

April 9th, 2018**Special Meeting-**

The Special meeting of the City of Port Jervis Common Council held as a joint session with the Town of Deerpark was held in the Council Chambers, 20 Hammond Street, Port Jervis, New York on Monday April 9th, 2018 at 7:00 p.m.

Attendance-

Mayor Decker and all members of the Common Council were present. Supervisor Gary Speers and All members of the Town Board were present.

Meeting opened at 7:00pm by Mayor Decker.

Pledge of Allegiance-

Deerpark Board Member Art Trovei gave an invocation and led all present in the Pledge of Allegiance to the Flag. He then did a roll call attendance for the Town of Deerpark indicating all 5 members were present.

Town of Deerpark Supervisor gave an overview of the reasons for the annexation of the listed commercial properties into the City of Port Jervis for the purpose of being able to make available to these properties water and sewer services to spur the economic development of these properties. Both communities would benefit from the growth and development via jobs, tax ratable properties, sales tax growth, etc.

Supervisor Speers indicated that there will be done an impact study before the property would be annexed.

It was expressed that the school district could possibly also benefit from this process despite the fact that they have yet to commit to being involved.

Deerpark Legal Counsel Glenn Plotsky then read and explained the joint resolution entitled "JOINT RESOLUTION OF THE CITY OF PORT JERVIS, ORANGE COUNTY, NEW YORK AND THE TOWN OF DEERPARK, ORANGE COUNTY, NEW YORK"

City of Port Jervis - Motion by Mr. Belcher, seconded by Mrs. Fitzpatrick, to adopt the Joint Resolution

Discussion was had regarding sharing of cost and revenues. It was noted that right now the costs will be shared equally but that based upon the impact study and the financial impacts on the City of Port Jervis and the cost experienced by Deerpark for the maintenance of the roads a revenue sharing proposal will be done based on the study as equal sharing of the subsequent revenue may not be appropriate.

It was explained that this resolution is to move forward with the process but is not yet an approval of the annexation itself.

This resolution is only to move forward with the Public Hearing and begin the process along with the impact study as warranted.

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

Town of Deerpark – Motion by Councilman Dean and Seconded by Councilman Trovei.

AYE: 5 ABSENT: 0 NAY: 0 ABSTAIN: 0 CARRIED

Deerpark Legal Counsel Glenn Plotsky then read and explained the joint resolution entitled "NOTICE OF JOINT PUBLIC HEARING" to set a public hearing on May 21, 2018 at 7pm at the Town of Deerpark Senior Center.

City of Port Jervis - Motion by Ms. Randazzo, seconded by Mr. Foster, to adopt the Joint Resolution

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

Town of Deerpark – Motion by Councilman Smith and Seconded by Councilman Dean.

AYE: 5 ABSENT: 0 NAY: 0 ABSTAIN: 0 CARRIED

Town of Deerpark Attorney Glen Plotsky then read the legal Notices to be posted for the Joint Public hearing,

City of Port Jervis - Motion by Mr. Belcher, seconded by Mr. Siegel to authorize the notice be posted

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

Town of Deerpark – Motion by Councilman Trovei and Seconded by Councilman Smith.

AYE: 5 ABSENT: 0 NAY: 0 ABSTAIN: 0 CARRIED

Town of Deerpark – Motion by Councilman Dean and Seconded by Councilman Smith to adjourn the Town of Deerpark portion of this meeting.

AYE: 5 ABSENT: 0 NAY: 0 ABSTAIN: 0 CARRIED

City of Port Jervis - Motion by Mr. Belcher, seconded by Mr. Siegel to adjourn special meeting with the regular meeting to reconvene at 7:30

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

Robin Waizenegger
Port Jervis City Clerk Treasurer

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JOINT RESOLUTION OF
THE CITY OF PORT JERVIS, ORANGE COUNTY, NEW YORK AND
THE TOWN OF DEERPARK, ORANGE COUNTY, NEW YORK

WHEREAS, the City of Port Jervis, in conjunction with the Town of Deerpark seeks to initiate the process for the annexation of property located within the Town of Deerpark and contiguous with lands laying within the City of Port Jervis; and

WHEREAS, the properties are more specifically described as:

1. Approximately 19.2 acres of property owned by Deer Port, LLC, more specifically identified as Section 57, Block 3, Lot 3.2 on the Tax Map of the Town of Deerpark. The legal description of the property is attached hereto as “Exhibit A”;
2. Approximately 18.0 acres of property owned by River Country Town Square, LLC, more specifically identified as Section 57, Block 3, Lot 2 on the Tax Map of the Town of Deerpark. The legal description of the property is attached hereto as “Exhibit B”;
3. Approximately 6.6 acres of property owned by PJ Quarry, Inc., more specifically identified as Section 52, Block 1, Lot 45 on the Tax Map of the Town of Deerpark. The legal description of the property is attached hereto as “Exhibit C”;
4. Approximately 1.9 acres of property owned by PJ Quarry, Inc., more specifically identified as Section 52, Block 1, Lot 44.1 on the Tax Map of the Town of Deerpark. The legal description of the property is attached hereto as “Exhibit D”;
5. Approximately 32.4 acres of property owned by PJ Quarry, Inc., more specifically identified as Section 52, Block 1, Lot 46.1 on the Tax Map of the Town of Deerpark. The legal description of the property is attached hereto as “Exhibit E”;
6. Approximately 8.1 acres of property owned by PJ Quarry, Inc., more specifically identified as Section 52, Block 1, Lot 49.2 on the Tax Map of the Town of Deerpark. The legal description of the property is attached hereto as “Exhibit F”;
7. Approximately 49.90 acres of property owned by City of Port Jervis, more specifically identified as Section 52, Block 1, Lot 47.2 on the Tax Map of the Town of Deerpark. The legal description of the property is attached hereto as “Exhibit G”;
8. Approximately 3.50 acres of property owned by City of Port Jervis, more specifically identified as Section 54, Block 1, Lot 35.1 on the Tax Map of the Town of Deerpark. The legal description of the property is attached hereto as “Exhibit H”; and

In addition, the Common Council of the City of Port Jervis and the Town Board

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of the Town of Deerpark will also consider the possible annexation of:

9. Approximately 49.2 acres of property owned by Port Jervis City School District, more specifically identified as Section 54, Block 1, Lot 36 on the Tax Map of the Town of Deerpark. The legal description of the property is attached hereto as “Exhibit I”;
10. Approximately 5.10 acres of property owned by Port Jervis City School District, more specifically identified as Section 52, Block 2, Lot 15 on the Tax Map of the Town of Deerpark. The legal description of the property is attached hereto as “Exhibit J”; and

WHEREAS, no individual or individuals currently reside on any of the properties being considered for annexation; and

WHEREAS, the parcels considered herein are unused and provide minimum revenue to the Town of Deerpark, and an agreement has been reached between the City of Port Jervis and the Town of Deerpark that, in exchange for the retention, care, maintenance and upkeep of roadways servicing the subject properties, the municipalities agree to share the property taxes equally obtained from the parcels in perpetuity, subject to actual receipt of tax payments from the subject property owners; and

WHEREAS, the owners of the parcels considered herein are in favor of the annexation of the properties as it would allow them to better utilize the properties and realize a gain from the properties, or have not expressed any opinion relative to annexation; and

WHEREAS, §703-a of the General Municipal Law of the State of New York allows the governing boards of two (2) or more municipalities to propose annexation of territory by joint resolution; and

WHEREAS, §704 of the General Municipal Law of the State of New York requires a Notice of the Proposed Annexation be published in the local newspaper within twenty (20) days of adoption of this Joint Resolution, and be posted on the website of the municipalities; and

WHEREAS, §704 of the General Municipal Law of the State of New York further requires that the Notice include the Joint Resolution that was adopted by the municipalities and a statement that there will be a Joint Public Hearing to consider all evidence pertaining to the proposed annexation; and

WHEREAS, §704 of the General Municipal Law of the State of New York further requires that such Joint Public Hearing must be held no sooner than Twenty (20) days and no later than Forty-Five (45) days after adoption of this Joint Resolution; and

WHEREAS, §704 of the General Municipal Law of the State of New York further requires that a Notice of Joint Public Hearing must be sent to the Port Jervis City School District

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at least Ten (10) days prior to the Joint Public Hearing; and

WHEREAS, §704 of the General Municipal Law of the State of New York further requires that a Notice of Joint Public Hearing must be sent to any Fire Districts in which the property to be annexed may be located at least Ten (10) days prior to the Joint Public Hearing.

NOW, THEREFORE, BE IT RESOLVED, that the Common Council of the City of Port Jervis and the Town Board of the Town of Deerpark adopt this Joint Resolution pursuant to §703-a of the General Municipal Law of the State of New York and shall move forward with the process of annexing properties located within the Town of Deerpark to the City of Port Jervis as described herein; and

BE IT FURTHER RESOLVED, that the Town of Deerpark authorizes the City of Port Jervis to publish a Notice of Proposed Annexation in the Times Herald Record within Twenty (20) days of the adoption of this Joint Resolution, such fees to be shared equally by the City of Port Jervis and the Town of Deerpark; and

BE IT FURTHER RESOLVED, that pursuant to §704 of the General Municipal Law of the State of New York, the Town of Deerpark and the City of Port Jervis shall hold a Joint Public Hearing regarding the proposed annexation on the 21st day of May, 2018, at the Senior Center of the Town of Deerpark, having an address of 410 U.S. Route 209, Huguenot, New York 12746, at 7:00 P.M.; and

BE IT FURTHER RESOLVED, that pursuant to §704 of the General Municipal Law of the State of New York, the Town of Deerpark authorizes the City of Port Jervis to publish the Notice of Public Hearing in the Times Herald Record and to send a copy to the Port Jervis City

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School District and all relevant Fire Districts located within the Town of Deerpark at least Ten (10) days prior to the date of the Joint Public Hearing, such costs to be shared equally by the municipalities.

Dated: April 9, 2018

CITY OF PORT JERVIS

Motion by: Councilman George Belcher

Seconded by: Councilman Gina Fitzpatrick

Ayes: Councilman Stan Siegel, Councilman Lisa Randazzo, Councilman Maria Mann, Councilman Dominick Santini, Councilman Regis Foster, Councilman Kristin Trovei, Councilman David Bavoso, Councilman Kelly Decker

Nays: None

Abstentions: None

CITY OF PORT JERVIS

ROBIN WAIZENEGGER
CITY CLERK TREASURER

TOWN OF DEERPARK

Motion by: Councilman David Dean

Seconded by: Councilman Arthur Trovei

Ayes: Councilman Gary Spears, Councilman Kenneth Smith, Councilman Alan Schock

Nays: None

Abstentions: None

TOWN OF DEERPARK

HON. FLORENCE SANTINI
TOWN CLERK

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EXHIBIT "A"
DESCRIPTION OF DEER PORT, LLC PARCEL

Beginning at an iron pipe found at a point on the southeasterly bounds of South Maple Avenue (County Road No. 16) at the northwesterly corner of lands of Segal, Liber 1874 P 1051; running thence from said point of beginning along the southwesterly bounds of said lands of Segal and running generally along a stone row and wire fence south 46° 45' East 143.25 feet to an iron pine set at an angle point in said southwesterly bounds of lands of Segal, thence continuing South 31° 53' East 208.08 feet to an iron pipe found at a point on the northwesterly bounds of Clove Road (County Road No. 15) see Right of way taking Parcel A of Map No. 3 for said County Road filed in the Orange County Clerk's Office, thence running along said northwesterly road bounds South 46° 40' West 218.71 feet to a marble monument found at the northeasterly corner of Highway Taking parcel No. 11, Map No. 11 of lands acquired for Interstate Route 503-1-1.2 (for appropriation see Liber 1702 p 598), thence running along the northeasterly bounds of said Highway Taking Parcel No. 22 North 60° 24' West 859.34 feet to a marble monument found at an angle point in said northeasterly highway bounds, thence continuing North 63° 55' West 332.04 feet to a marble monument found at an angle point in said northeasterly highway bounds, thence continuing north 56° 51' West 562.89 feet to a marble monument found at the southeasterly corner of Highway Taking Parcel No. 13 of lands acquired for Interstate Route 503-1-1.2 (for appropriation see Liber 1757 p 721), thence running along the easterly bounds of said Highway Taking Parcel No. 15 North 43° 55' East 251.06 feet to an iron set at an angle point in said easterly highway bounds, thence continuing North 09° 13' West 132.00 feet to a concrete monument found at a point on the southeasterly bounds of South Maple Avenue, thence running along said southeasterly road bounds North 61° 15' East 174.87, feet and North 68° 48' East 192.21 feet to the point or place of beginning.

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EXHIBIT "B"
DESCRIPTION OF RIVER COUNTRY TOWN SQUARE, LLC PARCEL

BEGINNING at a point located on the southeasterly right-of-way line where the public road known as County Road No. 16 meets the public road known as South Maple Avenue, where the same are intersected by the reputed division line between the City of Port Jervis and the Town of Deerpark, said point marks the northerly most corner of the parcel herein described; running thence along the reputed division line between the City of Port Jervis and the Town of Deerpark, South 54 degrees 12 minutes 24 seconds East 1426.56 feet to a point located on the westerly right-of-way line of County Road No. 15; thence running along the westerly right-of-way line of County Road No. 15 on the following four (4) courses and distances:

- (1) On a curve to the right, having a radius of 318.95 feet, for an arc distance of 177.00 feet, to a point of compound curvature;
- (2) On a curve to the right, having a radius of 543.69 feet, for an arc distance of 215.63 feet;
- (3) South 54 degrees 32 minutes 20 seconds West 173.29 feet;
- (4) On a curve to the left, having a radius of 1176.28 feet for an arc distance of 107.00 feet;

Thence running along lands now or formerly Deer Port, LLC (Liber 3693 Page 305) and partially following the general line of an old stonewall, North 31 degrees 45 minutes 12 seconds West 183.30 feet to a found iron pipe in the bend of said stonewall; thence continuing along the same, and partially following the general line of an old stonewall, North 45 degrees 46 minutes 24 seconds West 1497.67 feet to a found iron pipe located on the southeasterly right-of-way line of County Road No. 16; thence running along the southeasterly right-of-way line of County Road No. 16, North 73 degrees 55 minutes 30 seconds East 450.00 feet to the point and place of BEGINNING. Containing 18.13 acre, more or less.

SUBJECT TO an easement along County Road No. 15 as shown on the Port Jervis – N.J. State Line (Clove Road) County Road No. 15, Map No. 2.

FURTHER SUBJECT TO a ten (10) foot wide easement along County Road No. 16 as shown on the Port Jervis – N.J. State Line (Maple Ave) County road No. 16, Map No. 1.