

MINUTES OF THE CITY COUNCIL MEETING
HELD ON
August 11, 2021
6:00 P.M.

The regular meeting of the Mechanicville City Council was held at the Senior Center, North Main Street, Mechanicville, New York on Wednesday August 11, 2021.

Mayor Baker: Called the meeting to order 6:01 P.M.

Patsy Johnson led the Pledge of Allegiance to the Flag.

Roll Call:	Mayor Baker	Present
	Commissioner Seber	Present
	Commissioner Johnson	Present
	Commissioner Gotti	Present
	Commissioner McGuire	Present

Motion to accept the July 19, 2021 Special Meeting Minutes:

Motion: Commissioner Seber Seconded by: Commissioner Johnson

AYES: 5 NAYS: 0

Commissioner Reports:

Mayor Baker announced the Mechanicville Fire Department and the Mechanicville Elk's Club will be having a 9/11 memorial ceremony on Saturday September 11th at 10:00 am in front of monument at the Central Firehouse and then at 12:00 pm there will be food provided for all who attend at the Elks club on Park Avenue. He went on to say that he is going to form a committee to look at revising the City charter and making appropriate recommendations to the public for a possible referendum. Commissioner Mark Seber will serve as Chair and added he will also be forming a committee to review the employee handbook and Commissioner Mark Seber will serve as Chair because he is HR for the City.

Commissioner Seber stated the garbage bid is out and will be opened on August 30th. He went on to say the sidewalk bids for the sidewalk program are also out; he went on to explain the City will open the bids on August 30th. Commissioner Seber explained the City would be implementing a sidewalk program to give homeowners the opportunity to hire the City's contractor and pay them directly or to borrow the money from the City with a fairly low interest rate to help fix the sidewalks. He added this program was implemented back in 2009 and it was a success. Commissioner Seber went on to say he

received a question earlier in reference to resolution 58-21 regarding the increase in pay for the City Hall/Court janitor. He said that the former City Hall janitor has retired and this gentleman has taken over the duties of cleaning the entire building and that is why they are requesting a pay raise. He went on to say that he did leave his name out of the resolution and he is not sure if it needed to be in there but his name is Carl Vredenburg and his raise will be effective on Monday August 16th.

Commissioner Johnson had nothing to report.

Commissioner Gotti stated Bellamy (a city contractor) will be commencing work soon on the second half of the water project and there will probably be boil water advisory for a few days throughout the City. He went on to say that he knows the roads and city streets are in disarray but he wanted the public to know that NYSEG is replacing the gas lines with a higher pressure gas line, now that they are digging up a good portion of the City streets he knows that between 7-14 days he is projecting part of South Street, First Street, Park Avenue will be paved. He added instead of just paving the strips they are digging he sat with John Amos and Dave Goodspeed and talked them into spending more money so that the streets can be milled and filled curb to curb. Commissioner Gotti stated they gave roughly \$346,000 and there is another \$300,000 in a CHIPS grant for modification and improvement of the scenic bike trail and is trying to find out what that includes and he will make it available as soon as he gets the information. He went on to say he has almost \$180,000 in CHIPS on top of that in which he has targeted a few other streets as targeted streets but is waiting to get solid numbers and then he will see what can be done. He added the water plant is going along quite well. Commissioner Gotti stated he realizes he has missed a few meetings and has personal reasons for a few of them but the last meeting there was a sewer break in which he was there, when the line collapsed they were taking sewage from one structure and pumping it to another structure and then to another structure because pump 2 keep failing. He added the diesel pumps needed to be maned 24 hours a day until the pipe was replaced. Commissioner Gotti stated that he has been receiving questions about a list and he stated he misspoke or worded it incorrectly, but when the previous Commissioner was in office there were contractors that did not have insurances on file and the list he provided to her is the list he now keeps current with contractors that have insurance certificates. He asked everyone to be patient with the paving and with the increase money that will be received from NYSEG fully paved streets will be completed as opposed to just the patches.

Commissioner McGuire stated the playground had a successful tie dye t-shirt day and they have extra supplies so they will be doing it again before the end of the month and it will be advertised. She went on to say the last day for the staff at the playground will be August 28th.

Police Chief Rabbitt gave his monthly report that is attached to the minutes.

Public Comments:

Dave Hicks of 241 First Avenue asked where we were with the reservoir dredging, why there is so much equipment being sold, if DPW bills contractors when they use the city's service. He went on to ask that if a contractor disturbs a water line and DPW has to go to the job does the city bill them.

Commissioner Gotti stated if there is a repair being made to a water or sewer line it is his job to make sure the connection is correct and they follow the county rules and he only shows up to make sure they are doing the work correctly or if they hit something he tells them what needs to be done to repair the damage.

Dave Hicks stated the DPW usually has duties outside of servicing the contractors.

Commissioner Gotti stated that it is not servicing the contractor but doing due diligence on the City's behalf and it is the City's responsibility to make sure they are properly doing all the work properly and making sure they have the proper permits.

Dave Hicks asked who is actually paying for the street paving Commissioner Gotti referenced earlier.

Commissioner Gotti stated the City is not paying for any of it, with the CHIPS program the City spends the money and then reimbursed every penny of it but the other \$346,000 that is given from NYSEG after he met with them telling them that they are disturbing over 50% of the streets so they need to mill and pave the entire street in which they agreed and gave the additional money.

Dave Hicks asked when the last time Pruyn Hill was surveyed because it looks like the sidewalks are shifting.

Mayor Baker stated he would have the engineer look at it.

Dave Hicks stated they need to get a better PA system for the meeting especially with the masks he can barely hear. He went on to ask if with the reservoir dredging if the system was hooked up.

Commissioner Gotti stated as far as the system with Saratoga County into the waterplant it is running and operating perfectly, the waterline from the waterplant up to DeVoe Road is not completed because they ran into rock and they want extra funds in which they City felt they already provided enough money so they decided the line going to DeVoe Road isn't that bad so they will take the line they already have and make an existing connection to keep the cost down. He added the dredging is still moving but they are waiting the finalization on the permits, where the material is going to go, and who is actually going to take it.

Dave Hicks asked if the City was going to do the dredging.

Commissioner Gotti stated it would be done by an outside contractor and is part of a grant.

Lydia Tironi of William Street stated she believes there needs to be crosswalks at every major intersection, she stated she knows there is one at the bottom of the hill to cross into the entrance of Price Chopper but she almost got hit because people speed through. She added most of the people that she works with walk to work; she also added that cars are always going the wrong way up William Street and feels the signage needs to be bigger and more visible.

Commissioner Gotti stated he will look into it and possible add a sign across from the gas station.

Lydia Tironi stated the light on Hill/Mabbett/Central Avenue needs to be checked because there are times she sits 20 minutes for the light to change.

Commissioner McGuire added the light at South/Central is very short.

Lydia Tironi asked if Dekatherm works for NYSEG.

Commissioner Gotti stated that they do and the City really doesn't have control over them but he did try to stop them from digging up the roads to do the gas line and they need to have an easement right to their equipment since they are supplying us with gas.

David Santy of Saratoga Avenue stated he is the President of the Born Again Riders club who is out of Mechanicville and he wanted to make it clear that they are not a bike gang but are actually a group that volunteers for the community for example they have an annual ride for another organization that is out of Mechanicville – Sleep in Heavenly Peace, where they ride and do raffle baskets and 100% of the profits are turned over to whatever non-profit they are doing the event for and this year they were able to write a check for \$1300 to Sleep in Heavenly Peace. He went on to say that they also work with the homeless in Saratoga by doing gospel with them, feeding them a meal, providing them with clothing, and just talking with them about their issues. David added the goal of the club is to be part of the community and they like to be a part of events that occur.

Fred Hosley of Newman Avenue thanked Commissioner Gotti for addressing the issue of the disrepair of the City streets. He asked if other streets would benefit from the paving that was mentioned earlier.

Commissioner Gotti stated that every street impacted by NYSEG's construction would be milled, straighten the structures, and pave the entire street and they agreed to do it within the corridor of their work. He added if he can get more footage out of it they would explore additional streets but is not sure if he could financial handle it but with that being said he added he still has CHIPS money to use and he still has the \$300,000 that was awarded for scenic routes and he is just waiting to define what he can and can't do with it in which he would like to install the lockable bike stations but needs to wait and see what is available through the grant.

Fred Hosley asked about Saratoga Avenue.

Commissioner Gotti stated that Saratoga Avenue has been on his radar for a year.

Mayor Baker stated that he has been talking with the State about Saratoga Avenue because it is a State road and they should be doing some of the blacktopping there.

Fred Hosley stated three weeks ago there were people at 30 Newman Avenue and when a neighbor approached them they were rude and wouldn't say whether or not they bought the house so they Police were called and they informed them they were not allowed into the condemned property until Jim Herkel (building/code enforcement) was called and no one has been back since. Fred Hosley stated it is headed to be a flop house and is wondering what is going on there since it is a condemned house and the door is open.

Mayor Baker stated when it is the right time the City will secure it but until the City has control over it they can't do it.

Fred Hosley asked if the bank continues to pay the taxes the house could just sit there.

Commissioner Seber stated if there are code issues that is one thing but as far as ownership the City cannot just take it over.

Commissioner Gotti stated we need to have Jim Herkel reach out to the bank and let them know they are in violation of the City code and present them with a time frame to correct that code.

Fred Hosley asked Mayor Baker how people are chosen for his committees.

Mayor Baker stated he chose them, the State sent a declaration stating that it is his responsibility to choose a committee.

Fred Hosley asked if people could approach him and let him know they want to be a part of it.

Mayor Baker stated he could be approached.

Fred Hosley asked how they would know because today is the first he has heard of it.

Mayor Baker stated it was discussed at a couple of meetings.

City Attorney Lyn Murphy stated there was a whole presented done at three (3) separate occasions saying this would be one of the outcomes.

Fred Hosley asked who gave the presentations.

Mayor Baker stated it was Michelle Duell of the Police Reform committee.

Fred Hosley asked if the people selected met the criteria.

Mayor Baker stated they are all City residents.

Kim Dunn of 250 South Main Street stated she sent an email earlier in the day in reference to two (2) particular resolutions which were slightly addressed by Commissioner Seber but did not answer the questions she actually had. She asked if the cleaner who currently cleans the court and now is taking on City Hall is directly paid by the City of Mechanicville.

Commissioner Johnson stated the City is reimbursed by the court.

Kim Dunn asked how they would differentiate on the time sheet between city hall time and court time.

Mayor Baker stated it is separated on the time sheet already.

Kim Dunn stated she disagrees not having the name and hours on the resolution they should not have to go back three (3) years to look at previous resolutions. She also stated the effective date should be on there and Commissioner Seber told her it was Monday. She stated she also asked about 57-2021 and why it is not listed as to what that person is going to be cleaning and is wondering why it was stated on the one resolution but not on this one. Kim Dunn asked which Commissioner decided on giving a raise and hiring an employee that was not advertised, and who is supervising the new cleaner. She is confused as to why this person is getting a raise since he is already getting additional hours. She went on to say there is no policy or procedure on how these committees are selected and she is wondering why the Mayor has chosen Commissioner Seber to be on both committees when there are three (3) other people on the board he could of chosen and Commissioner McGuire has expertise with the handbook so it would make sense to have her on it. She added he is putting a lot of extra work on Commissioner Seber.

Mayor Baker responded that Commissioner Seber is a full time employee.

Kim Dunn stated that Commissioner McGuire can work as many hours as she would like to. She went on to ask if the other committee for the city charter is being formed to change the form of government and get it on the ballot.

Mayor Baker stated that is not the case but is trying to find out what people want because he hears people every day want to change the form of government, and they do not like how this form of government works and he does not disagree with them but this will not take effect until he is out of office in which it will have nothing to do with him.

Kim Dunn stated there are areas in the charter that would help them improve doing their job and added she would like to be on the employee handbook committee and asked how she makes that happen.

Mayor Baker stated he already has a committee of Gina, Amanda, and Emilia.

Kim Dunn stated there are three (3) employees on the employee handbook committee and that is insanity.

Mayor Baker stated every department can have their concerns known to the committee.

Kim Dunn stated in the employee handbook the only people exempt from filling out a time sheet are the five (5) Commissioners.

Mayor Baker stated they do.

Kim Dunn stated Civil Service does not.

Mayor Baker stated they are not employees.

Kim Dunn and Commissioner McGuire stated they are employees they received W2's.

City Attorney Lyn Murphy stated the employee handbook defines employees as clerks.

Kim Dunn stated she has no idea how you pay an employee who does not report their time.

Commissioner McGuire asked if the Police Officers are employees.

City Attorney Lyn Murphy stated that according to the employee handbook they are not but according to the union contract they are.

Marylou Cebula of Lee Street stated the email she sent him in March had several inquiries and she asked if his email is working.

Commissioner Gotti stated his email works perfectly fine.

Marylou Cebula stated she noticed there are meters on hydrants near DPW and asked if they are under contract.

Mayor Baker stated they are.

Commissioner Gotti stated he put the meters on per request.

Commissioner McGuire asked what meter he is talking about.

Commissioner Gotti stated they put a meter on the first one after the contract was....

Marylou Cebula stopped the conversation so she could get another question in. She asked if Commissioners received gift cards or gratuity.

Commissioner Gotti stated he did give Commissioner Seber a response after speaking to the City Attorney about what was given to him from a family member and he was told a Christmas card or Birthday card is irrelevant.

Marylou Cebula asked if the family member was a vendor or contractor of the City.

Commissioner Gotti stated they were not.

Marylou Cebula asked if we received the FEMA money from the storm that occurred.

Commissioner Gotti started to explain but Marylou asked him for a yes or no answer only he stated that he couldn't answer it.

Mayor Baker stated the money was not received.

Marylou Cebula asked if there was any selection application process for the police-civilian committee.

Mayor Baker stated he chose people who he felt would be good for the committee.

Marylou Cebula asked if they are all City residents.

Mayor Baker stated that was correct.

Commissioner McGuire questioned that they were all residents.

Marylou Cebula asked who oversees the compliance of the members.

Mayor Baker stated that according to the City Charter they will pick a chairperson.

Marylou Cebula asked if DPW would be doing the paving that was previously talked about or will it be contracted out and if there was a time frame on it.

Commissioner Gotti stated a contractor would be doing it and he stated he was hoping within the next two weeks but cannot guarantee that since he is not sure exactly when the pipe will be complete.

Marylou Cebula stated there is a police representative on the police-civilian committee and asked if the PBA made the recommendation on that person.

Mayor Baker stated it was through the Chief.

Commissioner McGuire asked if there was a vote.

Mayor Baker stated he is not a member of the PBA so he did not know the answer to that.

Commissioner McGuire stated that according to the Charter there needed to be a vote through the PBA and that person should be recommended.

Police Chief Rabbitt stated he is not in the PBA.

Marylou Cebula asked if what is in the charter oversees this commission, and added she would like to be on the charter committee and recommends the charter be changed not the form of government.

City Attorney Lyn Murphy stated the Governor implemented a new State law that relates to these committees so it will most likely need to be modified based on the outcome of

Marylou Cebula asked if pending the law is the City required to go by the charter.

City Attorney Lyn Murphy stated you have to go by the State law.

Commissioner Gotti stated he wanted to clarify that the timing of the paving of the street will be dictated by the delivery of the lateral lines that are not in place therefore he cannot give an exact time frame.

Commissioner McGuire asked Commissioner Gotti if he put both meters on by DPW.

Commissioner Gotti stated that they did install them.

Commissioner McGuire stated they look different.

Commissioner Gotti stated that is because John Pickett purchased his own but he made sure it was installed correctly and it is being used correctly.

Commissioner McGuire asked when that was.

Commissioner Gotti stated he is not sure of the exact time frame.

Kathleen Turnbull of 30 Warsaw Avenue posed her concerns about the parking on Maple Street and was wondering if possible since Leonard Street is one way going down that Maple could be one way going up.

Mayor Baker stated there was another neighbor in that area that spoke to them and informed her that when they have their next traffic committee meeting they would be discussing it.

Commissioner Gotti stated that if they made Maple a one way street it would make Farrell Street the only two way street remaining.

Mayor Baker stated he is concerned with the bigger problem being the Town of Stillwater is putting in two (2) housing developments which will create a lot more traffic. He added he contemplated talking to the Board about making Mulberry Street and Stillwater Avenue dead

ends so you can't come down from Stillwater through there which will help with the traffic now since a lot of it is coming down from Stillwater.

Kathleen Turnbull asked about the grant for the sidewalks.

Commissioner Seber stated it is not a grant but explained the City would bid a sidewalk contract and the property owners could either pay the contractor directly or borrow the money from the City at a low interest rate.

Resolutions:

RESOLUTION 55-2021 Police-Civilian Internal Affairs Review Commission

Moved by: Commissioner McGuire

Seconded by: Commissioner Gotti

Commissioner McGuire asked what criteria was used to select the committee.

Mayor Baker stated they are residents of the City and good people and felt they would be good for the committee.

Commissioner McGuire stated she has a problem with the conflict of interest with the people. She added she has a problem with someone on the committee whose husband is a Public Defender and works out of an office that the Mayor has a personal relationship with, also this person lives across the street from another member of the committee which is down the street from the Mayor. She went on to say that one of the committee members is the Mayor's secretary's sister and she wants to know who Kevin Smith is and where does he live.

Mayor Baker stated he is a resident and lives up near the cemetery on Harris Avenue.

Commissioner McGuire stated she also feels the resolution violates the charter because the PBA was supposed to vote and recommend someone and to her knowledge that was not done and the charter states that all members shall be residents of the City and the Police Officer lives in Colonie and nothing is stated about the PBA being exempt.

Mayor Baker stated he may have to change that person.

Commissioner McGuire stated that the members of the committee all live close to one another but it is supposed to be a diversity of neighborhoods.

Mayor Baker stated he picked the people he thinks would be good for the commission and the only person that may be a problem is the Police Officer and he didn't realize it.

Commissioner McGuire stated there was no PBA vote which is a problem and added the charter states the Chief will conduct training with no cost to the City but most people work during the

day and so does the Chief so she is assuming this training would occur on an afternoon shift or a weekend.

Mayor Baker stated he already spoke with him about it and he would make himself available. Commissioner McGuire asked if the Chief has to change his work schedule so he is available in the afternoon is the City going to have to pay someone overtime to take his place during the day.

Mayor Baker stated the Chief will make sure we are covered the way we need to be.

Commissioner McGuire asked how long the training is going to be.

Mayor Baker stated they have not received the paperwork from the State yet because we did not have a committee.

Commissioner McGuire asked how he informed the committee about the training.

Mayor Baker stated he informed them it would involve training and they were all fine with it.

Commissioner McGuire asked if they were aware they have to do ride-a-longs.

Mayor Baker stated they are.

Commissioner McGuire asked when the ride-a-longs would be and if they are on a ride-a-long and nothing happens do they need to go on another one.

Mayor Baker stated he does not believe so.

Commissioner McGuire stated that any meetings this committee has are subject to the open commissioner law.

City Attorney Lyn Murphy stated that if they need to go into executive session they are allowed to do that. She added the Police Officer should live in the City of Mechanicville.

Commissioner McGuire asked City Attorney Lyn Murphy to clarify what diversity of neighborhoods means.

City Attorney Lyn Murphy stated it states when possible.

Commissioner McGuire stated it was certainly possible he could have found someone on all of Main Street.

City Attorney Lyn Murphy stated he does not have to.

Commissioner McGuire stated it is suggested and she does not know why he would go against the suggestion. She went on to say there is no one on the Commissioner from J.S. Moore Homes or Davenport Estates. She went on to say any costs associated with the permission,

minutes or paperwork involved will be borne by the Department of Public Safety and asked if her office will be directly involved with the commission. She added she does not have this included in her budget.

Mayor Baker stated no one knew this was going to happen and he stated they will get the money and he does not believe it will be through the Public Safety office but will be through his office since he oversees the Police Department.

Commissioner McGuire stated that is what the charter says and asked if he can go against the charter.

City Attorney Lyn Murphy stated the State law is different the perimeter sent forth by the Governor is different than she added you can read through all of these but until the Commission is actually is formed and all the paperwork is received from the State there will be no answer to a lot of these questions.

Commissioner McGuire asked stated that the people that are residents actually live here and not just own a house here.

City Attorney Lyn Murphy stated that is legally not true, and as long as you own a residence and have any intent to go back there you are legally a resident.

Commissioner McGuire stated you don't actually have to live there then?

City Attorney Lyn Murphy stated you have to own property and be able to articulate that you are going to at some point in time go back to that property.

Commissioner Johnson asked that before we vote if they were making an amendment for the Police Officer.

Commissioner McGuire stated if there isn't enough people to form the Commission how could they vote on it.

Mayor Baker stated they would vote on everyone except the Police Officer and then would vote on the Officer either in a special meeting or at the next meeting but the rest would be appointed tonight.

Commissioner McGuire asked if there needed to be a certain amount of people to form a commission and now we don't have that many people.

City Attorney Lyn Murphy gave an example that if one of the planning members resigned you still have a planning board but at the next meeting you appoint another person. She added the committee cannot meet until there are seven (7) members but that doesn't mean you can't appoint people on staggered time.

AYES: 4 NAYS: 1

NAY: Commissioner McGuire

RESOLUTION 56-2021 American Rescue Plan Act

Commissioner Seber stated it is a requirement that they have a resolution to accept the funds.

Moved by: Commissioner Seber

Seconded by: Commissioner Johnson

AYES: 5 NAYS: 0

RESOLUTION 57-2021 Part-time Cleaner

Moved by: Commissioner Johnson

Seconded by: Mayor Baker

Commissioner McGuire asked if DPW is responsible for the maintenance of every City owned building.

Commissioner Gotti replied yes.

Commissioner McGuire went on to say that with that being said they are responsible for the mowing, trimming, and the sidewalk when it snows.

Commissioner Gotti stated if they are going to define maintenance there is a difference between maintenance and janitorial services. He went on to say they are in charge of maintenance which includes repairing the buildings, damage to the buildings, damage to the property, and they have been taking care of the mowing and the upkeep of other things but as far as inside janitorial duties....

Commissioner McGuire asked if DPW is responsible for mowing the lawn, trimming the bushes, and keeping the sidewalks clear when it snows at the Senior Center.

Commissioner Gotti stated that if you want to go by the charter it is technically her responsibility.

Commissioner McGuire responded by saying she thought he was in charge of all of the City buildings.

Commissioner Gotti stated that is what he just said.

Commissioner McGuire stated the Mayor expressed he was looking for a cleaner and she sent someone his number and he said they would have to mow the lawn, trim the bushes, and shovel

snow if need be. She went on to say that is not what they thought it would be. She is asking why someone would get paid to do that when it is DPW's responsibility and the taxpayers are already paying DPW to do this in addition to cleaning the inside of this building when this person was willing to work for \$20 an hour which is \$200 a week and now they are hiring someone who might work up to 29 hours at \$16 an hour which is over \$400 a week.

Commissioner Gotti stated she only identified one (1) building in her statement but that is not the specific duties of this individual and added he purchased Paco equipment to do the snow blowing and mower.

Commissioner McGuire stated she was informed previously that was his personal equipment.

Commissioner Gotti stated it originally was but he replaced it so it was City equipment and he was not using his own personal equipment. He added this person that is being hired will be at the Senior Center, DPW, and also assisting around the City with the Firehouse and other properties that we own with mowing and such.

Commissioner McGuire stated the resolution states a part-time cleaner and it was expressed to her it was for the Senior Center and didn't tell her anything else.

Mayor Baker stated he informed her it was to clean the Senior Center, take care of the lawn and shrubs, and the ice and snow and she didn't want to do that. He added that has been part of the job all along.

AYES: 4 NAYS: 1

NAY: Commissioner McGuire

RESOLUTION 58-2021 City Hall Cleaner

Commissioner Seber asked if anyone objected to modifying the resolution to add the name of Carl Vredenburg.

Moved by: Mayor Baker

Seconded by: Commissioner Gotti

Commissioner McGuire asked why he is getting a raise because he has to work more hours.

Mayor Baker stated he is taking on more responsibility and needs to make more money

AYES: 4 NAYS: 1

NAY: Commissioner McGuire

RESOLUTION 59-2021 Payroll and Vouchers

Moved by: Commissioner Johnson
Seconded by: Commissioner Gotti

AYES: 5 NAYS: 0

NEW BUSINESS: None

OLD BUSINESS: None

Meeting Adjourned: 7:12 P.M.

Moved by: Commissioner Johnson
Seconded by: Commissioner Gotti

AYES: 5 NAYS: 0

William J Rabbitt
Chief of Police
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Alex Dunn
Detective Sergeant
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MECHANICVILLE POLICE DEPARTMENT

36 N MAIN STREET
MECHANICVILLE, NY 12118



August 11, 2021.

Mayor and Council Members,

For June, we:

- Responded to 456 calls for service,
- Made 48 arrests.
- Issued 188 traffic tickets.
- We recorded (3) uses of force.