



**Common Council
Meeting
City of Middletown
January 15, 2019**

1. Pledge of Allegiance- Pres. Rodrigues asked all to rise for the pledge.

Pres. Rodrigues asked all to remain standing for a moment of silence for former Police Commissioner Dr. Ansel Marks, May he RIP

2. Roll Call: Present: Ald. Ramkissoon, Tobin, Kleiner, Johnson, Jean-Francois, Burr, Masi, Pres. Rodrigues-8 Absent: Ald. Green-1
3. Approval of Minutes
John Naumchik-Nothing this evening.
4. Correspondence
John Naumchik-Nothing this evening.
5. For the Good of the City

Alfredo Pacheco-Organizer for Nobody Leaves Mid-Hudson in Middletown. Happy New Year to everyone. More progressive stuff coming up.

Very supportive license campaign. City of Poughkeepsie, Newburgh, Kingston they signed a resolution in support of the driver license campaign. Since Middletown is a very progressive city. Support of the community, they don't care where you are coming from. I feel that if it is possible if you guys can look into that.

Pres. Rodrigues- Forward to communications committee.

Merritt Winner/Fire Dept. Recruiting Committee

Last Thursday we had a very nice recruiting effort at the Middletown High School for the Jr. Firefighters. We had 13 members come out, we had dressing drills and spoke to a lot of students. We had 34 sign up. Overall successful event.

6. Remarks of Dept. Heads

Maria Bruni/Economic Development-Office has been busy doing reports and re-organizational meetings with the CDA and IDA.

On the DRI front contractors got a notice to proceed on the 8 facades this week. You are going to see some work on facades. The other 7 in a couple of months will be going out to bid.

In about 2 weeks winners for the Race4Space at Woolworth Trail Commons.

At the Paramount showing right if Beale St. Could Talk. It won a Golden Globe for Best Supporting Actress possibly.

Tickets are going on sale for Andy Cooney Irish Cabaret this Friday.

Ald. Johnson-The resolution for Clark Patterson on East Main/Woolworth is that DRI money? How is that happening?

Commissioner Tawil-Yet to be decided. Whether DRI funding or from the other grant for the curbs and sidewalks from DOT. If that doesn't work then we are going to have to fund it. We are going to try first DRI, then the DOT. It is not a done deal at the moment.

Jacob Tawil/Commissioner DPW-Wished everyone Happy New Year.

We are continuing to work at the WWTPP and replacing the screw pumps in there. That is a major operation. Basically DPW became the construction manager for this project because it became an emergency. Our screw pumps basically after 30 some odd years got tired and broke down, we replaced 2 of them. They require very heavy cranes to take care of them, install 2 submersible pumps on, recommissioned on Jan. 9th which makes us breathe a little bit easier at the WWTP. Avoid any violation or

possible contamination of water. The budget is \$3million. That work is continuing, CDM Smith is the one who is going to be helping us replace the actual screw pumps.

They will be permanent installation and they will be replacing 1 screw pump so we don't have to replace 1 screw pump.

Continue to troubleshoot our sewer collection system to make sure that it is in good shape. We don't have any obstacles within the sewer system and TAM Enterprises which we thank you guys for authorizing him to proceed with some work. He is concluding his work, troubleshooting our main trunk sewer line behind ShopRite, Campbell Plaza; removing any roots. So far everything looks good. We had to stop the flow in there, insert about 30 inch wide root cutters inside our sewer to make sure that it is functioning good. We have our guys watching with camera and giving us a report. We had to notify some manholes to make them wider for him to be able to put his equipment in. So we are working on that. Hopefully once we make sure all obstacles are removed we are hoping from our trunk sewer lines we are hoping that will minimize any SSO's. Sanitary Sewer Overflow which is basically sewage overflowing sometimes in the street. We are trying everything we can, minimizing the INI upstream and we are troubleshooting the line to make sure that they are functioning at full capacity as well.

Tomorrow we are going to have C.T. Mehl working with us at Kinch Reservoir. We are going to have Greg going over there in order to core and drill through the dam to find out if there is a core in the dam. The plans that we have are basically not complete, very old dam. We have upgraded this dam that is why tomorrow we are going to have Greg over there for 2 days drilling along the central line of the dam and both sides of the abutment in order to develop plans to upgrade the dam.

Water Dept. has been very busy with water main breaks. Last Sunday night we had a water main break on East Ave. I believe it is like a 100 yr. old water main. 10 inch water main, reversal joint they don't make them anymore so the guys did a great job. Our guys in the Water Dept. troubleshooting it, fixing it and repairing it.

I want to extend my thanks and appreciation to the Police Chief and Police Dept. because they are the ones at night and over the weekend they keep us posted with any water. If you see any water coming out of the ground call us immediately. Sometimes it is a water main break, we have to address it right away. Sometimes we have to sit on it for the next day or Monday. We appreciate it.

Ald. Johnson-The resolution for conveyance of the roads at the Psych. Center what does that exactly mean?

Commissioner Tawil-That the City of Middletown will have ownership of these roads. Right now we don't own them in the Psych. Center there are certain areas in

there as shown on our sub-division map. You can see which roads are going to be owned by the city. Many of the roads in the Psych. Center we cannot own them and we will not own them because they are substandard, they do not constitute official road. Not wide enough, curvature is very steep, cannot maintain 25MPH speed as an example. We picked what we could in there, the rest of the roads are going to revert back to the owners. Once you approve them, they will be designated and will have to block roads that are not City owned code. We put concrete blocks there.

Ald. Johnson-These roads that we are conveying will be plowing and paving?

Commissioner Tawil-Yes.

Ald. Johnson-They will be on the paving rotation/plowing?

Commissioner Tawil-Yes.

I did not do an update for the Capital projects because the Mayor will be doing that in the State of City.

Ald. Tobin- We received a report about code violations, I'm not sure if it was out of your office or the attorney's office. It wasn't broken down, is it possible to see what codes are being violated at least by category.

Commissioner Tawil-Yes it comes out of Corp. Counsel Office.

Ald. Tobin-Is there a way to find out what those violations were or category?

Commissioner Tawil-I will convey that message to him.

Chief Ewanciw/Police Chief-Nothing this evening.

Chris Brinkerhoff/Superintendent Rec. - In your mailboxes our annual report for 2018 is done. Any questions please contact us as well as the public we have them available in our office and online as well.

If you see the Police Geese around with the mild winter we've had we had to actually call them in. Watts Park as well as Davidge Park is getting destroyed by the geese. Public announcement for the community please do not feed them. It is a law, you can be fined. We will put signage up again, somebody tears the signs down. Don't feed the geese, it causes problems environmentally and for the geese.

Registration for our pre-school program for 2019-20 school year has begun, it is already half full and it is only January 15th.

We started reservations for all of our pavilions in the park. That started and quite a few of them are reserved. We encourage people to get to us quickly because the 2 most popular pavilions probably won't be available in the spring. We are hoping in

the summer at Maple Hill Park we are still waiting for that project to be completed. We will not be reserving those pavilions until we get notice that they definitely can be used.

In a couple of weeks we will be starting on line registration. That is a great thing to hear, I think it is going to be a great convenience to our public. I want to thank Don, Janet, & George for all the help they have given us to get that going.

We have had phone calls from the public where they can sleigh ride when the snow does come. The city is not sponsoring sleigh riding this year once again at Maple Hill it is not safe to use that hill for sleigh riding.

John Naumchik/City Clerk-Update on the municipal id's. The information has been coming in. We ordered the equipment, it is coming in slowly. There was one issue with trying to get the cards because of the dyes, special dye that has to be done it can take 3-4 weeks. We may not make that Feb. 1st date, I will know in a couple more weeks when that happens and I will let the public know.

In the meantime I did start a page on the city website. It is under community, municipal id on there is all the information that you need. Application is not there yet, all the information for the residency, proof is there. It will be in Spanish. Applications are done in English and Spanish I am tweaking them a little more. Probably go on the website next week. All the information will be on the web page to let them know when we are going to be doing it, special days and special hours. You can call our office at 346-4166 about the municipal ids. We are starting to get calls.

7. Public Hearings & Grievances

John Naumchik-Nothing this evening.

8. Petitions & Complaints

John Naumchik-Nothing this evening.

9. Remarks of the Mayor

Mayor is not with us this evening.

10. Remarks of Aldermen

Ald. Masi-Nothing this evening.

Ald. Tobin-Glad the state is moving forward with much needed voting reforms. Some states they are actually turning the clock backwards and making it harder to vote/passing laws to suppress the vote. I applaud the NYS Legislature and the Governor for passing these laws to make it easier for people to vote and get more people hopefully to vote.

Ald. Johnson-This is time of the year when we get to acknowledge Parks & Rec. with this report. Everything is amazing, thanks for all you do.

Ald. Ramkissoon-3rd Ward meeting has re-commenced this January. Next Tuesday we will be here at 7pm.

Stay safe. My thanks to DPW for keeping our roads clear.

Ald. Kleiner-Just want to add to what Ald. Tobin said on voting. I do hope that gets passed and signed, if it does it will move the primary dates up to June. So people will be out knocking on your doors with petitions in March. So get ready for that.

The cards we hope to be almost on schedule in February 1st, it probably will take a couple more weeks. Part of that is us learning the equipment, learning to recognize documents. I thank everyone who has been helping with that, particularly John has been doing a great job in pulling that all together.

Cold, nasty weather I want to thank all the volunteers for coming out to the Warming Station, here, Newburgh and Port Jervis. I want to thank the Chief, Mayor, Maria, our county reps. Paduch , Toriso, people from HONOR, Emergency Housing we had a meeting Monday a lot of people deal with increase homelessness and exceeding capacity at the Warming Station. A lot of good discussion. I want to thank everyone for attending.

Ald. Jean-Francois-Nothing this evening.

Ald. Burr-Nothing this evening.

11. Unfinished Business

John Naumchik-Nothing this evening.

12. New Business

22.19 Resolution to approve the temporary borrowing of \$1.0 million from the General Fund that will include the \$486,000 to fund payments ahead of reimbursements for the Middletown Traffic Operation Project.

On motion of Ald. Jean-Francois seconded by Ald. Masi

WHEREAS; in January 2018 the Common Council approved the Middletown Traffic Operation (PI#8757.07) and (8760.98) project in the amount of \$1,567,652.53. The anticipated project cost of Phase I & II is \$2.7 million and \$4.5 million respectively, and

WHEREAS; 80% Federal funding (reimbursement) is available but the remaining 20% could be covered with state grants but the plan is to be conservative and for now assume \$486,000.00 will be the City's responsibility, and

WHEREAS; the resolution did not anticipate the total project, time of completion, and the inclusion of engineering and construction and at this point the only money in the capital line is an initial exploratory transfer from the general fund of \$100,000 less \$65,000 spent or net of \$35,000 dating back to the inception of the project in Oct 2014. There are \$202,000 in bills due and payable as of 1/4/19 dating back to June 2018, and

WHEREAS; the Treasurer has reviewed the concept of funding the project with the grant reimbursement payments with bond counsel. Although it has not been Middletown's procedure it can be and makes sense when projects run many years and reduces cost by not borrowing the money too early, and

WHEREAS; the Treasurer is requesting a temporary borrowing of \$1.0 million from the General Fund that will include the \$486,000 to fund payments ahead of reimbursements. The Commissioner of Public Works is estimating the reimbursed expenses will have a 30 day turn-around and the \$1.0 million will be a sufficient buffer. Once the project is completed the City will make a decision on what to do with any unfunded portion i.e. let the fund balance pay or issue BANS.

SO LET IT BE RESOLVED; that the Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment to approve a temporary borrowing of \$1.0 million from the General Fund that will include the \$486,000 to fund payments ahead of reimbursements for the Middletown Traffic Operation project in the following manner:

From	Amount	To
General Fund	\$1,000,000	Capital Project Traffic Operations

Roll Call Ayes: Ald. Ramkissoon, Tobin, Kleiner, Johnson, Jean-Francois, Burr, Masi, Rodrigues-8

23.19 Resolution to authorize the Mayor to sign the Cherry Road Technologies Inc. contract for information technology support services for 2019 which terms and conditions are the same as last year.

On motion of Ald. Masi seconded by Ald. Tobin

RESOLVED; that the Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment to authorize the Mayor to sign the attached Cherry Road Technologies Inc. contract for information technology support services for 2019 which terms and conditions are the same as last year.

Roll Call Ayes: Ald. Ramkissoon, Tobin, Kleiner, Johnson, Jean-Francois, Burr, Masi, Rodrigues-8

24.19 Resolution to authorize the Mayor to sign a contract with EarthCare for the cleaning of secondary digesters at the WWTP with an estimated price of \$195,000.00 and authorize a transfer of \$195,000.00 from the Sewer fund for the project.

On motion of Ald. Jean-Francois seconded by Ald. Kleiner

RESOLVED; that the Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment to authorize the Mayor to sign the attached contract with Residuals Management Services, LLC dba EarthCare for the cleaning of secondary digesters at the WWTP with an estimated price of \$195,000.00.

LET IT BE FURTHER RESOLVED; that the Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment to authorize the Treasurer to transfer \$195,000.00 from the Sewer Fund Balance to fund the contract in the following manner:

From	Amount	To
Sewer Fund Balance	\$195,000.00	G.8130.400 WWTP Contractual

Roll Call Ayes: Ald. Ramkissoon, Tobin, Kleiner, Johnson, Jean-Francois, Burr, Masi, Rodrigues-8

25.19 Resolution to authorize a proposal from Clark Patterson Lee for professional services for the public walkway between East Main Street to the rear of the former Woolworth building in the amount of \$25,000.00.

On motion of Ald. Johnson seconded by Ald. Masi

RESOLVED; that the Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment to authorize the attached proposal from Clark Patterson Lee for professional services for the public walkway between East Main Street to the rear of the former Woolworth building in the amount of \$25,000.00.

LET IT BE FURTHER RESOLVED; that the Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment to authorize the Treasurer to fund the amount of \$25,000.00 from the DRI grant, but if there's any resistance the charge will be moved to the DOT project at a later date.

Roll Call Ayes: Ald. Ramkissoon, Tobin, Kleiner, Johnson, Jean-Francois, Burr, Masi, Rodrigues-8

26.19 Resolution to grant a 30-day waiver as per the New York Alcoholic Beverage Control Law to Oak & Reed located at 45-53 North Street.

On motion of Ald. Burr seconded by Ald. Jean-Francois

Whereas, Fable Restaurant Group, LLC, trade name Oak & Reed, at 45-53 North Street, Middletown NY has requested a waiver of the thirty (30) day notification requirement set forth in Section 64(2)(a) of the New York Alcoholic Beverage Control Law, and

Whereas, the Middletown Police Department has reviewed and approves said request for a 30-day waiver,

Therefore be it resolved, that the City of Middletown, NY has no objection to an On-Premises Liquor License being granted to Fable Restaurant Group, LLC, for the business located at 45-53 North Street, Middletown, NY 10940 and does hereby grant the 30-day notification waiver.

COMMON COUNCIL
CITY OF MIDDLETOWN
CERTIFICATION OF RESOLUTION

I, John C. Naumchik, Common Council Clerk of the City of Middletown, hereby certify that I have compared the attached resolution with the original on file in my office and adopted by the Common

Council on _____ and that the same is a true copy thereof and the whole of such original resolution.

John C. Naumchik
Clerk of the Common Council
City of Middletown, NY

Date

Roll Call Ayes: Ald. Ramkissoon, Tobin, Kleiner, Johnson, Jean-Francois, Burr, Masi, Rodrigues-8

27.19 Resolution to approve the City hire an Auctions International to auction off the surplus vehicles.

On motion of Ald. Kleiner seconded by Ald. Ramkissoon

WHEREAS; the City of Middletown has a collection of city surplus vehicles in its inventory and the Commissioner of Public Works requests that the City hire an auction company to auction off the surplus vehicles instead of using the bid process to receive a better return for the surplus vehicles, and

WHEREAS; Corporation Counsel has approved to the process of an auctioneer instead of using the bid process for the surplus vehicles.

SO LET IT BE RESOLVED; that the Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment to approve the a contract with Auctions International-Orange to auction of the inventory of City surplus vehicles as per the following information with the approval of Corporation Counsel:

1. We list your item(s) on our web site (www.auctionsinternational.com), usually for a 2 week auction
2. When your auction ends, you have the right to accept the final price or put in a counter offer if the final price is unacceptable
(If board approval is needed, we will usually end the auction the day before the meeting)
3. When accepted, we send an invoice to the winning bidder that includes our 10% buyer's premium (14% if paid with a credit card) and any applicable sales tax
4. Once we receive payment, we send you an invoice for the item(s) showing that they are paid for in full. You can then release the item(s).
5. We will mail you a check for 100% of the proceeds, 15 business days after final payment is received for the auction
(A photo fee of \$30 per vehicle and \$5 per non-vehicle is deducted from successful auctions if we come down and take photos. If you send us photos and condition reports, there is no fee)

Roll Call Ayes: Ald. Ramkissoon, Tobin, Kleiner, Johnson, Jean-Francois, Burr, Masi, Rodrigues-8

28.19 Resolution to accept the conveyance of certain roads in property generally known as the former Middletown Psychiatric Center.

On motion of Ald. Jean-Francois seconded by Ald. Ramkissoon

Whereas, Resolution 136-12 contemplated the conveyance to the City of Middletown of certain roads in property generally known as the former Middletown Psychiatric Center, and

Whereas, the map showing the subject roads has been finalized, approved by the Department of Public Works, and filed with the Orange County Clerk as Map # 111-13 on April 11, 2013, and

Whereas, the metes and bounds descriptions of the previously approved subdivision lots have been filed with the aforesaid Map with the Orange County Clerk.

Now therefore be it Resolved by the Common Council of the City of Middletown that the City hereby accepts the conveyance of the roads described in the annexed deed, and it is further

Resolved, that the Mayor is hereby authorized to sign all recording documents.

Roll Call Ayes: Ald. Ramkissoon, Tobin, Kleiner, Johnson, Jean-Francois, Burr, Masi, Rodrigues-8

29.19 Resolution authorizing the issuance of \$1,000,000.00 serial bonds to pay the costs of the traffic operation project.

On motion of Ald. Masi seconded by Ald. Jean-Francois

BE IT RESOLVED, by the Common Council of the City of Middletown, Orange County, New York, as follows:

Section 1. Construction in connection with the Middletown Traffic Operation Project in and for the City of Middletown, Orange County, New York, including incidental costs and expenses, is hereby authorized at a maximum estimated cost of \$1,000,000.

Section 2. The plan for the financing of such maximum estimated cost is by the issuance of \$1,000,000 bonds of said City hereby authorized to be issued therefor pursuant to the provisions of the Local Finance Law.

Section 3. It is hereby further determined that the period of probable usefulness of the aforesaid specific object or purpose is ten years, pursuant to subdivision 20 of paragraph (a) of Section 11.00 of the Local Finance Law.

Section 4. The faith and credit of said City of Middletown, Orange County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such obligations as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such year. To the extent not paid from other sources, there shall annually be levied on all the taxable real property of said City, a tax sufficient to pay the principal of and interest on such obligations as the same become due and payable.

Section 5. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the serial bonds herein authorized, including renewals of such notes, is hereby delegated to the City Treasurer, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said City Treasurer, consistent with the provisions of the Local Finance Law.

Section 6. Such bonds shall be in fully registered form and shall be signed in the name of the City of Middletown, Orange County, New York, by the manual or facsimile signature of the City Treasurer and a facsimile of its corporate seal shall be imprinted or impressed thereon and may be attested by the manual or facsimile signature of the City Clerk.

Section 7. All other matters, except as provided herein relating to such bonds, including determining whether to issue such bonds having substantially level or declining debt service and all matters related thereto, prescribing whether manual or facsimile signatures shall appear on said bonds, prescribing the method for the recording of ownership of said bonds, appointing the fiscal agent or agents for said bonds, providing for the printing and delivery of said bonds (and if said bonds are to be executed in the name of the City by the facsimile signature of the City Treasurer, providing for the manual countersignature of a fiscal agent or of a designated official of the City), the date, denominations, maturities and interest payment dates, place or places of payment, and also including the consolidation with other issues, shall be determined by the City Treasurer. It is hereby determined that it is to the financial advantage of the City not to impose and collect from registered owners of such serial bonds any charges for mailing, shipping and insuring bonds transferred or exchanged by the fiscal agent, and, accordingly, pursuant to paragraph c of Section 70.00 of the Local Finance Law, no such charges shall be so collected by the fiscal agent. Such

bonds shall contain substantially the recital of validity clause provided for in section 52.00 of the Local Finance Law and shall otherwise be in such form and contain such recitals in addition to those required by section 52.00 of the Local Finance Law, as the City Treasurer shall determine.

Section 8. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said City is not authorized to expend money, or
- 2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

- 3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 9. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 10. This resolution, which takes effect immediately, shall be published in summary form in The Times Herald Record, the official newspaper, together with a notice of the City Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

Roll Call Ayes: Ald. Ramkissoon, Tobin, Kleiner, Johnson, Jean-Francois, Burr, Masi, Rodrigues-8

13. Local Laws

John Naumchik-Nothing this evening.

14. Audit

On motion of Ald. Masi seconded by Ald. Johnson

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

Roll Call Ayes: Ald. Ramkissoon, Tobin, Kleiner, Johnson, Jean-Francois, Burr, Masi, Rodrigues-8

There being no further business meeting adjourned at 8:22

Respectfully submitted,

Karen Sisco

