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. Magdalena 12 Beattie Ave. Middtn

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

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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

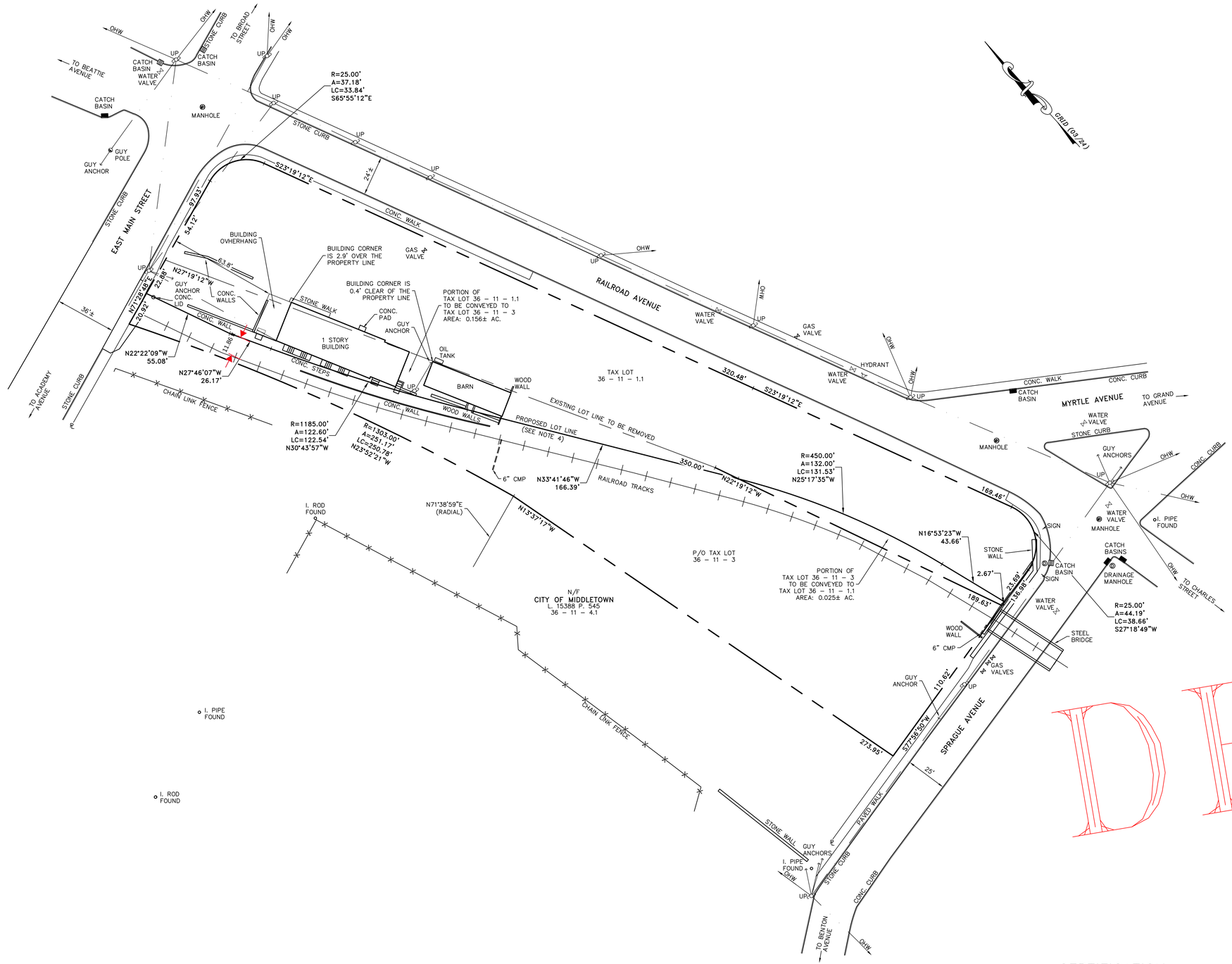
L. 12838 P. 1232
36 - 11 - 1.1
P/O 36 - 11 - 3

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

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

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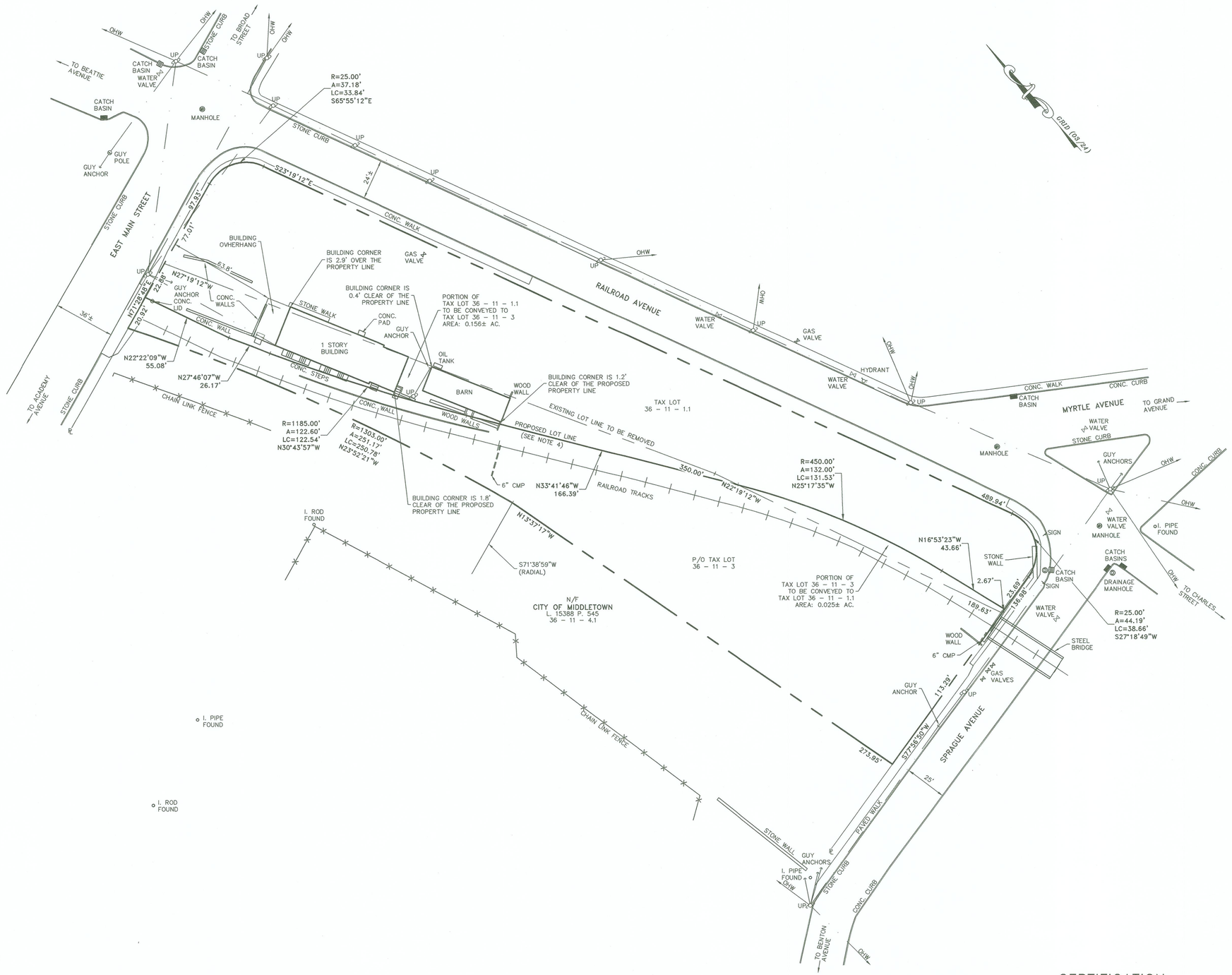
LANC & TULLY
Engineering and Surveying, P.C.
P.O. Box 687, Rt. 207
Goshen, N.Y. 10924
(845) 294-3700

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
Drawing No.:	C3D
Drawn By:	EK
Checked By:	
Scale:	1" = 30'
Tax Map No.:	AS NOTED
	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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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.

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
MIDDLETOWN & NEW JERSEY RAILROAD LLC

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

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
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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3. REFERENCES:

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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.

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
MIDDLETOWN & NEW JERSEY RAILROAD LLC

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

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:	
CAD File:	240041-LL-CHANGE.DWG
Layout:	LL-CHANGE
Sheet No.:	1 OF 1
Drawn By:	EK
Checked By:	
Scale:	1" = 30'
Tax Map No.:	AS NOTED
Drawing No.:	C3D 8- 24 - 0031 - 01

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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 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

DATE 05-02-2024

CHECK ARMOR FRAUD PROTECTION

PAY TO THE ORDER OF Middletown Parks and Recreation Dept $ 3,500.00

Three Thousand Five Hundred Dollars and 00/100 ~ DOLLARS

Photo Safe Deposit Details on back

ORANGE Bank&Trust COMPANY

FOR donation for field clay

Roxanna Darrell 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:

Attachments:
None