



**Common Council  
Meeting  
City of Middletown  
September 5, 2017**

1. Pledge of Allegiance- Pres. Rodrigues asked all to rise for the pledge.
2. Roll Call: Present: Ald. Ramkissoon, Johnson, Jean-Francois, Cid, Witt, Kleiner, Burr, Masi, Pres. Rodrigues-9
3. Approval of Minutes  
John Naumchik-Nothing this evening.

4. Correspondence  
America the Beautiful Concert thanking the Mayor and City of Middletown for the stage-Received & Filed
5. For the Good of the City

Mayor DeStefano-Thank you. Tonight Chief Ewanciw is here along with his Bureau Commanders Lt. Graziano, Lt. Thoelen to conduct a pinning ceremony in recognition of the promotions that have been done within the Middletown Police Dept.

As you know Lt. Graziano was also promoted to Bureau Commander to join Lt. Thoelen under the guidance of Chief Ewanciw. Due to that movement we had some openings within the PD because people moved up.

Tonight we are going to have the Chief to conduct the ceremony for Lt. Mark Doty who I believe is a 32 yr. member of the Middletown Police Dept., Lt. Essam Khalil both were promoted by the Middletown Police Commission to their respective

position to Lt., Sgt. Evan Colon and Sgt. Jacqueline Welch-the first female to be promoted to a Supervisory position within MPD. Those promotions were conducted and interviews were done by the MP Commission. Det. Nathanael DeYoung he was promoted by Chief Ewanciw to the position of Det.

Chief Ewanciw- It is my honor and privilege to present to you tonight our most recent promotions of the MPD.

At this point Chief conducted the ceremony.

Chief Ewanciw-I first like to congratulate all of you. I look forward to working with each and every one of you. I also like to thank the Council and Commission for giving us the opportunity to promote and move forward the MPD.

Families and friends, new supervisors I appreciate everything you do to support them and to allow them to work with the City of MPD. I know they put in countless hours and time and dedication this is the reward for all of that.

I like to thank you for your commitment to the dept., community you all have worked hard to earn and to achieve these promotions.

Thank you for being willing to step up and take on these additional responsibilities. There are going to be a lot of challenges, you are going to have a lot of things to learn and address as we move forward; but I can assure you myself, Lt. Graziano, Lt. Thoelen and the rest of the supervisory staff of the MPD will be here to support you in this journey.

You will be instrumental in moving this organization forward. As you will be the direct link between administration and our command. You will help us achieve these goals for your direction.

At this point Chief Ewanciw preceded the pinning ceremony giving each their new shield.

Congratulations to each and every one of you. I look forward to working with you. You guys have all worked extremely too hard to achieve these accomplishments. I have had the privilege to work with you with my tenure and I can attest to each and every one of you the commitment to the dept.

For the Good of the City

Eric I work with the Parks & Rec. Dept. and build the skate board and skate park builders to just to make sure that it is the beautiful thing you see outside.

I just want to come here and say thank you to everyone here for their commitment to the City and the speed at which this project was done. Everybody is thrilled with this, reaction is overwhelmingly positive.

Kevin Gomez/School Liaisons- Briefly report on the partnership that the Enlarged City School District of Middletown is doing with Middletown Community Health Center along with Affinity.

This partnership working with public and private sector will allow the School District to provide our children with very important medical need especially in the area of preventive care. Among them full dental services for each school, point of care testing, strep throat to flu, throat cultures, immunizations at each school, partnership running annual health fairs, same day appointments issued as needed.

Even though the children are not required to apply Affinity the option would be available. Many of our children in our community don't happen to have health care and these are vital services. We are working in partnership with the private sector, such as Affinity, Community Health Center they help in an efficient and manner the needs of our children.

Alexei Hernandez- Hoping today the Council approves the Care marching permit even though we were ...permits denied. I have to disagree with the Council all ...matters when it comes to clean air and clean water. Also DECA is expected ...thousands of children will lose the opportunity to live in this great and amazing Country. Still we aren't a sanctuary...among us.

That is not why I am here today. I remember when I was in 5<sup>th</sup> grade; I was in the library at Maple Hill Elementary School. There was an announcement all the adults started crying and so were some of the kids, there was a 2<sup>nd</sup> announcement kids were getting picked up from school I had to take the bus back. I am never going to forget the day my mom was crying in front of the tv the images burned into my mind. I asked my mom why are you crying. She told me my dad was assigned to work in the Towers and she said she tried contacting him he wasn't answering the phone. I'm thinking to myself why is the police officer assigned to a building. 3 days pass by and still haven't heard from my dad then we hear a knock on the door and it was my dad. This dark skinned man was now whiter than I was. He had this look of despair on his face. I still don't know why he hadn't called but he did tell me his story. He was in the first building when the plane hit, a piece of debris hit his partner from above. They made it down and out and as he was driving away in the rearview mirror he saw the building collapse. For the next 3 days ...my dad was trying his best to help the victims both survivors and ... That is the day he lost his faith in God, the day that I learned that heroes don't stay silent; but act even when it seems hopeless. The firefighters, police officers and all who stand up for ...these are the heroes, my brothers and sisters. I am proud of this city but I am disgusted by the politicians. I hate coming up and speaking and hate the tension because I am shy in real life. But enough is enough. I said fines and crimes were on the decline but the Council can't

understand why people such as the Rabbi from Mt. Sinai or the immigrants or the least among us don't feel safe. There is already an ICE raid happening in Orange County and I promise you it is only going to get worst. When one out of five people live in poverty given out unnecessary fines to a shrinking population means a difference between feeding our child or getting your driver's license renewed. Yes, violent crimes have been going down nationally but you have...dangers in Middletown and democracy when you guys colluded to get my name off the ballot to stop people from getting a second voice.

Scott Martens- I say everything with all due respect. I respect all positions in our elected government. I am hoping that you will serve the people to the best of your abilities and due to the proper due diligence that takes.

I was born and raised in the City of Middletown, I traveled, went to school in a different state and I came back here with my wife so that we could raise our children here. I believe this is the most beautiful place to be and I live now in Minisink Valley.

I want to give you an update on CPV Power Plant and where the construction stands. Last week NYS DEC denied the 401 Water Quality Permit for the pipeline that will be fracked gas to this plant. That is huge. What that means is for anybody out there that who said it is too late, its not. The door is now open for politicians like yourselves to stand up for the right of the citizens. I urge you all to do that please. Neuhaus did it; Berkman did it, the representative from Middletown in the County Legislator, our County Executive and assemblyman from our county as well. I urge you all to do the same.

There is a few comments I like to make to set the record straight based on statements that were made at last month's City Council meeting. The CPV Power Plant and Millennium Valley Pipeline are inextricably linked. One cannot function without the other, they are not separate. The pipeline will be fracked gas to the plant to make it operational, it cannot operate without; they only have the permit to operate for only 30 days or the whole year on another source. So to say they are separate is absolutely ludicrous in fact it is against the law. ...called illegal sedimentation. Sedimentation refers to when an entity attempts to separate a project into components so the overall affects appears reduced. This is what CPV and Millennium have done in tandem to make this project look better than it actually is. The assertion was also made that the City's only involvement with CPV was solely for the wastewater for the cooling. But the truth is Middletown's agreement to let CPV use this grey water enabled CPV to happen. Period. CPV Co. never would have gotten the necessary permitting if they would have had to use the water from the Wallkill River Aquifer and as our sole Aquifer they never would have been allowed to do that. By the City of Middletown agreeing to let them use the Wastewater that allowed this project to proceed.

Not only that, CPV was also granted 2 zoning waivers to facilitate the construction of CPV's auxiliaries' facilities within the City limits. There are CPV auxiliary buildings in the City of Middletown. That makes it the City of Middletown's interest. Middletown's contractual obligation, the City of Middletown's contractual obligation to CPV is far more important, it is not more important than the rights to stand up to the public health and safety of its constituents. It is not. It is not health, wealth, over health, it is health over wealth. You cannot agree to something until you have been sure that it is not going to harm your citizens and that was never done. In fact that was the whole basis of the DEC denial of the permit. It was denied because there was an improper environmental review.

The real environmental benefit would have been for the City of Middletown to never have allowed this project to happen. To say that the City of Middletown made the project more environmentally sound by using this grey water is not the honest truth. And that is the truth.

If the City of Middletown knew about this project for 15 yrs. when it was asserted, why it that at not one point did is they ask for public approval or even just ask the residents what they thought about this. Why doesn't everybody know about this? If this was all out in the open for 15 yrs.

Also an unbelievable statement made blaming the citizens themselves for this power plant. Claiming if you don't run as a citizen and this is for everybody watching if you don't run as a citizen you're to blame for something like this happening. That is an unfair and undemocratic statement and you do not allow this to happen. We as citizens rely on our elected officials to work in our best interest and include us in important decision making of a plant of this magnitude. This isn't a small plant; this will be the biggest power plant of its kind in NY. It will represent 10% of the total greenhouse gas emissions for the entire state in one place and it sits right next to the 4<sup>th</sup> Ward.

The environmental justice impact alone is staggering and criminal.

Kenneth Sweeney- I am a resident of the Town of Greenville. I recently watched the August 15<sup>th</sup> Common Council on public access television. During this meeting Mayor DeStefano made the following comments in the regards to the use of Middletown greywater and cooling the CPV Power Plant.

The communities that need to speak and I said to Mr. Martens when he was here a few times are the communities like Wawayanda, Minisink, Greenville and the local communities need to speak loudly.

Ironically in regards to CPV I don't believe there are any candidates challenging people in any of those races. So you speak in the ballot box. If you oppose, you are a resident of Wawayanda and you have friends who live in Wawayanda and they approve a project that you don't support and you don't run for office get somebody

else to run for office. Don't blame it on me and the City of Middletown; don't blame it on the Common Council here in the City of Middletown. Blame it yourself; blame it on the people who live there who oppose the project. Not one I checked today on the Board of Elections website and I don't believe there is one democrat running for Town Councilman or Supervisor in any of those communities. Shame on them, not shame on us. We made a business decision on a project that was going to be built and be constructed and it is to benefit our citizens and also environmentally positive impact decision we made. You can spin it any way you want but you can't dispute the fact that we are using groundwater; they are going to be using treated sewage water to cool this project.

Mr. DeStefano was incorrect when stating that there were no Democrats running in those communities I am running for Town Councilman in the Town of Greenville and there is also 3 individuals running in Wawayanda, 2 for Councilmen and 1 for Supervisor. ... I am requesting that he correct this inaccuracy during this meeting. I did not receive an indication that this would happen, so I decided to come and make this statement for anyone living in either Greenville or Wawayanda who may be watching tonight so I can set the record straight that there are individuals contesting those elections.

#### 6. Remarks of Dept. Heads

Maria Bruni/Economic Development-

Ald. Masi-Asked Mr. Hernandez not to leave I want to answer your question. I want to answer your corrupt, that you call corruption and what you call colluding.

Maria Bruni/Economic Development- Just want to let you know what a great summer we've had with all our events. Wrapped up our summer events and now on to fall and holiday season.

At the Paramount we have a couple of shows coming up. We have an opera this weekend and next weekend a comedy show with Donnel ... We are introducing our Sci-Fi weekend and Horror thon weekend. Check our website.

Also the BID is putting a call for Christmas tree for our Festival Square event.

Also don't forget our CDBG program housing rehab.

Jacob Tawil/DPW Commissioner-Regarding the water meter project, as you know we are working with ESG developing replacing water meters throughout the City of Middletown with new modern MAG meters. They are much more accurate and the resident will be able to go on the website see how much water they have used, if there is any leakage in the system. Text message or e-mail can be sent over to them, really conserve how much water they use. However out of 7,500 so far we have around 800-900 people who have not responded. We have gotten so many notifications I

respectively request that everybody calls PMI the company that has been trying to call you and we have tried 6 different times with door knockers. We tried ourselves the Water Dept. we are left with 2 choices; this program will not happen piece meal it has to be done all at once in order for it to be cost effective. We are faced with 2 options here, one is to shut the water off for residents which we don't want to do or we have sent out notification regarding that it is mandatory replacement, if you don't respond unfortunately the water will have to be shut off. Of course we don't want to do that.

The other option is we have water meter reading surcharge which is up to the Board of Estimate and the Common Council to decide on that. It probably will be around \$200, just speculating. You will be assessed water/sewer will be high and they will be higher yet because they ...physically... It is a greener solution, you don't have to drive around, you don't have to do anything the signal is coming back to us. Help us please to make sure this project will go through the completion and so we can be proud of it and you guys can be proud. Almost 800 people please respond ASAP.

Woolworth Building, tomorrow North St. because of the construction North St. will be closed from 7am to 10am. The reason behind it is the contractor wants to put his fencing up. After 10am the sidewalk will reopen.

Monhagen Brook repair- Between the Water Dept. and DPW took us almost 1 ½ -2 yrs. to get the permit from Army Corp. of Engineers. It is all completed.

I don't have any hesitation in my mind as an engineer in the City of Middletown did make a CPV greener. I know some people may not like to hear that. When they came to us many years ago the option was for them to drill into the aquifer and to get water from the aquifer through the cooling system. Will be successful or not I don't know, the plant is almost completed and still they may not be successful. It is very hard to speculate. Our understanding at the time was that CPV was willing to utilize the groundwater in there aquifer...

Ald. Kleiner-People have been asking for 20-25 yrs. if they can get a traffic light at Oliver and Monhagen Ave. That intersection just gets busier and busier. I want to thank the Commissioner because what he did in the meantime stripe the crosswalk and put pedestrian crossing signs. You can see people slowing down when they see it.

Thank you very much.

Do we have anything new on NY Rising?

Commissioner Tawil- NY Rising engineers/consultants are still working gathering data. We have not had any contact, meaningful contact with them about any ideas about design.

Chief Barone/Fire Dept. - Reminder it's a busy week for us at the Fire Dept. parade is coming up. Tomorrow night is White Hat party at 6:30 at the American Legion. I hope you all can make it.

Friday night we will meet at 6:00 at City Hall for the inspection of all 3 firehouses.

Saturday is the parade. Line-up is at 2 and step off is at 3 on Highland Ave.

Pres. Rodrigues- We have a resolution tonight for a new fire truck.

Chief Barone-Yes there is. It has been in committee for a long time. Engine 1 is definitely in need of a new truck. It is a '94, 23 yrs. old held together not by too much. Really falling apart. We have had a couple of different manufactures come to us with specs. I think the price is around \$650,000 for a new rescue engine we use for mva, fire calls. There is some equipment on the truck as part of the bid and other stuff toward our budget for next year. There will be no separate bid for equipment. We will be transferring over.

Chief Ewanciw/Police Chief- Unfortunately the City suffered 2 tragic incidents over the last several weeks. One being August 17<sup>th</sup> we had a homicide on Wallkill Ave.

This past Sunday Sept. 3<sup>rd</sup> we had an additional incident which a member of our community lost their life. This happened on the railroad tracks off of Wickham Ave. It was an assault which due to the injuries the subject later succumbed and passed away. One thing I do want to express to you and the community is we are actively working this. The incident from this past weekend we did make an arrest, it was an acquaintance of the person. The arrest has been made. The Wallkill Ave. one we followed up on more than 100 leads, they continue to come in. One obstacle that we continue to face is non-cooperation of certain individuals. As a community if we can encourage the members of our community to help facilitate the cooperation and held us to come to a successful conclusion for the White family. There are multiple ways that we can relay information if you are reluctant to speak with us in person we have a tip line call 346-4009 leave a message anonymously. Also our website there is an anonymous tip section that you can e-mail that is not traceable to anyone. You can send us a letter, call us anonymously. But as a community we need to come together to help resolve situations like this and prevent them in the future. I encourage the members of our community to come together and give us some additional detail direction on how to resolve some of this.

Lastly in regards to the Fire Parade. Reminder the streets will be closed for the Fire Parade and there will be some inconveniences. Please bear with us and we will do our best to open up traffic as soon as we can.

Chris Brinkerhoff/Supervisor Rec- The Skate Park did open with a ribbon cutting on Friday at 3pm. A lot of adults using it, showing the younger children proper etiquette. I have to give credit to some of our teens I see them picking up garbage and

trying to keep it clean for those who are not. We have added more garbage cans and we do want the public to know benches are coming. We just wanted to get that opened as quickly as we could.

Will be meeting with a professional skateboard model. We do have one in this town; Burton Smith, he is making suggestions on what he sees in other towns and possibly running some clinics and doing special events in the skate park.

Another great project and it is starting to finish we have a disc/Frisbee golf course going in at Davidge. It does not affect the woods or bird watchers. The first 9 holes will cost \$3,000; we have \$2,100 already donated by residents that were interested in by volunteering their time clearing the brush. Our maintenance guys built a great bridge, if you get a chance to walk out there basically all the holes are done we just have to put the baskets in. Next year we are looking to do another 9 holes and actually be 18 holes; Warwick does have a golf course it is packed constantly. I think we are going to see that crowd come into Middletown.

Maple Hill Pool you are going to see some construction up there soon. We are going to be resurfacing of that, that is the last of the old concrete pool. This won't be a huge cost to the city at all like Davidge Park ended up being. So thank you for being proactive and allowing us to get that fixed before the fall.

The Firemen's Parade is Saturday also a reminder to the public on Sunday is the Rotary Horse Show at Davidge Park, that is also a great family event.

Rich Guertin/Corp. Counsel-Nothing

John Naumchik/City Clerk-Going back to the Fire Parade this Saturday the closings will be on the website.

There is a resolution today for the okaying of the zoning map, that is to put the official zoning map as July 1<sup>st</sup> into the City Code; it will be on the website and also to the County.

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

Mayor DeStefano- ...congratulate the truck committee of the Monhagen Fire Company for their excellent work especially Tom Amodio the Former Chief who when the committee came in originally with the truck I think we were pushing in excess of \$800,000. Tom promised to bring the truck in at \$600,000 and he did and

they are getting what they want they want also. Excellent job by Tom and the truck committee and we look forward to the parade on Saturday.

The Skateboard Park as Chris said has been crazy actually. It has a huge crowd every single day and they are taking care of the project and the park; Chris mentioned they added some garbage cans but they became so busy they were overflowing. I want to thank the hard work all involved from Jacob, Chris, Maria, John Bianchi and all the volunteers. It was nice for Eric to come tonight to say thank you. Eric was instrumental in assisting Spahn Ranch with the design, I also saw him take a header on opening day, I don't know how he got up. That whole area will be redesigned and that is why we are not moving too quickly with benches. The architect will be hired in the very near future to complete the design under the \$10million Downtown Revitalization Grant.

Thank you to Kevin Gomez for the report on the health programs for the schools, much needed and necessary. I need to as you know respond to a couple of things. One- we have been through the CPV thing a few times. There has been a lot of misrepresentations here they are not on our side. The misrepresentations are about the level of review of this project. All the people that have been coming here and to these meetings and other meetings saying we don't have faith in the DEC or EPA are the very same people applauding the decision by the DEC not to issue the Millennium permit: the Millennium pipeline permit for the CPV. It is not our job here. It is not our job here in the City of Middletown I can't say it over and over again to review and do the environmentals to spend millions of dollars of City taxpayer's money on a project that is in the Town of Wawayanda. This review to represent at the review the level of review this project underwent and to paint a picture that the City was excluded from this review and the analysis of the project air emissions is just not true. The modeling of the facility is dictated by the scientific method established by the EPA and approved by the DEC. The process requires a radius to be studied that radius included Middletown in its independent of municipal boundaries as I stated. There is no distinction between the town or city boundaries whatsoever and no way for a specific area to be excluded from the review. The Middletown review, Middletown was included in the project review and everything else within a geographic area. Given the projects proximity to the City of Middletown the air impacts of the City were studied extensively and have been highlighted and approved by the DEC. They have been pointed out to the EIF the opponents, they have been appointed environmental impact statement that shows the areas studied. Yet they keep making comments implying that nothing was studied here for the City of Middletown impact. Despite highlighting all these facts on a number of occasions they continue to try elicit panic by telling people that the plant was not evaluated. They went so far as to sue the NYS DEC on the CPV air permit; the judge heard their claim and denied it. They produced no creditable evidence for the court. The court denied their claim and found that the DEC did everything appropriately when issuing the air permit. They tried to appeal the judges' decision and then they abandoned their case in court. This was just another demonstration that their accusations and

claims are just not true. Really don't want to have a debate with the public on this type of issues.

Millennial Pipeline is a separate permit as the first permit I will stand behind whatever the DEC and EPA do in that regards. You can't come here and boost or pound your chest and say that the DEC rejected this permit and the DEC is right today with the other decision so wrong. It just doesn't make sense, the people who have the responsibility, the expertise, the financing to do the environmental evaluation of this plant is the DEC and the EPA. Whatever other studies the Town of Wawayanda may or may not require as part of the approval process went through the Planning Board. Again, I don't think Middletown taxpayers would appreciate us spending several millions of dollars on projects in surrounding communities when we have state and federal agencies that are doing that. Whether the DEC made the right decision or not I don't know; in some ways I don't really care. It is not a Middletown project; it is about a \$1billion project that is on the outskirts of the City. If the plant opens there will be a benefit financially to the City of Middletown by the sale of grey water which does make the CPV project green. We can disagree on that with the people who oppose it but they can't say that by the City providing grey water to the project they cannot definitively say the project would not happen because they have other options. As for all the fuel sources I don't know, it is up to the DEC who everyone is applauding right now. They did a great job for all the people who opposed that project; they themselves are saying the DEC was right. I understand the process has more to go it is a wait and see for us. I don't think the people want me to raise their taxes to go fight a project in the Town of Wawayanda when the State and EPA are doing that very job.

Now as for Mr. Sweeney's comments. In 2013 and 2015 in the Town of Greenville no democrat ran for office. 7 offices each year not one democrat ran for office, the Town of Minisink, 7 offices 2013, 2015 when this project was going through the approval process I believe it was the same thing in 2011. So while this project was going through the approval process not one of these gentlemen stood up to run for office or voice their concern about the project as far as the record here shows at the Board of Elections. Wawayanda did have candidates, not for all the reasons but for most of them; in fact, the most ardent opponents to the project they ran on that. Mr. Hirsch I recall his election he was defeated, the Wawayanda people spoke. I don't know what else they are hoping to accomplish by attempting to stick Middletown into a battle that we have a contractual relationship with over this project. But I have confidence as they do because they said it tonight, they liked the DEC decision. That the DEC and the EPA will do the right thing, if the right thing is denying the opening of the CPV plant I am not going to Middletown taxpayers and asking them to fight the appeal and to appeal the decision just like I'm not going to them and try to block the project. It is standing on its own; when it has been approved it stood on its own, when the permits have been denied it stands on its own. It is not a City of Middletown issue as far as I see it.

One other issue that Mr. Martens mentioned about zoning waivers. Again, not true. He is not telling you that the City Attorney researched the connection at 17M and although CPV is paying for the construction of that connection that will be owned by the NY Power Authority and is exempt from City zoning. Our attorney Alex Smith did extensive research on that matter, issued a written legal opinion to the Common Council, to myself and just like any other utility in certain areas they are exempt from that zone. So again, not a true statement regarding the project. As we move forward I hope that they will at least recognize that the DEC did do their job and they were happy with the outcome and if that is the end game so be it.

Ald. Ramkissoo-Asked about West Main.

Mayor DeStefano-You are talking about Rich Mayfield's money. It was in the newspaper they advertised it, Jacob says they are telling us 2 weeks tomorrow. We had Mr. Mayfield here last week and I threatened to give out his home phone number.

#### 10. Remarks of Aldermen

Ald. Masi-Skate Park I was amazed and so pleased to see that. I think it is great.

The fire truck I hope the Council will go along with what we did at the Board of Estimate.

I did miss Ben Gilman Way. He was a friend of mine and I did bring that to the Common Council and I am sorry I missed it. I believe I probably would have been able to speak and I wanted to acknowledge someone and unfortunately I was probably one of the few people that knew this he was not mentioned. Michael Russo is the young man that brought that to me; his father worked for Congress Gilman for 40 yrs. at times Ralph actually thought he was the congressman. But anyway, Michael came to me and said would you present this and I said let me go speak to the Mayor and I did. The Mayor said do you want to sponsor this and I appreciate the fact that you people approved it, I am sorry I wasn't there I would have gone up. I think Michael needs some recognition because I'm not sure I would have thought of it, when I would have thought of it. It happened, I am glad it happened. I just wanted to give Michael some recognition.

Maria, I apologize for interrupting but I was hoping Mr. Hernandez would have stuck around just a little longer. I am hoping this will be the last time we discuss this gentleman.

But when throws words of corruption around at the last meeting, collusion at this meeting and then gets up and leaves I think the people have the right and should know what the truth is.

Yes he is no longer a candidate. Yes he did file petitions. Yes every time he comes up although for whatever reason tonight he didn't mention he has a degree in

mathematics. I taught mathematics and one of the first things I taught people is how you count and how you add. Then I also taught them that 170 is less than 185 you will understand where I am going with this. When I went to the Board of Election and I knew everyone who runs for office we know what the rules are. We know how many signatures we must get; we know how to get the signatures, what is right, what is wrong. Long story short we know what the rules are. In order for this gentleman and by the way the name of his party Anti-Corruption Party that was what he was running on. He needed 185 signatures, he brought down what he said was 174. Once again, 185 is greater than 174 should not be on the ballot. It doesn't stop there. He actually had 170. So he can't count. Looking at the petitions and I have a copy of the petitions and I have them here before I make my objection. I saw signatures Patio Rd. I knew they were not in the City of Middletown; rule of thumb is if a person can't vote for you they can't sign your petition.

So the finally analysis and the letter is here and I am surprised he actually put it on Facebook and he took it down. The final analysis is out of the 170 he actually filed which by the way was 92% of what he needed. 93 were disqualified, 93 were disqualified, he remained with 77 valid, he needed 185 that comes 41.6% since he is a mathematician of what he needed. That is the reason he was excluded from being on the ballot. There was no collusion. When I file mine, when Tommy files his, Jerry files his if anyone is running against them we normally go down and look at petitions to see have you done it correctly. It is a normal procedure. So this gentleman although he likes espouse about anti-corruption, what he did by the way is very close to a criminal act. But he is done now; when you watch this and you are having your glass of wine I hope this will be the end of it. You are more than welcome to come and speak on City matters but please stop accusing other people of wrong doing when it is Board of Election and they spelled it out step by step what you did wrong. That is the reason you're not running for Mayor, its not because anybody here, not because of the Mayor it is because of you.

I'm sorry it took so much time I want people to be clear on this.

Ald. Burr-I also like to thank Chris and the staff and everybody that made the skate park a success.

Congratulate all the officers on their promotion well deserved.

See everyone at the White Hat Party.

Ald. Ramkissoon- Thanked Ald. Masi for clarification.

The skate park I was able to be there on Friday very happy to attend. I was shocked on how packed it was. The design is outstanding. Eric I know you had a lot to do with that.

Neighborhood Watch Sept. 12<sup>th</sup> just in response to Chief Ewanciw said this evening. This is our Ward. We have had some people prior reach out to myself, Neighborhood Watch to address issues they were having. We encourage them to come to meetings, call the police when they see something happening. I would only hope they would understand that you are not helping yourself and community by allowing someone to walk free who committed such a horrible crime.

Fire Parade on Saturday. I encourage the public to come out and support our Fire Dept. Great way to show your appreciation.

For our officers promoted this evening they are outstanding. All deserve their promotions. As a female I am very proud to see our first female Sgt. in the Middletown Police history. Kudos.

First day of school today was successful in the Ramkissoo household; I hope that is true in every household.

Ald. Johnson- I want to concur with Ald. Kleiner that something as simple as a crosswalk will bring a person to attention and be very effective.

With respect to our Walkkill situation and the crime, it is certainly counterintuitive that members of the community would choose not to come forward when this person was part of their community as well. But I am sure the Police Dept. will ....

Portal project of the DA. This would be another example of anybody had a cell phone, camera in their driveway this would be another piece of the puzzle to put things together.

Skate Board Park-Congrats, hopefully we continue to ...expectations both in participation.

As far as the School District goes I had the opportunity to tour nearly constructed portion of the High School a week or two ago. It is exciting.

Ald. Witt-We have our 2<sup>nd</sup> Ward meeting this Monday the 11<sup>th</sup> at 7pm.

Congratulations to everyone involved with the Skate Park. It was pretty cool the other day to watch all the kids be so excited. Absolute home run.

I appreciate you Eric for coming out when you addressed the kids and said, listen this is ours let's not mess it up, let's take care of it. I think that was very effective and very powerful coming from you. I could see your voice is very respected in that community. Thank you.

Today being the first day of school I am reminding everybody there are a lot more kids on the road and please pay attention when you are driving.

Ald. Kleiner- Also want to congratulate the Police Dept. and the officers who were promoted. Well deserved.

We had the Run4DT thank you Dave and Anna Madden, Marshall & Sterling great turnout.

SUNY Orange Solar eclipse event that Dorothy Scheff had a huge turnout. Ben Gilman Way that was very touching and nice. Thank you Ald. Masi and thank you Michael Russo. You are right about Ralph, he was an amazing man and sometimes he did think he was the Congressman.

The Skate Park you build it they will come. That is what Eric, Louis and all the people in Operations Skate have claimed. Turnout is tremendous, it has been packed.

Constituents meeting is on Sept. 11<sup>th</sup> so it is a solemn day but we are going to be here and carry on.

Don't forget Tuesday, Sept. 12<sup>th</sup> Citywide Watch but it is also Primary Day. People in the 4th Ward go out and vote.

Sept. 17<sup>th</sup> is the Rotary horse show. Sept. 17<sup>th</sup> is also Constitution Day. That was the day the Constitution was signed in 1787.

Mr. Bribrock resigned at the County level resigned the Heritage Trail lost yet another project manager. I hope the new County Public Works Commissioner will put that as one of his priorities and I hope we will get a new County Parks Commissioner that is where it really belongs.

I thank Kevin Gomez and Kevin presented us with a resolution that I hope we will take up to increase the penalties for passing school busses. I would certainly support that.

Chief and Kate you know another event that was packed was the funeral for Corey White Jr. Amazing amount of people. You may think there is some kind of honor code where you are not going to help, what it is is a lack of moral courage and you are disrespecting the young man's parents. You are disrespecting your community and it is up to you to make it right and speak out.

Finally someone who I knew and I think half of Middletown knew, Mr. Steve Skok you would see him so often in ShopRite in that area. We learned he had passed. RIP my friend.

Ald. Jean-Francois-I want to apologize we had a Constituents meeting that was for this past weekend. Due to the holiday weekend we had to cancel. We have a makeup meeting for Saturday, 9/8 at 10am in this Chamber. Encourage everyone to come out and join us.

When we do have Constituents meeting we not there to only listen to concerns and issues that you have in the 4<sup>th</sup> Ward; we also like to invite to come and talk to us about ideas.

The Skate Park- kudos to all involved great job.

Ald. Cid- The Skate Park great job. It is going to help our youths and positive things for Middletown.

As well on Sunday we have the Rotary Show.

Saturday our Constituents meeting.

Tragic event last month. Please if you see something say something we don't want anyone else to get hurt.

Pres. Rodrigues- I need to thank Shawn Reisert from the Parks & Rec. Dept. the signs out there it was his talent, he did it from scraps. Really, really talented. Thank you.

When I was on the Council and I pushed for televised meetings. Our constituents asked for it, we knocked on doors, we have commuters everybody else does a lot of people begged me not to televise these meetings because we will get tons on people out there that will come up every time you have a meeting and threats to the Council, complaining about the City of Middletown. I grew up in Middletown, I love Middletown.

2000 Calpine was a power plant in California; they wanted to build near Middletown. I got involved. Why are we building are we building a Calpine plant that is natural gas. It is clean, we are going to push it, Calpine backed out and CPV came in. ...they need to push Calpine and CPV project.

Then we heard about Masada. I got involved. I went to the public hearings in Town of Wawayanda; I saw hundreds and hundreds of people. Union people, everybody, people that lived there, farmers for this project. I sat there with the elected officials, I asked them why? Why would you want a power plant in your backyard, why? They got re-elected like the Mayor said. I don't like when people come up to this Council and blame this Council for this project. Blame the people for not being involved. You didn't pick up the paper to see if the public hearing was about a power plant, this is a billion dollar project. People are telling me why didn't Middletown have a public didn't know about it. There was no notification about the public hearing. No people were there, I met with them. I met with people from CPV and environmentalist. I live 2 ½ miles away, Ald. Jean-Francois lives ¼ mile away we don't want that.

When you come up here and blame this Council for this project. Blame the Town of Wawayanda; blame the people who pushed it. Blame the people who are going to get paid for hosting blame them. They are the ones that started, pushed it. Go back and

see the public hearings. A lot of the Planning Board members some of them benefitted by selling land, they benefitted from everything. I don't want to see anything. I promised myself when I got on this Council there will never be a power plant, we fought Masada, we fought Chartwell we have pushed for more solar and wind project.

Please come to this Council and address this Council but don't blame us for a project in your town or outside the town.

11. Unfinished Business

John Naumchik-Nothing this evening.

12. New Business

244.17 Resolution to authorize the Treasurer to transfer \$29,280.00 to cover the retro payment to 207-A retirees following the recent settlement of the collective bargaining agreement.

On motion of Ald. Masi seconded by Ald. Ramkissoon

RESOLVED; that the Common Council of the City of Middletown hereby concurs with the Board of Estimate and Apportionment to authorize the Treasurer to transfer \$29,280.00 to cover the retro payment to 207-A retirees following the recent settlement of the collective bargaining agreement in the following manner:

From	Amount	To
A.3410.100	\$29,280.00	A.3410.111

Roll Call: Ayes: Ald. Ramkissoon, Johnson, Jean-Francois, Cid, Witt, Kleiner, Burr, Masi, Pres. Rodrigues-9

245.17 Resolution to authorize the Treasurer to accept a donation in the amount of \$75.00 from Sundae Delights for the Mayor's Youth Council.

On motion of Ald. Burr seconded by Ald. Ramkissoon

WHEREAS; The Mayor's Youth Council was given a donation in the amount of \$75.00 from the Sundae Delights and,

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; 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 for the amount of \$75.00 for the Mayor's Youth Council.

Roll Call: Ayes: Ald. Ramkissoon, Johnson, Jean-Francois, Cid, Witt, Kleiner, Burr, Masi, Pres. Rodrigues-9

246.17 Resolution to authorize the Treasurer to accept a donation of \$250.00 from Applebee McPhillips Funeral Home in support of the Neighborhood Watch program.

On motion of Ald. Ramkissoon seconded by Ald. Johnson

RESOLVED; that the Common Council of the City of Middletown hereby concurs with the Board of Estimate and Apportionment to authorize the Treasurer to accept a donation of \$250.00 from Applebee McPhillips Funeral Home in support of the Neighborhood Watch program and credit account T-51.

Roll Call: Ayes: Ald. Ramkissoon, Johnson, Jean-Francois, Cid, Witt, Kleiner, Burr, Masi, Pres. Rodrigues-9

247.17 Resolution to authorize the Treasurer to accept a donation in the amount of \$500.00 from The Middletown Lions Club for the Middletown Cares.

On motion of Ald. Johnson seconded by Ald. Masi

WHEREAS; The Middletown Cares Coalition received a donation in the amount of \$500 from the Middletown Lions Club. This money will be used for our Stuff the Bus campaign and other alcohol and drug related events.

WHEREAS; The Middletown Cares Coalition is requesting that the Common Council accept this donation and authorize the Treasurer to deposit the donation into the T.0094 trust account; 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 account for the amount of \$500.00 for the Middletown Cares Coalition.

Roll Call: Ayes: Ald. Ramkissoon, Johnson, Jean-Francois, Cid, Witt, Kleiner, Burr, Masi, Pres. Rodrigues-9

248.17 Resolution to hereby established a new Zoning Map of the City of Middletown, New York, dated July 1, 2017 and to amend Chapter 475 Zoning, Section 475-6 Zoning Map.

On motion of Ald. Johnson seconded by Ald. Ramkissoon

RESOLVED, that the Common Council of the City of Middletown does hereby amend Chapter 475 Zoning, Article II Establishment of Districts, Section 475-6 Zoning Map to the following:

The locations and boundaries of said districts are hereby established as shown on the Zoning Map of the City of Middletown, New York, dated July 1, 2017. Said map, as may be amended, and all notations, references and designations as shown thereon shall be as much a part of this chapter as if the same were all fully described and set forth herein. The fee for a copy of the zoning regulations shall be set in accordance with the requirements of the New York Freedom of Information Law; the fee for a copy of the Zoning Map shall be \$15.

Roll Call: Ayes: Ald. Ramkissoon, Johnson, Jean-Francois, Cid, Witt, Kleiner, Burr, Masi, Pres. Rodrigues-9

249.17 Resolution to authorize the Treasurer to transfer \$1,100.00 within the Mayor's 2017 budget to cover the higher cost from Toshiba Copier than budgeted

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

RESOLVED; that the Common Council of the City of Middletown herby concurs with the Board of Estimate and Apportionment to authorize the Treasurer to transfer \$1,100.00 within the Mayor's 2017 budget to cover the higher cost from Toshiba Copier than budgeted in the following manner:

From	Amount	To
A.1210.200	\$1,100.00	A.1210.400
Other Equipment		Contractual

Roll Call: Ayes: Ald. Ramkissoon, Johnson, Jean-Francois, Cid, Witt, Kleiner, Burr, Masi, Pres. Rodrigues-9

250.17 Resolution to accept the lowest of three bids from Coranet in the amount of \$23,482.97 for upgrading data lines within City Hall.

On motion of Ald. Kleiner seconded by Ald. Johnson

RESOLVED; that the Common Council of the City of Middletown hereby concurs with the Board of Estimate and Apportionment to accept the lowest of three bids from Coranet in the amount of \$23,482.97 for upgrading data lines within City Hall which is included in the City's 2017 Capital Plan within the \$75,000.00 that was approved.

Below are the three bids:

Coranet	\$23,482.97
NAS Security	\$56,600.00
MEHL Electrical	\$34,662.00

Roll Call: Ayes: Ald. Ramkissoon, Johnson, Jean-Francois, Cid, Witt, Kleiner, Burr, Masi, Pres. Rodrigues-9

251.17 Resolution to authorize the Treasurer to transfer \$300.00 within the Senior Citizen's 2017 Budget for overtime.

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

RESOLVED; that the Common Council of the City of Middletown hereby concurs with the Board of Estimate and Apportionment to authorize the Treasurer to transfer \$300.00 within the Senior Citizen's 2017 Budget for overtime in the following manner:

From	Amount	To
A.6772.401	\$300.00	A.6772.103
Travel Expense		Overtime

Roll Call: Ayes: Ald. Ramkissoon, Johnson, Jean-Francois, Cid, Witt, Kleiner, Burr, Masi, Pres. Rodrigues-9

252.17 Resolution to recognize September 16 every year as Chinese Arts Revival Moon Festival Day.

On motion of Ald. Cid seconded by Ald. Kleiner

WHEREAS: Arts and Culture in its many forms constitute an important part of the community and contribute to the development of a deeper understanding of multi-cultural values and beliefs; and

WHEREAS: Participation in and enjoyment of the Chinese Moon Festival provides an opportunity for all members of local communities to come together in celebration of family and friendships; and

WHEREAS: The Chinese Moon Festival is a cultural event celebrated by Chinese people around the world; and

WHEREAS: The Chinese Moon Festival provides unique traditional values and arts, which enrich widespread community understanding of Chinese culture; and

WHEREAS: The Chinese Arts Revival Moon Festival Committee has sought to promote the involvement of local communities in traditional Chinese culture to open their minds to the appreciation of different cultures; and

WHEREAS: The Chinese Moon Festival exists for the betterment of the community as a whole.

NOW, THEREFORE, LET IT BE PROCLAIMED by the Common Council of the City of Middletown that September 16 of each year is recognized as:

#### CHINESE ARTS REVIVAL MOON FESTIVAL DAY

Let it also be proclaimed that all businesses, industries, and citizens in the local communities are urged to support and encourage your neighbors, associates, and friends to participate in this cultural event.

Ald. Kleiner-I don't know how they picked Sept. 16<sup>th</sup> it is not from my understanding of when the Moon Festival is usually celebrated. How it goes by the 15<sup>th</sup> day of the month of the lunar calendar. I assume it is a local version of it. I support it but I really...

Roll Call: Ayes: Ald. Ramkissoon, Johnson, Jean-Francois, Cid, Witt, Kleiner, Burr, Masi, Pres. Rodrigues-9

253.17 Resolution to authorize the Treasurer to transfer at total of \$18,000.00 within the 2017 operating budget of the Middletown Recreation & Parks Department for various repairs to Parks Department vehicles.

On motion of Ald. Burr seconded by Ald. Johnson

RESOLVED; that the Common Council of the City of Middletown hereby concurs with the Board of Estimate and Apportionment to authorize the Treasurer to transfer at total of \$18,000.00 within the 2017 operating budget of the Middletown Recreation & Parks Department for various repairs to Parks Department vehicles. The Ford S550 dolly, which pulls the stage is in need of a new steering rack (Est. \$6,500). A few trucks need new tires and some tractors are in need of new parts and service. The second transfer is for purchase and installation of snow plow for the new pick-up truck in the following manner:

FROM	AMOUNT	TO
A.7180.100 Pools: Personal Services	\$10,000.00	A.7110.440 Parks: Repairs to Equipment
A.7140.100 Playgrounds: Personal Services	\$8,000.00	A.7110.200 Parks: Equipment

Roll Call: Ayes: Ald. Ramkissoon, Johnson, Jean-Francois, Cid, Witt, Kleiner, Burr, Masi, Pres. Rodrigues-9

254.17 Resolution to increase the salaries of all Department Heads and non-union employees by 2% retroactive from January 1, 2017.

On motion of Ald. Masi seconded by Ald. Kleiner

RESOLVED; that the Common Council of the City of Middletown hereby concurs with the Board of Estimate and Apportionment to authorize a 2% increase for all Department Heads and non-union employees retroactive from January 1, 2017.

Ald. Masi- Just for transparency reasons. I am sponsoring it; I will be voting on it, I am not part of anyone receiving this money. So I am not included in this. I am not voting for a raise for myself.

Roll Call: Ayes: Ald. Ramkissoon, Johnson, Jean-Francois, Cid, Witt, Kleiner, Burr, Masi, Pres. Rodrigues-9

255.17 Resolution to authorize the Treasurer to transfer \$3,423.91 within the 2017 operating budget of the Middletown Recreation & Parks Department for the Skate Park.

On motion of Ald. Ramkissoon seconded by Ald. Burr

RESOLVED; that the Common Council of the City of Middletown hereby concurs with the Board of Estimate and Apportionment to authorize the Treasurer to transfer \$3,423.91 within the 2017 operating budget of the Middletown Recreation & Parks Department from the Trust Account that was made years ago when a group named Operation Skate was raising money for a skate park and move these funds into the capital account for the Skate Park in the following manner:

FROM	AMOUNT	TO
T.0044	\$3,423.91	H.0925.900
Skate Park Development/Event		Skate Park

Ald. Kleiner- I just wanted to point out this is money raised by Operation Skate. Special account for the skate park.

Roll Call: Ayes: Ald. Ramkissoon, Johnson, Jean-Francois, Cid, Witt, Kleiner, Burr, Masi, Pres. Rodrigues-9

256.17 Resolution to authorize the Treasurer to accept the donation for the amount of \$2,100.00 for the development of the Disc Golf Course.

On motion of Ald. Johnson seconded by Ald. Burr

WHEREAS; The Middletown Recreation Department was given donations in the amount of \$2,100.00 from Creative Hair Design, Alan Turken Insurance Agency, Donna Serpentine and Keith McCormack and,

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 T.0043 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 T.0043 for the amount of \$2,100.00 for the development of the Disc Golf Course.

Roll Call: Ayes: Ald. Ramkissoon, Johnson, Jean-Francois, Cid, Witt, Kleiner, Burr, Masi, Pres. Rodrigues-9

257.17 Resolution to amend the code of the City of Middletown Chapter 348 Parks and Recreation and Chapter 398 Skateboarding to add rules for the Skate Board Park and add the name Erie Way Park to the City code.

On motion of Ald. Witt seconded by Ald. Burr

Whereas, Chapter 348 (Parks and Recreation) of the Code of the City of Middletown generally sets forth rules and regulations for the use of park facilities owned, operated, managed and controlled by the City of Middletown, and

Whereas, the list of parks contained in Chapter 348 needs to be revised to include the new Erie Way Park and the new skate park (which will be part of Erie Way Park), and Chapter 348 also needs to be amended to extend the chapter's protection to those parks and to establish rules for the use of the skate park, and

Whereas, Chapter 398 (Skateboarding), also needs to be amended to allow skateboarding in the new skate park but not in or on other public areas in the City.

Now, therefore, be it resolved and ordained by the Common Council of the City of Middletown that Chapter 348 (Parks and Recreation) and Chapter 398 (Skateboarding) of the Code of the City of Middletown are hereby amended as set forth below:

Section 1. Section 348-12 of Article III (Recreation) of Chapter 348 (Parks and Recreation) of the Code of the City of Middletown is hereby amended to read, in its entirety, as follows:

Section 348-12. Use of all City park property.

A. Use of all City park property, including but not limited to athletic fields and park pavilions, is subject to authorization by the Middletown Recreation Commission, as conveyed through permit approval by the Superintendent of Recreation. Notwithstanding the foregoing or anything else contained in this Section 348-12 or this Chapter, use of the City parks known as the Run For Downtown Park (R4DT Park), Festival Square, Jerry's Park, Wallace Park, Erie Way Park and 116 North Street Park is subject to authorization and approval by the City of Middletown Office of Economic and Community Development, in cooperation with the City of Middletown Business Improvement District.

B. Authorized use of all City park property is by permit only, and such permit must be applied for at the Department of Recreation and Parks office (except as noted in Section 348-12 (A)) at least one week in advance of the desired date of usage. Permits will be issued only to persons 18 years of age or older. Notwithstanding the foregoing, use of the City's skate park in the Erie Way Park for skateboarding and related activities is allowed without a permit but subject to the rules and regulations as described in Section 348-12 (C) below.

C. All users of the City's skate park in the Erie Way Park must comply with the rules and regulations described in the appendix to this Chapter 348, as the same may be changed from time to time by the Recreation Commission of the City.

D. Unauthorized users, users of the City’s skate park who violate the rules and regulations as set forth in Section 348-12 (C) above, and/or users of other City parks who do not comply with general City park rules and regulations, must comply with requests by the Superintendent of Recreation or his or her authorized agent, or requests by any member of the City’s Police Department, to cease use of and/or to comply with all rules and regulations and/or to vacate any and all City park property, including but not limited to all athletic fields, the City’s skate park and park pavilions.

E. Any person violating the provisions of this Section 348-12 shall be guilty of an offense, and any person guilty of such violation shall be liable to a fine which shall not exceed \$250.00, or to imprisonment not exceeding 15 days, or to both such fine and imprisonment.

Section 2. Article IV (Park Hours) of Chapter 348 (Parks and Recreation) of the Code of the City of Middletown is hereby amended to add a new Section 348-15 (Q), to read, in its entirety, as follows:

Section 348-15. List and Location of City Parks.

Whenever this Article, and/or this Chapter, refer to or use the terms “City park property” and/or “public park or playground under the control of the City of Middletown” and/or City parks,” the same shall be deemed to include the following:

...

Q. Erie Way Park (including the City’s skate park) (1-31 Union Street, shown on the Tax Map of the City of Middletown as Section 31, Block 12, Lot 12.122).

Section 3. Existing Section 348-15.1 (Presence prohibited during certain hours) of Article IV (Park Hours) of Chapter 348 (Parks and Recreation) of the Code of the City of Middletown is hereby amended to read, in its entirety, as follows:

Section 348-15.1. Presence prohibited during certain hours.

A. The presence of any person, except on official government business, in any public park or playground under the control of the City of Middletown (other than the skate park contained in Erie Way Park) between the hours of sunset and 6:00 a.m., is prohibited, except for activities and events scheduled by the Superintendent of Recreation or the City of Middletown Office of Economic and Community Development, in cooperation with the City of Middletown Business Improvement District, as may be described elsewhere in this Chapter. The presence of any person, except on official government business, in the skate park contained in Erie Way Park between the hours of sunset and 8:00 a.m., is prohibited, except for activities and events scheduled by the Superintendent of Recreation or the City of Middletown Office of Economic and Community Development, in cooperation with the City of Middletown Business Improvement District, as may be described elsewhere in this Chapter.

B. Notwithstanding the foregoing subsection (A), any person is allowed to use the following parks between the hours of sunset and 6:00 a.m. as a walking path to proceed

immediately to another destination such as a car, office, business or residence: Festival Square; 116 North Street Park; Jerry's Park; Run For Downtown Park (R4DT Park); Wallace Park; and Erie Way Park (but not the City's skate park).

Section 4. Section 348-17 (A) of Article V (No Smoking in City Parks, playgrounds and facilities) of Chapter 348 (Parks and Recreation) of the Code of the City of Middletown is hereby amended to add Subsection (A) (8) to read, in its entirety, as follows:

Section 348-17. No Smoking in City Parks, playgrounds and facilities.

A. Smoking shall be prohibited in the following City parks:

...

(8) Erie Way Park (including the City's skate park) (1-31 Union Street, shown on the Tax Map of the City of Middletown as Section 31, Block 12, Lot 12.122).

Section 5. Section 398-1 (Prohibited Acts) of Chapter 398 (Skateboarding) of the Code of the City of Middletown is hereby amended to read, in its entirety, as follows:

Section 398-1. Prohibited Acts.

No person shall ride or propel or operate any skateboard, as defined in Section 398-4, on any street, highway, sidewalk, public path or public parking lot within the City of Middletown except for the skate park contained in Erie Way Park (1-31 Union Street, shown on the Tax Map of the City of Middletown as Section 31, Block 12, Lot 12.122).

Section 6. Section 398-3 (Penalties for Offenses; Impoundment of Skateboard) of Chapter 398 (Skateboarding) of the Code of the City of Middletown is hereby amended to read, in its entirety, as follows:

Section 398-3. Penalties for Offenses; Impoundment of Skateboard

A. A violation of this Chapter shall be punished by a fine not to exceed \$250.00 or by forfeiture of the skateboard or impoundment of the skateboard for a period not to exceed 30 days, or any combination thereof.

B. The skateboard may be impounded until payment of any fine.

Section 7. This resolution and ordinance shall take effect immediately.

**WELCOME TO  
CITY OF MIDDLETOWN  
SKATE PARK**

**PLEASE FOLLOW ALL RULES & REGULATIONS LISTED BELOW**

**SKATE PARK HOURS: 8:00 a.m. to Sunset**

1. The City of Middletown and its agents are not responsible for any injuries. The Skate Park is UNSUPERVISED and a SKATE-AT-YOUR-OWN-RISK Facility. Know your ability and Skate Accordingly
2. ONLY Skateboards, In-Line Skates, Bikes (No Pegs) and Scooters ALLOWED. No Motorized Vehicles.
3. Protective Equipment (helmets, elbow pads, knee pads, etc.) is strongly recommended to be worn at all times. Use of this park may expose the user to serious injury.
4. No skating when surface is wet. Inspect skating surface before you begin and remove debris or objects that may prevent a safe ride. Report any facility damage immediately to the Middletown Recreation & Parks Department at 845-346-4180.
5. Park surfaces are NOT to be Altered or Waxed.
6. NO Food, Beverages, Gum or Smoking allowed in the Skate Park
7. No Pets allowed in Skate Park.
8. Abusive/Foul Language and Aggressive Behavior will NOT be Tolerated.
9. All children under age 10 MUST be accompanied by an adult.
10. Failure to adhere to Skate Park Rules & Regulations can result in loss of facility privileges and/or subject to prosecution in Middletown City Court for violating Skate Park Rules.

Roll Call: Ayes: Ald. Ramkissoon, Johnson, Jean-Francois, Cid, Witt, Kleiner, Burr, Masi, Pres. Rodrigues-9

258.17 Resolution to authorize the Department of Public Works to submit a bid request for a new fire truck for the Monhagen Hose Company #1.

On motion of Ald. Kleiner seconded by Ald. Witt

RESOLVED; that the Common Council of the City of Middletown hereby concurs with the Board of Estimate and Apportionment to authorize the Department of Public Works to submit a bid request for a new fire truck for the Monhagen Hose Company #1.

Roll Call: Ayes: Ald. Ramkissoon, Johnson, Jean-Francois, Cid, Witt, Kleiner, Burr, Masi, Pres. Rodrigues-9

259.17 Resolution to sell the surplus property at 28 North Street for \$125,000.00 in as is condition

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

RESOLVED; that the Common Council of the City of Middletown hereby concurs with the Board of Estimate and Apportionment to declare 28 North Street, which is City owned property, surplus property.

LET IT BE FURTHER RESOLVED; that the Common Council of the City of Middletown hereby concurs with the Board of Estimate and Apportionment to sell the surplus property at 28 North Street for \$125,000.00 and the property will be sold in as is condition.

Roll Call: Ayes: Ald. Ramkissoon, Johnson, Jean-Francois, Cid, Witt, Kleiner, Burr, Masi, Pres. Rodrigues-9

### 13. LOCAL LAWS

John Naumchik-Nothing this evening.

### 14. Audit

On motion of Ald. Masi seconded by Ald. Ramkissoon

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

Roll Call: Ayes: Ald. Ramkissoon, Johnson, Jean-Francois, Cid, Witt, Kleiner, Burr, Masi, Pres. Rodrigues-9

### 15. Adjournment

There being no further business meeting adjourned at 9:50 pm

Respectfully submitted,  
Karen Sisco

