



Common Council Meeting
October 19, 2021
City Hall
16 James Street
Middletown, New York 10940

P R E S E N T

Miguel Rodrigues, President of Common Council
Ald. Tom Burr
Ald. Gerald Kleiner
Ald. Paul Johnson
Ald. Kate Ramkissoon
Ald. Sparrow Tobin
Ald. Jude Jean-Francois
Ald. Andrew Green

A B S E N T

Ald. Joseph Masi

Digitally Recorded Proceeding, transcribed by:
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Ald. Jean-Francois	24

1 1. Pledge of Allegiance

2 **PRESIDENT RODRIGUES:** Roll.

3 2. Roll Call

4 Roll Call: Ramkissoon, Tobin, Kleiner,
5 Johnson, Jean-Francois, Burr, Green, President Rodrigues.

6 3. Approval of Minutes.

7 **PRESIDENT RODRIGUES:** Approval of minutes.

8 **COUNCIL CLERK:** Tonight we have the Council
9 meeting minutes from the September 21st, 2021.

10 **ALD. TOBIN:** So moved.

11 **PRESIDENT RODRIGUES:** Motion sponsored by
12 Alderman Tobin, seconded by Alderman Green. All in
13 favor?

14 **COUNCIL MEMBERS:** Aye.

15 4. Correspondence, Communications and Reports

16 (Nothing this evening.)

17 5. For the Good of the City

18 **PRESIDENT RODRIGUES:** For the Good of the City.
19 We have a presentation by RBT.

20 **SHANNON:** Good evening, everybody. In the
21 mindset of keeping everything brief, we're just going to
22 go over some -- some quick points from the financial
23 statement audit for 2020.

24 The City did receive a clean opinion which is
25 what the ultimate goal is. So good job there for

1 everybody.

2 On page 2 of the packet, we kind of give you a
3 brief summary of what the financial statements contain.
4 So, there's government-wide and there's governmental fund
5 level. So the governmental fund level of the financial
6 statements are what are actually recorded on the books of
7 the City. And then the government wide is representation
8 of liabilities that the City could incur which are based
9 on valuations such as your pension, OPEB, LOCEP
10 (phonetic), things like that. So, they want the readers
11 to know about that information, but it's not actually
12 recorded on the books of the City.

13 So, Donna is going to give you a brief little
14 synopsis about those statements.

15 **DONNA:** So, I'm just going to talk about the
16 government-wide statements first which contain
17 everything, liabilities until the end of time really.
18 So, your assets totally increased. And a lot of that was
19 due to capital projects that the City is doing. And your
20 liabilities increased due to some debt. And long-term
21 liabilities increased due to the OPEB and the pension
22 actuarial calculations. So, nothing you guys can
23 control.

24 Page 4, the change in net position for the
25 year. On government-wide, your revenues actually were

1 fairly consistent, but your -- and your expenses just
2 increased. Again, those were due to increased benefit
3 costs for the actuarial calculations.

4 Page 5, your government funds, these are the
5 funds that you're used to looking at. A lot of -- the
6 revenue increase or the, excuse me, assets increased over
7 13 million and your liabilities also increased. Most of
8 that change was in the Capital Projects Fund because you
9 have new cash and new borrowing, so you have new debt.

10 Page 6, these are the funds again, the revenues
11 and expenses for the year. Revenues decreased mainly
12 because of COVID restrictions. And we just want to point
13 out that the City was awarded and spent federal funds of
14 \$2.8 million this year. That was all reported in the
15 single audit that we do to the federal government. And
16 the capital projects expended about 14 million which was
17 a 4 million-dollar increase. That, again, has to do with
18 capital projects.

19 I'm going to give it back to you, Shannon.

20 **SHANNON:** Okay. So, on page 7, there's just
21 some other quick highlights. So, GASBI issued a new
22 statement which the City did adopt for 2020. That's
23 GASBI 84. Essentially, your Trust and Agency Fund no
24 longer exist. Now it's called the custodial fund. They
25 changed the requirements for it to be held in that fund.

1 So, the City ended up moving \$68,000 from trust and
2 agency over to the general fund. It's just where the --
3 where the transactions are to be recorded from this point
4 forward.

5 There will be a new standard, GASBI 87 for
6 fiscal year end '22 for leases. This is across the
7 board. This isn't just affecting governments.
8 Essentially, what it boils down to is you'll have a new
9 asset and a new liability. Why they did that, I just --
10 nobody seems to understand it, but they did it. So, in
11 '22 you'll see some new -- some new line items on the
12 financial statements.

13 Just as subsequent event, in 2000 -- in August
14 of 2021, the City did convert some bands, short-term debt
15 to bonds, so that will save the City on their annual cost
16 to repay these obligations, so.

17 And then the other big highlight is the ARPA
18 Funds. So the City received \$11.3 million. And the
19 first half was received in July, the second half is
20 scheduled in '22. And the City is currently working on
21 what they intend to do with those funds.

22 On page 8 and page 9, these are just required
23 communications that we have to do to the Council. I just
24 like to point out that all the audit adjustments that
25 were proposed based on the audit were given to the City

1 and accepted and posted in the books.

2 And then, finally, we did not find any material
3 weaknesses based on our audit. So, overall, good job for
4 the City.

5 And that concludes our brief presentation.

6 **PRESIDENT RODRIGUES:** Any Counsel Member have
7 any questions?

8 **ALD. JOHNSON:** I just have one question. Thank
9 you.

10 **SHANNON:** Sure.

11 **ALD. JOHNSON:** So, obviously, we have a lot of
12 DRI money. Is that always reflected in capital projects
13 or is it reflected in state aid or how -- how is that
14 money reflected in a document like this?

15 **DONNA:** That money comes in not as state aid.
16 It's actually miscellaneous aid that comes in,
17 miscellaneous revenue in the capital project.

18 **ALD. JOHNSON:** Thank you.

19 **DONNA:** You're welcome.

20 **PRESIDENT RODRIGUES:** Alderman Kleiner.

21 **ALD. KLEINER:** Yes, thank you. I just want to
22 mention you point out a few deficiencies, suggestion for
23 improvements. And they're the same as last year's. None
24 of them are material weaknesses, so they don't rise to
25 that. They're just some procedural suggestions. And I'm

1 glad to see in the report that the -- our treasurer and
2 other people have reached out to you and you're going to
3 be working with them to try and improve that. So, thank
4 you.

5 **DONNA:** Yes, thank you.

6 **PRESIDENT RODRIGUES:** Anyone else?

7 All right. Thank you.

8 **SHANNON:** Thanks.

9 **PRESIDENT RODRIGUES:** John, going back, do we
10 have any communications?

11 **COUNCIL CLERK:** Not -- nothing this evening.

12 **PRESIDENT RODRIGUES:** For the Good of the City,
13 anybody else would like to address the Council please
14 step forward.

15 **JUAN AYALO:** Well, actually I was hoping the
16 Mayor would be here.

17 Anyway, hello, my name is Juan Ayalo. And I'm
18 a long-time City resident living in Ward -- in the 4th
19 Ward.

20 I'm here to correct the Mayor's incorrect
21 assumptions about the Libertarians that attended the
22 meeting on June 15 and our supposed role in collecting
23 signatures to oppose Local Law Number 1 which bans
24 cannabis and dispensaries and cafes within the city
25 limits.

1 The first thing I need to address is the
2 characterization by the Mayor that Daniel -- that Daniel
3 Donnelly and Pietro Geraci were outsiders and should have
4 no say in the public meetings. First, Daniel is a
5 judicial representative of District 9 of the Libertarian
6 Party which covers Orange County. While Pietro lives in
7 Newburgh, not Long Island, and is the Chairperson of the
8 Orange County Libertarian Party, they were here to
9 represent the Libertarians and the freedoms supporting
10 residents of Middletown.

11 Secondly, I rewatched the June 15 meeting on
12 Channel 20. And not once did Daniel, Pietro or myself
13 beat our chest and say that we were going to the public
14 to get the necessary signatures to get on -- on this
15 year's ballot.

16 We were focused on getting the Council to do
17 the right thing. The actual -- the actual idea of
18 putting this issue on the ballot was floated by Alderman
19 Kleiner who recommend that Council vote on the law in the
20 next meeting otherwise the public wouldn't have a fair
21 chance to organize and collect their required signatures
22 by August 1st. In fact, he was right. The Council
23 ignored his advice and waited until July '20 to opt out
24 which will only give us 10 days to collect about a
25 thousand signatures.

1 That's not a practical fight for us right now
2 as we're focused on the 2021 election. But I want to
3 personally promise that I and Orange County Libertarian
4 Party will start a process to collect those signatures
5 for 2022.

6 Since I only have three minutes, I won't waste
7 the time dismantling every talking point brought up by
8 the Mayor in these past meetings. However, I do
9 challenge the Mayor to have a serious debate with myself
10 or, better yet, a qualified expert like Colleen Huge
11 (phonetic), a top cannabis expert who was at attendance
12 of that June 15 meeting and gave the best three-minute
13 speech of that -- of that night. Thank you.

14 **PRESIDENT RODRIGUES:** Thank you. Anyone else?

15 **JOEL SIERRA:** Good evening. Thank you, Council
16 Members. Joel Sierra, Orange County Legislator, District
17 20 for the City of Middletown.

18 The Legislature is working on their 2022 county
19 budget. The county exec presented it to the legislature.
20 It's just over \$827 million, so the next few weeks we'll
21 be balancing out the budget. There is no tax increase as
22 of now. We don't foresee any. Sales tax numbers are
23 projected to look well. Hopefully, the holiday season
24 will be well and the turnout numbers will be expectedly
25 high.

1 Other than that, early voting starts Saturday.
2 You guys have a early poling location here in the City of
3 Middletown as you're all aware. It's at 70 West Main
4 Street for the public. And all of the times are set on
5 the City and County websites.

6 Other than that, if that's all you have, thank
7 you for having me. And good luck in this year's
8 election. Thank you.

9 **PRESIDENT RODRIGUES:** Thank you. Anyone else.
10 6. Remarks of the Mayor.

11 (Nothing this evening.)

12 7. Remarks of Department Heads

13 **PRESIDENT RODRIGUES:** All right. Moving onto
14 the Department Heads. Economic Development.

15 **MARI BRUNI, ECONOMIC DEVELOPMENT:** Nothing this
16 evening unless anybody has --

17 **PRESIDENT RODRIGUES:** Any questions for Maria?
18 Thank you, Maria.

19 **PRESIDENT RODRIGUES:** Fire Chief.

20 **NICK BARBER, FIRE CHIEF:** Nothing this evening.

21 **PRESIDENT RODRIGUES:** Any questions for the
22 Fire Chief.

23 City Treasurer.

24 **KELLY ANN KELLY, CITY TREASURER:** Hi.

25 **PRESIDENT RODRIGUES:** Don't listen to him.

1 **KELLY ANN KELLY, CITY TREASURER:** Hi. I just
2 wanted to thank RBT for coming. I handled the tail end
3 of the audit with them, but they were very professional.
4 And we are aware, Alderman Kleiner, of the suggestions
5 they gave. And the Department is already working on
6 trying to get those corrected.

7 And that's all I have.

8 **PRESIDENT RODRIGUES:** Awesome. Any questions
9 for Kelly? Thank you, Kelly.

10 **KELLY ANN KELLY, CITY TREASURER:** Okay.

11 **PRESIDENT RODRIGUES:** Police Chief.

12 **JOHN EWANCIW, POLICE CHIEF:** Nothing this
13 evening either.

14 **PRESIDENT RODRIGUES:** Wow. Any questions for
15 the Police Chief?

16 All right. City Clerk.

17 **JOHN NAUMCHIK, CITY CLERK:** Nothing this
18 evening.

19 **PRESIDENT RODRIGUES:** All right. There we go.
20 8. Public Hearings and Grievances.

21 **PRESIDENT RODRIGUES:** Public Hearings and
22 Grievances.

23 **JOHN NAUMCHIK, CITY CLERK:** Yes. Tonight we
24 have a public hearing for an application for New York
25 State CDBG-CV CARES Funds for the O&W Building

1 Restoration Project. I'll read the public hearing
2 notice.

3 City of Middletown, having notice of public
4 hearing, the City of Middletown will hold a public
5 hearing on October 19th 8 p.m. in the Common Council
6 Chambers of City Hall, 16 James Street, Second Floor,
7 Middletown, New York for the purpose of hearing public
8 comments on the City Middletown's community development
9 needs and to discuss the possible submission of a
10 community development block grant application for the
11 2020 program year. The CDBG Program was administered by
12 the New York State Office of Community Renewal, OCR. And
13 will make available to eligible local governments
14 approximately \$60 million for the 2020 program year for
15 housing, economic development, public facilities, public
16 infrastructure, and planning activities with the
17 principle purpose of benefitting low/moderate income
18 persons.

19 The hearing will provide further information
20 about the CDBG Program and would allow for citizen
21 participation in the development of the proposed grant
22 application.

23 Comments on the CDBG Program or proposed
24 projects will be received at this time. The hearing is
25 being conducted pursuant to Section 570.486, subpart 1,

1 on the CFR and in compliance with the requirements of the
2 Housing and Community Development Act of 1974 as amended.

3 The Common Council chambers are accessible to
4 persons with disabilities if special accommodations are
5 needed for persons with disabilities. Those will -- the
6 hearing impairments of those in need of translation from
7 English, those individuals should contact the Office of
8 Community Development at least one week in advance of the
9 hearing date to allow for necessary arrangements.

10 Written comments can also be submitted to Maria
11 Bruni at Middletown-NY.com until October 19th, 2021 at
12 4:00 p.m.

13 For additional information, please contact OECD
14 at 845-346-4170. Joseph DeStefano, Mayor, Maria Bruni,
15 Director of OECD. The City of Middletown is an equal
16 opportunity employer.

17 This was also posted on the website of the City
18 of Middletown and also in the *Times Herald* record.

19 **PRESIDENT RODRIGUES:** Okay. At this time the
20 public hearing is now open.

21 **MS. BRUNI, ECONOMIC DEVELOPMENT:** Good evening.
22 Maria Bruni, Economic Development.

23 I'm here to speak about the application. The
24 Mayor has been working closely with Council President
25 Rodrigues, Council Members, state officials, and ABCD to

1 apply for funds to rescue the O&W.

2 The City through the Office of Economic and
3 Community Development has prepared an application to be
4 submitted to New York State Homes and Community Renewal.
5 The application has been posted on the Office of Economic
6 and Community Development webpage for review and public
7 comments.

8 The City is requesting funds through New York
9 States Homes and Community Renewals CDBG Cares Program to
10 rehabilitate and restore the New York Ontario and Western
11 Middletown Train Station known as O&W. It's located at
12 the intersection of Low and Wickham Avenue in Middletown.
13 Funds will be used for, both, exterior and interior
14 renovations along with the cost associated with ABDC's
15 buildout. We are requesting \$4.1 million in this
16 application to fund these associated costs.

17 The project will address several needs in the
18 City of Middletown specifically access to childcare,
19 affordable housing, and neighborhood blight. We are
20 currently working with Agri Business Child Development,
21 ABCD, to move the programs from their current location to
22 the O&W building. ABCD has expressed interest in
23 utilizing the first floor for their education programs
24 and some of the second floor for office space. An
25 outdoor play space will also be created for the children.

1 Currently, ABCD at Middletown has two Headstart
2 Programs. The Region 2 Early Headstart Grant serves 40
3 center based children ages birth to 3 years old; 12
4 prenatal moms; and 8 home-based children birth to 3 as
5 well.

6 The second program is funded with migrant and
7 seasonal HeadStart funds and serves 45 children ages 3 to
8 5 whose parents work in agriculture and -- or
9 agricultural related businesses.

10 Before the COVID-19 pandemic, ABCD was able to
11 provide transportation for its HeadStart Programs.
12 Unfortunately, lack of funding became an issue as
13 exponentially increasingly cost such as transportation
14 placed ABCD in an unattainable fiscal position. In
15 response to these fiscal challenges and compounded by
16 COVID-19-related social distancing program -- protocols
17 and New York State Office of Children and Family Service
18 mandates requiring a greater number of bus aides needed
19 per bus, it made it fiscally impossible to continue
20 providing transportation to services for ABCD families.

21 The majority of families they serve identify as
22 Hispanic and are mainly Spanish-speaking household. Many
23 of these families do not have access to vehicle.
24 However, the O&W building is within walking distance for
25 60 percent of the families ABCD serves.

1 The size of the building, walking distance for
2 the families they serve, and the ability to retrofit the
3 interior for their needs is attractive to ABCD. While we
4 hope that COVID-19 is not around forever, ABCD will be
5 able to safely run their programs while maintaining state
6 health guidelines and will even be able to expand upon
7 current programs.

8 The use of the building and the community it
9 serves makes the O&W station an ideal project for this
10 neighborhood. The need for more affordable childcare has
11 been great even before COVID-19 pandemic, especially for
12 the population served by ABCD.

13 This project won't increase the accessibility
14 of ABCD Programs and allow for expansion of their
15 programs.

16 The third floor of the building will be
17 utilized the City's On Track to Home Ownership Program
18 which will create eight units of affordable rental
19 housing. The need for affordable rental units and the
20 pathway to home ownership is great in the City of
21 Middletown. The On Track Program will offer affordable
22 rentals that will allow residents to start saving money
23 while going through a homebuyer education course allowing
24 them to eventually buy a house in Middletown through the
25 City's homebuyer program.

1 The remainder of the second floor space not
2 allotted to ABC will be used as community meeting
3 resource spaces. Community rooms will be available for
4 non-profits and other community groups to hold meetings,
5 events, and other programs geared toward the community
6 such as job training and workshops.

7 While the City has received some funding for
8 this project from other sources, the ever-increasing cost
9 of construction labor and material make CDBG-CV funds
10 necessary for the rehabilitation of, both, the exterior
11 and interior of the building.

12 The project will save a listed historic
13 structure while providing necessary services that will be
14 accessible to local community.

15 Again, this public hearing is for us to be able
16 to apply for \$4.1 million through New York State Homes
17 and Community Renewals Project Program, the CDBG-Cares
18 Program to rehabilitate and the funds to be used for
19 ABCD's buildout in the O&W. Thank you.

20 **PRESIDENT RODRIGUES:** Thank you. Nice job.

21 Any member from the public have any questions
22 or comments?

23 Any Council members have any comments?

24 Alderman Kleiner.

25 **ALD. KLEINER:** Thank you, Maria and Mayor and

1 everyone involved for your vision on this. It's been so
2 important to Middletown for so long to -- to get a
3 project moving that involved the O&W. And this is --
4 this is a great one. So I just wish you all the success
5 in the world in moving forward. Thank you.

6 **PRESIDENT RODRIGUES:** Anyone else? Alderman
7 Johnson.

8 **ALD. JOHNSON:** Just a quick question to Maria.
9 So, as far as the Headstart populations, where exactly
10 are they housed now? Are they all in one place or are
11 they spread throughout the county?

12 **MS. BRUNI, ECONOMIC DEVELOPMENT:** Well, they're
13 housed in the Academy Avenue building.

14 **ALD. JOHNSON:** The whole program is there?

15 **MS. BRUNI, ECONOMIC DEVELOPMENT:** Those two
16 program, yeah. And that program wants to move to the
17 O&W.

18 **ALD. JOHNSON:** So when you talk about
19 agricultural workers, they meet at that building and then
20 transported to Pine Island or wherever they have to go or
21 how does that work?

22 **MS. BRUNI, ECONOMIC DEVELOPMENT:** Their
23 children -- they bring their children there for daycare.

24 **ALD. JOHNSON:** And then does the program
25 provide transportation for them to get where they have to

1 go to work or not necessarily?

2 **MS. BRUNI, ECONOMIC DEVELOPMENT:** I'm not 100
3 percent sure on that.

4 **ALD. JOHNSON:** Okay.

5 **MS. BRUNI, ECONOMIC DEVELOPMENT:** And that the
6 transportation had to do with busing the kids to the
7 program.

8 **ALD. JOHNSON:** I see. Great. Thank you.

9 **PRESIDENT RODRIGUES:** Anyone else?
10 Eileen, do we have anybody on line?

11 **EILEEN:** Not at this time.

12 **PRESIDENT RODRIGUES:** Okay. All right. Motion
13 to close the public hearing.

14 **ADL. JOHNSON:** Moved.

15 **PRESIDENT RODRIGUES:** Johnson, seconded by
16 Alderman Green. All in favor to close?

17 **COUNCIL MEMBERS:** Aye.

18 **PRESIDENT RODRIGUES:** The public hearing is
19 closed.

20 9. Petitions and Complaints

21 (Nothing this evening.)

22 10. Remarks of the Alderman.

23 **PRESIDENT RODRIGUES:** Okay. Remarks of
24 Alderman. Alderman Tobin.

25 **ALD. TOBIN:** I'd like to congratulate the

1 County Department for the clean audit. We have squeaky
2 clean books. That's good to see. That happens year
3 after year.

4 The ABCD I think is a win win. I think as
5 advocates and representatives are always looking for this
6 win win and this is definitely one. It's good for ABCD.
7 It's good for O&W. It's good for the City. And so
8 that's all I have to say.

9 **PRESIDENT RODRIGUES:** Alderman Green.

10 **ALD. GREEN:** Thank you very much. Yeah, thank
11 you RBT as always for coming, giving us the layman's
12 terms version of the audit or, you know, in a nice short
13 brief overview. We appreciate it. And congratulations
14 to everyone involved. It's always nice to hear that we
15 have a cooperative and clean audit and staff here. So
16 thank you very much for that.

17 Don't forget early voting does start. I know
18 Legislator Sierra touched on that. But, also, don't
19 forget there are propositions on the back of the ballot.
20 So I believe there are six on there. So, just don't
21 forget to turn over the ballot. And thank you very much.

22 **PRESIDENT RODRIGUES:** Alderman Johnson.

23 **ALD. JOHNSON:** I agree with my colleagues.
24 Thank you very much.

25 **PRESIDENT RODRIGUES:** Alderman Ramkisson.

1 **ALD. RAMKISSOON:** I'm just having a quick
2 reminder for the 3rd Ward meeting which will take place a
3 week from tonight on Tuesday. We are holding it, weather
4 permitting, at the Maple Hill Pavilion. We've enjoyed
5 the growth of the meeting. We were at, like, 20 people
6 last month. So it's exciting. It's nice to see more and
7 more neighbors come out. We get together. It's always a
8 good time in Ward Three. So we hope everyone will come
9 out. Our meeting will start at 6:00 p.m. this month in
10 lieu of lighting and temperatures. That's all.

11 **PRESIDENT RODRIGUES:** Alderman Kleiner.

12 **ALD. KLEINER:** Thank you. We had a Parks and
13 Rec Commission meeting last Wednesday. It was Raelynn's
14 first meeting and she did an excellent job. So, we're --
15 we're in good hands moving right along.

16 We had some issues at our constituents meeting.
17 And we're going to wait until the Mayor and the
18 Commissioner are back before I get into those.

19 And the warming station, there are more
20 training sessions. If you're inclined to volunteer, it's
21 going to be warm the next couple of days, but it's going
22 to be cold soon. So, Thursday, October 21st at 7 p.m.
23 That's at 8 to 10 Mulberry Street they'll be a training
24 and Tuesday, October 26th, there's another training
25 session. So if you're inclined at all to help, they're

1 two hour periods, overnight periods and such that any
2 volunteers much appreciated.

3 And voting because early voting starts on
4 Saturday, I wanted to hit on that too. All our early
5 voting is the senior center at 70 West Main Street.

6 And then on the website for the regular voting
7 and we'll have our meeting on November 1st. We moved it
8 to Monday because voting is on Tuesday, November 2nd. On
9 the website, if you want to plan ahead, there is a link
10 that shows you depending on which Ward you live in and
11 which District in that ward, you can find exactly where
12 you vote. It is a lot of different places. So, you
13 know, be informed, so you don't have to go one place and
14 then go to another.

15 And, lastly, I do want to thank all the folks
16 who make our elections possible. All the poll workers,
17 all the professional people, everyone who makes voting
18 which is so important to our democracy. It makes it
19 possible. And just because you have a pathological
20 narcissist who could never accept defeat even -- even if
21 he lost 1,000 to 1 doesn't mean that there was any issue
22 with the election. And going forward, we really do
23 appreciate the people who help us conduct the election.
24 There's nothing more important to a democratic system of
25 government which we hope we will continue to have. Thank

1 you.

2 **PRESIDENT RODRIGUES:** Alderman Jean-Francois.

3 **ALD. JEAN-FRANCOIS:** Yes. Good evening. It's
4 great to see our first responders sitting in the front
5 row, police chief and the fire chief. I want to thank
6 you guys for what you do keeping our community safe.

7 And, also, County Legislator Joe Sierra, I like
8 when you attend our meetings. You always have some good
9 news for us. And I want to wish you luck on your
10 reelection this year. I think you're going to do just
11 fine. Thank you.

12 **PRESIDENT RODRIGUES:** Alderman Burr.

13 **ALD. BURR:** Nothing this evening.

14 CERTIFICATE

15 I, LISA KANE, certify the foregoing transcript of proceedings
16 prior to New Business of the October 19, 2021 Middletown City
17 Council meeting was prepared using the required electronic
18 equipment and is a true and accurate record of the
19 proceedings.

20

21 Signature: *Lisa Kane*

22 Date: November 8, 2021

23 Agency: American Legal Transcription

24 11 Market Street, Suite 215

25 Poughkeepsie, New York 12601

AMERICAN LEGAL TRANSCRIPTION (845) 452-3090

12. New Business.

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

THE FOLLOWING WAS PRESENTED

By Ald. Burr

 Sec'd by Ald. Green

 Date of Adoption 10-19-21

 Index No: 209-21

NAMES	AYES	NOES	ABSTAIN	ABSENT
Ald. Ramkissoon	X			
Ald. Tobin	X			
Ald. Kleiner	X			
Ald. Johnson	X			
Ald. Jean-Francois	X			
Ald. Burr	X			
Ald. Green	X			
Ald. Masi				X
Pres. Rodrigues	X			
TOTAL	8			1

WHEREAS, the Common Council wishes to allow limited residential usage of the first floor of a commercial, mixed-use building in the DMU Downtown Mixed Use zoning district.

Resolved, and be it Ordained, by the Common Council of the City of Middletown, New York, as follows:

Section 1 - The Code of the City of Middletown, N.Y., Chapter 475, Zoning, be and is hereby amended by replacing Paragraph (2) of Subsection C of Section 475-21.1, DMU Downtown Mixed Use District, to read as follows:

(2) The first floor (street level) of any building located in the DMU zone must be a commercial use as allowed in this § 475-21.1 (as the same may be amended from time to time). Residential uses of the first floor of any building or structure located in the DMU district are prohibited, unless waived by the Planning Board in its sole discretion, subject to the following conditions and restrictions:

(a) A waiver can only be granted if the size of the footprint of the building is 35,000 square feet or more; this minimum size requirement cannot be achieved by adding more physical space to a building; and

(b) A waiver can only be granted if all one-bedroom dwelling units in the building each consist of at least 750 square feet; and

(c) A waiver can only be granted if all two-bedroom dwelling units in the building each consist of at least 850 square feet; and

(d) The Planning Board can only grant a partial first floor waiver; the waiver cannot create an entirely residential first floor; and

(e) Subparagraphs (a) and (d), above, shall not apply to waiver requests for the conversion of an existing building which does not have street frontage because there is a structure between the subject building and the street, provided, however, that such a waiver must comply with the conditions set forth in Subparagraphs (b) and (c), above.

Section 2 - This ordinance shall take effect immediately.

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

THE FOLLOWING WAS PRESENTED

By Ald. Jean-Francois

 Sec'd by Ald. Kleiner

 Date of Adoption 10-19-21

 Index No: 210-21

NAMES	AYES	NOES	ABSTAIN	ABSENT
Ald. Ramkissoon	X			
Ald. Tobin	X			
Ald. Kleiner	X			
Ald. Johnson	X			
Ald. Jean-Francois	X			
Ald. Burr	X			
Ald. Green	X			
Ald. Masi				X
Pres. Rodrigues	X			
TOTAL	8			1

Whereas; the City of Middletown wishes to request the County of Orange to exempt the City of Middletown from certain real estate taxes on lands solely devoted to public use as a part of the City of Middletown water shed and related equipment thereon for fiscal year 2023.

Now therefore be it resolved, that the Common Council of the City of Middletown, NY does hereby request the County of Orange, NY, to exempt properties of the City of Middletown, NY from certain County real estate taxes on lands solely devoted to public use as part of the City of Middletown water shed and related equipment thereon and located within the Towns of Mount Hope and Walkkill for fiscal year 2023, respectively, as follows:

TOWN OF MOUNT HOPE
 12-1-23
 14-1-44.1
 14-1-76
 14-1-95
 14-1-127
 17-1-19

TOWN OF WALLKILL
 999-1-21
 999-1-22
 999-1-23
 999-1-24
 999-1-25
 999-1-26
 999-1-27
 999-1-28
 999-1-29
 999-1-19
 999-1-20
 48-1-5.1
 64-1-4.1
 48-1-5.2
 48-1-6.1
 64-1-2
 69-1-15
 999-1-20.1
 49-1-32

49-1-62.2

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

THE FOLLOWING WAS PRESENTED

By Ald. Kleiner

Sec'd by Ald. Tobin

Date of Adoption 10-19-21

Index No: 211-21

NAMES	AYES	NOES	ABSTAIN	ABSENT
Ald. Ramkissoon	X			
Ald. Tobin	X			
Ald. Kleiner	X			
Ald. Johnson	X			
Ald. Jean-Francois	X			
Ald. Burr	X			
Ald. Green	X			
Ald. Masi				X
Pres. Rodrigues	X			
TOTAL	8			1

RESOLVED; that the Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment to authorize the vehicles listed below be declared surplus and authorize the Commissioner of Public Works to dispose of them in the most advantageous way to the City, based on his opinion which is final, most likely through Auctions International.

1. 1988 John Deere 510 C Backhoe which has 7,266 hours
2. 2000 Bobcat (#514444690) which has 2,048 hours
3. 2006 Ford Van (VIN#1FTRE14W66HA94733) with a mileage of 76,359
4. 2007 F350 (VIN#1FDW37R88EA18285) with a mileage of 92,274
5. 2009 F350 (VIN#1FDWF31509EA17865) with a mileage of 95,952
6. 1996 John Deere Loader (VIN# DW644GB558857) which has 9,000 hours

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

THE FOLLOWING WAS PRESENTED

By Ald. Ramkissoon

 Sec'd by Ald. Kleiner

 Date of Adoption 10-19-21

 Index No: 212-21

NAMES	AYES	NOES	ABSTAIN	ABSENT
Ald. Ramkissoon	X			
Ald. Tobin	X			
Ald. Kleiner	X			
Ald. Johnson	X			
Ald. Jean-Francois	X			
Ald. Burr	X			
Ald. Green	X			
Ald. Masi				X
Pres. Rodrigues	X			
TOTAL	8			1

RESOLVED; that the Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment to authorize the Mayor to sign, as the sole signatory, any and all necessary documents required pertaining to The City's application for grant funds through New York State Homes and Community Renewal CDBG-CARES funding. The City is requesting \$4.1 million for the O&W Project.

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

THE FOLLOWING WAS PRESENTED

By Ald. Johnson

Sec'd by Ald. Green

Date of Adoption 10-19-21

Index No: 213-21

NAMES	AYES	NOES	ABSTAIN	ABSENT
Ald. Ramkissoon	X			
Ald. Tobin	X			
Ald. Kleiner	X			
Ald. Johnson	X			
Ald. Jean-Francois	X			
Ald. Burr	X			
Ald. Green	X			
Ald. Masi				X
Pres. Rodrigues	X			
TOTAL	8			1

RESOLVED; that the Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment to approve salary increase for the new incoming Superintendent of Recreation and Assistant Superintendent of Recreation starting on the day the former Superintendent of Recreation comes off the payroll through 2022 in the following manner:

Superintendent of Recreation, Raelynn Bertholf - \$75,958
Assistant Superintendent of Recreation, Nicole Psarakis - \$63,500

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

THE FOLLOWING WAS PRESENTED

By Ald. Green

Sec'd by Ald. Ramkissoon

Date of Adoption 10-19-21

Index No: 214-21

NAMES	AYES	NOES	ABSTAIN	ABSENT
Ald. Ramkissoon	X			
Ald. Tobin	X			
Ald. Kleiner	X			
Ald. Johnson	X			
Ald. Jean-Francois	X			
Ald. Burr	X			
Ald. Green	X			
Ald. Masi				X
Pres. Rodrigues	X			
TOTAL	8			1

WHEREAS, a Project for the Middletown Traffic Operations, Stage 1 in the City of Middletown, Orange County, PIN 8757.07 (the "Project") is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs such program to be borne at the ratio of 80% Federal funds and 20% non-federal funds; and

WHEREAS, Resolution No. 208-20 adopted by the City of Middletown on November 2, 2020 approved and agreed to advance the Project by making a commitment of 100% of the non-federal share of the costs of preliminary engineering work.

WHEREAS, it was subsequently found necessary to undertake additional preliminary engineering work not contemplated in the original agreement authorized by the previous Resolution; and

WHEREAS, it has been found necessary to increase the federal and non-federal share of costs for the additional preliminary engineering work for the project; and

WHEREAS, the City of Middletown desires to advance the Project by making a commitment of 100% of the non-federal share of the costs of construction and construction inspection work for the Project or portions thereof.

NOW, THEREFORE, the Middletown City Council, duly convened does hereby

RESOLVE, that the Middletown City Council hereby approves the above-subject project; and it is hereby further

RESOLVED, that the Middletown City Council hereby authorizes the City of Middletown to pay in the first instance 100% of the federal and non-federal share of the cost of the additional preliminary engineering work and the construction and construction inspection work for the Project or portions thereof; and it is further

RESOLVED, that the sum of **\$11,699,203** (\$12,596,203 minus previous \$897,000) is hereby appropriated from the General Fund and/or BAN as deemed appropriate by the Mayor and made available to cover the cost of participation in the above phases of the Project; and it is further

RESOLVED, that in the event the full federal and non-federal share costs of the project exceeds the amount appropriated above, the Middletown City Council shall convene as soon as possible to appropriate said excess amount immediately upon the notification by the Mayor thereof, and it is further

RESOLVED, that the Mayor of the City of Middletown be and is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for Federal Aid and/or applicable Marchiselli Aid on behalf of the City of Middletown with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the municipality's first instance funding of project costs and permanent funding of the local share of federal-aid and state-aid eligible Project costs and all Project costs within appropriations therefore that are not so eligible, and it is further

RESOLVED, that in addition to the Mayor, the following municipal titles: Commissioner of Public Works, City Engineer, City Treasurer are also hereby authorized to execute any necessary Agreements or certifications on behalf of the Municipality/Sponsor, with NYSDOT in connection with the advancement or approval of the project identified in the State/Local Agreement;

RESOLVED, that a certified copy of this resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project, and it is further

RESOLVED, this Resolution shall take effect immediately.

13. Local Laws

Council Clerk-Nothing this evening.

14. Audit

On motion of Ald. Johnson seconded by Ald. Green

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, President Rodrigues

15. Adjournment

There being no further business meeting adjourned at 8:31 PM

