

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 28, 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

Mrs. Waizenegger read the public hearing notice for proposed Local Law #1-2013.

Public Hearing held—

No public comment was given.

proposed Local Law #1-2013

Motion by Mr. Decker, seconded by Mr. Bell, to close the public hearing at 7:02 p.m.

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

Mrs. Waizenegger summarized the minutes from the January 14, 2013 meeting.

Minutes of the 1/14/2013

Motion by Mr. Siegel, seconded by Mr. McCarthy, to accept the minutes of the January 14, 2013 meeting.

Regular Meeting read

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

Orange County Legislator Dennis Simmons spoke about the New York Safe Act, gun control, and the Second Amendment, sharing statistics on crime in relationship to the degree of gun control. He commended the Town of Deerpark for passing a resolution in opposition to the law and encouraged Port Jervis to pass a similar resolution.

Guest Speaker

Motion by Mr. Bell, seconded by Mr. Ritchie, to authorize the City Clerk-Treasurer to attend GFOA's conference April 10 and April 11, 2013 in Albany, New York.

Committee Reports given

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

The Finance Committee discussed the Capital Note, audit requirements, insurance renewals, cash flow projections, Revenue Anticipation Note, pension rates, Serial Bond, and sales tax.

Motion by Mr. Bell, seconded by Mr. Belcher, to authorize the City Assessor to attend classes and seminars and to travel when necessary for her position as City Assessor with costs not to exceed funds allocated in the 2013 Budget.

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

Motion by Mr. Bell, seconded by Mr. Waligroski, to authorize the City Clerk-Treasurer to attend trainings and meetings necessary for her position with costs not to exceed funds allocated in the 2013 Budget.

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

Motion by Mr. Bell, seconded by Mr. Ritchie, to authorize the issuance of a Revenue Anticipation Note not to exceed \$500,000.00.

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 - \$248,226.93, Water Fund - \$28,262.01 and Capital Fund - \$21,684.86.

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

January 28, 2013

Motion by Mr. Siegel, seconded by Mr. McCarthy, to authorize the Fire Department's Truck 7 to attend a training at the Orange County Training Center on February 2, 2013.

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

Motion by Mr. Siegel, seconded by Mr. Ritchie, to authorize the inter-department transfer of Kenneth Carr (Howell) and Joseph Penn from Howard Wheat Engine Company #4 to Delaware Engine Company #2.

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

Motion by Mr. Siegel, seconded by Mr. Bell, to approve the following individuals for active membership in the Port Jervis Fire Department:

Howard Wheat Engine Company #4—Mark Richard Fuller, Michael C. Kowinsky (junior member), Nicholas R. McKeon (junior member), and Keegan T. Dunn (junior member)
Tri-States Hose Company #6—John P. McGowan

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

Motion by Mr. Siegel, seconded by Mr. Oney, to accept the Fire and Emergency Management Committee's December minutes.

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

Motion by Mr. Bell, seconded by Mr. Waligroski, to accept the Fire and Emergency Management Committee's January minutes.

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

The audit of the Fire Department by EVR is progressing.

Motion by Mr. Bell, seconded by Mr. Siegel, to reschedule the February meetings for Department of Public Works (DPW), Fire and Emergency Management, and Finance to February 19, 2013 due to the Presidents' Day holiday.

The meetings will be held in the City Hall Conference Room.

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

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

Motion by Mr. Decker, seconded by Mr. Belcher, to approve Local Law #1-2013.

Mr. Bell and Mr. Decker thanked those involved with bringing this law to fruition.

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

The DPW Committee update was given and included the following:

- Garbage and recycling will be on the normal schedule for the next few weeks.
- The Port Jervis portion of the transfer station will not be open during the first full week of February and March. However, the section will continue to be open each Saturday morning.
- Those residents needing to dispose of live Christmas trees were asked to place the trees at curbside for pickup. After February 1, 2013, pickup will only be done by contacting the Department of Public Works office.

Mr. Oney reminded residents of the parking ban from December 1 through April 1 from 1:00 a.m. to 6:00 a.m.

Motion by Mr. Oney, seconded by Mr. Siegel, to approve the project for Front Street from Jersey Avenue to Fowler Street, PIN 8759.98, and authorize the following:

- City of Port Jervis to pay 100% of the federal and non-federal share of the cost construction, construction support, and construction inspection work for the project
- The sum of \$479,931 be appropriated from the Capital Fund and be made available to cover the cost of participation in this phase of the project
- The Common Council to convene as soon as possible to appropriate any excess amount necessary immediately upon notification by the Mayor
- The Mayor, Director of Public Works, City Engineer, and City Clerk-Treasurer to execute all necessary agreements, certifications or reimbursement requests for Federal aid and/or applicable Marchiselli aid on behalf of the City with the New York Department of Transportation.

Mr. Decker noted that the City has been working on this project for a decade.

Mr. Brady commented that this is similar to a resolution used in the past and is part of the due course to begin the project.

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

The following Police Department officers had been given awards through the 2012 Officers Recognition Award Program:

- Traffic Safety Awards—Officers Michael Decker, Kevin Moscatiello, Roger Morgan, Jason Vicchiariello, and Robert Card
- Live Saving Award—Officers Roger Morgan, John Fitzpatrick, Matthew Curreri, and Kevin Moscatiello
- Letters of Commendation—Officers Jeremy Eagan, Kevin Moscatiello, Michael Decker, and Kevin Reilly

Mr. McCarthy thanked the Police Department's Awards Committee and congratulated the officers.

The Community Development Agency (CDA) discussed bills for payment, financial reports, 2013 budget, Director's report, DEC grant, and additional grants for City improvements.

The next CDA meeting will be February 27, 2013 at 7:00 p.m.

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

The next Housing Authority meeting will be February 20, 2013 at 7:00 p.m. at Hillside Terrace.

Motion by Mr. Belcher, seconded by Mr. Decker, to authorize the display of three (3) banners beginning March 20, 2013 and lasting for six (6) weeks to advertise the City-wide Yard Sale.

The event will be May 4, 2013.

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

Motion by Mr. Belcher, seconded by Mr. Decker, to authorize the Tourism Board's Fall Foliage Festival on September 22, 2013.

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

Mr. Belcher spoke about the Tourism Board's *Christkindlesmarkt*, which is tentatively scheduled to be held November 30 and December 1, 2013. Mr. Decker requested any final decision be postponed due to the possibility of a date change.

Motion by Mr. Belcher, seconded by Mr. Decker, to authorize the Tourism Board to consider creating of an architectural and historical review board.

Mr. Brady noted that there must be a local law put into the City code for this review board and added that the Planning Board would be included as part of the review process.

Mr. Siegel commented on the current Planning Board process.

January 28, 2013

Motion by Mr. Belcher, seconded by Mr. Decker, to rescind the previous motion.

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

The next Tourism Board meeting will be February 21, 2013 at 6:30 in the Conference Room.

The Recreation Department update was given and included the following:

- A snow tubing group trip to Fernwood Resort in Bushkill, Pennsylvania will be February 28, 2013. The cost is \$20.00 per person.
- A Cops vs Kids basketball game and canned food drive will be March 2, 2013 at 11:00 a.m. at the ASK gymnasium.
- Youth Center hours were given.
- Winter programs include co-ed youth basketball, adult basketball, youth karate, Judo classes, and youth bowling.

The next Recreation Commission meeting will be February 21, 2013 at 7:00 p.m. at the Youth Center.

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

No Zoning Board of Appeals (ZBA) meeting was held in February. The next meeting will be March 5, 2013.

The Planning Board approved applications for 291-293 East Main Street. The pre-submission for 100 Pike Street was continued. A public hearing was set for the revised site plan for 144 Pike Street. The Board also discussed garbage enclosures. The next meeting will be February 19, 2013 at 7:00 p.m.

The Senior Advisory meeting date has not yet been set for the next meeting. Mr. Siegel noted the chairman is not resigning.

No Access 23 TV report was given.

Mayoral
Appointments
made and
Mayor's
Correspondence
reviewed

The following appointments were made:

ZBA—terms will expire 1/31/2018: Tom Sexton and John Teets (alternate)
 Planning Board—terms will expire 1/31/2016: Ralph Hessberger, Michael Cicalese, and Dan Aumick
 Housing Authority—term will expire 5/31/2018: Margaret Eckert
 ADA Committee—terms will expire 1/31/2014: Tim Monahan, Lillian Houghtaling, Michele Smith, and Nancy Walker
 Recreation Commission—terms will expire 1/31/2018: Luanne McCarthy and Dawn Jones
 Senior Advisory Board—terms will expire 1/31/2016: Marie Reeves, Margaret Burger, Betty Collins, Warren Wagner, Linda Drew, Shirley King, and Julio Petitti
 Tourism Board—terms will expire 1/31/2014: Regis Foster, Angela Castellano, Lloyd Rhoades, Harold Butler, William Schill, and Dan VanKleeck
 City Marshall—term will expire 1/31/2018: Jeff Rohrer
 ZBA Attorney—term will expire 1/31/2014: Robert W. Fink

Motion by Mr. McCarthy, seconded by Mr. Belcher, to approve the above appointments.

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

Motion by Mr. Decker, seconded by Mr. Siegel, to approve the following dates for 2013 Cruzin' Port events, with rain dates to be the following Tuesday of each month's event: April 2, May 7, June 4, July 2, August 6, September 3, and October 1, 2013.

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

Motion by Mr. Belcher, seconded by Mr. Siegel, to authorize displaying two (2) banners to advertise the Business and Professional Women’s Club of Port Jervis’ Tricky Tray scholarship fundraiser to be held at the Port Jervis High School on March 9, 2013.

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

No public comment was given.

Public
Comment
given

Mrs. Waizenegger reminded property owners that 2013 County taxes and first quarter water bills are due, without penalty, by January 31, 2013.

City Clerk-
Treasurer’s
Report given

The Clerk’s office has issued end of year tax documents and has begun 2012 audit work.

Mr. Siegel reminded residents of Sav-A-Lot’s free delivery service for grocery orders over ten dollars (\$10.00).

Old Business

Property owners were asked to keep fire hydrants and crosswalks free of snow and ice.

A reminder was given to watch for pedestrians in crosswalks.

Everyone was encouraged to attend the next Drug Awareness Task Force meeting on February 21, 2013 at 7:00 p.m.

The Community Development Agency offices will be moved to the second floor of the Recreation building on Pike Street during the first week of February.

Mr. Decker congratulated Mr. Carl Richards on his 22nd anniversary on television.

Everyone was encouraged to attend the Chamber of Commerce’s inaugural dinner.

Residents were reminded to support the hospital and staff by continuing to use the facility.

Mr. Belcher spoke about the Town of Deerpark’s resolution opposing the recent gun control law.

The next Finance Committee meeting will be February 19, 2013 in the Conference Room after the DPW and Fire and Emergency Management meetings.

The next 4th Ward Neighborhood Watch meeting will be February 20, 2013 at Hose 4’s firehouse.

New Business

Mr. Waligroski agrees with sending a letter to oppose the gun control law and asked residents to also write letters to provide public input on the issue.

Mr. Waligroski commented on the lack of a Student Resource Officer (SRO) in the school district.

Mr. Hendrick stated that the Council should concentrate on local needs and issues, such as the Fire Department’s need for a new ladder truck, the water system improvements, Whitewater Park, unpaid property taxes, public safety, and crime prevention instead of New York’s gun control policy. He also asked residents to contact their state and county representatives to express their views on the New York Safe Act.

Mr. Decker reminded everyone to attend committee meetings to share opinions and express concerns being addressed by the City’s committees.

The Taste of the Tri-States event will be held February 1, 2013 at the Port Jervis High School gym. The proceeds will support the school musical, *Little Shop of Horrors*, to be held in March.

Little League sign-ups will be February 1, 7:00 p.m. to 9:00 p.m., February 2, 10:00 a.m. to noon, and February 3, 1:00 p.m. to 3:00 p.m.

EVR continues to evaluate the Fire Department. Mr. Decker commented on the community’s need for a ladder truck and asked everyone to support the department’s volunteers and the referendum.

The next Substance Abuse Task Force meeting will be February 21, 2013 at 7:00 p.m. There will be a training on substance abuse held January 31, 2013 at the Youth Center.

January 28, 2013

Mr. Decker discussed a recent accident involving a motorist and pedestrian. He has asked the Police Chief to ensure the enforcement of the laws involving pedestrians walking in roadways.

Mr. Decker commented that he has sent a letter in opposition to the new gun control law.

Mr. Decker spoke about addressing local concerns, such as mental health issues and school safety.

Mayor Potter stated that he agrees with the proposed resolution regarding the gun control law.

Mayor Potter has met with Town of Deerpark representatives and school administrators to discuss affirmative measures needed to ensure student and staff safety, such as having an armed officer on school premises.

Mr. McCarthy stated that he felt the gun control law was passed in haste and is an infringement on second amendment rights.

The 2013 Save A Life gun buyback program has begun. Mr. McCarthy detailed drop-off places and procedures. Interested parties can contact the Police Department for more information.

Mr. Ritchie asked residents to write to their legislators to oppose the new gun control law.

Mr. Oney spoke about gun control and asked Mr. Simmons if the County would also be submitting a resolution. Mr. Simmons stated that he has spoken to the County's Counsel concerning the resolution. Mr. Oney added that the State should reconsider and get the public's input. Mayor Potter has asked Corporation Counsel to draft a resolution.

Executive Session
set

Motion by Mr. Oney, seconded by Mr. Waligroski, to set an Executive Session.

Topics to be discussed would be Police personnel, sale of City-owned property at 33 Seward Avenue, and contractual matters.

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

Mr. Siegel spoke about the importance of people expressing their opinions on the gun control issue and shared his concerns about assault rifles.

Mr. Siegel congratulated Mr. Oney on becoming a grandfather.

The Deerpark Shuttle will no longer be available for Port Jervis residents beginning in February. Mr. Siegel asked that the Council consider adding funding for this program in the 2014 Budget.

Mr. Siegel reminded pet owners to clean up after their pets.

Mr. Siegel encouraged people to attend meetings and send letters to give input on various issues facing the City.

The Fire Department's ladder truck referendum will most likely be in April 2013.

Mr. Belcher stated a local taxi service is still offering seniors the opportunity to split the taxi fare among multiple riders to the same destination. Mayor Potter noted that Quality Bus is now providing the transportation for Deerpark Shuttle.

Mr. Bell announced that his son, John, would be an umpire for the Little League World Series.

Motion by Mr. Belcher, seconded by Mr. Ritchie, to authorize the Mayor to sign the resolution in opposition to the gun control law.

Mr. Decker stated that he will abstain. He asked that the information be placed on the website for everyone to review.

Mr. Oney asked if there was a time constraint for submitting the resolution. Mayor Potter stated that there was no time constraint.

Motion by Mr. Decker, seconded by Mr. Siegel, to table the above motion.

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

Mr. Peter Tomasi applauded the Council's decision to postpone voting on the gun control resolution so that residents could provide input during the next Council meeting.

Public Comment
on Agenda
Items given

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

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

Meeting
reconvened

Motion by Mr. McCarthy, seconded by Mr. Decker, to accept retirement letters for employees number 316, effective February 26, 2013, and number 323, effective February 28, 2013, and number 327, effective February 25, 2013.

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

Motion by Mr. McCarthy, seconded by Mr. Waligroski, to grant employee number 350 an additional two (2) weeks of unpaid leave under the Family Medical Leave Act.

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

Motion by Mr. Bell, seconded by Mr. Ritchie, to approve the agreement with Thomas, Drohan, Waxman, and Petigrow at the same rate as 2012.

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

Motion by Mr. Bell, seconded by Mr. Waligroski, to authorize the Mayor to sign the agreement between the City and the Orange County Youth Bureau.

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

Motion by Mr. Waligroski, seconded by Mr. Ritchie, to refuse the offer of \$1,150.00 to purchase the City-owned property of SBL: 5-10-9.1 and to set the price at \$2,500.00 for this parcel.

Mr. Decker stated he is opposed to selling this property.

AYE: 7 ABSENT: 0 NAY: 2 (DECKER, HENDRICK) ABSTAIN: 0 CARRIED

Motion by Mr. Siegel, seconded by Mr. Bell, to solicit request for proposals for the Fire Department's 100' aerial ladder truck with the added provision to include ability to sell it outright before date of receipt.

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

Motion by Mr. Waligroski, seconded by Mr. Siegel, to adjourn the meeting at 10:15 p.m.

Meeting
adjourned

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

Robin Waizenegger
City Clerk-Treasurer