



COMMON COUNCIL MEETING
CITY OF MIDDLETOWN

December 3, 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

GROUP: I pledge allegiance to the flag of the United States of America, and to the Republic for which it stands, one nation, under God, indivisible, with liberty and justice for all.

PRESIDENT J. MIGUEL RODRIGUES: Roll.

CITY CLERK RICHARD MCCORMACK: Alderman Tobin.

ALDERMAN JUDE SPARROW TOBIN: Here.

CITY CLERK RICHARD MCCORMACK: Alderman Jean-Francois. Alderman Johnson.

ALDERMAN PAUL JOHNSON: Here.

CITY CLERK RICHARD MCCORMACK: Alderwoman Wray.

ALDERWOMAN KATE WRAY: Here.

CITY CLERK RICHARD MCCORMACK: Alderman Kleiner.

ALDERMAN GERALD KLEINER: Here.

CITY CLERK RICHARD MCCORMACK: Alderman Green.

ALDERMAN ANDREW GREEN: Here.

CITY CLERK RICHARD MCCORMACK: Alderman Witt.

ALDERMAN KEVIN WITT: Here.

CITY CLERK RICHARD MCCORMACK: Alderman

Masi.

ALDERMAN JOSEPH MASI: Here.

CITY CLERK RICHARD MCCORMACK:

President Rodrigues.

PRESIDENT J. MIGUEL RODRIGUES: Here.

CITY CLERK RICHARD MCCORMACK: Quorum
is present.

PRESIDENT J. MIGUEL RODRIGUES:
Approval of minutes.

CLERK: You have November 4th, 2024,
please.

ALDERMAN JOSEPH MASI: So moved.

PRESIDENT J. MIGUEL RODRIGUES: Motion
by Alderman Masi, second by Alderman Green. All
in favor?

GROUP: Aye.

PRESIDENT J. MIGUEL RODRIGUES: Aye.
Correspondence.

CITY CLERK RICHARD MCCORMACK: We have
a request to rezone 40-50 Dulcet Avenue.

PRESIDENT J. MIGUEL RODRIGUES: To set
it to committee? Anything else?

CITY CLERK RICHARD MCCORMACK: That's
it for this evening, sir.

PRESIDENT J. MIGUEL RODRIGUES: Okay.

For the good of the city, I would like to call up Raelynn and her team again. They have a special announcement.

RAELYNN BERTHOLF: I know you don't want to hear from us again. (background conversation). Let's run that back, please. We're going to bring up the most important people who attend our programs, and here Nikki will explain where they went and their speeches that they delivered. We thought it was very important for the council and the community hear these incredible speeches, that these are youth, some of our youth that attend our programs, delivered at an event.

NIKKI: Hello again, everybody. So, we attended the Orange County Youth Bureau's Annual Youth Summit for programs that are funded and made possible through the Orange County Youth Bureau.

Our Middletown Recreation Young Warriors Boxing Program, which is led by Coach Paco, who I believe is here tonight -- who's back there. We recognized two of our fighters, Joshua and Isaac. They were recognized that evening as well as spoke on the importance of the program,

what the program means to them, and they are going to come up and share their words again.

So, you guys are just going to share what you --

JOSHUA: Hello, my name is Joshua. I'm a part of the Young Warriors Boxing Team. (background conversation). Okay.

Because of the Young Warriors Boxing Team, every day after school I have a place to go and because of them I'm able to chase my dream every day. Without them and their free program, I wouldn't have ever had a place to start boxing. I don't know where I would be without Coach Paco and everyone at the Rec Center.

Because of them, I won the Hudson Valley Youth Championship, and they teach me discipline, hard work, they give me a place to go, they keep me off the street, and I'm very thankful for them and everything they do for me, because they do so much for me every day.

ISAAC RODRIGUEZ: Hello, my name is Isaac Rodriguez, and I just want to say thank you, and I'm grateful to be here. And boxing is really important in my life. Boxing has helped me be healthy. I think we all have seen boxers,

how they are healthy, they're always in great shape, and boxing helped me get in shape. I lost weight doing boxing, and once I started competing, I lost even more weight.

Competition has shown me hard work and discipline. Being in the gym every day is not something that is easy, but I love doing it. I love boxing, it's my passion. I was able to win these two belts. Right now I am 3-0 in amateurs, and I'm hoping to win more.

And I also just want to say boxing is really important to me, because it also helped me stay away from bad influences. There's a lot of bad on the street, a lot of people do bad stuff, and unfortunately some of my friends have gone through that.

But what's the reason? Why do they keep doing this? Because they don't have a reason to fight for. I have a dream, and I want to become world champion. I want to make my family proud, and boxing has helped that. Boxing has been there for me.

I just want to say thank you, and boxing is really important to me, and I hope you guys keep funding this. Thank you.

NIKKI: I'm going to introduce Salinas Rodriguez.

SALINAS RODRIGUEZ: We have two young youth fitness participants, Ethan Narkaj and Denzeya Martinez.

ETHAN NARKAJ: Hello. My name is -- oh. Hello. My name is Ethan. I am seven years old. I have participated in many programs at the Middletown Recreation Department since I was three years old. Some programs include soccer, basketball, winter recess, and summer camp.

I enjoy summer camp because I get to learn new skills and make friends. My favorite sports are soccer, basketball, and flag football. I appreciate these programs. Thank you.

DENZEYA MARTINEZ: Good evening. My name is Denzeya Martinez. I am a seventh grader at Twin Towers Middle School in Middletown where I am a student in the enrichment program. I have been involved with the programs at the Middletown Recreation and Parks Department for about three years now.

Being able to attend the programs that they offer has been a great experience for me. It helps me to grow as an athlete and keeps me

active all year long. I play flag football and modified tackle football for my school and plan to try out for a modified basketball team soon. I attend many programs at the recreation center during the year. On Monday and Wednesday nights to go -- I go to the youth fitness open gym. I really like staying active and busy, and all of these programs let me do that. Again, thank you all. Have a great night.

NIKKI: And this is what it's all about. You heard from us, the workers, but hearing from the youth, it's what it's all about. If it didn't start bringing a tear to your eye, then I don't know. These youth are amazing. We love that they come back year after year, and this is why we do it.

If I could just have all the council members come up so we could take a picture inside with the youth. (background conversation).

WOMAN: One, two, three. Thank you all so much.

MAN: Great job, everybody.

PRESIDENT J. MIGUEL RODRIGUES: All right. This time, I'm going to call the mayor up to address one of our resolutions about Orange

Terrace.

MAYOR JOSEPH DESTEFANO: Well, I introduced the resolution to the council and proposed an agenda item and it's based on -- well, you can see all the whereases in the resolution and the resolves. But what's curious to me is that that's my proposal to the Common Council. The Common Council hasn't voted yet on this resolution, yet we were bombarded with emails from Mr. Frishberg and his consultants to change the plan, and that sort of confused me.

So, after reviewing what was sent and the requests that were sent, you know, I -- only reinforced the fact that the resolution is correct because, you know, when we review a document, and you know, as you know, the Zoning Board of Appeals approved the area variance. Whether we agreed with it or not, they did.

But the planning board rejected the application or made a negative referral to the Common Council. Maybe not -- reject might be the wrong word. So, when we review these plans, we determine the -- whether the plan was an acceptable subdivision, but now the applicant is changing or attempting to change the subdivision

after the public hearing has been closed, and I think that is inappropriate in and of itself.

So, it's up to this council to determine whether the original plan and/or the amended plan, if they so choose, significantly changes the nature of the original -- or the amended plan changes the original application. Whether it identifies -- whether the amendment complies with applicable laws and regulations, and we don't know that by what Mr. Frishberg submitted through his consultant.

What we do know is that they submitted a new site plan via email -- at least that's what I got -- that has no property dimensions on it. It states in the summary that lots one, two, and three have been changed. The length and depth of the homes has been changed. Removal of retaining wall, or walls -- I think it was wall -- and has proposed grading changes.

Mr. Frishberg in the submissions acknowledges that the 11-foot wall was not a good fit for the neighborhood, and said that it was important to maintain the aesthetics and characteristics of the neighborhood, and therefore they're now submitting this amended

plan.

So, they're agreeing with my resolution that I submitted to the council to deny the original application. They're saying it right in their own consultant's report, we acknowledge that an 11-foot wall does not fit into the characteristics and aesthetics of that neighborhood.

They do cite other properties in the neighborhood that have terraced walls. It's hard to make out in some of the pictures, but from what I was able to ascertain by looking at Google, was it looked like most of them were within 4-foot compliance but were terraced. You know, 4-foot wall, then maybe 10 feet, 15 feet, then another 4-foot wall, not an 11-foot wall.

I think it all changes the flow of the drainage when you start removing walls, and all of those things would take time to review. But I think the most important part, too, is also that the public hearing has been closed. How would the public now have an opportunity to comment on the plan that was being submitted today, or at least within the last couple of days, by Mr. Frishberg? And if they do comment, it's not part

of the public hearing record.

I guess you can still consider their comments, but the public hearing -- the purpose of the public hearing is for the public to come and comment on a proposal that's being presented to the Common Council. And that proposal now, by virtue, at least in my thoughts, of him submitting an amended plan, he's acknowledging that the original plan was deficient.

So, there are no SEQR on these new changes that have been filed. There are -- it's a process that he's trying to circumvent, the process of going back through the beginning of this, through the planning board, and back to the Common Council if necessary. But it's -- I think it's inappropriate for the council to consider this amended plan.

I think it's important that you consider and hopefully support the resolution that I proposed. I know I worked very closely with Alderman Johnson and Alderwoman Wray on this for several months. I know the neighbors have been very frustrated about the length of time this whole process has taken, but I think in the end we have come up with a reasonable resolution,

and that reasonableness was acknowledged by the very applicants themselves through their attorney.

So, I would ask that you deny the application this evening and reject the application or the -- for the subdivision, and then we'll move on from that and the applicant has the opportunity to proceed at whatever course they feel is necessary.

So, if you have any questions of me, I'd be more than happy to take them.

PRESIDENT J. MIGUEL RODRIGUES: Any questions for the mayor? Alderman Johnson.

ALDERMAN PAUL JOHNSON: Are we going to have discussion with the resolution, or can we have discussion now?

PRESIDENT J. MIGUEL RODRIGUES: We'll have discussion with the resolution.

ALDERMAN PAUL JOHNSON: All right. Then I don't have any questions. I have comments. I'll wait.

PRESIDENT J. MIGUEL RODRIGUES: Okay.

ALDERMAN PAUL JOHNSON: Thank you.

PRESIDENT J. MIGUEL RODRIGUES: Anyone from Orange Terrace would like to come up? No,

just Orange Terrace residents first. Mr.

Frishberg --

NEAL FRISHBERG: Thanks.

PRESIDENT J. MIGUEL RODRIGUES: No, no, no. No. We have residents first.

NEAL FRISHBERG: Oh, I'm --

PETER BROKER: Good evening. My name is Peter Broker. I live on 27 Orange Terrace, and I've been coming here for the last two years with this project. It's unfortunate, you know, this is -- it's unreasonable for this to take this long. Not fair to us, the neighborhood, not fair to the contractor.

I'm glad to see it came down from six houses to four houses, but I'm still or the neighbors are still not satisfied with that. We all had to build on 75-foot lots or greater. Most of our homes are on 100-foot lots, and we had to go through additional expenses to make that happen, but we followed the law. It was 75 feet minimum, and that was it. That was the end of it.

I hope you vote against this project. It really would destroy the neighborhood if you don't. You also need to consider Clinton Street,

which is a street that has all 50-foot lots, about 18 or 20 of them. If you make an exception here, what are you going to do when someone wants to build on Clinton Street? You're going to have to make an exception there.

We already have one contractor buying lots, 50-foot lots, but every other one he puts under a different name, so you know what he's up to. Thank you.

PRESIDENT J. MIGUEL RODRIGUES: Thank you.

MAN: Thank you.

LUIS VILLAFANE: My name is Luis Villafane. I live at 19 Orange Terrace, and I am totally confused today by this new change, and all I know is they constantly bring, they want to keep it in character with the neighborhood. They bring the entire neighborhood. Okay?

I live on Orange Terrace, and all the people on Orange Terrace are the ones that are going to be affected by this -- these changes here. And if you would go to Orange Terrace, you would see that the majority of homes are on 75-foot or greater. I believe there might be three that are on 50-foot lots.

And back in, when I -- I've been there 32 years. When I purchased the -- that property, the builder was Jack Stack and he was one of them that was forced to abide by the law and that rule. Also, my neighbor Pete was forced to abide by that rule, so I believe that everybody should be -- abide by that rule. And again, keep it in character. That is not in character with the neighborhood.

Again, we are running out of space here, and every little slot that they can build, that they can purchase, they want to build. How much more can you build? Okay? We don't need all those slots. Keep it in character with the actual block, and again, abide by the law. Thank you.

PRESIDENT J. MIGUEL RODRIGUES: Thank you.

MARIA JECHUMLONG: Good evening. My name is Maria Jechumlong. I live at 2 Clinton Street. I've been there 21 years and I was one that was also forced to build on 75-foot lot. I agree with what Luis and Pete said. Enough is enough. You know, follow the rules. That's all we want is just follow what everyone else had to

do.

There's only two or three homes on Orange Terrace that are on 50-foot lots. Everything else is 75. I don't care what's on State Street. I care what's on Clinton Street and Orange Terrace. We care about what's -- how it's going to affect that part of the neighborhood.

It's a little piece of heaven where we don't have so much traffic and all the kids are playing out there. You're going to bring six more homes. It's just going to be too much traffic, not to mention how the garbage trucks have to come in and out, and they go backwards. They don't -- they can't even turn around and make a proper U-turn.

And also, it's a little ridiculous how, you know, the zoning board already approved them for four lots. Now, at the last minute, you want to switch it back to six. You keep doing this. You start at six, we get you down to four, then you go back to six. Then you go back to four.

We're going to have another two years of this nonsense going on again? I mean, it's not fair. You know, build the homes. Just

follow the rules, just like everybody else did.
That's it. Thank you.

PRESIDENT J. MIGUEL RODRIGUES: Thank
you. Okay, Mr. Frishberg.

NEAL FRISHBERG: Thank you. Neil D.
Frishberg, Fabricant, Lipman & Frishberg for the
applicant. So, I'll work backwards.

Three people came up and told us to
follow the rules. We did follow the rules. We
applied to the Zoning Board of Appeals as per the
rules. We complied with the rules. The Zoning
Board of Appeals, after numerous people --
including the people who just testified here or
stated here, gave us a four-lot subdivision.
They gave us a three-foot variance for each lot
so we could have one more house.

We're not seeking four -- six houses.
We're seeking one additional house. That's it.
For those who claim that, well, I had to build on
75 feet, so do you, that's why we have variance
laws. And if you wanted to apply for a variance,
you could have. So, we followed the rules. We
followed the law. We did exactly what we were
supposed to do according to the City of
Middletown's codes, rules, and regulations.

We also did exactly what the city of Middletown asked us to do with the planning board. We complied with every request by the CPL. The planning board did not refer this to the Common Council until it was satisfied that we would comply with every request by the CPL. The Common Council gets the final say in this.

During the back and forth, there is a memo from Mr. Moore from 10/14/2024 which mentions the 11-foot retaining wall, which is the only issue this council has in the proposal from mister -- from Mayor DeStefano. Nothing else. Just a retaining wall. That's it. There is nothing else. No other problems. Nothing about traffic. Nothing about drainage. Nothing else. Just a retaining wall.

So, generally, retaining walls are determined when the property is being built. You could issue a positive, an approval, subject to the retaining wall being subject to engineering issues because that is the only issue that this council, that this proposal, that the mayor himself has said that.

So -- and what the mayor says -- and we don't agree, by the way -- that our

correspondence conceded that the retaining wall is unacceptable and unreasonable -- has an unacceptable and unreasonable impact on the neighborhood. In fact, that was never, ever brought up in any of the correspondence.

The only thing that Engineer Moore suggested is that maybe it requires specific engineering by an engineer. Well, guess what? That's who Al Fusco is. So, we don't agree with the mayor about our correspondence. We don't agree with his interpretation.

In fact, he's dead wrong. So, I understand that Ms. Wray doesn't want this project. Mister -- Dr. Johnson doesn't want this project. I get it because your constituents don't want the project. But guess what? You have to follow the law. The law says mob mentality doesn't rule.

The law requires you to look at your own code and ask yourself if we satisfied it, and we did. We satisfied everything in your code. We satisfied everything the CPL wanted. At the last minute -- because this is for the first time, the retaining wall had an unreasonable and unacceptable aesthetic impact on the

neighborhood. So, we resolved it.

You're going to -- if we knew about it beforehand, we would have submitted a 4-foot retaining wall, but no one asked us to. No one said, please submit plans with a smaller retaining wall. Had they asked us to do that, we would have done so.

So, Mayor DeStefano's claim that the public didn't have an opportunity to look at it, the public hearing was closed after we got the 10/14 memo. And we never had notice that it had an unreasonable and unacceptable -- had an unreasonable and unacceptable aesthetic impact on the neighborhood for a wall that is at least 20 feet from the property lines. No one told us that.

So, yes, I do think you should consider the plans that came in, because we never had notice that it was unacceptable and unreasonable aesthetic impact. There's not a single document that goes back and forth regarding that. This is just a canard, and I say this with due respect to the mayor. It is a canard because he doesn't like the ZBA decision.

He doesn't like the fact that we come

in here entitled to four lots. He doesn't like the fact that the ZBA granted our area variance, and this is just a canard to prevent us from having a four-lot subdivision where we complied with all the engineering issues.

So, I put it to the Common Council. Do one of two things. Vote on the matter based upon the plans that were submitted with a 4-foot retaining wall, since it now has resolved the mayor's concerns. Or two, adjourn the matter to the 17th. Send our plans out to the public. Let them comment all they want on the limited issue of the 4-foot retaining wall, because that's all that's different.

Everything else has been complied with. The lot sizes are the same. The grading is the same. There's no difference. So, we understand that you had 62 days from the close of the public hearing to render a decision. We've already agreed in my letter to extend it until December 24th. That's okay with us. But no one is being shirked of process.

My client is a constituent of Alderman Wray and Alderman Johnson, just like their other constituents. He owns property there. He's

asking for one extra house. He's entitled to three and the only thing that's causing the mayor to have a problem with this is a retaining wall. And I guarantee you, if I look through the annals of all the approvals, of all the denials that you've made, there is not a single denial based upon a height of a retaining wall. Thank you.

PRESIDENT J. MIGUEL RODRIGUES: We'll let the mayor --

MAYOR JOSEPH DESTEFANO: Well, really no need to respond to everything Mr. Frishberg said, because a lot of it is BS. And the entitlement issue certainly is one of them. But he says no one asked them. It's not our job as a city council or my job as mayor to do the planning for Mr. Frishberg and his clients.

And it's also not my job to come up here and tell you, make a representation to you of what Mr. Frishberg's consultant said. What I would like to do is submit to the council a letter dated December 2nd from Fusco Engineering Land Surveying, and I'll quote part -- I'll read the letter, because it's not that long. Because it's basically some of the things that I outlined in my presentation. This letter --

"Dear Common Council Members: this letter is regarding the denial of the requested subdivision of the Orange Terrace. Our firm has revised the site plan to reflect the following changes. Lots 1, 2, and 3 have been revised. The proposed single-family dwelling depth has been reduced from 28 feet to 24 feet. The length of the dwelling has been increased from 32 to 36.

"Item 2. Lot 3, retaining wall has been removed. Proposed grading now reflects the change.

"Lot 3 -- Number 3. Lot 1 and 2, the dwelling units were moved forward towards the house -- towards the front setback line, therefore decreasing the height requirements for the ingress -- egress of the rear of the property.

"Item 4. The retaining wall located along the rear of the property for Lot 1 and 2 has been revised to a maximum of 4 feet high.

"Item 5. The retaining wall along the right side of Lot 1 has been eliminated."

Now, here comes the line that Mr. Frishberg objected to.

"Our firm" -- now this is the

consultant for the applicant, and these documents were presented to us on behalf of Mr. Frishberg also.

"Our firm understands the importance of maintaining the aesthetics and characteristics of the neighborhood. We have revised the plan to minimize the impact on the neighborhood community -- neighboring community. We have minimized the cut and fill requirements in the area of disturbances to help balance the site."

And then he goes on talking about the multiple properties that he claims have 4-foot walls and other terraced walls. So, it's not my representation that Mr. Frishberg used -- through his consultant, was agreeing with the resolution that I had proposed to the Common Council. That was his consultant.

Also, there's an expectation, I also would like to submit to the Council the site plan that was presented. You look at the site plan. There's no dimensions of lot sizes. There's no representation about what has been changed. There's no drainage, at least from what I can determine as a layperson.

All this will require our engineers to

review, go through the SEQR process if necessary, have more public input and opportunities for public input. I didn't ask Mr. Frishberg to come here tonight and change the resolution. I didn't ask him to submit an alternate resolution. He did that on his own.

You very well could have voted down my proposal and then had a resolution from the floor approving his proposal. He's the one that acknowledged at every step so far that what they presented had a problem. It's in both of these documents.

So, he can move on and do corrections or whatever he needs to do, but in regards to the application or the resolution that's in front of you, I would hope the council would reject it and then send this project back if they so desire. They have the right -- and I know people will not like to hear this -- they do have the right to go back and apply again at the Planning Board.

But then our engineers will then have an opportunity to review the site plan that's being presented. Unless he can show me on this site plan that you presented, Mr. Frishberg, can you tell me how big these lots are? Can you tell

me the width of the lot?

NEAL FRISHBERG: They're the same --

MAYOR JOSEPH DESTEFANO: I'm asking about the document.

NEAL FRISHBERG: They're the same size lots that were presented to this board for the last five months.

MAYOR JOSEPH DESTEFANO: Okay --

NEAL FRISHBERG: They haven't changed in size.

MAYOR JOSEPH DESTEFANO: Well, this document --

NEAL FRISHBERG: Not one inch.

MAYOR JOSEPH DESTEFANO: This document does not reflect any dimensions --

NEAL FRISHBERG: Not one --

MAYOR JOSEPH DESTEFANO: -- whatsoever.

NEAL FRISHBERG: They haven't changed one inch.

MAYOR JOSEPH DESTEFANO: Okay, you don't want to answer the question.

NEAL FRISHBERG: They didn't change one inch.

MAYOR JOSEPH DESTEFANO: You don't want to answer the question. On this document show me

the dimensions of this lot, all four of these lots on the document you submitted to the Common Council. It's not there, and that's why you don't want to answer the question.

So, I'll present this to the Common Council. The decision is yours, of course, and we can move on to the next order of business.

PRESIDENT J. MIGUEL RODRIGUES: Thank you. We'll move over for the good of the city now. I'll open it up for the good of the city Everybody will have a chance to speak. Please state your name, where you're from. You have three minutes. Come up. If I hear people booing or saying comments, the public conference will be over. We will not have public comments again. So please be respectful to everybody. You have your three minutes, and go from there.

JASON: All right, hard to top all that, but good evening. My name is Jason, and I live in Middletown. What do Newburgh, Beacon, Kingston, New Paltz, and my city have in common? Each are within Pat Ryan's congressional district. What don't they have in common? Middletown is the only municipality among them that hasn't passed a ceasefire resolution,

despite this being the eighth meeting in a row where community members have gathered to urge you to pass one.

Grassroots advocacy is about building from the bottom up, and that's why we're here. It's the only way to counteract money in politics. Our efforts are now paying off, as evidenced by Pat Ryan's recent reversal of his vote on H.R. 9495, a bill that would give Trump unlimited power to dismantle nonprofits that he disagrees with.

It is unusual for Pat Ryan to respond to his constituents on a Palestine-related issue, and it's a sign that the growing pressure on him is working. Middletown is the missing puzzle piece to create pressure for a congressman to change his stance.

Understanding this to suggest that individuals speaking from neighboring towns are "hijacking" the meeting is a mischaracterization. The reality is that people are being inspired to take action and join the conversation. Hudson Valley and Middletown residents alike are uniting on this front.

Contrary to the claim that no new

information is being shared at each meeting, we've consistently returned to debunk narratives aimed at undermining our ceasefire efforts. We've corrected the falsehood that our movement is organized through the DSA rather than being a community movement.

We've proven wrong the argument that this council lacks the authority to speak on global issues and each of you have demonstrated this by passing a resolution for global peace. When folks have misspoke, we've clarified misinformation about Middletown's tax dollars, ensuring that our community has accurate information about our federal tax dollars.

Tonight, Zionists may try to distract us by bringing up Hamas, but Israel is not looking for Hamas in tunnels. They're bombing Palestinian schools, homes, and hospitals. They're not looking for Hamas. They're cutting down olive trees in the West Bank and burning farmland, books, and food. They're not looking for Hamas. They're starving 1.8 million people at once in an open-air prison.

Being that you're all Democrat, I can't understand why you wouldn't support us in our

efforts. A year from now, when we look back on our efforts, think about how you will be remembered.

What's happening in Palestine will follow all of us for the rest of our lives, so it is my hope that you will find it within yourselves to uplift our community's voice. Thank you for your time and consideration, and, again, we do appreciate you passing a resolution calling for global peace and the release of hostages.

We are now asking you to take the next step and pass a resolution with verbiage calling for a ceasefire. Do it for your constituents, do it for Palestinians, do it for Israelis, do it for us. Thank you.

ALEXA: My name's Alexa. I just wanted to start by saying it's my first council meeting, and coming in early, being part of the community and seeing all that is done for our children is - - was very inspiring. I should have come to more before this. I wrote something, so I'll just read it.

Mayor DeStefano and esteemed council members of Middletown City Council, I come before

you with respect for your time and concerns of our community. As a homeowner and a proud resident of Middletown, I strongly urge you to pass the ceasefire resolution. Our city is in a unique position to join neighboring communities in leading this honorable charge -- cause. Sorry.

I have faith in this council, and especially in Mayor DeStefano. I've seen firsthand your passion for unity, for community, and empowering our youth, passion that has already made a significant impact, not only in our community, but in the future world.

As an informed citizen, I believe passing this resolution will not only align us with global efforts for peace, but also redirect resources into local, meaningful projects. Charity starts at home. And it's time we focus on investing in our communities, rather than sending federal taxpaying dollars elsewhere for causes that don't align with us. Thank you so much.

PRESIDENT J. MIGUEL RODRIGUES: Thank you.

MILAD: Good evening. My name is

Milad. I'm a Palestinian-American who made home in Middletown. I want to express my gratitude to those who uphold the tradition of allowing public comments in this -- in your city council meeting, as this embodies the true spirit of democracy in America.

After the last meeting, I had a chance to speak with Masi, who honestly answered the question, if we fill the room with Middletown residents that supports our cause, would it make it change your mind? He said not only no, but he also mentioned the difficulty of getting five city council members to support us.

It is an -- it is important to us to maintain an open mind in order to appreciate various perspectives and be ready to adjust our approach when necessary.

I want to explain ourselves in a different way because I have heard some of you mentioned that only about 100 communities in the U.S. have passed ceasefire resolution and thousands of others have not been addressed.

If you want to build a brick fence, you start with the first row, then the second, third, and so on. You did not skip to the 10th row and

expect it to stand. We chose your counselor because Middletown residents aspire to spark a chain reaction encouraging other cities and towns to join us in advocating for a ceasefire resolution.

At first, we thought that -- at first, I thought the U.S. current administration was complicit with the genocide, but I come to understand that we are, in fact, playing a significant role in the genocide.

History reveals the millions we have murdered throughout our relatively short existence, often without compassion. One example that shocked me the most, when the Secretary of State Madeleine Albright responded yes to the question regarding the death of half a million Iraqi children.

Due to the sanction, she was asked, is the price worth it? At the end of our -- at the end of our brief three minutes, I have been given to discuss the 76 years' painful occupation and suffering we have endured, I would like to share a deeply personal story.

On my father's deathbed, he held on to the key of our home in Palestine, a place was

taken away from us with such determination, even when he closed his eyes for the final time. He refused to let go of that key, a powerful symbol of our root -- of our lost roots and love for the place that remains forever in our hearts, while many Israeli settlers have left their fantasy home and returned to their original land.

If -- and a big if -- Israel prevails, it indicates we are heading toward a larger conflict, along with the potential for stealing more land from neighboring countries. This war between evil and good, injustice and justice, darkness and humanity, colonization and liberalization. When people seek a righteous life, faith will answer, the night will end, and the chain will be shattered. Thank you.

ADAM BYRNE: Good evening. My name is Adam, Adam Byrne, and this is my city. I'm sure I've told you -- well, I might not have, but I've been an uncle for about a year and a half now, and it's so exciting whenever my niece and nephew, Dante and Freya, come to visit from New Jersey. They're like these little people who experience the world for the first time.

It's so incredible to see them eat

blueberries and wheel around in their little toy scooters, and it's like everything is so new to them. You don't get to see that with adults, but with little kids, it's like you see the wonder in their eyes, and their faces light up when you play peek-a-boo. The little one's really little, so it's like that.

Whenever I go on my phone, though, I see these, like, see these families crying out to me from the other side of the internet, and it's really disheartening. I get to have -- I get to have fun weekends with my niece and nephew because they're still alive. A lot of Palestinian children are searing piles of flesh.

It's not a great situation, and our tax dollars are complicit in that. We don't have to be. We're not saying you have any sway in the transfer of federal funds. We are saying that you could just say that you want it to stop, because that's, on an individual level, what I know you would all be willing to do.

You -- I know you all want this to stop, each and every one of you, and you can make it happen. I believe that. Thank you.

ADNAN: Hello. My name is Adnan

(indiscernible). I'm a proud Palestinian, Orange County community member. I'm here to speak of the voice of the voiceless. I'm here to represent the 60,000 children who were murdered by Israel and the thousands of kids who no longer have a shoulder to cry on, the children whose family members have been abducted who cry alone, the children of family members who are still stuck under rubble, maybe dead or maybe injured.

I'm here to represent the kids that are starving to death due to Israel's war crimes. None of these atrocities would be possible to take place without our tax dollars.

I know to you, you might think that Middletown calling for a ceasefire won't do -- won't change anything or do anything for -- do anything to help, but I'd like you to understand that it takes small steps to lead to the bigger steps, and that we are desperate to help stop the killing that are being funded by our tax dollars.

We are desperate for the Biden administration to start listening to what our people want. Hand in hand, we can all put some pressure on the government to stop sending our tax dollars and to call for an immediate

ceasefire. This wouldn't be an issue that would become present in our local city halls if we weren't funding it, but since Middletown's tax dollars are contributing to the genocide, it is also a Middletown issue.

The way I see it, you guys are all here as congressmen and women, but when you leave from here, you are fathers, sons, mothers, and daughters, people who value family. So, please understand, we value our families as well. I understand that your job is to take care of the people of Middletown. Well, unfortunately, the people of Middletown are contributing hundreds of thousands of their tax dollars unwillingly to help fund this genocide.

Nothing justifies killing 60,000 kids, not self-defense or human shields as they claim. Nothing justifies a loss of a life of a child. I believe that even after months of devastation, the future can be brighter and that if humanity rises up, we can help save my brothers and sisters in Gaza.

I desperately and kindly ask you to support the community's resolution of a ceasefire in Gaza. We need an immediate and permanent

ceasefire. There has never been a country who refers to themselves as democratic, yet kills 150,000 civilians. There was never a civilized nation that targets kids.

Would a democratic country say things like, no Palestinian children are innocent and refers to us as human animals? How is it possible that a country who believes in the rights, freedoms, and justice for all needs to be convinced that killing children is not okay?

If my grandparents didn't seek refuge in 1948 during the Nakba, I'd be a kid in Gaza suffering like these children are, waiting on adults overseas to see if the bomb should end or not while other adults call it self-defense.

I hope you guys choose to be on the right side of history. I'd like to end it off with a quote by Malcolm X. "If you're not careful, the newspaper will have you hating the people that are being oppressed and loving the people that are doing the oppression." Sixty thousand children dead. Thank you.

MAN: That's a good example. She thinks she's special. She just cut the line and stands right there. Look at her. She's standing

right there.

PRESIDENT J. MIGUEL RODRIGUES: We have three minutes to go. I don't have to end this. Point of order. Stop it right now.

JAIRO PEREZ: Thank you. Good evening, Mayor. Good evening, Council. My name is Jairo Perez. I'm a community organizer here at For the Many and I live here in Middletown on Houston, and I've been living here for 20 years.

And first off, I wanted to thank you for the work that's being done towards good cause eviction. As you can tell, I'm here to speak in support of good cause eviction and we need good cause eviction to protect against the unfair evictions and the predatory rent hikes.

I'm also speaking on behalf of members who couldn't be here tonight because they're working late to afford their rent, let alone the rising costs of groceries and utilities. If people pay their rent and abide by their leases, then they should be able to stay in their homes without the rent hikes and unjust evictions.

I also call on you to set the portfolio size to one unit exemption to cover as many tenants as possible. Middletown is on the up,

and I'm proud to be from here. I hope that other families get to grow here and aren't pushed out and enjoy the great things such as the park and rec here in our city.

Also voice my support for the ceasefire resolution. Thank you.

JEFF BERKMAN: Hello. I'm Jeff Berkman, lifelong Middletown resident, and I just am here to express my gratitude and appreciation for everyone on the Common Council. It's like we're going through quite an ordeal, and a lot of people are not from Middletown that feel compelled to come to our community and to express their priorities, which may or may not be our priorities. I expect not.

I mean, I could go on and try to express my disagreement with what others have called facts and the numbers, you know, but I'm not going to do that today because I've thought all along that this is not the forum for a discussion of foreign policy.

You can mention it. I'm not -- you know, it's a free country, and people can go to elected representatives with their ideas, but it seems to be a pattern where we have, I think this

is the ninth time in a row, and I remember I was quite impressed with some of the comments that some aldermen made last meeting where they were saying that you've considered, listened to what they had to say, considered what they had to say, wrote your own resolution, and passed a resolution.

Under normal circumstances, we would think that would be case closed, but that's not anything -- it's far from it right now. I heard a few speakers got here early last time because we -- the line stopped short last time, but I didn't hear -- I heard the word hostages once, and if we have a sincere effort for healing and for doing the right thing, ceasefire is certainly an appropriate thing to discuss if you have the right forum, but so is freeing the hostages.

To me, there's like a selective consciousness about what is important, so I'm hoping that you'll withstand whatever tidal wave of pressure that is placed upon you, and I think that you're up for a job, and that's why I'm here to say thank you. All right?

NATI: My name is Nati (indiscernible) and I live in the area, Middletown and Goshen,

for more than 30 years. I'm going to jump a little bit. I'll try to do it fast, but I want to respond to all these people, what they said last week and this week. I want to try -- I want to start with the fact that they say ceasefire, ceasefire, and the fact is that as soon as they bring the hostages back, they know that in one second after that it will be a ceasefire.

They don't talk about them, they just don't talk about the fact that six of them survived a whole year, and they were murdered in cold blood. Two of them, just found out that they're American, and the American citizen who were just killed in cold blood. I -- they talk about your taxpayer.

Your taxpayer who gave so much money to Gaza and to the West Bank and whatever to build hospitals, to build schools, to do all good things for Gaza, to build places to work, they took this money and they used it to build tunnels, miles and miles and miles of tunnels that is full of weapons, and why?

Just so on October 7th, they came to our houses, to our labor, to all the kibbutzim, and they killed and murdered and they raped.

They cut their bodies. They cut -- they put babies in the oven while they're raping their woman and their husband is watching it.

What do you want the government to do, if they did it in your neighborhood? They killed 15,000 of young people who just wanted to dance in a music festival. That's what they wanted to do, just dance. And they came and killed them and raped them and cut them and they shot the Gentiles. They did horrible things. For what?

They started it, so please, you want to stop it? Stop it. Bring back the houses. We are protecting, I mean, Israel is protecting themselves. There's -- it's -- nobody talks about the cities, that it's evacuated a whole year in Israel. People are displaced and they are --

PRESIDENT J. MIGUEL RODRIGUES: Your time's up.

NATI: -- refugees in their own house.

PRESIDENT J. MIGUEL RODRIGUES: Got to go. Time's up.

NATI: Okay. I just -- okay. I just, you know, and --

PRESIDENT J. MIGUEL RODRIGUES: Your

three minutes is up.

NATI: One more thing. I --

PRESIDENT J. MIGUEL RODRIGUES: No.

No. Your three minutes is up. Everybody is up.

The beep, please, three minutes are up.

NATI: I want to say one more --

PRESIDENT J. MIGUEL RODRIGUES: No, no.

We're good. We're good. Point of order.

NATI: Thank you.

KEVIN GOMEZ: Good evening. Kevin

Gomez, resident of the city of Middletown.

Listening to the Parks Department report and from our Parks Department commissioner, it's testament of this city's commitment and this distinguished body's commitment to keep our city a great place to live, work, raise families.

That's why Middletown is a destination for so many New Yorkers who have thought about leaving New York, but give it a chance because this is a place where we can make a comeback. And I think -- and that also shows that this body has their plates full. We're a lot of local issues.

That's what local government is all about, looking for local solutions for local

problems, working in partnership with our other levels of government, our county, our state, our national elected officials to address the immediate local needs, whether it be quality of life, public safety, economic growth, continuing to build the business climate, and I think the downtown is testament to that. We understand and we appreciate this body's commitment to address those issues.

At the same time, I appreciate and respect the commitment made by the mayor and the council at our last meeting, not to let this body or this important time to address the council to be taken hostage by any group or any agenda that may try to deviate the goal of this body. It is not that this body does not -- is not interested in peace. I think they have spoken about that.

But this distinguished body here understands, we the people understand, that on any issue, there are different viewpoints. And just some -- like some may be a little more militant and more vocal, others that may have a different perspective or may be part of a greater silent majority also have the right to be heard.

What I saw at the last meeting when one

member of our community stood up to speak and somebody else, maybe more vocal, tried to shush that person, that's unacceptable. That is wrong. You cannot advocate for tolerance, for the rights to be heard, when you want to silence others that differ with you. Okay?

And if freedom of speech means anything, it means learning to listen, learning to understand that if you truly believe where you stand, you also have to know better the other side to truly appreciate and address the issues reasonably.

So, I thank this common -- the Common Council, every one of your members, for your hard work, dedication and commitment to listen to everybody and ensure that all views are considered. And I encourage all members of the audience to be respectful to the different perspectives. I think that will make us a stronger country in the future and a more special Middletown. Thank you.

PRESIDENT J. MIGUEL RODRIGUES: Thank you.

JENNA: Hello. My name is Jenna. I'm an Orange County community member. I'm 15 years

old. Did you know in Gaza, if you're lucky enough to make it to my age, you have already witnessed and survived four wars? This time isn't even a war, it's a genocide. Over 18,000 innocent people have died, including 18,000 children in Gaza over the span of just a little over a year.

You might be thinking, why am I bringing this up here in Middletown? Middletown contributes approximately \$350,000 American tax dollars to help fund this genocide in Gaza. So, when people say America first or this has nothing to do with America, yes it does. It's time to prioritize Americans instead of arming Israel for their war crimes.

For the people who are questioning, what does Middletown have to do with this? What does Middletown have to do with the Ukraine that there's a whole Ukraine flag when you first walk in? We're not here asking you to represent Palestinians or fund Palestinians. We're literally here to ask you to stop bombing Palestinians. Is that too much to ask for?

Instead of using our tax dollars to fund this genocide, why don't you use it for

important things like help remove the homeless out the streets, health care, and better education for the American people? Caring about the lives of innocent children and thousands of children being slaughtered isn't only an American value, it's a conservative value and it's a religious value.

And to the hypocrites and the spineless people who can't say that, they have no future in our government. I can't believe that what I'm seeing today -- I can't believe everything that I'm seeing today and that people still have the audacity to say this is about anti-Semitism.

Being silent during the genocide is equivalent to being silent during the Holocaust or slavery. It hurts to know that there are people out there with no care in the world for the innocent lives being taken day by day. I can't believe that any civilized nation who believes in rights and freedoms need convincing that this isn't okay.

The Palestinian struggle isn't just a fight for justice, it's a tough battle for the basic human rights everyone should have just for being alive. It's a constant stand against

oppression and the cruel denial of even the smallest bit of human dignity. All we're asking for is a permanent ceasefire and to stop funding this genocide. You could see the images and videos of the horrific attacks happening in Gaza live on social media.

No one could convince you that what is happening is okay. Every innocent individual deserves to live without fear and violence. To think of the fear these kids have to endure just from the noises of the bombs is enough to break the hearts of anyone who actually has one.

As we're speaking and debating about this right now, people in Gaza are being starved to death and bombed at the same time. Voting for a permanent ceasefire is the least we could do as humans. Please don't let money, propaganda, or media lies make you turn your back on humanity at a time they need you most.

As Malcolm X once said, "I've had enough of someone else's propaganda. I'm for truth no matter who tells it. I'm for justice no matter who it's for." And I just want to let you guys know, October 7th didn't happen in a vacuum, it started in 1948. Thank you.

KYLE CONWAY: Good evening. Thank you for your time. I want you to close your eyes and imagine, what does an American look like? That is really part of the question. If we have people who look like an American suffering, maybe like our brothers and sisters in Ukraine, we're going to their defense because they look like or relate to what an American is.

When we think about our brothers and sisters in Palestine, do you feel like you're related? Do you feel their struggle? This is what this comes down to. There's a lot of historical pain from both sides. We are all children of Abraham.

The people, the Jewish people who suffered during the Holocaust, it wasn't okay. They got to Palestine, they were given land forcibly, but they have a right to exist. Then what happens? The people of Palestine start to suffer. The people who were suffered are now causing suffering.

This is not an anti-Semitic thing at all because actually, Semitic means to be of Afro-Asiatic linguistic family of Hebrew, Arabic, Aramaic. So, asking for a ceasefire is really --

not including a ceasefire, is really anti-Semitic against the Palestinians.

Your pain from the Jewish people are felt. We understand that, and it wasn't okay what happened historically. What's going on in Palestine, again, I said this before when I came up -- I'm sorry, I'm Kyle Conway, resident of Middletown, forgive me.

We are watching what happened to the Native Americans in this country, number one, and now we feel sorry. Now we feel sorry. It was a crime against humanity. What's going on in Palestine, yes, there is an issue with the hostages, and you are correct, but as the young'un just said, this didn't start October 7th.

Maybe the people who are doing this don't know how to translate their frustration because how else, what else are they supposed to do? I'm not advocating no violence against anyone, but what needs to be done when our tax dollars are funding a genocide or funding an apartheid or funding an open-air jail? Thank you for that.

The reason why Middletown citizens are

coming to you, at least, if it's not about money, it's about the ceremonial part of it. You are leaders in the community. People look to you and say, hey, what do -- our leaders are saying? How do our leaders feel? And we cared about -- we're talking about land, people's homes, and things not being represented.

We talked about families. This is -- Palestinians are part of the Middletown family as well.

AMIRA: Hi, my name is Amira, and I'm a resident of Orange County, and I have multiple family businesses in Middletown. I'm here to talk about the ongoing genocide in Palestine once again. Last time I came, I noticed that there was a Ukrainian flag, but we are just saying to stop sending money and bombing people's homes.

For me, as a Middletown community member, I would like to know that I'm in a community that calls for a ceasefire. I understand that your job is to help the people of Middletown, but our taxes are funding a genocide. This should not be seen as an irrelevant issue, but a very serious matter.

Seventy-five years of killing women,

children, and innocent people is not okay. Killing 20,000 kids is not okay. That is also not to mention that Israelis are using single-digit numbers. We are talking thousands dead, about 46,000-plus, the people injured, hospitalized, and starving.

Why should we see these actions and watch these brutal murders of children every day? And I have met one of those people who witnessed it, for that matter, and their story left me shook. I'm here for them today. I'm an Orange County community member, and I think the least I can do is get my community to call for a ceasefire.

Did you know that what's happening in Palestine is the best-documented genocide in the world? Orange County, look into your hearts and find room for the children of Palestine. You have the power to make a difference by simply saying, ceasefire now.

So Orange County, once again, will you call for a ceasefire? Thank you.

HANAN ABU NASSER: Hi, I am Hanan Abu Nasser. I am 11 years old, and I'm an Orange County resident and I'm here to talk about the

ongoing genocide in Gaza, the fact that Israel could murder so many kids and feel okay about it.

Today, Middletown, you can make a difference by calling for a ceasefire. Imagine seeing your starving kids suffering and cannot be able to do anything. Imagine witnessing all this bloody murder from Israel, supposedly 50,000 killed, plus the ones under the rebels. Israel, you -- the Israeli president literally said he wants to see a pool filled with Palestinian blood, even including the innocent ones.

Imagine being a Palestinian and getting killed just because your race. Israel's violence level is insane. Today, if you want a ceasefire, all you have to do is say ceasefire now.

BRAVIN RUNGA: Good evening. Thank you so much for your time. My name is Bravin Runga (phonetic), and I'm with For the Many, and I'm here to speak about good cause eviction.

I first want to thank the Common Council and the mayor for considering this legislation and moving forward good cause eviction protections. I had a very productive meeting with the mayor and Alderman Johnson last month.

I want to focus my comments tonight on why it's imperative that Middletown pass a strong version of good cause eviction, which means closing dangerous loopholes that could be taken advantage of and leave tenants out in the cold.

So far, 11 municipalities across New York have passed a version of good cause eviction. The cities of Albany, Ithaca, Kingston, Hudson, Newburgh, Beacon, and Poughkeepsie, and the town of Fishkill, as well as the villages of New Paltz, Nyack, and Catskill.

In the town of Fishkill, which passed good cause at the end of last month, a strong version of good cause passed unanimously, even the Republicans on the council voting yes. Every single municipality that passed good cause has passed a strong version, which means that they set a portfolio size exemption at one unit.

That would cover as many tenants as possible and close a potential LLC loophole that corporate landlords could exploit by getting around the law by creating multiple LLCs.

The fact that municipalities are unanimously voting for such a strong -- for

strong good cause eviction protections, and the fact that even Republicans are voting to close the LLC loophole, shows that this is not a radical idea, but a common sense one.

Strong good cause protections are the bare minimum needed to protect tenants and Middletown is more in need of these protections than some of the cities that have already passed good cause due to the higher concentration of renters in the city and the greater proportion of those renters that are rent burdened.

If Middletown chooses to pass a weaker version of good cause by increasing the portfolio size exemption, it would be the only municipality in the state to do so and set a terrible precedent. The housing crisis is more acute than ever, especially in these winter months. In the last three months, 38 warrants of eviction were filed in the Middletown city court. That's 38 families, 38 tenants being put out in the cold.

So, again, I urge you to pass a strong version of good cause eviction and I thank you for your work on this issue. Now more than ever, it's important that everyone in Middletown has a home they can afford. Thank you.

AMANDA KRUMP: Good evening, council members. My name is Amanda Krump, and I'm from Middletown's 4th Ward. I would like to thank the council for the opportunity to speak again. It's not easy to approach the council. Public speaking is a very common fear, and I'm thankful that we've had the opportunity to stand and do it together as a community.

Middletown has the chance right now to join other cities and create a domino effect. We hoped to inspire neighboring councils to take this same step and in turn create more pressure on the representatives above. As we have addressed as a group in the past, we understand that Middletown is not directly funding the genocide.

All we are asking you to do is pass a ceasefire resolution making a statement recognizing that Palestinian and Jewish lives matter and no more harm should be done to either. Our proposed resolution also mentions that the United States federal government and members of Congress hold immense diplomatic, military, and financial power to save Palestinian and Israeli lives. This is so important to highlight.

In regards to what Alderman Masi and what Alderman Wray said at the last meeting, I would like to inform you that we are in fact grateful for the resolution that you have passed, and we did not ignore it. Two meetings ago when you both were absent, we came and we commended the council on the one-sentence resolution. Thank you for recognizing that you do not have to be an expert on foreign policy to call for peace.

We hope that you will take it a step further and call for a ceasefire. You do not have to be experts and understand every detail, but you should listen to the people put in place to analyze these things, the experts that have been put in place to uphold human rights worldwide.

How much longer will Israel and the U.S. completely ignore international law? How much longer are we going to trust the Israeli and U.S. government instead of the rest of the world that is calling for a ceasefire? Please, we urge you to join us and make a statement to our government. Be the heroes and stand on the right side of history.

At the last meeting, a young

Palestinian girl was speaking and she said to the council, if you are not disgusted by Israel's actions, then I am not sure you are human. I genuinely do not understand why this was called to a point of order and yet not some blatantly racist statements made by others attending, like one person that said, Arabs were not -- were always on the other side of genocide.

Characterizing an entire race of people as being violent is very concerning and I continuously see Zionists using language to dehumanize Palestinians and make them all out to be terrorists and therefore deserving of death.

Palestinians are human beings the same as all of us and their people do not deserve this collective punishment and genocide for any reason. There is nothing that could excuse the horror and terrorism that is constant for Palestinian civilians.

Lastly, thank you for considering Good Cause. I would like to urge the council to please pass this in its strongest form, meaning we need legislation with a portfolio size of one unit to maximize tenant protections and prevent any loopholes. Thank you.

JOYCE BROWN: Good evening. Good evening, Council. My name is Joyce Brown. I'm a Middletown resident. After using my voice to speak here today, I will go home. I will take off my shoes and I will stress about finals that I have for the next two weeks.

That is a luxury because knowledge is power, language holds meaning, rhetoric is important, and it is a luxury that Palestinians lack today. I am urging you to use your words, use your rhetoric, use the knowledge and the position that you have been entrusted with to say the word ceasefire and actively not condone the genocide happening in Gaza right now.

I have the luxury to live in a home with my family and to enjoy meals and to go shop in downtown and spend my money and make money in Middletown. I don't want my tax dollars to end the lives of children, women, men, people just trying to live regardless of where they come from, who they are, and you shouldn't either. Thank you today for your time. It's nice to meet you.

APRIL GARDY: Good evening. Thank you for your time and for your listening. My name is

April Gardy. I am from Newburgh and I'm a U.S. Army veteran having served six years as a military police officer and about four years as a chaplain assistant.

I was sent to Ground Zero the day 9/11 happened with my military police unit and I can tell you that the images and videos I forced myself to watch coming out of Gaza since October from journalists, health care workers, emergency responders, humanitarian aid organizations on the ground have been extremely triggering.

I've done this though to educate myself and bear witness trusting my eyes rather than the lies as to how our federal U.S. tax dollars are being used to fund and enable a genocide in Gaza. This council has called for a peace across the globe and an immediate and unconditional release of the hostages. I love that. Now how do we achieve this?

I can tell you that it's not by sending 18-plus billion dollars of federal U.S. taxpayer money in the forms of arms sales and U.S. supplied weapons, munitions and 2,000 to 4,000 pound JDAM to Israel which have been used in serious violations of international humanitarian

law in the manner that is inconsistent with U.S. law and policy.

It shows a serious failure on U.S. leadership when we have U.S. senators and spokesmen in less than a year's time stating that Israel's committed to international law -- to international law does not apply to Israel or any of us for that matter and we keep funding and sending weapons to Israel. In fact another \$680 million weapon package on the way. Clearly, Israel could not keep fighting without the United States' support.

With each war crime committed by the IDF, Israel loses credibility, becomes more isolated internationally, and closer to becoming a pariah state.

The U.S. funded genocide is a strategic threat to U.S. interests, not only domestically as those billions could be used to be supporting crises that Americans are experiencing right now surrounding homelessness, health care, food, and basic human existence, but also the liability to U.S. global interests and makes BRICs a whole lot more attractive to countries who are wishing to distance themselves from the U.S. and divest from

the U.S. dollar and thus devaluing the U.S. dollar.

But I digress. Israel's effort to destabilize the region by breaking ceasefire agreements and perpetrating violence continues in the hopes of establishing their idea of a greater Israel with U.S. enabling. I can't help but wonder how long it will be before the U.S. is pulled into another 20-year war with U.S. troops being used as pawns and tools of oppression based on more lies as we have -- as we were used in the global war on terror.

What are you going to say that you did to try to stop it when American sons and daughters start coming home in body bags and flag-draped coffins? The patriotic thing to do is a call for a ceasefire and demand our politicians to do better. A ceasefire resolution is not simply a political decision, it's a statement of humanity.

By passing a ceasefire resolution, it benefits this council by positioning it as a leader and an advocate for global peace efforts, reinforcing humanitarian values, and promoting unity. I ask you to look within and have the

courage to stand up as leaders and pass a ceasefire resolution. Thank you.

CAMILLA: My name is Camilla. I'm from Middletown. At the last few council meetings, the Commissioner for Public Works has been speaking about the water reservoir levels being very low and this October being the driest on record.

It sounds like the department has been doing a great job of managing the problems that causes, but these problems are only going to increase as climate change and global warming continue. A 2023 NASA-led study confirmed that droughts and pluvials, which are heavy rain periods, have been occurring more often.

They also found that the worldwide intensity of these extreme wet and dry events is closely linked to global warming and that floods and droughts account for more than 20 percent of the economic losses caused by extreme weather events in the U.S. each year.

Climate change is both a global and a very local issue. Our actions don't happen in a vacuum. What we do affects the rest of the planet and all the people we share it with and

what is done around the world affects us here, in this country and in the city of Middletown.

The bombs, jets, and tanks Israel is using and the cargo planes bringing ammunition to Israel, much of it from the United States, has been producing a massive amount of emissions, which have a very real and very dangerous impact on global warming.

A study on greenhouse gas emissions from the Israel-Gaza conflict was published this June. It covered the first 120 days of Israel's attack on Gaza from October to February, which is now at day 423 of the current genocide, only 28 percent of the total time they've spent bombing Palestine since October 2023.

The total emissions from direct war activities in the first 120 days are estimated to be between 420,000 and 652,000 tons of carbon dioxide equivalent, which is greater than the annual emissions of 26 individual countries and territories.

Those figures don't include data from the past 303 days, from the 76 years Israel has been occupying Palestinian land prior to October 2023, or projections for the environmental toll

of rebuilding Palestine. The longer the siege and bombing of Gaza continues, the worse the environmental impact will be on the planet that all of us inhabit.

This is very much a problem of our own making. Our country is sending money and arms to Israel. Our government has the power to effectively end this genocide at any time. We just have to push them to do so, which is why we're here asking you to use your collective power as the city council to help us get one step closer to doing that.

The city of Middletown passing a ceasefire resolution will not directly stop the genocide, but it can help show our state representatives, and in turn our federal representatives, that we stand against genocide, against ecocide, and against the use of our country's money and power to help commit crimes against humanity and our planet. Thank you for your time.

CODY: Hello, everyone. My name is Cody. I was born and raised in Newburgh, New York. I'm attending college at SUNY Orange Middletown where I not only frequent nearby

businesses on school days, but have paid thousands of dollars in tuition.

As a resident of Orange County and New York State, I have a vested interest in the passing of a ceasefire resolution countywide, especially in the towns that I spend so much time and money in.

With that being said, I'm here today to refute the accusations of anti-Semitism recently levied at my fellow members of Raleigh Middletown, most notably made by former Orange County legislative minority leader Jeff Berkman, who I was not aware is here -- was going to be here today.

On a radio show, Berkman called us hostile towards Jewish people. As an Ashkenazi Jew, I find these allegations to be grossly untrue and to be disgusting weapons of -- a disgusting weaponization of very real discrimination and harassment me and other Jewish people around the world experience, discrimination I am very familiar with as my family fled from Soviet Ukraine to the United States in 1976 in order to escape persecution for their faith.

I have never observed any anti-Semitic sentiment coming from any of my colleagues, and I would go so far as to say that the conflation of anti-Semitism and anti-Zionism, or the idea that the state of Israel somehow represents the interests and values of the Jewish people, is anti-Semitic itself and only serves the interests -- and only serves the interests of real, honest-to-God anti-Semites.

In fact, framing Israel in this light only serves to embolden these abhorrent individuals. By claiming that Israel represents the will of Jews, you are then falsely claiming that Jewish people must unilaterally support the genocide of Palestinians, a genocide that has been viewed around the world in real time for the first time in human history, thanks to the internet, is being framed in defense of Jews.

For the past 14 months, on top of the sorrow I feel for the lives lost, now quickly nearing 45,000 human beings, most of which being women and children, I also have been deeply disturbed by the constant rhetoric from both American Zionists and the Israeli government claiming that the senseless murder of children,

destruction of schools, homes, and hospitals, and purposeful starvation of civilians is being done in my name.

I rebuke and take great offense to the notion that my existence as an ethnic Jew is contingent on the existence of a genocidal apartheid state, and that anyone who opposes this ongoing genocide is therefore anti-Semitic. It has never and will never be anti-Semitic to protest a genocide.

I would also like to add, as a side note, that when I grabbed this sign this morning, I realized that there were 3,000 more dead children than there were when I wrote it in July. Thank you.

SAM KIMMEL: Good evening, Aldermen. My name is Sam Kimmel, and I live here in Orange County, where I was born and raised. I have spent much of my life coming to shop in Middletown and attend cultural events here, and I am grateful to be speaking to you.

Israel, a colonial settler state that engages in apartheid, which stole Palestine in the early 20th century through mass violence, terrorism, and land theft, is perpetuating

genocide in Gaza under the cover of self-defense, a right which it does not have under international law as the occupying power in Gaza.

It perpetually portrays itself as victim, assisted and abetted in these claims by our media. It spreads wild disinformation about its history and its acts to deflect responsibility, much as one of the previous speakers has done. Hundreds of thousands of Gazan civilians, many of them children, are being bombed and starved to death, killed by disease and thirst, being blown up by drones or sniped in the streets.

Northern Gaza is being completely besieged and emptied of its inhabitants in an act of ethnic cleansing, going against all international laws. It is a war of annihilation of the Palestinians in Gaza, as Israel hopes to empty the territory of its population and settle it.

And yet, our country is funding and arming this genocide, blocking ceasefire resolutions, and lying every day to the world about Israel's actions. But the majority of the world knows what is happening. The International

Criminal Court has issued arrest warrants against Israeli Prime Minister Netanyahu and former Minister of Defense Yoav Galant, as well as Hamas leader Mohammed Daib.

The International Court of Justice has ordered Israel to take all measures to stop genocidal acts from occurring. Yet, of course, Israel has completely ignored these orders from the highest court on earth.

But in this extreme darkness and justice, there is an opportunity for good here, right in this community, right in this room. And we can strive towards justice through a simple action. We are asking you to pass a clear resolution from the city of Middletown that includes a demand for an immediate and permanent ceasefire in Gaza, an arms embargo on Israel, and send this resolution to all of the government representatives above you.

We appreciate your previous resolution for world peace, but we are asking for something clearer and more concrete. The federal tax dollars from Middletown's tax dollars, some \$450,000, are going to Israel to buy arms and carry out further war crimes. This is money that

could go to the people of Middletown who are in dire need of housing and basic services.

We understand that Middletown and its - and this council are not directing funds to the genocide, and that is our federal tax dollars. That is why we are asking you to make a statement to the representatives above you who are directly funding this.

You could be local heroes in the community by taking this brave and significant step. Your actions would go down in history as standing for justice, and you will have a clear conscience when the true gravity of Israel's genocide is recognized in this country. Thank you.

SARAH AHMED: Good evening. My name is Sarah Ahmed, and I'm a Warwick resident. My partner works in the city of Middletown, and my child attends daycare here. Though I'm not a Middletown resident, I spend much of my time here, and I feel connected to this city.

As a brown Muslim woman, I feel proud to be a member of this community that reflects many nationalities, ethnicities, languages, and beliefs. In the last seven city council

meetings, we have written and put forth a resolution for the council. In a previous meeting, a few aldermen commented that there was a response to this proposal, which was, as stated, to pass a short resolution calling for world peace.

While there may have been good intentions with this measure, I urge you as city council members to reconsider our proposal for a variety of reasons.

Firstly, our proposed resolution is different. Its language is specific and powerful. It validates and affirms all of the communities who have lost loved ones in this genocide, including the many Israelis and the now hundreds of thousands of Palestinians who have been killed as a result of this collective punishment.

There is no doubt that Gaza desperately needs humanitarian aid and a permanent ceasefire in the region. This resolution directly calls for and pushes up the ladder to demand these life-saving necessities from officials at the state and national level.

Secondly, this resolution, if passed,

could be amazing for all of Orange County. Just like Newburgh's decision to pass a ceasefire resolution has inspired many of our surrounding communities to do the same, if Middletown passes such a resolution, it can inspire smaller towns like Chester and Warwick, for example, to follow suit.

Thirdly, this resolution can also help communicate that the city of Middletown stands by its Muslim and Arab residents and visitors, especially as Islamophobic hate crimes have skyrocketed 180 percent after October 7th.

I cannot help but think about and cry thinking about the six-year-old boy, Wadea al-Fayoume, who was stabbed to death by his landlord in Bridgeview, Illinois last year. A resolution like this can send a message that we demand safety and security for the whole community of Middletown.

Fourth, this council should pass this resolution because, simply, you actually can pass it. This body does not face the same pressures of lobbyists to pass a measure. Our federal reps have often been blocked from considering a ceasefire resolution simply because of giant

lobbies like AIPAC. You all have a unique opportunity to move forward with less red tape and political silencing. I implore you to take it.

Fifth, this resolution can be a powerful first step to eventually divest all of our federal tax dollars from funding Israel's military. As it's been said, it's calculated about \$25 of each of our taxes go to Israel. That's nearly half a million dollars going to murder Palestinian children each year.

Imagine how many lives we could save and people we could house with that money. If we don't pass this resolution, we continue to contribute politically and financially towards this genocide. Our young people will receive the message that their lives don't matter, or worse, that they shouldn't care about the rest of the world.

When the dust settles, what will the history books say of the people in this room? What could they say if you do the right thing? Thank you.

WOMAN: Friends, thank you for allowing me the opportunity to speak. My name is

(indiscernible), an Orange County community member. I have children in the Middletown College. As a Palestinian mother, I stand before you not just as a member of this community, but once again, a voice for those that cannot be heard.

As leaders and role models for the future generations, we have a responsibility to set a better example. The violence we are witnessing must come to an end. I am here today to ask for something simple, yet profoundly important.

I'm asking you as leaders of this community to pass a resolution calling for a ceasefire in Gaza and to end the flow of weapons into that region. We are not asking for physical intervention or financial contributions, only a clear statement from Middletown that we stand against violence and we stand for peace.

The human toll in Gaza (indiscernible). These lives are cut short. Children will never have the chance to grow, to dream, or to experience a life of peace. This is not just a tragedy for Palestine, it's a global tragedy. As human beings, we cannot remain silent and face

such suffering.

While we understand that Middletown does not directly fund this violence, we also recognize the silence in the face of injustice is a problem. Your voice matters. By passing this resolution and sending it to the representatives at higher levels of government, you could help make a difference and show the world where we stand and that our voices will be heard.

This is not solely about Palestine. It's about standing up for what's right. It's about teaching our children that we witness wrongdoing, we have a responsibility to speak out, that the American way is justice for all.

That is why we are here today and we're urging you to take this important step and ask for a ceasefire now. Thank you.

PRESIDENT J. MIGUEL RODRIGUES: Thank you.

CAROL STRAUSS SOTIROPOULOS: Good evening, Alderman. Thank you for giving us this time. I admire your patience and really your consideration. My name's Carol Strauss-Sotiropoulos. I am a resident of Monroe, and I'm here just to make a single point very quickly,

because it's in response to Mayor DeStefano's sincere concern -- I respect that -- over residents of other towns and villages like Monroe taking up time and attention in your city chamber.

Many years ago, I served as an elected official on a town board and I understand this concern of "outsiders" from neighboring communities taking the mic. And so, one must ask, why would a person such as myself, who understands this as a legitimate concern, appear here before you as a "outsider"?

You have heard from many here, including myself in the past, of our support for Middletown with respect to shopping, medical care, home services, et cetera. True, outsiders do not pay property taxes here, but then again, a person could be renting in Middletown in a property owned by individuals who do not live in Middletown. Does one or the other deserve greater respect and attention from the council and mayor?

But I digress here, but in the simple interest of raising questions that have come to mind over this concern regarding regional voices

at your city council meetings. What point can I make that differs from previous voices that have expounded upon the ways that area communities contribute to this great city?

Well, considering the facts on the ground that a genocide is taking place, we cannot stand silently by and are compelled at the least to call upon our communities to support ceasefire and arms embargo resolutions. It's simply the way of the world that smaller communities like Monroe, Chester, Wallkill, Goshen, et cetera, look to our regional heart, to our poll star, Middletown, for leadership, to show the way, to set the example.

Of course I want to call upon Monroe to endorse the ceasefire and arms embargo resolution. Please shine the light for our region so that folks like myself can go confidently before small towns and village councils. Thank you for your time.

MAN 1: Good evening, mayor. I shop in Middletown. I admit it. I'm from Bloomingburg. But on Fridays I go to the Middletown Islamic Center.

MAN 2: Steve.

MAN 1: Okay. (background conversation). Sorry?

MAN 2: That's in (indiscernible).

MAN 1: What is?

MAN 2: Middletown Islamic Center.

MAN 1: Oh, that's right. All right.

I let -- my remarks must be stricken from the record, then. (background conversation). Okay. All right.

I wasn't -- I didn't have a prepared speech tonight, but I've been in sales for 47 years. And one thing we learned in sales is you point a finger at someone, you need to do this. There's four fingers, three fingers, pointing back at me. So, four of my colleagues that have said, you need to do this, you need to do that, you need to do that; I know that will get nowhere. It really doesn't.

Because another thing I learned in sales -- it's from Dale Carnegie -- "A man convinced against his will is of the same opinion still." So, we're not trying to shove anything down your throat. We're just trying to make the case why this is a good thing. And you can see my jewelry at Adams in Middletown --

MAN 2: Wallkill.

MAN 1: Wallkill. Sorry. It's -- I get -- I've been here for ten years. I still think that that is Middletown over there, but okay. Thanks for listening.

PRESIDENT J. MIGUEL RODRIGUES: Thank you.

MOHAMED: Best for last. Hello. My name is Mohamed. I am a Middletown resident. I'm also a business owner in Middletown. I'm a Palestinian American. I'm proud to be. I'm here today to thank you all first, especially the mayor for doing a great job for this community.

To take it a step further, I think we could, you know, do something with the ceasefire resolution, especially -- it's something that as a community, we see more faces here today expressing, you know, concern of what's going on.

To the individual that says that we were invading here today, it's -- you know, that's truly disgusting because we are expressing our concern as citizens of America that we would want a ceasefire, that we do not want to see anybody dead.

And now, people are trying to quiet us

with propaganda, trying to make some stuff up about us Palestinians, about us Americans, you know, especially what's going on in the world. The crisis over there is going to just evolve if we do not do something.

You know, Middletown can be one of those cities to make a big spark, to do the domino effect. You know, I'm speaking from the heart today. I did not write anything down. You know, everybody already spoke all the facts today. They spoke about the truth, especially what's going on over there.

It's heartbreaking. I have a younger sister, I have, you know, younger family members. Just to see what's going on there, it hurts, it hurts, it truly, truly hurts. That sometimes I cry at night, say I wish I did better, I wish I'd done something more.

You know, I thank you all once again, especially the mayor. Have a good day, have a good night. Have a Merry Christmas. Take care.

MAN 3: Okay, president, council, can we limit it to whoever's standing up now, just so we can get on with city business? It just seems like people keep getting up.

PRESIDENT J. MIGUEL RODRIGUES: Okay.

MAN: Anyone else want to stand in line?

EVERETT COLLEY: How are you guys doing? Everett Colley, 4th Ward. Just want to say congratulations to Maria. Great job on the holiday festivities. Thank you so much for what you guys did as far as the Christmas tree lighting. You kept us safe back there chief and just thank you. It took me about an hour and a half just to get up here and say that, so one thing I do want to leave you guys with is, you know, if there's a way that we can take care of Middletown business first, if we can figure out how to bring a resolution to that, that'll be great.

Everyone else I feel sorry for what you guys are going through but Middletown business first. Thank you.

ANAN: Definitely Middletown business first. That's why we want to keep our tax dollar into Middletown, so we could make -- keep it up and going, beautiful, nice city. We don't have to send it to kill other people's kids or bury them underground just to make other people happy,

right? So I appreciate what he said.

And of course, we want to keep the money in. I was born and raised in Jerusalem. So, I lived most of my life over there. Unfortunately, as being Palestinian, even not in Gaza, but just being in Jerusalem, if you leave for a vacation or you go study outside you have a big chance not to come back because if they decide for you not to come back, they already kicked one out. So they're happy, and I was one of them.

So, unfortunately, you guys have more rights in Jerusalem and Palestine more than me, even though I'm -- I was born and raised from my father and grandfather and great-grandfather, we own lands that we can't touch and now this genocide is obviously the reason we ask for the ceasefire because of course I told my kids which is both of them, they came and spoke, because what I seen is we still saying -- seeing even after 40 years, which is that's my age.

I saw that for 40 years. I've been protesting for 40 years. We've been just calling for ceasefire for 40 years. We just need our, like, minimum human rights for 40 years that I

lived in my life and the Palestinian been living it for over 75 years. Even though we were the hostess for the people who were in the Holocaust they asked for our help and that's how they came into Palestine and we all know that, because that's a story going into generation.

So, all we ask from you is a ceasefire, just to keep the money in Middletown, and to keep Middletown beautiful and Middletown people happy. Thank you very much.

PRESIDENT J. MIGUEL RODRIGUES: Just for the record, what's your name?

ANAN: Anan.

PRESIDENT J. MIGUEL RODRIGUES: Okay.

ANAN: Thank you.

PHILIP: Good evening. My name is Philip. I am not a resident of Middletown. I used to live in Middletown. I work in Middletown. I have family in Middletown. I'm actually from Montgomery and I just want to say the big lie about Gaza is that it's an aggressor. The Gaza is aggressing against Israel and Israel is reacting in self-defense. It's a double lie.

The first lie is, most of the Israeli attacks on Gaza don't even have anything to do

with Gaza. So, if you take Operation Cast Lead in 2008 and 2009, why did the Israeli attack Gaza? Not because of Gaza, not because of what Gaza did. The Israeli were very honest. This is revenge for Lebanon.

In 2006, Israel suffered a major defeat in Lebanon against the Hezbollah, the party of God, and then Israelis begun to panic. They are losing what they called their deterrence capacity, what they called it, and their deterrence capacity simply means it's a fancy, technical term for Arabs fear of us and they worry about -- and they worry because the Arabs no longer fear them after this.

You know, not a ragtag guerrilla army, but it's not a big thing either. It's about 6,000 fighters, the Hezbollah. At the time, it was 6,000 fighters and they effectively inflicted and defeated on the Israeli invaders of Lebanon and so they were looking for somewhere where they could restore what they called their deterrence capacity.

They didn't want to tangle again with the party of God with the Hezbollah, so they targeted Gaza. Had nothing to do with Gaza. The

notion that they defended -- they defending themselves against Gaza, the second biggest lie, is what those Gaza -- what does Gaza consist of.

When you read the official reports, even when you read the human rights reports, they talk about this big arsenal of weapons that Hamas has accumulated.

Number one, how do you know how many weapons they have? If you knew how many weapons they had -- have, then you must know where they are. And if you know where they are, then Israel would preemptively strike. If it's not preemptively struck, it's because it doesn't know anything about the weapons.

Israel blocks numbers. I just want to -- I urge you to pass a resolution, a ceasefire resolution and Free Palestine.

PRESIDENT J. MIGUEL RODRIGUES: Okay, moving on to remarks of mayor.

MAYOR JOSEPH DESTEFANO: Yeah, I've been refraining from commenting other than -- on this issue other than my remarks over the last couple meetings have been, that I believe this group, the DSA, continues to hijack our meetings.

I think you heard it best from one of

the speakers, that he was here for an hour and a half and all he wanted to do was say a couple words about Middletown, but yet it took him an hour and a half to get in front of this body to say so.

But we also had to listen to what so many people here believe. That's their truth and I understand they're very passionate. It's their truth, but they think it's everybody else's truth in Middletown and believe it's everybody else's facts.

So, I continue to believe that matters of ceasefire talks in Gaza are primarily federal and international issues. They're not within a purview of city governance, and I've stated that over and over. I've emphasized as the city leader, and I believe we're all -- all of us as city leaders, we're focused on addressing local issues like public safety, housing, the economy, and so much more.

They have a complaint to make from their perspective. That complaint can be made to the U.S. Department of State, other federal agencies, elected officials, president, congressmen, senators; however, those people are

better positioned to handle the international diplomacy that's required to address these issues.

I noticed, though, not one person tonight spoke about ceasefire in Ukraine or ceasefire in Syria or what's going to possibly happen in South Korea now that martial law was called and not -- and then reversed, or in Lebanon. Didn't hear one mention, I don't think, of Lebanon of what's going on there. So, the idea that it's only their truth and that we have to sit here week after week and listen to it is fine.

But I believe and I strongly believe that we or you -- because it's your body -- as a body have an obligation to the residents of the city of Middletown to do what other legislative bodies have done when board -- when people have attempted to hijack meetings and drag them out, is have agenda items addressed at the beginning of the meeting and non-agenda items addressed at the end of the meeting so that the people that don't have to come here like last meeting, the lady did not even have an opportunity to speak because it got out of order and the public

comment was cut off or she had to leave. The guy tonight that had to wait an hour and a half to speak.

People that are home on watching on TV maybe that live on Orange Terrace that are waiting for a vote on an important resolution that affects them in their neighborhood here in Middletown don't have to listen to the nonsense that we in Middletown are sending our tax dollars to buy weapons for Israel.

There's a major dishonesty amongst many of the speakers. They represent to the people that they are asking for a ceasefire. Read the resolution that the Democratic Socialists of America, through Mr. Jason who believes denying it that he has proven that it wasn't originated with the Democratic Socialists of America, which they have presented, which we have an email form proposed by them exact word for word on their letterhead.

I'll post it. I'll have Rick post on face -- or on our social media tomorrow, the entire email so you can see where it's coming from, so you can see the credibility of some of the speakers. They are not just asking for a

ceasefire. They're asking for so many more things. So, but they can ask. But they can ask after city business is taken care of and people can go to bed and people can come to a meeting and make a presentation regarding city business at the early part of the meeting.

Why should we be any different than Wallkill and Orange County government and I'm sure many other communities. You know, the lady spoke about Monroe, that she lives in Monroe but she hasn't gone to the Monroe board because she wants her smaller community to learn from Middletown.

I got news for you. Monroe is bigger than Middletown. Has more people. Many of these people we've asked over and over, have you gone to your own community? Have you requested, have you have you have you done this march to the town boards or village boards or -- that you live in that you're coming?

The man from Montgomery. Have you been to Montgomery board? Have you been to the village board? Have you been to the town board? Not one has come up and said hey guess what? After we hear that, you know, you had concerns

about this here in Middletown that we're just coming here, we went to our town board. We went to Montgomery. We went to Wallkill. We went to these other communities. Not one.

Maybe they have. They haven't said it, though. So, it's a little -- it's a little ironic that we as a city council have to possibly change agenda -- change the agenda in order to allow Middletown residents to know what's happening in Middletown, but I strongly urge you to do it and I hope you consider it and moving forward.

On good cause eviction, I appreciate the words. We did receive a letter from Victor Guzman who's a representative of -- I'm not sure the name of the group, but it's a group that's active regarding good cause.

ALDERMAN PAUL JOHNSON: Hudson Valley Justice Center.

MAYOR JOSEPH DESTEFANO: Hudson Valley Justice Center, and will be responding myself and Alderman Johnson will be responding to them as we gather data. We're also reaching out to other communities to find out about litigation. Is this ongoing litigation? We've had -- requested

our corporation counsel to do a legal review, and so we're looking at that and how it impacts moving forward if we do adopt something and whatever we adopt.

So, we are working on it and we'll continue to work on it and keep you abreast of the progress that we make.

You also had some very positive Middletown news tonight and it's a shame that we had to alter the agenda in order to get the kids that were here for us to honor and otherwise they would be sitting here listening to all this. It's nine -- what is it, 9:30 at night? We wouldn't have been able to honor the own -- the kids in our community that were here with the Rec Department in order to receive accolades from the City Council and myself and the community because they would have to leave the meeting.

So, I want to thank the council president for changing the agenda and allowing them to come up front and also the Orange Terrace issue. That would not have been addressed. There would have been a line of people and they would have had to wait an hour.

So, all I'm asking is that you consider

doing that for everyone who comes to a meeting, but the rec presentation was fantastic. Alderman Witt, thank you for working with Raelynn and doing that. I was talked into doing the Radio City trip on Sunday with the Rec Department and I did pay despite Mr. Masi alleging that I did not pay. But I did pay for my own ticket and we had a nice group of people. Yeah, he doesn't believe me yet. But --

ALDERMAN JOSEPH MASI: Receipt.

MAYOR JOSEPH DESTEFANO: Receipt. You'll -- canceled check. But there was a group probably close to 115 people, I think, Raelynn? Yeah, between the two bus loads. It was a great trip. I encourage people really, if you -- that's the way to go on these bus trips, especially this busy time of year.

But -- and it wasn't just people from Middletown. It was people from all over the area, primarily from Middletown, but -- and that's one of the good things about us is we open up all our programs to the community. We don't just single, you have to be a Middletown resident. Many communities do that. You have to be a resident that community. We're open. We're

diverse in many, many ways.

We appreciate people coming into our community and spending money, but if you come in here and spend money, that doesn't mean you're going to dictate what we as a community have to do. I appreciate all the comments coming up here. I have fun with the one gentleman there who has trouble with geography a little bit, but we do appreciate what goes on here, but they don't appreciate -- many of them do not appreciate that we as individuals have different opinions than them.

They don't appreciate that we have 30,000 people plus that live in the city of Middletown. We've heard from probably less than ten from their group that live in the city of Middletown. They don't appreciate the hundreds and thousands -- thousands of emails from people all over that we received on the other side of this issue. Mr. McCormack can attest to it.

We have a record of all those emails from -- and I don't know if they're from Middletown or where they're from. I didn't read them all. It was a form letter, admittedly, but my point is that people are very much involved in

this issue on both sides. Both sides have a set of facts.

Council did the right thing. They called for peace. They called for release of the hostages. That's not enough and I'll tell you one reason why it's not enough for this group or the leadership of this group, and that's those things right up there in a wall, those television cameras.

That's something many of the communities in this county do not have, is broadcasting meetings live. They have a forum here. They can continue to have that forum, but I think it should be at the end of the meeting so Middletown people can relax go to bed and know that their issues Have been addressed.

Finally, we did have a court hearing today on the Firemen Joe statue. Went pretty good. We believe that the judge will be issuing a decision. I'm -- not believe. He said he will be issuing a decision on our show cause order by the end of the week. Show cause order, I think it's the terminology for it, would -- we've requested that the statue be returned, put in place, and that we would then litigate the

different -- you know, the difference in what she is saying is owed to her versus what our contract says. I felt confident after the end of the hearing that the judge would be looking at it our way, but we'll find out by the end of the week.

We also had a ceremony at the same time. Unfortunately, I was unable to attend because it was at the same time as the court hearing and the court hearing was in Goshen.

The Garden Lovers Club of Middletown donated a bench and we were represented, I think, by Alderman Masi and Maria Bruni from the Economic Development Office. I want to thank them for their commitment to the city. You know, they had a big celebration, I think it was last year, of their -- was a hundred years, I believe, in Middletown and they do fantastic work in the community.

And so, I just wanted to publicly thank them. I want to congratulate Maria and her staff and thank the police chief, DPW, and all those involved, Recreation Department all those involved in the Christmas parade and the holiday parade and remind people on October on -- not October. On December 29th we have a tentative

time for, I believe at five o'clock for the menorah lighting in the -- for Downtown Park and also, I think the Rec Department did mention that the ice rink opened today for a free skate and will be open starting Friday night on a regular basis.

And that's all I have unless you have any questions.

PRESIDENT J. MIGUEL RODRIGUES: Any questions for the mayor? Alderman Witt.

ALDERMAN KEVIN WITT: Thank you. Mayor, you and your team have been very transparent and proactive about communicating the on-street parking during the winter season. Having had our first snowfall, what is your take on how that went, please?

MAYOR JOSEPH DESTEFANO: Sure. The first snowfall, we had the police department go on hopefully every street and as many as possible. They did provide a report and we did have hundreds of cars after the snow alert were not removed from the streets. We did not ticket on the first night.

Rather than do that, we then started putting on cars that were parking overnight

placards that were mailed advising people of the local law and advising them of the telephone number, putting the barcode out or what do you call -- QR code out for they can sign up for the for the notification system and all of the methods of communicating to people when a snow alert would go into effect.

They got their one bite at the Apple that night. There were no tickets issued. We did as much warning as possible. I still see on social media Today people asking hey, is Middletown's overnight parking ban in effect.

Well, I -- we can't knock on every single door and explain it to people. We did the mailing. We did social media. We've done television. We've done, as I said, leaving the placards on the cars. We've done an awful lot, I think, as much as we possibly could.

The next round when we do declare a snow alert vehicles that are parked on the street will be ticketed and -- but we did also send out a letter on my weekly message asking neighbors, said because we also got a lot of calls from people in the community saying hey, my neighbor left their car out all night. They didn't get a

ticket.

So, we asked them maybe they're not aware of the local law that went in effect or the messaging that can be put in place. Maybe knock on their door, if you know them well, or give them a phone call, make them aware of the local law, of the snow alert law, and hopefully they'll do it the next time.

But the next time there will be tickets, and if necessary cars will be towed. So, if we get a significant snowfall and the plows need to get through, we will be towing vehicles. So, that's a very, very costly thing, so we try to do this.

As you know, this is an experimental project for this year to see how the public responds and the benefits to it are, of course, people being able to, like through the Thanksgiving holiday, we had some nice emails from constituents saying, you know, my kids are home from college. It's nice they didn't have to park at the old Acme supermarket there. That shows you where they -- how long they've been here.

Emails like that, people were thankful

of the law but the only way it's going to work and the only way it's going to get renewed next year is if the public participates and listens for the snow alerts.

ALDERMAN KEVIN WITT: Thank you.

PRESIDENT J. MIGUEL RODRIGUES: All right. Anyone else?

MAYOR JOSEPH DESTEFANO: Thank you.

PRESIDENT J. MIGUEL RODRIGUES: All right. Thank you, Mayor. Remarks of the aldermen? Alderman Masi.

MAN: You're not doing department heads?

PRESIDENT J. MIGUEL RODRIGUES: I'm sorry. We've got to do department heads. I totally missed them. Economic development. (background conversation). No, it's been a long night.

MARIA BRUNI: Good evening, everyone. I just want to -- the parade, the tree lighting. It was awesome. Our 27th year of doing this and it's just keeps growing every year. We're estimating about 4,800 people. The whole parade route was like two, three deep on the sidewalk. I know you -- everybody marched.

Couldn't have done it without everybody's participation. Jacob, DPW, his deputy Ross Mastria, Chief Ewanciw, PD Sergeant Welch, Chief Brady bringing in Santa, and the fire department.

The enlarged Middletown City School District, their participation was amazing the amount of kids involved. Middletown Youth Football, cheerleading, Little League, numerous businesses. And I understand there's the battle of the floats now between departments, rec and the clerk's office. So, we look forward to more floats and more participation next year.

And obviously, we had numerous sponsors: JHM Tree Service for cutting the tree, Freedom Crane for lifting the tree and bringing it over to Dagenham Square, Rotolo and Son Electric, Electric Workers Union 363 for decorating the tree, the entire bid team -- Joseph Ferrara, Stephanie Sandy, Eileen Hanson, Caitlin.

Thanks to also Ashley (indiscernible) and -- for helping us, also volunteering her and Dan Higbie, local folks helping us and helping us also search for the tree. Gerda Gardens, Andrew

Britto, our MC who's been MC-ing for all these years. The numerous volunteers I could go on and on but you guys you've seen it and you know, we're -- this is the best, right?

And you know, we just want to wish everybody a great holiday season and we're already planning for next year. And again, thank you for participating and being part of it and all the kind words that we've been getting from the event.

This Saturday, Confluence Running is having their grand opening at the Rail Trail Commons. They opened up and they're going to have their -- the grand opening ribbon cutting, so at 10:30 this Saturday. Looking forward to that event. They're also going to have some kind of run/walk right after the ribbon cutting.

They're going to have various vendors, shoe vendors, sneaker vendors, sports vendors there. So, come on by at 10:30 and help support this great new business. And that's all I have for tonight.

PRESIDENT J. MIGUEL RODRIGUES: Any question for Maria?

MARIA BRUNI: Thank you.

PRESIDENT J. MIGUEL RODRIGUES: DPW Commissioner.

JACOB TAWIL: Good evening, all. Want to update you about the drought condition. As you know, we've been preparing to confront or deal with the drought for the last couple of months. We set up pumps to pump from our emergency sources and we were very successful.

We manned emergency pumps 24 hours a day by using our water department and I want to thank Brian Smith and our entire water department and sewer department for being there for us. They've done tremendous amount of work to use that emergency source for pumping water into Shawangunk Reservoir.

We started pumping actually when it started raining on November 21st and we ceased operation tonight because we ran out of water pumping into our reservoirs. We were pumping about 3,300 gallons per minute and it was a very, very successful operation and we will be preparing the report to issue for DEC as we are required to do.

So, with that being said our storage in the reservoirs went from 71, 72 percent to 80

percent because of this four inches of rain that we had in November. But we need much more rain. The whole entire region needs much more rain, and it's true, global warming is having a fiasco with us.

Before you tonight, there's a council resolution, important council resolution. We're requesting your support for hiring CPL to do the design for replacing what raw water line from Kinch over to Shawagunk and this is only phase one, about 4,000 feet.

And the idea, as I explained earlier in previous sessions is to install a larger pipe so that we can capture more water From Kinch when it -- when the rain happens so we can store it in our reservoirs. This is the whole idea about our safe field.

So, this project hopefully will be installing the first phase of that line between Kinch Reservoir to Shawagunk Reservoir to have 36-inch in diameter in lieu of the existing 24-inch diameter pipe. So, that's before you tonight. The entire million dollar funding for this is coming from ARPA funding and the balance of \$8.3 million for this project is -- it's going

to be \$5 million grant from EFC and another million dollar, just under a million dollar from -- through Congressman Ryan's office through EPA. So, we ask for your support. The Board of Estimate obviously passed it already.

Water storage tank project. All the water storage tanks are being -- are constructed and they are being utilized. The projects are not completed yet, but they're approaching the completion. It's no -- and again, Christmas celebration the -- I'm sorry, the Christmas tree celebration was a tremendous -- Maria did a very thorough job with it and her staff and we're thankful for that, and it's very nice to see Middletown and the region around us come together to celebrate because I'm sure many people are from outside the city of Middletown to come to our tree lighting ceremony.

With that being said do you have any questions for me?

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

ALDERMAN GERALD KLEINER: Very quickly, the leaf pickup. There's still a lot of leaves on Cantrell in some specific areas. Are you

going to go around the city and do a cleanup or?

JACOB TAWIL: Yes. The leaves pickup, it ceases tomorrow, so -- comes tomorrow. Nobody should be putting any more leaves outside. So, you know, we're going to be going one more time around the city as much -- yes, as much as weather permitting, you know, if we don't get hit with the snowstorm or any of those events, but -- which means that after the snow is gone, we'll come back and pick up. So, we're going to continue going until we clear all the streets, but nobody should be putting out any more leaves starting tomorrow. Tomorrow is their last chance.

ALDERMAN GERALD KLEINER: Okay. Thank you, and I just want to mention on that resolution, there's just still we were distributing like millions of dollars of ARPA funds still, so that's still from the American Rescue Plan.

JACOB TAWIL: Yes.

ALDERMAN GERALD KLEINER: And I know at this point we have to designate but just want people to understand that was very successful legislation.

JACOB TAWIL: Yeah, absolutely.

ALDERMAN GERALD KLEINER: Really has helped Middletown.

JACOB TAWIL: Hundred percent.

ALDERMAN GERALD KLEINER: Thank you.

JACOB TAWIL: Thank you.

PRESIDENT J. MIGUEL RODRIGUES: Thank You, Jacob. Police chief?

JOHN EWANCIW: Good evening. Just a few comments this evening. As it's been said, Maria, great job. There's a lot that goes into that Christmas tree lighting and the parade, but outstanding. She does a lot of work to bring it all together. I know all of you support it as do all the other departments, but again, great job Maria.

Overnight parking, just to carry on with what the mayor started with that. The change that -- for this to be effective we have to have the compliance. The last thing we want to do, as I've said before, is issue summons. With the new law, the summons starts at \$100 so people should be aware that it's going to be costly if they're found parking on the street.

Additionally the changes with the law

or it's not just the two inches of snow falling. It's the anticipation of 2 inches or more of snow or any type of ice, so just knowing, watching the weather is going to be very important in addition to all the alerts that go out.

Lastly, I have Raelynn, the work you and your team do outstanding. The programs you offer outstanding, and I truly appreciate all the collaboration you have with MPD, so thank you.

Other than that I have nothing unless you have questions for me.

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

ALDERMAN GERALD KLEINER: One quick question. The little speed trailer was down at the end of Woods Place and then I think it was facing Cantrell for a while. Did you find out anything useful, interesting from that?

JOHN EWANCIW: I always find out stuff, but I don't have that --

ALDERMAN GERALD KLEINER: I'm sure you do.

JOHN EWANCIW: -- data in front of me today, so -- I could email that to you.

ALDERMAN GERALD KLEINER: Yeah, if we

could have that for our constituents meeting.

JOHN EWANCIW: I'll email it to you and then you'll have it.

ALDERMAN GERALD KLEINER: Okay, very good. Thank you.

PRESIDENT J. MIGUEL RODRIGUES: Anyone else? All right. Thank you, Chief. And superintendent of recreation. (background conversation).

RAELYNN BERTHOLF: Just could we queue up that PowerPoint? Just, thank you again for listening to our PowerPoint and our presentation and your kind remarks about our department. And just want to congratulate the youth that came up earlier and spoke about our programs. That's the true statements from our youth straight from their mouth on the strong impact that our programming makes. So, thank you to the council for all your continued support and some tax dollars well spent on our recreation programming.

So, thank you. And also want to note for the record the city clerk's float is actually property of the Parks Department, so next year that might be cut from him, so they may just be walking next year.

PRESIDENT J. MIGUEL RODRIGUES: Wow.

RAELYNN BERTHOLF: Any questions?

PRESIDENT J. MIGUEL RODRIGUES: Any questions for Raelynn?

MAN: Well said.

RAELYNN BERTHOLF: Thank you.

PRESIDENT J. MIGUEL RODRIGUES: All right. Corporation counsel.

MAN 4: I don't have anything specific to report, unless anybody's got any questions.

PRESIDENT J. MIGUEL RODRIGUES: Any questions for our corporation counsel? All right. Thank you. And city clerk.

CITY CLERK RICHARD MCCORMACK: Please anticipate a budget transfer for next year to fund a float, if the Parks Department is not going to support it. It is also the city clerk and the finance department float, so, but thank you Maria for an amazing job. I know everybody had a great time that night.

And Raelynn and -- congratulations to you and your department on your presentation this evening. The stuff that you do for this community is absolutely extraordinary. Scarlet was at the ice skating rink, I'm sure, at six

o'clock this evening and she might still be there. So, thank you. That's it.

PRESIDENT J. MIGUEL RODRIGUES: Any questions for the city clerk? All right. Reports of aldermen. Alderman Masi.

ALDERMAN JOSEPH MASI: A couple things. One, this council has a lot to be proud of with our people that we have in (indiscernible) department heads and (indiscernible) staff (indiscernible). There were so many things in the city of Middletown and tonight we listened to and we heard from a number of them.

Maria, thank you for everything that was done over this past week and is going to be done through the holiday season, and obviously we've got holidays coming up. I hope everyone takes care of themselves, they're safe.

I wasn't going to say anything but, well, I am going to say something. First, I'm going to implore our great council president to please give a lot of consideration into amending our agenda (background conversation) and do what --

PRESIDENT J. MIGUEL RODRIGUES: Is your mic on?

ALDERMAN JOSEPH MASI: Yeah.

PRESIDENT J. MIGUEL RODRIGUES: All right.

ALDERMAN JOSEPH MASI: And do what Orange County does and I know a few other communities to start out with allowing the public to speak on agenda items first and at the end of the meeting non-agenda items. This is getting to the point of being ridiculous and I'm hoping our council president will give a lot of consideration.

I know -- I hate to repeat what the mayor said, but I wrote down Monroe, Newburgh, Warwick, Orange County, and Bloomingburg people who came here and spoke and they certainly have a right to come here and speak, and I think I said at the last meeting, I was wondering if you people go to your Monroe board, your town or your city of Newburgh, your Warwick, the Orange County, and Bloomingburg and not one person -- and once again, maybe they did -- but not one person came up here and said Oh, by the way, I was at the Newburgh meeting and I asked them to do the same thing.

I do believe it's because of those

cameras and I think you enjoy that. You don't have to shake your finger at me. I'm hoping that you'll be respectful enough. We've spoken. You can keep coming to these meetings, I just hope the council president will change it around. I looked up the meaning of insanity and it's doing the same thing over and over and over again and looking for a different result.

You can keep coming. You're not going to get a different result. We've said what we wanted to say. We listened to you. Now, you have to listen to us. Thank you.

PRESIDENT J. MIGUEL RODRIGUES:

Alderman Witt.

ALDERMAN KEVIN WITT: Thank you very much. We had a Recreation and Parks Committee meeting where superintendent presented the year in review for the Recreation and Parks Department. It was wonderful. I appreciate it. I -- we were sort of wrapping things up quickly, so I didn't say anything.

You, Nicole, Salinas, and Kelly just a wonderful job that you do and when you're showing your staff up there, you see so many people who have Middletown connections who either, like you,

they came up through the program. You know, Kelly graduated from Middletown, you know, and it was just -- I don't know.

I remember when my daughter was, you know four or five or whatever it was and we did the Little People Playtime and Chris Brinkerhoff said, you know all the kids who we have who work here are all good kids.

Everybody -- doesn't necessarily mean they're all straight A students, but they're all good kids and they do the right thing and they set a good example for our kids and this is, you know, however many years ago that was and then she had a chance and took that to heart and got to be One of those kids and worked as a counselor in the program.

And there are others who were there and then I see like Isaac. Isaac went to Middletown and just -- it's just a tremendous job and all the volunteers and the coaches who handle these programs, I mean, it's just such a wonderful thing and I'm grateful. Thank you, Miguel, for again allowing us to do this and I just think it's so great for people to see, like, there is it and it's -- and you can see it again because

it's -- we've we videotaped this and I hope word-of-mouth gets people doing it.

So, I just wanted to say that about that and as far as the parade goes, what a wonderful night. It really was. And I know it's not about us.

We know it's not about us, you know, but when we march we get like a great seat to see all the fun and the smiles and everybody's having such a good time and it was great to not only see that and have, you know, the -- such a great community event and Santa Claus coming, but you know, we -- my daughter and I walked back to our car and to walk down North Street and see prosperity and all this going on and buildings, our businesses, you know filled with people and it was just a great thing and just shows the progress in real terms.

Like, it's one thing for us to say it, but there it is right there. So, thank you to everybody involved in all that.

PRESIDENT J. MIGUEL RODRIGUES:

Alderman Green.

ALDERMAN ANDREW GREEN: Thank you. I will be a little biased. Yes. There are some

awesome floats, but only one vehicle brings Santa Claus, so I think we all know which one that is. No, but that parade was amazing and the whole evening, everything from start to finish, it just runs like clockwork now and that doesn't go without an amazing support structure and amazing support staff, so kudos to the entire bid, to Maria, to the police, to the fire, to DPW, Rec, and city clerk.

Certainly, you know, your float was up there. But really, I had the distinct honor of driving Joan Degnan in the parade. If anyone doesn't know, she is the widow of the late John Degnan, Mr. Middletown himself, who the park is named after and the minute that she -- we drove past the "reviewing stand," she said, they announced my name? Why?

You know, it really showed -- it brought tears certainly to my eye, but definitely to hers that, you know, just to see how much this city really does remember and cherish her family's legacy and what they've -- what John left for us. So, it's just one of those moments where you want to sit and reflect on it and certainly he will be missed, but the traditions

and things that he brought to us will continue.

Eight meetings ago I came here and sat down and there was a resolution on my desk that I had no idea was going to be there. No one had reached out about it. No one here had discussed it. I had a constituent reach out to me and say hey, do you know something about some resolution that's going to be -- and I said no, there's no resolution. I read the agenda.

And here we are, eight meetings later, still talking about that same resolution that I will not vote to pass. I don't agree with many of the statements in it. I'm not ashamed to say that. I think that if anyone actually read that, which I welcome you to -- Rally Middletown has an open Facebook page. If you click the link, it takes you to a page that the very top logo is the Democratic Socialists of America. It is not hidden. That is where this is coming from.

There are things in there that I do consider harmful to or disrespectful to one race, one group. We passed something calling for peace, calling for the release of hostages. That is what we can do, what we do here. I hear from many, many constituents, people I talk to, people

I see in the streets. Please change your meeting structure. I was hesitant to do it, but after tonight I feel that it may be necessary for us to do that.

There are people here who want to talk about Middletown's going on -- Middletown's happenings, and they deserve to be heard and they deserve to be heard early and they deserve to be heard before people who are residents of Orange County, residents of other communities. Yes, it's important. I'm glad you're here. I'm glad you come to our city. I'm glad you -- we will sit here. We listen to you. We're respectful.

I don't believe any member of this board has laughed, though, when somebody made a comment that I thought was very striking tonight. Regardless of how you feel about somebody's -- what they're talking about, please be respectful to everyone when you're up here at this group, you know, just as we are to you sitting here, you know, taking notes on what you say.

I am usually hesitant to talk on some of these more controversial issues. I feel that, you know, it doesn't really need our -- my credence, my two cents all the time. But enough

is enough now. We've heard you. We will continue to hear you if you come, but please city business is very important to those who I hear from every day and I hope to, you know, be able to help them out in the future. Thank you.

PRESIDENT J. MIGUEL RODRIGUES:

Alderman Kleiner.

ALDERMAN GERALD KLEINER: Thank you. I did at the last meeting go over how the county handles the agenda items and said that they speak on resolutions in the first part of the meeting.

You have to write -- sign in and sign your name and then at the end of the meeting you can speak on other topics, but you can't repeat what someone else has said. So, that was my suggestion at the last meeting. I won't go over that -- any more than that.

Christmas parade was amazing and it's just become such an institution in Middletown, so thank you, Maria and thank you for the bid and everyone involved. It's just a tremendous effort and a tremendous community event and no matter how cold it gets, I mean the wind wasn't as bad as last year, so -- but it was cold. But it's just, everyone's having a good time. So, I thank

everyone for that.

And Raelynn -- and I don't ever want to hear there's nothing for people to do, nothing for kids to do. It's -- and I know from going to the Parks and Rec Commission meetings just how much is done and how much your staff does and it's truly amazing and I'm really glad to see the two young men who were here in the boxing program. I remember when Roland (indiscernible) was on the commission and he was really concerned about boxing and introducing that and I wasn't, so I'm glad it's been really, really successful and they're a great testament to the coach and how it's been done.

The warming station opened on November 24th. They have been at capacity. It's been cold out. They need thermal underwear and non-dairy creamers. They always need coffee and you can go to MiddletownWarmingStation.com and a site that Andrew keeps up. Thank you, Andrew. And you can find links if you want to volunteer or bring a meal or where to -- if you want to contribute.

Our constituents meeting will be next Monday, December 9th at 7 p.m. right here in the

council chambers. I thank also the Garden Lovers. That was a cold but very nice ceremony today dedicating the bench and it's a beautiful bench and it's right there on the edge of Erie Way Park and you'll see it, but I thank them very much and they did celebrate their hundred years this year and it's terrific.

I do support good cause eviction and I hope we come up with something soon that we can work on, but -- we can implement in Middletown.

Mulberry House Senior Center on Thursday, December 12th is celebrating their 70th anniversary, so I will be there and congratulations to them. I saw that the Times Herald-Record once again had, see how much gas prices have risen, even though they've gone from \$3.80 down to \$2.80, but gee, on the busiest travel day of the year, they spiked up three cents, so there is the big headline, see how much gas prices have risen.

We used to have a real newspaper in Middletown. And I think other than that, I would just remind people that this Saturday is December 7th, Pearl Harbor Day, and it is a day that lives in infamy for those of us who never stopped

hearing about it when we were younger, and it's something we should never forget. Thank you.

PRESIDENT J. MIGUEL RODRIGUES:

Alderwoman Wray.

ALDERWOMAN KATE WRAY: Good evening.

It's now 10 p.m. and I've noticed most of the people who came to this meeting are already gone and have gone home because they don't want to stay any longer. We are just about to get to real city business now, and I have had 11 messages during this meeting from constituents who have tuned out and are furious and have had enough.

This is their meeting. This is for them. Like last -- the last meeting when we passed our city budget, that is the money that Middletown can control how it is spent and we do. But the people who live here want to know how we're doing that and they can't get that information when they're tuned out because they need to go to sleep, and frankly, so do the rest of us.

I absolutely and wholeheartedly support changing our agenda to the end of the meeting with this public comment that does not include

city business. It's unfair to the residents who live here who tune in to this meeting so that they can get that information or so that they can come to the podium and speak about the city that they live in and that they're proud of and they shouldn't have to wait 90 minutes for the rest of Orange County to work their way through first.

It's just not fair and it's not right, and I think we should model ourselves as Alderman Kleiner spoke about on the county's model where you may speak to other business at the end of the meeting and it is not to be repetitive. We are not going to keep beating the same drum for 90 minutes. You have something to say, you could say it.

But when you're done -- and we're not repeating it. It's been said. We have work to do here that affects the day-to-day lives the people who live here in Middletown. That's the job we're here to do. We're not the federal government.

I also would be curious if anyone would stick around for the public comment at the end if we shut the cameras off at that point, when the city business was done and the cameras went off.

It -- would anybody even still be here? I would say probably not.

On to city business. Tree lighting. My favorite night in Middletown. My favorite night in any town, actually because nobody does that night like Middletown. My kids have marched in that parade their entire lives with their sports and their school programs and whatever or with me if they're too little. My favorite night. I work in the school. I went to school yesterday and the kids were nuts.

It was so great. I got to see -- I mean, it's just such a joy-filled evening for us as a community and everyone's out and every employee here, our police department, fire, everyone who works here is out as a part of it. It's such a celebration of who we are as a community. I absolutely love it. Maria, everybody involved, so great. I can't say enough about it. It's my favorite night of the year.

That being said, I don't want to keep it going on forever tonight, so I'm just going to call it.

PRESIDENT J. MIGUEL RODRIGUES:

Alderman Johnson.

ALDERMAN PAUL JOHNSON: Well, I do want to keep it going on forever, so. So many thoughts, so little time. Where to begin? Oh, tree lighting. Who put the merry in Merry Christmas? Maria and company did. Thank you so much for that. It's a great experience.

Rec Department, thank you. I learned two things about the Rec Department tonight. One, you're the mayor's favorite department. Oh, is Jacob here? Oh, he left. And the other is that you have the best float. So, this is a teachable moment for me.

The Rail Commons. As somebody who sat on the committee eons ago, it has certainly had its little trips and hiccups along the way. It's nice to see it reconstituted. I hope it will do well.

The Gaza group. You know, there's a saying that perception is reality and I'm entitled to my own perception. When I listen for eight weeks to the Gaza group, three adjectives come to my mind.

Self-righteous. Definition: characterized by a certainty, especially an unfounded one, that one is totally correct or

morally superior.

Condescending. Definition: presenting oneself with a patronizing and superior attitude. It's too bad the ones that fit the best have already left the building.

Now particularly with this constant thread of the federal money could feed the homeless in Middletown, the adjective that comes to my mind is disingenuous. Definition: giving a false appearance of simple frankness, i.e., calculating.

I'm entitled to my perception. Now, I am a Gemini and I know that it's very difficult to work with. You can ask the mayor or google it. With respect to this agenda change, I don't really want to be bullied by people who come in here and talk for an hour.

As far as I'm concerned you can talk for three hours and I'm not denying the rights of our citizens to hear the business of this city, but I also don't want to be bullied into changing my agenda to accommodate your lack of consideration for what we're trying to accomplish here.

I will defer to the president and to my

colleagues, but I don't want to be bullied and I don't care for it, but I appreciate the remarks of the mayor and my colleagues and Mr. (indiscernible) in particular.

Mr. Masi talked about the definition of insanity, so let's talk about the strategy of the leadership of this group. This group proudly states, this is our eighth meeting that we've come to talk to the council. Well -- and a gentleman talked about being in sales and the strategies to be in sales.

So, if you really want to move your cause forward, I ask you to ask your leadership, why am I coming to the same group of nine people for two months, when I could have spoken to 12 or 14 or 16 groups of people on different nights in different weeks? You want the domino effect? Well put up the dominos so they can be knocked down. Give me a break.

I'm not done. Good cause. Apparently the mayor and counselor and I have reviewed some documents, one over the signature of Mr. Blumenthal which is a red-letter document which also reminds me I forgot to go to law school when I read that document. And also with Mr. Guzman

and, we'll be -- good cause is alive and well. I appreciate your efforts in the beginning. For those of you who keep reminding us, we are well reminded.

It's not as simple as it looks. We understand the difference between the identity of the one unit versus ten, and we understand the sleight of hand of LLCs that try to be where they're not and nobody knows where they are. We get the idea of 78 percent versus 37 percent. Most of my numbers are moderately correct. So, we're alive and well and dealing with that and fortunately for you, that's all I have to say.

PRESIDENT J. MIGUEL RODRIGUES: Thank you, sir. Alderman Tobin.

ALDERMAN JUDE SPARROW TOBIN: Yeah, I mean I'm a teacher, so I get up at six o'clock. I go to bed at ten, so I'm very tired. I'm starting to lose focus here. But I do tell my students when they talk to other people to be respectful like the guy mentioned in sales. You got to listen to other people's opinions, listen before you speak, and also to be respectful because once you start insulting them and yelling at them, no one's listening to you, and that's

why I do bring point of order or object if people start insulting us, calling us less than human or evil.

I mean, we don't want to turn this, you know, this government meeting into a circus and start calling people back and forth. So, I did see some improvement from last time. I thought the last meeting people were cursing. It was getting a little violent, so I'm glad that maybe people are taking that into consideration.

But, you know, if you start insulting people, they're not going to listen to you. I do support good cause eviction protections.

City business also, I mean, Alderman Witt, thank you, and Recs Department, you did such a great job. I wasn't aware of even half the things that you were doing and I follow everything on Facebook, and I get all the emails.

We have so many programs for our youth. We have 20 parks in the city. Most are walkable to every resident. There's green spaces everywhere. There's slides. There's swings. We have specialty parks. We have a skate park, a dog park. We have sports fields, trails which is -- makes Middletown a great place to live, a

healthy community, and a family-friendly community by design but also investment by the city. So, I'm glad to be a part of that.

Since I've been on the council, I think we've created three new facilities. So, glad to be a part of that. We also see, we have bike stores opening up and now a running store.

So, you know, they know they want to be here because how they see what we're investing in our communities. So, I'd like to thank everybody for that, the Parks Department, the Rec Department.

Maria, great parade. You know, I know we're there. We're in front, we're waving people, but they're not there to see us. They're there to see Santa, so -- but there's so many kids smiling at the end of the day, getting the community involved. It was a great night and always makes me feel proud to be someone from Middletown, to live in Middletown. And that's it.

PRESIDENT J. MIGUEL RODRIGUES: Okay. Parade. Echo on everybody with the great job. Every time I leave my house, it's always Middletown first and be nice. My wife tells me

that every night, every day. Be nice and it's Middletown first. I have to be nice.

So, I hear and I hope the people that are still here can listen. They don't say, but you have to listen to what the council members are saying. It's long. Folks, I'm probably the last one here. We used to go to midnight. For four years, our minute -- midnight. We used to go to midnight. I don't want to do that. Oh, Alex. He was deputy mayor at that time. He was here and we would fight and argue.

The comments for the good of the city, it's never been changed in our agenda. It's been here. We changed it -- we altered our agenda two or three times, but we never changed it and now you have at least four maybe five councilman asking plus the mayor not -- hijacked.

Go to your own town. Go to the Town of Chester, the Village of Chester, and see if that goes well and you start attacking their elected officials and your parents and everybody has to drive through that town. See how that works.

We open for the good of the city to let people talk and voice your opinion and keep it to three minutes. I'm asking again and I'll reach

out to the group. We really need to consider. I think the council has spoken for the eighth or ninth or tenth time and whatever we have, before we have to change the agenda to appease everybody. We work together. We sit here for Middletown first. I will always be here for Middletown first and it's not going to go away, and I'll try to be nice every night.

New business.

CITY CLERK RICHARD MCCORMACK: Good evening. We have a resolution sponsored by Alderman Tobin authorizing the acceptance of the Stop DWI funding for a third period.

PRESIDENT J. MIGUEL RODRIGUES: Resolution filed by Alderman Tobin. Second by Alderman Green. Any discussion? Roll.

CITY CLERK RICHARD MCCORMACK: Tobin.

ALDERMAN JUDE SPARROW TOBIN: Aye.

CITY CLERK RICHARD MCCORMACK: Jean-Francois. I'm sorry. Not here.

PRESIDENT J. MIGUEL RODRIGUES: -- long day.

CITY CLERK RICHARD MCCORMACK: Johnson.

ALDERMAN PAUL JOHNSON: Aye.

CITY CLERK RICHARD MCCORMACK: Wray.

ALDERWOMAN KATE WRAY: Aye.

CITY CLERK RICHARD MCCORMACK: Kleiner.

ALDERMAN GERALD KLEINER: Aye.

CITY CLERK RICHARD MCCORMACK: Green.

ALDERMAN ANDREW GREEN: Aye.

CITY CLERK RICHARD MCCORMACK: Witt.

ALDERMAN KEVIN WITT: Aye.

CITY CLERK RICHARD MCCORMACK: Masi.

ALDERMAN JOSEPH MASI: Aye.

CITY CLERK RICHARD MCCORMACK:

President Rodrigues.

PRESIDENT J. MIGUEL RODRIGUES: Aye.

CITY CLERK RICHARD MCCORMACK: Carries.

We have a resolution sponsored by
Alderman Johnson, authorizing the transfer of
funds within the 2024 water treatment plant
chemicals.

PRESIDENT J. MIGUEL RODRIGUES:

Resolution sponsored Alderman Johnson, second by
Alderman Kleiner. Any discussion? Roll.

CITY CLERK RICHARD MCCORMACK: Tobin.

ALDERMAN JUDE SPARROW TOBIN: Aye.

CITY CLERK RICHARD MCCORMACK: Johnson.

ALDERMAN PAUL JOHNSON: Aye.

CITY CLERK RICHARD MCCORMACK: Wray.

ALDERWOMAN KATE WRAY: Aye.

CITY CLERK RICHARD MCCORMACK: Kleiner.

ALDERMAN GERALD KLEINER: Aye.

CITY CLERK RICHARD MCCORMACK: Green.

ALDERMAN ANDREW GREEN: Aye.

CITY CLERK RICHARD MCCORMACK: Witt.

ALDERMAN KEVIN WITT: Aye.

CITY CLERK RICHARD MCCORMACK: Masi.

ALDERMAN JOSEPH MASI: Aye.

CITY CLERK RICHARD MCCORMACK:

President Rodrigues.

PRESIDENT J. MIGUEL RODRIGUES: Aye.

CITY CLERK RICHARD MCCORMACK: Carries.

Resolution sponsored by Alderwoman Wray
authorizing the renewal of the 2025 Humane
Society contract.

PRESIDENT J. MIGUEL RODRIGUES:

Resolution sponsored by Alderwoman Wray, seconded
by Alderman Tobin. Any discussion?

ALDERMAN PAUL JOHNSON: That is
Middletown, correct?

PRESIDENT J. MIGUEL RODRIGUES: Yes.

ALDERMAN PAUL JOHNSON: Okay.

PRESIDENT J. MIGUEL RODRIGUES: Roll.

CITY CLERK RICHARD MCCORMACK: Tobin.

ALDERMAN JUDE SPARROW TOBIN: Aye.

CITY CLERK RICHARD MCCORMACK: Johnson.

ALDERMAN PAUL JOHNSON: Aye.

CITY CLERK RICHARD MCCORMACK: Wray.

ALDERWOMAN KATE WRAY: Aye.

CITY CLERK RICHARD MCCORMACK: Kleiner.

ALDERMAN GERALD KLEINER: Aye.

CITY CLERK RICHARD MCCORMACK: Green.

ALDERMAN ANDREW GREEN: Aye.

CITY CLERK RICHARD MCCORMACK: Witt.

ALDERMAN KEVIN WITT: Aye.

CITY CLERK RICHARD MCCORMACK: Masi.

ALDERMAN JOSEPH MASI: Aye.

CITY CLERK RICHARD MCCORMACK:

President Rodrigues.

PRESIDENT J. MIGUEL RODRIGUES: Aye.

CITY CLERK RICHARD MCCORMACK: Carries.

Resolution sponsored by Alderman Johnson
authorizing to enter into an agreement with the
County of Orange for the 2024-2025 Stop DWI high
visibility engagement enforcement crackdown
program.

PRESIDENT J. MIGUEL RODRIGUES:

Resolution sponsored by Alderman Johnson,
seconded by Alderman Tobin. Any discussion?

Roll.

CITY CLERK RICHARD MCCORMACK: Tobin.

ALDERMAN JUDE SPARROW TOBIN: Aye.

CITY CLERK RICHARD MCCORMACK: Johnson.

ALDERMAN PAUL JOHNSON: Aye.

CITY CLERK RICHARD MCCORMACK: Wray.

ALDERWOMAN KATE WRAY: Aye.

CITY CLERK RICHARD MCCORMACK: Kleiner.

ALDERMAN GERALD KLEINER: Aye.

CITY CLERK RICHARD MCCORMACK: Green.

ALDERMAN ANDREW GREEN: Aye.

CITY CLERK RICHARD MCCORMACK: Witt.

ALDERMAN KEVIN WITT: Aye.

CITY CLERK RICHARD MCCORMACK: Masi.

ALDERMAN JOSEPH MASI: Aye.

CITY CLERK RICHARD MCCORMACK:

President Rodrigues.

PRESIDENT J. MIGUEL RODRIGUES: Aye.

CITY CLERK RICHARD MCCORMACK: Carries.

Resolution sponsored by Alderwoman Wray
authorizing the approval of the final obligation
of unspent ARPA funds.

PRESIDENT J. MIGUEL RODRIGUES:

Resolution sponsored by Alderwoman Wray, seconded
by Alderman Green. Any discussion? Roll.

CITY CLERK RICHARD MCCORMACK: Tobin.

ALDERMAN JUDE SPARROW TOBIN: Aye.

CITY CLERK RICHARD MCCORMACK: Johnson.

ALDERMAN PAUL JOHNSON: Aye.

CITY CLERK RICHARD MCCORMACK: Wray.

ALDERWOMAN KATE WRAY: Aye.

CITY CLERK RICHARD MCCORMACK: Kleiner.

ALDERMAN GERALD KLEINER: Aye.

CITY CLERK RICHARD MCCORMACK: Green.

ALDERMAN ANDREW GREEN: Aye.

CITY CLERK RICHARD MCCORMACK: Witt.

ALDERMAN KEVIN WITT: Aye.

CITY CLERK RICHARD MCCORMACK: Masi.

ALDERMAN JOSEPH MASI: Aye.

CITY CLERK RICHARD MCCORMACK:

President Rodrigues.

PRESIDENT J. MIGUEL RODRIGUES: Aye.

CITY CLERK RICHARD MCCORMACK: Carries.

Resolution sponsored by Alderman
Kleiner authorizing a budget transfer of \$110,000
from within the 2024 Paramount budget.

PRESIDENT J. MIGUEL RODRIGUES:

Resolution sponsored by Alderman Kleiner,
seconded by Alderman Johnson. Any discussion?

Roll.

CITY CLERK RICHARD MCCORMACK: Tobin.

ALDERMAN JUDE SPARROW TOBIN: Aye.

CITY CLERK RICHARD MCCORMACK: Johnson.

ALDERMAN PAUL JOHNSON: Aye.

CITY CLERK RICHARD MCCORMACK: Wray.

ALDERWOMAN KATE WRAY: Aye.

CITY CLERK RICHARD MCCORMACK: Kleiner.

ALDERMAN GERALD KLEINER: Aye.

CITY CLERK RICHARD MCCORMACK: Green.

ALDERMAN ANDREW GREEN: Aye.

CITY CLERK RICHARD MCCORMACK: Witt.

ALDERMAN KEVIN WITT: Aye.

CITY CLERK RICHARD MCCORMACK: Masi.

ALDERMAN JOSEPH MASI: Aye.

CITY CLERK RICHARD MCCORMACK:

President Rodrigues.

PRESIDENT J. MIGUEL RODRIGUES: Aye.

CITY CLERK RICHARD MCCORMACK: Carries.

Resolution sponsored by Alderman Green
authorizing agreement with Denali Realty Ventures
LLC and O'Connell Family Contracting LLC to
purchase 11-15 King Street.

PRESIDENT J. MIGUEL RODRIGUES:

Resolution sponsored by Alderman Green, seconded
by Alderman Kleiner. Any discussion? Just for

the record, I'll be abstaining. Roll.

CITY CLERK RICHARD MCCORMACK: Tobin.

ALDERMAN JUDE SPARROW TOBIN: Aye.

CITY CLERK RICHARD MCCORMACK: Johnson.

ALDERMAN PAUL JOHNSON: Aye.

CITY CLERK RICHARD MCCORMACK: Wray.

ALDERWOMAN KATE WRAY: Aye.

CITY CLERK RICHARD MCCORMACK: Kleiner.

ALDERMAN GERALD KLEINER: Aye.

CITY CLERK RICHARD MCCORMACK: Green.

ALDERMAN ANDREW GREEN: Aye.

CITY CLERK RICHARD MCCORMACK: Witt.

ALDERMAN KEVIN WITT: Aye.

CITY CLERK RICHARD MCCORMACK: Masi.

ALDERMAN JOSEPH MASI: Aye.

CITY CLERK RICHARD MCCORMACK:

President Rodrigues.

PRESIDENT J. MIGUEL RODRIGUES:

Abstain.

CITY CLERK RICHARD MCCORMACK: Carries.

Resolution sponsored by Alderman Witt
authorizing the transfer of \$6,000 within the
fire department's 2024 budget.

PRESIDENT J. MIGUEL RODRIGUES:

Resolution sponsored by Alderman Witt, seconded

by Alderwoman Wray. Any discussion? Roll.

CITY CLERK RICHARD MCCORMACK: Tobin.

ALDERMAN JUDE SPARROW TOBIN: Aye.

CITY CLERK RICHARD MCCORMACK: Johnson.

ALDERMAN PAUL JOHNSON: Aye.

CITY CLERK RICHARD MCCORMACK: Wray.

ALDERWOMAN KATE WRAY: Aye.

CITY CLERK RICHARD MCCORMACK: Kleiner.

ALDERMAN GERALD KLEINER: Aye.

CITY CLERK RICHARD MCCORMACK: Green.

ALDERMAN ANDREW GREEN: Aye.

CITY CLERK RICHARD MCCORMACK: Witt.

ALDERMAN KEVIN WITT: Aye.

CITY CLERK RICHARD MCCORMACK: Masi.

ALDERMAN JOSEPH MASI: Aye.

CITY CLERK RICHARD MCCORMACK:

President Rodrigues.

PRESIDENT J. MIGUEL RODRIGUES: Aye.

CITY CLERK RICHARD MCCORMACK: Carries.

Resolution sponsored by Alderman Masi authorizing a proposal from Clark Patterson Lee for the raw water main replacement, phase 1a from Kinch Pond to Greenville Turnpike.

PRESIDENT J. MIGUEL RODRIGUES:

Resolution sponsored by Alderman Masi, seconded

by Alderman Green. Any discussion? Roll.

CITY CLERK RICHARD MCCORMACK: Tobin.

ALDERMAN JUDE SPARROW TOBIN: Aye.

CITY CLERK RICHARD MCCORMACK: Johnson.

ALDERMAN PAUL JOHNSON: Aye.

CITY CLERK RICHARD MCCORMACK: Wray.

ALDERWOMAN KATE WRAY: Aye.

CITY CLERK RICHARD MCCORMACK: Kleiner.

ALDERMAN GERALD KLEINER: Aye.

CITY CLERK RICHARD MCCORMACK: Green.

ALDERMAN ANDREW GREEN: Aye.

CITY CLERK RICHARD MCCORMACK: Witt.

ALDERMAN KEVIN WITT: Aye.

CITY CLERK RICHARD MCCORMACK: Masi.

ALDERMAN JOSEPH MASI: Aye.

CITY CLERK RICHARD MCCORMACK:

President Rodrigues.

PRESIDENT J. MIGUEL RODRIGUES: Aye.

CITY CLERK RICHARD MCCORMACK: Carries.

Resolution sponsored by Alderwoman Wray
denying a request for a subdivision at Orange
Terrace.

PRESIDENT J. MIGUEL RODRIGUES: I have
second by Alderman Johnson. Any discussion?
Alderman Kleiner.

ALDERMAN GERALD KLEINER: Yeah, I'm going to support the -- what the mayor is asking for on this, but I just do want to correct some misinformation as presented. This called for four lots not six lots and it was approved. Variance was approved by the ZBA. What I haven't -- and so that -- they are allowed the four lots.

The other questions, what I -- I don't like the last-minute changes on the plan and I never heard really from the planning board why they disapproved of it, because they sent it to us with a negative recommendation and I know that the board chairman voted for it, voted in favor of it but -- so, I'm supporting it, resolution, but with some reservations. Thank you.

PRESIDENT J. MIGUEL RODRIGUES:

Alderman Johnson.

ALDERMAN PAUL JOHNSON: I'm going to defer to Alderwoman Wray, should she care to speak first, for the Third Ward.

ALDERWOMAN KATE WRAY: No, go right ahead first.

ALDERMAN PAUL JOHNSON: Well. I guess I wasn't done. So, this whole process, I will refer to as a shell game. It was six and it was

four and it was three and it was at this venue and then that venue and the other venue. This is not just an affront to the city. It's not just an affront to the Third Ward. It's an affront to the city of Middletown to be manipulated like this. That's my word, shell game. My word. I'm using it. I own it. I'm proud of it.

Canard. I would say counsel was quite spirited this evening. Maybe he was a litigator in a former life. I don't know. He used canard three times because words are his tools, apparently, but he also used the word mob rule. Would the three of you stand up, because you're now a mob. Thank you very much. The mob is right there. Un, deux, trois. Mob rule. Really? You know what? I should not stay here past ten o'clock.

Eleven feet, 4 feet, 12 feet, three houses, six houses, two houses. To say that it does -- it obviously changes the character of the neighborhood. Now, if somebody wants to say that's a good thing, have at it. Most people who look at it would say it's a bad thing and Alderwoman Wray and I represent the mob apparently and the mob does not feel that

enhances their quality of life or their community or that reinforces all the reasons that they live where they live and they did what they did.

And certainly those of us who represent the Third Ward would be very happy to see this denied in some way. Thank you.

PRESIDENT J. MIGUEL RODRIGUES:

Alderwoman Wray.

ALDERMAN PAUL JOHNSON: You mob, settle down.

ALDERWOMAN KATE WRAY: I love letting Paul speak first because he does such a great job. But yeah, as for our mob who was told that they should have gone and gotten their variance, they did try. They were told no. The code is the code. Follow it. And if that means you have to turn your two lots into one, that's what you have to do. That's what they were told.

And now, we're being presented with this attitude of it's just a couple feet. Oh, it's just a few changes. Oh, it's just a little this, it's just a little retaining wall and everything is just whatever, whatever, whatever.

Well, I don't believe that that's why we have a city code, because what's the point if

everything is just, it's just a little off, don't worry about it. No, that is there to protect our citizens, their quality of life, and the quality of our city. And our residents spoke. They were not heard by the ZBA. I feel like they may have been heard by the planning board.

We have a negative recommendation from them. We have a plan that seems to be under constant fluctuation changes, and I absolutely think that we should as a board support this resolution. I'm done.

PRESIDENT J. MIGUEL RODRIGUES: Okay. Anyone else? Just for the record, I'll be abstaining. Thilks person that owned these lots reached out to me last October and asked me to sell them, so I will be abstaining from the vote. Roll.

CITY CLERK RICHARD MCCORMACK: Tobin.

ALDERMAN JUDE SPARROW TOBIN: Aye.

CITY CLERK RICHARD MCCORMACK: Johnson.

ALDERMAN PAUL JOHNSON: Aye.

CITY CLERK RICHARD MCCORMACK: Wray.

ALDERWOMAN KATE WRAY: Aye.

CITY CLERK RICHARD MCCORMACK: Kleiner.

ALDERMAN GERALD KLEINER: Aye.

CITY CLERK RICHARD MCCORMACK: Green.

ALDERMAN ANDREW GREEN: Aye.

CITY CLERK RICHARD MCCORMACK: Witt.

ALDERMAN KEVIN WITT: Aye.

CITY CLERK RICHARD MCCORMACK: Masi.

ALDERMAN JOSEPH MASI: Aye.

CITY CLERK RICHARD MCCORMACK:

President Rodrigues.

PRESIDENT J. MIGUEL RODRIGUES:

Abstain.

CITY CLERK RICHARD MCCORMACK: Motion
carries.

We have a resolution sponsored by
Alderman Masi in support of continued increased
state aid for local governments.

PRESIDENT J. MIGUEL RODRIGUES:

Resolution sponsored by Alderman Masi, seconded
by Alderman Tobin. Any discussion? Roll.

CITY CLERK RICHARD MCCORMACK: Tobin.

ALDERMAN JUDE SPARROW TOBIN: Aye.

CITY CLERK RICHARD MCCORMACK: Johnson.

ALDERMAN PAUL JOHNSON: Aye.

CITY CLERK RICHARD MCCORMACK: Wray.

ALDERWOMAN KATE WRAY: Aye.

CITY CLERK RICHARD MCCORMACK: Kleiner.

ALDERMAN GERALD KLEINER: Aye.

CITY CLERK RICHARD MCCORMACK: Green.

ALDERMAN ANDREW GREEN: Aye.

CITY CLERK RICHARD MCCORMACK: Witt.

ALDERMAN KEVIN WITT: Aye.

CITY CLERK RICHARD MCCORMACK: Masi.

ALDERMAN JOSEPH MASI: Aye.

CITY CLERK RICHARD MCCORMACK:

President Rodrigues.

PRESIDENT J. MIGUEL RODRIGUES: Aye.

CITY CLERK RICHARD MCCORMACK: Carries.

PRESIDENT J. MIGUEL RODRIGUES: Audit?

ALDERMAN JOSEPH MASI: Mr. President, I
move the accounts be audited, the claims be
adjusted, and the city treasurer be authorized to
(indiscernible) further payment.

PRESIDENT J. MIGUEL RODRIGUES:

Resolution sponsored by Alderman Masi.

ALDERMAN PAUL JOHNSON: Second.

PRESIDENT J. MIGUEL RODRIGUES: Second
by Alderman Johnson. All in favor?

GROUP: Aye.

PRESIDENT J. MIGUEL RODRIGUES: All
right. Move for adjournment.

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.



Sonya M. Ledanski Hyde

Veritext Legal Solutions

330 Old Country Road

Suite 300

Mineola, NY 11501

Date: January 24, 2025

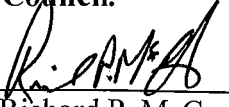


**CITY OF MIDDLETOWN, NEW YORK
COMMON COUNCIL
RECORD OF VOTE**

THE FOLLOWING WAS PRESENTED

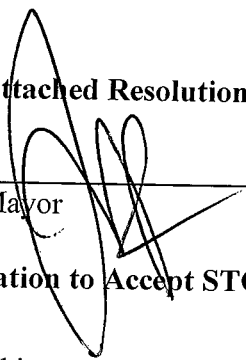
By: Alderman Tobin
Seconded by: Alderman Green
Date of Adoption: December 3, 2024
Index No: 251-24

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	8			1

I hereby approve the attached Resolution/Local Law.


Joseph M. DeStefano, Mayor

Date

12/4/24

Authorization to Accept STOP DWI Funding for a Third Period

Whereas the City entered into an Inter-Municipal Agreement with the County of Orange and approved by the Common Council in March 2024, for STOP DWI funding for the contract dates of November 11, 2024, through January 1, 2025; and

Whereas the Police Department was notified that the third enforcement period funding has been awarded in the amount of \$6,210.

NOW THEREFORE BE IT RESOLVED that the Common Council of the City of Middletown, NY, concurs with the Board of Estimate and Apportionment and accepts a \$6,210 grant award for the third period of Stop DWI;

BE IT FURTHER RESOLVED that the Common Council of the City of Middletown, N.Y., concurs with the Board of Estimate and Apportionment and authorizes the Treasurer to deposit

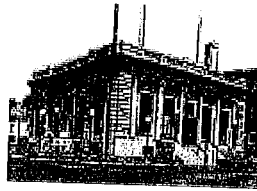
the funds into revenue line A.3333. These funds will be expensed from A.3141.103 through Stop
DWI overtime entries.

Prepared by:
John Ewanciw, Chief of Police

Attachments:

1.	STOP DWI 3rd period
----	---------------------

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

November 5, 2024

Mayor Joseph DeStefano
Members of the Common Council
And Board of Estimate
City of Middletown
16 James Street
Middletown, New York 10940

Dear Mayor DeStefano and Members,

The City entered into an Inter-Municipal Agreement with the County of Orange and approved by the Common Council in March 2024, for STOP DWI funding for the contract dates of November 11, 2024 through January 1, 2025.

We were notified that the third enforcement period funding has been awarded in the amount of \$6210, therefore I request to accept the funds to be deposited into revenue line A.3333. These funds will be expensed from A.3141.103 through Stop DWI overtime entries.

Thank you.

Very truly yours,

John Ewanciw
Chief of Police

JE: ccd

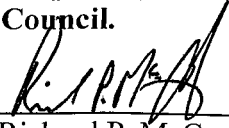


**CITY OF MIDDLETOWN, NEW YORK
COMMON COUNCIL
RECORD OF VOTE**

THE FOLLOWING WAS PRESENTED

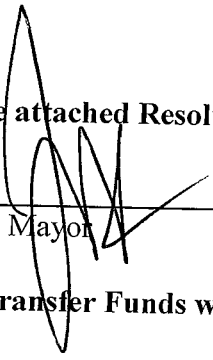
By: Alderman Johnson
Seconded by: Alderman Kleiner
Date of Adoption: December 3, 2024
Index No: 252-24

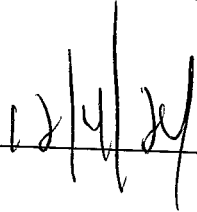
I hereby certify that the attached is a true copy of a Resolution and/or Local Law adopted by the City of Middletown Common Council.


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	8			1

I hereby approve the attached Resolution/Local Law.


Joseph M. DeStefano, Mayor


Date

Authorization to Transfer Funds within the 2024 Water Treatment Plant for Chemicals

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 \$13,000, in the following manner, to cover shortage in the chemical line at the Water Treatment Plant.

FROM	AMOUNT	TO
F.8330.440	\$5,000.00	F.8330.458
Repairs to Equipment		Chemicals
F.8330.450	\$8,000	F.8330.458
Materials and Supplies		Chemicals

Prepared by:
Jacob Tawil

Attachments:

1.	Transfer of Funds 11-20-24-within WTP budget-chemicals
----	--

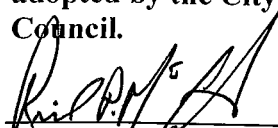


**CITY OF MIDDLETOWN, NEW YORK
COMMON COUNCIL
RECORD OF VOTE**

THE FOLLOWING WAS PRESENTED

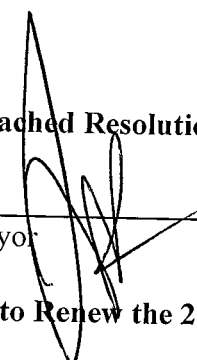
By: Alderwoman Wray
Seconded by: Alderman Tobin
Date of Adoption: December 3, 2024
Index No: 253-24

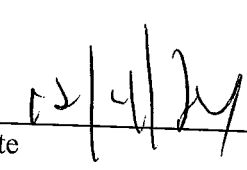
I hereby certify that the attached is a true copy of a Resolution and/or Local Law adopted by the City of Middletown Common Council.


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	9			1

I hereby approve the attached Resolution/Local Law.


Joseph M. DeStefano, Mayor


Date

Authorization to Renew the 2025 Humane Society Contract Agreement

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 the Humane Society for 2025.

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. Humane Society of Middletown Contract 2025

142 Bloomingburg Road
Middletown, New York 10940

Tel: 845-361-1861

Fax: 845-361-5881

October 30, 2024

Joseph DeStefano, Mayor
City of Middletown
16 James Street
Middletown, NY 10940

Dear Mayor:

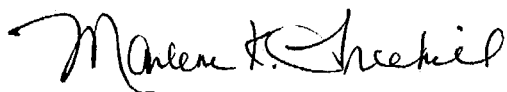
We are pleased to extend our services to you for 2025.

As you may know, the Humane Society of Middletown has gone to great lengths to increase significantly adoption of animals received from your town/city to permanent, loving families. In addition, we have improved the quality of life for the animals at the Humane Society while they await their new families. We appreciate your support, and hope that the Humane Society will continue to provide your residents with a source of affordable rabies vaccinations. Residents can learn more about Humane Society activities and services, as well as the loving animals that are available for adoption, by going to our website, www.middletownhumanesociety.com.

If the enclosed agreement meets with your approval, kindly sign it and return an executed contract at your earliest convenience to the attention of Martha Gale, Financial Administrator at the above address.

If you have any questions, now or at any time, please do not hesitate to contact us.

Very truly yours,



Marlene K. Freehill
President
Board of Directors

Enclosure



Open Daily
12 Noon - 4pm

adoptmhs@gmail.com

www.middletownhumanesociety.com

RECEIVED

NOV 18 2024

CITY CLERK
CITY OF MIDDLETOWN

Humane Society of Middletown
142 Bloomingburg Road
Middletown, NY 10940
(845) 361-1861
Fax (845) 361-5881

Agreement between the City of Middletown and the Humane Society of Middletown, Inc. for the period beginning January 1, 2025 and ending December 31, 2025.

The Humane Society of Middletown, Inc. agrees to accept any dog brought to our shelter by your Animal Control Officer (ACO), or Dog Control Officer (DCO), from your municipality space permitting.

The dogs, in accordance with New York State Agricultural law, must be held for the legal holding period, after which they may be put up for adoption if not claimed by the owner. If said dogs are not claimed or adopted, they may be humanely euthanized.

If the Shelter must hold a dog beyond the legal holding time for your municipality because of a pending court case, bite case, etc., we will charge your municipality \$25.00 per diem, per dog. We can only hold up to three (3) animals for your municipality when the animals are seized by an ACO/DCO in the event of a cruelty case.

When leaving a dog that the DCO/ACO believes may be dangerous, the dog must be kept in the outside only part of the ACO/DCO pen and follow the agreed upon protocol. Written information must be given to the shelter or the shelter manager that clearly communicates that the animal may be dangerous.

Since we do not have a veterinarian on premises, we are unable to accept any animal with suspected mange, rabies, distemper, parvovirus or an injury that requires immediate medical attention. These animals will have to be taken to a veterinarian by your ACO/DCO for treatment or euthanasia. Any resulting bills for these animals will be paid directly to the veterinarian by your Town/City.

If the Humane Society assists your municipality due to the unavailability of your animal control officer or police department, your municipality will be billed an additional fee of \$100.00.

The municipality will pay a fee of \$300.00 per dog delivered to the Society.

The municipality will pay a fee of \$75.00 per cat delivered to the Society.

A flat rate of \$100.00 will be charged for each dog delivered DOA.

A flat rate of \$50.00 will be charged for each cat delivered DOA.

The Humane Society will send out vouchers once a month. A record of the disposition of the dogs from the prior month will be sent out by the end of the month.

Humane Society of Middletown, Inc.

By: Makenzie Schell 11/11/24 _____ 12/4/24 _____
Board President Date Municipality Supervisor Date

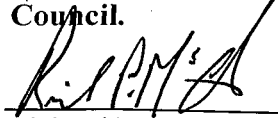


**CITY OF MIDDLETOWN, NEW YORK
COMMON COUNCIL
RECORD OF VOTE**

THE FOLLOWING WAS PRESENTED

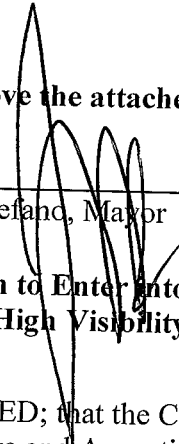
By: Alderman Johnson
Seconded by: Alderman Tobin
Date of Adoption: December 3, 2024
Index No: 254-24

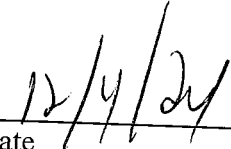
**I hereby certify that the attached is a true
copy of a Resolution and/or Local Law
adopted by the City of Middletown Common
Council.**


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	9			1

I hereby approve the attached Resolution/Local Law.


Joseph M. DeStefano, Mayor


Date

**Authorization to Enter into an Agreement with the County of Orange for the 2024-2025
STOP-DWI High Visibility Engagement (formerly crackdown campaign) Enforcement**

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 the County of Orange for the 2024-2025 STOP-DWI High Visibility Engagement (formerly crackdown campaign) Enforcement.

BE IT RESOLVED; that the Common Council of the City of Middletown, NY, concurs with the Board of Estimate and Apportionment and accepts a grant award of \$5,000 for the enforcement period of November 1, 2024 through September 30, 2025 and authorizes the Treasurer to deposit the funds to the newly renamed STOP DWI High Visibility grant line A.3126.103.

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

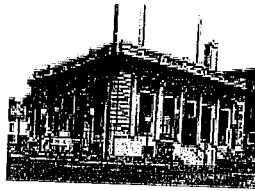
agreement.

Prepared by:
John Ewanciw, Chief of Police

Attachments:

1.	2025 STOP DWI HIGH VISIBILITY (PREVIOUS CRACKDOWN)
2.	image48770

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

November 26, 2024

Mayor Joseph DeStefano
Members of the Common Council
And Board of Estimate
City of Middletown
16 James Street
Middletown, New York 10940

Dear Mayor DeStefano and Members,

Attached please find the contract with the County for our 2023-2024 STOP-DWI High Visibility Engagement (formerly crackdown campaign) enforcement period of November 1, 2024 through September 30, 2025. The total amount of the award is \$5000. Please be kind enough to prepare a resolution authorizing the Mayor to sign the agreement.

This contract must be signed in **blue ink**. Once the contract is signed, please return the original to us for forwarding to the County.

Please add this funding to our newly renamed STOP DWI High Visibility grant line A.3126.103.

Thank you.

Very truly yours,

John Ewanciw
Chief of Police

Enclosure
JE: ccd



INTER-MUNICIPAL AGREEMENT

THIS INTER-MUNICIPAL AGREEMENT ("IMA") is entered into as of the 27th day of November, 2024, by and between the **COUNTY OF ORANGE**, a County of the State of New York, with its principal offices at 255-275 Main Street, Goshen, New York, by and through its Department of Emergency Services ("**COUNTY**"), and **CITY OF MIDDLETOWN**, a CITY of the State of New York, with its principal offices at 2 James Street, Middletown, NY 10940, by and through its Police Department ("**MUNICIPALITY**").

ARTICLE 1. SCOPE OF AGREEMENT

The COUNTY, by and through its Department of Emergency Services, is the recipient of DWI High Visibility Engagement Campaign Grants funds from the New York State STOP-DWI Foundation, Inc. ("**FOUNDATION**") for the purpose of administering STOP-DWI High Visibility Engagement Campaigns in the County of Orange in an effort to reduce alcohol-related traffic injuries and fatalities by increasing policing efforts during peak holiday periods. As a recipient of STOP-DWI High Visibility Engagement Campaign funds, the COUNTY is responsible for dispersing such funds to those municipalities located within the bounds of County of Orange who wish to conduct additional high visibility engagement police patrol enforcement campaigns during peak holiday seasons.

It is the intention of the COUNTY, in order to carry out the goals of the STOP-DWI High Visibility Engagement Campaign Program, to award to the MUNICIPALITY funds in the manner set forth on Schedule A to be used solely to reimburse the MUNICIPALITY for man-hours dedicated to enforcement campaigns during the applicable high visibility engagement campaign periods as more particularly described on Schedule A. The expenditure of these funds and all activity of the MUNICIPALITY relating to such funds, shall be in full compliance with the terms and conditions of this IMA and federal, State of New York ("**State**"), and local laws.

ARTICLE 2. TERM OF AGREEMENT

The term of this IMA shall commence on November 27, 2024 and end September 30, 2025.

ARTICLE 3. PROCUREMENT OF AGREEMENT

The MUNICIPALITY represents and warrants that no person or selling agency has been employed or retained

by the MUNICIPALITY to solicit or secure this IMA upon an agreement for, or upon an understanding of, a commission, percentage, a brokerage fee, contingent fee or any other compensation. The MUNICIPALITY further represents and warrants that no payment, gift or thing of value has been made, given or promised to obtain this or any other agreement between the parties. The MUNICIPALITY makes such representations and warranties to induce the COUNTY to enter into this IMA and the COUNTY relies upon such representations and warranties in the execution hereof.

For a breach or violation of such representations or warranties, the COUNTY shall have the right to annul this IMA without liability, entitling the COUNTY to immediately recover the funds paid hereunder from the MUNICIPALITY. This remedy, if effected, shall not constitute the sole remedy afforded the COUNTY for such falsity or breach, nor shall it constitute a waiver of the COUNTY'S right to claim damages or to take any other action provided for by law or pursuant to this IMA.

ARTICLE 4. CONFLICT OF INTEREST

The MUNICIPALITY represents and warrants that neither it nor any of its directors, officers, members, partners or employees, have an interest, and shall not acquire an interest, directly or indirectly which would or may conflict in any manner or degree with the performance of this IMA. The MUNICIPALITY further represents and warrants that in the performance of this IMA, no person having such interest or possible interest shall be employed by it and that no elected official or other officer or employee of the COUNTY, nor any person whose salary is payable, in whole or in part, by the COUNTY, or any corporation, partnership or association in which such official, officer or employee is directly or indirectly interested shall have any such interest, direct or indirect, in this IMA or in the proceeds thereof, unless such person (1) is required by the Orange County Ethics Law, as amended from time to time, to submit a Disclosure form to the Orange County Board of Ethics, amends such Disclosure form to include his/her

interest in this IMA, or (2) submits such a Disclosure form and (a) discloses his/her interest in this IMA, or (b) seeks a formal opinion from the Orange County Ethics Board as to whether or not a conflict of interest exists.

For a breach or violation of such representations or warranties, the COUNTY shall have the right to annul this IMA without liability, entitling the COUNTY to recover the funds. This remedy, if elected, shall not constitute the sole remedy afforded the COUNTY for such falsity or breach, nor shall it constitute a waiver of the COUNTY'S right to claim damages or otherwise refuse payment to or to take any other action provided for by law in equity or, pursuant to this IMA.

ARTICLE 5. ASSIGNMENT AND SUBCONTRACTING

No party shall assign any of its rights, interest, or obligations under this IMA, or enter into a sub-contract relating to the funds, without the prior written consent of the COUNTY.

ARTICLE 6. BOOKS AND RECORDS

The MUNICIPALITY agrees to maintain separate and accurate books, records, documents and other evidence and accounting procedures and practices that sufficiently and properly reflect all direct and indirect costs of any nature expended in the performance of this IMA.

The MUNICIPALITY shall, within five (5) business days written notice from the COUNTY, have all records associated with the funds awarded and the campaigns available for a physical inspection and/or audit by the COUNTY.

ARTICLE 7. RETENTION OF RECORDS

The MUNICIPALITY agrees to retain all books, records and other documents relevant to this IMA for a period of six (6) years calculated from the date the last funds were paid to the MUNICIPALITY. The COUNTY, or any State and/or Federal auditors, and any other persons duly authorized by the COUNTY, shall have full access and the right to examine any of said materials during said period.

ARTICLE 8. AUDIT BY THE COUNTY AND OTHERS

All invoices presented for payment to be made hereunder, and the books, records and accounts upon which said invoices are based are subject to audit by the COUNTY. The MUNICIPALITY shall submit any and

all documentation and justification in support of expenditures or fees under this IMA as may be required by the COUNTY, so that it may evaluate the reasonableness of the charges, and the MUNICIPALITY shall make its records available to the COUNTY upon request. All books, records, reports, cancelled checks and any and all similar material may be subject to periodic inspection, review and audit by the COUNTY, the State, the federal government, and/or other persons duly authorized by the COUNTY. Such audits may include examination and review of the source and application of all funds whether from the COUNTY and State, the federal government, private sources or otherwise. The MUNICIPALITY shall not be entitled to any interim or final payment under this IMA if any audit requirements and/or requests have not been satisfactorily met.

ARTICLE 9. INDEMNIFICATION

The MUNICIPALITY agrees to defend, indemnify and hold harmless the COUNTY, its officials, employees and agents, against all claims, losses, damages, liabilities, costs or expenses (including reasonable attorney fees and costs of litigation and/or settlement) arising out of any act or omission of the MUNICIPALITY, its employees, representatives, subcontractor, assignees, or agents, relating to this IMA or the funds.

ARTICLE 10. TERMINATION

The COUNTY may, by written notice to the MUNICIPALITY, effective upon mailing, terminate this IMA in whole or in part at any time (i) for the COUNTY'S convenience, (ii) upon the failure of the MUNICIPALITY to comply with any of the terms or conditions of this IMA, or (iii) upon the MUNICIPALITY becoming insolvent or bankrupt.

Upon termination of this IMA, the MUNICIPALITY shall comply with any and all COUNTY closeout procedures, including, but not limited to, (i) accounting for and refunding to the COUNTY within thirty (30) days, any unexpended funds which have been paid and/or transferred to the MUNICIPALITY pursuant to this IMA; and (ii) furnishing within thirty (30) days an inventory to the COUNTY of all equipment, appurtenances and property purchased by the MUNICIPALITY through or provided under this IMA, and carrying out any COUNTY directive concerning the disposition thereof.

Notwithstanding any other provision of this IMA, the MUNICIPALITY shall not be relieved of liability to the COUNTY for damages sustained by the COUNTY by virtue of the MUNICIPALITY'S breach of this IMA or

failure to perform in accordance with applicable standards.

Any rights and remedies of the COUNTY provided herein shall not be exclusive and are in addition to any other rights and remedies provided by law or this IMA.

ARTICLE 11. GENERAL RELEASE

The acceptance by the MUNICIPALITY, or its assignees, of the funds and of the terms of this IMA, shall constitute, and operate as a general release in favor of the COUNTY, from any and all claims of the MUNICIPALITY arising out of the performance of this IMA.

ARTICLE 12. SET-OFF RIGHTS

The COUNTY shall have all of its common law, equitable and statutory rights of set-off. These rights shall include, but are not limited to, the COUNTY'S right to withhold for the purposes of set-off any monies otherwise due to the MUNICIPALITY (i) under any other agreement or contract with the COUNTY, including any agreement or contract commencing prior to or after the term of this IMA, or (ii) from the COUNTY by operation of law.

ARTICLE 13. GOVERNING LAW

This IMA shall be governed by the laws of the State of New York. The MUNICIPALITY shall utilize the funds in accordance with this IMA and applicable provisions of all federal, State, and local laws, rules, and regulations.

ARTICLE 14. ENTIRE AGREEMENT

The rights and obligation of the parties and their respective agents, successors and assignees shall be subject to and governed by this IMA, including Schedule A and each award letter, which supersedes any other understandings or writings between or among the parties.

IN WITNESS THEREOF, the parties hereto have executed this IMA as of the date set forth above.

COUNTY OF ORANGE

By: _____
Stefan M. ("Steven") M. Neuhaus
County Executive

Date: _____

ARTICLE 15. MODIFICATION

No amendment or modification of any of the terms and/or conditions of this IMA shall be valid unless reduced to writing and signed by both parties. The COUNTY shall not be bound by any changes made to this IMA that is not made in compliance with the above, and which imposes on the COUNTY any financial obligation. Unless otherwise specifically provided for therein, the provisions of this IMA shall apply with full force and effect to any such amendment, modification or change order.

ARTICLE 16. SEXUAL HARASSMENT CERTIFICATION

Pursuant to State of New York State Finance Law §139-l, by execution of this IMA, the MUNICIPALITY and the individual signing this IMA on behalf of the MUNICIPALITY certifies, under penalty of perjury, that the MUNICIPALITY has and has implemented a written policy addressing sexual harassment prevention in the workplace and provides annual sexual harassment prevention training to all of its employees. Such policy shall, at a minimum, meet the requirements of Section 201-g of the State of New York Labor Law. A model policy and training has been created by the New York State Department of Labor and can be found on its website at:

<https://www.ny.gov/programs/combating-sexual-harassment-workplace>.

The COUNTY'S policy against sexual harassment and other unlawful discrimination and harassment in the workplace can be found on the COUNTY'S website at:

<https://www.orangecountygov.com/1137/Human-Resources>.

ARTICLE 17. SIGNATURES

A manually signed copy of this IMA delivered by facsimile, email or other means of electronic transmission shall be deemed to have the same legal force and effect as delivery of an original signed copy of this IMA.

MUNICIPALITY

By: _____
Name: _____
Title: _____
Date: _____

SCHEDULE A

STOP-DWI HIGH VISIBILITY ENGAGEMENT CAMPAIGN GRANT

1. **STOP-DWI HIGH VISIBILITY ENGAGEMENT CAMPAIGN GRANT.** The FOUNDATION was successful in securing funding from the New York Governor's Traffic Safety Committee for STOP-DWI high visibility engagement campaigns (previously known as "*Crackdown Grants*") for the period October 1, 2024 through September 30, 2025 ("*HVE 24-25 Funding*"). The FOUNDATION allocated THIRTY-FIVE THOUSAND AND 00/100 DOLLARS (\$35,000.00) from the HVE 24-25 Funding to the COUNTY ("*Grant*") for disbursement to those municipalities located within the COUNTY'S bounds to conduct additional high visibility engagement police patrol enforcement campaigns during peak holiday seasons as more particularly described in Section 2 of this Schedule A.
2. **HIGH VISIBILITY ENGAGEMENT CAMPAIGNS.**
 - a. **Campaigns.** The high visibility engagement campaign periods coincide with the State and national enforcement campaign efforts and are as follows (each a "*Campaign Period*" and collectively, the "*Campaign Periods*":
 1. **Thanksgiving.** Thanksgiving, November 27, 2024 through and including December 1, 2024
 2. **Holiday Season (National).** Holiday Season (National), December 11, 2024 through and including January 1, 2025
 3. **Super Bowl.** Super Bowl, February 9, 2025 through and including February 10, 2025
 4. **St. Patrick's Day.** St. Patrick's Day, March 13, 2025 through and including March 18, 2025
 5. **420 Drug Day.** 420 Drug Day, April 18, 2025 through and including April 20, 2025
 6. **Memorial Day Holiday Weekend.** Memorial Day Holiday Weekend, May 23, 2025 through and including May 26, 2025
 7. **June 100 Days of Summer.** June 100 Days of Summer June 5- June 8, 2025; June 12-June 15, 2025; June 19-June 22, 2025; June 26-June 29, 2025.
 8. **July Fourth.** July Fourth, July 3, 2024 through and including July 6, 2025
 9. **July 100 Days.** July 100 Days, July 10-13, 2025; July 17-July 20, 2025; July 24-July 27, 2025
 10. **August 100 Days.** July 31 – August3, 2025; August 7–10, 2025
 11. **End of Summer/Labor Day 2025.** August 13, 2025 through and including September 1, 2025
 - b. **Encouraged Campaign Participation and Efforts.** The COUNTY encourages the MUNICIPALITY to engage in the Thanksgiving Campaign described in Section 2(a)(1) of this Schedule A and multi-jurisdictional efforts.
3. **MUNICIPALITY AWARD.**
 - a. **Municipality Award.** From the Grant, the MUNICIPALITY is eligible for an award not-to-exceed the sum of FIVE THOUSAND AND 00/100 (\$5000) to conduct high visibility engagement police patrol enforcement campaigns for the Campaign Periods. ("*Eligible Municipality Award*"). MUNICIPALITY acknowledges that the Eligible Municipality Award sum is **NOT A GUARANTEED SUM**, but instead the maximum amount the MUNICIPALITY could potentially be awarded based on the MUNICIPALITY'S performance during previous

Campaigns as calculated by the COUNTY in its sole and absolute discretion based on the data submittals submitted by the MUNICIPALITY as contemplated in Section 2(b) of this Schedule A. The actual award of funds under the Grant are data driven and determined based upon the Grant criteria and the MUNICIPALITY'S data submittals to the COUNTY as contemplated in Section 2(b) of this Schedule A.

- b. **Municipality Data Submittals.** The MUNICIPALITY will submit to the COUNTY such high visibility engagement campaign activity data in the form required by the FOUNDATION and/or the COUNTY, no later than ten (10) calendar days after the end of each Campaign Period.
 - c. **Disbursement Terms.** Provided that the MUNICIPALITY has performed in accordance with the terms of this IMA and such terms, conditions, and guidelines required by the FOUNDATION, the HVE 23-24 Funding, and/or the Grant, then the COUNTY will disburse to the MUNICIPALITY such Grant funds due to the MUNICIPALITY up to the Eligible Municipality Award within ninety (90) calendar days from the date of the close of the Campaign Period for which the MUNICIPALITY submitted data.
4. **NON-APPROPRIATION.** If for any reason the FOUNDATION terminates its appropriation or fails to pay the full amount of the Grant to the COUNTY, this IMA may be terminated, or the Municipality Award may be reduced at the discretion of the COUNTY. In any event, no liability shall be incurred by the COUNTY beyond monies available for the purposes of this IMA.

Christine Dugan

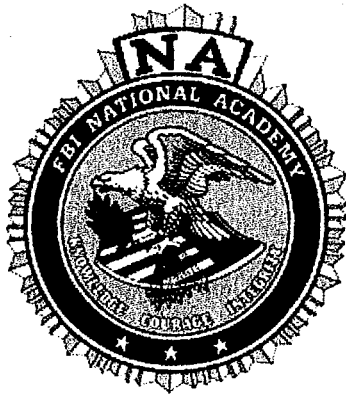
From: Jeffry Thoelen
Sent: Monday, November 25, 2024 10:45 AM
To: Christine Dugan
Subject: FW: City of Middletown 2024-2025 STOP-DWI High Visibility Enforcement Campaign
Attachments: Activity Form HVEC 2024-25.docx; C Middletown 24-25 HVEC IMA.pdf

Christine,

Please submit the attached documentation for the 2024-2025 STOP-DWI Visibility Engagement campaign (It used to be the DWI Crackdown Grant). Please let me know if there are any questions or concerns.

*Lieutenant Jeffry R. Thoelen
City of Middletown Police Department
2 James Street
Middletown, NY 10940
(845) 346-4005*

Serving with Integrity Since 1888



From: Saccone, Chris <CSaccone@orangecountygov.com>
Sent: Thursday, November 14, 2024 8:31 AM
To: John Ewanciw <jewanciw@middletownpolice.com>
Cc: Jeffry Thoelen <JThoelen@middletownpolice.com>
Subject: City of Middletown 2024-2025 STOP-DWI High Visibility Enforcement Campaign

Good Morning Chief,

Enclosed is your Department's Inter-Municipal Agreement (IMA) for the 2024-2025 STOP-DWI High Visibility Engagement (formerly Crackdown) Campaigns. Please review the attached Schedule A of the IMA for Campaign dates and reimbursement requirements.

This IMA has an award an aggregate amount of **\$5000** as identified in Schedule A for all the events you choose to participate in from the NYS STOP-DWI Foundation which your municipality received through the County.

Please sign and return this contract to Christine Saccone at your earliest convenience to ensure that your Department can participate. The County accepts a manually signed copy of the IMA delivered by email to csaccone@orangecountygov.com, fax or other means of electronic transmission. **Please note this contract requires a Board-Certified Resolution outlining the acceptance of these funds as well as the authorized designated official(s) in your municipality who can execute the IMA.**

Reimbursement for the 2024-2025 STOP-DWI HVEC and DRE has changed. The PS-1 form is now an electronic form and can be accessed using the following link: https://nysdmv-opa.custhelp.com/web-determinations/startsession/GTSC_STOP_DWI_Grants_Hours. When the PS-1 form is completed electronically, you will be prompted to download the form. The form should be then signed, dated, etc. and emailed to Chris Saccone to process for reimbursement. As a reminder, the county is required to submit all PS-1's and activity forms to the state within 45 days of each HVEC campaigns. If you have any questions regarding billing, please contact Chris. You are also required to complete the attached HVEC Activity Form. **The attached link should be used to request DRE reimbursement.**

These are some things to remember:

- All High Visibility Engagement Campaigns must be "High Visibility" which is defined by NHTSA as 'a universal traffic safety approach designed to create deterrence and change unlawful traffic behaviors.' High Visibility Enforcement (HVE) Toolkit | NHTSA
- High visibility enforcement plan must contain Enforcement, Visibility and Publicity.
- All High Visibility Engagement Campaigns must be **multi-agency events**, meaning more than one agency must do some kind of patrol or road check during the designated times (agencies do not have to work together).
- High Visibility Engagement Campaigns funds cannot be used to enforce navigation laws.

Your officers are the front line of defense in keeping our roadways safe from impaired and intoxicated drivers. On behalf of County Executive, Steven Neuhaus and Orange County STOP-DWI, thank you and your officers for your commitment to patrolling and protecting our County.

***Christine Saccone* on behalf of Robert Doss, Deputy Commissioner/STOP-DWI Coordinator**

*Executive Assistant
Orange County Department of Emergency Services
Commissioner's Office & Police Liaison Services
22 Wells Farm Road
Goshen, New York 10924
Phone: 845-615-0565
Fax: 845-291-2121*



This communication may contain confidential information and is intended only for the individual or entity to whom it is addressed. Any review, dissemination, or copying of this communication by anyone other than the intended recipient is strictly prohibited. If you are not the intended recipient, please contact the sender, and destroy all copies of the original message. No responsibility is accepted by Orange County Government for any loss or damage arising in any way from receiving this communication.



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

THE FOLLOWING WAS PRESENTED

By: Alderwoman Wray
Seconded by: Alderman Green
Date of Adoption: December 3, 2024
Index No: 255-24

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	9			1

I hereby approve the attached Resolution/Local Law.

Joseph M. DeStefano, Mayor

Date

12/4/24

Authorization to Approve the Final Obligation of Unspent ARPA Funding

BE IT RESOLVED; that the Common Council of the City of Middletown, NY, concurs with the Board of Estimate and Apportionment and authorizes obligating the remaining balance of unspent ARPA fund \$5,667,687.75 and appropriate the funds in the following manner;

CITY OF MIDDLETOWN	
ARPA FINAL OBLIGATION	
\$5,667,687.75 remains to be unobligated	
Obligation Amount	Projects
\$ 1,992,394.38	Court House Renovation
\$ 1,274,825.00	O&W Building Renovation
\$ 500,000.00	Traffic Operation - Supplemental Sidewalk
\$ 329,087.54	2024 Equipment Purchase - City Wide
\$ 1,000,000.00	Water Raw Line
\$ 185,000.00	Building Purchase -NJ Railroad Station
\$ 1,600.00	Don Paris Consulting Fees 400 per qtr
\$ 1,700.00	RBT Consulting
\$ 50,000.00	Cherry Road Contract Cyber Security Assessment
\$ 333,080.83	Security System Upgrades - City Wide
\$ 5,667,687.75	

The City of Middletown needs to obligate State and Local Fiscal Recovery Funds (SLFRF) received but not yet obligated or spent. The City of Middletown has to obligate those funds to be in compliance with the December 31, 2024 deadline. Attached is a schedule of how those funds are being obligated. All necessary contracts or purchase orders are in place or will be in place by December 31, 2024.

Prepared by:
Leonora Liz, Treasurer

Attachments:

1.	BOE Request L.Liz ARPA Obligation
----	-----------------------------------



DEPARTMENT OF FINANCE City Of Middletown

Leonora Liz
Treasurer

16 James Street
Middletown, NY 10940
Tel: (845) 346-4150
Fax: (845) 343-1101

November 2024

To: The Board of Estimate

From: Leonora Liz, Treasurer

The City of Middletown needs to obligate State and Local Fiscal Recovery Funds (SLFRF) received but not yet obligated or spent. The City of Middletown has to obligate those funds to be in compliance with the December 31, 2024 deadline. Attached is a schedule of how those funds are being obligated. All necessary contracts or purchase orders are in place or will be in place by December 31, 2024.

CITY OF MIDDLETOWN	
ARPA FINAL OBLIGATION	
\$5,667,687.75 remains to be unobligated	
Obligation Amount	Projects
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\$ 1,700.00	RBT Consulting
\$ 50,000.00	Cherry Road Contract Cyber Security Assessment
\$ 333,080.83	Security System Upgrades - City Wide
\$ 5,667,687.75	

Sincerely,

Leonora Liz

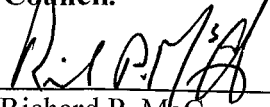


**CITY OF MIDDLETOWN, NEW YORK
COMMON COUNCIL
RECORD OF VOTE**

THE FOLLOWING WAS PRESENTED

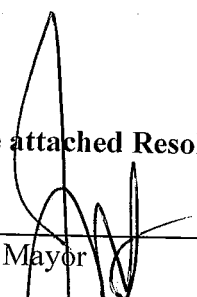
By: Alderman Kleiner
Seconded by: Alderman Johnson
Date of Adoption: December 3, 2024
Index No: 256-24

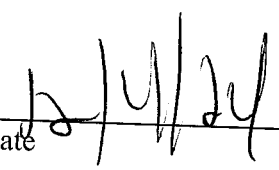
**I hereby certify that the attached is a true
copy of a Resolution and/or Local Law
adopted by the City of Middletown Common
Council.**


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	8			1

I hereby approve the attached Resolution/Local Law.


Joseph M. DeStefano, Mayor


Date

Authorizes a Budget Transfer of \$110,000 from within the 2024 Paramount Budget

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 \$110,000, in the following manner, to cover the increase in rentals that will require settlement from ticket sales held by the City and to cover costs associated with the increase in concession sales.

FROM	AMOUNT
A.7010.400	\$3,000
REPAIRS TO EQUIPMENT	
A.7010.447	\$8,000
CREDIT CARD FEES	
A.7010.800	\$95,000
CITY SPONSORED EVENTS	
A.7010.440	\$4,000

TO
A.7010.448
PROMOTER & SPONSORS
A.7010.448
PROMOTER & SPONSORS
A.7010.448
PROMOTERS & SPONSORS
A.7010.442

REPAIRS TO EQUIPMENT

CONCESSIONS

Prepared by:

Maria Bruni, Director of Economic and Community Development

Attachments:

1.	Paramount BOE transfers request 2024
----	--------------------------------------

OECD

Paramount Theatre
17 South Street
Middletown, New York 10940

November 26, 2024

City of Middletown
Board of Estimate
16 James Street
Middletown, New York 10940

RE: Paramount Theatre 2024

Dear Members:

I am requesting the following transfers within the 2024 Paramount Budget.

From	Amount	To
A.7010.440 Repairs to Equipment	\$3,000.00	A.7010.448 Promoters & Sponsors
A.7010.447 Credit Card Fees	\$8,000.00	A.7010.448 Promoters & Sponsors
A.7010.800 City Sponsored Events	\$95,000.00	A.7010.448 Promoters & Sponsors
A.7010.440 Repairs to Equipment	\$4,000.00	A.7010.442 Concessions

The above is to cover the increase in rentals that will require settlement from ticket sales held by the City. Also, to cover costs associated with the increase of concession sales.

Thank you for your attention to this matter.

Maria Bruni, Director
Economic & Community Development
City of Middletown

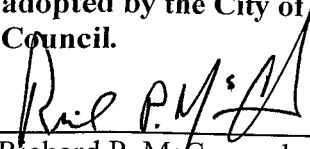


**CITY OF MIDDLETOWN, NEW YORK
COMMON COUNCIL
RECORD OF VOTE**

THE FOLLOWING WAS PRESENTED

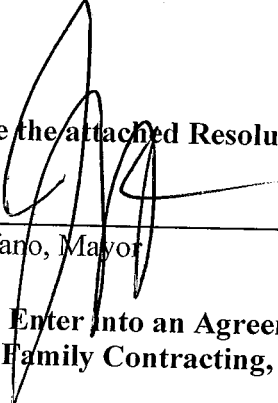
By: Alderman Green
Seconded by: Alderman Kleiner
Date of Adoption: December 3, 2024
Index No: 257-24

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	7		1	1

I hereby approve the attached Resolution/Local Law.


Joseph M. DeStefano, Mayor


Date

Authorization to Enter into an Agreement with Denali Realty Ventures, LLC & O'Connell Family Contracting, LLC to purchase 11-15 Kings Street

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 Denali Realty Ventures, LLC & O'Connell Family Contracting, LLC, to purchase 11-15 Kings Street.

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 and any and all contracts, closing documents and necessary documents associated with the sale of 11-15 King Street to Denali Realty Ventures, LLC & O'Connell Family Contracting, LLC.

Prepared by:
Maria Bruni, Director of Economic and Community Development

Attachments:

1.	BOE Memo 11-15 King Street Contract of Sale
2.	11-15 King St. Contract of Sale Rider

CITY OF MIDDLETOWN
Office of Economic & Community Development

November 26, 2024

City of Middletown
Board of Estimate
16 James Street
Middletown, New York 10940

RE: 11-15 King Street Contract of Sale

Dear Members:

I am requesting for authorization for the City to accept the Contract of Sale regarding 11-15 Kings Street with Denali Realty Ventures, LLC & O'Connell Family Contracting, LLC, and to authorize the Mayor to sign any and all contracts, closing documents and necessary documents associated with the sale of 11-15 King Street to Denali Realty Ventures, LLC & O'Connell Family Contracting, LLC.

The above will be subject to the review of Corporation Counsel.

Thank you for your attention to this matter.

Maria Bruni, Director
Economic & Community Development

CONTRACT OF SALE

DATE

CONTRACT OF SALE made as of the day of December, 2024

PARTIES BETWEEN

CITY OF MIDDLETOWN

Address: 16 James Street, Middletown, New York 10940
hereinafter called "SELLER" who agrees to sell, and

DENALI REALTY VENTURES, LLC and O'CONNELL FAMILY CONTRACTING, LLC

Address: P.O. Box 98, Middletown, New York 10940
hereinafter called "PURCHASERS", who agree to buy

The property located at **11-15 King Street**, Middletown, New York 10940, including all buildings and improvements, if any, thereon (the "PREMISES") (more fully described on a separate page marked "Exhibit A") and also identified on the Tax Map of the City of Middletown, County of Orange, New York as: **Section 31, Block 8, Lot 17.**

PURCHASE PRICE

I. The purchase price is **\$500,000.00** payable as follows:

(A) On signing of this Contract, by check in the amount of **\$25,000.00** subject to collection, the non-payment of which shall give SELLER the right to declare this Contract null and void and to pursue all remedies against PURCHASERS on said check or as otherwise permitted by law.

The downpayment check shall be made payable to Alex Smith, Esq., as attorney for SELLER, (to be held in escrow in non-interest bearing status by the Escrow Agent as hereinafter provided).

(B) \$25,000 by Bank Check at Closing.

(C) **Balance at Closing:** By **Note and Mortgage from Purchaser to Seller** in the amount of **\$450,000.00**. Not more than \$1,000.00 shall be paid at Closing other than by certified or bank check.

SUBJECT TO PROVISIONS:

2. The PREMISES are to be transferred subject to:

a. All present and future building, zoning and other restrictions, regulations, laws, ordinances, resolutions and orders of any State, municipal or other governmental authorities having jurisdiction over the PREMISES or the use or improvement thereof. The Seller represents the Property is located in a DMU zone under the Seller's zoning law (Chapter 475 of the Code of the City of Middletown).

b. The rights of utility companies, if any, to install, maintain and operate lines, poles, pipes, distribution boxes, and other equipment and installations over, under or along the street next to the PREMISES or the part of the PREMISES next to the street, or running to improvements on the PREMISES.

c. Encroachments and projections of walls, foundations, trim, fences or other improvements, installations or appurtenances onto the PREMISES or from the PREMISES onto adjoining property; variations between record lines and any tax map; and consents for the erection and maintenance of any structures on, under or above any streets or roads adjoining the PREMISES.

d. Such state of facts as an accurate survey may reveal.

e. Real estate taxes and water and sewer charges, subject to adjustment as hereinafter provided.

TITLE COMPANY APPROVAL:

3. PURCHASERS agree to promptly apply for and procure a title insurance commitment from, and to cause title to the PREMISES to be searched and examined by a duly licensed and reputable title insurance company (the "title company"). PURCHASERS agree to promptly deliver to SELLER'S attorney, Alex Smith, Esq., 16 James Street, Middletown, New York 10940, a copy of the title company's title report or commitment, and any tax search, departmental searches, survey and survey reading. PURCHASERS shall **notify** SELLER'S attorney of any objections disclosed by the title and municipal searches. PURCHASERS shall pay all expenses for examination of title, the premium for any title insurance policy, and all other title, survey or other expenses incurred in connection with this Contract or the Closing.

4. SELLER shall have the right to attempt to remedy any defects in title, and shall be entitled to reasonable adjournments of the Closing for such purpose. PURCHASERS shall accept such title as the title company will insure in accordance with its standard form of title policy, subject only to the matters provided for in this Contract and such other exceptions as the title company, without special premium to PURCHASERS, will omit as exceptions to coverage or will except with insurance against collection out of or enforcement against the PREMISES.

5. In the event that SELLER cannot remedy defects in title, or the title company elects not to insure the PREMISES or requires conditions that neither SELLER nor PURCHASERS can meet, then PURCHASERS can elect to declare this Contract of Sale terminated or null and void and the downpayment shall be returned to Purchaser.

CLOSING DEFINED AND FORM OF DEED:

6. "Closing" means the settlement of the obligations of SELLER and PURCHASERS to each other under this Contract, including the payment of the purchase price to SELLER, and the delivery to PURCHASERS of a Bargain and Sale Deed with Covenant Against Grantor's Acts in proper statutory form for recording so as to transfer full ownership (fee simple title) to the PREMISES, free of all encumbrances except as herein stated. The deed will contain a covenant by SELLER as required by Section 13 of the Lien Law. The deed must also contain the restrictions hereinafter described as permanent covenants running with the land.

CLOSING DATE AND PLACE:

7. Closing will take place at the office of SELLER'S attorney on or before December 30, 2024, time declare to be of the essence as to the Purchaser's obligations to close provided Seller is otherwise ready, willing and able to close according to the terms of this Contract of Sale.

STREETS AND ASSIGNMENT OF UNPAID AWARDS:

8. This sale includes all of SELLER'S ownership and rights, if any, in any land lying in the bed of any street of highway, opened or proposed, in front of or adjoining the PREMISES to the center line thereof. It also includes any right of SELLER to any unpaid award by reason of any taking by condemnation and/or for any damage to the PREMISES by reason of change of grade of any street or highway. SELLER will deliver at no additional cost to PURCHASERS, at Closing, or thereafter, on demand, any documents which PURCHASERS may require to collect the award and damages. At the time that SELLER signs this Contract of Sale, SELLER is not aware of any unpaid award by reason of any taking or condemnation and/or for any damage to the PREMISES by reason of change of grade of any street or highway.

BROKERS:

9. SELLER and PURCHASERS represent and warrant that they have not dealt with any

broker in connection with this sale. Each party agrees to indemnify and hold the other harmless from and against all liabilities, claims, damages or expenses, including attorneys fees, pertaining to any broker with whom that party have dealt. This provision shall survive Closing.

APPORTIONMENTS:

10. The following are to be apportioned as of midnight of the day before CLOSING.

(a) Real estate taxes, water charges and sewer rents, if any, on the basis of the lien period for which assessed.

11. If Closing shall occur before a new tax rate is fixed, the apportionment of taxes shall be upon the basis of the old tax rate for the preceding period applied to the latest assessed valuation; however, adjustment will be made when the actual tax amount is determined. This provision shall survive the Closing.

12. Any errors or omissions in computing apportionments at Closing shall be corrected. This provision shall survive Closing for a period of one (1) year.

ALLOWANCE FOR UNPAID TAXES, ETC.:

13. SELLER has the option to credit PURCHASERS as an adjustment of the purchase price with the amount of any unpaid taxes, assessments, water charges and sewer rents, together with any interest and penalties thereon to a date not less than five (5) business days after Closing, provided that official bills therefor computed to said date are produced at Closing.

USE OF PURCHASE PRICE TO PAY ENCUMBRANCES:

14. If there is anything else affecting the sale which SELLER is obligated to pay and discharge at Closing, SELLER may use any portion of the balance of the purchase price to discharge it. As an alternative SELLER may deposit money with the title insurance company employed by PURCHASERS and required by it to assure its discharge; but only if the title insurance company will insure PURCHASERS' title clear of the matter or insure against its enforcement out of the PREMISES. Upon request, made with a reasonable time before Closing, the PURCHASERS agree to provide separate certified checks as requested to assist in clearing up these matters.

AFFIDAVIT AS TO JUDGMENTS, BANKRUPTCIES, ETC.:

15. If a title examination discloses judgments, bankruptcies or other returns against

persons having names the same as or similar to that of SELLER, SELLER shall deliver a satisfactory detailed affidavit at Closing showing that they are not against SELLER.

DEED TRANSFER AND RECORDING TAXES:

16. At Closing, SELLER shall deliver a check payable to the order of the appropriate State, City or County officer in the amount of any applicable transfer and/or recording tax payable by reason of the delivery or recording of the deed, together with any required tax return.

PURCHASERS LIEN:

17. All money paid on account of this Contract, and the reasonable expenses of examination of the title to the PREMISES and of any survey and survey inspection charges are hereby made liens on the PREMISES and collectable out of the PREMISES. Such liens shall not continue after default in performance of the Contract by PURCHASERS.

SELLERS' INABILITY TO CONVEY AND LIMITATION OF LIABILITY:

18. If SELLER is unable to transfer title to PURCHASERS in accordance with this contract, SELLER'S sole liability shall be to refund all money paid on account of this Contract, without interest, plus all charges made for:

- (a) examining the title,
 - (b) any appropriate additional searches made in accordance with this Contract,
- and
- (c) survey and survey inspection charges.

19. Upon such refund and payment this Contract shall be considered cancelled, and neither SELLER nor PURCHASERS shall have any further rights against the other.

CONDITION OF PROPERTY:

20. PURCHASERS have inspected the PREMISES and is thoroughly acquainted with its condition. PURCHASERS agree to purchase the PREMISES "as is" and in its present condition subject to reasonable use, wear, tear, and natural deterioration between now and Closing. PURCHASERS shall have the right, after reasonable notice to SELLER, to inspect the PREMISES before Closing. Upon the full execution of this Contract, Purchaser shall be permitted at their sole discretion to tarp the roof to try and prevent further water damage and temporarily shore structural support provided they name Seller as an additional insured on a liability certificate in no less than \$1,000,000 per occurrence

and Purchaser shall indemnify and hold harmless the Seller from all liability from any and all entry onto the Premises by them or any of their contractors.

21. PURCHASERS acknowledge that neither SELLER nor any representative or agent of SELLER have made any representation or warranty as to the physical condition, state of repair, expenses or operation of the PREMISES or any matter or thing affecting or relating to the PREMISES or this Contract, except as specifically set forth herein. SELLER shall not be liable or bound in any manner by any oral or written statement, representation, agreement or information relating to the PREMISES or this Contract furnished by any real estate broker, agent or other person, unless specifically set forth herein.

22. SELLER is **not required to make any repairs and/or alterations** to the PREMISES and the personal property included in this sale. SELLER represents that it has no actual notice of any municipal violations, and SELLER shall furnish PURCHASERS with any authorizations necessary to make the searches that could disclose these matters.

23. PURCHASERS shall have access to the PREMISES within **48 hours prior to Closing** or taking of possession in order to ascertain the condition of the PREMISES.

ESCROW CONDITIONS:

24. Alex Smith, Esq., is hereby designated as Escrow Agent in this transaction and he shall hold the downpayment in accordance with this Contract. The Escrow Agent may at any time deposit the downpayment with a court of competent jurisdiction, and upon notice to SELLER and PURCHASERS of such deposit the Escrow Agent shall have no further responsibility or liability hereunder. The Escrow Agent is hereby authorized and directed to deliver the downpayment to SELLER if, as and when title closes.

25. SELLER and PURCHASERS acknowledge that the Escrow Agent is merely a stakeholder, and that the Escrow Agent shall not be liable for any act or omission unless taken or suffered in bad faith, in wilfull disregard of this contract or involving gross negligence. The Escrow Agent shall not be required to invest the downpayment in an interest bearing account or other income producing investment.

LIQUIDATED DAMAGES:

26. If PURCHASERS wilfully default under this Contract, SELLER as their sole remedy to the exclusion of any other claims or causes of action shall be entitled to declare this

Contract null and void and to receive from the Escrow Agent and to retain all sums paid by PURCHASERS hereunder as liquidated damages, whereupon this Contract shall terminate and neither party shall have any further claim against the other.

ASSIGNMENT:

27. PURCHASERS may not assign this Contract without the prior written consent of the SELLER. Any attempted assignment without such consent shall be null and void. Notwithstanding the foregoing, the PURCHASER shall have the absolute right to assign this Contract to single purpose limited liability entity with members/shareholders comprised of members of the Connor and O'Connell families.

DEED CONDITIONS AS COVENANTS RUNNING WITH THE LAND

28. Intentionally deleted

COMMON COUNCIL APPROVAL

29. This Contract is conditioned upon approval by the City of Middletown Common Council.

ENTIRE AGREEMENT:

30. All prior understandings and agreements between SELLER and PURCHASERS are merged in this Contract. It completely expresses their full agreement. It has been entered into after full investigation, neither party relying upon any statements made by anyone else that is not set forth in this Contract.

CHANGES MUST BE IN WRITING

31. This Contract may not be changed or cancelled except in writing. The Contract shall also apply to and bind the distributees, heirs, executors, administrators, successors and assigns of the respective parties.

SURVIVAL:

32. None of the representations, warranties, covenants or other obligations of SELLER hereunder shall survive the Closing, except as expressly provided herein. Acceptance of the deed by PURCHASERS shall be deemed full and complete performance and discharge of every agreement and obligation of SELLER hereunder, except those, if any,

which expressly are stated herein to survive the Closing, and then such survival shall be only for a period of one year.

SINGULAR ALSO MEANS PLURAL:

33. Any singular word or term herein shall also be read as in the plural whenever the sense of this Contract may require it.

BINDING EFFECT:

34. This Contract shall not be considered an offer or an acceptance of an offer by SELLER, and shall not be binding upon SELLER until executed and delivered by both SELLER and PURCHASERS. Upon such execution and delivery, this Contract shall be binding upon and inure to the benefit of the parties hereto and their respective heirs, executors, administrators, successors and permitted assigns.

IN WITNESS WHEREOF, SELLER AND PURCHASERS have duly executed this Contract on the date first above written.

City of Middletown, Seller
By:

Joseph DeStefano, Mayor

Denali Realty Ventures, LLC, Purchaser
By:

_____, _____

O'Connell Family Contracting, LLC, Purchaser
By:

_____, _____

PURCHASER'S RIDER TO CONTRACT OF SALE
BETWEEN THE CITY OF MIDDLETOWN., AS SELLER AND
DENALI REALTY VENTURES, LLC AND O'CONNELL FAMILY CONTRACTING, LLC,
AS PURCHASER

The provision of this Purchaser's Rider dated December ____, 2024 are in addition to the main body of the Contract. In each instance in which a provision of the Purchaser's Rider shall contradict or be inconsistent with a provision of the main body of the Contract or any prior Rider, the provisions of this Purchaser's Rider shall govern and prevail.

R-1 Note and Mortgage: The terms and conditions of a Note and Mortgage in the amount of \$450,000 to be given at Closing from Purchaser to Seller shall be negotiated between the parties which shall have interest only payments at the rate of six (6%) percent per annum and a three (3) year term and which Seller agrees to subordinate to construction financing secured by Purchaser and which shall be paid off by Purchaser when construction is completed and replaced with permanent financing. In the event the Seller mortgage is not paid off within three (3) years from the date of Closing, the Purchaser may extend the term for up to two (2) additional years with the payment of \$25,000.00 to Seller for each one (1) year extension.

R-2 Seller Deliveries: At the Closing, Seller shall deliver or cause to be delivered to Purchaser or to the Title Company, as the case may be, the following items executed and acknowledged by Seller, as appropriate:

- a. A bargain and sale deed covenant against grantor's acts (the "Deed").
- b. A certification of non-foreign status, and any state required state certificate that is sufficient to exempt Seller from any state withholding requirement with respect to the transactions contemplated hereby.
- c. All keys to the Improvements, to the extent the same are in Seller's possession.
- d. Such further instruments as may be required by the Title Company to record the Deed.
- e. Evidence reasonably satisfactory to the Title Company respecting the due organization of Seller and the due authorization and execution by Seller of this Agreement and the documents required to be delivered hereunder.
- f. A duly executed counterpart of the Combined Real Estate Transfer Tax Return, Credit Line Mortgage Certificate and Certification of Exemption from the Payment of Estimated Personal Income Tax (Form TP-584).
- g. A duly executed counterpart of the State of New York State Board of Real Property Services, Real Property Transfer Report, RP-5217.

R-3 Purchaser Deliveries: At the Closing, Purchaser shall deliver or cause to be delivered to Seller or to the Title Company, as the case may be, the following items executed and acknowledged by Purchaser, as appropriate:

- a. Payment of the Closing Payment.

- b. Such further instruments as may be necessary to record the Deed.
- c. Evidence reasonably satisfactory to Seller and the Title Company respecting the due organization of Purchaser and the due authorization and execution by Purchaser of this Agreement and the documents required to be delivered hereunder.
- d. A duly executed counterpart of the combined Real Estate Transfer Tax Return, Credit Line Mortgage Certificate and Certification of Exemption from the Payment of Estimated Personal income Tax (FoirmTP-584).
- e. A duly executed counterpart of the State of New York, State Board of Real Property Services, Real Property Transfer Report, RP-5217.

R-4 Representation, Warranties and Covenants of Seller: Seller hereby represents to Purchaser that, as of the date of this Contract:

- a. Leases. Seller has no knowledge of any leases, licenses or other occupancy agreements to which Seller is a party or is bound affecting any portion of the Premises which will be in force on the Closing Date.
- b. Litigation. To Seller's knowledge, there is no pending or threatened in writing litigation, suit, claim, dispute, arbitration, action or proceeding against Seller which if adversely determined would restrain the consummation of the transactions contemplated by this Contract.
- c. No Insolvency. Seller is not a debtor in any state or federal insolvency, bankruptcy, receivership proceeding.
- d. Non-Foreign Person. Seller is not a "foreign person, as defined in Section 1445 of the Internal Revenue Code, as amended (the "Code").
- e. Due Authority. This Contract and all agreements, instruments and documents herein provided to be executed or to be caused to be executed by Seller are, or on the Closing Date will be, duly authorized, executed and delivered by and are binding upon Seller. Seller is a corporation, duly organized and validly existing and in good standing under the laws of the State of New York, and is duly authorized and qualified to do all things required of it under this Contract.

R-5 Existing Reports: Upon the execution of the Contract of Sale, Seller shall promptly deliver to Purchaser any existing environmental and/or asbestos test reports in Seller's possession and copies of any survey and permits/reports relating to the property

R-6 Seller's Representation:

- A. Seller represents and warrants to Purchaser that at the time of Closing:
 - a. Seller is the sole owner of the Premises and has the full right, power and authority to sell, convey and transfer the same in accordance with the terms of this Contract;
 - b. Seller is not a "foreign person", as that term is defined for purposes of the Foreign Investment in Real Property Tax Act, Internal Revenue Code ("IRC") Section 1445, as amended, and the regulations promulgated thereunder (collectively "FIRPTA");

- c. The Premises are served by municipal water and sewer, both of which are in working order.
- d. All improvements are fully included within the Premises to be conveyed and no buildings or other improvements encroach upon the Premises herein from any adjoining premises.
- e. Seller has not received any notice of violation from the Seller; it has not received any notice of violation from either the building code or zoning enforcement officer; that there are no known violations of record;

R-7 Toxic/Hazardous Substances:

Intentionally Deleted.

R-8 Survey: This transaction is subject to a survey without variations, encroachments or other conditions rendering title unmarketable or uninsurable at standard rates and depicting the Premises substantially as represented to Purchaser.

R-9 Notice of Title Objections: Receipt of a copy of the title report by Seller's attorney shall be deemed notice of title objections and defects.

R-10 Notices: Any notices between attorneys for the parties may be given by facsimile or electronically. Any notice sent outside of regular business hours shall be deemed received on the next business day.

Counterparts.

This Agreement may be executed in any number of counterparts, each of which when so executed and delivered shall be an original, but all of which shall together constitute one and the same instrument. Any counterpart delivered by facsimile, pdf or other electronic means shall have the same import and effect as original counterparts and shall be valid, enforceable and binding for the purposes of this Agreement.

SELLER
CITY OF MIDDLETOWN

By: Joseph DeStefano, Mayor

PURCHASER
DENALI REALTY VENTURES, LLC

By: _____

O'CONNELL FAMILY CONTRACTING, LLC

By: _____

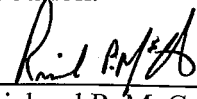


**CITY OF MIDDLETOWN, NEW YORK
COMMON COUNCIL
RECORD OF VOTE**

THE FOLLOWING WAS PRESENTED

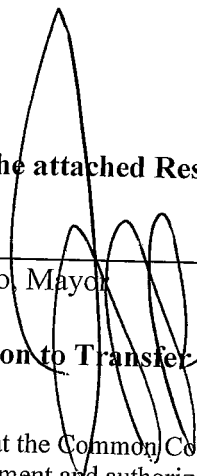
By: Alderman Witt
Seconded by: Alderwoman Wray
Date of Adoption: December 3, 2024
Index No: 258-24

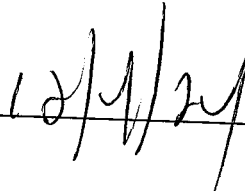
I hereby certify that the attached is a true copy of a Resolution and/or Local Law adopted by the City of Middletown Common Council.


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	8			1

I hereby approve the attached Resolution/Local Law.


Joseph M. DeStefano, Mayor

Date 

Authorization to Transfer \$6,000 within the Fire Department's 2024 Budget

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 \$6,000 in the following manner,

FROM	TO	AMOUNT
A.3410.204	A.3410.200	1,000.00
RADIO SYSTEM	Other Equipment	
A.3410.492	A.3410.440	1,000.00
FIRE RECOGNITION	Repairs to Equipment	
A.3410.493	A.3410.440	1,000.00
TRAINING FIELD	Repairs to Equipment	
IMPROVEMENTS	A.3410.440	2,000.00
A.3410.493	Repairs to Equipment	
PERSONNEL TRAINING		

VOLUNTEERS

A.3410.497
FIRE PREVENTION
PROGRAM

A.3410.440
Repairs to Equipment

1,000.00

Prepared by:

Attachments:

1.	BOE Transfer fire
----	-------------------

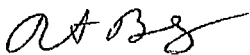
November 26, 2024

Board of Estimate
City of Middletown
16 James Street
Middletown, NY 10940

The Fire Department respectfully requests the Board of Estimate recommend and the Common Council approve a resolution to transfer the following monies into the 2024 Fire Department Operating Budget:

FROM	AMOUNT	TO
A.3410.204 RADIO SYSTEM	1,000.00	
A.3410.492 FIRE RECOGNITION	1,000.00	
A.3410.493 TRAINING FIELD IMPROVEMENTS	1,000.00	
A.3410.493 PERSONNEL TRAINING VOLUNTEERS	2,000.00	
A.3410.497 FIRE PREVENTION PROGRAM	1,000.00	
TOTAL	6,000.00	
Other Equipment		1,000.00
Repairs to Equipment		5,000.00

Sincerely,



Bob Brady
Fire Chief

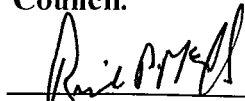


**CITY OF MIDDLETOWN, NEW YORK
COMMON COUNCIL
RECORD OF VOTE**

THE FOLLOWING WAS PRESENTED

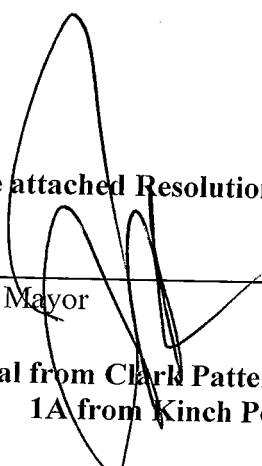
By: Alderman Masi
Seconded by: Alderman Green
Date of Adoption: December 3, 2024
Index No: 259-24

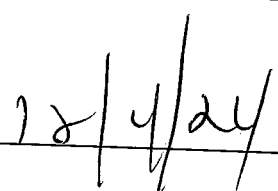
I hereby certify that the attached is a true copy of a Resolution and/or Local Law adopted by the City of Middletown Common Council.


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	8			1

I hereby approve the attached Resolution/Local Law.


Joseph M. DeStefano, Mayor


Date

Authorizes a Proposal from Clark Patterson Lee for Raw Water Main Replacement Phase 1A from Kinch Pond to Greenville Turnpike

BE IT RESOLVED; that the Common Council of the City of Middletown, NY, concurs with the Board of Estimate and Apportionment and authorizes a proposal from Clark Patterson Lee for Raw Water Main Replacement Phase 1A from Kinch Pond to Greenville Turnpike for the design and inspection services for the partial replacement of the Raw Water Line from Kinch Reservoir to Shawangunk Reservoir, phase 1A.

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 final proposal subject to Corporation Council final review, comments, and approval.

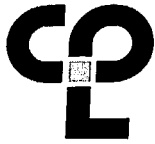
Phase 1B, not the subject of this request, will be submitted for your consideration at a later date.

A new project account will be established for the project, and the initial \$1 million will be funded from ARPA-available funding. \$5,000,000 will be a grant from EFC or 60% of the total project eligible cost, whichever is less. \$959,752 is through EPA. The balance of the estimated total project cost of \$8,368,000 will be a loan through NYS DWSRF.

Prepared by:
Jacob Tawil

Attachments:

1.	Middletown Raw Water Phase 1A FINAL Proposal
----	--



November 26, 2024

Mr. Jacob S. Tawil, P.E., Commissioner of Public Works
City of Middletown
16 James St.
Middletown, NY 10940

**Re: Middletown Raw Water Main Replacement Phase 1A
Kinch Pond to Greenville Turnpike
DWSRF Project No. 18801
Proposal for Professional Services**

Dear Jacob:

We are pleased to submit our proposal for engineering services related to design and construction of the Middletown Raw Water Main Replacement Phase 1A - Kinch Pond to Greenville Turnpike project.

This project is part of an overall plan to replace the entire existing 24" cast iron raw water main constructed in 1902 from Kinch Pond to Shawangunk Reservoir with a larger, higher capacity main, phased into two projects as follows:

- Phase 1A - Kinch Pond to Greenville Turnpike
- Phase 1B - Greenville Turnpike to Shawangunk Reservoir

The existing 24" main being replaced by each phase will remain in service until the new main in that phase is constructed. The new main constructed in Phase 1A will be tied into the existing 24" main at Greenville Turnpike until the Phase 1B main is constructed.

This proposal is based primarily on the project scope as outlined in the following documents:

- *Engineering Report, City of Middletown, Raw Water Main Replacement – Phase 1* dated August 26, 2022.
- Engineering Report Amendment No. 2 dated June 7, 2024, which provided revised project cost estimates and superseded an Amendment dated July 6, 2023.

The proposed project scope is listed in the attached project cost estimate from the July 6, 2023 Engineering Report Amendment, and is generally summarized as follows:

- Phase 1A - Kinch Pond to Greenville Turnpike
 - Approximately 2,900 LF of new water pipeline, including approximately 1,000 LF tunneled through rock.
 - Kinch Pond gatehouse modifications/valving.
 - New Kinch Pond outlet for stream low flow.
 - Connection of Mill Pond raw water force main.
 - New meter pit.
 - Total estimated construction cost of \$6,183,000.
 - Total estimated project cost of \$8,368,000, including construction, engineering services, other soft costs, and contingencies.



We understand that the City's financing for the project includes the following:

- Phase 1A – Kinch Pond to Greenville Turnpike
 - New York State Environmental Facilities Corporation (NYSEFC) Water Infrastructure Improvement Act (WIIA) grant for the lesser of \$5,000,000 or 60% of net eligible project costs.
 - FY 2024 Community (STAG/DWSRF) Grant administered by the United States Environmental Protection Agency (USEPA) for \$959,752.
 - ARPA funding for \$1,000,000.
 - NYSEFC Drinking Water State Revolving Fund (DWSRF) loan financing for the remainder.

Our proposed scope of services is consistent with the requirements of these funding sources, including meeting the minority & women's business enterprise (M/WBE) requirement of subcontracting out a percentage of the overall fee.

Scope of Services

Design & Bidding

Preliminary Design and Approvals

1. Prepare a Basis of Design Report that outlines the design requirements for the improvements, including final sizing of the pipeline.
2. Perform site visit(s) to review the pipeline route.
3. Perform wetland delineations as required for the project design. Services will be subcontracted.
4. Perform geotechnical soil borings to determine general soil conditions, groundwater depths, and the presence of bedrock, if any, along the pipeline alignment. Prepare a geotechnical report. Services will be subcontracted.
5. Provide topographic surveying services to supplement prior survey information and base mapping, including additional topographic survey as required, soil boring locations, and wetland delineation flagging locations. Parcel and easement lines will be plotted based on prior easement work completed by CPL. It is assumed that City forces will assist with field location of existing City utilities if needed.
6. Review and incorporate existing as-built drawings provided by the City.
7. Prepare preliminary construction drawings, specifications, contract documents, and cost estimates suitable for submission to the City.
8. Prepare the necessary permit applications and initial submission documentation for NYSDOH, NYSEFC, USACE, NYSDEC and City requirements, including but not limited to the following:
 - NYSDOH – Water system
 - NYSDEC – Wetlands, Low flow levels of Shawangunk Kill
 - USACE – Wetlands
9. Assist with funding applications and coordination with involved parties as required including NYSEFC, NYSDOH, and USEPA.
10. Attend periodic meetings with the City to report on the status of the project, as requested by the Commissioner of Public Works (CPW).
11. Provide electronic copies of all deliverable documents noted above for City and agency reviews (hardcopies will be provided under Reimbursable Expenses, see below).



12. Prepare NEPA Review documentation if required based on funding (e.g. EPA/STAG Grant funding). Note that SEQRA review was previously completed.

Final Design

1. Prepare re-submissions to address review comments from the agencies identified above, if required, along with agency coordination through final approvals of the contract documents.
2. Prepare final construction drawings, specifications, and contract documents suitable for bidding purposes. The documents will incorporate comments from the City and the reviewing agencies. The documents will include the required funding agency documentation and will be based on the approved Basis of Design Report.
3. Prepare a Stormwater Pollution Prevention Plan (SWPPP) in accordance with NYSDEC requirements, due to the area of disturbance exceeding 1 acre. We are assuming that this project will only require erosion and sediment controls as it is a linear construction project, and that it will be designed to meet the 5-day review requirement for the NYSDEC General Permit and a 60-day review will not be required.
4. We anticipate preparing one construction contract for General Construction.
5. Coordination with involved parties as required including the City, NYSEFC, and NYSDOH.
6. Attend periodic meetings with the City to report on the status of the project, as requested by the CPW.
7. Provide electronic copies of all deliverable documents noted above for City and agency reviews (hardcopies will be provided under Reimbursable Expenses, see below).

Bidding Services

1. Provide contract documents to be issued to prospective bidders (document printing and distribution costs will be billed separately as reimbursable expenses).
2. Attend a pre-bid meeting.
3. Respond to bidders' questions and issue any addenda required for the interpretation and clarification of the bidding documents.
4. Attend the bid opening, review bids for compliance with the bid requirements and mathematical correctness, prepare a bid tabulation, investigate bidders' qualifications, and prepare a written recommendation for the award of the contract.

Construction Administration

1. Provide construction administration services including contract agreement preparation, shop drawing review, processing of payment requests, preconstruction and project meetings, schedule coordination, preparation of change orders, coordination with the Contractor, City, and regulatory agencies, final inspection, and punch list preparation.
2. Prepare record drawings based upon information provided by the Contractor.
3. Review Operation and Maintenance Manuals provided by the Contractor.
4. Assist the City with completion of required funding agency (NYSEFC) construction requirements and paperwork, including close-out documentation.
5. Prepare and submit NYSDOH *Engineer's Certification of Public Water Improvement Project Completion* form once construction is complete.
6. Provide coordination of close-out documentation from the Contractor.



7. Attend periodic meetings with the City to report on the status of the project, as requested by the CPW.
8. Provide electronic copies of all final deliverable documents noted above to the City (hardcopies will be provided under Reimbursable Expenses, see below).

Construction Observation

1. Provide a qualified Resident Project Representative (RPR) to monitor the construction and the Contractors' compliance with the Contract Documents. The RPR will serve as the City's representative on the project, maintain detailed records of the work performed, document payments to the Contractor, handle concerns and complaints from residents affected by the project, and coordinate with regulatory agencies and utilities.
2. Provide SWPPP inspections as required for compliance with NYSDEC requirements.
3. We have assumed a construction duration as indicated below in the Compensation section notes.

Additional Professional Services

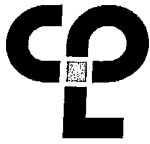
1. If additional services not identified in this proposal become necessary or are requested by the City, they shall be identified and mutually agreed upon in writing before the services are provided. Fees to be paid to CPL for such Additional Services will be negotiated at the time when the need and scope can be identified and quantified. A budget has been included for these services. Services agreed to be provided on an hourly basis will be billed based on our standard hourly rates as included in the EJCDC Agreement (see Terms and Conditions below).

Reimbursable Expenses

1. Mileage.
2. Provide third-party document printing and distribution throughout the project, including design submissions, bid documents, contract documents, record drawings, etc.
3. Provide third-party testing services and/or inspections as required during construction. Services will be subcontracted.
4. Other miscellaneous third-party charges as required by the project and requested by the City.

Assumptions

1. The following services are not included in our proposal. If it is determined any of these items are required, we will work with the City to develop a specific scope and fee for review and acceptance prior to the commencement of work.
 - a. Property survey for the purpose of purchasing property, establishing property line locations, or obtaining easements or rights-of-way.
 - b. SEQRA services. The City previously completed SEQRA review for the project with the issuance of a Negative Declaration.
 - c. Archaeological or cultural resource surveys. CPL understands that these services are not required, as the NYS Office of Parks, Recreation and Historic Preservation previously issued its opinion that no properties, including archaeological and/or



historic resources, listed in or eligible for the New York State and National Registers of Historic Places will be impacted by this project (OPRHP Project Review number 19PR05845).

- d. Environmental, lead, asbestos, mold, termite, radon, or hazard investigations, surveys, or remediation.
- e. Any fees for agency reviews, applications, permits, or licenses.
- f. Surveyed as-built drawings.

Compensation

Our fee proposal to complete the work described above is as indicated below. Please note that the total proposed fees for our Base Professional Services are in line with the amounts budgeted for engineering within the attached cost estimate and in the NYSEFC funding application.

Phase 1A – Kinch Pond to Greenville Turnpike

	<u>Fee</u>	<u>Fee Basis</u>
Base Professional Services		
Design & Bidding	\$ 610,100	Lump Sum
Construction Administration	\$ 150,000	Lump Sum
Construction Observation	<u>\$ 160,000</u>	Hourly NTE (Note 1)
Subtotal Base Professional Services	\$ 920,100	
Additional Professional Services	\$ 50,000	Budget
Reimbursable Expenses	<u>\$ 30,000</u>	Budget
Subtotal Additional/Reimbursable	\$ 80,000	
TOTAL Phase 1A	\$ 1,000,100	

Notes

1. Phase 1A Construction Observation services will be provided on an hourly basis with the indicated not-to-exceed (NTE) fee, which is based on an assumed 1280 hours (26 weeks at approximately 50 hours per week, which includes 40 hours of field observation and 10 hours of administrative support/reporting) at an assumed average rate of \$125/hr. Should construction exceed this timeframe, CPL will negotiate additional fees with the City.

Terms and Conditions

Upon your acceptance of this proposal, we will prepare the EJCDC Short Form of Agreement Between Owner and Engineer, which will be consistent with this proposal and will incorporate the NYSEFC *Mandatory State Revolving Fund Terms and Conditions for Contracts Funded with the NYS Clean Water State Revolving Fund or Drinking Water State Revolving Fund, Effective October 1, 2023*, with which our services will comply. We will also begin securing proposals from M/WBE subconsultants and preparing our M/WBE Utilization Plan.



Jacob S. Tawil, P.E.
City of Middletown
November 26, 2024
Page 6 of 6

We appreciate the opportunity to submit our proposal and look forward to working with all those involved. Please contact us if you have any questions or need additional information.

Very truly yours,

CPL

A handwritten signature in black ink, reading "David A. Chase".

David A. Chase, P.E., LEED AP
Principal

A handwritten signature in black ink, reading "Timothy J. Moot".

Timothy J. Moot, P.G.
Vice President

Enclosure - Preliminary Cost Estimate

Proposal Accepted By:

Signature: _____

City of Middletown

Date: _____

A handwritten date "12/4/24" in black ink, written over a horizontal line.

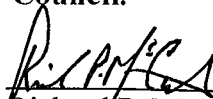


**CITY OF MIDDLETOWN, NEW YORK
COMMON COUNCIL
RECORD OF VOTE**

THE FOLLOWING WAS PRESENTED

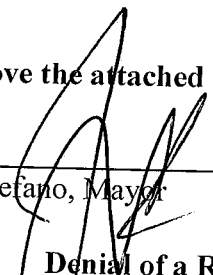
By: Alderwoman Wray
Seconded by: Alderman Johnson
Date of Adoption: December 3, 2024
Index No: 260-24

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	8			1

I hereby approve the attached Resolution/Local Law.


Joseph M. DeStefano, Mayor

Date 12/4/24

Denial of a Requested Sub Division at Orange Terrace

WHEREAS, the applicant, Orange Terrace Properties, LLC, ("Orange Terrace") has filed – beginning in 2022 – a number of applications for a 6-lot subdivision, then a 5-lot subdivision and now a 4-lot subdivision for contiguous properties located at Orange Terrace, SBL's 33-4-2, 33-4-3, 33-4-4, 33-4-5, 33-4-6, and 33-4-7.

WHEREAS, Orange Terrace in the aforesaid applications has provided different configurations for the residential development of the requested lots, and

WHEREAS, the purpose of this subdivision is to allow for the construction of 4 single-family homes in this single-family zoning district, and

WHEREAS, by Resolution dated March 20, 2024, the Middletown Zoning Board of Appeals granted Orange Terrace an area variance from the required 75-foot front yard width to each

proposed lot having a 72.3-foot front yard road frontage, thus a 2.7-foot variance for each lot, and

WHEREAS, the ZBA conditioned the approval of these area variances upon the requirement that Orange Terrace address all the comments by the engineering Clark Patterson & Lee (CPL) to the satisfaction of CPL, and

WHEREAS, the ZBA further conditioned the approval of these area variances upon the requirement that Orange Terrace comply with any requirements set forth by the Department of Public Works, and

WHEREAS, by resolution dated August 7, 2024, the Middletown Planning Board voted to move the application to the Common Council with a recommendation that the Council deny the application, and

WHEREAS, a public hearing was held by the Common Council on October 1, 2024, with two (2) further weeks granted for written submissions,

WHEREAS, the Mayor has emphasized concerns regarding the height and location of one of the proposed retaining walls.

NOW THEREFORE BE IT RESOLVED by the Common Council of the City of Middletown that subdivision approval is hereby denied for the following reasons:

1. The most recently submitted comments by the engineers for the City emphasize issues regarding the retaining walls, with pointed emphasis on the height of the retaining wall on Lot 2 and its nearness to Lot 3. The height of this retaining wall is projected to be 11 feet high, and it will be just 5 feet in distance from Lot 3, necessitating a cross-easement between these lots.
2. Although there is no specific height restriction regarding retaining walls in the City Code, the Council finds it important that the Zoning Code restricts fences and even garden walls in residential districts to 4 feet in height in all front and side yards, and to 6 feet in height in rear yards. The obvious goal of this legislation is the aesthetic quality of closely configured urban residential neighborhoods. Orange Terrace will obviously have neighbors in such close quarters.
3. The concern, obviously, is that an 11-foot retaining wall is almost three times the maximum height allowed for a fence or garden wall in front and side yards, and almost twice the maximum height allowed in a rear yard. The Council believes that such a wall will have an unreasonable and unacceptable impact upon the aesthetic quality of the nearby community.
4. The Council does not see any reason preventing the subject lots from being reconfigured so that the height of this retaining wall could be reduced.

Prepared by:

Attachments:

None

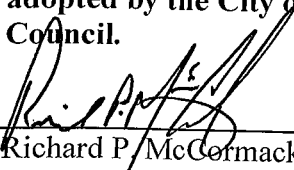


**CITY OF MIDDLETOWN, NEW YORK
COMMON COUNCIL
RECORD OF VOTE**

THE FOLLOWING WAS PRESENTED

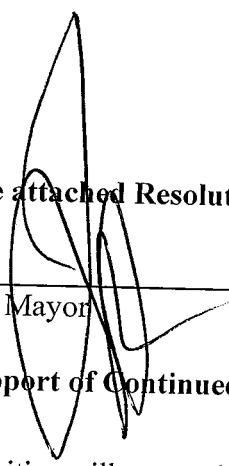
By: Alderman Masi
Seconded by: Alderman Tobin
Date of Adoption: December 3, 2024
Index No: 261-24

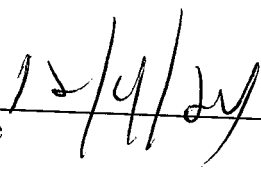
I hereby certify that the attached is a true copy of a Resolution and/or Local Law adopted by the City of Middletown Common Council.


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	8			1

I hereby approve the attached Resolution/Local Law.


Joseph M. DeStefano, Mayor


Date

Resolution in Support of Continued and Increased State Aid for Local Governments

Whereas, until 2024, cities, villages and towns had not received an increase in unrestricted state aid (AIM funding) in 15 years, significantly impacting their ability to provide essential services to their residents; and

Whereas, after a prolonged period without financial support, local governments finally received an increase of \$50 million in unrestricted state aid; and

Whereas, local officials express their gratitude for the \$50 million increase in unrestricted state aid, recognizing it as a positive step towards addressing long-standing funding challenges; and

Whereas, the State has referred to this new aid as Temporary Municipal Assistance, suggesting that such increase may not continue, jeopardizing the sustainability of crucial municipal programs and services; and

Whereas, the property tax cap further limits the ability of local governments to properly fund the programs and services their residents need; and

Whereas, increased and ongoing state aid for local governments is vital for maintaining

infrastructure, public safety, housing and other municipal services; and

Whereas, the challenges of inflation, the increasing costs of labor and supplies, and the end of extraordinary federal aid only accentuate the need for consistent and predictable funding to effectively plan for the future and meet the growing needs of their residents;

Now, therefore, be it resolved, that [Your Municipality] calls upon the Governor and the State Legislature to commit to continuing the additional \$50 million in unrestricted state aid in the 2025-26 State Budget and beyond, and

Be it further resolved, that thah City of MIddletown urges state officials to recognize the need for a long-term plan that ensures consistent and predictable increases in financial support for local governments that keep pace with inflation.

A copy of this resolution shall be sent to Governor Kathy Hochul, Senate Majority Leader Andrea Stewart-Cousins, Assembly Speaker Carl Heastie, Senator James Skoufid, Assemblymember Aileen Gunther, Assemblymember- Elect Paula Elaine Kay and the New York State Conference of Mayors (NYCOM).

Prepared by:

Attachments:

None

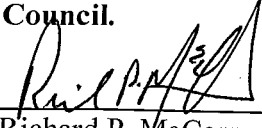


**CITY OF MIDDLETOWN, NEW YORK
COMMON COUNCIL
RECORD OF VOTE**

THE FOLLOWING WAS PRESENTED

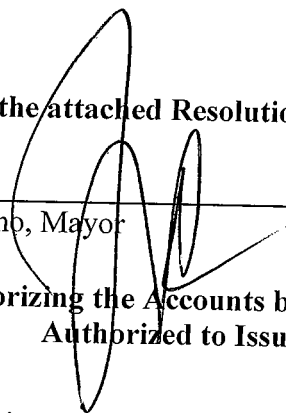
By: Alderman Masi
Seconded by: Alderman Johnson
Date of Adoption: December 3, 2024
Index No:

**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.**

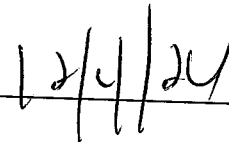

Richard P. McCormack
Clerk to the Common Council

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	8			1

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:
Maria Bruni, Director of Economic and Community Development

Attachments:

None