



COMMON COUNCIL MEETING  
CITY OF MIDDLETOWN  
September 5, 2023 Minutes  
City Hall  
16 James Street  
Middletown, New York 10940

P R E S E N T

Miguel Rodrigues, President of Common Council  
Ald. Gerald Kleiner  
Ald. Paul Johnson  
Ald. Kevin Witt  
Ald. Jude Jean-Francois  
Ald. Sparrow Tobin  
Ald. Andrew Green

A B S E N T

Ald. Katie Wray  
Ald. Joseph Masi

Digitally Recorded Proceeding, transcribed by:  
Lisa Kane

AMERICAN LEGAL TRANSCRIPTION  
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**1. Pledge of Allegiance**

(Pledge of Allegiance)

**2. Roll Call**

**PRESIDENT RODRIGUES:** Roll.

Roll Call: Tobin, Jean-Francois, Johnson, Kleiner, Green, Witt, President Rodrigues.

**3. Approval of Minutes**

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

**RICHARD MCCORMACK, CITY CLERK:** We have the minutes from June 20th, 2023 as corrected.

**PRESIDENT RODRIGUES:** Do I got a motion to accept?

**ALD. JOHNSON:** So moved.

**PRESIDENT RODRIGUES:** Johnson, seconded by Alderman Jean-Francois. All in favor?

**ALDERMANS:** Aye.

**4. Correspondence, Communications and Reports**

**PRESIDENT RODRIGUES:** Correspondence.

**RICHARD MCCORMACK, CITY CLERK:** Nothing this evening.

**5. For the Good of the City**

**PRESIDENT RODRIGUES:** For the Good of the City, we'd like to bring the Mayor up for presentation.

**JOSEPH DESTEFANO, MAYOR:** Good evening. The  
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day after Labor Day and it's appropriate for us this evening to recognize some of our long-term employees here in the City of Middletown.

Each year the New York Conference of Mayors issues certificates of public -- public service certificates to employees that have reached the mark of 25 years and then in 5-year increments; 30 years, 35 years, and so on.

So this evening we have, I think, 6 members of our workforce who have reached the 25-year plateau and one of them -- one of the 6 is at 35 years. So we'd like to bring them up one by one and thank them once again for their service and their commitment to the City of Middletown for the hard work they've performed over the years. And also to say thank you for what they've done and what they will continue to do as employees of the City of Middletown and just recognize that with a certificate.

I saw one Matt Lybolt, the -- the newlywed is here. And his father-in-law is here. And I heard he's gonna be throwing a party after this all an expense -- all expenses paid by Andy Bairstow, so. We're all invited. All I heard was a laugh. I didn't hear him say yes.

All right. So if we can come up one by one.

Do you want to come down, Miguel, or no?

**(Presentation of Certificates)**

**Lenny Ferara - 25 years of service**

**Donnie Robinholt - 25 years of service**

**George Valentine - 25 years of service**

**Matt Lybolt - 25 years of service**

**Brian Ogden - 25 years of service**

**William Halinan - 35 years of service**

And that was it. So we had the three that are present, three that we will give to their department heads to hand out. And if anybody has a camera, we can get a picture.

**6. Remark of Mayor**

**PRESIDENT RODRIGUES:** Okay. Move over to remarks of Mayor.

**JOSEPH DESTEFANO, MAYOR:** Nothing else this evening unless you have any questions.

**PRESIDENT RODRIGUES:** No questions for the Mayor. All right.

**7. Remarks of the Department Heads**

**PRESIDENT RODRIGUES:** Department heads. Fire Chief.

**NICK BARBER, FIRE CHIEF:** Nothing this evening unless you've got questions.

**PRESIDENT RODRIGUES:** I've got a question.

**NICK BARBER, FIRE CHIEF:** No you don't.

**PRESIDENT RODRIGUES:** Come on up. I hear the new Dunkin' Donuts -- are we up to six car accidents already?

**NICK BARBER, FIRE CHIEF:** No.

**PRESIDENT RODRIGUES:** Okay.

**NICK BARBER, FIRE CHIEF:** You're up to three.

**PRESIDENT RODRIGUES:** Three?

**NICK BARBER, FIRE CHIEF:** Yes.

**PRESIDENT RODRIGUES:** Is it on James Kelly Way?

**NICK BARBER, FIRE CHIEF:** Yes. It's not due to them entering in there, its people coming out of QuickChek the wrong way trying to go up. And then people just cutting other people off.

**PRESIDENT RODRIGUES:** Okay. So not -- from QuickChek to Dunkin's Donuts?

**NICK BARBER, FIRE CHIEF:** Yeah. You're -- you're not supposed to come out of QuickChek that way, you're only supposed to enter. And somebody tried --

**ALD. JOHNSON:** They're coming out that way closer to the other road? Really?

**NICK BARBER, FIRE CHIEF:** One time that I know of.

**ALD. JOHNSON:** It bends this way.

**NICK BARBER, FIRE CHIEF:** One time that I was  
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called there, yes.

**ALD. JOHNSON:** Wow.

**NICK BARBER, FIRE CHIEF:** That's your only question?

**PRESIDENT RODRIGUES:** That's my only question. Thank you.

**NICK BARBER, FIRE CHIEF:** Okay. There's another one right there.

**PRESIDENT RODRIGUES:** Number four. DPW Commissioner.

**JACOB TAWIL, DPW COMMISSIONER:** Good evening. I'll -- I'll be very -- very brief also. All the projects are moving along very well. Let us know if you have any questions about them from the dams through -- the paving is complete, milling and paving is complete. And the -- the microsurfacing and crack sealing is ongoing. And right now we are -- tomorrow we're gonna be doing the -- do the second coat for Pilgrams Estate. And the day after that we will be doing Randall Heights, Height, Adam, Budd Street, Earl Street, Debois, and Ingalls. So -- and that will conclude our -- our microsurfacing program for the year.

Do you have any questions for me?

**PRESIDENT RODRIGUES:** Any questions for Jacob? Thank you, Jacob.

**JACOB TAWIL, DPW COMMISSIONER:** Thank you.

**PRESIDENT RODRIGUES:** All right.

Superintendent of Recreation.

**RAELYNN BERTHOLF, SUPERINTENDENT OF RECREATION:**

Good evening. Just a quick congratulations to Matt Lybolt and Brian Ogden. And thank you for all that you guys do. And don't worry, we will put the four-hour call out for tonight. Just kidding. Just kidding.

Any questions?

**PRESIDENT RODRIGUES:** You might need it for the bill. All right. Thank you.

City Clerk.

**RICHARD MCCORMACK, CITY CLERK:** Nothing this evening.

**PRESIDENT RODRIGUES:** All right.

**8. Public Hearings and Grievances**

**PRESIDENT RODRIGUES:** Public Hearings.

(None this evening)

**9. Petitions and Complaints**

(None this evening)

**10. Remarks of Alderman**

**PRESIDENT RODRIGUES:** Remarks of Alderman, Alderman Witt.

**ALD. WITT:** Nothing this evening.

**PRESIDENT RODRIGUES:** Alderman Green.



**ALD. GREEN:** Yeah. A quick, you know, congratulations and thank you to everyone who received their service awards. Definitely no lack of commitment there. And it's also proud to see people who are on for 25 and up, so that's a -- that's a great thing to be, excuse me, good to be recognized for.

Also, just, you know, hope everyone had a great back-to-school day for those who went back today in the city. Everything seemed pretty smooth. And I know that there's some -- some new ways of doing things at some of the buildings. So, you know, just always a little bit of growing pains, but everything, you know, seemed to be all right. And, you know, hope that everyone has a great school year.

And Gerry and I will be skipping our usual date which would have been September 11th for obvious reasons. We won't be having our constituents' meeting that evening, but we will be doing it on the 18th here at 7 p.m. So, September 18th at 7 p.m. come for the 2nd Ward constituents meeting. Thank you.

**PRESIDENT RODRIGUES:** Thank you.

Alderman Kleiner.

**ALD. KLEINER:** Thank you. We also in our October meeting that will be the October 9th that's our constituent meeting and the Mayor has graciously agreed

to join us at that constituent's meeting. So and anyone can attend. We focus on the 2nd Ward, but anyone is welcome.

And we have two-and-a-half more weeks of summer in spite of Labor Day and the artificial vacation. So have a nice rest of the summer. Thank you.

**PRESIDENT RODRIGUES:** Alderman Johnson.

**ALD. JOHNSON:** Thank you. I'll join my colleagues in thanking and congratulating our long-term employees. We appreciate your contributions to the City. Thank you very much. That's it.

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

**ALD. JEAN-FRANCOIS:** Nothing this evening.

**PRESIDENT RODRIGUES:** Alderman Tobin.

**ALD. TOBIN:** Yes. I also want to congratulate employees for their years of dedicated public service, so, you know, couldn't do it without you, so thank you very much.

And best of luck to all the students starting the school year. It should be a good one.

#### **11. Unfinished Business**

**(None this evening)**

#### **12. New Business.**

**PRESIDENT RODRIGUES:** All right. New business.

**RICHARD MCCORMACK, CITY CLERK:** Good evening.

We have a Resolution sponsored by Alderman Tobin accepting a \$250 donation for -- from the Kiwanis Club of Middletown for the Police Department.

**PRESIDENT RODRIGUES:** Resolution sponsored by Alderman Tobin, seconded by Alderman Witt. Any discussion? Roll.

Roll Call: Aye: Tobin, Jean-Francois, Johnson, Kleiner, Green, Witt, President Rodrigues. Carries.

**RICHARD MCCORMACK, CITY CLERK:** Resolution sponsored by Alderman Jean-Francois accepting a \$250 donation from the Middletown Teacher's Association for the police department.

**PRESIDENT RODRIGUES:** Resolution sponsored by Alderman Jean-Francois, seconded by Alderman Johnson. Any discussion? Roll.

Roll Call: Aye: Tobin, Jean-Francois, Johnson, Kleiner, Green, Witt, President Rodrigues. Carries.

**RICHARD MCCORMACK, CITY CLERK:** Resolution sponsored by Alderman Witt accepting a proposal from Lewis Sign Company for a total of \$23,972.50 for a football score board at Wolslayer Field.

**PRESIDENT RODRIGUES:** Resolution sponsored by Alderman Witt, seconded by Alderman Green. Any

discussion? Roll.

Roll Call: Aye: Tobin, Jean-Francois,  
Johnson, Kleiner, Green, Witt, President Rodrigues.  
Carries.

**RICHARD MCCORMACK, CITY CLERK:** Resolution sponsored by Alderman Johnson authorizing a \$2,000 budget transfer from within the Corporation Council budget line.

**PRESIDENT RODRIGUES:** Resolution sponsored by Alderman Johnson, seconded by Alderman Jean-Francois.  
Any discussion? Roll.

Roll Call: Aye: Tobin, Jean-Francois,  
Johnson, Kleiner, Green, Witt, President Rodrigues.  
Carries.

**RICHARD MCCORMACK, CITY CLERK:** Resolution sponsored by Alderman Green authorizing the acquisition of property from Bell Flavors and Fragrances.

**PRESIDENT RODRIGUES:** Resolution sponsored by Alderman Green, seconded by Alderman Kleiner. Any discussion? Roll.

**ALD. TOBIN:** Gerry has --

**ALD. KLEINER:** No. I -- just quickly I just want to thank Bell Properties. This is a gift to the City, so I want it on the record that we thank them for it.

**PRESIDENT RODRIGUES:** Correct.

Roll Call: Aye: Tobin, Jean-Francois, Johnson, Kleiner, Green, Witt, President Rodrigues. Carries.

**RICHARD MCCORMACK, CITY CLERK:** Resolution sponsored by Alderman Jean-Francois authorizing a \$9,500 budget transfer for the appraisal reports for the Heritage Rail Trail Extension project in the Middletown and New Jersey LLC parcel.

**PRESIDENT RODRIGUES:** Resolution sponsored by Alderman Jean-Francois, seconded by Alderman Kleiner. Any discussion? Roll.

Roll Call: Aye: Tobin, Jean-Francois, Johnson, Kleiner, Green, Witt, President Rodrigues. Carries.

**PRESIDENT RODRIGUES:** Resolution sponsored by Alderman Kleiner authorizing a proposal from Rotolo Electric for the ELC2 CPU upgrade and source selector switch.

**PRESIDENT RODRIGUES:** Resolution sponsored by Alderman Kleiner seconded by Alderman Jean-Francois. Any discussion? Roll.

Roll Call: Aye: Tobin, Jean-Francois, Johnson, Kleiner, Green, Witt, President Rodrigues. Carries.

**RICHARD MCCORMACK, CITY CLERK:** Resolution  
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sponsored by Alderman Johnson authorizing a \$17,500 budget transfer for senior trips.

**PRESIDENT RODRIGUES:** Resolution sponsored by Alderman Johnson, seconded by Alderman Green. Any discussion? Roll.

Roll Call: Aye: Tobin, Jean-Francois, Johnson, Kleiner, Green, Witt, President Rodrigues. Carries.

**RICHARD MCCORMACK, CITY CLERK:** Resolution sponsored by Alderman Johnson authorizing an agreement with Capital Market Advisors to serve as the City's financial advisors.

**PRESIDENT RODRIGUES:** Resolution sponsored by Alderman Johnson, seconded by Alderman Tobin. Any discussion? Roll.

Roll Call: Aye: Tobin, Jean-Francois, Johnson, Kleiner, Green, Witt, President Rodrigues. Carries.

### **13. Local Laws**

**RICHARD MCCORMACK, CITY CLERK:** We have a local law sponsored by Alderman Johnson amending the provisions in the enforcement of the delinquent of property taxes to comply with the ruling of the United States Supreme Court.

**PRESIDENT RODRIGUES:** This is the first  
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reading?

**RICHARD MCCORMACK, CITY CLERK:** That's correct.

**PRESIDENT RODRIGUES:** Okay.

#### **14. Audit of Claims and Accounts**

**PRESIDENT RODRIGUES:** Audit.

**ALD. JOHNSON:** Mr. President, I move the accounts be audited, the claims be adjusted and the City Treasurer be authorized to issue warrants for their payments.

**PRESIDENT RODRIGUES:** Resolution sponsored by Alderman Johnson, seconded by Alderman Jean-Francois. Roll.

Roll Call: Ayes: Tobin, Jean-Francois, Johnson, Kleiner, Green, Witt, President Rodrigues. Carries.

#### **15. Adjournment**

**PRESIDENT RODRIGUES:** 7.45. Move for adjournment.

(PROCEEDING CONCLUDED)

CERTIFICATION

I, LISA KANE, certify the foregoing transcript of proceedings of the September 5, 2023 Middletown City Council meeting was prepared using the required electronic equipment and is a true and accurate record of the proceedings.

Signature: *Lisa Kane*

Date: September 15, 2023

Agency: American Legal Transcription  
11 Market Street, Suite 215  
Poughkeepsie, New York 12601





**CITY OF MIDDLETOWN  
COMMON COUNCIL MEETING AGENDA  
SEPTEMBER 5, 2023**

1. PLEDGE OF ALLEGIANCE
2. ROLL CALL
3. APPROVAL OF MINUTES
  - 3.1 Approval of Minutes for June 20, 2023
4. CORRESPONDENCE, COMMUNICATION AND REPORTS
5. FOR THE GOOD OF THE CITY

New York Conference of Mayor's (NYCOM) Employee Longevity Recognition

Leonard Ferara (DPW) 25 Years of Service  
William Halinan (DPW) 35 Years of Service  
Donnie Robinholt (DPW) 25 Years of Service

George Valentine (MPD) 25 Years of Service

Mathew Lybolt (Rec) 25 Years of Service

Brian Ogden (Rec) 25 Years of Service
6. REMARKS OF THE MAYOR
7. REMARKS OF THE DEPARTMENT HEADS
8. PUBLIC HEARINGS AND GRIEVANCES
9. PETITIONS AND COMPLAINTS
10. REMARKS OF THE ALDERMAN AND REPORTS OF THE COMMITTEES
11. UNFINISHED BUSINESS
12. NEW BUSINESS

- 12.1 Resolution Accepting a \$250 Donation from the Kiwanis Club of Middletown for the Police Department
- 12.2 Resolution Accepting a \$250 Donation from the Middletown Teacher's Association for the Police Department
- 12.3 Resolution Accepting a Proposal from Lewis Signs Co. for a total of \$23,972.50 for a Football Scoreboard at Wolslayer Field
- 12.4 Resolution Authorizing a \$2000 Budget Transfer from within the Corporation Counsel Budget Line
- 12.5 Resolution Authorizing the Acquisition of Property from Bell Flavors and Fragrances
- 12.6 Resolution Authorizing a \$9500 Budget Transfer for Appraisal Reports for the Heritage Rail Trail Extension project and Middletown and New Jersey Railroad LLC Parcel
- 12.7 Resolution Authorizing a Proposal from Rotolo Electric for the ELC2 CPU upgrade and Source Selector Switch
- 12.8 Resolution Authorizing A \$17,500 Budget Transfer for Senior Trips
- 12.9 Resolution Authorizing an Agreement with Capital Market Advisors to Serve as the City's Financial Advisors

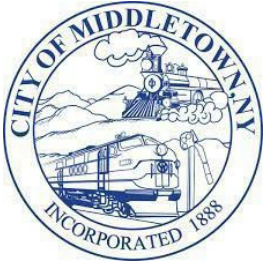
### 13. LOCAL LAWS

- 13.1 **Introduction of Local Law # 2 of 2023: A LOCAL LAW AMENDING THE PROVISIONS IN THE ENFORCEMENT OF DELINQUENT PROPERTY TAXES TO COMPLY WITH THE RULING OF THE UNITED STATES SUPREME COURT IN TYLER v HENNEPIN COUNTY, 598 U.S. 631 (2023)**

### 14. AUDIT OF CLAIMS AND ACCOUNTS

- 14.1 Resolution Authorizing the Accounts be Audited, Claims Adjusted, and the Treasurer be Authorized to Issue Warrants for their Payment

### 15. ADJOURNMENT



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

THE FOLLOWING WAS PRESENTED

By Ald. Johnson

Sec'd by Ald. Jean-Francois

Date of Adoption: September 5, 2023

Index No:XXXXXXXXXXXX

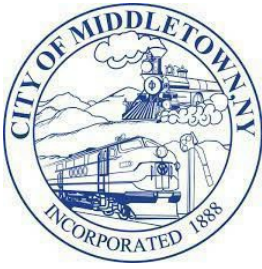
Names	Ayes	Noes	Abstain	Absent
Ald. Tobin	X			
Ald Jean-Francois	X			
Ald. Johnson	X			
Ald. Wray				X
Ald. Kleiner	X			
Ald. Green	X			
Ald. Witt	X			
Ald. Masi				X
Pres. Rodrigues	X			
Total	7			2

**Approval of Minutes for June 20, 2023**

Approval of Minutes for June 20, 2023

**ATTACHMENTS:**

[06.20.23 CC Minutes-Corr.pdf](#)



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

THE FOLLOWING WAS PRESENTED

By Ald. Tobin

Sec'd by Ald. Witt

Date of Adoption: September 5, 2023

Index No: 176-23

Names	Ayes	Noes	Abstain	Absent
Ald. Tobin	X			
Ald Jean-Francois	X			
Ald. Johnson	X			
Ald. Wray				X
Ald. Kleiner	X			
Ald. Green	X			
Ald. Witt	X			
Ald. Masi				X
Pres. Rodrigues	X			
Total	7			2

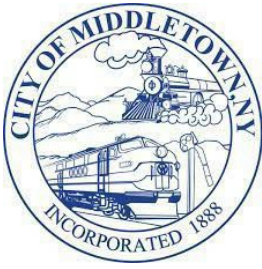
**Resolution Accepting a \$250 Donation from the Kiwanis Club of Middletown for the Police Department**

RESOLVED; that the Common Council of the City of Middletown, NY, concurs with the Board of Estimate and Apportionment and accepts a \$250 donation from the Kiwanis Club of Middletown for the Police Department Neighborhood Watch Program and community events aimed at doing so.

RESOLVED; that the Common Council of the City of Middletown, NY, concurs with the Board of Estimate and Apportionment and authorizes the Treasurer to deposit these funds into the Police Donation budget line A.2705.06 and to increase the A.3120.501 Community line on the police budget by the same amount.

**ATTACHMENTS:**

[NATIONAL NIGHT OUT 2023-2.pdf](#)



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

THE FOLLOWING WAS PRESENTED

By Ald. Jean-Francois

Sec'd by Ald. Johnson

Date of Adoption: September 5, 2023

Index No: 177-23

Names	Ayes	Noes	Abstain	Absent
Ald. Tobin	X			
Ald Jean-Francois	X			
Ald. Johnson	X			
Ald. Wray				X
Ald. Kleiner	X			
Ald. Green	X			
Ald. Witt	X			
Ald. Masi				X
Pres. Rodrigues	X			
Total	7			2

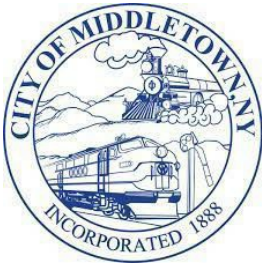
**Resolution Accepting a \$250 Donation from the Middletown Teacher's Association for the Police Department**

RESOLVED; that the Common Council of the City of Middletown, NY, concurs with the Board of Estimate and Apportionment and accepts a \$250 donation from the Middletown Teacher's Association for the Police Department Neighborhood Watch Program and community events aimed at doing so.

RESOLVED; that the Common Council of the City of Middletown, NY, concurs with the Board of Estimate and Apportionment and authorizes the Treasurer to deposit these funds into the Police Donation budget line A.2705.06 and to increase the A.3120.501 Community line on the police budget by the same amount.

**ATTACHMENTS:**

[NATIONAL NIGHT OUT 2023-2.pdf](#)



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

THE FOLLOWING WAS PRESENTED

By Ald. Witt

Sec'd by Ald. Green

Date of Adoption: September 5, 2023

Index No:178-23

Names	Ayes	Noes	Abstain	Absent
Ald. Tobin	X			
Ald Jean-Francois	X			
Ald. Johnson	X			
Ald. Wray				X
Ald. Kleiner	X			
Ald. Green	X			
Ald. Witt	X			
Ald. Masi				X
Pres. Rodrigues	X			
Total	7			2

**Resolution Accepting a Proposal from Lewis Signs Co. for a total of \$23,972.50 for a Football Scoreboard at Wolslayer Field**

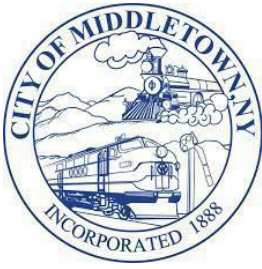
RESOLVED; that the Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment and accepts a proposal from Lewis Signs Co. for a total of \$23,972.50 for a Football Scoreboard at Wolslayer Field.

BE IT FURTHER RESOLVED; that the Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment and authorizes the Treasurer to transfer \$29,972.50, in the following manner, to cover the cost of the project.

BE IT FURTHER RESOLVED; that the Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment and authorizes the Mayor to sign the proposal.

FROM	AMOUNT	TO
Debt Service Fund Balance	\$29,972.50	H.7110.213

**ATTACHMENTS:**  
[Lewis Sign Proposal.pdf](#)



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

THE FOLLOWING WAS PRESENTED

By Ald. Johnson

Sec'd by Ald. Jean-Francois

Date of Adoption: September 5, 2023

Index No: 179-23

Names	Ayes	Noes	Abstain	Absent
Ald. Tobin	X			
Ald Jean-Francois	X			
Ald. Johnson	X			
Ald. Wray				X
Ald. Kleiner	X			
Ald. Green	X			
Ald. Witt	X			
Ald. Masi				X
Pres. Rodrigues	X			
Total	7			2

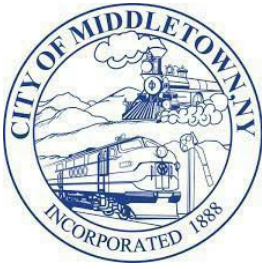
**Resolution Authorizing a \$2000 Budget Transfer from within the Corporation Counsel Budget Line**

RESOLVED; that the Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment and authorizes the Treasurer to transfer \$1,000, in the following manner, to cover unpaid invoices within the Office of Corporation Counsel.

FROM	Amount	TO
A.1900.991 Appraisals	\$1000	A.8010.90 ZBA General Expense
A.1900.991 Appraisals	\$1000	A.8020.900 Planning Board General Expense

**ATTACHMENTS:**

[Corp Counsel Transfer Request.pdf](#)



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

THE FOLLOWING WAS PRESENTED

By Ald. Green

Sec'd by Ald. Kleiner

Date of Adoption: September 5, 2023

Index No: 180-23

Names	Ayes	Noes	Abstain	Absent
Ald. Tobin	X			
Ald Jean-Francois	X			
Ald. Johnson	X			
Ald. Wray				X
Ald. Kleiner	X			
Ald. Green	X			
Ald. Witt	X			
Ald. Masi				X
Pres. Rodrigues	X			
Total	7			2

**Resolution Authorizing the Acquisition of Property from Bell Flavors and Fragrances**

RESOLVED; that the Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment and authorizes the acquisition of property from Bell Flavors and Fragrances that is adjacent to Academy Avenue and East Main Street sidewalk in order to facilitate a better intersection design at Academy Avenue that complies with ADA requirements.

Bell Flavors has graciously agreed to give the property to the City at no cost. The City will be responsible for all fees associated with the legal and survey work required for this taking.

**ATTACHMENTS:**

[MEMO- PROPERTY TAKING BELLS FLAVOR.pdf](#)



THE FOLLOWING WAS PRESENTED

By Ald. Jean-Francois

Sec'd by Ald. Kleiner

Date of Adoption: September 5, 2023

Index No: 181-23

Names	Ayes	Noes	Abstain	Absent
Ald. Tobin	X			
Ald Jean-Francois	X			
Ald. Johnson	X			
Ald. Wray				X
Ald. Kleiner	X			
Ald. Green	X			
Ald. Witt	X			
Ald. Masi				X
Pres. Rodrigues	X			
Total	7			2

**Resolution Authorizing a \$9500 Budget Transfer for Appraisal Reports for the Heritage Rail Trail Extension project and Middletown and New Jersey Railroad LLC Parcel**

RESOLVED; that the Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment and authorizes the Treasurer to transfer \$9500, in the following manner, to cover appraisal reports for the following projects:

Heritage Rail Trail Extension project-11 Harding Street, Middletown, NY-\$6,000\*

Middletown and New Jersey Railroad LLC Parcel-SS East Main Street, Middletown, NY \$3,500\*\*

FROM	AMOUNT	TO
General Fund Balance	\$9,500.00	A.1490.400

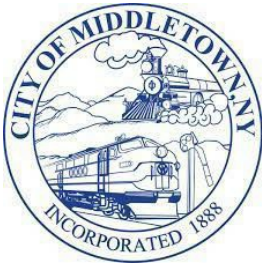
This work was approved by the Mayor and the Commissioner of Public Works due to:

\*AE Morse has a sale pending for the entire property and requires appraisal ASAP.

\*\*A potential grant may be available to purchase the Train Station/office building property.

**ATTACHMENTS:**

[transfer.pdf](#)



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

THE FOLLOWING WAS PRESENTED

By Ald. Kleiner

Sec'd by Ald. Jean-Francois

Date of Adoption: September 5, 2023

Index No: 182-23

Names	Ayes	Noes	Abstain	Absent
Ald. Tobin	X			
Ald Jean-Francois	X			
Ald. Johnson	X			
Ald. Wray				X
Ald. Kleiner	X			
Ald. Green	X			
Ald. Witt	X			
Ald. Masi				X
Pres. Rodrigues	X			
Total	7			2

**Resolution Authorizing a Proposal from Rotolo Electric for the ELC2 CPU upgrade and Source Selector Switch**

RESOLVED; that the Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment authorizes a proposal from Rotolo Electric in the amount of \$42,120.10 for the ELC2 CPU upgrade and \$10,787.15 for the source selector switch.

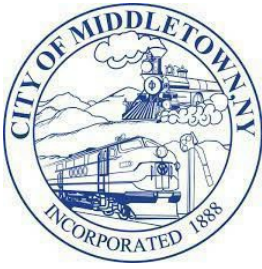
BE IT FURTHER RESOLVED; that the Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment and authorizes the Treasurer to transfer \$51,907.25, in the following manner, to cover the cost of the proposal.

FROM	AMOUNT	TO
G.8110.200 Personal Services	\$51,907.25	G.8130.400 WWTP Contractual Services

These pieces are essential to make sure the emergency generator starts automatically upon commercial power failure. Therefore, also requesting the following transfers within the Sewer Budget

**ATTACHMENTS:**

[BOE MEMO- ROTOLO-EATON PROPOSAL.pdf](#)



**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: September 5, 2023

Index No: 183-23

Names	Ayes	Noes	Abstain	Absent
Ald. Tobin	X			
Ald Jean-Francois	X			
Ald. Johnson	X			
Ald. Wray				X
Ald. Kleiner	X			
Ald. Green	X			
Ald. Witt	X			
Ald. Masi				X
Pres. Rodrigues	X			
Total	7			2

**Resolution Authorizing A \$17,500 Budget Transfer for Senior Trips**

RESOLVED; that the Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment and authorizes the Treasurer to transfer and make adjustments in the amount of \$17,500, in the following manner, for the Senior Trips lines for expenses of charter and venues as follows:

-

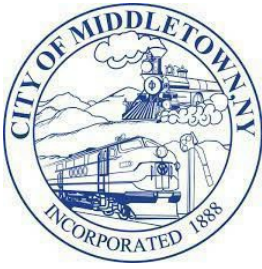
Increase Revenue line A.2351 Senior Trips \$15,000

Increase Expense Line A.6772.467 Senior Citizens program \$15,000

FROM	AMOUNT	TO
General Fund Balance	\$17,500	A.6772.467 Senior Citizen Programs

Total funds needed to cover the cost of the remaining Senior Trips for 2023 \$32,500

**ATTACHMENTS:**  
[Senior Center.pdf](#)



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

THE FOLLOWING WAS PRESENTED

By Ald. Johnson

Sec'd by Ald. Tobin

Date of Adoption: September 5, 2023

Index No: 184-23

Names	Ayes	Noes	Abstain	Absent
Ald. Tobin	X			
Ald Jean-Francois	X			
Ald. Johnson	X			
Ald. Wray				X
Ald. Kleiner	X			
Ald. Green	X			
Ald. Witt	X			
Ald. Masi				X
Pres. Rodrigues	X			
Total	7			2

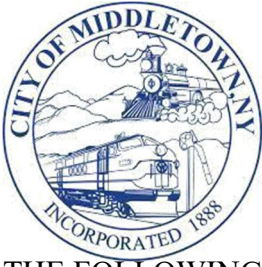
**Resolution Authorizing an Agreement with Capital Market Advisors to Serve as the City's  
Financial Advisors**

RESOLVED; that the Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment and authorizes the attached agreement with Capital Market Advisors to serve as the City's financial advisors.

BE IT FURTHER RESOLVED; that the Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment and authorizes the Mayor to sign the agreement.

**ATTACHMENTS:**

[Agreement with CMA for Financial Advisory Services.pdf](#)



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

THE FOLLOWING WAS PRESENTED

By Ald.

Sec'd by Ald.

Date of Adoption: September 5, 2023

Index No: Introduction: Local Law #2 of 2023

Names	Ayes	Noes	Abstain	Absent
Ald. Tobin				
Ald Jean-Francois				
Ald. Johnson				
Ald. Wray				
Ald. Kleiner				
Ald. Green				
Ald. Witt				
Ald. Masi				
Pres. Rodrigues				
Total				

**Introduction of Local Law # 2 of 2023: A LOCAL LAW AMENDING THE PROVISIONS IN THE ENFORCEMENT OF DELINQUENT PROPERTY TAXES TO COMPLY WITH THE RULING OF THE UNITED STATES SUPREME COURT IN TYLER v HENNEPIN COUNTY, 598 U.S. 631 (2023)**

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 amend the provisions in the City Charter regarding the enforcement of delinquent property taxes to comply with the ruling of the United States Supreme Court in the recent case of Tyler v Hennepin County, 598 U.S. 631 (2023)

Section 2. Section 81 of the Charter of the City of Middletown, Sale of unpaid tax liens, is hereby amended to replace Paragraph 3 thereof, to read in its entirety as follows:

3. Conduct and terms of sale. The proceedings may be stopped at any time before the sale by any person, by paying the amount of the tax or assessment, with the interest allowed thereon by this Charter, and the expense of advertising. The attorney or officer selling the lien shall require the purchaser, in the terms of sale, to pay at the close of the sale, a sum sufficient to pay said tax or assessment, interest, expense and charges. The purchaser shall not be required to pay more than sufficient to pay the tax or assessment, interest, expenses and charges until after the time for the redemption of such real estate shall expire, according to the provisions of this Charter. The terms of sale must advise the purchaser that the purchaser shall be required to comply with the ruling of the United States Supreme Court in *Tyler v Hennepin County*, 598 U.S. 631 (2023). The terms of sale must advise the purchaser that title to the subject property will not be conveyed until the purchaser provides proof to the City that (a) the purchaser has obtained an appraisal of the subject property from a licensed appraiser, (b) the purchaser has utilized the appraisal to calculate the amount the property owner must be reimbursed after subtraction of unpaid taxes, interest, fees and other costs incurred by the purchaser, and (c) that the purchaser has notified the property owner of the amount to be reimbursed after conveyance of title. Said attorney or officer shall, in all cases, reduce his or her terms of sale to writing, and require the purchaser to subscribe the same; which terms of sale shall be annexed to the certificate of sale which is herein required to be filed with the Treasurer, and shall be filed with the same. All sales in such cases shall be at public venue, between the hours of nine o'clock in the morning and four o'clock in the afternoon, and shall be made to the highest bidder therefor.

Section 3. Section 81 of the Charter of the City of Middletown, Sale of unpaid tax liens, is hereby amended to replace Paragraph 7, thereof, to read in its entirety as follows:

7. Certificates assignable. The certificates of sale hereinbefore mentioned, shall be assignable by the purchaser or his legal representatives, and such assignment shall be acknowledged or proven in the manner required by law to entitle deeds of real estate to be recorded. The assignment must contain the requirements contained in Paragraph 3, above, regarding the ruling in *Tyler v Hennepin County*. The Common Council may give to the assignee of any such certificate a conveyance of the real estate therein described, after the expiration of the redemption period pursuant to the terms of this Charter, provided all assignments thereof shall have been duly recorded in the clerk's office of said county, and provided that the assignee has complied with all of the obligations contained in Paragraph 3, above, regarding the ruling in *Tyler v Hennepin County*,

Section 4. Section 83 of the Charter of the City of Middletown, Redemption, is hereby

amended to replace Paragraph 3, thereof, to read in its entirety as follows:

3. After the expiration of the redemption period as herein defined, if any part of the premises sold shall remain unredeemed, the City must verify that the property owner has been reimbursed in the amount calculated pursuant to Paragraph 3 of Section 81 above, and that there has been full compliance with the ruling of Tyler v Hennepin County. After such verification, the Common Council shall give to the purchaser, his or her legal representatives or assigns, a conveyance of the premises so remaining unredeemed, which conveyance shall be valid and effectual to convey all the right, title and interest which may have been sold in the manner aforesaid and such conveyance shall be presumptive evidence in all courts and places that the tax assessment for which such lien may have been sold, was legally imposed and that the proceedings to authorize such sale were correct. The grantee named in any such conveyance may obtain possession of the real estate therein described, in the manner prescribed by law in relation to persons holding over demised premises, after the expiration of their terms, without the consent of their landlords, and said grantee, by virtue of such conveyance, shall acquire all the right, title and interest in the real estate therein described, and the right to the possession of the same, and shall have, hold and enjoy such real estate, free and clear from all claims, liens or encumbrances, except such taxes and assessments as may have been charged thereon at the time of such sale, or at any time thereafter.

Section 5 . Section 93 of the Charter of the City of Middletown, Conveyance of title, is hereby amended to replace Paragraph 4, thereof, to read in its entirety as follows:

4. Upon expiration of the redemption period and completion of the procedures required herein, including the reimbursement required by Tyler v Hennepin County , and upon execution by the City of a deed to a tax-delinquent parcel to the City or to a qualifying purchaser of an unpaid tax lien, the City or qualified purchaser shall be seized of an estate in fee simple absolute in such parcel and all persons, including the State, infants, incompetents, absentees and non-residents, except as specifically exempted by law, who may otherwise have had any right, title, interest, claim, lien, or equity of redemption in or upon such parcel shall be barred and forever foreclosed of any such right, title, interest, claim, lien or equity of redemption, and the City or qualified purchaser may hold such parcel for itself or sell or release such parcel as provided by law.

Section 6. Section 95 of the Charter of the City of Middletown, City as purchaser of tax-delinquent property, is hereby amended to read in its entirety as follows:

The city of Middletown may become the purchaser at any sale which may be made under the provisions of this act, and in case the said city shall be vested with the same rights as any other purchaser, but in no case shall the city at such sale bid a sum or become the purchaser for a greater amount than sufficient to pay the tax or assessment, with interest, including the costs and expenses of such sales, and in all cases of such sales the said city shall bid a sum sufficient to pay such tax or assessment, interest, cost and expenses. The mayor or other person designated by the common council shall attend all such sales and make such bid. The city must comply with the ruling in Tyler v Hennepin County by undertaking the obligations set forth in Paragraph 3 of Section 81, above. Any sale made in violation of this provision shall be void.

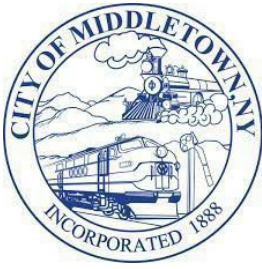
#### Section 7. Severability.

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

#### Section 8. Effective Date.

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





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

THE FOLLOWING WAS PRESENTED

By Ald. Johnson

Sec'd by Ald. Jean-Francois

Date of Adoption: September 5, 2023

Index No: XXXXXXXXXXXXXXXX

Names	Ayes	Noes	Abstain	Absent
Ald. Tobin	X			
Ald Jean-Francois	X			
Ald. Johnson	X			
Ald. Wray				X
Ald. Kleiner	X			
Ald. Green	X			
Ald. Witt	X			
Ald. Masi				X
Pres. Rodrigues	X			
Total	7			2

**Resolution Authorizing the Accounts be Audited, Claims Adjusted, and the Treasurer be Authorized to Issue Warrants for their Payment**

**I MOVE THE ACCOUNTS BE AUDITED, THE CLAIMS ADJUSTED AND THE**

**TREASURER BE AUTHORIZED TO ISSUE WARRANTS FOR THEIR PAYMENTS**