

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, February 11, 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 summarized the minutes from the January 28, 2013 meeting.

Minutes of the 1/28/2013

Motion by Mr. Belcher, seconded by Mr. Oney, to accept the minutes of the January 28, 2013 meeting.

Regular Meeting read

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

Motion by Mr. Bell, seconded by Mr. Waligroski, to approve the unpaid bills in the following amounts for payment: General Fund - \$346,704.78, Water Fund - \$7,593.66 and Capital Fund - \$6,797.57.

Committee Reports given

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

Motion by Mr. Bell, seconded by Mr. Ritchie, to accept the Finance Committee's January minutes.

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

The next Finance Committee meeting will be February 19, 2013 after the Department of Public Works (DPW) and Fire and Emergency Management Committee meetings in the City Hall Conference Room.

Motion by Mr. Bell, seconded by Mr. Decker, to authorize the City Clerk-Treasurer to sign and forward the City's Certificate of Base Proportions to the New York State Department of Taxation and Finance.

Mr. Bell reviewed items from the certificate.

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

Mr. Bell noted that the purchase of a new ladder truck for the Fire Department is financially within the City's means.

Mr. Bell thanked the DPW staff for their work during the weekend's snow storm.

Motion by Mr. Siegel, seconded by Mr. Belcher, to approve Maghogomock Hook and Ladder Company #7 to hold the following events during 2013: April 6, 2013—chicken barbeque, August (date to be announced)—chicken barbeque, and October (date to be announced)—roast beef take-out.

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

Motion by Mr. Siegel, seconded by Mr. McCarthy, to approve the appointment of firefighters Burt Struble and Stephen Braun to the Port Jervis Fire Police.

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

Motion by Mr. Siegel, seconded by Mr. Ritchie, to approve firefighter Rich Finan as a driver for the Port Jervis Fire Police.

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

EVR's audit of the Fire Department is ongoing.

The next Fire and Emergency Management Committee's meeting will be February 19, 2013 after the DPW Committee meeting.

February 11, 2013

The Code Committee update was given and included the following points of discussion:

- The Building Official's January report
- Proposed Local Laws #2-2013 and #3-2013, pertaining to wine bars in a SC zone
- Proposed Local Law #4-2013, pertaining to multi kitchens in a single family dwelling
- Enclosures for dumpsters
- Limiting the locations available for peddlers
- The procedure for designating the City's animal control officer as a peace officer
- Mr. Siegel reviewing multi-family tenant conversion and registration program
- The viability of requiring utility companies to place utilities underground upon completion of a project
- Cleanup status of the Orange and Rockland site on Pike Street
- The interpretation of the law involving pets by Mr. Fink

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

Garbage and recycling pickup will be one (1) day later in all wards due to the Presidents' Day holiday on February 18, 2013.

The next DPW Committee meeting will be February 19, 2013 at 6:00 p.m. in the City Hall Conference Room.

Mr. Oney thanked DPW staff for their work during the recent snow storm and reminded residents that City code requires property owners to clear sidewalks within twenty-four (24) hours after the end of a storm.

Artifacts found during a dig at the Tri-States Bridge Project site have caused a one-year postponement of the project. Clough, Harbour and Associates will be present at an informational supplemental DPW Committee meeting on February 26, 2013 at 7:00 p.m. in the Council Chambers to update the public on the status of this project.

Motion by Mr. Oney, seconded by Mr. Bell, to authorize the Mayor to enter into an agreement for 2013 Urban Renewal funds of \$25,000.00.

The agreement will be referred to Corporation Counsel for review.

Mr. Decker inquired if the funds were allocated for a specific use. Mr. Oney stated that the funds were not yet assigned for a specific purpose.

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

Motion by Mr. McCarthy, seconded by Mr. Decker, to accept the Police Department's January report.

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

On behalf of Police Chief Worden, Mr. McCarthy extended his appreciation to those involved in the "Free Bike" project, including Detective Buscek, Mr. Ed Smith, and Port Jervis High School teachers and students.

Executive
Session set

Motion by Mr. McCarthy, seconded by Mr. Belcher, to set Executive Session for sale of City-owned property, Police personnel, contractual, and litigation.

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

Liaison
Reports given

The next CDA meeting will be February 27, 2013 at 7:00 p.m. The meeting will be in the Recreation Building in the CDA offices on the second floor.

The next IDA meeting will be March 7, 2013 at 4:00 p.m.

The Recreation Update was given and included the Snow Tubing Trip on February 28, 2013 to Bushkill, Pennsylvania, 5th Annual Cops vs. Kids basketball game, and Youth Center holiday hours.

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

The Tourism Board's City-wide Yard Sale will be May 4, 2013 from 9:00 a.m. to 4:00 p.m. The deadline for registration is April 19, 2013. Those who register prior to March 15, 2013 will receive a discount of \$5.00. Registration forms are available on the Tourism Board's website or in the Mayor's office.

Motion by Mr. Belcher, seconded by Mr. Decker, to authorize the use of Riverside Park by the Tourism Board for the Fall Foliage Festival on September 22, 2013 and authorize Police Chief Worden to contact Metro North to discuss railroad track use considerations.

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

Motion by Mr. Belcher, seconded by Mr. Ritchie, to authorize the use of Riverside Park for the Tourism Board's *Christkindlesmarkt* on November 30 and December 1, 2013 and authorize Police Chief Worden to contact Metro North to discuss railroad track use considerations.

Mr. Decker explained the Christmas market and suggested the Board choose another weekend, noting the November 30-December 1 weekend is Black Friday weekend.

Mr. Siegel commented that this will be an all day, all weekend event.

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

The next Zoning Board of Appeals (ZBA) meeting will be March 5, 2013 at 7:00 p.m.

The next Planning Board meeting will be February 19, 2013 at 7:00 p.m.

There was no items on the agenda for the Plumbing and Electrical Board. The next Plumbing and Electrical Board meeting will be March 6, 2013 beginning at 6:30 p.m.

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

No Access 23 TV report was given.

Mayor Potter spoke about Quality Bus providing bus service for the Senior Shuttle, which was previously funded by an anonymous donor.

Mayor's
Correspondence
given

Motion by Mr. Bell, seconded by Mr. Ritchie, to authorize using \$5,520.00 from contingency funds to enter into a contract with Quality Bus for one (1) year to provide the Senior Shuttle transportation.

Payments can be made in twelve (12) month installments. The average ridership is ten (10) to fifteen (15) per week, and transportation to and from grocery stores and physician's offices in nearby New Jersey and Pennsylvania, from areas such as senior housing complexes, will be offered. The shuttle is also handicap accessible.

Mr. Decker stated that this is a viable solution for local senior citizens.

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

Motion by Mr. Decker, seconded by Mr. Waligroski, to authorize the use of Point Peter by the Drew United Methodist Church and the Salvation Army for their Easter Sunrise Service on March 31, 2013 from 7:15 a.m. to 8:00 a.m.

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

Motion by Mr. Belcher, seconded by Mr. Ritchie, to authorize the use of Elks Bronx Park by the First Baptist Church for their Easter Sunrise Service on March 31, 2013. The time requested is 6:30 a.m. to 7:00 a.m. If that time is unavailable, the Church requests 6:00 a.m. to 6:30 a.m.

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

Motion by Mr. McCarthy, seconded by Mr. Decker, to reappoint Mr. Allie Acoveno and Mr. Hermann Barth to the Zoning Board of Appeals (ZBA) with a term to expire January 31, 2018.

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

Mayor Potter spoke about the retirement of debt and the Fire Department's need to replace their ladder truck.

Public Comment given Mr. Peter Tomasi thanked the Mayor and Mr. Bell for speaking about the Fire Department's ladder truck and encouraged residents to vote for the referendum. He also requested the Council vote "no" or to abstain on the resolution for the new gun control law. Mr. Tomasi stated his reasons for his request, citing, in part, incorrect information contained in the resolution.

Fire Chief Jeff Rhoades spoke about ladder truck specifications and the department's need for a new truck, which included taller buildings and apartments on second stories. He noted the increased cost was due to the nature of this special piece of apparatus.

City Clerk-Treasurer's Report given An Orange County Department of Health rabies clinic will be held on February 23, 2013 from 10:00 a.m. to 2:00 p.m. at the Crawford Town Hall in Pine Bush, New York. Preregistration is required. If proof of a previous rabies vaccination is provided, a three-year vaccine can be given.

The Orange County Board of Elections is seeking individuals who are interested in becoming election inspectors. Inspectors are paid \$200 per day, and the County provides paid training. Those interested must be at least seventeen (17) years of age.

Mrs. Waizenegger noted that the City's cash balance is similar to last year and should be sufficient for conducting City business until tax payments begin being received in late March/early April. The Revenue Anticipation Note (RAN) will not be necessary; Mrs. Waizenegger thanked the Finance Committee and Council for previously authorizing the RAN.

Old Business discussed Mr. Siegel thanked those who cleared fire hydrants after the recent snow storm.

Motorists were reminded to stop for pedestrians in the crosswalks.

Everyone was encouraged to attend the Drug Awareness meeting on February 21, 2013.

Sav-A-Lot will delivery groceries free of charge, with a ten dollar (\$10.00) minimum order to local seniors and disabled residents.

Mr. Siegel encouraged residents to attend the February 26, 2013 meeting concerning the Tri-States Bridge Project and commented that the bridge needs to be replaced as soon as possible.

Mr. Siegel thanked DPW staff for their work clearing snow after the recent storm.

Motion by Mr. Decker, seconded by Mr. Belcher, to return to the Council table and approve the resolution to oppose the enactment of any legislation that would infringe upon the Right of the People to keep and bear arms and consider such laws to be unnecessary and beyond lawful legislative authority granted to our State representatives.

Mr. Decker stated that he appreciated Mr. Tomasi's comments concerning this issue and spoke about the Constitution. He supports the resolution to correct the law.

Mr. Decker, Mr. Belcher, and Mr. Siegel had received only a limited number of responses from constituents on this issue.

Mr. Decker read the resolution.

Mr. Bell commented that he agrees with parts of the law but feels he must support the Second Amendment of the Constitution and will vote in favor of the resolution.

Mr. Siegel added that those wanting guns will obtain them regardless of the law. He commented on the importance of supporting the Second Amendment of the Constitution and will also vote in favor of the resolution.

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

Mr. Decker explained the transportation voucher system being offered to expectant mothers by Middletown Community Health Center and how the patient or her family members can obtain the vouchers. This program is being funded for two (2) years. He also asked that residents support the hospital.

Dog owners were reminded to clean up after their pets. The current fines for non-compliance are \$100 minimum to \$250 maximum. The animal control officer will be targeting offenders and issuing citations. Mr. Belcher commented on the health hazards of animal feces.

Mr. Belcher also reminded motorists to stop for pedestrians in crosswalks.

Mr. Bell detailed recent repairs to the ladder truck and noted that the Fire Department cannot sustain the maintenance needed to keep the truck operational. He will support the referendum.

A 4th Ward Neighborhood Watch meeting will be February 20, 2013 at 7:00 p.m. at Hose 4's firehouse.

New Business
discussed

Mr. Waligroski will support and be promoting the ladder truck referendum.

Mr. Belcher stated that he will fully support the referendum, citing the importance of safety to the firefighters and residents.

Mr. Hendrick shared information about the ladder truck, which was put into service in June 1990. He noted the National Fire Prevention Association's recommendations for replacing apparatus and the maintenance costs for the current vehicle. He encouraged everyone to approve the referendum.

Mr. Decker spoke about residents making dynamic, positive changes to improve the community, such as a new ladder truck and new school, and encouraged citizens to get involved.

Mr. McCarthy noted the Police Department's Year-End report will be available at the next Council meeting.

Mr. McCarthy recommended that a Police Department gang fight video be shown to the Council.

Police Chief Worden will be reviewing options for making the crosswalk at Bon Secours Community Hospital safer.

Mr. McCarthy will support the ladder truck referendum for the safety of firefighters and citizens.

Mr. Ritchie will also promote and support the ladder truck referendum.

The Port Jervis-Deerpark Humane Society lasagna dinner fundraiser will be February 24, 2013 at the Drew United Methodist Church. Tickets are \$9.00 per person.

Mr. Oney commented that maternity patients should not have to request the transportation vouchers; the health center should offer them.

Mr. Oney clarified the issue of animals being addressed by the Code Committee. The issue being discussed does not include domestic animals such as dogs and cats.

Mr. Oney agrees with the need for a new ladder truck and recommended the Council provide residents with the details of the retiring debt at the next Council meeting.

Mr. Siegel supports the ladder truck referendum. He suggested residents get answers to their questions prior to making a decision.

Everyone is invited the 4th Ward Neighborhood Watch meeting on February 20, 2013.

The Fire and Emergency Management meeting will be February 19, 2013 in the Conference Room.

Mr. Siegel thanked the Council for supporting the senior shuttle.

Mr. Siegel inquired if poll watchers could work one-half day. Mrs. Waizenegger will provide that feedback to the Board of Elections.

**Public Comment
on Agenda Items
given**

Mrs. Anne Horsham thanked Mr. Decker for the information about the vouchers and asked how the information will be disseminated to maternity patients. She suggested the Council ask the hospital about Community Commitment. She expressed her lack of trust in the hospital.

Mr. Joe Kowal, Sr., a 42-year member of Maghogomock Hook and Ladder Company #1, thanked the Council for their comments and support for the ladder truck and spoke about the department's need for a new truck. He commented that the City owes the volunteers the equipment to do the best job. He also thanked the Council on voting in favor of the gun control resolution.

Mr. Joe Kowal, Jr., a 20-year member of Maghogomock Hook and Ladder Company #1, also thanked the Council for their support of the ladder truck. He added that the department seeks to have the right equipment to serve the community.

The Council entered Executive Session at 8:51 p.m.

**Meeting
reconvened**

The meeting was reconvened at 9:27 p.m.

Motion by Mr. McCarthy, seconded by Mr. Bell, to accept the early retirement of Officer Brian Doss to be effective March 13, 2013.

Chief Worden thanked Officer Doss for his service to the community and wished him well in his future. Mr. Decker, who had worked with Officer Doss, also wished him well and added that he was a great officer.

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

Motion by Mr. McCarthy, seconded by Mr. Waligroski, to hire Police Officer Daniel Miglionico to the Port Jervis Police Department and accept a lateral transfer from his current position with the New York State Park Police to be effective February 18, 2013. Based on his experience, he will be hired at Step 1 per the PBA contract at the annual rate of pay of \$64,093.00. The City Clerk-Treasurer is authorized to pay Officer Miglionico, upon his appointment, the annual uniform allowance of \$1,125.00. This transfer is pending the successful completion of a medical exam and final approval by Port Jervis Civil Service Commission. Per the contract, Officer Miglionico will be contributing to his medical insurance, and his pension is determined by State of New York. His seniority will be based upon entry level per contract, and his vacation, longevity, and all other benefits will also be based upon the PBA contract.

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

Motion by Mr. McCarthy, seconded by Mr. Ritchie, to declare a 2005 Crown Victoria, VIN number 2FAHP71W05X173588, with any equipment currently on the vehicle that is not needed by the department as surplus equipment.

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

Motion by Mr. McCarthy, seconded by Mr. Ritchie, to authorize the sale of a 2005 Crown Victoria, formerly the canine officer's vehicle, with any equipment currently on the vehicle that is not needed by the department to the City of Newburgh Police Department in as is condition for twenty dollars (\$20.00).

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

Motion by Mr. Oney, seconded by Mr. Ritchie, to accept the retirement of employee number 408 to be effective February 27, 2013 after forty (40) years of service.

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

**Meeting
adjourned**

Motion by Mr. Waligroski, seconded by Mr. Siegel, to adjourn the meeting at 9:32 p.m.

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

**Robin Waizenegger
City Clerk-Treasurer**