



**Common Council
Meeting
City of Middletown
February 18, 2020**

1. Pledge of Allegiance- Pres. Rodrigues asked all to rise for the pledge.
2. Roll Call: Present: Ald. Ramkissoon, Tobin, Kleiner, Johnson, Jean-Francois, Burr, Green, Masi, Pres. Rodrigues-9
3. Approval of Minutes
John Naumchik-Nothing this evening.
4. Correspondence
John Naumchik-Nothing this evening.
5. For the Good

Presentation by Kevin Sidella from Prochamps on zombie properties

Manage property registration solutions for 231 municipalities in 11 states, 12 in NY.

Focus on sources of neighborhood blithe

3 different types of rental properties, vacant properties, foreclosures.

Typically when the grass gets 2 ft. tall, windows busted out and no one to talk to, it is one of those types of properties.

Vacant and foreclosures in Middletown you do have a lot. Foreclosures you have 332 active foreclosures right now and another 200 that are potential foreclosures

Out of that 140 that are vacant privately held those are parcels without a foreclosure notice but the post office is telling us they are vacant

My company does and we do this for free where you need vendors here we work with you on an ordinance, sign contract gives us permission to register those properties We go out and find a local point of contact. Someone who can be held accountable for the code enforcement issues that exist on the property while it is sitting in that state of vacancy or foreclosure.

It works really well especially in NY where we seem to have zombie properties. That phrase was kind of coined here in NY State. We are going after those zombie properties put your staff in direct contact with the responsible party added. Again we do it for free but we do make money. We keep \$100 every registration that we collect. Typically the fee in NY is \$500 registration, not only is our program free you get \$400 we get \$100 the rest goes back to you. Considering your numbers I could see this being \$100,000 or more program for the City of Middletown. I know your budget is much higher than that but it is for the good and it doesn't cost you anything and it is a great resource.

I shared an ordinance with the Mayor along with a contract for your consideration.

Ald. Tobin- Do you find the person who owns the vacant home and they register with you?

Kevin Sidella-Vacant homes yeah, you have a 140 of them right now. Basically those 140 individual addresses the post office has said after a certain period of time we are not going to go back and try to deliver mail there. We reach out to them. Now on the vacants we reach out to them with a post card. That post card has a qr code on it, very easy for them to hover over with a smart phone takes them right to a website for the addresses that we are trying to register. They get the ability to say wait I live in this one, this one is vacant; it is an investment property they pay a fee with a visa card and they give us the name of the property management. In some cases it might be that the individual owns it. We just want to know who you should contact if there is an emergency.

Ald. Tobin-Why would they register?

Kevin Sidella-It becomes law. Basically the very first step is to pass the ordinance that I shared tonight. Once that is in place it is your law and then we are basically a 3rd party administrator of that program.

Ald. Tobin- You do the detective work.

Kevin Sidella- That is our job. No we are doing it from a call center in Florida. So we are not walking the streets of Middletown, peeking in windows I have no interest in doing that. We are using data to get to our list, share with your staff; they can fine tune it. Most times I find the cities have lists themselves that they maintain, if you can share with us it would help us get the end result faster. We need you to approve those exemptions.

Pres. Rodrigues- Some of the homes are owned by the banks. They are just holding on....

Kevin Sidella- No, we force them to register by your law as the administrator of the program. The registration contains the ..contacts.

Ald. Johnson- It sounds effectively simple. If I have the ordinance what do you do that I don't do? Is it a time management issue, or is it methodology issue?

Kevin Sidella-Methodology and time management I mean usually a community doesn't have the resources ...staff to register that many properties. Or know how to do it? We have been doing it for 10 yrs. we've registered a million properties nationwide in 11 states. We register about 10,000 properties every single month. We know how to get them to comply.

In some NY communities we've seen success rates that is high as 100% others 75% but we will get you close to that 332.

Ald. Tobin- How long does the contract?

Kevin Sidella-It is a 2 yr. contract, it has renewals in it but it has a 30 day out in it. So if there is ever anything that you are not happy with we can get out. I will say 10 yrs. doing this 231 communities that has happened twice that I know of. Once we walked away from the other one ...themselves. We gave them the information, everything we create on behalf of your city it is proprietary to you, it is your information not ours. I say that to you so you get the comfort that we are out there trying to peddling to a third party.

6. Remarks of Dept. Heads

Maria Bruni/Economic Development-After tonight's Mayor's presentation you heard about business expansion. We have a ribbon cutting this Thursday Great Expressions Dental on Railroad Ave. They have done extension renovation and hosting a grand re-opening. We will be providing ribbon cutting so join us at 4:30, public is invited so we hope to see you there.

Also more ribbon cuttings will be coming along this spring. As other businesses start to open.

On the DRI front-façade renovations are taking into shape right now that the weather is getting better. Work is progressing on façade improvements.

Next Tuesday we teamed up with County of Orange to show Peanut Butter Falcon it is going to be a free movie at the Paramount at 2pm.

Ald. Kleiner- We will be doing summer events, Run4Downtown the planned construction I heard something about that in our constituents meeting. Is that anything you can talk about now or is that something for...

Maria Bruni-Yes. We booking the regular Thursday night from 6-8pm but we are also going to be doing the Friday evenings at that location. So we are just going to go around the corner; it is a smaller space for this this year as the Mayor mentioned because of construction. Festival Square is one of the first areas along with James St. to be developed. Yes we are going to be hosting that right around the corner. We are going to do proper marketing and get the word out and try to accommodate as best as we can.

Ald. Masi-Maria during those Friday night events will we be closing off part of North St. for vehicle traffic.

Maria Bruni-Right now no. But we will see how it goes. We will see how it takes off. I know we are going to plan a couple of events that we are planning on closing the street. Obviously Run4Downtown that event we do a couple of things the night prior that needs to be shut down. Last year we had an art festival. We will look at it as we start up that Friday night.

Jacob Tawil/DPW Commissioner- I just want congratulate the Mayor for a job well done. Listing our accomplishments. As he said the ADA sidewalk \$3.6 million project was advertised in yesterday's paper. It is out for bid, those are the sidewalks the Mayor spoke of where you from Dolson Ave. up to City line where no sidewalk exists at this time.

Davidge Park Ext. out for bid. Please pick up plans.

The DRI the Mayor was talking about for downtown parking lots and green infrastructure. We are expecting to advertise for bid early next week. You are going to see a lot of above ground construction.

Ald. Kleiner-We have a resolution for engineering to replace the 12 inch water main. It is going under the new Davidge and the new Davidge Park expansion. Will that be done before the full construction of the field? Does it go under that same area?

Commissioner Tawil-The reason why we are doing the 12 inch ...replacement it is 1887 main. The city has added about 10 ft. of fill on top of it. So it is in a very compromised, weak condition that line. It is going to be relocated. So that the existing line is going to be abandoned in place that will be right in the center of where the ball fields are going. The new one is going to be constructed along the existing fence. That was added on because of the park expansion. Otherwise the bulk of the project is 24 inch water main. Actually it is an existing 20 inch main, going to be replaced with 24 inch main from the Water Treatment Plant all the way to Monhagen Ave. 12 inch line will follow suit as well.

Fire Chief Luis-Great presentation by the Mayor tonight. Thank you. Great to see that the City is moving forward.

Don Paris/Treasurer- Nothing this evening.

Marianne Feely/Assessor-I just wanted to remind everyone that the deadline for all the exemptions is March 1st. This is especially for our seniors, we mailed out all the low income senior exemption renewals in January. We still have at least 65 that have not been returned. It is an important exemptions for our seniors. If any anyone else thinks they may be eligible for exemption please call us or come in before March 1st.

Chief Ewanciw/Police Chief-Commend the Mayor on a great presentation on highlighting all the great accomplishments of the City. I think you guys all deserve an honor as well for the support of getting all these projects through.

I think one thing that is unique to the City of Middletown I hear it from many people I speak with is the collaboration amongst all the departments. Everybody focusing on moving forward and I think it is very evident with what you saw tonight.

Mayor congratulations, Council congratulations.

Chris Brinkerhoff/Superintendent Parks & Rec. – The Police Chief described one of the things I was going to say. The teamwork is incredible and how it moves this city forward and all the departments working together. It literally takes a village for all of our residents. I think that is incredible. The support of this Council, the support of the Mayor and staff helps our department move forward.

The new facility the Mayor talked about I know you will be seeing some things over there tomorrow. The Parks Dept. is already over there working hard. Raelynn and I were in there today with all types of plans moving forward for all types of age groups. Even the Davidge Park expansion the Wolslayer field when those kids are in school they are going to have the walking program, seniors, mommy and me.

If anyone has questions or ideas please stop by the office or call.

Alex Smith/Corp. Counsel- I agree the Mayor made a good speech and I also congratulate Commissioner Tawil very concise presentation.

John Naumchik/City Clerk-Last week Julisa and I met at the Senior Center with the Board of Elections and they liked the upstairs part for the early voting and also probably for the November voting.

We will be moving a couple of the districts at the Paramount. That is going over to the College. Michael Perkins is also going to be moved and that is going to the church across from DeFilippis. Everybody will be notified by mail, website.

7. Public Hearings & Grievances
John Naumchik-Nothing this evening.
8. Petitions & Complaints
John Naumchik-Nothing this evening.
9. Remarks of the Mayor

Mayor DeStefano-I just want to reassure you that myself, Alex we had a conference call with ...and asked him to come tonight regarding the vacant property ordinance. Alex liked it. It deals specifically at least in our case I think a majority of the time with bank owned property or zombie property. Which we have a lot of difficulty. These banks transfer these properties multiple times, it is almost impossible. Alex has taken them to court, a few cases we have had success. But it is time consuming and I also think the ...especially if it's not bank owned, if it is privately owned and just abandon waiting for something to happen. We will encourage people to do something with the property. Because empty properties become blight eventually and we don't need more we are trying to do the reverse with our home buyer program. We want to use all tools out there. I think the Town of Babylon from what I read a tremendous amount of success.

Kevin Sidella-12 municipalities in the State of NY. Babylon is the largest and registered about 13,000 properties.

Mayor DeStefano-Just to give you an idea the potential. We are not looking at it as a revenue source although it will create additional revenue. We are looking at enforcement tool. Under law, under our ordinance we have to go through a whole process to cut high grass this will be a contact person which has been lacking a lot. If you use the Post Office, when we met with them they went through a whole parade of ways to figure out that owner including the new laws passed by NY regarding zombie properties. We don't have the staff, manpower but we do have the mechanism to make them comply at least a high percentage rate through this process. I encourage you to put in committee. Alex is going to attend the committee meeting, if you have a public hearing on it. I think it will be very effective tool for us.

Chris touched on tomorrow. I spoke about briefly about it. 4:30 in the gym at the former Start Center property. Major announcement about how we are going to pay for the renovation of this 15 acres and building; I think you will be excited I think many of you know about it. The public doesn't but I will let Sen. Metzger make that announcement tomorrow.

10. Remarks of Aldermen

Ald. Burr-Congratulations to the Mayor. As the Mayor said all you have to do is open your eyes.

John, schedule a meeting for March 3rd at 7:15pm.

Ald. Jean-Francois-I like to congratulate the Mayor, excellent job tonight. I am also excited to see the growth of the city under your leadership. Job well done.

Thank you.

Ald. Kleiner- Thank you Mayor, Maria and Mary putting the report together. It is always exciting to hear where we've been and where we are going.

I want to respond to one thing that we heard at our constituents meeting which was concern about the dead crows they keep finding, there has been no report on it. I had written to Kevin Clark our DEC Wildlife Biologist Reg. III talked about the deer several years ago. He said it's not true that they don't have results he said we have an ... results; for all the crows that we have tested and all the results are negative unfortunately some folks interpreted a lack of a diagnosis as no result. That is not the case. Test with negative results so far include pesticides, avian influenzas, West Nile virus and a host of other viral bacterial infections. We are continuing to collect ...to determine the cause of this mortality event. It is not that they don't have results, they don't have results yet as to exactly what the cause is but they have eliminated a lot of things.

As far as the vultures we have a lot of concerns about the black vultures too and they said that is part of the US Fishing & Wildlife they are federally protected.

Mayor DeStefano-As you stated it is a turkey vulture and they are protected. We do have a program where we are hiring a private company where we are able to move them. Unfortunately unlike the crows once you move them they at times come back. We have a problem on Maryland Ave. now I believe it is in another neighborhood. But we have retained a company once again. They go out with green lasers, they seem to be most effective. You have to be careful you are not putting them up in the sky where the planes. Some homeowners have asked and we recommend they do that also. It has to be constant thing, they are big ugly birds especially over by where there is wooded areas they seem to congregate. You have dead deer, carcasses and that is what they are looking for. They don't really go to garbage from what we have been told, they focus on dead animal carcasses. With development we are getting more and more of that we do have a company employed by the city that is focusing on it. If you are having a problem in the neighborhood please contact your aldermen, you can contact us.

Ald. Ramkisson- Mayor thank you for doing such a good job highlighting the accomplishments of the city. Our dept. heads and staff that work here I just want to extend my thanks to every single person who works for the City of Middletown; they do it with pride and a great effort and it shows.

I just like to speak for a moment to highlight the fact that all this is done under the direction and vision of the Mayor, so I like to thank you and Council Pres. Rodrigues for your leadership.

Ald. Johnson-In particular you and I have had private conversations about O&W and bus station and they are both in the report and both on the radar screen. I appreciate that, hopefully they will come to fruition this year.

I had a reason to interact with Sen. Metzger office today and I found out that she is no longer where she use to be, she is at 90 North St. downtown Middletown. Welcome to the hood.

I did attend the School Board meeting whenever the last one was. In private conversations I did relate this to the Chief the School Board members were extremely appreciative of the way the city handled the basketball incident. Highly complementary to both the Chief and staff. So I passed that unto to them.

As a visitor to the meeting I updated the crew on some of the things doing downtown. Also Tom Scott has put in for his retirement and he will be leaving the district this July after more than 20 yrs. of service. He has been through a lot of good things and a lot of struggling. Congratulate him on behalf of the Council.

I think the zombie house thing, I have been here 6 yrs. I never had to really think about it. Ald. Ramkissoon and I go door to door in our day and hung out and if you go to every doorbell in your ward after at least 10 mins. of ringing doorbells someone will say what are you going to do about that house over there? Certainly if you live in a neighborhood where obviously nobody lives in it that is not a particularly a good quality of life. So if we can address that issue I think that would be a big plus for our community and for the residents.

The crows I spoke with Lou Ingrassia once a week and also heard there is no definitive report. Remind you that lack of definitive test results does not mean lack of effort to make a diagnosis. I concur with Ald. Kleiner.

Ald. Green-Congratulations Mayor on a wonderful presentation. We sit here and go through meetings, when you hear it all in once condensed speech it is really eye opening. I never gets boring to hear all the wonderful things that are coming, all the wonderful things that have happened. What an exciting time it is to be in Middletown. Thank you again. Thank you to all the dept. heads and employees of the city.

Ald. Tobin- Excellent presentation. It is exciting to see all the projects come to fruition and also exciting to see we aren't stopping and always moving forward.

I also like to thank the Mayor, Common Council Pres. and everyone who works for the City.

I really like the idea about the zombie properties especially in the 4th Ward.

Ald. Masi- Congratulate the Mayor, you did an outstanding job. I know a particular topic that you, Miguel and I have been talking about. Most people see me walking around town quite a bit I brought back to the Mayor, Miguel sidewalks and the disrepair that they are in. We are looking into a program that the homeowners, the Mayor mentioned it some sort of a grant/matching we have to do something with the said properties. I fear for the elderly, I fear for the kids and anyone that has to navigate some of these. I am hoping that we will be able to bring this project to the Council and the Council will go along with it and we can start, it will take time but if we do a little at a time eventually we will get back to where our sidewalks are all in good shape.

Pres. Rodrigues- Congratulate the Mayor great speech. In order for us to be good leaders we have to have great people working for us. It is an honor to see people, all the employees, dept. heads come together; we are doing the right thing.

Prochamps we are going to put that into Legislation. Hopefully Alex and the committee chair can draft something up.

11. Unfinished Business

John Naumchik-Nothing this evening.

12. New Business

32.20 Resolution to approve and authorizes the Mayor to sign a proposal with JCO for professional services and act as chief operator of the Water Treatment Plant for one year ending 2020.

On motion of Ald. Masi seconded by Ald. Green

RESOLVED; that the Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment to hereby approve and authorizes the Mayor to sign a proposal with JCO for professional services and act as chief operator of the Water Treatment Plant for one year ending 2020 with the same amount of \$8,750.00 per month since 2011.

Roll Call: Ayes: Ald. Ramkissoon, Tobin, Kleiner, Johnson, Jean-Francois, Burr, Green, Masi, Pres. Rodrigues-9

33.20 Resolution to approve and authorizes the Mayor to sign a contract with the CSEA to cover group dental and vision benefits covering periods 2015 through 2021.

On motion of Ald. Tobin seconded by Ald. Ramkissoon

RESOLVED; that the Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment to hereby approve and authorizes the Mayor to sign the attached contract with the CSEA to cover group dental and vision benefits covering periods 2015 through 2021.

Roll Call: Ayes: Ald. Ramkissoon, Tobin, Kleiner, Johnson, Jean-Francois, Burr, Green, Masi, Pres. Rodrigues-9

34.20 Resolution to authorize the Treasurer to transfer \$2,000.00 within the Police Department 2020 budget to cover the cost of a new water fountain.

On motion of Ald. Green 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 Treasurer to transfer \$2,000.00 within the Police Department 2020 budget to cover the cost of a new water fountain including labor as per the attached estimate from Truex Plumbing and Heating.

FROM	AMOUNT	TO
A.3120.470	\$2,000.00	A.3120.200
Building Repairs		Equipment

Roll Call: Ayes: Ald. Ramkissoon, Tobin, Kleiner, Johnson, Jean-Francois, Burr, Green, Masi, Pres. Rodrigues-9

35.20 Resolution to authorize the Chief of Police to sign a Memorandum of Understanding between the U.S. Department of Justice and the City to govern rules how mutual aid is rendered during emergency situations.

On motion of Ald. Johnson 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 Chief of Police to sign the attached Memorandum of Understanding between the U.S. Department of Justice and the City as part of the Bureau of Prisons Emergency Preparedness planning to govern rules how mutual aid is rendered during emergency situations.

Roll Call: Ayes: Ald. Ramkissoon, Tobin, Kleiner, Johnson, Jean-Francois, Burr, Green, Masi, Pres. Rodrigues-9

36.20 Resolution to authorize the Mayor to sign an amendment with B&L for the Middletown Community Campus Redevelopment Water System Infrastructure Improvements.

On motion of Ald. Ramkissoon seconded by Ald. Kleiner

RESOLVED; that the Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment to authorize and approve the Mayor to sign the attached amendment 1 with B&L for the Middletown Community Campus Redevelopment Water System Infrastructure Improvements for additional engineering services to replace a 20” water main with a 24” water main and replace a new 12” water main that runs through Davidge Park expansion area as per the attached letter from B&L dated December 12, 2020.

LET IT BE FURTHER RESOLVED; that the Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment to authorize Treasurer to fund the amendment through the capital project which includes and grant of \$500,000.00 which the grant will not be paid until the construction is completed.

Roll Call: Ayes: Ald. Ramkissoon, Tobin, Kleiner, Johnson, Jean-Francois, Burr, Green, Masi, Pres. Rodrigues-9

37.20 Resolution to authorize the Mayor to sign a contract from the County of Orange for Amendment No. 1 to the 2019-2020 AAA Transportation contract.

On motion of Ald. Kleiner seconded by Ald. Burr

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 from the County of Orange for Amendment No. 1 to the 2019-2020 AAA Transportation contract to increased AAA funding for the current contract from the Office of the Aging for the Middletown Senior Center.

Roll Call: Ayes: Ald. Ramkissoon, Tobin, Kleiner, Johnson, Jean-Francois, Burr, Green, Masi, Pres. Rodrigues-9

38.20 Resolution to authorize the Treasurer to make transfers within the 2020 budget to correct a budgeting error between principal and interest payments.

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

RESOLVED; that the Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment to authorize the Treasurer to make the following transfer within the 2020 budget to correct a budgeting error between principal and interest payments which is fund balance neutral in the following manner:

From	Amount	To
A.9000.701	\$7,251.00	A.9000.600

Serial Bonds-Interest	Principal	Serial Bonds-
F.9000.701	\$6,351.00	F.9701.600
Serial Bonds-Interest	Principal	Serial Bonds-
G.9000.701	\$3,498.00	G.9701.600
Serial Bonds-Interest	Principal	Serial Bonds-
V.9711.601	\$7,251.00	V.9710.601
Debt Service-General Interest		Debt Service-General Principal
V.9713.601	\$6,351.00	V.9712.601
Debt Service-Water Interest		Debt Service-Water Principal
V.9715.601	\$3,498.00	V.9714.601
Debt Service-Sewer Interest		Debt Service-Sewer Principal
V.5033	\$7,251.00	V.5032
Debt Service-General Interest		Debt Service-General Principal
V.5035	\$6,351.00	V.5034
Debt Service-Water Interest		Debt Service-Water Principal
V.5037	\$3,498.00	V.5036
Debt Service-Sewer Interest		Debt Service-Sewer Principal

Roll Call: Ayes: Ald. Ramkisson, Tobin, Kleiner, Johnson, Jean-Francois, Burr, Green, Masi, Pres. Rodrigues-9

39.20 Resolution to authorize the Treasurer to close capital projects from grants and donations dating back to 2012 totaling \$44,263.39 within the 2020 budget.

On motion of Ald. Burr seconded by Ald. Ramkissoon

RESOLVED; that the Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment to authorize the Treasurer to close the following projects from grants and donations dating back to 2012 within the 2020 budget:

PROJ #	DESCRIPTION	DONATIONS	GRANT
659.900	COMMUNITY CENTER KITCHEN	359.34	
680.900	PLUMSTOCK FUND-REC DEPT	779.78	
766.900	INDUSTRIAL PARK INFRASTRUCTURE		30.77
827.470	UPGRADE ELEVATOR-CITY HALL		34,700.00
847.200	FIRE EQUIPMENT		78.65
848.200	EXPL PTRL DOG/K-9 VHCL		646.00
849.200	FIRE-SCOTT PACKS		375.00
850.200	POLICE-MOBILE PLATE READER		6.54
851.900	INT MUN AGRMT-URBAN REN		60.00
877.900	2008 URBAN RENEWAL PROJ		6,979.50
880.200	BYRNE GRANT		146.41
886.900	CRIME ANAL/INTER OFCR		101.40

Total \$44,263.39

Roll Call: Ayes: Ald. Ramkissoon, Tobin, Kleiner, Johnson, Jean-Francois, Burr, Green, Masi, Pres. Rodrigues-9

40.20 Resolution to accept the 2019 bid for the Polymer chemical.

On motion of Ald. Masi seconded by Ald. Johnson

WHEREAS, bids were opened by the Board of Estimate and Apportionment on June 27, 2019, for the Chemicals for "Polymer" 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,

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 Chemicals for "Polymer" to the following:

SNF Polydyne, Inc., P.O. Box 279, One Chemical Plant Rd., Riceboro, GA 31323:
Cationic Dry Polymer per pound in minimum delivery of 36 bags @ \$1.60/lb.

Cationic Liquid Polymer per drum in minimum delivery of 4 drums at a time @ \$495.00/drum.

Roll Call: Ayes: Ald. Ramkissoon, Tobin, Kleiner, Johnson, Jean-Francois, Burr, Green, Masi, Pres. Rodrigues-9

41.20 Resolution to authorize the Mayor to sign the 2020 Young Explosives Fireworks Exhibition agreement for the fireworks display which will be held on Saturday, June 27, 2020 as part of our annual Stars & Stripes Celebration.

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

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 Young Explosives Fireworks Exhibition agreement 2020 fireworks display which will be held on Saturday, June 27, 2020 as part of our annual Stars & Stripes Celebration.

Roll Call: Ayes: Ald. Ramkissoon, Tobin, Kleiner, Johnson, Jean-Francois, Burr, Green, Masi, Pres. Rodrigues-9

42.20 Resolution to approve the Electronics Drop Off date for City residents under the recommendation of the Commissioner of Public Works, under same conditions as per previous years.

On motion of Ald. Green seconded by Ald. Kleiner

WHEREAS; the Mayor, Council President Rodrigues and Alderman Jean-Francois are requesting to set up an Electronics Drop Off date for City residents on Saturday, May 23, 2020 or Saturday May 16, 2020, under same conditions as per previous years with drop off to be located at DPW facilities at 76 Monhagen Ave, and

WHEREAS; the City will also pay for DPW Employees overtime to work on Saturday which the funding to cover this unbudgeted item will be from the MSW line in the DPW 2020 budget and DPW may request a budget transfer towards end of year to cover this cost if needed.

SO LET IT BE RESOLVED; that the Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment to hereby authorize an Electronics Drop Off at 76 Monhagen Ave on Saturday, May 23, 2020 or Saturday, May 16, 2020 with the recommendation of the Commissioner of Public Works from 8:00AM to 3:00PM with a limit of 5 items per household with proof of City of Middletown residency to be presented at drop off.

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 Commissioner of Public Works to hire Advanced Recycling of Port Jervis at a price for picking up the electronic recycling at \$1,800 per day, or any other recycling contractor that may be more economical for the City, as determined by the Commissioner of Public Works.

Roll Call: Ayes: Ald. Ramkissoon, Tobin, Kleiner, Johnson, Jean-Francois, Burr, Green, Masi, Pres. Rodrigues-9

43.20 Resolution to authorize the Mayor to sign a Memorandum of Understanding between the City of Middletown and the PBA pertaining to creating a Sick Time Donation Program.

On motion of Ald. Johnson 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 Memorandum of Understanding between the City of Middletown and the PBA pertaining to creating a Sick Time Donation Program, which has been reviewed and approved by Corporation Counsel which will set forth the rules governing how the PBA will manage a sick bank program.

Roll Call: Ayes: Ald. Ramkissoon, Tobin, Kleiner, Johnson, Jean-Francois, Burr, Green, Masi, Pres. Rodrigues-9

44.20 Resolution to authorize the Treasurer to transfer a total of \$11,741.00 with in the 2019 DPW budget.

On motion of Ald. Ramkissoon seconded by Ald. Johnson

RESOLVED; that the Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment to authorize the Treasurer to transfer a total of \$11,741.00 with in the 2019 DPW budget to complete emergency repairs to Truck #15 for the Sanitation Dept. for and invoice date 12/31/2019. There were not enough funds in the remaining balance to cover the cost of the invoice. Using extra funds not used in Landfill garbage account and to cover lab services completed in 2019 over the budgeted amount in the following manner:

FROM	AMOUNT	TO
A.8160.445 Landfill Garbage	\$8,616.00	A.8160.440 Repairs to Equipment
G.8130.415 Light & Heat	\$3,125.00	G.8130.404 Lab Services

Roll Call: Ayes: Ald. Ramkissoon, Tobin, Kleiner, Johnson, Jean-Francois, Burr, Green, Masi, Pres. Rodrigues-9

45.20 Resolution to authorize the Treasurer to transfer \$77,900.00 from the Sewer Fund Balance for Middletown’s share of the Orange County Heritage Trail Extension 2-60 inch sleeve.

On motion of Ald. Kleiner seconded by Ald. Green

RESOLVED; that the Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment to authorize the Treasurer to transfer \$77,900.00 from the Sewer Fund Balance for Middletown’s share of the Orange County Heritage Trail Extension 2-60 inch sleeve for the City in the following manner:

From	Amount	To
Fund Balance- Sewer	\$77,900.00	G.8110.400 Contractual Services

Roll Call: Ayes: Ald. Ramkissoon, Tobin, Kleiner, Johnson, Jean-Francois, Burr, Green, Masi, Pres. Rodrigues-9

46.20 Resolution to authorize the reduction of the bond for the Miamisburg-Magnolia Park Project from \$3,637,687.40 to \$1,455,781.45.

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

RESOLVED; that the Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment to authorize the reduction of the bond for the Miamisburg-Magnolia Park Project from \$3,637,687.40 to \$1,455,781.45.

Roll Call: Ayes: Ald. Ramkissoon, Tobin, Kleiner, Johnson, Jean-Francois, Burr, Green, Masi, Pres. Rodrigues-9

47.20 Resolution to approve a petition of Kuhl’s Highland House, Inc. for annexation of one parcel into the Town of Wallkill.

On motion of Ald. Burr seconded by Ald. Kleiner

WHEREAS, Kuhl’s Highland House, Inc., filed an annexation petition with the Town of Wallkill (“Town”) and the City of Middletown (“City”) on or about June 1, 2015, seeking to annex one parcel of land approximately 3.5 acres in size located in the City into the Town (A copy of the Annexation Petition, including the Long Form Environmental Assessment Form (“EAF”) is annexed hereto as *Exhibit “1”*); and

WHEREAS, the territory to be annexed is more particularly described on the tax map as Section 3, Block 1, Lot 8.1 with an address of 512 Highland Avenue Extension, Middletown, NY 10940 (hereinafter the “Territory”); and

WHEREAS, the Common Council of the City of Middletown (the “Common Council”) and the Town Board of the Town of Wallkill (the “Town Board”) were required, pursuant to

General Municipal Law Article 17, to hold a joint public hearing to determine the sufficiency of the petition and whether or not the annexation is in the over-all public interest; and

WHEREAS, the Common Council passed resolutions on June 2, 2015 that addressed the following: (1) preliminarily classified the proposed action as a Type 1 Action under State Environmental Quality Review Act since it is associated with an annexation that involves over 100 acres of contiguous land, (2) declared its intent to be Co-Lead Agency with the Common Council and that there were no other Involved Agencies, (3) directed the City Clerk to forward a copy of the completed Long Environmental Assessment Form and annexation petition to the Orange County Planning Department for an informal review, and (4) scheduled a joint public hearing between the Common Council and Town Board for July 7, 2015; and

WHEREAS, pursuant to General Municipal Law § 704, the Town and the City caused a public hearing notice of a July 7, 2015 public hearing to be published in the Times Herald-Record and to be mailed to the property owners within the proposed territory to be annexed and to local school authorities and local fire districts in compliance with General Municipal Law Section 704(1) and (2)(A copy of the notice for the joint public hearing is attached hereto as “*Exhibit 2*”); and

WHEREAS, on July 7, 2015, the Town Board and Common Council conducted a joint public hearing pursuant to General Municipal Law §705 to hear testimony and receive evidence and information concerning the question of whether the annexation is in the over-all public interest, as well as to hear testimony; to receive evidence and information as to the specific statutory factors set forth in General Municipal Law §705; and to perform environmental review of the potential adverse environmental impacts of the Petition pursuant to Part 617 of SEQRA (A copy of the minutes for the July 7, 2015 public hearing is annexed hereto as *Exhibit “3”*); and

WHEREAS, the members of the public in attendance at the joint public hearing, and the Town Board, as well as Common Council members, had an opportunity to discuss the Petition, including the potential adverse environmental impacts of the Petition; the Town Board and Common Council closed the public hearing the same night, but agreed to allow further written comment with respect to the Petition for an additional ten (10) days; and

WHEREAS, no written comments were received by either the Town Clerk or City Clerk within that ten (10) written comment period, except the comment letter from the Orange County Department of Planning, requested in the spirit of General Municipal Law (“GML”) §239-m. The County’s letter found no evidence that significant intermunicipal or countywide impacts would result from the annexation; and

WHEREAS, on or about September 1, 2015, the Town Board and Common Council, as the SEQRA Co-Lead Agencies with respect to the annexation Petition, issued a Negative Declaration with respect to the project (A copy of the resolution and Negative Declaration are annexed hereto as *Exhibit “4”*); and

WHEREAS, the Common Council has performed a review and analysis of all information provided to them, including, but not limited to, to the following:

- (1) Petition for annexation, including the Long Environmental Assessment Form;
- (2) resolutions and legal notices in connection with the scheduling of the joint public hearing and determination of Co-Lead Agencies status with the Common Council;
- (3) oral presentation by the Mayor and the Town Supervisor at the joint public hearing;
- (4) oral comments from the Common Council members, Town Board members and the public;
- (5) transcript of the joint public hearing;
- (6) written comments from the Orange County Planning Department; and
- (6) factual information and documentation obtained and reviewed by the Common Council in the record that was used to determine whether the annexation is in the over-all public interest and whether the petition complies with the specific statutory factors set forth in the General Municipal Law Section 705.

NOW THEREFORE,

**THE CITY OF MIDDLETOWN,
PURSUANT TO GENERAL MUNICIPAL LAW §711,
MAKES THE FOLLOWING FINDINGS AND DETERMINATIONS:**

**THAT THE PETITION FOR ANNEXATION COMPLIES IN FORM AND/OR
CONTENT WITH THE PROVISIONS OF ARTICLE 17 OF THE MUNICIPAL
ANNEXATION LAW, FOR THE FOLLOWING REASONS:**

1. Petition complies with Municipal Annexation Law (“MAL”) §703(1)(2) in that it was signed by Mark Kuhl, an officer of and qualified party of petitioner, Kuhl’s Highland House, Inc.
2. Petition complies with MAL §703(1)(2) in that it was signed by Mark Kuhl, an officer and representative of petitioner, Kuhl’s Highland House, Inc. owner of a majority of the assessed value of property within the territory to be annexed.
3. Petition was notarized and contains the statutorily-prescribed authentication as required by MAL §703(2).
4. Petitioner attached the statutorily-required Certificate of the Assessor to the Petition in compliance with MAL §703(3).
5. The Petition does not otherwise violate any restrictions on annexation set forth in MAL §716.

IT IS FURTHER FOUND AND DETERMINED THAT:

1. The Territory to be annexed consists of 3.5 acres of land and is designated as Section 3, Block 1, Lot 8.1 on the City of Middletown Tax Map.
2. The Territory is contiguous to land within the Town that is owned by Petitioner (and officers of Petitioner) and is utilized in conjunction with the Petitioner's active catering hall located within the City; and those parcels are designated as Section 36, Block 2, Lot(s) 41-1 and 40.1 on the Town's Tax Map (the "Town Parcels").
3. Both the Territory and the Town Parcels are located on the east side of the Highland Avenue Extension and west of the Pennsylvania Railroad right of way.
4. The Territory has road frontage on Highland Avenue Extension and currently contains an approximately 16,000 square foot building with accessory parking lot utilized by Petitioner as a catering Hall. But, storage, laundry facilities and employee parking are located on the Town Parcels.
5. The Territory is located in the City's Heavy Industrial ("I-2") Zoning District. The I-2 District provides locations where manufacturing, storage, distribution, office and other non-residential uses are permitted.
6. The Town Parcels are located in the Town's Enterprise ("ENT") Zoning District where similar manufacturing, storage, distribution, office and other non-residential uses are permitted. The ENT Zoning District is intended to ensure that sufficient land area is appropriately designated within the Town to provide an adequate and diversified economic base that will facilitate job creation and retention.
7. Both the Territory and the Town Parcels currently receive water services from the Town via the Town's consolidated water district #1. The Town will continue to provide water service to the Territory once annexed into the Town, thus providing unity of purpose.
8. Both the Territory and the Town parcels are serviced by private septic. Thus, the Annexation will not impact sewer services.
9. Both the Territory on the Town Parcels are located within the Enlarged City School District of Middletown.
10. Annexation into the Town will place all the parcels utilized by Petitioner for its catering hall within the same government, and will ensure a unified and consistent approach for the Petitioner.
11. Annexation of this commercial property into the Town will increase the Town's general tax base as well as the increase the tax base for the Washington Heights Fire District's since the Territory will now be located within the Town.

12. After due deliberation of all of the facts and circumstances and relevant legal issues, the Town Board and the Common Council have determined that this is a mutually satisfactory agreement. Litigation is time consuming, expensive and uncertain, particularly in annexation proceedings where the standards for decision include determination of what is in the overall public interest. Cooperatively exploring solutions to the various issues raised by an annexation proceeding affords the opportunity for the Town and the City to forge realistic and practical terms, and foster a climate of cooperation and collaboration to achieve overall public interest. This agreement eliminates the uncertainty of judicial process, permits expediting a resolution, allows a conclusion without confrontational adversity and allows the creation of good will and opportunities for future cooperation.

IT IS FURTHER FOUND AND DETERMINED THAT THE ANNEXATION IS IN THE OVERALL PUBLIC INTEREST BASED UPON THE FOLLOWING:

1. there would be no negative impact on police department services; and
2. there would be no negative impact on fire or other emergency services; and
3. there would be no negative impact on school district services; and
4. the territory to be annexed would have the requisite unity of purpose and facilities to constitute a community (City of Kingston Common Council v. Town of Ulster, 25 A.D.2d 203 (3rd Dep't 2006)); and
5. annexation is not intended to allow the owner to avoid the existing municipal zoning on their property by transferring the property to another municipality with zoning regulations more advantageous to the property owner. (See Matter of Village of Skaneateles v. Town of Skanateeles, 115 A.D.2d 282 (4th Dep't 1985)); and

NOW, THEREFORE,

BASED UPON THE ALL OF THE DOCUMENTS AND TESTIMONY CONSTITUTING THE RECORD HEREIN, INCLUDING THE ABOVE FINDINGS AND DETERMINATIONS, AND PURSUANT TO MUNICIPAL ANNEXATION LAW SECTION 711 (1) AND (2),

IT IS HEREBY RESOLVED, BY THE COMMON COUNCIL OF THE CITY OF MIDDLETOWN, AS FOLLOWS:

THAT, the petition for annexation complies with provisions of Article 17 of the Municipal Annexation Law; and

THAT, on the basis of the foregoing considerations including but not limited to those relating to the effects upon (a) the territory proposed to be annexed, (b) the local government or governments to which the territory is proposed to be annexed, (c) the remaining area of the local government or governments in which the territory is situated and (d) any school district, fire district or other district corporation, public benefit corporation, fire protection district, fire alarm district or town or county improvement district, situated wholly or partly in such territory, it is in the over-all public interest to approve the proposed annexation; and

IT IS HEREBY ORDERED:

THAT, the Petition for annexation is GRANTED.

Roll Call: Ayes: Ald. Ramkissoon, Tobin, Kleiner, Johnson, Jean-Francois, Burr, Green, Masi, Pres. Rodrigues-9

13. LOCAL LAWS

A LOCAL LAW RECONFIRMING THE ORDER GRANT THE PETITION FOR ANNEXATION AS PROVIDED FOR IN RESOLUTION #13-15 THAT WAS ADOPTED ON JANUARY 6, 2015 BY THE COMMON COUNCIL OF THE CITY OF MIDDLETOWN

On motion of Ald. Johnson seconded by Ald. Masi

LOCAL LAW #1 OF 2020

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 reconfirm the grant of the order approving the petition for annexation as provided for in Resolution #13-15 adopted on January 6, 2015 by the Common Council of the City of Middletown which was filed in the Office of the Orange County Clerk on June 13, 2016. The property that is annexed into the City of Middletown in Resolution #13-15 is to be included in the Fourth Ward of the City of Middletown.

Section 2. Resolution #13-15, a copy of which is attached hereto and made a part hereof, containing the order approving the annexation is hereby approved by this Local Law.

Section 3. Severability.

If the provisions of any article, section, subsection, paragraph, subdivision or clause of this Local Law shall be judged invalid by a court of competent jurisdiction, such order of

judgment shall not affect or invalidate the remainder of any article, section, subsection, paragraph, subdivision or clause of this Local Law.

Section 4. Effective Date.

This Local Law shall be effective upon filing with the office of the Secretary of State.

Roll Call: Ayes: Ald. Ramkissoon, Tobin, Kleiner, Johnson, Jean-Francois, Burr, Green, Masi, Pres. Rodrigues-9

A LOCAL LAW RECONFIRMING THE ORDER GRANT OF THE PETITION FOR ANNEXATION AS PROVIDED FOR IN RESOLUTION #283-15 THAT WAS ADOPTED ON SEPTEMBER 1, 2015 BY THE COMMON COUNCIL OF THE CITY OF MIDDLETOWN

On motion of Ald. Johnson seconded by Ald. Green

LOCAL LAW #2 OF 2020

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 reconfirm the grant of the order approving the petition for annexation as provided for in Resolution #283-15 adopted on September 1, 2015 by the Common Council of the City of Middletown which was filed in the Office of the Orange County Clerk on June 13, 2016. The property that is annexed into the City of Middletown in Resolution # 283-15 is to be included in the Third Ward of the City of Middletown

Section 2. Resolution #283-15, a copy of which is attached hereto and made a part hereof, containing the order approving the annexation is hereby approved by this Local Law.

Section 3. Severability.

If the provisions of any article, section, subsection, paragraph, subdivision or clause of this Local Law shall be judged invalid by a court of competent jurisdiction, such order of judgment shall not affect or invalidate the remainder of any article, section, subsection, paragraph, subdivision or clause of this Local Law.

Section 4. Effective Date.

This Local Law shall be effective upon filing with the office of the Secretary of State.

Roll Call: Ayes: Ald. Ramkissoon, Tobin, Kleiner, Johnson, Jean-Francois, Burr, Green, Masi, Pres. Rodrigues-9

A LOCAL LAW RECONFIRMING THE ORDER GRANT OF THE PETITION FOR ANNEXATION AS PROVIDED FOR IN RESOLUTION #47-20 THAT WAS ADOPTED ON FEBRUARY 18, 2020 BY THE COMMON COUNCIL OF THE CITY OF MIDDLETOWN

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

LOCAL LAW #3 OF 2020

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 confirm the grant of the order approving the petition for annexation for the Kuhl's Highland House pursuant to General Municipal Law §711(b) from the City of Middletown to the Town of Wallkill which was part of Resolution #282-15 adopted on September 1, 2015 by the Common Council of the City of Middletown. The Kuhl's Highland House property that is annexed from the City of Middletown was formerly within the First Ward of the City of Middletown

Section 2. Resolution #282-15, a copy of which is attached hereto and made a part hereof, is hereby confirmed and re-adopted by this Local Law.

Section 3. 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.

Roll Call: Ayes: Ald. Ramkissoon, Tobin, Kleiner, Johnson, Jean-Francois, Burr, Green, Masi, Pres. Rodrigues-9

14. AUDIT OF CLAIMS AND ACCOUNTS

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, Green, Masi, Pres. Rodrigues-9

15. Adjournment

There being no further business meeting adjourned at 9:05pm

All in favor

Respectfully submitted,

Karen Sisco

Section 4. Effective Date.

This Local Law shall be effective upon filing with the office of the Secretary of State.