CITY OF MIDDLETOWN
COMMON COUNCIL MEETING AGENDA
JULY 16, 2024

1. PLEDGE OF ALLEGIANCE

2. ROLL CALL

3. APPROVAL OF MINUTES

   3.1. Accept the Minutes of March 19, 2024

   3.2. Accept the Minutes of April 2, 2024

   3.3. Accept Minutes of May 21, 2024

4. CORRESPONDENCE, COMMUNICATION AND REPORTS

   4.1. Standardized Notice form for Providing 30-Day Notice for a Liquor License: **Milo's Restaurant**

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

   9.1. Quality of Life Policing Request

10. REMARKS OF THE ALDERMAN AND REPORTS OF THE COMMITTEES

11. UNFINISHED BUSINESS

12. NEW BUSINESS

    136- Authorization to Host the 2024 Run 4 Downtown

24

137-24 Authorization to Accept $447,668 in Community Development Block Grant (CDBG) funding from the Department of Housing and Urban Development

138-24 Authorization to Enter into an Agreement with Dumped Stray Animal Rescue

139-24 Accept Donations from Cornerstone Family Healthcare and DeStefano's Olde Erie Brewpub and Grille for the 2024 National Night Out Against Crime Event

140-24 Accept an Award of $6210 from the County of Orange for the 2nd STOP DWI Enforcement Period

141-24 Authorizes a $100,000 Budget Transfer for MPC Repairs

142-24 Award the 2024 Chemical Bids

143-24 Authorization to Hold a Public Hearing for a Subdivision at at the intersection of Academy Avenue and East Main Street

144-24 Negative SEQR Declaration for the Parking Garage

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 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.

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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 Relevied 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 Pers. Svcs. – Sanitation	$42,640.00	A.7110.100 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

NEW YORK STATE | 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

NEW YORK STATE DEPARTMENT OF AGRICULTURE AND MARKETS
DIVISION OF ANIMAL INDUSTRY
10B AIRLINE DRIVE, ALBANY, NY 12235

DOG CONTROL OFFICER INSPECTION REPORT - DL-89

Rating: **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
3321	City of Middletown

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 Relevied 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.

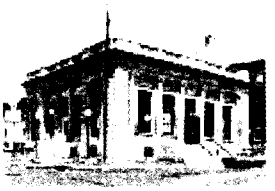
BE IT FURTHER RESOLVED; that the Common Council of the City of Middletown, NY, concurs with the Board of Estimate and Apportionment and authorizes the Treasurer to deposit this funding to our STOP DWI Budget line, A.3141.103.

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

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

Steven M. Neuhaus
County Executive

Coordinator
Robert Doss
Deputy Commissioner
OC Emergency Services

Administrator
John Jones

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

By: _____
Steven M. Neuhaus
County Executive

DATE: _____

MUNICIPALITY

By: _____
Name:
Title:

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

Orange County STOP-DWI Program
Reimbursement Claim - Enforcement Period 1 of 2024

Department: _____

Address: _____

_____

Chief of Police: _____

Submitted by: _____

Contact Phone #: _____

Date	Officer	Hours	Regular Rate	Overtime Rate	Total
TOTALS:					

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

Time	*Location and Reason for Stop*	*Vehicle Plate #*	*Sobriety Check (Y/N)*	*Number of Tickets Issued*	*1192 Arrest (Y/N)*	*511-2 511-3 Arrest (Y/N)*	*Zero Tolerance Detention (Y/N)*

Comments:

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

Chief's Signature:_____

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	TO	AMOUNT
A.8160.100 Pers. Svcs. – Sanitation	$42,640.00	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

YMCA OF MIDDLETOWN
Association Headquarters
81 Highland Avenue
Middletown, NY 10940
P 845 344 9622 **F** 845 343 1484

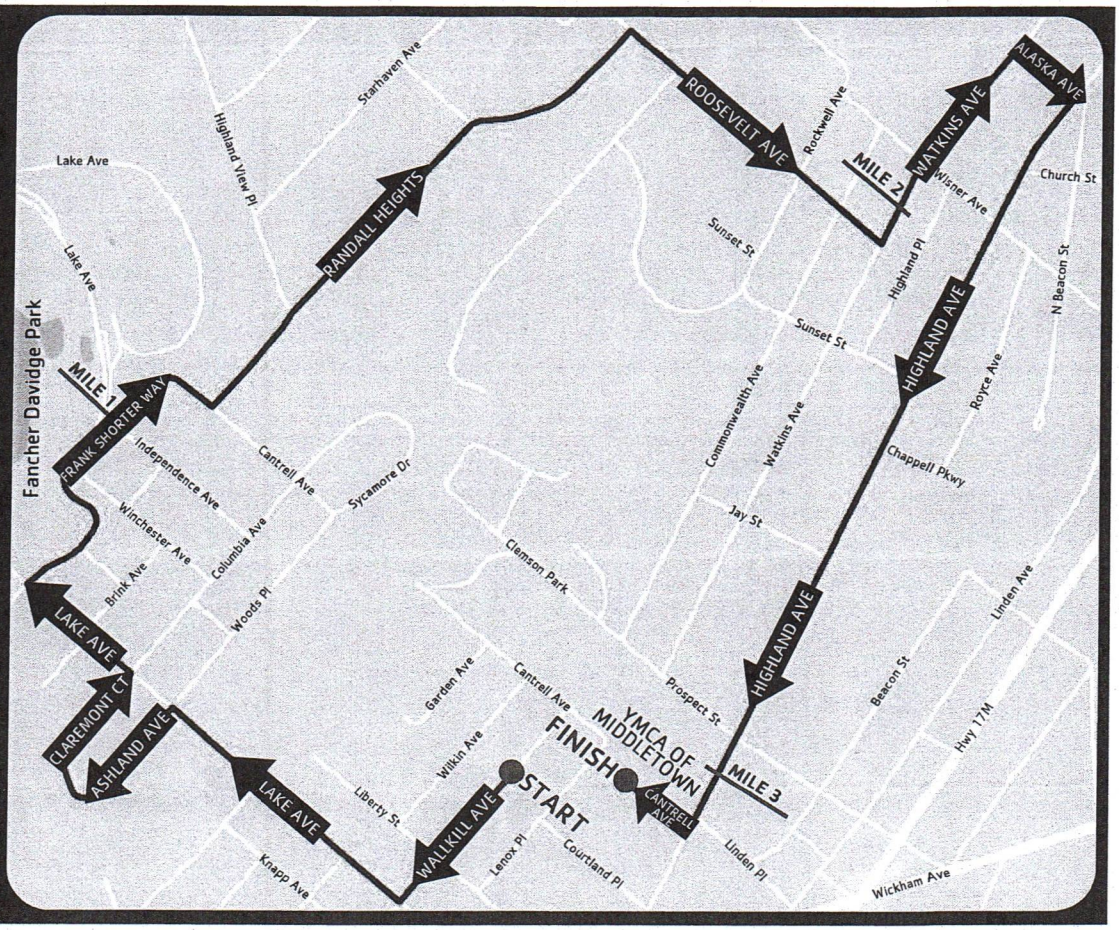
SOUTH ORANGE FAMILY YMCA
45 Gilbert Street Extension
Monroe NY 10950
P 845 782 9622 **F** 845 782 2003

YMCA OF SULLIVAN COUNTY
98 Wild Turnpike
Rock Hill, NY 12775

Ruthie Dino-Marshall 5K—Course Map
YMCA OF MIDDLETOWN

COURSE DIRECTIONS

- Start on Wallkill 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

CITY OF MIDDLETOWN, NEW YORK
COMMON COUNCIL
RECORD OF VOTE

THE FOLLOWING WAS PRESENTED

By: None
Seconded by: None
Date of Adoption: July 16, 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

Accept the Minutes of April 2, 2024

Prepared by:

Attachments:

1.	04.02.24 Minutes

COMMON COUNCIL MEETING
CITY OF MIDDLETOWN
April 2, 2024 Minutes
City Hall
16 James Street
Middletown, New York 10940

J. Miguel Rodrigues, President Ald.
Jude Jean-Francois (Not Present)
Ald. Andrew Green (Not Present)
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

PRESIDENT RODRIGUES: Roll.

RICHARD MCCORMACK: Aldermen Tobin.

ALDERMEN TOBIN: Here.

RICHARD MCCORMACK: Aldermen Jean-Francois. Aldermen Johnson.

ALDERMEN JOHNSON: Here.

RICHARD MCCORMACK: Alderwomen Wray.

ALDERMEN WRAY: Here.

RICHARD MCCORMACK: Aldermen Kleiner.

ALDERMEN KLEINER: Here.

RICHARD MCCORMACK: Aldermen Green. Aldermen Witt.

ALDERMEN WITT: Here.

RICHARD MCCORMACK: Aldermen Masi.

ALDERMEN MASI: Here.

RICHARD MCCORMACK: President Rodrigues.

PRESIDENT RODRIGUES: Here.

RICHARD MCCORMACK: Quorum is present.

PRESIDENT RODRIGUES: Correspondence?

RICHARD MCCORMACK: Nothing this evening.

PRESIDENT RODRIGUES: For the good of the City, the Mayor would like to come up.

MAYOR DESTEFANO: Thank you, Council President and appreciate the opportunity to go out of order. Here to not

announce news because this news it's already been made and, but to let the Middletown public know and have the city have the opportunity to honor a New York State champ that is a Middletown High School student.

I don't know how many years it's been since we've had a state champ in wrestling, but the son of Crystal and Stevenson Monchery, Stefan, is the new 285-pound undefeated champion of New York State. He pinned the number two seed in the final recently. He's been awarded a division one scholarship to the university, I believe, University of Buffalo, correct?

And so, on behalf of the residents of the City of Middletown we wanted to acknowledge this success and with a certificate and of accomplishment from the city of Middletown and let him know how proud we are as a community that he has reached this level of success in his high school endeavors. And wish him the best as he goes on to the University of Buffalo.

So, Stefan, if you could come up, please? It's a certificate of recognition presented by the City of Middletown to Stefan Monchery to the New York State wrestling champion and it's signed by myself and Council President Miguel Rodrigues. And we also like to present you with a key to the city. It's not a key to a new car, I wish we could do that, so you have to commute.

But it is a key to the city as a little token of what we feel is a great successful move for you in your career in

your high school career as you move on to college and wish you the best in your endeavors. So, congratulations again.

STEFAN MONCHERY: Well, first and foremost I want to thank my parents for being here and my coaches for being here. You know, I couldn't have accomplished any of this stuff without them without their support. This is something I've been looking forward to for I don't know how -- about six years since I started wrestling for Middleton High School.

And I couldn't -- the support that my family, my coaches, my teammates have given me is I can't explain how appreciative I am for that. You know, I just thank you for this opportunity.

PRESIDENT RODRIGUES: You did a great job, congratulations. Okay, anyone else would like to address the Council, please step forward. All right, remarks to the Mayor.

MAYOR DESTEFANO: I thought somebody like Mr. Masi would have said that I tell people I'm 285 pounds and we're --

ALDERMEN MASI: You to wrestle him? I I'll pay if you want to wrestle him.

PRESIDENT RODRIGUES: I was going to offer him 20 bucks if he would pin you.

MAYOR DESTEFANO: Well then, I'd have to pin you, so I wouldn't want to do that.

PRESIDENT RODRIGUES: But you mean with one of these pens.

MAYOR DESTEFANO: Yes, tonight we have a lot of good news to report. The chief will give you a report on a little bit of bad news that happened in the community. But basically, to begin with I'd like to announce that the Heritage Trail Segment Three Project is starting to move again, Jerry.

And on April 17th from 6:00 p.m. to 8:00 p.m. here at Middletown City Hall will be the -- a public, basically, a public hearing or an informational session on the segment three of the trail. So, it'll be the, I guess, the county Jacob and HV engineering will be here.

JACOB TAWIL: Yes.

MAYOR DESTEFANO: And the City will be here to, I guess, present and answer questions people has on the trail. But the importance of this is that it's moving. And that's finally moving again. As you know, you voted a few weeks ago on the purchase of that small piece of property off of Hanford Street and that in the area of Hanford Street between West Main and Hanford, yeah.

So, that was the trigger that moved the project along. We now own enough that we can move the final phase of the project. So, Jerry doesn't have to ask me about it anymore because he's going to get all the information that he needs at that meeting. So, please if you have an interest tune in and we'll also put it on Channel 20.

MAN 1: What was the date again?

MAYOR DESTEFANO: April 17th from 6:00 p.m. --

ALDERMEN MASI: April 17th, five days after my birthday.

MAYOR DESTEFANO: Five days after Masi's birthday if you're interested as he said. We also are going to be working on the rest of the intersections in the city that the sidewalk program and the intersection program as you know has been citywide. Some of it's been completed, some intersections have been completed, some of the big ones are yet to come.

This is the intersection by Wickham Avenue and Highland Avenue. You can see it being marked out and cut out now. There will be the rest of the intersections and that have not been addressed yet are going to begin. The -- there's a completion of some of the ones that have -- are hangovers from last year, including like Franklin Square, should be done completed this year.

So, we're very excited about this project. It's a about a $30 million project almost 95 percent funded, at least portions of it through state and federal grants. And everyone who I've run into is very happy with the, not only the look, but the safety provisions and the ability all the intersections being ADA Compliant.

And so, this part of it you know it's going to lose that little stub street of the extension of Liberty Street as we've said in the past and there will be a turning lane put in

at this intersection. And also, the Lake Avenue, Wickham Avenue sidewalks will be extended up. They will have then a turning light or a turning arrow, so traffic is not backing all the way down the Johnnys.

And will certainly improve the flow of traffic through the city, but also make it more walkable and more bikeable. So, the work is designed to improve the efficiency and safety of the intersections, it certainly does that. And we'll be moving ahead on that. I think they're working now on many of the intersections. So, Jacob has assured me that the project will be completed by the end of the year.

So, if it's not completed by the end of the year, remember this date Jacob told me that it will be completed by the end of the year. And remember who told me. This is a big one for us here, O&W Train Station. We discussed this a few weeks ago, and with your approval and authorization we are now ready to move ahead with the O&W Station Project.

Up on the screen are the amount of grants that we've received towards this project. We anticipate the project is going to cost in the area of 22 to $23 million. The gap, we believe, will be made up by three forms of tax credits. The first being a new market tax credits. The second being federal historic tax credits. And the third being state historic tax credits.

Those will come as we move forward, but a lot of this

grant money is timed. So, as collectively as a body we have made a decision that we will move ahead with this project otherwise risk losing all of this grant money. This this building will be restored to its historic standards. It was the eligibility for tax credits, both federal and state, require us to restore it including the tower on the, I believe, it's the south end, Jacob?

JACOB TAWIL: North end.

MAYOR DESTEFANO: I'm sorry, yeah, the north end which is the opposite side of the picture. that was destroyed by fire, so the costs have been elevated for a few reasons. Of course, we know construction the original estimates were prior to COVID and also the buildings deteriorated quite a bit.

And we have said, at least I have said, and I think you concur, that this would be our last bite at the apple of saving this historic structure and I think it's valuable enough that and, I appreciate you folks unanimously supporting the concept of moving forward, and the using both the tax credits as the gap financing or to fill the gaps.

But at the same time if the city has to throw in a few bucks then we are committed to throwing in a few bucks to make this thing work and not to lose $15.5 million in state and federal grants. I want to acknowledge all the work that's been done by not only Jacob, but by Maria Bruni and her office. Caitlin has been really a prime person on the grants on the

grant ends, Caitlin McNamara.

And our consultants, CNS out of Syracuse, their local contact Al Fusco. Our tax credit consultants are somewhere down south and so the, I don't even know the name of them that shows you how much I deal with them, but Maria and Caitlin deal with them on a regular basis.

But I think it's a good move. I think it's a move that Community will support, assuming that we have to throw in a few dollars somewhere down the line. But I think to save this $15.5 million and to save this building that it's an investment well worth especially with potential in the probability that the tax credits will close the gap.

So, that will be -- you'll be rejecting the old bids tonight which are old. Or not tonight, in the future date. And then, by the end of this week the project will be into the newspaper and posted for bidding on for the shoring and remediation of the phase one of the project.

So, you'll see work begin hopefully this -- beginning of this summer. I think it's a 30-day bid period, by the time we open them and award them, so we'll be into early summer. But the project will begin and we're hoping that it'll move very quickly. So, thank you for your support on that.

The -- this afternoon myself and the chief attended a press conference at the Galleria Mall that Senator Schumer and Congressman Ryan attended. And it dealt with the organized

national retail crime and that where organized crime has taken a foothold on these smash and runs, or whatever they call them, of high-end theft in retail stores and utilizing young folks basically as -- to do a lot of these crimes and in a form of a gang.

The Wallkill police chief announced today that Walmart, for example, had $33,000 theft in cell phones. The Wallkill in the town of Wallkill, I mean, the Town of Wallkill Walmart. And then, he mentioned other increases in in this type of crime I believe was 23 percent in the town. We do experience some of this type of stuff too, and but as the Senator and Congressman said that this is like a national phenomenon.

And there are basically no consequences because these organized crime units are using people to, young people, to commit the crime. And so, they've come up with a proposal and that proposal is to use the RICO Statute nationally in order to, as he determined to or presented, to cut the head off the snake. The snake being this organized crime network throughout the country that is mobilizing these young folks to do these types of crimes.

So, the RICO Statute and Jerry's probably going to comment is the same statute that is their prosecuting President Trump over in Atlanta. So, it's a -- because I saw Jerry smirk when I said RICO. So, the -- it has a lot --

PRESIDENT RODRIGUES: We did that for President Bush

too when we went into Iraq.

MAYOR DESTEFANO: Oh, okay.

PRESIDENT RODRIGUES: So, we called for that.

MAYOR DESTEFANO: So, the -- but it is it's a federal law that has a lot of teeth. And law enforcement on every level was there today and as I mentioned the chief and the chief from the town of Wallkill and there other law enforcement personnel there. And it appeared that his presentation was welcomed by all there. And now we're waiting for the plan and waiting for the funding.

So, we'll see how it all comes about and how it rolls out, but it was a good first step towards addressing this type of crime. On another note , Sunday is the little league parade or Saturday I'm sorry. Saturday is the little league parade, and all are invited, I believe kickoff is 10:30 is it? And lineup, they're hoping lineup to be at 10:00. Hopefully, all will be able to make it.

And Sparrow, I did see your email to Jacob about Adams Avenue. I met with the neighborhood today, two of the neighbors or three of the neighbors, and the garage will have to come down before a foundation inspection is given. And some of the other conditions will have to be met through the maximum size of the house, replanting of some trees and but rest assured that the ZBA approval does have all those conditions in it and all of the conditions will be met prior to moving forward on the project.

Okay? Any questions?

PRESIDENT RODRIGUES: Any question for the Mayor? Aldermen Witt.

ALDERMEN WITT: Thank you. Mayor, you mentioned back to the O&W Project that the costs had gone up a little bit or significant actually, but also the costs also went up if to take the building completely down, right?

MAYOR DESTEFANO: Yeah. We, I know, we were given an estimate a few years ago of over $3 million to tear the building down and I'm assuming it'd probably be more than that because it would have to be totally asbestos treated demolition. So, but we have struggled with this for years, as you know, you've been on the Council for a few years.

Our intent was always to save the building. We had many runs at it with some private developers. We took it over we thought we were moving at a pretty good pace prior to COVID when the numbers, I think, numbers at the time prior to COVID I think ended up being around 13 million.

But that was prior to getting into the building too, because it was unsafe to go in. This firm from Syracuse had to go in with drones and most of the -- in good parts of the building and established the problems related to reconstructing it, especially under the historic standards.

So, it's ballooned to 23. We do have a tenant for the first floor, ABCD Head Start. And we do have the home buyer

program that will be on the third floor, seven or eight housing units where 50 percent of the rent will go into a home savings account for the people living there so that they can buy a home within the City of Middletown.

So, there's a benefit there and then ABCD is interested also on the second floor, but we don't think we'll have any problem renting out the second floor even if they don't take it. We're meeting again with ABCD in the next week or two and to firm that whole deal up. But the -- we're doing it because it's the icon, it's the entry to downtown Middletown, it's what people see.

It was a symbol of urban decay for many, many years as people drove into the city and now, I think it'll be a nice symbol for our Renaissance in the inner city of downtown. And it is one of the highest poverty areas in the city. So, when people drive in and see this beautiful building, they'll recognize that this city put a lot of effort into saving it.

ALDERMEN WITT: Oh, I absolutely support it. I just --

MAYOR DESTEFANO: No, I know that --

ALDERMEN WITT: Yeah, I just, you know, because people may have heard a number years ago what it would be.

MAYOR DESTEFANO: Yeah, yeah.

ALDERMEN WITT: Thank you very much.

MAYOR DESTEFANO: No, absolutely. Yeah, no and I

think everyone on the Board has supported it over the years and so we're thankful for all your patience.

PRESIDENT RODRIGUES: Anyone else? Aldermen Johnson.

ALDERMEN JOHNSON: Two questions. You said on the third floor there would be eight units?

MAYOR DESTEFANO: Seven or eight units. It was depending upon the architect's final drawing.

ALDERMEN JOHNSON: And there would be like two-bedroom apartments or what would they actually be?

MAYOR DESTEFANO: There'd be a split of one and twos, I believe, the layout was. But primarily, it will be the -- for the home savings account.

ALDERMEN JOHNSON: Right.

MAYOR DESTEFANO: And one of the -- if you look on the board up there, you'll see the $800,000 in home funds that came from the county specifically for that program, and we have an opportunity now that we're going to move ahead with the project Maria was going back to the home board and asking for additional funding. I don't know what we're eligible for, she'll be finding all of that out. But we hope that this grant number will increase based on the fact that we're now moving ahead with the program.

ALDERMEN JOHNSON: And one other question. You referenced bike ability, is there any thought to implementing rental stations in the city in the near future or that's still -

-

MAYOR DESTEFANO: Part of the Transportation Center Project includes bike rental. That's through the county program that they're -- have for the redesign of the bike terminal in that area. We're still waiting for the county on that final design.

And I think it's not so much the design, I think that there's some right of ways that have had to be negotiated with the railroad. And I think we're pretty close on those, but -- and Jacob can probably touch on the other part of the issue that's outstanding with the county. But that's the delay with County Planning.

ALDERMEN JOHNSON: Thank you.

MAYOR DESTEFANO: Was it, oh the agreement the final agreement with Short Line, Coach Short Line because they own half of that lot. So, that final agreement now that the project's been moved -- is moving forward.

ALDERMEN JOHNSON: Thank you.

PRESIDENT RODRIGUES: All right, anyone else? All right, thank you, Mayor.

MAYOR DESTEFANO: Oh, yeah, yeah. One more thing I -- Jacob yelling in my ear.

PRESIDENT RODRIGUES: I hear you talking, it's a different voice behind you.

MAYOR DESTEFANO: Okay, there is a slide there.

JACOB TAWIL: You can't see me.

MAYOR DESTEFANO: Oh, I did. I did bring it up. I forgot there was a slide. Thrall Park improvements. Hopefully, you've driven by Thrall Park recently and seen that we did start making some changes in the park. We cut back a lot of the shrubbery. This was based on some of the CPTED meetings with the police department, that new unit the chief has put together focusing on different specific spots and how the police department, the code department, and the city agencies can work together to improve certain properties.

We're looking at the Forum Diner, as Mr. Masi knows, based on a complaint that you had forward. And Kevin, some of the concerns you put on the table with Forum Diner, the old Forum Diner, the empty Forum Diner. And another part we're looking at is the Thrall Park improvements.

One of the reasons for Thrall Park underutilization is that unless you're an old timer, and Mr. Masi will remember this of course, that you through the middle of the park coming down Smith Street is Draper Brook. And it goes right through Thrall Park.

And that pipe does not handle the capacity at times and if you notice the playground area along the back towards the bank floods extensively during even some minor rainstorm, it doesn't have be a massive storm. But during big storms we do get a lot of flooding. So, we are hiring a consultant, Jacob

has consulted with the firm that did a lot of the piping projects throughout the city, the bridge work on Benton Avenue and --

JACOB TAWIL: New York --

MAYOR DESTEFANO: Yeah, New York Rising Fund. Jacob's in my in my ear again. I'm going to put an earpiece in.

PRESIDENT RODRIGUES: He may as well stand next to you.

MAYOR DESTEFANO: New York Rising and that we're going to approach this not just as a park restoration project, which it needs, we need to respect the monuments that have been there for decades, light them appropriately, the flags, light them appropriately. We pulled back all of the shrubs and the trees, cut back all of the trees.

But that's just the beginning. We're going to have it lit, we're hoping to daylight the stream from inside the park from one side to the other, which will be part of flood control. And the flood control program that will then allow us to do some playground area in the back that would not only be a playground area but act as a retention area for some of the storm water.

The engineers will design it, we'll present it, we've already submitted for some funding requests from the state. It's a little ways down the line but between everything that's planned with Thrall Park and our focus not only on Thrall Park but Park Circle and the improvements that we'll be making in

Park Circle not only at the intersection, but cameras additional lighting, pedestrian crossings, additional law enforcement, we hope to make that now that that's -- you know, we talked about the O&W being the entrance into downtown, this is the next stop into downtown and going into the center of the city.

So, we want to do what we can to improve that area and we hope that we'll have something soon to present to you for consideration. So, we'll be presenting the contract for authorization to approve the contract from NPV or NT --

JACOB TAWIL: NP5.

MAYOR DESTEFANO: NP5 or whatever it is and at the next meeting if it's in. And then, we'll begin the project and begin the discussion. Okay, let me see if there's any more slides.

PRESIDENT RODRIGUES: Check with Jacob. Check with Jacob. Turn around and ask Jacob.

JACOB TAWIL: The end.

MAYOR DESTEFANO: I got it.

PRESIDENT RODRIGUES: All right.

MAYOR DESTEFANO: Thank you.

PRESIDENT RODRIGUES: Thank you. All right, department heads, let's start with Jacob. Bring -- come on up, Commissioner. And we know the reservoirs must be full.

JACOB TAWIL: Thank you. Thank you very much. I want to I want to skip to just to tie into what the mayor was saying,

the last project. And I want to just extend our thanks to Jerry, Aldermen Kleiner and Aldermen Masi, both of them they give us tons of pictures about the history, and the fountain, and in the case of Aldermen Masi about the history of Thrall Park. And we shipped them over to the consultant NV5 and hopefully, you know, we'll try to, like the Mayor said, we'll try to restore the old glory of Thrall Park back.

So far what we have done is we replaced all the granite curb, all the curb and sidewalk around, asphalt sidewalk even, around Thrall Park from Grove Street into Wickam Avenue with all granite and very nice sidewalk and ADA accessible and so on and so forth. We're going to be adding additional crosswalks in there, pedestrian crosswalks, as part of this traffic operation project that the Mayor spoke of earlier.

And then, the rest of it NV5 will come in and focus on what the Mayor just explained within the park itself. So, hopefully, we'll be able to restore the park back to its old glory and will be a great feat. And really the police department they were instrumental in getting our attention to the park. Although we were improving it from the outside and the curbs and sidewalks and safety and so on and so forth, ADA, but they got our attention to the inside of it.

And the mayor he immediately jumped on it, and he said yeah let's do it guys. So, it's going to be a great piece in the completion of Middletown restoring its old glory, of the

entire city not just Thrall Park. Aldermen Masi, the reservoirs are full 100 percent, over capacity.

A reminder to the public. Water system flushing is taking place now, it started yesterday. We are in the 2nd ward and we -- it's going to continue from yesterday until the 26th until April 26th. So, before you do any laundry, please check the water make sure it's not discolored.

If you see the guys or you see a fire hydrants flowing outside your neighborhood, that means you got to wait like 48 hours before you do any laundry, 48 hours, please. So, otherwise your laundry may not be very clean. Yard waste also started yesterday. Reminder, no nothing, no leaves, no loose yard waste thrown in the street or on the sidewalk, you will get fined.

So, you will please put it in a container, in a cart, and we have all the instructions how to tie it together. If you have the small branches, you have to tie them 18-inch diameter 36 inch long. Not huge branches, cut them up and wrap them together so we can pick them up. So, please keep that in mind.

We also do have our recycling center as always, it's open from 7:00 until 3:00 work weekdays. You can have, if you have recyclables if you have yard waste, as long as you are resident of the City of Middletown that's important because we have somebody checking on IDs most of the time, make sure you do, you know, this is always available for you if you cannot

wait or if you have too much of anything.

A spring cleanup. The annual citywide spring cleanup that will be starting next Monday April 4th, I'm sorry April 8th. And then, we're going to be starting with the 4th ward. After that the following week is going to be 3rd ward, the week after that going to be 2nd, last ward is 1st ward is going to be done the last the last week of the spring cleanup.

So, again we have the brochures, we have the restrictions, we have what you're allowed on not allowed to do on our website please visit that on DPW page. Capital projects. Highland Avenue tank it's still a work in progress. The tank has been back in service long time ago which is we're very happy about that. There are some other items that the contractor yet to finish. We're trying to push them and hopefully everything will be completed within two weeks on Highland Avenue tank.

But everything is done repainted. Then T-Mobile will go in and remount the antennas on it and take that temporary antenna offline. High Barney tank. The tank has been dismantled. We demolished the steel tank, and the company is trying -- is preparing the site so that they can start putting the pre-cast concrete panels there so that they can assemble the water storage tank afterwards.

It's a unique process so I encourage everybody from the Council, and we'll try to put some pictures about how the construction of that tank is done with the machinery and the

pre-cast panels. They put them together then they spin a they spin steel cable around it like a pre-stressed, almost pre-stressed reinforced steel cable. Then you have then you have parging on the outside of the tank.

The same thing will happen for Mountain Avenue tank, however Mountain Avenue tank we cannot demolish it or take it offline because we need it for storage and for pressure within the low-pressure system. So, that would remain active until the new tank is put -- is constructed next to it, this is Mountain Avenue. Once it's constructed and is put in service then we can take the old tank offline and demolish it.

Traffic operation. The Mayor spoke to about it it's moving along very well. Hopefully, we'll conclude everything this year like he stated. And then, I will conclude my remarks. if you have any questions?

PRESIDENT RODRIGUES: Any questions for Jacob? Thank you, Jacob.

JACOB TAWIL: Thank you.

PRESIDENT RODRIGUES: Economic Development.

MARIA BRUNI: Good evening, everyone. Just to update you on the Community Development Agency. The Lafayette property were in contract so we're moving in closing. And we started the Linden Avenue Project. So, ride by there, you'll see progress already on that property. We're working hard on housing rehabs through our CDGB and small business loans program.

And we're going to start undertaking our five-year comprehensive plan that we have to do for Housing and Urban Development. So, we're going to be beginning that process soon. And Paramount Tavares is coming *Let's Sing Taylor*, so a lot of other great shows are coming. And that's all I have for tonight.

PRESIDENT RODRIGUES: Any questions for Maria? Okay, thank you, Maria. Police Chief.

JOHN EWANCIW: Good evening. Just a couple things, there's a few items on the agenda this evening that relate to the police department. The first is the first item in regard to the de-escalation grant. I just want to briefly just touch on that.

That is a grant that the city was willing to partner with the Chief's Association on to not just train the Middletown police officers in the de-escalation tactics, but also many members of the Orange County policing services. Just the way grants are done we actually had to use a municipality to receive the grant.

And then, the training that is associated with that is a ICAP platform. It's all de-escalation how to deal with, folks how to deescalate situations. But it's a nationally recognized training that was accepted in this Department of Justice Grant. So, we look forward to that. We hope that, you know, we'll have your commitment to support that because we definitely believe

it's an investment into not just our members of the police department, but collectively throughout the county.

In regard to the little league parade. I know that it does become somewhat of a nuisance for some of the residents in the that area, however just like we do for the other events in the community whether they're road races or whatnot we do our best to make sure that we not only secure the people that are participating in the event, but also to make sure that we open up the streets as quickly as possible afterwards to allow the residents free flow and try to minimize any disruptions that we may provide to them.

We do believe that the greater good is to provide the support for the parades, or in this case the little league parade, just like we do for the races. So, hopefully, that we don't disrupt too many folks that day, but we will try our best. Just to touch on what the Mayor and Commissioner Tawil spoke about in regard to Thrall Park.

What that program is it's called CPTED. It's Crime Prevention Through Environmental Design. So, many years ago we started our neighborhood enhancement unit and we just wanted to kind of build upon that. And we took all four of those officers and we sent them out to training to get trained in this because we realize that sometimes it's not an opportunity -- we don't have the opportunity to arrest our way out of certain things.

So, this gives us a different lens to look through and

to partner with some of our city officials, our Code Department, other folks within the city, and try to take a different approach to change the environment itself to kind of deter the crime that goes there.

So, we're excited about this program, we're excited about the commitment that we received from the Mayor's office, and our other partners Maria and Jacob, Parks and Recs. It's been really good, and I know my staff that's signed assigned to it are very invested and take it very serious. So, we look forward to working with all of you to on this project and others going forward.

In regard to the incident yesterday, the stabbing incident. So, you know Monday, April 1st started off like every other Monday a little hectic. But it definitely changed throughout the day. At 2:54 in the afternoon our dispatch received the call of a possible stabbing in front of 33 Ruth Court. Not knowing what they're going into, we were fortunate yesterday that we had many staff on because the schools were closed, so we had some additional SROs available and whatnot.

So, the officers quickly responded and to their surprise not only did they find one person stabbed outside of 33 Ruth Court, they quickly learned that there was another person inside of Ruth Court that was stabbed. Within moments they realized that they were walking into a very, very brutal, a horrific scene, something that most people will never see in

their life, and I hope nobody has to experience that. Very, very, very, bad scene there.

Within a few moments with some support from some neighbors and some other resources they were able to get some information that the possible suspect fled on foot in a certain direction, at which time our K9 team was deployed. We had a K9 team Officer Michael McDonald with his brand new K9 Camo that graduated a few months ago.

And along with Officer McDonald was one of our brand-new officers, Officer Joseph Brownstein. So, they started the canvas into the wooded area with the K9 and something I spoke about with Officer McDonald this morning, I've been to several of the canine graduations in the past when they go through this extensive training and one of their lead trainers tells them all the time reminds them trust your dog.

And that's exactly what happened with canine Camo the other day or yesterday. Officer McDonald was going in a direction that he thought would be the best route for someone to flee based on the geographical components of the area between the trees and the rolling hills. And his dog started going a little bit differently and within a few moments he realized his dog had actually found our suspect hiding in a bush.

So, outstanding job to them. We're very, very fortunate that we were able to apprehend this individual as quickly as we did. In regard to the actual situation, we don't

know the why. We really don't know the why at this point. What we do know is that these were individuals that lived together at 33 Ruth Court, they were familiar with each other.

You know, I don't know what relationship was, if they're friends or not. They were of Haitian background. They did speak Creole, so we did have a little bit of difficult time interviewing and trying to get some information. There was, in addition to the two deceased persons, the suspect, there was one witness on scene as well.

All of them spoke or the people we were able to speak to spoke Creole, so as I said that was a little bit challenging to deal with in addition to dealing with everything else. The initial person that the officers located outside did have signs of life when they got there. They performed first aid measures on him. Empress EMS responded very quickly for us, assisted in getting that that person out to allow Empress EMS and EMTs to work on that individual.

One of our officers actually drove the ambulance to the hospital to give them the resources to do whatever they can to put in all the life savings measures that they could. Unfortunately, that individual passed during his surgery due to the extensive wounds that he did sustain during that incident.

As far as that, that location we never really had issues there. We didn't get, you know, complaints from neighbors or anything. In follow up to the members of the

community, we are learning that this group of individuals moved in there about a year ago. Our suspect, due to fingerprinting responses, we have learned that he has come into the United States about eight months ago. We're still trying to track back how, where, when, all that type of stuff. We don't have that that information right now.

And again, I don't know the relationship other than they're associates between our victim and our suspect. The neighbors there, you know, they dealt with something very horrific yesterday. We do have the neighborhood officers going out into that community over the next several days just to kind of give a sense of ease and support and try to answer any questions that may arise from the neighbors.

At this time, and there's nothing that lead us to believe that there's any other threats to anybody else. We believe this was, you know, involving the people that were inside that residence and nothing else. I do have to thank the residents in that community for all of the support that they provided us yesterday, giving us, you know, whatever we needed from them.

As well as our law enforcement partners the state police, the sheriff's department, the Orange County District Attorney's Office, outstanding. It's amazing when you see everybody come together for a common goal. So, I'm extremely proud, as I mentioned in my email to all of you yesterday, the

members of this department when push comes to shove and when things get bad, they work at their best. They're absolutely amazing.

I showed up on scene yesterday and it's amazing to see everybody's looking to work. Nobody's looking to just be there and be an onlooker, they are looking to work. So, it's a testament to the training that they receive and the people that they are, and I think we should all be very proud of them. Other than that, I have nothing unless you have questions for me.

PRESIDENT RODRIGUES: Any questions for the Police Chief? Aldermen Johnson.

ALDERMEN JOHNSON: On a positive note, you referenced the CPTED program. How long has that concept been around?

JOHN EWANCIW: CPTED has been -- we trained our people last fall. I don't know the exact start of that. I did hear about it from --

ALDERMEN JOHNSON: A relatively new idea?

JOHN EWANCIW: -- some time prior to that. Yeah. If I am correct, it started in the western part of the states and, you know, quickly is being adapted and shared throughout communities, because we all realize like there's more than one way to deal with crime and if we could improve the community in the area, we're hoping that that prevents some of the crime.

ALDERMEN JOHNSON: Sounds great, good luck with it.

JOHN EWANCIW: In regard to the old Forum Diner, like we made some changes, Commissioner Tawil with his staff was amazing for us. They came in, removed some brush, put up some barriers, worked with city electricians to get some lighting in there to prevent some of the vagrancy and inappropriate actions that were taking place there.

So, little things go a long way. Even in the Park Circle when we began that project there that led into Thrall Park. We worked with Commissioner Tawil also to have some additional lighting put in there to help some of those shaded areas that people were, you know, hiding in.

And our goal is really to change the image of that whole entire area. We don't want Park Circle to be known as a bad area in our community. We want to work hard to do what we can to change that image.

ALDERMEN JOHNSON: Well done on all accounts, thank you.

JOHN EWANCIW: Thank you.

PRESIDENT RODRIGUES: Anyone else? All right, thank you, Chief.

JOHN EWANCIW: Thank you.

PRESIDENT RODRIGUES: City Clerk.

RICHARD MCCORMACK: Good evening, just two items are on the agenda tonight for your action. The citywide yard sale will take place on June 1st and 2nd this year. The city will

once again be waving fees if the Council supports it. Signups will go up on the website by the end of this week and we're looking forward to doing that again. It's in coordination with the Office of Economic Development and their Farmers Market.

There's also resolution on this evening to wave sidewalk fees for the Cinco De Mayo Celebration. Maria and her team, and myself, and Leonora, and the downtown businesses have been meeting regularly to plan another great weekend for -- to mark the Cinco De Mayo Celebration. And we think this is just another aspect of making it easier for folks to do some business outside that weekend.

Oh, and the citywide cleanup is April 20th. Signups are on the website, Sign Up Genius. Please sign up, we're looking forward to another great year.

PRESIDENT RODRIGUES: Okay. Any questions for the City Clerk? All right. Remarks of Aldermen. Aldermen Tobin.

ALDERMEN TOBIN: Just, I heard some great things. I mean, we're not looking at like single step solutions like for example the park, we're trying to prevent crime, control flooding, and provide, you know, recreation opportunities. The O&W, you know, you're -- they're providing a historic building, revitalizing it, but also addressing childcare issues that we have, and the housing crisis by getting people into homes.

So, it seems -- I really -- the planning and the coordination between all the departments is outstanding. And

I'd also like to thank our police department. I think you said the word training, it seems like whenever there's a really tough situation our folks spring into action and do the right thing, and that's not by accident, that's the training they go through to handle those situations.

And so, I definitely want to thank you guys for keeping us safe. A I feel safe in Middletown because of that. As far as the state champ, I would like to congratulate him. I used to be a wrestling coach and a referee. It's one of the toughest sports physically, mentally, skill-wise, we're so proud of his accomplishment as a city.

It's a testament to his coaches, his teammates, his parents. He started in the youth program and went all the way through, I mean, talk about endless hours of tournaments and, you know, with his coaches going traveling different parts of the country. So, you know, definitely well-deserved. And you know to be state champ is a really tough accomplishment. So, that's it for me.

PRESIDENT RODRIGUES: Thank you. Aldermen Johnson.

ALDERMEN JOHNSON: Thank you. I had a resident who's also a client of mine come into the office, she had a mailer which when you read it you realize what it is, but she was confused because the return address envelope had a window that said Middletown City Council Members need to hear from you.

It turns out it was a solicitation from something

called the National Police Association in Stafford Texas asking people to sign a quality-of-life policing petition which they would then send back to city councils and of course also asking for a donation. So, I wanted to be clear that has nothing to do with the City of Middletown and I would suggest respectfully that buyer beware. Thank you.

PRESIDENT RODRIGUES: Aldermen Wray.

ALDERMEN WRAY: Good evening. I just wanted to congratulate Stefan for his accomplishments. He's not only an amazing athlete, but like what a just genuinely great kid. His little sister wrestles with my daughter on the girls, an all-girl team this year, and Steph was always present, always coaching his little sister, always at all her matches even if he didn't need to be there just checking in.

But it's just he really makes us all proud here in Middletown, he's just a shiny example of the best that we can make. And so, I'm really proud of him, his family is every right to be very proud of him, and we wish him luck as yet he's heading to nationals, I believe, that's this weekend. So, we wish him luck, go Middies.

As for our fantastic police department. It's funny that we had this conversation earlier today, someone was speaking about this incident, and I was like well I mean we have the best canines that's just something we've got here in Middletown along with some of the best police department. And

your work so quickly taking someone so dangerous off of the street, this is why we all sleep very soundly at night. And we thank you for everything you do for us. So, that's all I have tonight, thank you.

PRESIDENT RODRIGUES: Aldermen Kleiner.

ALDERMEN KLEINER: Thank you. Remind people there's like 45 minutes left if you haven't voted yet in the presidential primary in New York State. That election actually was today. I want to congratulate the police department for this excellent work and the sense of community they bring to the work is just outstanding.

And also, you know, with the O&W, the Heritage Trail, with all the things we have going on, Maria's office, and Caitlin, and DPW, and the police department, we have been so fortunate in people not overlooking any opportunity to get grants to help Middletown. So, that's just been such a big part of what's going on in the city.

So, I really thank them and encourage them to keep up the good work. When we got the DRI money, the O&W was the first thing that people mentioned. Of course, it was would be too much money so that was put off. But the O&W and I know somewhere I believe the clock is still out there so if that gets repaired, we're hoping the clock comes back.

The weather looks good for the eclipse next Monday. And don't forget your eclipse glasses and don't look at the sun

without them. And then, our post eclipse we have our regular Monday second award constituents meeting here at City Hall at 7 o'clock. Aldermen Green and I will be there.

And I'll have next meeting also to promote this but the Hillside Cemetery on April 27th they are doing bus tours through the cemetery. And talk about an historic piece of Middletown, you know, the Calbert Vaux design cemetery. But they will have high school students taking the roles of some of the more famous people buried in Hillside and telling you about who they were and what they did. I will remind people at the next Council meeting and other than that I'll see everyone at the little league parade, we hope. Thank you.

PRESIDENT RODRIGUES: Aldermen Witt.

ALDERMEN WITT: Thank you very much. I also would like to acknowledge the work of the police department. Chief, what you mentioned about training and, you know, the relationships that you've built, and your team has built, it's just very proactive. It' in -- it's just pays dividends in situations like that. As it sound, I could see it in your face as you were talking about it how proud you were of your men and women and the work that they did.

And the training, you know, we -- that comes across us from time to time and it just makes it, I imagine, so much easier to do your job. So, I appreciate all you all do there for that very much. With Stephan Monchery, kind of piggybacking

on that and he is -- nationals were this weekend I think, Kate, and it's in Virginia.

And then, in a week he's wrestling in Florida. So, the kid is -- it was a big year for him I know they had a -- they have an annual banquet for the friends of Section 9 and two of his coaches were here, Eugene Nabau and Jason Lichtenstein, both Middletown graduates, both received awards for their work for this year on -- I mean the job that they've done with their program.

But the end of the night was they awarded Stefan and recognized him and, you know, he does get a lot of recognition and you might think that kids would be well, you know, enough of this and yada, yada, yada, but the entire place gave him a standing ovation. And I think that that doesn't happen unless he deserves it, and he carries himself in a way that deserved that kind of treatment and respect from his peers.

So, great family and that was that was nice that we did this for him tonight. Just one final thing pertaining to my day job. The Middletown School District is putting out a survey, The Culture And Climate Survey. You may see -- have seen this around. They're around City Hall, which we appreciate.

And what it is, it's a survey to help shape the future of Middletown schools, join us in our journey of improvement and lend your voice. It gives you an opportunity to identify our

strengths and areas to grow. They take this very seriously, they do listen, there is a QR code here, and the information is on our website middletowncityschools.org.

It's anonymous, it's quick, and it's open for the community not just if whether you have kids or not in the district. We want to know how we're doing, so please take the time and consider it. Thank you.

PRESIDENT RODRIGUES: Aldermen Masi.

ALDERMEN MASI: With all the positive things that have been said tonight, I'm sorry that I'm going to end up on a negative note, but. And what I have to say does not give me any pleasure because it affects someone who used to be a valued member of this City Council.

But enough is enough. The residents of the City of Middletown deserve and demand actual representation from all their County elected officials. Joel Sierra who represents the 20th District has been a County Legislature since 2018 That district encompasses the majority of the residents of the City of Middletown.

And by his own testimony he has not attended a meeting since March 30, 2022. Yes, that is over two years without doing his elected duty. He has continued to collect his full salary of over $29,000 per year along with a valuable benefits package which includes health insurance and pension credits.

All this is paid by the residents of Orange County.

Why hasn't the leadership of both parties in the legislator or County Exec Steve Newhouse done anything about this or at least spoken about it both publicly and continuously. Is it that the City of Middletown doesn't have complete representation, that it's, okay? Well, not with me. I have sat back long enough hoping someone in the county would actually step up and address this terrible situation.

Joel Sierra has stated the meetings aren't mandatory, so he doesn't have to attend them, but he still collects his full salary. The county legislator and county exec should be contacting the Governor's office or anyone else in this state to see if he can be removed and let the residents of Middletown have full representation.

If there isn't truly a way to remove Mr. Sierra, then they should ask for his resignation continuously and not let the good people of Middletown and the county forget just what kind of a person was elected to represent them. This must end. We in Middletown deserve and demand actual representation. Thank you.

PRESIDENT RODRIGUES: Okay. New business?

RICHARD MCCORMACK: Good evening. We have a resolution sponsored by Aldermen Tobin to accept the DOG -- DOJ De-escalation Grant for the Orange County Police Chiefs Association.

PRESIDENT RODRIGUES: Okay, resolution sponsored by

Aldermen Tobin. Seconded by Aldermen Masi. Any discussion? Roll.

RICHARD MCCORMACK: Tobin.

ALDERMEN TOBIN: Aye.

RICHARD MCCORMACK: Johnson.

ALDERMEN JOHNSON: Aye.

RICHARD MCCORMACK: Wray.

ALDERWOMEN WRAY: Aye.

RICHARD MCCORMACK: Kleiner.

ALDERMEN KLEINER: Aye.

RICHARD MCCORMACK: Witt.

ALDERMEN WITT: Aye.

RICHARD MCCORMACK: Masi.

ALDERMEN MASI: Aye.

RICHARD MCCORMACK: President Rodrigues.

PRESIDENT RODRIGUES: Aye.

RICHARD MCCORMACK: Carries. A resolution sponsored by Aldermen Kleiner authorizing the city to host a citywide yard sale and wave associated fees.

PRESIDENT RODRIGUES: A resolution sponsored by Aldermen Kleiner. Seconded by Aldermen Johnson. Any discussion? Roll.

RICHARD MCCORMACK: Tobin.

ALDERMEN TOBIN: Aye.

RICHARD MCCORMACK: Johnson.

ALDERMEN JOHNSON: Aye.

RICHARD MCCORMACK: Wray.

ALDERWOMEN WRAY: Aye.

RICHARD MCCORMACK: Kleiner.

ALDERMEN KLEINER: Aye.

RICHARD MCCORMACK: Witt.

ALDERMEN WITT: Aye.

RICHARD MCCORMACK: Masi.

ALDERMEN MASI: Aye.

RICHARD MCCORMACK: President Rodrigues.

PRESIDENT RODRIGUES: Aye.

RICHARD MCCORMACK: Carries. A resolution sponsored by Aldermen Masi authorizing a transfer of $13,500 into the fire department operating budget to cover new firefighter training.

PRESIDENT RODRIGUES: Resolution sponsored by Aldermen Masi. Seconded by Aldermen Tobin. Any discussion? Roll.

RICHARD MCCORMACK: Tobin.

ALDERMEN TOBIN: Aye.

RICHARD MCCORMACK: Johnson.

ALDERMEN JOHNSON: Aye.

RICHARD MCCORMACK: Wray.

ALDERWOMEN WRAY: Aye.

RICHARD MCCORMACK: Kleiner.

ALDERMEN KLEINER: Aye.

RICHARD MCCORMACK: Witt.

ALDERMEN WITT: Aye.

RICHARD MCCORMACK: Masi.

ALDERMEN MASI: Aye.

RICHARD MCCORMACK: President Rodrigues.

PRESIDENT RODRIGUES: Aye.

RICHARD MCCORMACK: Carries. A resolution sponsored by Aldermen Johnson authorizing an agreement with the Police Executive Research Forum for de-escalation training on behalf of the city -- Orange County Chiefs Association.

PRESIDENT RODRIGUES: Resolution sponsored by Aldermen Johnson. Seconded by Aldermen Wray. Any discussion? Roll.

RICHARD MCCORMACK: Tobin.

ALDERMEN TOBIN: Aye.

RICHARD MCCORMACK: Johnson.

ALDERMEN JOHNSON: Aye.

RICHARD MCCORMACK: Wray.

ALDERWOMEN WRAY: Aye.

RICHARD MCCORMACK: Kleiner.

ALDERMEN KLEINER: Aye.

RICHARD MCCORMACK: Witt.

ALDERMEN WITT: Aye.

RICHARD MCCORMACK: Masi.

ALDERMEN MASI: Aye.

RICHARD MCCORMACK: President Rodrigues.

PRESIDENT RODRIGUES: Aye.

RICHARD MCCORMACK: Carries. A resolution sponsored by Alderwomen Wray authorizing a complete -- authorizing budget transfers to cover the 2023 year-end overdrafts.

PRESIDENT RODRIGUES: Resolution sponsored by Alderwomen Wray. Seconded by Aldermen Johnson. Any discussion? Roll.

RICHARD MCCORMACK: Tobin.

ALDERMEN TOBIN: Aye.

RICHARD MCCORMACK: Johnson.

ALDERMEN JOHNSON: Aye.

RICHARD MCCORMACK: Wray.

ALDERWOMEN WRAY: Aye.

RICHARD MCCORMACK: Kleiner.

ALDERMEN KLEINER: Aye.

RICHARD MCCORMACK: Witt.

ALDERMEN WITT: Aye.

RICHARD MCCORMACK: Masi.

ALDERMEN MASI: Aye.

RICHARD MCCORMACK: President Rodrigues.

PRESIDENT RODRIGUES: Aye.

RICHARD MCCORMACK: Carries. A resolution sponsored by Aldermen Witt authorizing the waving of sidewalk sale fees for the Cinco de Mayo celebration.

PRESIDENT RODRIGUES: Resolution sponsored by Aldermen Witt. Seconded by Aldermen Kleiner. Any discussion? Roll.

RICHARD MCCORMACK: Tobin.

ALDERMEN TOBIN: Aye.

RICHARD MCCORMACK: Johnson.

ALDERMEN JOHNSON: Aye.

RICHARD MCCORMACK: Wray.

ALDERWOMEN WRAY: Aye.

RICHARD MCCORMACK: Kleiner.

ALDERMEN KLEINER: Aye.

RICHARD MCCORMACK: Witt.

ALDERMEN WITT: Aye.

RICHARD MCCORMACK: Masi.

ALDERMEN MASI: Aye.

RICHARD MCCORMACK: President Rodrigues.

PRESIDENT RODRIGUES: Aye.

RICHARD MCCORMACK: Carries. A resolution sponsored by Aldermen Witt authorizing street closures for the annual Middletown little league parade.

PRESIDENT RODRIGUES: Resolution sponsored by Aldermen Witt. Seconded by Aldermen Tobin. Any discussion? Roll.

RICHARD MCCORMACK: Tobin.

ALDERMEN TOBIN: Aye.

RICHARD MCCORMACK: Johnson.

ALDERMEN JOHNSON: Aye.

RICHARD MCCORMACK: Wray.

ALDERWOMEN WRAY: Aye.

RICHARD MCCORMACK: Kleiner.

ALDERMEN KLEINER: Aye.

RICHARD MCCORMACK: Witt.

ALDERMEN WITT: Aye.

RICHARD MCCORMACK: Masi.

ALDERMEN MASI: Aye.

RICHARD MCCORMACK: President Rodrigues.

PRESIDENT RODRIGUES: Aye.

RICHARD MCCORMACK: Carries. Author -- resolution sponsored by Aldermen Masi authorizing the run for downtown committee to host an event at Erie Way Park.

PRESIDENT RODRIGUES: Resolution sponsored by Aldermen Masi. Seconded by Aldermen Kleiner. Any discussion? Roll.

RICHARD MCCORMACK: Tobin.

ALDERMEN TOBIN: Aye.

RICHARD MCCORMACK: Johnson.

ALDERMEN JOHNSON: Aye.

RICHARD MCCORMACK: Wray.

ALDERWOMEN WRAY: Aye.

RICHARD MCCORMACK: Kleiner.

ALDERMEN KLEINER: Aye.

RICHARD MCCORMACK: Witt.

ALDERMEN WITT: Aye.

RICHARD MCCORMACK: Masi.

ALDERMEN MASI: Aye.

RICHARD MCCORMACK: President Rodrigues.

PRESIDENT RODRIGUES: Aye.

RICHARD MCCORMACK: Carries. A resolution sponsored by Aldermen Masi authorizing amendment to city code to repeal Chapter 453 of the code of the City of Middletown for vacant and foreclosed properties.

PRESIDENT RODRIGUES: Resolution sponsored by Aldermen Masi. Seconded by Aldermen Johnson. Any discussion? Roll.

RICHARD MCCORMACK: Tobin.

ALDERMEN TOBIN: Aye.

RICHARD MCCORMACK: Johnson.

ALDERMEN JOHNSON: Aye.

RICHARD MCCORMACK: Wray.

ALDERWOMEN WRAY: Aye.

RICHARD MCCORMACK: Kleiner.

ALDERMEN KLEINER: Aye.

RICHARD MCCORMACK: Witt.

ALDERMEN WITT: Aye.

RICHARD MCCORMACK: Masi.

ALDERMEN MASI: Aye.

RICHARD MCCORMACK: President Rodrigues.

PRESIDENT RODRIGUES: Aye.

RICHARD MCCORMACK: Carries.

PRESIDENT RODRIGUES: Audit.

ALDERMEN MASI: Mr. President, I move the accounts be

audited, the claims be adjusted, and City Treasurer be authorized to issue warrants for their payment.

PRESIDENT RODRIGUES: Resolution sponsored by Aldermen Masi. Seconded by Aldermen Johnson. Roll.

RICHARD MCCORMACK: Tobin.

ALDERMEN TOBIN: Aye.

RICHARD MCCORMACK: Johnson.

ALDERMEN JOHNSON: Aye.

RICHARD MCCORMACK: Wray.

ALDERWOMEN WRAY: Aye.

RICHARD MCCORMACK: Kleiner.

ALDERMEN KLEINER: Aye.

RICHARD MCCORMACK: Witt.

ALDERMEN WITT: Aye.

RICHARD MCCORMACK: Masi.

ALDERMEN MASI: Aye.

RICHARD MCCORMACK: President Rodrigues.

PRESIDENT RODRIGUES: Aye.

RICHARD MCCORMACK: Carries.

ALDERMEN MASI: I'll move adjournment.

PRESIDENT RODRIGUES: So moved.

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: July 2, 2024

CITY OF MIDDLETOWN
COMMON COUNCIL MEETING AGENDA
APRIL 2, 2024

1. PLEDGE OF ALLEGIANCE

2. ROLL CALL

3. APPROVAL OF MINUTES

4. CORRESPONDENCE, COMMUNICATION AND REPORTS

5. FOR THE GOOD OF THE CITY

   5.1. Recognition of Middletown High School Student Stephan Monchery-New York State Wresting Champion

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

    56-24 Approval to Accept DOJ De-Escalation Grant for OC Police Chief's Association

    57-24 Authorization to Host a City-Wide Yard Sale and Waive Associated Fees

    58-24 Authorization to Transfer $13,500 into the Fire Department Operating Budget to Cover New Firefighter Training

    59-24 Authorization to Enter into an Agreement with Police Executive Research Forum for De-escalation Training on behalf of the Orange County Chief's Association

60-24 Authorization to Complete Budget Transfers to Cover the 2023-year End Overdrafts

61-24 Authorization to Waive Side Walk Sale Fees for the Cinco De Mayo Celebration

62-24 Authorization to Close Street for the Annual Middletown Little League Parade

63-24 Authorization for the Run 4 Downtown Committee to host an event at Erie Way Park

64-24 Authorization to Amend City Code to Repeal Chapter 453 of the Code of the City of Middletown, Vacant and Foreclosed Properties

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 Tobin
Seconded by: Alderman Masi
Date of Adoption: April 2, 2024
Index No: 56-24

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

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

BE IT RESOLVED; that the Common Council of the City of Middletown, NY, concurs with the Board of Estimate and Apportionment and a $245,290.00 grant to be utilized in conjunction with the Orange County Police Chief's Association Police Academy, for a comprehensive training program that will incorporate all law enforcement agencies within the county to be utilized by August 31, 2024.

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 to a separate budget line named, DOJ OC De-Escalation Grant.

Prepared by:
John Ewanciw, Chief of Police

Attachments:

1.	DOJ OC POLICE ASSOCIATION ACADEMY GRANT 20232024
2.	image41168

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 18, 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-22-GG-04791-PPSE

FY 22 Law Enforcement Agency De-Escalation Grants – Community Policing Development Solicitation

Dear Mayor DeStefano and Members,

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

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

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

Thank you.

Very truly yours,

John Ewanciw
Chief of Police

JE:ccd

Department of Justice (DOJ)

Office of Community Oriented Policing Services (COPS Office)

Washington, D.C. 20531

Name and Address of Recipient: CITY OF MIDDLETOWN
2 JAMES ST

City, State and Zip: MIDDLETOWN, NY 10940

Recipient UEI: N5V4MFKGLZK9

Project Title: FY22 City of Middletown, NY De-Escalation Grant

Award Number: 15JCOPS-22-GG-04791-PPSE

Solicitation Title: FY22 Law Enforcement Agency De-Escalation Grants -Community Policing Development Solicitation

Federal Award Amount: $245,290.00

Federal Award Date: 10/13/22

Awarding Agency: Office of Community Oriented Policing Services

Funding Instrument Type: Grant

Opportunity Category: D

Assistance Listing:
16.710 - Public Safety Partnership and Community Policing Grants

Project Period Start Date: 9/1/22

Project Period End Date: 8/31/24

Budget Period Start Date: 9/1/22

Budget Period End Date: 8/31/24

Project Description:

This award will provide a combination of Active Bystandership for Law Enforcement (ABLE) Training and Integrating Communications, Assessment, and Tactics (ICAT) De-escalation Training. Funds will be used to provide overtime pay for officers participating in the ABLE and ICAT Train-the-Trainer programs and subsequent internal ABLE/ICAT training sessions, as well as develop internal marketing materials to contribute to a culture of de-escalation.

Award Letter

October 13, 2022

Dear JOHN EWANCIW,

On behalf of Attorney General Merrick B. Garland, it is my pleasure to inform you the Office of Community Oriented Policing Services (the COPS Office) has approved the application submitted by CITY OF MIDDLETOWN for an award under the funding opportunity entitled 2022 FY22 Law Enforcement Agency De-Escalation Grants -Community Policing Development Solicitation. The approved award amount is $245,290.
Review the Award Instrument below carefully and familiarize yourself with all conditions and requirements before accepting your award. The Award Instrument includes the Award Offer (Award Information, Project Information, Financial Information, and Award Conditions) and Award Acceptance. For COPS Office and OVW funding the Award Offer also includes any Other Award Documents.

Please note that award requirements include not only the conditions and limitations set forth in the Award Offer, but also compliance with assurances and certifications that relate to conduct during the period of performance for the award. These requirements encompass financial, administrative, and programmatic matters, as well as other important matters (e.g., specific restrictions on use of funds). Therefore, all key staff should receive the award conditions, the assurances and certifications, and the application as approved by the COPS Office, so that they understand the award requirements. Information on all pertinent award requirements also must be provided to any subrecipient of the award.

Should you accept the award and then fail to comply with an award requirement, DOJ will pursue appropriate remedies for non-compliance, which may include termination of the award and/or a requirement to repay award funds.

Prior to accepting the award, your Entity Administrator must assign a Financial Manager, Grant Award Administrator, and Authorized Representative(s) in the Justice Grants System (JustGrants). The Entity Administrator will need to ensure the assigned Authorized Representative(s) is current and has the legal authority to accept awards and bind the entity to the award terms and conditions. To accept the award, the Authorized Representative(s) must accept all parts of the Award Offer in the Justice Grants System (JustGrants), including by executing the required declaration and certification, within 45 days from the award date.

To access your funds, you will need to enroll in the Automated Standard Application for Payments (ASAP) system, if you haven't already completed the enrollment process in ASAP. The Entity Administrator should have already received an email from ASAP to initiate this process.

Congratulations, and we look forward to working with you.

ROBERT CHAPMAN
Acting Director

Office for Civil Rights Notice for All Recipients

The Office for Civil Rights (OCR), Office of Justice Programs (OJP), U.S. Department of Justice (DOJ) has been delegated the responsibility for ensuring that recipients of federal financial assistance from the OJP, the Office of Community Oriented Policing Services (COPS), and the Office on Violence Against Women (OVW) are not engaged in discrimination prohibited by law. Several federal civil rights laws, such as Title VI of the Civil Rights Act of 1964 and Section 504 of the Rehabilitation Act of 1973, require recipients of federal financial assistance to give assurances that they will comply with those laws. Taken together, these civil rights laws prohibit recipients of federal financial assistance from DOJ from discriminating in services and employment because of race, color, national origin, religion, disability, sex, and, for grants authorized under the Violence Against Women Act, sexual orientation and gender identity. Recipients are also prohibited from discriminating in services because of age. For a complete review of these civil rights laws and nondiscrimination requirements, in connection with DOJ awards, see https://ojp.gov/funding/Explore/LegalOverview/CivilRightsRequirements.htm.

Under the delegation of authority, the OCR investigates allegations of discrimination against recipients from individuals, entities, or groups. In addition, the OCR conducts limited compliance reviews and audits based on regulatory criteria.

These reviews and audits permit the OCR to evaluate whether recipients of financial assistance from the Department are providing services in a nondiscriminatory manner to their service population or have employment practices that meet equal-opportunity standards.

If you are a recipient of grant awards under the Omnibus Crime Control and Safe Streets Act or the Juvenile Justice and Delinquency Prevention Act and your agency is part of a criminal justice system, there are two additional obligations that may apply in connection with the awards: (1) complying with the regulation relating to Equal Employment Opportunity Programs (EEOPs); and (2) submitting findings of discrimination to OCR. For additional information regarding the EEOP requirement, see 28 CFR Part 42, subpart E, and for additional information regarding requirements when there is an adverse finding, see 28 C.F.R. §§ 42.204(c), .205(c)(5).

The OCR is available to help you and your organization meet the civil rights requirements that are associated with DOJ grant funding. If you would like the OCR to assist you in fulfilling your organization's civil rights or nondiscrimination responsibilities as a recipient of federal financial assistance, please do not hesitate to contact the OCR at askOCR@ojp.usdoj.gov.

Award Information

This award is offered subject to the conditions or limitations set forth in the Award Information, Project Information, Financial Information, and Award Conditions.

Recipient Information

Recipient Name
CITY OF MIDDLETOWN

UEI
N5V4MFKGLZK9

ORI Number
NY03501

Street 1
2 JAMES ST

Street 2

City
MIDDLETOWN

State/U.S. Territory
New York

Zip/Postal Code
10940

Country
United States

County/Parish

Province

Award Details

Federal Award Date
10/13/22

Award Type
Initial

Award Number
15JCOPS-22-GG-04791-PPSE

Supplement Number
00

Federal Award Amount
$245,290.00

Funding Instrument Type
Grant

Assistance Listing Number	Assistance Listings Program Title
16.710	Public Safety Partnership and Community Policing Grants

Statutory Authority

The Public Safety Partnership and Community Policing Act of 1994, 34 U.S.C. § 10381 et seq

[X]
I have read and understand the information presented in this section of the Federal Award Instrument.

Project Information

This award is offered subject to the conditions or limitations set forth in the Award Information, Project Information, Financial Information, and Award Conditions.

Solicitation Title
2022 FY22 Law Enforcement Agency De-Escalation Grants -Community Policing Development Solicitation

Awarding Agency
COPS

Application Number
GRANT13663431

Grant Manager Name
DONNA INGRAM-ALLEN

Phone Number
202-598-1548

E-mail Address
donna.ingram-allen@usdoj.gov

Project Title
FY22 City of Middletown, NY De-Escalation Grant

Performance Period Start Date
09/01/2022

Performance Period End Date
08/31/2024

Budget Period Start Date
09/01/2022

Budget Period End Date
08/31/2024

Project Description

This award will provide a combination of Active Bystandership for Law Enforcement (ABLE) Training and Integrating Communications, Assessment, and Tactics (ICAT) De-escalation Training. Funds will be used to provide overtime pay for officers participating in the ABLE and ICAT Train-the-Trainer programs and subsequent internal ABLE/ICAT training sessions, as well as develop internal marketing materials to contribute to a culture of de-escalation.

[X]

I have read and understand the information presented in this section of the Federal Award Instrument.

Financial Information

This award is offered subject to the conditions or limitations set forth in the Award Information, Project Information, Financial Information, and Award Conditions.

A financial analysis of budgeted costs has been completed. All costs listed in the approved budget below were programmatically approved based on the final proposed detailed budget and budget narratives submitted by your agency to the COPS Office. Any adjustments or edits to the proposed budget are explained below.

Budget Clearance Date: 9/16/22 2:45 AM

Comments

No items

Budget Category	Proposed Budget	Change	Approved Budget	Percentages
Sworn Officer Positions:	$0.00	$0.00	$0.00	
Civilian or Non-Sworn Personnel:	$0.00	$0.00	$0.00	
Travel:	$0.00	$0.00	$0.00	
Equipment:	$1,600.00	$0.00	$1,600.00	
Supplies:	$0.00	$0.00	$0.00	
SubAwards:	$6,848.00	$0.00	$6,848.00	
Procurement Contracts:	$0.00	$0.00	$0.00	
Other Costs:	$236,842.00	$0.00	$236,842.00	
Total Direct Costs:	$245,290.00	$0.00	$245,290.00	
Indirect Costs:	$0.00	$0.00	$0.00	
Total Project Costs:	$245,290.00	$0.00	$245,290.00	
Federal Funds:	$245,290.00	$0.00	$245,290.00	100.00%
Match Amount:	$0.00	$0.00	$0.00	0.00%
Program Income:	$0.00	$0.00	$0.00	0.00%

Budget Category

Sworn Officer

Civilian Personnel

Travel

Equipment

Supplies

SubAwards

Procurement Contracts

Other Costs

Indirect Costs

[X]
I have read and understand the information presented in this section of the Federal Award Instrument.

Other Award Documents

[X]

I have read and understand the information presented in this section of the Federal Award Instrument.

No other award documents have been added.

Award Conditions

This award is offered subject to the conditions or limitations set forth in the Award Information, Project Information, Financial Information, and Award Conditions.

1

Restrictions on Internal Confidentiality Agreements: No recipient or subrecipient under this award, or entity that receives a contract or subcontract with any funds under this award, may require any employee or contractor to sign an internal confidentiality agreement or statement that prohibits or otherwise restricts the lawful reporting of waste, fraud, or abuse to an investigative or law enforcement representative of a federal department or agency authorized to receive such information. Consolidated Appropriations Act, 2022, Public Law 117-103, Division E, Title VII, Section 742.

2

Duplicative Funding: The recipient understands and agrees to notify the COPS Office if it receives, from any other source, funding for the same item or service also funded under this award.

3

Contract Provision: All contracts made by the award recipients under the federal award must contain the provisions

required under 2 C.F.R. Part 200, Appendix II to Part 200—Contract Provisions for Non-Federal Entity Contracts Under Federal Awards. Please see appendices in the Award Owner's Manual for a full text of the contract provisions.

4

Award Monitoring Activities: Federal law requires that recipients receiving federal funding from the COPS Office must be monitored to ensure compliance with their award conditions and other applicable statutes and regulations. The COPS Office is also interested in tracking the progress of our programs and the advancement of community policing. Both aspects of award implementation—compliance and programmatic benefits—are part of the monitoring process coordinated by the U.S. Department of Justice. Award monitoring activities conducted by the COPS Office include site visits, enhanced office-based grant reviews, alleged noncompliance reviews, financial and programmatic reporting, and audit resolution. As a COPS Office award recipient, you agree to cooperate with and respond to any requests for information pertaining to your award. This includes all financial records, such as general accounting ledgers and all supporting documents. All information pertinent to the implementation of the award is subject to agency review throughout the life of the award, during the close-out process and for three-years after the submission of the final expenditure report. 34 U.S.C. § 10385(a) and 2 C.F.R. §§ 200.334 and 200.337.

5

Authorized Representative Responsibility: The recipient understands that, in accepting this award, the Authorized Representatives declare and certify, among other things, that they possess the requisite legal authority to accept the award on behalf of the recipient entity and, in so doing, accept (or adopt) all material requirements throughout the period of performance under this award. The recipient further understands, and agrees, that it will not assign anyone to the role of Authorized Representative during the period of performance under the award without first ensuring that the individual has the requisite legal authority.

6

Termination: Recipient understands and agrees that the COPS Office may terminate funding, in whole or in part, for the following reasons:
(1) When the recipient fails to comply with the terms and conditions of a Federal award.
(2) When an award no longer effectuates the program goals or agency priorities, to the extent such termination is authorized by law.
(3) When the recipient agrees to the termination and termination conditions.
(4) When the recipient provides the COPS Office written notification requesting termination including the reasons, effective date, and the portion of the award to be terminated. The COPS Office may terminate the entire award if the remaining portion will not accomplish the purposes of the award.
(5) Pursuant to any other termination provisions included in the award.
2. C.F.R. § 200.340.

7

Award Owner's Manual: The recipient agrees to comply with the terms and conditions in the applicable 2022 COPS Office Program Award Owner's Manual; DOJ Grants Financial Guide; COPS Office statute (34 U.S.C. § 10381, et seq.) as applicable; Students, Teachers, and Officers Preventing (STOP) School Violence Act of 2018 (34 U.S.C. § 10551, et seq.) as applicable; the requirements of 2 C.F.R. Part 200 (Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards) as adopted by the U.S. Department of Justice in 2 C.F.R. § 2800.101; 48 C.F.R. Part 31 (FAR Part 31) as applicable (Contract Cost Principles and Procedures); the Cooperative Agreement as applicable; representations made in the application; and all other applicable program requirements, laws, orders, regulations, or circulars.

8

Assurances and Certifications: The recipient acknowledges its agreement to comply with the Assurances and Certifications forms that were signed as part of its application.

9

Federal Civil Rights: The Applicant understands that the federal statutes and regulations applicable to the award (if any) made by the Department based on the application specifically include statutes and regulations pertaining to civil rights and nondiscrimination, and, in addition—

a. the Applicant understands that the applicable statutes pertaining to civil rights will include section 601 of the Civil Rights Act of 1964 (42 U.S.C. § 2000d); section 504 of the Rehabilitation Act of 1973 (29 U.S.C. § 794); section 901 of the Education Amendments of 1972 (20 U.S.C. § 1681); and section 303 of the Age Discrimination Act of 1975 (42 U.S.C. § 6102);
b. the Applicant understands that the applicable statutes pertaining to nondiscrimination may include section 809(c) of Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. § 10228(c)); section 1407(e) of the Victims of Crime Act of 1984 (34 U.S.C. § 20110(e)); section 299A(b) of the Juvenile Justice and Delinquency Prevention Act of 2002 (34 U.S.C. § 11182(b)); and that the grant condition set out at section 40002(b)(13) of the Violence Against Women Act (34 U.S.C. § 12291(b)(13)), which will apply to all awards made by the Office on Violence Against Women, also may apply to an award made otherwise;
c. the Applicant understands that it must require any subrecipient to comply with all such applicable statutes (and associated regulations); and
d. on behalf of the Applicant, I make the specific assurances set out in 28 C.F.R. §§ 42.105 and 42.204.
The Applicant also understands that (in addition to any applicable program-specific regulations and to applicable federal regulations that pertain to civil rights and nondiscrimination) the federal regulations applicable to the award (if any) made by the Department based on the application may include, but are not limited to, 2 C.F.R. Part 2800 (the DOJ "Part 200 Uniform Requirements") and 28 C.F.R. Parts 22 (confidentiality - research and statistical information), 23 (criminal intelligence systems), 38 (regarding faith-based or religious organizations participating in federal financial assistance programs), and 46 (human subjects protection).

10

Mandatory Disclosure: Recipients and subrecipients must timely disclose in writing to the Federal awarding agency or pass-through entity, as applicable, all federal criminal law violations involving fraud, bribery, or gratuity that may potentially affect the awarded federal funding. Recipients that receive an award over $500,000 must also report certain civil, criminal, or administrative proceedings in SAM and are required to comply with the Term and Condition for Recipient Integrity and Performance Matters as set out in 2 C.F.R. Part 200, Appendix XII to Part 200. Failure to make required disclosures can result in any of the remedies, including suspension and debarment, described in 2 C.F.R. § 200.339. 2 C.F.R. § 200.113.

11

Enhancement of Contractor Protection from Reprisal for Disclosure of Certain Information: Recipients and subrecipients agree not to discharge, demote, or otherwise discriminate against an employee as reprisal for the employee disclosing information that he or she reasonably believes is evidence of gross mismanagement of a federal contract or award, a gross waste of federal funds, an abuse of authority relating to a federal contract or award, a substantial and specific danger to public health or safety, or a violation of law, rule, or regulation related to a Federal contract (including the competition for or negotiation of a contract) or award. Recipients and subrecipients also agree to provide to their employees in writing (in the predominant native language of the workforce) of the rights and remedies provided in 41 U.S.C. § 4712. Please see appendices in the Award Owner's Manual for a full text of the statute.

12

False Statements: False statements or claims made in connection with COPS Office awards may result in fines, imprisonment, debarment from participating in federal awards or contracts, and/or any other remedy available by law. 31 U.S.C. § 3729-3733.

13

System for Award Management (SAM) and Universal Identifier Requirements: The recipient agrees to comply with the following requirements of 2 C.F.R. Part 25, Appendix A to Part 25 – Award Term:
I. System for Award Management and Universal Identifier Requirements
A. Requirement for System for Award Management
Unless you are exempted from this requirement under 2 CFR 25.110, you as the recipient must maintain current information in the SAM. This includes information on your immediate and highest level owner and subsidiaries, as well as on all of your predecessors that have been awarded a Federal contract or Federal financial assistance within the last three years, if applicable, until you submit the final financial report required under this Federal award or receive the final payment, whichever is later. This requires that you review and update the information at least annually after the initial registration, and more frequently if required by changes in your information or another Federal award term.

B. Requirement for Unique Entity Identifier

If you are authorized to make subawards under this Federal award, you:

1. Must notify potential subrecipients that no entity (see definition in paragraph C of this award term) may receive a subaward from you until the entity has provided its Unique Entity Identifier to you.

2. May not make a subaward to an entity unless the entity has provided its Unique Entity Identifier to you. Subrecipients are not required to obtain an active SAM registration, but must obtain a Unique Entity Identifier.

C. Definitions
For purposes of this term:

1. System for Award Management (SAM) means the Federal repository into which a recipient must provide information required for the conduct of business as a recipient. Additional information about registration procedures may be found at the SAM internet site (currently at https://www.sam.gov).

2. Unique Entity Identifier means the identifier assigned by SAM to uniquely identify business entities.

3. Entity includes non-Federal entities as defined at 2 CFR 200.1 and also includes all of the following, for purposes of this part:

a. A foreign organization;

b. A foreign public entity;

c. A domestic for-profit organization; and

d. A Federal agency.

4. Subaward has the meaning given in 2 CFR 200.1.

5. Subrecipient has the meaning given in 2 CFR 200.1.

14

Reporting Subawards and Executive Compensation

The recipient agrees to comply with the following requirements of 2 C.F.R. Part 170, Appendix A to Part 170 – Award Term:
I. Reporting Subawards and Executive Compensation
a. Reporting of first-tier subawards.

Applicability. Unless you are exempt as provided in paragraph d. of this award term, you must report each action that equals or exceeds $30,000 in Federal funds for a subaward to a non-Federal entity or Federal agency (see definitions in paragraph e. of this award term).

2. Where and when to report.

i. The non-Federal entity or Federal agency must report each obligating action described in paragraph a.1. of this award term to http://www.fsrs.gov.

ii. For subaward information, report no later than the end of the month following the month in which the obligation was made. (For example, if the obligation was made on November 7, 2010, the obligation must be reported by no later than December 31, 2010.)

3. What to report. You must report the information about each obligating action that the submission instructions posted at http://www.fsrs.gov specify.

b. Reporting total compensation of recipient executives for non-Federal entities.

1. Applicability and what to report. You must report total compensation for each of your five most highly compensated

executives for the preceding completed fiscal year, if—

i. The total Federal funding authorized to date under this Federal award equals or exceeds $30,000 as defined in 2 CFR 170.320;

ii. in the preceding fiscal year, you received—

(A) 80 percent or more of your annual gross revenues from Federal procurement contracts (and subcontracts) and Federal financial assistance subject to the Transparency Act, as defined at 2 CFR 170.320 (and subawards), and

(B) $25,000,000 or more in annual gross revenues from Federal procurement contracts (and subcontracts) and Federal financial assistance subject to the Transparency Act, as defined at 2 CFR 170.320 (and subawards); and,

iii. The public does not have access to information about the compensation of the executives through periodic reports filed under section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(a), 78o(d)) or section 6104 of the Internal Revenue Code of 1986. (To determine if the public has access to the compensation information, see the U.S. Security and Exchange Commission total compensation filings at http://www.sec.gov/answers/execomp.htm.)

2. Where and when to report. You must report executive total compensation described in paragraph b.1. of this award term:

i. As part of your registration profile at https://www.sam.gov.

ii. By the end of the month following the month in which this award is made, and annually thereafter.

c. Reporting of Total Compensation of Subrecipient Executives.

1. Applicability and what to report. Unless you are exempt as provided in paragraph d. of this award term, for each first-tier non-Federal entity subrecipient under this award, you shall report the names and total compensation of each of the subrecipient's five most highly compensated executives for the subrecipient's preceding completed fiscal year, if—

i. in the subrecipient's preceding fiscal year, the subrecipient received—

(A) 80 percent or more of its annual gross revenues from Federal procurement contracts (and subcontracts) and Federal financial assistance subject to the Transparency Act, as defined at 2 CFR 170.320 (and subawards) and,

(B) $25,000,000 or more in annual gross revenues from Federal procurement contracts (and subcontracts), and Federal financial assistance subject to the Transparency Act (and subawards); and

ii. The public does not have access to information about the compensation of the executives through periodic reports filed under section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(a), 78o(d)) or section 6104 of the Internal Revenue Code of 1986. (To determine if the public has access to the compensation information, see the U.S. Security and Exchange Commission total compensation filings at http://www.sec.gov/answers/execomp.htm.)

2. Where and when to report. You must report subrecipient executive total compensation described in paragraph c.1. of this award term:

i. To the recipient.

ii. By the end of the month following the month during which you make the subaward. For example, if a subaward is obligated on any date during the month of October of a given year (i.e., between October 1 and 31), you must report any required compensation information of the subrecipient by November 30 of that year.

d. Exemptions.

If, in the previous tax year, you had gross income, from all sources, under $300,000, you are exempt from the requirements to report:

i. Subawards, and

ii. The total compensation of the five most highly compensated executives of any subrecipient.

e. Definitions. For purposes of this award term:

1. Federal Agency means a Federal agency as defined at 5 U.S.C. 551(1) and further clarified by 5 U.S.C. 552(f).

2. Non-Federal entity means all of the following, as defined in 2 CFR part 25:

i. A Governmental organization, which is a State, local government, or Indian tribe;

ii. A foreign public entity;

iii. A domestic or foreign nonprofit organization; and,

iv. A domestic or foreign for-profit organization

3. Executive means officers, managing partners, or any other employees in management positions.

4. Subaward:

i. This term means a legal instrument to provide support for the performance of any portion of the substantive project or program for which you received this award and that you as the recipient award to an eligible subrecipient.

ii. The term does not include your procurement of property and services needed to carry out the project or program (for further explanation, see 2 CFR 200.331).

iii. A subaward may be provided through any legal agreement, including an agreement that you or a subrecipient considers a contract.

5. Subrecipient means a non-Federal entity or Federal agency that:

i. Receives a subaward from you (the recipient) under this award; and

ii. Is accountable to you for the use of the Federal funds provided by the subaward.

6. Total compensation means the cash and noncash dollar value earned by the executive during the recipient's or subrecipient's preceding fiscal year and includes the following (for more information see 17 CFR 229.402(c)(2)).

15

Equal Employment Opportunity Plan (EEOP): All recipients of funding from the COPS Office must comply with the federal regulations pertaining to the development and implementation of an Equal Employment Opportunity Plan. 28 C.F.R. Part 42 subpart E.

16

Reports/Performance Goals: To assist the COPS Office in monitoring and tracking the performance of your award, your agency will be responsible for submitting semi-annual programmatic performance reports that describe project activities during the reporting period and quarterly Federal Financial Reports using Standard Form 425 (SF-425). 2 C.F.R. §§ 200.328 - 200.329. The performance report is used to track your agency's progress toward implementing community policing strategies and to collect data to gauge the effectiveness of increasing your agency's community policing capacity through COPS Office funding. The Federal Financial Report is used to track the expenditures of the recipient's award funds on a cumulative basis throughout the life of the award.

17

Recipient Integrity and Performance Matters: For awards over $500,000, the recipient agrees to comply with the following requirements of 2 C.F.R. Part 200, Appendix XII to Part 200 – Award Term and Condition for Recipient Integrity and Performance Matters:

A. Reporting of Matters Related to Recipient Integrity and Performance

1. General Reporting Requirement

If the total value of your currently active grants, cooperative agreements, and procurement contracts from all Federal awarding agencies exceeds $10,000,000 for any period of time during the period of performance of this Federal award, then you as the recipient during that period of time must maintain the currency of information reported to the System for Award Management (SAM) that is made available in the designated integrity and performance system (currently the Federal Awardee Performance and Integrity Information System (FAPIIS)) about civil, criminal, or administrative proceedings described in paragraph 2 of this award term and condition. This is a statutory requirement under section 872 of Public Law 110-417, as amended (41 U.S.C. 2313). As required by section 3010 of Public Law 111-212, all information posted in the designated integrity and performance system on or after April 15, 2011, except past performance reviews required for Federal procurement contracts, will be publicly available.

2. Proceedings About Which You Must Report

Submit the information required about each proceeding that:

a. Is in connection with the award or performance of a grant, cooperative agreement, or procurement contract from the Federal Government;

b. Reached its final disposition during the most recent five-year period; and

c. Is one of the following:

(1) A criminal proceeding that resulted in a conviction, as defined in paragraph 5 of this award term and condition;

(2) A civil proceeding that resulted in a finding of fault and liability and payment of a monetary fine, penalty, reimbursement, restitution, or damages of $5,000 or more;

(3) An administrative proceeding, as defined in paragraph 5. of this award term and condition, that resulted in a finding of fault and liability and your payment of either a monetary fine or penalty of $5,000 or more or reimbursement, restitution, or damages in excess of $100,000; or

(4) Any other criminal, civil, or administrative proceeding if:

(i) It could have led to an outcome described in paragraph 2.c.(1), (2), or (3) of this award term and condition;

(ii) It had a different disposition arrived at by consent or compromise with an acknowledgment of fault on your part; and

(iii) The requirement in this award term and condition to disclose information about the proceeding does not conflict with applicable laws and regulations.

3. Reporting Procedures

Enter in the SAM Entity Management area the information that SAM requires about each proceeding described in paragraph 2 of this award term and condition. You do not need to submit the information a second time under assistance awards that you received if you already provided the information through SAM because you were required to do so under Federal procurement contracts that you were awarded.

4. Reporting Frequency

During any period of time when you are subject to the requirement in paragraph 1 of this award term and condition, you must report proceedings information through SAM for the most recent five year period, either to report new information about any proceeding(s) that you have not reported previously or affirm that there is no new information to report. Recipients that have Federal contract, grant, and cooperative agreement awards with a cumulative total value greater than $10,000,000 must disclose semiannually any information about the criminal, civil, and administrative proceedings.

5. Definitions

For purposes of this award term and condition:

a. Administrative proceeding means a non-judicial process that is adjudicatory in nature in order to make a determination of fault or liability (e.g., Securities and Exchange Commission Administrative proceedings, Civilian Board of Contract Appeals proceedings, and Armed Services Board of Contract Appeals proceedings). This includes

proceedings at the Federal and State level but only in connection with performance of a Federal contract or grant. It does not include audits, site visits, corrective plans, or inspection of deliverables.

b. Conviction, for purposes of this award term and condition, means a judgment or conviction of a criminal offense by any court of competent jurisdiction, whether entered upon a verdict or a plea, and includes a conviction entered upon a plea of nolo contendere.

c. Total value of currently active grants, cooperative agreements, and procurement contracts includes—

(1) Only the Federal share of the funding under any Federal award with a recipient cost share or match; and

(2) The value of all expected funding increments under a Federal award and options, even if not yet exercised.

18

Debarment and Suspension: The recipient agrees not to award federal funds under this program to any party which is debarred or suspended from participation in federal assistance programs. 2 C.F.R. Part 180 (Government-wide Nonprocurement Debarment and Suspension) and 2 C.F.R. Part 2867 (DOJ Nonprocurement Debarment and Suspension).

19

Employment Eligibility: The recipient agrees to complete and keep on file, as appropriate, the Department of Homeland Security, U.S. Citizenship and Immigration Services (USCIS) Employment Eligibility Verification Form (I-9). This form is to be used by recipients of federal funds to verify that persons are eligible to work in the United States. Immigration Reform and Control Act of 1986 (IRCA), Public Law 99-603.

20

Conflict of Interest: Recipients and subrecipients must disclose in writing to the COPS Office or pass-through entity, as applicable, any potential conflict of interest affecting the awarded federal funding in 2 C.F.R. § 200.112.

21

Additional High-Risk Recipient Requirements: The recipient agrees to comply with any additional requirements that may be imposed during the award performance period if the awarding agency determines that the recipient is a high-risk recipient. 2 C.F.R. § 200.208.

22

Prohibition on Certain Telecommunications and Video Surveillance Services or Equipment: Recipient agrees that it, and its subrecipients, will not use award funds to extend, renew, or enter into any contract to procure or obtain any covered telecommunication and video surveillance services or equipment as described in 2 CFR §200.216. Covered services and equipment include telecommunications or video surveillance services or equipment produced or provided by Huawei Technologies Company or ZTE Corporation (or any subsidiary or affiliate of such entities); Hytera Communications Corporation, Hangzhou Hikvision Digital Technology Company, or Dahua Technology Company (or any subsidiary or affiliate of such entities); or an entity that the Secretary of Defense, in consultation with the Director of the National Intelligence or the Director of the Federal Bureau of Investigation, reasonably believes to be an entity owned or controlled by, or otherwise connected to, the government of China. The use of award funds on covered telecommunications or video surveillance services or equipment are unallowable.
2. C.F.R. § § 200.216 & 471. See also Section 889 of the John S. McCain National Defense Authorization Act of Fiscal Year 2019, Public Law 115-232.

23

Travel Costs: Travel costs for transportation, lodging and subsistence, and related items are allowable with prior approval from the COPS Office. Payment for allowable travel costs will be in accordance with 2 C.F.R. § 200.475.

24

The Paperwork Reduction Act Clearance and Privacy Act Review: Recipient agrees, if required, to submit all surveys, interview protocols, and other information collections to the COPS Office for submission to the Office of Management

and Budget (OMB) for clearance under the Paperwork Reduction Act (PRA). Before submission to OMB, all information collections that request personally identifiable information must be reviewed by the COPS Office to ensure compliance with the Privacy Act. The Privacy Act compliance review and the PRA clearance process may take several months to complete. 44 U.S.C. §§ 3501-3520 and 5 U.S.C. § 552a.

25

Supplementing, not Supplanting: State, local, and tribal government recipients must use award funds to supplement, and not supplant, state, local, or Bureau of Indian Affairs (BIA) funds that are already committed or otherwise would have been committed for award purposes (hiring, training, purchases, and/or activities) during the award period. In other words, state, local, and tribal government recipients may not use COPS Office funds to supplant (replace) state, local, or BIA funds that would have been dedicated to the COPS Office-funded item(s) in the absence of the COPS Office award. 34 U.S.C. § 10384(a).

26

Sole Source Justification: Recipients who have been awarded funding for the procurement of an item (or group of items) or service in excess of $250,000 and who plan to seek approval for use of a noncompetitive procurement process must provide a written sole source justification to the COPS Office for approval prior to obligating, expending, or drawing down award funds for that item or service. 2 C.F.R. § 200.325(b)(2).

27

Evaluations: The COPS Office may conduct monitoring or sponsor national evaluations of its award programs. The recipient agrees to cooperate with the monitors and evaluators. 34 U.S.C. § 10385(b).

28

News Media: The recipient agrees to comply with the COPS Office policy on contact with the news media. The policy establishes the COPS Office Communications Division as the principal point of contact for the news media for issues relevant to the COPS Office or parameters of this award. The recipient agrees to refer all media inquiries on these topics directly to the COPS Office Communications Division at 202-514-9079.

29

Modifications: Award modifications are evaluated on a case-by-case basis in accordance with 2 C.F.R. § 200.308(f). For federal awards in excess of $250,000, any modification request involving the reallocation of funding between budget categories that exceed or are expected to exceed 10 percent (10%) of the total approved budget requires prior written approval by the COPS Office. Regardless of the federal award amount or budget modification percentage, any reallocation of funding is limited to approved budget categories. In addition, any budget modification that changes the scope of the project requires prior written approval by the COPS Office.

30

Public Release Information: The recipient agrees to submit one copy of all reports and proposed publications resulting from this award ninety (90) days prior to public release. Any publications (written, curricula, visual, sound, or websites) or computer programs, whether or not published at government expense, shall contain the following statement:

"This project was supported, in whole or in part, by federal award number [YYYY-XX-XXXX] awarded to [Entity] by the U.S. Department of Justice, Office of Community Oriented Policing Services. The opinions contained herein are those of the author(s) or contributor(s) and do not necessarily represent the official position or policies of the U.S. Department of Justice. References to specific individuals, agencies, companies, products, or services should not be considered an endorsement by the author(s), contributor(s), or the U.S. Department of Justice. Rather, the references are illustrations to supplement discussion of the issues.

The Internet references cited in this publication were valid as of the date of publication. Given that URLs and websites are in constant flux, neither the author(s) nor the COPS Office can vouch for their current validity."

31

Human Subjects Research: The recipient agrees to comply with the provisions of the U.S. Department of Justice's common rule regarding Protection of Human Subjects, 28 C.F.R. Part 46, prior to the expenditure of Federal funds to

perform such activities, if applicable. The recipient also agrees to comply with 28 C.F.R. Part 22 regarding the safeguarding of individually identifiable information collected from research participants.

32

Copyright: If applicable, the recipient may copyright any work that is subject to copyright and was developed, or for which ownership was acquired, under this award in accordance with 2 C.F.R. § 200.315(b). The COPS Office reserves a royalty-free, nonexclusive and irrevocable license to reproduce, publish, or otherwise use the work, in whole or in part (including create derivative works), for Federal Government purposes, and to authorize others to do so. The COPS Office also reserves the right, at its discretion, not to publish deliverables and other materials developed under this award as a U.S. Department of Justice resource.

Products and deliverables developed with award funds and published as a U.S. Department of Justice resource will contain the following copyright notice:

"This resource was developed under a federal award and may be subject to copyright. The U.S. Department of Justice reserves a royalty-free, nonexclusive, and irrevocable license to reproduce, publish, or otherwise use the work for Federal Government purposes and to authorize others to do so. This resource may be freely distributed and used for noncommercial and educational purposes only."

33

Computer Network Requirement: The recipient understands and agrees that no award funds may be used to maintain or establish a computer network unless such network blocks the viewing, downloading, and exchanging of pornography. Nothing in this requirement limits the use of funds necessary for any federal, state, tribal, or local law enforcement agency or any other entity carrying out criminal investigations, prosecution, or adjudication activities. Consolidated Appropriations Act, 2022, Public Law 117-103, Division B, Title V, Section 527.

34

Allowable Costs: The funding under this award is for the payment of approved costs for program-specific purposes. The allowable costs approved for your agency's award are limited to those listed in your agency's award package. In accordance with 2 C.F.R. § 200.400(g), the recipient must forgo any profit or management fee. Your agency may not use award funds for any costs not identified as allowable in the award package.

35

Extensions: Recipients may request an extension of the award period to receive additional time to implement their award program. Such extensions do not provide additional funding. Only those recipients that can provide a reasonable justification for delays will be granted no-cost extensions. Extension requests must be received prior to the end date of the award. 2 C.F.R. §§ 200.308(e)(2) and 200.309.

36

Domestic preferences for procurements: Recipient agrees that it, and its subrecipients, to the greatest extent practicable, will provide a preference for the purchase, acquisition, or use of goods, products, and materials produced in, and services offered in, the United States. 2. C.F.R. § 200.322 and Executive Order 14005, Ensuring the Future is Made in All of America by All of America's Workers, January 25, 2021.

[X]
I have read and understand the information presented in this section of the Federal Award Instrument.

Award Acceptance

Declaration and Certification to the U.S. Department of Justice as to Acceptance

By checking the declaration and certification box below, I--

A. Declare to the U.S. Department of Justice (DOJ), under penalty of perjury, that I have authority to make this declaration and certification on behalf of the applicant.

B. Certify to DOJ, under penalty of perjury, on behalf of myself and the applicant, to the best of my knowledge and belief, that the following are true as of the date of this award acceptance: (1) I have conducted or there was conducted (including by applicant's legal counsel as appropriate and made available to me) a diligent review of all terms and conditions of, and all supporting materials submitted in connection with, this award, including any assurances and certifications (including anything submitted in connection therewith by a person on behalf of the applicant before, after, or at the time of the application submission and any materials that accompany this acceptance and certification); and (2) I have the legal authority to accept this award on behalf of the applicant.

C. Accept this award on behalf of the applicant.

D. Declare the following to DOJ, under penalty of perjury, on behalf of myself and the applicant: (1) I understand that, in taking (or not taking) any action pursuant to this declaration and certification, DOJ will rely upon this declaration and certification as a material representation; and (2) I understand that any materially false, fictitious, or fraudulent information or statement in this declaration and certification (or concealment or omission of a material fact as to either) may be the subject of criminal prosecution (including under 18 U.S.C. §§ 1001 and/or 1621, and/or 34 U.S.C. §§ 10271-10273), and also may subject me and the applicant to civil penalties and administrative remedies under the federal False Claims Act (including under 31 U.S.C. §§ 3729-3730 and/or §§ 3801-3812) or otherwise.

Agency Approval

Title of Approving Official	Name of Approving Official	Signed Date And Time
Acting Director	ROBERT CHAPMAN	9/28/22 2:23 AM

Authorized Representative

Declaration and Certification (Law Enforcement Executive/Program Official)

Entity Acceptance

Title of Authorized Entity Official
Chief of Police

Name of Authorized Entity Official
JOHN EWANCIW

Signed Date And Time
12/5/2022 6:24 PM

Declaration and Certification (Government Executive/Financial Official)

Entity Acceptance

Title of Authorized Entity Official
Mayor

Name of Authorized Entity Official
Joseph DeStefano

Signed Date And Time
12/14/2022 2:44 PM

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 2, 2024
Index No: 57-24

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

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

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

Prepared by:
Rick McCormack, City Clerk

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: April 2, 2024
Index No: 58-24

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

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

BE IT RESOLVED; that the Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment authorizes the Treasurer to transfer $13,500, in the following manner, to cover unanticipated tuition for 3 new career firefighters which was not budgeted.

FROM	TO	AMOUNT
General fund Balance	A.3410.433 Personnel Training	$13,500

Prepared by:
Bill Kelder, Treasurer

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: April 2, 2024
Index No: 59-24

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

Authorization to Enter into an Agreement with Police Executive Research Forum for De-escalation Training on behalf of the Orange County Chief's Association

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 Police Executive Research Forum for De-escalation Training on behalf of the Orange County Chief's Association

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 or his designee to sign the agreement.

Prepared by:
John Ewanciw, Chief of Police

Attachments:

1.	image41334

AGREEMENT BETWEEN
CITY OF MIDDLETOWN, NY IN PARTNERSHIP WITH THE POLICE CHIEFS ASSOCIATION OF ORANGE COUNTY, AND THE POLICE EXECUTIVE RESEARCH FORUM

RECITALS

1. The Police Executive Research Forum (referred to hereinafter as "Contractor") of Washington, D.C., is engaged in providing research, studies, audits, technical assistance, training, executive search and other professional support and consulting services to police and sheriff's departments, other law enforcement agencies at all levels of government, and police related organizations in the United States and Canada. The City of Middletown, NY, through the Middletown Police Department, and in partnership with the Police Chiefs Association of Orange County, provides law enforcement services to the citizens of Orange County.

2. The City of Middletown, NY, in partnership with the Police Chiefs Association of Orange County, in the interest of providing high quality services, desires to utilize Contractor.

3. In consideration of the mutual promises set forth herein, it is agreed by and between the City of Middletown, NY, in partnership with the Police Chiefs Association of Orange County, and Contractor as follows:

SECTION ONE
SERVICES TO BE PERFORMED

The Contractor will provide the City of Middletown, NY, in partnership with the Police Chiefs Association of Orange County, with a 1.5-day train-the-trainer course on ICAT: Integrating Communications, Assessment, and Tactics (ICAT). Training will be held April 30-May 1, 2024 at a location of the Association's choice. PERF will additionally provide quality control for one ICAT class once ICAT classes commence at the Orange County Police Academy, with the dates being determined by mutual agreement between PERF and the Orange County Police Chiefs Association. ICAT is designed to help officers to safely and professionally resolve critical incidents involving individuals who may pose a danger to themselves or others, but who are not armed with firearms. Reducing the need to use deadly force, upholding the sanctity of life, building community trust, and protecting officers from physical, emotional, and legal harm are the cornerstones of ICAT.

PERF will utilize and share an instructor guide and video case studies to demonstrate scenarios and discuss ICAT techniques. PERF will provide examples on how to implement scenario-based training with the ICAT program.

SECTION TWO
INDEPENDENT CONTRACTOR

The parties to this contract agree that the relation created by this contract is that of the City of Middletown, NY, in partnership with the Police Chiefs Association of Orange County – and – an independent contractor (PERF). No federal, state, or local income tax nor any payroll tax of any kind shall be withheld or paid by the City of Middletown, NY, in partnership with the Police Chiefs Association of Orange County on behalf of the Contractor. The Contractor shall not be treated as an employee with respect to the services performed hereunder for federal or state tax purposes. The Contractor is not eligible for, and shall not participate in any employer pension, health, or other fringe benefit plan of the City of Middletown, NY, in partnership with the Police Chiefs Association of Orange County. The City of Middletown, NY, in partnership with the Police Chiefs Association of Orange County will not obtain workers' compensation insurance for the Contractor and the Contractor agrees to comply with applicable workers' compensation laws. The Contractor shall adhere to all laws and ethical standards applicable and shall perform in a manner consistent with generally accepted standards.

SECTION THREE
TERMS OF PAYMENT

The effective date of the contract shall be March 12, 2024, and shall not extend beyond the estimated completion date of September 30, 2024 unless further extended by amendment to this contract. As compensation for performance hereunder, and upon timely and satisfactory completion of the train-the-trainer course and provision of quality control, the City of Middletown, NY, in partnership with the Police Chiefs Association of Orange County shall pay the Contractor a fixed fee of $37,760.00. This flat rate includes fees for work performed, all travel expenses and other expenses associated with completion of this contract.

SECTION FOUR
LIMITATION ON DELEGATION OF SERVICES

The Contractor agrees not to delegate any duties under this contract without the City of Middletown, NY, in partnership with the Police Chiefs Association of Orange County's express consent.

SECTION FIVE
CONTROL OF WORK

Contractor, as an independent contractor, retains the right to generally control or direct the manner or means by which the work assigned and described herein is to be performed. Any changes to the scope of work will be mutually agreeable.

SECTION SIX
CONFLICTS

The Contractor and its staff hereby warrant that they are under no obligation, agreement, written or verbal, nor have they previously worked or been otherwise in any position which will cause any conflict of interest to arise in connection with the services to be provided to the City of Middletown, NY, in partnership with the Police Chiefs Association of Orange County. This obligation to notify the City of Middletown, NY, in partnership with the Police Chiefs Association of Orange County of any potential conflict of interest pertains to both the basic contractual relationship and specific tasks to be performed under this contract.

SECTION SEVEN
COPYRIGHTS AND DATA

The parties agree that Contractor holds the copyright to any work produced under this agreement. As such Contractor may use, disclose, reproduce, deliver, dispose of, and authorize others to do so in any lawful manner, all such work produced by Contractor.

SECTION EIGHT
NO AUTHORITY TO BIND PERF

PERF, as an independent contractor, has no authority to enter into contracts or agreements on behalf of the City of Middletown, NY, in partnership with the Police Chiefs Association of Orange County.

SECTION NINE
ANTI-ASSIGNMENT

Neither City of Middletown, NY, in partnership with the Police Chiefs Association of Orange County nor Contractor shall assign any interest in this contract without the written consent of the other party.

SECTION TEN
NON-WAIVER FOR MATERIAL BREACH

The failure of either party to exercise any of its rights under this agreement for a material breach thereof shall not be deemed to be a waiver of such rights or a waiver of any such subsequent breach.

SECTION ELEVEN
TERMINATION

Should the Contractor fail to comply with any of the terms or conditions set forth in this contract or should the City of Middletown, NY, in partnership with the Police Chiefs Association of Orange

County determine in good faith that the Contractor is in any way unfit, unqualified, or unable to perform all of the services outlined in this contract, then in that event this contract may be canceled. Neither party shall be responsible, so long as they act reasonably and in good faith, for any failure of performance due to Acts of God, labor disputes, governmental authority or other circumstances clearly beyond the control of the other party.

SECTION TWELVE
SEVERABILITY

If any part of this agreement shall be held unenforceable, the rest of this agreement will nevertheless remain in full force and effect.

SECTION THIRTEEN
WRITTEN NOTICE

Communication regarding this agreement may be sent to Police Executive Research Forum at 1120 Connecticut Avenue, N.W., Suite #930, Washington, DC 20036, Chief John Ewanciew, City of Middletown Police Department, 2 James Street, Middletown Police Department, 2 James Street, Middletown, NY, 10940, and Chief Dominick Blasko, President, Police Chiefs Association of Orange County, 393 County Route 78, Middletown, NY 10940.

SECTION FOURTEEN
GOVERNING LAW

This agreement shall be governed by the laws of the District of Columbia (Washington, D.C.).

SECTION FIFTEEN—USE OF NAMES

Neither party will use the name of the other in any form of advertising or publicity without the express written permission of the other party.

SECTION SIXTEEN—COMPLIANCE

Contractor represents and certifies that neither it nor its principles is presently debarred, suspended, proposed for debarment, declared ineligible or voluntarily excluded from participation in this transaction by any Federal department or agency.

SECTION SEVENTEEN—DISCRIMINATION PROHIBITED

In hiring, employment, subcontracting or consulting arrangements made possible by or resulting from this contract, there will be no unlawful discrimination against any employee, applicant for employment or contractor on account of sex, race, religion, color, national origin or ancestry, age, disability, marital status, or sexual orientation. This shall apply to all business-related activities,

including but not limited to, recruitment and selection; demotion, transfer, lay-off or termination; rates of pay or other forms of compensation and selection for training. The Contractor agrees to include this provision on discriminatory practices in all appropriate subcontracts for work covered by this contract. Furthermore, Contractor agrees to consider the feasibility of dividing total requirements into smaller tasks or quantities so as to permit maximum participation by small and minority firms and women's business enterprises when developing independent contracts for work covered by this contract.

SECTION EIGHTEEN—PERSONAL SAFETY

The City of Middletown, NY, in partnership with the Police Chiefs Association of Orange County agrees to take reasonable measures to facilitate the health and safety of consultants, participants, and instructors during this engagement by following current guidance from the Centers for Disease Control to ensure the safety of consultants, participants, and instructors.

City of Middletown, NY:

_____

SIGNATURE

Date_____

Police Executive Research Forum:

_____

SIGNATURE

Chuck Wexler, Executive Director

Date 3/18/24

Police Chiefs Association of Orange County:

_____

SIGNATURE

Date_____

CITY OF MIDDLETOWN, NEW YORK
COMMON COUNCIL
RECORD OF VOTE

THE FOLLOWING WAS PRESENTED

By: Alderwoman Wray
Seconded by: Alderman Johnson
Date of Adoption: April 2, 2024
Index No: 60-24

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

Authorization to Complete Budget Transfers to Cover the 2023-year End Overdrafts

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 the necessary funds, as detailed on the attached document, from various accounts to cover overdrafts for the year 2023. This is in preparation for the closing of the 2023 fiscal year.

Prepared by:
Leonora Liz, Treasurer

Attachments:

1.	2023 Over draft request

City of Middletown

Finance Department
2023 Over Draft Request to Close the Year

General Fund

Budget Transfer

FROM	ACCOUNT DESCRIPTION	AMOUNT	TO	ACCOUNT DESCRIPTION
A.1010.200	Clerks-Other Equipment	1,415.59	A.1010.100	Clerk Personnel Services
A.1325.103	Finance Overtime	1,063.03	A.1325.401	Finance Travel Expense
A.1325.103	Finance Overtime	233.80	A.1325.479	Finance Personnell Training
A.1325.103	Finance Overtime	140.36	A.1325.479	Equipment Rental
A.1210.495	Miscellaneous	111.12	A.1325.479	Equipment Rental
A.1990.950	Taxes on City Property	8,604.50	A.1325.100	Finance Personel
A.1990.950	Taxes on City Property	8,245.38	A.1325.460	Collection Agreement
A.1990.950	Taxes on City Property	3,847.57	A.1325.480	Finance Office Expense
A.1990.950	Taxes on City Property		A.1325.104	CSEA Longevity Pay
A.1990.950	Taxes on City Property	555.90	A.1331.900	General Expense
A.1990.950	Taxes on City Property	15,655.99	A.1420.489	Litigation Expense
A.1990.950	Taxes on City Property	6,025.80	A.1430.100	Civil Service Personnel
A.1990.950	Taxes on City Property	152.75	A.1430.480	Civil Service Office Expense
A.1990.950	Taxes on City Property	703.64	A.1900.480	Telephone Expense
A.1990.950	Taxes on City Property	2,160.00	A.3010.408	Footware allowance
A.3120.103	Police Overtime	11,480.75	A.3120.100	PERSONAL SERVICES
A.3120.400	Police Contractual Services	1,185.65	A.3120.101	PERSONAL SERVICES
A.3120.400	Police Contractual Services	1,053.04	A.3120.208	EQUIP-DRUG ENFORCEMENT
A.3120.400	Police Contractual Services	131.12	A.3120.410	UNIFORM ALLOWANCE
A.3120.400	Police Contractual Services	55.95	A.3124.103	POLICE TRAFFIC SERVICES.OVERTIME
A.3120.400	Police Contractual Services	627.69	A.3125.103	IMPACT GRANT.OVERTIME
A.3120.400	Police Contractual Services	234.50	A.3133.103	JAG Grant Overtime
A.3120.400	Police Contractual Services	4,830.05	A.3140.103	Fed Reimburse Overtime
A.3120.400	Police Contractual Services	1,044.81	A.3140.103	Stop DWI grant
A.5110.417	Street Maintenance - Gas and Oil	5,064.09	A.5110.440	Street Maintance - Repairs to equipment
A.5142.417	Snow and Ice Gas and Oil	1,517.64	A.5142.440	Snow and Ice Repairs to Equipment
A.6200.100	Economic Development - Personal	165.00	A.6200.10	DRI Façade
A.6772.100	Senior Citizen Personal	443.70	A.6772.103	Senior Citizen Overtime
A.7020.417	General Recreation -Gas and Oil	15,103.33	A.7020.100	General Recreation - Personal
A.7110.417	General Parks - Gas and Oil	2,541.56	A.7110.100	General Parks - Personal
A.8160.417	Waste Collection - Gas and Oil	5,204.00	A.8160.450	Waste Collection Material and Supplies
A.8180.900	Demolition of Buildings	3,824.49	A.8888.900	Audit and Accounting Services
A.9000.812	lOSAP Retirement	35,768.61	A.9000.812	State Retirement System
A.9000.830	Social Security	18,962.50	A.9000.815	Police and Fire Ret System
A.9000.860	State Health Insurance	194,312.49	A.9000.861	Health Ins - Retirees
A.9000.889	Dental Insurance	57,642.29	A.9000.861	Health Ins - Retirees
A.6772.100	Personal Services	13978.16	A.6772.402	Shuttle Bus
A.6772.415	Light and heat	4,412.91	A.6772.402	Shuttle Bus
A.7010.448	Promoter and Sponsor	5,689.93	A.6772.402	Shuttle Bus
A.8160.417	Waste Collection - Gas and Oil	5,094.13	A.8160.450	Repairs to Equipment

	Total	**439,283.82**

Budget Adjustment

Increase Revenue

A.5031	InterFund Transfer	$1,135,252

Increase Expense

A.9730.600	Principle on BAN	564,698.00
A.9730.701	Interest on BAN	2,014.42
A.9710.601	Interest on Bond	87,654.07

Received grant reimbursement to pay extra toward BAN and debt service, efforts to reduce debt

Note

in 2023, CSEA contract was settled and retropay was paid prior to the 2023 Budget Adoption
At the end on 2022, after budget adoption PBA contract was settled, new raises and benefits were implemented
at the end of 2023 NYS Retirement system, increased employee contribution prepayment for both PFRS and ERS by up to 13% for 2023-2024
Cost of inflation effected materials and supplies cost and repairs to equipment in 2023

Community Development Fund

Budget Transfer

FROM	ACCOUNT DESCRIPTION	AMOUNT	TO	ACCOUNT DESCRIPTION
CD.8686.100	Personal Services	1,411.00	CD.8668.457	Program SBL/Pub Serv EN
CD.8686.100	Personal Services	1,330.05	CD.8686.701	Interest of Indebtness
CD.8686.100	Personal Services	1,217.12	CD.8686.860	State Health Insurance
CD.8686.100	Personal Services	5,144.72	CD.8668.457	Program Single/ Multi Family Grant
CD.8686.200	Program Element Other	1,500.00	CD.8668.457	Program Single/ Multi Family Grant
CD.8686.418	Auto Expens EN	119.82	CD.8668.457	Program Single/ Multi Family Grant
CD.8686.456	Program income related SBL/PUB	96.76	CD.8668.457	Program Single/ Multi Family Grant
CD.8686.480	Office Expense EN	602.58	CD.8668.457	Program Single/ Multi Family Grant
CD.8686.482	Advertising	38.52	CD.8668.457	Program Single/ Multi Family Grant
CD.8686.830	Social Security Payments	653.31	CD.8668.457	Program Single/ Multi Family Grant
CD.8686.850	Unemployeement	505.00	CD.8668.457	Program Single/ Multi Family Grant
CD.8686.830	Dental Insurance Mgt	1,338.39	CD.8668.457	Program Single/ Multi Family Grant
	Total	**$ 13,957.27**		

Budget Adjustment

Increase Revenue

CD.2170	CDBG Entitlement Grant	8,582.31

Increase Expense

CD.8668.457		8,582.31	Program Single/ Multi Family Grant
CD.0909	CD Fund Balance	$88,000	CD.8686.701 Principle on Indebtness

Defeasement on Section 108 Bond

Water Fund

Budget Transfer

FROM	ACCOUNT DESCRIPTION	AMOUNT	TO	ACCOUNT DESCRIPTION
F.8320.103	Pumping Station Overtime	13,009.23	F.8310.100	Water Administration Personal Service
F.8320.103	Pumping Station Overtime	3,942.93	F.8320.100	Pumping Station/Supply Personal Services
F.8320.103	Pumping Station Overtime	1,343.46	F.8340.100	Distribution System Personal Services
F.8340.486	Water Mains	3,051.69	F.8888.900	Auditing and Accounting Services
F.9000.830	Social Security Payments	5,342.38	F.9000.810	State Retirement System
F.9000.890	Unused Sick Leave	5,000.00	F.9000.810	State Retirement System

F.9000.850	Unemployement Insurance	1,625.16	F.9000.810	State Retirement System
F.9000.861	State Health Insurance - Retiree	42,144.67	F.9000.860	State Health Insurance
F.9000.889	Dental/Optic Ins - CSEA	13,951.71	F.9000.860	State Health Insurance
F.9000.891	Dental/ MGT	1,054.30	F.9000.860	State Health Insurance
F.9000.896	Meal Allowance	444.25	F.9000.860	State Health Insurance
F.8320.103	Pumping Station Overtime	18,882.30	F.1900.950	Tax on City Property
F.8330.415	Purification Light and Heat	22,483.63	F.1900.950	Tax on City Property
F.9500.904	Interfund Transfer	112,108.84	F.9710.701	Interest on Debt
F.9730.600	Principle on Indebtness	9,522.00	F.9730.900	BAN General Expenses
F.9730.701	Interest on Indebtness	2,014.31	F.9730.901	BAN General Expenses
F.9000.891	Dental MGT	5,785.22	F.9730.902	BAN General Expenses
F.1990.910	Liability Insurance	556.07	F.1331.900	General Expense
F.1990.910	Liability Insurance	417.80	F.1900.950	Telephone Expense
		Total $ 262,679.95		

Note

in 2023, CSEA contract was settled and retropay was paid prior to the 2023 Budget Adoption
at the end of 2023 NYS Retirement system, increased employee contribution prepayment for both PFRS and ERS by up to 13% for 2023-2024
Additional interest due

Sewer Fund

Budget Transfer

FROM	ACCOUNT DESCRIPTION	AMOUNT	TO	ACCOUNT DESCRIPTION
G.1990.910	Liability Ins	556.11	G.1331.900	Data Processing
G.1990.910	Liability Ins	463.96	G.1900.481	Telephone Exp
G.8120.100	Storm and San Personal Services	13,546.00	G.8110.100	Sewer Admin Personal Services
G.8110.480	Sewer Office Expense	1,400.00	G.8110.400	Sewer Admin Contractual Services
G.9000.870	Unused Sick Leave	3,051.70	G.8888.900	Audit and Accting Serv
G.9000.830	Social Security Payments	6,266.14	G.9000.810	State Retirement System
		$ 25,283.91		

Note

in 2023, CSEA contract was settled and retropay was paid prior to the 2023 Budget Adoption
at the end of 2023 NYS Retirement system, increased employee contribution prepayment for both PFRS and ERS by up to 13% for 2023-2024

Goldenarea Fund

Budget Transfer

FROM	ACCOUNT DESCRIPTION	AMOUNT	TO	ACCOUNT DESCRIPTION
GA.5680.440	Repairs to Equipment	1,386.73	GA.9000.810	State Retirement System
GA.5680.481	Telephone Expense	174.61	GA.9000.810	State Retirement System
GA.9000.850	Unemployment Insurance	253.29	GA.9000.830	Social Security Payment
GA.9000.850	Unemployment Insurance	4.03	GA.9000.835	MTA Mobility Tax
GA.5680.495	Miscellaneous	131.40	GA.9000.860	State Health Insurance
GA.9000.891	Dental Insurance Mgt	533.96	GA.9000.861	Health Insurance - Retiree
GA.5680.103	Overtime	704.04	GA.5680.100	Personal Services
		$ 3,188.06		

Budget Adjustment

Increase Revenue

GA.5038 Shuttle Bus Subsidy 24,081.00

Increase Expense

GA.5680.100 24,081.00

to adjust to GA Transportation contract increase from $89,868, city contribution to $113,949, contract renewed in 2024

Capital Fund

FROM	ACCOUNT DESCRIPTION	AMOUNT	TO	ACCOUNT DESCRIPTION
H Fund Balance		1,135,252.00	H.9500.904	Transfer to General

Note

Grant reimbursement owed to General for BAN payment , ADA sidewalk, DRI, South street

CITY OF MIDDLETOWN, NEW YORK
COMMON COUNCIL
RECORD OF VOTE

THE FOLLOWING WAS PRESENTED

By: Alderman Witt
Seconded by: Alderman Kleiner
Date of Adoption: April 2, 2024
Index No: 61-24

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

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

Resolved that the Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment to waive the fees for sidewalk sales in the Downtown Mixed Use District for the weekend of May 3, 4, and 5, 2024 as part of the Business Improvement District's Cinco de Mayo Celebration.

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 Tobin
Date of Adoption: April 2, 2024
Index No: 62-24

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

Authorization to Close Street for the Annual Middletown Little League Parade

RESOLVED; that the Common Council of the City of Middletown authorizes the closing of streets for the Middletown Little League Parade on Saturday, April 6, 2024, beginning at 10:30 AM along the following route: leaving Presidential Park Elementary School, walking up Sunset Street, make left onto Watkins and into Watts Park.

Prepared by:
Rick McCormack, City Clerk

Attachments:

1.	Little League Parade Request

Richard McCormack

From: Rosanna Darrell <rosanna.darrell@middletownnyll.org>
Sent: Tuesday, March 19, 2024 11:04 AM
To: Richard McCormack
Subject: Little League Parade/Opening Day

Good morning, my name is Rosanna Darrell and I am the President of Middletown Little League. I am writing to ask/inform you of our opening day plans. We will be having our parade on Saturday April 6th. We are lining up at Presidential Park at 10 am and kicking off our walk to Watts Park at 10:30. We will walk up Sunset Ave and make a left onto Watkins Ave and continue in to the park. Thank you for assisting us with this request.

Respectfully
Rosanna

Sent from Mail for Windows

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

CITY OF MIDDLETOWN, NEW YORK
COMMON COUNCIL
RECORD OF VOTE

THE FOLLOWING WAS PRESENTED

By: Alderman Masi
Seconded by: Alderman Kleiner
Date of Adoption: April 2, 2024
Index No: 63-24

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

Authorization for the Run 4 Downtown Committee to host an event at Erie Way Park

RESOLVED; that the Common Council of the City of Middletown hereby grants the Run 4 Downtown organization's application to provide beer and wine, on May 9, 2024, at Erie Way Park from 5 PM to 8 PM for a Run 4 Downtown kick-off/event sponsor recognition event.

FURTHER RESOLVED; the approval is conditioned upon the execution of the attached agreement by the applicant and the fulfillment of all requirements outlined in the agreement by the applicant to supply the City with the proper insurance documents and authorize the Mayor to sign the application from the SLA for the provision of beer and wine and temporarily lift the requirements of the City's open container ordinance for this application.

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: April 2, 2024
Index No: 64-24

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

Authorization to Amend City Code to Repeal Chapter 453 of the Code of the City of Middletown, Vacant and Foreclosed Properties

WHEREAS, recently enacted State statutes have significantly reduced the effectiveness of local ordinances regarding the required registration of vacant properties.

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

Section 1. Chapter 453 of the Code of the City of Middletown, Vacant and Foreclosed Properties, be and hereby is repealed.

Section 2. This repealer 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: None
Seconded by: None
Date of Adoption: July 16, 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

Accept Minutes of May 21, 2024

Prepared by:

Attachments:

1.	05.21.24 Minutesa

COMMON COUNCIL MEETING
CITY OF MIDDLETOWN
May 21, 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

PRESIDENT J. MIGUEL RODRIGUES: Please stand for the pledge.

GROUP: I pledge allegiance to the flag of the United States of America, and to the Republic for which it stands, one nation, under God, indivisible, with liberty and justice for all.

PRESIDENT J. MIGUEL RODRIGUES: Roll.

CLERK: Tobin.

ALDERMAN SPARROW TOBIN: Here.

CLERK: Jean-Francois.

ALDERMAN JUDE A. JEAN-FRANCOIS: Here.

CLERK: Johnson.

ALDERMAN PAUL JOHNSON: Here.

CLERK: Wray.

PRESIDENT J. MIGUEL RODRIGUES: Absent

CLERK: Kleiner.

ALDERMAN GERALD P. KLEINER: Here.

CLERK: Green.

PRESIDENT J. MIGUEL RODRIGUEZ: Absent.

CLERK: Witt.

ALDERMAN KATE WRAY: Here.

CLERK: Masi

ALDERMAN JOSEPH G. MASI: Here.

CLERK: President Rodriguez.

PRESIDENT J. MIGUEL RODRIGUES: Here. Approval

of minutes. No nothing this evening. Correspondence.

CLERK: Yes, we have a letter tonight. We have a letter from Mr. Vincent Napolitano, and he reads as follows.

Middletown City Council, please read your next council meeting.

My name is Vini, and I've been a lifelong resident of Middletown, mostly in the First Ward. I served in Vietnam during the war to defend our great country. One of the policies I fought for, and continue to defend, is the right for every eligible person to vote for the person they believe will best serve our residents.

Along with that comes the responsibility of those elected to actually fulfill their oath of office.

I've been following the no-show Orange County legislator Joel Sierra-Sori's story. He has turned his back on us, not attending a meeting since March 30th, 2022. That is over two years yet collecting over $60,000 of taxpayer money along with full benefits.

As a resident of Middletown, I'm appalled. He should immediately resign, or the county's leadership should begin the process of removal by the governor. Why is it that Alderman Joe Masi is the only elected official pursuing this? What about the other 20 members of the

county's legislator or the other eight members of the Middletown City Council?

The good old boys club of protecting a no-show elected official has to end now. This story must continue until we in Middletown have the representation we are entitled to. Is it a coincidence that the only member of the Middletown Council just happens to be also a veteran, having served in the Air Force from 1963 to 1967? We need to hear from the other elected officials. We want to thank Alderman Masi for standing tall and doing the right thing for the people he actually represents.

Mr. Vincent A. Napolitano, 72 Beattie Avenue.

PRESIDENT J. MIGUEL RODRIGUES: Okay, received and filed. Okay, for the good of the city, I want to invite Jacob up. We have a presentation tonight. Order, Mayor.

MAYOR JOSEPH M. DESTEFANO: I'll start. I want to thank you for the opportunity to present tonight with our consultants. And as you can see on the screen, we have the Middletown Reservoir Study. And with us this evening, we have Keith Kelly, a PE, and he's also a senior VP, along with Zach Eichenwald, a PE, and they're here tonight to update our Common Council and our City residents on our efforts to continue to invest in our

water system, and our water sources, and a plan for a robust lasting system for the next hundred years or more.

As you all know, we're in the middle of a lot of water projects and the next logical step is development of additional water resources, and that's where we've been investing our time, money, and that's also where we see our largest growth revenue and potential growth revenue. So, without further ado, the study and evaluation is for the raw water quality in our three reservoirs, and with that I'll have Jacob come up and then do an introduction. Thank you.

PRESIDENT J. MIGUEL RODRIGUES: Thank you.

DPW COMMISSIONER JACOB TWAIL: Good afternoon. Thank you, Mayor. Thank you, Council President, and Council Members. As you know, we've been -- the mayor has been updating you on a regular basis. We've been investing very heavily in our water system in there -- our water system goes to the -- started in the late 1800 and it's been functioning and doing very well serving the City of Middletown residents, some people in the Town of Wallkill -- some residents in the Town of Wallkill, Town of Wayweonda, and now the Mayor, he's working with the county executive to extend it all the way into Goshen, with our commitment to Amy's Kitchen possibly supplying the Town of Goshen and enhance economic development

there. That's in the works right now.

Also, CDM, they have a proposal before the county executive and other consortium of towns and villages around us to develop the Indigo Reservoir for a water source -- additional water source for the City of Middletown, which will enhance our shed field and increase it.

So, as we are building -- we've been updating you, you know, rebuilding our dams at our reservoirs; our reservoirs really are the soul of our water system and the raw water quality in there is extremely important. The mayor also has been updating you about the two grants that we obtained from DEC, $3 million each, in order to purchase and preserve for evergreen all the areas within our watershed around our reservoirs. We spent quite a bit of money so far, and we are still spending more money in order to purchase additional watershed.

Having said all that, now we have to focus on our reservoirs and their -- the actual water and what we have right now. And for years the city has been using copper sulfate in there for treatment of algae, and copper sulfate has been working for us tremendously, very well as has been working out through the rest of the country.

However, it has a disadvantage, which is copper

settles to the bottom of the reservoir and eventually it builds up. It builds up and some kind of an upset within the reservoir could make this soluble copper come up -- become soluble and then we have it in our drinking water and becomes a problem, because it's a regulated contaminant within the Department of Health.

So, with that we, the mayor and I, with the support of the Common Council, Common Council President, and all of you, we appreciate all your efforts. We hired CDM Smith to do this study for us and basically figure out what we have, how much copper we have in our -- at the bottom of our reservoirs, alternate treatment -- there are newer treatments that we could use and I'm not going to take the wind out of their sail. They will make a presentation to that.

So, we're looking for alternate method to using -- instead of using just copper sulfate and putting up with copper at the bottom of our reservoirs building up, building up for all these -- for decades. We're trying to find an alternate treatment. And with that I will turn it to Keith, the Senior Vice President with CDM Smith, a big environmental engineering and transportation engineering company. They're national and international. And with him is Zach, he came from Boston, from their main headquarters in Boston. I'll turn it over to you,

guys.

KEITH KELLY: Thank you, Jacob. Thank you, Jacob.

As Jacob said, the health of your reservoir is very important. When you had a problem in '22, the algae blooms, Jacob reached out to us. We do a lot of algae work across the country in the health of reservoirs.

Zach, come on up, Zach, is going to go through the detailed presentation, I'll be very short. But he's done a lot of work throughout New England and New York on reservoir and health studies and algae's. He's an expert in it, so with that, I'm going to hand it over and let him walk you through it.

ZACH EICHEWALD: Okay. Thank you, Keith, and thanks for inviting me to speak here tonight.

So, I'm going to spend about 15 minutes or so covering some of the work that Jacob has asked our firm to come in and advise the city on. I'm first going to start with a little bit of background just to make sure that we're all on the same page and talking a similar language.

I'll then talk about what we learned about the 2022 algal bloom that happened in fall of 2022 and caused taste issues in the distribution system. That led us to recommend additional data be collected to better

understand the causes of potential water quality concerns in the reservoirs. So, I'll go over some of our data recommendations and then the findings that we're able to draw from those -- the data collected in 2023; and then I'll conclude with next steps, future work, and some recommendations.

DPW COMMISSIONER JACOB TWAIL: (Indiscernible) PowerPoint. People may not be able to see it.

ZACH EICHEWALD: Oh, yes.

DPW COMMISSIONER JACOB TWAIL: (Indiscernible).

ZACH EICHEWALD: Yes, and I'm told that the PowerPoint is unfortunately not presenting on the TV feed, but it will be put onto the TV feed after it gets posted.

So just in terms of background, I am not going to narrate this entire map here, but I want to make sure that everyone has name recognition for four different locations that are going to come up throughout this presentation; and those are the water supply reservoirs for Middletown.

So as Jacob mentioned, there are three main reservoirs in Middletown's system. They are all surface water reservoirs. There is Monhagen Reservoir, which is the one in the yellow little kind of elongated watershed there. That is directly adjacent to Middletown's water

treatment plant. Moving to the west, there is Highland Reservoir, and then further west is the Shawangunk Reservoir. So, these are the three main reservoirs, they're fairly large.

There is also the Kinch Pond system, which is that orange watershed all the way to the west; that flows by gravity into Shawangunk Reservoir and represents a fairly large watershed area. So, a large area that water can collect from to be distributed into Middletown's reservoir systems and then into the water supply.

So, when we look at these reservoirs, we need to think about them as a natural system, because they really are lakes that are just out in the environment and algae grows in them. That's normal, that's natural.

From time to time, and this did happen in fall of 2022, we do -- there is the possibility of harmful algal bloom which can cause treatability issues. Can cause the taste issues that were observed in the distribution system.

At the very basic level, algae grows from sunlight and nutrients and in surface water reservoirs like Middletown, that's generally phosphorus. So, if there is too much phosphorus, we can tend to see too much algae that grows in quantities that have adverse impacts. So, taste and if you really have a very large algal

bloom, which we have not observed in the City of Middletown, you can also have toxicity to aquatic life.

So, myself and our firm, we were brought into this by Jacob and the Council to first understand what caused the 2022 algal bloom, and then what could the City of Middletown do to improve its resiliency against having this type of event happen in the future.

So, this is a timeline of what we know from the data about what happened. So, in about mid-October, there was a bloom of -- an algae called Dinobyron in Monhagen reservoir, so that's the reservoir that's right adjacent to the Middletown water treatment plant.

This is an algae species that can cause taste and odor issues, so it's not surprising that this would cause taste and odor issues as it increases in concentrations. The city observed that this was increasing in their water supply, and they sought permission from DEC for an additional copper sulfate treatment that kills the algae. So that happened a couple days later.

Unfortunately, it did not work. When they sampled again in October 26 -- so the end of October and found that the algae had increased in concentration. And this was of course concerning because it was causing taste issues throughout the distribution system.

At this point, the City switched its reservoir supply to Highland Reservoir, which did improve the conditions in the drinking water supply. However, the city, of course, wants to know why did this occur. It's obviously anomalous. This does not typically happen in the fall. So, we looked at existing data that the city has to evaluate what might have caused this to happen in fall of 2022.

So, we looked at data that's being collected by the City of Middletown as well as records of when that copper sulfate algaecide is applied and then looking at climactic data. So, air temperature, like I said, the algae are -- one of the things that helps them grow is sunlight. And algae, they're -- they photosynthesize and grow in that way. Wind speed and cloud cover, so basically the outside external forces that might cause algae to grow.

And our review of this data was that it was a little bit warmer than average in October, so that's already a hint that you might see a higher-than-average algal growth just because there's more sunlight, more warmth to drive that algal growth.

And then separate from that, we looked at a few other factors. There were some fairly high winds in early October and these reservoirs are unique in that

they're deep, which means that they can end up with a very poorly mixed lower level that can accumulate nutrients at the very bottom. That lower level can be mixed up into the reservoir, so you can in essence bring up new nutrients that were not previously available to the algae to grow.

So, wind can cause that mixing to occur, and we believe that did occur in October. So that increased that phosphorus, that fuel for the algae to grow, and it allowed that Dinobyron to have a competitive advantage and take over essentially.

That copper treatment that happened in October, it happened when it was beginning to grow. And this type of algae is a unique one in that it can both metabolize sunlight, and it can also metabolize organic matter. So, if there is a lot of dissolved organic matter as there would be with the algae that has now since been inactivated or killed by that copper sulfate treatment, that can be another source of fuel for that algae to bloom.

So, we believe that is likely another source of why that algae bloom persisted even after that treatment. So, a combination of warmer than typical weather, high winds that brought in more nutrients, more phosphorus to cause that algae to grow, then perhaps some additional

organic matter that could cause that algae to grow further.

So really a unique set of circumstances in 2022, that of course could happen again if all those circumstances align. But nonetheless, we know now that this there is a possibility of seeing this type of event in the in the reservoirs.

So, as we look through the data in the analysis, we learned that we needed some additional information. And most of this information was about where that -- where those sources of phosphorus, where that fuel for the algae to grow was coming from.

Algae -- the phosphorus can come from outside of the reservoir, so from the watershed, and that's why the City of Middletown is committed to purchasing land throughout the watershed to enhance its watershed protection. That's extremely important to reduce sources of external phosphorus load that can come into the reservoir.

It can also come from inside the reservoir. Phosphorus can accumulate in the sediments and be released under certain circumstances into the water column to cause additional phosphorus and additional algae to grow.

So, we wanted to understand where those sources

of nutrients were coming from so, we could better advise Jacob and the city on what actions might be taken to reduce the likelihood of such an event happening in the future.

So, to do this, we did a whole bunch of work. We collected some nutrient work in both inside the reservoir and external to the reservoir. We collected a bathymetric survey, so we understood what the depths are across all three reservoirs; and we also looked at how much phosphorus is within the sediments themselves.

In addition to all that data collection, we also looked into using a different type of algaecide, a hydrogen peroxide-based algaecide that is less toxic to other aquatic life than the copper sulfate based algaecide that Middletown currently uses.

ALDERMAN: I have a question?

ZACH ENCHEWALD: Yes, of course.

ALDERMAN: What's meant by the term bathymetric?

ZACH ENCHEWALD: So, you know what a topographic map is?

ALDERMAN: I do.

ZACH ENCHWALD: So, it's the same as a topographic map, but of a water body.

ALDERMAN: Thank you.

ZACH ENCHWALD: Yep. So exactly the same contours and everything, just inside the water instead of outside.

MAN: (Indiscernible) -- the profile --

ZACH ENCHWALD: Yes, the profile of the bottom of the reservoir. So, the first thing we looked at is nutrient sampling within the reservoirs, and what we found is that the reservoir concentrations are elevated relative to guidance values that we use to tell us that the lake is of low productivity. So low likelihood of algae growing.

And the other thing that we found, and I'll just call your attention to that plot on the right, is the big difference between the phosphorus at the surface, which is that red -- the orange and the blue, and the phosphorus at the bottom. That's telling us that there is substantial phosphorus that's being regenerated from within the reservoir. So not only is there phosphorus coming from the watershed, there is also phosphorus coming from the sediments that's adding to the potential to drive algal growth.

We also looked at what's coming in from the watershed. This is where that Kinch Pond system is important, remember that watershed that's all the way to the west. We looked at how much phosphorus is coming in

from Kinch Pond and how much is coming from a transfer between the reservoirs; just to understand how much phosphorus is coming from outside. And this found that there's quite a bit of phosphorus in the Kinch Pond watershed system; and that merits some additional investigation and then hopefully looking for some additional ways to either purchase additional land or implement additional watershed controls to further reduce that source of phosphorus into the into the reservoirs.

Then finally, the sediment phosphorus. We found that this is also high, which was not a big surprise to us based on the levels that we saw from the reservoir sampling themselves. The amount of phosphorus that's available to be released into the water column is the gray lines in that plot at the very bottom.

That red dashed line is a threshold that we use to say it's high. So that suggests that there's a very high amount of phosphorus just sitting in the sediments that can be released under the right conditions, and that is a significant source of the potential for algal growth.

And when we say that under certain conditions, the primary condition under which you see this released is when there's little oxygen in the water. This can happen in -- this happens in reservoirs fairly

frequently, and in Middletown's reservoirs, especially Highland and Shawangunk, a large fraction of the area is low oxygen or no oxygen, which means that that sediment is especially likely to be releasing phosphorus into the water column.

So, all of this data, and I know I went through it very quickly so I'm happy to get into more detail if you'd like, but we used all of this data to help us understand what the sources of nutrients are that could cause algal growth; and then from that look at some recommendations that the City could use to reduce the likelihood of those conditions happening in the future.

And specifically found that phosphorus is high in the reservoirs. That's consistent with the amount of algae that is observed in the reservoirs through the City's monitoring and the need to apply copper sulfate fairly often. We found that there is high sediment load, so there's a lot of nutrients that are being generated from within those in -- the in the reservoirs themselves. That tells us that a treatment of the lake itself might be warranted or is warranted to reduce that source, to cut that source off, to prevent -- to kind of reduce the likelihood that algae grows, because as we reduce the phosphorus, the kind of the store of fuel, then just simply less algae can grow because the algae that are

there use nutrients, and that is a limit on how much algae can survive in the reservoir because once the fuel is gone -- once the phosphorus is gone, you can't grow more algae.

That said, there is still significant external loading, especially from the Kinch Pond system, so that is another source of phosphorus that should be evaluated.

As Jacob mentioned, as I mentioned earlier, the city does currently treat with copper sulfate. It's an algaecide that is used to inactivate or kill algae within the reservoirs. This is typically done every two weeks and is used to prevent algae blooms from occurring, which then could cause taste and odor issues or toxicity issues within the reservoirs.

Copper sulfate, of course, is, or copper rather, is toxic. So, there are other compounds that can be used for this that are much less toxic, and one of those is hydrogen peroxide. It's a algaecide that works to essentially oxidize the cells. It preferentially treats certain types of algae that are especially harmful, can cause taste and odor issues or toxicity issues, and it degrades to relatively inert compounds in the water, as opposed to copper, which settles to the sediments and accumulates.

So, we did a series of three tests, working in

close collaboration with Jacob's team, to understand how well this algaecide works, and at what concentration we would need to use it at. And here's the results from one of our tests and all that we really need to understand from this result here is the lines on this -- on the screen here are showing you how much algae is in that sample.

Samples below that green line, so below the thousand level, that's good. That's where a water supply reservoir wants to be to be providing water that is that is easy to treat. Above yellow, that's when water suppliers start to get concerned. So, all of the samples to the left, those are either pre-treatment, so before any treatment was collected or with a very low dose of the peroxide.

As you go to the right, you see the lines are well below that green line. This is telling us that that peroxide worked and was quite effective for the cyanobacteria that we observed during our testing during this particular round, and we saw that across all three rounds is that it that this technology was effective at reducing concentrations to desirable levels, since -- and I'm saying desirable levels, as I mentioned at the beginning, these are natural systems, you want algae, algae is good for the environment, we just don't want

algae to be in such high concentrations or high levels that it causes concerns for the water supply.

So on to recommendations. So, I've structured this into two buckets. The first is short-term actions that can minimize the impact of algal blooms. And a lot of this is what the City does already and is pretty effective with the use of the copper sulfate. But it really just comes down to closely monitoring the reservoir conditions and make sure that you're proactively treating.

One of the things about treating algae with an algaecide is it's very important to treat it in the very beginning of a bloom. If you start to treat it during a bloom or towards the end of the bloom, your treatment is simply less effective and as we found with that specific type of algae, the Dinobyron that happened in of 2022, it can even enhance the bloom if the conditions are right. So, it's just proactively treating, and it would be a good idea to continue looking at alternative algaecides if we do see large Dinobyron again. So basically, repeating that bench scale test that we worked with the city on in 2023.

So that's short-term, what we can do now while we work to implement additional recommendations and additional actions that can improve the resiliency going

forward. So, we're asking the city to continue what it's doing, so continue collecting the data that we collected in 2023 to help us diagnose where the sources of nutrients are coming from. Continue being able to use copper sulfate because it's effective at reducing the algae levels to that desirable level. Continue that watershed protection work that's critical in a watershed, especially one like Middletown's where the city doesn't actually own large fractions of the watershed because really all that sources of phosphorus come from the land within its watershed. And it's just critical to maintain as much protection of the water supply that you can.

The next recommendation is bringing that test of the peroxide-based algaecide into a full-scale pilot so that the city can begin to become comfortable with the use of this technology at a big scale, and not just at a jar test level. So, we are working with Jacob and his team to formulate some recommendations to continue that work.

The next recommendation is just ongoing surveys. Again, this is just bringing back to how critical it is to be looking for sources of nutrients within the watershed. It's -- that's where it comes from, like I said, that's important. And then finally, looking to develop a longer-term lake management plan.

And this gets to what Jacob was really getting to in his introduction, where we're looking to maintain the resiliency of water quality in these lakes for the next 100 years. So, this consists of looking to implement a in-lake treatment that can reduce that phosphorus level, and one way to do this is to use a technology called aluminum sulfate, which is a chemical treatment that can safely sequester that internal phosphorus. Basically, take all those gray bars and reduce them substantially to reduce the kind of overall reservoir of phosphorus available for the algae to grow.

So that's, those are our findings and recommendations. So, I'm happy to take questions, and I have a lot more slides if you really want details.

PRESIDENT J. MIGUEL RODRIGUES: Alderman Johnson.

ALDERMAN PAUL JOHNSON: I just have a couple of questions.

ZACH ENCHWALD: Please.

ALDERMAN PAUL JOHNSON: I'm sure, they'll want me to turn off my microphone, but that's okay. I'm a veterinarian, so I'll preclude my questions with that caveat.

First of all, what's meant by the term oligotrophic lake? What does that mean? It grows

different types of algae?

ZACH EICHWALD: Yes, so oligotrophic is referring to the trophic state of the lake.

ALDERMAN PAUL JOHNSON: Okay.

ZACH EICHWALD: So, it essentially refers to how productive the lake is or how much algae there is. A oligotrophic lake is characterized by low phosphorus concentrations, generally below 10 micrograms per liter, and it's what we look to as a healthy lake that supports a healthy amount of algae.

ALDERMAN PAUL JOHNSON: That's what I thought.

ZACH EICHWALD: Where you want to -- that's where you want to be if you're looking to support a high-quality water supply. Above that there's mesotrophic and then eutrophic and then hypereutrophic, kind of going up the list --

ALDERMAN PAUL JOHNSON: Yes.

ZACH EICHWALD: -- of how much phosphorus, how much algae there is.

ALDERMAN PAUL JOHNSON: I'm sure you don't know this. There's an ongoing conversation in the veterinary world between the FDA and the veterinarian about copper in pet food --

ZACH EICHWALD: Mm hmm.

ALDERMAN PAUL JOHNSON: -- which is a very

difficult target to elucidate. And there are certain breeds of dogs that if they accumulate copper in their liver, it becomes hepatotoxic. Also, if you have too much phosphorus in your water, if you're disturbing the calcium-phosphorus ratio of your nutrients, so my question to you with that introduction, are copper or phosphorus actually going to go into the potable water that we're drinking? Or does that get taken care of at the water treatment plant?

ZACH EICHWALD: So, I would need to defer to Jacob on questions about treatability, but the copper that is being added to the reservoirs does settle to the bottom. And I'm guessing, Jacob, that, yeah --

ALDERMAN PAUL JOHNSON: But my next question --

ZACH EICHWALD: -- I'm assuming you test and do not have copper.

ALDERMAN PAUL JOHNSON: My next question is, when we pump the water out of the reservoir, is -- are we pumping from the top of the water or the bottom of the water?

ZACH EICHWALD: It's -- the intakes are, I believe, close to the bottom. That's-

DPW COMMISSIONER JACOB TWAIL: : Middle to the top.

ZACH EICHWALD: Middle to the top.

ALDERMAN PAUL JOHNSON: Good answer. Okay, good. Anyway, those are my questions.

DPW COMMISSIONER JACOB TWAIL: : (Indiscernible) so that when the water quality varies, we can adjust our intake.

ALDERMAN PAUL JOHNSON: Okay. So, these elements do get neutralized in water treatment?

DPW COMMISSIONER JACOB TWAIL: Yeah.

ZACH ENCHWALD: Yeah.

DPW COMMISSIONER JACOB TWAIL: Zach did a great job. And usually engineers, once they start talking, they don't stop, so --

PRESIDENT J. MIGUEL RODRIGUES: We know.

DPW COMMISSIONER JACOB TWAIL: You know, yeah, I know. I brought them in here so you can appreciate me. That's why I brought them in.

ALDERMAN PAUL JOHNSON: It's an engineer thing. Okay, go ahead.

DPW COMMISSIONER JACOB TWAIL: So, Dr. Johnson, basically copper, we try to maintain it. This is -- this is really what, what prompted us to do this study is we're concerned about adding all that copper --

ALDERMAN PAUL JOHNSON: Right.

DPW COMMISSIONER JACOB TWAIL: -- which like Zach said, precipitates, it goes back to the bottom of

the reservoir, stays there. But we're worried that sometime where chemistry of the water, the pH or whatever, it changes in there, that will make it soluble, meaning dissolved in the water and comes up and it goes into our system; at which time we don't have the treatment technology to treat it and to remove it.

ALDERMAN PAUL JOHNSON: I didn't think you did.

DPW COMMISSIONER JACOB TWAIL: Yeah, so we're going to keep it out of sight, out of mind, and that's why we're planning for the next 100 years to usually -- hopefully use either alum, which is aluminum sulfate treatment, which is once every few years. That's one option they're looking for us on to that, to see the factor of economy, cost benefit analysis, or hydrogen peroxide.

As you know, hydrogen peroxide, there is no alum, there is no copper, there is nothing in there. It's oxygen and hydrogen.

ALDERMAN PAUL JOHNSON: Right.

DPW COMMISSIONER JACOB TWAIL: And both of them are just basic, you know, non-toxic, you know, it's like water, basically, once they once they are dissolved and treated. So that's what we are looking for. We want to stop using the copper for the very reasons that you mentioned.

ALDERMAN PAUL JOHNSON: All right. I'll just remind you that aluminum is not user friendly either, if it's in our water, it's just the same.

DPW COMMISSIONER JACOB TWAIL: That's exactly right. And that -- and so, you know, our primary coagulant in the water treatment plant is aluminum sulfate, which is aluminum.

ALDERMAN PAUL JOHNSON: Right.

DPW COMMISSIONER JACOB TWAIL: So, if we don't control, and what we do is we dose enough in there in order to remove turbidity and impurity from the water so we can drink it safely without having alum seeping out through our treatment system. And that's a very tough balance in there by watching the pH in there. We have to be within a certain window, otherwise, aluminum will become soluble, will dissolve in the water, and will get out, and we'll have to drink it. And that's when we get into Alzheimer's disease and all that stuff in there.

ALDERMAN PAUL JOHNSON: Right.

DPW COMMISSIONER JACOB TWAIL: So, it's all very involved treatment in there, too. It looks easy from the outside, but once you dig into it, as obviously,

ALDERMAN PAUL JOHNSON: I think the three of us need to stop talking. Thank you very much.

PRESIDENT J. MIGUEL RODRIGUES: So, Jacob and

Zach a quick question. Going back to treatment, is it DAF or our current system? Would that treat it? What kind of system would treat the algae or not even the algae, but the chemicals?

DPW COMMISSIONER JACOB TWAIL: Yeah, this guy's almost like a chemist. So as far as the treatment, dissolved air flotation is the ideal treatment for algae.

PRESIDENT J. MIGUEL RODRIGUES: Okay.

DPW COMMISSIONER JACOB TWAIL: This way you don't have to kill the algae because once you kill the algae, you release all these toxins in there. And if it's very like Zach was saying, if you have a major algae bloom and you go kill the algae, you release all these toxins in there and taste and odor and all that stuff because you're killing the algae. Dissolve air flotation in there, if you have adequately sized system, it will be able to float take the algae out of the raw water, float it and skim it from the top before killing it. So, it's a huge advantage --

PRESIDENT J. MIGUEL RODRIGUES: So, our current system that we have, the new water treatment plant doesn't do that, correct?

DPW COMMISSIONER JACOB TWAIL: We have a combination. We have the dissolved air flotation --

PRESIDENT J. MIGUEL RODRIGUES: You have a

package plant?

DPW COMMISSIONER JACOB TWAIL: Yes, the dissolved air flotation which is equivalent to one-third of our treatment system, and then the other one is the conventional one, but it's working very well together.

PRESIDENT J. MIGUEL RODRIGUES: Okay. Alderman Kleiner.

ALDERMAN GERALD P. KLEINER: Thank you. Do we use any aeration devices like we have up at Davidge Park to add oxygen to the water? Is that effective at all?

ZACH EICHWALD: That is effective in lake control. There is not currently a aeration system in any of the three reservoirs. But that is an option, and it comes down to essentially a cost-benefit analysis of a one-time alum treatment that you hope will last for 10 to 20 years versus a smaller capital investment of the aeration system, but then you have the ongoing O&M costs for either running the pumps, the compressors, many of these systems use oxygen, so then it's the cost of generating that oxygen. So, it's essentially trading over a planning horizon what the different costs are for how much.

ALDERMAN GERALD P. KLEINER: Thank you.

ZACH EICHWALD: Yeah, of course.

PRESIDENT J. MIGUEL RODRIGUES: Okay. Alderman

Tobin.

ALDERMAN SPARROW TOBIN: Just real quick, the hydrogen peroxide, is that -- is it used throughout the country in a lot of places?

ZACH EICHWALD: Yes.

ALDERMAN SPARROW TOBIN: -- and it's a gold standard or one of them?

ZACH EICHWALD: So, I would say the historical gold standard is copper sulfate. That's historically what water reservoir operators have used. I would say recently, there is a push to look for alternatives to copper sulfate, given its toxicity controls. And hydrogen peroxide is a compound that has been very successful in other surface water supplies. So, it's becoming the standard for treatment.

PRESIDENT J. MIGUEL RODRIGUES: Okay, anyone else? Alderman Jean-Francois.

ALDERMAN JUDE A. JEAN-FRANCOIS: I'm going to veer from that topic a little bit. There's been a lot of discussion that I've been hearing around the country, lately, as far as cyber-attack into our water system. Is this something that you guys are looking at?

DPW COMMISSIONER JACOB TWAIL: Not these guys.

ALDERMAN JUDE A. JEAN-FRANCOIS: Not these guys.

ZACH EICHWALD: Yeah, I would need to defer to Jacob on that question.

ALDERMAN JUDE A. JEAN-FRANCOIS: Okay.

DPW COMMISSIONER JACOB TWAIL: Thank you Alderman, yes. The EPA and DOH, and the state controller's office, as a matter of fact, they sent their forensic cyber security team over here to analyze our data and our system. We have an independent SCADA system who is monitoring all our cyber security in there, and making sure that we have the adequate firewalls. And we have, believe it or not, our own system, which is basically, once we are -- most of the time we are unplugged from the internet. Before we designed it so that I can carry a laptop, or the chief operator can carry a laptop and he can change everything, you know, all the controls, all the chemical feeds and all this, we stopped all that.

Right now, our water treatment plant, it's SCADA controlled, but it's literally unplugged from the outside world. The only time we plug it is when our vendor has a secure connection into our SCADA system and he calls in, then we can verify it, then we can plug it in for a certain amount of time, then we unplug it because we don't want to just play that hassle. Otherwise, we do have the adequate firewalls and all the

security system in place. Thank you, Commissioner.

ALDERMAN JUDE A. JEAN-FRANCOIS: Yep.

PRESIDENT J. MIGUEL RODRIGUES: Okay, anyone else? All right, I thank you for everything. Thank you for the presentation.

ZACH EICHWALD: Great, thank you.

PRESIDENT J. MIGUEL RODRIGUES: All right, for the good of the City, if anyone from the public would like to address the council, please step forward. All right, seeing none, remarks of the mayor.

MAYOR JOSEPH M. DESTEFANO: Good evening. I want to thank CDM for the presentation, and also as I mentioned earlier, you know, this is not only our lifeline for the City for drinking, but it's also our financial lifeline. So, any investments we make in this future here are going to be well worth it.

I want to speak briefly on the Run 4 Downtown announcement that we had last Thursday at the Pavilion. It was well attended. I want to thank Anna and Dave Madden from Piccolos for once again organizing the event.

And the Run 4 Downtown will be on the third Saturday in August. And I'm hoping for a large turnout. It's been increasing in participation over the past few years since Covid, you know, put it on hold. So, the

party that was held at the pavilion -- the kickoff party, was a result of some of the major donors and contributors into the program, and I'd like to thank, once again, Greg Townsend and Marshall & Sterling for their $5,000 contribution as the prime sponsor for the Run 4 Downtown. There are many other smaller sponsors, but we have one prime sponsor and that is Marshall & Sterling.

Tomorrow night at the Rotary Club of Middletown will be at Degnan Square. If you've ridden by John Degnan's Square, you've seen the large group of flags there for Memorial Day. They were there by a program that was initiated by the Rotary Club, and they're going to do a brief program tomorrow reading off the names of the people who were there, or the people who are represented there by sponsors from families and friends. And that will be kickoff at 5:30. Mark Fellanzer was our contact on that, and I want to thank the Rotary Club for all they did there.

A group of us had the opportunity to attend the New York Conference of Mayor's Conference up in Lake George, not in Albany, just north of Albany. It was very informative and I'm sure Mr. Masi will be sharing some of his insight into what he learned at the conference through his finance committee and through the meetings coming forward. But it was a very worthwhile conference

to attend, and I want to thank the city officials who attended -- for taking the time away from their families to attend this conference.

You're voting on a few things tonight. One will be the MN&J subdivision and that is the train station at the corner of East Main and Railroad. And if you recall that's the $500,000 grant through Assemblywoman Gunther's office. We will be purchasing it, we will be subdividing off a piece of the property, fencing off the rail track. The property currently is being used by many people on the Heritage Trail, although we don't own it yet, but they're using it. We'll be making improvements on the property with the $500,000 grant. The purchase price is $180,000. The property goes all the way down Railroad Avenue, right -- I believe right up to Sprague Avenue.

So, it's going to be a great addition to the city, and we're looking forward to implementing some type of request for concepts to get some type of revenue-generating business into this facility along with a small welcome center for people using the Heritage Trail.

You're also going to see two grants on the agenda for -- one for $55,000, a planning grant for the Middletown Community Campus, along with a $250,000 grant, both through the auspices of the Senator Skoufis and

Assemblywoman Gunther, working with Maria Bruni and her staff in the Economic Development Office.

The $250,000 was applied for with a pattern for progress. We're combining the two grants. It's a Brownfield grant and we will be developing a plan for the entire campus and addressing the Brownfield issues there.

Our understanding of this grant is once the study is done, this should create access to additional funding -- some state funding for the redevelopment of that campus.

On a small scale, you'll be voting on a transfer for the Amchir Park. It's just a utilization of some leftover funds from the construction of bathrooms at the Fancher-Davidge Park area, and rather than continue to use porta potties in Amchir Park, we're going to upscale Amchir Park and we're going to put in a real bathroom. So -- but that's the $10,000 transfer that you'll be voting on.

And last but not least, the courthouse grant. We were hoping to have a press conference on Thursday. This is the first step to getting the grant through Senator Skoufis of $3 million. We hope to have the news finalized on Thursday, in which he will be making the announcement that we were able to transfer a million of a grant from last year for infill, along with $2 million in

additional grants, and that will bring the City's cost of the court mandate down from $6 million to $3 million.

As you know, this has been an ongoing battle for many, many years with the Office of Court Administration. We sort of gave a commitment that we would split the cost with them due to that courts are no longer local courts, they're more regional courts, especially the Middletown Court. We are doing arraignments for people throughout the county, we're using it as veterans court, drug court, and so we felt that it was not our responsibility to provide 100 percent of the capital cost for a new court as directed by the Office of Court Administration. We had the disagreement for many, many years. We reached an agreement on an alternate plan, finally, and then the last phase was funding. And that's been going on for about two or three years on who's going to pay for the project.

And Senator Skoufis has come through. And if you recall, going back seven or eight years, the original $2.5 million for the acquisition of the property came through Assemblywoman Gunther. So, it's been a long-time project, but it looks like it's coming to fruition. We'll hear on Thursday from the Senator, himself, and hopefully Assemblywoman Gunther, about the grant being finalized. So that's all good news, but your support on

the grant this evening is important for us to process and make sure we get that final decision. I think that's all I have. I do. That's all I have. Do you have any questions?

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

ALDERMAN GERALD P. KLEINER: Thank you. Mayor, are we any closer with the state to the -- getting the psych center property?

MAYOR JOSEPH M. DESTEFANO: Yes. We received an email from them last week that it's cleared its final hurdle. Administratively, there were seven or five different agencies that had to go through on the state level. They have all approved, and the last step is bond council. They're waiting for the bond council approval. We were told by email that we should close it in mid-June. So that will be very -- that will be coming up this mid-June.

ALDERMAN GERALD P. KLEINER: Very good. Thank you.

MAYOR JOSEPH M. DESTEFANO: Yep.

PRESIDENT J. MIGUEL RODRIGUES: Any other questions?

MAYOR JOSEPH M. DESTEFANO: Anyone else?

PRESIDENT J. MIGUEL RODRIGUES: All right.

Thank you, Mayor. Remarks of department heads, Economic Development.

DIRECTOR MARIA BRUNI: Good evening, everyone. I just want to remind everyone that next weekend, May 30th and 31st, our summer concert series begin. And they're going to be kicked off by the Middletown School District on the May 30th. Thursday night is the Mariachi Ensemble and the Middletown High School Jazz Band, and that's at Run 4 Downtown Park. And May 31st, the Marching Middie Drumline, and the Modern Band, and that's at John Degnan Park. Also, the Farmers Market begins on June 1st, so that's -- we have some new vendors this year and farmers, so that's from 8 a.m. to 1 p.m. at Airy Way Park under the pavilion.

We have a ribbon cutting coming up as well, next Friday, Aftermath Barbershop, that's a new shop on North Street 59-61 North Street. And for Community Development Agency we are closing on our Lafayette property this week, and I will give you an update on the closing and everything at our next CDA meeting and that's all I have for tonight.

PRESIDENT J. MIGUEL RODRIGUES: Any questions for Maria? Thank you, Maria. DPW Commissioner.

DPW COMMISSIONER JACOB TWAIL: : Good evening, all. I appreciate your patience with the presentation by

CDM Smith. They've done really an excellent job and they're very thorough, so we appreciate that very much. We appreciate everybody's patience and your support, especially for funding these studies and (indiscernible) and understanding the value of it. With that being said, the reservoirs, Alderman Masi, are 100 percent full, so you can relax. We're in good shape.

The reminder to the public, the grass, please, now we talk about quality of life, the grass, please keep it cut. It shouldn't be higher than six inches, so keep that in mind. We send you this letter for five days warning. If you don't do it, then we're going to come in and do it, not only residential, but commercial or industrial properties, and the charges vary. So that the council will know we billed about $9,100 for just cutting grass on different properties from April 25th until last Friday. So, you know, we don't need to do that. We're not enjoying that. We don't have the manpower to do that, but it's very important to maintain quality of life.

And when the grass is high, please cut it and take care of it.

New York State DEC did their annual inspection -- unannounced annual inspection to our wastewater treatment plant. I don't know why the DEC, they try to

play that cat and mouse, hide, and go seek, I guess. The health department, New York State Department of Health and Orange County Department of Health, they call us in advance to inspect all our water system, which is the most critical, our reservoirs, our water storage tanks, our water system. We arrange, make appointments for one month in advance. The DEC is different. They just drive in and they start inspection as if they're going to catch the big thing. So, we love them.

PRESIDENT J. MIGUEL RODRIGUES: We have nothing to hide, right?

DPW COMMISSIONER JACOB TWAIL: We love them. We absolutely not.

PRESIDENT J. MIGUEL RODRIGUES: Okay.

DPW COMMISSIONER JACOB TWAIL: We're very proud of our wastewater treatment plant, our water treatment plant, and all of our system.

So that I believe it was all satisfactory. You guys will get the report from them as well as the mayor, as well as me, and we'll find out of their inspection. The annual water quality report for 2023 has been published, and I believe there was a link that was sent out through the water bill, and it is available for anybody who wants to know about our water quality, our raw water, what we have in our water.

If you have any questions, please call our office DPW 343-3169. The phone numbers are there. The mayor's office is there. My office is there. The phone numbers, you can contact us with any questions whatsoever about our water, the quality of the water, what you drink every day, and what you use. And we take that very seriously, that work.

We have three resolutions before you tonight. One is for CPL. They've been involved with the inspection of Highland Avenue tank. Highland Avenue tank, the contractor really is not on top of his game. He does quality work, but management-wise, very poor. That's Highland Avenue water storage tank. The tank has been painted, has been put online as of February 17th, somewhere in that area, I have my notes in there, the exact date. Make a long story short, the painting had to be dragged into a winter condition, so we had to hire a specialty contractor -- specialty inspector to make sure that the paint is being applied at the optimum ambient conditions for it to meet the manufacturer's recommendation and warranty, so that's an extra expense. Extra expense with a longer, much longer inspection time so should have ended completion of the contract was I believe in October. We're still not done with the contract. So, there is a change or amendment to the

contract with CPL -- for Clark Patterson Lee, CPL for about $59,000. That was passed by the Board of Estimate and it's before you tonight. There is no additional funding we're requesting. It is going to be funded through the available state revolving fund grant and the contingency of the project, and hopefully we're trying to get some liquidated damages. We're talking to the bonding company of the contractor about liquidated damages to cover our cost, or partially cover our cost. We'll see how far we get with that.

Before you tonight, also talking about what the mayor was saying, and CDM, and myself, and the council president, and all of you about applying for grants. We have three pending grants right now, and the deadline for applying for another grant is June 14th, somewhere in there. Part of the requirement for the grant, it's about $10.2 million, the grant for raw water line from Kinch to Shawangunk to replace it.

That's a 1900 water line. And phase one is -- or we have a grant for phase one which is half of the line this is for the second half for $10.2 million. We can get a grant up to 60 percent of the cost of the project, maximum $5 million which was what happened to us with the previous phase one, and the rest of it is going to be low-interest loan funded by or subsidized by New

York State, a state revolving fund. So, we request your approval for this.

And with that, I just checked with the mayor. My apologies. It did not make the agenda, but it's important for us to pass the resolution -- it was approved for your consideration for -- so we need the resolution from the floor, if possible for WSP -- for inspection and construction management of the traffic operation for $1.4 -- $1,422,000, for some reason it did not make it in the agenda or I did not see it, but we're requesting your approval and that will cover their services from April 2024 to April 2025. And that will be the end of the completion of that project, the traffic operations and everything you see taking place over there.

The funding for this, the $1.4 million, $644,000 has already been secured through Orange County Transportation Council by DOT funding. The remaining just about $800,000 -- just under $800,000, we requested that funding from the Orange County Transportation Council through the TIP, Transportation Improvement Program, through DOT.

So hopefully all that additional expense for the third year inspection of WSP of this big massive project is going to be borne by the project and by the

funding of the project, hopefully is going to be minimal on our taxpayer's expense. So, I would request the council a resolution from the floor if you can.

PRESIDENT J. MIGUEL RODRIGUES: Any questions for Jacob? Jacob, truck three. Is it still, has it sold?

DPW COMMISSIONER JACOB TWAIL: No, (indiscernible) I know it is. I --

PRESIDENT J. MIGUEL RODRIGUES: It's got a lot of metal. We could throw it in the reservoir. Is that kind of metal, too?

DPW COMMISSIONER JACOB TWAIL: Oh, no, no, that would become iron -- iron manganese, that's not good. Iron manganese. No, no, it is. I told our people to put it in. I believe I just signed a couple of papers. It's going to be on auction. If it's not on the auction, it's going to be sold.

PRESIDENT J. MIGUEL RODRIGUES: How long does it take to get on the auction?

DPW COMMISSIONER JACOB TWAIL: I'm sorry?

PRESIDENT J. MIGUEL RODRIGUES: How long did it take?

DPW COMMISSIONER JACOB TWAIL: I don't know. I just told the guys. The guy comes in, he takes pictures, the auctioneer in there and he puts it on his website and

all that stuff.

But we are pursuing it. We're not ignoring it. I told my guys since we had the -- last had this conversation a while ago. It will be there.

PRESIDENT J. MIGUEL RODRIGUES: Okay. Police Chief.

POLICE CHIEF JOHN EWANCIW: Good evening. I just want to highlight the case that we just put a press release out on yesterday. I had spoken to the counsel, briefed the counsel about a month ago in regards to this case. It's a five year old cold case homicide from Knapp Avenue. We did make an arrest about a month ago and just last week we made what we believe to be the final to arrest in this case. As I said before, this is a testament to the hard work that goes in day in, day out by my staff as well as all of our partners in law enforcement.

Key partners in this are the state police and the district attorney's office. Again, on our end, Detective Andrew Rosen, you know, was the lead and he deserves a lot of credit for the effort that he put into this. So, I just want to publicly recognize him once again and just, you know, congratulate him on a good job, along with all the partners that he had with that, with our own staff. And I'm really hoping that this will

bring some peace to the Avalon Medina family as they've suffered the last several years trying to come to a closure for their son. Other than that, I have nothing unless you have questions.

PRESIDENT J. MIGUEL RODRIGUES: Any questions for the Police Chief? Thank you, Chief. Superintendent of Recreation.

SUPERINTENDANT RAELYNN BERTHOLF: Good evening. Just two things. One is the donation from the Middletown Little League. That money is going to be used to have extra clay and help redo the infield of Stevens Field. And the other resolution is just approving the single stall restroom at Amchir Park, like the mayor said so we could get rid of the having the Port-A-Potty there constantly. And that is all I have tonight, any questions any questions?

PRESIDENT J. MIGUEL RODRIGUES: Any questions?

SUPERINTENDANT RAELYNN BERTHOLF: Nope? Thank you.

PRESIDENT J. MIGUEL RODRIGUES: Thank you. Corporation Council.

CORPORATION COUNSEL ALEX SMITH: I don't have anything tonight unless anybody has any questions any questions for our Corporation Counsel? Thank you, Alex. And City Clerk. Any questions for the City Clerk?

Assistant? All right. From Marcia Baldwin, Alderman Masi.

ALDERMAN JOSEPH G. MASI: Excuse me, just a reminder, the Memorial Day parade next Monday at the 27th at 9:30 AM at Thrall Park. We'll just be laying wreaths there. The actual ceremony will be at the Wallkill Veterans Park. We will march down there. It's nine-tenths of a mile, and then we'll have the ceremonies there.

The second thing, quickly is the mayor was correct. A few of us went up to the NICOM conference just outside of Lake George. It was very well attended throughout the entire state, and the sessions were very valuable. He did catch me off guard. I will be happy to prepare something about the sessions that I attended and present it at the next meeting. Thank you.

PRESIDENT J. MIGUEL RODRIGUES: Alderman Witt.

ALDERMAN KATE WRAY: Thank you. I just want to let everybody know that the budget vote and the Board of Education election, the results will probably be on the district website and on Facebook by 9:30 or 10:00. Thank you.

PRESIDENT J. MIGUEL RODRIGUES: Alderman Kleiner.

ALDERMAN GERALD P. KLEINER: Thank you.

Commissioner, I didn't get my hand up soon enough, but the resolution did make it onto our agenda. It just doesn't have a number.

DPW COMMISSIONER JACOB TWAIL: Oh, it didn't?

ALDERMAN GERALD P. KLEINER: It's between 86-24 --

CLERK: 87.24 --

ALDERMAN GERALD P. KLEINER: -- and 88-24, but no number. It says authorization to enter into an agreement with WSP USA for Middletown traffic operations, stage one and two. Is that what you were referring to?

DPW COMMISSIONER JACOB TWAIL: Yes, sir. Yes.

ALDERMAN GERALD P. KLEINER: It's on the second sheet and I guess it would be --

CLERK: It's 87. --

ALDERMAN GERALD P. KLEINER: 87-24.

CLERK: -- 24.

PRESIDENT J. MIGUEL RODRIGUES: 87?

CLERK: A number was skipped.

DPW COMMISSIONER JACOB TWAIL: I don't see it.

ALDERMAN GERALD P. KLEINER: Yeah, so, so it --

DPW COMMISSIONER JACOB TWAIL: I apologize (indiscernible) --

ALDERMAN GERALD P. KLEINER: -- but it's between 86 and 88, so.

DPW COMMISSIONER JACOB TWAIL: Yes.

PRESIDENT J. MIGUEL RODRIGUES: Oh. (Indiscernible).

ALDERMAN GERALD P. KLEINER: It would be 87.

PRESIDENT J. MIGUEL RODRIGUES: It was 1,420,000.

CLERK: Was that on yours?

DPW COMMISSIONER JACOB TWAIL: You're asking me what number it should be, I --

CLERK: It's 87-24.

PRESIDENT J. MIGUEL RODRIGUES: 24.

CLERK: But the number is not there. Yeah, we -- I'll add it.

PRESIDENT J. MIGUEL RODRIGUES: Okay.

CLERK: It's a typo.

PRESIDENT J. MIGUEL RODRIGUES: You'll read that when we go through the resolutions.

CLERK:

ALDERMAN GERALD P. KLEINER: Other than that, nothing this evening. Thank you.

PRESIDENT J. MIGUEL RODRIGUES: Alderman Johnson.

ALDERMAN PAUL JOHNSON: Nothing this evening.

PRESIDENT J. MIGUEL RODRIGUES: Alderman John-Francois?

ALDERMAN JUDE A. JEAN-FRANCOIS: Great presentation from CDM Smith. It seems like our water -- Eric. Good evening. It was a great presentation by C.D.M. Smith. It seems like water supply in good hands. So, thank you.

PRESIDENT J. MIGUEL RODRIGUES: Alderman Tobin.

ALDERMAN SPARROW TOBIN: The other day, I just want to compliment the police department, the fire department. I heard a big screech in front of my house and a smash, and there was a car accident. Someone ran into a telephone pole, and the people were yelling at each other. A guy's taking his shirt off. The police got there. They were calm, cool, collected, the fire department took care of the car, the volunteers were there, and everything was settled, and nothing escalated. So, definitely I'm going to compliment them on handling that situation.

As far as the letter, I'd like to, you know, Mr. Napolitano for his service, and you know, I'd like to, you know, Legislator Sierra, I can't give him legal advice or medical advice, but I do agree with Alderman Masi. You know, as a public servant I would give him the advice and as a constituent living in the district that, you know, I was hoping that he would, you know, get better, but after two years, and I don't want to kick a

person when he's down, but I would advise him to do the right thing and step down. The people have a right to representation. I live in the district and if you can't do it. I think you should step aside, and you could run for the office down the road if you want to. Thank you.

PRESIDENT J. MIGUEL RODRIGUES: New business.

CLERK: A resolution sponsored by Alderman Tobin authorizing the reappointment of Michael Zahorchak to the Civil Service Commission.

PRESIDENT J. MIGUEL RODRIGUES: Resolution sponsored by Alderman Tobin second by Alderman Johnson any discussion? Alderman Masi?

ALDERMAN JOSEPH G. MASI: Just to let you know, I cannot -- I'll have to abstain on this.

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

CLERK: Tobin

ALDERMAN SPARROW TOBIN: Aye.

CLERK: John-Francois.

ALDERMAN JUDE A. JEAN-FRANCOIS: Aye.

CLERK: Johnson.

ALDERMAN PAUL JOHNSON: Aye.

CLERK: Kleiner.

ALDERMAN GERALD P. KLEINER: Aye.

CLERK: Witt.

ALDERMAN KEVIN WITT: Aye.

CLERK: Masi.

ALDERMAN JOSEPH G. MASI: Abstain.

CLERK: Okay. President Rodrigues.

PRESIDENT J. MIGUEL RODRIGUES: Aye.

CLERK: A resolution sponsored by Alderman Masi for the approval of 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 Masi, seconded by Alderman Witt. Any discussion?

CLERK: Tobin

ALDERMAN SPARROW TOBIN: Aye.

CLERK: John-Francois.

ALDERMAN JUDE A. JEAN-FRANCOIS: Aye.

CLERK: Johnson.

ALDERMAN PAUL JOHNSON: Aye.

CLERK: Kleiner.

ALDERMAN GERALD P. KLEINER: Aye.

CLERK: Witt.

ALDERMAN KEVIN WITT: Aye.

CLERK: Masi.

ALDERMAN JOSEPH G. MASI: Aye.

CLERK: President Rodrigues.

PRESIDENT J. MIGUEL RODRIGUES: Aye.

CLERK: A resolution sponsored by Alderman Witt for the authorization to retire a canine Hunter from the Middletown Police Department.

PRESIDENT J. MIGUEL RODRIGUES: The resolution sponsored by Alderman Witt, second by Alderman Tobin. Any discussion? Roll.

CLERK: Tobin

ALDERMAN SPARROW TOBIN: Aye.

CLERK: John-Francois.

ALDERMAN JUDE A. JEAN-FRANCOIS: Aye.

CLERK: Johnson.

ALDERMAN PAUL JOHNSON: Aye.

CLERK: Kleiner.

ALDERMAN GERALD P. KLEINER: Aye.

CLERK: Witt.

ALDERMAN KEVIN WITT: Aye.

CLERK: Masi.

ALDERMAN JOSEPH G. MASI: Aye.

CLERK: President Rodrigues.

PRESIDENT J. MIGUEL RODRIGUES: Aye.

CLERK: A resolution sponsored by Alderman Tobin for the authorization to declare to police vehicles as surplus.

PRESIDENT J. MIGUEL RODRIGUES: Resolution

sponsored by Alderman Tobin, seconded by Alderman John-Francois. Any discussion? Roll.

CLERK: Tobin

ALDERMAN SPARROW TOBIN: Aye.

CLERK: John-Francois.

ALDERMAN JUDE A. JEAN-FRANCOIS: Aye.

CLERK: Johnson.

ALDERMAN PAUL JOHNSON: Aye.

CLERK: Kleiner.

ALDERMAN GERALD P. KLEINER: Aye.

CLERK: Witt.

ALDERMAN KEVIN WITT: Aye.

CLERK: Masi.

ALDERMAN JOSEPH G. MASI: Aye.

CLERK: President Rodrigues.

PRESIDENT J. MIGUEL RODRIGUES: Aye.

CLERK: A resolution sponsored by Alderman Kleiner for the authorization to enter into an agreement with USPUSA for Middletown traffic operations stage one and stage two.

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

CLERK: Tobin

ALDERMAN SPARROW TOBIN: Aye.

CLERK: John-Francois.

ALDERMAN JUDE A. JEAN-FRANCOIS: Aye.

CLERK: Johnson.

ALDERMAN PAUL JOHNSON: Aye.

CLERK: Kleiner.

ALDERMAN GERALD P. KLEINER: Aye.

CLERK: Witt.

ALDERMAN KEVIN WITT: Aye.

CLERK: Masi.

ALDERMAN JOSEPH G. MASI: Aye.

CLERK: President Rodrigues.

PRESIDENT J. MIGUEL RODRIGUES: Aye.

CLERK: A resolution sponsored by Alderman Masi for the authorization to accept a $55,000 grant from the Empire State Development Corporation to create a strategic plan for Middletown Community Campus.

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

CLERK: Tobin

ALDERMAN SPARROW TOBIN: Aye.

CLERK: John-Francois.

ALDERMAN JUDE A. JEAN-FRANCOIS: Aye.

CLERK: Johnson.

ALDERMAN PAUL JOHNSON: Aye.

CLERK: Kleiner.

ALDERMAN GERALD P. KLEINER: Aye.

CLERK: Witt.

ALDERMAN KEVIN WITT: Aye.

CLERK: Masi.

ALDERMAN JOSEPH G. MASI: Aye.

CLERK: Rodrigues.

PRESIDENT J. MIGUEL RODRIGUES: Aye.

CLERK: A resolution sponsored by Alderman Johnson for the authorization to accept a $500,000 crest grant award for the Middletown and New Jersey Railroad Station.

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

CLERK: Tobin

ALDERMAN SPARROW TOBIN: Aye.

CLERK: John-Francois.

ALDERMAN JUDE A. JEAN-FRANCOIS: Aye.

CLERK: Johnson.

ALDERMAN PAUL JOHNSON: Aye.

CLERK: Kleiner.

ALDERMAN GERALD P. KLEINER: Aye.

CLERK: Witt.

ALDERMAN KEVIN WITT: Aye.

CLERK: Masi.

ALDERMAN JOSEPH G. MASI: Aye.

CLERK: Rodrigues.

PRESIDENT J. MIGUEL RODRIGUES: Aye.

CLERK: A resolution sponsored by Alderman John=-Francois for the authorization to accept a grant of $250,772 in Brownfield Opportunity Area funding for the 2023 consolidated funding application.

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

CLERK: Tobin

ALDERMAN SPARROW TOBIN: Aye.

CLERK: John-Francois.

ALDERMAN JUDE A. JEAN-FRANCOIS: Aye.

CLERK: Johnson.

ALDERMAN PAUL JOHNSON: Aye.

CLERK: Kleiner.

ALDERMAN GERALD P. KLEINER: Aye.

CLERK: Witt.

ALDERMAN KEVIN WITT: Aye.

CLERK: Masi.

ALDERMAN JOSEPH G. MASI: Aye.

CLERK: President Rodrigues.

PRESIDENT J. MIGUEL RODRIGUES: Aye.

CLERK: A resolution sponsored by Alderman Witt authorizing to accept a $3,500 donation for the little league for infield clay.

PRESIDENT J. MIGUEL RODRIGUES: A resolution sponsored by Alderman Witt and seconded by Alderman John-Francois. Any discussion? Roll.

CLERK: Tobin

ALDERMAN SPARROW TOBIN: Aye.

CLERK: John-Francois.

ALDERMAN JUDE A. JEAN-FRANCOIS: Aye.

CLERK: Johnson.

ALDERMAN PAUL JOHNSON: Aye.

CLERK: Kleiner.

ALDERMAN GERALD P. KLEINER: Aye.

CLERK: Witt.

ALDERMAN KEVIN WITT: Aye.

CLERK: Masi.

ALDERMAN JOSEPH G. MASI: Aye.

CLERK: President Rodrigues.

PRESIDENT J. MIGUEL RODRIGUES: Aye.

CLERK: A resolution sponsored by Alderman Tobin, for the authorization to enter into an agreement with McCabe and Mack LLP to commence a mortgage foreclosure action against William Scolano and Christina Scolano.

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

CLERK: Tobin

ALDERMAN SPARROW TOBIN: Aye.

CLERK: John-Francois.

ALDERMAN JUDE A. JEAN-FRANCOIS: Aye.

CLERK: Johnson.

ALDERMAN PAUL JOHNSON: Aye.

CLERK: Kleiner.

ALDERMAN GERALD P. KLEINER: Aye.

CLERK: Witt.

ALDERMAN KEVIN WITT: Aye.

CLERK: Masi.

ALDERMAN JOSEPH G. MASI: Aye.

CLERK: President Rodrigues.

PRESIDENT J. MIGUEL RODRIGUES: Aye.

CLERK: A resolution sponsored by Alderman Witt authorizing a $10,076.36 budget transfer to cover the cost of restroom installation at Amchir Park.

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

CLERK: Tobin

ALDERMAN SPARROW TOBIN: Aye.

CLERK: John-Francois.

ALDERMAN JUDE A. JEAN-FRANCOIS: Aye.

CLERK: Johnson.

ALDERMAN PAUL JOHNSON: Aye.

CLERK: Kleiner.

ALDERMAN GERALD P. KLEINER: Aye.

CLERK: Witt.

ALDERMAN KEVIN WITT: Aye.

CLERK: Masi.

ALDERMAN JOSEPH G. MASI: Aye.

CLERK: President Rodrigues.

PRESIDENT J. MIGUEL RODRIGUES: Aye.

CLERK: A resolution sponsored by Alderman Kleiner authorizing to transfer $4,373.35 within the 2024 water budget to cover the cost of training expenses.

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

CLERK: Tobin

ALDERMAN SPARROW TOBIN: Aye.

CLERK: John-Francois.

ALDERMAN JUDE A. JEAN-FRANCOIS: Aye.

CLERK: Johnson.

ALDERMAN PAUL JOHNSON: Aye.

CLERK: Kleiner.

ALDERMAN GERALD P. KLEINER: Aye.

CLERK: Witt.

ALDERMAN KEVIN WITT: Aye.

CLERK: Masi.

ALDERMAN JOSEPH G. MASI: Aye.

CLERK: President Rodrigues.

PRESIDENT J. MIGUEL RODRIGUES: Aye.

CLERK: A resolution sponsored by Alderman Masi authorizing a proposal from Clark Paterson Lee for amendment Number One of additional services for the Highland Avenue water tank project.

PRESIDENT J. MIGUEL RODRIGUES: Resolution sponsored by Alderman Masi, seconded by Alderman Witt. Any discussion? Jacob -- Jacob, just a real quick question. What's the issue again on Highland Avenue?

DPW COMMISSIONER JACOB TWAIL: Highland Avenue tank, the water storage tank.

PRESIDENT J. MIGUEL RODRIGUES: Yeah.

DPW COMMISSIONER JACOB TWAIL: The contractor does quality work, but very poor management, so it's taking him a long time. The contractor should have been done; the original inspection fees was based on finishing the construction in October --

PRESIDENT J. MIGUEL RODRIGUES: Mm hmm.

DPW COMMISSIONER JACOB TWAIL: -- last year. However, we are into May, God bless you, and we're still going on with the construction of the tank, it's not over. We're contacting the bonding company and it's dragging on and on. And we had to get a specialty inspector outside Clark Patterson, who specializes in cold weather painting to make sure that, because, you know, it's within an enclosure, the tank, but we still wanted to have -- to know that we have the most optimum ambient conditions before we apply the paint so that's why.

PRESIDENT J. MIGUEL RODRIGUES: Okay. Thank you.

DPW COMMISSIONER JACOB TWAIL: Yes sir.

PRESIDENT J. MIGUEL RODRIGUES: Roll.

CLERK: Tobin

ALDERMAN SPARROW TOBIN: Aye.

CLERK: John-Francois.

ALDERMAN JUDE A. JEAN-FRANCOIS: Aye.

CLERK: Johnson.

ALDERMAN PAUL JOHNSON: Aye.

CLERK: Kleiner.

ALDERMAN GERALD P. KLEINER: Aye.

CLERK: Witt.

ALDERMAN KEVIN WITT: Aye.

CLERK: Masi.

ALDERMAN JOSEPH G. MASI: Aye.

CLERK: President Rodrigues.

PRESIDENT J. MIGUEL RODRIGUES: Aye.

CLERK: A resolution sponsored by Alderman Johnson authorizing to accept a $3 million Sam grant funding for Senator Skoufis for the former federal courthouse project.

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

CLERK: Tobin

ALDERMAN SPARROW TOBIN: Aye.

CLERK: John-Francois.

ALDERMAN JUDE A. JEAN-FRANCOIS: Aye.

CLERK: Johnson.

ALDERMAN PAUL JOHNSON: Aye.

CLERK: Kleiner.

ALDERMAN GERALD P. KLEINER: Aye.

CLERK: Witt.

ALDERMAN KEVIN WITT: Aye.

CLERK: Masi.

ALDERMAN JOSEPH G. MASI: Aye.

CLERK: President Rodrigues.

PRESIDENT J. MIGUEL RODRIGUES: Aye.

CLERK: A resolution sponsored by Alderman John-Francois authorizing to accept an award of $136,315 for the Division of Criminal Justice Services, DCJS, Law Enforcement Technology Grant.

PRESIDENT J. MIGUEL RODRIGUES: A Resolution sponsored by Alderman John-Francois, seconded by Alderman Masi. Any discussion? Roll.

CLERK: Tobin

ALDERMAN SPARROW TOBIN: Aye.

CLERK: John-Francois.

ALDERMAN JUDE A. JEAN-FRANCOIS: Aye.

CLERK: Johnson.

ALDERMAN PAUL JOHNSON: Aye.

CLERK: Kleiner.

ALDERMAN GERALD P. KLEINER: Aye.

CLERK: Witt.

ALDERMAN KEVIN WITT: Aye.

CLERK: Masi.

ALDERMAN JOSEPH G. MASI: Aye.

CLERK: President Rodrigues.

PRESIDENT J. MIGUEL RODRIGUES: Aye.

CLERK: A Resolution sponsored by Alderman Kleiner authorizing to approve Roosevelt Avenue Eastman agreement.

PRESIDENT J. MIGUEL RODRIGUES: Resolution

sponsored by Alderman Keliner, seconded by Alderman Johnson. Any discussion? Roll.

CLERK: Tobin

ALDERMAN SPARROW TOBIN: Aye.

CLERK: John-Francois.

ALDERMAN JUDE A. JEAN-FRANCOIS: Aye.

CLERK: Johnson.

ALDERMAN PAUL JOHNSON: Aye.

CLERK: Kleiner.

ALDERMAN GERALD P. KLEINER: Aye.

CLERK: Witt.

ALDERMAN KEVIN WITT: Aye.

CLERK: Masi.

ALDERMAN JOSEPH G. MASI: Aye.

CLERK: President Rodrigues.

PRESIDENT J. MIGUEL RODRIGUES: Aye.

CLERK: A resolution sponsored by Alderman Johnson authorizing to amend City code as it pertains to parking regulations for uninspected and unregistered vehicles.

PRESIDENT J. MIGUEL RODRIGUES: Resolution sponsored by Alderman Johnson, seconded by Alderman Masi. Quick question, Chief, or -- is this on our property or City parking lots?

POLICE CHIEF JOHN EWANCIW: Yes, City parking

lots.

PRESIDENT J. MIGUEL RODRIGUES: So, private property, they're not going to go on private property?

POLICE CHIEF JOHN EWANCIW: This doesn't apply to that.

PRESIDENT J. MIGUEL RODRIGUES: Okay. So, all City parks, if you're parking on there, then --

POLICE CHIEF JOHN EWANCIW: Yes, it doesn't change where this is happening, it just changes the definitions of what a violation is.

PRESIDENT J. MIGUEL RODRIGUES: Okay. Roll.

CLERK: Tobin

ALDERMAN SPARROW TOBIN: Aye.

CLERK: John-Francois.

ALDERMAN JUDE A. JEAN-FRANCOIS: Aye.

CLERK: Johnson.

ALDERMAN PAUL JOHNSON: Aye.

CLERK: Kleiner.

ALDERMAN GERALD P. KLEINER: Aye.

CLERK: Witt.

ALDERMAN KEVIN WITT: Aye.

CLERK: Masi.

ALDERMAN JOSEPH G. MASI: Aye.

CLERK: President Rodrigues.

PRESIDENT J. MIGUEL RODRIGUES: Aye.

CLERK: A resolution sponsored by Alderman Masi, authorizing the issuance of $10,000 -- I'm sorry, $10,200,000 bonds, of the City of Middletown, Orange County, New York to pay the cost of the construction of the raw water line replacement from Kinch Reservoir to Shawangunk Reservoir Phase 1 -- I'm sorry, Phase 1B.

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

CLERK: Tobin

ALDERMAN SPARROW TOBIN: Aye.

CLERK: John-Francois.

ALDERMAN JUDE A. JEAN-FRANCOIS: Aye.

CLERK: Johnson.

ALDERMAN PAUL JOHNSON: Aye.

CLERK: Kleiner.

ALDERMAN GERALD P. KLEINER: Aye.

CLERK: Witt.

ALDERMAN KEVIN WITT: Aye.

CLERK: Masi.

ALDERMAN JOSEPH G. MASI: Aye.

CLERK: President Rodrigues.

PRESIDENT J. MIGUEL RODRIGUES: Aye. Audit.

ALDERMAN JOSEPH G. MASI: First of all, you did a great job, Indira. Thank you.

CLERK: Thank you.

PRESIDENT J. MIGUEL RODRIGUES: Yes, great job.

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

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

CLERK: Tobin

ALDERMAN SPARROW TOBIN: Aye.

CLERK: John-Francois.

ALDERMAN JUDE A. JEAN-FRANCOIS: Aye.

CLERK: Johnson.

ALDERMAN PAUL JOHNSON: Aye.

CLERK: Kleiner.

ALDERMAN GERALD P. KLEINER: Aye.

CLERK: Witt.

ALDERMAN KEVIN WITT: Aye.

CLERK: Masi.

ALDERMAN JOSEPH G. MASI: Abstain.

CLERK: President Rodrigues.

PRESIDENT J. MIGUEL RODRIGUES: Aye. Great job.

CLERK: Thank you.

ALDERMAN JOSEPH G. MASI: Move for adjournment.

PRESIDENT J. MIGUEL RODRIGUES: So, moved. (Indiscernible).

ALDERMAN SPARROW TOBIN: Aye.

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.

_____

330 Old Country Road

Suite 300

Mineola, NY 11501

Date: July 2, 2024

CITY OF MIDDLETOWN
COMMON COUNCIL MEETING AGENDA
MAY 21, 2024

1. PLEDGE OF ALLEGIANCE

2. ROLL CALL

3. APPROVAL OF MINUTES

   3.1. Nothing this evening.

4. CORRESPONDENCE, COMMUNICATION AND REPORTS

   4.1. Letter from Vincent A. Napolitano

5. FOR THE GOOD OF THE CITY

6. REMARKS OF THE MAYOR

7. REMARKS OF THE DEPARTMENT HEADS

   7.1. CDM Smith-Update City Reservoir Study and Algee Control

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

    83-24 Reappointment of Michael Zahorchek to the Civil Service Commission

    84-24 Approval of 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

    85-24 Authorization to Retire K9 Hunter from the Middletown Police Department

86-24 Authorization to Declare two Police Vehicles as Surplus

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

88-24 Authorization to Accept a $55,000 Grant From the Empire State Development Corporation to Create a Strategic Plan for Middletown Community Campus

89-24 Authorization to Accept a $500,000 CREST Grant award for the Middletown & New Jersey Railroad Station

90-24 Authorization to Accept a Grant of $250,772 in Brownfield Opportunity Area Funding through the 2023 Consolidated Funding Application

91-24 Authorization to Accept a $3,500 Donation from Little League for Infield Clay.

92-24 Authorization to Enter into an Agreement with McCabe and Mack LLP to commence a Mortgage Foreclosure Action Against William Escolano and Christina Escolano

93-24 Authorizes a $10,076.36 Budget Transfer to Cover the Cost of Restroom Installation at Amchir Park

94-24 Authorization to transfer $4,373.35 within the 2024 Water Budget to Cover the Cost of Training Expenses.

95-24 Authorizes a Proposal from Clark Patterson Lee for Amendment #1 of Additional Services for the Highland Avenue Water Tank Project

96-24 Authorization to Accept $3 million SAM Grant Funding from Senator Skoufis for the Former Federal Court House Project

97-24 Authorization to accept an Award of $136,315 from the Division of Criminal Justice Services (DCJS) Law Enforcement Technology Grant

98-24 Authorization to Approve Roosevelt Ave Easement Agreement

99-24 Authorization to Amend City Code as it Pertains to Parking Regulations for Uninspected and Unregistered Vehices

100-24 A RESOLUTION AUTHORIZING THE ISSUANCE OF $10,200,000 BONDS OF THE CITY OF MIDDLETOWN, ORANGE COUNTY, NEW YORK, TO PAY THE COST OF THE CONSTRUCTION OF THE Raw Water Line Replacement From Kinch Reservoir to Shawangunk Reservoir (PHASE 1B)

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

MAY 13, 2024

MIDDLETOWN CITY COMMON COUNCIL: PLEASE READ AT YOUR NEXT COUNCIL MEETING

MY NAME IS VINNY AND I HAVE BEEN A LIFE LONG RESIDENT OF MIDDLETOWN MOSTLY IN THE FIRST WARD. I SERVED IN VIETMAN DURING THE WAR TO DEFEND OUR GREAT COUNTRY. ONE OF THE POLICIES I FOUGHT FOR AND CONTINUE TO DEFEND IS THE RIGHT FOR EVERY ELIGIBLE PERSON TO VOTE FOR THE PERSON THEY BELIEVE WILL BEST SERVE OUR RESIDENTS. ALONG WITH THAT COMES THE RESPONSIBILITY OF THOSE ELECTED TO ACTUALLY FULFILL THEIR OATH OF OFFICE.

I HAVE BEEN FOLLOWING THE " NO SHOW " ORANGE OUNTY LEGISLATOR JOEL SIERRA STORY. HE HAS TURNED HIS BACK ON US, NOT ATTENDING A MEETING SINCE MARCH 30, 2022, THAT IS OVER TWO YEARS YET COLLECTING OVER $60,000 OF TAXPAYERS MONEY ALONG WITH FULL BENEFITS.

AS A RESIDENT OF MIDDLETOWN I AM APPALLED, HE SHOULD IMMEDIATELY RESIGN OR THE COUNTY LEADERSHIP SHOULD BEGIN THE PROCESS OF REMOVAL BY THE GOVENOR.

WHY IS IT THAT ALDERMAN JOE MASI IS THE ONLY ELECTED OFFICIAL PURSUING THIS? WHAT ABOUT THE OTHER 20 MEMBERS OF THE COUNTY LEGISLATURE OR THE OTHER 8 MEMBERS OF THE MIDDLEOWN CITY COUNCIL?

THE"GOOD OLD BOYS CLUB" OF PROTECTING A NO SHOW ELECTED OFFICIAL HAS TO END NOW.

THIS STORY MUST CONTINUE UNTIL WE IN MIDDLETOWN HAVE THE REPRESENTATION WE ARE ENTITLED TO.

IS IT A COINCIDENCE THAT THE ONLY MEMBER OF THE MIDDLETOWN COUNCIL JUST HAPPENS TO ALSO BE A VETERAN, HAVING SERVED IN THE AIR FORCE FROM 1963 TO 1967.

WE NEED TO HEAR FROM THE OTHER ELECTED OFFICIALS. I WANT TO THANK ALDERMAN MASI FOR STANDING TALL AND DOING THE RIGHT THING FOR THE PEOPLE HE ACTUALLY REPRESENTS.

Vincent A. Magaldino 72 Beattie Ave. MIDTN

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 21, 2024
Index No: 83-24

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	6		1	2

I hereby approve the attached Resolution/Local Law.

Joseph M. DeStefano, Mayor

Date

Reappointment of Michael Zahorchek to the Civil Service Commission

BE IT RESOLVED that the Common Council of the City of Middletown concurs with the Mayor's reappointment of Michael Zahorchak to the Civil Service Commission for the period of June 1, 2024, through May 31, 2030.

Prepared by:
Joe Masi, Alderman

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: May 21, 2024
Index No: 84-24

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

Approval of 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 applicant, Middletown and New Jersey Railroad, has presented the City of Middletown Common Council 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 City of Middletown wishes to purchase the subject railroad property for its use, requiring a change in the lot lines for the continued safe operation of the freight line, and

WHEREAS, the Common Council has issued a Negative Declaration for SEQRA purposes pursuant to Article 8 of the Environmental Conservation Law, and

WHEREAS, the applicant has complied with all applicable requirements for final subdivision approval, and

WHEREAS, a public hearing was held on May 7, 2024.

NOW THEREFORE BE IT RESOLVED by the Common Council of the City of Middletown that final subdivision approval be and hereby is granted to the application to subdivide the properties located at tax parcels Section 36, Block 11, Lot 3, and Section 36, Block 11, Lot 1.1 as shown on a map entitled "Lot Line Change Map" prepared by Lanc & Tully Engineering and Surveying, dated April 8, 2024, and filed in the Office of the Middletown Common Council Clerk, and

BE IT FURTHER RESOLVED by the Common Council that the applicant is directed to submit all necessary documents to the Office of the Orange County Clerk to file and record this subdivision within 60 days of this Resolution.

Prepared by:
Rick McCormack, City Clerk

Attachments:

1.	Notice of Public Hearing O and W Rail Bed
2.	O and W Subdivisio Public Hearing Notice Affidavit
3.	PH Minutes 2 Lot Sub Division for Rail Bed
4.	OC Planning Referral for O and W Subdivision
5.	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

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MARIAH VERHAGEN
Notary Public
State of Wisconsin

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).

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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

CITY OF MIDDLETOWN, NEW YORK
PUBLIC HEARING
May 7, 2024

The City Clerk opened the public hearing and read the following notice.

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

Attendance: Mayor DeStefano, Council President Rodrigues, Members of the Common Council, Commissioner of Public Works Jacob Tawil, City Clerk Richard P. McCormack and various Department Heads.

Mayor DeStefano and Commissioner Tawil spoke about the need for the sub division as part of the process of the City to purchase the land. The City plans to create a welcome center for the Heritage Trail as well as additional parking for the trail. They also plan to find some additional uses for the building.

There were no other speakers.

A motion was made by Alderman Masi, and seconded by Alderman Johnson to close the public hearing. It was unanimously approved.

Respectfully submitted,

Richard P. McCormack
City Clerk

Steven M. Neuhaus
County Executive

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:

Tax Map No.:

Local Referring Board:

Tax Map No.:

Applicant:

Tax Map No.:

Project Name:

Local File No.:

Location of Project Site:

Zoning District:

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

Type of Review:

- ☐ Comprehensive Plan Update/Approval
- ☐ Zoning Amendment
  - ☐ Zoning District Change, from
    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: Choose an item.
- ☐ Other:

Local Board comments/elaboration:

Name/Signature of local official	Date	Title

Municipal Contact Phone No.:

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

LANC & TULLY
Engineering and Surveying, P.C.

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:

P.O. Box 687, Goshen, New York 10924 | (845) 294-3700
www.lanctully.com

(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.

LANC & TULLY
Engineering and Surveying, P.C.

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;

P.O. Box 687, Goshen, New York 10924 | (845) 294-3700
www.lanctully.com

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

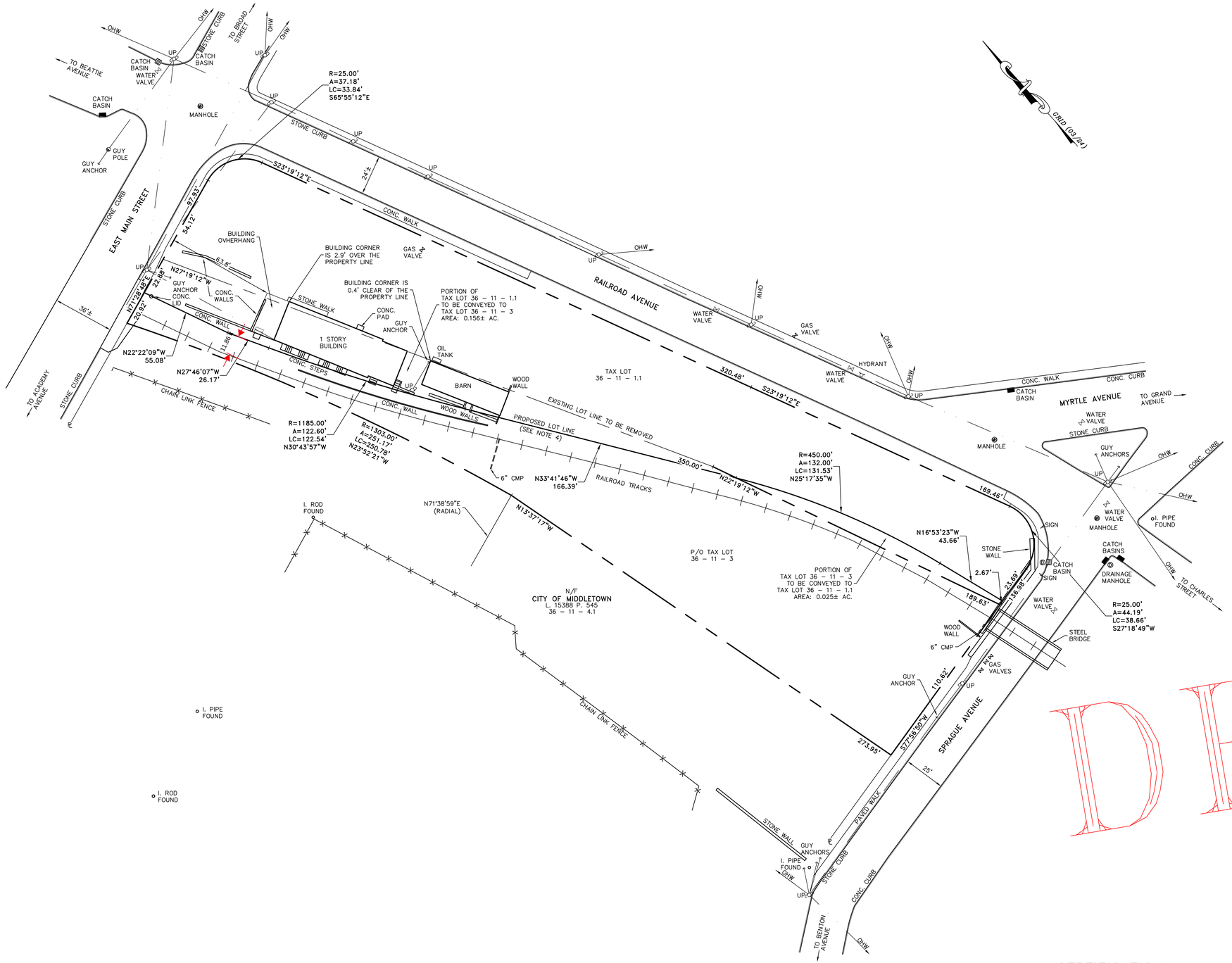
(10) On a curve to the left, having a radius of 1,303.00 feet, an arc length of 251.17 feet, radial which bears South 71 degrees, 38' 59" West, as defined by the chord North 23 degrees, 52' 21" West, a distance of 250.78 feet, to the point or place of BEGINNING.

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:

1. THIS SURVEY IS SUBJECT TO ANY FINDINGS OF A TITLE SEARCH.
2. SUBSURFACE STRUCTURES AND UTILITIES NOT VISIBLE AT THE TIME OF SURVEY HAVE NOT BEEN SHOWN.
3. 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.
4. 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

GRAPHIC SCALE

30 0 15 30 60 120

(IN FEET)
1 inch = 30 ft.

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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

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

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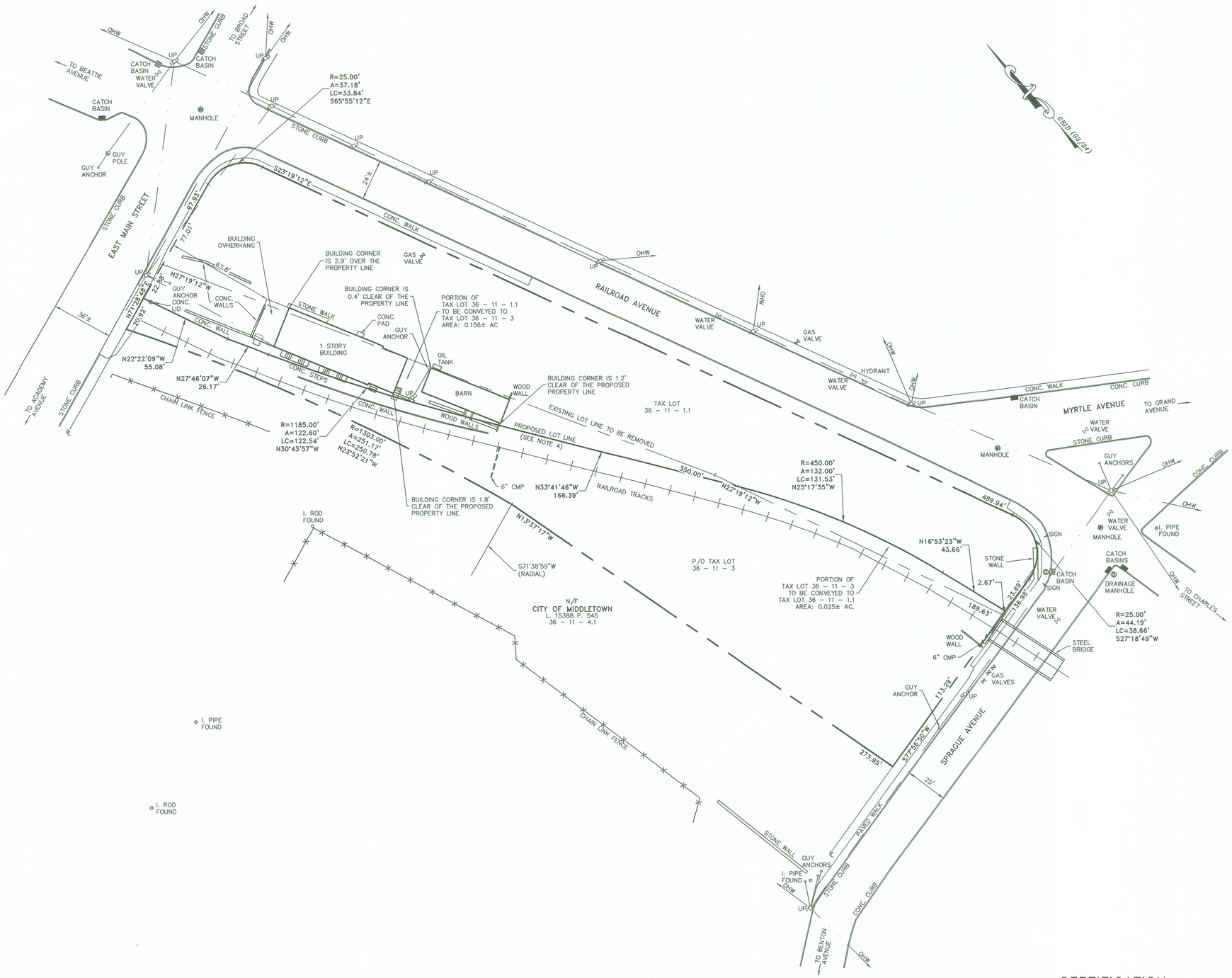
LANC & TULLY
Engineering and Surveying, P.C.
P.O. Box 687, Rt. 207
Goshen, N.Y. 10924
(845) 294–3700

LOT LINE CHANGE MAP PREPARED FOR

CITY OF MIDDLETOWN

CITY OF MIDDLETOWN
ORANGE COUNTY, NEW YORK

Date:	APRIL 2, 2024
Revisions:	
CAD File:	240031–LL–CHANGE.DWG
Layout:	SVY
Sheet No.:	1 OF 1
Drawn By:	EK
Checked By:	
Scale:	1" = 30'
Tax Map No.:	AS NOTED
Drawing No.:	C3D B– 24 – 0031 – 01



NOTES:

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2. SUBSURFACE STRUCTURES AND UTILITIES NOT VISIBLE AT THE TIME OF SURVEY HAVE NOT BEEN SHOWN.
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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
P/O TAX LOT	36 - 11 - 3	0.831± AC.
TOTAL:		1.579± AC.

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GRAPHIC SCALE

30 0 15 30 60 120

(IN FEET)
1 inch = 30 ft.

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CITY OF MIDDLETOWN
MIDDLETOWN & NEW JERSEY RAILROAD LLC

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

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LANC & TULLY
Engineering and Surveying, P.C.
P.O. Box 687, Rt. 207
Goshen, N.Y. 10924
(845) 294-3700

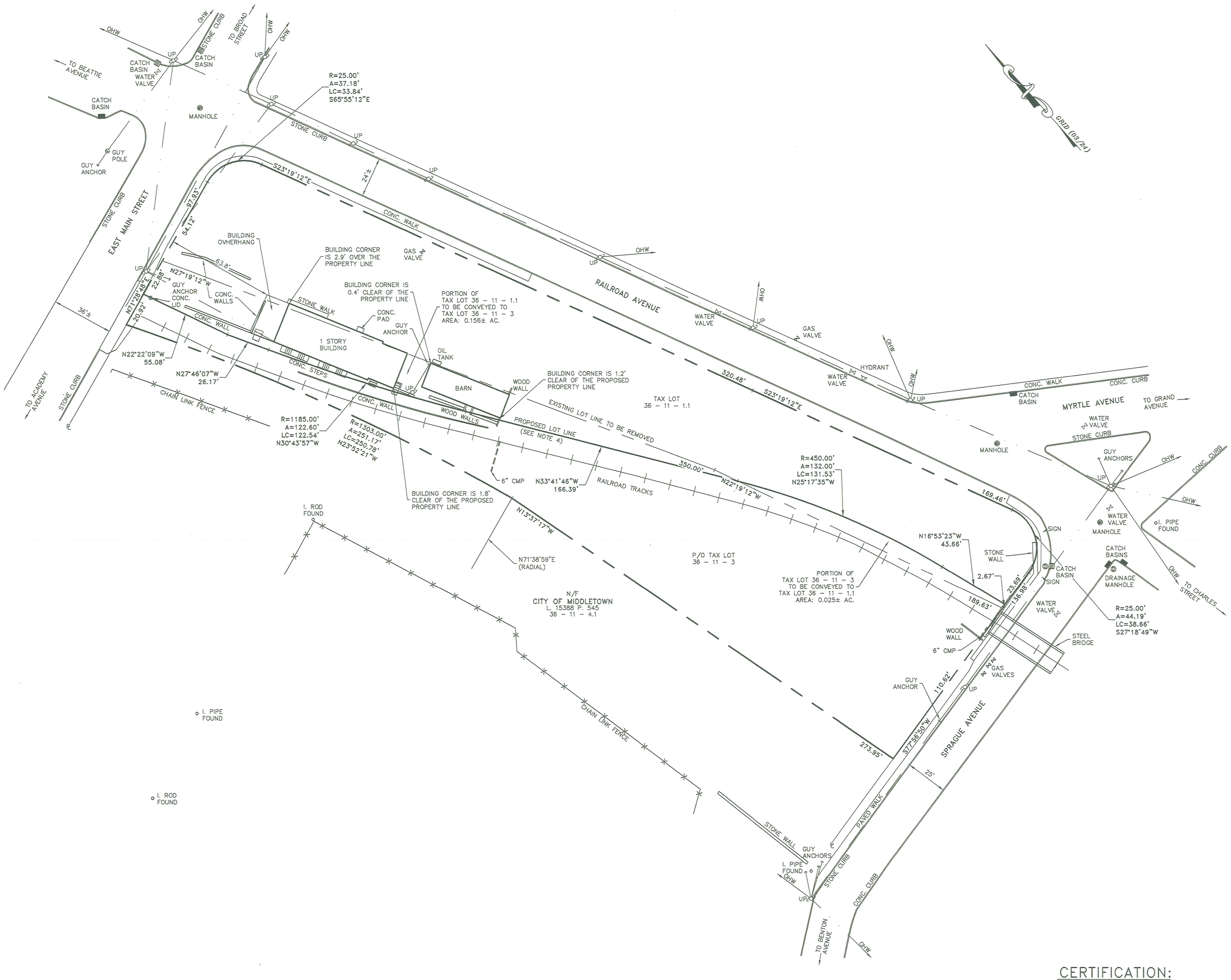
LOT LINE CHANGE MAP PREPARED FOR

CITY OF MIDDLETOWN

CITY OF MIDDLETOWN
ORANGE COUNTY, NEW YORK

Date:	APRIL 4, 2024
Revisions:	APRIL 8, 2024
CAD File:	240031-LL-CHANGE.DWG
Layout:	LL-CHANGE
Sheet No.:	1 OF 1
Drawing No.:	C3D B- 24 – 0031 – 01

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



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505 SOUTH BROAD STREET
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CITY OF MIDDLETOWN
MIDDLETOWN & NEW JERSEY RAILROAD LLC

BY: _____
JERRY A. WOODS, LS
NEW YORK STATE LICENSE NO. 50866

STATE OF NEW YORK · JERRY A. WOODS · 50866 · LICENSED LAND SURVEYOR

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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.:	Date:
EK		1" = 30'	AS NOTED	APRIL 4, 2024

Revisions:

CAD File: 240031-LL-CHANGE.DWG
Layout: LL-CHANGE
Sheet No.: 1 OF 1
Drawing No.: C3D 8- 24 – 0031 – 01

CITY OF MIDDLETOWN, NEW YORK
COMMON COUNCIL
RECORD OF VOTE

THE FOLLOWING WAS PRESENTED

By: Alderman Witt
Seconded by: Alderman Tobin
Date of Adoption: May 21, 2024
Index No: 85-24

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

Authorization to Retire K9 Hunter from the Middletown 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 retirement of K9 Hunter from the Middletown Police Department.

BE IT FURTHER RESOLVED; that the Common Council of the City of Middletown, NY, concurs with the Board of Estimate and Apportionment and authorizes an agreement with Police Officer Berman to take permanent custody of K9 Hunter

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.	K9 Hunter
2.	hunter

JOHN EWANCIW
CHIEF OF POLICE

TELEPHONE
845-343-3151
FAX NUMBER
845-346-4140

CITY OF MIDDLETOWN POLICE DEPARTMENT

2 JAMES STREET
MIDDLETOWN, NEW YORK 10940
ESTABLISHED 1888

May 2, 2024

Honorable Joseph M. DeStefano
Mayor- City of Middletown
City Hall
Members of the City of Middletown Common Council
16 James Street
Middletown, NY 10940

RE: Police K9 Hunter

Dear Mayor DeStefano and Members of the Council:

I am requesting permission to retire K9 Hunter from our department due to physical limitations restricting him from performing his duties to the best of his abilities.

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

Upon approval from the Council, I have attached an agreement between the City of Middletown and Officer Berman to be signed by Mayor DeStefano.

Thank you.

Very truly yours,

John Ewanciw
Chief of Police

JE:ccd

AGREEMENT

This Agreement is made the _____ day of May, 2024 by and between Police Officer Jason Berman ("Hunter"), a Middletown police officer, with a business address at 2 James Street, Middletown, New York, 10940, and the City of Middletown ("City"), a municipal corporation with its place of business at 16 James Street, Middletown, New York 10940.

WHEREAS Police Officer Jason Berman has been the handler of a K-9 dog, known as "Hunter", in the service of the Middletown Police Department, and

WHEREAS the City desires to retire "Hunter" and no longer utilize the dog for police or municipal purposes, and

WHEREAS Police Officer Jason Berman has expressed a desire to be the permanent owner and caretaker of "Hunter".

NOW, THEREFORE, in consideration of One Dollar ($1.00) and other good and valuable consideration,

1. The above recitals are hereby incorporated as if restated herein at length.

2. The City hereby retires "Hunter" from police and municipal services, and gives "Hunter" to Police Officer Jason Berman as the animal's permanent owner and caretaker.

3. All costs associated with the care of "Hunter" shall as of the date of this Agreement be the responsibility of Police Officer Jason Berman.

4. Police Officer Jason Berman agrees to indemnify and hold harmless the City, its officers and employees, to the fullest extent allowed by law for any and all claims made against the City, its officers and employees in connection with the ownership, handling and care of "Hunter".

IN WITNESS WHEREOF, the parties hereto have executed this Agreement the day and year first above written.

CITY OF MIDDLETOWN

By:

_____	_____
Joseph DeStefano, Mayor	Police Officer Jason Berman

STATE OF NEW YORK)
)
COUNTY OF ORANGE)

On the _____ day of May, 2024 before me, the undersigned, a Notary Public in and for said State, personally appeared Mayor Joseph M. DeStefano, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity and that by his/her/their signature(s) on the instrument the individual(s) or the person upon behalf of which individual(s) acted, executed the instrument.

_____
Notary Public

STATE OF NEW YORK)
)
COUNTY OF ORANGE)

On the _____ day of May, 2024 before me, the undersigned, a Notary Public in and for said State, personally appeared Police Officer Jason Berman, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity and that by his/her/their signature(s) on the instrument the individual(s) or the person upon behalf of which individual(s) acted, executed the instrument.

_____
Notary Public

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 21, 2024
Index No: 86-24

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

Authorization to Declare two Police Vehicles 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 police vehicles as surplus.

Year	Make	Vin #	Vehicle #	Color	Issue(s)
2014	Ford	1FAHP2MKXEG18290	38	SRO – marked unit	Emergency equipment & mechanical
2007	Dodge	2B3KA43HX7H779891	35	SRO – marked unit	Various electrical issues

Prepared by:
John Ewanciw, Chief of Police

Attachments:

1.	disposal cars April 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

Memo

To: Chief Ewanciw
From: Sgt. Jacqueline Welch
Date: April 29, 2024
Re: Disposal of 35, 38

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

year	make	vin number	vehicle number	color	issue(s)
2014	Ford	1FAHP2MKXEG182980	38	SRO – marked unit	emergency equipment & mechanical
2007	Dodge	2B3KA43HX7H779891	35	SRO – marked unit	various electrical issues

Respectfully,

Sgt. Jacqueline R. Welch #1177

CITY OF MIDDLETOWN, NEW YORK
COMMON COUNCIL
RECORD OF VOTE

THE FOLLOWING WAS PRESENTED

By: Alderman Kleiner
Seconded by: Alderman Johnson
Date of Adoption: May 21, 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	7			2

I hereby approve the attached Resolution/Local Law.

Joseph M. DeStefano, Mayor

Date

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

BE IT RESOLVED; that the Common Council of the City of Middletown, NY, concurs with the Board of Estimate and Apportionment and authorizes an agreement with WSP USA $1,422,000 for continued Construction Support Services and Construction Inspection Services for PIN 8757.07 Middletown Traffic Operations, Stage I & II through April 1, 2025.

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

Prepared by:

Attachments:

1.	Middletown Traffic Operations Funding Memo
2.	PIN 8757.07 and 8760.98 - CSS & CI 2024 SupplementalAgreement

MEMO

TO: Jacob Tawil

FROM: Katherine T. Craig, PE, PTOE

SUBJECT: PIN 8757.07 & 8760.98 Supplemental Agreement

DATE: April 26, 2024

In the attached supplemental agreement WSP USA, Inc requests $1,422,000 for continued Construction Support Services and Construction Inspection Services for PIN 8757.07 Middletown Traffic Operations, Stage I & II through April 1, 2025.

The City of Middletown has acquired $640,000 in CSS & CI funding for FFY 2025 through the Orange County Transportation Council's Transportation Improvement Program (OCTC TIP).

WSP, on behalf of the City of Middletown, submitted another Project Sponsor Request Form for additional CSS and CI funding for the Middletown Traffic Operations Project, PIN 8757.07 & 8760.98 on April 26, 2024. The form requested an additional $338,000 off the OCTC TIP, which will require the City of Middletown to provide a 20% local match ($67,600).

The City of Middletown would be responsible for the remaining $376,400. WSP, in support of the City of Middletown, will continue to apply for Grants and additional monies on the OCTC TIP as they become available to help cover the $376,400.

Please feel free to contact me if you require any additional information or documentation.

Sincerely,

Katherine T. Craig

Katherine Craig, PE, PTOE
Project Manager

cc: Scott Geiger, PE – WSP USA, Inc

WSP USA
500 Summit Lake Drive
Suite 450
Valhalla, NY 10595

Tel.: +1-914-747-1120
wsp.com

Architectural/ Engineering Consultant Contract

NYSDOT **PIN 8757.07 & 8760.98** Municipal Contract No. _____

Contract made this **26** day of **April 2024** by and between

The City of Middletown

having its principal office at 16 James Street, Middletown, NY 10940 (the "**Sponsor"**)

and

WSP USA with its office at 500 Summit Lake Drive, Valhalla, NY (the **"Consultant"*)***

WITNESSETH:

WHEREAS, in connection with a federal-aid project funded through the New York State Department of Transportation ("NYSDOT") identified for the purposes of this Contract as **PIN 8757.07 & PIN 8760.98 Middletown Traffic Operations Stage 1 and Stage 2** (as described in detail in Attachment A annexed hereto, the "Project") the Sponsor has sought to engage the services of a Consultant Engineer to perform the scope of services described in Attachment B annexed hereto; and

WHEREAS, in accordance with required consultant selection procedures, including applicable requirements of NYSDOT and/or the Federal Highway Administration ("FHWA"), the Sponsor has selected the Consultant to perform such services in accordance with the requirements of this Contract; and

WHEREAS**, Mr. Jacob S. Tawil**, Commissioner of Public Works – The City of Middletown, is authorized to enter this Contract on behalf of the Sponsor,

NOW, THEREFORE, the parties hereto agree as follows:

ARTICLE 1. DOCUMENTS FORMING THIS CONTRACT

This Contract consists of the following:

Agreement Form - this document titled "Architectural/Engineering Consultant Contract";

Attachment "A" - Project Description and Funding;

Attachment "B" – Scope of Service;

Attachment "C" - as applicable, Staffing Rates, Hours, Reimbursables and Fee.

ARTICLE 2. SCOPE OF SERVICES/STANDARD PRACTICES AND REQUIREMENTS.

2.1 The CONSULTANT shall render all services and furnish all materials and equipment necessary to provide the Sponsor with plans, estimates and other services and deliverables more specifically described in Attachment "B".

2.2 The CONSULTANT shall ascertain the applicable practices of the Sponsor, NYSDOT and/or FHWA prior to beginning any of the work of this PROJECT. All work required under this Contract shall be performed in accordance with these practices, sound engineering standards, practices and criteria, and any special requirements, more particularly described in Attachment "B".

2.3 The CONSULTANT will commence work no later than ten (10) days after receiving notice to proceed from the Sponsor.

ARTICLE 3. COMPENSATION METHODS, RATES AND PAYMENT

As full compensation for Consultant's work, services and expenses hereunder the Sponsor shall pay to the CONSULTANT, and the CONSULTANT agrees to accept compensation based the methods designated and described below. Payment of the compensation shall be in accordance with the Interim Payment procedures shown in the table and the final payment procedure in Article 6.

(Continued next page)

3.3 Cost Plus Fixed Fee Method

ITEM	DESCRIPTION OF ITEMS WITHIN METHOD	APPLICABLE RATE/ AMOUNT OR PERCENTAGE	INTERIM PAYMENTS
ITEM I	A Cost Plus Fixed Fee paid to Consultant for the scope of services hereunder, unless this Contract is formally amended or supplemented by reason of a substantial change in the scope, complexity or character of the work to be performed.	A Cost Plus Fixed Fee of **$ 1,354,164.88 for CSS and CI Tasks.**	The CONSULTANT shall be paid in Monthly progress payments based upon the percentage of work accomplished and Direct Non-Salary Costs incurred during the period. Progress payments are subject to approval by the Sponsor's representative.
ITEM II	Actual Direct Non-Salary Costs incurred in fulfilling the terms of this Contract; all subject to audit.	Actual costs incurred in the performance of this Contract as identified in Attachment C or otherwise approved in writing by the Sponsor or its representative. All reimbursement for travel, meals and lodging shall be made at actual cost paid, but such reimbursement shall not exceed the per diem rates established by NY State Comptroller. All reimbursement shall not exceed the prevailing wage rates established by the NYS Dept. of Labor. For Reimbursable Direct Non-Salary Costs a multiple of **One** times shall be applied to the expenses incurred by the Consultant, the consultant's employees, or the subconsultant not to exceed **$67,585.25**	
ITEM III	Items required to be purchased for this Project not otherwise encompassed in Direct Non-salary Project-related Costs, which become the property of the Sponsor at the completion of the work or at the option of the Sponsor.	Salvage value	

ARTICLE 4. INSPECTION

The duly authorized representatives of the Sponsor, and on Federally aided projects, representatives of the NEW YORK STATE DEPARTMENT OF TRANSPORTATION and the FEDERAL HIGHWAY ADMINISTRATION, shall have the right at all times to inspect the work of the CONSULTANT.

ARTICLE 5. AUDITS

5.1 Payment to the Consultant is subject to the following audit rights of the Sponsor:

A. For Cost Plus Fixed Fee Method - All costs are subject to audit, i.e. labor, direct non-salary, overhead, and fee.

B. For Specific Hourly Rate Method - Labor hours and direct non-salary costs are subject to audit. If elements subject to audit are less than $300,000, an audit may be waived by the Sponsor.

c. For Lump Sum Cost Plus Reimbursables Method - Only direct non-salary costs are subject to audit. If elements subject to audit are less than $300,000, an audit may be waived by the Sponsor.

5.2 In order to enable the Sponsor to process the final payment properly and expeditiously, the CONSULTANT is advised that all of the following documents and submissions, as the same may be appropriate to this contract, are considered to be necessary to enable the commencement of the audit.

I. Records of Direct Non-Salary Costs;

II. Copies of any subcontracts relating to said contract;

III. Location where records may be examined; and

IV. Name, address, telephone number of person to contact for production.

The application for final payment is not considered complete until receipt of these documents and information.

ARTICLE 6. FINAL PAYMENT

6.1 The Sponsor will make final payment within sixty (60) calendar days after receipt of an invoice which is properly prepared and submitted, and all appropriate documents and records are received.

6.2 The acceptance by the CONSULTANT of the final payment shall operate as and shall be a release to the Sponsor from all claims and liability to the CONSULTANT, its representatives and assigns for any and all things done, furnished for or relating to the services rendered by the CONSULTANT under or in connection with this Contract or for any part thereof except as otherwise provided herein.

ARTICLE 7. EXTRA WORK

7.1 Consultant's performance of this Contract within the compensation provided shall be continuously reviewed by the CONSULTANT. The CONSULTANT shall notify the Sponsor of the results of those reviews in writing by submittal of a Cost Control Report. Such Cost Control Report shall be submitted to the Sponsor on a monthly basis or such alternative interval as the Sponsor directs in writing.

7.2 If the CONSULTANT is of the opinion that any work the CONSULTANT has been directed to perform is beyond the scope of the PROJECT Contract and constitutes extra work, the CONSULTANT shall promptly notify the Sponsor, in writing, of this fact prior to beginning any of the work. The Sponsor shall be the sole judge as to whether or not such work is in fact beyond the scope of this Contract and constitutes extra work. In the event that the Sponsor determines that such work does constitute extra work, the Sponsor shall provide extra compensation to the CONSULTANT in a fair and equitable manner. If necessary, an amendment to the PROJECT Contract, providing the compensation and describing the work authorized,

shall be prepared and issued by the Sponsor. In this event, a Supplemental Agreement providing the compensation and describing the work authorized shall be issued by the Sponsor to the CONSULTANT for execution after approvals have been obtained from necessary Sponsor officials, and, if required from the Federal Highway Administration.

7.3 In the event of any claims being made or any actions being brought in connection with the PROJECT, the CONSULTANT agrees to render to the Sponsor all assistance required by the Sponsor. Compensation for work performed and costs incurred in connection with this requirement shall be made in a fair and equitable manner. In all cases provided for in this Contract for the additional services above described, the Sponsor's directions shall be exercised by the issuance of a separate Contract, if necessary.

ARTICLE 8. CONSULTING LIABILITY

The CONSULTANT shall be responsible for all damage to life and property due to negligent acts, errors or omissions of the CONSULTANT, his subcontractors, agents or employees in the performance of his service under this Contract.

Further, it is expressly understood that the CONSULTANT shall indemnify and save harmless the Sponsor from claims, suits, actions, damages and costs of every name and description resulting from the negligent performance of the services of the CONSULTANT under this Contract, and such indemnity shall not be limited by reasons of enumeration of any insurance coverage herein provided. Negligent performance of service, within the meaning of this Article, shall include, in addition to negligence founded upon tort, negligence based upon the CONSULTANT's failure to meet professional standards and resulting in obvious or patent errors in the progression of his work. Nothing in this Article or in this Contract shall create or give to third parties any claim or right of action against the Sponsor beyond such as may legally exist irrespective of this Article or this Contract.

The CONSULTANT shall procure and maintain for the duration of the work for such project(s), Professional Liability Insurance in the amount of One Million Dollars ($1,000,000) per project, issued to and covering damage for liability imposed on the CONSULTANT by this Contract or law arising out of any negligent act, error, or omission in the rendering of or failure to render professional services required by the Contract. The CONSULTANT shall supply any certificates of insurance required by the Sponsor and adhere to any additional requirements concerning insurance.

ARTICLE 9. WORKER'S COMPENSATION AND LIABILITY INSURANCE

This Contract shall be void and of no effect unless the CONSULTANT shall secure Workman□s Compensation Insurance for the benefit of, and keep insured during the life of this Contract, such employees as are necessary to be insured in compliance with the provisions of the Workman□s Compensation Law of the State of New York.

The CONSULTANT shall secure policies of general and automobile liability insurance, and maintain said policies in force during the life of this Contract. Said policies of insurance shall protect against liability arising from errors and omissions, general liability and automobile liability in the performance of this Contract in the sum of at least $1,000,000.00 (One Million dollars) each.

The CONSULTANT shall furnish a certified copy of said policies to the Sponsor at the time of execution of this Contract.

ARTICLE 10. INTERCHANGE OF DATA

All technical data in regard to the PROJECT existing in the office of the Sponsor or existing in the offices of the CONSULTANT shall be made available to the other party to this Contract without expense to such other party.

ARTICLE 11. RECORDS RETENTION

The CONSULTANT shall establish and maintain complete and accurate books, records, documents, accounts and other evidence directly pertinent to performance under this contract (collectively called the "Records"). The Records must be kept for a minimum of six (6) years or three (3) years after final payment is received, whichever is later. The Sponsor, State, Federal Highway Administration, or any authorized representatives of the Federal Government, shall have access to the Records during normal business hours at an office of THE CONSULTANT within the State of New York or, a mutually agreeable reasonable venue within the State, for the term specified above for the purposes of inspection, auditing and copying.

ARTICLE 12. DAMAGES AND DELAYS

The CONSULTANT agrees that no charges or claim for damages shall be made by him for any delays or hindrances from any cause whatsoever during the progress of any portion of the services specified in this Contract. Such delays or hindrances, if any, shall be compensated for by an extension of time for such reasonable period as the Sponsor may decide, it being understood however, that the permitting of the CONSULTANT to proceed to complete any services or any part of them after the date of completion or after the date to which the time of completion may have been extended, shall in no way operate as a waiver on the part of the Sponsor of any of its rights herein. Nothing in this ARTICLE will prevent the CONSULTANT from exercising his rights under ARTICLE 7 of this Contract.

ARTICLE 13. TERMINATION

The Sponsor shall have the absolute right to terminate this Contract, and such action shall in no event be deemed a breach of contract:

A. for convenience of the Sponsor - if a termination is brought about for the convenience of the Sponsor and not as a result of unsatisfactory performance on the part of the CONSULTANT, final payment shall be made based on the basis of the CONSULTANT'S compensable work delivered or completed prior to and under any continuing directions of such termination.

B. for cause - if the termination is brought about as a result of the Sponsor's determination of unsatisfactory performance or breach of contract on the part of the CONSULTANT, the value of the work performed by the CONSULTANT prior to termination shall be established by the percent of the amount of such work satisfactorily delivered or completed by the CONSULTANT to the point of termination and acceptable to the Sponsor, of the total amount of work contemplated by the PROJECT Contract.

ARTICLE 14. DEATH OR DISABILITY OF THE CONSULTANT

In case of the death or disability of one or more but not all the persons herein referred to as CONSULTANT, the rights and duties of the CONSULTANT shall descend upon the survivor or survivors of them, who shall be obligated to perform the services required under this Contract, and the Sponsor shall make all payments due to him, her or them.

In case of the death or disability of all the persons herein referred to as CONSULTANT, all data and records pertaining to the PROJECT shall be delivered within sixty (60) days to the Sponsor or his duly authorized representative. In case of the failure of the CONSULTANT's successors or personal representatives to make such delivery on demand, then in that event the representatives of the CONSULTANT shall be liable to the Sponsor for any damages it may sustain by reason thereof. Upon the delivery of all such data to the Sponsor, the Sponsor will pay to the representatives of the CONSULTANT all amounts due the

CONSULTANT, including retained percentages to the date of the death of the last survivor.

ARTICLE 15. CODE OF ETHICS

The CONSULTANT specifically agrees that this Contract may be canceled or terminated if any work under this Contract is in conflict with the provisions of any applicable law establishing a Code of Ethics for Federal, State or Municipal officers and employees.

ARTICLE 16. INDEPENDENT CONTRACTOR

The CONSULTANT, in accordance with his status as an independent contractor, covenants and agrees that he will conduct himself consistent with such status, that he will neither hold himself out as, nor claim to be, an officer or employee of the Sponsor by reason hereof, and that he will not, by reason hereof, make any claim, demand or application to or for any right or privilege applicable to an officer or employee of the Sponsor, including but not limited to Worker's Compensation coverage, Unemployment Insurance benefits, Social Security coverage or Retirement membership or credit.

ARTICLE 17. COVENANT AGAINST CONTINGENT FEES

The CONSULTANT warrants that he has not employed or retained any company or person, other than a bona fide employee working for the CONSULTANT, to solicit or secure this Contract, and that he has not paid or agreed to pay any company or person, other than a bona fide employee, any fee, commission, percentage, brokerage fee, gift, or any other consideration, contingent upon or resulting from the award or making of this Contract. For breach or violation of this warranty, the Sponsor shall have the right to annul this Contract without liability, or, in its discretion, to deduct from the Contract price or consideration, or otherwise recover, the full amount of such fee, commission, percentage, brokerage fee, gift, or contingent fee.

ARTICLE 18. TRANSFER OF AGREEMENT

The CONSULTANT specifically agrees, that he is prohibited from assigning, transferring, conveying, subletting or otherwise disposing of the Contract or of his right, title or interest therein, or his power to execute such Contract, to any other person, company or corporation, without the previous consent in writing of the Sponsor.

If this provision is violated, the Sponsor may revoke and annul the Contract and the Sponsor shall be relieved from any and all liability and obligations there under to the person, company or corporation to whom the CONSULTANT shall purport to assign, transfer, convey, sublet or otherwise dispose of the Contract without such consent in writing of the Sponsor.

ARTICLE 19. PROPRIETARY RIGHTS

The CONSULTANT agrees that if patentable discoveries or inventions should result from work described herein, all rights accruing from such discoveries or inventions shall be the sole property of the CONSULTANT. However, the CONSULTANT agrees to and does hereby grant to the United States Government and the State of New York and the Sponsor a nonexclusive, nontransferable, paid-up license to make, use, and sell each subject invention throughout the world by and on behalf of the Government of the United States and states and domestic municipal governments, all in accordance with the provisions of 48 CFR 1-27.

ARTICLE 20. SUBCONTRACTORS/ SUBCONSULTANTS

All SUBCONTRACTORS and SUBCONSULTANTS performing work on this project shall be bound by the same required contract provisions as the CONSULTANT. All Agreements between the CONSULTANT and a subcontractor or other SUBCONSULTANT shall include all standard required contract provisions, and such Contracts shall be subject to review by the Sponsor.

ARTICLE 20.1 PROMPT PAYMENT. While federal regulation (49 CFR 26.29) requires payment

to subcontractors within 30 days, New York State law is more stringent. NYS General Municipal Law §106-b and NYS Finance Law Article 9, §139-f require prime contractors and prime consultants to pay their vendors within seven (7) calendar days of receipt of payment from the public owner/sponsor, and provides for interest on late payments for all public works contracts. Contract provisions incorporating any other payment schedule will not be allowed. A subcontractor's work is satisfactorily completed when all the tasks called for in the subcontract have been accomplished and documented. When the Sponsor has made an incremental acceptance of a portion of a prime contract, the work of a subcontractor covered by that acceptance is deemed to be satisfactorily completed.

ARTICLE 21. CERTIFICATION REQUIRED BY 49 CFR, PART 29

The signator to this Contract, being duly sworn, certifies that, EXCEPT AS NOTED BELOW, its company and any person associated therewith in the capacity of owner, partner, director, officer, or major stockholder (five percent or more ownership)

A. is not currently under suspension, debarment, voluntary exclusion, or determination of ineligibility by any federal agency;

B. has not been suspended, debarred, voluntarily excluded or determined ineligible by any federal agency within the past three years;

C. does not have a proposed debarment pending; and

D. has not been indicted, convicted, or had a civil judgment rendered against it by a court of competent jurisdiction in any matter involving fraud or official misconduct within the past three years.

ARTICLE 22. CERTIFICATION FOR FEDERAL-AID CONTRACTS

The prospective participant certifies, by signing this Contract to the best of his or her knowledge and belief, that:

A. No federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any Federal agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

B. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any Federal agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit the standard "Disclosure Form to Report Lobbying," in accordance with its instructions.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by Section 1352, Title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than $10,000 and not more than $100,000 for each such failure.

The prospective participant also agrees by submitting his or her bid or proposal that he or she shall require that the language of this certification be, included in all lower tier subcontracts, which exceed $100,000 and that all such subrecipients shall certify and disclose accordingly.

ARTICLE 23. RESPONSIBILITY OF THE CONSULTANT

A. The CONSULTANT shall be responsible for the professional quality, technical accuracy, and the coordination of all designs, drawings, specifications and other services furnished by the CONSULTANT under this contract. The CONSULTANT shall, without additional compensation, correct or revise any errors or deficiencies in its designs, drawings, specifications, and other services. However, the Sponsor may in certain circumstances, provide compensation for such work.

B. Neither the Sponsor's review, approval or acceptance of, nor payment for, the services required under this contract shall be construed to operate as a waiver of any rights under this contract or of any cause of action arising out of the performance of this contract, and the CONSULTANT shall be and remain liable to the Sponsor in accordance with applicable law for all damages to the Sponsor caused by the CONSULTANT'S negligent performance or breach of contract of any of the services furnished under this contract.

C. The rights and remedies of the Sponsor provided for under this contract are in addition to any other rights and remedies provided by law.

D. If the CONSULTANT is comprised of more than one legal entity, each such entity shall be jointly and severally liable hereunder.

ARTICLE 24. NON-DISCRIMINATION REQUIREMENTS

The CONSULTANT agrees to comply with all applicable Federal, State and Sponsor Civil Rights and Human Rights laws with reference to equal employment opportunities and the provision of services. In accordance with Article 15 of the Executive Law (also known as the Human Rights Law) and all other State and Federal Statutory and constitutional non-discrimination provisions, the CONSULTANT will not discriminate against any employee or applicant for employment because of race, creed, color, sex, national origin, age, disability or marital status. Furthermore, in accordance with Section 220-e of the Labor Law, if this is a contract for the construction, alteration or repair of any public building or public work for the manufacture, sale or distribution of materials, equipment or supplies, and to the extent that this contract shall be performed within the State of New York, CONSULTANT agrees that neither it nor its SUBCONSULTANTS shall, by reason of race, creed, color, disability, sex or national origin; (a) discriminate in hiring against any New York State citizen who is qualified and available to perform the work; or (b) discriminate against or intimidate any employee hired for the performance of work under this Contract. CONSULTANT is subject to fines of $50.00 per person per day for any violation of Section 220-e or Section 239 as well as possible termination of this Contract and forfeiture of all moneys due hereunder for a second or subsequent violation.

ARTICLE 25. CERTIFICATION REQUIRED BY 40 CFR 111506.5

If the work of the PROJECT includes the preparation of an Environmental Impact Statement (EIS), the signator to this Contract, being duly sworn, certifies that its company and any person associated therewith in the capacity of owner, partner, director, officer, or major stockholder (five percent or more ownership) does not have any financial or other interest in the outcome of the project including:

a. an existing contract for the PROJECTs ROW incidental work or construction engineering; or

b. ownership of land, options to buy land, or some business enterprise which would be financially enhanced or diminished by any of the PROJECT alternatives.

This does not preclude the CONSULTANT from being awarded a future contract covering the work describe in this Article or being awarded Phases V & VI Final Design after the EIS has been approved.

ARTICLE 26. BIDDING OF DIRECT NON-SALARY ITEMS *(unless more restrictive municipal laws apply*)

For all contracts other than personal services in excess of $5,000, the consultant shall solicit a number of quotes from qualified subcontractors so that at least three (3) quotes will be received. For all contracts other than personal services in excess of $20,000 except printing contracts in excess of $10,000, the consultant shall solicit a number of sealed bids from qualified subcontractors so that at least three (3) bids will be received. The consultant shall then enter into a subcontract with the lowest bidder or entity submitting the lowest quotation who is fully responsive to the invitation to submit a quote/bid.

ARTICLE 27. WAGE AND HOURS PROVISIONS

If this is a public work contract covered by Article 8 of the Labor Law or a building service contract covered by Article 9 thereof, neither Consultant's employees nor the employees of its subcontractors may be required or permitted to work more than the number of hours or days stated in said statutes, except as otherwise provided in the Labor Law and as set forth in prevailing wage and supplement schedules issued by the State Labor Department. Furthermore, Consultant and its subconsultants must pay at least the prevailing wage rate and pay or provide the prevailing supplements, including the premium rates for overtime pay, as determined by the State Labor Department in accordance with the Labor Law.

ARTICLE 28. INTERNATIONAL BOYCOTT PROHIBITION

In accordance with Section 220-f of the Labor Law and Section 139-h of the State Finance Law, if this contract exceeds $5,000, the Consultant agrees, as a material condition of the contract, that neither the Consultant nor any substantially owned or affiliated person, firm, partnership or corporation has participated, is participating, or shall participate in an international boycott in violation of the federal Export Administration Act of 1979 (50 USC App. Sections 2401 et seq.) or regulations thereunder. If such Consultant, or any of the aforesaid affiliates of Consultant, is convicted or is otherwise found to have violated said laws or regulations upon the final determination of the United States Commerce Department or any other appropriate agency of the United States subsequent to the contract's execution, such contract, amendment or modification thereto shall be rendered forfeit and void. The Contractor shall so notify the Sponsor and the State Comptroller within five (5) business days of such conviction, determination or disposition of appeal (See, 2 NYCRR 105.4).

ARTICLE 29. SERVICE OF PROCESS

In addition to the methods of service allowed by the State Civil Practice Law & Rules ("CPLR"), Consultant hereby consents to service of process upon it by registered or certified mail, return receipt requested. Service hereunder shall be complete upon Consultant's actual receipt of process or upon the Sponsor's receipt of the return thereof by the United State Postal Service as refused or undeliverable. Consultant must promptly notify the Sponsor, in writing, of each and every change of address to which service of process can be made. Service by the Sponsor to the last known address shall be sufficient. Consultant will have thirty (30) calendar days after service hereunder is complete in which to respond.

ARTICLE 30. DISPOSITION OF PLANS, ESTIMATES AND OTHER DATA.

At the time of completion of the work, the Consultant shall make available to the Sponsor all survey notes, computations, maps, tracings, original aerial film and photo indices if any, and all other documents and data pertaining to the work or to the project which material at all times shall be the property of the Sponsor. Or in the event that this Agreement is terminated for any reason, then, within ten (10) days after such termination, the Consultant shall make available to the Sponsor all the aforementioned engineering data and material. All original tracings of maps and other engineering data furnished to the Sponsor by the Consultant shall bear thereon the endorsement of the Consultant. All plans, estimates and other data prepared in accordance with this Agreement shall be considered confidential and shall be released only to the Sponsor.

ARTICLE 31. MISCELLANEOUS

30.1 ***Executory Contract***. This Contract shall be deemed only executory to the extent of the monies available, and no liability shall be incurred by the Sponsor beyond the monies legally available for the purposes hereof.

IN WITNESS WHEREOF, the parties have duly executed this Contract effective the day and year first above written.

Reference: Sponsor Contract # _____

Sponsor	Consultant
By: _____	By: _____
Title: _____	Title: Senior Vice President
Date: _____	Date: April 24, 2024

ACKNOWLEDGMENT OF THE CITY OF MIDDLETOWN

STATE OF NEW YORK

ss:

COUNTY OF ORANGE

On this _____day of _____, 20 _____ before me, the subscriber, personally came _____ to me known, who, being by me duly sworn, did depose and say; that he/she resides in _____, New York; that he/she is the _____ of the _____, the corporation described in and which executed the foregoing instrument; that he/she is the authorized with the execution of the matter herein provided for, and that he/she signed and acknowledged the said instrument in his/her position as a duly authorized representative of Sponsor.

_____

Notary Public, _____ County, N.Y.

ACKNOWLEDGMENT OF THE CONSULTANT

STATE OF NEW YORK

ss:

COUNTY OF ORANGE

On this **26** day of **April**, **2024** before me personally came **Scott Geiger** to me known and known to me to be the person described in and who executed the foregoing instrument and he acknowledged to me that he executed same.

KAREN A. TOMAPAT
NOTARY PUBLIC, STATE OF NEW YORK
Registration No. 01TO6349724
Qualified in Orange County
Commission Expires October 24, 2024

_____

Notary Public, Orange County, N.Y.

Attachment A
Architectural/ Engineering Consultant Contract
Project Description and Funding

PIN:8757.07 & 8760.98 *Term of Contract Ends: April 1, 2025*

[ ] Main Contract	[ ] Amendment to Contract [Supp Agreement #2]	[X] Supplement to Contract	

Phase of Project Consultant to work on:

[ ] P.E./Design	[ ] ROW Incidentals	[ ] ROW Acquisition	[X] Construction, C/I, & C/S

Dates or term of Consultant Performance:
Start Date: September 2017
Finish Date: April 2025

PROJECT DESCRIPTION:

PIN 8757.07 & PIN 8760.98 Middletown Traffic Operations Stage 1 and Stage 2

Project Location:

Various Intersections – City of Middletown, Orange County

Consultant Work Type(s): See Attachment B for more detailed Task List.

MAXIMUM AMOUNT OF FUNDS FOR ALL COMPENSATION PAYABLE UNDER THIS CONTRACT FOR THE SCOPE OF WORK DESCRIBED IN ATTACHMENT B FOR THE PROJECT DESCRIBED IN THIS ATTACHMENT A, OTHERWISE IN ACCORDANCE WITH THE CHOSEN METHOD OF COMPENSATION AND OTHER TERMS OF THIS CONTRACT:
Stage 1 and Stage 2 - $1,422,000.00

Attachment B

Task List

Section 8 - Construction Support Services

8.01 Construction Support

The Consultant will provide design response to unanticipated or changed field conditions, analyze, and participate in proposed design changes, and interpret design plans.

Work under this section will always be in response to a specific assignment from the Sponsor under one of the tasks below:

- In response to unanticipated and/or varying field conditions or changes in construction procedures, the Consultant will conduct on-site field reconnaissance and, where required, prepare Field Change Sheets modifying pertinent contract plan sheets.
- The Consultant will analyze and make recommendations on the implementation of changes proposed by the Sponsor or the construction contractor. The includes the Traffic Control Plan.
- The Consultant will interpret and clarify design concepts, plans and specifications.
- The Consultant will review and approve shop drawings for construction.

Section 9 - Construction Inspection

9.01 Equipment

The Contractor will furnish office space and basic office furnishings for the Consultant, as part of the contract.

The Consultant will furnish all other office, field and field laboratory supplies, and equipment required to properly perform the inspection services listed below.

9.02 Inspection

The Consultant must provide, to the satisfaction of the City, contract administration and construction inspection services from such time as directed to proceed until the completion of the final agreement and issuance of final payment for the contract. The Consultant must assume responsibility, as appropriate, for the administration of the contract including maintaining complete project records, processing payments, performing detailed inspection work and on-site field tests of all materials and items of work incorporated into the contract consistent with federal policies and the specifications and plans applicable to the project.

9.03 Municipal Project Engineer

The City will assign a Project Engineer to the contract covered by this agreement. This Project Engineer will be the City's official representative on the contract and the Consultant must report to and be directly responsible to said Project Engineer.

9.04 Ethics

Prior to the start of work, the Consultant will submit to the City a statement regarding conflicts of interest.

9.05 Health and Safety Requirements

The Consultant must provide all necessary health and safety related training, supervision, equipment and programs for their inspection staff assigned to the project.

9.06 Staff Qualifications and Training

The Consultant must provide sufficient trained personnel to adequately and competently perform the requirements of this agreement.

9.07 Scope of Services / Performance Requirements

The Consultant will enforce the specifications and identify in a timely manner to the City local conditions, methods of construction, errors on the plans or defects in the work or materials which would conflict with the quality of work, and conflict with the successful completion of the project.

The work to be performed in this project is described in the following sub-tasks:

9.071 General and Pre-Construction Activities

Pre-construction Work – The Consultant shall review and become thoroughly familiar with all aspects of the work to be performed by the Contractor.

The Consultant shall prepare a table showing all procedures for routing of correspondence and submittals and shall identify all appropriate parties and channels.

The Consultant shall review thoroughly the project Construction Management Plan (CMP) and sign his/her name at the designated location.

Project File – The Consultant shall establish and maintain a project file at the work site. The file shall provide for a records control system that

records and files all correspondence and related documents from construction commencement through final closeout. All records shall be kept in accordance with the Manual of Uniform Record Keeping (MURK).

The adoption of an automated records keeping software based on MURK procedures and documents is required, such as APPIA, Field Manager or equivalent application. The purchase and maintenance cost of this software application to document project administration activities is reimbursable.

9.072 Contractor Monitoring and Coordination

Contractor's Plant, Personnel and Performance – The Consultant shall assess the adequacy of the contractor's personnel and procedures, including safety, certifications, equipment, materials, means and methods, in the performance of the work.

Easements, Permits, and Variances – The Consultant shall verify that the contractor has identified and is in compliance with all easements, permits and variances as may be required.

Contractor's Compliance with Contractual Reporting Requirements – The Consultant shall monitor and ensure the contractor's compliance with contractual reporting requirements for bonds, insurance, certified payroll, DBE goals, safety, quality control and other programs as specified in the Construction Management Plan.

Submittals – The Consultant shall have the overall responsibility for coordination and expedition of all submittals and ensuring timely submittal turnarounds.

For related design submittals, including shop drawings, product data and material samples, the Designer shall have the primary responsibility for approval. In such cases, the Designer will solicit comments from the City and the Consultant before processing the submittals.

For field related submittals, such as safety, erection plans, and temporary construction, the Consultant will have the primary responsibility for approval. In such cases the Consultant will solicit comments from the City and the Designer before processing the submittals.

Deliverables – The Consultant shall receive, log, review, distribute, coordinate and monitor all contractor deliverables to verify that they are received in accordance with the schedule, and are in conformance with construction contract requirements, and take corrective actions as necessary where such deliverables are missing or deficient.

Field Inspection and Testing – The Consultant shall ensure that the work is performed according to the construction contract documents, and that all specified quality control functions are instituted and carried out.

In this regard, the Consultant shall implement a Quality Assurance Plan to ensure that the contractor's work is performed and completed in conformance with the construction contract documents.

The Consultant shall implement Quality Assurance on behalf of the City and will establish material testing and acceptance process. The material testing procedures must be tailored based on NYSDOT CIM. The Consultant shall hire an independent testing company to approve/certify construction materials as per the Construction Management Plan (CMP). The Consultant must inform the Contractor of the proper notification process for in-plant testing performed by NYSDOT-Region 8 Materials.

When necessary, the Consultant shall provide the services of a survey party to monitor the layout of any replacement structures, verify elevations and confirm the accuracy of the contractor's survey control.

Materials Monitoring – The Consultant shall identify a time frame for all of the long lead items, track the contractor's delivery of materials and equipment and inspect the materials using inspections guidelines to identify non-conforming materials. The Consultant shall document any material deficiencies along with their resolution.

Safety – The contractor has the primary responsibility for the safety of his/her employees. The contractor shall be required to prepare a written Safety Program and submit it to the City for review. Specific requirements of the contractor's Safety Program are detailed in the project specifications.

The Consultant shall monitor the contractor's work practices for compliance with the approved Safety Program. Non-compliance and unsafe work practices shall be discussed during construction progress meetings and documented in the meeting minutes. In addition, safety issues and their resolution shall be reported on in the Consultant's Monthly Report.

9.073 Meetings, Schedules, and General Administration

Meetings – The Consultant shall attend all meetings required to manage the project including: the pre-construction meeting, monthly progress meetings, construction schedule meetings, and coordination meetings with environmental agencies and other organizations or municipalities affected by the project as may be required. In addition, the Consultant shall chair progress meetings, construction schedules, and coordination

meetings.

The Consultant shall schedule, establish an agenda, notify the appropriate attendees, and issue detailed minutes for all project meetings chaired by the Consultant. Copies of the minutes shall be distributed to all attendees as well as others determined by the Consultant. Minutes shall be distributed so that all parties receive them within seven calendar days of the meeting. The Consultant shall include a detailed list of action items resulting from each meeting, listing the date the item was established, the responsible party and the target date for resolution. The Consultant shall follow-up with the responsible party until the action item is completed.

Minutes of meetings shall not be used as a vehicle to direct the contractor to do certain work, rather, separate letters shall be issued to the contractor with specific directions and all appropriate parties shall receive a copy of such letters.

The Consultant shall keep the City, through its designated representatives, apprised of the contractor's anticipated work schedule approximately every two (2) weeks. The City will notify the area residents, businesses, and emergency services of any sidewalk, travel lane, or shoulder closures, and any other Project-related events that may affect them.

Construction Schedule – The Consultant shall review and monitor the contractor's construction schedule to ensure that the schedule reflects all work necessary to complete the project, meets City operational requirements, and is in accordance with the technical requirements of the contract drawings and specifications.

Contractor's Payments – The Consultant shall review the contractor's payment requests for accuracy and recommend for acceptance by the City. The invoices shall be processed in sufficient time to enable the City to make payment in accordance with prompt payment provisions in the contract.

Clarification of Contract Documents (RFI) – The Consultant shall have the overall responsibility for coordination and expedition of the replies to the contractor's requests for information regarding the information depicted in the contract drawings and specifications. The Consultant shall expedite and schedule all replies with the design engineer to ensure the project is not delayed.

For design related questions, the Designer will have the primary responsibility for responding. In such cases, the Designer will solicit comments from the City and the Consultant before preparing a response.

For field related questions, the Consultant will have the primary responsibility for approval. In such cases the Consultant will solicit comments from the City and the Designer before preparing a response to the contractor.

Change Orders / Orders on Contract – Change orders will be processed in accordance with the current NYSDOT Order on Contract forms. The Consultant shall evaluate any change request for validity, scope, schedule and cost implications and will recommend approval to the City's Project Engineer. The City will review and approve the change order. Where it is determined that the Designer shall perform a revision to the design, the Consultant shall coordinate the Designer's work and assist the City to incorporate the change into the construction contract documents in a timely manner.

Inspection Daily Reports – At the end of each day following commencement of contract work, each inspector shall prepare and enter into the file an Inspector's Daily Report in accordance with MURK. The report will record and summarize, within the shift and area of oversight, the contractor's activities. In addition, the Consultant shall add any pertinent information and approve the inspector reports.

Public Relations – The Consultant shall address any public issues that may arise at the construction site on an immediate basis. This project will require close coordination with the City, local residences, local businesses, as well as the general public. In addition, the Consultant shall coordinate with various utility owners for scheduled work and resolve any disputes that arise during construction. The Consultant will be required to foster a good working relationship between the contractor, the City, utility owners as well as the public. This may require attendance and participation at public information meetings.

Monitoring of Disadvantaged Business Enterprise (DBE) Goal – The Consultant shall monitor Contractor's compliance with the goals. The Consultant shall perform monthly reviews of the approved DBE utilization reports and data entered into the New York State Department of Transportation Equal Employment Opportunity reporting software, which is currently "Equitable Business Opportunities" (EBO). The Contractor and all subcontractors and suppliers will utilize this reporting software. The Consultant shall collect and review the data to ensure that the DBE firms are, in fact, performing their work. A DBE status report shall be submitted to the City on a monthly basis. Should any deviation from the originally approved DBE Utilization reports take place, the Consultant will require the prime contractor to submit revised data listed in the forms: AAPHC-89-1, DBE Utilization Worksheet Amendment and AAP-19, DBE Schedule of Utilization.

EEO Compliance – The Consultant shall review the Employee Utilization Reports submitted by the contractor and subcontractors for subcontract of more than $10,000. A composite report on form AAP-33d shall be submitted by the Contractor. The Consultant shall take responsibility to ensure EEO goals are met and ensure corrective actions are taken if goals are not met and shall keep the City informed.

Wage Rate Compliance – The Consultant shall perform wage rate interviews and ensure compliance by the contractor. The Consultant shall compare the weekly certified copies of payroll to satisfy that the contractor/subcontractor is paying prevailing wages.

Monthly Report – The Consultant shall prepare and deliver to the City a detailed Monthly Report. The Monthly Report shall be submitted electronically by the tenth of each month covering the work of the previous month.

The Monthly Report shall specifically address the progress, problems, resolutions, compliance, deviations and status of each sub-task as individually delineated in this Work Statement. At a minimum, the Monthly Report shall provide information on the following aspects of the work:

1) Executive Summary

2) Project Cost – The Consultant is responsible for monitoring and reporting of the overall project cost. The Monthly Report shall provide a cost summary report and the following information for the Construction contract and the Consultant's contract:
   - Original Budget
   - Current Budget
   - Expenditure to Date
   - Change Orders/Orders on Contract
   - Estimate at Completion

3) Project Schedule and Progress:
   - Narrative
   - Schedule to Complete
   - Summary of Contractor's Activities
   - Schedule of Activities for the Coming Month
   - Summary of Force Account Activities
   - Physical Progress Curve Graph and Table
   - Work in Progress Report

4) Construction Contract Status:
   - Narrative

Public Relations/Issues
Accident Frequency Graph
Safety Statistical Summary

5) Quality Control
   Narrative
   Non-Conformance

Monthly Progress Photographs – The Consultant shall furnish once a month during the period of construction contract copies of 5 quality digital photographs in JPEG format per work site showing the progress made during the previous monthly period. The photographs shall be clearly marked and each picture shall identify and describe the view and location. All photographs shall be clear and sharp in detail, and free of light streaks or other blemishes.

The photographs shall be furnished as follows:

1) Electronically as a PDF' file.
2) 2 USB drives containing all the progress photographs taken during the entire project.

9.074 Post Construction, Close-out, and Acceptance

Contract Closeout – The Consultant shall conduct initial, pre-final and final inspections, and shall develop two punch lists for the contractor at the completion of each phase. The punch lists shall consist of a compilation of items, actions, activities, retrofits, rework, defects, incomplete or omitted work, and unacceptable work that must be completed in order to comply with the requirements of the construction contract documents. The two formal punch lists are the physical, which denotes work in place, and the deliverable, for items such as as-built drawings, warranties and material certificates that must be turned over to the City, and collectively constitute the remaining work. The Consultant shall monitor, schedule and expedite performance of all work described in the punch lists.

The Consultant shall verify that all contractual obligations have been provided by the contractor in accordance with the construction contract prior to recommending final payment.

As-Built Drawings – The Consultant shall ensure that during the course of the work the contractor is maintaining an accurate set of "as-built" drawings and that these documents are turned over to the City as the conclusion of the project. The Consultant will maintain a set throughout the job for use in verifying that the contractor has brought the drawings into conformance with the as-built condition. The contractor will certify

said drawings as "as-built" and the Consultant will accept them as "as-built" by performing a review for accuracy and completeness prior to submission to the City.

Construction Records – The Consultant shall inventory and coordinate the final documentation and turn over to the City all project records and documents, in archive condition, with a detailed index.

Section 10 – Estimating and Technical Assumptions

10.01 Estimating Assumptions

The following assumptions have been made for estimating purposes:

Section 9 Estimate construction services for this supplemental agreement will begin on April 1, 2024 and will be completed by April 1, 2025.

Field staff will share duties for PIN 8757.07 and PIN 8760.98, as these projects are being combined to fund a single project, under one contract, with a single contractor.

10.02 Technical Assumptions

Section 9 Assume the construction and closeout period will be staffed over a 12-month period. If the duration exceeds 12 months and the inspection budget is exhausted, continued inspection services will be provided and billed at an hourly rate.

A full-time Resident, Office, Office Engineer and a Senior Inspector will be required for the duration of the project. Two part-time Inspectors will be required over the project duration excluding close-out (40 hrs/wk on average). See Staffing Worksheet for full explanation of hours for each title.

Notwithstanding any provision of the Contract, in the event that the Contract budget is expended for any reason (other than a default by WSP) including but not limited to construction work continuing beyond the time period set forth in the Technical Assumptions, or if funds have not been appropriated or are not otherwise legally available to the City to fund the ongoing operations of WSP, WSP shall upon written notice to the City discontinue providing services until such time as a supplemental agreement for the ongoing/additional services is entered into and sufficient funds are appropriated or otherwise made available to the City to fund the ongoing/additional services or supplemental agreement. The City shall notify WSP prior to the budget being expended or if there are not sufficient funds available to the City to fund the ongoing operations of WSP.

Attachment C

Staffing Rates, Hours, Reimbursables and Fee

Exhibit A, Page 1
WSP Salary Schedule

JOB TITLE	ASCE (A) OR NICET (N) GRADE	AVERAGE HOURLY RATES PRESENT 1/24	MAX 1/24	OVERTIME CATEGORY
Principal-in-Charge	IX (A)	$135.00	$135.00	A
Project Manager	VII (A)	$86.25	$115.00	B
Senior Supervising Engineer	VII (A)	$84.15	$115.00	B
Supervising Engineer	VII (A)	$86.25	$93.29	B
Lead Engineer	V (A)	$64.89	$83.55	B
Engineer II	III (A)	$50.60	$56.25	B
Engineer I	I/II (A)	$32.35	$47.06	B
Senior CADD Operator	N/A	$52.19	$63.21	C
Resident Engineer	VII (N)	$84.15	$115.00	C
Senior Inspector	III (N)	$50.40	$58.35	C
Senior Inspector	IV (N)	$58.36	$65.86	C
Office Engineer	VII (N)	$67.60	$115.00	C

OVERTIME POLICY

Category A - No overtime compensation.
Category B - Overtime compensated at straight time rate.
Category C - Overtime compensated at straight time rate x 1.50.

Overtime applies to hours worked in excess of the normal working hours of 8 hours per day.
Actual Rates to be billed

Exhibit A, Page 2

Staffing Worksheet

	Straight Time												
Section	**Task**	Principal in Charge	Project Manager	Sr Supervising Engineer	Supervising Engineer	Lead Engineer	Engineer II	Engineer I	Senior CADD Operator	Resident Engineer	Senior Inspector	Office Engineer	**Hours per task**
SECTION 8	8.01 Construction Support												**32**
Support	Coordination	8	24										**32**
	Meetings and General Admin	8	24										**104**
	New Design/Redesign	8	24	16	16	32	40	40	40				
	RFI/Submittals/Shop Drawings	8	24	8	8	8	4	4	40				**32**
	Post-Construction, Close-out, and Acceptance	8	24										**0**
													416
	Subtotal, Section 8 (Straight Time)	40	120	24	24	40	44	44	80	0	0	0	**0**
													0
													0
													0
													0
	Subtotal, Section 8 (Premium Time)	0	0	0	0	0	0	0	0	0	0	0	**0**
	Total hours	40	120	24	24	40	44	44	80	0	0	0	**416**
	Total Hours	**416**											
	Average Hourly Rates	$135.00	$86.25	$84.15	$86.25	$64.89	$50.60	$32.35	$52.19	$84.15	$50.40	$67.60	
	Technical Labor	$5,400.00	$10,350.00	$2,019.60	$2,070.00	$2,595.60	$2,226.40	$1,423.40	$4,175.20	$0.00	$0.00	$0.00	
	Total Technical Labor	**$30,260**											

Assumptions:

Exhibit A, Page 3

Staffing Worksheet

Section	Task	Principal in Charge	Project Manager	Sr Supervising Engineer	Supervising Engineer	Lead Engineer	Engineer II	Engineer I	Senior CADD Operator	Resident Engineer	Senior Inspector	Office Engineer	Hours per task
	Straight Time												
SECTION 9 Construction Inspection	9.071 General and Pre-Construction Activities												**0**
	9.072 Contractor Monitoring and Coordination									1600	4000	1600	**7200**
	9.073 Meetings, Schedules, and General Admin									320		320	**640**
	9.074 Post-Construction, Close-out, and Acceptance									400		400	**800**
	Subtotal, Section 9 (Straight Time)	0	0	0	0	0	0	0	0	2320	4000	2320	**8640**
	Premium Time (See Exhibit A, Page 1 for Overtime compensation)												
	9.071 General and Pre-Construction Activities												
	9.072 Contractor Monitoring and Coordination									40	160		
	9.073 Meetings, Schedules, and General Admin												
	9.074 Post-Construction, Close-out, and Acceptance												
	Subtotal, Section 9 (Premium Time)	0	0	0	0	0	0	0	0	40	160	0	
	Total hours	0	0	0	0	0	0	0	0	2360	4160	2320	**8840**
	Total Hours	**8840**											
	Average Hourly Rates	$135.00	$86.25	$84.15	$86.25	$64.89	$50.60	$32.35	$52.19	$84.15	$50.40	$67.60	
	Technical Labor	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$198,594.00	$209,664.00	$156,832.00	
	Total Technical Labor	**$565,090**											

Assumptions:

1. Construction duration is estimated to be twelver (12) consecutive months. If construction duration exceeds that time, additional funds to maintain proposed staffing levels will be required.
2. Rates listed are the average rates as computed in the salary schedule. Actual rates will be billed.
3. Project will be staffed with: (1) full-time Resident Engineer, (3) full-time Inspectors for 12 month construction duration
   Staff hours will be limited during start up and close out. Full-time staffing of a field office will begin on Contractor's NTP date and end after 24 months.
4. Any additional staff will be with prior approval by the City.
5. Premium time will be as per Exhibit A, Page 1 - Salary Schedule. In addition, a 10% premium shall apply to all night work. All time is budgeted as straight time.

Exhibit B, Page 1B
Direct Non-Salary Expense

1. Travel

Daily Inspection	6000	miles @	$0.66	=	$3,930.00	
Add'l Misc						
			TOTAL TRAVEL:			$3,930.00

2. Independent Testing (As Required)

Concrete and Asphalt	$50,000.00
TOTAL TESTING:	$50,000.00

3. Record Keeping and Payment Accounting Software (APPIA)

Cost per license per year:	$ 2,100.00	
No. of years:	1	
No. of licenses:	6	
Sales Tax		$1,055.25
TOTAL LICENSING FEES:		$13,655.25

TOTAL DIRECT NON-SALARY COST **$67,585.25**

Exhibit C
Summary

Item 1A, Direct Technical Salaries (Section 8) CSS		$30,260.20
Item 1A, Direct Technical Salaries (Section 9) CI		$565,090.00
Item II, Direct Non-Salary Cost - WSP Expenses		$67,585.25
Item III, Overhead WSP - Office	140%	$42,364.28
Item III, Overhead WSP - Field	105%	$593,344.50
Item IV, Fixed Fee (10%) WSP		$123,105.90
WSP		$1,354,164.88
Expenses		$67,585.25
Total Estimated Cost		$1,421,750.13
Maximum Amount Payable		**$1,422,000**

CITY OF MIDDLETOWN, NEW YORK
COMMON COUNCIL
RECORD OF VOTE

THE FOLLOWING WAS PRESENTED

By: Alderman Masi
Seconded by: Alderman Tobin
Date of Adoption: May 21, 2024
Index No: 88-24

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

Authorization to Accept a $55,000 Grant From the Empire State Development Corporation to Create a Strategic Plan for Middletown Community Campus

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

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

Budget Neutral Adjustment:

Increase Revenue line A.3990 Misc State Aid $55,000
Increase Expense line A.6200.498 Economic Development - MMC Grant Expense $55,000

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

Attachments:

1.	MCC EDS Planning Funding 2024

CITY OF MIDDLETOWN
Office of Economic & Community Development

May 10, 2024

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

RE: MIDDLETOWN COMMUNITY CAMPUS ESD GRANT AWARD

The City of Middletown has been awarded $55,000 through the Empire State Development: Strategic Planning and Feasibility Studies and the Smart Growth Comprehensive Planning Grant Program in order to create a Strategic Plan for the Middletown Community Campus.

As our application estimated $300,000 in planning funds to be utilized at the MCC, this planning grant will be completed alongside the Brownfield Opportunity Area (BOA) funding received for the site.

We are seeking authorization for the Mayor to sign as the sole signatory, any and all necessary documents required pertaining to the grant, and to authorize the Treasurer to establish a line through the general fund balance.

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 Johnson
Seconded by: Alderman Jean-Francois
Date of Adoption: May 21, 2024
Index No: 89-24

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

Authorization to Accept a $500,000 CREST Grant award for the Middletown & New Jersey Railroad Station

BE IT RESOLVED; that the Common Council of the City of Middletown, NY, concurs with the Board of Estimate and Apportionment and authorizes the acceptance of $500,000 in CREST funding through Assemblywomen Gunther's Office for the purchase and renovation of the Middletown and New Jersey Rail Station, located 140 East Main Street.

BE IT FURTHER RESOLVED; that the Common Council of the City of Middletown, NY, concurs with the Board of Estimate and Apportionment and authorizes the Mayor as representative and sole signatory for the agreement,

BE IT FURTHER RESOLVED; that the Common Council of the City of Middletown, NY, concurs with the Board of Estimate and authorizes the Treasurer to establish the following line in the capital budget and to transfer $500,000, in the following manner, as a temporary borrowing

to be repaid once funding is reimbursed for expenses.

FROM	TO	AMOUNT
GENERAL FUND BALANCE	H.7989.201 Middletown & NJ Rail Station Expenses	$500,000

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

Attachments:

1.	East Main RR Funding BOE 2024

CITY OF MIDDLETOWN
Office of Economic & Community Development

May 10, 2024

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

RE: ***Community Resiliency, Economic Sustainability, and Technology Program ("CREST")***
Purchase and Renovation of the Middletown & New Jersey Railroad Station
Project ID: 26932

Dear Members:

The City of Middletown has been awarded $500,000 in CREST funding through Assemblywoman Gunther's Office for the purchase and renovation of the Middletown & New Jersey Railroad Station, located 140 East Main St.

We are seeking the approval and endorsement from the Common Council to identify Mayor DeStefano as the authorized representative and sole signatory, and authorize the Treasurer to create the line for the project.

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 Kleiner
Date of Adoption: May 21, 2024
Index No: 90-24

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

Authorization to Accept a Grant of $250,772 in Brownfield Opportunity Area Funding through the 2023 Consolidated Funding Application

BE IT RESOLVED; that the Common Council of the City of Middletown, NY, concurs with the Board of Estimate and Apportionment and accepts a grant of $250,772 in Brownfield Opportunity Area funding through the 2023 Consolidated Funding Application (CFA), which is administered through the Department of State.

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

BE IT FURTHER RESOLVED; that the Common Council of the City of Middletown, NY, concurs with the Board of Estimate and Apportionment to identify Mayor DeStefano as the authorized representative and sole signatory, and commits to funding the 10% share of the

project which amounts to $27,863, and to authorize the Treasurer to establish a line through the general fund as follows:

Increase A.3990 Misc State Income $250,772
Increase A.6200.900 Brownfield Study MCC Expense $250,772

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

Attachments:

1.	CFA BOA Funding BOE 2024

CITY OF MIDDLETOWN
Office of Economic & Community Development

May 10, 2024

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

RE: Brownfield Opportunity Area Grant Award

Dear Members:

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

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

We are seeking the approval and endorsement from the Common Council to identify Mayor DeStefano as the authorized representative and sole signatory, and commit to funding the 10% share of the project which amounts to $27,863, and to authorize the Treasurer to establish a line through the general fund balance.

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 Witt
Seconded by: Alderman Jean-Francois
Date of Adoption: May 21, 2024
Index No: 91-24

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

Authorization to Accept a $3,500 Donation from Little League for Infield Clay.

BE IT RESOLVED; that the Common Council of the City of Middletown, NY, concurs with the Board of Estimate and Apportionment and authorizes accepts a $3,500 donation from Little League for infield clay.

BE IT FURTHER RESOLVED; that the Common Council of the City of Middletown, NY, concurs with the Board of Estimate and Apportionment and authorizes and authorizes the Treasurer to deposit these funds into account A.2705.00 Gifts and Donations and increase budget line A.7110.478 Park Improvements.

Prepared by:
Raelynn Bertholf, Supt of Recreation and Parks

Attachments:

1.	LL Donation

MIDDLETOWN LITTLE LEAGUE
PO BOX 843 845-742-4319
MIDDLETOWN, NY 10940

1735

50-247/219

CHECK ARMOR FRAUD PROTECTION

DATE 05-02-2024

PAY TO THE ORDER OF Middletown Parks and Recreation Dept $ 3,500.00

Three thousand Five Hundred Dollars and 00/100 ~ DOLLARS

Photo Safe Deposits Details on back

ORANGE Bank&Trust COMPANY

FOR donation for field clay

Rosanna Daniel Deborah Alvarez

⑈001735⑈ ⑆021902475⑆ 1919048⑈

CITY OF MIDDLETOWN, NEW YORK
COMMON COUNCIL
RECORD OF VOTE

THE FOLLOWING WAS PRESENTED

By: Alderman Tobin
Seconded by: Alderman Masi
Date of Adoption: May 21, 2024
Index No: 92-24

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

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

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

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

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

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

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

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

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

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

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

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

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

Prepared by:

Attachments:
None

CITY OF MIDDLETOWN, NEW YORK
COMMON COUNCIL
RECORD OF VOTE

THE FOLLOWING WAS PRESENTED

By: Alderman Witt
Seconded by: Alderman Masi
Date of Adoption: May 21, 2024
Index No: 93-24

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

Authorizes a $10,076.36 Budget Transfer to Cover the Cost of Restroom Installation at Amchir Park

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 $10,076.36, in the following manner,to build a single restroom at Amchir Park.

FROM	TO	AMOUNT
H.0764.01 Parks Rec. Davidge ParkRestrooms	H.0764.02 Parks Rec Amchir Park Restrooms	$10,076.36

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 Kleiner
Seconded by: Alderman Johnson
Date of Adoption: May 21, 2024
Index No: 94-24

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

Authorization to transfer $4,373.35 within the 2024 Water Budget to Cover the Cost of Training Expenses.

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 $4,373.35, in the following manner, to cover shortage of funds for Training expenses, for 2 courses (Advanced Ops and Supervisory Management), that both Paul Owen and Darrin Cross attended from 4/9/24 to 5/3/24 and 5/6/24 to 5/9/24 in Cortland, NY.

FROM	AMOUNT	TO
F.8330.400 WTP Contractual	$4,373.35	F.8330.433 WTP Training

Prepared by:
Jacob Tawil

Attachments:

1.	Transfer of Funds 5-14-24-WTP training

DEPARTMENT OF PUBLIC WORKS

MEMORANDUM

Date: May 14, 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
Re: Transfer of Funds

I respectfully request a transfer from 2024 WTP Contractual to 2024 Training, to cover shortage of funds for Training expenses, for 2 courses (Advanced Ops and Supervisory Management), that both Paul Owen and Darrin Cross attended from 4/9/24 to 5/3/24 and 5/6/24 to 5/9/24 in Cortland, NY

	FROM	AMOUNT	TO
1.	F.8330.400 WTP Contractual	$4,373.35	F.83303.433 WTP Training

Thank you.

MC

CITY OF MIDDLETOWN, NEW YORK
COMMON COUNCIL
RECORD OF VOTE

THE FOLLOWING WAS PRESENTED

By: Alderman Masi
Seconded by: Alderman Witt
Date of Adoption: May 21, 2024
Index No: 95-24

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

Authorizes a Proposal from Clark Patterson Lee for Amendment #1 of Additional Services for the Highland Avenue Water Tank Project

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 Clark Patterson Lee for Amendment #1 of additional services for the Highland Avenue Water Tank project in the amount of $59,479.00
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 attached proposal. agreement.

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

Prepared by:

Jacob Tawil

Attachments:

1.	HIGHLAND AVE TANK PROJ- AMENDMENT 1 PROPOSAL

DEPARTMENT OF PUBLIC WORKS

MEMORANDUM

Date: May 14, 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 J.T. | KB

Re: Additional Services- Highland Ave Tank Amendment #1 Proposal

Enclosed, please find a proposal from CPL for Amendment #1 of additional services for the Highland Avenue tank project. We are hereby requesting approval and signature for this proposal in the amount of $59,479.00.

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

Thank you.

May 6, 2024

Mr. Jacob S. Tawil, P.E., Commissioner of Public Works
City of Middletown
16 James St.
Middletown, NY 10940

Re: Highland Avenue Water Storage Tank Rehabilitation
Proposal for Additional Professional Services – Amendment No. 1

Dear Jacob:

We are pleased to submit this proposal to provide additional professional services for the Highland Avenue Water Storage Tank Rehabilitation project, as discussed in our meeting with you on February 16, 2024. This proposal amends our June 18, 2020 proposal, which was authorized by City Resolution #155-20 adopted August 4, 2020.

Scope of Services

CPL has provided, and proposes to continue to provide, the following additional services for the project as outlined below.

- NYSEFC Funding-Related Services
  - The project was initially going to be funded through City Borrowed Funds, as indicated in Resolution #155-20. During the course of the project, the City added this project into the New York State Environmental Facilities Corporation (NYSEFC) grant and low-interest loan funding package for the New Water Tanks project for the High Barney and Mountain Avenue water tanks. This inclusion required the following additional services by CPL to comply with NYSEFC requirements:
    - Redoing SEQR (coordinated review) for the combined project.
    - Incorporation of NYSEFC Mandatory State Revolving Fund Terms and Conditions into the contract documents.
    - Subcontracting the Construction Observation portion of our services, which we originally planned to self-perform, to KARC Planning Consultants, Inc (KARC), a WBE (Women-owned Business Enterprise) firm, to comply with NYSEFC MWBE utilization goals. This entailed effort by CPL for both subcontracting these services and coordination with KARC during construction.
    - Additional NYSEFC MWBE reporting.

- Additional Construction Services
  - The Agreement between the City and NUCO Painting Corp. (NUCO) for the construction contract was effective April 10, 2023 and stipulated a Substantial Completion date of October 31, 2023 and a Final Completion date of November 30, 2023. Due to delays by NUCO which are solely their responsibility, these dates have been exceeded, extending the project into winter construction. This has required a considerable extension of construction administration services by CPL and construction observation services subcontracted to KARC beyond what was included in our original authorized proposal, as well as the utilization of a subcontracted NACE-certified inspector (Tank Inspection Services) to assist with verification of proper coating application in the sub-optimal winter weather conditions.
  - NUCO's mismanagement of the project has required a far greater level of effort from CPL and our subconsultants than would usually be required, as we have dealt with issues such as having to issue stop work orders due to NUCO's repeated loss of insurance coverage, NUCO failing to show up at the site or not having materials on hand to work when our inspectors were present, etc.

Schedule

The tank was placed back into service on Saturday, February 17, which we consider the actual Substantial Completion date. Final Completion has not yet been achieved, as there are still several scope of work items which remain to be completed by NUCO as outlined in our February 19, 2024 letter to them. We have repeatedly pressed NUCO for a completion schedule but have yet to receive a complete one. At your direction, we reached out to NUCO's bonding company in late April and they have become involved.

Compensation

We propose compensation for the above scope of services for the following lump sum fees. A fee backup sheet has been attached for reference.

Funding-Related Services	$ 8,010.00	
Additional Construction Services		
CPL (Construction Administration)	$ 27,975.00	See Note 1
KARC (Construction Observation)	$ 13,530.00	
Tank Inspection Services (NACE Inspector)	$ 9,964.00	See Note 2
Subtotal Additional Construction Services	$ 51,469.00	
TOTAL Amendment No. 1	**$ 59,479.00**	

Notes:

1. CPL's Additional Construction Administration fee is based on our efforts through May 3, 2024, plus an estimated 8 hours of remaining effort through Final Completion. Should the project require additional effort from CPL beyond this, we may request additional fees.
2. Tank Inspection Services' fee includes (9) site visits completed thus far, including expenses, and (1) remaining site visit to be completed to verify ladder fall protection.

As discussed, these additional fees will be compensated by the City either from Liquidated Damages taken from NUCO for construction delays, or from the allowance included in the NYSEFC funding budget.

We would note that the Agreement between the City and NUCO includes Liquidated Damages of $500 per day for failure to meet the Final Completion Date, should the City choose to impose them. As of May 6, 2024, NUCO is 158 days beyond the Final Completion date, which is equivalent to $79,000 which will continue to accrue at $500 per day until Final Completion of the Work is achieved.

If this proposal is acceptable, please provide an authorized signature in the designated space below and return one copy.

We appreciate the opportunity to be of service to the City of Middletown and look forward to the completion of this important project. If you have any questions or wish to discuss our proposal in greater detail, please contact me at (607) 304-9968.

Very truly yours,

CPL

David A. Chase, P.E., LEED AP
Associate Principal

Enclosure

Proposal Accepted By:

Signature: _____ Date: _____
City of Middletown

City of Middletown
Highland Avenue Water Storage Tank Rehabilitation - Additional Services Proposal
Fee Backup
Date: 5/6/2024

Tasks	Vice President	Associate Principal	Senior Project Manager	Construction Observation (KARC)	NACE Inspector (TIS) (rate per visit)	Expenses	Fee
			Man-Hours				
Hourly Rate	**$270**	**$215**	**$185**	**$110**	**$975**		
Funding-Related Services							
Funding-Related Services		8	34				$ 8,010.00
Subtotal							**$ 8,010.00**
Additional Construction Services							
CPL							
Additional Construction Administration	9	19	116				$ 27,975.00
Subconsultants							
KARC - Additional Construction Observation				123			$ 13,530.00
TIS - NACE Inspection Services					10	$ 214	$ 9,964.00
Subtotal							**$ 51,469.00**
Totals	**9**	**27**	**150**	**123**	**10**	**$ 214**	**$ 59,479.00**

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 21, 2024
Index No: 96-24

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

Authorization to Accept $3 million SAM Grant Funding from Senator Skoufis for the Former Federal Court House Project

BE IT RESOLVED; that the Common Council of the City of Middletown, NY, concurs with the Board of Estimate and Apportionment and accepts $3 million in SAM Grant Funding from Senator Skoufis for the Former Federal Court House Project.

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 transfer $1,000,000, in the following manner,

FROM	AMOUNT	TO
H.0996.900 Infill Development Project	$1,000,000	H.0916.900 Court House

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 any and all paperwork associated with this grant and the Court House Project.

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

Attachments:

1.	Skoufis Court House Funding BOE 2024

CITY OF MIDDLETOWN
Office of Economic & Community Development

May 15, 2024

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

RE: *State and Municipalities ("SAM") Renovation of the Vacant Former Courthouse*
Project ID: 25220

Dear Members:

The City of Middletown has been awarded $3 million in SAM funding through the Office of Senator Skoufis for the renovation of the vacant federal courthouse located on South St.

$1 million of this funding was previously awarded to the City for the proposed Infill Project under the above project ID/number. As funds were needed at the Court House, we requested a change in use and were approved. DASNY combined a new award of $2 million for the courthouse to this project number – this totals $3 million.

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

FROM	AMOUNT	TO
H.0996.900	$1,000,000	H.916.900
Infill Development Project		Court House

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 Masi
Date of Adoption: May 21, 2024
Index No: 97-24

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

Authorization to accept an Award of $136,315 from the Division of Criminal Justice Services (DCJS) Law Enforcement Technology Grant

BE IT RESOLVED; that the Common Council of the City of Middletown, NY, concurs with the Board of Estimate and Apportionment and authorizes and accepts an Award of $136,315 from the Division of Criminal Justice Services (DCJS) Law Enforcement Technology Grant. This program provides funding to agencies looking to increase efficiency and effectiveness through the purchase of several key pieces of technology that will complement our enforcement and community outreach efforts, to help reduce crime and increase safety and security.

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 funding to a newly established DCJS expense budget line in the General Fund Budget.

Prepared by:
John Ewanciw, Chief of Police

Attachments:

1.	DCJS TECHNOLOGY GRANT
2.	technology 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

May 16, 2024

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

DCJS Law Enforcement Technology Grant

Dear Mayor DeStefano and Members,

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

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

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

Thank you.

Very truly yours,

John Ewanciw
Chief of Police

JE:ccd

Development and Funding ***

Thank you for applying to the Division of Criminal Justice Services' (DCJS) Law Enforcement Technology (LETECH) grant program. Today, Governor Kathy Hochul will announce that $127 million in funding is being awarded to all 378 law enforcement agencies that applied across New York State.

This funding will allow your police departments and sheriffs' offices to purchase new technology and equipment to modernize your operations and more effectively solve and prevent crime. Your agencies will be able to use these funds to support a variety of equipment and technology, including but not limited to license plate readers, mobile and fixed surveillance cameras, computer-aided dispatch systems, software, unmanned aerial vehicles, gunshot detection devices, and smart equipment for patrol vehicles and police officers.

You will receive your formal award letter and grant documentation from DCJS Office of Program Development and Funding by no later than Friday, May 31, 2024. To fully fund all requested needs, Governor Hochul secured additional funding in the FY25 Enacted Budget. More than half of the total funding will be used to support license plate readers (22 percent), body-worn and patrol vehicle equipment (20 percent), and surveillance cameras (17 percent). Please find a breakdown of total funding by county and agency in the attached document.

CITY OF MIDDLETOWN, NEW YORK
COMMON COUNCIL
RECORD OF VOTE

THE FOLLOWING WAS PRESENTED

By: Alderman Kleiner
Seconded by: Alderman Johnson
Date of Adoption: May 21, 2024
Index No: 98-24

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

Authorization to Approve Roosevelt Ave Easement Agreement

BE IT RESOLVED; that the Common Council of the City of Middletown, NY, concurs with the Board of Estimate and Apportionment and authorizes an easement for residents of Roosevelt Avenue

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 once it has been fully executed by all named residents.

Prepared by:

Attachments:

1.	Roosevelt Avenue - Easement Agreement (003)

EASEMENT AGREEMENT

This Agreement is made the ____ day of _____, 2024, by the City of Middletown ("City"), a municipal corporation with its place of business at 16 James Street, Middletown, New York 10940, and Rosa M. Salamanca ("Owner" or "Salamanca") and Manuel A. Salamanca ("Owner" or "Salamanca", individuals with a residential address at 97-99 Commonwealth Avenue, Middletown, New York 10940, and Marjorie E. Kummer ("Owner" or "Kummer"), an individual with a residential address at 95 Commonwealth Avenue, Middletown, New York 10940, and Daniel Maldonado ("Owner" or "Maldonado") and Jacqueline Maldonado ("Owner" or "Maldonado"), individuals with a residential address at 5-7 Roosevelt Avenue, Middletown, New York 10940, and Alisha Young ("Owner" or Young"), an individual with a residential address at 1-3 Roosevelt Avenue, Middletown, New York 10940, and Daniel Diaz ("Owner" or "Diaz") and Ivanessa Sanchez-Diaz ("Owner" or "Diaz"), individuals with a residential address at 94 Watkins Avenue, Middletown, New York 10940, and Donna Maria Bacchi ("Owner" or "Bacchi"), an individual with a residential address at 96 Watkins Avenue, Middletown, New York 10940, and Peter B. Swenson ("Owner" or "Swenson") and Diane L. Swenson ("Owner" or "Swenson"), individuals with a residential address at 98 Watkins Avenue, Middletown, New York 10940, and Robert Deltoro ("Owner" or "Deltoro") and Xiomara Basulto ("Owner" or "Basulto"), individuals with a residential address at 100 Watkins Avenue, Middletown, New York 10940, and Bruce C. DeGroat ("Owner" or "DeGroat"),

an individual with a residential address at 102 Watkins Avenue, Middletown, New York 10940, and Jair Baggio LLC ("Owner" or "Baggio"), an entity with a residential address at 10-12 Wisner Avenue, Middletown, New York 10940.

WHEREAS, the Salamancas own certain premises in the City of Middletown, County of Orange, State of New York, delineated on the City of Middletown Tax Map as Section 7, Block 2, Lot 2, with a street address of 97-99 Commonwealth Avenue, Middletown, New York 10940 ("Salamanca Premises"), being the same land and premises described in a deed from Rosa M. Salamanca fka Rosa Guzman, Manuel A. Salananca aka Manuel A. Salamanca and Luis A. Cespedes to Rosa M. Salamanca and Manuel A. Salamanca and recorded in the Orange County Clerk's Office on January 21, 2020 in Book 14690 of Deeds at Page 538, and more particularly described in Schedule A, which is attached hereto and made a part hereof, and

WHEREAS, Kummer owns certain premises in the City of Middletown, County of Orange, State of New York, delineated on the City of Middletown Tax Map as Section 7, Block 3, Lot 2, with a street address of 95 Commonwealth Avenue, Middletown, New York 10940 ("Kummer Premises"), being the same land and premises described in a deed from John M. Kummer and Marjorie E. Kummer to Marjorie E. Kummer and recorded in the Orange County Clerk's Office on April 3, 2000 in Liber 5270 at Page 128, and more particularly described in Schedule B, which is attached hereto and made a part hereof, and

WHEREAS, the Maldonados own certain premises in the City of Middletown, County of Orange, State of New York, delineated on the City of Middletown Tax Map as Section 7, Block 3, Lot 1, with a street address of 5-7 Roosevelt Avenue, Middletown, New York 10940 ("Maldonado Premises"), being the same land and premises described in a deed from Albert H. LaVine and Blanche P. LaVine to Daniel Maldonado and Jacqueline Maldonado and recorded in the Orange County Clerk's Office on April 26, 2006 in Book 12137 of Deeds at Page 1760, and more particularly described in Schedule C, which is attached hereto and made a part hereof, and

WHEREAS, Young owns certain premises in the City of Middletown, County of Orange, State of New York, delineated on the City of Middletown Tax Map as Section 7, Block 3, Lot 11, with a street address of 1-3 Roosevelt Avenue, Middletown, New York 10940 ("Maldonado Premises"), being the same land and premises described in a deed from Jesus Ramos and Jeanette Ramos to Alisha Young and recorded in the Orange County Clerk's Office on May 15, 2020 in Book 14746 of Deeds at Page 778, and more particularly described in Schedule D, which is attached hereto and made a part hereof, and

WHEREAS, the Diazs' own certain premises in the City of Middletown, County of Orange, State of New York, delineated on the City of Middletown Tax Map as Section 7, Block 3, Lot 10, with a street address of 94 Watkins Avenue, Middletown, New York 10940 ("Diaz Premises"), being the same land and premises described in a deed from Marjorie I. Silling a/k/a Marjorie Silling,

individually, as life tenant and as surviving tenant by the entirety of William Silling and James H. Saunders, as trustee of the Marjorie I. Silling Irrevocable Trust dated 1/23/12 to Daniel Diaz and Ivanessa Sanchez-Diaz and recorded in the Orange County Clerk's Office on August 3, 2022 in Book 15284 of Deeds at Page 544, and more particularly described in Schedule E, which is attached hereto and made a part hereof, and

WHEREAS, Bacchi owns certain premises in the City of Middletown, County of Orange, State of New York, delineated on the City of Middletown Tax Map as Section 7, Block 3, Lot 9, with a street address of 96 Watkins Avenue, Middletown, New York 10940 ("Bacchi Premises"), being the same land and premises described in a deed from JP Morgan Chase Bank, N.A. to Donna Maria Bacchi and recorded in the Orange County Clerk's Office on September 20, 2010 in Book 13056 of Deeds at Page 1580, and more particularly described in Schedule F, which is attached hereto and made a part hereof, and

WHEREAS, the Swensons own certain premises in the City of Middletown, County of Orange, State of New York, delineated on the City of Middletown Tax Map as Section 7, Block 3, Lot 8, with a street address of 98 Watkins Avenue, Middletown, New York 10940 ("Swenson Premises"), being the same land and premises described in a deed from Estate of John M. Mulqueen Jr. to Peter B. Swenson and Diane L. Swenson and recorded in the Orange County Clerk's Office on May 20, 2013 in Book 13567 of Deeds at Page 1251, and more

particularly described in Schedule G, which is attached hereto and made a part hereof, and

WHEREAS, Deltoro and Basulto own certain premises in the City of Middletown, County of Orange, State of New York, delineated on the City of Middletown Tax Map as Section 7, Block 3, Lot 7, with a street address of 100 Watkins Avenue, Middletown, New York 10940 ("Deltoro and Basulto Premises"), being the same land and premises described in a deed from Donald R. Law and Elizabeth R. Law to Robert Deltoro and Xiomara Basulto and recorded in the Orange County Clerk's Office on December 27, 2006 in Book 12330 of Deeds at Page 1376, and more particularly described in Schedule H, which is attached hereto and made a part hereof, and

WHEREAS, DeGroat owns certain premises in the City of Middletown, County of Orange, State of New York, delineated on the City of Middletown Tax Map as Section 7, Block 3, Lot 6, with a street address of 102 Watkins Avenue, Middletown, New York 10940 ("DeGroat Premises"), being the same land and premises described in a deed from Allen D. Bobb, Joan E. Bobb, Richard T. Lenz, and Michele M. Lenz to Bruce C. DeGroat and recorded in the Orange County Clerk's Office on January 11, 2010 in Book 12950 of Deeds at Page 1327, and more particularly described in Schedule I, which is attached hereto and made a part hereof, and

WHEREAS, Baggio owns certain premises in the City of Middletown, County of Orange, State of New York, delineated on the City of Middletown Tax

Map as Section 7, Block 3, Lot 5, with a street address of 10-12 Wisner Avenue, Middletown, New York 10940 ("Baggio Premises"), being the same land and premises described in a deed from 113 Wickham Avenue LLC to Jair Baggio LLC and recorded in the Orange County Clerk's Office on December 12, 2022 in Book 15347 of Deeds at Page 1637, and more particularly described in Schedule J, which is attached hereto and made a part hereof, and

WHEREAS, the parties desire that the City acquire an easement to continue to perform snow plowing and salting a certain paved, blacktop driveway running across all of the non-municipal parties' properties from Roosevelt Avenue and Wisner Avenue.

NOW, THEREFORE, in consideration of One Dollar ($1.00) and other good and valuable consideration,

1. The above recitals are hereby incorporated as if restated herein at length.

2. The Salamancas, Kummer, Maldonados, Young, Diazs', Bacchi, Swensons, Deltoro and Basulto, DeGroat and Baggio hereby grant the City a permanent easement to be exercised in, on and over a certain portion of the premises described in Schedules A through J for the purpose of providing snow plowing and salting operations. The permanent easement consists of the currently existing paved, blacktop driveway running across all of the non-municipal parties' properties from Roosevelt Avenue to Wisner Avenue.

3. This easement is conditioned upon:

A. The owners of the affected premises must maintain the subject driveway in a condition that allows for safe operations by the vehicles utilized by the City's Department of Public Works. This maintenance includes, but is not limited to, removal of trees and other vegetation, and repair of potholes.

B. The cost of all maintenance, repair, improvement and replacement upon said easement shall be the responsibility of the owners of the affected premises.

C. The owners of the affected premises must remove all vehicles and other obstructions in the subject driveway that would interfere with the City's operations.

D. The owners of the affected premises are responsible to remove any snow that accumulates upon their respective premises as a result of the City's plowing operations.

4. The Salamancas, Kummer, Maldonados, Young, Diazs', Bacchi, Swensons, Deltoro and Basulto, DeGroat and Baggio all agree to indemnify and hold harmless the City, its heirs, successors, distributes and assigns, to the fullest extent allowed by law for any and all claims made against the City, its heirs, successors, distributes and assigns, in connection with the City's operations in and over the subject driveway, except that this indemnification shall not apply in any case in which the alleged damages are caused by the City's willful misconduct or negligence.

5. This Agreement shall be recorded, shall be deemed to be a covenant running with the land, and shall be binding upon, and inure to the benefit of, the parties hereto, their heirs, distributees, successors, legal representatives and assigns.

City of Middletown
By:

_____
Joseph M. DeStefano, Mayor

Jair Baggio LLC
By:

_____

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

On the _____ day of _____, 2024, before me, the undersigned, a Notary Public in and for said State, personally appeared Joseph M. DeStefano, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity and that by his/her/their signature(s) on the instrument the individual(s) or the person upon behalf of which individual(s) acted, executed the instrument.

_____
Notary Public

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

On the _____ day of _____, 2024, before me, the undersigned, a Notary Public in and for said State, personally appeared _____ _____, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity and that by his/her/their signature(s) on the instrument the individual(s) or the person upon behalf of which individual(s) acted, executed the instrument.

_____
Notary Public

_____ _____
Rosa M. Salamanca Manuel A. Salamanca

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

On the _____ day of _____, 2024, before me, the undersigned, a Notary Public in and for said State, personally appeared Rosa M. Salamanca, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity and that by his/her/their signature(s) on the instrument the individual(s) or the person upon behalf of which individual(s) acted, executed the instrument.

_____
Notary Public

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

On the _____ day of _____, 2024, before me, the undersigned, a Notary Public in and for said State, personally appeared Manuel M. Salamanca, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity and that by his/her/their signature(s) on the instrument the individual(s) or the

person upon behalf of which individual(s) acted, executed the instrument.

_____
Notary Public

_____ _____
Marjorie E. Kummer Alisha Young

STATE OF NEW YORK)
) ss.:

COUNTY OF ORANGE)

On the _____ day of _____, 2024, before me, the undersigned, a Notary Public in and for said State, personally appeared Marjorie E. Kummer, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity and that by his/her/their signature(s) on the instrument the individual(s) or the person upon behalf of which individual(s) acted, executed the instrument.

_____
Notary Public

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

On the _____ day of _____, 2024, before me, the undersigned, a Notary Public in and for said State, personally appeared Alisha Young, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity and that by his/her/their signature(s) on the instrument the individual(s) or the person upon behalf of which individual(s) acted, executed the instrument.

_____
Notary Public

_____ _____
Daniel Diaz Ivanessa Sanchez-Diaz

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

On the _____ day of _____, 2024, before me, the undersigned, a Notary Public in and for said State, personally appeared Daniel Diaz, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity and that by

his/her/their signature(s) on the instrument the individual(s) or the person upon behalf of which individual(s) acted, executed the instrument.

_____
Notary Public

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

On the _____ day of _____, 2024, before me, the undersigned, a Notary Public in and for said State, personally appeared Ivanessa Sanchez-Diaz, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity and that by his/her/their signature(s) on the instrument the individual(s) or the person upon behalf of which individual(s) acted, executed the instrument.

_____
Notary Public

_____ _____
Peter B. Swenson Diane L. Swenson

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

On the _____ day of _____, 2024, before me, the undersigned, a Notary Public in and for said State, personally appeared Peter B. Swenson, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity and that by his/her/their signature(s) on the instrument the individual(s) or the person upon behalf of which individual(s) acted, executed the instrument.

_____
Notary Public

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

On the _____ day of _____, 2024, before me, the undersigned, a Notary Public in and for said State, personally appeared Diane L. Swenson, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity and that by his/her/their signature(s) on the instrument the individual(s) or the person upon behalf of which individual(s) acted, executed the instrument.

_____
Notary Public

_____ _____
Robert Deltoro Xiomara Basulto

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

On the _____ day of _____, 2024, before me, the undersigned, a Notary Public in and for said State, personally appeared Robert Deltoro, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity and that by his/her/their signature(s) on the instrument the individual(s) or the

person upon behalf of which individual(s) acted, executed the instrument.

_____
Notary Public

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

On the _____ day of _____, 2024, before me, the undersigned, a Notary Public in and for said State, personally appeared Xiomara Basulto, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity

and that by his/her/their signature(s) on the instrument the individual(s) or the person upon behalf of which individual(s) acted, executed the instrument.

_____
Notary Public

_____
Bruce C. DeGroat

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

On the _____ day of _____, 2024, before me, the undersigned, a Notary Public in and for said State, personally appeared Bruce C. DeGroat, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity and that by his/her/their signature(s) on the instrument the individual(s) or the person upon behalf of which individual(s) acted, executed the instrument.

_____
Notary Public

CITY OF MIDDLETOWN, NEW YORK
COMMON COUNCIL
RECORD OF VOTE

THE FOLLOWING WAS PRESENTED

By: Alderman Johnson
Seconded by: Alderman Masi
Date of Adoption: May 21, 2024
Index No: 99-24

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

Authorization to Amend City Code as it Pertains to Parking Regulations for Uninspected and Unregistered Vehices

WHEREAS, the Corporation Counsel is recommending that a failure to display inspection and registration stickers be added to the provisions regarding parking restrictions.

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., Chapter 460, Vehicles and Traffic, is hereby amended by adding a new subsection (a) to Section 460-23.1, Parking restrictions on uninspected and other vehicles, to read as follows:

§ 460-23.1(a). Parking restrictions on vehicles which fail to display a valid inspection or registration sticker. The parking of any motor vehicle which does not properly display a valid

inspection or registration sticker in City-owned or -operated parking lots and on City streets is prohibited.

Section 2 – The Code of the City of Middletown, N.Y., Chapter 460, Vehicles and Traffic, is hereby amended by replacing subsection (B) (1) (t) of Section 460-41, Penalties for offenses, to read as follows:

§460-41(B)(1)(t). Uninspected, unregistered, junk motor vehicles, and vehicles for sale in violation of Section 460-23.1: $100.

Section 3 – The Code of the City of Middletown, N.Y., Chapter 460, Vehicles and Traffic, is hereby amended by adding a new subsection (B) (1) (w) of Section 460-41, Penalties for offenses, to read as follows:

§460-41(B)(1)(w). Motor vehicles which do not properly display a valid inspection or registration sticker: $50.

Section 4 - This resolution and ordinance shall take effect immediately.

Prepared by:

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: May 21, 2024
Index No: 100-24

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

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

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

Section 1. The construction of the raw water line replacement from Kinch Reservoir to Shawangunk Reservoir, in and for the City of Middletown, Orange County, New York, including incidental improvements and expenses in connection therewith, are hereby authorized at a maximum estimated cost of $10,200,000; provided, however, that the amount of bonds to be issued shall be reduced to the extent of grants received in connection therewith.

Section 2. The plan for the financing of such maximum estimated cost is by the issuance of $10,200,000 bonds of said City hereby authorized to be issued therefor pursuant to the provisions

of the Local Finance Law.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is forty years, pursuant to subdivision 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 City Treasurer is hereby further authorized, at her sole discretion, to execute a project finance and/or loan agreement, and any other agreements with the New York State Environmental Facilities Corporation, including amendments thereto, and including any instruments (or amendments thereto) in the effectuation thereof, in order to effect the financing or refinancing of the object or purpose described in Section 1 hereof, or a portion thereof, by a bond or note issue of said City in the event of the sale of same to the New York State Environmental Facilities Corporation.

Section 9. 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 10. 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 11. 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:

Attachments:

1.	Water Line Replacement Bond Resolution

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

May 8, 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
Raw Water Line Replacement From Kinch Reservoir to
Shawangunk Reservoir (Phase 1B)- $10,200,000 Bonds
Orrick File: 42347-2-504

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.

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

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

With best wishes,

Very truly yours,

Tom

Thomas E. Myers
/es
Enclosures

cc: Jacob Tawil (jtawil@middletown-ny.com)

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 _____, 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 _____, 2024.

A RESOLUTION AUTHORIZING THE ISSUANCE OF $10,200,000 BONDS OF THE CITY OF MIDDLETOWN, ORANGE COUNTY, NEW YORK, TO PAY THE COST OF THE CONSTRUCTION OF THE RAW WATER LINE REPLACEMENT FROM KINCH RESERVOIR TO SHAWANGUNK RESERVOIR (PHASE 1B) 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 construction of the raw water line replacement from Kinch Reservoir to Shawangunk Reservoir, in and for the City of Middletown, Orange County, New York, including incidental improvements and expenses in connection therewith, are hereby authorized at a maximum estimated cost of $10,200,000; provided, however, that the amount of bonds to be issued shall be reduced to the extent of grants received in connection therewith.

Section 2. The plan for the financing of such maximum estimated cost is by the issuance of $11,200,000 bonds of said City hereby authorized to be issued therefor pursuant to the provisions of the Local Finance Law.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is forty years, pursuant to subdivision 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 City Treasurer is hereby further authorized, at her sole discretion, to execute a project finance and/or loan agreement, and any other agreements with the New York State Environmental Facilities Corporation, including amendments thereto, and including any instruments (or amendments thereto) in the effectuation thereof, in order to effect the financing or refinancing of the object or purpose described in Section 1 hereof, or a portion thereof, by a bond or note issue of said City in the event of the sale of same to the New York State Environmental Facilities Corporation.

Section 9. 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 10. 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 11. 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 _____

_____ 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 _____, 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 _____, 2024.

_____
City Clerk

(CORPORATE SEAL)

LEGAL NOTICE OF ESTOPPEL

The bond resolution, a summary of which is published herewith, has been adopted on _____, 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,

_____, 2024.

_____

City Clerk

BOND RESOLUTION DATED _____, 2024.

A RESOLUTION AUTHORIZING THE ISSUANCE OF $10,200,000 BONDS OF THE CITY OF MIDDLETOWN, ORANGE COUNTY, NEW YORK, TO PAY THE COST OF THE CONSTRUCTION OF THE RAW WATER LINE REPLACEMENT FROM KINCH RESERVOIR TO SHAWANGUNK RESERVOIR (PHASE 1B) IN AND FOR SAID CITY.

Class of objects or purposes:	Construction of the raw water line replacement from Kinch Reservoir to Shawangunk Reservoir
Period of probable usefulness:	Forty years
Maximum estimated cost:	$10,200,000
Amount of obligations to be issued:	$10,200,000 bonds

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 21, 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	7			2

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

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

Prepared by:

<u>Attachments:</u>
None

rev12312021

NEW YORK STATE OF OPPORTUNITY. State Liquor Authority

OFFICE USE ONLY
○ Original ○ Amended Date _____

Standardized NOTICE FORM for Providing 30-Day Advance Notice to a Local Municipality or Community Board

1. Date Notice Sent: 7/10/2024

1a. Delivered by: Personal Delivery with Proof of Receipt

RECEIVED JUL 10 2024 CITY CLERK CITY OF MIDDLETOWN

2. Select the type of Application that will be filed with the Authority for an On-Premises Alcoholic Beverage License:

For premises outside the City of New York:

◉ New Application ○ Removal ○ Class Change

For premises in the City of New York:

○ New Application ○ New Application and Temporary Retail Permit ○ Temporary Retail Permit ○ Removal

○ Class Change ○ Method of Operation ○ Corporate Change ○ Renewal ○ Alteration

For **New** and Temporary Retail Permit applicants, answer each question below using all information known to date
For **Renewal** applicants, answer all questions
For **Alteration** applicants, attach a complete written description and diagrams depicting the proposed alteration(s)
For **Corporate Change** applicants, attach a list of the current and proposed corporate principals
For **Removal** applicants, attach a statement of your current and proposed addresses with the reason(s) for the relocation
For **Class Change** applicants, attach a statement detailing your current license type and your proposed license type
For **Method of Operation Change** applicants, although not required, if you choose to submit, attach an explanation detailing those changes

Please include all documents as noted above. Failure to do so may result in disapproval of the application.

This 30-Day Advance Notice is Being Provided to the Clerk of the Following Local Municipality or Community Board:

3. Name of Municipality or Community Board: Middletown

Applicant/Licensee Information:

4. Licensee Serial Number (if applicable): _____ Expiration Date (if applicable): _____

5. Applicant or Licensee Name: Floresmilo Mendia-Ramón

6. Trade Name (if any): Milo's Restaurant

7. Street Address of Establishment: 90 North Street

8. City, Town or Village: Middletown **, NY** Zip Code: 10940

9. Business Telephone Number of applicant/ Licensee: 203-77-7893

10. Business E-mail of Applicant/Licensee: c/o t.martin@gilbertmartinlaw.com

11. Type(s) of alcohol sold or to be sold: ○ Beer & cider ◉ Wine, Beer & Cider ○ Liquor, Wine, Beer & Cider

12. Extent of Food Service: ◉ Full Food menu; full kitchen run by a chef/cook ○ Menu meets legal minimum food requirements; food prep area required

13. Type of Establishment: Restaurant (full kitchen and full menu required)

14. Method of Operation: (check all that apply)
☐ Seasonal Establishment ☐ Juke Box ☐ Disc Jockey ☐ Recorded Music ☐ Karaoke
☐ Live Music (give details i.e., rock bands, acoustic, jazz, etc.): _____
☐ Patron Dancing ☐ Employee Dancing ☐ Exotic Dancing ☐ Topless Entertainment
☐ Video/Arcade Games ☐ Third Party Promoters ☐ Security Personnel
☐ Other (specify): _____

15. Licensed Outdoor Area: (check all that apply)
☑ None ☐ Patio or Deck ☐ Rooftop ☐ Garden/Grounds ☐ Freestanding Covered Structure
☐ Sidewalk Cafe ☐ Other (specify): _____

OFFICE USE ONLY
○ Original ○ Amended Date _____

16. List the floor(s) of the building that the establishment is located on: Floor 1

17. List the room number(s) the establishment is located in within the building, if appropriate: N/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:

23. Building Owner's Street Address: 17 Wood Lake Drive, unit 17

24. City, Town or Village: Middletown State: NY Zip Code: 10940

25. Business Telephone Number of Building Owner: 513-940-6759

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: Trevor R. Martin, Esq. - Gilbert + Martin LLP

27. Representative/Attorney's Street Address: 45-47 Wickham Ave

28. City, Town or Village: Middletown State: NY Zip Code: 10940

29. Business Telephone Number of Representative/Attorney: 845-342-1155

30. Business E-mail Address of Representative/Attorney: t.Martin@GilbertMartinlaw.com

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: Floresmilo Mendoza Title: Presidente.

Principal Signature: Floresmilo Mendoza

OFFICIAL PETITION
TO
COUNCIL MEMBERS
MIDDLETOWN, NY

RECEIVED
JUL 10 2024
CITY CLERK
CITY OF MIDDLETOWN

City of Middletown
16 James St
Ste 6
Middletown, NY 10940-5734

To Members of the Middletown City Council:

There is a national movement underway to cut back on quality-of-life policing methods such as making arrests for vandalism, littering, loitering, vagrancy, public intoxication, and other quality of life violations.

As a registered voter in Middletown, I urge you to maintain all quality-of-life policing methods, vigorously defend these methods, support our police in enforcement of quality-of-life violations, and make sure our district attorney is fully behind quality-of-life policing methods.

Quality of life policing, as well as pro-active policing methods, have cleaned up and maintained order in many neighborhoods in our city and helped reduce more serious crime nationwide between 1985 and 2015 by over 50%.

Mrs. Marion Saccardi

Ms. Margaret Cipollone

Debbie Morano

Cassandra Mccue

James Depuy

Ms. Susan Lee

Ms. Theresa Bartha

Ms. Hope Long

Mrs. Joan Stoltz

Mr. Ronald Zoll

RECEIVED
JUL 15 2024
CITY CLERK
CITY OF MIDDLETOWN

CITY OF MIDDLETOWN, NEW YORK
COMMON COUNCIL
RECORD OF VOTE

THE FOLLOWING WAS PRESENTED

By: Alderman Kleiner
Seconded by: Alderman Witt
Date of Adoption: July 16, 2024
Index No: 136-24

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

Richard P. McCormack
Clerk to the Common Council

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

I hereby approve the attached Resolution/Local Law.

Joseph M. DeStefano, Mayor

Date

Authorization to Host the 2024 Run 4 Downtown

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 streets and intersections necessary and at their discretion, for the Run 4 Downtown, Saturday, August 17, 2024 beginning at 8:00 a.m. and lasting until such time as it is no longer needed.

LET IT BE IT FURTHER RESOLVED; that the Common Council of the City of Middletown hereby grants the Annual Run 4 Downtown application to sell beer and wine, conditioned upon the execution of the attached agreement by the applicant and the fulfillment of all requirements outlined in the agreement by the applicant and to supply the City with the proper insurance documents and authorize the Mayor to sign the application from the SLA for the selling of beer and wine and temporarily lift the requirements of the City's open container ordinance for this

application.

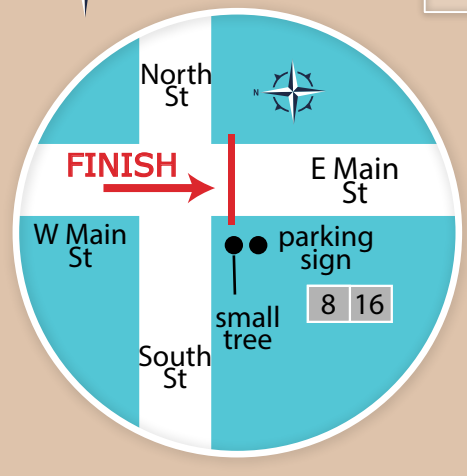
Prepared by:
Rick McCormack, City Clerk

Attachments:

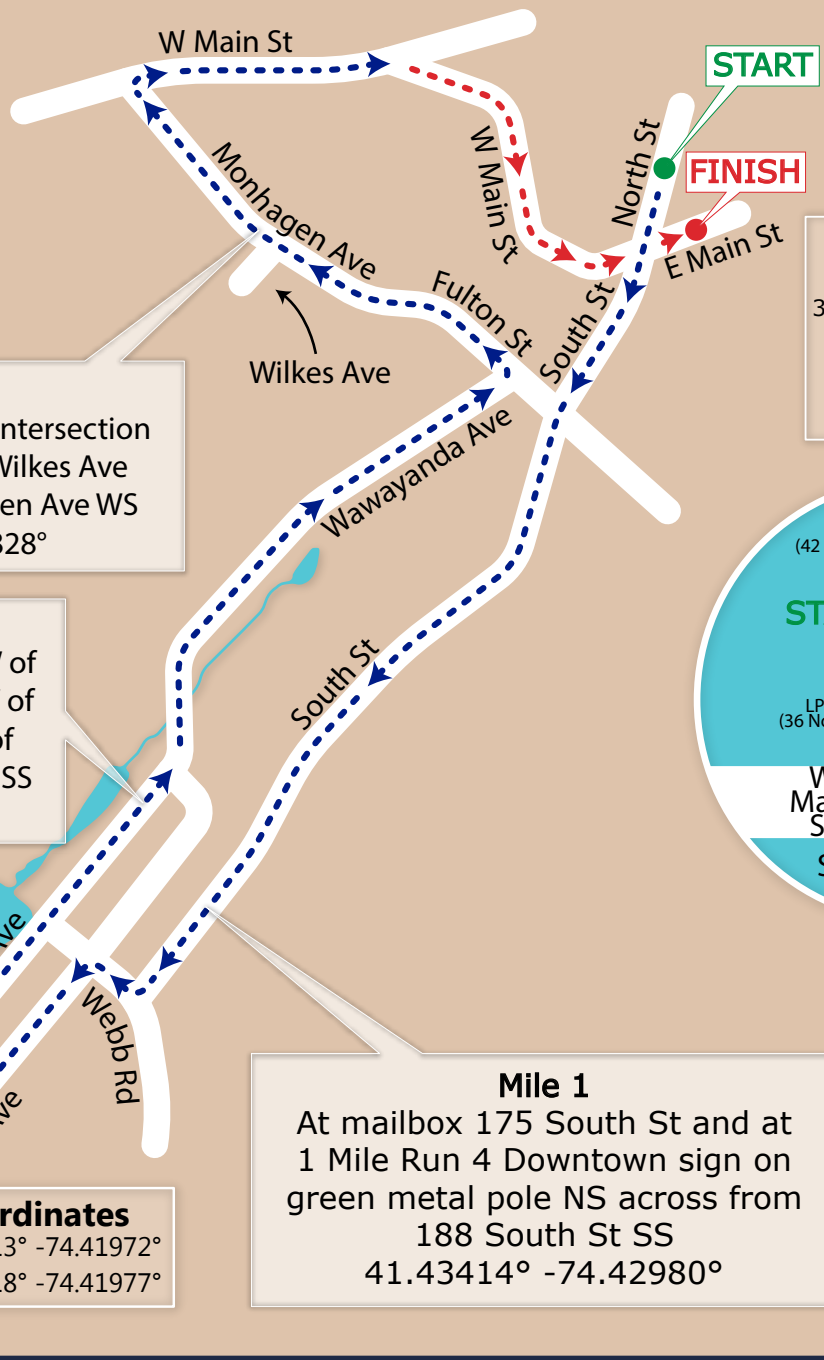
1.	R4DT Course Map NEW

Note:
Runners have use of the full road for the entire course.
The course is measured using the Shortest Possible Route and is measured according to USATF Standards.
The official course map may not be altered.
Mile locations are not certified and the map is not to scale.

RUN 4 DOWNTOWN 2024
Middletown, NY
measured on
July 5, 2024
Course distance 4 miles
Measured by
Mark Hughes
570 470 4922
markfastfinishes@gmail.com



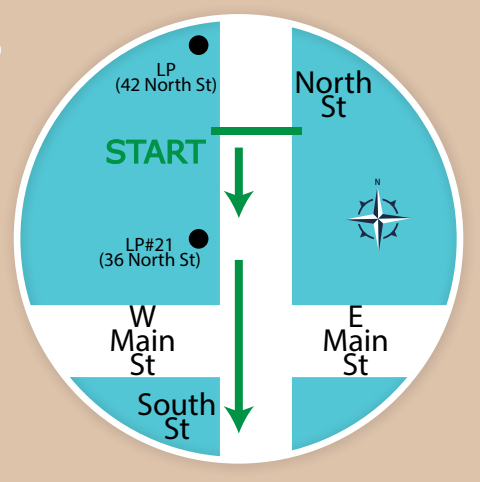
FINISH
IFO 16 E Main St ES at Lopez Upholstery, 2' N or end of building where it connects with 18 E Main St Fuzion Hair and at 3 hour parking sign ES and 2' W of TP 47629 ES



START
On North St 32'3" S of LP 21 at 42 North St and 31'4" N of unmarked LP at 36 North St

Mile 3
At red fire hydrant WS at intersection of Monhagen Ave and Wilkes Ave just south of 57 Monhagen Ave WS
41.44547° -74.42828°

Mile 2
On Wawayanda Ave 46' W of mailbox 147 SS and 44' W of TP MB149 SS and 34' E of mailbox 149 Wawayanda SS
41.43594° -74.43116°



Mile 1
At mailbox 175 South St and at 1 Mile Run 4 Downtown sign on green metal pole NS across from 188 South St SS
41.43414° -74.42980°

GPS Coordinates

Start	41.44613° -74.41972°
Finish	41.44518° -74.41977°

Elevation
in Feet

Start	570
Finish	588
Highest	619
Lowest	522

CITY OF MIDDLETOWN, NEW YORK
COMMON COUNCIL
RECORD OF VOTE

THE FOLLOWING WAS PRESENTED

By: Alderman Johnson
Seconded by: Alderman Green
Date of Adoption: July 16, 2024
Index No: 137-24

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

Richard P. McCormack
Clerk to the Common Council

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

I hereby approve the attached Resolution/Local Law.

Joseph M. DeStefano, Mayor

Date

Authorization to Accept $447,668 in Community Development Block Grant (CDBG) funding from the Department of Housing and Urban Development

BE IT RESOLVED; that the Common Council of the City of Middletown, NY, concurs with the Board of Estimate and Apportionment to accept an award of $447,668.00 in Community Development Block Grant (CDBG) funding from the Department of Housing and Urban 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 sign all the necessary certifications regarding the 2024 Action Plan for the CDBG Program.

The 2024 Action Plan outlines how the City will be administering these funds for the program year.

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

Attachments:

1.	BOE 2024 Act Plan

CITY OF MIDDLETOWN
Office of Economic & Community Development

July 1, 2024

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

RE: 2024 Annual Action Plan

Dear Members:

I am requesting authorization to approve and authorize the Mayor to sign all the necessary certifications regarding the 2024 Action Plan for the CDBG Program.

Per our award letter date May 18, 2024, the City will be receiving $447,668.00 in Community Development Block Grant (CDBG) funding from the Department of Housing and Urban Development. The 2024 Action Plan outlines how the City will be administering these funds for the program year.

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 Johnson
Seconded by: Alderman Jean-Francois
Date of Adoption: July 16, 2024
Index No: 138-24

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

Richard P. McCormack
Clerk to the Common Council

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

I hereby approve the attached Resolution/Local Law.

Joseph M. DeStefano, Mayor

Date

Authorization to Enter into an Agreement with Dumped Stray Animal Rescue

BE IT RESOLVED; that the Board of Estimate and Apportionment authorizes an agreement with Dumped/Stray Animal Rescue Inc. for 2024., for the stray/feral TNR Program.

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

Prepared by:
John Ewanciw, Chief of Police

Attachments:

1.	FEREL CAT PROGRAM 2024
2.	dumped stray 2024 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

July 2, 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 find the attached contract with The City of Middletown and Dumped/Stray Animal Rescue Inc. for 2024.

The attached contract is to cover the Stray/Feral TNR Program between both parties. Please note that the appropriate insurance coverages are attached.

I am requesting the Mayor please sign and return to our department for forwarding.

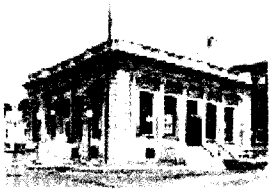
If you have any questions please do not hesitate to contact me.

Very truly yours,

John Ewanciw
Chief of Police

JE:ccd

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

July 2, 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 find the attached contract with The City of Middletown and Dumped/Stray Animal Rescue Inc. for 2024.

The attached contract is to cover the Stray/Feral TNR Program between both parties. Please note that the appropriate insurance coverages are attached.

I am requesting the Mayor please sign and return to our department for forwarding.

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

Very truly yours,

John Ewanciw
Chief of Police

JE:ccd

AGREEMENT

THIS AGREEMENT made this 29 day of [illegible] 2024 and ending December 31st, 2024, between the City of Middletown, a municipal corporation organized under the laws of the state of New York, located at 16 James Street, Middletown, New York 10940 ("City"), and Dumped Stray Animal Rescue Inc., a non-profit organization under the laws of the State of New York, located at 76 Houston Avenue, Middletown, New York, 10940.

WITNESSETH:

WHEREAS, Dumped Stray Animal Rescue owns and operates an organization which provides TNR services; and

WHEREAS, the City of Middletown desires to utilize the services of Dumped Stray Animal Rescue as set forth herein.

NOW, THEREFORE, in consideration of the mutual covenants, promises, and agreements contained herein, Dumped Stray Animal Rescue and the City of Middletown do hereby agree as follows:

Recovery Stations:

- The care for cats at the recovery area shall include but not limited to: feeding, cleaning, identify friendlies and report issues.
- Males recover overnight, females recover in two/three nights.
- Dumped Stray Animal Rescue provides supplies needed (gloves, cleaning products, food, litter, water bowls, litter pants, etc.).
- Dumped Stray Animal Rescue may utilize fosters for recovery stations for both kittens and adults as needed. These fosters will sign a liability waiver through the Dumped Stray Animal Rescue organization.

Issues & Solutions:

- If a feral cat is very late term pregnant, then the female will be housed or fostered in an isolated area until she has given birth and weaned her kittens. Once weaned, the kittens will be altered and adopted out. The mother cat will be spayed and re-released back into her colony.
- Friendly cats will be identified and adopted out as friendly indoor cats when capacity allows.
- All cats released back into the community will be ear tipped. Ear tipping advises that the cat has already been spayed or neutered.

Protocol For Sick Cats:

- Sick cats will be evaluated on a case-by-case basis.
- If a cat is seriously ill and the veterinarian feels the chances of survival are little to nothing, the cat will be humanely euthanized. The City of Middletown will cover up to $100 which includes the $45 TNR fee.

Robyn Stewart Will:

- The TNR project will mainly be handled by Robyn Stewart or the Executive Board Member of Dumped Stray Animal Rescue.
- Notify residents 2 days prior to trapping in each location (for resident's who usually allow their cats outside, will keep their animals inside during trapping days).
- The ACO will assist Dumped Stray Animal Rescue with notifications in trapping areas as needed.
- Transport cats to and from the vet once trapped.
- Deliver cats to designated recovery areas after surgery.
- Pick up cats from the recovery area and return him/her to the original colony location.
- Schedule days to trap, transport, care-give and handle other needs as identified.
- Interact with the public as needed.

etc.

TNR Locations:

- The Middletown ACO will advise Dumped Stray Animal Rescue via email and by filling out an online TNR application of locations where trapping is needed on city owned properties.
- The ACO will direct residents who are in need of TNR services on private property to the Dumped Stray Animal Rescue website and phone number where they will fill out a TNR application online.

Reimbursement from the City of Middletown, New York:

- The City of Middletown will pay Dumped Stray Animal Rescue a fee of $45 per cat for TNR services.
- The City of Middletown will notify Dumped Stray Animal Rescue when the yearly TNR budget is exhausted.
- Dumped Stray Animal Rescue will provide a monthly invoice to the City of Middletown ACO via email at [illegible] and to the confidential secretary at Cdugan@middletownpolice.com.
- Accompanied with each invoice shall be a description of each cat that was trapped along with its location and final disposition of each cat (re-released, adopted out, etc.).
- Any documentation provided by the veterinarian for each cat that was TNR'D should accompany the invoice as well.
- Dumped Stray Animal Rescue will submit a copy of certificate of liability insurance at the time of signing this contract.

5/29/24

Dumped Stray Animal Rescue Date

Joseph DeStefano, Mayor Date

DUMPE-1

OP ID: SK

CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY) 05/02/2024

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER 212-620-4040
Gross & Company, LLC
246 Main Ave
Passaic, NJ 07055
Gross & Company

CONTACT NAME: Judah Gross
PHONE (A/C, No, Ext): 212-620-4040 FAX (A/C, No): 212-620-3999
E-MAIL ADDRESS:

INSURER(S) AFFORDING COVERAGE	NAIC #
INSURER A : Mt. Vernon Fire	26522
INSURER B :	
INSURER C :	
INSURER D :	
INSURER E :	
INSURER F :	

INSURED
Dumped/Stray Animal Rescue Inc
Robyn Stewart
76 Houston Avenue
Middletown, NY 10940

COVERAGES CERTIFICATE NUMBER: REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS	
A	X COMMERCIAL GENERAL LIABILITY						EACH OCCURRENCE	$ 1,000,000
	CLAIMS-MADE / X OCCUR	X		NPP2566143G	04/05/2024	04/05/2025	DAMAGE TO RENTED PREMISES (Ea occurrence)	$ 100,000
							MED EXP (Any one person)	$ 5,000
							PERSONAL & ADV INJURY	$ 1,000,000
	GEN'L AGGREGATE LIMIT APPLIES PER:						GENERAL AGGREGATE	$ 2,000,000
	X POLICY / PRO-JECT / LOC						PRODUCTS - COMP/OP AGG	$ included
	OTHER:							$
	AUTOMOBILE LIABILITY						COMBINED SINGLE LIMIT (Ea accident)	$
	ANY AUTO						BODILY INJURY (Per person)	$
	OWNED AUTOS ONLY / SCHEDULED AUTOS						BODILY INJURY (Per accident)	$
	HIRED AUTOS ONLY / NON-OWNED AUTOS ONLY						PROPERTY DAMAGE (Per accident)	$
								$
	UMBRELLA LIAB / OCCUR						EACH OCCURRENCE	$
	EXCESS LIAB / CLAIMS-MADE						AGGREGATE	$
	DED / RETENTION $							$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY						PER STATUTE / OTH-ER	
	ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) Y / N	N / A					E.L. EACH ACCIDENT	$
	If yes, describe under DESCRIPTION OF OPERATIONS below						E.L. DISEASE - EA EMPLOYEE	$
							E.L. DISEASE - POLICY LIMIT	$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

City of Middletown NY is included as additional insured ATIMA as respects to operations of named insured and as required by written agreement insurance is primary and non Contributory.

CERTIFICATE HOLDER CITYOFM

City of Middletown NY
16 James Street
Middletown, NY 10940

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE
Gross & Company

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CITY OF MIDDLETOWN, NEW YORK
COMMON COUNCIL
RECORD OF VOTE

THE FOLLOWING WAS PRESENTED

By: Alderman Witt
Seconded by: Alderman Kleiner
Date of Adoption: July 16, 2024
Index No: 139-24

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

Richard P. McCormack
Clerk to the Common Council

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

I hereby approve the attached Resolution/Local Law.

Joseph M. DeStefano, Mayor

Date

Accept Donations from Cornerstone Family Healthcare and DeStefano's Olde Erie Brewpub and Grille for the 2024 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 to accept the following donations to support the City of Middletown's National Night Out Against Crime.

Cornerstone Family Healthcare $500
DeStefano's Olde Erie Brewpub and Grille $300

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

Prepared by:
John Ewanciw, Chief of Police

Attachments:

1.	National Night Out 2024 (2)

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.

Cornerstone Family Healthcare $500
DeStefano’s Olde Erie Brewpub and Grille $300

Total $800

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: July 16, 2024
Index No: 140-24

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

Richard P. McCormack
Clerk to the Common Council

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

I hereby approve the attached Resolution/Local Law.

Joseph M. DeStefano, Mayor

Date

Accept an Award of $6210 from the County of Orange for the 2nd STOP DWI Enforcement Period

WHEREAS the City of Middletown entered into an Inter-Municipal Agreement with the County of Orange and approved by the Common Council in March 2024, for STOP DWI funding for the contract dates of November 11, 2024, through January 1, 2025; and

Whereas the City has been notified that the second enforcement period funding has been awarded in the amount of $6210;

Now therefore be it resolved that the Common Council of the City of Middletown concurs with the Board of Estimate and Apportionement to accept the award of $6210 and authorizes the Treasurer to deposit the funds to be deposited into revenue line A.3333. These funds will be expensed from A.3141.103 through Stop DWI overtime entries.

Prepared by:
John Ewanciw, Chief of Police

Attachments:

1.	2nd period stop DWI

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

July 2, 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,

The City entered into an Inter-Municipal Agreement with the County of Orange and approved by the Common Council in March 2024, for STOP DWI funding for the contract dates of November 11, 2024 through January 1, 2025.

We were notified that the second enforcement period funding has been awarded in the amount of $6210, therefore I request to accept the funds to be deposited into revenue line A.3333. These funds will be expensed from A.3141.103 through Stop DWI overtime entries.

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 Kleiner
Seconded by: Alderman Witt
Date of Adoption: July 16, 2024
Index No: 142-24

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

Richard P. McCormack
Clerk to the Common Council

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

I hereby approve the attached Resolution/Local Law.

Joseph M. DeStefano, Mayor

Date

Award the 2024 Chemical Bids

Whereas Public Bids for Chemical Purchases were opened for at the Board of Estimate & Apportionment meeting held on June 27, 2024, and recorded on the Bid Tabulation Sheet (attached); and

Whereas the Commissioner of the Department of Public Works reviewed these bids and and is requesting awarding them to the lowest qualifying bidders

Now therefore be it Resolved that the Common Council of the City of Middletown awards the following bids for 2024 Chemicals:

George Coyne Chemical Co. Inc., 3015 State Rd, Croydon, PA 19021:
Sodium Chlorite 25% 1000 gals. del. @ $10.92/gal.

-

PVS Minibulk, Inc., 10900 Harper Ave., Detroit, MI 48213:
Hydrochloric Acid 15% in minimum 1,000 gal. del. @ $3.41/gal.

JCI Jones Chemicals, Inc., 1765 Ringling Blvd. Sarasota, FL 34236:
Sodium Hypochlorite 2000 gals. per del. @ $2.08/gal.

Univar Solutions USA INC., 200 Dean Stivers Pl., Morrisville, PA 19067:
Caustic Soda 25% 4000 gals. delv. @ $827.00/dry ton
Flousilicic Acid 1000 gals. per del. @ $7.70/gal

Surpass Chemical Co., 1254 Broadway, Albany, NY 12204:
Sodium Hypochlorite 12.5% (in 55 gal. drums) @ $3.14/gal

SNF, Inc./Polydyne Inc., One Chemical Plant Rd., Riceboro, GA 31323:
Cationic Dry Polymer per lb. (min. del. 36 bags) @ $2.20/ lbs.
Cationic Liquid Polymer per drum (min. del. 4 drums @ $1.60/lbs.

Chemtrade, 90 East Halsley Rd, Parsippany, NJ 07054:
Aluminum sulfate 4000 gals. @ $447.00/dry ton

Prepared by:
Jacob Tawil

Attachments:

1.	2024 CHEMICAL BID AWARD RECOMMENDATION-001

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

July 11, 2024

Honorable Mayor and Members
Of the Common Council
City of Middletown, NY

RE: Bids of June 27, 2024 for Chemicals

Gentlemen:

Public Bids were opened at the Board of Estimate & Apportionment meeting held on June 27, 2024 and recorded on the Bid Tabulation Sheet attached.

I have reviewed these bids and respectfully request awarding them to the lowest qualifying bidders as follows:

George Coyne Chemical Co. Inc., 3015 State Rd, Croydon, PA 19021:
Sodium Chlorite 25% 1000 gals. del. @ $10.92/gal.

PVS Minibulk, Inc., 10900 Harper Ave., Detroit, MI 48213:
Hydrochloric Acid 15% in minimum 1,000 gal. del. @ $3.41/gal.

JCI Jones Chemicals, Inc., 1765 Ringling Blvd. Sarasota, FL 34236:
Sodium Hypochlorite 2000 gals. per del. @ $2.08/gal.

Univar Solutions USA INC., 200 Dean Stivers Pl., Morrisville, PA 19067:
Caustic Soda 25% 4000 gals. delv. @ $827.00/dry ton
Flousilicic Acid 1000 gals. per del. @ $7.70/gal

Surpass Chemical Co., 1254 Broadway, Albany, NY 12204:
Sodium Hypochlorite 12.5% (in 55 gal. drums) @ $3.14/gal

SNF, Inc./Polydyne Inc., One Chemical Plant Rd., Riceboro, GA 31323:
Cationic Dry Polymer per lb. (min. del. 36 bags) @ $2.20/ lbs.
Cationic Liquid Polymer per drum (min. del. 4 drums @ $1.60/lbs.

Chemtrade, 90 East Halsley Rd, Parsippany, NJ 07054:
Aluminum sulfate 4000 gals. @ $447.00/dry ton

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

kg
Att.

2024 City of Middletown Chemical Bid

June 27, 2024 Name & Address of Bidder Bid Item	Holland Co. Inc. 153 Howland Ave. Adams, MA 01220	PVS Minibulk, Inc. 10900 Harper Ave. Detroit, MI 48213	Kuehne Chemical Co. 86 N. Hackensack Ave. Kearny, NJ 07032 973-589-0700	Chemtrade 90 East Halsey Rd. Parsippany, NJ 07054	Shannon Chemical, 602 Jeffers Circle 116 Exton, PA 19341	JCI Jones Chemicals, Inc. 1765 Ringling Blvd. Sarasota, FL 34236	George S. Coyne Chemical Co., Inc. 3015 State Rd. Croydon, PA 19021 p:(215)785-3000 f:(215)785-1585	Slack Chemical Co. Inc. 465 So. Clinton St. Carthage, NY 13619	Univar Solutions USA Inc. 200 Dean Stivers Pl. Morrisville, PA 19067	Thatcher Company of New York 1905 Fortune Rd. Salt Lake City, UT 84104	SNF, Inc./Polydyne Inc. One Chemical Plant Rd. Riceboro, GA 31323	Surpass Chemical Co. 1254 Broadway Albany, NY 12204-2623
Aluminum Sulfate (4000 gallons)	$681.26/dry ton	NO BID	NO BID	$447.00/dry ton	NO BID	NO BID	NO BID	$879.00/dry ton *Kemira 3rd party direct	NO BID	$479.50/dry ton *short; min. order 4,000 gal.	NO BID	No Bid
Copper Sulfate (50 lb. bag)	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	No Bid
Caustic Soda 25% (4000 gal. per. Del.)	NO BID	$1240/dry ton	$1,500/dry ton	NO BID	NO BID	$1,037.00/dry ton	NO BID	$1.942/gallon	$827.00/dry ton	NO BID	NO BID	$1,018.40/dry ton
Sodium Hypochlorite (2000 gallon delivery)	NO BID	$2.13/gallon	$3.95/gallon	NO BID	NO BID	$2.08/gallon	NO BID	$2.774/gallon	NO BID	NO BID	NO BID	$2.168/gal
Flousilicic Acid (1000 gallon delivery)	NO BID	NO BID	NO BID	NO BID	$7.73/gallon	NO BID	NO BID	$7.789/gallon	$7.70/gal = $7,700 min	NO BID	NO BID	No Bid
Sodium Chlorite 25% (1000 gallon delivery)	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	$10.92/gallon	NO BID	NO BID	NO BID	NO BID	No Bid
Hydrochloric Acid 15% (1000 gallon delivery)	NO BID	$3.41/gallon	NO BID	NO BID	NO BID	NO BID	NO BID	$9.89/gallon	NO BID	NO BID	NO BID	No Bid
Sodium Hypochlorite 12.5% (in 55. gal. drums)	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	$3.194/gallon	NO BID	NO BID	NO BID	$3.14/gal
Cationic Dry Polymer per lb. (min. del. 36 bags)	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	$3.3298/lbs.	NO BID	NO BID	NO BID	$2.20/lbs. *Clarifloc NE-1909	$3.44/lbs.
Cationic Liquid Polymer per drum- (min.del. 4 drums)	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	$1,101.35/drum *min 4 drums per delivery	NO BID	NO BID	NO BID	$1.60/lbs. *Clarifloc NE-1908	$2.43/drum *bid per lb. confirmed with Surpass bia phone call

***Surpass bid was received on 6/28 in the morning due to issue with FedEx delivery. Per Commissioner Tawil, bid will be accepted. KG**

CITY OF MIDDLETOWN, NEW YORK
COMMON COUNCIL
RECORD OF VOTE

THE FOLLOWING WAS PRESENTED

By: Alderman Green
Seconded by: Alderman Witt
Date of Adoption: July 16, 2024
Index No: 143-24

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

Richard P. McCormack
Clerk to the Common Council

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

I hereby approve the attached Resolution/Local Law.

Joseph M. DeStefano, Mayor

Date

Authorization to Hold a Public Hearing for a Subdivision at at the intersection of Academy Avenue and East Main Street

BE IT RESOLVED; that the Common Council of the City of Middletown, NY, authorizes a public hearing to be held on Monday, August 5, 2024 at 7:30 PM on a proposed 2-lot subdivision at at the intersection of Academy Avenue and East Main Street.

Prepared by:

Attachments:
None

CITY OF MIDDLETOWN, NEW YORK
COMMON COUNCIL
RECORD OF VOTE

THE FOLLOWING WAS PRESENTED

By: None
Seconded by: None
Date of Adoption: July 16, 2024
Index No: 144-24

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

Richard P. McCormack
Clerk to the Common Council

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

I hereby approve the attached Resolution/Local Law.

Joseph M. DeStefano, Mayor

Date

Negative SEQR Declaration for the Parking Garage

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 (NYCRR §617.4(b)(6)(v)) because of the size of the gross floor area, and

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

WHEREAS, the Dormitory Authority of the State of New York ("DASNY") was

identified as an involved agency under SEQRA for this application, and

WHEREAS, the Common Council directed 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), and

WHEREAS, the City of Middletown Common Council has thoroughly reviewed and considered this request and the accompanying Full Environmental Assessment Form ("EAF"), 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 6NYCRR Part 617.7 (c);

NOW, THEREFORE, BE IT RESOLVED that the City of Middletown Common Council hereby declares itself Lead Agency for this action, and it is

FURTHER RESOLVED that the City of Middletown 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 (SEQRA).

Prepared by:

Attachments:

1.	Parking Garage - Neg Dec

CITY OF MIDDLETOWN COMMON COUNCIL
RESOLUTION AND NOTICE OF DETERMINATION
OF NON-SIGNIFICANCE PURSUANT TO 6 NYCRR 617.7

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 (NYCRR §617.4(b)(6)(v)) because of the size of the gross floor area, and

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

WHEREAS, the Dormitory Authority of the State of New York ("DASNY") was identified as an involved agency under SEQRA for this application, and

WHEREAS, the Common Council directed 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), and

WHEREAS, the City of Middletown Common Council has thoroughly reviewed and considered this request and the accompanying Full Environmental Assessment Form ("EAF"), 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 6NYCRR Part 617.7 (c);

NOW, THEREFORE, BE IT RESOLVED that the City of Middletown Common Council hereby declares itself Lead Agency for this action, and it is

FURTHER RESOLVED that the City of Middletown 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 (SEQRA).

CITY OF MIDDLETOWN, NEW YORK
COMMON COUNCIL
RECORD OF VOTE

THE FOLLOWING WAS PRESENTED

By: None
Seconded by: None
Date of Adoption: July 16, 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

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

Prepared by:

Attachments:
None