

**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 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
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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.

FROM	AMOUNT	TO
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.