



**CITY OF MIDDLETOWN
COMMON COUNCIL MEETING AGENDA
APRIL 16, 2024**

1. PLEDGE OF ALLEGIANCE
2. ROLL CALL
3. APPROVAL OF MINUTES
 - 3.1. Accept the Minutes of February 6 & 20, 2024 & March 5, 2024
4. CORRESPONDENCE, COMMUNICATION AND REPORTS
 - 4.1. Letter from Kevin Gomez
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
 - 65-24 Authorization to Transfer Funds from the Water and Sewer General Fund
 - 66-24 Authorization to approve the Bond Resolution for the O&W Project Estimated cost of \$6,000,000
 - 67-24 Authorization to Transfer Funds within the Community Development Department
 - 68-24 Authorization to Reject the Bids for Asbestos Abatement for the O&W Building

69-24 Authorization to Enter into an Agreement with Ackerly & Hubbell Appraisal Corp
for an Appraisal of 27 Academy Avenue

70-24 Appointment of Kathleen E. Flessa to the Board of Assessment Review

71-24 Appointment of Noah Tobin as a Volunteer Firefighter

72-24 Authorization to Hold a Public Hearing on a Proposed Sub Division at Middletown
and New Jersey Railroad LLC

73-24 Authorization to Forgive Interest and Penalties Associated with a City Owned
Property at 8-10 Mercer Street

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

COMMON COUNCIL
CITY OF MIDDLETOWN
February 6, 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. Kate Wray
Ald. Joseph Masi
Ald. Sparrow Tobin

A B S E N T

Ald. Andrew Green

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, Witt, Masi, President Rodrigues.

3. Approval of Minutes

PRESIDENT RODRIGUES: Approval of minutes.

ALD. MASI: So moved.

PRESIDENT RODRIGUES: Motion by Alderman Masi.

ALD. WITT: Second.

PRESIDENT RODRIGUES: Alderman Witt.

Alderman Kleiner.

ALD. KLEINER: Thank you. I have one correction to the minutes. I believe it's on page 9 for the Good of the City. There's a long very positive comment and it says speaker unknown and that speaker would be our friend, Mr. Kevin Gomez, who's also here tonight. So with that correction.

PRESIDENT RODRIGUES: No problem. Anyone else? We'll make the correction. Roll? All in favor?

ALDERMANS: Aye.

PRESIDENT RODRIGUES: Okay.

4. Correspondence, Communications and Reports

PRESIDENT RODRIGUES: Correspondence.

RICHARD MCCORMACK, CITY CLERK: Nothing this evening.

5. For the Good of the City

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

MR. GOMEZ: Good evening, Your Honor the Mayor, President Rodrigues, Members of the Common Council, I happen to have been at the last county legislative meeting --

ALD. KLEINER: You want to say your name?

MR. GOMEZ: Oh, thank you.

ALD. KLEINER: Or you're unknown.

MR. GOMEZ: So you know my name. Kevin Gomez, resident of Ward 2.

I was at the last legislative meeting at the county last week. And words that came to my mind are the words St. Paul's writing to Timothy, the labor is worthy of his -- of his wages.

We have the county workers that came to express their concern and frustration because of the lack of a contract or unfair wages. Many of them working overtime, working sometimes some of them even taking away from their vacation. We heard of probation officers, particularly female probation officers who don't have the

proper equipment or have been provided the necessary services for when they may be expecting a child.

I think that even though that's within the privy of the county level that we lend our support to our workers. They are the movers and shakers. They're the ones that make our government move. And they are worthy of fair and sound salaries. So, I certainly support them and I believe we should all stand in support of our county workers.

And it's my hope that the county administration will grant them a fair contract which is what they deserve and their labors have proved them. Again, I see these workers everyday. They're our friends, they're our neighbors, they're the ones that make things work. That's all I have to say.

PRESIDENT RODRIGUES: Thank you for the county update.

Anyone else who would like to address the county -- all right, the Council? We can do anything.

ALDERMAN MASI: Yeah, maybe it should go to the county.

6. Remark of Mayor

PRESIDENT RODRIGUES: All right. Let's move over to the remarks of the Mayor.

JOSEPH DESTEFANO, MAYOR: Nothing this evening.

PRESIDENT RODRIGUES: All right. That's even better.

7. Remarks of the Department Heads

PRESIDENT RODRIGUES: Economic Development.

ALD. JOHNSON: Make sure you state your name for the record just in case.

MARIA BRUNI, ECONOMIC DEVELOPMENT: Maria Bruni. Good evening, everyone

Just to update you on some Paramount stuff. We have the ABBA tribute group this Saturday. Tickets are going very strong.

We have a great lineup coming up for the rest of the -- the spring season and summer. And we're also going to be -- we're announcing Shiela E is going to be coming to the Paramount end of June. She's the queen of percussion. She played with Prince back in the day. And we're just looking forward for her to grace our stage at our -- at the historic Paramount Theatre.

Also, the movie, the story -- the icon -- reggae icon Bob Marley, we're going to be showing that starting February 14th. So, we're -- we're back rolling for the season, movies, shows. We've got graduations booked, recital. I mean, we're just -- everything's rockin' and rollin' per se.

Also, need your support on the fireworks

resolution tonight. Fireworks are going to be on July 3rd this year.

And that's all I have for tonight.

PRESIDENT RODRIGUES: Any questions for Maria?

All right, Maria, thank you.

MARIA BRUNI, ECONOMIC DEVELOPMENT: Thank you.

PRESIDENT RODRIGUES: Fire Chief.

ROBERT BRADY, FIRE CHIEF: Good evening.

January was a busy month for us. We did 107 total alarms. That was up 30 plus from last year and 45 from the year before. So January was a busy month.

I know Alderman Kleiner asked me last month about an update for Fireman Joe. I still don't have one for you. But Past-Chief Barber is -- is working closely with her still. He's actually going there. I talked to him last night. He's going there Thursday. And next month I -- we'll have an update.

Downtown, I know the -- the marble stone was placed, it's been there. So we're just waiting for her to finish, so we can get it placed. Thank you.

PRESIDENT RODRIGUES: Okay. Any questions for the Fire Chief? All right. Thank you, Chief.

Police Chief.

JOHN EWANCIW, POLICE CHIEF: Good evening.

Just want to report that or notify the Council

that the speed signs that you requested have come in. So, I'll work with Commissioner Tawil on getting them placed where you would like them.

I know we discussed -- I know Andrew or Alderman Green was influential behind one of them, so I want to make sure that if you could pass that along to him.

Other than that, just a couple quick items. We recently had four police officers graduate from the police academy. They'll be joining our ranks. They'll be working through the field training program which will be another about five or six months before they actually get placed on the road by themselves.

We hired two additional officers that will be starting with us at the end of this month. And we'll be looking to work with the police commission to fill some other vacancies that we have.

Additionally, I just want to take a moment just to recognize the men and women that work for the police department. They've really been working hard, doing a lot of great work making some really good arrest, following up on some crimes and really bringing things to a conclusion. So I just want to publicly recognize them and thank them for their -- the work that they do day in and day out.

Other than that, I have nothing unless --

PRESIDENT RODRIGUES: Alderman Johnson.

ALD. JOHNSON: Just one quick question. The signs you referred to, are they portable or they gonna be permanent installations?

JOHN EWANCIW, POLICE CHIEF: These are the permanent ones. These will be just like the ones that are on Monhagen and California, West Main, Waywayanda.

ALD. JOHNSON: Thank you.

JOHN EWANCIW, POLICE CHIEF: You're welcome.

PRESIDENT RODRIGUES: How many did we get in?

JOHN EWANCIW, POLICE CHIEF: Three.

PRESIDENT RODRIGUES: Three. All right.

Anyone else?

ALD. MASI: We had a valedictorian too, didn't we?

JOHN EWANCIW, POLICE CHIEF: We did, yes. That was in the media. One of our new recruits, our new graduates, Elisha Hodges, was named valedictorian of the last police academy class.

PRESIDENT RODRIGUES: Congratulations. Thank you, Chief.

JOHN EWANCIW, POLICE CHIEF: Okay. Thank you.

PRESIDENT RODRIGUES: DPW Commissioner.

JACOB TAWIL, DPW COMMISSIONER: Good evening,

all. We'll do some city business. Is that okay?

PRESIDENT RODRIGUES: You -- you're -- you're on a roll today.

JACOB TAWIL, DPW COMMISSIONER: The water -- the reservoir levels, Alderman Masi, they're full at 100 percent, so we're in good shape.

ALD. MASI: Thank you.

JACOB TAWIL, DPW COMMISSIONER: Our drinking water reservoirs that is.

Water storage tank, Highland Avenue, it was -- we had a problem with the contractor for the insurance lapsing and they just -- they give us another certificate of insurance. Every time they -- their insurance lapses we have to do a stop work order, so that is delaying the project unfortunately which will delay the project, the starting of the demo for High Barney tank. So, it's all connected together because we don't want to stay out -- keep our water system without many or more than one water storage tank out of service for -- for painting or for replacement. So, hopefully, middle of this month Highland Avenue would be completed, the tank. Once the tank is completed and tested and online, then we will start with High Barney.

Mountain Avenue, the work is stopped because of the weather, but they will resume again early spring.

Traffic operations, it's moving along, obviously, very well. I just want to mention something important for the -- for the public when they are using the new pedestrian crossing in there. When you are standing at the intersection where you have the lights for the pedestrian crossing, you must push the button in there for it to activate and to allow you to pass through. Don't just sit, you know, you know, you can't just stand there and wait for the green signal on the pedestrian lights to allow you to walk in. You must push the button.

And the reason behind it is we want to dedicate as much time as possible for the vehicle traffic. So, if there's no pedestrian traffic in there, it would just -- it's never gonna be green. So you must push the pedestrian button if you want to cross the road or the street. And that's to make the operation much more efficient. I'll talk more about the operation later on and coordination between traffic lights and so on.

But one has to drive down through North Street you can see the nice thermally applied pedestrian crossing, the brick-looking pedestrian crossing. And you can see the -- the new traffic lights, pedestrian crossing light. And without the old ones, the ones -- old ones were taken out. And it's -- it's really very

nice, very impressive intersection looking right now if you drive through it with the new curbs and sidewalks and granite curb and so on and AD access ability.

We have the water main breaks obviously. You -- you've been getting the messages for it. I think Rick tonight he'll update us about what message service we will be using and so on in lieu of Nixle. He'll -- he'll talk about it, how to download it and so on.

We applied for two more grants under Bridge New York, one for replacement of the Genung, Genung Street Bridge by the intersection of Sprague Avenue. There's a bridge in there that we've been trying to replace it for years. And we applied for grant for that. And also applied for a second grant under Bridge New York for replacement of a culvert on Monhagen Avenue between California and West Main. There's a big culvert in there that we are very much in replacing it and making it a little bit larger.

And before you, the parking garage, the Mayor and I, we had a -- we had a meeting with the engineers about the design of the parking garage across from the Paramount. And the project is moving along very well. And that's that.

And Council Resolution -- oh, before you tonight, there's a Council Resolution for the municipal

solid waste for the hauling. Every year we go through hit. And this year we're -- they are requesting an increase of about 3.4 percent in the tipping fee which is inline with the county contract because that's how we do it. We use the country contract in order to make -- to sign that in order to use IWS for our garbage, hauling, and disposal. So, it's still very attractive price with the increase, in spite of the increase.

And with that I will conclude. Do you have any questions for me?

PRESIDENT RODRIGUES: Alderman Johnson.

ALD. JOHNSON: Without going into executive session, when you mentioned the people, their insurance lapses and every time it lapse you have to have a stop work, is there a reason that they can't maintain their insurance?

JACOB TAWIL, DPW COMMISSIONER: Yeah, they haven't pay -- they don't pay the premium. And -- and --

ALD. JOHNSON: Well, I would imagine, but never mind.

JACOB TAWIL, DPW COMMISSIONER: No, honestly, it's as simple as that. They -- they don't pay the premium, so the payment through -- they have -- they have a payment from us, like, for \$250,000 or something we have to pay them. Then we have to issue a real manual

check payable to, both, them and the insurance carrier, so that the contractor will sign it --

ALD. JOHNSON: So, they --

JACOB TAWIL, DPW COMMISSIONER: -- and the insurance carrier will sign it and then the insurance carrier will sign it. And then they will restore their insurance. And, hopefully, we got, like, we got maybe a week and a half, two weeks left and then they'll be out of -- they're good work -- they do good work. It's just their -- their management, you know, and --

ALD. JOHNSON: Okay. Enough said. Thank you very much.

JACOB TAWIL, DPW COMMISSIONER: Yes, sir.

PRESIDENT RODRIGUES: Alderman Kleiner.

ALD. KLEINER: I don't know if I should ask you or -- or ask the Mayor this, but the O & W, since we have -- and I saw it at the board and I asked them in another evaluation for Fusco Engineering for the historic assessment. Can you explain a little bit about what that --

JOSEPH DESTEFANO, MAYOR: Yeah. Part of the -- Alderman Witt had called me earlier in the day about -- about this same issue.

The financing for the O&W is pretty complicated as you all know. We have about \$14 million in grants

that are already committed. The project has ballooned to about 23, \$24 million. And before we can move to the next step, we're -- and this is through Community Development, Maria, Caitlin, primarily, is doing a lot of the work on it with the engineering firm out of Syracuse. I don't -- is it --

UNIDENTIFIED SPEAKER: CNS.

JOSEPH DESTEFANO, MAYOR: -- out of Syracuse. Fusco is in on the job with the CNS out of Syracuse. And in order to do, to apply for the new market tax credits and historic tax credits, there was additional work that needed to be done on the application.

We're receiving some positive responses already back on the new market tax credit. We anticipate a positive response on the historic tax credits. That will be the gap filler for the O&W. And once those confirmations are both are received, we will be able to award the first round of the -- of the remediation and the stabilization of the building. So that's additional work related to the applications for new market and historic tax credits.

ALD. KLEINER: Okay. Thank you, Mayor.

JOSEPH DESTEFANO, MAYOR: You're welcome.

PRESIDENT RODRIGUES: Okay. Superintendent of Recreation.

RAELYNN BERTHOLF, SUPERINTENDENT OF RECREATION:

Good evening, everyone. Before you is the -- our annual report that everyone received a copy. Next meeting will be the quiz on what's on inside, so make sure you study.

Special thank you to everyone who participated and was -- showed up to our Winter Festival this Saturday. It was a great turnout. Special thank you to Mother Nature who actually blessed us with a beautiful day and lots of sunshine even though a portion of our ice rink kind of gets a little melted and soggy, but we made do.

Thank you to the Lions Club for co-sponsoring this event with us. DJ Echo who last minute was available to DJ for the event. Salvation Army for giving out the hot chocolate that my taste buds are still just starting to come back from being burned, but it was delicious. To the fire department for maintaining and watching over the fire, thank you, and for allowing the kids to go throughout the truck. That's a special thank you. And always the police department who's always at our event -- events mingling with the community and talking to all the families.

Sproat Street, our playground was just installed. The mulch will be going down tomorrow hopefully. The guy was out sick who's doing the mulch,

but it should be laid out tomorrow and should be open to the public by the weekend. There's some cement in the post that are just waiting to dry. But our Sproat Street playground is installed.

And we just hired one of our new full-time maintenance employees, Brendan Bairstow. I'd like to welcome him to our department. He worked with us part time. He's a younger guy, but we're looking forward to training him and getting him and having him be here with us for many, many years to come.

Any questions?

PRESIDENT RODRIGUES: Any questions?

Alderman Johnson.

ALD. JOHNSON: One question. Weather permitting, what's the official closing date of the ice rink?

RAELYNN BERTHOLF, SUPERINTENDENT OF RECREATION:
We're hoping to go through mid-March. When we get, like, these 40 degrees direct sunlight, it does start to melt. But as long as it's freezing overnight, we could still have sessions into the evening. We do have that one screen that is up. And John Bianchi is actually the one who sewed that and got that all sewed up. So that was the test run to see if that works. And that screen does make a difference. So once John gets back on the sewing

machine that he's using from a local vendor, he's going to sew up the rest and get them up and installed.

ALD. JOHNSON: Oh, great. Thank you.

PRESIDENT RODRIGUES: Alderman Witt.

ALD. WITT: Thank you. Do you have -- can you share any idea, like, when spring registration for the programs is gonna begin for different things?

RAELYNN BERTHOLF, SUPERINTENDENT OF RECREATION:

Yes. We are actually currently working with and in training with our new online registration with Civic Rec. It is intense, very, very intense. Just the initial layout and learning the whole system is very intense, very, very hard. I feel like I'm a computer programmer. But we're hoping we can start everything end of March with that once we figure out how to fully set it up on our own and run all our tests registrations. We're hoping for end of March to have all of our spring programs out and up. And we're -- we have a meeting with the school district February 12th to talk about facility usage. So at the meeting we're hopefully gonna pick their brain on what facilities are available for the summer for our camps. So, hopefully, the school district could have a spot for us in one of their buildings for the summer for our sports camp.

PRESIDENT RODRIGUES: All right. Anyone else?

Thank you.

Our assessor.

MARIANNE FEELY, COMMISSIONER OF ASSESSMENT:

Good evening. I just want to remind everyone that taxable status date is quickly approaching, so all exemptions have to be in my office by March 1st and that includes the firefighter exemption that you guys will be voting on this evening. And it also includes our seniors who have to renew their exemption each year. We're still waiting for about 70 of them to come in. So, it's quite a lot for the next two weeks, so hopefully people start coming in. We have some sunshine during the day, so it's a good time to come out.

All right. And that's it. Do you have any questions for me?

PRESIDENT RODRIGUES: Questions? Thank you.

MARIANNE FEELY, COMMISSIONER OF ASSESSMENT:

Okay. Thank you.

PRESIDENT RODRIGUES: City Clerk.

RICHARD MCCORMACK, CITY CLERK: Good evening.

Thank you.

As Commissioner Tawil eluded to earlier, the City has implemented a new emergency alert system. It's called Civic Ready. We are no longer using Nixle. You can register online at the city website,

middletownny.gov. You just click on the box that says alerts. It's easiest to do it from your home computer although it is also accessible on your mobile devices. If you have any questions, feel free to reach out to myself at the City Clerk's Office, 845-346-4168. I don't call myself often.

Other than that, I just want to thank the City. We took 15 kids to Albany today as part of the Mayor's Youth Council. These are our students from the school district and from some of the surrounding municipalities. And we met with our local elected officials and talked about the importance of funding for youth programs.

Thank you to Senator Skoufis for hosting us and Assemblywoman Gunther. It was a great day. Thank you.

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

8. Public Hearings and Grievances

(None this evening)

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.

PRESIDENT RODRIGUES: Alderman Witt.

ALD. WITT: Thank you very much.

We covered a couple of things already, but I just wanted to -- to -- Jacob mentioned about the -- the traffic lights and what the intersections look like. I don't think ever in my life I've ever looked at traffic lights more than I am right now. I mean, obviously, if you look at the light part, but when you see the way the whole thing looks, just fantastic. So, I just wanted to say that. Thank you very much.

PRESIDENT RODRIGUES: Alderman Kleiner.

Thank you. I want to thank Raelynn and everyone else involved Lions Club with Winter Fest. It was a really, really fun event going on. And really the kids seemed to be enjoying it a lot.

Once again, it's February. This is Black History Month. And I do think it's a really important part of our history to understand, so at least take advantage of programs that are offered.

We will not be having a 2nd Ward constituents meeting this Monday. We're not doing February -- January and February and we will start again in March.

I want to wish Andrew Green, my co-2nd Ward Alderman, wish him well and a speedy recovery. The whole family has COVID and it's a reminder that COVID is still out there, so be careful and pay attention.

I have one quick thing. This -- this was a headline from the *Record* on February 5th if you still read the *Record online*, you know, *USA Today*. And the headline was "New York Gas Prices Rose From Last Week. See How Much Prices Increased Here." Well, the price of gas this summer was \$3.86 a gallon and the average of that was the high and the low on January 22nd was \$3.11. It had gone up all of 4 cents from its winter low. And that prompted the headline "New York Gas Prices Rose From Last Week. So, I would just skip the headlines. And I don't know where you get local news, maybe *Mid Hudson News*, but that kind of thing is just so disappointing to see. It tells you when hedge funds control the media, that's what we deal with. Thank you.

PRESIDENT RODRIGUES: Alderman Wray.

ALD. WRAY: Sorry, I still respond to the other name.

Good evening. I don't really have anything tonight. We had a very long, it felt like, January, but the weather's been cooperating to date, but we don't know what's coming. I know it's supposed to get cold. And I've heard that snow might return to our region. So, it's just a friendly reminder if it happened before another meeting that if you have snow by your fire hydrant shovel it out. And be mindful of your walks

because the kids have to get to their bus stops safely as well.

That's all I have.

PRESIDENT RODRIGUES: Alderman Johnson.

ALD. JOHNSON: Nothing this evening.

PRESIDENT RODRIGUES: Alderman Jean-Francois.

ALD. JEAN-FRANCOIS: Nothing this evening.

PRESIDENT RODRIGUES: Alderman Tobin.

ALD. TOBIN: Nothing this evening.

11. Unfinished Business

(None this evening)

12. New Business.

PRESIDENT RODRIGUES: All right. New business.

RICHARD MCCORMACK, CITY CLERK: Good evening.

We have a Resolution sponsored by Alderman Witt to declare a Recreation and Parks vehicle as surplus.

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

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

RICHARD MCCORMACK, CITY CLERK: We have a Resolution sponsored by Alderman Masi to enter into an agreement with the Young Explosives for the 2024 firework

show.

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

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

RICHARD MCCORMACK, CITY CLERK: Resolution sponsored by Alderman Jean-Francois authorizing an increase in tipping fees for Interstate Waste Services.

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

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

RICHARD MCCORMACK, CITY CLERK: Resolution sponsored by Alderman Tobin to accept a \$73,051 -- \$73,051 grant from the Division of Criminal Justice Services for the purchase of law enforcement equipment.

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

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

RICHARD MCCORMACK, CITY CLERK: Resolution sponsored by Alderman Wray authorizing an acceptance of a \$6,500 grant from Senator James Skoufis for operating expenses for the National Night Out Against Crime.

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

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

RICHARD MCCORMACK, CITY CLERK: Resolution sponsored by Alderman Johnson to enter into an agreement with Cherry Road Technologies for IT support for 2024.

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

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

RICHARD MCCORMACK, CITY CLERK: Resolution sponsored by Alderman Kleiner to allocate ARPA funding for the RBT consultation fees for ARPA administration.

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

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

RICHARD MCCORMACK, CITY CLERK: Resolution sponsored by Alderman Masi to amend the agreement with Fusco Engineering for additional work for the Historical Tax Credit Process on the O&W Station Project.

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

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

RICHARD MCCORMACK, CITY CLERK: Resolution sponsored by Alderman Johnson to amend enacted Chapter 438 tobacco/hookah/vaping establishment licenses of the City Code.

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

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

RICHARD MCCORMACK, CITY CLERK: Resolution sponsored by Alderman Tobin authorizing the lending of portable lights to the Ottisville Lions Club for the 34th Annual Ottisville Country Fair.

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

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

RICHARD MCCORMACK, CITY CLERK: Resolution sponsored by Alderman Wray authorizing a funding a three-year commitment to enhance the School District of Middletown's application to host the New York State Boy's Soccer Championship.

PRESIDENT RODRIGUES: Resolution sponsored by Alderman Wray, seconded by Alderman Witt.

RICHARD MCCORMACK, CITY CLERK: No, no, no. I'm sorry, I jumped.

PRESIDENT RODRIGUES: Do we have a second? Alderman Johnson. All right. Discussion? Alderman Witt.

ALD. WITT: Thank you. As an employee of the Middletown School District who likely would be working at these events as an employee, I will be abstaining from this. Thank you.

PRESIDENT RODRIGUES: Anyone else?

RICHARD MCCORMACK, CITY CLERK: Council President, we need to amend the Resolution to include language authorizing the Mayor to sign the contracts related to this.

PRESIDENT RODRIGUES: Could I get a motion to amend?

ALD. JOHNSON: So moved.

PRESIDENT RODRIGUES: All right. Wray and Johnson. And the language.

Anyone else have any issues? Roll.

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

RICHARD MCCORMACK, CITY CLERK: Now, we need a motion to approve for the Amended Resolution.

PRESIDENT RODRIGUES: It's back to the original, Wray and Johnson.

Any discussion? Roll.

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

RICHARD MCCORMACK, CITY CLERK: Resolution sponsored by Alderman Masi to amend Chapter 430 of the Middletown City Code Taxation by creating a new Article VII volunteer firefighters property tax exemption.

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

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

PRESIDENT RODRIGUES: Audit.

That's it for New Business.

13. Local Laws

(None this evening)

14. Audit of Claims and Accounts

PRESIDENT RODRIGUES: Audit.

ALD. MASI: Oh, I'm sorry, I did not hear you.

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 by Alderman Masi, seconded by Alderman Johnson. Roll.

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

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 February 6, 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: April 10, 2024

Agency: Veritext Legal Solutions
330 Old County Road - Suite 300
Mineola, NY 11501



**CITY OF MIDDLETOWN
COMMON COUNCIL MEETING AGENDA
FEBRUARY 6, 2024**

1. PLEDGE OF ALLEGIANCE
2. ROLL CALL
3. APPROVAL OF MINUTES
 - 3.1. Accept the Minutes of January 2, 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
 - 22-24 Authorization to Declare a Recreation and Parks Vehicle as Surplus
 - 23-24 Authorization to Enter into an Agreement with Young Explosives for the 2024 Fireworks Show
 - 24-24 Authorization to Increase Tipping fees for Interstate Waste Services
 - 25-24 Authorization to Accept a \$73,051 Grant from Division of Criminal Justice Services for the Purchase of Law Enforcement Equipment

- 26-24 Authorization to Accept a \$6,500 Grant from Senator James Skoufis for operating expenses for our National Night Out Against Crime Event
- 27-24 Authorization to Enter into An Agreement with Cherry Road Technologies Inc., for IT Support for 2024
- 28-24 Authorization to allocate ARPA funding for RBT Consultation fees for ARPA administration.
- 29-24 Authorization to Amend an Agreement with Fusco Engineering for Additional Work for the Historical Tax Credit Process on the O&W Station Project
- 30-24 Authorization to Amend Recently Enacted Chapter 438, Tobacco/Hookah/Vaping Establishment Licenses of the City Code
- 31-24 Authorization to Lend Portable Lights to the Otisville Lions Club for the 34th Annual Otisville Country Fair
- 32-24 Authorization to Fund a Three-Year Commitment to Enhance the Enlarged City School District of Middletown's Application to host the NYS Boys Soccer Championship round for 2025, 2026, and 2027
- 33-24 Authorization to Amend Chapter 430 of the Middletown City Code, Taxation, by creating a new Article VII : Volunteer Firefighters Property Tax Exemption.

13. LOCAL LAWS

14. AUDIT OF CLAIMS AND ACCOUNTS

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

15. ADJOURNMENT



CITY OF MIDDLETOWN, NEW YORK COMMON COUNCIL RECORD OF VOTE

THE FOLLOWING WAS PRESENTED

By: None
Seconded by: None
Date of Adoption: February 6, 2024
Index No: 22-24

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

Authorization to Declare a Recreation and Parks Vehicle as Surplus

BE IT RESOLVED that the Common Council of the City of Middletown, NY, concurs with the Board of Estimate and Apportionment and declares the following Department of Recreation and Parks vehicle as Surplus:

Dodge 2008 Ram 3500 Mason Dump
Vin: 3D6WH46A68G214616
Reason: Needs a new transmission

Prepared by:
Raelynn Bertholf, Supt of Recreation and Parks

Attachments:

None



CITY OF MIDDLETOWN, NEW YORK COMMON COUNCIL RECORD OF VOTE

THE FOLLOWING WAS PRESENTED

By: Alderman Masi
Seconded by: Alderman Kleiner
Date of Adoption: February 6, 2024
Index No: 23-24

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

Authorization to Enter into an Agreement with Young Explosives for the 2024 Fireworks Show

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 Young Explosives for the 2024 Fireworks Show.

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.

The 2024 fireworks display will be held on Wednesday, July 3, 2024, at Fancher Davidge Park. This is a budgeted item.

Upon consultation with Corporation Counsel, Mr. Smith, has deemed this service a professional service.

Prepared by:

Maria Bruni, Director of Economic and Community Development

Attachments:

1.	Middletown 2024 contract (002)FIREWORKS
2.	Board of Estimate Fireworks 2024

YOUNG EXPLOSIVES CORPORATION

Fireworks Exhibition Agreement

This agreement made this _____ day of _____, 20____ by and between Young Explosives Corporation of Rochester, NY, hereafter designated **Young**, and

hereafter designated the **customer**, providing for the sale of and an exhibition of fireworks to be located at

_____ on the date of _____, 20____ in a location to be designated by the customer and approved by Young.

The parties hereto mutually agree, one with the other, as follows:

1. Guaranteed Exhibition of Fireworks

Young agrees to furnish an exhibition of fireworks substantially in accordance with the program submitted and that it shall be of first quality and properly made. Young shall supply a sufficient number of technicians to execute the display in a safe and artistic manner. Young guarantees that the display will be performed to any specifications outlined in this contract or in any approved addendums.

2. Spectator Control

The customer agrees to furnish sufficient protection, by either barricades, rope lines, or other dividers, at all points from the discharge area to prevent and keep spectators from entering the area and agrees to furnish ample police protection to Young's property and for the assembly, firing and dismantling of the exhibition without interference from the public. The customer shall defend, indemnify and hold Young harmless for any liability because of the customer's negligent breach of this Section 2.

3. Permits

The customer agrees to procure and pay for all necessary permits and licenses which may be required by the municipal authorities. Young will apply for and obtain necessary permits and licenses on behalf of the customer if noted on page 2 of the contract or if notified by written notice from the customer. In that event, customer will pay in advance to Young the amount needed to pay for the permits and licenses. Permit and licensing fees are non-refundable unless refunded by the licensing authority. Customer assumes the responsibility for seeking a refund when applicable.

4. Insurance

- a) Young agrees to procure liability insurance for \$ _____ coverage and zero deductibility on behalf of the customer. The insurance cost is included in the payable sum shown on this agreement.
- b) Young will provide Workers' Compensation and Disability for the fireworks technicians.

5. Postponement or Cancellation

- a) Young agrees that in the event of rain or inclement weather, a reasonable postponement may be made with **no extra charge**.
- b) If the customer cancels the exhibition, Young reserves the right to bill the customer for travel expenses incurred, labor performed, and for the cost of the insurance.
- c) If the customer cancels the exhibition before Young's technicians have been dispatched to the site, there will be **no charge**. However, customer is responsible for the actual expenses incurred by Young for special work and for nonrefundable fees outlined in this contract. Young may retain from any deposit or invoice the customer the amount necessary to reimburse it for expenses incurred on behalf of the customer when applicable.

6. Terms of Payment

- a) Check box that applies: ☐ Young requires no down payment. ☐ Young requires a down payment of \$ _____, due by _____ 20____. If the exhibition is canceled the deposit will be refunded, less the expenses for which Young is entitled to reimbursement under Paragraph 5 above.
- b) The customer agrees to pay Young, or his agent, the total sum of _____ Dollars for an exhibition of fireworks, which will include fireworks, insurance and technicians and expenses incurred by Young, forthwith at the end of said exhibition.
- c) In the event of customer's failure to pay when due all sums due Young under this contract, Young shall be entitled to collect from customer its reasonable cost of collection, including interest and reasonable attorney's fees.

7. Counterpart Execution; Electronic Signatures

This Agreement may be executed in any number of counterparts with the same effect as if all the Parties had signed the same document. All counterparts shall be construed together and shall constitute one agreement. Facsimile and electronic signatures shall be deemed original signatures for all purposes of this Agreement.

Total sum _____ Dollars

Young Explosives Corp.
Display Fireworks

(800) 747-1781
(585) 394-1783
(585) 396-2663 Fax
P.O. Box 18653
Rochester, NY 14618

YoungExplosives.com

E-Mail: fireworks@youngexplosives.com

The parties sign below:

Young Explosives Corp.

Title

(Print Name)

Customer Signature

Title

(Print Customer Name)

8. Headings

Section and other headings contained in this Agreement are for reference purposes only and are not intended to describe, interpret, define or limit the scope, extent or intent of this Agreement or any provision hereof.

9. Entire Agreement

This Agreement for the fireworks Display constitutes the entire agreement between the Parties with respect to the subject matter here, of and there are no other understandings, whether oral or written, regarding the subject matter hereof.

Customer Contact Name(s)

Send Invoice to:

☐ Address on front OR ☐ Name/Address below

Additional Contact Name/Information

Telephone (with Area Code)

Work:

Fax:

Home:

Cell:

Email:

Work:

Fax:

Home:

Cell:

Email:

Insurance Information: Please list all parties to be listed as additional insured. Young will extend coverage to the entities listed below as additional insured. **Customer is responsible for providing all information needed for full insurance coverage.**

Customer Requests

Time of show:

 ☐ AM ☐ PM

List special requests, such as ground pieces, shells, finale, quantity or time requirements. List any other special requests such as salutes at certain times (i.e., if the show is a surprise for someone), etc.

Permits

☐ Customer to apply for the Permit(s) and provide Young with a copy 14 days prior to event

☐ Young to apply for the Permit(s) on your behalf:

Customer to pay the amount of \$

. Includes permit cost and fees. (Permit costs subject to change by the municipality)

☐ ADD the above permit costs to the show price on the front of the contract.

☐ INCLUDE the above permit costs in the show price on the front of the contract.

CITY OF MIDDLETOWN
Office of Economic & Community Development

January 16, 2024

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

RE: 2024 Fireworks Display

Dear Members:

I am requesting the approval of Young Explosives Fireworks Exhibition agreement and to authorize the Mayor to sign the 2024 agreement.

The 2024 fireworks display will be held on Wednesday, July 3, 2024 at Fancher Davidge Park. This is a budgeted item.

Upon consultation with our corporation counsel Mr. Smith this service is deemed as a professional service.

Thank you for your attention to this matter.

Maria Bruni, Director
Economic & Community Development



**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: February 6, 2024
Index No: 24-24

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

Authorization to Increase Tipping fees for Interstate Waste Services

BE IT RESOLVED that the Common Council of the City of Middletown, NY, concurs with the Board of Estimate and Apportionment and authorizes an increase in Tipping fees for Interstate Waste Services based on the attached documentation.

Prepared by:
Jacob Tawil

Attachments:

1.	IWS 2024 RATES
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INTERSTATE

WASTE SERVICES

December 19, 2023

City of Middletown
Department of Public Works
Jacob Tawil, Commissioner of Public Works
16 James St
Middletown, NY 10940-5724

Re: Municipal Waste Haul and Disposal Per Ton December 31, 2023 to December 31, 2024

Mr. Tawil:

Orange County has opted to exercise the second of two renewal options to extend the end date of the Agreement for an additional (1) one year from **December 31, 2023 - December 31, 2024**.

Pursuant to the Price Adjustment section in the RFB of the Agreement, **effective January 1, 2024**, the bid price for Lot 1.a. Municipal Waste haul and Disposal per Ton will be increased by 3.241% as supported by the Consumer Price Index in the attached and incorporated Exhibit A. **The bid price for Lot 1.a. Municipal Waste Haul and Disposal per Ton will now be \$87.54.**

The City of Middletown Rate Per Ton will be adjusted as follows:

2023 Rate Per Ton: \$84.79

2024 Rate Per Ton: \$87.54

Sincerely,

Marisa Kellerhouse
Market Area Sales Manager

300 Frank W. Burr Boulevard, Suite 39 • Teaneck, New Jersey 07666 • Toll Free: 1-866-DIAL IWS • www.InterstateWaste.com



Interstate Waste Services, Inc.



**AMENDMENT NO. 1 (MODIFICATION NO. 2) TO
AGREEMENT FOR VENDOR SERVICES**

This Amendment modifies an Agreement for Vendor Services ("Agreement"), dated January 1, 2023, by and between the County of Orange, a municipal corporation and a county of the State of New York, with principal offices at 255-275 Main Street, Goshen, New York 10924 ("County"), and Interstate Waste Services, Inc., a firm with principal offices at 300 Frank W. Burr Boulevard, Suite 39, Teaneck, NJ 07666 ("Vendor").

Pursuant to **Article 23** of the **Agreement**, the parties agree to the following modifications:

1. Pursuant to the **TERM** section on page **22** of the RFB in Schedule A of the Agreement, the County is exercising the **second of two (2) renewal options** to extend the end date in Article 2 of the Agreement for an **additional (1) year** from **December 31, 2023**, to **December 31, 2024**.

2. Pursuant to the **Price Adjustment** section on **page 24** of the **RFB** in Schedule A of the Agreement, effective January 1, 2024, the bid price for Lot 1.a. Municipal Waste Haul and Disposal per Ton will be **increased by 3.241%** as supported by the Consumer Price Index in the attached and incorporated Exhibit A. The bid price for Lot 1.a. Municipal Waste Haul and Disposal per Ton **will now be \$87.54**.

3. Continuing Iran Divestment Act Compliance:

- a. Vendor certifies in accordance with State of New York's State Finance Law §165-a that it is not on the "Entities Determined to be Non-Responsive Bidders/Offerers pursuant to the New York State Iran Divestment Act of 2012" ("Prohibited Entities List") posted at: <http://www.ogs.ny.gov/about/regs/docs/ListofEntities.pdf>
- b. Vendor agrees that should it seek to further renew or extend this Agreement, it must provide the same certification at the time this Agreement is renewed or extended. Vendor also agrees that any proposed assignee of this Agreement will be required to certify that it is not on the Prohibited Entities List before the assignment will be approved by County.
- c. During the term of this Agreement, should County receive information that Vendor is in violation of the above-referenced certifications, County will review such information and offer the person an opportunity to respond. If the person fails to demonstrate that it has ceased its engagement in the investment activity which is in violation of the Iran Divestment Act (State of New York's State Finance Law §165-a) within ninety (90) days after the determination of such violation, then County shall take such action as may be appropriate and provided for by law, rule, or contract, including, but not limited to, imposing sanctions, seeking compliance, recovering damages, or declaring Vendor in default and terminating this Agreement in accordance with applicable provisions of this Agreement. These remedies, if effected, shall not constitute the sole or exclusive remedies afforded the County, nor shall it constitute a waiver of that the County's right

to claim damages or otherwise refuse payment or to take any other action provided for by law, in equity, or pursuant to this Agreement.

- d. County reserves the right to reject any request for assignment, renewal or extension for an entity that appears on the Prohibited Entities List prior to the assignment, renewal or extension of a contract, and to pursue a responsibility review with respect to any entity that is awarded a contract and appears on the Prohibited Entities list after contract award.
4. All other terms of the Agreement, except as specifically modified herein, shall remain in full force and effect.
5. The parties have duly executed this Amendment, effective as of January 1, 2024.

COUNTY OF ORANGE

VENDOR:
INTERSTATE WASTE SERVICES, INC.

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

By: _____
Name:
Title:

EXHIBIT A

NEWS RELEASE

BUREAU OF LABOR STATISTICS

U. S. D E P A R T M E N T O F L A B O R



**Transmission of material in this release is embargoed until
8:30 a.m. (ET) Tuesday, November 14, 2023**

USDL-23-2421

Technical information: (202) 691-7000 • cpi_info@bls.gov • www.bls.gov/cpi

Media contact: (202) 691-5902 • PressOffice@bls.gov

CONSUMER PRICE INDEX – OCTOBER 2023

The Consumer Price Index for All Urban Consumers (CPI-U) was unchanged in October on a seasonally adjusted basis, after increasing 0.4 percent in September, the U.S. Bureau of Labor Statistics reported today. Over the last 12 months, the all items index increased 3.2 percent before seasonal adjustment.

The index for shelter continued to rise in October, offsetting a decline in the gasoline index and resulting in the seasonally adjusted index being unchanged over the month. The energy index fell 2.5 percent over the month as a 5.0-percent decline in the gasoline index more than offset increases in other energy component indexes. The food index increased 0.3 percent in October, after rising 0.2 percent in September. The index for food at home increased 0.3 percent over the month while the index for food away from home rose 0.4 percent.

The index for all items less food and energy rose 0.2 percent in October, after rising 0.3 percent in September. Indexes which increased in October include rent, owners' equivalent rent, motor vehicle insurance, medical care, recreation, and personal care. The indexes for lodging away from home, used cars and trucks, communication, and airline fares were among those that decreased over the month.

The all items index rose 3.2 percent for the 12 months ending October, a smaller increase than the 3.7-percent increase for the 12 months ending September. The all items less food and energy index rose 4.0 percent over the last 12 months, its smallest 12-month change since the period ending in September 2021. The energy index decreased 4.5 percent for the 12 months ending October, and the food index increased 3.3 percent over the last year.

Chart 1. One-month percent change in CPI for All Urban Consumers (CPI-U), seasonally adjusted, Oct. 2022 - Oct. 2023
Percent change

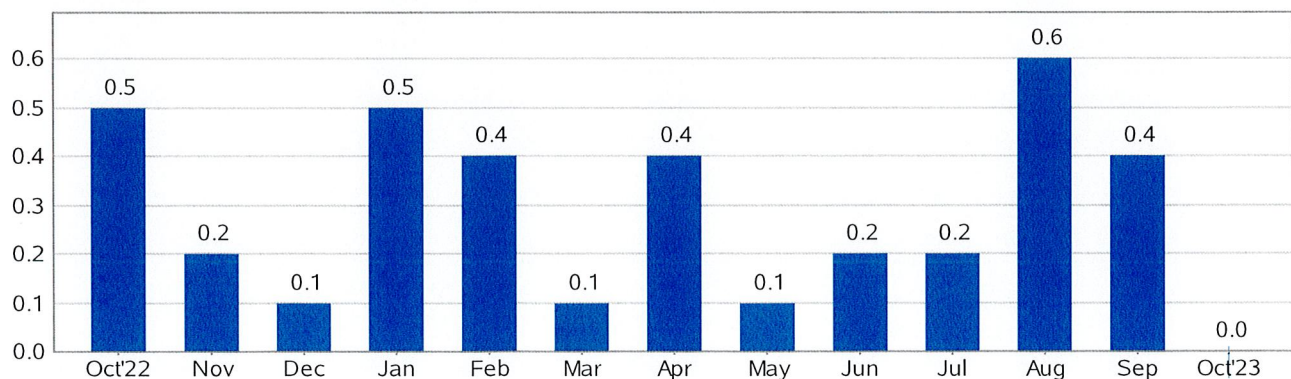


Chart 2. 12-month percent change in CPI for All Urban Consumers (CPI-U), not seasonally adjusted, Oct. 2022 - Oct. 2023

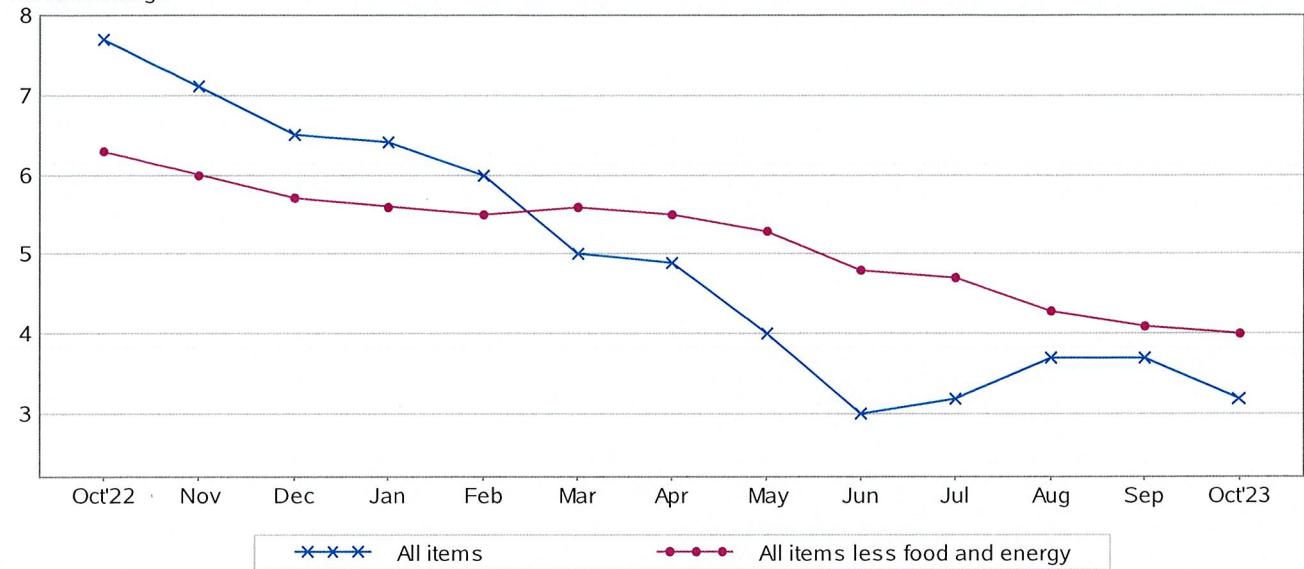


Table A. Percent changes in CPI for All Urban Consumers (CPI-U): U.S. city average

	Seasonally adjusted changes from preceding month							Un-adjusted 12-mos. ended Oct. 2023
	Apr. 2023	May 2023	Jun. 2023	Jul. 2023	Aug. 2023	Sep. 2023	Oct. 2023	
All items.....	0.4	0.1	0.2	0.2	0.6	0.4	0.0	3.2
Food.....	0.0	0.2	0.1	0.2	0.2	0.2	0.3	3.3
Food at home.....	-0.2	0.1	0.0	0.3	0.2	0.1	0.3	2.1
Food away from home ¹	0.4	0.5	0.4	0.2	0.3	0.4	0.4	5.4
Energy.....	0.6	-3.6	0.6	0.1	5.6	1.5	-2.5	-4.5
Energy commodities.....	2.7	-5.6	0.8	0.3	10.5	2.3	-4.9	-6.2
Gasoline (all types).....	3.0	-5.6	1.0	0.2	10.6	2.1	-5.0	-5.3
Fuel oil ¹	-4.5	-7.7	-0.4	3.0	9.1	8.5	-0.8	-21.4
Energy services.....	-1.7	-1.4	0.4	-0.1	0.2	0.6	0.5	-2.3
Electricity.....	-0.7	-1.0	0.9	-0.7	0.2	1.3	0.3	2.4
Utility (piped) gas service.....	-4.9	-2.6	-1.7	2.0	0.1	-1.9	1.2	-15.8
All items less food and energy.....	0.4	0.4	0.2	0.2	0.3	0.3	0.2	4.0
Commodities less food and energy commodities.....	0.6	0.6	-0.1	-0.3	-0.1	-0.4	-0.1	0.1
New vehicles.....	-0.2	-0.1	0.0	-0.1	0.3	0.3	-0.1	1.9
Used cars and trucks.....	4.4	4.4	-0.5	-1.3	-1.2	-2.5	-0.8	-7.1
Apparel.....	0.3	0.3	0.3	0.0	0.2	-0.8	0.1	2.6
Medical care commodities ¹	0.5	0.6	0.2	0.5	0.6	-0.3	0.4	4.7
Services less energy services.....	0.4	0.4	0.3	0.4	0.4	0.6	0.3	5.5
Shelter.....	0.4	0.6	0.4	0.4	0.3	0.6	0.3	6.7
Transportation services.....	-0.2	0.8	0.1	0.3	2.0	0.7	0.8	9.2
Medical care services.....	-0.1	-0.1	0.0	-0.4	0.1	0.3	0.3	-2.0

¹ Not seasonally adjusted.

Food

The food index rose 0.3 percent in October, after rising 0.2 percent in each of the last 3 months. The index for food at home increased 0.3 percent over the month, after rising 0.1 percent in September. Four of the six major grocery store food group indexes increased over the month. The index for meats, poultry, fish, and eggs rose 0.7 percent in October as the index for beef increased 1.2 percent and the index for pork rose 1.3 percent. The other food at home index increased 0.3 percent over the month, as did the dairy and related products index. The index for cereals and bakery products rose 0.2 percent in October, after falling 0.4 percent in September.

The index for nonalcoholic beverages decreased 0.1 percent in October, after being unchanged in September. The fruits and vegetables index was unchanged over the month, as it was in September.

The food away from home index rose 0.4 percent in October, as it did in September. The index for limited service meals increased 0.5 percent and the index for full service meals rose 0.3 percent over the month.

The food at home index rose 2.1 percent over the last 12 months. The index for cereals and bakery products rose 4.2 percent over the 12 months ending in October. The dairy and related products index decreased 0.4 percent over the year. The remaining major grocery store food group indexes posted increases ranging from 0.4 percent (meat, poultry, fish, and eggs) to 3.6 percent (other food at home).

The index for food away from home rose 5.4 percent over the last year. The index for limited service meals rose 6.2 percent over the last 12 months, and the index for full service meals rose 4.3 percent over the same period.

Energy

The energy index fell 2.5 percent in October after increasing 1.5 percent in September. The gasoline index decreased 5.0 percent in October, following a 2.1-percent increase in the previous month. (Before seasonal adjustment, gasoline prices fell 5.3 percent in October.)

The index for fuel oil fell in October, decreasing 0.8 percent. The natural gas index rose 1.2 percent over the month after falling 1.9 percent the previous month. The index for electricity rose 0.3 percent in October, after increasing 1.3 percent in September.

The energy index fell 4.5 percent over the past 12 months, as its components were mixed over the year. The gasoline index decreased 5.3 percent, the natural gas index declined 15.8 percent, and the fuel oil index fell 21.4 percent over the span. In contrast, the index for electricity rose 2.4 percent over the last year.

All items less food and energy

The index for all items less food and energy rose 0.2 percent in October, after rising 0.3 percent in September. The shelter index increased 0.3 percent in October, after rising 0.6 percent the previous month. The index for rent rose 0.5 percent in October, and the index for owners' equivalent rent increased 0.4 percent over the month. The lodging away from home index decreased 2.5 percent in October.

The shelter index was the largest factor in the monthly increase in the index for all items less food and energy. Among the other indexes that rose in October was the index for motor vehicle insurance, which increased 1.9 percent after rising 1.3 percent the preceding month. The indexes for recreation, personal care, and apparel also increased in October.

The medical care index rose 0.3 percent in October, after rising 0.2 percent in September. The index for hospital services increased 1.1 percent over the month, and the index for prescription drugs rose 0.8 percent. In contrast, the physicians' services index fell 1.0 percent in October.

The index for used cars and trucks fell 0.8 percent in October, after decreasing 2.5 percent in September. The communication index fell 0.3 percent over the month, and the index for airline fares declined 0.9 percent. The index for household furnishings and operations and the index for new vehicles both declined 0.1 percent over the month.

The index for all items less food and energy rose 4.0 percent over the past 12 months. The shelter index increased 6.7 percent over the last year, accounting for over 70 percent of the total increase in the all items less food and energy index. Other indexes with notable increases over the last year include motor vehicle insurance (+19.2 percent), recreation (+3.2 percent), personal care (+6.0 percent), and household furnishings and operations (+1.7 percent).

Not seasonally adjusted CPI measures

The Consumer Price Index for All Urban Consumers (CPI-U) increased 3.2 percent over the last 12 months to an index level of 307.671 (1982-84=100). For the month, the index was unchanged prior to seasonal adjustment.

The Consumer Price Index for Urban Wage Earners and Clerical Workers (CPI-W) increased 3.1 percent over the last 12 months to an index level of 302.071 (1982-84=100). For the month, the index decreased 0.1 percent prior to seasonal adjustment.

The Chained Consumer Price Index for All Urban Consumers (C-CPI-U) increased 3.1 percent over the last 12 months. For the month, the index was unchanged on a not seasonally adjusted basis. Please note that the indexes for the past 10 to 12 months are subject to revision.

The Consumer Price Index for November 2023 is scheduled to be released on Tuesday, December 12, 2023, at 8:30 a.m. (ET).

Changes to Health Insurance Methodology

Following recommendations from the National Academies of Science, Engineering, and Medicine's Committee on National Statistics (CNSTAT), the BLS is improving the methodology used to calculate retained earnings in the CPI health insurance index. Under the pre-October 2023 method, retained earnings were updated annually without any smoothing of the data. Under the new method, the BLS will update retained earnings every 6 months using half-year data and will calculate a 2-year moving average to smooth the changes in retained earnings. Beginning with the publication of October 2023 data, there will be a 6-month transition using annual data that has been averaged (smoothed) over 2 years. In May 2024 (publication of April 2024 data), we will begin to incorporate half-year, rather than annual, retained earnings. After this date, the retained earnings will be updated every 6 months with April and October data which will be released in May and November, respectively. This change in methodology will reduce the time lag associated with the health insurance index by 6 months.

A more detailed explanation of these changes is available in Improvements to the CPI Health Insurance Index (www.bls.gov/cpi/additional-resources/improvements-cpi-health-insurance-index.htm).

Technical Note

Brief Explanation of the CPI

The Consumer Price Index (CPI) measures the change in prices paid by consumers for goods and services. The CPI reflects spending patterns for each of two population groups: all urban consumers and urban wage earners and clerical workers. The all urban consumer group represents over 90 percent of the total U.S. population. It is based on the expenditures of almost all residents of urban or metropolitan areas, including professionals, the self-employed, the poor, the unemployed, and retired people, as well as urban wage earners and clerical workers. Not included in the CPI are the spending patterns of people living in rural nonmetropolitan areas, farming families, people in the Armed Forces, and those in institutions, such as prisons and mental hospitals. Consumer inflation for all urban consumers is measured by two indexes, namely, the Consumer Price Index for All Urban Consumers (CPI-U) and the Chained Consumer Price Index for All Urban Consumers (C-CPI-U).

The Consumer Price Index for Urban Wage Earners and Clerical Workers (CPI-W) is based on the expenditures of households included in the CPI-U definition that meet two requirements: more than one-half of the household's income must come from clerical or wage occupations, and at least one of the household's earners must have been employed for at least 37 weeks during the previous 12 months. The CPI-W population represents approximately 30 percent of the total U.S. population and is a subset of the CPI-U population.

The CPIs are based on prices of food, clothing, shelter, fuels, transportation, doctors' and dentists' services, drugs, and other goods and services that people buy for day-to-day living. Prices are collected each month in 75 urban areas across the country from about 6,000 housing units and approximately 22,000 retail establishments (department stores, supermarkets, hospitals, filling stations, and other types of stores and service establishments). All taxes directly associated with the purchase and use of items are included in the index. Prices of fuels and a few other items are obtained every month in all 75 locations. Prices of most other commodities and services are collected every month in the three largest geographic areas and every other month in other areas. Prices of most goods and services are obtained by personal visit, telephone call, web, or app collection by the Bureau's trained representatives.

In calculating the index, price changes for the various items in each location are aggregated using weights, which represent their importance in the spending of the appropriate population group. Local data are then combined to obtain a U.S. city average. For the CPI-U and CPI-W, separate indexes are also published by size of city, by region of the country, for cross-classifications of regions and population-size classes, and for 23 selected local areas. Area indexes do not measure differences in the level of prices among cities; they only measure the average change in prices for each area since the base period. For the C-CPI-U, data are issued only at the national level. The CPI-U and CPI-W are considered final when released, but the C-CPI-U is issued in preliminary form and subject to three subsequent quarterly revisions.

The index measures price change from a designed reference date. For most of the CPI-U and the CPI-W, the reference base is 1982-84 equals 100. The reference base for the C-CPI-U is December 1999 equals 100. An increase of 7 percent from the reference base, for example, is shown as 107.000. Alternatively, that relationship can also be expressed as the price of a base period market basket of goods and services rising from \$100 to \$107.

Sampling Error in the CPI

The CPI is a statistical estimate that is subject to sampling error because it is based upon a sample of retail prices and not the complete universe of all prices. BLS calculates and publishes estimates of the 1-month, 2-month, 6-month, and 12-month percent change standard errors annually for the CPI-U. These standard error estimates can be used to construct confidence intervals for hypothesis testing. For example, the estimated standard error of the 1-month percent change is 0.03 percent for the U.S. all items CPI. This means that if we repeatedly sample from the universe of all retail prices using the same methodology, and estimate a percentage change for each sample, then 95 percent of these estimates will be within 0.06 percent of the 1-month percentage change based on all retail prices. For example, for a 1-month change of 0.2 percent in the all items CPI-U, we are 95 percent confident that the actual percent change based on all retail prices would fall between 0.14 and 0.26 percent. For the latest data, including information on how to use the estimates of standard error, see www.bls.gov/cpi/tables/variance-estimates/home.htm.

Calculating Index Changes

Movements of the indexes from 1 month to another are usually expressed as percent changes rather than changes in index points, because index point changes are affected by the level of the index in relation to its base period, while percent changes are not. The following table shows an example of using index values to calculate percent changes:

	Item A	Item B	Item C
Year I	112.500	225.000	110.000
Year II	121.500	243.000	128.000
Change in index points	9.000	18.000	18.000
Percent change	$9.0/112.500 \times 100 = 8.0$	$18.0/225.000 \times 100 = 8.0$	$18.0/110.000 \times 100 = 16.4$

Use of Seasonally Adjusted and Unadjusted Data

The Consumer Price Index (CPI) program produces both unadjusted and seasonally adjusted data. Seasonally adjusted data are computed using seasonal factors derived by the X-13ARIMA-SEATS seasonal adjustment method. These factors are updated each February, and the new factors are used to revise the previous 5 years of seasonally adjusted data. The factors are available at www.bls.gov/cpi/tables/seasonal-adjustment/seasonal-factors-2023.xlsx. For more information on data revision scheduling, please see the Factsheet on Seasonal Adjustment at www.bls.gov/cpi/seasonal-adjustment/questions-and-answers.htm and the Timeline of Seasonal Adjustment Methodological Changes at www.bls.gov/cpi/seasonal-adjustment/timeline-seasonal-adjustment-methodology-changes.htm.

How to Use Seasonally Adjusted and Unadjusted Data

For analyzing short-term price trends in the economy, seasonally adjusted changes are usually preferred since they eliminate the effect of changes that normally occur at the same time and in about the same magnitude every year—such as price movements resulting from weather events, production cycles, model changeovers, holidays, and sales. This allows data users to focus on changes that are not typical for the time of year.

The unadjusted data are of primary interest to consumers concerned about the prices they actually pay. Unadjusted data are also used extensively for escalation purposes. Many collective bargaining contract agreements and pension plans, for example, tie compensation changes to the Consumer Price Index before adjustment for seasonal variation. BLS advises against the use of seasonally adjusted data in escalation agreements because seasonally adjusted series are revised annually.

Intervention Analysis

The Bureau of Labor Statistics uses intervention analysis seasonal adjustment (IASA) for some CPI series. Sometimes extreme values or sharp movements can distort the underlying seasonal pattern of price change. Intervention analysis seasonal adjustment is a process by which the distortions caused by such unusual events are estimated and removed from the data prior to calculation of seasonal factors. The resulting seasonal factors, which more accurately represent the seasonal pattern, are then applied to the unadjusted data.

For example, this procedure was used for the motor fuel series to offset the effects of the 2009 return to normal pricing after the worldwide economic downturn in 2008. Retaining this outlier data during seasonal factor calculation would distort the computation of the seasonal portion of the time series data for motor fuel, so it was estimated and removed from the data prior to seasonal adjustment. Following that, seasonal factors were calculated based on this “prior adjusted” data. These seasonal factors represent a clearer picture of the seasonal pattern in the data. The last step is for motor fuel seasonal factors to be applied to the unadjusted data.

For the seasonal factors introduced for January 2023, BLS adjusted 57 series using intervention analysis seasonal adjustment, including selected food and beverage items, motor fuels and vehicles.

Revision of Seasonally Adjusted Indexes

Seasonally adjusted data, including the U.S. city average all items index levels, are subject to revision for up to 5 years after their original release. Every year, economists in the CPI calculate new seasonal factors for seasonally adjusted series and apply them to the last 5 years of data. Seasonally adjusted indexes beyond the last 5 years of data are considered to be final and not subject to revision. For January 2023, revised seasonal factors and seasonally adjusted indexes for 2018 to 2022 were calculated and published. For series which are directly adjusted using the Census X-13ARIMA-SEATS seasonal adjustment software, the seasonal factors for 2022 will be applied to data for 2023 to produce the

seasonally adjusted 2023 indexes. Series which are indirectly seasonally adjusted by summing seasonally adjusted component series have seasonal factors which are derived and are therefore not available in advance.

Determining Seasonal Status

Each year the seasonal status of every series is reevaluated based upon certain statistical criteria. Using these criteria, BLS economists determine whether a series should change its status from "not seasonally adjusted" to "seasonally adjusted", or vice versa. If any of the 81 components of the U.S. city average all items index change their seasonal adjustment status from seasonally adjusted to not seasonally adjusted, not seasonally adjusted data will be used in the aggregation of the dependent series for the last 5 years, but the seasonally adjusted indexes before that period will not be changed. For 2023, 37 of the 81 components of the U.S. city average all items index are not seasonally adjusted.

Contact Information

For additional information about the CPI visit www.bls.gov/cpi or contact the CPI Information and Analysis Section at 202-691-7000 or cpi_info@bls.gov.

For additional information on seasonal adjustment in the CPI visit www.bls.gov/cpi/seasonal-adjustment/home.htm

If you are deaf, hard of hearing, or have a speech disability, please dial 7-1-1 to access telecommunications relay services.

Table 1. Consumer Price Index for All Urban Consumers (CPI-U): U.S. city average, by expenditure category, October 2023
[1982-84=100, unless otherwise noted]

Expenditure category	Relative importance Sep. 2023	Unadjusted indexes			Unadjusted percent change		Seasonally adjusted percent change		
		Oct. 2022	Sep. 2023	Oct. 2023	Oct. 2022- Oct. 2023	Sep. 2023- Oct. 2023	Jul. 2023- Aug. 2023	Aug. 2023- Sep. 2023	Sep. 2023- Oct. 2023
All items.....	100.000	298.012	307.789	307.671	3.2	0.0	0.6	0.4	0.0
Food.....	13.372	315.323	324.704	325.731	3.3	0.3	0.2	0.2	0.3
Food at home.....	8.552	298.401	303.925	304.788	2.1	0.3	0.2	0.1	0.3
Cereals and bakery products.....	1.157	341.492	355.576	355.752	4.2	0.0	0.5	-0.4	0.2
Meats, poultry, fish, and eggs.....	1.780	321.271	320.140	322.536	0.4	0.7	0.8	0.5	0.7
Dairy and related products.....	0.780	269.355	268.377	268.326	-0.4	0.0	-0.4	0.1	0.3
Fruits and vegetables.....	1.466	348.021	351.020	351.952	1.1	0.3	-0.2	0.0	0.0
Nonalcoholic beverages and beverage materials.....	1.033	210.121	216.736	216.952	3.3	0.1	-0.2	0.0	-0.1
Other food at home.....	2.337	262.814	271.561	272.215	3.6	0.2	0.2	0.3	0.3
Food away from home ¹	4.820	340.532	357.488	358.824	5.4	0.4	0.3	0.4	0.4
Energy.....	7.185	300.359	296.004	286.754	-4.5	-3.1	5.6	1.5	-2.5
Energy commodities.....	3.915	351.065	346.212	329.191	-6.2	-4.9	10.5	2.3	-4.9
Fuel oil ¹	0.136	543.915	431.201	427.572	-21.4	-0.8	9.1	8.5	-0.8
Motor fuel.....	3.722	341.954	340.600	322.975	-5.6	-5.2	10.7	2.2	-4.9
Gasoline (all types).....	3.628	339.017	338.893	320.999	-5.3	-5.3	10.6	2.1	-5.0
Energy services.....	3.270	264.188	260.791	258.236	-2.3	-1.0	0.2	0.6	0.5
Electricity.....	2.562	262.100	272.401	268.342	2.4	-1.5	0.2	1.3	0.3
Utility (piped) gas service.....	0.709	264.774	221.045	222.955	-15.8	0.9	0.1	-1.9	1.2
All items less food and energy.....	79.443	299.315	310.817	311.380	4.0	0.2	0.3	0.3	0.2
Commodities less food and energy commodities.....	20.954	166.601	167.141	166.759	0.1	-0.2	-0.1	-0.4	-0.1
Apparel.....	2.555	129.414	133.157	132.786	2.6	-0.3	0.2	-0.8	0.1
New vehicles.....	4.237	176.157	179.750	179.446	1.9	-0.2	0.3	0.3	-0.1
Used cars and trucks.....	2.556	199.176	187.587	184.961	-7.1	-1.4	-1.2	-2.5	-0.8
Medical care commodities ¹	1.458	390.614	407.250	408.965	4.7	0.4	0.6	-0.3	0.4
Alcoholic beverages.....	0.834	278.009	287.496	288.303	3.7	0.3	0.0	0.8	0.2
Tobacco and smoking products ¹	0.498	1,371.864	1,443.712	1,471.019	7.2	1.9	0.6	0.2	1.9
Services less energy services.....	58.489	381.580	401.234	402.549	5.5	0.3	0.4	0.6	0.3
Shelter.....	34.863	362.093	385.433	386.435	6.7	0.3	0.3	0.6	0.3
Rent of primary residence.....	7.614	379.436	404.487	406.683	7.2	0.5	0.5	0.5	0.5
Owners' equivalent rent of residences ²	25.696	371.450	395.039	396.881	6.8	0.5	0.4	0.6	0.4
Medical care services.....	6.324	606.839	593.777	594.974	-2.0	0.2	0.1	0.3	0.3
Physicians' services ¹	1.782	414.897	413.966	409.755	-1.2	-1.0	0.1	0.0	-1.0
Hospital services ^{1, 3}	1.941		397.531	401.752		1.1	0.7	1.5	1.1
Transportation services.....	5.966	373.098	402.021	407.526	9.2	1.4	2.0	0.7	0.8
Motor vehicle maintenance and repair ¹	1.138	358.597	392.222	392.861	9.6	0.2	1.1	0.2	0.2
Motor vehicle insurance.....	2.770	637.103	742.292	759.704	19.2	2.3	2.4	1.3	1.9
Airline fares.....	0.519	294.340	246.151	255.480	-13.2	3.8	4.9	0.3	-0.9

¹ Not seasonally adjusted.

² Indexes on a December 1982=100 base.

³ Indexes on a December 1996=100 base.

CPI Calculation
Orange County
Based on US Dept of Labor Statistics

Index rate for current period (Oct 2023)	307.671
less index rate for previous period (Oct 2022)	298.012
Equals index point change	9.659
Divided by previous period index (Oct 2022)	298.012
Equals	0.032411
Result multiplied by 100	100
Equals percentage change	3.241%

Example:

August 2022 to August 2022. Index percentage change calculations should be made as in the following example:

Index rate for current period (August 2022)	185.2
Less index rate for previous period (August 2022)	181.7
Equals index point change	3.5
Divided by previous period index (August 2022)	181.7
Equals	0.0192
Result multiplied by 100	<u>0.019 x 100</u>
Equal percent change	1.9%

Historical Consumer Price Index for All Urban Consumers (CPI-U): U.S. city average, all items, by month — Continued

[1982-84=100, unless otherwise noted]

Year	Jan.	Feb.	Mar.	Apr.	May	Jun.	Jul.	Aug.	Sep.	Oct.	Nov.	Dec.
1971.....	39.8	39.9	40.0	40.1	40.3	40.6	40.7	40.8	40.8	40.9	40.9	41.1
1972.....	41.1	41.3	41.4	41.5	41.6	41.7	41.9	42.0	42.1	42.3	42.4	42.5
1973.....	42.6	42.9	43.3	43.6	43.9	44.2	44.3	45.1	45.2	45.6	45.9	46.2
1974.....	46.6	47.2	47.8	48.0	48.6	49.0	49.4	50.0	50.6	51.1	51.5	51.9
1975.....	52.1	52.5	52.7	52.9	53.2	53.6	54.2	54.3	54.6	54.9	55.3	55.6
1976.....	55.6	55.8	55.9	56.1	56.5	56.8	57.1	57.4	57.6	57.9	58.0	58.2
1977.....	58.5	59.1	59.5	60.0	60.3	60.7	61.0	61.2	61.4	61.6	61.9	62.1
1978.....	62.5	62.9	63.4	63.9	64.5	65.2	65.7	66.0	66.5	67.1	67.4	67.7
1979.....	68.3	69.1	69.8	70.6	71.5	72.3	73.1	73.8	74.6	75.2	75.9	76.7
1980.....	77.8	78.9	80.1	81.0	81.8	82.7	82.7	83.3	84.0	84.8	85.5	86.3
1981.....	87.0	87.9	88.5	89.1	89.8	90.6	91.6	92.3	93.2	93.4	93.7	94.0
1982.....	94.3	94.6	94.5	94.9	95.8	97.0	97.5	97.7	97.9	98.2	98.0	97.6
1983.....	97.8	97.9	97.9	98.6	99.2	99.5	99.9	100.2	100.7	101.0	101.2	101.3
1984.....	101.9	102.4	102.6	103.1	103.4	103.7	104.1	104.5	105.0	105.3	105.3	105.3
1985.....	105.5	106.0	106.4	106.9	107.3	107.6	107.8	108.0	108.3	108.7	109.0	109.3
1986.....	109.6	109.3	108.8	108.6	108.9	109.5	109.5	109.7	110.2	110.3	110.4	110.5
1987.....	111.2	111.6	112.1	112.7	113.1	113.5	113.8	114.4	115.0	115.3	115.4	115.4
1988.....	115.7	116.0	116.5	117.1	117.5	118.0	118.5	119.0	119.8	120.2	120.3	120.5
1989.....	121.1	121.6	122.3	123.1	123.8	124.1	124.4	124.6	125.0	125.6	125.9	126.1
1990.....	127.4	128.0	128.7	128.9	129.2	129.9	130.4	131.6	132.7	133.5	133.8	133.8
1991.....	134.6	134.8	135.0	135.2	135.6	136.0	136.2	136.6	137.2	137.4	137.8	137.9
1992.....	138.1	138.6	139.3	139.5	139.7	140.2	140.5	140.9	141.3	141.8	142.0	141.9
1993.....	142.6	143.1	143.6	144.0	144.2	144.4	144.4	144.8	145.1	145.7	145.8	145.8
1994.....	146.2	146.7	147.2	147.4	147.5	148.0	148.4	149.0	149.4	149.5	149.7	149.7
1995.....	150.3	150.9	151.4	151.9	152.2	152.5	152.5	152.9	153.2	153.7	153.6	153.5
1996.....	154.4	154.9	155.7	156.3	156.6	156.7	157.0	157.3	157.8	158.3	158.6	158.6
1997.....	159.1	159.6	160.0	160.2	160.1	160.3	160.5	160.8	161.2	161.6	161.5	161.3
1998.....	161.6	161.9	162.2	162.5	162.8	163.0	163.2	163.4	163.6	164.0	164.0	163.9
1999.....	164.3	164.5	165.0	166.2	166.2	166.2	166.7	167.1	167.9	168.2	168.3	168.3
2000.....	168.8	169.8	171.2	171.3	171.5	172.4	172.8	172.8	173.7	174.0	174.1	174.0
2001.....	175.1	175.8	176.2	176.9	177.7	178.0	177.5	177.5	178.3	177.7	177.4	176.7
2002.....	177.1	177.8	178.8	179.8	179.8	179.9	180.1	180.7	181.0	181.3	181.3	180.9
2003.....	181.7	183.1	184.2	183.8	183.5	183.7	183.9	184.6	185.2	185.0	184.5	184.3
2004.....	185.2	186.2	187.4	188.0	189.1	189.7	189.4	189.5	189.9	190.9	191.0	190.3
2005.....	190.7	191.8	193.3	194.6	194.4	194.5	195.4	196.4	198.8	199.2	197.6	196.8
2006.....	198.3	198.7	199.8	201.5	202.5	202.9	203.5	203.9	202.9	201.8	201.5	201.8
2007.....	202.416	203.499	205.352	206.686	207.949	208.352	208.299	207.917	208.490	208.936	210.177	210.036
2008.....	211.080	211.693	213.528	214.823	216.632	218.815	219.964	219.086	218.783	216.573	212.425	210.228
2009.....	211.143	212.193	212.709	213.240	213.856	215.693	215.351	215.834	215.969	216.177	216.330	215.949
2010.....	216.687	216.741	217.631	218.009	218.178	217.965	218.011	218.312	218.439	218.711	218.803	219.179
2011.....	220.223	221.309	223.467	224.906	225.964	225.722	225.922	226.545	226.889	226.421	226.230	225.672
2012.....	226.665	227.663	229.392	230.085	229.815	229.478	229.104	230.379	231.407	231.317	230.221	229.601
2013.....	230.280	232.166	232.773	232.531	232.945	233.504	233.596	233.877	234.149	233.546	233.069	233.049
2014.....	233.916	234.781	236.293	237.072	237.900	238.343	238.250	237.852	238.031	237.433	236.151	234.812
2015.....	233.707	234.722	236.119	236.599	237.805	238.638	238.654	238.316	237.945	237.838	237.336	236.525
2016.....	236.916	237.111	238.132	239.261	240.229	241.018	240.628	240.849	241.428	241.729	241.353	241.432
2017.....	242.839	243.603	243.801	244.524	244.733	244.955	244.786	245.519	246.819	246.663	246.669	246.524
2018.....	247.867	248.991	249.554	250.546	251.588	251.989	252.006	252.146	252.439	252.885	252.038	251.233
2019.....	251.712	252.776	254.202	255.548	256.092	256.143	256.571	256.558	256.759	257.346	257.208	256.974
2020.....	257.971	258.678	258.115	256.389	256.394	257.797	259.101	259.918	260.280	260.388	260.229	260.474
2021.....	261.582	263.014	264.877	267.054	269.195	271.696	273.003	273.567	274.310	276.589	277.948	278.802
2022.....	281.148	283.716	287.504	289.109	292.296	296.311	296.276	296.171	296.808	298.012	297.711	296.797
2023.....	299.170	300.840	301.836	303.363	304.127	305.109	305.691	307.026	307.789	307.671	-	-



CITY OF MIDDLETOWN, NEW YORK COMMON COUNCIL RECORD OF VOTE

THE FOLLOWING WAS PRESENTED

By: Alderman Tobin
Seconded by: Alderman Jean-Francois
Date of Adoption: February 6, 2024
Index No: 25-24

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

Authorization to Accept a \$73,051 Grant from Division of Criminal Justice Services for the Purchase of Law Enforcement Equipment

BE IT RESOLVED; that the Common Council of the City of Middletown, NY, concurs with the Board of Estimate and Apportionment and accepts a \$73,051 Grant from the Division of Criminal Justice Services for the purchase of law enforcement equipment such as portable and vehicle radios, police bicycles, and staffing evaluations for the department.

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 deposit the funds in a separate budget.

Prepared by:
Christine Dugan , Confidential Secretary

Attachments:

1.	dcjs equipment grant
----	----------------------

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

January 23, 2024

Honorable Joseph DeStefano
Mayor - City of Middletown
Board of Estimate and Apportionment
City Hall
16 James Street
Middletown, New York 10940

Dear Mayor DeStefano and members of the BOE,

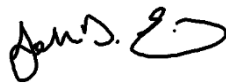
The City of Middletown

The City of Middletown Police Department has been awarded \$73,051 from Division of Criminal Justice Services for a Law Enforcement Equipment grant. The funding for these grants will be used to support the purchase of portable and vehicle radios, police bicycles and staffing evaluations for the department.

I am requesting to have a resolution prepared allowing us to accept this funding, and for this funding to be placed in a separate budget line.

If you have any questions, please 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: Alderwoman Wray
Seconded by: Alderman Johnson
Date of Adoption: February 6, 2024
Index No: 26-24

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

Authorization to Accept a \$6,500 Grant from Senator James Skoufis for operating expenses for our National Night Out Against Crime Event

BE IT RESOLVED; that the Common Council of the City of Middletown, NY, concurs with the Board of Estimate and Apportionment and accepts a \$6,500 Grant from Senator James Skoufis for operating expenses for our National Night Out Against Crime Event.

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 deposit the funds in the previous DCJS/Skoufis grant line, A.2705.06.

Prepared by:
Christine Dugan , Confidential Secretary

Attachments:

1.	SKOUFIS GRANT FOR 6500 NNO
----	----------------------------

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

January 23, 2024

Honorable Joseph DeStefano
Mayor - City of Middletown
Board of Estimate and Apportionment
City Hall
16 James Street
Middletown, New York 10940

Dear Mayor DeStefano and members of the BOE,

The City of Middletown Police Department has been awarded \$6,500 sponsored by Senator Skoufis' office. The funding will be used for operating expenses for our National Night Out Against Crime event.

I am requesting to have a resolution prepared allowing us to accept this funding, and be added to the previous DCJS/Skoufis grant line A.2705.06

If you have any questions, please contact me.

Very truly yours,

A handwritten signature in black ink, appearing to read "John Ewanciw".

John Ewanciw
Chief of Police

JE:ccd



CITY OF MIDDLETOWN, NEW YORK COMMON COUNCIL RECORD OF VOTE

THE FOLLOWING WAS PRESENTED

By: Alderman Johnson
Seconded by: Alderman Tobin
Date of Adoption: February 6, 2024
Index No: 27-24

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

Authorization to Enter into An Agreement with Cherry Road Technologies Inc., for IT Support for 2024

BE IT RESOLVED; that the Common Council of the City of Middletown, NY, concurs with the Board of Estimate and Apportionment and authorizes an agreement with Cherry Road Technologies Inc., for IT Support for 2024.

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

Prepared by:
Rick McCormack, City Clerk

Attachments:

1.	2024 City of Middletown AMENDMENT 8
----	-------------------------------------

AMENDMENT 8
To THE AGREEMENT BETWEEN
CITY OF MIDDLETOWN, NY AND
CHERRYROAD TECHNOLOGIES INC.

This Amendment (“Amendment”) with an effective date of March 1, 2024, will amend the Agreement between CherryRoad Technologies Inc. ("CherryRoad") and the City of Middletown, NY ("City"), dated April 6, 2016 (“Agreement”).

Whereas, the parties agree that it is necessary to modify the Agreement;

Now, therefore, in exchange for valuable consideration, the parties do hereby agree to amend the Agreement as follows:

1. The Agreement is hereby amended to include an updated Statement of Work, Exhibit D. Exhibit D shall be governed by the terms of the Agreement.
2. Except as specifically revised herein, all terms and conditions of the Agreement shall remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto have caused this Amendment to be executed by their authorized representatives.

City of Middletown, NY

CherryRoad Technologies Inc.

By: _____

By: _____

Print Name: _____

Print Name: _____

Title: _____

Title: _____

Date: _____

Date: _____

EXHIBIT D



Statement of Work

Information Technology Support Services

City of Middletown

January 2, 2024

Executive Summary/Approach

The City of Middletown ("City") has requested that CherryRoad Technologies Inc. ("CherryRoad") provide support for their Information Technology ("IT") department to continue to support the implement of the 2017 Strategic recommendations.

To accomplish these initiatives CherryRoad will staff a resource onsite at the City Monday through Friday, for all of 2024 along with providing additional support resources upon execution of this Statement of Work ("SOW). In addition, CherryRoad will assign a Service Delivery Manager who will provide oversight to ensure the initiatives are progressing for the City.

This SOW is based upon CherryRoad's understanding of the City's requirements and approval of the Strategic recommendations included in the Section- Scope of Services of this SOW.

Scope of Services

The table below represents a subset of the IT initiatives from the City's IT Strategic Plan for 2024.

Item #	Initiative	Initiative Description	Cost	Monthly Cost
1	IT Support	Continued onsite support	\$ 177,000	\$ 14,750
2	IT Support	Help Desk	\$ 18,000	\$ 1,500
		Totals	\$ 195,000	\$ 16,250

Line item 1, Continued onsite support, and any other active initiatives will continue to be billed on a monthly basis and is subject to renewal annually. Billing for any additional help desk support will be billed as services are rendered.

As part of the above services, CherryRoad will manage the efforts for the following initiatives:

Initiative	Description
Desktops	Replace Desktops on a rotating 5-year plan
Server Upgrades	Preform server migrations with vendors.

Project Roles and Responsibilities

CherryRoad

Service Delivery Manager

The Service Delivery Manager (“SDM”) is an experienced manager who has worked and managed IT departments. The SDM’s role is to provide advice, counsel, and direction to our IT Specialist. It is this individual’s responsibility to:

- Assist in identifying current policies, procedures, and workflows to implement.
- Work with the City to develop the 2024 IT Plan.
- Monitor support activities and monthly status reports.

IT Specialist

The IT Specialist will provide general IT support to all departments and employees at the City. Their responsibilities include but are not limited to:

- Support and Manage VMware servers that support approximately 20 VM’s.
- Support Windows 2016 and 2019 servers.
- Support Linux VM.
- Support multiple installations of MS SQL Server.
- Support Oracle DB.
- Set up and support ISPs and Ubiquity wireless network.
- Manage Sonic Wall firewall units.
- Manage SSL VPN for remote access.
- Manage network switches.
- Set up and manage backup systems/ vendors.
- Support Active Directory and DNS operations.
- Support Office365 hosted email.
- Provide desktop support.

Assumptions

Project Dependencies

- The monthly charge is based on information provided by the City via interviews with key City resources. Should any new requirements or clarification/change of requirements occur during the engagement, CherryRoad and the City will work towards a solution. This may include the use of City resources and/or additional costs.
- The City will provide management and oversight of CherryRoad's Service Delivery Manager and IT Specialist.
- CherryRoad will ensure that any resources having access to police related systems will meet the necessary Criminal Justice Information Services related criteria.



CITY OF MIDDLETOWN, NEW YORK COMMON COUNCIL RECORD OF VOTE

THE FOLLOWING WAS PRESENTED

By: Alderman Kleiner
Seconded by: Alderman Jean-Francois
Date of Adoption: February 6, 2024
Index No: 28-24

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

Authorization to allocate ARPA funding for RBT Consultation fees for ARPA administration.

BE IT RESOLVED; that the Common Council of the City of Middletown, NY, concurs with the Board of Estimate and Apportionment and authorizes the Treasurer to transfer \$1,0000 in the following manner, for RBT Consultation fees for ARPA administration.

FROM	AMOUNT	TO
A.4785	\$1,000	AFG.888.900

Prepared by:
Leonora Liz, Treasurer

Attachments:

None



CITY OF MIDDLETOWN, NEW YORK COMMON COUNCIL RECORD OF VOTE

THE FOLLOWING WAS PRESENTED

By: Alderman Masi
Seconded by: Alderman Tobin
Date of Adoption: February 6, 2024
Index No: 29-24

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

Authorization to Amend an Agreement with Fusco Engineering for Additional Work for the Historical Tax Credit Process on the O&W Station Project

BE IT RESOLVED; that the Common Council of the City of Middletown, NY, concurs with the Board of Estimate and Apportionment and authorizes an amendment to an agreement with Fusco Engineering for additional work required for the Historical Tax Credit work processing in the amount of \$75,000.

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 and any necessary documents required pertaining to the amendment agreement.

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

Attachments:

1.	O and W Grant Extension Request Cover Memo
----	--

2.	O and W Grant Extension Proposal
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CITY OF MIDDLETOWN
Office of Economic & Community Development

January 30, 2024

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

RE: O&W Rehabilitation Agreement Amendment

Dear Members:

I am requesting authorization to amend the agreement with Fusco Engineering for additional work required for the Historical Tax Credit process. Also, for the Mayor to sign, any and all necessary documents required pertaining to the amendment agreement. The amended agreement includes the increase tax credit work required in the amount of \$75,000.00.

See attached proposal and breakdown from Fusco Engineering.

Thank you for your attention to this matter.

Maria Bruni, Director
Economic & Community Development

Cc: Caitlin McNamara, Assistant Director



233 East Main Street
Middletown, NY 10940

Phone: (845)344-5863
Fax: (845)956-5865

Consulting Engineers

Alfred A. Fusco, Jr.
P.E. Principal

Alfred A. Fusco, III
General Manager

January 29, 2024

Jacob Tawil, Commissioner DPW
City of Middletown
16 James Street
Middletown, New York 10940

Re: O&W Station Rehabilitation
Historical Tax Credit
Our File #21-088

Dear Commissioner Tawil,

Enclosed please find the revised executed agreement for the O&W Station Rehabilitation. The amended agreement includes the increase for the Tax Credit Work required in the amount of \$75,000. Attached you will find a projection of the breakdown of the work to be performed associated with the historical tax credit for approximately \$69,440, and \$5,560 of the amendment is for Fusco Engineering for coordination and facilitation. Should the requests and efforts required by SHPO/NPS/Funders push us to exceed the NTE number, we will seek authorization for additional services prior to commencing any work.

Once the resolution has been passed and the amended agreement is signed, please return a copy to me.

Please advise if you have any questions.

Very truly yours,

Alfred A. Fusco, Jr., P.E.
FUSCO ENGINEERING
& LAND SURVEYING, D.P.C.

Cc: Honorable Mayor Joseph DeStefano, City of Middletown
Caitlin McNamara, Assistant Director, Office of Economic and Community Development
Alfred A. Fusco, Jr., P.E., FE&LS, DPC

O&W Middletown

CONSULTANT FEE PROPOSAL WORKSHEET

Project Description: <i>(Project Title, Facility Name and Address)</i> Project #	Consultant Name and Address: C&S Engineers Inc 499 Col Eileen Collins Blvd Syracuse NY 13212	Date: Phase: Agency: Prepared By: KMC
---	--	--

Breakdown of Tasks (Provide a task breakdown corresponding to the Scope of Services).

Task Description	Employee Hours per Task										
	Employee Title	Sr Principal A/E	Principal A/E (Kristen)	Principal A/E (Brian)	Project A/E	Engineer	Engineer	Project Designer	Senior Designer	Designer	Total Hours
model creation			2.00							8.00	10.00
point cloud integration with model			2.00							24.00	26.00
coordination meeting with city and consultants			30.00	4.00							34.00
Part 1 application			8.00								8.00
Part 2 application - narrative & specifications			80.00	8.00						8.00	96.00
Part 2 application - photo documentation			8.00							24.00	32.00
Part 2 application SHPO / NPS consultation											0.00
North Tower structural report				16.00							16.00
Part 3 documentation			50.00	8.00						16.00	74.00
Part 3 submission			24.00								24.00
Closeout submission - final CRIS upload			16.00							8.00	24.00
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SUBCONSULTANTS: (provide separate fee worksheet for each sub)

SUBCONSULTANTS: (provide separate fee worksheet for each sub)		Fee	Markup	Total
			5%	\$0.00
			5%	\$0.00
			5%	\$0.00
Total Subconsultant Fees (round to nearest whole dollar)				\$0

REIMBURSABLE EXPENSES: (included in LS fee UNO)

REIMBURSABLE EXPENSES:	(included in LS fee UNO)	Qty.	Contract Rate	Total
Mileage: Estimate miles at Contract rate (over 35 miles one way).	0	miles @	\$0.00	\$0
Lodging: At Contract per diem rates for the location of the facility.	0	night(s) @	\$0.00	\$0
Meals: At Contract per diem rates for the location of the facility.	0	overnight(s) @	\$0.00	\$0
OTHER ALLOWABLE EXPENSES: Identify expenses below.				
A.				
B.				\$0
Total Reimbursable Expenses (round to nearest whole dollar)				\$0

TOTAL FEE (round to nearest whole dollar)	\$69,440
--	-----------------



CITY OF MIDDLETOWN, NEW YORK COMMON COUNCIL RECORD OF VOTE

THE FOLLOWING WAS PRESENTED

By: Alderman Johnson
Seconded by: Alderman Masi
Date of Adoption: February 6, 2024
Index No: 30-24

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

Authorization to Amend Recently Enacted Chapter 438, Tobacco/Hookah/Vaping Establishment Licenses of the City Code

WHEREAS, the Mayor, Police Chief, Commissioner of Public Works, and Corporation Counsel have recommended the amendment of the recently enacted Chapter 438, Tobacco/Hookah/Vaping Establishment 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., Section 438-1, Tobacco/Hookah/Vaping Establishment License Required, is hereby amended by adding a second Sentence to Paragraph A thereof, to read as follows:

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”). A Tobacco/Hookah/Vaping Establishment is defined as any commercial premises or usage which sells any tobacco, hookah or vaping products.

Section 2 - The Code of the City of Middletown, N.Y., Section 438-5, Conditions for Operation, is hereby amending by replacing Paragraph A thereof, to read as follows:

Section 438-5. Conditions For Operation.

A. Hours of operation. The hours of operation for each establishment shall be set either by the City of Middletown or by the Middletown Planning Board, and must further comply with all relevant New York State statutes and regulations.

Section 3. 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 4. This Ordinance shall take effect immediately.

Prepared by:
Rick McCormack, City Clerk

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: February 6, 2024
Index No: 31-24

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

Authorization to Lend Portable Lights to the Otisville Lions Club for the 34th Annual Otisville Country Fair

BE IT RESOLVED that the Common Council of the City of Middletown authorizes the Otisville Lions Club to use a portable light from July 24 through July 29, 2024, for the 34th Annual Otisville Country Fair.

BE IT FURTHER RESOLVED that the Otisville Lions Club/Country Fair will be responsible for any damage incurred during the use of the light and will make any necessary repairs at their expense.

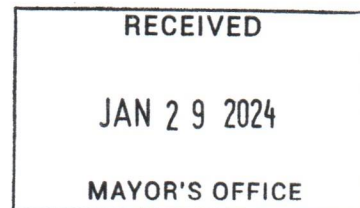
Prepared by:

Attachments:

1.	Otisville Country Fair Light Request
----	--------------------------------------

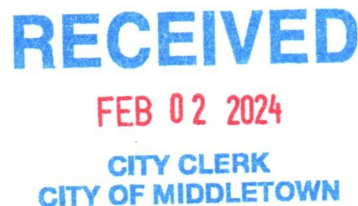


Fairgrounds Address:
Education Center & 4-H Park
300 Finchville Turnpike, Otisville, NY 10963
July 25, 26, 27, & 28, 2024



Otisville Lions Club
P.O. Box 24
Otisville, NY 10963
January 8, 2024

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



Dear Mayor DeStefano,

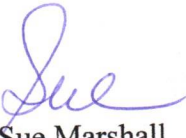
This is a request for the use of ^{ONE} three of your portable light towers for the 34th Annual Fair. We will need them from Wednesday, July 24th through Monday, July 29th. They can be dropped off anytime that is convenient for you on Wednesday and picked up at your convenience on Monday.

The Otisville Lions Club/Country Fair will be responsible for any damage incurred during the use of the ^{ONE} two portable lights and will make any necessary repairs at our expense.

If you can help with this request, please contact Sue at smarshall2330@yahoo.com or 845-283-0635. Thank you in advance for your consideration.

Sincerely,


Jim Jennings
Chairman


Sue Marshall
Chairman

RECEIVED
JAN 11 1964
U.S. DEPARTMENT OF AGRICULTURE
WASHINGTON, D.C.

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U.S. DEPARTMENT OF AGRICULTURE
WASHINGTON, D.C.



CITY OF MIDDLETOWN, NEW YORK COMMON COUNCIL RECORD OF VOTE

THE FOLLOWING WAS PRESENTED

By: Alderwoman Wray
Seconded by: Alderman Johnson
Date of Adoption: February 6, 2024
Index No: 32-24

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	8		1	1

I hereby approve the attached Resolution/Local Law.

Joseph M. DeStefano, Mayor

Date

Authorization to Fund a Three-Year Commitment to Enhance the Enlarged City School District of Middletown's Application to host the NYS Boys Soccer Championship round for 2025, 2026, and 2027

WHEREAS, The City of Middletown partnered with the Enlarged City School District of Middletown School on their submissions to New York State to host New York State High School sporting events at the Middletown facility; and

WHEREAS, this partnership requires a financial plan along with adequate facilities and is a competition with other school districts throughout New York State; and

WHEREAS, hosting these championship events has a positive economic impact on the greater Middletown area when hosting these championship events.

NOW THEREFORE BE IT RESOLVED that the Board of Estimate and Apportionment

authorizes funding for a three-year commitment to enhance the District's application to host the New York State Boys Soccer Championship round for 2025, 2026, and 2027 for \$5,000 per year, for a total of \$15,000 over the three years.

BE IT FURTHER RESOLVED; that the Board of Estimate and Apportionment authorizes the Treasurer to transfer \$5000, in the following manner, to fund the first year of this commitment.

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.

FROM	AMOUNT	TO
Fund Balance	\$5000	Contractual Services

Prepared by:
Josepeh DeStefano, Mayor

Attachments:

None



CITY OF MIDDLETOWN, NEW YORK COMMON COUNCIL RECORD OF VOTE

THE FOLLOWING WAS PRESENTED

By: Alderman Masi
Seconded by: Alderman Kleiner
Date of Adoption: February 6, 2024
Index No: 33-24

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

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.

Prepared by:
Paul Johnson, Alderman

Attachments:

None

COMMON COUNCIL
CITY OF MIDDLETOWN

February 20, 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. Andrew Green
Ald. Kate Wray
Ald. Joseph Masi

A B S E N T

Ald. Sparrow Tobin

Digitally Recorded Proceeding, transcribed by:
Lisa Kane

Veritext Legal Solutions
330 Old Country Road - Suite 300
Mineola, NY 11501

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1. Pledge of Allegiance

(Pledge of Allegiance)

2. Roll Call

PRESIDENT RODRIGUES: Roll.

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

3. Approval of Minutes

PRESIDENT RODRIGUES: Approval of minutes.

ALD. MASI: So moved.

ALD. JOHNSON: Second.

RICHARD MCCORMACK, CITY CLERK: Masi, Alderman
Johnson.

All in favor?

ALDERMANS: Aye.

4. Correspondence, Communications and Reports

PRESIDENT RODRIGUES: Correspondence.

RICHARD MCCORMACK, CITY CLERK: Nothing this
evening.

5. For the Good of the City

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

CHRIS BERNARD: Good everyone. My name is
Chris Bernard. I'm a resident of 26 Horton Avenue. I'm
a little nervous. This is first -- my first time doing

this, so.

PRESIDENT RODRIGUES: Okay. Take your time.

ALD. KLEINER: (Inaudible), you're amongst friends.

MR. BERNARD: I'm a resident of 26 Horton Avenue. I stand before you today to address a pressing issue that address -- that affects not only myself, but also the safety and well-being of all residents in our community.

The issue at hand is an alarming prevalence of reckless and excessive speeding on and around Horton Avenue. I have evidence in the form of video footage captured on -- by my house, security cameras showing the gravity of the situation on my phone. I am willing to share this footage with you now or after this meeting, so you can witness firsthand the severity of the problem.

I've already started -- I've already shared this video and other videos with the shift lieutenant next door. I implore -- implore upon this Council to conduct a comprehensive traffic survey not limited to Horton Avenue, but encompassing all adjacent streets to ascertain the extent of the speeding epidemic plaguing our city.

It is imperative that we explore viable solutions to mitigate the risk posed by reckless and excessive

speeders, less we suffer unnecessary consequences of property damage or, even worse, loss of life.

Also, keep in mind the proximity of Horton Avenue to our local schools. The -- the safety of the children are at stake as well.

While I understand they -- speed humps have been proposed as a potential solution, I've been informed that the City's reluctance to implement them. However, I firmly believe that this measure holds promise to addressing the issue at its core.

To this end, I am prepared to take proactive steps initiating a petition commencing with my own street to advocate for the installation of speed humps. In fact, I have already taken the initiative to draft letter -- draft letters addressing homeowners of Horton Avenue outlining the urgency of this matter and soliciting their support in the form of a petition. Thirty-five such letters are ready for distribution signaling the grassroots momentum behind this cause.

I urge the Council please recognize the imperative of this -- of the -- the nature of this plea and collaborate with residents in finding a viable solution to curb speeding on our local roadways. By working together we can assure the safety and tranquility of our community. Thank you so much for your attention

and your consideration.

PRESIDENT RODRIGUES: Thank you.

Anyone else who would like to address the Council?

6. Remark of Mayor

PRESIDENT RODRIGUES: Okay. Remarks of the Mayor.

JOSEPH DESTEFANO, MAYOR: I'm not gonna grandstand on the issue, but I'm in agreement with you. We've had this discussion before and I think we need to really give it a look. I know the chief can address the speed trailer. We do do the analysis now as you know. We get the speeding numbers and the percentages, but it is a somewhat mini crisis for neighborhoods. And there are the solutions.

I was in New York City on Sunday going down 44th Street, 46th Street. And guess what's in 44th Street and 46th Street in Manhattan where fire trucks go by, police cars go by --

PRESIDENT RODRIGUES: Police cars, ambulance?

JOSEPH DESTEFANO, MAYOR: Speed humps.

PRESIDENT RODRIGUES: They work?

JOSEPH DESTEFANO, MAYOR: Sure they worked. And ride down yourself. Big place like that can do it, there's no reason why we can't do it.

But I'll move on. I'll address some of these things in my State of the City will be on March 5th and at 7 p.m. So that's for a special meeting to start at 7 -- 7 p.m. on March 5th.

Any questions?

PRESIDENT RODRIGUES: Any questions for the Mayor?

JOSEPH DESTEFANO, MAYOR: All right. Thank you.

7. Remarks of the Department Heads

PRESIDENT RODRIGUES: All right. Department Heads, Economic Development.

MARIA BRUNI, ECONOMIC DEVELOPMENT: Good evening, everyone.

This evening we had a community development agency meeting and the board, you, the board approved us to move on with the rehab of 84 Linden which will begin soon and be part of the program. And -- and we'll get a home buyer there soon.

Also, Wednesday, February 28th at 4 p.m., our consolidated annual performance report, we have a public hearing. That's our HUD keeper. So there's a public hearing on February 28th at 4:00.

The Paramount Theatre, *Bob Marley One Love* continues until February 29th. It's been a hit. It --

check our website for times and show dates.

Also, a new show announcement. It's gonna be going on sale soon. *Let's Sing Taylor*, the ultimate Taylor Swift tribute, so -- so that's coming soon. So, again, check our middletownparamount.com for all the show listings and everything going on. Thank you.

PRESIDENT RODRIGUES: Any questions for Maria?

MARIA BRUNI, ECONOMIC DEVELOPMENT: Any questions?

ALD. MASI: Stay around.

PRESIDENT RODRIGUES: All right.

MARIA BRUNI, ECONOMIC DEVELOPMENT: Thank you.

PRESIDENT RODRIGUES: Thank you, Maria.

DPW Commissioner.

JACOB TAWIL, DPW COMMISSIONER: Good evening, all.

I'll start off with our reservoirs. They are at 100 percent capacity.

Highland Avenue tank, the work has been completed for the tank itself. There are some other items that needs to be done. However, the good news is the tank is back in service. We put that in service on Saturday after doing joint inspection with the health department and after all the required samples were taken and have passed.

There's still a lot of work to be done at the tank site such as (inaudible) protection, full protection for there with the ladder, some other items cleaning up and so on. So that would be done along the next couple of weeks and that will be the end of it.

So, now, Highland Avenue has been back online, so we have adequate storage within our system. We're gonna start taking the High Barney tank offline between tomorrow and the day after tomorrow. They started switching over the telemetry at that tank site. That tank site is very important for us, High Barney, because it's like our junction where all the wireless signal comes from Highland Avenue tank from County Route 78 vault, from Mountain Avenue tank. All these tanks, they report to High Barney and then from High Barney we shoot across to the water treatment plant.

So it's a very important hub for us. So, tomorrow we're gonna be doing the transfer, taking the antennas off the tank, mounting them on a new pole in there, so we could have a good signal in there and communication between our -- among all tanks within the system -- within the water distribution system.

Last Tuesday we had a major snowstorm. We haven't had that much snow for -- for awhile. It was, like, 11-and-a-quarter inches in less than 24 hours. And

-- and the guys did a tremendous job. Our -- our guys in the street department, in the water department, some from the sanitation department, they all pitched in and they drove our plows and our small mason dump trucks and -- and sanders. So, we're very grateful. They done really a good job under the direction of Ross Mastria. He's the deputy commissioner.

Tomorrow we -- we will be getting the black top. You can see, we drive around in the city, everybody is complaining all around about potholes, potholes. If you noticed, we have less potholes this year, if any, to be honest with you because that's because of the hard work of our street department. They stay on top of it.

I reported to you before that we go down to New Jersey to bring in hot asphalt rather than using cold patch. And hot asphalt does last for a long time versus cold -- using the cold patch. I was in a discussion with the state. Some -- some people from the DOT said, oh, my God, we never thought of that. We're gonna start doing that. So, because it's -- it's a lasting solution, it's not just temporary fix for the pothole.

So, tomorrow we're gonna be going down to New Jersey again, the street department is, and, you know, I think they're doing great job for us.

Spring cleanup, before you tonight there's a

resolution for the spring cleanup. Should you approve it and the Mayor signs it, then it's gonna be -- I can read it. You know what, I'm not gonna read it until you approve it. I'm not gonna be presumptuous. Part of it also is electronic drop-off date.

One more item we have a resolution before you for bond reduction for Magnolia Park. That's for the roads that they've been accepted by us, been dedicated. They're not totally taken over by DPW to maintain them yet because of some -- couple of minor items. But the bond reduction is before you tonight for approval. And we appreciate that.

Any questions?

PRESIDENT RODRIGUES: Any questions for Jacob?
Alderman Masi.

ALD. MASI: Commissioner, I'm sorry if I missed it, but how are the reservoirs?

JACOB TAWIL, DPW COMMISSIONER: Alderman Masi, I -- I reported on the reservoirs. I didn't mention you, but, yeah, rest assure they're in good shape.

ALD. MASI: Thank you.

JACOB TAWIL, DPW COMMISSIONER: Yes, sir.

PRESIDENT RODRIGUES: Alderman Kleiner.

ALD. KLEINER: Yes. Commissioner, I got a notice that Wisner Avenue is going to be closed for a

while tomorrow. Can you --

JACOB TAWIL, DPW COMMISSIONER: Yeah. Tomorrow it's -- it's -- we sent -- I believe we send a message out already.

ALD. KLEINER: Yes.

JACOB TAWIL, DPW COMMISSIONER: Yeah, it's because --

ALD. KLEINER: For anyone who didn't --

JACOB TAWIL, DPW COMMISSIONER: -- the plumber -- yeah. A plumber is gonna be installing water service. Before they were gonna go from the curb over to the house and that's the corner house on Wisner and Highland. Unfortunately, it's galvanized water service and it's -- it's really in very bad shape under the road.

ALD. KLEINER: Okay.

JACOB TAWIL, DPW COMMISSIONER: So, they're gonna open up the road tomorrow between 8:00 and 12:00. Thank you for mentioning that, but the people can see it now. But we did send a message. Yes. And that's why.

ALD. KLEINER: Right.

JACOB TAWIL, DPW COMMISSIONER: We're gonna minimize the downtime and we're gonna have detour sign and everything. The plumber is doing it. That's not city work.

ALD. KLEINER: Right.

JACOB TAWIL, DPW COMMISSIONER: It's a private work, yeah.

ALD. KLEINER: Okay. Thank you.

JACOB TAWIL, DPW COMMISSIONER: Yeah, sure.

PRESIDENT RODRIGUES: Anyone else?

All right. Thank you, Jacob.

JACOB TAWIL, DPW COMMISSIONER: Thank you.

PRESIDENT RODRIGUES: City Treasurer.

LEONORA LIZ, CITY TREASURER: Good evening. I have nothing for you this evening.

PRESIDENT RODRIGUES: Any questions for the treasurer?

All right. Thank you.

Police Chief.

JOHN EWANCIW, POLICE CHIEF: Good evening.

On the request of Alderman Kleiner, I actually brought our new animal control officer with me this evening, so I can introduce him to the Council. This is Marcus Small. Marcus has been with the City for four or five years now. Started with us as a dispatcher, as a full-time dispatcher. Worked many years there.

An amazing employee. And this past fall he transitioned to animal control officer. So this is Marcus. He's -- he's a worker by all means. He -- he goes out there and he works. He's personable. He has

flexible hours. We don't keep him a steady, you know, business hours. He does flex his hours to address the needs of the community. So this is the Council and this is our new animal control officer.

ALD. KLEINER: Welcome.

JOHN EWANCIW, POLICE CHIEF: Same telephone as in the past. Email is his first initial, last name@middletownpolice.com. And he's here to help all of us.

PRESIDENT RODRIGUES: Thank you.

ALD. KLEINER: Thank you for coming.

JOHN EWANCIW, POLICE CHIEF: Any questions for Marcus?

PRESIDENT RODRIGUES: Alderman Johnson.

ALD. JOHNSON: Not a question, but comment. It's nice to finally make the name and the face.

MARCUS SMALL, ANIMAL CONTROL OFFICER: Yes, absolutely.

ALD. JOHNSON: So, you know, I do rounds at Middletown Humane Society a couple of times a week. The director is Maureen Hogan. And as recently as seven hours ago, we were both singing your praises. You're very attentive with paying a lot of attention to our needs at the shelter. I think is -- it's a big improvement for the animals in the city. And I wanted to

thank you on behalf of the shelter for the good work you're doing. Thanks.

MARCUS SMALL, ANIMAL CONTROL OFFICER: Thank you very much.

PRESIDENT RODRIGUES: Alderman Kleiner.

ALD. KLEINER: Because I get asked this a lot, you don't deal with feral cats or stray cats. Is that correct?

MARCUS SMALL, ANIMAL CONTROL OFFICER: So -- so the City -- so the City does. We don't have contracts right now, we are working on that. But if there are any feral cat issues, you could definitely give me a call or contact the police department and then they'll notify me, so we can address those issues. So, it's not something that we don't address.

ALD. KLEINER: Okay.

MARCUS SMALL, ANIMAL CONTROL OFFICER: We don't do it directly, but we do have outside companies that work with us to -- to address those issues.

ALD. KLEINER: Right. Okay. Thank you.

MARCUS SMALL, ANIMAL CONTROL OFFICER: Yep.

JOHN EWANCIW, POLICE CHIEF: One of the things that Marcus has been successful in is expanding our contracts. The Council has approved some new contracts this past year. He's also working on additional contract

to deal with the feral cats, so that we have another alternative to the -- the company that we utilize today as well.

PRESIDENT RODRIGUES: All right. Thank you.

JOHN EWANCIW, POLICE CHIEF: Other than that, I just have one comment on one of the agenda items this is is the Cops Technology Grant. That is a grant that was sponsored by Congressman Ryan. That \$3,000 would be to enhance and expand our closed-circuit camera system throughout the city. Our goals are and we're working with our vendor now to get cameras to the Wickham/Wisner area, to the Monhagen/West Main area, and to the Dolson area. So, depending on the buildout of what -- how much money -- how far we could stretch this money will determine how far we get those cameras. But that's our goal with that money.

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

PRESIDENT RODRIGUES: Any question for the police chief? All right, Chief, thank you.

JOHN EWANCIW, POLICE CHIEF: Okay.

PRESIDENT RODRIGUES: City Clerk.

RICHARD MCCORMACK, CITY CLERK: Good evening. As some of you may be aware, I'm the co-chair with Celines Rodriguez of the Mayor's Youth Council. We're

having a recruitment night on February 26th here in the Council's chambers from 6 to 7. If anybody at home wants to get your children involved in service organizations in the city, we invite you to come by. We're excited that the Mayor has agreed to be a guest speaker that night. So, thank you, Mayor.

Also in that line, we're having a blood drive on March 26th from 3 to 7:30 p.m. at the Mulberry Senior Center. You can call my office or Celines at the Rec Center to make an appointment and schedule yourself to come in and donate blood. Supplies are running low and we could definitely use the help.

And, finally, just a reminder, we have stopped using the Nixle emergency alert system. We're now using Civic Mass Notification. If you have not already done so, I encourage you to sign up through the city website middletownny.gov. On the left hand side you'll see a button that says alerts, click there and just fill out the information and you'll be kept up to speed on all the latest events and happenings in the City as well as road closures and any other weather-related emergencies. Thank you.

8. Public Hearings and Grievances

(None this evening)

9. Petitions and Complaints

(None this evening)

10. Remarks of Alderman

PRESIDENT RODRIGUES: Okay. Remarks of Alderman, Alderman Masi.

ALD. MASI: Yes. I just want to thank Commissioner Tawil and the Department of Public Works for the job that they did with the snowplowing. I come in a little after 7 in the morning. And when I left my house, the roads were all clear all the way down to City Hall. So, tell the members thank you.

JACOB TAWIL, DPW COMMISSIONER: Will do. Thank you.

PRESIDENT RODRIGUES: Alderman Witt.

ALD. WITT: I have nothing this evening.

PRESIDENT RODRIGUES: Alderman Green.

ALD. GREEN: Thank you. Excuse me. I just want to commend and -- and say thank you to those who were there at the opening of Gallery Chang on 55 North Street. It was a beautiful opening. Always nice to see new business open up and a new -- a new storefront there on -- on North Street. And some of the art work was absolutely amazing. And -- and I look forward to seeing what comes in there.

Alderman Kleiner and I will be restarting our
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constituents meetings beginning in March, so that will be Monday, March 12th at 7:00 p.m. right here in the Council Chambers, so we look forward to seeing you. Thanks.

PRESIDENT RODRIGUES: Alderman Kleiner.

ALD. KLEINER: Thank you for people who've asked our City Clerk, Mr. McCormack and has been talking with Channel 20 and Spectrum about the issues with some people have not been able to get the Council meetings on TV. So, for those who are, if you can't get it, then you're not hearing this, so. But -- but for those who are and get the word out that we are working on it trying to solve the problems.

I want to thank the Gilissa Cierra (phonetic) and -- and her staff. They had a program for Black History Month this afternoon at the Senior Center and it was more than well attended. They had to set up extra tables. And it was a great event. And Cici Calloway was there. She's the daughter of Cab Calloway. And it -- it was quite a interesting time. I thank James Rollins too who gave a little history of Middletown and NWACP and such. So it was a very nice event.

Our City Pride Cleanup we're hoping is going to be on April 20th. So keep that date in mind for the City wide and the Pride Cleanup.

If the *Record* online, I criticize them a lot.

They did give another update on how gas prices have gone up another 2 cents. Wow, you know, down -- down 80 percent from the summer or 80 cents from the summer. But, nonetheless, they have a really interesting article and it's about the upcoming total solar eclipse that's gonna go through parts of New York State. We'll be in about the 95 percent or so of it. But that's on April 8th. And if you go to *Record* online, they do have the map on there and to show you exactly where it's going to be, so you can plan ahead. And warnings, don't be like Mr. Trump and look directly at it with no protection. You do need solar glasses if you're gonna actually look at it directly. So that will -- that will come up shortly. And I guess that's it. Thank you.

PRESIDENT RODRIGUES: Alderwoman Wray.

ALD. WRAY: Good evening. I don't have any real news for this evening except getting the news about the Taylor Swift tribute. And I have a daughter who I'm almost afraid to tell her. So, cool stuff at our Paramount, like, big names and it's exciting in our little city. So I always get a little excited to hear about what's next. Thanks.

PRESIDENT RODRIGUES: Alderman Johnson.

ALD. JOHNSON: Thank you. With respect to the speeding conversation, the speaker may or may not be

aware that this has kind of been ongoing. I won't grandstand either, Mr. Mayor. We've basically gone through the obvious three solutions. Many people call of us. They want a 20 mile-per-hour speed limit in their neighborhood. Many people their go to is more stop signs. And many people are speed bumps.

I have kind of thought about and advocated for speed bumps. Particularly, there are -- they are now being made where they can be removed. So if you're worried about snow removal, you could take them out for the winter quarter and put them back in the spring.

None of those ideas have really prevailed, but that doesn't mean that we're not thinking about it and that we won't continue to try to address the issue.

Counterintuitively, many times when we put the -- put the speed trailer out, we find out it's not quite as egregious as a particular resident thinks it is. But we have the trailer and we can just aggregate time of day, percent that are above. And so it really gives us good data. What we choose to do with it is the -- is the rub. But thank you for bringing it to our attention again.

I attended the school board meeting last week and they had a building condition survey. And the Twin Towers project appears to be going along well, on time

and on budget. Hold that thought we'll see. And also both the Superintendent, Mr. Tuttle, they -- they presented the administrative form of the budget, a portion I should say. And we were also informed of the fact that in the first read for the Governor's budget, they're having approximately a 2 percent decrease in foundation aid. This is thought to be a problem because it was allegedly promised and the money has already kind of been accounted for. And, so, there may be -- there may be some time for creative thinking in this year's budget. Thank you.

PRESIDENT RODRIGUES: Okay. Alderman Jean-Francois.

ALD. JEAN-FRANCOIS: Yes, good evening. I'd like to agree with Alderman Masi and the Commissioner, the street department did an excellent job in the snow -- last snowstorm that we had. I want to thank them for doing a great job and cleaning and keeping our city safe. 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 Jean-Francois

to enter into an agreement with the Orange County -- with Orange County for the fire safety trailer.

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

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

RICHARD MCCORMACK, CITY CLERK: Resolution sponsored by Alderman Masi authorizing the surplus of vehicles in the police department.

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

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

RICHARD MCCORMACK, CITY CLERK: Resolution sponsored by Alderman Johnson to increase the part-time police -- police assistant rate of pay to \$23 an hour.

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

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

Carries.

RICHARD MCCORMACK, CITY CLERK: Resolution sponsored by Alderwoman Wray to amend the 2024 Transportation Program contract to increase the total cost to \$25,635.

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

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

RICHARD MCCORMACK, CITY CLERK: Resolution sponsored by Alderman Kleiner to increase the senior trips' revenue line.

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

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

RICHARD MCCORMACK, CITY CLERK: Resolution sponsored by Alderman Green to accept the 2023 Cops Technology Grant in the amount of \$300,000.

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

discussion? Roll.

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

RICHARD MCCORMACK, CITY CLERK: Resolution sponsored by Alderman Witt authorizing an agreement with H2O for services at the Water Treatment Plant at a rate of \$24,060.50 a month and at the Wastewater Treatment Plant at a rate of \$31,918.75 per month.

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

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

RICHARD MCCORMACK, CITY CLERK: Resolution sponsored by Alderwoman Jean-Francois authorizing the 2024 Annual Spring Cleanup and Electronic Dropoff Day.

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

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

RICHARD MCCORMACK, CITY CLERK: Resolution sponsored by Alderman Johnson approving the volunteer

firefighters' Length of Service Award Program list for 2023.

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

Alderman Witt.

ALD. WITT: Thank you. So, I -- I would have asked this of the chief, police chief, but I'm gonna put my next door neighbor on the spot a little bit here. I apologize for that. We have the documentation that will be public that will show everybody who has earned this award and it's based on a point system. And it appears that 50 is the magic number. Can you give some context on what that means, please.

ALD. GREEN: Yeah, absolutely. I will be also abstaining from this vote just to put it out there.

ALD. WITT: No, I apologize.

ALD. GREEN: No, that's all right. So, as you saw in your packets, basically, there are -- there's 94 names on the list of active members of the fire department. Just being on the list does not necessarily mean that you are eligible to receive the LOSAP award which we increased as a Council to \$1,200 per year which is, basically, a retirement-type benefit to the firefighters.

There's different categories in which you accrue points and numbers. So, at that rate, you know, it's based off of call volume, what you make. You know, you can max out certain -- certain categories there; social events you make; meetings; if there's any, you know, kind of hydrant cleanups, things like that that are details that are done, that's where you'll accrue your numbers.

I believe the magic number is a little over 50.

ALD. WITT: Oh, is it? I'm sorry.

ALD. GREEN: Yeah. No, it's okay. But you will see that some people have numbers next to them. That's what they accrued in terms of points for the year. And, you know, those will carry on. You'll see also there's a number I noticed on the sheet. It does tell you how many years in a row you are -- the person has received it. After five years you are vested in the program. So, anyone whose got a five or above is eligible to receive that at age 62 I believe it is.

ALD. WITT: Thank you.

ALD. GREEN: Thank you.

PRESIDENT RODRIGUES: Okay. Anyone else?
Roll.

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

Green. Carries.

RICHARD MCCORMACK, CITY CLERK: Resolution sponsored by Alderwoman Wray authorizing amendment to City Code Ordinances to provide for a student transportation medallion.

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

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

RICHARD MCCORMACK, CITY CLERK: Resolution sponsored by Alderman Witt authorizing a reduction in the performance bond for ADC Middletown LLC Magnolia Park to \$197,580.

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

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

13. Local Laws

RICHARD MCCORMACK, CITY CLERK: We have a local law this evening sponsored by Alderman Johnson in its introduction. It's a local law allowing delinquent, overgrown vegetation, snow removal, garbage can, bulk pickup, dead tree removal, and building demolition

charges to be relevied into real property tax bills.

14. Audit of Claims and Accounts

PRESIDENT RODRIGUES: Okay. For the record.
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: Motion by Alderman Masi, seconded by Alderman Johnson. Roll.

Roll Call: Ayes: 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 February 20, 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: April 10, 2024

Agency: Veritext Legal Solutions
330 Old County Road - Suite 300
Mineola, NY 11501



**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: Alderman Masi
Seconded by: Alderman Johnson
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				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	8			1

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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CITY OF MIDDLETOWN, NEW YORK COMMON COUNCIL RECORD OF VOTE

THE FOLLOWING WAS PRESENTED

By: Alderman Jean-Francois
Seconded by: Alderman Masi
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				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	8			1

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: Alderman Masi
Seconded by: Alderman Jean-Francois
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				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	8			1

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: Alderman Johnson
Seconded by: Alderman Green
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				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	8			1

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 initial "J" and a trailing flourish.

John Ewanciw
Chief of Police

JE:ccd



CITY OF MIDDLETOWN, NEW YORK COMMON COUNCIL RECORD OF VOTE

THE FOLLOWING WAS PRESENTED

By: Alderwoman Wray
Seconded by: Alderman Witt
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				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	8			1

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: Alderman Green
Seconded by: Alderman Kleiner
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				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	8			1

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: Alderman Witt
Seconded by: Alderman Jean-Francois
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				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	8			1

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
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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: Alderman Jean-Francois
Seconded by: Alderman Johnson
Date of Adoption: February 20, 2024
Index No: 41-24

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	8			1

I hereby approve the attached Resolution/Local Law.

Joseph M. DeStefano, Mayor

Date

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: Alderman Johnson
Seconded by: Alderman Witt
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				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	7		1	1

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
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2023 FIRE DEPARTMENT SERVICE CERTIFICATION FORM

SERVICE AWARD PROGRAM

City of Middletown

Middletown Fire Department

DEADLINE: March 31, 2024

INSTRUCTIONS

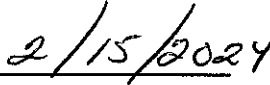
New York State General Municipal Law requires that a list of members of the Fire Department indicating who earned a year of service credit during 2023, those who did not earn a year of service credit during 2023, and those who waived participation must be certified under oath by the President, Secretary, 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.



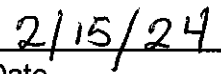
President Signature



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: Alderwoman Wray
Seconded by: Alderman Johnson
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				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	8			1

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: Alderman Witt
Seconded by: Alderman Kleiner
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				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	8			1

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.
----	--

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.

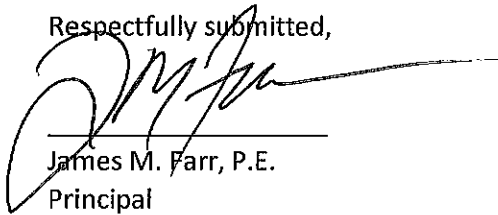
Based on the original bond amount of \$3,637,687.41, the cost per foot for the improvements was \$786.53 per foot, the total length of the roadways to be dedicated is 1,707 feet resulting in a total cost of the improvements to be dedicated of \$1,342,606.71 (1,707 feet of roadway x \$786.53). The City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

CONSTRUCTION COST ESTIMATE FOR 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

Description	Type	Qty Req'd	Qty Installed to Date 3/19/16	Unit Price	Total Price	Price Installed to Date 3/19/16	Qty Installed to Date 11/22/23	Price Installed to Date 11/22/23
SITE WORK								
a. Clear, grub, grade, ROW	SY	29803	50%	3.23	96,263.69	48,131.85	100%	96,263.69
b. Cut & Fill	CY	19000	60%	8.00	152,000.00	91,200.00	100%	152,000.00
c. Sidewalks	5' wide (LF)	4836	2400	30.00	145,080.00	72,000.00	4836	145,080.00
e.								
f.								
g.								
h.								
i.								
j.								
k. Miscellaneous	const./safety signs	1		3,500.00	3,500.00		1	3,500.00
	Geotextile Fabric	19758	40%	1.60	31,612.80	12,645.12	100%	31,612.80
	Topsoil & Seed (SY)	10045	40%	1.50	15,067.50	6,027.00	100%	15,067.50
	Retaining Walls (SF)	5703	60%	20.50	116,911.50	70,146.90	100%	116,911.50
	Guide Rail (lf)	1443		50.00	72,150.00		100%	72,150.00
Bond Value Subtotal:								
	\$	632,585.49						
					PRICE INSTALLED TO DATE	\$	632,585.49	
					Subtotal Amount Remaining	\$	-	

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: Alderman Johnson
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

COMMON COUNCIL
CITY OF MIDDLETOWN
March 5, 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. Sparrow Tobin
Ald. Gerald Kleiner
Ald. Paul Johnson
Ald. Kevin Witt
Ald. Jude Jean-Francois
Ald. Andrew Green
Ald. Kate Wray
Ald. Joseph Masi

A B S E N T

Digitally Recorded Proceeding, transcribed by:
Lisa Kane

Veritext Legal Solutions
330 Old Country Road - Suite 300
Mineola, NY 11501

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BY: Ald. Masi	

PRESIDENT RODRIGUES: All right. We're back live for our Common Council meeting. Remarks of Alderman.

1. Remarks of Alderman

PRESIDENT RODRIGUES: Okay. Remarks of Alderman, Alderman Tobin.

ALD. TOBIN: I'd just like to thank the -- I'd just like the thank the Mayor. He's leading the -- the City in such a great direction. It's -- sometimes we see the trees, but it's good to see the forest, the whole picture and how much we've been able to accomplish. And I thank him for his leadership.

PRESIDENT RODRIGUES: Alderman Jean-Francois.

ALD. JEAN-FRANCOIS: Yeah. Thank you for the Mayor. I think he spoke for everyone this evening, so I'll just pass. Thank you, Mayor.

PRESIDENT RODRIGUES: Alderman Johnson.

ALD. JOHNSON: Same thing, thank you, Mayor, and members of the various departments, thank you all as well.

PRESIDENT RODRIGUES: Alderman Wray.

ALD. WRAY: City leadership here is amazing. And everyone who works for it it's just -- I love this night. It's just a reminder of how great it is to live here. That's all I've got.

PRESIDENT RODRIGUES: Alderman Kleiner.

ALD. KLEINER: Thank you, Mayor. Great presentation and it's amazing how much is going on in the City.

And just a reminder quickly that we will have a constituents meeting for the 2nd Ward, anybody can come. That's Monday, March 11th. And it's at 7:00, but it will be Daylight Savings Time then, so, hopefully, it won't be dark yet. Thank you.

PRESIDENT RODRIGUES: Alderman Green.

ALD. GREEN: Yeah, thank you very much. It's hard to believe for me sitting there that that was my seventh State of the City Address so far sitting up here. And every year things just seem to pile on better and better. So that shows you the strong leadership of -- of the Mayor and all the department heads in the City that are just amazing. So, well done, Mayor. Thank you so much. And -- and to all the department heads, keep rockin' and rollin'. Thank you.

PRESIDENT RODRIGUES: Alderman Witt.

ALD. WITT: Thank you very much, Mayor. Fantastic job. Appreciate the hard work that you and your team has done. And it's -- it's great to see it all laid out in front of us. Sort of like what Kate said, you know, it's just amazing.

I just wanted to -- to thank the volunteer board members. There were quite a few of them in the audience tonight who really help us conduct our City business. And a lot of them here have done this for a long time, so thank you very much.

And I'll move quickly, I promise. I just -- I got -- I wanted to share the names of all of those young people who were performing and doing their thing tonight aside from Caraline Pascella (phonetic). Our -- our color guard was Deandre Alive (phonetic), Juan Gonzalez, Anthony Gonzalez, Miguelli Delarose Quinca (phonetic) and under the direction of Raymond Zayas (phonetic). And Chief Slinger (phonetic), Middletown graduate led the way here, brought them here. And then the next group, Katie Lucas who's also a Middletown graduate, Catana Abraham (phonetic), Madison Baron, Alani Blanco (phonetic), Annabel Craig (phonetic), Bella Francis (phonetic), Demarion Gordon (phonetic), Zolli Lawla (phonetic), Dean Lucas (phonetic), Sanjay McDonald (phonetic), Xavier McDuffy (phonetic), Obvian Melendez (phonetic), Mederia Monsharie (phonetic), Alaina Newsome (phonetic), Makala Nicholson (phonetic), Mateo Okindo (phonetic), Navao Oterro (phonetic), Shantel Ramos (phonetic), Delia Santiago (phonetic), and Natalie Trinidad (phonetic). So thank you all for your participation and for showing off

being you. Thank you.

PRESIDENT RODRIGUES: Alderman Masi.

ALD. MASI: Nothing this evening.

2. Unfinished Business

(None this evening)

3. New Business.

PRESIDENT RODRIGUES: New business.

RICHARD MCCORMACK, CITY CLERK: Good evening.

We have a Resolution sponsored by Alderman Masi requesting an increase to the aid and incentives for municipalities, the AIM Program from New York State.

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

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

RICHARD MCCORMACK, CITY CLERK: Resolution sponsored by Alderman Witt authorizing an agreement with Global Intelligence, Inc. doing business as Cybercheck.

PRESIDENT RODRIGUES: Resolution sponsored by Alderman Witt, seconded by Alderman Wray. 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 authorizing vehicles to be declared as surplus.

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

ALD. GREEN: Over here.

PRESIDENT RODRIGUES: Alderman Green.

ALD. GREEN: Yeah, I just want to let it be known I'll be abstaining as this came from my desk at the fire department, so.

PRESIDENT RODRIGUES: Okay. 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 Tobin accepting a DCJS Antivirus Initiative Grant for \$150,000 from the police department.

PRESIDENT RODRIGUES: Resolution sponsored by Alderwoman Tobin, 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 Alderwoman Wray authorizing the transfer of \$440 for winter camp scholarships in Parks and Recreation.

PRESIDENT RODRIGUES: Resolution sponsored by Alderman Wray, 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 Johnson authorizing an agreement with the County of Orange for use of the fire safety trailer for the Kids' Day Celebration.

PRESIDENT RODRIGUES: Resolution sponsored by Alderman Johnson, seconded by Alderman Jean-Francois. 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 authorizing an agreement with TimeClock Plus LLC.

PRESIDENT RODRIGUES: Resolution sponsored by
Veritext Legal Solutions

Alderman Green, seconded by Alderman Kleiner. Any discussion?

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

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

4. Local Laws

PRESIDENT RODRIGUES: Local law.

RICHARD MCCORMACK, CITY CLERK: We have a local law this evening sponsored by Alderman Johnson allowing delinquent, overgrown vegetation, snow removal, garbage can, bulk pickup, dead tree removal, and building demolition charges to be relevied into real property tax bills.

PRESIDENT RODRIGUES: Motion by Alderman Johnson. Do I have a second? Alderwoman Wray. Any discussion on the Local Law Number 1? Roll.

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

5. 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.

6. Adjournment

PRESIDENT RODRIGUES: Move for adjournment.

ALD. MASI: So moved.

(PROCEEDING CONCLUDED)

CERTIFICATION

I, LISA KANE, certify the foregoing transcript of proceedings of the March 5, 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: April 10, 2024

Agency: Veritext Legal Solutions

330 Old County Road - Suite 300

Mineola, NY 11501



CITY OF MIDDLETOWN
2024 STATE OF THE CITY ADDRESS
COMMON COUNCIL MEETING AGENDA
MARCH 5, 2024

1. **PRESENTATION OF THE COLORS**
The Middletown High School Navy Junior Reserve Officer Training Corps, led by Cadet Deandre Olive, under the supervision of Chief Petty Officer Kyle Slingerland, USN Retired
2. **NATIONAL ANTHEM**
Middletown Twin Towers Middle School Chamber Singers
under the Direction of Ms. Lucas
3. **PLEDGE OF ALLEGIANCE**
Council President Rodrigues
4. **GOD BLESS AMERICA**
Middletown High School Student Caroline Pacella
5. **ROLL CALL**
6. **STATE OF THE CITY ADDRESS- MAYOR JOSEPH M. DESTEFANO**
7. **REMARKS OF THE ALDERMAN AND REPORTS OF THE COMMITTEES**
8. **NEW BUSINESS**
 - 45-24 Request for an Increase to Aid and Incentives for Municipalities (AIM) Program Funding
 - 46-24 Authorization to Enter into An Agreement with Global Intelligence Inc., doing business as Cybercheck
 - 47-24 Authorization for Vehicles to be declared Surplus in DPW
 - 48-24 Authorization to accept DCJS Anti-Violence Initiative Grant for \$150,000 from the Police Department

49-24 Authorization to transfer \$440 for Winter Camp Scholarships in Parks and Recreation

50-24 Authorization to Enter into an Agreement with the County of Orange for Use of the Fire Safety Trailer for the Kids' Day Celebration

51-24 Authorization to Enter into an Agreement with Time Clock Plus, LLC

9. LOCAL LAWS

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 Releved Into Real Property Tax Bills

10. AUDIT OF CLAIMS AND ACCOUNTS

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

11. ADJOURNMENT



CITY OF MIDDLETOWN, NEW YORK COMMON COUNCIL RECORD OF VOTE

THE FOLLOWING WAS PRESENTED

By: Alderman Masi
Seconded by: Alderman Green
Date of Adoption: March 5, 2024
Index No: 45-24

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

Request for an Increase to Aid and Incentives for Municipalities (AIM) Program Funding

Whereas, the Aid and Incentives for Municipalities (AIM) program plays a critical role in funding essential municipal services for cities and villages across New York State; and

Whereas, city and village officials share the same priorities as our state leaders which is to make New York safer and more affordable; and

Whereas, New York's local governments, who are on the frontlines of controlling property tax affordability and ensuring public safety, are integral to achieving those goals; and

Whereas, the State has not increased AIM funding in 15 years and according to the Bureau of Labor Statistics, inflation has increased by nearly 45% during that same period; and

Whereas, this neglect from the State has led to rising municipal tax burdens and harmful disinvestment in essential municipal services and staff; and

Whereas, the property tax cap further limits the ability of local governments to properly fund the services their residents need; and

Whereas, the challenges of rising inflation, the increasing costs of labor and supplies, and the

end of extraordinary federal aid, only accentuate the need for an increase in AIM funding; and **Whereas**, the Governor's 2024-25 Executive Budget proposes to keep AIM funding flat; and **Whereas**, an increase in AIM funding would reduce the local tax burden and help revitalize communities across New York;

Now, therefore, be it resolved that the Mayor of the City of Middletown, Joseph M. DeStefano together with Common Council President J. Miguel Rodrigues and the entire City of Middletown (Orange County) Common Council urges Governor Hochul to work with the leaders of the Senate and Assembly and increase AIM funding in the 2024-25 adopted State Budget.

A copy of this resolution shall be sent to Governor Kathy Hochul, Senate Majority Leader Andrea Stewart-Cousins, Assembly Speaker Carl Heastie, Senator James Skoufis, Assemblymember Aileen Gunther and the New York State Conference of Mayors.

Prepared by:
Josepeh DeStefano, Mayor

Attachments:

None



CITY OF MIDDLETOWN, NEW YORK COMMON COUNCIL RECORD OF VOTE

THE FOLLOWING WAS PRESENTED

By: Alderman Witt
Seconded by: Alderwoman Wray
Date of Adoption: March 5, 2024
Index No: 46-24

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 Global Intelligence Inc., doing business as Cybercheck

BE IT RESOLVED; that the Common Council concurs with the Board of Estimate and Apportionment and authorizes an agreement with Global Intelligence Inc., doing business as Cybercheck for use in investigative police work.

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

BE IT RESOLVED; that the Common Council concurs with the Board of Estimate and Apportionment and authorizes the Treasurer to transfer \$18,500, in the following manner, to cover the cost of the purchase.

FROM	TO	AMOUNT
Personal Services	\$18,500	Contractual Services

A.3120.100

A.3120.400

Prepared by:
John Ewanciw, Chief of Police

Attachments:

1.	CYBERCHECK
----	------------

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

December 15, 2023

Honorable Joseph DeStefano
Mayor-City of Middletown and
Board of Estimate and Apportionment
16 James Street
Middletown, NY 10940

Dear Mayor DeStefano and Members of the Board of Estimate,

I am requesting that the City of Middletown Common Council approve the following transfers requests within our 2024 budget lines for the purchase of Cybercheck.

From	Amount	To
Personal Services	\$18,500	Contractual Services
A.3120.410		A.3120.400

Cybercheck is an invaluable resource for providing Law Enforcement (LE) with actionable intelligence to help solve complicated criminal cases. Using AI and machine learning algorithms, Cybercheck provides agencies with qualified investigative leads that can be used for the buildup of the body of evidence to further investigations along the judicial process and providing added probable cause.

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: Alderman Jean-Francois
Seconded by: Alderman Tobin
Date of Adoption: March 5, 2024
Index No: 47-24

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	8		1	

I hereby approve the attached Resolution/Local Law.

Joseph M. DeStefano, Mayor

Date

Authorization for Vehicles to be declared Surplus in DPW

BE IT RESOLVED; that the Common Council of the City of Middletown, NY, concurs with the Board of Estimate and Apportionment and declares the following equipment as surplus and authorizes its disposal in the most advantageous way to the City, based on his opinion, most likely through Auctions International.

1. 2005 Chevy Pick Up 2500 (VIN# 1GCHK24U45E283163) Truck #45. This vehicle's front right fender has rust and holes, the battery needs to be replaced, and has high mileage.
2. 2003 Chevy Silverado Pick Up (VIN# 1GCHK25U83E137510) Truck #46. This vehicle has a rusted fender with holes and the interior of the truck is worn and torn. The truck has over 110,000 miles on it.

3. 1995 Mack Dump Truck (VIN# 1M2B221C4SM017284) Truck #10. This vehicle has an unknown number of miles on it. The dump body is full of holes and rust and is in poor condition. The interior is also in poor condition.

4. 1992 Mitsubishi Box Truck (VIN# JW6AJE1H3NL002639). This vehicle has issues with the transmission, and it would cost more to replace than the current value of the truck. The interior cab floor boards are rusted with holes and the seats are ripped. There is missing vinyl within the truck as well.

5. 2006 Hyundai Excavator (VIN# N60410541). The frame of this excavator is in poor condition with some dents. The interior of the excavator is contaminated by rodents.

6. 1996 Pierce Fire Truck (VIN# 4P1CT0288TA000515) Truck #3. This fire truck has aerial wiring that has been vandalized. The front tires are dry rot. The interior is contaminated by rodents.

7. 2008 Chevy Trailblazer (VIN# 1GNDDT13S18222081). This vehicle is no longer running.

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Prepared by:
Jacob Tawil

Attachments:

1.	BOE MEMO- REQ SURPLUS VEHICLES DPW
2.	FirePolice_Trailblazer_Surplus

Department of Public Works

Memorandum

To: Honorable Mayor DeStefano, Honorable Members of
the Board of Estimate and Apportionment and Members of the Common
Council
CC: Richard McCormack- City Clerk and Leonora Liz- Treasurer
From: Jacob S. Tawil, P.E. Commissioner of Public Works 
Date: February 21, 2024
RE: Surplus vehicles

We are requesting that the vehicles listed below be declared surplus and authorize the Commissioner of Public Works to dispose of it in the most advantageous way to the City, based on his opinion, most likely through Auctions International.

1. 2005 Chevy Pick Up 2500 (VIN# 1GCHK24U45E283163) Truck #45. This vehicles front right fender has rust and holes, battery needs to be replaced and has high mileage.
2. 2003 Chevy Silverado Pick Up (VIN# 1GCHK25U83E137510) Truck #46. This vehicle has a rusted fender with holes and interior of truck is worn and torn. The truck has over 110,000 miles on it.
3. 1995 Mack Dump Truck (VIN# 1M2B221C4SM017284) Truck #10. This vehicle has an unknown number of miles on it. The dump body is full of holes and rust and is in poor condition. The interior is also in poor condition.
4. 1992 Mitsubishi Box Truck (VIN# JW6AJE1H3NL002639). This vehicle has issues with the transmission and it would cost more to replace than the current value of the truck. The interior cab floor boards are rusted with holes and the seats are ripped. There is missing vinyl within the truck as well.
5. 2006 Hyundai Excavator (VIN# N60410541). The frame of this excavator is in poor condition with some dents. The interior of the excavator is contaminated by rodents.
6. 1996 Pierce Fire Truck (VIN# 4P1CT0288TA000515) Truck #3. This fire truck has aerial wiring that has been vandalized. The front tires are dry rot. The interior is contaminated by rodents.

Thank you.

**Middletown Fire
Department**

81 East Main St.
Middletown, NY 10940

www.middletownfiredept.com

845-344-5003
845-344-5031 Fax

February 19, 2024

Honorable Joseph M. DeStefano
Jacob Tawil P.E., Commissioner of Public Works
City of Middletown Common Council
16 James Street
Middletown, NY 10940

Dear Mayor DeStefano, Commissioner Tawil, and Members of the Common Council,

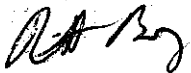
Please accept this letter as my request to declare the following vehicles as surplus property:

Year	Make	VIN	Plate Number	Color	Issue(s)
2008	Chevrolet	1GNDT13S182220881	AZ7985	White (Fire Police)	Vehicle Does Not Run

The vehicle is in poor condition due to age and is not running currently. Repairing the vehicle would cost more than the current vehicle value. I request that the vehicle be removed from service and retained by the fire department for training purposes.

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

Kind regards,


Bob Brady
Fire Chief

Robert Brady, Fire Chief
Randy MacLean, 1st Asst. Chief, Nick Elia, 2nd Asst. Chief, Drew Manis, 3rd Asst. Chief
Andrew Green Secretary, William R. Kelder Treasurer
Monhagen's Eagles Excelsior's McQuoid's Phoenix Ontario's Waalkill's Local 1027



CITY OF MIDDLETOWN, NEW YORK COMMON COUNCIL RECORD OF VOTE

THE FOLLOWING WAS PRESENTED

By: Alderman Tobin
Seconded by: Alderman Johnson
Date of Adoption: March 5, 2024
Index No: 48-24

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 accept DCJS Anti-Violence Initiative Grant for \$150,000 from the Police Department

BE IT RESOLVED; that the Common Council of the City of Middletown, NY, concurs with the Board of Estimate and Apportionment and accepts a \$150,000 grant from DCJS for Anti Anti-Violence Initiatives.

BE IT FURTHER RESOLVED; that the Common Council of the City of Middletown, NY, concurs with the Board of Estimate and Apportionment and authorizes the Treasurer to establish a DCJS (State) Budget Line for 2024 and that the funds be deposited in that line.

Prepared by:
John Ewanciw, Chief of Police

Attachments:

1.	image39790
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2.	DCJS Anti Violence Grant
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Division of Criminal Justice Services

KATHY HOCHUL
Governor

ROSANNA ROSADO
Commissioner

CILLIAN FLAVIN
Deputy Commissioner

Grant Award Notice

Grantee/Contractor: Middletown City of/Middletown City Police Department	Date: 11/14/2023
Program Name: Anti-Violence Initiatives	Award Amount¹: \$150,000
Contact Name: Chief John Ewanciw	Contract Materials Return Date: Within 30 days of receipt of this award notice
Email: jewanciw@middletownpolice.com	SFS # 1000002266
Grants Gateway Contract #: DCJ01-C00857GG-1090000	Application/Document Info. #: DCJ01-LG-2023-00097
Period of Performance: - TBD	
Additional Information: Funds will be used for operating expenses, including but not limited to, contractual services, travel, equipment, property rental and/or ownership costs, utilities, and/or other operating expenses to support the services and expenses of gun violence prevention, street outreach, anti-violence, shooting/violence reductions programs.	
Grant Questions	
Primary Contact: Robert Frost Public Safety Grants Representative 2 NYS Division of Criminal Justice Services Office of Program Development and Funding Phone: 518-485-2979 Email: robert.frost@dcjs.ny.gov	Secondary Contact: Katie Nardolillo Public Safety Grants Representative 2 NYS Division of Criminal Justice Services Office of Program Development and Funding Phone: 518-457-6030 Email: katie.nardolillo@dcjs.ny.gov

Thank you for all the work you do. We look forward to working with you in our continued efforts to safeguard the health and safety of all New York residents and visitors.

Attachment: Instruction Sheet and Legislative Initiative Form

^[1] The award amount listed above is contingent upon the completion and submission (as applicable) of all contractual obligations as well as approval by the NYS Division of Budget and execution of the grant contract by the NYS Office of the State Comptroller.

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 23, 2024

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

RE: DCJ01-C00857GG-1090000
2023 Anti-Gun Initiatives

Dear Mayor DeStefano and Members,

The City of Middletown Police Department has been awarded \$150,000 to participate in the Anti-Violence initiative.

The Anti-Violence Initiatives program is aimed at utilizing the funds for operating expenses, travel, equipment, property, utilities, and or other operating expenses to support the services and expenses of gun violence prevention, street outreach, anti-violence, shooting/violence reduction programs.

Upon approval, I am asking that this funding be added to a new established DCJS budget line for 2024.

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: Alderwoman Wray
Seconded by: Alderman Kleiner
Date of Adoption: March 5, 2024
Index No: 49-24

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 transfer \$440 for Winter Camp Scholarships in Parks and Recreation

BE IT RESOLVED; that the Common Council concurs with the Board of Estimate and Apportionment and authorizes the Treasurer to transfer \$440.00, in the following manner, to cover four youths to attend Winter Break Camp Scholarship.

FROM	TO	AMOUNT
A.7020.07	A.2029	\$440.00
Gifts and Donations	Special Programs Revenue	4 Camp Scholarships
Scholarships Expense		

Recreation Commission member Norris Gipson recommended four youths to receive a Winter Break Camp Scholarship.

Prepared by:

Raelynn Bertholf, Supt of Recreation and Parks

Attachments:

None



CITY OF MIDDLETOWN, NEW YORK COMMON COUNCIL RECORD OF VOTE

THE FOLLOWING WAS PRESENTED

By: Alderman Johnson
Seconded by: Alderman Jean-Francois
Date of Adoption: March 5, 2024
Index No: 50-24

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 the County of Orange for Use of the Fire Safety Trailer for the Kids' Day Celebration

BE IT RESOLVED; that the Common Council concurs with the Board of Estimate and Apportionment and authorizes an agreement with the County of Orange for use of the County Fire Safety Trailer for the National Kids Celebration event.

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:
Christine Dugan , Confidential Secretary

Attachments:

1.	smokehouse trailer approvals
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2.	smoke house trailer contract
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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 6, 2024

Honorable Joseph DeStefano
Mayor - City of Middletown
Board of Estimate and Apportionment
Common Council Clerk McCormack
City Hall
16 James Street
Middletown, New York 10940

Dear Mayor DeStefano, Clerk McCormack, and members of the BOE;

The City of Middletown Police Department would like to secure the County Fire Safety Trailer for the National Night Out Against Crime and the **Kids Celebration events this summer.**

We ask for you to prepare a resolution to allow the Mayor to sign both contracts regarding the proper use and insurance for the trailer during these events.

If you have any questions, please contact me.

Very truly yours,

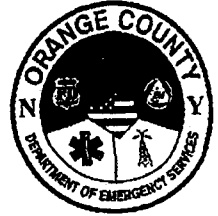
John Ewanciw
Chief of Police

JE:ccd



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: Alderman Green
Seconded by: Alderman Kleiner
Date of Adoption: March 5, 2024
Index No: 51-24

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 Time Clock Plus, LLC

BE IT RESOLVED; that the Board of Estimate and Apportionment authorizes an agreement with Time Clock Plus, LLC for time clocks and licensing

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

BE IT RESOLVED; that the Board of Estimate and Apportionment authorizes the Treasurer to transfer \$37,000, in the following manner, to cover the cost of purchasing and licensing.

FROM	TO	AMOUNT
GENERAL FUND BALANCE	\$25,000	A.1331.900
SEWER FUND BALANCE	\$4,000	G.1331.900
WATER FUND BALANCE	\$8,000	F.1331.900

Prepared by:
Leonora Liz, Treasurer

Attachments:

1.	BOE Time clock request
----	------------------------



DEPARTMENT OF FINANCE City Of Middletown

Leonora Liz
Treasurer

16 James Street
Middletown, NY 10940
Tel: (845) 346-4150
Fax: (845) 343-1101

2/29/24

To: Board of Estimate

I am requesting the authorization to approve the proposal from TCP Plus LLC for purchase of 9 timeclocks and the authorization for the Mayor to sign the agreement. Also requesting to transfer from General, Water, and Sewer Fund Balance to cover the estimated cost of \$37,000. This was not a budgeted item for 2024. The recurring estimated annual cost for the licensing is estimated at \$10,700 based on 162 employees for the next 3 years.

FROM	AMOUNT	TO
GENERAL FUND BALANCE	\$25,000	A.1331.900
SEWER FUND BALANCE	\$4,000	G.1331.900
WATER FUND BALANCE	\$8,000	F.1331.900

Sincerely,

Leonora Liz



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

THE FOLLOWING WAS PRESENTED

By: Alderman Johnson
Seconded by: Alderwoman Wray
Date of Adoption: March 5, 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

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
COMMON COUNCIL
RECORD OF VOTE**

THE FOLLOWING WAS PRESENTED

By: Alderman Masi
Seconded by: Alderman Johnson
Date of Adoption: March 5, 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

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

Prepared by:

Attachments:

None

April 12, 2024

Hon. Rick McCormick,
Clerk of the Common Council
Middletown City Hall
16 James Street
Middletown, New York 10940

Mr. McCormick, President Rodrigues, Esteemed Members of the Common Council:

I take this occasion through the power of the pen, on behalf of our Greater Middletown community in support of Mayor DeStefano's and Alderman Massi's call to Legislator Sierra to either step up to his legislator duties or step down.

I recently addressed this when I spoke at the March session of the County Legislator as follows:

There is a time and season for everything, and I think its time the constituents of District 20 regain a Voice in this County Legislature. This is not a light matter. This is the fulfillment of what so many men and women have given their lives for in the battlefields, for those words, WE THE PEOPLE. They mean as much in the Constitution as they mean here. Our community will forever be grateful to Democratic Leader Paduch as well as Mrs. Sutherland for coming up to the plate for the City of Middletown. But District 20 needs their own representative. One who will be constructively engaged with the rest of the Members of this body; who will offer constructive criticism when called for or respectfully dissent when necessary. It is my hope that this legislative body will review the County Code. I had a chance to look at it myself. I know there is a process. But we do have a de-facto *vacancy, and this should never happen again to no constituents of Orange County nor anywhere in our country or county. We deserve a voice, and I hope that will be addressed, whether it be in the near future, that the current office holder come up to the plate and do what is right, or through the electoral process, that we will have someone who will be an advocate for our community and do it with compassion, conviction heart, and soul.*

So, with this I say, We the People, the residents of Middletown's County Legislature District 20 voice and vote must be known and heard and deprived by no man anymore.

Yours Truly,

A handwritten signature in black ink, appearing to read 'Kevin Gomez', with a stylized flourish at the end.

Kevin Gomez



CITY OF MIDDLETOWN, NEW YORK COMMON COUNCIL RECORD OF VOTE

THE FOLLOWING WAS PRESENTED

By: None
Seconded by: None
Date of Adoption: April 16, 2024
Index No: 65-24

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 Transfer Funds from the Water and Sewer General Fund

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 \$7198, in the following manner, 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

Prepared by:

Attachments:

1.	Water Sewer Transfer
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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 COMMON COUNCIL RECORD OF VOTE

THE FOLLOWING WAS PRESENTED

By: None
Seconded by: None
Date of Adoption: April 16, 2024
Index No: 66-24

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

BOND RESOLUTION DATED APRIL 12, 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.

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

+1 212 506 5000

orrick.com

Thomas E. Myers

E tmyers@orrick.com

D +1 212 506 5212

F +1 212 506 5151

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,

A handwritten signature in cursive script that reads '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 COMMON COUNCIL RECORD OF VOTE

THE FOLLOWING WAS PRESENTED

By: None
Seconded by: None
Date of Adoption: April 16, 2024
Index No: 67-24

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 Transfer Funds within the Community Development Department

BE IT RESOLVED; that the Common Council of the City of Middletown, NY, concurs with the Board of Estimate and Apportionment and authorizes the Treasurer to transfer \$1000, in the following manner, to be applied towards the Housing & Urban Development Environmental Review training expenses April 22-25, 2024.

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

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

Attachments:

1.	CDBG 2024 Budget Transfer Training
----	------------------------------------

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 COMMON COUNCIL RECORD OF VOTE

THE FOLLOWING WAS PRESENTED

By: None
Seconded by: None
Date of Adoption: April 16, 2024
Index No: 68-24

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 to Reject the Bids for Asbestos Abatement for the O&W Building

WHEREAS on July 19, 2022, the City of Middletown advertised bids for the O&W Station Rehabilitation - Asbestos Remediation and Shoring - Asbestos Air Monitoring Project and

WHEREAS said bids were opened on August 2, 2022; and

WHEREAS, due to the elapsed time since the bid opening, the Commissioner and Public Works and the City's Engineers have determined it was not in the best interest of the City to award the bids at that time;

NOW THEREFORE BE IT RESOLVED that the Common Council of the City of Middletown, NY, concurs with the Board of Estimate and Apportionment and rejects all submitted bids for the O&W Station Rehabilitation - Asbestos Remediation and Shoring - Asbestos Air Monitoring Project and

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 rebidding for the O&W Station Rehabilitation - Asbestos Remediation and Shoring - Asbestos Air Monitoring Project.

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: April 16, 2024
Index No: 69-24

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 Ackerly & Hubbell Appraisal Corp for an Appraisal of 27 Academy Avenue

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 Ackerly & Hubbell Appraisal Corp, to perform an appraisal of 27 Academy Avenue further identified by tax parcel. SBL 35-7-17 comprised of 0.16 acres – Vacant land

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.	27 Academy Ave fee proposal
----	-----------------------------



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 Ackerly & 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
COMMON COUNCIL
RECORD OF VOTE**

THE FOLLOWING WAS PRESENTED

By: None
Seconded by: None
Date of Adoption: April 16, 2024
Index No: 70-24

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

Appointment of Kathleen E. Flessa to the Board of Assessment Review

BE IT RESOLVED that the Common Council of the City of Middletown concurs with the Mayor's appointment of Kathleen E. Flessa to the Board of Assessment Review, to fulfill the unexpired term of William Hungerbuhler, which ends on September 30, 2025.

Prepared by:

Attachments:

1.	Flessa Letter of Interest for Board of Assessment
----	---

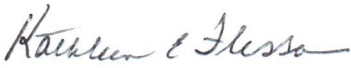
Kathleen E Flessa
41 Adams Ave
Middletown, NY. 10940
kathy1263@live.com
845-283-7928

4/9/2024

Good afternoon,

I would like to introduce myself: my name is Kathy Flessa. I have been a Middletown resident my entire life and currently live in the house my parents built and I grew up. I am a retired (40 years) Registered Nurse and currently work as a Visiting Online Professor for Chamberlain University School of Nursing. I understand that there is availability to participate on the Board of Assessors and would like to be considered for the opening. As a lifelong Middletown resident, I have a vested interest in this community and wish to participate in any activities to maintain the integrity and beauty of this city.

Thank you for your consideration,


Kathleen E. Flessa

RECEIVED

APR 12 2024

**CITY CLERK
CITY OF MIDDLETOWN**



CITY OF MIDDLETOWN, NEW YORK COMMON COUNCIL RECORD OF VOTE

THE FOLLOWING WAS PRESENTED

By: None
Seconded by: None
Date of Adoption: April 16, 2024
Index No: 71-24

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

Appointment of Noah Tobin as a Volunteer Firefighter

Be it Resolved that the Common Council of the City of Middletown approves the following firefighter for membership in the Volunteer Fire Department:

Noah Tobin – Eagle Engine Company #2

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: April 16, 2024
Index No: 72-24

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

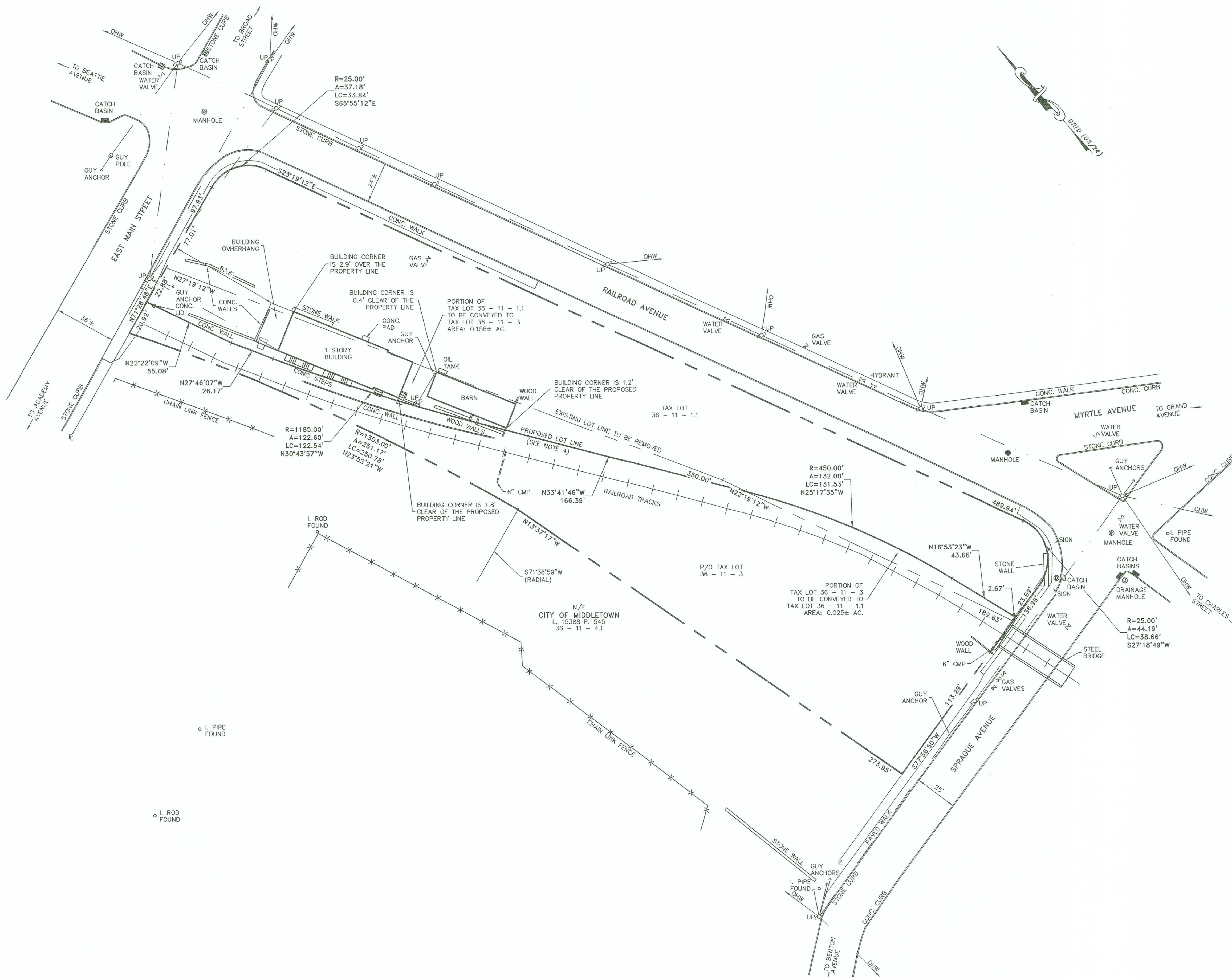
Authorization to Hold a Public Hearing on a Proposed Sub Division at Middletown and New Jersey Railroad LLC

Resolved that the Common Council will hold a public hearing on a proposed 2 lot subdivision at Middletown and New Jersey Railroad LLC on Tuesday, May 7, 2024 at or as close to 7:30 PM as possible in the Common Council Chambers.

Prepared by:

Attachments:

1.	240031-REVISED-040824
2.	36-11-3
3.	36-11-1.1



NOTES:

- THIS SURVEY IS SUBJECT TO ANY FINDINGS OF A TITLE SEARCH.
- SUBSURFACE STRUCTURES AND UTILITIES NOT VISIBLE AT THE TIME OF SURVEY HAVE NOT BEEN SHOWN.
- REFERENCES:

MAP ENTITLED "MAP OF LANDS OF MIDDLETOWN BANK, CITY OF MIDDLETOWN, N.Y.," DATED MAY 9, 1877 AND FILED IN THE ORANGE COUNTY CLERK'S OFFICE ON JUNE 8, 1891 AS MAP NO. 165.

MAP ENTITLED "RIGHT OF WAY AND TRACK MAP, ERIE RAILROAD COMPANY, OPERATED BY, ERIE RAILROAD COMPANY, NEW YORK DIVISION, STATION 3433+00 TO STATION 3485+00, CITY OF MIDDLETOWN," SHEET NO. 53-V.S.-2-N.Y.
- PHYSICAL BARRIER TO BE PLACED AT NEW PROPERTY LINE, CHAIN-LINK OR ORNAMENTAL FENCE, AS SELECTED BY THE CITY OF MIDDLETOWN.

RECORD OWNER:

MIDDLETOWN & NEW JERSEY RAILROAD LLC
505 SOUTH BROAD STREET
KENNETH SQUARE, PENNSYLVANIA 19348

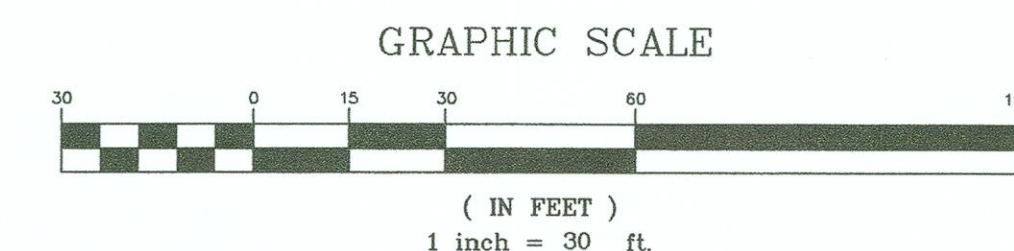
L 12838 P. 1232
36 - 11 - 1.1
P/O 36 - 11 - 3

EXISTING AREAS:

TAX LOT	36 - 11 - 1.1	0.748± AC.
P/O TAX LOT	36 - 11 - 3	0.831± AC.
TOTAL:		1.579± AC.

PROPOSED AREAS:

TAX LOT	36 - 11 - 1.1	0.879± AC.
P/O TAX LOT	36 - 11 - 3	0.700± AC.
TOTAL:		1.579± AC.



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LANC & TULLY
Engineering and Surveying, P.C.

P.O. Box 687, Rt. 207
Goshen, N.Y. 10924
(845) 294-3700

LOT LINE CHANGE MAP PREPARED FOR

CITY OF MIDDLETOWN

CITY OF MIDDLETOWN
ORANGE COUNTY, NEW YORK

Drawn By: EK Checked By: Scale: 1" = 30' Tax Map No.: AS NOTED

Date: APRIL 4, 2024
Revisions: APRIL 8, 2024

CAD File: 240031-LL-CHANGE.DWG
Layout: 1-CHANGE
Sheet No.: 1 OF 1
Drawing No.: C3D
B- 24 - 0031 - 01

COPIES FROM THE ORIGINAL OF THIS DOCUMENT NOT MARKED WITH AN ORIGINAL OF THE PROFESSIONAL ENGINEER'S AND/OR LAND SURVEYOR'S STAMP OR EMBOSSED SEAL SHALL NOT BE CONSIDERED VALID, TRUE COPIES.

UNAUTHORIZED ALTERATION OR ADDITION TO THIS DOCUMENT IS A VIOLATION OF SECTION 7209-2 OF THE NEW YORK STATE EDUCATION LAW.



CERTIFICATION:

I HEREBY CERTIFY TO THE PARTIES OF INTEREST LISTED BELOW THAT THIS MAP SHOWS THE RESULTS OF AN ACTUAL FIELD SURVEY COMPLETED ON MARCH 15, 2024.

CITY OF MIDDLETOWN
MIDDLETOWN & NEW JERSEY RAILROAD LLC

BY: *Jerry A. Woods*
JERRY A. WOODS, L.S.
NEW YORK STATE LICENSE NO. 50866



DESCRIPTION
PORTION OF PROPOSED LOT 36-11.3
CITY OF MIDDLETOWN
ORANGE COUNTY, NEW YORK

APRIL 8, 2024

ALL that certain plot, piece, or parcel of land situate in the City of Middletown, County of Orange, State of New York, said lands being more particularly bounded and described as follows:

BEGINNING at a point lying on the southerly line of East Main Street being the northwesterly corner of lands herein described, said point being the northwesterly line of lands now or formerly Middletown and New Jersey Railroad LLC and the northeasterly corner of lands now or formerly City of Middletown;

THENCE running along the southerly line of said East Main Street, being the northerly line of lands herein described,

- (1) North 71 degrees, 28' 48" East, as per Grid North (March 2024), 20.92 feet, to a point being the northeasterly corner of lands herein described;

THENCE running through lands now or formerly Middletown and New Jersey Railroad LLC being the easterly line of lands herein described on the following six (6) courses and distances:

- (2) South 22 degrees, 22' 09" East, 3a distance of 55.08 feet;
- (3) South 27 degrees, 46' 07" East, a distance of 26.17 feet, to a point of curvature;
- (4) On a curve to the left, having a radius of 1,185.00 feet, an arc length of 122.60 feet, as defined by the chord South 30 degrees, 43' 57" East, 122.54 feet, to a point of tangency;
- (5) South 33 degrees, 41' 46" East, a distance of 166.39 feet, to a point of curvature;
- (6) On a curve to the right, having a radius 450.00 feet, an arc length of 132.00 feet, as defined by the chord South 25 degrees, 17' 35" East, 131.53 feet, to a point of tangency; and
- (7) South 16 degrees, 53' 23" East, a distance of 43.66 feet, to a point being the southeasterly corner of lands herein described and lying on the northerly line of Sprague Avenue;

THENCE running along the northerly line of said Sprague Avenue being the southerly line of lands herein described,

- (8) South 77 degrees, 56' 50" West, a distance of 113.29 feet, to a point being the southwesterly corner of lands herein described and the southeasterly corner of lands now or formerly City of Middletown;

DESCRIPTION
PORTION OF PROPOSED LOT 36-11.3
CITY OF MIDDLETOWN
ORANGE COUNTY, NEW YORK

APRIL 8, 2024

THENCE running along the easterly line of said City of Middletown being the westerly line of lands herein described on the following two (2) courses and distances:

- (9) North 13 degrees, 37' 17" West, a distance of 273.95 feet; and
- (10) On a curve to the left, having a radius of 1,303.00 feet, an arc length of 251.17 feet, radial which bears South 71 degrees, 38' 59" West, as defined by the chord North 23 degrees, 52' 21" West, a distance of 250.78 feet, to the point or place of BEGINNING.

Containing 0.700± acres

Premises herein described being portion of Tax Map Lot Nos. 1.1 and 3, in Block 11, within Section 36, as shown on the Tax Maps of the City of Middletown, Orange County, New York dated 2023.

Premises herein described being a portion of the same premises as described in Liber 12838 of Deeds at Page 1232, as filed in the Orange County Clerk's Office.

Premises herein described being subject to any easements, rights-of-way, covenants or restrictions of record.

DESCRIPTION

APRIL 8, 2024

PROPOSED LOT 36-11-1.1

CITY OF MIDDLETOWN

ORANGE COUNTY, NEW YORK

ALL that certain plot, piece, or parcel of land situate in the City of Middletown, County of Orange, State of New York, said lands being more particularly bounded and described as follows:

BEGINNING at a point lying on the southerly line of East Main Street being the northwesterly corner of lands herein described, said point being North 71 degrees, 28' 48" East, as per Grid North (March 2024) 20.92 feet from a point lying on the southerly line of said East Main Street being the northwesterly corner of lands now or formerly Middletown and New Jersey Railroad LLC and the northeasterly corner of lands now or formerly City of Middletown;

THENCE from said point of BEGINNING, running along the southerly line of said East Main Street being the northerly line of lands herein described,

- (1) North 71 degrees, 28' 48" East, a distance of 77.01 feet, to a point of curvature being the northwesterly corner of Railroad Avenue;

THENCE running along southwesterly, westerly and northwesterly lines of said Railroad Avenue being northeasterly, easterly and southeasterly lines of lands herein described on the following three (3) courses and distances:

- (2) On a curve to the right, having a radius of 25.00 feet, an arc length of 37.18 feet, as defined by the chord South 65 degrees, 55' 12" East, 33.84 feet, to a point of tangency;
- (3) South 23 degrees, 19' 12" East, a distance of 489.94 feet to a point of curvature; and
- (4) On a curve to the right, having a radius of 25.00 feet, an arc length of 44.19 feet, as defined by the chord South 27 degrees, 18' 49" West, 38.66 feet to a point of tangency lying on the northerly line of Sprague Street;

THENCE running along the northerly line of said Sprague Street being the southerly line of lands herein described,

- (5) South 77 degrees, 56' 50" West, a distance a distance of 23.69 feet, to a point being the southwesterly line of lands herein described;

THENCE running through lands now or formerly Middletown and New Jersey Railroad LLC being the westerly line of lands herein described on the following six (6) courses and distances:

DESCRIPTION
PROPOSED LOT 36-11-1.1
CITY OF MIDDLETOWN
ORANGE COUNTY, NEW YORK

APRIL 8, 2024

- (6) North 16 degrees, 53' 23" West, a distance of 43.66 feet to a point of curvature;
- (7) On a curve to the left, having a radius of 450.00 feet, an arc length of 132.00 feet, as defined by the chord North 25 degrees, 17' 35" West, 131.53 feet, to a point of tangency;
- (8) North 33 degrees, 41' 46" West, a distance of 166.39 feet, to a point of curvature;
- (9) On a curve to the right, having a radius of 1,185.00 feet, an arc length of 122.60 feet, as defined by the chord North 30 degrees, 43' 57" West, 122.54 feet to a point of tangency;
- (10) North 27 degrees, 46' 07" West, a distance of 26.17 feet; and
- (11) North 22 degrees, 22' 09" West, a distance of 55.08 feet, to the point or place of BEGINNING.

Containing 0.879± acres

Premises herein described being a portion of Tax Map Lot Nos. 1.1 and 3, in Block 1, within Section 36, as shown on the Tax Maps of the City of Middletown, Orange County, New York dated 2023.

Premises herein described being a portion of the same premises as described in Liber 12838 of Deeds at Page 1232, as filed in the Orange County Clerk's Office.

Premises herein described being subject to any easements, rights-of-way, covenants or restrictions of record.



CITY OF MIDDLETOWN, NEW YORK COMMON COUNCIL RECORD OF VOTE

THE FOLLOWING WAS PRESENTED

By: None
Seconded by: None
Date of Adoption: April 16, 2024
Index No: 73-24

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 Forgive Interest and Penalties Associated with a City Owned Property at 8-10 Mercer Street

WHEREAS, the Common Council by Resolution authorized the attached Certificate of Sale by which the City of Middletown bid \$16,707.70 in order to have 8-10 Mercer Street conveyed to the City on January 7, 2016, and

WHEREAS, for reasons presently unknown, the City never took title to said property, resulting in liens being taken over by Cheswold and the accrual of obviously unintended interest and penalties, and

WHEREAS, the City has received the attached letter from Assurance Abstract & Title Services regarding 8-10 Mercer Street indicating the confusion generated by the years of Cheswold liens following the City's bid.

NOW THEREFORE BE IT RESOLVED that the Common Council hereby approves the forgiveness of the interest and penalties specified in the attached Assurance letter, and it is further

Resolved that the Mayor is also authorized to sign any other documents necessary to accomplish the purposes of this Resolution.

Prepared by:

Attachments:

1.	8-10 Marcer Certificate of Sale and Lien Info
----	---

Alex Smith, Esq.
6 North Street
Middletown, NY 10940

RE: 23-AAT-7313
Jean M. Brown
8-10 Mercer Street
Section 28 Block 5 Lot 20.1

Dear Alex,

Regarding above captioned matter, we completed a foreclosure of tax liens on premises.

We paid Cheswold for said liens (2015 to 2022) as part of the foreclosure and understood that the buyer was responsible for subsequent taxes. Unfortunately, we were unaware that there was a prior lien for 2014 to the City of Middletown for \$16,707.70. We were made aware when we went to the City to pay the subsequent taxes. In addition to the original amount of \$16,707.70 there is an additional \$23,161.93 interest and penalties accrued.

Assurance Abstract & Title would be paying this tax lien and does not have a problem with paying the \$16,707.70 that is owed to the City, but would like to get a reduction or forgiven for the interest and penalties.

Thank you.

Very truly yours,

Robin J. Keeler

robin@assuranceabstracttitle.com

RECORD AND RETURN TO:
CITY OF MIDDLETOWN
FINANCE DEPARTMENT
16 JAMES STREET
MIDDLETOWN, NY 10940

CERTIFICATE OF SALE

I, RICHARD GUERTIN of, and Attorney for, the City of Middletown, Orange County, New York, DO HEREBY CERTIFY, that pursuant to Section 81-a of the Charter of said City and by resolution of the Common Council of said City, duly made at a Special Meeting thereof held on NOVEMBER 3, 2014 and entered at large in the records of said City, I did, on the 6TH DAY OF DECEMBER 2014, at ten o'clock in the forenoon of that day, having previously given notice of the time and place of said sale according to law, sell at the City Hall, in said City of Middletown, to CITY OF MIDDLETOWN, 16 JAMES STREET, MIDDLETOWN, NY 10940 the purchase of, it being the highest bidder thereof, the following premises, to wit:

All that lot or parcel of land situate,
lying and being in the City of Middletown, Orange County
New York, known as 8-10 MERCER ST in said City, and described on the Tax Map of
the City of Middletown as follows:

SBL# 28-5-20.1

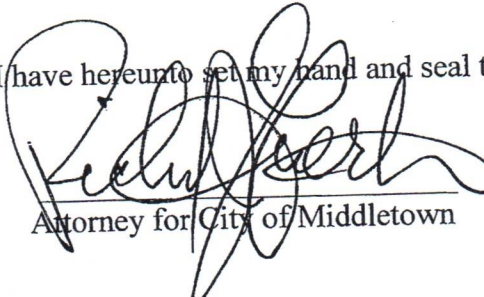
That the price bid for the above described parcel of land was **\$16707.7** and the whole consideration money paid was **\$16707.7**

That the name of the person or persons against whom the taxes or assessments hereinafter described were made is BROWN JEAN M.

That the particular taxes or assessments for which said sale was made for all delinquent taxes, assessments, and/or water and sewer rents as of October 31, 2013.

Which, together with penalty and interest fixed by law and by said orders, and the charges and expenses of the sale, amount in all to the sum of **\$16707.7** that the time when the said sale will become absolute and said purchaser may be entitled to conveyance according to law is the 7th day of JANUARY, 2016 subject to compliance by the purchaser with applicable laws and the terms of sale.

IN WITNESS WHEREOF, I have hereunto set my hand and seal the 9th Day of January, 2015.


Attorney for City of Middletown

(L.S.)

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

On the 9th Day of January 2015, before me, the undersigned, a notary public in and for said State, personally appeared RICHARD GUERTIN known to me on the basis