

**CITY OF MIDDLETOWN  
COMMON COUNCIL MEETING AGENDA  
FEBRUARY 21, 2023**

1. PLEDGE OF ALLEGIANCE
2. ROLL CALL (COUNCIL CLERK)
3. APPROVAL OF MINUTES (NOTHING THIS EVENING)
4. CORRESPONDENCE, COMMUNICATION AND REPORTS (COUNCIL CLERK)
5. FOR THE GOOD OF THE CITY (PUBLIC PARTICIPATION)
6. REMARKS OF THE MAYOR
7. REMARKS OF DEPARTMENT HEADS
8. PUBLIC HEARINGS AND GRIEVANCES (NOTHING THIS EVENING)
9. PETITIONS AND COMPLAINTS (NOTHING THIS EVENING)
10. REMARKS OF THE ALDERMAN AND REPORTS OF COMMITTEES
11. UNFINISHED BUSINESS (NOTHING THIS EVENING)
12. NEW BUSINESS (RESOLUTIONS)
  - **Resolution authorizing a Salary Adjustment for the Real Property Data Collector**
  - **Resolution authorizing Offering City Sponsored Health Insurance**
  - **Resolution authorizing the Purchase of AEDs for City Facilities**
  - **Resolution Accepting the Attached List of Volunteer Firefighters for Membership**
13. LOCAL LAWS  

Local Law #1 of 2023  
A Local Law Transferring Authority  
Regarding The Fire Police To The Fire  
Department
14. AUDIT OF CLAIMS AND ACCOUNTS (FINANCE COMMITTEE CHAIR)
15. ADJOURNMENT



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

THE FOLLOWING WAS PRESENTED

By Ald. \_\_\_\_\_

Sec'd by Ald. \_\_\_\_\_

Date of Adoption 02.21.23  
\_\_\_\_\_

Index No: 49-23  
\_\_\_\_\_

NAMES	AYES	NOES	ABSTAIN	ABSENT
Ald. Tobin				
Ald. Jean-Francois				
Ald. Johnson				
Ald. Wray				
Ald. Kleiner				
Ald. Green				
Ald. Witt				
Ald. Masi				
Pres. Rodrigues				
TOTAL				

**Resolution authorizing a Salary Adjustment for the Real Property Data Collector**

RESOLVED; that the Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment and authorizes a salary adjustment, in the amount of \$3,000, for the Real Property Data Collector by \$3,000.

The employee has completed their six months anniversary and was issued a performance appraisal; effective for the next payroll.

**CITY OF MIDDLETOWN, NEW YORK**

**COMMON COUNCIL  
RECORD OF VOTE**

THE FOLLOWING WAS PRESENTED

By Ald. \_\_\_\_\_

Sec'd by Ald. \_\_\_\_\_

Date of Adoption 02.21.23  
\_\_\_\_\_

Index No: 50-23  
\_\_\_\_\_

NAMES	AYES	NOES	ABSTAIN	ABSENT
Ald. Tobin				
Ald. Jean-Francois				
Ald. Johnson				
Ald. Wray				
Ald. Kleiner				
Ald. Green				
Ald. Witt				
Ald. Masi				
Pres. Rodrigues				
TOTAL				

**Resolution authorizing Offering City Sponsored Health Insurance**

RESOLVED; that the Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment and authorizes the City of Middletown to offer the City Sponsored health insurance plans to eligible non-union employees. Open enrollment will be for plan start date: March 1<sup>st</sup>.

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

THE FOLLOWING WAS PRESENTED

By Ald. \_\_\_\_\_  
 Sec'd by Ald. \_\_\_\_\_  
 Date of Adoption 02.21.23  
 \_\_\_\_\_  
 Index No: 51-23  
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NAMES	AYES	NOES	ABSTAIN	ABSENT
Ald. Tobin				
Ald. Jean-Francois				
Ald. Johnson				
Ald. Wray				
Ald. Kleiner				
Ald. Green				
Ald. Witt				
Ald. Masi				
Pres. Rodrigues				
TOTAL				

**Resolution authorizing the Purchase of AEDs for City Facilities**

RESOLVED; that the Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment and authorizes the purchase of new AEDs for City Facilities that do not have ones and/or replace existing older ones along with associated cabinets to house them.

- Cardiac Science (Zoll) –
- 9 - Powerheart G5 – Automatic - \$1,592.50 per unit - \$14,332.50 total for 9 units
- 9 – AED Cabinet – Plain - \$185.00 each - \$1,665.00 total for 9 units

RESOLVED; that the Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment and authorizes the Treasurer to transfer \$\$15,997.50, in the following manner, to cover the cost of the purchase of new AEDs.

<b>FROM</b>	<b>AMOUNT</b>	<b>TO</b>
GENERAL FUND BALANCE	\$15,997.50	A.1420.200
		Public Works -Other Equipment

# HAIGHT

FIRE EQUIPMENT SUPPLY

Hudson Valley Fire & Safety  
199 Little Britain Rd, Newburgh NY, 12550  
Office (845)562-6485

February 6, 2023

To: Nick Barber, Chief  
Middletown Fire Dept.

Chief Barber,

Here is the pricing you requested for AED's for the City.

Cardiac Science (Zoll) –

9 - Powerheart G5 – Automatic - \$1592.50 per unit - \$14,332.50 total for 9 units

These units are on the NYS H.I.R.E. Purchasing contract. Here is the information for the contract.

Contract Number – 69017

Group Number – 38232

Award Number – 23173

There would not be any shipping costs on this order.

9 – AED Cabinet – Plain - \$185.00 each - \$1665.00 total for 9 units

This item is not on the contract.

The lead time is undetermined right now.

This pricing is good for 15 days as there will be a price increase coming soon. Please call me with any questions. Thank you for the opportunity to provide you with this pricing.

Steve Joslin  
Haight Fire Equipment

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

THE FOLLOWING WAS PRESENTED

By Ald. \_\_\_\_\_

Sec'd by Ald. \_\_\_\_\_

Date of Adoption 02.21.23  
 \_\_\_\_\_

Index No: 52-23  
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NAMES	AYES	NOES	ABSTAIN	ABSENT
Ald. Tobin				
Ald. Jean-Francois				
Ald. Johnson				
Ald. Wray				
Ald. Kleiner				
Ald. Green				
Ald. Witt				
Ald. Masi				
Pres. Rodrigues				
TOTAL				

**Resolution Accepting the Attached List of Volunteer Firefighters for Membership**

BE IT RESOLVED that the Common Council of the City of Middletown confirms the list of volunteer firefighters for membership in the City of Middletown Fire Volunteer Fire Department.

Adam Palladino	Chris Gonzalez
Lisamarie Palladino	Keith Adams
JeanCarlo Canales	Brendan Rotermund
Viviana Canales	Roger Duarte
Jeronimo Canales	Clark Myers
Christian Medina	Luis Mendez
Mitchell Williams	Mirna Mendez
Lucia Bruno	Elliot Castillo
James Passarella	Javed Husseini
Carlos Alicea	Steven Torres
Robert Slingerland	Keith Berry
Husnain Hussain	Michael Yutesler
Mark Mobley	Leighton Williams
Michael Robertello	Eduard Vasquez
Caanan Moore	Andrew Green
William Shalders	Amber Yutesler
Brandon Baudendistel	Lillian Jones

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

THE FOLLOWING WAS PRESENTED

By Ald. Masi  
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 Sec'd by Ald.  
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 Date of Adoption 02.21.23  
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 Index No: LL#1 of 2023  
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NAMES	AYES	NOES	ABSTAIN	ABSENT
Ald. Tobin				
Ald. Jean-Francois				
Ald. Johnson				
Ald. Wray				
Ald. Kleiner				
Ald. Green				
Ald. Witt				
Ald. Masi				
Pres. Rodrigues				
TOTAL				

**LOCAL LAW #1 OF 2023**

A LOCAL LAW TRANSFERRING AUTHORITY REGARDING THE FIRE POLICE  
TO THE FIRE DEPARTMENT

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

Section 1. Purpose of this Enactment. The purpose of this enactment is to transfer authority regarding the Fire Police from the Police Commission to the Fire Department.

Section 2. Paragraph 4 of Section 129 of the Charter of the City of Middletown is hereby deleted in its entirety.

Section 3. Paragraph 5 of Section 129 of the Charter of the City of Middletown is hereby replaced in its entirety to read as follows:

5. To provide by rule or regulation as to the qualifications of a person to be a police officer of said city, or to be chief of police, a lieutenant of police or a sergeant of police of said city; or to be a special police officer; provided, however, that no person not

theretofore a police officer of the city shall receive an original appointment as police officer unless he is over the age of twenty-one years and under the age of thirty-five years; and no person shall be appointed to membership in the police force or continue to hold membership therein, who is not a citizen of the United States or who has been convicted of a felony or who cannot understandingly read or write the English language or who shall not have resided in this state during one year next preceding his appointment; and no person shall continue to hold his position as police officer or as a member of the police force in any capacity after he has reached the age of sixty-five years.

Section 4. Paragraph 7 of Section 129 of the Charter of the City of Middletown is hereby replaced in its entirety to read as follows:

7. To enact, modify and repeal orders, rules and regulations for the government and discipline of the police department; to define the duties of all police officers and of the chief of police, the lieutenants of police and the sergeants of police; and to define the powers and duties of special police officers.

Section 5. Section 159-A of the Charter of the City of Middletown is hereby replaced in its entirety to read as follows:

§ 159-A. The Mayor, after receiving recommendations from the Chief of the Fire Department, shall appoint qualified persons to be fire police of the City of Middletown. The Mayor shall appoint such number of persons to be fire police as he/she deems to be necessary and proper. The persons appointed as fire police shall hold office for one (1) year from time of appointment.

(1) All applicants for appointment as a fire policeman, shall be citizens of the United States, over the age of twenty-one (21) years, residents of the City of Middletown, and members of a volunteer fire company organized in the City of Middletown. No person shall be appointed as a fire policeman who shall have been previously convicted of a felony or a misdemeanor involving moral turpitude.

(2) All persons appointed as fire policemen shall take an oath of office as prescribed by New York General Municipal Law Section 209-c or any successor statute.

(3) No person may take the oath of office as a fire policeman without first completing all of the training required for peace officers and fire police by New York State law and the Division of Criminal Justice Services (“DCJS”), including training in the use of firearms and other weapons and in the use of physical and deadly physical force.



(4) Upon filing the oath of office with the City Clerk, such appointees shall thereupon, as required by New York State law, become vested while on duty with all the powers and shall discharge all the duties of peace officers.

(5) The Chief of the Middletown Fire Department or his/her designee must submit a Peace Officer Registry Entry/Certification of Initial Appointment form to DCJS for each new appointee. However, Section III of this form does not have to be completed; nor does the form have to include the signature of the City's Civil Service Administrator. Additionally, the Chief or his/her designee must annually transmit to DCJS no later than January 15th a list of those peace officers who are members of the fire police squad or those who have ceased to serve in the previous twelve months.

(6) It shall be the duty of the fire police, to detect and prevent fires; to place fire lines so as to provide facilities for the Fire Department to work advantageously; to keep unauthorized persons outside such fire lines; to aid and assist the police department in regulating highway traffic to and from all fires; to enforce all ordinances of the City relating to the protection of the fire department apparatus and members. The fire police shall obey all orders, rules and regulations as promulgated by the Chief or any assistant Chief of the Fire Department. Additionally, fire policemen, when not engaged in actual firefighting duties, are subject to and subordinate to the authority of all police officers, State Troopers, and County Sheriff's deputies.

(7) Fire police are not authorized to carry firearms or weapons while on duty, unless specifically authorized to do so by the Mayor for a specified event; however, no member of the fire police can carry a firearm on duty unless he/she possesses the appropriate license to do so pursuant to Section 400.00 of the New York Penal Law.

(8) The Mayor may at any time he/she deems necessary and for the public interest deputize and appoint for such period as he/she may direct, any fire policeman as a special police officer as provided by § 129 of this Charter and such fire police shall thereupon become vested with and shall discharge all the duties of police officers.

(9) Any fire policeman during the tenure of his/her appointment shall be accorded and possessed with the same rights and privileges if injured or killed while in the active performance of his/her duties as are now accorded and possessed by volunteer firemen by the laws of the State of New York.

(10) Fire police are to be disciplined in the same manner as paid firemen in accordance with Section 157-B of this Chapter. Fire police are subject to and entitled to the protections of all provisions of Section 157-B.

(11) For the purpose of furthering the objects for which they are appointed and in conformity with the requirements of the Fire Department, the fire police are authorized and empowered to form an organization to be known as the Middletown Fire Police; to elect one captain, one sergeant, one roundsman, a secretary and a treasurer, as their officers, and to adopt by-laws for the guidance of the organization not inconsistent with the provisions of this Charter, which by-laws must be approved by the Mayor and Common Council. Such fire police may adopt a uniform, cap and badge for their better identification, subject to the approval of the Chief of the Fire Department.

#### Section 6. Severability.

If the provisions of any article, section, subsection, paragraph, subdivision or clause of this Local Law shall be judged invalid by a court of competent jurisdiction, such order of judgment shall not affect or invalidate the remainder of any article, section, subsection, paragraph, subdivision or clause of this Local Law.

#### Section 4. Effective Date.

This Local Law shall be effective upon filing with the office of the Secretary of State.

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

THE FOLLOWING WAS PRESENTED

By Ald. Masi \_\_\_\_\_

Sec'd by Ald. \_\_\_\_\_

Date of Adoption 02.21.23 \_\_\_\_\_

Index No: \_\_\_\_\_

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Ald. Witt				
Ald. Masi				
Pres. Rodrigues				
TOTAL				

**I MOVE THE ACCOUNTS BE AUDITED, THE CLAIMS ADJUSTED AND THE  
TREASURER BE AUTHORIZED TO ISSUE WARRENTS FOR THEIR PAYMENTS**