



**CITY OF MIDDLETOWN
COMMON COUNCIL MEETING AGENDA
OCTOBER 15, 2024**

1. PLEDGE OF ALLEGIANCE
2. ROLL CALL
3. APPROVAL OF MINUTES
 - 3.1. Nothing this evening.
4. CORRESPONDENCE, COMMUNICATION AND REPORTS
5. FOR THE GOOD OF THE CITY
 - 5.1. Community Recognition: 75th Anniversary of Serpentine Jewelers
6. REMARKS OF THE MAYOR
7. REMARKS OF THE DEPARTMENT HEADS
8. PUBLIC HEARINGS AND GRIEVANCES
 - 8.1. Orange Terrace Subdivision (Held open from 10/1/2024)
9. PETITIONS AND COMPLAINTS
10. REMARKS OF THE ALDERMAN AND REPORTS OF THE COMMITTEES
11. UNFINISHED BUSINESS
12. NEW BUSINESS
 - 203- Authorization to Accept Child Passenger Safety Program Grant of \$3,429 from the
24 New York State Department of Motor Vehicles
 - 204- Authorization to accept a \$16,720 Grant for Police Traffic Services from the New
24 York State Governor's Traffic Safety Committee

- 205- Authorization to Accept a \$52,000 Grant from Senator Skoufis for the Fire
24 Department to purchase 12 sets of PPE
- 206- Authorization to transfer \$30,000 within the WTP Budget for Overtime
24
- 207- Authorization to Increase Rate of Pay- Susan Cummings
24
- 208- Authorization to Transfer \$15,000 for City Wide Mailing Announcing New Winter
24 Parking Regulations
- 209- Authorization to Change a Common Council Meeting Date from November 5 to
24 November 4 2024 in Observance of Election Day
- 210- Authorization to Establish a Temporary Borrowing from the General Fund Balance
24 for Capital Projects
- 211- Authorization to transfer \$30,000 from the General Fund Balance to cover the
24 remaining cost of the M&NJ Railroad Station on East Main Street
- 212- Authorization to Hold a Public Hearing on Converting Prospect Street into a One-
24 Way Street heading west from North Street to Beacon Street
- 213- Authorization to Dedicate Portions of Magnolia Park Road and Anthony Street
24
- 214- Authorization to Amend City Code to Create a new Chapter 365, Public Property
24 Camping
- 215- Authorization to Amend City Code to Change Parking Regulations on DuBois and
24 Earle Streets

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: October 15, 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

Orange Terrace Subdivision (Held open from 10/1/2024)

Prepared by:

Attachments:

1.	Notice of Public Hearing Orange Terrace Subdivision
2.	Orange Terrace Subdivision PH Proof of Publication

**CITY OF MIDDLETOWN
NOTICE OF PUBLIC HEARING**

Notice is hereby given that the City of Middletown will hold a public hearing on Tuesday, October 1, 2024, in the Common Council Chambers, City Hall, 16 James Street, Middletown, NY, on or as near to 6:00 P.M. as possible, to hear any and all persons wishing to be heard on the application of Orange Terrace Properties, seeking a 4-lot subdivision located at Orange Terrace, Middletown. Section 33, Block 4, Lots 3, 5, 7, 9, 11, 13.

Any and all persons wishing to be heard will be given an opportunity to speak either for or against the proposed 4-lot subdivision.

The complete proposed application and map of the property for the 4-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: 9/26/24 & City Website

LOCALiQ

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

PO Box 631202 Cincinnati, OH 45263-1202

AFFIDAVIT OF PUBLICATION

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

STATE OF NEW YORK, COUNTY OF ORANGE

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

09/26/2024

and that the fees charged are legal.
Sworn to and subscribed before on 09/26/2024

Legal Clerk

Notary, State of WI, County of Brown

My commission expires

Publication Cost: \$44.81

Tax Amount: \$0.00

Payment Cost: \$44.81

Order No: 10555671

Customer No: 684389

PO #:

of Copies:
1

THIS IS NOT AN INVOICE!

Please do not use this form for payment remittance.

CITY OF MIDDLETOWN NOTICE OF PUBLIC HEARING

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By the order of the Common Council.

Richard P. McCormack
Clerk of the Common Council

Publish: 9/26/24 & City Website

MARIAH VERHAGEN
Notary Public
State of Wisconsin



CITY OF MIDDLETOWN, NEW YORK COMMON COUNCIL RECORD OF VOTE

THE FOLLOWING WAS PRESENTED

By: Alderman Tobin
Seconded by: None
Date of Adoption: October 15, 2024
Index No: 203-24

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

Richard P. McCormack
Clerk to the Common Council

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

I hereby approve the attached Resolution/Local Law.

Joseph M. DeStefano, Mayor

Date

Authorization to Accept Child Passenger Safety Program Grant of \$3,429 from the New York State Department of Motor Vehicles

BE IT RESOLVED that the Common Council of the City of Middletown, NY, concurs with the Board of Estimate and Apportionment and accepts a \$3,429 grant award from the New York State Department of Motor Vehicles to participate in the statewide "Child Passenger Safety" program effective October 1, 2024, through September 30, 2025.

This grant money is awarded to increase the proper use and installation of child safety seats in New York State and to cover the re-certification fees for our certified car seat Technicians/Officers.

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 increase the Child Passenger Safety budget line A.3189.450 in the amount of \$3,249

Prepared by:
John Ewanciw, Chief of Police

Attachments:

1.	CPS-2025-Middletown City PD -00093-(036)
2.	ChildPassengerSafety 2024 2025

JUSTIN O'CONNOR
Director



Department of
Motor Vehicles

(518) 474-0972
Fax: (518) 473-6946

GOVERNOR'S TRAFFIC SAFETY COMMITTEE
6 EMPIRE STATE PLAZA • ALBANY, NY 12228

September 24, 2024

Jacqueline Welch
Sergeant
Middletown City Police Department
2 James Street
Middletown, NY 10940-5710

Re: CPS-2025-Middletown City PD -00093-(036)
Child Passenger Safety Program
SA00002986
CFDA #: 20.616
EFFECTIVE DATE: October 1, 2024

Dear Sergeant Jacqueline Welch:

On behalf of the Governor's Traffic Safety Committee, I am pleased to notify you that the Middletown City Police Department has been awarded \$3,429 to participate in the statewide "Child Passenger Safety" program. Our goal is to increase the proper use and installation of child safety seats in New York State.

Before incurring any project related expenses, login to eGrants to review your approved budget as it may have been reduced or otherwise changed from what was requested. Crucial documents regarding your grant, the claims process, equipment, and other grant related topics can be found by visiting <https://trafficsafety.ny.gov/highway-safety-grant-program#grant-award>.

Thank you for participating in this very important statewide program. I wish you success in your efforts. If you have any questions, please contact the Governor's Traffic Safety Committee at (518) 474-5111.

Sincerely,

A handwritten signature in black ink, appearing to read "Justin O'Connor".

Justin O'Connor
Director

JMO:bp
cc: Leonora Liz

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

September 26, 2024

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

RE: CPS 2025-Middletown PD-00093-(036)
CFDA# 20.616
Child Passenger Safety Program

Dear Mayor DeStefano and Members,

The City of Middletown Police Department has been awarded \$3,429 to participate in the statewide "Child Passenger Safety" program effective October 1, 2024 through September 30, 2025.

This grant money was given in an effort to increase the proper use and the installation of child safety seats in New York State, and to cover the cost of recertification fees for our certified car seat Technicians/Officers.

Upon approval, I am kindly requesting that this funding be added to the Child Passenger Safety budget line A.3189.450.

Thank you.

Very truly yours,

John Ewanciw
Chief of Police

JE:ccd



CITY OF MIDDLETOWN, NEW YORK COMMON COUNCIL RECORD OF VOTE

THE FOLLOWING WAS PRESENTED

By: Alderman Tobin
Seconded by: None
Date of Adoption: October 15, 2024
Index No: 204-24

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

Richard P. McCormack
Clerk to the Common Council

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

I hereby approve the attached Resolution/Local Law.

Joseph M. DeStefano, Mayor

Date

Authorization to accept a \$16,720 Grant for Police Traffic Services from the New York State Governor's Traffic Safety Committee

BE IT RESOLVED that the Common Council of the City of Middletown, NY, concurs with the Board of Estimate and Apportionment to accept a \$16,720 grant award from the New York State Governor's Traffic Safety Committee for the use in the "Police Traffic Services" program effective October 1, 2024.

The purpose of this award is to increase seat belt usage and reduce aggressive, speeding, distracted, and other dangerous driving behaviors in an effort to reduce serious injury or death from traffic crashes.

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

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 Traffic Services budget line A.3124.103 in the amount of \$16,720

Prepared by:
John Ewanciw, Chief of Police

Attachments:

1.	image47563
2.	PTS GRANT 2025

JUSTIN O'CONNOR
Director



Department of Motor Vehicles

(518) 474-0972
Fax: (518) 473-6946

GOVERNOR'S TRAFFIC SAFETY COMMITTEE 6 EMPIRE STATE PLAZA • ALBANY, NY 12228

September 27, 2024

Jacqueline Welch
Sergeant
Middletown City Police Department
2 James Street
Middletown, NY 10940-5710

Re: PTS-2025-Middletown City PD -00110-(036)
Police Traffic Services
T007218
CFDA #: 20.600
EFFECTIVE DATE: October 1, 2024

Dear Sergeant Jacqueline Welch:

On behalf of the Governor's Traffic Safety Committee, I am pleased to notify you that the Middletown City Police Department has been awarded a total of \$16,720 to participate in the statewide Police Traffic Services Program. Our goal is to increase seat belt usage and reduce dangerous driving behaviors in an effort to reduce serious injury and death from traffic crashes. A breakdown of your grant award amount is as follows:

Category	Award Amount
Seat Belt Mobilization Enforcement	\$6,160
Regular PTS Enforcement	\$10,560
Other Than Personal Services	\$0
Grand Total	\$16,720

Before incurring any project related expenses, login to eGrants to review your approved budget as it may have been reduced or otherwise changed from what was requested. Crucial documents regarding your grant, the claims process, equipment, and other grant related topics can be found by visiting <https://trafficsafety.ny.gov/highway-safety-grant-program#grant-award>.

Attached to this email are the contract and a signatory page with instructions. Please follow the instructions to facilitate the prompt processing of your contract. The contract will only be effective after the Signature page has been signed by the County, City, Town, or Village, and notarized, then returned to, **and** signed by, the New York State Governor's Traffic Safety Committee.

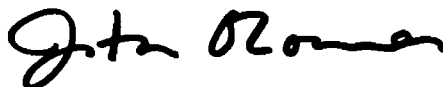
Please note the following requirement:

Payment for claims submitted under this grant award shall be rendered electronically in accordance with the Office of the State Comptroller's procedures and practices governing electronic payment unless payment by paper check is expressly authorized by the head of the State Agency, in his or her sole discretion after the Contractor establishes extenuating circumstances requiring payment by paper check.

TrafficSafety.ny.gov

Thank you for participating in this very important statewide enforcement program. I wish you success in your efforts. If you have any questions, please contact the Governor's Traffic Safety Committee at (518) 474-5111.

Sincerely,

A handwritten signature in black ink, appearing to read "Justin O'Connor". The signature is fluid and cursive, with the first name "Justin" and last name "O'Connor" clearly distinguishable.

Justin O'Connor
Director

JMO:bp
Enclosure
cc: Leonora Liz

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

October 4, 2024

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

RE: Police Traffic Services 2025-Middletown City PD-00110-(036)

Dear Mayor DeStefano and Members of the Council:

We are requesting permission to accept an award in the amount of \$16,720 given to us by the New York State Governor's Traffic Safety Committee for the use in the "Police Traffic Services" program effective October 1, 2024.

The purpose of this award is to increase seat belt usage and reduce aggressive, speeding, distracted and other dangerous driving behaviors in an effort to reduce serious injury or death from traffic crashes.

Please prepare a resolution authorizing the mayor to sign the attached contract. Upon approval, I am asking that the funding be deposited into our existing Traffic Services budget line A.3124.103.

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 Tobin
Seconded by: None
Date of Adoption: October 15, 2024
Index No: 205-24

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

Richard P. McCormack
Clerk to the Common Council

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

I hereby approve the attached Resolution/Local Law.

Joseph M. DeStefano, Mayor

Date

Authorization to Accept a \$52,000 Grant from Senator Skoufis for the Fire Department to purchase 12 sets of PPE

BE IT RESOLVED that the Common Council of the City of Middletown, NY, concurs with the Board of Estimate and Apportionment and accepts a \$52,000 grant award from New York State Senator James Skoufis for the Fire Department to purchase twelve sets of PPE.

BE IT RESOLVED that the Common Council of the City of Middletown, NY, concurs with the Board of Estimate and Apportionment to authorize the Mayor to sign the required paperwork for the grant.

Prepared by:
Andrew Green, Alderman

Attachments:

1.	Diligence Letter 27567
----	------------------------



KATHY HOCHUL
Governor

LISA GOMEZ
Chair

ROBERT J. RODRIGUEZ
President & CEO

September 27, 2024

VIA EMAIL

Joseph DeStefano
Mayor
City of Middletown
16 James St
Middletown, New York 10940

Re: *Community Resiliency, Economic Sustainability, and Technology Program ("CREST")
Purchase of 12 Sets of Personal Protective Equipment for Fire Department
Project ID: 27567*

Dear Joseph DeStefano:

As you know, the State has awarded the City of Middletown ("Grantee") a Community Resiliency, Economic Sustainability, and Technology Program ("CREST") grant for the above-referenced project in the amount of \$52,000.00 (the "Grant").

This letter outlines the documentation you will need to complete and return to DASNY in order to start the Grant Administration process.

- ***Please return the completed documentation electronically, as described below within thirty (30) days. If you are not able to meet this timeframe, please send an email to callcenter@dasny.org with your requested timeline for submission.***
- *If the information is not returned in a timely manner, or documentation is incomplete, your Grant will be delayed as DASNY generally reserves the right to request updated documentation throughout the administrative process to ensure the required reviews are based on accurate information.*
- *If there are any changes to the contact information for the primary contact for your organization, the authorized officer contact information, or change in your organizational address – please email callcenter@dasny.org.*

Please also read the attached Frequently Asked Questions (FAQs) as it relates to the following requested documents and other questions that you may have regarding the Grant Process.

ALBANY (HEADQUARTERS): 515 Broadway, Albany, NY 12207 | 518-257-3000
BUFFALO: 6047 Transit Road, Suite 103 East Amherst, NY 14051 | 716-884-9780
NEW YORK CITY: 28 Liberty Street, FI 55, New York, NY 10005 | 212-273-5000
ROCHESTER: 3495 Winton Place, Building C, Suite 1, Rochester, NY 14623 | 585-450-8400

DORMITORY AUTHORITY STATE OF NEW YORK
WE FINANCE, DESIGN & BUILD
NEW YORK'S FUTURE.
www.dasny.org

The following documents must be completed and returned to DASNY so the required reviews can be conducted and State approvals obtained:

- ☐ Completed Grantee Certification signed by two (2) authorized officers;
- ☐ Completed Project Certification signed by an authorized officer;
- ☐ The Grantee Questionnaire (GQ) requested by DASNY expires after one (1) year;
 - o The GQ on file has expired or is about to expire or your organization is new to DASNY. Please provide the names, titles and email addresses of two authorized officers so that a GQ may be sent out by the Processor that will be assigned to review your paperwork:

Authorized Officer #1: Name: _____ Title: _____

Email: _____ Phone: _____ Ext: _____

Authorized Officer #2: Name: _____ Title: _____

Email: _____ Phone: _____ Ext: _____

- ☐ Evidence of Site Control;
 - o Certificate of Municipal Site Control
- ☐ Financial documentation
 - o Financial Review Checklist
 - o Financial Review Template (Tab 1 and Tab 2 of attached excel)
 - o Quotes/Estimates and/or invoices from vendors on company letterhead, or estimate provided on letterhead by licensed professional, dated within 1 year of submission. **Note:** There should be supporting documentation for each line item on budget.

If your organization is a not-for-profit please also see the 'Prior to Final Approval' section in attached FAQs for information regarding the prequalification requirement through NY State Financial System (SFS).

Grantees are also advised that grant-funded projects are subject to the State Environmental Quality Review Act (SEQRA) and State Historic Preservation Act (SHPA). Information regarding the SEQRA and SHPA process is included in the FAQs.

Should you have any questions concerning the enclosed documentation please either call (518) 257-3177 or email callcenter@dasny.org and a member of the Call Center Team will assist.

Sincerely,

Grants Administration

**GRANTEE CERTIFICATION
City of Middletown**

Purchase of 12 Sets of Personal Protective Equipment for Fire Department
Project ID: 27567

WE HEREBY WARRANT, REPRESENT AND CERTIFY TO DASNY that:

- The City of Middletown (the "Grantee") has applied for a ("CREST") Grant in the amount of \$52,000.00 (the "Grant"). This Grant will be used for the Purchase of 12 Sets of Personal Protective Equipment for Fire Department (the "Project"). We understand that the Grant funds may be used only for certain community improvement purposes as set forth in the enabling legislation and that the Grant Disbursement Agreement (GDA) to be executed in connection with this Grant contains a provision that states that Grant funds may not be used to finance a program or Project that will in any way promote or facilitate religious worship, instruction or proselytizing. We have been informed that this provision exists to ensure compliance with Federal and State law. Therefore, as Authorized Officers of the Grantee, we hereby certify the following in connection with the Project to be financed by the Grant:
 - no religious purpose shall be advanced or promoted by the Project or program funded by the Grant;
 - the Project or program will provide no religious instruction or counseling, conduct no religious worship or services, engage in no religious proselytizing, and exert no other religious influence in the provision of services or the use of facilities or furnishings assisted in any way by public funds;
 - the Project or program shall be open to all without regard to religion; and
 - the Grantee shall take affirmative steps to ensure that information is widely disseminated with respect to the following aspects of the Project or program:
 - the Project or program is publicly funded;
 - the Project or program is open to all, regardless of religious affiliation; and
 - the Project or program beneficiaries are not limited to any particular sect or group.
 - the Grantee shall exercise care to make sure the facilities and/or services to be supported in whole or in part by Grant proceeds are available and accessible to all members of the public by ensuring Project location(s) and/or service areas are in proximity to public transportation; sufficient parking; and by choosing Project location(s) and/or service areas that do not restrict use to a certain subset of the population defined by religion;
- We understand that the State of New York, DASNY and other entities that may be involved in the Grant process are relying on the above information in making the determination whether to award the Grant to the Grantee.
- By signing this document, we certify that we are authorized officers for the Grantee and have the authority to submit this Certification.

Please sign and return this document to DASNY by either signing pen to paper and sending the pdf OR by typing your full name into signature line(s) below as indicated. Please return these documents to callcenter@dasny.org from the Grantee's organizational email address and retain the original copies for production to DASNY if requested. By providing electronic signature(s), the Grantee's designee will be providing validly binding legal documents, just the same as a pen-and-paper signature.

Authorized Officer (sign or type)

Printed Name (print or type)

Title (print or type)

Dated

Authorized Officer (sign or type)

Printed Name (print or type)

Title (print or type)

Dated

**PROJECT CERTIFICATE OF THE
City of Middletown**

Community Resiliency, Economic Sustainability, and Technology Program (the "CREST")
For the Purchase of 12 Sets of Personal Protective Equipment for Fire Department
(Project ID: 27567)

I, the undersigned, an Authorized Officer of City of Middletown (the "Grantee"), DO HEREBY CERTIFY that:

- All contractors and vendors retained to perform services in connection with the Purchase of 12 Sets of Personal Protective Equipment for Fire Department (the "Project") shall be authorized to do business in the State of New York and shall possess and maintain all professional licenses and/or certifications required to perform the tasks undertaken in connection with the Project.
- To the extent that CREST Grant proceeds are used to reimburse the Grantee for the cost of any portion of the Project noted above, the Grantee certifies that no other external funding source, including but not limited to, State or Federal restructuring loans, State or Federal grants, or grants, loans, or other funding from any other public or private source (currently or within the last six (6) years), will be used for substantially the same Project costs at the same location as described in the Preliminary Application or Project Information Sheet provided to DASNY.
- Tax credits will not be applied to the same Project costs as Grant Proceeds, and any tax credits or prior tax-exempt bonds outstanding applied to Project or Project location have been fully disclosed to DASNY.
- If the Project includes vehicle purchase(s), removable equipment, or furnishings including but not limited to, computer hardware and software, air conditioning units, lab equipment, security cameras, office furniture and telephone systems, the Grantee has or will develop, implement, and maintain an inventory system for tracking such items, and items will be installed, stored, or secured on property owned by and/or under the control of the Grantee; the Grantee has or will develop, implement, and maintain a usage policy for items in compliance with all State and Federal regulations or privacy laws, including use, retention, storage, or deletion of any data, images, or videos stemming from Grant funded purchase of such items if applicable.
- The Grantee has informed DASNY via the Preliminary Application, Project Information Sheet, or other correspondence if Grantee is a state related entity, or if the Project location is owned by a state related entity. Furthermore, if the status of the Grantee or Project location changes, the Grantee will inform DASNY of any changes that would impact the tax-exempt status of the Grant.
- The Grantee acknowledges that Grant proceeds cannot be utilized to pay for:
 - Deposits advance payments, or progress payments until work is completed, or goods received by Grantee;
 - to pay down long term debt;
 - internal labor costs;
 - rental or leased equipment, or equipment with an anticipated useful life of less than three (3) years;
 - stockpiled materials;
 - recurring software costs, including licensing or maintenance fees;
 - materials and/or services provided by another entity other than a licensed contractor or vendor.
- The Grantee will maintain accurate books and records through Project completion/payout of the Grant as well as for six (6) years from the date the Project is completed and will make those books and records available to DASNY, its agents, officers and employees during the Grantee's business hours upon reasonable request.

IN WITNESS WHEREOF, I have hereunto set my hand this _____ day of _____, 20_____.

By signing these documents, I certify that I am an authorized officer for the Grantee.

Please sign and return this document to DASNY by either signing pen to paper and sending the pdf OR by typing your full name into signature line(s) below as indicated. Please return these documents to callcenter@dasny.org from the Grantee's organizational email address and retain the original copies for production to DASNY if requested. By providing electronic signature(s), the Grantee's designee will be providing validly binding legal documents, just the same as a pen-and-paper signature.

By (sign or type): _____

Name (print or type): _____

Title (print or type) _____

We, the undersigned, an Authorized Officer of the City of Middletown and the Municipal Attorney for City of Middletown under the penalties of perjury, hereby certify, warrant, represent and confirm to the DORMITORY AUTHORITY OF THE STATE OF NEW YORK (“**DASNY**”), the following:

- 1) The City of Middletown is a municipal corporation constituting a county, town, city or village within the meaning of §2 of Article 1 of the General Municipal Law.
- 2) The City of Middletown has applied for a Grant and acknowledges that Grant funds may be used only for certain purposes as set forth in the Grant’s enabling legislation.
- 3) The Grant Disbursement Agreement (GDA) to be entered into by and between the City of Middletown and DASNY shall require the Grantee to certify that City of Middletown has the requisite control over the Project Site.
- 4) The Grant project will be located at the following **Project Site**:

Name: *Middletown Central Firehouse*
Street Address: *81 E Main St*
Town / Village *Middletown*
County: *Orange*

- 5) The fee title of the Project Site is owned by the Grantee (**choose one**):

- ☐ Pursuant to deed identifying the Grantee as the fee owner, which deed was recorded in the Office of the Clerk of the County of _____.
- ☐ Pursuant to Executive or Legislative action granting title. **Provide citation:** _____
- ☐ As referenced by a copy of the most recent tax bill provided by the tax assessor’s office which indicates ownership of the Project Site is vested in the Grantee, **attached hereto**.
- ☐ The Project Site will be located within a right of way or easement under the jurisdiction of the Grantee.

- 6) The Grant project to be constructed, built, reconstructed and/or operated and located on the Project Site is permitted by, does not and will not conflict with, or result in a breach of any of the terms or provisions of, or constitute a default under any deed restriction, encumbrance, restrictive covenant, agreement, easement and/or other lien. The Grant project shall comply in all respects with any and all applicable governmental laws, rules, regulations and ordinances.

- 7) Grantee further warrants and represents:
- a. There are no actions pending or threatened which may affect title to the Project Site or which may affect Grantee's ability to complete the Grant project;
 - b. There are no judgments filed against the Grantee or any liens filed against the Project Site or any portion thereto; and
 - c. There are no facts or circumstances which could affect title to the Project Site that have not been set forth herein.
- 8) We understand and agree that it is the Grantee's responsibility to comply with all deed restrictions, restrictive covenants, encumbrances, easements and other liens and any applicable laws, rules, regulations or ordinances concerning the Project Site.
- 9) We understand that the State of New York, DASNY and other entities that may be involved in the Grant process are relying on the above representations in making the determination whether to award a Grant to the Grantee and as an inducement to enter into the Grant Disbursement Agreement (GDA).
- 10) We have the authority to submit this certification on behalf of the Grantee.

Please sign and return this document to DASNY by either signing pen to paper and sending the pdf OR by typing your full name into signature line(s) below as indicated. Please return these documents to callcenter@dasny.org from the Grantee's organizational email address and retain the original copies for production to DASNY if requested. By providing electronic signature(s), the Grantee's designee will be providing validly binding legal documents, just the same as a pen-and-paper signature.

Grantee: City of Middletown

By:
Name (sign or type): _____

Name (print or type): _____

Title: Authorized Officer

Dated: _____

By:
Name (sign or type): _____

Name (print or type): _____

Title: Municipal Attorney

Dated: _____

DEPARTMENT OF PUBLIC WORKS

MEMORANDUM

Date: September 26, 2024

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

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

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



Re: Transfer of Funds- WTP Overtime Account

We are respectfully requesting a transfer of funds from the Personal Service line, F.8330.100, into the WTP Overtime account, F.8330.103, to cover projected overtime at the Filter Plant for the remainder of this year.

FROM	AMOUNT	TO
F.8330.100 Pers. Svcs. – Purification WTP	\$30,000.00	F.8330.103 Overtime – Purification WTP

Thank you.

JT/kg



CITY OF MIDDLETOWN, NEW YORK COMMON COUNCIL RECORD OF VOTE

THE FOLLOWING WAS PRESENTED

By: Alderman Johnson
Seconded by: None
Date of Adoption: October 15, 2024
Index No: 207-24

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 Increase Rate of Pay- Susan Cummings

BE IT RESOLVED; that the Common Council of the City of Middletown, NY, concurs with the Board of Estimate and Apportionment and authorizes an increase the hourly rate of pay for part-time employee Susan Cummings from \$16.27 to \$19.38/hour for the remainder of the 2024 year and an hourly rate of \$20.00/hour for the year of 2025 making her annual salary \$19,200.

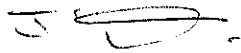
Prepared by:
Jacob Tawil

Attachments:

1.	BOE MEMO- CUMMINGS
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DEPARTMENT OF PUBLIC WORKS

MEMORANDUM

Date: October 8, 2024
To: Honorable Mayor DeStefano, Members of the Board of Estimate
and Apportionment, Members of the Common Council
Cc: Leonora Liz, Treasurer and Richard McCormack, City Clerk
From: Jacob Tawil, Commissioner of Public Works 
Re: Increase Rate of Pay for Part Time Employee- Susan Cummings

We are respectfully requesting authorization to increase the hourly rate of pay for part time employee Susan Cummings from \$16.27 to \$19.38/hour for the remainder of the 2024 year and an hourly rate of \$20.00/hour for the year of 2025 making her annual salary \$19,200.

Ms. Cummings is an extremely dedicated employee who has been with the City for 24 years. A request for a higher rate of pay would be warranted but due to her special circumstance, she is unable to make more than the amount I am hereby requesting at this time. No transfer of funds is needed at this time.

Thank you.

JT/kg



CITY OF MIDDLETOWN, NEW YORK COMMON COUNCIL RECORD OF VOTE

THE FOLLOWING WAS PRESENTED

By: Alderwoman Wray
Seconded by: None
Date of Adoption: October 15, 2024
Index No: 208-24

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 \$15,000 for City Wide Mailing Announcing New Winter Parking Regulations

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 \$15,000 in the following manner to cover a City-wide mailing (Printing & Postage), announcing the new regulations for Winter Street parking.

FROM	TO	AMOUNT
A.1900.915	\$15,000	A.1010.490
Liability Insur - Claims		Clerk - Printing

This is an estimate; any leftover funds will be returned to the source of funding.

Prepared by:

Attachments:

None



CITY OF MIDDLETOWN, NEW YORK COMMON COUNCIL RECORD OF VOTE

THE FOLLOWING WAS PRESENTED

By: Alderman Kleiner
Seconded by: None
Date of Adoption: October 15, 2024
Index No: 209-24

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 Change a Common Council Meeting Date from November 5 to November 4 2024 in Observance of Election Day

Be it resolved that the Common Council of the City of Middletown authorizes the movement of the Tuesday, November 5, 2024, Common Council meeting to Monday, November 4, 2024, in observance of Election Day.

Prepared by:
Rick McCormack, City Clerk

Attachments:

None



CITY OF MIDDLETOWN, NEW YORK COMMON COUNCIL RECORD OF VOTE

THE FOLLOWING WAS PRESENTED

By: Alderman Witt
Seconded by: None
Date of Adoption: October 15, 2024
Index No: 210-24

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 Establish a Temporary Borrowing from the General Fund Balance for Capital Projects

BE IT RESOLVED that the Common Council of the City of Middletown, NY, concurs with the Board of Estimate and Apportionment and authorizes a temporary borrowing from the General Fund Balance to cover the remaining costs of \$750,000 of various projects (see attachment) as follows:

1. Temporary borrowing of \$750,000, of which \$750,000 will be reimbursable by a grant awarded by Assemblywomen Aileen Gunther
2. A BAN Borrowing \$500,000 toward the cost of the Splash Pad at Maple Hill is already borrowed in 2023.

Total estimated project cost: \$1,243,000

Prepared by:
Leonora Liz, Treasurer

Attachments:

1.	DOC101024-001
----	---------------

10/8/2024

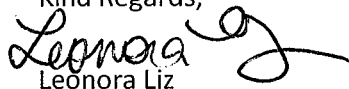
To: Board of Estimate

Requesting authorization to establish a commitment from the General Fund Balance to cover the remaining costs of \$761,000 of various projects (see attachment) as follows:

- Temporary borrowing of \$750,000, of which \$750,000 will be reimbursable by a grant awarded by Assemblywomen Aileen Gunther
- BAN Borrowing \$500,000 toward the cost of the Splash Pad at Maple Hill. Please note this funding is already borrowed in 2023.

Total estimated project cost: \$1,243,000

Kind Regards,


Leonora Liz

Total Cost	Detail
\$766,618.60	Splash Pad
	Installation
\$36,297.00	Spot Lights
	Projector
\$3,430.39	
\$87,986.43	Network video/camera system
	Access control system
	Panic System
	Mass Notification System
	Designer
	Project/Program Manager
\$138,517.04	Yearly monitoring
	Network video/camera system
	Access control system
	Panic System
	Mass Notification System
\$88,321.91	Designer
	Project/Program Manager
\$14,825.06	Yearly monitoring
\$107,100.00	City Hall Access Control System:
	City Hall Security Camera System:
\$1,243,096.43	Adding a security camera to cover the area between Roberts St & Orchard St
\$1,243,096.43	Rotolo Services for Fire Police and Police Evidence Buildings
	Purchase of 3 garage doors
	Garage Door installation
	Windows
\$1,243,096.43	



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

THE FOLLOWING WAS PRESENTED

By: Alderman Masi
Seconded by: None
Date of Adoption: October 15, 2024
Index No: 211-24

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 \$30,000 from the General Fund Balance to cover the remaining cost of the M&NJ Railroad Station on East Main Street

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 \$30,000 in the following manner, for the purchase and renovation of the M&NJ Railroad Station on East Main Street.

FROM	AMOUNT	TO
GENERAL FUND	\$30,000	H.7989.201
BALANCE		2024 Middletown & NJ Rail Station Renovation

BE IT RESOLVED; that the Common Council of the City of Middletown, NY, concurs with the Board of Estimate and Apportionment and authorizes an increase in the project budget from \$500,000 to \$530,000.

The original project breakdown is as follows:

Acquisition	26932	\$	180,000.00
Renovation costs	26932	\$	320,000.00

Prepared by:

Maria Bruni, Director of Economic and Community Development

Attachments:

1.	RAILROAD QUOTE
2.	#26932 EM RR Reso

DMR Construction

Darrin Simpson
665 A Mullock Road
Port Jervis, NY 12771

Proposal: 2464

Date: 9/5/2024

City of Middletown
16 James Street
Middletown, NY 10940

For: MN&J Railroad Bldg.

DMR Construction will furnish all materials and perform all labor necessary to complete the following:

Contractors recommendation is as follows:

Contractor to remove all existing roofing. Siding, doors and windows. We will then repair any damaged wood on a time and material based on \$100.00 per hour rate. 2 - 6x6 Columns to be repaired to match existing. We will the install Board & Batten cement board siding, Architectural style shingles, new windows and doors.

This proposal does not include and concrete work or interior. It is based soley on the exterior mentioned above. Pricing is based off of outside walk through and is subject to change when a final scope of work completed.

All of the above work to be completed in a substantial and workmanlike manner according to standard practices for the for the sum of: **\$350,000.00**

Any alteration or deviation from the above specifications involving extra cost of material or labor will only be executed upon written orders for same, and will become an extra charge over the sum mentioned in this contract. All agreements must be made in writing. All permits and or special community request must be done by owner or written request for contractor to supply.

Respectfully submitted by: *Darrin Simpson*



CITY OF MIDDLETOWN, NEW YORK COMMON COUNCIL RECORD OF VOTE

THE FOLLOWING WAS PRESENTED

By: Alderman Johnson
Seconded by: Alderman Jean-Francois
Date of Adoption: May 21, 2024
Index No: 89-24

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

Richard P. McCormack
Clerk to the Common Council

Names	Ayes	Noes	Abstain	Absent
Ald. Tobin	X			
Ald. Jean-Francois	X			
Ald. Johnson	X			
Ald. Wray				X
Ald. Kleiner	X			
Ald. Green				X
Ald. Witt	X			
Ald. Masi	X			
Pres. Rodrigues	X			
Total	7			2

I hereby approve the attached Resolution/Local Law.

Joseph M. DeStefano, Mayor

Date

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

BE IT RESOLVED; that the Common Council of the City of Middletown, NY, concurs with the Board of Estimate and Apportionment and authorizes the acceptance of \$500,000 in CREST funding through Assemblywomen Gunther's Office for the purchase and renovation of the Middletown and New Jersey Rail Station, located 140 East Main Street.

BE IT FURTHER RESOLVED; that the Common Council of the City of Middletown, NY, concurs with the Board of Estimate and Apportionment and authorizes the Mayor as representative and sole signatory for the agreement,

BE IT FURTHER RESOLVED; that the Common Council of the City of Middletown, NY, concurs with the Board of Estimate and authorizes the Treasurer to establish the following line in the capital budget and to transfer \$500,000, in the following manner, as a temporary borrowing

to be repaid once funding is reimbursed for expenses.

FROM	TO	AMOUNT
GENERAL FUND BALANCE	H.7989.201	\$500,000
	Middletown & NJ Rail Station Expenses	

Prepared by:

Maria Bruni, Director of Economic and Community Development

Attachments:

1.	East Main RR Funding BOE 2024
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CITY OF MIDDLETOWN, NEW YORK COMMON COUNCIL RECORD OF VOTE

THE FOLLOWING WAS PRESENTED

By: Alderman Green
Seconded by: None
Date of Adoption: October 15, 2024
Index No: 212-24

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

Richard P. McCormack
Clerk to the Common Council

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

I hereby approve the attached Resolution/Local Law.

Joseph M. DeStefano, Mayor

Date

Authorization to Hold a Public Hearing on Converting Prospect Street into a One-Way Street heading west from North Street to Beacon Street

Be it resolved that the Common Council of the City of Middletown authorizes a public hearing to be held on Monday, November 4, 2024, at or as near to 7:30 PM as possible, on a proposal to convert Prospect Street to a one-way street heading west from North Street to Beacon Street. The rest of Prospect Street remains the same.

Prepared by:

Attachments:

None



CITY OF MIDDLETOWN, NEW YORK COMMON COUNCIL RECORD OF VOTE

THE FOLLOWING WAS PRESENTED

By: Alderman Jean-Francois
Seconded by: None
Date of Adoption: October 15, 2024
Index No: 213-24

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 Dedicate Portions of Magnolia Park Road and Anthony Street

WHEREAS, ADC Middletown, LLC previously received City of Middletown approval for the project identified as Miamisburg Development (Magnolia Park), with the approved plans, prepared by Lanc & Tully Engineering & Surveying PC, filed in the office of the Orange County Clerk on January 12, 2009 as Filed Map No. 1-09, attached hereto as Schedule "A"; and

WHEREAS, the Magnolia Park Project includes the construction of new streets, identified as Magnolia Park Road and Anthony Street, as depicted on the approved plan, to be dedicated as public streets; and

WHEREAS, a portion of Magnolia Park Road was previously offered for dedication to the City of Middletown, and accepted by the City through resolution adopted November 21, 2023, and ADC Middletown, LLC now offers for dedication the remaining portion of Magnolia Park Road and Anthony Street; and

WHEREAS, the construction of such portion of Magnolia Park Road and Anthony Street, including all underground and above-ground utilities and public improvements as depicted on the approved plans, has been completed in compliance with the requirements of the City of Middletown and in accordance with the approved plans and specifications for the Magnolia Park Project; and

WHEREAS, ADC Middletown, LLC has submitted its Engineering Certification of completed street construction, certifying that all public improvements have been completed in accordance with the approved plans and specifications for the Magnolia Park Project; and

WHEREAS, as-built plans for such portion of Magnolia Park Road and Anthony Street, as required by the City of Middletown, have been submitted by ADC Middletown, LLC, and have been reviewed and accepted by the City of Middletown Commissioner of Public Works; and

WHEREAS, the construction of such portion of Magnolia Park Road and Anthony Street has been inspected and approved by the City of Middletown Commissioner of Public Works or his representative; and

WHEREAS, all requirements for the dedication and acceptance of public streets by the City of Middletown have been satisfied by ADC Middletown, LLC regarding such portion of Magnolia Park Road and Anthony Street; and

WHEREAS, the approved Magnolia Park Project plans further provide for the construction of off-street parking on Lots 159, 160, and 162 located on and along Magnolia Park Road; and

WHEREAS, such off-street parking facilities for Lots 159, 160, and 162 have been constructed in accordance with the approved Magnolia Park Project plans and specifications and in accordance with the prevailing and required practices and regulations required by the City of Middletown; and

WHEREAS, the City of Middletown requires the execution of a Off-Street Parking Maintenance Agreement for the maintenance, cleaning, repair, and/or replacement of such off-street parking facilities in order to insure the ongoing and intended performance of such off-street parking; and

WHEREAS, intersection of Magnolia Park Rd. and Anthony Street will be a two way stop intersection; and

WHEREAS, Street parking on Magnolia Park Road will be permitted on the south-east side of Magnolia Park Road for one hundred fifty-four (154) feet starting at a point fifty (50) feet to the south-west of Lot 91; on the north-west side of Magnolia Park Road for three hundred fifty-four (354) feet starting at a point to the south-west corner of Lot 70; and on the south side of Magnolia Park Road starting at a point on the south side of the road four hundred (400) feet in from the intersection of Magnolia Park Road and Anthony Street and then running south-east for three hundred seventy (370) feet to a point thirty (30) feet prior to stop sign on Magnolia Park Road at the intersection with Anthony Street. Parking shall not occur along any other portions of Magnolia Park Road that is being offered as part of this dedication, within twenty (20) feet from the edge of a crosswalk, in front of driveways (per City Code), in front of off street parking stalls, and per City Code for City winter parking restrictions.

WHEREAS, the form and content of such required Off-Street Parking Maintenance Agreement is attached hereto as Schedule “B”; and

BE IT RESOLVED, that the City of Middletown does hereby accept the dedication of a portion of Magnolia Park Road and Anthony Street, and all public improvements associated therewith, as described in the Schedule “C” hereto, on the following conditions:

1. The final form of the deed to such portion of Magnolia Park Road and Anthony Street, and any other document relevant to the dedication thereof, shall be subject to the approval of the City Attorney.
1. ADC Middletown, LLC must provide the City with bonds in compliance with Middletown City Code Section 420-6(U) by November 12, 2024, or at a later date, if approved by the Commissioner of Public Works or the Corporation Counsel.
1. ADC Middletown, LLC must provide the City with a policy of title insurance in compliance with Middletown Code Section 420-6(Y) by _____, 2024, or at a later date, if approved by the Commissioner of Public Works or the Corporation Counsel.
2. The City will not perform any maintenance services until approval of the title insurance reports.

BE IT FURTHER RESOLVED, the Commissioner of Public Works is hereby authorized to execute the City of Middletown Off-Street Parking Maintenance Agreement on behalf of the City of Middletown for the Magnolia Park Project, in form and content as attached hereto as Schedule “B”.

Prepared by:
Jacob Tawil

Attachments:

1.	bargain and sale deed
----	-----------------------

**BARGAIN AND SALE DEED
WITH COVENANT AGAINST GRANTOR'S ACTS**

THIS INDENTURE, made the ____ day of _____, two thousand twenty-four,

BETWEEN ADC Middletown, LLC, a New York limited liability company with offices at 2 Magnolia Park Road, Middletown, New York 10940, party of the first part, and City of Middletown, a municipal corporation having an office at City Hall, 16 James Street, Middletown, New York 10940,

WITNESSETH, that the party of the first part, in consideration of Ten Dollars (\$10.00), lawful money of the United States, and other good and valuable consideration, paid by the party of the second part, does hereby grant and release unto the party of the second part, the heirs or successors and assigns of the party of the second part forever,

ALL those parcels of land situate in the City of Middletown, County of Orange, and State of New York, bounded and described on Schedule "A" attached hereto.

BEING a portion of the same premises recorded in the Orange County Clerk's Office at Filed Map No. 1-09.

The above-described premises are conveyed subject to all easements, covenants and restrictions of record, to the extent that they are presently in force and effect.

TOGETHER with all right, title and interest, if any, of the party of the first part in and to any streets and roads abutting the above-described premises to the center lines thereof,

TOGETHER with the appurtenances and all the estate and rights of the party of the first part in and to said premises,

TO HAVE AND TO HOLD the premises herein granted unto the party of the second part, the heirs or successors and assigns of the party of the second part forever.

AND the party of the first part covenants that the party of the first part has not done or suffered anything whereby the said premises have been encumbered in any way whatever, except as aforesaid.

AND the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the party of the first part will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose.

THE word "party" shall be construed as if it read "parties" whenever the sense of this indenture so requires.

IN WITNESS WHEREOF, the party of the first part has duly executed this Deed the day and year first above written.

IN PRESENCE OF:

ADC MIDDLETOWN, LLC,

By: _____
Dan Gueron, Manager

ACKNOWLEDGMENT

STATE OF NEW YORK)
) ss.:
COUNTY OF)

On the _____ day of _____, 2024, before me, the undersigned, a notary public in and for said state, personally appeared DAN GUERON, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(is), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

NOTARY PUBLIC

Record and Return:

Schedule A

August 5, 2024

Description of MAGNOLIA PARK ROAD RIGHT OF WAY

All that plot, piece, or parcel of land situate, lying and being in the City of Middletown, Orange County, New York, bounded and described as follows:

Beginning at an iron rod set on the southerly side of Cedar Hill Drive, said point being in the division line between Lot 100 on the south, and Cedar Hill Drive on the north, and running; thence

1. On a curve to the left, having a radius of 75.00', an arc length of 20.79', a central angle of 15°-52'-52", and a chord of 20.72', on a course of S. 40°-56'-26" W. to a nail set; thence
2. S. 33°-00'-00" W. 209.49' to an iron rod set; thence
3. On a curve to the right, having a radius of 125.00', an arc length of 56.19', a central angle of 25°-45'-18", and a chord of 55.72', on a course of S 45°-52'-39" W. to a point; thence
4. S. 58°-45'-18" W. 308.52' to an iron rod set; thence
5. On a curve to the left, with a radius of 75.00', an arc length of 14.07', a central angle of 10°-45'-01", and a chord of 14.05', on a course of S. 53°-22'-48" W. to a point; thence
6. S. 48°-00'-18" W. 331.45' to a nail set; thence
7. On a curve to the left, having a radius of 150.00', an arc length of 235.37', a central angle of 89°-54'-18", and a chord of 211.96', on a course of S. 03°-03'-09" W. to an x-cut set on retaining wall; thence
8. S. 41°-54'-00" E. 404.81' to an iron rod set; thence
9. On a curve to the left, having a radius of 75.00', an arc length of 19.63', a central angle of 14°-59'-40", and a chord of 19.57', on a course of S. 49°-23'-50" E. to a point; thence
10. S. 56°-53'-40" E. 27.14' to a point in Anthony Street; thence
11. Along Anthony Street, S. 33°-00'-00" W. 35.81' to a point; thence
12. N. 41°-54'-00" W. 108.76' to a point; thence
13. S. 33°-00'-00" W. 25.90' to a point; thence
14. N. 41°-54'-00" W. 357.75' to an iron rod set; thence
15. On a curve to the right, having a radius of 200.00', an arc length of 313.83', a central angle of 89°-54'-18", and a chord length of 282.61', on a course of N. 03°-03'-09" E. to an iron rod set; thence
16. N 48°-00'-18" E. 331.45' to a point; thence
17. On a curve to the right, with a radius of 125.00', an arc length of 23.45', a central angle of 10°-45'-01", and a chord length of 23.42', on a course of N. 53°-22'-48" E. to an iron rod set; thence
18. N. 58°-45'-18" E. 308.52' to an iron rod set; thence
19. On a curve to the left, having a radius of 75.00', an arc length of 33.71', a central angle of 25°-45'-18", and a chord of 33.43', on a course of N. 45°-52'-39" E. to an iron rod set; thence

Page 2

Magnolia Park Road ROW

- 20. N. 33°-00'-00" E. 230.02' to a point on the southwesterly side of Cedar Hill Drive;
thence**
- 21. Along the southwesterly side of Cedar Hill Drive, S. 57°-00'-00" E. 52.86' to the
BEGINNING POINT.**

CONTAINING: 1.857 Acres

August 5, 2024

Description of
**LANDS TO BE DEDICATED TO THE
CITY OF MIDDLETOWN
ANTHONY STREET**

All that plot, piece, or parcel of land situate, lying and being in the City of Middletown, Orange County, New York, bounded and described as follows:

Beginning at a point on the southwesterly side of Cedar Hill Drive, said point being in the division line between Lot 101 on the south, and Cedar Hill Drive on the north, and running; thence

1. Along the southwesterly side of Cedar Hill Drive, S. $57^{\circ}-00'-00''$ E. 0.97' to a point on the westerly side of Anthony Street; thence
2. Along the westerly side of Anthony Street, S. $33^{\circ}-00'-00''$ W. 1198.17' to a point on the northerly side of Magnolia Park Road; thence
3. Along the northerly side of Anthony Street, N. $56^{\circ}-53'-40''$ W. 3.18' to a point; thence
4. N. $33^{\circ}-06'-20''$ E. 1198.16' to the BEGINNING POINT.

CONTAINING: 2,486 Square Feet or 0.057 Acres



CITY OF MIDDLETOWN, NEW YORK COMMON COUNCIL RECORD OF VOTE

THE FOLLOWING WAS PRESENTED

By: Alderman Johnson
Seconded by: None
Date of Adoption: October 15, 2024
Index No: 214-24

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 Amend City Code to Create a new Chapter 365, Public Property Camping

WHEREAS, the Mayor, Police Chief and Corporation Counsel have recommended restrictions on camping on public property in light of recent caselaw development and the increased number of people seeking to use public property in various States for camping purposes.

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

Section 1 - The Code of the City of Middletown, N.Y., is hereby amended by creating a new Chapter 365, Public Property Camping, to read as follows:

Chapter 365. Public Property Camping.

Section 365-1. Definitions. For the purposes of this Chapter, the following terms,

phrases, words, and their derivations, shall have the meaning given herein.

AVAILABLE OVERNIGHT SHELTER: A public or private shelter with overnight space, open to an individual or family unit experiencing homelessness at no charge. If an individual cannot utilize the overnight shelter due to voluntary actions such as intoxication, drug use, unruly behavior, or violation of shelter rules, the overnight shelter space shall be considered available.

CAMP OR CAMPING:

A. Setting up or remaining in or at a site for the purpose of establishing or maintaining a temporary or permanent place of dwelling, lodging, residence or living accommodation; or

B. Sleeping or otherwise being in or adjacent to a tent or sleeping bag, or atop and/or covered by materials such as bedroll, blanket, cardboard, newspapers, or the like, or inside some form of temporary shelter; or

C. Sleeping out of doors; or

D. Cooking over an open flame or fire out of doors; or

E. Bathing in public for purposes of personal hygiene, except in facilities provided for such purposes; or

F. Utilizing a tent or other temporary structure for the storage of personal belongings.

CAMPSITE: Any place where any bedding, sleeping bag, or other sleeping matter, or any stove or fire is established or maintained, or where personal belongings are stored, whether such place incorporates the use of any tent, lean-to, shack, or other structure, or vehicle or part thereof.

TEMPORARY SHELTER: Any RV, camper, tent, tarp, trailer, lean-to, vehicle or vehicle part, or other structure of any material.

Section 365-2. It is unlawful and a violation of this Chapter for any person to camp, or to establish or maintain a campsite, in or on any public property.

Section 365-3. The prohibition of Section 365-2 shall not apply to:

A. Person receiving prior written permission from the City; or

B. Sleeping or cooking in a public park on a temporary basis, during normal hours of operation, in conjunction with the recreational use of such park; or

C. If there is no available overnight shelter.

Section 213-4. Penalties.

A person who shall violate any provision of this Chapter shall be guilty, upon conviction, of an offense punishable by a fine not less than \$250 nor more than \$1,000 or by imprisonment for a period not exceeding 15 days, or by both such fine and imprisonment.

Section 2. Severability. The sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable, and if any phrase, clause, sentence, paragraph, or section of this Ordinance shall be declared unconstitutional or illegal by the valid judgment or decree of a court

of competent jurisdiction, such unconstitutionality or illegality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this Ordinance.

Section 3. This Ordinance shall take effect immediately.

Prepared by:

Attachments:

None



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

THE FOLLOWING WAS PRESENTED

By: Alderman Tobin
Seconded by: None
Date of Adoption: October 15, 2024
Index No: 215-24

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 Amend City Code to Change Parking Regulations on DuBois and Earle Streets

Be it resolved that the Common Council of the City of Middletown hereby amends the City Code to change parking regulations on Dubois and Earle Streets to permit parking on the Westerly side of both Dubois and Earle Streets with no restrictions, 20 feet from each corner and prohibit parking on the Easterly side of Dubois and Earle Streets.

Prepared by:
Jacob Tawil

Attachments:

None



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

THE FOLLOWING WAS PRESENTED

By: Alderman Masi
Seconded by: None
Date of Adoption: October 15, 2024
Index No:

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

Richard P. McCormack
Clerk to the Common Council

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

I hereby approve the attached Resolution/Local Law.

Joseph M. DeStefano, Mayor

Date

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

Prepared by:

Attachments:

None