



**CITY OF MIDDLETOWN
COMMITTEE MEETING AGENDA
FEBRUARY 20, 2024**

1. ROLL CALL
2. APPROVAL OF MINUTES
 - 2.1. Approve minutes of February 6, 2024
3. NEW BUSINESS

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

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

4. ADJOURNMENT



**CITY OF MIDDLETOWN, NEW YORK
LEGISLATIVE COMMITTEE
RECORD OF VOTE**

THE FOLLOWING WAS PRESENTED

By: None
Seconded by: None
Date of Adoption: February 20, 2024

Names	Ayes	Noes	Abstain	Absent
Ald. Johnson, Chairman				
Ald. Masi, Vice Chairman				
Ald. Green				
Ald. Tobin				
Ald. Wray				
Total				

Approve minutes of February 6, 2024

Prepared by:

Attachments:

1.	Legislative Committee Meeting Minutes (02.06.24)
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**CITY OF MIDDLETOWN
LEGISLATIVE COMMITTEE MINUTES
FEBRUARY 6, 2024**

Roll Call

Present: Alderman Johnson, Alderman Masi, Alderman Tobin, Alderwoman Wray

Absent: Alderman Green

Approval of Minutes- None this evening.

NEW BUSINESS

Authorization to Amend Chapter 430 of the Middletown City Code, Taxation, by creating a new Article VII : Volunteer Firefighters Property Tax Exemption

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

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

ARTICLE VII. Volunteer Firefighters Property Tax Exemption.

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

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

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

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

residence of the applicant;

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

D.

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

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

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

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

Section 430.27. Grant of lifetime exemption. Any active member of a volunteer fire company who accrues more than twenty (20) years of active service, may apply to the highest ranking company officer to be granted the ten (10) percent exemption for the remainder of his or her life. Such officer shall make a recommendation to the Board of Engineers which shall render a decision. If the Board of Engineer denies the application, the member may appeal to the Common Council, which shall render the final decision. This lifetime exemption applies only if the member's primary residence is located within the City of Middletown. This twenty-year requirement applies to any year of active service, and need not be consecutive years.

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

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

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

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

Section 430.29. Un-remarried Surviving Spouses of Volunteers With at Least Twenty (20) Years of Service. An un-remarried surviving spouse of volunteer firefighters granted the

lifetime exemption under Section 430.27 shall be entitled to continue such exemption, provided that:

A. Such un-remarried spouse is certified by the highest ranking company officer of the relevant volunteer fire company as an un-remarried spouse of a deceased member of such company;

B. This exemption continues as long as the un-remarried spouse's primary residence is located within the City of Middletown.

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

Section 430.31. Application Process.

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

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

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

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

Motion by: Alderman Johnson **Seconded by:** Alderman Masi

AYES: Alderman Johnson, Alderman Masi, Alderman Tobin, Alderwoman Wray

NAYS: None

ABSTAIN: None

ADJOURNMENT

Motion by: Alderman Johnson **Seconded by:** Alderman Masi

AYES: Alderman Johnson, Alderman Masi, Alderman Tobin, Alderwoman Wray

NAYS: None

ABSTAIN: None



CITY OF MIDDLETOWN, NEW YORK LEGISLATIVE COMMITTEE RECORD OF VOTE

THE FOLLOWING WAS PRESENTED

By: None
Seconded by: None
Date of Adoption: February 20, 2024

Names	Ayes	Noes	Abstain	Absent
Ald. Johnson, Chairman				
Ald. Masi, Vice Chairman				
Ald. Green				
Ald. Tobin				
Ald. Wray				
Total				

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



CITY OF MIDDLETOWN, NEW YORK LEGISLATIVE COMMITTEE RECORD OF VOTE

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By: None
Seconded by: None
Date of Adoption: February 20, 2024

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Ald. Johnson, Chairman				
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Ald. Green				
Ald. Tobin				
Ald. Wray				
Total				

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