



COMMON COUNCIL Meeting
CITY OF MIDDLETOWN
July 19, 2022
City Hall
16 James Street
Middletown, New York 10940

P R E S E N T

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

A B S E N T

Miguel Rodrigues, President of Common Council
Ald. Kate Ramkissoon
Ald. Andrew Green

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

2. Roll Call

ACTING PRESIDENT MASI: Please have a seat.

Roll.

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

3. Approval of Minutes.

ACTING PRESIDENT MASI: Approval of minutes.

RICHARD MCCORMACK, CITY CLERK: Nothing this evening.

4. Correspondence, Communications and Reports

ACTING PRESIDENT MASI: Correspondence.

RICHARD MCCORMACK, CITY CLERK: We have a standardized notice form for providing a 30 day advanced notice to a local municipality or community board for a liquor license.

ACTING PRESIDENT MASI: Received and filed.

RICHARD MCCORMACK, CITY CLERK: We have a application for a block party.

ACTING PRESIDENT MASI: Received and filed.

RICHARD MCCORMACK, CITY CLERK: And we have a municipal shelter report.

ACTING PRESIDENT MASI: I -- I think that one goes to Public Works.

RICHARD MCCORMACK, CITY CLERK: Okay.

ACTING PRESIDENT MASI: Or the other one, I'm sorry.

RICHARD MCCORMACK, CITY CLERK: Block party.

ACTING PRESIDENT MASI: Block party goes to Public Works, my mistake. And that's received and filed.

RICHARD MCCORMACK, CITY CLERK: Thank you, sir. That concludes correspondence and communications.

ACTING PRESIDENT MASI: Thank you.

5. For the Good of the City

ACTING PRESIDENT MASI: For the Good of the City. Anyone in the audience? Anyone online?

6. REMARKS OF THE MAYOR

ACTING PRESIDENT MASI: Remarks of the Mayor.

JOSEPH DESTEFANO, MAYOR: Just for the record, I want to say we barely had a quorum this evening because I believe it's a result of Mr. Masi chairing the meeting and this boycott is not acceptable.

ACTING PRESIDENT MASI: I've heard that. Yes, I've heard that.

JOSEPH DESTEFANO, MAYOR: But besides that, Tuesday is the deadline for bid submission for the O&W Phase 1 which is the structural reinforcement bid. So we're hoping more people would bid on this project. August

2nd. What did I say? Yeah, Tuesday, August 2nd I think it is. Oh, no, not -- not this Tuesday, following -- following Monday or Tuesday, but August 2nd, put it that way.

ALDERMAN JOHNSON: Night Out Against Crime, August 2nd.

ACTING PRESIDENT MASI: You want to start over again?

JOSEPH DESTEFANO, MAYOR: Not July 14th.

ALDERMAN JOHNSON: No.

ACTING PRESIDENT MASI: You want to come up again?

JOSEPH DESTEFANO, MAYOR: We're going to try it again.

ALDERMAN JOHNSON: It's going to take you (indiscernible) that one down. Okay.

JOSEPH DESTEFANO, MAYOR: So that's that. I would also request an Executive Session tonight to discuss contract negotiations and a development opportunity that would require potential sale of property or acquisition of property. So it would be a contract negotiation, discussion there also and labor negotiations.

And unless you have any questions, I don't have anything else to report this evening.

ACTING PRESIDENT MASI: Anyone have any questions of the Mayor? Thank you.

JOSEPH DESTEFANO, MAYOR: It's always a pleasure.

7. REMARKS OF DEPARTMENT HEADS

ACTING PRESIDENT MASI: Economic Development, Maria. Thank you, Maria.

MARIA BRUNI, ECONOMIC DEVELOPMENT: Good evening. Things are going great. Our summer concerts are very well attended. We're quite happy with that. Also our Farmers Market is doing really well.

And just also for the Paramount, we have shows starting up later this summer and the fall. We've got Jefferson Starship in August, the Stylistics in September, the Floyd Experience which is a Pink Floyd tribute in October, and also a ABBA Mania tribute in October, a Queen tribute in November, and then the Manhattans with Peaches & Herb in November as well. So we're all geared up and getting ready for the fall season. And also our programming and movies continue for the summer.

And also on the Economic Development side, we're working towards our CFA applications that are due next week.

And that's all I have this evening.

ACTING PRESIDENT MASI: Anyone have any questions

for Maria? Maria, I've been to a number of the concerts and you guys have really done a great job. You've chosen some very good acts. And thank you and I'm hoping that more people will come out.

MARIA BRUNI, ECONOMIC DEVELOPMENT: Thank you.

ACTING PRESIDENT MASI: Commissioner of Public Works, Jacob. Jacob, before you get started, the other day I was reading and I'm a little concerned. Port Jervis and South Fallsburg seem to have a drought declaration. Could you explain that and how do we stand? Obviously, we had some rain the other day, but I'm not sure that help Port Jervis and South Fallsburg where we're at.

JACOB TAWIL, DPW COMMISSIONER: Yeah. Good evening. Thank you very much for bringing this up. As always, I try to report to you almost every meeting on the level of the reservoirs. And that's a great concern because if you notice we have had very dry month really. The last rain event other than yesterday it occurred back in -- any significant is -- is a month ago exactly when it happened. So reservoirs are being depleted. However, our reservoirs are at 93.7 percent without yesterday's rain. So we should be -- yesterday's rain really it was heavy in certain locations, other locations they had nothing around us. More in the south of the county they had much more

rain than us yesterday as an example with the downpours. But we could use quite a bit of rain honestly. And we need it for the grass. Everybody sees their grass is drying up and so on and so forth. But the City so far we're in good shape, Alderman. We're at 97.3 percent capacity, our reservoirs.

And with that being said about the reservoirs, the Mayor and I will continue to work with the DEC about the water taking permit and connecting Mid-Hudson Forensic Psychiatric Center which is Route 17 and Goshen to the City of Middletown water and sewer system.

And -- and so the milling operation, everybody, you know, it's a lot of work and a lot of inconvenience to the residents. And we apologize for that, but we really appreciate all the cooperation that has been given to us and the support. Our men has been supported -- they've been supported throughout their operation, when they are in the street, they tell us what goes on. Not too many complaints. And we thank the public for bearing with us.

So we completed our milling, annual milling yesterday. And the milling machine is gone, so you don't have to see it anymore. So that would be the extent of the paving that will start on August 1st. So August 1st we're going to start the paving. So we have a couple of weeks,

the end of this week -- all of this week and next week in order to catch up, clean up, rebuild catch basins, manhole, whatever we have to do, reinforce roads, so that when we come and pave August 1st we'll be ready and we'll move forward.

We also have a contractor who's going around upgrading all our intersections for the roads that are being milled and to be repaved. And to comply with the DOT requirement, they have to be ADA accessible. So all these corners you see individual -- you see contractors working in there, they are converting regular intersection into an ADP ramp. And with that, they have to take care of additional sections on either side of it. So that's why the corners are being upgraded in the City of Middletown only when millings and repaving has taken place. That's as required by DOT. And, honestly, that's the right thing to do anyway to make our roads accessible for ADA and our sidewalks accessible for the ADA.

Comments from some residents they're saying why didn't you do our curbs and sidewalks. We tried to switch whatever -- stretch whatever funding we have and we tried to get as much as we can. And we got quite a bit of it through the efforts of the Mayor. And many people here, we got almost like 30 -- \$30 million in here. So I don't know

how much more money we can get from anywhere to dump into -
- not to dump, to invest into curbs and sidewalks. So my
apologies for anybody who feels that they are left out,
their curbs and sidewalks are not being upgraded. It's
just because we're not going there. We can't reach them.

However, it is the responsibility of the property
owner. We have to remember that and the liability of the
property owner if somebody, any trip and fall or anything
like that or if your sidewalk is substandard, it's your
responsibility to upgrade it. And there are potentially
some programs that will help you with this investment in
your sidewalk, curbs and sidewalks.

So, the water line project, you see a lot of work
now is -- is the contractor is pushing to finish the job on
211 Monhagen Avenue just leaving -- going out of town. And
they are reconnecting -- switching all house water services
from the old line to the new line. So that's being done.
The new line is being activated from the water treatment
plant to the psychiatric center of Middletown Community
Campus Center which is Seward Avenue in there. And with
that being said, we -- we still have some -- some issues
with section of the pipe that was installed. And we're
going to continue to contest that and work -- work our way
through until resolved. However, the pipe will be carrying

water. And we will have the fire protection, the fire supply and everything will be available for us.

And with that being said, look for the Nixle messages, please, because we're going to have some power -- some water interruption for Pilgrims Estate as an example. When we switch Pilgrims Estate, as an example, from the old water line, the 20-inch high pressure water line to the 24-inch high pressure water line. Hopefully that will be done this week. So just keep an eye on the Nixle notification. If you have not registered, you can register. Go to our website. You can see the instructions. It's very simple. This way you can get a text message alerting you for what -- what goes on in the City and especially during emergency.

Tall Oaks and Summit Field, too, they will have -- I think Summit Field is done already. Tall Oaks might have some water interruption when we do the switch over. We'll try to minimize it. We're keeping close eye on it. We evaluate that between us and the engineer and the contractor, so that there's no interruption -- the interruption is minimized.

Traffic operations you can see excavation is moving very well, moving fast. And you can see the curbs and sidewalks and intersections on being reconstructed throughout downtown. And now we're going to start

branching out towards East Main Street, Prospect Avenue, Grand Street, Ridge Street and so on. Ridge Street is -- is being worked on as we speak.

Again, I keep repeating, there's a lot of issues in there because it's an old city. And we have a lot of utilities underground unknown obstructions and so on and so forth. And we have to comply with ADA requirement while preserving the foot -- the footprint of our roads because we don't want to lose them just to create ADA curbs and sidewalks in there without having to look for alternate solution that will accommodate ADA while preserving the width of our roads.

And City Court design is completed. And we're expecting to go out for bid hopefully by the end of next month -- the end of this month, early next month. That's the Court which moving City Court from where it is right now next to City Hall over to the former Federal Courthouse. So that's in the works right now and we're making major progress. And hopefully it will go out for bid by the end of this month, early next month.

With that I will conclude my comments.

JACOB TAWIL, DPW COMMISSIONER: Thank you, Jacob.
Any questions for Jacob?

ALD. JEAN-FRANCOIS: Yes.

JACOB TAWIL, DPW COMMISSIONER: Alderman Jean-Francois.

ALD. JEAN-FRANCOIS: Commissioner, first of all I want to start by saying your department is doing a wonderful job with the traffic operation. And with all -- several projects going at the same time, you guys are doing beautiful work. But do you have a target date when the whole project would be completed as far as the traffic operation?

JACOB TAWIL, DPW COMMISSIONER: Yeah, of course. It's a -- it's a three-year project as you know. And it's phased for over three years because of the funding. The DOT will be -- Federal Highway Administration through the DOT will be releasing funding. Funding will be available -- made available each year certain amount, 9 million, 10 million, 10 million and so on and so forth. So that's why, so the project is going to drag into three years.

ALD. JEAN-FRANCOIS: Three years. Okay.

JACOB TAWIL, DPW COMMISSIONER: And -- and most of the construction is going to be done, obviously, when it's very cold we're going to stop construction, but we're going to try to move out -- to move throughout as much as we can weather permitting.

ALD. JEAN-FRANCOIS: Thank you for the tour

today. You and I had a chance to walk around the City.
Thank you.

JACOB TAWIL, DPW COMMISSIONER: Yeah, I appreciate that very much to see you guys, you know, you know, getting involved and, you know, wanting to know what goes on and what it takes to get these projects done.
Thank you.

ALD. JEAN-FRANCOIS: Thank you.

ACTING PRESIDENT MASI: Any other questions?
Jacob, thank you.

Superintendent of Recreation, Raelynn.

RAELYNN BERTHOLF, SUPERINTENDENT RECREATION:
Good evening. I have nothing to report tonight. Any questions?

ACTING PRESIDENT MASI: Be still my heart. Any questions? There we go. Alderman Kleiner.

ALD. KLEINER: Not too much a question as a comment. I wanted to thank you for the Parks and Rec picnic. And if you would mention who got the Community Service Award. I think the public should know.

RAELYNN BERTHOLF, SUPERINTENDENT RECREATION:
Absolutely. We awarded the Community Partner Award to the Middletown Police Department this year. The Middletown Recreation Commission voted on that. And our other two

awards went to our preschool teachers, Emily Bonilla and Victoria Sanchez. This year is our last year of our preschool program, so we definitely awarded them with that award for all of their years of hard work and dedication to the department.

ALD. KLEINER: Congratulations.

RAELYNN BERTHOLF, SUPERINTENDENT RECREATION:

Thank you.

ACTING PRESIDENT MASI: Any other questions?

Thank you very much. You take care.

City Clerk.

RICHARD MCCORMACK, CITY CLERK: Nothing this evening.

ACTING PRESIDENT MASI: Nothing okay.

8. PUBLIC HEARINGS AND GRIEVANCES:

ACTING PRESIDENT MASI: Public Hearings and Grievances.

RICHARD MCCORMACK, CITY CLERK: Nothing this evening.

9. Petitions and Complaints

ACTING PRESIDENT MASI: Petitions and Complaints.

RICHARD MCCORMACK, CITY CLERK: Nothing this evening.

10. Remarks of the Alderman.

ACTING PRESIDENT MASI: Remarks of the Alderman.

Alderman Witt.

ALD. WITT: Nothing this evening. Thank you.

ACTING PRESIDENT MASI: Alderman Kleiner.

ALD. KLEINER: Thank you. Just a couple of things. I did have comments from a couple of people who had difficulty hearing the people speaking when they're watching this on Channel 20. And so reminding people to speak up and to speak in the microphone because when you do that it doesn't go out and they don't hear it. So I said I would bring that up.

They had the final public hearing at Waywayanda and now we see how that goes.

I note everybody rather be watching this than the All Star Game, but just a reminder, it's on at 8:00, so you probably want to go to that. Thank you.

ACTING PRESIDENT MASI: Alderman Johnson.

ALD. JOHNSON: I'm going to clear my throat --

ACTING PRESIDENT MASI: Closer, please.

ALD. JOHNSON: -- and get closer to the microphone. It's still July 19th, right?

ACTING PRESIDENT MASI: Pardon?

ALD. JOHNSON: It's still July 19th. Right?

ACTING PRESIDENT MASI: I don't know, ask the

Mayor.

ALD. JOHNSON: So Kate and I will have our Third Ward meeting next Tuesday at 6:30 at the Pavilion in the park, so Third Ward residents and others are invited to attend.

Speaking of the Waywayanda project, I did read our response which looks pretty substantial at least to a civilian. So it will be interesting to see how the Committee receives that response. Thank you very much.

ACTING PRESIDENT MASI: Alderman Jean-Francois.

ALD. JEAN-FRANCOIS: Hopefully this is loud enough. Nothing this evening.

ACTING PRESIDENT MASI: Alderman Tobin.

ALD. TOBIN: Nothing this evening.

ACTING PRESIDENT MASI: And I have nothing this evening.

11. Unfinished Business.

ACTING PRESIDENT MASI: Unfinished business.
Nothing.

12. New Business.

ACTING PRESIDENT MASI: New Business.

RICHARD MCCORMACK, CITY CLERK: Good evening. We have a Resolution sponsored by Alderman Jean-Francois authorizing an amendment to City Code prohibiting parking

on the westerly side of Spring Street between Sterling and Washington.

ACTING PRESIDENT MASI: We have a resolution sponsored by Alderman Jean-Francois, seconded by Alderman Johnson. Any comments? Roll.

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

RICHARD MCCORMACK, CITY CLERK: Resolution sponsored by Alderman Kleiner authorizing an amendment to City Code to require all retail stores in the City to obtain Planning Board approval.

ACTING PRESIDENT MASI: We have a resolution sponsored by Alderman Kleiner, seconded by Alderman Tobin. Any comments? Roll.

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

RICHARD MCCORMACK, CITY CLERK: A Resolution sponsored by Alderman Witt authorizing an amendment to City Code to implement a Business Permit Program.

ACTING PRESIDENT MASI: We have a resolution sponsored by Alderman Witt, seconded by Alderman Kleiner, Any comments? Roll.

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

RICHARD MCCORMACK, CITY CLERK: Resolution sponsored by Alderman Johnson moving the Common Council meeting date from Tuesday, August 2nd to Monday, August 1st, 2022.

ACTING PRESIDENT MASI: Resolution sponsored by Alderman Johnson, seconded by Alderman Kleiner. Any comments? Alderman Kleiner.

ALD. KLEINER: I just want to mention that that's because August 2nd will be Night Out and we usually move the meeting to the Monday before Night Out. Thank you.

ACTING PRESIDENT MASI: Thank you. Anyone else? Roll.

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

RICHARD MCCORMACK, CITY CLERK: Resolution sponsored by Alderman Jean-Francois confirming the Mayor's appointment of Leonora Liz as City Treasurer.

ACTING PRESIDENT MASI: We have a resolution sponsored by Alderman Jean-Francois, seconded by Alderman Witt. Any comments? Roll.

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

RICHARD MCCORMACK, CITY CLERK: Resolution sponsored by Alderman Witt authorizing a budget transfer of

\$100,000 of ARPA Funds for the Wolfslayer Field Project.

ACTING PRESIDENT MASI: We have a resolution sponsored by Alderman Witt, seconded by Alderman Johnson. Any comments? Roll.

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

13. Local Laws

ACTING PRESIDENT MASI: Local laws.

There are no local laws.

RICHARD MCCORMACK, CITY CLERK: We have a local law sponsored by Alderman Masi creating the position of the Deputy Treasurer.

ACTING PRESIDENT MASI: We have a local law sponsored by myself, seconded by Alderman Johnson. Comments?

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

14. Audit of Claims and Accounts

ACTING PRESIDENT MASI: Audits and Claims. Alderman Johnson.

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

ACTING PRESIDENT MASI: Seconded by Alderman

Jean-Francois. Any comments, questions? Roll.

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

15. Adjournment

ACTING PRESIDENT MASI: Someone here want to make a motion? Alderman Johnson.

ALD. JOHNSON: Chairman, I move we go into Executive Session to discuss the issues as described by the Mayor earlier during this meeting.

ACTING PRESIDENT MASI: Seconded by Alderman Witt. Any -- all in favor?

ALDERMANS: Aye.

ACTING PRESIDENT MASI: All right. We're in Executive Session.

(PROCEEDING CONCLUDED)

CERTIFICATE

I, LISA KANE, certify the foregoing transcript of proceedings of the July 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: August 1, 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. Jean-Francois

 Sec'd by Ald. Johnson

 Date of Adoption 07.19.22

 Index No: 158-22

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	6			3

Resolution authorizing an Amendment to City Code Prohibiting Parking on the Westerly Side of Spring Street between Sterling Street and Washington Street

Whereas, at the request of the Mayor and Commissioner of Public Works, the Common Council wishes to prohibit parking on Spring Street on the westerly side from Sterling Street to Washington Street.

Now, therefore, be it Resolved and Ordained by the Common Council of the City of Middletown:

Section 1. Section 460-12 of the City Code, No-parking areas, is hereby amended by adding the following:

Spring Street, on the westerly side between Sterling Street and Washington Street.

Section 2. 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. Tobin

 Date of Adoption 07.19.22

 Index No: 159-22

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	6			3

Resolution authorizing an Amendment to City Code to require all retail stores in the City to obtain Planning Board approval

WHEREAS, the Mayor and Corporation Counsel have requested that all retail stores in the City be required to obtain Planning Board approval in applicable zoning districts without regard to square footage.

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 (3) of Subsection B (Uses requiring issuance of both a special use permit and site plan approval by the Planning Board), of Section 475.18 (C-1 Neighborhood Business Districts) to read as follows:

- (3). 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.

Section 2 - The Code of the City of Middletown, N.Y., Chapter 475, Zoning, be and is hereby amended by replacing Paragraph (6) of Subsection B (Uses requiring issuance of both a special use permit and site plan approval by the Planning Board), of Section 475.19 (C-1A Limited Neighborhood Business Districts) to read as follows:

- (6). 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

Section 3 - The Code of the City of Middletown, N.Y., Chapter 475, Zoning, be and is hereby amended by replacing Paragraph (3) of Subsection B (Uses requiring issuance of both a special use permit and site plan approval by the Planning Board), of Section 475.20 (C-2 Limited Business Districts) to read as follows:

- (3). 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.

Section 4 - The Code of the City of Middletown, N.Y., Chapter 475, Zoning, be and is hereby amended by repealing Paragraph (1) of Subsection A (Permitted uses), of Section 475.21 (C-3 General Business Districts).

Section 5 - The Code of the City of Middletown, N.Y., Chapter 475, Zoning, be and is hereby amended by replacing Paragraph (23) of Subsection B (Uses requiring issuance of both a special use permit and site plan approval by the Planning Board), of Section 475.21 (C-3 General Business Districts) to read as follows:

- (23). 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.

Section 6 - The Code of the City of Middletown, N.Y., Chapter 475, Zoning, be and is hereby amended by repealing Paragraph (1) of Subsection D (Permitted uses), of Section 475.21-1 (DMU Downtown Mixed-Use District).

Section 7 - The Code of the City of Middletown, N.Y., Chapter 475, Zoning, be and is hereby amended by replacing Paragraph (19) of 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-Use District) to read as follows:

- (19). 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.

Section 8 - The Code of the City of Middletown, N.Y., Chapter 475, Zoning, be and is hereby amended by repealing Paragraph (1) of Subsection A (Permitted uses), of Section 475.22 (C-3A Limited General Business Districts).

Section 9 - The Code of the City of Middletown, N.Y., Chapter 475, Zoning, be and is hereby amended by adding a new Paragraph (13) to Subsection B (Uses requiring issuance of both a special use permit and site plan approval by the Planning Board), of Section 475.22 (C-3A Limited General Business Districts) to read as follows:

- (13). 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

Section 10 - The Code of the City of Middletown, N.Y., Chapter 475, Zoning, be and is hereby amended by replacing Paragraph (27) of Subsection B (Uses requiring issuance of both a special use permit and site plan approval by the Planning Board), of Section 475.23 (I-1 Light Industrial Districts) to read as follows:

- (27). 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.

Section 11 - The Code of the City of Middletown, N.Y., Chapter 475, Zoning, be and is hereby amended by replacing Paragraph (1) of Subsection B (Uses requiring issuance of both a special use permit and site plan approval by the Planning Board), of Section 475.24 (I-1A Light Industrial/General Business Districts) to read as follows:

- (1). Retail stores and convenience stores without gasoline filling stations, 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 12 - This ordinance shall take effect immediately.

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

THE FOLLOWING WAS PRESENTED

By Ald. Witt

 Sec'd by Ald. Kleiner

 Date of Adoption 07.19.22

 Index No: 160-22

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	6			3

**Resolution Authorizing an Amendment to City Code to
Implement a Business Permit Program**

WHEREAS, the Mayor, Commissioner of Public Works, Fire Chief and Corporation Counsel are recommending the implementation of a business permit program to increase the accountability of new businesses and those undergoing a change of ownership or management to code enforcement in the City.

NOW, THEREFORE, BE IT RESOLVED and ORDAINED by the Common Council of the City of Middletown:

Section 1. Chapter 475 of the Code of the City of Middletown, Zoning, is hereby amended by adding a new Section 475.47-1, Business Permits, to read in its entirety as follows:

Section 475-47-1. Business Permits.

A. It is the purpose of this Section to establish a permit system to register with the City new businesses, as well as businesses undergoing a change in ownership, management or use.

B. This Section shall apply to all commercial and industrial usages (“businesses”) in all zoning districts in the City of Middletown, except for home occupations. This Section shall apply to (1) newly opening businesses, (2) established businesses which are undergoing a change of ownership, management or use, and (3) all other established businesses.

C. All newly opening businesses and businesses undergoing a change in ownership, management or use will be required to register and apply for a business permit prior to receiving a certificate of occupancy. All established businesses must register and apply for a permit within sixty (60) days of the effective date of this ordinance.

D. The Department of Public Works shall issue an application form for a business permit; the form may be digital or written, or both. This form shall include, but not be limited to, a description of the type of business conducted at the subject premises, hours of operation, and contact information for the owner and/or property manager.

E. The owner or property manager of all businesses which are being discontinued or which are undergoing a change of ownership, management or use must provide notice of same to the Department of Public Works.

G. Failure of the owner or property manager to comply with the provisions of this Section shall subject such person or entity to the penalties provided in Section 475-50.

Section 2. Severability. If any section, sentence, clause or phrase of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then such holding shall in no way affect the validity of the remaining portions of this Ordinance.

Section 2. This Ordinance shall take effect immediately.

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

THE FOLLOWING WAS PRESENTED

By Ald. Johnson

 Sec'd by Ald. Kleiner

 Date of Adoption 07.19.22

 Index No: 161-22

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	6			3

**Resolution Moving the Common Council Meeting Date from
Tuesday, August 2nd to Monday, August 1st, 2022**

RESOLVED; that the Common Council of the City of Middletown hereby moves the Common Council Meeting of Tuesday, August 2, 2022 to Monday, August 1, 2022 not to coincide with the National Night Out Against Crime.

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

THE FOLLOWING WAS PRESENTED

By Ald. Jean-Francois

Sec'd by Ald. Witt

Date of Adoption 07.19.22

Index No: 162-22

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	6			3

**Resolution Confirming the Mayor's Appointment of
Leonora Liz as City Treasurer**

RESOLVED the at Common Council of the City of Middletown confirm the Mayor's appointment of Leonora Liz as City Treasurer to a five year term, beginning June 1, 2022 and ending May 30, 2027.

*Ms. Liz was previously appointed to fulfill the remainder of Kelly Ann Kelly's unexpired term. Local Law #4, filed with the Secretary of State of June 30, 2022 changed the term length from three years to five years.

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

THE FOLLOWING WAS PRESENTED

By Ald. Witt

 Sec'd by Ald. Johnson

 Date of Adoption 07.19.22

 Index No: 163-22

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	6			3

**Resolution authorizing a budget transfer of \$100,000 of
ARPA Funds for the Wolfslayer Field Project**

RESOLVED that the Common Council of the City of Middletown concurs with the Board of Estimate and Apportionment and authorizes the Treasurer to transfer \$100,000 in the following manner for the Wolfslayer Field Project in Parks and Recreation.

<u>FROM</u>	<u>AMOUNT</u>	<u>TO</u>
A.4785	\$ 100,000	A.7020.200
ARPA		Other Equipment

**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 07.19.22

 Index No: Local Law #5 of 2022

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	6			3

LOCAL LAW #5 OF 2022

A LOCAL LAW CREATING THE POSITION OF DEPUTY TREASURER

BE IT ENACTED BY THE COMMON COUNCIL OF THE CITY OF MIDDLETOWN AS FOLLOWS:

Section 1. Purpose of this Enactment. The purpose of this enactment is to create the position of Deputy Treasurer

Section 2. Section 11 of the Charter of the City of Middletown is hereby amended to read as follows:

§ 11. All officers elected or appointed under this Charter, except Mayor, Aldermen, City Judge, Chief of Police, Corporation Counsel, Commissioner of Public Works, Deputy Commissioners of Public Works, City Clerk, Registrar and Clerk of the Common Council, Treasurer, Deputy Treasurer, Members of the Board of Health and Civil Service employees, shall hold offices for one (1) year, and until their successors shall qualify.

Section 3. The first sentence of Section 20 of the Charter of the City of Middletown is hereby amended to read as follows:

§ 20. The Mayor shall appoint the Corporation Counsel, up to two Assistant Corporation Counsels, one Commissioner of Public Works, three Deputy Commissioners of Public Works, one Commissioner of Assessment and Taxation, one City Clerk, Registrar and Clerk of the Common Council, one Treasurer, one Deputy Treasurer, and all other officers whose appointment is not otherwise provided for.

Section 4. Title IV of the Charter of the City of Middletown is hereby amended by adding a new Section 63-A to read in its entirety as follows:

§63-A. The Deputy Treasurer shall be a full-time employee of the City of Middletown and shall serve a five (5) year term, commencing from the time of appointment.

Section 5. This Local Law shall be effective upon filing with the office of the Secretary of State.