



Common Council
City of Middletown
June 1, 2021

1. Pledge of Allegiance – President Rodrigues asked all to stand for the pledge.
2. Roll Call: Ald. Ramkissoo, Tobin, Kleiner, Johnson, Jean-Francois, Burr, Green, Masi, President Rodrigues - 9
3. Approval of Minutes

Motion of Ald. Green seconded by Ald. Masi to accept the minutes of March 16, 2021, April 20, 2021 and May 4, 2021.

All in favor.

4. Correspondence

Nothing this evening

5. For the Good of the City

Kenneth Sweeney: Kenneth Sweeney 39 Burnt Corners Road, Middletown, New York. My wife Cindy Sweeney, same address, we're here as representatives of Harvey A. Shower, 9 Claremont Court, it's a little tough for him to get up and speak.

Cindy Sweeney: I'm his daughter.

Kenneth Sweeney: The reason we're here tonight is unequal application of city ordinances and laws. While I was away, my father-in-law gets a memorandum of violation cause he had water on top of his pool cover, and this has been a continual harassment of my father-in-law for years now. My father-in-law built his house 61 years, 61 years ago, never had a problem.

Fifty years ago he put his in-ground pool, never had a problem. None of the residents, none of the neighbors, nobody had a problem with the pool. About 10-12 years ago, an individual built the house on Ashland, the last house on the left as you go down, right next to the wetlands. They had a pipe, a drainage pipe that actually came out of Davidge Park, and they capped it. Then the neighbor across Ashland, at 10 Ashland, started having water problems.

When the original subdivision went in, there was a 4-foot spillway that was supposed to run behind all the houses on Ashland and all the houses on Claremont Court, that was supposed to remain clear and open for drainage. It's been filled in by numerous neighbors. City doesn't seem to want to enforce that part of the zoning. But the, but, I'm away, I'm down in Texas, burying my brother, and my father-in-law calls up frantic because he has a violation. I was able to get my son to come into his house, put a sump pump on and pump the water into the pool.

But it's a continuum. I know the individual that constantly calls up. One day it was, there must be something dead in his yard, call the cops. There's vultures on the shed, go find out. Another time he sprang toxic fumes. My mother-in-law, my wife and my father-in-law are painting their foundation. Another time is, oh, they're there spraying, must be spraying something dangerous. Go up: my father-in-law is spray painting picture frames that he built. And on, and on, and on. This individual seems to feel that his water problem is my father-in-law's fault, because the pool is an in-ground pool, with raised elevation.

A ditch has been opened. I have pictures of the...

So we called Mr. Post, who wrote the citation. How did you see the pool? If you look from the, from the road, I have pictures you all can have. You can't see the pool from the road. So did he trespass, 'cause he's got to have permission to go on our, on his property to inspect. Just, I have a complaint. So my wife pressed him — well, first off we tried calling the council persons for our Ward. One's answering machine was full, couldn't leave a message. The other, left a message, never got a call back. Cause we're just trying to figure out what the heck's going on.

Tried to call the the gentleman, Mr. Post, who cited this; oh, he's sick today. There was a time that he's supposed to come back on the following Tuesday. We flew back in on Sunday, called on the Monday, Tuesday, he's supposed to come back on the 24th, which is when he was supposed to be there for re-inspection. My wife went in there to wait for him. He still hadn't shown up, so she calls: he called out sick. Couldn't somebody let us know that he wasn't showing up? Guess not.

So when will he be back in? Oh, he's going to be sick through Thursday. Wow, I wish I could predict how long I'm going to be sick. So on Thursday we're anticipating a phone call. Zots. Finally Friday...

Cindy Sweeney: So I called on Thursday afternoon, and left a message on Mr. Post's answering machine, and did not get anything back on Friday.

Around 3 on Friday I called, I asked for Susan, who I spoke with originally in

the department that answered. She's very nice, and she actually is the only one from the town that has returned any phone calls for me. So I asked to speak to her, she wasn't in. So the woman said, well Mr. Post is in his office, so he finally answered the phone then; and when I spoke to him, after going around and around, he actually never came to see the water problem. He just took the hearsay of the person that made the complaint. Now, if he had actually gone to that person's property, he would have known he has a swamp back there, and he cannot, he cannot mow the lawn.

Kenneth Sweeney: Excuse me. The only way that he could legally see the pool, was to go through my father-in-law's back-door neighbors, which is Mr. C. on Ashland. To walk across his property, he would have had to have hip waders on.

Cindy Sweeney: He would have had to give him a violation.

Kenneth Sweeney: He would have had to be violated for that. Plus, his grass was too tall, higher than the adjoining neighbor that got a violation because his grass was too tall. Why didn't Mr. C. get those violations? So it's, it's so that's how we pressed him. Where's the pictures? I don't need pictures. So it's hearsay.

Cindy Sweeney: So, so that's why I feel we...

Kenneth Sweeney: If there's no pictures, it's hearsay. I can say, it never happened. Prove that it did. I mean, that's pathetic. And it's pathetic on Mr. C's part, because it seems to be kind of stupidity that we keep doing the same thing and expecting a different result. He constantly badgers my father-in-law and never wins, because he's always wrong.

Cindy Sweeney: So I want to, I'm going to pass these around, and you can see where the neighbor has put a water pipe through our fence, my father's fence, and pumping his problem onto our water problem, and where I threw the hose back out, so it goes back on his problem; and then he returned it, because we own 6-inches on the other side of the fence, so that still on our property. Then you can see where he has a sump pump, he has an electric line in his shed, pumping the water which goes through the pipes and to the backyard. And then, you see the tall grass, and then there's one of his neighbor, next to him, who has blocked the water flow halfway up the fence.

Kenneth Sweeney: The city is supposed to make sure this is clear for drainage, which they never do. But the inspector never saw that. Never so blind as eyes that cannot see.

Cindy Sweeney: And then we also have, if you're going by this violation that we got, that person next to Mr. C., which is 12 Ashland Avenue. From the road you can see the pile of brush laying right there. No, that one's not in the ditch, but then we also have 14 Ashland Avenue, with another same violation, which says brush and other accumulations. And then, if you go down, at the end of Claremont Court and Ashland Avenue, where your drainage ditch is, and you see that, this one is hard to see, but you can see that there's a tree

right in that drainage ditch, that is half-dead, half-alive. And then if you look at this picture, and this picture here, is all the brush from the dead tree that piles up, which is another violation. And I didn't even go on anybody's property, I just stood on the road and took these pictures.

Kenneth Sweeney: If Mr. Post had made his way out of his office, he might have seen some of this and could have corrected the problem, therefore we wouldn't have gotten, you know, the hard time from Mr. C. on Ashland.

Cindy Sweeney: And this is a picture of the tree that is actually dead. And then, I don't want to really complain about my other neighbor. 'cause she's very nice, but her pool didn't get a violation, and she has water and debris on hers. And so all of this I feel is a constant harassment, and I feel that the city needs to start doing something to fix the problem.

Kenneth Sweeney: After Mr. Post hung up, well, my wife got disgusted and kinda hung up, she said we'll take care of it. He said on Tuesday, maybe we'll come and talk with you. And then she hung up, he hung up, whatever. Then a few minutes later he called back, I think he realized he stuck his foot in his mouth, now he's starting to talk to her. Oh, by the way, you know there's garbage inspectors out there too. What's that, more intimidation? He's trying to intimidate us, have us not come to the city council. And for the threat that if we come to you guys, and for some resolution, that he'll send the inspector on the garbage cans, that they have to be 35' from the street, and I can't be seen from the street and na-na-na-na-na-nah. Just covering himself. The man never left the office, he takes care of an acquaintance. He won't tell us who lodged the complaint. It's not real hard to figure out. Mr. C. tried to get all the neighbors to sue my in-laws saying that the water problem was there because of the pool. You know, it's just perpetual. An 89-year-old man has to put up with that kind of garbage. Pretty sad. Thank you. Thank you for listening to us.

Cindy Sweeney: I hope that you will all address the water issue that goes between all of those properties. My son is a civil engineer. He said, anybody that isn't a civil engineer knows enough that, if you are higher here and then lower down there, if everything is open the water will flow. And if you don't give everybody a violation for opening that ditch...

Kenneth Sweeney: No, because, by him filling that ditch they got an extra 4-foot of property, 4-foot of backyard. And Mr. C. can't see where the problem really lies.

Pres. Rodrigues: Thank you. The council heard it, I believe the Commissioner of DPW heard it, and also the Mayor. We'll definitely address the issue. Anyone else would like to address the council? Do we have anybody online?

Eileen: We do not.

6. Remarks of the Mayor

Mayor DeStefano:

Good evening. Yesterday I joined with members of the Common Council, including our only veteran on the board, Mr. Masi, and I know Dr. Johnson, Mr. Tobin, Jean-Francois, Mr. Kleiner were all there and the others sent their best wishes and wished they were there, to attend the Veterans Day at the American Legion, as we remembered and honored our heroes. As you know, Memorial Day is the day we honor and pay respect to those very brave men and women who paid the ultimate price, and we remember the pain and suffering that their families went through and continue to go through. It was a ceremony by the Legion, it was a solemn day and a day of remembrance and in a day to say thank you; and I want to thank the council members that were there along with the public that was there, and thank the board for their support that we offer to the, to the local veteran groups on both Memorial Day and Veterans Day. This year — the past two years — has been a little bit different and they've limited the attendance. Hopefully next year we'll all be back to normal, even hopefully by November, we'll be back to normal in regards to honoring those veterans in November.

To move on, the garbage non-compliance issue. You have in your emails the brochure that we did send out on social media. Basically, we've had quite a few weeks now with the new system, at least to the majority of the properties in the city. The downtown business improvement district does not have their cans. Anyone who can accommodate it now within the district is entitled to get one, but most properties are waiting for us to do the sanitation plan, or give them some guidance on that, and we're waiting for the smaller cans to come in before we start doing enforcement in the downtown. But basically for the neighborhoods, you can look at the pictures. You can see this is what we're trying to avoid. This is the reason why we did it, this is where we're going with it. (aside) The one TV is off I think, is it?

This is where we're going with it, with the program, to avoid things like this. This is just unacceptable, so the idea as we move forward is, the brochure that is available on social media and on our website will be delivered, hand-delivered, to properties such as this; and properties that do not fall into compliance with the guidelines and rules will get a personal visit by the code department. Just advising them of what the law is, and what's available to them. One or two of these look like it's either commercial or maybe a multiple dwelling; they have access to additional cans if they need them. It is an additional charge under the system that we adopted, but properties like this, that garbage will not be picked up. As you can see, the blue can is out. We are accepting right now, up until June 13th, we are allowing the blue cans, the recycle cans, to be used for pickup. We may allow them to be used during high-volume weeks, like Christmas or holiday season, and we're developing that final plan. But for now, once June 13th comes, any garbage that is not in the green can will not be picked up. The property owner will get a follow-up visit, they will probably get a warning. They will be advised they have to bring the garbage back in or dispose of it in another way if possible, or they can probably do it for a charge, if they want it picked up immediately. But we are not going to continue to pick up trash as you see in these pictures. I recommend people go online and read the sanitation plan that we put in place. As I said,

effectively the green can is for household garbage only, the blue is for recycling. I had probably a 10-minute discussion with a lady regarding this, who operates a small business out of her home. She was insistent that she's a) not paying for another can, and b) that "I'll put my garbage in the recycling can if if you don't pick up my garbage." Well, we will not pick up recycling, and it is a violation if you have garbage in your recycling bin, so you need to recycle appropriately. It's not complicated.

Most communities go with the one can system, go with a much smaller can than we have. They usually go with like a 60+ gallon can. We're going with a 95-gallon can with a large wheel. It's easily maneuverable, but if not, you have the option of going to a smaller can if you don't produce a lot of waste. As you see in the pictures here, the second reason why we went to the system was our workforce. In this picture you can see what it's like in the winter time, to lift these heavy cans. It was one analysis that we did, when we came to the idea of going in this direction, was that 50% of our workman's compensation claims for the year were related to the sanitation department. The number has since come down because we started putting a lift on the back of the trucks. We will be going to the automated arm later this year, when the trucks do come in, but in the meantime all of the trucks are equipped with a lift and the sanitation department is not allowed to lift the can into the truck. They have to use the automatic lift. It is one can per single-family home, one green can — unless as I did, you pay the extra \$100 per year for the additional can. That one can, the guidelines are that one can will handle about a family of at least five to seven people. According to this the normal guidelines of the sanitation standards that they have throughout the country and that's especially if you recycle, so you have the opportunity to also reduce your trash flow by recycling more. Some of the questions have been; the pick-up schedule: they remain the same. Nothing has changed in regards to pick up. Doesn't mean somewhere down the line it may not or may change, but as of now it is the same pickup schedule that we've been using. The size of the cans that we've talked about is — and we have exchanged some, but we have run out of the 65-gallon and a 35-gallon cans for now, they are on back order; but when they do come in, if you're not a large producer of trash, you can swap your larger can for the smaller can. You cannot, unfortunately, swap two smaller cans for one of the larger cans. You know, the idea is also... but we do have some accommodations for handicapped folks in the law also, to make an appeal. But basically it's one can per person, or one can, one set of cans, for single-family home; two sets of cans for a commercial or mixed-use property, and then they can also, a multi-family property can also purchase additional cans. That can all be done through the Department of Public Works.

Another point we'd like to emphasize, and riding around over the last few days early in the morning, we noticed people are using them for yard waste. They are not to be used for yard waste at all. The yard waste you put in your old garbage cans if you like, or bag it, or do what is necessary. You cannot use either the green or the blue can for yard waste. It will not be picked up and will be left sitting there with it on your, on your curb. You also need to bring the containers back. They referenced, the people spoke earlier, made

reference to 35 feet. I believe it's 30 feet, or if you don't have the ability of 30 feet, they have to be in a presentable way, as much as possible hidden from the street view. Just, it's just normal resolutions, normal laws that have been in place for many, many years here. Obviously, we don't want people leaving their garbage cans out, curbside, 7 days a week. So you need to bring them back in within a reasonable amount of time, which is the next day. Your trash is usually picked up very early in the morning, and hopefully by that evening, you'll have the cans back into your own yard when you come back from work. The business improvement district is different, and we'll get into that when we approach that. You should keep the lid closed and prevent overfilling, and prevent animals from getting in. As I mentioned earlier, we will be mentioning additional pickups and how we would go about it with the additional pickups, whether that be an additional pick-up day, or allowing for the use of the blue can that week for additional garbage. The brochure will be available to the council members to hand out to your constituents. For now the original print is going to go for education to people who we're having problems with, or who might not be aware of the law, don't watch channel 20, or not on social media. So we're hoping to do that in a personal visit, but at some point, you know, after June 13th, people are going to know that if, by the fact that their garbage is not getting picked up, that they weren't following the appropriate procedures.

Parks and Recreation: the basketball hoops are back up as of May 19th, once the governor made the change in the standard. So you can call the Parks department, 346-4180, for other issues but that was the, seemed the one thing many of you inquired about on a regular basis, for the basketball hoops. Once the governor released it, we put them up that very day. We are having a problem though with some summer employment, as everyone else in the country is having the same problem, the same issue and unfortunately the problem of late. Lifeguard recruitment could affect our ability to open all three pools for the summer programs. These are some of the efforts that our Parks department has made regarding opening the pools. As you know, without lifeguards we can't safely open the pools, so if you know any young person, old person, doesn't matter who, as long as they've had some training, I mean, and had the certification, we would be interested in talking to them. You can contact the parks department at 346-4180. It's important. We're already talking and putting in place a plan to reduce not only hours, but to possibly close maybe one, or maybe two pools, and only going with one at Fancher-Davidge. That's how critical the lifeguard situation is. So please, if you know anybody looking for some work, and also want to help out the youth in our community, let them give the Parks department a call.

We are going to have the fireworks once again, as you know, you did budget it. A bunch of times we talked about the possibility of having them, and we are going to be able to do so on July 2nd, which I believe is Thursday night, or Friday. I'm sorry, Maria is in the back correcting me. Fireworks only, there will be no live entertainment, no vendors, no activities. People are welcome to go up to the park and social distance. Of course, if you don't have the vaccine, you need to wear a mask per the CDC guidelines, but the fact that we

will have people mingling around up there doesn't mean that everything with COVID is A-OK, so you need to follow the guidelines. If you don't have a vaccine, wear a mask, if your kids are over the age of 2, they need to wear a mask. It should be a nice night, will be a little break for something that we all missed last year.

On Saturday, the Juneteenth celebration to be the first for the city, and as you know with the, the Tulsa riots getting a lot of attention, something in our history that none of us, I don't think any of us, learned in high school, and the disaster that happened there. If you watch the CNN Dreamland series that started the other night, it's, really it tears your heart out. Juneteenth is not that, but they are related in a way. So, the Juneteenth celebration, basically marking the end of slavery, the real end of slavery with when they went into Texas, will be on the 19th. We are a co-sponsor along with the business improvement district and the organization is on the screen, Nobody... I can't read it... Because It Matters. Because It Matters 24/7. I had my organizations mixed up there for a second. But that's Anthony Williams and his wife Yaa Yaa Williams. They are the organizers, and it should be a nice event. We're keeping it small, we're going to be practicing the covid practices, a limited number of people will be at Festival Square, and it's not a party, but it is a celebration as it says, of Juneteenth. So obviously there's more than just Festival Square, more that in the surrounding area we can also accommodate. But if you do attend and it's busy, you know, please mingle around so you can participate in a way, but maybe not directly at the event.

This will be our first of what we hope will be an annual event, that starts at 11 a.m. and goes to 3 p.m. I want to thank the organizers for being such an important of bringing this to the city. If you notice, the city is, as I said, one of the sponsors along with the BID District. We are doing not many of these types of events this year for a variety of reasons, one being covid, one being the restrictions that are imposed by the CDC, the amount of time and effort that will take, the fact that we have employee shortages at many areas; so it's a combination of things. So we are not, this is probably the only new event that we're doing. We're getting tons of calls from people about wanting to do, whether it's a fundraiser, or this or that. Some people are calling about using charge events; they want to do a fundraiser where they can charge people. If you do get those calls, we do not rent out City facilities for people to do charge events, so they can charge per head to get in. That's what the Paramount Theatre's for, if they want to rent the Paramount Theater. But we don't rent out our parks. What we're doing is we're starting to review the guidelines that we have in Parks and Rec, and with the BID district, who operates the Festival Square, they manage that. With the Pavilion coming up we're anticipating more of that, so we are putting together a package that we're hoping the council will adopt in the next month or so, that will outline the requirements, including reviews by different departments. We're not going to be in a position where we can keep subsidizing these events every week, and the number of events we get. So we can be very selective in what we want to co-sponsor and I think some of the ethnic issues that we were doing now make a lot of sense. I know we do the Girl Scouts, the Niño de los... de los Niños, the

Girl Scouts do the the cleanup, the community cleanup. Those are the types of things that we will be involved in, at least from my perspective. Hopefully you'll adopt some guidelines because, I'm telling you, in the Pavilion, the cement was poured for the Pavilion today, and that just started an awful lot of chatter. People wanted to rent it, people want to have parties, people... That's not what it's for. It's a community facility, Festival Square is a community facility. These are not for private events. So you'll be getting more on that.

Dolson Avenue sidewalk improvements are going well. It looks nice, while being ripped up but, as you see, the sidewalks go down. They're doing an excellent job. We were getting a few concerns about the business entries, they are steel plated. I don't know if you if you're getting any direct complaints just forward them to the Commissioner of Public Works immediately. We had one today and ended up being really not valid, but we do try to follow up immediately on the safety issues, so if anyone in the public has a complaint, please call either the police if it's outside of hours, or DPW, and we will address the construction areas immediately.

Cannabis local law: I know some of you have responded to me about your opinions on it, and believe me I have a pretty strong opinion on it. The local law process is where a local law gets introduced to you by a member. I can introduce, I introduced this to you, I don't know if a member has sponsored it yet but hopefully one will, for the reading, to get it on the agenda for a reading. There are... The process basically is, cities, towns, and villages can opt out by December 31st. I understand there are different opinions on this too, and the local law process is kind of crazy, because the public hearing is held by me as Mayor, but it's not held until after you adopt the local law. So since I'm introducing it to you I guess the idea was whether, to convince me, whether it's a good local law or bad local law. Not me personally, but the Mayor's position. That's why the public hearing is being held afterwards.

Since I'm introducing it to you, I think we should have a local law, I mean a public hearing, on this prior to the vote. There's no timeline other than December 31st. I would appreciate if the Council President would hold a public hearing on the local opt out. There are other options, one member talked about the opting out of the cafe type of situation, and allowing for the buy-and-go, and there are different options. There are revenues associated with this, maybe those are important to some people. One members spoke about the, the intent of the legislation was to reinvest that tax money back into black and brown communities. I think that's more on a statewide level, I don't think that's on a local level. On the local level I don't know quite how you do that, but if but if there's a plan, I think the public hearing or prior to the public hearing would be the opportunity for all of you to lay out your individual positions, if you have one that's different from what I'm proposing, and so that people can come and comment on those positions and those options.

But, the dispensaries are... Alex is also working with me on a second change in the law and John's working with us on that also, and through the Chief, and which we are identifying all city properties and city parks. For example, we don't want, if you're not aware of it, you're allowed to smoke pot wherever you

can smoke cigarettes under the state law now. So if you're allowed to smoke cigarettes on the sidewalk next to the skate park, you would be allowed to smoke pot on the sidewalk next to the skate park, or next to the Little League field, as long as you're off the field premises. So we're proposing a distance, and I think Alex is doing the research on it, similar to what we do with schools and I think there's even something in the law about within 500 feet of a school or a church, that you can't have a dispensary either. So there are some protections in that way. So we're going to come back to you with some recommendations about where kids are, and the ability for someone to smoke marijuana in that area. I mean, we're going to get people that are going to act stupid, especially at the beginning. They're going to flaunt it, they're going to... We already had one person stand in front of the Police station smoking pot, saying hurray for me; and we're going to get this stupidity where the people are going to challenge, you know, some of the things that were we're going to be doing, what we're going to be proposing. But I'm open enough to listen to what the public in Middletown has to say. Doesn't mean I'll agree with it in the end, but I would like to hear what they have to say, so I would encourage you to do a public hearing.

Technically, in the law itself, as I said, you have to opt out by the 31st but what's interesting is, if you opt out by the 31st, you can opt back in at some future point. So if we say, hey we made a mistake, this thing is going to generate, you know, a half a million dollars a year for Middletown, and we can do this program, that program, this program, and help our taxpayers; and maybe it's worth it because people are still smoking pot here, then that would be another discussion. I don't, I don't agree with that point of view, but that's certainly a valid argument, open for discussion. We can opt out of one or both of the dispensary or the cafe type on-site consumption, and we can always opt back in, but you can't opt out after 12/31, so once you opt out for 12/31 you're out until then. And then at some point in the future you can opt back in. So that's my view on it. I'm hoping and thank you for the folks who did respond, but I'm hoping that we will now do it in a public way. It is a big issue. Just remember, 5 million dollars in sales at one of these locations, will generate \$150,000 in revenue to the city. I don't know what the projections are for one of these facilities for their projected sales for a year, but 5 million seems to be a high number for me, just off the top of my head, knowing what businesses do. I guess the question is whether it's worth \$150,000 or maybe more, maybe less. Well, ball's in your court, hopefully you'll have a first reading tonight, second reading can be anytime after you have the public hearing, and then we can see where we stand.

As for COVID-19, we got the case load again, it's statewide, nationwide, they're all good numbers, good, trending well. City Hall is reopened, we no longer have the gentleman sitting in the hallway, screening our visitors. All visitors to the building must wear masks, whether they're vaccinated or not. We are not checking, so we're just requesting — not requesting, we're requiring — you to wear masks. Employees, we have our own internal employee policy for those that have had the vaccine and they don't have vaccines. It's been discussed with the union, so everyone is good with it, and so we're clear

on that. I believe almost everybody here has a vaccine, so we are a little bit more free when we're not around the public, but we do require you, if you're visiting City Hall or any of the city buildings as a guest, to wear a mask unless you're in a private meeting and all parties have the vaccine, and all parties agreed to remove masks. So that's the policy for now, and will continue until we see more direction from CDC or New York State. As I said, COVID is still a threat to health and safety, remember to wear your mask and get vaccinated if you can.

I see Mr. Masi either fell asleep or is yawning on me over there, so that's all I have. Any questions?

Ald. Kleiner: Thank you. I'll make this fast. Reading in the local law, where the local law talks about permissive referendum; does that mean if we passed the local law it goes to a permissive referendum?

Mayor DeStefano: No, that would be a mandatory referendum. Subject to permissive referendum means that whatever we adopt, someone from the public can organize a petition, and go out and get a certain number of signatures, that number I don't know, and then force the city to place it on the ballot. So that's the meaning of permissive referendum. If it was mandatory, then we would be required to go to put it on the ballot.

Ald. Kleiner: Thank you.

Mayor DeStefano: You're welcome. Anyone else?

Pres. Rodrigues: Thank you Mayor.

7. Remarks of Dept. Heads

Maria Bruni, Economic Development: Good evening everyone. Just a few updates. First, a reminder that the farmers market is starting this Saturday on Union Street. We're going to start on the street, and then once Erie Way Park is completed, we will start moving into Erie Way Park. So, a new location and we're looking forward to all the farmers coming back and the farm-type vendors. We will be following COVID guidelines as per New York State and CDC.

Also, the Paramount Theater, the facade is moving along. I know the doors are arriving, the main doors are arriving tomorrow, so work is progressing very nicely. We are going to start planning our reopening for movies, hopefully sometime in July, so I'm working with staff down there on our reopening, and like I said, after discussions with the Mayor, we're looking to start movies — bring back movies, and then keep moving forward as restrictions lighten up. We do have capacity issues right now for the venue. Also we're looking at a modified concert series for Festival Square, so we're working on that. Stay tuned, we'll give you more information once we get that all planned.

We also have to submit to New York State the safety plan on all the, all these events and reopening, so we're working on all that as well. And that's all I have for tonight.

Pres. Rodrigues: Questions for Maria? Thank you Maria. DPW Commissioner.

Jacob Tawil, Commissioner of DPW: Good evening all. I'll start off with Mr. Harvey and his daughter, and his son-in-law.

I'm really shocked about what I heard. I've been meeting with Mr. Harvey at his house for a number of years, to try to resolve issues in the drainage. And we have been resolving issues with the drainage. Every time they call, I jump, go over there and meet with them, many times they come and meet with me in my office. I'm shocked and disappointed to hear that they feel that the DPW has been picking on them for 10 to 12 years. First time I ever hear of that, and I'm very, very sorry that they feel this way. I have a lot of respect for Mr. Harvey. I met with him like I said, over the years, numerous times.

As a matter of fact, one of the neighbors called about that drainage ditch, the drainage ditch is in-between, it's in the backyards of houses, between Ashland Avenue and Claremont. The backyards slope towards the property line that is shared obviously between the two, between the properties, one on Ashland, that one's on Ashland versus the one on Clairmont Court. There's an easement that the city owns 4 feet on either side of that property line, which we maintain. Every now and then we do get phone calls in there, and they say, oh, the neighbors blocked it, or something happened in there. We go personally, I go personally there; take a look at it, meet with the neighbors, and then we have the right to trespass. We ordered people to make corrections, we've done that over the years.

And as a matter of fact, one of the neighbors called about a month ago, or maybe three weeks ago. I went there and usually I take the Deputy Commissioner with me, so I took Mr. Brian Smith with me, and met with a neighbor, and we listened to the grievance that he had, and then we went, we maintained the ditch in there. We dug it up, cleared the pipe down there, we installed new grates on top of the catchment basin, and that's within the easement, down the property, down the road or downstream from Mr. Harvey's property. So I'm saddened to hear this, about somebody potentially picking on them, and I will, we will address that. The Mayor and I will address that. We'll make sure that doesn't happen, but it's just totally shocking to me, because I've been, I've been meeting with this family for years, and we were there two weeks ago making some improvements on the drainage ditch. You know, it's, Mr. Harvey is a dear, dear, man to me. I've known him for many years and I'm saddened personally by him being hurt emotionally about what he thinks happened. So we'll look into it, and we'll get to the bottom of it.

Moving on to the grass issues in there for Alderman, Council President Rodrigues. We sent out 688 letters of notice to cut the grass. Thankfully, 644 residents of the 688, they cut their own grass, and for that we're very appreciative and we thank you very much for that then, cooperating and heeding the warnings me when you get the letter. The city cut 37 properties so far and they billed \$5,300 for private properties. If somebody sees anything that is out of... out of whack, let me call it this way; very high grass that we missed,

please feel free to call us at DPW. You don't have to mention your name or anything like that, just give us the location because we can't be there everywhere, we can't be there all the time. Just give us a call, say, "this property's got high grass, guys." You know, that's the address, and we will attend to it and will make sure it is addressed. So please help us out by reporting any potential violators.

The traffic operation project: I'm trying to cover the projects that the Mayor did not update you on. The traffic operations in there. The project has been approved by DOT, local projects, the actual design. Now we're waiting for a meeting on June 8th with the county and Orange County Transportation Council, so that we can shift money around within the budget for the Orange County Transportation Council, what they call the TIP, Transportation Improvement Plan. Then this way, that will allow the Federal Highway Administration to give us the notice to proceed to bid the project. Once we have that, hopefully soon after June 8th, we will be able to go out for bids, so we'll advertise it as a project for bid. Again, that's a 21 million dollar project in there. There's some small local match. Right now we're just fine-tuning the scope of work to make sure that we can utilize all the funding that's available for us. We're very excited about it. Again, this is about all the signalized intersections in the City of Middletown. They're going to be upgraded and redone with a state-of-the-art traffic operational system and ADA-accessible interceptions covering two hundred and fifty feet away from each intersection. That's going to be done under this project, the curbs and sidewalks and roads as well.

I'm going to jump now into the milling and paving program. This year we're doing a very ambitious program in milling and paving. Please visit our website to see how many, what streets are included. We started the milling last week, and we are continuing. This year we're doing about four to five times as much as we've done the previous years — not combined, annual paving operation, paving program. Four to five times we're doing. So it's a tremendous program for us, and it's in the middle of all the other projects, the curbs and sidewalks and ADA accessibility on Dolson Avenue and downtown, so there's a lot of work, tremendous amount of work that is taking place in the City of Middletown.

Moving forward, just want to report to you about the... Usually I don't update you too much about the water line project, but we have the 20-inch and a 12-inch finished water lines replacement from the water treatment plant all the way down to Monhagen Avenue. This is an extremely important project. We got two obstacles there right now. Obstacle number 1 is Orange & Rockland. We met with them a few years ago when we were doing the design. They were supposed to abandon their water, their gas main on 211, Route 211, which is outside the City and inside the City of Middletown. And when they abandon their gas main they leave it in place, and the deal was, when our contractor comes in, he will remove the abandoned gas main and install the new 20 inch or 24 inch water lines. When we started doing that, the contractor got up to

that point, Orange & Rockland came and they stopped us, said, wait a minute, this existing gas main is potentially contaminated with PCV and asbestos, so it has to be abated, it has to be removed properly, and so on and so forth. Which was a tremendous, shocking news to us, so that held us back a little bit.

We were able to find more work for the contractor, to do the connection of the water treatment plant, I reported that to you a couple of weeks ago. The connection was made very well and everything went smoothly. Now we're going to be energizing or commissioning these newly installed water lines up to Pilgrims' State entrance. So that's obstacle number 1. We're working with Orange & Rockland, they're going to come in with their own contractors; they promised to get us some information today or by the end of the week hopefully, and there they will bring their own specialty contractors to remove the old gas main so we can continue putting our new gas main in. We looked at the alternate routes, nothing is very, very, very easily, could easily be done without spending much more money; so we're waiting for Orange & Rockland on that.

Another issue in that project is, you may recall back in 2016, DOT replaced the culvert that crosses under 211. They shut down the road, they replaced the culvert under New York State 211. At that time, when we started working on the design with them, we told them, hey guys, can you put a pipe for us in there so we don't have to dig up here your culvert, because of our finished water main that goes through there. Yes, sure, we'll do it, so they have done it. In 2016 we have a PE stamp, pressure testing and disinfection, all the certification required. We're happy. We were planning for years, when we come in like we're doing now, to go under the brook. We wanted to avoid going under the brook. So, fast forward to the project taking place right now. We're pressure testing the pipe DOT installed for us, unfortunately it has been failing, so we've been digging down joint, by joint, by joint, in there to try to tighten it, to find out what the issues are; and it's costing us some money. So it goes to say, you know the saying goes, you get what you pay for. We got it for free, and unfortunately we're paying for it now. It just, it's very unfortunate, but these are the two obstacles.

We're trying to work on them; and fix the leak on the bypass that goes under the brook so we don't have to deal with the DEC and the stream disturbance permit, and going through the brook, so on and so forth.

With that being said, please listen to what the Mayor said, his advice with the garbage cans, try to put your garbage just on one can. After, I think, I believe you said June 13th, after that, the garbage outside the can is going to stay there and you're going to get the violations for it and the penalties are relatively steep. We don't want to do it, so please just bear that in mind.

With that, if you have any questions for me?

Pres. Rodrigues: Any questions for Jacob? I did get a text message that the Department Heads should have a time limit. Just saying. Thank you Jacob.

Police Chief.

John Ewanciw, Chief of Police: Good evening. I'm going to be sort of a broken record over the next couple of meetings, in regards to fireworks, the enforcement aspects of it. To once again, I'd like to get it out there that it is against the law here in the City of Middletown to possess, use, light them and so on and so forth. And to sell them. As I mentioned the last time, we'll be doing some compliance enforcement on that as well as City Code enforcement going forward. Something else that we're dealing with here now with the nice weather is the ATVs and dirt bikes. We are dealing with a challenge with them, and I'm asking members of the public to try to help us with that. What I mean is, if you could tell us where they're coming from, where they're going to, if you know anybody, any type of information, you could be supplying us with the missing piece of the puzzle that will help us put an end to the nuisance that arises with ATVs and dirt bikes.

As the Mayor mentioned before, the smoking in the parks. That is not permitted in most parks right now, and we are looking to extend that. We're working with the city code, or City Council, on that currently. Other than that, I have nothing unless you have questions for me.

Pres. Rodrigues: Any questions for the Police Chief?

Ald. Tobin: Have you had a chance to look at the Poughkeepsie law they just passed about dirt bikes, or is anything on that?

John Ewanciw, Chief of Police: So, what they're doing is actually, I called up there myself the other day, and they are actually looking to adopt the same law that this Council adopted last year. It's going before their board. I did speak with their detective that was in charge of this Last Detail that was published in the newspaper. One thing that made them effective in that, was that they used aerial surveillance, through the use of drones, so that is something that we are looking into as well now, because there's a lot of dangers with pursuing those vehicles, so that's a unique way to try to combat them. But the biggest thing I think, is having members of the public really help us by identifying the locations where they coming from and to.

Pres. Rodrigues: Anyone else? Thank you Chief. City Clerk?

John Naumchik, City Clerk: At the direction of the Mayor, today I sent out an email to everyone about the parking plan for downtown. If any of you, it's up to you guys, if you want to have a public hearing I will need to know that. That is the final draft so far, if there's any changes you want to make, correct Mayor? You have to let us know, and if you want to schedule a public hearing, and when you want that public hearing to be. Thank you.

Pres. Rodrigues: Any questions for John? All right.

8. Public Hearings & Grievances

Nothing this evening

9. Petitions & Complaints

Nothing this evening

10. Remarks of Aldermen and reports of committees

Ald. Masi: I just want to thank American Legion Post 151, yesterday, for their program on Memorial Day. I'd like to say that of all the speeches yesterday, the Mayor's was the most moving, and the most honest, and the best of all.

Ald. Tobin: I'd like to talk about the opt-out and the local law. I'd like to thank the Mayor for being open to different opinions. I was one of the folks that I emailed him, I am against opting out. I'm just kind of going to lay out why. I'm not one to speak a lot, but tonight I'm going to a little bit more. I don't think it's more of a quality-of-life issue. I think it's more of a civil rights issue, more of a racial justice issue.

For a long time, you know, marijuana — not that I'm pro-pot or anything, but I realize that people do smoke it. But it was thought of as a gateway drug. Well, it's really been a gateway for many people of color into the criminal justice system. And you know, it's a clear example of what we call systematic racism, where we can't point to one officer, one law, that, you know, is over, you know, over-policing marijuana. If you look at the statistics, you can see the systematic racism. Just last year, New Yorkers of color made up 94% of the cannabis-related arrests and summons in 2020. People of color are four times more likely to be arrested for use of cannabis, when they use it at the same rate as white folks. So there's definitely, when you look at the statistics, clearly there's some kind of systematic racism in place.

The new law will prioritize social equity programs, and community investment funds, and grants. They are projecting 75 million for local government and I do remain skeptical, I understand the Mayor saying sometimes, they promised a lot and they under deliver. But as it is now, 40% of the tax revenue will go to public education, 40% to community-related reinvestment funds, and 20% to drug treatment; and this money could be used for nonprofits, or for job placement, adult education, housing initiatives and community reinvestment grants; and focusing on communities that been disproportionately impacted by the cannabis prohibition. I think this use of these funds to help fix the collateral consequences of cannabis convictions from the last 90 years, and reverse some of those harms. That's why I think it's more of a social justice issue. Maybe these funds could be used for economic development for folks that have been harmed by the over policing.

I do fear that maybe the town of Wallkill or Wawayanda will opt in, or not out down, and then we'll have you know your pot depot on the highway, we'll have one maybe in Playtogs Plaza, which is town of Wallkill, right? One on 211. And you know, those communities may be especially Wawayanda, are not minority-majority communities, will be getting funding that you know really is earmarked for people of color that suffered from over policing. Not that our Police department is out there, I talk about systematic racism, and I would like to hear from the black community, and I'd like to maybe, hopefully the people

that were convened for the police community commission could come back in. And you know, so, to hear from the people that you know this, this law is focusing on trying to help right the wrongs of the past. So I'll be voting against that tonight, but I do hope to hear from the community before we move forward. Thank you.

Ald. Green: Thank you very much. I do hope everyone enjoyed their Memorial Day and took a moment to reflect on the true meaning of it and why we are able to be here and enjoy the day. I also will just point out that we have next, not next Monday, but Monday the 14th which is in fact Flag Day as well; so Monday the 14th at 7 p.m. here in City Hall, we will have our Second Ward constituents' meeting and it will be again here in City Hall for the first time in a while. So again at 7 p.m. on Monday the 14th. Thank you.

Ald. Johnson: Thank you. Mr. Tobin, you gave me a lot of food for thought in the cannabis conversation. My first blush is to opt out. I think conceptually you make a lot of good points. My concern as a public, public policy guy, around for a while: implementation may not live up to the expectations of conceptualization.

I like the idea that we could opt in. I hear what you're saying, that we may have lost the economic impetus to opt in, when everybody else has already done that. I have to think about that. I'm not seeing it through those eyes. I'm seeing through the eyes of trying to regulate and maintain order in our community, so I'll give it a lot of food for thought.

I agree with Mr. Masi, I think the Mayor did a good job. I think it was, it was a good ceremony, it was a lot of clarification that Veterans' Day and Memorial Day are two different days and they are not about the same thing. And I think the point was made that some people that we pay attention to on Memorial Day, they've returned home in a virtual coffin and not a real one, 'cause they have PTSD, and all the issues that come about, including suicide for those people, so I think that was a point well taken.

Parking: I don't need a public hearing, I think we're good. We had a town meeting, we discussed, it, discussed it, discussed it, so for me personally, I'm okay with that.

On a lighter note, the Governor rescinded — if you are a pet owner — the Governor rescinded the curbside mandate for veterinarians last Monday. I had a gentleman who was sitting in my office Friday, and said, "wow, this is so cool." I said, you realize how sad that is, that you think it's cool that you're sitting inside your veterinarian's office. But we'll take it for what it's worth.

Dreamland; I did watch that. Part of it. You know, Black Lives Matter has been around for a while now, and everybody has their own interpretation of what exactly that means or should mean, or shouldn't mean, and should we have it or not have it. But when you watch that particular series, and you, you hear an interview with a woman who is 106 years old, who remembers the day that people came and lit her house on fire while she was in it; that woman

is in our country today, remembering that. So when she says Black Lives Matter, I think she's coming from a different background than others. And it's, another thing is, they said for 100 years the solution was, well let's just not talk about it. So I guess we need to. Thank you.

Ald. Ramkissoo: Good evening. I'll be really quick. I just wanted to touch briefly on the people who came in this evening from Claremont. I personally was out there a number of years ago; so I was a little bit, a little bit my own shock on it, 'cause it is the first I'm hearing of it again. This was prior to the work on the sewer project at Bonnell, behind Bonnell, which we thought was going to relieve some of the real drainage issues that affect Ashland and Claremont. I'm sad that it's not a resolved the issue, and something we have to continue to maintain. Jacob, I'm relieved to hear that that is being addressed, when it's brought to your attention regularly, 'cause I know that you and I have walked out together, those properties, that area, so it's it's definitely a struggle for the people that live there. Just on a personal note, as a pool owner; that is the first I've ever heard that we violate people for having water on their pool cover, 'cause you're talking about the state of my pool cover the entire winter. So that's a little concerning, and alarming that that has happened, so I'm sure there is code that backs that up, I just didn't know that was something we were doing. That's news to me. I believe that, you know, now that this has been brought to the city's attention, we can take a closer look at what's going on in that area and what's happening with them. After that, I really am going to keep it short tonight and I hope everyone has a good evening.

Ald. Kleiner: Thank you. The Memorial Day Celebrations. I went to both, because usually we go from the Town of Wallkill down to Thrall Park or from Thrall Park up to the Town of Wallkill, and they're both very good. So, you know, it's the Wallkill-Middletown Veterans' Council, and the emphasis this year really was very much on Memorial Day, remembering that it started as Decoration Day, and it was decorating the graves, and it was honoring and remembering those people who gave their lives fighting for this country. So, it was good to hear that. It was good to hear that appreciation of it, and it was more solemn that way. After not having really any events last year, it was just good to be out, and be with the veterans again, and hear the ceremony.

I want to thank the Mayor, I agree very much with having a public hearing, I was going to request that we put this in committee, or do something; that we discuss this, whether to opt-in or opt-out. I actually heard a lot about that during Memorial Day, being that a few people came up to me and said, are you really opting out? It's just there are so many sides to the issue, the extra training that you might need, at least the Police Chief talked about the DRE training, and I would hope that we would do some of that anyway, because as Alderman Tobin said, we're going to be surrounded by it, even if we do opt out.

Middletown's famous for having a bar in every corner and the middle of every block, basically. You know, that's that's what it's been, it's been a blue-collar town, so we certainly have had alcohol consumption. This is a different issue;

and we don't allow public alcohol consumption, but this apparently would allow public smoking any place it's not banned. So there are a lot of things to talk about and I thank the Mayor for approaching all sides of it, and I hope we'll set a public hearing, and hear from the public on this, and have a better idea of what's involved.

As Alderman Johnson said, you know, 100 years ago, this this was actually, a hundred years, the second day of the Tulsa Massacre. And people were massacred just because they had been successful, just because they had built their own community, and just because that wasn't supposed to happen, 'cause they were supposed to be inferior. So that kind of hatred, we see it popping its ugly head up around the country here and there, it's not gone away, and I hope we continue to understand: democracy is fragile and we need to protect it.

I will see you hopefully on Flag Day on June 14th, right here at 7 p.m. for our constituents' meeting. Glad to be back doing them inside, so anyone can come to those meetings. Thank you.

Ald. Jean-Francois: Yes, good evening. Lately we've been having a few fires in the Fourth Ward. We had one on Woodlake and also Concord Lane. I'd like to thank the First Responders, the police department, and also our Firemen and women who always put their lives out on a daily basis for what they do. We had a few families that's been displaced and hurt by the fire, and so it's, it's such a tragedy when these things happen. Lucky nobody got hurt, but I would like to thank the Fire Department for putting themselves out there on a daily basis, and for what they do. Thank you.

Ald. Burr: Nothing this evening.

Pres. Rodrigues: All right. Just to go back to the local law. There is word and talk about opting out, not enforcing. Mayor, could you just clarify a couple things on the local law?

Mayor DeStefano: Yeah. I appreciate the dialogue, but I think it's a little misleading. You're convoluting the state law with the local law. The City of Middletown, by opting out of the sale in the dispensaries, and the cafes, or say, a marijuana hookah lounge, is not saying that someone cannot possess marijuana in Middletown. That's totally misleading. That's a state law. This is not talking about expunging the record, those are all statewide effects that the state legislature and the Governor decided were important, and, and I might agree with some of them, regarding the expunging of certain records. That has nothing to do with Middletown opting out. So, if Middletown opts out of the legislation, it doesn't mean people in Middletown don't have their record expunged if they have a conviction for that low-level pot dealing. This is strictly the consumption, and it's two parts, what I'm proposing. One is the local law to opt out, and that is for the retail sale and the on-site consumption. So I don't know the answer, because the on-site, you have this vision of a

hookah lounge, of people going in, smoking pot and then coming out into your downtown. I don't think it's a good, a good fit, but we'll have the public hearing on that. But it absolutely is not prohibiting you from complying, or from exercising your rights under the state law, whether we agree with it or not, for public pot consumption, for home cultivation of cannabis, the expunging of records. I don't, I don't see the, I'm hoping, that the feedback won't be from that direction, because that's an argument in a debate that was had and was won by advocates of people who wanted to legalize marijuana on the state level.

Where I hope the argument, or discussion is, or the dialogue is, is what's good for Middletown, New York. And the fact that Wawayanda has a pot store; they also have an adult bookstore maybe, or they also have certain other things that are not something that you want to see in your downtown, because I'm sure that's where the focus is going to be. It's going to be the downtown area, or I'm sure that regardless of the skin color of the person smoking, that I don't care if they're black or white, I don't want that person, that 21 year old standing next to the 10 year old at the skatepark, smoking pot, or at Watts Park, smoking pot. I think we need to listen to our Police. This has nothing to do with expunging of the records, this has nothing to do whatsoever with reinvestment of the state money back into black and brown communities. Alderman Tobin raised the issue: what are we going to take, we're going to take that money that's generated locally, and invest it where? In black and black communities? Hello. Middletown is 70%, 80 % black and brown. That's our population. I think it's more, you can look at it almost like, if you're a fan of The Godfather movies; I have a little trouble with the argument that by selling pot, and making pot available to people, to smoke publicly -- and Jerry made a good point, it's not like it's controlled like alcohol, this is free, is good, and then, to then circle around and use some of that money for drug treatment. Invest in drug treatment. Don't sell pot to fund drug treatment. Those are my larger beliefs.

But if you watch The Godfather movie, there's a message and the message was directed at the black and brown community. When narcotics were first in the United States of America and where the underground and the mob got involved in the sale of narcotics: who did they target? They targeted the black and brown community. And it's a fact, and you can see it in in any of the documentaries that you see on how drugs were sold. And I mean, it's an argument that black and brown communities have made for years, is that you've channeled these illegal narcotics, heroin, and cocaine, into the black and brown community, and you destroyed them. And I'm not saying that by selling pot here is going to destroy us, because people are still going to be able to smoke pot. I think it's a bad message. I think we have a program like DARE where they're going into the schools and telling kids not to do certain things.

And then we as a body, are going to say, for a few bucks out of a 55 million dollar budget, that maybe 100 or \$150,000 is more important than sending that message? You want to go out in the town of Wallkill and buying a joint, or buy whatever the hell you want to buy, and go smoke it in your house? Do so. But if you go out to the Town of Wallkill and come back and smoke it next to our skatepark, you're going to get arrested, no matter what color you are. That's my program and my policy. So I'm interested in what the public has to say. I don't know if they're all going to come out in support, but I think the discussion has to stay focused on what opting out means. That argument about taxation, about reinvestment, is about all the things that happen on the state level. This is strictly about opting out here in Middletown. Do you want to see on Franklin Square, a bong in the window, and a building full of people smoking pot? That's the decision you have to make, and I hope we'll have a more thorough discussion on it.

Pres. Rodrigues: Thank you Mayor for the clarification.

11. Unfinished Business

Nothing this evening

12. New Business

119.21 - Resolution to authorize the Mayor to sign the 2020 Sponsor Authorization Form for the Middletown Firefighters LOSAP program.

On motion of Ald. Masi, seconded by Ald. Ramkissoon.

Roll Call: Ayes: Ramkissoon, Tobin, Kleiner, Johnson, Jean-Francois, Burr, Green, Masi, Pres. Rodrigues – 9

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 2020 Sponsor Authorization Form for the City of Middletown Firefighters LOSAP program

120.21 - Resolution authorizing the issuance of an additional \$115,000.00 bonds to pay part of the cost of the Sterling Street sewer improvement project.

On motion of Ald. Tobin, seconded by Ald. Jean-Francois

Roll Call: Ayes: Ramkissoon, Tobin, Kleiner, Johnson, Jean-Francois, Burr, Green, Masi, Pres. Rodrigues – 9

WHEREAS, all conditions precedent to the financing of the capital project hereinafter described, including compliance with the provisions of the State Environmental Quality Review Act, have been performed; and

WHEREAS, it is now desired to authorize additional bonds for the financing thereof, NOW, THEREFORE,

BE IT RESOLVED, by the affirmative vote of not less than two-thirds of the total voting strength of the Common Council of the City of Middletown, Orange County, New York, as follows:

Section 1. For the object or purpose of paying part of the cost of the Sterling Street Sewer Improvement Project, including original equipment, machinery, apparatus, appurtenances and incidental costs and expenses in connection therewith, in and for the City of Middletown, Orange County, New York, there are hereby authorized to be issued an additional \$115,000 bonds pursuant to the provisions of the Local Finance Law. Said specific object or purpose is hereby authorized at the new maximum estimated cost of \$5,450,000.

Section 2. The plan for the financing of such \$5,450,000 maximum estimated cost is as follows:

- a) By the issuance of the \$775,000 bonds of said City heretofore authorized to be issued therefor pursuant to a bond resolution dated June 7, 2016;
- b) By the issuance of the \$600,000 bonds of said City heretofore authorized to be issued therefor pursuant to a bond resolution dated August 21, 2021;
- c) By the issuance of the \$3,960,000 bonds of said City heretofore authorized to be issued therefor pursuant to a bond resolution dated August 10, 2009; and
- d) By the issuance of the additional \$115,000 bonds of said City herein authorized; provided, however, that the amount of obligations ultimately to be issued will be reduced by any State and/or Federal grants-in-aid to be received by said City for said purpose.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid object or purpose is 40 years, pursuant to subdivision 4 of paragraph a of Section 11.00 of the Local Finance Law, computed from the date of the first obligations issued therefor.

Section 4. 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 5. 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 6. 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 7. 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 8. The City Treasurer is hereby further authorized, at his sole discretion, to execute a project finance and/or loan agreement, and any other agreements with the New York State Environmental Facilities Corporation, including amendments thereto, and including any instruments (or amendments

thereto) in the effectuation thereof, in order to effect the financing or refinancing of the object or purpose described in Section 1 hereof, or a portion thereof, by a bond or note issue of said City in the event of the sale of same to the New York State Environmental Facilities Corporation.

Section 9. 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 10. 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 longterm basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 11. This resolution, which takes effect immediately, shall be published in summary form in the official newspaper of said City, together with a notice of the City Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

121.21 - Resolution to authorize the Mayor to sign an agreement with St. Paul's Church allowing the City access to their parking lot

On motion of Ald. Green, seconded by Ald. Kleiner

Roll Call: Ayes: Ramkissoon, Tobin, Kleiner, Johnson, Jean-Francois, Burr, Green, Masi, Pres. Rodrigues – 9

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 St. Paul's Church allowing the City access to their parking lot.

122.21 - Resolution to approve Equilibrium Brewery to lease the garage, owned by the City at 12 South Street.

On motion of Ald. Johnson, seconded by Ald. Ramkissoon

Roll Call: Ayes: Ramkissoon, Tobin, Kleiner, Johnson, Jean-Francois, Burr, Green, Masi, Pres. Rodrigues – 9

WHEREAS: Equilibrium Brewery has requested leasing out the garage at 12 South Street that the City owns which is utilized for storage, equipment and supplies for the BID and Paramount, and

WHEREAS: Equilibrium Brewery, would provide the City a new 22x25 metal garage adjacent to the Paramount & BID office parking lot, which would cost Equilibrium approximately \$14,000.00 structure and base, and

WHEREAS: in return Equilibrium is asking to lease the garage at 12 South Street for \$1 year, up to 10 years, brewery must remain operational during that period and City to have a cancelation clause. Equilibrium will be responsible for maintaining and any necessary improvements during the term of the lease to the garage.

LET IT BE RESOLVED; that the Common Council of the City of Middletown concurs with the Board of Estimate to approve Equilibrium Brewery to lease the garage at 12 South Street for \$1 year, up to 10 years and approve for the Mayor to sign the lease for the garage at 12 South Street.

LET IT BE FURTHER RESOLVED; the Equilibrium Brewery must remain operational during that period and City to have a cancelation clause and the brewery will be responsible for maintaining and any necessary improvements during the term of the lease to the garage.

123.21 - · Resolution to authorize the Mayor to sign the Young Explosives Fireworks Exhibition agreement, which will be held on Friday, July 2, 2021.

On motion of Ald. Ramkissoon, seconded by Ald. Kleiner

Roll Call: Ayes: Ramkissoon, Tobin, Kleiner, Johnson, Jean-Francois, Burr, Green, Masi, Pres. Rodrigues – 9

RESOLVED; that the Common Council of the City of Middletown authorizes the Mayor to sign the attached Young Explosives Fireworks Exhibition agreement 2021 fireworks display which will be held on Friday, July 2, 2021.

124.21 - · Resolution to authorize the Mayor to sign an agreement with CherryRoad Technologies to provide Technology Investment Assessment Services for the City.

On motion of Ald. Kleiner, seconded by Ald. Green

Roll Call: Ayes: Ramkissoon, Tobin, Kleiner, Johnson, Jean-Francois, Burr, Green, Masi, Pres. Rodrigues – 9

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 CherryRoad Technologies to provide Technology Investment Assessment Services for the City of Middletown.

13. Local Laws

Introduction only of Local Law #1 of 2021

Introduced by Ald. Masi

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.

14. Audit of claims and accounts

On motion of Ald. Masi seconded by Ald. Johnson

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

Roll Call: Ayes: Ramkisson, Tobin, Kleiner, Johnson, Jean-Francois, Burr, Green, Masi, Pres. Rodrigues – 9

15. Adjournment

There being no further business, meeting adjourned at 9:18 PM

Respectfully submitted,

Andrea Greco