

October 15, 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, October 15, 2013 at 7:03 p.m.

Regular Meeting

Mayor Potter 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, Police Lieutenant William VanInwegen, Police Chief William Worden, Deputy City Clerk-Treasurer Sandy Decker, 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

Mr. Brady reviewed the actions taken to date in regards to the property owned by Anthony DiBartolo and Deborah Frey, located at 4 Gordon Street, SBL: 6-10-11, including the Building Official's service of notice and the Council's determination of a dangerous building and decision to demolish the building per the City Code. The date of service was October 1, 2013. The affidavit of service, Council's Exhibit One, was submitted to the Deputy City Clerk-Treasurer for filing. Mr. Brady reviewed the Council's requirements per the City Code and stated that the requirements have been met. The necessary documents have been filed with the City Clerk-Treasurer's office and with the Orange County Clerk's office. Mr. Brady read the notice. This hearing gives the property owners an opportunity to ask questions of the Council on this matter. Mayor Potter asked if the property owners were present at the meeting; they were not in attendance.

Hearing—
Demolition of
4 Gordon
Street

Mr. Kidney reviewed the steps taken in determining the property as a dangerous building and issuing the violation notice. The owners, to date, have not complied. Mr. Kidney's recommendation is to raise and remove the dangerous building in the interest of public safety per the September 23, 2013 Common Council resolution. Mr. Kidney gave a brief history of the property since the owner's purchase in December 1996. Twenty-three (23) violation notices have been issued. The Department of Public Works (DPW) has performed maintenance, such as cutting the grass and overgrowth, for approximately seven (7) years due to the owners' non-compliance of violation notices. The property has had to be secured twice by DPW. There have also been violations for exterior maintenance issues and unregistered vehicles. There are currently open bench warrants for the owners' arrest. Mr. Kidney stated that the building is a public nuisance.

Mr. Decker asked if there had been any response from the owners. Mr. Kidney stated that he had spoken to the property owners one (1) time in March 2013.

Mr. Waligroski stated that the date of the notice of service was October 1, 2013 and asked when demolition must begin. Mr. Brady clarified that the owner has thirty (30) days to begin demolition from October 1, 2013. The City was required to give the owners five (5) days' notice of the hearing date, and that requirement has been met. He also noted the owners must obtain a demolition permit through the Building Official's office.

Mr. Decker inquired if the City could bring suit against the property owners to recoup all costs if the City performs the demolition. Mr. Brady noted that the City could bring suit to collect all municipal liens per the City Code, § 234.7F, and can be added to the property tax bill. He added that taxes are not current, and if remain unpaid on November 19, 2013, the property will enter the tax sale process. Mr. Brady gave a possible scenario where the City will own the empty lot after the two (2) year tax sale process.

Mr. Belcher asked if the City could tear the dangerous building down. Mr. Brady clarified that the City must wait thirty (30) days from the date of the service of notice, which was October 1, 2013. He stated that the Council is awaiting Requests for Proposals (RFP) for the demolition but cannot act until after the thirty (30) day period. The Council could review any RFPs received and make a decision at the October 28, 2013 Council meeting.

Mr. Brady asked Mr. Kidney if it was his belief that this building was in violation of City Codes §234-1E, §234-1I, and §234-2. He stated that this is correct.

Mr. Siegel inquired about the dimensions of the lot. Mr. Kidney was unsure of the exact size but believes it to be 50' x 100' and would be buildable.

Mr. Brady summarized that Anthony Dibartolo and Deborah Frey were served notice on October 1, 2013, which included a copy of the Common Council resolution and Building Official's memo and photographs, the violation notice, and proof of service in respect to the March 20, 2013 notice. He submitted this to the Deputy City Clerk-Treasurer.

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The Council can make a ruling to continue the original resolution and determination, and at the conclusion of this hearing, the owners have exhausted administrative remedies to bring an Article 78 to block the Council from demolishing the building. Once the Council has made the determination, it must take action. Mr. Brady advised closing the hearing and making a determination, approving an RFP at the October 28, 2013 meeting, and after the thirty (30) day period has expired, acting quickly.

Mr. Decker asked for clarification of recovering costs from the property owner even after the two-year tax sale process and the City takes possession of the property. Mr. Brady stated that the City can attempt to recover the costs incurred for the demolition and recommended doing so within three (3) years.

Motion by Mr. Bell, seconded by Mr. Belcher, to close the hearing at 7:29 p.m.

Corporation Counsel opened the hearing and provided the fact that there has been proper notice and the proper filings have been done. The Council believes there is a basis for this action to be taken, and the property owners have been given the opportunity to appear before the Council to speak.

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

Motion by Mr. Bell, seconded by Mr. Decker, to reaffirm the Council's September 23, 2013 action to be taken.

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

Minutes of the
9/23/2013
Regular and
9/30/2013
Special
Meetings
summarized
and approved

Mrs. Decker summarized the minutes from the September 23, 2013 regular meeting.

Motion by Mr. Siegel, seconded by Mr. Ritchie, to accept the minutes of the September 23, 2013 regular meeting.

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

Mrs. Decker summarized the minutes from the September 30, 2013 meeting.

Motion by Mr. McCarthy, seconded by Mr. Waligroski, to accept the minutes of the September 30, 2013 special meeting.

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

Committee
Reports given—
Finance
Committee

Motion by Mr. Bell, seconded by Mr. Oney, to authorize the use of \$650.00 from the Ruggeri Fund for the Senior Club bus trip on November 14, 2013 to Ehrhardt's Waterfront Resort.

The trip is an acceptable expense.

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

Motion by Mr. Bell, seconded by Mr. Ritchie, to approve the unpaid bills in the following amounts for payment: General Fund - \$228,253.32, Water Fund - \$20,620.14 and Capital Fund - \$150,612.60.

Mr. Waligroski noted that the amount detailed for the disbursement for the Orange County Commissioner of Finance for the 2013 County tax needed to be corrected to \$49,316.83.

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

Motion by Mr. Bell, seconded by Mr. Decker, to authorize the City of Port Jervis to enter into an agreement with the County Executive of Orange County to exempt the City's watershed property located in the Town of Deerpark from County taxes for the year 2015.

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

Motion by Mr. Bell, seconded by Mr. Belcher, to approve the issuance of a Tax Anticipation Note to be issued on or about November 1, 2013, with a maturity date of January 30, 2014, for the purpose of funding the outstanding amount of 2013 County taxes due Orange County in the amount of \$49,316.83.

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

Motion by Mr. Siegel, seconded by Mr. Belcher, to approve the transfer of Edward Pavlich, Jr. from the Port Jervis Fire Department's Tri-States Hose Company #6 to Delaware Engine Company #2.

Fire and
Emergency
Management
(FEM)
Committee

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

Motion by Mr. Siegel, seconded by Mr. McCarthy, to appoint Adam P. Scopino, Jr. to the Port Jervis Fire Police.

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

Motion by Mr. Siegel, seconded by Mr. Belcher, to remove Amy Shannon, of Neversink Engine Company #1, and T. J. Mead, of Delaware Engine Company #2, from the active membership rolls of the Port Jervis Fire Department.

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

Mr. Siegel read the names of individuals who have been members of the Fire Department for twenty-five (25) and fifty (50) years.

Motion by Mr. Siegel, seconded by Mr. Ritchie, to accept the list of twenty-five (25) and fifty (50) year members of the Port Jervis Fire Department.

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

The Fire Department is still awaiting a meeting date from EVR.

The next FEM meeting will be October 21, 2013 after the Department of Public Works (DPW) meeting.

The Code Committee discussed the Building Official's report, moving forward with the wine bar and peddlers permit proposed local laws, dumpster enclosures, underground utilities, sidewalk replacement project grant, CDB zone change, film industry proposed local law, and fees for impounded animals.

Code Committee

Motion by Mr. Decker, seconded by Mr. Belcher, to set a public hearing for proposed Local Law #8-2013 for October 28, 2013.

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

Motion by Mr. Decker, seconded by Mr. Siegel, to amend the fees for the impounding and release of dogs as follows: §215-9H "Impounded Dog Release Fee—1st Offense--\$25.00 and §215-9H "Impounded Dog Release Fee—Subsequent Offenses for the same dog"--\$25.00 plus an additional \$10.00 for each subsequent impound.

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

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

Garbage and recycling will be one (1) day later this week due to the Columbus Day holiday. Third Ward cardboard pickup will be Friday, October 18, 2013. Garbage and recycling will be on a normal schedule for the next three (3) weeks.

DPW Committee

The Beach Road Pump Station project is progressing well.

DPW crews will be assisting the Adopt-A-Tree program over the next couple of weeks with planting trees in the downtown area.

Motion by Mr. Oney, seconded by Mr. Belcher, to authorize entering into an agreement with McGoey, Hauser, Edsall Consulting Engineer for engineering services for the Berme Road Water Line project with a cost not to exceed \$56,000.

The total project costs are approximately \$500,000 and were included in the 2013 Bond. The engineering firm will conduct an inspection for each part of the process, at a cost of \$25,000, and provide drawings. The scope of work does not include geotechnical work to determine the subsurface conditions.

Mayor Potter stated that the City is obligated to provide water to thirteen (13) properties on Berme Road, and this project will provide water directly to those residents. Mayor Potter spoke briefly about a water main break in that area earlier this year.

Mr. Brady added that this line will resolve problems that now exist due to the fact that the water line is currently on property that is not City-owned.

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

The next DPW Committee meeting will be October 21, 2013 at 6:00 p.m.

**Police
Committee**

Motion by Mr. McCarthy, seconded by Mr. Siegel, to accept the Police Department's September report.

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

Motion by Mr. McCarthy, seconded by Mr. Belcher, to enact a Halloween Curfew from October 21, 2013 through November 11, 2013 from 9:00 p.m. to 6:00 a.m. each day for individuals under the age of seventeen (17) years.

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

October is Domestic Violence Awareness Month. Everyone was encouraged to wear purple on October 16, 2013 in support. The Clothesline Project will be displayed in Veteran's Park on October 22, 2013 from 10:00 a.m. to 3:00 p.m.

The free prescription take-back program will be October 26, 2013 at Police Department headquarters from 10:00 a.m. to 2:00 p.m. Other locations, including Hillside Terrace, Maghogomock Village, and Water's Edge, will be drop-off sites for residents of those housing complexes.

The next Police Committee meeting will be November 4, 2013 at 6:30 p.m.

**Liaison Reports
given—
Community
Development
Agency (CDA)**

The CDA reviewed agency finances and approved bills. They also discussed correcting the monies owed to the City and applying grant administrative fees to the amount owed the City.

The next CDA meeting will be October 23, 2013.

ADA

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

**Housing
Authority**

The Housing Authority update included new apartment numbers being installed at Hillside Terrace in 2014 and a fire evacuation drill was held.

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

**Recreation
Commission**

The Recreation Commission report was given and included the following:

- The Halloween Skate Bash will be held October 26, 2013 on Skyline Drive pending Council approval.
- The 67th Annual Halloween Parade will be October 27, 2013 beginning with line-up at 3:00 p.m. at City Hall.
- Fall Clean-Up will be November 16, 2013 from 10:00 a.m. to noon in Farnum and Church Street Parks.
- Halloween Youth Center hours were given.
- Busy Bodies Arts and Crafts Program will began October 12, 2013 for children in grades K-3.
- A December 1, 2013 New York Jets field trip is scheduled, and tickets are available.

The next Recreation Commission meeting will be October 23, 2013 at 7:00 p.m.

The *Christkindlmarkt* will be December 1, 2013 from 10:00 a.m. to 6:00 p.m. The deadline for vendor applications is November 8, 2013.

Tourism Board

Motion by Mr. Belcher, seconded by Mr. Siegel, to authorize the Tourism Board to use the municipal parking lot on Front Street on December 1, 2013 for the *Christkindlmarkt*.

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

Mayor Potter will contact the owners of 100 Pike Street to request the use of the parking lot for vendors to use during the event.

The Police Department will escort Santa's Express from Park Avenue to Front Street at 4:00 p.m., and the tree lighting at Graeb Point will be December 1, 2013 at 4:00 p.m. Banners to advertise the holiday event will be displayed at the entrances to the City.

Motion by Mr. Belcher, seconded by Mr. Decker, to close Front Street and Jersey Avenue from Fowler to Sussex Streets for the *Christkindlmarkt*.

Authorization is pending approval of the Police Department and DPW.

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

The next Planning Board meeting is scheduled for October 17, 2013 at 7:00 p.m., and a pre-submission for 21 East Main Street will be held.

Zoning Board of Appeals and Planning Board

The Zoning Board of Appeals set a public hearing for 24 Erie Street, and the Board requested a refund of the fee for the 21 East Main Street application.

Motion by Mr. Hendrick, seconded by Mr. Waligroski, to refund the ZBA application fee for 21 East Main Street, SBL: 8-13-5.

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

The next ZBA meeting is November 5, 2013 at 7:00 p.m.

The Plumbing Board approved one (1) application for testing.

Plumbing and Electrical Boards

There was no business before the Electrical Board.

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

No report was given.

Senior Advisory

There is a new bus service to Middletown for Orange County Community College students and those with Social Services or Veterans' cards. Mr. Siegel stated that County Legislator Dennis Simmons is researching the possibility of senior citizens being permitted to use this service. Schedules are available in the City Clerk's and Mayor's offices.

Mayor's Correspondence reviewed

Motion by Mr. Decker, seconded by Mr. Ritchie, to authorize the Chamber of Commerce's Rick Drew Holiday Parade on December 8, 2013 at 2:00 p.m.

The rain/snow date is December 15, 2013, and a certificate of insurance will be provided prior to the event.

Chief Worden requested the Council postpone the vote until he can contact the Chamber of Commerce to request a time change for the event to 3:00 p.m.

Mr. Decker and Mr. Ritchie rescinded their previous motion and second.

Bon Secours Community Hospital invites residents to their Eat Fresh Port Jervis event at the Sav-A-Lot grocery store from 4:00 p.m. to 6:00 p.m. to be held for five (5) weeks each Tuesday beginning November 8, 2013. There will be cooking demonstrations and health screenings.

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The RO rezoning has been sent to Corporation Counsel for review. Mr. Brady noted that the Council would have to discuss how to pay for the work. Mr. Bell stated that the costs would have to be disbursed from contingency funds.

Groups or organizations must RSVP to the Recreation Department if they wish to participate in the Halloween Parade.

Motion by Mr. Decker, seconded by Mr. Siegel, to authorize the Port Jervis Drama Club to use the Farnum House for their Farnum House Haunting from October 25, 2013 through October 27, 2013.

The group will ensure that there is no conflict with any programs being held at the Farnum House. A certificate of insurance has been provided.

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

Motion by Mr. Decker, seconded by Mr. Waligroski, to authorize St. Mary's Little Lambs to hold a parade on April 9, 2014 from Church Street to City Hall beginning at approximately 10:30 a.m. to celebrate the Week of the Young Child.

Authorization is pending approval from the Police Department and DPW.

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

Motion by Mr. McCarthy, seconded by Mr. Decker, to authorize Fire Inspector Keith Brown to attend a training class from October 21 through October 25, 2013 in Montour Falls, NY at a cost of \$149.00.

He is permitted to travel using a Fire Department vehicle.

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

Motion by Mr. McCarthy, seconded by Mr. Decker, to amend the City Code Fee Schedule by adding the fee schedule below for marriage performed by the Mayor of Port Jervis, to be effective November 1, 2013:

Ceremony Fee if at least one (1) party is a City resident—\$0.00

Ceremony Fee if at least one (1) party is a New York State resident—\$50.00

Ceremony Fee if both parties are residents of another State or Country—\$100.00

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

Mayor Potter commented on the flowers grown and presented to him by the AHRC Community Builders Group. He thanked the group and CDA for their work with the Community Garden.

Access 23 TV

Equipment was donated to the television station, which included a flat screen television.

Mr. Siegel spoke about difficulties with digital adapters from Time Warner Cable.

Mr. Brady added that the insurance is current on the building.

Public Comment given

Ms. Lisa Randazzo, on behalf of the Tri-State Chamber of Commerce, thanked the City for its support of the Chamber's 5K and 10K race.

Mr. Adam P. Scopino, Jr., a 2nd Ward resident, brought to the Council's attention the lack of handicap bathroom facilities at the Fall Foliage Festival.

City Clerk-Treasurer's Report given

The 2013 Tax Lien Sale will be held November 19, 2013. One hundred sixty-five parcels will appear in the classified section of the *Times Herald Record* Friday, October 18, 2013.

The following events are upcoming:

- October 16—4th Ward Neighborhood Watch
- October 20—Crop Walk
- October 22—Clothesline Display in Veteran’s Park
- October 26—Drug Take-back
- October 27—Halloween Parade

Old Business discussed

Mr. Siegel thanked Ms. Nancy Reilly for her years of service to the Meals-on-Wheels program.

Mr. Siegel commented that he has noticed more motorists stopping for pedestrians in crosswalks.

Mr. McCarthy and Mr. Waligroski congratulated the Port Jervis football team on their win against Middletown.

Mr. Decker spoke briefly about Port Jervis being named “All City” by All detergent, spirit week at Port Jervis schools, the Port Jervis High School Alumni dinner and Hall of Fame inductees, Port Jervis soccer team, and Empowering Port Jervis’ programs and classes.

Mr. Hendrick congratulated Mr. Kevin Birmingham on being a Hall of Fame inductee.

The next Finance Committee meeting will be October 21, 2013 after the DPW and FEM meetings.

New Business discussed

There will be a self-defense seminar on November 16, 2013 from 10:00 a.m. to noon at the Drew Methodist Church. Everyone was invited to attend.

Everyone was encouraged to attend the JV cheerleaders’ cure against cancer fundraiser on October 25, 2013 at Chase Field at 4:00 p.m.

Mr. Belcher commented on the towpath and the number of homeless structures along the area. He asked that DPW crews be sent to remove the structures and noted that the Police Department may have to be involved if there is a clean-up of the area.

Mr. Belcher inquired about paving a path from the Metro North platform to the nearby City municipal lot. Mr. Siegel added that there were no handicap facilities for commuters. Mr. Waligroski noted that there is a handicap ramp for those requiring it and who notify Metro North prior to using the train.

The natural gas and electric savings for September 2013 was \$6,843.99.

Mr. Hendrick informed the Council of the SEQR form presentation by McGoey, Hauser and Edsall Consulting Engineers at the Planning Board meeting on October 17, 2013 at 7:00 p.m.

There will be an Operation PJ Pride celebration on October 16, 2013 at 11 Fowler Street beginning at 7:00 p.m.

Mr. Decker encouraged everyone to attend a concert at Bethel Woods on October 20, 2013 at 2:00 p.m. The Port Jervis High School choir will be performing.

Motion by Mr. Decker, seconded by Mr. Waligroski, to set Executive Session for the following topics of discussion:

Executive Session set

- Attorney-client privileged (DEC) 4 Gordon Street
- DPW, Police, and Recreation personnel
- Litigation 19 Railroad Avenue
- Sale of City-owned property 33 Seward Avenue

An invitation to attend was extended to Mr. Lopez, Mr. Faggione, Mr. Worden, and Ms. Carole Gallagher.

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

Mayor Potter stated that the apron on Hook and Ladder’s firehouse will be having repairs over the next couple of weeks.

Mr. McCarthy encouraged young people to use crosswalks properly.

Mr. Adam P. Scopino, Jr. thanked the Council for accepting his application into the Fire Police.

Public Comment on Agenda Items given

The Council entered Executive Session at 9:14 p.m.

Meeting
reconvened

The meeting reconvened at 10:27 p.m.

Motion by Mr. Belcher, seconded by Mr. Decker, to accept the resignation of Kori Vincenti-Krentz as Youth Center Leader effective November 1, 2013.

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

Motion by Mr. Belcher, seconded by Mr. Bell, to hire Nicole Stellato for the positions of Busy Body Instructor and Youth Center Leader.

Both positions are budgeted and will not interfere with each other.

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

Motion by Mr. McCarthy, seconded by Mr. Oney, to hire Mr. Richard O'Connell as a Police Department dispatcher clerk.

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

Motion by Mr. Oney, seconded by Mr. Decker, to authorize City attorney, Mr. Lopez, and City engineer to present a counter offer to the consent order from the DEC concerning the sewer break on Jersey Avenue and the immediate area last March.

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

Motion by Mr. Oney, seconded by Mr. Siegel, to authorize City attorney, Mr. Lopez, and City engineer to schedule an appointment with the DEC and EEP to discuss the SUL with the City.

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

Meeting adjourned

Motion by Mr. Decker, seconded by Mr. Hendrick, to adjourn the meeting at 10:30 p.m.

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

Sandy L Decker
Deputy City Clerk-Treasurer