



Common Council Meeting
APRIL 19, 2022 - Transcript
City Hall
16 James Street
Middletown, New York 10940

P R E S E N T

Miguel Rodrigues, President of Common Council
Ald. Gerald Kleiner
Ald. Paul Johnson
Ald. Kate Ramkissoon
Ald. Sparrow Tobin
Ald. Jude Jean-Francois
Ald. Kevin Witt
Ald. Joseph Masi

A B S E N T

Ald. Andrew Green

Digitally Recorded Proceeding, transcribed by:
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1. Pledge of Allegiance

2. Roll Call

PRESIDENT RODRIGUES: All right. Roll.

RICHARD MCCORMACK, COUNCIL CLERK: Good afternoon, everybody.

Roll Call: Tobin, Jean-Francois, Johnson, Ramkisson, Kleiner, Witt, Masi, President Rodrigues.

3. Approval of Minutes.

PRESIDENT RODRIGUES: Okay. Approval of minutes.

RICHARD MCCORMACK, COUNCIL CLERK: We have the minutes from March 15, 2022.

ALD. MASI: So moved.

PRESIDENT RODRIGUES: Motion by Alderman Masi, seconded by Alderman Johnson. All in favor?

ALDERMANS: Aye.

4. Correspondence, Communications and Reports

PRESIDENT RODRIGUES: Correspondence.

RICHARD MCCORMACK, COUNCIL CLERK: We have an application for a subdivision from Tom Loreno (phonetic).

PRESIDENT RODRIGUES: Forward to Mr. Green's Committee. Anything else?

RICHARD MCCORMACK, COUNCIL CLERK: That's it.

5. For the Good of the City

PRESIDENT RODRIGUES: For the Good of the City.

Anyone who would like to address the Council, please step forward.

SUSAN DEPEW: Good evening, Susan Depew. I'd just like to invite everybody from the City of Middletown to join us this Saturday at 9 to 12 at our new named old place about 150 feet from where we're all at City Hall. It's John Degnan Square. Okay. It used to be Festival Square. Please join us. It has been a long time since the City of Middletown has had the opportunity to have one of these events. This is our 10th year that we're doing this. We've not done in 2021. We are going to be the biggest this year. We want everyone's participation. You can -- you can pick any street you want to clean. You can pick any park you want to clean. You don't have to stay the whole three hours from 9 to 12, but we would love you to come. Bring your children, bring your friends. If you want to walk your dog with us, do so. Make sure the dog doesn't have any little remnants leaving behind you. Anyway, please join us. We're welcoming everybody. Thank you very much.

PRESIDENT RODRIGUES: And the weather is going to be great, sunny and 57 degrees.

Anyone else who would like to address the

Council?

6. Remarks of the Mayor.

PRESIDENT RODRIGUES: Okay. Remarks of the Mayor. I see a presentation.

JOSEPH DESTEFANO, MAYOR: Good evening. And we haven't done this in a while. And that was the first slide. So Sue said it probably better than I could. And I want to thank all the different groups that are involved in this event. I know Keven has been involved with the school district and we have quite a few students coming, different clubs, and different sporting teams. So, but Sue is right, we are trying to get more neighborhoods involved too. That if your street needs cleaning, just stop down. You can pick up the pickers and the gloves and we'll -- so we can identify where, you know, after the event our DPW goes around and picks up the bags that are labeled. So we'd like to just have a little coordination. And it's a good time. Good time to meet your neighbors and -- and help the City.

One thing one of the Alderman did reply to me and said, you know, when we're looking for the list of problem areas and he made a good point and said the City is much cleaner this year because of the garbage cans and a lot of the neighborhoods are much cleaner. But we still have

problem areas and -- and we want to make sure that we get them cleaned up after the winter time especially our park areas and our downtown area. So appreciate anyone who could come out and join us. And I want to thank Sue and Rick and their whole team for once again putting this together.

We had a good visit last from Congressman Maloney. And any time the Congressman wants to bring \$3.5 million to Middletown, he's welcome. He's welcome any time he wants to come, but that time he, you know, he did come in with a check. This is for -- part of President Biden's infrastructure plan bill that was passed by -- by Congress and will go to do the water main project from the water main -- from the water plant down one of the mains that comes down Monhagan Avenue area.

And so Jacob has also submitted -- they're doing another round it appears this year for infrastructure. And we have submitted a list of projects. They asked last night that we identify three. And, of course, the further extension of this line is one of them. And a larger project which is the raw water lines which we've been talking to you guys about over the years which these are treated water lines, but they're all water lines that bring water, the lake and capture from Kinch Dam. They also need

to be replaced at some point and that is a very expensive project. So we're hoping one of those projects gets funded.

So I want to thank the Congressman and Senator Schumer and Senator Gillibrand and, of course, President Biden for passing that bill. And it means a lot to us as we move to replace these, in some cases, 100 plus year old water mains.

What you have seen also downtown is in some areas of downtown is saw cutting of our roads. Some people are mistaking this that we're going to be widening the sidewalks. And that's not true. I had a couple of calls that why are you going to widen the sidewalks. And, of course, one person referenced I'm doing it because my wife owns a restaurant on West Main Street, so I want to have more sidewalk space in front of the restaurant. I said, well, try to explain to them, no, that's not what's happening. Masi says it makes sense. But the saw cutting is when they start digging up the sidewalk and the curbs they will -- don't rip up the whole road and it's only the curb area.

So this is a citywide project for every traffic - every traffic signal throughout the City will be with the exception, I believe, of one, maybe two, but I believe it's

just one now will be ADA compliant, new sidewalks, new curb, pedestrian crossing devices that are ADA complaint.

So this is the schedule. You can go online and you can get an idea. We've communicated to the bid district. The project started down on North and John and will come up towards the -- we're going to try to go through Franklin Square first because we want to beat that -- the Run for Downtown. We want to get ahead of that schedule for that, so that section is complete for the Run for Downtown.

But you can see the -- on that list there are several intersections that are going to be done this year. The project will be about two-and-a-half to three years total. It's going to realign some intersections such as Canal and -- and West Main, also Highland and Wickham. And as Jacob mentioned at the last meeting, excuse me, that little knot -- little street of Liberty Street, that little section will be eliminated. They'll be turn signals like at Lake -- Lake and Wickham, so we can make traffic flow through there.

So, overall, it's a -- it's a good project. There will be a lot of rebuilding of drain basins. They'll be some stamped concrete crossings, so people can identify pedestrian crossings better. So, overall, it's a -- it's a

very good project. It's running about \$30 million. We're hoping that 95 percent of the eligible part under the traffic operations will be funded through the Orange County or through the federal government primarily and passed through to the State. And -- and what's it called, Jacob?

JACOB TAWIL, DPW COMMISSIONER: DOT.

JOSEPH DESTEFANO, MAYOR: DOT, yeah.

JACOB TAWIL, DPW COMMISSIONER: Federal approved funding.

JOSEPH DESTEFANO, MAYOR: It's federal funding passed through DOT, right. And then it comes through the County in some function in some way. So we're hoping for 95 percent of that to be funded. And, of course, we have some of our DRI money in here. And we have some of other monies that have been spent. So you -- you might ask the question is you see a sidewalk like downtown, some parts of the sidewalk was replaced already and now we're going to continue it in a different, you know, a year or two later. The reason is these are three different pools of money and we have to do as the money comes in and apply it to the appropriate pool.

So there's going to be a lot of digging up around town. All the businesses and homes and driveways, wherever you are, your driveway, the contractor is required to make

them passable. So your business will have -- people will be able to go in and out of your business if you have a driveway. They'll be putting down the steel platforms, so your cars can drive in. If you don't you should call my office or call DPW and we'll try to make sure that that gets done immediately. That's a responsibility of the contractor.

There's going to be some inconvenience, we all know that. But we want to minimize the inconvenience to all the parties. And when it's done, I think you'll be very happy.

Next is a update on the O&W. This is a recent picture from last week. And I'd figure I'd put it up here before Mr. Kleiner asked about it. And they are doing the asbestos, the environmental audit right now. And they're doing the roof in this picture here. We're hoping to have construction plans, bid documents I think by late this year, maybe October/November.

ALDERMAN: There's no roof on there.

JOSEPH DESTEFANO, MAYOR: There is a roof there. That was you when you were firefighting. You were up there.

MALE SPEAKER: It's gone. There's no roof. There's a tree going through it.

JOSEPH DESTEFANO, MAYOR: They have to examine every part of the building to make sure they can -- there's no asbestos in the building. I got Jacob talking in my ear. He's helping me. He's helping me.

PRESIDENT RODRIGUES: He's in the right position.

JOSEPH DESTEFANO, MAYOR: That's right. So this project, you know, there's been a lot of social media chatter the last few days about -- about the project that why isn't the building being saved. People think it's being demolished. No it's not being demolished. The crews are there to save the building. We do have a tenant. You know, the project is moving forward. And so far we, you know, we have high prospects for this building to be renovated. It's going to happen, so we have the majority of funding in place. We may be needing to move some funding around because as you know the last -- part of the project we had 700,000 for a separate grant from New York State that we were hoping to get called the Consolidated Funding Application from last year. So short term we may have to fund this 700,000 that we didn't get last with possibly through ARPA in order to qualify for the other grant money, but we'll be presenting that to you at the next meeting. Before the State releases their money, they want to see that we have encumbered or -- not encumbered,

committed funds to complete the project. But we'll still apply for additional funding as we move forward in this year's State budget.

And that's about it other than there's a public hearing immediately following my comments. And I'll be making a comment on that too. There's two people here for that, so I'll stay here unless you have any questions.

PRESIDENT RODRIGUES: Any questions for the Mayor? Alderman Johnson.

ALD. JOHNSON: Two things, Mayor. Just as appoint of information, I did present our O&W topic at the Board meeting two weeks ago, so that was another venue that people could understand that we are rehabbing the building.

JOSEPH DESTEFANO, MAYOR: Okay. Good. Thank you.

ALD. JOHNSON: Are there any -- do you have any thoughts worth sharing on the Maple Hill Pool?

JOSEPH DESTEFANO, MAYOR: Yeah. Maple Hill Pool, I sent an email out to you, Kate and -- and I think Miquel and -- Council President, and we're going to try to get some feedback from that neighborhood. It's mixed. I've heard people that I've talked to, some want the pool to stay, many want the pool to go. But that's only people that have talked to me and it's not a lot of people. It's

not a big sample. So I think the best thing we can do is meet with neighbors up there, give an idea of what they would want, what they think would be best for the neighborhood and then decide whether we're going to put a pool back there because the pool this year will not be open. Well, not -- it won't be open ever because it's done. It's 54, 55 years old. And it's going to cost \$1 million to repair. And it would cost probably a million and a half to replace. So it appears the repair would be out and the replace would be in if we go that route.

But it's certainly will change that neighborhood. In the summertime you have a large volume of kids. People from that whole end of town going there. Do you want the traffic, not want the traffic? What will be in its place? So those are the discussions we need to have. And then the alternative is with the Parks Department is not recommending, but they're giving as an option would be to build an additional pool adjacent to Davidge, but not a pool, but one of those wading pools that you --

ALDERMAN JOHNSON: A water park kind of --

JOSEPH DESTEFANO, MAYOR: Like a water park type pool. And there's some advantages to that. One is that in deep pools are no longer the in thing especially for government or hotels. If you go to hotels, you'll see the

pools are usually 3.5, 4 feet deep. There's no more 8,10 foot deep pools for safety reasons. But also are staffing issues which are major. We're not sure we're going to be able to open the pools for all the hours that we want this year with only two pools.

ALDERMAN JOHNSON: Right.

JOSEPH DESTEFANO, MAYOR: So we offered a free course. I think we had 9 or 10 people participate. Whether they all come to work for us is a different question. We need about 7 lifeguards a day to run the two pools. And with only 10 people, that's not a lot of hours.

We are getting questions from different groups that traditionally have used the pools, but over the last year or so or last year especially because the lack of lifeguards, the seniors, we were not able to provide them with pools in the morning because of the camps. And they traditionally went at a different hour. We just didn't have any lifeguards. So it is a crisis. We upped our pay. We're talking to people about giving them additional pay on weekends which seems to be the biggest problem. But it's also the biggest time that you need the pools open because that's the majority of family use at the -- at the park especially at Davidge.

So I don't have an opinion one way or the other

other than I'd like to get the input from the neighbors, not necessarily in a formal public hearing, but maybe just a meeting at Maple Hill at one of the pavilions and inviting neighbors.

ALD. JOHNSON: So maybe a coordinating.

JOSEPH DESTEFANO, MAYOR: Yeah, if you guys want to coordinate and then we'll just have like a discussion and see what they would like to see and then see what's doable with -- to our parks program. But that pool will be shut down for -- it's done forever.

ALD. JOHNSON: And, once again, whatever we do there would not be the traditional pool that we're used to. It would be more like a water-theme park.

JOSEPH DESTEFANO, MAYOR: I -- I don't know if that is doable up there. But the proposal because I don't know about staffing. We have to have Raelynn here to address some of that. And I think your question is do we want to do that type of pool up in Maple Hill too.

ALD. JOHNSON: Right.

JOSEPH DESTEFANO, MAYOR: I don't know. Their idea from the Rec Department if we're going to do that type of pool would be to do it with Davidge because then you could have one central point of entry and they can have a limited -- it reduces the amount of lifeguards and

supervisory staff that they need. So that was the idea of long term as they don't see a short-term solution to the lifeguard situation. It's kids -- young people are traditionally the people we use, high school swim team, college kids coming home, but that doesn't seem to be the - - the desirable short-term summer job anymore.

ALD. JOHNSON: I just want to make sure that we know what -- what the options are that we're discussing with the survey.

JOSEPH DESTEFANO, MAYOR: Yeah. Well, we would certainly have -- I think we could put something together like through Raelynn and give the options. But I think it's best rather than do a survey first, maybe have a meeting first and then they can speak to it first then let it sink it because I'm not give you 100 percent accurate information probably. I don't have all the details like -- like Raelynn does. So I think having her at a meeting would be the best thing.

ALD. JOHNSON: We'll send out a feeler for something like a pool in the same location, how do people feel about that?

JOSEPH DESTEFANO, MAYOR: And whether the location is conducive because I know it's up on a hill. And you have the -- you have a drop off there too. How big

-- how much space is needed, I don't know, so we'll have to
-- we'll have to talk about it.

ALD. JOHNSON: Thank you.

PRESIDENT RODRIGUES: Anyone else? Thank you,
Mayor.

JOSEPH DESTEFANO, MAYOR: All right.

7. Remarks of Department Heads

PRESIDENT RODRIGUES: Okay. Remarks of the
Department Heads, Economic Development.

MARIA BRUNI, ECONOMIC DEVELOPMENT: Good evening,
everyone. Just to inform you that the bids are out for the
ice rink project for Erie Way Park under the pavilion. So
those bids are going to be due on Wednesday, April 27th at
the Board of Estimate will open them.

Also, you could see there's a couple resolution
regarding summer concerts and farmers markets. So things
are progressing and we should be releasing our summer
concert schedule within the next week or two.

And that's all I have for tonight.

PRESIDENT RODRIGUES: Any questions for Maria?

Thank you, Maria.

MARIA BRUNI, ECONOMIC DEVELOPMENT: Thank you.

PRESIDENT RODRIGUES: DPW Commissioner.

JACOB TAWIL, DPW COMMISSIONER: Good afternoon.

The reservoirs, Alderman Masi, they're full 100 percent with all the rain. There's going to be some time when we sit here scared worrying about the water levels, so that's why we got into the habit of reporting it to you.

Reminder for our residents about the spring cleanup coming right after the City of Middletown citywide cleanup that Sue DePew was speaking of and we're going to start with the 2nd Ward and April 25th; 1st Ward, May 1st; 4th Ward, May 9th; and 3rd Ward will be May 16th. Again, just put it up, please, the night before which is Sunday before or you can do it over the weekend, but not much longer before that.

Also, again, just a reminder, keep an eye for the people who come from outside the City to illegal dumping at night or even during the day when everybody is out to work. If you see something, call the police department or call DPW please during the regular office hours.

The Mayor spoke about the 300 -- \$3.5 million for the water main. We're waiting for the word to say that the money is there, so we can engage the consultant and start immediately working on the design and hopefully we'll get fast track project.

24-inch high pressure water main, we're looking to get the contractor back there to finish the job.

Hopefully within a couple of weeks it will be moving. The Mayor spoke about the traffic operation in details, so I'll skip that.

Water flushing hopefully will be done next week in the 4th Ward otherwise all the other wards are completed. But still be careful because the 4th Ward is adjacent to, you know, other wards. So be careful when you are doing the laundry. Look for the water, make sure it's not disclosed and it's clean before you do the laundry.

And with that, I will conclude.

PRESIDENT RODRIGUES: Thank you, Jacob. Any questions for Jacob.

City Treasurer.

KELLY ANN KELLY, CITY TREASURER: Good evening, everybody. I did get some not terrible news today, but not good news. The Deputy Treasurer resigned today. She was afforded an opportunity she just can't turn down. She's a single mom. It's a job five minutes from her house. It's a promotion in title, but it's not good for me and the City. We are going to recruit for the position. She gave a month's notice which I thought was very nice. We're advertised already on Nycom, New York State GFOA, the Government Financial Officers, going to try and maybe put it on our Facebook page. If anybody knows anybody, please

reach out to me. Anybody has any ideas on how to recruit, reach out to me. I know it was difficult to get that position hired if I remember, Mayor. So any help you guys can offer I would greatly appreciate.

PRESIDENT RODRIGUES: All right.

KELLY ANN KELLY, CITY TREASURER: And that all I have.

PRESIDENT RODRIGUES: Any questions
Thank you, Kelly. Good luck.

All right. City Clerk.

RICHARD MCCORMACK, CITY CLERK: I just want to thank Ms. DePew for all her efforts getting the weekend cleanup together. Thank you for Mr. Kleiner for bringing it all together. And we're looking forward to a great event this weekend.

PRESIDENT RODRIGUES: Any questions for Rick?

All right.

8. Public Hearings and Grievances.

PRESIDENT RODRIGUES: Public hearings.

RICHARD MCCORMACK, CITY CLERK: Good evening. We have one public hearing this evening. Notice is hereby given that the City of Middletown will hold a public hearing on Tuesday, April 19th, 2022, on or as near to 7:30 p.m. as possible in the Common Council Chambers, Second

Floor at 16 James Street to hear any and all persons wishing to be heard on proposed rezoning of one lot at 44-48 East Avenue from DMW downtown mixed use district to the R2 family residential district. Any and all persons wishing to be heard will be given an opportunity to speak either for or against the proposed zoning -- change of zoning. Complete proposal is available on the City website and the Office of the Common Council Clerk. For any persons unable to participate at the time of the public hearing, emailed comments may be submitted in advance to rmccormack@middletown-NY.com by order of the Common Counsel.

PRESIDENT RODRIGUES: At this time, the public hearing is now open.

JOSEPH DESTEFANO, MAYOR: Hi. I just wanted to give an opening on it because this has been going back and forth through code and Mr. Gonzalez is here. I think he'll speak to it also.

The -- the issue is that East Avenue, one side of East Avenue for some reason or another was put into the business improvement district and the -- which covers in a DMU zone. First floor residential is not allowed. This one specific building is the former Ben Gilman office, if you remember when Ben Gilman was on East Avenue. And it's

a large piece of property. It's a residential home with an exposed basement, the back. You know, the grade allows for the basement, basically, a full basement above -- above ground.

So the house was purchased and they were attempting to use it as -- did use it as a residential facility. I know their mom was living on the lower floor. But, unfortunately, the code did not allow us to let them have residential housing on that floor. We looked into the different zoning and why -- why the bid was ever included on East Avenue that side is beyond me. But to change it now, the whole block would be a little more difficult because if you look at East Avenue from East Main to Washington Street where this is, that's mostly one family homes. So we didn't want to change that whole section, we wanted to leave that there because they're mostly smaller lots, but mostly one-family homes. So we looked at the map and we saw that there were some special accommodations made in the past for I think the Historical Society. And if you look at the map it's not evenly down one side of East Avenue versus the other side.

So I suggested that we make this piece of property itself because it's contiguous to R2 which we need to have -- we need to have that contiguous zoning and they

seem to -- it seems to solve their problem that the house is going to be occupied on the first floor because it makes no sense to have the lower floor where she has a handicapped mom. And I'm sorry I forgot to -- yeah, her mom was on the first floor because her mom is in a wheelchair and then, basically, the street-level floor. But then technically the first floor of the building would be unoccupied and then the third floor of the building could be occupied. And the only thing they could go in between would be commercial. And I think we all know that East Avenue is not going to try some kind of commercial development.

So she's here to answer any of your question if you have. She has some pictures if you need to see them, but --

PRESIDENT RODRIGUES: Is it -- is it turning into a three family?

JOSEPH DESTEFANO, MAYOR: No, two family.

PRESIDENT RODRIGUES: Two family.

JOSEPH DESTEFANO, MAYOR: It will be a two family. The one apartment can have two floors.

PRESIDENT RODRIGUES: Okay.

JOSEPH DESTEFANO, MAYOR: But it will be a two family. Her mom will be in the basement and the first

floor and then a second apartment on the third floor.

PRESIDENT RODRIGUES: Okay.

JOSEPH DESTEFANO, MAYOR: I say that correctly?

MALE SPEAKER: Yes.

JOSEPH DESTEFANO, MAYOR: Do you have any questions?

PRESIDENT RODRIGUES: Does anyone on the Board have any questions? Does anybody from the public have any question. Okay.

May I have a motion to close?

ALD. MASI: So moved.

PRESIDENT RODRIGUES: Alderman Masi. Do I have a second?

ALD. JEAN-FRANCOIS: Second.

PRESIDENT RODRIGUES: Alderman Jean-Francois. All in favor.

ALDERMANS: Aye.

PRESIDENT RODRIGUES: Public hearing is closed. All right.

9. Petitions and Complaints

(None this evening.)

10. Remarks of the Alderman.

PRESIDENT RODRIGUES: Remarks of the Alderman. Alderman Tobin.

ALD. TOBIN: Nothing this evening.

PRESIDENT RODRIGUES: Alderman Jean-Francois.

ALD. JEAN-FRANCOIS: Yes. I just remind the community that we have been getting a lot of rain, so the grass is growing pretty quickly. We'd like to remind everyone please keep up with the grass. We don't want Code Enforcement to come knocking on your door. Those guys are pretty persistent. So we try to alleviate that. Just keep up with the grass and as it get higher as the summer continue. Thank you.

PRESIDENT RODRIGUES: Okay. Alderman Johnson.

ALD. JOHNSON: Nothing this evening.

PRESIDENT RODRIGUES: Alderman Ramkisson.

ALD. RAMKISSOON: Nothing this evening.

PRESIDENT RODRIGUES: Alderman Kleiner.

MALE SPEAKER: Don't say it, Gerry.

ALD. KLEINER: Not quite so fast. The Mayor and Sue said it well about Pride Cleanup Day, so. And as President Rodrigues said, the weather looks good. It's a nice winter day out today, but the weather looks good for Saturday. So please come out and help us pick up litter and help us clean up the City. Earth Day is Friday, so it's a perfect time for it.

I want to thank the Mayor for coming to our

constituents meeting. It was a week ago Monday. He stayed for an hour-and-a-half and updated everybody on most everything going on the City. So we -- we really appreciate that.

And I -- last -- last week we also had a resolution retiring K9 Ares. It was Lieutenant Cunningham's canine, a dog. And he agreed to take the dog home and have it live with him. And I want to thank both of them for that. I'm sure they'll both be very happy. So the thing I forgot to mention last time.

We also have a Resolution tonight on recognizing Monday, April 27th as Holocaust Remembrance Day. And with what's going on in Ukraine today I think it's very important that we all think about genocide and what we thought was never again happening again.

And, finally, Andrew, hope you're feeling better. Get well, come back soon. Thank you.

PRESIDENT RODRIGUES: Alderman Witt.

ALD. WITT: Nothing this evening.

PRESIDENT RODRIGUES: Alderman Masi.

ALD. MASI: Nothing this evening.

11. Unfinished Business.

(None this evening.)

12. New Business.

PRESIDENT RODRIGUES: New Business.

RICHARD MCCORMACK, COUNCIL CLERK: Good evening. We have a Resolution sponsored by Alderman Masi declaring two Middletown Police Department firearms as surplus.

PRESIDENT RODRIGUES: Resolution sponsored by Alderman Masi, seconded by Alderman Witt. Any discussion? Roll.

Roll Call: Ayes: Tobin, Jean-Francois, Johnson, Ramkissoon, Kleiner, Witt, Masi, President Rodrigues. Resolution carries.

RICHARD MCCORMACK, COUNCIL CLERK: We have a Resolution sponsored by Alderman Masi authorizing a budget transfer of \$3,000.

PRESIDENT RODRIGUES: Resolution sponsored by Alderman Masi, seconded by Alderman Johnson. Any discussion? Roll.

Roll Call: Ayes: Tobin, Jean-Francois, Johnson, Ramkissoon, Kleiner, Witt, Masi, Rodrigues. Carries.

RICHARD MCCORMACK, COUNCIL CLERK: Resolution sponsored by Alderman Johnson amending the City Code changing the definition of retail stores.

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

Roll Call: Ayes: Tobin, Jean-Francois, Johnson, Ramkissoon, Kleiner, Witt, Masi, President Rodrigues.

RICHARD MCCORMACK, COUNCIL CLERK: Resolution sponsored by Alderman Kleiner approving an extension of time of six months for two Resolutions dated May 4th, 2021, Number 98-21 and Number 99-21 for the Presidential Heights Realty Subdivision.

PRESIDENT RODRIGUES: Resolution sponsored by Alderman Kleiner, seconded by Alderman Masi. Any discussion? Roll.

Roll Call: Ayes: Tobin, Jean-Francois, Johnson, Ramkissoon, Kleiner, Witt, Masi, President Rodrigues. Carries.

RICHARD MCCORMACK, COUNCIL CLERK: A Resolution sponsored by Alderman Tobin authorizing the Mayor to sign performance agreements for the summer of 2022 concert series and the Stars and Strips event.

PRESIDENT RODRIGUES: Resolution sponsored by Alderman Tobin, seconded by Alderman Klein. Any discussion? Roll.

Roll Call: Ayes: Tobin, Jean-Francois, Johnson, Ramkissoon, Kleiner, Witt, Masi, President Rodrigues. Resolution carries.

RICHARD MCCORMACK, COUNCIL CLERK: A Resolution

sponsored by Alderman Jean-Francois authorizing the closure of Union Street as needed for the 2022 Farmers Market.

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

Roll Call: Ayes: Tobin, Jean-Francois, Johnson, Ramkissoon, Kleiner, Witt, Masi, Rodrigues. Resolution carries.

RICHARD MCCORMACK, COUNCIL CLERK: Resolution sponsored by Alderman Masi to amend the City Code to extend the trial period to allow live music at outdoor cafes from May 17th, 2022 through and including October 21st, 2022.

PRESIDENT RODRIGUES: Resolution sponsored by Alderman Masi, seconded by Alderman Kleiner. Any discussion? Roll.

Roll Call: Ayes: Tobin, Jean-Francois, Johnson, Ramkissoon, Kleiner, Witt, Masi, President Rodrigues. Carries.

RICHARD MCCORMACK, COUNCIL CLERK: Resolution sponsored by Alderman Kleiner recognizing Holocaust Remembrance Day.

PRESIDENT RODRIGUES: Resolution sponsored by Alderman Kleiner, seconded by Alderman Masi. Any discussion? Alderman Kleiner.

ALD. KLEINER: I just want to thank the County for passing this about a week ago at the April 8th meeting. And this Resolution is very similar to theirs, but we added very much the recognition of Ukraine in what's going on today. Thank you.

PRESIDENT RODRIGUES: Anyone else? Roll.

Roll Call: Ayes: Tobin, Jean-Francois, Johnson, Ramkissoon, Kleiner, Witt, Masi, President Rodrigues. Carries.

14. Audit of Claims and Accounts

ALD. MASI: Mr. President, I move the accounts be audited, the claims be adjusted and the City Treasurer be authorized to issue warrants for their payment.

PRESIDENT RODRIGUES: Resolution sponsored by Alderman Masi, seconded by Alderman Witt. Roll.

Roll Call: Ayes: Tobin, Jean-Francois, Johnson, Ramkissoon, Kleiner, Witt, Masi, President Rodrigues. Carries.

15. Adjournment

PRESIDENT RODRIGUES: Okay. Motion for adjournment.

ALD. KLEINER: So moved.

(PROCEEDING CONCLUDED)

CERTIFICATE

I, LISA KANE, certify the foregoing transcript of proceedings of the April 19, 2022 Middletown City Council meeting was prepared using the required electronic equipment and is a true and accurate record of the proceedings.

Signature: *Lisa Kane*
Date: May 2, 2022
Agency: American Legal Transcription
11 Market Street, Suite 215
Poughkeepsie, New York 12601

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

THE FOLLOWING WAS PRESENTED

By Ald. Masi

 Sec'd by Ald. Witt

 Date of Adoption 04.19.22

 Index No: 76-22

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

RESOLVED that the Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment and declares two guns used by the Middletown Police Department Tactical Team and no longer serve a purpose as surplus.

BE IT FURTHER RESOLVED that the Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment authorizing the sale of said guns for \$1,000 each to two police departments within our community as follows:

Remington Model 700 Scoped Rifle .308 Caliber (2)

- (1)Serial #G6318027 to Blooming Grove Police Department
- (1)Serial #F6264247 to Town of Chester Police Department

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

THE FOLLOWING WAS PRESENTED

By Ald. Masi

 Sec'd by Ald. Johnson

 Date of Adoption 04.19.22

 Index No: 77-22

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

RESOLVED that the Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment and authorizes the Treasurer to transfer \$3,000 for the purpose of additional consulting fees for RBT, CPA's for ARPA guidance and reporting in the following manner:

<u>FROM</u>	<u>AMOUNT</u>	<u>TO</u>
A.4785	\$3,000	A,F,G.8888.9000 ARPA General, Water, Sewer (split 3 ways)

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

THE FOLLOWING WAS PRESENTED

By Ald. Johnson

 Sec'd by Ald. Tobin

 Date of Adoption 04.19.22

 Index No: 78-22

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

WHEREAS, the Mayor and Corporation Counsel have requested a limitation on the definition of retail stores in the DMU Zoning District.

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 Paragraph (1) to Subsection D, Permitted Uses, of Section 475.21.1 (DMU Downtown Mixed Unit) to read as follows:

- (1). Retail stores, provided that:
 - (a). All goods prepared on the premises are sold at retail; and
 - (b). No goods sold may be consumed on the premises; and
 - (c). The floor area of the store does not exceed 3,000 square feet.

Section 2 - The Code of the City of Middletown, N.Y., Chapter 475, Zoning, be and is hereby amended by replacing Paragraph (19) to Subsection F, Uses requiring issuance of both a special use permit and site plan approval by the Planning Board, of Section 475.21.1 (DMU Downtown Mixed Unit) to read as follows:

- (19). Retail stores whose floor area exceeds 3,000 square feet, provided that:

- (a). All goods prepared on the premises are sold at retail; and
- (b). No goods sold may be consumed on the premises.

Section 3 - This ordinance shall take effect immediately.

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

THE FOLLOWING WAS PRESENTED

By Ald. Kleiner

 Sec'd by Ald. Masi

 Date of Adoption 04.19.22

 Index No: 79-22

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

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

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

THE FOLLOWING WAS PRESENTED

By Ald. Tobin

 Sec'd by Ald. Kleiner

 Date of Adoption 04.19.22

 Index No: 80-22

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

RESOLVED; that the Common Council of the City of Middletown hereby authorizes the Mayor to sign all agreements with the perspective performers for the 2022 Summer Concert Series and the Stars & Stripes event.

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

THE FOLLOWING WAS PRESENTED

By Ald. Jean-Francois

 Sec'd by Ald. Johnson

 Date of Adoption 04.19.22

 Index No: 81-22

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

RESOLVED; that the Common Council of the City of Middletown hereby authorizes the closing of Union Street, as needed, for the Farmers Market, on Saturdays beginning on June 4, 2022 through October 22, 2022 from 7 AM to 2 PM.

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

THE FOLLOWING WAS PRESENTED

By Ald. Masi

 Sec'd by Ald. Kleiner

 Date of Adoption 04.19.22

 Index No: 82-22

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

Whereas, Section 475-28 (G) (4) of the Code of the City of Middletown prohibits live music and live music performances in outdoor and sidewalk cafes, and

Whereas, the Common Council in 2020 passed a resolution allowing live music and live music performances in outdoor and sidewalk cafes on a trial basis from May 18, 2020 until and including October 15, 2020, and

Whereas, the Legislative Committee of the Common Council has recommended that live music and live music performances in outdoor and sidewalk cafes be allowed for another one year trial period under the same terms as conditions as existed from May 17, 2022 until and including October 21, 2022.

Now, therefore, be it resolved by the Common Council of the City of Middletown that Section 475-28 (G) (4) of the Code of the City of Middletown is hereby repealed and replaced in its entirety by the following:

Section 475-28 (G). Miscellaneous provisions.

...

(4) Outdoor and sidewalk cafes may be allowed to provide music, so long as such music does not violate or does not conflict with any applicable law or ordinance such as the City's noise ordinance (except as may otherwise be provided below), or does not create a nuisance to surrounding residents or properties. Live music or live music performances are not permitted in or at sidewalk cafes. With respect to outdoor cafes only (and only within the geographic area described below), live music or live music performances will be permitted from May 17, 2022 until and including October 21, 2022 during the hours of 12:00 noon until 10:00 p.m. on Thursday, Friday and Saturday, and 1:00 p.m. until 9:00 p.m. on Sunday, in such a manner as to generate an instantaneous sound pressure level not to exceed 90 decibels (DBA) as measured from any point along the boundary line of the real property on which the outdoor café is located and from which the sound pressure is generated.

For purposes of this subsection (4), live music or live music performances will be allowed in or at outdoor cafes only within the area contained within the City's Business Improvement District (except not in or on properties located south of Fulton Street) and in or on properties on either side of East Main Street from Academy Avenue to the west side of Railroad Avenue.

Live music or live music performances will be allowed in or at outdoor cafes as described above during a trial period lasting only until October 21, 2022, unless the ability and permission to have live music or live music performances in or at outdoor cafes is extended by action of the Common Council of the City. If the time period is not extended by action of the Common Council, then live music or live music performances will not be permitted after October 21, 2022 in or at outdoor cafes.

Lighting in outdoor and sidewalk cafes shall be minimal and shall not be allowed to disturb surrounding residents or properties. No outdoor cooking of any type is permitted in outdoor and sidewalk cafes.

Be it further resolved that Section 475-28 (H) of the Code of the City of Middletown is amended by adding the following as a second paragraph in Section 475-28 (H):

Notwithstanding the previous paragraph and in addition to any penalties imposed under the previous paragraph of this Section 475-28 (H), violations of Section 475-28 (G) (4) of the Code of the City of Middletown may be enforced by the Police Department, any code enforcement officer of the Department of Public Works or the Fire Inspector and disposed of as follows:

- (1) For the first violation of Section 475-28 (G) (4) of the Code of the City of Middletown by an outdoor café's operation, the owner and/or operator of the outdoor café shall be issued a verbal or written warning informing the owner and/or operator of the violation and directing that it be ceased immediately.
- (2) For the second violation and subsequent violations of Section 475-28 (G) (4) of the Code of the City of Middletown by an outdoor café's operation, the owner and/or operator of the outdoor café shall be issued a written violation notice and/or an

- appearance ticket ordering the owner and/or operator to appear in Middletown City Court to answer the violation(s).
- (3) At any time, the Police Department of the City, upon inspection and discovery of a violation of Section 475-28 (G) (4) of the Code of the City of Middletown by an outdoor café's operation, may immediately cause the offending outdoor cafe to be cleared of patrons, if such action is reasonably necessary to protect the public health, safety, welfare or convenience.
 - (4) If the operation of an outdoor cafe is alleged to be in violation of Section 475-28 (G) (4) of the Code of the City of Middletown a second time, the outdoor café permit issued to the owner and/or operator of the outdoor café shall be revoked by the City Clerk.
 - (5) Any person found guilty of violating Section 475-28 (G) (4) of the Code of the City of Middletown shall be guilty of a violation and shall be liable for a fine of not less than \$250.00 nor more than \$2,000.00 for the first occurrence, and such fines shall be increased to a fine of not less than \$500.00 nor more than \$4,000.00 for any subsequent occurrence(s).

Be it further resolved that this resolution shall take effect immediately.

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

THE FOLLOWING WAS PRESENTED

By Ald. Kleiner

 Sec'd by Ald.Masi

 Date of Adoption 04.19.22

 Index No: 83-22

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

**RESOLUTION RECOGNIZING APRIL 27, 2022 AS HOLOCAUST MEMORIAL DAY
"YOM HASHOAH."**

WHEREAS, in 1953, Israel signed a law to recognize a day each year for all its citizens to commemorate the victims of the Holocaust "Yorn Hashoah Ve-Hagevurah" (the day of remembrance of the Holocaust and Heroism); and

WHEREAS, in 2005, the General Assembly of the United Nations adopted a Resolution on the Holocaust Remembrance, reaffirming, among other things, (i) the Universal Declaration of Human Rights which proclaims that everyone is entitled to all the rights and freedoms set forth therein, without distinction of any kind, such as race, religion and other status and (ii) that the Holocaust, which resulted in the murder of one third of the Jewish people, along with countless members of other minorities, will forever be a warning to all people of the dangers of hatred, bigotry, racism and prejudice; and

WHEREAS, today, Holocaust Memorial Day, is recognized internationally as the day to commemorate all those who were victims of the Holocaust and Nazi persecution, as well as the victims of earlier and later genocides; and

WHEREAS our nation and the world are seeing atrocities and genocides occur in the nation of Ukraine not seen on the European Continent since World War II and that such unprovoked

aggressions are reminiscent of those occurring during World War II and such aggressions ought to be condemned;

NOW, THEREFORE, BE IT HEREBY RESOLVED, that the Middletown Common Council recognizes April 27, 2022 as Holocaust Memorial Day and We commend these sentiments to every citizen of Middletown that all might remember and reflect upon the Holocaust and more recent genocides as a clear warning of where racism and other forms of prejudice and discrimination can lead.

COMMON COUNCIL
CITY OF MIDDLETOWN
CERTIFICATION OF RESOLUTION

I, Richard P. McCormack, City Clerk and Common Council Clerk of the City of Middletown, do hereby certify that I have compared the foregoing copy of this resolution with the original on file in my office, and that the same is a true and correct transcript of said original resolution and of the whole thereof, as duly adopted by said Common Council at a meeting duly called and held at City Hall on _____ by the required and necessary vote of the members to approve the resolution.

WITNESS My Hand and the Official Seal of the City of Middletown, New York, this 26th day of April, 2022.

Richard P. McCormack
City Clerk
Clerk of the Common Council
City of Middletown, NY

Seal