



**Common Council
Meeting
City of Middletown
December 5, 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 former Congressman Maurice Hinchey

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

3. Approval of Minutes

On motion of Ald. Masi seconded by Ald. Witt to accept the minutes of November 6, 2017 as submitted

All in favor

4. Correspondence

John Naumchik- Nothing this evening.

5. For the Good of the City

Bob Deitrich- One just before coming here about 7pm I went to vote in the School District decision in terms of selling the school. I was number 28 that is not too good.

Ald. Ramkissoon-Asked where?

Bob Deitrich-Presidential.

One of the things for the people out there in tv land your vote does count. If you have 50 friends on Facebook which a lot of people do in a vote like this you could definitely influence what happens in your school district.

The other thing when I actually got back from that vote I looked on line at the agenda and I saw something regarding Local Law #6 which is increasing the salary of the Mayor and Council President; which I have no problem at all. When you think about our Mayor when you think about it our Mayor I don't know if anyone comparable not in Orange County anyway. If you look at Newburgh their Mayor is not a full time position it is a Council position basically. They have a sitting Manager, Port Jervis it is a part time position he works as a teacher full time. Our Mayor is here full time all day and then some, no problem with that. What I am hoping is what the process was. I do have some questions regarding that. I hope prior to introduction the questions will be answered. First of all how the law is introduced, who introduces it? What is the process and policy for increase in salaries of elected officials? Again, just questions people have. Perhaps that will be discussed tonight.

Since both positions are very different as I said, completely different, will there be separate justifications in terms of salary increase. As I said will it be comparable to salaries for Mayors, Council President in equitable cities if you can find one. The only one I can think of is Kingston around here; perhaps some in Rockland County, Beacon? The problem is I couldn't find the law, I searched it on the website and I couldn't find it. Where can somebody find the full one and how can they access it?

Will the public get a chance, I am here today, will the public get a chance to speak on the law on the issue? Will get a chance to discuss it at board meetings with their alderpersons. Our city is doing great we are on the rise.

Tom Amodio
Pres. Monhagen Hose Co. #1

As you all know we finally had bids received for the Monhagen's Pumper Rescue truck. Truck committee went over diligently through the whole specs. page by page, word by word. Jacob received a copy today from the Chief. The newly elected chief coming in he has a copy, I left a copy on your desk; I don't want to read the whole thing and bore everybody. These are the findings we found between manufacture A and manufacture B. It is all plain and simple if anybody would like to speak to us. We just wanted to go on record that the committee did go through the specs. and what our findings were so we have some kind of leeway where to go.

Pres. Rodrigues-Asked Jacob if he got a copy.

Commissioner Tawil-Yes sir.

Alexi Fernandez- Used his 4 mins. in silence.

6. Remarks of Dept. Heads

Jacob Tawil/Commissioner DPW- Before you for the approval and vote hopefully you will approve for construction roundabout and Black Dirt Sewer and I will come in a couple of weeks and I will talk to you in more detail.

3rd Ward from the Mayor we just received a letter from HUD through Mr. Mayfield about the West Main St. drainage project has been approved for \$1.186million has been released. Which means it can go out for bid for West Main; we are waiting for the letter for the Maple Ave. drainage.

We are still picking up leaves until this Friday. If anyone has leaves by all means just put them in the street within 3 ft. and we will pick up. Please do it now and not after Friday.

You can see the tracks by Wisner Ave. emergency change order under \$40,000 because the contractor found more rock under the railroad track itself which we are not permitted to dig under it.

The water main break we had yesterday. 12 inch water main break is actually failed joint, the age of the pipe 1898 stamped on pipe. We fell behind in notifying the public about what was taking place, I apologize for that. It was demanding 24 hrs. repairing the leak in the joint, it is not a water main break it is a joint that failed. On Wednesday night at 11pm it will be on our website we will go back to that location on Lake Ave. going to dig out the joint, remove a section of the pipe and replace it with a 12 inch valve. That will enhance our ... We will appreciate your indulgence and cooperation and we regret any inconvenience.

Ald. Masi-Just repeat that again, I'm not sure time. Tomorrow night at...

Commissioner Tawil-11 pm. Wednesday. We will be shutting down the water, going to try to minimize the impact as much as possible. It could take include a 20' water main and people might remember what happened to us when we had the water main break on W. Main. California Ave., Pilgrim Estate, was without water.

Ald. Witt- Could you elaborate a little more on what is happening on Wisner Ave.

Commissioner Tawil-On Wisner Ave. we have a very old sewer pipe, basically an old clay sewer pipe that has collapsed partially. Nothing much left of it. Quite a bit of sewer goes under the railroad track. We are not allowed to open excavate under the tracks, not allowed to come close to them. However, the railroad is very cooperative and allowed us to dig within 2 ft. of the railroad track to remove... conventional means which is an excavator ...which we did that. However, there is still rock right after the railroad track. What we have to do is suppose to be a sleeve that is to be

jacked under the railroad track. The size of the sleeve was 24 in. ...we had to increase it to 30 in. because the contractor, specialty contractor they have means and methods to do 30 in. of diameter to remove the rock. That is the last emergency change order we have to approve so that the project can progress. So now we have a 30 in. sleeve in there, casing pipe inside we will have a 16 in. sewer pipe. That is the carrier pipe that will replace the old some of the 8 in. clay pipe about 250 ft.

Ald. Kleiner- The Black Dirt Sewer that is a lot of money, is that the one where we are getting the money from KJ.

Commissioner Tawil-That is the roundabout. KJ that is for Orange County Transportation Council each municipality has funding available for their projects. So KJ has a project not available, not ready to go for design and construction. So they generously agreed to give us \$360,000 + or – from their project so that our project could proceed with the roundabout. Because they are not ready to go. We sincerely appreciate it. They are not going to lose that money. We are going to be supporting them to qualify under SEMA which is pilot money under the federal government because their project is curbs and sidewalks. Our project the roundabout does not qualify for SEMA.

Ald. Johnson- People have been noticing the project on Cty. Rte. 78 by the school, I guess its Stewarts, can you explain our relationship to that project.

Commissioner Tawil-That is the Town of Wallkill over there, part of the annexation that took place between the City of Middletown and the Town of Wallkill. We had to provide them with 50,000 gallons of water for that property at the corner and sewer. That is what they are doing; they are going to be constructing water and sewer line to go under Cty. Rte. 78 into our sewer line which is on the other side of the road. That is why we took over the City, the Mayor made a deal to take over the rest of the Psychiatric Center.

Don Luis/Fire Chief- The only thing we have going on this month is the Firemen elections which is voted by the membership. Dec. 12th from 3-9.

Chief Ewanciw/Police Chief-I have 2 items before you one being the Nixel project which we did a demonstration about a month ago. It is a reverse 911 system it is a software program that will allow us to reach out to the community. Improve and expand our communications ability with the community. A good portion of this is that it is an elective for community members if they would like to join it is their right to do so. One of the greater features that it does have and I think would be beneficial to us as a community we can use it for not only public safety for the Police Dept., Public Works, Fire Dept., Parks & Rec. whatever other services we need to reach out to the community and let them know what is going on.

The other item I have on the agenda is a Patrol Supervisors vehicle, which typically lasts our dept. 10 yrs. We greatly appreciate your support on that.

Follow up the last meeting I discussed the purchase of our speed trailer that you graciously approved for us several months ago. We were able to receive that and we did implement that on Wawayanda Ave. last week. As I stated it did have a computer portion program to it that would give us some feedback and data. I did run 2 days of data to try to get familiar with the programing and see what type of information it does give us.

The good part of it is during these 2 days they averaged about 2,700 cars in a 24 hr. period that traveled through that Amchir Ave. area on Wawayanda Ave. The average speed of those 2,700 cars each day was 32 mph which is very good. There is some speed issues we will have to address; there are 70% of the vehicles of that 2,700 vehicles less than 35 mph we do still have a portion of the vehicles traveling in excess of that and we will use this data to better address that. We will be moving the speed trailer tomorrow hopefully to W. Main St. to get some additional data there.

If anybody would like to see any of these charts after the meeting you are more than welcome. That machine cost us just over \$8,000.

Ald. Johnson-As far as the speed trailer I think that is great. The other question the 911 system how will the public know that we have that.

Chief Ewanciw- Once we have it up and running my goal is to have it up in 2018; we will put the information out on our website, city's website, Facebook, discuss at meetings. Basically we will have a link off our website and I assume other depts. will try to do the same where people could access and sign into that program through the site. We will make it as easy as possible; during the demonstration of Nixel you can also use key words as we did that day.

Chris Brinkerhoff/Superintendent Recs. - I would like to thank the Chief and all his men and women in the Police Dept. We did have Cops and Cookies yesterday. It was very well attended, the officers were awesome, the parents and kids loved it. That is what this community is about.

Also it is the last weekend for your letters to the North Pole let the kids get them in the mailbox and Santa will be writing them all back.

There is a resolution in front of you tonight it is Solutions Funding which is from the County for the Mayor to be able to sign those contracts. The City will be getting \$54,000 this year that is \$12,000 up from 2 yrs. ago. The reason for that again is collaboration, collaboration with the Police Dept., collaboration with different agencies and I see that getting bigger and better all the time.

Rich Guertin/Corp. Counsel-I just want to go into the Local Law process a little bit. Mr. Deitrich had some questions about it. I know you on the Council are familiar with it as I expect you would be I know Dr. Johnson sure is.

I do want to enlighten the public as to what the process is. Our Charter which really serves as State law anytime you have to make an amendment in the Charter it has to be by Local Law. There are other provisions of our City Code that also had been adopted by Local Law which if they are amended they have to be by Local Law.

The proposal today would be an amendment to the Charter. Any Local Law is governed by NYS Municipal Home Rule Law very specific as to the process we have to follow. Every Local Law is suppose to address one subject and you have to be specific about what is being changed, amended, added whatever. Under the Municipal Home Rule Law depending on the municipality you are dealing with the process is a little different. For every municipality a Local Law has to be on the desks of the council people anywhere from 7 days-10 days before it can be enacted on in its final form. If the Local Law has been published on the website, it is going to be introduced tonight that will be the introduction of it that period of time starts moving forward. Which means in 2 weeks at the next Council meeting the proposed Local Law could be approved by the Common Council. There is no public hearing in front of the Common Council, a bit of a quirk in the law because we are a City with a Mayor there is no public hearing in front of the Legislative body. So the Common Council would accept the Local Law and either approve it or disapprove it. If the Common Council approves it then there is a public hearing that is held in front of the Mayor that has to be published in the newspaper; specific time is set and the Mayor himself would hold a public hearing on it. After the public hearing is concluded the Mayor either approves or disapproves the Local Law. If the Mayor approves it then it is sent up to the Sec. of State for filing and then it becomes effective.

I just wanted to lay out that process again, I know you members of the Council are familiar with it but for those who in the public who are not familiar that process I just want to make it clear under State law there is no public hearing in front of this body it is in front of the Mayor. If and when it gets approved by the Council.

Ald. Johnson- I think it is important for all of us listening when we have this particular topic on the floor we are talking about the position not the particular individual.

Rich Guertin-That is correct.

Ald. Johnson- I think somebody might say ok the Council puts it out there, the Council approves it ...changing the salary for the position of the Mayor of the City of Middletown and it comes before this sitting Mayor to approve or disapprove it.

Rich Guertin-There is only one Mayor he can't abstain or recuse himself from it because under the law the Mayor is the person who has to have the public hearing and has to either approve or disapprove it.

In certain circumstances where perhaps conflicts of interest presents themselves, I'm not saying there is a conflict here just in general some opinions that have come down

and say the body has to act if everyone recuses themselves then no action can be taken and then the government just stops. With respect to that particular subject. So there is no choice, the Mayor has to act on it one way or the other.

Ald. Kleiner- Technically since Chief Administrator Officer in the City has to act on it.

Rich Guertin-It says if there is a Mayor.

Ald. Kleiner-The Mayor is the Chief.

Rich Guertin-The Mayor is the Chief, Section 54 of the Charter, the Mayor is Chief Executive Officer of the City. No question about it. For all intense purposes it is the Mayor.

Actually there have been signed grant applications through Community Development Office where there have been questions of who is the Chief Executive Officer of the City. I have had to give them a legal opinion that it is the Mayor based on the Charter and that section of the Charter.

John Naumchik/City Clerk- A few months ago you approved a review of the website, I just want to let you know we are in the process of doing that right now. The homepage colors and everything have been all done and everything of course is being done in the background. So nobody can see it yet. When it is time to put the website out I will be doing a presentation.

You also approved the scanning of all the documents down in the basement. I just want to let you know we pulled all those documents, we got them ready to go and it should be picked up in about a week. Process will be 3 months, 400,000 documents to be scanned. It will be a great thing for everyone. Looking for items in our Laser Fiche.

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 the Aldermen

Ald. Cid-Remind everyone we are having a procession at St. Joseph's, it is another way to come out and be a part of our community. There is a mass and after that there is food.

Last week the tree lighting was great.

Ald. Kleiner- Thank you Jacob and thank you for your crew working through the night during that water main break and getting it on the website. That is something that Nixel will do for us in the future and let people know right away.

I just want to mention that I thought it was a privilege to be represented by Maurice Hinchey he was an outstanding congressman.

The tree lighting was terrific, the crowd was amazing, I think that is the most people I have seen yet for the tree lighting. The community spirit was tremendous, so congratulations to everyone involved.

There was also a tree lighting at HONOR Emergency Housing. The Police Chief was there, Officer Bailey, Reggino and some others; I have to tell you the Middletown Police Dept. got such wonderful kudos from the people there. Thank you.

Congressman Maloney I mentioned last time about neutrality. It is a national issue but it is a local issue because it affects everybody. You want to keep the internet free and open and Congressman Maloney will be having a live Facebook Town Hall tomorrow at 7pm. You can ask questions live on Facebook. Thank you for keeping that alive, I know that they are going to try and push it through and I hope enough people raise their voices and stop it. That is how we communicate. Overlooking a lot of the budget process and children's health insurance, so many changes. The changes in Medicare, Social Security rules and the budget is being overshadowed because of this tax revision is laughing we call tax reform. I bring it up because it is going to do damage to NYS the budget and the tax changes damage to Middletown.

We had a wonderful event on Friday that I went to it was Main St. Middletown. It was a lot of people from the community and outside of Middletown coming together talking about DRI and talking about Community Development opportunities and a lot of the funding that the community people use in the historic preservation derives from the tax credits that are being taken away. They talked privately about how difficult it is going to be. This was the most disgraceful bill I have ever seen go through the Senate. I'll complain because no Democrat voted for it. No Democrat was included in the process at any point in writing it and even being allowed to see it. It was not allowed to be discussed, disgraceful and this is what you call draining the swamp. This is terrible but it is a local issue because it is going to be very hard on NY, it is going to be very hard on Middletown. We once had a war on poverty, now we are having war on the impoverished, there are richest guy wealth in Amazon is greater than 126 countries. So it is something to think about the inequities, raise your voices if you can.

Thank you.

Ald. Witt- Commissioner Tawil thank you so much for the work that you folks do you and your men and women. The City looks great and it is constant that is the one thing in my time here that I have really grown to appreciate how hard you folks work, you have good people working with you.

Chief thank you for presenting that information. I love those kinds of numbers and stuff like that; sounds like it is going to be such an effective tool for you to help manage your resources. It is an issue that has come before us the speeding and thank you for making that presentation.

Our 2nd Ward meeting is going to meet Dec. 11th at 7pm. Jerry and I will be here as well as Alderman-elect Andrew Green, he was here at the last one. He is bringing his notes and is ready to go.

Ald. Johnson- I was not able to attend the tree lighting but I will congratulate all.

Ald. Kleiner's remarks about the tax bill, your right we don't have any control over it but NY and CA. are the states that are targeted to be hit hard if all these things go through.

I also enjoyed our 3rd Ward meeting last week. It was informal and enjoyed the famous cheesecake.

Ald. Ramkissoon- We had a nice meeting, nice to see everybody before the holidays. Reminder 3rd Ward will not hold a meeting in December. Enjoy your holiday.

Next Tuesday we are going to have a Neighborhood Watch we had good attendance. We will be here next Tuesday at 7pm. We really appreciate Middletown PD great communication with the residents and addressing their concerns.

Chief I know especially considering your report on Wawayanda and the fact that you will be checking on what is going on on W. Main there will be a lot of happy residents. Speeding issues

Jacob on Lake Ave. Street/Water and all the guys I give them a lot of credit. Great job.

Thanked the residents for their patience.

Leaf pick up has been really good Jacob as well and I also want to thank the residents I feel they have been really good about keeping the leaves contained and they are not all over the road this year. Good year for pick up.

Brink, the playground looks outstanding.

Good news all around receiving the letter from HUD.

Ald. Masi- Wow I have been on this Council for nearly 20 yrs. and this is the first time that anyone from the public and spoke on a Local Law that he happened to see on the agenda. Again, I applaud you it is nice to see some of the residents are getting involved.

Now I did speak to the Clerk who tells me although you mentioned it wasn't published the Clerk says actually it was on the website. I'm not sure if it is your computer or whatever; it is probably there.

I want to thank Rich for explaining it and obviously it will come up in 2 weeks the body of it when you get to read it you will understand it.

The tree lighting fantastic. All the depts. that worked together, Chris your people did an outstanding job. Thank you Community Development, Police, Fire Dept. it was really nice to see the community get together like that.

If you happen to be walking up the street on West Main St. you really want to get a for feel some of the holiday season Any Olde Thing stop by and look at the store. What a great job. 4 West Main.

Thursday, Dec. 7th is Pearl Harbor Day. The American Legion is having a ceremony I think it is 10 am.

11. Unfinished Business

John Naumchik-Nothing this evening.

12. New Business

336.17 Resolution to authorize a police escort for the St. Joseph's Procession on the Feast of Our Lady of Guadalupe on Sunday, December 10, 2017 beginning at 12:00 PM and last until 1:00 PM.

On motion of Ald. Cid seconded by Ald. Masi

Resolved; that the Common Council of the City of Middletown authorizes a police escort for the St. Joseph's Procession on the Feast of Our Lady of Guadalupe on Sunday, December 10, 2017 beginning at 12:00 PM and last until 1:00 PM.

Route: Leave the Church parking lot a turn left onto Cottage Street, then right onto Wisner, turn right onto Sproat Street and proceed on Wickham Avenue, from there turn left onto North Street, left onto East Main Street, left on Robert Street, and then right on Cottage and continue on Cottage to the Church.

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

337.17 Resolution to authorize the Mayor to accept “Solutions” funding from the Orange County Youth Bureau and, following approval, to sign any and all necessary contracts on behalf of the City of Middletown.

On motion of Ald. Masi seconded by Ald. Kleiner

RESOLVED, that the Common Council of the City of Middletown, NY, does hereby authorize the Mayor to accept “Solutions” funding from the Orange County Youth Bureau and, following approval, to sign any and all necessary contracts on behalf of the City of Middletown.

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

338.17 Resolution to transfer \$3,200.00 within the DPW 2017 budget to cover the cost of emergency removal of two trees.

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 \$3,200.00 within the DPW 2017 budget to cover the cost of emergency removal of two trees at the following locations:

1. Removal of one Maple tree approximately 24-36 inches. All wood and brush to be chipped and removed on Catherine Street.
2. Removal of one Maple tree approximately 24-36 inches. All wood and brush to be chipped and removed at 5 Mulberry Street.

FROM	AMOUNT	TO
A. 1620.453 Paving & Drainage	\$ 3,200.00	A. 1490.400 DPW Contractual

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

339.17 Resolution to transfer a total of \$57,000.00 within the Police Department 2017 budget for the purchase of a Nixle 360 system the cost of a new police vehicle.

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 transfer a total of \$57,000.00 within the Police Department 2017 budget for the purchase of a Nixle 360 system with voice and Reverse 911 and to cover the cost of a new police vehicle including all necessary equipment and lettering in the following manner:

From	Amount	To
A.3120.417 Gas and Oil	\$ 7,000.00	A.3120.400 Contractual Services
A.3120.100 Personnel Services	\$ 50,000.00	A.3120.201 Vehicles

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

340.17 Resolution to authorize the Mayor to sign the Workers Compensation Services Agreement for a one year period from January 1, 2018 through December 31, 2018.

On motion of Ald. Masi 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 Mayor to sign the attached Workers Compensation Services Agreement for a one year period from January 1, 2018 through December 31, 2018.

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

341.17 Resolution to authorize the Mayor to sign an agreement with the Humane Society of Port Jervis/Deerpark, Inc for Animal Shelter Services from January 1, 2018 through December 31, 2018.

On motion of Ald. Kleiner seconded by Ald. Masi

RESOLVED; that the Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment and authorizes the Mayor to sign the attached agreement with the Humane Society of Port Jervis/Deerpark, Inc. for Animal Shelter Services from January 1, 2018 through December 31, 2018 with no increases.

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

342.17 Resolution to authorize the Mayor to sign the Assessment Collector's Warrant for 2018.

On motion of Ald. Masi seconded by Ald. Johnson

RESOLVED, that the Common Council of the City of Middletown does hereby authorize the Mayor to sign the attached Assessment Collector's Warrant for 2018.

ASSESSMENT
COLLECTOR'S WARRANT
FOR 2018

STATE OF NEW YORK)
COUNTY OF ORANGE) SS.:
CITY OF MIDDLETOWN)

THE PEOPLE OF THE STATE OF NEW YORK TO **DONALD J. PARIS**,
COLLECTOR OF THE CITY OF MIDDLETOWN, IN SAID COUNTY, GREETING:

YOU ARE HEREBY REQUIRED AND COMMANDED TO COLLECT from the several persons named in the assessment roll, to which this warrant is annexed, the several sums mentioned in the total \$19,200,436.00 column thereof opposite their respective name, together with your fees thereon as herein provided.

On all sums of taxes or assessments received or collected within thirty days after giving the notice required by law you are to collect no fees. After the expiration of thirty days, you are hereby authorized to add and collect two per centum on every dollar for collecting the same as your fees thereon.

YOU ARE FURTHER REQUIRED AND COMMANDED to pay over all monies so collected by you, (exclusive of your fees for collection), to the proper officer daily and return this warrant to me within ninety days from date.

If any person shall neglect or refuse to pay any tax imposed upon him, or the fees herein allowed, after giving the notice required by law and waiting the time specified in the statute, you are hereby authorized to levy the same by distress and sale upon any personal property in said County belonging to, or in possession of, such person and cause the same to be sold, at public auction or otherwise in accordance with the City Charter, for the payment of such tax and the fees and expenses of collection, and no claim of property to be made by any other person thereto shall be available to prevent such sale and for so doing this shall be your sufficient warrant.

IN WITNESS THEREOF, the Common Council of said City, at a regular session, held on 12/05/17 has authorized this warrant to be signed by the Mayor of said City, and the Seal of the City to be affixed thereto, by a resolution duly passed by a majority vote of said Council, and I, in pursuance of such authorization, have this 5th day of December

in the year of our Lord Two Thousand Seventeen hereunto set my hand and caused the Corporate Seal of the City of Middletown to be affixed.

MAYOR

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

343.17 Resolution to approve a bond reduction from T.M. DePuy engineering for the High Rose Ridge subdivision from \$426,000.00 to \$293,000.00.

On motion of Ald. Cid seconded by Ald. Masi

RESOLVED; that the Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment to approve a bond reduction from T.M. DePuy engineering for the High Rose Ridge subdivision from \$426,000.00 to \$293,000.00.

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

344.17 Resolution to transfer a total of \$27,185.00 from the Sewer Fund Balance for unbudgeted repairs at the WWTP.

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 transfer a total of \$27,185.00 from the Sewer Fund Balance for unbudgeted repairs at the WWTP in the following manner:

1. Repairs to the front gate to plant @ \$3,000.
2. Garage door openers on Operations Building @ \$2,200.
3. Chem Aqua for special heating system glycol analysis on Operations and Administrations Buildings @ \$4,000.
4. Val Bruni for service to heating system, heating units and aqua stat operations @ \$3,000.
5. Repairs or replacement of submersible mixers on aeration system provided by Fleet Pump in service and electric connection and disconnection to be done by Rotolo . Five units out of service currently @ \$12,500.
6. Repair or replacement of gas line actuator and valve on a system boiler for the digester operation @ \$1,800.
7. Repairs to bypass reactors by Rotolo @ \$784.74.

FROM	AMOUNT	TO
Sewer Fund Balance	\$ 27,185.00	G.8130.440 Sewer Repairs to Equip.

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

345.17 Resolution to transfer a total of \$13,500.00 within the DPW 2017 budget to cover the cost of overtime at the WWTP.

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 a total of \$13,500.00 within the DPW 2017 budget to cover the cost of overtime at the WWTP due to additional time necessary to run the belt press to maintain acceptable sludge blanket depths which became backed up during digester cleaning projects as well as additional time for the startup of the same digesters in order to maintain compliance with our SPDES permit in the following manner:

FROM	AMOUNT	TO
G.8120.200 Sewer Equip.	\$10,000.00	G. 8130.103 Sewer (WWTP) Overtime
G. 8120.479 Sewer Equip. Rental	2,000.00	G. 8130.103 Sewer (WWTP) Overtime
G. 8130.415 Sewer (WWTP) Light & Heat	1,500.00	G. 8130. 103 Sewer (WWTP) Overtime

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

346.17 Resolution to transfer a total of \$1,700.00 within the DPW 2017 budget for Dan Truex Plumbing to re-plumb the interior sewer piping inside the house at 18 Sterling Street.

On motion of Ald. Kleiner seconded by Ald. Witt

RESOLVED; that the Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment to transfer a total of \$1,700.00 within the DPW 2017 budget for Dan Truex Plumbing to re-plumb the interior sewer piping inside the house at 18 Sterling St to connect the lateral pipe installed by the City in the following manner:

FROM	AMOUNT	TO
G.8120.480 Sewer Office Expense	\$1,700.00	G. 8120.400 Sewer Contractual

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

347.17 Resolution to transfer a total of \$9,600.00 within the DPW 2017 budget to cover the cost of parts for the two sludge piston pumps and any additional materials and supplies for the remainder of 2017 at the WWTP.

On motion of Ald. Cid seconded by Ald. Kleiner

RESOLVED; that the Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment to transfer a total of \$9,600.00 within the DPW 2017 budget to cover the cost of parts for the two sludge piston pumps from Komline Sanderson in the amount of \$9,100 (quote attached) and any additional materials and supplies for the remainder of 2017 at the WWTP in the following manner:

FROM	AMOUNT	TO
G. 8130.415 Sewer Light & Heat	\$8,500.00	G. 8130.450 Sewer Mat./Supplies
G. 8130.479 Sewer Equip. Rental	600.00	G. 8130.450 Sewer Mat./Supplies
G. 8130.480 Sewer Office	500.00	G. 8130.450 Sewer Mat./Supplies

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

348.17 Resolution to transfer a total of \$42,000.00 from the Sewer Fund Balance for the emergency work at the WWTP.

On motion of Ald. Masi seconded by Ald. Johnson

RESOLVED; that the Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment to transfer a total of \$42,000.00 from the Sewer Fund Balance for the emergency work at the WWTP for the draw down, cleaning and inspection of the digesters by Earthcare on May 2, 2017 in the following manner:

FROM	AMOUNT	TO
Sewer Fund Balance	\$42,000.	G.8130.400 Sewer Contractual

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

349.17 Resolution to award the Roundabout project to Boyce Excavation in the amount of \$1,447,651.00 with a total project cost of \$1,675,366.00 subject to state funds.

On motion of Ald. Ramkissoon seconded by Ald. Masi

RESOLVED; that the Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment to award the Roundabout project to Boyce Excavation in the amount of \$1,447,651.00 with a total project cost of \$1,675,366.00 subject to state funds.

Ald. Kleiner- At this point we have come this far. The roundabout- I hope it is effective, I know it works for traffic calming and I hope it is effective in keeping traffic moving.

Ald. Johnson- What is the timeframe of the project? What is local cost?

Commissioner Tawil- We don't know any projected costs yet. If there is any change orders, hopefully there is nothing.

Our local is 5%. 80% is funded by the federal government. 15% is funded by something by the State. 5% is funded by us. State money is not always available at 15% subject to availability. Right now there isn't much money available so they give us some. When the next bill comes out from the State the DOT will assign additional funding. So we will be responsible ultimately 5% of the project cost subject to availability. If the state says we dried up so we could be subject to a little bit more. I don't know how much the State will be short by. These projects are funded 80%-Federal, 20%-local fund. In our case we applied for additional grant from the State and we got it which is 15% not every project in the DOT qualifies for that. We tried and we got the 15% but subject to availability.

Ald. Johnson-Timeframe?

Commissioner Tawil-I believe 6 month construction.

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

350.17 Resolution to award the construction contract for the Black Dirt Sewer Project to Boyce Excavation and to transfer \$29,000.00 to fund the shortfall.

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 award the construction contract of the Black Dirt Sewer Project to Boyce excavation in the amount of \$3,298,000.00. Base bid is being awarded, without Alternate Bid 1 as per the enclosed bid tabulation for all bids received. Total anticipated project cost without contingencies, consisting of construction cost plus Design and Construction Inspection cost of \$3,298,000.00 and \$647,987.00 respectively is \$3,945,987.00.

LET IT BE FURTHER RESOLVED; that the Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment to fund the project EFC has short term

project funding in place to fund this project is \$975,345.00 as a Grant and \$2,942,575 as zero interest loan (I have to confirm the Zero interest) for a total of \$3,917,920.00 which result in an immediate deficit in funding in the amount of \$28,067.00. The project had a January 3rd, 2017 Bond resolution in the amount of \$4.1 million.

LET IT BE FURTHER RESOLVED; that the Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment to transfer from the Sewer Fund Balance \$29,000.00 to fund the shortfall in the following manner:

FROM	AMOUNT	TO
Sewer Fund Balance	\$29,000.00	Black Dirt Sewer Project

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

13. Local Law

On motion of Ald. Masi

Introduction of Local Law # 6 of 2017

Local Law to amend the Charter of the City of Middletown, NY to increase the salaries of the Mayor and the Common Council President.
Introduction of Local Law

Introduction of Local Law #6 of 2017

A Local Law to amend the Charter of the City of Middletown, NY to increase the salaries of the Mayor and the Common Council President.

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 the “2017 Local Law to increase the salaries of the Mayor and Common Council President.”

Section 2. Purpose of this Enactment.

The Mayor of the City of Middletown is the full time chief executive officer of the City, and the Common Council President is the leader of the City’s legislative body. Together, the two make up two-thirds of the City’s Board of Estimate and Apportionment, the board responsible for all initial financial decisions on behalf of the City. The City of Middletown does not employ a city manager. At this time, the annual budget of the City exceeds fifty million dollars.

The last increase in the salary of the Mayor and Common Council President occurred in 2013, when their respective salaries were increased to \$75,000.00 and \$15,000.00. These salaries are not consistent with the amounts paid to others in similar positions in other cities and towns in and near Orange County, based on a recent survey conducted by the New York Conference of Mayors and other sources. For example, the City of Newburgh pays its part-time Mayor \$9,000.00 annually and its full-time city manager \$150,000.00. The City of Poughkeepsie pays its part-time mayor \$25,000.00 and its full-time city manager \$140,000.00 annually. In Beacon, the Mayor earns \$25,000.00 and the city manager earns \$130,689. The Mayor of Mount Vernon is paid \$128,700.00, and the Council President is paid \$38,500.00. New Rochelle's Mayor is paid \$102,810.00, members of the Common Council are paid \$39,251, and the city manager is paid \$212,048.00. In Peekskill, the city manager is paid \$175,000.00. A number of Supervisors of towns in Orange County earn more than \$75,000.00 per year (and those Supervisors each are one of five members of the particular Town Board).

The purpose of this Local Law, then, is to increase the salary of the Mayor of the City of Middletown to \$95,000.00 annually and the salary of the Common Council President to \$20,000.00 annually. The salary of other members of the Common Council will remain at \$10,000.00. This Local Law would take effect for the term of the Mayor and the Common Council President commencing January 1, 2018.

Section 3. Section 64 of the City Charter to be Amended.

Title IV, Section 64 of the Charter of the City of Middletown, as amended by Chapter 613 of the Laws of 1922, Local Law No. 1 of 1932, Local Law No. 1 of 1944, Local Law No. 3 of 1948, Local Law No. 1 of 1949, Local Law No. 3 of 1949, Local Law No. 4 of 1949, Local Law No. 3 of 1951, Local Law No. 5 of 1951, Chapter 444 of the Laws of 1952, Section 1 of Local Law No. 2 of 1957, Local Law No. 2 of 1959, Local Law No. 1 of 1961, Local Law No. 1 of 1962, Local Law No. 1 of 1969, Local Law No. 2 of 1973, Local Law No. 1 of 1978, Local Law No. 1 of 1985, Local Law No. 3 of 2001, Local Law No. 1 of 2013 and Local Law No. 2 of 2013, be and is hereby further amended as follows:

The second, third and fifth sentences of the second full paragraph of the existing Section 64 of the Charter of the City of Middletown, as amended, which presently read "The annual salary of the Mayor shall be seventy-five thousand dollars (\$75,000.00). The annual salary of the President of the Common Council shall be fifteen thousand dollars (\$15,000.00). ... The aforementioned salaries for the Mayor, President of the Common Council and each Alderman shall take effect with the terms of office commencing January 1, 2014." are hereby further amended to now read as follows: "The annual salary of the Mayor shall be ninety-five thousand dollars (\$95,000.00). The annual salary of the President of the Common Council shall be twenty thousand dollars (\$20,000.00). ... The aforementioned salaries for the Mayor, President of the Common Council and each Alderman shall take effect with the terms of office commencing January 1, 2018."

Section 4. 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 5. Effective Date.

This Local Law shall take effect as of January 1, 2018 for the term of the office of the Mayor and Common Council President which commence January 1, 2018.

14. Audit

On motion of Ald. Masi seconded by Ald.

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

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

15. Adjournment

There being no further business meeting adjourned 8:5 pm

Respectfully submitted,

Karen Sisco