



**Common Council  
Meeting  
City of Middletown  
April 4, 2017**

1. Pledge of Allegiance-Pres. Rodrigues asked all to rise for the pledge.

Pres. Rodrigues asked all to remain standing for a moment of silence on the passing of Robert Isseks former City Court Judge, Corporation Counsel, Special Counsel and a great mentor to our Council. Robert Nathan Isseks may he rest in peace.

2. Roll Call: Present: Ald. Ramkisson, Johnson, Jean-Francois, Witt, Kleiner, Masi, Pres. Rodrigues-7 Absent: Ald. Burr-1

Mayor DeStefano on the agenda tonight is a very historic moment for our community. Before introducing you to the person who I placed her name in front of you for confirmation I wanted to say a few words about Sande Sommers.

Former alderwoman from the 4thWard. Sande as we all know has become very ill over the last year or so and has missed several of our Council meetings. Despite her best efforts to have an opportunity to come back and serve the City she was unable to do so. Sande and her family had to make a tough decision and Sande has relocated to the State of Pennsylvania to be closer to family members who are assisting in her health care.

During her time, Alderman Jean-Francois the other 4<sup>th</sup> Ward alderman has really carried the workload of the Alderman in the 4thWard. As you know we have 2 aldermen in each ward. Jude, I want to say thank you to you for the heavy work load. With all the projects going on in the 4<sup>th</sup> Ward I know it has been a heavy burden on you. We tried to help a little bit, I wanted to say thank you for all the work you have done in the past several months in place of Sande.

Sande is a wonderful lady. Did great things here in the City. Was very compassionate about children's issue, recreation issues and certainly a very thoughtful person. She will be missed.

With that door closing we also have an opportunity in our community to move forward with a replacement for Sande to serve out the rest of the term for 2017.

In looking for a person to do this I did have some recommendations from different community members and I did do a little outreach and I had a couple of inquiries directly from people all qualified people to serve on the board and to serve on the Council all with best intentions.

One really struck me as being something special, special opportunity for our community to follow through on what we said in our grant application to the Governor when we won the \$10 million grant. Is that Middletown is focusing on millennials, we are taking care of our old people of course, taking care of our residents of course. But there are two (2) groups that put us above other communities and winning the \$10 million grant and that was on our focus on retaining and attracting millennials to our community and also addressing the issue of new Americans in our community. The idea of Middletown's acceptance of this diversity was one that was very well received in Albany and it is one that I know that I am very proud of and I am sure the members of the Council are very proud. We have open arms for the entire community for what is in the best interest of the City of Middletown regardless of where you were born, what color you are, what race you are, what religion you are and we practice that as a group of people for many, many years. Tonight we have an opportunity; I will be placing in front of you a young lady who was born here in the City of Middletown. She will be the first Mexican-American person to serve on the Common Council; I think we all should be proud and recognize this is a historic moment for our City. She also happens to be a millennial, 20 yrs. old, SUNY Orange student, works at Touro College all good things that are happening in our community she seems to be a part of. Very confident, she marched into my office and asked for the job which was, I didn't have to reach out to me, she reached out to me. She has an interest in serving the community and I think it is a tremendous opportunity for us to move into a new era into our community.

At this point I would like to have the Council at the beginning of the meeting to pass a resolution confirming my appointment of Vanessa Morales-Cid.

80.17 Resolution to concur with the Mayor's Appointment of Vanessa Morales-Cid to fill the term of Sande Sommers, 4<sup>th</sup> Ward Alderwoman, expiring December 31, 2017.

On motion of Ald. Jean-Francois seconded by Ald. Masi

RESOLVED; that the Common Council of the City of Middletown concurs with the Mayor's appointment of Vanessa Morales-Cid residing at 4 Lafayette Ave, Middletown, NY to fill the term of Sande Sommers, 4<sup>th</sup> Ward Alderwoman term expiring December 31, 2017.

Roll Call: Ayes: Ald. Ramkissoon, Johnson, Jean-Francois, Witt, Kleiner, Masi, Pres. Rodrigues-7

Mayor DeStefano swearing in of Ald. Vanessa Morales-Cid

3. Approval of Minutes

On motion of Ald. Masi seconded by Ald. Ramkissoon

To accept the minutes of March 1 and March 21, 2017 as submitted

Roll Call: Ayes: Ald. Ramkissoon, Johnson, Jean-Francois, Witt, Kleiner, Masi, Pres. Rodrigues-7      Abstain: Ald. Morales-Cid-1

4. Correspondence

John Naumchik-Nothing this evening.

5. For the Good of the City

Mayor DeStefano asked Carol Beirsto Reed to make a presentation of a donation to the Guild of St. Margaret's Soup Kitchen from the 1<sup>st</sup> Annual Bob Beirsto Memorial Dinner

All of us know Bob Beirsto, Bob passed away a couple of years ago. Bob was a very important part of the Middletown Community and also a member of the Waalkill Fire Dept. They have created a fund raising effort in Bob's name; coincidentally it was St. Patrick's Day event, the Beirsto's and I go back a long time Irish and Italians in the 1<sup>st</sup> Ward. But Bob was a good man; he did a lot for the community and especially the Waalkill Fire Company. This year they raised some money in the honor of Bob to present to the Guild of St. Margaret Soup Kitchen, I would like to bring Carol to come and say a few words.

Carol Beirsto Reed- Good evening Mayor and members of the Council. My name is Carol Reed and I am here tonight as a member of the Bob Beirsto Memorial Benefit Committee.

My brother Bob was a proud resident of the Middletown Community for his entire life. Our family, along with the Waalkill Engine Company #6 one of this city's' 7 companies organized the benefit to honor Bob. Bob was a very proud volunteer member of the Waalkill Engine #6.

My brother was a wonderful man. Who was selfless and was ready to help anyone in need.

The benefit was held on March 18<sup>th</sup> and was very successful. The benefits success was due in large part to the generosity of those who attended as well as the many, many Middletown businesses who offered their goods and services.

My brother was all about community and he would be very proud of his community for all that was done to make this benefit a success.

The proceeds will be shared with the Waalkill Engine #6 and Guild of St. Margaret Soup Kitchen.

Tonight representatives from the Waalkill's are here to present a check for \$3200 to the St. Margaret's Soup Kitchen.

On behalf of the committee we would like to thank all of you for allowing us to make this presentation.

Nelson Reed- I would like to take this time as a member of the Waalkills to say thank you to the Council, Council Pres. Rodrigues, Mayor DeStefano for giving us this time to come here tonight.

2 alderpersons especially I would like to say thank you to. One not being here is Ald. Burr, as you know he has a great store down on Sproat St. and Wisner Ave., Tom's Market. Does a great catering job and he was a big part of our success.

Another alderman I would like to talk about is Kevin Witt. A very good friend of Bob's, Kevin came out and donated his time also.

To Ald. Ramkissoo thank you for letting your husband come out. He is a member of the Waalkill's as is Pres. Rodrigues and Mayor DeStefano.

At this time Cindy is here representing the Guild of St. Margaret's and I would like to present them this check for \$3200.

Nelson- We already planned for next year, St. Patty's Day is March 17<sup>th</sup> on a Saturday so moved on and are planning a bigger fund raiser.

On behalf of the Waalkill's thank you very much. I would like to say good luck the Ms. Morales-Cid congratulations.

Cindy-I would like to say thank you on behalf of the Guild of St. Margaret's Soup Kitchen and Waalkill Fire Dept. This will be very much appreciated to all the less fortunate people we serve in the community.

Thank you very much.

Pres. Rodrigues asked the public to come forward For the Good of the City, you have 4 mins.

Alexi Fernandez- Congratulations Vanessa.

I am here again because the cries of my people are only getting louder. No child should fear coming home from school to wonder if their mother would still be there. Nor should a mother fear that their baby will become fatherless; like in the case in New Paltz.

The friends and daughters of God have gathered together through Middletown Interfaith Council to declare that all are welcome here and our seeking to provide sanctuary for the ...among us.

It was written down certain day-“Then the King will say to those on his right, “Come, you who are blessed by my Father; take your inheritance, the kingdom prepared for you since the creation of the world. For I was hungry and you gave me something to eat, I, was thirsty and you gave me something to drink, I was a stranger and you invited me in, I needed clothes and you clothed me, I was sick and you looked after me, I was in prison and you came to visit me.”

“Then the righteous will answer him, “Lord when did we do this?

“The King will reply, “Truly I tell you, whatever you did for the least of these brothers and sisters of mine, you did for me.”

Therefore, I am calling on my church Christian Faith Fellowship Family Church to step up. Pastor Mike, Pastor Joe please join the Middletown Interfaith Council in their mission to provide sanctuary. Unfortunately due to the political nature of me running for Mayor of Middletown I will not directly help the Interfaith Council because... but instead I will work with the Common Council to declare the City of Middletown a sanctuary city. Yet, I keep hearing that in New York you have nothing to fear, because New York is so far from the boarder. Yet people are already missing. In fact in 2018 the Immigration and Custom Enforcement, ICE came to Goshen, NY and gave them \$4.6million to form an interim camp, I mean detention center. As of February 2017 the detention center increase population by 52% and Goshen is expecting to get \$8million more from ICE this year. In other words, this payment is a money making service for local governments and we know how much government likes taking money from their citizens. For example since 2010 Middletown makes 36% more money from fines and fortitudes annually. Even though the population is shrinking and 20% of Middletown is living in poverty.

Also today the Council will be voting to provide a final approval on \$2.7million grant that will enable Middletown to buy and renovate a new city courthouse. I am urging the Council to vote no, even though it appears to be free money; it is not.

Wonder why property taxes in New York is so high? Furthermore a new courthouse is completely unnecessary because the real problem is we make our residents criminals because profits from fines and fortitudes. If the Council votes yes then I will make sure to take away the pay raises the Council gave themselves. Even if I cannot do that, I will regardless of the yes or no vote will overturn the 92% pay increase the Mayor gave himself because the Mayor is not a CEO. A Mayor is a public servant and I emphasize the word servant.

Next meeting I will talk about my union experience.

Ignacio Acevedo- I am a Ward 4 resident. Congratulations to one of our members. I work with....graduate orientation. Today we have one of our members involved with the City Council.

Once again thank you everyone for this opportunity and hopefully in the future we will have more involvement with my community and participate. Not just participating in City Council meetings and every other aspect of City.

Bob Dietrich- I just want to talk about something that actually a few weeks ago kept me up.

But tonight as we honor such a staunch dependent of civil rights for the City of Middletown I thought I would share what I wrote. What this is about is a wonderful example of participatory democracy that I witnessed. I was in the City of Newburgh a few weeks ago, I have worked in the City of Newburgh for 26 yrs., it was one of the most amazing things I saw. Actually a week before some of the Council members and Mayor had a another meeting there almost 600 people came, community voices heard.

There were 21 speakers; every speaker was eloquent in their own way. Everyone was afforded their 3 minutes, not 4 in an orderly cooperative manner. Young students of 12 demonstrated a civic duty and longtime business people were... the other issue that was on the block, a Broadway development issue. Through their support for the sanctuary city welcoming community resolution. Those who do not speak English perhaps as one young mom stated because she was too busy working 2 full time jobs to take the course. Was assisted by viable colleagues.

These are not "bad dudes" who spoke that night, these are our newest ...what has made our nation the greatest and will assure that it stays that way.

Congratulations to Newburgh and here is to hoping Middletown, Port Jervis, other municipalities and ultimately although I doubt it, the County itself becomes a welcoming/sanctuary/freedom geographic entity.

#### 6. Remarks of Dept. Heads

Maria Bruni/Community Development- My condolences goes out to the Isseks family for their tragic loss. Bob was a pillar in this community and he will be missed.

Also like to congratulate and welcome Vanessa, Alderwoman Morales-Cid.

This evening on the agenda you have a resolution regarding Energize New York for municipal agreement. That is the final piece to the Energize NY Program for our Economic Development Dept.

Ald. Kleiner-Asked Maria to speak on Energize NY what it is?

Maria Bruni-Energize NY is a program that we are joining and other municipalities have joined. Financing opportunities for businesses when it comes to equipment and renovations of commercial buildings. If you want to learn more about it, call our office and we will have more information on our website.

Chris Brinkerhoff/Superintendent Parks & Rec. - Echo the words of Maria with my condolences to the Isseks family.

Congratulations it is great that you joined the team.

There will be a resolution in front of you tonight for the Mayor to sign a contract for 11 summer youth employees which we get through the Employment and Training program. Ten will work with the Recreation Dept. and our playground program and one will work with Adam McCarey in the Bureau of Fire Prevention. It is a great opportunity for kids to get work experience and we do this every year.

Our parks if you go around you will now see signs identifying each park by their name. The hours are also listed as to when the park is open.

We are hoping with these signs it will help in the park after dark where tickets can be issued for those not being good neighbors. We want our parks to be good neighbors to every neighborhood. This is an attempt to do so.

If you have been up to the dog park it is a little muddy. Also this weekend also 2 new elements were put up there for the dogs to play on. They were designed and fundraised and constructed by Eagle Scout Joseph Grasio and we will be organizing a small ribbon cutting to properly thank him.

This spring you will also see a water fountain that will be going into the Dog Park. The top will be for human beings and the bottom will be for dogs.

We like to thank NYS Dept. of Health, Healthy Neighborhood Programs for that program and OC Dept. of Health for constantly helping us improve our facilities.

You will see this week at Maple Hill Park there will be a new construction of a brand new pavilion. Our pavilions are full every weekend and we are trying to supply more opportunities to the public.

Our Summer/Spring registration is out. Please look at our Facebook page or call the office, City website.

The next Common Council meeting we will recognizing a young 10 yr. old boxer. Who is the Jr. Olympic Golden Glove Champion and he is a member of our Young Warriors Boxing Team.

Police Chief Bethencourt-Nothing this evening.

Jacob Tawil/DPW Commissioner-My regrets for the passing of our dear friend Bob Isseks. He will be missed, his family will miss him, the entire City of Middletown and

Orange County will miss him. He was a great person, great friend to many here; especially to the Mayor. He is going to be dearly missed.

We welcome Ald. Morales-Cid.

Because of the rain events that we have been having the issue of INI which is Inflow and Infiltration of our Wastewater. Just to remind people it is against the law and City code to connect your sub pump into our sanitary sewer; the downspouts or gutters from the roof. What happens is during the rain events a lot of ground water and sub pumps will be pumping into or sanitary sewer overloading our sanitary and taking away from the capacity.

Please a just a friendly reminder to disconnect sub pumps or down spouts from the drains. The sanitary sewer is only for sanitary sewer it is hurting us throughout the city. Again it takes away from our capacity. It causes in certain locations sewer to overflow into the street to cause unhealthy condition; potential to back up into people's basement. Please stop.

Code Enforcement if he catches you will give a warning, will pursue in court. It is against our City Code.

Please call DPW and we will visit and show how it should be disconnected.

Another issue is recycling. Extremely important for the environment.

Recycling Center open 7:15-3:15 on Monhagen Ave. Orange County Transfer Station on 17M from morning till noon on the weekend.

Last week on Wednesday we met with the Army Corp. of Engineers in Manhattan to discuss the three (3) drainage projects that we have been working on. That is Maple Ave., Maple Ave. has been approved with the retention pond and we have one year to construct it before the Army Corp. of Engineer permit will expire. We are working with the Mayor very actively with Mr. Rich Mayfield and Maria to get the funding lined up, Rich Guertin as well; so we can start construction.

Also discussed West Main drainage project and the other project between DPW garage and the Water garage.

The other two projects are moving.

Before you tonight there are 3 major resolutions for DPW. One is water taking permit for Mill Pond which is basically to change our water taking from supplemental water taking to permit one. That will be approving CDM Smith Consulting Engineers. We started this work many years ago and now we want to continue and proceed further because in compliance with the Mayor and Common Council vision to make Middletown wholesale of water and wastewater. Aggressively pursue all these water taking permits. We would appreciate your support.

ADA project replacing curbs and sidewalks in the City of Middletown. We have a grant for \$2.1 million and now we will be approving the funding only the city's share for the

design aspect of the \$80,000 and the rest of the balance is around \$320,000 will be money paid through the State from the federal government.

There is another resolution which is NY Rising and that resolution you voted on it, received our amount and now the resolution is coming before you to authorize the Mayor to sign it with NY Rising for \$3.5 million grant. That is the only change that took place.

Ald. Ramkissoon-Asked about the water meters, Ward meeting constituents asked.

Commissioner Tawil- The system is automatic readout system. Which is basically water meter in your house? Replacing city-wide. They will be sending signals to modems that will be located throughout the City, actually 3 different locations in the City. The signal will be going to cloud and then sent back to us here. Any account holder for water and sewer will be able to log in; you can look back in history how much water you used. The whole idea behind is water conservation, encourage people to use less and less water. Look back in history that will show your consumption was. Obviously start new.

Also the system will have the capability should you decide to register to send you a text message or e-mail to tell you you have a leak in your house. Sometime people go away and their heating system will malfunction and you will have a frozen pipe. This way you will get an alarm and respond right away. Right now we have to wait the 3 month readout to figure out there is a leak in the house, send you a letter.

Ald. Kleiner- Remind people we have bulk pick up coming up soon. Cannot put out tv's, electronics, computer monitors and we are going to do an electronic drop off day again this year. We have not picked a date yet.

Commissioner Tawil-Yes. That will be following at some point the bulk pick. The bulk pickup is the spring clean-up; it is on our website and calendar. Also we started this week with yard waste pick up, everything should be in a container, or wrap with string.

No leaves in the street.

Rich Guertin/Corp. Counsel- Follow up on Maria's comment about Energize NY. Remember some months ago you passed a local law that initiated that Energize NY Program. What you are voting on tonight is authorizing the Mayor to sign the inter-municipal agreement that will allow us to implement it.

10-12 North St. will have a public hearing for a waiver of the moratorium. Taking the existing knitting business owned by Mr. Prather, going to be sliced into a retail outlet and office for a business that will be relocating into Middletown.

With respect to the last few resolutions those are all necessary to have the bonding in financing in place to purchase the courthouse.

I would like to welcome Ald. Vanessa Morales-Cid.

I must say some words about my friend and colleague Bob Isseks. Bob and I worked together very, very closely; I actually shared an office space with him for a number of years. He and I and Alex Smith have worked very closely together with Middletown

issues. He gave great counsel to the City, he worked very hard for the City, loved the City. He was the type of lawyer, some lawyers would approach issues and I like to use the expression they through you know what on the world and see what sticks. Bob would not do that. His approach to the law was to say what is the issue? What are ..., what can we focus on, cut through the ..., focus on the weak and only that. Very parsimonious of how he approached things. You knew if he pursued an issue he was generally right. We gave him the nickname Mr. RSR, for razor sharp research and he used that many times in helping the city.

We lawyers sometimes talk about giants of the law like ...Supreme Court Justices. Bob was a giant of the law here in Orange County and beyond. I saw him sometimes in Federal Court and I saw the respect the Federal justices have were worth mentioning, As a fantastic lawyer as he was and he was he was an even better person. So I just want to send my condolences to the family, he will be sorely missed not only the City of Middletown but by those of us who worked with him.

John Naumchik- Congratulations to Ald. Cid.

April 22<sup>nd</sup> we will have the yearly Pride Cleanup. That will be from 9-12 meet at Festival Square.

Call my office 346-4166.

Now that the weather is getting warmer yard sales have already started we have given two licenses out so far. You do need a permit to do a yard sale and also some conditions of not posting signs on telephone poles.

## 7. Public Hearings & Grievances

John Naumchik-We have a public hearing on a proposed retail and office space at 10-12 North St.

Proof of mailings handed in

Notice is hereby given that the City of Middletown will hold a public hearing on Tuesday, April 4, 2017, on or as near to 8:00 pm as possible, Common Council Chambers, 16 James St. Middletown to hear any and all persons wishing to be heard on an appeal of the BID Moratorium for a proposed retail and office space at 10-12 North St, Section 31, Block 10, Section 8.

Any and all persons wishing to be heard will be given an opportunity to speak either for or against the proposed special use permit and site plan approval.

Full plans are available in the office of the Common Council Clerk, City Hall, 16 James St. Room 12.

By the order of the Common Council

John C. Naumchik

Clerk of the Common Council

Publish-THR 3/27/17 & 3/28/17& City website

Pres. Rodrigues opened the public hearing at 8:40 pm

We are going to take an existing 2,000 sq. ft. commercial space and split it into two. One would be our family owned commercial construction business, the other a retail store about a 1,000 sq. ft.

Pres. Rodrigues asked if anyone from the public had any questions.

No one came forward

Asked the Council- No one had any.

Public hearing closed at 8:42 on motion of Ald. Masi seconded by Ald. Ramkissoon

All in favor

8. Petitions & Complaints

John Naumchik-Nothing this evening

9. Remarks of the Mayor

Mayor DeStefano- All of you said it so eloquently and people who have spoken regarding Bob know him as Special Counsel to the City, Assist City Court Judge and also Assist Corp. Counsel over the years. My condolences, my families' condolences and I'm sure the entire city's condolences to go out to his wife Judy, his son Abe and daughter Sophie and great grandson Paddy not great grandson great in the term of great and newest grandson born a few weeks ago Kenneth. To his mom Evelyn who served on the Middletown School Board for many, many years, his brother Fred and sister-in-law Denise. All of his relatives I have met. His mother-in-law Mary this evening at the home, of course they are very upset about what happened and so are we. We lost a good man, friend; we are broken hearted over the whole situation.

My prayers and our prayers go out to Bob and his family and hopefully tomorrow the services will be posted and I'm sure there will be a respectful contingent of city officials attending the service in his honor.

Basically there are four issues that I want to address tonight. One is basically an explanation on some of the resolutions. The last one on the first page which is the explanation of the transfer of the \$589,000 deserves an explanation of such large amount.

These are year-end closures normally the accountants would do, but our City Treasurer implemented new practice prior to closing our year end books he would make the transfers. The biggest are the over budgeted items on somethings, under budgeted on others it is budget neutral the end results. No impact on Fund Balance that these are transfers within the General Fund budget. We ask you for your support on that. It passed the Board of Estimate unanimously.

The other issues are- Jacob touched on the \$400,000 serial bond to begin the sidewalk program. I think he did mention that \$320,000 of that will be reimbursed to the City by the Federal Government under the grant program.

We also have a resolution asking for \$500,000 of bonding for the construction of the skate park. We are near the final design phase, little back and forth between the Rec. Dept. and some of the advisors. The local advisors, youth advisors to the board on the design. We want to set the money in place; the \$400,000 is for the actual contract with Spohn Ranch which will be a 10,000 sq. ft. skate park. The additional \$100,000 is for site work which is responsibility of the City. The total bond request is for \$500,000. As soon as that is authorized and signed by myself we will be able to sign final contract with Spohn Ranch and get that project moving, hopefully in early May.

Ald. Kleiner asked me to explain the resolution transferring \$25,000 from the General Fund for the background checks on two proposals responding to the RFP. This is the beginning of the process, we put the RFP out on two occasions and the numbers that are coming back are quite impressive. Now we have to do our due diligence on savings, we will be doing background checks on the principals and corporations involved. Looking at their contracts in other communities where they have had other municipal agreements. We are hiring professional outfits, we have two proposals that we are looking at right now. \$25,000 will get the process started, but we will not begin the process until we finalize may be not finalize but have a commitment from CSEA that this is going to move forward. That is something we are also talking CSEA about. We may go to the \$25,000 if we feel confident that is a possibility of happening. So we are in the process of evaluating most proposals in the Board of Estimate, this would be the seed money and if we feel that as I said any opportunity to negotiate this with CSEA then we will immediately move forward with it. Of course if CSEA says no then we would not risk the \$25,000 expenditure. I think everybody is in agreement with that.

The last item is the authorization of \$2.7 million of court purchase. We have heard from the Office of Court Administration. As you know this goes back to December 2014 where the Office of Court Administration has put the City under a directive to add a second courtroom. Currently the courts, almost becoming a regional court, the City uses this Common Council Chambers I believe 3 days a week to provide additional court space for the 2<sup>nd</sup> full time judge that was added by NYS to address the work load locally. City courts are being used that way, operating a drug court, there are other civil courts being operated at this facility here. But they are not too happy about that; they want us to do a 2nd court. We have agreed to work with them

to provide a 2<sup>nd</sup> court and at that time the former federal court on South St. had become available. Due to some environmental issues the process took quite a while to get a clearance on that property. We did receive a \$2.7 million grant through Assemblywoman Gunther, that grant has been outstanding for quite some time. Once the environmental issues were totally cleared, the State last Friday forwarded down the documentation that we need to submit, after approval with the Common Council resolution to the state to put the program in place. It appeared to be and what we believe it is reimbursement able grant. The City will have to put up the money and then as we spend it towards the end of the project we hope as we spend a lot of the grant programs are at completion of project. We have to be prepared to lay out the \$2.7 million which is state money and the \$638,000 that we committed in the grant application to meet Office of Court Administration needs. We had a preliminary analysis done by the architect who constructed the original federal court. He has knowledge of the building, that doesn't mean he is going to do the project but we have been working with him since. The Office Court Administration has sent a letter to myself and Council Pres. tonight to make sure that we comply with their request on how to design the facility. We did have contact in late 2014 and early 2015, Judge Cocomma, Chief Justice and myself had extensive discussions when he was here and also the telephone conversations with him and others and Office Court Administration that the City will do what it can to meet the standards of the Office Court Administration.

The worst case scenario would be that we would not have two courts there but would have one court there and one court here in the City. That really doesn't impact us much but the Office of Court Administration would like to have both courts in one building because it reduces their operational expenses.

We are hoping that both will be able to meet their guidelines they will be sending down to us through their architects and working with our team to bring the project about. The first step would be for us to utilize the \$2.2 million of the state grant to purchase the property and then move on from there. That is what this resolution does tonight, I believe it also authorizes me to sign the documents for the state and authorizes us to borrow the money from the General Fund if need be in short term and also to bond anticipation note eventually if it goes long term.

#### 10. Remarks of the Aldermen

Ald. Masi-First to the Isseks family. I am happy that I knew Bob. When you look at people you try to characterize people, Bob was just really a good, good man and he will be sorely missed. To his family my condolences.

Vanessa welcome, look forward to working with you.

I know John had mentioned Saturday, April 22<sup>nd</sup>. I know Sue Depuy is here and she is the heart and soul behind the clean-up. It is actually a pretty good time people, if you have an opportunity to come down that morning it is 2 ½ -3 hrs. it certainly helps Middletown.

Finally the other night I ran into a gentleman that doesn't feel like he wanted to come to a Council meeting but he wanted me to express to the Middletown Fire Dept. his gratitude. A resident of Buttonwood he said tremendous job the Fire Dept. did there and saved his place and asked me to please acknowledge that.

Ald. Ramkissoo- I would like to extend my condolences to Bob Isseks family as well. I didn't have the opportunity to know him quite as well as many here in the City; but I did get the chance to know through my work on the Council. Consider it an honor to be able to have that time with him. He was a good man, honorable man, upstanding man.

Would like to welcome Vanessa to the Council. Best of luck.

The Neighborhood Watch meeting, we were to meet in March we had a blizzard it is rescheduled for next Tuesday evening at 7pm. I encourage anyone with issues to attend we have representation from the Police Dept. that evening.

The Legislative Committee tonight has a couple of resolutions before the Council this evening. They are mainly housekeeping as it relates to the code, it just brings our penalties up to date with zoning violations.

Ald. Johnson- I did serve on the Board of Education with Evelyn a long time ago. I want to thank Mr. Guertin for his good words about his colleague also to extend condolences to Evelyn, Fred and family.

As far as the Public works report about flood mitigation. The 3<sup>rd</sup> Ward thanks you. We certainly had our share and glad that the wheels of progress are turning.

I was not able to attend the last Board meeting I want to thank my colleague Ald. Ramkissoo for conducting that meeting and addressing a variety of topics.

Planning & Economic Development we are hopefully ...efficient manner.

I want to welcome Ald. Vanessa Morales-Cid to the Council. I was never the youngest person at the table.

Ald. Witt- First of all I want to extend my condolences to the Isseks family. Very, very deep Middletown roots. You are in my thoughts and prayers.

We are having our 2<sup>nd</sup> Ward meeting on Monday the 10<sup>th</sup> at 7pm. We encourage all to attend. It is an opportunity for you to speak with Jerry and me.

Vanessa welcome. You have a good man you are working with in Jude. I like to extend what the Mayor was saying about the job you did flying solo for as long as you did. This is not an easy thing to do by yourself; certainly Vanessa will have help from everybody here. There are times that Jude really did a good job. My respect and admiration at that time.

Ald. Jean-Francois-I appreciate that.

Ald. Kleiner-Certainly going to miss my neighbor Bob Isseks. My condolences to the Isseks family. They are such involved and caring and connected family in Middletown. Bob was a giant; we are going to miss seeing him walking all through Middletown. You couldn't miss him. It really is a huge loss. Very hard thing to learn yesterday.

Also want to welcome Vanessa Morales-Cid. You are going to bring a fresh voice to the Council. Please bring everyone with you every time; it was certainly nice to see the Council Chambers filled. Keep staying involved and keep coming.

This is the 50<sup>th</sup> anniversary today of Martin Luther King's speech called Beyond Vietnam at the Riverside Church. If you never read it and not familiar with it, it was moving far beyond civil rights. A great history lesson.

Another history lesson on Sunday was the 100<sup>th</sup> anniversary of Woodrow Wilson asking for the declaration of war and Thursday will be the 100<sup>th</sup> anniversary of Congress declaring war against Germany. Back then it was the Great War, it was war to end all wars to make the world safe for democracy. They didn't know there would be another one so they didn't call it World War I. Middletown sent a lot of its young men to fight in that war and lost a lot, particularly the month or two before the Armistice itself. It is something we all should be aware.

Ald. Jean-Francois- I like to thank Sande Sommers for her dedication and determination she brought every day in her role as a long standing member of the Common Council. Sande has my sincere thanks and well wishes always.

I also would like to welcome Vanessa to the Common Council. Looking forward to working with you.

Ald. Morales-Cid-Thank you Mayor again and members of the Council. I wish to express my sympathy on the passing of Bob Isseks.

11. Unfinished Business

John Naumchik-Nothing this evening.

12. New Business

81.17 Resolution to amend the City code to add penalties for violations of the Zoning Code in line with the penalties for other Code violations.

On motion of Ald. Masi seconded by Ald. Johnson

WHEREAS, the Common Council wishes to bring the penalties for violations of the Zoning Code in line with the penalties for other Code violations.

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

Section 1 - The Code of the City of Middletown, N.Y., Chapter 475, Zoning, be and is hereby amended by replacing Section 475-50, Penalties for offenses, to read as follows:

A violation of any provision of this Chapter is an offense punishable by a fine of 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. Each day that a violation is permitted to exist shall constitute a separate offense.

Section 2 - This ordinance shall take effect immediately.

Roll Call: Ayes: Ald. Ramkissoon, Johnson, Jean-Francois, Morales-Cid, Witt, Kleiner, Masi, Pres. Rodrigues-8

82.17 Resolution to amend the City code to supplement the types of motor vehicles that are not allowed to be parked on City streets or in City-owned or operated parking lots.

On motion of Ald. Masi seconded by Ald. Jean-Francois

WHEREAS, the Common Council wishes to supplement the types of motor vehicles that are not allowed to be parked on City streets or in City-owned or operated parking lots.

Now, therefore, be it Resolved, and Ordained, by the Common Council of the City of Middletown, New York, as follows:

- Section 1. The title of Section 460-23.1 of Chapter 460 (Vehicles and Traffic) of the Code o Resolution to amend the City code to supplement the types of motor vehicles that are not allowed to be parked on City streets or in City-owned or operated parking lots.

if the City of Middletown is hereby amended to read as follows:

Parking restrictions on uninspected and other vehicles.

Section 2. Section 460-23.1 of Chapter 460 of the Code of the City of Middletown, Vehicles and Traffic, is hereby amended read as follows:

The parking of uninspected, unregistered, junk motor vehicles and motor vehicles for sale City-owned or –operated parking lots and on City streets is prohibited.

Section 3. This ordinance shall take effect immediately.

Roll Call: Ayes: Ald. Ramkissoon, Johnson, Jean-Francois, Morales-Cid, Witt, Kleiner, Masi, Pres. Rodrigues-8

83.17 Resolution to authorize the Mayor to sign the Summer Youth Employment Program Worksite Contract with the County of Orange to obtain summer youth workers.

On motion of Ald. Ramkissoon seconded by Ald. Johnson

RESOLVED, that the Common Council of the City of Middletown, NY, does hereby authorize the Mayor to sign the Summer Youth Employment Program Worksite Contract with the County of Orange to obtain summer youth workers, and, following approval, to sign necessary contracts on behalf of the City of Middletown.

Roll Call: Ayes: Ald. Ramkissoon, Johnson, Jean-Francois, Morales-Cid, Witt, Kleiner, Masi, Pres. Rodrigues-8

84. 17.Resolution to close any and all streets and intersections necessary for the Middletown-Walkkill Veterans Council, Memorial Day Services and Parade on Monday, May 29, 2017.

On motion of Ald. Johnson seconded by Ald. Ramkissoon

RESOLVED; that the Common Council of the City of Middletown does hereby authorize the Commissioner of Public Works, and/or his designee, and the Chief of Police, and/or his designee, to close any and all streets and intersections necessary and at their discretion, for the Middletown-Walkkill Veterans Council, Memorial Day Services and Parade on Monday, May 29, 2017 for the laying of wreaths, rifle squad, and Taps will be in Thrall Park, Middletown at 9 a.m. The parade will step off at 10 a.m., up Wickham Avenue towards the Armory, Stopping at the Armory to place a wreath at the World War I Monument, turning onto Highland Avenue moving towards the Town of Walkkill Veterans Memorial Park for services, speakers, laying of wreaths, rifle squad, and Taps.

In the event of inclement weather, there will be no parade and the services will be held in The American Legion Post, 185 Wawayanda Ave. Middletown at 11:00 AM.

NOW THEREFORE BE IT RESOLVED that the Common Council of the City of Middletown approves the Memorial Day Services and Parade pending receipt and approval of the appropriate permits and insurance certificates by the Superintendent of Recreation and Parks.

Roll Call: Ayes: Ald. Ramkissoon, Johnson, Jean-Francois, Morales-Cid, Witt, Kleiner, Masi, Pres. Rodrigues-8

85.17 Resolution to close any and all streets and intersections for the YMCA 21st Annual Ruthie Dino Marshall Run on Sunday, June 11, 2017.

On motion of Ald. Witt seconded by Ald. Jean-Francois

RESOLVED, that the Common Council of the City of Middletown hereby authorizes the Commissioner of Public Works, and/or his designee, and the Chief of Police, and/or his designee, to close any and all streets and intersections as per the attached route necessary and at their discretion, for the YMCA 21st Annual Ruthie Dino Marshall Run on Sunday, June 11, 2017, beginning at 7:30 a.m. and lasting until such time as it is no longer needed.

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

Ald. Kleiner-I am going to vote in favor of this, this is the 21<sup>st</sup> one it certainly is a wonderful event and brings a lot of people out. But I am hoping at some point we can look at races doing the circle around the 2<sup>nd</sup> Ward and keeping people from finding their houses. They can reexamine the route and find some way where people would be able to have some egress and entrance from the area.

Roll Call: Ayes: Ald. Ramkissoon, Johnson, Jean-Francois, Morales-Cid, Witt, Kleiner, Masi, Pres. Rodrigues-8

86.17 Resolution to authorize the Treasurer to transfer a total of \$589,333.34, between various accounts, within the 2016 budget to cover primarily personal related shortages in the budget.

On motion of Ald. Kleiner seconded by Ald. Masi

RESOLVED; that the Common Council of the City of Middletown hereby concurs with the Board of Estimate and Apportionment to authorize the Treasurer to transfer a total of \$589,333.34, between various accounts, as per the attached spreadsheet, within the 2016 budget to cover primarily personal related shortages in the budget. These amounts are funded by underspending in other appropriation lines and there is no fund balance impact.

Roll Call: Ayes: Ald. Ramkissoon, Johnson, Jean-Francois, Morales-Cid, Witt, Kleiner, Masi, Pres. Rodrigues-8

87.17 Resolution to approve the Mill Pond Dam project and authorize the Mayor to sign a contract with CDM for a Water Withdrawal Permit Application for Mill Pond Permanent Skimming and approve the transfers of funds for the application.

On motion of Ald. Jean-Francois seconded by Ald. Kleiner

RESOLVED; that the Common Council of the City of Middletown hereby concurs with the Board of Estimate and Apportionment to approve the Mill Pond Dam project and authorize the Mayor to sign the attached contract with CDM for a Water Withdrawal Permit Application for Mill Pond Permanent Skimming and Addition of Amy's Kitchen to the Permissive Service Area in the amount of \$55,650.

LET IT BE FURTHER RESOLVED; that the Common Council of the City of Middletown hereby concurs with the Board of Estimate and Apportionment to authorize the Treasurer to transfer \$55,650.00 for the Water Withdrawal Permit Application in the following manner:

From	Amount	To
Water Fund Balance	\$55,650.00	F.8310.400
		Water Contractual

Roll Call: Ayes: Ald. Ramkissoon, Johnson, Jean-Francois, Morales-Cid, Witt, Kleiner, Masi, Pres. Rodrigues-8

88.17 Resolution to authorize the Mayor and the City Clerk to sign the 2016 Service Award Program Firefighter Records listing for the Annual Report.

On motion of Ald. Masi seconded by Ald. Jean-Francois

RESOLVED; that the Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment and authorizes the Mayor and the City Clerk to sign the necessary attached 2016 Service Award Program Firefighter Records listing forms as per Article 11-A and the Service Award Program 2016 Data Request Package (DRP) attached to this resolution for the preparation of the Annual Report and participant statements for 2016.

Roll Call: Ayes: Ald. Ramkissoon, Johnson, Jean-Francois, Morales-Cid, Witt, Kleiner, Masi, Pres. Rodrigues-8

89.17 Resolution to authorize the Treasurer to transfer a total of \$10,327.50 from the Water fund Balance to cover invoices pertaining to the Indigot Creek lawsuit

On motion of Ald. Masi seconded by Ald. Kleiner

RESOLVED; that the Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment and authorizes the Treasurer to transfer a total of \$10,327.50 from the Water fund Balance to cover invoices from Alex Smith, Esq.in the amount of \$3,105.00 and Robert Isseks, Esq. in the amount of \$7,222.50 for services rendered for the referenced lawsuit pertaining to Indigot Creek in the following manner:

FROM	AMOUNT	TO
Water Fund Balance	\$10,327.50	F.8310.400
		Water Contractual

Roll Call: Ayes: Ald. Ramkissoon, Johnson, Jean-Francois, Morales-Cid, Witt, Kleiner, Masi, Pres. Rodrigues-8

90.17 Resolution for the authorization of \$400,000.00 serial bonds to pay part of the cost of construction of improvements to sidewalks.

On motion of Ald. Ramkissoon seconded by Ald. Johnson

RESOLVED, by the Common Council of the City of Middletown, Orange County, New York, as follows:

Section 1. Planning and design of improvements to sidewalks in and for the City of Middletown, Orange County, New York, including costs incidental thereto, is hereby authorized at a maximum estimated cost of \$400,000.

Section 2. The plan for the financing of such maximum estimated cost is by the issuance of \$400,000 bonds of said City hereby authorized to be issued therefor pursuant to the provisions of the Local Finance Law; provided, however, that the amount of bonds to be issued shall be reduced to the extent of grants received in connection therewith.

Section 3. It is hereby further determined that the period of probable usefulness of the aforesaid specific object or purpose is five years, pursuant to subdivision 62 of paragraph (a) of Section 11.00 of the Local Finance Law.

Section 4. The faith and credit of said City of Middletown, Orange County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such obligations as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such year. There shall annually be levied on all the taxable real property of said City, a tax sufficient to pay the principal of and interest on such obligations as the same become due and payable.

Section 5. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the serial bonds herein authorized, including renewals of such notes, is hereby delegated to the City Treasurer, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said City Treasurer, consistent with the provisions of the Local Finance Law.

Section 6. Such bonds shall be in fully registered form and shall be signed in the name of the City of Middletown, Orange County, New York, by the manual or facsimile signature of the City Treasurer and a facsimile of its corporate seal shall be imprinted or impressed thereon and may be attested by the manual or facsimile signature of the City Clerk.

Section 7. All other matters, except as provided herein relating to such bonds, including determining whether to issue such bonds having substantially level or declining debt service and all matters related thereto, prescribing whether manual or facsimile signatures shall appear on said bonds, prescribing the method for the recording of ownership of said bonds, appointing the fiscal agent or agents for said bonds, providing for the printing and delivery of said bonds (and if said bonds are to be executed in the name of the City by the facsimile signature of the City Treasurer, providing for the manual countersignature of a fiscal agent or of a designated official of the City), the date, denominations, maturities and interest payment dates, place or places of payment, and also including the consolidation with other issues, shall be determined by the City Treasurer. It is hereby determined that it is to the financial advantage of the City not to impose and collect from registered owners of such serial bonds any charges for mailing, shipping and insuring bonds transferred or exchanged by the fiscal agent, and, accordingly, pursuant to paragraph c of Section 70.00 of the Local Finance Law, no such charges shall be so collected by the fiscal agent. Such bonds shall contain substantially the recital of validity clause provided for in section 52.00 of the Local Finance Law and shall otherwise be in such form and contain such recitals in addition to those required by section 52.00 of the Local Finance Law, as the City Treasurer shall determine.

Section 8. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said City is not authorized to expend money, or
- 2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 9. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 10. This resolution, which takes effect immediately, shall be published in summary form in The Times Herald Record, the official newspaper, together with a notice of the City Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

Roll Call: Ayes: Ald. Ramkissoon, Johnson, Jean-Francois, Morales-Cid, Witt, Kleiner, Masi, Pres. Rodrigues-8

**91.17** Resolution to approve additional funding for ADA Accessible Sidewalks and Ramps in the City of Middletown.

On motion of Ald. Johnson seconded by Ald. Masi

WHEREAS, a Project for the **ADA Accessible Sidewalks and Ramps in the City of Middletown, Orange County, PIN 8761.49** (the "Project") is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs such program to be borne at the ratio of 80% Federal funds and 20% non-federal funds; and

WHEREAS, the City of Middletown desires to advance the Project by making a commitment of 100% of the non-federal share of the costs of the preliminary engineering and right-of-way incidental work.

NOW, THEREFORE, the Middletown City Council, duly convened does hereby

RESOLVE, that the Middletown City Council hereby approves the above-subject project; and it is hereby further

RESOLVED, that the Middletown City Council hereby authorizes the City of Middletown to pay in the first instance 100% of the federal and non-federal share of the cost of preliminary engineering and right-of-way incidental work for the Project or portions thereof; and it is further

RESOLVED, that the sum of **\$400,000** is hereby appropriated pursuant to a BAN and made available to cover the cost of participation in the above phase of the Project; and it is further

RESOLVED, that in the event the full federal and non-federal share costs of the project exceeds the amount appropriated above, the Middletown City Council shall convene as soon as possible to appropriate said excess amount immediately upon the notification by the Mayor thereof, and it is further

RESOLVED, that the Mayor of the City of Middletown be and is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for Federal Aid

and/or applicable Marchiselli Aid on behalf of the City of Middletown with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the municipality's first instance funding of project costs and permanent funding of the local share of federal-aid and state-aid eligible Project costs and all Project costs within appropriations therefore that are not so eligible, and it is further

RESOLVED, that in addition to the Mayor, the following municipal titles: Commissioner of Public Works, City Engineer, City Comptroller/Treasurer, are also hereby authorized to execute any necessary Agreements or certifications on behalf of the Municipality/Sponsor, with NYSDOT in connection with the advancement or approval of the project identified in the State/Local Agreement;

RESOLVED, that a certified copy of this resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project, and it is further

RESOLVED, this Resolution shall take effect immediately.

STATE OF NEW YORK                    )  
  ) SS:  
COUNTY OF ORANGE                    )

I, John C. Naumchik, Clerk of the Common Council of the City of Middletown , New York, do hereby certify that I have compared the foregoing copy of this Resolution with the original on file in my office, and that the same is a true and correct transcript of said original Resolution and of the whole thereof, as duly adopted by said Common Council at a meeting duly called and held at the City Hall, 16 James Street, on April 4, 2017 by the required and necessary vote of the members to approve the Resolution.

WITNESS My Hand and the Official Seal of the City of Middletown, New York, this \_\_\_\_\_ day of \_\_\_\_\_, 2017

\_\_\_\_\_  
Clerk, City of Middletown

Roll Call: Ayes: Ald. Ramkissoon, Johnson, Jean-Francois, Morales-Cid, Witt, Kleiner, Masi, Pres. Rodrigues-8

92.17 Resolution to have the legislation extended again so that the City can continue to sell its tax liens in bulk to prospective private purchasers.

On motion of Ald. Witt seconded by Ald. Kleiner

Whereas, in 2013 the State Legislature passed and the Governor approved Chapter 510 of the Laws of 2013, which allowed the City of Middletown to sell its tax liens in bulk to prospective private purchasers, and

Whereas, the State Legislature extended the legislation by adopting A.07705, which was approved by the Governor and codified as Chapter 503 of the Laws of 2015, and

Whereas, the State Legislature thereafter amended the legislation by adopting A. 09208, which was approved by the Governor and codified as Chapter 38 of the Laws of 2016, by which the ability of the City to sell its tax liens in bulk was set to expire as of December 31, 2017, and

Whereas, the City would like to have the legislation extended again so that the City can continue to sell its tax liens in bulk to prospective private purchasers.

Now, therefore, be it resolved by the Common Council of the City of Middletown that the Common Council hereby requests the City's representatives in the State Legislature (State Senator John J. Bonacic and Assemblywoman Aileen Gunther) to introduce appropriate legislation to extend the City's ability to sell its tax liens in bulk beyond the current expiration date of December 31, 2017.

Roll Call: Ayes: Ald. Ramkissoon, Johnson, Jean-Francois, Morales-Cid, Witt, Kleiner, Masi, Pres. Rodrigues-8

93.17 Resolution for the authorization of \$500,000.00 serial bonds to pay the cost of construction of a Skate Park for the City.

On motion of Ald. Kleiner seconded by Ald. Witt

RESOLVED, by the Common Council of the City of Middletown, Orange County, New York, as follows:

Section 1. The construction of a skate park in and for the City of Middletown, Orange County, New York, including incidental expenses, is hereby authorized at a maximum estimated cost of \$500,000.

Section 2. The plan for the financing of such maximum estimated cost is by the issuance of \$500,000 bonds of said City hereby authorized to be issued therefor pursuant to the provisions of the Local Finance Law.

Section 3. It is hereby further determined that the period of probable usefulness of the aforesaid specific object or purpose is fifteen years, pursuant to subdivision 19(c) of paragraph (a) of Section 11.00 of the Local Finance Law.

Section 4. The faith and credit of said City of Middletown, Orange County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such obligations as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such year. There shall annually be levied on all the taxable real property of said City, a tax sufficient to pay the principal of and interest on such obligations as the same become due and payable.

Section 5. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the serial bonds herein authorized, including renewals of such notes, is hereby delegated to the City Treasurer, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said City Treasurer, consistent with the provisions of the Local Finance Law.

Section 6. Such bonds shall be in fully registered form and shall be signed in the name of the City of Middletown, Orange County, New York, by the manual or facsimile signature of the City Treasurer and a facsimile of its corporate seal shall be imprinted or impressed thereon and may be attested by the manual or facsimile signature of the City Clerk.

Section 7. All other matters, except as provided herein relating to such bonds, including determining whether to issue such bonds having substantially level or declining debt service and all matters related thereto, prescribing whether manual or facsimile signatures shall appear on said bonds, prescribing the method for the recording of ownership of said bonds, appointing the fiscal agent or agents for said bonds, providing for the printing and delivery of said bonds (and if said bonds are to be executed in the name of the City by the facsimile signature of the City Treasurer, providing for the manual countersignature of a fiscal agent or of a designated official of the City), the date, denominations, maturities and interest payment dates, place or places of payment, and also including the consolidation with other issues, shall be determined by the City Treasurer. It is hereby determined that it is to the financial advantage of the City not to impose and collect from registered owners of such serial bonds any charges for mailing, shipping and insuring bonds transferred or exchanged by the fiscal agent, and, accordingly, pursuant to paragraph c of Section 70.00 of the Local Finance Law, no such charges shall be so collected by the fiscal agent. Such bonds shall contain substantially the recital of validity clause provided for in section 52.00 of the Local Finance Law and shall otherwise be in such form and contain such recitals in addition to those required by section 52.00 of the Local Finance Law, as the City Treasurer shall determine.

Section 8. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said City is not authorized to expend money, or
- 2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

- 3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 9. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 10. This resolution, which takes effect immediately, shall be published in summary form in The Times Herald Record, the official newspaper, together with a notice of the City Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

Roll Call: Ayes: Ald. Ramkissoon, Johnson, Jean-Francois, Morales-Cid, Witt, Kleiner, Masi, Pres. Rodrigues-8

94.17 Resolution to authorize the Mayor to sign an amendment to the Sub recipient Agreement with GOSR (Governor's Office of Storm Recovery) for the Monhagan Brook project.

On motion of Ald. Jean-Francois seconded by Ald. Johnson

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 amendment to the Sub recipient Agreement with GOSR (Governor's Office of Storm Recovery) for NY Rising along with the updated Exhibit E which was part of the original agreement for the Monhagan Brook project in place to pay invoicing requests that are processed during the engineering phase.

Ald. Kleiner-I just wanted to mention this is NY Rising.

Roll Call: Ayes: Ald. Ramkissoon, Johnson, Jean-Francois, Morales-Cid, Witt, Kleiner, Masi, Pres. Rodrigues-8

95.17 Resolution to authorize the Mayor to sign a municipal agreement for Energize NY.

On motion of Ald. Masi seconded by Ald. Ramkissoon

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 municipal agreement with the Energy Improvement Corporation (EIC) for the Energize NY program.

Roll Call: Ayes: Ald. Ramkissoon, Johnson, Jean-Francois, Morales-Cid, Witt, Kleiner, Masi, Pres. Rodrigues-8

96.17 Resolution to approve retail and office space at 10-12 North Street as part of the BID Moratorium.

On motion of Ald. Ramkissoon seconded by Ald. Johnson

Whereas, Sal Vasapolli on behalf of 10 North Street Inc., which is in contract to purchase property known as 10 North Street, Middletown, New York ("the Property"), has applied to the Common Council for an appeal of the downtown moratorium put in place by Local Law #1 of 2017 in order to establish retail space and office space on the first floor of the Property and maintain existing residential uses on the upper floors ("the Project"), and

Whereas, the current owner of the Property has authorized the application, and

Whereas, the Planning and Economic Development Committee of the Common Council has reviewed the Project, and

Whereas, the Common Council of the City of Middletown on April 4, 2017 held a public hearing on the Project, at which time all persons wishing to be heard on the Project were able to be heard, and

Whereas, the Project is a Type II action under 6 NYCRR 617.5 (c) (7) for purposes of the State Environmental Quality Review Act (“SEQRA”), and therefore no action is required to be taken by the Common Council under SEQRA with respect to the Project, and

Whereas, the Project would be permitted (with Planning Board approval) under the Zoning Law in existence prior to the imposition of the moratorium, and

Whereas, the Project appears to be consistent with the spirit of the intended zoning regulations expected to be implemented for the downtown area, and

Whereas, if the Project were not approved, the owner of the Property and the applicant would suffer an unreasonable hardship in that the owner would not be able to sell the Property to the applicant, the Property would not be fully utilized, and the applicant would not be able to move its business office from out of town and into the downtown area, and

Whereas, the Common Council believes the Project would enhance the neighborhood and would benefit the City and is consistent with uses the Common Council would like to encourage within the downtown area, and

Whereas, the Common Council believes that all the requirements set forth in Section 3(A) (1-4) of Local Law #1 of 2017 have been addressed and satisfied.

Now, therefore, be it resolved by the Common Council of the City of Middletown that the Common Council finds the Project satisfies the requirements contained in Section 3(A) (1-4) of Local Law #1 of 2017.

Be it further resolved, that the Common Council approves the application of Sal Vasapolli on behalf of 10 North Street Inc. to establish retail space and office space on the first floor of the Property and maintain existing residential uses on the upper floors of the Property (also known as 10 North Street, Middletown, New York).

Be it further resolved, that the Project is approved subject to technical review and approval by the Department of Public Works.

Ald. Masi- I am 100% in favor of this however when it comes time to vote I am going to have to abstain. Only because I’ve had some contacts and discussions with the owner with the

possibility of doing business with him. But I think it is a great project and I hope everyone will support this.

Roll Call: Ayes: Ald. Ramkissoon, Johnson, Jean-Francois, Morales-Cid, Witt, Kleiner, Pres. Rodrigues-7 Abstain-Ald. Masi-1

97.17 Resolution to authorize the Treasurer to transfer \$25,000.00 from the General Fund Balance \$25,000.00 to pay for background checks on the two proposers who responded to the RFP regarding privatizing sanitation.

On motion of Ald. Ramkissoon seconded by Ald. Jean-Francois

RESOLVED; that the Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment and authorizes the Treasurer to transfer \$25,000.00 from the General Fund Balance to pay for background checks on the two proposers who responded to the RFP regarding privatizing sanitation services in the following manner:

FROM	AMOUNT	TO
General Fund Balance	\$25,000.00	Contractual Services A.1490.400

Roll Call: Ayes: Ald. Ramkissoon, Johnson, Jean-Francois, Morales-Cid, Witt, Kleiner, Masi, Pres. Rodrigues-8

98.17 Resolution to add Subsection N to provide flexibility to the Board of Estimate and Apportionment to modify the list in Section 90-33 of the Code of the City of Middletown.

On motion of Ald. Johnson seconded by Ald. Jean-Francois

Whereas, Section 90-33 of the Code of the City of Middletown contains a list of employees who are not members of a bargaining unit and who receive medical and related benefits as a condition of their employment with the City, and

Whereas, the list does not include all full time non-union employees of the City, and the Common Council wants to update the list by providing flexibility to the Board of Estimate and Apportionment to modify the list as needed from time to time.

Now, therefore, be it resolved by the Common Council of the City of Middletown that Subsection N is added to the end of Section 90-33 of the Code of the City of Middletown, to read as follows:

N. Such other full time non-union employees and positions as may be determined from time by the Board of Estimate and Apportionment.

Be it further resolved that this resolution shall take effect immediately.

Roll Call: Ayes: Ald. Ramkissoon, Johnson, Jean-Francois, Morales-Cid, Witt, Kleiner, Masi, Pres. Rodrigues-8

99.17 Resolution to authorize the Mayor to sign any and all documents relating to the Dormitory Authority of the State of New York (DASNY) grant of \$2.7 million for the purchase and renovation of the old Federal Courthouse.

On motion of Ald. Witt seconded by Ald. Kleiner

Whereas, under the Charter of the City of Middletown, the Mayor is the only authorized signatory for contracts involving the City of Middletown.

Now, therefore, be it resolved by the Common Council of the City of Middletown that the Common Council concurs with the Board of Estimate and Apportionment and authorizes the Mayor to sign any and all documents relating to the Dormitory Authority of the State of New York (DASNY) grant of \$2.7 million for the purchase and renovation of the old Federal Courthouse at 35 South Street in Middletown under Project ID #6933.

Roll Call: Ayes: Ald. Ramkissoon, Johnson, Jean-Francois, Morales-Cid, Witt, Kleiner, Masi, Pres. Rodrigues-8

100.17 Resolution to authorize the Treasurer to temporarily borrow from the General Fund to restore a BAN

On motion of Ald. Kleiner seconded by Ald. Masi

WEAREAS; the City of Middletown will be purchasing the Courthouse at 25-31 South Street and close on the purchase of the building by temporarily borrowing from the General Fund, to be restored by a BAN and ultimately replaced with a \$2.7 Grant and \$638,780 in permanent borrowing.

SO LET IT BE RESOLVED; that the Common Council of the City of Middletown that the Common Council concurs with the Board of Estimate and Apportionment and authorizes the Treasurer to do the following in the 2017 budget for the purchase of the Courthouse:

- Establish a temporary loan from the General Fund of \$2,220,000 to include the cost of the building plus closing cost.

- Establish a DASNY Grant line in the 2017 budget for \$2.7 million dollars.
- Establish a Capital Budget for \$638,780.
- Issue BANS for \$3,338, 780 to repay the general Fund and to pay expenses pending receipt of 2.7 million in grant money.

Roll Call: Ayes: Ald. Ramkissoon, Johnson, Jean-Francois, Morales-Cid, Witt, Kleiner, Masi, Pres. Rodrigues-8

101.17 Resolution to authorize a BAN for the courthouse for \$3,338.780

On motion of Ald. Jean-Francois seconded by Ald. Kleiner

WHEREAS, the capital project hereinafter described has determined to be an Unlisted Action pursuant to the regulations of the New York State Department of Environmental Conservation promulgated pursuant to the State Environmental Quality Review Act, the implementation of which as proposed, the Common Council has determined will not result in any significant adverse environmental effects; NOW, THEREFORE, BE IT

RESOLVED, by the Common Council of the City of Middletown, Orange County, New York, as follows:

Section 1. The acquisition of the Federal Courthouse building located at 25-31 South Street, in Middletown, New York, and reconstruction thereof for City courthouse use, including original furnishings, equipment, machinery, apparatus, appurtenances, site improvements, and incidental improvements and expenses in connection therewith, in and for the City of Middletown, Orange County, New York, is hereby authorized at a maximum estimated cost of \$3,338,780.

Section 2. The plan for the financing of such maximum estimated cost is by the issuance of \$3,338,780 bonds of said City hereby authorized to be issued therefor pursuant to the provisions of the Local Finance Law; provided, however, that the amount of bonds to be issued shall be reduced to the extent of grants received in connection therewith.

Section 3. It is hereby further determined that the period of probable usefulness of the aforesaid specific object or purpose is twenty-five years, pursuant to subdivision 93 of paragraph (a) of Section 11.00 of the Local Finance Law, based upon subdivisions 11(a) and 12 thereof.

Section 4. The faith and credit of said City of Middletown, Orange County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such obligations as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such year. There shall annually be levied on all the taxable real property of said City, a tax sufficient to pay the principal of and interest on such obligations as the same become due and payable.

Section 5. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the serial bonds herein authorized, including renewals of such notes, is hereby delegated to the City Treasurer, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said City Treasurer, consistent with the provisions of the Local Finance Law.

Section 6. Such bonds shall be in fully registered form and shall be signed in the name of the City of Middletown, Orange County, New York, by the manual or facsimile signature of the City

Treasurer and a facsimile of its corporate seal shall be imprinted or impressed thereon and may be attested by the manual or facsimile signature of the City Clerk.

Section 7. All other matters, except as provided herein relating to such bonds, including determining whether to issue such bonds having substantially level or declining debt service and all matters related thereto, prescribing whether manual or facsimile signatures shall appear on said bonds, prescribing the method for the recording of ownership of said bonds, appointing the fiscal agent or agents for said bonds, providing for the printing and delivery of said bonds (and if said bonds are to be executed in the name of the City by the facsimile signature of the City Treasurer, providing for the manual countersignature of a fiscal agent or of a designated official of the City), the date, denominations, maturities and interest payment dates, place or places of payment, and also including the consolidation with other issues, shall be determined by the City Treasurer. It is hereby determined that it is to the financial advantage of the City not to impose and collect from registered owners of such serial bonds any charges for mailing, shipping and insuring bonds transferred or exchanged by the fiscal agent, and, accordingly, pursuant to paragraph c of Section 70.00 of the Local Finance Law, no such charges shall be so collected by the fiscal agent. Such bonds shall contain substantially the recital of validity clause provided for in section 52.00 of the Local Finance Law and shall otherwise be in such form and contain such recitals in addition to those required by section 52.00 of the Local Finance Law, as the City Treasurer shall determine.

Section 8. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said City is not authorized to expend money, or
- 2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

- 3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 9. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 10. This resolution, which takes effect immediately, shall be published in summary form in The Times Herald Record, the official newspaper, together with a notice of the City Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

Ald. Johnson-We have a long way to go.

Mayor DeStefano-Yes. But we have the alternative of staying here. We will meet the mandate but they probably say they aren't going to impose any penalties on us because we are meeting the mandate on the temporary approval to use the Council Chambers.

Worst case scenario we will have two separate court rooms. That doesn't impact us it impacts OCA. We want them, we like to meet their needs also, first and foremost we need to meet what is affordable for us. We are not going to reject the \$2.7million grant and spend \$10million on the new courthouse complex to meet the state's needs. We will fight like hell before we do that and pass up the opportunity for a \$3million solution with \$2.7 million coming from the state itself.

It seems like the state is in conflict –funding our move and the other side OCA might say we want a little bit more but that is all negotiations between architects and engineers.

Ald. Johnson-More complicated than what I originally understand.

Mayor DeStefano-Oh it is. Probably more complicated as we move forward.

Ald. Jean-Francois-I don't know how I missed it, but I want to say my deepest sympathy to the Isseks family.

Roll Call: Ayes: Ald. Ramkissoon, Johnson, Jean-Francois, Morales-Cid, Witt, Kleiner, Masi, Pres. Rodrigues-8

13. Local Laws

John Naumchik-Nothing this evening

14. Audit

On motion of Ald. Masi seconded by Ald. Ramkissoon

I move that that the accounts be audited the claims be adjusted and the Treasurer be authorized to issue warrants for their payment.

Roll Call: Ayes: Ald. Ramkissoon, Johnson, Jean-Francois, Morales-Cid, Witt, Kleiner, Masi, Pres. Rodrigues-8

15. Adjournment

There being no further business meeting adjourned at 9:16PM

Respectfully submitted,

Karen Sisco