

**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 10-16-18

Index No: 267-18

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

WHEREAS, the Common Council has been advised that the present insurance requirements for permits for street openings must be updated and improved.

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, Article VIII, Openings and Excavations, be and is hereby amended by replacing Section 416-21, Insurance Required, to read as follows:

No permit for street opening shall be issued by the Commissioner of Public Works until the applicant therefor shall have first placed on file with the Commissioner of Public Works of the City of Middletown, at the sole cost of the applicant, satisfactory evidence of public liability insurance naming the applicant thereon as well as the City of Middletown as a named insured and waiver of subrogation, in an amount not less than \$1,000,000 for any one person and not less than \$3,000,00 for any one accident, and property damage insurance in the amount of not less than \$2,000,000 for any one accident. The applicant must provide Workers Compensation with waiver of subrogation in favor of the City of Middletown. The applicant may, in lieu of placing on file the actual policy, deliver to the Commissioner of Public Works a certificate by an insurance company duly licensed to operate in the State of New York, certifying that insurance in the

amount above set forth, and naming the City of Middletown as an insured on the said policy, is in force and effect. All such certificates or policies shall be approved as to form, correctness and adequacy by the Corporation Counsel of the City of Middletown. Failure to file with the Commissioner as herein required and to keep in force and effect insurance as provided for above shall result in a denial by the Commissioner of any street opening permits.

Section 2 - This ordinance shall take effect immediately.