



COMMON COUNCIL MEETING
CITY OF MIDDLETOWN
February 21, 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. Andrew Green

Ald. Joseph Masi

A B S E N T

Ald. Sparrow Tobin

Digitally Recorded Proceeding, transcribed by:
Lisa Kane

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1. Pledge of Allegiance

(Pledge of Allegiance)

PRESIDENT RODRIGUES: Please remain standing as I ask for a moment of silence for Basil McClain. He was the fire department's secretary and life member of the Eagles Number 2. Thank you.

2. Roll Call

PRESIDENT RODRIGUES: Roll.

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

3. Approval of Minutes.

(None this evening)

4. Correspondence, Communications and Reports

(None this evening)

5. For the Good of the City

PRESIDENT RODRIGUES: For the Good of the City, anyone who would like to address the Council, please step forward.

MR. GOMEZ: Good evening. Kevin Gomez, member of the Middletown School Board. I'm happy to be here once again in the people's house. And just to -- I'm pleased to share with the Members of the Council that February 16th, the Middletown Board of Education approved eligibility requirements for local volunteer firefighters and ambulance

workers to receive a reduction in school taxes through the Real Property Tax Law 466A which was enacted under Chapter 670 of the laws of 2022. And those eligible can receive up to a 10 percent reduction on the assessed evaluation of their primary residence.

Let me just give you brief information as all of this is on the school district website. Okay. Basically, the resolution read as follows. "The Board of Education of the Middletown City School District recognizes attracting and retaining quality volunteer firefighters and emergency medical personnel is one of the most critical problems facing our communities today. Maintaining effective emergency protection for our school community depends on the ability to train and retain volunteers."

Okay. And, again, this was in response to Tax Law 466A which was enacted in the year 2022 by the State Legislature signed by the Governor. And this legislation allowed local governments to reduce what was previously a 5 -- 5-year-minimum service requirement for volunteer firefighters and ambulance workers to be eligible for up to a 10 percent reduction on the assessed valuation of their primary residents.

And the new legislation will allow minimum service requirements to be between two and five years.

Basically, the authority (indiscernible) jurisdiction must certify, that is the local municipality, that the volunteer is a member of the fire company, fire department or ambulance service as applicable. Okay.

And just to go briefly over the criteria, the volunteer firefighters and ambulance workers must reside within the Middletown City School District, be an active member of an incorporated volunteer fire company or fire department or incorporated volunteer ambulance service which provides services within the district, utilize the residence as to a primary residence. The residents must obtain and display certificate issued by the authority having jurisdiction for the incorporated volunteer fire company or fire department indicating that the applicant has been an enrolled member of such incorporated volunteer fire company or fire department for at least two years or the applicant has been certified by the authority having jurisdiction for the incorporated volunteer ambulance service as an enrolled member of such incorporated volunteer ambulance service for at least two years. Okay.

And in order to be eligible for the exemption annually, all other criteria that I already mentioned must continue to be in place and annual attestations are required. Okay.

That's just some of the information. Again, there's more detail on the school district website. And also the unmarried surviving spouses of volunteers killed in the line of duty, the surviving spouse eligible for the exemption if the deceased volunteer have been an enrolled member for at least five years and the deceased volunteer received an exception prior to his or her five years. And then unmarried surviving spouse of volunteers killed in the line of duty for 20 plus years, surviving spouse is eligible for exemption if the deceased volunteer being an enrolled member for at least 20 years and the deceased volunteer been receiving the exemption prior to his or her death. Okay.

Again, our school district, our community values highly all the work and sacrifice of our volunteer firefighters. And, and again as well as those members of our Council here, like, President Rodrigues who does serve in our community in that capacity. We're grateful. We're thankful.

And I guess today I beat Jacob when it came to presentations.

PRESIDENT RODRIGUES: Thank you. Anyone else?

MS. DEPEW: Good evening, Susan DePew, 57

Prospect Street, Middletown. I'm here again to please ask

all of our city residents and every member of the council and anybody that would like to help us to join us for the city-wide cleanup day. It is on April 22nd, Earth day, a perfect day to clean up the Earth in our city. So we -- we ask everybody to save that day and all are welcome. It will be at John F. Degnan's Festival Park from 9 until 12. We will outfit everybody who comes with a shirt unless they have one from a previous year. And we'll give you gloves, so that you protect your hands and as many bags as you think you can fill with garbage and a grabber to pick up the things off the ground to provide safety on your -- in your hands. Okay.

Thank you very much. We hope to see all of you and we look forward to that great day to clean up the city.

PRESIDENT RODRIGUES: Thank you, Sue.

All right. Anyone else?

6. Remarks of the Mayor

(None this evening)

7. Remarks of Department Heads

PRESIDENT RODRIGUES: Okay. Moving onto the Department Heads. Economic Development.

MARIA BRUNI, ECONOMIC DEVELOPMENT: Good evening, everyone. Last week we had the ground breaking for Sky Mendoza. It was great to see the participation and

everybody that came out for that. And it was great to see Sky there with such a big smile. And we're looking forward to her home being right there on Broad Street soon.

This week we have the ribbon cutting at the former Tony Boffa's Restaurant. The Korean restaurant is officially going to have their grand opening and ribbon cutting, 75 Railroad Avenue. So this Thursday, 11 a.m., YiShan Korean Restaurant, so come join us for that -- the ribbon cutting on Thursday.

And, also, tickets are going real fast for 1964, the tribute, which is this Friday night at the Paramount Theatre. So we got a lot going on this week and hope to see everyone there. That's all I have.

PRESIDENT RODRIGUES: Any questions for Marie?
Thank you, Marie.

MARIA BRUNI, ECONOMIC DEVELOPMENT: Thank you.

PRESIDENT RODRIGUES: DPW Commissioner.

JACOB TAWIL, DPW COMMISSIONER: Good evening, all. So we'll start off with the reservoirs level. Alderman Masi, we're still where we were two weeks ago, 89.7 percent. So we're -- we're in good shape.

With that, our Shawangunk Dams, the three of them, the work is supposed to start -- the contractor is gonna mobilize on Monday, February the 27th. And with that

you will see a lot of trails' closures in there because we have to segregate the hikers from the actual construction site. It's going to be articulating trucks in there which is, I mean, the tire is taller than me, running around. And a lot of heavy equipment are going to be taking place in there and moving things around for the dam.

So we urge everybody to be alert that is -- that are using the trails. And just look out. There will be the construction signs, the trail closure signs, fenced area. Do not go in there. Do not venture in there, please. It's gonna be quite, quite a risk if you go in there. And, and so stay away from that work area.

So with that there's going to be three dams that are going to be upgraded. We will be lowering the water level in Shawangunk in there in order for them to get to the core of the dam and raise the core of the dam and then restore it and make it flatter and add all the other importances that are part of the project. I'm not going to get into all of them right now.

So we're looking forward to that. This is the first time since the year 1900 since any work has been done to that dam. So it's very exciting time and -- and hopefully everything will move very smoothly. And we will have more robust dams once the project is completed. That

complies with the DEC current regulations, not the 1900 regulations.

And, so, going back to the recyclables, again. We appreciate everybody that has listened to the Mayor and myself talking about recyclables. It's extremely important to segregate the, the municipal solid waste, the garbage, the household waste from the recyclables. Do not put the recyclables inside bags, just put them -- dump them inside the cart that was provided to you by the City. And, otherwise, it's just -- it's costing us much more money and much more work.

So far we are still getting hit. We separate the, the recyclables ourselves, ourselves right now. And most of it, unfortunately, is going to landfill. So we urge you to work with us.

The obvious recyclable cans that contain plastic bags, we -- they were not picked up by the DPW -- the sanitation department on Saturday. We went today and we started picking up the recyclables, taking pictures of what's inside the cart.

Where we don't want to punish or hurt anybody, we just want to, you know, send a message. And you will be getting a letter from us from DPW as a courtesy, as a warning. And after that, unfortunately, we're gonna have

to start taking, you know, taking pictures and taking people to court in order to be fined because it's just -- it's a big hassle.

And Orange County -- Orange County transfer station will no longer accept our recyclables. And we're not the only ones in this problem. Many people -- many communities around us they have the same problem.

So we urge you to go to our website, look at the brochure that we have, study it again. This is what the mayor said in the last meeting. This is what I said in our last Common Council meeting. Just study it, please, and just abide by it. It's very simple.

I know you're doing your, your very best in there. You think by over recycling things that are not recyclables that you're doing the environment a favor and you're not. Unfortunately, we all have to educate ourselves about what's acceptable as recyclables. I'm sorry I keep repeating this, but it's very, very important. It's costing us a lot of money, a lot of effort. And we have to serve the environment and we don't want to waste everybody's effort in there because one or two persons they dump garbage in a tractor trailer.

Yeah, that's what happens. Everybody's trying their best. They have recyclables in there to help the

environment. And then a couple of people they put garbage in their cans, we don't see them. They are already dumped, so the whole load is contaminated and cannot go anywhere, cannot go to the recyclable for sorting out and recycling. So it's gonna end up in the land fill. It defeats the purpose of the whole community just for a few people not following the rule. I know you're trying. You mean well, so please help us out.

The other -- the other thing is we have been doing the -- as you know, the water line project is winding down on Monhagen Avenue, Route 211, all the way up to the water treatment plant. There are some things yet to be done, some agreements, extended warranty that we are seeking.

And with that, we have half-a-million-dollar grant from the Empire State Development. And we applied for that half -- half-a-million dollars, so hopefully that will be coming back to our water fund balance very soon.

And we also applied for the EPA. We had to fill out whole application for the grant for the \$3.5 million dollars for additional water line replacement that was already approved by the congress through the previous Congressman Maloney and with the support of Senator Schumer and Senator Pat Ryan. And, and now we applied for the

grant applications and hopefully we get the positive feedback from the EPA and we can start the design work right away. Most of the survey has been done.

Fireman Joe, the bids were open. I guess the fire, fire chief is not here to report on it. He's disappointed with the numbers because they came in very high. It's \$150,000 to restore the statute of Fireman Joe. And so we're looking -- we're exploring different options right now to see what else we can do.

Highland Avenue, repainting and refurbishing meeting has taken place. It was virtual because we have contractors from all over, painting contractors and steel contractors. And that went very well, so hopefully we will get good numbers.

Mountain Avenue tank and High Barney Tank replacement, that project, we're almost ready to go out for bid right now. We're just finalizing the property acquisition. And we've got the easement from, from Miller and everything is moving along very well thankfully.

With that I will conclude. If you have any questions for me.

PRESIDENT RODRIGUES: Alderman Jean-Francois.

ALD. JEAN-FRANCOIS: Yes. Commissioner, as far as the flyer, are we planning on doing this in Spanish?

JACOB TAWIL, DPW COMMISSIONER: We, we can.
I'll, I'll try to locate one in Spanish.

ALD. JEAN-FRANCOIS: Are you planning on sending it by mail or just website?

JACOB TAWIL, DPW COMMISSIONER: We're gonna be sending it with all rental permits. We're gonna be including that in the, in the round of water bills. We're gonna be, you know, so we're, we're gonna -- it's already on our website. It's been on our website. We have red warning in there for people to see it. We have sent an Excel message to, to remind people. We're gonna send it again and again. We're just gonna keep going at it.

ALD. JEAN-FRANCOIS: I've got to admit, you did beautiful work.

JACOB TAWIL, DPW COMMISSIONER: I think that's from Orange County. Thank you. I can't take credit for it. That's from Orange County. Thank you.

PRESIDENT RODRIGUES: All right. Alderman Green.

ALD. GREEN: Yeah, no easy way to word this, but do we know how long the dam project is gonna take?

JACOB TAWIL, DPW COMMISSIONER: Are you curing?

ALD. KLEINER: The dam project. I just need the (indiscernible) for people who are expecting the (indiscernible).

JACOB TAWIL, DPW COMMISSIONER: I just -- I just got to make sure, Alderman Kleiner, that he's not --

ALD. GREEN: I'm not, I'm not cursing you at.

JACOB TAWIL, DPW COMMISSIONER: No, no.

ALD. GREEN: But just for the trail closure purposes if we know.

JACOB TAWIL, DPW COMMISSIONER: It will probably towards, probably towards the end of November.

ALD. GREEN: Okay. Perfect. Thank you.

PRESIDENT RODRIGUES: Alderman Kleiner.

ALD. KLEINER: Yeah, Commissioner, on the -- on this recycling guide, I did have the question from a couple of a constituents about shredded paper and they use a shredding machine and they have lots. But and, and it does say paper shredded okay.

JACOB TAWIL, DPW COMMISSIONER: Yeah.

ALD. KLEINER: But a lot of paper, take that shredded paper and you don't want to put it loose in the can because if you dump it, it's going to be snowing paper all over the street. So, but you can't -- people have been putting it in a plastic bag which you can't do either. So the word I got from the -- I called the number for the Orange County Recycling Guide, and you can put it in a paper bag. So if you have shredded paper and you don't

want it going all over the place, but you want to recycle it, then the word is to put it in a paper bag and roll the paper bag --

JACOB TAWIL, DPW COMMISSIONER: Or, or any of the boxes that you have from Amazon, everybody's getting boxes from Amazon, just put them in the box, you know, the cardboard box from Amazon, any cardboard box if not a paper bag.

ALD. KLEINER: Oh, yeah.

JACOB TAWIL, DPW COMMISSIONER: Inside any --

ALD. KLEINER: In the boxes as long as it's, as long as it's sealed out.

JACOB TAWIL, DPW COMMISSIONER: Yeah, any box before you crush it, yeah, before you crush it and all that or put it at the very bottom of the, of the, you know, however. But don't put any plastic please.

ALD. KLEINER: Yeah, no plastic. And I would say don't put it in loose because it is going to go -- if it's a windy day, it's gonna go all over.

JACOB TAWIL, DPW COMMISSIONER: It's fine. Thank you.

ALD. KLEINER: Thank you.

JACOB TAWIL, DPW COMMISSIONER: Thank you very much.

PRESIDENT RODRIGUES: Jacob, I want to thank you and your department for not picking them up no more. And they should be written up.

JACOB TAWIL, DPW COMMISSIONER: We did. Today, by the way, we, we covered 2nd and 3rd Ward today. We went and we picked it up. We're using our dump trucks. And we took pictures and we took the addresses. And, like I said, we're gonna -- so you're very welcome. We're trying our best. We want to -- we don't want to hurt our people. At the same time we have -- eventually we have to send the message that, hey, it's really costing us.

PRESIDENT RODRIGUES: Thank you, Jacob.

JACOB TAWIL, DPW COMMISSIONER: Thank you.

PRESIDENT RODRIGUES: Police Chief.

JOHN EWANCIW, POLICE CHIEF: Good evening. Just want to encourage our residents to lock their vehicles. We do have an uptick in car larcenies. And it seems to be that people are going around just checking open doors and taking whatever valuables they can take out, out of those vehicles. So to try to minimize the victimization, if we could encourage our residents to lock those doors.

An additional uptick is the theft of packages off of porches. And I know sometimes because of work schedules and whatnot, but whatever we can do to encourage our

residents to get those packages to a safer location quicker, would definitely reduce those opportunities.

It is very sporadic, but it is something that is driving our numbers up over the last month or so. It's not one specific location. It kind of bounces around. It's not a daily thing, but it is kind of a weekly situation.

We're also seeing a little bit of an uptick in catalytic converters. Again, not one specific location, thefts with those I mean. It's bouncing around. And when I look at our daily briefing that's from the whole county, it's basically when we get hit, many of the other townships in the county are getting hit at the same time. It seems to be, like, a little ring that's moving around.

We've had many videos and pictures of them. The plates on the vehicles that we capture are not the accurate plates. They're switched plates, so they're very hard to trace them back.

But I encourage people to be vigilant. Whatever information they, they could provide to us would be greatly appreciated.

Just want to also remind the public that we do have a police commission meeting once a month in which we highlight or go over the details of the police department in more specific and in more detail. That's really one of

the reasons why I don't give some many statistics, too much information at this meeting is we do our own meeting once a month. The next meeting is March 16th, 4:30 p.m. They are aired and it is open to the public.

And then other than that I have nothing unless you have questions or if you would like me to address the local law now or later.

PRESIDENT RODRIGUES: Any questions? Alderman Kleiner.

ALD. KLEINER: Yeah. I think if you could address it now. So that we do have a local law on the agenda that we had read last meeting and we'll be voting on tonight. And it is about moving the fire police -- under the fire chief. So if you could just give us a little bit of background on that.

JOHN EWANCIW, POLICE CHIEF: Yes. So we worked myself, the Mayor, fire chiefs and Alex Smith, corporation counsel, identified that in the City Charter, the governing of the fire police was under the police commission. And we're just trying to realign it that it goes -- that the fire chiefs become the authoritative body over them. The Mayor would still be the appointing body, but rather than the Police Commissioner being the appointing body, it would be replaced with him. And then the language -- all those

paragraphs, some are actually removing the fire police from some paragraphs where others are adding other language into the new paragraphs that the fire police would fall under the fire chiefs. And it just breaks down what the responsibilities are, their term, when they're gonna be appointed, how long the term is, the requirements for training, what's expected of them, what their duties and roles are and whatnot.

So it's really, in my mind, it's more common sense to put them under the people that actually oversee the fire department.

PRESIDENT RODRIGUES: So they're not special police anymore?

JOHN EWANCIW, POLICE CHIEF: So they've not been special police. There's a section of the charter that allows the Mayor to appoint them as special police under certain circumstances. If I'm not mistaken, it's Section 129. But there's got to be circumstances that lead to that.

They are considered peace officers while they are working in their capacity. But they also have to take the New York State Certified Police -- Peace Officer Training first. And the language is that they have to do that before they're sworn in.

So there -- it did clean up a lot of that language and make it more specific to their duties and roles and responsibilities.

PRESIDENT RODRIGUES: Okay. Anyone else have a question for the Chief? Thank you, Chief.

City Clerk.

RICHARD MCCORMACK, CITY CLERK: Nothing this evening.

PRESIDENT RODRIGUES: Any question for the City Clerk? Alderman Witt.

ALD. WITT: Yeah, thank you. Rich, so regarding the, the April 22nd Citywide Clean Up, I'm beginning to get some interest and commitments from school groups. How would you like me to handle that?

RICHARD MCCORMACK, CITY CLERK: Going live hopefully tomorrow will be SignUp Genius. We utilized it for the first time during last year's spring cleanup where people can select the areas in the City that they wanted to specifically focus in. And the school groups and any of our community members out in the public that are listening tonight will be able to start signing up ahead of time. We found that that worked a lot better than day of handing out assignments to folks. And some people take -- took a little bit more pride and excitement in cleaning up areas

that were specifically important to them.

ALD. WITT: Thank you.

RICHARD MCCORMACK, CITY CLERK: You're welcome.

PRESIDENT RODRIGUES: Anyone else?

8. Public Hearing and Grievances:

(None this evening)

9. Petitions and Complaints

(None this evening)

10. Remarks of the Alderman

PRESIDENT RODRIGUES: All right. Remarks of Alderman, Alderman Masi.

ALDERMAN MASI: I do have something tonight. My good friend, Jack McMann, who's been a Middletown resident all his life, loves Middletown, loves Orange County Community College brought something to my attention. I really wish I'd seen this someplace in the paper, but for whatever reason *The Record* doesn't cover this particular item.

The Orange County Community College of which I am a proud alumni, their basketball team 2022/2023 season, they are 27 and 0. They are ranked fourth in the National Junior College Association Division 2. Thirteen players on the team, 10 of them right in this area. Rameo Aquino, Region 15 Player of the Year; Tom Ricard, Region 15 Coach

of the Year.

Now, for anyone that's interested, this Saturday, the 25th at Orange County Community College, the playoffs begin. It's free admission. Let's support our team. At 12:00 the first semis are Sullivan County Community College versus Westchester Community College. At 2:30 it's our Orange County Community College versus Rockland County Community College. The two winners, hopefully our Colts will be one of them, are scheduled for Sunday, the 26th at 2:30 at Orange County Community College.

It's just a shame that something that stands out like this that we have the students, we have the athletes, we have their parents and there's little to no coverage. So I just wanted to acknowledge that. And I'm thankful to Jack McMann for bringing it to my attention.

Thank you very much.

PRESIDENT RODRIGUES: Alderman Witt.

ALD. WITT: Yeah, thank you. I just -- to follow up on what Alderman Masi said, Tom Ricard and his father before him have always had a commitment to bringing local players to that program. In fact, to the point where they actually increased their, their level of competition to Division 2, so that they were able to offer scholarships and keep those people here.

Other than that, I have nothing. Thank you.

PRESIDENT RODRIGUES: Alderman Green.

ALD. GREEN: Thank you very much. Alderman Kleiner and I will be holding on Monday, March 13th, 7 p.m. our 2nd Ward constituents meeting. We took a few months off due to weather that we may or may not have had. But things are looking warmer and brighter later, so we'll be back here again. That's Monday, March 13th at 7 p.m. and that we hope to see you here. Thank you.

PRESIDENT RODRIGUES: Alderman Kleiner.

ALD. KLEINER: Thank you. I attended the groundbreaking for Bring Sky Home for Sky's house. And I just wanted to remind people how that started. That started because Sky said "I want to go home to Middletown." I believe she was up in Vassar north of here for quite a while, but she wanted to come home and the community listened. So it's -- it's going to be really -- her smile was unbelievable. It just lit up the day, so that's a great project.

I also want to mention Andy Mills and Dr. Fred Isseks will be at Thrall Library on March 1st at 1 -- get that right -- March 1st at 3 p.m. And they'll be speaking about historic Hillside Cemetery. You know, you have a lot of information on, on, Hillside the Calvert Vaux designed

cemetery in Middletown. And that should be a very interesting talk.

The warming station, it's really Touro people who are doing a health fair. And I hope I have the date right, February 26th from 4 to 6 p.m. It will be Touro College and Touro students and Touro instructors. But it's a health fair and it's, it's for the whole community. So anyone who that I know they give out free things that they have people to monitor and give advice. So that's happening 4 to 6 p.m. on February 26th at the warming station. And that's a great community event to take advantage of.

My other questions were for the Mayor, so I'll save them for next time. Thank you.

PRESIDENT RODRIGUES: Alderman Wray.

ALD. WRAY: I have nothing this evening. Thank you.

PRESIDENT RODRIGUES: Alderman Johnson.

ALD. JOHNSON: Thank you. The Maple Hill Pool survey is out and hopefully we'll get a good representation of our community as to what people think should happen there.

The Orange Terrace application process continued at the ZBA last week. Basically, on the side of the

community were the same people that spoke at the Planning Board and then spoke again at our, our meeting. That hearing is still being held opened and will continue next month and we'll see where it all ends. Thank you.

PRESIDENT RODRIGUES: Alderman Jean-Francois.

ALD. JEAN-FRANCOIS: Yes, thank you for bringing that up, Alderman Masi. I had the opportunity to enter the game last past Thursday against Sullivan County. And I got to say there was a decent crowd, but they definitely could use more support of us. Thank you.

11. Unfinished Business.

(None this evening)

12. New Business.

PRESIDENT RODRIGUES: New business.

RICHARD MCCORMACK, CITY CLERK: Good evening. We have a Resolution sponsored by Alderman Green authorizing a salary adjustment for the Real Property Data Collector.

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

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

RICHARD MCCORMACK, CITY CLERK: Resolution

sponsored by Alderman Masi authorizing offering a City-Sponsored health insurance plan.

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

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

RICHARD MCCORMACK, CITY CLERK: We have a Resolution sponsored by Alderman Wray authorizing the purchase of AED's for city facilities.

PRESIDENT RODRIGUES: Second? Alderman Witt. I need -- I need another motion to amend it and add two more for the cost of --

RICHARD MCCORMACK, CITY CLERK: \$4,000, one for Watts Park and one for Wolslayer Field.

ALD. MASI: So moved.

PRESIDENT RODRIGUES: Motion by Masi, seconded by Alderman Jean-Francois. All in favor of the motion?

ALDERMANS: Aye.

PRESIDENT RODRIGUES: All right. Any questions on it?

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

RICHARD MCCORMACK, CITY CLERK: Resolution

sponsored by Alderman sponsored by Alderman Johnson
accepting the attached list of volunteer firefighters for
membership?

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

ALD. GREEN: Yeah.

PRESIDENT RODRIGUES: Alderman Green.

ALD. GREEN: I just want to make it known that my
name's on the list, so I will be abstaining from the vote.
Thank you.

PRESIDENT RODRIGUES: We haven't done this in a
while, so our City Clerk picked this up that we should
acknowledge all the fireman that joined the fire
department. So we'll be doing it again.

Anyone else? Roll.

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

13. Local Laws

RICHARD MCCORMACK, CITY CLERK: We have a local
law sponsored by Alderman Johnson transferring authority
regarding the fire -- police the fire department.

PRESIDENT RODRIGUES: Do I have a second?

Alderman Masi. Any discussion? Roll.

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

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: Resolution sponsored by Alderman Masi, seconded by Alderwoman Wray. Roll.

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

15. Adjournment

PRESIDENT RODRIGUES: Move for adjournment.

ALD. MASI: So moved.

(PROCEEDING CONCLUDED)

CERTIFICATION

I, LISA KANE, certify the foregoing transcript of proceedings of the February 21, 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 13, 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. Green

Sec'd by Ald. Masi

Date of Adoption 02.21.23

Index No: 49-23

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 Salary Adjustment for the Real Property Data Collector

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

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

CITY OF MIDDLETOWN, NEW YORK
COMMON COUNCIL
RECORD OF VOTE

THE FOLLOWING WAS PRESENTED

By Ald. Masi

 Sec'd by Ald. Wray

 Date of Adoption 02.21.23

 Index No: 50-23

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 Offering City Sponsored Health Insurance

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

CITY OF MIDDLETOWN, NEW YORK
COMMON COUNCIL
RECORD OF VOTE

THE FOLLOWING WAS PRESENTED

By Ald. Wray

 Sec'd by Ald. Masi

 Date of Adoption 02.21.23

 Index No: 51-23

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 the Purchase of AEDs for City Facilities

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

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

RESOLVED; that the Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment and authorizes the Treasurer to transfer \$\$19,997.50, in the following manner, to cover the cost of the purchase of new AEDs.

FROM	AMOUNT	TO
GENERAL FUND BALANCE	\$19,997.50	A.1620.200
		Public Works -Other Equipment

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 02.21.23

Index No: 52-23

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 Accepting the Attached List of Volunteer Firefighters for Membership

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

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

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

THE FOLLOWING WAS PRESENTED

By Ald. Johnson

 Sec'd by Ald. Masi

 Date of Adoption 02.21.23

 Index No: LL#1 of 2023

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

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 7. 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. Wray _____

Date of Adoption 02.21.23 _____

Index No: _____

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				

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