Common Council
Meeting
Re-Organizational Meeting
City of Middletown
January 2, 2020

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

Pres. Rodrigues asked all to remain standing for a moment of silence for former
Police Commissioner Ed Cummings may he Rest in Peace

2. Roll Call: Present: Ald. Ramkissoon, Tobin, Kleiner, Johnson, Jean-Francois, Burr,
Green, Pres. Rodrigues-8 Absent: Ald. Masi -1

3. Oath of Aldermen

Mayor DeStefano called aldermen from each ward and administered the oath of office
1st Ward- Ald. Burr
4th Ward- Ald. Jean-Francois, Ald. Tobin

4. Oath of New Firefighters

Mayor DeStefano swore in 2 new firefighters
Chris Barringer, Michael Swankie

5. Remarks of the Mayor

Mayor DeStefano-Welcome all of you back for another 2 yr. term.  We have had a lot
of success over the past several years; especially last 2 yr. terms and I look forward to
another successful 2 years working with each and every one of you.
I wanted to welcome aboard the 2 members of the IFF and also welcome the Chiefs; Chief Luis, Chief Barber. Also the local IFF 1027 Union President Mike Demchek and their members. I know Newburgh’s loss is our gain. These gentlemen will be put right, they both graduated the academy, they started I believe yesterday. Looking forward to their long tenure here in the City of Middletown.

Welcome aboard, welcome to their families. Barringer family has been here for many, many years. Wish them the best of luck in their careers.

6. Remarks of Aldermen

Ald. Burr- Congratulations to our new hires and I look forward to working with my fellow aldermen.

Ald. Jean-Francois-Happy New Year. It has been a privilege to be able to serve the City of Middletown which I love very much. Like the Mayor said we had 2 wonderful 2 yrs. Looking forward to another 2 years.

Ald. Kleiner-Happy New Year and welcome back everyone. We don’t have another meeting until the 21st I believe.

Monday, January 13th will be our 2nd Ward constituents meeting. We hope to see anyone who would like to come, give us your input.

The Warming Station is doing 3 more training sessions in January. Tuesday, January 7, Thursday, January 16th and January 30th those are at 7pm. Mulberry St. entrance to St. Paul’s Church. Always could use volunteers at the Warming Station.

This is going to be the 100th anniversary of the actual implementation of Prohibition on January 17th. Happy 100 yrs. to one of the worst experiments we ever did and everybody was shocked when they found out when the Volstead was passed that beer was included. We had the OC brewery, such a thriving business in the country; but as we know it finally got repealed in 1933.

This year will also be the 100th anniversary of the 19th amendment.

Ald. Tobin and I were at the Town of Wallkill yesterday for swearing in for their swearing in ceremony. We wish new Supervisor Frank DenDanto the best of luck and very enthusiastic and hopeful for the New Year. They had quite a turnout. We look forward in working closely with them.

Monday, January 20th is MLK Day and that will also occur before our next meeting. I just wanted to mention on Sunday, January 19th at 4 pm at the Liberty St. Y there will be a MLK celebration I hope people can make that. I think about Dr. King and I think young Greta Thunberg saying how dare you are as she looks at the future of this planet. I think MLK talking about the fierce urgency of the now. Somethings just
can’t be put off, he knew when it was time and we know now when it is time because you can look at the cost of the green new deal. But look at the cost of not doing anything we see it in Australia right now. Unbelievable.

Finally Ed Cummings was my mentor. He was my all-time favorite Middletown alderman. I thought he was just so direct. He would let you know how he felt, but he always took every issue seriously and gave it his best evaluation. I know he was the same way on the Police Commission and Ed was also the best Santa Claus we ever had in Middletown. We will miss him and my condolences to his family.

Ald. Ramkissoon- Happy New Year to everyone. It is my pleasure to be back with you again for another term. The last 8 yrs. for me has been amazing to see all the changes that have gone on in the City. I am in awe of it. There are no communities around that compares with what Middletown has done in the last decade.

To my partner in crime, Ald. Johnson I am glad I am speaking before you this evening. It is a pleasure working with you again. I enjoy being here with everyone and everyone have a safe and Happy New Year.


Thanks for the update as always Ald. Kleiner.

I want to thank the residents of the 3\textsuperscript{rd} Ward for the opportunity to once again serve.

Yes this is an opportunity what a pleasure and privilege it is working alongside Ald. Ramkissoon.

I will always try to do the best I can to help the residents of the 3\textsuperscript{rd} Ward to meet our mutual goal and expectation.

Ald. Green- Happy New Year everyone. I will also echo the remarks that it is wonderful to work with everyone and very happy to be working with all again for another 2 yrs.

Amazing how fast the first term flew by. A lot of great things happened and only great things are going to happen in 2020.

I do want to congratulate our 2 new firefighters. A big win for us. Wish them a healthy and successful career.

Ald. Tobin- I feel blessed to work with such a good team. I think we are doing a great job in the city. I feel like we just started yesterday. I am grateful to the residents and constituents in the 4\textsuperscript{th} Ward for having the confidence to have Jude and I to work together for another 2 yrs.
I like to welcome the 2 new firefighters.

Our 4th Ward constituents meeting is this Saturday at 10am.

7. New Business

1.20 Resolution establishing Standing Committees and membership

On motion of Ald. Green seconded by Ald. Johnson

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
Planning & Economic Development
Public Safety
Recreation & Parks
Community Communication & Historical Society

Legislative
Public Works, Traffic
Revenue
Recycling
Quality of Life/Code Enforcement City Wide

And be it further resolved, that the Common Council declares that the Treasurer, Donald Paris, and the Chairman of the Finance Committee, Joseph Masi, 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
2020

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<tr>
<th>FINANCE COMMITTEE</th>
<th>LEGISLATIVE COMMITTEE</th>
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<tr>
<td>Masi, Chairperson</td>
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<td>Johnson, Vice-Chair</td>
<td>Masi, Vice-Chair</td>
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<tr>
<th>PLANNING AND ECONOMIC DEVELOPMENT</th>
<th>PUBLIC WORKS/TRAFFIC</th>
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<tr>
<td>Green, Chairperson</td>
<td>Jean-Francois, Chairperson</td>
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<tr>
<td>Johnson Vice-Chair</td>
<td>Burr, Vice-Chair</td>
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<td>Jean-Francois</td>
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<td>Burr</td>
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<th>RECREATION &amp; PARKS</th>
<th>PUBLIC SAFETY</th>
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<td>Tobin, Chairperson</td>
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2.20 Resolution adopting Procurement Policies and procedures

On motion of Ald. Johnson seconded by Ald. Green

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.

§ 104-10 Contracts Awarded Based on a “Best Value” Analysis.

Notwithstanding anything else contained in this Chapter to the contrary, the Common Council, after approval of the Board of Estimate and Apportionment, may award purchase contracts and service contracts that have been procured pursuant to competitive bidding or otherwise under New York General Municipal Law Section 103(1) or this Chapter by either the lowest responsible bidder standard or the “best value” standard.

(A) “Best value” is defined in State Finance Law Section 163 to mean “the basis for awarding contracts for services to the offerer which optimizes quality, cost and efficiency, among responsive and
responsible offerers. Such basis shall reflect, wherever possible, objective and quantifiable analysis. Such basis may also identify a quantitative factor for offerers that are small businesses or certified minority- or women-owned business enterprises as defined in subdivisions one, seven, fifteen and twenty of section three hundred ten of the [New York] Executive Law to be used in evaluation of offers for awarding of contracts for services.” For purposes of this § 104-10, the Common Council adopts the above definition of “best value,” as the same may be modified from time to time by the State Legislature.

(B) Pursuant to New York General Municipal Law Section 103(1), the “best value” standard may be used for purchase contracts, including contracts for service work, but it excludes and may not be used for any purchase contracts necessary for the completion of public works contracts pursuant to New York Labor Law Article 8.

(C) If the monetary thresholds of New York General Municipal Law Section 103 are increased or decreased in the future by the State Legislature, the monetary thresholds set forth herein will be deemed simultaneously amended to match the new General Municipal Law thresholds.

(D) Whenever any contract is awarded by the Common Council (after approval of the Board of Estimate and Apportionment) on the basis of “best value” instead of the lowest responsible bidder, the basis for determining “best value” will be thoroughly and accurately documented. Such documentation may include, but is not necessarily limited to, the cost of maintenance; durability; availability of replacement parts or maintenance contractors; longer product life; product performance criteria; quality of craftsmanship; or compatibility with existing City buildings or property.


Should any section or provision of this Local Law be declared, ordered or adjudged null, void, voidable or invalid by a court of competent jurisdiction, such finding of invalidity shall not affect the validity of the remaining portions of this Local Law.

§ 104-11 Standards for federal CDBG-DR Procurement Actions

Notwithstanding anything else contained in this chapter to the contrary, eligible Community Development Block Grant – Disaster Recovery (CDBG-DR) expenditures and procurement actions undertaken on or after January 1, 2017, shall comply with the procurement standards as set forth in 2 CFR Parts 200.317 through 200.326, as the same may be amended from time to time. In the event of a conflict between State or local laws and regulations and the procurement requirements of 2 CFR Part 200, the more stringent requirements will apply

Revised 11/16

3.20 Resolution adopting Investment Policy

On motion of Ald. Jean-Francois seconded by Ald. Ramkissoon

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:

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<tr>
<th>Depository Name</th>
<th>Maximum Amount</th>
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<tr>
<td>TD Banknorth</td>
<td>$18,000,000</td>
</tr>
<tr>
<td>Sterling Bank</td>
<td>$18,000,000</td>
</tr>
<tr>
<td>Orange Bank &amp; Trust Co.</td>
<td>$18,000,000</td>
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§ 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 depositaries, 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 01/20


4.20 Resolution adopting the Fee Schedule

On motion of Ald. Tobin seconded by Ald. Johnson

RESOLVED; that the Common Council of the City of Middletown does hereby adopt the attached Fee Schedule for services for the City of Middletown.

8. Audit

On motion of Ald. Johnson seconded by Ald. Green

I move that the accounts be audited the claims be adjusted and the Treasurer be authorized to issue warrants for their payment.

9. Adjournment

There be no further business meeting adjourned at 6:20 PM

Respectfully submitted,

Karen Sisco