



**Common Council  
Meeting  
City of Middletown  
November 21, 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 Mr. Ron Brown

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 October 3, 2017 as submitted

All in favor

4. Correspondence

John Naumchik- Nothing this evening.

5. For the Good of the City

Kevin Gomez/School Liaison  
Vince Crescenzo

School District funding case before the Appellate Court. Back on October 27<sup>th</sup> in the Times Herald reported that the loss ...city school districts the Appellate Division

ruled in favor of them by having the case sent back to the Lower Level Trial Court to consider whether a School Funding makes a difference in academic results. The Lower Court has been ordered to evaluate teachers, class size, academic intervention services, extended writing opportunities, cut some social workers out, how the reduction or elimination of these resources affects student performance.

Even though Middletown School District is not a party to the case our School Board has recently voted to support this lawsuit. Basically the main question here is whether NYS ...commitment under.... For many of these School District receive the funds that will be entitled to under the law ...could fund academic programs our students may need. At the same time possibly could result in property taxes being reduced; it is a win/win for our students, our homeowners. I urge the elected officials, parents to make sure that the funding...

The Middletown School District will be hosting a referendum on the sale of the Memorial School building. The Memorial School was a school building for many, for many generations served students. Named in memory of our soldiers that fought in the war to end all wars until around 1997. If the sale goes through the referendum we are talking about saving about \$40,000 a year in insurance cost. Savings for our school district and taxpayers.

On October 26<sup>th</sup> Dr. Kenneth Eastwood announced his retirement that will take effect on Feb. 1<sup>st</sup> after 13.5 yrs. at the helm.

Among the accomplishments during these 13 yrs. the graduation rates have gone up from 51% to 81%, 60% of graduates attend college, 40% of our high school students graduate with college credits, our district has become nationally recognized as a 2 yr. with at 2 yr. kindergarten, music expansion program, free college tuition plan, \$190 million in capital improvements and many other initiatives.

School Board meeting November 16<sup>th</sup> approved a 5 yr. continuation and development plan to keep many of these programs that are popular and for the successful in place for our students during the coming years.

Our Board Pres. John Perrino has asked me and my colleague Rose Tobiassen who also comes to the Middletown meetings to set up a committee to look at bringing back Board meetings and Middletown School activities to live tv for Channel 20. The FCC regulations, equipment costs and how the municipalities could assist in bringing that hopefully in the near future.

Wish everyone a wonderful Thanksgiving.

Dennis Fanton- I would like to know what the plans are for the Monhagen Brook project. I heard in different meetings that the money is available. Okay we established that the money is available but I would like to know where are we going

with that. It is now at the end of the season, I'm sure the work is not going to be done during the winter.

I have had Jacob over the property, I had land surveyors at least 5 times, I've had tree markings as to what trees that were going to be removed. Nothing has been done. The wall is deteriorating. I've had people come over and they removed slabs from the brook and put them on the sides in the woods; they are still sitting there. The thing that concerns me is with climate change there is going to be more volume of water, stronger storms and I'm afraid that part of that wall is going to fall into the stream and block the tunnel. If that happens, we are going to have the same thing that happened with Irene and I don't want to go through that again.

There is a lot of building going on around here and what that means there is less water absorption, more parking lots, so where is that water going to go? Going to go into that stream. There was talk about a retention pond I don't see anything being done. I feel the people on W. Main St. have a right to know at this point what is exactly going on with that project.

The second one I spoke to the Chief about speeding on W. Main St. There is absolutely no control of the speed limit. The motorcyclists drive twice the speed limit on that road. I notice there is a solar traffic flashing light on Highland Ave. which I think is great. But, if you look at the terrain the road is wider on that area, property is quite a distance from the house. If you look at W. Main St. the houses are right on the street. We have a lot of traffic with busses and children on that road. I really think that none of those signs should be on that road. It really needs to be; because it is a danger. I've seen a lot of activity with State Troopers there in the past couple of weeks. They have been pulling a lot of people over. If you can look to see what the statistics are in regards to tickets check with the State Troopers.

The other thing is the deer situation. There's a deer herd up in the Psych. Center and they come across W. Main St. onto my property into my neighbor's property into the woods. That is fine. The thing is I really feel there needs to be a deer sign there. If the people are not going to look at the speed with a sign, if you have a sign that is the same color as you have on Highland a lime green color with a deer on it. At least maybe they will realize there are deer in the area and they might slow down.

2 yrs. ago we had an incident where a fawn was hit by a car and the police had to come and had to euthanize the deer. It was not a pretty picture. I think something needs to be done.

I really stress, I hope that information is being put out in that area on W. Main St. because we really have gone through a lot with Irene and I don't want to go through that again.

Bob Deitrich- This Saturday I took part in the walk for Corey White, Jr. which was a great activity in the City. The paper said there was about 137 people, a good number of people.

One of the things at the end of the walk that concerned me was that they had a number of speakers and a main speaker outside the church was talking about his perception it seemed and I think also seemed mostly the African community think the city is unsafe. Because of that people don't want to stay here and that people don't want to invest in the community and businesses. We all know the reports from our Chief we know that is not true. However, that is the perception the community has. What I am saying is that perhaps there needs to be some outreach especially in the African American community to try to dispel that untruth. It is a sizable part of our city and it is something worthwhile.

2<sup>nd</sup> thing is that I walk downtown almost daily and I take the same route I walk approximately every day. What is happening walking down W. Main St. especially at night I have no alternative but to walk in the street. The sidewalks are terrible especially where there are...bluestone and the lighting is poor. Lighting isn't adequate until I get to somewhere around Crescent Pl. and Knapp St. The sidewalk is terrible when we come to winter I'm sure it is only going to get worst. Looking to do improvement downtown but as you come to Wickham Ave. towards 211 all the way to the Police Station it is almost impossible to walk on the sidewalk. Especially right by where the Police park their cars. I know probably plans in terms of what happens downtown but right now it is not conducive for walking.

Skate Park is fantastic. When I saw a couple of the young people down there and now we do have a porta stand there and they are all very happy about that. I'm not sure if there are any plans if something similar to bring older folks. Some idea would be pickle ball which Brink and I have talked about, bocce ball the things we had at Thrall Park. That would be a wonderful.

#### 6. Remarks of Dept. Heads

Maria Bruni/Economic Development-Last week the Mayor rolled out the façade program for our DRI. We had a great turnout here; well over 50 people participated that evening. Our office is accepting calls to send out applications. You must be in the DRI which is the BID to qualify and there are other factors, qualifications. We had a good turnout and a good rollout so we look forward to a successful part of the DRI. Deadlines for the applications will be January and then there is a committee that is going to make the awards in February and hopefully early spring, March, April you are going to see construction happening on the façade downtown.

Also next week Dec. 1<sup>st</sup> we are going to have a Main St. conference at the Paramount Theatre from 9am-1pm. It is going to be a good day to see what we are planning for the Downtown area, our DRI and other things that are going on downtown. Good informational session; there will be finance people for loans, developers.

We look forward to a good program next Friday.

Also it is Thanksgiving and the day after Thanksgiving is tree lighting and Santa arrives in our downtown. We are all gearing up for Friday. Everything begins at 6pm at Festival Square. The parade will begin down by Garcia's market and make its way up. Step off is at 6:30. We have a big event that night, a lot of participants this year.

Santa will be here to light our tree.

Thanks to the Weeden family for donating this year's beautiful tree. They will be in the lead car provided by Healy this year.

Also right after the tree lighting traditionally we show It Is a Wonderful Life free event at the Paramount theatre.

Ald. Kleiner- You had it on the press release to thank JHM Tree Service and Regional Trucking and Harry Rotolo.

Maria Bruni-Yes, they volunteer. Harry Rotolo and the electrical workers union on Saturday in that rain decorated the tree. They did all the decorating of the tree. JHM Tree Service and Regional Trucking. DPW, Parks & Rec., Police Dept., Fire Dept. Great community event. We look forward to that.

Jacob Tawil/DPW Commissioner- Regarding West Main St. drainage/Maple Ave. drainage. Almost every Common Council meeting Ald. Johnson, Ald. Ramkissoon, Council Pres., they ask me, they ask the Mayor what is the status? It really should be noted that the Common Council a couple of years ago because of the importance of the project and for the reason to take care of the local residents there to save the agony to deal with flooding and insurance and damages. They authorized a couple hundred thousand dollars from City money in order to hire engineers in order to progress the project and complete the design and get the approval from the Army Corp. of Engineers. All that they knew the importance of the project. If you may recall we had a press conference at Maple Hill Park, that was a few years ago. Promising us the money about \$2.7million. All that happened and the Army Corp. of Engineers; I went down to Manhattan to meet with them, myself and consulting engineers visited with this gentleman on his property to see what issues are there so we can address them. He is right we are frustrated, we share the frustration; but we are almost there. Last week we finally got the contract signed by the County Executive and the Mayor. We are now waiting for the release from HUD for the funding. We thought that once the contract is signed we can go out to bid. That is why I promised you 2 weeks ago during the last Common Council meeting. We want to go out to bid and we get an e-mail from Community Development saying that we can't go out to bid until HUD releases the money. Now this money is Sandy's money from a million years ago, left over money sitting there not doing any good sitting in a bank. We are very anxious, they promised to give us information next Tuesday, Asst. for the Commissioner of Community Development for the County, she promised to

call us on Tuesday. She expects to have good news from HUD for authorization that the funds have been released once it is released then we can go out for bid.

The retention pond as we explained to you before when we met that is part of Maple Ave. drainage project. Small detention pond, we made it as big as we could with the property that we have. Function as a detention pond to try to ... when it occurs minimize the flooding. That is where we are at.

Unfortunately it is very sad we made progress but sometimes this is how it works. We need the money, we are almost there.

The sidewalks, Mr. Deitrich he spoke about the sidewalks; the Mayor through Maria's office Community Development they are going to come up with a program. They are working on it, to try to help property owners with some matching funds encourage them to invest in their sidewalks. It will be easy for code enforcement to go and write up every sidewalk and believe me we have a lot of sidewalks that need immediate attention throughout the City of Middletown. The Mayor is very much aware and he is working on it. If we can help with incentive to help with the money using HUD money for property owners will lessen the severity to the homeowners. That program is evolving as we speak.

Regarding the lighting we will take a look at it. As you know the City will be owning the street lights through a project ESG we are going to be replacing all the street lights from O&R, we will replace with LED lights. Right now we are negotiating the last step, we are negotiating with Frontier because some of the poles they belong to Frontier and not O&R. O&R is ready to sell. The last step is negotiating with Frontier regarding that. Any specific dark areas we will be happy to take a look at them and see about additional lighting. All these lights are going to be owned by the City of Middletown very soon.

The roundabout project we put out for bid, the bids came in estimated at \$1.5 million. Most of that money is federal money through the DOT, not costing us much at all for the taxpayers and still we were short a couple hundred thousand dollars. So today we had a meeting the Mayor and myself with OC Transportation Council, the good news is KJ they volunteered to defer some of the funding that was targeted to one of their projects in order to give us the money; City of Middletown for about \$200,000. For that, we are very thankful for KJ and this probably helped our project to move forward. We expect to have a resolution before you at the next Common Council meeting to award the bid, construction bid for the roundabout. Lowest bidder I believe was Boyce Excavation.

Black Dirt Sewer that is the sewer line that goes from the new Presidential Heights former Chorley School all the way to Elm St. to Monhagen St. We open the bids around \$3.5million; we were able to get a grant for \$1million. Zero interest from the State Revolving Fund. Again, we expect to make a recommendation for you to award the bid to Boyce Excavation.

Sun Up Enterprises-they are finishing up the Sterling St. sewer project. The last phase of it is putting the boring under the tunneling Wisner Ave. under the railroad tracks. Finalizing the redesign of a section of the sewer between Little Ave. and Washington. That is taking place right now and hopefully that project will be wrapped up.

Design for the 20 inch water line from the WTP like Ald. Kleiner said at one meeting goes back to the 1920's, 1930's I thank you very much for awarding the contract for the consulting engineer and they are starting to work on that design.

Don Luis/Fire Chief- Tonight we just have a resolution to transfer within our budget. Looking for support on that.

We will be participating in the annual tree lighting with our ladder truck.

Don Paris/Treasurer-Nothing this evening. Appreciate your support on the budget.

Chief Ewanciw/Police Chief- First and foremost overnight parking went into effect Nov. 15<sup>th</sup>. No parking in the ordinance from 2am-6am from 11/15/-4/15. Be aware of that as we enter into the season.

Some outreach that we are going to continue to do, November 30<sup>th</sup> we are doing some homeless outreach. We are going to go out into the community seek out people who are in need of services with some of our partners and try to get these people onto something about housing for the winter months before the cold weather really sets in. Some additional outreach we are doing for community relations we partnered once again with Parks & Rec. Dept. who has been a great partner with us to do some outreach. Dec. 4<sup>th</sup> we are doing a program called Cookies with Cops inviting members of the community to come out and actually bake holiday cookies with the police officers in a dress down fashion; so they can interact with the police officers. One on one environment.

Earlier this evening we had a DPW committee meeting. During that meeting some topics came up specifically to traffic enforcement; more specifically to speeding. One of the topics that came up is the purchase of a new speed trailer which has been ordered and purchased and with any luck it will be in our possession tomorrow and then you will start seeing it hopefully throughout the City in the upcoming weeks.

In regards to speeding just to show that we have increased our enforcement efforts we have partnered with the State Police. As you have heard people are seeing the State Police units throughout the City it is not anything more to supplement our traffic enforcement. Overall the Middletown Police Dept. has an increase of 24% increase in traffic tickets so far this year, out of that 21% increase in speeding tickets so far this year and just over the last month with increase enforcement there is an 88% increase from the previous month. I do have to definitely have to credit my staff with going out there and putting the effort to help with the enforcement. We will continue to do our best with that.

Chris Brinkerhoff/Superintendent Rec. – We did have our Turkey Trot on Saturday morning. Thank you to the Middletown High School Track Team and the Mayor’s Youth Council. ShopRite for donating all the turkeys we had a bunch of happy kids running races over at the Twin Towers Track.

Last night right here was the Mayor’s Youth Council meeting. I would like to thank Assemblywoman Gunther she came and spoke to the kids. She had a lot of inspirational things to tell the kids; offering them internships and offering them to the State Capital, inviting them to City Hall into her office. We did have 4 aldermen here as well we thank you very much for supporting them. The Mayor was also here. It really empowers the kids, they had a voice.

With the holidays you will see the mailboxes around. Letters to the North Pole will be starting. There are mailboxes at Thrall Library, City Hall, Paramount Theatre, the Rec. Dept. and Festival Square.

Saturday the day after the tree lighting ceremony is Santa Paws in the Run4Downtown Park. People bring their animals to get a picture with Santa. Also rescues there promoting what they do in getting animals homes.

The Chief mentioned Dec. 4<sup>th</sup> we have the Cookies and Cops. Wednesday December 6<sup>th</sup> is the Gingerbread House building that is at the Mulberry House.

Saturday, Dec. 16<sup>th</sup> is pictures with Santa at the Thrall Library.

Monday, Dec. 18<sup>th</sup> is the huge Polar Express at the Paramount. I know last year there were over 700 people attending that.

Friday, Dec. 22<sup>nd</sup> we have our Parents Night Out which is an opportunity to drop their kids off so parents can do last minute shopping.

Dec. 26<sup>th</sup> the week the kids have off we are running a Winter Break to help families that are working.

For all those programs just call the Recreation Dept. many of the holiday programs are free, you just need to register so we can have a head count.

Reminder, winter registration is going on right now for basketball, volleyball, soccer, cheerleading, please register. Some openings in our After School Program, the community was talking about getting some affordable After School Program we met those needs but we still have some openings. If you have elementary students looking for care after school contact the Rec. Dept.

Rich Guertin/Corp. Counsel-Nothing this evening.

John Naumchik/City Clerk- Nothing this evening.

7. Public Hearings & Grievances  
John Naumchik-Nothing this evening.

8. Petitions & Complaints

John Naumchik-Nothing this evening.

9. Remarks of the Mayor

Mayor DeStefano is not here tonight.

10. Remarks of Aldermen

Ald. Cid- Happy Holidays. Hope everyone has a wonderful Thanksgiving.

Ald. Jean-Francois-Thank everyone who came out for the General Election to vote. Beautiful weather, good turnout. Kind of prepared me for my 2<sup>nd</sup> term to be Ald. for the 4<sup>th</sup> Ward, I appreciate everybody for their votes.

Wish everyone a Happy Holiday.

Ald. Kleiner- I want to thank all the voters for an off year election. We had a lot of turn out, a lot of support; really appreciate the people in the 2<sup>nd</sup> Ward. Congratulate Andrew Green, also congratulations to Sparrow Tobin. Also want to recognize our opponent Joe Finneran he ran I think a very good campaign. With a lot of hard work and a lot of enthusiasm. Hope he stays involved he deserves some credit for that. Thank you Joe.

I also was at the Stop Violence March. I want to thank St. Paul's Church once again for opening up the church so that folks had someplace to go and speak. Their message was pretty clear, it was about community, stopping the violence and it was saying that some of you know something and if you do, you know you do then say something. Say no to gangs, say no to drugs, say no to guns, be a part of your community. I heard that word community a lot. It was very encouraging. So I hope someone does speak up.

I thank the Middletown/Wallkill Veterans Council and I thank Don Paris for representing Middletown at the Veterans Day event. It was very nice.

Next Tuesday, Nov. 28<sup>th</sup> is Statewide on line giving campaign for not for profits. One time a year they give this it is called NY Gives. The website is NYGivesDay.org. You can support whatever local charity you like. The one I hope people will look for, if you look under search organizations and you select a cause, you pick homelessness and housing you will find the greater Middletown Greater Interfaith Council. Those are the people who support the Warming Station; the Warming Station opened this past Sunday. Andrew has kindly consented do a web page for us and for them. It will be Middletown Warming Station.com. Hopefully it will be up in a day or two and we will have links where you can volunteer, that is the hardest part is getting people to commit and help so people have a place to stay. Every single night from 9pm-7am. People who need the shelter a place to be safe and also to be off the street. So it helps the City, it helps everyone.

Looks like we are going to lose Neutrality, they are going to take the internet as we know it and you won't recognize it because big corporations will be able to get the fast lanes and the rest of us the slow lanes. It is just a terrible thing, I hope it doesn't happen but it looks that way.

Ald. Witt-I would to clarify or add to what Mr. Gomez spoke of about the referendum. On December 5<sup>th</sup> on the sale of Memorial, you will receive something coming to your home about this. It will be in the form of the District newspaper. There is something in there about this, you should be getting it on the 28<sup>th</sup> or 29<sup>th</sup> of this month, I hope. If you do not want to wait that long you can access the information on our website at [MiddletownCitySchools.org](http://MiddletownCitySchools.org). You can see the referendum; you can see something written out that clearly states what is happening. Where you vote, it will be 7am-9pm same place where you vote for the budget and school board meeting. Also a video on there so you can see the discussion that the board had about this. If you don't want to wait until it comes to your home you can check it out there.

Also the District just completed 2 very successful weekend ventures. We had the State Boys Soccer Championships, two weekends back. This past weekend we had the state semi-finals in football. A lot of people that came to our area and they all had to eat and sleep someplace. Hopefully that can continue to happen here; I know we are committed through 2020 for soccer and next year on the football. Hopefully we can take advantages of some opportunities here.

Ald. Johnson-We certainly thank the voters for their confidence. The 3<sup>rd</sup> Ward is well represented this evening with some of the input. Yes we are still in water world but we are working on that.

Park & Rec. I think Chris just went through 100 hrs. of things that could happen to kids in the next 30 days.

The catch pond conversation, Jacob we know it is not your fault. When you said the money isn't doing anybody any good in the bank. It does do somebody good, the agency that is holding the money is doing quite well with my money and I would like you to give it to me.

I want to thank our colleagues from the School Board. I think it is a great opportunity to inter-act Cable 20 conversation. Hopefully that will be a good conversation.

I want to thank the Chief as well. He took the road running. A lot of initiatives, a lot of good things. Particularly and encouraged by the idea of reaching out to the homeless population. There is a homeless population in this community. I am sure none of these people expected to be where they are today. Anything we can do to help and tell them we are behind them and they will have a safe winter. I thank you for that.

Happy Turkey day.

Ald. Ramkissoo- Thank you for your support.

We have a holiday Ward meeting next Tuesday, the 28<sup>th</sup> at 7pm. We encourage everyone to come out.

I wanted to speak on something that happened over the weekend. Every year I try to work with an Asst. Principal over at Maple Hill Elementary, Mr. Kelly. He and the people at the school work very hard to put together full Thanksgiving meals for families in the school that otherwise wouldn't have one. A couple of years ago he approached me he was struggling to meet the turkey ... he wanted to know if I could help. I was able with the help of ShopRite to come within the last few years, this year ShopRite has been giving to Turkey Trot and a bunch of organizations we found ourselves falling a little short going into the weekend. Probably about ... I just want speak about... all I had to do was take to social media stating that I was reaching out and try to accomplish this goal and once again Middletown stepped up. I had turkeys dropped off at my house, vouchers, people dropped off money to be purchased and by Monday I was happy to report that I delivered every turkey they wanted and needed over at Maple Hill School with the help of our community. I wanted to say thank you to those that helped. Thank you to everyone.

Happy holidays. The tree lighting always one of my favorite things to do here in Middletown.

Ald. Burr- First I would like to thank all my constituents for supporting me for another term. I do appreciate it.

Wish everyone happy holidays and remember my constituents in the 1<sup>st</sup> Ward please do not leave your garbage out on Wednesday it will be a day late.

Ald. Masi-Thank you to all the voters in the 1<sup>st</sup> Ward and throughout the entire City of Middletown.

I want to thank Miguel Rodrigues for that a moment of silence for my good friend Ron Brown. Many wouldn't remember him but Ron was an advocate for the City of Middletown for many years. Sat where we sit now, he sat where Miguel sits and also County Legislature. He represented the City of Middletown in the 2<sup>nd</sup> Ward and the entire City for many years.

Kevin and Vince thanks for showing up; it is nice to see you. Memorial School, I did attend Memorial School for 2 yrs. I am glad that something positive is going to come from that. Thank you for that.

I am glad you are looking into having the School Board meetings live again. We've always made that offer and glad it can come to fruition.

Hope to see everyone at the tree lighting.

11. Unfinished Business

John Naumchik-Nothing this evening.

12. New Business

323.17 Resolution to authorize the Treasurer to transfer a total of \$27,700.00 within the 2017 Fire Department Operating Budget.

On motion of Ald. Masi seconded by Ald. Burr

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 \$27,700.00 within the 2017 Fire Department Operating Budget in the following manner:

From	Amount	To
A.3410.205 Rescue Equipment To purchase ventilation fans.	\$ 6,700.00	A.3410.200 Other Equipment
A.3410.206 AFFF Foam To cover Toshiba costs	\$1,000.00	A.3410.400 Contractual Services
A.3410.206 AFFF Foam Internet access thru year-end	\$500.00	A.3410.480 Office Expense
A.3410.204 Radio System	\$ 6,500.	A.3410.433 Personnel Training
A.3410.417 Gas & Oil	\$ 5,000	A.3410.433 Personnel Training
A.3410.494 Personnel Educ Paid Men To cover training for 4 new career members	\$ 5,000	A.3410.433 Personnel Training
A.3410.436 Testing of Trucks Parts & Repairs thru year-end	\$ 3,000.	A.3410.440 Repairs to Equipment

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

324.17 Resolution to transfer a total of \$210,000.00 from the Fund Balance to cover the unanticipated retirement and resignation of employees throughout the year.

On motion of Ald. Burr 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 total of \$210,000.00 from the Fund Balance to cover the unanticipated retirement and resignation of employees throughout the year in the following manner:

From	AMOUNT	To
Fund Balance	182,000.00	A.9000.870 General-Unused Sick Leave
Fund Balance	28,000.00	G.9000.870 Sewer -Unused Sick Leave

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

325.17 Resolution to authorize the Mayor to sign a contract with the County of Orange for the STOP-DWI Enforcement Crackdown for 2017/2018.

On motion of Ald. Witt 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 contract with the County of Orange for the STOP-DWI Enforcement Crackdown for 2017/2018 with a total award of \$3,980.00 to be used in an effort to reduce alcohol-related traffic injuries and fatalities by increasing policy efforts during peak periods.

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

326.17 Resolution to close streets at 6:00PM for the Annual Tree Lighting Ceremony to be held on Friday, November 24, 2017.

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

RESOLVED; that the Common Council of the City of Middletown authorizes the Chief of Police and/or his designee or the Commissioner of Public Works and/or his designee to close streets at 6:00PM for the Annual Tree Lighting Ceremony to be held on Friday, November 24, 2017. The parade will start at 6:30PM and will continue down North Street where it intersects with West Main Street. At the West Main Street intersection the parade turns right past Festival Square and turns right into James Street in the James Street Parking Lot.

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

327.17 Resolution to rescind resolution #151-17 on June 06, 2017 for the dedication of the Underhill Road extension to the City of Middletown as this road does not meet the minimum speed requirement of 25 miles per hour.

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

RESOLVED; that the Common Council of the City of Middletown rescinds resolution #151-17 on June 06,2017 for the dedication of the Underhill Road extension to the City of Middletown as this road does not meet the minimum speed requirement of 25 miles per hour.

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

328.17 Resolution to transfer \$6,678.50 within the DPW 2017 budget to cover the cost of 2 spray pumps for the WWTP.

On motion of Ald. Jean-Francois 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 \$6,678.50 within the DPW 2017 budget to cover the cost of 2 spray pumps required for operation of two sludge dewatering presses for the WWTP in the following manner:

FROM	AMOUNT	TO
G.8130.415	\$ 6,678.50	G.8130.200
Light & Heat		WWTP Equipment

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

329.17 Resolution to transfer a total of \$163,276.00 from the General Fund Balance and the Water Fund to cover shortfalls in the Light and Heat accounts throughout the City for the balance of 2017.

On motion of Ald. Masi seconded by Ald. Burr

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 \$163,276.00 from the General Fund Balance and the Water Fund to cover shortfalls in the Light and Heat accounts throughout the City for the balance of 2017 in the following manner:

From	Amount	A/C Num.	To		
General Fund	156,316.00				
	6,234.00	A.1620.415	Light-Heat	DPW	
	2,376.00	A.3420.415	Light-Heat	Fire	
	112,719.00	A.5182.900	Light-Heat	Street Lighting	
	7,804.00	A.6772.415	Light-Heat	Seniors	
	11,229.00	A7020.415	Light-Heat	Recreation	
	8,822.00	A.7180.415	Light-Heat	Pools	
	7,132.00	A.8060.415	Light-Heat	Academy	
Water Fund	6,960.00				
	7,477.00	F.8330.415	Light-Heat	Purification	
	(517.00)	F.8340.415	Light-Heat	Distribution	

Ald. Kleiner-I did hear this discussion- the Commissioner was talking about us buying the lights from O&R. and going LED lights. This is through ESG and it has been taken longer in negotiations. Hopefully it all works out in the end.

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

330.17 Resolution to award the bids for Water Pipe and Gray Iron Castings.

On motion of Ald. Burr seconded by Ald. Masi

WHEREAS, bids were opened by the Board of Estimate and Apportionment on April 12, 2017, for the Water Pipe and Gray Iron Castings, and

WHEREAS, the Board of Estimate and Apportionment referred the bids to the Commissioner of Public Works for his review and recommendation to the Common Council of the City of Middletown, and,

NOW THEREFORE BE IT RESOLVED; that the Common Council of the City of Middletown concurs with the Commissioner of Public Works and awards the bids for the Water Pipe and Gray Iron Castings to the following:

Newburgh Winwater Works Co., 653 Rt.52, Walden, NY 12586:

6" cement lined, Class 52 ductile iron Tyton joint water pipe @ \$12.90/lin. ft.  
8" cement lined, Class 52 ductile iron Tyton joint water pipe @ \$18.24/lin. ft.  
10" cement lined, Class 52 ductile iron Tyton joint water pipe @\$23.84/lin. ft.  
14" cement lined, Class 52 ductile iron Tyton joint water pipe @ \$37.10/lin. ft.  
16" cement lined, Class 52 ductile iron Tyton joint water pipe @ \$43.52/lin. ft.  
18" cement lined, Class 52 ductile iron Tyton joint water pipe @ \$50.06/lin. ft.  
20" cement lined, Class 52 ductile iron Tyton joint water pipe @ \$56.85/lin. ft.  
24" cement lined, Class 52 ductile iron Tyton joint water pipe @ \$71.25/lin. ft.  
Valves--Resilient Seat 8" dia. @ \$934.76 ea.  
Hymax Couplings --for 14" pipe @ \$864.82 ea.  
                                  --for 16" pipe @ \$891.48 ea.  
                                  --for 18" pipe @ \$1,048.75 ea.  
                                  --for 20" pipe @ \$1,132.64 ea.  
                                  --for 24" pipe @ \$1,206.05 ea.

Manhole cover 24" @ \$106.38 ea. domestic; \$63.83 ea. import  
Manhole frame 24" (4" high) @ \$90.43 ea. domestic; \$63.83 ea. import  
Manhole frame 24" (6" high) @ \$119.68 ea. domestic; \$88.83 ea. import  
Manhole frame 24" (8" high) @ \$132.98 ea. domestic; \$109.31 ea. import

Newburgh Winwater Works Co., 653 Rt.52, Walden, NY 12586 contd:

Manhole frame 26" (4" high) @ \$134.57 ea. domestic; \$72.34 ea. import  
Manhole frame 26" (6" high) @ \$134.57 ea. domestic; \$84.04 ea. import  
Manhole frame 26" (8" high) @ \$138.88 ea. domestic; \$105.85 ea. import  
1" manhole extension ring for 24" @ \$122.34 ea. domestic; \$32.61 ea. import  
1 1/2" manhole extension ring for 24" @ \$127.66 ea. domestic; \$38.04 ea. import  
2" manhole extension ring for 24" @ \$132.98 ea. domestic; \$43.48 ea. import  
1" manhole extension ring for 26" @ \$127.66 ea. domestic; \$43.48 ea. import  
1 1/2" manhole extension ring for 26" @ \$132.98 ea. domestic; \$48.91 ea. import  
2" manhole extension ring for 26" @ \$54.35 ea. import  
Valve box lid marked water @ \$7.61 ea. import  
Valve box riser (6" high) @ \$15.43 ea. import  
Valve box riser (3" high) @ \$10.87 ea. import  
Valve box riser (2" high) @ \$7.23 ea. import  
Valve box riser (1" high) @ \$4.35 ea. import  
#2540 Highway catch basin frame or equal @ \$195.14 ea. domestic  
#3432 "Stream Flow Grates" or equal @ \$212.77 ea. domestic  
#2576 Manhole step or equal @ \$9.25 ea. import  
3" Manhole extension rings or equal for cover #1254 @ \$186.17 ea. domestic  
2" Catch basin extensions for grate #2540, or equal @ \$159.57 ea. domestic

2 1/2" Catch basin extensions for grate #2540, or equal @ \$175.53 ea. domestic  
#3430B Highway Frame or equal @ \$159.57 ea. domestic  
#3430B Highway Grate or equal @ \$175.53 ea. domestic  
#3433 Heavy Duty Frame or equal @ \$234.04 ea. domestic

HD Supply Water Works, LTD., 650 Sheafe Road, Poughkeepsie, NY 12601:

12" cement lined, Class 52 ductile iron Tyton joint water pipe @ \$30.69/lin. ft.

Valves -- Resilient Seat 6" dia. @ \$613.69 ea.

- Resilient Seat 10" dia. @ \$1,481.05 ea.
- Resilient Seat 12" dia. @ \$1,884.15 ea.
- Resilient Seat 14" dia. @ \$5,510.70 ea.
- Resilient Seat 16" dia. @ \$6,043.28 ea.
- Resilient Seat 18" dia. @ \$9,801.41 ea.
- Resilient Seat 20" dia. @ \$11,774.82 ea.
- Resilient Seat 24" dia. @ \$16,720.55 ea.
- Butterfly 6" dia. @ \$555.29 ea.
- Butterfly 8" dia. @ \$715.13 ea.
- Butterfly 10" dia. @ \$987.54 ea.

HD Supply Water Works, LTD., 650 Sheafe Road, Poughkeepsie, NY 12601contd:

- Butterfly 12" dia. @ \$1,201.85 ea.
- Butterfly 14" dia. @ \$1,906.98 ea.
- Butterfly 16" dia. @ \$2,311.23 ea.
- Butterfly 18" dia. @ \$2,664.01 ea.
- Butterfly 20" dia. @ \$3,528.26 ea.
- Butterfly 24" dia. @ \$4,892.86 ea.

Repair Clamps – for 20" pipe @ \$878.54ea.ductile; \$878.54 cast iron

Manhole cover 26" @ \$108.82 ea. domestic

#3432 Heavy duty highway frame or equal @ \$176.18 ea. domestic

#3433 Heavy Duty Grate or equal @ \$388.64 ea. domestic

Schmidts Wholesale, P.O. Box 5100, Monticello, NY 12701:

Fittings for 6" pipe - 11 1/4<sup>0</sup> bend @ \$142.70ea.domestic; \$96.65ea.import

- 22 1/2<sup>0</sup> bend @ \$140.75ea.domestic; \$95.50ea.import

- 45<sup>0</sup> bend @ \$147.85ea.domestic; \$98.60ea.import

- 90<sup>0</sup> bend @ \$163.95ea.domestic; \$107.60ea.import

Fittings for 8" pipe - 11 1/4<sup>0</sup> bend @ \$194.10ea.domestic; \$130.20ea.import

- 22 1/2<sup>0</sup> bend @ \$203.10ea.domestic; \$135.25ea.import

- 45<sup>0</sup> bend @ \$205.70ea.domestic; \$136.45ea.import

- 90<sup>0</sup> bend @ \$233.35ea.domestic; \$149.30ea.import

Fittings for 10" pipe - 11 1/4<sup>0</sup> bend @ \$295.85ea.domestic; \$195.55ea.import

- 22 1/2<sup>0</sup> bend @ \$289.40ea.domestic; \$196.35ea.import

- 45<sup>0</sup> bend @ \$293.95ea.domestic; \$195.80ea.import

- 90<sup>0</sup> bend @ \$374.35ea.domestic; \$223.40ea.import

Fittings for 12" pipe - 11 1/4<sup>0</sup> bend @ \$403.00ea.domestic; \$251.55ea.import  
 - 22 1/2<sup>0</sup> bend @ \$415.25ea.domestic; \$258.20ea.import  
 - 45<sup>0</sup> bend @ \$457.10ea.domestic; \$273.40ea.import  
 -90<sup>0</sup> bend @ \$528.50ea.domestic; \$298.80ea.import  
 Fittings for 14" pipe - 11 1/4<sup>0</sup> bend @ \$746.80ea.domestic; \$426.65ea.import  
 - 22 1/2<sup>0</sup> bend @ \$733.95ea.domestic; \$399.35ea.import  
 - 45<sup>0</sup> bend @ \$728.15ea.domestic; \$397.00ea.import  
 Fittings for 14" pipe - 90<sup>0</sup> bend @ \$866.50ea.domestic; \$451.65ea.import  
 Fittings for 16" pipe - 11 1/4<sup>0</sup> bend @ \$907.40ea.domestic; \$519.70ea.import  
 - 22 1/2<sup>0</sup> bend @ \$907.40ea.domestic; \$506.45ea.import  
 - 45<sup>0</sup> bend @ \$931.85ea.domestic; \$516.20ea.import  
 - 90<sup>0</sup> bend @ \$1,113.95ea.domestic; \$611.85ea.import  
 Fittings for 18" pipe - 11 1/4<sup>0</sup> bend @ \$1,303.70ea.domestic; \$723.10ea.import  
 - 22 1/2<sup>0</sup> bend @ \$1,224.55ea.domestic; \$648.95ea.import  
 - 45<sup>0</sup> bend @ \$1,231.00ea.domestic; \$710.20ea.import  
 - 90<sup>0</sup> bend @ \$1,509.00ea.domestic; \$770.35ea.import

Schmidts Wholesale, P.O. Box 5100, Monticello, NY 12701 contd:

Fittings for 20" pipe - 11 1/4<sup>0</sup> bend @ \$1,406.95ea.domestic; \$810.50ea.import  
 - 22 1/2<sup>0</sup> bend @ \$1,527.30ea.domestic; \$832.75ea.import  
 - 45<sup>0</sup> bend @ \$1,469.35ea.domestic; \$816.35ea.import  
 - 90<sup>0</sup> bend @ \$1,832.95ea.domestic; \$1,011.90ea.import  
 Fittings for 24" pipe - 11 1/4<sup>0</sup> bend @ \$1,927.40ea.domestic; \$1,093.50ea.import  
 - 22 1/2<sup>0</sup> bend @ \$2,032.30ea. domestic; \$1,126.30ea.import  
 - 45<sup>0</sup> bend @ \$2,081.20ea.domestic; \$1,163.70ea.import  
 - 90<sup>0</sup> bend @ \$2,780.75ea. domestic; \$1,451.45ea.import  
 Hydrants - Mueller A423 Super Centurion 250 fire hydrant 5' bury @\$2,147.30 ea.  
 Hydrants - Mueller A423 Super Centurion 250 fire hydrant 6' bury @\$2,252.30 ea.  
 Hydrants - Mueller Prod. #A466-511980, spin-in 5 ft. bury @\$2,300.00 ea.  
 Hydrants - Mueller Prod. #A466-511980, spin-in 6 ft. bury @\$2,420.00 ea.  
 Valves -- Resilient Seat 8" dia. @ \$934.76 ea.  
 Repair Clamps – for 14" pipe @ \$468.75ea.ductile; \$468.75ea.cast iron; \$468.75ea.  
 transite  
 Repair Clamps – for 16" pipe @ \$661.00ea.ductile; \$661.00ea.cast iron; \$661.00ea.  
 transite  
 Repair Clamps – for 18" pipe @ \$766.50ea.ductile; \$766.50ea.cast iron; \$766.50ea.  
 transite  
 Repair Clamps – for 20" pipe @ \$970.00 ea. transite  
 Repair Clamps – for 24" pipe @ \$1,004.00ea.ductile; \$1,004.00ea.cast iron; \$1,004.00  
 ea. transite  
 Manhole cover 26" @ \$103.40 ea. import  
 2" manhole extension ring for 26" @ \$130.00 ea. domestic  
 Valve box lid marked water @ \$22.75 ea. domestic  
 #2540 Highway catch basin head, or equal @ \$101.20 ea. import

#2540 Highway catch basin grate or equal @ \$149.10 ea. import  
 #2540 Highway catch basin frame or equal @ \$127.80 ea. import  
 #3432 Heavy duty highway frame or equal @ \$118.40 ea. import  
 #3432 "Stream Flow Grates" or equal @ \$189.40 ea. import  
 #2576 Manhole step or equal @ \$8.75 ea. domestic  
 #3430B Highway Frame or equal @ \$101.20 ea. import  
 #3430B Highway Grate or equal @ \$134.20 ea. import  
 #3433 Heavy Duty Frame or equal @ \$135.30 ea. import  
 #3433 Heavy Duty Grate or equal @ \$249.50 ea. import

Campbell Foundry, 800 Bergen St., Harrison, NJ 07029:

Valve box riser (6" high) @ \$42.00 ea. domestic  
 Valve box riser (3" high) @ \$25.00 ea. domestic  
 Valve box riser (2" high) @ \$16.00 ea. domestic  
 Valve box riser (1" high) @ \$11.00 ea. domestic  
 #2540 Highway catch basin head, or equal @ \$180.00 ea. domestic  
 #2540 Highway catch basin grate or equal @ \$205.00 ea. domestic  
 #3440 Heavy Duty Complete @ \$660.00 ea. domestic; \$435.00 ea. Import

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

331.17 Resolution to authorize the Treasurer to transfer \$360.00 within the Civil Service 2017 budget.

On motion of Ald. Johnson seconded by Ald. Ramkissoon

RESOLVED; that the Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment to authorize the Treasurer to transfer \$360.00 within the Civil Service 2017 budget due to the Toshiba copier bill being higher than anticipated in the following manner:

From	Amount	To
A.1430.480	\$360.00	A.1430.400
Office Expense		Contractual

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

332.17 Resolution declaring the intent of the City of Middletown Common Council to act as lead agency in the proposed action of 31-34 Bolles Ave demolition and classify the project as an “Unlisted Action” as defined by SEQRA.

On motion of Ald. Johnson seconded by Ald. Burr

WHEREAS, the City of Middletown (City) is proposing the 31-34 Bolles Avenue Building Demolition (Project), located in the City of Middletown, Orange County, New York; and

WHEREAS, the Project has been classified as an “Unlisted Action” as defined by the State Environmental Quality Review Act (SEQRA) in 6 NYCRR Part 617.4; and

WHEREAS, it is the intent of the City of Middletown Common Council to assume the role of “Lead Agency” for purposes of conducting a SEQRA assessment of the Project; and

WHEREAS, the City has requested Restore New York Communities Initiative Funding to cover the proposed Project; and

WHEREAS, Part I of a Short Environmental Assessment Form (SEAF) has been completed, reviewed by the City of Middletown Common Council, and will be circulated to all Interested and Involved Agencies for purposes of establishing the City of Middletown Common Council as “Lead Agency” in accordance with 6 NYCRR Part 617.6(b).

NOW, THEREFORE, BE IT

RESOLVED AND DETERMINED, that the City of Middletown Department of Public Works Commissioner hereby is authorized to sign Part I of the Short Environmental Assessment Form (page 3); and it is further

RESOLVED AND DETERMINED, that the City of Middletown will send said Part I of the Short Environmental Assessment Form to the attached list of “Interested and Involved Agencies” under cover of a “Notice of Intent to Establish Lead Agency” letter for purposes of establishing Lead Agency status under SEQRA; and it is further

RESOLVED, that the City of Middletown Department of Public Works Commissioner and Common Council, together with the City of Middletown Attorney and B&L, are hereby authorized to take all actions, serve all notices, and complete all documents required to give full force and effect to this determination.

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

333.17 Resolution to transfer \$796.00 from the General Fund Balance to pay the remaining amount for the purchase of the land on Ingrassia Road in Wallkill.

On motion of Ald. Masi seconded by Ald. Burr

RESOLVED; that the Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment to authorize the Treasurer to transfer \$796.00 from the General Fund Balance to pay the remaining amount for the purchase of the land on Ingrassia Road in Wallkill in the following manner:

From	Amount	To
Gen Fund Balance	\$796.00	A.1940.900 Land Purchase

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

334.17 Resolution to approve and adopt the 2018 City budget.

On motion of Ald. Masi seconded by Ald. Burr

Whereas, the Board of Estimate and Apportionment has approved and submitted an itemized statement in writing of the estimated revenues and expenditures of the General City Government, the Water Department and the Sewer Department other than amounts to be raised by taxation for County purposes, for the fiscal year January 1, 2018 through December 31, 2018, and,

Whereas, the estimates are entered in full in the minutes as attached to this resolution, and

Now, therefore, be it resolved and ordained that the Common Council of Middletown, NY does hereby approve and adopt the aforesaid amended annual budget presented as follows:

<b><u>Description:</u></b>	<b><u>General Fund:</u></b>	<b><u>Water Fund:</u></b>	<b><u>Sewer Fund:</u></b>
			<b><u>Fund:</u></b>
Revenue	\$20,629,888	\$7,572,227	\$5,017,333
Expense	\$39,830,324	\$7,572,227	\$5,017,333
Appropriation:			
Estimated Revenue:	\$20,629,888		
Tax Levy – General			
City Purposes	\$19,200,436		

Ald. Masi- Thanks to the Treasurer Don Paris and his staff and I guess in particular Denise; along with the Mayor, Council Pres. and I happen to be Chairman of

Finance every dept. head came in and I want to thank the Dept. heads. Really good budget.

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

335.17 Resolution to amend the City Code to add to Chapter 460 Vehicles and Traffic Section 460-28 Handicapped permits directly in front of 12 Knapp Avenue.

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

### **MOTION FROM THE FLOOR**

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:

(65) One Spot directly in front of 12 Knapp Avenue

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

### 13. LOCAL LAWS

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 seconded by Ald. Kleiner

### **Local Law #5 of 2017**

A LOCAL LAW TO AMEND CHAPTER 389: SEWERS OF THE CODE 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.

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

#### 14. Audit

On motion of Ald. Masi seconded by Ald. Burr

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