



COMMON COUNCIL MEETING
CITY OF MIDDLETOWN
August 5, 2024 Minutes
City Hall
16 James Street
Middletown, New York 10940

J. Miguel Rodrigues, President
Ald. Jude Jean-Francois
Ald. Andrew Green
Ald. Paul Johnson
Ald. Gerald Kleiner
Ald. Sparrow Tobin
Ald. Kevin Witt
Ald. Kate Wray
Ald. Joseph Masi
ALSO PRESENT:

Richard McCormack, City Clerk
Joseph M. DeStefano, Mayor

ALL: Pledge of Allegiance

PRESIDENT J. MIGUEL RODRIGUES: Please remain standing,
as I ask for a moment of silence for former Police Commissioner
Gene Vignola. May he rest in peace. Thank you.

Roll.

CITY CLERK: Alderman Tobin.

ALDERMAN SPARROW TOBIN: Here.

CITY CLERK: Alderman Jean-Francois.

ALDERMAN JUDE A. JEAN-FRANCOIS: Here.

CITY CLERK: Alderman Johnson.

ALDERMAN PAUL JOHNSON: Here.

CITY CLERK: Alderwoman Wray.

ALDERWOMAN KATE WRAY: Here.

CITY CLERK: Alderman Kleiner.

ALDERMAN GERALD P. KLEINER: Here.

CITY CLERK: Alderman Green.

ALDERMAN ANDREW GREEN: Here.

CITY CLERK: Alderman Witt. Alderman Masi. President
RODRIGUES?

PRESIDENT J. MIGUEL RODRIGUES: Here.

CITY CLERK: Quorum is present.

PRESIDENT J. MIGUEL RODRIGUES: Approval of minutes?

CITY CLERK: We need a motion for August 5th, 2024,
please.

PRESIDENT J. MIGUEL RODRIGUES: Motion by Alderman

Jean-Francois. Seconded by Alderman Tobin. All in favor?

ALL: Aye.

PRESIDENT J. MIGUEL RODRIGUES: Correspondence.

CITY CLERK: We have a request for a subdivision approval from Orange Terrace LLC.

PRESIDENT J. MIGUEL RODRIGUES: Refer to Committee.

Okay, for the good of the city, I would like the mayor to come up.

MAYOR JOSEPH M. DESTEFANO: Good evening, everyone.

You know, with so much happening in the city over the last five to 10 years, with the opening of new businesses, and almost every week we're doing ribbon cuttings, and almost every rental property downtown that is available for commercial rent is either leased and occupied or being withheld off the market by the owner, not for the lack of interest, we sometimes forget the people who help bring us here.

Over the past couple of years, we started recognizing some of the businesses, like Tony Boffa's, when they went out of business. They retired. We recognized their accomplishments and contributions to the city. Maria's Beauty Fashion, like 40 years or 50 years in business here. And we also had Armando the tailor on the corner of King and North Street. But that was all after the fact.

So, working with Maria and the Economic Development Office, we felt that we would put together a program on a monthly

basis to recognize some of the current businesses that are still operating in the city.

And so, we decided for our first one in this round of recognitions, to acknowledge the work at Fuzion Barber Shop. They were established in 2004 by Raul Steele and I just -- and Idris Daniels. The current owner is Raymond Marquez, who started working at Fuzion in 2013. In 2017, Raul and Idris wanted to retire, offered the establishment to Raymond for a fee. In 2018, Raymond and Nicole purchased Fuzion Barber Shop.

In 2019, they renovated right here in downtown, made an additional commitment to being in our inner city in the downtown area. They added other merchandise type of activities into their business -- custom embroidery, merchandise, hosting events, participating in activities such as the backpack programs and things in our local schools, working with our veterans, and they loved being a part of the community.

So, I'd like to have the -- Raymond and Nicole come on up. And as a symbol of our appreciation here. And as I said, we're going to be doing this on a monthly basis. He's the lucky one because he's getting the more expensive plaque. In the future, they're going to be getting certificates of recognition. So, it's always good to be number one. So, we want to say thank you.

RAYMOND MARQUEZ: I'm a little nervous. So, I -- first and foremost, I want to thank my Lord and Savior. Without him,

it wouldn't be possible.

MAN 1: Amen. Amen.

RAYMOND MARQUEZ: Thank my wife next to me. This is amazing. Words can't explain what I'm feeling right now, but I came a long way just (indiscernible).

MAN 2: It's all right, bro. Take your time. Just keep it true. We love you, man.

MAN 3: That's right.

RAYMOND MARQUEZ: This is an amazing feeling. I just got to say it. I love everybody that's beyond me, all my supporters. Without them, there wouldn't be no Fuzion. I just really, really want to thank my two brothers in the back, man, Idris, and Raul.

I love you, brothers. I love you guys, because without you guys, it wouldn't be possible. You know? I just love everything about this shop, everything that it brings, the opportunity that it brings to the kids from the giving back, to the bookbags, to going to the high school, cutting for free, everything that we do. It's just amazing.

The opportunities that it opened up for other entrepreneurs, who worked at the shop, who got their own shops, like my brother over here, Jorge Vega. You know, he's out at Port Jervis. You know, we got Sean from 6 West, who actually came out of Fuzion also.

So, it just gives so many opportunities for the young

youth and those who are there with me right now to open up their own establishment and become entrepreneurs for themselves also. That's what Fuzion did for me.

Once again, I still want to thank my brother right there and my other brother. He flew all the way from Atlanta for this. It's amazing.

I got my cousin. I love you, cuz. I love you, love you, love you. My other brother, Mr. Williams, Brizzo, everybody who's here. Thank you. I love all you guys. Thank you so, so much.

After here, we will have an afterparty at Sadie's Bookstore, so if you want to come by. They got nice, good food. And I love you, love you, my brother. I love you. Keep shining, you hear me? Please, please. And that's about it, I guess, right? Love everyone who came. Thank you, guys.

(Indiscernible) --

MAYOR JOSEPH M. DESTEFANO: Congratulations.
Congratulations.

MAN 4: Hang on, one more, one more, one more.

WOMAN 1: Go on, go ahead.

MAN 4: Damn, (indiscernible) --

WOMAN 1: Yes.

MAN 4: (Indiscernible) -- hey, Raul.

RAYMOND MARQUEZ: Hey, bro.

MAN 4: All right. He's here in the house, baby.

MAN 5: If you're free to leave.

WOMAN 2: Thank you.

RAYMOND MARQUEZ: Thank you. Thank you. Thank you.

MAYOR JOSEPH M. DESTEFANO: Thank you.

MAN 6: Bless, God bless.

WOMAN 2: I appreciate you. Thank you. Peace be with you. Thank you again.

MAN 7: Good night.

MAN 8: How long are you going to be in town? How long are you going to be in town?

MAN 9: I'm leaving in the morning.

MAN 8: Are you?

MAN 9: (indiscernible) --

WOMAN 3: They have quite the following.

MAN 10: Yeah, sure is.

(Background Conversations)

PRESIDENT J. MIGUEL RODRIGUES: All right. So, we're back with the good of the city. At this time, I would like to call up Dave and Anna from Run 4 Downtown.

DAVE MADDEN: Thank you, Mr. President. And wow, I mean, that was really cool, right? They've been down here for 20 years; we've been down here for 20 years. That was very cool. But how about this past weekend? This past weekend was absolutely phenomenal.

Every single piece of the Run 4 Downtown, the Marshall

& Sterling Insurance Run 4 Downtown was a record this year. It was the 18th year we've done this. It should've been 19, but we all know what happened in 2020.

But participants, be it runner, be it walker, be it Zumba participant, through the roof. Extra people from the community that came downtown, through the roof; restaurants, through the roof; sponsors, through the roof. This was an absolutely phenomenal weekend. We can't wait for next year.

Next year it's August 16th, 2025. But let's just try to thank some of the people that were here involved with the Run 4 Downtown. You've got the runners. You have the walkers. You have Zumba participants. Spectators out on the course, spectators are the finish line, spectators throughout downtown. Volunteers.

Groups came out from everywhere. Kiwanis, Lyons, you know, just huge groups. Middletown High School volleyball team, Middletown High School National Honors Society. Groups of volunteers, sponsors through the roof. We can't believe the outreach that people, organizations are making toward us to become a part of this event.

The restaurants -- we had 17 restaurants sampling food for the participants and for all the people that came downtown. City officials, your backing, I mean, the support of the city is phenomenal. Middletown Police, unbelievable. Fire Department, unbelievable. DPW. There are so many pieces to this puzzle, it

blows my mind, like, when these pieces all fall in place. Parks and Rec, Middletown High School, the Bid, Paramount Theater, Orange County Tourism giving us some money for promotional things.

And we can't do this without the support of the community, and the community is out there. They're out in front of their houses. They're cheering on the runners. They're cheering on the walkers. They're coming downtown and they're being a part of this amazing, amazing weekend.

I thank you all, and I really like -- usually I'm burned out by the end of this, but I'm so pumped up, I'm ready to go. My committee's going to kill me, but we're ready to go and start planning for 2025. Thank you, all.

PRESIDENT J. MIGUEL RODRIGUES: Great job. Thank you.

All right. Moving over to -- for the good of the city, anyone would like to address the Council, please step forward. You have three minutes. The clock will start. Please be respectful to everyone.

KELLY UHLER: Hello, good evening. My name is Kelly Uhler. I'm a registered nurse. I currently live in Kingston, New York. I just moved there this past August. I drove an hour to be here tonight, and I would like to talk to you about Good Cause Eviction.

Kingston has passed it. Beacon has passed it. I'd really like to see Middletown pass it. I have family members

that live in Middletown, and I lived outside -- 15 minutes outside of Middletown from 2001 to 2016, so 15 years of my life.

I lived in Ithaca for three years, and I started my career as a registered nurse working the pandemic in critical care, managing ventilators.

And I had an apartment for \$1,000 a month. I've stayed in that apartment for three years, consistently paid every single month. And at the end of my third year, my landlord approached me and said, we want to do some work on the kitchen. And I said, that's fine. I'd love to see a new kitchen. We've been here three years. He said, well, unfortunately I'm going to have to ask you to leave.

Another tenant in the building, it was a six-unit building. They also were paying about \$1,200 a month. They were also asked to leave in order for him to fix the skylight. Both tenants were very happy to stay there and to pay whatever rent increase it would be, but we were told we would have to leave.

Several days later, we saw both our apartments listed on Zillow for 50 percent more. I consider that to be predatory, and I would like to see people in Middletown have the right to safe housing without the fear of losing their job.

I worked in an impoverished community in a severely understaffed ICU, and I had planned to stay there for six months to another year. And when you look around at other housing, they had been in the \$1,600, \$1,700 range, and my husband is a farmer.

He makes minimum wage. You know, as someone with a college education, it's very difficult to afford housing.

And when you pay consistently, there should be no reason for someone to leave. So basically, starting as a new RN, to be fully transparent, I was making about \$1,500 every two weeks. So, my rent would've went from about half of my paycheck to about two-thirds of what I was making.

So, if we could do something -- now I live in Kingston and I feel safe living there, knowing that I can serve my community and not lose my housing at any time if I'm paying consistently. Let's see. I mean, together, we paid him almost \$94,000, between both tenants, and to just lose your housing like that just because he wants to raise it 50 percent, I just don't think that should be something that's allowed.

In college, you learn about Maslow's Hierarchy of Needs. There's psychological, safety, love, esteem, and self-actualization. And able to go up, to be able to have higher self-esteem, feeling loved and belonged, you need to be able to have the first two of those pillars, which is physiological, which would be food, shelter, and then safety.

So, by me losing my housing, that affected the first pillar, which would be shelter. And then safety needs, which would be employment as well as shelter.

So, I just would like to really see that passing Middletown, so that my family who lives in Middletown could stay

safely, save for a house, and be able to have a little extra money on the side to be able to go on vacation.

Dental care is very expensive. Like you shouldn't be worried, like, there's two months left in my lease, am I going to get kicked out for no reason because this guy who owns a building, which I don't, is going to raise it that much.

So, I just wanted to say, Good Cause Eviction, there are a lot of cities passing it. People deserve to be safe in their homes, to be able to give back to their community. I'd just like to see that pass.

With that being said, as an ICU nurse, I cannot overlook what is happening in Gaza right now. I would really like to see a ceasefire passed. In this city, as a nurse, I'm seeing people -- children specifically, because the Gazan population is 40 percent children, they are being operated on with no anesthetic, no clean water, and also no safe shelter.

A lot of cities are passing this. Be ahead of the times. Do the right thing, and try to stop sending money over to arms, when over \$350,000 of the City of Middletown is investing in arming Israel, when we could be investing it back in our own communities.

Thank you so much for your time. Have a good evening.

PRESIDENT J. MIGUEL RODRIGUES: Anyone else?

JASON NIETZSCHMANN: All right, good evening, City of Middletown. My name's Jason Nietzsche. I live in

Middletown's Fourth Ward, and I'm back again to talk about Good Cause, briefly. Just want to touch on a few things.

First off, I want to say congratulations to the City of Beacon. They actually just passed the strongest version of Good Cause Eviction just last night. So really, really excited about that. And it's thanks to the work of community members who are door knocking, they're going, speaking to their community members about Good Cause, who are really happy about that sort of grassroots movement.

It looks like Newburgh's actually going to be joining them when they vote unanimously to pass it on September 9th. I was just at their Common Council meeting because I work in Newburgh as well. I've worked doing social work with the homeless. I've worked at HONOR's homeless shelter. I now work at Access: Supports for Living. So, I have a lot of clients in Newburgh and Middletown.

So, we really want to see Good Cause passed. There's a reason why Kingston, Beacon, Albany, different places are passing this law. And so, I invite the Council to get in contact with the aldermen of other neighboring communities because there's no gimmicks, there's no tricks with this law. It simply protects our tenants from unfair evictions and egregious price hikes in their rent, thus preventing gentrification and the loss of our community.

So, yes, the mayor is right, that Good Cause Eviction

was sued and struck down. But that was only because there was no state law in place that allowed for Good Cause Eviction to stand. So, now that that's in place, you're seeing cities like Kingston, Beacon, a lot of cities are opting in, and we really, really need Middletown to opt in as well because we're just seeing so many people being evicted left and right.

I also just want to touch on -- oh, also, the portfolio size that we're asking for is to sponsor one unit, so that we can protect as many tenants as possible, so that there's no loopholes for landlords. So that's very important.

Also, I just want to mention for the past 11 weeks, I want to say, like 11 weeks or so, there's been a lot of community members in Middletown and the Hudson Valley area organizing and mobilizing for Palestinian liberation and the end to the death and destruction that we're seeing in Gaza. So, I did drop off the resolutions in everyone's mailbox this morning. So, if you haven't had a chance to look that over, please do. But I'm just going to touch on a few points from that resolution.

I do have my master's in public health. I care about scientific integrity. I helped draft this resolution with community members. It's very much factual, so I'm just going to go through a few points.

So, we want the City of Middletown to be united against all forms of violence and recognize that all life is precious. Pretty basis. I mean, there's nothing really like, up for debate

with that. I feel like everyone could agree with that.

We also want Middletown to be a safe and welcoming community that actively promotes peace and unity and respect for all residents. We want the Middletown City to condemn all forms of discrimination, not limited to anti-Semitism, anti-Arab racism, Islamophobia, fascism, anti-black racism, white supremacy, you name it, anti-Indigeneity, and xenophobia throughout the world.

We also express profound sorrow and condemnation for the tragic loss of both Palestinian and Israeli civilians, including children and elderly. We want our city to denounce the indiscriminate retaliation by the State of Israel, following October 7th.

And while the death toll, the official death toll in Gaza is 40,000 right now, the widely known, prestigious medical journal known as The Lancet estimates that the true number could be as high as 186,000 or more. And like Kelly was saying, this is mostly children that we're talking about here, so --

PRESIDENT J. MIGUEL RODRIGUES: Your time is up.

JASON: Okay, right. Thank you so much, you all.

PRESIDENT J. MIGUEL RODRIGUES: Thank you.

BILL CHAPLINSKY: Good evening. My name's Bill Chaplinsky, and I'd like to identify myself as a -- first of all, a proud Jew, and a proud Zionist, for which I will absolutely -- I will not renounce.

I -- the -- I would like to approach this in a way that we can actually start the dialogue. There is no question that nobody's in favor of killing children. There is no question nobody's in favor of doing war of any kind. But there has to be a context. There has to be some type of intelligence about the history of the situation.

First of all, we're talking about a ceasefire, and in quotations "genocide." I'm very impressed that we're here, the first day that the City of Middletown is going to adopt a foreign policy. It's quite interesting.

The problem is that genocide is used here and thrown out, and numbers like 186,000 sound very easy and they come off. But when we look at other type of genocide, we choose or actually used to ask questions. Why is this night different than any other night? Well, why is this so-called genocide different than anything else?

At present, in South Sudan -- and these are true factors right now -- there is one million people being in the -- suffering from famine and displacement. So, why doesn't that one qualify for that? Well, because it's not politically correct. The killing is being done by Arabs, and the victims are black. So that doesn't count.

The great peace-loving Hezbollah within the past 10 years actually killed -- and there document internationally -- 250,000 Syrians. And this is definitely proven. There are

thousands and hundreds of thousands of civilians from this conflict that are living in Turkey, in Jordan. But these are not particularly convenient because they're Arabs killing Arabs. And obviously, nobody actually cares about that.

When I hear things like, Free Palestine, Free Palestine from whom, from Hamas? The fact is that when we talk about the, again, this genocide, we have the type of thing going on in which nobody condemns Hamas. Hamas lives in tunnels. The distance of these tunnels is probably close to the whole New York City subway.

And they're down there while all the civilians are up there. And the fighters come out, and then they just retreat. What makes them as cowards.

As a matter of fact, many, many people, many Jews, and all people of good will have been in favor of a Palestinian state. The fact is, that a Palestinian state could have been there in 1948. It was rejected and were attacked by five different Arab countries. 1967, after the Six Day War, there was a pronouncement in Khartoum saying no peace, no recognition.

Then in 2000, thanks to the help from President Clinton, there was a plan that was almost -- and practically all that they have requested given, but Arafat did not want it.

Why is that the difference? Because the fact is that they did not include the destruction of Israel, and that's what they cannot accept anyway. The fact is, as I like to put it in

many, many ways, Palestinians, which are very proud people that deserves a lot better, should have gotten Mandela, and they got Arafat. And that's the curse.

As a matter of fact, with good will, ceasefires need two, not only. ceasefires need to have people that have been kidnapped, children, need to be free, not with any conditions. So yes, there is a lot that can be done.

But you cannot be one-sided. Study the history. I'll be happy to discuss every single thing, all of which is historically proven. And I think we'll come to a better place. And I thank you.

PRESIDENT J. MIGUEL RODRIGUES: Okay. Going forward, you'll hear a bell, and please wrap it up after that bell. Okay.

KYLE CONAWAY: Do I get time too like he got?

PRESIDENT J. MIGUEL RODRIGUES: Everybody got extra time.

KYLE CONAWAY: Good evening, my name is Kyle Conaway. I am an educator. I am a community activist. I love humanity. I love people. Part of what gets me up in the morning, I love teaching. I love teaching. I get excited.

I try to take that energy that I have for the school day outside in the community. And the operative word you find in the community is unity. As elected officials, you have the power to influence someone's experience and behavior.

Policy impacts behavior. No Middletown, no Newburgh,

none of these local cities are going to "impact" foreign policy. But what you're going to do is inspire people. You have been elected because someone thought you, or a group of people thought you were for their interest.

And are you interested in community? Nobody supports the death of children or supports the death of marginalized people. And doing the history lesson, nobody, whether they were Jewish, Arabic, black, women, nobody deserves to be marginalized just because of your skin color, your gender, your sexual preference.

What Middletown and other cities get to do is show their community you matter. Where you come from matters. We are considerate of you. Because the fact is, America has always been great. We don't need to make it great again. It's already great.

Part of the reason is great because we get to elect our leaders. And we get to elect the people who impact our experiences and regulate behaviors from people who are not considerate of others.

So, to pass a ceasefire resolution says what? It says that we want peace. You are also, besides impacting people's behavior through policy, you impact people's behavior ceremonially. Being a leader is significant.

I am also the president of the Newburgh/Highland Falls branch of the NAACP. I've learned in my position; I can't just

do what I want. Right? I have to be appropriate. I'm a father. I'm a teacher. I'm going to remind you I'm a teacher. I just -- I love teaching, yo.

I can't do what I want. I am a ceremonial person; more is caught than taught. Have you ever heard that? As a parent, they pick up more what you do than what you say. Your constituents and the people that your policies impact, more is caught than taught. When you pass this, it's saying if you're Arabic -- can I get two seconds?

If you come from this marginalized place because the issue is, our country is funding a situation that's hurting people. This is manifest destiny all over again. We want to be apologetic to the Native Americans because of -- we wanted to get to the West, I mean, we wanted to get to the Pacific Ocean.

We are seeing the same thing in real-time right now. This is manifest destiny all over again. What, we're going to be apologetic 100 years from now? Passing a resolution says you care about all people. When you're not discounting any group of people, you're saying you're trying to support a group of people who are getting the force of a machine that they really can't fight back.

And it's up to us in our privileged position to say hey, let's work. Let's do something different. Let's be about unity, community. And we can talk about history later. Thank you.

PRESIDENT J. MIGUEL RODRIGUES: Thank you.

KATE: Hi, I'm not going to be that long, I promise. My name is Kate. And this is my daughter Julia. My family and I moved to Middletown almost three years ago. We love living here, and we definitely have that Middi pride.

I'm at home full-time with my now three and five-year-old. And last year, my five-year-old was selected from the lottery for a full day of universal pre-K. Being able to send my son to school for a full day was such a relief for me as his primary caregiver.

I have no family nearby. And being a single income household, we do not have any money for any kind of childcare. We don't have any extra money, so hence them being here with me tonight.

When I learned that close to \$388,000 of Middletown's federal taxpayer money is siphoned off and sent to Israel for weapons and whatnot, I wondered how many additional full-day pre-K spots that money could've funded. And the answer is 38. 38 families that could've been unburdened from the cost of childcare. I challenge you to invest in our community by passing a ceasefire resolution that demands our federal officials divest in the genocide that is being carried out by Israel. Thank you.

KEVIN GOMEZ: Good evening, members of the Common Council. My name is Kevin Gomez, member of the Middletown community. And like many of my esteemed friends and colleagues

here, also a parent and a father.

All of us want the best for our children, and a future blessed with peace. But do we want a real peace or a fictitious peace? Do you get peace by surrender or appeasement or by eliminating the root cause of danger, which October 7th reminded us, was terrorism?

On October 7th, there was a ceasefire. Israel was not in conflict with its neighbors. In fact, the only country in the Middle East where citizens, residents could freely gather and debate and discuss and disagree be they Arab, Hebrew, Israeli, Jewish, or Christian, where they invoked the name of Allah, Hashem, or Yeshua, it's Israel.

If we eliminate our most indispensable and trusted ally, who will be America's most trusted partner in world affairs? Sure, would it be right to support a ceasefire that at the end of the day could result in the destruction of a people, of a race, of a country that was born out of the ashes of a holocaust? Is that what we want to do?

I do agree that we should have peace and lasting peace in the Middle East. But again, the United States should not be the country that takes a dagger and strikes it in the back of its neighbor or the back of its best friend. We need to stand for what is right. Okay? If we want to bring peace to the Middle East, then Israel has the right, the right recognized by its neighbors, Egypt, and Jordan, to defend itself.

And as a country, we want to see our taxpayer dollars go back to investment and infrastructure, and our needs locally, of course, as opposed to addressing foreign wars, then let's stand by our ally so that it could defeat terrorism and hopefully bring back the peace and stability the people are -- were enjoying prior to that. Thank you very much. Prior to October 7th.

MAN 1: Hello. I was afraid to speak at first, but sometimes you got to stand up for what's right. I'm a Dominican Palestinian American, and I live here. And all I see in the news is kids dying, innocent kids.

I never knew they were terrorists. You know? Hospitals getting bombed, places with food getting bombed. Where does it stop? They talk about October 8th, but I've been talking about at least 40-something years, that they've been deprived, like living in a prison.

I have family there. All the time, people get arrested for no reason there, and have days, weeks, months that they haven't seen their poor families, you know. And to hear people talk like, kids don't matter, is sickening, you know.

I don't know how people could look at themselves in the mirrors and see all these kids dying, you know. It makes no sense. Allies to what? You know, it's innocent kids dying. You talk about a country that let you guys come in and live there, you know. And you're talking about stabbing people in the back,

I think you guys are, you know, the main people to do it.

But besides the point, I think this would be a nice resolution because people, man, these are innocent kids. These aren't just kids, man. They're innocent. You know? And that's all I have to say.

KAMEL JAMAL: Hello, how are you today? My name is Kamel Jamal. I am coming from Beacon, New York, where we just passed a ceasefire resolution.

I'm a local businessman in Beacon. And I can't tell you how much support that came out from the community, when we were able to pass the ceasefire.

The important thing is, is our community. The important thing is the generations that are going to follow. Right now, before you, we have an opportunity for a ceasefire, a ceasefire that's going to stop the killing, that's going to start the process for peace, regardless.

And we're talking about 100 years. We're not talking about since October 7th, but that's another story. Right now, you have an opportunity in your hand to talk to your kids that are going to ask you, this is going down in history. This is the worst thing to happen on our watch. We all bear witness. And this will hang on your neck. It hangs on my neck every day. I was born in a refugee camp to parents that were 1948 survivors.

I can't tell you the generational trauma that we deal with every day, that I try to take away from my kids as I raise

them here in America, for only this to happen, and now their trauma is going to be even worse. This is an opportunity for humanity to rise. This is an opportunity to dig down deep inside and feel your compassion and put an end to this. The higher governments are talking about ceasefire. Our presidential candidates are talking about peace, a ceasefire. It has to start at a local level.

And talking about our tax dollars, our tax dollars in every one of these cities, if you do the numbers, see how much is going to Israel. See how much is going to Israel. I'm not going to talk about their divesting or moving that. We want a ceasefire resolution to protect our community. It has worked for us in Beacon. It has worked for us in Newburgh. It will work here in Middletown.

The community will bind together and work together. I worked with the Hebrew Alliance in Beacon. We spoke after a resolution was passed. We hated each other for that moment, but peace prevails. And it starts at a local level. I encourage you all to dig down deep inside and know where I'm coming from.

This is not a political movement for me right now. This is about humanity, and we are all humans. We all have kids. If you don't have kids, we all have loved ones. And it's important to keep that in mind. And I thank you for your time. And I look forward to celebrating a ceasefire resolution with you.

MIKE GARDA: Good evening, everybody. Thanks to everyone for giving me the platform to share a little bit about my experience and why the ceasefire resolution is so important to me. My name is Mike Garda. I have been a resident of Orange County for over four years now. I am a licensed mental health counselor, and I work extensively with clients in Middletown and in Orange County.

My partner is a teacher at Middletown High School and is deeply connected to the community and this city. In my career, I have not seen anything that has struck my clients with such a sense of despair, hopelessness, apathy, and dread as much as the atrocities in Palestine.

I have had my clients tell me that they no longer wish to live on a planet where they have to bear witness to the deaths of hundreds of thousands of vulnerable people. Clients have expressed that they have a complete distrust in local, state, and national governments as the people in power continue to cooperate in an operation that displaces millions of people.

I have had my clients share that if the War in Gaza continues, that they will simply kill themselves because they have no hope for a future that will look like this. I have an ethical, moral and a personal duty to share that the war in Palestine has exacerbated an already out of control mental health crisis in our community.

And continuing to support this war is a local issue, as

it perpetuates a local mental health crisis, not like anything that I have seen as a counselor.

It's known that the City of Middletown taxpayers spent nearly \$400,000 each year to fund this war, and this money could be allocated to hire more school psychologists, more social workers to assist youth that are already feeling the weight of the world crashing down on them since the pandemic.

This money could go to properly staff programs at Crystal Run, at Cornerstone, and at Garnet Hospital, where the most vulnerable folks in our community have been struggling with their mental health.

This money could assist with access to childcare, affordable housing, and healthcare services, all of which have an undeniable link to mental health wellness. So, I ask the City of Middletown Common Council, join with Newburgh, Beacon, Kingston, and other cities in our state to put pressure on the government to do the right thing by passing the ceasefire resolution. Thanks.

ERIC BLUMENAU: One second. Good evening, Common Council. My name is Eric Blumenau. I'm -- I guess I'm a resident of Middletown, just on the other side, the other Zip code.

I know this is a very tough topic, but I -- we have to step back and look at the picture here. This is not our war. We did not create it. This is a war that's going on over 3,000

miles away. Okay? And yes, it hurts to the core for many people. And it brings out the worst in people or it brings out the best in people. And there are people that are in the middle.

As I came into this room tonight, I saw the plaque behind you. And it says, Incorporated City of Middletown 1888. Well, in 1878 Temple Sinai, it's former version now, came to town. For 136 years, Temple Sinai has been working hand-in-hand or has sat in the City of Middletown. Rabbi Schwab worked tirelessly on what's called the Interfaith Council.

And what's the Interfaith Council? It's a group of -- it's everybody. It's all ethnics. It's all religions. And he basically was a pioneer, a founder of this organization. There has been a great working community since that time.

Fast forward, unfortunately, times have changed. The world has changed. The community has changed. We have been able -- we have to do what we have to do to protect our community, to protect our shul.

Friday nights, we have a guard. We have a guard on Saturday. That's not living. But that's the new norm now. So, we do have a long history. Middletown has been a great home for me, for my children, for my wife, for my friends.

Again, the police department makes regular sweeps to our property. We have worked hand-in-hand, side-by-side with all members of the community, establishing, again, what's known as the Greater Interfaith Council.

We stand in solidarity on the -- at -- I forget the name -- the one for downtown park to light a menorah. Everyone is welcome. There's all inclusion. No one is excluded. It doesn't matter size, shape, color, religious background. Everyone is welcome.

It's evolved. We've worked hard to foster this relationship. As the president of the temple, which I am, unfortunately, or it's a -- you know it's a volunteer job, but I have a fiduciary responsibility to our organization, to be strong, to make sure that we operate, and we have open doors for anyone that wants to come there. It's all right, I'm almost wrapping up.

So, we really oppose a resolution that would actually create more division within the community. We've worked too hard to get to where we are today. And I think this would be a step backwards for a city as small as we are to take a position for a war that is not -- that we are not involved in.

We can't use this as a pawn for any short-sided political stunt. So, think wisely before we vote on this. Thank you.

MIRA ZARIA: Good evening, Council. I hope you all are doing well, and that you and your families are in good health. My name is Mira Zaria, and I'm a resident of Chester, New York. I did once upon a time live in Middletown during my childhood and spent a lot of my formative years here. And some of my favorite

memories are in this town.

I'm here today to speak on behalf of the ceasefire resolution. I consider myself a revolutionary, a visionary and a creative. I feel deeply and fully, and my imagination is vibrant. So, I want to paint you a picture based on the footage that I've seen that have come out of Gaza. It is uncomfortable, so please be mindful.

Sometimes, I like to close my eyes and put myself in Gaza. I can feel the sand and the rocks being underneath my bare feet, and I can feel the sun beating down on my skin.

And with my eyes closed, I see. I see the death and the carnage. I walk through these moments, these moments that I've seen before. Her head is under a building as her dead body dangles. He's a toddler grasping for his last breaths, from being shot in the neck.

She's a precious baby with her head caved in, in a way that I can hardly make out the features of her face. He is holding his lifeless father wrapped in white, lying with him and holding him close, and so tight as if to avoid their permanent departure. Closely listening to the roaring silence coming from his chest.

I do this to remind myself of what I'm fighting for, to protect my humanity. This has been everyday life in Gaza for the last 11 months. Imagine that was you, that someone shot your life partner in the face or presented the hollowed-out body of

your first-born child.

I've imagined it with my loved ones, my brother, my sister, my mother, my partner. I can't begin to describe to you how it feels simply to imagine that. Now imagine living it. This is someone's reality in Gaza as I speak to you now.

Whose peace would you be protecting? A friend holds a friend accountable and tells you when you're doing something wrong, us as the United States towards Israel. I beg you to see the humanity in Palestinians and what they are facing.

I beg you to look at Palestinians as if you are looking in a mirror, to see yourself in them. No one on God's green Earth deserves to experience such a hell on Earth. A ceasefire is needed immediately. We have the power to choose a different path, and that starts with recognizing our responsibility to take accountability and to act.

I would also like to read quotes from a book that explicitly discusses liberation psychology. Liberation psychologists understand that the health of individuals and the health of communities, the health of those who suffer from oppression and those who inflict it categorizes, which sometimes overlap in our complex world are inextricably intertwined.

When we are complicit in the harm of others, whether we are aware of it or not, it undermines our own humanity, our own capacity to behold. This is because we can't truly be well until everyone else is well.

None of us are alive today created systems of an equality, but it is up to us to figure out how to change them. Practice and liberation requires us to embody in everything that we do the values we wish to see in the world. This requires us to practice accountability, treat others with dignity, and deal with conflict consciously.

Accountability has to do with taking responsibility for our words and actions when we cause harm, taking the steps necessary to repair the relationships involved, and changing our behavior so that we do better going forward.

I would also like to read a quote from Thích Nhat Hanh. He was a Buddhist activist, who was deeply involved with Martin Luther King, and deeply involved in Vietnam during the Vietnam movement. He was very -- a very big voice for peace and seeing the humanity in everyone involved.

He said, "Sometimes nonaction is violence. If you allow others to kill and destroy, although you're not doing anything, you are also implicit in that violence. So, violence can be an action or a nonaction."

And just to end off, I would also like to read off a few quotes from the Bible that I personally love. "Learn to do good, seek justice, correct oppression, bring justice to the fatherless and plead the widow's cause. He who justifies the wicked and he who condemns the righteous are both like an abomination to the Lord.

Open your mouth for those who are mute, for the rights of those who are destitute. Open your mouth, judge righteously. Defend the rights of the poor and the needy."

I will end this off with, to ask the Councilmembers to take a look in the mirror. What kind of person are you really? What are your values worth? Are they things you just say to convince -- are they things we just say to convince ourselves that we are good people? Or are we actually that person?

I know that nobody here could look at what's happening in Gaza and feel pride in that or think that that is okay. It is one thing to say you have certain morals and to really truly think that you believe them, and it is one thing to live them consciously. Thank you.

DONALD GREEN: My name is Donald Green. I'm a resident of Middletown. I am in total agreement with a lot of things that I'm hearing from this side of the room.

Of course, none of us are in favor of mutilation and killing of children. None of us are in favor of war. None of us want to see this go on any longer than it has to. And certainly, we're all in favor of, in the end, a ceasefire resolution.

But just to point out the State of Israel actually proposed a ceasefire resolution to the Palestinians at least six times that I'm aware of since the 1930's.

MAN 12: No, that's false.

DONALD GREEN: And -- not false. You can Google it.

And even more recently --

PRESIDENT J. MIGUEL RODRIGUES: And let's be respectful.

DONALD GREEN: You'll have your chance. And even more recently, again, they have been told publicly that the only solution that our enemies are looking for is destruction of the State of Israel.

There's none of us who would be in favor of a ceasefire if somebody was breaking into our home with the intent to murder us. That's why this is happening. On October 6th, there was no need for a ceasefire because there wasn't a war.

MAN 13: (Indiscernible) --

JEFF BERKMAN: I'm Jeff Berkman, lifelong resident of Middletown. Pardon my voice. I'm a little sore. The resolution calls for a ceasefire. I'm reading the newspaper and watching the news on TV, that Secretary of State Blinken is calling to (indiscernible) the negotiating countries Doha and Qatar.

And I hear that the American position for the ceasefire, and the Israeli position are the same. So, the reason why there's no ceasefire going on right now is because Hamas hasn't acted in favor of it.

I see in the narrative that I read earlier that it was intended to be welcoming and unifying. Well, from my perspective, the resolution doesn't do either. People -- I hope some of you are from Middletown, I hear people that have

Middletown connections.

But for some others that want to give advice to the City of Middletown, I would have preferred if it was more of our own.

The health territory -- the health authorities that we talk about, when one speaker mentioned the 40,000 deaths, well, in the first place, every single death of any innocent civilian, Palestinian, Israeli, anybody, it's a tragedy. But I look at the 40,000 tragedies that are reported, and I see that it's by local health officials. Local health officials means Hamas. There was an election I think 17 years ago, the one election that happened in Gaza, and they elected Hamas.

So, it's tragic, but that's part of the history of this. There's plenty of mistakes on everybody's side. But also, when Hamas gives out the figures about casualties, they freely admit that they're talking about not just civilians, but combatants as well. And there's literally thousands of combatants.

So, I'm not saying that it was insignificant. It's a tragedy, like I said. But it's -- who's telling us what information, and can we rely on it. I have doubts.

All right. Another kind of a war strategy of Hamas is to embed themselves in civilian centers -- hospitals, schools. Recently it was a different terrorist group. It was a soccer field that was hit, and children get hurt and killed. And what

happened?

But let's look at what happened -- I'll speed it up. Let's remember October 7th. I mean, that's what broke the ceasefire and brought this -- these people into war. And the hideousness of that attack is like unparalleled. I mean, just massive misery and hate.

I wish that -- and by the way, who was it perpetrated against? Mostly young adults that went to a peace concert, and a Kibbutz (indiscernible) -- agriculture collectives, for those that don't know what I'm saying.

Since my time is out, but I'd just like to ask a question. It -- because I think it depends on what you -- how you see your role as an alderman. Do you see it as someone that safeguards the safety of our streets and our water supply?

We have great recreational opportunities for our residents. In other words, helping your neighbor. Is that your prime work here? Or do you want to have a different zone, like this resolution kind of urges? And that is that you become scholars of international law.

I think it's kind of obvious that this is not the right jurisdiction of government for this resolution. I think that Congress is the more appropriate. And they didn't ask for my opinion as to where else, though I'd be happy to talk to people that would want to.

At any rate, thank you for your attention, and I prayed

-- I pray, and I hope many of you can join me, that Secretary Blinken gets the desired result of having a ceasefire, with hostages being released.

People forget about hostages. They intruded on the border; they killed 1,200 Israelis --

MAN 14: (Indiscernible) --

JEFF BERKMAN: And --

MAN 15: (Indiscernible) --

JEFF BERKMAN: I knew I'd get heckled at least at one point. But God bless America. Thank you for your attention.

AMANDA CRUMP: Hi, good evening, Councilmembers. My name is Amanda Crump, and I live in the Fourth Ward here in Middletown. I'm here to speak about the ceasefire resolution.

First of all, I would like to encourage or invite anyone to come up and say exactly what they think is wrong with the resolution if they have read it. I think it's pretty neutral and I think it's just like a really easy ask for a ceasefire and for peace.

But anyways, my partner Jason and I have been protesting on 211 for 11 weeks now. Since we have been protesting, we have built a community together that I am so proud to be a part of.

Two-thirds of U.S. voters across the political spectrum support a permanent ceasefire in Gaza. Today, I am asking that you represent your city's demand and pass our ceasefire

resolution.

We are choosing to target this specific genocide because our tax dollars are funding it. To my knowledge, we are not funding the oppression that is occurring in Sudan.

Middletown sends \$387,961 a year to funding Israel's weapons. I can name countless things that this money could go towards, but here are just a few examples. This money could pay for 46 households with public housing for a year, 134 children receiving free or low-cost healthcare, four elementary school teacher's salaries, 1,104 households with solar electricity produced for a year, and 10 students with their loan debt canceled.

I work as a domestic violence advocate for Fearless in Newburgh, and I can tell you how desperately our program and other social programs could use that money. The turnover for people in social work is outstanding because the wages are not livable. The general funding as well is very limited, and at times, we struggle to help our clients be financially sustainable, even though the situation they ended up in was because someone took full advantage of them and left them with nothing.

I call upon the Council to stand up for your community and make our voices be heard. This money should be going back into our community and not funding the countless bombs that have caused mass death and destruction as well as pollution. Please

think of your community.

I also would like to address the kind of verbal abuse that we have experienced while protesting. Many people have driven past us and said things like, kill them all, kill yourself, eff Palestine, shut the eff up, I hope you die, go get a job, which always strikes me as strange, because we protest on a Sunday and most people work a 9:00 to 5:00, regardless.

And people have called us slurs and names like, excuse my language, faggots, retards, losers, idiots. These are just a few examples. But the most common is just people who drive by and say eff you.

I as an American Jew have felt unsafe in my community protesting for Palestine, and so have the rest of my friends and fellow protestors. It is one thing to disagree and have a conversation, but it is another to sabotage and yell obscenities and personally hurt and discourage people who are just exercising their free speech.

I am fearful for the people that stand with Israel and the horrendous things that they have done. I am fearful because these same people have revealed their inner thoughts to us and shown that there is deep-seeded hate and violence in their hearts.

If you disagree with us, then it is either you're in denial and refuse to see the violence and destruction that has been circulating all of our social medias, or you have been lied

to that being anti-Zionist and anti-Semitic are the same, which they are not.

You may have been fed misinformation and do not know that the displacement of Palestinians and the killing of Palestinians has been going on since before the 1948 Nakba Massacre. There has not been a ceasefire. This has been ongoing.

Or you may genuinely somebody someone who is racist, who believes that the 2,000 lives lost by Israelis are more valuable than the 40,000 lives lost by Palestinians, and the countless homes, schools, workplaces, and stores that have been destroyed.

I also would like to reference the death count published by The Lancet, which includes some of the people that cannot be counted because they are buried beneath the rubble. And that number is 186,000. And this is just the count since October 2023. This is not counting the murders that have been occurring since long before that.

I have been told by people that I should just stop, that I cannot make a difference with my voice. I am here today asking that you be on the right side of history. I am asking that you recognize our voices and that you recognize the Palestinian people.

People in America are losing hope everywhere. This is the one big thing we can do to make a difference. I ask that you

allow us to make a difference. I ask that you prove to us that our voices matter, and that the Palestinian lives matter, and that you join us in standing up against injustice.

I also would quickly like to address Good Cause Eviction by sharing a quick example of what has happened to many --

PRESIDENT J. MIGUEL RODRIGUES: Your time is up; your time is up.

AMANDA CRUMP: Okay, thank you.

ANDREW HILLER: Hi, my name's Andrew Hiller. I live in Rosendale and was not planning to speak here tonight, actually. I do a lot of housing organizing in the mid-Hudson Valley and was here just to support all the (indiscernible) for the Good Cause conversation.

But it really just pains me to hear my fellow like, Jewish community spreading misinformation about the history of the conflict in Israel/Palestine, and really supporting -- or at least providing the smokescreen so a genocide can continue to happen.

So first, I'll just say please do pass Good Cause. There is a really terrible housing crisis, obviously in this community. I'm sure you're all aware of it. People are suffering from unfair evictions and rent increases. And it's really critical protection to keep this community safe for working class people and keep them in their homes.

Regarding Israel/Palestine, I urge you, please, to pass the ceasefire resolution. I'm the Jewish grandson of two Holocaust survivors. My mother was born in Bergen-Belsen as a displaced person. And to hear, you know, my community come up here and equivocate about whether 40,000 people have died or not is really, really upsetting to me.

Just for the record, you know, in every conflict up to October 7th, the civilian administration in Gaza has given a death toll. It's been proven to be accurate by the United Nations after the fact many, many times. And, if anything, it -- the 40,000 is a gross understatement of the actual numbers.

As Amanda was saying, a medical journal recently like, did an analysis that shows that people who are killed, not through direct causes like bombing, but through starvation, or not being able to get medical services, the number is much closer to 186,000.

I also have family living in Israel/Palestine. And it was extremely painful to watch the events of October 7th unfold. You know, it's like, pretty much impossible to hear details of what happened on that day and not think about my sister and her kids, my nieces, and nephews and all those horrible things happening to them.

But Judaism also teaches me that all human lives are precious. And so, the violent deaths of tens of thousands of Gazan civilians is no less painful to watch. And it's just

really horrifying that our government supports and funds the brutal collective punishment of over two million people.

We know that millions of Gazans have been cut off from food, water, and electricity. All 2.3 million Gazans are at crisis levels of food and security. Half a million are starving. Children who are lucky enough to not be killed by bombs are dying of malnutrition.

Every Gazan nearly has been displaced from their home multiple times. Scores of aid workers and journalists have been killed. 1.9 million Gazans have been displaced. And it's impossible to know how many civilians have been killed so far.

I'll just, you know, wrap by saying that I know you're hearing from lots of supporters of Israel right now, that Israel must be allowed to continue its campaign against Gaza for the safety of all Jews everywhere. The historical oppression of Jews is a tragedy, but it does not justify this atrocity. If anything, it teaches us that this atrocity must be stopped. And the fact that Israel carries it out in the name of Jewish people makes both Israelis and Jews around the world less safe, not more. Thank you.

PRESIDENT J. MIGUEL RODRIGUES: Okay, anyone else?

JOSEPH WILLIAM GARITO: Good evening, everybody. My name is Joseph William Garito. I'm a lifetime Middletown resident. I was born at Horton Hospital November 15th, 8:33 a.m. in the morning. You know I've been here.

I support these people. I support the people of Palestine. I support the safety of all Jews everywhere. I believe that this is the right thing to do. I didn't write nothing. The truth is that I've been involved in this cause for years, for a long time.

And I know a child, who he's not a kid anymore, and a lot of his family is dead. And I don't know what to do. Sometimes I feel like I gave them false hope because I met him like, 10 years ago. I was at a rally in New York, and I'm just - I'm, Christ, I'm too ashamed to even message him and see how he's doing.

You know, I had a lot of family issues and stuff come up, and I walked away from the cause for a little bit. And it just hurts me to see it all come down to this because I told him that things were going to be okay, and we were going to fight for this and make it happen.

And he can't even return home. He has family members; he don't even know if they're alive or dead. It's horrible. And I just -- I'm sorry. It's just -- you see damages. You know the story. You got these people, they're in a city and it's walled in. And what are they going to do? You know?

You could say that they elected their government, but you know, say if Russia takes over and drops bombs on America and blames us because we voted for Biden, oh, it's the Americans voted for Biden. It just sounds -- it's the silliest thing I've

ever heard. It just doesn't make any sense.

There's so many innocent people -- so many people are just in danger of famine, disease. And the ceasefire, it helps so everything can calm down and they could bring the aid in and help people. You can't say you're wiping out your enemy when you can't even distinguish who they are, and you're not even looking.

There's so many bombs going off, so -- it's -- they just sold \$18 billion worth of arms to Israel. And where are they dropping them? They can't even really explain it.

I just -- I can't let this cause go, and I keep seeing this kid's face. And it's just -- I don't know. I support everything that they're talking about. I want everyone to be safe. I believe that, you know, I don't know much about the Jewish faith. But Zionism, if you believe that is God has given you the land and it should be God. It shouldn't be American bombs. It shouldn't be walls. It shouldn't be cameras. It shouldn't be streets for Jews and that Arabs can't walk on. It shouldn't be guns pointed in people's faces. It shouldn't be checkpoints. It shouldn't be people missing in prisons for months. It's just -- it's too much.

And you know, I got a lot on me, you know, and I'm just letting it out, but I'm just trying to be real. It's too much. It's just -- it needs to be passed on a local level, so everyone knows. And we need to push it up. All right? Thank you very much. I'm sorry -- I didn't really have nothing written down,

but I want to say thank you to everybody. Okay?

PRESIDENT J. MIGUEL RODRIGUES: I'm going to stop you right there. You only get -- talk once.

WOMAN 4: Okay.

PRESIDENT J. MIGUEL RODRIGUES: You can't go up to the mic again.

WOMAN 4: Okay, (indiscernible) there's --

PRESIDENT J. MIGUEL RODRIGUES: Okay? Nope. You got -- we're up for the next one and that's it. Public comment. All right. Hearing none, mayor?

MAYOR JOSEPH M. DESTEFANO: Well, good evening once again. Just to -- Maria if you could fast-forward to the Randy McLean sign -- slide. You know, this is what America was about, where people can come to their -- to the public square.

Tonight, it's the Common Council room, and voice their opinions. Usually, we get local issues. Once in a while, we do have national issues and international issues that come up. And we all have our individual opinions. And -- but it's important that the voices be heard tonight on both sides.

I believe that there were some contradictions in some of the discussions from this side of the room. One, I heard that we should pass a resolution because everyone supports it in Middletown, yet the one young lady was saying about all the harassment that their group is getting when they're picketing on Sundays by numerous cars, the name-calling, and so on.

So, we have -- just in my own little world here in Middletown, and my office, you know, we have many individuals, we have many groups, they've contacted me on this issue over the last several months. It's obviously a very divisive issue. We all have opinions on national issues, international issues. And once in a while, as I said, this Council does chime in as a body. It's rare, but it does happen.

I believe that it's -- we all can agree that we would like to see the hostages freed. We would like to see a ceasefire put in place ASAP. We'd also like to see a permanent solution to the crisis in the Middle East.

But the comments this evening, or not all, but quite a few of the comments this evening, and the emails and the -- some of the demands on the resolution -- someone said, well, what in the resolution don't you like. Well, quite a bit of it. You're not talking -- you're not asking for a ceasefire. You're asking for more than a ceasefire. And you can read it yourself on your "therefore, be it resolves".

But the bigger question is, is what is our primary responsibility as municipal leaders? Is it to bring people together? Is it to listen to people when there are national issues or international issues are on -- going on, and give them that platform, give them the town square, give them the opportunity for them to convince their neighbors.

It's not up to me or, I don't believe, you, to tell

somebody how they should think about the Middle East crisis or any international issue. I can voice my opinion individually, and I do. But I don't need someone to come here and tell me that by not doing so, that we're doing something morally incorrect.

It's not my responsibility to talk to your kids. It's your responsibility to talk to your kids. That's like saying an athlete is the icon for your kids, and the -- you know, you want your kids to emulate certain athletes, but when their behavior goes wrong you sort of back off and say, hey, you know, it's the parents' responsibility, it's not the athlete's responsibility. It might be a bad analogy, but it's there.

But again, what is our responsibility as local elected officials? And my -- I view it as a bringing the community together, providing safety and security for our local residents, addressing the day-to-day operations of the city, addressing whether a neighborhood is having speeding problems, or their kids can't get into a summer youth program, or providing programs such as that.

This past week, this guy on the screen here, Randy McLean, he's a city employee, he's also a volunteer fire chief. And Randy, along with a couple of police officers saved a woman from a burning home this past week. Five people were injured, one died. When Randy, who lived around the corner, was there within one minute, as a volunteer, took the ladder off the truck, knocked down a fence with others, climbed up and rescued this

woman from a porch. He didn't know if she was a Jew, a Muslim, black, white at the time. He just knew there was somebody on the roof screaming that they needed to be rescued because of the fire.

That is part of our responsibility as local elected officials. I've had meetings with representatives of the Jewish Federation over the last several months, concerned about safety issues. I think you heard Mr. Blumenau talk about the conditions at the temple on Fridays and Saturdays, the need to have security. That's real fear. That's fear because we get notices about things that are going on in this country, and especially in cities, in large cities, where there are a -- where temples are present, and it raises a security concern for people who are going to temple.

So, we do listen to them, and we do try to address their concerns. But at the same time, last week, I met with a group of Muslim women, a Muslim women's organization, to discuss how we can help them with their mission.

They're a new group. They're forming to provide ESL training for the women in their community, to try to arrange meeting space, and other ways that they've said to us, or said to me and Maria I think was present with me, that -- how we as a community can help them accomplish their mission.

That is a role that we in local government can play. I didn't say because I don't like what's going on in Gaza, I have a

side in Gaza on either one of those two groups, that I don't want to listen to what you have to say, or that I'm going to pass a resolution opposing your point of view on something on an international basis. I sat down, I listened. And we're trying to work with both of those groups.

Our police department recently -- has retained Stevenson Monterey on a grant through Senator Skoufis' office. And his primary role is to coordinate services related to police activity for victims of crime, work with the Fearless program -- I heard the one young lady say that she works with Fearless -- for the domestic programs, domestic violence programs, through the PV -- PD, along with other programs to divert our youth from criminal activity. Those are local activities that we, as a City Council, need to address.

We also meet with the Soccer Club, which is mostly a ethnic group, primarily Latin American, and we also met with Youth Football, because they share fields. And over time, we try to get them to work together to coordinate schedules, so that both groups can enjoy some of the new physical activity -- new plans that we built, such as Wolslayer Field, so both groups of people can join them. But we didn't sit down and say, hey, most of these kids are not Middletown kids or weren't born here in Middletown, so therefore, we're not going to -- we're going to give priority to the football players.

I mean, it's -- we don't look at things that way. We

look at people as people. So those are some of the things that we in city, or especially small city government do. We're here to listen. We're here to give a forum to express your opinions. And you had a -- plenty of time tonight. The Council President was kind enough to go beyond the three minutes for I think every one of the speakers.

And while some of you, and may be very knowledgeable about foreign policy, some of us individually have some foreign policy background or follow the CNN, MSNBC, or Fox News, whatever your channel is of choice, and watch it diligently to learn about what's going on in the world. And many cities have passed resolutions that also promote misinformation about what happened on October 7th and since during this war in the Middle East.

I'm not here to debate the war in Middletown, New York. I believe we should stick to our mission as a Common Council, as a city government. We should keep meeting with local groups. And I would be more than happy to listen to more -- to what the -- both groups have to say on this issue, welcome them back to future Common Council meetings if they so choose because they are not only speaking to us, you're also speaking to kids. You're also speaking to families in the Greater Middletown area. And it's your job to sell your position. Because not everybody -- the 30,000 people in Middletown don't agree with you.

I don't know who they agree with because we don't have any polling data to say that, but -- and it's not even the issue

of polling. It's an individual choice of how you come down on this issue. It's not something that we in the City of Middletown can dictate to Washington.

So, sticking to our mission, bringing the community together, not to promote hate -- we do not promote hate. We try to bring people together. We don't support racist conspiracy theories. And our job is to protect our residents. And by doing all of those things, that's exactly what we do.

The place for action based on whatever side of this issue you are, you know, you are on is Washington, D.C. And you all have the opportunity to voice your opinions on this in November.

And just another point of factual clarification, the City of Middletown -- and I know what you're coming from, some analysis of maybe federal budgets that you have done about all the income taxes that are paid by Middletown residents, and a portion of it going to Washington.

But I want to clarify for those who are watching, the City of Middletown does not send money to Washington, D.C. for the purpose of buying weapons. We all pay individual taxes as property -- or not as property owners, but as employees or workers. And I think they came up with some kind of formula, and it could be accurate, may not be accurate, I don't know. But we don't send money to Washington, D.C. for the purpose of sending arms to Israel. We pay taxes for national defense, for Medicare,

Medicaid, all those good things. But so, we as a city, as a community did not send money to Washington.

So, talk to your kids. You've talked to us. If you'd like to come back and talk to us again, feel free to do so. There's an Interfaith Council in the City of Middletown. Feel free to contact them, speak to them also.

But I did notice that the majority of people who spoke in support of this resolution are not from Middletown. And I think all of us as individuals have heard from our constituents. If we're going to measure whether we're going to put forth a resolution as on an issue like this, I think I would need to hear more from the people in the City of Middletown than I would need to hear from someone from Rosendale or Chester or Beacon or any of these other communities.

The other thing that was said is that I don't believe that the group that dropped this resolution off has identified who they are, because everyone spoke the same tongue for basically -- so, it's obviously an organized event.

And because the same facts don't just get out there where everyone did the same calculation. And I know that there are groups out there that are conservative. There's also groups that are very liberal and leftist. Conservative, left, right, whatever you want to, do your politics. But I think it's important when you come up to a meeting, a public meeting, you identify who you are and speak truth. If you're going to want us

to give your words any credibility, I think you should have identified yourself as members of the Democratic Socialists of America, because that's some of the previous correspondences have done that. They have identified DSA.

Now I may be wrong, the DSA references in some of the literature might not be the Democratic Socialists of America. But I think it's important to come up here and say who you are, who you're representing, where your data came from.

There's obviously some statistical differences. There are factual differences because we have 186,000 dead, and then we have another person in the same group saying 40,000 dead. So, I just don't know where the information's coming from.

So, if it's coming from the DSA, and you'd like to send us more information and data on that, I'd be more than welcome to read it, and to engage in that on a personal level. But I think it's the wrong thing to do on a city level.

So that's my thoughts on that issue. I thought it was important for me to chime in, since the -- we had well over probably an hour and a half, an hour, and 45 minutes of -- or an hour and a half of conversation from the public.

And I really do appreciate everyone coming tonight and voicing their opinions. So, let's go back to the beginning here, Maria. And just to touch the Run 4 Downtown, you know, Randy and Dave and Anna Madden really have done such an outstanding job with this race, 18 years. And you know, Dave doesn't pat himself

on the back enough, but we really appreciate the efforts that were put in this year.

We had approximately 800 runners, as he said. The sponsors and the -- these are the main sponsors of the event. And this is all through the private donations to the Run 4 Downtown Committee. The Run 4 Downtown Committee takes this money that they make, and then they put it into projects in downtown. They have done the clock at Run 4 Downtown Park. They've contributed money to the pavilion, \$60,000, I believe, or \$65,000 to the pavilion at Erie Way. This year, they've given money for the veteran -- for the fireman's statue, Fireman Joe, that will be going back up, hopefully soon. And I think this year's project is some improvements in Thrall Park, in the Thrall Park area.

So, we need to thank them. We need to thank these businesses that are on the screen here. Those are the large sponsors. These are also businesses that participated. And thank all of the people who came and participated not only in the race, but in the post-race activities. So, thank you so much.

This is the Committee, Dave, and Anna, in the middle, and they do put a lot of time in, a lot of effort. And they don't get patted on the back enough, but they do it year-round. Dave said they're going to start soon. And they do a great job for our community and a lot of an awareness that comes in.

A lot of people that came in saw the activity that's

going on in the city. Some new businesses. One that I know specifically was considering coming into Middletown, into the downtown area, and it looks like after the Run 4 Downtown that they made their decision that they will be coming into downtown.

So, we're just waiting on some paperwork to go through on that. So, that has a positive effect all over the place for us in the city, so thank you Dave, Anna, and the Committee, and all the sponsors and volunteers.

I did talk about Randy a bit, but -- and just let me tell you what he did. The call came in at 5:23 a.m. And Randy was the -- or is the First Assistant Chief. Randy lives on Lake Avenue. The fire was on Napa Avenue, which is a block away.

He arrived on the scene within a minute. And Chief McLean radioed in that there was a working fire, and he transmitted for a second alarm to come for additional help.

Immediately after the radio transmission, Chief McLean again radioed in, notifying first responders that there was a report of an entrapment on the second floor. Chief McLean then ran back to the back of the house, where he saw the trapped female on the second-floor roof, and confined -- and confirmed the entrapment.

With the assistance of Middletown Police Officer Andrew Sciandra, Chief McLean immediately grabbed the ladder off of Engine 1. He knocked down -- the two of them knocked over a fence, placed the ladder, and Chief McLean then ascended to the -

- on the ladder and rescued the lady on the roof. He was able to escort the female down the stairs, or down the ladder to safety, and moments before the area was occupied -- that was occupying -- she occupied became engulfed in flames.

Lieutenant Harrier from the Middletown Police Department has confirmed the role of the officers, of Officer Sciandra, along with Officer Reyes and Officer Hurley.

So, I wanted to publicly acknowledge them and ask that the Common Council invite them to a future meeting with some kind of -- and we can give them some kind of accommodation for their heroic actions. So that would be at a future meeting for the Council President to set.

O&W. I know Jerry's going to ask about it, so I'm going to give it to you. You've seen the work that's been going on at O&W. This is all part of the phase one project. As you know, we were confident that we hired a company, CNS Engineers out of Syracuse, who are experts in this restoration of these buildings, working with historic tax credits, and all of the different potential funding sources.

What -- they initially could -- the building is in such horrible shape; the original analysis was done mostly with drones on the inside to determine the status of -- the condition of the building. We then appropriated -- I think this bid was \$1.8 million to do some shoring, restoration, a remediation of asbestos and other potential problems, and clearing away the

loose debris. So, we're in that process now.

At some point in the near future, I think within a couple weeks, we will then be at a stall time, because then the National Parks Service, along with the State Historic Preservation people will come in with our engineers, and they will be physically able to go into the building to see what needs to be saved, what -- and what can be saved and what can't be saved and make determinations on that.

The engineers will then come up with cost estimates. And that's when we all have to make a decision as a community, and as a community whether we want to continue to invest in this structure or whether it would have to be torn down.

Our hope is that we're going to be able to save this building. And at least it looks that way at this point. There are serious problems with it. You don't need to be an engineer to look at it and determine that we don't have serious problems. We do.

But we also have serious money coming in from other governmental sources, well over \$15 million in state and federal grants. Assemblywoman Gunther was able to secure the largest grant at this point, of \$4.1 million. And Senator Skoufis is trying to (indiscernible) with some buckos, too.

We're hoping and confident that the historic tax credits will be applied by the SHPO and the National Parks Service for the structure that brings in additional money to the

project. So, we're very confident we have a tenant that will take the entire building at a decent rent. So, it's a matter of getting this building fixed so it's habitable to certain standards, but it also at the same time, restored to its original status, which thus the historic tax credits.

Without the restoration of the building to the original structure, the historic tax credits are not available. So, for example, some have questioned the north end of the building, where they had the fire maybe 10, 15 years ago. That is a shell right now, no roof and is a shell. At this point, the National Parks Service has determined that that must be restored. And that adds a significant cost to the restoration of the project.

We're hoping though that when everything comes together now, when they're able to get into the building, evaluate the condition and to look at the -- what would be in the best interests of saving this building, they'll make the right determinations for our city and for the building and for the historical significance of retaining buildings such as this. So, we'll know after I think within a -- it's a 75-day process. I think SHPO, which is the State Historic Preservation, does the -- an evaluation and makes recommendations, and that goes on to the National Parks Service. And they have 45 days. It might be reversed. It might be Parks first and then SHPO. I'm not sure, but it's a total of 75 days.

So, before the winter, we'll know what we're doing with

this building, where we're going, and hopefully, and I'm still confident that we will be able to save the building. So that's where we're at with that (indiscernible).

The Dolson Town Quarter redevelopment, at our last meeting we had some residents, a few from Middletown, some from Waywayanda. We've also had calls from the Town of Waywayanda residents regarding the development along that Route 6 corridor and the Dolson Town corridor.

The first projects that came up on Dolson Town, there was a trash transfer station, along with some warehousing. We did hire a CDM Smith, who is our consultants on it to review the process.

You know, New York State is a home (indiscernible) state. So, we don't have a lot of say in whether a project is a good project for a community or a bad project for a community. Same as Waywayanda doesn't have a lot of say on what we like to see in our community. But there is a process. It's called SEQR, and we have the opportunity to comment, and we do.

So, at this point with the Dolson Town project, our consultant determined that it was not in the best interest of the city to pursue any action against Waywayanda, that they were doing things correctly. We might not have agreed with him, but they were doing things correctly. They did their generic environmental impact statement, and they were addressing the traffic and all of the issues that we were raising in our initial

responses to them.

Apparently now that there's a number of additional warehouses that are being proposed on Route 6, and we're waiting for our consultants to get back to us to see what they would recommend about updating this study now to include the Route 6 corridor.

I know, I did forward all of our information to the local advocates that were involved in this project in Waywayanda. They are organized and give them access to whatever information that we have, and we'll continue to monitor it.

But the advice from CDM Smith was that the city would spend in excess of \$250,000 in order to try to fight the Dolson Town projects, and our results would not be good. So, anyone with any common sense will say, we'll have to rely on the Waywayanda Planning Board and the Waywayanda Town Board to do the right thing. That's on Dolson Town. We'll look at Route 6 and continue to do so. And what's next? That's it.

So, any questions? Alderman Kleiner?

ALDERMAN GERALD P. KLEINER: Very quickly. Any update on the warehouse building of Playtogs (indiscernible) --

MAYOR JOSEPH M. DESTEFANO: No, that's a --

ALDERMAN GERALD P. KLEINER: Because I get asked that a lot.

MAYOR JOSEPH M. DESTEFANO: Yeah, yeah, they had a tenant. That's why they designed and built it. They -- you

know, they increased the ceiling height to 35-feet. They went through the Zoning Board of Appeals. They were granted the appeal.

I think it's a 16-bay distribution, not necessarily a huge warehouse like is being proposed, you know, 150 bays. But I guess they lost their tenant. But ironically, it is the same developer who is proposing all of the projects on Dolson Town and on Route 6, who owns that piece of the Playtogs project.

Playtogs, that building itself is zoned industrial. And it's zoned industrial for a reason, well, because of the railroad track that went behind it, and that there was talk about changing the zoning, but we do not want to add high density housing on that project. So, we decided collectively to leave it as a light industrial zoning.

So, if we do hear any news, we will certainly share it with you. But any user would have to go back to the Planning Board.

PRESIDENT J. MIGUEL RODRIGUES: Anyone else? Thank you, mayor.

MAYOR JOSEPH M. DESTEFANO: Thank you.

PRESIDENT J. MIGUEL RODRIGUES: (Indiscernible) the Department Heads, I'm going to call up the fire chief. I know there's a fire call, so he has to get out of here.

FIRE CHIEF ROBERT BRADY: Good evening, Council, President, and Council. As the Mayor said, and I don't want to

downplay it at all, speaking with Randy and the officers that day, you know, we went around about our business. After the rescues were made, there was three rescues. Being commander of that incident, and when you hear positive entrapment of six people living in a house, it's gut-wrenching. On my way there, I think I pulled up about 40 seconds behind Randy, but I'm a volunteer fireman in this city for 34 and a half years. The volume of fire was intense. Just look at the houses next door. Both of them sustained damage from the heat. Two officers made a rescue on the side of the house, and then Randy went to the rear.

And just as long as everyone understands, the ground ladder that he used is out of service because the whole top of it was damaged due to the fire. After he made the rescue, it was literally 20 to 30 seconds, and that whole back of the house was fully engulfed. So, the decision to jump or the decision, you know, to just sit was seconds.

So, the officer that attended with Randy, they did a phenomenal job, never -- I asked them afterwards, and neither of them, you know, wanted to take a break, because then the focus became on the deceased that was inside the building, and you know, we still had hope for the longest time. I mean, I think everyone on the scene knew, you know, what the outcome was going to be, but no one, until we left at 1:30 gave hope -- gave up hope.

So, but I thank the mayor for you know, recognizing the

efforts that were done.

You know, we had a third alarm back in the end of June on Hanford Street. Again, one person was taken to the hospital. The homeowner was taken to the hospital for injuries, non-life threatening, you know, thank God.

We've had very busy months where, you know, 115 in July, this month alone we're on the 20th, and we're at 80 calls already. You know, so you know, we are -- we're unfortunately in this business, we're getting busier, and that's something we don't want to see. But that's all I have.

PRESIDENT J. MIGUEL RODRIGUES: Any questions for the fire chief? Alderman Kleiner?

ALDERMAN GERALD P. KLEINER: Thank you. Has there been any determination to the cause of the fire?

FIRE CHIEF ROBERT BRADY: No, the fire's still under investigation.

ALDERMAN GERALD P. KLEINER: Okay, thank you.

FIRE CHIEF ROBERT BRADY: Once I get some kind of determination, I'll definitely share.

PRESIDENT J. MIGUEL RODRIGUES: All right, thank you, chief.

FIRE CHIEF ROBERT BRADY: Thank you.

PRESIDENT J. MIGUEL RODRIGUES: Economic Development?

MARIA: Good evening, everyone. I, too, want to share that this past weekend was epic. It started on Thursday night

with the "We are the Champions" Queen Tribute Concert. This was part of the whole weekend celebration with Run 4 Downtown. And we had about 700 people at that concert.

And then Friday night, we had a free outdoor concert as well downtown. And all this led up to the race on Saturday. And Dave and Anna are amazing. They started this 18 years ago, and it's just grown. And we're already looking forward to next year.

With that said, this weekend, we have a bunch of stuff also coming up. We have Thursday and Friday at John F. Degnan Square, outdoor summer concert. We rescheduled one of them for Thursday night from (indiscernible) now, circa 22 featuring Amy Smith.

And then Friday night, The Specs, both at 7:00 at Degnan Square Thursday and Friday. Then, Farmer's Market. Farmer's Market has been doing phenomenal as well. It's busy every weekend. Our SNAP and coupon program has been going well.

Also, Saturday night, the Parks Department along with the BID is -- has an outdoor movie, free outdoor movie showing Disney's Pixar "Cars". And this movie is sponsored by First Federal Savings Bank, the bank right next door. So, we thank them as well for their sponsorship and support. And that's all I have for tonight.

PRESIDENT J. MIGUEL RODRIGUES: Any questions for Maria? Alderman Kleiner?

ALDERMAN GERALD P. KLEINER: The -- we've been

listening -- it takes a village to get together that back-to-school community barbeque, but I haven't seen any place where it says where it is. So, you've said it's probably going to be in the back of Davidge Park, as usual? That's September 7th?

MARIA: Yeah, chief -- that's -- yeah, the chief could speak to that.

ALDERMAN GERALD P. KLEINER: Oh okay.

MARIA: Okay?

ALDERMAN GERALD P. KLEINER: Okay, very good.

MARIA: Yeah.

ALDERMAN GERALD P. KLEINER: Thank you.

MARIA: Yeah.

PRESIDENT J. MIGUEL RODRIGUES: Great. Anyone else?
Thank you, Maria. Police chief.

POLICE CHIEF JOHN EWANCIW: Good evening. Just to answer your question, it is going to be September 7th, Saturday, 1:00 to 9:00 at the rear of Davidge Park. Fliers have not gone out, to my knowledge yet. We're supposed to have a meeting today to discuss and finalize some of the details. And that had to be postponed due to some scheduling conflicts. But that should be going out soon. It's a collaboration between the city entities, the school district, and some of our private partners throughout the community.

I don't have much this evening. However, I do just want to highlight the message, what the mayor said, and Chief

Brady in regard to the fire on Friday. Coming to that scene, it was another great example of the entities of the City of Middletown, all the services coming together to work collectively together in unison to provide an amazing service to our community.

So, outstanding work by all their -- very proud of the men and women of the police department and the fire department. DPW was right there helping out as well, and some other people from the community came out. So, outstanding. Awful ending, but it was great to see everybody come together to work so hard for a common goal. Other than that, I have nothing, unless you have questions for me.

PRESIDENT J. MIGUEL RODRIGUES: Questions? Alderman Jean-Francois?

ALDERMAN JUDE A. JEAN-FRANCOIS: Chief, was there any children in the house?

POLICE CHIEF JOHN EWANCIW: To my knowledge, there was no children, young adults.

ALDERMAN JUDE A. JEAN-FRANCOIS: Okay.

PRESIDENT J. MIGUEL RODRIGUES: Alderman Kleiner?

ALDERMAN PAUL JOHNSON: I just wanted to -- oh --

PRESIDENT J. MIGUEL RODRIGUES: (indiscernible)
Alderman Johnson.

ALDERMAN PAUL JOHNSON: I'm Johnson, thanks.

PRESIDENT J. MIGUEL RODRIGUES: Well, he raised his

hand.

ALDERMAN PAUL JOHNSON: I would like to clarify, you said 1:00 to 9:00 for that event, for the It Takes a Village?

POLICE CHIEF JOHN EWANCIW: 1:00 to 5:00.

PRESIDENT J. MIGUEL RODRIGUES: Okay.

POLICE CHIEF JOHN EWANCIW: 1:00 to 5:00.

ALDERMAN PAUL JOHNSON: That would make more sense.

POLICE CHIEF JOHN EWANCIW: Yes, (indiscernible) by saying 1:00 to 9:00 -- 1:00 to 5:00.

PRESIDENT J. MIGUEL RODRIGUES: Okay. Go ahead, Alderman Kleiner.

ALDERMAN GERALD P. KLEINER: All right, I just wanted to ask, is there one resolution about extending the agreement with the Middletown, is it Pistol and Rifle Club or whatever for the police department. But just so people understand, because the agreement now goes through 2032, and you want to extend it to 2062, that my understanding is that's because of some bank loans and things that they have to have set for that amount of time. Is that correct?

POLICE CHIEF JOHN EWANCIW: Yes, so that agreement is for the Middletown Pistol and -- Association, which it's a unique situation that dates way back way before me. But the building is actually on city property, but the building itself was built by that association on an agreement between the city and the Association. I think it dates back into the early '70s.

They came to us about a year ago. I sat with the leadership there, with Alex Smith, and discussed the terms and the purpose behind their request. We actually met with their attorney as well.

Basically, they are looking to make improvements on the facility, which would require them to take out some type of loan. And the lending institution wasn't willing to give them the amount for the loan terms that they wanted with such a short amount of time left on their lease. That's why they came to us.

We went over the suggested improvements with them. We have no issue with them, and they still are going to have -- we will still, as a police department, have the ability to utilize it as we do today.

ALDERMAN GERALD P. KLEINER: Great, thank you.

POLICE CHIEF JOHN EWANCIW: Mm hmm.

PRESIDENT J. MIGUEL RODRIGUES: Okay, anyone else?
Thank you, chief.

POLICE CHIEF JOHN EWANCIW: Thank you.

PRESIDENT J. MIGUEL RODRIGUES: Okay. City Clerk?

CITY CLERK: Nothing this evening.

PRESIDENT J. MIGUEL RODRIGUES: Any questions for the City Clerk? All right. Petitions and complaints?

CITY CLERK: We have one petition this evening. That's a petition to remove no parking signs on Dubois Street.

PRESIDENT J. MIGUEL RODRIGUES: Forward to Committee.

Okay. Words from the Alderman. Alderman Green.

ALDERMAN ANDREW GREEN: All right, thank you. Mayor, what you stated regarding the resolution, regarding some of the facts and the misinformation, disinformation spread across, you know, news and things, I know my -- many of my constituents are actually here this evening, and I don't think any of them voted on me for my foreign policy.

I am certainly not in favor of killing children and innocent people across anywhere, whether it be here in Middletown or 5,000, you know, miles away. You know, this just popping up on my desk this evening, apparently it was dropped off this morning. You know, I couldn't in any good faith at all vote on anything like this this evening.

So, I do know that my, you know, when I went to bed last night, I was really concerned about how I was going to talk to some of my constituents to get them to agree on a sidewalk somewhere. I'm pretty sure that if they went to the United States Congress and tried to bring that in front of them, they would've laughed them out of the building. There are correct public places and political entities in this country to handle these that are a lot more qualified on the foreign policy than I am. So, I'll leave it to those much wiser than I am.

Other than that, we had a great constituents meeting. We do have one on the second Monday of every month. I look forward to hoping to see everyone here at 7:00 p.m. then.

And just you know, to speak on Randy and the officers. That you know, it's something that if you know Randy, he didn't think twice about it. His goal was to save someone's life, to do what he does for this city every day. And I couldn't be more proud of him and the officers, who, you know, don't necessarily have fire training or things like that, to just not even think about it and go and assist him, just well done by everyone, so thank you.

PRESIDENT J. MIGUEL RODRIGUES: Alderman Kleiner?

ALDERMAN GERALD P. KLEINER: Thank you. I also want to thank Randy and the police officers and the fire department. And we just -- we depend on them so much, and they're unbelievable in their response and what they're willing to do no matter when it happens. So, we really thank them for that.

And I congratulate people from the barber shop. I think that's a great idea, recognizing the businesses. I don't -- haven't given a barbershop any business in about 20 years, but I do recognize that a lot of people do, and I think it's great, and particularly the support they had and the people who were here.

So, I still get lots of positive comments about the work going on around town. You get a few, you can't get there from here, but everybody understands that it will be over, and everything is really looking good.

I do support Good Cause Eviction. And I would like to

see us work on having it in Committee and really get it tailored to Middletown in terms of what size and how it applies and see what we need to do with the state law to opt in, but I just certainly think it's a good idea.

I just want to mention, Nathan Hallock and Lewis Wisner and Thomas Collins. Nathan Hallock, during the Civil War, was a Middletown guy. He rescued an injured comrade, and at the risk of his own life, brought him to safety. And Lewis Wisner, I know got up on a beam and distracted enemy fire to rescue half of his company. Thomas Collins was able to capture a regimental flag from the enemy. That's no small task.

They're all Medal of Honor winners. And they're all buried in Hillside Cemetery. And we -- I still thank them for their valor and their self-sacrifice. It's not about people who got shot up so much or got killed, and so they're not important. They're very important. Thank you.

PRESIDENT J. MIGUEL RODRIGUES: Alderman Wray?

ALDERWOMAN KATE WRAY: Good evening. I have to echo Alderman Kleiner. I apologize. I'm -- I had -- I dropped my daughter off at college. I was in South Carolina. I did like a 12-hour drive yesterday. I'm -- I think I'm a little exhausted and dehydrated, but I'm feeling it right now and I think people can see that. But I'm a little bit kind of shot. But -- so, I apologize for that.

But you know, this meeting, our Common Council meeting

is for us to conduct city business. And it's -- I appreciate everyone's right to speak their feelings on a global issue. I have my own feelings about it.

You know, I used to work with a woman who had family who lived out in Gaza, and you know, an Israeli family had a fire, and all the Palestinian families, you know, helped them, and gave them furniture and clothes and care and food.

This is not an issue for the people. This is not about Jews disliking Palestinians. This is about a handful of people in power who don't understand what they're doing. It is a humanitarian issue, I agree with that, but it is not a City of Middletown business issue.

We have the right as Americans to effect policy. We do that with our vote, with who we vote to be our representatives in the Congress, in the Senate, and as our President. But this is not a forum to debate foreign policy.

You want to come in and speak to me about Good Cause Eviction, I'm all about it. I am a -- in full support of that because that is the type of thing that pulls the rug out from under families and puts people in crisis. That is what we are here to talk about. I'm here to talk about the safety of the people who live here in Middletown, and what we do and our role with the power to protect them and provide for them. So that's what I want to talk about in a meeting.

And I apologize and it is -- I absolutely -- you know,

someone spoke about terrorism. And you know what? We as a nation were a victim of terrorism. And we did not blanket destroy another country, another people, a race as a retaliation for that attack.

We did our homework. We did our work, and we did it the right way. And that is what should be happening, but that's a side issue.

Randy McLean, from our fire department, a true hero, as are all of our firefighters. And I'm really proud of him and I think we should all be really proud of him.

And that's really all I have to -- I'm sorry, I'm just kind of feeling it this evening. That's all I have.

PRESIDENT J. MIGUEL RODRIGUES: Alderman Johnson.

ALDERMAN PAUL JOHNSON: Thank you. Well, with respect to your comments, I would tend to agree. It's not our venue. Netanyahu appears to be being held -- I won't use the word hostage, but a small group in his cabinet that want him to go.

I don't know of any -- I'm not a foreign policy expert. Maybe some of you are. I don't know of anybody who loves Netanyahu or loves his policy, both internally or externally. The theory is, he wants to keep it going to stay in power because if he gets out of power, he'll go to jail. Does that sound familiar? No, okay.

So, not something I want to discuss in this context. You know, emergency calls are often evaluated by response time.

You can't get better than that, I mean, really. I live here, you live there, I heard the thing, I'm right there. So that's remarkable, and kudos to all.

With respect to Run 4 Downtown, I am never available on Saturday mornings from eight to one, which is when this event occurs, but I did go to the Paramount. And I know Ms. Bruni has spent, I think a decade trying to get this theater to be where we want it to be.

And the lighting, the sound, the energy, mayor, if somebody saw the events of Saturday and it clinched the deal to move their business here, I think if they were at the Paramount Thursday night, that also would've clinched the deal, so congratulations to all.

The O&W, I'm not an architect, nor an engineer, I think that's fairly obvious. I did manage to tour that building. I think it was three years ago. I went up to all three floors. Some people thought that was a foolish thing to do. It probably was.

So, I do not see the vision to transform it. And it makes me a little nervous when the mayor says, you know, we have to make this happen, otherwise we'll lose that particular form of funding. I just want to be clear, mayor, all of the restoration is how the outside of the building looks, right, not the inside?

MAYOR JOSEPH M. DESTEFANO: No, both.

ALDERMAN PAUL JOHNSON: There are things on the inside

of the building that must be restored?

MAYOR JOSEPH M. DESTEFANO: You mean the historic renovation?

ALDERMAN PAUL JOHNSON: Yes.

MAYOR JOSEPH M. DESTEFANO: Yeah, no, it's -- that's why SHPO and the National Parks will be coming down to see what on the interior --

ALDERMAN PAUL JOHNSON: Really?

MAYOR JOSEPH M. DESTEFANO: -- needs to be saved, too.

ALDERMAN PAUL JOHNSON: Wow.

MAYOR JOSEPH M. DESTEFANO: But it's -- the building's in bad shape, and you have been -- you've been the doom and gloomer. There's no question about it. But --

ALDERMAN PAUL JOHNSON: I'm still Johnson, just so you remember, right.

MAYOR JOSEPH M. DESTEFANO: But we -- as was explained at the start of the process, if we have to tear the building down, we're going to be spending millions of dollars. It's not a -- we spend \$120,000 to tear down a house. So, it's worth the -- the \$1.8 million or \$2 million that we have into it right now will go towards -- if we have to eventually demolish it --

ALDERMAN PAUL JOHNSON: Wow.

MAYOR JOSEPH M. DESTEFANO: -- it's not entirely money lost, because you're doing the remediation. But we're not going to be doom and gloom. We're going to keep moving. We have the

possibility of additional state historic funds going into the project.

We have the ability possibly of new market tax credits going into the project. So, we're going to put together a financial plan that will hopefully, over the period of 20 to 30 years, make sense, when you balance out the revenue that's coming in over that period of time, and the fact that you're not spending \$2, \$3, \$4 million to demolish a building.

We demolished one building at the Psych Center 13, 14 years ago, it was about a million and a half dollars. The building was already down. It was a fire damage (indiscernible). So just bringing that number forward.

So, we -- we're doing the right thing at this point, but we can't control the condition of the building at this point. And then, and also remember, there's a lot of people on social media is that we haven't controlled the building for all those years. Most of the years, the building has been privately owned.

ALDERMAN PAUL JOHNSON: Right.

MAYOR JOSEPH M. DESTEFANO: And so, but we would like to save it, and I think it's an iconic structure here in the city. It's symbolic of our city going backwards in the '60s and late '60s, '70s and early '80s. But it could also be a symbolic of what's happening in our downtown and throughout our city of restoration. So, we're going to keep the thumbs up and keep it moving.

ALDERMAN PAUL JOHNSON: Thank you. Your characterization is close to accurate. I really was not sure that this was a good way to go in the beginning when it was going to be one to tear it down and seven to fix it. And now we're up to 21. But at this point, I think the community is for the most part behind us, and I hope the project will prevail.

With respect to Good Cause, the next legislative meeting, we will address the parking conversation that was put off because I need four people -- Public Works, police chief, mayor, attorney, and that's what happened.

As far as Good Cause, that is on our Legislative Committee potential agenda, but we're still waiting for the administration to gather some of the wrong facts and figures as to alternatives at the state level versus what's being proposed as having been adopted by the other cities within our region.

So, it's not forgotten. It's just, it's not ripe on the vine, as they say in the trades. Thank you very much.

PRESIDENT J. MIGUEL RODRIGUES: Alderman Jean-Francois.

ALDERMAN JUDE A. JEAN-FRANCOIS: Yes, good evening. I have a message for the Commissioner of DPW. Our reservoir level is at 94 percent.

PRESIDENT J. MIGUEL RODRIGUES: (Indiscernible) --

ALDERMAN JUDE A. JEAN-FRANCOIS: We will have to thank mother nature for all this rain that we've been getting, so we're in good hands there.

And with respect to our -- I'd like to thank our community for their support and patience for the annual paving and milling project, that as of Monday, the project is all completed. And please, do not get confused with the traffic operations project. That's going to be going on for a while, weather permitted, probably another year or so. So, separate the two. But as of Monday, that project is all completed.

Congratulations to Fuzion Barber Shop, 20 years. It's been a long time. Alderman Kleiner, I got to tell you, I wish my hair could grow that long because a haircut is \$50. So, this is it.

Yes, as far as Good Cause, I'm all for it. And I'm looking for us to do something about that. I think it's well overdue, and we will. Thank you.

PRESIDENT J. MIGUEL RODRIGUES: Alderman Tobin.

ALDERMAN SPARROW TOBIN: Yeah, I mean, a lot of stuff tonight. So as far as Good Cause, I'm in favor of it.

As far as you know, the Gaza, the people that we've heard from that are from Middletown don't seem to be in agreement. I mean, we hear about well, other cities, like Newburgh's doing this, Poughkeepsie's doing this. But we're not those cities; we're Middletown. So, we do things our way. So, I think we've got to do what's in the best interest of our community and there doesn't seem to be agreement on this.

As far as the Run 4 Downtown, I'd like to thank Dave,

Anna, Maria, Rick, what an excellent job. I was out there passing out water. And there's tons of people. I couldn't imagine how many people signed up. I know it must've broke last year's records.

And everybody had a smile on their face. I mean, it was a tough race. We were on the uphill final leg of the race. And from, you know, little kids to seniors, everybody was out there, you know, doing their best. So, it was great to be a part of that. And I'd like to -- all the positive attention they bring to the city, it's so great.

Fuzion Barber Shop, 20 years, it's great to recognize their success and staying in the business and choosing to stay in Middletown, and in our downtown area. And I'd like to thank Chief McLean and the other officers for their bravery and their -- the quick response that saved people's lives. That can't be said enough.

And as for the farmer's market, we're lucky in the City of Middletown to have such access to fruits and vegetables, that we're lucky. Some areas in the United States, they only have dollar stores, where there's no fresh foods.

We have DA TANG, Garcia, Market Fresh all within walking distance of downtown. Then we have Shoprite on either side, so we're lucky to have a community where we have access to these, you know, fresh fruits and vegetables. So, and we have the Indian Farmer's Market just opened up, so it's definitely a

nice thing to have in the city is their farmer's market. Thank you.

PRESIDENT J. MIGUEL RODRIGUES: All right. At this time, we're going to take a brief two-minute break and then we'll come right back.

(Break)

PRESIDENT J. MIGUEL RODRIGUES: All right. We'll start back again with remarks of alderman. It's my turn now.

So, I first want to start off by condolence to the Vignola family. I served with Gene on the Police Commission for 10 years, and he served almost 15 years -- a veteran and a really dedicated person to the City of Middletown.

Randy, I called him that night, being a fireman for 24 years, I know the feeling. Call him, how you doing. After everything, 9:00 at night, and he said the same thing. He said, you know what was bothering me is I'm throwing a ladder over, and it was comical trying to jump over one fence and then the other fence, and the power line falls down.

And the power line falls over the police officers and lands on his gun belt, not thinking, they're just (indiscernible), they threw a garbage can to try to put the live line and pushed it away, and to get to that person. That's Middletown.

MAN 16: Plastic garbage can.

PRESIDENT J. MIGUEL RODRIGUES: Plastic garbage can.

Not a metal one. It was probably ours, the 95-gallon ones.

So, 21 years ago, I sat in front of Mr. Berkman's house, and he's the reason why I'm here today. He made me run for office. I hate politics. I still hate politics. Everybody knows I can't stand democrats or republicans, but we're here. And why am I here? Because of Middletown.

I became an alderman, and then the following year, I became finance chair, and then I pushed -- met with Eric. Eric's the reason why we have these cameras, and we have Wi-Fi, and we have the cable, you know, here. Why? Because I invite anybody to come here, regardless of what your opinion is, whatever you do, yes, come up here, speak. I'm not a fan of the clock. I like to let people talk, but we do try to get home to get to work tomorrow morning and be respectful to each other.

Seeing here, and being like almost like the referee, half the room, half the room, I -- we are Middletown. A couple of years ago the Iraqi War was going on. Again, my democrats and republicans in Congress passed the Iraqi War, we got to go and invade Iraq because of 9/11.

Mr. Kleiner brought up a thing to impeach George Bush. Like an idiot, I said yes, let's do it. To this day, when I knock on doors, I still get people saying, why did you do that. That wasn't about Middletown. That wasn't. And veterans say it all the time.

I still knock on doors. In March, our petitions are

due. We knock on doors. We see people. They still say, Miguel, you know you did a really bad thing in 2000-whatever. And I say, and you know what, we did it.

But I learned my lesson. Quality of life, garbage, water, sewer, recreation, police, that's what we're here for. That's our job. We are here also to talk to our elected officials in Albany and to talk to our Congressmen, our Senator and they hear us. We're invited.

I think Middletown has a great relationship with our congressmen and our elected officials who make the big decisions. So, it's a very, very long, lengthy -- I know we can work together, the Interfaith Council, everybody. I like to see people work together, not fight, and argue, and clap, and against each other and everything.

We -- nobody wants to see what's going on, not since October 7th or the years before that and the years to come. Everybody deserves to live, raise their family, and do the right thing, and have the quality of life.

Maybe you guys could reach across the aisle, talk to each other after the meeting, introduce yourselves. We're all here. My number's always on the website, available to over 30,000 people. If you want to have coffee, I'm available. We're listening.

But to come here and demand this from the Council, at the same day that we all got off our work and everything, I know

from experience it doesn't work. It's all about what we are here, what are the symbols behind us, and what we do for Middletown.

And now, let's go to new business.

CITY CLERK: Good evening. We have a resolution sponsored by Alderman Johnson, authorizing an agreement with Pets Alive for 2024.

PRESIDENT J. MIGUEL RODRIGUES: The resolution's sponsored by Alderman Johnson, seconded by Alderman Tobin. Any discussion? Roll.

CITY CLERK: Tobin.

ALDERMAN SPARROW TOBIN: Aye.

CITY CLERK: Jean-Francois.

ALDERMAN JUDE A. JEAN-FRANCOIS: Aye.

CITY CLERK: Johnson.

ALDERMAN PAUL JOHNSON: Aye.

CITY CLERK: Kleiner.

ALDERMAN GERALD P. KLEINER: Aye.

CITY CLERK: Green.

ALDERMAN ANDREW GREEN: Aye.

CITY CLERK: RODRIGUES.

PRESIDENT J. MIGUEL RODRIGUES: Aye.

CITY CLERK: Carries. Resolution sponsored by Alderman Green, accepting a \$950 donation for the summer book mobile from the Enlarged City School District of Middletown.

PRESIDENT J. MIGUEL RODRIGUES: Resolution sponsored by Alderman Green, seconded by Alderman Kleiner. Any discussion? Roll.

CITY CLERK: Tobin.

ALDERMAN SPARROW TOBIN: Aye.

CITY CLERK: Jean-Francois.

ALDERMAN JUDE A. JEAN-FRANCOIS: Aye.

CITY CLERK: Johnson.

ALDERMAN PAUL JOHNSON: Aye.

CITY CLERK: Kleiner.

ALDERMAN GERALD P. KLEINER: Aye.

CITY CLERK: Green.

ALDERMAN ANDREW GREEN: Aye.

CITY CLERK: President RODRIGUES.

PRESIDENT J. MIGUEL RODRIGUES: Aye.

CITY CLERK: Carries. Resolution sponsored by Alderman Kleiner, authorizing a transfer of \$5,270 for camp scholarships.

PRESIDENT J. MIGUEL RODRIGUES: Resolution sponsored by Alderman Kleiner, seconded by Alderman Johnson. Any discussion? Roll.

CITY CLERK: Tobin.

ALDERMAN SPARROW TOBIN: Aye.

CITY CLERK: Jean-Francois.

ALDERMAN JUDE A. JEAN-FRANCOIS: Aye.

CITY CLERK: Johnson.

ALDERMAN PAUL JOHNSON: Aye.

CITY CLERK: Kleiner.

ALDERMAN GERALD P. KLEINER: Aye.

CITY CLERK: Green.

ALDERMAN ANDREW GREEN: Aye.

CITY CLERK: President RODRIGUES.

PRESIDENT J. MIGUEL RODRIGUES: Aye.

CITY CLERK: It carries. A resolution sponsored by Alderman Johnson.

ALDERMAN PAUL JOHNSON: Yes.

CITY CLERK: Authorizing a -- the renewal of (indiscernible) with (indiscernible).

PRESIDENT J. MIGUEL RODRIGUES: Resolution sponsored by Alderman Johnson, seconded by Alderman Jean-Francois. Any discussion? Roll.

CITY CLERK: Tobin.

ALDERMAN SPARROW TOBIN: Aye.

CITY CLERK: Jean-Francois.

ALDERMAN JUDE A. JEAN-FRANCOIS: Aye.

CITY CLERK: Johnson?

ALDERMAN PAUL JOHNSON: Aye.

CITY CLERK: Kleiner.

ALDERMAN GERALD P. KLEINER: Aye.

CITY CLERK: Green.

ALDERMAN ANDREW GREEN: Aye.

CITY CLERK: President RODRIGUES.

PRESIDENT J. MIGUEL RODRIGUES: Aye.

CITY CLERK: Carries. Resolution sponsored by Alderman Jean-Francois, authorizing a budget transfer of \$10,000 from the fund balance for a speed dampening pilot program.

PRESIDENT J. MIGUEL RODRIGUES: Resolution sponsored by Alderman Jean-Francois, seconded by Alderman Green. Any discussion? Roll.

CITY CLERK: Tobin.

ALDERMAN SPARROW TOBIN: Aye.

CITY CLERK: Jean-Francois.

ALDERMAN JUDE A. JEAN-FRANCOIS: Aye.

CITY CLERK: Johnson.

ALDERMAN PAUL JOHNSON: Aye.

CITY CLERK: Kleiner.

ALDERMAN GERALD P. KLEINER: Aye.

CITY CLERK: Green.

ALDERMAN ANDREW GREEN: Aye.

CITY CLERK: President RODRIGUES.

PRESIDENT J. MIGUEL RODRIGUES: Aye.

CITY CLERK: Carries. Resolution sponsored by Alderman Johnson authorizing an agreement with the Middletown Pistol and Rifle Association.

PRESIDENT J. MIGUEL RODRIGUES: Resolution sponsored by Alderman Johnson, seconded by Alderman Green. Any discussion?

Roll.

CITY CLERK: Tobin.

ALDERMAN SPARROW TOBIN: Aye.

CITY CLERK: Jean-Francois.

ALDERMAN JUDE A. JEAN-FRANCOIS: Aye.

CITY CLERK: Johnson.

ALDERMAN PAUL JOHNSON: Aye.

CITY CLERK: Kleiner?

ALDERMAN GERALD P. KLEINER: Aye.

CITY CLERK: Green.

ALDERMAN ANDREW GREEN: Aye.

CITY CLERK: President RODRIGUES.

PRESIDENT J. MIGUEL RODRIGUES: Aye.

CITY CLERK: Carries. Resolution sponsored by Alderman Tobin authorizing a budget transfer of \$43,000 from within the Corporation Council Budget for litigation invoices.

PRESIDENT J. MIGUEL RODRIGUES: Resolution by Alderman Tobin, seconded by Alderman Johnson. Any discussion? Roll.

CITY CLERK: Tobin.

ALDERMAN SPARROW TOBIN: Aye.

CITY CLERK: Jean-Francois.

ALDERMAN JUDE A. JEAN-FRANCOIS: Aye.

CITY CLERK: Johnson.

ALDERMAN PAUL JOHNSON: Aye.

CITY CLERK: Kleiner.

ALDERMAN GERALD P. KLEINER: Aye.

CITY CLERK: Green.

ALDERMAN ANDREW GREEN: Aye.

CITY CLERK: President RODRIGUES.

PRESIDENT J. MIGUEL RODRIGUES: Aye.

CITY CLERK: Carries. Resolution sponsored by Alderman Johnson, authorizing the award of bids for surplus vehicles auctioned off through Auctions International.

PRESIDENT J. MIGUEL RODRIGUES: Resolution sponsored by Alderman Johnson, seconded by Alderman Jean-Francois. Any discussion? Roll.

CITY CLERK: Tobin?

ALDERMAN SPARROW TOBIN: Aye.

CITY CLERK: Jean-Francois.

ALDERMAN JUDE A. JEAN-FRANCOIS: Aye.

CITY CLERK: Johnson.

ALDERMAN PAUL JOHNSON: Aye.

CITY CLERK: Kleiner?

ALDERMAN GERALD P. KLEINER: Aye.

CITY CLERK: Green.

ALDERMAN ANDREW GREEN: Aye.

CITY CLERK: President RODRIGUES.

PRESIDENT J. MIGUEL RODRIGUES: Aye.

CITY CLERK: Carries. Resolution sponsored by Alderman Green, authorizing the appointment of a bankruptcy attorney.

PRESIDENT J. MIGUEL RODRIGUES: Resolution sponsored by Alderman Green, seconded by Alderman Johnson. Any discussion? Roll.

CITY CLERK: Tobin.

ALDERMAN SPARROW TOBIN: Aye.

CITY CLERK: Jean-Francois.

ALDERMAN JUDE A. JEAN-FRANCOIS: Aye.

CITY CLERK: Johnson.

ALDERMAN PAUL JOHNSON: Aye.

CITY CLERK: Kleiner.

ALDERMAN GERALD P. KLEINER: Aye.

CITY CLERK: Green.

ALDERMAN ANDREW GREEN: Aye.

CITY CLERK: President RODRIGUES.

PRESIDENT J. MIGUEL RODRIGUES: Aye.

CITY CLERK: Carries. Resolution sponsored by Alderman Johnson, authorizing the repeal of a handicapped parking spot in front of 26 Broach Street.

PRESIDENT J. MIGUEL RODRIGUES: Resolution sponsored by Alderman Johnson, seconded by Alderman Tobin. Any discussion? Roll.

CITY CLERK: Tobin.

ALDERMAN SPARROW TOBIN: Aye.

CITY CLERK: Jean-Francois.

ALDERMAN JUDE A. JEAN-FRANCOIS: Aye.

CITY CLERK: Johnson.

ALDERMAN PAUL JOHNSON: Aye.

CITY CLERK: Kleiner.

ALDERMAN GERALD P. KLEINER: Aye.

CITY CLERK: Green.

ALDERMAN ANDREW GREEN: Aye.

CITY CLERK: President RODRIGUES.

PRESIDENT J. MIGUEL RODRIGUES: Aye.

CITY CLERK: Carries. Resolution sponsored by Alderman Green, authorizing the extension of time of six months for two resolutions that in May 4th, 2021, 9821 and Resolution 9921 for the Presidential Heights Realty subdivision.

PRESIDENT J. MIGUEL RODRIGUES: Resolution sponsored by Alderman Green, seconded by Alderman Kleiner. Any discussion? Roll.

CITY CLERK: Tobin.

ALDERMAN SPARROW TOBIN: Aye.

CITY CLERK: Jean-Francois.

ALDERMAN JUDE A. JEAN-FRANCOIS: Aye.

CITY CLERK: Johnson.

ALDERMAN PAUL JOHNSON: Aye.

CITY CLERK: Kleiner.

ALDERMAN GERALD P. KLEINER: Aye.

CITY CLERK: Green.

ALDERMAN ANDREW GREEN: Aye.

CITY CLERK: President RODRIGUES.

PRESIDENT J. MIGUEL RODRIGUES: Aye.

CITY CLERK: That's it for new business, sir.

PRESIDENT J. MIGUEL RODRIGUES: Okay. Local laws,
nothing? Audit?

ALDERMAN PAUL JOHNSON: Mr. President, I move the
accounts be audited, the claims be adjusted, and the City
Treasurer be authorized to issue warrants with their payment.

PRESIDENT J. MIGUEL RODRIGUES: Resolution sponsored by
Alderman Johnson. Do I have a second? Alderman Tobin. Roll?

CITY CLERK: Tobin.

ALDERMAN SPARROW TOBIN: Aye.

CITY CLERK: Jean-Francois.

ALDERMAN JUDE A. JEAN-FRANCOIS: Aye.

CITY CLERK: Johnson.

ALDERMAN PAUL JOHNSON: Aye.

CITY CLERK: Kleiner.

ALDERMAN GERALD P. KLEINER: Aye.

CITY CLERK: Green.

ALDERMAN ANDREW GREEN: Aye.

CITY CLERK: President RODRIGUES.

PRESIDENT J. MIGUEL RODRIGUES: Aye.

CITY CLERK: Carries.

PRESIDENT J. MIGUEL RODRIGUES: Move for adjournment?

ALL: So moved.

C E R T I F I C A T I O N

I, Sonya Ledanski Hyde, certify that the foregoing transcript is
a true and accurate record of the proceedings.



—

Veritext Legal Solutions
330 Old Country Road
Suite 300
Mineola, NY 11501

Date: August 30, 2024



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

THE FOLLOWING WAS PRESENTED

By: Alderman Kleiner
Seconded by: Alderman Johnson
Date of Adoption: August 20, 2024
Index No: 157-24

I hereby certify that the attached is a true copy of a Resolution and/or Local Law adopted by the City of Middletown Common Council.

Richard P. McCormack
Clerk to the Common Council

Names	Ayes	Noes	Abstain	Absent
Ald. Tobin	X			
Ald. Jean-Francois	X			
Ald. Johnson	X			
Ald. Wray				X
Ald. Kleiner	X			
Ald. Green	X			
Ald. Witt				X
Ald. Masi				X
Pres. Rodrigues	X			
Total	6			3

I hereby approve the attached Resolution/Local Law.

Joseph M. DeStefano, Mayor
Date 8/21/24

Authorization to Transfer \$5,270.00 for Camp Scholarships

BE IT RESOLVED that the Common Council of the City of Middletown, NY, concurs with the Board of Estimate and Apportionment and authorizes the Treasurer to transfer \$ \$5,270.00 in the following manner to cover camp registrations.

FROM	TO	AMOUNT
A.2705.07 Camp Scholarships	A.2027 Day Camp Fees	\$5,270.00

Prepared by:
Raelynn Bertholf, Supt of Recreation and Parks

Attachments:

1.	2024 Camp Schlorship List
----	---------------------------

SCHOLARSHIPS

NAME	WEEK	AMOUNT
Cordero, Skyler	2&3	\$220.00
Diggs, Amari	1,2,3,4,5,6	\$780.00
Doolittle, Skyler	4	\$110.00
Estes, Noah	6	\$130.00
Faias, Sofia	5	\$110.00
Gonzalez, Jose	2,3	\$220.00
Jimenez, Lucas	1,2 +latch	\$300.00
Jimenez, Nelson	1,2 + latch	\$300.00
Jimenez, Thomas	1,2 + latch	\$300.00
Lopez, Camila	4	\$110.00
Lopez, Zuria	4	\$110.00
Nesbitt, MacKenzie and Zandaya	1,2,3,4,5,6 + latch	\$2,470.00
Santiago, Liam	2	\$110.00
TOTAL		\$5,270.00

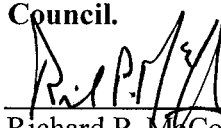


**CITY OF MIDDLETOWN, NEW YORK
COMMON COUNCIL
RECORD OF VOTE**

THE FOLLOWING WAS PRESENTED

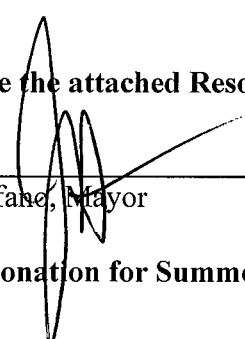
By: Alderman Green
Seconded by: Alderman Kleiner
Date of Adoption: August 20, 2024
Index No: 156-24

I hereby certify that the attached is a true copy of a Resolution and/or Local Law adopted by the City of Middletown Common Council.

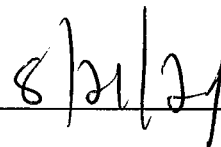

Richard P. McCormack
Clerk to the Common Council

Names	Ayes	Noes	Abstain	Absent
Ald. Tobin	X			
Ald. Jean-Francois	X			
Ald. Johnson	X			
Ald. Wray				X
Ald. Kleiner	X			
Ald. Green	X			
Ald. Witt				X
Ald. Masi				X
Pres. Rodrigues	X			
Total	6			3

I hereby approve the attached Resolution/Local Law.


Joseph M. DeStefano, Mayor

Date



Accept a \$950 Donation for Summer Bookmobile from the Enlarged City School District of Middletown

BE IT RESOLVED that the Common Council of the City of Middletown, NY, concurs with the Board of Estimate and Apportionment to accept a \$950 donation to the Summer Bookmobile from the Enlarged City School District of Middletown.

BE IT FURTHER RESOLVED that the Common Council of the City of Middletown, NY, concurs with the Board of Estimate and Apportionment and authorizes the Treasurer to deposit the donation into account A.2705.00 Gifts and Donations.

Prepared by:
Raelynn Bertholf, Supt of Recreation and Parks

Attachments:

1.	Bookmobile
----	------------

[illegible]

223 Wisner Ave. Extension
Middletown, NY 10940

Check Date	Check Number
07/17/2024	11712

Invoice/CM#	Description	Amount
4/1624	Summer Book Mobile Program	950.00

Vendor : 400650: Middletown Recreation & Parks

Check Total	950.00
-------------	--------

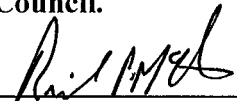


**CITY OF MIDDLETOWN, NEW YORK
COMMON COUNCIL
RECORD OF VOTE**

THE FOLLOWING WAS PRESENTED

By: Alderman Johnson
Seconded by: Alderman Tobin
Date of Adoption: August 20, 2024
Index No: 155-24

I hereby certify that the attached is a true copy of a Resolution and/or Local Law adopted by the City of Middletown Common Council.

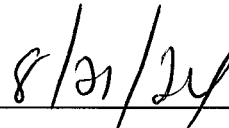

Richard P. McCormack
Clerk to the Common Council

Names	Ayes	Noes	Abstain	Absent
Ald. Tobin	X			
Ald. Jean-Francois	X			
Ald. Johnson	X			
Ald. Wray				X
Ald. Kleiner	X			
Ald. Green	X			
Ald. Witt				X
Ald. Masi				X
Pres. Rodrigues	X			
Total	6			3

I hereby approve the attached Resolution/Local Law.


Joseph M. DeStefano, Mayor

Date


8/21/24

Authorization to Enter into an Agreement with Pets Alive for 2024

BE IT RESOLVED; that the Common Council of the City of Middletown, NY, concurs with the Board of Estimate and Apportionment and authorizes an agreement with Pets Alive for the Stray/Feral TNR Program for 2024.

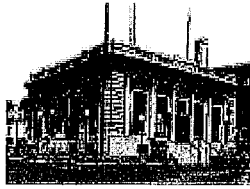
BE IT FURTHER RESOLVED; that the Common Council of the City of Middletown, NY, concurs with the Board of Estimate and Apportionment and authorizes the Mayor to sign the agreement.

Prepared by:
John Ewanciw, Chief of Police

Attachments:

1.	FEREL CAT PROGRAM PETS ALIVE
----	------------------------------

JOHN EWANCIW
CHIEF OF POLICE



TELEPHONE
845-343-3151
FAX NUMBER
845-343-2660

CITY OF MIDDLETOWN POLICE DEPARTMENT

2 JAMES STREET
MIDDLETOWN, NEW YORK 10940
ESTABLISHED 1888

July 30, 2024

Honorable Joseph M. DeStefano &
City of Middletown Common Council
16 James Street
Middletown, NY 10940

Dear Mayor DeStefano and Members of the Common Council:

Please find the attached contract with The City of Middletown and Pets Alive for 2024.

The attached contract is to cover the Stray/Feral TNR Program between both parties.

I am requesting the Mayor please sign and return to our department for forwarding.

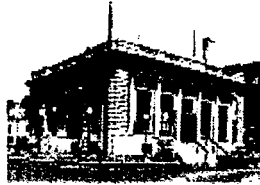
If you have any questions please do not hesitate to contact me.

Very truly yours,

John Ewanciw
Chief of Police

JE:ccd

JOHN EWANCIW
CHIEF OF POLICE



TELEPHONE
845-343-3151
FAX NUMBER
845-343-2660

CITY OF MIDDLETOWN POLICE DEPARTMENT
2 JAMES STREET
MIDDLETOWN, NEW YORK 10940
ESTABLISHED 1888

Stray/ Feral Cat TNR Program
2024

**Agreement between the City of Middletown and
Pets Alive**

AGREEMENT

THIS AGREEMENT made this 21 day of August, 2024 and ending December 31st, 2024, between the **City of Middletown**, a municipal corporation organized under the laws of the state of New York, located at 16 James Street, Middletown, New York 10940 ("City"), and **Pets Alive Inc.**, a charitable organization and corporation under the laws of the State of New York, located at 363 Derby Road, Middletown, New York, 10940.

WITNESSETH

WHEREAS, Pets Alive owns and operates a shelter for the care of dogs, cats, and other animals, as well as provides TNR services; and

WHEREAS, the City of Middletown desires to utilize the services of Pets Alive as set forth herein.

NOW, THEREFORE, in consideration of the mutual covenants, promises, and agreements contained herein, Pets Alive and the City of Middletown do hereby agree as follows:

Recovery Stations:

- The care for cats at the recovery area shall include but not limited to; feeding, cleaning, identify friendlies and report issues.
- Males recover overnight, females recover in two/three nights.
- Volunteers will be provided with supplies needed (gloves, cleaning products, food, litter, water bowls, litter pans, etc.) by the organization.
- Pets Alive may also use fosters for recovery stations for both kittens and adults as needed.

Issues & Solutions:

- If a feral cat is very late term pregnant, then the female will be housed or fostered in an isolated area until she has given birth and weaned her kittens. Once weaned, the kittens will be altered and adopted out. The mother cat will be spayed and returned.
- Friendly cats will be identified and adopted out as friendly indoor cats.
- All cats released back into the community will be ear tipped. Ear tipping advises that the cat has already been spayed or neutered.

Protocol For Sick Cats:

- Sick cats will be evaluated on a case-by-case basis.
- If a cat is seriously ill and the veterinarian feels the chances of survival are little to nothing, the cat will be humanely euthanized. The City of Middletown will cover up to \$100 which includes the \$45 TNR fee.

- If a cat needs medical attention before it is released back into the community, The City of Middletown will cover up to \$100 for medical expenses.

Volunteers and Staff:

- The TNR project will mainly be handled by volunteers and managed by TNR Coordinator, Debbie Pesola, under management of Pets Alive staff.
- Will verbally notify residents in the area approximately 2 days prior to trapping in each location (for resident's who usually allow their cats outside, will keep their animals inside during trapping days).
- Trapping will take place on Tuesday nights, and will be spayed/ neutered, vaccinated and ear tipped on Wednesdays at The Animal Rights Alliance (T.A.R.A).
- The ACO will assist Pets Alive with notifications in trapping areas as needed.
- Transport cats to and from the vet once trapped.
- Deliver cats to designated recovery areas after surgery.
- Pick up cats from the recovery area and return him/her to the original colony location.

TNR Coordinator and Pets Alive staff will:

- Schedule volunteers to trap, transport, care-give and other needs as identified.
- Interact with the public as needed.
- Track information such as number of cats, locations, number of inquiries, issues, etc.
- Train all volunteers on trapping and releasing.

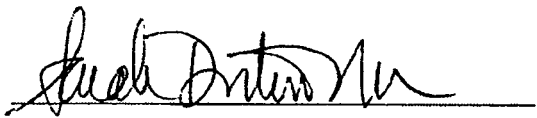
TNR Locations:

- The Middletown ACO will advise Pets Alive via email and or by phone of locations where trapping is needed on city owned property.
- The ACO will direct residents who are in need of TNR services on private property to the Pets Alive website and phone number.

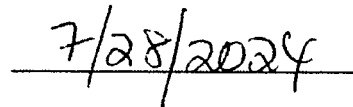
Reimbursement from the City of Middletown, New York:

- The City of Middletown will pay Pets Alive a fee of \$45 per cat for TNR services.
- The City of Middletown will notify Pets Alive when the yearly TNR budget is exhausted.

- Pets Alive will provide a monthly invoice to the City of Middletown ACO via email at Msmall@middletownpolice.com and to the confidential secretary at Cdugan@middletownpolice.com.
- Accompanied with each invoice shall be a description of each cat that was trapped along with its location and final disposition of each cat (re-released, adopted out, etc.).
- Any documentation provided by the veterinarian for each cat that was TNR'D should accompany the invoice as well.
- Pets Alive will submit a copy of certificate of liability insurance at the time of signing this contract.



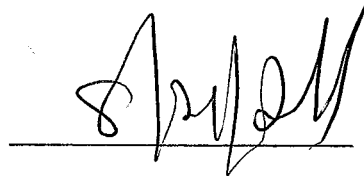
Pets Alive



Date



Joseph DeStefano, Mayor



Date

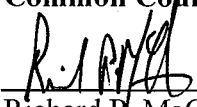


**CITY OF MIDDLETOWN, NEW YORK
COMMON COUNCIL
RECORD OF VOTE**

THE FOLLOWING WAS PRESENTED

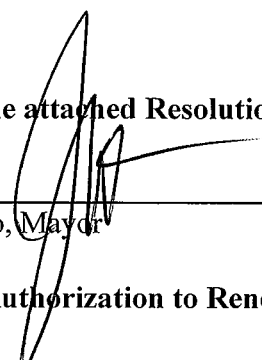
By: Alderwoman Wray
Seconded by: Alderman Jean-Francois
Date of Adoption: August 20, 2024
Index No: 158-24

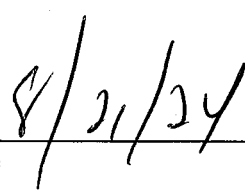
I hereby certify that the attached is a true copy of a Resolution and/or Local Law adopted by the City of Middletown Common Council.


Richard P. McCormack
Clerk to the Common Council

Names	Ayes	Noes	Abstain	Absent
Ald. Tobin	X			
Ald. Jean-Francois	X			
Ald. Johnson	X			
Ald. Wray				X
Ald. Kleiner	X			
Ald. Green	X			
Ald. Witt				X
Ald. Masi				X
Pres. Rodrigues	X			
Total	6			3

I hereby approve the attached Resolution/Local Law.


Joseph M. DeStefano, Mayor


Date

Authorization to Renew an Agreement with Permittium

BE IT RESOLVED; that the Common Council of the City of Middletown, NY, concurs with the Board of Estimate and Apportionment and authorizes a renewal agreement with Permittium to continue as the online request platform for vital records.

BE IT FURTHER RESOLVED; that the Common Council of the City of Middletown, NY, concurs with the Board of Estimate and Apportionment and authorizes the Mayor to sign the agreement.

Prepared by:
Rick McCormack, City Clerk

Attachments:

1.	Middletown City Clerk NY 2024 Permitium Renewal
----	---



Order Form

Customer Information:

Agency Name ("Customer"):	City of Middletown City Clerk
Customer Address:	16 James Street, Middletown, NY 10940
Primary Contact Name:	Rick McCormack
Primary Contact Email Address:	rmccormack@middletown-ny.com
Primary Contact Phone:	845-346-4166
Invoicing Contact Name:	
Invoicing Email Address:	

Order Form Information:

Prepared By:	Jeana Tavano
Order Form Creation Date:	5/28/2024
Order Form Expiration Date:	
Subscription Services Invoicing Frequency:	Annual upfront
Professional Services Invoicing Frequency:	All applicable fees invoiced on the first invoice issued pursuant to the Effective Date on this Order Form
Payment Terms:	Net 30
Payment Mechanism:	Invoice

Subscription Services and Subscription Fees:

Name of Service	Term Start Date	Term End Date	Line Item Annual Price
None			\$0.00
TOTAL SUBSCRIPTION FEES:			\$0.00

Transaction Services:

Name of Service	Term Start Date	Term End Date	Service Fee per Transaction ⁽¹⁾	Customer Revenue Share from Service Fee ⁽²⁾	Monthly Minimum Commitment ⁽³⁾
VitalDirector	9/1/2024	8/31/2025	\$5.00	\$0.00	\$0.00
TOTAL ANNUAL MINIMUM COMMITMENT FEES:					\$0.00



- (1): Service Fee is charged to consumer (record requester or applicant); there is no charge to the Customer (agency) with the exception of applications or orders where the Customer elects not to pass the Service Fee on to the consumer and instead covers the Service Fee cost.
- (2): If Customer elects to participate in a revenue share from the Service Fee, then the agency's revenue share will be deducted from the total Service Fee. For example, if the Service Fee is \$7.00 per transaction, and the Customer's revenue share is \$2.00, then the Customer will receive \$2.00 from the \$7.00 Service Fee for each transaction.
- (3): If less than the month monthly minimum commitment is collected by Permitium through the collection of service fees (less any applicable revenue share amount collected on behalf of the Customer), then the monthly minimum commitment shortfall will be deducted from the remittance of Customer's monthly funds balance.

Professional Services:

Additional details relating to the scope of Professional Services have been included in the Statement of Work attached as Appendix B.

Professional Services (subject to the attached Statement of Work)	List Price	Discount %	Total Professional Services Fees
None			\$0.00

TOTAL SUBSCRIPTION AND PROFESSIONAL SERVICES FEES PAYABLE BY CUSTOMER:	\$0.00
---	--------

Additional terms and conditions related to this Order Form (the "Order Form Terms") are set forth in Appendix A.

By signing this Order Form, I represent and warrant that the information provided is true and accurate, and I am authorized to sign on behalf of Customer and bind Customer to the terms and conditions of this Order Form, including the Order Form Terms and any documents attached to the Order Form or otherwise incorporated by reference. This Order Form is effective as of the earlier of the date of signature below or the first service term start date (the "Effective Date").

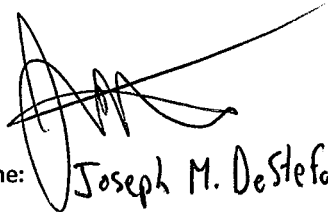
Customer

Signature:

Printed Name:

Title:

Date:


Joseph M. DeStefano

Permitium

Signature:

Printed Name:

Title:

Date:

Signature:

Printed Name:

Title:

Date:



Appendix A – Order Form Terms

ORDER TERMS

Upon execution of this Order Form, Customer (as identified above in Customer Name) and Permitium, LLC ("Permitium") will be parties to a legally binding contract consisting of:

- 1) This Order Form
- 2) The User License Agreement dated September 7, 2022, between Permitium and Customer [attached to this Order Form as Appendix B]

(collectively, the "Agreement").

The parties agree as follows:

- A. Customer agrees to pay the Total Fees Payable in accordance with the Invoicing Frequency and Payment Terms indicated above for the use of the services. Invoices will be sent by electronic delivery unless Customer requests otherwise; in which case, additional fees will apply. Customer's obligations may not be canceled prior to expiration of the Term End Date.
- B. Credit card processing fees at the rate of \$0.30 per transaction plus 3.3% of the transaction total are passed through to the consumer (record requester or applicant) by Permitium along with a \$0.75 VitalVerify fee, when applicable.
- C. The provisions of this Agreement constitute the entire agreement between the parties regarding the subject matter hereof and supersede all proposals, prior agreements, oral or written, and all other communications with respect thereto. No terms and conditions on any purchase order or other document exchanged by the parties will be deemed to modify or amend this Agreement.
- D. This Agreement shall be automatically renewed for successive one (1) year terms unless either party provides the other party with at least sixty (60) days written notice prior to the end of the Term End Date listed on this Order Form.
- E. In the event of any inconsistency or conflict between this Order Form and the User License Agreement, this Order Form will take precedence and prevail.
- F. All capitalized terms used in this Order Form, but not defined, shall have the meanings provided in the User License Agreement.
- G. The terms of this Order are Permitium Confidential Information.
- H. Terms described in the Additional Terms section below will, to the extent in conflict, override terms in the Order Terms and/or the User License Agreement.

ADDITIONAL TERMS

None.



Appendix B – User License Agreement Dated September 7, 2022

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

THE FOLLOWING WAS PRESENTED

By Ald. Johnson

Sec'd by Ald. Ramkissoon

Date of Adoption 09.06.22

Index No: 204-22

NAMES	AYES	NOES	ABSTAIN	ABSENT
Ald. Tobin	X			
Ald. Jean-Francois	X			
Ald. Johnson	X			
Ald. Ramkissoon	X			
Ald. Kleiner	X			
Ald. Green	X			
Ald. Witt	X			
Ald. Masi	X			
Pres. Rodrigues				X
TOTAL	8			1

**Resolution Authorizing An Agreement With Permitium To Provide An Online Application
For Vital Records Requests**

RESOLVED; that the Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment and authorizes an agreement with Permitium to provide an online application for Vital Records Requests. There is no cost to the City.

Permitium will provide the residents with a secure, online application platform to request Birth, Death and marriage certificates. Customers will be able to request and pay for certificates online.

RESOLVED; that the Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment and authorizes the Mayor to sign the attached contract.

USER LICENSE AGREEMENT FOR AN ONLINE VITAL RECORDS REQUEST APPLICATION

This user license agreement for an online vital records request application (the "User License Agreement") is made and entered into this 7 day of September, by and between the City of Middletown City Clerk (the "Customer") and Permitium, LLC ("Permitium"), a corporation in good standing authorized to do business in the State of North Carolina with its principal place of business at 10617 Southern Loop Blvd. Pineville, NC 28134.

For and in consideration of the mutual promises set forth in the User License Agreement, the adequacy of which is hereby expressly acknowledged, the parties do mutually agree as follows:

- 1. Basic Obligations of Permitium.** Permitium hereby agrees to provide the services described in the attached Statement of Work (attached hereto as Exhibit 1) in accordance with the terms and conditions of this User License Agreement as requested in writing by the Customer.
- 2. Basic Obligations of the Customer.** For any services requested in writing by the Customer, the Customer agrees to compensate Permitium at the rates set forth in the attached Statement of Work (Exhibit 1).
- 3. Term.** Contract will be effective from [REDACTED] through [REDACTED]. This Agreement shall be automatically renewed for successive one (1) year terms unless either Party provides the other Party with sixty (60) days prior written notice to the end of the Initial Term or the Renewal Term.
- 4. Fee Collection and Payment.** Permitium will collect online payments and agrees to deliver the Customer a monthly statement by the 25th of each month which will be itemized for every transaction submitted the previous month along with a check or ACH for the total amount collected less credit card fees listed on Exhibit 1.
- 5. Termination for Cause.** At any time after 30 days of the software deployment, the Customer may terminate this User License Agreement immediately and without prior notice if Permitium is unable to meet goals and timetables or if the Customer is dissatisfied with the quality of services provided.
- 6. Insurance.** Permitium agrees to maintain a minimum of \$6,000,000 in general liability, \$5,000,000 in cyber liability, and other appropriate insurance, as well as Workers Compensation in the required statutory amount, for all employees participating in the provision of services under this User License Agreement. Certificates of such insurance shall be furnished by the Permitium to the Customer and shall contain the provision that the Customer is given ten (10) days' written notice of any intent to cancel or terminate by either the Permitium or the insuring company. Failure to furnish such insurance certificates or maintain such insurance shall be deemed a material breach and grounds for immediate termination of this User License Agreement. All Permitium liabilities as

defined within this User License Agreement will be capped at the greater of the compensation received by Permitium, or the above stated insurance liability policy limits.

7. **Taxes.** Permitium shall pay all federal, state and FICA taxes for all of its employees participating in the provision of services under this User License Agreement.
8. **Monitoring and Auditing.** Permitium shall cooperate with the Customer, or with any other person or agency acting at the direction of the Customer, in their efforts to monitor, audit, or investigate activities related to this User License Agreement. Permitium shall provide any auditors retained by the Customer with access to any records and files related to the provision of services under this User License Agreement upon reasonable notice. The Customer agrees that its auditors will maintain the confidentiality of any trade secrets of Permitium that may be accessed during an audit conducted under this User License Agreement.
9. **Confidentiality Information.** Permitium agrees that all records, data, personnel records, and/or other confidential information that come within Permitium's possession in the course of providing services to the Customer under this User License Agreement (hereinafter, "Confidential Information") shall be subject to the confidentiality and disclosure provisions of all applicable federal and state statutes and regulations, as well as any relevant policies of the Customer. All data and/or records provided by the Customer to Permitium shall be presumed to be Confidential Information subject to the terms of this section unless the Customer specifically indicates in writing that the requirements of this section do not apply to a particular document or group of documents.

Permitium agrees to receive and hold Confidential Information, whether transmitted orally, in writing or in any other form, and whether prepared by a party or its Representatives, in strict confidence, and to use the Confidential Information solely for the purpose of facilitating Customer's use of Permitium's products and services. Except as essential to Permitium's obligations to Customer, Permitium shall not copy any of the Confidential Information, nor shall Permitium remove any Confidential Information or proprietary property or documents from Customer premises without written authorization of the Customer. Permitium acknowledges its understanding that any unauthorized disclosure of Confidential Information may result in penalties and other damages.

10. **Security.** Permitium represents and warrants that all documents and information provided to Permitium by or behalf of the Customer, including but not limited to Confidential Records, shall be stored and maintained by Permitium with the utmost care and in conformity with standards generally accepted in Permitium's industry for the types of records being stored and maintained. Permitium further represents and warrants that any online access to the Customer's records authorized persons pursuant to this User License Agreement shall be safe, secure, and password-protected and provided with the utmost care and in conformity with standards generally accepted in Permitium's industry for the types of records being stored and maintained, and that no person shall be

permitted to obtain unauthorized access to any of the Customer's records. Without limiting the foregoing, Permitium specifically warrants that:

- 10.1. All servers, computers, and computer equipment used to provide services pursuant to this User License Agreement shall be maintained in good working order in compliance with generally accepted industry standards in light of the confidential nature of the documents in question and shall be located in a safe, controlled, and environmentally stable environment (including moisture and temperature controls) and adequately protected against fires, hurricanes, flooding, or similar occurrences;
 - 10.2. Facilities where services are provided shall be secure and access shall be limited to employees trained in security protocols with a legitimate business need to access such facilities (with access removed immediately upon termination of employment) and shall be protected from unauthorized access by commercially reasonable security systems;
 - 10.3. All websites, FTPs, and any other online electronic system used to provide services pursuant to this User License Agreement shall be protected from security breaches by commercially reasonable firewalls and other intrusion detections systems and antivirus software, which shall be kept updated at all times. Access shall be limited to those agents and employees of Permitium assigned to the project and any individuals identified in writing by the Customer or Customer's Designee as authorized to obtain access.
 - 10.4. Permitium have technical controls in place that ensure the security, availability and confidentiality of Customer data.
 - 10.5. All information provided to Permitium pursuant to this User License Agreement shall be encrypted while in transit over an open network.
11. **Standard of Care.** Notwithstanding anything in this User License Agreement to the contrary, Permitium represents and warrants that the services provided by Permitium shall be performed by qualified and skilled individuals in a timely and professional manner with the utmost care and in conformity with standards generally accepted in Permitium's industry for the types of services and records governed by this User License Agreement.
12. **Indemnification.** Permitium shall indemnify the Customer, its agents, and employees, from and against all damages directly arising out of Permitium's breach of this Agreement. This provision shall survive the expiration or termination of this Agreement and remain in full force and effect after such expiration or termination. Notwithstanding the foregoing Permitium's maximum indemnification will be limited to the amount of insurance set forth within section 6.

Customer shall indemnify Permitium, its agents, and employees from and against all damages directly arising out of Customer's breach of this Agreement. This provision shall survive the expiration or termination of this Agreement and remain in full force and effect after such expiration or termination.

- 13. Relationship of Parties.** Permitium shall be an independent contractor of the Customer, and nothing herein shall be construed as creating a partnership or joint venture; nor shall any employee of Permitium be construed as an employee, agent or principal of the Customer.
- 14. Compliance with Applicable Laws.** Permitium shall comply with all applicable laws and regulations in providing services under this User License Agreement. Without limiting the foregoing, Permitium specifically represents that it is aware of and in compliance with the Immigration Reform and Control Act and that it will collect properly verified I-9 forms from each employee providing services under this User License Agreement. Permitium shall not employ any individuals to provide services to the Customer who are not authorized by federal law to work in the United States.
- 15. Applicable Customer Policies.** Permitium specifically acknowledges that it will comply with all applicable Customer policies, all of which are publicly available on the Customer's website.
- 16. Assignment.** Neither party may transfer, assign, or delegate any rights, duties, interest, or obligations under this Contract to any other person or entity without the other party's prior written consent. Notwithstanding the foregoing, Permitium may (without the Customer's consent) assign this agreement and all of its rights, duties, interests and obligations hereunder to any entity into which it merges, has a change in control representing a conveyance of more than 50% of its ownership interests, or to which it sells all or substantially all of its assets. Permitium agrees to notify the Customer within 10 business days of any assignment.
- 17. User License Agreement Modifications.** This User License Agreement may be amended only by written amendments duly executed by and between the Customer and Permitium.
- 18. New York.** New York law will govern the interpretation and construction of the User License Agreement. Any litigation arising out of this User License Agreement shall be filed, if at all, in a court or administrative tribunal located in the State of New York.
- 19. Entire Agreement.** This User License Agreement constitutes and expresses the entire agreement and understanding between the parties concerning the subject matter of this User License Agreement and supersedes all prior and contemporaneous discussions, promises, representations, agreements and understandings relative to the subject matter of this User License Agreement.
- 20. Severability.** If any provision of this User License Agreement shall be declared invalid or unenforceable, the remainder of the User License Agreement shall continue in full force and effect.
- 21. Notices.** Any notice or other communication provided for herein as given to a party

hereto shall be in writing, shall refer to this Agreement by parties and date, and shall be delivered by registered mail, return receipt required, postage prepaid to the person listed below or his successor.

If to: Permitium
Permitium, LLC
10617 Southern Loop Blvd.
Pineville, NC 28134
Attn: Matt Solomon

If to Customer:
City of Middletown
Attn: Vital Statistics
16 James Street
Middletown, NY 10940

- 22. Cooperative Procurement.** As additional consideration for this User License Agreement, and pursuant to state and local laws and procurement rules, Permitium agrees to extend an option to purchase products or services covered under this contract at the same prices, and under the same terms and conditions, to other contracting agencies.

Any such purchases shall be between Permitium and the participating agency and shall not impact Permitium's obligations to the Customer under this User License Agreement. Each contracting agency shall execute its own contract with Permitium. Any estimated purchase volumes or user counts listed herein do not include other public agencies and the Customer makes no guarantee as to their participation.

- 23. Authority of Signatories.** The persons executing this User License Agreement hereby represent and warrant that they have full authority and representative capacity to execute the User License Agreement in the capacities indicated below and this User License Agreement constitutes the binding obligation of the parties on whose behalf they signed.

IN WITNESS WHEREOF, the parties have hereunto set their hands and seals the day and year indicated above.

City of Middletown ^{MAYOR} ~~City Clerk~~

PERMITIUM, LLC

Signed:

Name:

Title:

Date:


Joseph M. DeStefano
MAYOR
9-7-22

Signed:

Name:

Title:

Date:

STATEMENT OF WORK – EXHIBIT 1

Project Scope

Permitium's Project Commitment

- Implement VitalDirector solution, including hospital application if applicable, configured based on VitalDirector's standard options and with input from received from customer team for the implementation
- Up to three virtual recorded training sessions to include:
 - VitalDirector
 - New Mother Hospital Application
 - Walk-in kiosk mode/QR code redirect
- Create QR Code Flyers
 - Hospital Application
 - Lobby flyer
 - K12/School flyer
 - Other agreed upon flyers i.e., DMV
- Create Press Release Template and other agreed upon social media content
- Go live support
- Provide ongoing hosting and support of VitalDirector

Customer's Project Commitment

- Complete user training for customer staff, with each trained user thereby both contributing to the VitalDirector UAT process as well as demonstrating personal proficiency with the application's final configuration. Each trained user will be expected to process at least 5 'test' orders by transaction type (i.e., processing birth, death and marriage certificates, if applicable) prior to VitalDirector go live
- Customer to place live VitalDirector site links throughout their agency website, with clear instructions directing public usage of VitalDirector as the preferred/recommended method for submitting vital record applications
- Replace and redirect all PDF application forms from customer website within 7 days of VitalDirector go live
- Implement in-office "kiosk mode" processing workflow upon VitalDirector go live, with customer office staff then directing 100% of in-person applications to utilize VitalDirector site from citizens' personal devices or customer-provided IT equipment
- Have local hospitals distribute hospital app QR code flyer to patients within 2 weeks of VitalDirector go live

Implementation Plan

The implementation of the VitalDirector system will follow the phases as outlined below. The phases of this process can run concurrently with the specific project tasks, timelines, and responsible parties to be defined upon the start of the project. The typical implementation timeline is 45 days from the project kick-off and can vary based on configuration requirements, training needs, and the overall number of agency users/processors.

- **Project Kickoff/Planning Call** with Customer stakeholders.
 - Introduce Permitium Project Manager and team
 - Identify Customer stakeholders and responsibilities
 - Review the "Configuration Checklist" for initial VitalDirector setup
 - Provide a general overview of the Implementation Timeline
 - Set reasonably agreed upon benchmarks for project timeline and project success
- **Initial configuration** of the new VitalDirector solution based on the Customer checklist information and standard VitalDirector setup.
- **Configured VitalDirector Walkthrough** with Customer stakeholders and vital records processing team.
 - Walk through the online application
 - Outline the application processing workflow
 - Identify any customer processing requirements
- **Hospital Birth Certificate Application and Walk-in Walkthrough** – with Customer stakeholders and vital records processing team.
 - Review the QR code flyer designs
 - Outline how the flyers are distributed
 - Walkthrough the walk-in application process via the kiosk mode and lobby flyers
- **Customer System Testing** – Customer testing of the VitalDirector system.
 - Each user enters and processes at least 5 'test' orders for each vital record type
 - Confirm all relevant/required fields on application pages
 - Confirm site verbiage on the VitalDirector application pages
 - Review verbiage and directions from VitalDirector outbound notifications (i.e., phone call, text, email notifications)
- **Virtual Training** – up to three virtual training sessions:
 - VitalDirector processing training
 - Walk-in/Hospital application processing training
- **Go Live**
 - Final testing and sign off
 - Introduction to the Permitium Support and Customer Success teams
 - VitalDirector turned to production
 - Place VitalDirector site link on customer website home page on day of go live
 - Customer implements the updates to their website and distributes all flyers as indicated in the Customer Project Commitment under the Project Scope
- **Ongoing Support** - Provide ongoing support and hosting of the **VitalDirector** solution.

Implementation Team

Permitium	Support Team	855-712-PERM	support@permitium.com
Customer	Primary Point of Contact	CUSTOMER CONTACT	CUSTOMER EMAIL ADDRESS
Permitium	Project Manager	Colin Packert	colin.packert@permitium.com
Permitium	Senior Account Executive	Analisa Boza	analisa.boza@permitium.com

Data and Security

All data collected in the Customer's instance of **VitalDirector** is the property of the Customer. **Permitium** does not own and will not distribute data without the written consent of the Customer. All passwords placed within the system are encrypted and not accessible by the **Permitium** staff.

Cost of Service

Permitium will charge the consumer/applicant a convenience fee of \$4.00 per transaction for each application submitted for the use of the service and will accept payment of such fees using a valid payment method accepted by Permitium, which may include, without limitation, Visa, MasterCard, Discover Card, or American Express credit cards, as well as major debit cards at Permitium's reasonable discretion. Credit card processing fees at the rate of \$0.30 per transaction plus 3.3% of the transaction total are passed through to the applicant by Permitium along with a \$0.35 VitalVerify fee, when applicable.

Any other services needed by the customer (i.e., digital/data conversions) will be available anytime under this agreement utilizing an existing cooperative purchasing program called the Charlotte Cooperative Purchasing Agreement (CCPA). The CCPA co-op government rates can be found at www.charlottealliance.org.

**OFFICE OF THE COMMON COUNCIL CLERK
CITY OF MIDDLETOWN, NEW YORK**

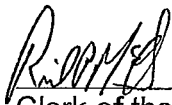
RESOLUTION NUMBER 204-22 LOCAL LAW NUMBER _____

I hereby certify that the attached is a true copy of a Resolution and/or Local Law
adopted by the City of Middletown Common Council on

September 6, 2022

And presented to the Office of the Mayor on

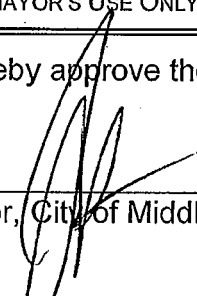
September 7, 2022



Clerk of the Common Council

FOR MAYOR'S USE ONLY:

I hereby approve the attached Resolution/Local Law



Mayor, City of Middletown

Date

9/7/22

I hereby disapprove the attached Resolution/Local Law for the following
reason(s):

Mayor, City of Middletown

Date

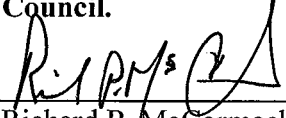


**CITY OF MIDDLETOWN, NEW YORK
COMMON COUNCIL
RECORD OF VOTE**

THE FOLLOWING WAS PRESENTED

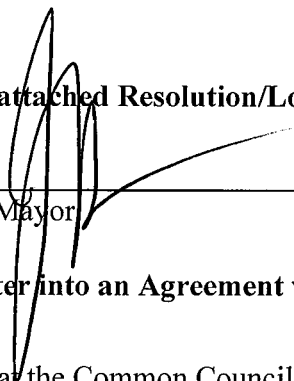
By: Alderman Johnson
Seconded by: Alderman Green
Date of Adoption: August 20, 2024
Index No: 160-24

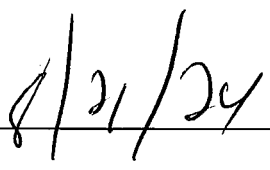
I hereby certify that the attached is a true copy of a Resolution and/or Local Law adopted by the City of Middletown Common Council.


Richard P. McCormack
Clerk to the Common Council

Names	Ayes	Noes	Abstain	Absent
Ald. Tobin	X			
Ald. Jean-Francois	X			
Ald. Johnson	X			
Ald. Wray				X
Ald. Kleiner	X			
Ald. Green	X			
Ald. Witt				X
Ald. Masi				X
Pres. Rodrigues	X			
Total	6			3

I hereby approve the attached Resolution/Local Law.


Joseph M. DeStefano, Mayor

Date 

Authorization to enter into an Agreement with Middletown Pistol and Rifle Association

BE IT RESOLVED; that the Common Council of the City of Middletown, NY, concurs with the Board of Estimate and Apportionment and authorizes an agreement with Middletown Pistol and Rifle Association for use of their facility by the Middletown Police Department.

BE IT FURTHER RESOLVED; that the Common Council of the City of Middletown, NY, concurs with the Board of Estimate and Apportionment and authorizes the Mayor to sign the agreement.

Prepared by:
John Ewanciw, Chief of Police

Attachments:

1.	Scan2024-08-12 155701
----	-----------------------

KALTER, KAPLAN, ZEIGER & FORMAN

ATTORNEYS AT LAW

6166 STATE ROUTE 42, P.O. Box 30

WOODBOURNE, NEW YORK 12788

IVAN KALTER
ivankalter.kkzf@gmail.com

JEFFREY KAPLAN
jkaplan.kkzf@gmail.com

JAY L. ZEIGER
jayzeiger.kkzf@gmail.com

TERRY S. FORMAN
terryforman.kkzf@gmail.com

TEL. (845) 434-4777

FAX (845) 436-8156

ELLENVILLE OFFICE

47 NORTH MAIN STREET, P.O. Box 186

ELLENVILLE, NEW YORK 12428

TEL. (845) 647-4110

FAX (845) 647-6232

Email: jkaplan.kkzf@gmail.com

July 31, 2024

Alex Smith, Esq.
6 North Street
Middletown, New York 10940

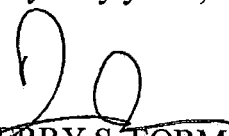
Re: Middletown Pistol and Rifle Association with City of Middletown

Dear Alex:

Enclosed is the extension agreement executed by the lessee, Middletown Pistol and Rifle Association. Kindly review same, and if acceptable present same to the Mayor for execution and provide my office with an executed copy.

Thank you

Very truly yours,


TERRY S. FORMAN

TSF:rg
Enc.

RECEIVED

AUG 12 2024

CITY CLERK
CITY OF MIDDLETOWN

AGREEMENT

Agreement made this day of April, 2024, by and between the City of Middletown, with a principal office located at 16 James Street, Middletown, New York 10940 ("Landlord"), and Middletown Pistol and Rifle Association, Inc., a non-profit membership corporation, with an office c/o P.O. Box 302, Middletown, New York 10940 ("Tenant").

Whereas, the parties entered into an agreement ("Initial Agreement") regarding the use of premises located on VanDuzer Road in the Town of Wallkill, New York for an indoor range and club house, and

Whereas, the Initial Agreement was signed on September 21, 1972, for a term of thirty (30) years, and

Whereas, the parties entered into a second agreement ("Extension Agreement") on February 12, 1998, extending the Initial Agreement until December 31, 2032, and adding a provision governing disputes, and

Whereas, the parties now wish to extend these agreements until December 31, 2062.

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

1. The Initial Agreement and the Extension Agreement are hereby modified by

extending their termination date to December 31, 2062, so that these agreements will expire as of December 31, 2062.

2. The Tenant has performed the following improvements to the subject premises: new roof, new updated backstop steel, new backstop medium, baffles with new and heavier gauge of steel, and new air scrubbers to help ventilation.

3. The Tenant is contemplating the following improvements to be accomplished when and as funds permit:

- A. Repair and update the entire floor, with a more durable finish;
- B. Repair and replace hydraulics as needed;
- C. Repair and update archery range;
- D. Repair and replace external fans for ventilation;
- E. Install new fencing;
- F. Upgrade and increase interior lighting;
- G. Repair the damaged and in parts missing drop ceiling;
- H. Repair and replace insulation in the ceiling to save heat and fuel as well as better absorb sound;
- I. Upgrade and maintain office and range security systems; and
- J. Upgrade ventilation system as needed.

4. None of these improvements will prevent or impair the Middletown police usage of this facility. The parties agree to use best efforts to coordinate the timing of police usage with all renovations.

5. In the course of these improvements and in its maintenance and operation of the building, the Tenant shall comply with all applicable environmental rules, regulations and statutes, including those pertaining to lead and its impact upon the ventilation system.

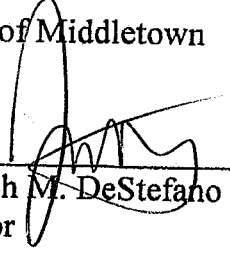
6. The Middletown police will have access to the property outside of the present

building for use as an outdoor range.

7. In all other respects, the parties hereto republish, reiterate and reaffirm all of the terms contained in the Initial Agreement and the Extension Agreement.

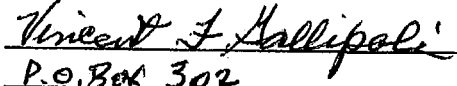
In witness whereof, the parties have set their hands and seals as of the day and year first above written.

City of Middletown
By:



Joseph M. DeStefano
Mayor

Middletown Pistol and Rifle Association, Inc.
By:



P.O. Box 302
Middletown, NY 10940

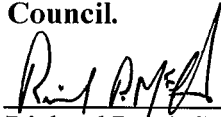


**CITY OF MIDDLETOWN, NEW YORK
COMMON COUNCIL
RECORD OF VOTE**

THE FOLLOWING WAS PRESENTED

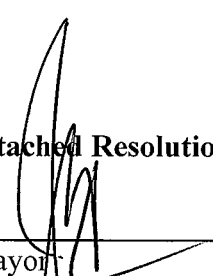
By: Alderman Jean-Francois
Seconded by: Alderman Green
Date of Adoption: August 20, 2024
Index No: 159-24

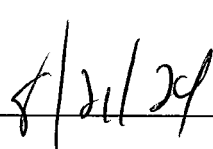
I hereby certify that the attached is a true copy of a Resolution and/or Local Law adopted by the City of Middletown Common Council.


Richard P. McCormack
Clerk to the Common Council

Names	Ayes	Noes	Abstain	Absent
Ald. Tobin	X			
Ald. Jean-Francois	X			
Ald. Johnson	X			
Ald. Wray				X
Ald. Kleiner	X			
Ald. Green	X			
Ald. Witt				X
Ald. Masi				X
Pres. Rodrigues	X			
Total	6			3

I hereby approve the attached Resolution/Local Law.


Joseph M. DeStefano, Mayor

Date 

Authorization to Transfer \$10,000 from Fund Balance for a Speed Dampening Pilot Program

BE IT RESOLVED that the Common Council of the City of Middletown, NY, concurs with the Board of Estimate and Apportionment and authorizes the Treasurer to transfer \$10,000 in the following manner to cover a speed-dampening pilot program.

FROM	TO	AMOUNT
Fund Balance	A.5110.450	\$10,000

Prepared by:
Sparrow Tobin, Alderman

Attachments:

1.	Scan2024-08-12 150745
----	-----------------------

Sparrow Tobin
16 James Street
Middletown, NY 10940
stobin@middletownny.gov
845 649-8905
June 6th, 2024

Board of Estimate
16 James Street
Middletown, NY 10940

Dear Members of the Board of Estimate,

I am writing to request the allocation of \$10,000 to fund a pilot program aimed at calming traffic in our city through the installation of speed humps. This initiative is designed to address the growing concerns of residents regarding traffic safety and excessive speeding.

The pilot program will be limited to a few selected locations that will be identified as high-risk areas for speeding. These locations will be chosen based on traffic data, resident complaints, and the proximity to schools and parks where pedestrian safety is important.

The primary goals of this pilot program are:

1. Traffic Speed Reduction: To decrease vehicle speeds in residential neighborhoods, enhancing the safety of pedestrians, cyclists, and motorists.
2. Data Collection: To gather comprehensive data on the effectiveness of speed humps in reducing traffic speed and accidents, which will be critical in assessing the success of the program and determining its potential expansion.

The requested funds will be used for the following purposes:

- Installation of Speed Humps: Covering the costs of materials and labor required to install speed humps at the selected locations.
- Signage and Markings: Ensuring that appropriate signage and road markings are in place to alert drivers to the presence of speed humps.

The success of this pilot program will be measured through a combination of data (traffic speeds) and feedback from the community. If the results are positive, it could pave the way for a broader implementation across the city, making our streets safer for everyone.

I believe that this small investment might yield significant benefits in terms of improved traffic safety and enhanced quality of life for our residents. I ask the Board to consider this request favorably and appropriate the necessary funds to support this initiative.

Thank you for your attention and consideration.

Sincerely,

Sparrow Tobin
Chair, Public Safety Committee



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

THE FOLLOWING WAS PRESENTED

By: Alderman Tobin
Seconded by: Alderman Johnson
Date of Adoption: August 20, 2024
Index No: 161-24

I hereby certify that the attached is a true copy of a Resolution and/or Local Law adopted by the City of Middletown Common Council.

Richard P. McCormack
Clerk to the Common Council

Names	Ayes	Noes	Abstain	Absent
Ald. Tobin	X			
Ald. Jean-Francois	X			
Ald. Johnson	X			
Ald. Wray				X
Ald. Kleiner	X			
Ald. Green	X			
Ald. Witt				X
Ald. Masi				X
Pres. Rodrigues	X			
Total	6			3

I hereby approve the attached Resolution/Local Law.

Joseph M. DeStefano, Mayor

Date

8/21/24

**Authorization to Transfer \$43,000 from within the Corporation Counsel Budget for
Litigation Invoices**

BE IT RESOLVED that the Common Council of the City of Middletown, NY, concurs with the Board of Estimate and Apportionment and authorizes the Treasurer to transfer \$43,000 in the following manner to replenish A.1420.489 line to pay unpaid litigation invoices.

FROM	TO	AMOUNT
A.1420.488-Corporation Counsel Grievance	A.1420.489-Litigation	\$20,000
A.1930.930- Judgments & Claims	A.1420.489-Litigation	\$20,000
A.1900.991- Appraisal of Property	A.1420.489-Litigation	\$3,000

Prepared by:

Attachments:

1.	BOE 8 15 24
----	-------------



DEPARTMENT OF FINANCE

City Of Middletown

Rosa Tumminia
Deputy Treasurer
10940

16 James Street
Middletown, NY

Tel: (845) 346-4150
Fax: (845) 343-1101

8/13/24

To: Board of Estimate

Budget transfer is to replenish A.1420.489 line in order to pay unpaid litigation invoices.

From	Amount	To
A.1420.488	\$20,000	A.1420.489
Corporation Counsel Grievance		Litigation
A.1930.930	\$20,000	A.1420.489
Judgments & Claims		Litigation
A.1900.991	\$3,000	A.1420.489
Appraisal of Property		Litigation

Sincerely,

Rosa Tumminia

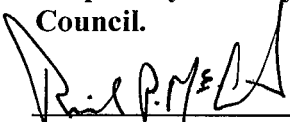


**CITY OF MIDDLETOWN, NEW YORK
COMMON COUNCIL
RECORD OF VOTE**

THE FOLLOWING WAS PRESENTED

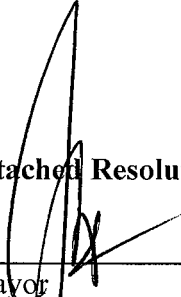
By: Alderman Johnson
Seconded by: Alderman Jean-Francois
Date of Adoption: August 20, 2024
Index No: 162-24

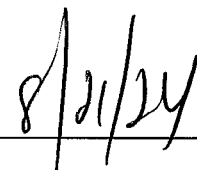
I hereby certify that the attached is a true copy of a Resolution and/or Local Law adopted by the City of Middletown Common Council.


Richard P. McCormack
Clerk to the Common Council

Names	Ayes	Noes	Abstain	Absent
Ald. Tobin	X			
Ald. Jean-Francois	X			
Ald. Johnson	X			
Ald. Wray				X
Ald. Kleiner	X			
Ald. Green	X			
Ald. Witt				X
Ald. Masi				X
Pres. Rodrigues	X			
Total	6			3

I hereby approve the attached Resolution/Local Law.


Joseph M. DeStefano, Mayor


Date

Authorization to Award the Bids for Surplus Vehicles Auctioned Off through Auctions International

BE IT RESOLVED that the Common Council of the City of Middletown, NY, concurs with the Board of Estimate and Apportionment and awards the following Bids for Surplus Vehicles Auctioned Off through Auctions International.

2009 Chevy Impala (VIN#2G1WT57N691292859) - \$1,475.00
2014 Ford Taurus (VIN# 1FAHP2MKXEG182980) - \$1,850.00
2005 Chevy Silverado (VIN# 1GCHK24U45E283163) - \$1,350.00
2007 Dodge Charge (VIN# 2B3KA43HX7H779891) - \$1,075.00
1996 Pierce Fire Truck (VIN# 4P1CT0288TA000515) - \$8,600.00
Total= \$14,350

Prepared by:
Jacob Tawil

Attachments:

1.	BOE- JULY AUCTION AWARD MEMO
----	------------------------------

Department of Public Works

Memorandum

To: Honorable Mayor DeStefano, Honorable Members of the Board of Estimate and Apportionment, Members of the Common Council

CC: Richard McCormack-City Clerk and Leonora Liz- Treasurer

From: Jacob Tawil, P.E. Commissioner of Public Works



Date: August 12, 2024

Re: Resolution needed to award bids for surplus vehicles auctioned off through Auctions International

I respectfully request a resolution to award the following bids for surplus vehicles auctioned off through Auctions International:

2009 Chevy Impala (VIN# 2G1WT57N691292859) - \$1,475.00

2014 Ford Taurus (VIN# 1FAHP2MKXEG182980) - \$1,850.00

2005 Chevy Silverado (VIN# 1GCHK24U45E283163) - \$1,350.00

2007 Dodge Charge (VIN# 2B3KA43HX7H779891) - \$1,075.00

1996 Pierce Fire Truck (VIN# 4PICT0288TA000515) - \$8,600.00

Total= \$14,350

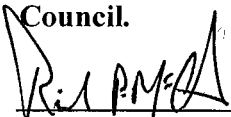


**CITY OF MIDDLETOWN, NEW YORK
COMMON COUNCIL
RECORD OF VOTE**

THE FOLLOWING WAS PRESENTED

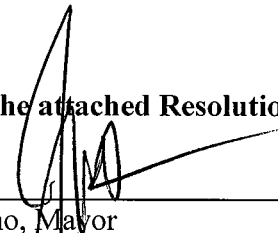
By: Alderman Green
Seconded by: Alderman Johnson
Date of Adoption: August 20, 2024
Index No: 163-24

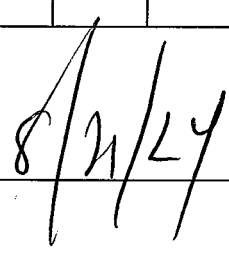
I hereby certify that the attached is a true copy of a Resolution and/or Local Law adopted by the City of Middletown Common Council.


Richard P. McCormack
Clerk to the Common Council

Names	Ayes	Noes	Abstain	Absent
Ald. Tobin	X			
Ald. Jean-Francois	X			
Ald. Johnson	X			
Ald. Wray				X
Ald. Kleiner	X			
Ald. Green	X			
Ald. Witt				X
Ald. Masi				X
Pres. Rodrigues	X			
Total	6			3

I hereby approve the attached Resolution/Local Law.


Joseph M. DeStefano, Mayor


Date

Authorization to Appoint A Bankruptcy Attorney

BE IT RESOLVED that the Common Council of the City of Middletown, NY, concurs with the Board of Estimate and Apportionment and authorizes the appointment of Michael Leary to assist Corporation Counsel in the matter of Joseph J. Mendinghall Jr. vs. City of Middletown, Charles Tran Property LLC and Cheswold (TL), LLC- a bankruptcy proceeding filed in United States Bankruptcy Court, Southern District of New York.

Prepared by:
Alex Smith, Corporation Counsel

Attachments:

1.	Mendinghall v City
----	--------------------

**UNITED STATES BANKRUPTCY COURT
Southern District of New York**

In re: Joseph J Mendinghall, Jr

Bankruptcy Case No.: 24-35112-kyp

Joseph J Mendinghall Jr

Plaintiff(s),

—against—

Adversary Proceeding No. 24-09021-kyp

City of Middletown
Charles Tran Property LLC
Cheswold (TL), LLC

Defendant(s)

**SUMMONS AND NOTICE OF PRETRIAL CONFERENCE
IN AN ADVERSARY PROCEEDING**

YOU ARE SUMMONED and required to submit a motion or answer to the complaint which is attached to this summons to the clerk of the bankruptcy court within 30 days after the date of issuance of this summons, except that the United States and its offices and agencies shall submit a motion or answer to the complaint within 35 days, to:

Address of Clerk:

Clerk of the Court
United States Bankruptcy Court
Southern District of New York
355 Main Street
Poughkeepsie, NY 12601

At the same time, you must also serve a copy of the motion or answer upon the plaintiff's attorney.

Name and Address of Plaintiff's Attorney:

Tanya Dwyer
Legal Services of the Hudson Valley
1 Park Place, Suite 202
Peekskill, NY 10566

If you make a motion, your time to answer is governed by Fed. R. Bankr. P. 7012.

YOU ARE NOTIFIED that a pretrial conference of the proceeding commenced by the filing of the complaint will be held at the following time and place:

United States Bankruptcy Court
Southern District of New York
355 Main Street
Poughkeepsie, NY 12601

Room: Contact chambers for Zoom Meeting
ID, and Password, KYP Zoom
Videoconference

Date and Time: 10/1/24 at 10:00 AM

IF YOU FAIL TO RESPOND TO THIS SUMMONS, YOUR FAILURE WILL BE DEEMED TO BE YOUR
CONSENT TO ENTRY OF A JUDGMENT BY THE BANKRUPTCY COURT AND JUDGMENT BY DEFAULT
MAY BE TAKEN AGAINST YOU FOR THE RELIEF DEMANDED IN THE COMPLAINT.

Dated: 8/8/24

Vito Genna

Clerk of the Court

By: /s/ Vanessa Ashmeade

Deputy Clerk

RECEIVED

AUG 13 2024

**CITY CLERK
CITY OF MIDDLETOWN**

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

In re

JOSEPH MENDINGHALL, JR.,

Case No. 24-bk-35112-kyp
Chapter 13

Debtor.

JOSEPH MENDINGHALL, JR.,

Adversary No. ____-ap-____

Plaintiff,

COMPLAINT

vs.

Jury Trial Demanded

CITY OF MIDDLETOWN, CHESWOLD (TL) LLC,
CHARLES TRAN PROPERTIES LLC,

Defendants.

COMPLAINT

Plaintiff Joseph Mendinghall, by and through his attorneys, Legal Services of the Hudson Valley, bring this action pursuant to the Takings Clause of the United States and New York Constitutions, and the Excessive Fines Clause of the United States and New York Constitutions, and the Due Process Clause of the United States and New York Constitutions, against defendants City of Middletown, Cheswold LLC, and Charles Tran LLC ("Defendants").

I. PARTIES

1. Joseph Mendinghall, Jr. is the Plaintiff in this case. He was the owner of the property located at 14 Amchir Avenue, Middletown, NY 10940. Joseph purchased the property shortly after turning 18 in 2017 with the proceeds of a structured settlement from the wrongful death of his mother during childbirth. He resides at the property with his step-mother and step-aunt. A tax lien was placed on the property by the City of Middletown on October 11, 2019 and sold to

Cheswold LLC. Upon information and belief the lien was sold for less than \$10 despite its face value of \$10,430.18. The Cheswold LLC lien against the property was converted into a deed by operation of law without compensation. The estimated Fair Market Value of the property at the time the lien was converted to a deed was approximately \$387,000.

2. The City of Middletown ("the City" or "Middletown") is a municipal corporation incorporated under the laws of the State of New York. The City placed a property tax lien on Plaintiff's home totaling \$8,200. The City subsequently transferred the lien to Cheswold (TL) LLC pursuant to Middletown City Charter Sections 83 and 93.
3. Cheswold (TL) LLC ("Cheswold") is a limited liability corporation incorporated under the laws of the State of Delaware. Cheswold (TL) LLC is a private entity that in 2019 bulk purchased approximately x number of tax liens in the City of Middletown including the tax lien on Plaintiff's property, for approximately \$10. Upon information and belief Cheswold LLC is the only private entity to have bulk purchased property tax liens in the City of Middletown since 2014.
4. Charles Tran Properties LLC ("Tran") is a limited liability corporation incorporated under the laws of the State of New York. Charles Tran Properties LLC is a private corporation that owns a number of properties located in Middletown and the surrounding area. Tran purchased Plaintiff's property on April 23, 2023 at a judicial foreclosure auction for \$25,000.

II. FEDERAL COURT JURISDICTION AND VENUE

5. This is an adversary proceeding pursuant to FRBP 7001(1) and (9).
6. This court has jurisdiction over the questions raised in and by this matter pursuant to 11 USC Sect. 548, and 28 USC Sects. 157 and 1334.
7. This is a core proceeding pursuant to 28 USC Sect. 157 as this matter concerns questions

of federal law and concerns the property of the bankruptcy estate.

8. Plaintiff has standing to bring this action pursuant to FRBP Rule 6009 and Article III of the United States Constitution.
9. Venue is proper Pursuant to 28 U.S.C. Sect. 1409(a) and Local Rule 1071-1 of the United States Bankruptcy Court for the Southern District of New York.

III. STATEMENT OF CLAIMS

10. On October 11, 2019, the City of Middletown sold a tax lien on Plaintiff's home totally \$10,430.18 to Cheswold (TL) LLC for less than \$10. Pursuant to Middletown Charter Sections 83 and 93 the property was transferred to Cheswold by operation of law on either October 11, 2021 or October 11, 2022.
11. On April 23, 2023, the property was subsequently transferred to Charles Tran LLC pursuant to a foreclosure auction despite the automatic transfer to Cheswold and its ability to sell the property on the open market for full fair market value. Plaintiff is being harmed by the theft of his home equity by the Middletown and Cheswold.

A. Facts

12. Plaintiff was the sole owner of his home when the city of Middletown sold to Cheswold a lien for unpaid taxes. Plaintiff is a young man who had purchased the property with funds from a structured settlement from his birth mother's wrongful death. He fell behind on his taxes due to limited income caused in part by wage theft by his employer, his lack of experience with financial management and the need to act as a caretaker for his disabled stepmother who resides with him at the property. Plaintiff was unaware of the extent of the debt and the foreclosure until after the foreclosure occurred.
13. The tax lien was placed on the property on October 11, 2019 and subsequently sold to

Cheswold for less than \$10 as part of bulk tax lien sale authorized by the Middletown City Council.

14. Upon information and belief, no notice of the tax lien or sale was ever mailed to Plaintiff and he was never informed of the tax lien or of the purchase of the lien by Cheswold.

15. The City of Middletown opted out of participation in Article 11 of New York's Real Property Tax Law Pursuant to the opt-out provision of RPTL 1104(2).

16. Under the Middletown City Charter, a tax lien may be sold to a private third party, either in an individual sale or in a bulk sale of multiple liens. Upon transfer of the lien, the delinquent property owner has 2 years from the date of the lien in order to redeem the lien by paying off the entirety. This deadline is extended to 3 years under the City Charter if no notice of the lien is subsequently sent.

17. Section 83 (3) of the Middletown City Charter states:

After the expiration of the redemption period as herein defined, if any part of the premises sold shall remain unredeemed, the Common Council shall give to the purchaser, his or her legal representatives or assigns, a conveyance of the premises so remaining unredeemed, which conveyance shall be valid and effectual to convey all the right, title and interest which may have been sold in the manner aforesaid and such conveyance shall be presumptive evidence in all courts and places that the tax assessment for which such lien may have been sold, was legally imposed and that the proceedings to authorize such sale were correct. The grantee named in any such conveyance may obtain possession of the real estate therein described, in the manner prescribed by law in relation to persons holding over demised premises, after the expiration of their terms, without the consent of their landlords, and said grantee, by virtue of such conveyance, shall acquire all the right, title and interest in the real estate therein described, and the right to the possession of the same, and shall have, hold and enjoy such real estate, free and clear from all claims, liens or encumbrances, except such taxes and assessments as may have been charged thereon at the time of

such sale, or at any time thereafter.

18. Section 93 (4) of the City Charter further provides that:

Upon expiration of the redemption period and completion of the procedures required herein, and upon execution by the City of a deed to a tax-delinquent parcel to the City or to a qualifying purchaser of an unpaid tax lien, the City or qualified purchaser shall be seized of an estate in fee simple absolute in such parcel and all persons, including the State, infants, incompetents, absentees and non-residents, except as specifically exempted by law, who may otherwise have had any right, title, interest, claim, lien, or equity of redemption in or upon such parcel shall be barred and forever foreclosed of any such right, title, interest, claim, lien or equity of redemption, and the City or qualified purchaser may hold such parcel for itself or sell or release such parcel as provided by law.

19. Nowhere in the city charter did it make any provision for the procedure for a sale of property itself either by the city or by the lien purchaser. Instead the property automatically become the property of the lien purchaser once the time for the homeowner to redeem had expired. No additional notice beyond the notice of the lien sale was required for said transfer.

20. At the time of the transfer the city of Middletown would sell tax liens either as individual liens or in bulk sales of multiple liens. While each type of sale has different provisions for prior notice of the sale of the lien, the provisions for redemption and subsequent transfer of title are identical in either instance.

21. Cheswold subsequently initiated a tax foreclosure case in the Orange County Supreme Court. Said proceeding was ultimately illusory as title had effectively already been transferred to Cheswold prior to the initiation of the proceeding.

22. Plaintiff was never served with the summons and complaint and a default judgment was entered against him.

23. Defendant Cheswold subsequently arranged via the court for an auction to be held in order

to sell Plaintiff's property. Upon information and belief the auction was held at 2:30 AM and was sold to Tran Properties for \$25,000.

24. Defendants are harming Plaintiff by rejecting his request for just compensation. Plaintiff's home was worth an estimated \$387,000 on the day title was transferred to Cheswold for roughly \$10,000 in unpaid property taxes.

B. In Rem Surplus Retention Injures Property Owners in Violation of The United States Constitution and The New York Constitution

25. City of Middletown Charter 83 allow the City of Middletown, in cooperation with private lien purchasers to seize real property for nonpayment of local taxes. The City Charter transfers all rights to the lien purchaser upon the expiration of the redemption period with the lien purchaser not required to bring any foreclosure action to gain title to the property. However, a condemnee's right to the excess equity is a separate property right from the title to the property and necessitates just compensation. "Just compensation" is generally measured by the market value at the time of appropriation, i.e., "the price a willing buyer would have paid a willing seller for the property. The property must be valued based on its highest and best use on that date, whether or not the owner was then using the property to its fullest potential, as legally restricted by all applicable governmental regulations then in effect. The value of the subject property on the day the deed was transferred to Cheswold LLC was an estimated \$X.

26. Furthermore, *in rem* tax foreclosure of the subject property is an excessive fine under the United States Constitution Eighth Amendment and New York Constitution Article 1 Section 5 because it is punitive and grossly disproportionate to the redemption amount. A fine is considered punitive when it is not purely remedial. Like the Minnesota statute at issue in *Tyler v. Hennepin County*, the Middletown City Charter permits the sale of tax liens to private parties who automatically receive the property by operation of law if the

homeowner fails to redeem in a timely manner. The Excessive Fines test should be applied to *in rem* tax foreclosures to prevent government fines from having a disparate impact on homeowners with greater equity by arbitrarily taking more than what is required to satisfy the tax debt.

27. The result of this surplus retention frustrates any plausible remedial purpose, as many property owners, particularly older or disabled ones such as Plaintiff, are at risk of becoming homeless after forfeiture, causing them to increasingly rely on government support that would not have been needed had they been able to retain the equity in their homes.

**IV. First Cause of Action:
Taking of Private Property Without A Valid Public Use In Violation Of The
United States Constitution's Takings Clause**

28. The allegations contained in the foregoing paragraphs are incorporated and repeated in this paragraph.
29. The cause of action for a taking is brought under 42 U.S.C. § 1983 for violations of the Fifth and Fourteenth Amendments to the United States Constitution.
30. This cause of action is also brought, in addition and in the alternative, if applicable, pursuant to 42 U.S.C. § 1983 for an order directing City of Middletown and Cheswold LLC to comply with the mandates of the Fifth and Fourteenth Amendments to the United States Constitution by paying just compensation to Plaintiff for his property that has been taken without payment of just compensation.
31. When Article 11 of the New York State Real Property Law was adopted in 1993, the City of Middletown opted out of the provision pursuant to RPTL 1101 (2), maintaining its own separate non-judicial tax foreclosure procedure.

32. By taking private property without a public use, the City of Middletown violated the United States Constitution.
33. The City of Middletown place a tax lien on Plaintiff's property as a result of his tax debt. Middletown then sold the lien and with it the right to ownership of the property if unredeemed in two or three years. However, the City of Middletown may not "use the toehold of the tax debt to confiscate more property than was due. By doing so, it effected a "classic taking in which the government directly appropriates private property for its own use." *Geraldine Tyler v. Hennepin County*, 598 U.S. 631 (2023).
34. The takings clause requires that an appropriation of public property occur be for a public purpose and be in relation to said public purpose. While the City of Middletown had a public purpose in placing and selling a tax lien on the property to repay unpaid taxes associated with the property and Cheswold LLC has a contractual right to compensation for the cost of the tax lien, they have no public interest in claiming the portion of the equity that exceeds the tax lien.
35. Cheswold's keeping of the surplus permits a private party to, with the explicit endorsement of the City, take Plaintiff's property for a mere fraction of what it is worth without just compensation.
36. The City of Middletown has no public use to support or justify permitting a private party to keep the surplus or equity when that equity is larger in amount than the taxes and associated charges owed. The United States Constitution precludes such arbitrary exercise of government power.
37. While Cheswold subsequently initiated a foreclosure proceeding in state court in order to arrange for an auction of the property, said proceeding was a legal nullity as the City

Charter neither authorizes nor requires a private tax lien buyer to bring a foreclosure proceeding to sell a property.

38. Just compensation is required by the takings clause and the party subject to the taking "is entitled to be put in as good a position pecuniarily as if his property had not been taken. He must be made whole but is not entitled to more." Plaintiff is entitled to the surplus equity in her property based on the "fair market value" of the property at the time of the taking.

39. Plaintiff faces a threat of great and irreparable harm if, after trial on the merits, a permanent injunction is not granted, in that there is a threat Plaintiff's property rights will continue to be violated by the Defendants.

40. Plaintiff has no adequate legal remedy to protect his property interests from the ongoing unconstitutional and unlawful conduct herein described.

41. Plaintiff has been injured and damaged by the taking of the equity in her property for no public use and is entitled relief as a result.

**V. Second Cause of Action:
Taking of Private Property Without A Valid Public Use In Violation Of The New
York Constitution**

42. The allegations contained in the foregoing paragraphs are incorporated and repeated in this paragraph.

43. The New York Constitution provides at Art. I, § 7, subd. [a]: "Private property shall not be taken for a public use without just compensation." The tax scheme adopted by the City of Middletown requires that any excess proceeds be retained by it. RPTL. § 1136.

44. The tax forfeiture statute permits and requires the taking of Plaintiff's private

property without just compensation, which is a deprivation of Plaintiff's rights secured under the New York Constitution.

45. By taking private property without a public use, the City of Middletown and Cheswold LLC violated the New York Constitution. Just compensation is a requirement to avoid a taking. Under the New York Constitution's takings clause, just compensation requires the property owner be made whole as if the taking never occurred. As noted in *Tyler*, New York "May not extinguish a property interest that it recognizes everywhere else to avoid paying just compensation when it is the one doing the taking. Phillips, 624 U.S. at 167." *Id.*

46. Homeownership is a means to societal advancement; however, local governments in New York may take a potentially significant property, one's home equity wealth, and despoil a fundamental American value by not providing just compensation.

47. Plaintiff has been injured and damaged by the failure to pay just compensation for the loss of her property and is entitled to compensation and other relief as a result.

48. The City of Middletown has no public use to support or justify permitting a private party to keep the surplus or equity when that equity is larger in amount than the taxes and associated charges owed. The New York Constitution precludes such arbitrary exercise of government power.

**VI. Third Cause of Action:
Excessive Fines Violation of The United States Constitution**

49. The allegations contained in the foregoing paragraphs are incorporated and repeated in this paragraph.

50. The Eighth Amendment to the United States Constitution prohibits the imposition of

excessive fines. Confiscating the entire value of Plaintiff's property because of non-payment of smaller amounts of real estate taxes is an excessive fine under the Eighth Amendment to the United States Constitution. The City of Middletown Charter transfers property to private parties without regard to the amount by which the redemption amount exceeds the real estate's market value. The market value of the real estate is not tied to the value of the taxes owed. The value of the taxes owed are a definite amount, whereas the market value of the real estate does not affect the definite amount of the taxes. The taxes owed will remain even if the value of the real estate does not.

51. For the City to transfer all right to Plaintiff's real estate without regard to the amount owed, allows it to retain an amount above and beyond its deserved amount and is definitional in excess or excessive. An 'excessive' fine is one that is 'grossly disproportionate' to the offense. Taking roughly a quarter million dollars from Plaintiff for a fine that was one tenth of that is grossly disproportionate so as to shock the conscience of the average person.

**VII. Sixth Cause of Action:
Excessive Fines Violation of The New York Constitution**

52. The allegations contained in the foregoing paragraphs are incorporated and repeated in this paragraph.
53. Article I, Section 5 of the New York Constitution prohibits the imposition of excessive fines. Confiscating the entire value of Plaintiff's property because of non-payment of smaller amounts of real estate taxes is an excessive fine under Article I, Section 5 of the New York Constitution.
54. As noted above, Middletown and Cheswold's confiscation of Plaintiff's surplus equity

in his property is an excessive fine to redeeming the tax due. The excessive fines test is applicable to Plaintiff's case and other in rem tax forfeitures because New York's statute is imposing excessive fines because it (1) disregards willfulness of the taxpayer to pay their debt, (2) disregards the taxpayers ability to pay, (3) disregards proportionality of the value of the fine received by the government compared to the value of the tax debt and (4) has arbitrarily harsh consequences to the taxpayer when their homeownership is taken from them. The Excessive fines test is two pronged and looks at whether the amount taken by the government for a violation clearly exceeds the redemption amount and whether the fine has elements of punishment, including retribution and deterrence as applied to in rem tax forfeitures.

55. As alleged in the previous paragraphs, the value of Plaintiff's fair market value of Plaintiff's property is \$387,000 and the property was sold for a little over \$25,000. The difference in property value and debt owed is significant and results in a loss of equity of over \$362,000. Further, the fine has elements of punishment, including homelessness, confiscation of earned equity, mental distress, additional wards of the state and more, with very little deterrence factor.

56. Confiscating Plaintiff's surplus equity is not an effective deterrent for other property owners, since their ability to pay will not change as a result of Plaintiff's punishment by Middletown.

**VIII. SEVENTH CAUSE OF ACTION:
TURNOVER OF PROPERTY TO BANKRUPTCY ESTATE
PURSUANT TO 11 USC 542, 547, & 548**

57. The allegations contained in the foregoing paragraphs are incorporated and repeated in this paragraph

58. 11 USC 542 requires all property of a bankruptcy debtor to be turned over to the

bankruptcy estate.

59. In the event any of the debtors property was either voluntarily or involuntarily transferred fraudulently or for less than reasonable market value prior to the bankruptcy then the trustee or the debtor may bring an action in the bankruptcy court in order to void the transfer and return the property to the estate.
60. Under New York State law, the look back period for a fraudulent transfer is 6 years.
61. A subsequent purchaser of fraudulently transferred property may be required to turn over said property to the bankruptcy estate if said transfer is for less than fair market value.
62. The Bankruptcy court may void a transfer made pursuant to a property tax lien as a fraudulent conveyance if said transfer is not for fair market value, see *Gunsalus v. County of Ontario* (insert full cite)
63. Here a tax lien was placed on Plaintiff's property on October 11, 2019 and subsequently sold to Cheswold LLC. Pursuant to the City Charter, when Plaintiff failed redeem after 3 years the property automatically transferred to Cheswold by operation of law on October 11, 2021.
64. Cheswold subsequently sold the property to Charles Tran LLC on April 23, 2023 via auction carried out at 2:30 AM based upon the referee's report of sale. In said auction the property was sold for \$25,000 resulting in the loss of virtually all of Plaintiff's equity.
65. Charles Tran LLC did not take ownership of the property in good faith as it paid significantly less than fair market value for the property. Further Tran had knowledge

of the voidability of the transfer as the transfer was made pursuant to the Middletown City Charter which Tran would have been aware of as the owner of several properties within Middletown.

66. In the same bulk sale purchasing the lien for Plaintiff's property, Cheswold also purchased a number of liens on properties owned by Charles Tran Properties LLC or its members. Upon information and belief, all of said liens were redeemed by Tran establishing his familiarity with the tax foreclosure process in Middletown.

67. Plaintiff seeks to void the transfer to Cheswold LLC and the subsequent transfer to Charles Tran LLC and return his property to the bankruptcy estate to be used for the efficient administration of his debts.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff requests that:

- a. The Court find and declare that City of Middletown and Cheswold LLC's taking of Plaintiff's property, including all equity therein, for no public purpose is a taking requiring just compensation under the United States and New York Constitutions;
- b. The Court find and declare that the City of Middletown and Cheswold LLC's taking and sale of Plaintiff's property, including all equity therein, was not attended by payment or securing just compensation and as such violates the United States and New York Constitutions;
- c. The Court find and declare that the City of Middletown and Cheswold LLC's appropriation of Plaintiff's real estate equity is an excessive fine in violation of the United States and New York Constitutions;
- d. The Court award Plaintiff damages and/or just compensation, including prejudgment

interest, in an amount to be determined at trial;

- e. The Court award Plaintiff the costs of this suit, including reasonable attorney's fees, as provided by law;
- f. The Court enjoin Defendants from further seizing real estate equity from Plaintiff;
- g. The Court issue a permanent injunction voiding the transfers to Charles Tran LLC and to Cheswold LLC and return Plaintiff's property to the bankruptcy estate; and
- h. The Court grant Plaintiff such other and further relief as the nature of the case may require or as may be deemed just and proper by this Court.

JURY DEMAND

Plaintiff demands trial by jury of all issues triable of right by a jury pursuant to FRCP Rule 38.

RESPECTFULLY SUBMITTED,

s/ Tanya Dwyer
Tanya Dwyer, Esq. (2845)
Legal Services of the Hudson Valley
1 Park Place, Suite 202
Peekskill, NY 10566
E-mail: TDwyer@LSHV.org
Phone: 914-368-2489

Doc 1 Filed 08/07/24 Entered 08/07/24 16:10:06 Ma
Pg 16 of 16

I, JOSEPH MENDINGHALL, am the Plaintiff in the within action. I have read the foregoing
Complaint and know the contents thereof. The contents of the Complaint are true to my own knowledge,
except as to those matters therein stated to be alleged upon information and belief, and as to those matters,
I believe them to be true.

Joseph Mendinghall
JOSEPH MENDINGHALL
Plaintiff

Subscribed and sworn to before me
On the 5th day of August, 2024

Michelle De Lillo
Notary Public

MICHELLE DE LILLO
Notary Public, State of New York
Reg. No. 01088036899
County of Orange
Commission Expires 2/14/2026



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

THE FOLLOWING WAS PRESENTED

By: Alderman Johnson
Seconded by: Alderman Tobin
Date of Adoption: August 20, 2024
Index No: 164-24

I hereby certify that the attached is a true copy of a Resolution and/or Local Law adopted by the City of Middletown Common Council.

Richard P. McCormack
Clerk to the Common Council

Names	Ayes	Noes	Abstain	Absent
Ald. Tobin	X			
Ald. Jean-Francois	X			
Ald. Johnson	X			
Ald. Wray				X
Ald. Kleiner	X			
Ald. Green	X			
Ald. Witt				X
Ald. Masi				X
Pres. Rodrigues	X			
Total	6			3

I hereby approve the attached Resolution/Local Law.

Joseph M. DeStefano, Mayor

Date

Authorization to Repeal a Handicapped Parking Spot in Front of 26 Sproat Street

BE IT RESOLVED; that the Common Council of the City of Middletown, NY, authorizes the repealing of a handicapped parking spot in front of 26 Sproat Stree.

Prepared by:
Rick McCormack, City Clerk

Attachments:

1.	Scan2024-08-12_154044
----	-----------------------

100 Hillside Drive, B-14
Middletown, NY 10941

RECEIVED
AUG 12 2024
CITY CLERK
CITY OF MIDDLETOWN

Department of Public Works
City of Middletown
16 James Street
Middletown, NY 10940

To Whom It May Concern,

This is to inform you that my father, John Kelleher, who resided at 26 Sproat Street, Middletown, passed away in March of this year.

Therefore, we no longer need the Handicap parking sign placed in front of the home. The home is currently up for sale.

Also enclosed is his parking tag. Please pass that onto the City Clerk.

Do not hesitate to contact me should you need further information or have questions.

Many thanks for your consideration of this matter.

Sincerely,

Patricia Fairchild
Patricia Fairchild, daughter
845 798-6593

Enclosure



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

THE FOLLOWING WAS PRESENTED

By: Alderman Green
Seconded by: Alderman Kleiner
Date of Adoption: August 20, 2024
Index No: 165-24

I hereby certify that the attached is a true copy of a Resolution and/or Local Law adopted by the City of Middletown Common Council.

Richard P. McCormack

Richard P. McCormack
Clerk to the Common Council

Names	Ayes	Noes	Abstain	Absent
Ald. Tobin	X			
Ald. Jean-Francois	X			
Ald. Johnson	X			
Ald. Wray				X
Ald. Kleiner	X			
Ald. Green	X			
Ald. Witt				X
Ald. Masi				X
Pres. Rodrigues	X			
Total	6			3

I hereby approve the attached Resolution/Local Law.

Joseph M. DeStefano
Joseph M. DeStefano, Mayor

8/21/24
Date

Approve an Extension of time of six (6) months for two resolutions dated May 04, 2021, #98-21 and #99-21 for the Presidential Heights Realty Subdivision.

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

Prepared by:
Rick McCormack, City Clerk

Attachments:

1.	Presidential Heights Sub Division
----	-----------------------------------

Richard McCormack

From: asmith22@hvc.rr.com
Sent: Friday, August 9, 2024 9:28 AM
To: Richard McCormack
Cc: jtawil14@yahoo.com
Subject: FW: J & G Builders LLC with City of Middletown Common Council

Rick,

Please put on Council agenda. Thanks,

Alex

From: Ronald Kossar <rsklaw@frontiernet.net>
Sent: Thursday, August 8, 2024 3:56 PM
To: 'Alex Smith' <asmith22@hvc.rr.com>
Cc: 'Mikel Jeremias' <mikel@allstatedevelopers.com>; John Queenan <jq@lanctully.com>
Subject: J & G Builders LLC with City of Middletown Common Council

Alex,

As you know my office represents J&G Builders LLC in reference to the above-captioned matter.

My client previously requested an extension of time through and including May 4, 2022, thereafter through and including November 4, 2022 and thereafter through and including April 3, 2023 and thereafter through and including November 2, 2023 and thereafter through and including May 2, 2024.

I have been informed by my client that as the City of Middletown Commissioner of Public Works only recently signed off on the revised plans for the Project filed by my client, my client still has to proceed to obtain financing for the construction of the Project and cannot either obtain financing or commence construction until my client has all Site Work Costs in hand (which it anticipates receiving forthwith). As the financing process for the Project at this time of year will also take several months, one (1) last additional six (6) month extension is needed before my client can make application for a Building Permit and commence construction which it anticipates will be starting in the spring of 2024. Therefore, my client has requested my office to make application to the City of Middletown Common Council for an additional extension of time of six (6) months. Could you please process this e-mail as you have done with the prior extension that was requested in my previous e-mail addressed to your office dated April 18, 2023. My client's current extension of time is good through and including May 2, 2024. Could you please process this e-mail with the City of Middletown Common Council to request and obtain an additional extension of time of six (6) months through and including November 2, 2024 (which should be the last extension needed by my client) for the reasons set forth above. Could you please process my request with the City of Middletown Common Council to request and obtain an additional extension of time of six (6) months through and including November 2, 2024 for the reasons set forth above. Please confirm the foregoing with my office.

Thank you for your assistance and attention to this matter.

If you have any questions or wish to further discuss this matter, please do not hesitate to contact my office to discuss.

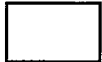
Thank you.

Ron

Ronald S. Kossar Esq.

402 East Main Street
Post Office Box 548
Middletown, NY 10940
(845) 343-5111
rsklaw@frontiernet.net

NEVER SEND A WIRE TO OUR OFFICE WITHOUT CALLING TO VERIFY. CALL ONLY A KNOWN NUMBER AND PERSON FROM THIS OFFICE, AND DO NOT RELY ONLY ON THE CONTACT INFORMATION ON WIRING INSTRUCTIONS OR IN THIS EMAIL.



Virus-free www.avast.com

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.



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

THE FOLLOWING WAS PRESENTED

By: Alderman Johnson
Seconded by: Alderman Tobin
Date of Adoption: August 20, 2024
Index No:

I hereby certify that the attached is a true copy of a Resolution and/or Local Law adopted by the City of Middletown Common Council.

Richard P. McCormack
Clerk to the Common Council

Names	Ayes	Noes	Abstain	Absent
Ald. Tobin	X			
Ald. Jean-Francois	X			
Ald. Johnson	X			
Ald. Wray				X
Ald. Kleiner	X			
Ald. Green	X			
Ald. Witt				X
Ald. Masi				X
Pres. Rodrigues	X			
Total	6			3

I hereby approve the attached Resolution/Local Law.

Joseph M. DeStefano, Mayor

Date

Resolution Authorizing the Accounts be Audited, Claims Adjusted, and the Treasurer be Authorized to Issue Warrants for their Payment

Resolution Authorizing the Accounts be Audited, Claims Adjusted, and the Treasurer be Authorized to Issue Warrants for their Payment

Prepared by:

Attachments:

None