

January 14, 2013

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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 14, 2013 at 7:00 p.m.

Regular Meeting

Mayor Potter and all members of the Common Council were present. Director of Public Works Vincent Lopez, Fire Chief Jeffrey Rhoades, Police Chief William Worden, City Clerk-Treasurer Robin Waizenegger, and Corporation Counsel Damian Brady were also present.

Attendance

Mayor Potter led all present in the Pledge of Allegiance to the Flag.

Pledge of Allegiance

Mayor Potter wished everyone a Happy New Year.

Mrs. Waizenegger summarized the minutes from the December 10, 2012 meeting.

Minutes of the 12/10/2012 Regular Meeting read

Motion by Mr. Siegel, seconded by Mr. Ritchie, to accept the minutes of the December 10, 2012 meeting.

AYE: 9 ABSENT: 0 NAY: 0 ABSTAIN: 0 CARRIED

The Finance Committee discussed the Upper Delaware Scenic Byway 2013 contribution, state aid that had been received, and the possible necessity of a revenue anticipation note in February or March.

Committee Reports given

The next Finance Committee meeting will be January 22, 2013 after the Department of Public Works (DPW) and Fire and Emergency Management meetings.

Motion by Mr. Bell, seconded by Mr. Waligroski, to approve the 2013 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—WTSX
- Television—Port Jervis/Deerpark Television (aka Access 23 TV)

AYE: 9 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 2013 as follows: TDBank—General Operating, Water, Capital, Money Market, Recreation, Industrial Development Agency, Senior Citizens, Ruggerio Legacy, Urban Development Action Grant, Payroll, and Rachel Dietz Memorial Fund, Small Cities Grant Funds. M&T Bank—Trust and Agency, Federal Drug Forfeiture, and City Drug Forfeiture Funds.

AYE: 9 ABSENT: 0 NAY: 0 ABSTAIN: 0 CARRIED

Motion by Mr. Bell, seconded by Mr. McCarthy, to approve the unpaid bills in the following amounts for payment: General Fund - \$171,496.81, Water Fund - \$18,464.39 and Capital Fund - \$5,083.00.

AYE: 9 ABSENT: 0 NAY: 0 ABSTAIN: 0 CARRIED

Motion by Mr. Siegel, seconded by Mr. Bell, to approve the following events for the Port Jervis Fire Department and companies stated:

Neversink Engine Company #1—

- January 12, 2013—Old Timers' Dinner
- January—Generator Raffle (drawing in March)
- February—Host CPR class
- February—Super Bowl Party
- February—10-Week Club (drawing in April)
- March 2 and November 2—Spaghetti dinner
- June—Sausage and Pepper Booth at Antique Show
- September—Sausage and Pepper Booth at Fall Foliage Festival
- October—Sussex County Parade
- November 30, 2013—Wallington Holiday Parade

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Fowler Rescue and Salvage Company #3—

- June 9—Sausage and Pepper Booth at Soap Box Derby
- May 11, May 15, and August 10—Car Wash

Excelsior Engine Company #5—

- February 4—Super Bowl Party
- February 18—Daytona Race Party
- March 29—Pizza Takeout
- May 18—Old Timers' Night
- June 9—Booth at Soap Box Derby
- September 23—Booth at Fall Foliage Festival
- October 7—Middletown, New York Parade
- December 15—Children's Christmas party

Tri-States Hose Company #6—

- April 4—Gas Raffle
- May 11 (May 18 rain date)—Car Wash at Port Jervis Middle School
- June 14—Gold Tournament at High Point County Club
- August 17 (August 24 rain date)—Car Wash at Port Jervis Middle School
- September 5—Gas Raffle
- October 5—Parade to be determined.

AYE: 9 ABSENT: 0 NAY: 0 ABSTAIN: 0 CARRIED

Motion by Mr. Siegel, seconded by Mr. Ritchie, to remove Terrance J. Cox, Dennis Horner, Jr. and Miranda Horner of Neversink Engine Company #1 from the active membership rolls of the Port Jervis Fire Department.

AYE: 9 ABSENT: 0 NAY: 0 ABSTAIN: 0 CARRIED

Motion by Mr. Siegel, seconded by Mr. Waligroski, to approve Jason Ward, Junior Member, of Neversink Engine Company #1 and Jessica Furman of Delaware Engine Company #2 for active membership into the Port Jervis Fire Department.

AYE: 9 ABSENT: 0 NAY: 0 ABSTAIN: 0 CARRIED

Motion by Mr. Siegel, seconded by Mr. Ritchie, to approve Stanley Siegel of Howard Wheat Engine Company #4 and Brent Spoonhower of Neversink Engine Company #1 as probationary drivers for the Port Jervis Fire Department in the company stated.

AYE: 9 ABSENT: 0 NAY: 0 ABSTAIN: 0 CARRIED

Mr. Siegel summarized the Fire Department's 2012 End of Year report, including the number of overall and mutual aid calls. He thanked firefighters for their work throughout the year.

Information concerning the discussion about the Fire Department's ladder truck can be found in the Fire and Emergency Management meeting minutes.

The next Fire and Emergency Management meeting will be January 22, 2013 after the DPW Committee meeting.

The Code Committee discussed the Building Official's report, the electricians' update class held at Tom and Arlene's diner, snow removal orders, property updates, wine bar, multi-kitchens in single family dwellings, and proposed Local Law #1-2013.

Motion by Mr. Decker, seconded by Mr. Bell, to set a public hearing for proposed Local Law #1-2013 to amend §505-4 and §505-19 of Chapter 505 of the Code of the City of Port Jervis, entitled "Vehicles and Traffic", for January 28, 2013 at 7:00 p.m.

AYE: 9 ABSENT: 0 NAY: 0 ABSTAIN: 0 CARRIED

The Code Committee also discussed peddler's permits, dumpster enclosures for new site plans submitted to the Planning Board, the animal control officer carrying a weapon, underground utilities, and food carts.

The next Code Committee meeting will be February 6, 2013 at 7:00 p.m.

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

AYE: 9 ABSENT: 0 NAY: 0 ABSTAIN: 0 CARRIED

Motion by Mr. Oney, seconded by Mr. Ritchie, so authorize the Mayor to sign Supplemental Agreement #2 for Department of Transportation (DOT) to increase funding from \$150,000.00 to \$629,931.00 for construction in PIN 8759.98, Downtown Promenade.

AYE: 9 ABSENT: 0 NAY: 0 ABSTAIN: 0 CARRIED

Motion by Mr. Oney, seconded by Mr. McCarthy, to award the following low bid items for the Beach Road Pump Station:

- Pioneer Construction—Item #1: wetwell installation—\$61,000.00; Item #4: doghouse manhole and sewer main—\$29,500.00; Total \$90,500.00
- CRL Electric—Item #7: Electrical Work—\$99,675.00
- Fort Miller Co, Inc.—Item #1: wetwell materials—\$25,911.00; Item #2: Doghouse manhole—\$2,421.00; Total \$28,332.00
- Koester Associates, Inc.—Item #3: David crane—\$2,950.00; Item 8d: 4” MJ coupling—\$75.00; Item 8K: 6” 45° elbow—\$105.00 (partial award, one flanged unit); Item #8p: 8” Wye—\$300.00; Item #18: sewage pumps—\$34,250.00; Total \$37,680.00
- Schmidt’s Wholesale—Item #8a: 4” flanged elbow—\$181.56; Item 8e: 4” ball check—\$1,591.59; Item 8f: 4” check valve—\$440.00; Item #8g: 4” plug valve—\$2,400.00; Item #8h: 4” Wye—\$149.00; Item #8i: 6” MJ Wye—\$220.00; Item #8m: 6” plug valve—\$1,350.00; Item #8n: 6” MJ 1 1/4” —\$112.00; Item #8q: 8” plug valve—\$928.00; Item #12: eyewash unit—\$250.00; Item #19: flow meter—\$3,500.00; Total \$11,122.15

AYE: 9 ABSENT: 0 NAY: 0 ABSTAIN: 0 CARRIED

Motion by Mr. Oney, seconded by Mr. Ritchie, to approve a contract with McGoey, Hauser, and Edsall Consulting Engineers to design and prepare bid documents for three (3) major projects and one (1) minor project, which includes from Canal Street to Glass Street and replacing the culvert at Kingston Avenue, for the runoff brook. Costs of \$119,678.00 are reimbursable through FEMA. The projects are PW 5938804, PW 5938806, PW 5938816, and PW 5938815.

AYE: 9 ABSENT: 0 NAY: 0 ABSTAIN: 0 CARRIED

The next DPW Committee meeting will be June 22, 2013 at 6:00 p.m.

Motion by Mr. Oney, seconded by Mr. Ritchie, to set Executive Session at 7:32 p.m.

Executive
Session set

Topics to be discussed would be personnel, contractual matters, and City-owned property.

AYE: 9 ABSENT: 0 NAY: 0 ABSTAIN: 0 CARRIED

Mr. Waligroski asked when Christmas trees would be picked up and if the 2013 garbage schedule is available. Mr. Lopez stated DPW staff is currently picking up Christmas trees and the schedule is available.

Motion by Mr. McCarthy, seconded by Mr. Siegel, to accept the Police Department’s December report.

AYE: 9 ABSENT: 0 NAY: 0 ABSTAIN: 0 CARRIED

Mr. McCarthy spoke about constituent complaints concerning the crosswalk at Bon Secours Community Hospital. The Police Department will be reviewing the issue.

The Community Development Agency (CDA) discussed bills for payment, financial reports, relocation of the CDA offices to the Recreation Center, 2013 budget, and additional grants for City improvements.

The next CDA meeting will be January 23, 2013.

The next ADA meeting will be March 7, 2013 at 4:00 p.m. in the Council Chambers

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The next Housing Authority meeting will be January 16, 2013 at 7:00 p.m. at Hillside Terrace.

The next Tourism Board meeting will be January 17, 2013 at 6:30 p.m. in the Conference Room.

The Recreation Department update was given and included the following:

- Judo classes for ages 11 and up will begin January 15, 2013. Classes are free.
- Karate classes for grades K-6 will begin January 22, 2013; there is a \$50 registration and uniform fee.
- Co-ed youth basketball is held Saturday afternoons and Wednesday evenings at the Anna S. Kuhl Elementary School gymnasium.
- The West End Beach sleigh-riding hill is now open.
- Youth Center hours were given.

The next Recreation Commission meeting will be January 24, 2013 at 7:00 p.m. at the Youth Center.

No Zoning Board of Appeals meeting was held in January. The next meeting will be February 5, 2013 at 7:00 p.m.

The Planning Board approved applications for 31 West Main Street and 62-62 ½ Jersey Avenue. A pre-submission for 291-293 East Main Street was set for public hearing. The next meeting will be January 15, 2013 at 7:00 p.m.

There were twenty-four (24) plumbers' and forty-one (41) electricians' licenses issued for 2013. One (1) additional electrician's test was given and passed.

The next Plumbing and Electrical Board meeting will be February 6, 2013 beginning at 6:30 p.m.

There was no Senior Advisory meeting held during the last quarter of 2012, and no date has yet been set for the next meeting.

No Access 23 TV report was given.

Mayor's
Correspondence
reviewed

Motion by Mr. Decker, seconded by Mr. Bell, to authorize the Building Official and Assistant Building Official to attend annual trainings and meetings as required.

Costs have been budgeted.

AYE: 9 ABSENT: 0 NAY: 0 ABSTAIN: 0 CARRIED

Motion by Mr. Decker, seconded by Mr. Ritchie, to authorize the following events and use of Riverside Park, including the concession stand, restrooms, and platform, by the First Assembly of God on the following dates:

To be held in front of City Hall:

May 2, 2013—the National Day of Prayer at noon

To be held at Riverside Park:

July 22 through July 26, 2012—Vacation Bible School from 4:00 p.m. to 8:00 p.m.

July 10, 2013 and July 31, 2013—Free movie and popcorn night from 7:00 p.m. to 10:00 p.m.

July 20, 2012 (rain date July 27, 2012)—Pastor Lou Memorial Motorcycle Run from 8:00 a.m. to 6:00 p.m.

August 10, 2012—Community Day (with access to the Park on August 9, 2012)

AYE: 9 ABSENT: 0 NAY: 0 ABSTAIN: 0 CARRIED

Motion by Mr. Decker, seconded by Mr. Oney, to authorize Ms. Angela Castellano, owner of Angie's Food on the Run, Inc., to operate her mobile food cart at the Park Avenue Observatory from Thursday through Monday from 11:00 a.m. to 3:00 p.m. and at community fairs and events.

Mr. Hendrick commented that the Code Committee is currently discussing not permitting food vendors at the Observatory.

Mr. Oney asked for clarification on the term of a peddler's permit. Mrs. Waizenegger stated that a vendor can choose a term of either a month-to-month or an annual, calendar year peddler's permit.

Mr. Decker noted that the Assistant Building Official, Mrs. Powrie, is researching other municipalities' laws pertaining to peddlers' permits and added that Ms. Castellano is aware of the discussion by the Code Committee.

Mr. Siegel stated that he would be opposed to mobile restaurants because they would compete with local food establishments.

Mr. Bell stated that he is opposed to all peddlers' permits.

AYE: 7 ABSENT: 0 NAY: 2 (BELL, WALIGROSKI) ABSTAIN: 0 CARRIED

Motion by Mr. Decker, seconded by Mr. Siegel, to reappoint Mrs. Yvonne Duryea as sole City Assessor for a term of six (6) years, to be effective from October 1, 2013 through September 30, 2019.

AYE: 9 ABSENT: 0 NAY: 0 ABSTAIN: 0 CARRIED

Mrs. Anne Horsham encouraged everyone to attend the Drug Task Force meeting January 17, 2013. She also spoke about the Bon Secours Community Hospital maternity ward closure.

Public
Comment
given

Mr. John Wortmann, 3rd Ward resident, commented on his disappointment with the state's decision to close the maternity ward and, with what he feels was, the Council's inadequate actions to stop the closure. Mr. Oney noted that Mr. Wortmann did not attend the meeting in Albany and aid concerned residents in stopping the closure.

Mr. Michael Sussman asked the Council to address the support of bus transportation for 2013. Mr. Sussman also spoke about the maternity ward's closure and suggested seeking legal action to challenge the decision.

Ms. Judy Oppelt, 4th Ward resident, shared a personal experience about the maternity ward. She also commented about her difficulty parking in the municipal parking lot near 100 Pike Street due to a food vendor's vehicle that is taking several parking spots.

Mayor Potter commented on the maternity ward closure, stating that the Council fought the closure by writing letters and attending Department of Health meetings in Albany. Mr. Oney added that he felt the Council made a good argument to keep the ward open and the surrounding areas will also suffer. Mr. Waligroski believes Mr. Wortmann did not attend the Albany meeting nor did he help by speaking out against the closure. Mr. Siegel stated that the closure is a travesty to the community, and he feels the hospital has let the community down.

The City Clerk's office is in receipt of a liquor license renewal from Muller's Port Jervis Diner. Anyone having any objections is asked to contact the City Clerk's office.

City Clerk-
Treasurer's
Report given

Motion by Mr. Bell, seconded by Mr. Siegel, to authorize a \$500.00 contribution to the Upper Delaware Scenic Byway.

AYE: 9 ABSENT: 0 NAY: 0 ABSTAIN: 0 CARRIED

Mrs. Waizenegger reminded property owners that first quarter water bills and 2013 County tax bills are due by January 31, 2013.

Mr. Siegel thanked the Code Committee for their work on a proposed local law for dumpster enclosures.

Old Business

Mr. Siegel reminded residents to clear snow from around fire hydrants and entrances to crosswalks.

Mr. Siegel reminded pet owners to pick up after their pets. He has received complaints from those in the Ball Street/Front Street area.

Mr. Ritchie commented that the Bon Secours Community Hospital maternity ward closure will affect the surrounding area. He suggested reaching out to other municipalities affected and creating a coalition.

Mr. Ritchie thanked everyone for their prayers and support at the passing of his father.

Mr. McCarthy stated that the Council will continue to fight the maternity ward closure decision.

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Mr. Decker stated that he feels Mr. Wortmann misunderstood what the Council did in efforts to stop the hospital closure. He spoke about the community's and neighboring municipalities' needs for the ward and reminded everyone that other departments are still open for providing services.

Mr. Decker commented on the life-changing effects of Rachel's challenge.

Mr. Decker attended the Patriot Pen and Voice of Democracy hosted by the Naval Ship and congratulated the participants.

Mr. Decker noted that eleven (11) years ago on this day, his father, Ross Decker, was Mayor for the first time. Some of the current councilmen, Mr. Oney and Mr. Siegel, were also councilmen at that time.

Mr. Belcher, on behalf of the Tourism Board, thanked the DPW staff for their work with the holidaytree and cutouts in Skinners Park.

Mr. Belcher noted complaints he has received from hospital employees and volunteers concerning the crosswalk on East Main Street near the hospital.

Mr. Waligroski thanked DPW staff for their work with snow removal and stated he has gotten complaints from constituents about those who do not clear their sidewalks.

Mr. Belcher received complaints from business owners concerning snow removal, and he spoke to Mr. Kidney and Mr. Lopez on the issue.

Mr. Bell read a portion of a statement concerning compliance with the Bon Secours Hospital's maternity ward closure.

New Business

Mr. Decker encouraged everyone to use the Port Jervis Free Library's lending library stand outside City Hall.

Mr. Decker suggested those wishing to get involved in the community attend either the Tourism Board meeting January 17, 2013 at 6:30 p.m. or the Substance Abuse Task Force at 7:00 p.m.

Mr. Decker informed everyone of a Bullying Prevention program being held at the Delaware Valley Middle School. The program is open to Port Jervis and Deerpark residents, and those wanting to participate must pre-register by calling the school. He thanked Delaware Valley Middle School and staff for hosting this event.

The Port Jervis Free Library will be holding a blood drive on January 24, 2013 from 1:00 p.m. to 7:00 p.m. at the library.

Port Jervis Little League participants can sign-up each Friday from 7:00 p.m. to 9:00 p.m. and Saturday from 1:00 to 4:00 p.m. through February 24, 2013.

Mayor Potter will be giving the State of the City address January 22, 2013 at 7:00 p.m.

Mayor Potter reminded property owners that they have twenty-four (24) hours after the end of a storm to clear sidewalks of snow and ice.

A topic at the next DPW Committee meeting will be contracting out snow removal for the parcels and areas that are the City's responsibility, including over 50 vacant and/or City-owned properties now being maintained by DPW staff. Mr. Bell added that the staff also has the increased workload during the summer with cutting grass on these parcels.

Mr. Oney discussed a speaker's decorum while giving public comment, referencing Mr. Wortmann's public comment given earlier.

Mr. Siegel also encouraged everyone to attend the Substance Abuse Task Force on January 17, 2013.

There will be no 4th Ward Neighborhood Watch meeting for January. The next meeting will be February 20, 2013.

There will be a "Keeping Country Strong" party hosted by Access 23 TV on January 24, 2013 from 8:00 p.m. to 10:00 p.m. at the television station. The Council and public are invited to attend.

Mr. Siegel thanked the Naval Ship for hosting the Patriot Pen and Voice of Democracy.

Ms. Anne Horsham stated that January 20, 2013 will be the final date for Bon Secours hospital maternity services and spoke about the potentially dangerous situations for at-risk pregnancies.

Public Comment
on Agenda
Items given

Ms. Judy Oppelt added that expectant mothers will now have to drive long distances to get to other hospitals. She also added that she was a council member when Mr. Decker's father was mayor.

Mr. Adam Scopino, Jr., who attended the Albany meeting for the hospital closure, shared his disappointment with the state's and hospital's decision to close the maternity ward.

Mrs. Robin Waizenegger, a Westfall, Pennsylvania resident, noted that Town of Westfall residents had supported the battle to keep the hospital open. She also encouraged residents to use the City's West End Beach sleigh-riding hill.

The Council entered Executive Session at 8:59 p.m.

The meeting was reconvened at 10:50 p.m.

Meeting
reconvened

Motion by Mr. Bell, seconded by Mr. Belcher, to authorize Corporation Counsel to begin legal action against two (2) Berme Road residents who receive City water and have not paid water bills in last six (6) years.

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

Motion by Mr. Bell, seconded by Mr. Belcher, to sell the following City-held tax liens with a one-half percent premium: 24-26 Erie Street, 112 North Orange Street, 16 Lyman Street, 4 Catherine Street, and 75 East Main Street.

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

Motion by Mr. McCarthy, seconded by Mr. Oney, to authorize the Police Department to dispose of a 1990 Nissan automobile, that was confiscated in a drug raid and has been in the department's possession since 2009, as surplus property.

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

Motion by Mr. Ritchie, seconded by Mr. Bell, to authorize the Mayor to sign the 2013 contract with the Port Jervis/Deerpark Humane Society.

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

Mr. Ritchie stated he will meet with other municipalities to discuss the Bon Secours hospital maternity ward closure decision and also meet with the hospital to open a dialog on the issue.

Motion by Mr. Siegel, seconded by Mr. Ritchie, to authorize the Mayor to sign page 7 of the 2013 Title 3C contract with the Office of the Aging for the Senior Dining Program.

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

Motion by Mr. Siegel, seconded by Mr. Bell, to accept the proposal from Emergency Vehicle Response (EVR) to write the specifications for the Fire Department's ladder truck bid. The proposed cost will be \$5,500.00 with a maximum not to exceed \$8,900.00.

There is intentions of adding this expense as part of the cost of the truck for financing.

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

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Motion by Mr. Oney, seconded by Mr. Belcher, to hire the following individuals:

- Scott Morris to fill a vacant electrician's position to be effective January 15, 2013
- Robert Furman to fill a laborer/sanitation worker's position, left vacant by Scott Morris' promotion, to be effective January 15, 2013

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

Motion by Mr. Belcher, seconded by Mr. Decker, to authorize the carry-over of one (1) week's vacation time for Police Chief William Worden and Lieutenant James Bisland to be used by April 30, 2013.

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

Meeting
adjourned

Motion by Mr. Siegel, seconded by Mr. Oney, to adjourn the meeting at 11:00 p.m.

AYE: 9 ABSENT: 0 NAY: 0 ABSTAIN: 0 CARRIED

Robin Waizenegger
City Clerk-Treasurer