

August 12, 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, August 12, 2013 at 7:00 p.m.

Regular Meeting

Mayor Potter and all members of the Common Council were present except Mr. Belcher. Recreation Director John Faggione, Building Official Wayne Kidney, Director of Public Works Vincent Lopez, Fire Chief Jeffrey Rhoades, 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 July 15, 2013 special meeting.

Minutes of the 7/15/2013

Mrs. Waizenegger summarized the minutes from the July 22, 2013 regular meeting.

Special and 7/22/2013

Motion by Mr. Decker, seconded by Mr. Ritchie, to accept the minutes of the July 22, 2013 regular meeting.

Regular Meetings

AYE: 6 ABSENT: 1 (BELCHER) NAY: 0 ABSTAIN: 2 (BELL, MCCARTHY) CARRIED

summarized and approved

The next Finance Committee meeting will be August 19, 2013 following Department of Public Works (DPW) Committee and Fire and Emergency Management meetings.

Committee Reports

Motion by Mr. Bell, seconded by Mr. Waligroski, to approve the unpaid bills in the following amounts for payment: General Fund - \$146,488.35, Water Fund - \$38,280.06 and Capital Fund - \$51,691.61.

given—Finance Committee

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

Mr. Bell noted that there are nineteen (19) properties remaining unredeemed from the 2011 Tax Lien Sale, with a final redemption date of November 15, 2013, and twenty-six (26) properties remaining from the 2012 Tax Lien Sale, which will have a final redemption date of November 13, 2014.

Motion by Mr. Bell, seconded by Mr. McCarthy, to authorize the City Clerk-Treasurer to certify and file with the State of New York the Certificate of Adjusted Base Proportions report submitted by the City Assessor.

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

Court maintenance administrative fees will be reimbursed at a rate of five percent (5%) over the next five (5) years, which is a decrease of five percent (5%).

Motion by Mr. Siegel, seconded by Mr. Decker, to approve Patrick Speaker as a Probationary Driver into the Port Jervis Fire Department's Excelsior Engine Company #5.

Fire and Emergency Management

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

(FEM)

Motion by Mr. Siegel, seconded by Mr. Ritchie, to approve Jack Glick as a Probationary Driver into the Port Jervis Fire Department's Delaware Engine Company #2.

Committee

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

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

Delaware Engine Company #2—Orange County Fire Training Center, August 15, 2013, live burn
Howard Wheat Engine Company #4—Wallington, New Jersey, November 23, 2013, Christmas Parade

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

August 12, 2013

Motion by Mr. Siegel, seconded by Mr. Bell, to remove Craig Perry from the active membership rolls of the Port Jervis Fire Department and Neversink Engine Company #1.

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

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

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

The next FEM meeting will be August 19, 2013 after the DPW Committee meeting.

Code
Committee

The Code Committee discussed the Building Official's report, wine bars, peddler's permits, dumpster enclosures, underground utilities, a proposed local law being referred to the Planning Board, a sidewalk grant, and a proposed zone change to several properties to RO zone.

Mr. Kidney spoke about the proposed zone change for thirty-nine (39) parcels that are currently zoned in the Central Business District (CBD) or Service Commercial (SC) zones but are adjacent and/or contiguous to a Residential/Office (RO) zone. The zone change would not be spot zoning. These properties have always been homes and do not lend themselves to commercial redevelopment. Mr. Bell questioned several commercial properties, which Mr. Kidney clarified would remain as commercial.

Motion by Mr. Decker, seconded by Mr. Decker, to proceed with the proposed zone change recommended by Mr. Kidney and Mrs. Duryea.

Mr. Kidney noted that a similar zone change was done on South and Erie Streets.

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

The next Code Committee meeting will be September 4, 2013 at 7:00 p.m.

Motion by Mr. Decker, seconded by Mr. Siegel, to approve the Code Committee's July minutes.

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

DPW
Committee

The next DPW Committee meeting will be August 19, 2013 at 6:00 p.m.

Garbage and recycling will be on a normal schedule for the next two (2) weeks.

Mr. Oney detailed issues raised by the New York State Department of Environmental Conservation (DEC) concerning the compost pile. Per the DEC's recommendations, the compost pile will be manned on Saturday mornings from 7:15 a.m. to 11:30 a.m. Residents can also have grass clippings and yard waste picked up by placing the containers curbside on the same day as the ward's paper and cardboard recycling.

Paving will begin on Erie Street by the end of the month. When the contractor provides Mr. Lopez with a definite date, residents in that area will be notified.

Executive
Session set

Motion by Mr. Oney, seconded by Mr. Waligroski, to set Executive Session for litigation, personnel, and attorney-client privilege.

An invitation was extended to Mr. Lopez to attend.

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

Police
Committee

Mr. McCarthy thanked all those involved with National Night Out.

Motion by Mr. McCarthy, seconded by Mr. Hendrick, to authorize Employee 352 to attend a motorcycle gang awareness training seminar from August 26 to August 28, 2013. All costs are budgeted.

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

The Police Department has received a grant in the amount of \$6,477.00 to be used for a joint project with the Orange County Rape Crisis Center.

High visibility police patrols in conjunction with the Sheriff's Department will be deployed in "hot spots" throughout the City.

The Community Development Agency (CDA) discussed the approval of June and July bills, sponsorship of the Home and Garden Tour, and the meeting with the Council and City Clerk-Treasurer.

Liaison Reports given—
Community Development Agency (CDA)

The next meeting will be August 28, 2013 at 7:00 p.m.

The next ADA Committee meeting will be September 5, 2013 at 4:00 p.m.

ADA

The next Housing Authority meeting will be August 21, 2013 at 7:00 p.m. at Hillside Terrace.

Housing Authority

The Recreation Update was given and included the following:

Recreation Commission

- The summer program ended August 9, 2013.
- West End Beach will close for the season August 18, 2013.
- Rotary Skateboard Park is open.
- Tickets are still available for the New York Yankee game on August 14, 2013.
- The summer concert series continues.
- Co-ed Youth Track program ends August 15, 2013.

The next Recreation Commission meeting will be August 20, 2013 at 6:00 p.m. at the Youth Center.

The Fall Foliage Festival will be September 22, 2013. The Tourism Board thanked the DPW for displaying banners to advertise the event.

Tourism Board

The next Tourism Board will be August 14, 2013 at 6:00 p.m.

The Zoning Board of Appeals will continue the public hearing for 165 Jersey Avenue on August 13, 2013 meeting at 7:00 p.m.

Zoning Board of Appeals and Planning Board

The application for 100 Pike Street (Rite-Aid) was conditionally approved at the July Planning Board meeting. The proposed local law amending City code §535 has been referred to the Planning Board for review. The next Planning Board meeting will be August 20, 2013 at 7:00 p.m.

The Plumbing and Electrical Boards' next meetings will be September 4, 2013 beginning at 6:30 p.m.

Plumbing and Electrical Boards

No date has been set for the next Senior Advisory meeting.

Senior Advisory

No report was given.

Access 23 Report

Ms. Elaine Cooper, co-chair of the 2013 CROP Walk, spoke about this year's event being held on October 20, 2013. She thanked the Council and Police Department for their support.

CROP Walk and Downhill Race Day discussed

Motion by Mr. Decker, seconded by Mr. Bell, to authorize the 2013 CROP Walk.

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

Mr. Tom Barnhart spoke about the ACME Extreme Downhill Labor Day Race to be held August 31 and September 1, 2013 from 7:00 a.m. to 8:00 p.m. on Skyline Drive. The organization hopes to use the proceeds to purchase six (6) trees through the Adopt-A-Tree program. Mr. Barnhart is seeking food vendors for the event, and Mayor Potter suggested the Fire Department be permitted to participate with food booths. Mrs. Waizenegger offered to email the list of approved food vendors for the City. Parking for spectators will be at West End Beach, and neighbors of Skyline Drive will be contacted prior to the event.

Transportation
Enhancement
Program update
given

Ms. Kathy Hendrickson, CDA Director, discussed the sidewalk repair project, which included the need for refining cost estimates and the scope of work. The deadline for the application is August 16, 2013. The City will seek \$750,000 to \$850,000 of a maximum \$2.5 million in funding. The City's cost share will be twenty percent (20%), and eighty percent (80%) will be reimbursable by New York State Department of Transportation (DOT). Mr. Ritchie asked if the City could fund the cost share. Mrs. Waizenegger noted that the funding, approximately \$150,000, would be included in the 2014 budget, and the City can use BAN financing for a DOT project. Ms. Hendrickson added that the application and funding does not allow reimbursement of administrative cost.

Motion by Mr. Ritchie, seconded by Mr. Bell, to authorize the Mayor, on behalf of the City of Port Jervis, to make an application to file for assistance under the New York State DOT Transportation Enhancement Program, execute a project agreement with the DOT, and submit project documents. The City of Port Jervis agrees to fund its portion of the cost of the project and funds will be available to initiate the project's field work within six (6) months to one (1) year of receiving funding approval.

Mr. Siegel asked if the project would be for replacement only. Ms. Hendrickson stated that the project would be for replacement and repair, and the target area would be East Main Street and Kingston Avenue.

Mr. Decker inquired about the types of materials to be used to repair or replace the sidewalks. Ms. Hendrickson stated that the City will take into consideration various materials and material costs must be considered. She noted that a bicycle path may be added.

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

Mayor's
Correspondence
reviewed

Mayor Potter thanked and commended the Police Department and Mr. Faggione on the success of the National Night Out event.

Mayor Potter thanked Mr. Faggione for the Recreation Department's 2013 summer program.

The Town of Deerpark extended an invitation to residents to attend the 12th Anniversary of the September 11 Memorial Service at 8:00 a.m.

Motion by Mr. Waligroski, seconded by Mr. Decker, to authorize two (2) DPW employees and a front-end loader to assist the Laurel Grove Cemetery Association with the removal of damaged trees in the cemetery.

Authorization is pending approval of Mr. Lopez.

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

Motion by Mr. Decker, seconded by Mr. Ritchie, to authorize naming the corner of East Main and Orange Streets "Homer's Corner".

Mr. William Onofry invited everyone to attend the opening on August 14, 2013.

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

Public Comment
given

Mr. John Sullivan, a new reporter from the *Times Herald Record*, introduced himself to the Council. He commented that the City is a well-run city and asked for more specific detail when giving Executive Session topics to be discussed. He looks forward to working with the Council.

City Clerk-
Treasurer's
Report given

No report was given.

Old Business
discussed

Council Members thanked all those involved with National Night Out.

Mr. Siegel and Mr. Decker thanked those involved with the Home and Garden Tour.

Mr. Decker encouraged everyone to attend the RC Racing held on Saturdays in Riverside Park.

Old Business
discussed
(continued)

Mr. Decker commented on work being done to Fort Decker by Boy Scout Troop 173.

Mr. Waligroski asked Mr. Lopez if DPW staff could remove a damaged trash receptacle on Front Street.

There will be a 4th Ward Neighborhood Watch meeting on August 21, 2013 at Engine 4's firehouse.

Mr. Decker noted the following items: Alyssa Startup concert in Riverside Park on August 15, 2013, the CROP Walk on October 20, 2013, Mr. John Bell's participation in the Little League World Series in Williamsport, Pennsylvania, and the increase in Orange County Landfill fees beginning September 1, 2013.

New Business
discussed

The next Police Committee meeting will be September 3, 2013 at 6:30 p.m.

Four (4) new police officers will graduate from the Police Academy on August 16, 2013. Mr. McCarthy congratulated and welcomed the new officers.

Mr. Siegel reminded senior residents age sixty (60) and over can dump bagged garbage at the Orange County Transfer Station for fifty cents (50¢) per bag.

Mr. Siegel commented on the need for trash receptacles at the top of Pike Street.

Mr. Siegel encouraged anyone using the Delaware River to use a life jacket and highlighted some of the Fire Department's river rescue calls.

No comments were given.

Public
Comment on
Agenda Items
given

Motion by Mr. McCarthy, seconded by Mr. Decker, to add contractual matters for the Beach Road Pump Station, 19 Railroad Avenue, and 33 Seward Avenue as topics to be discussed in Executive Session.

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

The Council entered Executive Session at 8:37 p.m.

The Council reconvened at 10:07 p.m.

Meeting
reconvened

Motion by Mr. Oney, seconded by Mr. Siegel, to authorize Mr. Brady, Mr. Lopez, and Ms. Carole Gallagher to enter into negotiations with the DEC concerning the letter of violation the City received on March 8, 2013.

Mayor Potter asked to be kept apprised of the situation concerning this matter.

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

Motion by Mr. Bell, seconded by Mr. Waligroski, to authorize Corporation Counsel to send a letter of eviction to the occupants of 19 Railroad Avenue.

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

Motion by Mr. Bell, seconded by Mr. Decker, to approve hiring Jackie Avdoyan as a substitute senior youth center leader and youth center leader.

The position is budgeted.

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

Motion by Mr. McCarthy, seconded by Mr. Bell, to approve the use of Whitewater Park funds for Ecologic LLC of Cazenovia, New York to complete of a mussel survey at a cost of \$13,960 and an ecological survey at a cost of \$2,720.

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

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

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

Robin Waizenegger
City Clerk-Treasurer