



COMMON COUNCIL MEETING
CITY OF MIDDLETOWN
March 19, 2024 Minutes
City Hall
16 James Street
Middletown, New York 10940

J. Miguel Rodrigues, President (Not Present)

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

CHAIRMAN JOSEPH MASI: Please rise for
the Pledge.

(Pledge of Allegiance recited by all)

CHAIRMAN JOSEPH MASI: Thank you. Roll
call.

CITY CLERK RICHARD MCCORMACK: Alderman
Tobin.

ALDERMAN SPARROW TOBIN: Here.

CITY CLERK RICHARD MCCORMACK: Alderman
Jean-Francois.

ALDERMAN JUDE JEAN-FRANCOIS: Here.

CITY CLERK RICHARD MCCORMACK: Alderman
Johnson.

ALDERMAN PAUL JOHNSON: Here.

CITY CLERK RICHARD MCCORMACK:
Alderwoman Wray.

ALDERMAN KATIE WRAY: Here.

CITY CLERK RICHARD MCCORMACK: Alderman
Kleiner.

ALDERMAN GERALD KLEINER: Here.

CITY CLERK RICHARD MCCORMACK: Alderman
Green.

ALDERMAN ANDREW GREEN: Here.

CITY CLERK RICHARD MCCORMACK: Alderman
Witt.

ALDERMAN KEVIN WITT: Here.

CITY CLERK RICHARD MCCORMACK: Alderman
Masi.

CHAIRMAN JOSEPH MASI: Here.

CITY CLERK RICHARD MCCORMACK:
President Rodrigues. Quorum is present.

CHAIRMAN JOSEPH MASI: Okay. Approval
of minutes?

CITY CLERK RICHARD MCCORMACK: Nothing
this evening.

CHAIRMAN JOSEPH MASI: Correspondence?

CITY CLERK RICHARD MCCORMACK: We have
the February 22nd (indiscernible) Control Officer
Inspection Report.

CHAIRMAN JOSEPH MASI: Received and
filed. All right, we're going to go, for the
good of the City, anyone that wants to speak,
please come up to the microphone and I've been
accused in the past of, kind of, looking at
people and pushing them along. So, speak freely.

Kevin Gomez: Good evening,
(indiscernible) the Common Council. Okay.
There's actually -- there's a bill before you
that was a Resolution put forward before the U.S.
Senate by the gentle lady from Massachusetts,

Elizabeth Warren, designating the first Monday in March to be recognized as Covid-19 Victims' Memorial Day. This is something that, maybe here at the local level, whether it be at the municipal, maybe at the County level, might be worth considering. I have it here. It'll be to memorialize all those lost to Covid-19 pandemic, recognize the suffering of those who contracted the SARS, Covid-2 virus and those who continue to struggle with the ongoing impact of the Covid-19 pandemic and express support for the annual designation of the first Monday in March as Covid-19 Victims' Memorial Day.

And I think it's a good idea, whether it be -- I guess, the county -- the government of the county levels to audit how and looking back now, in a neutral, non-partisan matter, where things went right, where things went wrong, where there might have been government overreach or where government could have done more. So that when we get future pandemics, which tend to happen every so hundred years, we will be, maybe better prepared and work for it. So, I think it's a pretty nice idea and I will leave copies of the -- I have copies of the actual Resolution.

I'll leave them here for the members of the
Common Council and to look --

CHAIRMAN JOSEPH MASI: Just put them on
that desk over there.

Kevin Gomez: Yes. Thank you.

CHAIRMAN JOSEPH MASI: You're welcome.
Anyone else like to address the Council?

SUSAN DEPUY: Good evening, Susan
DePugh, Prospect Street, Middletown. I'd like to
invite everyone from the Middletown area,
including all the residents and students and
families in Middletown, to attend our annual
Middletown Clean Up Day. It has many names, but
the concept has never changed. We want to make
sure we clean Middletown up, get rid of the
litter and bring back the pride that has always
been Middletown. It's April 20th at the
Middletown Ice Skating Rink. Everyone's invited.
You'll all get gear to clean up Middletown,
including gloves and bags. We really are
noticing a little bit of an increase in litter
this year, so everybody's attendance would be
terrific. From 9 to 12. So, please mark your
calendars and we'd love to see you. Thank you.

CHAIRMAN JOSEPH MASI: Well, I guess

it's a good thing Jacob's not here. Anyone else, come on up.

DR. WANDA JULIEN: Good evening, everyone. My name is Dr. Wanda Julien, and I am the President of Zeta Phi Beta Sorority, Incorporated, Epsilon Gamma Alpha Zeta Chapter. We chartered our Chapter in Middletown, so we're here to serve, and that's what I've come to just share. My Chapter members, we're here to do community service, so I actually heard the woman and as we get established -- right now, we're just going through training and everything else, but we are here to serve, and that's why we're here tonight. Okay?

CHAIRMAN JOSEPH MASI: Thank you very much. Anyone else? Okay. Let's move onto, Remarks of the Mayor.

MAYOR JOSEPH DESTEFANO: Nothing this evening.

CHAIRMAN JOSEPH MASI: Remarks of the Department Heads. Economic Development, Maria Bruni, please.

DIRECTOR OF ECONOMIC DEVELOPMENT MARIA BRUNI: Good evening, everyone. This evening, we had the IDA and CDA meetings, which the audit

reports were presented to both agencies in the annual report. Both agencies received clean opinions and we're excited about that, and all our projects are moving forward. Also, this weekend, at the Paramount Theater, Flock of Seagulls are going to be gracing our stage. So, this Saturday at 8 o'clock. Tickets are still available. Middletownparamount.com. Come out and see Flock of Seagulls, originals from the '80s, and it should be a good time. And that's all I have.

CHAIRMAN JOSEPH MASI: Any questions for Maria? Thank you, Maria. Police Chief, Ewanciw?

CITY POLICE CHIEF JOHN EWANCIW: Good evening. Other than the document that I've provided to the Council, I have nothing, unless you would like to discuss this or would you like to discuss it at a later time?

CHAIRMAN JOSEPH MASI: Any questions for the Chief? Alderman Johnson?

ALDERMAN PAUL JOHNSON: Ms. Wray and I were looking at the 83-84 miles an hour.

CITY POLICE CHIEF JOHN EWANCIW: Mm hm.

ALDERMAN PAUL JOHNSON: You think

that's the same person?

CITY POLICE CHIEF JOHN EWANCIW: We do. It was very easy to identify, and he's been issued numerous tickets.

ALDERMAN PAUL JOHNSON: You're on the ball. Thank you very much.

CHAIRMAN JOSEPH MASI: Anyone else have any questions? Alderman Kleiner?

ALDERMAN GERALD KLEINER: Yes, Chief at the last Police Commission meeting, you talked about the new officers that are going out for training. Would you just tell us, in general, who is being hired now and how many officers we will have so we know?

CITY POLICE CHIEF JOHN EWANCIW: So, currently right now, I have five police officers in field training, four of which went to the police academy and graduated. Two graduated in December, that's Officer Brownstein and Officer Lane, and two graduated in January. That's Officer Hodges and Officer Pearson. Additionally, in that field training program, is Officer Barclay who came to us from the Town of Warwick Police Department. He started with us in February. And then in the Police Academy

currently right now I have one additional police officer that's going through training, that's Treyvon Meyer.

ALDERMAN GERALD KLEINER: Very good.
Thank you very much.

CITY POLICE CHIEF JOHN EWANCIW: You're welcome.

CHAIRMAN JOSEPH MASI: Anyone else?
Chief, thank you very much.

CITY POLICE CHIEF JOHN EWANCIW: Thank you. City Clerk, Rick McCormack?

CITY CLERK RICHARD MCCORMACK: Good evening. I just wanted to remind everybody the Mayor's Youth Council Blood Drive is next week. It's the 22nd at the Rec Department. You could sign up through our website to donate blood. We had a meeting last night with the blood center and currently, there's only about a five-day supply of blood in the area. So, we desperately need people to come out and sign up for the blood drive and come out and donate if you can.

CHAIRMAN JOSEPH MASI: Any questions for Rick? Treasurer Leonora Liz?

CITY TREASURER LEONORA LIZ: I have nothing this evening. Do you have any questions

for me?

CHAIRMAN JOSEPH MASI: Anyone, questions? Thank you. Superintendent of Recreation, Raelynn Bertholf?

SUPERINTENDENT OF RECREATION RAELYNN BERTHOLF: Good evening, everyone. Just wanted to report on two events that we just had. This past weekend, at the dog park, a St. Patrick's Pawty. It was very successful. We had 25 small dogs on the small dog side, 50 big dogs, \$250 in cash was donated and a car full of supplies for the Humane Society was donated. So, another successful event at our dog park, which we're very happy about.

And a few weeks ago, we had a very successful -- the Middletown Police Department vs. the Middletown Youth basketball game. It went well. I hope none of the officers were injured or sore. They looked pretty good at the end of the night. Highest score of record so far, 100 to 103. Our young middle school kids, the officers were nice and didn't beat up on them too much. So, the middle school won, but they got their revenge with the high school kids. But another great community event.

We're also expanding our programming at the Rec Department. We have music classes starting soon. That registration is up on the site, and we also just completed our first baby and maternal mothers' fitness class. So, we're excited that we're expanding and now we're also reaching the pre-birth, pretty much, and babies for classes.

So, we're happy that we're expanding and everything is going good. Spring programs are rolling out and we are about to launch our new website, so stay tuned. We're going to hopefully have a post up so everyone can start making accounts, and hopefully, by the beginning of April, we're going to start using our new registration site. Any questions?

CHAIRMAN JOSEPH MASI: Any questions?
Alderman Kleiner?

ALDERMAN GERALD KLEINER: Very quickly, I just want to say thank you at the last Parks and Rec Committee meeting. There's so much going on this time of year getting ready for all summer and spring events. But also, I had a huge list of questions that our constituents asked and I think you answered every one of them. So, at our

next constituents meeting, they'll get all those answers.

SUPERINTENDENT OF RECREATION RAELYNN

BERTHOLF: Excellent. Thank you.

ALDERMAN GERALD KLEINER: Thank you.

SUPERINTENDENT OF RECREATION RAELYNN

BERTHOLF: Absolutely.

CHAIRMAN JOSEPH MASI: Any more questions? Raelynn, thank you very much.

SUPERINTENDENT OF RECREATION RAELYNN

BERTHOLF: Thank you.

CHAIRMAN JOSEPH MASI: Public hearings and grievances?

CITY CLERK RICHARD MCCORMACK: Good evening, we have a public hearing this evening on Local Law Number 1 of 2024. Notice is hereby given that the City of Middletown will hold a public hearing on Tuesday, March 19, 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 recently passed Local Law 1 of 24, regarding allowing delinquent overgrown vegetation, snow removal, garbage can, bulk pickup, dead tree removal and building demolition

charges to be re-levied into real property tax bills.

The full text of the law is available in the Offices of the Common Council Clerk, 16 James Street, and on the City website.

CHAIRMAN JOSEPH MASI: All right. I'll open the public hearing. Anyone from the public like to comment? Anyone from the Council like to comment? Alderman Johnson, would you make a motion to close?

ALDERMAN PAUL JOHNSON: I make a motion we close the public hearing.

CHAIRMAN JOSEPH MASI: Okay. Seconded by Alderman Tobin? All in favor.

(All say "Aye")

CHAIRMAN JOSEPH MASI: Okay. Petitions and Complaints?

CITY CLERK RICHARD MCCORMACK: Nothing this evening.

CHAIRMAN JOSEPH MASI: Remarks of the Alderman and Committees. Alderman Tobin?

ALDERMAN SPARROW TOBIN: Nothing this evening.

CHAIRMAN JOSEPH MASI: Alderman Jean-Francois?

ALDERMAN JUDE JEAN-FRANCOIS: Nothing
this evening.

CHAIRMAN JOSEPH MASI: Alderman
Johnson?

ALDERMAN PAUL JOHNSON: Park and Rec,
keep the pet owners on the radar screen. Thank
you very much. That's it.

CHAIRMAN JOSEPH MASI: Alderwoman Wray?

ALDERMAN KATIE WRAY: Nothing this
evening.

CHAIRMAN JOSEPH MASI: Alderman
Kleiner?

ALDERMAN GERALD KLEINER: Thank you.
I have a few things, this evening. And since
Jacob is not here, I'd remind everyone that yard
waste pickup begins April 1st. So, I see a lot
of yard waste driving around the Town, in the
garbage cans already at the curb. But that
doesn't start till the 1st. I want to wish
everyone a Happy Spring. That starts later
tonight. You wouldn't know it from the weather,
but it does. Our bulk pickup begins in the
Fourth Ward, April 8th. So, don't start putting
things out before then. But April 15th will be
the Third Ward, April 22nd is the Second Ward and

April 29th is the First Ward.

Mostly what I wanted to talk about was Frontier, and I had constituent calls and Frontier is -- they say, changing everyone with a landline over to fiber optic. And with fiber optic, you can't just hook up your phones. It comes -- you can get a battery backup, it takes 12 D cells, but it has to be powered. They have to run a new line to your house, and they've got people calling on them, that you don't have a choice, that you get fiber optic, you get telephone and internet. So, going back and forth with Frontier. They tell me, no, you don't have to change over yet. I imagine eventually they'll make everyone change over, but it would really be nice if someone from Frontier would actually come into the City Council and tell the City what the hell is going on with Frontier. People have had -- I mean, we've had our landline. My mom got it in 1955. So, to say, "Oh, now we have to put in another router and that and you can keep the number", but we've had Cablevision -- cable, well, since it was Cablevision in 1982. I don't need another cable line and I don't need another TV line. I don't need another internet line and

they say, "Oh well you don't have to get that", but when they present it to you in the email, you would think that that's a done deal, that you have to get the total package. So, I don't know what you have to get, and I would like to have Frontier explain it to us. So, good luck and I can't really give you a definite answer yet, but so far, if you don't want it, just tell them no and see what happens. Thank you.

CHAIRMAN JOSEPH MASI: Alderman Green?

ALDERMAN ANDREW GREEN: Excuse me.

Yeah, just Happy Spring to everyone, and just a reminder, when the weather gets warmer and everyone's out there, that means kids might be running in the street and that. So, just, kind of, keep your peripheral vision open and keep an eye out for the kids who are enjoying the weather just as much as we are driving with our windows down.

CHAIRMAN JOSEPH MASI: Alderman Witt?

ALDERMAN KEVIN WITT: Thank you very much. Susan, thank you for coming out and speaking about the citywide cleanup. It's a great event and I would anticipate a heavy school population presence there. They're already

asking about it. So, I'm sure we'll get good numbers like we always do. So, thank you very much.

CHAIRMAN JOSEPH MASI: Okay. There's no unfinished business. New business?

CITY CLERK RICHARD MCCORMACK: Good evening, we have a Resolution sponsored by Alderman Green and seconded by Alderwoman Wray to enter into an agreement with the County of Orange for a Stop DWI program.

CHAIRMAN JOSEPH MASI: Motion by Alderman Wray, seconded -- excuse me, motion by Alderman Green, seconded by Alderwoman Wray. Any comments, questions? Roll.

CITY CLERK RICHARD MCCORMACK: Tobin.

ALDERMAN SPARROW TOBIN: Aye.

CITY CLERK RICHARD MCCORMACK: Jean-Francois.

ALDERMAN JUDE JEAN-FRANCOIS: Aye.

CITY CLERK RICHARD MCCORMACK: Johnson.

ALDERMAN PAUL JOHNSON: Aye.

CITY CLERK RICHARD MCCORMACK: Wray.

ALDERMAN KATIE WRAY: Aye.

CITY CLERK RICHARD MCCORMACK: Kleiner.

ALDERMAN GERALD KLEINER: Aye.

CITY CLERK RICHARD MCCORMACK: Green.

ALDERMAN ANDREW GREEN: Aye.

CITY CLERK RICHARD MCCORMACK: Witt.

ALDERMAN KEVIN WITT: Aye.

CITY CLERK RICHARD MCCORMACK: Masi.

CHAIRMAN JOSEPH MASI: Aye.

CITY CLERK RICHARD MCCORMACK: Carries.

A Resolution sponsored by Alderman Jean-Francois authorizing a budget transfer of \$42,640 to cover the salary of a recently transferred employee.

CHAIRMAN JOSEPH MASI: All right. We have a motion sponsored by Alderman Jean-Francois, seconded by Alderman Kleiner. Any comments or questions? Roll.

CITY CLERK RICHARD MCCORMACK: Tobin.

ALDERMAN SPARROW TOBIN: Aye.

CITY CLERK RICHARD MCCORMACK: Jean-Francois.

ALDERMAN JUDE JEAN-FRANCOIS: Aye.

CITY CLERK RICHARD MCCORMACK: Johnson.

ALDERMAN PAUL JOHNSON: Aye.

CITY CLERK RICHARD MCCORMACK: Wray.

ALDERMAN KATIE WRAY: Aye.

CITY CLERK RICHARD MCCORMACK: Kleiner.

ALDERMAN GERALD KLEINER: Aye.

CITY CLERK RICHARD MCCORMACK: Green.

ALDERMAN ANDREW GREEN: Aye.

CITY CLERK RICHARD MCCORMACK: Witt.

ALDERMAN KEVIN WITT: Aye.

CITY CLERK RICHARD MCCORMACK: Masi.

CHAIRMAN JOSEPH MASI: Aye.

CITY CLERK RICHARD MCCORMACK: Carries.

A Resolution sponsored by Alderman Tobin
authorizing the closing of streets for the annual
Ruthie Dino-Marshall run.

CHAIRMAN JOSEPH MASI: Excuse me. We
have a motion sponsored by Alderman Tobin,
seconded by Alderwoman Wray. Comments,
questions? Alderman Kleiner?

ALDERMAN GERALD KLEINER: Thank you.
I know this has been a big issue for the Second
Ward in the past, but I want to commend the
Police Department and George Marshall, and
everyone involved because they did an excellent
job, from everything I heard last year in
cleaning it up. And it's a minor disturbance one
day a year and everyone has paid attention to the
needs of the Second Ward, so I will be voting for
it. Thank you.

CHAIRMAN JOSEPH MASI: Any other

comments or questions? Roll.

CITY CLERK RICHARD MCCORMACK: Tobin.

ALDERMAN SPARROW TOBIN: Aye.

CITY CLERK RICHARD MCCORMACK: Jean-Francois.

ALDERMAN JUDE JEAN-FRANCOIS: Aye.

CITY CLERK RICHARD MCCORMACK: Johnson.

ALDERMAN PAUL JOHNSON: Aye.

CITY CLERK RICHARD MCCORMACK: Wray.

ALDERMAN KATIE WRAY: Aye.

CITY CLERK RICHARD MCCORMACK: Kleiner.

ALDERMAN GERALD KLEINER: Aye.

CITY CLERK RICHARD MCCORMACK: Green.

ALDERMAN ANDREW GREEN: Aye.

CITY CLERK RICHARD MCCORMACK: Witt.

ALDERMAN KEVIN WITT: Aye.

CITY CLERK RICHARD MCCORMACK: Masi.

CHAIRMAN JOSEPH MASI: Aye.

CITY CLERK RICHARD MCCORMACK: Carries.

I have a Resolution sponsored by Alderman Witt authorizing an amendment to City Code as it pertains to procurement.

CHAIRMAN JOSEPH MASI: We have a Resolution motion by Alderman Witt, seconded by Alderman Johnson. Any comments or questions?

Roll.

CITY CLERK RICHARD MCCORMACK: Tobin.

ALDERMAN SPARROW TOBIN: Aye.

CITY CLERK RICHARD MCCORMACK: Jean-
Francois.

ALDERMAN JUDE JEAN-FRANCOIS: Aye.

CITY CLERK RICHARD MCCORMACK: Johnson.

ALDERMAN PAUL JOHNSON: Aye.

CITY CLERK RICHARD MCCORMACK: Wray.

ALDERMAN KATIE WRAY: Aye.

CITY CLERK RICHARD MCCORMACK: Kleiner.

ALDERMAN GERALD KLEINER: Aye.

CITY CLERK RICHARD MCCORMACK: Green.

ALDERMAN ANDREW GREEN: Aye.

CITY CLERK RICHARD MCCORMACK: Witt.

ALDERMAN KEVIN WITT: Aye.

CITY CLERK RICHARD MCCORMACK: Masi.

CHAIRMAN JOSEPH MASI: Aye.

CITY CLERK RICHARD MCCORMACK: Carries.

A Resolution sponsored by Alderman Johnson
authorizing an amendment to City Code as it
pertains to business permits.

CHAIRMAN JOSEPH MASI: I have a motion
by Alderman Johnson, seconded by Alderwoman Wray.
Any comments, questions? Roll.

CITY CLERK RICHARD MCCORMACK: Tobin.

ALDERMAN SPARROW TOBIN: Aye.

CITY CLERK RICHARD MCCORMACK: Jean-
Francois.

ALDERMAN JUDE JEAN-FRANCOIS: Aye.

CITY CLERK RICHARD MCCORMACK: Johnson.

ALDERMAN PAUL JOHNSON: Aye.

CITY CLERK RICHARD MCCORMACK: Wray.

ALDERMAN KATIE WRAY: Aye.

CITY CLERK RICHARD MCCORMACK: Kleiner.

ALDERMAN GERALD KLEINER: Aye.

CITY CLERK RICHARD MCCORMACK: Green.

ALDERMAN ANDREW GREEN: Aye.

CITY CLERK RICHARD MCCORMACK: Witt.

ALDERMAN KEVIN WITT: Aye.

CITY CLERK RICHARD MCCORMACK: Masi.

CHAIRMAN JOSEPH MASI: Aye.

CITY CLERK RICHARD MCCORMACK: Carries.

CHAIRMAN JOSEPH MASI: No local laws.
Audit.

Mr. Chairman, I move the accounts be
audited, the claims be adjusted and the City
Treasurer be authorized to issue warrants
(indiscernible)

CHAIRMAN JOSEPH MASI: All right, we

have a motion by Alderman Johnson, seconded by
Alderman Green. All in favor?

(All say "aye")

CHAIRMAN JOSEPH MASI: Alderman
Johnson?

ALDERMAN JOHNSON: Mr. Chairman, I'd
like to make a motion that we go into executive
session to discuss the contract negotiations.

CHAIRMAN JOSEPH MASI: And seconded by
Alderman Witt. We're going into executive
session. Thank you.

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.



Sonya M. Ledanski Hyde

Veritext Legal Solutions

330 Old Country Road

Suite 300

Mineola, NY 11501

Date: July 2, 2024



**CITY OF MIDDLETOWN
COMMON COUNCIL MEETING AGENDA
MARCH 19, 2024**

1. PLEDGE OF ALLEGIANCE
2. ROLL CALL
3. APPROVAL OF MINUTES
 - 3.1. Nothing this evening.
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
 - 8.1. Local Law #1 OF 2024-A Local Law Allowing Delinquent Overgrown Vegetation, Snow Removal, Garbage Can, Bulk Pick-Up, Dead Tree Removal, and Building Demolition Charges to Be Releved Into Real Property Tax Bills
9. PETITIONS AND COMPLAINTS
10. REMARKS OF THE ALDERMAN AND REPORTS OF THE COMMITTEES
11. UNFINISHED BUSINESS
12. NEW BUSINESS
 - 12.1. Authorization to enter into an Agreement with the County of Orange for the Stop DWI Program

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 our STOP-DWI enforcement period of

March 10, 2024, through January 1, 2025. The total amount of the 1st-period award is for unlimited hours of service or a dollar amount not to exceed \$6210.

We will be notified at a later date of subsequent payments to cover the 2nd and 3rd periods of the year. These funds are to be paid to the City of Middletown and not to be reimbursed to the Police Department budget.

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.

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 this funding to our STOP DWI Budget line, A.3141.103.

12.2. Authorizes a Budget Transfer of \$42,640.00 to Cover the Salary of a Recently Transferred Employee

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 \$\$42,640.00, in the following manner, to cover the salary for employee Stephen Rathbun who has been transferred permanently from the DPW Sanitation Department to the Parks and Recreation Department effective March 18, 2024.

FROM	TO	AMOUNT
A.8160.100	\$42,640.00	A.7110.100
Pers. Svcs. – Sanitation		Pers. Svcs – Parks/Rec.

Authorization to Close Streets for the Annual Ruthie Dino-Marshall Run

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



Agriculture and Markets

February 22, 2024

Joseph DeStefano
City Mayor - City of Middletown
16 James St
Middletown, NY 10940

RECEIVED

FEB 28 2024

**CITY CLERK
CITY OF MIDDLETOWN**

Enclosed is the **Dog Control Officer Inspection Report** completed on **02/16/2024**. This inspection relates to Agriculture and Markets Laws and Regulations which may be viewed on the website below.

As the report indicates, DCO services were rated "Satisfactory". Please make note of any comments listed on the report.

Dog control officer services are subject to inspection by this agency on a regular basis.

Please notify this office within 30 days of any changes in DCO services.

If you have any questions regarding this inspection, please call me.

Sarah Ghawi
Animal Health Inspector

DOG CONTROL OFFICER INSPECTION REPORT - DL-89Rating: **Satisfactory365**Purpose: **Inspection**DATE/TOA: **2/16/24 10:00 am****Sgt. Jacqueline Welch
City Middletown DCO
2 James Street
Middletown NY 10940**Inspector: **Sarah Ghawi**Inspector #: **078**

These are the findings of an inspection of your facility on the date(s) indicated above:

- | | |
|--|-----|
| 1. Equipment is available for proper capture and holding | Yes |
| 2. Dogs are held and transported safely | Yes |
| 3. Equipment maintained in clean and sanitary condition | Yes |
| 4. Veterinary care is provided when necessary | Yes |
| 5. Dogs are euthanized humanely | Yes |
| 6. Complete seizure and disposition records are maintained for all seized dogs | Yes |
| 7. Dogs transferred for purposes of adoption in compliance with Article 7 | Yes |
| 8. Redemption period is observed before adoption, euthanasia or transfer | Yes |
| 9. Owners of identified dogs are properly notified | Yes |
| 10. Redeemed dogs are licensed before release | Yes |
| 11. Proper impoundment fees paid before dogs are released | Yes |

Town - City - Village Information for Inspection:

TCV CODE	TCV NAME
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3321	City of Middletown
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Additional Information for Inspection:

Number of Dogs Seized:

Number of dogs seized since previous inspection: 12

Associated Municipal Shelter(s):

Name of Shelter(s): Middletown Humane Society, Port Jervis Humane Society

Holding Facility:

Dogs held before transport to shelter? (Yes/No): No

Location(s): NA

REMARKS:

REPRESENTATIVE PRESENT FOR INSPECTION: **Marcus Small**
TITLE: **DCO**

REVIEWED BY: **Joyce Amels**
REVIEWED DATE: **02/20/2024**



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

THE FOLLOWING WAS PRESENTED

By: None
Seconded by: None
Date of Adoption: March 19, 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

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 Relieved Into Real Property Tax Bills

Prepared by:

Attachments:

1.	Local Law 1 - 2024 - Relevy Miscellaneous Charges
2.	Public Hearing Notice LL 1 of 2024

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.

**CITY OF MIDDLETOWN
NOTICE OF PUBLIC HEARING
Local Law Number 1 of 2024**

Notice is hereby given that the City of Middletown will hold a public hearing on Tuesday, March 19, 2024, on or as near to 7:30 p.m. as possible, in the Common Council Chambers, 2nd floor, 16 James Street, to hear any and all persons wishing to be heard on the recently passed Local Law Number 1 of 2024 regarding:

**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**

A full text of Local Law Number 1 of 2024 is available in the office of the Common Council Clerk, City Hall, 16 James Street, Room 12 and on the City Website.

Richard P. McCormack
City Clerk

Publish: 3/15/24 & 3/17/24
City Website



CITY OF MIDDLETOWN, NEW YORK COMMON COUNCIL RECORD OF VOTE

THE FOLLOWING WAS PRESENTED

By: Alderman Green
Seconded by: Alderwoman Wray
Date of Adoption: March 19, 2024
Index No: 52-24

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 Stop DWI Program

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 our STOP-DWI enforcement period of March 10, 2024, through January 1, 2025. The total amount of the 1st-period award is for unlimited hours of service or a dollar amount not to exceed \$6210.

We will be notified at a later date of subsequent payments to cover the 2nd and 3rd periods of the year. These funds are to be paid to the City of Middletown and not to be reimbursed to the Police Department budget.

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.

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 this funding to our STOP DWI Budget line, A.3141.103.

Prepared by:
John Ewanciw, Chief of Police

Attachments:

1.	image40471
----	------------

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

March 7, 2024

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

Dear Mayor DeStefano and Members,

Attached please find the contract with the County for our STOP-DWI enforcement period of March 10, 2024 through January 1, 2025. The total amount of the 1st period award is for unlimited hours of service or a dollar amount not to exceed \$6210. We will be notified at a later date of subsequent payments to cover the 2nd and 3rd periods of the year. These funds are to be paid to the City of Middletown and not to be reimbursed to the Police Department budget.

Please be kind enough to prepare a resolution authorizing the Mayor to sign the agreement.

This contract must be signed in **blue ink**. Once the contract is signed, please return the original to us for forwarding to the County.

Please add this funding to our STOP DWI Budget line A.3141.103.

Thank you.

Very truly yours,

John Ewanciw
Chief of Police

Enclosure
JE: ccd

ORANGE COUNTY, NEW YORK



Steven M. Neuhaus
County Executive

Coordinator
Robert Doss
Deputy Commissioner
OC Emergency Services

Administrator
John Jones

STOP-DWI / Traffic Safety Programs
22 Wells Farm Road
Goshen, New York 10924
845-615-0566



TO: CITY OF MIDDLETOWN POLICE DEPARTMENT

FROM: Robert Doss, Deputy Commissioner/Orange County STOP-DWI Coordinator

DATE: February 27, 2023

Enclosed is your department's contract for the 2024 STOP-DWI (Regular) enforcement patrol year funding **beginning on March 10, 2024, and ending on January 1, 2025**. The contract is for participation for the **full year**. The enclosed contract indicates the **Not-to-Exceed dollar amount** for the 1st Period beginning on March 10, 2024, and ending on June 1, 2024, in the amount of **\$6210**. **The contract no longer includes a limit on the number of hours you may use**. You will be subsequently notified by letter of the awarded amount of the total dollars for the 2nd and 3rd periods of the year. Please review the attached Schedule A of the contract for enforcement dates and reimbursement requirements.

Please sign and return this contract at your earliest convenience to ensure that your department can participate in the enforcement period. **A BOARD-CERTIFIED RESOLUTION IS REQUIRED FOR THE ACCEPTANCE OF THIS CONTRACT AS WELL AS FOR THE AUTHORIZATION OF A DESIGNATED OFFICIAL TO EXECUTE THE CONTRACT FOR YOUR MUNICIPALITY.**

PLEASE NOTE THAT ARTICLE 17. SIGNATURES ALLOWS FOR A MANUALLY SIGNED COPY OF THIS AGREEMENT TO BE DELIVERED VIA FAX (845) 291-2121, EMAIL (csaccone@orangecountygov.com) OR OTHER MEANS OF ELECTRONIC TRANSMISSION.

Also included in the mailing is a completion packet containing:

- Enforcement Patrol Sheet (Copy as needed)
- Patrol Summary Sheet – To be completed at the end of the enforcement period by compiling all Patrol Sheets.
- Final Reimbursement Claim Form – To include participating officers' names, hours and salary/overtime costs per patrol shift. **The maximum reimbursement will be time and one-half based on the participating officer's hourly salary rates and no hourly rate higher than that of your department's highest paid Sergeant will be approved.**

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

Your officers are the front line of defense in keeping our roadways safe from impaired and intoxicated drivers. On behalf of County Executive, Steven Neuhaus and Orange County's STOP-DWI Program, thank you to you and your officers for your commitment to patrolling and protecting the County.



INTER-MUNICIPAL AGREEMENT

THIS INTER-MUNICIPAL AGREEMENT ("IMA") is entered into this 10th day of March, 2024, by and between the **COUNTY OF ORANGE**, a County of the State of New York, with its principal offices at 255-275 Main Street, Goshen, New York, by and through its Department of Emergency Services ("COUNTY"), and the **CITY OF MIDDLETOWN**, a City of the State of New York, with its principal offices at 2 James Street, Middletown, NY 10940 by and through its Police Department ("MUNICIPALITY").

ARTICLE 1. SCOPE OF AGREEMENT

The COUNTY is a municipal corporation chartered under the authority of the State of New York. Among other powers and duties, the COUNTY, by and through its Department of Emergency Services, administers the COUNTY's Special Traffic Options Program for Driving While Intoxicated in accordance with New York State Vehicle and Traffic Law Section 1197 ("STOP DWI Program"). The purpose of the STOP DWI Program is to coordinate and fund Orange County's town, city, and village efforts to reduce alcohol-related traffic injuries and fatalities. To facilitate this goal the COUNTY and the MUNICIPALITY recognize that police patrol enforcement campaigns are an effective tool towards ensuring safe and sober roadways.

It is the intention of the COUNTY, in order to carry out the goals of the STOP DWI Program, to award to the MUNICIPALITY funds in the manner set forth on Schedule A to be used solely to reimburse the MUNICIPALITY for man-hours dedicated to enforcement campaigns during the applicable campaign periods as more particularly described on Schedule A. The expenditure of these funds and all activity of the MUNICIPALITY relating to such funds, shall be in full compliance with the terms and conditions of this IMA and federal, State of New York ("State"), and local laws.

ARTICLE 2. TERM OF AGREEMENT

The term of this IMA shall commence on March 10, 2024 and end January 1, 2025.

ARTICLE 3. PROCUREMENT OF AGREEMENT

The MUNICIPALITY represents and warrants that no person or selling agency has been employed or retained by the MUNICIPALITY to solicit or secure this IMA upon an agreement for, or upon an understanding of, a commission, percentage, a brokerage fee, contingent fee

or any other compensation. The MUNICIPALITY further represents and warrants that no payment, gift or thing of value has been made, given or promised to obtain this or any other agreement between the parties. The MUNICIPALITY makes such representations and warranties to induce the COUNTY to enter into this IMA and the COUNTY relies upon such representations and warranties in the execution hereof.

For a breach or violation of such representations or warranties, the COUNTY shall have the right to annul this IMA without liability, entitling the COUNTY to immediately recover the funds paid hereunder from the MUNICIPALITY. This remedy, if effected, shall not constitute the sole remedy afforded the COUNTY for such falsity or breach, nor shall it constitute a waiver of the COUNTY's right to claim damages or to take any other action provided for by law or pursuant to this IMA.

ARTICLE 4. CONFLICT OF INTEREST

The MUNICIPALITY represents and warrants that neither it nor any of its directors, officers, members, partners or employees, have an interest, and shall not acquire an interest, directly or indirectly which would or may conflict in any manner or degree with the performance of this IMA. The MUNICIPALITY further represents and warrants that in the performance of this IMA, no person having such interest or possible interest shall be employed by it and that no elected official or other officer or employee of the COUNTY, nor any person whose salary is payable, in whole or in part, by the COUNTY, or any corporation, partnership or association in which such official, officer or employee is directly or indirectly interested shall have any such interest, direct or indirect, in this IMA or in the proceeds thereof, unless such person (1) is required by the Orange County Ethics Law, as amended from time to time, to submit a Disclosure form to the Orange County Board of Ethics, amends such Disclosure form to include his/her interest in this IMA, or (3) submits such a Disclosure form and (a) discloses his/her interest in this IMA, or (b)

seeks a formal opinion from the Orange County Ethics Board as to whether or not a conflict of interest exists.

For a breach or violation of such representations or warranties, the COUNTY shall have the right to annul this IMA without liability, entitling the COUNTY to recover the funds. This remedy, if elected, shall not constitute the sole remedy afforded the COUNTY for such falsity or breach, nor shall it constitute a waiver of the COUNTY's right to claim damages or otherwise refuse payment to or to take any other action provided for by law in equity or, pursuant to this IMA.

ARTICLE 5. ASSIGNMENT AND SUBCONTRACTING

No party shall assign any of its rights, interest, or obligations under this IMA, or enter into a sub-contract relating to the funds, without the prior written consent of the COUNTY.

ARTICLE 6. BOOKS AND RECORDS

The MUNICIPALITY agrees to maintain separate and accurate books, records, documents and other evidence and accounting procedures and practices that sufficiently and properly reflect all direct and indirect costs of any nature expended in the performance of this IMA.

The MUNICIPALITY shall, within five (5) business days written notice from the COUNTY, have all records associated with the funds awarded and the enforcement campaigns available for a physical inspection and/or audit by the COUNTY.

ARTICLE 7. RETENTION OF RECORDS

MUNICIPALITY agrees to retain all books, records and other documents relevant to this IMA for six (6) years after the funds are delivered. The COUNTY, or any State and/or Federal auditors, and any other persons duly authorized by the COUNTY, shall have full access and the right to examine any of said materials during said period.

ARTICLE 8. AUDIT BY THE COUNTY AND OTHERS

All claimant certification forms or invoices presented for payment to be made hereunder, and the books, records and accounts upon which said claimant's certification forms or invoices are based are subject to audit by the COUNTY. The MUNICIPALITY shall submit any and all documentation and justification in support of expenditures or fees under this IMA as may be required

by the COUNTY, so that it may evaluate the reasonableness of the charges, and the MUNICIPALITY shall make its records available to the COUNTY upon request. All books, claimant's certification forms, records, reports, cancelled checks and any and all similar material may be subject to periodic inspection, review and audit by the COUNTY, the State, the federal government, and/or other persons duly authorized by the COUNTY. Such audits may include examination and review of the source and application of all funds whether from the COUNTY and State, the federal government, private sources or otherwise. The MUNICIPALITY shall not be entitled to any interim or final payment under this IMA if any audit requirements and/or requests have not been satisfactorily met.

ARTICLE 9. INDEMNIFICATION

The MUNICIPALITY agrees to defend, indemnify and hold harmless the COUNTY, its officials, employees and agents, against all claims, losses, damages, liabilities, costs or expenses (including reasonable attorney fees and costs of litigation and/or settlement) arising out of any act or omission of the MUNICIPALITY, its employees, representatives, subcontractor, assignees, or agents, relating to this IMA or the funds.

ARTICLE 10. TERMINATION

The COUNTY may, by written notice to the MUNICIPALITY, effective upon mailing, terminate this IMA in whole or in part at any time (i) for the COUNTY's convenience, (ii) upon the failure of the MUNICIPALITY to comply with any of the terms or conditions of this IMA, or (iii) upon the MUNICIPALITY becoming insolvent or bankrupt.

Upon termination of this IMA, the MUNICIPALITY shall comply with any and all COUNTY closeout procedures, including, but not limited to, (i) accounting for and refunding to the COUNTY within thirty (30) days, any unexpended funds which have been paid and/or transferred to MUNICIPALITY pursuant to this IMA; and (ii) furnishing within thirty (30) days an inventory to the COUNTY of all equipment, appurtenances and property purchased by MUNICIPALITY through or provided under this IMA, and carrying out any COUNTY directive concerning the disposition thereof.

Notwithstanding any other provision of this IMA, the MUNICIPALITY shall not be relieved of liability to the COUNTY for damages sustained by the COUNTY by virtue of the MUNICIPALITY's breach of this IMA or failure to perform in accordance with applicable standards.

Any rights and remedies of the COUNTY provided herein shall not be exclusive and are in addition to any other rights and remedies provided by law or this IMA.

ARTICLE 11. GENERAL RELEASE

The acceptance by the MUNICIPALITY, or its assignees, of the funds and of the terms of this IMA, shall constitute, and operate as a general release in favor of the COUNTY, from any and all claims of the MUNICIPALITY arising out of the performance of this IMA.

ARTICLE 12. SET-OFF RIGHTS

The COUNTY shall have all of its common law, equitable and statutory rights of set-off. These rights shall include, but are not limited to, the COUNTY's right to withhold for the purposes of set-off any monies otherwise due to the MUNICIPALITY (i) under any other agreement or contract with the COUNTY, including any agreement or contract commencing prior to or after the term of this IMA, or (ii) from the COUNTY by operation of law.

ARTICLE 13. GOVERNING LAW

This IMA shall be governed by the laws of the State of New York. The MUNICIPALITY shall utilize the funds in accordance with this IMA and applicable provisions of all federal, State, and local laws, rules, and regulations.

ARTICLE 14. ENTIRE AGREEMENT

The rights and obligation of the parties and their respective agents, successors and assignees shall be subject to and governed by this IMA, including Schedule A and each award letter, which supersedes any other understandings or writings between or among the parties.

ARTICLE 15. MODIFICATION

No amendment or modification of any of the terms and/or conditions of this IMA shall be valid unless reduced to writing and signed by both parties. The COUNTY shall not be bound by any changes made to this IMA that is not made in compliance with the above, and which imposes on the COUNTY any financial obligation. Unless otherwise specifically provided for therein, the provisions of this IMA shall apply with full force and effect to any such amendment, modification or change order.

ARTICLE 16. SEXUAL HARASSMENT CERTIFICATION

Pursuant to State of New York State Finance Law §139-l, by execution of this IMA, the MUNICIPALITY and the individual signing this IMA on behalf of the MUNICIPALITY certifies, under penalty of perjury, that the MUNICIPALITY 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 State of New York 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>.

ARTICLE 17. SIGNATURES

A manually signed copy of this IMA 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 IMA.

IN WITNESS THEREOF, the parties hereto have executed this IMA as of the date set forth above.

COUNTY OF ORANGE

MUNICIPALITY

By: _____
Steven M. Neuhaus
County Executive

By: _____
Name:
Title:

DATE: _____

DATE: _____

SCHEDULE A-1

NEW YORK STATE VEHICLE AND TRAFFIC LAW §1197 FUNDS

ENFORCEMENT CAMPAIGNS/AGREEMENT TO PARTICIPATE.

MUNICIPALITY agrees to participate in three (3) STOP DWI Program enforcement campaign periods as follows:

First Enforcement Period – March 10, 2024 through June 1, 2024, which includes St. Patrick's Day and the Memorial Day holiday weekend.

Second Enforcement Period – July 1, 2024 through September 4, 2024, which includes the Independence Day and Labor Day holiday weekend enforcement campaigns.

Third Enforcement Period – November 11, 2024 through January 1, 2025, which includes Thanksgiving, Christmas, and the New Year's holidays enforcement campaigns.

Each of the three (3) enforcement campaigns coincides with state and national enforcement campaign efforts.

DATA SUBMITTAL.

MUNICIPALITY agrees to deliver to the COUNTY enforcement activity data in the form provided by the COUNTY, in its sole discretion, and required to be completed by the COUNTY, no later than ten (10) calendar days after the end of each enforcement period. Failure to timely submit the data may result in the MUNICIPALITY receiving the calculated minimum amount of hours/dollars for the next succeeding enforcement period or no award at all.

AWARD OF FUNDS.

Provided that MUNICIPALITY has performed in accordance with the terms of this IMA, the COUNTY, to the extent that funds are appropriated and available, will make up to three (3) awards of funds to support the MUNICIPALITY's STOP DWI Program enforcement campaigns. Each such award shall be data driven based upon the data submitted by the MUNICIPALITY to the COUNTY for enforcement activities occurring during the preceding enforcement period.

FIRST ENFORCEMENT PERIOD AWARD.

Based on data submittals from the MUNICIPALITY for the prior enforcement period November 6, 2023 through January 1, 2024, which submittals were required to be submitted to the COUNTY pursuant to a separate IMA between MUNICIPALITY and COUNTY, MUNICIPALITY is eligible for an award not to exceed **SIX THOUSAND TWO HUNDRED TEN DOLLARS (\$6210) for the first enforcement period of 2024.** The actual award payment to MUNICIPALITY shall be that amount earned as a result of man-hours expended by the MUNICIPALITY for STOP DWI Program enforcement activities during each preceding enforcement period as supported by the data submitted by the MUNICIPALITY.

WRITTEN NOTIFICATION OF AWARDS FOR THE SECOND AND THIRD ENFORCEMENT PERIODS OF 2024.

COUNTY will notify MUNICIPALITY in writing of its eligibility for awards, if any, for the second and third enforcement period of 2024 by a separate written award letter delivered to MUNICIPALITY prior to the commencement of such enforcement period. Each award letter shall state a not to exceed dollar value of the funds available to the MUNICIPALITY for reimbursement of man hours expended operating enforcement patrols during the applicable enforcement period and shall be annexed to and made a part of this IMA.

Orange County STOP-DWI Enforcement Patrol

Police Department: _____

Patrol Period: _____

Note: This form must be completed and returned to STOP-DWI in order to receive payment.

SUMMARY SHEET

Number of Patrol Sheets Attached: _____

Total Hours: _____

No. of Stops: _____

1192 Arrests: _____

1192 Tickets: _____

511-2 & 511-3 Arrests: _____

Zero Tolerance Detentions: _____

Other Tickets: _____

Total number of tickets issued during this same time where the officers' time was not funded by the STOP-DWI Program:

1192 Tickets: _____

511-2 & 511-3 Tickets: _____

Zero Tolerance Detentions: _____

Other Tickets: _____

Chief's Signature: _____

Please return this Summary Sheet along with all Enforcement Patrol Sheets and hourly/overtime rate for Police Officers with total claim amount to:

Christine Saccone
Emergency Services Center
22 Wells Farm Road
Goshen, NY 10924
EMAIL: csaccone@orangecountygov.com
PHONE: 615-0565 FAX: 291-2121

Department: _____

Address: _____

Chief of Police: _____

Submitted by: _____

Contact Phone #: _____

[illegible]

Orange County STOP-DWI Enforcement Patrol

Date: _____ Time Began: _____ Beginning Miles: _____
Police Dept: _____ Time Ended: _____ Ending Miles: _____
Officer's Name: _____

NOTE: This form must be completed and returned to STOP-DWI in order to receive payment

[illegible]

Comments:

Chief's Signature: _____

Total Hours: _____
 # of Stops: _____
 #1192 Arrests: _____
 #1192 Tickets: _____
 511-2,3 arrests: _____
 Zero Tol. Det. : _____
 #Other Tickets: _____



CITY OF MIDDLETOWN, NEW YORK COMMON COUNCIL RECORD OF VOTE

THE FOLLOWING WAS PRESENTED

By: Alderman Jean-Francois
Seconded by: Alderman Kleiner
Date of Adoption: March 19, 2024
Index No: 53-24

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 a Budget Transfer of \$42,640.00 to Cover the Salary of a Recently Transferred Employee

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 \$42,640.00, in the following manner, to cover the salary for employee Stephen Rathbun who has been transferred permanently from the DPW Sanitation Department to the Parks and Recreation Department effective March 18, 2024.

FROM
A.8160.100
Pers. Svcs. – Sanitation

TO
\$42,640.00

AMOUNT
A.7110.100
Pers. Svcs – Parks/Rec.

Prepared by:
Jacob Tawil

Attachments:

1.	BOE MEMO- TRANSFER OF FUNDS TO PARKS AND REC
----	--

DEPARTMENT OF PUBLIC WORKS

MEMORANDUM

Date: March 12, 2024

To: Honorable Mayor DeStefano, Council President Rodrigues,
Members of the Board of Estimate and Apportionment, Members of the
Common Council

Cc: Leonora Liz, Treasurer and Richard McCormack, City Clerk

From: Jacob S. Tawil, P.E.- Commissioner of Public Works *J. T.*

Re: Transfer of Funds- Personal Services

We are respectfully requesting a transfer of funds as described below to cover the salary for employee Stephen Rathbun who has been transferred permanently from the DPW Sanitation Department to the Parks and Recreation Department effective March 18, 2024.

FROM	AMOUNT	TO
A.8160.100 Pers. Svcs. – Sanitation	\$42,640.00	A.7110.100 Pers. Svcs – Parks/Rec.

Thank you.

JT/kg



CITY OF MIDDLETOWN, NEW YORK COMMON COUNCIL RECORD OF VOTE

THE FOLLOWING WAS PRESENTED

By: Alderman Tobin
Seconded by: Alderwoman Wray
Date of Adoption: March 19, 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

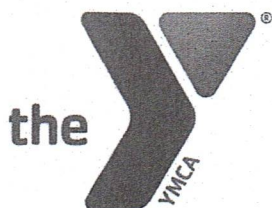
Authorization to Close Streets for the Annual Ruthie Dino-Marshall Run

RESOLVED, that the Common Council of the City of Middletown hereby authorizes the Commissioner of Public Works, and/or his designee, and the Chief of Police, and/or his designee, to close any and all streets and intersections as per the attached route necessary and at their discretion, for the YMCA Annual Ruthie Dino Marshall Run on Sunday, June 9, 2024, beginning at 7:00 a.m. and lasting until such time as it is no longer needed.

Prepared by:
Rick McCormack, City Clerk

Attachments:

1.	Ruthie Dino Marshall Run Street Closure Request 2024
----	--



**FOR YOUTH DEVELOPMENT®
FOR HEALTHY LIVING
FOR SOCIAL RESPONSIBILITY**

February 27, 2024

Dear Mayor DeStefano,

The YMCA of Middletown is preparing for its Annual Ruthie Dino-Marshall Run to be held on Sunday, June 9, 2024. As a result of the usage of city streets for the event, this correspondence serves as a request for a City Permit for this year's run. The race requires the roads to be closed from 7:00am and reopening gradually as the last runner/walker passes. The one exception would be Cantrell Ave. at the side of the YMCA - this street would need to be closed early for timer set up and would be the last to reopen at 10:30am as it is the site of the finish line and our kids dash.

Enclosed is the map of the race course which remains the same course as the previous years.

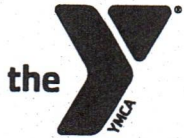
I understand this request will be brought in front of the Middletown City Council for approval. Please let us know if there is anything further you will need from the YMCA to expedite issuing the permit.

On behalf of the Board of Directors of the YMCA of Middletown, George Marshall, and I thank you so much for your assistance.

Sincerely Yours,

George Marshall
Race Director

Kelly Patterson
YMCA Wellness Director

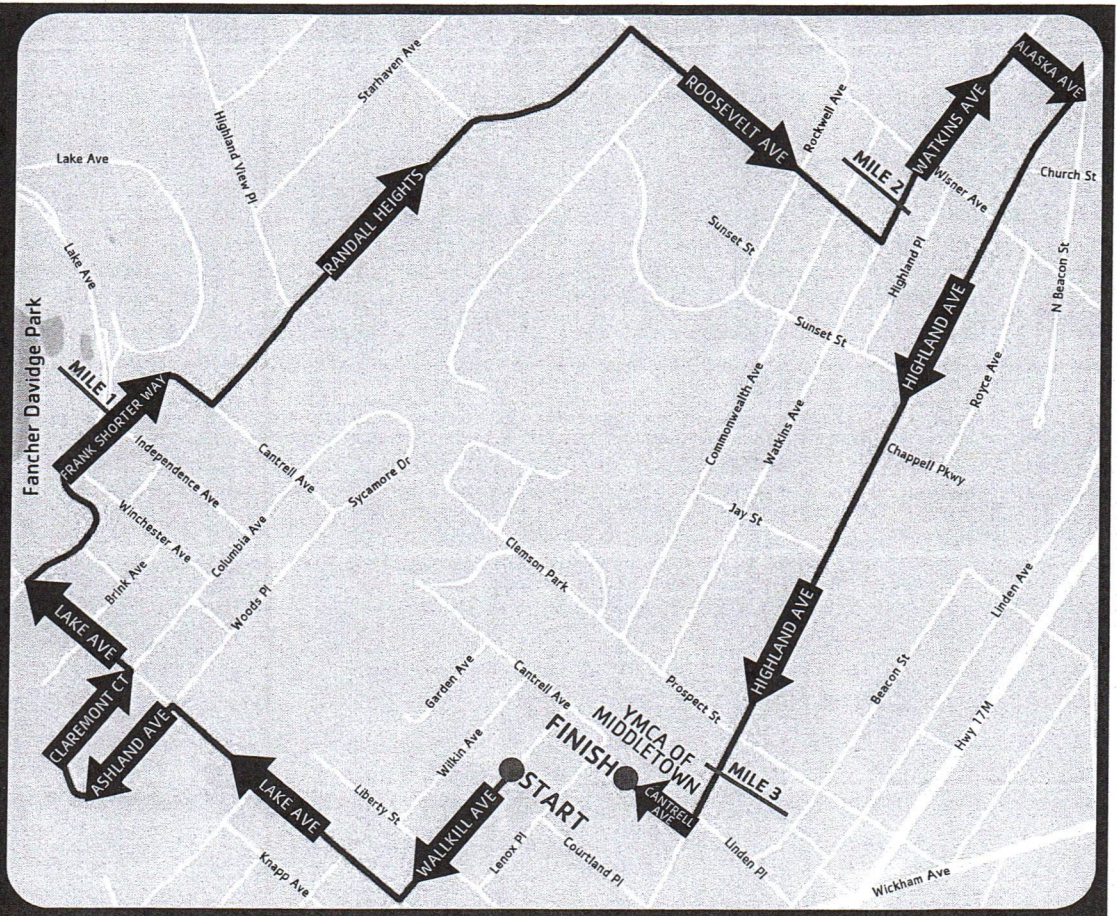


Ruthie Dino-Marshall 5K—Course Map

YMCA OF MIDDLETOWN

COURSE DIRECTIONS

Start on Walkkill Ave
Turn right on to Lake Ave
Turn left on to Ashland Ave, which becomes Claremont Ct
Turn left on to Lake Ave
Turn right on to Frank Shorter Way (passing Fancher Davidge Park on your left)
Turn left on to Randall Heights
Turn right on to Roosevelt Ave
Turn left on to Watkins Ave
Turn right on Alaska Ave
Turn right on Highland Ave
Turn right on Cantrell Ave
Finish across from YMCA





CITY OF MIDDLETOWN, NEW YORK COMMON COUNCIL RECORD OF VOTE

THE FOLLOWING WAS PRESENTED

By: Alderman Witt
Seconded by: Alderman Johnson
Date of Adoption: March 19, 2024
Index No: 54-24

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 as it Pertains to Procurement

RESOLUTION

WHEREAS, at the recommendation of the Mayor and Corporation Counsel, the Common Council wishes to amend the City of Middletown's procurement code.

NOW, therefore, be it RESOLVED AND ORDAINED by the Common Council of the City of Middletown as follows:

Section 1. Chapter 104 of the Code of the City of Middletown, Procurement Policy, is hereby amended by replacing Section 104-6, Exceptions, to read as follows:

Section 104-6. Exceptions. Exceptions to the above procurement processes are to be allowed in purchases or public work contracts which involve any of the following situations:

- A. Emergencies;
- B. True leases;
- C. Sole source purchases;

D. Professional services, as defined and described in Section 104-12 of this Chapter;
E. Best-value analysis, as defined and described in Section 104-10 of this Chapter;
F. State contracted items; and
G. Purchases through Preferred Sources, as described in the posting of the New York State Office of General Services.

In all of the above situations, the responsible department head or other City official engaging in the procurement process must:

(1) Document the circumstances allowing the exception to the above procurement processes;
(2) Abide by all relevant State and City ethics laws and codes;
(3) Attempt to achieve the best value for the City; and
(4) Should, whenever possible, attempt to make purchases and secure public works contracts at the lowest possible cost to the extent possible under the circumstances.

Section 2. Chapter 104 of the Code of the City of Middletown, Procurement Policy, is hereby amended by adding a new Section 104-12, Professional Services, to read as follows:

Section 104-12. Professional Services. Professional services are defined in New York case law and Comptroller opinions. Generally, professional services require specialized or technical skills or expertise, training, licensing or certifications, exercise of judgment or discretion, a high degree of creativity and/or a relationship of personal trust and confidence. Examples of professional services include, but are not limited to, those provided by physicians, nurses, therapists, engineers, surveyors, attorneys, artists, designers, photographers, publicity agents, laboratories, and insurance or financial service firms. Procurement of professional services does not require competitive bidding as long as there is an inextricable integration of scientific and technical skills.

Section 3. Chapter 104 of the Code of the City of Middletown, Procurement Policy, is hereby amended by replacing Section 104-11, Standards for federal CDBG-DR procurement actions, to read as follows:

Section 104-11. Standards for federal award procurement. All federal awards, including funds received through New York State pass-through entities and funds under federal CDBG-DR grants, must comply with the provisions of 2 CFR Part 200, subparts A through F. There shall be no contracting with, or awards made to, parties that are suspended or debarred pursuant to federal regulations. A suspension/disbarment clause must be included in all written contracts in which (1), the vendor must certify that it is not suspended or debarred, and (2) the vendor must promise to notify the City if it/they become suspended or debarred. The City must evaluate the recipient's risk of noncompliance in accordance with 2 CFR 200.213.

Section 4. This ordinance shall take effect immediately.

Prepared by:
Paul Johnson, Alderman

Attachments:

None



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 19, 2024
Index No: 55-24

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 as it Pertains to Business Permits

WHEREAS, the Commissioner of Public Works and the Fire Inspector are recommending that commercial property owners be required, upon request, to provide identification and contact information of their tenants in the implementation of the business permit system codified in Section 475.47-1 of the Middletown Zoning Code.

NOW, THEREFORE, BE IT RESOLVED and ORDAINED by the Common Council of the City of Middletown:

Section 1. Chapter 475 of the Code of the City of Middletown, Zoning, is hereby amended by adding a new Subsection G to Section 475.47-1, Business Permits, to read in its entirety as follows:

G. Owners of commercial property are hereby required, upon request by City officials or

employees, to provide identification and contact information for their tenants in the City's implementation of the business permit system provided for in this Section. Failure of the property owner to comply with the provisions of this Subsection shall subject such person or entity to the penalties provided in Section 475-50.

Section 2. This Ordinance shall take effect immediately.

Prepared by:
Paul Johnson, Alderman

Attachments:
None