



**Common Council
Meeting
City of Middletown
November 6, 2017**

1. Pledge of Allegiance- Pres. Rodrigues asked all to rise for the pledge.
2. Roll Call: Present: Ald. Ramkissoon, Johnson, Jean-Francois, Cid, Witt, Kleiner, Burr, Masi, Pres. Rodrigues-9
3. Approval of Minutes

On motion of Ald. Masi seconded by Ald. Burr to accept the minutes of September 5, 2017 and October 27, 2017 as submitted

All in favor

4. Correspondence

John Naumchik- Nothing this evening.

5. For the Good of the City

Alexei Fernandez- Last time I was here I was accused of election fraud. I thought this was a democracy, I thought that – I am going to stand here in protest for every signature I got on my petition. I am not moving even if I have to remain silent. I'm not violent, just going to give the people who lost their voice; I'm going to stand up for those people. It is disgusting how the democrats rigged the primary against Bernie Sanders; it is disgusting how here in Middletown we have collusion with Republican committee chair and the Mayor of Middletown. I thought that was

democracy, isn't that treason? I know how ridiculous this is but I am going to call on the Police to arrest Joe DeStefano for treason.

Ald. Johnson-Point of order- rule him out of order

Pres. Rodrigues asked the Chief to remove Mr. Fernandez.

At this point Mr. Fernandez was removed

6. Remarks of Dept. Heads

Maria Bruni/Economic Development-Update you on the DRI. As you know we were awarded \$10million. One of the projects that was approved was the façade program for the BID. We are going to be rolling out that program workshop/application process next. Will be sending out information of date and time, the Mayor will do presentation and I will be available for workshop.

Tonight we have a resolution for the architect that we went through the RFP process for the façade program. We hope to bring him on board to be part of this process as well.

As was mentioned during the Nixel presentation the Tree Lighting Ceremony will be coming. This Wednesday the tree will arrive here in Festival Square. The tree is being donated by Mr. Weeden, they are going to start cutting the tree at 8am and it should arrive around 9:30 at Festival Square. Everybody involved from the Police Dept., to Jacob and his team will be involved.

Also on the Paramount front just want to thank everybody who is working hard down there. Eileen, Stefanie and the rest of the team we have been getting an increasing number of patrons to the movies. Just yesterday for a matinee we had over 100 people. Our Horror-thon/Sci-fi weekend went well, we had ...many attend and good results.

This Thursday there is a lecture being sponsored by SUNY Orange regarding autism. It is sold out; we had over 1000 people at the theater.

We are working on an active live concert series for 2018.

Jacob Tawil/Commissioner DPW- We have several resolutions before you tonight. One of them is Sterling St. sewer project. We need an additional \$50,000 to fund the project not only for Change order #3, it is what is needed to make the project work. The project will be progressing this week and next week. You will see some excavation on Wisner Ave. by the railroad tracks, lumber yard and then we will be doing another re-alignment with the sewer between Little Ave. and Houston. We will be short about \$50,000, hope tonight you will approve additional funding for the project.

Another project which is to follow up about the \$10million grant. To authorize the Mayor to hire Lehman & Getz for designing/redesigning parking lots Orchard St. , James St. and behind James St. parking lot and behind City Hall and the Skate Park. Creating green infrastructure within the parking lots.

Another resolution before you tonight will be the Mayor was able to get us a grant from the Empire State Development for \$500,000. That \$500,000 is subject to City spending \$2.5million for upgrading our infrastructure. So this money will be about \$3million altogether for replacing 20 inch water main from Water Treatment Plant along 211 up to second entrance of the former Psychiatric Center. That will be great improvement for water distribution system for liability and redundancy. Part of that resolution will be requesting approval for proposal for B&L Engineering for about \$557,000 for the design of that project. Total for that project is around \$3million, ½ of that \$3million is the grant.

Another resolution before you is servicing our air blowers at the Waste Water Treatment Plant.

Another resolution before you is Amy's Kitchen.

Ald. Ramkissoo-Is everything now signed with Mayfield.

Commissioner Tawil-No. We are ready to go, ready to advertise, plans are ready, ready to go out for bid.

Ald. Kleiner- How old do you think that 20 inch water main is that we are replacing? So that people have an idea.

Commissioner Tawil-I think it was installed in the '20's. You may recall back in July 2016 we had a major water main break right across from the Mobile Gas Station on West Main. Goes back to the '20's.

Ald. Kleiner- About 100 yrs. old.

Commissioner Tawil-Yes. We have older ones. 1886, 12 inch water main that was high pressure.

Rich Guertin/Corp. Counsel- Highlight some things for you. Jacob mentioned the hiring of Lehman & Getz engineering for parking lots in connection of the DRI. Normally our Procurement Policy does say for professional services we should go out for RFP's when possible. For instance we did with the façade program. At Jacobs request and at the Mayor's request we specifically contacted our contacts at the Secretary State's Office who we are working with DRI mentioned this company has already been working with the City for prior work on the parking lots and based on that experience could we avoid our RFP process and bring them on directly. Their

answer was yes. So hopefully the DRI will have projects that are shovel ready and will be expedited. So they like the idea of being able to go along.

There is a resolution to set the tax sale, our annual tax sale for properties that have not been, tax liens which have not been purchased by our bulk tax sale purchaser. Notices either have gone out or will be going out from the Treasurer's Office to all property owners. Also will be sending notices out to mortgage holders and such advising them of the tax sale auction. So if you get questions from constituents they have until the morning of the tax sale to pay up the back taxes to avoid the auction. This does not convey property; but it transfers the City's tax lien to the bidder to the sale. So it infuses cash into our treasury it gives someone else the right to hold the liens and if not paid within the redemption period usually a year then the property owner could lose the property. The list will be published in the paper and website. If you know anyone in that situation I would suggest you would encourage them to pay their taxes to avoid the tax sale.

There is a resolution authorizing the Mayor to sign any and all contracts and documents pertaining to the DRI. Just a broad overall resolution so that anytime the Mayor has to sign documents to effectuate the DRI -have to come back to you the Council to authorize him to sign. It helps to expedite the process.

There is a reference here to amending the City code for water charges. That couples with the proposed Local Law regarding sewers. We know looking at the code we have provisions in the water code and sewer code that allow us to charge out of City users the same or higher rate than what we charge city residents. This is a driven result of the Indigot Agreement and Amy's Kitchen. When we entered into the agreement from the Indigot Reservoir with Orange County one of the requirements that we set aside some of ...at a lower rate for a regionally benefiting economic development project. That project happens to have been designated as Amy's Kitchen. Our code though did not allow us at that point to set lower water and or sewer rates. So the purpose of the resolution with respect to the water code and the local law in respect to the sewer code is to fully implement that aspect with the Indigot Reservoir agreement that you already approved and the County approved and signed off on and to help bring about the Amy's Kitchen project which is before you tonight.

By the way the reason why the sewer law is going to be a Local Law is because you have the concept of Legislative Equivalency. When we changed the sewer code last year or 2 yrs. ago to institute the industrial pretreatment program we adopted the new Chapter 389 by Local Law. So in order to amend the code that has been adopted by local law you have to pass a local law; not just a mere resolution to do that. That is why we have 2 different formats to make those changes.

As Jacob mentioned and I am sure the Mayor will talk about the Amy's Kitchen resolution is in front of you tonight; there is a 2 part resolution. One is SEQRA and since you separately from tonight's meeting was a finding statement issued by the

Town of Goshen Planning Board. They are the Lead Agency for the Amy's project. The City of Middletown is what known as an Involved Agency under SEQRA; but the Town of Goshen Planning Board took the lead as Lead Agency and issued a finding statement if you took some time to read it, you will see in there is addressed the water and sewer lines that the City and Amy's Kitchen have been negotiating. What you are doing by the SEQRA resolution tonight for Amy's is simply approving if you will you really had not much to do with this as an Involved Agency. You are saying yes the Town of Goshen Planning Board adopted the findings of respect to SEQRA and we will basically piggyback on that for our own SEQRA determination with respect to the Amy's Project. You have a subsequent resolution authorizing the Mayor sign the agreement with Amy's Kitchen which has been negotiated over many, many months, with the Mayor, Commissioner Tawil and myself along with representatives from Amy's Kitchen. Again I'm certain the Mayor will be talking about that.

The last resolution is authorizing the survey from Fusco Engineering from the former Psych. Center. As you know the State has approached the City and inquired about our purchasing a number of the buildings on the Psych. Center campus. We worked through the terms of the contract and we are now in agreement on the contract. Normally one would sign a contract then get a survey and incorporate what they would call a Schedule A description the surveyors of the description of all the properties first, then incorporate that into the contract to be signed. A little bit backwards but again they assured us they wanted us to get the property but we do need this step. Again although we generally want RFP's for professional services Fusco Engineering has done a lot of work on the Psych. Center survey and subdivision work and they were most ready to go forward. They have the work already done and I think we will get a quick product out of them.

I just wanted to bring you up to date on some of the resolutions. Put some items on the record so the record is clear on that. I am certainly open to questions.

Ald. Kleiner-I just want to agree with your last statement, I don't think anyone knows the Psych. Center any better than Mr. Fusco does. He grew up across the street, very familiar good move.

Chris Brinkerhoff/Superintendent Recreation- There is a resolution where the Rec. Dept. updating our fee schedule in the City Code book. That will include the \$100.00 security deposit that we have spoken about in the past. Looking years past quite a few things that were missing from the fee schedule.

Middletown Cares Grant has come to an end. We have had that for 10 yrs. in the City. It is just the funding that has come to an end, tremendous collaboration have been brought together due to that grant. A lot of those collaborations will continue, agencies will still be working together. This Thursday there will be a Middletown Cares meeting here. It will be grass roots efforts. I have to give credit to all the agencies that want to keep it going.

We collaborate with the School District a lot to provide things for our kids and families but we also collaborate with Cornell Cooperative Extension, offered Computer science club to the kids. Quite a few kids are signing up.

Park improvements are starting up at Maple Hill the old equipment is gone. Not interfering with that project when the water pipes go in, about ¾ of the equipment can be installed without interfering with that project. We need to do that because there is nowhere to store the equipment that has been ordered.

The City once again will be received Solution Funding for 2018. As you know it covers our summer feeding program, teen center, covers Summer Leadership Academy and it covers Too Good for Violence, Too Good for Drugs and we got an additional \$5,000 now to go towards the boxing program and to help kids that can't afford to go there.

With the holidays coming up we have tons of special events running through the Rec. Dept. and the BID and the City. I encourage people to go to the Facebook page, website, look at our brochures, call the Rec. office so you are not missing anything.

MVP Health Cares have given the Rec. Dept. has given 80 children's coats in which we are collaborating with the School District, nurses, social workers to make sure those coats get to the families that need it most.

John Naumchik/City Clerk-Tomorrow is Election Day as you know the polls open at 6am, close at 9pm. All the polls will be open in the City of Middletown. Anybody wishing to know where to vote call our office at 346-4166.

Also the Middletown/Walkkill Veteran Council again will have their annual Veteran's Day celebration, Saturday, November 11th at the Elks Club at 11am.

7. Public Hearings & Grievances

John Naumchik-Nothing this evening.

8. Petitions & Complaints

John Naumchik-Nothing this evening.

9. Remarks of the Mayor

Mayor DeStefano-Let me give you a brief for the public our 7pm meeting was the, 6pm was the Budget presentation and 7pm was the Nixel presentation. Hopefully you all were impressed with the Nixel presentation with what this company offers for better communication as a City, with our residents. As you know even when we have a parade or small things like that; small to us big to somebody who doesn't have the proper communication that they will be able to sign up and receive notification that Highland Ave. will be closed No Parking or whatever street they are

on No Parking. Many benefits to it including the Reverse 911 for emergency purposes and we hope to have that system put in place as soon as the Chief can, once authorized by the Council to do so as soon as we can get it in place better off for all. Hopefully the Chief will make a presentation at another time; we are all on board have a pretty good idea, hopefully the public has a pretty good idea of what the Nixel system offers to them.

In regards to the 2018 City Budget we did do the presentation at 6 the public hearing. Brief overview of the budget: General operating budget is \$39,830,000, the largest increase expenditure comes in the area of Employee Benefits. Employee Benefits which includes pension, workmen's compt. Health insurance, payroll taxes and others have gone up over \$900,000 from 2017-2018. That is with a significant decrease in workmen's comp. Health insurance line has gone up 16.93% and pension services have gone up 7.81%. We have \$1.1 million additional spending over \$900,000 comes from that one area alone.

The average property tax I believe Don said will go up about \$55.00 per house. We are below the tax cap; so there is another eligibility criteria for the State Tax Refund that \$55.00 will be covered by the State Tax refund which was over the past couple years which we also qualified for.

Water/Sewer rates will be going up .28 per 1,000. Our tax levy for 2018 is \$19,200,436. We are under the cap by \$2500. The reason for leading with that for water/sewer issues is the Amy's agreement which you have in front of you this evening. As you know we have negotiated with Amy's and you folks have been very supportive of the Amy's agreement and also the CPV agreement. What we are looking for is revenue to offset what we see as significant capital cost over the next several years we are going to be incurring to protect our underground utilities. That is primarily our water/sewer lines.

The \$500,000 grant has to be matched with \$2 ½ million of City money in order to qualify for the grant, 20 inch line down Monhagen Ave.

The City share might be covered in part by the hook- up fees \$2,000 we get for each new construction hook-up fee. We are doing the analysis now with the Treasurer's Office to see how much of that money is eligible to be put into the Capital line. Equally important as that, let's say there is a million dollars there we also have the ability now to offset some of those expenses with revenues such as Amy's. As you know the Amy's agreement, not an Amy's agreement, Indigot agreement I mean. The City has access to about a million gallons a day of billable water from Indigot. 375,000 has to be used for a project designated by the County Executive as a Regional Economic Development project. With us here tonight is Phil Dropkin representing Amy's. Amy's will not only be a very large employer in the area but located in the Town of Goshen along the Heritage Trail. Also be a significant water user for the City of Middletown. As presented in the past and I believe it is still accurate is that we will be processing County water because our replacement of

375,000 gallons of water that is going to Amy's will be in essence replaced in capacity terms by the million plus gallons a day from the Amy's agreement. Just to put everything in context for the public also a million gallons a day of water and sewer in the City of Middletown selling to outside users will generate approximately \$6million a year. So when people ask me how are you going to pay for all this infrastructure improvements that you are talking about that are necessary to replace 100 yr. old water lines, 20 inch lines down Lake Ave., Wickham Ave., Monhagen Ave. water tanks that cost millions of dollars in need of replacement. How are you going to pay for all this without significantly increasing our taxes and or our water/sewer fees, the answer is through agreements to sell water/sewer to Amy's which will generate about \$800,000 per year, CPV which generate close to \$600,000 per year. \$200,000 which is budgeted in 2018 for a partial of a sale.

We are a City of 5+ sq. miles not a heck of a lot of development will be seen in the future with the exception of the Psych. Center but we need to find the funding mechanism that will make the City's infrastructure solid and safe and dependable. We believe we have done that with these agreements. We are hoping for your continued support on Amy's, we have a contractual obligation with them. It is a very significant regional project that the Governor, the Regional Economic people have been very supportive. Unlike CPV I don't see any controversy with the Amy's agreement, we want to reaffirm that the City of Middletown did not vote on the CPV project. All we are is we made it more environmentally friendly by rather than using ground water to cool the CPV plant, the City is providing gray water which is treated sewage, selling it to CPV and coming back to be treated again. As City residents will enjoy the benefit of about \$600,000 a year coming in. Right now we have about \$1.4million a year for 4 yrs. projected to begin around 2020 in the City coffers, continue to expand upon grant opportunities and of course as most grants require local match so we are very comfortable that we are in a good position to start completing the infrastructure improvements that are necessary to move Middletown forward for the next 100+ yrs.

I would be remiss to also not to acknowledge the work of Ald. Kleiner regarding the Nixel system. I know it began under Chief Bethencourt and Chief Ewanciw has picked it up and move it along very quickly.

Jerry I want to thank you for your work in that area on that.

At this time I would like to introduce Phil Dropkin. Phil is one of the Regional Representatives of Amy's and if you have any questions of Phil I will bring him up. You folks are pretty familiar with the project. For the City's role we are providing probably 375-385, I think it might be 382 per day for 5 ½ days per year. We are very happy that we have the opportunity to participate in this economic development project for the Goshen/Middletown/Wallkill and Wawayanda area and create numerous employment opportunities for our residents also.

If you have any questions I can bring Phil up. No one had questions.

DRI- as you know the plan is already developed, all you are doing is expediting the approval process by authorizing me to sign the contracts. Only signing contracts of the approved plan otherwise we have to bring you back for Special Meetings. I don't think anybody wants to do that on a regular basis. The DRI plan is already moving, I don't know if anybody has had a chance to go by the Woolworth building there has been some change on the color scheme by the ARB and actually looks much better than the original plan. That project is right on target.

I already mentioned the 20 inch water line for B&L that project is also moving forward.

We will have more to discuss with the public once we are ready to go contract regarding the acquisition of those vacant properties at the Psych. Center. I can say at this point these are properties that are already off the tax roll and we are paying \$1.00 for significant amount of properties. We are also assuming as we said in the past some responsibility for the buildings that are there, conditions of the buildings. My opinion it is a very safe and sound investment for the City to move forward with the acquisition of those properties.

We will do a more detailed explanation as we are about to go to contract with the State of NY after the survey is complete.

Ald. Kleiner-Our downtown music experiment expire on Oct. 15th ? Do we have feedback, it seemed like it was successful.

Mayor DeStefano-I did not, I think we had one complaint maybe 1 or 2 complaints but they were addressed immediately. There was no one crying that we not renew it. So my suggestion will be to renew it for another year.

Can you give us a very quick update on the Heritage Trail?

Mayor DeStefano-As you know the Indiana bats trees are down that we had to make by a certain deadline. Amy's water line would also be going down the trail. One question we do get is Amy's holding up the Heritage Trail? The answer is No. Amy's is waiting to put the water/sewer lines in that are required to go from Middletown to Amy's.

We did have one hang-up with the County that Jacob was working on. It has been resolved and that was the service road for us to access our ...sewer line. That has been resolved. Both for the access road and culverts under I believe under Schutt Rd. or Dolsontown Rd. from our perspective we are ready to move. Keep in mind this is only to East Main St. East Main to West Main section which is the most complicated part of it has not been resolved with the County. Portions of it have as you go into the bus terminal through downtown through the Woolworth's building and branches off of that. For the most part the County Executive has assured me that construction-the timeline that I have been given and what I shared with Elizabeth Albohar in

Middletown Trail Advocates is that in March Amy's will begin putting their water and sewer lines in may be earlier. That in April the trail construction will begin. That is what they have told me consistently the last several months until we hear differently we will accept them at their word.

10. Remarks of Aldermen

Ald. Masi- Election Day is tomorrow. No matter who you support please go out and vote. It is your right, your obligation.

Veterans Day coming up on Saturday, November 11th. The Elks Club always has a ceremony. I hope many people come out to support our veterans.

The Mayor had mentioned the budget. This Council will be voting on the budget at the next meeting, Tuesday, November 21st. Prior to that meeting at 7:30 I will have a Finance Committee meeting and we will be discussing the budget. If anyone has any questions there will be that will also be the time.

Ald. Burr-Nothing this evening.

Ald. Ramkisson-Just like to repeat-tomorrow Election Day encouraging everyone to vote. Polls open at 6am and close at 9pm. If you don't know where to vote you can go to NYS Board of Election website.

I don't appreciate people coming in here and making false statements. I think it is also insulting for those of us who respect the political process and the rules that are in place. We did the work; everyone did the work, a lot of it. Strong effort in putting out getting signs, legal signatures, the amount required and respect the process.

Ald. Johnson- Please vote.

With respect to the Nixel presentation I compliment the Chief on moving that forward. I don't see a downside unless it is cost prohibitive. I think it is a great opportunity for us to communicate with all the people in our area.

On behalf of Cornell Cooperative I want to thank Parks & Rec. for moving that forward collaboratively, that is a great thing.

With the respect to the catch pond and Mr. Mayfield I think ...we also have the Parks & Rec. piece to this and now this is being held up because of that. Patience is a virtue but I'm not always virtuous.

I will address the microphone-I take it very seriously. I attended and conducted a number of public meetings in my life. We have an opportunity to address the Council or Board or whomever you maybe that is an opportunity. In this case we

call it For the Good of the City does that mean you only say things that are good, no its not. We are more than willing to accept criticism. However, it should not be thought by anybody that gives you the right to come up and name somebody and malign them or accuse them of a crime. Regardless of how creditable or non-creditable that accusation may be. If you are a member of the community and want to accuse somebody of a crime by name you should conduct your local law enforcement agency and not come and speak for The Good of The City. I don't care who you are or who you are accusing and I don't care how creditable it is, it is not appropriate and not acceptable.

I called the Point of Order and I stand by it.

Thank you.

Ald. Witt-Our 2nd Ward Constituents Meeting is Nov. 13, 2017 at 7pm

Ald. Kleiner-I hope everyone comes out for Veteran's Day. It is always the 11th month, 11th day, 11th hour. No excuse for not remembering it.

Braemar-Post 151 American Legion is doing a service at Braemar. If you couldn't make it into Middletown the Elk's Club they invited people there.

Election Day everybody should be a citizen. These are local elections, City, County get out and make your voice heard. Don't forget to turn the ballot over because there is a Constitutional Convention that question is on the back. There are 2 other propositions that seem pretty reasonable.

It is getting cold, November 19th the Warming Station is going to be opening again. They will need volunteers. St. Paul's, the YMCA has stepped up to provide a facility that Emergency Housing was doing. They will be overseeing the staff; they need 2 volunteers every night. We don't have Nancy to call. Please consider it. Wednesday, November 8th and Monday November 13th at 7PM are training sessions for anyone considering to volunteering. The number to remember is to call Marilyn 342-2657. If you have anything to contribute, it is a lot of dedication by a lot of people from freezing to death to give them a safe place.

Tuesday, November 14th is City Wide Watch because you asked for it. We were going to wait until the spring but people said no we want to do it in November too. Please come out and give us a reason for being there.

Ald. Jean-Francois- I also like to encourage everyone to come out and vote tomorrow. Remind everybody the 4th Ward is the biggest ward in the City we could be a major player in tomorrow's voting. Please come out and vote.

Ald. Cid-Hope everyone has a great night, stay safe.

11. Unfinished Business
John Naumchik-Nothing this evening.

12. New Business

299.17 Resolution to transfer a \$500.00 within the Senior Center 2017 budget for the Golden Area Transportation line to cover unexpected overtime expense.

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 to authorize the Treasurer to transfer a \$500.00 within the Senior Center 2017 budget for the Golden Area Transportation line to incur unexpected overtime expense in the following manner:

FROM	AMOUNT	TO
5680.495	\$500.00	5680.103
Misc.		Overtime

Roll Call: Ayes: Ald. Ramkissoon, Johnson, Jean-Francois, Cid, Witt, Kleiner, Burr, Masi, Pres. Rodrigues-9

300.17 Resolution to accept a donation of \$500.00 from Green Collar Contracting, Inc. for the Disc Golf Course.

On motion of Ald. Burr seconded by Ald. Masi

WHEREAS; The Middletown Recreation Department was given a donation in the amount of \$500.00 from Green Collar Contracting, Inc., and

WHEREAS; The Middletown Recreation & Parks Department is requesting that the Common Council accepts this donation and authorizes the Treasurer to deposit the donation into the existing trust and agency account T.0043 Recreation Donations.

NOW, THEREFORE BE IT RESOLVED, that the Common Council of the City of Middletown, NY, does hereby authorize the Treasurer to accept the donation and deposit it into the existing trust and agency account T.0043 for the amount of \$500.00 for the development of the Disc Golf Course.

Roll Call: Ayes: Ald. Ramkissoon, Johnson, Jean-Francois, Cid, Witt, Kleiner, Burr, Masi, Pres. Rodrigues-9

301.17 Resolution to amend the City code fee schedule for the Parks & Recreation department.

On motion of Ald. Burr seconded by Ald. Johnson

RESOLVED; that the Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment to amend the Fee Schedule in the City Code for Parks & Recreation in the following manner:

<u>Programs/Facility Usage</u>	<u>Resident Fee</u>	<u>Non-Resident</u>
Tennis clinic/Adults \$80.00		Change from \$70.00 to
Tennis clinic/Children \$60.00		Change from \$50.00 to
Little People Playtime/4 day session \$85.00	Change from \$50.00 to \$65.00	Change from \$60.00 to
Spring Break Program \$110.00	Change from \$75.00 to \$90.00	Change from \$90.00 to

Please add the following to the City’s Fee Schedule Chapter A490-1 Section F. Parks and Recreation Fees
(before Fancher-Davidge Park Pavilion Rentals)

Security Deposits for Pavilions & Park Property \$100.00

Deposit will be returned if:

- All garbage is in or bagged around garbage receptacles
- No damage to property
- All signage, table clothes and decorations removed from park property

(followed by)

Ben & Paula Amchir Park		
Amchir Pavilion Rentals	\$45.00	\$67.50

Under Maple Hill Pavilion Rentals add:

Maple Hill Pavilion #1		
Maple Hill Pavilion #2	\$70.00	\$105.00

(Add the below under Winter Break Program)

Fees for After School Sports Academy

- There will be 3 sessions based on the school districts sport season
- There will be no program on 1/2 days of school, snow days or holidays
- Cost break down will be \$6.00/day

Please delete the following programs from the City's Fee Schedule Chapter A490-1 Section F. Parks and Recreation Fees

- 35+ Mens Basketball League**
- Karate**
- Performing Arts Programs (and classes under it)**
- Youth Wrestling**
- Recreational swim team**
- Co-Ed Volleyball**
- 35+over Co-Ed Volleyball**

Delete **all** under Parks Reservation & Adult Leagues Field Usage and **add** only:

Travel Team field usage field	\$50.00/day per field	\$100.00/day per
Tournament field usage field	\$150.00/day per field	\$300.00/day per
Adult League Field Usage field	\$150.00/month per field	\$300.00/month per
City Park Property Usage	\$150.00/ day	\$300.00/day

Delete **all** under Gym Usage & Conference Room and **add** only:

Gym & Conference Room Fee	\$25.00/hr	\$50.00
PA System set-up fee	\$25.00 (Standard Fee)	

Under Chapter 348-9, letter F can be deleted

Under Chapter 348-12 letter B should read:

Authorized use of all City park property is by permit only, and such permit must be applied for at the Department of Recreation and Parks office in accordance with departmental rules and regulations.

Roll Call: Ayes: Ald. Ramkissoon, Johnson, Jean-Francois, Cid, Witt, Kleiner, Burr, Masi, Pres. Rodrigues-9

302.17 Resolution to approve change order Number 3 for the Sterling Street Sewer project in the amount of \$50,000.00.

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

WHEREAS; the Sterling Street Sewer project has change order number three and that the project budget has sufficient funds for the additional cost in construction and Engineering, except for approximately \$50,000.00 which is above the project bond authorization, and

WHEREAS; rather than spend the considerable fees to bond such a small amount the Commissioner of Public Works and MHE are recommending this amount be transferred from the Sewer fund, and

WHEREAS; the Treasurer reviewed this with Bond Counsel and all concur this is the best source of funding for the City.

SO LET IT BE RESOLVED; that the Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment to approve change order number 3 and said additional funding for the Sterling Street Sewer project in the amount of \$50,000.00 and authorize the Mayor to sign the change order and transfer from the Sewer fund as follows:

From	Amount	To
Sewer Fund	\$50,000.00	Sterling St. Phase II H.0890.01

Roll Call: Ayes: Ald. Ramkissoon, Johnson, Jean-Francois, Cid, Witt, Kleiner, Burr, Masi, Pres. Rodrigues-9

303.17 Resolution to transfer \$1,425.82 within the Civil Service 2017 budget to accommodate a short fall in travel expenses.

On motion of Ald. Ramkissoon seconded by Ald. Johnson

RESOLVED; that the Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment to transfer \$1,425.82 within the Civil Service 2017 budget to accommodate a short fall in travel expenses in the following manner:

FROM	AMOUNT	TO
A.1430.400	\$1,425.82	A.1430.401
Contractual Services		Travel Exp.

Roll Call: Ayes: Ald. Ramkissoon, Johnson, Jean-Francois, Cid, Witt, Kleiner, Burr, Pres. Rodrigues-8
Abstain: Ald. Masi-1

304.17 Resolution to accept the proposal from Lehman & Getz for \$95,000.00 to provide engineering and planning services for the preparation of plans, specifications and contract documents for the Orchard, James Street and behind the City Hall parking lots funded by the DRI grant.

On motion of Ald. Johnson seconded by Ald. Masi

RESOLVED; that the Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment to accept the proposal from Lehman & Getz to provide engineering and planning services for the preparation of plans, specifications and contract documents for the Orchard, James Street and behind City Hall parking lots which will be DRI defined. L&G shall comply with DRI Grant requirements that will be funding this project.

LET IT BE FURTHER RESOLVED; that the Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment to approve the costs of tasks one through five at \$85,000.00 and task six will be billed on an hourly basis, not to exceed \$10,000.00 which will be funded by the DRI grant.

Roll Call: Ayes: Ald. Ramkissoon, Johnson, Jean-Francois, Cid, Witt, Kleiner, Burr, Masi, Pres. Rodrigues-9

305.17 Resolution to hold a tax sale on Saturday, December 16, 2017, at 10 a.m. in the Common Council Chambers to offer for sale all properties which have delinquent taxes, assessments, and/or water and sewer rents as of prior October 1, 2016.

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

RESOLVED, that the Common Council of the City of Middletown authorizes the Corporation Counsel and the City Treasurer to hold a tax sale on Saturday, December 16 2017, at 10 a.m. in the Common Council Chambers, Second Floor, City Hall, 16 James Street, to offer for sale all properties which have delinquent taxes, assessments, and/or water and sewer rents as of prior October 1, 2016.

Roll Call: Ayes: Ald. Ramkissoon, Johnson, Jean-Francois, Cid, Witt, Kleiner, Burr, Masi, Pres. Rodrigues-9

306.17 Resolution to support the passing of Senate bill S1064 to increase penalties for passing a stopped school bus which requires revocation for a second offense.

On motion of Ald. Witt seconded by Ald. Kleiner

RESOLVED; that the Common Council of the City of Middletown supports the passing of Senate bill S1064, introduced by Senators Bonacic, Felder, Funke, Gallivand and Larkin to amend subsection c of section 1174 of the Vehicle and Traffic Law to increase penalties for passing a stopped school bus which requires revocation for a second offense.

Ald. Kleiner-I just want to thank School Board member Kevin Gomez for bringing these to our attention.

Roll Call: Ayes: Ald. Ramkissoon, Johnson, Jean-Francois, Cid, Witt, Kleiner, Burr, Masi, Pres. Rodrigues-9

307.17 Resolution to support the passing of Assembly bill A719 to increase penalties for passing a stopped school bus which requires revocation for a second offense.

On motion of Ald. Witt seconded by Ald. Kleiner

RESOLVED; that the Common Council of the City of Middletown supports the passing of Assembly bill A719, introduced by Assemblywoman Gunther, Cusick and

Crouch to amend subsection c of section 1174 of the Vehicle and Traffic Law, in relation to increasing the penalties for passing a stopped school bus.

Roll Call: Ayes: Ald. Ramkissoon, Johnson, Jean-Francois, Cid, Witt, Kleiner, Burr, Masi, Pres. Rodrigues-9

308.17 Resolution to authorize the Mayor to sign, upon Corporation Counsel review, all rental and related agreements for use of the Paramount Theatre for the 2018-2019 season.

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

Whereas, authorization to approve rental and other agreements for use of the Paramount Theatre has been transferred to the City of Middletown as per Resolution # 379-15 on December 06, 2015, and

Whereas, the yearly number of such agreements varies from 30 to 75 agreements, and

Whereas, the Corporation Counsel reviews all such agreements prior to execution, and

Whereas, the negotiation and execution of these documents, by necessity, occurs within a short timeframe,

Now, therefore, be it resolved by the Common Council of the City of Middletown that the Mayor is hereby authorized to execute, upon Corporation Counsel review, all rental and related agreements for use of the Paramount Theatre for the 2018-2019 which will be January 1, 2018 through December 31, 2019.

Roll Call: Ayes: Ald. Ramkissoon, Johnson, Jean-Francois, Cid, Witt, Kleiner, Burr, Masi, Pres. Rodrigues-9

309.17 Resolution to amend the City Code to add to Chapter 460 Vehicles and Traffic Section 460-28 Handicapped permits to add on spot directly in front of 47 Bedford Avenue.

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

RESOLVED; that the Common Council of the City of Middletown hereby amends the City Code to add to Chapter 460 Vehicles and Traffic Section 460-28 Handicapped permits only the following:

(64) One Spot directly in front of 47 Bedford Avenue

Roll Call: Ayes: Ald. Ramkissoon, Johnson, Jean-Francois, Cid, Witt, Kleiner, Burr, Masi, Pres. Rodrigues-9

310.17 Resolution to reassign the two police department vehicles to the City of Middletown Recreation and Park's Department.

On motion of Ald. Cid seconded by Ald. Burr

RESOLVED; that the Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment to reassign the following police department vehicles to the City of Middletown Recreation and Park's Department. These vehicles no longer serve our needs and their department could benefit from the use of these vehicles.

2012 Dodge 2C3CDXAT0CH126575
2002 Ford 1FMZU77E92UB39217

Roll Call: Ayes: Ald. Ramkissoon, Johnson, Jean-Francois, Cid, Witt, Kleiner, Burr, Masi, Pres. Rodrigues-9

311.17 Resolution to declare five MPD vehicles as surplus property which these vehicles no longer serve the needs of the City and would be disposed of in a manner most advantageous to the City of Middletown by the Chief of Police.

On motion of Ald. Burr seconded by Ald. Ramkissoon

RESOLVED; that the Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment to declare the following vehicles as surplus property which these vehicles no longer serve the needs of the City and would be disposed of in a manner most advantageous to the City of Middletown by the Chief of Police.

2011 Ford 2FABP7BV9BX109248
2010 Ford 2FABP7BV1AX120873
2011 Ford 2FABP7BV3BX101162
2002 Chevrolet 2G1WF55K129204078
2004 Ford 2FAHP71W94X138871

Roll Call: Ayes: Ald. Ramkissoon, Johnson, Jean-Francois, Cid, Witt, Kleiner, Burr, Masi, Pres. Rodrigues-9

312.17 Resolution to accept Coppola Associates' proposal for Architectural Services for the DRI Façade Improvement Program and authorizes the Mayor to sign a contract with Coppola Associates, subject to the approval of the Corporation Counsel.

On motion of Ald. Masi seconded by Ald. Burr

Whereas, the City of Middletown issued a Request for Proposals from qualified individuals or firms to provide architectural and other services in connection with the DRI Façade Improvement Program, and

Whereas, proposals were received and reviewed by the Office of Economic and Community Development and Corporations Counsel, and

Whereas, the Office of Economic and Community Development recommends that the City engage the services of Coppola Associates due to that firm's experience with façade work (including façade work in the City's downtown area through a prior engagement with the City) and proposed price per façade.

Now, therefore, be it resolved that the Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment to accept Coppola Associates' proposal for Architectural Services for the DRI Façade Improvement Program and authorizes the Mayor to sign a contract with Coppola Associates, subject to the approval of the Corporation Counsel.

Roll Call: Ayes: Ald. Ramkissoon, Johnson, Jean-Francois, Cid, Witt, Kleiner, Burr, Masi, Pres. Rodrigues-9

313.17 Resolution to authorize the Mayor to sign any and all contracts and documents pertaining to projects funded through the Downtown Revitalization Initiative (DRI) as the sole signatory on behalf of the City.

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 to sign any and all contracts and documents pertaining to projects funded through the Downtown Revitalization Initiative (DRI) as the sole signatory, on behalf of the City, in accordance with Section 53 of the Charter of the City of Middletown, which states that the Mayor is the "chief executive officer" of the City, and that the Mayor "shall sign all deeds and contracts made and entered into by the city and shall affix thereto the city seal which shall be in his custody."

Ald. Johnson- These resolutions reflect a tremendous amount of productivity of part of the administration. Between both projects and with the Mayor's report. I just hope the residents of the community are understanding we are moving a lot of things forward.

Roll Call: Ayes: Ald. Ramkissoon, Johnson, Jean-Francois, Cid, Witt, Kleiner, Burr, Masi, Pres. Rodrigues-9

314.17 Resolution to accept the Incentive Proposal from the New York Empire State Development (ESD) to assist with its project to expand infrastructure at the Middletown Community Campus in the amount of \$500,000.00 and authorize the Mayor to sign the contract.

On motion of Ald. Burr seconded by Ald. Ramkissoon

RESOLVED; that the Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment to accept the Incentive Proposal from the New York Empire State Development (ESD) to assist with its project to replace an existing 1930's era 20 inch water transmission main from City WTP to Middletown Community Campus in the amount of \$500,000.00 and authorize the Mayor to sign the attached contract.

Roll Call: Ayes: Ald. Ramkissoon, Johnson, Jean-Francois, Cid, Witt, Kleiner, Burr, Masi, Pres. Rodrigues-9

315.17 Resolution to authorize the Mayor to sign a proposal from B&L for design services for replacing the 20" Water Main from the WTP to Middletown Community Campus.

On motion of Ald. Johnson seconded by Ald. Masi

RESOLVED; that the Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment to authorize the Mayor to sign the attached proposal from B&L for design services for replacing the 20" Water Main from the WTP to Middletown Community Campus as per the proposal for a fee of \$557,000.00 as itemized in the attached B&L proposal 11/21/2017 subject to executing and compliance with ESD Incentive Grant in the amount of \$500,000.00.

LET IT BE FURTHER RESOLVED; that the Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment to authorize the Treasurer to review accrued water hookup fees that are unspent as a source of funding and if there are funds unavailable the project will be paid for by issuing bonds that will require a bond resolution

Roll Call: Ayes: Ald. Ramkissoon, Johnson, Jean-Francois, Cid, Witt, Kleiner, Burr, Masi, Pres. Rodrigues-9

316.17 Resolution to authorize the Treasurer to transfer a total of \$12,955.10 from the General Fund Balance to fund emergency repairs to the roofs at Michael Perkins and the Paramount.

On motion of Ald. Ramkissoon seconded by Ald. Johnson

RESOLVED; that the Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment to authorize the Treasurer to transfer a total of \$12,955.10 from the General Fund Balance to fund emergency unbudgeted repairs to the roofs at:

- Michael G. Perkins roof has active leaks that need to be addressed at a cost of \$8,200.
- Paramount Theater had an emergency roof repair done at a cost of \$4,755.10

The transfer will be the following:

FROM	AMOUNT	TO
General Fund	\$12,955.10	A.1620.470 Repairs to Buildings

Roll Call: Ayes: Ald. Ramkissoon, Johnson, Jean-Francois, Cid, Witt, Kleiner, Burr, Masi, Pres. Rodrigues-9

317.17 Resolution to authorize the Mayor to sign a proposal from BVC to service the WWTP Aeration System in the amount of \$40,455.00 and transfer the amount from the Sewer Fund and within the DPW budget.

On motion of Ald. Johnson seconded by Ald. Masi

RESOLVED; that the Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment to authorize the Treasurer to transfer a total of \$40,455.00 within the DPW 2017 budget and the Sewer Fund to service the WWTP Aeration System as follows:

- a. Major Service (Class II) for Three (3) Blowers
- b. Process and Basin Tune-up for Four (4) basins

LET IT FURTHER BE RESOLVED; that the Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment to authorize the Mayor to sign the proposal for the above work from BVC and transfer the funds in the following manner:

FROM	AMOUNT	TO
G.8130.415 Sewer Light & Heat	\$20,000.00	G.8130.400 Sewer Contractual
Sewer Fund	\$20,455.00	G.8130.400 Sewer Contractual

Roll Call: Ayes: Ald. Ramkissoon, Johnson, Jean-Francois, Cid, Witt, Kleiner, Burr, Masi, Pres. Rodrigues-9

318.17 Resolution to authorize the Treasurer to transfer \$2,650.00 from the Sewer Fund Balance to cover the cost of the WEFTEC Conference in Chicago.

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

RESOLVED; that the Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment to authorize the Treasurer to transfer \$2,650.00 from the Sewer Fund Balance to cover the cost of the WEFTEC Conference in Chicago accommodations for 2 people for 3 nights in the following manner:

FROM	AMOUNT	TO
General Fund	\$2,650.00	A.1490.401 DPW Travel

Roll Call: Ayes: Ald. Ramkissoon, Johnson, Jean-Francois, Cid, Witt, Kleiner, Burr, Masi, Pres. Rodrigues-9

319.17 Resolution to amend the City Code Chapter 466, Water to charge out-of-City users lower rates for water use if the same may be appropriate for economic development or other purposes significant to the City.

On motion of Ald. Witt seconded by Ald. Kleiner

Whereas, Chapter 466: Water of the Code of the City of Middletown provides that out-of-City water users can be charged the same rates as City users or higher rates than City users, and

Whereas, the Common Council would like to change the Code to allow the Common Council also to charge out-of-City users lower rates for water use if the same may be appropriate for economic development or other purposes significant to the City.

Now, therefore, be it resolved by the Common Council of the City of Middletown that Chapter 466: Water, Article IV Out-of-City Use; Rules and Rates, § 466-22 Out-of-City rates, is changed in its entirety to read as follows:

Chapter 466: Water
Article IV Out-of-City Use; Rules and Rates

§ 466-22 Out-of-City rates.

The rates for out-of-City users shall be set annually during the budget process and approved by the Common Council. City and out-of-City rates may be the same. Notwithstanding the foregoing, the Common Council, in its discretion and at times that may not necessarily coincide with the annual budget process, shall have the power to charge different rates for out-of-City users (whether higher or lower than City rates) based on such factors as the Common Council may deem relevant and appropriate.

Be it further resolved that this resolution shall be effective immediately.

Roll Call: Ayes: Ald. Ramkissoon, Johnson, Jean-Francois, Cid, Witt, Kleiner, Burr, Masi, Pres. Rodrigues-9

320.17 Resolution that the City determines that the October 20, 2016 Findings Statement issued by the Town of Goshen Planning Board for Amy's Kitchen appears to adequately analyze and present the environmental impacts and mitigation measures of the Project and determines to adopt and issue said Findings Statement.

On motion of Ald. Johnson seconded by Ald. Masi

WHEREAS, the City of Middletown ("the City") is a SEQRA involved agency in connection with the State Environmental Quality Review ("SEQR") process conducted for the Amy's Kitchen Manufacturing Facility, Science of the Soul Conference Center and potential 70,000+/- square foot warehouse to be located adjacent to Amy's Kitchen in the Town of Goshen, New York (collectively the "Project"), and

WHEREAS, the SEQR process considered, among other things, the environmental impacts of the City providing potable water service to and receiving sanitary sewage from the Project, and

WHEREAS, on October 20, 2016, after preparation, review and filing of Draft and Final Environmental Impact Statements, the Town of Goshen Planning Board, as Lead Agency for the SEQR process, adopted a SEQR Findings Statement addressing the environmental impacts of the Project, and

WHEREAS, the City has thoroughly reviewed the Findings Statement including those findings specifically related to the provision of potable water services to and receipt of sanitary sewage from the Project.

NOW, THEREFORE, BE IT RESOLVED that the City determines that the October 20, 2016 Findings Statement issued by the Town of Goshen Planning Board appears to adequately analyze and present the environmental impacts and mitigation measures of the Project, including those environmental impacts and mitigation measures related to the provision of potable water service to and receipt of sanitary sewage from the Project, and further determines to adopt and issue said Findings Statement as its own in compliance with 6 NYCRR 617.11 (c).

Roll Call: Ayes: Ald. Ramkissoon, Johnson, Jean-Francois, Cid, Witt, Kleiner, Burr, Masi, Pres. Rodrigues-9

321.17 Resolution to approve the Amy's Kitchen agreement and authorizes the Mayor to sign the agreement and any other agreements with Amy's Kitchen related to the Project.

On motion of Ald. Johnson seconded by Ald. Masi

Whereas, Amy's Kitchen, Inc. ("Amy's Kitchen") has received approval to construct in two phases an approximately 369,000 square foot food manufacturing facility with parking and supporting accessory structures on property located in the Town of Goshen, Orange County, New York ("the Project"), and

Whereas, Amy's Kitchen requires a source of water supply and sanitary sewage treatment for its facilities as part of the Project, and

Whereas, the City of Middletown ("the City") and representatives of Amy's Kitchen have conducted extensive negotiations regarding the City providing potable water to and receiving sanitary sewage from the Project, and

Whereas, the City is willing to permit Amy's Kitchen, as an out-of-City user, to connect to and utilize the City's water supply and sewage treatment services subject to the terms and conditions of the agreement which is attached to this resolution, and

Whereas, the Board of Estimate and Apportionment has recommended that the Common Council approve the attached agreement and authorize the Mayor to sign the same.

Now, therefore, be it resolved by the Common Council of the City of Middletown that the Common Council approves the agreement attached to this resolution and authorizes the Mayor to sign the agreement and any other agreements with Amy's Kitchen related to the Project, subject to the review and approval of the City's Corporation Counsel.

Roll Call: Ayes: Ald. Ramkissoon, Johnson, Jean-Francois, Cid, Witt, Kleiner, Burr, Masi, Pres. Rodrigues-9

322.17 Resolution to authorize the Mayor to sign an agreement for an Engineering Survey from Fusco Engineering for the former Middletown Psychiatric Center in the amount up to \$20,000.00.

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

RESOLVED; that the Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment to authorize the Mayor to sign an agreement for an Engineering Survey from Fusco Engineering for the former Middletown Psychiatric Center in the amount up to \$20,000.00 and transfer the amount to fund the survey in the following manner:

FROM	AMOUNT	TO
General Fund	\$20,000.00	1490.400 Contractual Services

Roll Call: Ayes: Ald. Ramkissoon, Johnson, Jean-Francois, Cid, Witt, Kleiner, Burr, Masi, Pres. Rodrigues-9

13. Local Laws

Introduction of Local Law #5 of 2017
TO AMEND CHAPTER 389: SEWERS OF THE CODE OF THE CITY OF
MIDDLETOWN REGARDING OUT-OF-CITY USERS

On motion of Ald. Jean-Francois

Introduction of Local Law #5 of 2017

A LOCAL LAW TO AMEND CHAPTER 389: SEWERS OF THE CODE OF
OF THE CITY OF MIDDLETOWN REGARDING OUT-OF-CITY USERS

BE IT ENACTED BY THE COMMON COUNCIL OF THE CITY OF MIDDLETOWN,
NEW YORK, AS FOLLOWS:

Section 1. Title

This Local Law shall be referred to as “A Local Law to Revise Article VII of Chapter 389: Sewers of the Code of the City of Middletown with respect to out-of-City users.”

Section 2. Purpose of this Enactment

Article VII, Section 389-44 of Chapter 389: Sewers of the Code of the City of Middletown currently requires all out-of-City users of the City’s sewer system to be the subject of an intermunicipal agreement between the City and the municipality in which such out-of-City user is located. That Article, in Section 389-45, also allows the City to charge such out-of-City users the same rate as City users or a rate that is higher than the rate charged to City users. It may be advantageous from time to time for the City’s economic development and to encourage out-of-City users to hook into the City’s sewer system to offer potential out-of-City users a lower rate than City users and to offer such out-of-City users the possibility of entering into an agreement directly with the City, rather than through another municipality. The purpose of this enactment, then, is to change the relevant portions of Article VII of Chapter 389 of the Code of the City of Middletown to allow the Common Council, in its discretion and based on factors deemed relevant or appropriate to the Common Council, to charge out-of-City users of the City’s sewer system lower rates than City users and to enter into agreements directly with out-of-City users, rather than through another municipality.

Section 3. Amendment of existing Section 389-44 (A) of Article VII of Chapter 389: Sewers of the Code of the City of Middletown

Section 389-44 (A) of Article VII of Chapter 389: Sewers of the Code of the City of Middletown is hereby repealed and replaced in its entirety by the following:

§389-44 Regulation of waste received from other jurisdictions.

A. If another municipality contributes wastewater to the POTW, the City shall enter into an intermunicipal agreement with the contributing municipality. If a user located outside the City contributes wastewater to the POTW, the City may enter into an intermunicipal agreement with the municipality in which the out-of-City user is located addressing the out-of-City use. Alternatively, and upon authorization of the Common Council, the City may enter into an agreement directly with the out-of-City user; in that event, the requirements of subsections B and C of this Section 389-44 shall be addressed as applicable within such agreement.

Section 4. Amendment of existing Section 389-45 (A) of Article VII of Chapter 389: Sewers of the Code of the City of Middletown

Section 389-45 (A) of Article VII of Chapter 389: Sewers of the Code of the City of Middletown is hereby repealed and replaced in its entirety by the following:

§ 389-45. Quarterly assessment and minimum charge.

A. The rates for out-of-City users of the City's sewage facilities shall be set annually during the budget process and approved by the Common Council. City and out-of-City rates may be the same. Notwithstanding the foregoing, the Common Council, in its discretion and at times that may not necessarily coincide with the annual budget process, shall have the power to charge different rates for out-of-City users (whether higher or lower than City rates) based on such factors as the Common Council may deem relevant and appropriate. The sewer users shall be billed at the same times and concurrently with the water billing.

Section 5. Severability of Provisions.

Should any section or provision of this Local Law be declared, ordered or adjudged null, void, voidable or invalid by a court of competent jurisdiction, such finding of invalidity shall not affect the validity of the remaining portions of this Local Law.

Section 6. Effective Date

This Local Law shall take effect immediately upon filing with the Secretary of State

14. Audit

On motion of Ald. Masi seconded by Ald. Johnson

I move 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, Cid, Witt, Kleiner, Burr, Masi, Pres. Rodrigues-9

15. Adjournment

There being no further business meeting adjourned at 9:05Pm

Respectfully submitted,

Karen Sisco

