDING DEMOLITION CHARGES TO BE RELEVIED INTO REAL PROPERTY TAX BILLS

BE IT ENACTED BY THE COMMON COUNCIL OF THE CITY OF MIDDLETOWN AS FOLLOWS:

Section 1. Purpose of this Enactment.

The purpose of this enactment is to allow delinquent overgrown vegetation, snow removal, garbage can, bulk pick-up, dead tree removal, and building demolition charges to be re-levied into real property tax bills.

Section 2. Section 79 of the Charter of the City of Middletown is hereby amended to add a new Paragraph 4, to read in its entirety as follows:

Notwithstanding the provisions of Paragraph 1, above, in this Section, and notwithstanding any other provision in this Charter, any overgrown vegetation, snow removal, garbage can, bulk pick-up, dead tree removal, or building demolition charge not received by the Treasurer by its due date shall be considered delinquent, and shall be levied, together with late-payment fees, into the general city property tax at the time of the next levy. Such amounts shall be indicated in a separate column on the tax roll issued against the subject real property. Such re-levied overgrown vegetation, snow removal, garbage can, bulk pick-up, dead tree removal, and building demolition liens shall be subject to the same penalties imposed for the nonpayment of City taxes, and shall be collected in the same manner as provided in this Charter for the collection and enforcement of delinquent property taxes.

Section 3. Severability.

If the provisions of any article, section, subsection, paragraph, subdivision or clause of this Local Law shall be judged invalid by a court of competent jurisdiction, such order of judgment shall not affect or invalidate the remainder of any article, section, subsection, paragraph, subdivision or clause of this Local Law.

Section 4. Effective Date.

This Local Law shall be effective upon filing with the Secretary of State.

Prepared by:
Alex Smith, Corporation Counsel

Attachments:

None