



Common Council
City of Middletown
June 15, 2021

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

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

All in favor.

Public Hearings and Grievances

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

zones.

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

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

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

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

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

It's the opposite way.

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

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

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

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

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

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

have no enforcement mechanism right now for THC?

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

it's kind of sad to hear.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Ald. Masi: Keep it open for two weeks.

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

4. Correspondence

Nothing this evening

5. For the Good of the City

6. Remarks of the Mayor

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

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

Ald. Tobin: Are you addressing me?

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

Ald. Tobin: I'm not implying anything.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

7. Remarks of Dept. Heads

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Pres. Rodrigues: Any questions? Alderman Tobin?

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

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

John Naumchik, City Clerk: Nothing this evening

Pres. Rodrigues: All right.

8. Petitions and Complaints

Nothing this evening

9. Remarks of Aldermen and reports of committees

Ald. Masi: Nothing this evening

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

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

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

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

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

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

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

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

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

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

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

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

Pres. Rodrigues: Thank you. New business.

10. Unfinished Business

Nothing this evening

11. New Business

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

WHEREAS, the Board of Estimate has approved this acquisition.

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

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

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

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

RESOLVED; that the Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment to approve and authorize the Mayor to sign the attached “Fence Agreement” with 44 James Street, LLC.

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

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

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

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

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

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

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

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

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

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

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

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

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

12. Local Laws

Nothing this evening

13. Audit of claims and accounts

On motion of Ald. Masi seconded by Ald. Burr

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

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

14. Adjournment

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

Respectfully submitted,

Andrea Greco