



COMMON COUNCIL MEETING  
CITY OF MIDDLETOWN  
January 17, 2023 Minutes  
City Hall  
16 James Street  
Middletown, New York 10940

P R E S E N T

Miguel Rodrigues, President of Common Council  
Ald. Gerald Kleiner  
Ald. Paul Johnson  
Ald. Kate Ramkissoo  
Ald. Kevin Witt  
Ald. Jude Jean-Francois  
Ald. Andrew Green  
Ald. Sparrow Tobin

A B S E N T

Ald. Joseph Masi

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**1. Pledge of Allegiance**

(Pledge of Allegiance)

**PRESIDENT RODRIGUES:** Please remain standing as I ask for a moment of silence, past member of Engine 2, Charles Lee Clark. May he rest in peace. Thank you.

**2. Roll Call**

**PRESIDENT RODRIGUES:** Roll.

Roll Call: Tobin, Jean-Francois, Johnson, Wray, Kleiner, Green, Witt, President Rodrigues.

**3. Approval of Minutes.**

**PRESIDENT RODRIGUES:** Approval of minutes.

**RICHARD MCCORMACK, CITY CLERK:** We have the December 20th, 2022.

**PRESIDENT RODRIGUES:** Do I have a motion to approve? Alderman Green. Seconded by Alderman Witt. All in favor.

**ALDERMANS:** Aye.

**4. Correspondence, Communications and Reports**

**PRESIDENT RODRIGUES:** Correspondence.

**RICHARD MCCORMACK, CITY CLERK:** Nothing this evening.

**5. For the Good of the City**

**PRESIDENT RODRIGUES:** For the Good of the City, I would like the Mayor to come up. Do it here.

**MAYOR DESTEFANO:** Are you going to come up?

**PRESIDENT RODRIGUES:** You want to do both of us together?

**MAYOR DESTEFANO:** Yeah, both of us. Yeah, we'll do it over here, Ray.

Busy place tonight and well deserved. We have the Super Bowl champions with us tonight. So we want to offer our congratulations and let you all know how proud we are as a City that your, your program has excelled for many, many years. And, you know, the -- this Board and the previous Board, we have been very supportive because of the great work you've been doing, the parents and the volunteers and especially the players where we have constructed Wolslayer Field in your honor for your use and to grow that league and to make sure you have facilities. And before the field was even permanently dedicated, you guys brought us home a Super Bowl championship. So we want to say thank you.

So tonight we're going to present each member a certificate along with a \$10,000 check. That's only a joke. Andrew said he played on the team too. But we're going to present a certificate of recognition for each member to say thank you for your hard work throughout the year and congratulations for a job well down.

So we'll call up individually. As you get up, if you could just stand up here, so then we can take a group picture and post it on all our social media, so we can let our whole community know how proud we are of the hard work that you've done.

**(Presentation of Certificates to Super Bowl Champions)**

1. Ethan Arundell
2. Jonah Batista
3. Elijah Brown
4. Jacob Carey
5. Matthew DeGroat
6. Liam Flynn
7. Raymond Gray
8. Jionni Lawrence
9. Carter Lewis
10. Owen McZorn
11. Jacob Pryce
12. Tru Myers
13. Maeson Reynolds

**MAURICE LEWIS:** Yeah. So my name is Maurice Lewis. I was the head coach, fortunately, this year with the youth football. A lot of these young guys up here was their first year ever playing in the sport. They got signed up

and they got into the contact of football. And a lot of people didn't believe that they can get this far. Mind you, they did not only win the Super Bowl, but they went undefeated winning the Super Bowl. And that's, and that's big. The only team in Middletown that did that.

And just for the record, for the youth, it starts here with the kids, you know. We -- Middletown supports the sports big time especially with football. And it starts right here with these young ones. So, you know, if you know anybody or you've got any young ones that want to sign up, I think it's been advertised and posted for the register for this year. It's posted on the website as well, I believe. Look into it, sign the kids up because this is where it starts.

All right. Thank you for your time. Appreciate it.

(Recess taken)

**PRESIDENT RODRIGUES:** All right. For the Good of the City, anyone else would like to address the counsel, please step forward.

**UNIDENTIFIED MALE SPEAKER:** I get a little bit of a mystery as -- and I talked to Alex Smith, your counsel. He didn't have an answer for me, so he told me to come here

and said you guys will probably straighten things out for me. So this is the deal.

I have a two-family house in Middletown and I don't live there. And I had the Inspector Sixto, I think, Martinez, he went through. And it's a three bedroom and it's a couple, but there's another guy, he's not related and he lives in the other bedroom. And, you know, he, he even, like, gave me the law that it pertains to. But, basically, what it says is you -- if you're renting an apartment, you can't have a non-related person living in that apartment. That's kind of like the law says. And I told him, I said, you know, that doesn't make sense. Like, suppose, suppose you get a couple that's not married, they're not related, and they're living. Like, why, why is that okay?

And, like I told him, like, that *90 Day Fiancé* show, I said if they rent an apartment in Middletown, they can't do it because you've got two unrelated people living in a, you know, renting an apartment. And he kind of agreed with me. He goes, you know what, it doesn't make sense to me either, but he goes it's the law. Like, I'm here to enforce the law, so it's not up to me to decide. It makes sense. You know, and I agree with him. That's not his -- not his thing.

So then I contacted -- you have like a website and I just thought I contact another Inspector Walt Welch and he never got back to me. So I guess he doesn't have an answer either. Then I contacted your -- the lawyer, Alex Smith. He wasn't -- he didn't really know. He said, like, why don't you come here.

So, so I'm here. And because I know, I know a couple that lives in Middletown, they're not married. They have an apartment, you know, together and they never got challenged, you know. It, it's kind of a funny law, I think. I think even if you rent an apartment you should be allowed to have, like, one unrelated person. And by related it means, you know, parents, kids or siblings, no cousins or anything like that.

**PRESIDENT RODRIGUES:** What's the address of the property?

**MALE SPEAKER:** It's 413 North Street.

**PRESIDENT RODRIGUES:** 413 North Street. And I, I guess you're the landlord?

**MALE SPEAKER:** Yes.

**PRESIDENT RODRIGUES:** And it's a two family.

**MALE SPEAKER:** Yes.

**PRESIDENT RODRIGUES:** So if you have a lease, they don't have to be married or -- or related. So if



they're there, if -- if me and Rick want to be roommates and we're both, we're both on a lease, it's -- that's legal. But it sounds like you're, like, trying to rent a room if the person comes in and the person comes back. That's not allowed.

**MALE SPEAKER:** Okay. That's the kind of explanation I was looking for. Okay. So, okay. I run the whole thing like really, like, loosey-goosey and I have no written agreements with anybody.

**PRESIDENT RODRIGUES:** Okay.

**MALE SPEAKER:** But, but, basically, if you're saying if I signed up a lease with everybody's name on it, then it's legit?

**PRESIDENT RODRIGUES:** So, it depends on -- on the city. When the city inspectors, they come out, they have to do a rental permit. They have to do the inspection. They'll ask for a copy of the lease and they'll say who's on the lease. Me and Rick are one apartment, this one's on this apartment and that's it. And if we move out, you've got to report to the city again that you, you have a vacancy and, and you need a rental permit.

**MAYOR DESTEFANO:** Who collects the rent from that person?

**MALE SPEAKER:** I do.

**MAYOR DESTEFANO:** Well, you're, you're, you're running a boarding house then and that's the problem.

**MALE SPEAKER:** Okay. Well, you know what?

**MAYOR DESTEFANO:** So, the case, the case that you presented is not entirely accurate where if me and a friend rented an apartment and we're unrelated, that's not what the code says. The code says is that you're renting an apartment to two separate people.

**MALE SPEAKER:** Okay.

**MAYOR DESTEFANO:** You're renting and you're collecting rent from two separate people, so that, that's your issue.

**MALE SPEAKER:** Okay. So if I just collected from one person and I have an agreement that has all their names on it --

**MAYOR DESTEFANO:** You still, you still can potentially have some problems with how you're operating it. But I can't give you legal advice at this meeting. But, but the -- the question that you answered is the driver for the code enforcement because you're collecting rent from two separate individuals. And so the, the code doesn't say you can't -- that people have to be married to live together or are related to live together. But the code is specific to avoid people creating boarding houses

and collecting rent from separate individuals.

**MALE SPEAKER:** Okay. Because it says "Borders are not permitted in two-family dwellings" which makes him a border at what you're saying.

**MAYOR DESTEFANO:** Right. He's not a borders. He's, he's your tenant. You have two separate tenants, so.

**MALE SPEAKER:** You know, actually wanted to just collect the rent once and they combined their money.

**MAYOR DESTEFANO:** Well --

**MALE SPEAKER:** It's like become, like, a, you know, but I, I could do that. I just tell them, hey, this is the deal.

**MAYOR DESTEFANO:** Yeah, there's, there's ways of doing it correctly.

**MALE SPEAKER:** Okay.

**MAYOR DESTEFANO:** But I can't give you that advice at the meeting here. I don't know -- I don't -- I'd have to read the whole law. But the -- once you answered the question that you were collecting from both individually --

**MALE SPEAKER:** Yeah.

**MAYOR DESTEFANO:** -- you're -- you're basically running a boarding house and that's prohibited.

**MALE SPEAKER:** Okay. Okay.

**MAYOR DESTEFANO:** All right.

**MALE SPEAKER:** So who do I contact to restructure it, so it's like proper?

**MAYOR DESTEFANO:** Well, first thing I'm gonna do is I'm gonna have a conversation with Mr. Smith why he would not let us know what was happening coming to the meeting and getting blindsided. So I'll have that conversation with him tomorrow and see if there's more details that I'm missing here. So, we'll, we'll get back. If you want to call and leave your -- our -- leave your number, name and number with the clerk, I'm sure we'll be able to get back to you. Okay?

**MALE SPEAKER:** Okay. All right.

**MAYOR DESTEFANO:** All right. Thanks.

**MALE SPEAKER:** Thank you.

**PRESIDENT RODRIGUES:** Okay. Anyone else would like to address the Council?

## **6. Remarks of the Mayor**

**PRESIDENT RODRIGUES:** Okay. Remarks of the Mayor.

**JOSEPH DESTEFANO, MAYOR:** I want to thank you for the moment of silence. Charlie Clark was my father-in-law. And Charlie spent many years as a member of the Eagles and Middletown Fire Department. And I'm sure his family thanks

you for, for the moment of silent.

Also, on other news the -- tonight you have in front of you and it has to be passed tonight by all three municipal boards before and, and then plus the Orange County, so four, four legislative bodies, the sales tax sharing agreement. The agreement is expired effective February 28th. And it takes a while to get it processed through the controller's office. Been -- there are deadlines that have to be met.

This agreement, if you recall for the last few years, during the census count that we -- every meeting we had slides up asking the people to fill out their census forms to make sure they respond that it matters to city taxpayers, that every person that possible be counted. Well, for the next 10 years, we will now -- we have flipped the sales tax formula where Middletown was once a point or so, point-and-a-half behalf Newburgh, City of Newburgh on population. We have now flipped it the other way. We are now two points in front of Newburgh on population. And I don't mean that as a competition, I mean that as a -- as a matter of fact where the sales tax agreement that you're adopting tonight will continue the process of the cities, towns, and villages in Orange County share about 26 percent plus of sales tax collected from all different businesses

and utilities within the county. Of that 26 percent plus, 32 percent plus is shared with the three cities. And by -- you may ask for those who have not been around for a while or not familiar with it is the reason why there's a -- the contract is between the County and the three cities because the three cities are the ones that have a legal right to preempt the county on sales tax. So, in order to avoid this battle over this distribution of money, we have for the past 25 or so years have had this agreement in place and it's worked for all involved. The towns and villages are a benefactor of the -- of the contract. And for no other reason other than they have representation and the county legislature also and the right thing for the county to also include them in the sharing agreement.

So we are now going to pick up in the next calendar year approximately \$500,000 to the good for Middletown tax payers based on all the work that was done during the census. I want to thank Maria and Caitlin from Economic Development, especially Caitlin who took the bull by the horns and she really attended a lot of the meetings. Maria I know also did a lot, meeting with different groups and all the organizations that we worked with trying to get people counted. And all the hard work that was done even by members of the Board who we asked to make sure that your

neighborhoods were -- people were aware that not only is the census the right thing to do, but it was the right thing to do for the City and for them as taxpayers.

So we're hoping for a vote tonight. It will then be sent on to the other two cities for their signature and then forwarded to the County for a vote in early February.

And that's all I have this evening. Any questions?

**PRESIDENT RODRIGUES:** Questions for the Mayor?

All right. Thank you, Mayor.

**MAYOR DESTEFANO:** You have one.

**PRESIDENT RODRIGUES:** Alderman Johnson.

**ALD. JOHNSON:** Not related to this and I don't want to blindside you, Mr. Mayor, but Alderman Witt had communicated with Alderwoman Wray and myself that at the Parks Commission they were talking about the plans for the water attraction at Maple Hill. And we have discussed with you a couple times in the last year or so about a survey. How should -- what do you envision? How should we proceed? Is there anything that might happen in 2023?

**MAYOR DESTEFANO:** Well, I -- I think the discussions that we had were more for the two of you --

**ALD. JOHNSON:** Right.

**MAYOR DESTEFANO:** -- the 3rd Ward to do some type

of survey in that neighborhood to see what they would like there. They -- they might like the peace and quiet --

**ALD. JOHNSON:** Okay.

**MAYOR DESTEFANO:** -- that's come with the closure of the pool. And we can then put some resources into expanding the Davidge Park area. But there's also been discussion of a -- of a -- what you call it, not a pool there, a sprinkle --

**ALD. JOHNSON:** Splash Pad.

**MAYOR DESTEFANO:** -- splash -- splash pad --

**ALD. JOHNSON:** Right.

**MAYOR DESTEFANO:** -- which is more geared towards little kids and since the facilities are there and it would be much cheaper. A new pool will probably run us in the area -- I don't -- I'm only going by what Newburgh is paying and it's a much larger pool, grant you, but Newburgh is paying over \$14 million for their pool. And they're using ARPA funds. Now, we would not be paying that kind of money here, but I guarantee you that it would be in the 2 to 3 million dollar range if we were going to replace Maple Hill.

But with our problems with lifeguards and the users -- the primary users of the pools now are -- are young kids and they seem to be enjoying the -- the splash



pad, so. But we would defer to you --

**ALD. JOHNSON:** Okay.

**MAYOR DESTEFANO:** -- and Kate for the -- for some guidance. And if you wanted to do a survey monkey for city wide, we certainly can do that also. But I think the -- the immediate feedback should come from that neighborhood and see what their -- see what their opinions are because it is right across the street from the residential area. It's not like Davidge where it's somewhat isolated. It's - - it's adjacent to a residential area.

**ALD. JOHNSON:** And we'll proceed and figure out how to proceed with the survey.

**MAYOR DESTEFANO:** Yep.

**ALD. JOHNSON:** Thank you very much.

**MAYOR DESTEFANO:** Thank you.

**PRESIDENT RODRIGUES:** Okay.

**MAYOR DESTEFANO:** Thank you.

**PRESIDENT RODRIGUES:** Thank you, Mayor.

## **7. Remarks of Department Heads**

**PRESIDENT RODRIGUES:** Reports of departments, Economic Development.

**MARIA BRUNI, ECONOMIC DEVELOPMENT:** Good evening, everyone. The office has been working on our annual meetings for the bid district, the Community Development

Agency, the IDA, submission of the action plan and submission also the Restore New York Grant regarding the O&W. So all those good things have been happening past couple of weeks as we start off 2023.

And that's all I have for tonight.

**PRESIDENT RODRIGUES:** Any question for Maria?

All right. Thank you, Maria.

**MARIA BRUNI, ECONOMIC DEVELOPMENT:** Thank you.

**PRESIDENT RODRIGUES:** DPW Commissioner.

**JACOB TAWIL, DPW COMMISSIONER:** Good evening. I will start by thanking DASNY and for coming down here and making presentation before the Common Council regarding the water and sewer connection. They are located on 17, the Mid-Hudson Psychiatric Center. They are building brand new facility, \$300 million the state is investing in it because, you know, creating or keeping about 550 jobs locally in here. The City is very excited and we're very happy like the Mayor stated during the meeting and the council. Their support for the project and providing water and sewer services for this campus as the state does not want to be in the water and sewer business. So we're happy to accommodate them and encourage that project to move forward and hopefully to provide additional growth, commercial growth, like the Mayor stated in the agreement

between us and the County along 17M. So this is an excellent project and it's just gonna be the beginning, I think, for -- for the growth for 17M.

The traffic operation as you can see the project has almost died down because of the weather and will resume, hopefully, in February, weather permitting. And there's still some minor work that's taking place by the contractor for the traffic operations in downtown and putting up no parking signs and no standing here to coordinate and so on and so forth. They're just catching up, Boyce, the general contractor, otherwise the project is moving along very well.

You approved awarding the contracts for rebuilding -- not rebuilding for addressing deficiency issues at Shawangunk Dams which are three dams. The contractor has been working with us back and forth for the insurance and so that we can sign the contract and the construction can get started. And the same for Kinch Reservoir. There's one dam in there that's going be upgraded and -- and rebuilt.

And that's all I have for tonight. If you have any questions for me.

**PRESIDENT RODRIGUES:** Any questions for Jacob?  
All right. Thank you, Jacob.

**JACOB TAWIL, DPW COMMISSIONER:** Thank you.

**PRESIDENT RODRIGUES:** City Treasurer.

**LEONORA LIZ, CITY TREASURER:** Hi, good evening, everyone. I have in front of you a Resolution to pass tonight. The City would like to offer a dual option with Night Shift Health Insurance plan. This is something new for this year. The plan will be self-insured under the City. The Resolution is to allow ClaimDOC services to administer the plan. And what they will do is administer the claims, help with the enrollment process, educate eligible employees for the plan. And also what they specialize is referenced-based pricing meaning that they will go back to the providers and not necessarily pay an in-network price or out-of-network price, but pay the actual cost of the services provided by the providers. Right now we do have the PBA bargaining unit that has approved for us to offer this plan. CSEA is now pending.

And that's all I have for today. If there's any questions?

**PRESIDENT RODRIGUES:** Any questions for the City Treasurer? All right. Thank you.

**LEONORA LIZ, CITY TREASURER:** Thank you.

**PRESIDENT RODRIGUES:** Police Chief.

**JOHN EWANCIW, POLICE CHIEF:** Good evening. So

the last couple of weeks since we met, we've had some alarming activity throughout the City. We had the shots fired incidents. I have briefed most of you on that. Some of you I've had either follow-up conversation, in-person, telephone or by text. It's alarming to me as it's alarming to you, it's alarming to our community.

We have some challenges. I can't sit here and tell you why these are happening. I can tell you that we are working diligently. We are using resources that we have available to us, both, locally and through our law enforcement partners.

Some of the challenges that I'll share with you, I can't share the tactics or where we are as far as the investigations. We don't have specific victims in these. It's not like we have someone coming forward and saying, hey, this is what was done to me. We have presumed victims that are not 100 percent cooperative at this point, so that creates a challenge in and of itself. So a lot of that legwork is being done through technology, through, you know, the support of our community residents that are providing us some digital evidence which I greatly appreciate their -- their support and their willingness to do such. It's been very, very helpful.

We are treating this just as we would treat a

homicide. We put all of our resources into it. We don't put it on the backburner. This is on the front burner. These are very, very important to us. And we are doing our due diligence day in and day out. They follow up every day. I get a briefing every day where we are, leads that have been developed, status, who we're looking out.

Throughout the process we have made some arrests. They're not connected directly to the incidents, but they were people that may or may not have been involved indirectly. Our -- our goal was to maybe garner some information from those people to further our investigation. So we are trying to turn every stone. We're looking for, you know, support from the community. We encourage members of the community if they have anything, if they believe they may have some information, some knowledge, a piece of video, anything of that, it helps us build our puzzle as I've shared with you in the past. We build this by little puzzle pieces and our goal is to come up with a picture at the end and that's what we would present for charges.

So it is something we take very serious. We are working. The men and women are working. Not just our detectives, the patrol officers that are out there day in and day out, they are trying to do what they can by making arrests, finding information.

I've also put out some additional details over -- we started last week to put out additional resources on the street to, one, be out there to combat it, but also to try to garner some information as well, follow up on tips.

With that, I have nothing else unless you have questions for me. If you would like to discuss this in more detail, I am open. I can't give you very specifics, but in private I can give you some additional information if you so desire.

**PRESIDENT RODRIGUES:** Any questions for the police chief? Thank you, Chief.

**JOHN EWANCIW, POLICE CHIEF:** Thank you.

**PRESIDENT RODRIGUES:** Superintendent of Recreation.

**RAELYNN BERTHOLF, SUPERINTENDENT RECREATION:**

Good evening, everyone. I want to welcome Hector Mapes, our newest full-time employee to the Parks Department. He started January 1st. He's a great addition. He comes with many valuable skills and knowledge and capabilities. So he's definitely a great addition to our Parks Department.

Our update on our Maintenance Department, there have been several trees down on the reservoir trails, so they're working to get those removed, especially the ones that are crossing active trails right now.

They are power washing with that big steamer machine that we have from COVID, the locker rooms that were Memorial Pool. There's years and years' worth of paint built up in those locker rooms, so they are in the process of power washing that out now. So when the weather breaks in early spring, they can do a new resurfacing, paint job on there. Hopefully that's not gonna chip as easily because we're getting all those layers and layers and years and years of paint off.

The bathroom stalls were installed at Wolslayer Field. And they're also doing constant resurfacing and up keeping of the ice rink during the week and then on the weekends as well with filling the barrel, so it can be resurfaced by the skate staff during the weekends.

The Recreation Department, if you checked out our site, our winter programming is up. Our -- new to us now we're doing boxing clinics along with we still have our regular Monday through Friday boxing class that you register and pay the monthly fee. But we're now adding clinics just for another introduction and use of our great boxing facility that we have.

Indoor soccer, basketball clinics, crochet, cheerleading clinics, martial arts, and we do have our spring -- two spring programs up, the Spring Break Program



when the kids have no school that week, that registration is up as long -- along with our break dancing.

We still do have our free programming going on. For the teen and youth our open gym, our teen boxing, Storytime Come Alive, and the youth fitness.

I'd like to say that we were awarded funding for 2023 by the Orange County Youth Bureau. We just got notice. We're gonna get \$10,000 towards our Summer Playground Lunch Program and \$28,820 towards our free recreational fitness programs. It's definitely a major help by getting reimbursed for these free programs that are very well attended throughout the year.

The dog park, we are having another event there for Valentine's Day. Nicole did come up with a clever name and that will be out soon. That event with the dog park and a whole kissing booth.

Ice rink, if you've gone by on the weekends, it's been very busy, very active. Our Saturdays we started some themed Saturdays with different decades of music and gold parties. This past Saturday was a rock and roll Saturday, so we played the theme music along with it. We also added a -- a senior skate and just an adult skate during the week. That was not too well attended, but it was asked a lot, so we're hoping that those numbers pick up, so we can

keep that going into February.

We also -- keep an eye out for Cops and Cocoa event that we're gonna have at the ice skating rink. The chief said he's gonna be out there ice skating. He used to be a professional figure skater back in the day, so keep an out for that.

**JOHN EWANCIW, POLICE CHIEF:** Just -- just my shoes.

**RAELYNN BERTHOLF, SUPERINTENDENT RECREATION:** Salvation Army is also interested in joining with us and doing a hot cocoa night down at the ice skating rink. And, also, we're in the process of working with Community Development for a winter festival at the ice skating rink. Any questions? Yes.

**PRESIDENT RODRIGUES:** Alderman Tobin.

**ALD. TOBIN:** I just made one -- one suggestion. I know we have a no smoking sign on the other sign of the rink, but there was someone smoking, like, right next to the picnic tables when I was there and it just getting all over the place. Maybe a temporary sign.

**RAELYNN BERTHOLF, SUPERINTENDENT RECREATION:** Absolutely, yeah. We'll look into their placements and where they're at.

**ALD. TOBIN:** I went down there. The kids had a

great time. There's all these kids. They're loving skating with their parents. In fact, a friend of mine I work with he grew up here, he'd sometimes go to Ice Time with his kids. It cost him over \$50 bucks. He came over here to visit his parents and they went out for a few dollars and enjoyed some good family time, you know, so that was very good.

And I was just curious as a neighbor of the Academy Ave. Park, I noticed the pavilion was taken down. I just -- I was driving by the other day. I just -- not that I'm in favor of replacing it, I was just wondering is there a plan to replace it or just --

**RAELYNN BERTHOLF, SUPERINTENDENT RECREATION:**

They are. They're gonna build if you've seen Maple Hill has it, Davidge Park has it, the single pavilions that just have one picnic table.

**ALD. TOBIN:** Oh, okay.

**RAELYNN BERTHOLF, SUPERINTENDENT RECREATION:** And that was there was just a gazebo. That was really close to the road and was never used for anything. I believe it was for the bicentennial parade that it was put up years and years ago. So it was falling apart and was only used for things that it shouldn't be use for --

**ALD. TOBIN:** Some people hanging out.

**RAELYNN BERTHOLF, SUPERINTENDENT RECREATION:** --

so it was taken down. But something is gonna be replaced by summer for our summer lunch program.

**ALD. TOBIN:** Thank you.

**PRESIDENT RODRIGUES:** Anyone else? Alderman Kleiner.

**ALD. KLEINER:** Thank you. Good evening, Raelynn.

**RAELYNN BERTHOLF, SUPERINTENDENT RECREATION:** Good evening.

**ALD. KLEINER:** I had a constituent question asked if Wolslayer Field and the track, is that gonna be available for any public use because it -- it's always locked so.

**RAELYNN BERTHOLF, SUPERINTENDENT RECREATION:**

Yeah, once -- we're waiting for our fencing to get put up around the track. So once the fencing is up and we can -- we don't want people going especially with the snow, like snowmobiles or four wheelers and tearing up the track. So once we get the fencing up and prohibit anything larger than bodies going through the gate onto the track, then it will be open to public, yes.

**ALD. KLEINER:** And also more pickleball discussion, so I know we're waiting for information on possibility of doing pickleball courts. But I just want to

keep that fresh in our minds.

**RAELYNN BERTHOLF, SUPERINTENDENT RECREATION:**

Yes, yes.

**ALD. KLEINER:** It seems to be quite popular.

**RAELYNN BERTHOLF, SUPERINTENDENT RECREATION:**

Yes, it is very popular. And I know it is hard.

**ALD. KLEINER:** They don't like sharing tennis courts.

**RAELYNN BERTHOLF, SUPERINTENDENT RECREATION:**

Yes, the tennis players don't want to share with the pickleball, pickleball doesn't want to share with tennis, so we are looking for an alternate spot to have them placed even if it's just with temporary netting that can be, like, put out and taken away.

**ALD. KLEINER:** Right. Okay.

**RAELYNN BERTHOLF, SUPERINTENDENT RECREATION:** So we are definitely looking into it.

**ALD. KLEINER:** Thank you.

**PRESIDENT RODRIGUES:** Okay. Anyone else.

All right. Thank you, Raelynn.

City Clerk.

**RICHARD MCCORMACK, CITY CLERK:** Nothing this evening.

**PRESIDENT RODRIGUES:** Any questions for the City

Clerk? All right.

**8. Public Hearing and Grievances:**

**RICHARD MCCORMACK, CITY CLERK:** Good evening. We have a public hearing this evening. Notice is hereby given that the City of Middletown will hold a public hearing on Tuesday, January 17th, 2023, on or as near as 7:30 p.m. as possible, Common Council Chambers, 2nd Floor, 16 James Street to hear any and all persons wishing to be heard on the proposed zoning amendment to Chapter 475 to allow two family dwellings in OR2, two family owner occupied residential districts which are zoning districts to permanently be non-owner occupied if the dwelling was occupied as a two-family dwelling at the time the zoning district was created.

Any persons wishing to be heard will be given the opportunity to speak either for or against proposed zoning amendment. The complete proposed zoning amendment is available in the office of the Common Council Clerk, 16 James Street or on the City website. The public hearing will be conducted in person and via video teleconference and live on Channel 20. Any person unable to participate at the time of the public hearing can email comments may be submitted in advance to [rmccormack@middletown-ny.com](mailto:rmccormack@middletown-ny.com) by order of the Common Council, Richard McCormack, Clerk of

the Common Council.

**PRESIDENT RODRIGUES:** At this time, the public hearing is now open to the public. Any member would like to speak? Okay. Any Board Member, any Alderman? Do I got a motion to close?

**ALD. JOHNSON:** So moved.

**PRESIDENT RODRIGUES:** Alderman Johnson, seconded by Alderman Witt. All in favor?

**ALDERMANS:** Aye.

**PRESIDENT RODRIGUES:** The public hearing is now closed.

#### **9. Petitions and Complaints**

(None this evening)

#### **10. Remarks of the Alderman**

**PRESIDENT RODRIGUES:** Remarks of Alderman, Alderman Witt.

**ALDERMAN WITT:** Nothing this evening.

**PRESIDENT RODRIGUES:** Alderman Green.

**ALD. GREEN:** Yeah, thank you very much. Just, Mayor, my condolences to you and your family on your loss. You know, please pass that along to everyone.

Congratulations to our Super Bowl champions. It's always wonderful when you can see our youth coming in here doing some amazing things and to go undefeated and win

the Super Bowl. And many of those kids first year, that's -- that's just quite the achievement.

And just a reminder that we're not going to have our constituents meeting for February. We are going to pass because even though it seems to be 60 degrees some of these days, there's still a real possibility of some snow and ice in the future. So we will meet again on March 13th here in the Council Chambers. Thank you very much.

**PRESIDENT RODRIGUES:** Okay. Alderman Kleiner.

**ALD. KLEINER:** Thank you. I want to thank the YMCA and the Greater Middletown Interfaith Council. They had a Martin Luther King event on Sunday at the YMCA Annex. And usually James Rollins, Bishop Rollins would be hosting the event, but he had a death in the family. My condolences to him. But it was a very nice presentation and so many of the kids got up and before they did their poetry or played their music they said "I am living the dream." So it, it made it very real to them and was a very nice event.

The warming station still needs a bunch of two-hour volunteers. And if you can do it, this is from 8 p.m. to 10 p.m. just to help serve food and such. And, and it's not an overnight thing. So, again, that's Middletownwarmingstation.com.



I want to also make sure people do save the date, April 22nd, that's Saturday, April 22nd. That is gonna be our city spring clean-up event. So we -- hopefully it won't conflict with anything, like, little league parades or school events or such, so we keep trying to get that date out early enough, so people understand it and people save it.

Also, I want to send my condolences to the Mayor's family for Charles Clark.

Also, our neighbor, Dr. Parida passed away yesterday. He's just a long-time volunteer of medical help around the world, so he will be missed.

And our, our opponent in one of our elections, Joe Finneran, his dad, Mr. Stack, passed away. We're all familiar with Mr. Stack. He was quite a character, but he, he will be missed too. My condolences to all. And thank you.

**PRESIDENT RODRIGUES:** Alderwoman Wray.

**ALD. WRAY:** Good evening. Mayor, my condolences to your family. I'm sorry for your loss.

For our Middie football, a lot of those kids tonight were my students that I see at school. And they're always wearing their jerseys in the building. They're a great team. They just -- I think the, the youth in our

town if you take a good look at them always make us very proud. And I love moments like these when we get to kind of highlight that for everyone. And I just want to say congratulations to them and thank you to the coaches because I know those are all volunteers giving up a lot of their time and the, the team moms and things like that. It's a big job and it really does take a village. But great work to all of them.

I just want to apologize to everyone in this room in advance for my change of name. I've returned to my maiden name for anyone who wants to know why everyone is calling Alderman Wray. But it will take some time, but I think we'll get used to it.

That's really all I have for this evening. As it relates to our talk tonight about the, the Maple Hill Park and what we're doing with the pool, I just say to our constituents, we will be gathering some answers from everyone in our ward that we can gather from the neighborhood and try to, you know, get some ideas to bring back to Rec and see what we can do.

That's all I have. Thank you.

**PRESIDENT RODRIGUES:** Okay. Alderman Johnson.

**ALD. JOHNSON:** Alderman Wray, I'm already in, so we're, we're good with that.

Mr. Mayor, I'm sorry to hear about that. I know it was a long week in regards to Linda as well.

Nothing else. Thank you.

**PRESIDENT RODRIGUES:** Alderman Jean-Francois.

**ALD. JEAN-FRANCOIS:** Good evening. Mayor, my condolences, to you and your family.

And this evening, DPW Committee met this evening. We had a representative from Disney -- member of the DASNY members. This is a very exciting project for the City and the regions because to provide water and sewer services to the area. This is gonna be pretty big. I'm looking forward for that project to start. Can't wait.

And, also, congratulations to the, to the Middies D-1 football team for winning the Super Bowl. I've seen these kids coming up here, it remind me at times it's so -- it goes so fast because I remember my two boys started playing youth football. And, and that kind of brings a lot of memory. It almost bring tears to my eyes as time went so fast. You know, I miss that a lot. Thank you.

**PRESIDENT RODRIGUES:** Thank you. Alderman Tobin.

**ALD. TOBIN:** Yes, my condolences to the Mayor. I'm sorry for your loss.

Yeah, congratulations to the Middle champs. That's great to see. I think I saw a lot of them at the

Middie Bowl Game too, so from the youth all the way up. They're, you know, Middletown is fully engaged in our youth and it shows.

And, also, with sports, Stephan Monchery, congratulations to him. He won the prestigious Eastern States Wrestling Classic. As a coach and a referee, that's one of the toughest tournaments in our region. A lot of future NCA champs come out of that tournament, like, they move on to, I can even say Olympic champs have wrestled there. So it's really a tough tournament. And that he placed one, first. I think he knocked off the number one seeded person in the state already going, you know, and the season not over. So congratulations to the Middletown team. They had a number of place finishers. I think there's a female wrestling team now, so they're -- and they had a whole female tournament. So it's a, it's a sport that's on the rise. And I'd like to congratulate them for all the hard work they're doing.

And then I just want to let everybody know the reason -- I figured out the reason why we're having a light winter is because I bought a snow blower this year and I haven't used it once. So maybe it will continue. Thank you.

**11. Unfinished Business.**

(None this evening)

**12. New Business.**

**PRESIDENT RODRIGUES:** All right. New business.

**RICHARD MCCORMACK, CITY CLERK:** Good evening. We have a Resolution sponsored by Alderman Witt appointing members of the Industrial Development Agency.

**PRESIDENT RODRIGUES:** Resolution sponsored by Alderman Witt, seconded by Alderman Green. Any discussion? Roll.

Roll Call: Ayes: Tobin, Jean-Francois, Johnson, Wray, Kleiner, Green, Witt, President Rodrigues. Carries.

**RICHARD MCCORMACK, CITY CLERK:** Resolution sponsored by Alderman Green reappointing Fran Amelio to the Board of Assessment Review.

**PRESIDENT RODRIGUES:** Resolution sponsored by Alderman Green, seconded by Alderman Kleiner. Any discussion? Roll.

Roll Call: Ayes: Tobin, Jean-Francois, Johnson, Wray, Kleiner, Green, Witt, President Rodrigues. Carries.

**RICHARD MCCORMACK, CITY CLERK:** Resolution sponsored by Alderman Kleiner appointing Jim Burtis to the Zoning Board of Appeals.

**PRESIDENT RODRIGUES:** Resolution sponsored by Alderman Kleiner, seconded by Alderman Wray. Any

discussion? Roll.

Roll Call: Ayes: Tobin, Jean-Francois, Johnson, Wray, Kleiner, Green, Witt, President Rodrigues. Carries.

**RICHARD MCCORMACK, CITY CLERK:** Resolution sponsored by Alderman Wray reappointing members of the Electrical Licensing Board.

**PRESIDENT RODRIGUES:** Resolution sponsored by Alderman Wray, seconded by Alderman Johnson. Any discussion? Roll.

Roll Call: Ayes: Tobin, Jean-Francois, Johnson, Wray, Kleiner, Green, Witt, President Rodrigues. Carries.

**RICHARD MCCORMACK, CITY CLERK:** Resolution sponsored by Alderman Johnson authorizing a proposal from H2O to renew contracts for services at the water and waste water treatment plants.

**PRESIDENT RODRIGUES:** Resolution sponsored by Alderman Johnson, seconded by Alderman Kleiner. Any discussion? Roll.

Roll Call: Ayes: Tobin, Jean-Francois, Johnson, Wray, Kleiner, Green, Witt, President Rodrigues. Carries.

**RICHARD MCCORMACK, CITY CLERK:** A Resolution sponsored by Alderman Jean-Francois awarding bids for surplus vehicles.

**PRESIDENT RODRIGUES:** Resolution sponsored by

Alderman Jean-Francois, seconded by Alderman Johnson. Any discussion? Roll.

Roll Call: Ayes: Tobin, Jean-Francois, Johnson, Wray, Kleiner, Green, Witt, President Rodrigues. Carries.

**RICHARD MCCORMACK, CITY CLERK:** A Resolution sponsored by Alderman Tobin authorizing the 2023 Perma Contract.

**PRESIDENT RODRIGUES:** Resolution sponsored by Alderman Tobin, seconded by Alderman Wray. Any discussion? Roll.

Roll Call: Ayes: Tobin, Jean-Francois, Johnson, Wray, Kleiner, Green, Witt, President Rodrigues. Carries.

**RICHARD MCCORMACK, CITY CLERK:** A Resolution sponsored by Alderman Witt authorizing an agreement with ClaimDOC Services to administer the City's employer-sponsored employee health benefit plan.

**PRESIDENT RODRIGUES:** Resolution sponsored by Alderman Witt, seconded by Alderman Green. Any discussion? Roll.

Roll Call: Ayes: Tobin, Jean-Francois, Johnson, Wray, Kleiner, Green, Witt, President Rodrigues. Carries.

**RICHARD MCCORMACK, CITY CLERK:** A Resolution sponsored by Alderman Green authorizing the Sale and Compensating Use Tax Sharing Agreement with the County of

Orange.

**PRESIDENT RODRIGUES:** Resolution sponsored by Alderman Green, seconded by Alderman Kleiner. Any discussion? Roll.

Roll Call: Ayes: Tobin, Jean-Francois, Johnson, Wray, Kleiner, Green, Witt, President Rodrigues. Carries.

**RICHARD MCCORMACK, CITY CLERK:** A Resolution sponsored by Alderman Kleiner authorizing an application for Round 7 Restore New York Funds to the O&W Building Restoration Project.

**PRESIDENT RODRIGUES:** Resolution sponsored by Alderman Kleiner, seconded by Alderman Green. Any discussion? Roll.

Roll Call: Ayes: Tobin, Jean-Francois, Johnson, Wray, Kleiner, Green, Witt, President Rodrigues. Carries.

**RICHARD MCCORMACK, CITY CLERK:** Resolution sponsored by Alderman Wray authorizing a street closure for the winter festival.

**PRESIDENT RODRIGUES:** Resolution sponsored by Alderman Wray, seconded by Alderman Johnson. Any discussion? Roll.

Roll Call: Ayes: Tobin, Jean-Francois, Johnson, Wray, Kleiner, Green, Witt, President Rodrigues. Carries.

**RICHARD MCCORMACK, CITY CLERK:** A Resolution



sponsored by Alderman Johnson authorizing an Amendment to City Code Chapter 475, Zoning.

**PRESIDENT RODRIGUES:** Resolution sponsored by Alderman Johnson, seconded by Alderman Jean-Francois. Any discussion? Roll.

Roll Call: Ayes: Tobin, Jean-Francois, Johnson, Wray, Kleiner, Green, Witt, Masi, President Rodrigues. Carries.

**ALD. WRAY:** Mr. President, I'd like to make a motion from the floor.

**PRESIDENT RODRIGUES:** Go ahead.

**ALD. WRAY:** I'd like to resolve the Common Council, the City of Middletown hereby authorize a public hearing to take place on Tuesday, February 7th, 2023 at or as close to 7:30 p.m. as possible to hear any and all persons who wish to be heard on the proposed subdivision in Orange Terrace.

**PRESIDENT RODRIGUES:** Resolution sponsored by Alderman Wray, seconded by Alderman Johnson. Any discussion? Alderman Johnson.

**ALD. JOHNSON:** Yes, thank you. I know we discussed this in Committee and Alderman Wray and I do understand that there is somewhat of a (indiscernible) approval of this project by the administration. But we

appreciate the opportunity. Most of the people we've heard from in our residence -- in our Ward rather are contiguous to the property and they're, they're upset by it, so this will give them an opportunity to come and the entire Council can hear what they have to say. So thank you.

**PRESIDENT RODRIGUES:** Okay. Anyone else? Roll.

Roll Call: Ayes: Tobin, Jean-Francois, Johnson, Wray, Kleiner, Green, Witt, President Rodrigues. Carries.

### **13. Local Laws**

(None this evening)

### **14. Audit of Claims and Accounts**

**ALD. JOHNSON:** Oh, yes, audit. Sure. Where is Mr. Masi when I need him. Did I ever say I needed him?

**ALD. WITT:** I got it right here.

**ALD. WRAY:** We got it. We got it. We have it.

**ALD. JOHNSON:** I move the accounts be audited, the claims be adjusted and the City Treasurer be authorized to issue warrants for their payment.

**PRESIDENT RODRIGUES:** Resolution sponsored by cranky Mr. Johnson, seconded by Alderman Jean-Francois. Roll.

Roll Call: Ayes: Tobin, Jean-Francois, Johnson, Wray, Kleiner, Green, Witt, President Rodrigues. Carries.

**ALDERMANS:** Aye.

**15. Adjournment**

**PRESIDENT RODRIGUES:** Move for adjournment.

**ALD. JOHNSON:** So moved.

(PROCEEDING CONCLUDED)

CERTIFICATE

I, LISA KANE, certify the foregoing transcript of proceedings of the January 17, 2023 Middletown City Council meeting was prepared using the required electronic equipment and is a true and accurate record of the proceedings.

Signature: *Lisa Kane*

Date: February 24, 2023

Agency: American Legal Transcription  
11 Market Street, Suite 215  
Poughkeepsie, New York 12601

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

THE FOLLOWING WAS PRESENTED

By Ald. Witt  
 \_\_\_\_\_  
 Sec'd by Ald. Green  
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 Date of Adoption 01.17.23  
 \_\_\_\_\_  
 Index No: 27-23  
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NAMES	AYES	NOES	ABSTAIN	ABSENT
Ald. Tobin	X			
Ald. Jean-Francois	X			
Ald. Johnson	X			
Ald. Wray	X			
Ald. Kleiner	X			
Ald. Green	X			
Ald. Witt	X			
Ald. Masi				X
Pres. Rodrigues	X			
<b>TOTAL</b>	<b>8</b>			<b>1</b>

**Resolution appointing of Members to the Industrial Development Agency Board (IDA)**

RESOLVED that the Common Council of the City of Middletown concurs with the Mayor's appointment of the following individuals to the Industrial Development Agency (IDA) for a one (1) year term expiring on December 31, 2023.

Elizabeth Nemeth  
 Brian Seigerman

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

THE FOLLOWING WAS PRESENTED

By Ald. Green  
 \_\_\_\_\_  
 Sec'd by Ald. Kleiner  
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 Date of Adoption 01.17.23  
 \_\_\_\_\_  
 Index No: 28-23  
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NAMES	AYES	NOES	ABSTAIN	ABSENT
Ald. Tobin	X			
Ald. Jean-Francois	X			
Ald. Johnson	X			
Ald. Wray	X			
Ald. Kleiner	X			
Ald. Green	X			
Ald. Witt	X			
Ald. Masi				X
Pres. Rodrigues	X			
TOTAL	8			1

**Resolution reappointing Fran Amelio to the Board of Assessment Review**

RESOLVED that the Common Council of the City of Middletown concurs with the Mayor's appointment of Fran Amelio to the Board of Assessment Review for a term expiring on September 30, 2027.

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

THE FOLLOWING WAS PRESENTED

By Ald. Kleiner  
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 Sec'd by Ald. Wray  
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 Date of Adoption 01.17.23  
 \_\_\_\_\_  
 Index No: 29-23  
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NAMES	AYES	NOES	ABSTAIN	ABSENT
Ald. Tobin	X			
Ald. Jean-Francois	X			
Ald. Johnson	X			
Ald. Wray	X			
Ald. Kleiner	X			
Ald. Green	X			
Ald. Witt	X			
Ald. Masi				X
Pres. Rodrigues	X			
TOTAL	8			1

**Resolution appointing Jim Burtis to the Zoning Board of Appeals (ZBA)**

RESOLVED that the Common Council of the City of Middletown concurs with the Mayor's appointment of Jim Burtis, Zoning Board of Appeals (ZBA), replacing Don Luis, for a term expiring on December 31, 2025.

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

THE FOLLOWING WAS PRESENTED

By Ald. Wray  
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 Sec'd by Ald. Johnson  
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 Date of Adoption 01.17.23  
 \_\_\_\_\_  
 Index No: 30-23  
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NAMES	AYES	NOES	ABSTAIN	ABSENT
Ald. Tobin	X			
Ald. Jean-Francois	X			
Ald. Johnson	X			
Ald. Wray	X			
Ald. Kleiner	X			
Ald. Green	X			
Ald. Witt	X			
Ald. Masi				X
Pres. Rodrigues	X			
TOTAL	8			1

**Resolution reappointing Members of the Electrical Licensing Board**

RESOLVED that the Common Council of the City of Middletown concurs with the Mayor's reappointment of members of the electrical licensing board for a term expiring on December 31, 2023.

Jerry Caliendo  
 Tom Murtaugh  
 Walter Welch  
 Robert Metz  
 Mark Fellenzer

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

THE FOLLOWING WAS PRESENTED

By Ald. Johnson  
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 Sec'd by Ald. Kleiner  
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 Date of Adoption 01.17.23  
 \_\_\_\_\_  
 Index No: 31-23  
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NAMES	AYES	NOES	ABSTAIN	ABSENT
Ald. Tobin	X			
Ald. Jean-Francois	X			
Ald. Johnson	X			
Ald. Wray	X			
Ald. Kleiner	X			
Ald. Green	X			
Ald. Witt	X			
Ald. Masi				X
Pres. Rodrigues	X			
TOTAL	8			1

**Resolution authorizing a proposal from H2O to renew contracts for Services at the Water and Waste Water Treatment Plants**

RESOLVED; that the Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment authorizing a proposal from H2O, dated January 6, 2023, requesting renewal of the contracts for monthly services at the Water Treatment Plant (WTP) and Waste Water Treatment Plant (WWTP).

The fee for services at the WTP for 2023 will be a total of \$24,062.50 per month for 12 months. This is currently a budgeted item; however, a budget transfer will need to take place at a later date from the water and sewer balance to cover the difference. The fund transfer request will come from the City Treasurer.



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

THE FOLLOWING WAS PRESENTED

By Ald. Jean-Francois  
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 Sec'd by Ald. Johnson  
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 Date of Adoption 01.17.23  
 \_\_\_\_\_  
 Index No: 32-23  
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NAMES	AYES	NOES	ABSTAIN	ABSENT
Ald. Tobin	X			
Ald. Jean-Francois	X			
Ald. Johnson	X			
Ald. Wray	X			
Ald. Kleiner	X			
Ald. Green	X			
Ald. Witt	X			
Ald. Masi				X
Pres. Rodrigues	X			
TOTAL	8			1

**Resolution awarding bids for Surplus Vehicles**

RESOLVED; that the Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment and award the following bids for surplus vehicles auctioned off through Auctions International:

- 2003 Ford Crown Vic (VIN#2FAHP71W53X173468) - \$590.00
- 2004 Ford Crown Vic (VIN#2FAHP71W04X138872) - \$1,075.00
- 2004 Chevy Silverado (VIN#1GCHK23U84F250418) - \$600.00
- 2005 Ford Crown Vic (VIN#2FAHP71W35X126779) - \$590.00
- 2005 Mack Garbage Truck (VIN#1M2B225C65M005104) - \$14,900.00
- 1986 HMMWV Military Troop Carrier- \$10,600.00

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

THE FOLLOWING WAS PRESENTED

By Ald. Tobin  
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 Sec'd by Ald. Wray  
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 Date of Adoption 01.17.23  
 \_\_\_\_\_  
 Index No: 33-23  
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NAMES	AYES	NOES	ABSTAIN	ABSENT
Ald. Tobin	X			
Ald. Jean-Francois	X			
Ald. Johnson	X			
Ald. Wray	X			
Ald. Kleiner	X			
Ald. Green	X			
Ald. Witt	X			
Ald. Masi				X
Pres. Rodrigues	X			
TOTAL	8			1

**Resolution authorizing the 2023 Perma Contract**

RESOLVED; that the Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment and authorizes the 2023 Perma Contract.

RESOLVED; that the Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment and authorizes switching from paying installments throughout the year to paying the account in full at the beginning of the year, in order to receive a discount, the amount of the contract is \$724,515, with the discount it is \$710,785.

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 agreement.

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

THE FOLLOWING WAS PRESENTED

By Ald. Witt  
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 Sec'd by Ald. Green  
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 Date of Adoption 01.17.23  
 \_\_\_\_\_  
 Index No: 34-23  
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NAMES	AYES	NOES	ABSTAIN	ABSENT
Ald. Tobin	X			
Ald. Jean-Francois	X			
Ald. Johnson	X			
Ald. Wray	X			
Ald. Kleiner	X			
Ald. Green	X			
Ald. Witt	X			
Ald. Masi				X
Pres. Rodrigues	X			
TOTAL	8			1

**Resolution authorizing an agreement with ClaimDOC Services to administer the City’s Employer-sponsored employee health benefit plan**

RESOLVED; that the Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment and authorizes an agreement with ClaimDOC Services to administer the City’s Employer-sponsored employee health benefit plan.

RESOLVED; that the Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment and authorizes a Stop Loss Insurance Policy “capping” how much the City will have to contribute each year towards the plan premium.

RESOLVED; that the Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment and authorizes the Mayor to sign both of the agreements.

The City would like to offer a dual option health insurance plan to eligible employees alongside with NYSHIP. The City would like to use ClaimDOC Services to administer the City’s Employer-sponsored employee health benefit plan (an ERISA Self – Fund Health plan). This optional plan has the potential to offer significant savings in health insurance premium by using reference-based pricing on health claims. In addition to processing claims, ClaimDoc will provide appropriate language for the Explanation of Benefits (EOB), resolve all legal action/defense if needed, provide education/enrollment services for employees enrolling into the plan and implement a “Pave the Way” program that provides a member advocate to assist with any concerns the employee may have. The agreement will be for a three-year term, with an annual renewal.

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

THE FOLLOWING WAS PRESENTED

By Ald. Green  
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 Sec'd by Ald. Kleiner  
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 Date of Adoption 01.17.23  
 \_\_\_\_\_  
 Index No: 35-23  
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NAMES	AYES	NOES	ABSTAIN	ABSENT
Ald. Tobin	X			
Ald. Jean-Francois	X			
Ald. Johnson	X			
Ald. Wray	X			
Ald. Kleiner	X			
Ald. Green	X			
Ald. Witt	X			
Ald. Masi				X
Pres. Rodrigues	X			
TOTAL	8			1

**Resolution authorizing a Sale & Compensating  
Use Tax Sharing Agreement with the County of Orange**

RESOLVED; that the Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment and authorizes the Sale & Compensating Use Tax Sharing Agreement with the County of Orange from March 1st, 2023 through February 28, 2026.

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 agreement.

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

THE FOLLOWING WAS PRESENTED

By Ald. Kleiner  
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 Sec'd by Ald. Green  
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 Date of Adoption 01.17.23  
 \_\_\_\_\_  
 Index No: 36-23  
 \_\_\_\_\_

NAMES	AYES	NOES	ABSTAIN	ABSENT
Ald. Tobin	X			
Ald. Jean-Francois	X			
Ald. Johnson	X			
Ald. Wray	X			
Ald. Kleiner	X			
Ald. Green	X			
Ald. Witt	X			
Ald. Masi				X
Pres. Rodrigues	X			
TOTAL	8			1

**Resolution authorizing an application for Round 7 Restore NY funds for the O&W Building Restoration Project**

RESOLVED; that the Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment and authorizes an application for Round 7 Restore NY funds for the O&W Building Restoration Project, in the amount of \$2 million. The proposed project will go toward the rehabilitation of the former O&W Train Station.

The City of Middletown finds that the proposed project is consistent with the municipality's local revitalization or urban development plan; that the proposed financing is appropriate for the specific project; that the project facilitates effective and efficient use of existing and future public resources so as to promote both economic development and preservation of community resources; and the project develops and enhances infrastructure and/or other facilities in a manner that will attract, create, and sustain employment opportunities where applicable.

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

THE FOLLOWING WAS PRESENTED

By Ald. Wray  
 \_\_\_\_\_  
 Sec'd by Ald. Johnson  
 \_\_\_\_\_  
 Date of Adoption 01.17.23  
 \_\_\_\_\_  
 Index No: 37-23  
 \_\_\_\_\_

NAMES	AYES	NOES	ABSTAIN	ABSENT
Ald. Tobin	X			
Ald. Jean-Francois	X			
Ald. Johnson	X			
Ald. Wray	X			
Ald. Kleiner	X			
Ald. Green	X			
Ald. Witt	X			
Ald. Masi				X
Pres. Rodrigues	X			
TOTAL	8			1

**Resolution authorizing a Street Closure for the Winter Festival**

RESOLVED; that the Common Council of the City of Middletown authorizes the closure of Union Street on Saturday, February 4, 2023 (Snow Day Saturday, February 18, 2023) from 10AM-5PM for the Winter Festival.

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

THE FOLLOWING WAS PRESENTED

By Ald. Johnson  
 \_\_\_\_\_  
 Sec'd by Ald. Jean-Francois  
 \_\_\_\_\_  
 Date of Adoption 01.17.23  
 \_\_\_\_\_  
 Index No: 38-23  
 \_\_\_\_\_

NAMES	AYES	NOES	ABSTAIN	ABSENT
Ald. Tobin	X			
Ald. Jean-Francois	X			
Ald. Johnson	X			
Ald. Wray	X			
Ald. Kleiner	X			
Ald. Green	X			
Ald. Witt	X			
Ald. Masi				X
Pres. Rodrigues	X			
TOTAL	8			1

**Resolution authorizing an Amendment to City Code Chapter 475, Zoning**

WHEREAS, the Common Council wishes to allow two-family dwellings in OR-2 (Two-Family Owner-Occupied Residential Districts) zoning districts to permanently be non-owner-occupied if the dwelling was occupied as a two-family dwelling at the time this zoning district was created.

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

Section 1 - The Code of the City of Middletown, N.Y., Chapter 475, Zoning, be and is hereby amended by replacing Paragraph 3 of Subsection A (Permitted Uses), of Section 475.11, OR-2 Two-Family Owner-Occupied Residential Districts, to read as follows:

- (3). Two-family owner-occupied dwelling constructed or converted from a single-family usage after the effective date of this Section, not to exceed one dwelling building on each lot. One of the two dwelling units must be occupied by the owner of the property.

Section 2 - The Code of the City of Middletown, N.Y., Chapter 475, Zoning, be and is hereby amended by adding a new Paragraph 4 to Subsection A (Permitted Uses), of Section 475.11, OR-2 Two-Family Owner-Occupied Residential Districts, to read as follows:

(4). Two-family non-owner-occupied dwelling, not to exceed one dwelling building on each lot, provided that the property was occupied as a two-family dwelling on the effective date of this Section.

Section 3 - This ordinance shall take effect immediately.



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

THE FOLLOWING WAS PRESENTED

By Ald. Wray  
 \_\_\_\_\_  
 Sec'd by Ald. Johnson  
 \_\_\_\_\_  
 Date of Adoption 01.17.23  
 \_\_\_\_\_  
 Index No: 39-23  
 \_\_\_\_\_

NAMES	AYES	NOES	ABSTAIN	ABSENT
Ald. Tobin	X			
Ald. Jean-Francois	X			
Ald. Johnson	X			
Ald. Wray	X			
Ald. Kleiner	X			
Ald. Green	X			
Ald. Witt	X			
Ald. Masi				X
Pres. Rodrigues	X			
TOTAL	8			1

**Resolution authorizing a Public Hearing for a Sub-Division at Orange Terrace**

**Resolved** that the Common Council of the City of Middletown hereby authorizes a public hearing to take place on Tuesday, February 7, 2023, at or as close to 7:30 PM as possible to hear any and all persons who wish to be heard on a proposed sub-division at Orange Terrace.

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

THE FOLLOWING WAS PRESENTED

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

Sec'd by Ald. Jean-Francois  
\_\_\_\_\_

Date of Adoption 01.17.23  
\_\_\_\_\_

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

NAMES	AYES	NOES	ABSTAIN	ABSENT
Ald. Tobin	X			
Ald. Jean-Francois	X			
Ald. Johnson	X			
Ald. Wray	X			
Ald. Kleiner	X			
Ald. Green	X			
Ald. Witt	X			
Ald. Masi				X
Pres. Rodrigues	X			
TOTAL	8			1

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