



**Common Council
Meeting
City of Middletown
Sept. 17, 2019**

1. Pledge of Allegiance- Acting Pres. Masi asked all to rise for the pledge.
2. Roll Call: Present: Ald. Ramkissoon, Tobin, Kleiner, Johnson, Jean-Francois, Burr, Masi-7 Absent: Ald. Green, Pres. Rodrigues-2
3. Approval of Minutes

John Naumchik-Nothing this evening.

4. Correspondence
John Naumchik-Nothing this evening.
5. For the Good of the City

Robyn Stewart- I am the founder of Dump Stray /Animal Rescue. The goal of our rescue is to reduce the number of unwanted, uncared for cats on the streets of Middletown.

If left unchecked these cats will multiple expeditiously and aside from their suffering will breed a huge public nuisance. Our city currently has 4 major sites which has become colonies; South St., Genung St., Washington St. and Beacon St. as well as several colonies, small colonies throughout Middletown. We previously had a 5th large colony, however, with consistent TNR over the last 3 yrs. adopting out kittens and placing feral cats in the rodent ...program we have been able to close the colony that previously was near OCCC. We have saved the worst of the worst, taken with infection so bad they have maggots living in them, adult cats with limbs hanging off

their bodies, mothers that are starving, struggling to nurse their babies and the cats in such poor nutrition and care for so long become blind.

On top of the medical issues we deal with we also have a constant string of kittens being born. Each of them needs trapping, vetting so they can be adopted out. Our goal was to spay/neuter 150 cats this year we are on track. Unfortunately it has come with an enormous, financial burden. Between caring for these abandon animals and fighting to save their lives we are stretched far beyond our means. Our rescue is caring thousands of dollars in debt, it has only been the kindness of Dr. Johnson and others that our heads are still above water. We do not want to see our beautiful city overrun by unwanted animals and certainly we do want to see helpless animals to continue to suffer. We are looking for continued support of our city to ensure we stay on top of this issue.

Don Paris-We have representatives from RBT accounting firm to present our annual report from last year.

Jonathan Ruiz and Linda Hanigan-

You all have an electronic copy and there is a bound copy for you to see.

6. Remarks of Dept. Heads

Maria Bruni/Economic Development-We had a Community Development Agency meeting this evening. All projects are moving forward and also with our Community Development Office housing rehab, economic development and all façade programs moving forward with the DRI.

Things are progressing with the programming at Paramount Theatre and we are getting ready for our film series horror thon and first run movies and a major concert in October. Great team and say thank you.

Jacob Tawil/DPW Commissioner- Auditors were here, they were complimenting the city about the grants that we have gotten. Most of the projects that were done were through federal funding or state funding such as the roundabout, Maple Ave. drainage, West Main drainage, part of Black Dirt Sewer. We are talking almost \$10million in federal funding that the city taxpayers did not have to do. We were able to do that and improve the quality of life and infrastructure in the city.

Before you tonight there is a resolution for the Heritage Trail culvert replacement which is outside the City of Middletown. It is a culvert that goes under the water line and sewer lines and Heritage Trail that will be coming from Goshen from Amy's Kitchen all the way to the City of Middletown. There is a culvert there with several problems with beaver they keep plugging it and it is undersized. We are going to be replacing it with a significantly larger culvert and for that; again the Mayor was able to get a grant from Aileen Gunther and grant from former Sen. Bonacic for about

\$500,000. However, the project before you tonight awarded to Boyce is about \$263,000. We are below budget, all project funded through state and federal grants that is before you tonight.

Also last Friday we submitted another grant in the amount of \$8million subsidized, if we are successful up to 60% of the cost of the \$8 million and that is to replace the water line from Kinch Reservoir to Shawangunk Reservoir. I spoke about this at the last meeting and because you authorized to proceed with it and last Friday we did submit the grant application. 60% of the value of \$8million, hopefully we will be successful. This is an extremely important project for us.

Street Dept. we just finished reconstructing our Transfer Station for municipal solid waste. Rebuilt the entire floor and the ramp going into it. Our transfer station is out of commission for about 2 weeks. Luckily IWS which currently transports our garbage they gave us permission to use their transfer station and for that we are really grateful otherwise we would really be in a jam.

We are a little bit concerned about the dry weather. Our reservoirs are still healthy about 80% capacity. We are good with that.

DPW Water and Street Dept. finished installing drainage project behind Woolworth building. We did the work because we did not want to wait to do a change order or an outside contractor to intervene so the project for the Woolworth building could be completed.

Code Enforcement I spoke about it a couple of weeks ago. Just wanted to remind people to be courtesy to our Code Enforcement officers as much as possible. They take a lot of abuse. Today as an example the abuse became too much so the police dept. was called in and the person who caused the abuse was arrested. It so happened that he had a warrant for his arrest too because of code enforcement issues. Point is, we take code enforcement very seriously. The 5 code enforcement officers that we have work very hard and we want you, the public, to deal with them in a courtesy manner and we appreciate that very much otherwise we will not tolerate too much abuse for them.

Acting Pres. Masi- I am glad you brought up the code enforcement Commissioner Tawil I know at the last meeting you invited any of the aldermen that wanted to ride along with the code I would like to request the opportunity to ride with Code Enforcer Steenrod.

Ald. Tobin- NY Rising repairs, the sink hole on Grant St.

Commissioner Tawil-That is part of the project. Yes. The sink hole is on the side. Yes it is ongoing, federal funding \$3.5million grant money.

Ald. Kleiner- We have one resolution tonight where we are transferring \$267,000 within DPW budget for traffic Paint, CDL, Personnel Training, Office Expense and Personal Services, can you explain that.

Commissioner Tawil- I don't have the breakdown in front of me. Most of the transfer is only for personnel issues. I believe it was arbitration decision if you recall and personnel issue \$250,000 very little is coming to us. The transfer for paint and everything else for painting and striping the streets is coming from within our budget.

Ald. Jean-Francois-Asked the Commissioner to ride along with Code Enforcer Ramkissoon.

Commissioner Tawil-Yes. I have to get the Mayor's consent and from my dept. will issue what whatever we need to do in terms of ...

Fire Chief Luis-Tonight we have a resolution to transfer within our dept. repairs this year have been extremely high this year. Keep the apparatus in service and for lockers we are updating all 3 firehouses with newer lockers. The old lockers actually came from Middletown High School like 30 yrs. ago.

As far as the grant goes we did a transfer a couple of weeks ago. The company wrote the narrative and that is in the works along with the city working with it.

Correct myself from 2 meetings ago the parade date is Oct. 10th I think I said the 11th the last time. It is Oct. 10, 2020.

We did it last year and we did it again this year and we decided to make it an annual event on 9/11 we do a stair climb at the firehouse. Eight times around up and down one side of the firehouse to the 3rd floor. Actually 343 steps and that is in memory of the 343 firefighters that perished.

Don Paris/Treasurer- A resolution tonight for several million dollars. Last time you approved the capital budget and this is the amount funded.

Police Chief Ewanciw- First of all I would like to follow up on Robyn's comments with her organization. She has been working with us for little over a year now, she definitely has been helpful. We do budget we do have a budget line within the Police Dept. we budgeted \$2,500. She has been helpful and her organization definitely works and we are keeping her around.

We did host the Outreach event on Sept. 7th we did the movie on North St. I appreciate the support from everyone here and support of closing the street for

us it was a good turnout. Thank Something Sweet and Alondra's for helping us that evening with donations for the residents that did attend.

Last meeting I was asked a question by Ald. Tobin in regards to marijuana. Chief Ewanciw brought the actual law and change went into effect the end of August of this year.

Ald. Johnson- With alcohol you have a way to determine... how does law enforcement determine under the influence is that empirical?

Chief Ewanciw- There is still field test. There is still field sobriety testing. If you do fail those you are still impaired, it doesn't say whether you are impaired on drugs, prescription medication or illegal drugs or alcohol. We have ...drug recognition experts, they are trained above and beyond the average officer. It is months of training and recertification and they come in and do more like a medical test on them and we could also use the blood and urine analysis to determine that. Unfortunately they are not as immediate as it would be with alcohol where we have a PBT and diamaster that is available to us all the time. So it is a little bit more work.

A person came up to Ald. Kleiner I did some research based on the traffic circle.

We did have a speed trailer out there in August from August 16-24. During that 7 day period 53,023 cars passed that and that was coming down the hill into the traffic circle from Wawayanda to Cty. Rte. 78. The average speed was 36 mph which is above our 30 mph speed limit in the city, however just above the traffic circle is the Town of Wallkill line which is 45. So as you come down the hill it is 45 it immediately changes to 30, they are slowing down to the entrance of the traffic circle.

In regards to traffic accidents I started doing some research on it I did not get into the circle but in that immediate area in 2018 14 reported accidents and thus far 2019 8. So we are not seeing any significant difference based on that.

Ald. Tobin- One of our constituents mentioned that they have seen people make a left into the pharmacy before the traffic circle. Could there be a sign there No Left Turn. It is illegal double line.

Chief Ewanciw-I have to actually go out there and look and see how far back that is.

Commissioner Tawil- There is a double line. If it is safe usually they do make a left hand turn.

Chief Ewanciw-I think it is before the circle.

Commissioner Tawil- It is way before the circle. Yes. Way before. It is a solid double yellow line. Line of sight is very clear.

Ald. Tobin-You wouldn't put a No Turning Sign.

Commissioner Tawil-I don't know if it is needed. We haven't had any...

Chief Ewanciw- I think the statistics show there is not a huge issue there right now.

John Naumchik/City Clerk-Early voting is going to be coming up. We should be getting messages from the Board of Election on that. It is going to be a whole week in Oct., one location for early voting and that is going to be at the Senior Center. It is going to be different times if I remember sometimes 9am-3 it changes time. Saturday in the afternoon 1-9 but times and date will be on the website.

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 here this evening.

Acting Pres. Masi- I don't know how many people know that one of our aldermen and his wife just had a baby boy. Congratulate Ald. Green and family. Best of luck and God bless you all.

Ald. Burr- Congratulations Ald. Green and wish him the best.

Ald. Jean-Francois- Congratulations to Ald. Green to the new addition to your family. Many blessings and baby boy.

Sparrow and I last Saturday we had our 4th Ward constituent meeting, very informative. Just like to thank everyone that came out to join us and we will do it again next time.

Ald. Kleiner- Congratulations Andrew we all said it. As Andrew says meet the future alderman, Henry Thomas Green very handsome young man. We will be looking forward to meeting him.

Touch a Truck event is this Saturday between Cottage and Montgomery from 11am-1.

Today is Constitution Day- Sept. 17th where we recognize the signing of the Constitution in 1787.

We the People of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defense, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America.

That is what we take the oath of allegiance to first when we are sworn in as aldermen. I just wanted to remind people of that.

This Friday there will be a global mass day mostly by young people but hopefully a lot of other people will be involved and some call it a strike. It is cry from the young people to stop destroying the planet and take some action. I hope they get a huge turnout for that.

I am going to ask when we introduce the local law that we just don't say consider it read, that we actually read it.

Ald. Masi said we would not be voting on it at the next Council meeting but the meeting after that. I have written out my public position.

Ald. Ramkissoon- I just want to mention in response to our audit today I wanted to say those results, those very positive results are testament to our Treasurer Don Paris and his team. I just want to take the opportunity to say thank you to Don and everyone in finance.

My best wishes to Ald. Green/Katie on the birth of their son.

Ald. Johnson- To the Green's may the force be with them.

Ald. Kleiner and I got to attend Sean Patrick Maloney's meeting on gun control. I found it a teachable moment for me both sides of the conversation were well represented. We will see if federal government can move forward in a constructive manner.

As the liaison to the school district I want to call your attention to an article that was in the paper Friday where Mr. Coates was able to document the financial benefits of the sports complex. According to the County an event like the one that is scheduled shortly may bring \$2million into Orange County and that goes to vendors for both the Town of Wallkill and City of Middletown. We certainly appreciate that.

I occasionally help out Linda Knapp concession stand at the football stadium and we were quite busy the other night. We sold \$1800 worth of cheeseburgers, fries and always a good event. The score with Kingston was lopsided it was Friday the 13th but the arena is just outstanding. The coach took me onto the field to examine the turf, state of the art, great safety, and great sport. We are making a name for ourselves throughout the state.

Dump Strays I just want to reiterate Robyn has done a great job. The Mayor had commented to me that he really wanted to focus on Washington St. because of the Equilibrium and we are trying to promote that area. I will help Robyn in targeting the approximately 40 cats that live there and we will see if we can make the world a better place.

Code enforcement- I just want to reiterate the conversations that we are having have nothing, there is no ...effectiveness, conscientiousness of the code enforcement staff. That should be the furthest thing from anybody's mind about that.

Shortly after I got on the Council it occurred to me that the code manual is one of the most important instruments we have for quality of life for our residents. Nobody gets hurt more when they really can't fix it, next door to it. For me code enforcement is a very important tool and for us to periodically take the pulse to make sure we are using that tool to the best of our ability there is nothing negative about that. I think it is all positive steps. I hope will reiterate that to your staff as well.

Local Law- I did get to speak with Jerry as we left the High School the other day. It was a good conversation; I think I understand his point of view, I don't happen to share it. But I understand it and I look forward to that discussion.

Acting Pres. Masi-Congratulating Ald. Tobin on his position.

Ald. Tobin-Congratulate Andrew and his new family. A good chapter in life, very exciting.

11. Unfinished Business
John Naumchik-Nothing this evening.

12. New Business

199.19 Resolution to authorize the Mayor to sign an agreement with Pets Alive for a period of September 18, 2019 through December 31, 2019 for additional shelter services for the City.

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

RESOLVED; that the Common Council of the City of Middletown hereby concurs with the Board of Estimate and Apportionment to authorize the Mayor to sign the attached agreement with Pets Alive for a period of September 18, 2019 through December 31, 2019 for additional shelter services for the City.

Ald. Johnson- To clarify most of the agencies in the area have become what is referred to as a No Kill Environment and that is a good thing for animals but a bad thing for capacity. So we have Middletown, Port Jervis and we now have Pets Alive as a backup and that is a good thing.

Roll Call: Ayes: Ald. Ramkissoon, Tobin, Kleiner, Johnson, Jean-Francois, Burr, Masi-7

200.19 Resolution to authorize the Treasurer to transfer \$1,300.00 within the 2019 operating budget of the Middletown Recreation & Parks Department due to a shortage of lifeguards this summer.

On motion of Ald. Burr seconded by Ald. Ramkissoon

RESOLVED; that the Common Council of the City of Middletown hereby concurs with the Board of Estimate and Apportionment to authorize the Treasurer to transfer \$1,300.00 within the 2019 operating budget of the Middletown Recreation & Parks Department due to a shortage of lifeguards this summer, our certified guards worked additional hours to keep pools open and coverage for free swim, senior swim and swim lessons in the following manner:

<u>FROM</u>	<u>AMOUNT</u>	<u>TO</u>
A.7180.100	\$1,300.00	A.7180.103
Pools/Personal Services		Pools/Overtime

Roll Call: Ayes: Ald. Ramkissoon, Tobin, Kleiner, Johnson, Jean-Francois, Burr, Masi-7

201.19 Resolution to authorize the Treasurer to transfer a total of \$22,029.69 within the 2019 budget to balance shorts and overs in the 2019 budget.

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

RESOLVED; that the Common Council of the City of Middletown hereby concurs with the Board of Estimate and Apportionment to authorize the Treasurer to transfer a total of \$22,029.69 within the 2019 budget to balance shorts and overs in the budget in the following manner:

From	Amount	To
A.1325.480	200.00	A.1325.400
Office Exp. Finance		Contractual Finance
A.3010.409	1,800.00	A.3010.408
Clothing Allow		Footwear Allow
A.9000.810	529.69	A.9000.812
Pension, State		LOSAP
Sewer Fund Bal	19,500.00	G.9730.600
		Debt Principle
		Unknown EFC Pmt, Sterling Street

Roll Call: Ayes: Ald. Ramkissoon, Tobin, Kleiner, Johnson, Jean-Francois, Burr, Masi-7

202.19 Resolution to close Montgomery Street from the corner of Roberts to Railroad on Sunday, October 6, 2019, from 9:00 AM till 3:00 PM for the annual Fire Prevention Open House.

On motion of Ald. Burr seconded by Ald. Kleiner

RESOLVED; that the Common Council of the City of Middletown hereby authorizes the Commissioner of Public Works, and/or his designee, and the Chief of Police, and/or his designee, to close Montgomery Street from the corner of Roberts to Railroad on Sunday, October 6, 2019, from 9:00 AM till 3:00 PM for the annual Fire Prevention Open House.

Roll Call: Ayes: Ald. Ramkissoon, Tobin, Kleiner, Johnson, Jean-Francois, Burr, Masi-7

203.19 Resolution to authorize the Treasurer to transfer a total of \$20,400.00 within the Fire Department 2019 budget to cover repairs to Engine 6 and lockers for career members.

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

RESOLVED; that the Common Council of the City of Middletown hereby concurs with the Board of Estimate and Apportionment to authorize the Treasurer to transfer a

total of \$20,400.00 within the Fire Department 2019 budget to cover repairs to Engine 6 and lockers for career members in the following manner:

<u>From:</u>	<u>To:</u>	
A.3410.202	\$ 8,000.	A.3410.440
Coats & Boots		Repairs to Equipment
A.3410.417	\$ 8,000	A.3410.440
Gas & Oil		Repairs to Equipment
A.3410.436	\$ 4,400.	A.3410.200
Testing of Trucks		Other Equipment

Roll Call: Ayes: Ald. Ramkissoon, Tobin, Kleiner, Johnson, Jean-Francois, Burr, Masi-7

204.19 Resolution to authorize the Treasurer to transfer a total of \$1,293.19 from the General Fund balance for charges from OMEGA Title Services for the purchase of 7 Canal Street.

On motion of Ald. Ramkissoon seconded by Ald. Johnson

RESOLVED; that the Common Council of the City of Middletown hereby concurs with the Board of Estimate and Apportionment to authorize the Treasurer to transfer a total of \$1,293.19 from the General Fund balance for charges from OMEGA Title Services for the purchase of 7 Canal Street in the following manner:

From	Amount	To
General Fund Balance	\$1,293.19	A.1940.900
		Purchase Land

Roll Call: Ayes: Ald. Ramkissoon, Tobin, Kleiner, Johnson, Jean-Francois, Burr, Masi-7

205.19 Resolution to authorize the Treasurer to transfer a total of \$22,000.00 within the DPW 2019 budget for repairs to equipment.

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

RESOLVED; that the Common Council of the City of Middletown hereby concurs with the Board of Estimate and Apportionment to authorize the Treasurer to transfer a total of \$22,000.00 within the DPW 2019 budget for repairs to equipment in the following manner:

	FROM	AMOUNT	TO
1.	F.8320.100 (Pumping Station/Supply) Personal Services	\$11,000	F.8320.440 Repairs to Equipment
2.	G.8120.100 Personal Services (Storm & Sanitary Sewers)	\$11,000	F.8120.440 Repairs to Equipment

Roll Call: Ayes: Ald. Ramkissoon, Tobin, Kleiner, Johnson, Jean-Francois, Burr, Masi-7

206.19 Resolution to authorize the Treasurer to transfer a total of \$267,688.64 from the general fund balance and within the DPW 2019 budget for Traffic & Paint, CDL, Personnel Training, Office Expense and Personal Services.

On motion of Ald. Johnson seconded by Ald. Tobin

RESOLVED; that the Common Council of the City of Middletown hereby concurs with the Board of Estimate and Apportionment to authorize the Treasurer to transfer a total of \$267,688.64 from the general fund balance and within the DPW 2019 budget for Traffic & Paint, CDL, Personnel Training, Office Expense and Personal Services in the following manner:

	FROM	AMOUNT	TO
3.	A.1620.476 Traffic Systems	\$5,000	A.1620.477 Traffic & Paint
4.	A.1620.476 Traffic Systems	\$500	A.3010.462 CDL

5.	A.1620.476 Traffic Systems	\$1,000	A.1440.400 Personnel Training
6.	A.1620.476 Traffic Systems	\$2,000	A.1490.480 Office Expense
7.	General Fund Balance	\$259,188.64	A.8160.100 Personal Services

Roll Call: Ayes: Ald. Ramkissoon, Tobin, Kleiner, Johnson, Jean-Francois, Burr, Masi-7

207.19 Resolution to approve SEQRA for the 7 lot subdivision for property located at 53-63 Anthony Street.

On motion of Ald. Johnson seconded by Ald. Ramkissoon

WHEREAS, the City of Middletown Common Council has been presented with a proposal for a 7-lot subdivision for property located at 53-63 Anthony Street, Middletown, New York, known as Middletown tax parcels Section 37, Block 6, Lots 8, 9, and 10, and

WHEREAS, the proposed subdivision constitutes an Unlisted Action pursuant to the State Environmental Quality Review Act (“SEQRA”) regulations, and

WHEREAS, the Common Council is the only involved agency under SEQRA for this subdivision request, and therefore would be the Lead Agency for the SEQRA review of this action, and

WHEREAS, the Common Council has received a Short Environmental Assessment Form describing this action, and

WHEREAS, the City of Middletown Common Council has identified the relevant areas of environmental concern and thoroughly considered the criteria for determining significance set forth at 6 NYCRR Part 617.7 (c).

NOW, THEREFORE, BE IT RESOLVED that the City of Middletown Common Council declares itself Lead Agency with respect to this subdivision request pursuant to 6 NYCRR § 617.6(b)(1), and be it

FURTHER RESOLVED that the Common Council, after reviewing the Application materials, including the Short EAF, hereby determines that the application is an Unlisted Action under SEQRA.

FURTHER RESOLVED that the Common Council hereby declares that the proposed action will not result in a significant adverse impact on the environment, and an environmental impact statement will not be prepared, and be it

FURTHER RESOLVED that this Negative Declaration is made pursuant to Article 8 of the Environmental Conservation Law.

Roll Call: Ayes: Ald. Ramkissoon, Tobin, Kleiner, Johnson, Jean-Francois, Burr, Masi-7

208.19 Resolution to approve the 7 lot subdivision for property located at 53-63 Anthony Street.

On motion of Ald. Kleiner seconded by Ald. Tobin

WHEREAS, the applicant, Szilard Dibble, has submitted a proposal for a 7-lot subdivision for property located at 53-63 Anthony Street, Middletown, New York, known as Middletown tax parcels Section 37, Block 6, Lots 8, 9, and 10, and

WHEREAS, the purpose of this subdivision is to create seven single family lots in the Multiple Residence Parkland zoning district upon which shall be constructed two buildings, one containing three units and one containing four units, and

WHEREAS, the Planning Board has issued a resolution recommending approval of this application, and

WHEREAS, the Zoning Board of Appeals has issued a resolution granting area variances for this application, and

WHEREAS, this Council has issued a Negative Declaration for SEQRA purposes, and

WHEREAS, the applicant has complied with all applicable requirements for final subdivision approval, and

WHEREAS, a public hearing was held on September 3, 2019.

NOW THEREFORE BE IT RESOLVED by the Common Council of the City of Middletown that final subdivision approval be and hereby is granted to the application to subdivide the property located at Section 37, Block 6, Lots 8, 9 and 10 as shown on a map entitled “Subdivision” prepared by Leo J. Carroll, P.E., last revised on July 11, 2019, and filed in the Office of the Middletown Common Council Clerk, and

BE IT FURTHER RESOLVED by the Common Council is hereby waiving the requirement for a play lot area contained in City Code Section 475-12(C)(9), and

BE IT FURTHER RESOLVED by the Common Council that the applicant is directed to submit all necessary documents to the Office of the Orange County Clerk to file and record this subdivision within 60 days of this Resolution.

Roll Call: Ayes: Ald. Ramkissoon, Tobin, Kleiner, Johnson, Jean-Francois, Burr, Masi-7

209.19 Resolution to approve borrowing for the Capital Expense Plan in the amount of \$3,683,571.00.

On motion of Ald. Johnson seconded by Ald. Tobin

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

Section 1. The following are hereby authorized in and for the City of Middletown, Orange County, New York:

- a) Purchase of vehicles and equipment, at a maximum estimated cost of \$183,342, being a class of objects or purposes having a period of probable usefulness of three years pursuant to subdivision 77 of paragraph a of Section 11.00 of the Local Finance Law;
- b) Purchase of a maintenance truck for Parks and Recreation, at a maximum estimated cost of \$48,595, being a specific object or purpose having a period of probable usefulness of fifteen years pursuant to subdivision 28 of paragraph a of Section 11.00 of the Local Finance Law;
- c) Purchase of playground equipment, at a maximum estimated cost of \$132,163, being a class of objects or purposes having a period of probable usefulness of fifteen years pursuant to subdivision 19(c) of paragraph a of Section 11.00 of the Local Finance Law;
- d) Purchase of and equipment for Parks and Recreation, at a maximum estimated cost of \$25,050, being a class of objects or purposes having a period of probable usefulness of five years pursuant to subdivision 28 of paragraph a of Section 11.00 of the Local Finance Law;
- e) Improvements to sidewalks, at a maximum estimated cost of \$250,000, being a class of objects or purposes having a period of probable usefulness of ten years pursuant to subdivision 24 of paragraph a of Section 11.00 of the Local Finance Law;

- f) Installation of sound system at the Paramount, at a maximum estimated cost of \$250,000, being a specific object or purpose having a period of probable usefulness of ten years pursuant to subdivision 35 of paragraph a of Section 11.00 of the Local Finance Law;
- g) Purchase of welcome signage, at a maximum estimated cost of \$15,000, being a specific object or purpose having a period of probable usefulness of five years pursuant to subdivision 35 of paragraph a of Section 11.00 of the Local Finance Law;
- h) Purchase of a van, tools and apparatus for the Fire Department, at a maximum estimated cost of \$168,187, being a class of objects or purposes having a period of probable usefulness of five years pursuant to subdivision 32 of paragraph a of Section 11.00 of the Local Finance Law;
- i) Purchase of vehicles for the Assessor and Code Department, at a maximum estimated cost of \$49,082, being a class of objects or purposes having a period of probable usefulness of three years pursuant to subdivision 77 of paragraph a of Section 11.00 of the Local Finance Law;
- j) Land acquisition for water source protection, at a maximum estimated cost of \$1,500,000, being a specific object or purpose having a period of probable usefulness of thirty years pursuant to subdivision 21 of paragraph a of Section 11.00 of the Local Finance Law; and
- k) Purchase of various equipment for DPW, at a maximum estimated cost of \$1,062,152, being a class of objects or purposes having a period of probable usefulness of fifteen years pursuant to subdivision 28 of paragraph a of Section 11.00 of the Local Finance Law;

Section 2. The aggregate maximum estimated cost of the aforesaid objects or purposes is \$3,683,571, and the plan for the financing thereof is by the issuance of the \$3,683,571 serial bonds authorized by Section 1 hereof, allocated to each of the objects or purposes in accordance with the maximum estimated cost of each as stated in Section 1 hereof.

Section 3. 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. 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 4. 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 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 5. 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 6. 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 7. 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 8. 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 9. 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-7

210.19 Resolution to award the bid for the Heritage Trail Culvert to Boyce
Excavating.

On motion of Ald. Kleiner seconded by Ald. Burr

WHEREAS, bids were opened by the Board of Estimate and Apportionment on Thursday, September 12, 2019, for the Heritage Trail Box Culvert Project, and

WHEREAS, the Board of Estimate and Apportionment referred the bids to the Commissioner of Public Works for his review and recommendation to the Common Council of the City of Middletown, and,

WHEREAS, the Commissioner of Public Works recommends to the Common Council that the bid be awarded to Boyce Excavating.

NOW THEREFORE BE IT RESOLVED; that the Common Council of the City of Middletown concurs with the Commissioner of Public Works and awards the bid for the Heritage Trail Box Culvert Project to Boyce Excavating in the total amount of \$239,055.00 to the following:

Roll Call: Ayes: Ald. Ramkissoon, Tobin, Kleiner, Johnson, Jean-Francois, Burr,
Masi-7

13. Local Laws

Introduction of Local Law#1 of 2019 to increase the salaries of the Aldermen

On motion of Ald. Masi

Introduction of Local Law #1 of 2019

A LOCAL LAW INCREASING THE SALARIES OF THE ALDERMAN

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 increase the salaries for the elected Aldermen serving on the Common Council. If approved, the increased salary for each Alderman would take effect with the terms of office commencing January 1, 2020.

Section 2. Section 64 of the Charter of the City of Middletown is hereby amended by replacing the fourth and fifth sentences of the second full paragraph thereof to read as follows:

The annual salary of each Alderman shall be fifteen thousand dollars (\$15,000.00). The aforementioned salaries for the Mayor and President of the Common Council shall take effect with the terms of office commencing January 1, 2018. The aforementioned salaries for each Alderman shall take effect with the terms of office commencing January 1, 2020.

Section 3. Effective Date.

This Local Law shall take effect immediately upon filing with the Secretary of State.

14. Audit

On motion of Ald. Johnson seconded by Ald. Tobin

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

Roll Call: Ayes: Ald. Ramkissoon, Tobin, Kleiner, Johnson, Jean-Francois, Burr,
Masi-7

15. Adjournment

There being no further business meeting adjourned at 8:42pm

Respectfully submitted,

Karen Sisco