



COMMON COUNCIL MEETING  
CITY OF MIDDLETOWN  
September 19, 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  
Ald. Kate Wray  
Ald. Joseph Masi

Digitally Recorded Proceeding, transcribed by:  
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**1. Pledge of Allegiance**

(Pledge of Allegiance)

**2. Roll Call**

**PRESIDENT RODRIGUES:** Roll.

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

**3. Approval of Minutes**

**PRESIDENT RODRIGUES:** Approval of minutes.

**RICHARD MCCORMACK, CITY CLERK:** We have the minutes from July 18th, 2023.

**ALD. MASI:** So moved.

**ALD. JOHNSON:** Second.

**PRESIDENT RODRIGUES:** Masi, Mr. Johnson. All in favor?

**ALDERMANS:** Aye.

**4. Correspondence, Communications and Reports**

**PRESIDENT RODRIGUES:** Correspondence.

**RICHARD MCCORMACK, CITY CLERK:** We have a thank you letter from the Country Fair of Otisville, New York thanking us for letting them use our lights for the fair this past August.

**PRESIDENT RODRIGUES:** Received and filed.

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

**PRESIDENT RODRIGUES:** Okay. For the Good of the City, if anyone would like to address the council

please step forward. This is gonna be nice. All right. We're gonna have a record.

**6. Remark of Mayor**

(None this evening)

**7. Remarks of the Department Heads**

**PRESIDENT RODRIGUES:** Remarks of Department Heads, Economic Development.

**MARIA BRUNI, ECONOMIC DEVELOPMENT:** Good evening, everyone. We have a few things happening this weekend. Senator Skoufis is having the annual Middletown Barbecue and Community Resource Fair at Erie Way Park. It's from 11 to 2:00, but the rain location is going to be Erie Way Park, not - - I know the flyers say, I believe, Galleria, but we've decide -- they decided today they'll stick with Erie Way Park under the pavilion, but it will be later in the afternoon. So just keep watching social media and our website and their website. So we look forward to that event.

Also, we have the music of Chicago Beginnings Friday night at the Paramount Theatre.

We're looking for the perfect Christmas tree again, so we -- we begun that process. Anybody knows of a nice 40-foot plus tree contact the bid office 343-8075.

Also, we're launching round two of our façade improvement grant program. We -- this is some funds from

leftover DRI façade. And we're launching that. And it's more of a distilled down program this time. The maximum award is \$29,000 and change, so that means a total project can't exceed \$39,000. And it's the 25/75 percent match. So that's being launched as of today, so we will look forward to hopefully -- and this is targeted just the bid district of downtown because these are the DRI funds and the target area is downtown.

And we're just moving ahead with housing rehab and small business loans as well. And that's all I have for tonight.

**PRESIDENT RODRIGUES:** Any questions for Maria? Did the old Nina's building, did it get a façade grant?

**MARIA BRUNI, ECONOMIC DEVELOPMENT:** They -- they turned it down. So, but we'll see if -- if they'll -- if they'll apply for this round for at least windows or something. But we have to -- it will go out to everyone. And we'll see if they come back.

**PRESIDENT RODRIGUES:** Okay.

**MARIA BRUNI, ECONOMIC DEVELOPMENT:** All right.

**PRESIDENT RODRIGUES:** Thank you.

**MARIA BRUNI, ECONOMIC DEVELOPMENT:** Yep.

**PRESIDENT RODRIGUES:** DPW Commissioner.

**JACOB TAWIL, DPW COMMISSIONER:** Good evening, Council President, Council Members. So we'll start off

updating the reservoir level. So we're at 100 percent, over 100 percent full. We're trying to maintain Shawangunk Reservoir down because they're doing some work right now, installing drainage system behind the dam. So we're trying to lower it as much as we can, but we have quite a bit of water. We've been bypassing a lot of it through Mill Pond. But we are -- we are completely full with the water level at the reservoirs.

Milling and paving and microsealing and crack sealing for City program has been done, completed. Now we're working on striping the roads that were done by the City. And we're even trying to find some contractor in there who will come and do it whose got direct machines. The way our guys are doing it they just with the paint machine and, you know, pushing it and following it. And it's not really it drew straight lines in there, so we're trying to do that in there. Having difficulty finding people, but we'll continue to do that, so. But you'll see all the crosswalks being striped, all the stop bars were be striped, all the important stuff will be striped.

Traffic operation, as you can see it's -- it's moving full speed. Today they paved -- they milled earlier and today they paved Canal Street. And we're working on some of the issues that comes up during construction such as voids under sidewalks. And they

have their own engineer designing it and our engineers and myself are looking at it and --and we're moving along. So right now they're shooting right across -- along -- doing Fulton and then going down Academy and then Dolson Avenue. That's the plan. We need one easement from Orange and Rockland by the public plaza in there because it's all public -- it's all private property in order for us to install the sidewalk. So that is being worked on.

Bill's Flavor, we're working to finalize the property taking from them, so we can finish that intersection. We've done everything we had to do. Thank you very much for supporting it. Now we're waiting for Bill's Flavor to sign it so that we can start the construction. The design has been done already for it.

There is some additional funding left over in the CMAC funding in Orange County and DOT project which is really federal funding through Orange County Transportation Council. We have applied for it, about \$620,000. So hopefully we will get the support of the county and the Orange County Transportation Council for that.

The -- for Alderman Rodrigues, Council President Rodrigues because he keeps telling me about the grass, this season we generated \$38,300 of fees and 100 -

- no, we don't want to do that, obviously.

**PRESIDENT RODRIGUES:** Good, punish them.

**JACOB TAWIL, DPW COMMISSIONER:** No, it's --it's we cut about 184 properties, 184.

**PRESIDENT RODRIGUES:** And on my end, I have denied everyone that came to the board. They were legit.

**JACOB TAWIL, DPW COMMISSIONER:** I saw that. I saw that. No, we appreciate -- we appreciate you guys and the guys doing the work, they appreciate you too. Not just taking anybody's word over -- over theirs.

And Highland Avenue tank, it's been drained. It's been without water for a few weeks now. And we're handing -- handling the pressure and the water demand adequately for the area for Vincent Drive and all that neighborhood in there and through the City because taking that storage volume out of Highland Avenue tank not being available for firefighting and all of that stuff. All the water right now is coming from the 2 million gallon, the storage tank at the water treatment plant. So we're keeping the tank up all the time to maintain the pressure. We're making some adjustment between different pressure systems, so we can have adequate pressure at Benson Drive. And so far there's no issues or no complaints, anything like that.

So the painting of that -- of that tank is



proceeding as -- as scheduled. We have construction contract signed for replacing the other Mountain Avenue tank and the Randal Heights Tank. And, I'm sorry, not Randal Heights the High Barney tank.

And -- and that will do it. Now, I will touch very quickly about the Resolutions before you. We ask for an increase in the septage hauling rate from 10-and-a-half cents per gallon to 11-cents-per gallon. At the rate we're taking right now it will generate another \$25,000 for us per year.

There are some budget transfers in here just to cover some -- some items that are needed. If you have any questions I'll be happy to address them.

Do you have any questions for me?

**PRESIDENT RODRIGUES:** Alderman Witt.

**ALD. WITT:** Thank you, Commissioner. I just want to say that the -- the crosswalks in the intersection throughout the City look amazing.

**JACOB TAWIL, DPW COMMISSIONER:** Very nice.

**ALD. WITT:** I'm hearing from people who live in the City and people who don't even live in the City who have not been around in awhile and just it looks fantastic. Thank you.

**JACOB TAWIL, DPW COMMISSIONER:** Thank you very much. We hear the same thing as well from people who are

visiting and so on. Very nice. Thank you.

**PRESIDENT RODRIGUES:** Alderman Kleiner.

**ALD. KLEINER:** Thank you. They do look great. But speaking of crosswalks, Monhagen and Oliver Avenue, it is just such a dangerous --

**JACOB TAWIL, DPW COMMISSIONER:** Yeah.

**ALD. KLEINER:** -- intersection. And when you do get to striping that should be at the top of the list because right now there's no striping, there are no signs saying danger, slow down for pedestrians in crosswalk and, you know, you have Monhagen Auto with the cars parked out towards -- towards Monhagen, so you can't see up the road. You can't see cars coming up -- down the hill. It's -- it's really --

**JACOB TAWIL, DPW COMMISSIONER:** That's part of this project. That's part of this project, part of the traffic operation.

**ALD. KLEINER:** Well --

**JACOB TAWIL, DPW COMMISSIONER:** And there's gonna be --

**ALD. KLEINER:** It can't be soon enough.

**JACOB TAWIL, DPW COMMISSIONER:** Oh, I understand that. We -- we all agree. That's why it was studied and we've done the traffic counts in there to see if you can justify putting a traffic light and there's no

traffic light justification for it. So we're gonna have the blinking lights. I believe that's what I have. I haven't looked at it recently.

**ALD. KLEINER:** Right. In the meantime, when you're stripping that should be the top of the stripping list.

**JACOB TAWIL, DPW COMMISSIONER:** Yeah, I just don't want to put --

**PRESIDENT RODRIGUES:** Kevin was there today.

**JACOB TAWIL, DPW COMMISSIONER:** Huh?

**PRESIDENT RODRIGUES:** Kevin was out there today measuring.

**JACOB TAWIL, DPW COMMISSIONER:** Was he?

**PRESIDENT RODRIGUES:** Spray painting the new, you know, the new pavement.

**JACOB TAWIL, DPW COMMISSIONER:** Good. They just got to be careful without the -- I just don't want to speak out because I haven't reviewed the plans for a long time. But that's done and designed. You've got to be careful to not put crosswalks in there without the proper caution lights that would go with it, so that people are protected, because of, you know. So we'll -- I'll update you on that where we are.

**ALD. KLEINER:** We had the crosswalk there and you paved over it now.

**JACOB TAWIL, DPW COMMISSIONER:** Okay. So that's what he's measuring to restore it then.

**ALD. KLEINER:** Yep.

**JACOB TAWIL, DPW COMMISSIONER:** Okay, good.

**PRESIDENT RODRIGUES:** It needs it because a lot of kids do cross that.

**JACOB TAWIL, DPW COMMISSIONER:** I agree. Yeah, I agree.

**PRESIDENT RODRIGUES:** There's like maybe seven buses that stop there too.

**JACOB TAWIL, DPW COMMISSIONER:** Yep.

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

**ALD. JEAN-FRANCOIS:** Commissioner, over the weekend I see our guys picking up the old-fashion way as far as the recyclables. Is there a reason for that?

**JACOB TAWIL, DPW COMMISSIONER:** Yeah. We do it, yeah, like that all the time, unfortunately because the -- the volume of the recyclables is huge. Remember now, when we're picking up garbage, we're picking up the garbage four different wards, 1st, 2nd, 3rd, 4th; right? Recyclable it's all picked up in one day. So we'll have the three armed trucks in there working that we own picking up the, you know, the new way and we have the other two trucks in there going in there, the rear loaders with the guys. They're not carrying anything.

They're not allowed to carry anything. They're just rolling the blue container over to the tipper that's in the back of the rear loader and then it -- and then it dumps it there. So that's always. We're gonna continue to do that for -- for, you know, because we have a lot of volume and recycles. That's why we have the five trucks instead of just the three going to each ward because we're picking up the whole city.

**ALD. JEAN-FRANCOIS:** All right. Thank you.

**JACOB TAWIL, DPW COMMISSIONER:** Yes.

**PRESIDENT RODRIGUES:** Anyone else?

**JACOB TAWIL, DPW COMMISSIONER:** Yeah, one more thing about the traffic and the crossing in there. One of the issue with the read dedications that we are having with the -- with the Miamisberg which is the development on East Main and Anthony Street in the City of Middletown is we're having a disagreement with the developer in there. The Planning Board, just so you guys are aware of it, the Planning Board resolution many years ago they approved the project with developer having to do a study to see if a traffic light is required between Magnolia Road and East Main Street. That's the main entrance. So they've done the traffic study and the traffic study and the counts did not show a need for a traffic light. So, however, Alderman Tobin and I believe Alderman Jude as

well they wrote it up that, hey, there are walkers in their street, school walkers. They walk from that development, 150 units. They're gonna have children in there going to the high school. They walk because there isn't no busing there. How are they gonna cross the road? So we've been arguing with the developer back and forth. And now he's getting lawyers involved. He doesn't want to do anything, a blinking light. It is true that warrants they call them does not justify adding a new traffic light per DOT specifications and requirements. However, we want at least a pedestrian crossing across East Main Street and some kind of a blinking light in there to alert the public otherwise, you know, the people -- the kids will sit there for half an hour trying to run for it.

**PRESIDENT RODRIGUES:** And it's hard to make a left.

**JACOB TAWIL, DPW COMMISSIONER:** And -- and -- and --

**PRESIDENT RODRIGUES:** Really hard. Like 4, 5:00 when East Main is really busy --

**JACOB TAWIL, DPW COMMISSIONER:** Yep.

**PRESIDENT RODRIGUES:** -- I cannot pull out and make a left.

**JACOB TAWIL, DPW COMMISSIONER:** Yep. And the  
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Council President, he brought that to my attention too. He sat there, stuck trying to make a left onto East Main Street from Magnolia. And, you know, just -- so -- so if you see, you might -- you might have problems between us and the developer we worked, I just want to assure you that we worked very closely together throughout the project, we helped out. And he -- he was helping out, but now for some reason he -- he's not-- he's not working with us about -- about some kind of pedestrian crossing and a blinking light in there to protect the people who live in that area. And they bought nice houses in there. It's a very nice development, very expensive development, the housing going over there. He did a great job in there. But now we're -- we're -- we're at a disagreement so you guys are aware of it if it comes before you with the attorneys and all that.

**PRESIDENT RODRIGUES:** All right.

Alderman Kleiner.

**ALD. KLEINER:** You reminded me talking about the kids and the school. At our constituents meeting someone brought up that apparently at certain times of the day they're making Grand Avenue just one way, so they're not allowing traffic to go from Wisner down Grand Avenue. And I don't remember us approving that at all. I don't remember know -- the police chief isn't here to

ask about that. So I didn't know if you knew anything about that.

**JACOB TAWIL, DPW COMMISSIONER:** No, I didn't know anything about that. Making Grand Avenue one way?

**ALD. KLEINER:** Yeah, while the traffics coming in.

**PRESIDENT RODRIGUES:** Yeah, I think Witt (inaudible) for that.

**JACOB TAWIL, DPW COMMISSIONER:** Okay. I don't know anything about that.

**ALD. WITT:** So --- so the way they're doing that is for the last couple, three years you can't make a left or a right onto Grand from Wisner from 7:20 to like 7:40. So it's like 20 minutes because that involves the school drop off. So what they're allowing people to do in the new drop off zone is you can come out of that zone and actually make a left up Grand, but you can't come off of Wisner to make Grand. And what they -- and then it opens back up again, like, quarter to 8.

**JACOB TAWIL, DPW COMMISSIONER:** I guess the police department is controlling that; right? Kevin, the police department is doing that, yeah?

**ALD. WITT:** Yes. Yes.

**PRESIDENT RODRIGUES:** Jacob, one last thing. Truck 3, the old truck 3 at the old water treatment



plant, we're not driving it to Puerto Rico; correct?

**JACOB TAWIL, DPW COMMISSIONER:** I don't know.

Did we have a change of plans?

**PRESIDENT RODRIGUES:** We need to do something with it. It sits --

**JACOB TAWIL, DPW COMMISSIONER:** I agree.

**PRESIDENT RODRIGUES:** It's sitting there. I don't think it's sitting there --

**JACOB TAWIL, DPW COMMISSIONER:** That's the ladder. I explained to them. It's the old ladder truck that we had in there. The City was gonna donate that to Puerto Rico when they had the disaster.

**PRESIDENT RODRIGUES:** Can't get it there. It's very hard.

**JACOB TAWIL, DPW COMMISSIONER:** It's very expensive.

**PRESIDENT RODRIGUES:** And, you know, I think we need to do something.

**JACOB TAWIL, DPW COMMISSIONER:** Yeah. We can bring it back to the Board of Estimate if you wish. Absolutely.

**PRESIDENT RODRIGUES:** Yes. All right. Thank you, Jacob.

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

City Clerk.

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

**PRESIDENT RODRIGUES:** Questions for the City Clerk? All right.

**8. Public Hearings and Grievances**

(None this evening)

**9. Petitions and Complaints**

(None this evening)

**10. Remarks of Alderman**

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

**ALD. MASI:** Nothing this evening.

**PRESIDENT RODRIGUES:** Alderman Witt.

**ALD. WITT:** Thank you. I just have two things. Both sort of school related, but also community related as well. Congratulations to the football team for bringing the bell back home from Port Jervis last Thursday, 29 to 8. It was good to see so many folks there and I actually think that Middletown had more people there than Port Jervis, at least it sounded that way. So it was a great day and the kids are really enjoying the fact that the bell is back home and -- and our community really seems to get into that. It's not just your usual parents and, you know, kid crowd. You have a lot of older folks. And it, it was a nice night.

And then the second thing is on this Saturday at 10, 10:00 we're having at the high school the first induction of the Middletown Athletic Wall of Fame. And it's -- it's been a number of years in the making. David Coates, the athletic director, did a really good job putting this together. And there are seven people.

And this is gonna be if you are in the lower athletic loop through that entrance way if you go near the gym to the right there's like, it's a wall, it's like, a digital touch screen. And it has the plaques, it's not really plaques, but like a fabric covering. And you'll be able to touch the screen and see about the person. But it's also a website that we're gonna have available. So the induction ceremony is 10:30 on Saturday. It starts at 10. And they're gonna be introduced at the game. That's at 1:00 against Kingston. They're gonna come out for the coin toss. It should be a really nice day. And -- and the seven people who are getting in for our community to -- to hear and know is Dick Wolslayer, Joe Radivoy, Stacy Morris, Lois-Ann Hayes, Mike Aviles, Tim Reynolds, and Mel Molsey. So it should be a really nice day and I wish those folks congratulations. And it will be nice to have the spotlight for sure. Thank you.

**PRESIDENT RODRIGUES:** Thank you.

Alderman Green.

**ALD. GREEN:** Thank you very much. Yeah, Alderman Witt said it the best. Congratulations to the Middies. Seeing everyone on Facebook and just chatting, you know, regardless of age, where you are in City, it's awesome to see everyone come together over such a great event and win. I hope we can hold it for, you know, as long as we -- we can. So good for that. And just because in the news a fire parade in Middletown technically addressed was cancelled. It's not the Middletown. Middletown's Fire parade still going on on October 7th, so hope to see everyone out there. Thank you.

**PRESIDENT RODRIGUES:** Thank you. Alderman Witt -- Kleiner.

**ALD. KLEINER:** Thank you. Kevin, where is that ceremony going to be held?

**ALD. WITT:** It's at the -- well, the actual ceremony is going to be in the lower level of the high school. You go through the -- the lower entrance and then when you hit the gym you make a quick right and it's, like, between this new collaborative space and the gym. So that will be where the ceremony will be held. The ceremony will probably go from 10:30 until maybe noon. And then they're gonna bring everybody down in the

beginning at the field before the game. And then they'll be involved like the coin toss and introduce -- or they'll be introduced to the -- the fans. I'm sorry if I didn't say that. I apologize.

**ALD. KLEINER:** Yeah, no. Thank you. And Andrew reminder to everybody about the fire parade because people seem surprised when I mention the fire parade because we have our -- and that's October 7th, it's a Saturday. And that's when we were gonna have our historical society 100th Anniversary meeting, but we weren't gonna compete with the fire parade. So it's gonna be on October 14th. It's gonna be at Carlo's from about 12:30 to 2 or so. And anyone can come to that. It's our annual membership meeting. We have to have that every year. But it's, you know, it will be combined with a luncheon and a lot of things going on. So anyone interested in attending, you can get in touch with me or leave a message at the Historical Society. That number is 342-0971. And that's it. Thank you.

**PRESIDENT RODRIGUES:** All right. Alderman Wray.

**ALD. WRAY:** I don't have anything this evening. I just want to say congrats, go Middies. The bells back where it belongs. I always love when it's in the Christmas parade and it's a lot to be excited about here,

especially in Middletown with our kids, and our athletics and our scholars. And they're just doing great things, so pay attention.

**PRESIDENT RODRIGUES:** Alderman Johnson.

**ALD. JOHNSON:** Thank you. I too will congratulate the Middies, but I really also want to know if we all enjoyed the double rainbow last night. Fully intact, two rainbows. Come on. You can't get better than that. Thank you.

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

**ALD. JEAN-FRANCOIS:** Congratulations to the Middies. Great job, wonderful game. Actually I didn't get a chance to see it, but I listened to it on the radio. It was pretty exciting.

And, also, kudos to the street department. These guys have been working their tails off. You know, I think we're gonna be in great shape for the winter just because the hard work they've been doing recently as far as the paving and microsealing all the hard work that they're doing. And with the sanitation, these guys are also doing great jobs. And I've watched these guys from the window on the weekend and they're doing a wonderful job. I want to thank everyone that's involved in that.

And, Maria, you and your staff are doing a great job with the housing development. Thank you.

**PRESIDENT RODRIGUES:** Alderman Tobin.

**ALD. TOBIN:** Nothing this evening.

**11. Unfinished Business**

**(None this evening)**

**12. New Business.**

**PRESIDENT RODRIGUES:** New business.

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

We have a Resolution sponsored by Alderman Massi authorizing a rate increase for the Septage -- Septage Acceptance.

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

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

**RICHARD MCCORMACK, CITY CLERK:** Resolution sponsored by Alderman Johnson authorizing budget transfers to cover Orange and Rockland utility bills through December 2023.

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

Roll Call: Aye: Tobin, Jean-Francois, Johnson, Wray, Kleiner, Green, Witt, Masi, President

Rodrigues. Carries.

**RICHARD MCCORMACK, CITY CLERK:** Resolution sponsored by Alderman Jean-Francois authorizing a \$272,050 budget transfer to cover H20 contract at the Water Treatment Plants.

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

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

**RICHARD MCCORMACK, CITY CLERK:** Resolution sponsored by Alderman Masi waiving the City of Middletown's marriage license fee for active duty military personnel.

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

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

### **13. Local Laws**

**RICHARD MCCORMACK, CITY CLERK:** We have a Local Law Number 2 of 2023 sponsored by Alderman Johnson amending the provisions in the enforcement of delinquent



property taxes to comply with the ruling of the United States Supreme Court in the Tyler versus Hennepin County case.

**PRESIDENT RODRIGUES:** Resolution sponsored -- Local Law sponsored by Alderman Johnson. Do I have a second? Alderman Green. Any discussion? Roll.

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

Move for adjournment? My bad.

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

**PRESIDENT RODRIGUES:** Audit.

**ALD. MASI:** 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 Masi, seconded by Alderman Witt. Roll.

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

#### **15. Adjournment**

**PRESIDENT RODRIGUES:** Now move for adjournment.

(PROCEEDING CONCLUDED)

CERTIFICATION

I, LISA KANE, certify the foregoing transcript of proceedings of the September 19, 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: October 23, 2023

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



**CITY OF MIDDLETOWN  
COMMON COUNCIL MEETING AGENDA  
SEPTEMBER 19, 2023**

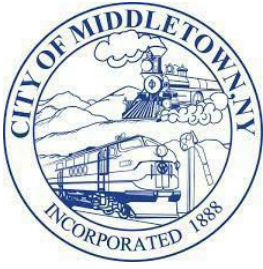
1. PLEDGE OF ALLEGIANCE
2. ROLL CALL
3. APPROVAL OF MINUTES
  - 3.1 Accepting the Minutes of July 18, 2023
4. CORRESPONDENCE, COMMUNICATION AND REPORTS
5. FOR THE GOOD OF THE CITY
6. REMARKS OF THE MAYOR
7. REMARKS OF THE DEPARTMENT HEADS
8. PUBLIC HEARINGS AND GRIEVANCES
9. PETITIONS AND COMPLAINTS
10. REMARKS OF THE ALDERMAN AND REPORTS OF THE COMMITTEES
11. UNFINISHED BUSINESS
12. NEW BUSINESS
  - 12.1 Resolution Authorizing a Rate Increase for Septage Acceptance
  - 12.2 Resolution Authorizing Budget Transfers to Cover Orange and Rockland Utility Bills through December 2023
  - 12.3 Resolution Authorizing a \$272,050 Budget Transfer to Cover H2O Contract at the Water Treatments Plants
  - 12.4 Resolution Waiving the City of Middletown's Marriage License Fee for Active Duty Military Personnel
13. LOCAL LAWS

13.1 **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. Masi

Sec'd by Ald. Green

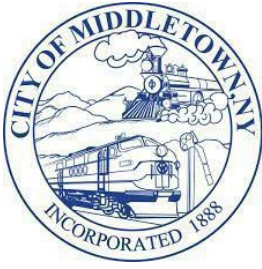
Date of Adoption: September 19, 2023

Index No:

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	9			

**Accepting the Minutes of July 18, 2023**

**ATTACHMENTS:**  
[07.18.23 CC Minutes.pdf](#)



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

THE FOLLOWING WAS PRESENTED

By Ald. Masi

Sec'd by Ald. Johnson

Date of Adoption: September 19, 2023

Index No: 185-23

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	9			

**Resolution Authorizing a Rate Increase for Septage Acceptance**

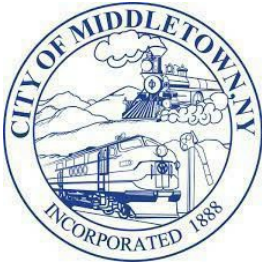
WHEREAS The City of Middletown Wastewater Treatment Plant has been accepting sludge from septage haulers at the cost of \$.105 per gallon since December 1, 2016; and

WHEREAS a review of adjacent wastewater treatment plants with similar practices of accepting sludge found that they are charging \$.11 per gallon of septage;

NOW THEREFORE BE IT RESOLVED; that the Common Council of the City of Middletown, NY, concurs with the Board of Estimate and Apportionment and authorizes a rate increase from .105 to \$.11 per gallon for septage.

**ATTACHMENTS:**

[BOE MEMO- SEPTAGE RATE INCREASE.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 19, 2023

Index No: 186-23

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	9			

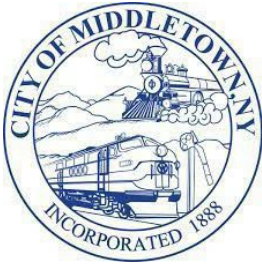
**Resolution Authorizing Budget Transfers to Cover Orange and Rockland Utility Bills through December 2023**

RESOLVED; that the Common Council of the City of Middletown, NY, concurs with the Board of Estimate and Apportionment and authorizes the Treasurer to transfer funds, in the following manner, to cover the costs of O&R utilities for the remainder of the year.

FROM	AMOUNT	TO
General Fund	\$44,380.00	A.1620.415 Light & Heat (Maint./Bldgs)
General Fund	\$20,532.00	A.5182.900 Street Lighting
F.8320.100 Pumping Sta.-Pers. Svc.	\$48,000.00	F.8330.415 Purification (WTP)
G.8130.100 WWTP-Pers. Svc	\$35,000.00	G.8130.415 Sewage T&D (WWTP)
G.8120.100 Storm/Sanit. Sewer-Pers. Svc.	\$50,000.00	G.8130.415 Sewage T&D (WWTP)

The electric supply charge per KWH increased from 5.435 cents to 10.844 cents beginning at the end of December 2022 (with billing generated at the end of January 2023).

**ATTACHMENTS:**  
[Appvd BOE memo.pdf](#)



**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: September 19, 2023

Index No: 187-23

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	9			

**Resolution Authorizing a \$272,050 Budget Transfer to Cover H2O Contract at the Water Treatments Plants**

RESOLVED; that the Common Council of the City of Middletown, NY, concurs with the Board of Estimate and Apportionment and authorizes the Treasurer to transfer \$272,050, in the following manner, to cover H2O contracts for operation at WTP and WWTP.

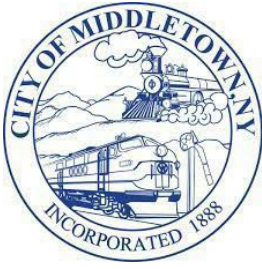
This shortage in funding was anticipated in the January 17, 2023 Council Resolution 31-23, copy attached.

FROM	AMOUNT	TO
H.0993.900 Demolition	\$144,375.00	F.8330.400 Contractual
H.0993.900 Demolition	\$51,409.00	G.8130.400 Contractual
H.0855.900 Septage Receiving	\$76,266.00	G.8130.400 Contractual

**ATTACHMENTS:**

[transfer.pdf](#)





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

THE FOLLOWING WAS PRESENTED

By Ald. Masi

Sec'd by Ald. Kleiner

Date of Adoption: September 19, 2023

Index No: 188-23

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	9			

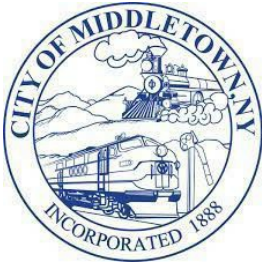
**Resolution Waiving the City of Middletown's Marriage License Fee for Active Duty Military Personnel**

WHEREAS in 2019 New York State passed a law waiving the State's collection of its portion of Marriage License Fees for Active Duty Military Personnel;

RESOLVED; that the Common Council of the City of Middletown, NY, concurs with the Board of Estimate and Apportionment and authorizes waiving the City of Middletown's portion of marriage license fee for Active duty military personnel.

**ATTACHMENTS:**

[Marriage License Fee Waiver Bill.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 19, 2023

Index No: Local Law #2 of 2023

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	9			

**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:

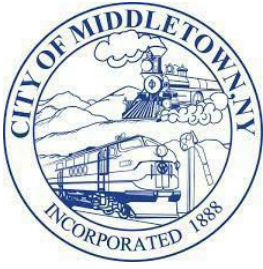
The city of Middletown may become the purchaser at any sale which may be made under the provisions of this act, and in case the said city shall be vested with the same rights as any other purchaser, but in no case shall the city at such sale bid a sum or become the purchaser for a greater amount than 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. Masi

Sec'd by Ald. Witt

Date of Adoption: September 19, 2023

Index No:

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	9			

**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**