

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

THE FOLLOWING WAS PRESENTED

By Ald. Masi

 Sec'd by Ald. Tobin

 Date of Adoption 03.15.22

 Index No: 54-22

NAMES	AYES	NOES	ABSTAIN	ABSENT
Ald. Tobin	X			
Ald. Jean-Francois	X			
Ald. Johnson	X			
Ald. Ramkissoon	X			
Ald. Kleiner	X			
Ald. Green	X			
Ald. Witt	X			
Ald. Masi	X			
Pres. Rodrigues	X			
TOTAL	9			

RESOLVED that the Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment and authorizes the Treasurer to transfer 7,044.82 of ARPA funds in the following manner to pay for additional COVID related supply expenses in 2021.

FROM
A.4785

AMOUNT
\$7,044.82

TO
A.1900.907

**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 03.15.22

Index No: 55-22

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

RESOLVED that the Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment and authorizes the attached salary schedule for non-union employees for 2022.

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

THE FOLLOWING WAS PRESENTED

By Ald. Tobin

Sec'd by Ald. Johnson

Date of Adoption 03.15.22

Index No: 56-22

NAMES	AYES	NOES	ABSTAIN	ABSENT
Ald. Tobin	X			
Ald. Jean-Francois	X			
Ald. Johnson	X			
Ald. Ramkissoon	X			
Ald. Kleiner	X			
Ald. Green	X			
Ald. Witt	X			
Ald. Masi	X			
Pres. Rodrigues	X			
TOTAL	9			

RESOLVED that the Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment and authorizes the Mayor to sign a contract with the County for our STOP-DWI enforcement period of March 12, 2022 through January 1, 2023.

The total amount of the 1st period award is for 70 hours of service or a dollar amount not to exceed \$4678. We will be notified at a later date of subsequent payments to cover the 2nd and 3rd periods of the year.

These funds are to be paid to the City of Middletown and not to be reimbursed to the Police Department budget.

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

THE FOLLOWING WAS PRESENTED

By Ald. Green

Sec'd by Ald. Jean-Francois

Date of Adoption 03.15.22

Index No: 57-22

NAMES	AYES	NOES	ABSTAIN	ABSENT
Ald. Tobin	X			
Ald. Jean-Francois	X			
Ald. Johnson	X			
Ald. Ramkissoon	X			
Ald. Kleiner	X			
Ald. Green	X			
Ald. Witt	X			
Ald. Masi	X			
Pres. Rodrigues	X			
TOTAL	9			

RESOLVED that the Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment and authorizes the Mayor to execute a renewal contract for our Pitney Bowes Mailing Machine. This renewal is again for 60 months (\$181.89/qtr.) with a savings of \$21.03 per quarter compared to the previous contract.

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

THE FOLLOWING WAS PRESENTED

By Ald. Kleiner

Sec'd by Ald. Green

Date of Adoption 03.15.22

Index No: 58-22

NAMES	AYES	NOES	ABSTAIN	ABSENT
Ald. Tobin	X			
Ald. Jean-Francois	X			
Ald. Johnson	X			
Ald. Ramkissoon	X			
Ald. Kleiner	X			
Ald. Green	X			
Ald. Witt	X			
Ald. Masi	X			
Pres. Rodrigues	X			
TOTAL	9			

RESOLVED that the Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment and authorizes the Mayor to execute the attached contract with Fusco Engineering and Land Surveying, P.C. in the amount of \$2,166,840.00 per the attached January 26, 2022 proposal letter and attached fee summary schedule.

Fees for these services will be funded through the project's available budget.

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

THE FOLLOWING WAS PRESENTED

By Ald. Ramkissoon

Sec'd by Ald. Johnson

Date of Adoption 03.15.22

Index No: 59-22

NAMES	AYES	NOES	ABSTAIN	ABSENT
Ald. Tobin	X			
Ald. Jean-Francois	X			
Ald. Johnson	X			
Ald. Ramkissoon	X			
Ald. Kleiner	X			
Ald. Green	X			
Ald. Witt	X			
Ald. Masi	X			
Pres. Rodrigues	X			
TOTAL	9			

WHEREAS, Carmine Amelio has filed a bankruptcy petition in the State of Florida which involves several Middletown properties, and

WHEREAS, it is necessary to immediately hire Florida bankruptcy counsel to litigate this matter on behalf of the City in the Florida bankruptcy court.

NOW THEREFORE BE IT RESOLVED that the Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment and authorizes the Mayor and Corporation Counsel to sign a retainer and other documents necessary to retain counsel and litigate this bankruptcy proceeding in the State of Florida.

**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 03.15.22

Index No: 60-22

NAMES	AYES	NOES	ABSTAIN	ABSENT
Ald. Tobin	X			
Ald. Jean-Francois	X			
Ald. Johnson	X			
Ald. Ramkissoon	X			
Ald. Kleiner	X			
Ald. Green	X			
Ald. Witt	X			
Ald. Masi	X			
Pres. Rodrigues	X			
TOTAL	9			

RESOLVED that the Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment and authorizes the Mayor to sign a Contract of Sale and any other pertinent documents for the purchase of a property located at 54 Kohler Road and Highway 24 in the amount of \$608,000.

Funding for this purchase is from the Watershed Protection Grant Funds.

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

THE FOLLOWING WAS PRESENTED

By Ald. Johnson

 Sec'd by Ald. Masi

 Date of Adoption 03.15.22

 Index No: 61-22

NAMES	AYES	NOES	ABSTAIN	ABSENT
Ald. Tobin	X			
Ald. Jean-Francois	X			
Ald. Johnson	X			
Ald. Ramkissoon	X			
Ald. Kleiner	X			
Ald. Green	X			
Ald. Witt	X			
Ald. Masi	X			
Pres. Rodrigues	X			
TOTAL	9			

WHEREAS, the Corporation Counsel has recommended an updating of the penalty provisions of Article I of Chapter 416.

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 416, Streets and Sidewalks, be and is hereby amended by replacing Article I (General Regulations) to read as follows:

Article I. General Regulations.

§ 416-1. Vehicles on sidewalks.

No person shall drive, back or in any manner place any motorized vehicle and/or trailer and dumpster upon any of the sidewalks of said City, except to cross the same to enter a yard or lot.

§ 416-2. Obstructing and encumbering streets.

No person or persons shall encumber or obstruct any street, road or highway in said City with any motor vehicles, sleigh, sled, wagon, cart, carriage, timber, boards, plank, lumber, bones, barrels, hogsheads, firewood, staves, manure, rubbish, lime, brick or any other material or things, except as provided in **Sections 416-3 and 416-4.**

§ 416-2.1. Repair, maintenance or cleaning of motor vehicles in City streets prohibited.

The repair, maintenance or cleaning of motor vehicles in City streets is prohibited, unless specifically authorized by the Commissioner of Public Works.

§ 416-3. Building materials in streets.

The Commissioner of the Department of Public Works may, in his or her sole discretion, grant to any person permission to place any building materials in any of the streets of the City; such permission, however, shall not be for a longer period than six months nor authorize the obstruction of any of the sidewalks or crosswalks or gutters nor more than 1/3 of the carriageway of the street opposite the lot or place where such building is proposed to be erected. Any such permission may be revoked by the Commissioner at any time.

§ 416-4. Removal of building materials from streets.

Every person to whom permission may be granted, pursuant to Section 416.3, shall cause all the timber, building materials or rubbish arising therefrom to be removed from the street by the expiration of the time limited in such permission, or the revocation thereof.

§ 416-5. Cellarways to be guarded.

The owner of every building having a stairway or cellarway projecting into any street in the City shall guard the same at all times with good and sufficient railing.

§ 416-6. Fences, buildings, permanent structures not to encroach.

No person may erect or cause to be erected any fence, building or other permanent structure on his/her premises in the City which shall in any manner encroach upon the boundaries of any street thereof.

§ 416-7. Structures prohibited on sidewalks.

No awning, shed or structure of any kind, nor any awning frame or post, shall be erected over any of the sidewalks of the City.

§ 416-8. Penalties.

Any person who violates any of the provision of this Article or any person who owns or controls property upon which such violation occurs shall, upon conviction, be guilty of an offense punishable by a fine of not less than \$150 nor more than \$1,000 or by imprisonment for a period not exceeding 15 days, or by both such fine and imprisonment. Each day that a violation is permitted to exist shall constitute a separate offense. The term "person," as used in this Article, shall include the owner, property manager as defined in Chapter 296 of the City Code, occupant, mortgagee, vendee in possession, assignee of rents, receiver, executor, trustee, lessee, agent, or any other person, firm or corporation directly or indirectly in control of a premises or part thereof.

Section 2 - This resolution and ordinance shall take effect immediately

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

THE FOLLOWING WAS PRESENTED

By Ald. Jean-Francois

Sec'd by Ald. Joonson

Date of Adoption 03.15.22

Index No: 62-22

NAMES	AYES	NOES	ABSTAIN	ABSENT
Ald. Tobin	X			
Ald. Jean-Francois	X			
Ald. Johnson	X			
Ald. Ramkissoon	X			
Ald. Kleiner	X			
Ald. Green	X			
Ald. Witt	X			
Ald. Masi	X			
Pres. Rodrigues	X			
TOTAL	9			

RESOLVED, that the Common Council of the City of Middletown hereby authorizes the Commissioner of Public Works, and/or his designee, and the Chief of Police, and/or his designee, to close any and all streets and intersections as per the attached route necessary and at their discretion, for the YMCA Annual Ruthie Dino Marshall Run on Sunday, June 12, 2022, beginning at 8:00 a.m. and lasting until such time as it is no longer needed.

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

THE FOLLOWING WAS PRESENTED

By Ald. Green

 Sec'd by Ald. Johnson

 Date of Adoption 03.15.22

 Index No: 63-22

NAMES	AYES	NOES	ABSTAIN	ABSENT
Ald. Tobin	X			
Ald. Jean-Francois	X			
Ald. Johnson	X			
Ald. Ramkissoon	X			
Ald. Kleiner	X			
Ald. Green	X			
Ald. Witt	X			
Ald. Masi	X			
Pres. Rodrigues	X			
TOTAL	9			

WHEREAS, the Common Council has been presented with a proposal to rezone 1 lot at 44-48 East Avenue from DMU Downtown Mixed Use district to the R-2 two family residential district, and

WHEREAS, the lot is described on the City of Middletown Tax Map as Section 35, Block 5, Lot 24, and

WHEREAS, this lot is presently in the DMU district, but is contiguous to the R-2 zoning district, and

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

WHEREAS, the Common Council is the only involved agency under SEQRA for this rezoning request, and therefore would be the Lead Agency for the SEQRA review of this action.

NOW, THEREFORE, BE IT RESOLVED that the Common Council hereby declares itself Lead Agency with respect to this rezoning request pursuant to 6 NYCRR § 617.6(b)(1), and be it

FURTHER RESOLVED that the Common Council authorizes the Clerk of the Council to schedule a public hearing on this application in accordance with the provisions of Section 475-51(B)–(D) of the Zoning Code.

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

THE FOLLOWING WAS PRESENTED

By Ald. Green

Sec'd by Ald. Johnson

Date of Adoption 03.15.22

Index No: 64-22

NAMES	AYES	NOES	ABSTAIN	ABSENT
Ald. Tobin	X			
Ald. Jean-Francois	X			
Ald. Johnson	X			
Ald. Ramkissoon	X			
Ald. Kleiner	X			
Ald. Green	X			
Ald. Witt	X			
Ald. Masi	X			
Pres. Rodrigues	X			
TOTAL	9			

WHEREAS, the Mayor and Corporation Counsel are proposing changes to the definition of retail business in the DMU Downtown Mixed Use district.

NOW, THEREFORE, BE IT RESOLVED that the Common Council authorizes the Clerk of the Council to schedule a public hearing on this proposal in accordance with the provisions of Section 475-51(B)-(D) of the Zoning Code.

**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 03.01.22

 Index No: Local Law # 3 of 2022

NAMES	AYES	NOES	ABSTAIN	ABSENT
Ald. Tobin	X			
Ald. Jean-Francois	X			
Ald. Johnson	X			
Ald. Ramkissoon	X			
Ald. Kleiner	X			
Ald. Green	X			
Ald. Witt	X			
Ald. Masi	X			
Pres. Rodrigues	X			
TOTAL	9			

LOCAL LAW #3 OF 2022

**A LOCAL LAW UPDATING THE NOTICE PROVISIONS IN THE ENFORCEMENT
OF DELINQUENT PROPERTY TAXES**

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 update the notice provisions in the City Charter provisions for enforcement of delinquent property taxes.

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

2. **Notice of sale.** A printed notice of the time and place of the sale containing a description of the property encumbered by the lien to be sold shall be posted in Middletown City Hall at least thirty (30) days before the date fixed for the sale. A copy of the notice shall be served at least thirty (30) days before the date fixed for the sale by

personal delivery or by registered or certified mail, return receipt requested, and by regular mail upon the property owner and any mortgagee, lessee, lienholder or assignee of either whose mortgage, lease, lien or assignment shall have been previously recorded in the Office of the Clerk of the County of Orange. A copy of the notice shall be published once per week for three (3) successive weeks in the official newspaper of the City, the last such notice being published at least seven (7) days prior to the date fixed for the sale. An omission to give any notice required herein, or the defacing or removal of a posted notice, does not affect the title of a purchaser without notice of the omission or offense.

Section 3. Section 81-a of the Charter of the City of Middletown, Bulk sales for unpaid tax liens, is hereby amended to replace Paragraph 8 thereof, to read in its entirety as follows:

8. Notice of bulk sale. A printed notice of the time and place of the sale containing a description of the property to be sold shall be posted in Middletown City Hall at least thirty (30) days before the date fixed for the sale. A copy of the notice shall be served at least thirty (30) days before the date fixed for the sale by personal delivery or by registered or certified mail, return receipt requested, and by regular mail upon the property owner and any mortgagee, lessee, lienholder or assignee of either whose mortgage, lease, lien or assignment shall have been previously recorded in the Office of the Clerk of the County of Orange. A copy of the notice shall be published once per week for three (3) successive weeks in the official newspaper of the City, the last such notice being published at least seven (7) days prior to the date fixed for the sale. An omission to give any notice required herein, or the defacing or removal of a posted notice, does not affect the title of a purchaser without notice of the omission or offense.

Section 4. Section 83 of the Charter of the City of Middletown, Redemption, is hereby amended to replace Paragraph 2 thereof, to read in its entirety as follows:

2. Real property subject to a delinquent tax lien may be redeemed by payment to the Treasurer, on or before the expiration of the redemption period, of the amount paid by the purchaser of the lien or liens, and all other sums which the purchaser may have paid for taxes or assessments on said real estate; together with the interest thereon from the time such payments were made, at the rate of fifteen per centum a year, and the actual and necessary expenses the purchaser or City may have incurred in the service of the notices provided for in this title; and on such payments being made the title acquired by such sale shall cease. Any person having any right, title or interest in, or lien upon, any such property may redeem such property in the manner provided herein. In case such payment is made by the owner of said real estate, then, and in that event, all mortgages, judgments, decrees or claims which were a lien on said real estate at the time the tax or assessment for which the sale has been made, became a lien thereon, shall be and remain liens upon said real estate, anything hereinbefore contained to the contrary notwithstanding. Upon such payment being made by any such person so entitled to redeem any real estate, the sale of the lien so redeemed, and the certificates of such sale

shall be null and void, and the person so redeeming shall be entitled to have such certificate canceled of record.

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

§ 93. Conveyance of title.

1. No owner whose deed, or in case he or she holds such property by descent or device, the deed of his or her ancestor or devisor, shall have been duly recorded in the office of the clerk of the County of Orange, before the sale of any lien for any tax or assessment, and no mortgagee, lessee, lienholder or assignee of either, whose mortgage, lease, lien or assignment shall have been so recorded, shall be divested of all rights in such property, by reason of an unpaid lien or tax sale conducted pursuant to this title, unless ninety (90) days notice in writing of such conveyance, shall have been given by the City or the purchaser of the lien or those claiming under him or her, to such owner, mortgagee, lessee or assignee, by depositing such notice in the post office of said City, by certified mail return receipt requested and by regular mail, directed to the owner, mortgagee, or lessee or assignee at his or her place of residence as stated in the deed, lease, mortgage or assignment of such mortgage or lease, and, in the case of an owner, directed to any address of such owner on file in the Office of the Assessor.

2. In addition to the written notice provided for herein, any property to be conveyed pursuant to this title must be posted with notice of such conveyance no later than thirty (30) days prior to such conveyance.

3. In the event that notice as required herein is not sent to any of the persons herein mentioned entitled to such notice, in such event the time within which any such person or those claiming under him or her may redeem such property is extended to within three (3) years from the lien date. In case of failure to redeem within said three years from the lien date, the sale and conveyance thereof shall become absolute and all persons barred forever.

4. Upon expiration of the redemption period and completion of the procedures required herein, 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.

5. Sale to previous owner. After conveyance of title as provided herein, the City or qualified purchaser may convey the subject parcel to the previous owner. Such a conveyance shall restore all parties, including owners, mortgagees and any and all lienors, receivers and administrators and encumbrancers, to the status they held at the time the City or qualified purchaser acquired title to the subject parcel, as if the title had never been conveyed, and shall render the subject parcel liable for all taxes, deficiencies, management fees and liens, penalties, interest, and other charges which had accrued prior to the conveyance of title and which continued to accrue after the conveyance of title.

6. Conveyance prohibited to certain City officials, officers and employees. No City of Middletown elected official, nor any officer or employee in the Offices of the Assessor, Corporation Counsel, or Treasurer may bid for or acquire or purchase any parcel of real property which is offered for sale by the City in any manner as a result of the tax delinquency of such parcel. This prohibition shall include a prohibition against such City officials, officers or employees bidding upon or acquiring or purchasing such properties directly or through an agent, representative, attorney or other third party, including but not limited to a spouse or child. It shall be presumptive proof of a violation of this Section if such City official, officer or employee shall have acquired any interest whatsoever, including but not limited to the holding of a mortgage, lien or other financial interest, in any such property, howsoever acquired, either directly or through any third parties, within two (2) years of the date upon which such property was sold or conveyed by the City of Middletown. This provision may be enforced by disciplinary action or by an appropriate action at law or in equity in the Supreme Court of the State of New York.

Section 6. 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 7. Effective Date.

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