



**Common Council
Meeting
City of Middletown
May 5, 2020**

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 on the passing of Dave Bechtle Recreation Commissioner may he Rest in Peace

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

3. Approval of Minutes

On motion of Ald. Masi seconded by Ald. Green to accept the minutes of April 7, 2020 minutes as submitted

All in favor

4. Correspondence
John Naumchik-Nothing this evening.

5. For the Good of the City
No one

6. Remarks of Dept. Head

Maria Bruni/Economic Development-You have a resolution regarding Community Development Block Grant amendment to the Action Plan and to receive Community Development Covid Related funds. We have done 2 public hearings regarding this;

one last week April 30th and one today. We went through all the motions and Patty put everything together for HUD and packaged everything; so tonight we need your support. The amendment is going to contain the following: as you know will receive \$292,206 all going to be Covid related. We drafted the programs public service we are going to do funds going towards the Middletown Pantry Program, the Guild at St. Margaret's Soup Kitchen. Purchasing sanitizing equipment for public spaces and playgrounds and we are crafting for other Economic Development. Small business loan all Covid micro loan program for businesses and then there is some ...fund.

We look forward for your support.

Jacob Tawil/DPW Commissioner- As you can see the partitions that was requested by the Council Pres. and they have separation between the aldermen. That was provided the last time and on a quick notice now we made it a little nicer. It is safer for the aldermen to sit here and even without a mask on if you wish.

Pres. Rodrigues- Please tell Walter I said thank you.

Jacob Tawil-Thank you he worked very hard on it. He is very happy to hear that from you. Thank you.

Reminder the electronic drop off that was scheduled for May 23rd we discussed that with the Mayor and we thought it best to delay the drop off to a later notice. We will keep you posted.

The same thing for the spring clean-up it has not been canceled. It is postponed and we request that anybody that has any junk or garbage sitting on the curbside for us to pick up; take it back until you will receive further notice from us. We realize it is tough times now we don't want to issue tickets or violations or take people to court. Please help us out.

Another issue that will be come in the spring which is the grass. The grass is going to be growing fast, Council Pres. will be hopping mad at us because he sees the grass growing and he gets upset about it. Please help us out by keeping your property with your grass cut and maintained.

Capital projects the Mayor will address the Green Infrastructure/Parking lots.

Another project that we are working on Capital project is Davidge Park Expansion. Reminder for contractors the bid opening is May 14th. If anybody is interested you can pick up the plans and specs. from us DPW and hopefully we will have good participation.

Water main replacement that included the 12 inch water main that goes through the Davidge Park Expansion location. Bids were open on April 30th.

Last week we did receive favorable bids. The 12 inch line goes back to 1887 that was the year when it was installed. High pressure water main, it does have breaks in it. Ideal time for us to replace it, take out, abandon it in place so we can build the park on top of it then build a new one right on the property line. This will also include replacing a 20 inch high pressure water main from the WTP all the way down to Community Development Campus former Psychiatric Center.

The other one we had was half a million dollar grant the Mayor was able to get us that grant from the State. The project cost construction only about \$3.55 million.

Another project ADA curbs and sidewalks that is a grant that we got, I sent you a detailed e-mail today. The Mayor and I have been working for about a week and half trying to get the financing in place for this project because it came over budget and we were able to squeeze some money from other projects that are funded by the DOT in order to make this project happen. We will talk about it much more this project next Council meeting when we make a recommendation for the award. We tried to get it so hard to get it before you tonight but unfortunately we could not do it because DOT they are very fussy about WBE and BE contractors meeting the targets. They have to registered, we tried very hard and we couldn't. It did take some phone calls between the Mayor and the County Executive to line up the remaining funds for this project. We sincerely appreciate that.

The traffic operation that is about 27-28 intersection signal in the city. The project is being designed by a traffic engineering outfit WSB. Yesterday we had a conference phone call with the DOT to discuss the progress of the project and we are on target set so far. With what we know now to meet advertising project out for bid in October this year. This project is severely short on funds that we are talking with OC Transportation Council and the DOT and the County Executive to line up more funding for this project. The project could cost up to \$18million. We would be responsible for some portion of matching funds for this project.

7. Public Hearings & Grievances

John Naumchik- Informal public hearing on the sanitation plan for the City of Middletown.

Pres. Rodrigues opened the public hearing at 8:11pm

Mayor DeStefano- I would like to begin by referencing anyone who has looked at some of the previous drafts to the May 5th 2020 that was submitted to the Council and made available to the public, on all social media and our website.

I want to begin by thanking the team members, Council President Rodrigues, Finance Chairman Joe Masi, Chairman of the Public Works Committee Ald. Jude Jean-Francois, Jacob Tawil Commissioner of Public Works and Mark Pengel his assistant

for all their input as we put this together. Along with Don Paris who has provided us with some of the financial information.

We have been working at this for a couple of years now. As you know our equipment is very old but it didn't begin that way. It began with us considering options a couple of years back on how to reduce the cost to the tax payers.

So for the last few weeks or couple of weeks we have been publishing this and I have received some input from the public. What I would like to do is address some of the questions that people had sent to me and I put them together about 8 or 9 questions. Feel free if I don't address it directly to, if you are on line please ask the question or if you are a member of the Council.

The number one question that came from people is why do we need this?

The reason why we need this now is because absolutely changed since we began. We began for 2 reasons where one is was the safety of the workers and two was financial consideration as we were moving forward.

Add in the coronavirus and you can see the cancellation of our bulk pick up and our electronic pick up that and communities throughout the country are now looking at the mechanical arm as a way to reduce the exposure of employees to the virus also. So that is an added reason.

There was 2 issues one was the saving to the taxpayers both in man power through attrition not layoffs. We estimated probably close to about \$500,000 when fully implemented and the attrition impacts are felt. Also the change of workman comp. claims. When the original analysis was done 50% of our workmen comp. claims in the City of Middletown were attributed to the Sanitation Dept. you can understand why. A lot of back heavy lifting, all types of weather and just very difficult work for someone to be on that truck doing all that kind of lifting.

We are going to go from 3 persons mostly 1 person on a truck in many of the areas. I will get into some of those other things later.

The other question was you state in your proposal that Middletown recycling rates are abysmal, why haven't you done something about it?

Good question. Good point. They are abysmal and I have been saying it almost every year for the last few years in my State of the City. It is a fair criticism to me and you as Council members that we have not done a good job in Middletown with recycling. As you know we have hovered around 6% and we did that by weight. 6% of our solid waste collected versus the amount of recyclables collected and then it is just recyclables over total solid waste and that is the number we ended up coming up. It is a fair criticism, I accept it.

We did make a big push for recycling when the markets were high and we will receive money in cash for recycling because we did two things we saved on tipping fees and we weren't paying the tipping fees but we were also receiving cash for the recycled product. That all ended about 3 yrs. ago when China shut the door on purchasing recycled materials. There of course is an environmental incentive to recycling but the financial incentive did not pan out so we haven't been as aggressive in that area. It is also difficult to do in the City with types of containers and quality of what we are providing to our residence.

When the recycling program began here, it began with a small bin about 2 ft. wide and may be 2 ft. high or a little bit bigger than that. You are not going to get a lot of recyclables into that bin; so we didn't want to put a burden by penalizing our taxpayers because we were not doing our share here. This program has been under analysis now for a couple of years I can assure you that as we move forward we will increase enforcement on recycling.

What equipment will you need to purchase?

What we need to purchase; we will need 3 new trucks. Equipped with mechanical arm as laid out in the plan cost about \$300,000 each. We estimate about 15,000, 95 gallon bins and about 200, 65 gallon bins for capital cost I believe came out I believe around \$900,000. Plus or minus. We are looking at just under \$2million investment which will be recouped with reduction through attrition. Keep in mind that I believe that 2 maybe 3 of our trucks now, all the trucks are old. The newest one I think is 12-14 yrs. old somewhere in that area and bringing on some heavy mechanical repairs. Whatever we do we are still going to be making an investment into new trucks. Matter of whether we are going to do the traditional way with a tipper on the back or go to mechanical arm.

Another question is can we supply our own bins?

The City will be providing people with one bin, 95 gallon bin for MSW and one for recycling at no cost. We need uniformity for the safety of the process and we need to also control the flow. The idea for putting out the bin so that you don't put out unlimited bags and they end up strewn all over the street. If you are recycling at a 100% or close to 100% you will have adequate area in the municipal solid waste bin to ...garbage. Keep in mind a 95 gallon bin is 3x's plus your traditional 30 gallon garbage can most people have at their homes. Not everyone has them but most as I said a 30 gallon or maybe a 35 gallon bin it is about 3 bins that you traditionally have.

Another question I own a 3 family building apartment building, why do I have to pay for containers?

A) you don't have to pay for all containers. Outside the DMU district everyone will be receiving under this plan 2 bins for each unit. One for recycling, one MSW bin.

The apartment dweller that owns that building will have to provide an extra bin for the 3rd unit or if it is a 4 family.

The proposal includes as I said the first 2 units at no cost. But in a 3 family you are going to be producing a lot more garbage than 1 or 2 family. The container cost needs to be covered up front, plus a nominal annual charge of what I am proposing to be \$100. Where did this come from? This is what other communities... options out there that people have implemented throughout the country; and this is modeled after other communities across the nation.

Garbage is a huge cost to our city. We are basically modifying trying to control flow, trying to increase safety of our drivers. We are almost modifying it to come across as some what a user fee. Where you are going to control the flow of garbage, increase your recyclables and one and two family homes will be no charge but a third family will be a charge of about \$100 a year for that one unit.

If you don't do it that way then the increase flow one and two family home owners would be paying to subsidize multi-family units of 3 or more units. I think it is a fair way to go, I think it is a fairness issue. But if you have a larger apartment complex or unit you could also opt for private pick up, I believe that is much more expensive than a \$100 annual fee to have your solid waste picked up.

Another frequent question if my bin is lost, damaged or stolen why do I have to pay for a replacement?

Well the bins are the property of the city and that is true, but you are using them with certain conditions that you maintain them and that you are responsible for them. If you were not supplied garbage bins and you were supplying them yourself and your bin was stolen you of course would replace the bin. So the fact that it is a city bin doesn't mean you are going to lose it or have it stolen and that you would not be responsible for it.

On the replacement part that is not as black and white as you would think. We are talking to vendors now and we are ensuring that it is a long term vendor, vendors offer long term guarantees. I think the minimum we are looking at is 10 yrs. on the product and those long term guarantees do exist. I don't have any opposition to people writing the number, there is street on the side. But keep in mind the cans are also coded and part of the program that we do with these things, what other communities do the cans have a code that can be scanned in. So we will have to implement a random scanning process when people report bins stolen that we then scan other bins in that neighborhood. Say they got confused and we will know what bin goes to which property. There will be no incentive for someone within the city to steal a garbage bin from their neighbor because theirs broke. First of all it would probably be covered under warrantee and second of all when the bins are scanned in on a regular basis we will know the bin does not belong to that property.

I don't see another way to do it. The big part will be the vendor producing a strong warranty or guarantee on the product and we will make sure that happens.

Probably one of the questions that was asked more frequently where holidays are crazy with garbage. We have to fit all our garbage into this one can.

I mentioned it is not really one can; it is a 95 gallon can on wheels so it is 3 standard cans. But we plan on having additional pick up during holidays and implementing a plan for additional pick up. They will have restrictions on that too. You will be able to use garbage bags not ShopRite bags which don't exist but appear to be coming back I hear. At this point they don't exist again but the idea of those little bags tied up and placed curbside is over. We are not going to do that. You place them at the curb you are going to get a violation. But during these holiday times and right now the 2 times that I looked at what other communities are doing are Mother's Day and holiday season around Christmas. May be a 2 week period around Christmas or 3 week period during December to cover all holidays because most of the traditional holidays are in the month of December.

So we will be doing additional pick-ups during those periods of time so you don't have to worry that your garbage is going to pile up in garage or backyard and we will make arrangements to make sure that it is picked up especially during those high volume times.

I mention before that one can is it enough? I think I addressed it, I might as well expand on it a little bit more. Outside the holidays we believe for the average family one can will be enough. If you ride to the Town of Wallkill or most of the townships in Orange County that have private pick up you will see that is what they get. They get one can for MSW and one can for recyclables. But, if you are like me in my house with a lot of people you may need more. So I am not asking you to pay for my additional garbage that I need; so what I am saying and what I am proposing that if a single family home owner produces a lot of garbage for whatever reasons whether it is people or you eat out a lot whatever the reasons are. That you would have to pay that \$100 fee annually just like additional unit. You won't have to pay for both cans I think the recycling but the MSW absolutely would have to be additional fee for it. So we need to have some standard for 1,2,3,4 people in a home there is no reason why we should be allowing someone with 6, 7, 8 people who produces twice, three times garbage the same fee. So that is what I am proposing there.

One person asked I live in an apartment complex and no replace garbage cans especially one that big. How do people like me figure in here?

One we are going to and this is for all homeowners we offering 65 gallon bin because we did hear from seniors and some people who are disabled that navigating a 95 gallon bin would be too heavy and they would not be able to do it. So we are going with the smaller bin also. Secondly, apartment houses, condos, townhomes will not be required to have individual pick up at their doors. For the myriad reason that the

questioner stated that there is no room. So if you are in an apartment complex now and you have central pick up at a garbage depot the city will continue to pick up these garbage depots. We are going too probably I don't think we are picking up all apartment complexes but we are picking up probably most of them.

Townhouses/townhomes where people have a garage and the complex makes the decision to do individual by the depot pick up we would strongly consider it based on the ability of DPW to navigate through the townhouse project. That is not an absolute guarantee but basically the idea would be apartment houses, complex condos would be picked up at depots, townhouses have an opportunity for individual pick up if we so choose and the Commissioner of Public Works decides that would be the way to go.

I own building with no property and there is no place for cans? What do my tenants both residential and commercial do?

Downtown is complicated and unique part of the community for the very reasons stated in the question. Currently in downtown we have 2 garbage depots I think; I'm not sure if we have the 3rd operating down by North. We have one on Canal St. and one behind TD Bank, the old TD Bank building Equilibrium. We are going to add a third to Orchard St. in back of the new parking lot; I know we had one off Courtland St. lot so we will be looking to adding another one there. There will be cameras this time, all will be camera to make sure we don't have illegal dumping that happens quite a bit in the downtown area. People who don't have municipal pick up from outside the community have a tendency to bring garbage in and dump in the public depots thus avoiding the cost of having private pick up at their homes. So we are going to have a camera in, increase penalties and if we are able to capture somebody doing this we are hoping the court will find them significantly. We are looking to have at least 4 garbage depots downtown. I said these are for business and residential uses of the DMU properties only. So even if you live in the city and you want to get rid of your garbage you can't bring it to one of these depots. This is for the downtown there are many issues that can happen if we don't have center city or urban center properly addressing the sanitation issues.

So each building would be eligible to one bin of each for either the tall or short one and this will be primarily for low impact uses. So a store that produces basically no garbage, paper or office they can their bin out every night if they want but restaurants are heavy users will be required to bring their trash to one of the depots. There won't be any options; you won't be looking at a restaurant and having their garbage in front of that building or in front of that business. If they do so they will be violated and again with fines. We are finding the toughest part of switching to the mechanical arm and the toughest part about switching the arm is the cars parked in the summertime and some of the other issues that come along with the downtown. We have to make some exceptions. I mentioned the restaurants required to go to the depot, timeliness where we will have tenants not bringing out their garbage 4 in the afternoon and setting it in front of the buildings. So people patronizing businesses have to walk around it. So we will work with business owners to see what works and what doesn't

work. We may want to do an issuance of certain type of garbage bag that tenants can use in the downtown area that would be available ...since they do get 7 day pickup. I don't think the added small cost for residential tenants would be such a burden. But we will work with the BID and we will work with the tenants to implement some plan in that area.

I mentioned on the enforcement side and previously and the last question that I had was enforcement and what will it be? What are you looking at doing here?

It has been nearly as I said \$3million a year on sanitation and that doesn't include capital costs. So if you amortize equipment over 15-20 yrs. you can add another \$150,000-200,000 per year to that \$3million figure.

The plan addresses the cleanliness of the city. Putting out garbage bags as I mentioned before it can be ripped by animals or just naturally rip open. Is no longer going to be acceptable. Jacob and his team work hard at keeping the city clean, street sweeping 5-6 days a week. But sometimes it is not enough when you have 28, 000 people in 5 square miles you are going to have problems along with the volume of people that come into the city to conduct business. We need to keep the city clean.

Sue Depuy and several volunteers are committed to a cleaner community. I think this is a tribute to her and to that committee. The great work they have done over the years. We will continue to have people who don't care, so we must have the appropriate legislation for enforcement to be in place and must have the appropriate equipment in place to catch violators who continue to take advantage of just placing garbage out in the street and having all strewn up and down the street.

Those are the questions, I had more than that. I would be more than happy to address any questions on the plan and the public feel free over the next 10 days or so to send e-mails as John mentioned.

One question from the public- will this plan affect the impact of yard waste.

Mayor DeStefano-No. This is for MSW and recycling only.

Ald. Masi-Mr. Mayor I always had a concern about using the arm. It works wonderfully on most streets. However, on narrow one way streets such as New St. and Ogden St. what are your plans to deal with those streets?

Mayor DeStefano-Well as I said in the presentation in response to one of the questions. There are streets including downtown where there will be a challenge. What other communities are doing especially; you have two issues one is one way streets because you don't back up the wrong way and us the arm, the other is narrow streets. What other communities have done in that instances that portion of the route they have a flag person who is there to pull the cans out and to make sure the cans are in position to be picked up by the mechanical arm.

When we begin the process as we go through we are going to be renting trucks for the training, we will acquire the cans first, the trucks I think Jacob said up to 6 months to come in. So during that training period we will also have one of the employees that are currently here that are not getting laid off will work on pulling out cans to be a safe space. As we move forward can placement is going to be important. So people will be required to place their cans probably in their driveway area next to their driveway, will probably mark a spot for them as we move forward. This doesn't like flip a switch and everything happens tomorrow. There is going to be a training process for our employees and for the public. We will be able to over a period of time get to that one employee on the truck possibly, but on streets as you mention may require two people on that vehicle one to move the can and the other to do the pick-up.

Ald. Masi- It is more of a statement than a question but you can certainly respond.

Back in 2014 I introduced a concept of privatization of the sanitation/garbage pick-up dept. At a savings over \$1million a year. If we had implemented that in 2015 today we would have saved taxpayers over \$5million and because we didn't we now have to add another \$1.8 million to that and every year coming we lose that \$1million we would have saved each year.

None of this loss is due to this administration nor this Council or any other Council. It falls squarely on the shoulders of a few CSEA officers. Again, not the CSEA membership but on the officers who refused to allow the membership to vote on this proposal. Yes we need the approval of the union so this bull propaganda that if we allow this one dept. then what would be the next dept. we would go after. Again, we cannot do any privatization without the permission of the union. By the way they already agreed to privatization, JCO. So the leaders simply lied. If the leaders would have allowed the membership to vote on this proposal and it failed I would not have continued. I would have accepted that, however, they did not allow a vote.

Why you might ask? The leaders were afraid it would pass and were given pressure from outsiders. You might also ask I believe why I think it would pass. Because both sides gain, the taxpayers save over \$1million a year and the following benefits would have gone directly to the CSEA members. Each member would have received a \$1,000 bonus, we would not have lowered the insurance buyout. The insurance buyout for people who are aren't aware of it, if you work for the City of Middletown and you happen to be covered by insurance through a spouse or through any other means you get a buyout at the end of the year. We would not have reduced that. The difference in what the City offered for a renewal of their contract would of netted each member an additional \$1,800 per year. That is a positive which would definitely benefit their pensions.

Just think what the city could have done with the \$6.8million to this point and the extra savings of a million a year. More police, more firefighters, more recreation,

Commissioner Tawil has always reminded us how old the infrastructure is. This money could have helped.

In closing I want to remind the taxpayers who cost you a lot of money shame on the CSEA union leadership. We wouldn't be here tonight discussing spending an additional \$1.8million if not for them.

Thank you.

Mayor DeStefano-I can't disagree with everything you said. Actually it is correct in most cases but they decided to do what they decided to do. They had the right to do that under the contract and as you stated that we needed their permission to move forward. I thought we made an attractive offer as you stated. I didn't think the savings would be as substantial as they ended up coming in. We did bid it. So your numbers are correct that we did bid the privatization part. I don't know what motivated them but I do know that I was invited to address the membership and when I went to the meeting the union leadership threatened unfair labor practice. So at that point I was not allowed to address the membership and make the formal offer to the members although invited to do so. That is when the negotiations on privatization ended, when the union said no. We also had promised at that time no layoff or the last offer was no layoff there was some offer of taking on some of the public employees into private sector. But, the deal is done. It can't come back, we have to make this program work. The fact that they passed on a good deal which I agree with you to individual members of the Union who were working here in other departments and even in that department some of the members as a whole they would have been better off, individually would have been better off. Their feeling of course is that they don't want to outsource work and if you're a big union guy may be you can understand their theory to a point. I don't want to dwell on it because it is water under the bridge. But what I think you can take from that is the importance of us doing something tonight. It gave us an opportunity to look at other things, savings not as significant, granted. Protection of employees are going to be there, we are going to have a savings and we are going to be able to control the service. So there are benefits to each side but I am not disagreeing with you on what happened. That was their call and I think they made the wrong call but they made it, so we are here now.

Ald. Johnson- I appreciate Ald. Masi's reminding us...backstory to this decision. But as far as tonight goes I want to say that I fully support the decision for 2 reasons. 1) I know the Mayor and staff really kicked the tires on this. We are not the first community to do this plan and he already looked at other communities that worked over some of the issues. Remind people that are listening that no issues raised tonight are new, we have been discussing them for quite a bit of time. Will there be glitches? Absolutely 100%. Will we figure it out? I am sure we will and I think we really need to move forward before the trucks stop working completely.

Ald. Tobin- I don't have a question but one from Facebook, will the trash have to be collected on one side of the street because the arm is on one side.

Mayor DeStefano- No they have to go up and down the street. Like the private haulers do. That is the problem for the one way streets. Listen in the end it that might be the solution, we might not have the 100% reduction all over the city. As Dr. Johnson said the savings come from getting as close to a one man or one person on a truck if possible. So no they won't be collecting from 2 sides of the street at once.

Ald. Kleiner- I just wanted to bring up the safety issues here. I am not usually up early enough to see the truck collecting. I have been on a night schedule my whole life. But I was today and going up Wisner and one truck was coming down Wisner going up from basically from Watkins towards Highland. I see a truck on the one side and I am slowing down and someone didn't see them was on the other side grabbing a garbage can and stepping out into the street. I stopped, he stepped back on the curb I went through the light. You definitely have people out in the streets on both sides and they don't go up and down the streets they go in the middle of the street from what I have seen when I've been out. Run back and forth to either side not an easy job but also a risky one.

Mayor DeStefano-Added danger added to the risk factor for the backs. I don't recall anyone every getting hit by a car, but I am assuming it has happened in my lifetime.

It is a concern the Covid is a concern now too I think I forwarded an article somewhere NC or SC that referenced the Covid issue now a community is looking at doing that because of Covid issue. That is an added concern.

Ald. Burr- Asked about pick up dates.

Mayor DeStefano- I'm assuming there is going to be a lot of training involved here.

I believe Ald. Burr is asking question cannot hear the question.

Mayor DeStefano- It might work so well we might want to buy a 4th truck and consolidate it down so that we can increase especially in the summer time the recycling materials. We do get and we are getting them now calls- yard waste and it is still there a day or two later. A) we are short on manpower and also equipment issues that we are trying to address. It is a regular problem. It will be up to the professionals, Mark Pengel and Jacob to decide on routes; we might not be able to go by ward we might go by street. Might go by area rather than, right now we go to Lake Ave. we pick up one side on one day and the other side another day. Same thing with East Main we pick up 4th Ward on day and 1st Ward another. How they would devise the routes I don't know. I will let Jacob make those recommendations because you folks will be making the decisions.

Ald. Jean-Francois- Mayor you mentioned \$100 annual fee. Does that include the 65 gallon can? 95.

Mayor DeStefano-No the \$100 fee if you have 3rd unit or more. So if you have 3 units in your building your first two are going to be free, 3rd unit would be supplied with money to can, you would get the \$100 and then you would pay the annual fee of \$100 in addition. So same thing with a single family that would require an additional can would pay the \$100 fee annually as long as they wanted but it would be an annual basis. Whatever time of year we decide to implement the fee it would be for one year.

Ald. Jean-Francois-It's 65 or 95 gallon?

Mayor DeStefano- Yes. There is only \$5 difference in cost. The purpose of the smaller can is the maneuverability for elderly and disabled people.

Pres. Rodrigues-You can't go to Lowes and buy another one.

Mayor DeStefano- No.

Ald. Green- Asked a question it was muffled... do you feel it is adequate enough for ...

Mayor DeStefano- Yeah thanks for bringing it up I did see it on Facebook and I forgot to include it in my questions. I am not stuck on 65 gallon, I didn't understand and there were a few people that raised it. One of the people said I don't have room to store 65 gallon can either. Depending upon the issue, whatever the arm can handle I think we should accommodate. So if someone is disabled and want something smaller I think we should be as accommodating as possible and will be.

Pres. Rodrigues-We have a question from the public.

How do vehicles parked on the street affect the pick up on my street? Will I have to worry other people parking in front of my house stopping my pick up from happening?

Mayor DeStefano-No and that is going to be part of the training process for both the city employees and the resident. Currently you are not allowed to park I believe 3 or 4 ft. within each side of your driveway that is state law. So that area should be cleared. What private pick up does in other communities when there is parking in front of the house they designate an area by the driveway as a spot that will be picked up? You would place your can at that spot. Then the driver would have easy access. The arm I think stretches 12 or 15 ft. it is pretty accurate, it goes straight out. We have the vehicle up here testing them and they appear to be something easy to operate. The training is going to be important for all city staff, but no unless you have an area that has no driveway with parking on it then we will have to evaluate special circumstance

that might be one of the cases where the flag car has to get out and move the can to the designated area that the arm can reach. It won't be an issue.

Pres. Rodrigues- No one had any more questions.

On motion of Ald. Masi seconded by Ald. Ramkissoon public hearing closed at 8:50 pm

All in favor.

Mayor DeStefano- Just a reminder we will take written comments since this is not a formal public hearing we will accept written comments. John make sure you send to my e-mail and we will try to address.

John Naumchik-How long Mayor?

Mayor DeStefano-I don't know when you guys will be prepared to move on this, I think the earlier the better if you can do vote on the 19th we can take some public comments for the next week to finalize the plan.

Pres. Rodrigues-Comments until the 15th?

Mayor DeStefano-No we need comments by the 12th and then we will be ready for the 19th meeting.

Remarks of the Mayor

Mayor DeStefano- First, we are moving ahead with everything we are supposed to be doing locally on the COVID crisis. We've had more employees test positive so that continues to be a concern so we are taking all safety precautions. City Hall remains closed and we are not accepting cash – some people came by today with water bills due, wanted to pay cash and we really don't want people handling cash right now, it's not recommended. So mail or you can go to the door and leave a check or money order and receipts will be mailed to you.

On our essential food program, we've been supplying for weeks now to seniors, we started with seniors, then seniors and disabled folks, then we went to financial hardship. We are distributing an awful lot of food. Maria mentioned \$15,000 that we are putting into a program but I also want to acknowledge all the people and at the end of this we are going to post all the names with their permission. Today we received from an organization a \$2,500.00 check. We've received to date close to \$5,500.00 in donations from people in both cash and gift cards for Shoprite and other supermarkets, different supermarkets, so people of Middletown are responding, no one will be without if they have a need will be without at least the essential food and supplies, so our community is stepping forward and on the enforcement side, you know I get briefed by the Chief daily about concerns about whether people are

following the guidelines and following the rules and we do get a lot of calls but a lot of them are not violations. For example, I'm not violating the standards right now by talking to you because I'm more than 6 feet away from you. If we were within 6 feet, even on the outside, we need to social distance or have a mask on. So if people are riding in a car together, family members, obviously, husband and wife sleep in the same bed, so they don't need to have a mask on when they go in the car together. So these are the types of calls; we appreciate the calls, people appreciate the response too so we are being as honest and open as we can with people. If there are violations, if you think it's a violation even if you think it is, call the police and they will address it. But a person walking down the street is not violating the law by not wearing a mask. If they come across other people then yes, they need to put a mask on or move away from those folks. So you can call police. The parks were, from what I understand, pretty much under control over the weekend, I did receive a letter from a person who said she heard a rumor that we are going to shut down the parks. We are not going to shut down the parks at least at this point and I don't see any reason moving forward to do so but people are practicing social distancing. Davidge is very busy, but as you walk through Davidge, you see people are making way for others to walk through so that's just an update on that.

Tonight you are going to be voting on the last part of the DRI. I submitted a spreadsheet to you folks about a week or so ago regarding the bids that came in some on some of the remaining projects. We broke it down, we lost one of the projects which was City Hall parking at First Federal Bank, that was one of the DRI projects that was originally approved but due to the bids coming in higher than expected we had to pull that project out. We also pulled out the Hanford Street lot which was not funded by DRI but came in at a pretty huge number that we were not be able to do it even if it was part of the original DRI funding. So we are left with Orchard Street, Union Street, James Street, Festival Square, the Erie Park, the electric testing project contingencies, so we've come up with a budget of \$5.077 million dollars. We have approximately \$4 million left in a grant, I submitted to the Council a list of capital projects and access to other funds that we can utilize. For example we had \$63,000 left in our skate park project, we were going to put up lights with the skate park but we decided to hold back on it. Community Development has kicked in some money, federal money, Run for Downtown I believe is going to commit \$60,000 to the project at this point, we are waiting for confirmation but I think the feedback was pretty positive and we've had some, like the storm drainage that's going to be done in the downtown will come out of a previously allocated storm drainage project – a city wide storm drainage project that's been in place since 2002 and so on. We also canceled the Way Finding project which is \$275,000.00; we are going to bring that in house and do as much as we can over a period of time. Way Finding is the directional and some of the promotional stuff that will be done but we just can't afford to do it right now, we are not going to increase the project cost. So tonight you'll be voting on that. I sent out the source of other funds to all you folks that we were short on some cash and so far Don has got back to me on \$661,000 of those moneys are eligible. So we are close and we are looking at other sources of revenue now to make up the

difference so we'll be comfortable that you can award the bid tonight and we'll have financial means to it will be within that 5 % or so to fund the total project.

May 14th is the opening of the bid for Richard Wolslayer Field on Monhagen Avenue, we are hoping those numbers will be favorable and some might ask why we are continuing to do work when everyone is projecting a shortfall and we are taking a position that a) we are going to have a shortfall in 2020 revenues. Based on our budget we are projecting a significant shortfall. So we are going to plan on going back to our labor unions, of course, there will be no department heads raises this year, so I know that's an announcement that I haven't told the department heads yet so if they are watching, guess what – we can't do it. It's just... it would not be the right thing to do. But we will also look at other ways to cut cost without having layoff. I believe the only way out of this is the Federal government. The Federal government does not kick in and Governor Cuomo has made it very clear at the meetings that McConnell has not given money to the State of New York or other "blue states" as he and president have said, they are giving money to people, policemen, firemen, school teachers and so on. I don't see New York State letting them get away with that, with not distributing some funds. There is a proposal in the House of Representatives right now that the formula was distributed through the communities that would allocate, and I think I might have said this at the last meeting, it's a bill by Nancy Pelosi that would allocate 5.4 million dollars to the City of Middletown. Our estimated shortfall for this year is about 5.1 million dollars. My personal thinking is that if all else fails, the State of New York, besides having this major war on a national level and besides hopefully things changing in November, if that's what does happen, but in a short term New York State is probably going to do what they did with the pensions in 2008 when the market went south and they did finance like Liberty bonds I believe they called them back then, where they gave like 40 or 50-year bond issuance and they allowed communities to finance their deficit at that time. Our tax levy is about 17-18 million dollars and a 5 million-dollar cut in revenue would mean 25% of our tax revenue, so we either increase taxes by 25% or look at these other sources or work with our trades and our labor unions and others but the projects that we are talking about doing now are capital projects that have been primarily budgeted and will be over long term debt. I don't think it's a right thing to do to stay silent now, to stop everything, we've made a lot of progress in the last 10-15 years, it doesn't make sense to stop projects. The two projects that Jacob mentioned are water line and we are looking at one of the sidewalk projects, the ADA project in which we are getting 2.2 was the original grant, 2.2 million through senator Schumer and Community Development, then we added 1.65 million in Orange County money, the bids came in at 4.03 and we have a 20% match. So why do we want to throw away 80% of a 4 million dollar project. And that continues on with our water lines which are 1800s, some of them, why do it. There is going to be an infrastructure project, I'm sure coming up, so we need to be prepared to move forward, not backwards, we want to start looking at tomorrow; addressing the needs today but looking at tomorrow. That's my attitude, I hope it's yours, I hope it's our taxpayers'. They understand that we are going to be very responsible with our budgeting but we need to move the City forward and prepare for the re-opening of New York State, Orange County and the

City of Middletown. So if you have any questions, I'll be more than happy to address them.

Ald. Kleiner: Mayor, do you have any update on either the Heritage Trail or the Reservoir Trail project?

Mayor DeStefano-Reservoir Trail hit an illness snag with COVID. We had two key players in there that families were impacted by COVID. We hope to have it opened by Memorial Day. I would like to have it open more so before Memorial Day so that people have an opportunity to enjoy it. Our plans are to have security and park personnel there for the first several weeks; they will be doing analysis of what the needs will be as we move forward with that project, whether it's sanitation, clean-up, restrooms and flow of people and we are planning on, we are trying to limit the flow of people that go into the facility if need be or into the park area, the reservoir area but we do plan on having that opened by Memorial Day. Maria, are you still here? When is speaking with Carter again?

Maria Bruni- Friday.

Mayor DeStefano- Friday. There is a conference call between the Parks Department, John Bianchi, Maria, Carter and myself on Friday. Carter is the consultant that we had on the project and we know we are way behind on that, we were hoping to have it opened at the end of the last year but unfortunately some things that were beyond our control stopped it. The trail project is moving. Jacob, do you want to give an update on that?

Jacob Tawil: The trail project is moving very well. They were working on Washington and they are behind the Fleurchem and they are just moving along. This month they are going to be cutting Dolson Town Road, as I reported to you last time and they are going right through the City and we are going to have some interruptions as an example on Genung Street, they are going to have huge cranes over there and the reason is they bought some of these precut slabs from which was the decking of the Tappan Zee Bridge. The County bought them and now they want to try to install them as decking for the new crossing of the trail for Genung Street and Sprague and so on. So we'll have cranes in there and all that stuff; we'll keep you posted with Nixel and the website. Also, we are having a conference phone call tomorrow regarding New York Rising project. I did not report to you about it. The plans are 90% completed and tomorrow we are having a conference phone call with the consultant and the State to see how we can move it along, just continue to move it along.

Mayor DeStefano- And the other project which you may have noticed is the East Main to Orchard – the walkway and the drainage along Orchard Street and that is also moving along quite quickly. Any other questions?

Ald. Kleiner: One other question. We have two resolutions for the vacant and foreclosed properties, it's a project we are overseeing and my original concern

was the timing on that but I think I understand now that *vacant* will be the operative word and the definition is at least 60 days, but as long as someone can show... I'm just concerned; it's hard times for landlords right now too, so the timing on this, as long as they can show they are trying to rent or doing something like that, that it won't be considered vacant and that they are ok.

Mayor DeStefano- Correct. I think Alex's last email stated about up to a year or something before we would really get into any issue, but the one concern we have is, because we face this at the ZBA sometimes when we try to understand the motivation of the landlord. There are times when people are asking for a variance from the first floor occupancy in downtown and they'll state – my property has been vacant for 6 months, I can't rent it for 6 months, I want to put apartments on the first floor. But when you look into it, you look into couple of things; one-did they market it? No. Were they marketing it at fair market rent? No. So a property that might have brought in \$1,200.00, they are asking \$3,000.00 for. So they were trying to create their own hardship. So a year seems to be a reasonable amount of time and I think we even have some more input, even after a year, if someone can demonstrate that there is a hardship. So I think that the issue that you and Andrew raised, I think it's been addressed and that's why we delayed it at the last meeting.

Ald. Kleiner: Ok, thank you.

Ald. Tobin: I know it may be soon. Is there any thoughts about the summer camps and recs?

Mayor: Yes. We are waiting for the guidance from the County. This is a topic that comes up almost daily on the county calls. Chris and I met today to discuss our next move because parents are calling and they need a plan but what some people don't understand is, we can't just operate a camp without county health department approval. County health department can't do approval until the State gives approval. So the county is waiting on the State guidance, we are waiting on the county guidance and approval but we are getting down to a point where we are going to have to make a decision. Quite a few communities, from what Chris told me, have canceled summer camp even in advance of a decision by the county. What I have been telling people in my office that have called is that on May 15th when the Governor has indicated that he will give more guidance by May 15, that we will give an answer in the middle of May. I don't want to mislead anybody, it doesn't look good. I don't think I would send my child, if I had a child, to summer camp. A backup plan we are discussing for essential workers is possibly a camp for essential workers only but with that comes a cost because if we are going to do any kind of camp like that, we would need to have a nurse, we would have to check temperatures and we would have to have somebody there so that's our backup plan but it doesn't look good. When the State drags its feet this long and Orange County's numbers are not good. You see a big outcry, people wanting to open up Orange County, still a lot of deaths, still a lot of new cases, the numbers are huge if you compare it to Ulster, Sullivan – I'm

not so sure about the Sullivan but Ulster, Putnam, Dutchess across the river, our numbers are not good. The County exec is really pushing for businesses to open, he is pro-business, he is concerned about business owners, I don't agree with him on that part, I think we... and I think he's done a good job throughout this whole process. He is giving opinions, he is not declaring something is gonna happen but I think we need... you know, we've gone so far we need to be cautious and they are now starting to come out with questions of liability so if we run a camp and some young kid ends up with COVID and it's related to the camp and they can tie it to the camp, what kind of liability do you have. So I'm leaning toward a "no" unless there are some assurances by other levels of government that it can be operated safely but at the same time I share a concern of the parents but if I was them I would start making other plans.

Remarks of the Aldermen

Ald. Burr: My condolences to the Bechtle family, Dave was a great commissioner. At the last meeting I talked about lunches for the school. I think I said 7000 a day it was 7000 for the week. Thank you. Everybody be safe. Thank you.

Ald. Jean-Francois: Yes, good evening. I'd like to thank the Mayor for the presentation for the sanitation collection system. I'm looking forward for an upgrade and improving of sanitation. We've been talking about this for a long time so it's nice to see us get it going. Thank you.

Ald. Kleiner: Thank you. Yes, again I want to thank all the healthcare workers and city workers and grocery store workers and everyone out there keeping things going, keeping us going and taking a risk but that's their jobs and they are dedicated and we can't thank them enough. I want to say happy Cinco de Mayo, American community, we do have, I said before, Middletown has a lot of people from Puebla and Cinco de Mayo commemorates the Battle of Puebla, Mexicans beating this huge French army that was trying to invade them and was in 1861 so that might have made a difference in our Civil War, or that's debated, but I definitely think it would have so hopefully people are celebrating and I guess it's Friday, May 8th – it's 75th anniversary of the VE day, that's victory in Europe day and that's when Germany unconditionally surrendered at the end of World War II, that helped make it part of the end of World War II and I believe it was pouring here in Middletown and yet Franklin Square was jammed and packed. And we'll try and put something up on Historical Society Facebook site to get an idea of that. It was also Harry Truman's 61st birthday, of course he worked hard and went to bed early – that's Harry Truman. I wish we had Harry Truman now. Finally, Dave Bechtle. He is irreplaceable in this city, he is a tremendous loss, my condolences of course to his family. As a co-chair of the warming station he was simply unbelievable, Lion's club for many years, a leader at St. Paul's and always a smile for everyone. To say he was a good man would be the understatement of the year. Thank you.

Ald. Ramkissoon: Good evening. Tonight I think I'd just like to speak to the school community a little and the students. This was when we found out that we were not be going back to school this academic year and my heart goes out to all those students who left school on March 12 and did not realize that that was the last day of school for them this year and I want to shout out to the teachers of this district who have just gone above and beyond to continue to educate our kids in spite of all of our challenges with communication. I appreciate all your help because I'm doing the best I can. For the senior class I just want to say my support sign for you is proudly on my lawn and I want you to know that while you are facing adversity little earlier than we hoped that you would, your community and your family and your friends all love you very much and are very proud of you and that is all.

Ald. Johnson: Thank you. Heritage Trail, there is a lot of activity you can see. I did bike Sunday from Goshen to Monroe, I can't wait to bike the other way. Biking on the Heritage Trail is a perfect opportunity for social distancing and Sunday was 80 degrees it was a beautiful day. For distribution I think both for the City and the school there was an article in the paper about the schools I think it's a tremendous comment on how we take care of our own here in Middletown; it's a beautiful thing. Dave Bechtle, I call him a worker bee and that's one of my highest compliments from my perspective of life. With respect to the Mayor's comments on finance, I support moving forward, you know as a public policy spender in a lot of venues, the casual observer often says why you gonna do this when you get money to do that but we do have designated funds and those funds have already been appropriated for that project so not doing that project does not give us more money to do something else as mayor stated and I understand that. I, probably very unwisely, gave you a COVID update on animals two weeks ago, but I did say it was only facts that I knew from the day before and I think I gave myself 48 hours. Well, it was 36 hours later that it was in the news that two cats in the State of New York tested positive for COVID. I did a lot of webinars about animals and COVID and there are no experts in the world that will tell you that an animal can transmit COVID to you. You may transmit it to the animal. If you are following it, there was a mink farm in Amsterdam that was adversely affected by COVID and that's kind of in the ferret family. And you know, when we talk about when do we get out of this and when do we open up, I listened to an epidemiologist the other day and that was just the fact of the day and his perspective was that you don't have herd immunity until 60% of the population of the herd has already been infected with the disease. So if you have 200 million people in the US, you need 120 million cases to be positive before you have herd immunity. So we are all looking at this, the number going up 800,000, 900,000, even if you hit a million you still need another 100 million of people to have already survive the virus before you can say let's go out and play. So, is it daunting? Absolutely, but the epidemiologic facts still have to be considered in the formula. Thank you.

Ald. Green: Thank you. I will also just echo the condolences to the Bechtle family. What a wonderful guy, like Jerry said, always a smile and a tremendous loss. And it is actually national teacher day, teacher week so teacher appreciation, I can't say enough especially right now, I mean it's a whole new world for everyone, for the students and the teachers and everybody is giving it their best and their all so we really appreciate that. And I will mention, next week is actually nurses week too so since we won't be having a meeting before that, we hold everybody up on the pedestal there because we know all that they are going through and all that all the essential workers are going through right now. So let's keep it up everyone, stay healthy, stay home and stay apart. Thanks.

Ald. Tobin: Thank you to the nurses and the teachers and the parents trying to homeschool, I know it's tough, different subjects. A lot of us, we didn't grow up with some of this technology, we are trying to figure out Google Classroom, Power Point, videos and sign-on. Getting our kids to work, being their teachers, as a teacher I find it difficult, so thank you teachers for putting all your hard work in. I know you are working more than... you know I'm working longer days now than when I was working in the classroom. So I teach my own kids and then all this new stuff, it takes long time to teach. You are making videos, you mess up, you have to go back and re-tape yourself so I'd like to thank them. Dave Bechtle, my condolences to his family. He is Lions Club past president, a terrific volunteer, selfless, he did so many things, he would drive people for The Guiding Light, Guiding Eyes for the Blind, he would drive them to the meetings in Newburgh, he was involved in the Soup Kitchen, his church, the warming station, as a member of Lions Club he was in charge of chocolate Easter bunnies, he was always volunteering, you would see him at our events wearing lion's costume. Sometimes we think age doesn't have anything to do with the energy. He was full of energy, full of light. Unfortunately this COVID thing is wreaking havoc on our nation and he'll be sorely missed. Thank you.

Ald. Masi: Yes, my condolences also to the Bechtle family. We truly lost a gem. On another note, I want to thank Fire Department for the great job they did last night at College Hill apartments. It could have really been a tragedy over there. Thirdly, I want to thank Code Enforcement officers, especially Ed Steenrod. He came to me the last two days and he's got 2 full pages of violations. He's evidently got the first ward. What he is doing is going around, and I think the other Code Enforcement officers are also, reminding people that bulk pick up has been postponed, you can't put the stuff out so please, rather than getting a violation or a letter or a knock on your door please take it and put it back, we will let you know, the mayor said at least 30 days ahead of time when you can put it back out and we will pick it up. And I will end on a happy note – happy Mother's Day Kate and to all the mothers out there coming up this Sunday.

11. Unfinished Business
John Naumchik-Nothing this evening.

12. New Business

78.20 Resolution to approve a change in the 2019-2020 capital budget for the Fire Department.

RESOLVED; that the Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment to approve a change in the 2019-2020 capital budget for a "Fire Police Van" including lettering, radios & emergency warning lights totaling \$44,000 replaced with a Four-Door Pickup Truck with a cap that would better serve the Fire Departments needs which will be budget neutral.

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

79.20 Resolution to authorize the Mayor to sign a lease with AT&T for Antenna Space at 31 ½ Kennedy Terrace.

On motion of Ald. Jean-Francois 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 lease with AT&T for Antenna Space at 31 ½ Kennedy Terrace approved by Corporation Counsel.

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

80.20 Resolution to approve the Vacant and Foreclosed Property Registration Ordinance.

On motion of Ald. Kleiner seconded by Ald. Green

WHEREAS, the Common Council of the City of Middletown recognizes that properties subject to foreclosure action or foreclosed upon and vacant properties (hereinafter referred to as "Registrable Properties") located throughout the City lead to a decline in community and property value; create nuisances; lead to a general decrease in neighborhood and community aesthetic; create conditions that invite criminal activity; and foster an unsafe and unhealthy environment; and

WHEREAS, the Council recognizes that it is in the best interest of the public health, safety, and welfare to impose registration requirements for Registrable Properties located within the City to discourage Owners and Mortgagees of such properties from allowing their properties to be abandoned, neglected or left unsupervised.

NOW, THEREFORE, BE IT RESOLVED and ORDAINED by the Common Council of the City of Middletown:

Section 1. There is to be added to the Code of the City of Middletown a new Chapter 453, entitled "Vacant and Foreclosed Properties Registration" to read in its entirety as follows:

CHAPTER 453. VACANT AND FORECLOSED PROPERTIES REGISTRATION

Section 453-1. Purpose of this Chapter.

It is the purpose and intent of the Council to establish a process to address the deterioration, crime, and decline in value of City neighborhoods caused by property with foreclosing or foreclosed mortgages located within the City, and to identify, regulate, limit and reduce the number of these properties located within the City. It has been determined that Owner-occupied structures are generally better maintained when compared to vacant structures, even with a diligent off-site property Owner. Vacant structures or structures owned by individuals who are economically strained and unable to meet their mortgage obligations are often not properly or diligently maintained, which contribute to blight, declined property values, and have a negative impact on social perception of the residential areas where they are located. It is the Council's further intent to establish a registration program as a mechanism to help protect neighborhoods from becoming blighted through the lack of adequate maintenance of properties that are in Foreclosure or Foreclosed, and to provide a mechanism to avert foreclosure actions through timely intervention, education, or counseling of property Owners.

Section 453-2. Definitions.

The following words, terms, and phrases, when used in this Chapter, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning:

Default shall mean that the mortgagor has not complied with the terms of the mortgage on the property, or the promissory note, or other evidence of the debt, referred to in the mortgage.

Enforcement Officer shall mean any law enforcement officer, code enforcement officer, fire inspector, building inspector, or other person authorized by the City to enforce the applicable codes.

Evidence of Vacancy shall mean any condition that on its own, or combined with other conditions present, would lead a reasonable person to believe that the property is vacant. Such conditions may include, but are not limited to: overgrown and/or dead vegetation; past due Utility notices and/or disconnected Utilities; accumulation of trash junk or debris; abandoned vehicles, auto parts and/or materials; the absence of furnishings and/or personal items consistent with habitation or occupancy; the presence of an unsanitary, stagnant swimming pool; the accumulation of newspapers, circulars, flyers and/or mail; statements by neighbors, passers-by, delivery agents or government agents; and/or the presence of boards over doors, windows or other openings in violation of applicable code.

Foreclosure or Foreclosure Action shall mean the legal process by which a Mortgagee, or other lien holder, terminates or attempts to terminate a property Owner's equitable right of redemption to obtain legal and equitable title to the Real Property pledged as security for a debt or the Real Property subject to the lien. The legal process is not concluded until the property obtained by the Mortgagee, lien holder, or their designee, by certificate of title, or any other means, is sold to a non-related bona fide purchaser in an arm's length transaction to satisfy the debt or lien.

Mortgagee shall mean the creditor, including but not limited to, trustees; mortgage servicing companies; lenders in a mortgage agreement; any agent, servant, or employee of the creditor; any successor in interest; or any assignee of the creditor's rights, interests or obligations under the mortgage agreement; or any other person or entity with the legal right to foreclose on the Real Property, excluding governmental entities.

Owner shall mean every person, entity, or Mortgagee, who alone or severally with others, has legal or equitable title to any Real Property as defined by this Chapter; has legal care, charge, or control of any such property; is in possession or control of any such property; and/or is vested with possession or control of any such property. The Property Manager shall not be considered the Owner.

Property Manager shall mean any party designated by the Owner as responsible for inspecting, maintaining and securing the property as required in this Chapter.

Real Property shall mean any residential or commercial land and/or buildings, leasehold improvements and anything affixed to the land, or portion thereof identified by a property parcel identification number, located in the City limits.

Registrable Property shall mean:

A. Any Real Property located in the City, whether vacant or occupied, that is encumbered by a mortgage subject to an ongoing Foreclosure Action by the Mortgagee or Trustee, has been the subject of a Foreclosure Action by a

Mortgagee or Trustee and a Judgement has been entered, or has been the subject of a Foreclosure sale where the title was transferred to the beneficiary of a mortgage involved in the Foreclosure and any properties transferred under a deed in lieu of foreclosure/sale. The designation of a “foreclosure” property as “registrable” shall remain in place until such time as the property is sold to a non-related bona fide purchaser in an arm’s length transaction or the Foreclosure Action has been dismissed; or

B. Any property that is “vacant” as defined in this Section, below.

Registry shall mean a web-based electronic database of searchable Real Property records, used by the City to allow Mortgagees and Owners the opportunity to register properties and pay applicable fees as required in this Chapter.

Semi-Annual Registration shall mean six (6) months from the date of the first action that requires registration, as determined by the City, or its designee, and every subsequent six (6) months. The date of the initial registration may be different than the date of the first action that required registration.

Utilities and Services shall mean any utility and/or service that is essential for a building to be habitable and/or perform a service necessary to comply with all City codes. This includes, but is not limited to, electrical, gas, water, sewer, lawn maintenance, pool maintenance, and snow removal.

Vacant shall mean any parcel of land in the City that contains any building that is not lawfully occupied for a period of at least sixty (60) days. A building shall not be considered vacant if:

- (1) The owner is engaged in ongoing, good faith attempts to rent, sell or renovate as evidenced by proof of attempted sale or lease via contract with a realtor or appropriate listing, or by procurement of appropriate permits or contracts for renovation; and
- (2) Such attempts do not exceed a period of one (1) year, and
- (3) The property is not exhibiting “evidence of vacancy” as that term is defined in this Section, above.

Section 453-3. Establishment of a Registry.

There is hereby established a registry cataloging each Registrable Property within the City, containing the information required by this Chapter.

Section 453-4. Inspection and Registration of Real Property Under Foreclosure.

A. Any Mortgagee who holds a mortgage on Real Property located within the City shall perform an inspection of the property upon default by the mortgagor as evidenced by the filing of a Foreclosure Action.

B. Within fifteen (15) days of the date any Mortgagee files a Foreclosure Action, the Mortgagee shall register the Real Property with the City Registry, and, at the time of registration, indicate whether the property is Vacant, and if so shall designate in writing a Property Manager to inspect, maintain, and secure the Real Property subject to the mortgage under a Foreclosure Action. A separate registration is required for each property under a Foreclosure Action, regardless of whether it is occupied or vacant.

C. Initial registration pursuant to this section shall contain at a minimum the name of the Mortgagee, the mailing address of the Mortgagee, e-mail address, telephone number and name of the Property Manager and said person's address, e-mail address, and telephone number.

D. At the time of initial registration each registrant shall pay a non-refundable Semi-Annual Registration fee of five hundred dollars (\$500.00) for each property. Subsequent non-refundable Semi-Annual renewal registrations of properties and fees in the amount of five hundred dollars (\$500.00) are due within fifteen (15) days of the expiration of the previous registration. Said fees shall be used to offset the costs of: (1) registration and registration enforcement, (2) code enforcement and mitigation related to Defaulted properties, (3) post-closing counseling and Foreclosure intervention limited to Owner-occupied persons in Default, which may not include cash and mortgage modification assistance, and (4) for any related purposes as may be adopted in the policy set forth in this Chapter. Said fees shall be deposited to a designated account in the City's Finance Department to be utilized for the cost of implementation and enforcement of this Chapter.

E. Property inspected pursuant to Subsection A above that remains in Foreclosure shall be inspected every thirty (30) days by the Mortgagee or Mortgagee's designee. If an inspection shows a change in the property's occupancy status the Mortgagee shall, within fifteen (15) days of that inspection, update the occupancy status of the property registration.

F. If the mortgage and/or servicing on a Registrable Property is sold or transferred, the new Mortgagee is subject to all the terms of this Chapter. Within fifteen (15) days of the transfer, the new Mortgagee shall register the property or

update the existing registration. The previous Mortgagee(s) will not be released from the responsibility of paying all previous unpaid fees, fines, and penalties accrued during that Mortgagee's involvement with the Registrable Property.

G. If the Mortgagee sells or transfers the Registrable Property in a non-arm's length transaction to a related entity or person, the transferee is subject to all the terms of this Chapter. Within fifteen (15) days of the transfer, the transferee shall register the property or update the existing registration. Any and all previous unpaid fees, fines, and penalties, regardless of who the Mortgagee was at the time registration was required, including, but not limited to, unregistered periods during the Foreclosure process, are the responsibility of the transferee and are due and payable with the updated registration. The previous Mortgagee will not be released from the responsibility of paying all previous unpaid fees, fines, and penalties accrued during that Mortgagee's involvement with the Foreclosed Property.

H. If the Foreclosing or Foreclosed Property is not registered, or the registration fee is not paid within thirty (30) days of when the registration or renewal is required pursuant to this section, a late fee equivalent to ten percent (10%) of the Semi-Annual Registration fee shall be charged for every thirty-day period (30), or portion thereof, the property is not registered and shall be due and payable with the registration.

I. This Section shall also apply to properties that have been the subject of a foreclosure sale where title is transferred to the Mortgagee as well as any properties transferred to the Mortgagee under a deed in lieu of foreclosure or by any other legal means.

J. Properties subject to this Section shall remain subject to the Semi-Annual Registration requirement, and the inspection, security, and maintenance standards of this Section as long as the property remains Registrable Property.

K. Failure of the Mortgagee and/or property Owner of record to properly register or to modify the registration to reflect a change of circumstances as required by this Chapter is a violation of this Chapter and shall be subject to the penalties and enforcement provided by Section 453-7, herein below.

Section 453-5. Inspection and Registration of Real Property That Is Not Subject to a Mortgage In Foreclosure.

A. Any Owner of Vacant property located within the City shall within fifteen (15) days after the property becomes Vacant, register the Real Property with the City Registry.

B. Initial registration pursuant to this Section shall contain at a minimum the name of the Owner, the mailing address of the Owner, e-mail address, and telephone number of the Owner, and if applicable, the name and telephone number of the Property Manager and said person's address, e-mail address, and telephone number.

C. At the time of initial registration each registrant shall pay a non-refundable Semi-Annual Registration fee of five hundred dollars (\$500.00) for each Vacant property. Subsequent non-refundable Semi-Annual renewal registrations of Vacant properties and fees in the amount of five hundred dollars (\$500.00) are due within fifteen (15) days of the expiration of the previous registration. Said fees shall be used to offset the costs of: (1) registration and registration enforcement, (2) code enforcement and mitigation related to Vacant properties, and (3) for any related purposes as may be adopted in the policy set forth in this Chapter. Said fees shall be deposited to a designated account in the City's Finance Department to be utilized for the cost of implementation and enforcement of this Chapter.

D. If the property is sold or transferred, the new Owner is subject to all the terms of this Chapter. Within fifteen (15) days of the transfer, the new Owner shall register the Vacant property or update the existing registration. The previous Owner(s) will not be released from the responsibility of paying all previous unpaid fees, fines, and penalties accrued during that Owner's involvement with the Vacant property.

E. If the Vacant property is not registered, or either the registration fee or the Semi-Annual Registration fee is not paid within thirty (30) days of when the registration or Semi-Annual Registration is required pursuant to this Section, a late fee shall be equivalent to ten percent (10%) of the Semi-Annual Registration fee shall be charged for every thirty (30) day-period, or portion thereof, the property is not registered and shall be due and payable with the registration. This Section shall apply to the initial registration and registrations required by subsequent Owners of the Vacant property.

F. Properties subject to this Section shall remain subject to the Semi-Annual Registration requirement, and the inspection, security, and maintenance standards of this Section as long as the property is Vacant.

G. Failure of the Owner to properly register or to modify the registration to reflect a change of circumstances as required by this Chapter is a violation of this Chapter and shall be subject to the penalties and enforcement provided by Section 453-7, herein below.

H. Properties registered as a result of this Section are not required to be registered again pursuant to Section 453-4, above.

Section 453-6. Maintenance and Security Requirements.

A. Properties subject to this Chapter shall be maintained and secured in accordance with all applicable codes of the City of Middletown and State of New York.

B. Properties subject to this Chapter shall also be maintained in a secure manner so as not to be accessible to unauthorized persons. A “secure manner” shall include, but not be limited to, the closure and locking of windows, doors, gates and other openings of such size that may allow a child to access the interior of the property or structure. Broken windows, doors, gates, and other openings of such size that may allow a child to access the interior of the property or structure must be repaired. Broken windows shall be secured by re-glazing of the window.

C. If a property is Registrable, and the property has become vacant, a Property Manager shall be designated by the Mortgagee and/or Owner to perform the work necessary to bring the property into compliance with all applicable codes, and the Property Manager must perform regular inspections to verify compliance with the requirements of this Chapter, and all other applicable codes.

D. When a property subject to this Chapter becomes Vacant, it shall be posted with the name and twenty-four (24) hour contact telephone number of the Property Manager. The Property Manager shall be available to be contacted by the City Monday through Friday between 9:00 a.m. and 5:00 p.m., legal holidays excepted. The sign shall be placed in a window facing the street and shall be visible from the street. The posting shall be no less than eighteen (18) inches by twenty-four (24) inches and shall be of a font that is legible from a distance of forty-five (45) feet. The posting shall contain the following language with supporting information:

THIS PROPERTY IS MANAGED BY _____.
AND IS INSPECTED ON A REGULAR BASIS.
THE PROPERTY MANAGER CAN BE CONTACTED BY TELEPHONE AT _____,
OR BY EMAIL AT _____.

E. The posting required in Subsection D, above, shall be placed on the interior of a window facing the street to the front of the property so that it is visible from the street, or secured to the exterior of the building/structure facing the street to the front of the property so that it is visible from the street or if no

such area exists, on a stake of sufficient size to support the posting in a location that is at all times visible from the street to the front of the property but not readily accessible to vandals. Exterior posting shall be constructed of and printed with weather-resistant materials.

F. Failure of the Mortgagee and/or property Owner of record to properly inspect and secure a property subject to this Chapter, and post and maintain the signage noted in this section, is a violation.

G. The City Commissioner of the Department of Public Works shall have the authority to require the Mortgagee or Owner affected by this Section, to implement additional maintenance and/or security measures including, but not limited to, securing any and all doors, windows or other openings, or other measures as may be reasonably required to help prevent further decline of the property.

H. If there is a finding that the condition of the property is posing a serious threat to the public health, safety, and welfare, then the Commissioner of Public Works may, in his or her discretion, abate the violations and charge the Mortgagee or Owner with the cost of the abatement. A report of the cost and expense of doing said work shall be submitted to the City Treasurer and shall then become a lien against the property where said work was performed.

Section 453-7. Penalties for offenses.

Any person who violates any provisions of this Chapter shall, upon conviction thereof, be subject to a fine of not less than \$250 nor more than \$1,000 or by imprisonment for a period not exceeding 15 days, or by both such fine and imprisonment. Each day that a violation is permitted to exist shall constitute a separate offense.

Section 2. Severability. The sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable, and if any phrase, clause, sentence, paragraph, or section of this Ordinance shall be declared unconstitutional or illegal by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality or illegality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this Ordinance.

Section 3. This Ordinance shall take effect immediately.

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, Green, Masi, Pres. Rodrigues-9

81.20 Resolution to approve the Vacant and Foreclosed Property Registration contract.

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 approve the attached Vacant and Foreclosed Property Registration contract which will be a third-party administrator collecting fees on vacant and foreclosed properties which the cost will be paid out of the new ordinance fee they collect at no cost to the City and authorize the Mayor to sign the contract upon Corporation Council approval.

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

82.20 Resolution to approve the SEQRA for the South Street Parking lot Project.

On motion of Ald. Johnson seconded by Ald. Green

WHEREAS, the City of Middletown Department of Public Works has proposed a project known as the South Street Parking Lots Improvement that involves work near the Washington Street intersection including replacement of various items, including concrete stairs, fencing, guiderails and improvement to landscaping, and

WHEREAS, the proposed action constitutes an Unlisted Action pursuant to the State Environmental Quality Review Act ("SEQRA") regulations; and

WHEREAS, the City of Middletown Common Council has thoroughly reviewed and considered this request and the accompanying Short Environmental Assessment Form (“EAF”), 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 6NYCRR Part 617.7 (c);

WHEREAS, the Common Council is the only involved agency under SEQRA for this request.

NOW, THEREFORE, BE IT RESOLVED that the City of Middletown Common Council declares itself Lead Agency with respect to this proposed action, and be it

FURTHER RESOLVED that the City of Middletown 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 (SEQRA).

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

83.20 Resolution to approve and submission of the Amendment to the Community Development Block Grant (CDBG) 2019 Action Plan to receive CDBG Coronavirus Aid.

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

RESOLVED; that the Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment to approve and submission of the Amendment to the Community Development Block Grant (CDBG) 2019 Action Plan to receive CDBG Coronavirus Aid (CDBG-CV) and also to authorize the Mayor to sign all necessary documents and certifications regarding the Amendment and receipt of CDBG-CV funds.

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, Green, Masi, Pres. Rodrigues-9

84.20 Resolution to authorize the Treasurer to transfer \$1,288.00 within the Police Department 2020 budget.

On motion of Ald. Tobin 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 Treasurer to transfer \$1,288.00 within the Police Department 2020 budget to cover additional costs associated with the installation of a new water fountain in the following manner:

FROM	AMOUNT	TO
A.3120.470 Building Repairs	\$1,288.00	A.3120.200 Equipment

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

85.20 Resolution to rescind resolution #228-19 passed on October 15, 2019, to award the bid for Midland Avenue Extension New Curbs and Sidewalks to make funds available for the DRI funded GI Parking lots project.

On motion of Ald. Masi seconded by Ald. Green

RESOLVED; that the Common Council of the City of Middletown hereby rescinds resolution #228-19 passed on October 15, 2019, to award the bid for Midland Avenue Extension New Curbs and Sidewalks to make funds available for the DRI funded GI Parking lots project.

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

86.20 Resolution to authorize the Treasurer to sign a professional services agreement with Springbrook (KVS) to provide the programming for installation of a new fixed asset system.

On motion of Ald. Burr 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 Treasurer to sign the attached professional services agreement with Springbrook (KVS) for \$2,704.00 to provide the programming for installation of a new fixed asset system. The old system crashed this year and we have the software within the KVS package. This is a properly budgeted item.

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

87.20 Resolution to accept the bid for the Green Infrastructure Project.

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

WHEREAS, bids were opened by the Board of Estimate and Apportionment on March 26, 2020, for the Green Infrastructure 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 construction contract be awarded to Boyce Excavating Co. and Lehman & Getz the Inspection Contract.

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 Green Infrastructure Project in the total amount of \$4,306,653.00 as per the attached letter from Lehman & Getz Engineering, P.C. dated April 30, 2020.

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

13. Local Laws
John Naumchik- Nothing this evening.

14. Audit

On motion of Ald. Masi seconded by Ald. Tobin

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. Adjourned

There being no further business meeting adjourned at 9:25 pm

Respectfully submitted,

Karen Sisco