

CITY OF MIDDLETOWN
BOARD OF ESTIMATE AND APPORTIONMENT AGENDA
APRIL 11, 2024 - 4:00 PM
COMMON COUNCIL CHAMBERS

1. PLEDGE OF ALLEGIANCE
2. ROLL CALL
3. APPROVAL OF MINUTES

3.1. Accept the Minutes of 3/28/2024

4. NEW BUSINESS

4.1. Bid opening for Street Materials and Patch Materials

Bid Opening for the 2024 Street Materials and the Patch Materials

4.2. Authorization to approve a Water and Sewer Transfer

Commissioner Tawil respectfully requests a transfer from the Sewer and Water General Fund to pay 2022 Pace lab invoices that were not billed in 2022. We only received the invoices a couple of weeks ago. This was a properly budgeted item in FY 2022.

FROM	AMOUNT	TO
Sewer General Fund	\$3,353.00	G.8130.404 Lab Services
Water General Fund	\$3,845.00	F.8330.404 Lab Services

4.3. Request for Reimbursement: 11 Wilkes Ave - See Attached Letter from Resident

4.4. Authorization to approve the Bond Resolution for the O&W Project Estimated cost of \$6,000,000

Leonora Liz is requesting the approval of the Bond Resolution in the amount of \$6,000,000 for the O& W Project.

4.5. Authorization to approve the 27 Academy Ave Appraisal Proposal

Commissioner Tawil is requesting the approval of the attached proposal for the

appraisal at 27 Academy Ave.

4.6. Authorization to transfer funds within the Community Development Department.

Maria Bruni is requesting budget transfers within the Community Development Department.

FROM	AMOUNT	TO
CD 8686.440 Repairs to Equipmen	\$ 250.00	8686.433 Personnel Training
CD 8686.418 Auto Expense	\$ 750.00	8686.433 Personnel Training

This funding transfer will be applied towards the Housing & Urban Development Environmental Review training expenses April 22-25, 2024.

4.7. Authorization to reject the bid for Asbestos Abatement for the O&W Building

5. ADJOURNMENT



**CITY OF MIDDLETOWN
BOARD OF ESTIMATE AND APPORTIONMENT MINUTES
MARCH 28, 2024**

Pledge of Allegiance

Roll Call

Approval of Minutes

Accept the Minutes of 03/14/2024

New Business

Approval to Accept DOJ De-Escalation Grant for OC Police Chief's Association

The City of Middletown Police Department has been awarded \$245,290.00 to be utilized in conjunction with the Orange County Police Chief's Association Police Academy, for a comprehensive training program that will incorporate all law enforcement agencies within the county to be utilized by August 31, 2024.

The FY 2022 Law Enforcement award will provide a combination of active bystandership for Law Enforcement Training and Integrating communications, Assessment, and Tactics De-escalation Training. Funds will be used to provide overtime pay for officers participating in the ABLE and ICAT Train-the-Trainer programs and subsequent internal ABLE/ICAT training sessions, as well as develop internal marketing materials to contribute to a culture of a de-escalation.

Upon approval, Chief Ewanciw is asking that this funding be added to a separate budget line names DOJ OC De-Escalation Grant.

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

AYES: Mayor DeStefano, Council President Rodrigues, Alderman Masi

NAYS: None

ABSTAIN: None

Authorization to Host a City-Wide Yard Sale and Waive Associated Fees

BE IT RESOLVED; that the Board of Estimate and Apportionment authorizes hosting the Annual City Wide Yard Sale on June 1st and 2nd 2024 and that all associated fees that are customary for yard sales be waived for the duration of the weekend.

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

AYES: Mayor DeStefano, Council President Rodrigues, Alderman Masi

NAYS: None

ABSTAIN: None

Authorization to Transfer \$13,500 into the Fire Department Operating Budget to Cover New Firefighter Training

BE IT RESOLVED; that the Board of Estimate and Apportionment authorizes the Treasurer to transfer \$13,500, in the following manner, to cover unanticipated tuition for 3 new Career firefighters which was not budgeted.

<i>FROM</i>	<i>TO</i>	<i>AMOUNT</i>
<i>General fund Balance</i>	A.3410.433	<i>\$13,500</i>
	Personnel Training	

Motion by: Mayor DeStefano **Seconded by:** Council President Rodrigues

AYES: Mayor DeStefano, Council President Rodrigues, Alderman Masi

NAYS: None

ABSTAIN: None

Request to purchase 30 Church St in Middletown_ Exterior Pro Builder

TABLED

TABLED

TABLED

Permission for the Chief to sign an agreement on behalf of the Orange County Chief's Association with Police Executive Research Forum for de-escalation training.

This will be funded with the COPS grant being managed by the City of Middletown on behalf of the Association. Police Executive Research Forum which will provide the de-escalation training through the police academy.

Motion by: Alderman Masi **Seconded by:** Mayor DeStefano

AYES: Mayor DeStefano, Council President Rodrigues, Alderman Masi

NAYS: None

ABSTAIN: None

Authorization to approve the transfer of funds to cover the 2023-year end overdrafts to close the year

Leonora Liz is requesting the approval from the Board of Estimate to transfer from various account to cover overdrafts for year end 2023. This is in preparation for close the year. See attachment

Motion by: Mayor DeStefano **Seconded by:** Alderman Masi

AYES: Mayor DeStefano, Council President Rodrigues, Alderman Masi

NAYS: None

ABSTAIN: None

Authorization to Waive Side Walk Sale Fees for the Cinco De Mayo Celebration

Resolved that the Board of Estimate and Apportionment waive the fees for sidewalk sales in the Downtown Mixed Use District for the weekend of May 3, 4, and 5, 2024 as part of the Business Improvement District Cinco De Mayo Celebration.

Motion by: Mayor DeStefano **Seconded by:** Alderman Masi

AYES: Mayor DeStefano, Council President Rodrigues, Alderman Masi

NAYS: None

ABSTAIN: None

Adjournment

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

AYES: Mayor DeStefano, Council President Rodrigues, Alderman Masi

NAYS: None

ABSTAIN: None



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

THE FOLLOWING WAS PRESENTED

By: None
Seconded by: None
Date of Adoption: April 11, 2024
Index No:

Names	Ayes	Noes	Abstain	Absent
Mayor DeStefano				
President Rodrigues				
Ald. Masi				
Total				

Bid opening for Street Materials and Patch Materials

Bid Opening for the 2024 Street Materials and the Patch Materials

Prepared by:

Attachments:

None

DEPARTMENT OF PUBLIC WORKS

MEMORANDUM

Date: March 28, 2024
To: Honorable Members of the Board of Estimate
And Apportionment
Cc: Leonora Liz-Treasurer
Richard McCormack- City Clerk
From: Jacob Tawil-Commissioner of Public Works *J. S.*
Re: Transfer of Funds

I respectfully request a transfer from the Sewer and Water General Fund to pay 2022 Pace lab invoices that were not billed in 2022. We only received the invoices a couple weeks ago. This was a properly budgeted item in FY 2022.

	FROM	AMOUNT	TO
1.	Sewer General Fund	\$3,353.00	G.8130.404 Lab Services
2.	Water General Fund	\$3,845.00	F.8330.404 Lab Services

Thank you.

MC



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

THE FOLLOWING WAS PRESENTED

By: None
Seconded by: None
Date of Adoption: April 11, 2024
Index No:

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Mayor DeStefano				
President Rodrigues				
Ald. Masi				
Total				

Request for Reimbursement: 11 Wilkes Ave - See Attached Letter from Resident

Prepared by:

Attachments:

None



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

THE FOLLOWING WAS PRESENTED

By: None
Seconded by: None
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Mayor DeStefano				
President Rodrigues				
Ald. Masi				
Total				

**Authorization to approve the Bond Resolution for the O&W Project Estimated cost of
\$6,000,000**

Leonora Liz is requesting the approval of the Bond Resolution in the amount of \$6,000,000 for the O& W Project.

Prepared by:
Leonora Liz, Treasurer

Attachments:

1.	City of Middletown BOND RES (OW railroad station rehab) (2-508) 4144-4360-6607 1
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Orrick, Herrington & Sutcliffe LLP
51 West 52nd Street
New York, NY 10019-6142

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Thomas E. Myers

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April 4, 2024

VIA E-MAIL (LLiz@middletown-ny.com)

Ms. Leonora Liz
City Treasurer
City of Middletown
16 James Street
Middletown, New York 10940

Re: City of Middletown, Orange County, New York
O&W Railroad Station Rehabilitation
\$6,000,000 Bonds
Orrick File: 42347-2-508

Dear Leonora:

In accordance with the information you provided to us, I have prepared and enclose herewith a draft form of bond resolution relating to the above matter, for adoption by the Common Council at its next meeting.

At that time this resolution is to be adopted by the affirmative vote of at least two-thirds of the entire voting strength of the Common Council. After adoption, the Legal Notice of estoppel of the resolution, a form of which I enclose herewith for your convenience, should be published once in the official newspaper of the City. Please insert SEQRA status prior to submission for publication.

When available, kindly return to me a certified copy of the enclosed resolution via email, together with an original printer's affidavit of publication of the Legal Notice of estoppel thereof, followed up with originals by mail.

Please do not hesitate to call if you have any questions.

With best wishes,

Very truly yours,

Tom

Thomas E. Myers
/es
Enclosures

BOND RESOLUTION

At a regular meeting of the Common Council of the City of Middletown, Orange County, New York, held at the Common Council Chambers, City Hall, in Middletown, New York, in said City, on the ____ day of April, 2024, at _____ o'clock ____ M., Prevailing Time.

The meeting was called to order by _____, and upon roll being called, the following were

PRESENT:

ABSENT:

The following resolution was offered by Councilman _____, who moved its adoption, seconded by Councilman _____, to-wit:

BOND RESOLUTION DATED APRIL ___, 2024.

A RESOLUTION AUTHORIZING THE ISSUANCE OF \$6,000,000 BONDS OF THE CITY OF MIDDLETOWN, ORANGE COUNTY, NEW YORK, TO PAY THE COST OF THE O&W RAILROAD STATION REHABILITATION IN AND FOR SAID CITY.

BE IT RESOLVED, by the Common Council of the City of Middletown, Orange County, New York, as follows:

Section 1. The O&W Railroad Station rehabilitation in and for the City of Middletown, Orange County, New York, including incidental expenses in connection therewith, is hereby authorized at a maximum estimated cost of \$6,000,000

Section 2. The plan for the financing of such maximum estimated cost is by the issuance of \$6,000,000 bonds of said City hereby authorized to be issued therefor pursuant to the provisions of the Local Finance Law; provided, however, that the amount of bonds to be issued shall be reduced to the extent of grants received in connection therewith.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is twenty-five years, pursuant to subdivision 12(a)(1) of paragraph (a) of Section 11.00 of the Local Finance Law.

Section 4. The faith and credit of said City of Middletown, Orange County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such obligations as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such year. There shall annually be levied on all the taxable real property of said City, a tax sufficient to pay the principal of and interest on such obligations as the same become due and payable.

Section 5. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the bonds herein authorized, including renewals of such notes, is hereby delegated to the City Treasurer, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said City Treasurer, consistent with the provisions of the Local Finance Law.

Section 6. Such bonds shall be in fully registered form and shall be signed in the name of the City of Middletown, Orange County, New York, by the manual or facsimile signature of the City Treasurer

and a facsimile of its corporate seal shall be imprinted or impressed thereon and may be attested by the manual or facsimile signature of the City Clerk.

Section 7. All other matters, except as provided herein relating to such bonds, including determining whether to issue such bonds having substantially level or declining debt service and all matters related thereto, prescribing whether manual or facsimile signatures shall appear on said bonds, prescribing the method for the recording of ownership of said bonds, appointing the fiscal agent or agents for said bonds, providing for the printing and delivery of said bonds (and if said bonds are to be executed in the name of the City by the facsimile signature of the City Treasurer, providing for the manual countersignature of a fiscal agent or of a designated official of the City), the date, denominations, maturities and interest payment dates, place or places of payment, and also including the consolidation with other issues, shall be determined by the City Treasurer. It is hereby determined that it is to the financial advantage of the City not to impose and collect from registered owners of such serial bonds any charges for mailing, shipping and insuring bonds transferred or exchanged by the fiscal agent, and, accordingly, pursuant to paragraph c of Section 70.00 of the Local Finance Law, no such charges shall be so collected by the fiscal agent. Such bonds shall contain substantially the recital of validity clause provided for in section 52.00 of the Local Finance Law and shall otherwise be in such form and contain such recitals in addition to those required by section 52.00 of the Local Finance Law, as the City Treasurer shall determine.

Section 8. The powers and duties of advertising such bonds for sale, conducting the sale and awarding the bonds, are hereby delegated to the City Treasurer, who shall advertise such bonds for sale, conduct the sale, and award the bonds in such manner as the City Treasurer shall deem best for the interests of said Village; provided, however, that in the exercise of these delegated powers, the City Treasurer shall comply fully with the provisions of the Local Finance Law and any order or rule of the State Comptroller applicable to the sale of municipal bonds. The receipt of the City Treasurer shall be a full acquittance to the purchaser of such bonds, who shall not be obliged to see to the application of the purchase money.

Section 9. Such bonds shall be in fully registered form and shall be signed in the name of the City of Middletown, Orange County, New York, by the manual or facsimile signature of the City Treasurer

and a facsimile of its corporate seal shall be imprinted or impressed thereon and may be attested by the manual or facsimile signature of the Village Clerk.

Section 10. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said City is not authorized to expend money, or
- 2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with,

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

- 3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 11. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 12. This resolution, which takes effect immediately, shall be published in summary form in The Times Herald Record, the official newspaper, together with a notice of the City Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

_____	VOTING	_____
_____	VOTING	_____
_____	VOTING	_____
_____	VOTING	_____
_____	VOTING	_____
_____	VOTING	_____
_____	VOTING	_____
_____	VOTING	_____

The resolution was thereupon declared duly adopted.

* * * * *

STATE OF NEW YORK)
) ss.:
COUNTY OF ORANGE)

I, the undersigned Clerk of the City of Middletown, in the County of Orange, New York (the "Issuer"),
DO HEREBY CERTIFY:

1. That a meeting of the Issuer was duly called, held and conducted on the ____ day of April, 2024.
2. That such meeting was a **special regular** (circle one) meeting.
3. That attached hereto is a proceeding of the Issuer which was duly adopted at such meeting by the Board of the Issuer.
4. That such attachment constitutes a true and correct copy of the entirety of such proceeding as so adopted by said Board.
5. That all members of the Board of the Issuer had due notice of said meeting.
6. That said meeting was open to the general public in accordance with Section 103 of the Public Officers Law, commonly referred to as the "Open Meetings Law".
7. That notice of said meeting (***the meeting at which the proceeding was adopted***) was caused to be given **PRIOR THERETO** in the following manner:

PUBLICATION (here insert newspaper(s) and date(s) of publication - should be a date or dates falling prior to the date set forth above in item 1)

POSTING (here insert place(s) and date(s) of posting- should be a date or dates falling prior to the date set forth above in item 1)

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Issuer this _____
day of April, 2024.

City Clerk

(CORPORATE SEAL)

LEGAL NOTICE OF ESTOPPEL

The bond resolution, a summary of which is published herewith, has been adopted on April ____, 2024, and the validity of the obligations authorized by such resolution may be hereafter contested only if such obligations were authorized for an object or purpose for which the City of Middletown, Orange County, New York, is not authorized to expend money, or if the provisions of law which should have been complied with as of the date of publication of this notice were not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of publication of this notice, or such obligations were authorized in violation of the provisions of the Constitution.

A complete copy of the resolution summarized herewith is available for public inspection during regular business hours at the Office of the City Clerk for a period of twenty days from the date of publication of this Notice.

Dated: Middletown, New York,

April ____, 2024.

/s/ Richard McCormack
City Clerk

BOND RESOLUTION DATED APRIL ____, 2024.

A RESOLUTION AUTHORIZING THE ISSUANCE OF \$6,000,000 BONDS OF THE CITY OF MIDDLETOWN, ORANGE COUNTY, NEW YORK, TO PAY THE COST OF THE O&W RAILROAD STATION REHABILITATION IN AND FOR SAID CITY.

Class of objects or purposes:	O&W Railroad Station rehabilitation
Period of probable usefulness:	Twenty-five years
Maximum estimated cost:	\$6,000,000
Amount of obligations to be issued:	\$6,000,000 bonds
SEQRA Status:	_____



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

THE FOLLOWING WAS PRESENTED

By: None
Seconded by: None
Date of Adoption: April 11, 2024
Index No:

Names	Ayes	Noes	Abstain	Absent
Mayor DeStefano				
President Rodrigues				
Ald. Masi				
Total				

Authorization to approve the 27 Academy Ave Appraisal Proposal

Commissioner Tawil is requesting the approval of the attached proposal for the appraisal at 27 Academy Ave.

Prepared by:

Attachments:

1.	27 Academy Ave fee proposal
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April 7, 2024

City of Middletown
Mayor Joseph Destefano,
16 James Street
Middletown NY 10940

Telephone: (845) 343-3169
Email: dstefano@middletown-ny.com
C/O: Jacob Tawil jtawil14@yahoo.com (Commissioner – Department of Public Works)

Re: 27 Academy Ave, City of Middletown, Orange County Village of NY 10940

**APPRAISAL SERVICES CONTRACT
“ENGAGEMENT LETTER”**

This contract is an agreement between Ackery & Hubbell Appraisal Corp. (APPRAISER), and City of Middletown (CLIENT). Payment is not contingent upon arriving at a particular value.

The real property to be appraised: 27 Academy Avenue further identified by tax parcel.
SBL 35-7-17 comprised of 0.16 acres – Vacant land

APPRAISER agrees to conduct a scope of services that includes:

- Visual inspection of the subject property and reviewing necessary maps including topographic, flood plain maps, zoning maps, survey, etc.
- Valuing the appropriate interest of the properties based on the highest and best use – real estate value only – as of a current valuation date.
- Conducting market research with analysis by the most applicable approaches
- One report and one value will be provided. The report format will be a **Restricted Appraisal Report** as defined by USPAP. This is a concise report suitable for the intended use.
- The appraised value will be based on the **hypothetical condition** that property is free of any/all encroachments.

CLIENT agrees to remunerate APPRAISER a **fee of \$2,000**. An invoice will be provided upon completion of the report.

Printed copies if requested will incur an additional \$100 per copy.

Post appraisal services:

- Any necessary revisions and discussions regarding the submitted report are included in the initial fee.
- Consultations and/or further requests beyond valuation discussions relating to issues contained within the appraisal will be billed on an hourly basis at \$250 per hour.

To complete the assignment, the following items, if available, are requested from the client:

- Survey
- Other information deemed pertinent

Information marked as "confidential" by the client will remain as such. The purpose of the assignment is to render an opinion of the subject market value – current date. The intended use of the appraisal is to aid the client with a potential acquisition of the subject. The only intended user of the appraisal reports is the CLIENT, City of Middletown. No party, other than the client, should rely on this appraisal for any purpose whatsoever.

Delivery of report will be 3 to 4 weeks from the date of inspection along with the receipt of the signed engagement. In the event that any payment is not paid when due, CLIENT shall pay all expenses of collection, including, but not limited to, court costs and attorneys' fees.

Thank you for the opportunity of presenting this contract for your consideration. The contract is valid for 30 days. If the contract meets with your approval, please execute a signed pdf original, required payment and requested data. Signed contract and data in pdf format via email only.

Payment is accepted by check only payable to: Ackerly & Hubbell Appraisal Corp, mailed to:
1072 Main Street, Fishkill NY 12524

Respectfully submitted:

ACKERLY & HUBBELL APPRAISAL CORP.

Andrew Ward

Andrew Ward
Senior Appraiser
State Certified General Real Estate Appraiser No. 46...48872

AW

Project will commence upon receipt of signed contract and payment.

AUTHORIZATION TO PROCEED

I agree to the terms and conditions of the Appraisal Service Contract set forth herein, and hereby authorize APPRAISER to proceed with said services.

Signature

Date

Printed Name

Title:



**CITY OF MIDDLETOWN, NEW YORK
BOARD OF ESTIMATE
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Seconded by: None
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Mayor DeStefano				
President Rodrigues				
Ald. Masi				
Total				

Authorization to transfer funds within the Community Development Department.

Maria Bruni is requesting budget transfers within the Community Development Department.

FROM	AMOUNT	TO
CD 8686.440 Repairs to Equipmen	\$ 250.00	8686.433 Personnel Training
CD 8686.418 Auto Expense	\$ 750.00	8686.433 Personnel Training

This funding transfer will be applied towards the Housing & Urban Development Environmental Review training expenses April 22-25, 2024.

Prepared by:
Maria Bruni, Director of Economic and Community Development

Attachments:

1.	CDBG 2024 Budget Transfer Training
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CITY OF MIDDLETOWN
Office of Economic & Community Development

April 8, 2024

City of Middletown
Board of Estimate
16 James Street
Middletown, New York 10940

RE: Office of Community Development/Dept 8686

Dear Members:

I am requesting budget transfers within the Community Development Department.

FROM	AMOUNT	TO
CD 8686.440 Repairs to Equipment	\$ 250.00	8686.433 Personnel Training
CD 8686.418 Auto Expense	\$ 750.00	8686.433 Personnel Training

This funding transfer will be applied towards the Housing & Urban Development Environmental Review training expenses April 22-25, 2024.

Thank you for your attention to this matter.

Maria Bruni, Director
Economic & Community Development



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

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Seconded by: None
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President Rodrigues				
Ald. Masi				
Total				

Authorization to reject the bid for Asbestos Abatement for the O&W Building

Prepared by:

Attachments:

None