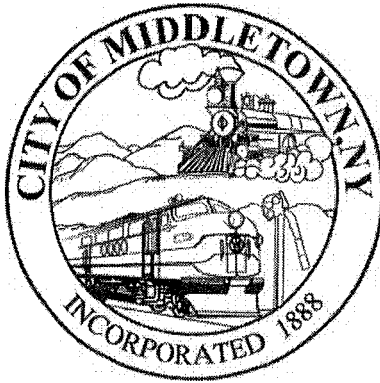




**COMMON COUNCIL
CITY OF MIDDLETOWN
July 6, 2021**

City Hall
16 James Street
Middletown, New York 10940
8:00PM

P R E S E N T

Joseph Masi
Tom Burr
Gerald Kleiner
Andrew Green
Kate Ramkissoo
Jude Jean Francois
Sparrow Tobin
ABSENT

Paul Johnson
Miguel Rodrigues, President of Common Council

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

2 **MR. MASI:** Would you remain standing for a
3 moment, please, for a moment of silence for two people
4 that put a lot of time in with the City of Middletown
5 over the years and they've passed away, Jean Courier
6 (phonetic) and Nick Scali (phonetic). Thank you.

7 2. Roll Call

8 Roll Call: Ald. Ramkissoon, Tobin, Kleiner,
9 Jean-Francois, Burr, Green, Masi.

10 In the absence of President Rodrigues, Ald.
11 Masi presided.

12 3. Approval of Minutes.

13 **ALD. MASI:** Approval of minutes.

14 **COUNCIL CLERK:** Tonight we have the minutes
15 from the council meeting of June 1st, 2021.

16 I need a motion. Motion by Alderman Tobin,
17 second by Alderman Green.

18 Any comments or questions?

19 Roll.

20 **COUNCIL CLERK:** Ramkissoon?

21 **MS. RAMKISSOON:** Aye.

22 **COUNCIL CLERK:** Tobin?

23 **MR. TOBIN:** Aye.

24 **COUNCIL CLERK:** Kleiner?

25 **MR. KLEINER:** Aye.

1 COUNCIL CLERK: Jean-Francois?

2 MR. JEAN-FRANCOIS: Aye.

3 COUNCIL CLERK: Burr?

4 MR. BURR: Aye.

5 COUNCIL CLERK: Green?

6 MR. GREEN: Aye.

7 COUNCIL CLERK: Masi?

8 MR. MASI: Aye.

9 COUNCIL CLERK: Resolution passes.

10 **4. Correspondence**

11 MR. MASI: Correspondence?

12 COUNCIL CLERK: Nothing this evening.

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

14 MR. MASI: All right. For the Good of the
15 City. Two things, one there's a limit. I'm going to
16 give you three minutes or so. And, two, no personal
17 attacks or you're gone. Anyone that wants to address
18 this council, please come forward. State your name and
19 say what you have to say.

20 LEXI FERNANDEZ: I shouldn't be here. I'm
21 emotional. I wanted to talk about opting out, but not
22 anymore because yesterday night someone broke into my
23 home. We installed a couple more cameras, but I am
24 furious.

25 I live on 10X Prospect Avenue which is next to

1 the barber shop that was swatted on July 4th. But The
2 Record hasn't reported on anything. And Middletown PD
3 has also been silent on the issue leading critical --
4 leaving a critical information gap.

5 Apparently, someone got stabbed at the chicken
6 place, then ran into the barber shop. But I heard other
7 things like there was drugs or a body inside or -- or if
8 was really a barber shop or if it was just a drug raid.
9 Regardless, it was the brave men and women of Middletown
10 PD who took control of the situation and I thank them.

11 That being said, I, however, do find our
12 proprieties as a city absolutely ridiculous when
13 comparing to other police departments and factoring
14 inflation. We are effectively defunding the police right
15 now when we need them the most. And -- but is it okay
16 for our political leaders to give themselves a pay raise
17 at last minute? And, of course, we didn't get a public
18 referendum on that. And instead of focusing on the real
19 criminals, we are focusing on fireworks. Like, really,
20 is this America?

21 Check the Middletown PD media and all you see
22 is about fireworks and puppies instead of the new
23 shooting or stabbing that happened of the week. The
24 Record doesn't even report it no more, that's how common
25 it's been. I'm glad someone finally declared it is a

1 state of emergency today. No wonder police are retiring
2 in record numbers. Our priorities in the laws are
3 misguided.

4 And are we really trying to ban marijuana
5 dispensaries and cafes, but we allow a power plant to
6 move in? The pollution isn't only physical, but moral
7 too. From the fire station selling drugs to the
8 courtrooms, I mean, I recently had a court case in
9 Middletown and from -- for some reason I wasn't able to
10 get the police cam footage, but at least we got the
11 audio. Then the judge didn't even listen to the audio.
12 Is this justice? No, unfortunately justice is different
13 for people of power and money. I mean, even Bill Cosby
14 is out and Bill is still -- and Joe is still mayor.

15 I know there's a lot of you that don't agree on
16 everything I say, but there is at least some truth in
17 what -- in the words I say.

18 This place should be a marketplace of ideas and
19 policies that should be based on evidence. But,
20 unfortunately, this isn't. And our freedoms of
21 expressions are being banned in every sectors of our
22 lives. And policies that should be led by evidence are
23 led by personalities instead.

24 And for the record, I never denied being the
25 baddest guy in Middletown, but who are we afraid of? Who

1 are we afraid of? We aren't afraid of corrupt
2 politicians no more and it's showing. But the corruption
3 isn't just Republicans or Democrats, the corruption is
4 both parties. It's big money. But what gives me a
5 slight measure of hope is the new generation. But will
6 it be too late?

7 Last thing, if ya'll ban marijuana dispensaries
8 and force us to get signatures and to petition to
9 overturn a decision, you better believe in that petition
10 we will also demand for the Mayor's resignation. Thank
11 you.

12 **ALD. MASI:** I'm assuming you're going to leave.
13 That's the gentlemen, by the way, and he brought it up so
14 I may not have. But that court case he was talking about
15 last Wednesday, I happen to be down in court at the time.
16 He had a trial. He was found guilty of urinating on
17 Fireman Joe statute downright next -- right down the
18 street from here. That's the character that you just
19 witnessed. So when you hear him come up, throw all these
20 stones and, of course, runs out, I want you to be aware
21 and he brought up that trial and he was found guilty.

22 All right. Anyone else want to address?
23 Anyone on line?

24 **UNIDENTIFIED SPEAKER:** Not at this time.

25 6. REMARKS OF THE MAYOR

1 **ALD. MASI:** Remarks of the Mayor.

2 **MAYOR DESTEFANO:** Well, he's always a tough act
3 to follow.

4 But that is the definition of why we do a lot
5 of things that we do here. As Mr. Masi said and I think
6 I'm going to get into in in part of my presentation is
7 who do we listen to in Middletown? And, certainly, Mr.
8 Lexi (phonetic) there, as Mr. Masi said was just arrested
9 and convicted of urinating on -- not just in public, but
10 urinating on a statute, a memorial to our firemen in our
11 city and to our emergency workers and was found guilty of
12 doing it and fined. But it speaks to his character.

13 But first I'd like to address the issue of
14 illegal fireworks. And what we all experienced over the
15 last few days and the fact that we had a lot of angry
16 people and rightfully so. And I just want to let you
17 know that on the board you'll see the amount of calls
18 from 2020 to 2021. They're relatively the same for the
19 five-day period. And these are calls into the police
20 station. But what you'll look at is the number of
21 arrests. And the number of arrests were three for 2020
22 and for 2021, 32.

23 The police were very active. We had a huge
24 presence on, many of them in undercover units. And
25 that's why we were able to successfully make so many

1 arrests because the police literally have to -- there's a
2 standard before they can issue a summons. And it's not
3 the fact that you called and said that there are
4 fireworks in my neighborhood, that's not the standard
5 that the police can go by. They have to actually see
6 somebody in possession of or lighting them off.

7 And so I want to compliment the chief and --
8 and his staff. I know Sergeant Welch, I think, was on
9 part of the detail. But every neighborhood in the city
10 was impacted. And I'm just going to read the streets
11 where we did make arrests. So to give you an idea that
12 people were in your neighborhood.

13 And by arrests, you understand that these are
14 not physical arrests. They're not allowed to take people
15 in. They are issued an appearance ticket to go into
16 court. A year or two ago we did change the local law
17 imposing a -- not imposing, but imposing a minimum fee --
18 a minimum fine, I think, of \$250 and a maximum fine of up
19 to \$1,000. And we also have changed it so the -- rather
20 than going through the Orange County District Attorney's
21 Office who are busy really prosecuting their crimes, that
22 the -- we use our local attorney, our local corporation
23 counsel.

24 So, while it may not be a serious matter, as
25 serious of a matter, obviously, it isn't as some of the

1 major felony crimes at the Orange County Prosecution --
2 DA prosecutes, to us it's an important thing. So we made
3 that change. That gave the incentive for the police to
4 issue more violations.

5 And, so, we made arrests on Wilcox, Wickham, a
6 couple on Wickham; Cornelia Street; Concord Lane; Academy
7 Avenue; Martin Street; Grove Street; Montgomery Street;
8 State Street; West Main, a few on West Main; Margaret
9 Terrace, Allerton Avenue; Mill Street; Vincent Drive;
10 West Main again; Sproat, California, Wickham, Waverly,
11 Sproat again; California; Ingalls; Grand, Mills, Houston,
12 Beattie; Bonnell; and East Main Street. And that's where
13 the arrests were made.

14 So I know there was a big social media push
15 where people were very -- some people, although many were
16 very complimentary of the police reaction, some were very
17 angry. They felt that the police weren't doing enough.
18 And I can assure you that I -- I did take some time to
19 speak to other mayors in the -- in the area. And all you
20 had to do was watch the news and you could see that this
21 is not a Middletown thing, that this shows you that the
22 unintended consequences of certain legislation.

23 And a few years ago the state decided to make
24 fireworks "legal". And we all know that legal doesn't
25 mean the fireworks that are being set off, they're mostly

1 ground fireworks and other types of things that produce a
2 lot of smoke, but not a lot of noise. But people don't
3 know the law to that extent. And they believe what
4 they're buying in Pennsylvania they can use here. And
5 they just go on with it.

6 So the unintended consequences of the state
7 generating this revenue is that local people have to deal
8 with it, our pets, our veterans, our elderly people,
9 people who have illness and smoke. You know, I can
10 understand if you're in Greenville and you're on a farm
11 or Wawayanda or parts of it, that it doesn't bother you.
12 And it's true, I don't care what you do. But when you're
13 in a neighborhood with 50, 75 foot lots and your neighbor
14 is impacted by the -- the smoke that's being generated,
15 it does become a quality of life and a safety issue. So
16 that's why we're so responsive to it.

17 So we're going to continue with -- we're
18 looking at additional ways to enforce it. It's not a
19 minor thing to -- to many. Matter of fact, I think if
20 you saw over the weekend the goalie for the Columbus Blue
21 Jackets I think their name is, they -- he died in a
22 fireworks accident, a professional hockey player. So
23 there are, you know, a lot of dangers with it. But from
24 a local government, we have a responsibility to respond.
25 On behalf of our constituents, the police did a good job.

1 And the number of arrests indicate that.

2 We will follow up with prosecutions on each and
3 every case. I spoke to Mr. Smith this morning and
4 assured him that I would like him to make sure that there
5 is no plea offers, that -- that we do prosecute every
6 case, that seeking at least the minimum \$250 fine, and
7 that we -- and if we had frequent calls to the property
8 that we would seek more. And then we're going to look at
9 other legislation in the future.

10 Moving on, we did have the public hearing on
11 June 15th. And we did have quite a few comments from the
12 public. I -- I believe 13 people between in person and
13 online. We did discuss the dispensaries, on-site cafes.
14 Made it perfectly clear that medical marijuana is not
15 impacted whatsoever in this process. Although many of
16 the speakers tried to use that as a wedge to say that we
17 were trying to impact people's right to have medical
18 marijuana, not true.

19 We talked about the opt in and opt out, what it
20 means that if we opt out we can opt back in at any point,
21 but if we stay in, we're in forever. And we pointed out
22 that there were no rules and regulations. And in my
23 opinion, for us to stay into a program that we have no
24 choice after a certain cutoff date to -- to get out once
25 we see the rules and regulations and the management of

1 the Cannabis Control Board that it makes -- to me it
2 makes no sense for us to take that risk and jeopardize
3 it.

4 So we made it clear that we do support portions
5 of the law and I'm not asking for the law to be
6 rescinded, that we support the -- at least I support the
7 records expungement. People who were charged with low-
8 level marijuana crimes and that served prison or have
9 convictions on their records, those records should be
10 expunged.

11 And to me, that was the most important part of
12 the legislation. That is the social justice part of the
13 legislation. It's not the ability to sell marijuana in a
14 neighborhood and to reinvest -- to tax people and then
15 sell and direct the sale of -- of substance, of a
16 regulated substance into certain neighborhoods. I don't
17 think you call that social justice, I think that's bad
18 policy. I think the social justice would be using those
19 tax revenues to create opportunities for those people in
20 those neighborhoods other than the opportunity to
21 purchase marijuana.

22 So the -- the idea would be to decriminalize
23 and to make sure that -- that those who have been
24 convicted in the past have their records expunged. And
25 that, of course, is the social justice part of the

1 argument.

2 Where I do oppose and what I do oppose and
3 continue to do so in the legislation, I'm absolutely
4 opposed is the public consumption. Many made the
5 comparisons that night for alcohol and marijuana. Well,
6 they are not the same. First of all, you cannot walk
7 down into a bar and then walk out of the bar drinking --
8 holding your drink or drinking your drink down Main
9 Street. So there is a main difference there. That's
10 called the public consumption part.

11 We have a local law that prohibits it. It's
12 from -- part of the open container or open -- or open or
13 public consumption. And it's not legal to do it with
14 alcohol nor should it be legal to do with marijuana. So
15 I absolutely oppose that part.

16 And I have moved on to say as a community, who
17 do we listen to? Do we listen to Lexie Fernandez, the
18 guy who spoke earlier who also spoke last week and the
19 craziness that he spews at this mic every time he comes
20 here.

21 Do we listen to the Long Island people who
22 called in on the last meeting and told the chief that --
23 the chief of police of our city to mind his own business,
24 that it's not his business what people do in Middletown
25 in regards to marijuana consumption.

1 Or do we listen to the guy from Dutchess
2 County, the group of I think they identify themselves as
3 libertarians that was here advocating that the city not
4 do what they're -- what I had proposed we do is an opt
5 out. And I think one of them who came was also candidate
6 for alderman here in City of Middletown, Mr. Aiella. I
7 think he identified himself as a candidate or one of his
8 speakers after him identified him as a candidate.

9 Or the guy from the Town of Walkill who's also
10 running for office, Mr. McClain, is that who we listen to
11 or do we listen to -- I don't know who you are getting
12 feedback from as alderman. I know who I'm getting
13 feedback from. And I'm getting feedback from Mr. and
14 Mrs. Jones with the five-year old kid that goes to the
15 park and doesn't want to smell marijuana while they're
16 there with the kid in the park or the business person
17 who's downtown or the gentleman that was interviewed on
18 -- on Spectrum and said, no, I don't think it's good.
19 I'm -- I'm trying to promote my business to a family
20 friendly business and I don't want people smoking weed
21 out in front of my business or walking down the street.

22 So if that's going to be the decision of you as
23 a Board is who are you going to listen to, are you going
24 to look at this big argument, this state-wide argument
25 because the social argument, the social justice argument

1 has been made? It's in the law and it won't change.

2 So, what I've continued to do since the passing
3 of the law is I've initiated efforts with State Senator
4 Martucci and Assemblywomen Gunther on the opt out and a
5 change, hopefully, an amendment to the state law. Both
6 have expressed an interest in listening to what I had to
7 say. And I'm hoping that the two of them, one in the
8 Senate and one in the Assembly will sponsor some type of
9 amendment or change to the state law that would do the
10 same thing they did with fireworks. When the State
11 passed the fireworks law, if you recall, there was no
12 local opt-out option. There was talk about it, but
13 eventually, we got it included and we were able to opt
14 out as a community of the sale and the use of fireworks
15 within the city.

16 I believe, both, the Senator and the
17 Assemblywomen understand the issue quite well and how it
18 impacts a community like Middletown. As I said different
19 things for different communities. There are rural
20 communities that may be it doesn't impact as much. But
21 for a community like Middletown, I believe it's the best
22 option not to have the public consumption of marijuana on
23 our public streets.

24 So moving forward, I'm going to continue to
25 work with, both, the Senator and Assemblywoman Gunther.

1 I'm going to wait for the rules to be adopted by the
2 State Cannabis Board. And I'm going to support and
3 continue to support the positive parts of what I believe
4 the law brought forth which is the expungement of the
5 records and other -- the, basically, the
6 decriminalization.

7 I don't necessarily agree with having 5 pounds
8 of pot in your house for personal use, but I guess that's
9 something that the law enforcement community can deal
10 with. But as far as this public consumption part, I
11 think it's critical to how we, as a community, move
12 forward.

13 So I'm asking the council, we've heard from the
14 public. I'm sure that you've heard from your
15 constituents. I'm asking you to opt out on July 20th.
16 There are many communities around New York State that are
17 going to be doing the same thing that are in the process.
18 I think Watertown was just getting a lot of media on it.
19 There's a whole host of communities on Long Island. Many
20 areas that are family-friendly areas that really don't
21 want people smoking pot on their public streets because
22 when you're drinking a beer is one thing, you don't
23 impact the guy next to you. But when you're smoking pot,
24 it does impact the guy next to you. It impacts the
25 family next to you.

1 Every person who I had an exchange with on
2 social media when I asked and one of them was perfectly -
3 - was really honest. I -- I said do you want your child
4 because I know he had a child, when you're standing on
5 the corner in downtown Middletown to be exposed to a
6 group of people smoking marijuana? And he said, no, I
7 won't put my kid in that position.

8 I said, well, number one, you might not have
9 that choice because you're going to be there and if they
10 come. But, number two, look at it this way. You look at
11 it as you protecting your kid. I said our responsibility
12 as a legislative body and as a city government is to look
13 at everybody's kids. The kids that not with his parents,
14 the kids at the skate park, that people are standing 10
15 feet away and smoking pot.

16 That's not good for a community, it's not good
17 for the kid, it's not good for society. If you want to
18 smoke pot in your house, I don't care what you do. I
19 don't really care if you smoke it until your eyes turn
20 blue. I don't care or green or whatever color they're
21 going to turn when -- when -- you do it. But you do not
22 have a right to impose that smoke and that second hand
23 effect on to my grandchildren, onto your grandchildren,
24 onto your kids or onto somebody else's kids. And that's
25 what it comes down to on the public consumption part.

1 So we as a community need to move forward. We
2 need to send a message. We need to make sure we listen
3 to the right people. And if you think that the majority
4 of the people that came to that public hearing and spoke
5 at the public hearing are representative of this
6 community, I think you're on the wrong path. They are
7 not.

8 This guy, this crazy guy that keeps coming here
9 every couple weeks, this Lexie and speaking and talking
10 and ranting and rambling and insulting, he is not
11 reflective of this community. This is a strong diverse
12 community. People have goals for their kids. People
13 have goals for their grandchildren. And having a
14 marijuana café around the corner and people walking down
15 the street smoking pot as my kid's grandchild [sic] skate
16 -- at the skate park is not what I see as the best thing
17 for Middletown.

18 You guys have the choice, but keep in mind if
19 you don't opt out, it's your responsibility to tell me
20 through city code where you're going to place these
21 facilities. Are you going to put them in the First Ward,
22 Mr. Masi, the Second Ward, Mr. Green, the Third Ward,
23 Kate and Paul and Mr. -- Mr. Tobin in the Fourth Ward?
24 Where -- what neighborhoods are you going to place these
25 in? Are you going to put it at the intersection of West

1 Main Street where we had a problem with a bar a few years
2 ago. It took us two years to get rid of the bar, the
3 Rumba I think it was called. And we fought with the
4 State Liquor Authority, the bureaucracy of a liquor
5 authority. And -- and the Cannabis Board is going to be
6 the same thing. It's the same bureaucracy. You have no
7 local control once you license these things.

8 Are you going to put it in your neighborhood?
9 Are you going to put it in your ward? Tell me where if
10 you decide not to opt out. Be honest about it. If
11 you're not -- if you're not in support of it, be honest,
12 tell me where you're going to put it. Then I can go back
13 to the same people who lived in Middletown that came here
14 And Mr. Harnick (phonetic) spoke who lives on Sunnyside
15 Avenue. He said that Mr. Masi and I were trying to bully
16 him into a position.

17 No, we were only informing him that we had an
18 inquiry about a property right behind his house, a
19 property that he has constantly complained about. That's
20 not bullying him, that's telling him the truth, a
21 commercial section. And his response was to -- to say,
22 well, that's the police job. No, it's not the police
23 job. That will be a private parking lot. And if
24 marijuana use is permitted, you can smoke pot in that
25 private parking lot as long as the property owner says

1 it's okay especially if they're the dispensary or the --
2 or they're the café site.

3 So there's many things to look at. The State
4 took the big picture. We have to take the micro now.
5 It's our responsibility to look at the micro, the impact
6 on our residents. But the bottom line is if you don't
7 support it tell me where. Tell me where you want to put
8 it and I'll keep fighting it all the way. But in the
9 meantime, we need to play -- we need to make plans. We
10 need to make plans how we're going to move forward. My
11 idea of moving -- moving forward is opting out,
12 examining, reviewing, trying to change some state law,
13 and then possibly open to some dispensary -- commercial
14 dispensaries in some of the high-traffic areas. But as
15 for onsite cafes and public consumption, I'm absolutely
16 opposed. So that's my spew on marijuana.

17 The next is street paving. Many people have
18 commented on the amount of street paving we're doing.
19 And that's because we've tripled it this year. And we're
20 using some of the ARPA monies. And, of course, last year
21 our paving was limited, if we did much at all.

22 And so it's taking us longer time. You know,
23 the milling machine costs a lot to rent, so we do all the
24 milling first and then we come back and do the paving.
25 We're into the Second Ward now. First Ward is complete.

1 So we should be done within a couple of weeks. I want to
2 thank DPW, the DPW crew, Mark Pengel and Ross and -- and
3 all their staff. You know, it's pretty tough being
4 outside in 95 degree weather, but it's really tough to be
5 out in 95 degree weather and handling hot asphalt. So
6 thank you to them for -- for their dedication and work.
7 And also the company that's working with them.

8 Update on the pools, we have one pool open
9 that's not -- that is it? Is that Davidge?

10 **UNIDENTIFIED SPEAKER:** Yes, it is.

11 **MAYOR DESTEFANO:** That is Davidge. We changed
12 the slide or no, it's the same. Maybe, I don't know.

13 Well, we had -- Maple Hill is not open and
14 Sproat is not open. Davidge is. It's been pretty good
15 occupancy. It's getting used. We didn't have
16 lifeguards. We usually have over 20 lifeguards full time
17 for the summer. We have 7. We are doing -- we do have
18 some part-time lifeguards. And we -- they interviewed a
19 few more today. You know, the salary range is up around
20 13 to, geez, to someone that's -- it's basically based on
21 age because of their working hours too. So they're going
22 up to 16, 17 dollars an hour. So I don't think it's
23 money.

24 We offer training. We offered license to get
25 -- to get in the courses, but for some reason we didn't

1 have a lot of success. But every community is having the
2 same problem especially places that have beaches and
3 lakes and rivers. So we're thankful that we're able to
4 open the two pools. And one of the reason why is, Chris,
5 our superintendent, Chris Brinkerhoff and Ray Lynn, her
6 deputy, are both certified lifeguards. So they can keep
7 the pools working if need be. So we're very lucky to
8 have them in those positions and certified.

9 And, lastly is COVID and the COVID cases. And
10 the -- we -- it's been stabilized, but it's not over. So
11 you could see that we were number 2, I believe, county
12 wide with almost 40 -- what was 4,500 or 4,800 cases
13 within the city since the beginning, positive cases. We
14 have a population of 28,000, so you're looking at about
15 20 percent of our -- of our population was impacted by
16 COVID.

17 And also with COVID, we, as you know, we did
18 end the Community Care Package Program. Those were the
19 home deliveries of food that started in March of 2020.
20 Many people generously donated to the program. We did
21 use some of our city funds or -- or CDBG funds to Ms.
22 Brunei's program. And -- and so in the end we served 339
23 families and delivered 2,328 food packages. This is not
24 just one meal, these are absolutely packages. So
25 compliments to Nicole and the program, the program

1 coordinator, and also to the recreation staff who worked
2 with the Middletown Police Department and also the school
3 district. And that doesn't include the school district
4 packages, by the way or other not-for-profit packages.
5 So they -- they did a great job.

6 So COVID is still a threat to health and
7 safety. Remember we sent out a memo today telling people
8 they have to -- to remember. And we all make the same
9 mistake walking in the public areas of City Hall you must
10 have a mask on in the offices assuming that all the
11 people that are in the office have been vaccinated, they
12 don't have to wear the mask. But if someone objects to
13 that, then they do.

14 But the public coming in -- and that's only
15 because we've worked out with the union where our
16 employees have been able to submit proof of vaccinations,
17 so we're a little bit more lax within the offices. I
18 know some people have said, well, I come in, you make me
19 wear a mask, but I look behind at the desk and someone's
20 not wearing a mask. And that's because they've
21 demonstrated proof of vaccination to us. We are not
22 going to man the doors and demand proof of vaccination.
23 We're just going to have anyone in public areas of City
24 Hall need to have a mask on and -- and go by the rules
25 that we set for admission into -- into the building.

1 And, also, the sanitation, it's an add on. We
2 have brochures describing the program. We're still
3 getting quite a few violators. The garbage has to be in
4 the container. If you call my office, we will -- we will
5 mail you a copy of the brochure with the directions. But
6 you need to remember all trash has to be in the
7 containers. There's no overflow. If you're constantly
8 in need of more space, these are 95 gallon cans,
9 basically, equivalent to three normal garbage cans, then
10 you need to purchase an additional one. It's \$100 a year.
11 You can do so here at City Hall.

12 As I said, I purchased an additional,
13 personally, an additional MSW can, garbage can, and our
14 cart and also the recycling cart. We've had others have
15 done it. But probably 95 percent of the people are
16 working it with the carts that have been sent out. We
17 will have additional pickup at -- around holiday time.
18 So we're working on what holidays we're going to do that.
19 The truck, Jacob, explained to the committee tonight that
20 the first truck is now in for the manufacturer to the
21 distributor. They're putting it together now to
22 accommodate our needs here. So, shortly, we'll be doing
23 some routes with one truck. We ordered three. It's a
24 million dollars, a million dollars for the carts. So
25 it's a program we've committed to, we dedicated to, and

1 people need to comply.

2 Every community -- most communities across this
3 country now are doing something similar either through
4 private carting or municipal pickup. It's to protect our
5 workers. And it's also to keep the community cleaner and
6 there's a lot of benefits to it.

7 So that's all I have unless you have any
8 questions.

9 **Ald. Masi:** Anyone have a question for the
10 Mayor?

11 Alderman Burr.

12 **ALD. BURR:** Mayor, now you were letting them
13 use the blue can as garbage. Now that is over?

14 **MAYOR DESTEFANO:** Yes, that was over as of June
15 13th. We will be doing that during the holiday time.

16 **ALD. BURR:** All right, just explain because
17 last week a lot of people put it out --

18 **MAYOR DESTEFANO:** Yeah.

19 **ALD. BURR:** -- and it had garbage --

20 **MAYOR DESTEFANO:** Yeah, we try to do a -- a lot
21 of social media push on that.

22 **ALD. BURR:** It wasn't as effective as we
23 thought it would be, so we did do -- sending inspectors
24 out. And the only way we could do it is by sending them
25 the next day going to the houses. And one stopped at my

1 home just for public disclosure and he had the wrong
2 address, he had the wrong street. He had the right
3 number, but he had the wrong street.

4 But, no, you can't put out the blue container
5 at this time, only for recycling. It's strictly green
6 for garbage, blue for recycling. And if you need an
7 additional can for a lot of times during the year, spend
8 \$100. I -- I know some people think it's a money making
9 thing for us, it's not. But we need to control the flow.
10 We also need to control a lot of garbage coming in from
11 outside the community. That's another way of doing it.
12 And -- and we also need to keep the city cleaner. And
13 it's working. Neighborhoods that are really complying,
14 you can see the difference on the streets.

15 **ALD. BURR:** And it is a very easy process. You
16 come in, you go to DPW, they send you down to finance,
17 you pay the \$100 and they have a can delivered the next
18 day.

19 **MAYOR DESTEFANO:** We have -- we deliver the
20 can, correct.

21 **ALD. MASI:** Any other questions?

22 **MAYOR DESTEFANO:** Thank you.

23 **ALD. MASI:** Thank you, Mr. Mayor.

24 7. Remarks of Department Head.

25 **ALD. MASI:** Remarks of Department Head,

1 economic development. Maria Bruni, please.

2 **MS. BRUNI:** (Inaudible).

3 **ALD. MASI** Yes, absolutely.

4 **MAYOR DESTEFANO:** I failed to introduce my
5 intern, Kaila (phonetic). Say hello Kaila. Kaila is
6 working with us in City Hall in summer. She is going to
7 be a senior at Middletown High School and dreams of going
8 to Howard University next year.

9 **ALD. MASI:** Oh, terrific. Thank you.

10 **MAYOR DESTEFANO:** And she's doing some work for
11 us on some papers that are going to be very interesting
12 when you see her -- the work that she's going to produce
13 by the end of the summer.

14 **ALD. MASI** Do you type?

15 **KAILA:** Yes.

16 **ALD. MASI:** That's new to the office. Oh, I'll
17 get it tomorrow.

18 Maria, please.

19 **MARIE BRUNI, ECONOMIC DEVELOPMENT:** Good
20 evening, everyone. I just want to comment on the legal
21 fireworks that were done the other night. It actually
22 felt good to start some assemblance of our programs that
23 we did pre-COVID.

24 I'd like to thank the police department, the
25 chief, Sergeant Welsh, Lieutenant Kaliel (phonetic) and

1 the whole team that was out that night, the fire
2 department, Fire Inspector Atkins, Parks Department, DPW.

3 I mean, as you all know, it's a team effort to
4 put these on. And, of course, we had some minor weather
5 interruptions, but, you know, everybody was having a good
6 time and we were able to pull them off. And, again,
7 thanks to everybody and thanks everybody that came out
8 and supported. It was a really -- it was a fun evening.

9 Some more signs of things that are getting
10 somewhat back to normal. As you see tonight on the
11 resolution for run for downtown to close the streets and
12 some other items for that, August 21st, it's going to be
13 the run and -- and it's going to be modified, obviously,
14 because of COVID and guidelines and stuff. So the run
15 will take place on August 21st.

16 We're working towards the Summer Concert
17 Series. Hopefully I'll have an announcement. We'll be
18 starting fairly soon on that. And the paramount, as we
19 start to wrap up the construction, we would like to
20 resume movies sometimes this month. So we're working
21 towards bringing back some of these programs and doing it
22 safely and, you know, keeping everybody healthy while we
23 do it.

24 So that's all I have for this evening.

25 **ALD. MASI:** Any -- any questions for Maria?

1 Maria, thank you very much.

2 **MARIA BRUNI, ECONOMIC DEVELOPMENT:** Thank you.

3 **ALD. MASI:** Fire Chief, Mr. Barber.

4 **NICK BARBER, FIRE CHIEF:** Good evening. Today
5 we have 418 alarms. We still are anticipating having our
6 parade October 2nd.

7 Huguenot Fire Department was finally took
8 possession of the Scott Packs that we donated to them
9 that were outdated to us.

10 And I guess our restoration company had it all
11 wrong. They thought it was the concrete rotting out the
12 base to Fireman Joe. I guess it was Mr. Fernandez.
13 Maybe he can pay a portion to have it restored.

14 That's all I have. Any questions?

15 **ALD. MASI:** Any questions for the Fire Chief?

16 Thank you, Fire Chief.

17 Commissioner of Public Works Jacob Tawil,
18 please.

19 **JACOB TAWIL, DPW COMMISSIONER:** Good evening,
20 all.

21 We're start off with the reservoirs. Alderman
22 Masi, acting council president, they're in very good
23 shape. They are almost 100 percent full. With this
24 rain, I'm sure will be -- will be fine, will be 100 -- at
25 full capacity.

1 The high grass, we have sent 847 letters out
2 for the people. About 800 of them responded to our
3 letter and they cut their own grass. So we cut about 50
4 -- 59 properties so far, private properties. And we
5 charged them about \$12,850.

6 And, again, I want to thank the people who
7 responded to our letter by cutting their grass themselves
8 because we don't want to cut anybody's grass. We just
9 want people to comply with the code and cut their own
10 grass.

11 The paving, the Mayor mentioned the paving.
12 It's really a taxing project in there, but it's, you
13 know, that's what DPW does. And the work is going -- is
14 doing very well. The subcontractor is moving very fast.
15 Our guys in the street department, the Mayor mentioned
16 Mark and Ross and all, everybody in the street
17 department, they're doing great job. Brian Smith and his
18 crew, also they're doing great job in sewer department by
19 chasing after -- staying ahead of the pavers, adjusting
20 the manholes and valves and also the catch basins being
21 rebuilt, many of these streets by the street department.
22 So everybody is working extra hard including -- including
23 our -- our contractor. And, you know, it's 90 degree
24 temperature out there, very humid. It's really taxing
25 to all of them. So I know the Mayor mentioned it, but I

1 do want to mention it again because I want to thank them
2 and all of them, the private and the public and our own
3 employees for all the work they're doing. Very much
4 appreciated.

5 And afterwards we go drive around and find out
6 if there is any ponding, any issues in there especially
7 after the rain. And then I meet in the morning with the
8 contractor and we go over it, how to treat it, how to
9 handle it and all that stuff. So some areas we may have
10 to go back to smooth and eliminate the ponding. But that
11 will be taken care of. But that's the nature of the
12 beast when you have an old city. We have very little
13 reveal by the curb. And we have a relatively high crown.
14 And it's -- it's a balancing act and it's very hard
15 really to get it done, get it straight the -- the first
16 shot. But they're doing great job. And I'm very happy.
17 I'm thankful for them -- for them.

18 The water line project, the water main project,
19 again, people say, Jacob, you jump in the middle of the
20 picture and then you start talking about it, telling us
21 where you are. But I don't want to -- I don't want to
22 make my presentation too long. So the water main
23 project, especially from all the mess. So the water main
24 projects in there, again, we're replacing one main, the
25 12-inch high pressure water main. It goes back to 1887.

1 That's the date stamped on the pipe. We're replacing
2 that. That -- that part of we're going from the water
3 treatment plant all the way to the Davidge Park expansion
4 with that 12-inch water line.

5 I reported to council through via emails that
6 and the Mayor, of course, that this commissioning of the
7 new water main, the 12-inch water main has been done.
8 And we decommissioned or eliminated or abandoned the 12-
9 inch water line that runs right in the middle of the park
10 expansion which is what we were worried about once we
11 finished the park, spent all this money for the park and
12 the field and then we have water main break right under
13 -- under the brand new field. So now we don't have to
14 worry about it because that section of the pipe has been
15 abandoned. And we commissioned the new pipe that goes
16 around the park now, it doesn't -- it doesn't go through
17 it.

18 The 24 -- the other leg of the water main
19 project is the 24-inch high pressure water main. I
20 reported to you before that we were having issues. We
21 were stopped because there's an abandoned gas main by
22 Orange of Rockland right on the state road in 211 and in
23 the city road. It's in our way. They say it is
24 contaminated. It has to be removed by a contractor,
25 specialty contractor, and they wanted us to pay about

1 \$330 per lineal foot of pipe just to remove it, to remove
2 a 6-inch gas -- old gas main which is ridiculous.

3 Orange & Rockland, they -- they will not charge
4 the city once they do the work inside city line, but
5 outside city line they wanted to charge us. So we
6 scrambled and we went through and we came up with an
7 alternate design which we will put the 24-inch pipe on
8 private property. So we obtained easements. We'll have
9 them before you next council meeting to authorize the
10 Mayor to sign them and accept the easements.

11 The properties owners, they're very, very happy
12 to cooperate and help us out. They all signed the
13 easements, so we're ready to go. And that's a major step
14 for -- for us because, otherwise, we were just waiting
15 delay after delay. And now we were going to get with
16 heavy charges with -- from Orange & Rockland and we were
17 not going to take that, so we came up with alternate
18 design. We met at the field and now we're going to be
19 pursuing that.

20 In return, we're going to get brand new
21 sidewalk. We're going to put the water main, most of it,
22 under the sidewalk which means we're going to get a brand
23 new sidewalk from city line all the way along almost up
24 to our park on Monhagen Avenue, the park meaning the
25 former psychiatric center. So all that's going to be a

1 brand new sidewalk because of this project because the
2 water main is going to go under the existing sidewalk.

3 Disappointing, what happened with Orange &
4 Rockland, but we've got to move forward and -- and that's
5 -- it is was it is.

6 The -- the \$20 million project for the traffic
7 operations, we're hoping to put it out for bid by the end
8 of this month, early next month. And we're very excited
9 about it. And that will connect ADA curbs and sidewalks.
10 That was done. The project you have curbs and sidewalks
11 all over. Once we do this traffic operation, that will
12 connect the whole curbs and sidewalks together. We'll
13 have continuity in there.

14 And with that, I will conclude my remarks.
15 Anybody has any questions for me?

16 **ALD. MASI:** Any questions for Commissioner
17 Tawil?

18 **UNIDENTIFIED SPEAKER:** Yeah, Commissioner, on
19 behalf of Sparrow and I in Fourth Ward constituents, we
20 want to thank you, the Mayor, and everyone that was
21 involved with the sidewalk on Dolson Avenue. It was a
22 wonderful job. Great job. Thank you.

23 **JACOB TAWIL, DPW COMMISSIONER:** Thank -- thank
24 you very much. Thank you.

25 **ALD. MASI:** Any other questions or comments?

1 Thank you, Jacob.

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

3 8. Public Hearings and Grievances

4 **COUNCIL CLERK:** Nothing this evening.

5 9. Petitions and Complaints

6 **ALD. MASI:** Petitions and Complaints?

7 **COUNCIL CLERK:** Nothing this evening.

8 10. Remarks of the Alderman.

9 **ALD. MASI:** Remarks of the Alderman?

10 Alderman Tobin.

11 **ALD. TOBIN:** Yes, thank you for the sidewalks.

12 I also, you know, missed, you know, missed the Jean
13 Carrier and Nick Scali, both Lyons. And, you know, I had
14 many dinner with them and will be missed.

15 I just want to comment on the Orange County
16 IDA. I know that if you read the papers, the corruption
17 that was exposed. And maybe -- maybe it's time for the
18 County to look for a comptroller. I know in Dutchess
19 County they have a comptroller and in Ulster County they
20 have a comptroller. It took, I think it was Legislator
21 Donaldson to kind of blow the witness that something
22 wasn't going on that was correct, that all the, you know,
23 all the contracts seem to be going to a same company.
24 And that, you know, there was people that weren't, you
25 know, had connections that were making money off of the

1 project that should have -- that should have been
2 explained.

3 So, you know, that's our money and that's our
4 public trust. And I think, you know, we might have to
5 take a look at how the Orange County IDA works to avoid,
6 you know, this kind of corruption in the future. I think
7 that was a, you know, something that shouldn't happen
8 again. That's it.

9 **ALD. MESA:** Alderman Green

10 **ALD. GREEN:** Thank you. On the 12th, so next
11 Monday there will be a Second Ward Constituents meeting.
12 Alderman Kleiner will be taking it solo. It is my
13 anniversary, so I better not back out of that one. But I
14 appreciate that. That will be 7:00 p.m. here in City
15 Hall.

16 Also, I did just want to make note that I was
17 not here for the public hearing on the proposed local
18 law. And I thank Alderman Ramkissoo for -- for relaying
19 the message that I did have a medical emergency I was
20 dealing with that evening. I did watch that night and I
21 have gone back and rewatched and appreciate the comments
22 from everyone. Thank you very much.

23 And I think that's it for tonight. Thank you.

24 **ALD. MASI:** Alderman Ramkissoo.

25 **ALD. RAMKISSOON:** Happy Anniversary, Mr. Green.

1 I just wanted to say briefly on paving. Jacob,
2 you guys are doing, you know, outstanding work under
3 pretty rough conditions with the heat we've been having
4 and we are going to have again this week. So my thanks
5 to all the guys who are working hard on that in house and
6 out.

7 I -- I have to speak briefly because, you know,
8 to the Mayor's presentation. I have actually gotten a
9 lot of feedback after our last meeting in the public
10 hearing on marijuana. And all of it was in support of
11 our city's legislature being cautious. Choosing to opt
12 out with the knowledge that we -- we can wait for
13 regulations and decide what we are willing to opt into.
14 And that is definitely and makes good sense even for
15 people who are in full support of everything on that list
16 understand the need for caution when there is nothing
17 written for us.

18 So just a reminder on what it is we're doing
19 here and protecting the interest of our entire city,
20 that's our job. But the feedback that I have receive
21 from my constituency and they don't -- are never shy on
22 sharing their opinions is that they -- they're supportive
23 in understanding of what it is that we've been trying to
24 do.

25 So I just wanted to speak on that briefly. And

1 that's really all I have this evening. Thank you.

2 **ALD. MASI:** Alderman Kleiner.

3 **ALD. KLEINER:** Thank you Acting Council
4 President Masi.

5 Fireworks, we heard a lot. Well, we heard a
6 lot of fireworks. We heard -- we heard a lot about the
7 fireworks. We saw the news that evening. And -- and the
8 streets of New York City were a mess. I mean, people
9 understand that we made the -- the State made sparkling
10 devices, you know, sparklers, little -- little things
11 that go poof. None of the exploding fireworks are legal.

12 I look at it as, you know, last year with the
13 pandemic it was kind of a lost year. And I think people
14 were looking at a lot of people had said July 4th was the
15 time for really opening out and opening up. And so I
16 think there was a lot of pent up, you know, wanting to
17 celebrate. It's the wrong way to celebrate. It's
18 completely illegal. It's disrespectful to the city, to
19 our laws, to your neighbor. But there is a lot of
20 lawlessness going on now.

21 So I thank the police because I think they did
22 an excellent job considering we didn't bother calling
23 because we knew so many people would be calling. And
24 it's not a surprise to anyone that there are fireworks
25 going off up on the hill and, you know, every -- every

1 direction. So, you know, I'm not sure what else we can
2 do.

3 And then the Town of Wallkill had their
4 fireworks from 9:00 p.m. to 10:00 p.m. So from the
5 fairgrounds it was constant along with the echoes from
6 the city and then the city's went on until about 1:00
7 a.m. So thank you John Adams for telling everyone to do
8 that.

9 I want to thank Don Paris for hanging in, our
10 city treasurer, and not leaving us in the lurch as we're
11 waiting to get someone else on board. So that's very
12 good. I want to thank Janet Gallo for being -- willing
13 to come back part time to help us with payroll. So I'm
14 -- I'm glad they both stepped up.

15 I was in the post office a couple days ago and
16 there were two, like, SUV trucks and they were blocking
17 in the people in the handicap zone. And then there's
18 another truck in the handicap zone with no sticker. And
19 there were cars going at each other because the arrows
20 aren't there and it is disgraceful. And maybe someday
21 they'll do something about it, but we -- we keep asking
22 and so far nothing.

23 DPW, as always, has done an amazing job. And
24 some of the work, the paving work, is just so good. I
25 mean, it's just amazing how they do it. So we're --

1 we're looking forward to have that done.

2 The final thing I want to say is, you know,
3 this is July 6th. This is the exact sixth-month
4 anniversary of the attack on our Capital. And I take
5 that really seriously. I know the county, as a body, and
6 then people individually in the county have never
7 denounced what happened, it never denounced an
8 insurrection trying to stop the peaceful transfer of
9 power. And the delusion grows, the big lie grows. And
10 -- and so I just very quickly, you know, Donald Trump, he
11 lost in 2016 the popular vote, he lost overwhelmingly in
12 2018. Never gained approval as a President. Was behind
13 in every poll, even the Fox News polls, mostly by double
14 digits right up to the election. It was called the most
15 fair and successful election by all the experts and every
16 security review and every audit and every review done.

17 There were over 60 court challenges, all of
18 them were dismissed or laughed out of court. None of
19 those challenges in court claimed fraud because in court
20 you have to show evidence. There is no evidence.
21 There's only propaganda. And, you know, still keep
22 hearing this QAnon. What is QAnon? Some mystery figure
23 in the back all knowing, all seeing. I mean, come on,
24 people, you know. And all this deep state garbage. It's
25 our institutions that help us govern ourselves. And I

1 thank all the election workers across the country who did
2 such a great job.

3 We are not a country based on mob rule. And
4 that's what we saw that day. And so I just want to speak
5 out at six month anniversary and say I am as appalled
6 today and more so as I was that day. Thank you.

7 **ALD. MASI:** Alderman Jean-Francois.

8 **ALD. JEAN-FRANCOIS:** Yes, piggyback on Alderman
9 Kleiner's comment about those sparklers. I was watching
10 the news this afternoon. In New York City there was a
11 family of eight actually, the house got hit with one of
12 the sparklers, it caught on fire. And all the family
13 members out on the street right now. Actually, one of
14 them died. And this is a serious safety issue. So,
15 hopefully, we get a handle before next year as it's
16 definitely a concern.

17 That's all I have. Thank you.

18 **ALD. MASI:** Alderman Burr.

19 **ALD. BURR:** First I want to thank DPW for the
20 fine job in First Ward getting all our blacktop done,
21 very fine job.

22 I want to remind my constituents again, garbage
23 is a day late, so please put it out on Thursday.

24 And I think that's probably all I have this
25 evening. Thank you.

1 **ALD. MASI:** And I got an apology. Jesus, John,
2 I wish -- you're sitting right next to me and --

3 **COUNCIL CLERK:** That's all right.

4 **ALD. MASI:** Please. Do you have anything?

5 **COUNCIL CLERK:** No, I don't. Thanks.

6 **ALD. MASI:** I apologize. I'm getting old.

7 12. Unfinished Business

8 **ALD. MASI:** Unfinished business.

9 **COUNCIL CLERK:** Nothing this evening.

10

11

12

13

CERTIFICATE

14 I, LISA KANE, certify the foregoing transcript of proceedings
15 prior to New Business of the July 6, 2021 Middletown City
16 Council meeting was prepared using the required electronic
17 equipment and is a true and accurate record of the
18 proceedings.

19

20 Signature: *Lisa Kane*

21 Date: July 19, 2021

22 Agency: American Legal Transcription

23 11 Market Street, Suite 215

24 Poughkeepsie, New York 12601

25

12. NEW BUSINESS

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

THE FOLLOWING WAS PRESENTED

By Ald. Burr

Sec'd by Ald. Tobin

Date of Adoption 07-06-21

Index No:133-
21

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	7			2

RESOLVED; that the Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment to approve and authorize the Mayor to sign an audit agreement with Troy and Banks, Inc. to audit cable franchise fees to find the fees being under reported and paid they start a collection proceeding and any amounts recovered they share 50/50 with the City.

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

THE FOLLOWING WAS PRESENTED

By Ald. Tobin

Sec'd by Ald. Green

Date of Adoption 07-06-21

Index No: 134-
21

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	7			2

RESOLVED; that the Common Council of the City of Middletown approves an extension of time in the amount of six (6) months, as per the date on this resolution, for two resolutions dated May 04, 2021, #98-21 and #99-21 for the Presidential Heights Realty Subdivision due to the need that the project has to obtain outside agency approvals for the NYSDEC and OCDOH for watermain and sewermain extensions before the map can be filed.

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

THE FOLLOWING WAS PRESENTED

By Ald. Green

Sec'd by Ald. Ramkissoon

Date of Adoption 07-06-21

Index No: 135-
21

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	7			2

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 necessary and at their discretion, for the Run 4 Downtown, Saturday, August 21, 2021 beginning at 8:00 a.m. and lasting until such time as it is no longer needed.

LET IT BE IT FURTHER RESOLVED; that the Common Council of the City of Middletown hereby grants the Annual Run 4 Downtown application to sell beer and wine, conditioned upon the execution of the attached agreement by the applicant and the fulfillment of all requirements set forth in the agreement by the applicant and to supply the City with the proper insurance documents and authorize the Mayor to sign the application from the SLA for the selling of beer and wine and temporarily lift the requirements of the City's open container ordinance for this application.

LET IT BE IT FURTHER RESOLVED; that the Common Council of the City of Middletown hereby grants the Annual Run 4 Downtown permission to have the race with all requirements of the Department of Health and the CDC.

ROUTE: Map attached to this Resolution.

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

THE FOLLOWING WAS PRESENTED

By Ald. Ramkissoon

Sec'd by Ald. Kleiner

Date of Adoption 07-06-21

Index No: 136-
21

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	7			2

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	7			2

WHEREAS; The Middletown Recreation Department was given a donation in the amount of \$400.00 from Kevin McCormack.

WHEREAS; The Middletown Recreation & Parks Department is requesting that the Common Council accept this donation and authorize the Treasurer to deposit the donation into the existing trust and agency account A.899 Recreation Donations; and,

NOW, THEREFORE BE IT RESOLVED, that the Common Council of the City of Middletown, NY, does hereby authorize the Treasurer to accept the donation and deposit it into the existing trust and agency account A.899 for the amount of \$400.00 for the development of the Disc Golf Course.

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

THE FOLLOWING WAS PRESENTED

By Ald. Kleiner

Sec'd by Ald. Burr

Date of Adoption 07-06-21

Index No: 137-
21

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	7			2

RESOLVED; that the Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment to authorize acceptance of a grant in the amount of \$15,250 from the New York State Department of Criminal Justice Services under the G.I.V.E 2021-2022 (Gun Involved Violence Elimination) grant for the period of July 1, 2021 through June 30, 2022. and to add it to our established G.I.V.E grant budget line after July 1, 2021.

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

THE FOLLOWING WAS PRESENTED

By Ald. Burr

Sec'd by Ald. Tobin

Date of Adoption 07-06-21

Index No: 138-
21

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	7			2

RESOLVED; that the Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment to approve the Cap Ex Plan for 2021-2022:

Truck 2022 Ford F-250 STP	43,800
Door STP	7,348
Septage Screen	32,273
Pole Barn Garage STP	32,960
Two Each 2022 Dodge RAM 3500 Street	100,072
Paint Machine Street	9,560
Jeep Cherokee Code Enforcement	33,351
Skid Steer Water	69,000
Truck RAM 3500 Water	45,036
Roof WTP	225,000
Playground Equipment Davidge	80,000
Restrooms Reservoir	50,000
Self Contained Breathing Apparatus, Fire	157,464
Total	885,864

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

THE FOLLOWING WAS PRESENTED

By Ald. Tobin

Sec'd by Ald. Green

Date of Adoption 07-06-21

Index No: 139-
21

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	7			2

BE IT RESOLVED, by the Common Council of the City of Middletown, Orange County, New York, as follows:

Section 1. The following are hereby authorized in and for the City of Middletown, Orange County, New York:

- a) Purchase of trucks, at a maximum estimated cost of \$192,259, being a class of objects or purposes having a period of probable usefulness of three years pursuant to subdivision 77 of paragraph a of Section 11.00 of the Local Finance Law;
- b) Door installation at STP, at a maximum estimated cost of \$7,348, being a specific object or purpose having a period of probable usefulness of five years pursuant to subdivision 35 of paragraph a of Section 11.00 of the Local Finance Law;
- c) Purchase of a septage screen, at a maximum estimated cost of \$32,273, being a specific object or purpose having a period of probable usefulness of fifteen years pursuant to subdivision 28 of paragraph a of Section 11.00 of the Local Finance Law;
- d) Pole barn garage at STP, at a maximum estimated cost of \$32,960, being a specific object or purpose having a period of probable usefulness of fifteen years pursuant to subdivision 11 of paragraph a of Section 11.00 of the Local Finance Law;

- e) Street paint machine, at a maximum estimated cost of \$9,560, being a specific object or purpose having a period of probable usefulness of five years pursuant to subdivision 28 of paragraph a of Section 11.00 of the Local Finance Law;
- f) Purchase of a Skid Steer, at a maximum estimated cost of \$69,000, being a specific object or purpose having a period of probable usefulness of fifteen years pursuant to subdivision 28 of paragraph a of Section 11.00 of the Local Finance Law;
- g) Roof replacement at WTP, at a maximum estimated cost of \$225,000, being a specific object or purpose having a period of probable usefulness of twenty-five years pursuant to subdivision 12(a)(1) of paragraph a of Section 11.00 of the Local Finance Law;
- h) Playground equipment, at a maximum estimated cost of \$80,000, being a class of objects or purposes having a period of probable usefulness of fifteen years pursuant to subdivision 19 of paragraph a of Section 11.00 of the Local Finance Law;
- i) Restrooms at the reservoir, at a maximum estimated cost of \$50,000, being a class of objects or purposes, having a period of probable usefulness of fifteen years pursuant to subdivision 11 of paragraph a of Section 11.00 of the Local Finance Law; and
- j) Self-contained breathing apparatus for the Fire Department, at a maximum estimated cost of \$157,464, being a class of objects or purposes having a period of probable usefulness of twenty years pursuant to subdivision 27 of paragraph a of Section 11.00 of the Local Finance Law.

Section 2. The aggregate maximum estimated cost of the aforesaid objects or purposes is \$885,864, and the plan for the financing thereof is by the issuance of the \$885,864 serial bonds authorized by Section 1 hereof, allocated to each of the objects or purposes in accordance with the maximum estimated cost of each as stated in Section 1 hereof; provided, however, that the amount of bonds to be issued shall be reduced to the extent of grants received in connection therewith.

Section 3. The faith and credit of said City of Middletown, Orange County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such obligations as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such year. There shall annually be levied on all the taxable real property of said City, a tax sufficient to pay the principal of and interest on such obligations as the same become due and payable.

Section 4. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the bonds herein authorized, including renewals of such notes, is hereby delegated to the City Treasurer, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said City Treasurer, consistent with the provisions of the Local Finance Law.

Section 5. Such bonds shall be in fully registered form and shall be signed in the name of the City of Middletown, Orange County, New York, by the manual or facsimile signature of the City Treasurer and a facsimile of its corporate seal shall be imprinted or impressed thereon and may be attested by the manual or facsimile signature of the City Clerk.

Section 6. All other matters, except as provided herein relating to such bonds, including determining whether to issue such bonds having substantially level or declining debt service and all matters related thereto, prescribing whether manual or facsimile signatures shall appear on said bonds, prescribing the method for the recording of ownership of said bonds, appointing the fiscal agent or agents for said bonds, providing for the printing and delivery of said bonds (and if said bonds are to be executed in the name of the City by the facsimile signature of the City Treasurer, providing for the manual countersignature of a fiscal agent or of a designated official of the City), the date, denominations, maturities and interest payment dates, place or places of payment, and also including the consolidation with other issues, shall be determined by the City Treasurer. It is hereby determined that it is to the financial advantage of the City not to impose and collect from registered owners of such serial bonds any charges for mailing, shipping and insuring bonds transferred or exchanged by the fiscal agent, and, accordingly, pursuant to paragraph c of Section 70.00 of the Local Finance Law, no such charges shall be so collected by the fiscal agent. Such bonds shall contain substantially the recital of validity clause provided for in section 52.00 of the Local Finance Law and shall otherwise be in such form and contain such recitals in addition to those required by section 52.00 of the Local Finance Law, as the City Treasurer shall determine.

Section 7. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said City is not authorized to expend money, or
- 2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

- 3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 8. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this resolution, no monies are, or are reasonably expected

to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 9. This resolution, which takes effect immediately, shall be published in summary form in The Times Herald Record, the official newspaper, together with a notice of the City Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

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

THE FOLLOWING WAS PRESENTED

By Ald. Burr

Sec'd by Ald. Jean-Francois

Date of Adoption 07-06-21

Index No: 140-
21

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	7			2

RESOLVED; that the Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment to approve and authorize the Mayor to sign the attached agreement with ChargePoint for the payment of the EV charging stations in the James Street parking lot with terms as per the attached agreement.

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

THE FOLLOWING WAS PRESENTED

By Ald. Jean-Francois

Sec'd by Ald. Green

Date of Adoption 07-06-21

Index No: 141-
21

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	7			2

RESOLVED; that the Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment to approve and authorize the Mayor to sign an agreement with RBT to review the City's American Rescue Plan monies at a fee to be capped at \$10,000.00 which future funds will come from the American Rescue Plan program itself.

13. Local Laws

Council Clerk-Nothing this evening.

14. Audit

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

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

Roll Call: Ayes: Ald. Ramkissoon, Tobin, Kleiner, Jean-Francois, Burr, Green, Masi,

15. Adjournment

There being no further business meeting adjourned at 9:00 PM