



**CITY OF MIDDLETOWN
BOARD OF ESTIMATE AND APPORTIONMENT MINUTES
MAY 20, 2024**

Roll Call

Present: Mayor DeStefano, Alderman Masi

Absent: Council President Rodrigues

Approval of Minutes

Accept the Minutes of 4/30/2024

New Business

Authorization to approve the agreement to retire K9 Hunter

John Ewanciw is requesting permission to retire K9 Hunter from the Police Department due to physical limitations restricting him from performing his duties to the best of his abilities and authorization for the Mayor to sign the Agreement.

Through the years, K9 Hunter has built a special bond with Officer Berman and his family. Therefore, Officer Berman has requested that K9 Hunter continue to live with him and his family throughout the remainder of his life, and be the permanent owner and caretaker of Hunter.

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

AYES: Mayor DeStefano, Alderman Masi

NAYS: None

ABSTAIN: None

Authorization to Approve the Surplus of two police vehicles .The following is a list of vehicles owned by the Police Department that have been identified for disposal by utilizing a vehicle auction as per our conversation. The cost of keeping them in service exceeds the actual value of the vehicle.

<i>year</i>	<i>make</i>	<i>vin number</i>	<i>vehicle color number</i>	<i>issue(s)</i>
2014	Ford	1FAHP2MKXEG18298038	SRO – marked unit	emergency equipment & mechanical
2007	Dodge	2B3KA43HX7H779891	35 SRO – marked unit	various electrical issues

Motion by: Mayor DeStefano, Seconded by: Alderman Masi

AYES: Mayor DeStefano, Alderman Masi

NAYS: None

ABSTAIN: None

Authorization to accept the \$55,000 ESD Grant Award Authorization - Middletown Community Campus (MCC)

BE IT RESOLVED; that the Board of Estimate and Apportionment authorizes to accept the \$55,000 through the Empire State Development: Strategic Planning and Feasibility Studies and the Smart Growth Comprehensive Planning Grant Program in order to create a Strategic Plan for Middletown Community Campus

BE IT FURTHER RESOLVED; that the Board of Estimate and Apportionment authorizes the Mayor as the sole signatory for any and all necessary documents to sign the agreement and authorizes the Treasurer to establish/adjust the 2024 budget for the following lines in the General Fund:

Budget Neutral Adjustment:

Increase Revenue line A.3990 Misc State Aid \$55,000

Increase Expense line A.6200.498 Economic Development - MMC Grant Expense \$55,000

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

AYES: Mayor DeStefano, Alderman Masi

NAYS: None

ABSTAIN: None

Authorization to accept the \$500,000 CREST Grant award - Middletown & New Jersey Railroad Station (East Main St.) and approve a temporary Borrowing from General Fund

BE IT RESOLVED; that the Board of Estimate and Apportionment authorizes to accept the \$500,000 in CREST funding through Assemblywomen Gunther's Office for the purchase and renovation of the Middletown and New Jersey Rail Station, located 140 East Main Street.

BE IT FURTHER RESOLVED; that the Board of Estimate and Apportionment authorizes the Mayor as representative and sole signatory for the agreement and authorizes the Treasurer to establish the line in the capital line in the following matter:

FROM
GENERAL FUND BALANCE *AMOUNT*
\$500,000

TO
H.7989.201
Middletown & NJ Rail Station
Expenses

This is a Temporary Borrowing to be repaid once funding is reimbursed for expenses.

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

AYES: Mayor DeStefano, Alderman Masi

NAYS: None

ABSTAIN: None

Authorization to accept the Brownfield Opportunity Area Grant Award Authorization - MCC \$250,772

The City of Middletown has been awarded \$250,772 in Brownfield Opportunity Area funding through the 2023 Consolidated Funding Application (CFA), which is administered through the Department of State.

The funding will be used to complete a brownfield study of the Middletown Community Campus. This grant application was submitted in conjunction with Pattern for Progress, who will be the planners conducting the study and creating the documents.

Maria Bruni is seeking the approval and endorsement from the Common Council to identify Mayor DeStefano as the authorized representative and sole signatory, and commit to funding the 10% share of the project which amounts to \$27,863, and to authorize the Treasurer to establish a line through the general fund as follows:

Increase A.3990 Misc State Income \$250,772

Increase A.6200.900 Brownfield Study MCC Expense \$250,772

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

AYES: Mayor DeStefano, Alderman Masi

NAYS: None

ABSTAIN: None

Authorization to accept a \$3,500 donation from Little League for infield clay.

The Recreation Department is requesting you to accept the \$3,500 donation from Little League for infield clay and authorize the Treasurer to deposit into account A.2705.00 Gifts and Donations and increase budget line A.7110.478 Park Improvements.

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

AYES: Mayor DeStefano, Alderman Masi

NAYS: None

ABSTAIN: None

Authorization to Enter into an Agreement with McCabe and Mack LLP to commence a Mortgage Foreclosure Action Against William Escolano and Christina Escolano

WHEREAS, in March, 2018, the City conveyed property located at 15 Birch Drive, Middletown, New York to William Escalano and Christina Escolano ("Escalanos"), and

WHEREAS, at the same time, the City granted the Escolanos a mortgage covering said property in the amount of \$105,000.00, at 4% interest per annum, and

WHEREAS, the Escolanos are currently seriously delinquent in their mortgage payments and City property taxes, and

WHEREAS, as of March 18, 2024, the mortgage payment delinquency amounted to \$57,784.32, and the property tax delinquency amounted to \$33,967.48, and

WHEREAS, the Mayor and Corporation Counsel are recommending the commencement of a mortgage foreclosure action in Orange County Supreme Court, and

WHEREAS, it is necessary to retain the services of a private law firm to litigate this matter on behalf of the City in the Supreme Court court, and

WHEREAS, Corporation Counsel has discussed this matter with McCabe and Mack LLP, a Poughkeepsie based law firm with experience in litigating private mortgage foreclosure actions, and

WHEREAS, McCabe and Mack LLP has agreed to represent the City in this litigation at a rate of \$295.00 per hour.

NOW THEREFORE BE IT RESOLVED by the City of Middletown Common Council that the City is authorized to commence a mortgage foreclosure action against William Escolano and Christina Escolano in the Orange County Supreme Court, and be it

FURTHER RESOLVED that the City is authorized to retain the services of McCabe and Mack LLP to litigate this action at the quoted rate of \$295.00 per hour and be it

FURTHER RESOLVED that the Mayor and Corporation Counsel are authorized to sign retainer and other documents necessary to retain counsel and litigate this mortgage foreclosure proceeding in the Orange County Supreme Court.

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

AYES: Mayor DeStefano, Alderman Masi

NAYS: None

ABSTAIN: None

Authorization to transfer within the Capital funds \$10,076.36 to cover the cost of restroom installation at Amchir Park*The Davidge Park restroom project is complete, and we would like to use the remaining money to build a single stall bathroom at Amchir Park. Authorization for the Treasurer to transfer \$10,076.36.*

BE IT RESOLVED; that the Board of Estimate and Apportionment authorizes the Treasurer to transfer \$10,076.36, in the following manner,

<i>FROM</i>	<i>TO</i>	<i>AMOUNT</i>
<i>H.0764.01</i>	<i>H.0764.02</i>	<i>\$10,076.36</i>
<i>Parks Rec. Davidge</i>	<i>Parks Rec Amchir Park</i>	
<i>ParkRestrooms</i>	<i>Restrooms</i>	

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

AYES: Mayor DeStefano, Alderman Masi

NAYS: None

ABSTAIN: None

Authorization to transfer within the 2024 Water Budget to cover the cost of training expenses. *Jacob Tawil is requesting to authorize the Treasurer to transfer from 2024 WTP Contractual to Training, to cover shortage of funds for Training expenses, for 2 courses (Advanced Ops and Supervisory Management), that both Paul Owen and Darrin Cross attended from 4/9/24 to 5/3/24 and 5/6/24 to 5/9/24 in Cortland, NY*

<i>FROM</i>	<i>AMOUNT</i>	<i>TO</i>
<i>F.8330.400</i>	<i>\$4,373.35</i>	<i>F.8330.433</i>
<i>WTP Contractual</i>		<i>WTP Training</i>

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

AYES: Alderman Masi Mayor DeStefano

NAYS: None

ABSTAIN: None

Authorization to approve the Highland Ave Water Tank Proj. Amendment #1 Proposal *Enclosed, please find a proposal from CPL for Amendment #1 of additional services for the Highland Avenue tank project. Jacob Tawil is requesting approval and authorization for the mayor to sign the proposal in the amount of \$59,479.00.*

No funding is needed for this. Compensation will be paid partially from liquidated damages, if not contested by the bond company, and contingency funding from the project.

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

AYES: Mayor DeStefano, Alderman Masi

NAYS: None

ABSTAIN: None

Authorization to approve \$3 mil SAM Grant Funding & Transfer of Funds to Courthouse Project. -AMENDED *The City of Middletown has been awarded \$3 million in SAM funding through the Office of Senator Skoufis for the renovation of the vacant federal courthouse located on South St.*

\$1 million of this funding was previously awarded to the City for the proposed Infill Project. As funds are needed for the Court House, a request for change in use was approved. DASNY combined a new award of \$2 million for the Courthouse totaling \$3 million.

Maria Bruni is seeking the approval and endorsement from the Common Council to identify Mayor DeStefano as the authorized representative and sole signatory for this new project. Maria is also requesting authorization for the Treasurer to transfer this funding from the Infill line to the Courthouse line.

<i>FROM</i>	<i>AMOUNT</i>	<i>TO</i>
<i>H.0996.900</i>	<i>\$1,000,000</i>	<i>H.0916.900</i>

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

AYES: Mayor DeStefano, Alderman Masi

NAYS: None

ABSTAIN: None

Authorization to accept DCJS Technology Grant funding for \$136,315

The City of Middletown Police Department has been awarded \$136,315 to participate in the Law Enforcement Technology Program.

This program provides funding to agencies looking to increase efficiency and effectiveness through the purchase of several key pieces of technology that will complement our enforcement and community outreach efforts, to help reduce crime and increase safety and security.

Upon approval, Chief Ewanciw is requesting to authorize the Treasurer to add the funding to a new established DCJS expense budget line in the General Fund Budget.

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

AYES: Mayor DeStefano, Alderman Masi

NAYS: None

ABSTAIN: None

Authorization to approve Roosevelt Ave Easement Agreement

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

AYES: Mayor DeStefano, Alderman Masi

NAYS: None

ABSTAIN: None

Water/Sewer Adjustment: 5 Willow Pl

42 Highland Ave

3 Myrtle Ave

See attachments.

5 Willow Pl-refer to corp counsel

42 Highland Avenue-Denied for lack of motion

3 myrtle Ave-40,000 gal reduction pending review of water meter by Commissioner tawil

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

AYES: Mayor DeStefano, Alderman Masi

NAYS: None

ABSTAIN: None

Garbage Can Adjustments: 10 Bradner Ave

14 Oak Lane

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

AYES: Mayor DeStefano, Alderman Masi

NAYS: None

ABSTAIN: None

10 Bradner Ave-JD,JM adjust to 1/3 of the year

14 Oak Lane- JD, JM Waive

**Lawn Main. Adjustments:- 40 Knapps Ave
- 30 Broad St**

40 Knapp Ave-Denied

30 Borad St-waived

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

AYES: Mayor DeStefano, Alderman Masi

NAYS: None

ABSTAIN: None

**Authorization to Enter into An Agreement with WSP USA for Middletown Traffic
Operations Stage 1 and Stage 2**

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 WSP USA \$1,422,000 for continued Construction Support Services and Construction Inspection Services for PIN 8757.07 Middletown Traffic Operations, Stage I & II through April 1, 2025.

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.

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

AYES: Mayor DeStefano, Alderman Masi

NAYS: None

ABSTAIN: None

**Authorization to Issue a \$10.2 million Bond Resolution for the Water Line Replacement
Project Phase 1B for the WIAA grant application**

A RESOLUTION AUTHORIZING THE ISSUANCE OF \$10,200,000 BONDS OF THE CITY OF MIDDLETOWN, ORANGE COUNTY, NEW YORK, TO PAY THE COST OF THE CONSTRUCTION OF THE Raw Water Line Replacement From Kinch Reservoir to Shawangunk Reservoir (PHASE 1B)

This resolution was presented on the floor during the Board of Estimate meeting

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

AYES: Mayor DeStefano, Alderman Masi

NAYS: None

ABSTAIN: None

Adjournment

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

AYES: Mayor DeStefano, Alderman Masi

NAYS: None

ABSTAIN: None

