



**CITY OF MIDDLETOWN
COMMON COUNCIL MEETING AGENDA
JUNE 4, 2024**

1. PLEDGE OF ALLEGIANCE
2. ROLL CALL
3. APPROVAL OF MINUTES
 - 3.1. Accept the Minutes of April 16, 2024
 - 3.2. Accept Minutes of May 7, 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
 - 101- Authorization to Hold a Block Party on Lenox Avenue and Cantrell Avenue on
24 June 16, 2024
 - 102- Authorization to Construct Mountain Biking Trails on the City of Middletown
24 Reservoir Trails
 - 103- Authorization to Accept a \$1000 Campship Donation from the Middletown Lions
24 Club

- 104- Authorization to Accept a \$4,999 Municipal Tourism Grant From the County of
24 Orange
- 105- Authorization to Accept Donations from Regional Economic Community Action
24 Program (RECAP), Minisink Valley Rotary Club, Kiwanis Club of Middletown,
Middletown Teachers Association, Applebee-McPhillips Funeral Home, and W.S.
Healey Chevrolet, for National Night Out Against Crime
- 106- Authorization to Accept a Proposal from Strategem for Security Upgrades at City
24 Hall
- 107- Authorization to Award Bids for the O&W Rehabilitation to Apex Development
24
- 108- Authorization to Amend City Code as it Pertains to Open Containers on Public
24 Property

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: Alderman Masi
Seconded by: Alderman Witt
Date of Adoption: June 4, 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

Accept the Minutes of April 16, 2024

Accept the Minutes of April 16, 2024

Prepared by:
Rick McCormack, City Clerk

Attachments:

1.	04.16.24 CC Minutes
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COMMON COUNCIL MEETING
CITY OF MIDDLETOWN
April 16, 2024 Minutes
City Hall
16 James Street
Middletown, New York 10940

J. Miguel Rodrigues, President
Ald. Jude Jean-Francois (Not Present)
Ald. Andrew Green
Ald. Paul Johnson
Ald. Gerald Kleiner
Ald. Sparrow Tobin
Ald. Kevin Witt
Ald. Kate Wray
Ald. Joseph Masi

ALSO PRESENT:

Richard McCormack, City Clerk
Joseph M. DeStefano, Mayor

(Recites Pledge of Allegiance)

PRESIDENT J. MIGUEL RODRIGUES: Roll?

RICHARD MCCORMACK: Alderman Tobin?

ALDERMAN SPARROW TOBIN: Here.

RICHARD MCCORMACK: Alderman Jean-Francois?

Alderman Johnson?

ALDERMAN PAUL JOHNSON: Here.

RICHARD MCCORMACK: Alderwoman Wray?

ALDERWOMAN KATE WRAY: Here.

RICHARD MCCORMACK: Alderman Kleiner?

ALDERMAN GERALD KLEINER: Here.

RICHARD MCCORMACK: Alderman Green?

ALDERMAN ANDREW GREEN: Here.

RICHARD MCCORMACK: Alderman Witt?

ALDERMAN KEVIN WITT: Here.

RICHARD MCCORMACK: Alderman Masi?

ALDERMAN JOSEPH MASI: Here.

RICHARD MCCORMACK: President Rodrigues?

PRESIDENT J. MIGUEL RODRIGUES: Here.

RICHARD MCCORMACK: Quorum is present.

PRESIDENT J. MIGUEL RODRIGUES: Approval of the minutes.

RICHARD MCCORMACK: We have the minutes from February 6th, 20th and March 5th.

PRESIDENT J. MIGUEL RODRIGUES: I have a motion by Alderman Masi. Do I have a second?

ALDERMAN KEVIN WITT: Second.

PRESIDENT J. MIGUEL RODRIGUES: Alderman Witt. All in favor?

(Chorus of ayes)

PRESIDENT J. MIGUEL RODRIGUES: Correspondence?

RICHARD MCCORMACK: Good evening. We have one letter this evening.

It reads:

"Mr. McCormack, President Rodrigues, esteemed members of the Common Council, I take this occasion through the power of the pen on behalf of the greater Middletown community in support of Mayor DeStefano's and Alderman Masi's call to Legislator Sierra to either step up to his legislative duties or step down.

I recently addressed this when I spoke in the March session of the county legislature, as follows: There's a time and season for everything, and I think it's time the constituents of District 20 regain a voice in this county legislature. This is not a light matter. This is in 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 Ms. Sutherland, 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 in 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 officeholder 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 this, of Middletown's county legislature District 20 voice and vote must be known and heard and deprived by no man anymore. Yours truly, Kevin Gomez.'"

PRESIDENT J. MIGUEL RODRIGUES: Okay. Received and filed. Remarks of the mayor? Oh, I'm sorry For the Good of the City? I'm sorry. For the Good of the City, if anyone would like to address the council, please step forward.

SUSAN DEPUY: Good evening, council, Mayor --

PRESIDENT J. MIGUEL RODRIGUES: Mic?

SUSAN DEPUY: -- and all the wonderful people in Middletown. My name is Susan Depuy. Many of you know me because I show up with a green shirt every year and we are here again. We're going to have a cleanup day for all of Middletown. It will be Saturday, this coming Saturday, from 9:00 to 12:00, Saturday the 20th. All are welcome. Adults, children, grandparents, little kids, everybody is. And you can choose where you would like to clean up.

Come up to Middletown. The new park is Erie Way Park Pavilion. We ask that you come early. It'll be from 9:00 until 12:00. There is a

sign on the corner that says Union and West Main Street if you're not sure where the Erie Way Park is, but it's the new Pavilion. So you'll wear a t-shirt to identify you. We will give you the gear, bags and pickers to gather the goods, put them away in a bag and leave them on a corner. We will give you directions when you come. We're excited that you'll join us and we hope you come early and stay late until 12:00. Thank you.

PRESIDENT J. MIGUEL RODRIGUES: Thank you. Anyone else? Remarks of the mayor?

MAYOR JOSEPH DESTEFANO: Yes, good evening. I just want to join with Sue in encouraging the public to come out. I know, at this point, I believe we have well over 100 people signed up already, and we anticipate some additional groups signing up. So it'll be a good day. And you get to spend Saturday morning with Mr. Masi, too, because -- which is always a joy.

And we'll have some refreshments for the volunteers and hopefully we'll have good weather, which I believe it is supposed to be good weather on Saturday. And I want to once again thank Sue. You know, we sort of call her the grandma of the cleanup, since she used to tell the story about the pizza box and that's how she got involved in it. And we appreciate all her efforts and also your husband's efforts over the years, too, because I know he was very much involved in a lot of the organizing of the event.

These past few weekends, we've had some activities. We had the Little League parade about two weeks ago. And parents, I want to thank

you for allowing your kids to participate in the Little League this year. Thank the sponsors, the many sponsors and the volunteers. And of course, wish the kids a great season. I know Gerry probably has another story about how he was in the original Little League. Were you in Middletown?

ALDERMAN GERALD KLEINER: I was not, that I know of.

MAYOR JOSEPH DESTEFANO: I know. Maybe Masi, though, I think was right around that time too.

PRESIDENT J. MIGUEL RODRIGUES: My father was one of the --

MAYOR JOSEPH DESTEFANO: The organizers, correct. Right.

PRESIDENT J. MIGUEL RODRIGUES: -- five people that started the Little League.

MAYOR JOSEPH DESTEFANO: So what I'm pointing out is there's a good history here in Middletown with the Little League in that it's only as good as the volunteers and the parents. I was there tonight, my grandkids were playing in the tee ball and you can see how much attention the volunteers are paying to everyone's kids that are participating. It means a lot. And without that volunteerism, the league would not function.

We also, this past Saturday, attended the Special Olympics held at the Presidential Park school. This is the second year that Middletown has hosted them. Teams from all over the area, from within the county, I think Eldridge, New York, Marlboro participated. Alderman Witt was there also. The opening ceremonies were great. Middletown being the host community, we led the group in with the torch and it was a great time by many of the young kids involved in it. And I believe next year the

Special Olympics are moving to Goshen, if I might.

So again, an all-volunteer event coordinated through the school superintendent, Amy Creeden and her staff mostly. But I think there were other parents involved too in the volunteerism of the event and just to see the smile on the kids' faces was great.

This coming Saturday, the Middletown Garden Lovers' Club will be celebrating 100 years in business as a volunteer group in the city. And as you know, they do a lot of the decoration at Thrall Park around the monuments. And so we are going to acknowledge their 100 years of dedication to the community. Hopefully we'll start posting some stuff on our website giving their history. Gerry did turn over some of the history of the Garden Lovers' Club. You'll recognize a lot of the names going back to Middletown's big families, back in the Morrisons and the people that were involved in the formation of the Middletown Garden Lovers' Club. So that'll be this Saturday and we will, as I said, start putting information up on our website.

Just a couple of resolutions tonight that I'm sure you will be supporting. We've discussed the O&W project. The bids are back -- are due back on April 30th. We are now bonding the gap financing that's required before the tax credits. That is one resolution that we have tonight, and we are also rejecting -- you have a resolution to reject the bids for the prior bid that was done about a year and a half. That's just part of the process, that we had to reject the old ones before we can accept new ones.

And the one other was the authorization the public hearing for the

subdivision on the MN&J Railroad at the corner of Railroad in East Main. We will be purchasing that with state grant money through Assemblywoman Gunther. We need to subdivide the property off and we do plan on -- we have good plans for that, including doing some RFPs for some creative economic development along with a welcoming center for people along the trail usage. And that's all I have. If you have any questions, I'd be more than happy to address any questions.

PRESIDENT J. MIGUEL RODRIGUES: Any questions for the mayor?

MAYOR JOSEPH DESTEFANO: Thank you.

PRESIDENT J. MIGUEL RODRIGUES: All right. Remarks of the department heads. Let's start with economic development.

MARIA BRUNI: Good evening, everyone. We're gearing up for our spring downtown. Next week, we'll be releasing the summer concert series lineup. And I'm pleased to say this year we're going to kick it off with the school district. They're going to be performing the first Thursday and the first Friday of the series. So stay tuned for that announcement next week. Also, our farmers market Cinco de Mayo celebration. More stuff at the Paramount. More concerts. middletownparamount.com. Also middletownbid.org for all the downtown activities. Community development, continuing rehabs with our rehab program and small business loan programs. And that's all I have for tonight.

PRESIDENT J. MIGUEL RODRIGUES: Any question for Maria? Thank you, Maria.

MARIA BRUNI: Thank you.

PRESIDENT J. MIGUEL RODRIGUES: Recreation?

RAELYNN BERTHOLF: Good evening, everyone. Just wanted to thank the police department for the extra patrol that we've had at the dog park recently. We had -- especially the animal control officer who's been very helpful recently with we had a fox issue over there and a lot of dogs that are going after other dogs and animal control has been very helpful and just the constant patrol of the Middletown Police Department has also been very helpful in that parking lot, getting rid of a lot of the cars that are sitting there just parking and sitting there all day. So thank you to the police department.

We are going to be meeting with a gentleman named Ryan Yessika and Bikeway Middletown to look into possibly creating some mountain biking trails in the reservoir in addition to the hiking trails that we have, but also the possibility of designating a trail just for mountain biking.

Our new classes that we just offered, the music, the art programming and the sign language class took off great. We are looking forward to rolling those out again at the end of spring. And we are currently looking for a health director for our summer camp. So if you know anybody interested, from a physician's assistant to an EMT, they just need New York state licensing. So it's on our Facebook page. So if you could please share that so we can submit our permits because we can't submit the permit without having a health director listed. So please help share that post so we can start interviewing for that health director position. Any questions?

PRESIDENT J. MIGUEL RODRIGUES: Any questions? All right. Thank you.

RAELYNN BERTHOLF: Thank you.

PRESIDENT J. MIGUEL RODRIGUES: Police department?

JOHN EWANCIW: Good evening. This past week on April 11th, the department made an arrest in the 2019 homicide that occurred on Knapp Avenue. Our victim in that was Sebastian Avilan-Medina. Amazing work by the detective division, the law enforcement partners and colleagues. This is just a testament of not just the work of the organization, but the commitment that we don't let things just sit and go stale. They've been working on it since that time that it occurred in March of 2019. And with new technology, some new information, they were able to make some significant strides. We still have a lot of work to go with it, and we're hopeful that we'll make some more headway here in the very near future.

But I just really want to recognize Detective Andrew Rosen. He was the lead behind this, and he's been pushing this from the moment he became a detective. So I really appreciate his efforts, along with all the other detectives that worked with us and all the other organizations. And we're very hopeful that we can bring the Avilan-Medina family some closure for their loss and hopefully hold some people accountable for this. Other than that, I have nothing unless you have questions for me.

PRESIDENT J. MIGUEL RODRIGUES: Any question for the police chief? Thank you, Chief. Fire chief?

DON LUIS: Good evening. I hope everyone received our invitations to our annual dinner and you guys can attend. It should be a good night. This will be for the awards for our 2023 recipients. It's going to be

held at the Town of Wallkill on the golf course on May 4th from 6:00 p.m. to 11:00 p.m. So hopefully I can see everybody there.

This year, we're up a little bit. We're up about 21 percent from last year. As of this time, we're at 328 with the call we just had on Orchard, a stove fire. So, you know, it's -- we're busy, you know. So it just seems like this is the times that are coming. Number three, we took in one new member this month, and it's great to say that it was Alderman Tobin's son, Noah. He joined Engine 2. So we're excited to get him involved and get him going in the company and in the department and get them up to speed.

We also participated this past weekend in the Orange County Elementary Special Olympics. We held the flag with Mechanicstown. They helped us out like they always do, and we appreciate their help. It's a great -- it was a great time. We've done it now for the last two years also. It's sad to see that it's leaving Middletown and going to Goshen, but I know they transfer it every couple years.

We will be participating in the multicultural night at MHS on the 26th. We'll have a table set up, and some kind of recruitment and fire prevention will be going on, and on 4/27, myself and Alderman Green are heading up -- that day, he takes off his alderman hat and he puts on his department secretary hat. But we're heading up to Albany for the life safety educator conference that we're both certified in. So it brings back some good fire prevention material for us, whether it's for the, you know, kids or the, you know, the adults. But hopefully we'll come out with some good educational material. That's all I have.

PRESIDENT J. MIGUEL RODRIGUES: All right. Any questions for the fire chief? Thank you, Chief. DPW?

JACOB TAWIL: Good evening, all. So we'll start off with the water flushing system, just to warn the residents to look in the water, examine it before you do any laundry, please, so you will not have any staining. To that effect, the water department finished the second, third and first ward. They were done today, and what's remaining is the fourth ward. So from tomorrow until the rest of the week, hopefully we'll be done with the fourth ward or the following week. So again, just check out your water before you do any laundry, please.

Spring cleanup. We have done fourth ward, third ward, and next week, tomorrow, hopefully tomorrow we'll be done with the third ward. And then we'll go the following week to the second word, and then we'll end up with the first ward with the spring cleanup. And again, just reminding our residents, if you see an illegal dumping coming from outside the city, please call DPW or the police department, especially after hours, the police department, because that's -- it adds a lot of cost to us to get rid of this material, especially if it's coming from out of town. So just keep your eyes open. You don't have to confront them. Just call us or call the police. Hopefully we can handle it.

Water storage tanks projects, Mountain Avenue and High Barney tanks, they are moving along. Again, we continue to finalize the project for the Highland Avenue tank. So High Barney and Mountain Avenue, they're under construction right now using prestressed concrete tanks. We never had those in the City of Middletown. And we're going to have two of them

now to replace the old steel tanks. And hopefully they will last for a generation, for a long time.

Tomorrow there's going to be a public information session for the Heritage Trail for segment three at 6:00 here in the council chambers. Please visit our website tomorrow before you come in, just in case, if there is any update. But the latest information that I have is it's for tomorrow, 6:00, from 6:00 until 8:00 and it's an informational session and just discussion about what the Heritage Trail, segment three which is from West Main Street all the way to Ingrassia Road going through Davidge Park. We welcome everybody's participation, asking questions and discussing the project.

Also, we do have three RFQs, requests for qualifications from engineering firms for two finished water lines from the water treatment plant down to Monhagen and Highland. And one is finished completing from Monhagen Avenue going up Highland. That's another pressure system. And the third RFQ is for raw water lines coming from Kench down towards Shawangunk. So we're going to be doing as much as we can with the money available for us. Most of them are grants, except for the water. Raw water lines, we have a grant, \$5 million with 40 percent match.

Traffic operations. As you can see, the project is moving along now. They're going everywhere, trying to finish it this year hopefully, and there's going to be some disruption to the traffic. So just please pay attention to the workers, pay attention to the cones and respect them and give them room. They're doing that to improve our city. They're not there just, you know, to give us hard time when we are driving. So

please be courteous, listen to them and work with them, with the flagman. And with that, I will conclude. Do you have any questions?

PRESIDENT J. MIGUEL RODRIGUES: Any questions for Jacob? Alderman Kleiner?

ALDERMAN GERALD KLEINER: Yeah, I just wanted to say I'm going to introduce a resolution that at the end, but to remove the handicapped parking spot that was used by Armando the tailor and his wife Albina, and they both, unfortunately, have passed away this year. I just wanted to be clear that you okayed it, and we've talked about it.

JACOB TAWIL: Yes, I'm in total support of it. Yes, yes. If the council decides to take it down, we'll take it down tomorrow once they vote on it. Yes.

ALDERMAN GERALD KLEINER: Okay.

JACOB TAWIL: Absolutely.

ALDERMAN GERALD KLEINER: Alderman Jean-Francois normally would do this, but he's not here tonight.

JACOB TAWIL: Yeah, he's sick, so otherwise he would have been here, but he's not feeling good.

ALDERMAN GERALD KLEINER: Okay. Thank you.

PRESIDENT J. MIGUEL RODRIGUES: Alderman Tobin?

ALDERMAN SPARROW TOBIN: Just I had a question from a constituent. They were interested. The bridge -- they might do something with the bridge on Genung Street if there's a grant. Does that include daylighting that the culvert there?

JACOB TAWIL: No, the bridge -- no, the bridge is basically over the

Monhagen Brook, and that is part of Genung. It's right at the intersection of --

PRESIDENT J. MIGUEL RODRIGUES: Sprague.

JACOB TAWIL: Sprague. Thank you. Sprague and -- Sprague and Genung. There's that -- you can see the daylight, you know, the brook coming out, the Monhagen Brook. And that's really Monhagen and the Draper Brook together coming out from that area. It's not daylighting. It's just replacing that bridge. We keep applying for grants and so far we have not received anything. Did you see something to say that we received a grant?

ALDERMAN SPARROW TOBIN: No, he heard about it, but he just wasn't sure.

JACOB TAWIL: Oh, hopefully, hopefully, hopefully. We've been applying for Bridge New York. We've been applying. We're going to apply for DOT now for grants for that and some other places too, to improve the Monhagen Brook that goes underground. There's a daylighting, which is the mayor spoke about is in the Thrall Park. That's another project we're waiting for proposal from an engineering firm to give us a design for daylighting. That will be the Draper Brook through the Thrall Park.

ALDERMAN SPARROW TOBIN: Thank you.

PRESIDENT J. MIGUEL RODRIGUES: Yes, sir. Okay. Anyone else? Thank you, Jacob.

JACOB TAWIL: Yes, thank you.

PRESIDENT J. MIGUEL RODRIGUES: City clerk?

RICHARD MCCORMACK: Good evening. I know some people have expressed

some concern about not being able to receive Channel 20 on their home televisions. Obviously, if you, you're not seeing this, you're not going to hear this, but if you could tell your friends and neighbors, we have a survey on our website right now. We need to identify those homes that are not receiving the channel to try to figure out what the source of the problem is. Eileen and myself have been working closely with Spectrum, trying to resolve it, but this is the next step in the process. So it's on our website. Take a look.

The citywide yard sale was approved at our last city council meeting for the first weekend in June to coincide with the opening of the farmers market this year. The application and the signup form will be live on the website tomorrow. Please sign up. And once again, I just want to extend my thanks to Sue Depuy for being the champion of our spring cleanup each year. We're looking forward to it this year. Hopefully the weather will be as favorable as it was today for us and we'll have a great event.

PRESIDENT J. MIGUEL RODRIGUES: Thank you. Any questions for the city clerk? All right. Thank you. Remarks of the department -- aldermen. Alderman Tobin?

ALDERMAN SPARROW TOBIN: I just want to thank Susan Depuy for the cleanup. This is the first one I've missed in a long time. I actually have a commitment in Newburgh at the same time. But thanks for all you do and keeping our city clean and reminding everybody just a little bit, you know, goes a long way and encouraging that volunteerism, because I see it all over.

I mean, at the Special Olympics, there's a lot of volunteers, the youth, the schools really get involved. So it's a really nice thing to see and it's one of the reasons why I joined the Lions Club, because I like helping out and, you know, helping your community. It's very rewarding. I think there's a lot of it in Middletown, so it's very good.

PRESIDENT J. MIGUEL RODRIGUES: Alderman Johnson?

ALDERMAN PAUL JOHNSON: Thanks. So there's a group called Mohonk Consultations, and they coordinate a forum every year during Earth Day weekend. I would say it's not for everybody. Last year I went out of curiosity, and they really focused a lot on the Lakota Nation, which was the Indian tribe that was there when, as they described it, the big ships came.

This year's topic, once again, not for everybody, is exploring indigenous holocentric conscientiousness. Living on Earth, living with Earth instead of on Earth. I'm positive there would be seats available if you chose, 3:00 to 6:00, Mohonk. It's a great place, and if you like me, you learn a lot. Thank you very much.

PRESIDENT J. MIGUEL RODRIGUES: Thank you. Alderwoman Wray?

ALDERWOMAN KATE WRAY: Good evening. I will say I attended the Little League parade. Had a great time. I always do. It was cold again, but we always survived. The kids have it worse. They're out there in those thin shirts and listening to us chat up on the stage. But looking forward to another great season. I'd like to thank all the volunteers who get involved and do this for their kids. It's definitely a big-time investment when you get involved in your kids' sports. So my

many thanks to them.

Last meeting, we honored Stephan Monchery for his achievements here in wrestling in Middletown. And I just want to let everyone know that he went on to nationals and won. He is a national champion and he represents this city in a beautiful way. Not only is he a tremendous athlete, but like a really great kid, so really proud of him. He definitely made us proud. So I just wanted to follow up on our last visit for that.

As for the citywide cleanup, Sue, you change the city. You know, it really -- a lot of kids went to these and discovered that they never even saw the litter until they came to a cleanup. And we talk about it often. I won't be able to attend this year either. I have a lot of kids in sports. I will have two of them here with their honor societies and their teams helping out, but I will be helping out at a game for one of mine, so I will be missing and I apologize for that. That is all I have tonight. Thanks for --

PRESIDENT J. MIGUEL RODRIGUES: Alderman Kleiner?

ALDERMAN GERALD KLEINER: Thank you. I will agree on the Little League parade. The banners were terrific in spite of the weather. It was a great time. I would add a little history. If I were thanking anyone, I would thank Thomas Watts, who in his will donated that land to the City of Middletown and again, another Middletowner with a great sense of community.

I want to congratulate the police department on not giving up after five years, their arrest in that case and continuing and all the other

agencies that helped them. But Chief, congratulations to your department. Keep up the good work.

Remind people that there is a Hillside -- a Historic Hillside Cemetery tour. And the information and the poster is on the website that's set this Saturday, April 27th. I want to wish our Jewish community friends a good Passover. It's late this year, but it's for the next week or so. And wish our Mexican community a very happy Cinco de Mayo celebration. That's celebrated more here than it is in Mexico. But the Battle of Pueblo was very important to the North winning the Civil War, and I think that was important. So we celebrate too.

1864, the Arizona law that just got -- really, the Supreme Court said, yes, that can be the law of the state. So I wanted to point out one local law, speaking of history. In 1866, the state of New York passed a law providing Middletown the ability to take land and take property and provide water service to its constituents.

And in 1879, there was an amendment to that law, and the amendment was for people who had claims against the water department. And it said, and as the part of the amendment said, "And in case any said owners cannot be found in this state, such notice shall be given to them by publishing the name for six weeks successively in two newspapers published in said County of Orange. And if any of said owners shall be married women, insane, infants or idiots, the said court shall appoint some suitable person to attend in their behalf before said commissioners and take care of their interests." So not every old law is a good law. And I think it's something to think about.

The Record, bless them, had a big story about gas prices went up again. They went up two cents. Two cents. And of course, they didn't tell you until way down the story that we're 6 percent lower than the national average here.

So tomorrow, as mentioned, is the information session on the Heritage Trail. And there was something else going on tomorrow that I keep slipping -- oh, no, I know what it was. Tomorrow's my and Barbara's 40th wedding anniversary. I think that'll be an easy date to remember. Thank you.

PRESIDENT J. MIGUEL RODRIGUES: Alderman Green?

ALDERMAN ANDREW GREEN: Thank you very much. Sue, I look forward to being there on Saturday and seeing you and everyone out there. And it's always a great event, regardless of the weather. It's rained in the past, it's been sunny, it's been chilly, but it's always well attended and the city always looks great right after. Hopefully, we'll continue the tradition through the years.

We have a couple people in the ward. I know we're antsy. We have a lot of stuff to get rid of but try and wait until Sunday to put out your bulk items for pickup on the 22nd. So I know that some of our neighboring streets are getting picked up right now, but let's try and keep the sidewalks clear and the edge of the street clean as well until the weekend.

I do want to thank the police chief. Chief Ewanciw will be joining our constituents meeting on May 13th. So that's at 7:00 p.m. here in the council chambers. And we look forward to seeing you. Thank you.

PRESIDENT J. MIGUEL RODRIGUES: Alderman Witt?

ALDERMAN KEVIN WITT: Thank you. Thank you very much. You know, the things that we were talking about here, the Little League parade and Little League and the Special Olympics and the cleanup, I mean, it all comes down to the volunteerism, and a lot of it has to do with our young people getting involved. And it really, it's just a heck of a thing to just see. And I think these kids get as much out of it. They don't even realize it probably when they're going in that they do, you know, as when it's happening. And with Stephan Monchery, he actually was chasing basketballs at the Special Olympics on Saturday. So, and I wouldn't be surprised if he's out picking up garbage on this Saturday. So it's really good.

And there was a group there from the NJROTC also at the Special Olympics who got there after they saw the honor flight crew go out early in the morning, that they got dressed up in their uniforms and saw them off. And that was the second thing I wanted to mention. I wanted to acknowledge Louis Ferrara, longtime first ward resident, and along with his wife Marlene, who keep Alderman Masi and I on our toes on a regular basis. He had a chance to go down Saturday on this honor flight, and to my understanding, it's the 32nd one. He really, really had a good time with it.

And he's always still involved. Even if you go to the American Legion for the functions that they have, he's on the color guard that they always do to start the ceremony. So I'm glad he had a good time. He's a good guy. And I just wanted to acknowledge that he had that

opportunity. Thank you.

PRESIDENT J. MIGUEL RODRIGUES: Alderman Masi?

ALDERMAN JOSEPH MASI: A little history on the Little League since it's been brought up. I'm old, but I think my memory is sufficient enough. I believe it was around 1955. Originally, they played their games at Hayes Field, which is right behind the senior center. Then it was moved up to Watts Park. The five people who put that together were - - one was my father, George Masi, Father Forrester, Ike Helper, who had a haberdashery store here in the City of Middletown, right on West Main Street, Dr. Costco, who was a local physician, and Dr. Omholt was a local dentist. And, yes, Joe, I was probably -- I don't know if it was the first year, but within the first couple years, I was on a team called the Giants.

All right. Now for the other stuff. 747 days absent from his elected duties while still collecting his full salary and benefits, and yet he can't even speak for himself. He needs an advocate who lives in the state of Florida to do his talking. That's shameful. I was asked by constituents of Joel Sierra's if the county has done anything to possibly correct this deplorable situation. I told them I do not know. One can only hope they do the right thing and get the good people of Middletown their rightful representation. Thank you.

PRESIDENT J. MIGUEL RODRIGUES: Okay. New business?

RICHARD MCCORMACK: Good evening. We have a resolution sponsored by Alderman Masi authorizing the transfer of funds from the water and sewer general fund.

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

RICHARD MCCORMACK: Tobin?

ALDERMAN SPARROW TOBIN: Aye.

RICHARD MCCORMACK: Johnson?

ALDERMAN PAUL JOHNSON: Aye.

RICHARD MCCORMACK: Wray?

ALDERWOMAN KATE WRAY: Aye.

RICHARD MCCORMACK: Kleiner?

ALDERMAN GERALD KLEINER: Aye.

RICHARD MCCORMACK: Green?

ALDERMAN ANDREW GREEN: Aye.

RICHARD MCCORMACK: Witt?

ALDERMAN KEVIN WITT: Aye.

RICHARD MCCORMACK: Masi?

ALDERMAN JOSEPH MASI: Aye.

RICHARD MCCORMACK: President Rodrigues?

PRESIDENT J. MIGUEL RODRIGUES: Aye.

RICHARD MCCORMACK: Resolution sponsored by Alderman Masi authorizing the approval of a bond resolution for the O&W project estimated to cost \$6 million.

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

RICHARD MCCORMACK: Tobin?

ALDERMAN SPARROW TOBIN: Aye.

RICHARD MCCORMACK: Johnson?

ALDERMAN PAUL JOHNSON: Aye.

RICHARD MCCORMACK: Wray?

ALDERWOMAN KATE WRAY: Aye.

RICHARD MCCORMACK: Kleiner?

ALDERMAN GERALD KLEINER: Aye.

RICHARD MCCORMACK: Green?

ALDERMAN ANDREW GREEN: Aye.

RICHARD MCCORMACK: Witt?

ALDERMAN KEVIN WITT: Aye.

RICHARD MCCORMACK: Masi?

ALDERMAN JOSEPH MASI: Aye.

RICHARD MCCORMACK: President Rodrigues?

PRESIDENT J. MIGUEL RODRIGUES: Aye.

RICHARD MCCORMACK: Resolution sponsored by Alderman Witt authorizing the transfer of funds within the community development department.

PRESIDENT J. MIGUEL RODRIGUES: Resolution sponsored by Alderman Witt, seconded by Alderman Tobin. Any discussion? Roll?

RICHARD MCCORMACK: Tobin?

ALDERMAN SPARROW TOBIN: Aye.

RICHARD MCCORMACK: Johnson?

ALDERMAN PAUL JOHNSON: Aye.

RICHARD MCCORMACK: Wray?

ALDERWOMAN KATE WRAY: Aye.

RICHARD MCCORMACK: Kleiner?

ALDERMAN GERALD KLEINER: Aye.

RICHARD MCCORMACK: Green?

ALDERMAN ANDREW GREEN: Aye.

RICHARD MCCORMACK: Witt?

ALDERMAN KEVIN WITT: Aye.

RICHARD MCCORMACK: Masi?

ALDERMAN JOSEPH MASI: Aye.

RICHARD MCCORMACK: President Rodrigues?

PRESIDENT J. MIGUEL RODRIGUES: Aye.

RICHARD MCCORMACK: Carries. Resolution sponsored by Alderman Green to reject the bids for the asbestos abatement for the O&W building.

PRESIDENT J. MIGUEL RODRIGUES: Resolution sponsored by Alderman Green, seconded by Alderman Tobin. Any discussion? Roll?

RICHARD MCCORMACK: Tobin?

ALDERMAN SPARROW TOBIN: Aye.

RICHARD MCCORMACK: Johnson?

ALDERMAN PAUL JOHNSON: Aye.

RICHARD MCCORMACK: Wray?

ALDERWOMAN KATE WRAY: Aye.

RICHARD MCCORMACK: Kleiner?

ALDERMAN GERALD KLEINER: Aye.

RICHARD MCCORMACK: Green?

ALDERMAN ANDREW GREEN: Aye.

RICHARD MCCORMACK: Witt?

ALDERMAN KEVIN WITT: Aye.

RICHARD MCCORMACK: Masi?

ALDERMAN JOSEPH MASI: Aye.

RICHARD MCCORMACK: President Rodrigues?

PRESIDENT J. MIGUEL RODRIGUES: Aye.

RICHARD MCCORMACK: Carries. Resolution sponsored by Alderman Kleiner authorizing an agreement with Ackerly & Hubbell Appraisal Corp. for an appraisal at 27 Academy Avenue.

PRESIDENT J. MIGUEL RODRIGUES: Resolution sponsored by Alderman Kleiner, seconded by Alderman Wray. Any discussion? Roll?

RICHARD MCCORMACK: Tobin?

ALDERMAN SPARROW TOBIN: Aye.

RICHARD MCCORMACK: Johnson?

ALDERMAN PAUL JOHNSON: Aye.

RICHARD MCCORMACK: Wray?

ALDERWOMAN KATE WRAY: Aye.

RICHARD MCCORMACK: Kleiner?

ALDERMAN GERALD KLEINER: Aye.

RICHARD MCCORMACK: Green?

ALDERMAN ANDREW GREEN: Aye.

RICHARD MCCORMACK: Witt?

ALDERMAN KEVIN WITT: Aye.

RICHARD MCCORMACK: Masi?

ALDERMAN JOSEPH MASI: Aye.

RICHARD MCCORMACK: President Rodrigues?

PRESIDENT J. MIGUEL RODRIGUES: Aye.

RICHARD MCCORMACK: Carries. A resolution sponsored by Alderwoman Wray authorizing the appointment of Kathleen Flessa to the Board of Assessment Review.

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

RICHARD MCCORMACK: Tobin?

ALDERMAN SPARROW TOBIN: Aye.

RICHARD MCCORMACK: Johnson?

ALDERMAN PAUL JOHNSON: Aye.

RICHARD MCCORMACK: Wray?

ALDERWOMAN KATE WRAY: Aye.

RICHARD MCCORMACK: Kleiner?

ALDERMAN GERALD KLEINER: Aye.

RICHARD MCCORMACK: Green?

ALDERMAN ANDREW GREEN: Aye.

RICHARD MCCORMACK: Witt?

ALDERMAN KEVIN WITT: Aye.

RICHARD MCCORMACK: Masi?

ALDERMAN JOSEPH MASI: Aye.

RICHARD MCCORMACK: President Rodrigues?

PRESIDENT J. MIGUEL RODRIGUES: Aye.

RICHARD MCCORMACK: Carries. A resolution sponsored by Alderman Tobin appointing Noah Tobin as a volunteer firefighter.

PRESIDENT J. MIGUEL RODRIGUES: Resolution by Alderman Tobin, seconded by Alderman Johnson. Any discussion? I hope we get an aye.

Roll?

RICHARD MCCORMACK: Tobin?

ALDERMAN SPARROW TOBIN: Aye.

RICHARD MCCORMACK: Johnson?

ALDERMAN PAUL JOHNSON: Aye.

RICHARD MCCORMACK: Wray?

ALDERWOMAN KATE WRAY: Aye.

RICHARD MCCORMACK: Kleiner?

ALDERMAN GERALD KLEINER: Aye.

RICHARD MCCORMACK: Green?

ALDERMAN ANDREW GREEN: Aye.

RICHARD MCCORMACK: Witt?

ALDERMAN KEVIN WITT: Aye.

RICHARD MCCORMACK: Masi?

ALDERMAN JOSEPH MASI: Aye.

RICHARD MCCORMACK: President Rodrigues?

PRESIDENT J. MIGUEL RODRIGUES: Aye.

RICHARD MCCORMACK: Carries. Congratulations. A resolution sponsored by Alderman Tobin authorizing a public hearing on a proposed subdivision at Middletown and New Jersey Railroad LLC.

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

RICHARD MCCORMACK: Tobin?

ALDERMAN SPARROW TOBIN: Aye.

RICHARD MCCORMACK: Johnson?

ALDERMAN PAUL JOHNSON: Aye.

RICHARD MCCORMACK: Wray?

ALDERWOMAN KATE WRAY: Aye.

RICHARD MCCORMACK: Kleiner?

ALDERMAN GERALD KLEINER: Aye.

RICHARD MCCORMACK: Green?

ALDERMAN ANDREW GREEN: Aye.

RICHARD MCCORMACK: Witt?

ALDERMAN KEVIN WITT: Aye.

RICHARD MCCORMACK: Masi?

ALDERMAN JOSEPH MASI: Aye.

RICHARD MCCORMACK: President Rodrigues?

PRESIDENT J. MIGUEL RODRIGUES: Aye.

RICHARD MCCORMACK: Carries. Resolution sponsored by Alderman Johnson authorizing the forgiveness of interest and penalties associated with the property at 810 Mercer Avenue.

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

RICHARD MCCORMACK: Tobin?

ALDERMAN SPARROW TOBIN: Aye.

RICHARD MCCORMACK: Johnson?

ALDERMAN PAUL JOHNSON: Aye.

RICHARD MCCORMACK: Wray?

ALDERWOMAN KATE WRAY: Aye.

RICHARD MCCORMACK: Kleiner?

ALDERMAN GERALD KLEINER: Aye.

RICHARD MCCORMACK: Green?

ALDERMAN ANDREW GREEN: Aye.

RICHARD MCCORMACK: Witt?

ALDERMAN KEVIN WITT: Aye.

RICHARD MCCORMACK: Masi?

ALDERMAN JOSEPH MASI: Aye.

RICHARD MCCORMACK: President Rodrigues?

PRESIDENT J. MIGUEL RODRIGUES: Aye.

RICHARD MCCORMACK: Carries.

PRESIDENT J. MIGUEL RODRIGUES: Alderman Kleiner?

ALDERMAN GERALD KLEINER: Thank you. I'd like to introduce a resolution to authorize Middletown DPW to remove the handicapped parking signs on the westerly corner of Houston Avenue at the intersection with East Avenue.

ALDERMAN PAUL JOHNSON: Second.

PRESIDENT J. MIGUEL RODRIGUES: A resolution sponsored by Alderman Kleiner, seconded by Alderman Johnson. Any discussion? Roll?

RICHARD MCCORMACK: Tobin?

ALDERMAN SPARROW TOBIN: Aye.

RICHARD MCCORMACK: Johnson?

ALDERMAN PAUL JOHNSON: Aye.

RICHARD MCCORMACK: Wray?

ALDERWOMAN KATE WRAY: Aye.

RICHARD MCCORMACK: Kleiner?

ALDERMAN GERALD KLEINER: Aye.

RICHARD MCCORMACK: Green?

ALDERMAN ANDREW GREEN: Aye.

RICHARD MCCORMACK: Witt?

ALDERMAN KEVIN WITT: Aye.

RICHARD MCCORMACK: Masi?

ALDERMAN JOSEPH MASI: Aye.

RICHARD MCCORMACK: President Rodrigues?

PRESIDENT J. MIGUEL RODRIGUES: Aye.

RICHARD MCCORMACK: Carries. Audit?

ALDERMAN JOSEPH MASI: Mr. President, I move the accounts be audited, the claims be adjusted and the city treasurer be authorized to issue warrants for their payment.

PRESIDENT J. MIGUEL RODRIGUES: Resolution sponsored by Alderman Masi, seconded by Alderman Green. Roll?

RICHARD MCCORMACK: Tobin?

ALDERMAN SPARROW TOBIN: Aye.

RICHARD MCCORMACK: Johnson?

ALDERMAN PAUL JOHNSON: Aye.

RICHARD MCCORMACK: Wray?

ALDERWOMAN KATE WRAY: Aye.

RICHARD MCCORMACK: Kleiner?

ALDERMAN GERALD KLEINER: Aye.

RICHARD MCCORMACK: Green?

ALDERMAN ANDREW GREEN: Aye.

RICHARD MCCORMACK: Witt?

ALDERMAN KEVIN WITT: Aye.

RICHARD MCCORMACK: Masi?

ALDERMAN JOSEPH MASI: Aye.

RICHARD MCCORMACK: President Rodrigues?

PRESIDENT J. MIGUEL RODRIGUES: Aye.

RICHARD MCCORMACK: Carries.

PRESIDENT J. MIGUEL RODRIGUES: Move for adjournment?

ALDERMAN JOSEPH MASI: So moved.

ALDERMAN ANDREW GREEN: Second.

(Chorus of ayes)

C E R T I F I C A T I O N

I, Sonya Ledanski Hyde, certify that the foregoing transcript is a true and accurate record of the proceedings.

Veritext Legal Solutions

330 Old Country Road

Suite 300

Mineola, NY 11501

Date: May 13, 2024



**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

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:
Lisa Kane

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330 Old Country Road - Suite 300
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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 Shielia 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 5th day of October, 20 23 by and between Young Explosives Corporation of Rochester, NY, hereafter designated **Young**, and

City of Middletown

16 James Street

Middletown, NY 10940

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

Fancher-Davidge Park 158-170 Lake Ave. Middletown, NY

on the date of Wednesday July 3, 20 24 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 \$ 2,000,000.00 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 \$ 14,000.00, due by DAY OF SHOW 20 24. 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 Fourteen Thousand 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 14,000.00 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.

Robert A. Kesel

(Print Name)

Customer Signature

(Print Customer Name)

Executive Sales Director

Title

Title

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)

Maria Bruni

Send Invoice to:

☒ Address on front OR ☐ Name/Address below

Additional Contact Name/Information

Theron Adkins Fire Inspector

Telephone (with Area Code)

Work: 845-346-4170
Fax: 845-343-2009
Home: _____
Cell: 845-344-7515
Email: mbruni@middletown-ny.com

Work: 845-346-4111
Fax: 845-343-4014
Home: _____
Cell: 845-741-6116
Email: tadkins@middletown-ny.com

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.**

City of Middletown, NY

City of Middletown, NY

Customer Requests

Time of show: _____ **DARK** ☐ 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.

Send all permit info to Theron Adkins <tadkins@middletown-ny.com>

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
----	----------------



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

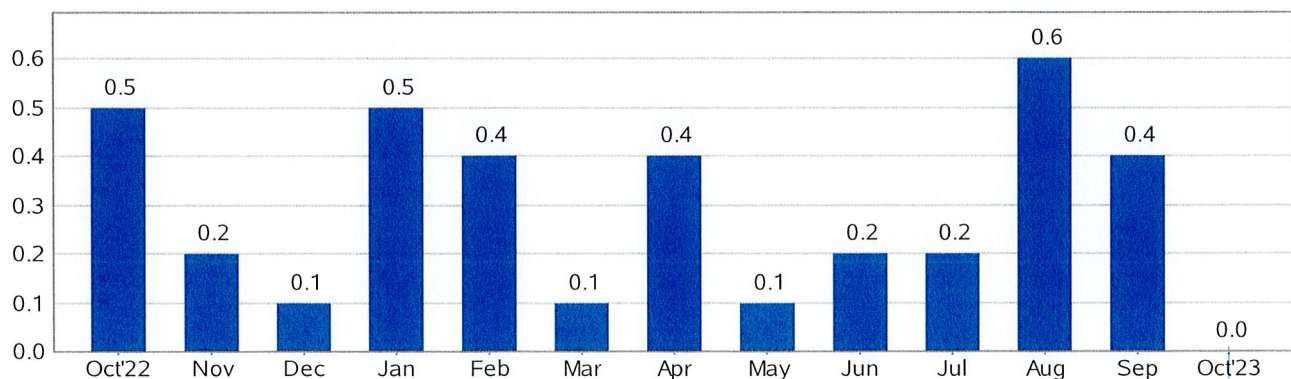


Chart 2. 12-month percent change in CPI for All Urban Consumers (CPI-U), not seasonally adjusted, Oct. 2022 - Oct. 2023

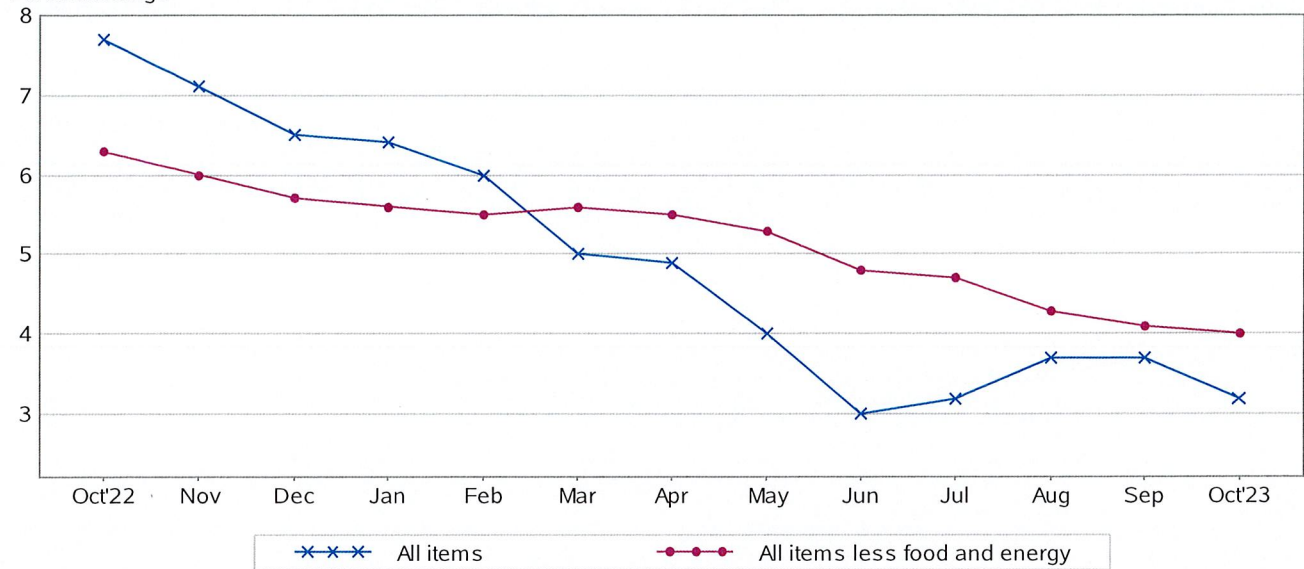


Table A. Percent changes in CPI for All Urban Consumers (CPI-U): U.S. city average

	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,

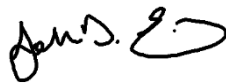
The City of Middletown

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,

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
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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
----	----------------------------------

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>	Consultant Name and Address:	Date:
Project #	C&S Engineers Inc	Phase:
	499 Col Eileen Collins Blvd	Agency:
	Syracuse NY 13212	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)

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

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.

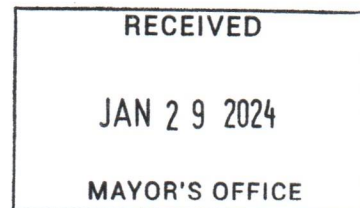
Prepared by:

Attachments:

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

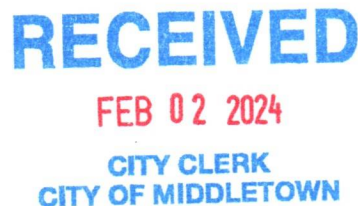


Fairgrounds Address:
Education Center & 4-H Park
300 Finchville Turnpike, Otisville, NY 10963
July 25, 26, 27, & 28, 2024



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,

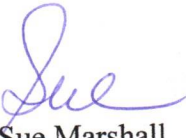
This is a request for the use of ^{ONE} three of your portable light towers for the 34th Annual Fair. We will need them from Wednesday, July 24th through Monday, July 29th. They can be dropped off anytime that is convenient for you on Wednesday and picked up at your convenience on Monday.

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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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 "J" and "E".

John Ewanciw
Chief of Police

JE:ccd



CITY OF MIDDLETOWN, NEW YORK COMMON COUNCIL RECORD OF VOTE

THE FOLLOWING WAS PRESENTED

By: 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
----	---

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
----	-----------------------

2023 FIRE DEPARTMENT SERVICE CERTIFICATION FORM

SERVICE AWARD PROGRAM

City of Middletown

Middletown Fire Department

DEADLINE: March 31, 2024

INSTRUCTIONS

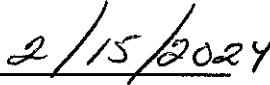
New York State General Municipal Law requires that a list of members of the Fire Department indicating who earned a year of service credit during 2023, those who did not earn a year of service credit during 2023, and those who waived participation must be certified under oath by the President, Secretary,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



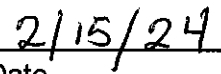
President Signature



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	Cttsville, 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	Galarte	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 Bond 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 dedicate 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.

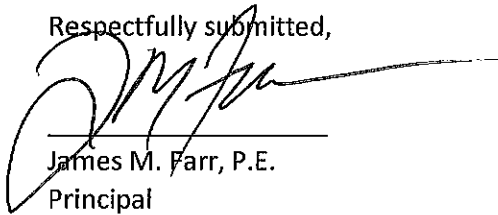
Based on the original bond amount of \$3,637,687.41, the cost per foot for the improvements was \$786.53 per foot, the total length of the roadways to be dedicated is 1,707 feet resulting in a total cost of the improvements to be dedicated of \$1,342,606.71 (1,707 feet of roadway x \$786.53). The City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

PUBLIC IMPROVEMENTS

Magnolia Park
Project: Miamisburg Development
Location: City of Middletown

Prepared on: 04/30/08
Revised on: 3/19/16
Updated: 11/22/2023

[illegible]

Prepared on: 04/30/08
Revised on: 3/19/16
Updated: 11/22/2023

[illegible]

Page 3 of 7

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 to 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 Relevied 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.

.

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,

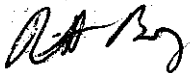
Please accept this letter as my request to declare the following vehicles as surplus property:

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
----	--------------------------



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
----	------------------------------

2.	smoke house trailer contract
----	------------------------------

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,

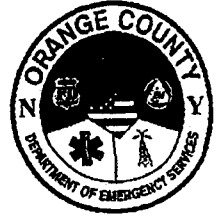
John Ewanciw
Chief of Police

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: Alderman Masi
Seconded by: Alderman Witt
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	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 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
----	----------------------

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: Alderman Masi
Seconded by: Alderman Green
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	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 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
----	--



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 black ink 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: Alderman Witt
Seconded by: Alderman Tobin
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	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 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: Alderman Green
Seconded by: Alderman Tobin
Date of Adoption: April 16, 2024
Index No: 68-24

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 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: Alderman Kleiner
Seconded by: Alderwoman Wray
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	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 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 Ackery & Hubbell Appraisal Corp. (APPRAISER), and City of Middletown (CLIENT). Payment is not contingent upon arriving at a particular value.

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

APPRAISER agrees to conduct a scope of services that includes:

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

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

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

Post appraisal services:

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

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

- Survey
- Other information deemed pertinent

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

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

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

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

Respectfully submitted:

ACKERLY & HUBBELL APPRAISAL CORP.

Andrew Ward

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

AW

Project will commence upon receipt of signed contract and payment.

AUTHORIZATION TO PROCEED

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

Signature

Date

Printed Name

Title:



CITY OF MIDDLETOWN, NEW YORK COMMON COUNCIL RECORD OF VOTE

THE FOLLOWING WAS PRESENTED

By: Alderwoman Wray
Seconded by: Alderman Tobin
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	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

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
----	---

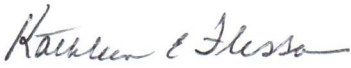
Kathleen E Flessa
41 Adams Ave
Middletown, NY. 10940
kathy1263@live.com
845-283-7928

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: Alderman Tobin
Seconded by: Alderman Johnson
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	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

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: Alderman Tobin
Seconded by: Alderman Masi
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	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

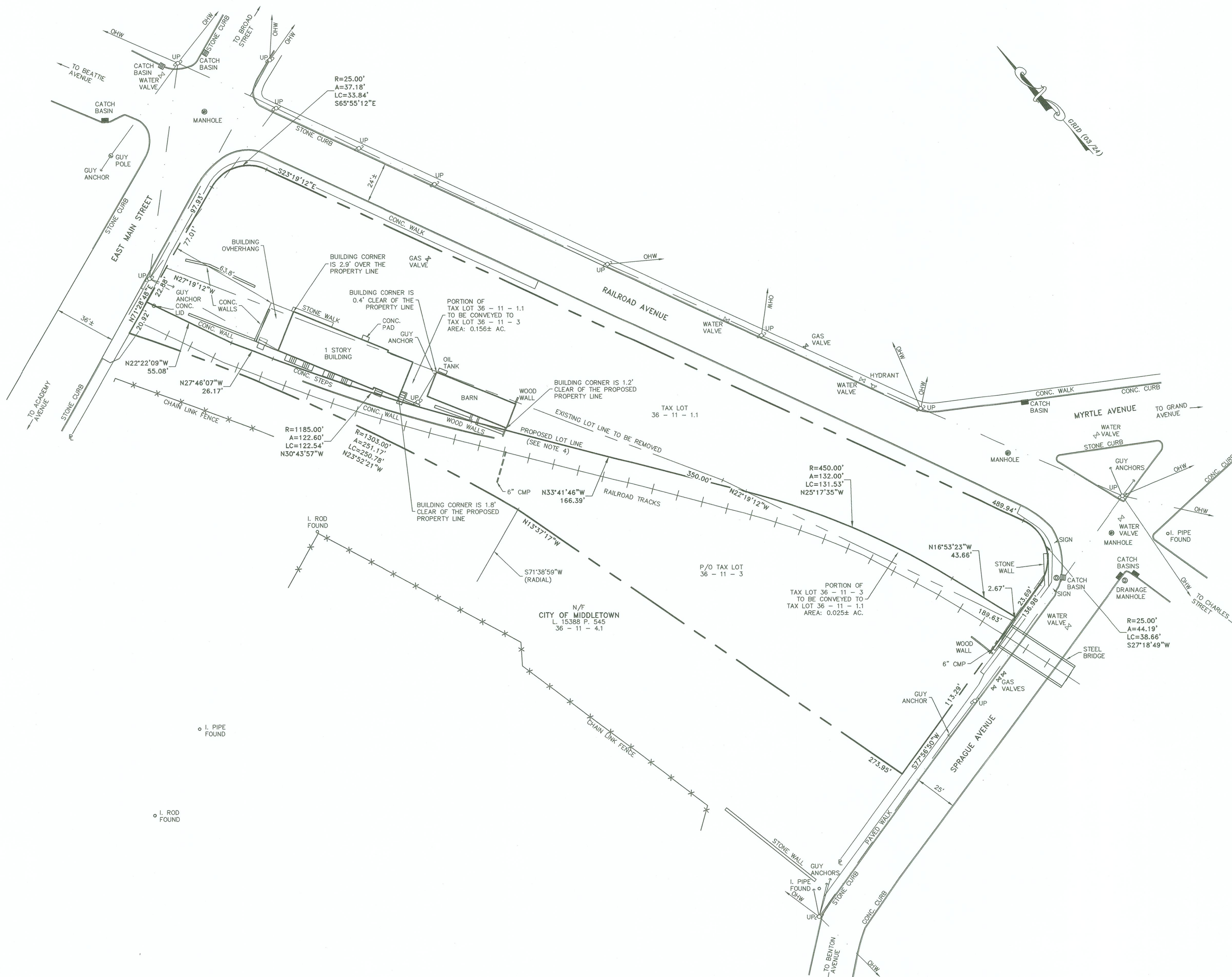
Authorization to Hold a Public Hearing on a Proposed Sub Division at Middletown and New Jersey Railroad LLC

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

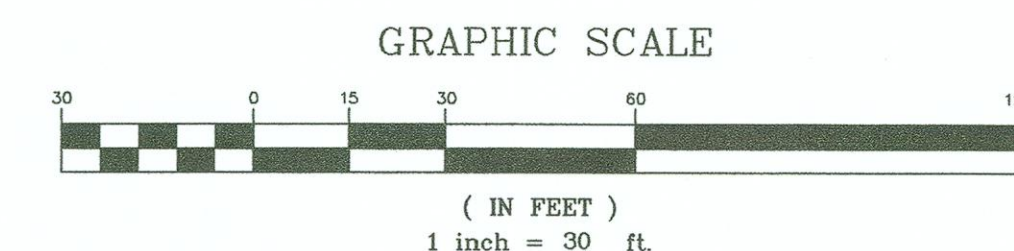
L 12838 P. 1232
36 - 11 - 1.1
P/O 36 - 11 - 3

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

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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: Alderman Johnson
Seconded by: Alderman Tobin
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	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 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

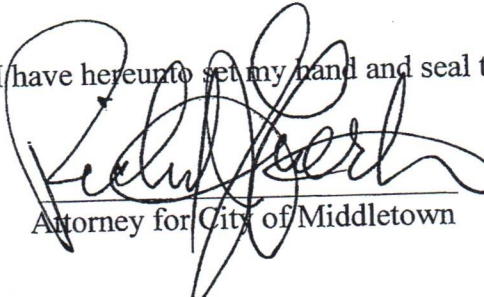
That the price bid for the above described parcel of land was **\$16707.7** and the whole consideration money paid was **\$16707.7**

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



CITY OF MIDDLETOWN, NEW YORK COMMON COUNCIL RECORD OF VOTE

THE FOLLOWING WAS PRESENTED

By: Alderman Kleiner
Seconded by: Alderman Johnson
Date of Adoption: April 16, 2024
Index No: 74-24

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 Remove a Handicapped Parking Spot

BE IT RESOLVED; that the Common Council of the City of Middletown, NY, authorizes the removal of a handicapped parking spot on the southern side of Houston Avenue, approximately 40 feet from the intersection of East Avenue beginning at the "No Parking From Here to Corner" sign.

Prepared by:

Attachments:

None



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

THE FOLLOWING WAS PRESENTED

By: Alderman Masi
Seconded by: Alderman Witt
Date of Adoption: June 4, 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

Accept Minutes of May 7, 2024

Accept Minutes of May 7, 2024

Prepared by:
Rick McCormack, City Clerk

Attachments:

1.	05.07.24 CC Minutes
----	---------------------



COMMON COUNCIL MEETING
CITY OF MIDDLETOWN
May 7, 2024 Minutes
City Hall
16 James Street
Middletown, New York 10940

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

ALSO PRESENT:

Richard McCormack, City Clerk
Joseph M. DeStefano, Mayor

(Recites Pledge of Allegiance)

PRESIDENT J. MIGUEL RODRIGUES: Please remain standing as I ask for a moment of silence for two fine gentlemen. Our first one is Stuart Greenwall, our former corporation counsel, and our second one is our good friend John Degnan, bid director, third ward alderman and economic development assistant. May they both rest in peace. Thank you. Roll?

RICHARD MCCORMACK: Alderman Tobin?

ALDERMAN SPARROW TOBIN: Here.

RICHARD MCCORMACK: Alderman Jean-Francois?

ALDERMAN JUDE JEAN-FRANCOIS: Here.

RICHARD MCCORMACK: Alderman Johnson?

ALDERMAN PAUL JOHNSON: Here.

RICHARD MCCORMACK: Alderwoman Wray?

ALDERWOMAN KATE WRAY: Here.

RICHARD MCCORMACK: Alderman Kleiner?

ALDERMAN GERALD KLEINER: Here.

RICHARD MCCORMACK: Alderman Green?

ALDERMAN ANDREW GREEN: Here.

RICHARD MCCORMACK: Alderman Witt?

ALDERMAN KEVIN WITT: Here.

RICHARD MCCORMACK: Alderman Masi?

ALDERMAN JOSEPH MASI: Here.

RICHARD MCCORMACK: President Rodrigues?

PRESIDENT J. MIGUEL RODRIGUES: Here.

RICHARD MCCORMACK: Quorum is present.

PRESIDENT J. MIGUEL RODRIGUES: Approval of minutes?

RICHARD MCCORMACK: Nothing this evening.

PRESIDENT J. MIGUEL RODRIGUES: Correspondence?

RICHARD MCCORMACK: We have a letter from the Taste of Guyana restaurant. It's a standardized notice form for providing 30-day advance notice for a liquor license application.

PRESIDENT J. MIGUEL RODRIGUES: Okay. Received and filed and forwarded to the police.

RICHARD MCCORMACK: We also have a notice from the Town of Wallkill Zoning Board of Appeals. It's a public hearing for Ready Coffee at 290 Route 211 East.

PRESIDENT J. MIGUEL RODRIGUES: Okay. Received and filed. For the Good of the City, we have the school district to present their budget.

AMY CREEDEN: Okay, thanks. Good evening, President Rodrigues, Mayor, city council. Thank you so much for giving us an opportunity again this year to use this as a platform to highlight the proposed budget for the City School District of Middletown. So this evening, we just want to remind all your viewers that when we sit down to present, create the budget that we're presenting to you, that we're always scholar focused, thinking about how we can create high quality service to our school community. The mission statement of the Board of Education, and we're thankful to be joined by our board president.

Maybe I'll just let him read our mission statement really quickly.

JOHN WILLIAMS: Certainly. Our mission statement is we strive to provide fiscally sound educational opportunities in a safe environment that continuously supports our diverse student population. We will enable all students to graduate, to reach their full potential, to become lifelong learners and to be competitive, productive members of society.

AMY CREEDEN: And so, as we think about the budget development process, we are always keeping open lines of communication with all of our community partners. So we take into consideration the feedback from our educators and staff, our PTOs, the Board of Education, the various departments that exist inside each of the schools, our fair funding committee, the audit committee, administration, elected officials, city council, the town administration and all of our community partners to make sure that as we continue to think through programming, we're continuing to amplify the services that we're providing to the greater good of the City of Middletown. Mr. Tuttle?

MICHAEL TUTTLE: Hello. Good evening, everyone. So, as Ms. Creeden was saying, when we start to build the budget, we start essentially like two, three years out. We're building a budget. What's coming up? Like, you know, we have a new capital project. We have new collective bargaining agreements coming on. So those are the things that we take into consideration when building our budget. So this year we're looking at increase of about 3.55 overall with the budget, \$262,672,637 budget, about a \$9 million change from last year. And most

of that is collective bargaining agreements.

One of the things that's really driving our budget now is health insurance. And you're probably seeing that in all your areas of municipalities and stuff. So that's what our budget will be this year. That's what we're proposing for the voters. Let's see. Go over that way. Oops, wrong way.

So before we build the budget, we need to know how much revenues we have, right? That dictates what our budget is actually going to be, and can we afford all the things that we want to do inside this year. So when we have this year, we've seen a state aid increase right around 4.5 percent, a little bit less than what we would have anticipated. And then other revenue is about 4.9. And then our local tax levy will be 1 percent this year. So that equals the \$262 million budget at 3.55 overall for the total budget in totality.

So, like, as I said, when our revenues equal our expenditures, that's how we come up with our budget. And this is what we're presenting to the community. The board has adopted this budget, and we've done several meetings reviewing the budget, all the topics that are inside the budget. So this is where we are and feel comfortable with going to the public with this one.

As we said before, if you can see the past history of the five years, the tax levy has been very minimal. We've actually had a \$5 million decrease in the tax levy a few years ago. We've been zero, zero, 1 percent. And so now we're going to be at 1 percent this year. So we feel that that's very comfortable for the community to manage this

year. Do you want to do that?

AMY CREEDEN: And just a reminder to our voters that Super Tuesday is the night we need everybody to come out. We can't tell you how to vote, but we can tell you when to vote. So join us on May 21st at either Board of Education offices, the Maple Hill annex at Truman Moon, or Presidential Park Elementary School. If you have any questions about your voting location, you can call our district clerk, 326-1196. Polls are open on May 21st from 7:00 a.m. to 9:00 p.m., and in addition to voting on the school district budget, you're also voting on candidates for the school board.

And then, just to let you know, again, reminder about the date, May 21st, and just put up some pictures here of our young people to remind us that this is what we're doing this work for. So, again, just to go back one last time to let you know and see that number there, that what we are proposing is a 1 percent increase to our community, which enables us to continue to offer an excellent series of programming and having to make no reductions to any of our staff. We'll take any questions, if anybody has any.

PRESIDENT J. MIGUEL RODRIGUES: Any questions? Great job. Thank you.

AMY CREEDEN: Thank you very much.

JOHN WILLIAMS: Thank you.

ALDERMAN JOSEPH MASI: Thank you.

MICHAEL TUTTLE: Have a great night.

PRESIDENT J. MIGUEL RODRIGUES: At this time, we'll call the

mayor up for recognition of the firefighter of the year and officer of the year.

MAYOR JOSEPH DESTEFANO: Thank you, Mr. President, and appreciate the time and appreciate the superintendent and Mr. Tuttle coming this evening. I think it's impressive that when you look at the last five years of not only the stable tax rate, but basically almost zero over a five-year period, on the average, a little around 1 percent. But at the same time, they've expanded the opportunities for the public and the City of Middletown to use their facilities. The partnership has grown with the city tremendously, with our rec programs and our summer programs. And so I want to thank the entire board and the superintendent for their cooperation and work with the city and what they do on behalf of the residents in the Middletown school district.

Right now I'd like to call up two fine gentlemen, Ryan Brady and Mr. George Perna. And chief, would you join us, please? Saturday night they had the annual Middletown fire dinner. I was out of town, unable to attend, but we wanted to recognize the accomplishments of these two fine gentlemen and their commitment to the City of Middletown as a volunteer fireman. Obviously you can see George has been around a lot longer than Ryan, right? So, but we appreciate both the ambition of the youth and getting involved, and also someone like George, who's been involved for a long, long time, to bring people along. So these two awards are well deserved. The chief has made these recommendations, I guess, or the fire companies have made these recommendations. And so on behalf of the City of Middletown Common Council, myself and President

Rodrigues, we wanted to give this award to you guys, or certificate of recognition, so we appreciate it.

(Applause)

MAYOR JOSEPH DESTEFANO: And Ryan has the same last, same name as the chief, because that's his son. I'm sure there's a lot of pride here, but in the -- my understanding is he's very active and has done a great job and hopefully following your footsteps. So appreciate your hard work and commitment.

(Applause)

MAYOR JOSEPH DESTEFANO: We also have two more presentations to make tonight. This past Sunday was Cinco de Mayo and the festivities were rained out at Festival Square. But before the meeting, we had a little taste of what was going to happen on Sunday. But right now, what we'd like to do is introduce to the public Juan Avalos. Juan is from The Taco Factory in North Street. Many people will know him. And I've asked Juan to just give a couple minutes, take a couple minutes to explain Cinco de Mayo and what it means to the Mexican community here in the City of Middletown. And when I say a couple minutes, if you know Juan, you know you have to put a limit on him because Juan will talk all day. So Juan, please --

JUAN AVALOS: I have a couple of --

MAYOR JOSEPH DESTEFANO: Okay. Come on up, Juan. Thank you.

JUAN AVALOS: Great. Two hours. Thank you very much to all. Thank you, President Rodrigues, and to the council. I really appreciate this welcoming opportunity to speak to you about the Mexican American

community and to all us, all of us that are American. We're all American in this situation.

So I was asked to introduce what this whole Cinco de Mayo is about. It's in 1862, the Battle of Puebla. The French were invading Mexico through a city known as Puebla today, and they were aiming towards Mexico City to overtake the government. This was due, in fact, to a foreign debt from Mexico to countries such as UK, Spain and France. But France, of course, being under Napoleon III, being the ruler there, they wanted to overtake the world a little bit, you know. So luckily, the French Republic fell 14 years, or seven years after that, that Mexico was able to succeed with the aid of a couple of American troops that aided in the Battle of Puebla.

So here is when the American population started to take Cinco de Mayo as a celebration of a national Mexican holiday. Today, Mexico stands to celebrate this holiday in recognition, much as our Memorial Day in the U.S. and other holidays resembling this, but not the independence. Mexico's Independence Day is in September, September 15th. So we're planning something for the future, hopefully with the council and with the bid and everybody to try to bring back that parade. But that's -- it's not on paper yet. So with the collaboration of the parks and rec department, we had a pinata making to celebrate this holiday. And we were going to break this pinata on Sunday. The mayor was going to be the deciding factor there.

But, you know, and then we also had involvement from the school district, and we're very thankful that Middletown has a lot of

talented children and a lot of talent that was going to contribute into this parade as the mariachi that just spurred up this year in the Middletown Twin Towers and Monhagen Middle. And I think in the high school, they're promoting the mariachi band. They were going to parade, but they couldn't parade and walk and play at the same time. They said, we're not as advanced as the mariachi that we got to experience today. So they kind of wanted to just play in the downtown John Degnan Square.

With that in mind, I bring forward the festivity and why we wanted to celebrate it here in Middletown. Cinco de Mayo is a key point to start and kick off the summer. So we wanted to integrate all the businesses in the downtown area and in Middletown, for that matter, so that we can raise our economic awareness and our economic potential as business members of the community, and that we can keep the city thriving as what we are known today, you know, not what it was 20 years ago or what it was in the past, not even yesterday, because yesterday is forever gone.

So with this in mind, I want to thank all of you for allowing our businesses to thrive and to continue forward and to enable us to bring this product, Mexican product, or any product for that matter. I know we are very -- we're a big melting pot here in Middletown. So I am honored to say that on live TV today, because we are very welcoming and we welcome our neighbors. We welcome all our businesses that come here, and we try to be kind to one another.

And that's where it stems off, where I believe that Middletown will not only be successful for the many years ahead, but we have great

leadership, and we have great council members like yourselves that really aid in this prosperity. And I feel like Middletown, amongst the other towns near New York City, is a gemstone in this region, not only economically, but also as a trade route to all the cultures that you can find here.

For as little as I remember, my neighbor is Pakistani. You know, I have different types of neighbors all around me. So I say, I look around and I said, I'm fortunate to live in Middletown and to be a resident here and to have my business in the downtown area, because that's what it's about to grow as an individual and as a company and as a city, you know? So I really thank you all.

And I wanted to speak a little bit about the princess and the queen that was crowned. They were supposed to be crowned at the end of the festivities on Sunday, but it was moved to Saturday because of the rain. And these two beautiful girls, our youth and our talent of Middletown exemplified here. They also go to the Middletown school district, and I'm really thankful for them to give us this opportunity to show you all what it is that and why it's celebrated.

So, in short, a princess and a queen, in Mexico, it's a tradition. At every festivity, they assign a queen and a princess. So it's like a runner up, kind of like Miss Universe type of thing. So here we wanted to do these young girls, because it's the youth of Middletown, it's the future of Middletown. And we wanted to tell them that their roots are not forgotten. And this is why we celebrated this, for them and for the future to come. All these other children that are

young today soon will be gone from this world. But with this, I leave to Mayor DeStefano, and I thank you all for taking the opportunity to listen to me and hear my little story. Thank you.

(Applause)

PRESIDENT J. MIGUEL RODRIGUES: Thank you.

MAYOR JOSEPH DESTEFANO: Thank you, Juan. And the pinatas, you said I was scheduled to hit them?

JUAN AVALOS: Yes.

MAYOR JOSEPH DESTEFANO: And I'll do it next year if you put Alderman Masi's face on them.

ALDERMAN JOSEPH MASI: I knew that was coming.

MAYOR JOSEPH DESTEFANO: I don't care if I'm on vacation. Wherever I am, I will come back and I will do it. Yes. Right now, we'd like to have Isabella come up and Jackie.

(Applause)

MAYOR JOSEPH DESTEFANO: And Juan said it best. We appreciate you're coming here this evening. And what we really like to do is emphasize the commitment for the city and how proud we are of your two accomplishments and moving forward in our community. We hope you become more active than you are. And so, on behalf of the city council and myself, we wanted to give you -- award you these certificates, Isabella and Jackie. And it's in recognition of your Cinco de Mayo. But we also have -- Naomi's going to come out and help me with this. Yes, but I've never done this, so I want to make sure I do it right. I hereby crown you the queen or the princess?

JUAN AVALOS: The queen.

MAYOR JOSEPH DESTEFANO: The queen. The queen of the ball.

(Music and singing)

MAYOR JOSEPH DESTEFANO: Thank you for the entertainment, and we're very proud of both of you. So thank you so much. Congratulations.

PRESIDENT J. MIGUEL RODRIGUES: Okay, moving on. For the Good of the City, if anyone would like to address the council, please step forward.

SUSAN DEPUY: Good evening. I'm Susan Depuy. That's a hard act to follow. Anyway, I would like to thank everyone in Middletown for contributing their time and their energy and their love for Middletown in joining with us to clean up Middletown on Earth Day the 20th. We had such a turnout. I'm not sure the exact number. I think Rick could tell me the number because he tallied it.

But we had such a great turnout of people wanting to make a difference in Middletown. It started with a good sunny day, and it ended with many, many bags of garbage that the garbage was piled on side streets. And my only comment is, let's not keep up having litter to be a problem. It's up to everybody every day. Please put the garbage where it belongs. Your lunch wrapper, your coffee cup, your straw, your little things add up. I'm not pointing a finger. I'm just asking all of us to play our part. This is our city. We live here. We love it. And I'm asking all of us, including my family, to make sure we put things where it belongs. Thank you, everybody, for participating. And

I thank all the staff. Thank you.

PRESIDENT J. MIGUEL RODRIGUES: Thank you.

(Applause)

PRESIDENT J. MIGUEL RODRIGUES: Head down here if you need it.

DOUGLAS COUCH: My name is Douglas Couch. I live at Birch Drive in Middletown. I have two problems. One is my neighbor, who has every right in the world to do what I'm going to say, is pumping water out of their home. They purchased the house, I believe, in February sometime, and it runs 24 hours a day, seven days a week, anywhere from seven, eight inches wide to three foot wide. All right. That could be remedied by putting a catch basin in there. And it runs down, I've got to tell you, four or five houses down to Peach Drive. All right.

The second problem I have is behind me where the units were built back in there, they built a mound up there, I guess you could call it, or a small mountain. It's about 35 feet high. From my lawn to the top of that, it comes down at about a 45-degree angle to within two foot of my property line. It starts four houses up the hill from me. So you can see how much water comes down through there, and it ends up down at my house.

A number of things have happened. One is it's raised the water table out there, where I have all kinds of cracks on my basement floor. When they built that, they had a vibrating roller up there for weeks at a time. It rattled. The wind is in everybody's houses along through there, so you can imagine what it did to the foundations. All right. I put drainage around my house to make sure that it wouldn't

happen, because I got some water in there when Sandy was there.

But now I have water. I have to put a new basement floor in. I have to do something to the walls. And the people suggested that I just put a three-inch concrete slab up alongside the walls. Not cheap to do that, especially when it's not my fault, right? I'm asking the city to put a catch basin in there. I spoke to the commissioner, I don't know, a year and a half ago, maybe two years ago. He said he understood, but it was expensive to put that in. Well, I'm quite sure it's expensive for me to repair what is there.

So I'd like to know why that catch basin and it couldn't be put in. There was one put in an Oak Street across the street from me, but that's about it. I have to redo that or else it's going to be kind of hard for my son to sell the house. I can't speak any longer. I've got to go sit down. So I'd appreciate it if somebody would get back to me and explain to me why that can't be done. All right.

PRESIDENT J. MIGUEL RODRIGUES: Anyone else would like to address the council? All right, Mayor?

MAYOR JOSEPH DESTEFANO: Just a few items. One, you have a resolution tonight to accept a \$4,999 municipal tourism grant from the county. I want to thank our county legislator, Mike Paduch, for advocating for us. I understand Mike only represents a very small part of the City of Middletown, but he was a strong voice for us in receiving this grant. So I appreciate his efforts. And Maria, this is the second year in a row, so I want to thank Mike publicly for that.

Also, we had a moment of silence tonight for two great men in

the City of Middletown. John Degnan was laid to rest yesterday morning, and I just wanted to once again thank all of the departments that were responsible for coordinating the great sendoff that we had for John. Also Applebee-McPhillips, who did a lot of work and extra work in putting it together. The route through the city, the police department, the fire department, I believe Pocatello Fire Department came in also and assisted. So a lot of people cooperated with us and made it a special event for the family. They were very happy and they sent their best and wanted to make sure that their appreciation was expressed to everybody, not only here at the common council, but in the Middletown community for the great sendoff that John had.

I also, years ago, worked with Stu Greenwall when he was a corporation counsel. So I'd been around for a little bit of years when I was an alderman. He was also involved with the mayor's office at the time. And Stu, his only problem was he was a Met fan, probably the biggest Met fan that one would ever meet. But he was a smart guy, attorney, lived in the city, also a neighbor, lived down the street from myself. So we appreciated his efforts on behalf of the city. So both will be missed.

And this was -- the Cinco de Mayo event was scheduled for Saturday and Sunday. The major part of it was going to be on Sunday. And so we just wanted to share some pictures with the public of some of the activities that were able to get in on Saturday, the dancing, the colorful costumes and uniforms so that they had.

So, and I guess thank Juan for his two-minute presentation

that he had, but it was educational for all of us. I'm sure that Middletown -- his words were well received because we are a melting pot. That's what we are, the community. And even within the Latino community, you can see that there's many different cultures here.

So it's excellent to learn what other people -- when I was growing up, we had Masi, and the neighborhood that we grew up in was the Little Italy parade and the marching through the streets with the colorful uniforms and the local festivities that were on.

So the community has changed and I think it's changed for the better over the years. And it's much more inclusive than we were many, many years ago. And I think we have a lot to be proud of. And I want to thank Juan and the committee that put it together, the events, and I'm sure these events will grow even more in the future. So these were just some of the pictures and that was it. So thank you very much. Any questions?

PRESIDENT J. MIGUEL RODRIGUES: Any questions for the mayor? All right. Thank you, Mayor.

MAYOR JOSEPH DESTEFANO: Thank you. Reports of departments. Economic development?

MARIA BRUNI: Good evening, everyone. I want to thank Juan, Naomi, Alvaro Garcia, Jose from Alandra's. They were part of the committee that helped the business improvement district in the city put this Cinco de Mayo event that we started last year. And it was just amazing to work together with them, their passion and congratulations to the queen and the princess. So I'm looking forward to doing more. And

Juan is correct. We are a united melting pot. And I think our friend John Degnan, our former bid director, is looking down and is proud of this. And, you know, we're going to carry on the mission and the vision and keep getting stronger. And again, thank you to everyone.

I also want to say that our summer concert series is going to be beginning. And what better way to kick it off with the Middletown school district. On May 30th, we are going to have the school district mariachi ensemble along with the Middletown High School jazz band. And then the next night, May 31st, at John Degnan Square, we are going to have the marching midi drum line and the modern band. So again, what a way to kick off our season downtown with our summer series. And we're looking forward to a great summer. And thank you, everyone.

PRESIDENT J. MIGUEL RODRIGUES: Thank you.

(Applause)

PRESIDENT J. MIGUEL RODRIGUES: DPW commissioner?

JACOB TAWIL: Good evening, everyone. We'll start off with Alderman Masi. The reservoirs level, 99.9 percent full. So we're noticing they started to drop a little bit with the lack of rain, but we're in good shape. Spring cleanup, it's over. The first world was the heaviest this year, which is good. That means people cleaned up. And we're very happy that people clean up their backyards and whatever they have stored and they have no need for that furniture. It will lessen the chances of having fire, improve quality of life and so on. So we're very happy with the outcome.

Water, also the electronics reminder. The electronic drop off

is going to be this Saturday at DPW garage on Monhagen Avenue, 76 Monhagen Avenue. Our guys will be there 8:00 until 3:00 this Saturday. If you have TVs that they are no more use for you, printers, computers, all these electronics, please drop them off at our garage and, you know, don't put them out on the sidewalk obviously, as everybody knows by now.

Water system flushing has been completed and the guys did a good job with it. They were able to do it while they were doing many other projects. That's the water and sewer department. Heritage Trail segment three, we had that public meeting in here, informational meeting basically on April 17th, and it went very well. Everybody that showed up from the public, we had quite a bit of turnout in here. The county was here, department of parks, because they are the lead agency on it. The engineers, HVEA were here and we had nothing but good positive feedback from the public and whoever showed up. Everybody is so interested in this Heritage trail segment three, which will go from East Main Street or the Switch Inn all the way through Davidge Park up to Ingrassia Road. That's where it stops.

Also to update you, we had the three RFQs in there for two finished water lines, one raw water line. The mayor, Alderman Masi, myself and Katie Gass from my office, we did the evaluation for the RFQs. We did the scoring, and we have selected the highest scoring firms for this. And we will be sending -- we will be doing some further evaluation for the cost of the projects and so on. All these are grants project except for the raw water line, which is city pays 40 percent of the of the cost and about \$5 million is a grant. The remainder of it

will be low interest loan. Hopefully we will qualify for the low interest loan, I hope.

Also at the water treatment plant, because of the mayor's plans for expanding our water and sewer system and to generate revenue for the city, we have activated and incorporated the dissolve air flotation package plant that's been sitting there idle. Now we have activated it. We had to do some changes in there with the disinfection system and so on. And now it's ready to go online and we had it online for a while now and it's a good addition for us. It will provide more capacity for us to treat water should we have more demand coming in, which is we anticipate and also will provide for redundancy for us if one of our main filters goes down. We have the dissolved air flotation and they're ready to jump in.

Construction projects and capital projects. Mountain Avenue tank and High Barney tank. The precast panels are being poured at the site. The bottom of the tanks have been poured with concrete, reinforced concrete. It's really going to be a very nice process. If anybody wants to come out and see it, how they fabricate this tank and put it together, it's basically, it's like Lego pieces in there. They put them together and then they put a prestressed concrete cable that will go around, put them all together, and then they will do some concrete shotcrete on the outside and then some painting. It's really a tremendous process. If anybody wants to go over there, we'll be happy to take them. Just let us know.

Traffic operation, as you can see, it's moving forward very

well. Again, we regret the congestion that we are causing on West Main, Wickham Avenue and West Main. But it's unavoidable and we really appreciate everybody that's cooperating with us. I stop there every once in a while and people are not complaining. They just know what we're doing and they are obeying the rules of the flagman or the flag women in there. And we appreciate them trying to keep our men and women working out there for the contractors safe because they're doing this project for us. And the project is beautiful addition for us.

We have an ad in the paper last Sunday and we're going to have it again on Friday, trying to hire, to recruit laborers. We need laborers for our water department, sewer department and street department. We really have shortages in there. And hopefully we can get people's attention with this ads in the paper so people can apply. And it's a good job. It has retirement, it has pension, it has health insurance. You know, it has a lot of advantages for somebody who wants to find a career within DPW. It's a good place.

We have three of our employees now. Our guys, finally, they are getting -- attention is being given by our employees to the importance of being certified water and wastewater treatment plant operators. The mayor has approved sending one person in there for wastewater for about costs of like \$5,000 in there just to get licensed for the wastewater treatment plant to become an operator.

We have two more guys from the water treatment plant. They're upstate right now getting their courses taken in order to become chief operators, which is what we have been lacking in the City of Middletown

for years and years. And that's why we're using private operators to be a chief operator at the water and the wastewater treatment plant. So we're very excited about these three guys, and I do compliment them personally. And I'm sure when they get certified, the mayor will recognize them here.

And before you tonight, you have the CEQA for the parking garage. The parking garage design is moving along very well. And once you approve the SEQRA, and hopefully we'll be going out for bid. That was on the mayor's agenda, but in a couple of weeks, we're hoping. So that's the parking garage across from the Paramount. Do you have any questions for me?

PRESIDENT J. MIGUEL RODRIGUES: Question for Jacob? Alderman Green?

ALDERMAN ANDREW GREEN: Thank you. I know our favorite little cut through from Liberty street and Wickham there by the armory.

JACOB TAWIL: Yes.

ALDERMAN ANDREW GREEN: I know the street's closed now. Is that done? Going to be closed permanently now?

JACOB TAWIL: Hopefully, yes. Right now it's being staged --

ALDERMAN ANDREW GREEN: Right.

JACOB TAWIL: Right now we're using it only as a staging area, but it will continue until that area, that work is completed. And a section -- we'll let you -- we're studying it right now. Section between Highland Avenue, between Wickham Avenue and West Main, that section in there, it might be closed for traffic because of all the

tremendous amount of work is going to be done. But we're still evaluating that to see how long it's going to be. And then we'll be sending out -- what's the name of that next --

RICHARD MCCORMACK: Civic ready.

JACOB TAWIL: What?

RICHARD MCCORMACK: Civic ready.

JACOB TAWIL: Yeah. Civic. Whatever it is.

RICHARD MCCORMACK: Civic ready.

ALDERMAN ANDREW GREEN: You got it. Thank you.

JACOB TAWIL: Yeah. We'll be sending those messages out, so we encourage everybody to sign up for it. The instructions -- Rick has it very, very, very easy on our website. Please, everybody, just sign up for it. And this way, you will be notified if there's any traffic, any detours, any water main breaks, any other emergency, even or non-emergency in the city.

PRESIDENT J. MIGUEL RODRIGUES: Thank you. Alderman Kleiner?

ALDERMAN GERALD KLEINER: Thank you. Yeah, back when our telephone was working, we actually got some calls about the yard waste because it hasn't been picked up in a couple weeks. I was assuming it's because you were busy. Your people were busy with the bulk pickup, et cetera. But this is going on the third week that some hasn't been picked up.

JACOB TAWIL: Really?

ALDERMAN GERALD KLEINER: Yeah, it's really --

JACOB TAWIL: I checked with the --

ALDERMAN GERALD KLEINER: -- it's growing out in the street.

JACOB TAWIL: Yeah, I check with the men. What do you mean, blowing out? Is it in a can or is it --

ALDERMAN GERALD KLEINER: No, I mean it's growing. Growing more and more.

JACOB TAWIL: Okay. So you know the instructions how to do the yard waste, right? You've got to put it inside a can or it's wrapped.

ALDERMAN GERALD KLEINER: It's inside cans or it's inside paper bags, or it's there to be picked up.

JACOB TAWIL: Right. Okay.

ALDERMAN GERALD KLEINER: But it hasn't been. So that's the question.

JACOB TAWIL: Yeah, I'll take it up with my men, because I checked with them every time you told me about it, and they assured me - - I'll check. That's my problem. I'll deal with it.

PRESIDENT J. MIGUEL RODRIGUES: Jacob, I have a question.

JACOB TAWIL: Yes.

PRESIDENT J. MIGUEL RODRIGUES: You have another one?

ALDERMAN GERALD KLEINER: Yeah, yeah. Two more quick ones. One, there are so many places and intersections that they've started working like Monhagen and Oliver, and that's a dangerous intersection anyway. It's tough because now they've taken away the sidewalk. It's hard to see them. If you're coming from Oliver, it's hard to see up and down Monhagen Avenue, but they work on it for a while and then nothing.

And then it gets left with lots of cans and lots of, you know, orange fencing and stuff. So it's hard enough to see when a car is parked on a corner or when cars are parked in that Monhagen Station right there. But I would like to see them finish a couple of the places they've started rather than start every place at once and finish nothing. So that's what I've been noticing. And just one quick comment. The Heritage Trail meeting, it was very good. But what they're focusing on is West Main Street to Ingrassia. They said the part about East Main to West Main, that's got a long way to go yet.

JACOB TAWIL: Yeah, you're absolutely right. That's part because the city has built some of it in here in Erie behind us. We built it all the way up to the library, from West Main to the library. That's already built. The city did that. And we have the remaining section that goes through the Coach USA. The terminal, the bus terminal, and that's what's part of the terminal. That's going to be the design of it. That's why that small section, yes, you're absolutely right.

Now, let me just address what you said about the traffic operations so everybody will understand why they are doing what they are doing. They have a specialty contractor that comes in, and when they come in, they come in one week and it's been booked for a long time, one week or a couple of weeks, and they put in the granite curb. They come from upstate New York. That is the reason why they are preparing. And then they leave it open. It's done by specific, by a specialty subcontractor.

Having said that, there should not be any dangerous condition like you specified, like you said in there, if there are cars parked very close to where the intersection is, line of sight is not available, all that should be addressed by us. And I appreciate you bringing that to my attention. We'll take care of it tomorrow. Oliver and Monhagen. There should not be any dangerous condition in there.

But the reason why they are staging all this is their subcontractor, which he happened to come in here yesterday, I believe, the granite curb. And they started doing by Dolson Avenue, Abe Isseks Road, and now they've done Canal Street and they're working. They're working their way up. Canal Street is done. It's been open for a while, but that was -- that is the reason for it.

ALDERMAN GERALD KLEINER: Okay.

JACOB TAWIL: Yeah.

ALDERMAN GERALD KLEINER: Thank you.

JACOB TAWIL: But there should not be any dangerous condition.

PRESIDENT J. MIGUEL RODRIGUES: Jacob, one question. The old Truck 3,, the fire truck. Have we put it out for bid?

JACOB TAWIL: Yeah, it should be. I will have to check. I told my guys to put it out for auction. Yes, in the auction site. The ladder truck, you mean?

PRESIDENT J. MIGUEL RODRIGUES: Yes.

JACOB TAWIL: Yes, sir. Yes, I told my guys to do it. I don't know if they've done it or not yet, but I will get you the answer.

PRESIDENT J. MIGUEL RODRIGUES: Okay. Anyone else? All

right. Thank you, Jacob.

JACOB TAWIL: Thank you.

PRESIDENT J. MIGUEL RODRIGUES: Fire chief?

DON LUIS: Good evening. First, I'd like to thank the mayor for doing the awards tonight. I know he couldn't attend the dinner for our '23 firefighter of the year and our '23 officer of the year. Our dinner was held Saturday night, Town of Wallkill. I appreciate the council who could make it. I understand, you know, time is a commodity. But it was a great night. Hopefully, everybody enjoyed themselves. You know, we'll be doing it again next year. Obviously, the invites will be out.

And I don't know if you got your call today about Fireman Joe, but they did go over today to get an update. There's two more dippings. I'm not really sure what they're talking about, but I guess it gets dipped and then it gets bronzed. So we're looking at hopefully, within roughly like a month, hopefully we can schedule the delivery to be put on the base. And that's all I have.

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

JOHN EWANCIW: Good evening. I actually have nothing unless you have questions for me.

PRESIDENT J. MIGUEL RODRIGUES: Any questions for the police chief? Thank you, Chief. City clerk?

RICHARD MCCORMACK: Good evening. I just want to thank the community for coming out. I echo the words of Sue Depuy, for our spring

cleanup. We had well over 250 to 300 people out that day. We collected a lot of trash, so we appreciate that. And, Sue, I want to thank you for being the inspiration that has brought that to the city for so many years. It is a great event for us, and we appreciate your leadership and your spearheading that effort.

Channel 20, I know that we are still having some sporadic outages on Channel 20. We did a survey a few weeks ago trying to pinpoint the locations within the city that are experiencing the outages, and we are working with Spectrum to have those resolved.

And finally, don't forget we have our citywide cleanup the first weekend in June, June 1st and 2nd. We have about 50 houses signed up already. You can sign up through our website, middletownny.gov --

PRESIDENT J. MIGUEL RODRIGUES: Yard sale.

RICHARD MCCORMACK: What did I say?

PRESIDENT J. MIGUEL RODRIGUES: Citywide cleanup.

RICHARD MCCORMACK: Oh, I'm sorry. Citywide. I loved it so much. We'll do it again. And last but not least in your water bills this month was an insert from our office with information on how to sign up for the emergency alert system that Commissioner Tawil was speaking of. There's a QR code on there. All you have to do is hold your phone up to the QR code and sign up for those emergency alerts through the phone.

And on the reverse of that, many of you might be aware we've been putting out a citywide newsletter on a weekly basis, and there's information on the back of that same insert on how to sign up for that.

So we're looking to make sure as many residents from the city get that information and get signed up for those services. Thank you.

PRESIDENT J. MIGUEL RODRIGUES: Okay, any questions for the city clerk? All right. Thank you, Rick. Petitions and public hearings?

RICHARD MCCORMACK: Good evening. We have a public hearing this evening. The City of Middletown will hold a public hearing on Tuesday, May 7, 2024 on or as near to 7:30 p.m. as possible in the Common Council chambers, Second Floor, 16 James Street to hear any and all persons wishing to be heard on the proposed two lot subdivision resulting in a lot line change at the rail bed at the intersection of the southerly line of East Main Street and the northerly line of Sprague Avenue. SBL 3611-1.1 and 3611-3. Any and all persons wishing to be heard will be given an opportunity to speak either for or against the subdivision. The complete application of the end map for the property is located on our website and in the city clerk's office.

PRESIDENT J. MIGUEL RODRIGUES: Okay. At this time, the public hearing is now open. Are there any comments? Jacob, you want to bring it up?

MAYOR JOSEPH DESTEFANO: This is the old MN&J rail station on the corner of Railroad. Jacob has the map here, the corner of Railroad and East Main. The property extends all the way to Sprague. The purpose of the subdivision, obviously, is because we're not taking the rail line still active on the MN&J line. So we're going to -- the city is purchasing the property for \$180,000.

We're utilizing a \$500,000 grant through Aileen Guenther's office to purchase and renovate not only the building, but the property. Our goal is to do some parking, Heritage Trail parking, which people are using it now, although they're not authorized to, because it's privately owned, but we'll do some trail parking at that site, but also to develop a concept for the use of the building and to maintain that little historic structure. So I want to thank Assemblywoman Gunther for her efforts in getting the money for us.

This will also tie into the extension of the heritage trail that is going to go down through around Genung and end up at East Main Street over by Shut Road. That portion of the trail is being worked on by the county. They're calling it the Middletown connector, I believe. Yeah, the connector trail. Middletown-Wallkill Connector Trail. And I guess the end game is for hopefully they'll be able to get out to the Wallkill Town Hall with certain right of ways that are there. But for our purposes, we will -- we're developing, through economic development, some ideas for requests, for concepts, to see what people will do, what they would propose to do with that structure, and at the same time, leave some space there for us for like a little bit of a welcoming center so people that are coming in on the trail will know that they're entering downtown Middletown and have brochures and other things that will be promoting the city.

But should be no cost at all to the city. The building, the \$500,000 grant we're hoping will cover everything we're anticipating to do. So that's the project. As you can see on the map, we do have to

put up a fence between the property line and the rail line as part of the conditions of the sale. And that's all I have on that.

PRESIDENT J. MIGUEL RODRIGUES: All right. Anyone from the public have any questions? Any of the councilmen, any questions? Can I get a motion to close the public hearing? Alderman Masi. Do I have a second? Alderman Johnson. All in favor?

(Chorus of ayes)

PRESIDENT J. MIGUEL RODRIGUES: Public hearing is now closed. All right. Remarks of the aldermen. Alderman Masi?

ALDERMAN JOSEPH MASI: Please bear with me. I've got a few things. One, the Middletown Thrall Library in the City of Middletown, we have a pet adoption. It's this Saturday, May 11th, from noon until 3:00. There is a rain date. God forbid it rains. It would be then held the following Saturday. Adopting pets is a wonderful, wonderful thing. So if you possibly can, please come out. And if you can adopt, please do so.

President Rodrigues, would you please put in to either the public safety or the public works traffic committee and invite Commissioner Tawil and Police Chief Ewanciw to assist in implementation the speed hump. I know the mayor is enthusiastic about this. We've talked about it several times. We have to make a move one way or the other. And if we can get it in committee, then we can research it even more. I'll give you this after.

I have a couple of other things. I want to thank Chief Brady and our own Alderman Green for the great time at the fireman's award

dinner last Saturday. Congratulations to all the recipients of the awards. They were well deserved.

Now, the Memorial Day Parade is Monday, May 27th. The parade will begin at Thrall Park. We will assemble at 9:30 in the morning. At Thrall Park will be the laying of wreaths only. There will be no speeches at that point. We will then proceed to the Wallkill Veterans Memorial Park, Mattie's Diner. The full program will be held there with speeches. Next year, obviously, we will reverse the course.

By the way, the distance from Thrall Park to Wallkill Veterans Memorial Park is nine-tenths of a mile. And the distance from the Elks Club to the Wallkill Memorial Park is seven-tenths of a mile. Because when I had it changed, the mayor and I had spoken, and he wanted for us to be able to lay wreaths at Thrall Park. So we changed. I went to the meeting and asked to please change the route. And I've had a number of people get back. Well, it's a lot longer. A lot longer. Well, I measured it and it just really isn't. We can handle that.

All right. Here's an update about Orange County Legislator Joel Sierra's no-show job. I attended the county legislative monthly meeting last Thursday and spoke to them about the unacceptable situation, over two years of no representation, and 85 percent of our residents are without representation. He's missed 113 meetings, cost our taxpayers \$60,000 and if they don't take action, another two years, another \$55,000 for a no-show job.

I ask that they please contact the governor's office because the governor has a right to remove Legislator Sierra and begin that

process. This way, the county will have done their job, and it will be in the hands of the governor to give the residents of Middletown the representation that we all are entitled to. Thank you.

PRESIDENT J. MIGUEL RODRIGUES: Alderman Witt?

ALDERMAN KEVIN WITT: Thank you. Thank you. I have a few things as well. I just -- at first, I wanted to congratulate the Garden Lovers' Club for their 100th anniversary celebration. That was a very nice night. I always enjoy the historical things that happened in our city, and this was definitely one of them. Congratulations to the firefighters. I think they've left, but that sounded like it was a great night. I'm sorry I missed it. Usually I'm able to do that, but congratulations to all the winners of all the awards and all the companies.

The citywide cleanup, thank you, Susan and Rick, for acknowledging -- or for your work on that. And, you know, there were a few hundred people, and I think at the end, you know, it is a community service thing, but it's also picking up garbage. It's not always a lot of fun, but people came out and did it, and it's a great thing. And I hope that's a tradition that continues, 250, 300 sounds great. A lot of young people, which is also very good.

And I guess finally, I don't know how this is going to come across. And I apologize to you guys, because he started this way, this way first. But with what Doug said back there, and I was not on the council for four years. I was in the beginning when that development was passed, and I'm going to pretend that it was ten years ago when Doug

and members of his -- of his neighborhood were concerned about water situations. And now here he is ten years later. And I guess my question would be with complaining about water situations, and I guess my question would be is when all these folks, these developers, came to us and sat here and had these presentations and made all these promises that whatever they were going to do, that they were going to take care and make sure they were good neighbors.

And I don't know whether they did or they didn't in ten years, but I'm just asking the question from ten years ago to ten years now and is there anything that we can do to look at the situation and see if they didn't do what they were supposed to do, and if they have been, my apologies. I'm not trying to call anybody out. I am just raising the question to be considered.

PRESIDENT J. MIGUEL RODRIGUES: Jacob?

JACOB TAWIL: Yeah. Good evening again. Every project that comes before the city, it goes through the rigorous process of review, designed by the engineers, designed by the planning board, reviewed by the planning board, by their engineers, and then by us. I had several meetings, I mean, countless meetings at the site with the neighbors discussing all the situations. The owner of the development was there, and we thought we addressed pretty much everything. I mean, the area was beautiful, wooded area. You need to understand that. Right? It was a beautiful, wooded area. And then all of a sudden you have nothing but buildings full of people all around them.

So whatever runoff that was generated, it would have been

contained within the detention ponds that they designed it so that the pre-runoff, the volume, will equal the post-development runoff volume. All these things were analyzed. We met with them again several times and, and Mr. Couch had some issues in there and some of his neighbors in there. And you know, we just -- we can do what we can except from stopping the development from taking place, which we can't. So that is the situation.

Mr. Couch, I was going to go talk to him in there. I heard through Alderman Tobin about the neighbors. They bought the house a couple of months ago. They were discharging water on the swale in the street, on the side of the street. And just happened a couple of months ago, my understanding. We looked into it immediately. Once I got the phone call from the Alderman Tobin, I sent the deputy commissioner over there. He met with them. They have done a dry system for their basement. Their basement was very wet, so they want it to have a dry basement.

So the dry basement system will have a sump pump to discharge the water somewhere. It's got to go to the surface, otherwise it will go into the basement. The only way they can discharge it is onto the side of the road where the swale is. That's what has happened. They have no other place. They cannot shoot it back uphill behind them. They have to discharge it towards the street.

The catch basin he spoke of a while ago, him and I, we spoke about catch basin. I didn't think it was needed at the time. It's not the cost. If something is needed, we'll do whatever it takes to do it.

I don't believe it was the cause.

Maybe just we miscommunicated or we did not understand each other or something. But on Friday, I'm going to go. If Mr. Couch is available, I'm going to go meet with him. I'm dressed up this way because I was in seminar all day. I have another two more days in seminar for code enforcement. I'll be back in here on Friday. First thing I would do, if he's available, I'll go visit with him and see if there is another. Maybe with this water being discharged on the side of the road, it is -- there is a reason that maybe we -- maybe there is a need for a catch basin, an added catch basin. Okay. So there is a new circumstances.

But I will take a look at it. I will give my professional opinion. And you know, you guys can order me to do anything you want me to do. No, no, I'm not saying you as a body, you can order me to do anything you want, regardless of my opinion. But my opinion is to give you my engineering analysis of the situation and to make the best recommendation that will serve the city's taxpayers' money.

But there was nothing in there that we overlooked from that project that I know of. I was personally there. It's not like a contractor comes in. You can look at all the projects. Many of them have threatened to sue us, to sue me personally. Miamisburg on East Main Street, they threatened to sue me personally. And that's how tough we are with them. We do not take a backseat to the developer, whoever he or she are. Go ahead.

PRESIDENT J. MIGUEL RODRIGUES: Yeah.

ALDERMAN KEVIN WITT: Thank you very much. I mean, I intentionally did not ask you that during the time because it really, I wasn't taking the approach that it was the city's fault, that the city didn't do something. I'm asking is that if the development did everything that they were supposed to do ten years later, because I was around for all the meetings when the trees had to be a certain length, they were saying they were going to beautify, so they didn't do -- and all those presentations.

All I'm -- I'm not suggesting that the city didn't do anything or did anything wrong with this. I'm trying to see if there's a way that there's something we can do. Respect to your total expertise. I have a journalism degree, so it's like -- but is this development doing everything that they're supposed to do now? So it was in no way intended to suggest that the City of Middletown, your staff, your expertise we're not doing what you're supposed to do. Thank you.

PRESIDENT J. MIGUEL RODRIGUES: All right. Alderman Green?

ALDERMAN ANDREW GREEN: Excuse me. Thank you very much. Just to remind everyone, on this coming Monday, May 13th, we will have our second ward constituents meeting here in the council chambers at 7:00 and I believe, Police Chief Ewanciw, if you're still available and on schedule, he will be with us to answer any of our constituents' questions there. So we hope to have you there and join us.

The citywide cleanup. Again, very, very amazing turnout and a great day, as usual. So well done to Sue and Rick there for that job. Again, the fire department dinner was great. A lot of great awards to a

lot of very good and very dedicated volunteers in our city. So, you know, from my heart, thank you to them and for their dedication and hard work.

And last but certainly not least, there's no sendoff that was ever going to be big enough for John Degnan. You know, I don't want to go on forever. And if everyone spoke, we'd be here until 2025. But really, we're going to miss him terribly and deeply. And he meant so much as a family friend, as a city worker and all of his dedication. I know that his heart was always in Middletown. And our hearts go out to him and his family as well. Thank you.

PRESIDENT J. MIGUEL RODRIGUES: Thank you. Alderman Kleiner?

ALDERMAN GERALD KLEINER: Thank you. I apologize to anyone who tried to call me this past week. You just got a busy signal. Frontier was supposed to show up and they didn't show up. And they didn't show up. And now they say they can't fix it. So we're going to look to Spectrum, I believe, because we don't need to duplicate the rest of the service, but that's where they are. So in the meantime, if you're trying to reach me, please call the city clerk's office and Rick will get the message to me.

The Garden Lovers' Club. The 100th anniversary, it was a great event. And that was on May 10th. And coincidentally, May 10th was the 150th anniversary of the opening of the Middletown State Hospital. And today is to the day, the 150th anniversary of the admission of the first patient in the Middletown State Hospital. So it was, you know, an amazing place. It got up to almost 4,000 patients in

the '60s. And then when it became the psych center, Governor Pataki finally shut it down. So that's where we are. Happy Mental Health Awareness Month.

We also managed to, just by serendipity picking up Chinese food, saw that something was going on in Veterans Memorial park and they were dedicating the wall. So Mike Cody, congratulations there, the Vietnam veterans wall and other veterans. And it's really -- they did a beautiful job. So that's where we'll end up in the Memorial Day Parade at Veterans Memorial park.

The fire department. Thank you, Alderman Green, aka fire department secretary Green. And thank you, Chief. And congratulations to our firefighter and officer of the year and everyone else who received an award. Senator Skoufis was there and happened to be sitting where I was sitting. And he is just amazed at how our paid and volunteer fire department works and how they work together. So very impressive.

I should have asked this when Superintendent Creeden gave the presentation, but we know the school elections are May 21st, but there also is a meet the candidates night. And the meet the candidates is May 15th at 7:00 p.m. And I think that's in the library room at the high school.

But if you want to find out, I believe there are five candidates, and there are actually four positions because they had one resignation. So we'll be electing four out of the five, three for three-year terms and one for a one-year term. But if you want to find

out about them and who they are, it's next Wednesday at 7:00 p.m. at the school.

I congratulate Andy Mills and Fred Isseks. The Hillside Cemetery tour that they had a week ago Saturday was wonderful. The students dressed in costumes and took the roles of some of the more famous people who were buried in Hillside. And they were terrific. So it was a much bigger turnout than they expected. And always thanks to Dan Higbie for supplying the bus. It was really a nice event.

And I think that's basically it, except to say, John Degnan, not replaceable, Mr. Middletown. And he was called that for a reason. His heart, his soul. And we will miss him dearly. Thank you.

PRESIDENT J. MIGUEL RODRIGUES: Alderman Wray.

ALDERWOMAN KATE WRAY: Good evening. I am going to be quick. We are keeping our queen and our princess out rather late.

PRESIDENT J. MIGUEL RODRIGUES: Yes.

ALDERWOMAN KATE WRAY: So before they turn into pumpkins, I'm going to be quick. I just want to say congrats to all our honorees tonight. You young ladies are a great representation of our youth. And I know one of them went to my school at Presidential. And it is good to see your beautiful face here tonight.

I just wanted to just briefly state that John Degnan was probably one of the best human beings I've ever had the opportunity to know. And his legacy here in the city will go on for a very long time. And I think if we all strive to make John proud, the world will be a much better place. And that is all I have. Thank you.

PRESIDENT J. MIGUEL RODRIGUES: Alderman Johnson?

ALDERMAN PAUL JOHNSON: Thank you. I appreciate all the comments of my colleagues, and I have nothing further to add.

PRESIDENT J. MIGUEL RODRIGUES: Alderman Jean-Francois?

ALDERMAN JUDE JEAN-FRANCOIS: Thank you. Condolences to the Degnan family. My best recollection of John. I remember when I first became an alderman, and he took me around the city with the golf cart. I mean, he was going a little fast. I was wearing my hat, my hat as an officer. I was like, John, this thing don't have no doors. You need to slow down. He said, I told you to hold on. He was a great man, so he definitely will be missed.

Also, on behalf of the constituents of the fourth ward, the commissioner at the street department did a wonderful job. We had a lot of stuff out there in the fourth ward, sort of bulk pickup. And these guys did a great job in a festive manner to pick up everything. Well done. And also on Dogwood and Walnut, they also did a great job in trimming the trees and bushes at the edge of the road. And at one point it was overgrown. But they did a wonderful job. I appreciate all their help.

And happy Cinco de Mayo, if it's not too late. This is great representation. And as far as the school budget, congratulations on the school budget. I mean, within the last five years, 1 percent. I think they did an excellent job. Thank you.

PRESIDENT J. MIGUEL RODRIGUES: Alderman Tobin?

ALDERMAN SPARROW TOBIN: Just like Alderman Witt said, we've

worked a lot in Amchir Village with the water as it comes up with the commissioner, whether it's the railroad tracks or the runoff, any time something comes up, we try to solve the problem, so -- and we've got new issues. It's a main path of water coming out of that area, so we're working on it. And Mr. Couch has always -- he didn't miss a meeting for a long time, for like several years. He's a mainstay at our constituent meetings.

I'd like to recognize one of our local, our troop Eagle scouts, Jason McNamara. He's here for his participation in government class tonight to observe. So just want to recognize him. I'd also like to congratulate the queen and the princess of Cinco de Mayo. I think Middletown is such a vibrant cultural hub of not only culture, but food and music, and I'm glad to keep that tradition going. I'm glad to hear that we have these three gentlemen certified and bring some of those jobs in house so we don't have to rely on an outside contractor if we don't have to.

And I'd like to publicly express my appreciation and gratitude for the Degnan family for all that he's done for Middletown. He was a much beloved civil servant. In our brief conversations on the campaign trail or on his stoop, you could really tell his love for Middletown or at events. And so maybe one day he could meet up at the Elks Club in the sky for a pint. Thank you.

PRESIDENT J. MIGUEL RODRIGUES: New business?

RICHARD MCCORMACK: Good evening. We have a resolution sponsored by Alderman Tobin authorizing a acceptance of a \$250 donation

from the Middletown Lions Club for the annual fishing derby.

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

RICHARD MCCORMACK: Tobin?

ALDERMAN SPARROW TOBIN: Aye.

RICHARD MCCORMACK: Jean-Francois?

ALDERMAN JUDE JEAN-FRANCOIS: Aye.

RICHARD MCCORMACK: Johnson?

ALDERMAN PAUL JOHNSON: Aye.

RICHARD MCCORMACK: Wray?

ALDERWOMAN KATE WRAY: Aye.

RICHARD MCCORMACK: Kleiner?

ALDERMAN GERALD KLEINER: Aye.

RICHARD MCCORMACK: Green?

ALDERMAN ANDREW GREEN: Aye.

RICHARD MCCORMACK: Witt?

ALDERMAN KEVIN WITT: Aye.

RICHARD MCCORMACK: Masi?

ALDERMAN JOSEPH MASI: Aye.

RICHARD MCCORMACK: President Rodrigues?

PRESIDENT J. MIGUEL RODRIGUES: Aye.

RICHARD MCCORMACK: Carries. Resolution sponsored by Alderman Jean-Francois authorizing a \$10,335 budget transfer for a new air conditioner for the IT equipment room at the police department.

PRESIDENT J. MIGUEL RODRIGUES: Resolution sponsored by Alderman Jean-Francois, seconded by Alderman Wray. Any discussion? Can we get one for this room? It's only 74 degrees. Freezing. Roll?

RICHARD MCCORMACK: Tobin?

ALDERMAN SPARROW TOBIN: Aye.

RICHARD MCCORMACK: Jean-Francois?

ALDERMAN JUDE JEAN-FRANCOIS: Aye.

RICHARD MCCORMACK: Johnson?

ALDERMAN PAUL JOHNSON: Aye.

RICHARD MCCORMACK: Wray?

ALDERWOMAN KATE WRAY: Aye.

RICHARD MCCORMACK: Kleiner?

ALDERMAN GERALD KLEINER: Aye.

RICHARD MCCORMACK: Green?

ALDERMAN ANDREW GREEN: Aye.

RICHARD MCCORMACK: Witt?

ALDERMAN KEVIN WITT: Aye.

RICHARD MCCORMACK: Masi?

ALDERMAN JOSEPH MASI: Aye.

RICHARD MCCORMACK: President Rodrigues?

PRESIDENT J. MIGUEL RODRIGUES: Aye.

RICHARD MCCORMACK: Carries. Resolution sponsored by Alderman Witt authorizing a salary increase for a program coordinator in the recreation and parks department.

PRESIDENT J. MIGUEL RODRIGUES: Resolution sponsored by

Alderman Witt, seconded by Alderman Kleiner. Any discussion? Roll?

RICHARD MCCORMACK: Tobin?

ALDERMAN SPARROW TOBIN: Aye.

RICHARD MCCORMACK: Jean-Francois?

ALDERMAN JUDE JEAN-FRANCOIS: Aye.

RICHARD MCCORMACK: Johnson?

ALDERMAN PAUL JOHNSON: Aye.

RICHARD MCCORMACK: Wray?

ALDERWOMAN KATE WRAY: Aye.

RICHARD MCCORMACK: Kleiner?

ALDERMAN GERALD KLEINER: Aye.

RICHARD MCCORMACK: Green?

ALDERMAN ANDREW GREEN: Aye.

RICHARD MCCORMACK: Witt?

ALDERMAN KEVIN WITT: Aye.

RICHARD MCCORMACK: Masi?

ALDERMAN JOSEPH MASI: Aye.

RICHARD MCCORMACK: President Rodrigues?

PRESIDENT J. MIGUEL RODRIGUES: Aye.

RICHARD MCCORMACK: Carries. Resolution sponsored by Alderman Johnson authorizing the awarding of the 2024 street and asphalt materials bid.

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

RICHARD MCCORMACK: Tobin?

ALDERMAN SPARROW TOBIN: Aye.

RICHARD MCCORMACK: Jean-Francois?

ALDERMAN JUDE JEAN-FRANCOIS: Aye.

RICHARD MCCORMACK: Johnson?

ALDERMAN PAUL JOHNSON: Aye.

RICHARD MCCORMACK: Wray?

ALDERWOMAN KATE WRAY: Aye.

RICHARD MCCORMACK: Kleiner?

ALDERMAN GERALD KLEINER: Aye.

RICHARD MCCORMACK: Green?

ALDERMAN ANDREW GREEN: Aye.

RICHARD MCCORMACK: Witt?

ALDERMAN KEVIN WITT: Aye.

RICHARD MCCORMACK: Masi?

ALDERMAN JOSEPH MASI: Aye.

RICHARD MCCORMACK: President Rodrigues?

PRESIDENT J. MIGUEL RODRIGUES: Aye.

RICHARD MCCORMACK: Carries. A resolution sponsored by Alderman Wray declaring a proposed four-story parking garage at the intersection of South Street and Washington Street to be a type one action under the State Environmental Quality Review Act, SEQRA.

PRESIDENT J. MIGUEL RODRIGUES: Resolution sponsored by Alderman Wray, seconded by Alderman Green. Any discussion? Roll?

RICHARD MCCORMACK: Tobin?

ALDERMAN SPARROW TOBIN: Aye.

RICHARD MCCORMACK: Jean-Francois?

ALDERMAN JUDE JEAN-FRANCOIS: Aye.

RICHARD MCCORMACK: Johnson?

ALDERMAN PAUL JOHNSON: Aye.

RICHARD MCCORMACK: Wray?

ALDERWOMAN KATE WRAY: Aye.

RICHARD MCCORMACK: Kleiner?

ALDERMAN GERALD KLEINER: Aye.

RICHARD MCCORMACK: Green?

ALDERMAN ANDREW GREEN: Aye.

RICHARD MCCORMACK: Witt?

ALDERMAN KEVIN WITT: Aye.

RICHARD MCCORMACK: Masi?

ALDERMAN JOSEPH MASI: Aye.

RICHARD MCCORMACK: President Rodrigues?

PRESIDENT J. MIGUEL RODRIGUES: Aye.

RICHARD MCCORMACK: Carries. Resolution sponsored by Alderman Kleiner posting notice of determination of non-significance pursuant to 6 NYCRR 617.10 as it pertains to a two lot subdivision for a lot line change involving two properties located just south of East Main Street and just west of Railroad Avenue.

PRESIDENT J. MIGUEL RODRIGUES: Resolution sponsored by Alderman Kleiner, seconded by Alderman Wray. Any discussion? Roll?

RICHARD MCCORMACK: Tobin?

ALDERMAN SPARROW TOBIN: Aye.

RICHARD MCCORMACK: Jean-Francois?

ALDERMAN JUDE JEAN-FRANCOIS: Aye.

RICHARD MCCORMACK: Johnson?

ALDERMAN PAUL JOHNSON: Aye.

RICHARD MCCORMACK: Wray?

ALDERWOMAN KATE WRAY: Aye.

RICHARD MCCORMACK: Kleiner?

ALDERMAN GERALD KLEINER: Aye.

RICHARD MCCORMACK: Green?

ALDERMAN ANDREW GREEN: Aye.

RICHARD MCCORMACK: Witt?

ALDERMAN KEVIN WITT: Aye.

RICHARD MCCORMACK: Masi?

ALDERMAN JOSEPH MASI: Aye.

RICHARD MCCORMACK: President Rodrigues?

PRESIDENT J. MIGUEL RODRIGUES: Aye.

RICHARD MCCORMACK: Carries. Resolution sponsored by Alderman Green, accepting a \$4,999 municipal tourism grant from the County of Orange.

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

RICHARD MCCORMACK: Tobin?

ALDERMAN SPARROW TOBIN: Aye.

RICHARD MCCORMACK: Jean-Francois?

ALDERMAN JUDE JEAN-FRANCOIS: Aye.

RICHARD MCCORMACK: Johnson?

ALDERMAN PAUL JOHNSON: Aye.

RICHARD MCCORMACK: Wray?

ALDERWOMAN KATE WRAY: Aye.

RICHARD MCCORMACK: Kleiner?

ALDERMAN GERALD KLEINER: Aye.

RICHARD MCCORMACK: Green?

ALDERMAN ANDREW GREEN: Aye.

RICHARD MCCORMACK: Witt?

ALDERMAN KEVIN WITT: Aye.

RICHARD MCCORMACK: Masi?

ALDERMAN JOSEPH MASI: Aye.

RICHARD MCCORMACK: President Rodrigues?

PRESIDENT J. MIGUEL RODRIGUES: Aye.

RICHARD MCCORMACK: Carries. Resolution sponsored by Alderman Masi authorizing live music and live music performances in outdoor and sidewalk cafes for the 2024 season.

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

RICHARD MCCORMACK: Tobin?

ALDERMAN SPARROW TOBIN: Aye.

RICHARD MCCORMACK: Jean-Francois?

ALDERMAN JUDE JEAN-FRANCOIS: Aye.

RICHARD MCCORMACK: Johnson?

ALDERMAN PAUL JOHNSON: Aye.

RICHARD MCCORMACK: Wray?

ALDERWOMAN KATE WRAY: Aye.

RICHARD MCCORMACK: Kleiner?

ALDERMAN GERALD KLEINER: Aye.

RICHARD MCCORMACK: Green?

ALDERMAN ANDREW GREEN: Aye.

RICHARD MCCORMACK: Witt?

ALDERMAN KEVIN WITT: Aye.

RICHARD MCCORMACK: Masi?

ALDERMAN JOSEPH MASI: Aye.

RICHARD MCCORMACK: President Rodrigues?

PRESIDENT J. MIGUEL RODRIGUES: Aye.

RICHARD MCCORMACK: Carries. That's it for new business, sir.

PRESIDENT J. MIGUEL RODRIGUES: That was three minutes for eight resolutions. Not saying anything. Put it out there. Audit?

ALDERMAN JOSEPH MASI: Mr. President, I move the accounts be audited, claims be adjusted and the city treasurer be authorized to issue warrants for their payment.

PRESIDENT J. MIGUEL RODRIGUES: Resolution sponsored by Alderman Masi, seconded by Alderman Johnson. Roll?

RICHARD MCCORMACK: Tobin?

ALDERMAN SPARROW TOBIN: Aye.

RICHARD MCCORMACK: Jean-Francois?

ALDERMAN JUDE JEAN-FRANCOIS: Aye.

RICHARD MCCORMACK: Johnson?

ALDERMAN PAUL JOHNSON: Aye.

RICHARD MCCORMACK: Wray?

ALDERWOMAN KATE WRAY: Aye.

RICHARD MCCORMACK: Kleiner?

ALDERMAN GERALD KLEINER: Aye.

RICHARD MCCORMACK: Green?

ALDERMAN ANDREW GREEN: Aye.

RICHARD MCCORMACK: Witt?

ALDERMAN KEVIN WITT: Aye.

RICHARD MCCORMACK: Masi?

ALDERMAN JOSEPH MASI: Aye.

RICHARD MCCORMACK: President Rodrigues?

PRESIDENT J. MIGUEL RODRIGUES: Aye.

RICHARD MCCORMACK: Carries.

PRESIDENT J. MIGUEL RODRIGUES: Move for adjournment?

ALDERMAN JOSEPH MASI: So moved.

ALDERMAN JEAN-FRANCOIS: Second.

(Chorus of ayes)

C E R T I F I C A T I O N

I, Sonya Ledanski Hyde, certify that the foregoing transcript is a true and accurate record of the proceedings.

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Veritext Legal Solutions

330 Old Country Road

Suite 300

Mineola, NY 11501

Date: May 13, 2024



**CITY OF MIDDLETOWN
COMMON COUNCIL MEETING AGENDA
MAY 7, 2024**

1. PLEDGE OF ALLEGIANCE
2. ROLL CALL
3. APPROVAL OF MINUTES
 - 3.1. Nothing this evening.
4. CORRESPONDENCE, COMMUNICATION AND REPORTS
 - 4.1. Taste of Guyana -Standardized Notice Form for Providing 30 Day Advance Notice for a Liquor License Application
 - 4.2. Town of Wallkill Notice of a ZBA Public Hearing: Ready Coffee Inc., 290 Route 211 E
5. FOR THE GOOD OF THE CITY
 - 5.1. Enlarged City School District of Middletown 2024-2024 Budget Presentation
 - 5.2. Recognition of Firefighter of the Year: Ryan Brady
Recognition of Officer of the Year: George Perna
 - 5.3. Recognition of Princess of Cinco de Mayo 2024: Jackie Avalos
Recognition of Princess of Cinco de Mayo 2024: Isabela Bidal
6. REMARKS OF THE MAYOR
7. REMARKS OF THE DEPARTMENT HEADS
8. PUBLIC HEARINGS AND GRIEVANCES
 - 8.1. Public Hearing: Proposed 2-lot subdivision at the Rail Bed and Intersection of the southerly line of East Main Street and the northerly line of Sprague Avenue (SBL 36-11-1.1 and 36-11-3)

9. PETITIONS AND COMPLAINTS

10. REMARKS OF THE ALDERMAN AND REPORTS OF THE COMMITTEES

11. UNFINISHED BUSINESS

12. NEW BUSINESS

75-24 Authorization to Accept a \$250 Donation from the Middletown Lion's Club for the Annual Fishing Derby

76-24 Authorizes a \$10,335 Budget Transfer for a New Air Conditioner for the IT Equipment Room at the Police Department

77-24 Authorization for a Salary Increase For a Program Coordinator in the Recreation and Parks Department

78-24 Authorization to Award the 2024 Street and Asphalt Materials Bid

79-24 Resolution Declaring a Proposed four-Story Parking Garage at the Intersection of South Street and Washington Street to be a Type I Action under the State Environmental Quality Review Act (SERQRA)

80-24 Resolution and Notice of Determination of Non-Significance Pursuant to 6 NYCRR 617.10 As It Pertains to a 2-lot subdivision for a lot line change involving two properties located just south of East Main Street and just west of Railroad Avenue

81-24 Authorization to Accept a \$4999 Municipal Tourism Grant from the County of Orange

82-24 Resolution Authorizing Live Music and Live Music Performances In Outdoor and Sidewalk Cafes

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

16. List the floor(s) of the building that the establishment is located on: first
17. List the room number(s) the establishment is located in within the building, if appropriate: U/A
18. Is the premises located within 500 feet of three or more on-premises liquor establishments? ☐ Yes ☒ No
19. Will the license holder or a manager be physically present within the establishment during all hours of operation? ☒ Yes ☐ No
20. If this is a transfer application (an existing licensed business is being purchased) provide the name and serial number of the licensee:

Name

Serial Number
21. Does the applicant or licensee own the building in which the establishment is located? ☐ Yes (if YES, SKIP 23-26) ☒ No

Owner of the Building in Which the Licensed Establishment is Located

22. Building Owner's Full Name: Lucy Barina
23. Building Owner's Street Address: 3 South St. Apt 3
24. City, Town or Village: Middletown State: ny Zip Code: 10940
25. Business Telephone Number of Building Owner: 845-649-3308

Representative or Attorney Representing the Applicant in Connection with the Application for a License to Traffic in Alcohol at the Establishment Identified in this Notice

26. Representative/Attorney's Full Name: _____
27. Representative/Attorney's Street Address: _____
28. City, Town or Village: _____ State: _____ Zip Code: _____
29. Business Telephone Number of Representative/Attorney: _____
30. Business E-mail Address of Representative/Attorney: _____

I am the applicant or licensee holder or a principal of the legal entity that holds or is applying for the license. Representations in this form are in conformity with representations made in submitted documents relied upon by the Authority when granting the license. I understand that representations made in this form will also be relied upon, and that false representations may result in disapproval of the application or revocation of the license.

By my signature, I affirm - under **Penalty of Perjury** - that the representations made in this form are true.

31. Printed Principal Name: Sabrina Entwistle Title: owner

Principal Signature: Sabrina Entwistle

TOWN OF WALLKILL
ZONING BOARD OF APPEALS

NOTICE IS HEREBY GIVEN that a public hearing will be held by the Zoning Board of Appeals of the Town of Wallkill, New York on Monday, May 13, 2024, at 7:30 p.m., or as soon thereafter as can be heard on said date. The public hearing will take place at the Town Hall, located at 99 Tower Drive, Middletown, New York, 10941. It will cover the application of Ready Coffee, Inc. as applicant and GTY NY Leasing, Inc. as property owner, for area variances from §249-26(E) and §249-12(F) of the Town's Zoning Code (the "Code") to allow for the construction of a drive-thru coffee shop with a front yard setback of 20 ft. when the Code requires 35 ft., and 13 off-street parking spaces when the Code requires 20. The property is situated at Section 50, Block 2, Lot 34 in the Town of Wallkill with an address of 290 Route 211, Middletown and is located in the HC Highway Commercial Zoning District.

The Zoning Board of Appeals will consider all verbal and/or written statements from all persons interested in the proposed variance at the above time and place. The Zoning Board of Appeals will also consider such further relief as it finds necessary. Copies of the application, Environmental Assessment Form, plans and any other information submitted in support of it are available for review, during normal business hours, at the Planning and Zoning Department located at Town Hall.

BY ORDER OF
THE ZONING BOARD OF APPEALS
TOWN OF WALLKILL
ROGER de ROZIERE, CHAIRMAN

RECEIVED

MAY 06 2024

CITY CLERK
CITY OF MIDDLETOWN



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

THE FOLLOWING WAS PRESENTED

By: Alderman Masi
Seconded by: Alderman Johnson
Date of Adoption: May 7, 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

Public Hearing: Proposed 2-lot subdivision at the Rail Bed and Intersection of the southerly line of East Main Street and the northerly line of Sprague Avenue (SBL 36-11-1.1 and 36-11-3)

Authorization to Close the Public Hearing

Prepared by:

Attachments:

1.	Notice of Public Hearing O and W Rail Bed
2.	O and W Subdivisio Public Hearing Notice Affidavit
3.	OC Planning Referral for O and W Subdivision
4.	O and W Subdivision Application and Related Documents

**CITY OF MIDDLETOWN
NOTICE OF PUBLIC HEARING**

Notice is hereby given that the City of Middletown will hold a public hearing on Tuesday, May 7, 2024, on or as near to 7:30 p.m. as possible, Common Council Chambers, 2nd floor, 16 James Street, to hear any and all persons wishing to be heard on the proposed 2 lot subdivision, resulting in a lot line change at the rail bed at the intersection of the southerly line of East Main Street and the northerly line of Sprague Avenue (SBL 36-11-1.1 and 36-11-3).

Any and all persons wishing to be heard will be given an opportunity to speak either for or against the proposed 2-lot subdivision.

The complete proposed application and map of the property for the 2-lot subdivision are available in the office of the Common Council Clerk, City Hall, 16 James Street, room 12, and on the City Website.

For any person unable to participate at the time of the public hearing, email comments may be submitted in advance to rmccormack@middletownny.gov

By the order of the Common Council.

Richard P. McCormack
Clerk of the Common Council

Publish: 05/02/24 & City Website

LOCALiQ

Observer-Dispatch | Daily Messenger
Times Telegram | New Jersey Herald
Times Herald-Record

PO Box 631202 Cincinnati, OH 45263-1202

AFFIDAVIT OF PUBLICATION

Richard McCormack
Kelly C
Middletown, City
16 James ST
Middletown NY 10940-5724

STATE OF NEW YORK, COUNTY OF ORANGE

The Times Herald-Record, a daily newspaper distributed in the Orange, Ulster, Pike, PA and Sullivan Counties, published in the English language in the City of Middletown, County of Orange, State of New York printed and published and personal knowledge of the facts herein state and that the notice hereto annexed was Published in said newspapers in the issues dated on:

05/02/2024

and that the fees charged are legal.
Sworn to and subscribed before on 05/02/2024



Legal Clerk


Notary, State of WI, County of Brown
8.25.26

My commission expires

Publication Cost: \$41.86
Order No: 10091806 # of Copies: 1
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PO #:

THIS IS NOT AN INVOICE!

Please do not use this form for payment remittance.

MARIAH VERHAGEN
Notary Public
State of Wisconsin

CITY OF MIDDLETOWN NOTICE OF PUBLIC HEARING

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For any person unable to participate at the time of the public hearing, email comments may be submitted in advance to rmccormack@middletownny.gov

By the order of the Common Council.

Richard P. McCormack
Clerk of the Common Council



Orange County Department of Planning

124 Main Street
Goshen, NY 10924-2124
Tel: (845) 615-3840
Fax: (845) 291-2533

Alan J. Sorensen, AICP
Commissioner
www.orangecountygov.com/planning

Coversheet: NYS General Municipal Law (GML) §239-l, m, and n Referral

This coversheet should be completed by the local board having jurisdiction. GML 239 coversheets submitted by an applicant's design professional will no longer be accepted without the signature of the responsible referring local board municipal official or their designated administrative assistant (for example city, village or town clerk, planning or zoning board chairperson or secretary). Please include all materials that are part of a "full statement" as defined by NYS GML §239(m), as "all materials required by and submitted to the referring body as an application on a proposed action". Emails with this coversheet, municipal board signature and full statement to landuseprojects@orangecountygov.com are acceptable.

Referral ID No.: County Use Only

Municipality: Middletown, City

Tax Map No.: 36-11-1.1

Local Referring Board: City Council

Tax Map No.: 36-11-3

Applicant: City of Middletown, Common Council

Tax Map No.:

Project Name: O&W Railbed 2-Lot Subdivision

Local File No.:

Location of Project Site: southerly line of East Main Street and the north

Zoning District:

Reason for County Planning Review (e.g. within 500 ft. of a Municipal Boundary

Type of Review:

☐ Comprehensive Plan Update/Approval

☐ Zoning Amendment

☐ Zoning District Change, from to

☐ Ordinance Modification, cite section:

☐ Local Law:

☐ Site Plan, non-residential sq. ft. proposed:

Which approval is the applicant seeking? ☐ SKETCH / ☐ PRELIMINARY / ☐ FINAL

☒ Subdivision, number of lots proposed:

Which approval is the applicant seeking? ☐ SKETCH / ☐ PRELIMINARY / ☐ FINAL

☐ Special Use Permit:

☐ Lot Line Change:

☐ Variance: ☐ AREA / ☐ USE

☐ SEQRA:

☐ Other:

Local Board comments/elaboration:

Richard P. McCormack

4/30/2024

City Clerk

Name/Signature of local official

Date

Title

Municipal Contact Phone No.: 845-551-0939



**City of Middletown
Middletown, New York
APPLICATION FOR Subdivision
APPLICATION FEE: \$250.00
ESCROW FEE: \$100.00**

Number of Lots of the Subdivision 0 Current Zone _____

Section _____ Block _____ Lot _____ 36-11-1.1 and 36-11-3

Address of Subject Property 140 East Main St

Owner of Property Middletown and New Jersey Railroad

Owner Address 505 S Broad St

City Kennett Square State PA Zip 19348

Telephone: ~~Home~~ ^{Business} 610-925-0131 Cell: _____

Email _____

Applicant Name Middletown and New Jersey Railroad LLC

If different from Owner
Applicant Address _____

City _____ State _____ Zip _____

Telephone: Home _____ Cell: _____

Email _____

Minor (2-3 lots) _____	\$250.00	Paid _____
Plus Escrow _____	\$100.00	Paid _____
Major (over 3 lots) _____	\$500.00	Paid _____

Plus \$100 per lot for each lot over 10 lots, and \$1000.00 escrow to be replenished if required

NOTE: Over 4 lot subdivision will go to Planning Board for recommendation before going to Common Council.

Proposed uses; List the number of proposed lots and uses, which are to be created by this subdivision if approved. Additional sheets may be attached if more space is required.

City of Middletown wishes to purchase railroad property for their use, requiring change in lot lines for the continued safe operation of the freight line

Zoning; In the space provided list all lots or areas which would require a re-zoning of any zoning district. List all factors dealing with the requested re-zoning. Additional sheets may be attached if more space is required.

Non Compliance of Zoning; In the space provided list all lots, which are not in compliance with the zoning regulations of the City of Middletown. Provide all information from the zoning ordinance in which the lot is non-compliant and the reasons therefore. Additional sheets may be attached if more space is required.

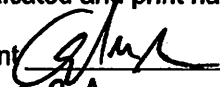
NOTE; if any of the new lots are non-compliant to the City of Middletown zoning code you may be required to apply to the ZBA for a variance.

A notarized letter from the property owner granting permission to seek the zone change or addition, if the applicant is not the owner, is required for all applications.

NOTE: As per SEQRA law a short form EAF will be required with all applications

Sign at the place indicated and print name

Signature of applicant



Print Name and title

Alfred M. Sauer
President & CEO

Date

4/16/24

TO BE FILLED OUT BY THE CITY CLERK'S OFFICE

A fee of \$250.00 was collected on _____

Escrow Amount \$100.00 on _____

Signature of Clerk or Designee

Date



DESCRIPTION
PROPOSED LOT 36-11-1.1
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 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.



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:

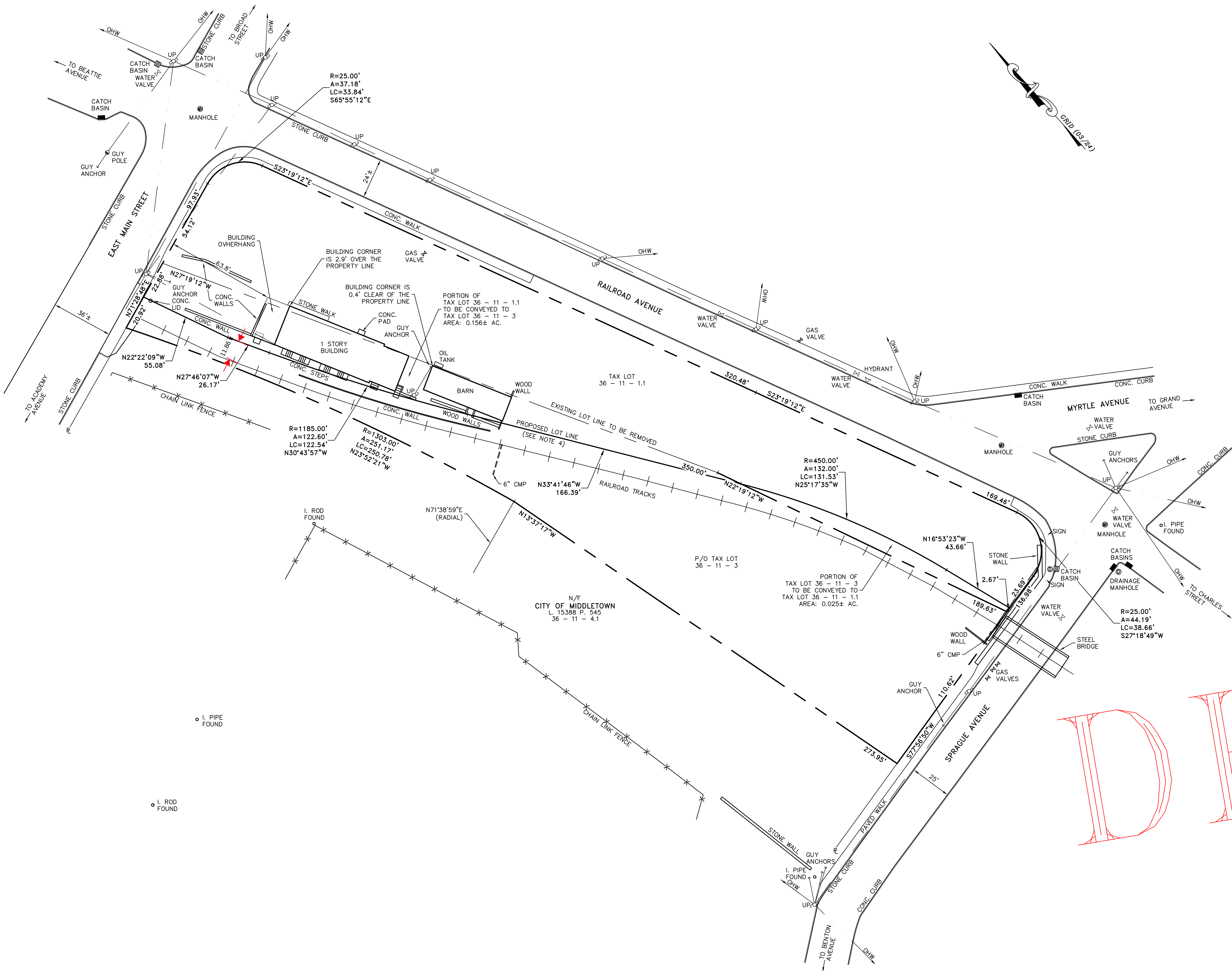
- (9) North 13 degrees, 37' 17" West, a distance of 273.95 feet; and
- (10) On a curve to the left, having a radius of 1,303.00 feet, an arc length of 251.17 feet, radial which bears South 71 degrees, 38' 59" West, as defined by the chord North 23 degrees, 52' 21" West, a distance of 250.78 feet, to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



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

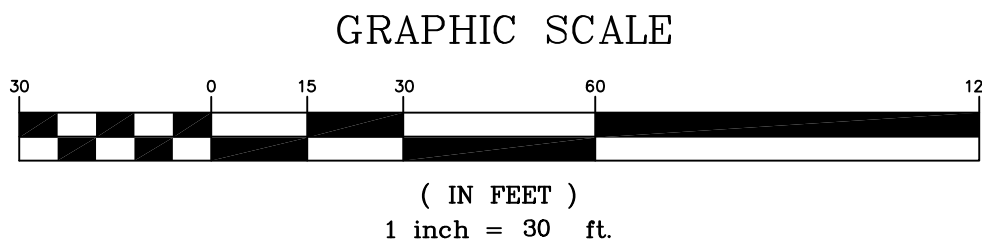
EXISTING AREAS:

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.

DRAFT



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

Date: APRIL 2, 2024
Revision:

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

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.

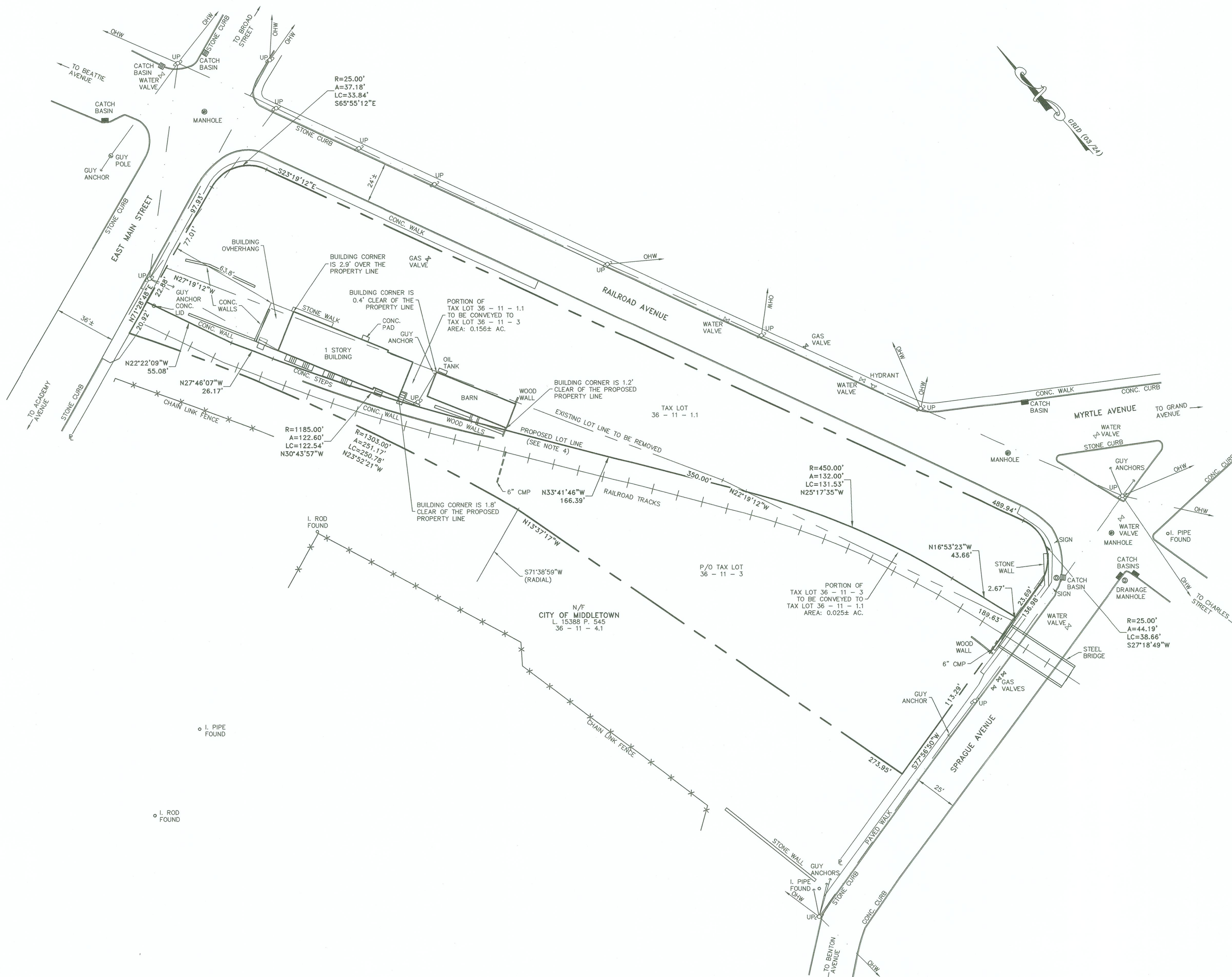
CITY OF MIDDLETOWN

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

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





NOTES:

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- REFERENCES:

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RECORD OWNER:

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

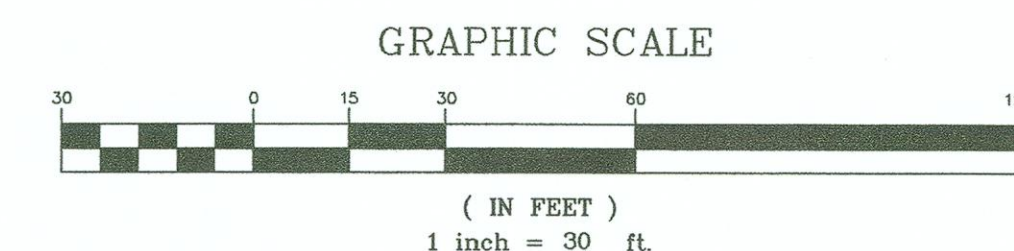
L 12838 P. 1232
36 - 11 - 1.1
P/O 36 - 11 - 3

EXISTING AREAS:

TAX LOT	36 - 11 - 1.1	0.748± AC.
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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: 40031-LL-CHANGE.DWG
Layout: 1-CHANGE
Sheet No.: 1 OF 1
Drawing No.: C3D
B- 24 - 0031 - 01

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CITY OF MIDDLETOWN
MIDDLETOWN & NEW JERSEY RAILROAD LLC

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

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600 SOUTH BROAD STREET
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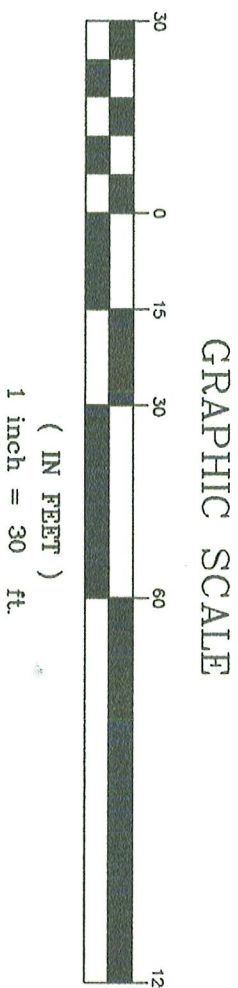
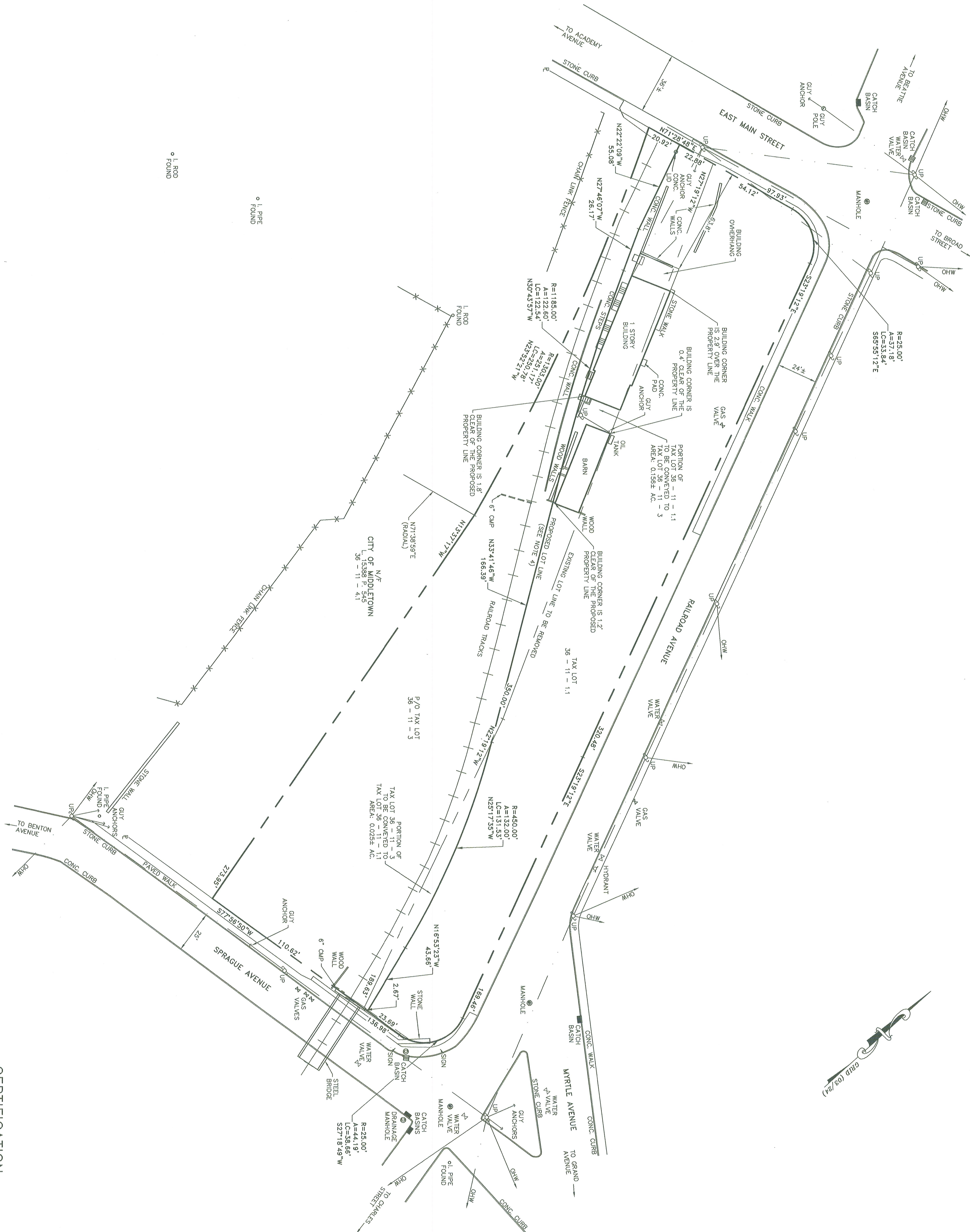
L. 12838 P. 1232
36 - 11 - 1.1
P/O 36 - 11 - 3

EXISTING AREAS:

TAX LOT 36 - 11 - 1.1 0.7482 AC
P/O TAX LOT 36 - 11 - 3 0.6813 AC
TOTAL: 1.5795 AC.

PROPOSED AREAS:

TAX LOT 36 - 11 - 1.1 0.8793 AC
P/O TAX LOT 36 - 11 - 3 0.7003 AC
TOTAL: 1.5796 AC.



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LANIC & TULLY
Engineering and Surveying P.C.

P.O. Box 687, Rt. 207
Goshen, N.Y. 10824
(845) 284-3700

LOT LINE CHANGE MAP PREPARED FOR

CITY OF MIDDLETOWN

CITY OF MIDDLETOWN
ORANGE COUNTY, NEW YORK

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

OLD FILE: 2003-11-14-CHANGE-100
Approved By: 1 OF 1
Sheet No.: 1 OF 1
Drawing No.: B-24 - 0031 - 01

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: *[Signature]*
JERRY A. TULLY, LICENSED SURVEYOR
NEW YORK STATE LICENSE NO. 5000866

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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: May 7, 2024
Index No: 75-24

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 a \$250 Donation from the Middletown Lion's Club for the Annual Fishing Derby

BE IT RESOLVED that the Common Council of the City of Middletown, NY, concurs with the Board of Estimate and Apportionment and accepts a \$250 from the Middletown Lion's Club in support of the annual fishing derby.

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 deposit the funds into account A.2705 Recreation Donations.

Prepared by:
Raelynn Bertholf, Supt of Recreation and Parks

Attachments:

1.	Lion's Club Check
----	-------------------



Middletown Lions Club

P. O. Box 122
Middletown, NY 10940

ORANGE BANK AND TRUST COMPANY

50-247/219

4565

Feb 28, 24

PAY TO THE
ORDER OF

City of Middletown
Two Hundred fifty dollars and no/100

\$ 250.⁰⁰/₁₀₀

DOLLARS

MEMO

June Fishing Derby

Diana Young
Hal Marcus

AUTHORIZED SIGNATURE

⑈004565⑈ ⑆021902475⑆ 1918081⑈

Security features. Details on back.



CITY OF MIDDLETOWN, NEW YORK COMMON COUNCIL RECORD OF VOTE

THE FOLLOWING WAS PRESENTED

By: Alderman Jean-Francois
Seconded by: Alderwoman Wray
Date of Adoption: May 7, 2024
Index No: 76-24

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

Authorizes a \$10,335 Budget Transfer for a New Air Conditioner for the IT Equipment Room at 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 authorizes the Treasurer to transfer \$10,335, in the following manner, to cover the cost and installation of new air conditioning unit mini split for the IT equipment room.

FROM	TO	AMOUNT
A.3120.100	\$10,335	A.3120.470
Police Department Personal Services		Repairs to Building

Prepared by:
John Ewanciw, Chief of Police

Attachments:

1.	04122024
----	----------

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

April 12, 2024

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 transfer requests within our 2024 budget lines to cover the cost and installation expenses of a new air conditioning unit mini split for the IT equipment room.

From	Amount	To
Personal Services A.3120.100	\$10,335	Repairs to Building A.3120.470

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 Kleiner
Date of Adoption: May 7, 2024
Index No: 77-24

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 for a Salary Increase For a Program Coordinator in the Recreation and Parks Department

BE IT RESOLVED; that the Common Council of the City of Middletown, NY, concurs with the Board of Estimate and Apportionment and authorizes a salary increase of \$4,129 in base salary pay annually for Celines Rodriguez as a Program Coordinator for the Recreation and Parks Department.

Prepared by:

Attachments:

1.	Program Coordinator increase pay 2024
----	---------------------------------------

Leonora Liz

From: Joseph DeStefano <mayordestefano@yahoo.com>
Sent: Monday, April 15, 2024 10:42 AM
To: Leonora Liz
Cc: Raelynn Bertholf
Subject: Rodriguez, Celines

Leonora,

Celines Rodriguez has now passed her exam for the title of Program Coordinator. This permanent status change comes with an increase in pay.

Based on the history of this position, I would recommend to the Board of Estimate an increase in base salary of \$4129.00 annually.

Please place on the Board of Estimate agenda.

Respectfully,
Joe DeStefano
Mayor

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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: May 7, 2024
Index No: 78-24

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 Award the 2024 Street and Asphalt Materials Bid

WHEREAS on April 11, 2024 the City of Middletown's Board of Estimate and Apportionment received and opened the 2024 Street and Asphalt Materials Bid, and
WHEREAS the Commissioner of Public Works reviewed said bids; and
WHEREAS a recommendation of award is not based on the unit bid price alone, but also on the proximity of the source to the City;

WHEREAS the Commissioner is requesting to award these bids to the lowest qualified bidder

NOW THEREFORE 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 award the 2024 Street and Asphalt Materials Bid as follows:

Dick's Concrete Co., Inc.,

1053 County Route 37, New Hampton, NY 10958:
Screened Gravel: Stockpile@ \$23.50/ton and Plant@ \$19.50/ton
NYS Item 304-2.02: Stockpile @ \$18.00/ton
Crushed Stone: #2 Stockpile @ \$23.50/ton
Run of Bank Gravel loaded into City Trucks@ \$18.00/cu. yd

Callanan Industries

93 Sullivan Rd, Monticello NY 12701:
Screened and Washed Sand: Stockpile@ \$31.25/ton
NYS Item 304-2.02: Plant@ \$12.40/ton
Crushed Stone: #2 Plant @\$16.90/ton
Crushed Stone: #3 Plant@ \$16.90/ton
Rip Rap: Stockpile@ \$29.75/ton and Plant@ \$20.50/ton
NYS Item 403.16 T.C. Type 6: F.O.B. @ \$77.00/ton
NYS Item 403.18 T.C. Type 7: F.O.B. @ \$79.00/ton
NYS Item 403.13 A.C.B.C. Type 3: F.O.B@ \$75.00/ton
NYS Item 403.11 B.C. Type 1: F.O.B@ \$74.00/ton
NYS Item 403.12 B.C. Type 2: F.O.B@ \$74.00/ton
Asphalt Pre-Mix for Cold Patch: Delivery@ \$145.50/ton; \$136.00/ton F.O.B

E. Tetz & Sons, Inc. /Tetz Asphalt

63 Cemetery Rd., Middletown, NY 10941
NYS Item 403.14 A.C.B.C. Type 4: F.O.B@ \$87.00/ton
Run of Bank Gravel delivered to various locations within the City@ \$20.00/cu. yd

209 Sand & Gravel PO Box 37, Woodbourne, NY 12788:

Screened & Washed Sand: Plant@ \$10.50/ton

Aden Mining & Materials 22 McBride Rd., Slate Hill, NY 10973:

Crushed Stone: #3 Stockpile@ \$24.95/ton

Prepared by:

Attachments:

1.	2024 STREET MATERIALS AND ASPHALT MATERIALS REC. LETTER TO AWARD
----	--

Department of Public Works

City of Middletown

Jacob S. Tawil, P.E.
Commissioner of Public Works



16 James Street
Middletown, NY 10940
Phone: 845-343-3169
Fax: 845-343-4014

April 23, 2024

Board of Estimate & Apportionment
Honorable Mayor and Members
of the Common Council
City of Middletown, NY

RE: Award Recommendation Letter
Street Materials & Asphalt Material Bids of April 11, 2024

Gentlemen:

I have reviewed the above captioned bids and respectfully request awarding the lowest qualified bidder the following. (Copy of bid tabulation sheet is attached). Please note, that a recommendation of award is not based on the unit bid price alone, but also on the close proximity of the source to the City.

Dick's Concrete Co., Inc., 1053 County Route 37, New Hampton, NY 10958:

Screened Gravel: Stockpile @ \$23.50/ton and Plant @ \$19.50/ton
NYS Item 304-2.02: Stockpile @ \$18.00/ton
Crushed Stone: #2 Stockpile @ \$23.50/ton
Run of Bank Gravel loaded into City Trucks @ \$18.00/cu. yd

Callanan Industries 93 Sullivan Rd, Monticello NY 12701:

Screened and Washed Sand: Stockpile @ \$31.25/ton
NYS Item 304-2.02: Plant @ \$12.40/ton
Crushed Stone: #2 Plant @ \$16.90/ton
Crushed Stone: #3 Plant @ \$16.90/ton
Rip Rap: Stockpile @ \$29.75/ton and Plant @ \$20.50/ton
NYS Item 403.16 T.C. Type 6: F.O.B. @ \$77.00/ton
NYS Item 403.18 T.C. Type 7: F.O.B. @ \$79.00/ton
NYS Item 403.13 A.C.B.C. Type 3: F.O.B @ \$75.00/ton
NYS Item 403.11 B.C. Type 1: F.O.B @ \$74.00/ton
NYS Item 403.12 B.C. Type 2: F.O.B @ \$74.00/ton
Asphalt Pre-Mix for Cold Patch: Delivery @ \$145.50/ton; \$136.00/ton F.O.B

E. Tetz & Sons, Inc. /Tetz Asphalt 63 Cemetery Rd., Middletown, NY 10941:

NYS Item 403.14 A.C.B.C. Type 4: F.O.B @ \$87.00/ton

Run of Bank Gravel delivered to various locations within the City @ \$20.00/cu. yd

209 Sand & Gravel PO Box 37, Woodbourne, NY 12788:

Screened & Washed Sand: Plant @ \$10.50/ton

Aden Mining & Materials 22 McBride Rd., Slate Hill, NY 10973:

Crushed Stone: #3 Stockpile @ \$24.95/ton

Respectfully submitted,



Jacob S. Tawil, P.E.
COMMISSIONER OF PUBLIC WORKS

kg
Att.

PRE-MIX/ASPHALT MATERIALS

BID OF April 11, 2024 NAME OF BIDDERS:	Item 403.16 Top Course Type 6	Item 403.18 Top Course Type 7	Item 403.14 Asphalt Concrete Binder Course Type 4	Item 403.13 Asphalt Concrete Binder Course Type 3	Item 403.11 Base Course Type 1	Item 403.12 Base Course Type 2	Cold Patch	Material upon which quotes are made is produced at:
Package Pavement 675 Leetown Road PO Box 408 Stormville, NY 12582	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	\$161.00/ton (Del.) \$141.00/ton (F.O.B) *25 ton minimum	Package Pavement Co. Inc. 675 Leetown Rd Stormville, NY 12582
Tetz Asphalt, LLC 130 Crotty Rd Middletown NY 10940	\$87.00/ton FOB	\$89.00/ton FOB	\$87.00/ton FOB	\$86.00/ton FOB	\$85.00/ton FOB	\$85.00/ton	\$145.00/ton	63 Cemetary Rd. Middletown, NY
Tilcon New York, Inc. 9 Entin Rd Parsippany NJ 07054	\$85.10.ton FOB	\$87.10/ton FOB	NO BID	\$81.10/ton FOB	\$79.85/ton FOB	NO BID	NO BID	2 Goshen Rd. Goshen, NY 10924
Callanan Industries, Inc. PO Box 15094 Albany NY 12212	\$77.00/ton FOB	\$79.00/ton FOB	NO BID	\$75.00/ton FOB	\$74.00/ton FOB	\$74.00/ton FOB	\$145.50/ton Del. \$136.00/ton FOB	215 Montgomery Rd. Montgomery, NY

SAND AND GRAVEL

BID of April 11, 2024	Tetz Asphalt, LLC 130 Crotty Rd Middletown NY 10940		209 Sand & Gravel PO Box 37 Woodbourne NY 12788		Grosso Materials 90 Collabar Rd. Montgomery NY 12549		Aden Materials & Mining 680 Bloomingburg Rd Bloomingburg NY 12721		Aden Mining & Materials 22 McBride Rd Slate Hill NY 10973		Tilcon New York, Inc. 9 Entin Rd Parsippany NJ 07054		Dick's Concrete 1053 County Rte 37 New Hampton NY 10958		Callanan Industries, Inc. PO Box 15097 Albany NY 12212	
	Stockpile	Plant	Stockpile	Plant	Stockpile	Plant	Stockpile	Plant	Stockpile	Plant	Stockpile	Plant	Stockpile	Plant	Stockpile	Plant
Screened & Washed Sand per ton	\$33.00/ton	\$28.00/ton (Slate Hill Quarry)	NO BID	\$10.50/ton	NO BID	NO BID	\$32.95/ton	\$29.95/ton	NO BID	NO BID	NO BID	NO BID	\$38.00/ton	\$33.00/ton	\$31.25/ton	\$22.00/ton
Screened Gravel per ton	\$25.25/ton	\$20.25/ton (Slate Hill Quarry)	NO BID	NO BID	NO BID	NO BID	\$26.10/ton	\$23.10/ton	NO BID	NO BID	NO BID	NO BID	\$23.50/ton	\$19.50/ton	NO BID	NO BID
NYS Item 304-2.02 per ton	\$22.50/ton	\$17.50/ton (Chester Quarry)	NO BID	NO BID	\$19.95/ton	\$16.95/ton	NO BID	NO BID	\$19.95/ton	\$16.95/ton	\$23.35/ton	\$16.45/ton	\$18.00/ton	\$14.35/ton	\$21.65/ton	\$12.40/ton
Crushed Stone: #2 per ton	\$30.50/ton	\$25.50/ton (Slate Hill Quarry)	NO BID	NO BID	\$24.95/ton	\$21.95/ton	NO BID	NO BID	\$24.95/ton	\$21.95/ton	\$29.25/ton	\$20.35/ton	\$23.50/ton	\$19.50/ton	\$26.15/ton	\$16.90/ton
#3 per ton	\$30.75/ton	\$25.75/ton (Slate Hill Quarry)	NO BID	NO BID	\$24.95/ton	\$21.95/ton	NO BID	NO BID	\$24.95/ton	\$21.95/ton	\$29.25/ton	\$20.35/ton	\$26.50/ton	\$21.50/ton	\$26.15/ton	\$16.90/ton
Rip rap(light stone fill) per ton	\$30.00/ton	\$25.00/ton (Chester Quarry)	NO BID	NO BID	\$30.95/ton	\$27.95/ton	NO BID	NO BID	\$30.95/ton	\$27.95/ton	\$36.00/ton	\$24.25/ton	\$31.00/ton	\$26.00/ton	\$29.75/ton	\$20.50/ton
Run of Bank Gravel delivered to various locations within the City of Middletown, NY per cu.yd.	\$20.00/cu. yd.		NO BID		NO BID		\$19.50/ton		NO BID		NO BID		\$25.00/cu. yd.		NO BID	
Run of Bank Gravel loaded into City owned trucks by the successful bidder per cu.yd.	\$19.75/cu. yd.		NO BID		NO BID		\$16.50/ton		NO BID		NO BID		\$18.00/cu. yd.		NO BID	
The material upon which the prices are quoted is produced at:	Slate Hill- 3078 US 6 Slate Hill, NY Chester- 68 Tetz Rd. Chester, NY		NOT GIVEN		90 Collabar Rd. Montgomery, NY 12549		680 Bloomingburg Rd. Bloomingburg, NY 12721		22 McBride Rd. Slate Hill, NY 10973		2 Quarry Rd. Goshen, NY 10924		New Hampton, NY		93 Sullivan Rd. Monticello, NY	



CITY OF MIDDLETOWN, NEW YORK COMMON COUNCIL RECORD OF VOTE

THE FOLLOWING WAS PRESENTED

By: Alderwoman Wray
Seconded by: Alderman Green
Date of Adoption: May 7, 2024
Index No: 79-24

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

Resolution Declaring a Proposed four-Story Parking Garage at the Intersection of South Street and Washington Street to be a Type I Action under the State Environmental Quality Review Act (SEQRA)

WHEREAS, the City of Middletown Department of Public Works has proposed a four story parking garage at the intersection of South Street and Washington Street in the City of Middletown, and

WHEREAS, the proposed action constitutes a Type I Action pursuant to the State Environmental Quality Review Act ("SEQRA") regulations; and

WHEREAS, the City of Middletown Common Council has been provided with a Full Environmental Assessment Form, and

WHEREAS, the Common Council wishes to establish itself as Lead Agency, and

WHEREAS, the Dormitory Authority of the State of New York (“DASNY”) has been identified as an involved agency under SEQRA for this application.

NOW, THEREFORE, BE IT RESOLVED that the City of Middletown Common Council declares this application to be a Type I Action pursuant to NYCRR §617.4(b)(6)(v) because of the size of the gross floor area, and be it

FURTHER RESOLVED that Lead Agency must be established prior to any determination of significance pursuant to NYCRR §617.6(b)(2)(i), and be it

FURTHER RESOLVED that the Common Council hereby directs that Part 1 of the Full Environmental Assessment Form be transmitted to DASNY with a notification that their assent to establishing the Common Council must be accomplished within 30 days of the date of transmission in accordance with NYCRR §617.6(b)(3)(i).

Prepared by:

Attachments:

1.	South St Garage-Full EAF-Part 2
2.	South St Garage-Full EAF-Part 1
3.	South St Garage-Full EAF-Part 3

Full Environmental Assessment Form
Part 2 - Identification of Potential Project Impacts

Agency Use Only [If applicable]
Project : South Street Parking Garage
Date :

Part 2 is to be completed by the lead agency. Part 2 is designed to help the lead agency inventory all potential resources that could be affected by a proposed project or action. We recognize that the lead agency's reviewer(s) will not necessarily be environmental professionals. So, the questions are designed to walk a reviewer through the assessment process by providing a series of questions that can be answered using the information found in Part 1. To further assist the lead agency in completing Part 2, the form identifies the most relevant questions in Part 1 that will provide the information needed to answer the Part 2 question. When Part 2 is completed, the lead agency will have identified the relevant environmental areas that may be impacted by the proposed activity.

If the lead agency is a state agency **and** the action is in any Coastal Area, complete the Coastal Assessment Form before proceeding with this assessment.

Tips for completing Part 2:

- Review all of the information provided in Part 1.
- Review any application, maps, supporting materials and the Full EAF Workbook.
- Answer each of the 18 questions in Part 2.
- If you answer “**Yes**” to a numbered question, please complete all the questions that follow in that section.
- If you answer “**No**” to a numbered question, move on to the next numbered question.
- Check appropriate column to indicate the anticipated size of the impact.
- Proposed projects that would exceed a numeric threshold contained in a question should result in the reviewing agency checking the box “Moderate to large impact may occur.”
- The reviewer is not expected to be an expert in environmental analysis.
- If you are not sure or undecided about the size of an impact, it may help to review the sub-questions for the general question and consult the workbook.
- When answering a question consider all components of the proposed activity, that is, the “whole action”.
- Consider the possibility for long-term and cumulative impacts as well as direct impacts.
- Answer the question in a reasonable manner considering the scale and context of the project.

1. Impact on Land Proposed action may involve construction on, or physical alteration of, the land surface of the proposed site. (See Part 1. D.1) <i>If “Yes”, answer questions a - j. If “No”, move on to Section 2.</i> ☐ NO ☒ YES			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may involve construction on land where depth to water table is less than 3 feet.	E2d	☒	☐
b. The proposed action may involve construction on slopes of 15% or greater.	E2f	☒	☐
c. The proposed action may involve construction on land where bedrock is exposed, or generally within 5 feet of existing ground surface.	E2a	☒	☐
d. The proposed action may involve the excavation and removal of more than 1,000 tons of natural material.	D2a	☒	☐
e. The proposed action may involve construction that continues for more than one year or in multiple phases.	D1e	☐	☒
f. The proposed action may result in increased erosion, whether from physical disturbance or vegetation removal (including from treatment by herbicides).	D2e, D2q	☒	☐
g. The proposed action is, or may be, located within a Coastal Erosion hazard area.	B1i	☒	☐
h. Other impacts: _____ _____		☐	☐

2. Impact on Geological Features

The proposed action may result in the modification or destruction of, or inhibit access to, any unique or unusual land forms on the site (e.g., cliffs, dunes, minerals, fossils, caves). (See Part 1. E.2.g)

☒ NO☐ YES

If "Yes", answer questions a - c. If "No", move on to Section 3.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Identify the specific land form(s) attached: _____ _____	E2g	☐	☐
b. The proposed action may affect or is adjacent to a geological feature listed as a registered National Natural Landmark. Specific feature: _____	E3c	☐	☐
c. Other impacts: _____ _____		☐	☐

3. Impacts on Surface Water

The proposed action may affect one or more wetlands or other surface water bodies (e.g., streams, rivers, ponds or lakes). (See Part 1. D.2, E.2.h)

☒ NO☐ YES

If "Yes", answer questions a - l. If "No", move on to Section 4.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may create a new water body.	D2b, D1h	☐	☐
b. The proposed action may result in an increase or decrease of over 10% or more than a 10 acre increase or decrease in the surface area of any body of water.	D2b	☐	☐
c. The proposed action may involve dredging more than 100 cubic yards of material from a wetland or water body.	D2a	☐	☐
d. The proposed action may involve construction within or adjoining a freshwater or tidal wetland, or in the bed or banks of any other water body.	E2h	☐	☐
e. The proposed action may create turbidity in a waterbody, either from upland erosion, runoff or by disturbing bottom sediments.	D2a, D2h	☐	☐
f. The proposed action may include construction of one or more intake(s) for withdrawal of water from surface water.	D2c	☐	☐
g. The proposed action may include construction of one or more outfall(s) for discharge of wastewater to surface water(s).	D2d	☐	☐
h. The proposed action may cause soil erosion, or otherwise create a source of stormwater discharge that may lead to siltation or other degradation of receiving water bodies.	D2e	☐	☐
i. The proposed action may affect the water quality of any water bodies within or downstream of the site of the proposed action.	E2h	☐	☐
j. The proposed action may involve the application of pesticides or herbicides in or around any water body.	D2q, E2h	☐	☐
k. The proposed action may require the construction of new, or expansion of existing, wastewater treatment facilities.	D1a, D2d	☐	☐

l. Other impacts: _____ _____		☐	☐
----------------------------------	--	--------------------------	--------------------------

4. Impact on groundwater The proposed action may result in new or additional use of ground water, or may have the potential to introduce contaminants to ground water or an aquifer. (See Part 1. D.2.a, D.2.c, D.2.d, D.2.p, D.2.q, D.2.t) <i>If “Yes”, answer questions a - h. If “No”, move on to Section 5.</i>			
		☒ NO	☐ YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may require new water supply wells, or create additional demand on supplies from existing water supply wells.	D2c	☐	☐
b. Water supply demand from the proposed action may exceed safe and sustainable withdrawal capacity rate of the local supply or aquifer. Cite Source: _____	D2c	☐	☐
c. The proposed action may allow or result in residential uses in areas without water and sewer services.	D1a, D2c	☐	☐
d. The proposed action may include or require wastewater discharged to groundwater.	D2d, E2l	☐	☐
e. The proposed action may result in the construction of water supply wells in locations where groundwater is, or is suspected to be, contaminated.	D2c, E1f, E1g, E1h	☐	☐
f. The proposed action may require the bulk storage of petroleum or chemical products over ground water or an aquifer.	D2p, E2l	☐	☐
g. The proposed action may involve the commercial application of pesticides within 100 feet of potable drinking water or irrigation sources.	E2h, D2q, E2l, D2c	☐	☐
h. Other impacts: _____ _____		☐	☐

5. Impact on Flooding The proposed action may result in development on lands subject to flooding. (See Part 1. E.2) <i>If “Yes”, answer questions a - g. If “No”, move on to Section 6.</i>			
		☒ NO	☐ YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may result in development in a designated floodway.	E2i	☐	☐
b. The proposed action may result in development within a 100 year floodplain.	E2j	☐	☐
c. The proposed action may result in development within a 500 year floodplain.	E2k	☐	☐
d. The proposed action may result in, or require, modification of existing drainage patterns.	D2b, D2e	☐	☐
e. The proposed action may change flood water flows that contribute to flooding.	D2b, E2i, E2j, E2k	☐	☐
f. If there is a dam located on the site of the proposed action, is the dam in need of repair, or upgrade?	E1e	☐	☐

g. Other impacts: _____ _____		☐	☐
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6. Impacts on Air The proposed action may include a state regulated air emission source. (See Part 1. D.2.f., D.2.h, D.2.g) <i>If “Yes”, answer questions a - f. If “No”, move on to Section 7.</i>				☒ NO	☐ YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur		
a. If the proposed action requires federal or state air emission permits, the action may also emit one or more greenhouse gases at or above the following levels:					
i. More than 1000 tons/year of carbon dioxide (CO ₂)	D2g	☐	☐		
ii. More than 3.5 tons/year of nitrous oxide (N ₂ O)	D2g	☐	☐		
iii. More than 1000 tons/year of carbon equivalent of perfluorocarbons (PFCs)	D2g	☐	☐		
iv. More than .045 tons/year of sulfur hexafluoride (SF ₆)	D2g	☐	☐		
v. More than 1000 tons/year of carbon dioxide equivalent of hydrochloroflourocarbons (HFCs) emissions	D2g	☐	☐		
vi. 43 tons/year or more of methane	D2h	☐	☐		
b. The proposed action may generate 10 tons/year or more of any one designated hazardous air pollutant, or 25 tons/year or more of any combination of such hazardous air pollutants.	D2g	☐	☐		
c. The proposed action may require a state air registration, or may produce an emissions rate of total contaminants that may exceed 5 lbs. per hour, or may include a heat source capable of producing more than 10 million BTU's per hour.	D2f, D2g	☐	☐		
d. The proposed action may reach 50% of any of the thresholds in “a” through “c”, above.	D2g	☐	☐		
e. The proposed action may result in the combustion or thermal treatment of more than 1 ton of refuse per hour.	D2s	☐	☐		
f. Other impacts: _____ _____		☐	☐		

7. Impact on Plants and Animals The proposed action may result in a loss of flora or fauna. (See Part 1. E.2. m.-q.) <i>If “Yes”, answer questions a - j. If “No”, move on to Section 8.</i>				☒ NO	☐ YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur		
a. The proposed action may cause reduction in population or loss of individuals of any threatened or endangered species, as listed by New York State or the Federal government, that use the site, or are found on, over, or near the site.	E2o	☐	☐		
b. The proposed action may result in a reduction or degradation of any habitat used by any rare, threatened or endangered species, as listed by New York State or the federal government.	E2o	☐	☐		
c. The proposed action may cause reduction in population, or loss of individuals, of any species of special concern or conservation need, as listed by New York State or the Federal government, that use the site, or are found on, over, or near the site.	E2p	☐	☐		
d. The proposed action may result in a reduction or degradation of any habitat used by any species of special concern and conservation need, as listed by New York State or the Federal government.	E2p	☐	☐		

e. The proposed action may diminish the capacity of a registered National Natural Landmark to support the biological community it was established to protect.	E3c	☐	☐
f. The proposed action may result in the removal of, or ground disturbance in, any portion of a designated significant natural community. Source: _____	E2n	☐	☐
g. The proposed action may substantially interfere with nesting/breeding, foraging, or over-wintering habitat for the predominant species that occupy or use the project site.	E2m	☐	☐
h. The proposed action requires the conversion of more than 10 acres of forest, grassland or any other regionally or locally important habitat. Habitat type & information source: _____	E1b	☐	☐
i. Proposed action (commercial, industrial or recreational projects, only) involves use of herbicides or pesticides.	D2q	☐	☐
j. Other impacts: _____		☐	☐

8. Impact on Agricultural Resources The proposed action may impact agricultural resources. (See Part 1. E.3.a. and b.) ☒ NO ☐ YES <i>If "Yes", answer questions a - h. If "No", move on to Section 9.</i>			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may impact soil classified within soil group 1 through 4 of the NYS Land Classification System.	E2c, E3b	☐	☐
b. The proposed action may sever, cross or otherwise limit access to agricultural land (includes cropland, hayfields, pasture, vineyard, orchard, etc).	E1a, E1b	☐	☐
c. The proposed action may result in the excavation or compaction of the soil profile of active agricultural land.	E3b	☐	☐
d. The proposed action may irreversibly convert agricultural land to non-agricultural uses, either more than 2.5 acres if located in an Agricultural District, or more than 10 acres if not within an Agricultural District.	E1b, E3a	☐	☐
e. The proposed action may disrupt or prevent installation of an agricultural land management system.	E1 a, E1b	☐	☐
f. The proposed action may result, directly or indirectly, in increased development potential or pressure on farmland.	C2c, C3, D2c, D2d	☐	☐
g. The proposed project is not consistent with the adopted municipal Farmland Protection Plan.	C2c	☐	☐
h. Other impacts: _____		☐	☐

9. Impact on Aesthetic Resources The land use of the proposed action are obviously different from, or are in sharp contrast to, current land use patterns between the proposed project and a scenic or aesthetic resource. (Part 1. E.1.a, E.1.b, E.3.h.) <i>If "Yes", answer questions a - g. If "No", go to Section 10.</i>			
		☒ NO	☐ YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Proposed action may be visible from any officially designated federal, state, or local scenic or aesthetic resource.	E3h	☐	☐
b. The proposed action may result in the obstruction, elimination or significant screening of one or more officially designated scenic views.	E3h, C2b	☐	☐
c. The proposed action may be visible from publicly accessible vantage points: i. Seasonally (e.g., screened by summer foliage, but visible during other seasons) ii. Year round	E3h	☐ ☐	☐ ☐
d. The situation or activity in which viewers are engaged while viewing the proposed action is: i. Routine travel by residents, including travel to and from work ii. Recreational or tourism based activities	E3h E2q, E1c	☐ ☐	☐ ☐
e. The proposed action may cause a diminishment of the public enjoyment and appreciation of the designated aesthetic resource.	E3h	☐	☐
f. There are similar projects visible within the following distance of the proposed project: 0-1/2 mile 1/2 -3 mile 3-5 mile 5+ mile	D1a, E1a, D1f, D1g	☐	☐
g. Other impacts: _____ _____		☐	☐

10. Impact on Historic and Archeological Resources The proposed action may occur in or adjacent to a historic or archaeological resource. (Part 1. E.3.e, f. and g.) <i>If "Yes", answer questions a - e. If "No", go to Section 11.</i>			
		☐ NO	☒ YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may occur wholly or partially within, or substantially contiguous to, any buildings, archaeological site or district which is listed on the National or State Register of Historical Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places.	E3e	☒	☐
b. The proposed action may occur wholly or partially within, or substantially contiguous to, an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory.	E3f	☒	☐
c. The proposed action may occur wholly or partially within, or substantially contiguous to, an archaeological site not included on the NY SHPO inventory. Source: _____	E3g	☒	☐

d. Other impacts: _____ _____		☐	☐
e. If any of the above (a-d) are answered "Moderate to large impact may occur", continue with the following questions to help support conclusions in Part 3:			
i. The proposed action may result in the destruction or alteration of all or part of the site or property.	E3e, E3g, E3f	☐	☐
ii. The proposed action may result in the alteration of the property's setting or integrity.	E3e, E3f, E3g, E1a, E1b	☐	☐
iii. The proposed action may result in the introduction of visual elements which are out of character with the site or property, or may alter its setting.	E3e, E3f, E3g, E3h, C2, C3	☐	☐

11. Impact on Open Space and Recreation The proposed action may result in a loss of recreational opportunities or a reduction of an open space resource as designated in any adopted municipal open space plan. (See Part 1. C.2.c, E.1.c., E.2.q.) If "Yes", answer questions a - e. If "No", go to Section 12.			
		☒ NO	☐ YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may result in an impairment of natural functions, or "ecosystem services", provided by an undeveloped area, including but not limited to stormwater storage, nutrient cycling, wildlife habitat.	D2e, E1b E2h, E2m, E2o, E2n, E2p	☐	☐
b. The proposed action may result in the loss of a current or future recreational resource.	C2a, E1c, C2c, E2q	☐	☐
c. The proposed action may eliminate open space or recreational resource in an area with few such resources.	C2a, C2c E1c, E2q	☐	☐
d. The proposed action may result in loss of an area now used informally by the community as an open space resource.	C2c, E1c	☐	☐
e. Other impacts: _____ _____		☐	☐

12. Impact on Critical Environmental Areas The proposed action may be located within or adjacent to a critical environmental area (CEA). (See Part 1. E.3.d) If "Yes", answer questions a - c. If "No", go to Section 13.			
		☒ NO	☐ YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may result in a reduction in the quantity of the resource or characteristic which was the basis for designation of the CEA.	E3d	☐	☐
b. The proposed action may result in a reduction in the quality of the resource or characteristic which was the basis for designation of the CEA.	E3d	☐	☐
c. Other impacts: _____ _____		☐	☐

13. Impact on Transportation

The proposed action may result in a change to existing transportation systems.

☒ NO

☐ YES

(See Part 1. D.2.j)

If "Yes", answer questions a - f. If "No", go to Section 14.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Projected traffic increase may exceed capacity of existing road network.	D2j	☐	☐
b. The proposed action may result in the construction of paved parking area for 500 or more vehicles.	D2j	☐	☐
c. The proposed action will degrade existing transit access.	D2j	☐	☐
d. The proposed action will degrade existing pedestrian or bicycle accommodations.	D2j	☐	☐
e. The proposed action may alter the present pattern of movement of people or goods.	D2j	☐	☐
f. Other impacts: _____ _____		☐	☐

14. Impact on Energy

The proposed action may cause an increase in the use of any form of energy.

☒ NO

☐ YES

(See Part 1. D.2.k)

If "Yes", answer questions a - e. If "No", go to Section 15.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action will require a new, or an upgrade to an existing, substation.	D2k	☐	☐
b. The proposed action will require the creation or extension of an energy transmission or supply system to serve more than 50 single or two-family residences or to serve a commercial or industrial use.	D1f, D1q, D2k	☐	☐
c. The proposed action may utilize more than 2,500 MWhrs per year of electricity.	D2k	☐	☐
d. The proposed action may involve heating and/or cooling of more than 100,000 square feet of building area when completed.	D1g	☐	☐
e. Other Impacts: _____ _____			

15. Impact on Noise, Odor, and Light

The proposed action may result in an increase in noise, odors, or outdoor lighting.

☒ NO

☐ YES

(See Part 1. D.2.m., n., and o.)

If "Yes", answer questions a - f. If "No", go to Section 16.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may produce sound above noise levels established by local regulation.	D2m	☐	☐
b. The proposed action may result in blasting within 1,500 feet of any residence, hospital, school, licensed day care center, or nursing home.	D2m, E1d	☐	☐
c. The proposed action may result in routine odors for more than one hour per day.	D2o	☐	☐

d. The proposed action may result in light shining onto adjoining properties.	D2n	☐	☐
e. The proposed action may result in lighting creating sky-glow brighter than existing area conditions.	D2n, E1a	☐	☐
f. Other impacts: _____ _____		☐	☐

16. Impact on Human Health

The proposed action may have an impact on human health from exposure to new or existing sources of contaminants. (See Part 1.D.2.q., E.1. d. f. g. and h.)

☒ NO

☐ YES

If "Yes", answer questions a - m. If "No", go to Section 17.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action is located within 1500 feet of a school, hospital, licensed day care center, group home, nursing home or retirement community.	E1d	☐	☐
b. The site of the proposed action is currently undergoing remediation.	E1g, E1h	☐	☐
c. There is a completed emergency spill remediation, or a completed environmental site remediation on, or adjacent to, the site of the proposed action.	E1g, E1h	☐	☐
d. The site of the action is subject to an institutional control limiting the use of the property (e.g., easement or deed restriction).	E1g, E1h	☐	☐
e. The proposed action may affect institutional control measures that were put in place to ensure that the site remains protective of the environment and human health.	E1g, E1h	☐	☐
f. The proposed action has adequate control measures in place to ensure that future generation, treatment and/or disposal of hazardous wastes will be protective of the environment and human health.	D2t	☐	☐
g. The proposed action involves construction or modification of a solid waste management facility.	D2q, E1f	☐	☐
h. The proposed action may result in the unearthing of solid or hazardous waste.	D2q, E1f	☐	☐
i. The proposed action may result in an increase in the rate of disposal, or processing, of solid waste.	D2r, D2s	☐	☐
j. The proposed action may result in excavation or other disturbance within 2000 feet of a site used for the disposal of solid or hazardous waste.	E1f, E1g E1h	☐	☐
k. The proposed action may result in the migration of explosive gases from a landfill site to adjacent off site structures.	E1f, E1g	☐	☐
l. The proposed action may result in the release of contaminated leachate from the project site.	D2s, E1f, D2r	☐	☐
m. Other impacts: _____ _____			

17. Consistency with Community Plans The proposed action is not consistent with adopted land use plans. (See Part 1. C.1, C.2. and C.3.) <i>If “Yes”, answer questions a - h. If “No”, go to Section 18.</i>				☒ NO	☐ YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur		
a. The proposed action’s land use components may be different from, or in sharp contrast to, current surrounding land use pattern(s).	C2, C3, D1a E1a, E1b	☐	☐		
b. The proposed action will cause the permanent population of the city, town or village in which the project is located to grow by more than 5%.	C2	☐	☐		
c. The proposed action is inconsistent with local land use plans or zoning regulations.	C2, C2, C3	☐	☐		
d. The proposed action is inconsistent with any County plans, or other regional land use plans.	C2, C2	☐	☐		
e. The proposed action may cause a change in the density of development that is not supported by existing infrastructure or is distant from existing infrastructure.	C3, D1c, D1d, D1f, D1d, E1b	☐	☐		
f. The proposed action is located in an area characterized by low density development that will require new or expanded public infrastructure.	C4, D2c, D2d D2j	☐	☐		
g. The proposed action may induce secondary development impacts (e.g., residential or commercial development not included in the proposed action)	C2a	☐	☐		
h. Other: _____ _____		☐	☐		

18. Consistency with Community Character The proposed project is inconsistent with the existing community character. (See Part 1. C.2, C.3, D.2, E.3) <i>If “Yes”, answer questions a - g. If “No”, proceed to Part 3.</i>				☒ NO	☐ YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur		
a. The proposed action may replace or eliminate existing facilities, structures, or areas of historic importance to the community.	E3e, E3f, E3g	☐	☐		
b. The proposed action may create a demand for additional community services (e.g. schools, police and fire)	C4	☐	☐		
c. The proposed action may displace affordable or low-income housing in an area where there is a shortage of such housing.	C2, C3, D1f D1g, E1a	☐	☐		
d. The proposed action may interfere with the use or enjoyment of officially recognized or designated public resources.	C2, E3	☐	☐		
e. The proposed action is inconsistent with the predominant architectural scale and character.	C2, C3	☐	☐		
f. Proposed action is inconsistent with the character of the existing natural landscape.	C2, C3 E1a, E1b E2g, E2h	☐	☐		
g. Other impacts: _____ _____		☐	☐		

Full Environmental Assessment Form
Part 1 - Project and Setting

Instructions for Completing Part 1

Part 1 is to be completed by the applicant or project sponsor. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification.

Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information; indicate whether missing information does not exist, or is not reasonably available to the sponsor; and, when possible, generally describe work or studies which would be necessary to update or fully develop that information.

Applicants/sponsors must complete all items in Sections A & B. In Sections C, D & E, most items contain an initial question that must be answered either "Yes" or "No". If the answer to the initial question is "Yes", complete the sub-questions that follow. If the answer to the initial question is "No", proceed to the next question. Section F allows the project sponsor to identify and attach any additional information. Section G requires the name and signature of the applicant or project sponsor to verify that the information contained in Part 1 is accurate and complete.

A. Project and Applicant/Sponsor Information.

Name of Action or Project: South Street Parking Garage		
Project Location (describe, and attach a general location map): Intersection of South Street and Washington Street		
Brief Description of Proposed Action (include purpose or need): Construction of a 4 story parking garage with a total of 318 parking spaces. There will be approximately 37,080 square feet per deck on the upper 3 levels and an additional 14,363 square feet on the lower level. This is an approximate 125,603 square feet for the entire proposed structure. The project will be broken down into 2 phases. Phase 1 will consist of the construction of the lower parking level with a top deck that ties into the existing upper parking lot. This will total 84 parking spaces in the 28,726 square foot structure. Phase 2 will consist of the construction of the upper 3 levels of the parking structure tied into the phase 1 top deck and built up from the existing parking upper level. The remaining parking spaces and proposed area of the total structure will be included in this phase.		
Name of Applicant/Sponsor: City of Middletown, Dept. of Public Works, Jacob Tawil, PE, Commissioner of Public Works		Telephone: 845-343-3169
		E-Mail: jtawil14@yahoo.com
Address: 16 James Street		
City/PO: Middletown	State: NY	Zip Code: 10940
Project Contact (if not same as sponsor; give name and title/role): Domenic Emilio (CPL-Consulting Engineer)		Telephone: 607-304-9969
		E-Mail: demilio@cplteam.com
Address: 4100 Vestal Road		
City/PO: Vestal	State: NY	Zip Code: 13850
Property Owner (if not same as sponsor):		Telephone:
		E-Mail:
Address:		
City/PO:	State:	Zip Code:

B. Government Approvals

B. Government Approvals, Funding, or Sponsorship. (“Funding” includes grants, loans, tax relief, and any other forms of financial assistance.)

Government Entity	If Yes: Identify Agency and Approval(s) Required	Application Date (Actual or projected)
a. City Council, Town Board, ☒ Yes ☐ No or Village Board of Trustees	Common Council	May 2024 (Actual)
b. City, Town or Village ☐ Yes ☒ No Planning Board or Commission		
c. City, Town or ☐ Yes ☒ No Village Zoning Board of Appeals		
d. Other local agencies ☐ Yes ☒ No		
e. County agencies ☐ Yes ☒ No		
f. Regional agencies ☐ Yes ☒ No		
g. State agencies ☒ Yes ☐ No	Dormitory of the State of New York (DASNY)	May 2024 (Protected)
h. Federal agencies ☐ Yes ☒ No		
i. Coastal Resources.		
i. Is the project site within a Coastal Area, or the waterfront area of a Designated Inland Waterway?		☐ Yes ☒ No
ii. Is the project site located in a community with an approved Local Waterfront Revitalization Program?		☐ Yes ☒ No
iii. Is the project site within a Coastal Erosion Hazard Area?		☐ Yes ☒ No

C. Planning and Zoning

C.1. Planning and zoning actions.

Will administrative or legislative adoption, or amendment of a plan, local law, ordinance, rule or regulation be the only approval(s) which must be granted to enable the proposed action to proceed? ☐Yes ☒No

- If Yes, complete sections C, F and G.
- If No, proceed to question C.2 and complete all remaining sections and questions in Part 1

C.2. Adopted land use plans.

a. Do any municipally- adopted (city, town, village or county) comprehensive land use plan(s) include the site where the proposed action would be located? ☐Yes ☒No

If Yes, does the comprehensive plan include specific recommendations for the site where the proposed action would be located? ☐Yes ☐No

b. Is the site of the proposed action within any local or regional special planning district (for example: Greenway; Brownfield Opportunity Area (BOA); designated State or Federal heritage area; watershed management plan; or other?) ☒Yes ☐No

If Yes, identify the plan(s):

The City of Middletown is a designated priority growth area per the Orange County Comprehensive Plan.

c. Is the proposed action located wholly or partially within an area listed in an adopted municipal open space plan, or an adopted municipal farmland protection plan? ☐Yes ☒No

If Yes, identify the plan(s):

C.3. Zoning

a. Is the site of the proposed action located in a municipality with an adopted zoning law or ordinance. ☒ Yes ☐ No
If Yes, what is the zoning classification(s) including any applicable overlay district?

DMU-1 Downtown Mixed Use

b. Is the use permitted or allowed by a special or conditional use permit? ☒ Yes ☐ No

c. Is a zoning change requested as part of the proposed action? ☐ Yes ☒ No

If Yes,

i. What is the proposed new zoning for the site? _____

C.4. Existing community services.

a. In what school district is the project site located? Enlarged City School District of Middletown.

b. What police or other public protection forces serve the project site?

City of Middletown Police, Orange County Sheriff, NYS Police

c. Which fire protection and emergency medical services serve the project site?

City of Middletown Fire

d. What parks serve the project site?

Academy Avenue Park, Erie Way Park

D. Project Details

D.1. Proposed and Potential Development

a. What is the general nature of the proposed action (e.g., residential, industrial, commercial, recreational; if mixed, include all components)? Parking Garage

b. a. Total acreage of the site of the proposed action? _____ 1.5 acres

b. Total acreage to be physically disturbed? _____ 1.4 acres

c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ 1.5 acres

c. Is the proposed action an expansion of an existing project or use? ☐ Yes ☒ No

i. If Yes, what is the approximate percentage of the proposed expansion and identify the units (e.g., acres, miles, housing units, square feet)? % _____ Units: _____

d. Is the proposed action a subdivision, or does it include a subdivision? ☐ Yes ☒ No

If Yes,

i. Purpose or type of subdivision? (e.g., residential, industrial, commercial; if mixed, specify types)

ii. Is a cluster/conservation layout proposed? ☐ Yes ☐ No

iii. Number of lots proposed? _____

iv. Minimum and maximum proposed lot sizes? Minimum _____ Maximum _____

e. Will the proposed action be constructed in multiple phases? ☒ Yes ☐ No

i. If No, anticipated period of construction: _____ months

ii. If Yes:

- Total number of phases anticipated _____ 2
- Anticipated commencement date of phase 1 (including demolition) _____ 08 month 2024 year
- Anticipated completion date of final phase _____ 10 month 2027 year

• Generally describe connections or relationships among phases, including any contingencies where progress of one phase may determine timing or duration of future phases: _____

Phase 1 will begin in summer/fall of 2024 and be complete within approx 12 months. Phase 2 can begin any time after Phase 1 is complete and will depend largely on availability of funding. Phase 2 will also take approx. 12 months. Phase 1 can remain fully functional without the completion of Phase 2.

f. Does the project include new residential uses? ☐ Yes ☒ No If Yes, show numbers of units proposed.				
	<u>One Family</u>	<u>Two Family</u>	<u>Three Family</u>	<u>Multiple Family (four or more)</u>
Initial Phase	_____	_____	_____	_____
At completion	_____	_____	_____	_____
of all phases	_____	_____	_____	_____

g. Does the proposed action include new non-residential construction (including expansions)? ☒ Yes ☐ No If Yes,	
i. Total number of structures <u>1</u> ii. Dimensions (in feet) of largest proposed structure: <u>44</u> height; <u>240</u> width; and <u>250</u> length iii. Approximate extent of building space to be heated or cooled: <u>< 250</u> square feet	

h. Does the proposed action include construction or other activities that will result in the impoundment of any liquids, such as creation of a water supply, reservoir, pond, lake, waste lagoon or other storage? ☐ Yes ☒ No If Yes,	
i. Purpose of the impoundment: _____ ii. If a water impoundment, the principal source of the water: ☐ Ground water ☐ Surface water streams ☐ Other specify: _____ iii. If other than water, identify the type of impounded/contained liquids and their source. _____ iv. Approximate size of the proposed impoundment. Volume: _____ million gallons; surface area: _____ acres v. Dimensions of the proposed dam or impounding structure: _____ height; _____ length vi. Construction method/materials for the proposed dam or impounding structure (e.g., earth fill, rock, wood, concrete): _____	

D.2. Project Operations

a. Does the proposed action include any excavation, mining, or dredging, during construction, operations, or both? ☐ Yes ☒ No (Not including general site preparation, grading or installation of utilities or foundations where all excavated materials will remain onsite) If Yes:	
i. What is the purpose of the excavation or dredging? _____ ii. How much material (including rock, earth, sediments, etc.) is proposed to be removed from the site? • Volume (specify tons or cubic yards): _____ • Over what duration of time? _____ iii. Describe nature and characteristics of materials to be excavated or dredged, and plans to use, manage or dispose of them. _____ _____ _____ iv. Will there be onsite dewatering or processing of excavated materials? ☐ Yes ☐ No If yes, describe. _____ _____ _____ v. What is the total area to be dredged or excavated? _____ acres vi. What is the maximum area to be worked at any one time? _____ acres vii. What would be the maximum depth of excavation or dredging? _____ feet viii. Will the excavation require blasting? ☐ Yes ☐ No ix. Summarize site reclamation goals and plan: _____ _____ _____ _____	

b. Would the proposed action cause or result in alteration of, increase or decrease in size of, or encroachment into any existing wetland, waterbody, shoreline, beach or adjacent area? ☐ Yes ☒ No If Yes:	
i. Identify the wetland or waterbody which would be affected (by name, water index number, wetland map number or geographic description): _____ _____ _____	

ii. Describe how the proposed action would affect that waterbody or wetland, e.g. excavation, fill, placement of structures, or alteration of channels, banks and shorelines. Indicate extent of activities, alterations and additions in square feet or acres:

iii. Will the proposed action cause or result in disturbance to bottom sediments? ☐ Yes ☐ No
If Yes, describe: _____

iv. Will the proposed action cause or result in the destruction or removal of aquatic vegetation? ☐ Yes ☐ No
If Yes:

- acres of aquatic vegetation proposed to be removed: _____
- expected acreage of aquatic vegetation remaining after project completion: _____
- purpose of proposed removal (e.g. beach clearing, invasive species control, boat access): _____
- proposed method of plant removal: _____
- if chemical/herbicide treatment will be used, specify product(s): _____

v. Describe any proposed reclamation/mitigation following disturbance: _____

c. Will the proposed action use, or create a new demand for water? ☒ Yes ☐ No
If Yes:

i. Total anticipated water usage/demand per day: _____ < 20 gallons/day

ii. Will the proposed action obtain water from an existing public water supply? ☒ Yes ☐ No
If Yes:

- Name of district or service area: City of Middletown
- Does the existing public water supply have capacity to serve the proposal? ☒ Yes ☐ No
- Is the project site in the existing district? ☒ Yes ☐ No
- Is expansion of the district needed? ☐ Yes ☒ No
- Do existing lines serve the project site? ☒ Yes ☐ No

iii. Will line extension within an existing district be necessary to supply the project? ☐ Yes ☒ No
If Yes:

- Describe extensions or capacity expansions proposed to serve this project: _____
- Source(s) of supply for the district: _____

iv. Is a new water supply district or service area proposed to be formed to serve the project site? ☐ Yes ☐ No
If Yes:

- Applicant/sponsor for new district: _____
- Date application submitted or anticipated: _____
- Proposed source(s) of supply for new district: _____

v. If a public water supply will not be used, describe plans to provide water supply for the project: _____

vi. If water supply will be from wells (public or private), what is the maximum pumping capacity: _____ gallons/minute.

d. Will the proposed action generate liquid wastes? ☐ Yes ☒ No
If Yes:

i. Total anticipated liquid waste generation per day: _____ gallons/day

ii. Nature of liquid wastes to be generated (e.g., sanitary wastewater, industrial; if combination, describe all components and approximate volumes or proportions of each): _____

iii. Will the proposed action use any existing public wastewater treatment facilities? ☐ Yes ☐ No
If Yes:

- Name of wastewater treatment plant to be used: _____
- Name of district: _____
- Does the existing wastewater treatment plant have capacity to serve the project? ☐ Yes ☐ No
- Is the project site in the existing district? ☐ Yes ☐ No
- Is expansion of the district needed? ☐ Yes ☐ No

• Do existing sewer lines serve the project site? _____ • Will a line extension within an existing district be necessary to serve the project? _____ If Yes: • Describe extensions or capacity expansions proposed to serve this project: _____ _____ _____	☐ Yes ☐ No ☐ Yes ☐ No	
iv. Will a new wastewater (sewage) treatment district be formed to serve the project site? _____ If Yes: • Applicant/sponsor for new district: _____ • Date application submitted or anticipated: _____ • What is the receiving water for the wastewater discharge? _____	☐ Yes ☐ No	
v. If public facilities will not be used, describe plans to provide wastewater treatment for the project, including specifying proposed receiving water (name and classification if surface discharge or describe subsurface disposal plans): _____ _____		
vi. Describe any plans or designs to capture, recycle or reuse liquid waste: _____ _____ _____		
e. Will the proposed action disturb more than one acre and create stormwater runoff, either from new point sources (i.e. ditches, pipes, swales, curbs, gutters or other concentrated flows of stormwater) or non-point source (i.e. sheet flow) during construction or post construction? _____ If Yes: i. How much impervious surface will the project create in relation to total size of project parcel? _____ Square feet or _____ acres (impervious surface) _____ Square feet or _____ acres (parcel size) ii. Describe types of new point sources. _____ _____ iii. Where will the stormwater runoff be directed (i.e. on-site stormwater management facility/structures, adjacent properties, groundwater, on-site surface water or off-site surface waters)? _____ _____ • If to surface waters, identify receiving water bodies or wetlands: _____ _____ • Will stormwater runoff flow to adjacent properties? _____	☐ Yes ☒ No ☐ Yes ☐ No ☐ Yes ☐ No	
iv. Does the proposed plan minimize impervious surfaces, use pervious materials or collect and re-use stormwater? _____		
f. Does the proposed action include, or will it use on-site, one or more sources of air emissions, including fuel combustion, waste incineration, or other processes or operations? _____ If Yes, identify: i. Mobile sources during project operations (e.g., heavy equipment, fleet or delivery vehicles) <u>Heavy equipment and deliveries during construction</u> ii. Stationary sources during construction (e.g., power generation, structural heating, batch plant, crushers) _____ iii. Stationary sources during operations (e.g., process emissions, large boilers, electric generation) _____	☒ Yes ☐ No	
g. Will any air emission sources named in D.2.f (above), require a NY State Air Registration, Air Facility Permit, or Federal Clean Air Act Title IV or Title V Permit? _____ If Yes: i. Is the project site located in an Air quality non-attainment area? (Area routinely or periodically fails to meet ambient air quality standards for all or some parts of the year) _____ ii. In addition to emissions as calculated in the application, the project will generate: • _____ Tons/year (short tons) of Carbon Dioxide (CO₂) • _____ Tons/year (short tons) of Nitrous Oxide (N₂O) • _____ Tons/year (short tons) of Perfluorocarbons (PFCs) • _____ Tons/year (short tons) of Sulfur Hexafluoride (SF₆) • _____ Tons/year (short tons) of Carbon Dioxide equivalent of Hydroflourocarbons (HFCs) • _____ Tons/year (short tons) of Hazardous Air Pollutants (HAPs)		☐ Yes ☒ No ☐ Yes ☐ No

h. Will the proposed action generate or emit methane (including, but not limited to, sewage treatment plants, landfills, composting facilities)? ☐ Yes ☒ No If Yes: i. Estimate methane generation in tons/year (metric): _____ ii. Describe any methane capture, control or elimination measures included in project design (e.g., combustion to generate heat or electricity, flaring): _____			
i. Will the proposed action result in the release of air pollutants from open-air operations or processes, such as quarry or landfill operations? ☐ Yes ☒ No If Yes: Describe operations and nature of emissions (e.g., diesel exhaust, rock particulates/dust): _____			
j. Will the proposed action result in a substantial increase in traffic above present levels or generate substantial new demand for transportation facilities or services? ☐ Yes ☒ No If Yes: i. When is the peak traffic expected (Check all that apply): ☐ Morning ☐ Evening ☐ Weekend ☐ Randomly between hours of _____ to _____. ii. For commercial activities only, projected number of truck trips/day and type (e.g., semi trailers and dump trucks): _____ iii. Parking spaces: Existing _____ Proposed _____ Net increase/decrease _____ iv. Does the proposed action include any shared use parking? ☐ Yes ☐ No v. If the proposed action includes any modification of existing roads, creation of new roads or change in existing access, describe: _____ vi. Are public/private transportation service(s) or facilities available within ½ mile of the proposed site? ☐ Yes ☐ No vii. Will the proposed action include access to public transportation or accommodations for use of hybrid, electric or other alternative fueled vehicles? ☐ Yes ☐ No viii. Will the proposed action include plans for pedestrian or bicycle accommodations for connections to existing pedestrian or bicycle routes? ☐ Yes ☐ No			
k. Will the proposed action (for commercial or industrial projects only) generate new or additional demand for energy? ☐ Yes ☒ No If Yes: i. Estimate annual electricity demand during operation of the proposed action: _____ ii. Anticipated sources/suppliers of electricity for the project (e.g., on-site combustion, on-site renewable, via grid/local utility, or other): _____ iii. Will the proposed action require a new, or an upgrade, to an existing substation? ☐ Yes ☐ No			
l. Hours of operation. Answer all items which apply. <table style="width: 100%;"> <tr> <td style="width: 50%; vertical-align: top;"> i. During Construction: • Monday - Friday: _____ 7:00 a.m. - 4:00 p.m. _____ • Saturday: _____ NA _____ • Sunday: _____ NA _____ • Holidays: _____ NA _____ </td> <td style="width: 50%; vertical-align: top;"> ii. During Operations: • Monday - Friday: _____ 24 hours _____ • Saturday: _____ 24 hours _____ • Sunday: _____ 24 hours _____ • Holidays: _____ 24 hours _____ </td> </tr> </table>		i. During Construction: • Monday - Friday: _____ 7:00 a.m. - 4:00 p.m. _____ • Saturday: _____ NA _____ • Sunday: _____ NA _____ • Holidays: _____ NA _____	ii. During Operations: • Monday - Friday: _____ 24 hours _____ • Saturday: _____ 24 hours _____ • Sunday: _____ 24 hours _____ • Holidays: _____ 24 hours _____
i. During Construction: • Monday - Friday: _____ 7:00 a.m. - 4:00 p.m. _____ • Saturday: _____ NA _____ • Sunday: _____ NA _____ • Holidays: _____ NA _____	ii. During Operations: • Monday - Friday: _____ 24 hours _____ • Saturday: _____ 24 hours _____ • Sunday: _____ 24 hours _____ • Holidays: _____ 24 hours _____		

m. Will the proposed action produce noise that will exceed existing ambient noise levels during construction, operation, or both? ☒ Yes ☐ No If yes: i. Provide details including sources, time of day and duration: Heavy construction equipment intermittently during construction (7:00 a.m. - 4:00 p.m. M-F)	
ii. Will the proposed action remove existing natural barriers that could act as a noise barrier or screen? ☐ Yes ☒ No Describe: _____	
n. Will the proposed action have outdoor lighting? ☒ Yes ☐ No If yes: i. Describe source(s), location(s), height of fixture(s), direction/aim, and proximity to nearest occupied structures: Site lighting which will be of better quality and less noticeable than existing site lighting at the site. New lighting will be more evenly lit with little to no glare or light spillage off the property.	
ii. Will proposed action remove existing natural barriers that could act as a light barrier or screen? ☐ Yes ☒ No Describe: _____	
o. Does the proposed action have the potential to produce odors for more than one hour per day? ☐ Yes ☒ No If Yes, describe possible sources, potential frequency and duration of odor emissions, and proximity to nearest occupied structures: _____	
p. Will the proposed action include any bulk storage of petroleum (combined capacity of over 1,100 gallons) or chemical products 185 gallons in above ground storage or any amount in underground storage? ☐ Yes ☒ No If Yes: i. Product(s) to be stored _____ ii. Volume(s) _____ per unit time _____ (e.g., month, year) iii. Generally, describe the proposed storage facilities: _____	
q. Will the proposed action (commercial, industrial and recreational projects only) use pesticides (i.e., herbicides, insecticides) during construction or operation? ☐ Yes ☒ No If Yes: i. Describe proposed treatment(s): _____	
ii. Will the proposed action use Integrated Pest Management Practices? ☐ Yes ☐ No	
r. Will the proposed action (commercial or industrial projects only) involve or require the management or disposal of solid waste (excluding hazardous materials)? ☐ Yes ☒ No If Yes: i. Describe any solid waste(s) to be generated during construction or operation of the facility: • Construction: _____ tons per _____ (unit of time) • Operation : _____ tons per _____ (unit of time) ii. Describe any proposals for on-site minimization, recycling or reuse of materials to avoid disposal as solid waste: • Construction: _____ • Operation: _____ iii. Proposed disposal methods/facilities for solid waste generated on-site: • Construction: _____ • Operation: _____	

s. Does the proposed action include construction or modification of a solid waste management facility? ☐ Yes ☐ No
 If Yes:
 i. Type of management or handling of waste proposed for the site (e.g., recycling or transfer station, composting, landfill, or other disposal activities): _____
 ii. Anticipated rate of disposal/processing:
 • _____ Tons/month, if transfer or other non-combustion/thermal treatment, or
 • _____ Tons/hour, if combustion or thermal treatment
 iii. If landfill, anticipated site life: _____ years

t. Will the proposed action at the site involve the commercial generation, treatment, storage, or disposal of hazardous waste? ☐ Yes ☒ No
 If Yes:
 i. Name(s) of all hazardous wastes or constituents to be generated, handled or managed at facility: _____

 ii. Generally describe processes or activities involving hazardous wastes or constituents: _____

 iii. Specify amount to be handled or generated _____ tons/month
 iv. Describe any proposals for on-site minimization, recycling or reuse of hazardous constituents: _____

 v. Will any hazardous wastes be disposed at an existing offsite hazardous waste facility? ☐ Yes ☐ No
 If Yes: provide name and location of facility: _____

 If No: describe proposed management of any hazardous wastes which will not be sent to a hazardous waste facility:

E. Site and Setting of Proposed Action

E.1. Land uses on and surrounding the project site

a. Existing land uses.
 i. Check all uses that occur on, adjoining and near the project site.
☒ Urban ☐ Industrial ☐ Commercial ☒ Residential (suburban) ☐ Rural (non-farm)
☐ Forest ☐ Agriculture ☐ Aquatic ☐ Other (specify): _____
 ii. If mix of uses, generally describe:
 The project is located in the downtown core business district with residential housing to the southeast.

b. Land uses and covertypes on the project site.

Land use or Covertypes	Current Acreage	Acreage After Project Completion	Change (Acres +/-)
• Roads, buildings, and other paved or impervious surfaces	1.4	1.45	+.05
• Forested	0	0	0
• Meadows, grasslands or brushlands (non-agricultural, including abandoned agricultural)	0.1	.05	-0.05
• Agricultural (includes active orchards, field, greenhouse etc.)	0	0	0
• Surface water features (lakes, ponds, streams, rivers, etc.)	0	0	0
• Wetlands (freshwater or tidal)	0	0	0
• Non-vegetated (bare rock, earth or fill)	0	0	0
• Other Describe: _____	0	0	0

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v. Is the project site subject to an institutional control limiting property uses? ☐ Yes ☐ No - If yes, DEC site ID number: _____ - Describe the type of institutional control (e.g., deed restriction or easement): _____ - Describe any use limitations: _____ - Describe any engineering controls: _____ - Will the project affect the institutional or engineering controls in place? ☐ Yes ☐ No - Explain: _____ _____	
E.2. Natural Resources On or Near Project Site	
a. What is the average depth to bedrock on the project site? _____ > 30 feet	
b. Are there bedrock outcroppings on the project site? ☐ Yes ☒ No If Yes, what proportion of the site is comprised of bedrock outcroppings? _____ %	
c. Predominant soil type(s) present on project site: Ur (Urban Land) _____ 100 % _____ _____ % _____ _____ %	
d. What is the average depth to the water table on the project site? Average: _____ > 20 feet	
e. Drainage status of project site soils: ☐ Well Drained: _____ % of site ☒ Moderately Well Drained: 100 % of site ☐ Poorly Drained: _____ % of site	
f. Approximate proportion of proposed action site with slopes: ☒ 0-10%: 85 % of site ☒ 10-15%: 5 % of site ☒ 15% or greater: 10 % of site	
g. Are there any unique geologic features on the project site? ☐ Yes ☒ No If Yes, describe: _____ _____	
h. Surface water features. i. Does any portion of the project site contain wetlands or other waterbodies (including streams, rivers, ponds or lakes)? ☐ Yes ☒ No ii. Do any wetlands or other waterbodies adjoin the project site? ☐ Yes ☒ No If Yes to either <i>i</i> or <i>ii</i>, continue. If No, skip to E.2.i. iii. Are any of the wetlands or waterbodies within or adjoining the project site regulated by any federal, state or local agency? ☐ Yes ☐ No iv. For each identified regulated wetland and waterbody on the project site, provide the following information: - Streams: Name _____ Classification _____ - Lakes or Ponds: Name _____ Classification _____ - Wetlands: Name _____ Approximate Size _____ - Wetland No. (if regulated by DEC) _____	
v. Are any of the above water bodies listed in the most recent compilation of NYS water quality-impaired waterbodies? ☐ Yes ☐ No If yes, name of impaired water body/bodies and basis for listing as impaired: _____ _____	
i. Is the project site in a designated Floodway? ☐ Yes ☒ No	
j. Is the project site in the 100-year Floodplain? ☐ Yes ☒ No	
k. Is the project site in the 500-year Floodplain? ☐ Yes ☒ No	
l. Is the project site located over, or immediately adjoining, a primary, principal or sole source aquifer? ☐ Yes ☒ No If Yes: i. Name of aquifer: _____	

m. Identify the predominant wildlife species that occupy or use the project site: _____ _____ _____	
n. Does the project site contain a designated significant natural community? ☐ Yes ☒ No If Yes: i. Describe the habitat/community (composition, function, and basis for designation): _____ ii. Source(s) of description or evaluation: _____ iii. Extent of community/habitat: • Currently: _____ acres • Following completion of project as proposed: _____ acres • Gain or loss (indicate + or -): _____ acres	
o. Does project site contain any species of plant or animal that is listed by the federal government or NYS as endangered or threatened, or does it contain any areas identified as habitat for an endangered or threatened species? ☐ Yes ☒ No If Yes: i. Species and listing (endangered or threatened): _____ _____ _____	
p. Does the project site contain any species of plant or animal that is listed by NYS as rare, or as a species of special concern? ☐ Yes ☒ No If Yes: i. Species and listing: _____ _____ _____	
q. Is the project site or adjoining area currently used for hunting, trapping, fishing or shell fishing? ☐ Yes ☒ No If yes, give a brief description of how the proposed action may affect that use: _____ _____	
E.3. Designated Public Resources On or Near Project Site	
a. Is the project site, or any portion of it, located in a designated agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304? ☐ Yes ☒ No If Yes, provide county plus district name/number: _____	
b. Are agricultural lands consisting of highly productive soils present? ☐ Yes ☒ No i. If Yes: acreage(s) on project site? _____ ii. Source(s) of soil rating(s): _____	
c. Does the project site contain all or part of, or is it substantially contiguous to, a registered National Natural Landmark? ☐ Yes ☒ No If Yes: i. Nature of the natural landmark: ☐ Biological Community ☐ Geological Feature ii. Provide brief description of landmark, including values behind designation and approximate size/extent: _____ _____ _____	
d. Is the project site located in or does it adjoin a state listed Critical Environmental Area? ☐ Yes ☒ No If Yes: i. CEA name: _____ ii. Basis for designation: _____ iii. Designating agency and date: _____	

e. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places?	☒ Yes ☐ No
If Yes:	
i. Nature of historic/archaeological resource: ☐ Archaeological Site ☒ Historic Building or District	
ii. Name: <u>Several. See attached.</u>	
iii. Brief description of attributes on which listing is based: _____	
f. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	
☒ Yes ☐ No	
g. Have additional archaeological or historic site(s) or resources been identified on the project site?	
☐ Yes ☒ No	
If Yes:	
i. Describe possible resource(s): _____	
ii. Basis for identification: _____	
h. Is the project site within five miles of any officially designated and publicly accessible federal, state, or local scenic or aesthetic resource?	
☐ Yes ☒ No	
If Yes:	
i. Identify resource: _____	
ii. Nature of, or basis for, designation (e.g., established highway overlook, state or local park, state historic trail or scenic byway, etc.): _____	
iii. Distance between project and resource: _____ miles.	
i. Is the project site located within a designated river corridor under the Wild, Scenic and Recreational Rivers Program 6 NYCRR 666?	
☐ Yes ☒ No	
If Yes:	
i. Identify the name of the river and its designation: _____	
ii. Is the activity consistent with development restrictions contained in 6NYCRR Part 666?	
☐ Yes ☐ No	

F. Additional Information

Attach any additional information which may be needed to clarify your project.

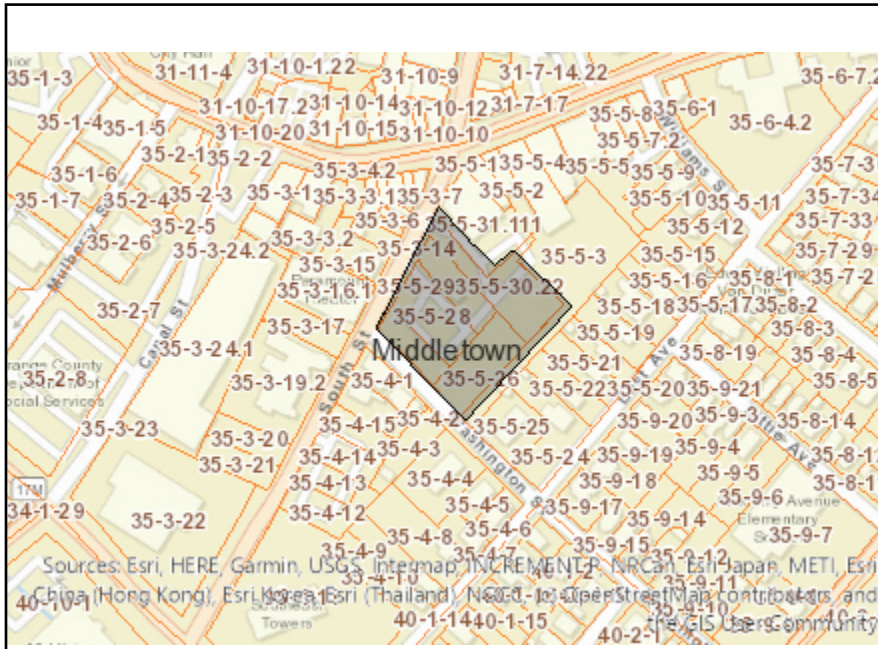
If you have identified any adverse impacts which could be associated with your proposal, please describe those impacts plus any measures which you propose to avoid or minimize them.

G. Verification

I certify that the information provided is true to the best of my knowledge.

Applicant/Sponsor Name Jacob Tawil, PE Date _____

Signature _____ Title Commissioner of Public Works - City of Middletown



Disclaimer: The EAF Mapper is a screening tool intended to assist project sponsors and reviewing agencies in preparing an environmental assessment form (EAF). Not all questions asked in the EAF are answered by the EAF Mapper. Additional information on any EAF question can be obtained by consulting the EAF Workbooks. Although the EAF Mapper provides the most up-to-date digital data available to DEC, you may also need to contact local or other data sources in order to obtain data not provided by the Mapper. Digital data is not a substitute for agency determinations.



B.i.i [Coastal or Waterfront Area]	No
B.i.ii [Local Waterfront Revitalization Area]	No
C.2.b. [Special Planning District]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h [DEC Spills or Remediation Site - Potential Contamination History]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.i [DEC Spills or Remediation Site - Listed]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.i [DEC Spills or Remediation Site - Environmental Site Remediation Database]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.iii [Within 2,000' of DEC Remediation Site]	Yes
E.1.h.iii [Within 2,000' of DEC Remediation Site - DEC ID]	336030
E.2.g [Unique Geologic Features]	No
E.2.h.i [Surface Water Features]	No
E.2.h.ii [Surface Water Features]	No
E.2.h.iii [Surface Water Features]	No
E.2.h.v [Impaired Water Bodies]	No
E.2.i. [Floodway]	No
E.2.j. [100 Year Floodplain]	No
E.2.k. [500 Year Floodplain]	No
E.2.l. [Aquifers]	No
E.2.n. [Natural Communities]	No
E.2.o. [Endangered or Threatened Species]	No

E.2.p. [Rare Plants or Animals]	No
E.3.a. [Agricultural District]	No
E.3.c. [National Natural Landmark]	No
E.3.d [Critical Environmental Area]	No
E.3.e. [National or State Register of Historic Places or State Eligible Sites]	Yes - Digital mapping data for archaeological site boundaries are not available. Refer to EAF Workbook.
E.3.e.ii [National or State Register of Historic Places or State Eligible Sites - Name]	Eligible property:SERPENTINI OFFICE & CLUB, Eligible property:STORES OFFICES, Eligible property:2 West Main Street, Middletown, Eligible property:HEALTH CARE PRODUCTS & APTS, Eligible property:Shimer Building, Eligible property:APTS/ARMY-NAVY STORE, Eligible property:Commercial / Residential, Eligible property:THE INSURANCE STORE, Eligible property:BULL OPERA HOUSE (COMMERCIAL/APTS), Eligible property:The Borden Condensed Milk Company Building, Eligible property:BEAKES TRAVEL & APT, Eligible property:KIBRICK MGMT CONSULTANT CORP, STORE, OFFICE, WAREHOUSE, Eligible property:CJ VAIL RESIDENCE (VAIL RESIDENCE), Eligible property:Tomkins Building, Eligible property:SPORTING GOODS-ATHLETIC EQUIPMENT, Eligible property:STORE-RESTAURANT, Eligible property:LEATHER SHOP-BEAUTY PARLOR, Eligible property:(BOGART RESIDENCE), Eligible property:Tompkins Building, Eligible property:STORE, APT COMMERCIAL, Eligible property:(CARSON & TOWNER CLOTHING STORE), Eligible property:BIKE SHOP, NATURAL FOODS, BARBER, Eligible property:OFFICE, TAILOR, Eligible property:ITALIAN-AMERICAN BAKERY, Eligible property:1-7 North Street, OFFICES, APT, Eligible property:ITALIAN DELI/SHOEMAKER, Eligible property:(R EDGAR CLARKE-SHOP), Eligible property:(JJ NEWBERRY CO), Eligible property:5 East Main Street, Eligible property:CHAMBER OF COMMERCE, Eligible property:(THE FERTILE CRESCENT), Eligible property:(BAY DRUGS), Eligible property:INCOME TAX FIRM & APTS, Eligible property:Italianate Commercial Building, Eligible property:Environmental compliance services LLC, Paramount Theatre, First Congregational Church of Middletown
E.3.f. [Archeological Sites]	Yes
E.3.i. [Designated River Corridor]	No

Full Environmental Assessment Form
Part 3 - Evaluation of the Magnitude and Importance of Project Impacts
and
Determination of Significance

Part 3 provides the reasons in support of the determination of significance. The lead agency must complete Part 3 for every question in Part 2 where the impact has been identified as potentially moderate to large or where there is a need to explain why a particular element of the proposed action will not, or may, result in a significant adverse environmental impact.

Based on the analysis in Part 3, the lead agency must decide whether to require an environmental impact statement to further assess the proposed action or whether available information is sufficient for the lead agency to conclude that the proposed action will not have a significant adverse environmental impact. By completing the certification on the next page, the lead agency can complete its determination of significance.

Reasons Supporting This Determination:

To complete this section:

- Identify the impact based on the Part 2 responses and describe its magnitude. Magnitude considers factors such as severity, size or extent of an impact.
- Assess the importance of the impact. Importance relates to the geographic scope, duration, probability of the impact occurring, number of people affected by the impact and any additional environmental consequences if the impact were to occur.
- The assessment should take into consideration any design element or project changes.
- Repeat this process for each Part 2 question where the impact has been identified as potentially moderate to large or where there is a need to explain why a particular element of the proposed action will not, or may, result in a significant adverse environmental impact.
- Provide the reason(s) why the impact may, or will not, result in a significant adverse environmental impact
- For Conditional Negative Declarations identify the specific condition(s) imposed that will modify the proposed action so that no significant adverse environmental impacts will result.
- Attach additional sheets, as needed.

<Part 2, Item 1.e needs to be addressed here>

Determination of Significance - Type 1 and Unlisted Actions

SEQR Status: ☒ Type 1 ☐ Unlisted

Identify portions of EAF completed for this Project: ☒ Part 1 ☒ Part 2 ☒ Part 3

Upon review of the information recorded on this EAF, as noted, plus this additional support information

and considering both the magnitude and importance of each identified potential impact, it is the conclusion of the
City of Middletown Common Council _____ as lead agency that:

☒ A. This project will result in no significant adverse impacts on the environment, and, therefore, an environmental impact statement need not be prepared. Accordingly, this negative declaration is issued.

☐ B. Although this project could have a significant adverse impact on the environment, that impact will be avoided or substantially mitigated because of the following conditions which will be required by the lead agency:

There will, therefore, be no significant adverse impacts from the project as conditioned, and, therefore, this conditioned negative declaration is issued. A conditioned negative declaration may be used only for UNLISTED actions (see 6 NYCRR 617.7(d)).

☐ C. This Project may result in one or more significant adverse impacts on the environment, and an environmental impact statement must be prepared to further assess the impact(s) and possible mitigation and to explore alternatives to avoid or reduce those impacts. Accordingly, this positive declaration is issued.

Name of Action: South Street Parking Garage

Name of Lead Agency: City of Middletown Common Council

Name of Responsible Officer in Lead Agency:

Title of Responsible Officer:

Signature of Responsible Officer in Lead Agency:

Date:

Signature of Preparer (if different from Responsible Officer)

Date:

For Further Information:

Contact Person:

Address:

Telephone Number:

E-mail:

For Type 1 Actions and Conditioned Negative Declarations, a copy of this Notice is sent to:

Chief Executive Officer of the political subdivision in which the action will be principally located (e.g., Town / City / Village of)

Other involved agencies (if any)

Applicant (if any)

Environmental Notice Bulletin: <http://www.dec.ny.gov/enb/enb.html>



CITY OF MIDDLETOWN, NEW YORK COMMON COUNCIL RECORD OF VOTE

THE FOLLOWING WAS PRESENTED

By: Alderman Kleiner
Seconded by: Alderwoman Wray
Date of Adoption: May 7, 2024
Index No: 80-24

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

**Resolution and Notice of Determination of Non-Significance Pursuant to 6 NYCRR 617.10
As It Pertains to a 2-lot subdivision for a lot line change involving two properties located
just south of East Main Street and just west of Railroad Avenue**

WHEREAS, the City of Middletown Common Council has been presented with a proposal for a 2-lot subdivision for a lot line change involving two properties located just south of East Main Street and just west of Railroad Avenue, Middletown, New York, known as Middletown tax parcels Section 36, Block 11, Lot 3, and Section 36, Block 11, Lot 1.1, and

WHEREAS, the purpose of the lot line change is to allow the existing buildings to be emplaced on a single tax parcel with an appropriate off-set from the railroad line, and

WHEREAS, the proposed subdivision constitutes an Unlisted Action pursuant to the State Environmental Quality Review Act ("SEQRA") regulations, and

WHEREAS, the Common Council is the only involved agency under SEQRA for this subdivision request, and therefore would be the Lead Agency for the SEQRA review of this action, and

WHEREAS, the Common Council has received a Short Environmental Assessment Form describing this action, and

WHEREAS, the City of Middletown Common Council has identified the relevant areas of environmental concern and thoroughly considered the criteria for determining significance set forth at 6 NYCRR Part 617.7 (c).

NOW, THEREFORE, BE IT RESOLVED that the City of Middletown Common Council declares itself Lead Agency with respect to this subdivision request pursuant to 6 NYCRR § 617.6(b)(1), and be it

FURTHER RESOLVED that the Common Council, after reviewing the Application materials, including the Short EAF, hereby determines that the application is an Unlisted Action under SEQRA, and be it

FURTHER RESOLVED that the Common Council hereby declares that the proposed action will not result in a significant adverse impact on the environment, and an environmental impact statement will not be prepared, and be it

FURTHER RESOLVED that this Negative Declaration is made pursuant to Article 8 of the Environmental Conservation Law.

Prepared by:

Attachments:

1.	Short EAF 5-2024
----	------------------

Short Environmental Assessment Form

Part 1 - Project Information

Instructions for Completing

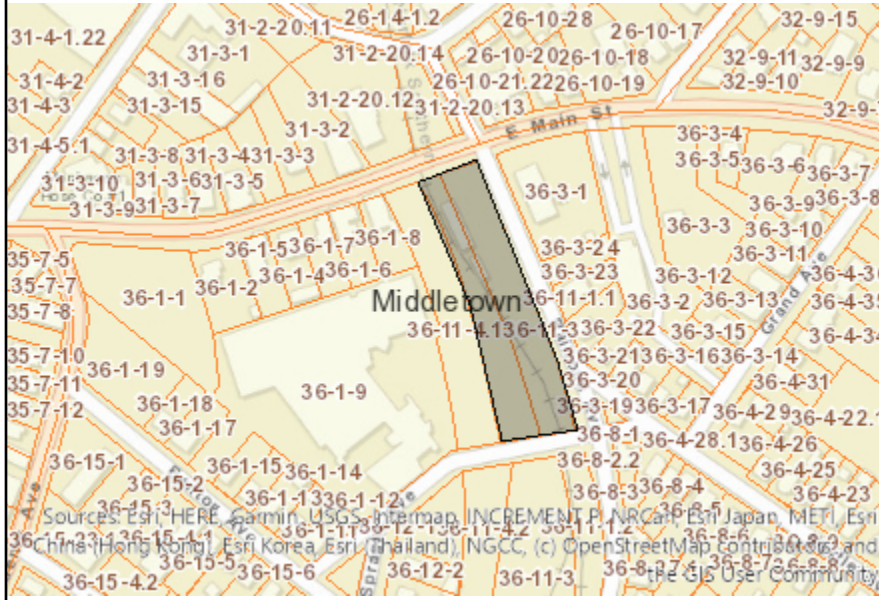
Part 1 – Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 – Project and Sponsor Information			
Name of Action or Project: City of Middletown Lot Line Change			
Project Location (describe, and attach a location map): South of East Main Street (CR 67), west of Railroad Avenue			
Brief Description of Proposed Action: Minor lot line adjustment to transfer 0.131 acres of land from Lot Tax Lot 36-11-3 to adjacent Lot 36-11-1.1 so that existing buildings are entirely on one tax parcel and allow for off-set from rail line.			
Name of Applicant or Sponsor: City of Middletown		Telephone: 845-346-4100 E-Mail: mayordestefano@yahoo.com	
Address: 16 James Street			
City/PO: Middletown		State: NY	Zip Code: 10940
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.		NO ☒	YES ☐
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval:		NO ☒	YES ☐
3. a. Total acreage of the site of the proposed action?		1.579 acres	
b. Total acreage to be physically disturbed?		0 acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		+/-7 acres	
4. Check all land uses that occur on, are adjoining or near the proposed action:			
5. ☒ Urban ☐ Rural (non-agriculture) ☒ Industrial ☒ Commercial ☒ Residential (suburban)			
☐ Forest ☐ Agriculture ☐ Aquatic ☐ Other(Specify):			
☐ Parkland			

5. Is the proposed action,	NO	YES	N/A
a. A permitted use under the zoning regulations?	☐	☐	☒
b. Consistent with the adopted comprehensive plan?	☐	☒	☐
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
	☐	☒	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area?	NO	YES	
If Yes, identify: _____	☒	☐	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO	YES	
	☒	☐	
b. Are public transportation services available at or near the site of the proposed action?	☐	☒	
c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	☐	☒	
9. Does the proposed action meet or exceed the state energy code requirements?	NO	YES	
If the proposed action will exceed requirements, describe design features and technologies: _____ _____	☒	☐	
10. Will the proposed action connect to an existing public/private water supply?	NO	YES	
If No, describe method for providing potable water: _____ Rail property, no development proposed. No water supply required. _____	☒	☐	
11. Will the proposed action connect to existing wastewater utilities?	NO	YES	
If No, describe method for providing wastewater treatment: _____ Rail property, no development proposed. No wastewater facilities required. _____	☒	☐	
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places?	NO	YES	
	☐	☒	
b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	☒	☐	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?	NO	YES	
	☒	☐	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?	☐	☐	
If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ _____ _____			

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: ☐ Shoreline ☐ Forest ☐ Agricultural/grasslands ☐ Early mid-successional ☐ Wetland ☒ Urban ☒ Suburban		
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO ☒	YES ☐
16. Is the project site located in the 100-year flood plan?	NO ☒	YES ☐
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes,	NO ☒	YES ☐
a. Will storm water discharges flow to adjacent properties?	☐	☐
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: _____ _____	☐	☐
18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)? If Yes, explain the purpose and size of the impoundment: _____ _____	NO ☒	YES ☐
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____ _____	NO ☒	YES ☐
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____ _____	NO ☒	YES ☐
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE Applicant/sponsor/name: _____ Date: _____ Signature: _____ Title: _____		



Disclaimer: The EAF Mapper is a screening tool intended to assist project sponsors and reviewing agencies in preparing an environmental assessment form (EAF). Not all questions asked in the EAF are answered by the EAF Mapper. Additional information on any EAF question can be obtained by consulting the EAF Workbooks. Although the EAF Mapper provides the most up-to-date digital data available to DEC, you may also need to contact local or other data sources in order to obtain data not provided by the Mapper. Digital data is not a substitute for agency determinations.



Part 1 / Question 7 [Critical Environmental Area]	No
Part 1 / Question 12a [National or State Register of Historic Places or State Eligible Sites]	Yes
Part 1 / Question 12b [Archeological Sites]	No
Part 1 / Question 13a [Wetlands or Other Regulated Waterbodies]	No
Part 1 / Question 15 [Threatened or Endangered Animal]	No
Part 1 / Question 16 [100 Year Flood Plain]	No
Part 1 / Question 20 [Remediation Site]	No



CITY OF MIDDLETOWN, NEW YORK COMMON COUNCIL RECORD OF VOTE

THE FOLLOWING WAS PRESENTED

By: Alderman Green
Seconded by: Alderman Jean-Francois
Date of Adoption: May 7, 2024
Index No: 81-24

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 a \$4999 Municipal Tourism Grant from the County of Orange

BE IT RESOLVED; that the Common Council of the City of Middletown, accepts the Municipal Tourism Grant from the County of Orange in the amount of \$4,999.00, to be applied toward the Run 4 Downtown Rock Roll Run Weekend & concert at the Paramount Theater.

BE IT FURTHER RESOLVED that the Common Council of the City of Middletown authorizes the Treasurer to apply these funds to the Paramount budget, line A.7011.498.

BE IT FURTHER RESOLVED; that the Common Council of the City of Middletown, NY, authorizes the Mayor any paperwork associated with the grant.

Prepared by:

Attachments:

1.	Municipal Tourism Grant 2024
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CITY OF MIDDLETOWN
Office of Economic & Community Development

May 7, 2024

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

RE: Municipal Tourism Grant

Dear Members:

I am requesting authorization to accept the Municipal Tourism Grant from the County of Orange in the amount of \$4,999.00, and to authorize the Mayor, to sign any and all documents pertaining to this grant. Also, to authorize the Treasurer to apply these funds to the Paramount budget, line A.7011.498.

This grant will be applied toward the Run 4 Downtown Rock Roll Run Weekend & concert at the Paramount Theatre.

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 Masi
Seconded by: Alderman Kleiner
Date of Adoption: May 7, 2024
Index No: 82-24

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

Resolution Authorizing Live Music and Live Music Performances In Outdoor and Sidewalk Cafes

Whereas, Section 475-28 (G) (4) of the Code of the City of Middletown prohibits live music and live music performances in outdoor and sidewalk cafes, and

Whereas, the Common Council in 2020 passed a resolution allowing live music and live music performances in outdoor and sidewalk cafes on a trial basis,
WHEREAS the Common Council wishes to allow for live music and live music performances in outdoor and sidewalk cafes during the 2024 season;

Now, therefore, be it resolved by the Common Council of the City of Middletown that Section 475-28 (G) (4) of the Code of the City of Middletown is hereby repealed and replaced in its entirety by the following:

Section 475-28 (G). Miscellaneous provisions.

1. Outdoor and sidewalk cafes may be allowed to provide music, so long as such music does not violate or does not conflict with any applicable law or ordinance such as the City's noise ordinance (except as may otherwise be provided below), or does not create a nuisance to surrounding residents or properties. Live music or live music performances are not permitted in or at sidewalk cafes. With respect to outdoor cafes only (and only within the geographic area described below), live music or live music performances will be permitted from May 1, 2024, until and including October 31, 2024, during the hours of 12:00 noon until 10:00 p.m. on Thursday, Friday and Saturday, and 1:00 p.m. until 9:00 p.m. on Sunday, in such a manner as to generate an instantaneous sound pressure level not to exceed 90 decibels (DBA) as measured from any point along the boundary line of the real property on which the outdoor café is located and from which the sound pressure is generated.

For purposes of this subsection (4), live music or live music performances will be allowed in or at outdoor cafes only within the area contained within the City's Business Improvement District (except not in or on properties located south of Fulton Street) and in or on properties on either side of East Main Street from Academy Avenue to the west side of Railroad Avenue.

Live music or live music performances will be allowed in or at outdoor cafes as described above during a period lasting only until October 31, 2024, unless the ability and permission to have live music or live music performances in or at outdoor cafes is extended by action of the Common Council of the City. If the time period is not extended by action of the Common Council, then live music or live music performances will not be permitted after October 31, 2024 in or at outdoor cafes.

Lighting in outdoor and sidewalk cafes shall be minimal and shall not be allowed to disturb surrounding residents or properties. No outdoor cooking of any type is permitted in outdoor and sidewalk cafes.

Be it further resolved that Section 475-28 (H) of the Code of the City of Middletown is amended by adding the following as a second paragraph in Section 475-28 (H):

Notwithstanding the previous paragraph and in addition to any penalties imposed under the previous paragraph of this Section 475-28 (H), violations of Section 475-28 (G) (4) of the Code of the City of Middletown may be enforced by the Police Department, any code enforcement officer of the Department of Public Works or the Fire Inspector and disposed of as follows

For the first violation of Section 475-28 (G) (4) of the Code of the City of Middletown by an outdoor café's operation, the owner and/or operator of the outdoor café shall be issued a verbal or written warning informing the owner and/or operator of the violation and directing that it be ceased immediately.

For the second violation and subsequent violations of Section 475-28 (G) (4) of the Code of the City of Middletown by an outdoor café's operation, the owner and/or operator of the outdoor café shall be issued a written violation notice and/or an appearance ticket ordering the owner and/or operator to appear in Middletown City Court to answer the violation(s).

At any time, the Police Department of the City, upon inspection and discovery of a violation of Section 475-28 (G) (4) of the Code of the City of Middletown by an outdoor café's operation, may immediately cause the offending outdoor cafe to be cleared of patrons, if such action is reasonably necessary to protect the public health, safety, welfare or convenience.

If the operation of an outdoor cafe is alleged to be in violation of Section 475- 28 (G) (4) of the Code of the City of Middletown a second time, the outdoor café permit issued to the owner and/or operator of the outdoor café shall be revoked by the City Clerk.

Any person found guilty of violating Section 475-28 (G) (4) of the Code of the City of Middletown shall be guilty of a violation and shall be liable for a fine of not less than \$250.00 nor more than \$2,000.00 for the first occurrence, and such fines shall be increased to a fine of not less than \$500.00 nor more than \$4,000.00 for any subsequent occurrence(s).

Be it further resolved that this resolution shall take effect immediately.

Prepared by:

Attachments:

None



CITY OF MIDDLETOWN, NEW YORK COMMON COUNCIL RECORD OF VOTE

THE FOLLOWING WAS PRESENTED

By: Alderman Green
Seconded by: None
Date of Adoption: June 4, 2024
Index No: 101-24

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 Hold a Block Party on Lenox Avenue and Cantrell Avenue on June 16, 2024

BE IT RESOLVED; that the Common Council of the City of Middletown, NY, authorizes a block party on Lenox Avenue and Cantrell Avenue between the hours of 12PM and 6PM on Sunday, June 16, 2024.

Prepared by:
Rick McCormack, City Clerk

Attachments:

None



CITY OF MIDDLETOWN, NEW YORK COMMON COUNCIL RECORD OF VOTE

THE FOLLOWING WAS PRESENTED

By: Alderman Witt
Seconded by: Alderman Green
Date of Adoption: June 4, 2024
Index No: 102-24

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

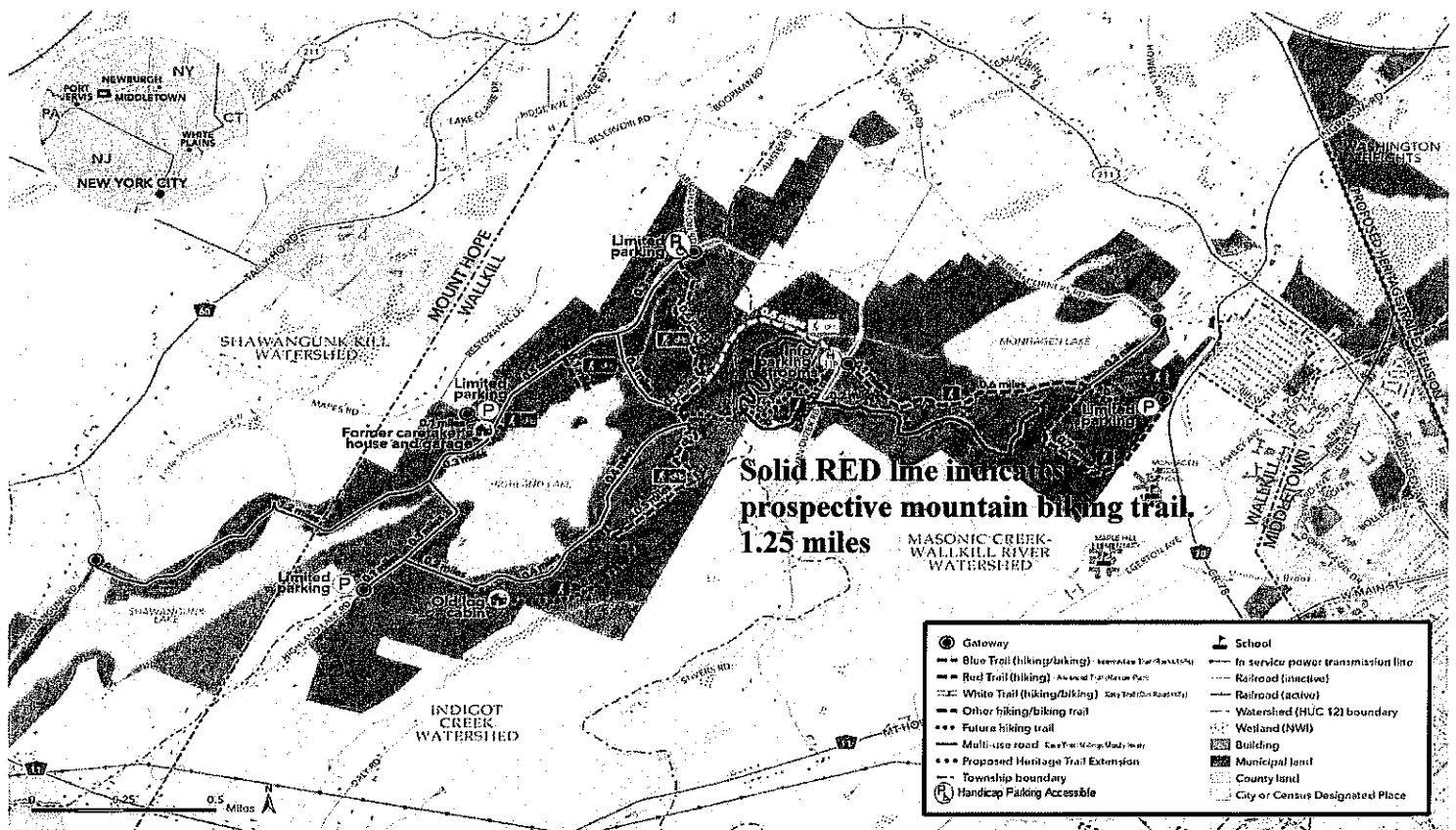
Authorization to Construct Mountain Biking Trails on the City of Middletown Reservoir Trails

BE IT RESOLVED that the Common Council of the City of Middletown authorizes the construction of Mountain Biking Trails at the City of Middletown Reservoir Trails

Prepared by:
Raelynn Bertholf, Supt of Recreation and Parks

Attachments:

1.	Reservoir Trails
----	------------------



Middletown Reservoir Trails

May 10, 2020, Copyright © The Trust for Public Land. The Trust for Public Land and The Trust for Public Land logo are federally registered marks of The Trust for Public Land. Information on this map is provided for purposes of discussion and is not a guarantee of accuracy.



**** The goal of this trail is to connect to the lot at the school. A goal is to build roughly a .5mile loop by the main parking lot for kids and beginner riders.**



**** The idea behind a good trail is as little disruption to the watershed land as possible. The trails will be much narrower than our current trails, the equivalent to a hiking trail about 2 feet. See the pictures above for reference.**

A volunteer application will be submitted to Greg Townsend of Marshall and Sterling for approval. The volunteer committee will be hand selected by Ryan Yasika. Ryan is an avid mountain biker and trail builder who will be overseeing this project alongside the Deputy Commissioner of Parks John Bianchi and our Reservoir labors.

In the very beginning volunteers will utilize a chainsaw in a few places to clear down trees. After that they will be pruning branches that cross over the trails. Some tools that will be used are loopers, hand saws and weed whackers. Once the trails are made passable upkeep will consist of cleaning sticks and large debris from the trail. In the future after the trail is established leaves and small debris will be left on the trail because it helps protect against erosion. Also, after the trail is established we will observe and focus on how water (small creeks/run off) effect the trail and address those areas to help with erosion.

Before the trails are open to the public we will work with Middletown PD and other local emergency service responders to they are aware where the new trails run. Eventually we will get the maps updated with the new trial and have signage directing bikers.



CITY OF MIDDLETOWN, NEW YORK COMMON COUNCIL RECORD OF VOTE

THE FOLLOWING WAS PRESENTED

By: Alderman Masi
Seconded by: Alderman Johnson
Date of Adoption: June 4, 2024
Index No: 103-24

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 a \$1000 Campship Donation from the Middletown Lions Club

BE IT RESOLVED; that the Common Council of the City of Middletown, NY, concurs with the Board of Estimate and Apportionment and accepts a \$1,000 Campership donation from the Middletown Lions Club.

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 this donation into account A.2705.07 Summer Camp Scholarships.

Prepared by:
Raelynn Bertholf, Supt of Recreation and Parks

Attachments:

1.	Lion's Club Campership
----	------------------------



Middletown Lions Club

P O Box 122
Middletown, NY 10940

ORANGE BANK AND TRUST COMPANY

50-247/219

4617

May 24, 2024

PAY TO THE
ORDER OF

Middletown Parks & Rec Dept.

\$ 1,000.00

One Thousand dollars and no/100

DOLLARS

MEMO

summer camperships

Diane Youngs
An [Signature]
AUTHORIZED SIGNATURE

⑈004617⑈ ⑈021902475⑈ 1918081⑈



CITY OF MIDDLETOWN, NEW YORK COMMON COUNCIL RECORD OF VOTE

THE FOLLOWING WAS PRESENTED

By: Alderwoman Wray
Seconded by: Alderman Tobin
Date of Adoption: June 4, 2024
Index No: 104-24

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 a \$4,999 Municipal Tourism Grant From the County of Orange

BE IT RESOLVED; that the Common Council of the City of Middletown, NY, concurs with the Board of Estimate and accepts the Municipal Tourism Grant from the County of Orange for \$4,999.00, to be applied toward the Run 4 Downtown Rock Roll Run Weekend & concert at the Paramount Theater. This resolution was approved by the Common Council on May 7th, 2024.

Prepared by:
Leonora Liz, Treasurer

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: June 4, 2024
Index No: 105-24

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 Donations from Regional Economic Community Action Program (RECAP), Minisink Valley Rotary Club, Kiwanis Club of Middletown, Middletown Teachers Association, Applebee-McPhillips Funeral Home, and W.S. Healey Chevrolet, for National Night Out Against Crime

BE IT RESOLVED; that the Common Council of the City of Middletown, NY, concurs with the Board of Estimate and accepts the following donations 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 Treasurer to deposit the funds into Police Donation budget line A.2705.06 and to increase the A.3120.501 community expense line by the same amount.

Organization

Amount

Regional Economic Community Action Program	\$250
Minisink Valley Rotary Club	\$250
Kiwanis Club of Middletown	\$250
Middletown Teachers Association	\$250
Applebee-McPhillips Funeral Home	\$250
W.S. Healey Chevrolet	\$500
TOTAL	Total \$1750

Prepared by:
John Ewanciw, Chief of Police

Attachments:

1.	National night out against crime 2024
----	---------------------------------------

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

May 28, 2024

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,

We are in receipt of the below listed donations from local businesses supporting our National Night Out Against Crime. We are requesting permission to accept these donations into the Police Donation budget line A.2705.06.

Furthermore, we request to increase the A.3120.501 community expense line by the same amount.

Regional Economic Community Action Program \$250
Minisink Valley Rotary Club \$250
Kiwanis Club of Middletown \$250
Middletown Teachers Association \$250
Applebee-McPhillips Funeral Home \$250
W.S. Healey Chevrolet \$500

Total \$1750

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 Green
Date of Adoption: June 4, 2024
Index No: 106-24

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 a Proposal from Strategem for Security Upgrades at City Hall

BE IT RESOLVED; that the Common Council of the City of Middletown, NY, concurs with the Board of Estimate and Apportionment and authorizes a proposal from Strategem for security upgrades at City Hall in the amount of \$51,284.61.

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 proposal.

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 \$52,000, in the following manner, to cover the cost of the project.

FROM

AMOUNT

TO

H.0933.210 \$22,000
IT EQUIPMENT

H.1997.203
SECURITY SYSTEM
UPGRADE

H.0971.900 \$30,000
COMPUTER EQUIPMENT
BACK UP

Prepared by:
Leonora Liz, Treasurer

Attachments:

1.	City of Middletown - City Hall - Panic and Mass Notification Proposal 5.30.24
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CITY OF MIDDLETOWN, NEW YORK COMMON COUNCIL RECORD OF VOTE

THE FOLLOWING WAS PRESENTED

By: Alderman Masi
Seconded by: Alderman Witt
Date of Adoption: June 4, 2024
Index No: 107-24

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 Award Bids for the O&W Rehabilitation to Apex Development

BE IT RESOLVED; that the Common Council of the City of Middletown, NY, concurs with the Board of Estimate and Apportionment and awards the bid for the O&W Rehabilitation to Apex Development.

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 any paperwork related to this work.

Prepared by:
Jacob Tawil

Attachments:

1.	Tawil O&W Bids 5-17-24
----	------------------------



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

May 17, 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,

We have reviewed the Bids for the O&W Rehabilitation Asbestos Abatement and Selective Interior Demolition as well as the O&W Rehabilitation Asbestos Air Monitoring Services. We have also vetted the bidders by calling their references. We recommend the award of the O&W Rehabilitation bids as follows:

Asbestos Abatement Selective Interior Demolition and Structural Shoring to
Apex Development
358 Broadway
Newark, New Jersey 07104

In the amount of

A. Base Bid Asbestos Remediation Structural Shoring Selective Demolition	\$1,825,300.00
B. Base Bid Cleaning Exterior	\$22,000.00
C. Alternative Demolition Northend	\$150,000.00
D. Unit Rate per lineal foot of non-friable asbestos per insulation	\$25/LF
E. Unit price for per sq ft for no friable asbestos floor tile and Mastic	\$15/SF

Air Monitoring Services for Building Debris cleanup to Environmental Management Solutions of NY Inc.

EMS NY
3 Forester Ave #49
Warwick, New York 10990

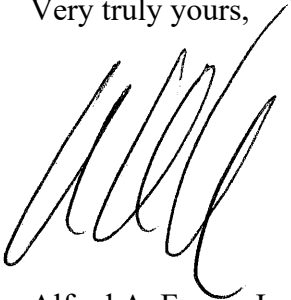
In the amount of as follows:

A. Daily Maintenance 9hr shift	\$629.00 / 9hr shift
B. Overtime Rate After 9hr shift	\$84 / hr.
C. Asbestos Air Sampling Analysis 24hr turn around time	\$12.30 / sample
D. Asbestos Air Sampling Rush Turn around time	\$4.85 / sample
E. Friable Bulk Sample Analysis 24 hr. turn around	\$13.50 / sample
F. Non Friable Bulk Sample Analysis 24 hr. turnaround	\$38.50 / sample
G. Project and Air Monitoring Summary Report	\$0.00

We have also included Bid Tabulations for your information. We have received copies of their MWBE certifications for both of the above contracts. Upon award we will develop contracts.

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
Mary Bruni, City of Middletown
Alfred A. Fusco, Jr., P.E., FE&LS, DPC

[illegible]



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: June 4, 2024
Index No: 108-24

I hereby certify that the attached is a true copy of a Resolution and/or Local Law adopted by the City of Middletown Common Council.

Richard P. McCormack
Clerk to the Common Council

Names	Ayes	Noes	Abstain	Absent
Ald. Tobin	X			
Ald. Jean-Francois	X			
Ald. Johnson	X			
Ald. Wray	X			
Ald. Kleiner	X			
Ald. Green	X			
Ald. Witt	X			
Ald. Masi	X			
Pres. Rodrigues	X			
Total	9			

I hereby approve the attached Resolution/Local Law.

Joseph M. DeStefano, Mayor

Date

Authorization to Amend City Code as it Pertains to Open Containers on Public Property

WHEREAS, the Police Chief is recommending that the Council prohibit the possession of open containers of alcohol in certain public places in the City of Middletown.

NOW THEREFORE BE IT Resolved, and be it Ordained, by the Common Council of the City of Middletown, New York, as follows:

Section 1. Article I of Chapter 156, Alcoholic Beverages, of the Code of the City of Middletown, is hereby amended by adding a new Section 156-1-1, Restrictions on possession of open containers, to read in its entirety as follows:

§156-1-1. Restrictions on possession of open containers.

No person shall possess an open container of liquor, beer, wine or other alcoholic beverage while

such person is on any public highway, public street, public parking area, any City-owned property or in or on any vehicle in a public place, excepting those premises duly licensed for on-premises consumption of alcoholic beverages in the City of Middletown.

Section 2. Effective Date.

This Resolution and 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 Green
Date of Adoption: June 4, 2024
Index No: 109-24

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 Middletown and New Jersey Railroad to Purchase 140 East Main Street, Middletown, New York

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 Middletown and New Jersey Railroad to purchase 140 East Main Street, Middletown, NY (SBL 36-11-1.1) for \$180,000.

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.

Prepared by:
Rick McCormack, City Clerk

Attachments:

1.	140 East Main Street Contract of Sale
----	---------------------------------------

**WARNING: NO REPRESENTATIONS IS MADE THAT THIS FORM OF CONTRACT
FOR THE SALE AND PURCHASE OF REAL ESTATE
COMPLIES WITH SECTION 5-702
OF THE GENERAL OBLIGATIONS LAW ("PLAIN LANGUAGE").**

CONSULT YOUR LAWYER BEFORE SIGNING THIS AGREEMENT

NOTE: FIRE AND CASUALTY LOSSES AND CONDEMNATION.

This contract form does not provide for what happens in the event of fire, or other casualty loss or condemnation before the title closing. Unless different provision is made in this contract, Section 5-1311 of the General Obligations Law will apply. One part of that law makes a Purchaser responsible for fire and casualty loss upon taking possession of the Premises before the title closing.

CONTRACT OF SALE

Contract of Sale made as of June ___, 2024 BETWEEN

Name: MIDDLETOWN & NEW JERSEY RAILROAD, LLC
Address: 505 South Broad Street, Kennett Square, PA 19348

hereinafter called "Seller", and

Name: CITY OF MIDDLETOWN, a municipal corporation of the State of New York
Address: 16 James Street, Middletown, NY 10940

hereinafter called "Purchaser", and

The parties hereby agree as follows:

1. Premises. Seller shall sell and convey and Purchaser shall purchase the land and improvements, (the "premises"), collectively known as:

Street Address: 140 East Main Street, Middletown
Orange County, New York

Tax Map Designation: City of Middletown: SBL 36-11-1.1 presently consisting of +/- 97 acres with .879 acres to be conveyed following a lot line change in accordance with the map annexed hereto as Exhibit "A".

2. Personal Property. None

3. Purchase Price. The purchase price is ONE HUNDRED EIGHTY THOUSAND AND 00/100 DOLLARS (\$180,000.00) payable as follows:

BANK CHECK OR WIRE OF IMMEDIATELY AVAILABLE FEDERAL FUNDS in
accordance with Paragraph 5 of this Contract \$180,000.00

4. Down Payment in Escrow. N/A

5. Acceptable Funds.

- a. All money payable under this contract, unless otherwise specified, shall be paid by:
 - i. Cash, but not over \$1,000.00;
 - ii. Official check issued by any bank, savings bank, trust company or savings and loan association having a banking office in the State of New York, unendorsed and payable to the order of Seller, or wire of immediately available federal funds or as Seller may otherwise direct upon reasonable prior notice (by telephone or otherwise) to Purchaser;
 - iii. As to money other than the purchase price payable to Seller at Closing, uncertified check of Purchaser up to the amount of \$500.00; and
 - iv. As otherwise agreed to in writing by Seller or Seller's attorney.
- b. Purchaser does hereby personally guarantee all funds submitted by Purchaser, or on their behalf, to Seller, or at Seller's direction, at the time of Closing as and for the balance of the purchase price; it being understood that this personal guaranty shall survive the delivery of the deed.

6. Execution of Contract. It is expressly understood and agreed that this contract offer made by Seller is not a binding contract, and is subject to Seller's acceptance and approval, and that this contract is not an offer to sell, and shall not in any way bind Seller until such time as the same has been approved and executed by the Seller and good checks are received by the Seller. The Purchaser has no interest in the property or remedy against the Seller for failure to execute the contract.

7. Permitted Exceptions. The Premises are sold and shall be conveyed subject to:

- a. Zoning and subdivision laws and regulations, and landmark, historic or wetlands designation;
- b. Consents for the erection of any structures on, under or above any streets on which the Premises abut;
- c. Any area of premises within the bounds of any street or highway;
- d. Real estate taxes that are a lien, but are not yet due and payable;

- e. Any variance in connection with fence, hedge, and like, surrounding the premises, provided the same does not render title uninsurable at regular rates;
- f. Public utility easements of record, if any.

8. Governmental Violations and Orders. Seller shall comply with all notes or notices of violations of law or municipal ordinances, orders or requirements noted or issued as of the date of closing by any governmental department having authority as to lands, fire, health, environmental and labor conditions affecting the Premises. The Premises shall be conveyed free of them at Closing. Seller shall furnish Purchaser with any authorizations necessary to make the searches that could disclose these matters. Notwithstanding the foregoing, if the estimated cost to remove or remediate any violation is estimated by Seller to exceed the sum of \$2,500.00, Seller shall have the right to terminate the Contract and return the down payment to Purchaser and neither party shall have any further obligation one to the other; provided that Purchaser may elect to purchase the premises as is with a \$2,500.00 credit against the purchase price if they notify Seller of their intent to do so within seven (7) days of written notice of Seller's intent to terminate the Contract.

9. Seller's Representations.

- a. Seller represents to Purchaser that:
 - i. To the best of Seller's knowledge, Seller is the owner of the Premises and has the full right, power and authority to sell, convey and transfer the same in accordance with the terms of this contract;
 - ii. Seller is not a "foreign person", as that term is defined for purposes of the Foreign Investment in Real Property Tax Act, Internal Revenue Code ("IRC") Section 1445, as amended, and the regulations promulgated thereunder (collectively "FIRPTA");
 - iii. Seller is not aware of any litigation or any threatened litigation affecting the Seller or the Premises;
 - iv. Seller is not aware of any violations of any applicable federal, state or local law, rule or ordinance affecting the Premises including, without limitation, those relating to environmental or hazardous substances located on, in or under the Premises; and
 - v. Seller is not aware of any pending or threatened condemnation action affecting all or any of the Premises.
- b. Seller covenants that all of the representations and warranties set forth in this contract shall be true and correct at Closing. Should any representation or warranty set forth by Seller in this Contract prove to be not true or correct, Purchaser shall have the option to terminate this contract, unless Purchaser agrees to close without an abatement of the Purchase Price.
- c. Except as otherwise expressly set forth in this contract, none of Seller's covenants, representations, warranties or other obligations contained in this contract shall survive Closing.

10. Condition of Property. Purchaser acknowledges and represents that Purchaser is fully aware of the physical condition and state of repair of the Premises and all of the other property included in this sale, based on Purchaser's own inspection and investigation thereof, and that, except as set forth in Section 9 above, Purchaser is entering into this contract based solely upon such inspection and investigation and not upon any information, data, statements or representations (except as set forth in Section 9 above), written or oral, as to the physical condition, state or repair, use, cost of operation or any other matter related to the Premises or the other property included in the sale, given or made by Seller or its representatives, and shall accept the same "as is" in their present condition and state of repair, subject to reasonable use, wear, tear and natural deterioration between the date hereof and the date of Closing without any reduction in the purchase price or claim of any kind for any change in such condition by reason thereof subsequent to the date of this contract.

11. Insurable Title. Seller shall give and Purchaser shall accept such title as any reputable title insurance company licensed in the State of New York shall be willing to approve and insure in accordance with its standard form of title policy approved by the New York State Department of Financial Services, subject only to the matters provided for in this contract.

12. Closing, Deed and Title. "Closing" means the settlement of the obligations of Seller and Purchaser to each other under this contract, including the payment of the purchase price to Seller, and the delivery to Purchaser of a bargain and sale without covenants against grantors acts deed in proper statutory short form for recording, duly executed and acknowledged, so as to convey to Purchaser fee simple title to the Premises, free of all encumbrances, except as otherwise herein stated. The deed shall contain a covenant by Seller as required by subdivision 5 of Section 13 of the Lien Law.

13. Closing Date and Place. Closing shall take place ^{at Middletown City Hall or} at the office of Blustein, Shapiro, Frank & Barone, LLP, 10 Matthews Street, Goshen, NY 10924 at 10:00 a.m. on or ^{about} ~~before~~ thirty (30) days from the date that the lot line change described in Paragraph 1 and 30 herein has been completed.

14. Conditions to Closing. This contract and Purchaser's obligation to purchase the Premises are also subject to and conditioned upon the fulfillment of the following conditions precedent:

- a. The accuracy, as of the date of Closing, of the representations and warranties of Seller made in this contract.
- b. The delivery by Seller to Purchaser of a certification stating that Seller is not a foreign person, which certification shall be in the form then required by FIRPTA. If Seller fails to deliver the aforesaid certification or if Purchaser is not entitled under FIRPTA to rely on such certification, Purchaser shall deduct and withhold from the purchase price a sum equal to 10% thereof (or any lesser amount permitted by law) and shall at Closing remit the withheld amount with the required forms to the Internal Revenue Service.
- c. The delivery by the parties of any other reasonable affidavits required as a condition of recording the deed.

15. Deed Transfer and Recording Taxes. At Closing, certified or official bank checks payable to the order of the appropriate State, City or County officer in the amount of any applicable transfer and/or

recording tax payable by reason of the delivery or recording of the deed or mortgage, if any, shall be delivered by the party required by law or by this contract to pay such transfer and/or recording tax, together with any required tax returns duly executed and sworn to, and such party shall cause any such checks and returns to be delivered to the appropriate officer promptly after Closing. The obligation to pay any additional tax or deficiency and any interest or penalties thereon shall survive Closing. Seller shall pay transfer tax and recording charges for satisfaction of mortgage, if any, and Purchaser shall pay all recording charges normally the responsibility of Purchaser.

16. Apportionments and Other Adjustments. To the extent applicable, the following shall be apportioned as of midnight of the day before the day of Closing:

- i. taxes, assessments, water charges and sewer rents, on the basis of the fiscal period for which assessed;
- ii. If Closing shall occur before a new tax rate is fixed, the apportionment of taxes shall be upon the basis of the tax rate for the immediate preceding fiscal period applied to the latest assessed valuation.
- iii. Any errors or omissions in computing apportionments or other adjustments at closing shall be corrected within a reasonable time following Closing. This subparagraph shall survive Closing.

17. Allowance for Unpaid Taxes, etc. Seller has the option to credit Purchaser as an adjustment to the purchase price with the amount of any unpaid taxes, assessments, water charges and sewer rents, together with any interest and penalties thereon to a date not less than five business days after Closing, provided that official bills therefor computed to said date are produced at Closing.

18. Use of Purchase Price to Remove Encumbrances. If at Closing there are other liens or encumbrances that Seller is obligated to pay or discharge, Seller may use any portion of the cash balance of the purchase price to pay or discharge them, provided Seller shall simultaneously deliver to Purchaser at Closing instruments in recordable form and sufficient to satisfy such liens or encumbrances of record, together with the cost of recording or filing said instruments. As an alternative Seller may deposit sufficient monies with the title insurance company employed by Purchaser acceptable to and required by it to assure their discharge, but only if the title insurance company will insure Purchaser's title clear of the matters or insure against their enforcement out of the Premises and will insure Purchaser's Institutional Lender clear of such matters. Upon notice (by telephone or otherwise), given not less than 3 business days before Closing, Purchaser shall provide separate certified or official bank checks as requested to assist in clearing up these matters.

19. Title Examination; Seller's Inability to Convey; Limitations of Liability.

- a. Purchaser shall order an examination of title in respect of the Premises from a title company licensed or authorized to issue title insurance by the New York State Insurance Department or any agent for such title company promptly after the execution of this contract. Purchaser shall cause a copy of the title report and of any additions thereto to be delivered to the attorney(s) for Seller promptly after receipt thereof.

- b.
 - i. If at the date of Closing Seller is unable to transfer title to Purchaser in accordance with this contract, or Purchaser has other valid grounds for refusing to close, whether by reason of liens, encumbrances or other objections to title or otherwise (herein collectively called "Defects"), other than those subject to which Purchaser is obligated to accept title hereunder or which Purchaser may have waived and other than those which Seller has herein expressly agreed to remove, remedy or discharge and if Purchaser shall be unwilling to waive the same and to close title without abatement of the purchase price, then, except as hereinafter set forth, Seller shall have the right, at Seller's sole election, either to take such action as Seller may deem advisable to remove, remedy, discharge or comply with such Defects or to cancel this contract;
 - ii. if Seller elects to take action to remove, remedy or comply with such Defects, Seller shall be entitled from time to time, upon Notice to Purchaser, to adjourn the date for Closing hereunder for a period or periods not exceeding 60 days in the aggregate, and the date for Closing shall be adjourned to a date specified by Seller not beyond such period. If for any reason whatsoever, Seller shall not have succeeded in removing, remedying or complying with such Defects at the expiration of such adjournment(s), and if Purchaser shall still be unwilling to waive the same and to close title without abatement of the purchase price, then either party may cancel this contract by Notice to the other given within 10 days after such adjourned date;
- c. If this contract is canceled pursuant to its terms, other than as a result of Purchaser's default, this contract shall terminate and come to an end, and neither party shall have any further rights, obligations or liabilities against or to the other hereunder or otherwise.

20. Affidavit as to Judgments, Bankruptcies, etc. If a title examination discloses judgments, bankruptcies or other returns against persons having names the same as or similar to that of Seller, Seller shall deliver an affidavit at Closing showing that they are not against Seller.

21. Defaults and Remedies.

- a. If Purchaser ^{wilfully} defaults hereunder, Seller's sole remedy shall be to cancel this Contract and receive payment in the amount of \$1,000.00 to reimburse Seller for its attorneys' fees.
- b. If Seller defaults hereunder, Purchaser shall have the exclusive remedy of specific performance. Notwithstanding anything else in this Contract to the contrary, Purchaser shall look solely to the estate and property of the Seller in the premises which are the subject of this transaction for the satisfaction of any claim by reason of Seller breach or default and no other property or assets of Seller shall be subject to any claim, levy, execution or other enforcement procedure for the satisfaction of Purchaser's remedy.

22. Purchaser's Lien. N/A

23. Notices. Any notice or other communication ("Notice") shall be in writing and either

- a. sent by either of the parties hereto or by their respective attorneys who are hereby authorized

to do so on their behalf of by the Escrowee, by registered or certified mail, postage prepaid, or

- b. delivered in person or by overnight courier, with receipt acknowledged, to the respective addressee given in this contract for the party and the Escrowee, to whom the Notice is to be given, or to such other address as such party or Escrowee shall hereafter designate by Notice given to the other party or parties and the Escrowee pursuant to this paragraph. Each Notice mailed shall be deemed given on the third business day following the date of mailing the same, except that any notice to Escrowee shall be deemed given only upon receipt by Escrowee and each notice delivered in person or by overnight courier shall be deemed given when delivered.

24. No Assignment. This contract may not be assigned by Purchaser without the prior written consent of Seller in each instance and any purported assignment(s) made without such consent shall be void.

25. Broker. Seller and Purchaser each represents and warrants to the other that it has not dealt with any broker in connection with this sale. Purchaser shall indemnify and defend Seller against any costs, claims and expenses, including reasonable attorneys' fees arising out of the breach on their respective parts of any representation or agreement contained in this paragraph. The provisions of this paragraph shall survive Closing or, if Closing does not occur, the termination of this contract.

26. Construction of Contract Terms. In any construction of the terms of this contract, none of its terms shall be construed against the Seller by reason of the fact that the Seller or its attorneys drew the contract since the final terms of this contract are the result of negotiations by parties having equal bargaining powers, with each of the parties having full access to legal representation.

27. Metes and Bounds Description In the event Purchaser obtains a survey of the premises and the survey is certified to the Seller, the Seller agrees to include in the deed of conveyance a metes and bounds description in accordance with the survey, with the understanding by Purchaser that Seller does not thereby warrant the accuracy of said metes and bounds description.

28. Miscellaneous.

a. All prior understandings, agreements, representations and warranties, oral or written, between Seller and Purchaser are merged in this contract; it completely expresses their full agreement and has been entered into after full investigation, neither party relying upon any statement made by anyone else that is not set forth in this contract.

b. Neither this contract nor any provision thereof may be waived, changed or cancelled except in writing. This contract shall also apply to and bind the heirs, distributees, legal representatives, successors and permitted assigns of the respective parties. The parties hereby authorize their respective attorneys to agree in writing to any changes in dates and time periods provided for in this contract.

c. Any singular word or term herein shall also be read as in the plural and the neuter shall include the masculine and feminine gender, whenever the sense of this contract may require it.

d. The captions in this contract are for convenience of reference only and in no way define,

limit or described the scope of this contract and shall not be considered in the interpretation of his contract or any provision hereof.

e. This contract shall not be binding or effective until duly executed and delivered by Seller and Purchaser.

f. Seller and Purchaser shall comply with IRC reporting requirements, if applicable. This subparagraph shall survive Closing.

g. Each party shall, at any time and from time to time, execute, acknowledge where appropriate and deliver such further instruments and documents and take such other action as may be reasonably requested by the other to carry out the intent and purpose of this contract. This subparagraph shall survive Closing.

h. This contract is intended for the exclusive benefit of the parties hereto and, except as otherwise expressly provided herein, shall not be for the benefit of, and shall not create any rights in, or be enforceable by, any other person or entity.

i. If any provision of this contract or application to any party or circumstances shall be determined by any court of competent jurisdiction to be invalid and unenforceable to any extent, the remainder of this contract or the application of such provision to such person or circumstances, other than those as to which it is so determined invalid or unenforceable, shall not be affected thereby, and each provision hereof shall be valid and shall be enforced to the fullest extent permitted by law.

k. Any and all disputes shall be governed by the laws of the State of New York and the Supreme Court of the County of Orange is designated as the jurisdiction and venue of all proceedings. The parties hereto both waive trial by jury in action or proceeding hereto.

29. Execution.

(a) This Contract and any Riders, Amendments, or Addendums thereto may be executed in several counterparts, each of which shall be deemed an original and all of which shall constitute one and the same instrument, and shall become effective when counterparts have been signed by each of the Parties and delivered to the other Parties; it being understood that all Parties need not sign the same counterpart.

(b) The exchange of copies of this Contract and any Riders, Amendments, or Addendums thereto and of signature pages by facsimile transmission (whether directly from one facsimile device to another by means of dial-up connection or whether mediated by the worldwide web), by electronic mail in "portable document format" (".pdf") form, or by any other electronic means intended to preserve the original graphic and pictorial appearance of a document, or by combination of such means, shall constitute effective execution and delivery of this Contract and any Riders, Amendments, or Addendums thereto as to the Parties and may be used in lieu of the original Contract, Rider, Amendment, or Addendum for all purposes. Signatures of the Parties transmitted by facsimile shall be deemed to be their original signatures for all purposes.

30. Lot Line Change and Due Diligence. Purchaser shall complete the lot line change procedure with

the appropriate City of Middletown approving body in accordance with the application annexed hereto as Exhibit "B" and shall thereafter have sixty (60) days from the delivery a fully executed Contract of Sale to complete due diligence inspections of the property during which Purchaser may perform non-invasive tests.

Purchaser must notify the Seller prior to the conclusion of said due diligence period by delivering a written notice to the attorney for Seller that it wishes to terminate the Contract. Failure to deliver such notice will constitute waiver of this provision of the contract.

During the Due Diligence Period, Purchaser and Purchaser's agents, representatives, agents, employees, consultants and contractors (collectively "Purchaser's Representatives") may perform or cause to be performed, at Purchaser's sole cost and expense, non-invasive tests of the Premises on at least 48 hours prior written notice to Seller who shall have the right to be present. After any testing, the Premises shall be restored to its prior original condition.

Insurance. Prior to entering upon the Premises, Purchaser, at its sole cost, expense and effort, shall procure and cause to be procured by each agent, representative and other entity engaged, directly or indirectly, by Purchaser in or with respect to the performance of any Due Diligence testing, who may enter on the Premises, insurance policies from a reputable insurance company, licensed by the State of New York and reasonably acceptable to Sellers, naming Sellers and any other person or entity with an interest in the Premises as Sellers may request, as additional named insureds with Purchaser. Such insurance shall be maintained throughout the period during which Due Diligence on, in or at the Premises is conducted and shall be of the following types and limits: general or comprehensive public liability insurance against claims of bodily injury, death or property damage occurring on, in or about the Premises, without any so-called "pollution exclusion," and against contractual liability for any such claims (including the contractual liability assumed by Purchaser hereunder), with a combined single limit per occurrence of not less than One Million Dollars (\$1,000,000.00) which shall not be reduced by claims paid. Said insurance coverage shall provide that same shall not be canceled for any reason except upon ten (10) days prior written notice to Sellers and to any other person or entity Sellers requests be named as an additional named insured, an shall otherwise be satisfactory to Sellers. Certificates of Insurance evidencing the above required insurance policies and evidence of payment thereof shall be delivered to Sellers, in form and substance satisfactory to Sellers, at least 48 hours prior to entrance onto the Premises.

Damage. Purchaser shall conduct all Due Diligence in a careful and workmanlike manner. Any damage to the Premises resulting from, arising out of or incidental to the Due Diligence shall be promptly repaired by Purchaser to the condition existing immediately prior to such test.

Payment of Vendors. Purchaser shall make payment for any materials supplied or services performed to each person or entity who shall be retained to conduct, evaluate, or otherwise act in connection with the Due Diligence, and, at all times, shall keep the Premises free from all mechanic and similar liens arising from or in connection with the Due Diligence, by payment or bonding or other means acceptable to Sellers.

Disclosure. Purchaser shall use the Due Diligence and the results thereof ("Confidential Information") solely for the purpose of Purchaser's evaluation of the Premises and the conditions at or affecting the Premises. Except as may be required by law or pursuant to an order of a court or governmental authority having jurisdiction (and only after Purchaser has given reasonable prior written

notice thereof to Sellers), Purchaser shall not disclose any Confidential Information to any third party, other than to personnel authorized by Sellers, and shall impose by similar document the same responsibilities and duties of confidentiality as set out in this Agreement, on all its agents, employees, representatives, (including its engineers), accountants, bankers, financial advisers, consultants, partners, potential partner, attorneys, appraisers to whom Purchaser furnishes, discloses or permits access to any such Confidential Information.

Reports. In the event of cancellation of this Contract under the terms hereof Purchaser shall deliver to Sellers complete and accurate reports, maps, plans, analysis, opinions, correspondence and similar documents in the possession or control of Purchaser, its agents or representatives, setting forth the scope, methods or results of, or analyzing or interpreting, the investigations or inspections of the Premises, or prescribing or suggesting remedial action or mitigation measures (collectively, the "Reports") provided, however, in no event shall Reports be deemed to include any internal documents produced by the Purchaser in its analysis of the Premises or shall the production be a requirement for the Purchaser to cancel this Agreement.

Indemnity. Purchaser shall defend, indemnify and hold harmless Seller from and against any and all claims, suits, actions, proceedings, obligations, liabilities, damages, losses, fines, penalties, costs and expenses, including reasonable attorneys fees, for or relating to (i) compensation for services rendered or to be rendered or materials supplied or to be supplied in connection with the Due Diligence, including any liens created thereby, and (ii) loss or damage to property or injury to or death of any and all persons that may be occasioned by, directly or indirectly, any cause whatsoever arising out of or relating to Due Diligence.

The obligations of the Purchaser to Seller pursuant to this Article 30 shall expressly survive termination of this Agreement.

IN WITNESS WHEREOF, this contract has been duly executed by the parties hereto.

Seller:

MIDDLETOWN & NEW JERSEY
RAILROAD, LLC

By: _____

Attorney for Seller:

William A. Frank, Esq.
Blustein, Shapiro, Frank & Barone, LLP
10 Matthews Street
Goshen, New York 10924
Telephone: (845) 291-0011
Email: wfrank@mid-hudsonlaw.com

Purchaser:

CITY OF MIDDLETOWN

By: _____

Attorney for Purchaser:

Alex Smith, Esq.
6 North Street
Middletown, New York 10940
Telephone: (845)344-4322
Email: asmith22@hvc.rr.com



NEW ZEALAND
GOVERNMENT
PRINTING OFFICE

GRAPHIC SCALE



CITY OF MIDDLETOWN, NEW YORK COMMON COUNCIL RECORD OF VOTE

THE FOLLOWING WAS PRESENTED

By: Alderman Johnson
Seconded by: Alderman Masi
Date of Adoption: June 4, 2024
Index No: 110-24

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		2	

I hereby approve the attached Resolution/Local Law.

Joseph M. DeStefano, Mayor

Date

Resolution Calling on Orange County Legislator Joel Sierra to Resign

WHEREAS Legislator Joel Sierra has been duly elected to represent the residents of the 20th legislative district of the County of Orange; and

WHEREAS all of the residents of said district reside in the City of Middletown; and

WHEREAS Legislator Sierra has not attended any legislative or committee meetings since March 30, 2022; and

WHEREAS this absenteeism represents a gross and moral dereliction of duty;

BE IT HEREBY RESOLVED that the members of the Common Council of the City of Middletown respectfully request that Legislator Sierra step down forthwith, allowing the Council to appoint a replacement according to county legislative rules, that residents of the 20th

legislative district can once again enjoy the representation in county government that they so richly deserve; and

BE IT FURTHER RESOLVED that the Orange County legislature consider any and all measures at their disposal to remedy the situation

Prepared by:

Attachments:

None



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

THE FOLLOWING WAS PRESENTED

By: Alderman Masi
Seconded by: Alderman Johnson
Date of Adoption: June 4, 2024
Index No:

I hereby certify that the attached is a true copy of a Resolution and/or Local Law adopted by the City of Middletown Common Council.

Richard P. McCormack
Clerk to the Common Council

Names	Ayes	Noes	Abstain	Absent
Ald. Tobin	X			
Ald. Jean-Francois	X			
Ald. Johnson	X			
Ald. Wray	X			
Ald. Kleiner	X			
Ald. Green	X			
Ald. Witt	X			
Ald. Masi	X			
Pres. Rodrigues	X			
Total	9			

I hereby approve the attached Resolution/Local Law.

Joseph M. DeStefano, Mayor

Date

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

Prepared by:

Attachments:

None