



**CITY OF MIDDLETOWN
COMMON COUNCIL MEETING AGENDA
AUGUST 20, 2024**

1. PLEDGE OF ALLEGIANCE
2. ROLL CALL
3. APPROVAL OF MINUTES
 - 3.1. Accept the Minutes of August 5, 2024
4. CORRESPONDENCE, COMMUNICATION AND REPORTS
 - 4.1. Request for a Sub Division Approval- Orange Terrace LLC
5. FOR THE GOOD OF THE CITY
 - 5.1. Community Recognition: Fuzion Barber Shop 20th Anniversary
Presentation to owners Raymond & Nicole Marquez
6. REMARKS OF THE MAYOR
7. REMARKS OF THE DEPARTMENT HEADS
8. PUBLIC HEARINGS AND GRIEVANCES
9. PETITIONS AND COMPLAINTS
 - 9.1. Petition to remove No Parking Sign on DuBois Street
10. REMARKS OF THE ALDERMAN AND REPORTS OF THE COMMITTEES
11. UNFINISHED BUSINESS
12. NEW BUSINESS
 - 155- Authorization to Enter into an Agreement with Pets Alive for 2024

156- Accept a \$950 Donation for Summer Bookmobile from the Enlarged City School
24 District of Middletown

157- Authorization to Transfer \$5,270.00 for Camp Scholarships
24

158- Authorization to Renew an Agreement with Permitium
24

159- Authorization to Transfer \$10,000 from Fund Balance for a Speed Dampening Pilot
24 Program

160- Authorization to enter into an Agreement with Middletown Pistol and Rifle
24 Association

161- Authorization to Transfer \$43,000 from within the Corporation Counsel Budget for
24 Litigation Invoices

162- Authorization to Award the Bids for Surplus Vehicles Auctioned Off through
24 Auctions International

163- Authorization to Appoint A Bankruptcy Attorney
24

164- Authorization to Repeal a Handicapped Parking Spot in Front of 26 Sproat Street
24

165- Approve an Extension of time of six (6) months for two resolutions dated May 04,
24 2021, #98-21 and #99-21 for the Presidential Heights Realty Subdivision.

13. LOCAL LAWS

14. AUDIT OF CLAIMS AND ACCOUNTS

14.1. Resolution Authorizing the Accounts be Audited, Claims Adjusted, and the
Treasurer be Authorized to Issue Warrants for their Payment

15. ADJOURNMENT



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

THE FOLLOWING WAS PRESENTED

By: None
Seconded by: None
Date of Adoption: August 20, 2024
Index No:

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

Richard P. McCormack
Clerk to the Common Council

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

I hereby approve the attached Resolution/Local Law.

Joseph M. DeStefano, Mayor

Date

Accept the Minutes of August 5, 2024

Accept the Minutes of August 5, 2024

Prepared by:
Rick McCormack, City Clerk

Attachments:

1.	08.05.24 CC Minutes
----	---------------------



COMMON COUNCIL MEETING
CITY OF MIDDLETOWN
August 5, 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

ALL: Pledge of Allegiance.

PRESIDENT MIGUEL RODRIGUES: Please remain standing as I ask for a moment of silence for former Police Officer Tom Doyle. May he rest in peace. Thank you. Roll?

CLERK: Alderman Tobin?

ALDERMAN SPARROW TOBIN: Here.

CLERK: Alderman Jean-Francois?

ALDERMAN JUDE JEAN-FRANCOIS: Here.

CLERK: Alderman Johnson?

ALDERMAN PAUL JOHNSON: Here.

CLERK: Alderwoman Wray?

ALDERWOMAN KATIE WRAY: Here.

CLERK: Alderman Kleiner?

ALDERMAN GERALD KLEINER: Here.

CLERK: Alderman Green?

ALDERMAN ANDREW GREEN: Here.

CLERK: Alderman Witt?

ALDERMAN KEVIN WITT: Here.

CLERK: Alderman Masi?

ALDERMAN JOSEPH MASI: Here.

CLERK: President Rodrigues?

PRESIDENT MIGUEL RODRIGUES: Here.

CLERK: The forum is present.

PRESIDENT MIGUEL RODRIGUES: Approval of minutes?

ALDERMAN JOSEPH MASI: So moved.

PRESIDENT MIGUEL RODRIGUES: Motion by Mr. Masi. Seconded
by --

ALDERMAN SPARROW TOBIN: Second.

PRESIDENT MIGUEL RODRIGUES: -- Alderman Tobin. All in
favor?

BOARD: Aye.

PRESIDENT MIGUEL RODRIGUES: Aye. Correspondence.

CLERK: We have the municipal shelter report for July 2024.

PRESIDENT MIGUEL RODRIGUES: Seen and filed. Anything
else?

CLERK: That's it for this evening.

PRESIDENT MIGUEL RODRIGUES: For the good of the city, I
would like the mayor to come up.

MAYOR JOSEPH DESTEFANO: Good evening once again. First
I'd like to open the meeting. I'm not sure if everybody on the
Council is familiar with an incident at Maple Hill Park, but if Rae
Lynn is here -- I think she is -- if she can come up and join me too -

- is that tonight we have with us the -- the Dorn Family.

And I wanted to express my deepest admiration and congratulations to Jessica Dorn, the mom, and her children, Julianna and Cianna, for the job that you did raising your daughters. And as a result of that, you raising those children in the right way, that resulted in your family's heroic actions on June 25th that saved a small child from drowning at Maple Hill Park.

And those actions were truly remarkable. Just the background. It was at approximately 4:30 p.m. while Julianna and Cianna were at the Maple Hill Park with their mom, they all heard a man yelling, "Someone is drowning!"

Without hesitation, Julianna and Cianna rushed to the pond. Julianna jumped in fully clothed to search for a small child who was now underwater. Keep in mind that the pond was very murky and covered with algae.

She found the child and pulled the young child out of the water and the child was not breathing or responding when they were able to get her out of the water -- the person out of the water. She ran with the child to her mom, Jessica, who immediately flipped the child over and started working on her, pushed her stomach in repeatedly in hopes to expel the water until the child screamed at the top of her lungs, and they were screaming at the child to wake up.

The child then spit out the water and began to cough. Jessica then pulled the additional algae from the child's mouth and

nose. It was then the child started to scream and they knew the rescue was successful.

This family's quick thinking and the application of lifesaving techniques demonstrate not only the bravery but also their compassion and presence of mind. Jessica, you must be incredibly proud of your kids, and I am sure they are proud of you as all of us are also proud of your entire family.

Your family's courage serves as an inspiration to all of us, and it underscores the importance of life-saving skills. On behalf of the City of Middletown residents and the Common Council and myself, we recognize your lifesaving efforts and we'd like you to come up so we can at least present to you and your family a certificate of recognition for a job well done.

JULIANNA DORN: Thank you.

MAYOR JOSEPH DESTEFANO: You're welcome. Cianna?

CIANNA DORN: Thank you.

MAYOR JOSEPH DESTEFANO: And here's the proud mom.

JESSICA DORN: Thank you very much. Thank you.

MAYOR JOSEPH DESTEFANO: We appreciate you. You take care.

CLERK: Oh, my goodness, wow.

PRESIDENT MIGUEL RODRIGUES: All right. Anyone else for the good of the City who would like to address the Council. Please step forward.

DR. ANNE MARIE PENDLETON: Good evening, Mayor DeStefano, Members of the Council. My name is Dr. Anne Marie Pendleton. First, I want to thank you for all you've done to revitalize our City, celebrate local business and make Middletown a great place to live.

I'm a resident of Middletown. I'm the mom of a Middie, and my family has lived in Orange County for several generations. My dad's cousin, Wendell, was an Orange County resident and later the mayor of Cooperstown.

And I say this so that you understand the deep love that my family has for Orange County and for New York. It seems that most residents are unaware of coordinated efforts to bring large-scale industry to Orange County, and many that do know say that nothing you do will matter, but for her sake I have to try.

There are several mega warehouses proposed around the Middletown area alone, some as large as 900,000 square feet. Plans note the use of Middletown water resources, and it's unclear what will be stored or distributed, as not all of the tenants are confirmed.

I'm in favor of economic growth, but I would rather see the expansion of medical and mental health services, our amazing local businesses, and recreational spaces. Several large warehouses already built in our area now sit empty, and while these surely created job opportunities during construction, they don't seem to guarantee long-term economic stimulus for our local residents.

There is a 400,000 square foot warehouse proposed within a

half a mile of my home on Kirbytown and Route 6, and it has plans for 90 loading docks, 250 parking spots and 24/7 operations. It's within a literal stone's throw of my neighbors' homes.

As I read the traffic, environmental and cultural impact studies that I have access to, I quickly realized two things: one, the developer focused only on their project rather than the cumulative effects of the seven plus that are proposed, and 2, none of the reports mentioned impacts for Middletown.

There are over 1,000 Middletown residents that live within the bounds of the traffic study alone, and some are from vulnerable populations, including children and seniors. Several apartment complexes, senior housing and assisted living settings and the midcity transit buses access the same roads as the proposed warehouses.

And we all know how tight the midcity bus schedule is to get the Middies to school on time. And ensuring the children's safety with this increase in traffic will be paramount.

The side effects of any distribution center are problematic at all stages and include worsening air quality, health and general wellbeing. I would like to ask Middletown leaders to consider an independent traffic impact study and review of the volume of water and power that would be required.

In the reports I reviewed, there's also no mention of traffic congestion's effects on emergency service response time, necessary staffing or related impacts. The roadways proposed for the

sites includes Route 6, 17 and I-84, as well as surrounding streets, and the New York State Department of Transportation noted concerns about the capacity.

When my 81-year-old dad visits, we drive all around Orange County to see his favorite spots, and the beauty that he found as a child is amazingly still present in our county. The nostalgia is palpable.

Now, I question the veracity of his and my aunt's memory regarding whether Pete's, Anna's or Texas Lunch serves the best hot dog, but I have a wish that my daughter will remember her childhood as fondly as my dad remembers his.

And even more than that, I have a desire that all children in Middletown will grow up in a healthy, safe place where they can thrive. For the good of our city, I urge you to prevent this type of industrial growth. I have confidence that Middletown leaders can help preserve our area so that it is a wonderful place for generations to come. And thank you for listening to my concerns.

PRESIDENT MIGUEL RODRIGUES: Thank you.

MIKE MARTIN: So I'm with Anna. There's 10 warehouses in Wawayanda that are in various stages of approval.

PRESIDENT MIGUEL RODRIGUES: Can you just --

MIKE MARTIN: Oh, Mike Martin. Sorry about that. Ten warehouses in Wawayanda in various stages of approval, totaling almost 3.8 million square feet. Number of loading docks is going to exceed

500, and there's going to be a lot of truck traffic coming up 17, off 84, and there's no lights, there's nothing set up.

We're hearing from both the Town of Wawayanda and Goshen that a lot of this water -- when you ask about the water, where is the water coming from, they're saying it's coming from Middletown. And you ask them, well, what's your contract? They say, we've got a 30-year contract, but there's no details.

So I'm not sure that we have the water to send them. And I know it's important for the City to sell water. I get that. And the second thing is obviously the traffic. You're probably going to have about 400 -- conservatively 400 tractor trailers coming off of 84 onto 17, cutting up 17 from 17 -- I mean, 17M from Route 17.

There will be more traffic on 17 as they are coming over from the throughway to get there, and it's going to cause, you know, a lot of problems. Dolson Road coming up into the City will be blocked off at times. The businesses there, the car dealerships and all that, they're going to have a hard time getting their customers in and out for servicing and, you know, purchasing vehicles.

So I know that the town of Wawayanda is sending this up to the County Planning Board, but it looks like they're just -- they're doing this piecemeal by project and then rubber stamping it. Now, my understanding is that there should be something where the County looks at this globally and talks with the State, talks with, you know, other impacts on the other surrounding communities, and that's not really happening.

So I, you know, I just want to ask you to do what you can to talk to the county, talk to the other officials. And if you want a list of some of the projects that I put together so far, and plus what's going on in Goshen and 17, I mean, you're just -- you know, all the nice stuff you've done in the City, I can see it's going to be choked off as far as traffic.

Because now people won't be able to come up Dolson, they won't be able to get off of 84 there, and they'll just have to come in on Main Street and to 11.

PRESIDENT MIGUEL RODRIGUES: Okay. Thank you.

MIKE MARTIN: If anybody wants a copy of that I've got it. Thank you.

PRESIDENT MIGUEL RODRIGUES: Anyone else who would like to address the Council?

JASON NEECHMAN: All right. Good evening, everyone. My name is Jason Neechman. I live in Middletown's Fourth Ward. I've been an advocate in the community for a while, having served as an outreach worker in Middletown's homeless shelter, Honor, and now I work as a care manager through Access Supports for Living.

I would like to take the opportunity tonight to thank you for your service to this City, and I'm going to speak briefly tonight about the need for the City of Middletown to pass Good Cause Eviction.

So currently our shelter system is full, and our hotels are overflowing. As someone who helps fill out housing applications on a

daily basis, I could tell you that we now have three to five-year waitlists with homeless families living in hotels for years, many of whom are working class.

There are so many vulnerable people who are being evicted left and right at no cause of their own, but because of corporate landlords and property developers that are pushing our local residents out.

Middletown has the opportunity to adopt these protections locally and ensure that it covers as many tenants as possible by passing a strong version that defines a small landlord as someone who owns a single unit.

The City of Middletown should do everything it can to help people stay in their homes and in our community. Good Cause Eviction, as passed in Poughkeepsie, Albany, Ithica and Kingston, will give renters peace of mind so that as long as they keep paying the rent and don't break their lease agreements, they can renew their lease and stay in their homes.

As of right now, we already have really long waitlists for housing in Middletown, so policy or laws like good -- Good Cause Eviction helps keep our good tenants where they belong, in their homes. That way we can focus on the unhoused populations, the vulnerable populations, the populations that I serve on a daily basis just across the street at Access Supports for Living.

You know, we already have such long waitlists for our

supportive housing, like SPOA. I don't know if some of you are on the SPOA committees, but we really want Good Cause Eviction to keep our good tenants where they belong so that we can focus on our unhoused population.

So I really want to keep urging you guys -- this is my first time here -- but I want to keep urging you guys to pass Good Cause, and if I have to keep showing up and keep advocating, I'll bring some statistics and stuff -- just, yeah. I want to push for something that I believe is something we really need in our City. So thank you so much.

PRESIDENT MIGUEL RODRIGUES: Thank you. Anyone else?

AMANDA KRUMP: Hi, good evening, Council Members. My name is Amanda Krump, and I live in the Fourth Ward. And I work as a domestic violence advocate. I'm taking the opportunity today to talk about Good Cause Eviction.

Good Cause Eviction is crucial because it prospects good tenants from being evicted for no fault of their own. In my line of work I have come across many individuals who are struggling to find any affordable housing and are facing unreasonable evictions.

The City of Middletown should do all possible to help residents in remaining in their homes and communities and protect them from rent being heavily increased. Renters will have peace of mind knowing that as long as they continue to pay their rent and do not violate the lease, they will be able to renew their lease at a

reasonable rent and remain in their homes.

I call upon the Council to define small landlord as owning one unit to cover as many tenants as possible. Landlords should have to justify rent increases over 10 percent and evictions in court.

Rent is going up locally and people are being forced out of their homes. We need to protect our community and our people who are just hardworking citizens trying to make ends meet and trying to provide for their family.

Thank you for allowing me to speak today, and I really do hope you'll join the other communities and pass Good Cause Eviction. Thank you.

PRESIDENT MIGUEL RODRIGUES: Okay. Anyone else? Okay.
Remarks of the Mayor.

MAYOR JOSEPH DESTEFANO: I want to thank those who came in about Wawayanda, the issue going on in Wawayanda. I spoke with Mr. Martin today. I know he's called my office a couple times, and just to clarify a couple points.

One, the City of Middletown has an existing water agreement with the town of Wawayanda Water District that goes back 20, 25 years. We provide up to 200,000 gallons of water and sewer per day to the town of Wawayanda. They use maybe 60 to 70,000 at the most at this point, so how that district uses that water is up to the Wawayanda Water District, not up to the City of Middletown.

There is discussion that -- an agreement that we have with

the County of Orange, for the development of the Indigo Reservoir, or the Indigo site, to provide up to a million gallons a day of additional water supplies to the City of Middletown, that can then be distributed to communities like Wawayanda, Goshen and others.

But that agreement is not even close to being put in place. The studies have not been done to identify the water resource. That cost is well over \$1 million to conduct the study, and we are in the early stages of seeking funding for that project.

But I don't believe that any of these properties can make a representation to any board, town board or planning board, that there is a deal with the City of Middletown to receive adequate water and sewer services for in excess of what their existing agreement requires.

Now, warehouses on the whole do not require a lot of water and sewer. I don't know if all these projects are in front of the Board officially, but I can tell you that a couple years ago with the Dolson Town Road Project that was being proposed, both warehousing and a recycling station, Marangi Recycling, that the City did hire an outside engineering firm, CDM, to examine the Planning Board process and to monitor the town as they go through that process.

Keep in mind the town is in control of this process, not the City of Middletown. This is like the second time now that residents in Wawayanda -- and I'm not saying they're all from Wawayanda -- but in Wawayanda have woken up to the fact that there is a large proposal in their town that they're now asking the City of

Middletown to get involved in more deeply than we can.

We don't have legal recourse into the opposition of their project unless they're violating one of the SECRA or any of the other processes that are required under law.

So all we can do is monitor, and if there's a violation of some type, then we can raise those issues, and we will. So but we don't have the authority to approve -- we don't have the authority to say, because you don't want the type of development that your town is approving, that we can withhold the water and sewer from the current agreement that we have.

We are looking to expand the agreement, but I would say that's at least three to five years away. I mentioned to Mr. Martin it is actually impossible for anyone to make a representation in front of a board that they currently have water and sewer service to the city -- from the City of Middletown -- for these projects if the aggregate exceeds what is currently being used plus the balance of the 200,000 gallons that are currently in place.

So we'll take another look. We'll have CDM take another look at the current process, how many are going in front of the Board. The County is a primary player here.

I spoke with a County Executive today. He advised me that he is not sure that the Wawayanda supervisor is in favor of this project, because I asked him, you know, what is Mr. Sorensen going to do, and he said he's going to do his due diligence, just like he would

-- he is required by law to go through a process also in his review.

So my question to the advocates who are opposing this is, you can't just let the Wawayanda supervisor say, I'm not going to get involved in this. And that's what I'm being told. And I'm not supporting it and I'm not opposed to it.

And if you're opposed to the project, the supervisor in Wawayanda has a lot more clout on the project than we in the City of Middletown have. So they can go to that board, the town board can speak to the town planning board.

This is all town controlled. We will do what we can. We have environmental justice issues. We have a lot of things that, you know, assuming the truck traffic and all those things are addressed, though, according to engineering standards, there's not a leg for us to stand on.

But the town has the power of planning and rejecting what is being proposed. We don't have that power. But we will look into it. We will continue to monitor it. As I said, I think the -- we spent well over \$20,000 on the last project in reviewing the Dolson Town Road and the interchange there, and what was determined at the end of the game was it wasn't the best solution.

It's not something that we would have done, but they were within their legal rights to approve it. We could have litigated it. The attorneys wanted \$250,000 to litigate, and that litigation would have resulted in us losing. So there's a fiduciary responsibility to

our taxpayers is not to just become a cheerleader in opposition to a project, but to have a legal basis for opposing it.

And that legal basis will be established through the engineers and through the attorneys that review Wawayanda's proposal. But the ultimate decision is Wawayanda, the Wawayanda supervisor, the Wawayanda Town Board, getting them involved in the process.

We went through this with CPV, and the silence of Wawayanda residents, until the deal was done, and then they came here screaming at us that we had a financial relationship with them, which we believe was protecting groundwater.

But there was an argument. There was a disagreement. But that disagreement was not brought here until the project was way down the line. But on the other hand, in this case you're bringing it here during the project. But you have to understand our limitations and what we can oppose and what we can't oppose.

But I would encourage them to go to the Wawayanda Board, talk to the Wawayanda supervisor, and don't accept an answer is that we're not going to oppose it so -- or we're not going to support it. You need them to oppose it, and that's the bottom line.

I don't think all of these projects are in front of the Board at one time. They may be being talked about, but we have not received notice, which we are required to receive if it's within a certain amount of distance from the City of -- these projects are literally in front of the Wawayanda Planning Board.

But we're going to follow up. I met with Mike Martin today, and we'll follow it up and if we need to spend a few dollars on our consultant to review and to watch the process, we certainly will.

In regards to the Good Cause Eviction, we are looking at it. It's in Mr. Johnson's -- or Alderman Johnson's Committee. As I mentioned at the last meeting, I'm not in favor of the proposal being brought forth by the residents that have spoken at our meeting regarding single family -- single units being under some type of rent stabilization program.

I'd keep in mind to the Council that one of the reasons why we have not delved into it has been the litigation that's been going on throughout New York State regarding communities that have adopted Good Cause Eviction.

I think almost every community that has adopted it locally has had it overturned at some point and have passed it again. I think within the last two weeks another community, I mean, not sure if it was Poughkeepsie or Newburg, one of them -- once again the court put a hold on it.

So we're trying -- if we do something, we're going to do something that's going to protect tenants, but at the same time also have some protection in there for landlords also. Because we deal also with bad tenants. We don't just deal with bad landlords in the City.

We have a lot of bad tenants we have to deal with, and I

don't think it's appropriate for a owner of a two-family home who lives in the downstairs to be forced to comply with some design of rent stabilization or rent control that statewide has existed but applied only to eight units or more.

All of a sudden this is a big change in New York State on how you control rents, and that's coming from somebody who, by the way, advocated for the right to establish ETPA 25 years ago in the City of Middletown and was rejected by the county. And at that time the county had to adopt it and allow the City to do it.

So there are ways to do things. We're looking at possibly requesting our own legislation. We're looking at the state legislation that passed, and -- but there's many, many options out there.

But again, it will have to be heard from both sides and the impacts on both sides and the impact of overall development within the City. And I think that's all I have. I encourage those to go to the changes in state law that was issued by the State Rental Laws that was issued by the Attorney General's Office and see what rent protections have been passed over the past few years. And more needs to be done.

And we had a landlord in Middletown that tried to raise rents in one of the apartment complexes by 50 percent, and we did get involved in that and we did get it knocked down by discussing with them directly on behalf of the tenants.

But that's the exception, I understand, rather than the

rule. So we do need to have some protection, but I don't think the protections go as far as what's being requested by those who have spoken at the last two meetings. And that's all I have.

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

ALDERMAN GERALD KLEINER: Thank you. Mayor, I get asked, how are we doing on the ONW. Anything started yet?

MAYOR JOSEPH DESTEFANO: Yes, it has started. The remediation and structural process has started. That's about a \$1.8 million contract. The contract has been in now for, I think, three or four days. That will be cleaning the brush, the loose debris in the building. We'll be shoring up the building to allow the engineers then to get in, physically get in, rather than using drone and whatever else they've used in the past.

And then we'll be able to get better cost assessments at that point on what it's going to take to rehab the building. We're pretty confident about it, but Phase 1 will be done, I think, within three or four weeks.

ALDERMAN GERALD KLEINER: Okay.

MAYOR JOSEPH DESTEFANO: And we'll start getting some more -- better cost estimates at that point. But the project has begun.

ALDERMAN GERALD KLEINER: Okay, very good. And also on Coach USA, have we heard anything more about that?

MAYOR JOSEPH DESTEFANO: Coach USA is in bankruptcy.

ALDERMAN GERALD KLEINER: Right.

MAYOR JOSEPH DESTEFANO: The County is still reaching out to see hopefully we'll be able to keep that -- someone is going to buy it. It's just a matter of when they'll be able to release that property. That's being handled by the County Attorneys and those on the Coach side, and we're not directing -- directly dealing with Coach on that. But...

ALDERMAN GERALD KLEINER: I just assumed that will effect, eventually, the Heritage Trail and the Transportation Center.

MAYOR JOSEPH DESTEFANO: Yeah, yeah. But we'll -- everyone is very confident that it's going to happen because there's going to be a new player owning Coach.

ALDERMAN GERALD KLEINER: Okay.

MAYOR JOSEPH DESTEFANO: But during a bankruptcy proceeding I guess it's hard to syphon property away or take property away from a comment in bankruptcy. So it will happen.

ALDERMAN GERALD KLEINER: Okay. Thank you.

PRESIDENT MIGUEL RODRIGUES: Alderman Johnson.

ALDERMAN PAUL JOHNSON: Thank you. I appreciate that. I just -- I just want to emphasize the two answers you gave to the speakers at the mic this evening with respect to the rent issue.

I think the mayor has made it very clear that at the outset

he's not really sharing your point of view, which doesn't mean you can't come and address us and give us your point of view.

There's a standing invitation to the mayor and the administration when they have some of their facts and figures put together, we'll invite them back to legislative, and then they can articulate their point of view.

And we really have not had a substantive conversation at the Council until that process occurs. So it is something that we're considering as we go along.

With respect to the Wawayanda, as Yogi Berra said, "This is deja vu all over again." CPV, we said, air quality. I live 20 feet over the line. That doesn't mean I have no standing in what you're doing, but actually it did mean that we had no standing in what you're doing.

That was somewhat clouded with the issue of the brown water. I understand that, but I hope that you -- both of you will take it back to your group, that the City is neither complicit nor do we have a standing in anything related to what they're doing.

The Wawayanda Board, if you like them you were happy. If you didn't you said they're going to do whatever they want. Lots of conspiracies. I don't know. But it needs to be clear. We did -- we did due diligence on Dolson. We did not prevail.

So if you're following the rules to the letter, then maybe you are allowed to whatever you want to do. That's how government

works, whether we like it or not. But I think on behalf of Middletown, you should speak up to it because that was the whole problem with Dolson Town was the traffic.

All those trucks to get there had to go through all the places where we live, but we don't really have standing. So hopefully you'll take that back to them and keep up the good fight. Thank you.

PRESIDENT MIGUEL RODRIGUES: Anyone else that had a question for the mayor?

MAYOR JOSEPH DESTEFANO: Okay.

PRESIDENT MIGUEL RODRIGUES: All right, thank you.

MAYOR JOSEPH DESTEFANO: Thank you.

PRESIDENT MIGUEL RODRIGUES: All right. Reports of the Alderman economic -- I mean, department heads. Economic Development? Or I'll just skip department heads.

MARIA: Good evening, everyone. Just a quick update on the house that we're doing on Lindon Avenue. It's getting close to being completed. We're already in the process with Pathstone to find a buyer, and I understand there's already a couple families interested.

So that house is going to be reactivated soon with new homeowners. We're on our way to working on another house on Lindon Avenue, and that will be our third house on Lindon that we're going to be doing.

And that -- it's just up the street from the current one,

and we'll be again, reactivating a house that's been sitting dormant, and get a family there.

And also the house on 54 Washington Street, that's going to be going out to bid. So you're going to see these three homes coming together. Also next week Run for Downtown Weekend, August 17th. We have these postcards that have gone out throughout. We targeted around the race route. There's about 15,000 of these being delivered in the mail throughout the City and the surrounding area.

We're going to be starting August 15th is the Thursday night. We're going to have a major concert at the Paramount, We Are The Champions. That's at 8:00. Also we have an outdoor concert that night.

You can start picking up your race packets that evening on North Street, at Run for Downtown Park. August 16th another concert at Run for Downtown Park race pickup, and then the big race on August 17th.

So it's not just a run, it's also a walk. It's a good time. A post-race party, Taste of Middletown, a bunch of stuff, Kid Zone, Family Zone, Zumba. So it's a great time in our downtown and in our city next weekend. And that's all I have for tonight.

PRESIDENT MIGUEL RODRIGUES: Any questions or Maria? Okay. Thank you, Maria.

MARIA: Thank you.

PRESIDENT MIGUEL RODRIGUES: Police Chief.

POLICE CHIEF JOHN EWANCIW: Good evening. A Night Out Against Crime, tomorrow night hopefully. So we are holding off right now. We're trying to keep the schedule, hoping that the rain works with us. It looks like on the weather right now we have a gap that should fit our timeframe.

I know in years past we've rolled the dice and we've been successful. Once in a while we lose that fight there, but we are still going on for tomorrow, 5 to 8, Thrall Park. As of right now we don't have a rain date because we're that hopeful that it's going to work out, and we're hoping to see all of you out there with us tomorrow evening.

Just really quick I'd like to thank all the sponsors and supporters. Sargeant Welch does an outstanding job planning and organizing this. I can't thank her enough, and I need to thank Senator Skoufis for funding us this year, so we appreciate that. Other than that, I have nothing unless you have questions for me.

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

POLICE CHIEF JOHN EWANCIW: Thank you.

PRESIDENT MIGUEL RODRIGUES: Superintendent of Recreation.

SUPERINTENDENT RAELYNN BERTHOLF: Good evening, everyone. Just some quick updates on summer so far. I'm going to give you some of the numbers for our Sports Camp and Little People Playtime Camp, this Friday is the last day of those two camps.

So week one, Sports Camp we had 90 kids; Little People Playtime 25. Week two, Sports Camp 153, Little People Playtime 40. Week three, 146, 36; week four, 114 and 30; week five 132, 31. And this week right now, Sports Camp 122 and Little People Playtime 34.

Also to fill you in, earlier, May, June we spoke about the Camp Support Counselor that we were looking to have at Sports Camp to help with a lot of the social/emotional issues that the campers are having, and I do want to report out that Marcus Ritt has done an amazing job over at Sports Camp.

There was one week that he couldn't be there, and that week unfortunately we had to send home four kids that week because of behavior issues or social/emotional issues that they were having at camp. So Marcus from day one came in and he's done a tremendous job there, and we are truly grateful to have him there and he's making a big difference with the kids and helping out with the counselors.

So that position is hopefully something that we can continue every single year if we can get the appropriate staff in there to do the job.

Update on some of the pool numbers. These are numbers that I'm going to give you is the numbers on a hot weekend. So when we have like the cloudy or thunder throughout the day, these aren't those numbers.

This is like a weekend where it's hot and like a busy weekend. So at one time the highest number we hit on hot weekends is

160 in the big pool at one time. That doesn't mean 50 people might have been there earlier and left.

So we made have had 400 people throughout the day, but at one time in the pool it was 160. On the splash pad at one time was 45, and at Sproat Street Pool 30. That's hot days on the weekends.

We did hit capacity at Davidge twice this summer, and then we have a whole protocol that we go through is once you pay and you go in the gate, if you -- once you leave to get a snack or go home for the day if you want to get back in you'd have to get back online when we hit capacity, but that happened twice this summer.

Our last day for pools is going to be Sunday, August 25th. So please know I know there's still a week left of summer.

But we're already getting very tight with guards, with them going back to college and playing fall sports. We're losing some of our guards because athletes and lifeguards go hand in hand and they are playing the fall sports, and those hours are starting to hit their practice hours as well.

So we wish we could stay open longer, up until school starts, but we just don't have the guards to do that.

Our playground program, on a average day if it wasn't raining, we are giving out throughout our sites 50 lunches a day, and we're serving about 70 kids in a park a day. So 50 of those kids are coming to get a lunch, and then another 20 are just coming to play with the counselors that are there. And the last day for that program

is Friday, August 23rd.

A few thank yous for people who have assisted with us and collaborated with us throughout the summer. Middletown School District for allowing our Sports Camp Program to be in Monhagen Middle School. When we hit COVID and we had to be outside at Davidge Park, that is not ideal at all.

So we're always truly grateful when the school district allows us and works with us and bends over backwards so we can be in the school, even though that they have a million construction projects going on and renovations, even in the building while we're there at the time. So we're truly thankful to be there.

The Monhagen Middle School staff, including and especially the custodians, who are amazing. When we run out of soap or paper towels, toilet paper throughout the day, they're always around and quickly are able to come and help us out and change things and clean up messes that we've made.

Food services, who does an incredible job all summer long with the free lunches and the playgrounds and also the meals that are going to our Little People Playtime and our Sports Camp. And some of our visitors to our camps, the Middletown Police Department, the Middletown Fire Department, Darrelyn from Fiercely Fit Nutrition, Sensei Izzie, our art instructors that come in, DJ Echo who hosted two dance parties at our Sports Camp and Little People Playtime, and Girl Scouts, who also came into Sports Camp and collaborated with us to do some programming with the kids at Sports Camp.

And a last thank you to Strawberry Fields, to Netha McCree, who has been collaborating with us numerous times throughout the summer with our Playground Program, with giving out free ice creams to the kids in the playground.

And also with some of our programming on the weekends, like this past weekend we just did Storytime Come Alive, and Netha was there with her staff giving out free ice cream to the kids in the park who attend, either show up to the Playground Program or attend one of our events.

Our youth fitness, it was mentioned by one of our Recreation Commission members about taking what we do on the road -- we all know that us being at the County Route 78 is sometimes difficult for families to get to that building. So we've started Youth Fitness on the Road and going -- pushing into neighborhoods to do that.

We're also looking to continue that, as long as we get the funding from the Youth Bureau that we apply for every year so we can start pushing into the program -- into the local neighborhoods. So that's been successful.

In the summer we've also had a free flag football clinic. That's coming up this Friday and next Friday, and free softball clinics. So once again, obviously, all year round we are super busy. So when you hear those naysayers that there's nothing to do in Middletown, we are busy.

Our fall programming, we are scheduling that now and getting everything up on our site. I have a stack of these cards I'm going to leave out here and I please encourage you guys to take some, give them out to your constituents and put them in your places of businesses.

This has our QR code. People can scan and see all the different programs that we have and special events that we're offering. Any questions?

PRESIDENT MIGUEL RODRIGUES: Any questions for Raelynn? Alderman Johnson?

ALDERMAN PAUL JOHNSON: So jaw-droppingly inspired. Thank you.

SUPERINTENDENT RAELYNN BERTHOLF: Absolutely.

ALDERMAN PAUL JOHNSON: What's maximum capacity for some of these facilities? You mentioned numbers, but what's the maximum?

SUPERINTENDENT RAELYNN BERTHOLF: Sports Camp --

ALDERMAN PAUL JOHNSON: Well, I mean more at the water facilities.

SUPERINTENDENT RAELYNN BERTHOLF: Oh, the pools. Sproat Street we can get up to, I mean, it says like 120 but that would be really, really tight in Sproat Street Pool, like almost impossible. But 60 people in Sproat, you'd probably be shoulder to shoulder swimming. So 30 at one time is amazing for Sproat Street Pool.

I know in years past we'd be lucky if we got five kids a day at Sproat Street, so it's -- definitely the community pool is starting to pick back up again. Davidge, there's two different capacities. The bigger pool I believe is around 275, and the Spray Pad I believe is around 175.

ALDERMAN PAUL JOHNSON: It is? Okay.

SUPERINTENDENT RAELYNN BERTHOLF: Yeah.

ALDERMAN PAUL JOHNSON: Thank you. And if you want to put a stack of those in my mailbox I'll distribute them appropriately.

SUPERINTENDENT RAELYNN BERTHOLF: Thank you very much.

ALDERMAN PAUL JOHNSON: Thank you.

PRESIDENT MIGUEL RODRIGUES: Anyone else? All right, Raelynn. Thank you.

SUPERINTENDENT RAELYNN BERTHOLF: Mm-hmm.

PRESIDENT MIGUEL RODRIGUES: City Clerk.

CITY CLERK RICHARD MCCORMACK: Good evening, everybody. I just wanted to let everybody know an update on Channel 20. Congressman Ryan's Office has been involved in our process to get our Channel 20 broadcast issues resolved.

We have been working and meeting with the folks at Spectrum and they are pretty positive they have identified the cause. It would appear that folks that have old-fashioned cable boxes in their house that are stuck into the wall are not having the issues with the

broadcast, and people who are streaming their cable through their apps on their television are the ones who are having the problems with the -- with the service and seeing our meetings and our content.

It is something that is fixable. It will take some time, time where Spectrum has to go back through and manually reprogram those houses that have streaming services to ensure that they get our content.

So they are working on that, but we couldn't have gotten this far without Congressman Ryan and his office, so we thank them for their help in expediting that process and getting it the attention it deserves.

Also on tonight's agenda is our Citywide Yard Sale, back by popular demand. We had our last one at the beginning of the summer, and there's been an overwhelming call for an additional date. So we're looking for the Council this evening to approve a citywide yard sale for September 14th.

It will only be one day this year, and we are working with Economic and Community Development to have a spot for folks that might not be able to have a yard sale at their house. If they live in an apartment in the downtown area, there will be provisions for them to be able to have a setup and a table in the Erie Way -- Erie Way Park, on the grass out there, which will coincide with the Farmer's Market that day.

So stay tuned to our social media and the website for

applications and signups. They should be up later this week. So we're looking forward to that, and thank you, guys, for your support.

PRESIDENT MIGUEL RODRIGUES: Any questions for the City Clerk? Alderman Kleiner.

ALDERMAN GERALD KLEINER: Thank you. I heard a lot of praise for the last yard sale, but I also heard a lot of people say, I didn't know about it, and could we advertise it more. I'm not sure how we could advertise it more, but anything we can do to get the word out, that was one of the things we heard a lot.

CITY CLERK RICHARD MCCORMACK: Okay.

ALDERMAN GERALD KLEINER: Okay.

CITY CLERK RICHARD MCCORMACK: I'll see what we can do.

PRESIDENT MIGUEL RODRIGUES: Anyone else? All right.
Public Hearings and Grievances.

CLERK RICHARD MCCORMACK: We have one public hearing this evening. Notice is hereby given that the City of Middletown will hold a public hearing on Monday August 5th, 2024 on or near 7:30 p.m. as possible in the Common Council Chambers, 2nd floor at 16 James Street to hear any and all persons wishing to be heard on the proposed two-lot subdivision at 90-18102 Sprague Avenue.

Any persons wishing to be heard will be given an opportunity to speak either for or against the proposed two-lot subdivision. The complete proposed application and map of the

property for the subdivision are available in the Office of the Common Council Clerk, 16 James Street, Room 12, and on the City website. Any person unable to participate at the time of the public hearing can email comments to me at R. McCormack at middletownny.gov by order of the Common Council, Richard P. McCormack, published on 8/1/2024 and the time and sale of record.

PRESIDENT MIGUEL RODRIGUES: At this time the public hearing is now open. Anyone from the public? Any council member? Any comments? Do I have a motion to close the public hearing?

ALDERMAN JOSEPH MASI: So moved.

ALDERMAN PAUL JOHNSON: Second.

PRESIDENT MIGUEL RODRIGUES: Second by Alderman Johnson. All in favor?

COUNCIL MEMBERS: Aye.

PRESIDENT MIGUEL RODRIGUES: The public hearing is now closed. Remarks of Aldermen? Alderman Masi?

ALDERMAN JOSEPH MASI: Nothing this evening.

PRESIDENT MIGUEL RODRIGUES: Alderman Witt?

ALDERMAN KEVIN WITT: Yes. Thank you very much. I just have one thing. I just want to thank everybody for their patience. There are -- there are certain roads in Middletown that no matter where they are geographically they sort of belong to everybody. And Wisner and Wickham are two of those, and -- in my opinion, anyway.

And there was construction going on -- there has been construction going on not only on both sides of Sproat Street, with the paving, but also up at Wickham and Wisner, with curbs and then Sunnyside, more curbs.

So everybody -- the Chief may see it differently, but it seemed like, you know, with the exception of people trying to still cut down Wickham, everybody behaved themselves. So thank you for the patience. It's -- we're getting there, folks. We're getting there. It's going to be great at the end. Thank you very much.

PRESIDENT MIGUEL RODRIGUES: Alderman Kleiner?

ALDERMAN GERALD KLEINER: Thank you. Alderman Green and I will be having a constituents' meeting a week from today. That's August 12th at 7 p.m. right here in the Council chambers. Night Out, I hope -- all the forecasts I heard said there was a flood watch for tomorrow evening particularly. So we'll just keep our fingers crossed.

I heard also a lot of positive comments about how the town is looking and the work going on around town, so I think when it's done we're all going to really appreciate it.

I did go to the town of Wallkill's public hearing last Thursday, and it was about the exemption they had proposed to their -- they proposed removing the exemption to their noise and gathering ordinance.

And just because we heard a lot about it, and we heard with

the giant wall-sized speakers starting at 7:00 on a Sunday morning and the burnout with the truck shutting down basically East Main Street and the concerns about police, fire safety, etc. So that's why they were having the public hearing, and the reason originally for the ordinance was because when Woodstock was going to be in the town of Wallkill, they passed a noise and gathering ordinance, but they put in an exemption for the fairgrounds, and they put an exemption for the speedway.

So when these local events happened that were just beyond as far as noise and concerns, the town of Wallkill Town Board and the supervisor were looking for ways to be notified ahead of time so that they could have some control over that.

So there were two and a half hours there was a lot of discussion, and I think basically they just tabled it for now. But just because that does concern Middletown and, you know, the fair has been a big part of Middletown history too, even though it's technically in the town of Wallkill, so, and the racetrack.

So that's what that was about, and we'll see what they come up with. The warehouses, you know, when CPV was an issue and a lot of us went to all the town of -- town of Wawayanda Town Board meetings and we were not allowed to bring up environmental justice for the Fourth Ward in Middletown.

So that smoke that comes out of the stacks, wherever it goes, who knows, but they only monitor it at the stacks. So we did as the mayor said. We did our due diligence, we went to a lot of town of

Wawayanda Planning Board meetings and asked about traffic and about archeological concerns and the other concerns you have.

So I think we've done what we can, but I encourage people to go, to look on the schedule and see when the town of Wawayanda is discussing the issue, and let your voice be known.

Also basically on that regard, Route 17, the idea of adding a third lane to Route 17, which is going to be a humongous construction project if it's carried through. So they had the two public events in the town of Wallkill Community Center, and a lot of engineers and people were there from the DOT and from -- any engineers doing the planning.

And they all said, no, no, no. The third lane was just one of many considerations, that it was not a done deal whatsoever. And a lot of them were opposed to it. But then we hear both from Senator Skoufis and from Governor Hochul that it's a done deal, the third lane is a done deal, \$1 billion or whatever has been set aside for it.

So I think they need to get their story straight. One of the most interesting things on one of those boards was they said the average speed on Route 17 at exit 120 was 0 to 30 miles an hour. And I challenged any one of them to dare to drive at even 30 miles an hour on a Friday or any day on Route 17 on those lanes. You're going to get run over. So, you know, I don't know.

I see Orange County has a huge surplus in money, and we could use it for ambulance service. I don't know if that's been

brought up. I spoke a lot last time about Good Cause Eviction.

And I asked when people proposing that Middletown become involved in that, please bring us a good legal copy of exactly what the options are in opting into the state, and what Middletown can do and exactly what it says, what it says about owner occupied, two families, whether they're exempt or not.

You know, I asked for that. I haven't heard anything on that. I know the legal challenges have been over the 5 percent vacancy rate. And I think it was Poughkeepsie mayor, I'm not sure, but where they all claimed that, you know, you have to be hitting about 5 percent vacancy rate or below before you can activate any of the good cause. And all the landlords always sue the cities that try and do this Good Cause Eviction.

And they have so far proven that there was higher than a 5 percent vacancy rate. So I don't know what that is and I don't know what it is in Middletown and I don't know how it would be determined, but I would like a whole lot more specifics on that so we could really give it serious consideration.

And two more things quickly. I would like to just say that our constitution, contrary to a lot of what you hear, is a product of the enlightenment. It is not a product of the Middle Ages or the Dark Ages, and that's where some people would like to claim it. So we do not want to go backwards.

And finally, a shout out to Gwen Deserto. On Wednesday,

she's one of the longest-serving members on the Board -- our Board at the Middletown Historical Society, and she's been with the Genealogy Society. She's been a volunteer forever, and Wednesday will be her 90th birthday. So I want to wish her a happy birthday. Thank you.

PRESIDENT MIGUEL RODRIGUES: Alderwoman Wray?

ALDERWOMAN KATIE WRAY: Good evening. I just -- I just want to respond to a couple of things needing -- firstly, the Dorn Family, that's amazing. Saving the life of a child, as a mom she should be so proud of her girls. It's just -- I am speechless on it, and I'm just so thankful that they were there that day.

As to Wawayanda, it is -- it's deja vu all over again. We've been here with them. I do feel that, you know, I get a lot of mail from people don't live inside the City of Middletown and all my mail says Middletown.

And I think there's a lot of people who live in Wawayanda who think, I live in Middletown. So they find out about what's going on and they're down here, like what are you doing? And we're like, we're not actually doing it unfortunately.

And, you know, my recommendation is always, you know, we get a lot of feedback from our voters here in Middletown because we are a beautiful city where people are involved, and they know who represents them and what they want.

In Wawayanda I don't know if that's happening, because they seem to make a lot of choices that seem to go against what their

residents actually want from them. I highly recommend to be at those board meetings and to contact these people directly or run for office and run on the basis that that's enough.

You know, do what the residents want, not what you think is good in your pocket or this or that, or the other. We, you know, we have to make those choices every day as a board.

For the Good Cause Eviction, I support protecting our tenants, especially the good ones. As an Alderman, we see both. We have had properties in my own neighborhood that have been an absolute blight, and, you know, landlords who have actually struggled to get these people removed.

And they destroy the properties, and as neighbors, we get to live with it and look at it. So I see that side of it. But I'm also a single mom of four, and I'm lucky enough to own my home. But I know with my tight budget that if I lived in an apartment and my landlord said to me at the end of the year, guess what, your rent is \$500 more a month, I'm homeless and so are my kids.

So for me this is a serious issue. This is a serious issue for families. And, you know, I've had staggering numbers from the school district on how many kids in our schools don't have homes. And I'm sorry, but that, like, that breaks my heart.

And so anything we can do, I'm certainly going to be reading up on what has been done by the state, and what we can do to help, you know, the families that need this help and how we can do

that. But that's all I have tonight. Thank you.

PRESIDENT MIGUEL RODRIGUES: Alderman Johnson.

ALDERMAN PAUL JOHNSON: I think I've said quite enough this evening, thank you.

PRESIDENT MIGUEL RODRIGUES: Alderman John-Francois.

ALDERMAN JUDE JEAN-FRANCOIS: Nothing this evening.

PRESIDENT MIGUEL RODRIGUES: Alderman Tobin.

ALDERMAN SPARROW TOBIN: Yeah, the Dorn Family. I mean, when I was a little kid, I was -- I went to a swimming hole and there was a little kid playing by the water and the opposite happened. We found out later on that the kid fell in and no one saw him.

So this, you know, the Dorn Family saved someone's child or grandson, niece, nephew, and they're, you know, he's lucky to live. So I mean and have his whole life in front of him. So, I mean, that was an amazing story. They're really heroes.

As far as Good Cause, what I've read about it, I support it. I mean, I understand the caution. We don't want to open up the City to litigation, but, you know, I think we should look at it. I think currently the raising the rates, I mean, I've -- my stepsister, she's kicked out of her apartment because someone just want -- they knew they could get more money for the apartment, and they almost, you know, they raised it by like 30 percent. And so, you know, that's not fair either.

If you paid your rent on time and you're a good tenant, there's -- you're only allowed to get kicked out if you violate, you know, the different aspects of that you did something wrong. But if you haven't done anything wrong, you know, that you're protected.

And I think it's 8 percent or CPI, which averages to about 10 percent would be the max you could increase the rent. So I think it's something a lot of our tenants would appreciate. But I think the devil would be actually in the details though. Thank you.

PRESIDENT MIGUEL RODRIGUES: Okay. New business.

CLERK: Good evening. We have a new resolution sponsored by Alderman Masi to declare surplus equipment.

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

CLERK: Tobin?

ALDERMAN SPARROW TOBIN: Aye.

CLERK: Jean-Francois.

ALDERMAN JUDE JEAN-FRANCOIS: Aye.

CLERK: Johnson.

ALDERMAN PAUL JOHNSON: Aye.

CLERK: Wray.

ALDERWOMAN KATIE WRAY: Aye.

CLERK: Kleiner.

ALDERMAN GERALD KLEINER: Aye.

CLERK: Witt?

ALDERMAN KEVIN WITT: Aye.

CLERK: Masi?

ALDERMAN JOSEPH MASI: Aye.

CLERK: President Rodrigues?

PRESIDENT MIGUEL RODRIGUES: Aye.

CLERK: Carries. A resolution sponsored by Alderman Witt authorizing a renewal of the 2024 ban.

PRESIDENT MIGUEL RODRIGUES: Resolution sponsored by Alderman Witt. Seconded by Alderman Johnson. Any discussion? Roll.

CLERK: Tobin?

ALDERMAN SPARROW TOBIN: Aye.

CLERK: Jean-Francois.

ALDERMAN JUDE JEAN-FRANCOIS: Aye.

CLERK: Johnson.

ALDERMAN PAUL JOHNSON: Aye.

CLERK: Wray.

ALDERWOMAN KATIE WRAY: Aye.

CLERK: Kleiner.

ALDERMAN GERALD KLEINER: Aye.

CLERK: Witt?

ALDERMAN KEVIN WITT: Aye.

CLERK: Masi?

ALDERMAN JOSEPH MASI: Aye.

CLERK: President Rodrigues?

PRESIDENT MIGUEL RODRIGUES: Aye.

CLERK: Carries. Resolution sponsored by Alderman Kleiner accepting a \$1,000 donation from First Federal Savings Bank for outdoor movie night.

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

CLERK: Tobin?

ALDERMAN SPARROW TOBIN: Aye.

CLERK: Jean-Francois.

ALDERMAN JUDE JEAN-FRANCOIS: Aye.

CLERK: Johnson.

ALDERMAN PAUL JOHNSON: Aye.

CLERK: Wray.

ALDERWOMAN KATIE WRAY: Aye.

CLERK: Kleiner.

ALDERMAN GERALD KLEINER: Aye.

CLERK: Witt?

ALDERMAN KEVIN WITT: Aye.

CLERK: Masi?

ALDERMAN JOSEPH MASI: Aye.

CLERK: President Rodrigues?

PRESIDENT MIGUEL RODRIGUES: Aye.

CLERK: Carries. Resolution sponsored by Alderwoman Wray accepting donations from the Middletown Eastern Wellness, which is Northern Medical Academy. Middletown Professional Firefighters' Association, Star Paint and Bodyworks, Inc, Piccolo, El Cocino y Vino, and Dental Care Alliance to support the National Night Out Against Crime event.

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

CLERK: Tobin?

ALDERMAN SPARROW TOBIN: Aye.

CLERK: Jean-Francois.

ALDERMAN JUDE JEAN-FRANCOIS: Aye.

CLERK: Johnson.

ALDERMAN PAUL JOHNSON: Aye.

CLERK: Wray.

ALDERWOMAN KATIE WRAY: Aye.

CLERK: Kleiner.

ALDERMAN GERALD KLEINER: Aye.

CLERK: Witt?

ALDERMAN KEVIN WITT: Aye.

CLERK: Masi?

ALDERMAN JOSEPH MASI: Aye.

CLERK: President Rodrigues?

PRESIDENT MIGUEL RODRIGUES: Aye.

CLERK: Carries. Resolution sponsored by Alderman Jean-Francois authorizing a city-wide yard sale.

PRESIDENT MIGUEL RODRIGUES: Resolution sponsored by Alderman Jean-Francois. Seconded by Alderman Wray. Any discussion? Roll.

CLERK: Tobin?

ALDERMAN SPARROW TOBIN: Aye.

CLERK: Jean-Francois.

ALDERMAN JUDE JEAN-FRANCOIS: Aye.

CLERK: Johnson.

ALDERMAN PAUL JOHNSON: Aye.

CLERK: Wray.

ALDERWOMAN KATIE WRAY: Aye.

CLERK: Kleiner.

ALDERMAN GERALD KLEINER: Aye.

CLERK: Witt?

ALDERMAN KEVIN WITT: Aye.

CLERK: Masi?

ALDERMAN JOSEPH MASI: Aye.

CLERK: President Rodrigues?

PRESIDENT MIGUEL RODRIGUES: Aye.

CLERK: Carries. Resolution sponsored by Alderman Johnson accepting a Notice of Determination of Nonsignificance pursuant to 6NYCRR 617.10 in reference to a two-lot subdivision at 90-102 Sprague Avenue.

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

CLERK: Tobin?

ALDERMAN SPARROW TOBIN: Aye.

CLERK: Jean-Francois.

ALDERMAN JUDE JEAN-FRANCOIS: Aye.

CLERK: Johnson.

ALDERMAN PAUL JOHNSON: Aye.

CLERK: Wray.

ALDERWOMAN KATIE WRAY: Aye.

CLERK: Kleiner.

ALDERMAN GERALD KLEINER: Aye

CLERK: Witt?

ALDERMAN KEVIN WITT: Aye.

CLERK: Masi?

ALDERMAN JOSEPH MASI: Aye.

CLERK: President Rodrigues?

PRESIDENT MIGUEL RODRIGUES: Aye.

CLERK: Carried. Resolution sponsored Alderman Tobin
approving a two-lot subdivision at 90-102 Sprague Avenue.

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

CLERK: Tobin?

ALDERMAN SPARROW TOBIN: Aye.

CLERK: Jean-Francois.

ALDERMAN JUDE JEAN-FRANCOIS: Aye.

CLERK: Johnson.

ALDERMAN PAUL JOHNSON: Aye.

CLERK: Wray.

ALDERWOMAN KATIE WRAY: Aye.

CLERK: Kleiner.

ALDERMAN GERALD KLEINER: Aye.

CLERK: Witt?

ALDERMAN KEVIN WITT: Aye.

CLERK: Masi?

ALDERMAN JOSEPH MASI: Aye.

CLERK: President Rodrigues?

PRESIDENT MIGUEL RODRIGUES: Aye.

CLERK: Carries. Resolution sponsored Alderman Tobin
authorizing a block party on Philipps Street.

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

CLERK: Tobin?

ALDERMAN SPARROW TOBIN: Aye.

CLERK: Jean-Francois.

ALDERMAN JUDE JEAN-FRANCOIS: Aye.

CLERK: Johnson.

ALDERMAN PAUL JOHNSON: Aye.

CLERK: Wray.

ALDERWOMAN KATIE WRAY: Aye.

CLERK: Kleiner.

ALDERMAN GERALD KLEINER: Aye.

CLERK: Witt?

ALDERMAN KEVIN WITT: Aye.

CLERK: Masi?

ALDERMAN JOSEPH MASI: Aye.

CLERK: President Rodrigues?

PRESIDENT MIGUEL RODRIGUES: Aye.

CLERK: Carries.

PRESIDENT MIGUEL RODRIGUES: That it?

ALDERMAN JOSEPH MASI: Mr. President, I move the accounts be ordered, the claims be adjusted and the City Treasurer be authorized to issue a warrant for their payment.

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

CLERK: Tobin?

ALDERMAN SPARROW TOBIN: Aye.

CLERK: Jean-Francois.

ALDERMAN JUDE JEAN-FRANCOIS: Aye.

CLERK: Johnson.

ALDERMAN PAUL JOHNSON: Aye.

CLERK: Wray.

ALDERWOMAN KATIE WRAY: Aye.

CLERK: Kleiner.

ALDERMAN GERALD KLEINER: Aye.

CLERK: Witt?

ALDERMAN KEVIN WITT: Aye.

CLERK: Masi?

ALDERMAN JOSEPH MASI: Aye.

CLERK: President Rodrigues?

PRESIDENT MIGUEL RODRIGUES: Aye.

CLERK: Carries.

PRESIDENT MIGUEL RODRIGUES: Move for adjournment?

GROUP: Move.

CLERK: Second?

ALDERWOMAN KATIE WRAY: 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.



Sonya M. Ledanski Hyde

—
Veritext Legal Solutions

330 Old Country Road

Suite 300

Mineola, NY 11501

Date: August 16, 2024



**CITY OF MIDDLETOWN
COMMON COUNCIL MEETING AGENDA
AUGUST 5, 2024**

1. PLEDGE OF ALLEGIANCE
2. ROLL CALL
3. APPROVAL OF MINUTES
 - 3.1. Accept the Minutes of July 2, 2024
4. CORRESPONDENCE, COMMUNICATION AND REPORTS
 - 4.1. Municipal Shelter Report: July 2024
5. FOR THE GOOD OF THE CITY
 - 5.1. Dorn Family Recognition
6. REMARKS OF THE MAYOR
7. REMARKS OF THE DEPARTMENT HEADS
8. PUBLIC HEARINGS AND GRIEVANCES
 - 8.1. Public Hearing: 2 lot subdivision at 90-102 Sprague Avenue
9. PETITIONS AND COMPLAINTS
10. REMARKS OF THE ALDERMAN AND REPORTS OF THE COMMITTEES
11. UNFINISHED BUSINESS
12. NEW BUSINESS
 - 146- Authorization to Declare Surplus Equipment
24
 - 147- Authorization to Renew 2024 BAN

24

148- Accept a \$1000 Donation from First Federal Savings Bank for Outdoor Movie
24 Night

149- Accept Donations from Middletown Eastern Wellness (dba Northern Medical
24 Academy), Middletown Professional Firefighters Association, Star Paint & Body
Works INC, Piccolo Cucina e Vino, and Dental Care Alliance to support National
Night Out Against Crime.

151- Authorization to Hold a City Wide Yard Sale
24

152- Resolution and Notice of Determination of Non-Significance Pursuant To 6
24 NYCRR 617.10 in Reference to a 2 Lot Sub Division 90-102 Sprague Avenue

153- Approval of a 2 Lot Sub Division at 90-102 Sprague Avenue
24

154- Authorization to Host a Block Party on Phillips Street
24

13. LOCAL LAWS

14. AUDIT OF CLAIMS AND ACCOUNTS

14.1. Resolution Authorizing the Accounts be Audited, Claims Adjusted, and the
Treasurer be Authorized to Issue Warrants for their Payment

15. ADJOURNMENT



CITY OF MIDDLETOWN, NEW YORK COMMON COUNCIL RECORD OF VOTE

THE FOLLOWING WAS PRESENTED

By: Alderman Masi
Seconded by: Alderman Tobin
Date of Adoption: August 5, 2024
Index No:

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

Richard P. McCormack
Clerk to the Common Council

Names	Ayes	Noes	Abstain	Absent
Ald. Tobin	X			
Ald. Jean-Francois	X			
Ald. Johnson	X			
Ald. Wray	X			
Ald. Kleiner	X			
Ald. Green				X
Ald. Witt	X			
Ald. Masi	X			
Pres. Rodrigues	X			
Total	8			1

I hereby approve the attached Resolution/Local Law.

Joseph M. DeStefano, Mayor

Date

Accept the Minutes of July 2, 2024

Accept the Minutes of July 2, 2024

Prepared by:

Attachments:

1.	07.02.24 CC Minutes
----	---------------------



TO: THE HONORABLE MAYOR AND CITY COUNCIL
AGENDA: Common Council Meeting
DATE: August 5, 2024
ITEM #:
SUBJECT: Municipal Shelter Report: July 2024

Recommendation for Action:

Prepared by:

Attachments:

1.	Municipal Shelter Report July 2024
----	------------------------------------



**Agriculture
and Markets**

RECEIVED

JUL 29 2024

**CITY CLERK
CITY OF MIDDLETOWN**

July 18, 2024

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

Enclosed is the **Municipal Shelter Inspection Report** completed on **07/16/2024**. This inspection relates to Agriculture and Markets Laws and Regulations which may be viewed on the website below.

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

Municipal dog shelters are subject to inspection by this agency on a regular basis.

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

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

Sarah Ghawi
Animal Health Inspector

RECEIVED

JUL 27 2024

MAYOR'S OFFICE

MUNICIPAL SHELTER INSPECTION REPORT - DL-90Rating: **Satisfactory365**Purpose: **Inspection**DATE/TOA: **7/16/24 12:00 pm****HUMANE SOCIETY OF MIDDLETOWN INC
142 BLOOMINGBURG ROAD
MIDDLETOWN NY 10940**Inspector: **Sarah Ghawi**Inspector #: **078**

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

- | | |
|--|-----|
| 1. Shelter is structurally sound | Yes |
| 2. Housing area and equipment is sanitized regularly | Yes |
| 3. Repairs are done when necessary | Yes |
| 4. Dogs are handled safely | Yes |
| 5. Adequate space is available for all dogs | Yes |
| 6. Light is sufficient for observation | Yes |
| 7. Ventilation is adequate | Yes |
| 8. Drainage is adequate | Yes |
| 9. Temperature extremes are avoided | Yes |
| 10. Clean food and water is available and in ample amount | Yes |
| 11. Veterinary care is provided when necessary | Yes |
| 12. Dogs are euthanized humanely, by authorized personnel | Yes |
| 13. Complete intake and disposition records are maintained for all seized dogs | Yes |
| 14. Dogs transferred for purposes of adoption in compliance with Article 7 | Yes |
| 15. Redemption period is observed before adoption, euthanasia or transfer | Yes |
| 16. Owners of identified dogs are properly notified | Yes |
| 17. Redeemed dogs are licensed before release | Yes |
| 18. Proper impoundment fees paid before dogs are released | Yes |
| 19. Written contract or lease with municipality | Yes |

Town - City - Village Information for Inspection:

TCV CODE	TCV NAME
4804	Town of Delaware
4805	Town of Fallsburg
4807	Town of Fremont
4801	Town of Bethel
4809	Town of Liberty
4813	Town of Rockland
3317	Town of Wallkill
5119	Town of Wawarsing
3321	City of Middletown
3313	Town of Mount Hope

REMARKS:

REPRESENTATIVE PRESENT FOR INSPECTION: **Maureen Hogan**
TITLE: **Shelter manager**

REVIEWED BY: **Joyce Ameis**
REVIEWED DATE: **07/17/2024**



CITY OF MIDDLETOWN, NEW YORK COMMON COUNCIL RECORD OF VOTE

THE FOLLOWING WAS PRESENTED

By: Alderman Masi
Seconded by: Alderman Johnson
Date of Adoption: August 5, 2024
Index No:

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

Richard P. McCormack
Clerk to the Common Council

Names	Ayes	Noes	Abstain	Absent
Ald. Tobin	X			
Ald. Jean-Francois	X			
Ald. Johnson	X			
Ald. Wray	X			
Ald. Kleiner	X			
Ald. Green				X
Ald. Witt	X			
Ald. Masi	X			
Pres. Rodrigues	X			
Total	8			1

I hereby approve the attached Resolution/Local Law.

Joseph M. DeStefano, Mayor

Date

Public Hearing: 2 lot subdivision at 90-102 Sprague Avenue

Prepared by:

Attachments:

1.	875707-876098-AcquisitionMap-01_STAMPED_Signed
2.	Application Subdivision Signed
3.	Notice of Public Hearing 90-102 Sprague Ave Sub Division
4.	SEQR Part I
5.	SEQR Part II



MIDDLETOWN TRAFFIC
OPERATIONS AND
STREETSCAPE IMPROVEMENTS

'EXHIBIT A'
CITY OF MIDDLETOWN

PINs 8757.07 & 8760.98

MAP NO. 1
PARCEL NO. 1
SHEET 1 OF 2 SHEETS

Originals of this map (sheets 1 and 2)
are on file at the offices of the
County of Orange

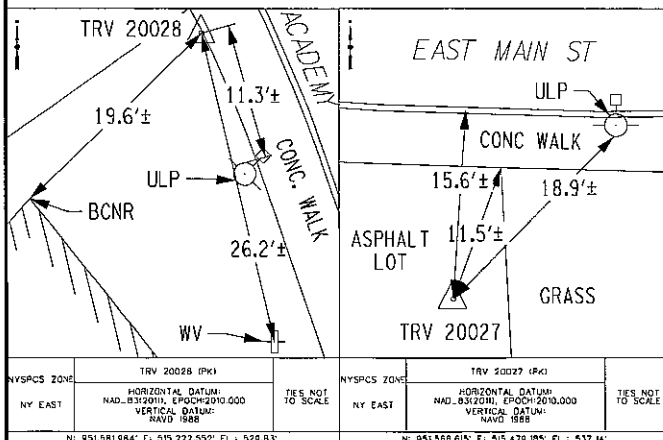
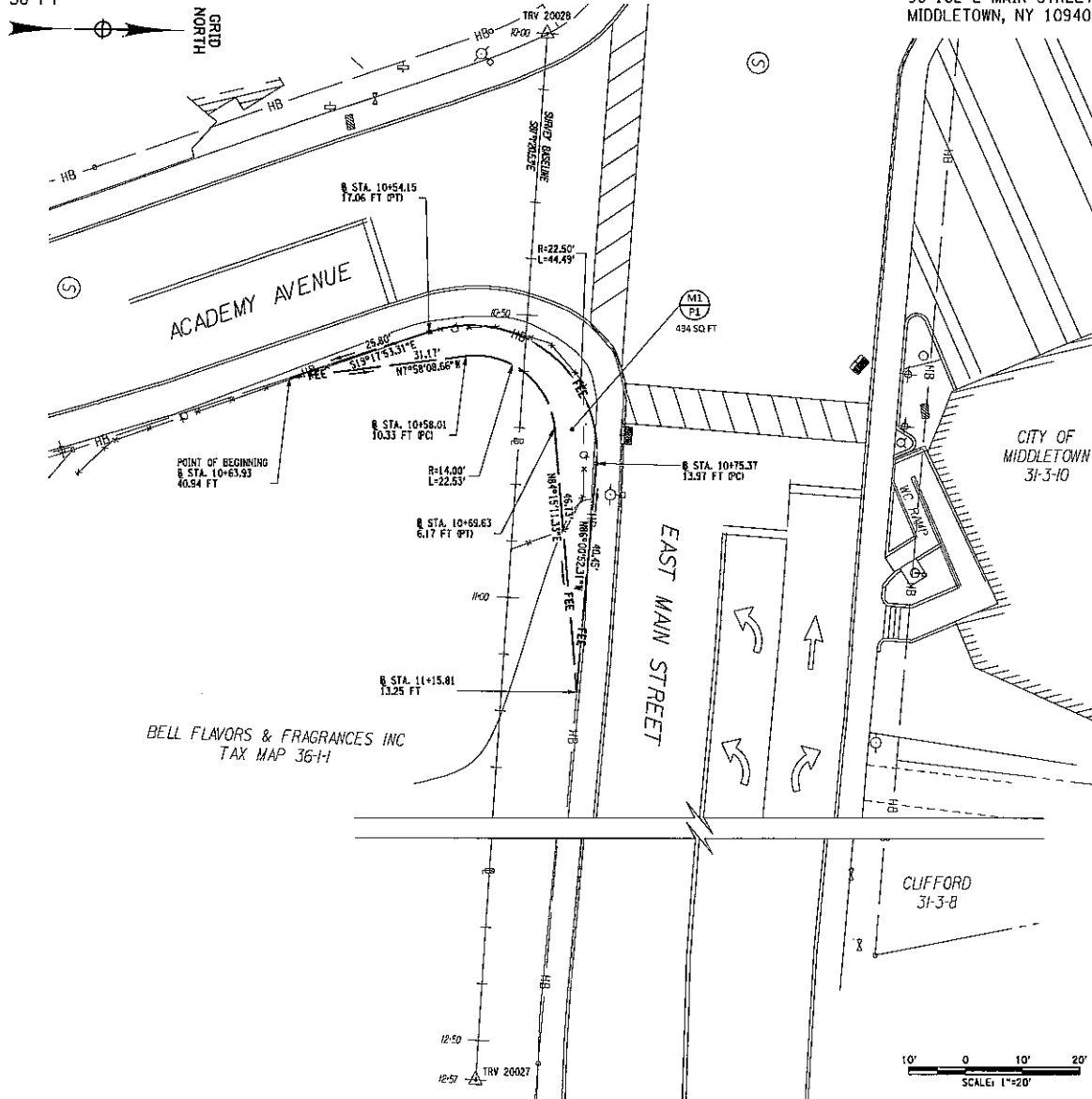
ACQUISITION DESCRIPTION:

Types: FEE
Portion of Real Property Tax
Parcel ID No.
36-1-1

BELL FLAVORS & FRAGRANCES INC
(REPUTED OWNER)
L.4129 P.80

City of Middletown
County of Orange
State of New York

REPUTED OWNER:
BELL FLAVORS &
FRAGRANCES INC
90-102 E MAIN STREET
MIDDLETOWN, NY 10940



MAP NUMBER 1
REVISED DATE -
DATE PREPARED 5/8/2024

PREPARED BY EG CHECKED BY KL FINAL CHECK BY JMR



MIDDLETOWN TRAFFIC
OPERATIONS AND
STREETSCAPE IMPROVEMENTS

'EXHIBIT A'
CITY OF MIDDLETOWN

PINs 8757.07 & 8760.98

MAP NO. 1
PARCEL NO. 1
SHEET 2 OF 2 SHEETS

All those pieces or parcels of property hereinafter designated as Parcel No. 1 are deemed necessary by the Commissioner of Public Works of the City of Middletown to be acquired in the name of the People of the City of Middletown in FEE acquisition for purposes connected with the highway system of the City of Middletown, County of Orange, State of New York, as shown on the accompanying map and described as follows:

PARCEL 1, A FEE TAKING TO BE EXERCISED FOR THE PURPOSE OF PROPOSED ROADWAY AND SIDEWALK IMPROVEMENTS, AS SHOWN ON THE ACCOMPANYING MAP AND FURTHER DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE EASTERLY BOUNDARY OF ACADEMY AVENUE, SAID POINT BEING DISTANT 40.94 FT MEASURED AT RIGHT ANGLES FROM STATION 10+63.93 OF THE HEREINAFTER DESCRIBED SURVEY BASELINE FOR THE PROPOSED ROADWAY AND SIDEWALK IMPROVEMENTS IN THE CITY OF MIDDLETOWN; THENCE, THROUGH THE LANDS OF BELL FLAVORS & FRAGRANCES, INC. (REPUTED OWNER) NORTH 07°58'08.66" WEST A DISTANCE OF 31.17 FT TO A POINT OF CURVATURE; THENCE, THROUGH SAID LANDS, ALONG A CURVE BEARING TO THE RIGHT IN A NORTHEASTERLY DIRECTION, HAVING A RADIUS OF 14.00 FT, AN ARC LENGTH OF 22.53 FT, TO A POINT OF TANGENCY; THENCE, THROUGH SAID LANDS NORTH 84°15'11.33" EAST A DISTANCE OF 46.73 FT TO A POINT ALONG THE SOUTHERLY BOUNDARY OF EAST MAIN STREET; THENCE, ALONG SAID SOUTHERLY BOUNDARY NORTH 86°00'52.31" WEST A DISTANCE OF 40.45 FT TO A POINT OF CURVATURE; THENCE, ALONG SAID SOUTHERLY BOUNDARY ALONG A CURVE BEARING TO THE LEFT IN A SOUTHWESTERLY DIRECTION, HAVING A RADIUS OF 22.50 FT, AN ARC LENGTH OF 44.49 FT, TO A POINT OF TANGENCY ON THE EASTERLY BOUNDARY OF ACADEMY AVENUE; THENCE, ALONG SAID EASTERLY BOUNDARY SOUTH 19°17'53.31" EAST A DISTANCE OF 25.80 FT TO THE POINT OF BEGINNING, SAID PARCEL BEING 434 SQUARE FEET MORE OR LESS.

THE ABOVE MENTIONED SURVEY BASELINE IS DESCRIBED AS FOLLOWS: BEGINNING AT STATION 10+00; THENCE SOUTH 87°01'20.53" EAST TO STATION 12+56.98.



MAP NUMBER 1
REVISED DATE -
DATE PREPARED 5/8/2024

"Unauthorized alteration of a survey map bearing a licensed land surveyor's seal is a violation of the New York State Education Law."

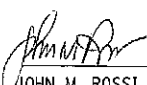
I hereby certify that the property mapped above is necessary for this project and the acquisition thereof is recommended.

I hereby certify that this map is an accurate description and map made from an accurate survey, prepared under my direction.

Date 5/15 2024

Date May 8, 2024


JACOB S. TAWIL, PE
Commissioner of Public Works
16 James Street
Middletown, NY 10940


JOHN M. ROSSI, PLS
NYSPLS License No. 050660-1

WSP USA, Inc.
500 Summit Lake Drive, Suite 450
Valhalla, NY 10595



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

Number of Lots of the Subdivision 1 Current Zone C2

Section 36 Block 1 Lot 1

Address of Subject Property 90-102 Sprague Avenue

Owner of Property Bell Flavors & Fragrances Inc.

Owner Address 12 Sprague Avenue

City Middletown State NY Zip 10940

Telephone: (847) 342-1233 Cell: _____

Email KBeecher@BellFF.com

Applicant Name Bell Flavors & Fragrances, Inc.

If different from Owner

Applicant Address _____

City _____ State NY Zip _____

Telephone: Home _____ Cell: _____

Email _____

Minor (2-3 lots) X \$250.00 Paid _____

Plus Escrow X \$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.
Remainder of original lot 36-1-1 use will remain as is. The newly created lot will be dedicated to and used by the City of Middletown for widening the East Main Street/ Academy Avenue intersection and constructing a public sidewalk that meets ADA requirements.

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.

Not applicable

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.

Not applicable

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: *Ken Beecher Director, Manufacturing*

Signature of applicant *Kenneth Beecher III*

Date 07/25/24

.....

Print Name and title

~~TO BE FILLED OUT BY THE CITY CLERK'S OFFICE~~

A fee of \$250.00 was collected on _____

Fee to be paid by City of Middletown

Escrow Amount \$100.00 on _____

Signature of Clerk or Designee

Date

Application & Instructions for Subdivisions

A subdivision application is deemed to be accepted by the Common Council when completed applications along with the required fees are in possession of the Clerk.

All applications will be referred to the Common Council Planning Committee. Placement on the agenda is on a first come, first serve basis. The Committee chairperson will schedule the meeting and you will be notified of the date and time. Applications must be in possession of the chair of the Committee at least two weeks before the scheduled meeting.

Each application for a subdivision shall be accompanied by a non-refundable fee of \$250.00 and an escrow fee of \$100.00 used for the public hearing notice. If the entire escrow amount is not used the balance will be refunded to the applicant. The clerk office will require 14 copies of the application and subdivision maps submitted with all the fees.

Additional fees may be required if the Common Council determines that an engineer's review is necessary. If an engineer's review is necessary the applicant must deposit \$500.00 with the clerk to cover engineering fees. If the entire amount is not used the balance will be refunded to the applicant. Additional amounts may be required if necessary.

The Common Council shall fix the time of the public hearing after the Committee has approved the subdivision. Notice of the public hearing shall be published in the official City newspaper for two successive days. Publication of such notice shall begin at least five days before the hearing. The Common Council may require giving additional notice to persons particularly interested or affected in any given location.

A list of names and addresses will be given to you after the Committee approves the subdivision. A letter when the public hearing will be scheduled will be supplied to you and you will be required to mail to all names and addresses when the public notice is in the official newspaper. You will be required to supply a proof of mailing from the post office at the public hearing. If this proof of mailing is not supplied at the public hearing, the hearing will be canceled.

At the public hearing, a presentation of the facts of the subdivision is required by the applicant. You may present all information and data you desire. You may be represented by anyone of your choice. The public will also be provided an opportunity to speak. The members of the Common Council or staff may ask you questions.

If the Common Council approves, at the next scheduled meeting the resolution will be on the agenda to approve the subdivision.

If the subdivision is granted you will have to provide final plans with any changes for the Commissioner of Public Works and the City Clerk to sign and then you will also be required to submit to the County. The City of Middletown will require two (2) final signed paper copies and one (1) PDF copy submitted to the City Clerk.

**CITY OF MIDDLETOWN
NOTICE OF PUBLIC HEARING**

Notice is hereby given that the City of Middletown will hold a public hearing on Monday, August 5, 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 at 90-102 Sprague Avenue.

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: 8/1/24 & City Website

Short Environmental Assessment Form

Part 1 - Project Information

Instructions for Completing

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

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

Part 1 – Project and Sponsor Information			
City of Middletown			
Name of Action or Project: Sub-Division/Lot-line Change			
Project Location (describe, and attach a location map): Rear property lot of 90-102 Sprague Ave, Middletown, NY 10940 (90-102 East Main St-SBL 36-1-1)			
Brief Description of Proposed Action: The proposed lot-line change will creat two lots, the smaller lot that will be merged into City Streets, Academy Ave and E. Main St intersection for the purpose of improving the intersection vehicular traffic operation and allowing the construction of ADA compliant sidewalks ramps.			
Name of Applicant or Sponsor: City of Middletown Common Council		Telephone: 845-346-4166 E-Mail: Rmccormack@Middletownny.gov	
Address: 16 James St			
City/PO: Middletown		State: NY	Zip Code: 10940
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.		NO ☒	YES ☐
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval:		NO ☒	YES ☐
3. a. Total acreage of the site of the proposed action?		0.01 acres	
b. Total acreage to be physically disturbed?		0.01 acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		1.0 acres	
4. Check all land uses that occur on, are adjoining or near the proposed action: ☒ Urban ☐ Rural (non-agriculture) ☐ Industrial ☒ Commercial ☐ Residential (suburban) ☐ Forest ☐ Agriculture ☐ Aquatic ☐ Other(Specify): ☐ Parkland			

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

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

Project:

Date:

Short Environmental Assessment Form

Part 2 - Impact Assessment

Part 2 is to be completed by the Lead Agency.

Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept “Have my responses been reasonable considering the scale and context of the proposed action?”

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	☒	☐
2. Will the proposed action result in a change in the use or intensity of use of land?	☒	☐
3. Will the proposed action impair the character or quality of the existing community?	☒	☐
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	☒	☐
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	☒	☐
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	☒	☐
7. Will the proposed action impact existing:	☒	☐
a. public / private water supplies?	☒	☐
b. public / private wastewater treatment utilities?	☒	☐
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	☒	☐
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	☒	☐
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	☒	☐
11. Will the proposed action create a hazard to environmental resources or human health?	☒	☐

Project:

Date:

Short Environmental Assessment Form

Part 3 Determination of Significance

For every question in Part 2 that was answered “moderate to large impact may occur”, or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

- ☐ Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.
- ☒ Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.

City of Middletown

Name of Lead Agency

Miguel Rodrigues

Date

Common Council President

Print or Type Name of Responsible Officer in Lead Agency

Title of Responsible Officer

Jacob Tawil

Signature of Responsible Officer in Lead Agency

Signature of Preparer (if different from Responsible Officer)

PRINT FORM



CITY OF MIDDLETOWN, NEW YORK COMMON COUNCIL RECORD OF VOTE

THE FOLLOWING WAS PRESENTED

By: Alderman Masi
Seconded by: Alderman Johnson
Date of Adoption: August 5, 2024
Index No: 146-24

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

Richard P. McCormack
Clerk to the Common Council

Names	Ayes	Noes	Abstain	Absent
Ald. Tobin	X			
Ald. Jean-Francois	X			
Ald. Johnson	X			
Ald. Wray	X			
Ald. Kleiner	X			
Ald. Green				X
Ald. Witt	X			
Ald. Masi	X			
Pres. Rodrigues	X			
Total	8			1

I hereby approve the attached Resolution/Local Law.

Joseph M. DeStefano, Mayor

Date

Authorization to Declare Surplus Equipment

BE IT RESOLVED; that the Common Council of the City of Middletown, NY, concurs with the Board of Estimate and Apportionment and authorizes a Middletown Police Department service weapon to be declared as surplus and that an officer be authorized to purchase said surplus equipment for \$400.

Prepared by:
John Ewanciw, Chief of Police

Attachments:

1.	Purchase department weapon
----	----------------------------

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 6, 2024

Honorable Joseph M. DeStefano &
City of Middletown Common Council
16 James Street
Middletown, NY 10940

Dear Mayor DeStefano and Members of the Common Council:

The Middletown Police Department would like to sell one (1) Sig Sauer P229 DAK, Serial #AM 41 765, to Middletown Police Officer Evan Barone for the amount \$400. This firearm was previously assigned to Officer Barone, but is no longer the standard issued firearm for our agency. The police department transitioned from the P229 DAK to the Sig Sauer P320 in October of 2022. At that time, all of the agency's Sig Sauer P229 DAK handguns were traded in to our vendor Atlantic Tactical, who credited the agency for each handgun towards the purchase of our new handguns.

Officer Barone's handgun was unavailable to be made part of the original trade-in transaction because it was still in the possession of the New York State Police as part of the investigation into Officer Barone's shooting that took place on August 29, 2020. The weapon has since been turned over to our agency, and it is my recommendation that the weapon be made available to Officer Barone for purchase as the weapon has no value to our agency. Officer Barone would be responsible for all of the paperwork to take legal possession of the weapon through a licensed federal firearms dealer. Officer Barone would be responsible for any other costs associated with that transfer.

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

Very truly yours,

John Ewanciw
Chief of Police

JE:ccd



CITY OF MIDDLETOWN, NEW YORK COMMON COUNCIL RECORD OF VOTE

THE FOLLOWING WAS PRESENTED

By: Alderman Witt
Seconded by: Alderman Johnson
Date of Adoption: August 5, 2024
Index No: 147-24

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

Richard P. McCormack
Clerk to the Common Council

Names	Ayes	Noes	Abstain	Absent
Ald. Tobin	X			
Ald. Jean-Francois	X			
Ald. Johnson	X			
Ald. Wray	X			
Ald. Kleiner	X			
Ald. Green				X
Ald. Witt	X			
Ald. Masi	X			
Pres. Rodrigues	X			
Total	8			1

I hereby approve the attached Resolution/Local Law.

Joseph M. DeStefano, Mayor

Date

Authorization to Renew 2024 BAN

BE IT RESOLVED; that the Common Council of the City of Middletown, NY, concurs with the Board of Estimate and Apportionment and authorizes the sell off the 2024 BAN renewal in the amount of \$21,756,437 to be issued August 23rd, 2024.

Prepared by:

Attachments:

1.	BOE BAN Renewal Request
2.	DRAFT NOS - Middletown City 2024 BAN



DEPARTMENT OF FINANCE

City Of Middletown

Rosa Tumminia
Deputy Treasurer

16 James Street
Middletown, NY 10940
Tel: (845) 346-4150
Fax: (845) 343-1101

August 1, 2024

To: The Board of Estimate

From: Rosa Tumminia, Deputy Treasurer

Requesting the approval to sell off the 2024 BAN renewal in the amount of \$21,756,437 to be issued August 23rd, 2024.

Sincerely,

Rosa Tumminia

NOTICE OF SALE

CITY OF MIDDLETOWN
ORANGE COUNTY, NEW YORK

\$21,756,437
BOND ANTICIPATION NOTES, 2024
(the “Notes”)

NON-BANK QUALIFIED

SALE DATE:	August 8, 2024	TELEPHONE: (516) 570-0340
TIME:	11:00 A.M. (Prevailing Time)	FACSIMILE: (516) 364-9501
PLACE OF SALE:	Capital Markets Advisors, LLC 11 Grace Avenue, Suite 308 Great Neck, New York 11021	
DATE OF NOTES:	August 22, 2024	
MATURITY DATE:	August 22, 2025	

Sealed proposals, telephone proposals, fax proposals and proposals via iPreo’s Parity Electronic Bid Submission System (“Parity”) will be received at the place and time on the Sale Date as hereinabove indicated, for the purchase at not less than par and accrued interest of the Notes as hereinabove described. No other form of electronic bidding services will be accepted. The number for telephone proposals is (516) 570-0340. The number for FAX proposals is (516) 364-9501. Bidders submitting proposals via facsimile must use the “Proposal for Notes” form attached hereto.

Proposals may be submitted in accordance with this Notice of Sale until the time specified herein. No proposal will be accepted after the time for receiving proposals specified above. Any proposal received by the time for receiving proposals specified herein, which have not been modified or withdrawn by the bidder, including those communicated electronically via Parity, shall constitute an irrevocable offer to purchase the Notes pursuant to the terms herein and therein provided. Bidders shall not submit a bid that modifies the terms contained in this Notice of Sale or adds additional conditions not set forth in the Notice of Sale.

The City reserves the right to reject any and all bids (regardless of the interest rate bid), to reject any bid not complying with this Notice of Sale and, so far as permitted by law, to waive any irregularity or informality with respect to any bid or the bidding process.

Please note that the timely delivery of such proposals in legible and complete form, signed by an authorized representative of the bidder, shall be solely the responsibility of the bidder(s). The City shall not be responsible for any errors and/or delays in transmission and/or receipt of bids, mechanical or technical failures or disruptions, or any omissions or irregularities in any bids submitted in such manner.

Prospective bidders wishing to submit an electronic bid via Parity must be contracted customers of Parity. Prospective bidders who do not have a contract with Parity must call (212) 849-5021 to become a customer. By submitting an electronic bid for the Notes, a bidder represents and warrants to the City that such bidder's bid for the purchase of the Notes is submitted for and on behalf of such prospective bidder by an officer or agent who is duly authorized to bind the bidder to a legal, valid and enforceable contract for the purchase of the Notes.

Each prospective bidder who wishes to submit an electronic bid shall be solely responsible to register to bid via Parity. Each qualified prospective bidder shall be solely responsible to make necessary arrangements to access Parity for purposes of submitting its bid in a timely manner and in compliance with the requirements of this Notice of Sale. Neither the City nor Parity shall have any duty or obligation to undertake such registration to bid for any prospective bidder or to provide or assure such access to any qualified prospective bidder, and neither the City nor Parity shall be responsible for a bidder's failure to register to bid or for proper operation of, or have any liability for any delays or interruptions of, or any damages caused by Parity. The City is using Parity as a communications mechanism, and not as the City's agent, to conduct the electronic bidding for the City's Notes. The City is not bound by any advice or determination of Parity as to whether any bid complies with the terms of this Notice of Sale. All costs and expenses incurred by prospective bidders in connection with their registration and submission of bids via Parity are the sole responsibility of the bidders, and the City is not responsible, directly or indirectly, for any such costs or expenses. If a prospective bidder encounters any difficulty in registering to bid, or submitting or modifying a bid for the Notes, it should telephone Parity and notify the City's Municipal Advisor, Capital Markets Advisors, LLC at (516) 570-0340 (provided that the City shall have no obligation to take any action whatsoever upon receipt of such notice).

If any provisions of this Notice of Sale shall conflict with information provided by Parity, as approved provider of electronic bidding services, this Notice of Sale shall control. Further information about Parity, including any fee charged, may be obtained from Parity at (212) 849-5021. The time maintained by Parity shall constitute the official time with respect to all bids submitted.

The purchaser(s) shall have the option of having the Notes issued in either non book-entry or book-entry-only form. The purchaser(s) must notify Bond Counsel by 2:00 P.M., Prevailing Time, on the date of sale whether the Notes will be issued in non-book-entry form or book-entry-only form.

If the Notes are issued in non-book-entry form, a single note will be issued in registered form. Principal of and interest on the Notes will be payable in lawful money of the United States (Federal Funds) to the registered purchaser(s).

If the Notes are issued in book-entry-only form, the Notes will be (i) registered in the name of Cede & Co., as partnership nominee of The Depository Trust Company, New York, New York ("DTC"), and (ii) deposited with DTC to be held in trust until maturity. As book-entry-only notes, individual purchases may be made in book-entry-only form only in denominations of \$5,000 or integral multiples thereof, except for one necessary odd denomination which is or includes \$7,635. (See "*Book-Entry-Only System*," in the Official Statement.) DTC is an automated depository for securities and a clearinghouse for securities transactions, and will be responsible for establishing and maintaining a book-entry-only system for recording the ownership interests of its participants, which include certain banks, trust companies and securities dealers, and the transfer of the interests among its participants. The DTC participants will be responsible for establishing and maintaining records with respect to the Notes. Individual purchases of beneficial ownership interests in the Notes may be made only through book entries made on the books and records of DTC (or a successor depository) and its participants. Principal of and interest on the Notes will be payable by the City to DTC or its partnership nominee as registered owner of the Notes. Transfer of principal and interest payments to beneficial owners by participants of DTC will be the responsibility of such participants and other nominees of beneficial owners. The City will not be responsible or liable for payments by DTC to its participants or by DTC participants to beneficial owners or for maintaining, supervising or reviewing the records maintained by DTC, its participants or persons acting through such participants.

The proceeds from the sale of the Notes in the amount of \$21,756,437, together with \$3,437,545 in available funds, will be used to redeem the City's \$25,193,982 Bond Anticipation Notes, 2023, which mature on August 23, 2024.

Said Notes are general obligations of the City, and the faith and credit of such City are pledged for the payment of the principal of and interest on such Notes. All the taxable real property in said City will be subject to the levy of ad valorem taxes, subject to applicable statutory limitations, sufficient to pay the principal of and interest on such Notes.

THE NOTES WILL NOT BE DESIGNATED AS "QUALIFIED TAX-EXEMPT OBLIGATIONS" UNDER SECTION 265(b)(3) OF THE INTERNAL REVENUE CODE OF 1986.

Bids may be made for all or a portion of said Notes (\$5,000,000 minimum bid) and state a rate or rates of interest in multiples of 1/100 or 1/8 of one per centum per annum. Interest will be calculated on the basis of a 30-day month and 360-day year. Said Notes will be awarded to the bidder(s) offering the lowest net interest cost (that being the interest rate which produces

the lowest net interest cost over the life of the Notes after deducting the premium, if any); provided, however, that if two or more bidders offer to purchase said Notes at the same lowest net interest cost, then such award will be made first on the basis of the greatest minimum bid offered, and if two or more bidders offer the same minimum bid, then to the bidder offering the greatest premium, and, if two or more bidders offer the same premium, then to one of said bidder(s) selected by lot from among said bidders. The right is reserved by the City to award to any bidder all or any part of the Notes which such bidder offers to purchase and, in such event, the premium, if any, specified by such bidder will be pro-rated. The right is reserved by said City to reject any or all bids. All conditional bids will be rejected. The Notes will not be subject to prior redemption.

Said Notes will be delivered in book-entry-only form through the facilities of DTC, or otherwise as may be agreed with the purchaser(s), at the option of the purchaser(s), in non-book-entry form in form of a single note certificate on August 22, 2024. At such time, the purchase price of said Notes, in accordance with the successful purchaser's(s) bid, shall be paid in FEDERAL FUNDS or other funds available for immediate credit.

CUSIP identification numbers may be printed on the Notes if the purchaser(s) provides Bond Counsel with such numbers by telefax or any other mode of written communication (verbal advice will not be accepted) by three o'clock p.m. on the day following the sale of the Notes but neither the failure to print such number on any Note nor any error with respect thereto shall constitute cause for a failure or refusal by the purchaser(s) thereof to accept delivery of and pay for the Notes in accordance with the terms of the purchase contract. All expenses in relation to the printing of CUSIP numbers on the Notes shall be paid for by the City; provided, however, that the CUSIP Service Bureau charge for the assignment of said numbers shall be the responsibility of and shall be paid for by the purchaser(s).

At the time of the award of the bid for the Notes, each successful bidder(s) will be required to provide to the City certain information regarding the reoffering price to the public of the Notes. If the winning bidder (s) is purchasing the Notes is for its own account and not with a view to distribute or resale a certificate to that effect will be required. Otherwise, assuming that the City has received at least three bids for the Notes from underwriters, each successful bidder(s) shall furnish a certificate to the City acceptable to bond counsel, dated as of the date of closing for the Notes, stating the initial price at which a bona fide public offering of the Notes was made and stating that it reasonably expected that 10% or more of the Notes would be sold to the public at or below such initial public offering price. Such certificate shall state that it is made on the best knowledge, information and belief of the successful bidder after appropriate investigation.

In the event that at least three bids are not received by the City on the Sale Date and at least ten percent of the Notes have been sold on the Sale Date, the successful bidder shall certify as to the first price or yield at which ten percent of the Notes sold in accordance with the first price rule and provide a copy of the pricing wire or equivalent communication.

In the event 10% or more of the Notes have not been sold to the public on the sale date, and at least three bids from underwriters for the Notes have not been received, the successful bidder(s) shall have the option (i) to provide the City (or its agents) ongoing pricing information, together with reasonable supporting documentation acceptable to bond counsel (such as the pricing wire), until 10% of the Notes are sold or (ii) to hold the initial offering price to the public for the lesser of five (5) business days after the sale date or the date on which at least 10% of the Notes are sold. Delivery of a bid shall constitute the bidder's(s') agreement to comply with one of these options if necessary. At the time of the award, the winning bidder(s) shall be notified by the municipal advisor as to whether or not at least three bids were received. In the event three bids were not received the winning bidder(s) shall inform the municipal advisor at the time of the award which of the two options it has chosen. A winning bidder(s) subject to one of these options shall furnish a certificate to the City, satisfactory to bond counsel, on or prior to closing for the Notes stating the applicable facts as set forth above.

The term "public" as used herein means any person, including an individual, trust, estate, partnership, association, company or corporation (other than the winning bidder(s) or a related party thereto or any person that agrees pursuant to a written contract or other agreement with the winning bidder(s) to participate in the initial sale of the Notes to the public).

Any party executing and delivering a bid for the Notes agrees, if its bid is accepted by the City, to provide to the City, in writing, within two business days after the date of such award, all information which such bidder determines is necessary for it to comply with SEC Rule 15c2-12, including all necessary pricing and sale information, with respect to the purchase of municipal bond insurance, if any, and underwriter identification. Within five business days following receipt thereof by the City, the City will furnish to the purchaser(s), in reasonable quantities as requested by the purchaser(s), copies of the

final Official Statement to be dated August 8, 2024, which shall be updated, as necessary, to include said information. Failure by the purchaser(s) to provide such information will prevent the City from furnishing such final Official Statement.

The City shall not be responsible or liable in any manner for the purchaser(s) determination of information necessary to comply with SEC Rule 15c2-12 or the accuracy of any such information provided by such successful bidder(s) or for failure to furnish such Official Statements as described above which results from a failure by the successful bidder(s) to provide the aforementioned information within the time specified. Acceptance by the purchaser(s) of such final Official Statements shall be conclusive evidence of the satisfactory completion of the obligations of said City with respect to the preparation and delivery thereof.

As a condition to each purchaser's obligation to accept delivery of and pay for the Notes, the purchaser(s) will be furnished, without cost, the following, dated as of the date of the delivery and payment for the Notes: (i) a certificate of the Treasurer of the City certifying that (a) the Official Statement issued in connection with the sale of \$21,9442,635 Bond Anticipation Notes, 2024 (which Official Statement is deemed by the City to be final for purposes of Securities and Exchange Commission Rule 15c2-12, except for the omission therefrom of these items allowable under said Rule), did not contain any untrue statement of a material fact necessary to make the statements therein, in the light of the circumstances under which they were made, not misleading, subject to the condition that while information in said Official Statement, obtained from sources other than the City is not guaranteed as to accuracy, completeness or fairness he has no reason to believe and does not believe that such information is materially inaccurate, and (b) to his knowledge, there have been no material transactions not in the ordinary course of affairs entered into by the City and no material adverse changes in the general affairs of the City or in its financial condition as shown in said Official Statement other than as disclosed in or contemplated by said Official Statement, (ii) a Closing Certificate constituting receipt for the Note proceeds and a signature certificate, which will include a statement that no litigation is pending or, to the knowledge of the signers, threatened affecting the Notes; (iii) an arbitrage certificate executed on behalf of the City, which includes, among other things, covenants relating to compliance with the Internal Revenue Code of 1986 (the "Code"), with the owners of the Notes that the City will, among other things, (a) take all actions on its part necessary to cause interest on the Notes not to be includable in the gross income of the owners thereof for Federal income tax purposes, including, without limitation, restricting, to the extent necessary, the yield on investment earnings thereon, making required payments to the Federal government, if any, and maintaining books and records in a specified manner, where appropriate, and (b) refrain from taking any action which would cause interest on the Notes to be includable in the gross income of the owners thereof for Federal income tax purposes, including, without limitation, refraining from spending the proceeds of the Notes and investment earnings thereon on certain specified purposes, (iv) a Certificate of the City, executed by the Treasurer of the City stating that the City has agreed, in accordance with the Rule, to provide or cause to be provided, timely notice of the occurrence of certain material events with respect to the Notes, and (v) the approving legal opinion, as to the validity of the Notes, of Orrick Herrington & Sutcliffe LLP, Bond Counsel, New York, New York. Reference should be made to said Official Statement for a description of the scope of Bond Counsel's engagement in relation to the issuance of the Notes and the matters covered by such legal opinion. Furthermore, reference should be made to the information under the heading "LEGAL MATTERS" in the Official Statement.

CITY OF MIDDLETOWN
ORANGE COUNTY, NEW YORK

/s/ Leonora Liz
City Treasurer

Dated: July 30, 2024

Additional copies of the Official Statement and Notice of Sale may be obtained from Capital Markets Advisors, LLC, 11 Grace Avenue, Suite 308, Great Neck, New York, 11021, Telephone, (516) 570-0340 and are also available at www.capmark.org.

PROPOSAL FOR NOTES

August 8, 2024

Leonora Liz
City Treasurer
City of Middletown
C/O Capital Markets Advisors, LLC
11 Grace Avenue, Suite 308
Great Neck, NY 11021

TELEPHONE: (516) 570-0340

FACSIMILE: (516) 364-9501

CITY OF MIDDLETOWN
ORANGE COUNTY, NEW YORK

\$21,756,437
BOND ANTICIPATION NOTES, 2024
(the "Notes")

DATED: August 22, 2024

MATURITY DATE: August 22, 2025

	Amount	Interest Rate	Premium	Net Interest Cost*
Bid 1	\$	%	\$	%
Bid 2	\$	%	\$	%
Bid 3	\$	%	\$	%
Bid 4	\$	%	\$	%

*The computation of the net interest cost is made as provided in the above-mentioned Notice of Sale but does not constitute any part of the foregoing Proposal for the purchase of the Notes therein described.

Form of Note: Book-Entry-Only or Registered to Purchaser
(circle one)

Please check one of the following:

☐ We are purchasing the Notes for our own account and not with a view to distribution or resale to the public.
☐ In the event the Competitive Sale Requirements are not met, we hereby elect to
 ☐ Hold the Price
 ☐ Follow the Price

Signature: _____

Name of Bidder: _____

Company: _____

Address: _____

Telephone (Area Code): _____

Fax (Area Code): _____



CITY OF MIDDLETOWN, NEW YORK COMMON COUNCIL RECORD OF VOTE

THE FOLLOWING WAS PRESENTED

By: Alderman Kleiner
Seconded by: Alderman Jean-Francois
Date of Adoption: August 5, 2024
Index No: 148-24

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

Richard P. McCormack
Clerk to the Common Council

Names	Ayes	Noes	Abstain	Absent
Ald. Tobin	X			
Ald. Jean-Francois	X			
Ald. Johnson	X			
Ald. Wray	X			
Ald. Kleiner	X			
Ald. Green				X
Ald. Witt	X			
Ald. Masi	X			
Pres. Rodrigues	X			
Total	8			1

I hereby approve the attached Resolution/Local Law.

Joseph M. DeStefano, Mayor

Date

Accept a \$1000 Donation from First Federal Savings Bank for Outdoor Movie Night

BE IT RESOLVED; that the Common Council of the City of Middletown, NY, concurs with the Board of Estimate and Apportionment to accept a \$1000 donation from First Federal Savings Bank for use toward the City's Outdoor Movie Night.

BE IT FURTHER RESOLVED; that the Common Council of the City of Middletown, NY, concurs with the Board of Estimate and Apportionment to authorize the Treasurer to increase the expense line of Fund A-7010-800 and add \$1,000.00 to the revenue account# 1-10-0-2705.

Prepared by:

Attachments:

1.	Movie Sponsor
----	---------------

Memo

To: Board of Estimate

From: Maria Bruni

CC: Rosa Tummina

Date: 7/29/2024

Re: Resolution

Requesting authorization for the Mayor and City of Middletown to accept a donation of \$1,000.00 from First Federal Savings of Middletown for the outdoor movie night program.

Also, for the Common Council to authorize the City Treasurer to Increase the expense line of Fund A-7010-800 and add \$1,000.00 to the revenue account # 1-10-0-2705.

Any questions please contact me

Thanks

Maria Bruni, Director
Office of Economic & Community Development



Sponsorship Commitment Form

Please complete the below form.

Company Name: <i>FIRST FEDERAL SAVINGS of MIDDLETOWN</i>	
Contact Person: <i>MARY ANN POPEK</i>	
Address: <i>22 JAMES ST / P.O. BOX 2023</i>	
City State Zip: <i>MIDDLETOWN NY 10940</i>	Email: <i>mpopek@ffsmid.com</i>
Phone Number: <i>845-343-1401</i>	Fax Number: <i>845-343-1618</i>

CELL 914-260-8395

Sponsorship Option:

☒ Platinum Level: \$1000

The Presenting Sponsor of one movie (This level is first come, first serve)

Please provide company logo to the marketing/ad/social media dept., no later than July 8, 2024.

Sponsorship payment will be required 3 weeks prior to selected movie date.

Please make check payable and return this form to:

City of Middletown
c/o Middletown Recreation Department
393 County Route 78
Middletown-NY 10940
2024 Outdoor Movie Program

*Sponsor:
August 24, 24
Disney Pixar
Cars*





CITY OF MIDDLETOWN, NEW YORK COMMON COUNCIL RECORD OF VOTE

THE FOLLOWING WAS PRESENTED

By: Alderwoman Wray
Seconded by: Alderman Johnson
Date of Adoption: August 5, 2024
Index No: 149-24

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

Richard P. McCormack
Clerk to the Common Council

Names	Ayes	Noes	Abstain	Absent
Ald. Tobin	X			
Ald. Jean-Francois	X			
Ald. Johnson	X			
Ald. Wray	X			
Ald. Kleiner	X			
Ald. Green				X
Ald. Witt	X			
Ald. Masi	X			
Pres. Rodrigues	X			
Total	8			1

I hereby approve the attached Resolution/Local Law.

Joseph M. DeStefano, Mayor

Date

Accept Donations from Middletown Eastern Wellness (dba Northern Medical Academy), Middletown Professional Firefighters Association, Star Paint & Body Works INC, Piccolo Cucina e Vino, and Dental Care Alliance to support National Night Out Against Crime.

BE IT RESOLVED; that the Common Council of the City of Middletown, NY, concurs with the Board of Estimate and Apportionment and authorizes accepting the following donations to support National Night Out Against Crime.

Middletown Eastern Wellness (dba Northern Medical Academy)	\$1003
Middletown Professional Firefighters Association	250
Star Paint & Body Works INC	\$ 250
Piccolo Cucina e Vino	\$ 250
Dental Care Alliance	\$250
Total	\$2003

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 increase the A.3120.501 community expense line by the same amount.

Prepared by:
John Ewanciw, Chief of Police

Attachments:

1.	National night out against crime 2024-2
----	---

JOHN EWANCIW
CHIEF OF POLICE



TELEPHONE
845-343-3151
FAX NUMBER
845-343-2660

CITY OF MIDDLETOWN POLICE DEPARTMENT

2 JAMES STREET
MIDDLETOWN, NEW YORK 10940
ESTABLISHED 1888

July 29, 2024

Honorable Joseph DeStefano
Mayor-City of Middletown and
Board of Estimate and Apportionment
16 James Street
Middletown, NY 10940

Dear Mayor DeStefano and Members of the Board of Estimate,

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

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

Middletown Eastern Wellness (dba Northern Medical Academy)	\$ 1003.00
Middletown Professional Firefighters Association	\$ 250.00
Star Paint & Body Works INC	\$ 250.00
Piccolo Cucina e Vino	\$ 250.00
Dental Care Alliance	\$250.00

Total \$2003

Very truly yours,

John Ewanciw
Chief of Police

JE:ccd



CITY OF MIDDLETOWN, NEW YORK COMMON COUNCIL RECORD OF VOTE

THE FOLLOWING WAS PRESENTED

By: Alderman Jean-Francois
Seconded by: Alderwoman Wray
Date of Adoption: August 5, 2024
Index No: 151-24

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

Richard P. McCormack
Clerk to the Common Council

Names	Ayes	Noes	Abstain	Absent
Ald. Tobin	X			
Ald. Jean-Francois	X			
Ald. Johnson	X			
Ald. Wray	X			
Ald. Kleiner	X			
Ald. Green				X
Ald. Witt	X			
Ald. Masi	X			
Pres. Rodrigues	X			
Total	8			1

I hereby approve the attached Resolution/Local Law.

Joseph M. DeStefano, Mayor

Date

Authorization to Hold a City Wide Yard Sale

BE IT RESOLVED; that the Common Council of the City of Middletown, NY, concurs with the Board of Estimate and Apportionment and authorizes a City Wide Yard Sale to be held on Saturday, September 14, 2024.

BE IT FURTHER RESOLVED; that the Common Council of the City of Middletown, NY, concurs with the Board of Estimate and Apportionment and waives application fees and deposit requirements for the sale.

Prepared by:

Attachments:

None



CITY OF MIDDLETOWN, NEW YORK COMMON COUNCIL RECORD OF VOTE

THE FOLLOWING WAS PRESENTED

By: Alderman Johnson
Seconded by: Alderman Masi
Date of Adoption: August 5, 2024
Index No: 152-24

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

Richard P. McCormack
Clerk to the Common Council

Names	Ayes	Noes	Abstain	Absent
Ald. Tobin	X			
Ald. Jean-Francois	X			
Ald. Johnson	X			
Ald. Wray	X			
Ald. Kleiner	X			
Ald. Green				X
Ald. Witt	X			
Ald. Masi	X			
Pres. Rodrigues	X			
Total	8			1

I hereby approve the attached Resolution/Local Law.

Joseph M. DeStefano, Mayor

Date

Resolution and Notice of Determination of Non-Significance Pursuant To 6 NYCRR 617.10 in Reference to a 2 Lot Sub Division 90-102 Sprague Avenue

WHEREAS, the City of Middletown Common Council has been presented with a proposal for a 2-lot subdivision for a lot line change involving one property located at 90-102 Sprague Avenue, Middletown, New York, known as Middletown tax parcel Section 36, Block 1, Lot 1.

WHEREAS, the purpose of the lot line change is to allow the City to acquire one of the lots that is adjacent to the Academy Avenue and East Main Street sidewalk in order to facilitate a better intersection design at Academy Avenue that complies with ADA requirements.

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

WHEREAS, the Common Council is the only involved agency under SEQRA for this

subdivision request, and therefore would be the Lead Agency for the SEQRA review of this action, and

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

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

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

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

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

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

Prepared by:

Attachments:

1.	seafpartone
2.	seafparttwo

Short Environmental Assessment Form

Part 1 - Project Information

Instructions for Completing

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

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

Part 1 – Project and Sponsor Information			
City of Middletown			
Name of Action or Project: Sub-Division/Lot-line Change			
Project Location (describe, and attach a location map): Rear property lot of 90-102 Sprague Ave, Middletown, NY 10940 (90-102 East Main St-SBL 36-1-1)			
Brief Description of Proposed Action: The proposed lot-line change will creat two lots, the smaller lot that will be merged into City Streets, Academy Ave and E. Main St intersection for the purpose of improving the intersection vehicular traffic operation and allowing the construction of ADA compliant sidewalks ramps.			
Name of Applicant or Sponsor: City of Middletown Common Council		Telephone: 845-346-4166 E-Mail: Rmccormack@Middletownny.gov	
Address: 16 James St			
City/PO: Middletown		State: NY	Zip Code: 10940
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.		NO ☒	YES ☐
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval:		NO ☒	YES ☐
3. a. Total acreage of the site of the proposed action? _____ 0.01 acres b. Total acreage to be physically disturbed? _____ 0.01 acres c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ 1.0 acres			
4. Check all land uses that occur on, are adjoining or near the proposed action: ☒ Urban ☐ Rural (non-agriculture) ☐ Industrial ☒ Commercial ☐ Residential (suburban) ☐ Forest ☐ Agriculture ☐ Aquatic ☐ Other(Specify): ☐ Parkland			

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

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

Project:

Date:

Short Environmental Assessment Form

Part 2 - Impact Assessment

Part 2 is to be completed by the Lead Agency.

Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept “Have my responses been reasonable considering the scale and context of the proposed action?”

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	☒	☐
2. Will the proposed action result in a change in the use or intensity of use of land?	☒	☐
3. Will the proposed action impair the character or quality of the existing community?	☒	☐
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	☒	☐
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	☒	☐
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	☒	☐
7. Will the proposed action impact existing:		
a. public / private water supplies?	☒	☐
b. public / private wastewater treatment utilities?	☒	☐
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	☒	☐
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	☒	☐
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	☒	☐
11. Will the proposed action create a hazard to environmental resources or human health?	☒	☐

Project:

Date:

Short Environmental Assessment Form

Part 3 Determination of Significance

For every question in Part 2 that was answered “moderate to large impact may occur”, or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

- ☐ Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.
- ☒ Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.

City of Middletown

Name of Lead Agency

Miguel Rodrigues

Date

Common Council President

Print or Type Name of Responsible Officer in Lead Agency

Title of Responsible Officer

Jacob Tawil

Signature of Responsible Officer in Lead Agency

Signature of Preparer (if different from Responsible Officer)

PRINT FORM



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: August 5, 2024
Index No: 153-24

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

Richard P. McCormack
Clerk to the Common Council

Names	Ayes	Noes	Abstain	Absent
Ald. Tobin	X			
Ald. Jean-Francois	X			
Ald. Johnson	X			
Ald. Wray	X			
Ald. Kleiner	X			
Ald. Green				X
Ald. Witt	X			
Ald. Masi	X			
Pres. Rodrigues	X			
Total	8			1

I hereby approve the attached Resolution/Local Law.

Joseph M. DeStefano, Mayor

Date

Approval of a 2 Lot Sub Division at 90-102 Sprague Avenue

WHEREAS, the applicant, Bell Flavors & Fragrances Inc., has presented the City of Middletown Common Council with a proposal for a 2-lot subdivision for a lot line change involving one property located at 90-102 Sprague Avenue, Middletown, New York, known as Middletown tax parcel Section 36, Block 1, Lot 1, and

WHEREAS, the purpose of the lot line change is to allow the City to acquire one of the lots that is adjacent to the Academy Avenue and East Main Street sidewalk in order to facilitate a better intersection design at Academy Avenue that complies with ADA requirements, 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 August 5, 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 property located at tax parcel Section 36, Block 1, Lot 1 as shown on a map entitled “Middletown Traffic Operations And Streetscape Improvements” prepared by John Maurice Rossi, dated May 8, 2024, and filed in the Office of the Middletown Common Council Clerk, and

BE IT FURTHER RESOLVED by the Common Council that the City Department of Public Works 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:

Attachments:

1.	875707-876098-AcquisitionMap-01_STAMPED_Signed
2.	Application Subdivision Signed
3.	Notice of Public Hearing 90-102 Sprague Ave Sub Division
4.	seafpartone
5.	seafparttwo
6.	Legal Ad Affidavit
7.	County Planning Sign Off



MIDDLETOWN TRAFFIC
OPERATIONS AND
STREETSCAPE IMPROVEMENTS

'EXHIBIT A'
CITY OF MIDDLETOWN

PINs 8757.07 & 8760.98

MAP NO. 1
PARCEL NO. 1
SHEET 1 OF 2 SHEETS

Originals of this map (sheets 1 and 2)
are on file at the offices of the
County of Orange

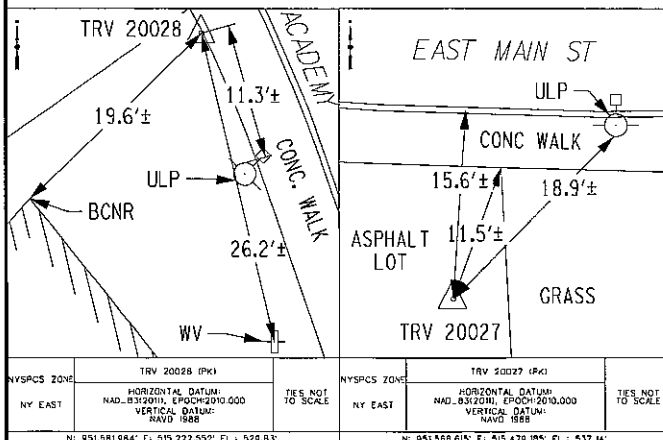
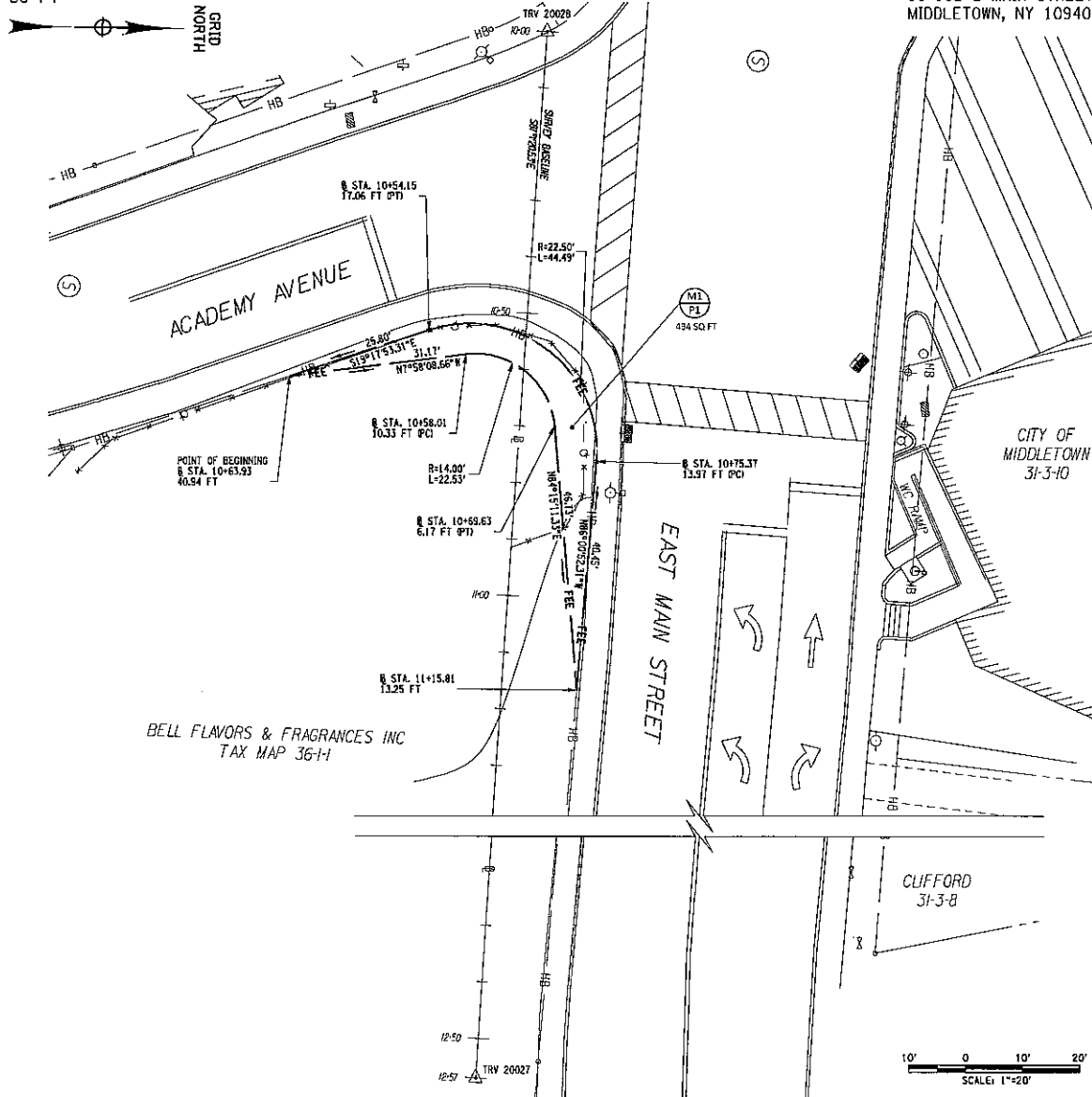
BELL FLAVORS & FRAGRANCES INC
(REPUTED OWNER)
L.4129 P.80

City of Middletown
County of Orange
State of New York

ACQUISITION DESCRIPTION:

Types: FEE
Portion of Real Property Tax
Parcel ID No.
36-1-1

REPUTED OWNER:
BELL FLAVORS &
FRAGRANCES INC
90-102 E MAIN STREET
MIDDLETOWN, NY 10940



MAP NUMBER 1
REVISED DATE -
DATE PREPARED 5/8/2024

PREPARED BY EG CHECKED BY KL FINAL CHECK BY JMR



MIDDLETOWN TRAFFIC
OPERATIONS AND
STREETSCAPE IMPROVEMENTS

'EXHIBIT A'
CITY OF MIDDLETOWN

PINs 8757.07 & 8760.98

MAP NO. 1
PARCEL NO. 1
SHEET 2 OF 2 SHEETS

All those pieces or parcels of property hereinafter designated as Parcel No. 1 are deemed necessary by the Commissioner of Public Works of the City of Middletown to be acquired in the name of the People of the City of Middletown in FEE acquisition for purposes connected with the highway system of the City of Middletown, County of Orange, State of New York, as shown on the accompanying map and described as follows:

PARCEL 1, A FEE TAKING TO BE EXERCISED FOR THE PURPOSE OF PROPOSED ROADWAY AND SIDEWALK IMPROVEMENTS, AS SHOWN ON THE ACCOMPANYING MAP AND FURTHER DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE EASTERLY BOUNDARY OF ACADEMY AVENUE, SAID POINT BEING DISTANT 40.94 FT MEASURED AT RIGHT ANGLES FROM STATION 10+63.93 OF THE HEREINAFTER DESCRIBED SURVEY BASELINE FOR THE PROPOSED ROADWAY AND SIDEWALK IMPROVEMENTS IN THE CITY OF MIDDLETOWN; THENCE, THROUGH THE LANDS OF BELL FLAVORS & FRAGRANCES, INC. (REPUTED OWNER) NORTH 07°58'08.66" WEST A DISTANCE OF 31.17 FT TO A POINT OF CURVATURE; THENCE, THROUGH SAID LANDS, ALONG A CURVE BEARING TO THE RIGHT IN A NORTHEASTERLY DIRECTION, HAVING A RADIUS OF 14.00 FT, AN ARC LENGTH OF 22.53 FT, TO A POINT OF TANGENCY; THENCE, THROUGH SAID LANDS NORTH 84°15'11.33" EAST A DISTANCE OF 46.73 FT TO A POINT ALONG THE SOUTHERLY BOUNDARY OF EAST MAIN STREET; THENCE, ALONG SAID SOUTHERLY BOUNDARY NORTH 86°00'52.31" WEST A DISTANCE OF 40.45 FT TO A POINT OF CURVATURE; THENCE, ALONG SAID SOUTHERLY BOUNDARY ALONG A CURVE BEARING TO THE LEFT IN A SOUTHWESTERLY DIRECTION, HAVING A RADIUS OF 22.50 FT, AN ARC LENGTH OF 44.49 FT, TO A POINT OF TANGENCY ON THE EASTERLY BOUNDARY OF ACADEMY AVENUE; THENCE, ALONG SAID EASTERLY BOUNDARY SOUTH 19°17'53.31" EAST A DISTANCE OF 25.80 FT TO THE POINT OF BEGINNING, SAID PARCEL BEING 434 SQUARE FEET MORE OR LESS.

THE ABOVE MENTIONED SURVEY BASELINE IS DESCRIBED AS FOLLOWS: BEGINNING AT STATION 10+00; THENCE SOUTH 87°01'20.53" EAST TO STATION 12+56.98.



MAP NUMBER 1
REVISED DATE -
DATE PREPARED 5/8/2024

"Unauthorized alteration of a survey map bearing a licensed land surveyor's seal is a violation of the New York State Education Law."

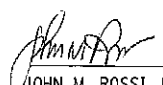
I hereby certify that the property mapped above is necessary for this project and the acquisition thereof is recommended.

I hereby certify that this map is an accurate description and map made from an accurate survey, prepared under my direction.

Date 5/15 2024

Date May 8, 2024


JACOB S. TAWIL, PE
Commissioner of Public Works
16 James Street
Middletown, NY 10940


JOHN M. ROSSI, PLS
NYSPLS License No. 050660-1

WSP USA, Inc.
500 Summit Lake Drive, Suite 450
Valhalla, NY 10595



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

Number of Lots of the Subdivision 1 Current Zone C2

Section 36 Block 1 Lot 1

Address of Subject Property 90-102 Sprague Avenue

Owner of Property Bell Flavors & Fragrances Inc.

Owner Address 12 Sprague Avenue

City Middletown State NY Zip 10940

Telephone: (847) 342-1233 Cell: _____

Email KBeecher@BellFF.com

Applicant Name Bell Flavors & Fragrances, Inc.

If different from Owner

Applicant Address _____

City _____ State NY Zip _____

Telephone: Home _____ Cell: _____

Email _____

Minor (2-3 lots) X \$250.00 Paid _____

Plus Escrow X \$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.
Remainder of original lot 36-1-1 use will remain as is. The newly created lot will be dedicated to and used by the City of Middletown for widening the East Main Street/ Academy Avenue intersection and constructing a public sidewalk that meets ADA requirements.

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.

Not applicable

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.

Not applicable

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: *Ken Beecher Director, Manufacturing*

Signature of applicant *Kenneth Beecher III* Date 07/25/24

Print Name and title

~~TO BE FILLED OUT BY THE CITY CLERK'S OFFICE~~

A fee of \$250.00 was collected on _____

Fee to be paid by City of Middletown

Escrow Amount \$100.00 on _____

Signature of Clerk or Designee

Date

Application & Instructions for Subdivisions

A subdivision application is deemed to be accepted by the Common Council when completed applications along with the required fees are in possession of the Clerk.

All applications will be referred to the Common Council Planning Committee. Placement on the agenda is on a first come, first serve basis. The Committee chairperson will schedule the meeting and you will be notified of the date and time. Applications must be in possession of the chair of the Committee at least two weeks before the scheduled meeting.

Each application for a subdivision shall be accompanied by a non-refundable fee of \$250.00 and an escrow fee of \$100.00 used for the public hearing notice. If the entire escrow amount is not used the balance will be refunded to the applicant. The clerk office will require 14 copies of the application and subdivision maps submitted with all the fees.

Additional fees may be required if the Common Council determines that an engineer's review is necessary. If an engineer's review is necessary the applicant must deposit \$500.00 with the clerk to cover engineering fees. If the entire amount is not used the balance will be refunded to the applicant. Additional amounts may be required if necessary.

The Common Council shall fix the time of the public hearing after the Committee has approved the subdivision. Notice of the public hearing shall be published in the official City newspaper for two successive days. Publication of such notice shall begin at least five days before the hearing. The Common Council may require giving additional notice to persons particularly interested or affected in any given location.

A list of names and addresses will be given to you after the Committee approves the subdivision. A letter when the public hearing will be scheduled will be supplied to you and you will be required to mail to all names and addresses when the public notice is in the official newspaper. You will be required to supply a proof of mailing from the post office at the public hearing. If this proof of mailing is not supplied at the public hearing, the hearing will be canceled.

At the public hearing, a presentation of the facts of the subdivision is required by the applicant. You may present all information and data you desire. You may be represented by anyone of your choice. The public will also be provided an opportunity to speak. The members of the Common Council or staff may ask you questions.

If the Common Council approves, at the next scheduled meeting the resolution will be on the agenda to approve the subdivision.

If the subdivision is granted you will have to provide final plans with any changes for the Commissioner of Public Works and the City Clerk to sign and then you will also be required to submit to the County. The City of Middletown will require two (2) final signed paper copies and one (1) PDF copy submitted to the City Clerk.

**CITY OF MIDDLETOWN
NOTICE OF PUBLIC HEARING**

Notice is hereby given that the City of Middletown will hold a public hearing on Monday, August 5, 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 at 90-102 Sprague Avenue.

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: 8/1/24 & City Website

Short Environmental Assessment Form

Part 1 - Project Information

Instructions for Completing

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

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

Part 1 – Project and Sponsor Information			
City of Middletown			
Name of Action or Project: Sub-Division/Lot-line Change			
Project Location (describe, and attach a location map): Rear property lot of 90-102 Sprague Ave, Middletown, NY 10940 (90-102 East Main St-SBL 36-1-1)			
Brief Description of Proposed Action: The proposed lot-line change will creat two lots, the smaller lot that will be merged into City Streets, Academy Ave and E. Main St intersection for the purpose of improving the intersection vehicular traffic operation and allowing the construction of ADA compliant sidewalks ramps.			
Name of Applicant or Sponsor: City of Middletown Common Council		Telephone: 845-346-4166 E-Mail: Rmccormack@Middletownny.gov	
Address: 16 James St			
City/PO: Middletown		State: NY	Zip Code: 10940
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.		NO ☒	YES ☐
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval:		NO ☒	YES ☐
3. a. Total acreage of the site of the proposed action?		0.01 acres	
b. Total acreage to be physically disturbed?		0.01 acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		1.0 acres	
4. Check all land uses that occur on, are adjoining or near the proposed action: ☒ Urban ☐ Rural (non-agriculture) ☐ Industrial ☒ Commercial ☐ Residential (suburban) ☐ Forest ☐ Agriculture ☐ Aquatic ☐ Other(Specify): ☐ Parkland			

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

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

Project:

Date:

Short Environmental Assessment Form

Part 2 - Impact Assessment

Part 2 is to be completed by the Lead Agency.

Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept “Have my responses been reasonable considering the scale and context of the proposed action?”

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	☒	☐
2. Will the proposed action result in a change in the use or intensity of use of land?	☒	☐
3. Will the proposed action impair the character or quality of the existing community?	☒	☐
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	☒	☐
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	☒	☐
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	☒	☐
7. Will the proposed action impact existing:	☒	☐
a. public / private water supplies?	☒	☐
b. public / private wastewater treatment utilities?	☒	☐
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	☒	☐
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	☒	☐
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	☒	☐
11. Will the proposed action create a hazard to environmental resources or human health?	☒	☐

Project:

Date:

Short Environmental Assessment Form

Part 3 Determination of Significance

For every question in Part 2 that was answered “moderate to large impact may occur”, or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

- ☐ Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.
- ☒ Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.

City of Middletown

Name of Lead Agency

Miguel Rodrigues

Date

Common Council President

Print or Type Name of Responsible Officer in Lead Agency

Title of Responsible Officer

Jacob Tawil

Signature of Responsible Officer in Lead Agency

Signature of Preparer (if different from Responsible Officer)

PRINT FORM

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:

08/01/2024

and that the fees charged are legal.
Sworn to and subscribed before on 08/01/2024

Legal Clerk

Notary, State of WI, County of Brown

My commission expires

Publication Cost: \$40.09

Tax Amount: \$0.00

Payment Cost: \$40.09

Order No: 10420649

Customer No: 684389

PO #: 90-102 Sprague

of Copies:
1

THIS IS NOT AN INVOICE!

Please do not use this form for payment remittance.

CITY OF MIDDLETOWN NOTICE OF PUBLIC HEARING

Notice is hereby given that the City of Middletown will hold a public hearing on Monday, August 5, 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 at 90-102 Sprague Avenue.

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: 8/1/24 & City Website

MARIAH VERHAGEN
Notary Public
State of Wisconsin



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, FAICP
Commissioner

www.orangecountygov.com/planning
planning@orangecountygov.com

County Reply – Mandatory Review of Local Planning Action as per NYS General Municipal Law §239-l, m, & n

Local Referring Board: City of Middletown Council

Referral ID #: MTC 05-24N

Applicant: City of Middletown – Rick McCormack

Tax Map #: 36-1-1

Project Name: 2 lot subdivision (90-102 Sprague Ave.)

Local File #: None Provided

Proposed Action: Proposed 2-lot Subdivision. The newly created lot will be dedicated to and used by the City of Middletown for widening the East Main St/Academy Ave intersection and constructing a public sidewalk that meets ADA requirement, located in the C-2 Limited Business Zoning District.

Reason for County Review: Within 500' of a County Recreation Area (Heritage Trail)

Date of Full Statement: July 30, 2024

Comments:

The Department has received the above referenced site plan and has found no evidence that significant intermunicipal or countywide impacts would result from its approval. We would like to offer the following advisory comments regarding this project:

We appreciate the opportunity to be able to weigh in on this proposal. However, we would like clarification as to why a new parcel is being created instead of adding this area to the existing right-of-way. We encourage public roadways and adjacent public sidewalks be part of the right-of-way. When possible.

County Recommendation: Local Determination

Date: July 31, 2024

Prepared by: V. Fernandez-Rogers
Planner Trainee


Alan J. Sorensen, FAICP
Commissioner of Planning

As per NYS General Municipal Law 239-m & n, within 30 days of municipal final action on the above referred project, the referring board must file a report of the final action taken with the County Planning Department. For such filing, please use the final action report form attached to this review or available on-line at www.orangecountygov.com/planning.



CITY OF MIDDLETOWN, NEW YORK COMMON COUNCIL RECORD OF VOTE

THE FOLLOWING WAS PRESENTED

By: Alderman Tobin
Seconded by: Alderman Johnson
Date of Adoption: August 5, 2024
Index No: 154-24

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

Richard P. McCormack
Clerk to the Common Council

Names	Ayes	Noes	Abstain	Absent
Ald. Tobin	X			
Ald. Jean-Francois	X			
Ald. Johnson	X			
Ald. Wray	X			
Ald. Kleiner	X			
Ald. Green				X
Ald. Witt	X			
Ald. Masi	X			
Pres. Rodrigues	X			
Total	8			1

I hereby approve the attached Resolution/Local Law.

Joseph M. DeStefano, Mayor

Date

Authorization to Host a Block Party on Phillips Street

BE IT RESOLVED; that the Common Council of the City of Middletown, NY, authorizes a block part on Saturday, August 17, 2024 from 12PM-9PM on Phillips Street.

Prepared by:

Attachments:

1.	Phillips Street Block Party
----	-----------------------------



**CITY OF MIDDLETOWN, NEW YORK
APPLICATION FOR
BLOCK PARTY**

RECEIVED

AUG 02 2024

**CITY CLERK
CITY OF MIDDLETOWN**

I, the undersigned, do hereby make application for a Block Party in the City of Middletown, New York

Name of Applicant Janya & Rodney Risper

Address of Applicant 218 Phillips Street Middletown, NY 10940

Phone Number of Applicant (845) 430-5311

Day and date the Block Party will be held August 17, 2024

Hours Block Party will start and end 3pm Set up - end 9:00 PM

Name of Streets to be blocked (Phillips Street Dead End)

BLOCK PARTY APPLICATION REQUIREMENTS:

On a separate sheet of paper, please indicate the following information:

Name, addresses and signatures of no less 75% of homeowners on the closed street area for permission to have Block Party.

A description of any equipment to be used, including whether music is to be played and what devices are needed for the provision of such music, when applicable.

Description of any vendors within the closed street area.

By signing this application, the applicant agrees to all the provisions of the Middletown City Code pertaining to Chapter 332 Noise and Chapter 319 Litter.

Signed: Janya Risper

Date: 7/26/2024

For Office Use Only:

Resolution Number and Date 154-24 / 8-5-2024

Name Address Signature of Phillip Street Residents - Block Party 8/17/24

1. Tanya Risper 218 Phillips Street Tanya Risper
2. Rodney Risper 218 Phillips Street Rodney Risper
3. 210 Phillips Street [Signature]
4. Kerian Sewell 220 Phillips Street [Signature]
5. Damian Sewell 220 Phillips Street D. Sewell
6. 224 Phillips Street Willie Mae Daney
7. 216 Phillips Street Middleboro NY Kywana Thompson
8. 216 Phillips Street Joann Montesi
9. 222 Phillips St Darlette Young
10. 222 Phillips St Tasheba Young



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

THE FOLLOWING WAS PRESENTED

By: Alderman Masi
Seconded by: Alderman Johnson
Date of Adoption: August 5, 2024
Index No:

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

Richard P. McCormack
Clerk to the Common Council

Names	Ayes	Noes	Abstain	Absent
Ald. Tobin	X			
Ald. Jean-Francois	X			
Ald. Johnson	X			
Ald. Wray	X			
Ald. Kleiner	X			
Ald. Green				X
Ald. Witt	X			
Ald. Masi	X			
Pres. Rodrigues	X			
Total	8			1

I hereby approve the attached Resolution/Local Law.

Joseph M. DeStefano, Mayor

Date

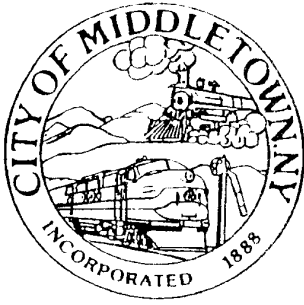
Resolution Authorizing the Accounts be Audited, Claims Adjusted, and the Treasurer be Authorized to Issue Warrants for their Payment

Resolution Authorizing the Accounts be Audited, Claims Adjusted, and the Treasurer be Authorized to Issue Warrants for their Payment

Prepared by:

Attachments:

None



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

Number of Lots of the Subdivision 4 Current Zone R-1

Section 33 Block 4 Lot 2-7

Address of Subject Property 3, 5, 7, 9, 11, 13 Orange Terrace

Owner of Property Orange Terrace Properties LLC

Owner Address 199 Lee Avenue - Suite 663

City Brooklyn State NY Zip 11205

Telephone: Home _____ Cell: 917-416-4548

Email moses11205@gmail.com

Applicant Name Same

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) <u>X</u>	\$500.00	Paid <u>\$500.00</u>

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.

The subdivision/lot line change consists of six existing lots that will be re-configured into 4 separate lots. Each lot will consist of one single family residential dwelling.

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.

N/A

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.

The existing six lots do not meet the current zoning regulations for lot width. The six lots will be re-configured into four lots. Each lot will still not meet the required lot width and therefore a variance for lot width has been obtained for all four lots. The lot width variance was granted on March 20, 2024.

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 Moses Babad Date 3/25/24

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

Short Environmental Assessment Form

Part 1 - Project Information

Instructions for Completing

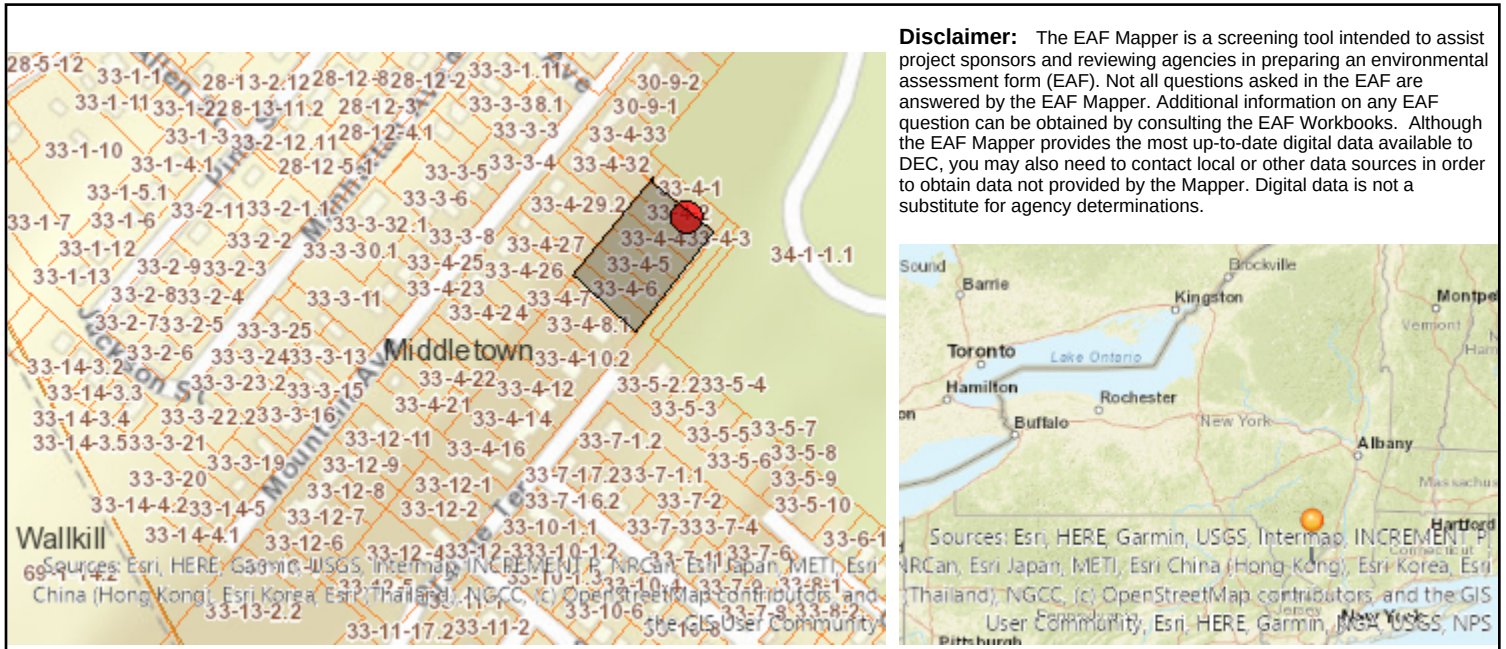
Part 1 – Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available.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

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

Part 1 – Project and Sponsor Information			
Orange Terrace Properties Subdivision			
Name of Action or Project: Subdivision - lot line change			
Project Location (describe, and attach a location map): 3, 5, 7, 9, 11, 13 Orange Terrace			
Brief Description of Proposed Action: Subdivision - lot line change - reconfiguring the existing 6 residential lots into 4 residential lots			
Name of Applicant or Sponsor: Orange Terrace Properties, LLC		Telephone: 917-416-4548 E-Mail:	
Address: 199 Lee Avenue, Suite 663			
City/PO: Brooklyn		State: New York	Zip Code: 11205
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.		NO ☒	YES ☐
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval: Permits required for water and sewer connections and road extension from the City of Middletown Department of Public Works		NO ☐	YES ☒
3. a. Total acreage of the site of the proposed action? b. Total acreage to be physically disturbed? c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		1.26 acres 0.9 acres 1.26 acres	
4. Check all land uses that occur on, are adjoining or near the proposed action: 5. ☐ Urban ☐ Rural (non-agriculture) ☐ Industrial ☐ Commercial ☒ Residential (suburban) ☐ Forest ☐ Agriculture ☐ Aquatic ☐ Other(Specify): ☐ Parkland			

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

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: ☐ Shoreline ☐ Forest ☐ Agricultural/grasslands ☐ Early mid-successional ☐ Wetland ☐ Urban ☐ Suburban		
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO	YES
	☒	☐
16. Is the project site located in the 100-year flood plan?	NO	YES
	☒	☐
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes,	NO	YES
a. Will storm water discharges flow to adjacent properties?	☐	☒
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe:	☒	☐
_____ _____		
18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)? If Yes, explain the purpose and size of the impoundment:	NO	YES
Bi-retention swales and rain gardens _____	☐	☒
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe:	NO	YES
_____ _____	☒	☐
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe:	NO	YES
_____ _____	☒	☐
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE Applicant/sponsor/name: <u>Fusco Engineering D.P.C.</u> Date: <u>1/17/2024</u> Signature: <u></u> Title: <u>ENGINEER.</u>		



Part 1 / Question 7 [Critical Environmental Area]	No
Part 1 / Question 12a [National or State Register of Historic Places or State Eligible Sites]	Yes
Part 1 / Question 12b [Archeological Sites]	Yes
Part 1 / Question 13a [Wetlands or Other Regulated Waterbodies]	Yes - Digital mapping information on local and federal wetlands and waterbodies is known to be incomplete. Refer to EAF Workbook.
Part 1 / Question 15 [Threatened or Endangered Animal]	No
Part 1 / Question 16 [100 Year Flood Plain]	No
Part 1 / Question 20 [Remediation Site]	No

Rec'd 7/31/2024 11:50 /ac

Petition to Remove "No Parking" Signs off Dubois Street

Petition summary and background	Several residents on Dubois St. recently recieved parking tickets (July 4 th included). No Parking signs originated when the college didn't have parking, this deterred college kids from parking here.
Action petitioned for	To remove "No parking" signs on Dubois St. as this is a residential neighborhood and considuation for homeowners and their guests that visit.

↓
acc has ample parking now.

Printed Name	Signature	Address	Comment	Date
Matthew Bailey	MBailey	5 Dubois St	Please remove signs	7/29/24
Patrick Mitchell	Patrick Mitchell	6 Dubois ST		7/29/24
Shanna Park	SP	32 Bedford Ave		7/29/24
Aliza Santiago	Aliza Santiago	12 Dubois St		7/29/24
Marie Clive	Marie Clive	14 Dubois St		7/29/24
George Clive	G. Clive	16 Dubois St	No longer needed.	7/29/24
Barbara Blake	Barbara Blake	19 Dubois St	No longer needed	7-29-2024
Lemuel Mosley	Lemuel Mosley	9 Dubois St	remove all the signs	7-30-2024
Lisa Lewis	Lisa Lewis	11 Dubois St	Remove signs	7/30/24
DAVID GREGG	Dan Gregg	11 Dubois St	No signs	7/30/24
Monique Cline	Monique Cline	15 Dubois St		7/30/24
Jeff Cline	Jeff Cline	15 Dubois St		7/30/24

Michelle & Kandia Christian
8 Dubois St.
Middletown, NY 10940
(845)-649-3692
Mchristian@rehab.org

July 22, 2024

To Department of Public works:

I am writing as a proud City of Middletown homeowner for eight years at 8 Dubois st. Recently however, our personal cars and neighbor's cars parked outside our houses are now receiving parking tickets. The entire road has "No parking" signs from 8a to 6p Monday through Friday only on the right side. We are law abiding citizens and have not received one ticket here in 8 years. Now we got one on a holiday, July 4th before 9 am. My son's coworker whom he carools with, received a ticket a week later. All tickets have been paid.

The confusion surrounds signs that were never enforced until now, and what the purpose of these signs are. I have legitimate concerns about family visting for a week and now they can't park in front of our house? There is nothing on the sign indicating what the purpose of it is, no exceptions for holidays either. My son leaves for work at 8:20 every morning and parking enforcement has been seen lurking around the corner. I cannot live under the constant threat of moving our cars if we are parked outside, which is what we feel like since July 4th.

Upon moving in, I was told by the previous owner, that those signs were initiated when the OCCC college students didn't have parking lots and they used to inundate his street with parked cars. Now OCCC has ample parking lots and parking is no longer an issue. Again, we abide by winter

parking rules and have never purposely ignored them. However, now we can't park in front of our house for 10 hours during the daytime?

I am requesting consideration in removing these signs on Dubois st. as it is unclear what the necessity or safety reasoning is. If there is a form or petition, I would be willing to follow through on the proper protocol for requesting this change. I would have a much easier time accepting the signs if I knew they had a current/relevant purpose for the community's benefit. I am looking for any guidance to move forward with updating or removing these signs. We have legitimate concerns about visitors and the eagerness of parking enforcement to give tickets on a consistent basis, since my son is received one at 8:30am.

I appreciate you taking the time to consider this request and for always allowing accommodations and reconsiderations in the best interest of your residents. I'm sure you'll do the same here.

Sincerely,

Michelle Christian

Michelle Christian

(845)-649-3692



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

THE FOLLOWING WAS PRESENTED

By: None
Seconded by: None
Date of Adoption: August 20, 2024
Index No: 155-24

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

Richard P. McCormack
Clerk to the Common Council

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

I hereby approve the attached Resolution/Local Law.

Joseph M. DeStefano, Mayor

Date

Authorization to Enter into an Agreement with Pets Alive for 2024

BE IT RESOLVED; that the Common Council of the City of Middletown, NY, concurs with the Board of Estimate and Apportionment and authorizes an agreement with Pets Alive for the Stray/Feral TNR Program for 2024.

BE IT FURTHER RESOLVED; that the Common Council of the City of Middletown, NY, concurs with the Board of Estimate and Apportionment and authorizes the Mayor to sign the agreement.

Prepared by:
John Ewanciw, Chief of Police

Attachments:

1.	FEREL CAT PROGRAM PETS ALIVE
----	------------------------------

JOHN EWANCIW
CHIEF OF POLICE



TELEPHONE
845-343-3151
FAX NUMBER
845-343-2660

CITY OF MIDDLETOWN POLICE DEPARTMENT

2 JAMES STREET
MIDDLETOWN, NEW YORK 10940
ESTABLISHED 1888

July 30, 2024

Honorable Joseph M. DeStefano &
City of Middletown Common Council
16 James Street
Middletown, NY 10940

Dear Mayor DeStefano and Members of the Common Council:

Please find the attached contract with The City of Middletown and Pets Alive for 2024.

The attached contract is to cover the Stray/Feral TNR Program between both parties.

I am requesting the Mayor please sign and return to our department for forwarding.

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

Very truly yours,

John Ewanciw
Chief of Police

JE:ccd



CITY OF MIDDLETOWN, NEW YORK COMMON COUNCIL RECORD OF VOTE

THE FOLLOWING WAS PRESENTED

By: None
Seconded by: None
Date of Adoption: August 20, 2024
Index No: 156-24

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

Richard P. McCormack
Clerk to the Common Council

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

I hereby approve the attached Resolution/Local Law.

Joseph M. DeStefano, Mayor

Date

Accept a \$950 Donation for Summer Bookmobile from the Enlarged City School District of Middletown

BE IT RESOLVED that the Common Council of the City of Middletown, NY, concurs with the Board of Estimate and Apportionment to accept a \$950 donation to the Summer Bookmobile from the Enlarged City School District of Middletown.

BE IT FURTHER RESOLVED that the Common Council of the City of Middletown, NY, concurs with the Board of Estimate and Apportionment and authorizes the Treasurer to deposit the donation into account A.2705.00 Gifts and Donations.

Prepared by:
Raelynn Bertholf, Supt of Recreation and Parks

Attachments:

1.	Bookmobile
----	------------

MIDDLETOWN CITY SCHOOL DISTRICT

GENERAL FUND

0-693/219

11712

Webster Bank
Middletown, NY

July 17, 2024

S*****950.00

PAY TO THE ORDER OF: Middletown Recreation & Parks
393 County Route 78
Middletown, NY 10940

District Treasurer:

011712 02219704431 9620007089

MIDDLETOWN CITY SCHOOL DISTRICT

Check Date

Check Number

07/17/2024

11712

Vendor: 400650 Middletown Recreation & Parks	Check Total	950.00
--	-------------	--------

Vendor: 400650 Middletown Recreation & Parks

Check Total

50.00



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

THE FOLLOWING WAS PRESENTED

By: None
Seconded by: None
Date of Adoption: August 20, 2024
Index No: 157-24

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

Richard P. McCormack
Clerk to the Common Council

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

I hereby approve the attached Resolution/Local Law.

Joseph M. DeStefano, Mayor

Date

Authorization to Transfer \$5,270.00 for Camp Scholarships

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 \$ \$5,270.00 in the following manner to cover camp registrations.

FROM	TO	AMOUNT
A.2705.07 Camp Scholarships	A.2027 Day Camp Fees	\$5,270.00

Prepared by:
Raelynn Bertholf, Supt of Recreation and Parks

Attachments:

1.	2024 Camp Schlorship List
----	---------------------------

SCHOLARSHIPS

NAME	WEEK	AMOUNT
Cordero, Skyler	2&3	\$220.00
Diggs, Amari	1,2,3,4,5,6	\$780.00
Doolittle, Skyler	4	\$110.00
Estes, Noah	6	\$130.00
Faias, Sofia	5	\$110.00
Gonzalez, Jose	2,3	\$220.00
Jimenez, Lucas	1,2 +latch	\$300.00
Jimenez, Nelson	1,2 + latch	\$300.00
Jimenez, Thomas	1,2 + latch	\$300.00
Lopez, Camila	4	\$110.00
Lopez, Zuria	4	\$110.00
Nesbitt, MacKenzie and Zandaya	1,2,3,4,5,6 + latch	\$2,470.00
Santiago, Liam	2	\$110.00
TOTAL		\$5,270.00



CITY OF MIDDLETOWN, NEW YORK COMMON COUNCIL RECORD OF VOTE

THE FOLLOWING WAS PRESENTED

By: None
Seconded by: None
Date of Adoption: August 20, 2024
Index No: 158-24

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

Richard P. McCormack
Clerk to the Common Council

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

I hereby approve the attached Resolution/Local Law.

Joseph M. DeStefano, Mayor

Date

Authorization to Renew an Agreement with Permitium

BE IT RESOLVED; that the Common Council of the City of Middletown, NY, concurs with the Board of Estimate and Apportionment and authorizes a renewal agreement with Permitium to continue as the online request platform for vital records.

BE IT FURTHER RESOLVED; that the Common Council of the City of Middletown, NY, concurs with the Board of Estimate and Apportionment and authorizes the Mayor to sign the agreement.

Prepared by:
Rick McCormack, City Clerk

Attachments:

1.	Middletown City Clerk NY 2024 Permitium Renewal
----	---



Order Form

Customer Information:

Agency Name ("Customer"):	City of Middletown City Clerk
Customer Address:	16 James Street, Middletown, NY 10940
Primary Contact Name:	Rick McCormack
Primary Contact Email Address:	rmccormack@middletown-ny.com
Primary Contact Phone:	845-346-4166
Invoicing Contact Name:	
Invoicing Email Address:	

Order Form Information:

Prepared By:	Jeana Tavano
Order Form Creation Date:	5/28/2024
Order Form Expiration Date:	
Subscription Services Invoicing Frequency:	Annual upfront
Professional Services Invoicing Frequency:	All applicable fees invoiced on the first invoice issued pursuant to the Effective Date on this Order Form
Payment Terms:	Net 30
Payment Mechanism:	Invoice

Subscription Services and Subscription Fees:

Name of Service	Term Start Date	Term End Date	Line Item Annual Price
None			\$0.00
TOTAL SUBSCRIPTION FEES:			\$0.00

Transaction Services:

Name of Service	Term Start Date	Term End Date	Service Fee per Transaction ⁽¹⁾	Customer Revenue Share from Service Fee ⁽²⁾	Monthly Minimum Commitment ⁽³⁾
VitalDirector	9/1/2024	8/31/2025	\$5.00	\$0.00	\$0.00
TOTAL ANNUAL MINIMUM COMMITMENT FEES:					\$0.00



- (1): Service Fee is charged to consumer (record requester or applicant); there is no charge to the Customer (agency) with the exception of applications or orders where the Customer elects not to pass the Service Fee on to the consumer and instead covers the Service Fee cost.
- (2): If Customer elects to participate in a revenue share from the Service Fee, then the agency's revenue share will be deducted from the total Service Fee. For example, if the Service Fee is \$7.00 per transaction, and the Customer's revenue share is \$2.00, then the Customer will receive \$2.00 from the \$7.00 Service Fee for each transaction.
- (3): If less than the month monthly minimum commitment is collected by Permitium through the collection of service fees (less any applicable revenue share amount collected on behalf of the Customer), then the monthly minimum commitment shortfall will be deducted from the remittance of Customer's monthly funds balance.

Professional Services:

Additional details relating to the scope of Professional Services have been included in the Statement of Work attached as Appendix B.

Professional Services (subject to the attached Statement of Work)	List Price	Discount %	Total Professional Services Fees
None			\$0.00

TOTAL SUBSCRIPTION AND PROFESSIONAL SERVICES FEES PAYABLE BY CUSTOMER:	\$0.00
---	--------

Additional terms and conditions related to this Order Form (the "Order Form Terms") are set forth in Appendix A.

By signing this Order Form, I represent and warrant that the information provided is true and accurate, and I am authorized to sign on behalf of Customer and bind Customer to the terms and conditions of this Order Form, including the Order Form Terms and any documents attached to the Order Form or otherwise incorporated by reference. This Order Form is effective as of the earlier of the date of signature below or the first service term start date (the "Effective Date").

Customer

Signature:

Printed Name:

Title:

Date:

Permitium

Signature:

Printed Name:

Title:

Date:

Signature:

Printed Name:

Title:

Date:

Appendix A – Order Form Terms

ORDER TERMS

Upon execution of this Order Form, Customer (as identified above in Customer Name) and Permitium, LLC (“Permitium”) will be parties to a legally binding contract consisting of:

- 1) This Order Form
- 2) The User License Agreement dated September 7, 2022, between Permitium and Customer [attached to this Order Form as Appendix B]

(collectively, the “Agreement”).

The parties agree as follows:

- A. Customer agrees to pay the Total Fees Payable in accordance with the Invoicing Frequency and Payment Terms indicated above for the use of the services. Invoices will be sent by electronic delivery unless Customer requests otherwise; in which case, additional fees will apply. Customer’s obligations may not be canceled prior to expiration of the Term End Date.
- B. Credit card processing fees at the rate of \$0.30 per transaction plus 3.3% of the transaction total are passed through to the consumer (record requester or applicant) by Permitium along with a \$0.75 VitalVerify fee, when applicable.
- C. The provisions of this Agreement constitute the entire agreement between the parties regarding the subject matter hereof and supersede all proposals, prior agreements, oral or written, and all other communications with respect thereto. No terms and conditions on any purchase order or other document exchanged by the parties will be deemed to modify or amend this Agreement.
- D. This Agreement shall be automatically renewed for successive one (1) year terms unless either party provides the other party with at least sixty (60) days written notice prior to the end of the Term End Date listed on this Order Form.
- E. In the event of any inconsistency or conflict between this Order Form and the User License Agreement, this Order Form will take precedence and prevail.
- F. All capitalized terms used in this Order Form, but not defined, shall have the meanings provided in the User License Agreement.
- G. The terms of this Order are Permitium Confidential Information.
- H. Terms described in the Additional Terms section below will, to the extent in conflict, override terms in the Order Terms and/or the User License Agreement.

ADDITIONAL TERMS

None.



Appendix B – User License Agreement Dated September 7, 2022

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

THE FOLLOWING WAS PRESENTED

By Ald. Johnson

Sec'd by Ald. Ramkissoon

Date of Adoption 09.06.22

Index No: 204-22

NAMES	AYES	NOES	ABSTAIN	ABSENT
Ald. Tobin	X			
Ald. Jean-Francois	X			
Ald. Johnson	X			
Ald. Ramkissoon	X			
Ald. Kleiner	X			
Ald. Green	X			
Ald. Witt	X			
Ald. Masi	X			
Pres. Rodrigues				X
TOTAL	8			1

**Resolution Authorizing An Agreement With Permitium To Provide An Online Application
For Vital Records Requests**

RESOLVED; that the Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment and authorizes an agreement with Permitium to provide an online application for Vital Records Requests. There is no cost to the City.

Permitium will provide the residents with a secure, online application platform to request Birth, Death and marriage certificates. Customers will be able to request and pay for certificates online.

RESOLVED; that the Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment and authorizes the Mayor to sign the attached contract.

USER LICENSE AGREEMENT FOR AN ONLINE VITAL RECORDS REQUEST APPLICATION

This user license agreement for an online vital records request application (the "User License Agreement") is made and entered into this 7 day of September, by and between the City of Middletown City Clerk (the "Customer") and Permitium, LLC ("Permitium"), a corporation in good standing authorized to do business in the State of North Carolina with its principal place of business at 10617 Southern Loop Blvd. Pineville, NC 28134.

For and in consideration of the mutual promises set forth in the User License Agreement, the adequacy of which is hereby expressly acknowledged, the parties do mutually agree as follows:

1. **Basic Obligations of Permitium.** Permitium hereby agrees to provide the services described in the attached Statement of Work (attached hereto as Exhibit 1) in accordance with the terms and conditions of this User License Agreement as requested in writing by the Customer.
2. **Basic Obligations of the Customer.** For any services requested in writing by the Customer, the Customer agrees to compensate Permitium at the rates set forth in the attached Statement of Work (Exhibit 1).
3. **Term.** Contract will be effective from [REDACTED], through [REDACTED]. This Agreement shall be automatically renewed for successive one (1) year terms unless either Party provides the other Party with sixty (60) days prior written notice to the end of the Initial Term or the Renewal Term.
4. **Fee Collection and Payment.** Permitium will collect online payments and agrees to deliver the Customer a monthly statement by the 25th of each month which will be itemized for every transaction submitted the previous month along with a check or ACH for the total amount collected less credit card fees listed on Exhibit 1.
5. **Termination for Cause.** At any time after 30 days of the software deployment, the Customer may terminate this User License Agreement immediately and without prior notice if Permitium is unable to meet goals and timetables or if the Customer is dissatisfied with the quality of services provided.
6. **Insurance.** Permitium agrees to maintain a minimum of \$6,000,000 in general liability, \$5,000,000 in cyber liability, and other appropriate insurance, as well as Workers Compensation in the required statutory amount, for all employees participating in the provision of services under this User License Agreement. Certificates of such insurance shall be furnished by the Permitium to the Customer and shall contain the provision that the Customer is given ten (10) days' written notice of any intent to cancel or terminate by either the Permitium or the insuring company. Failure to furnish such insurance certificates or maintain such insurance shall be deemed a material breach and grounds for immediate termination of this User License Agreement. All Permitium liabilities as

defined within this User License Agreement will be capped at the greater of the compensation received by Permitium, or the above stated insurance liability policy limits.

7. **Taxes.** Permitium shall pay all federal, state and FICA taxes for all of its employees participating in the provision of services under this User License Agreement.
8. **Monitoring and Auditing.** Permitium shall cooperate with the Customer, or with any other person or agency acting at the direction of the Customer, in their efforts to monitor, audit, or investigate activities related to this User License Agreement. Permitium shall provide any auditors retained by the Customer with access to any records and files related to the provision of services under this User License Agreement upon reasonable notice. The Customer agrees that its auditors will maintain the confidentiality of any trade secrets of Permitium that may be accessed during an audit conducted under this User License Agreement.
9. **Confidentiality Information.** Permitium agrees that all records, data, personnel records, and/or other confidential information that come within Permitium's possession in the course of providing services to the Customer under this User License Agreement (hereinafter, "Confidential Information") shall be subject to the confidentiality and disclosure provisions of all applicable federal and state statutes and regulations, as well as any relevant policies of the Customer. All data and/or records provided by the Customer to Permitium shall be presumed to be Confidential Information subject to the terms of this section unless the Customer specifically indicates in writing that the requirements of this section do not apply to a particular document or group of documents.

Permitium agrees to receive and hold Confidential Information, whether transmitted orally, in writing or in any other form, and whether prepared by a party or its Representatives, in strict confidence, and to use the Confidential Information solely for the purpose of facilitating Customer's use of Permitium's products and services. Except as essential to Permitium's obligations to Customer, Permitium shall not copy any of the Confidential Information, nor shall Permitium remove any Confidential Information or proprietary property or documents from Customer premises without written authorization of the Customer. Permitium acknowledges its understanding that any unauthorized disclosure of Confidential Information may result in penalties and other damages.

10. **Security.** Permitium represents and warrants that all documents and information provided to Permitium by or behalf of the Customer, including but not limited to Confidential Records, shall be stored and maintained by Permitium with the utmost care and in conformity with standards generally accepted in Permitium's industry for the types of records being stored and maintained. Permitium further represents and warrants that any online access to the Customer's records authorized persons pursuant to this User License Agreement shall be safe, secure, and password-protected and provided with the utmost care and in conformity with standards generally accepted in Permitium's industry for the types of records being stored and maintained, and that no person shall be

permitted to obtain unauthorized access to any of the Customer's records. Without limiting the foregoing, Permitium specifically warrants that:

- 10.1. All servers, computers, and computer equipment used to provide services pursuant to this User License Agreement shall be maintained in good working order in compliance with generally accepted industry standards in light of the confidential nature of the documents in question and shall be located in a safe, controlled, and environmentally stable environment (including moisture and temperature controls) and adequately protected against fires, hurricanes, flooding, or similar occurrences;
 - 10.2. Facilities where services are provided shall be secure and access shall be limited to employees trained in security protocols with a legitimate business need to access such facilities (with access removed immediately upon termination of employment) and shall be protected from unauthorized access by commercially reasonable security systems;
 - 10.3. All websites, FTPs, and any other online electronic system used to provide services pursuant to this User License Agreement shall be protected from security breaches by commercially reasonable firewalls and other intrusion detections systems and antivirus software, which shall be kept updated at all times. Access shall be limited to those agents and employees of Permitium assigned to the project and any individuals identified in writing by the Customer or Customer's Designee as authorized to obtain access.
 - 10.4. Permitium have technical controls in place that ensure the security, availability and confidentiality of Customer data.
 - 10.5. All information provided to Permitium pursuant to this User License Agreement shall be encrypted while in transit over an open network.
11. **Standard of Care.** Notwithstanding anything in this User License Agreement to the contrary, Permitium represents and warrants that the services provided by Permitium shall be performed by qualified and skilled individuals in a timely and professional manner with the utmost care and in conformity with standards generally accepted in Permitium's industry for the types of services and records governed by this User License Agreement.
12. **Indemnification.** Permitium shall indemnify the Customer, its agents, and employees, from and against all damages directly arising out of Permitium's breach of this Agreement. This provision shall survive the expiration or termination of this Agreement and remain in full force and effect after such expiration or termination. Notwithstanding the foregoing Permitium's maximum indemnification will be limited to the amount of insurance set forth within section 6.

Customer shall indemnify Permitium, its agents, and employees from and against all damages directly arising out of Customer's breach of this Agreement. This provision shall survive the expiration or termination of this Agreement and remain in full force and effect after such expiration or termination.

- 13. Relationship of Parties.** Permitium shall be an independent contractor of the Customer, and nothing herein shall be construed as creating a partnership or joint venture; nor shall any employee of Permitium be construed as an employee, agent or principal of the Customer.
- 14. Compliance with Applicable Laws.** Permitium shall comply with all applicable laws and regulations in providing services under this User License Agreement. Without limiting the foregoing, Permitium specifically represents that it is aware of and in compliance with the Immigration Reform and Control Act and that it will collect properly verified I-9 forms from each employee providing services under this User License Agreement. Permitium shall not employ any individuals to provide services to the Customer who are not authorized by federal law to work in the United States.
- 15. Applicable Customer Policies.** Permitium specifically acknowledges that it will comply with all applicable Customer policies, all of which are publicly available on the Customer's website.
- 16. Assignment.** Neither party may transfer, assign, or delegate any rights, duties, interest, or obligations under this Contract to any other person or entity without the other party's prior written consent. Notwithstanding the foregoing, Permitium may (without the Customer's consent) assign this agreement and all of its rights, duties, interests and obligations hereunder to any entity into which it merges, has a change in control representing a conveyance of more than 50% of its ownership interests, or to which it sells all or substantially all of its assets. Permitium agrees to notify the Customer within 10 business days of any assignment.
- 17. User License Agreement Modifications.** This User License Agreement may be amended only by written amendments duly executed by and between the Customer and Permitium.
- 18. New York.** New York law will govern the interpretation and construction of the User License Agreement. Any litigation arising out of this User License Agreement shall be filed, if at all, in a court or administrative tribunal located in the State of New York.
- 19. Entire Agreement.** This User License Agreement constitutes and expresses the entire agreement and understanding between the parties concerning the subject matter of this User License Agreement and supersedes all prior and contemporaneous discussions, promises, representations, agreements and understandings relative to the subject matter of this User License Agreement.
- 20. Severability.** If any provision of this User License Agreement shall be declared invalid or unenforceable, the remainder of the User License Agreement shall continue in full force and effect.
- 21. Notices.** Any notice or other communication provided for herein as given to a party

hereto shall be in writing, shall refer to this Agreement by parties and date, and shall be delivered by registered mail, return receipt required, postage prepaid to the person listed below or his successor.

If to: Permitium
Permitium, LLC
10617 Southern Loop Blvd.
Pineville, NC 28134
Attn: Matt Solomon

If to Customer:
City of Middletown
Attn: Vital Statistics
16 James Street
Middletown, NY 10940

- 22. Cooperative Procurement.** As additional consideration for this User License Agreement, and pursuant to state and local laws and procurement rules, Permitium agrees to extend an option to purchase products or services covered under this contract at the same prices, and under the same terms and conditions, to other contracting agencies.

Any such purchases shall be between Permitium and the participating agency and shall not impact Permitium's obligations to the Customer under this User License Agreement. Each contracting agency shall execute its own contract with Permitium. Any estimated purchase volumes or user counts listed herein do not include other public agencies and the Customer makes no guarantee as to their participation.

- 23. Authority of Signatories.** The persons executing this User License Agreement hereby represent and warrant that they have full authority and representative capacity to execute the User License Agreement in the capacities indicated below and this User License Agreement constitutes the binding obligation of the parties on whose behalf they signed.

IN WITNESS WHEREOF, the parties have hereunto set their hands and seals the day and year indicated above.

City of Middletown ^{MAYOR} ~~City Clerk~~

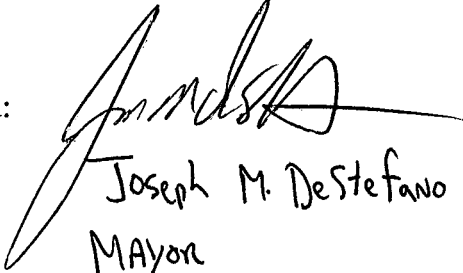
PERMITIUM, LLC

Signed:

Name:

Title:

Date:


Joseph M. DeStefano
MAYOR
9-7-22

Signed:

Name:

Title:

Date:

STATEMENT OF WORK – EXHIBIT 1

Project Scope

Permitium's Project Commitment

- Implement VitalDirector solution, including hospital application if applicable, configured based on VitalDirector's standard options and with input from received from customer team for the implementation
- Up to three virtual recorded training sessions to include:
 - VitalDirector
 - New Mother Hospital Application
 - Walk-in kiosk mode/QR code redirect
- Create QR Code Flyers
 - Hospital Application
 - Lobby flyer
 - K12/School flyer
 - Other agreed upon flyers i.e., DMV
- Create Press Release Template and other agreed upon social media content
- Go live support
- Provide ongoing hosting and support of VitalDirector

Customer's Project Commitment

- Complete user training for customer staff, with each trained user thereby both contributing to the VitalDirector UAT process as well as demonstrating personal proficiency with the application's final configuration. Each trained user will be expected to process at least 5 'test' orders by transaction type (i.e., processing birth, death and marriage certificates, if applicable) prior to VitalDirector go live
- Customer to place live VitalDirector site links throughout their agency website, with clear instructions directing public usage of VitalDirector as the preferred/recommended method for submitting vital record applications
- Replace and redirect all PDF application forms from customer website within 7 days of VitalDirector go live
- Implement in-office "kiosk mode" processing workflow upon VitalDirector go live, with customer office staff then directing 100% of in-person applications to utilize VitalDirector site from citizens' personal devices or customer-provided IT equipment
- Have local hospitals distribute hospital app QR code flyer to patients within 2 weeks of VitalDirector go live

Implementation Plan

The implementation of the VitalDirector system will follow the phases as outlined below. The phases of this process can run concurrently with the specific project tasks, timelines, and responsible parties to be defined upon the start of the project. The typical implementation timeline is 45 days from the project kick-off and can vary based on configuration requirements, training needs, and the overall number of agency users/processors.

- **Project Kickoff/Planning Call** with Customer stakeholders.
 - Introduce Permitium Project Manager and team
 - Identify Customer stakeholders and responsibilities
 - Review the "Configuration Checklist" for initial VitalDirector setup
 - Provide a general overview of the Implementation Timeline
 - Set reasonably agreed upon benchmarks for project timeline and project success
- **Initial configuration** of the new VitalDirector solution based on the Customer checklist information and standard VitalDirector setup.
- **Configured VitalDirector Walkthrough** with Customer stakeholders and vital records processing team.
 - Walk through the online application
 - Outline the application processing workflow
 - Identify any customer processing requirements
- **Hospital Birth Certificate Application and Walk-in Walkthrough** – with Customer stakeholders and vital records processing team.
 - Review the QR code flyer designs
 - Outline how the flyers are distributed
 - Walkthrough the walk-in application process via the kiosk mode and lobby flyers
- **Customer System Testing** – Customer testing of the VitalDirector system.
 - Each user enters and processes at least 5 ‘test’ orders for each vital record type
 - Confirm all relevant/required fields on application pages
 - Confirm site verbiage on the VitalDirector application pages
 - Review verbiage and directions from VitalDirector outbound notifications (i.e., phone call, text, email notifications)
- **Virtual Training** – up to three virtual training sessions:
 - VitalDirector processing training
 - Walk-in/Hospital application processing training
- **Go Live**
 - Final testing and sign off
 - Introduction to the Permitium Support and Customer Success teams
 - VitalDirector turned to production
 - Place VitalDirector site link on customer website home page on day of go live
 - Customer implements the updates to their website and distributes all flyers as indicated in the Customer Project Commitment under the Project Scope
- **Ongoing Support** - Provide ongoing support and hosting of the **VitalDirector** solution.

Implementation Team

Permitium	Support Team	855-712-PERM	support@permitium.com
Customer	Primary Point of Contact	CUSTOMER CONTACT	CUSTOMER EMAIL ADDRESS
Permitium	Project Manager	Colin Packert	colin.packert@permitium.com
Permitium	Senior Account Executive	Analisa Boza	analisa.boza@permitium.com

Data and Security

All data collected in the Customer's instance of **VitalDirector** is the property of the Customer. **Permitium** does not own and will not distribute data without the written consent of the Customer. All passwords placed within the system are encrypted and not accessible by the **Permitium** staff.

Cost of Service

Permitium will charge the consumer/applicant a convenience fee of \$4.00 per transaction for each application submitted for the use of the service and will accept payment of such fees using a valid payment method accepted by Permitium, which may include, without limitation, Visa, MasterCard, Discover Card, or American Express credit cards, as well as major debit cards at Permitium's reasonable discretion. Credit card processing fees at the rate of \$0.30 per transaction plus 3.3% of the transaction total are passed through to the applicant by Permitium along with a \$0.35 VitalVerify fee, when applicable.

Any other services needed by the customer (i.e., digital/data conversions) will be available anytime under this agreement utilizing an existing cooperative purchasing program called the Charlotte Cooperative Purchasing Agreement (CCPA). The CCPA co-op government rates can be found at www.charlottealliance.org.

**OFFICE OF THE COMMON COUNCIL CLERK
CITY OF MIDDLETOWN, NEW YORK**

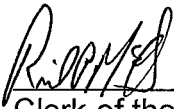
RESOLUTION NUMBER 204-22 LOCAL LAW NUMBER _____

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 on

September 6, 2022

And presented to the Office of the Mayor on

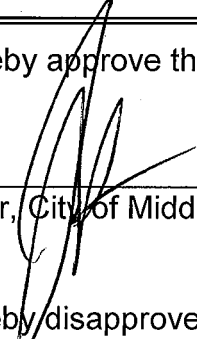
September 7, 2022



Clerk of the Common Council

FOR MAYOR'S USE ONLY:

I hereby approve the attached Resolution/Local Law



Mayor, City of Middletown

Date 9/7/22

I hereby disapprove the attached Resolution/Local Law for the following reason(s):

Mayor, City of Middletown

Date



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

THE FOLLOWING WAS PRESENTED

By: None
Seconded by: None
Date of Adoption: August 20, 2024
Index No: 159-24

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

Richard P. McCormack
Clerk to the Common Council

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

I hereby approve the attached Resolution/Local Law.

Joseph M. DeStefano, Mayor

Date

Authorization to Transfer \$10,000 from Fund Balance for a Speed Dampening Pilot Program

BE IT RESOLVED that the Common Council of the City of Middletown, NY, concurs with the Board of Estimate and Apportionment and authorizes the Treasurer to transfer \$10,000 in the following manner to cover a speed-dampening pilot program.

FROM	TO	AMOUNT
Fund Balance	A.5110.450	\$10,000

Prepared by:
Sparrow Tobin, Alderman

Attachments:

1.	Scan2024-08-12_150745
----	-----------------------

Sparrow Tobin
16 James Street
Middletown, NY 10940
stobin@middletownny.gov
845 649-8905
June 6th, 2024

Board of Estimate
16 James Street
Middletown, NY 10940

Dear Members of the Board of Estimate,

I am writing to request the allocation of \$10,000 to fund a pilot program aimed at calming traffic in our city through the installation of speed humps. This initiative is designed to address the growing concerns of residents regarding traffic safety and excessive speeding.

The pilot program will be limited to a few selected locations that will be identified as high-risk areas for speeding. These locations will be chosen based on traffic data, resident complaints, and the proximity to schools and parks where pedestrian safety is important.

The primary goals of this pilot program are:

1. Traffic Speed Reduction: To decrease vehicle speeds in residential neighborhoods, enhancing the safety of pedestrians, cyclists, and motorists.
2. Data Collection: To gather comprehensive data on the effectiveness of speed humps in reducing traffic speed and accidents, which will be critical in assessing the success of the program and determining its potential expansion.

The requested funds will be used for the following purposes:

- Installation of Speed Humps: Covering the costs of materials and labor required to install speed humps at the selected locations.
- Signage and Markings: Ensuring that appropriate signage and road markings are in place to alert drivers to the presence of speed humps.

The success of this pilot program will be measured through a combination of data (traffic speeds) and feedback from the community. If the results are positive, it could pave the way for a broader implementation across the city, making our streets safer for everyone.

I believe that this small investment might yield significant benefits in terms of improved traffic safety and enhanced quality of life for our residents. I ask the Board to consider this request favorably and appropriate the necessary funds to support this initiative.

Thank you for your attention and consideration.

Sincerely,

Sparrow Tobin
Chair, Public Safety Committee



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

THE FOLLOWING WAS PRESENTED

By: None
Seconded by: None
Date of Adoption: August 20, 2024
Index No: 160-24

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

Richard P. McCormack
Clerk to the Common Council

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

I hereby approve the attached Resolution/Local Law.

Joseph M. DeStefano, Mayor

Date

Authorization to enter into an Agreement with Middletown Pistol and Rifle Association

BE IT RESOLVED; that the Common Council of the City of Middletown, NY, concurs with the Board of Estimate and Apportionment and authorizes an agreement with Middletown Pistol and Rifle Association for use of their facility by 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 the Mayor to sign the agreement.

Prepared by:
John Ewanciw, Chief of Police

Attachments:

1.	Scan2024-08-12_155701
----	-----------------------

KALTER, KAPLAN, ZEIGER & FORMAN

ATTORNEYS AT LAW

6166 STATE ROUTE 42, P.O. Box 30

WOODBOURNE, NEW YORK 12788

TEL. (845) 434-4777

FAX (845) 436-8156

ELLENVILLE OFFICE

47 NORTH MAIN STREET, P.O. Box 186

ELLENVILLE, NEW YORK 12428

TEL. (845) 647-4110

FAX (845) 647-6232

Email: jkaplan.kkzf@gmail.com

IVAN KALTER
ivankalter.kkzf@gmail.com

JEFFREY KAPLAN
jkaplan.kkzf@gmail.com

JAY L. ZEIGER
jayzeiger.kkzf@gmail.com

TERRY S. FORMAN
terryforman.kkzf@gmail.com

July 31, 2024

Alex Smith, Esq.
6 North Street
Middletown, New York 10940

Re: Middletown Pistol and Rifle Association with City of Middletown

Dear Alex:

Enclosed is the extension agreement executed by the lessee, Middletown Pistol and Rifle Association. Kindly review same, and if acceptable present same to the Mayor for execution and provide my office with an executed copy.

Thank you

Very truly yours,


TERRY S. FORMAN

TSF:rg

Enc.

RECEIVED

AUG 12 2024

**CITY CLERK
CITY OF MIDDLETOWN**

AGREEMENT

Agreement made this day of April, 2024, by and between the City of Middletown, with a principal office located at 16 James Street, Middletown, New York 10940 ("Landlord"), and Middletown Pistol and Rifle Association, Inc., a non-profit membership corporation, with an office c/o P.O. Box 302, Middletown, New York 10940 ("Tenant").

Whereas, the parties entered into an agreement ("Initial Agreement") regarding the use of premises located on VanDuzer Road in the Town of Wallkill, New York for an indoor range and club house, and

Whereas, the Initial Agreement was signed on September 21, 1972, for a term of thirty (30) years, and

Whereas, the parties entered into a second agreement ("Extension Agreement") on February 12, 1998, extending the Initial Agreement until December 31, 2032, and adding a provision governing disputes, and

Whereas, the parties now wish to extend these agreements until December 31, 2062.

Now, therefore, in consideration of the mutual covenants, promises, representations and conditions contained herein, which the parties agree is adequate consideration for this Agreement, the parties hereto agree as follows:

1. The Initial Agreement and the Extension Agreement are hereby modified by

of the above mentioned items for the purpose of the above mentioned work.

As per the order of the Government dated 11.11.1963.

5. The Tenant has performed the following improvements in the subject premises:

1. Construction of a new house with a veranda and a garden.

2. Construction of a new well with a pump set.

3. Construction of a new boundary wall.

4. Construction of a new gate.

5. Construction of a new kitchen.

6. Construction of a new bathroom.

7. Construction of a new bedroom.

8. Construction of a new living room.

9. Construction of a new veranda.

10. Construction of a new garden.

11. Construction of a new well.

12. Construction of a new pump set.

13. Construction of a new boundary wall.

14. Construction of a new gate.

15. Construction of a new kitchen.

16. Construction of a new bathroom.

17. Construction of a new bedroom.

18. Construction of a new living room.

19. Construction of a new veranda.

20. Construction of a new garden.

extending their termination date to December 31, 2062, so that these agreements will expire as of December 31, 2062.

2. The Tenant has performed the following improvements to the subject premises: new roof, new updated backstop steel, new backstop medium, baffles with new and heavier gauge of steel, and new air scrubbers to help ventilation.

3. The Tenant is contemplating the following improvements to be accomplished when and as funds permit:

- A. Repair and update the entire floor, with a more durable finish;
- B. Repair and replace hydraulics as needed;
- C. Repair and update archery range;
- D. Repair and replace external fans for ventilation;
- E. Install new fencing;
- F. Upgrade and increase interior lighting;
- G. Repair the damaged and in parts missing drop ceiling;
- H. Repair and replace insulation in the ceiling to save heat and fuel as well as better absorb sound;
- I. Upgrade and maintain office and range security systems; and
- J. Upgrade ventilation system as needed.

4. None of these improvements will prevent or impair the Middletown police usage of this facility. The parties agree to use best efforts to coordinate the timing of police usage with all renovations.

5. In the course of these improvements and in its maintenance and operation of the building, the Tenant shall comply with all applicable environmental rules, regulations and statutes, including those pertaining to lead and its impact upon the ventilation system.

6. The Middletown police will have access to the property outside of the present

building for use as an outdoor range,

7. In all other respects, the parties hereto republish, reiterate and reaffirm all of the terms contained in the Initial Agreement and the Extension Agreement.

In witness whereof, the parties have set their hands and seals as of the day and year first above written.

City of Middletown
By:

Joseph M. DeStefano
Mayor

Middletown Pistol and Rifle Association, Inc.
By:

Vincent J. Hallipoli, President
P.O. Box 302
MiddleTown, NY 10940



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

THE FOLLOWING WAS PRESENTED

By: None
Seconded by: None
Date of Adoption: August 20, 2024
Index No: 161-24

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.

Names	Ayes	Noes	Abstain	Absent
Mayor DeStefano				
President Rodrigues				
Ald. Masi				
Total				

Richard P. McCormack
Clerk to the Common Council

I hereby approve the attached Resolution/Local Law.

Joseph M. DeStefano, Mayor

Date

**Authorization to Transfer \$43,000 from within the Corporation Counsel Budget for
Litigation Invoices**

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 \$43,000 in the following manner to replenish A.1420.489 line to pay unpaid litigation invoices.

FROM	TO	AMOUNT
A.1420.488-Corporation Counsel Grievance	A.1420.489-Litigation	\$20,000
A.1930.930- Judgments & Claims	A.1420.489-Litigation	\$20,000
A.1900.991- Appraisal of Property	A.1420.489-Litigation	\$3,000

Prepared by:

Attachments:

1.	BOE 8 15 24
----	-------------



DEPARTMENT OF FINANCE

City Of Middletown

Rosa Tumminia
Deputy Treasurer
10940

16 James Street
Middletown, NY

Tel: (845) 346-4150
Fax: (845) 343-1101

8/13/24

To: Board of Estimate

Budget transfer is to replenish A.1420.489 line in order to pay unpaid litigation invoices.

From	Amount	To
A.1420.488	\$20,000	A.1420.489
Corporation Counsel Grievance		Litigation
A.1930.930	\$20,000	A.1420.489
Judgments & Claims		Litigation
A.1900.991	\$3,000	A.1420.489
Appraisal of Property		Litigation

Sincerely,

Rosa Tumminia



CITY OF MIDDLETOWN, NEW YORK COMMON COUNCIL RECORD OF VOTE

THE FOLLOWING WAS PRESENTED

By: None
Seconded by: None
Date of Adoption: August 20, 2024
Index No: 162-24

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

Richard P. McCormack
Clerk to the Common Council

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

I hereby approve the attached Resolution/Local Law.

Joseph M. DeStefano, Mayor

Date

Authorization to Award the Bids for Surplus Vehicles Auctioned Off through Auctions International

BE IT RESOLVED that the Common Council of the City of Middletown, NY, concurs with the Board of Estimate and Apportionment and awards the following Bids for Surplus Vehicles Auctioned Off through Auctions International.

2009 Chevy Impala (VIN# 2G1WT57N691292859) - \$1,475.00
2014 Ford Taurus (VIN# 1FAHP2MKXEG182980) - \$1,850.00
2005 Chevy Silverado (VIN# 1GCHK24U45E283163) - \$1,350.00
2007 Dodge Charge (VIN# 2B3KA43HX7H779891) - \$1,075.00
1996 Pierce Fire Truck (VIN# 4P1CT0288TA000515) - \$8,600.00
Total= \$14,350

Prepared by:
Jacob Tawil

Attachments:

1.	BOE- JULY AUCTION AWARD MEMO
----	------------------------------

Department of Public Works

Memorandum

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

CC: Richard McCormack-City Clerk and Leonora Liz- Treasurer

From: Jacob Tawil, P.E. Commissioner of Public Works 

Date: August 12, 2024

Re: Resolution needed to award bids for surplus vehicles auctioned off through Auctions International

I respectfully request a resolution to award the following bids for surplus vehicles auctioned off through Auctions International:

2009 Chevy Impala (VIN# 2G1WT57N691292859) - \$1,475.00

2014 Ford Taurus (VIN# 1FAHP2MKXEG182980) - \$1,850.00

2005 Chevy Silverado (VIN# 1GCHK24U45E283163) - \$1,350.00

2007 Dodge Charge (VIN# 2B3KA43HX7H779891) - \$1,075.00

1996 Pierce Fire Truck (VIN# 4PICT0288TA000515) - \$8,600.00

Total= \$14,350



CITY OF MIDDLETOWN, NEW YORK COMMON COUNCIL RECORD OF VOTE

THE FOLLOWING WAS PRESENTED

By: None
Seconded by: None
Date of Adoption: August 20, 2024
Index No: 163-24

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

Richard P. McCormack
Clerk to the Common Council

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

I hereby approve the attached Resolution/Local Law.

Joseph M. DeStefano, Mayor

Date

Authorization to Appoint A Bankruptcy Attorney

BE IT RESOLVED that the Common Council of the City of Middletown, NY, concurs with the Board of Estimate and Apportionment and authorizes the appointment of Michael Leary to assist Corporation Counsel in the matter of Joseph J. Mendinghall Jr. vs. City of Middletown, Charles Tran Property LLC and Cheswold (TL), LLC- a bankruptcy proceeding filed in United States Bankruptcy Court, Southern District of New York.

Prepared by:
Alex Smith, Corporation Counsel

Attachments:

1.	Mendinghall v City
----	--------------------

**UNITED STATES BANKRUPTCY COURT
Southern District of New York**

In re: Joseph J Mendinghall, Jr

Bankruptcy Case No.: 24-35112-kyp

Joseph J Mendinghall Jr

Plaintiff(s),

—against—

Adversary Proceeding No. 24-09021-kyp

City of Middletown
Charles Tran Property LLC
Cheswold (TL), LLC

Defendant(s)

**SUMMONS AND NOTICE OF PRETRIAL CONFERENCE
IN AN ADVERSARY PROCEEDING**

YOU ARE SUMMONED and required to submit a motion or answer to the complaint which is attached to this summons to the clerk of the bankruptcy court within 30 days after the date of issuance of this summons, except that the United States and its offices and agencies shall submit a motion or answer to the complaint within 35 days, to:

Address of Clerk:

Clerk of the Court
United States Bankruptcy Court
Southern District of New York
355 Main Street
Poughkeepsie, NY 12601

At the same time, you must also serve a copy of the motion or answer upon the plaintiff's attorney.

Name and Address of Plaintiff's Attorney:

Tanya Dwyer
Legal Services of the Hudson Valley
1 Park Place, Suite 202
Peekskill, NY 10566

If you make a motion, your time to answer is governed by Fed. R. Bankr. P. 7012.

YOU ARE NOTIFIED that a pretrial conference of the proceeding commenced by the filing of the complaint will be held at the following time and place:

United States Bankruptcy Court
Southern District of New York
355 Main Street
Poughkeepsie, NY 12601

Room: Contact chambers for Zoom Meeting
ID, and Password, KYP Zoom
Videoconference

Date and Time: 10/1/24 at 10:00 AM

IF YOU FAIL TO RESPOND TO THIS SUMMONS, YOUR FAILURE WILL BE DEEMED TO BE YOUR CONSENT TO ENTRY OF A JUDGMENT BY THE BANKRUPTCY COURT AND JUDGMENT BY DEFAULT MAY BE TAKEN AGAINST YOU FOR THE RELIEF DEMANDED IN THE COMPLAINT.

Dated: 8/8/24

Vito Genna

Clerk of the Court

By: /s/ Vanessa Ashmeade

Deputy Clerk

RECEIVED

AUG 13 2024

**CITY CLERK
CITY OF MIDDLETOWN**

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

In re

JOSEPH MENDINGHALL, JR.,

Debtor.

Case No. 24-bk-35112-kyp
Chapter 13

JOSEPH MENDINGHALL, JR.,

Plaintiff,

vs.

CITY OF MIDDLETOWN, CHESWOLD (TL) LLC,
CHARLES TRAN PROPERTIES LLC,

Defendants.

Adversary No. __: __ -ap- __: __

COMPLAINT

Jury Trial Demanded

COMPLAINT

Plaintiff Joseph Mendinghall, by and through his attorneys, Legal Services of the Hudson Valley, bring this action pursuant to the Takings Clause of the United States and New York Constitutions, and the Excessive Fines Clause of the United States and New York Constitutions, and the Due Process Clause of the United States and New York Constitutions, against defendants City of Middletown, Cheswold LLC, and Charles Tran LLC (“Defendants”).

I. PARTIES

1. Joseph Mendinghall, Jr. is the Plaintiff in this case. He was the owner of the property located at 14 Amchir Avenue, Middletown, NY 10940. Joseph purchased the property shortly after turning 18 in 2017 with the proceeds of a structured settlement from the wrongful death of his mother during childbirth. He resides at the property with his step-mother and step-aunt. A tax lien was placed on the property by the City of Middletown on October 11, 2019 and sold to

Cheswold LLC. Upon information and belief the lien was sold for less than \$10 despite its face value of \$10,430.18. The Cheswold LLC lien against the property was converted into a deed by operation of law without compensation. The estimated Fair Market Value of the property at the time the lien was converted to a deed was approximately \$387,000.

2. The City of Middletown (“the City” or “Middletown”) is a municipal corporation incorporated under the laws of the State of New York. The City placed a property tax lien on Plaintiff’s home totaling \$8,200. The City subsequently transferred the lien to Cheswold (TL) LLC pursuant to Middletown City Charter Sections 83 and 93.
3. Cheswold (TL) LLC (“Cheswold”) is a limited liability corporation incorporated under the laws of the State of Delaware. Cheswold (TL) LLC is a private entity that in 2019 bulk purchased approximately x number of tax liens in the City of Middletown including the tax lien on Plaintiff’s property, for approximately \$10. Upon information and belief Cheswold LLC is the only private entity to have bulk purchased property tax liens in the City of Middletown since 2014.
4. Charles Tran Properties LLC (“Tran”) is a limited liability corporation incorporated under the laws of the State of New York. Charles Tran Properties LLC is a private corporation that owns a number of properties located in Middletown and the surrounding area. Tran purchased Plaintiff’s property on April 23, 2023 at a judicial foreclosure auction for \$25,000.

II. FEDERAL COURT JURISDICTION AND VENUE

5. This is an adversary proceeding pursuant to FRBP 7001(1) and (9).
6. This court has jurisdiction over the questions raised in and by this matter pursuant to 11 USC Sect. 548, and 28 USC Sects. 157 and 1334.
7. This is a core proceeding pursuant to 28 USC Sect. 157 as this matter concerns questions

of federal law and concerns the property of the bankruptcy estate.

8. Plaintiff has standing to bring this action pursuant to FRBP Rule 6009 and Article III of the United States Constitution.
9. Venue is proper Pursuant to 28 U.S.C. Sect. 1409(a) and Local Rule 1071-1 of the United States Bankruptcy Court for the Southern District of New York.

III. STATEMENT OF CLAIMS

10. On October 11, 2019, the City of Middletown sold a tax lien on Plaintiff's home totally \$10,430.18 to Cheswold (TL) LLC for less than \$10. Pursuant to Middletown Charter Sections 83 and 93 the property was transferred to Cheswold by operation of law on either October 11, 2021 or October 11, 2022.
11. On April 23, 2023, the property was subsequently transferred to Charles Tran LLC pursuant to a foreclosure auction despite the automatic transfer to Cheswold and its ability to sell the property on the open market for full fair market value. Plaintiff is being harmed by the theft of his home equity by the Middletown and Cheswold.

A. Facts

12. Plaintiff was the sole owner of his home when the city of Middletown sold to Cheswold a lien for unpaid taxes. Plaintiff is a young man who had purchased the property with funds from a structured settlement from his birth mother's wrongful death. He fell behind on his taxes due to limited income caused in part by wage theft by his employer, his lack of experience with financial management and the need to act as a caretaker for his disabled stepmother who resides with him at the property. Plaintiff was unaware of the extent of the debt and the foreclosure until after the foreclosure occurred.
13. The tax lien was placed on the property on October 11, 2019 and subsequently sold to

Cheswold for less than \$10 as part of bulk tax lien sale authorized by the Middletown City Council.

14. Upon information and belief, no notice of the tax lien or sale was ever mailed to Plaintiff and he was never informed of the tax lien or of the purchase of the lien by Cheswold.

15. The City of Middletown opted out of participation in Article 11 of New York's Real Property Tax Law Pursuant to the opt-out provision of RPTL 1104(2).

16. Under the Middletown City Charter, a tax lien may be sold to a private third party, either in an individual sale or in a bulk sale of multiple liens. Upon transfer of the lien, the delinquent property owner has 2 years from the date of the lien in order to redeem the lien by paying off the entirety. This deadline is extended to 3 years under the City Charter if no notice of the lien is subsequently sent.

17. Section 83 (3) of the Middletown City Charter states:

After the expiration of the redemption period as herein defined, if any part of the premises sold shall remain unredeemed, the Common Council shall give to the purchaser, his or her legal representatives or assigns, a conveyance of the premises so remaining unredeemed, which conveyance shall be valid and effectual to convey all the right, title and interest which may have been sold in the manner aforesaid and such conveyance shall be presumptive evidence in all courts and places that the tax assessment for which such lien may have been sold, was legally imposed and that the proceedings to authorize such sale were correct. The grantee named in any such conveyance may obtain possession of the real estate therein described, in the manner prescribed by law in relation to persons holding over demised premises, after the expiration of their terms, without the consent of their landlords, and said grantee, by virtue of such conveyance, shall acquire all the right, title and interest in the real estate therein described, and the right to the possession of the same, and shall have, hold and enjoy such real estate, free and clear from all claims, liens or encumbrances, except such taxes and assessments as may have been charged thereon at the time of

such sale, or at any time thereafter.

18. Section 93 (4) of the City Charter further provides that:

Upon expiration of the redemption period and completion of the procedures required herein, and upon execution by the City of a deed to a tax-delinquent parcel to the City or to a qualifying purchaser of an unpaid tax lien, the City or qualified purchaser shall be seized of an estate in fee simple absolute in such parcel and all persons, including the State, infants, incompetents, absentees and non-residents, except as specifically exempted by law, who may otherwise have had any right, title, interest, claim, lien, or equity of redemption in or upon such parcel shall be barred and forever foreclosed of any such right, title, interest, claim, lien or equity of redemption, and the City or qualified purchaser may hold such parcel for itself or sell or release such parcel as provided by law.

19. Nowhere in the city charter did it make any provision for the procedure for a sale of property itself either by the city or by the lien purchaser. Instead the property automatically become the property of the lien purchaser once the time for the homeowner to redeem had expired. No additional notice beyond the notice of the lien sale was required for said transfer.

20. At the time of the transfer the city of Middletown would sell tax liens either as individual liens or in bulk sales of multiple liens. While each type of sale has different provisions for prior notice of the sale of the lien, the provisions for redemption and subsequent transfer of title are identical in either instance.

21. Cheswold subsequently initiated a tax foreclosure case in the Orange County Supreme Court. Said proceeding was ultimately illusory as title had effectively already been transferred to Cheswold prior to the initiation of the proceeding.

22. Plaintiff was never served with the summons and complaint and a default judgment was entered against him.

23. Defendant Cheswold subsequently arranged via the court for an auction to be held in order

to sell Plaintiff's property. Upon information and belief the auction was held at 2:30 AM and was sold to Tran Properties for \$25,000.

24. Defendants are harming Plaintiff by rejecting his request for just compensation. Plaintiff's home was worth an estimated \$387,000 on the day title was transferred to Cheswold for roughly \$10,000 in unpaid property taxes.

B. In Rem Surplus Retention Injures Property Owners in Violation of The United States Constitution and The New York Constitution

25. City of Middletown Charter 83 allow the City of Middletown, in cooperation with private lien purchasers to seize real property for nonpayment of local taxes. The City Charter transfers all rights to the lien purchaser upon the expiration of the redemption period with the lien purchaser not required to bring any foreclosure action to gain title to the property. However, a condemnee's right to the excess equity is a separate property right from the title to the property and necessitates just compensation. "Just compensation" is generally measured by the market value at the time of appropriation, i.e., "the price a willing buyer would have paid a willing seller for the property. The property must be valued based on its highest and best use on that date, whether or not the owner was then using the property to its fullest potential, as legally restricted by all applicable governmental regulations then in effect. The value of the subject property on the day the deed was transferred to Cheswold LLC was an estimated \$X.

26. Furthermore, *in rem* tax foreclosure of the subject property is an excessive fine under the United States Constitution Eighth Amendment and New York Constitution Article 1 Section 5 because it is punitive and grossly disproportionate to the redemption amount. A fine is considered punitive when it is not purely remedial. Like the Minnesota statute at issue in *Tyler v. Hennepin County*, the Middletown City Charter permits the sale of tax liens to private parties who automatically receive the property by operation of law if the

homeowner fails to redeem in a timely manner. The Excessive Fines test should be applied to *in rem* tax foreclosures to prevent government fines from having a disparate impact on homeowners with greater equity by arbitrarily taking more than what is required to satisfy the tax debt.

27. The result of this surplus retention frustrates any plausible remedial purpose, as many property owners, particularly older or disabled ones such as Plaintiff, are at risk of becoming homeless after forfeiture, causing them to increasingly rely on government support that would not have been needed had they been able to retain the equity in their homes.

**IV. First Cause of Action:
Taking of Private Property Without A Valid Public Use In Violation Of The
United States Constitution's Takings Clause**

28. The allegations contained in the foregoing paragraphs are incorporated and repeated in this paragraph.
29. The cause of action for a taking is brought under 42 U.S.C. § 1983 for violations of the Fifth and Fourteenth Amendments to the United States Constitution.
30. This cause of action is also brought, in addition and in the alternative, if applicable, pursuant to 42 U.S.C. § 1983 for an order directing City of Middletown and Cheswold LLC to comply with the mandates of the Fifth and Fourteenth Amendments to the United States Constitution by paying just compensation to Plaintiff for his property that has been taken without payment of just compensation.
31. When Article 11 of the New York State Real Property Law was adopted in 1993, the City of Middletown opted out of the provision pursuant to RPTL 1101 (2), maintaining its own separate non-judicial tax foreclosure procedure.

32. By taking private property without a public use, the City of Middletown violated the United States Constitution.
33. The City of Middletown place a tax lien on Plaintiff's property as a result of his tax debt. Middletown then sold the lien and with it the right to ownership of the property if unredeemed in two or three years. However, the City of Middletown may not "use the toehold of the tax debt to confiscate more property than was due. By doing so, it effected a "classic taking in which the government directly appropriates private property for its own use." *Geraldine Tyler v. Hennepin County*, 598 U.S. 631 (2023).
34. The takings clause requires that an appropriation of public property occur be for a public purpose and be in relation to said public purpose. While the City of Middletown had a public purpose in placing and selling a tax lien on the property to repay unpaid taxes associated with the property and Cheswold LLC has a contractual right to compensation for the cost of the tax lien, they have no public interest in claiming the portion of the equity that exceeds the tax lien.
35. Cheswold's keeping of the surplus permits a private party to, with the explicit endorsement of the City, take Plaintiff's property for a mere fraction of what it is worth without just compensation.
36. The City of Middletown has no public use to support or justify permitting a private party to keep the surplus or equity when that equity is larger in amount than the taxes and associated charges owed. The United States Constitution precludes such arbitrary exercise of government power.
37. While Cheswold subsequently initiated a foreclosure proceeding in state court in order to arrange for an auction of the property, said proceeding was a legal nullity as the City

Charter neither authorizes nor requires a private tax lien buyer to bring a foreclosure proceeding to sell a property.

38. Just compensation is required by the takings clause and the party subject to the taking "is entitled to be put in as good a position pecuniarily as if his property had not been taken. He must be made whole but is not entitled to more." Plaintiff is entitled to the surplus equity in her property based on the "fair market value" of the property at the time of the taking.

39. Plaintiff faces a threat of great and irreparable harm if, after trial on the merits, a permanent injunction is not granted, in that there is a threat Plaintiff's property rights will continue to be violated by the Defendants.

40. Plaintiff has no adequate legal remedy to protect his property interests from the ongoing unconstitutional and unlawful conduct herein described.

41. Plaintiff has been injured and damaged by the taking of the equity in her property for no public use and is entitled relief as a result.

**V. Second Cause of Action:
Taking of Private Property Without A Valid Public Use In Violation Of The New
York Constitution**

42. The allegations contained in the foregoing paragraphs are incorporated and repeated in this paragraph.

43. The New York Constitution provides at Art. I, § 7, subd. [a]: "Private property shall not be taken for a public use without just compensation." The tax scheme adopted by the City of Middletown requires that any excess proceeds be retained by it. RPTL. § 1136.

44. The tax forfeiture statute permits and requires the taking of Plaintiff's private

property without just compensation, which is a deprivation of Plaintiff's rights secured under the New York Constitution.

45. By taking private property without a public use, the City of Middletown and Cheswold LLC violated the New York Constitution. Just compensation is a requirement to avoid a taking. Under the New York Constitution's takings clause, just compensation requires the property owner be made whole as if the taking never occurred. As noted in *Tyler*, New York "May not extinguish a property interest that it recognizes everywhere else to avoid paying just compensation when it is the one doing the taking. Phillips, 624 U.S. at 167." *Id.*

46. Homeownership is a means to societal advancement; however, local governments in New York may take a potentially significant property, one's home equity wealth, and despoil a fundamental American value by not providing just compensation.

47. Plaintiff has been injured and damaged by the failure to pay just compensation for the loss of her property and is entitled to compensation and other relief as a result.

48. The City of Middletown has no public use to support or justify permitting a private party to keep the surplus or equity when that equity is larger in amount than the taxes and associated charges owed. The New York Constitution precludes such arbitrary exercise of government power.

**VI. Third Cause of Action:
Excessive Fines Violation of The United States Constitution**

49. The allegations contained in the foregoing paragraphs are incorporated and repeated in this paragraph.

50. The Eighth Amendment to the United States Constitution prohibits the imposition of

excessive fines. Confiscating the entire value of Plaintiff's property because of non-payment of smaller amounts of real estate taxes is an excessive fine under the Eighth Amendment to the United States Constitution. The City of Middletown Charter transfers property to private parties without regard to the amount by which the redemption amount exceeds the real estate's market value. The market value of the real estate is not tied to the value of the taxes owed. The value of the taxes owed are a definite amount, whereas the market value of the real estate does not affect the definite amount of the taxes. The taxes owed will remain even if the value of the real estate does not.

51. For the City to transfer all right to Plaintiff's real estate without regard to the amount owed, allows it to retain an amount above and beyond its deserved amount and is definitional in excess or excessive. An 'excessive' fine is one that is 'grossly disproportionate' to the offense. Taking roughly a quarter million dollars from Plaintiff for a fine that was one tenth of that is grossly disproportionate so as to shock the conscience of the average person.

**VII. Sixth Cause of Action:
Excessive Fines Violation of The New York Constitution**

52. The allegations contained in the foregoing paragraphs are incorporated and repeated in this paragraph.
53. Article I, Section 5 of the New York Constitution prohibits the imposition of excessive fines. Confiscating the entire value of Plaintiff's property because of non-payment of smaller amounts of real estate taxes is an excessive fine under Article I, Section 5 of the New York Constitution.
54. As noted above, Middletown and Cheswold's confiscation of Plaintiff's surplus equity

in his property is an excessive fine to redeeming the tax due. The excessive fines test is applicable to Plaintiff's case and other in rem tax forfeitures because New York's statute is imposing excessive fines because it (1) disregards willfulness of the taxpayer to pay their debt, (2) disregards the taxpayers ability to pay, (3) disregards proportionality of the value of the fine received by the government compared to the value of the tax debt and (4) has arbitrarily harsh consequences to the taxpayer when their homeownership is taken from them. The Excessive fines test is two pronged and looks at whether the amount taken by the government for a violation clearly exceeds the redemption amount and whether the fine has elements of punishment, including retribution and deterrence as applied to in rem tax forfeitures.

55. As alleged in the previous paragraphs, the value of Plaintiff's fair market value of Plaintiff's property is \$387,000 and the property was sold for a little over \$25,000. The difference in property value and debt owed is significant and results in a loss of equity of over \$362,000. Further, the fine has elements of punishment, including homelessness, confiscation of earned equity, mental distress, additional wards of the state and more, with very little deterrence factor.

56. Confiscating Plaintiff's surplus equity is not an effective deterrent for other property owners, since their ability to pay will not change as a result of Plaintiff's punishment by Middletown.

**VIII. SEVENTH CAUSE OF ACTION:
TURNOVER OF PROPERTY TO BANKRUPTCY ESTATE
PURSUANT TO 11 USC 542, 547, & 548**

57. The allegations contained in the foregoing paragraphs are incorporated and repeated in this paragraph

58. 11 USC 542 requires all property of a bankruptcy debtor to be turned over to the

bankruptcy estate.

59. In the event any of the debtors property was either voluntarily or involuntarily transferred fraudulently or for less than reasonable market value prior to the bankruptcy then the trustee or the debtor may bring an action in the bankruptcy court in order to void the transfer and return the property to the estate.
60. Under New York State law, the look back period for a fraudulent transfer is 6 years.
61. A subsequent purchaser of fraudulently transferred property may be required to turn over said property to the bankruptcy estate if said transfer is for less than fair market value.
62. The Bankruptcy court may void a transfer made pursuant to a property tax lien as a fraudulent conveyance if said transfer is not for fair market value, see *Gunsalus v. County of Ontario* (insert full cite)
63. Here a tax lien was placed on Plaintiff's property on October 11, 2019 and subsequently sold to Cheswold LLC. Pursuant to the City Charter, when Plaintiff failed redeem after 3 years the property automatically transferred to Cheswold by operation of law on October 11, 2021.
64. Cheswold subsequently sold the property to Charles Tran LLC on April 23, 2023 via auction carried out at 2:30 AM based upon the referee's report of sale. In said auction the property was sold for \$25,000 resulting in the loss of virtually all of Plaintiff's equity.
65. Charles Tran LLC did not take ownership of the property in good faith as it paid significantly less than fair market value for the property. Further Tran had knowledge

of the voidability of the transfer as the transfer was made pursuant to the Middletown City Charter which Tran would have been aware of as the owner of several properties within Middletown.

66. In the same bulk sale purchasing the lien for Plaintiff's property, Cheswold also purchased a number of liens on properties owned by Charles Tran Properties LLC or its members. Upon information and belief, all of said liens were redeemed by Tran establishing his familiarity with the tax foreclosure process in Middletown.

67. Plaintiff seeks to void the transfer to Cheswold LLC and the subsequent transfer to Charles Tran LLC and return his property to the bankruptcy estate to be used for the efficient administration of his debts.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff requests that:

- a. The Court find and declare that City of Middletown and Cheswold LLC's taking of Plaintiff's property, including all equity therein, for no public purpose is a taking requiring just compensation under the United States and New York Constitutions;
- b. The Court find and declare that the City of Middletown and Cheswold LLC's taking and sale of Plaintiff's property, including all equity therein, was not attended by payment or securing just compensation and as such violates the United States and New York Constitutions;
- c. The Court find and declare that the City of Middletown and Cheswold LLC's appropriation of Plaintiff's real estate equity is an excessive fine in violation of the United States and New York Constitutions;
- d. The Court award Plaintiff damages and/or just compensation, including prejudgment

interest, in an amount to be determined at trial;

- e. The Court award Plaintiff the costs of this suit, including reasonable attorney's fees, as provided by law;
- f. The Court enjoin Defendants from further seizing real estate equity from Plaintiff;
- g. The Court issue a permanent injunction voiding the transfers to Charles Tran LLC and to Cheswold LLC and return Plaintiff's property to the bankruptcy estate; and
- h. The Court grant Plaintiff such other and further relief as the nature of the case may require or as may be deemed just and proper by this Court.

JURY DEMAND

Plaintiff demands trial by jury of all issues triable of right by a jury pursuant to FRCP Rule 38.

RESPECTFULLY SUBMITTED,

s/ Tanya Dwyer
Tanya Dwyer, Esq. (2845)
Legal Services of the Hudson Valley
1 Park Place, Suite 202
Peekskill, NY 10566
E-mail: TDwyer@LSHV.org
Phone: 914-368-2489

I, JOSEPH MENDINGHALL, am the Plaintiff in the within action. I have read the foregoing Complaint and know the contents thereof. The contents of the Complaint are true to my own knowledge, except as to those matters therein stated to be alleged upon information and belief, and as to those matters, I believe them to be true.

Joseph Mendinghall
JOSEPH MENDINGHALL
Plaintiff

Subscribed and sworn to before me
On the 5th day of August, 2024

Michelle DeLillo
Notary Public

MICHELLE DE LILLO
Notary Public, State of New York
Reg. No. 01066038895
County of Orange
Commission Expires 2/14/2026



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

THE FOLLOWING WAS PRESENTED

By: None
Seconded by: None
Date of Adoption: August 20, 2024
Index No: 164-24

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

Richard P. McCormack
Clerk to the Common Council

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

I hereby approve the attached Resolution/Local Law.

Joseph M. DeStefano, Mayor

Date

Authorization to Repeal a Handicapped Parking Spot in Front of 26 Sproat Street

BE IT RESOLVED; that the Common Council of the City of Middletown, NY, authorizes the repealing of a handicapped parking spot in front of 26 Sproat Stree.

Prepared by:
Rick McCormack, City Clerk

Attachments:

1.	Scan2024-08-12_154044
----	-----------------------

100 Hillside Drive, B-14
Middletown, NY 10941



Department of Public Works
City of Middletown
16 James Street
Middletown, NY 10940

To Whom It May Concern,

This is to inform you that my father, John Kelleher, who resided at 26 Sproat Street, Middletown, passed away in March of this year.

Therefore, we no longer need the Handicap parking sign placed in front of the home. The home is currently up for sale.

Also enclosed is his parking tag. Please pass that onto the City Clerk.

Do not hesitate to contact me should you need further information or have questions.

Many thanks for your consideration of this matter.

Sincerely,

A handwritten signature in black ink that reads "Patricia Fairchild". The signature is written in a cursive style.

Patricia Fairchild, daughter
845 798-6593

Enclosure



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

THE FOLLOWING WAS PRESENTED

By: None
Seconded by: None
Date of Adoption: August 20, 2024
Index No: 165-24

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

Richard P. McCormack
Clerk to the Common Council

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

I hereby approve the attached Resolution/Local Law.

Joseph M. DeStefano, Mayor

Date

Approve an Extension of time of six (6) months for two resolutions dated May 04, 2021, #98-21 and #99-21 for the Presidential Heights Realty Subdivision.

RESOLVED; that the Common Council of the City of Middletown approves an extension of time in the amount of six (6) months, as per the date on this resolution, for two resolutions dated May 04, 2021, #98-21 and #99-21 for the Presidential Heights Realty Subdivision due to the need that the project has to obtain outside agency approvals for the NYSDEC and OCDOH for water main and sewer main extensions before the map can be filed.

Prepared by:
Rick McCormack, City Clerk

Attachments:

1.	Presidential Heights Sub Division
----	-----------------------------------

Richard McCormack

From: asmith22@hvc.rr.com
Sent: Friday, August 9, 2024 9:28 AM
To: Richard McCormack
Cc: jtawil14@yahoo.com
Subject: FW: J & G Builders LLC with City of Middletown Common Council

Rick,

Please put on Council agenda. Thanks,

Alex

From: Ronald Kossar <rsklaw@frontiernet.net>
Sent: Thursday, August 8, 2024 3:56 PM
To: 'Alex Smith' <asmith22@hvc.rr.com>
Cc: 'Mikel Jeremias' <mikel@allstatedevelopers.com>; John Queenan <jq@lanctully.com>
Subject: J & G Builders LLC with City of Middletown Common Council

Alex,

As you know my office represents J&G Builders LLC in reference to the above-captioned matter.

My client previously requested an extension of time through and including May 4, 2022, thereafter through and including November 4, 2022 and thereafter through and including April 3, 2023 and thereafter through and including November 2, 2023 and thereafter through and including May 2, 2024.

I have been informed by my client that as the City of Middletown Commissioner of Public Works only recently signed off on the revised plans for the Project filed by my client, my client still has to proceed to obtain financing for the construction of the Project and cannot either obtain financing or commence construction until my client has all Site Work Costs in hand (which it anticipates receiving forthwith). As the financing process for the Project at this time of year will also take several months, one (1) last additional six (6) month extension is needed before my client can make application for a Building Permit and commence construction which it anticipates will be starting in the spring of 2024. Therefore, my client has requested my office to make application to the City of Middletown Common Council for an additional extension of time of six (6) months. Could you please process this e-mail as you have done with the prior extension that was requested in my previous e-mail addressed to your office dated April 18, 2023. My client's current extension of time is good through and including May 2, 2024. Could you please process this e-mail with the City of Middletown Common Council to request and obtain an additional extension of time of six (6) months through and including November 2, 2024 (which should be the last extension needed by my client) for the reasons set forth above. Could you please process my request with the City of Middletown Common Council to request and obtain an additional extension of time of six (6) months through and including November 2, 2024 for the reasons set forth above. Please confirm the foregoing with my office.

Thank you for your assistance and attention to this matter.

If you have any questions or wish to further discuss this matter, please do not hesitate to contact my office to discuss.

Thank you.

Ron

Ronald S. Kossar Esq.

402 East Main Street
Post Office Box 548
Middletown, NY 10940
(845) 343-5111
rsklaw@frontiernet.net

NEVER SEND A WIRE TO OUR OFFICE WITHOUT CALLING TO VERIFY. CALL ONLY A KNOWN NUMBER AND PERSON FROM THIS OFFICE, AND DO NOT RELY ONLY ON THE CONTACT INFORMATION ON WIRING INSTRUCTIONS OR IN THIS EMAIL.



Virus-free. www.avast.com

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



CITY OF MIDDLETOWN, NEW YORK COMMON COUNCIL RECORD OF VOTE

THE FOLLOWING WAS PRESENTED

By: None
Seconded by: None
Date of Adoption: August 20, 2024
Index No:

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

Richard P. McCormack
Clerk to the Common Council

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

I hereby approve the attached Resolution/Local Law.

Joseph M. DeStefano, Mayor

Date

Resolution Authorizing the Accounts be Audited, Claims Adjusted, and the Treasurer be Authorized to Issue Warrants for their Payment

Resolution Authorizing the Accounts be Audited, Claims Adjusted, and the Treasurer be Authorized to Issue Warrants for their Payment

Prepared by:

Attachments:

None