



**Common Council
Meeting
City of Middletown
February 4, 2020**

1. Pledge of Allegiance- Pres. Rodrigues asked all to rise for the pledge.
2. Roll Call: Present: Ald. Ramkissoon, Tobin, Kleiner, Johnson, Green, Masi, Pres. Rodrigues-6
Absent: Ald. Jean-Francois, Burr, Green-3
3. Approval of Minutes

On motion of Ald. Masi seconded by Ald. Tobin to accept the minutes of December 18, 2019 and January 2, 2020

All in favor

4. Correspondence
John Naumchik-Nothing this evening.
5. For the Good

Darrin Cross from Middletown Little League- Update on 2019 season. Last year to let you know we played almost 300 games at the park between the regular season, summer ball, All Star games, fall ball. Incredible. Parks Dept. a huge thank you to them for what they do for us.

Upgrade from last year. We had a batting cage put in, it got a lot of use from the kids, coaches, parents. Put in a bull pen so the kids can warm up between games.

We had almost 280 kids. This year we are on track to go about the same number hopefully more. On line registration. We are doing a registration on Saturday from 10-12 at Watts Park. We are still taking players in different divisions. Right now we are doing different players ...programs. We do that 3 nights a week. The City of Middletown School District gave us the gym for 3 nights a week.

Last year we got a donation from the Waalkill Engine fire company for a scoreboard. We purchased the scoreboard, we are having the lettering done and the Parks Dept. is going to install it. We are playing on doing new scoreboard ceremony on 4/17. A huge thank you between the Waalkills gave us and the fundraising we were able to do. We were able to purchase the scoreboard which was almost \$4,000. That is a big purchase for Little League.

Also upgrades that we are doing this year at the park this year. We have the new fence that the City had installed on the big field. Which is a huge upgrade to the park. Also 4/18 is going to be our parade. Opening day. We are aware the Citywide Clean Up we are going to work around the schedule of the City. The parade will probably be 12 kick off. I will discuss that Ald. Kleiner.

If anyone still wants their child to play baseball, softball you can sign up.

6. Reports of Dept. Heads

Maria Bruni/Economic Development- On Monday night we are going to have our complete count committee for the census gathered here at 5pm.

Caitlin from our office has been working with the census folks and getting information together and gathering all the pertinent stuff that we need to move forward with the count. Effective day is April 1st. Folks are getting things delivered to their houses, you go on line to start registering for the census.

We have to get everybody counted.

Also our office is working on the 5 yr. Consolidated Plan. We have 2 more homeownership projects in the pipeline, those will beginning rehab soon.

At the Paramount Theatre things are moving forward with our sound system project and the alteration project grant fund that we got about a year ago.

Things are moving right now.

Jacob Tawil/DPW Commissioner-We had a presentation earlier today under the DPW Committee about the MS-4 and the advantage of the MS-4 and our duty as a MS-4 community. Which is basically to protect the streams, minimize the runoff and make sure it is all clean that goes into the stream.

The presentation was recorded and it will be replayed.

Davidge Park Expansion Project, the project is out for bid. If there are any contractors interested in doing flat work, construction work including some fields. Please take a look at the project, stop by DPW office.

The Mayor reappointed 2 Deputy Commissioners, Chris Gross and Mark Pengel. All the work that is done throughout DPW cannot be done without these 2 gentlemen. Of course with the support of everyone in DPW. These guys are available for the City 24 hrs. a day. Anytime we call upon them they are there for us. Our men too. I appreciate the Mayor re-appointing them and I would appreciate your support.

Police Chief Ewanciw- Nothing this evening.

Chris Brinkerhoff/Superintendent Recreation-I did spend the day up at the State Capital with 5 members of our Mayor's Youth Council. Those kids represented us so well being able to speak Sen. Metzger, Sen. Skoufis as well, Assemblywoman Gunther. The time they spent with our kids and how well they represented them. They also represented the OC Youth Bureau. That is the funding we get for our lunch program, summer feeding, teen center. They had a great experience up there. I am really proud how they represented Middletown. The leaders were very impressed with those kids.

We have a few new programs. One of the things we do is pickle ball going inside. That has become a big sport. We have 2 courts at Maple Hill Park. We have 3 courts taken inside at the Truman Moon gym. The district worked with us. We actually filled to capacity with 50, 60 and 70 yr. olds in there playing pickle ball.

We are bringing Double Dutch back to Middletown. We have a lot of adults interested in it. We are going to get boys and girls interested in that as well as a program called Art Quest. Which will be starting K-8 and another program also for High School and adults.

We started Kids Cooking clinics. That is at capacity. In fact there is a program tonight and we are going to be looking to expand that already. That filled up in less than 24 hrs. once it hit the on-line registration.

All winter programs are up and running. Include soccer and basketball and pre-school play time, volleyball. We have our all year round programs. The Teen Center is running, our pre-school is filled to capacity. Even when it's not summer work we are getting it done.

I want to thank the School District they have a lot of construction going on again this summer. The High School will be totally closed and they put us in consideration when they try to figure out where to house everybody. So our Sports Camp will be housed at the Presidential Elementary School this summer. It will be downstairs and

outside they will have Middle School summer school upstairs. We thank the Middletown School District for that. I know it is a benefit to their faculty and staff as well.

John Naumchik/City Clerk-I received a letter from the OC Board of Elections saying there will be a Presidential Primary Election, Primary Election, General Election. Each of those 3 there will be early voting for those. I will put the times and dates on the website.

7. Public Hearings & Grievances

Amendment of the Zoning Chapter 475 in the City Code.

Notice is hereby given that the City of Middletown will hold a public hearing on Tuesday, Feb. 4th on or as near to 8pm as possible, Common Council Chambers, 2nd Fl. 16 James St. to hear any and all persons wishing to be heard on a proposed amendment to the City Code, Chapter 475 Zoning. Chapter 353 Peddling and Soliciting to prohibit food trucks in all zoning districts except for ice cream trucks which will require a license from the City Clerk.

A full copy of the proposed amendment to the Zoning Code was available in the City Clerk's Office, Rm 12, 16 James St. and also on the City website.

Any and all persons wishing to be heard will be given the opportunity to speak either for or against the proposed addition to the code.

By Order of the Common Council
Published in TH-Record 1/27 and 1/28/2020
Website

Since this was also a change of the zoning it had to go to OC Dept. of Planning which was sent and they still have 30 days to get back to us.

That did not stop us from doing the public hearing tonight.

Pres. Rodrigues opened the public hearing 8:12 pm

No one from the public spoke

Ald. Kleiner-I was asked a question on this the food trucks that the Fire Dept. does at City sponsored events are they still allowed under the code?

Shaking of heads.

On motion of Ald. Masi seconded by Ald. Tobin public hearing closed at 8:14pm.

All in favor

Civil Service Dept/Mr. Masi- I just want to give a shout out. We are doing a Firefighter exam whenever we give the firefighter exam or police officer exam there are a lot of people that want to partake in it. This year on April 25th we will be giving a firefighter exam.

There are a couple of qualifications. 2 things, March 23rd is the deadline. You can't come in after 12 noon on March 23rd.

Some restrictions: you have to be at least 19 yrs. of age and no more than 35 yrs. of age at the time of the examination.

If you have military time that will factor in.

You must be a resident of the City of Middletown or become a resident of the City of Middletown within one year from the hire date and remain for the duration of employment.

If you want to take the test please notify us, there is a \$40 money that must accompany the application. Because it is huge test I wanted to get it out early and give everyone an opportunity.

8. Petitions & Complaints
John Naumchik-Nothing this evening.

9. Remarks of the Mayor

Mayor DeStefano-Nothing this evening.

10. Remarks of the Aldermen

Ald. Masi-Nothing this evening.

Ald. Tobin- Nothing this evening.

Ald. Johnson-Nothing this evening.

Ald. Ramkissoo- Nothing this evening.

Ald. Kleiner-Next Monday, Feb. 10th we will have our 2nd Ward Constituents meeting.

I am sure people were excited to hear to the State of the City address which is the next meeting on Feb. 18th.

I am very sad to see that the Monarch Conservationist people in Mexico the 2nd one was found dead.

11. Unfinished Business

John Naumchik-Nothing this evening.

12. New Business

19.20 Resolution for re-appointments to the IDA Board.

On motion of Ald. Masi seconded by Ald. Tobin

RESOLVED; that the Common Council of the City of Middletown concurs with the Mayor's re-appointments the IDA Board following members term ending December 31, 2020:

ANTHONY T. AMELIO, Chairman
JOHN DEGNAN, Vice Chairman
JUDY GREEN
JOSEPH M. DESTEFANO
WAYNE HAWKINS
DAVE MADDEN
ANDREW BRITTO

Roll Call: Ayes: Ald. Ramkissoon, Tobin, Kleiner, Johnson, Masi, Pres. Rodrigues-6

20.20 Resolution for re-appointments to the Board of Ethics.

On motion of Ald. Tobin seconded by Ald. Johnson

RESOLVED; that the Common Council of the City of Middletown concurs with the Mayor's re-appointment of the following members of the Board of Ethics term expiring 12/31/22:

Wayne Hawkins
Jim Burtis
Sparrow Tobin

Roll Call: Ayes: Ald. Ramkissoon, Tobin, Kleiner, Johnson, Masi, Pres. Rodrigues-6

21.20 Resolution for re-appointments to the Electrical Licensing Board.

On motion of Ald. Johnson seconded by Ald. Tobin

RESOLVED; that the Common Council of the City of Middletown concurs with the Mayor's re-appointment of the members of the Electrical Licensing Board Terms to expire 12/31/20.

Jerry Caliendo
Thomas Murtaugh, Chairman
Walter Welch
Robert Metz
Jeffrey Spiro

Mark Fellenzer, Engineer

Roll Call: Ayes: Ald. Ramkissoon, Tobin, Kleiner, Johnson, Masi, Pres. Rodrigues-6

22.20 Resolution for re-appointments to the Architectural Review Board.

On motion of Ald. Ramkissoon seconded by Ald. Masi

RESOLVED; that the Common Council of the City of Middletown concurs with the Mayor's re-appointment of the following members of the Architectural Review Board term expiring December 31, 2022:

Maria Bruni
Gef Chumard
Kathleen Rifkin

Roll Call: Ayes: Ald. Ramkissoon, Tobin, Kleiner, Johnson, Masi, Pres. Rodrigues-6

23.20 Resolution for re-appointment of Richard Croughan to Assistant Corporation Counsel.

On motion of Ald. Kleiner seconded by Ald. Tobin

RESOLVED; that the Common Council of the City of Middletown concurs with the Mayor's re-appointment of Richard Croughan to Assistant Corporation Counsel term expiring December 31, 2020.

Roll Call: Ayes: Ald. Ramkissoon, Tobin, Kleiner, Johnson, Masi, Pres. Rodrigues-6

24.20 Resolution for re-appointment of Maria Bruni to Director of Economic & Community Development.

On motion of Ald. Masi seconded by Ald. Johnson

RESOLVED; that the Common Council of the City of Middletown concurs with the Mayor's re-appointment of Maria Bruni to Director of Economic & Community Development term expiring December 31, 2020.

Roll Call: Ayes: Ald. Ramkissoon, Tobin, Kleiner, Johnson, Masi, Pres. Rodrigues-6

25.20 Resolution for re-appointments of Mark Pengel and Christopher Gross to Deputy Commissioners DPW.

On motion of Ald. Masi seconded by Ald. Kleiner

RESOLVED; that the Common Council of the City of Middletown concurs with the Mayor's re-appointments of Mark Pengel and Christopher Gross to Deputy Commissioners DPW term expiring December 31, 2020.

Roll Call: Ayes: Ald. Ramkissoon, Tobin, Kleiner, Johnson, Masi, Pres. Rodrigues-6

26.20 Resolution for re-appointment of Peter Laskaris to City Historian.

On motion of Ald. Tobin seconded by Ald. Kleiner

RESOLVED; that the Common Council of the City of Middletown concurs with the Mayor's re-appointment of Peter Laskaris to City Historian term expiring December 31, 2020.

Roll Call: Ayes: Ald. Ramkissoon, Tobin, Kleiner, Johnson, Masi, Pres. Rodrigues-6

27.20 Resolution for re-appointments of the Shade Tree Committee.

On motion of Ald. Johnson seconded by Ald. Tobin

RESOLVED; that the Common Council of the City of Middletown concurs with the Mayor's re-appointment of the following members of the Shade Tree Committee term expiring December 31, 2024:

Renee Stover
Alan Lewis

Ald. Kleiner-With all these re-appointments I just want to say thank you for all the people that serve on the boards. We couldn't get by without them. Often a thankless job, we do appreciate them.

Roll Call: Ayes: Ald. Ramkissoon, Tobin, Kleiner, Johnson, Masi, Pres. Rodrigues-6

28.20 Resolution to authorize the Mayor to sign a contract with Cherry Road for IT services for 2020 with no changes from last year.

On motion of Ald. Ramkissoon seconded by Ald. Tobin

RESOLVED; that the Common Council of the City of Middletown hereby concurs with the Board of Estimate and Apportionment to authorize the Mayor to sign the attached contract from Cherry Road for IT services for 2020 with no changes from last year.

Roll Call: Ayes: Ald. Ramkissoon, Tobin, Kleiner, Johnson, Masi, Pres. Rodrigues-6

29.20 Resolution to amend the City Code in regards to Towing.

On motion of Ald. Johnson seconded by Ald. Tobin

WHEREAS, the Common Council, at the request of the Police Chief and Corporation Counsel, seeks to update certain provisions in the Towing Code.

NOW THEREFORE BE IT Resolved, and be it Ordained, by the Common Council of the City of Middletown, New York, as follows:

Section 1 - The Code of the City of Middletown, N.Y., Chapter 440, Towing, as adopted May 27, 1975, and as amended thereafter, be and is hereby amended by replacing the definition of “Terminal” in Section 440-1 (Definitions) to read as follows:

Any place of business in the City of Middletown which is a Registered Repair Shop certified by the New York State Department of Motor Vehicles and which is not in violation of the existing City Zoning or Building Codes, and which, as a substantial source of its activity, engages in the repair of motor vehicles.

Section 2 - The Code of the City of Middletown, N.Y., Chapter 440, Towing, as adopted May 27, 1975, and as amended thereafter, be and is hereby amended by replacing and renaming Section 440-4 to read as follows:

Section 440-4. Event towing. Event towing shall be restricted to events for which vehicles are required to be towed to clear the streets for the purpose of a race, parade, festival or other event and for which such street closing has been approved by a resolution of the Common Council or by a directive of the Chief of Police.

Section 3 - The Code of the City of Middletown, N.Y., Chapter 440, Towing, as adopted May 27, 1975, and as amended thereafter, be and is hereby amended by replacing Subsection A of Section 440-5, Fee for unrestricted license; license qualifications, to read as follows:

A. Own and/or operate and maintain a bona fide terminal, as defined above in Section 440-1, within the City of Middletown.

Section 4 - The Code of the City of Middletown, N.Y., Chapter 440, Towing, as adopted May 27, 1975, and as amended thereafter, be and is hereby amended by adding Paragraphs (4), (5) and (6) to Subsection A of Section 440-6, Towing fees, to read as follows:

(4) Dolly work fees are limited to a maximum of \$75 per hour per vehicle/tow.

(5) Hazardous materials clean-up, to include gasoline, antifreeze and motor oil, and disposal fees, are limited to a maximum of \$85 per vehicle/tow.

(6) An additional fee of \$75 per hour may be charged for appropriate removal of a vehicle during recovery from unusual incidents in which the vehicle is located off the roadway and requires work beyond reasonably standard tow work.

Section 5 - The Code of the City of Middletown, N.Y., Chapter 440, Towing, as adopted May 27, 1975, and as amended thereafter, be and is hereby amended by replacing Subsection B of Section 440-6, Towing fees, to read as follows:

B. The event towing fee shall not exceed \$125.

Section 6 - The Code of the City of Middletown, N.Y., Chapter 440, Towing, as adopted May 27, 1975, and as amended thereafter, be and is hereby amended by adding a Subsection C of Section 440-6, Towing fees, to read as follows:

C. The fees provided in this Section shall not apply to commercial vehicles which exceed a three-ton capacity.

Section 7 - The Code of the City of Middletown, N.Y., Chapter 440, Towing, as adopted May 27, 1975, and as amended thereafter, be and is hereby amended by adding a second sentence to Section 440-14, Exception to provisions, to read as follows:

In any instances where automobile insurance is utilized for the payment of towing and/or storage fees, the restrictions set forth in Sections 440-6 and 440-7 of this chapter shall not apply.

Section 8 - This resolution and ordinance shall take effect immediately with amendments to the Fee Schedule in the appendix Chapter A490.

Roll Call: Ayes: Ald. Ramkissoon, Tobin, Kleiner, Johnson, Masi, Pres. Rodrigues-6

- 30.20 Resolution to amend the City Code in regards to first floor commercial Zoning Districts.

On motion of Ald. Kleiner seconded by Ald. Ramkissoon

WHEREAS, the Common Council wishes to require commercial usage of the first floor of two-family and multiple dwellings in C-1, C-2 and C-3 commercial zoning districts.

Resolved, and be it Ordained, by the Common Council of the City of Middletown, New York, as follows:

Section 1 - The Code of the City of Middletown, N.Y., Chapter 475, Zoning, be and is hereby amended by replacing Paragraphs 15 and 16 of Subsection B of Section 475.18, C-1 Neighborhood Business Districts to read as follows:

(15) Multiple dwellings, row houses or attached housing subject to the requirements of the UR-3 Zone, specifically § 475(12)(C)(8) and (9), and provided that the first floor (street level) must be a commercial use as provided in this section. This subsection shall not apply to any dwelling units included in a subdivision application submitted after the effective date of this amendment, except that the first-floor commercial use is required unless waived by the Common Council in its sole discretion.

(16) Two-family dwellings [subject to requirements in the R-2 Zone, and provided that the first floor (street level) must be a commercial use as provided in this section].

Section 2 - The Code of the City of Middletown, N.Y., Chapter 475, Zoning, be and is hereby amended by replacing Paragraphs 12 and 16 of Subsection B of Section 475.20, C-2 Limited Business Districts to read as follows:

(12) Multiple dwellings, row houses or attached housing subject to the requirements of the UR-3 Zone, specifically § 475-12(C)(8) and (9), and provided that the first floor (street level) must be a commercial use as provided in this section. This subsection shall not apply to any dwelling units included in a subdivision application submitted after the effective date of this amendment, except that the first-floor commercial use is required unless waived by the Common Council in its sole discretion.

(16) Two-family dwellings [subject to requirements in R-2 Zone, and provided that the first floor (street level) must be a commercial use as provided in this section].

Section 3 - The Code of the City of Middletown, N.Y., Chapter 475, Zoning, be and is hereby amended by replacing Paragraphs 16 and 20 of Subsection B of Section 475.21, C-3 General Business Districts to read as follows:

(16) Multiple dwellings, row houses or attached housing subject to the requirements of the UR-3 Zone, specifically § 475-12(C)(8) and (9), and provided that the first floor (street level) must be a commercial use as provided in this section. This subsection shall not apply to any dwelling units included in a subdivision application

submitted after the effective date of this amendment, except that the first-floor commercial use is required unless waived by the Common Council in its sole discretion.

(20) Two-family dwellings [subject to requirements in R-2 Zone, and provided that the first floor (street level) must be a commercial use as provided in this section].

Section 4 - This ordinance shall take effect immediately.

Roll Call: Ayes: Ald. Ramkissoon, Tobin, Kleiner, Johnson, Masi, Pres. Rodrigues-6

31.20 Resolution to amend the City Code in regards to the Taxicab ordinances.

On motion of Ald. Masi seconded by Ald. Kleiner

WHEREAS, the Chief of Police is recommending the following amendments to the Taxicab ordinances to reflect current procedures.

Resolved, and be it Ordained, by the Common Council of the City of Middletown, New York, as follows:

Section 1 - The Code of the City of Middletown, N.Y., Chapter 433, Taxicabs, be and is hereby amended by replacing Subsection A of Section 433.6, Photographs and fingerprints of driver; investigation, to read as follows:

- A. Each applicant shall submit to digital fingerprinting by the company designated by the Chief of Police and the applicant shall be responsible for the fingerprint fee. The applicant shall attach a copy of the receipt of the fingerprint submission along with the completed application to the City of Middletown Police Department.

Section 2 – The Code of the City of Middletown, N.Y., Chapter 433, Taxicabs, be and is hereby amended by replacing the first sentence of Subsection B of Section 433.6, Photographs and fingerprints of driver; investigation, to read as follows:

- B. The Chief of Police shall cause an investigation to be made relative to the character and criminal record, if any, of the applicant.

Section 3 – The Code of the City of Middletown, N.Y., Chapter 433, Taxicabs, be and is hereby amended by adding a new Subsection C of Section 433.6, Photographs and fingerprints of driver; investigation, to read as follows:

- C. The applicant shall make an appointment with the City of Middletown Police Department to have his/her picture taken.

Section 4 – The Code of the City of Middletown, N.Y., Chapter 433, Taxicabs, be and is hereby amended by replacing the second sentence of Subsection A of Section 433.7, Forms and terms of driver’s license, to read as follows:

When the application has been approved and the applicant has filed his or her photographs and fingerprints with the Chief of Police, the City of Middletown Police Department shall issue such license.

Section 5 – The Code of the City of Middletown, N.Y., Chapter 433, Taxicabs, be and is hereby amended by replacing Subsection B of Section 433.7, Forms and terms of driver’s license, to read as follows:

B. Upon satisfactory fulfillment of the foregoing requirements, there shall be issued to the applicant a license, which shall be in such form as to contain a photograph and signature of the licensee and blank spaces upon which a record may be made of any arrest of or serious complaint against him. Each license shall be signed by the Chief of Police. All licenses shall be numbered in the order in which they are issued and shall contain the driver's name and the expiration date of the license. Any licensee who defaces, removes or obliterates any official entry made upon his license shall be punished by the revocation of his license. Such license shall be placed in a plaque the size of four inches by six inches and shall at all times, when the driver is operating the car for hire, be attached inside the cab in a position readily visible to the passengers of said cab. No temporary permit shall be issued except when an extraordinary public emergency arises affecting transportation of the public upon the streets within the City. Such temporary permits, when issued, shall be upon such terms and conditions as the Chief of Police shall provide, but such temporary permit shall in no event be granted for a longer period than 20 days and may be renewable for similar periods from time to time as may be necessary only upon the written recommendation of the Chief of Police made to the Common Council and approved by it. The fee for such temporary permits shall be \$50. Such license or permit shall be carried by the licensee at all times when operating or in charge of any taxicab.

Section 6 - The Code of the City of Middletown, N.Y., Chapter 433, Taxicabs, be and is hereby amended by replacing Subsection A of Section 433.9, Fees for drivers’ licenses, to read as follows:

A. The license fee per biennial for drivers’ licenses shall be \$100 and for each biennial renewal thereof \$100.

Section 7 – The Code of the City of Middletown, N.Y., Chapter 433, Taxicabs, be and is hereby amended by repealing Subsection D of Section 433.9, Fees for drivers’ licenses.

Section 8 – The Code of the City of Middletown, N.Y., Chapter 433, Taxicabs, be and is hereby amended by replacing Section 433.11, Record of drivers’ licenses and permits, to read as follows:

§433.11 Record of drivers’ licenses and permits.

There shall be kept in the Records Division of the City of Middletown Police Department a complete record of each license or permit issued to a driver, and of all renewals, suspensions and revocations thereof, which record shall be kept on file with the original application of the driver for a license for at least seven (7) years.

Section 9 - The Code of the City of Middletown, N.Y., Chapter 433, Taxicabs, be and is hereby amended by deleting the second sentence of Subsection H of Section 433.13, Inspection before licensing vehicles; insurance.

Section 10 - This ordinance shall take effect immediately with amendments to the Fee Schedule in the appendix Chapter A490.

Ald. Kleiner-These were all discussed in committee and we did have public hearings.

Roll Call: Ayes: Ald. Ramkissoon, Tobin, Kleiner, Johnson, Masi, Pres. Rodrigues-6

13. Local Laws

John Naumchik-Nothing this evening.

14. Audit

On motion of Ald. Masi seconded by Ald. Johnson

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

Roll Call: Ayes: Ald. Ramkissoon, Tobin, Kleiner, Johnson, Masi, Pres. Rodrigues-6

15. Adjournment

There being no further business meeting adjourned at 8:22PM

Respectfully submitted,

Karen Sisco

