

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 Monday, January 13, 2014 at 7:00 p.m.

Regular Meeting

Mayor Decker and all members of the Common Council were present. Recreation Director John Faggione, Building Official Wayne Kidney, Director of Public Works Vincent Lopez, Fire Chief Jeffrey Rhoades, City Clerk-Treasurer Robin Waizenegger, and Police Chief William Worden were also present.

Attendance

Mayor Decker and Miss Toria Burton of Girl Scout Troop 250 led all present in the Pledge of Allegiance to the Flag.

Pledge of Allegiance

Mr. Joe Rennish, of 100 Kingston Avenue, inquired about the status of FEMA monies to be used to make repairs on the canal. He commented that many homes have been affected by the erosion problem. Mr. Oney stated that FEMA has approved the City's application for funds, but after a review of the calculations, it was determined that there would not be enough money to make the repairs properly. The calculations have been modified, and FEMA is currently in the process of deliberation to resolve the discrepancy.

Public Comment given

Mr. Anthony Lipani, of 44 Glass Street, spoke about a December 29, 2013 sewer incident that caused a backup into his residence, which has caused damage to his basement. He noted that a similar incident happened in 2007, costing \$10,000 in repairs. Mr. Lipani also spoke about catch basins located at 42 Glass Street. Mr. Waligroski clarified the relationship between the catch basin and the sewer backup. Mr. Lipani stated that a claim he had submitted to the City's insurance has been denied. Mr. Waligroski asked for a copy of the insurance company's letter of denial and stated he would discuss the issue with Mr. Lopez. Mr. Lipani noted that he would not be submitting a claim to his homeowner's insurance company due to his concerns of the company cancelling his insurance. He commented that after the incident in 2007 Mr. Lopez had recommended he install a check valve. When asked if he installed the check valve, Mr. Lipani stated that he did not install the valve. Mayor Decker suggested Mr. Lipani attend the DPW Committee meeting on January 21, 2014 to discuss this issue.

Mr. Peter Tomasi, a 2nd Ward resident at 6 Washington Avenue, spoke about the difficulties train commuters have getting to and from the Metro North railroad station due to the lack of a sidewalk and lack of handicap accessibility. He requested the Council consider installing a sidewalk, which he feels, would be a tremendous benefit to the City.

Mrs. Waizenegger summarized the minutes from the December 9, 2013 regular meeting.

Minutes of the 12/9/2013 Regular summarized and approved

Motion by Mr. Ritchie, seconded by Mr. Siegel, to accept the minutes of the December 9, 2013 regular meeting.

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

The next Finance Committee meeting will be January 21, 2013 after the Department of Public Works (DPW) meeting.

Committee Reports given—Finance Committee

Motion by Mr. Bell, seconded by Mr. Bavoso, to approve the unpaid bills in the following amounts for payment: General Fund - \$301,687.73, Water Fund - \$43,962.94, and Capital Fund - \$14,381.27.

AYE: 8 ABSENT: 0 NAY: 0 ABSTAIN: 0 CARRIED

Motion by Mr. Bell, seconded by Mr. Ritchie, to approve official banking and depositories for the City of Port Jervis to maintain funds in the checking and savings accounts for 2014 as follows: TDBank—General Operating, Water, Capital, Money Market, Recreation, Industrial Development Agency, Senior Citizens Ruggerio Legacy, Urban Development Action Grant, Payroll, Rachel Dietz Memorial Fund, and Small Cities Grant Funds. M&T Bank—Trust and Agency, Federal Drug Forfeiture, and City Drug Forfeiture Funds.

AYE: 8 ABSENT: 0 NAY: 0 ABSTAIN: 0 CARRIED

Motion by Mr. Bell, seconded by Mr. Siegel, to approve the 2014 official newspapers and radio and television stations for the City of Port Jervis as follows:

- Newspaper—*Times Herald Record*, *The Gazette* (alternate), and *Pike County Dispatch* (alternate)
- Radio—WDLC
- Television—Port Jervis/Deerpark Television (aka Access 23 TV)

AYE: 8 ABSENT: 0 NAY: 0 ABSTAIN: 0 CARRIED

January 13, 2014

Motion by Mr. Bell, seconded by Mr. Hendrick, to establish a standard workday of eight (8) hours per day for all elected and appointed officials and require those individuals who participate in the New York State retirement system to submit either a timesheet of actual time worked or a Record of Activities Log for a 3-month representative period of time for reporting purposes per NYS Retirement reporting requirements.

AYE: 8 ABSENT: 0 NAY: 0 ABSTAIN: 0 CARRIED

Motion by Mr. Bell, seconded by Mr. Oney, to authorize annual travel to workshops, conferences, and seminars in 2014 by the City Assessor, Mrs. Yvonne Duryea, as needed to meet job requirements.

Monies have been budgeted.

AYE: 8 ABSENT: 0 NAY: 0 ABSTAIN: 0 CARRIED

Fire and
Emergency
Management
(FEM)

Motion by Mr. Waligroski, seconded by Mr. Siegel, to approve Morgan R. Mosher, Jr., of Howard Wheat Engine Company #4, and Riley Delaney, of Delaware Engine Company #2, for active membership rolls of the Port Jervis Fire Department.

AYE: 8 ABSENT: 0 NAY: 0 ABSTAIN: 0 CARRIED

Motion by Mr. Siegel, seconded by Mr. Decker, to authorize the following events for the Port Jervis Fire Department and company stated:

Neversink Engine Company #1—
January 18, 2014—Old Timers Night
February (with drawing in April)—10-week club
March 1 and November 1, 2014—Spaghetti Dinner

AYE: 8 ABSENT: 0 NAY: 0 ABSTAIN: 0 CARRIED

Howard Wheat Engine Company #4—
November 29, 2014—Holiday Parade, Wallington, NJ

Excelsior Engine Company #4—
February 2, 2014—Super Bowl Party
April 18, 2014—Pizza Takeout
May 17, 2014—Old Timers Night
June 8, 2014—Booth at Soapbox Derby
October 4, 2014—Parade, Middletown, NY
October 28, 2014—Booth at Fall Foliage
December 21, 2014—Children's Christmas Party

AYE: 8 ABSENT: 0 NAY: 0 ABSTAIN: 0 CARRIED

Tri-States Hose Company #6—
April 3, 2014—Gas Raffle
May 10, 2014—Car Wash, Middle School (Rain date: May 17, 2014)
June 13, 2014—Golf Tournament, High Point County Club
August 16, 2014—Car Wash, Middle School (Rain date: August 23, 2014)
September 4, 2014—Gas Raffle
October 2014—Parade, date and location to be announced
and
Port Jervis Fire Department—
July 6 through July 12, 2014—Parade activities and Annual Inspection Day Parade

AYE: 8 ABSENT: 0 NAY: 0 ABSTAIN: 0 CARRIED

EVR will be meeting with Fire Department officers and Council members to discuss their findings of the department's evaluation. The date and time of the meeting will be announced at a future Council meeting.

Chief Rhoades and members of the Fire Department have met with the company manufacturing Truck 7's ladder truck. Some issues were discovered and must be discussed. There is no delivery date as yet.

The Code Committee discussed the Building Official’s report, snow removal from vacant properties, the large number of vacant properties and foreclosures, and possible code changes being reviewed.

Code Committee

Motion by Mr. Siegel, seconded by Mr. Bavoso, to accept the Code Committee’s January minutes.

AYE: 8 ABSENT: 0 NAY: 0 ABSTAIN: 0 CARRIED

The Code Committee will be reviewing City codes that are not federally or state mandated in an effort to make Port Jervis more business and people-friendly.

Those with concerns that involve the City’s code can email their concerns to pjnvccodes@gmail.com for review by the Code Committee.

The next Code Committee meeting will be February 5, 2014 at 7:00 p.m.

Motion by Mr. Siegel, seconded by Mr. Bavoso, to accept the Building Department’s December report.

AYE: 8 ABSENT: 0 NAY: 0 ABSTAIN: 0 CARRIED

The next DPW Committee meeting will be January 21, 2014 at 6:00 p.m. in the City Hall Conference Room.

Department of Public Works (DPW) Committee

The DPW Update was given and included the following:

- Garbage and recycling will be on a normal schedule this week. Due to the Martin Luther King, Jr. holiday on January 20, 2014, pick up in all wards will be one (1) day later. Paper and cardboard recycling in the Fourth Ward will be Friday, January 24, 2014.
- Christmas trees will be picked up, and residents were asked to place their trees at curbside.
- DPW crews have been filling pot holes throughout the City, and crews will be removing holiday decorations.

Motion by Mr. Hendrick, seconded by Mr. Waligroski, to accept the Police Department’s 2013 report.

Police Committee

AYE: 8 ABSENT: 0 NAY: 0 ABSTAIN: 0 CARRIED

There was no January Police Committee meeting, and the tentative date for the next meeting is February 6, 2014 at 6:30 p.m.

The CDA held a reorganizational meeting prior to regularly scheduled meeting. They discussed combining with the Housing Authority, hiring a part-time director, and grant writing. The members will be attending the Housing Authority meeting to discuss the reorganization of the CDA.

Liaison Reports given—Community Development Agency (CDA)

Approval of bills, the organization’s reorganization, pending grant writing and applications, and the creation of a “tasks” list were discussed at the regularly scheduled CDA meeting. The creation of a tasks list will used in emergency situations when documentation is needed concerning the duties of the CDA.

The next CDA meeting will be January 22, 2014 at 7:00 p.m. at the CDA offices in the Recreation Center building.

The IDA held a public hearing for the 100 Pike Street plaza project and approved the inducement terms of the agreement with the owners. Construction has begun on the project, and work has also begun on the PILOT agreement.

Industrial Development Agency (IDA)

The December ADA meeting was not held. A reorganization of the committee will be discussed at their next meeting. The date has not yet been set for that meeting.

ADA

The next Housing Authority meeting will be January 15, 2014 at 7:00 p.m. at Hillside Terrace. Officer elections will be held.

Housing Authority

Recreation Commission	<p>The Recreation Commission update was given and included the following:</p> <ul style="list-style-type: none"> ▪ Snow Tubing field trip to Fernwood Lake Resort will be February 3, 2014. The cost is \$20 per person. ▪ Co-ed Youth basketball league begins January 15, 2014 at 6:30 p.m. ▪ Karate lessons will begin in January for age five (5) and up. Cost is \$50 per person. ▪ A free Sleigh Riding hill at West End Beach is open from 7:00 a.m. to 5:00 p.m. when there is snow. ▪ The Youth Center schedule was given. <p>The next Recreation Commission meeting will be January 21, 2014 at 7:00 p.m. at the Youth Center.</p>
Tourism Board	<p>The next Tourism Board meeting will be January 14, 2014 at 6:30 p.m. in the City Hall Conference Room.</p>
Zoning Board of Appeals and Planning Board	<p>The next Zoning Board meeting is tentatively scheduled for February 4, 2014 at 7:00 p.m.</p> <p>The next Planning Board meeting will be January 21, 2014 at 7:00 p.m. There will be a public hearing for 33-35, 37, and 39 East Main Street's application. At the December meeting, an extension was granted to Orange and Rockland for their substation project, and the Conditional Use Permit for I Donate Goods was denied.</p>
Plumbing and Electrical Boards	<p>The Plumbing Board renewed thirty-seven (37) licenses, and the Electrical Board renewed sixty-one (61) licenses. The next Plumbing and Electrical Boards will meet February 5, 2014 beginning at 6:00 p.m.</p> <p>Mr. Kidney will be retiring on February 7, 2014, and Mr. Siegel thanked him for his many years of service.</p>
Senior Advisory	<p>Mr. Siegel met with Senior Advisory representatives and residents. There are no issues at this time.</p>
Access 23 TV	<p>There will be no Access 23 TV membership meetings in the winter months. Time Warner is working on improving the television signal. The second floor in the Franklin Street building is now vacant and has been returned to the City in an effort for the station to save on energy costs.</p>
Mayor's Correspondence reviewed	<p>The boy and girl scout troops will be joining the Mayor at Council meetings to do the Pledge of Allegiance.</p> <p>Mayor Decker will be attending various church services during the month on the Sunday following a Council meeting. The first will be Grace Fellowship Church on Sullivan Avenue on January 19, 2014, and he invited those who would like to join him to meet at City Hall at 10:00 a.m.</p> <p>Residents interested in volunteering in the community can contact the Mayor's office to have their names placed on a "Volunteer's List". The Mayor's office will make an effort to place individuals with organizations that are in need of volunteers.</p> <p>In future Council meetings, a Youth and Senior's Report may be added.</p> <p>WDLC's Reveille Ranch and Birthday Club will begin again in February. Those who would like to participate are asked to send their birthday information to portjervisbirthdayclub@gmail.com.</p>
Committee and Liaison Appointments made	<p>Mayor Decker made the following appointments:</p> <p>ZBA and Planning Boards—Liaison: Mr. Ritchie CDA—Liaison: Mr. Oney; Council members: Mr. Cunningham, Mr. Hendrick, and Mr. Ritchie Housing Authority—Liaison: Mr. Siegel ADA—Liaison: Mr. Hendrick Recreation Commission—Liaison: Mr. Waligroski Senior Advisory—Liaison: Mr. Siegel Tourism Board—Liaison: Mr. Bavoso DPW Committee—Liaison: Mr. Cunningham; Council members: Mr. Oney, Mr. Ritchie, and Mr. Waligroski Police Department—Liaison: Mr. Hendrick; Council members: Mr. Cunningham, Mr. Oney, and Mr. Ritchie</p>

Mayoral appointments continued:

FEM—Liaison: Mr. Waligroski; Council members: Mr. Bavoso, Mr. Bell, and Mr. Ritchie

Code Committee—Liaison: Mr. Siegel; Council members: Mr. Bavoso, Mr. Hendrick, and Mr. Oney

Finance Committee—Liaison: Mr. Bell; Council members: Mr. Bavoso, Mr. Cunningham, and Mr. Ritchie

Police Negotiating Committee—Mr. Bell, Mr. Hendrick, Mr. Ritchie, and Mr. Waligroski

Mr. Butler, of Cruzin' Port, met with Mayor Decker and Chief Worden. The event will be moved to Riverside Park, and the end of Fowler Street by the railroad tracks will be opened during the events for motorists and pedestrians. Mr. Faggione has approved the use of Riverside Park. Other department heads must review the request. The Cruzin' Port nights will be held the first Tuesday evening from April through October, except for August due to a conflict with National Night Out, which is held the first Tuesday in August. Rain dates will be the following Tuesday in the month.

Motion by Mr. Bavoso, seconded by Mr. Cunningham, to table this issue until department heads have reviewed the request.

AYE: 8 ABSENT: 0 NAY: 0 ABSTAIN: 0 CARRIED

Motion by Mr. Cunningham, seconded by Mr. Ritchie, to authorize paying the fee for Council members to attend the Orange County Association of Towns, Villages, and Cities' meeting on January 28, 2014.

AYE: 8 ABSENT: 0 NAY: 0 ABSTAIN: 0 CARRIED

Motion by Mr. Waligroski, seconded by Mr. Cunningham, to set a public hearing for January 27, 2014 at 7:00 p.m. for a zone change to R2 zone for 15 Orchard Street.

Mr. Bavoso noted that this change is now before the Code Committee. Three (3) residences are being considered.

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

Motion by Mr. Siegel, seconded by Mr. Cunningham, to authorize the payment of the fee for Council members to attend the NYCOM winter legislative meeting on February 9, 2014 and February 10, 2014.

AYE: 8 ABSENT: 0 NAY: 0 ABSTAIN: 0 CARRIED

Motion by Mr. Bell, seconded by Mr. Ritchie, to accept, with regret, the retirement of Building Official Wayne Kidney, to be effective February 8, 2014.

Mayor Decker thanked Mr. Kidney for his many years of service.

AYE: 8 ABSENT: 0 NAY: 0 ABSTAIN: 0 CARRIED

Motion by Mr. Waligroski, seconded by Mr. Cunningham, to authorize Code Enforcement officers to attend meetings and trainings in 2014 as necessary to maintain certification requirements.

Monies are budgeted.

AYE: 8 ABSENT: 0 NAY: 0 ABSTAIN: 0 CARRIED

Motion by Mr. Oney, seconded by Mr. Bell, to continue the sculpture lease with Mr. Stein for one (1) year for one dollar (\$1.00).

AYE: 8 ABSENT: 0 NAY: 0 ABSTAIN: 0 CARRIED

Motion by Mr. Cunningham, seconded by Mr. Oney, to authorize the display of banners to advertise the BPW's Tricky Tray event.

Authorization is pending approval of Mr. Lopez.

AYE: 8 ABSENT: 0 NAY: 0 ABSTAIN: 0 CARRIED

**City Clerk-
Treasurer's
Report given**

The telephone number for the public to use for New York Department of Health's vital records information is 1-855-322-1022.

Documentation concerning the desk audit by the Office of the State Comptroller for the tax levy limit was submitted, and results were favorable.

Half-rate water is available for single-owner occupant property owners. Affidavits are available in the City Clerk's office.

Water and 2014 County tax bills are due by January 31, 2014 without penalty.

The internal audit was completed in December with two (2) days of field work. Now, auditing continues via email until they return in March.

**Old Business
discussed**

The meeting date with EVR will be set as soon as possible.

Motion by Mr. Bell, seconded by Mr. Bavoso, to authorize Mr. George Belcher to finalize the City's electric provider contract and forward the paperwork to the Mayor for signature.

Mayor Decker stated that he had discussed this issue with Mr. Belcher and Mrs. Waizenegger.

AYE: 8 ABSENT: 0 NAY: 0 ABSTAIN: 0 CARRIED

**New Business
discussed**

Motion by Mr. Cunningham, seconded by Mr. Bell, to authorize the Mayor to sign the contract with Partners in Safety for drug and alcohol testing.

Monies for the service have been budgeted.

AYE: 8 ABSENT: 0 NAY: 0 ABSTAIN: 0 CARRIED

Mr. Cunningham congratulated the winners for the Elks' hoop shoot who move forward to the state competition.

Mr. Bavoso commented that he is looking forward to working with the Council and the community and will do his best to serve the City as Councilman-at-Large.

**Executive
Session set**

Motion by Mr. Hendrick, seconded by Mr. Cunningham, to set Executive Session to discuss Tax Lien property litigation, Building Department personnel, pending litigation, and sale of City-owned property.

An invitation was extended to City Assessor Yvonne Duryea and Mr. William Bavoso.

AYE: 8 ABSENT: 0 NAY: 0 ABSTAIN: 0 CARRIED

Motion by Mr. Hendrick, seconded by Mr. Bavoso, to approve Cheryl Teets to fill the vacant Council seat for the 2nd Ward.

Mayor Decker noted that a majority vote would be needed of the members present to carry the motion.

A roll call vote was taken as follows:

Mr. Siegel—No

Mr. Oney—No

Mr. Ritchie—No

Mr. Hendrick—Yes

Mr. Bavoso—Yes

Mr. Cunningham—Yes

Mr. Waligroski—Yes

Mr. Bell—No

AYE: 4 ABSENT: 0 NAY: 4 ABSTAIN: 0 MOTION FAILED

Motion by Mr. Ritchie, seconded by Mr. Bell, to approve George Belcher to fill the vacant Council seat for the 2nd Ward.

Mr. Hendrick requested an informal agreement to leave this issue to the next election and have no other vote taken in the interim by the Council. Mr. Bell agreed that it would be inappropriate to hold another vote if a Council member was absent.

Mayor Decker stated if a special election was held, this vote could be included with that special election. Otherwise, the vote would have to be held November 2, 2014.

A roll call vote was taken as follows:

- Mr. Siegel—Yes
- Mr. Oney—Yes
- Mr. Ritchie—Yes
- Mr. Hendrick—No
- Mr. Bavoso—No
- Mr. Cunningham—No
- Mr. Waligroski—No
- Mr. Bell—Yes

AYE: 4 ABSENT: 0 NAY: 4 ABSTAIN: 0 MOTION FAILED

A 4th Ward Neighborhood Watch meeting will be January 15, 2014 at 7:00 p.m. at Engine 4's firehouse.

Mr. Siegel asked the Mayor to review the Committee meeting dates. Mr. Siegel feels it is unfair to hold three (3) committee meetings on the same evening.

Motion by Mr. Siegel, seconded by Mr. Bell, to authorize the Mayor to send a letter to support the opposition to the MTA tax.

AYE: 8 ABSENT: 0 NAY: 0 ABSTAIN: 0 CARRIED

Mr. Anthony Lipini recommended that the City do more to get information concerning entitlements out to veterans in the community.

Mr. Peter Tomasi, spoke about being a commuter and how the MTA tax offsets the cost of passenger fares.

Mr. Siegel spoke about difficulties receiving the Access 23 TV signal and alternate channels that can be used on newer television sets.

Additional New Business discussed

Mayor Decker stated that the Council meetings will be streaming live on the Port Jervis website.

The Council entered Executive Session at 8:23 p.m.

The meeting was reconvened at 9:20 p.m.

Meeting reconvened

Motion by Mr. Hendrick, seconded by Mr. Cunningham, to appoint Mr. William Bavoso as Corporation Counsel for the City of Port Jervis with a salary per the 2014 Budget.

Corporation Counsel appointed

Mr. Ritchie stated that although he respects Mr. Bavoso and notes his years of experience he must vote "no" to his appointment.

AYE: 6 ABSENT: 0 NAY: 1 (RITCHIE) ABSTAIN: 1 (BAVOSO) CARRIED

Motion by Mr. Bell, seconded by Mr. Hendrick, to accept the bid for 33 Seward Avenue as an "as is" sale.

AYE: 8 ABSENT: 0 NAY: 0 ABSTAIN: 0 CARRIED

Motion by Mr. Bell, seconded by Mr. Waligroski, to accept the settlement for the tax certioraris on SBLs 18-3-12.1 and 18-3-12.2.

AYE: 8 ABSENT: 0 NAY: 0 ABSTAIN: 0 CARRIED

Motion by Mr. Waligroski, seconded by Mr. Bell, to approve the reduction in the Water bill as a result of a leak for a resident on Delaware Street, pending the owner providing the City Clerk's office with a repair bill.

AYE: 8 ABSENT: 0 NAY: 0 ABSTAIN: 0 CARRIED

Meeting adjourned

Motion by Mr. Cunningham, seconded by Mr. Bell, to adjourn the meeting at 9:23 p.m.

AYE: 8 ABSENT: 0 NAY: 0 ABSTAIN: 0 CARRIED

**Meeting reopened—
Resignation accepted**

The meeting was reopened at 9:29 p.m.

Motion by Mr. Hendrick, seconded by Mr. Cunningham, to amend the previous motion to appoint Mr. William Bavoso as Corporation Counsel to include accepting the resignation of Mr. Damian Brady as Corporation Counsel for the City of Port Jervis.

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

Meeting adjourned

Motion by Mr. Bell, seconded by Mr. Cunningham, to adjourn the meeting at 9:30 p.m.

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

**Robin Waizenegger
City Clerk-Treasurer**