



**Common Council
Meeting
City of Middletown
April 16, 2019**

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

Acting Pres. Masi asked to remain standing for a moment of silence for Paris for all the people around the world that witnessed Notre Dame.

2. Roll Call: Present: Ald. Tobin, Kleiner, Johnson, Jean-Francois, Burr, Green, Masi-7
Ald. Ramkissoon, Pres. Rodrigues-2

3. Approval of Minutes
John Naumchik-Nothing this evening.

4. Correspondence

Correspondence John Perrino Board of Education regarding thanking the Mayor for attending board meeting March 21-Received & Filed

5. For the Good of the City

Marilyn Pierce

I am co-chair at the Warming Station and I would like to thank the City of Middletown for helping us help the homeless. During the coldest months they now have a warm, safe place to stay. Special thank you to Andrew Green who developed a website for us which has been extremely helpful to us and so much easier for people to volunteer so thank you Andrew.

Super thank you to Ald. Jerry Kleiner he spends Thanksgiving at Mulberry House for the homeless when everything else is closed. He is at our meetings, he is an advocate

for the homeless and I don't know what we would do without him. So Jerry thank you so much for all you do you make a big difference in the City of Middletown.

Acting Pres. Masi- On behalf of the Mayor and City Council we really want to thank you and all the work that you put in.

Sue Depuy

Thanked the Mayor, Council Pres., John Naumchik, Common Council Members, Commissioner Tawil, Police Chief Ewanciw for helping the Middletown Pride Committee. I represent Middletown and I would like to say this is my hometown as it is all of yours. 9 yrs. ago I got hit in my car with a slice of pizza and it started me to think that this is not a way to live in Middletown with people being disrespectful. So I came forth to you and I come again to say that we are ready as a city to clean up Middletown and bring back to the pride level that everyone deserves to have and we invite everyone, young and old to come to show your responsibility to keep things clean. If you can't come take a rake, take a broom and clean up around your own home. Bring pride to your own home. We are here on the 27th of this month and we invite everyone to show up and we will outfit you with shirt, gloves, garbage bags, grabbers. We will provide you at the courtesy of Mid-City Transit a bus to the path that you would like to clean. If you want to clean up your own street that is wonderful. Come and join us 9-12 on the 27th at Festival Square.

Ray Virgen

Asked Vanessa Cid to translate

Give a shout out and thanks to the DPW phenomenal job. I am definitely taking that initiative on for clean-up day.

Gave an explanation why we are all here tonight. We are asking for support to help stop the presence of ICE in our courthouses.

I believe everybody can agree with me on this that it is not the smartest or intelligent thing for ICE to be in courthouses.

You can see the effect that it has on the community members that are isolating themselves because of this. Stopping them from doing activities like any other community member would do.

April 3rd unfortunately a couple found out and knew about and through the news and others actually lived it through their skin that incident.

Not only did it affect our community but it also affected municipal id program by about 95%.

I can assure you people will stop coming to get their dog licensed, municipal id simply because they fear that the presence of ICE is going to be here.

I want to finish off on what the Mayor had said was the Middletown Police Dept. had the support, supported the immigrant community.

It is for a fact that Middletown and ICE have no connection and I want to educate my people but I definitely want that to be known and I want it to be clarified here.

There is no division between us and to push for our communities. It was so hard to build that relationship between the Common Council and our community members because of the language barrier I just want to make sure we still are able to continue to have that relationship.

For that reason we don't want ICE in our courts.

Mary Lou Dietrich

I wanted to commend Middletown for doing the municipal id; I came the first day it was wonderful to see everybody was so happy. Karen, John, Lori all did a phenomenal job, this is a great experience. To think it may not happen because people are fearful is ridiculous, you don't know who they are going to come for next.

I am here in support of Nobody Leaves Mid-Hudson and asking that Middletown be one of the municipalities to pass a resolution in support of Protect Our Courts Act. To make it unlawful for ICE to come and make a civil arrest while a person is going to attend or leaving court unless the officer present a valid judicial warrant or court order. Poughkeepsie already did last night.

I know a resolution doesn't have that much power but if we show who we are, if we keep standing up for the people who need us. Those of you who don't stand up for the people that need us God I hope someday you don't need people to stand up for you. That is all I can say. Thank you Middletown.

Alfredo Pacheco –Organizer for Nobody Leaves Mid-Hudson. I was here when that happened. Today I can't get over that. It ..my heart. I worked 2 yrs. knocking on people's door, building that trust between the community and you guys. When that happened the next day I was devastated, I went to Pastor Charles for support because I couldn't handle it. The fear that we all have is not easy. You go out and you may not be coming back home.

I was happy to use my time for this. I guess the smart thing we have to do we have municipal id but we also need to rebuild that trust between us. By that if we can pass the protection that no more ICE in court.

Angel

Gave heart wrenching thoughts on passing of the support Protect Our Courts Act.

Kelly Esposito Broleman

Middletown resident and local business owner. I am here tonight to let you know about an upcoming exciting event on Sunday, April 28th at Monhagen Middle School

will be the Hudson Valley Premiere of a documentary film Code Blue. This film centers around the story Dr. Saray Stancic and her incredible journey for being an infectious disease doctor to her diagnosis of multiple sclerosis to her eventual transformation as a doctor of life style medicine.

I am proud to say that my son Charles and I are in this film and you may be wondering why? I discovered an article on the day of my own MS diagnosis written by Dr. Stancic entitled From Doctor to MS patient and back. The very next day I contacted Dr. Stancic and set up an appointment to see her. After that first meeting with her when I heard her incredible story first hand and received invaluable knowledge, advice and support I decided to embark right then and there on my new life style journey. I am happy to tell you tonight that meeting was in October 2016 and I now find myself healthier than I have ever been before. I want to clarify because this is not a film about MS this film is about empowering people to live their best lives by making choices that will help them to lead longer, happier, healthier lives.

In addition to having the potential to prevent and even reverse in some cases chronic illnesses. Included in this film are nationally recognized physicians and scientists who support the fact that there is a life style medicine, along with patients like myself who have embarked on the path of life style medicine. This film really is for everyone.

Currently this film is only available for viewing at selected screenings nationally and internationally. Needless to say it is really exciting to have this come to our own backyard. Even more exciting is the incredible Dr. Stancic will be in attendance to host a Q&A after the screening and will lead a walk around the Monhagen Track to conclude the event.

The day will begin at 11am and finish by 2pm. I would appreciate the help of all of you by spreading the word about this very exciting event happening right here in Middletown.

I will leave here posters and postcards if any of you would like to share them. Digital copies of the posters and posters to share electronically are available.

Bob Dietrich

On my commute home from Newburgh today I listened to the radio and heard cities in Iowa feel that they will fold if migrants cannot continue to make the journey and join the population and save their economy.

We are not full by any means. We have millions of jobs that are now unfilled in the nation; at least 10 million. Besides having an unemployment rate that is like 2.4%. We need these people.

Middletown is home to a large hard working immigrant population and it is essential to our success. Not only the success of our city and its businesses; and businesses

throughout the county they are our neighbors. We are made our neighbors feel welcome. City has done a great job. They should not feel threatened as they come to receive their wonderful Middletown id cards or as they do business in any other public building in our city. Especially if they have to come to court.

I know this is a welcoming city and we should rally behind our neighbors and restrict the activities of ICE in public buildings to any extent possible. I support the activities of Nobody Leaves Mid-Hudson and all of our important residents. Just on my watch I've seen a young boy that came to ...when he was 3 and playing soccer in the street. He now for years has had a great job, wonderful car, wonderful family and a new baby. He is a Middletown resident.

Vanessa Cid interpreted for a young man

The reason why I am here today is I want to ask for a favor for those of you who are present today. Please help stop and prevent ICE from coming and taking more people. Hurtful and traumatizing.

Immigration came and picked me up Sept. 27th. To this day I still don't know the reason why they picked me up. You have no idea what kind of pain my family went through. It is a really hard blow that they hit us with because at the time my wife wasn't working. I am not a criminal I've had no prior convictions, I receive no government help. So I know I am not the only one there are millions more just like me. They aren't criminals like everyone says. But of course we do know people that have records, I wouldn't want any other father to go through what I went through having to leave my family. Because it is really sad not to be able to trust the police and not be feel protected in your own home. So instead of actually making it better for us, our children and community it is ... the families. Because I believe that ...people will no longer come forward when they see something. Instead of people cooperating with you now they aren't going to listen to you. The people that really care and want to come and speak their mind will no longer do that.

So what I ask of you guys as a favor, we don't want Immigration here or ICE to just be taking anyone for small infractions. Our community can grow that trust instead of not believing in them anymore.

His daughter shared a couple of words.

His daughter spoke when dad was taken away.

Vanessa Cid

Spoke on the Protect Our Courts act.

This reminds me of myself when I was growing up my fear. Growing up as the only US citizen was very frustrating for me. As I was growing older that the laws that were put into place were not right and they should be changed. The times that we are in right now I think it is very important and shouldn't wait for the next crisis to happen start taking action. It is very important. Protect Our Court Act simply because

they are preventing people from doing right by just going to pay a ticket. Having to go to court so that they can explain themselves why they have a fine it is not right for them to be doing that. It is not right for them to have chase the one down City Hall and beating him up; and it is not right for them if they don't find the person that they are looking for...simply for being undocumented. It is very unfair with what is going on and it is discouraging and disappointing but it is happening in the city where I grew up. I always considered Middletown my home.

I really hope that you guys take this into consideration and I really hope it happens.

Theresa

I am an immigrant too I just arrived 2 weeks ago from South Africa and I am putting my roots down in the Hudson Valley. I just wanted to say racism and genophobia have ravaged my country and I implore you to do....

Do the right thing.

Justin

I know you guys heard me from last time. I agree with everyone who talked here. It is unfair that ICE has to be pulling families apart. It is not right. Families are supposed to be together.

My uncle also got arrested and was sent to immigration to jail. He got taken away from his family. They are sad because they don't have anyone to pay the rent, food, they want their dad back. They won't let him go. Because he is somewhere else. Why do people have to be treated different just because they are from somewhere else. Doesn't make sense. One paper doesn't say what a person is. Everyone is the same, everyone is a person. No one should be discriminated. Not fair. I want to make a change, I want everybody to be treated equally as a group not separate. I want to help everybody not just my family but also all the families that are immigrants with kids also. Parents are being pulled away from them. It is just wrong to do this. I really hate what they are doing and I am also worried because you never know when it is going to happen to you.

I want to change it and I want to help everybody. I hope you really can get licenses so we can make every place safe here in the State of NY.

Visitor from Goshen

I actually came here tonight to applaud and honor on Jerry Kleiner on his incredible work in the community at the Warming Center. I take great pride in being friends with Middletown doing a number of activities in Middletown. When id's came to fruition I was thrilled and I was so proud of you folks. I know it was a long battle. I was here that one night there was a lot of things to discuss and work out and you stuck it out. You did something really, really admirable.

I happen to have 2 personal friends who were apprehended by ICE, both Goshen men. Young men, really productive citizens, graduate of Goshen High School. Business owners, one is an independent contractor the other owns an actual brick and mortar business with his mother in Goshen. They consider themselves people of Goshen, they volunteer, they take part in all the arts activities and they were arrested because someone wrongfully accused them of really what turned out to be a misdemeanor and ICE apprehended them in the courthouse. Don't let this happen here in Middletown. So now, these young men have been taken out of their community, their businesses are at risk, there are many of us working to visit him in jail, to meet with lawyers to raise money. Those are all resources that really could really be used elsewhere, they could be used to better our communities, used to be put towards the homeless, towards arts programs which all of us have put aside in order to help the families get through the situation. Wasted, wasted, wasted resources and wasted lives.

I don't have any hope of having this of support and speaking like this in Goshen; but I really thank you for welcoming me here and I do take part in a lot of activities in Middletown.

Ray Virgen

I was thinking actually standing over there listening to my community expressing their concern about the incident with ICE in court. I was thinking myself, right now I am ...student in SUNY Orange, resident of Middletown, I have my municipal id; I believe my opinion matters. That is why I am standing here.

It was really shocking that day I was in the school, I saw the messages, the news about ICE, the warnings, don't go to City Hall. People already knew about it about coming to City Hall. Once I started listening to the messages they got really panic. It was as I said it was shocking because we couldn't do a lot to the incident that happened to this guy. It was a surprise to everyone. Most shocking was as Alfredo said we were working a lot of time for the municipal id resolution. I think you guys already heard in the other municipalities how this project was a success. Me and my father went to Wallkill to talk about this initiative, they already knew about it. They got interest and was positive towards the municipal ids.

Really disappointed as Alfredo said, it is very frustrating. I was working in the field but I worried working on the onions. I met 2 ladies from Middletown and I asked them about the id's. One said she already have it, the other she didn't have it yet. After listening to the incident of what happened here in City Hall she got panicked and I was trying to persuade her to come because it was important? She may not be the only one thinking that way right now. This incident not only affects Middletown but also other municipalities.

Pastor Ryu

Proud bearer of the Middletown ID card. We worked very, very hard for this and what happened a couple of weeks ago put a spirit of despair in the large part of our

community. I am imploring you to not to be discouraged but do more to make sure that the original purpose and aspiration that inspired us to do the id card program will continue. I remember talking about a year ago when we were debating on the issue that one great way, only way for us to protect our undocumented immigrants ...is for those of us who are citizens have full documentation get id cards. The ratio between the citizens' residents... and the immigrants who are getting this card higher the ratio more protective it will become. So I implore all of you please work with your constituents in your wards to get the id card. Also I ask you to work with the concerned citizens of this town that we create incentives for example some discounts businesses within the city as well as services. We talked about it. It creates not only ...identity and protection for a lot of people for living within City of Middletown but also economy stays within us.

Again I am standing here before you to thank you for the support resolution you made for the Green Light NY which will be very meaningful. In the same spirit request you to support our effort to pass a resolution in support of Protect Our Courts Act.

As many people previously spoke ICE presence in the courts have been increased and is creating a real precarious situation for basic sense of safety. Not only for the immigrant community but all NY residents.

That is the reason why so many prosecutors across the state have endorsed this act now being introduced in Albany. Ultimately it is the kind of vision we have or we would have regarding what kind of nation. We as the United States of America is and is becoming or should become. There are different visions of what America is or what makes America great but I stand by this vision that America is great because of people from all over the world were given an opportunity to make their lives great and together build new civilization not only for us but the entire world. There were times when USA was an example of that kind of vision, it seems to be deteriorating but small towns like Middletown can become an example for the rest of the country. But doing what is right as so many people have spoken tonight.

As a representative of a faith community, Christians specifically I go back to the vision of God... in (read a verse in the scripture) When you go into your promise land do not oppress the resident alien or foreigners in your midst. You should treat them just like native citizens. Remember your foreigners in Egypt. Christ talks about love your neighbors as yourselves, so loving God and loving our neighbors ourselves are foundation of principals of being Christian and I am one of the representatives of that community. That has influenced the way we envision American nation, American civilization and that is deteriorating. Often the religious community seems to be forgetting their identities and are... for that. But we here in Middletown having do so many great things we may be small, but our examples will have impact far beyond our small town. I thank you so very much for your great work.

Erica ...

I am a Middletown resident and I volunteer for Nobody Leaves Mid-Hudson. I have been following Nobody Leaves Mid-Hudson for about a year now and to see the progress that they have made from the time I first started to now has been amazing. But to see a drop within seconds have been disheartening.

So the surge of ICE has made immigrants and their families fearful of going to a live range of courts including criminal courts, family courts and housing courts. This may affect domestic violence survivors aren't getting orders of protection. Tenants aren't bringing complaints against abusive landlords and people facing criminal charges are denied their fair day in court. Coming to court is nervous for anyone regardless of your status. So just imagine how much that increases for this community sitting behind me. So I would just like for you guys to support this act.

Thank you.

Caitlin

I work with Nobody Leaves Mid-Hudson and we are all here for you to pass the resolution Protect Our Court Act. You all have the investment in protecting this building. ICE the other week put everyone in this building at risk when they came in plain clothes and terrorized Middletown. They came here and the police....they put multiple people in harm's way and that is because they have gone unchecked. Just in the past 2 years or so since 2016 ICE has increased their arrests and attempted arrests by 1700%. That comes from Immigrants Defense Project and that is the number that told us we need to take action now. I know a resolution like these might be a symbolic action; it is not when it is done by 10 places in a single region. ...state representatives that there are thousands of people across this region who are demanding action from them. I think that activity that happened in this court has showed us that we all have a stake in this fight. Regardless of whether we are citizens or not, whether we are brown, white we are all at risk by this organization called ICE. So we hope you will pass this resolution hopefully tonight.

6. Remarks of Dept. Heads

Maria Bruni/Economic Development-Nothing this evening.

Fire Chief/Randy McLean- New Engine 1 is in service for fires and rescues. Was placed in service the day before yesterday and out on a couple of calls. Between the volunteers and career staff everybody has training on it. Nice addition to the community.

March the Fire Dept. responded to 53 calls. Total for the year is 235. Firefighter Brown finished his training and is assigned to Engine 5 Group 1. We have another truck in service all the time.

Structure fire on Cottage St. 204, porch fire. Good response from the firefighters kept it from spreading.

Ald. Kleiner-At our constituents meeting a request may be you can take it back to show off your new apparatus so people can see what we have in Middletown. May be take pictures and having them put on Ch. 20. It was a request.

Chief McLean-Ok we can do that. We also have it set up/Fire Prevention.

Chief Ewanciw/Police Chief

This evening we heard many heartfelt stories from members of our community behind us. Just want to remind everybody including members of our community behind us and everybody watching also. That several months ago after meeting with members of Nobody Leaves Mid-Hudson as well as members of the ACLU with the support of Mayor DeStefano the Middletown Police Dept. changed internal policy and procedure on how we interact with ICE on a regular basis. Specifically to detainer of warrants and from that point forward I believe we made extreme progress in doing so and we refocused our energy on educating and training our staff to treat all members of all our community with dignity and respect and treat them fairly.

Just recently this week Middletown PD under my administration changed to a new patrol initiative. Many of you in the community know Officer Bailey and Officer Reggino where very successful in coming into the community of various levels and addressing concerns and needs of our community. Based on the success that these 2 officers had in resolving issues we took the next step to expand that unit. Instead of having 2 officers handling the entire city I now have a team of 8 officers. There will be teams of 2 officers assigned to each ward which would rotate on a 6 day week rotation. These teams of officers will be assigned to address the root cause of concerns within our community whichever ward, neighborhood it may be. They will be patrolling the wards in uniform and marked patrol cars and they will be walking and when the weather permits they will be riding bicycles. So I please encourage all residents to come out and meet the officers that are assigned to their wards and to bring about any concerns or issues they may have and would like to have addressed. I also encourage any resident to contact the PD or me directly with any concerns that I could address with these officers.

Just as clarification these are supplement to our normal patrol officers, this is above and beyond the officers that are out on patrol on a daily basis.

John Naumchik/City Clerk

Under the Mayors direction we are now issuing the municipal id every day in our office in the City Clerk's Office.

The other day a young lady had come into my office to get the information on the municipal ids and she had told me that her boyfriend was afraid to come in to get the id and she was getting the information. I told her don't be afraid have him come in. 2 hrs. later he came in and I was very proud of that.

I also wanted to thank Alfredo and Ignacio for all the help that they have given us in the office.

7. Public Hearings & Grievances
John Naumchik-Nothing this evening.
8. Petitions & Complaints
John Naumchik-Nothing this evening.
9. Remarks of the Mayor

Mayor DeStefano- I want to welcome everyone here this evening. While it is wonderful to hear from them and having them here at our meeting I hope no one came here with the fear and understanding that Middletown is not stood beside them throughout them through this whole process. As the Chief stated we have changed internal police policy, we have been distributing information to all those who are interested in how to deal with ICE and hopefully they do know they that they do not have to allow ICE into their homes. I believe every one of us in elected office will support this resolution as we have in the past. They can be assured that if the Middletown Police are at their door they are not there to enforce an ICE warrant. Detainer warrants or the administrative warrants. Middletown Police only enforce judicial warrants issued by a judge or i.e. criminal warrants. Whether we pass this resolution and I am hoping the Acting Council Pres. will probably introduce this evening from the floor that even after this is passed they have to understand that we do not have the authority that this is a resolution to ask the state to act. But, as a large number of people, large group of people joining other municipalities we hope to have a strong voice in Albany. Under no condition should they be afraid to come and talk to the Middletown Police Dept. We can go to their home, they can come to the Police Station; we can meet in a place Pastor Ryu church if necessary. But if necessary we need to develop as Mr. Naumchik said we have made some changes in the id program to do every day rather than localizing it to a couple of days. Immediately that day I met with Pastor Charles, ACLU and Rabi Rubenstein and offered to them that the city would come to do ids at a church, community hall anywhere they would like. We would do that without notice to the public only notice to Nobody Leaves Mid-Hudson. We need them to remain part of our community. We need them to come out of their homes and participate on April 27th in the clean-up. We need them to feel that they can call the police, come to city hall and we will have set backs; but not to any fault of any person in this room. We know that the big change will hopefully come in 2020 and we all have to work towards that goal who are interested in this topic. But between now and then they need to feel secure as they can feel, we need to help them feel that way by passing resolutions supporting them, creating municipal ids as we did, supporting the driver's license initiative, but more importantly standing beside them when something bad happens in our community.

As is opened with I believe everyone here will support this resolution. But there is still more work to do, I would ask Acting Council Pres. Masi to vote on the resolution

this evening. I know we did get it late but the work doesn't end this evening. We will continue to advocate for your community as I tried to explain to those who even disagree with what we are doing. Because as I said to the newspaper that day that even if you disagree that ICE should not be in a court room that what they did was dangerous for their community, for their mother, or sister, or child that was here purchasing a dog license or marriage license. So that is part of what our job is, is to even educate people who disagrees with us and to move forward with our beliefs in hope that the State of NY does the right thing.

Thanked you very much Vanessa.

Vanessa- I was in the City of Poughkeepsie during their Common Council meeting and they actually passed this unanimously. Just throwing it out there.

Mr. Naumchik read the letter from the Board of Education, we have been on a tour in the city. Most of us enjoyed the Little League Parade and the great turnout they had, the kids will be enjoying Watts Park and all the programs.

Myself and Maria Burin also did a presentation at the Senior Center so people are interested in what is happening in the community. We are getting a lot of invitations to speak at their local groups.

I met with the Post Office with Ald. Masi and some dept. heads regarding some of the issues of concern that we have. Very open to and very receptive to hearing what is happening in the community and they are making some major changes in the US Post Office especially locally. Mr. Masi did bring up repeatedly the access to the mailboxes for the handicap, they are designing a new mailbox that will meet those standards. The reason why the boxes are the way they are is because actually throughout the country is that people are now stealing letters out of mailboxes and they call it mailbox phishing. So they had to create this new tamper proof mailbox and it is for our protection but they do need to address the ADA issue and they are.

In forms of resolutions tonight you do the MPC the pile of rubble that is up there, the 2 low bidders were both a little under \$700,000 they both pulled out. We are looking to go after their bid, we are awarding the 3rd low bidder of a little over million dollars tonight. Keep in mind \$500,000 of that project is a grant from Gov. Cuomo and Assem. Gunther under Restore NY programs. We will be funding this with about \$600,000 of local taxation.

We also have an update on the Trail with the group that was retained to do the trail study. They met with the security analysis and it is moving along. We are hoping that by the end of this month or early next month we will have a draft report for the Council to approve. They will identify equipment if necessary up in the reservoir for example 4 wheelers, emergency plans, trail markers, the trails were all mapped out. Mostly in place and the rules need to follow, we are looking at a different type of app. that people can sign in and let us know they are there. But they have made a lot of

progress on the project and that will be open hopefully this summer at least for bikers and hikers.

We had some good news from the OC Transportation Council and NYS DOT. Gov. Cuomo has awarded us an additional \$900,000 towards the streetscape project for one of the 3 sidewalk programs in and around the city. The original grant was \$2.7 million and at this morning's meeting attended by Jacob Tawil they went along with our cost estimates and upped the project to \$3.6 million. Looks like we will be able to complete everything that we planned for in the preliminary drafting of the sidewalk plan. That includes Dolson Ave. basically all downtown, Wickham Ave. from Low Ave. from the railroad tracks, Grove St. , West Main all the way to Wickham, Highland from W. Main to the square, all the intersections will be done. Redesign the intersection by the Armory that is in addition to the project here. We are hoping to get that out to bid by October possibly some of the work can begin by the end of the year. We are hoping that we will get some competitive prices on this project and grants that are now in place will meet the needs.

One more point on the ICE issue Congressman Maloney did send a letter to ICE demanding clarification about their program. It was his understanding in the letter that ICE may have violated their protocols by being in the court unannounced, no notice to the police dept. and creating a dangerous situation here in City Hall. Not only for the people within the building but people visiting the building. He has not to my knowledge has not received a response back from ICE but as soon as that is available we will also share that with the public.

Heritage Trail/ James Brooks is the Parks & Rec. Director of the County and he actually been the man who has pushed this project along since it dropped for quite a while. Just talked to the DOT the Federal Highway FHWA gave an informal approval of the project they just need a few changes to the right away clearance this a couple of weeks ago, DOT will make the changes and make sure DPW gets minor changes and send them back. Then on April 5th the project was officially approved by the feds and he also said that May 1st is the expected bid date for the project to go out for bid. We are very hopeful this timeline will be kept. As I said during the meeting if you see me texting once in a while I am trying to get an update and that was one of the updates that we got. Everything seems to be in place.

Acting Pres. Masi-Due to your powers of persuasion as you know we did receive it a little late and we were considering putting it off for 2 weeks the little boy who gave a heartwarming presentation and everyone who spoke tonight I have been making eye contact Ald. Kleiner I see him writing out. At the end of the meeting 2 motions from the floor, the 2nd one I'm sure will be by Ald. Kleiner and hoping it will be unanimously.

10. Remarks of Aldermen

Ald. Tobin-Wish everyone a Happy Easter and Happy Passover.

On the proposed resolution I agree...thinking the same things that they gave us here about the ICE incident. I really feel like the federal government created this mess with immigration and we are trying to heal some of the issues at the state level and now they are compounding the problem with these ICE arrests outside of the courts. Really feel it is interference with our judicial system on the state level. Having a sting operation at the court door, it can stop people from getting their day in court...even John Adams defended the people in the Boston Massacre to make sure they had a fair day in court.

The 2nd reason I think we should support this is safety factor, the Mayor mentioned. The danger of having unarmed police officers that are announced at the court door and our armed police officers here really creates a dangerous situation apprehending people, the public is coming here like you said in the court, pay their water bill or get their dog license and really just creates a dangerous atmosphere. I agree with Congressman Maloney if it is not their policy should be their policy that they should make people aware that they are in the building. Having undercover agents at the court door really like I said; interference the whole judicial process of the state. Our judicial system everybody has their day in court, we can't have armed people who are waiting here basically a sting operation at the door. Not fair to people trying to their day in court and have justice served.

Ald. Green-Dangerous, reckless, just a couple of words that describe what went on here and what is going on in court rooms around the country. Completely boggles the mind and I do thank Congressman Maloney I read the letter I believe through Facebook it was posted if you haven't read it. It really does cause and should if it is not their policy to certainly become policy that this is not right.

Reading over the Protect Our Courts Act one thing that really hit me is that it prevents people from coming in and getting restraining orders if they need, order of protection things like that if you want to be part of the community you should feel comfortable being in the community. I can't speak for everyone here but I know I do standby everyone in this room and what you stand for. We will gladly support this resolution this evening.

I want to thank the Police Chief for all you are doing with community policing. We did hear at the City Wide Watch meeting a little rumor about what you were planning on doing there from Officer Reggino and Cunningham. Since I have the mike I would be the first to request that we get them in the 2nd Ward. It is really important to have faces especially as we go through all of this. Where people they see in their neighborhoods daily, weekly feel safe coming to talking to them. Thank you for putting that program into place.

National Public Safety Tele communicators Week that is really a long term for dispatchers for our emergency services. I do want to say a big thank you all of our dispatchers hard work, 24 hrs. a day definitely does not go unnoticed.

Happy Passover to all those who are going to celebrating. Happy Easter to everyone.

Ald. Johnson-I want to join others in thanking Jerry for being an advocate for the Warming Station. I want to thank those who are here tonight for making it work. It is an important part of the fabric of our community and thank you for all you do.

Sue best of luck. I will be doing my day job at that particular point on Saturday.

Chief, the initiatives know know bounds. Thank you for keeping your thinking cap on and looking for new things to do to make Law Enforcement a better part of our community. You are doing a great job.

To the Mayor and Maria thank you for the dog and pony show in all that we are doing. If you think anybody who sees it is actually what is happening in the City of Middletown. Thank you for that.

With respect to the issue at hand this evening. I think there are a lot of things I know and a lot of things I don't know. Things I don't know, I don't know anything about legislation for ICE or what is written someplace in the book. Or what they think they are allowed to do and what they aren't allowed to do; I don't know anything about that.

Things that I do know. As empathetic as I may try to be I will never be able to walk a mile in your shoes of many of you here tonight have described that you walked in. Because unless you live it you really can't appreciate exactly what you are going through. I do know that. I do know that when law enforcement comes to a court to do what happened in this building that day that is just another form of victimization to members of our community. I know that. I do know if you are going to come into my building and not tell law enforcement that you are going to be here, that is outrageous. I do know that. I do know that act put many people at risk what if I was walking up the stairs and all these people came running down; someone got knocked a flight of stairs. What if somebody was coming in front of the building with an infant in a carrier and that woman got knocked down the stairs because that is what thought was a good idea for you to do today. I do know that was not a good idea. I do know that children should not have to think about and articulate the things that they thought about and articulated this evening. That should not be part of what a child has to think about on a daily basis. I know that. Something I think about but I don't know was it a coincidence? Was this hardly a coincidence? I don't know or not know that. But my inner voice says it was not a coincidence. My inner voice says it was a push back to the City of Middletown and I can't prove that but that is how I feel. I have spoken to Alfredo each week and all that I read in the newspaper the first thing I thought about there goes the people that come to the City of Middletown for their id cards. I saw him on that Thursday looking dejected, so how many people did we have today? Nine. How many people did we have the week before that? 50-60 per day. I do know that is outrageous. I hope we can make it a better place.

With respect to Notre Dame ...in French.

Thank you.

Ald. Kleiner-I want to thank Marilyn for her kind words. No one works as hard as Marilyn does, none of that would happen without her.

I thank everyone for coming out tonight, people being unafraid to speak up, being unafraid to be seen and heard and part of the community. We will continue to support you on that and I thank the Mayor for his strong support and we will introduce this later tonight.

April is so busy and I just want to go over- Little League Parade we had a gorgeous day I also want to recognize the minor league fields and Tom Burr may correct me if I get this wrong. People were recognized by the Little League for their contributions and having the minor league fields 1 & 2 named after them. It was Jimmy Christiano, John Bianchi, Chris Brinkerhoff and the late Norm Brunning.

This past week we had the Mulberry House Senior Volunteer Recognition Day breakfast; I thank Julisa and the staff and of course all the volunteers it was great event.

Coming up we start with Good Friday and started Passover and Saturday the 20th we had the Eggstravaganza at Davidge Park, Chris is not here to promote that. I want to mention it 10am for the little kids and 11am for the big kids in the back of the park. If you get there at 1 you will missed it. There is no rain date.

Easter Sunday, on Monday it is Earth Day but it is actually next Thursday the 25th from 10am-2pm at SUNY Orange.

Friday is Arbor Day we have been named the tree city for the 10th year, I thank the Shade Tree Committee for their hard work. It is something we should be proud in Middletown.

Of course we get to Saturday the 27th Middletown Pride Clean up.

Sunday the 28th I know you have your Code Blue event.

May 4th at 10am ribbon cutting at Davidge Park for disc golf.

April 6th I called Academy Ave. Park Massacre where once again beautiful Academy Ave. Park it is anotherthose ornamental cherry trees, just imagine if you went to the Tidal Basin in DC or the Jefferson Memorial just when the blossoms were going to be out and found out someone pruned all the branches off the week before they were to bloom. That happened in Middletown for the 2nd time and it is inexcusable. They were pruned for safety reasons last year by the Shade Tree Committee, they were told no and I don't know how it happened I don't ever want to see it happen again in Middletown. It is something I hope we can look into and get to the bottom of.

Dear to my hear May 3rd what would have been Pete Seeger's 100th birthday. Also the 50th yr. anniversary of the launch of the Hudson River Sloop Clearwater and the following year in 1970 it sailed down to Washington DC into the Tidal Basin area to

lobby for the Clean Water Act which was passed in 1972. If you follow on the news you know the president just Executive Orders ...not to enforce the Clean Water Act, you talk about going backwards you couldn't make this up.

Peter we really miss you.

My wife is in the audience tomorrow is our 35th wedding anniversary. Barbara thank you for putting up with me for 35 yrs.

Ald. Jean-Francois- I thank everyone that spoke tonight for sharing your concerns and your story tonight. If I was an ICE agent I would surrender to you guys because most of the hard work is already done. I am hearing people are scared, afraid but from what I seeing here tonight in this room I don't see it at all. I think you guys are showing a lot of courage, a lot of resilience. Half of the work is already done, if they didn't stop you guys from coming to this country it is already too late; you are already here. The battle is done. Again whatever you guys are doing keep doing it and we are going to do our best to support you guys in whatever you are doing. Most of the stories I heard tonight, whatever we could do in our power to make sure what stories shared with us tonight does not go on deaf ears. We will do our part. That is guaranteed.

Ald. Burr- I want to thank everybody tonight and I agree with all my aldermen, all their comments. Jerry covered most of my stuff in my committee.

Ribbon cutting Jerry covered already.

We want to thank all the sponsors who sponsored all the holes for us.

We dedicated our fields.

11. Unfinished Business

John Naumchik-Nothing this evening.

12. New Business

69.19 Resolution to authorize the Mayor to sign all agreements with the perspective performers for the 2019 Summer Concert Series and the Stars & Stripes event.

On motion of Ald. Green seconded by Ald. Johnson

RESOLVED; that the Common Council of the City of Middletown hereby authorizes the Mayor to sign all agreements with the perspective performers for the 2019 Summer Concert Series and the Stars & Stripes event.

Roll Call: Ayes: Ald. Tobin, Kleiner, Johnson, Jean-Francois, Burr, Green, Masi-7

70.19 Resolution to authorize the use of the City of Middletown stage for the Hudson Valley Honor Flight concert for the Veterans concert on Saturday, July 27th from 12 noon to 8PM.

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

RESOLVED; that the Common Council of the City of Middletown hereby authorizes the use of the City of Middletown stage for the Hudson Valley Honor Flight concert for the Veterans concert on Saturday, July 27th from 12 noon to 8PM.

Roll Call: Ayes: Ald. Tobin, Kleiner, Johnson, Jean-Francois, Burr, Green, Masi-7

71.19 Resolution to authorize the closing of streets on Sunday, June 2, 2019 for the 39th Annual (Orange) Classic 10K Road Race.

On motion of Ald. Johnson seconded by Ald. Tobin

RESOLVED; that the Common Council of the City of Middletown hereby authorizes the closing of streets on Sunday, June 2, 2019 for the 39th Annual (Orange) Classic 10K Road Race beginning at 7:00 AM as per the attached course map.

Important Street Closure and Parking Information - Sunday

6:15 am Police begin closing the side streets on the course.

6:45 am the 10K course is shut down to traffic.

Roll Call: Ayes: Ald. Tobin, Kleiner, Johnson, Jean-Francois, Burr, Green, Masi-7

72.19 Resolution to close streets and intersections necessary for the YMCA 23rd Annual Ruthie Dino Marshall Run on Sunday, June 9, 2019.

On motion of Ald. Kleiner seconded by Ald. Green

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 as per the attached route necessary and at their discretion, for the YMCA 23rd Annual Ruthie Dino Marshall Run on Sunday, June 9, 2019, beginning at 7:30 a.m. and lasting until such time as it is no longer needed.

COURSE DIRECTIONS: Start on Wallkill Ave, Turn right onto Lake Ave, Turn left onto Ashland Ave which becomes Claremont Ct, Turn left on to Lake Ave, Turn right onto Frank Shorter Way (passing Fancher-Davidge Park on your left), Turn left onto Randall Heights, Turn right onto Roosevelt Ave, Turn left onto Watkins Ave, Turn right

onto Alaska Ave, Turn right onto Highland Ave, Turn right onto Cantrell Ave, Finish across from YMCA.

Ald. Kleiner-As you know this kind of locks in the 2nd Ward and it is listed from 7:30-10:30; once again I urge them finish as quickly as they can and the police have done an excellent job at following the runners and then opening the street.

Roll Call: Ayes: Ald. Tobin, Kleiner, Johnson, Jean-Francois, Burr, Green, Masi-7

73.19 Resolution to close all streets and intersections necessary for the Middletown-Wallkill Veterans Council, Memorial Day Services and Parade on Monday, May 27, 2019.

On motion of Ald. Green seconded by Ald. Kleiner

RESOLVED; that the Common Council of the City of Middletown does hereby authorize 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 Middletown-Wallkill Veterans Council, Memorial Day Services and Parade on Monday, May 27, 2019.

Services will start at Thrall Park for laying of Wreaths, Rifle Salute and Taps. Parade step off at 10AM traveling up Wickham Avenue to the Armory then traveling up Highland Ave toward Maddy's Diner finishing at the Town of Wallkill Veterans Memorial Park.

In the event of inclement weather, there will be no parade and the services will be held at 11 a.m. in Kuhl's Highland House, 512 Highland Avenue Middletown

NOW THEREFORE BE IT RESOLVED that the Common Council of the City of Middletown approves the Memorial Day Services and Parade pending receipt and approval of the appropriate permits and insurance certificates by the Superintendent of Recreation and Parks.

Roll Call: Ayes: Ald. Tobin, Kleiner, Johnson, Jean-Francois, Burr, Green, Masi-7

74.19 Resolution to close Erie Way every Saturday for the Farmers Market from Saturday, June 1, 2019 through Saturday, October 26, 2019 from 7:00AM to 1:00PM.

On motion of Ald. Burr seconded by Ald. Tobin

RESOLVED; that the Common Council of the City of Middletown to approve the closing of Erie Way every Saturday for the Farmers Market from Saturday, June 1, 2019 through Saturday, October 26, 2019 from 7:00AM to 1:00PM.

Roll Call: Ayes: Ald. Tobin, Kleiner, Johnson, Jean-Francois, Burr, Green, Masi-7

75.19 Resolution to grant permission for the New Beginnings Church located at 11 Mulberry Street to have two events in the parking lot on June 8 & 9th.

On motion of Ald. Johnson seconded by Ald. Green

RESOLVED; that the Common Council of the City of Middletown hereby grant permission for the New Beginnings Church located at 11 Mulberry Street in the City of Middletown to have two events in the church parking lot as per the attached diagram for the following events that will have music by PA system, prepared foods and tables set up for outreach:

1. To host a community outreach event on June 8, 2019 between the hour of 9:00AM and 5:00PM
2. To host a Motorcycle Fun-Ride community outreach event on Sunday, June 9, 2019 between the hours of 9:00AM and 5:00PM.

LET IT BE FURTHER RESOLVED; that the New Beginnings Church will submit all the proper insurances and paperwork for the above events.

Ald. Kleiner-I know this involves loudspeakers so I just encourage you to use common sense with the loudspeakers and not blast out the whole downtown.

Roll Call: Ayes: Ald. Tobin, Kleiner, Johnson, Jean-Francois, Burr, Green, Masi-7

76.19 Resolution to amend the City Code Chapter 460, Vehicle and Traffic to add two handicap signs on Hill Street and Sproat Street.

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

RESOLVED; that the Common Council of the City of Middletown approves to amend the City Code Chapter 460, Vehicle and Traffic, Section 460-28 No-parking zone; handicap permit only to add the following:

(70) One spot directly in front of 9 Hill Street

(71) One spot directly in front of 26 Sproat Street

Roll Call: Ayes: Ald. Tobin, Kleiner, Johnson, Jean-Francois, Burr, Green, Masi-7

77.19 Resolution to amend the City Code Chapter 460, Vehicle and Traffic, Section 460-11 Through streets; stop streets; yield intersections to add a stop sign at Dogwood Drive at Walnut Lane.

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

RESOLVED; that the Common Council of the City of Middletown approves to amend the City Code Chapter 460, Vehicle and Traffic, Section 460-11 Through streets; stop streets; yield intersections to add the following:

B. Stop Streets

Dogwood Drive: Dogwood Drive will be a three-way stop street intersection at Walnut Lane

Roll Call: Ayes: Ald. Tobin, Kleiner, Johnson, Jean-Francois, Burr, Green, Masi-7

78.19 Resolution to approve the 2018 service listing of all volunteers firefighters of the Middletown Fire Department for the LOSAP Service Award Program.

On motion of Ald. Burr seconded by Ald. Green

RESOLVED; that the Common Council of the City of Middletown hereby approves the attached 2018 service listing of all volunteers firefighters of the Middletown Fire Department for the LOSAP Service Award Program.

COMMON COUNCIL
CITY OF MIDDLETOWN
CERTIFICATION OF RESOLUTION

I, John C. Naumchik, Common Council Clerk of the City of Middletown, hereby certify that I have compared the attached resolution with the original on file in my office and adopted by the Common Council on _____ and that the same is a true copy thereof and the whole of such original resolution.

John C. Naumchik
Clerk of the Common Council
City of Middletown, NY

Date

Roll Call: Ayes: Ald. Tobin, Kleiner, Johnson, Jean-Francois, Burr, Green, Masi-7

79.19 Resolution to amend the City Code to allow live music and live music performances in outdoor and sidewalk cafes from May 3, 2019 through October 21, 2019.

On motion of Ald. Tobin seconded by Ald. Green

Whereas, Section 475-28 (G) (4) of the Code of the City of Middletown prohibits live music and live music performances in outdoor and sidewalk cafes, and

Whereas, the Common Council in 2018 passed a resolution allowing live music and live music performances in outdoor and sidewalk cafes on a trial basis from May 18, 2018 until and including October 15, 2018, and

Whereas, the Legislative Committee of the Common Council has recommended that live music and live music performances in outdoor and sidewalk cafes be allowed for another one year trial period under the same terms as conditions as existed from May 18, 2019 until and including October 15, 2019.

Now, therefore, be it resolved by the Common Council of the City of Middletown that Section 475-28 (G) (4) of the Code of the City of Middletown is hereby repealed and replaced in its entirety by the following:

Section 475-28 (G). Miscellaneous provisions.

...

(4) Outdoor and sidewalk cafes may be allowed to provide music, so long as such music does not violate or does not conflict with any applicable law or ordinance such as the City's noise ordinance (except as may otherwise be provided below), or does not create a nuisance to surrounding residents or properties. Live music or live music performances are not permitted in or at sidewalk cafes. With respect to outdoor cafes only (and only within the geographic area described below), live music or live music performances will be permitted from May 3, 2019 until and including October 21, 2019 during the hours of 12:00 noon until 10:00 p.m. on Thursday, Friday and Saturday, and 1:00 p.m. until 9:00 p.m. on Sunday, in such a manner as to generate an instantaneous sound pressure level not to exceed 90 decibels (DBA) as measured from any point along the boundary line of the real property on which the outdoor café is located and from which the sound pressure is generated.

For purposes of this subsection (4), live music or live music performances will be allowed in or at outdoor cafes only within the area contained within the City's Business

Improvement District (except not in or on properties located south of Fulton Street) and in or on properties on either side of East Main Street from Academy Avenue to the west side of Railroad Avenue.

Live music or live music performances will be allowed in or at outdoor cafes as described above during a trial period lasting only until October 21, 2019, unless the ability and permission to have live music or live music performances in or at outdoor cafes is extended by action of the Common Council of the City. If the time period is not extended by action of the Common Council, then live music or live music performances will not be permitted after October 21, 2019 in or at outdoor cafes.

Lighting in outdoor and sidewalk cafes shall be minimal and shall not be allowed to disturb surrounding residents or properties. No outdoor cooking of any type is permitted in outdoor and sidewalk cafes.

Be it further resolved that Section 475-28 (H) of the Code of the City of Middletown is amended by adding the following as a second paragraph in Section 475-28 (H):

Notwithstanding the previous paragraph and in addition to any penalties imposed under the previous paragraph of this Section 475-28 (H), violations of Section 475-28 (G) (4) of the Code of the City of Middletown may be enforced by the Police Department, any code enforcement officer of the Department of Public Works or the Fire Inspector and disposed of as follows:

- (1) For the first violation of Section 475-28 (G) (4) of the Code of the City of Middletown by an outdoor café's operation, the owner and/or operator of the outdoor café shall be issued a verbal or written warning informing the owner and/or operator of the violation and directing that it be ceased immediately.
- (2) For the second violation and subsequent violations of Section 475-28 (G) (4) of the Code of the City of Middletown by an outdoor café's operation, the owner and/or operator of the outdoor café shall be issued a written violation notice and/or an appearance ticket ordering the owner and/or operator to appear in Middletown City Court to answer the violation(s).
- (3) At any time, the Police Department of the City, upon inspection and discovery of a violation of Section 475-28 (G) (4) of the Code of the City of Middletown by an outdoor café's operation, may immediately cause the offending outdoor cafe to be cleared of patrons, if such action is reasonably necessary to protect the public health, safety, welfare or convenience.
- (4) If the operation of an outdoor cafe is alleged to be in violation of Section 475-28 (G) (4) of the Code of the City of Middletown a second time, the outdoor café permit issued to the owner and/or operator of the outdoor café shall be revoked by the City Clerk.
- (5) Any person found guilty of violating Section 475-28 (G) (4) of the Code of the City of Middletown shall be guilty of a violation and shall be liable for a fine of not less

than \$250.00 nor more than \$2,000.00 for the first occurrence, and such fines shall be increased to a fine of not less than \$500.00 nor more than \$4,000.00 for any subsequent occurrence(s).

Be it further resolved that this resolution shall take effect immediately.

Roll Call: Ayes: Ald. Tobin, Kleiner, Johnson, Jean-Francois, Burr, Green, Masi-7

80.19 Resolution to establish the standard work days for an appointed official and allow the clerk to report the days worked to the New York State and Local Employees' Retirement System.

On motion of Ald. Kleiner seconded by Ald. Johnson

BE IT RESOLVED, that the City of Middletown, location code 20030 hereby establishes the following as standard work days for elected and appointed officials and will report the following days worked to the New York State and Local Employees' Retirement System based on the time keeping system records or the record of activities maintained and submitted by these officials to the clerk of this body:

Title	Name	Social Security Number (Last 4 Digits)	Registration Number	Standard Work Day (hrs/day)	Term Begins/Ends	Participates In Employer's Time Keeping System (Y/N)	Days/Month (based on Record of Activities)	Tier 1 (Check only if member is in Tier 1)	Not Submitted (Check box if No record of Activities Completed or Timekeeping System)
Appointed Officials									
Asst. Corporation Counsel	Richard Croughan	7768	43611342	6	6/05/18 12/31/19	N	2.40		

On this April 17, 2019 Date enacted: April 16, 2019

I, John C. Naumchik, clerk of the governing board of the City of Middletown, of the State of New York, do hereby certify that I have compared the foregoing with the original resolution passed by such board, at a legally convened meeting held on the 16th day of April, 2019 on file as part of the minutes of such meeting, and that same is a true copy thereof and the whole of such original.

I further certify that the full board, consists of nine members, and that nine of such members were present at such meeting and that nine of such members voted in favor of the above resolution.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the City of Middletown.

This document consists of two pages

John C. Naumchik
Clerk of the Common Council
City of Middletown, NY

Date

Roll Call: Ayes: Ald. Tobin, Kleiner, Johnson, Jean-Francois, Burr, Green, Masi-7

81.19 Resolution to authorize the Treasurer that \$5,000 of the “Solutions Funding” that has been previously approved by the Common Council under resolution # 311-18, be added to our Too Good for Drugs and Violence.

On motion of Ald. Johnson seconded by Ald. Green

RESOLVED; that the Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment to authorize the Treasurer that \$5,000 of the “Solutions Funding” that has been previously approved by the Common Council under resolution # 311-18, be added to our “Too Good for Drugs and Violence” budget grant expense line A.3120.509 for use in 2019.

Roll Call: Ayes: Ald. Tobin, Kleiner, Johnson, Jean-Francois, Burr, Green, Masi-7

82.19 Resolution to authorize the Treasurer to transfer \$58,650.00 from the Water Fund for C.T. Male Associate’s to provide Professional Design Engineering Services for Lamson Causeway.

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

WHEREAS; the City would like to replace the existing 24” pipe beneath Mt. Hope Rd. The existing 24” pipe acts as an equalizer for the Shawangunk Reservoir on either side of the roadway embankment. The existing 24” pipe is prone to clogging with debris which results in differential water surface elevations on either side of the roadway embankment.

SO LET IT BE RESOLVED; that the Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment to authorize the Treasurer to transfer \$58,650.00 from the Water Fund for C.T. Male Associate’s to provide Professional Design Engineering Services for Lamson Causeway in the following manner:

FROM	AMOUNT	TO
Water Fund	\$ 58,650.00	F.8320.512

Ald. Kleiner- I just want to explain the Lamson Causeway because the Commissioner is not here, it goes under Mt. Hope Rd. the 2 sides of Shawangunk Reservoir and helps keep the reservoirs even so it is to prevent flooding over the road.

Roll Call: Ayes: Ald. Tobin, Kleiner, Johnson, Jean-Francois, Burr, Green, Masi-7

83.19 Resolution authorizing the issuance of \$5,300,000.00 serial bonds to pay the cost of the construction of Water Storage Tanks in the City superseding bond resolution #279-15 on September 1, 2015.

On motion of Ald. Burr seconded by Ald. Johnson

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

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

Section 1. The construction of water storage tanks in and for the City of Middletown, Orange County, New York, including incidental costs and expenses, is hereby authorized at a maximum estimated cost of \$5,300,000.

Section 2. The plan for the financing of such maximum estimated cost is by the issuance of \$5,300,000 bonds of said City hereby authorized to be issued therefor pursuant to the provisions of the Local Finance Law; provided, however, the amount of bonds to be issued shall be reduced to the extent of grants received in connection therewith.

Section 3. It is hereby further determined that the period of probable usefulness of the aforesaid specific object or purpose is forty years, pursuant to subdivision 1 of paragraph (a) of Section 11.00 of the Local Finance Law.

Section 4. The faith and credit of said City of Middletown, Orange County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such obligations as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such year. There shall annually be levied on all the taxable real property of said City, a tax sufficient to pay the principal of and interest on such obligations as the same become due and payable.

Section 5. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the serial bonds herein authorized, including renewals of such notes, is hereby delegated to the City Treasurer, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said City Treasurer, consistent with the provisions of the Local Finance Law.

Section 6. Such bonds shall be in fully registered form and shall be signed in the name of the City of Middletown, Orange County, New York, by the manual or facsimile signature of the City Treasurer and a facsimile of its corporate seal shall be imprinted or impressed thereon and may be attested by the manual or facsimile signature of the City Clerk.

Section 7. All other matters, except as provided herein relating to such bonds, including determining whether to issue such bonds having substantially level or declining debt service and all matters related thereto, prescribing whether manual or facsimile signatures shall appear on said bonds, prescribing the method for the recording of ownership of said bonds, appointing the fiscal agent or agents for said bonds, providing for the printing and delivery of said bonds (and if said bonds are to be executed in the name of the City by the facsimile signature of the City Treasurer, providing for the manual countersignature of a fiscal agent or of a designated official of the City), the date, denominations, maturities and interest payment dates, place or places of payment, and also including the consolidation with other issues, shall be determined by the City Treasurer. It is hereby determined that it is to the financial advantage of the City not to impose and collect from registered owners of such serial bonds any charges for mailing, shipping and insuring bonds transferred or exchanged by the fiscal agent, and, accordingly, pursuant to paragraph c of Section 70.00 of the Local Finance Law, no such charges shall be so collected by the fiscal agent. Such bonds shall contain substantially the recital of validity clause provided for in section 52.00 of the Local Finance Law and shall otherwise be in such form and contain such recitals in addition to those required by section 52.00 of the Local Finance Law, as the City Treasurer shall determine.

Section 8. The 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 9. The City Treasurer is hereby further authorized, at his sole discretion, to execute a project finance and/or loan agreement, and any other agreements with the New York State Environmental Facilities Corporation, including amendments thereto, and including any instruments (or amendments thereto) in the effectuation thereof, in order to effect the financing or refinancing of the object or purpose described in Section 1 hereof, or a portion thereof, by a bond or note issue of said City in the event of the sale of same to the New York State Environmental Facilities Corporation.

Section 10. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 11. This resolution supersedes and repeals the bond resolution adopted on September 1, 2015 for such purpose.

Section 12. 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.

Roll Call: Ayes: Ald. Tobin, Kleiner, Johnson, Jean-Francois, Burr, Green, Masi-7

84.19 Resolution to authorize the Treasurer to transfer \$600.00 within the Assessor 2019 budget to cover mileage reimbursement for travel.

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

RESOLVED; that the Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment to authorize the Treasurer to transfer \$600.00 within the Assessor 2019 budget to cover mileage reimbursement for travel, due to upcoming continuing education classes in the following manner:

FROM	AMOUNT	TO
Contractual Services A.1355.433	\$600.00	Travel Expense A.1355.401

Roll Call: Ayes: Ald. Tobin, Kleiner, Johnson, Jean-Francois, Burr, Green, Masi-7

85.19 Resolution to authorize the Treasurer to transfer amounts in the 2018 budget which are primarily driven by the settlement of the CSEA Contract and Management increases that impacted payroll related accounts which are budget neutral.

On motion of Ald. Johnson seconded by Ald. Burr

RESOLVED; that the Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment to authorize the Treasurer to transfer the amounts as per the attached sheet in the 2018 budget which are primarily driven by the settlement of the CSEA Contract and Management increases that impacted payroll related accounts and all amounts are covered within the funds and are overall budget neutral.

Roll Call: Ayes: Ald. Tobin, Kleiner, Johnson, Jean-Francois, Burr, Green, Masi-7

86.19 Resolution to amend resolution #216-18 on August 8, 2018 on the sale of 99 East Ave to amend the conditions in the contract.

On motion of Ald. Green seconded by Ald. Tobin

BE IT RESOLVED by the Common Council of the City of Middletown that Resolution #216-18, passed on August 6, 2018, is hereby amended to approve the sale of City-owned property at 99 East Avenue (SBL 40, 6, 14) to St Johns A.M.E. Zion Church for the sum of \$1,000.00, subject to the following conditions:

- (1) The house currently present on the property must be demolished within one (1) year of the sale;
- (2) A parking lot must be constructed on the property within one (1) year of the

- sale;
- (3) The property cannot be utilized for any purpose other than a parking lot;
 - (4) A violation of any of the above conditions will cause a reverter in title to the City; and
 - (5) The above conditions shall be emplaced in the deed as perpetual restrictions.
- for the sale.

Roll Call: Ayes: Ald. Tobin, Kleiner, Johnson, Jean-Francois, Burr, Green, Masi-7

87.19 Resolution to award the bid for Asbestos/Rubble Pile Removal Project at the former Psychiatric Center to Gorick Construction Co. Inc.

On motion of Ald. Green seconded by Ald. Johnson

MOTION FROM THE FLOOR

WHEREAS, bids were opened by the Board of Estimate and Apportionment on Thursday March 7, 2019, for the Asbestos/Rubble Pile Removal Project at the former Psychiatric Center, 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; six bids were received for the project ranging from a low of \$674,000 and high of \$4,575,000. Barton & Loguidice contacted both the first and second low bidders for verification of bid amount and general compliance with the contract. Both the low bidder (Jupiter Environmental Services - \$674,000) and the second low bidder (Highground Industrial, LLC - \$695,000) have indicated that they miscalculated the volume of waste materials for the project, and their bids do not include all of the disposal cost which would be required for the project. Both Jupiter and Highground have requested to withdraw their bids, and

WHEREAS; the third lowest bid, Gorick Construction Co. Inc. (Garick - \$1,024,000), was also contacted and they have indicated that their bid amount includes all phases of the project and are comfortable with their fee and scope of work. Barton & Loguidice has experience working with Gorick on a similar demolition and asbestos debris removal project, and the project went smoothly and in accordance with the plans.

Based on this information, Barton & Loguidice and the Commissioner of Public Works recommends that the City of Middletown award the work to Gorick Construction Co., Inc., who have included all of the disposal costs for the areas of building waste identified on the plans attached to this resolution.

NOW THEREFORE BE IT RESOLVED; that the Common Council of the City of Middletown concurs with the Commissioner of Public Works and awards the bid for the Asbestos/Rubble Pile Removal Project at the former Psychiatric Center in the total amount of Gorick Construction Co., Inc.

LET IT BE FURTHER RESOLVED; that the Common Council of the City of Middletown authorizes the Mayor to sign the contract and all related documents required for the project and the grant executions for this project.

Roll Call: Ayes: Ald. Tobin, Kleiner, Johnson, Jean-Francois, Burr, Green, Masi-7

- 88.19 Resolution calling on the State Legislature to pass, and the Governor to sign, the "Protect Our Courts Act" (A.2176 / S.425), in order to protect certain interested parties or people from civil arrest while going to, remaining at, or returning from the place of a court proceeding.

On motion of Ald. Kleiner seconded by Ald. Green

MOTION FROM THE FLOOR

Resolution calling on the State Legislature to pass, and the Governor to sign, the "Protect Our Courts Act" (A.2176 / S.425), in order to protect certain interested parties or people from civil arrest while going to, remaining at, or returning from the place of a court proceeding.

Whereas, U.S. Immigration and Customs Enforcement (ICE) arrests of immigrants in the community have increased overall, and aggressive ICE tactics that were rare under the Obama administration have become commonplace; and

Whereas, The Immigrant Defense Project (IDP) reports that since 2016, ICE operations in and around New York courthouses rose 1700%, and that ICE expanded its courthouse arrest operations in upstate New York in 2018, including arresting people on the way to court, in the courthouse, and leaving court; and

Whereas, Alongside this astronomical rise, IDP has documented ICE's increased use of violent force to conduct arrests, including slamming family members against walls, dragging individuals from cars, and even pulling guns on people leaving court; and

Whereas, The ICE Out of Courts Coalition issued a report that documents the harmful impacts of ICE's aggressive courthouse operations, including the widespread chilling effect, which discourages victims, witnesses, and defendants from seeking legal protections; and

Whereas, When ICE arrests a defendant during an unrelated court proceeding, ICE is under no obligation to produce them for such court appearance; and

Whereas, The fear of deportation acts as a deterrent for victims of crime, witnesses to crime, and defendants, to engage in the criminal court system; and

Whereas, Public calls made by judges, district attorneys, attorneys general, anti-violence advocates, public defenders, elected officials and others across the country to end courthouse arrests have been unanswered by ICE; and

Whereas, In January 2019, New York State Senator Hoylman and New York State Assembly Member Solages introduced the "Protect Our Courts Act" (A.2176/S.425), which would exempt individuals from civil arrest while "going to, remaining at, or returning from the place of such court proceeding;" and

Whereas, Absent a signed judicial warrant or judicial order authorizing a civil arrest, A.2176/S.425 would prohibit the civil arrest of any person attending a court proceeding "duly and in good faith;" and

Whereas, The legislation would designate the willful violation of the exemption as contempt of the court and false imprisonment, and would grant individuals the ability to bring a civil action for appropriate equitable and declaratory relief in instances of violation of the exemption; and

Whereas, The unchecked interference of federal law enforcement, specifically ICE, in the state court system endangers New Yorkers' access to due process and public safety by making witnesses to crime and victims of crime less likely to engage in the court system; and

Whereas, Federal interference additionally removes criminal defendants from our jurisdiction, making it impossible to seek justice in their ongoing, non-immigration related cases; now, therefore, be it

Resolved, That the Common Council of the City of Middletown calls on the State Legislature to pass, and the Governor to sign, the "Protect Our Courts Act" (A.2176 / S.425), in order to protect certain interested parties or people from civil arrest while going to, remaining at, or returning from the place of such court proceeding.

COMMON COUNCIL
CITY OF MIDDLETOWN
CERTIFICATION OF RESOLUTION

I, John C. Naumchik, Common Council Clerk of the City of Middletown, hereby certify that I have compared the attached resolution with the original on file in my office and adopted by the Common Council on _____ and that the same is a true copy thereof and the whole of such original resolution.

John C. Naumchik
Clerk of the Common Council
City of Middletown, NY

Date

Roll Call: Ayes: Ald. Tobin, Kleiner, Johnson, Jean-Francois, Burr, Green, Masi-7

13. Local Laws
John Naumchik-Nothing this evening

14. Audit

On motion of Ald. Johnson seconded by Ald. Burr

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. Tobin, Kleiner, Johnson, Jean-Francois, Burr, Green, Masi-7

15. Adjournment

There being no further business meeting adjourned at 8:49PM

Respectfully submitted,

Karen Sisco