



**Common Council
Meeting
City of Middletown
October 20, 2020**

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

Mayor DeStefano-Recognition of Armondo Collarilli and what he has meant to the City of Middletown.

Mayor read proclamation.

Awarded the key to the city
Long term business owner 44 yrs.

Declare October 20, 2020 as Armondo's Tailor Shop Day here in the City of Middletown

Mayor DeStefano- As the proclamation said that 44 yrs. in downtown through the good and through bad. He came in at the end of the good survived the bad and now that we are having our rebirth a lot can be contributed to a lot of people like Armondo. For 44 yrs. He

has been the main stay, basically the anchor of downtown. When you look at anchors people talk about big businesses like the anchor at the mall, JC Penny or the anchor downtown, Paramount Theatre or library. The anchor of the retail and the consumer business in downtown Middletown has not been any of those none of them has been in existence for 44 yrs. Armondo has. He decided this year that the time was to retire, 44 yrs. doing one thing in one place. He has made an impact on our community. He decided the time to say goodbye and he has done actual great job of bringing customers in and welcoming customers. Along with his wife they had made a tremendous impact on our community.

Awarding Armondo and his wife

Awarding Armondo the proclamation and key to the City.

Armondo- thank you very much for the key to the City of Middletown. Thank you for the opportunity to be here tonight.

I want to say thank you to my wife, she is always by my side.

Thank you customers that came to me.

Mayor DeStefano- He was born in Italy. He began studying sewing in Rome when he was 18 yrs. He moved to Middletown in 1967 with Alba and Alba joined in 1968. He worked as a tailor at 2 dept. stores, Robert Hall and Kassel Brothers before opening as a ...shop in 1976. For a time Armondo also sold suits and rented tuxedos in the store front next door. They served customers for 44 yrs. until he announced his retirement in early 2020.

Armondo and Alba raised 2 children in Middletown, Armondo is a Middletown resident also. Fabio and Tina both of whom still work and live in this area today and they have 4 grandchildren.

Fabio and Tina – thanked the City of Middletown

Mayor DeStefano- We also have the opportunity tonight to receive some money from R4DT organization.

Dave and Anna Madden representing R4DT.

Dave and Anna were an important part in recognizing Armondo and Alba for their 44 yrs. in business. Their business is located right across the street for many years. I wanted to acknowledge their part in this also, along with Maria Bruni our Executive Director of Economic Development.

Dave Madden- We missed out on the 2020 R4DT this year obviously everyone understands why. We were excited about it, it was our 15th Anniversary. We put it off for a year. Bringing back August 21, 2021, we will be back better than ever.

Committee of organizers behind me. Last couple of years we haven't donated any money we have been stock piling a little bit and we are proud tonight to present a check to the City of Middletown to use toward the pavilion in the amount of \$60,000.

Mayor DeStefano-This project-Downtown Revitalization Initiative money that we are doing a lot of work with. The pavilion was put on the backburner because of running over budget basically. We couldn't do everything we thought we could do with the original... This \$60,000 started us thinking about the pavilion again, Maria was able to find some money within the Economic Development line. We are doing the slab for the pavilion right now; it is going to be the changeover coming in from the contractor due to this money and others. We are also hearing good news from possibly the state some additional funding that may come down and then we will be able to do the pavilion this year as we anticipated. We were looking to put it off possibly next year but I think we are able to do all this year. So it is all good news and it all started with your \$60,000.

Thank you so much.

Now we have Recognition Day for the Middletown Fire Dept.

Some of us were at the Statue of Fireman Joe and we acknowledged different firemen awards for this year. As you know we didn't have a parade, we had Inspection Night usually a picnic of some sort and other things but due to Covid we were very much restricted with activities we had.

Chief Luis- Tonight we did the awards for Rookie of the Year, Fireman of the Year, Officer of the Year from Inspection Night; we handed out the trophies.

Rookie of the Year-Dustin Ryder from Engine 1

Fireman of the Year- Leighton Williams

Officer of the Year-Bill Kelder- a lot of purchasing this year. He kept me in line, the office in line.

From our Inspection Night-Apparatus Engine #4 took 1st place, Engine #1 took 2nd place

Company- Truck 3 took 1st place, Truck 1 took 2nd place

Overall company- Combined scores of apparatus and company was Engine #4

Pres. Rodrigues asked if anyone else would like to address Council no one did.

6. Remarks of Mayor

Mayor DeStefano-Nothing this evening.

7. Remarks of Dept. Heads

Maria Bruni/Economic Development-I too want to wish Armondo successful retirement. It has been an honor to know him. I am a daughter of a tailor and I grew up in that life and it

is fulfilling and rewarding work. Tailors growing up we are all family. Again, I want to wish him and his family best of luck and we will miss him.

Also we are going to be closing on the Wickham Ave. property this Friday. We are going to have brand new homeowners, proud homeowners moving in this weekend.

Our next home we will be working on is 198 Wickham. We do have a buyer and we should be going into contract the next couple of weeks.

This Friday we are going to have a ribbon cutting for a new business on North St. 19 North St. Las Albas. They are a design company that repurposes military uniforms into fashion.

We have a couple more businesses on North St. that are opened or are opening in the field of fashion and design. We look forward to all.

Don Luis/Fire Chief-I will say the water maps have been moved into the Control Room, color coded with the mains much easier to read. I hung it myself.

We do have 2 resolutions tonight- one is a transfer within the transfer dept. and the resolution on the requirement for Chief Engineer.

Ald. Masi-Chief, thank you for taking care that.

Chief Ewanciw/Police Chief-Nothing this evening.

Chris Brinkerhoff/Superintendent Recreation- I do want to add one thing to that. Our celebration for the Little League Team 13 & under won District 19. Little League was modified this year like our entire world, give them a lot of credit. They ran a safe league for the kids to participate in and also surrounding towns to come and participate in. Congratulations to the 13 & under boys' team.

Last Friday was a ribbon cutting at the Recreation campus. I know a lot of you were there, Senator Metzger was there, we thank her again for the funds that was received to make an incredible home for the Recreation & Parks Dept. as well as the Police Academy. We can't get better neighbors it is going to be a win/win situation. We are going to have an incredible program out there even with Covid.

This Thursday a lot of you received an e-mail we are going to do a short dedication for Dave Bechtle. We made a nice little seating area up at the new facility with a bench, new tree and a plaque. It will 4 pm on Thursday at the Recreation Campus. A gentleman that is greatly, greatly missed.

Up at the reservoir we have expanded 4 more parking lots. They were small lots up there, literally in the 10's of thousands of people that have walked that. The Orange Trail a portion of that we are finishing up today we will have markers on that. On that map it said future trail, half of it is done we will have the other half hopefully done by next week. Also create for the winter we are getting a lot of calls and this is really for the public about cross country skiing. The reservoir will be used as much in the winter as it is used now. We are adding a loop up in the back to let people know the Black Trail that will be plowed so it will be great for workers. The Water Dept, and DPW needs to get to the dams, there will still be walking

in there in the winter as well in the back snowshoeing and cross country skiing. Anyone want more information we will put out a specific map for that at each one of the kiosks.

We are getting our winter program as much as we can and as safely as we can just check our social media and the website to register or any questions give us a call.

Pres. Rodrigues-Any update on Wolslayer Park?

Chris Brinkerhoff-I know Jacob can probably give you a little more. I know the contracts were signed, going to bid to get the drainage done, the capping done and most of the wiring.

Jacob Tawil/DPW Commissioner- Ald. Masi the reservoirs are 87% full. 2 weeks ago I said 89% we are dropping, it has been very dry. Other communities around us are suffering especially ones using the wells for ground water for water sources. We need water and hopefully rain will come soon. We are relatively in good shape. 87%.

Leaf pick up reminder for the public, it is going to start November 2nd and end Dec. 4th. We are going to start with the 2nd Ward because we usually rotate them. Start this year with the 2nd Ward, 3rd, 4th and 1st. Please be ready. Keep it 4 ft. from the curb. Otherwise it becomes hazardous and dangerous for the kids.

Electronic drop off-microwave, tv, computers, monitors, cell phones they will be accepted at DPW garage on Monhagen Ave. This Saturday bring up to 5 items. Ad taken by DPW in the paper and on the website.

Parking lots being constructed hopefully the 2nd phase of that parking lot will be open in 2 weeks. Paving is getting done, landscaping we will be in good shape.

Finished water lines project is \$3 ½ million project. Construction will start October 26th. Start with a 12 inch water line which runs through the park. We are going to abandon it so that when Davidge Park Expansion and that takes place the 12 inch water line that runs through the park will be out of the way, we don't have to worry about it breaking. It will be running along the edge of the park that will be starting October 26th.

Construction update-electric contract has been signed for the park expansion. The General Contractor is having an issue with the legal language in the contract and their attorney is talking to our attorney to try to resolve it. Hopefully it will be resolved very soon so they can get started, otherwise the electrician here Rotolo is local he signed the contract and gave it to us a couple of weeks ago. No problem for him just waiting for the GC to resolve any legal issues.

Pres. Rodrigues-The electric contract is signed?

Jacob Tawil-Yes.

Pres. Rodrigues-Not the general contract.

Jacob Tawil-Yes.

Pres. Rodrigues-No work has been started?

Jacob Tawil-No can't start until it is signed.

Pres. Rodrigues-We opened the bids in August correct?

Jacob Tawil- I don't remember- it hasn't been 45 days yet.

It is a legal issue trying to get resolved between their attorneys.

Ald. Kleiner- The time for electronic drop off is it 9-3?

Jacob Tawil-I thought it was 8. 8-3.

John Naumchik-It is on the website-8-3.

Jacob Tawil- The Mayor reminded me hazardous waste drop at the County is 9-3 also on our website.

Ald. Kleiner- Also wanted to thank you we had a constituent concern about the handicap entrance to the Police Dept. and City Hall thank you Commissioner you moved very quickly.

Ald. Burr-Do you need identification when you drop off your electronics.

Jacob Tawil-Yes. Middletown residents. You have to show a form of id to prove that you are a City of Middletown resident. Not open for everyone in OC. 5 items maximum.

John Naumchik/City Clerk-Just a reminder the next meeting will be November 2nd instead of November 3rd.

Early voting starts this Saturday at the Senior Center. Please check our website. All days and times are different so check the website or Board of Election website too.

8. Public Hearings & Grievances

John Naumchik read the public hearing notice

Public hearing to increase the minimum size of certain dwelling units in the DMU zone

Notice is hereby given the City of Middletown will hold a public hearing on Tuesday, October 20, 2020 on or as near to 8:00 pm as possible, Common Council Chambers 2nd floor, 16 James St. to hear any and all persons wishing to be heard on the proposed Zoning addition to the DMU Zone:

To increase in the minimum size of certain dwelling units in the DMU Zoning District.

The complete proposed change to the DMU Zoning District is available in the office of the Common Council Clerk, City Hall, 16 James St. Room 12 and on the City website.

John C. Naumchik

Clerk of the Common Council

Publish: 10/9/20 & 10/10/20

City Website

Pres. Rodrigues opened the public hearing 8:30PM

Mayor DeStefano-The request is coming through my office. This was originally discussed when we created the DMU and the idea behind it is to address some of the larger factories; especially where some of the larger conversions and make sure we are not adding small units. We feel we have an appropriate miss in downtown and we need more market rate housing and the market rate seems to be 750-800 sq. ft. unit. We are asking that within the

DMU the minimum square footage be 750 for a 1 bedroom and 2 bedroom 850 and then follow the bulk regulations thereon.

The DMU zone- we also have another resolution on tonight. Public hearing on a matter related to that. Not really a housing issue but regards to the conversions we like to from our planning perspective we like to see 750 minimum for 1 bedroom unit.

Pres. Rodrigues asked if anyone from the public had any questions. No one. Asked if the Council had any questions no one had any.

On motion of Ald. Masi seconded by Ald. Green to close public hearing.
All in favor
Public hearing closed 8:34pm

John Naumchik read the 2nd public hearing notice

Zoning Change for 40-42 Mill St. from I-1 to DMU

Notice is hereby given that the City of Middletown will hold a public hearing on Tuesday, October 20, 2020 on or as near to 8:00 pm as possible, Common Council Chambers, 2nd floor, 16 James St. to hear any and all persons wishing to be heard on the proposed Zoning change from I-1 Zone to a DMU Downtown Mixed Use District for the following property:

40-42 Mill St. 30-1-14

Any and all persons wishing to be heard will be given an opportunity to speak either for or against the proposed Zoning change.

The complete proposed change application to the Zone is available in the office of the Common Council Clerk, City Hall 16 James St., Rm 12.

John C. Naumchik
Clerk of the Common Council
Publish: 10/9/20 & 10/10/20
City Website

For the record we did receive proof of mailings before this zone change.

Pres. Rodrigues opened the public hearing
Opened 8:35 pm

Mayor DeStefano-This also a request from my Office, working with Economic Development Office. When we created the DMU Zone we had it on a much smaller basis and we looked to expand the boundaries or define the ultimate boundaries of the DMU.

One area that we have been considering how to handle zoning is the corner of Monhagen, Mills and Fulton. It is a smaller piece zoned industrial; we've had many inquiries mostly housing related inquiries. Which were not attractive to us because we always felt it was part of the downtown; so we felt the best use of the property would be to include it. Make that the entry point to the downtown business district in that area.

We also have another one coming to you we discussed in the past over by Tony's Restaurant where we have been meeting with businesses owners, property owners over there and with the trail coming in that will also be the gateway to downtown.

There is a project coming behind this once the DMU is changed it is very favorable project, fits in downtown; it cannot be done in the industrial zone that is there. We also don't want to change the zoning to a commercial zone that would allow for residential development we don't think it blends it. Upper floor residential is adequate and it fits the bill the first floor residential we are looking commercial. We need to make the change there.

The other boundaries that was identified was basically Union St. on that side and the Park Circle area, Wickham Ave. corridor coming into town. Those are areas that once we finalize this DMU we will be able to market things a little bit better for what we are looking for in our downtown.

This is industrial on a small piece, small parcel like this doesn't fit and not conducive to rehabbing those buildings. The buildings are deteriorating so if we don't do something we are going to have a problem there. A bigger problem. What you are going to hear about the project is a very sound project and Planning Board will be addressing that after the DMU approval.

Pres. Rodrigues opened the public hearing

Asked if anyone had any questions from the public?

Pres. Rodrigues- There are 2 buildings on that property right? Part of the first floor is going to be commercial?

Mayor DeStefano-No all first floor has to be commercial. All first floor has to be commercial upper...

Pres. Rodrigues- Both buildings?

Mayor DeStefano-Yes. The only exception to first floor residential would be on a building that doesn't have 30,000 sq. ft. or doesn't have street access. In this case the building has street access, they have frontage on the street. They are not hidden, the only building we felt qualified for first floor residential under that specifications were Montgomery St. I think the plan here is to have may be have 2 apartments upstairs and rest commercial.

Pres. Rodrigues asked if the Council had any questions no being.

On motion of Ald. Masi seconded by Ald. Tobin
Public hearing closed 8:38Pm

9. Petitions & Complaints

John Naumchik-Nothing this evening.

10. Remarks of Aldermen

Ald. Masi-Nothing this evening.

Ald. Tobin- I like to congratulate Armondo and R4DT for their generous donation. Arthur Tobin has taken over as post master. He is interested in a lot of concerns that he has been hearing. I have spoken to him about the concerns that he has been hearing.

Ald. Green-I too like to congratulate Armondo, 44 yrs. is no short amount of time. Also R4DT that is definitely an amazing check to be given to us.

Also congratulations to all the companies and all the members of the Fire Dept. for all the hard work they put in for Inspection Night. Not only that but also the hard work they put in during the pandemic.

All our first responders thank you.

Ald. Johnson- The Mayor wanted me to remind the public that rides to the polls available for early voting. Please refer to the website or Mayor's Office.

Armondo what could be better than to hear your life in the eyes and ears of your children. Remarkable.

Dave & Anna your resume grows and grows thank you for that.

Fire Dept. I concur with Ald. Green thank you.

If you are a pet owner you may be wondering when vets can let you in their offices. We are actually working under a directive from the Governor's office for only allowing people in when it is not possible to not allow them in. That is going till the end of the year. One exception if you are unfortunate enough to have your pet put to sleep the directive says you can enter with one member of the family. We are still working under that. With winter coming we will see how curbside works and it may not really be that good for the vet staff. Why are we not doing it? Because the Governor says we really shouldn't be doing it.

I do want to acknowledge the School Board meeting that took place recently. To say it was brutal would be an understatement. Having sat at the Presidents seat for 6 yrs. of my 17 at the Board I certainly could feel for Pastor Williams. Harsh words were exchanged, the meeting did get out of control and nobody would disagree with that. Heated discussion, the Board was chastised as well as the Superintendent much of that discussion fell on racism

and discrimination. Most of the people who spoke at the mike left right after speaking at the mike. But the board did go around the table they did pass a pretty lengthy resolution addressing issues of both racism and discrimination. I think they are doing the very best job that anybody could; if you know anybody on the board they could probably use word of encouragement at this time. I certainly reached out to Pastor, I wish them well as they move forward in that particular discussion.

Ald. Ramkissoo- For Armondo and his family I have to say congratulations on your retirement and thank you on behalf of this community for your service. 44 yrs. is remarkable. Your children honored you really well tonight it was beautiful.

3rd Ward meeting is the 27th. Different this month we are going to be having it at the Bob Isseks Pavilion at Maple Hill Park it will be the last time for 2020 but it is going to be at 6 pm so it doesn't get to cold or too dark on us. That is for next week.

Rec. Center ribbon cutting was amazing. I just wanted to say that real quickly. I saw the building in process and seeing the building now it is absolutely outstanding. Great work was done, all in house.

Ald. Kleiner- I still think of Armondo as a new comer. 44 yrs. in town I think that qualifies. Congratulations to him.

Certainly thank R4DT \$60,000 boost to our downtown development is quite a shot in the arm.

Congratulations to the FD and their awards. As the Mayor said the volunteers in Middletown it has been so important to us what we do and who we are such a huge help. Always indebted.

Jacob we have a lot of leaves out in the street already.

Recognize one anniversary the 24th we had electronics pick up and hazardous waste. October 24th is also 75 yrs. since the United Nations began its operations. After WWII it was the hope of the world that we would be able to work together as a community of nations and solve problems. We are trying but oh my goodness.

The election is coming up in 2 weeks-I just want to mention the voter suppression, I am old enough, I did march in DC for the voting rights act. That was so important and now with the kind of voter suppression we see, in Texas ...2 million people, Dallas County-2.5 million people, Harris County-4 million people only allowed one drop box per county. One for 4 ½ million people- I don't know what else you call that besides voter suppression.

I am still very disappointed there is still no local government funding. Our county has been very quiet and no one is really speaking out about what is going on in Washington and how they just said let the states and cities go bankrupt. It is not a good solution.

I heard from home mentioning that people with the Warming Station knew in March that it was going to be moved to the Temple. I will be kind and say that is just not true. I will tell you in the minutes from the June 16th, June that is 3 months later was the first time that the Rabbi even said well we have a big basement room at the temple, maybe I will look into that. That was the first time, that is not March no one was hiding this and I just wanted to clear that up on the record.

Happy and safe Halloween.

Ald. Jean-Francois- Our Fire Dept. I always enjoy the Fire Safety Night. It is amazing to see. Always great to visit every fire dept. to see how these guys operate and the sacrifice they make. I just want to thank them for all their hard work and dedication.

Ald. Burr-Congratulate the Fire Dept. on all their awards tonight.

Thank the Maddens and R4DT for their generous donation.

Armondo, 44 yrs. I know the feeling; I'm at 43 right now myself.

11. Unfinished Business

John Naumchik-Nothing this evening.

12. New Business

197.20 Resolution to increase the minimum size of certain dwelling units in the DMU Zoning District.

On motion of Ald. Masi seconded by Ald. Green

WHEREAS, the Mayor and Economic Development Director have requested an increase in the minimum size of certain dwelling units in the DMU 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 adding a Paragraph (6) to Subsection C of Section 475.21.1 (DMU Downtown Mixed Use) to read as follows:

(6) Notwithstanding anything to the contrary contained in Subsection F, Paragraph (16) of this Section or in any bulk table referenced therein, any building in which the addition of new dwelling units shall result in such building containing more than eight (8) dwelling units, each new one-bedroom dwelling unit must contain a livable floor area of at least 750 square feet, and each new two-bedroom dwelling unit must contain a livable floor area of at least 850 square feet.

Section 5 - This ordinance shall take effect immediately.

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

198.20 Resolution 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 for 2022.

On motion of Ald. Tobin seconded by Ald. Kleiner

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 2022.

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 Wallkill for fiscal year 2022, respectively, as follows:

<u>TOWN OF MOUNT HOPE</u>	<u>TOWN OF WALLKILL</u>	
12-1-23	999-1-21	999-1-19
14-1-44.1	999-1-22	999-1-20
14-1-76	999-1-23	48-1-5
14-1-95	999-1-24	48-1-6.1
14-1-127	999-1-25	64-1-2
17-1-19	999-1-26	69-1-15
	999-1-27	999-1-20.1
	999-1-28	49-1-32
	999-1-29	49-1-62.2
		64-1-4.1

COMMON COUNCIL
CITY OF MIDDLETOWN
CERTIFICATION OF RESOLUTION

I, John C. Naumchik, City Clerk and Common Council Clerk of the City of Middletown, do hereby certify that I have compared the foregoing copy of this resolution with the original on file in my office, and that the same is a true and correct transcript of said original resolution and of the whole thereof, as duly adopted by said Common Council at a meeting duly called and held at City Hall on _____ by the required and necessary vote of the members to approve the resolution.

WITNESS My Hand and the Official Seal of the City of Middletown, New York, this _____ day of _____, 2020.

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

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

199.20 Resolution to amend Chapter 344, Parades and Motorcades

On motion of Ald. Green seconded by Ald. Ramkissoon

WHEREAS, the Police Chief and Corporation Counsel suggest that specific penalties be added for violations of Chapter 344, Parades and Motorcades.

NOW THEREFORE BE IT 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 344, Parades and Motorcades, as adopted February 10, 1997, be and is hereby amended by replacing Section 344-8, Failure to comply, to read as follows:

Section 344-8. Penalties for offenses.

A person who shall violate any provision of this Chapter shall be guilty, upon conviction, of an offense punishable by a fine 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.

Section 2 - This resolution and ordinance shall take effect immediately

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

200.20 Resolution to authorize the Treasurer to transfer a total of \$33,500.00 within the Fire Department 2020 budget.

On motion of Ald. Johnson seconded by Ald. Green

RESOLVED; that the Common Council of the City of Middletown hereby concurs with the Board of Estimate and Apportionment to authorize the Treasurer to transfer a total of \$33,500.00 within the Fire Department 2020 budget in the following manner:

<u>From:</u>		<u>To:</u>
A.3410.100 Personal Services Payments thru December 2020	\$15,000.	A.3410.111 207-A Retiree
A.3410.100 Personal Services Shortfall	\$1,000.	A.3410.410 Uniform Allowance

A.3410.202 Coats & Boots SCBA Masks not included in Capital Budget	\$15,000.	A.3410.200 Other Equipment
A.3410.206 AFFF Foam Portable Generator	\$1500	A.3410.200 Other Equipment
A.3410.450 Materials & Supplies Toshiba	\$1,000.	A.3410.400 Contractual Expenses

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

201.20 Resolution to authorize the Treasurer to transfer a total of \$55,000.00 from the Sewer Fund Balance to cover the anticipated cost for this year and next year IPP Program.

On motion of Ald. Ramkissoon seconded by Ald. Kleiner

RESOLVED; that the Common Council of the City of Middletown hereby concurs with the Board of Estimate and Apportionment to authorize the Treasurer to transfer a total of \$55,000.00 from the Sewer Fund Balance to cover the anticipated cost in the amount of \$30,000 for CDM Smith for IPP Program support for the remainder of this year and next year and a transfer back into the referenced budget item, \$25,000 per attached Resolution 137-19, said funds that were transferred out of this project due to end of year accounting reconciliation in the following manner:

FROM	AMOUNT	TO
Sewer Fund Balance	\$30,000.00	G.8110.400
Sewer Fund Balance	\$25,000.00	G.8110.400

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

202.20 Resolution to add to the Code of the City of Middletown a new Chapter 169, entitled "All-Terrain Vehicles.

On motion of Ald. Kleiner seconded by Ald. Johnson

WHEREAS, the increased unsafe use of all-terrain vehicles has created a substantial safety risk to persons and property in the City of Middletown.

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

Section 1. There is to be added to the Code of the City of Middletown a new Chapter 169, entitled "All-Terrain Vehicles" to read in its entirety as follows:

CHAPTER 169. ALL-TERRAIN VEHICLES

Section 169-1. Definitions.

As used in this Ordinance, the following terms shall have the meanings indicated:

ATV – Any all-terrain vehicle that is motor-propelled or contains a motor to assist the operation of said vehicle, and which vehicles are commonly referred to as “dirt bikes,” “minibikes,” “trail bikes,” “motorized sport bikes,” “go-karts,” “all-terrain vehicles (ATVs),” “trikes,” “quads,” “dune buggies,” “utvs,” “Side by Sides,” and “golf carts,” etc., which vehicles, by their nature and design, are not intended to be used and operated on or along paved roads and highways but are intended, rather, to be operated in dirt, sand, up and down hills, along trails and in similar-type areas.

PRIVATE PROPERTY – All land and buildings in the City of Middletown not included in the definition of “public property” nor part of the public road system.

PUBLIC PROPERTY – Lands and buildings, including City parks, owned or leased or operated pursuant to easement by the City of Middletown, any school district property, or any property owned or leased by the County of Orange or the State of New York or any other equivalent body. This definition specifically excludes any public roadways owned or maintained by any of the aforementioned public entities.

Section 169-2. Prohibited Acts.

It shall be unlawful to operate an ATV in the following locations and/or manner:

A. Upon public property at any time without express consent or permit issued by the governmental agency in control of said property.

B. Upon private property (other than that private property owned by the family of the operator) without the written consent of all the owners of the private property. Written consent must be carried with all ATV operators at all times.

C. In violation of New York Vehicle and Traffic Law, Title XI, Article 48C and the rules and regulations of the Department of Motor Vehicles of the State of New York. Should the Department of Motor Vehicles require registration or licensing of said vehicles, then it shall be unlawful to operate said vehicle without proper registration and licensing.

D. In a manner which causes or otherwise results in the propulsion of sand, dirt, dust, rocks, gravel or other similar materials beyond the property line.

E. On or near any public roadway.

Section 169-3. Exclusions.

This Ordinance shall not apply to the operation of ATV's:

A. On premises owned by the operator in the course of his or her private use or business; or

B. By employees of the owner of the ATV on property of the owner while on the business of the owner; or

C. To the operation of ATV's under circumstances specifically permitted and regulated by any agency of the State of New York.

Section 169-4. Penalties.

A person who shall violate a provision of this Chapter shall be guilty, upon conviction, of an offense punishable by a fine of not more than \$2500, for the first offense and \$5000 for a second or subsequent offense within a 12-month period measured from the date of the first alleged violation of this Chapter, or by imprisonment for a period not exceeding fifteen (15) days, or by impoundment of the ATV for a period not to exceed sixty (60) days, or by any combination thereof. ATVs that are impounded in violation of this Chapter shall only be released to the titled and/or registered owner, as listed on a valid title and/or registration.

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. Effective Date.

This Resolution and Ordinance shall take effect immediately.

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

203.20 Resolution to amend the requirements for candidates for the Fire Department election of the Chief Engineer.

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

WHEREAS, the Council has received information regarding the availability of classes for candidates running for office elections, and

WHEREAS, the Council wishes to amend the requirements for candidates for the election of Chief Engineer.

NOW THEREFORE BE IT RESOLVED by the Common Council of the City of Middletown that the Council hereby amends the qualifications for Chief Engineer contained in Section 45 (page 13) of the Rules and Regulations For the Government of the Middletown Fire Department to read as follows:

- Minimum 5 years in the department
- Past or Current Captain of a Middletown Fire Company
- Firefighter 1 or equivalent
- Fire Officer 1, or equivalent
- Engine Company Operations
- Truck Company Operations
- Pump Operations
- Emergency Vehicle Operations Course (EVOC)
- AVET
- NIMS 100, 200, 300, 700, 800

AND IT IS FURTHER RESOLVED that successful completion of at least 75% of the classes listed above makes a candidate eligible to run for Chief and, if elected, the candidate must successfully complete the remainder of the classes as they are offered to retain the status of Chief

AND IT IS FURTHER RESOLVED that this Resolution shall take effect immediately.

Ald. Green- I will be abstaining as I am a delegate from one of the companies.

Ald. Johnson- I guess I also need to acknowledge that I discussed in committee. I didn't really find the information that was presented to me sufficiently ...to move forward and I feel compelled to abstain from this vote as well.

Roll Call: Ayes: Ald. Ramkissoon, Tobin, Kleiner, Jean-Francois, Burr, Masi, Pres. Rodrigues-7 Abstain: Ald. Johnson, Green-2

204.20 Resolution to award the bid for asbestos Monitoring and air sampling needed for the demolition of 7 Canal St, 42 W. Main St and 47 Sproat St.

On motion of Ald. Burr seconded by Ald. Masi

WHEREAS, bids were opened by the Board of Estimate and Apportionment on Thursday, September 10, 2020, for asbestos Monitoring and air sampling as well as variances applications and demolition of 7 Canal St, 42 W. Main St and 47 Sproat St., and

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

WHEREAS, the Commissioner of Public Works recommends to the Common Council that the bid be awarded to lowest bidder,

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 to QuES&T of Wappinger Falls in the total amount of \$20,000 for all three property plus \$350 fees to DOL per variance application and for the Mayor to sign all paperwork for this project.

Commissioner Tawil- This is only to award the inspection and their testing during the demolition. Demolition contracts have been awarded already and the contracts have been signed.

Pres. Rodrigues-For the asbestos abatement?

Commissioner Tawil-Yes. Asbestos abatement monitoring.

Pres. Rodrigues-Not to abate?

Commissioner Tawil-Actual abatement is in the contracts. We signed the contracts already. It is my fault I gave it to John at the last minute.

John Naumchik-Right here in the e-mail- asbestos abatement and demolition.

Commissioner Tawil-Air sampling during the actual demolition and abatement. We have to have a specialty contractor in there, they have air monitors all around the property and take samples and test them, report that to Dept. of Labor to make sure there is no asbestos fibers.

Roll Call: Ayes: Ald. Ramkissoon, Tobin, Johnson, Jean-Francois, Burr, Green, Masi, Pres. Rodrigues-8 Noe: Ald. Kleiner-1

13. Local Laws

John Naumchik-Local Law #4 of 2020 exempting seasonal part-time employees from the Middletown Ethics Code

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

LOCAL LAW #4 OF 2020

A LOCAL LAW EXEMPTING SEASONAL PART-TIME EMPLOYEES FROM THE MIDDLETOWN ETHICS CODE

BE IT ENACTED BY THE COMMON COUNCIL OF THE CITY OF MIDDLETOWN AS FOLLOWS:

Section 1. Purpose of this Enactment.

The purpose of this enactment is to exempt seasonal part-time employees from the Middletown Ethics Code.

Section 2. Section 48-2 (Definitions and Word Usage) of the Code of the City of Middletown is hereby amended by adding a last sentence to the definition of “Municipal Officer or Employee” to read as follows:

No person shall be deemed to be a municipal officer or employee solely by reason of being a seasonal part-time employee.

Section 3. Effective Date.

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

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

14. Audit

On motion of Ald. Masi 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, Masi, Pres. Rodrigues-9

15. Adjournment

There being no further business meeting adjourned at 9:00 PM

Respectfully submitted,

Karen Sisco