



CITY OF MIDDLETOWN
COMMON COUNCIL MEETING
July 20, 2021
City Hall
16 James Street
Middletown, New York 10940

P R E S E N T

Miguel Rodrigues, President of Common Council
Ald. Joseph Masi
Ald. Tom Burr
Ald. Gerald Kleiner
Ald. Andrew Green
Ald. Jude Jean-Francois
Ald. Paul Johnson

ABSENT

Ald. Kate Ramkisson
Ald. Sparrow Tobin

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INDEX

	<u>PAGE</u>
Joel Sierra, Legislator	3
Leilani Lockett	5
Mayor DeStefano	7
Kelly Ann Kelly	10
Marie Bruni, Economic Development	11
Jacob Tawil, DPW Commissioner	12
Ald. Johnson	17
Nick Barber, Fire Chief	20
Don Paris, Treasurer	21
John Ewanciw, Police Chief	21
Richard Croughan, Corporation Counsel	23
John Naumchik, City Clerk	23
Ald. Masi	23
Ald. Green	24
Ald. Johnson	24, 27
Ald. Kleiner	25, 30
Ald. Jean-Francois	26
Ald. Burr	26

1 1. Pledge of Allegiance

2 **PRESIDENT RODRIGUES:** Roll.

3 2. Roll Call

4 Roll Call: Kleiner, Johnson, Jean-Francois,
5 Burr, Green, Masi, President Rodrigues.

6 3. Approval of Minutes

7 (Nothing this evening.)

8 4. Correspondence, Communications and Reports

9 **PRESIDENT RODRIGUES:** Correspondence.

10 **COUNCIL CLERK:** We just have one correspondence
11 this evening. It's from Aegon Marketing about a
12 municipal shelter inspection report from Port Jervis.

13 **PRESIDENT RODRIGUES:** Received and filed.

14 **COUNCIL CLERK:** That is all for correspondence.

15 5. For the Good of the City

16 **PRESIDENT RODRIGUES:** For the Good of the City,
17 anyone would like to address the council please step
18 forward. You have three minutes to address the council.
19 No personal attacks.

20 **JOEL SIERRA, LEGISLATOR:** Good evening, Joel
21 Sierra, County Legislator, District 20, City of
22 Middletown.

23 It's great to be back. Thank you for having
24 me. This pandemic is almost -- almost over. It's been a
25 long pandemic. Kudos to the City and how you guys handle

1 every -- handled the pandemic, excuse me. Thank you,
2 Mayor, for the way you led our city. You guys did an
3 excellent job.

4 Just wanted to say a few things. I know we had
5 some delays on the Heritage Trail. A couple of months
6 ago it came into the City. I'm excited about that.

7 As you all know, LEGOLAND is open. We're
8 trying to push a big push for tourism. Along with
9 tourism comes sales tax, so we're hoping to keep the
10 sales tax numbers and, you know, share the sales tax with
11 the City and the rest of the municipalities.

12 The Freedom Fest is this Friday. Due to the
13 rain it was rescheduled. This Friday at 4:30 the gates
14 open. If you can make it, they're honoring all the first
15 responders. They put on a good show. It's been a long
16 time since the fireworks have been put out. I know you
17 guys had the fireworks not too long ago. It was a great
18 display. And we're looking forward to having you all out
19 there.

20 I got to commend you guys on your stance on the
21 marijuana. I know the county doesn't really take an
22 action on this, but I -- I do think that you're doing the
23 right thing by opting out and giving yourselves a little
24 bit more time until the State figures out how to regulate
25 it, you know.

1 On the public -- the public consumption
2 portion, I -- I align myself with the same views as the
3 Mayor. I think it's an issue that, you know, has to be
4 addressed. And I'm glad that you guys are on the
5 forefront of that.

6 That's all I have unless you guys have any
7 questions for me.

8 **PRESIDENT RODRIGUES:** Any questions for County
9 Legislator?

10 **JOEL SIERRA, LEGISLATOR:** Again, it's great to
11 see you all. Thank you for having me and have a good
12 night.

13 **PRESIDENT RODRIGUES:** Thank you. Anyone else
14 would like to address the council?

15 **LEILANI LOCKETT:** Good evening, hope everyone
16 is well. My name is Leilani Lockett. I am actually
17 fairly new to the Middletown community. We just bought a
18 home a year ago, so we're celebrating our anniversary for
19 buying our house.

20 I'm here tonight to represent POW'R Against
21 Tobacco. I am also a member of the Middletown Cares
22 Community Coalition. And I am here to share resources to
23 expand the current law, tobacco no smoking law, to
24 include vaping. We are a free resource through the --
25 the New York State Department of Health Bureau of Tobacco

1 Control Program. And we are here as a free resource to
2 the community.

3 We have lots of different municipalities
4 reaching out to us in light of the marijuana legalization
5 to include vaping in their current policies. I brought
6 an example of some signage that we have available.
7 They're updated to include vaping.

8 **UNIDENTIFIED SPEAKER:** Flip it. Flip it. The
9 one in your right hand.

10 **PRESIDENT RODRIGUES:** The right hand.

11 **LEILANI LOCKETT:** Oh, is it upside down?

12 **PRESIDENT RODRIGUES:** Not to you, but that's
13 all right.

14 **LEILANI LOCKETT:** That helps, right.

15 So we -- I just am here as a resource. Please
16 reach out to us if you are interested in expanding the
17 current law to include vaping. And please reach out to
18 us. Thank you so much. Have a great night.

19 **PRESIDENT RODRIGUES:** Thank you. You want to
20 add it to committee, Joe, to the committee?

21 **ALD. MASI:** Sure. Which one?

22 **PRESIDENT RODRIGUES:** Probably legislation.

23 **ALD. MASI:** Legislative.

24 **PRESIDENT RODRIGUES:** We'll give Mr. Johnson.

25 Anyone else who like to address the council?

1 Eileen, do we have anybody on line?

2 **EILEEN:** Not at this time.

3 6. Remarks of the Mayor

4 **PRESIDENT RODRIGUES:** Okay. Remarks of the
5 Mayor.

6 I thought you were going to let Alex give your
7 remarks.

8 **MAYOR DESTEFANO:** Well, I -- I thought he was
9 coming up to the mic rather than going back and giving
10 some comments.

11 But the -- it's ironic that Leilani showed up
12 on the night that we're voting on the -- opting out on
13 the marijuana. And what Alex is explaining in the back
14 right now is that there's a part two to our opt-out. And
15 that part two is much more restriction on smoking in and
16 around public property. And that would include vaping
17 and smoking of cigarettes also. So I think we're on the
18 same page. And we would appreciate any support you can
19 give us also on the public consumption part of -- of
20 marijuana because we think it's -- at least some of us do
21 and hopefully we'll find out tonight if all of us do --
22 the -- whether the dangers of -- of the marijuana law is
23 presented and -- and the side issues of especially the
24 public consumption part are a concern.

25 I don't have a lot to report tonight other than

1 I think we've covered the marijuana issue pretty well.
2 Since the first night when we had the public hearing and
3 we had a majority of people from out of town, you notice
4 with out of towners they don't come back usually
5 especially when you challenge their position. And I
6 thought we all challenged our positions quite well. The
7 people from Dutchess County are still in Dutchess County.
8 The guy that -- in Long Island is still in Long Island.
9 And we're here listening to our constituents who I hope
10 you consider supporting the opt-out of the legislation
11 tonight. I -- I think it's important. It's an important
12 message and it's an important message that we're going to
13 be sending our state representatives as we seek a change
14 in the state law regarding public consumption.

15 And as we know, it doesn't affect medical
16 marijuana. It doesn't affect the expungement of records.
17 I think all of us or a majority of us probably all of us
18 agree about expunging the records. It's just a focus on
19 what it boils down to is that if we opt-out, we can only
20 opt back in, but if we stay in, we're in forever. And I
21 think that's a winning argument with most reasonable
22 people.

23 The other part I'm here tonight is to introduce
24 to you our new treasurer. As you know, Don Paris has
25 been with us for 11 years. And Don has done a great job

1 since -- since he came here working for the City. I know
2 he's had other careers, much more high profile careers.
3 But, hopefully, this one was near and dear to his heart.
4 He put his heart and soul into the job and he's done a
5 wonderful job for not only us as elected officials, but
6 also the City of Middletown.

7 So tonight you'll be voting on his replacement.
8 Kelly Ann Kelly, she's currently the treasurer in the
9 Village of Walden. And as we went through the process,
10 she had an interview with Don first. And -- and Don
11 absolutely made a strong recommendation to myself. And
12 then myself and Don spoke with her together and we have
13 sent her resume to you and asked you to feel free if you
14 had any questions to contact her directly. And,
15 hopefully, it will be an anonymous vote tonight.

16 She comes with great credentials and great
17 recommendations. So, hopefully, you'll have an
18 opportunity to become more familiar with her and her
19 work. But at the same time, Don has also offered, as you
20 know, both positions in the treasurer's office, the
21 number one and number two position are both leaving right
22 around the same time. Janet Gallo after 30 plus years
23 retired on June 30th. And Don's leaving. So Don has
24 agreed to stay on on a per diem part-time basis as needed
25 to manage some of the projects as the transition

1 continues. So he'll -- you'll probably still see him
2 around a little bit. I'm sure the less the better for
3 his perspective. But I'm sure everything will move along
4 just fine during the transition.

5 So, Kelly, if you want to come up and say a few
6 words, please come on up. Thank you.

7 **KELLY ANN KELLY:** Hi, everybody. I'm a
8 treasurer and I'm not a great public speaker, so bear
9 with me. I'm much better at crunching numbers than
10 talking in public.

11 I hope you will give me the opportunity to come
12 work at the City. I feel my experience at the Village of
13 Walden, on a much smaller scale, will help me here. And
14 I'm also very grateful that Don has agreed to stay on,
15 show me the ropes, and get us through any things that we
16 need to get through.

17 **PRESIDENT RODRIGUES:** Thank you. Welcome.

18 **KELLY ANN KELLY:** Thank you. Any questions?

19 **MAYOR DESTEFANO:** Any questions for Kelly?
20 We're good.

21 **KELLY ANN KELLY:** Thank you.

22 **MAYOR DESTEFANO:** And that's all I have for
23 tonight. I don't think I'm really -- I'm going to make
24 it short and sweet tonight.

25 **PRESIDENT RODRIGUES:** Thank you.

1 **MAYOR DESTEFANO:** I was -- I was hoping to be a
2 counterpuncher tonight, but nobody showed up for the --
3 so I'm a little disappointed, but --

4 **PRESIDENT RODRIGUES:** Any questions for the
5 Mayor?

6 **MAYOR DESTEFANO:** I'm not counterpunching
7 tonight unless you want to try Masi, go ahead.

8 **ALD. MASI:** Take a shot.

9 **MAYOR DESTEFANO:** All right. Thank you.

10 **PRESIDENT RODRIGUES:** All right.

11 7. Remarks of the Public Heads

12 **PRESIDENT RODRIGUES:** Remarks of the Department
13 heads, Economic Development.

14 **MARIA BRUNI, ECONOMIC DEVELOPMENT:** Good
15 evening, everyone. I just want to report on what we're
16 working on with the O&W Station. As you see tonight, you
17 have a few resolutions regarding the O&W. Kaitlyn has
18 been working on the CFA application. It is due next
19 week. We are applying for 750,000 in historic
20 preservation monies, so we need your support tonight on
21 the resolution.

22 Also, Kaitlyn and I are making a presentation
23 to the county for home funds tomorrow as part of an
24 application we submitted for \$800,000 for the Affordable
25 Housing component of the project. So we're looking

1 forward to that presentation tomorrow.

2 And, also, you see that I believe there's a
3 resolution for the (inaudible) tonight. So as you can
4 see, we're moving ahead with the O&W project and looking
5 forward to getting that going.

6 Also, we did have a rain out last week. We
7 attempted our first concert series, but we're looking
8 forward to this Friday. I think mother nature is going
9 to be on our side we hope. So 7:00 Friday, Festival
10 Square.

11 And Farm Market is moving ahead full steam. I
12 know we're -- there's been an uptick in customers at the
13 new location. So everything is moving pretty well there.

14 And that's all I have for tonight.

15 **PRESIDENT RODRIGUES:** Thank you, Maria.

16 Any questions for Maria? Thank you, Maria.

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

18 **PRESIDENT RODRIGUES:** DPW Commissioner.

19 **JACOB TAWIL, DPW COMMISSIONER:** Good evening,
20 all. We'll start off reminding the public and
21 contractors that the traffic operation project is out for
22 public bid and the bid openings are in August. And this
23 is to replace all signalized intersections, upgrade them
24 to be ADA compliance with pedestrian crossing and so on.
25 And putting up curbs and sidewalks in the bid area and

1 outside the bid area to connect the ADA project that is
2 almost completed for curbs and sidewalks. It's not
3 finished yet, but it's almost completed with the rest of
4 the -- with the rest of the traffic operation and -- and
5 landscape. So that's about -- it's about 20, say, 25
6 million-dollar project. So we're looking forward to
7 that. It's going to make major, major improvement for
8 our city.

9 For Alderman Masi, the reservoirs are at 90
10 percent capacity, 98 percent capacity, so we're in very
11 good shape.

12 Before you tonight there is several resolutions
13 awarding bids for plumbing, for electric, for HVAC, for
14 C&D material for tires disposal, for chemicals.
15 Hopefully, Alderman Masi will help me with the chemical
16 bid award as well. So we have a lot of bids to be
17 awarded tonight. And we're requesting your support.

18 I just want to address since the Mayor did not
19 address sanitation, I will update you where we are. I've
20 been sending you emails and pictures about what's going
21 on. We received two of the mechanical arms for our
22 garbage trucks. On -- on Saturday we had four-hour
23 training for our drivers. Two of our drivers have been
24 using one truck taking turns and -- and watching each
25 other. And so they used it Monday, yesterday, and today.

1 And they use it even in the crowded areas. They use it
2 for North Street. They use it for Lake Avenue. They
3 lose it -- use it for Prospect Avenue. And they use it
4 for in -- in Presidential Heights as well where houses
5 are far apart.

6 They are extremely impressed with them. They
7 are very happy with them and that's a great
8 accomplishment. This is something that the Mayor and I
9 and Council President and many of you we've been -- we
10 had this as a target since 2005, since -- since I started
11 here. I wanted to -- I wanted to switch over from,
12 basically, doing that manual back breaking labor of two
13 workers chasing the garbage truck all day basically at
14 100 degree temperature, 90 degree temperature or freezing
15 or ice storm to try to pick up garbage cans and dump them
16 into the back of a truck.

17 So, finally, we're getting to a point in
18 Middletown. I mean, honestly, that is a major milestone
19 for us and very historic. I don't mean to belabor the
20 point, but it's great achievement for us. It's going to
21 save, like the Mayor said, it's going to save on our
22 workman's comp rates. It's going to -- it's going to
23 make our city cleaner because we have those containers in
24 the air that are sealed.

25 And many people -- a lot of people are

1 complying. So just keep it up, please, comply with our
2 code. Use only whatever -- you put the garbage only in
3 the containers that were provided to you. Do not put
4 garbage in recycles, separate the two of them. And we
5 are marching into a great -- great future, really, with
6 our sanitation with this major change that we have done.

7 And with that, I will conclude my remarks
8 except if you have any questions for me.

9 **PRESIDENT RODRIGUES:** Jacob, just going back.
10 You said you had two new trunks now?

11 **JACOB TAWIL, DPW COMMISSIONER:** Yes, we're
12 waiting for the third one.

13 **PRESIDENT RODRIGUES:** So we started doing the
14 Fourth Ward and --

15 **JACOB TAWIL, DPW COMMISSIONER:** We're going --
16 yes, sir.

17 **PRESIDENT RODRIGUES:** So what -- what about the
18 employees, where are they -- they're not in the back of
19 the truck anymore, right?

20 **JACOB TAWIL, DPW COMMISSIONER:** No, no. We're
21 still -- we're for -- it's training right now. It's
22 going to take us a while to train. After -- after --
23 right now we're going to have a driver in the mechanical
24 arm and another driver is going to be walking with him
25 just as we get into the heart of the city to adjust the

1 location of the cans. And if the cans are placed -- many
2 people, as an example, I'm glad you said that. Many
3 people are locating the garbage cans right next to the
4 mailbox. Please do not do that. Leave at least 1 foot
5 between the -- because, otherwise, it will grab the
6 mailboxes at the same time, so it's been a problem.

7 So what we're going to do is we're going to put
8 an X in there on the -- on the grass or on the pavement
9 or whatever it is. And -- and if -- if the place is
10 wrong, if wherever you're putting it is wrong, we're
11 going to have one of the drivers -- so we're going to
12 have two drivers. One is operating the machine -- the
13 truck, the other one is walking with him, so he can learn
14 from the outside. He will see. It's -- it's a learning,
15 it's a learning curb.

16 So -- so far we're going to keep, obviously,
17 it's going to take us a while to get used to it, so
18 nobody is going -- shifted over or anything like that.
19 We are still keeping everyone. And once we're done with
20 the training, I think we'll be in very good shape.

21 But the good thing is the guys who are using
22 it, they're extremely happy with it. They said, oh, my
23 God where was this all this time. It's Lenny and -- and
24 Predmore (phonetic), both of them. They are extremely
25 happy with them. They say how -- how did we do that for

1 all these years.

2 So that's where we are. So next -- tonight --
3 tomorrow we're going to go to the Third Ward and after
4 that we'll go to the First Ward. And we're going to be
5 using one truck tomorrow. I think -- I think we got the
6 insurance for the second truck today. We were trying to
7 get it done today. If we have it done today or tomorrow
8 we'll have to do two trucks. A third truck has not been
9 delivered yet.

10 **PRESIDENT RODRIGUES:** Okay. Any questions for
11 Jacob? Thank you. Oh, Alderman Johnson.

12 **ALD. JOHNSON:** I just had one thing to clarify.
13 I think people will now begin to realize they want to get
14 rid of their old garbage cans. And my neighbor asked me
15 about that.

16 **JACOB TAWIL, DPW COMMISSIONER:** Yes.

17 **ALD. JOHNSON:** The Mayor said that he asked
18 you, so if people want to get rid of their old garbage
19 can, they should put it out?

20 **JACOB TAWIL, DPW COMMISSIONER:** Yes, you put it
21 out during your regular garbage collection day and just
22 put a -- a piece of paper on it, white paper, tape it on
23 to say please dispose of this can.

24 **ALD. JOHNSON:** So, now, even with robotic arm,
25 they'll still pick up the old garbage cans.

1 **JACOB TAWIL, DPW COMMISSIONER:** Yeah, we'll get
2 it.

3 **ALD. JOHNSON:** Okay. I just want to be sure.

4 **JACOB TAWIL, DPW COMMISSIONER:** Yes, absolutely
5 we'll get it. That's what we committed to people.

6 **UNIDENTIFIED SPEAKER:** Not with garbage though?

7 **ALD. JOHNSON:** Right.

8 **UNIDENTIFIED SPEAKER:** (Inaudible) dispose of.

9 **JACOB TAWIL, DPW COMMISSIONER:** And what yard
10 waste? What yard waste?

11 **UNIDENTIFIED SPEAKER:** No, no, no, I said --

12 **JOEL SIERRA, LEGISLATOR:** Can I use it for yard
13 waste? I heard the Mayor say one time we can use the old
14 garbage can for yard waste.

15 **JACOB TAWIL, DPW COMMISSIONER:** Oh, yeah, yeah,
16 yeah.

17 **UNIDENTIFIED SPEAKER:** He's talking about
18 disposing of the can.

19 **JACOB TAWIL, DPW COMMISSIONER:** Yes, you can
20 dispose of the can at any time.

21 **UNIDENTIFIED SPEAKER:** The can should be --

22 **JACOB TAWIL, DPW COMMISSIONER:** At any time
23 during your regular. We're not going to make it
24 complicated. You'll dispose of your can --

25 **UNIDENTIFIED SPEAKER:** Empty.

1 **JACOB TAWIL, DPW COMMISSIONER:** Empty. Put a
2 label on it at any time when it's your time to put up --
3 put up your garbage that's all.

4 Now, Alderman Sierra, Councilman, you're not
5 Alderman --

6 **PRESIDENT RODRIGUES:** Legislator.

7 **JACOB TAWIL, DPW COMMISSIONER:** Legislator,
8 Legislator Sierra, he just reminded me about the yard
9 waste. Please do not put any yard waste in these large
10 containers that are dedicated for the garbage. You have
11 your own smaller containers and you have to follow the
12 code for yard waste. Branches, they have to be cut
13 certain length, they have to be bundled together. And
14 leaves have to be in bags. And so but you cannot use
15 large -- large cans, of course, that we provided for yard
16 waste.

17 **PRESIDENT RODRIGUES:** Alderman Green.

18 **ALD. GREEN:** Yes, thank you.

19 Commissioner, just another point I want to
20 make. I see that people are putting the garbage cans out
21 backwards where the -- the lip for the arm isn't there.
22 Is that something you just want to make a comment on just
23 --

24 **JACOB TAWIL, DPW COMMISSIONER:** Yeah, just
25 follow -- thank you. There's -- there's very clear

1 arrows and they're pointing towards the curb. Just look
2 at the top of the can in there, you see where the arrows
3 are pointing, just following the instructions. It's very
4 simple. But, again, keep it away from your car at least
5 by couple of feet. Keep it away from your mailbox,
6 please, minimum by 1 foot, please. That's -- that's
7 important reminder otherwise you're make our job harder.
8 And it's in the code where you have to put your garbage
9 cans and so on and so forth. So everybody will --
10 everything will have to be adhered to, so we can have an
11 efficient operation, otherwise we'll be taking days to
12 pick up one location. And -- and enforcement will
13 follow, so please help us out.

14 Thank you very much.

15 **PRESIDENT RODRIGUES:** Thank you, Jacob.

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

17 **PRESIDENT RODRIGUES:** Fire Chief, let's burn
18 these garbage cans.

19 **NICK BARBER, FIRE CHIEF:** You want me to burn
20 them?

21 **PRESIDENT RODRIGUES:** No.

22 **NICK BARBER, FIRE CHIEF:** I -- I have nothing
23 tonight unless there's any questions.

24 **PRESIDENT RODRIGUES:** Any questions for the
25 fire chief? Thank you, Chief.

1 City Treasurer.

2 **DON PARIS, CITY TREASURER:** Yes, I have nothing
3 tonight unless there's any questions?

4 **PRESIDENT RODRIGUES:** Any questions for Don?
5 Thank you, Don.

6 **PRESIDENT RODRIGUES:** Police Chief.

7 **JOHN EWANCIW, POLICE CHIEF:** Good evening.

8 Well, just a few things this evening. Before
9 you there's a couple resolutions. The first one is the
10 resolution for the insurance rider. There's no cost to
11 that. It's a program that's already been approved by the
12 council and this is just an insurance rider. God forbid
13 there's a breach of any type of information, to protect
14 us.

15 The second one is the SRO contract. Just as a
16 reminder, there's no cost to the City there. It's all
17 reimbursed by the school district. It's been an amazing
18 program thus far and we hope to continue it. It's a
19 great resource for the community as a whole.

20 Additionally, I'd like to just recognize. I
21 had three members of my department retire over the last
22 couple of weeks. I've lost several this year with
23 retirement. But, specifically, since the last time I was
24 at a meeting, Sergeant David Frank, Lieutenant Aaron
25 Welch, and Sergeant Ronald Magsamen all retired after 20

1 years of service with the department. And I'd just like
2 to publically recognize them and wish them best in the
3 next chapter of their lives.

4 Additionally, I've spoken with many of you.
5 I've received emails or communications in regards to an
6 uptick in some traffic concerns over the last several
7 months. So recently I reassigned one of my officers to a
8 dedicated traffic car who's been going around addressing
9 those traffic concerns utilizing the data we receive from
10 the electronic speed sign. They do more targeted
11 enforcement. And, thus far, it's been very active. He's
12 been very active. And hopefully it's going to be noticed
13 by all of your constituents as well.

14 Additionally, this last month, we've picked up
15 our Outreach Programs again. Recently, this past week,
16 we had a graduation of our first youth police academy
17 which was Friday, the 16th. And on Wednesday, the 14th,
18 we had a graduation of our Too Good for Drugs Program
19 which we ran in the evenings due to the fact that some of
20 the youth missed that opportunity with the remote school
21 processing.

22 And then this afternoon we did our first jump
23 out barbecue in a year and a half at Davidge Park. It
24 was quite successful. And I'd just like to thank the
25 fire department, the Parks and Rec, and the school

1 district for all of their support and help in that
2 program.

3 And that's it unless you have questions for me.

4 **PRESIDENT RODRIGUES:** Any questions for the
5 Police Chief? Thank you, Chief.

6 Corporation Counsel.

7 **RICHARD CROUGHAN, CORPORATION COUNSEL:** I don't
8 have anything more unless somebody has any questions.

9 **PRESIDENT RODRIGUES:** Any questions for
10 corporation counsel?

11 City Clerk?

12 **JOHN NAUMCHIK, CITY CLERK:** I have nothing this
13 evening.

14 **PRESIDENT RODRIGUES:** Any questions for John?
15 All right. Let's move over.

16 8. Public Hearings and Grievances

17 (Nothing this evening.)

18 9. Petitions and Complaints

19 (Nothing this evening.)

20 10. Remarks of the Alderman.

21 **PRESIDENT RODRIGUES:** Remarks of Alderman.
22 Alderman Masi.

23 **ALD. MASI:** Yeah, I just want to congratulate
24 and -- and thank -- and welcome Ms. Kelly as our new
25 treasurer. And, Don, I want to thank you for agreeing to

1 stay around and -- and give some assistance.

2 **PRESIDENT RODRIGUES:** Alderman Green.

3 **ALD. GREEN:** Thank you very much.

4 Yeah, I was going to go that, you know, thank
5 you, Don, it's been a pleasure to have you around. And
6 thank you for offering to stick around for a little bit
7 and teach Ms. Kelly the ropes. And welcome. I think,
8 you know, it's going to be a great time for you. And
9 we're very honored to have you here. Thank you.

10 Also, I just want to point out something a
11 little weird when you looked outside today and you saw,
12 you know, that it was a little more hazy than usual on a
13 hot day. And just kind of a reminder of the fact that,
14 you know, the -- the climate change and things are real
15 and they're things that are 2,000 miles away are starting
16 to affect us here. So, you know, just that my thoughts
17 and that are with everyone who are battling those
18 wildfires out west.

19 So, other than that, that's all I have. Thank
20 you.

21 **PRESIDENT RODRIGUES:** Alderman Johnson.

22 **ALD. JOHNSON:** Thank you, sir.

23 I concur with my predecessors with respect to
24 welcome you to the organization. Thank you.

25 I do have some thoughts on the cannabis law,

1 but I'm going to leave that until when it's on the floor.

2 Congratulations to DPW. It is a hallmark and
3 it has been a long, long slog to get here. And hopefully
4 it will be worth the weight.

5 Anything we do with O&W, I'm happy to see that
6 moving along.

7 Anything with Wolslayer I'm happy to see that
8 moving around. I think SROs are a great program. I kind
9 of dabbled with that in my public education days. And
10 I'm glad that the district and the City are willing to
11 keep that program going. I think it's a great bridge
12 between law enforcement and the community.

13 And I also noticed there's a guy named Ewanciw
14 who wants to reup tonight, so I just want to say I'm on
15 board with that. Thank you very much.

16 **PRESIDENT RODRIGUES:** Alderman Kleiner.

17 **ALD. KLEINER:** Thank you, Jacob. We did see
18 the truck at work yesterday. And that's -- that's -- it
19 works really well, so we're hoping for the best. But it
20 looks like a good deal.

21 And, again, I -- I thanked Don and Janet last
22 time and I want to repeat. I thank them for hanging in
23 and not leaving us in the lurch as we transition. And
24 welcome, Kelly, wish you the best of luck. I'm sure
25 you're going to work out fine. Thank you.

1 **PRESIDENT RODRIGUES:** Alderman Jean-Francois.

2 **ALD. JEAN-FRANCOIS:** Yes. Good evening.

3 Again, Don Paris, you've been a great asset to the City.
4 You're surely going to be missed. I kind of feel a
5 little nervous for Kelly because she's got big shoes to
6 fill, but I think you're going to do all right.

7 It's good to see the County Legislator. He
8 hardly come to see us. Every once in a while when they
9 showed up it's -- it's -- it's a pleasure to have him in
10 our meeting. I mean, this man to me is -- he's a good
11 candidate for a super hero. I mean, he's a good friend
12 of mine. This man he's a firefighter. He's a business
13 man, County Legislature, great husband, and a father; two
14 beautiful daughters. I mean, this man, do it -- he does
15 it all. And not to count he used to a past alderman for
16 eight, ten years in the City of Middletown.

17 Thank you for your service. It's a pleasure to
18 see you.

19 **JOEL SIERRA, LEGISLATOR:** (Inaudible).

20 **PRESIDENT RODRIGUES:** Former finance chairman.

21 **ALD. JEAN-FRANCOIS:** Yes, County Legislature.

22 **PRESIDENT RODRIGUES:** Alderman Burr.

23 **ALD. BURR:** Oh, it's great to see the O&W.

24 It's been an eyesore for my ward for many years. So
25 that's great to see how it's going to be done, something

1 done with it.

2 Don, it's great doing. This is my third
3 treasurer. You know, I've been here for three, now it's
4 four. So I wish Kelly the best. Don, you're a great
5 teacher. And that's all I have this evening. Thank you.

6 11. Unfinished Business

7 (Nothing this evening.)

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12. New Business

**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 07-20-21

Index No: 142-21

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	6		1	2

RESOLVED; that the Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment to authorize the Treasurer to transfer \$200.00 within the Civil Service 2021 budget for the payment of envelopes in the following manner:

FROM
1430.490
Printing

AMOUNT
\$200.00

TO
1430.480
Office Supplies

**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 07-20-21

Index No: 143-
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 the Mayor to sign the attached agreement with CPI-HR to provide services to the City with respect to the Patient Protection and Affordable Care Act.

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

THE FOLLOWING WAS PRESENTED

By Ald. Kleiner

Sec'd by Ald. Masi

Date of Adoption 07-20-21

Index No: 144-
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 Mayor appointment of Kelly Ann Kelly as Treasurer of the City of Middletown to replace the term of Donald Paris, term ending December 31, 2021.

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

THE FOLLOWING WAS PRESENTED

By Ald. Johnson

Sec'd by Ald. Burr

Date of Adoption 07-20-21

Index No: 145-
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 change order for the Richard P. Wolslayer Athletic Field in the amount of \$56,882.40 using the current funding from this project.

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

THE FOLLOWING WAS PRESENTED

By Ald. Green

Sec'd by Ald. Johnson

Date of Adoption 07-20-21

Index No: 146-21

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

WHEREAS; the City has received 50% of ARPA funds and the guidelines and timelines on spending the funds, and

WHEREAS; RBT the City's accounting firm has agreed to assist the City in developing the required backup for spending these funds, and

WHEREAS; the Mayor has development a preliminary spending plan attached to this resolution, and

WHEREAS; the Mayor is requesting the approval and funding from the ARPA funds of three of following projects at this time:

1. Streetscape - Finish and fund the sidewalks on Dolson, Ridge and many other intersections where we need to connect different funding sources to each other. This will require \$2.2 million.
2. Additional paving as agreed by consensus. Additional funds required are \$1.5 million.
3. Fire Department Cascade System- \$65,000.00

LET IT BE RESOLVED; that the Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment to approve the three projects, the funding from the ARPA, establish capital project a lines in the 2021 budget and authorize the Mayor to sign all documents for the three projects.

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

THE FOLLOWING WAS PRESENTED

By Ald. Masi

Sec'd by Ald. Green

Date of Adoption 07-20-21

Index No: 147-
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 purchase of property located at 37 Kohler Road, as per the attached contract of sale and authorize the Mayor to sign the contract of sale and to sign all documents related to the acquisition of the property.

**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 07-20-21

Index No: 148-
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

WHEREAS; the City requests to facilitate the relocation of the proposed 24" high-pressure water main, which was found to be in conflict with Orange and Rockland's abandoned gas main, and

WHEREAS; the abandoned gas main was found to be contaminated and has caused significant delay to the project construction schedule hence requiring the following easements.

SO LET IT BE RESOLVED; that the Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment to approve the easements and authorize the Mayor to sign the attached easements:

Parcel ID (S-B-L)

13-1-25 (drawing attached)

20-1-08 (drawing attached)

20-1-09 (drawing attached)

20-1-10 (drawing attached)

21-2-23 (drawing attached)

49-1-74 (drawing attached)

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

THE FOLLOWING WAS PRESENTED

By Ald. Jean-Francois

Sec'd by Ald. Burr

Date of Adoption 07-20-21

Index No: 149-
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

WHEREAS; the City of Middletown desires to apply for financial assistance through the 2021 Consolidated Funding Application (CFA) under the Environmental Protection Fund: Parks, Preservation and Heritage Grants, and

WHEREAS; the City will be requesting funding for the rehabilitation of the O&W Train Station to exterior historical improvements, and

WHEREAS; the grant application requires the applicant, obtain the approval and endorsement of the governing body of the municipality that is applying for funding.

SO LET IT BE RESOLVED; that the Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment to authorize the Mayor to sign as the sole signatory, any and all necessary documents required pertaining to the Consolidated Funding Application and for approval of the submission for grant.

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

THE FOLLOWING WAS PRESENTED

By Ald. Kleiner

Sec'd by Ald. Green

Date of Adoption 07-20-21

Index No: 150-21

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 the Mayor to sign the attached Cyber Insurance Rider in the amount of \$1,000,000.00 made part of the CUEHIT software pilot program for the new community engagement software for the Middletown Police Department that has been approved by the Council.

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

THE FOLLOWING WAS PRESENTED

By Ald. Johnson

Sec'd by Ald. Jean-Francois

Date of Adoption 07-20-21

Index No: 151-
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 the Mayor to sign the attached agreement between the City of Middletown and the Enlarged City School District of Middletown for the purpose of carrying out the School Resource Officer program for the 2021-2022 school year.

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

THE FOLLOWING WAS PRESENTED

By Ald. Green

Sec'd by Ald. Masi

Date of Adoption 07-20-21

Index No: 152-
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 the Mayor to sign the attached five (5) year contract for Chief of Police Ewanciw, starting January 1, 2021 and ending December 31, 2025.

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

THE FOLLOWING WAS PRESENTED

By Ald. Masi

Sec'd by Ald. Burr

Date of Adoption 07-20-21

Index No: 153-
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

RESOLUTION TO DECLARE LEAD AGENCY

The City of Middletown, New York Common Council hereby declares its lead agency as required by SEQR (6 NYCRR Part 617)

Name of Action: Location:
O&W Building Rehabilitation 7 Low Avenue

Zone: Project: Action: Documents:

I-1 Light Industry

O&W Building Rehabilitation Unlisted Action
Available at City Hall or available upon FOIL request for viewing

The Common Council of the City of Middletown hereby declares itself Lead Agency.

The proposed action includes rehabilitation to the O&W building located at 7 Low Avenue.

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

THE FOLLOWING WAS PRESENTED

By Ald. Burr

Sec'd by Ald. Masi

Date of Adoption 07-20-21

Index No: 154-
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

**State Environment Quality Review
NEGATIVE DECLARATION
Notice of Determination of Non-Significance**

This notice is issued pursuant to 6 NYCRR Part 617 of the implementing regulations pertaining to Article 8 (State Environment Quality Review Act) of the Environmental Conservation Law.

The City of Middletown Common Council, as lead agency, has determined that the proposed action described below will not have a significant effect on the environment and a Draft Environmental Impact Statement will not be prepared.

Name of Action: O&W Building Rehabilitation

SEQR Status: Unlisted Action

Negative Declaration: Yes

Description of Action: Rehabilitation of the O&W building located at 7 Low Avenue

Facts & Reasons Supporting This Determination:

Based on its careful review of the application, the plans and revisions thereto submitted by the applicant, Long Form Environmental Assessment Form, with supporting information and public comment, the Common Council has identified the no areas of environmental concern in connection with the proposed project.

Resolution:

BE IT RESOLVED THAT based on the Common Council's review and consideration of the Project, Long Form Environmental Assessment Form, supplementary technical information, public comments and consideration of the criteria for determining significance set forth in 6 NYCRR 617.7 (c), the Project as designed and set forth herein will not result in any significant impact to the environment.

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

THE FOLLOWING WAS PRESENTED

By Ald. Jean-Francois

Sec'd by Ald. Johnson

Date of Adoption 07-20-21

Index No: 155-
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

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, bids were opened by the Board of Estimate and Apportionment on Thursday, July 1, 2021, for the Annual Plumbing Maintenance Work, City Buildings/Facilities, and

WHEREAS, the Board of Estimate and Apportionment referred the bids to the Commissioner of Public Works for his review and recommendation to the Common Council of the City of Middletown, and,

WHEREAS, the Commissioner of Public Works recommends to the Common Council that the bid be awarded to G. Richard Truex P&H, Inc,

NOW THEREFORE BE IT RESOLVED; that the Common Council of the City of Middletown concurs with the Commissioner of Public Works and awards the bid for the Annual Plumbing Maintenance Work, City Buildings/Facilities to the following:

G. Richard Truex P&H, Inc., P. O. Box 2152, Middletown, NY 10940:

\$85 for the hourly rate, \$142.50/hr. for OT, and \$190/hr. Sundays and holidays.

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

THE FOLLOWING WAS PRESENTED

By Ald. Kleiner

Sec'd by Ald. Masi

Date of Adoption 07-20-21

Index No: 156-
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

WHEREAS, bids were opened by the Board of Estimate and Apportionment on Thursday, July 1, 2021, for the Annual HVAC Maintenance Work, City Buildings/Facilities, and

WHEREAS, the Board of Estimate and Apportionment referred the bids to the Commissioner of Public Works for his review and recommendation to the Common Council of the City of Middletown, and,

WHEREAS, the Commissioner of Public Works recommends to the Common Council that the bid be awarded to Val Bruni Plumbing & Heating,

NOW THEREFORE BE IT RESOLVED; that the Common Council of the City of Middletown concurs with the Commissioner of Public Works and awards the bid for the Annual HVAC Maintenance Work, City Buildings/Facilities to the following:

Val Bruni Plumbing & Heating, PO Box 864, Middletown NY 10940:

At an hourly rate of: \$120; an Overtime rate of: \$180/hr and a Holiday rate of: \$240/hr.

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

THE FOLLOWING WAS PRESENTED

By Ald. Johnson

Sec'd by Ald. Green

Date of Adoption 07-20-21

Index No: 157-
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

WHEREAS, bids were opened by the Board of Estimate and Apportionment on Thursday, July 1, 2021, for the Bid of Disposal of C&D, and tires from Clean Up Program, and

WHEREAS, the Board of Estimate and Apportionment referred the bids to the Commissioner of Public Works for his review and recommendation to the Common Council of the City of Middletown, and,

WHEREAS, the Commissioner of Public Works recommends to the Common Council that the bid be awarded to Taylor-Montgomery, LLC,

NOW THEREFORE BE IT RESOLVED; that the Common Council of the City of Middletown concurs with the Commissioner of Public Works and awards the bid for the Disposal of C&D, and tires from Clean Up Program to the following:

Taylor-Montgomery, LLC. 350 Neelytown Rd. Montgomery NY 12548:
Disposal of C&D \$102.00/ton; Tires: \$395.00 per container + \$400.00/ton

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

THE FOLLOWING WAS PRESENTED

By Ald. Green

Sec'd by Ald. Jean-Francois

Date of Adoption 07-20-21

Index No: 158-
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

WHEREAS, bids were opened by the Board of Estimate and Apportionment on Thursday, July 1, 2021, for the Bid of Annual Electric Maintenance Work, and

WHEREAS, the Board of Estimate and Apportionment referred the bids to the Commissioner of Public Works for his review and recommendation to the Common Council of the City of Middletown, and,

WHEREAS, the Commissioner of Public Works recommends to the Common Council that the bid be awarded to Harry F. Rotolo & Son, Inc,

NOW THEREFORE BE IT RESOLVED; that the Common Council of the City of Middletown concurs with the Commissioner of Public Works and awards the bid for the Annual Electric Maintenance Work to the following:

Harry F. Rotolo & Son, Inc., 390 East Main Street, Middletown, NY 10940:
@\$86/hr. rate; \$125/hr. OT rate; \$155/hr. holiday rate.; \$50/hr. Bucket truck rate (max. \$200/day).

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

THE FOLLOWING WAS PRESENTED

By Ald. Masi

Sec'd by Ald. Jean-Francois

Date of Adoption 07-20-21

Index No: 159-
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

WHEREAS, bids were opened by the Board of Estimate and Apportionment on Thursday, July 1, 2021, for the Bid of disposal of aluminum/metal/appliances/cast-iron, and

WHEREAS, the Board of Estimate and Apportionment referred the bids to the Commissioner of Public Works for his review and recommendation to the Common Council of the City of Middletown, and,

WHEREAS, the Commissioner of Public Works recommends to the Common Council that the bid be awarded to Teplitz Metal Processing,

NOW THEREFORE BE IT RESOLVED; that the Common Council of the City of Middletown concurs with the Commissioner of Public Works and awards the bid for the disposal of aluminum/metal/appliances/cast-iron to the following:

Teplitz Metal Processing, 75 Church St., Middletown, NY 10940:

in the amount paid to the City of \$225/ton delivered by City trucks-in City unloading.

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

THE FOLLOWING WAS PRESENTED

By Ald. Masi

Sec'd by Ald. Jean-Francois

Date of Adoption 07-20-21

Index No: 160-
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

MOTION FROM THE FLOOR

WHEREAS, bids were opened by the Board of Estimate and Apportionment on Thursday, July 1, 2021, for the Bid for Chemicals, and

WHEREAS, the Board of Estimate and Apportionment referred the bids to the Commissioner of Public Works for his review and recommendation to the Common Council of the City of Middletown, and,

NOW THEREFORE BE IT RESOLVED; that the Common Council of the City of Middletown concurs with the Commissioner of Public Works and awards the bid for Chemicals to the following:

Thatcher Company of New York, P.O. Box 27407, Salt Lake City, UT 84127-0407:

Copper sulfate in 50 lb. bags, in minimum loads of five tons @ \$3,960.00/ton.

JCI Jones Chemicals Co., Inc., 1765 Ringling Blvd., Sarasota, FL 34236:

Caustic Soda, 25% solution (sodium hydroxide) in minimum loads of 4,000 gal. per del. @ \$661.00/dry ton.

Sodium Hypochlorite in minimum 2,000 gal. delivery @ \$0.98/gal.

Slack Chemical Co., Inc., 465 So. Clinton St., Carthage, NY 13619:

Hydrochloric Acid 15% in minimum 1,000 gal. del. @ \$2.943/gal.

Sodium Hypochlorite 12.5% (liquid chlorine) in 55 gal. drums del. @1.394/gal.

Chemtrade, 90 East Halsey Rd., Parsippany NJ 07054:

Aluminium Sulfate 4000 gals. del. @ \$374.00/dry ton

George Coyne Chemical Co. Inc., 3015 State Rd, Croydon, PA 19021:

Sodium Chlorite 25% 1000 gals. del. @ \$6.5956/gal.

Cationic Dry Polymer per lbs. (min. del. 36 bags) @ \$2.4479/lb.

Cationic Liquid Polymer per drum (min. del. 4 drums) @\$701.7778/pkg

Univar USA Inc., 200 Dean Sievers Pl., Morrisville, PA 19067:

Flousilicic Acid 1000 gal. del. @ \$3.90/gal.

13. Local Laws

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

THE FOLLOWING WAS PRESENTED

By Ald. Masi

Sec'd by Ald. Johnson

Date of Adoption 07-20-21

Index No: Local Law #1 of 2021

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

**A LOCAL LAW OPTING OUT OF THE ESTABLISHMENT OF CANNABIS RETAIL
DISPENSARY LICENSES AND ONSITE CONSUMPTION LICENSES WITHIN THE CITY OF
MIDDLETOWN**

**BE IT ENACTED BY THE COMMON COUNCIL OF THE CITY OF MIDDLETOWN AS
FOLLOWS:**

Section 1. Purpose of this Enactment. The purpose of this enactment is to prohibit the establishment of retail dispensary licenses and onsite consumption licenses regarding cannabis within the City of Middletown pursuant to Section 131 of the Cannabis Law.

Section 2. Pursuant to Section 131 of the Cannabis Law, the City of Middletown hereby requests the Cannabis Control Board of the State of New York to prohibit the establishment of cannabis retail dispensary licenses and usages and to prohibit the establishment of cannabis onsite consumption licenses and usages within the jurisdiction of the City of Middletown.

Section 3. Pursuant to Section 131 of the Cannabis Law, this Local Law is subject to a permissive referendum governed by Section 24 of the Municipal Home Rule Law.

Section 4. Severability.

If the provisions of any article, section, subsection, paragraph, subdivision or clause of this Local Law shall be judged invalid by a court of competent jurisdiction, such order of judgment shall not affect or invalidate the remainder of any article, section, subsection, paragraph, subdivision or clause of this Local Law.

Section 5. Effective Date.

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

ALD. JOHNSON:

I just wanted to share a few thoughts. I know we had a public hearing. A lot of things were discussed. Alderman Tobin discussed his point of view at two successive meetings. And I told him I would take that under advisement.

And to me I see a lot of moving parts to this. I support the bill. I seconded it. I planned to opt-out. I think in the public hearing a lot of legalization comments were mixed up with what we're talking about. Are we going to smell marijuana in the State of New York for a while to come? We are. You know, next July 4th when your neighbor has a barbecue you might smell burgers and you might smell marijuana at the same time because that's the way it's going to be, so it's already legal.

I think dispensaries are self-explanatory, cafes are self-explanatory. I think the concerns we have about public consumption are also self-explanatory in a park, in a playground, outside a theatre. Where is it going to happen? How is it going to happen? I think those are valid concerns.

Will it make money? Absolutely. I read an article about Canada. They legalized it nationally in 2019. There are 37 million people in Canada and they sold \$1.2 billion worth of cannabis products in 2019. And they expected 2020 to be 1.8.

Will it generate income? Absolutely. Will it give law enforcement a headache? Absolutely. There are no criteria. What if I have a beer and a joint and go driving? Am I -- am I under the influence of one, the other, both? Is it cumulative? It is synergistic? We don't know.

And then, you know, Mr. Tobin talked a lot about what I'm going to call reparations. You know, we have black and brown, members of our society who are treated seemingly unfairly by the implementation of a law. So the solution to that is to take that person and facilitate that person's ability to be an entrepreneur in a cannabis store. To me, I find that to be condescending. If I've harmed you and I want to help you and you want to have a hardware store, why should I say no, no, no, no, you're a cannabis guy, you're going to have to have a cannabis store otherwise we can't help you out. I don't see the logic in that at all. You know, 40 acres and a mule, now a cannabis store, I just don't -- I just don't buy that logic. I understand it, but I don't buy it.

And most importantly to me, the question of policy implementation. You may remember there was a -- there was a law put a law in New York State not too long ago called Bail Reform. And the people I talked to, it kind of was a little bit of a rush, you know,

to get that -- to get that out there. And if you remember, within 30 days there was a lot of back peddling about how that wasn't going to work that well and we're going to have to change it.

Well, what if we were given an option to opt-out of bail reform for six months to see how it was going to work out? Would we have opted out or opted in? I don't know.

I met a client the other day who work at Rikers. He's about to retire. He's been there 20 years. I said well, what do you think of Bail Reform? He said, well, we went from 6,000 inmates to 3,000. And that's what Bail Reform did. It emptied out the prison. And where'd those people go? They came back into our community.

If we would have opted out to Bail Reform that would have been really cool. And I don't have any confidence in this law being put out in July and all the details we figured out. And the State and the system of giving us the gift of time, we can wait a few months, let the dust settle. And if it's a good thing, I really don't think we're going to lose that much on our income that we're not going to have any stores in Middletown because they're all going to be in Wallkill and all these other surrounding communities.

Those are my thoughts. Thank you very much for your time. I appreciate it.

PRESIDENT RODRIGUES: Anyone else?

ALD. KLEINER: Thank you. I plan on getting into Bail Reform. I know it gets blamed for so many things. All it did was let people out who couldn't get out before because they didn't have

the money. The judges still have a lot of discretion to hold people with guns. They're not doing it. That's a whole separate.

My -- my -- I've been back and forth on this because, you know, I have -- have a lot of background in the way the law has been enforced and what the law has done and the damage it's done and the way it's been applied. You know, and -- and you look back at prohibition and it was just so unsuccessful.

Well, we -- we want to be clear here. I'm not in favor of public consumption. I'm not in favor of public consumption of alcohol. I'm not in favor of public consumption of any drugs. But that's not the choice we're being given here. Unfortunately, this is going to allow public consumption. And it doesn't always mean smoking. This is -- this is smoking and edibles. So it's not always going to be about smoke. It's going to be about ingesting THC.

I've had people talk to me who are very concerned about the black market for marijuana. It's been thriving. And if you bring up -- some people end up smoking oregano or thyme or God knows what else is in it. Some people might get marijuana laced with fentanyl if they buy in the black market. And that's really dangerous.

So my -- my concern is that consumption is going to be legal. Are we going to give people a place that they can buy? You know, they're not getting wood alcohol or grain alcohol. You know when you're buying alcohol that you have liquor laws that protect you in terms of what's in the bottle, what's in the can, what you're drinking. This you'll have laws protecting you in terms of what's in

what you're eating or smoking. And -- and it -- it adds a whole dimension of safety that we don't have now.

Now, grant it, people can go outside of Middletown. I'm sure they'll be able to go to the Town of Wallkill and -- and get a safe supply. So I -- I hope this is really going to put a dent in the black market.

We don't know -- we saw out in California that they just had a multi-billion dollar bust of cannabis suppliers. So it will -- it will be within the law.

The -- the other issue is, you know, with alcohol, we do have bars. People like to drink and socialize. And I've heard, well, people can go home and smoke or consume. Well, people can go home and drink too, but they like to go out and drink. And they like to have a bar to go socialize with their friends and have a drink. Well, people who use marijuana would like to have a place to go to socialize with their friends.

And we, unfortunately, we really don't know what that's going to be like because as the Mayor has pointed out, we -- we don't have the clarification on the law. What percentage are actually going to go to minority businesses and what percentage is built into the law? Where will they be allowed? I didn't really have a big problem with that. Any place you allow a bar, you could have a lounge where people could go in and smoke or consume marijuana if there's a place next door where you can go in and consume alcohol. I -- I don't see that distinction as strongly as some people do.

So, I've been back and forth on it. I was going to vote no, but what I think is that we -- we don't have a full council tonight. I would like us to have a full council voting on it. So my -- I think the best way to take a position against the public consumption is to support what the Mayor is saying about his issues with that. So if we opt-out, if the people are really, really committed, I would most like to see the referendum and let the voters of Middletown decide. That -- that would be my preference.

That is a long haul. You have 45 days after the law is adopted. Does that mean adopted? Does that mean signed by the Mayor? Does that mean received by the Secretary of State? You know, that's going to be a little vague. I'm sure they'll get answers to that. But you'll have 45 days. People who voted, it will be 10 percent of the people who voted in the last gubernatorial election. That's the -- that's who -- that's the number of signatures you'll need. The people who can sign your petition are the people who are registered to vote in 2020 in the last general election.

So you'll need 1,100 signatures. You know, if you can get that many and the people vote on it and the people say yes, then I'm -- I'm thinking that I do want to let the people decide if they're that motivated. And, otherwise, we'll opt-out with the possibility of opting back in when they do clarify the laws and we have a better idea of exactly what will be allowed. And I've told people if we opt back in it's probably going to take six votes because I think it would be over the Mayor's veto.

But, nonetheless, it's -- it is there as a possibility to do it. So that's my thinking of it. I've been back and forth a lot on it. For the reasons I've said, I'm concerned about the safety of people, giving people a safe place to go, letting people get off the street and have a place to consume it because it is legal. It's going to be legal and we can't change that. I'd like to see the public consumption part change, so I'll strongly support any effort to do that. Thank you.

14. Audit

On motion of Ald. Masi 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.

Roll Call: Ayes: Kleiner, Johnson, Jean-Francois, Burr, Green, Masi, President Rodrigues

15. Adjournment

There being no further business meeting adjourned at 08:50 PM

(PROCEEDING CONCLUDED)

CERTIFICATE

I, LISA KANE, certify the foregoing transcript of proceedings prior to New Business of the July 20, 2021 Middletown City Council meeting was prepared using the required electronic equipment and is a true and accurate record of the proceedings.

Signature: *Lisa Kane*

Date: August 9, 2021

Agency: American Legal Transcription
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