

The regular meeting of the City of Port Jervis Common Council was held in the Council Chambers, 20 Hammond Street, Port Jervis, New York on Tuesday, October 14, 2014 at 6:00 p.m.

Regular Meeting

Mayor Decker and all members of the Common Council were present except David Bavoso. Acting Director of Public Works John Farr, Acting Building Official Laurie Powrie, Fire Chief Jeffrey Rhoades, City Clerk-Treasurer Robin Waizenegger, Police Chief William Worden, and Corporation Counsel William Bavoso were also present.

Attendance

Mayor Decker and Scouts Joey Ennis of Troop 68 and William Mackin of Pack 67, led all present in the Pledge of Allegiance to the Flag.

Pledge of Allegiance

The Youth Report, given by Mr. Michael Conklin, included the following:

Youth Report given

- Homecoming was this past weekend and was celebrated with wins by JV and varsity.
- Drama Club will be presenting the play Arsenic and Old Lace.
- Winter sports tryouts are happening now.
- Book fairs are happening this month
- There is an active anti-bullying campaign throughout the schools..
- October is Farmers month at the schools
- The next school board meeting will be October 21, 2014 at 7:30 in the high school cafeteria.
- Field of Dreams Pumpkin patch is open and provides opportunities for fun for children of all ages.

There was no senior report

Senior Report given

Mayor Decker indicated that he wanted to delay the public hearing on Local Law # 12 until 7pm so that the public may more fully participate as 7pm is the normal meeting time. He asked if he could proceed with normal business instead.

Mrs. Waizenegger informed the Council that they could certainly postpone the continuation of one or both of the public hearing on Local laws #11 and/or 12 as neither hearing had been closed as of yet.

Mayor Decker indicated that they could close the hearing on Local Law # 11 but delay the hearing on Local Law #12.

Motion by Mr. Waligroski, seconded by Mr. Bell, to close the public hearing for proposed Local Law #11-2014 with no further discussion.

AYE: 7 ABSENT: 1(Bavoso) NAY: 0 ABSTAIN: 0 CARRIED

Mrs. Judith Oppelt spoke about a previous experience in the tax lien sale on behalf of one of her clients. She asked questions regarding the lien process and payment process as she felt it was unfortunate that he lost his house through this process.

Public Comment given

Mrs. Waizenegger provided an overview of the lien process and the requirement that taxes be paid in full versus partial payments once they are delinquent.

Mr. Siegel also indicated that he is continuing to seek information on changing the process for partial payments.

Motion by Mr. Siegel, seconded by Mr. Cunningham, to accept the minutes of the September 22, 2014 regular meeting.

Minutes of the 9/22/2014 Regular and 9/24/2014

AYE: 7 ABSENT: 1 (Bavoso) NAY: 0 ABSTAIN: 0 CARRIED

Motion by Mr. Bell, seconded by Mr. Hendrick, to accept the minutes of the September 24, 2014 special meeting.

Special meetings approved

AYE: 6 ABSENT: 1 (Bavoso) NAY: 0 ABSTAIN: 1(Siegel) CARRIED

**Finance
Committee**

Motion by Mr. Bell to allow the Senior Program to use Ruggeri funds for a trip in the amount of \$650.00 seconded by Mr. Ritchie.

AYE: 7 ABSENT: 1 (Bavoso) NAY: 0 ABSTAIN: 0 CARRIED

Motion by Mr. Bell, seconded by Mr. Ritchie, to approve the unpaid bills in the following amounts for payment: General Fund – \$35,491.00 Water Fund – \$11,653.29 and Capital Fund – \$186,412.38

AYE: 7 ABSENT: 1 (Bavoso) NAY: 0 ABSTAIN: 0 CARRIED

Motion by Mr. Bell seconded by Mr. Cunningham to approve the Resolution for County Taxation Exemption for our watershed properties in Orange County.

AYE: 7 ABSENT: 1 (Bavoso) NAY: 0 ABSTAIN: 0 CARRIED

Next finance meeting will be 10/23/14 at 6pm.

**Fire and
Emergency
Management**

Mr. Waligroski noted that the Fire Department responded to 32 calls during the month of September.

Motion by Mr. Waligroski, seconded by Mr. Cunningham, to approve probationary driver Morgan Mosher for Howard Wheat Engine Company #4.

AYE: 7 ABSENT: 1 (Bavoso) NAY: 0 ABSTAIN: 0 CARRIED

Motion by Mr. Waligroski, seconded by Mr. Siegel, to approve the following calendar events for the Port Jervis Fire Department:

All Companies—42nd Annual Rick Drew Holiday Parade —December 14, 2014

Neversink Engine Company #1—Burger Bash at Burger King from 5-8pm—October 22, 2104

AYE: 7 ABSENT: 1 (Bavoso) NAY: 0 ABSTAIN: 0 CARRIED

Mr. Waligroski read awards for years of service.

Motion by Mr. Waligroski, seconded by Mr. Cunningham, to approve active membership for Brad w. Dain for Neversink Engine Company #1.

AYE: 7 ABSENT: 1 (Bavoso) NAY: 0 ABSTAIN: 0 CARRIED

**Code
Committee**

Mr. Siegel noted that the next meeting will be 11/5/14 at 5:30pm and that there is a one hour time limit.

Minutes from prior meetings are on the city website.

**DPW
Committee**

Mr. Cunningham noted that Garbage is one day late this week due to the Monday Holiday and that recycling in the 3rd Ward would be picked up on Friday. Yard waste will begin in November on Mondays. Leaf pickup will be announced at a later date. Next DPW Meeting is scheduled for Monday 10/20 at 630pm.

**Police
Committee**

Mr. Hendricks and the Police Committee reminded everyone to please lock their house and car doors in light of a recent rash of burglaries to be safe. Also if you see anything suspicious please call the police. He reviewed 6 recent felony drug arrests, along with a weapons recovery as part of operation Open Air.

The next Police Committee meeting will be November , 2014 at 6:00 p.m.

<p>The CDA met on 9/24/2014 and discussed the Orange County Municipal Grant application through the disaster recovery program. He listed possible projects under this grant. They also received information regarding three possible projects through the CDBG application process ranging from \$150,000 to 2 million dollars that possible could be awarded to the City.</p>	<p>Liaison Reports given—Community Development Agency (CDA)</p>
<p>The next CDA meeting will be October 22nd, 2014 at 7:00 p.m. in the Pike Street Recreation building and a special meeting on September 16th at 6 pm.</p>	
<p>The next IDA met on October 8, 2014 at which meeting they approved their previous minutes and had a presentation by Future Homes regarding their business future and an update on Ellicott's progress. Next Meeting will be November 12th.</p>	<p>Industrial Development Agency (IDA)</p>
<p>The ADA last meeting discussed curb cuts, completed transition plan actions, and mailbox relocation.</p>	<p>ADA</p>
<p>The next ADA meeting will be announced at a future Council meeting.</p>	
<p>The Housing Authority is proceeding with re-numbering, entry door issues and community room reservations.</p>	<p>Housing Authority</p>
<p>The next Housing Authority meeting will be tomorrow October 15, 2014 at 7:00 p.m. at Hillside Terrace.</p>	
<p>The Recreation Update was given and included the following:</p> <ul style="list-style-type: none"> ▪ Rocking the City to fight Hunger Event. ▪ Busy Body classes. ▪ Judo classes. ▪ Events this fall and winter include 68th Annual Halloween Parade on October 26, 2014, NY Jets football game on November 9, 2014 ▪ The recreation schedule was given. 	<p>Recreation Commission</p>
<p>The next Recreation Commission meeting will be October 22, 2014 at 7:00 p.m. at the Youth Center.</p>	
<p>The next Tourism Board meeting will be Monday October 20, 2014 at 7:00 p.m. at the Hub at the Library and they will be having a special presentation by the Orange County Tourism Department.</p>	<p>Tourism Board</p>
<p>The Zoning Boards held a public hearing for William Aber with respect to a used auto sales site which was approved</p>	<p>Zoning Board of Appeals (ZBA) and Planning Board</p>
<p>The next ZBA meeting will be November 4, 2014 at 7:00. The next Planning Board meeting will be October 21, 2014 at 7:00 p.m. where they will be hearing the William Aber used car lot issue as well.</p>	
<p>No meetings this month. The next Plumbing and Electrical Boards' meetings will be November 5, 2104 beginning at 6:30 p.m.</p>	<p>Plumbing and Electrical Boards</p>
<p>There are no issues to report.</p>	<p>Senior Advisory</p>
<p>There was no Access 23 TV report given.</p>	<p>Access 23 TV</p>
<p>Last two weeks of community service Saturdays will be at the Towpath.</p>	<p>Mayor's Correspondence reviewed</p>
<p>The mayor will be attending services at the Wickham Church this Sunday.</p>	
<p>Reminder regarding exemption for tax break on additions to your homes.</p>	
<p>Reminder regarding the business and resident contact sheets through the Mayor's office.</p>	
<p>The Mayor issued a proclamation for Freedom from Bullying and Abuse in the Workplaces for the week of October 19th-25th.</p>	

The Mayor reviewed a response he received from Annie Rabbit and the method by which it was transmitted with respect to the possible DMV closures in Port Jervis and Newburgh and asked that the Council pass a resolution against said closures citing the efficiencies and growth within the Port Jervis DMV office. He emphasized that the DMV offices are still open.

Motion to oppose the closing of the DMV offices in the City if Port Jervis was made by Mr. Frank Bell and seconded by Stanley Siegel.

AYE: 7 ABSENT: 1 (Bavoso) NAY: 0 ABSTAIN: 0 CARRIED

The Mayor noted the Grand opening of the NYS Police Troop F station in Greenville NY.

He noted that the City will be receiving a \$50,000 Municipal facilities grant for developing plans for a new recreation center.

The Mayor noted that there will be programs on saving energy by RUPCO with a special session for seniors at 10:30am on Thursday 10/30 and for all others at 6:30 and 8:30 at the Library.

The First Assembly of God Church has requested permission to do outreach once a month on a Saturday from 11am-3pm at the Recreation Center. A motion was made by Mr. Siegel seconded by Mr. Cunningham to approve pending review and approval by the Recreation director John Faggione.

AYE: 7 ABSENT: 1 (Bavoso) NAY: 0 ABSTAIN: 0 CARRIED

Mayor Decker read a response from the NYSDEP which has refused lead agency status to the City as requested for changes to the SPEDES permit. He indicated that the City will move forward with any appropriate litigation through the Commissioner of the NYS DEC.

The Mayor reminded everyone of Operation PJ Pride and a course they are sponsoring for the administration of Narcan.

The CROP Walk will be held October 19, 2014.

The Tri-state Chamber of commerce 5 & 10 K race will be held 10/26/2014.

The Port Jervis Annual Halloween parade will be held on 10/26/2014 with line up at 3pm and step off at 3:30.

The Port Jervis Drama Club is presenting the Farnum House Haunting on the weekend of 10/24-26 2014.

The Rick Drew Annual Holiday Parade will be on December 14th 2014 with lineup at 1 and step off at 2pm.

The Mayor extended an invitation to the Council and public to a dedication ceremony of a DAR Monument at 1pm on November 1st 2014.

City Clerk-
Treasurer's
Report given

A reminder that Tax Lien will be held in November and advertising has begun. She also discussed the impact of staff turnover of 50% within her office.

Public Hearing
on Local Law
#12

Mayor Decker continued the public hearing on Local Law #12.

He was interrupted by Mr. Robert Knice who was instructed that his comments would be received in a moment. He objected and questioned procedure of parliamentary law. The Mayor informed him that he was out of order and requested that he cease. After the failure of Mr. Knice to cease his interruptions the Mayor requested that he leave. Mr. Knice voluntarily left the meeting.

The Mayor continued by reading various communications he had received and input he got via Facebook.

He also reviewed comparative information that he posted on Facebook.

He also gave the public some background regarding the major break experienced last year, the NYSDEC consent order and the problem of the poor condition of the infrastructure of our sewer system. He also addressed the problem regarding the lack of previous reserves. Mrs. Waizenegger also clarified that the fee would be used to repay a bonding as well as fund operational costs.

The Mayor then invited the Public to speak on the issue.

Ms. Stacey Case brought a petition with 107 signatures that was circulated opposing the sewer fee and she expressed concern that she would like more information and requested that any vote be delayed. However she admitted to learning a lot from the Mayor's information. She also expressed concerns with the ability of the citizens to afford the additional fee.

Ms. Lorraine Marquez stated that she feels that there is a general consensus that any billing should be done on a usage rate not a flat fee for water as well as the sewer.

The Mayor had Treasurer Robin Waizenegger explain the process and problems associated with the conversion for water billing based on usage so that there could be understanding that such a conversion would not necessarily result in savings for the majority of users. She also addressed the principle of being more business friendly with a flat fee explaining how the commercial properties already bear the metered water costs and the larger tax rate from the Homestead tax system.

Ms. Judith Oppelt questioned the process of metering and billing on commercial usage and the relationship to the PILOT program.

It was clarified that the water usage charges are not related. should be started for water.

She also questioned if water revenues could be used for sewer.

It was clarified that it could not.

She then expressed that she believes that billing on usage would be better.

Mr. Siegel expressed his opinion that no answer is a good answer but that he believes that billing on consumption would be fairer. He also stated that he was glad to hear from the public to gain information good or bad and that he feels that he is going to vote based on the input he has received.

Mr. Oney thanked everyone for coming out and stressed that it is important for the public to be heard. He noted that very few issues have generated response like this. He also thanked the Mayor for gathering so much information. Mr. Oney asked for clarification on any proposed rate. The Mayor stated that the rate would not go beyond \$20 per month. Mr. Oney stated that with the budget problems we are facing that there isn't many other options. It was also noted that the first estimates of needed repairs are 38 million.

The Mayor noted that as we apply for grants and funding we face competition from municipalities that are in worse shape than us as they have treatment issues that we do not have.

Mr. Oney indicated that it is difficult to repair all of our intertwining systems.

Mr. Ritchie stated that Orange County as a whole is going through very hard economic times but the sewers and water use has been an issue for a number of years and that he has heard from a lot of people. He is still weighing his opinion as he has been on the fence about this issue.

Mr. Hendricks said that he cannot blame the city officials of the past for not preparing to replace the infrastructure financially and recognizes the unfortunate fact that we must address it now.

Mr. Cunningham expressed that unfortunately this is a problem that we can't see and that he recognizes that no one likes paying more but we have to make these moves to run and repair our sewer system. We cannot avoid the inevitable as we must be ready to handle the problem.

Mr. Waligroski stated that he reviewed a list of all municipalities that the DEC has been citing. The DEC is cracking down and using the fines to increase their revenues. He discussed the SPEDES permit and the importance of preventing the DEP from reducing our current permit. He also expressed that it is unfortunate but we have to deal with this issue not ignore it.

Mr. Bell addressed the issue of our shrinking fund balance and the inability of our City to afford any improvements without additional revenue. He also indicated that we can no longer afford to patchwork our systems into the future.

It was clarified that any fee would not start until 1/1/2015.

Ms. Judith Oppelt questioned the separation of the water lines for multiple unit buildings. It was noted that the majority of multiple unit buildings have one meter.

Motion by Mr. Siegel, seconded by Mr. Cunningham to close the public hearing.

AYE: 7 ABSENT: 1 (Bavoso) NAY: 0 ABSTAIN: 0

**Old Business
discussed**

Mr. Siegel requested that if anyone sees code or building violations to call the Building department and report it. Also if you see suspicious activity please calls the Police.

Mr. Oney reminded everyone to keep your houses and cars locked for safety.

Mr. Bell reviewed the Port Jervis Hall of Fame Awards inductees.

**New Business
discussed**

Mr. Hendrick made a motion, seconded by Mr. Siegel to approve Local Law #11 with respect to zoning.

AYE: 7 ABSENT: 1 (Bavoso) NAY: 0 ABSTAIN: 0

Mr. Hendrick made a motion, seconded by Mr. Cunningham to approve Local Law #12 with respect to sewer fees.

AYE: 6 ABSENT: 1 (Bavoso) NAY: 1 (Siegel) ABSTAIN: 0

**Executive Session
set**

Mr. Hendrick made a motion, seconded by Mr. Cunningham to approve an Executive session for recreation personnel, Police personnel, Water Litigation, DPW personnel, HMPG Land acquisitions, CDA contractual and Building Dept. personnel and invitation to all impacted Department heads.

Mr. Siegel spoke about the time frame for action to be taken on the Front Street property.

Mr. Siegel noted the 4th Ward Neighborhood watch meeting scheduled for October 15th at Engine #4.

Mr. Siegel stated that he is still researching possible partial payments of taxes.

Motion by Mr. Bell, seconded by Mr. Waligroski, to approve moving the next Common Council meeting to October 14, 2014 at 6:00 p.m. due to the Columbus Day holiday.

AYE: 8 ABSENT: 1 (Bavoso) NAY: 0 ABSTAIN: 0 CARRIED

**Public Comment
given**

Mr. Randall Coffill thanked the Council for the passage of Local law #11 for the change of zone on behalf of his client.

Ms. Lorraine Marquez noted the 3rd Ward Neighborhood watch meeting is tomorrow night at 7pm at Neversink's firehouse.

Ms. Laura Myers thanked everyone involved in the very successful Fall Foliage Festival. She also extended an invitation to all to attend the next Tourism meeting at the Library Hub to hear their special guest from Orange County Tourism.

Ms. Judith Oppelt readdressed the tax lien sale experience of her client. She also expressed concerns regarding the PJVAC Ambulance services and its current status.

Mayor Decker indicated that he requested a business plan from the Ambulance corps but has not received it.

**Council Enters
Executive Session**

Motion by Mr. Waligroski, seconded by Mr. Bell, to enter into Executive Session at 8:40 p.m.

AYE: 7 ABSENT: 1 (Bavoso) NAY: 0 ABSTAIN: 0 CARRIED

Motion by Mr. Cunningham, seconded by Mr. Ritchie, to approve the resignation of Rick Crown.

AYE: 7 ABSENT: 1 (Bavoso) NAY: 0 ABSTAIN: 0 CARRIED

Motion by Mr. Bell, seconded by Mr. Hendrick to appoint David Rivera as Building Inspector/Code Enforcement Officer provisionally subject to obtaining state certification with a probationary period of up to one year and a prohibition against doing contracting work within the City of Port Jervis. Rate of pay will be \$60,000 subject to contractual limitations and the effective date of appointment is 10/20/2014.

AYE: 7 ABSENT: 1 (Bavoso) NAY: 0 ABSTAIN: 0 CARRIED

Meeting adjourned Motion by Mr. Waligroski, seconded by Mr. Bell, to adjourn the meeting at 9:47 p.m.

AYE: 7 ABSENT: 1 (Bavoso) NAY: 0 ABSTAIN: 0 CARRIED

**Robin Waizenegger
City Clerk-Treasurer**