



COMMON COUNCIL MEETING
CITY OF MIDDLETOWN
February 7, 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 Wray
Ald. Kevin Witt
Ald. Jude Jean-Francois
Ald. Sparrow Tobin
Ald. Joseph Masi

A B S E N T

Ald. Andrew Green

Digitally Recorded Proceeding, transcribed by:
Lisa Kane

AMERICAN LEGAL TRANSCRIPTION
11 Market Street, Suite 215
Poughkeepsie, NY 12601
Tel: (845) 452-3090 - FAX (845) 452-6099
amlegaltrans@aol.com

INDEXPAGE

Approval of Minutes	
By: Richard McCormack, City Clerk	3
Correspondence, Communications and Reports	
By: Richard McCormack, City Clerk	3
For the Good of the City	
By: Kevin Gomez	4
By: Joseph DeStefano, Mayor	5
By: Ald. Johnson	6
By: Jamie Cupolo	7
By: Jason Lichtenstein	9
By: Maria Jechumlong	14
By: Louie Villafane	15
By: Kelly Cushing	16
Remarks by the Mayor	
By: Joseph DeStefano, Mayor	17
Video Played (Channel 4 - Build a Home for Sky)	21
Remarks by the Department Heads	
By: Maria Bruni, Economic Development	23
By: Nick Barber, Fire Chief	24
By: John Ewanciw, Police Chief	25
By: Jacob Tawil, DPW Commissioner	25
By: Joseph DeStefano, Mayor	30
Remarks by the Alderman	
By: Ald. Masi	35
By: Ald. Witt	36
By: Ald. Kleiner	37
By: Ald. Wray	39
By: Ald. Johnson	39
By: Ald. Jean-Francois	40
By: Ald. Tobin	41
New Business	
By: Richard McCormack, City Clerk	42
Audit of Claims and Accounts	
By: Ald. Masi	45
Adjournment	
By: Ald. Masi	46

1. Pledge of Allegiance

(Pledge of Allegiance)

PRESIDENT RODRIGUES:

2. Roll Call

PRESIDENT RODRIGUES: Roll.

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

3. Approval of Minutes.

RICHARD MCCORMACK, CITY CLERK: We have January 3rd, 2023, please.

PRESIDENT RODRIGUES: Can I get a motion? Alderman Witt, seconded by?

ALD. WRAY: Second.

PRESIDENT RODRIGUES: Alderwoman Wray. All in favor?

ALDERMANS: Aye.

4. Correspondence, Communications and Reports

PRESIDENT RODRIGUES: Correspondence.

RICHARD MCCORMACK, CITY CLERK: Good evening. We have a letter from the Law Offices of Fabricant, Lipman & Frishberg concerning the Orange Terrace Properties, LLC 3-13 Orange Terrace, Middletown, New York.

"Dear Gentlemen, As you know, this office represents Orange Terrance Properties, LLC in reference to the upcoming Common Council public hearing to be held on February 7, 2023. We would like to withdraw our application for the four-lot subdivision without prejudice. Please contact us as soon as possible. Very truly yours, Neil D. Frishberg."

PRESIDENT RODRIGUES: Received and filed.

RICHARD MCCORMACK, CITY CLERK: We also have been notified by the Orange County Legislature that Resolution 18 of 2023 has been adopted authorizing the County Executive to enter into an agreement with certain Orange County Municipalities providing for the exemption from county taxation of lands owned and used for them by the water supply and for related purposes.

PRESIDENT RODRIGUES: Received and filed.

5. For the Good of the City

PRESIDENT RODRIGUES: Okay. For the Good of the City, we have a special presentation from the Orange County -- oh, no, this is (indiscernible).

For the Good of the City, anyone who would like to address the counsel, please step forward.

KEVIN GOMEZ: Good -- oh, good evening, everyone. Kevin Gomez, member of the Middletown School Board. It's that time of the year where our school board will be moving forward. We're holding hearings on the respective issues concerning the budget. The school district will be adopting a budget later this year and the voters will decide whether to accept it or not.

So here are the dates and the different topics. February 2nd, we will -- well, that past. February 16, we'll be looking at the budget with respect to instructional expenses; March 9th, capital and benefits; March 23rd, revenue discussion; April 20th, budget adoption; May 4th, budget hearing; and the budget vote and election vote will be on Tuesday, May 16, 2023.

In addition to that, there will be for the community and everyone's invited, they'll be a public session for community engagement or info sessions. We have scheduled for March 8th, budget review, community Q and A; April 27th, budget review, community Q and A; and May 10th with respect to the Board of Education adopted budget review, Q and A. And all the public, members of our community and our respective elected officials are invited

to let your voices be heard. Thank you.

PRESIDENT RODRIGUES: Thank you.

Anyone else who would like to address the Council?

JOSEPH DESTEFANO, MAYOR: I know Dr. Johnson is going to address it, but the public hearing is cancelled --

PRESIDENT RODRIGUES: We're still gonna have it.

JOSEPH DESTEFANO, MAYOR: -- so I believe the public should respond over here on the advice of our counsel since this appears to be an issue and maybe litigated in the future. And I think Paul is going to explain it or if you want me to go into a little bit now. But it should be under this order, rather than under a public hearing that -- because the acts -- comments by the Board may be misconstrued to try to influence the Zoning Board of Appeals.

So when we spoke with counsel, myself and Alderman Johnson, we did not feel it's appropriate to tell the public that they can't address this issue, so they're here tonight. So we have to handle it under the Good of the City, rather under the public hearing. And Paul can go into a little bit more detail. So I think it's appropriate

to do it now.

ALD. JOHNSON: Thank you.

PRESIDENT RODRIGUES: You got it.

ALD. JOHNSON: So the facts of the case, I think, are familiar to many of the people in the room. A proposal for four houses went before the Planning Board. The Planning Board is advisory and a question like this is not definitive and it came back to the Council.

I'm addressing it now as the vice chairman of Planning and Economic Development. We had a committee meeting at our last meeting. And the five of us talked about the facts of the case and we decided we would bring it forth. At that moment is going to be a public hearing. In the interim, as the Clerk has just read, the applicant has rescinded the application at the Planning Board level, but apparently has one at the ZBA level.

But Kate and I, Alderwoman Wray, I should say, felt we appreciated the cooperation of the Committee to let it come before the Common Council as a public meeting and has been described it will actually be for the Good of the City.

And just a general reminder on behalf of the
AMERICAN LEGAL TRANSCRIPTION (845) 452-3090

president of the Council, it's an opportunity to speak, but there will be no opportunity to dialog.

Thank you, Mr. President.

PRESIDENT RODRIGUES: Okay. At this time it's open to the public. If anybody wants to come up.

JAMIE CUPOLO: Thank you, Council. Thank you, everyone. I live in that neighborhood. And as a homeowner, I experience a lot of flooding due to the -- all the houses up the hill. More construction in that area increases -- increases water coming down the hill, floods our basements down at the bottom there. You know, a lot of people used those woods there to, you know, it absorbs a lot -- a lot of water and so forth, so it affects all the people who live down below. So if you develop up above, it's gonna affect the people down below. With the changes in weather, more water, more flood, I've noticed increasing flooding in my basement. I'm just very concerned about more construction and development right up the street from my house.

What I found even on my own house is somebody had bought my backyard, unbeknownst to myself, and they're trying to develop that. So every little inch back there in

those woods is trying to get bought up and, and developed. And, you know, I mean, there's a cemetery over there. There's a lot of animals, deer, places for them to go and live, not, like, chewing up everybody's, you know, gardens and stuff like that. You see the deer walking around the neighborhood. It's hysterical, so.

Anyway, thank you very much.

PRESIDENT RODRIGUES: Thank you.

ALD. JOHNSON: Name and address.

ALDERMAN KLEINER: Miquel, can I ask you your name because otherwise in the minutes it's going to say unidentified speaker.

JAMIE CUPOLO: Oh, yeah, yeah, yeah, sure.

Jamie, J-a-m-i-e, last name, C-u-p like cup, and then o-l-o.

ALDERMAN JOHNSON: And address, could you state your address also for the record?

JAMIE CUPOLO: Yeah, 45 West Conkling Avenue.

ALDERMAN JOHNSON: Thank you.

JAMIE CUPOLO: Yes. Thank you. Thank you for time, everyone.

PRESIDENT RODRIGUES: Thank you.

JAMIE CUPOLO: Thank you.

JASON LICHTENSTEIN: How we doing? Jason
Lichtenstein, 1 Clinton Street.

You know, I know that the, the proposal for the houses was turned down or was withdrawn by the company. But I also received a certified letter today saying that on February 15th they're bringing it back to the Zoning Board, so we felt it was important to speak today on behalf of this.

A lot of us up there have built houses. We've been up there for a long time now. And when we built the houses up there, we were under the information that we have to build a house with 75 feet of road front.

While they were looking for the information, they struggled to find all of it, but there was a meeting that took place on September 11th, 1990 -- I think it was 1991, I believe, 1991, where there was a hearing that place. And that hearing, Jack Stack of Slate Hill, New York requested front yard with variance for single-family homes up on West Conklin. And his proposal was to build three houses on a 150 feet of land. And that meeting he was denied because he didn't have, have the road front footage he needed.

We know that because when I reached out to the -- I couldn't, we couldn't find the minutes for that meeting, but when we reached out to the Stack family they were still bitter about it almost 30 years later that they only built two houses instead of three because of the income they lost out on.

That's kind of like our premises for what we're going with here on that. When they're building up in that area, they should be building on 75 feet of road front. We understand that they put back into build, build 60 -- 6 houses again up there which is impossible because they own right now 288 feet of road front. 288 feet of road front leaves them to under 4 houses. They can't built three -- they can't build three-quarters of a house, they can only build a full house. So with the land they have up there and the turnaround that's required, we can't see how they can build anything more than three houses based on the same rules that we've been, that we've been abiding by as we've been building our houses in that area.

Our other concern with this is on Clinton Street. So I live on Clinton Street. I live on the paper road of Clinton Street. My house sits on 1 Clinton Street, but my

house technically sits on Orange Terrace.

Through Clinton Street you have two LLCs owned by the same person buying alternating lots because they found a loophole in the system that allows them to build on a 50-foot lot if they're -- if they're landlocked meaning they don't own the house -- and I'm sure you understand this, but the property to the left or the property to the right, they don't own it, so they can build on 50 feet right there.

When you look at the LLCs that are purchasing these properties, it's the same person. He's just purchasing it under LLCs. I don't know if that person's the same as the people that are up here trying to buy this -- trying to build this property. But the fear is if we allow this to happen, then what's gonna happen on Clinton Street?

We've come accustomed to a quality of life up there where we're not on top of one another. We're not saying anybody shouldn't be able to build a house. If you want to build a house on a lot of land, build a house on a lot of land. But they should be bound by the same rules that we were.

And I understand that my property falls different because I sit on a corner lot, so my building regulations were different than say the houses across the street that the Villafanes own or that the Gill family owns. They landed on different lots because their, their house doesn't sit on a corner lot like mine does. But they were told they had to build on a 75-foot lot.

So with these guys coming up, trying to -- it almost seems like they're trying to circumvent the rules. And, you know, we were told recently that it's the job of a politician to identify the loopholes and make sure the loopholes aren't taken advantage of. So we're here today to talk, talk about it, bring it to your guys' attention.

February 15th, we'll be back just to -- well, I'll be back at least to make sure that the same opinion is heard and that we have an opportunity to still address and make sure that people know that what they're trying to do while it's, it's wrong, honestly.

And then there was questions that came up from our point of view was our road is 30-feet wide. Why does this road get to be 25-feet wide? Like, why do they get to cut corners on this? The last time this went to the Zoning

Board they proposed a certain turnaround at the end of the road. Why was a turnaround altered between going to the Zoning Board and coming to the next level?

I've watched the DPW trucks back up and almost crash into the retaining wall across from us because they can't turn around anywhere on the road. So now you're gonna double the length of that road. What's gonna happen when those DPW trucks or, or fire trucks or any other truck that's trying to back up down that road and they don't have a proper turnaround in the end.

What has to happen is they'd have to take some of their land. And they'd have to make that a big enough turnaround to fit one of those firetrucks back there.

And, again, I don't know the speculations of this, but I know that from when I read the minutes in the last meeting and I know it was brought up by one of the people who spoke in the last meeting that they questioned the size of the turnabout.

It wasn't -- I don't know if it was addressed in that meeting, but it should cause, you know, should just bring something up. Especially today we're watching these Amazon trucks flying up and down in the road. Nobody's

turning around. I've got three little kids, the Gill family at the end has two little kids, the Gilafane's have their grandchildren there. You know, there's kids at the corner. There's a lot of kids that live in that neighborhood. We don't need these trucks flying around backing up. They should be able to turn around safely, so when they're driving out they can see where they're going and make sure these kids aren't in the road because as much as I like to think my kids are doing the right thing, I've got a 5 year old and a 9 year old. You know, they're not always doing the right thing, paying attention to cars coming up and down the road. That's the responsibility of the driver, but they need to be able to turn around properly.

So these are my questions about what's going on here. These are my concerns about it. And, again, I know it was withdrawn. But today I went to the post office and picked up my certified letter where I know that it's coming from their lawyer's office on the 15th. So I thought was appropriate to speak tonight. All right. Thank you.

PRESIDENT RODRIGUES: Thank you.

MARIA JECHUMLONG: My name is Maria Jechumlong
AMERICAN LEGAL TRANSCRIPTION (845) 452-3090

(ph). I live at 2-4 Clinton Street. And in regards to what Jason said, when I had my house built, I was forced to build -- I have two lots and I was forced to build on both lots. I couldn't put my house in the front lot and have a nice big yard because I had to follow code.

And also with what Jason said about the other properties on Clinton Street, yes, every other property is owned by every other person. And I can verify that is the same owner because I used to work for the firm that used to represent him. So I know for a fact the owner of those properties. And eventually it's gonna come around again and they're going to try to do the same thing.

We're not, again, we're not saying that we don't want them to build, but we'd like to have our property. And on top of that, I live below street level. And what's gonna happen when it comes to any kind of sewage problems because I have a pump to push all my septic up to street level. And all these homes are now gonna come to the same sewer hole. What's gonna happen if something gets clogged or we don't even want to go there and think what can possibly happen in my house because that's not gonna be a nice site.

So these are just some of the concerns that we have. And we like the quality of life up there. And I don't think they should be allowed to come in here with an attorney because we can't afford an attorney ourselves and let them get away with what's -- with what's right. These are the laws and they should also be in compliance with it. That's it. Thank you.

PRESIDENT RODRIGUES: Thank you.

LOUIE VILLAFANE: I'm Louie Villafane and I live at 19 Orange Terrace. And my property was the one that Jack Stack was the one that he wanted to build two houses, actually, three -- no two houses and he was stuck with building one house on that -- on my lot. And, fortunate for me I lucked out.

But, now, I've been there 30 years and I am accustomed to in that particular area, you ain't gonna see any houses on 50-foot lots. Okay. It's 75 or 100 feet. Check that area. I'm accustomed to that. I want to maintain that lifestyle of not being having a house on top of me.

And, again, there are a lot of kids. When I first moved in there, it was just my son and Pete's grandson. Okay. Now, there's a lot of kids, a lot of

traffic. And I am very concerned about that. Thank you.

PRESIDENT RODRIGUES: Thank you.

KELLY CUSHING: My name's Kelly Cushing. I live at 54 Mountain Avenue. I've lived there over 20 years. My lot connects to 13 Terrace. I looked into buying from Renekey (ph) a few years ago, but the lot was only 50 wide, couldn't do anything with it then, they shouldn't be able to do anything with it now.

Plus they came in with an excavator. I don't feel that they properly knocked down the trees. There's a lot of uprooted trees. They fell on my property, my neighbor's property. Literally 10 days after I had 100 people in my yard the tree fell. I had to clean it up. So I don't know, maybe somebody should go back there and check out those trees, totally unsafe.

We have a lot of kids up on Mountain Avenue as well. Those trees can fall at any time. Thank you.

PRESIDENT RODRIGUES: Thank you. Okay. Anyone else? Yeah, we are.

6. Remarks of the Mayor

JOSEPH DESTEFANO, MAYOR: Well, first I want to thank everyone for coming in and make sure that you clearly

understand that the -- as the one speaker mentioned that February 15th is the Zoning Board of Appeals meeting and that body has the right to hear -- they have a right to make the application. But it's important for you folks to get there and voice your opinions.

And we as individual members, your Alderman, can attend that meeting on behalf of, as your representatives also. It's just that we can't speak at it tonight because of -- we don't want to jeopardize the City's legal position if the Board makes a decision that's not favorable to the applicant.

So, but people will be there speaking on your behalf to the Zoning Board of appeals. It's a five-member Board. And they'll listen to the, to the application. And they'll also listen to what your concerns are and make a decision on whether they should be granted the -- I think it's four 50-foot lots and two 44-foot lots. And, and I think precedence and a lot of other things have a lot to do with their decisions. But they'll be making those -- they'll be making that call. But it's important that you are heard and that the Zoning Board of appeals hears you.

So on other matters, recycling is the issue of
AMERICAN LEGAL TRANSCRIPTION (845) 452-3090

the week. We were, I guess, given a violation notice by Orange County that our recycling loads are -- have too much garbage and too much municipal solid waste including garbage bags that may contain recyclables but they're still allowed in the recyclable bin. So we have to reinforce with the public that recycling -- in the recycling containers they have to be loose containers. They cannot put a garbage bag full of recyclables in your container because if they're there and they're spotted by the, by the sanitation department, we cannot pick it up. And because the loads are being refused and rejected. And it's causing a lot of problems.

And, believe us, we don't -- well, I can't speak for Jacob, but it cost the City more to get rid of recyclables, believe it or not, than it does of regular garbage. It used to be the other way around where we would get money for recyclables. But now I think it's we, we pay \$84 a ton for municipal solid waste. And I believe we're paying \$110 a ton to get rid of recyclables.

So but then there's also potential penalties. It's crazy that the law is still in place if there's no market for recyclables. I don't know why we have to do it,

but by law we have to do it and by law it has to be somewhat clean recyclables meaning that we're not allowed to pick it up.

We did have a few calls over this past cycle of people who, whose recyclables weren't picked up. We believe that's the reason why. But we're going to do some more education. You guys as individual Alderman have to make some efforts to educate your customers in your, your wards. And we can do our best to encourage the -- at least clean recyclables going in those bins.

The -- one other issue is myself, Jacob, and Maria attending Congressman Ryan swearing in at West Point. He was able to deliver pretty quickly on a nice grant for us for water infrastructure of about \$3.4 million. It's a follow up to an application that was made by Congressman Maloney. But we do now have confirmation of that. So congratulations to Congressman Ryan and, and thank you for the, for the quick action on the grant.

And then one last piece I have is just to report on the Build Home for Sky. And we, the Council, are well aware and I know the -- some of the public is of the efforts by the City working in conjunction with the Mendoza

family regarding a vacant lot on 52 Broad Street in the city. The groundbreaking for this home is scheduled for Wednesday, February 15th at, at 2:00 p.m. All are welcome.

This project is part of a build -- Build a Home for Sky. And it's -- the developer is Albert Feeny. Kevin O'Reilly from Satin Foods who's the employer of the -- Mr. Mendoza, Spring Lake Toy Foundation, the City of Middletown's involvement, Middletown Fire Department. Wallkill Engine Company Number 16 donated almost \$14,000 to the program. And they're also relying on community donations.

It's a good program. It's something that the other night was recognized on Channel 4, Chuck Scarborough. And we're going to play the -- if you didn't catch it, we're gonna play the little skit here that, that they did on Channel 4 I think it was two nights ago.

And that's all I have to report unless you have any other questions.

(Video played)

CHUCK SCARBOROUGH: Sky Mendoza was paralyzed in a horrible crash on the Major Deegan Expressway more than four years ago now. She's 18 and she depends upon her

motorized wheelchair. So the people of Middletown, New York are making sure she can live in a home that meets her needs. Here's News 4 Jen Maxfield.

JEN MAXFIELD: Sky Mendoza is finishing up school for the day. The 18 year old uses a special computer she controls with her eyes. Ever since Sky was paralyzed from the neck down in a car accident school and just about everything else has been in her bedroom.

ORLANDO MENDOZA: To be that young and to have something like that happen to you and see your friends on Instagram doing what they're doing, living their life, and her being home.

JEN MAXFIELD: Sky's entire life changed at age 14 when she survived a horrific crash on the Major Deegan Expressway in the Bronx that killed her pregnant stepmother and injured her brother. Sky was in a coma for weeks and endured a year-and-a-half of rehab before coming home to her family.

ORLANDO MENDOZA: All I can do is thank God and just be thankful for everything and be thankful she's still here with us.

JEN MAXFIELD: But living at home has its
AMERICAN LEGAL TRANSCRIPTION (845) 452-3090

challenges. The Mendoza family apartment wasn't built for a motorized wheelchair and all of Sky's medical equipment. So the City of Middletown donated this parcel of land where contractors will donate time and materials to build her family a new house.

KEVIN O'REILLY: What a wonderful Christmas present it will be for Sky and her family.

JEN MAXFIELD: The Spring Lake Toys Foundation is leading the fundraising effort with more than 25 business owners and hundreds of donors contributing to build the home valued at close to \$400,000.

PAULETTE LAURENZI: It will be 100 percent handicap assessable. She's be able to wheel through all of the rooms. She'll have a handicap accessible bathroom.

JEN MAXFIELD: Here in the family's apartment, it's challenging to fit Sky's wheelchair from her bedroom down this hallway into the kitchen, but in the new custom home, she'll be able to wheel right up to the counter where she loves being involved with the cooking.

The Mendoza family is grateful for the support of the community including Kevin O'Reilly, Orlando's boss, at Satin Fine Foods who kicked off the fundraising efforts and

has been by the family's side since the accident four-and-a-half-years ago.

KEVIN O'REILLY: I think most of us are blessed in life in many ways, you know. And it's part of our job, I think, to take care of others.

JEN MAXFIELD: In addition to their new home, the Mendoza family has other reasons to celebrate after experiencing so much tragedy. Orlando was remarried last summer and Sky was the first one out on the dance floor.

In Middletown, New York, I'm Jen Maxfield, News 4, New York.

CHUCK SCARBOROUGH: Well, hats off to the good people of Middletown, New York. That's just wonderful.

(Audio concluded)

7. Remarks of Department Heads

PRESIDENT RODRIGUES: Remarks of the Department Heads, Economic Development.

MARIA BRUNI, ECONOMIC DEVELOPMENT: Good evening. Just following up, we had a Community Development Agency meeting tonight where we discussed we have a house going into contract, 1498 Wisner. We have some bid openings on Washington Street property for demo. So the program is

moving ahead with some more houses that we're gonna get new home owners in the community.

Also, with the Paramount, there's a bunch of shows that we keep adding, so go to our website, middletownparamount.com. Sign up for our newsletter because we do special show announcements and also special, you know, ticket pricing before they actually go on sale to the public. So sign up for our newsletter, so you could see everything that's coming up. We've got a lot of great things happening.

And the movie that's coming up is *A Man Called Otto*. That starts this Friday.

And that's all I have for tonight.

PRESIDENT RODRIGUES: Any questions for Maria?

Thank you, Maria.

Fire Chief.

NICK BARBER, FIRE CHIEF: Good evening, everyone.

I just want to let you know we had a nice quiet month of January, a total of 76 calls.

I'm happy to see that the City is looking into the tax breaks for the volunteer firefighters. I know that will happen hopefully within a year, next year. But I'm

glad to see we're moving forward with that.

Parade date is October 7th. Inspection night October 6th. And hopefully there's no football game on that night. Our annual dinner, the date is still being looked into. We're looking for a date in May or a day after the parade. We're still up in the air about it, but we'll let you know.

And I just want to let everybody know, Fireman Joe is moving forward. Taking baby steps, but we're getting there. The bids will be back February 15th. And after they're looked at between Jacob and the consultant, hopefully, we'll have a winner of the bid and keep moving forward. Any questions?

PRESIDENT RODRIGUES: Any questions for the Fire Chief? Any grand marshal yet?

NICK BARBER, FIRE CHIEF: You're looking at the grand marshal.

PRESIDENT RODRIGUES: Police Chief.

JOHN EWANCIW, POLICE CHIEF: Good evening. I actually have nothing this evening unless you have something for me.

PRESIDENT RODRIGUES: Yeah. Anything for the
AMERICAN LEGAL TRANSCRIPTION (845) 452-3090

police chief? Thank you, Chief.

JOHN EWANCIW, POLICE CHIEF: Thank you.

PRESIDENT RODRIGUES: DPW Commissioner. Thank you.

JACOB TAWIL, DPW COMMISSIONER: Good, good evening, all. I'm going to start with Alderman Masi. The reservoirs are 89 percent full, so we're in good shape.

We had a major water leak in our system and it took us a while to find it because it was just under the building, an old building in the City of Middletown. That tells you our old infrastructure and the need to continue to invest in there. So we were losing about over a million gallons per day for almost a week until we finally were able to find it. It was leaking right under the old building and going into the stream without us knowing where it is although we did walk the streams underground and we could not find it. So it is very difficult. But that comes with the old infrastructure that we have and shows you the need that we continue, we need to continue to move forward to invest in our infrastructure.

And like the Mayor said we thank the new congressman, Ryan, for the \$3.4 million for improving our

infrastructure. That would be for the 24-inch water line feeding the city two-thirds of the city with water from the water treatment plant down along Monhagen Avenue. So that would be our phrase two of the water system improvement.

We opened the bids yesterday for the court which is basically the federal court house that the city purchased it. And they resigned it, so that city court would move from where they are here next to City Hall down to the federal courthouse. The bids came in relatively high, \$5 million. So the Mayor, he's looking into different alternatives right now what to do and where to go from here. We'll be talking to the architects and we'll see what we can do. But the bids just under \$5 million were relatively high.

The Mayor spoke about the recycling. I'm not gonna talk about anything else except through recycling tonight because it's really very important. We all understand the need for the recycling and, and the importance of it. And we need to do it, but we have to do it right otherwise it will start costing us more money.

What happens is some people they add municipal solid waste, garbage, household garbage, clothing,

Styrofoam, what have you in the recycling in the blue cart. And then our guys they cannot see it, they come in there, the truck will come in, pick it up and dump it, put it back and move to the next one. Until we go and get rid of that recyclable at the Orange County Transfer Station and then if they see garbage mixed with it, then they call it this is contaminated. It loses the value of any recyclable that you can get any money for it.

Of course, like the Mayor said, we're not getting any money for it, however, it's, it's good for the environment. It's less load on the landfill. It's better for energy renewables, recycling and so on.

So what we are requesting from you is to put your recyclable -- follow the brochure that we have on our website. We, we posted that again and it tells you exactly what is acceptable as recyclables and what is not. And be kind enough just to rinse the bottles or the containers before you put them in the blue cart and take it out to the curb.

That would be very helpful. That will increase the value of the recyclables when Orange County tries to get rid of it or sell it or their contractor.

At this time there's market for it. The Mayor and myself and I think Alderman Masi are going to be going to a seminar especially for marketing recyclables, the current market, the condition what to do with it. So we're trying to educate ourselves and to try to find the market for our recyclables to try to generate some revenue.

The bottom line is if it is contaminated, recyclables gonna be thrown out. It will end up costing us more money because we're handling it twice. We pick it up as recyclable. We take then we pick it back up again and then we take it as municipal solid waste.

Right now we had to modify our -- the procedure right now. Instead of taking it down to Orange County Transfer station we're taking it to our own transfer station, spreading it, separating, separating the recyclables as much as we can, then take it some -- taking some over to Orange County Transfer Station for recyclables and the rest of it is going on our tractor trailer to go to a landfill.

So it's a lot of money it's costing us. If we don't respect the rule of recyclables, we don't have to pick it up, we can just mix it with the municipal solid

waste and we'll pick up the whole city in four days instead of five days. So we don't have to pick up recyclables, but we cannot do that. It's the law. It's the right thing to do. It's the best thing for the environment.

The Mayor is right, it's costing us much more right now to get through the recyclables versus municipal solid waste. However, don't make it hard on us, please, be adding garbage and municipal solid waste into our recyclables because the cost is tremendous, time, material, and actual money per ton.

So the recyclables, again, visit our website. The brochure is right there. It tells you what you can recycle and what you cannot recycle. And it's very simple and do not put it inside bags because very soon we're gonna start sending our inspectors ahead of our trucks to look into what's inside the container. And, unfortunately, we may have to issue citation on violation, courts, and all that stuff. And we don't want to do that. We don't have time for that. We don't want to do it. I know you're trying to your best recycle, increase the recyclables, we appreciate that. But make it clean, so that it will not be contaminated so we don't end up costing us more time and

money and effort to get rid of it.

With that I will conclude.

PRESIDENT RODRIGUES: Any question for Jacob?

Thank you, Jacob.

Mayor, Jacob talked to on the court. Can you just tell us --

JOSEPH DESTEFANO, MAYOR: Yeah. Well, we can go probably seven, eight years when this whole process began when under the New York State Court -- Office of Court Administration gave a mandate to the city that we add a second court. And I think part of that is a result of them centralizing some of the local courts where Middletown doesn't only handle Middletown court issues, we handle some regional issues. They handle drug court for the regions.

And so part of that need, at least in our assessment is based on regional needs. Under state law we are responsible for providing the facility. So we were given a mandate by the Office of Court Administration. And we've been -- we were fighting them for many, many years because the original complex that they submitted to us was, at that time, was approaching 8 to 10 million dollars.

Myself and Jacob had several meetings with them.

They were sometimes very vocal meetings. And we've at some point, we were able to gain the support of the Chief Judge at that time who allowed us to use the Common Council chambers here as a second court. It was supposed to be a interim until a plan was developed for a more economical building.

It's been going on now and operating fine. The Office of Court Administration does not like it because they have to have a second set of security for this courtroom here. As you know, you see the, the metal detector here. So they have to have a second crew for when both courts are operating.

Both courts don't operate five days a week. So we were able to secure a grant through Senatewoman Gunther's office for the purchase of the old federal court building. And we are hoping to use that as the second court, but that meant the same conditions that it would have two security issues.

So they wanted us to consolidate both courts into one facility. And we were in agreement to looking at it. And we -- but the demands of the Office of Court Administration throughout this process, a lot of them were

unreasonable. For example, a room might have been in this building -- one of the offices may have been 6 by 8 and their code might have required to be 7 by 10. And so we have to rip out -- we had to do a lot of gutting in the building. They demand a new HVAC, new -- a lot of demands.

But even through the process our architect and engineers came up with cost estimates in the low \$3 millions. As Jacob stated, the bids just came back and they're in the high 4s, approaching \$5 million. And to me it's unacceptable since we've been operating under a system that has been doable for the last numerous years, several years.

My opinion and, of course, we're going to do it in consultation with you guys and local court is that if the state wants this facility built, that they're going to have to cough up a lot of the money in order to build it.

Now, there are advantages to the city, of course, for doing this. One is our police department is full and over capacity. We have people in the basement. And our plans were then to expand some City Hall offices, but the majority of the old court would have been police station. So there are benefits long term, both short term and long

term to the city doing, but not at \$5 million.

So we're gonna go back to the Court and we're gonna say this is not a City of Middletown, solely a City of Middletown issue. We believe that the State should put some money into this project. How much we'll discuss and negotiate. And if it's a number that's acceptable to us, then we will come back to you with a proposal. If it's not a number that's acceptable to us, then we will fight like hell to keep this second court here for the two or three days a week that they do it and save \$5 million and figure another way to expand police services within the existing building or out the back of the two buildings here.

So we have options. Whether those options are acceptable to the Office of Court Administration we don't know because the bids were just opened yesterday, so I don't want to get out in front of ourselves either. So that's where we're at.

But the number is -- I know Jacob spoke with our engineers and architects who did the estimates. They were shocked by the numbers also. But as you saw with the O&W station, a 80 to 90 to 100 percent increase pre-COVID to now is -- seems to be the normal. So that's the story.

PRESIDENT RODRIGUES: All right.

JOSEPH DESTEFANO, MAYOR: Thank you.

PRESIDENT RODRIGUES: Thank you. Superintendent of Recreation.

RAELYNN BERTHOLF, SUPERINTENDENT OF RECREATION:

Good evening, everyone. I just want to report that the Winter Festival, that was cancelled this past weekend because of the extremely cold temperatures this past Saturday is gonna be held on February 18th. So we're super excited about that.

And I'd also like to give you the number of unduplicated people who've attended from adults to children our skating rink which is a very exact number because anyone who attends ice skating at least one time does have to fill out a waiver. So we have the exact number of how many people have attended. And I am blown away by this number. Does anybody have any cases?

JOSEPH DESTEFANO, MAYOR: 1,212.

RAELYNN BERTHOLF, SUPERINTENDENT OF RECREATION:

I think you had some inside information. No, real guess? 1,435 unduplicated have attended the ice skating rink so far this year. And we still another month, possibly,

depending on the weather to go. But I was blown away by that number. It's a testament to listening to City residents and their wants and needs of the community and everyone here pushing for it and wanting something to better our community. So thank you. And it's in good use and well maintained and well supervised and well attended, so thank you.

PRESIDENT RODRIGUES: Thank you. Any questions?
Thank you. Good job.

City Clerk.

RICHARD MCCORMACK, CITY CLERK: Nothing this evening.

PRESIDENT RODRIGUES: Any question for the City Clerk?

8. Public Hearing and Grievances:

(None this evening)

9. Petitions and Complaints

PRESIDENT RODRIGUES: Petitions and complaints, nothing this evening.

10. Remarks of the Alderman

PRESIDENT RODRIGUES: Reports of Alderman.
Alderman Masi.

ALDERMAN MASI: Yes. Good evening. Just quickly. On the Sky Mendoza, that property is located in the 1st Ward and I know Alderman Witt along with the entire Council, the administration glad it's coming to fruition and we look forward to the 15th to the groundbreaking. I hope people can show up for it and thank you very much.

PRESIDENT RODRIGUES: Alderman Witt.

ALD. WITT: Thank you very much. Yeah, piggybacking on Mr. Masi, I actually had Sky Mendoza on my little league team about six years ago. So very nice young lady. And I really hope that this works out well for her and I think it's going to.

A few things to follow Mr. Gomez what he had said about the information about the upcoming budget and the school board elections. All of that information is available to date on the Middletown School District website. So they'll be everything you need to know about the budget. It's all the presentations will be on there, middletowncityschools.org will have the candidates, will have their bios. We're not going to endorse anybody, but it will be in alphabetical order, so you know that that can be a landing page for the next three months for you to

check this information out.

Tomorrow is high school graduation. There will be 38 students, I believe it's 38, who will be graduating. And that's always a real good story with those folks because either you are leaving in three-and-a-half years which takes some doing or you need to stay a little bit longer to get some things taken care of and that's a pretty accomplishment also as well. So congratulations to all of those people.

Thank you to Alderman Johnson and Alderwoman Wray for keeping the Maple Hill talk moving as far as what we're going to do or hope to do with the pool space. I know the Mayor mentioned it at the last meeting about creating a survey. It's my understanding there is one that's out and is getting ready to go out on their community. So I hope that not just people in that area, but the entire City has a chance to fill that out and has their voices heard.

So and finally they'll be no 1st Ward meeting tomorrow due to scheduling conflicts for us. So thank you very much.

PRESIDENT RODRIGUES: Thank you. Alderman Kleiner.

ALD. KLEINER: Thank you. And want to remind people that this Black History month except in Florida where it's a felony to teach black history, so glad we're in New York.

Again, the warming station, they've been doing a great job, the people there. And I urge you to go to middletownwarmingstation.com. And they do have cancellations. People have been sick or had people in the family sick and so they can't make it. And you can see what you can sign up for and undertake them a meal. If you can supply a meal for people because they do get a hot dinner every night they have to stay there. So it's a wonderful job that they do.

Tonight of course is the State of the Union. So that's at 9:00. If you're listening tonight, if you're listening to a rebroadcast, don't worry about it, you missed it.

I did get to listen to the school boarding meeting this last Thursday. And thank you, Dr. Johnson, for representing the City well --

ALD. JOHNSON: Thanks.

ALD. KLEINER: -- doing your report. I also
AMERICAN LEGAL TRANSCRIPTION (845) 452-3090

wanted to mention and it's Freddie Williams and Mitch Williams and some others couldn't say enough positive things about the Middletown Police Department and our Police Chief and how cooperative they are on every level and how much the community is involved. So I thought that was an important message to get out there.

We'll have no February constituents meeting next Monday. We'll start again in March, I think it's the 13th.

Remind everybody again that April 22nd will be our Saturday, April 22nd which is Earth Day will be our Middletown citywide cleanup day, so try and mark that on your calendar and keep it clear, save the date.

Other than that, I'd say I just -- watch out for giant balloons. You can't be too careful. Thank you.

PRESIDENT RODRIGUES: Alderwoman Wray.

ALD. WRAY: Good evening. I just wanted to thank the members of our 3rd Ward community for coming out and speaking their minds tonight. It's always appreciative that you guys get involved in what's going on here and communicating with myself and Alderman Johnson.

I won't speak to the issue at hand specifically. My only opinion as it relates to our City and our codes is

that they are intended and their purpose is to protect our quality of life, our property values, the condition of our City. And I think it's important to make sure that those things are circumvented. Consistency matters. So I think that those are things for us to, you know, just always be aware of. And those are my thoughts on this evening. And that's all I had tonight.

PRESIDENT RODRIGUES: Alderman Johnson.

ALD. JOHNSON: Thank you very much. Yes, I did attend the school board meeting. I presented the annual report of CDA and Park and Recs and it was well received. So thank you for that.

Skating, at the School Board meeting they mentioned that there was going to be a school outing today from Twin Towers. And I happen to see where the teachers in my day job after he was there and he was just really happy about it. The teachers loved it. The kids loved it. They loved seeing their teachers skate around. A good time was had by all. And, once again, it's just more glue to keep everything kind of working cohesively and together.

As was mentioned, Alderwoman Wray and I have put together the survey. Kate is our Sherpa on this process.

And I'm told it will go out via social media in the near future. It's five simple questions. It will be a 30-day turnaround. And we'll see what the people think about what we would do at Maple Hill if it wasn't a pool.

With respect to Orange Terrace, I think it's safe to say that Aldermanwoman Wray and I are watching it closely. Per the Mayor's admonish, we'll refrain from specific comment. While it is a 3rd Ward issue right now, it is a citywide issue in the future. And we'll see how it turns out. Thank you.

PRESIDENT RODRIGUES: Alderman Jean-Francois.

ALD. JEAN-FRANCOIS: Yes, good evening. First I'd like to thank the Fire Chief to give us the information on County Legislature Joe Sierra for his injuries. He's doing pretty good, so hoping for a speedy recovery.

And, secondly, I thought we was doing well with recycling for a while. So it's sad to see that, you know, we going back where we started being that we was doing so well. So, hopefully, the community will get back on track and do what we're supposed to do and our duties and keep that in the positive note.

Secondly, Sky Mendoza Foundation, that's been
AMERICAN LEGAL TRANSCRIPTION (845) 452-3090

going on for a while. It's nice to see that that's taking place on February 15. Looking forward. Thank you.

PRESIDENT RODRIGUES: Alderman Tobin.

ALD. TOBIN: Yes. I mean, that's a great news report on Middletown, so I was proud to -- proud that our City is well represented there and all the good people coming together for Sky.

And I'd like to thank all the people working at the warming station especially over these last few weeks. It's been very, very cold. That's it for me.

11. Unfinished Business.

(None this evening)

12. New Business.

PRESIDENT RODRIGUES: Okay. New business.

RICHARD MCCORMACK, CITY CLERK: Good evening. We have a Resolution sponsored by Alderman Masi reappointing Richard Croughan as Assistant Corporation Counsel.

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

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

RICHARD MCCORMACK, CITY CLERK: Resolution sponsored by Alderman Jean-Francois reappointing Marc Woody to the Zoning Board of Appeals.

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

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

RICHARD MCCORMACK, CITY CLERK: Resolution sponsored by Alderman Witt reappointing, I'm sorry, Resolution sponsored by Kevin Witt appointing Keith Hallock to the Zoning Board of Appeals.

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

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

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

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

discussion? Roll.

Roll Call: Aye: Tobin, Jean-Francois, Johnson, Wray, Kleiner, Witt, President Rodrigues; Masi - no. Carries.

RICHARD MCCORMACK, CITY CLERK: Resolution sponsored by Aldermanwoman Wray accepting a funding award of \$38,820 for the Recreation and Parks Department.

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

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

RICHARD MCCORMACK, CITY CLERK: Resolution sponsored by Alderman Johnson authorizing a \$9,769.19 budget transfer to cover an overdrawn account.

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

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

RICHARD MCCORMACK, CITY CLERK: Resolution sponsored by Alderman Tobin authorizing an agreement with

AMERICAN LEGAL TRANSCRIPTION (845) 452-3090

New York Security System for 2023.

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

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

RICHARD MCCORMACK, CITY CLERK: Resolution sponsored by Alderman Masi authorizing a \$19,845.11 budget transfer for the Water Treatment Plant for water process control equipment and rotary screw compressor.

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

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

RICHARD MCCORMACK, CITY CLERK: Resolution sponsored by Alderman Witt authorizing proposals from Trustmark and PNC Flex Spending Benefit for the City's self-sponsored health insurance plan.

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

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

13. Local Laws

PRESIDENT RODRIGUES: Local Laws.

RICHARD MCCORMACK, CITY CLERK: We have a local law Number 1 of 2023 being introduced this evening, a local law transferring authority regarding the fire police to the fire department.

PRESIDENT RODRIGUES: Okay. As read.

14. Audit of Claims and Accounts

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

PRESIDENT RODRIGUES: Motion by Alderman Masi, seconded by Alderman Johnson. Roll.

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

15. Adjournment

PRESIDENT RODRIGUES: Move for adjournment.

ALD. MASI: So moved.

(PROCEEDING CONCLUDED)

CERTIFICATION

AMERICAN LEGAL TRANSCRIPTION (845) 452-3090

I, LISA KANE, certify the foregoing transcript of proceedings of the February 7, 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: March 17, 2023

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

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

AMERICAN LEGAL TRANSCRIPTION (845) 452-3090

THE FOLLOWING WAS PRESENTED

By Ald. Masi

 Sec'd by Ald. Kleiner

 Date of Adoption 02.07.23

 Index No: 40-23

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 Reappointing Richard Croughan as Assistant Corporation Counsel

BE IT RESOLVED that the Common Council of the City of Middletown confirms the Mayor's reappointment of Richard Croughan as Assistant Corporation Counsel for a 1-year term ending on December 31, 2023.

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

THE FOLLOWING WAS PRESENTED

By Ald. Jean-Francois

 Sec'd by Ald. Tobin

 Date of Adoption 02.07.23

 Index No: 41-23

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 reappointing Marc Woody to the Zoning Board of Appeals

BE IT RESOLVED that the Common Council of the City of Middletown confirms the Mayor's reappointment of Mark Woody to the Zoning Board of Appeals, for a term ending on December 31, 2026.

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

THE FOLLOWING WAS PRESENTED

By Ald. Witt

 Sec'd by Ald. Masi

 Date of Adoption 02.07.23

 Index No: 42-23

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 appointing Keith Hallock to the Zoning Board of Appeals

BE IT RESOLVED that the Common Council of the City of Middletown confirms the Mayor's appointment of Keith Hallock to the Zoning Board of Appeals, replacing Joel Sierra, for a term ending on December 31, 2027.

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

THE FOLLOWING WAS PRESENTED

By Ald. Kleiner

 Sec'd by Ald. Tobin

 Date of Adoption 02.07.23

 Index No: 43-23

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	7		1	1

Resolution appointing Jim Burtis as Chairman of the Zoning Board of Appeals

BE IT RESOLVED that the Common Council of the City of Middletown confirms the Mayor's appointment of Jim as Chairman of the Zoning Board of Appeals.

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

THE FOLLOWING WAS PRESENTED

By Ald. Wray

 Sec'd by Ald. Jean-Francois

 Date of Adoption 02.07.23

 Index No: 44-23

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 accepting a funding award of \$38,820 for the Recreation and Parks Department

RESOLVED; that the Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment and accepts a funding award from New York State Office of Children and Family Services (NYSOCFS): Orange County Solutions Funding in the amount of \$10,000 for the Summer Playground/Lunch Program and \$28,820 for the Recreational Fitness Program.

RESOLVED; that the Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment and authorizes the Mayor to sign any and all necessary 2023 contracts and requests for funding in relation to the Orange County Youth Bureau on behalf of the City of Middletown.

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

THE FOLLOWING WAS PRESENTED

By Ald. Johnson

 Sec'd by Ald. Masi

 Date of Adoption 02.07.23

 Index No: 45-23

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 \$9,769.19 Budget Transfer to cover an overdrawn account

RESOLVED; that the Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment and authorizes the Treasurer to transfer \$9,769.19, in the following manner, to cover the overdrawn account due to the retirement pay out of sick and vacation time for John Bianchi.

FROM	AMOUNT	TO
A.7321.100	\$9,769.19	A.7020.100
Special Program Personal Services		Gen Rec – Personal Services

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

THE FOLLOWING WAS PRESENTED

By Ald. Tobin

 Sec'd by Ald. Jean-Francois

 Date of Adoption 02.07.23

 Index No: 46-23

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 agreement with New York Security System for 2023

RESOLVED; that the Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment and authorizes an agreement with New York Security System in an amount of \$6,000 for security services for 2023

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

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

THE FOLLOWING WAS PRESENTED

By Ald. Masi

 Sec'd by Ald. Wray

 Date of Adoption 02.07.23

 Index No: 47-23

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 \$19,845.11 budget Transfer for the Water Treatment Plant for Water Process Control Equipment and Rotary Screw Compressor

RESOLVED; that the Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment and authorizes the Treasurer to transfer \$19,845.11, in the following manner, for the Water Treatment Plant for water process control equipment and rotary screw compressor.

Attached is a proposal from Ingersoll Rand in the amount of\$ 15,718.91 and two proposals from Hach in the amounts of \$17,933.43 and \$15,848.79. DPW currently has \$29,656.02 in other equipment line for 2022. Balance needed for transfer would be \$19,845.11 from 2022 Personal Services

FROM	AMOUNT	TO
F.8330.100	\$19,845.11	F.8330.200
Personal Services		Other Equipment

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

THE FOLLOWING WAS PRESENTED

By Ald. Witt

 Sec'd by Ald. Johnson

 Date of Adoption 02.07.23

 Index No: 48-23

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 Proposals from Trustmark and PNC Flex spending Benefit proposal (FSA) for the City's Self Sponsor Health Insurance Plan

RESOLVED; that the Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment and authorizes the attached proposal from Trustmark as the City's Self Sponsor Health Insurance Plan "Third Party Administrator" with ClaimDoc. Trustmark is the third-party agent between ClaimDoc and the provider. The cost will be \$50 per person a month. Please note this is still within the savings the city is expecting by offering ClaimDoc.

RESOLVED; that the Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment and authorizes the PNC Flex spending Benefit proposal (FSA). This benefit will be offered to eligible employees enrolled in the City's Self Sponsored Plan only as an added benefit. Eligible Employees will be able to contribute up to \$3,050 pretax dollars towards eligible health, dental and vision out of pocket cost per year. Any unused funds up to \$610 may be carried over to the next plan year. The cost per employee is \$3.50 a month. Please note this is still within the savings the city is expecting by offering ClaimDoc.

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

THE FOLLOWING WAS PRESENTED

By Ald. Masi

 Sec'd by Ald. XXXXXXXXX

 Date of Adoption 02.07.23

 Index No: Introduction of Local Law #1 of 2023

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. Johnson _____

Date of Adoption 02.07.23 _____

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**