

Common Council Meeting

January 3, 2012

Re-Organization Meeting

A regular meeting of the Common Council was held on Tuesday, January 3, 2012, 16 James St. Middletown, NY, Common Council Chambers 8pm President Rodrigues presiding.

1. Pledge of Allegiance-Pres. Rodrigues asked all to stand for the pledge.

Mayor DeStefano swore in Aldermen from each ward respectively

2. Roll Call: Present: Ald. Amodio, Burr, Ramkissoon, Smith, Sommers, Masi, Sierra, Pres. Rodrigues-8 Absent: Ald. Sabnis-1
3. Remarks of the Mayor

Mayor DeStefano-Welcomed everyone back that was here in the past two years for the first two years of my and Miguel's four year term. Welcome 2 new comers Sande Sommers from the 4th Ward and her family, Michael F. Amodio, Jr. from the 3rd Ward; whom I have known and has had worked at City Hall. I am sure we all will do the job according to the best of our abilities as was stated in the oath.

Welcome Kate Ramkissoon for her first term as an elected alderperson from the 3rd Ward.

We have a lot of work to do. Over the past few years I believe we made significant progress in turning the city to a certain direction. It is not done in a partisan way; it is done in a bi-partisan way.

The way we operate, we have as much communication as possible. I have tried to keep everybody in the loop on the appointments coming up tonight. If you have any questions about appointments; I haven't heard any since I sent it out by e-mail. We appreciate your support on those tonight. I know there is no major business being taken by the Council tonight. Just the protocols of the re-organization meeting and keep the City functioning with some very basic resolutions.

As for the operation of Executive branch and Legislative branch-what we've traditionally done is we have open communication with dept. heads and members of the Council individually. Request for information are usually directed to the dept. head but they will be verified with myself on how information goes out; only because the Council works as a body. Can't keep the dept. heads running on an hourly basis and employees looking up

certain information that is probably accessible to individual board members. We will do our best to keep up with the information whatever is necessary. Committee process is important part of government workings; we would hope to see increased activity utilizing the committees of the Common Council. Dept. heads are willing to attend those meetings if necessary to provide information to the Board as a body. All we ask from our side is a little courtesy and little order and we will provide as much information as necessary to do your jobs and allows the dept. heads in the City to do their jobs.

Welcome aboard to the new people and thank you all for running. Many communities have seats that don't have any challengers that is not good for government, not good for the community.

Thank you for running, thank you for serving and I look forward working with you for the next 2 yrs.

4. Remarks of Aldermen

Ald. Amodio-Thanked everyone for coming this evening. Especially family and friends.

I look forward to working with my colleagues in this upcoming term. I know we have a lot of challenges ahead of us. I feel all working collectively we can get through it.

For those who don't know me- I've lived all my life in Middletown for 55 yrs. I was in the private sector for about 25 yrs., recently just completed my 10th yr. in the municipal sector; not only bringing private sector but also municipal experience. So I think I will definitely be an asset to this organization. I also served as Treasurer for 6 yrs. Congratulations to all and thank you for coming.

Ald. Burr-Would like to thank my family and friends for coming out tonight. Would also like to thank my constituents in the 1st Ward for electing me for another term. I am looking forward to working with my fellow aldermen; Mike and Sande my two new neighbors.

Ald. Sommers- I would like to thank the residents of the 4th Ward for allowing me the opportunity to represent them on the Common Council. I am humbled by their faith in me and I will strive to work in a manner that I was their choice. I also would like to thank the incumbent Common Council members, Pres. Rodrigues, Mayor DeStefano, John and the dept. heads that are helping me with my orientation. I am confident that I can contribute to the good work that is being done in the City today and in the future.

Finally I would like to thank my parents and my friend Liz for their support. I couldn't have done it without you. There is forward momentum in the City and I am proud to have the opportunity to be a part of it.

Ald. Smith- Welcome back to my fellow Council members who I had the pleasure of serving last term and look forward to serving again. Welcome to the new Council members.

Thank you to the residents of the 2nd Ward for allowing me the opportunity to serve again. I look forward to another successful 2 yrs.

Asked John about holding constituents meeting at 7:30pm. 2nd Ward Constituents meeting will continue to be on the 1st Monday of the month at 7:30.

Ald. Ramkissoon-Thanked the 3rd Ward for their support. Look forward to working with Mike and Sande. Thanked Mayor DeStefano and Pres. Rodrigues for interviewing me in April.

Ald. Masi-Happy New Year everyone. Thanked the residents of the 1st Ward and everyone in the City of Middletown. Look forward to the next 2 years working collectively with one body as we are now and I am sure that we will continue that. Look forward to working with the 2 new aldermen; Ald. Sommers and Ald. Amodio and returning members.

Ald. Sierra- Thanked all my constituents, my friends and family for supporting me throughout my re-election. Thanked the Mayor, Council Pres. for their support and guidance. Also excited to work with this new Council.

5. New Business

1.12 Resolution establishing Standing committees and membership

On motion of Ald. Sierra seconded by Ald. Smith

Resolved, that the Common Council of the City of Middletown hereby establishes the following committees and their membership as Standing Committees of the City of Middletown Common Council:

Finance	Legislative
Planning & Economic Development	Public Works, Traffic & Code Enforcement
Public Safety	Revenue
Recreation & Parks	Recycling
Community Communication & Neighborhood Watch	Community Development & Downtown

And be it further resolved, that the Common Council declares that the Treasurer, Donald Paris, and the Chairman of the Finance Committee, Joel Sierra, are hereby authorized and directed to sign all checks, drafts, acceptances, undertakings or other orders on bank accounts of the City of Middletown by personal or by facsimile signature.

**CITY OF MIDDLETOWN COMMON COUNCIL
COMMITTEE ASSIGNMENTS**

2012

<p>FINANCE COMMITTEE</p> <p>Sierra, Chairperson</p> <p>Masi, Co-Chair</p> <p>Ramkissoon</p> <p>Burr</p> <p>Sommers</p>	<p>LEGISLATIVE COMMITTEE</p> <p>Smith, Chairperson</p> <p>Sierra, Co-Chair</p> <p>Masi</p> <p>Sabnis</p> <p>Sommers</p>
<p>PLANNING AND ECONOMIC DEVELOPMENT</p> <p>Masi, Chairperson</p> <p>Sabnis, Co-Chair</p> <p>Smith</p> <p>Amodio</p> <p>Burr</p>	<p>PUBLIC WORKS/TRAFFIC/CODE ENFORCEMENT</p> <p>Sabnis, Chairperson</p> <p>Burr, Co-Chair</p> <p>Sommers</p> <p>Sierra</p> <p>Amodio</p>
<p>RECREATION & PARKS</p> <p>Burr, Chairperson</p> <p>Amodio, Co-Chair</p> <p>Ramkissoon</p> <p>Smith</p> <p>Masi</p>	<p>PUBLIC SAFETY</p> <p>Amodio, Chairperson</p> <p>Smith, Co-Chair</p> <p>Sierra</p> <p>Sabnis</p> <p>Burr</p>
<p>REVENUE</p>	<p>RECYCLING</p>

Sommers, Chairperson	Ramkissoon, Chairperson
Sierra, Co-Chair	Sierra, Co-Chair
Sabnis	Masi
Burr	Smith
Ramkissoon	Sommers
COMMUNITY COMMUNICATION AND NEIGHBORHOOD WATCH	COMMUNITY DEVELOPMENT AND DOWNTOWN
Ramkissoon, Chairperson	Sabnis, Chairperson
Masi, Co-Chair	Burr, Co-Chair
Sierra	Sommers
Amodio	Ramkissoon
Smith	Amodio

Roll Call: Ayes: Ald. Amodio, Burr, Ramkissoon, Smith, Sommers, Masi, Sierra, Pres. Rodrigues-8

2.12 Resolution adopting Procurement policies and procedures

On motion of Ald. Masi seconded by Ald. Sierra

Whereas, New York State General Municipal Law, Section 104-b, states that a municipality should annually adopt a Procurement Policy, and

Whereas, the Corporation Counsel of the City of Middletown has advised the Council that it must look at, revise, if necessary, and adopt the Procurement Policy on an annual basis in accordance with New York State statute,

Now, therefore, be it resolved, that the Common Council of the City of Middletown does hereby adopt the attached written policies and procedures for procurement of goods and services for the City of Middletown.

CHAPTER 104 PROCUREMENT POLICY

§ 104-1 Adoption of procedures.

The following procedures are adopted for procurement of goods and services.

§ 104-2 Purchases.

For purchases, the following procedures are to be followed:

A.

For purchases of items costing over \$20,000, competitive bidding in accordance with applicable laws and regulations is required.

B.

For purchases of items costing between \$5,000 and \$19,999.99, three or more written price quotes from suppliers are required.

C.

For purchases of items costing between \$2,000 and \$4,999.99, three or more verbal quotes from suppliers are required.

D.

For purchases of items costing between \$0 and \$1,999.99, appropriate verbal quotes from suppliers, in the discretion of the department head undertaking the purchasing, are required.

§ 104-3 Public works contracts.

For public works contracts, the following procedures are to be followed:

A.

For contracts over \$35,000, competitive bidding in accordance with applicable laws and regulations is required.

B.

For contracts between \$5,000 and \$34,999.99, three or more written quotes from qualified contractors are required.

C.

For contracts between \$2,000 and \$4,999.99, three or more verbal quotes from qualified contractors are required.

D.

For contracts between \$0 and \$1,999.99, appropriate verbal quotes from qualified contractors, in the discretion of the department head who wishes to enter into the contracts, are required.

§ 104-4 Other services.

In the event it can be anticipated that a particular service (e.g., painting services) may be required by the City for various projects which, in total, are expected to exceed \$35,000 for the year, then the procurement of those services will be subject to competitive bidding.

§ 104-5 Verbal quotes.

Whenever this policy allows for verbal quotes, the department head must maintain a written log which lists appropriate information from each supplier or contractor supplying such verbal quotes.

§ 104-6 Exceptions.

[Amended 4-23-2007 by L.L. No. 1-2007]

Exceptions to the above procurement processes are to be allowed in purchases or public work contracts which involves emergencies, true leases, and sole source purchases. In such events, the responsible department head must document the circumstances allowing the exception to the above procurement processes and should, whenever possible, attempt to make purchases and secure public works contracts at the lowest possible cost and should obtain at least three verbal quotes, to the extent possible under the circumstances.

§ 104-7 Requests for proposals.

Whenever possible, professional services are to be obtained through requests for proposals (RFPs) issued by the Board of Estimate and Apportionment. All responses to RFPs are to be reviewed by the Board of Estimate, which must make a recommendation to the Common Council for final approval.

§ 104-8 Award to other than lowest bidder.

Whenever any contract is awarded to other than the lowest bidder or proposer, the reasons are to be set forth in writing and filed with the appropriate department or board.

§ 104-9 Effect on other procedures.

Nothing in these procurement processes changes any administrative procedures required by the Charter of the City of Middletown, such as the approval of the Board of Estimate and Apportionment for purchases and contracts.

Revised 01/12

Roll Call: Ayes: Ald. Amodio, Burr, Ramkissoon, Smith, Sommers, Masi, Sierra, Pres. Rodrigues-8

3.12 Resolution adopting Investment Policy

On motion of Ald. Ramkissoon seconded by Ald. Sierra

Whereas, the City of Middletown has in the past adopted an official Investment Policy in which said policy applies to all moneys and other financial resources available for investment on its own behalf or on behalf of any other entity or individual, and,

Whereas, the Common Council of the City of Middletown has been advised by the Treasurer to examine the investment policy on an annual basis and adopt said policy, with or without changes, and

Now therefore be it resolved and ordained, that Chapter 65 of the Code of the City of Middletown – Investment Policy – is hereby replaced in its entirety as per the attached, and

Be it further resolved that the Common Council of the City of Middletown hereby directs the Treasurer to publish and post said Investment Policy in the designated newspaper of the City of Middletown, the Times Herald Record.

CHAPTER 65 INVESTMENT POLICY

§ 65-1 SCOPE

This investment policy applies to all monies and other financial resources available for investment on its own behalf or on behalf of any other entity or individual.

§ 65.2 OBJECTIVES

The primary objectives of the city of Middletown's investment activities are, in priority order,

- ✓ **Legal:** to conform with all applicable federal, state and other local requirements;
- ✓ **Safety:** to adequately safeguard principal;
- ✓ **Liquidity:** to provide sufficient liquidity to meet all operating requirements; and
- ✓ **Yield:** to obtain reasonable rate of return.

§ 65.3 DELEGATION OF AUTHORITY

The governing board's responsibility for administration of the investment program is delegated to the Treasurer who shall establish written procedures for the operation of the investment program consistent with these investment guidelines. Such procedures shall include an adequate internal control structure to provide a satisfactory level of accountability based on data base or records incorporating description and amounts of investments, transaction dates, and other relevant information and regulate the activities of subordinate employees.

§ 65.4 PRUDENCE

All participants in the investment process shall seek to act responsibly as custodians of the public trust and shall avoid any transaction that might impair public confidence in the City of Middletown to govern effectively.

Investments shall be made with judgment and care, under circumstances then prevailing, which persons of prudence discretion and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the safety of the principal as well as the probable income to be derived.

All participants involved in the investment process shall refrain from personal business activity that could conflict with the proper execution of the investment program, or which could impair their ability to make impartial investment decisions.

§ 65.5 DIVERSIFICATION

It is the policy of the City of Middletown to diversify its deposits and investments by financial institutions, by investment, and by maturity scheduling.

§ 65.6 INTERNAL CONTROLS

It is the policy of the City of Middletown for all monies collected by any officer or employee of the government to transfer those funds to the Treasurer within one day of deposit, or within the time specified in law, whichever is shorter.

The Treasurer is responsible for establishing and maintaining an internal control structure to provide reasonable, but not absolute, assurance that deposits and investments are safeguarded against loss from unauthorized use or disposition, that transactions are executed in accordance with management's authorization and recorded properly, and are managed in compliance with applicable laws and regulations.

§ 65.7 DESIGNATION OF DEPOSITORIES

The bank and trust companies authorized for the deposit of monies up to the maximum amounts are:

Depository Name	Maximum Amount
JP Morgan Chase	\$18,000,000
TD Banknorth	\$18,000,000
Provident Bank	\$18,000,000
Orange County Trust Co.	\$ 5,250,000
Key Bank	\$ 5,250,000

§ 65.8 COLLATERALIZING OF DEPOSITS

In accordance with the provisions of General Municipal Law, §10, all deposits of the City of Middletown, including certificates of deposits and special time deposits, in excess of the amount insured under the provisions of the Federal Deposit Insurance Act shall be secured:

- 1) By a pledge of "eligible securities" with an aggregate "market value" as provided by GML §10, equal to the aggregate amount of deposits from the categories designated in Appendix A to the policy.
- 2) By an eligible "irrevocable letter of credit" issued by a qualified bank other than the bank with the deposits in favor of the government for a term not to exceed 90 days with an aggregate value equal to 140% of the aggregate amount of the deposits and the agreed upon interest, if any or 100% in the case of an irrevocable letter of credit issued in favor of the local government by certain Federal Home Loan Banks. A qualified bank is one whose commercial paper and other unsecured short-term debt obligations are rated in one of the three highest rating categories by at least one nationally recognized statistical rating organization or by a bank that is in compliance with applicable federal minimum risk-based capital requirements.
- 3) By an eligible surety bond payable to the government for an amount at least equal to 100% of the aggregate amount of the deposits and the agreed upon interest, if any, executed by an insurance company authorized to do business in New York State, whose claims - paying ability is rated in the highest rating category by at least two nationally recognized statistical rating organizations.

§ 65.9 SAFEKEEPING AND COLLATERALIZATION

Eligible securities used for collateralizing deposits shall be held by a third party or trust company subject to security and custodial agreements.

The security agreement shall provide that eligible securities are being pledged to secure local government deposits together with agreed upon interest, if any, and any costs or expenses rising out of collection of such deposits upon default. It shall also provide the conditions under which the securities may be sold, presented for payment, substituted or released and the events, which will enable the local government to exercise its rights against the pledged securities. In the event that the securities are not registered or inscribed in the name of the local government, such securities shall be delivered in a form suitable for transfer or with the City of Middletown, or its custodial bank.

The custodial agreement shall provide that securities held by the bank or trust company, or agent of and custodian for, the local government, will be kept separate and apart from the general assets of the custodial bank or trust company and will not, in any circumstances, be commingled with or become part of the backing for any other deposit or other liabilities. The agreement shall also describe that the custodian shall confirm the receipt, substitution or release of the securities. The agreement shall provide for the frequency of revaluation of eligible securities and for the substitution or release of securities when a change in the rating of a security may cause ineligibility. Such agreement shall include all provisions necessary to provide the local government a perfected interest in the securities.

§ 65.10 PERMITTED INVESTMENTS

As authorized by General Municipal Law, §11, the City of Middletown authorizes the Treasurer to invest monies not required for immediate expenditure for terms not to exceed its projected cash flow needs in the following types of investments:

- ✓ Special time deposit accounts authorized to do business in New York State;
- ✓ Certificates of deposit;
- ✓ Obligations of the United States of America;
- ✓ Obligations guaranteed by the agencies of the United States of America where the payment of principal and interest are guaranteed by the United States of America;
- ✓ Obligations of the State of New York;
- ✓ Obligations issued pursuant to LFL §24.00 or 25.00 (with the approval of the State Comptroller) by any municipality, school district or district corporation other than the City of Middletown;
- ✓ Obligations of public authorities, public housing authorities, urban renewal agencies and industrial development agencies where the general State statutes governing such entities or whose specific enabling legislation authorizes such investments.
- ✓ Certificates of Participation (COPs) issued pursuant to GML §109-b.
- ✓ Obligations of this local government, but only with any monies in a reserve fund established pursuant to GML §6-c, 6-d, 6-g, 6-h, g-j, 6-k, 6-l, 6-m, or 6-n.

All investment obligations shall be payable or redeemable at the option of the City of Middletown within such times as the proceeds will be needed to meet expenditures for purposes for which the monies were provided and, in the case of obligations purchased with the proceeds of bonds or notes, shall be payable or redeemable at the option of the City of Middletown within two years of the date of purchase. The designated depository will confirm all purchases and transactions in writing to the City of Middletown.

§ 65.11 AUTHORIZED FINANCIAL INSTITUTIONS AND DEALERS

The City of Middletown shall maintain a list of financial institutions and dealers approved for investment purposes and establish appropriate limits to the amount of investments, which can be made with each financial institution or dealer. All financial institutions with which the local government conducts business must be credited worthy. Banks shall provide their most recent Consolidated Report of Condition (Call Report) at the request of the City of Middletown. Security dealers not affiliated with a bank shall be required to be classified as reporting dealers affiliated with the New York Federal Reserve Bank as primary dealers. The Treasurer is responsible for evaluating the financial position and maintaining a listing of proposed depositories, trading partners and custodians. Such listing shall be evaluated at least annually.

§ 65.12 PURCHASE OF INVESTMENTS

The Treasurer is authorized to contract for the purchase of investments:

1. Directly, including through a repurchase agreement, from an authorized trading partner.
2. By participation in a cooperative program with another authorized governmental entity pursuant to Article 5G of the General Municipal

Law where such program meets all the requirements set forth in the Office of the State Comptroller Opinion No. 88-46, and the specific program has been authorized by the governing board.

3. By utilizing an ongoing investment program with an authorized trading partner pursuant to a contract authorized by the governing board.

All purchased obligations, unless registered or inscribed in the name of the local government, shall be purchased through, delivered to and held in the custody of a bank or trust company. Such obligations shall be purchased, sold or presented for redemption or payment by such bank or trust company only in accordance with prior written authorization from the officer authorized to make the investment. All such transactions shall be confirmed in writing to the City of Middletown by the bank or trust company. Any obligations held in the custody of a bank or trust company shall be held pursuant to a written custodial agreement as described in General Municipal Law, §10.

The custodial agreement shall provide the securities held by the bank or trust company, as agent and of custodian for, the City of Middletown, will be kept separate and apart from the general assets of the custodial bank or trust company and will not, in any circumstances, be commingled with or become part of the backing for any other deposit or other liabilities. The agreement shall describe how the custodian shall confirm the receipt and release of the securities. Such agreement shall include all provisions necessary to provide the City of Middletown a perfected interest in the securities.

§ 65.13 REPURCHASE AGREEMENTS

Repurchase agreements are authorized subject to the following restrictions:

- All repurchase agreements must be entered into subject to a Master Repurchase Agreement.
- Trading partners are limited to banks or trust companies authorized to do business in New York and primary reporting dealers.
- Obligations shall be limited to obligations of the United States of America and obligations guaranteed by agencies of the United States of America.
- No substitution of security will be allowed.
- The custodian shall be a party other than the trading partner.

§ 65.14 OPERATIONS, AUDIT AND REPORTING

The Treasurer, having custody of money, shall authorize the purchase and sale of all securities and execute contracts on behalf of the City of Middletown. Oral directions concerning the purchase, transaction, or sale of securities shall be confirmed in writing. The City of Middletown shall pay for purchased securities upon delivery.

The City of Middletown will encourage the purchase and sale of securities through a competitive or negotiated process involving solicitations of at least three bids for each transaction.

At the time independent auditors conduct the annual financial audit of the accounts and affairs of the City of Middletown, the auditors shall audit compliance with the Investment Guidelines.

The legislative body of the City of Middletown shall review and approve the annual investment report at its Annual reorganization meeting.

The provisions of these Investment Guidelines and any amendments hereto, shall take effect prospectively, and shall not invalidate the prior selection of any custodial bank or prior investment.

APPENDIX A

Schedule of Eligible Securities

- i. Obligations issued, or fully insured or guaranteed as to the payment of principal and interest, by the United States of America, an agency thereof or United States Government sponsored corporation.
- ii. Obligations partially insured or guaranteed by any agency of the United States of America, at a proportion of the Market Value of the obligation that represents the amount of the insurance or guaranty.

Revised 01/12

Roll Call: Ayes: Ald. Amodio, Burr, Ramkissoon, Smith, Sommers, Masi, Sierra, Pres. Rodrigues-8

4.12 Resolution re-appointing Maria Bruni

On motion of Ald. Masi seconded by Ald. Burr

Resolved, that the Common Council of the City of Middletown concurs with the Mayor's re-appointment of Maria Bruni to the position of Director of Community and Economic Development, term to expire December 31, 2012.

Roll Call: Ayes: Ald. Amodio, Burr, Ramkissoon, Smith, Sommers, Masi, Sierra, Pres. Rodrigues-8

5.12 Resolution to re-appoint Alex Smith to the position of Asst. Corp. Counsel

On motion of Ald. Burr seconded by Ald. Amodio

Resolved, that the Common Council of the City of Middletown concurs with the Mayor's re-appointment of Alex Smith to the position of Assistant Corporation Counsel, term to expire December 31, 2012.

Roll Call: Ayes: Ald. Amodio, Burr, Ramkissoon, Smith, Sommers, Masi, Sierra, Pres. Rodrigues-8

6.12 Resolution to re-appoint Doug Hendrickson and Michael Moser to the position of Deputy Commissioner of Public Works

On motion of Ald. Masi seconded by Ald. Smith

Resolved, that the Common Council of the City of Middletown concurs with the Mayor's re-appointment of Douglas Hendrickson and Michael Moser to the positions of Deputy Commissioner of Public Works, terms to expire December 31, 2012.

Roll Call: Ayes: Ald. Amodio, Burr, Ramkissoon, Smith, Sommers, Masi, Sierra, Pres. Rodrigues-8

7.12 Resolution appointing Anthony Amelio to the Industrial Development Agency

On motion of Ald. Smith seconded by Ald. Sommers

Resolved, that the Common Council of the City of Middletown concurs with the Mayor's appointment of Anthony Amelio to the Industrial Development Agency, term to expire December 31, 2012.

Roll Call: Ayes: Ald. Amodio, Burr, Ramkissoon, Smith, Sommers, Masi, Sierra, Pres. Rodrigues-8

8.12 Resolution re-appointing Nicole Hewson, John C. Naumchik, Paul Thorn, Larry Risdal to the Planning Board

On motion of Ald. Masi seconded by Ald. Burr

Resolved, that the Common Council of the City of Middletown concurs with the following Mayor's re-appointments to the Planning Board:

Nicole Hewson - term to expire on 12/31/15

John C. Naumchik - term to expire on 12/31/16

Paul Thorn - term to expire on 12/31/12

Larry Risdal - term to expire on 12/31/17

Roll Call: Ayes: Ald. Amodio, Burr, Ramkissoon, Smith, Sommers, Masi, Sierra, Pres. Rodrigues-8

9.12 Resolution re-appointing Jerry Caliendo, Thomas Murtaugh, Archie Fellenzer, Robert Metz, Jeffrey Shapiro to the Electrical Board

On motion of Ald. Smith seconded by Ald. Ramkissoon

Resolved, that the Common Council of the City of Middletown concurs with the following Mayor's re-appointments to the Electrical Board:

Jerry Caliendo - term to expire on 12/31/12

Thomas Murtaugh - term to expire on 12/31/12

Archie Fellenzer - term to expire on 12/31/12

Robert Metz - term to expire on 12/31/12

Jeffrey Spiro - term to expire on 12/31/12

Roll Call: Ayes: Ald. Amodio, Burr, Ramkissoon, Smith, Sommers, Masi, Sierra, Pres. Rodrigues-8

10.12 Resolution to re-appoint Greg Cortez to the Middletown Housing Authority

On motion of Ald. Sierra seconded by Ald. Burr

Resolved, that the Common Council of the City of Middletown concurs with the Mayor's re-appointment of Greg Cortez to the Middletown Housing Authority, term to expire December 31, 2013.

Roll Call: Ayes: Ald. Amodio, Burr, Ramkissoon, Smith, Sommers, Masi, Sierra, Pres. Rodrigues-8

11.12 Resolution re-appointing Randy MacLean, Don Luis to the Zoning Board

On motion of Ald. Burr seconded by Ald. Sierra

Resolved, that the Common Council of the City of Middletown concurs with the following Mayor's re-appointments to the Zoning Board of Appeals:

Randy MacLean - term to expire on 12/31/16

Don Luis - term to expire on 12/31/15

Roll Call: Ayes: Ald. Amodio, Burr, Ramkissoon, Smith, Sommers, Masi, Sierra, Pres. Rodrigues-8

12.12 Resolution appointing Ralph Savarese to the Zoning Board of Appeals

On motion of Ald. Masi seconded by Ald. Ramkissoon

Resolved, that the Common Council of the City of Middletown concurs with the Mayor's appointment of Ralph Savarese, 36 Lenox Place, to the Zoning Board of Appeals term to expire on December 31, 2017.

Roll Call: Ayes: Ald. Amodio, Burr, Ramkissoon, Smith, Sommers, Masi, Sierra, Pres. Rodrigues-8

13.12 Resolution re-appointing Thomas Elwood, Larry Alteri, Wyletta Barbee to the Board of Ethics

On motion of Ald. Burr seconded by Ald. Sommers

Resolved, that the Common Council of the City of Middletown concurs with the following Mayor's re-appointments to the Board of Ethics:

Thomas Elwood - term to expire on 12/31/15

Larry Alteri - term to expire on 12/31/13

Wyletta Barbee - term to expire on 12/31/14

Roll Call: Ayes: Ald. Amodio, Burr, Ramkissoon, Smith, Sommers, Masi, Sierra, Pres. Rodrigues-8

14.12 Resolution to re-appoint Richard Guertin, Corp. Counsel

On motion of Ald. Ramkissoon seconded by Ald. Sierra

Resolved, that the Common Council of the City of Middletown concurs with the Mayor's re-appointment of Richard Guertin, as Corporation Counsel term to expire on December 31, 2014.

Roll Call: Ayes: Ald. Amodio, Burr, Ramkissoon, Smith, Sommers, Masi, Sierra, Pres. Rodrigues-8

15.12 Resolution to authorize the Mayor to sign agreement with OC Office for the Aging to provide transportation services to the Elderly

On motion of Ald. Burr seconded by Ald. Smith

Resolved, that the Common Council of the City of Middletown hereby authorizes the Mayor to sign the attached contract with the Orange County Office for the Aging to authorize the Mayor to sign the agreement with the Orange County Office for the Aging to provide transportation services to the Elderly under Title 111B of the Older Americans Act for the period January 1, 2012 and ending December 31, 2012

Roll Call: Ayes: Ald. Burr, Ramkissoon, Smith, Sommers, Masi, Sierra, Pres. Rodrigues-7 Abstain: Ald. Amodio-1

16.12 Resolution to rescind #307-11 and replace to authorize Peg Kimple and Jean Sexton to attend the CADCA forum

On motion of Ald. Smith seconded by Ald. Sierra

RESOLVED; that the Common Council of the City of Middletown rescinds Resolution # 307-11 adopted on December 20, 2011 and replace with the following:

RESOLVED, that the Common Council of the City of Middletown authorizes Peg Kimple, Coordinator of the Middletown Cares Coalition, and Jean Sexton of the Hudson Valley Federal Credit Union and an active member of the Middletown Cares Coalition, to travel to the Annual National Leadership Forum for the Community Anti-Drug Coalitions of America to be held on February 6-9, 2012, in Washington, D.C and an additional Grant Application Workshop on February 10 in order to apply for the following five years, 2012-2017.

The cost of the National Leadership Conference is \$545.00 per person, with no additional cost for the Grant Application Workshop. The hotel will be \$242.44 per night for five nights for 2 people. Travel will remain approximately \$86.00 for mileage and tolls, Amtrak round trip per person is \$250.00, shuttle service at the conference is \$13.00 per person and meal reimbursement is \$408.00 per person with the total not to exceed \$4,950.00. Please understand that these figures are an approximation and that all items

are properly budgeted within the Federal Grant guidelines. Both the conference and the application workshop are requirements of the grant.

Roll Call: Ayes: Ald. Amodio, Burr, Ramkissoon, Smith, Sommers, Masi, Sierra, Pres. Rodrigues-8

17.12 Resolution to authorize the mayor to request NYS Legislature reinstates the Middletown Community Development Agency

On motion of Ald. Masi seconded by Ald. Sierra

Whereas, the New York State Legislature in 1986 authorized, and the Governor of the State of New York approved, the creation of an urban renewal agency known as the Middletown Community Development Agency pursuant to Chapter 315 Section 1 of the Laws of 1986, which was codified as Section 601-a of the New York General Municipal Law, and

Whereas, pursuant to Section 553 (1) (b) of the General Municipal Law, the Middletown Community Development Agency was dissolved and ceased to exist because there were no outstanding bonds issued by the Agency, and

Whereas, the Mayor has recommended to the Common Council that the City of Middletown request that the New York State Legislature reinstate the Middletown Community Development Agency to assist the City in its ongoing efforts for economic revitalization throughout the City of Middletown, and

Whereas, the Common Council concurs with the Mayor's recommendation, and

Whereas, the above proposed legislation, in accordance with the New York State Constitution, requires a "home rule" request from the City of Middletown before the legislation can be approved by the New York State Legislature.

Now, therefore, be it resolved by the Common Council of the City of Middletown that the Common Council hereby makes a "home rule" request, in accordance with the New York State Constitution, to the New York State Senate, through Senator John J. Bonacic, and to the New York State Assembly, through Assemblywoman Aileen Gunther, that the New York State Legislature adopt legislation reinstating the Middletown Community Development Agency.

Be it further resolved that the Corporation Counsel of the City of Middletown is directed to prepare and submit, and the Mayor and the Clerk of the Common Council are authorized to sign, all appropriate "home rule" request forms as required by the New York State Senate and the New York State Assembly.

Roll Call: Ayes: Ald. Amodio, Burr, Ramkissoon, Smith, Sommers, Masi, Sierra, Pres. Rodrigues-8

18.12 Resolution calling for a public hearing 2/7/12 to amend Zoning Code

On motion of Ald. Masi seconded by Sierra

MOTION FROM THE FLOOR:

WHEREAS, a proposal has been submitted to the Housing, Planning, Zoning and Economic Development Committee to allow retail stores of less than 3,000 square feet of floor size as a use in the C-1A Limited Neighborhood Business District zone with site plan and special use permit approval from the Planning Board; and

WHEREAS, the Common Council, under the Zoning Code, must conduct a public hearing on the proposal; and

WHEREAS, the Common Council, under the Zoning Code, must refer the proposed amendment to the Orange County Planning Department and the Town of Wallkill and the Town of Wawayanda for their review.

NOW THEREFORE BE IT RESOLVED that the Common Council hereby calls for a public hearing for Tuesday, February 7, 2012, on or as near to 8:00 p.m. as possible, to hear any and all persons wishing to be heard on the proposed amendment to the Zoning Code to allow retail stores of less than 3,000 square feet of floor size as a use in the C-1A Limited Neighborhood Business District zone with site plan and special use permit approval from the Planning Board.

BE IT FURTHER RESOLVED that the Clerk of the Common Council is hereby directed to give notice of the hearing by publication in the Times Herald Record on two successive days beginning at least five days before the hearing.

BE IT FURTHER RESOLVED that the Clerk of the Common Council is hereby directed to cause notice of the hearing to be published on the City's website.

BE IT FURTHER RESOLVED that the Clerk of the Common Council is hereby County Planning Department and the Town of Wallkill and the Town of Wawayanda for their review.

Ald. Sierra- Asked a question, inaudible

Ald. Masi-Yes. We did this for ...allowing...The Bicycle Shop wants to put in a small retail store. Not allowed C-1A, the belief is by Corp. Counsel the reason they did that was to exclude large retailers such as Shop-Rite in small areas.

Roll Call: Ayes: Ald. Amodio, Burr, Ramkissoon, Smith, Sommers, Masi, Sierra, Pres. Rodrigues-8

6. Adjournment

There being no further business meeting adjourned at 8:25pm

Respectfully submitted,

Karen Sisco