

**CITY OF MIDDLETOWN
COMMON COUNCIL MEETING AGENDA
AUGUST 03, 2021**

1. PLEDGE OF ALLEGIANCE
2. ROLL CALL (COUNCIL CLERK)
3. APPROVAL OF MINUTES Council Meeting June 15, 2021
Council Meeting July 06, 2021
4. CORRESPONDENCE, COMMUNICATIONS AND REPORTS (COUNCIL CLERK)
5. FOR THE GOOD OF THE CITY (PUBLIC PARTICIPATION)
6. REMARKS OF THE MAYOR
7. REMARKS OF DEPARTMENT HEADS
8. PUBLIC HEARINGS AND GRIEVANCES (NOTHING THIS EVENING)
9. PETITIONS AND COMPLAINTS (NOTHING THIS EVENING)
10. REMARKS OF THE ALDERMAN AND REPORTS OF COMMITTEES
11. UNFINISHED BUSINESS (NOTHING THIS EVENING)
12. NEW BUSINESS (RESOLUTIONS)
 - Resolution to amend Section 296-20 of the City Housing Code requiring a property owner to obtain a criminal background report.
 - Resolution to adopt LGS-1 containing legal minimum retention periods for local government records.
 - Resolution to amend Resolution #152-21 on 7/20/21 for new dates of Chief Ewanciw contract.
 - Resolution to accept the bid for Water Pipe and Gray Iron Castings.
 - Resolution to amend the City Code to update the City parking ordinances.
13. LOCAL LAWS (NOTHING THIS EVENING)
14. AUDIT OF CLAIMS AND ACCOUNTS (FINANCE COMMITTEE CHAIR)
15. ADJOURNMENT

**The agenda is tentative and established on all accessible information at this time.
Items may be eliminated at any time. Resolutions are added on an emergency basis.**





Common Council
City of Middletown
June 15, 2021

1. Pledge of Allegiance – President Rodrigues asked all to stand for the pledge.
2. Roll Call: Ald. Ramkissoon, Tobin, Kleiner, Johnson, Jean-Francois, Burr, Masi, President Rodrigues - 8
Absent: Ald. Green - 1
3. Approval of Minutes

Motion of Ald. Masi seconded by Ald. Johnson to accept the minutes of May 18, 2021 and January 19, 2021.

All in favor.

Public Hearings and Grievances

John Naumchik, City Clerk: Tonight we have a public hearing on local law number one of 2021. Please take notice that the City of Middletown will hold a public hearing on local law number one of 2021 for opting out of the establishment of cannabis retail dispensary licenses and on-site consumption licenses within the City of Middletown on Tuesday June 15th 2021 commencing at 8 p.m. in the Common Council chambers at City Hall second floor. A full version of the local law number one of 2021 was available on the city website Middletown-ny.com. The public can attend a public hearing at City Hall second floor to discuss the local law. Any members of the public entering City Hall must have face masks. The meeting will also be conducted via video teleconference and live on channel 20 for viewing and members of the public may also access the meeting to ask questions by clicking on the link to register individually on the website. For any person unable to participate at the time of

the meeting, email comments may be submitted in advance to the city clerk and the email was there. Please note that all meetings will be recorded. This is by order of the Common Council, City of Middletown. John C. Naumchik, City Clerk, and this was published in the Times Herald-Record on June 7th and June 8th and the City website and also on social media.

Pres. Rodrigues: OK, at this time the public hearing is now open.

Mayor DeStefano: Thank you Mr. President. Thank you for acknowledging me to speak to the beginning of the meeting. I also want to thank Alderman Masi for introducing the local law on my behalf. As you know, that requires a council member to introduce. The proposal is mine and so I'm here to present to the council and to the public what my position is. This discussion actually started a few weeks ago, with the passage of the bill and then more thoughtful discussion when I actually made the proposal to opt out. A lot of social media comments and the many helpful, thoughtful, on both sides of the issue, many misperceptions and of course like in any discussion, some of it was just outright nonsense.

Let's begin with what I'm proposing when I say that I would like the city to opt out of the law. As you know, we have until 12/31 of this year to opt out, or to pass a local law that would remove the City of Middletown from the retail and the on-site consumption of marijuana within City boundaries. If the city does not opt out by then, we are then forever committed to staying in and acknowledge that regardless of the future regulations or changes in regulations there will be nothing the city can do. If the city does opt out, at any time in the future we can opt back in. So just from a purely practical point of view, it only makes sense for any community to opt out of this legislation until the rules are established, until the guidelines are passed, until we know what impacts or potential revenue projections, and all the things that come supposedly with this law, all the benefits.

Nothing is proven, nothing is documented, no laws, no establishment of the cannabis control board guidelines and rules; so there are a lot of what-ifs out there. But on the same theme, if the public would look, and was looking for, if there's an overwhelming support of the public, then they would have the opportunity to do a permissive referendum, which I will address in a few minutes.

At the same time, it's understandable that there's a lot of confusion about it. I know there are advocates on both sides, very strong opinions, but in regards to the opt-in/opt-out, I wanted to also make it clear that you can opt out of one or both. You can opt out of the on-site retail or the on-site cafe-style consumption.

Some of the questions that came about in a good part of some of the social media dialogue was that Middletown is opting out of the use of marijuana within the City of Middletown. Not true, we don't have the ability to do that under the law, and so it's an absolute false statement. You can still cultivate your own under the law, you can purchase and consume at any legitimate dispensary and medical marijuana store, and Middletown, people who live in Middletown, are not exempt from that. Medical marijuana is not regulated at all under this option of Middletown opting out. The opt-out law is only as far as retail, as I said, and cafes; and we have the issues of local control.

There's a second part to the resolution that I've also introduced that is not part of the public hearing, but it's related to this, and that is the public consumption part.

This law does create for the first time in the United States, from what I've been able to research, at this point we would be the first state that will allow public consumption, so anywhere you can smoke tobacco, you can smoke marijuana. I believe that's a danger to the quality of life in our community.

The second part of the law or the other law that I proposed, where we can identify publicly owned property, and prohibit all smoking on that property. We do that now with some of our parks, and under this law in consultation with our Corporation Counsel, Alex Smith, who's here tonight, we believe that we can extend that to a certain area around public areas also, especially where kids congregate. This is not part, as I said, of the opt-out law and would be required to have a separate vote but I believe is equally as important for the quality of life in our city. I'm not sure that even advocates of this law would say that it would be appropriate for someone to be smoking marijuana in front of kids at the skatepark, 10 feet away on the sidewalk or any other public property or on the street. I'm interested to hear tonight how they tried to avoid that with the public consumption part. Maybe some people, maybe I'm wrong, maybe they don't care. All I know is that I have a seven-year-old grandson, and if I'm sitting or standing on a corner in downtown Middletown, and I have a group of people smoking pot on the sidewalk, I'm not going to come back into downtown Middletown; I'm going to find another place to patronize; and I think you're going to find that in a lot of downtowns, not just downtown Middletown. I think you're going to see it in downtown Goshen, you're going to see it in downtown Newburgh, you're going to see it in downtowns all over this state, because that's the experience that we've had in other parts, in other states in this country. Colorado for example, did start with public consumption and quickly changed their mind because of the public outcry; so I don't have the answer exactly of how you would control that public consumption other than making it illegal.

California and Colorado are the two states that most people refer to as a success, and as I mentioned, they both prohibit smoking in public. New York will not. But in Colorado, which of course was one of the first or maybe the first state to go with making marijuana legal, 67% of the local jurisdictions have banned recreational marijuana. Maybe some, the way I read the report, I believe that same percentage have also banned medical marijuana. Let me make it clear, I'm not trying to ban medical marijuana. I supported it. I supported it by writing to Albany on behalf of people and individuals who required it, so this is not an issue about medical marijuana. This is an issue about opting in or opting out of a law here in the city about public consumption in our streets.

So I don't support the public consumption part of the marijuana, period. I can't be convinced on that, I think it's horrible for our quality of life, and I think if we do nothing and we're forced to deal with this, I think it will be damaging to our community. I asked those people who support the law, and I try to personalize as I mentioned, when I speak to them, about how would they like their child or their grandchild to be dealt with, and that type of setting. Again, I'm hoping for an answer tonight in regards to that, from one of the advocates of this law.

We all know the pluses and minuses of the law but I like to know what the impacts are, the potential impacts, and how they see it, and how they see public consumption on our streets as a good thing. Me personally, I don't care what you do when you're home. I don't care who you marry, I don't care how much marijuana you smoke. That's not my business, that's your business. My business is quality of life and protecting kids, protecting our community, and as we move forward what's in the best interests, from my perspective at the elected mayor, for the City of Middletown.

Again, medical marijuana and home consumption are not impacted at all by the city opting out, and I think that's an important part to remember. You will be allowed to possess up to 3 oz of marijuana on your person, and 24 grams of cannabis concentrate outside of your home. That's a lot. You can have up to six mature plants and six immature plants per household; also a lot. I believe you can have up to 5 pounds of cultivated marijuana in your household, if you have two or more people, two or more adults in the household. That's a lot.

Whether I agree with them or disagree with any of those things, has nothing to do with opting out. The most important part of the legislation has been the record expungement, not the retail sale of marijuana. This is probably, as I said, the most important part of the law, with the most devastating impact on black and brown communities. They have been prosecuted at a rate of three to four times more than white folks in regards to marijuana, and this is the real benefit of this law, not retail sales.

Selling marijuana and marketing marijuana into black and brown communities, to me, from my viewpoint, is not the panacea. It's not going to bring about success, is not going to bring about, and if you read the Colorado report — which is available and we will be making available online, it will devastate you the impact on young people, after you read it and what's happening out there.

I did mention earlier the term “permissive referendum.” If the city opts out, the public then can seek to have it placed on the ballot in November. One question to me was, what why don't you just place it on the referendum yourselves, by the city. We can't do that. The law was structured in a way — and I would love to do that, to be honest with you. I think it would go down in an overwhelming fashion, but I don't know. So the only way this matter can be decided by the public, and whether you're for it or against it and the state allows, the state law passed it, and allow marijuana consumption, would be to put it up for a public referendum. The only way to get to a public referendum through this law is by opting out, then the supporters of marijuana, cannabis use, can then go out and seek and get petitions; I believe it's about 10% of those who voted in the gubernatorial election, board of election rules, and they can force it to a referendum this November. What's wrong with that? If there's such a public outcry for this, do your work just like all of us have to do when we go out and get on the ballot, that's how we run for office. We run for office by going out, getting petitions, going door-to-door talking to people, convince them that we deserve the opportunity to be on the ballot, and having the opportunity to vote for or against us. You can do the same thing, you can get organized, you can go out and get that 10% signatures that are required and then you can have a referendum this November.

Now the interesting part is, the way they structure the permissive referendum, is the same applies if the city opts out and then at some point opts back in. Then those who oppose marijuana in the city, the cafes and the dispensaries, can also force it to referendum. So if you're looking at it from a fairness perspective. opt out is the only way to go.

Many made comparisons to alcohol and alcohol sales, especially on-premise or regulated as I said by NY State's liquor authority, and we have the cannabis control board. I forgot to do my clicker. The cannabis control board, which is yet to have any regulations. When you have a liquor license, you know what the regulations are. You know how to operate, your community knows how to operate, your police department knows how to enforce, and there are rules and regulations. The cannabis control board has yet to form those regulations. Nothing has been made public at least as of a few days ago, so it certainly raises the question of how does the city deal with a licensee who is in violation, and what are they violating, especially when the new rules have been established by the board. New York State did an assessment of potential

impact study in July 2018. It's not like this just passed recently, this is 3 years old. Why haven't they put together and formulated regulations and rules on how the cannabis board would operate? I don't know what they're holding back on. Therefore, the opt-in opt-out time clock should not start until those rules and regulations are put in place; then the public in all communities throughout New York state will have an opportunity to examine it and see what's good and what's bad about the bill, what they like, what they don't like. How do you create a two and a half billion dollar industry, which is projected in New York state, and not have rules and regulations on how it's going to be governed?

In addition, for those who keep saying, well, you have a liquor license. Well, A: I do not have a liquor license, my wife does, so let's correct that. But you cannot walk out of my wife's restaurant drinking a scotch and water and go down Main Street. That's a violation of New York state liquor law and who would enforce that? Not only the local police, but the New York state liquor authority.

What are the rules in regards to this? It's apparent for me that without the rules, one can draw the conclusion that if it's legal to smoke out on the street, you can go into a cafe or on-site consumption and leave in that same manner, smoking marijuana, so that it doesn't appear to be any prohibition from going in and then walking to your car and smoking marijuana, until you get actually physically into the car.

The Chief I'm sure will address the driving while impaired issues, and how the fact that there is no measurement where the state or the police, when they pull you over, can actually measure if you're driving while impaired. In the law it says the New York State Department of Health will work with institutions of higher education to conduct studies and research, designed to evaluate methodologies and technologies for the detection of cannabis-impaired driving.

Well, after one of your kids or one of your family members is involved in an accident with someone who has a DWI, you're pretty damn happy that that person will be prosecuted. What guarantees do we have that this will be the same standard for marijuana consumption? There's no testing similar to a breathalyzer, and more importantly, how do we prevent it. There's no test for the breathalyzer, and this should be a concern to anyone who's advocating this increased usage, because there will be increased usage by the very design.

It is now a marketable product, it is now a public product and one which government is relying on taxes to pay for items in their budgets. It only makes sense that they're going to go out and market it. They need new customers, they want to recruit.

Look at the Colorado report and see how people recruited, and people were directed and targeted, and then sales were made in those areas to generate funds for the business and to generate revenue for the state. Look at the offsets of what it cost the state for every dollar that was raised, how much they had to lay out in other areas, and it's just mind-blowing. Others had zoning concerns. Experts in this field, and I put some of the stuff or most of it online, have written many papers on this very topic. It's clear that the zoning limitations cannot make the legal operation of a licensed retail dispensary or cafe on site so difficult that it becomes impractical, so we can't zone it in the heavy factory area, where no people are, and allow for the only use in that area. It's spelled out, there's a paper spelled out, which we'll be providing online, by the law firm of Keane and Beane, summary and, and don't forget, Middletown is only 5 square miles, and we have several churches we have several schools. The law prohibits the establishment of a retail establishment or an on-site consumption establishment within 500 feet of a school and within 200 feet of a church, and of the school, it's a school property, so not the school building, the school property.

Some said, well, let's put it downtown, that's the best. One person mentioned, well they can have munchies and they, whatever they get when they smoke pot, and that'll be good for the restaurant business. Probably said in jest, maybe, I don't know, but the reality is that it won't be located downtown. The reality is that based on the standards that are in the law, they're looking for high traffic areas, they're looking for parking, there's going to be many standards that are coming out that are going to address the locations of these facilities. They are not like getting a liquor license, they're going to be limited. I believe the standard is about 1 per 7,000 people so.

These are not going to be all over the place for people to go in and consume, but if you're a resident here and you believe that well, the simple solution is to allow it to go downtown. I think what you're ignoring is, because you don't want it in your neighborhood, you're ignoring the fact that downtown is a neighborhood. It's a neighborhood of many residents, many businesses, many people make a living down here. And the targeting, if you believe we're going to target this, in downtown, I think you're mistaken.

But that burden is going to go on the council if we don't opt out. If you're going to allow it, it's up to you folks. I'm waiting for each and every one of you to tell me which zones you want this allowed in. Because you can't say, I want it downtown. You can't say, I just want it in commercial zones in Jude's ward but I don't want it in Paul's ward. That's not the choice. Our commercial zones are scattered throughout the city. In fact, the regulations that are in place indicate that anywhere a restaurant or a liquor license is allowed, you should allow this. And that would cover a good part of the city, and most of the commercial

zones.

My last point would be the projected revenue side. You would think that there would be a study done to indicate how much money would be generated by an on-site cafe or a dispensary. They don't. But 40% of the revenues are going to go to education as did the lottery money. There's no rule in here that says that the increase, that there's going to be a base number of lottery, of education aid, and that this money is going to be over and above that. This money will be directed into education aid, but there's no guarantee that it's an addition to current education aid numbers.

I believe 20% is going to go towards a some type of fund... or, no, the other 40% I believe is going towards a fund to help members of the black and brown community to get into this type of business. That to me, personally, is a pretty offensive statement. To me it's not a panacea for the black and brown community, opening up a marijuana retailer or consumption in your neighborhood, targeting your kids for this product, is not the panacea. It's not the way out. The way out is education and opportunity. And being one of 4 in a community of 30000 with an opportunity to open up this type of facility, to me, is not the opportunity that we should be directing towards our kids.

So I'm hoping that the council will opt out. I believe it's the right thing to do. in a practical sense, I think it's the right thing to do logistically, we can always opt back in. We all have our individual beliefs on whether it's good for the city or bad for the city, but we don't know the hard facts yet, and until the hard facts come in, we should be opting out of this legislation. I believe there will be many speakers after me, probably many will disagree, but just keep in mind that ultimately you folks are going to be the ones making the decision where these facilities will be located, not me. That's your goal. My goal is to opt out. If it doesn't work, I don't have a say in the in the changing of the zoning code. That's your call, and keep that in mind. Thank you very much. I'll take any questions.

Pres. Rodrigues: Any questions for the Mayor? Thank you Mayor. Police Chief.

John Ewanciw, Chief or Police: Good evening, Council. So, I'm going to speak just basically on the public safety issues. I'd like to start off just advising everyone that on a regular basis we take calls and field calls from members of the community, asking why they have to smell other people's marijuana smoke, what can they do about it. So I know there's a large portion of the community that supports it, but there's also a large portion of the community that does not support that. We don't take calls from members of the community asking, you know, why people are bothering them about smoking marijuana.

It's the opposite way.

The Mayor referenced several times this evening a report from Colorado, and we also heard about the shortcomings in the law. We don't have real definitive laws as of right now, or guidelines as to what could or couldn't happen. So, that being said, we have to refer to the statistics and the research that's been done in other states.

One of the best reports that I've seen so far, is the report called the Legalization of Marijuana in Colorado, the Impact. It was published in September 2020, so it's fairly new, fairly up-to-date. Marijuana was legalized for recreational purposes in Colorado in 2013. So there's quite a bit of data in this report, some 50-some pages. It is available online, 59 pages, and just to highlight a couple of the things that Colorado's already experienced with the legalization of marijuana. Again, they don't have public consumption. As the Mayor stated, they started off with public consumption but quickly changed it.

Since they introduced public consumption of marijuana, or legalization of marijuana, Colorado has seen an increase in traffic deaths where drivers tested positive from marijuana. It increased by 135% from 2013 through 2020. It's pretty significant. It equates to a person killed every 3 1/2 days in 2019, compared to one person killed every 6 1/2 days in 2013. Again, very significant. I don't want to see anybody killed by anything. If we can minimize the impacts on our community, all the better.

Also, when we talked about traffic safety, the Mayor touched on something very important. The government body started discussing this in 2018, and there has been really no guidelines set forth with the police department, or law enforcement I should say, as far as enforcement efforts. With alcohol there are, per se, levels. A tremendous amount of research went into that, to determine if someone had .08 per cent of blood alcohol level is, per se, intoxicated. There's been no quantitative measure on THC as of right now. I know there is some discussion about, it could be around an .05, thereabouts, depends on the THC level.

There's a national discussion going on right now in highway traffic safety to reduce the blood alcohol content level from .08 to .05, so when I hear someone say that it could be only around an .05, that's pretty, pretty dangerous to me. That means that they're intoxicated. But the real issue I find, is what is the level of THC in someone's blood, in their body, that comparison. We don't know that yet. There's no specific research that says that.

So on an enforcement level, how do we determine that? How do we keep the members of this community and the visitors of this community safe, when we

have no enforcement mechanism right now for THC?

Some of the other things that popped out in the Colorado report, I don't want to go through all these different statistics — I mean, it's definitely worth the read. Here's a quick one, just a reference. Cannabis use increases the risks of being involved in an auto accident 1.5 to 2 times. Someone that's not using cannabis, again, you just about double the risk under the use of cannabis.

Go a little bit further outside of traffic safety. Youth. As far back as I can remember, there's been a tremendous amount of effort put into reducing smoking, vaping, those types of campaigns, to reduce that in our youth. Colorado statistics show that once marijuana became legal in Colorado, the use amongst their youth skyrocketed. So again, that's our future, and the Mayor spoke several times about how we perceive our own family around people smoking marijuana. I think these statistics speak volumes, and they speak for themselves so that, whether we utilize it in a dispensary here locally, or retail locations, we do have an issue that we have to look at with the youth.

The law, the criminal law with a new sections pertaining to cannabis also left out a section in regards to people under the age of 21. If they are found to be in possession or using cannabis, there is no mechanism for us right now to address that, other than possibly taking them home to their parents. But someone who's 20 years old, that's not going to go very well when we try to take them home to their parents. It's supposed to be a civil penalty that's brought before the cannabis board, but as we heard, that board doesn't exist yet. We don't know when it's going to exist.

Something else that we should consider on the public health topic is marijuana exposures. Since the legalization of marijuana in Colorado in 2013, they saw a tremendous increase in exposures. About 2 years ago, I attended a training class which was presented by a representative from Colorado, and she actually explained to us that the levels of THC in the commercial marijuana business are extremely high. Higher than what we've seen in years past. The market is to get the higher THCs. There's different variations of it, but in doing so there is the ability to have adverse impacts on the person. Someone that is smoking something that's very highly concentrated THC, maybe their first time, maybe something different, it may have an adverse reaction. So they're seeing a tremendous amount of increase in people having to get treatment for marijuana exposure over there. It's in the local hospitals, mental health facilities, whatever it may be. There is definitely an impact on that as well.

And again, this isn't stuff that I'm just pulling out of the air, this is a well-documented research paper that has a lot of statistics in it.

Another something very important, and it's been a hot topic especially with the police department with the whole criminal justice reform is mental health. Statistics also show that the tremendous increase in the mental health in when they refer to or reference people that have either attempted or committed suicide, there has been a drastic increase since 2013 in Colorado of those individuals that have some form of THC in their system at that time.

Again, alarming statistics then another one that I here quite often is, if it becomes legal and there's dispensaries and cafes to utilize it, it's going to reduce the black market. That can't be further from the truth. Remember, these dispensaries and cafes are going to be taxing people. The law doesn't differentiate between possessing marijuana that came from a dispensary or cafe, it just says you're allowed to possess up to 3 ounces. There's no way for the police or law enforcement to determine where that marijuana came from. It's going to fuel the black market, legalizing it. I know that's something separate from what we're actually talking about today here with the local law, but these are things that we have to take into consideration because along with that comes some other property and violent crimes. Again in the report from Colorado you could see that from 2013 going forward they saw a pretty significant increase in their crime, both violent and property crimes.

The other thing that I thought was interesting in the actual criminal procedure law, in 222, is the law allows for someone to have up to 5 pounds of home-grown cannabis. How do we determine on the law enforcement end if any 5 pounds is homegrown or purchased or acquired some other way. There's still no mechanism for that either, so there's some issues that I feel have to be addressed on the criminal justice end.

I personally think by allowing dispensaries within the city we're going to increase the risks to our public, increase the risks to our children, to our traffic safety. I truly feel that we're going to see an increase in crime associated with it and I'm not sure if that is the risk that we want to take as a community. As I said, we get more calls about why is this allowed than we do about why don't we allow it. Any questions for me?

Ald. Masi: Chief, I read that report, I read through it, and another report, I'm not sure if it was Colorado, that the impact financially, because a lot of people are saying, well we'll make a lot of money from the taxes or from the sales, but what about the impact to the police department financially?

John Ewanciw, Chief of Police: That's to be determined. Obviously as crime rises, if it does rise, there's additional requirements put on the police department. As a result of this, there's going to be an expenditure. The class that I mentioned before that I attended, their statistics showed that for every

dollar that came in in revenue, it cost that municipality \$3 in services. So again, that's from a municipality that's already doing this. It's not brand new, they been established, have been up and running for 13, or since 2013, so we do have to learn from history.

We have to learn from other people's situations. I think that that says a lot right there, there will be an impact on our public safety and the resources in our police department.

Pres. Rodrigues: Anyone else have any questions for the Chief? Thank you Chief. At this time we're going to open up to the public. We have our first person. I ask everybody to be respectful 3 minutes and if you like, if you are, if you live in the city of Middletown, let us know where, what ward or what street you live on.

First Speaker: Hi. My name is Juan Ayala, I am a resident of City of Middletown, home owner in Ward 4, and I'm basically here to tell the council to vote no to local law number one, and not to opt out. I just, as all of us just heard, DeStefano made it very clear his stance for opting out and one of his concerns was that smoking cannabis was going to be legal anywhere it's legal to smoke cigarettes. People were going to act stupid, they're going to flaunt it, and that might be true, but I don't really think so. You are going to have to trust the people here, because opting-out doesn't change any of these facts. All his concerns won't change if you opt out. They could easily go to the next town over and get it. All these issues, if anything, you should be providing more choices for people. So instead of, okay, I got cannabis, I can go home or to a park; no, let them go to a cafe or dispensary, allow them to have more choices. Trust the people.

Unfortunately, I didn't read the stats about Colorado, but I think since 2018, I think the numbers are much better. I mean, I understand the issue of quality of life, but I think opting out is not going to change anything. I really think you need to start trusting people and give them more choices. Everything that the Mayor glossed over in the end of June 1st meeting is the City of Middletown is not going to be collecting hundreds of thousands in tax revenue. You know, if it's going to happen, if you're going to say well, there might be some issues with it, if we need any more money in the police department, well, you're not going to get any money if you have the town of Wawayanda taxing everybody or it has dispensaries all over the place.

I think this is a fact. Marijuana is legal in the state of New York and all the issues you just brought up, the mayor and police chief, doesn't change that, it's going to happen. Now there's a concern that we have to December to you know, opt out and we'll figure it out. This is not going to happen for 2 years.

This ain't New York City, they're not going to be issuing licensing right away, You're going to have two, three years to say, rezone parks, or no smoking, to come up with new local laws. You have time to do it, so we have to get out of this old 70s nixing, and thinking that marijuana is the evil plant. We just got to get out of that thinking, okay? I mean, the fact is, it's a plant, okay, it's just like coffee, coffee beans, you know, and it's the law of the state, and I really recommend to the council vote no on local law number one. That's all I have. Thank you.

Second speaker: Good afternoon. May it please the Council, my name is Daniel Donnelly. I reside in Amenia, in northeastern Dutchess County, where mine is the honor to chair the Dutchess County Libertarian Party. Additionally, last summer I was elected to the Libertarian party of New York State's committee to represent this Judicial District 9 in the Hudson Valley.

Full disclosure: personally I do not consume cannabis, but through my associations with my constituency and colleagues, I can assure you, without having met you before, that you're surrounded by people who do. They are educators, artisans, artists, athletes, tradesmen, businessmen, clergy, attorneys, and even law enforcement, and you may be unaware of their consumption because they are no less productive than any other person. Marijuana, or cannabis is, many studies showed, no more criminogenic than anything else. Which is to say that, if you have a fool beforehand, cannabis does not make the person any more so.

So I hear a lot of alarmism and cynicism about Middletown passing this and then authorizing dispensaries and such, but that will not be the case. This is New York state. We regulate anything which moves and some things that do not, so in three years, by the rollout, there will be the regulations to manage this safely. This is why I've come to you to urge you not to vote on the ban, because the good people of Middletown deserve the dignity of the option for this, and not to be stigmatized by having to go elsewhere to consume cannabis. That is why I've come. Thank you very much then.

Third Speaker: Good evening Council. My name is Alan McClain. I actually don't own a house in Middletown now, but the first two homes I purchased were actually in Middletown so I've been in the area awhile. Actually I live in the Town of Wallkill now. I also don't consume cannabis, but I grew up in the era of the war on drugs era, where I watched a lot of family and friends succumb to drug use, succumb to incarceration, and I see that now is an opportunity to give back to those communities that were destroyed by the war on drugs. The fact that you guys are considering opting out, and to hear the Mayor say he's concerned about the quality of life, when his wife owns a bar that has actually been linked to shootings and stabbings, and things like that,

it's kind of sad to hear.

But I'm also the president of a social justice group that has done a lot of work in the city of Middletown, in Tall Oaks, in Summitville [phonetic], David Moore Heights, Park Hill. And those communities, could use this assistance, they can use this funding that the cannabis industry will bring here.

I don't know how familiar anyone here is with the geographical area, but the town of Wallkill surrounds Middletown. It's actually 65 square miles, and we're leaning towards not opting out. So what people can do is come in to the town of Wallkill, consume cannabis, get in their car and then drive into Middletown. So is that something that you want to do to your constituents, to put them in that predicament, to where they have to make that decision, when you can put places in your city and allow them to consume it here and take that revenue and give it back to these communities that have been so badly affected by the war on drugs.

So there are a lot of people here that would like to be here but due to having to work two and three jobs and being affected by the economic turmoil that they've been placed in because of things like the war on drugs. I hope that I could be a voice for them, and when you guys decide to vote, you think about the people that can't be here to vote because they're working two jobs. Thank you.

Fourth Speaker: I am Michael Gilfeather, president and CEO of Orange Bank and Trust, 212 Dolson Avenue, and I am here to support the local law for opting out of the establishment of cannabis retail dispensary licenses and on-site consumption licenses within the City of Middletown. The bank is the oldest and largest bank in Middletown, and is very invested in the Middletown community. We have made thousands of loans over the years to businesses and individuals, and the quality of life in the city goes hand-in-hand with the value of homes and the attractiveness to do business in the city.

Accordingly, I believe that prohibiting the sale of a product that is smoked, and whose purpose it, for the user, is to get high, is not only in the best interest of overall public health, and it is a statement towards the higher standard of living within the entire city. So thank you, Mr. Mayor, for your leadership. I applaud you and your ongoing efforts to improve the business community and the quality of life for the entire city. Thank you.

Fifth Speaker: Hi, my name is Alexi Fernandez. You guys, you politics are hypocrites. I mean, it's OK for the mayor to sell alcohol and make a lot of drunks, violent drunks, and for shootings and stabbings in the bars in Middletown. But weed, a drug a lot less harmful than damaging effects of

alcohol shouldn't be allowed to be sold because the mayor doesn't want a city full of peaceful potheads? Well, it's already being sold, and business is booming, so let's regulate it.

Not only is it hypocritical to ban weed dispensaries, it's absolutely racist, which is no surprise under Mayor Joe's leadership, where we refuse to be a sanctuary city for the least of us, and last time I checked Middletown Police, which I respect for their push to be progressive was 90% white. However, we are a truly diverse community and we deserve a government that represents its people inside and out. And we still have a civil service commissioner that still hasn't resigned despite repeated call to step down due to failures in implementing fundamental changes to have the government represent the community it serves.

It truly hurts my soul that instead of a common sense policies and politicians that served the community we have phony personal politics and politicians that, who, put power and money above truth and justice. So I'm asking, begging the council to be better than it was a year, years ago, months ago, weeks ago, vote to regulate the market here.

Also, I saw on The Record that New York will launch fireworks across New York to make, to mark the end of covid-19 restrictions and to honor essential workers, and I'm grateful and I can't wait for the patriotism that we're about to display. Freedom instead of restrictions. Thank you and God bless.

Sixth Speaker: Good evening. Martin Harnik, 17 Sunnyside. I'm here to speak against the mayor's proposal. Seems to me we're not debating legalization tonight, that's already been done, and it also seems that once we decide to opt out it's going to be really difficult to motivate people to opt in. Besides the loss of tax dollars, it doesn't seem that anybody is worried about the more than over 50 places in the city, 50 places in the city, where kids see or are exposed to alcohol. From gas stations, to drugstores, to supermarkets, to convenience stores, alcohol is all over the place and we don't seem to mind that.

I would also ask you to remember that more than 60% of the American population supports legalization. You represent them as well and you owe them an opportunity to purchase their product legally. The bill seems to provide, and I've heard it described as a very progressive piece of legislation, opportunities for minority ownership, not exploitation. This would give minority owners an attempt and an opportunity to build wealth and an investment in their communities.

We have numerous people in Middletown who have no access to a car. Many of them are poor or they choose not to drive, they're elderly. Are they Ubering

or taxiing to a dispensary out of town if they want to purchase their legal drug?

Finally, it seems to me it's legal, we're going to have to live with whatever is created legally, and as the gentleman said before, having lived in New York my whole life, I am sure we will be up to our necks in legalization before anybody takes a step into a dispensary. Thank you.

Seventh Speaker: Good evening. I'm here today to express my concern with the proposed ban on recreational cannabis sales within the City of Middletown. I believe that a ban on the sale of recreational cannabis now is the wrong move for our community.

Cannabis legalization and its sale are both a racial justice and economic justice issue. The City of Middletown stands to generate over \$100,000 a year in tax revenue annually from the sale of cannabis, which is the council's aware, would mean 1 million dollars over the course of the next decade. These funds could go to meaningful projects, so that we can continue to enhance the quality of life for residents across our city. Affordable housing, public transportation investments, drug jobs and drug addiction treatment programs, among other things. Programs that our city currently needs to rely on the county, state and federal government for funding.

Many neighboring municipalities, both within and outside the county, are seeking to allow the sale of cannabis, while some are seeking to ban it. This will create an uneven share of tax revenue to be distributed throughout the region. Middletown will in effect lose on potentially thousands more dollars that we could stand to receive.

For many, the allowing of the sale of cannabis in Middletown seems like it's just common sense. Some that have taken, have taken issue with how the sale cannabis can be effectively implemented in Middletown. While this is deserving of a serious and thorough discussion, a ban on cannabis sales now does not mean existing concerns about impact on our quality of life are alleviated.

In fact, I'd argue that a ban on the sale of cannabis would allow for these issues to proliferate. Without venues like cafes allowed, there will be no centralized area for people to see, for people who seek to use cannabis to consume it. Folks will continue to purchase cannabis from street dealers without knowing what exactly they're consuming and how it was cultivated. A ban on cannabis in Middletown is a ban on accountability. Middletown residents will be forced to spend their money in communities outside of our own, and will almost certainly bring their purchase back to within our city so they can consume it.

This will happen regardless of a ban or not, and it is one of the most significant points for the council to consider when understanding the potential efficacy of such a ban.

I want to ask two questions of the cattle — Council, for them to consider when making their decision. First: What does a ban say to the brown and black community, residents of our community, who have been at the receiving end of the war on drugs and should reap the economic rewards of such a program? The second point is about the potential for (inaudible) sell cannabis within the city should be banned. What is the purpose in asking local residents to go to the polls to express their support, when they already have overwhelmingly voiced their opinion at the polls in 2020 and 2018, voting for state officials who support the MRTA.

Middletown has come a very long way in the last few years and as a resident I want to see my city continue to prosper. I ask the Common Council to oppose the ban on recreational cannabis, so that we can continue to move our city forward, and have the resources necessary to meaningfully enhance our quality of life. Thank you.

Eighth Speaker: Thank you for the opportunity to speak. I'm Ovid Figueroa, owner of Serrano Roofing, I am a consumer of cannabis. I'd like to point a couple things out that were already said.

You know, the opportunity for black and brown people to benefit from those tax dollars to open businesses I don't believe it's racist. I think to say that white people should be only people to operate these dispensaries is actually racist. As far as the study the chief was quoting, some of those are good but we can't pick and choose our facts. Part of that study also shows misdemeanors in Colorado are down 13% in that time frame, 2013 to 17. Petit larcenies are down 62% in Colorado 2013, 12 to 14 or 13 to 17. DUIs decreased 5 to 5705 to 4849. Juvenile arrests for all colors is down over 13% in that time frame. So there's plenty of benefits to the fact that marijuana was legalized for consumption.

One of the arguments I keep hearing is that marijuana dispensaries will be targeting low-income minority communities. I may not be the smartest guy in the room, but I thought when it comes to any business, the marketing plan would encompass the largest group of prospective customers.

Now, according to the CDC, the largest demographic of marijuana users is white, which makes up 60% of users. The largest segment is women between the ages of 30 and 40 years of age. The largest segment of users in the United States are women between 30 and 40 years of age. In fact, the people of color

make up less than 30% of all marijuana users. Not only that, but the regulated marijuana has been shown to be expensive because of the added taxes that come with it, so why would any business that wants to make a profit target the small segment of potential customers that wouldn't be able to afford it?

OK, in fact you're basing your claims not on usage statistics, but because of marijuana has been legal for whites for years now but on the criminal statistics that show the people of color and low-income minority are five times more likely to be arrested, incarcerated for marijuana possession. In fact, crime statistics are so skewed, it gives the illusion marijuana usage among people of color and minorities is significantly higher than whites, which is completely false. OK, it is the same line of thinking that led to the original prohibition in the first place along Barry Goldwater's southern strategy.

All this rhetoric which is racist at its core, has been debunked and the people have said they do not want to hear it anymore. OK, that is what has led us to social justice reforms and marijuana legalization, so please stop with the racist rhetoric, the NIMBY attitude. Understand that your scare tactics no longer work on any basis in fact, and that marijuana is no worse than alcohol or tobacco, which are both legal, sold within the city borders, which Mayor DeStefano or his wife who own a bar, sells themselves. They have an age limit for the purchase. Understand that the target market for dispensaries will be middle-aged white people.

It's time for everyone to face the facts and see that if you want to be taken seriously and want a reputable business in your community, that making it legal now gives everyone the best opportunity to ensure the best outcomes. And while we're talking about facts, if we look at California, cities that opted out ended up with more crime and a very large black market for marijuana, where cities that opted in not only had less crime, but in working with police actually had the ability to solve more crimes due to the added security dispensaries bring with it.

And while we're talking about positives or bring new business, ancillary industries like farming, manufacturing and most of all new jobs, this isn't the time to be short-sighted. It's a time to be optimistic and look forward to the future. Thank you.

Ninth Speaker: Good evening Council. I'm Colleen Hughes, I live in Newburgh and I met with Mayor DeStefano and Alderman Masi and Chief Ewanciw last week. I invited myself to speak with them. I've worked in the legal medical cannabis industry for the last six years so I can speak with authority on the issue. I prepared some statements.

I'd like to refute a lot of the things that were said today but I'm just going to stick to my statement. Cannabis is legal now. Cannabis is a medicine first, and cannabis is not dangerous. Prohibition is dangerous. The war on drugs became a war on black and brown people, and opting out ultimately will cause more undue harm on the communities of color living within the city of Middletown and further exacerbate the illicit activity occurring in your communities.

Cannabis is not the gateway drug leading to addictive behaviors. We know that some people are prone to substance use issues, and that tiny percentage of the population should not determine the freedoms afforded to the rest of us, who can moderate our own behaviors.

What is the city afraid of? Who are your cannabis consumers? I'll tell you who. They're veterans, lawyers, doctors, judges, elected officials, nurses, EMTs, professionals, our parents, our grandparents, and our children with terrible illnesses that can't develop properly because of the cocktail of legal pharmaceuticals being pumped into their bodies.

Access to cannabis should be a right, and it will be regulated much like alcohol is; with oversight, with checking IDs, track-and-trace inventory controls, lab-tested products, well trained staff to help folks select the appropriate product to treat their ailments. Not every cannabis consumer wants to get high. We want to heal.

Adult use dispensaries provide broader access to cannabis medicine and lowers the barriers of obtaining their products. Chronically ill cannabis patients largely do not have the bandwidth or ability to grow their own cannabis at home. They need local, safe, legal access.

On-site consumption spaces are going to be legal places folks can consume safely out of public view, where minors may see them. If you don't want folks smoking near the skatepark, then work with the community to locate a place for people to go consume safely, and that patronize local restaurants within walking distance.

The city has an opportunity to be strategic, proactive leaders in how they allow cannabis to be sold and consumed within the city limits. Please work with us. The social equity provisions in the MRTA are designed to provide community reinvestment programs and funding back into communities of color who have been unjustly persecuted due to the war on drugs. These programs, like the heart program I created, which is a workforce development program, will provide standardized levels of competency for impacted communities, who want to begin the rewarding careers in legal cannabis.

Opting-out will not only remove this ability for city residents, should there be a residency requirement. They very likely eliminate the ability to utilize this pool of money for non cannabis-related after-school intervention programs for youth, and other support services these communities need and deserve. These provisions were created to repair the harms of the drug war. Opting out only perpetuates prohibitionist propaganda that is not based in science, truth, or fact.

I spoke with the mayoral equivalent of Lee, Massachusetts last week, to invite him to have a dialogue with you, Mayor DeStefano. He was happy to share that since they have issued licenses in his municipality, they have seen 0 negative impacts from legalization and retail, so much so that they don't know what to do with the money that host community agreements designated to offset the feared negative impacts.

We know how hard it is to get people to get out and vote. It's a political tactic for the elite to keep oppressing communities of color. Opting out, opting out is a form of oppression, because while the state has legalized cannabis and soon the rest of the country will, you put the burden back on the community to organize, petition, and vote for something that is already legal, that you're deciding to take away from us.

I will gladly email the Common Council a host of statistics to counter all of the things that were said today, that are not factual and are cherry picked, and I also invite the council to host more forums like this, so that you can hear more points of view, because 3 minutes is not, clearly, enough to go through the deep issues that need to be heard. I think you should have a forum online where you listen to professionals and people on both sides. Thank you for your time.

Tenth Speaker: Hello everyone, my name is Pietro Gerace, I am the chair of the Orange County New York Libertarian Party. Additionally I serve on the LPNY judicial committee and its executive committee.

Before I state my opposition to this law, I want to point out that Juan is the Libertarian candidate for city council in ward four.

And I echo everybody who has spoken against this law, and I'm going to add my own. I listen to the mayor's comments and his concerns, I've listened to the Chief of Police's concerns, both on the video last week and this evening, and it is my belief that most of those concerns are rooted in irrational fear and stereotypes, including racially biased stereotypes.

I think that the city council has no business opting out of this because you will economically stunt this City's economy, which needs every economic injection

it can get. This is a golden or should I say, a green opportunity for a lot of people in this city to make money. Will they be rolling in the dough? Maybe, maybe not.

It's true there is no study, but do we do studies when someone wants to open a restaurant or a lawn care business? No, we make sure their paperwork is in order, that the regulations are followed, the regulations which there will be plenty of in the next few years, and we say good luck, hopefully you do well. Same thing. I don't know why we need to be so different with cannabis.

And you have the chief of police saying, well, we don't know if it's coming from homegrown or dispensary or wherever. Well, I have a solution to that: mind your own business. Seriously, this is what you're going to spend people's tax dollars, policing whether or not they grew their own marijuana or cannabis, or they got it from a store? Who cares? I don't care.

But seriously, and then you're going to enforce this law against 18, 19, 20 year olds who by the way are considered legal adults? If you can go off to a war and die for your country, you can have a blunt. Mamma mia! And seriously do the right thing for your community. Scrap this law.

Ald. Tobin: I just want to make a comment. Like, this is a public forum and you know, I know, there's a campaign, but we should not campaign during a government forum or a discussion. That's, that's for outside of the City Hall, so please don't campaign in your public comments.

Pres. Rodrigues: Anybody else? Anyone else? Eileen, do we have anybody online?

Eileen: Yes we do, bear with me one second please. Yes, we have two. Just hold on one second please. Our first person is Matthew Leeper, just give me one moment to unmute him.

Eleventh Speaker: I can hear you, can you hear me? Thank you for having me online.

I just wanted to make a couple of comments based on the remarks from the Mayor and the Police Chief, and please excuse any of my language if it sounds accusatory.

But I just want to say from my perspective, I'm a white man, and from where I sit the (inaudible) the Mayor's proposal, in particular his proposal regarding proximity are really a danger to our black and brown brothers and sisters and an invitation to continue and even extend the over policing of our communities of color.

You know, we all want less contact with our functionally all-white Police forces and not more. We know empirically that Police are going to stop black and brown and young men of color disproportionately. And we know that those same neighborhoods are going to be over policed.

Regarding the Chief of Police's comments, regarding how do we know if marijuana is taxed or if you know, if the amount carried is legal or if it's homegrown or purchased on the black market? I want to echo the comment that is none of your business.

We have the option of not responding to every challenge our community faces with more policing, and I urge our elected officials to commit to reducing the police budget proportional to the reduction in their marijuana policing activities. I think I can say we could all use a tax break. Marijuana was legalized to remove this from the thing y'all need to be spending your limited time on.

I don't think the elected and appointed leadership of Middletown gets it, the people of New York and their elected officials, they intentionally passed the most broad and permissive marijuana law in the country. For that very reason, to reduce the reasons for young people and people of color and pretexts for harassment.

And then I guess, the Mayor's statement I hope he will clarify, that weed is not the way out; I took exception to that. Nobody is trying to get out. We love our neighborhoods, and wanting to be in the marijuana business is no different than starting a wine shop, or a bar, or a little cafe, and your personal cultural aversion to weed in public makes no sense in a world where beer and wine is consumed in excess around children on a regular basis. Families get drunk in front of their kids at your wife's restaurant. Have you been to a Yankee game or a Buffalo Bills game?

And, and I just want to say your grandson being exposed to someone 10 feet from a skate park smoking weed, pales in comparison to a brown or black child being put through the system because marijuana was used as a pretext for a law enforcement interaction. And I thank you for listening.

Twelfth Speaker: Can you hear me? Great. Thank you for holding these public hearings. My name is Troy Smith, I am the deputy director of Empire State (inaudible) a national organization for the reform of marijuana laws. We were established in 2008, and we've been advocating for patients and consumers in New York.

I'm here to speak today against the local law, and I also want to take a moment and just talk about the study that was referenced in the beginning of this public hearing, Legalization of Marijuana in Colorado, the Public Impact.

This is a very widely cited study by opponents to legalization and it was authored by the Rocky Mountain High Intensity Drug Trafficking Area Group. They are, that organization is the apparatus of the office of National Drug Control Policy as well as a drug control agency. These are the two federal government bodies that are dedicated towards upholding the war on drugs. I just want to point out that this data, and all data, should be seen through the eye of (inaudible) and all data can be skewed in many ways. So I invite you to actually look at the report, look at the authors, and really evaluate it on your own.

That being said, I also wanted to talk a little about what opting out is and isn't. When a local municipality opts out of the retail sale and consumption of cannabis, they're opting out of something that's already going on and is going to continue no matter whether they opt out or not. The legacy market has been here for decades, and is quite frankly here to stay. What you're opting out of is really any of the safeguards that marijuana regulation and taxation put in place. Some of those safeguard are, all businesses will be asking for IDs. The products will be tested, there will be mandatory security requirement for the cannabis retailers around us.

Furthermore, I also want to urge the town to not make a hasty decision here. You know, everybody's saying that the clock is ticking, but you have over half a year to make this decision. There is going to be a lot of developments and changes put out by the office or cannabis management, the New York State Cannabis Control Board, and advisory boards. I highly advise waiting to see what the possibilities of these regulations are, before making decisions.

At the present, the marijuana regulation and taxation act is just a legal framework that has been filled out by those regulations. Aside from those basic safeguards I mentioned before, we really don't know the finer details about this program so I highly urge the town to consider this decision and not pass this local law. Thank you for holding this public hearing.

Pres. Rodrigues: Thank you. Eileen, we have one more?

Eileen: Yes we do. We have Michael Bonfa... Michael B. Michael if you want to just unmute yourself, you'll be able to speak.

Thirteenth Speaker: Can you hear me? Hi my name is Michael Buffamante, I'm also with the county Libertarian Party and I am a Greenville resident. I don't smoke cannabis, and I'll be clear, cannabis is a waste of time and money.

I don't want my infant daughter growing up in a society where the harms of drug use continue to ravage our youth. That is precisely why I'm asking the board to not opt out of legalized sales of cannabis, because the primary harm

of cannabis is not the drug itself, as harmful as it can potentially be on youth brain development. The primary harm of cannabis is the black market prohibition creates.

Marijuana is already just as, if not more, available to youth than alcohol. Yet I don't know of any gangs operating in the alcohol space. In truth, the prohibition is the number one cause of street crime. In truth, kids have such easy access to marijuana precisely because it is illegal, and such a market is not only allowed to exist in our communities but forced upon our community, precisely thanks to prohibition. With that black market come unreliable and dangerous products that harm kids and adults alike, synthetic marijuana, K2 spice, laced products, you name it, that are all a direct result of not allowing responsible licensed businesses to operate in the city. I want my daughter to grow up in a society where people can stop worrying about black markets, gang activity and dangerous products flooding our streets and getting into the hands of teens and young adults.

And I'm sorry to use such a tired cliché, but I do think that the board needs to think of the children here by allowing markets to work, by allowing people to go about their lives as they see fit, and to not play nanny state to the residents of the City of Middletown and of Orange County. So I urge you to vote against the proposal to opt out. Thanks.

Pres. Rodrigues: Any members of the council? Alderman Masi.

Ald. Masi: I've listened to everyone and the young lady, and I do apologize, I don't know if she's still here. I apologize cause I don't remember your name and I know we met last week. Colleen, thank you, Colleen. But at the meeting most of your references were for medical marijuana, and that you had a vested interest. And that's fine. This does not touch medical marijuana. I don't think there's anybody on this board, at least I'm not, in favor of doing away with medical marijuana. We're all in favor of that.

What our extensive meeting and with all the comments tonight, it brings me back to one question that I still hasn't been answered. What is the downside of opting out, when we can opt-in at any time? If we choose not to opt out and January 1st comes by, then we're stuck.

If we see if the regulations... I didn't hear one speaker come up here and tell me what about the rules and regulations. They're going to come out, we do understand that and I think that's wonderful. Still working on them, that's great, but they're not out yet, so we don't have all the information. So if we decide to opt out, the information comes in and we say, wow, you know what, that's not that bad after all. But we don't know that yet.

And I tell you what else bothers me. A couple of... we get personal in these things because people get passionate and I understand that. Lexie comes every once in awhile and he's good at it, throws a few stones out and of course he leaves. He doesn't want to stick around. And I wonder, if the mayor's family wasn't involved in a bar and restaurant, the attacks.

We're not talking about alcohol. I owned a bar for 16 years. I know what the ramifications are. I know what are the rules and regulations. When I applied for my liquor license I knew everything down there. We still don't have that information.

And please, my last thing and I don't know why you people, or I shouldn't say you people, a number of people want to make this a racial issue. It's not a racial issue. I don't care if it's a white person, a black person, a Hispanic person. I texted the mayor about 5:30 tonight, because I was out on my porch and what I had to see was a young lady, I don't know she's probably in her 30s. She was with a friend of hers, a gentleman. They were right in the street, leaning up against their car, smoking a joint. And right above them was her five-year-old son, and I said jeez, I don't think I want to see that.

I didn't like it; and no one has come up with any reason for me to change my mind, and I don't see any reason not to opt out. If you come up with something I'll be happy to listen to every one of you, but nobody has said why we shouldn't opt out as a good reason, because we can opt in. If we don't opt out now and we go to January 1, we're done. Thank you.

Ald. Ramkissoo: Thank you. This is a tough conversation. You know, I just don't even know where to start. A lot of things were said. I agree, you know, people are very passionate about their feelings, about these things. I think some of these arguments have merit, some of them don't.

I don't think that we are a body of people with irrational fears. I think that we're parents. You know, I have 4 kids, little kids, so I don't think it's an irrational fear; on what this might mean to their safety. I don't think it's irrational that I don't want to feel like my six year old is going to walk through a cloud of smoke in a public place. I don't even like walking through cigarette smoke in a public place. Yeah, it's a choice that I should be allowed to make and not have taken from me and my children as well.

I don't have any issues with marijuana. I have two autoimmune diseases and I would actually stand very well to benefit from the use of it, frankly. I haven't even gone down that road yet, but you know what, that's there for me and something I'd certainly consider with my rheumatoid arthritis. It's painful.

I understand its value, I understand its need, but I also understand that, you

know, this argument of you're going to drive to Wallkill so you can get this, and smoke this, and then drive back to town. No, you can actually smoke it at home, and then you don't drive anywhere, and if we don't have a cafe there's even less reason for you to go out, become intoxicated and then drive yourself home in our town.

And I will say, you know, you speak about, we brought this report from Colorado, okay. Everyone's claiming it's not valid, it's not real. Well, my main job is that I do reports for law enforcement agencies all over the country. I do their reporting, and I do reporting specifically in Colorado, and I do the reports for the people who are passed out at a traffic light, in their car, with it running, because they're intoxicated, and it's marijuana. It's not just meth, not just heroin, it is marijuana that intoxicates people to the point where they cannot operate their vehicle, which puts other people at risk.

So yes, some of those numbers are not completely skewed, those are real things. I see them in the work that I typed and do every single day, and I think it's important for us to express a little caution. I have no issues at all with the law itself, whatsoever.

And then the people who made the points about the safety of a dispensary, you've made a very valid point, because I also do a lot of reports with the dangers of fentanyl-laced drugs, that are deadly, so I'm a little torn on that myself.

There are two parts of this law. All right, we have the cafe side and we have the dispensary side; and I'll tell you I'm really struggling on the dispensaries side, on seeing a reason why we shouldn't allow them. Because at least the product that's being purchased within our city is safe. Because there is a very real danger with the black market drugs, and I can agree with that.

You know, you've made very valid arguments on some of the points here and I see them. I just want you to understand that you were heard tonight, I don't want you to think we're just knocking down everything you said, because I don't think that's true. Some very good points were made. But I just I feel like there's no reason not to be cautious on something that's unfinished.

I think the state of Vermont have been doing it for like, 3 years the rollout took, or something like that. And they were very cautious. I think there is merit to the reason why a state like Colorado went out and said, public consumption, and then rolled it back. You don't roll something like that back without reason.

And I think there's no harm for us as a city to be cautious, with the knowledge that if you make this choice, Alderman Masi has a good point, you always have the right to say, you know what, this is well-regulated, this is good for our

community, we can absolutely put this in place. But deciding our fate in the other way, decides our fate completely, with no controls and no ability to decide how that works. With basically our blinders on, because we don't know the future, we don't know what it looks like, we don't know if it's going to be well regulated.

It's, it's a complicated issue, and it's not the same as smoking a cigarette because it does impair your ability to perform certain functions, depending on how much you consume. So it's not as simple as that, and I don't think that we're being irrational. I think we're just being cautious, because this isn't just... I a hundred percent respect your freedom to it, to use this, and I totally support it, and you're capable of doing that on your property and at your home.

But we also have to consider the health and safety and well-being of everybody else. And who might not share that belief, and for our kids, and things like that, so I just I feel like it's, being cautious here is not a bad thing. This is not us saying that we don't respect anyone's decision to use, or anyone's personal choices; but I think caution here might be a good idea. Like I said, when it comes to the dispensary side of things, I don't know for me, that excess of caution is actually better, if people know what they're getting and what they're consuming. What's in it for safety's sake. That's all I have.

Ald. Johnson: Thank you. So, I started this thought process a month ago and it came up and... I'm a child of the sixties. I was on a college campus for all of the 70s, thank you very much. My gut response was probably not something that is good for my community on the quality of life issues.

Listening to Alderman Sparrow put this out at the last meeting, I said, well you know, I might have to think about that. And I find some of the aspects of the conversations so be somewhat specious, and some of them to be somewhat of a non sequitur. A lot of things were thrown into the pot in the last hour. We've gone from prohibition of alcohol in the twenties and thirties, and what that meant or didn't mean. We've gone to the War on Drugs, we've gone to racism, we've gone to economic opportunity, we've gone to quality of life.

For me, most importantly tonight the line has been blurred back and forth between the argument about legalization, which is not an argument to be had at this point in our state, and the conversation about dispensary of product and consumption of products. And then we throw in 10-feet from the park, and then we throw in that consumption is good over here but not over there. It's been a whole mishmash of concepts.

Me personally, I would like to take all the concepts that talked about legalization which does, with all due respect to the Chief, include law

enforcement. I read this document. I agree with the speaker, you can make statistics do anything you want it to do. Pick your outcome, find your stats, put them on a piece of paper and say, that's what I've got. Makes no difference to anybody. When I read this document, I thought about a couple of things.

Number one, they talked about the fact, what about alcohol and marijuana together? How do you as a consumer who wants to be responsible know, can I have a beer, smoke a joint, and get in my car; or how long do I have to stay outside of my car before I can get back in the car and be safe? You know when you go to a bar, the (inaudible) regulations trained bartenders, which I am on occasion, says, you know, every drink, you need an hour to consume that alcohol. So if you have three drinks, you got to hang around with me for a while. And the bartender's responsibility is to say, you know what, we need to kind of keep track of what you're doing. How does that work with marijuana? You don't know how long it is between smoking two joints over an hour and not being impaired or being impaired. But that's all on the regulation side or implementation, it has nothing to do with what's before us tonight.

There was a comment made about suicide and marijuana, you know when I read that, I saw it the other way. So maybe somebody who has already, unfortunately, made the commitment to commit suicide, is using marijuana as kind of a transition to get to that spot. This study would make you believe that more marijuana means more suicide. I'm not sure that that's a valid point A to point B conversation for me.

We talked about the fact that we're 5.2 square miles, and are you going to build a moat around your little city, and nothing is going to come into your city with respect to consumption, and they're driving, or good driving, or marijuana and alcohol, or no alcohol. We don't have that moat.

There has been an argument, well, you make a guy drive 500 feet to get to Wallkill to buy the product and then try to have that person drive home, that's what I'm going to say that the argument is somewhat specious. I don't see that really has a lot to bring to the table. But there is a lot to be talked about, and you brought a lot of topics — some of them I see, some of them I don't — with you to the argument.

The argument here is to ban, not to ban consumption, consumption is already on the table; the argument is to ban dispensation and on-site consumption, and is that okay for our town or not okay for our town. Does that prohibit quality-of-life, is it a racist comment to do it, is it a racist comment not to do it. A lot of stuff came across the table tonight, and I thank you for the opportunity to think about it. And I've talked quite enough, thanks.

Ald. Kleiner: Thank you. I want to thank everyone who came tonight to speak. It's an issue we've been presented with and we have to consider all sides. We have a local law on the table and we have to vote on it.

I have a lot of different opinions and I actually in college taught a drug education course, and when Middletown Cares started, I tried to steer them away from worrying so much about marijuana, and worry about pharmaceuticals, and worry about heroin, and worry about the things that were killing our kids.

So it's, you know, I grew up with Reefer Madness, with the Rockefeller drug laws and all that, and the zero tolerance, and all that insanity. I lived in Texas when Lee Otis Johnson, for political reasons, had a roach, just a little stub of a marijuana cigarette, planted on him by the Houston police and he was sentenced to 30 years for possession. So I've seen what the laws can do, I have seen the disparities.

I read the Colorado report; not, not completely, there's a lot of detail in it, but I did notice in one of the statistics that use by younger children went down there after marijuana was legalized. I thought that was interesting. I have no idea what it means. I do have some specific questions.

When I, when I taught drug education, it was because psychedelics, and in this was mostly in the 60s, psychedelics were really on the rise, and people were dropping stuff, and consuming stuff off the street. You know, it could be laced with strychnine, it could be 30000 micrograms of LSD, or it could be 10, or it could be nothing. You just didn't know. And in DC at the time LSD was legal. And Sandoz, all those beautiful little blue pills, you could crush it up and you could dropper it out, and you would know exactly what you were getting. That was a big difference than taking a street drug.

So I understand, you know, the police do have, they do care, they are tasked with enforcing the law. And if the law is going to say that legal marijuana is taxed, and it's not true that you don't enforce things now, I mean, the police a lot of time to go to convenience stores and send in younger age people, and see if they're sold cigarettes, or see if they're sold alcohol. I mean, it is something you care about. And the question really, in, in the police doing their job, and and making sure, in the end it will be a safety issue, but we don't know what the regulations will be. And I thank all the people who pointed that out.

If you don't understand why December 31st is a cut off one way and not the other, after December 31st, if you do opt-out, then afterwards you can opt back in. No harm done. You've, you've delayed it for a little while. If you opted

in, then after December 31st you might have people in your community making a big investment in dispensaries and you know, preparing buildings, and lounges and investing a lot of money. Well, you can't just turn around and say, oh, now we decided to opt out. So you understand why that works one way and not the other way.

I have a question about the referendum, because our first chance — and I would hope we're not going to vote on it next meeting, our next meeting is July 6th. You know, there was a suggestion to table it and have more discussion on it, but if we voted on it July 6th, then the mayor has 10 days to sign it, and if he's not, and then, and then I don't know if this substitutes for the public hearing, if we're supposed to have, after you pass the law, if we still have to have that. But you know, if there's 10 days, you were talking about July 16th, well for a permissive referendum to be on the ballot this fall, it has to be in, my understanding is it has to be in to the Board of Elections by August 1st.

Well, that doesn't give you a lot of time to go around collecting signatures, that's like, a couple weeks. So I know it could be put on the ballot next year, I believe, but but that that is a question I have that I'm not really sure, I believe permissive referendums require 5% and Alex can clarify that, but I don't believe it's 10%, I believe it's 5% of registered voters. I think it's different from running as a candidate, where it's 5 per cent of voters, or whatever percent they determined of the voters who voted in the last gubernatorial election. I think that's different but, but that's something to consider, if you're thinking about doing it and letting the voters decide, as a permissive referendum.

So, the planning board almost two weeks ago approved a new bar to go in at 90 North Street, right under Senator Martucci's office. And they're going to be allowed to be open on the weekends from 12:00 pm to 4:00 am. You know, Friday and Saturday, its catty-cornered across from Nelson's. We'll it's a replacement, it's a new bar going in where a bar has been before, so they didn't have to get zoning board approval for a different use. But they're going to have music, it's going to go until 4:00 am.

We're used to that. So I'm not sure, I'm not sure when we want to vote on this, we can table it for a while. If we table it you know, there wouldn't be a referendum this year, we'd be waiting and see to vote on it. If we vote to opt out then I want to be sure that we would be allowed to present the local law next year, if we look around at other places that have opted, have not opted out, and that are allowing it and find out that it's not been a problem, it's not been a burden, and it's, and it's going well, that we would be allowed to opt-in. That would be something we'd be able to do as a Council. Cause it sounds good but you can't always do it, so we have, we have a lot of things to think about. Thank you.

Ald. Tobin: Thank you. I agree with Alderman Masi about not keeping it personal. I think we should be respectful. Just started out saying I'm not like pro-pot, pro-cannabis. My drug of choice is beer, red wine, I do have the occasional cigar. When I go to the smoke shop near ShopRite and and you shop right there, there aren't people smoking cigars all over the place, you know, in the parking lot. You know, they take their cigars home.

I do, I think I agree with some of the points that were made. Alderman Johnson said, this almost sounds like a referen- like a resolution against the the law itself, you know. By opting out we're not making Middletown a dry town. That's not going to happen. We're still going to have the problems with the enforcement side, the quality of life side, people can, can grow marijuana, they can smoke marijuana or cannabis, they can buy it outside of town, bring it back in town. We're still going to have to deal with the odor problems, we still got to deal with the detection issues, and we'll have to do that either way. Whether this happens or not, whether you're pro...

I hear a lot of arguments about the law itself that had been passed. I think what we're really talking about is the, you know, the dispensaries and I think and for me it's more about the economic opportunity and the social justice and economic justice piece. This is for people who are 21 and over, and the cannabis industry is not targeting kids you know. You know, I'm not pro-tobacco either. My mom died of lung cancer, so this is for 21 and older, for adults.

And so yeah, before the prohibition of alcohol folks were talking about, you know, how domestic violence would increase, automobile crashes, lost wages that would be associated with drunkenness, whatever, and the sky would fall. Then the Volstead Act was passed, it took away the 18th Amendment, but actually now we know crime went down, right, the gangster stuff started to, you know, they lost a lot of money, you know.

Cannabis has been around since the country's founding. It was hemp, they used it for rope, you know, on boats, (inaudible) cannabis in colonial times. In the 1930s it was weaponized against the black and brown community specially in the South.

Here's a quote from an iconic movie, not as iconic as The Godfather, but a little different. I think Jerry mentioned it. It talks about marijuana. The frightful toll of the new drug menace which is destroying the youth of America is alarmingly increase, increasing numbers. Marijuana is that drug. A violent narcotic and unspeakable scourge, the real Public Enemy Number One. Its first effect is sudden, violent, uncontrollable laughter; then comes danger, hallucinations, space expands, time slows down, almost stands still. Fixed

ideas come next, conjuring up monstrous extravagances, followed by emotional disturbances, to total inability to direct thoughts. The loss of all power to resist physical motions leading them finally to acts of shocking violence, ending often, often in incurable insanity. And that was from Reefer Madness, right.

So they next use the Spanish term for cannabis, which is marijuana, is basically peddling fear, and was used to, you know, weaponize laws against black and brown communities. And cannabis is often referred to as a gateway drug, as I talked about last time, but it really has become a gateway to the criminal justice system for people of color. And you know the statistics can't be ignored, the systematic racism that has impacted the black and brown community can't be ignored. You know, the idea that, that equal use among whites and blacks, and that side maybe even less. People of color are four times more likely to be arrested for marijuana related offenses, and that 90% of the arrests and summonses last year related to cannabis were people of color.

So, and this related to a huge collateral damage to the African and people of color community. I'm glad the other people spoke tonight and so, you know, that, that young kid that got a marijuana-related offense or, or had to plea down cause he didn't want a drug offense on their record. You know, they had to check those boxes when they got a job, maybe they can't get those jobs, maybe they had kids that they had to support. There's a massive collateral damage to the community that this part of this law tries to fix, thru economic justice.

Now, we've had a lot of great things this year, police reform, the Juneteenth holiday, cannabis reform, and so you know this is to right the wrongs of the past. Part of the law, there's going to be equity officer, so they're trying to, if you have a dispensary, you're encouraged to hire people of color, the licenses are going to be, there's equity licenses to own dispensaries, that have encouraged people of color to open up these businesses, so there's a lot of...

And then there's not just the dispensaries, there's laboratories, there's farms, manufacturing, there's the hemp side or cannabis side, the creams, all that stuff that can be really related. This is an entirely new industry and I think there's a lot fear because it's new, I mean, we're not afraid of alcohol. I think that's the parallel.

So you know, let's not shut the door on revenue and jobs that this might create. You know, end the fear-mongering or targeting kids and that kind of stuff, I think it's silly. You know, people can grow it, they can buy it, they can get it delivered into Middletown, and so I think that to opt out is just, it's not

going to become a dry town. We'll still have this list of challenges which I think we're going to have to address. No law is perfect but I think we should not opt out.

Pres. Rodrigues: Anyone else? OK, motion to close the public hearing?
Alderman Masi.

Ald. Masi: Keep it open for two weeks.

Pres. Rodrigues: Keep it open for comments for two weeks. So, alderman Masi. Second? Alderman Tobin. All in favor. Thank you everyone for coming out for the public hearing

4. Correspondence

Nothing this evening

5. For the Good of the City

6. Remarks of the Mayor

Mayor DeStefano: Yeah, I'd just like to follow up on a couple of the comments. I was surprised by Sparrow's comments. First he's talking about the, that this isn't about the state law, but then he's talking about, we're not a dry town. In our other conversations he did express concern about the on-site consumption. Not one person addressed that, either on the board, except Alderman Masi I believe did, and maybe Kate and Paul. But the public consumption part was not addressed by anyone that spoke up here tonight, not one person addressed it and that's a surprise.

The other part is the opt-out provisions. Kate, you're exactly right that we have discussed opting out of one, and I think I made that clear at the beginning of my presentation, that you can opt out of one or the other or both, so to sit here and say that because I'm making a proposal, you're implying that I'm some part of some racist conspiracy, by either some of the idiots that made that remark in the audience...

Ald. Tobin: Are you addressing me?

Mayor DeStefano: I'm addressing you now because you're sort of implying the same thing.

Ald. Tobin: I'm not implying anything.

Mayor DeStefano: You are. Listen, I'm speaking now. You get to respond to me when I'm done speaking. It's unfortunate, because you and I had a phone conversation, you expressed concerns to me about public consumption, and on-site consumption. And then a few people come to a public hearing, and you do a complete 180 and try to imply to the public here to get its applause, that we are some kind of playing into some big racial conspiracy. It's wrong.

You didn't, you didn't lay out the facts, you don't have the facts that by opting out we have the opportunity to opt back in.

Jerry, you're wrong on the tip, is 10% of the, the law specifically states on the referendum that you have 45 days after the passage of the local law in order to gather the signatures. That's in this law. This is not election law, this is cannabis law. You have 45 days after the passage of the local law, and petitions must be signed by 10 percent of the electorate. You must be a qualified voter in the City of Middletown. So there's some misrepresentation.

There's no timeline running out, and if we opted out you can opt back in at any time. We're not, we're not squeezing them to bring it down to a two-week period, to go out and get 10% of the signatures. That's a misrepresentation. And unfortunate, because you had all this information.

This comes down to opting out and protecting the city. You're by your own admission, you're saying the information is not there, by your own admission, that we don't have the information, we don't have the data, we don't know what's going to happen.

Some people did make a compelling argument for possibly dispensaries. Not one person made a compelling argument for on-site consumption. Not one person addressed what I hoped they would have addressed, for the public consumption. In fact, Colleen... is she still here? No, she left. When Colleen met with us she agreed with us in a lot of the things. Then she comes out here to grandstand. She agreed, I don't like the public consumption part of this. She agreed that she was going to disclose, cause I told her to at our meeting, she was going to disclose at the beginning of her presentation that she has a financial interest in this law, because she is going to be, her company is going to be the benefactor of distributing some of that 40% money, to the maybe, the one or two possible "winners," in the black and brown community that would be able to host a facility.

You also mentioned about smoking outside, around our parks and around our kids. Is it okay with you, Sparrow? Is it okay for you, it's okay for you that when you're go to the Paramount Theater with your family, that your kids have to walk through a group of people smoking pot? Is that okay? Because that's what it comes down to with the on-site consumption or the public consumption. That's what it comes down to.

You can sit here all night long and play to the audience, you can sit here and you can talk about what many of these folks here talked about, the, my wife having a liquor license. Well, people don't walk down the street drinking liquor.

You can talk about who are we afraid of? Who are we afraid of? We're afraid of people like Lexie coming up here. That's the guy you're afraid of. That's the guy you want in this community, influencing policy in this community? No, I don't think so.

Most of them made an argument for public, uh, against public consumption.

And they did it in a way of their silence. Because not one person defended it, not the libertarian guys that apparently, this is now a new libertarian argument throughout the state. That's going to be where they're going to stick their flag, they're going to hang their flag there.

The guy from Normal is arguing about the statistics, he said they're wrong. Didn't cite one thing that was wrong. He just questioned the people who put it together. Didn't say one thing about it, about a statistic in there that was inaccurate.

But we have the opportunity to imply in the presentation, to talk about expungement of records, the impact on the black and black community. I clearly stated and have been a supporter, wrote a letter on behalf of, I don't know if you did, I wrote a letter to the State of New York supporting the expungement part of the law. I also wrote a letter concerned about the driving while impaired portion of the law also. So are there portions of the law that can be supported? Possibly, but you know what, after 12/31 it doesn't matter.

How about the dispensary? Cause I know that's where we're going to go with this, what some people are going to say, and Kate, you raised a good point about the dispensaries. What in the cannabis regulations prohibits a dispensary, after getting a license, from becoming an on-site dispensary? Nothing, because they don't exist and that's why we need to opt out of both. Until they come back onto the table and show what the rules and regulations are, we need to opt out for the safety of this community.

We are not going to stop people from smoking pot. We're not trying to stop people from smoking pot. But to have a member of the council grandstand with an audience is just absolutely horrible, because what you thought you started out focusing on the law. You said, this is to opt out, this is what we're talking about whether we should opt out or not, then you went into these conspiracy theories, citing whatever you... Things that we probably all agree on. Matter of fact, in my presentation I mentioned that black, the black and brown community are charged at three or four times more the rate, higher than, than the white community are in regards to marijuana violations. That's not what this is about.

I'm hoping that will get more written comment. You know, there weren't a lot of people here, and I want to thank Mr. Gilfeather from Orange Bank and Trust. I think it took a lot of courage for a bank president, a person who's invested, not his own money personally, but the bank's money, people that do a lot of outreach into this community, with businesses, and recognize the potential negative impacts that an unknown law, without rules, without regulations, could have on a community such as Middletown.

Now, we're one of the first out of the box, I'll grant you that. We didn't have to do a public hearing. Not required under the law. The public hearing under the local law process is after you adopt it. The public hearing would have been held by me. I requested the public hearing.

And I want to thank you for holding a public hearing, cause I think it's important here, but I also think you saw a lot of good points. I thought, I think, you saw the other side too, of what we're up against sometimes in a community such as ours. And people who think that their loud voice, or their insulting comments about people's family members, are going to get them in a position where they're going to influence a body; that doesn't work either.

I don't mind disagreement, I don't mind and I think I've spoken with some of you individually. Matter of fact, one councilman was in my office just today, and we spoke about it in great detail, and he asked me, what do you think? And I said, do what you want to do. What's in your own conscience. Do what you want to do, just don't, don't try to grandstand, don't try to make it into something that it's not.

If you want to look at it just as a strictly governmental function, and the governmental function is how do we best protect Middletown, I don't think we have a choice other than, as Mr. Masi acknowledged, to opt out, because we can always opt back in. If you want to look at it as a fairness issue, if you want to get it to the public, we have to opt out. No matter how we look at it, I think the only choice is to opt out — with the possibility of opting back in.

It's pretty clear-cut to me, but I don't have a vote. I don't have a vote on where they're going to go, that would be your decision. And hopefully you folks will all tell your residents, as you're out knocking on their doors this year, that there's a potential for one of these facilities, on-site consumption, going in your neighborhood; and then see what they think.

Or when the police get a call that, there's my neighbor's kids on the front lawn smoking pot; or on the sidewalk smoking pot, his friends are, and my kids, I got to shut my kid's window. Who's going to be the first one to call the police? They're going to call you, then you're going to call the police, Not a thing we can do about it.

So the public consumption is the most important part of this law to me. The on-site cafes is very important to me. And the dispensaries are negotiable, but only negotiable after we opt out, because there is a valid argument on it.

So I think we have to opt out on both, and then we'll review them as we move forward. Some of these idiots are not going to lecture me about what's in the best interest of the black and brown community. As you all know, I have a grandson who's biracial, so I'm not going to listen to anybody's BS about protecting to black and brown community, cause that's my life; is protecting my grandson, and how he is perceived. How he is perceived by police, and how he perceives police, how he is going to grow up, how he's going to look at opportunity in life, and get an education. Not because he has an opportunity at the age of 21 to open up a pot store on North Street in Middletown. That's not my goal for my kid, and I don't think it's a goal for anybody else's kid to have.

But those are all personal comments, so forget about it. And I know I'm getting a little emotional about it, but the, the, the point is, I see they were all very brave to hang around for the... They were quick to throw stones, but they all

hung around for the, for the rebuttals, they are very courageous people; and because they can't stand up to it.

We had one guy up here, he lives in the community, he started arguing with Alderman Masi and I: I know you're trying to bully me, because you told me that they can put one off my backyard. This guy is the biggest complainer about what happens in his backyard now. And then he had the nerve to say, well, the police's job is to enforce the parking lot, not to allow this to happen in the parking lot. Well, no, no, no, it's going to be legal, guy! They're going to sell it here, they're going to go to the parking lot, and they're going to be able to smoke it in the parking lot. And yes, you are going to smell it. And then he called us, he said we're trying to bully him. I give him credit for coming tonight and speaking, but I guarantee you he'll be one of the loudest voices as we move ahead.

And Logan, we're going to, this is to me the most ridiculous part of the law; is, the Chief touched on it, we teach kids not to smoke, we teach kids the Dare program, we teach kids not to do drugs, we teach them all these good things, Now we're going to start to target them, we're going to sell it to them, and then we're going to tax it, and then 20% of the taxes are going to go to treatment.

Seems like a circular argument to me. Get them engaged in buying the product and using the product, and after they abuse it, the money they spent for the product, we're going to use to give them treatment. I don't see it. But whether I agree with the statewide law or not, a lot of them expressed their personal opinions and I'm expressing mine also. But the legislative action is different than all of our individual opinions, and the legislative action is opt in, or opt out and protect the city's interests.

When the rules come out, when they're, they're adopted by New York State, by the Cannabis board, and where they cannot be changed, and then we can talk about things that will happen, potentially happen, within the city of Middletown. That's all I have on that.

Garbage non-compliance — June 13th we started the, if your trash is not in the green can it will not be picked up. If you'd produce more than one can will hold, you need to contact DPW and purchase the second can. I did it, it's \$100 for the year. But, you cannot use a recycling bin anymore. We advertise this, we have brochures that we're going to be distributing, we're going to houses that are non compliant at this point, and then we'll be doing a mailing in the water bill with the brochure; and hopefully people will get, the people will get the message.

As you know, we're only opening Davidge Park Pool. We're down to 7 lifeguards. We lost one with our big advertisement push; instead of picking up, we lost one. So we will only be able to open Davidge. And it will possibly, if we lose more, possibly get some reduced hours or some reduced programs. Also the, at this point the covid laws have not changed in relation to, accord-

ing to Raelynn today, in relation to pool capacities, so the pool will be at reduced capacity also. So expect a lot of concerns from parents that we don't have, or that they don't have access.

Best news of the day is the O&W station. Assemblywoman Gunther has notified us that in the state budget she was able to get a 2 million-dollar appropriation for the renovation of the O&W station. In addition, next meeting I will be introducing to you our recommendations, the administration's recommendations on how to spend the ARPA money. Of that 11.3 million dollars, we're requesting 3 million go into the O&W project. That will bring us up to 5 million, and we have a couple other funding options that are possible, so I believe this project will be a go. The project, the engineers sent over today a change, and projections from 7.2 to 8 million dollars based on a few other things that he discovered, but still the project will be a go. I can, I can almost guarantee it. This is a picture of its current condition. The back part where the fire was may have to be torn down, hasn't been determined yet, but the project is going to be exciting for this community. ABCD Head Start will be our prime tenant, taking up approximately half of the building.

On Saturday will be Juneteenth, the celebration will be at Festival Square. I want to thank Yaa Yaa Williams and the, and the organization that put this all together. This is the first of what we hope will be an annual event, and everyone is invited. And of course, on July 2nd we will be having our fireworks display in Davidge Park. There's no amenities, there's no, there's no stands, there's no play equipment, there's no music, just fireworks, and we're just trying to comply with the COVID large-gathering guidelines.

And of course, the COVID is still — although the Governor announced today the guidelines only apply to people who have been vaccinated, if you have not been vaccinated you are still required to wear masks, and hopefully you will. Also this week we opened the senior center. We had a great turnout for the opening day. Julissa put together a nice program, and we are very happy and seniors are very happy to be back, and I think The Record gave it some pretty good coverage also. You can see the excitement on the faces of many of the seniors that were there. The others had masks on, so I couldn't see the excitement. But that was that and that's all I have. Do you have any questions?

Pres. Rodrigues: Any question for the Mayor? Thank you. OK, report of the department heads. Economic Development?

7. Remarks of Dept. Heads

Maria Bruni, Economic Development: Nothing this evening unless anybody has any questions.

Pres. Rodrigues: Questions for Maria? Thank you Maria. Police Chief?

John Ewanciw, Chief of Police: Good evening once again. My stance on the marijuana is more on the enforcement, and I know that pertains, no matter if we opt out or not. Just a couple of clarifications I would like to make.

There's some discussion about the statistics related to intoxicated drivers. I guess I didn't drive this point home enough when I was speaking before but there's going to be, there's a lot of research out there, a lot of statistics show that there's a decrease in it. But as I was mentioning earlier, they've taken away enforcement abilities with it. There's no mechanism. So therefore, when there's no mechanism for enforcement, obviously the numbers are going to come down.

And for the couple of people who suggested that I mind my business, that's not going to happen, because I still have a role as the Police Chief, and that's enforcement. And there is still enforcement efforts that go along with these new laws. Again, maybe I wasn't clear, the difference between the 3 ounces of marijuana on your person, or 5 pounds of home-grown marijuana, how are we going to determine what is what, until we have the enforcement efforts in front of us. So again, that is not going to happen. I still have a responsibility to this community.

Just forward, going forward, the fireworks. We are out. I have staff going from store to store, housing complexes, we have the Fire Department to help us out putting it on their electronic boards, to remind our residents that fireworks possession, use and sale are not authorized within the city limits. I know we are coming up on the 4th of July holiday, it's an exciting time, people like to utilize them, but there are so many dangers that go along with them. And I think just about every year we end up with some type of fire and many, many accidents are related to that. So please, please listen, abide by the laws, and stay safe. Other than that, I have nothing unless you have questions for me.

Pres. Rodrigues: Any questions for the Police Chief? DPW commissioner.

Jacob Tawil, Commissioner of DPW: Good evening all. To report to you, the reservoir levels, Alderman Masi, they are at 99.8% full. The milling program, we're proceeding with our milling program. So you know this year we're doing about four times as much as, in amount of work, as much as we do every year; so it's a huge amount of milling and repaving, and we're excited about it and we thank the Mayor and hopefully the Council for allowing us to utilize 1.5 million dollars in additional funding from the American Reinvestment, from the 12 million dollars that the city will be getting. We appreciate that very much, it's going to be used along with the CHIP money that we have. With that, I'd like to express my gratitude and the Mayor's gratitude for the Supervisor of the town of Walkill, and the Commissioner of Public Works for the town of Walkill, Lou Ingrassia, for giving us the three trucks in there to help us with a conveying the milling, after it has been milled after the road's been milled. We need a huge amount of trucks in order to catch up, to have a very productive operation. So I want to thank the supervisor of the town of Walkill and the commissioner of Public Works for giving us the three trucks to help us with this operation.

Davidge Park Expansion Project is moving along. The water, the 20 inch and a 12 inch high pressure water mains, the construction is moving along very slowly. It's because of Orange & Rockland with their abandoned gas main,

and we're trying to resolve this as soon as possible. The good news is the ADA curbs and sidewalks; that project is going to be finished this week, and if you do see gaps within the curbs and sidewalks on Dolson Avenue, as an example, wherever there's traffic lights in there, the work's stopped. That's because of another project which is going to be starting very soon. We'll finish, we'll close that gap, so will, you will have continuous curbs and sidewalks on Dolson Avenue and everywhere else in the city. And with that I will conclude my remarks. Sunup did a great job too, I should say that, for the curbs and sidewalks.

Ald. Kleiner: Just quickly, we had some questions at the constituents' meeting. Do you have any idea when the paving is going to begin, when the milling will be done?

Jacob Tawil, Commissioner of DPW: The paving is going to be in after we are done, immediately after we are done with the milling. The reason we don't start the paving while the milling is going on is because we don't have the manpower, we don't have the trucks, we don't have the equipment, so...

Ald. Kleiner: Just wonder if you have an estimate on that.

Jacob Tawil, Commissioner of DPW: A couple of weeks.

Pres. Rodrigues: Anyone else? Thank you Jacob. Corporation Counsel?

Corporation Counsel: I don't have anything, except I will follow up on Jerry's questions about the timing of the referendum, how the 45 days plays into when the local law's passed, if it's passed. And you know, how that bumps into the normal referendum issues. OK? Other than that I don't have anything else.

Pres. Rodrigues: Any questions? Alderman Tobin?

Ald. Tobin: Would we need a referendum to opt back in, or local law?

Corporation Counsel: You mean after January 1st? Local law.

John Naumchik, City Clerk: Nothing this evening

Pres. Rodrigues: All right.

8. Petitions and Complaints

Nothing this evening

9. Remarks of Aldermen and reports of committees

Ald. Masi: Nothing this evening

Ald. Tobin: I'd just like to address what the Mayor said before. You know, I don't like it when people get personal and I dislike how they mentioned his family, and I think we can agree to disagree on issues without getting personal, and I'm sorry that he stooped to that level. And this idea of putting words in people's mouths, and beating up like a straw man, things I did not

say. I wrote down what I was going to say tonight before I came here. I didn't know if there were going to be two people here or three people here, you know. I did say still I have concerns, just like I said, I didn't change my position on public consumption.

The odor, the, you know, driving under the influence, I brought this up with the Chief, you know, past council meetings. I still have concerns about that, you know, but we can disagree without getting personal and I'm disappointed about that part. And to put words in my mouth I did not say, I also disagree with. But I am happy to hear about the O&W funds, we are doing a lot of great work and you're doing a lot of great work, but I do disagree with you on the opt-out. And I'm happy to see the senior center back. Thank you.

Ald. Johnson: Well, I want to compliment the Mayor, he went from passion to garbage pick up very nicely. Nice pivot on that one, Mayor. I said most of what I thought before. There's a lot of blurring of the lines tonight, implementation, law enforcement, public consumption. I think the Mayor made a good point; the dispensation versus the consumption did not really get defined, clear lanes. And with respect to personal comments, a business was referred to tonight as being characterized by shootings and stabbings, plural, by two speakers. I think we need to think about invoking our right to call a point of order, and to say that is not the type of commentary that we are tolerating at this Council; and if that's all you have to say then I think you're done. I really am so regretful that I personally did not call the point of order, because it was clearly, clearly out of order, and maybe with any other business we would call them on it, but because it's all getting blurred between the Mayor and everything else, somehow we let that go. We should not let that go, they should have been called on it. Thank you.

Ald. Ramkissoon: I'll just be very quick. Next week Tuesday, the Third Ward is having their monthly ward meeting. We'll be back in the park again at the Pavilion, and no worry about weather, we got a little roof there. And I just want to say on behalf of Alderman Green, who reached out to me tonight, he was unable to be here this evening because he had a minor medical emergency in his family. Everyone's okay but it was sudden and he had to run out, so he apologizes for his absence. He was tuned in to Channel 20, was watching, and he, you know, just wanted to make sure everyone understood that he heard what everyone had to say this evening. That's all I have.

Ald. Kleiner: Thank you. You know, we had our constituents' meeting yesterday, and you knew we had our meeting cuz of that was that super downpour, was just right when our meeting would begin, so I'm glad we did it inside. I want to thank everyone who turned out anyway, and Chief, thank you, your officers were terrific at the meeting.

June 21st, next week, summer begins so, happy summer, everyone. The

Juneteenth celebration, Mayor, is that at 11:00 am? The Juneteenth celebration on next Saturday? 11:00 to 3:00, OK, we'll make sure everyone knows that. There was a dedication of a bench, a walk and a tree, a place to overlook Davidge Park, for past Chief Lou Ogden, that was last Thursday I believe. It's, it's very nice, so if you get a chance go look at it.

I want to give a shout out to John Perrino, I didn't do that last time, but going, looking at the results of the school board election, way to go John. That's when you build community trust, it was a terrific showing.

One other thing, the senior center opening, that was very nice. People were really glad to be back, and I didn't speak or say anything, but what I should have said was thank you to the senior center staff, because you know, we just hit that milestone this week, of 600000 people dead from COVID, so we still are the highest in the world. But during that time, when we were all desperate and we couldn't get vaccinations, and people didn't know where to turn, the senior center staff was there, Julissa and Jean and Donna and everyone, and believe me, if you called them, they helped you. They got you in, they helped you to get to a place to get a shot, so they they were really terrific. The time when they weren't allowed to be open they were still there doing their job. And they really deserve a commendation for that, so thank you.

Ald. Jean Francois: Yes, good evening. I would like to thank everyone that came out this evening for the public hearing, it was very informative. But I choose to have doubt in my comments this evening about local law, this is, it is a lot to consume, and it gave me a lot to think about. And I just want everyone to think about our city and not to make it anything else. What amazed me is a lot of people that came out for smoking a blunt, but when we talked about the vaccine, I didn't see that many people in this chamber. And that's a concern. With that said, I just want to wish everyone a Happy Father's Day, and have a great weekend. Thank you.

Ald. Burr: I'd also like to thank everybody for coming out. It was informational. The mayor's opinion is the mayor's opinion. We have our opinion, so will make our vote when it comes the time to make our vote. The best thing I heard is that Assemblywoman Gunther is giving us two million dollars. I think like the mayor said, I think it finally might happen, we might see the O&W get realized. Thank you.

Pres. Rodrigues: Thank you. New business.

10. Unfinished Business

Nothing this evening

11. New Business

125.21 - Resolution to accept a donation from the Kiwanis Club of Middletown in the amount totaling \$180.00 for Summer Camp Scholarships.

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

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

WHEREAS; The Middletown Recreation & Parks Department was given donations in the amount totaling \$180.00; and,

WHEREAS; The Middletown Recreation & Parks Department is requesting these funds be placed into the current trust and agency account known as “Summer Camp Scholarships”; and,

NOW, THEREFORE BE IT RESOLVED that the Common Council of the City of Middletown, NY, does hereby authorize the Treasurer to place these funds in the current trust and agency account designated as “Summer Camp Scholarships.”

126.21 - Resolution to accept a donation from the Lions Club of Middletown in the amount totaling \$900.00 for Summer Camp Scholarships

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

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

WHEREAS; The Middletown Recreation & Parks Department was given donations in the amount totaling \$900.00; and,

WHEREAS; The Middletown Recreation & Parks Department is requesting these funds be placed into the current trust and agency account known as “Summer Camp Scholarships”; and,

NOW, THEREFORE BE IT RESOLVED that the Common Council of the City of Middletown, NY, does hereby authorize the Treasurer to place these funds in the current trust and agency account designated as “Summer Camp Scholarships.”

127.21 - Resolution to authorize the Treasurer to transfer \$6,000.00 from the 2021 budget to cover the cost of an agreement between the City and St. Paul’s Church for selected usage of their parking lot.

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

Roll Call: Ayes: Ramkissoo, Tobin, Kleiner, Johnson, Jean-Francois, Burr, Masi, Pres. Rodrigues – 8
Absent: Green - 1

RESOLVED; that the Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment to authorize the Treasurer to transfer \$6,000.00 from the 2021 budget to cover the cost of an agreement between the City and St. Paul's Church for selected usage of their parking lot for 2021, \$500 per month for 12 months (\$6,000) in the following manner:

From	Amount	To
A.9000.860	\$6,000.00	A.1620.474
State Health Insurance		Rental Parking Lots

128.21 - Resolution to approve the State to convey certain portions of properties to the City at the completion of construction to the Heritage Trail and authorize the Mayor to sign all documents.

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

Roll Call: Ayes: Ramkissoo, Tobin, Kleiner, Johnson, Jean-Francois, Burr, Masi, Pres. Rodrigues – 8
Absent: Green - 1

WHEREAS, the City of Middletown and Orange County entered into an Easement Agreement, dated September 20, 2018, for the purpose of construction and maintenance of a portion of the Heritage Trail, and

WHEREAS, this Agreement was recorded in the Office of the Orange County Clerk, and

WHEREAS, this Agreement was amended on October 17, 2019, which Amendment was recorded in the County Clerk's Office, and

WHEREAS, New York State is performing construction on parts of the Trail which intersect streets in the City of Middletown, and

WHEREAS, the State intends to convey certain portions of these properties to the City at the completion of construction, and

WHEREAS, the aforesaid portions of these properties should be included as a Second Amendment to the Easement Agreement, and

WHEREAS, the cost of acquisition of these properties shall not exceed Ten Thousand Dollars (\$10,000.00), and

WHEREAS, the Board of Estimate has approved this acquisition.

NOW THEREFORE BE IT RESOLVED by the Common Council of the City of Middletown that it hereby concurs with the Board of Estimate that the Mayor is hereby authorized to sign the above-mentioned Second Amendment to the Easement Agreement, and all related documents, including conveyancing documents, and a work agreement with the State of New York, subject to the approval of the Corporation Counsel.

129.21 - Resolution to approve and authorize the Mayor to sign a "Fence Agreement" with 44 James Street, LLC.

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

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

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 "Fence Agreement" with 44 James Street, LLC.

130.21 - Resolution to approve the Minisink Kiwanis use of the mobile stage on Sunday, September 12, 2021 for their annual Sweet Corn Festival.

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

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

RESOLVED; that the Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment to approve the Minisink Kiwanis use of the mobile stage on Sunday, September 12, 2021 for their annual Sweet Corn Festival held in New Hampton.

LET IT BE FUTHER RESOLVED; that the Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment to authorize the City to set up and take down as well as transport the mobile stage for the Minisink Kiwanis.

131.21 - Resolution to authorize the Mayor to sign the Intermunicipal Agreement between the City of Middletown and the Town of Wawayanda.

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

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

RESOLVED; that the Common Council of the City of Middletown approves and authorizes the Mayor to sign the attached Intermunicipal Agreement between the City of Middletown and the Town of Wawayanda for the mutual benefit of the parties in the administration of the pretreatment standards contained in the Clean Water Act and as required by the EPA.

132.21 - Resolution to close Sunset Street from Highland Avenue to Highland Place on Saturday, July 24, 2021 from 11:00AM to 7:00PM for a block party.

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

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

RESOLVED; that the Common Council of the City of Middletown approves and authorizes the closing of Sunset Street from Highland Avenue to Highland Place for a block party on Saturday, July 24, 2021 from 11:00AM to 7:00PM.

12. Local Laws

Nothing this evening

13. Audit of claims and accounts

On motion of Ald. Masi seconded by Ald. Burr

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: Ramkissoon, Tobin, Kleiner, Johnson, Jean-Francois, Burr, Masi, Pres. Rodrigues – 8
Absent: Green - 1

14. Adjournment

There being no further business, meeting adjourned at 10:23 PM

Respectfully submitted,

Andrea Greco



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

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

P R E S E N T

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

Paul Johnson
Miguel Rodrigues, President of Common Council

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

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

7 2. Roll Call

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

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

12 3. Approval of Minutes.

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

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

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

18 Any comments or questions?

19 Roll.

20 **COUNCIL CLERK:** Ramkissoo?

21 **MS. RAMKISSOON:** Aye.

22 **COUNCIL CLERK:** Tobin?

23 **MR. TOBIN:** Aye.

24 **COUNCIL CLERK:** Kleiner?

25 **MR. KLEINER:** Aye.

1 COUNCIL CLERK: Jean-Francois?

2 MR. JEAN-FRANCOIS: Aye.

3 COUNCIL CLERK: Burr?

4 MR. BURR: Aye.

5 COUNCIL CLERK: Green?

6 MR. GREEN: Aye.

7 COUNCIL CLERK: Masi?

8 MR. MASI: Aye.

9 COUNCIL CLERK: Resolution passes.

10 4. Correspondence

11 MR. MASI: Correspondence?

12 COUNCIL CLERK: Nothing this evening.

13 5. For the Good of the City

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

25 6. REMARKS OF THE MAYOR

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 And the number of arrests indicate that.

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

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

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

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

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

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

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

1 argument.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 people need to comply.

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

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

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

11 Alderman Burr.

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

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

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

18 **MAYOR DESTEFANO:** Yeah.

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

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

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

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

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

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

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

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

22 **MAYOR DESTEFANO:** Thank you.

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

24 7. Remarks of Department Head.

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

1 economic development. Maria Bruni, please.

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

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

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

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

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

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

15 **KAILA:** Yes.

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

18 Maria, please.

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

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

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

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

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

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

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

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

1 Maria, thank you very much.

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

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

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

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

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

14 That's all I have. Any questions?

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

16 Thank you, Fire Chief.

17 Commissioner of Public Works Jacob Tawil,
18 please.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 Thank you, Jacob.

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

3 8. Public Hearings and Grievances

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

5 9. Petitions and Complaints

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

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

8 10. Remarks of the Alderman.

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

10 Alderman Tobin.

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

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

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

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

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

9 **ALD. MESA:** Alderman Green

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 we're looking forward to have that done.

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

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

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

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

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

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

17 That's all I have. Thank you.

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

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

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

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

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

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

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

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

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

7 12. Unfinished Business

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

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

10

11

12

13

CERTIFICATE

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

19

20 Signature: *Lisa Kane*

21 Date: July 19, 2021

22 Agency: American Legal Transcription

23 11 Market Street, Suite 215

24 Poughkeepsie, New York 12601

25

12. NEW BUSINESS

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

THE FOLLOWING WAS PRESENTED

By Ald. Burr

Sec'd by Ald. Tobin

Date of Adoption 07-06-21

Index No:133-
21

NAMES	AYES	NOES	ABSTAIN	ABSENT
Ald. Ramkissoon	X			
Ald. Tobin	X			
Ald. Kleiner	X			
Ald. Johnson				X
Ald. Jean-Francois	X			
Ald. Burr	X			
Ald. Green	X			
Ald. Masi	X			
Pres. Rodrigues				X
TOTAL	7			2

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

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

THE FOLLOWING WAS PRESENTED

By Ald. Tobin

Sec'd by Ald. Green

Date of Adoption 07-06-21

Index No: 134-21

NAMES	AYES	NOES	ABSTAIN	ABSENT
Ald. Ramkissoon	X			
Ald. Tobin	X			
Ald. Kleiner	X			
Ald. Johnson				X
Ald. Jean-Francois	X			
Ald. Burr	X			
Ald. Green	X			
Ald. Masi	X			
Pres. Rodrigues				X
TOTAL	7			2

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

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

THE FOLLOWING WAS PRESENTED

By Ald. Green

Sec'd by Ald. Ramkissoon

Date of Adoption 07-06-21

Index No: 135-
21

NAMES	AYES	NOES	ABSTAIN	ABSENT
Ald. Ramkissoon	X			
Ald. Tobin	X			
Ald. Kleiner	X			
Ald. Johnson				X
Ald. Jean-Francois	X			
Ald. Burr	X			
Ald. Green	X			
Ald. Masi	X			
Pres. Rodrigues				X
TOTAL	7			2

RESOLVED, that the Common Council of the City of Middletown hereby authorizes the Commissioner of Public Works, and/or his designee, and the Chief of Police, and/or his designee, to close any and all streets and intersections necessary and at their discretion, for the Run 4 Downtown, Saturday, August 21, 2021 beginning at 8:00 a.m. and lasting until such time as it is no longer needed.

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

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

ROUTE: Map attached to this Resolution.

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

THE FOLLOWING WAS PRESENTED

By Ald. Ramkissoo

Sec'd by Ald. Kleiner

Date of Adoption 07-06-21

Index No: 136-
21

NAMES	AYES	NOES	ABSTAIN	ABSENT
Ald. Ramkissoo	X			
Ald. Tobin	X			
Ald. Kleiner	X			
Ald. Johnson				X
Ald. Jean-Francois	X			
Ald. Burr	X			
Ald. Green	X			
Ald. Masi	X			
Pres. Rodrigues				X
TOTAL	7			2

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

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

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

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

THE FOLLOWING WAS PRESENTED

By Ald. Kleiner

Sec'd by Ald. Burr

Date of Adoption 07-06-21

Index No: 137-
21

NAMES	AYES	NOES	ABSTAIN	ABSENT
Ald. Ramkissoon	X			
Ald. Tobin	X			
Ald. Kleiner	X			
Ald. Johnson				X
Ald. Jean-Francois	X			
Ald. Burr	X			
Ald. Green	X			
Ald. Masi	X			
Pres. Rodrigues				X
TOTAL	7			2

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

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

THE FOLLOWING WAS PRESENTED

By Ald. Burr

Sec'd by Ald. Tobin

Date of Adoption 07-06-21

Index No: 138-
21

NAMES	AYES	NOES	ABSTAIN	ABSENT
Ald. Ramkissoon	X			
Ald. Tobin	X			
Ald. Kleiner	X			
Ald. Johnson				X
Ald. Jean-Francois	X			
Ald. Burr	X			
Ald. Green	X			
Ald. Masi	X			
Pres. Rodrigues				X
TOTAL	7			2

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

Truck 2022 Ford F-250 STP	43,800
Door STP	7,348
Septage Screen	32,273
Pole Barn Garage STP	32,960
Two Each 2022 Dodge RAM3500 Street	100,072
Paint Machine Street	9,560
Jeep Cherokee Code Enforcement	33,351
Skid Steer Water	69,000
Truck RAM3500 Water	45,036
Roof WTP	225,000
Playground Equipment Davidge	80,000
Restrooms Reservoir	50,000
Self Contained Breathing Apparatus, Fire	157,464
Total	885,864

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

THE FOLLOWING WAS PRESENTED

By Ald. Tobin

Sec'd by Ald. Green

Date of Adoption 07-06-21

Index No: 139-
21

NAMES	AYES	NOES	ABSTAIN	ABSENT
Ald. Ramkissoon	X			
Ald. Tobin	X			
Ald. Kleiner	X			
Ald. Johnson				X
Ald. Jean-Francois	X			
Ald. Burr	X			
Ald. Green	X			
Ald. Masi	X			
Pres. Rodrigues				X
TOTAL	7			2

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

THE FOLLOWING WAS PRESENTED

By Ald. Burr

Sec'd by Ald. Jean-Francois

Date of Adoption 07-06-21

Index No: 140-
21

NAMES	AYES	NOES	ABSTAIN	ABSENT
Ald. Ramkissoon	X			
Ald. Tobin	X			
Ald. Kleiner	X			
Ald. Johnson				X
Ald. Jean-Francois	X			
Ald. Burr	X			
Ald. Green	X			
Ald. Masi	X			
Pres. Rodrigues				X
TOTAL	7			2

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

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

THE FOLLOWING WAS PRESENTED

By Ald. Jean-Francois

Sec'd by Ald. Green

Date of Adoption 07-06-21

Index No: 141-
21

NAMES	AYES	NOES	ABSTAIN	ABSENT
Ald. Ramkissoon	X			
Ald. Tobin	X			
Ald. Kleiner	X			
Ald. Johnson				X
Ald. Jean-Francois	X			
Ald. Burr	X			
Ald. Green	X			
Ald. Masi	X			
Pres. Rodrigues				X
TOTAL	7			2

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

13. Local Laws

Council Clerk-Nothing this evening.

14. Audit

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

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

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

15. Adjournment

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

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

THE FOLLOWING WAS PRESENTED

By Ald. _____

Sec'd by Ald. _____

Date of Adoption 08-03-21

Index No: _____

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

WHEREAS, Section 296-20(H)(1)(b) of the City Housing Code requires a property owner to obtain a criminal background report in the application process for rental permits for boardinghouses, rooming houses, lodging houses, multiple dwellings and two-family dwellings, and

WHEREAS, Section 296-30(F)(1)(b) of the City Housing Code requires a property owner to obtain a criminal background report in the application process for rental permits for single family dwellings and owner-occupied two-family dwellings, and

WHEREAS, the City must be provided with written proof of such criminal background reports prior to the acceptance of rent from any new tenant, and

WHEREAS, such criminal background reports are subject to restrictions contained in Section 380 of the New York General Business Law, and

WHEREAS, Section 380-B prohibits the acquisition of such criminal background checks, unless the lease applicant is informed in writing or in the same manner in which the lease application is made that a criminal background check may be requested in connection with such application, and

WHEREAS, Section 380-J prohibits consumer reporting agencies from reporting or maintaining information relative to an arrest or a criminal charge unless there has been a criminal conviction for such offense, or unless such charges are still pending, and

WHEREAS, Section 380-J prohibits consumer reporting agencies from reporting convictions of crimes, which from the date of disposition, release or parole, antedate the report by more than seven (7) years, and

WHEREAS, the City wishes to prevent illegal discrimination by property owners against persons with criminal convictions.

NOW THEREFORE BE IT Resolved, and be it Ordained, by the Common Council of the City of Middletown, New York, as follows:

Section 1 - The Code of the City of Middletown, N.Y., Chapter 296, Housing, is hereby amended by replacing Subparagraph (b) of Paragraph (1) of Subsection H, Background Checks, of Section 296-20, Additional criteria for granting of permits, to read as follows:

(b) Criminal background report, provided however, that such report must be limited to violent felony convictions occurring in the past seven (7) years and to violent misdemeanor convictions occurring in the past five (5) years. Prior to requesting the criminal background report, the person or entity seeking the rental permit must inform the lease applicant in writing or in the same manner in which the lease application was made that a criminal background check may be requested in connection with such application.

Section 2 - The Code of the City of Middletown, N.Y., Chapter 296, Housing, is hereby amended by replacing Subparagraph (b) of Paragraph (1) of Subsection F, Background Checks, of Section 296-30, Rental permit required, to read as follows:

(b) Criminal background report provided however, that such report must be limited to violent felony convictions occurring in the past seven (7) years and to violent misdemeanor convictions occurring in the past five (5) years. Prior to requesting the criminal background report, the person or entity seeking the rental permit must inform the lease applicant in writing or in the same manner in which the lease application was made that a criminal background check may be requested in connection with such application.

Section 3 - The Code of the City of Middletown, N.Y., Chapter 296, Housing, as adopted July 27, 1959, and as amended thereafter, be and is hereby amended by adding a Paragraph (4) to Subsection A, of Section 296-8, Prohibited acts, of Article II, Discriminatory Practices, to read as follows:

(4). Utilize any criminal background report in violation of Sections 1 or 2 of Part IIIA of the 2016 Office of General Counsel Guidance on Application of Fair Housing Act Standards to the Use of Criminal Records by Providers of Housing and Real Estate-Related Transactions, commonly known as the 2016 HUD Guidance. The City

shall provide property owners who are applying for rental permits with a copy of these Sections, or any amended version thereof, in the application materials.

Section 4 - This ordinance shall take effect immediately.

FORWARD TO
LEGISLATION COMMITTEE

RECEIVED

JUL 14 2021

RESOLUTION

City Clerk
City of Middletown

WHEREAS, Section 296-20(H)(1)(b) of the City Housing Code requires a property owner to obtain a criminal background report in the application process for rental permits for boardinghouses, rooming houses, lodging houses, multiple dwellings and two-family dwellings, and

WHEREAS, Section 296-30(F)(1)(b) of the City Housing Code requires a property owner to obtain a criminal background report in the application process for rental permits for single family dwellings and owner-occupied two-family dwellings, and

WHEREAS, the City must be provided with written proof of such criminal background reports prior to the acceptance of rent from any new tenant, and

WHEREAS, such criminal background reports are subject to restrictions contained in Section 380 of the New York General Business Law, and

WHEREAS, Section 380-B prohibits the acquisition of such criminal background checks, unless the lease applicant is informed in writing or in the same manner in which the lease application is made that a criminal background check may be requested in connection with such application, and

WHEREAS, Section 380-J prohibits consumer reporting agencies from reporting or maintaining information relative to an arrest or a criminal charge unless there has been a criminal conviction for such offense, or unless such charges are still pending, and

WHEREAS, Section 380-J prohibits consumer reporting agencies from reporting convictions of crimes, which from the date of disposition, release or parole, antedate the report by more than seven (7) years, and

WHEREAS, the City wishes to prevent illegal discrimination by property owners against persons with criminal convictions.

NOW THEREFORE BE IT Resolved, and be it Ordained, by the Common Council of the City of Middletown, New York, as follows:

Section 1 - The Code of the City of Middletown, N.Y., Chapter 296, Housing, is hereby amended by replacing Subparagraph (b) of Paragraph (1) of Subsection H, Background Checks, of Section 296-20, Additional criteria for granting of permits, to read as follows:

(b) Criminal background report, provided however, that such report must be limited to violent felony convictions occurring in the past seven (7) years and to violent misdemeanor convictions occurring in the past five (5) years. Prior to requesting the criminal background report, the person or entity seeking the rental permit must inform the lease applicant in writing or in the same manner in which the lease application was made that a criminal background check may be requested in connection with such application.

Section 2 - The Code of the City of Middletown, N.Y., Chapter 296, Housing, is hereby amended by replacing Subparagraph (b) of Paragraph (1) of Subsection F, Background Cheks, of Section 296-30, Rental permit required, to read as follows:

(b) Criminal background report, provided however, that such report must be limited to violent felony convictions occurring in the past seven (7) years and to violent misdemeanor convictions occurring in the past five (5) years. Prior to requesting the criminal background report, the person or entity seeking the rental permit must inform the lease applicant in writing or in the same manner in which the lease application was made that a criminal background check may be requested in connection with such application.

Section 3 - The Code of the City of Middletown, N.Y., Chapter 296, Housing, as adopted July 27, 1959, and as amended thereafter, be and is hereby amended by adding a Paragraph (4) to Subsection A, of Section 296-8, Prohibited acts, of Article II, Discriminatory Practices, to read as follows:

(4). Utilize any criminal background report in violation of Sections 1 or 2 of Part IIIA of the 2016 Office of General Counsel Guidance on Application of Fair Housing Act Standards to the Use of Criminal Records by Providers of Housing and Real Estate-Related Transactions, commonly known as the 2016 HUD Guidance. The City shall provide property owners who are applying for rental permits with a copy of these Sections, or any amended version thereof, in the application materials.

Section 4 - This ordinance shall take effect immediately.

John Naumchik

From: asmith22@hvc.rr.com
Sent: Wednesday, July 14, 2021 11:17 AM
To: John Naumchik
Cc: 'Joseph DeStefano'; 'Jacob Tawil'
Subject: Rental Permits - Resolution
Attachments: Rental Permits - Background Check Amendments.docx

John,

This Resolution is ready for committee.

Alex

**FORWARD TO
LEGISLATION COMMITTEE**

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

THE FOLLOWING WAS PRESENTED

By Ald. _____

Sec'd by Ald. _____

Date of Adoption 08-03-21

Index No: _____

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

RESOLVED, by the Common Council of the City of Middletown that Retention and Disposition Schedule for New York Local Government Records (LGS-1), issued pursuant to Article 57-A of the Arts and Cultural Affairs Law, and containing legal minimum retention periods for local government records, is hereby adopted for use by all officers in legally disposing of valueless records listed therein.

FURTHER RESOLVED, that in accordance with Article 57-A:

(a) only those records will be disposed of that are described in Retention and Disposition Schedule for New York Local Government Records (LGS-1), after they have met the minimum retention periods described therein;

(b) only those records will be disposed of that do not have sufficient administrative, fiscal, legal, or historical value to merit retention beyond established legal minimum periods.

RECEIVED

MODEL RESOLUTION

JUL 23 2021

City Clerk
City of Middletown

RESOLVED, By the Common Council _____ [title of governing body] of the City of Middletown _____ [local government name] that *Retention and Disposition Schedule for New York Local Government Records (LGS-1)*, issued pursuant to Article 57-A of the Arts and Cultural Affairs Law, and containing legal minimum retention periods for local government records, is hereby adopted for use by all officers in legally disposing of valueless records listed therein.

FURTHER RESOLVED, that in accordance with Article 57-A:

(a) only those records will be disposed of that are described in *Retention and Disposition Schedule for New York Local Government Records (LGS-1)*, after they have met the minimum retention periods described therein;

(b) only those records will be disposed of that do not have sufficient administrative, fiscal, legal, or historical value to merit retention beyond established legal minimum periods.

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

THE FOLLOWING WAS PRESENTED

By Ald. _____

Sec'd by Ald. _____

Date of Adoption 08-03-21

Index No: _____

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

RESOLVED: that the Common Council of the City of Middletown hereby amends resolution #152-21 adopted on July 20, 2021 to read:

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 July 20, 2021 and ending July 19, 2026.

EMPLOYMENT CONTRACT BETWEEN THE CHIEF OF POLICE AND THE CITY OF MIDDLETOWN

Employment Contract made this ____ day of July 2021 by and between the City of Middletown, a municipal Corporation, having a principal address at 16 James Street, Middletown, New York 10940 (hereinafter referred to as "the City") and John D. Ewanciw, 2 James St. Middletown, New York 10940 (hereinafter referred to as "Ewanciw").

Whereas, the City wishes to enter into an Employment Contract with "Ewanciw" for a term described herein, defining the salary and benefits Ewanciw will be entitled to as the Chief of The City of Middletown Police Department.

Whereas, as a result of his initial hiring, Ewanciw was no longer a member of the Middletown Police Benevolent Association (hereinafter referred to as "the PBA") and will no longer, as of right, be entitled to the benefits contained in any contract entered into between the PBA and the City, and

Whereas, the City and Ewanciw want to memorialize their mutual understanding of Ewanciw's position as the Chief of Police and the benefits to which Ewanciw will be entitled as Chief of Police, and the basis for benefits beyond employment.

Now, therefore, in consideration of the mutual conditions and promises contained herein, which the parties agree is adequate consideration for the entry into this contract, the parties hereto agree as follows:

1. Ewanciw will serve as the Chief of Police at an initial salary of \$206,000.00 effective as of July____, 2021.

- a. Ewanciw shall be intitled to retroactive pay at his new rate of pay, \$206,000, for the period of January 1, 2021 up to the date this employment contract goes into effect, and said retroactive pay shall be paid to Ewanciw no later then 30 days after the ratification of this employment contract.
2. Ewanciw's salary will then be adjusted on an annual basis hereinafter as of January 1st of each year. The annual increase shall be 2% each year that Ewanciw serves as Chief of Police. Said increase shall become a part of Ewanciw's base salary for the subsequent year upon which future increases are computed. Ewanciw's salary shall however never be less than twenty-one percent (21%) higher than the highest base salary listed in the salary schedule in the contract between the City and the PBA.
3. Ewanciw shall be permitted to reside anywhere in Orange County, State of New York or within a 25-mile radius of the City of Middletown, New York as per the PBA contract.
4. Ewanciw will not be entitled to any overtime pay or compensatory time during his service as Chief of Police. Ewanciw, at his discretion may "flex" his schedule to meet the needs of the department provided that he works 80 hours in a two-week cycle. His normal work week shall consist of five days, Monday through Friday during daytime hours. Ewanciw shall be allowed to adjust his schedule to attend evening meetings or work police details at his discretion, which shall be part of his 80-hour requirement.
5. Ewanciw shall be entitled to five (5) personal leave days per calendar year. Any unused personal leave shall be added to Ewanciw's accrued vacation time.
6. Ewanciw shall be entitled to five weeks (25 working days) paid vacation per calendar year during his service as Chief of Police, to be accrued during each year in the same manner as vacation is accrued for members of the PBA, however Ewanciw may use his accruals in 8-hour (1 work day) increments at his discretion. Ewanciw shall be permitted to have an accumulation of sixty

(60) days' vacation at the end of each fiscal year. In the event Ewanciw's vacation accruals exceed the limitation, Ewanciw shall be compensated at his normal rate of pay for such excess in the last payroll in January.

7. As an additional benefit, at his discretion, Ewanciw shall be permitted to cash in up to two weeks (10 working days) of vacation time at his normal rate of pay per year.
8. Notwithstanding any provisions in this Employment Contract, or the contract between The City and The PBA, upon retirement, separation, or dismissal from service or death, Ewanciw or his beneficiary shall be entitled to a payout of all unused time, sick, personal, and vacation time at a cap of 260 days at his current rate of pay.
9. Ewanciw shall be entitled to a stipend of \$175.00 monthly for cellular phone, home computer, home office reimbursement, which will allow Ewanciw to have continued access to Police Department business, payable each month by separate check during his tenure as Chief of Police.
10. Ewanciw shall be entitled to receive "all benefits" received by the highest-ranking subordinate serving under Ewanciw in the City's Police Department pursuant to any contract between the City and the PBA, including but not limited to medical, hospitalization, dental benefits, retirement, optical, sick leave, holiday leave, and college reimbursement, not otherwise provided for in this contract. Ewanciw shall have the choice to substitute the above mentioned dental and optical benefits with the dental and optical benefit plans afforded to other department heads, of the City of Middletown. All such benefits, unless specifically modified by the terms of this Employment Contract, shall, however cover Ewanciw and his dependents in full, with no contribution on the part of Ewanciw from his salary, or otherwise, and upon retirement or separation the City shall pay one hundred percent (100%) of the individual and/or family/dependent dental and optical insurance premium costs. In the event of the death of Ewanciw, the City shall pay the premium cost for the surviving spouse and eligible dependent (s). This

paragraph shall survive the term of employment and be enforceable after the termination of this contract.

11. Notwithstanding any other provision of this contract, or the contract between the City and the PBA, Ewanciw shall be provided with full health insurance coverage (Individual and/or Family/Dependent plan) in the New York State Insurance Plan (Core Plus Medical and Psychiatric Enhancements) or replacement carrier with no less BEST rating as is provided for the PBA at no cost to Ewanciw, and upon retirement or separation the City shall pay one hundred percent (100%) of the individual and/or family/dependent health insurance premium cost in such plan. In the event of the death of Ewanciw, the City shall pay the premium cost for the surviving spouse and eligible dependent (s). This paragraph shall survive the term of employment and be enforceable after the termination of this contract.
12. In the event New York General Municipal law section 207-m is reinstated Ewanciw shall be covered by such legislation. In the event there is a conflict among New York General Municipal law 207-m (should such legislation or replacement be instated), Chapter 90 (Municipal Employees) of the Code of the City of Middletown, the contract between the City and the PBA or this Employment Contract as to the level of benefits to which Ewanciw will be entitled, then Ewanciw will be entitled to the highest level of benefits as contained in any of those sources. For example, if Chapter 90 of the Code of the City of Middletown states the Chief of Police will be entitled to three personal leave days per year but the contract between the City and Ewanciw provides for five personal leave days per year, then the Contract between the City and Ewanciw will govern for that particular benefit.
13. The City agrees to reimburse Ewanciw up to \$350.00 per month towards Ewanciw's purchase of a life insurance policy. The payment of \$350.00 will only be made upon the presentation of bills that have been incurred by Ewanciw for the purchase of such life insurance policy. By way of example, if Ewanciw purchases a life insurance policy that costs \$300.00 per month, the reimbursement will be \$300.00 per month. As a further example if the

cost of such policy is \$400.00 per month, the City will reimburse Ewanciw the sum of \$350.00 per month only.

The monthly payment of up to \$350.00 per month will continue only so long as Ewanciw is employed by the City. Such payment shall commence as of the month commencing this agreement.

14. Ewanciw shall be assigned an unmarked police vehicle. Said vehicle may be used 24 hours/7 days a week for "Professional and Personal" use in New York State or any state contiguous with New York State, and shall be used without limitation thereof and maintained and fueled at no expense to Ewanciw, since Ewanciw is on "On Call" in the event of emergency.
15. Ewanciw shall be allowed to attend the training sessions each year of The International Association of Chiefs of Police (within the Continental U.S.), and The New York State Chief of Police. Ewanciw shall also be allowed to attend any other training reasonable, and with the authorization of the Mayor, to remain current in modern police practices and management. Attendance at these continuing educational programs shall be included within Ewanciw's required work hours and shall not be deducted from any leave to which Ewanciw is entitled to under the terms of this agreement. All such costs including, but not limited to, travel, lodging and meals, shall be paid by the City.
16. The terms of this contract shall be for a period of five (5) years. This contract shall become effective July __, 2021 and shall terminate at the close of business on July __, 2026. The parties agree that is no new contract can be reached by midnight on July __, 2026, Ewanciw's current rate of pay, healthcare benefits, to include vision and dental, as well as section 10 of this contract shall remain in effect until such a time that there is an agreement between the City and Ewanciw, Ewanciw retires, or Ewanciw is terminated in accordance with the City Charter and Civil Service Law of the State of New York.

17. It is the intention of the parties that any term contained in the contract between The City and the Middletown PBA that is not in conflict with this contract, but which amplify the terms of this contract, are hereby incorporated for the benefit of Ewanciw.
18. The validity or the enforceability of any particular provision of this Employment Agreement shall not affect its other provisions. This Employment Contract shall be construed in all respects as if such invalid or unenforceable provision had been omitted, the intent of the parties being, in such event, to modify such a term, so as to provide the maximum benefit to Ewanciw.
19. In the event of any litigation against Ewanciw arising from his performance of duties as Chief of Police, the City agrees to cover and advance all legal costs, fees and disbursements incurred by Ewanciw in defending against such claims or actions.
20. Ewanciw shall have the rights afforded under the Civil Service Laws of New York State. However, nothing in this contract is intended to, or will limit the jurisdiction or powers of the Board of Police Commissioners of the City with respect to Ewanciw and his service or performance as Chief of Police of the City's Police Department, and nothing in this Agreement is intended to supersede any relevant portions of the Charter of the City.
21. Each and every provision of law and clause required by law to be inserted in this employment contract shall be deemed to have been inserted herein. If any provision is not inserted through mistake or otherwise, then upon application of either party, this employment contract shall be physically amended forthwith to make such insertion.
22. Any and all notices required hereunder to be made, shall be addressed to the other party with informational copy to the attorneys for the respective party. Ewanciw is presently representing himself. The City of Middletown is represented by Corporation Counsel with notice to be addressed to such

official at the address then in place for the City of Middletown Corporation Counsel.

23. This Employment Contract shall be executed in quadruplicate and at least one copy thereof shall be filed after execution thereof, in the office of The Clerk of the City of Middletown.

24. The execution of this Employment Contract by the Mayor of the City of Middletown shall indicate his authorization to do so and the consent of the majority of the members of the City Council.

In Witness Whereof, the parties hereto have set their hands and seals as of the year and day first written above.

City of Middletown:

BY: Joseph M. DeStefano, Mayor

John D. Ewanciw

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

THE FOLLOWING WAS PRESENTED

By Ald. _____

Sec'd by Ald. _____

Date of Adoption 08-03-21

Index No: _____

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

WHEREAS, bids were opened by the Board of Estimate and Apportionment on Thursday, July 1, 2021, for the Water Pipe and Gray Iron Castings, 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 below,

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 Water Pipe and Gray Iron Castings to the following:

Schmidt's Wholesale, P. O. Box 5100, Monticello, NY 12701:

6" cement lined, Class 52 ductile iron Tyton joint water pipe @ \$18.00/lin. ft.
8" cement lined, Class 52 ductile iron Tyton joint water pipe @ \$25.53/lin. ft.
10" cement lined, Class 52 ductile iron Tyton joint water pipe @ \$34.77/lin. ft.
12" cement lined, Class 52 ductile iron Tyton joint water pipe @ \$43.78/lin. ft.
14" cement lined, Class 52 ductile iron Tyton joint water pipe @ \$54.07/lin. ft.
16" cement lined, Class 52 ductile iron Tyton joint water pipe @ \$63.35/lin. ft.
20" cement lined, Class 52 ductile iron Tyton joint water pipe @ \$83.18/lin. ft.
24" cement lined, Class 52 ductile iron Tyton joint water pipe @ \$104.27/lin. ft.

- Fittings for 6" pipe - 11 1/4° bend imported @ \$125.00 ea.
 - 22 1/2° bend imported @ \$146.00 ea.
 - 45° bend imported @ \$128.00 ea.
 - 90° bend imported @ \$147.00 ea.

Schmidt's Wholesale, P. O. Box 5100, Monticello, NY 12701 (cont'd):

- Fittings for 8" pipe - 11 1/4° bend imported @ \$176.00 ea.
 - 22 1/2° bend imported @ \$187.00 ea.
 - 45° bend imported @ \$158.00 ea.
 - 90° bend imported @ \$215.00 ea.
- Fittings for 10" pipe - 11 1/4° bend imported @ \$275.00 ea.
 - 22 1/2° bend imported @ \$276.00 ea.
 - 45° bend imported @ \$276.00 ea.
 - 90° bend imported @ \$278.00 ea.
- Fittings for 12" pipe - 11 1/4° bend imported @ \$365.00 ea.
 - 22 1/2° bend imported @ \$378.00 ea.
 - 45° bend imported @ \$409.00 ea.
 - 90° bend imported @ \$461.00 ea.
- Fittings for 14" pipe - 11 1/4° bend imported @ \$664.00 ea.
 - 22 1/2° bend imported @ \$608.00 ea.
 - 45° bend imported @ \$635.00 ea.
 - 90° bend imported @ \$714.00 ea.
- Fittings for 16" pipe - 11 1/4° bend imported @ \$798.00 ea.
 - 22 1/2° bend imported @ \$771.00 ea.
 - 45° bend imported @ \$791.00 ea.
 - 90° bend imported @ \$984.00 ea.
- Fittings for 18" pipe - 11 1/4° bend imported @ \$1,178.00 ea.
 - 22 1/2° bend imported @ \$1,023.00 ea.
 - 45° bend imported @ \$1,152.00 ea.
 - 90° bend imported @ \$1,276.00 ea.
- Fittings for 20" pipe - 11 1/4° bend imported @ \$1,239.00 ea.
 - 22 1/2° bend imported @ \$1,339.00 ea.
 - 45° bend imported @ \$1,305.00 ea.
 - 90° bend imported @ \$1,713.00 ea.
- Fittings for 24" pipe - 11 1/4° bend imported @ \$1,755.00 ea.
 - 22 1/2° bend imported @ \$1,823.00 ea.
 - 45° bend imported @ \$1,912.00 ea.
 - 90° bend imported @ \$2,501.00 ea.
- Hydrants: Mueller A423 Super Centurion 250 5' bury @ \$2,611.00
 Mueller A423 Super Centurion 250 6' bury @ \$2,724.00
 Kennedy #K81AW Spin in 4" reg. @ \$2,785.00
 Kennedy #K81AW Spin in 6" bronze lined @ \$2,869.00
 Kennedy #K81 5' bury @ \$2,563.00
- Valves- Resilient Seat 18" dia. @ \$7,821.00 ea.

Valves -Butterfly 6" dia. @ \$2,266.00 ea.

Valves -Butterfly 8" dia. @ \$2,442.00 ea.

Valves -Butterfly 10" dia. @ \$2,935.00 ea.

Schmidt's Wholesale, P. O. Box 5100, Monticello, NY 12701 (cont'd):

Valves -Butterfly 12" dia. @ \$3,477.00 ea.

Valves -Butterfly 14" dia. @ \$4,775.00 ea.

Valves -Butterfly 16" dia. @ \$5,455.00 ea.

Valves -Butterfly 18" dia. @ \$5,727.00 ea.

Valves -Butterfly 20" dia. @ \$6,967.00 ea.

Valves -Butterfly 24" dia. @ \$8,850.00 ea.

Hymax Couplings -14" pipe @ \$965.00

Repair clamps – 14" pipe (ductile, cast iron) @ \$445.00 ea.

Repair clamps – 16" pipe (ductile, cast iron) @ \$478.00 ea.

Repair clamps – 18" pipe (ductile, cast iron) @ \$518.00 ea.

Repair clamps – 20" pipe (ductile, cast iron) @\$533.00 ea.

Repair clamps – 24" pipe (ductile, cast iron) @ \$675.00 ea.

Valve box lid marked water Star @ \$14.00 ea.

Valve box riser (6" high) Star @ \$33.00 ea.

Valve box riser (2" high) Star @ \$16.00 ea.

Valve box riser (1.5" high) Star @ \$14.00 ea.

Valve box riser (1" high) imported @ \$12.00 ea.

Core and Main, 650 Sheafe Rd., Poughkeepsie, NY 12601:

18" cement lined, Class 52 ductile iron Tyton joint water pipe @ \$75.25

Fittings for 6" pipe - 11 1/4⁰ bend domestic @ \$198.43 ea.

- 22 1/2⁰ bend domestic @ \$195.20 ea.

- 45⁰ bend domestic @ \$204.84 ea.

- 90⁰ bend domestic @ \$228.25 ea.

Fittings for 8" pipe - 11 1/4⁰ bend domestic @ \$265.68 ea.

- 22 1/2⁰ bend domestic @ \$265.58 ea.

- 45⁰ bend domestic @ \$281.80 ea.

- 90⁰ bend domestic @ \$320.48 ea.

Fittings for 10" pipe - 11 1/4⁰ bend domestic @ \$404.18.00 ea.

-22 1/2⁰ bend domestic @ \$394.51 ea.

-45⁰ bend domestic @ \$401.76 ea.

-90⁰ bend domestic @ \$513.78 ea.

Fittings for 12" pipe - 11 1/4⁰ bend domestic @ \$552.03 ea.

- 22 1/2⁰ bend domestic @ \$568.96 ea.

- 45⁰ bend domestic @ \$626.98 ea.

-90⁰ bend domestic @ \$726.10 ea.

Fittings for 14" pipe - 11 1/4⁰ bend domestic @ \$1,026.35 ea.

- 22 1/2⁰ bend domestic @ \$1,008.62 ea.

- 45⁰ bend domestic @ \$1,175.75 ea.

Fittings for 16" pipe - 11 1/4⁰ bend domestic @ \$1,231.60 ea.

- 22 1/2⁰ bend domestic @ \$1,231.60 ea.

- 45⁰ bend domestic @ \$1,266.26 ea.

- 90° bend domestic @ \$1,520.11 ea.
- Fittings for 18" pipe - 11 1/4° bend domestic @ \$1,782.73 ea.
- 22 1/2° bend domestic @ \$1,672.32 ea.
- 45° bend domestic @ \$1,681.99 ea.
- 90° bend domestic @ \$2,068.61 ea.
- Fittings for 20" pipe - 11 1/4° bend domestic @ \$1,909.72 ea.
- 22 1/2° bend domestic @ \$2,077.34 ea.
- 45° bend domestic @ \$1,996.76 ea.
- 90° bend domestic @ \$2,595.53 ea.
- Fittings for 24" pipe - 11 1/4° bend domestic @ \$2,618.15 ea.
- 22 1/2° bend domestic @ \$2,764.82 ea.
- 45° bend domestic @ \$2,832.51 ea.
- 90° bend domestic @ \$3,951.88 ea.
- Mueller Prod. #A466-511980, spin-in 5 ft. bury @ \$3,621.73
- Mueller Prod. #A466-511980, spin-in 6 ft. bury @ \$3,804.56
- Kennedy #K81AW Spin in 4" reg. @ \$2,785.57
- Kennedy #K81AW Spin in 6" bronze lined @ \$2,869.26
- Kennedy #K81 5' bury @ \$2,563.53
- Hydrant Option: Stortz Connection pumper nozzle @ \$375.00 *add for 5" Storz
- Valves - Resilient Seat 6" dia. @ \$772.78 ea.
- Resilient Seat 8" dia. @ \$1,205.17 ea.
- Resilient Seat 10" dia. @ \$1,863.75 ea.
- Resilient Seat 12" dia. @ \$2,368.03 ea.
- Resilient Seat 14" dia. @ \$6,885.91 ea.
- Resilient Seat 16" dia. @ \$7,542.44 ea.
- Resilient Seat 20" dia. @ \$14,674.72 ea.
- Resilient Seat 24" dia. @ \$20,823.86 ea.
- Hymax Couplings -16" pipe @ \$477.93 ea.
- Hymax Couplings -18" pipe @ \$1,122.20 ea.
- Hymax Couplings -20" pipe @ \$1,275.74 ea.
- Hymax Couplings -24" pipe @ \$1,358.44 ea.

Ferguson Waterworks, 200 Atlantic Ave., New Hyde Park, NY 11040:

Valve box riser (3" high) imported @ \$17.40 ea.

Department of Public Works

City of Middletown

Jacob S. Tawil, P.E.
Commissioner of Public Works



16 James Street
Middletown, N.Y. 10940-1587
Tel: (845) 343-3169
Fax: (845) 343-4014

RECEIVED

July 16, 2021

JUL 27 2021

Board of Estimate & Apportionment
Honorable Mayor and Members
of the Common Council
City of Middletown, NY

City Clerk
City of Middletown

RE: Water Pipe and Gray Iron Castings Bid of June 18, 2021

Gentlemen:

Public advertisement for referenced bidding was published on June 18, 2021. Bids were received and opened on July 1, 2021 during the Board of Estimate & Apportionment meeting. Bid tabulation sheets attached.

I have reviewed the above captioned bids and respectfully request awarding the lowest qualifying bidders the following:

Schmidt's Wholesale, P. O. Box 5100, Monticello, NY 12701:

6" cement lined, Class 52 ductile iron Tyton joint water pipe @ \$18.00/lin. ft.
8" cement lined, Class 52 ductile iron Tyton joint water pipe @ \$25.53/lin. ft.
10" cement lined, Class 52 ductile iron Tyton joint water pipe @ \$34.77/lin. ft.
12" cement lined, Class 52 ductile iron Tyton joint water pipe @ \$43.78/lin. ft.
14" cement lined, Class 52 ductile iron Tyton joint water pipe @ \$54.07/lin. ft.
16" cement lined, Class 52 ductile iron Tyton joint water pipe @ \$63.35/lin. ft.
20" cement lined, Class 52 ductile iron Tyton joint water pipe @ \$83.18/lin. ft.
24" cement lined, Class 52 ductile iron Tyton joint water pipe @ \$104.27/lin. ft.
Fittings for 6" pipe - 11 1/4° bend imported @ \$125.00 ea.
- 22 1/2° bend imported @ \$146.00 ea.
- 45° bend imported @ \$128.00 ea.
- 90° bend imported @ \$147.00 ea.

Schmidt's Wholesale, P. O. Box 5100, Monticello, NY 12701 (cont'd):

- Fittings for 8" pipe - 11 1/4° bend imported @ \$176.00 ea.
- 22 1/2° bend imported @ \$187.00 ea.
- 45° bend imported @ \$158.00 ea.
- 90° bend imported @ \$215.00 ea.
- Fittings for 10" pipe - 11 1/4° bend imported @ \$275.00 ea.
- 22 1/2° bend imported @ \$276.00 ea.
- 45° bend imported @ \$276.00 ea.
- 90° bend imported @ \$278.00 ea.
- Fittings for 12" pipe - 11 1/4° bend imported @ \$365.00 ea.
- 22 1/2° bend imported @ \$378.00 ea.
- 45° bend imported @ \$409.00 ea.
- 90° bend imported @ \$461.00 ea.
- Fittings for 14" pipe - 11 1/4° bend imported @ \$664.00 ea.
- 22 1/2° bend imported @ \$608.00 ea.
- 45° bend imported @ \$635.00 ea.
- 90° bend imported @ \$714.00 ea.
- Fittings for 16" pipe - 11 1/4° bend imported @ \$798.00 ea.
- 22 1/2° bend imported @ \$771.00 ea.
- 45° bend imported @ \$791.00 ea.
- 90° bend imported @ \$984.00 ea.
- Fittings for 18" pipe - 11 1/4° bend imported @ \$1,178.00 ea.
- 22 1/2° bend imported @ \$1,023.00 ea.
- 45° bend imported @ \$1,152.00 ea.
- 90° bend imported @ \$1,276.00 ea.
- Fittings for 20" pipe - 11 1/4° bend imported @ \$1,239.00 ea.
- 22 1/2° bend imported @ \$1,339.00 ea.
- 45° bend imported @ \$1,305.00 ea.
- 90° bend imported @ \$1,713.00 ea.
- Fittings for 24" pipe - 11 1/4° bend imported @ \$1,755.00 ea.
- 22 1/2° bend imported @ \$1,823.00 ea.
- 45° bend imported @ \$1,912.00 ea.
- 90° bend imported @ \$2,501.00 ea.
- Hydrants: Mueller A423 Super Centurion 250 5' bury @ \$2,611.00
Mueller A423 Super Centurion 250 6' bury @ \$2,724.00
Kennedy #K81AW Spin in 4" reg. @ \$2,785.00
Kennedy #K81AW Spin in 6" bronze lined @ \$2,869.00
Kennedy #K81 5' bury @ \$2,563.00
- Valves- Resilient Seat 18" dia. @ \$7,821.00 ea.
Valves -Butterfly 6" dia. @ \$2,266.00 ea.
Valves -Butterfly 8" dia. @ \$2,442.00 ea.
Valves -Butterfly 10" dia. @ \$2,935.00 ea.

Schmidt's Wholesale, P. O. Box 5100, Monticello, NY 12701 (cont'd):

Valves -Butterfly 12" dia. @ \$3,477.00 ea.
Valves -Butterfly 14" dia. @ \$4,775.00 ea.
Valves -Butterfly 16" dia. @ \$5,455.00 ea.
Valves -Butterfly 18" dia. @ \$5,727.00 ea.
Valves -Butterfly 20" dia. @ \$6,967.00 ea.
Valves -Butterfly 24" dia. @ \$8,850.00 ea.
Hymax Couplings -14" pipe @ \$965.00
Repair clamps - 14" pipe (ductile, cast iron) @ \$445.00 ea.
Repair clamps - 16" pipe (ductile, cast iron) @ \$478.00 ea.
Repair clamps - 18" pipe (ductile, cast iron) @ \$518.00 ea.
Repair clamps - 20" pipe (ductile, cast iron) @ \$533.00 ea.
Repair clamps - 24" pipe (ductile, cast iron) @ \$675.00 ea.
Valve box lid marked water Star @ \$14.00 ea.
Valve box riser (6" high) Star @ \$33.00 ea.
Valve box riser (2" high) Star @ \$16.00 ea.
Valve box riser (1.5" high) Star @ \$14.00 ea.
Valve box riser (1" high) imported @ \$12.00 ea.

Core and Main, 650 Sheafe Rd., Poughkeepsie, NY 12601:

18" cement lined, Class 52 ductile iron Tyton joint water pipe @ \$75.25
Fittings for 6" pipe - 11 1/4° bend domestic @ \$198.43 ea.
- 22 1/2° bend domestic @ \$195.20 ea.
- 45° bend domestic @ \$204.84 ea.
- 90° bend domestic @ \$228.25 ea.
Fittings for 8" pipe - 11 1/4° bend domestic @ \$265.68 ea.
- 22 1/2° bend domestic @ \$265.58 ea.
- 45° bend domestic @ \$281.80 ea.
- 90° bend domestic @ \$320.48 ea.
Fittings for 10" pipe - 11 1/4° bend domestic @ \$404.18.00 ea.
- 22 1/2° bend domestic @ \$394.51 ea.
- 45° bend domestic @ \$401.76 ea.
- 90° bend domestic @ \$513.78 ea.
Fittings for 12" pipe - 11 1/4° bend domestic @ \$552.03 ea.
- 22 1/2° bend domestic @ \$568.96 ea.
- 45° bend domestic @ \$626.98 ea.
- 90° bend domestic @ \$726.10 ea.
Fittings for 14" pipe - 11 1/4° bend domestic @ \$1,026.35 ea.
- 22 1/2° bend domestic @ \$1,008.62 ea.
- 45° bend domestic @ \$1,175.75 ea.
Fittings for 16" pipe - 11 1/4° bend domestic @ \$1,231.60 ea.
- 22 1/2° bend domestic @ \$1,231.60 ea.
- 45° bend domestic @ \$1,266.26 ea.

- 90° bend domestic @ \$1,520.11 ea.
- Fittings for 18" pipe - 11 1/4° bend domestic @ \$1,782.73 ea.
- 22 1/2° bend domestic @ \$1,672.32 ea.
- 45° bend domestic @ \$1,681.99 ea.
- 90° bend domestic @ \$2,068.61 ea.
- Fittings for 20" pipe - 11 1/4° bend domestic @ \$1,909.72 ea.
- 22 1/2° bend domestic @ \$2,077.34 ea.
- 45° bend domestic @ \$1,996.76 ea.
- 90° bend domestic @ \$2,595.53 ea.
- Fittings for 24" pipe - 11 1/4° bend domestic @ \$2,618.15 ea.
- 22 1/2° bend domestic @ \$2,764.82 ea.
- 45° bend domestic @ \$2,832.51 ea.
- 90° bend domestic @ \$3,951.88 ea.
- Mueller Prod. #A466-511980, spin-in 5 ft. bury @ \$3,621.73
- Mueller Prod. #A466-511980, spin-in 6 ft. bury @ \$3,804.56
- Kennedy #K81AW Spin in 4" reg. @ \$2,785.57
- Kennedy #K81AW Spin in 6" bronze lined @ \$2,869.26
- Kennedy #K81 5' bury @ \$2,563.53
- Hydrant Option: Stortz Connection pumper nozzle @ \$375.00 *adder for 5" Storz
- Valves - Resilient Seat 6" dia. @ \$772.78 ea.
- Resilient Seat 8" dia. @ \$1,205.17 ea.
- Resilient Seat 10" dia. @ \$1,863.75 ea.
- Resilient Seat 12" dia. @ \$2,368.03 ea.
- Resilient Seat 14" dia. @ \$6,885.91 ea.
- Resilient Seat 16" dia. @ \$7,542.44 ea.
- Resilient Seat 20" dia. @ \$14,674.72 ea.
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- Hymax Couplings -16" pipe @ \$477.93 ea.
- Hymax Couplings -18" pipe @ \$1,122.20 ea.
- Hymax Couplings -20" pipe @ \$1,275.74 ea.
- Hymax Couplings -24" pipe @ \$1,358.44 ea.

Ferguson Waterworks, 200 Atlantic Ave., New Hyde Park, NY 11040:

Valve box riser (3" high) imported @ \$17.40 ea.

Respectfully submitted,



Jacob S. Tawil, P.E.
 Commissioner of Public Works
 kg
 Att.

Department of Public Works

Memorandum

To: MEMBERS OF THE BOARD OF ESTIMATE & APPORTIONMENT

From: DEPARTMENT OF PUBLIC WORKS

Date: June 16, 2021

RE: BOARD OF ESTIMATE MEETING FOR BID OPENINGS

Please be informed there will be a Board of Estimate & Apportionment meeting at 4:30 PM on July 1, 2021, for the furnishing of 6", 8", 10", 12", 14", 16", 18", 20", and 24" Cement lined, Class 52 Ductile Iron Tyton Joint Water Pipe and various valves, fire hydrants, and fittings, for the furnishing of gray iron castings; for the disposal of construction and demolition debris, and for tires; for the disposal of Aluminum/Metal/Appliances/Cast Iron by city trucks; Electrical, Plumbing, and HVAC services for the City of Middletown; for the furnishing of aluminum sulfate, 50% solution (liquid alum), copper sulfate, caustic soda 25% solution (sodium hydroxide), sodium hypochlorite 15% (liquid chlorine), Fluosilicic Acid 23.50%, Sodium Chlorite 25%, and Hydrochloric Acid 15% for the treatment of drinking water, AND Cationic Dry & Liquid Polymer for STP belt press application for use by the City of Middletown, NY. Thank you.

kg

Distribution: Mayor DeStefano
Common Council President Rodrigues
Alderman Masi
Common Council Clerk Naumchik
City Treasurer Paris

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

THE FOLLOWING WAS PRESENTED

By Ald. _____

Sec'd by Ald. _____

Date of Adoption 08-03-21

Index No: _____

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

WHEREAS, the Mayor, Police Chief and Commissioner of Public Works are proposing an updating of City parking ordinances.

NOW THEREFORE BE IT Resolved, and be it Ordained, by the Common Council of the City of Middletown, New York, as follows:

Section 1 – The Code of the City of Middletown, N.Y., Chapter 460, Vehicles and Traffic, is hereby amended by replacing Section 460-9, Regulation and control of municipal parking lots, to read as follows:

§ 460-9. Regulation and control of municipal parking lots. No motorcycle, motor vehicle or vehicle shall stand, be left standing or park at any time in any parking lot described in this Section outside the time periods listed. With respect to timed parking spaces, moving from one parking space to another in the same parking lot does not extend the time limitations of such restriction. For the purpose of this Section, a “commercial vehicle” shall be any vehicle that has more than six (6) wheels. The Department of Public Works shall install appropriate signage to implement the provisions and restrictions contained in this Section.

A. James Street parking lot: Lot # 1.

(1). Except as provided by Paragraph (4) below, this entire Lot shall be limited to 4-hour parking between the hours of 7:00 a.m. and 12:00 a.m., Sunday through Saturday.

(2). On the south side of this Lot, there shall be no parking from 4:00 a.m. to 7:00 a.m., Sunday through Saturday.

(3). No commercial vehicles are authorized to park in this Lot.

(4). Overnight parking on the north side of this Lot shall be allowed only by permit. Overnight permits are valid between the hours of 8:00 p.m. and 7:00 a.m. During the hours from 7:00 a.m. to 8:00 p.m., vehicles with overnight permits are subject to the 4-hour limit imposed by Paragraph (1), above.

(5). Electric charging spaces are for use by electric vehicles only, while charging, up to a maximum of 4 hours.

B. East Main Street parking lot (7-27 East Main Street): Lot # 2.

(1). Except as provided by Paragraph (4) below, this Lot shall be limited to 4-hour parking between the hours of 7:00 a.m. and 12:00 a.m., Sunday through Saturday.

(2). No commercial vehicles are authorized to park in this Lot.

(3). Parking of motorcycles is allowed in designated spaces only.

(4). Overnight parking in this Lot shall be allowed only by permit. Overnight permits are valid between the hours of 8:00 p.m. and 7:00 a.m. During the hours from 7:00 a.m. to 8:00 p.m., vehicles with overnight permits are subject to the 4-hour limit imposed by Paragraph (1), above.

C. West Main Street parking lot (adjacent to 28 West Main Street): Lot #3.

(1). Except as provided by Paragraph (3) below, this Lot shall be limited to 4-hour parking between the hours of 7:00 a.m. and 12:00 a.m., Sunday through Saturday.

(2). No commercial vehicles are authorized to park in this Lot.

(3). Overnight parking in this Lot shall be allowed only by permit. Overnight permits are valid between the hours of 8:00 p.m. and 7:00 a.m. During the hours from 7:00 a.m. to 8:00 p.m., vehicles with overnight permits are subject to the 4-hour limit imposed by Paragraph (1), above.

D. West Main Street parking lot (between 12 West Main Street and 20 West Main Street, extending to South Street): Lot # 4.

(1). Except as provided by Paragraph (4) below, this Lot shall be limited to 4-hour parking between the hours of 7:00 a.m. and 12:00 a.m., Sunday through Saturday.

(2). No commercial vehicles are authorized to park in this Lot.

(3). Ingress to this Lot shall be from West Main Street only. Egress from this Lot shall be to South Street only.

(4). Overnight parking in this Lot shall be allowed only by permit. Overnight permits are valid between the hours of 8:00 p.m. and 7:00 a.m. During the hours from 7:00 a.m. to 8:00 p.m., vehicles with overnight permits are subject to the 4-hour limit imposed by Paragraph (1), above.

E. South Street parking lot (adjacent to 2-8 South Street and extending behind 2-8 South Street and along Washington Street, on two levels, designated as Upper and Lower Levels): Lot # 5.

(1). Except as provided by Paragraph (3) below, the Upper Level in this Lot shall be limited to 4-hour parking between the hours of 7:00 a.m. and 12:00 a.m., Sunday through Saturday.

(2). No commercial vehicles are authorized to park in the Upper Level of this Lot.

(3). Overnight parking in the Upper Level of this Lot shall be allowed only by permit. Overnight permits are valid between the hours of 8:00 p.m. and 7:00 a.m. During the hours from 7:00 a.m. to 8:00 p.m., vehicles with overnight permits are subject to the 4-hour limit imposed by Paragraph (1), above.

(4). Parking in the Lower Level of this Lot shall be allowed for a maximum of 72 hours.

F. Paramount Theatre parking lot (adjacent to 17-19 South Street): Lot # 6.

(1). Parking in this Lot is permitted only for persons attending the Paramount Theatre on the same day of the parking. Parking is permitted for such Theatre patrons from 8:00 a.m. to 12:00 a.m., Sunday through Saturday.

(2). No parking is allowed in this Lot from 4:00 a.m. to 7:00 a.m. Sunday through Saturday.

G. South Street Lot (adjacent to 26 South Street and across from 25 South Street [the court building]): Lot # 7.

(1). Parking in this Lot shall be allowed for a maximum of 72 hours.

H. Canal Street parking lot: Lot # 8.

(1). Parking in this Lot shall be allowed for a maximum of 72 hours.

I. Erie Station/adjacent to 90 North Street: Lot # 9.

(1). Except as provided by Paragraph (3) below, this Lot shall be limited to 4-hour parking between the hours of 7:00 a.m. and 12:00 a.m., Sunday through Saturday.

(2). No commercial vehicles are authorized to park in this Lot.

(3). Overnight parking in this Lot shall be allowed only by permit.

Overnight permits are valid between the hours of 8:00 p.m. and 7:00 a.m. During the hours from 7:00 a.m. to 8:00 p.m., vehicles with overnight permits are subject to the 4-hour limit imposed by Paragraph (1), above.

J. The Second Baptist Church parking lot (on North Street, between 123 North Street and 135 North Street and extending to Grove Street): Lot # 10.

(1). Parking in this Lot shall be allowed for a maximum of 72 hours.

K. Courtland Street parking lot: Lot # 11.

(1). Parking in this Lot shall be allowed for a maximum of 72 hours.

L. The Railroad Avenue/North Street corner lot: Lot # 12.

(1). Except as provided by Paragraph (3) below, this Lot shall be limited to 4-hour parking between the hours of 7:00 a.m. and 12:00 a.m., Sunday through Saturday.

(2). No commercial vehicles are authorized to park in this Lot.

(3). Overnight parking in this Lot shall be allowed only by permit.

Overnight permits are valid between the hours of 8:00 p.m. and 7:00 a.m. During the hours from 7:00 a.m. to 8:00 p.m., vehicles with overnight permits are subject to the 4-hour limit imposed by Paragraph (1), above.

M. The North Street parking lot adjacent to 101 North Street: Lot # 13.

(1). This Lot shall be limited to 4-hour parking between the hours of 7:00 a.m. and 12:00 a.m., Sunday through Saturday.

(2). No parking is allowed in this Lot from 4:00 a.m. to 7:00 a.m., Sunday through Saturday.

N. Henry Street Lot: Lot # 14.

(1). Parking in this Lot shall be allowed for a maximum of 72 hours.

O. The Salvation Army building parking lot (between Mill Street and Hanford Street): Lot # 15.

(1). No parking is allowed in this Lot from 4:00 a.m. to 7:00 a.m., Sunday through Saturday.

P. Erie Way, between North Street and Cottage Street: Lot # 16.

(1). Parking in this Lot shall be allowed for a maximum of 72 hours.

Q. Coach USA Lot: Lot # 17.

(1). Parking in this Lot shall be allowed for a maximum of 72 hours.

R. The City parking lot, between Cottage Street and Montgomery Street: Lot #18.

(1). Parking in this Lot shall be allowed for a maximum of 72 hours.

(2). Electric charging spaces are for use by electric vehicles only, while charging, up to a maximum of 4 hours.

S. The Watts Park parking areas along Wisner Avenue and Watkins Avenue.

(1). No parking shall be allowed along Wisner Avenue from 2:00 a.m. to 8:00 a.m. on Wednesday.

(2). No parking shall be allowed along Watkins Avenue from 2:00 a.m. to 8:00 a.m. on Thursday.

T. Orchard Street parking lot. Lot # 19.

(1). Except as provided by Paragraph (3) below, this Lot shall be limited to 8-hour parking between the hours of 7:00 a.m. and 12:00 a.m., Sunday through Saturday.

(2). No commercial vehicles are authorized to park in this Lot.

(3). Overnight parking in this Lot shall be allowed only by permit. Overnight permits are valid between the hours of 8:00 p.m. and 7:00 a.m. During the hours from 7:00 a.m. to 12:00 p.m., vehicles with overnight permits are subject to the 8-hour limit imposed by Paragraph (1), above.

U. Union Street Lot: Lot # 20.

(1). This Lot shall be limited to 4-hour parking between the hours of 7:00 a.m. and 12:00 a.m., Sunday through Saturday.

(2). No commercial vehicles are authorized to park in this Lot.

(3). No parking is allowed in this Lot between the hours of 12:00 a.m. and

7:00 a.m.

V. Rail Trail Commons Lot: Lot # 21.

(1). This Lot shall be limited to 4-hour parking between the hours of 7:00 a.m. and 12:00 a.m., Sunday through Saturday.

(2). No commercial vehicles are authorized to park in this Lot.

(3). No parking is allowed in this Lot between the hours of 12:00 a.m. and

7:00 a.m.

W. The North Street parking lot adjacent to 118-118.5 North Street. Lot # 22.

(1). This Lot shall be limited to 4-hour parking between the hours of 7:00 a.m. and 12:00 a.m., Sunday through Saturday.

(2). No parking is allowed in this Lot between the hours of 12:00 a.m. and

7:00 a.m.

Section 2 – The Code of the City of Middletown, N.Y., Chapter 460, Vehicles and Traffic, is hereby amended by adding a new Section 460-9.2, Overnight parking lot permits, to read as follows:

§ 460-9.2. Overnight parking lot permits.

A. The City will issue a limited number of overnight parking space permits for each City lot which allows overnight parking. Such permits must be obtained by application to the City Clerk's Office.

B. Overnight parking permits are valid for one calendar year, and may be obtained for a fee of \$120.00. In the discretion of the City Clerk, a short-term permit may be issued when there is less than 2 months before the end of a calendar year at a fee of \$10.00 per month; such short-term permit may not exceed 2 months. Permits must be paid for in full prior to issuance. No refunds shall be issued for any permits.

C. Overnight permits shall be issued for a specific vehicle only. Permits are not transferable to other vehicles.

D. All overnight permits will be issued in sticker form, and the stickers must be attached to the rear driver side window in such a manner so as to be visible from the outside.

E. All overnight permits will be color-coded by lot. Permits are lot-specific, and are not interchangeable with other City lots.

Section 3 – The Code of the City of Middletown, N.Y., Chapter 460, Vehicles and Traffic, is hereby amended by adding a new Section 460-9.3, Long-term parking lot permits, to read as follows:

§ 460-9.3. Long-term parking lot permit.

A. The City Clerk, in his/her discretion and upon application, may issue temporary long-term parking permits to City residents who require parking in excess of 72 hours, for specific events, such as, but not limited to, vacations or business trips. Such permits are valid for a period of one week only. No more than 2 such permits may be issued at the same time.

B. Long-term permits are valid only in parking lots which allow overnight parking.

C. Long-term permits require a fee of \$5.00, which must be paid in full prior to issuance.

D. Long-term permits shall be issued for a specific vehicle only. Permits are not transferable to other vehicles.

E. All long-term permits must be hung from the rear view mirror in such a manner so as to be visible from the outside.

F. All long-term permits will be color-coded by lot. Permits are lot-specific, and are not interchangeable with other City lots.

Section 4 – The Code of the City of Middletown, N.Y., Chapter 460, Vehicles and Traffic, is hereby amended by repealing Section 460-16.1, Fifteen-minute parking.

Section 5 – The Code of the City of Middletown, N.Y., Chapter 460, Vehicles and Traffic, is hereby amended by replacing Section 460-20, Two-hour parking, to read as follows:

§460.20. Two-hour parking. Except for such loading zones, no-parking zones and twenty-four-minute zones, which are or shall be established by other sections of this article, the following zones shall be two-hour parking zones; except that on Sundays and holidays, no vehicle shall stand or be left standing at any one time for more than two hours between the hours of 9:00 a.m. to 5:00 p.m. in these zones:

Beattie Avenue, on the easterly side, from the intersection with Prince Street southerly to the first driveway.

Benton Avenue:

- A. Along the southerly curblineline of Benton Avenue extending to the westerly boundary line of No. 20 Benton Avenue from the intersection of the southerly curblineline of Benton Avenue with the westerly curblineline of Sprague Avenue.
- B. North side of Benton Avenue to a point 60 feet westerly from Park Place.

Cottage Street:

- A. Between Robert Street and the tracks of the Erie Railroad.
- B. On the easterly side from a point at the intersection of School Street and Cottage Street southerly to Railroad Avenue.
- C. Beginning at a point 10 feet northeasterly from the northeast corner of Cottage Street and School Street to a point 60 feet from the northeast corner of Cottage Street and School Street.

East Main Street:

- A. Two spaces directly in front of 120 East Main Street.
- B. Five spaces directly in front of 263 East Main Street.

Forest Avenue, on the odd-numbered side, from where the Orange Regional Medical Center Horton Campus parking lot ends and the first residence begins, down the hill to 17 Forest Avenue.

Harding Street, on the southerly side between Mill Street and Mulberry Street.

Highland Avenue:

- A. On the easterly side from Hanford Street to West Main Street.
- B. On the westerly side, beginning at a point 20 feet southerly of Courtland Place for a distance of 98 feet southerly thereof.

Hill Street, on the south and north sides, between Prospect Avenue and Lafayette Avenue, from 9:00 a.m. to 5:00 p.m.

Jackson Avenue:

- A. On the north side, from Hill Street to Houston Avenue, from 9:00 a.m. to 5:00 p.m.

B. On the southeasterly side, for a distance of 115 feet from the intersection with Hill Street.

C. On the west side, from Houston Avenue northerly to the no-parking area 90 feet from Hill Street.

Mulberry Street, on the westerly side from West Main Street to Harding Street.

Myrtle Avenue:

A. On the northerly side between Prospect Avenue and Grand Avenue.

B. On the southerly side beginning with No. 14 easterly to Prospect Avenue.

Prince Street, on the southerly side, from its intersection with Beattie Avenue easterly to the first driveway.

Prospect Avenue:

A. Between Myrtle Avenue and Charles Street on the westerly side.

B. Two hundred fifty feet in a southerly direction starting at the intersection of Hill Street, on both sides of the street, between the hours of 9:00 a.m. through 5:00 p.m., Monday through Friday.

Ridge Street, on the easterly side from the intersection of Stivers Place northerly to a point 70 feet southerly from the intersection of East Main Street from 9:00 a.m. to 5:00 p.m.

School Street:

A. Beginning at a point 25 feet from the northeast corner of School Street and Cottage Street southeasterly to a point 110 feet from the northeast corner of School Street and Cottage Street.

B. Beginning at a point 30 feet from the southeast corner of School Street and Cottage Street southeasterly to a point 150 feet from the northeast corner of School Street and Cottage Street.

Sprague Avenue:

A. On the westerly side from Grant Street to Benton Avenue.

B. On the easterly side, from a point 436 feet northerly of the curblineline of Houston Avenue for a distance of 45 feet northerly.

West Main Street:

A. On the northerly side from a point 115 feet west of the intersection of the westerly side of Monhagen Avenue for a distance of 40 feet.

B. The bus stop on the southerly side, Saturdays and Sundays only.

C. Directly in front of St. Paul's United Methodist Church.

Wisner Avenue, on the southerly side from the corner of Irwin Avenue in an easterly direction for a distance of 100 feet.

Section 6 – The Code of the City of Middletown, N.Y., Chapter 460, Vehicles and Traffic, is hereby amended by adding Section 460-20.1, Three-hour parking in Business Improvement District, to read as follows:

§ 460.20.1. Except as otherwise provided in this Article, all streets in the Business Improvement District, as defined in Chapter 203 of this Code, shall be three-hour parking zones. No vehicle shall stand or be parked or be left standing or parked for more than 3 hours between the hours of 8:00 a.m. to 11:00 p.m., Sunday through Saturday.

Section 7 – The Code of the City of Middletown, N.Y., Chapter 460, Vehicles and Traffic, is hereby amended by replacing Section 460-21, Four-hour parking, to read as follows:

§460.21. Four-hour parking. Except for such loading zones, no-parking zones, twenty-four, thirty, one-hour and two-hour zones which are established by other sections of this article, the following zones shall be four-hour parking zones, except that on Sundays and holidays no vehicle shall stand or be left standing at any one time for more than four hours between the hours of 9:00 a.m. and 5:00 p.m.:

Highland Avenue from Cantrell Avenue to Prospect Street on the easterly side in front of the YMCA.

Hill Street on the southerly side between Lafayette Avenue and Prospect Avenue.

Section 8 – The Code of the City of Middletown, N.Y., Chapter 460, Vehicles and Traffic, is hereby amended by replacing Section 460-24, Truck loading zones, to read as follows:

§460-24. Truck loading zones. Truck loading zones are hereby established in the following locations:

Cottage Street:

A. On the easterly side in front of the main entrance of 34 Cottage Street between Orange and Rockland Pole Nos. 34 and 38.

B. Directly in front of 17-21 Cottage Street as it fronts on Erie Way.

Depot Street:

A. On the northerly side, beginning at a distance of 107 feet easterly from the intersection of James Street extending for a distance of 70 feet in an easterly direction.

B. On the southerly side, beginning at a distance 63 feet easterly of Center Street for a distance of 20 feet; however, such restriction shall not be operative on Sundays and holidays.

East Avenue, on the westerly side beginning at a point 54 feet southerly of the south side of East Main Street to a point 30 feet southerly creating a zone 30 feet in length.

East Main Street:

A. On the southerly side, two parking spaces in front of property known as No. 26-28 East Main Street.

B. On the southerly side from 2 East Main Street through 4 East Main Street, between the hours of 7:00 a.m. to 11:00 a.m. Monday through Saturday. Outside of the specified hours, said loading zone can be utilized as a parking space as set forth in Section 460.20.1

Grant Street, on the northerly side and extending a distance of 60 feet easterly from Academy Avenue.

James Street, on the easterly side, adjacent to the James Street parking lot, across from 16 James Street between the hours of 7:00 a.m. to 5:00 p.m., Sunday through Saturday.

Montgomery Street:

A. On the easterly side:

(1). Beginning at a point of the Erie Railroad Company right-of-way and running in a southerly direction for approximately 40 feet therefrom.

(2). In front of No. 14 Montgomery Street.

B. On the westerly side:

(1). Beginning at the intersection with Railroad Avenue in a northerly direction for 90 feet.

(2). Beginning at a point 387 feet north of the north side of Robert Street for a distance of 90 feet northerly.

North Street, on the westerly side:

A. In front of the premises known as No. 278 North Street.

B. Beginning at a point 120 feet south, at the intersection of Wickham Avenue and North Street.

C. From 20 North Street through 26 North Street to include the intersection of King Street, between the hours of 7:00 a.m. to 11:00 a.m. Monday through Saturday. Outside of the specified hours, said loading zone can be utilized as a parking space as set forth in Section 460-20.1.

D. From 54 North Street through 58 North Street, between the hours of 7:00 a.m. to 11:00 a.m. Monday through Saturday. Outside of the specified hours, said loading zone can be utilized as a parking space as set forth in Section 460-20.1.

Orchard Street, on the northerly side beginning at the westerly line of the premises known as No. 15-19 Orchard Street and continuing easterly to a point 20 feet therefrom.

Prospect Avenue, on the easterly side for 50 feet in a southerly direction from the intersection of Prospect Avenue and East Main Street.

School Street, on the southerly side from a point beginning 44 feet westerly from the westerly line of Montgomery Street and extending a distance of 20 feet westerly therefrom.

Smith Street, on the westerly side in front of the premises known as No. 27 Smith Street.

Sprague Avenue, on the easterly side: one sixty-foot space in front of No. 81 Sprague Avenue from 8:00 a.m. to 5:00 p.m.

Spring Street, on the easterly side starting from a point 120 feet south from Little Avenue for a distance of 40 feet.

Sutton Hill, two twenty-minute loading zones, signs to be established by the Commissioner of Public Works.

Wawayanda Avenue, on the westerly side from the Rockland Light and Power Company Pole No. J278 and running in a southerly direction of 50 feet therefrom.

West Main Street, on the northerly side:

A. From 3 West Main Street through 7 West Main Street, between the hours of 7:00 a.m. to 11:00 a.m., Monday through Saturday. Outside of the specified hours, said loading zone can be utilized as a parking space as set forth in Section 460-20.1.

B. In front of 39 West Main Street, between the hours of 7:00 a.m. to 11:00 a.m., Monday through Saturday. Outside of the specified hours, said loading zone can be utilized as a parking space as set forth in Section 460-20.1.

Section 9 – The Code of the City of Middletown, N.Y., Chapter 460, Vehicles and Traffic, is hereby amended by adding Section 460-24.1, Truck loading zones; signage and times, to read as follows:

§460-24.1. Truck loading zones; signage and times.

A. The truck loading zones designated in Section 460-24 shall be appropriately marked and indicated by signs and shall be used only by trucks, trailers and semitrailers while actually engaged in the loading and unloading of goods and merchandise.

B. The truck loading zones designated in Section 460-24 shall be set apart as such for the loading or unloading of trucks, trailers or semitrailers between the hours of 7:00 a.m. and 6:00 p.m, unless otherwise stated in Section 460-24.

Section 10 – The Code of the City of Middletown, N.Y., Chapter 460, Vehicles and Traffic, is hereby amended by replacing Section 460-28, No-parking zone; handicapped permits only, to read as follows:

§460-28. No parking zone; handicapped permits only. The following spaces are reserved for persons with handicapped permits only:

1. Albert Street, one space in front of 22 Albert Street.

2. Beacon Street:

- a. One space in front of 21 Beacon Street.

- b. One space in front of 48 1/2 Beacon Street.

- c. One parking area in front of 48 Beacon Street.

3. Beattie Avenue:

- a. One space in front of 96 Beattie Avenue.

- b. One space in front of 40 Beattie Avenue.

4. Bedford Avenue, one spot directly in front of 47 Bedford Avenue.

5. Bonnell Place:

- a. In front of 20 Bonnell Place.
- b. One spot directly in front of 11 Bonnell Place.

6. Broad Street, directly in front of 28 Broad Street.

7. Canal Street Parking Lot, two spaces to be designated by the Chief of Police.

8. Cottage Street, directly in front of 204 Cottage Street.

9. Courtland Street Parking Lot, six spaces to be designated by the Chief of Police.

10. David Moore Heights, certain spaces to be designated by the property owner and approved by the Chief of Police.

11. Deer Run condominium complex, certain spaces to be designated by the property owner and approved by the Chief of Police.

12. Depot Street: one parking space in front of 12 Depot Street.

13. East Main Street:

a. Beginning at a point on the southerly side 140 feet easterly from the intersection of Williams Street, for a distance of 20 feet easterly, one handicapped-parking space.

b. On the northerly side, one space [20 feet] in front of 27 East Main Street.

c. On the northerly side, one space [20 feet] in front of 1 East Main Street.

d. On the northerly side beginning at a point 72 feet easterly from Orchard Street, one parking space.

e. One spot in front of 114 East Main Street.

f. One spot directly in front of 230 East Main Street.

14. Erie Station Parking Lot, four spaces to be designated by the Chief of Police.

15. Erie Way, two spaces to be designated by the Police Chief.

16. Forest Avenue, on the westerly side, from a point 332 feet northerly of the

intersection of Forest Avenue and Stevens Place to a point 354 feet northerly thereof (in front of 25 Forest Avenue).

17. Gardner Avenue, one parking spot in front of 61 Gardner Avenue.

18. Genung Street, on the northerly side, two spaces totaling 45 feet in front of 1 through 3 Genung Street.

19. Grant Street, one spot directly in front of 13 1/2 Grant Street.

20. Harrison Street, one spot directly in front of 37 Harrison Street, to expire on December 3, 2021.date.

21. Hill Street, one spot directly in front of 9 Hill Street.

22. Houston Avenue:

a. Directly in front of 11 Houston Avenue.

b. Directly in front of 14 Houston Avenue.

23. Irwin Avenue, two spaces in front of 19 Irwin Avenue.

24. James Street Municipal Parking Lot, seven spaces to be designated by the Chief of Police.

25. Knapp Avenue:

a. In front of 46 Knapp Avenue.

b. One spot directly in front of 12 Knapp Avenue.

26. Linden Avenue:

a. One space beginning at a point 25 feet northerly of the northerly corner of Hasbrouck Street.

b. One space in front of 74 Linden Avenue.

c. One parking place, directly in front of 138 Linden Avenue.

d. In front of the premises of 116 1/2 Linden Avenue.

27. Linden Place, one space on the westerly side, near Linden Avenue, to be designated by the Chief of Police.

28. Middletown Savings Bank Parking Lot, two spaces to be designated by the Chief of Police.

29. Middletown Twin Towers Middle School : four spaces at the entrance to be designated by the Chief of Police.

30. Midland Avenue, one handicapped space on the westerly side beginning at a point 200 feet southerly of the intersection of Wisner Avenue to a point 220 feet southerly of Wisner Avenue.

31. Mills Avenue, directly in front of 23 Mills Avenue.

32. Montgomery Street:

a. On the northwesterly side, beginning at a point 10 feet northerly of the intersection with Prince Street, thence northerly for a distance of 20 feet.

b. 44 Montgomery Street, one parking space in the front.

c. 66 Montgomery Street, one parking space in the front.

d. One space at 88 Montgomery Street.

e. One spot in front of 79 Montgomery Street.

f. One spot in front of 77 Montgomery Street.

33. Mulberry Street:

a. On the westerly side, between a point 195 feet south from the south curblane of West Main Street to a point 260 feet southerly from the south curblane of West Main Street, three parking spaces.

b. Beginning at a point 36 feet southerly from West Main Street to a point 56 feet southerly, one space.

34. North Street, one space 314 feet south of the North Street and Wickham Avenue intersection to a point 338 feet south of the above intersection (in front of 132 North Street).

35. Ogden Street:

a. One parking spot in front of 11 Ogden Street.

b. Directly in front of 54 Ogden Street.

36. Orchard Street, first two parking spaces in front of United Presbyterian Church: three-hour limit.

37. Paramount Municipal Parking Lot, four spaces to be designated by the Chief of Police.

38. Prince Street, one space directly in front of 30 Prince Street.

39. Prospect Avenue, directly in front of Dr. Anderson's office, 81 Prospect Avenue.

40. School Street, one spot directly in front of 5 School Street.

41. Sproat Street, one spot directly in front of 26 Sproat Street.

42. Stivers Place, north side, beginning at the existing no parking signs nearest Ridge Street easterly for 136 feet to a point 70 feet from Forest Avenue.

43. Summitfield, certain spaces to be designated by the property owner and approved by the Chief of Police.

44. Tompkins Municipal Lot, two spaces to be designated by the Chief of Police.

45. West Main Street, the first parking area, at the top of the parking lot, immediately outside and directly adjacent to the Middletown Arts Council (the former Mt. Carmel Church).

Section 11 – The Code of the City of Middletown, N.Y., Chapter 460, Vehicles and Traffic, is hereby amended by repealing Section 460-28(B) and replacing it by adding Section 460-28.1, Handicap parking permits, to read as follows:

460-28.1. Handicap parking permits. All handicap parking permits issued prior to October 1, 2021 shall be valid for the two-year period of time indicated on the permit, after which they shall be renewable upon appropriate application. All handicap parking permits issued on or after October 1, 2021 shall be valid for a two-year period of time, after which they shall be renewable upon appropriate application.

Section 12 – The Code of the City of Middletown, N.Y., Chapter 460, Vehicles and Traffic, is hereby amended by adding Subparagraphs (u) and (v) to Paragraph (1) of Subsection B of Section 460-41, Penalties for offenses, to read as follows:

(u) Parked in a three-hour zone: \$25.

(v) Non-electric vehicle parked in an electric vehicle charging space: \$50.

Section 13 - This resolution and ordinance shall take effect immediately

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

THE AUDIT OF THE COMMON COUNCIL

By Alderman Masi

Sec'd by Alderman

Date of Adoption: 08-03-21

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

**I MOVE THE ACCOUNTS BE AUDITED, THE CLAIMS ADJUSTED AND THE
TREASURER BE AUTHORIZED TO ISSUE WARRENTS FOR THEIR PAYMENTS**