

August 13<sup>th</sup>, 2018**Regular Meeting-**

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 13<sup>th</sup>, 2018 at 7:00 p.m.

**Attendance-**

All members of the Common Council were present except Mr. Siegel.

Meeting opened at 7:00pm by Mayor Decker.

**Pledge of Allegiance-**

Mayor Decker led all present in the Pledge of Allegiance to the Flag.

**Youth Report-** No report

**Senior Report-** No report

**Veteran Report-** No report

**Minutes Approved-**

Motion by Mr. Belcher, seconded by Mr. Bavoso to approve the minutes of the July 23<sup>rd</sup>, 2018 regular meeting.

AYE: 8 ABSENT: 1 NAY: 0 ABSTAIN: 0 CARRIED

Motion by Mr. Belcher, seconded by Mrs. Mann to approve the minutes of the August 1<sup>st</sup>, 2018 special regular meeting.

AYE: 7 ABSENT: 1 NAY: 0 ABSTAIN: 1 (Mr. Bavoso) CARRIED

**For the Good of the City**

Linda Vanhorn, 4<sup>th</sup> ward, stated that she doesn't understand the reasoning behind the new council meeting format.

**Business:****Mrs. Randazzo-**

Mrs. Randazzo reported that the code committee held a special meeting to discuss a taxi cab business and possibly adding specialty foods as a permitted use to the R1 & R2 zones. The next code committee meeting will be held on September 5<sup>th</sup> at 7:00pm in the council chambers. The plumbing board will next meet on September 5<sup>th</sup> at 6:30pm. The electrical board will next meet in September 5<sup>th</sup> at 6:45pm.

August 13<sup>th</sup>, 2018

Motion by Mrs. Randazzo, seconded by Mr. Bavoso to approve a public hearing for proposed local law#7 to be held on August 27<sup>th</sup>, 2018 at 7:01pm relating to kitchenettes.

AYE: 8 ABSENT: 1 NAY: 0 ABSTAIN: 0 CARRIED

Mrs. Randazzo thanked the Recreation Commission for all the summer programs that were offered and noted that Foundry42 recently hosted a great Broadway open mic event. She also stated that she agrees that council meetings are for business but isn't against public comment and noted moving forward she will post any media statements directly to her Facebook page.

**Mrs. Fitzpatrick-**

The Youth Center will be open 11:00 am-3:00 pm for the rest of the summer (August 13-31). We will resume our school hours on Wednesday September 5<sup>th</sup>. Supervised playground programs ended last Friday August 10<sup>th</sup>. Thank you to all the kids and staff that made it a great summer. West End Beach is also closed for the season. Due to high water and unsafe swimming conditions plus unfavorable weather conditions the decision was made to close the beach 5 days early this season. The beach was scheduled to close Sunday August 19<sup>th</sup>. FREE Events at Riverside Park still to come include: The Carl Richards Band concert this Wednesday August 15<sup>th</sup> at 7 pm. Outdoor movie on Wednesday, August 22 at 7:00 pm- Peter Rabbit will be playing. DJ G Thursday, August 30<sup>th</sup> at 6:30 pm- 80's Night in the Park. Come out and enjoy these concerts and movies. They are FREE of charge! The Port Jervis Family Fair will be held at Riverside Park August 23-26. Rides, food, entertainment and plenty of fun for the kids and adults. The next Recreation Commission meeting is scheduled for this Wednesday August 15<sup>th</sup> at 7pm at the Youth Center.

Mrs. Fitzpatrick thanked all involved with the filming of the movie "The Sixteen". She also stated that public comment should be before and after agenda items.

**Mr. Belcher-**

Mr. Belcher stated that garbage and recycling will be on its normal schedule for the next two weeks. The week of September 3rd is Labor Day and Garbage and recycling will be one day late in all wards. Paper Recycling will be picked up as normal on the 1st Friday in September. Please be advised that paper pickup in the 4th ward will be on August 24th as scheduled not on the 5th Friday of the month which is August 31st. Yard Debris will continue to be picked up on Monday's in all wards. Please be sure to use compostable and/or biodegradable bags for disposal. Debris placed in cans must be of 35 gallons or less in size. Please be cautious while traveling on Jersey Ave as the DPW will begin working on preparing the road for paving. The next DPW meeting will take place on Monday September 4th ,2018 at 6pm here in the Council Chambers. This meeting is being moved due to the Labor Day Holiday.

He noted the Tourism board discussed the upcoming carnival and offered condolences to the Russell family.

**Mr. Santini-**

Reported that the Zoning board discussed a use variance and a setback variance at the last meeting and noted the next Zoning board meeting will be held on September 4<sup>th</sup>, 7:00pm. Mr. Santini also announced that the next Planning board will be held on August 21<sup>st</sup>, 7:00pm.

**Mr. Belcher -**

Motion by Mr. Belcher, seconded by Mr. Santini to approve the August 6<sup>th</sup>, 2018 DPW meeting minutes.

AYE: 8 ABSENT: 1 NAY: 0 ABSTAIN: 0 CARRIED

**Mr. Foster-**

August 13<sup>th</sup>, 2018

Motion by Mr. Foster, seconded by Mrs. Randazzo to approve the retirement of the following Police Officers, Sergeant Flynn effective August 31<sup>st</sup>, 2018, JAB Officer Robertson effective August 31<sup>st</sup>, 2018 and Officer Vicchiariello effective August 31, 2018.

Mr. Kidney noted all officers were outstanding.

AYE: 8 ABSENT: 1 NAY: 0 ABSTAIN: 0 CARRIED

Motion by Mr. Foster, seconded by Mrs. Trovei to approve the hiring of the following part-time police officers to be assigned to the school police unit: James Flynn to be effective September 1<sup>st</sup>, 2018, Jason Vicchiariello to be effective September 4<sup>th</sup>, 2018 and Scott Robertson to be effective September 5<sup>th</sup>, 2018 and Michael Hockenberry to be effective September 5<sup>th</sup>, 2018.

Mrs. Randazzo reminded residents that the cost of the officers will be reimbursement by the school district.

Mayor Decker noted that these officers will only work within the school district and not on the streets.

Mrs. Trovei stated that she is very pleased that the school district, the City and the Town of Deerpark worked together to come up with this program.

AYE: 8 ABSENT: 1 NAY: 0 ABSTAIN: 0 CARRIED

Mr. Foster announced that a special meeting will be held on August 16<sup>th</sup> at 6:30pm for the purposes of filling vacancies within the Police Department, thanked all involved with the National Night Out event, offered condolences to the Russell family, announced the next ADA meeting will be held on October 1<sup>st</sup> at 6:30pm and would like to see public comment at the beginning and at the end of each meeting.

**Mrs. Mann-**

Mrs. Mann read a statement relating to public comment.

Announced the next IDA meeting has not been scheduled at this time.

**Mrs. Trovei-**

Mrs. Trovei addressed the change in the council agenda and supports public comment at the beginning and at the end of each meeting. She noted that she likes the new public comment sign in sheet as it provides individuals contact information if needed. Mrs. Trovei encourages all to attend committee meetings and announced the next finance meeting will be held on August 15<sup>th</sup>, 2018 at 6:00pm in the council chambers.

Motion by Mrs. Trovei, seconded by Mr. Bavoso to pay the current bills for General Fund, Water Fund, and Capital Account for a total of \$351,715.40.

AYE: 8 ABSENT: 1 NAY: 0 ABSTAIN: 0 CARRIED

Mrs. Trovei reported that the CDA discussed the section 8 update, financial updates, director's report, grant updates, walking history tour, long term sewer repair meeting, carbon inventory and SUNY Orange. The next CDA meeting will be held on August 22<sup>nd</sup>, 2018 at 7:00pm on the second floor of the Youth Center. Thanked Chief Worden and all other involved with the NNO event, congratulated all bike participants, and welcomed new Operation PJ Pride Director.

**Mr. Siegel-** Absent

**Mr. Bavoso-**

Mr. Bavoso stated that the comprehensive plan reviewed a draft at the last meeting and announced the next comprehensive zoning plan committee will be held on September 6<sup>th</sup>, 2018 at 6:00pm in the council chambers.

August 13<sup>th</sup>, 2018

**Mayor Decker-**

Mayor Decker read the following statement.

"My decision to change the format of the Common Council meeting was simply to make it the business type of meeting it is intended to be.

It was not my intention to take away or restrict anyone's rights.

I even thought by doing away with the planned executive session and giving the public the right to comment before a council vote, were great ways to expand the public voice in city matters.

By removing public comment from the council agenda and focusing that voice to where the work actually gets done, in committee, was my only intent in making that change.

Unfortunately, it turned into a concern of a 1st Amendment rights issue, that again was not my intent nor was it illegal but I modified the agenda anyway. I decided to allow a "For the Good of the City" comment period where the public can announce or speak about any item for 3 minutes. However, now anyone wishing to speak during this time must first sign up and write down what it is that they are addressing so that the committee that would handle the issue is assigned the issue.

What really concerns me, is the general public's understanding of their 1st Amendment rights. One can get this information from many validated .gov and .org sites that list... (The) government can limit some protected speech by imposing "time, place and manner" restrictions. ...their speech cannot be unreasonably withheld (as it would have and will be channeled to the committee that would handle it), nor can they be denied (comment) based on content of the speech. That would be what is called viewpoint discrimination – and that is unconstitutional. (aclu.org) – Once again, sending comments to the committee that will handle the issue is the proper venue for complaints and concerns to be handled.

When I speak about the constitution, many are perplexed to know that our U.S. Constitution was written by our founding fathers behind closed doors beginning May of 1787 with no public comment. Even its ratification circumvented the state legislatures and 9 of the 13 states would be needed to ratify. They initially only had 6 on board. After a debate and papers between the two sides (Federalists

and Anti-Federalist) the tide turned in the Massachusetts "vote now, amend later" compromise.

Our 1st Amendment (which was a constitutional addition/change) gives us the rights of religion, speech, press, assembly, and petition. Certainly, there are limitations to all of these.

After reviewing "Robert's Rules of Order," I decided to make the initial changes. Those that are members (councilmen / councilwoman) not only pass or amend the previous minute meetings but can also give committee reports, if they have them. Once the members are finished a call for adjournment is made. There are no provisions mandating public comment. However, Robert's Rules of Order states that different societies vary greatly, and they should be managed differently in order to obtain the best results.

So, I heeded this concern of public comment and chose to follow Article 1D: 111 of the Veterans of Foreign War policies called "Good of the Order." This allows for specific suggestions, constructive criticism and to attempt, in good faith, to rectify wrongs. If necessary, to achieve a desired outcome, the "Good of the Order" can be proposed and sent to a committee that would handle the issue. It is important to note that any issue that has been tabled, deferred, or disposed of by the acting body cannot be reintroduced under the "Good of the Order" this eliminates repetitiveness.

In closing, our public has more rights than it ever had before with this new Common Council Agenda. Just by being able to speak prior to any public vote, as well as being able to clearly listen to the process in which any item even comes up for a vote. The public's 1st Amendment rights have never been in jeopardy but collusion (that is secret or illegal cooperation or conspiracy, especially in order to cheat or deceive others) is alive and well (and sickening) in not only the land of social media but even in some of our area press with no liability.

\*\*UPDATE- After what I believe was a very good comment and input period, I have decided to add a second "For the Good of the City" with a 3-minute limit at the end of the Common Council meeting. Individuals will still be asked to sign up and write down their issues so that they may be addressed."

August 13<sup>th</sup>, 2018

The Mayor presented special events for approval.

Motion by Mr. Belcher, seconded by Mr. Foster to approve the Sportsman's expo event to be held at Riverside Park on June 15<sup>th</sup>, 2019 from 10:00am-5:00pm.

AYE: 8 ABSENT: 1 NAY: 0 ABSTAIN: 0 CARRIED

Motion by Mr. Foster, seconded by Mr. Belcher to approve a Saint Mary's Church event to be held on October 13<sup>th</sup> at 12:00pm.

AYE: 8 ABSENT: 1 NAY: 0 ABSTAIN: 0 CARRIED

Motion by Mr. Foster, seconded by Mr. Belcher to approve a life chain prayer event on October 14<sup>th</sup>, 2018 from 1:00-2:30pm.

Public: asked where event will be held.

Mayor Decker noted on the sidewalks of East Main Street from Jersey Ave to Sullivan Ave.

AYE: 8 ABSENT: 1 NAY: 0 ABSTAIN: 0 CARRIED

Motion by Mr. Belcher, seconded by Mr. Bavoso to approve the 26<sup>th</sup> annual fall foliage event to be held on September 23<sup>rd</sup> from 10:00am-6:00pm.

AYE: 8 ABSENT: 1 NAY: 0 ABSTAIN: 0 CARRIED

Motion by Mr. Belcher, seconded by Mr. Bavoso to approve the 6th annual Christkindlmarkt event to be held on November 24<sup>rd</sup> from 10:00am-6:00pm.

AYE: 8 ABSENT: 1 NAY: 0 ABSTAIN: 0 CARRIED

The Council discussed a request to forgive late fees on a water account. No motion for approval made therefore request is considered denied

Mayor Decker announced that Port Jervis received \$150,000.00 from Senator Bonacic's office. He stated the money will go towards the completion of Front Street sidewalks which will free up some bond monies to be used for the redesign of the mini mall parking lot and garbage cans.

Motion by Mr. Belcher, seconded by Mr. Bavoso to approve the purchase of 15 garbage cans in the amount of \$10,935.00.

Mrs. Fitzpatrick asked the council to consider buying cheaper garbage cans.

Mrs. Trovei asked what fund the money would be coming from.

Mayor Decker recommended using the allocated BOND funds.

AYE: 8 ABSENT: 1 NAY: 0 ABSTAIN: 0 CARRIED

Motion by Mr. Bavoso, seconded by Mr. Belcher to accept a donation of a property located at 184-186 Pike Street.

Mrs. Randazzo asked if the property was vacant and what the possible income would be if the property was built on.

Mayor Decker noted that the buyer has plans to make major improvements to 180 Pike Street, which would increase the tax ratable for that building and to use the vacant lot for parking required for that business.

Public: inquired about the future plans of the property and the possibility of creating a municipal parking lot.

AYE: 8 ABSENT: 1 NAY: 0 ABSTAIN: 0 CARRIED

Motion by Mr. Bavoso, seconded by Mr. Belcher to accept an offer to purchase 184-186 Pike Street in the amount of \$36,000.00.

Public: asked the council to consider putting the sale of the property through the bidding process.

Council discussed the bidding process versus a direct sale.

AYE: 8 ABSENT: 1 NAY: 0 ABSTAIN: 0 CARRIED

August 13<sup>th</sup>, 2018

Motion by Mr. Belcher, seconded by Mr. Bavoso to approve the placement of an Orange & Rockland temporary substation behind the turntable property for 4 years with a 1 year extension in the amount of \$95,000.00.

Public: asked if O&R will be using this site as a temporary substation while the old one gets replaced.  
Mayor responded yes.

AYE: 8 ABSENT: 1 NAY: 0 ABSTAIN: 0 CARRIED

Mayor Decker announced that Senator Bonacic's office will be covering the cost to pave Skyline path, reminded residents that the Homestead property bids are due by August 15<sup>th</sup>, 2018, and reappointed Marie Reeves to the Civil Service Board with a term to expire on May 31<sup>st</sup>, 2023. He also appointed Annie Foster to fill a vacancy on the Planning Board with a term to expire on January 31<sup>st</sup>, 2020, thanked all involved with recent bike events, National Night Out and announced Mannie's barbershop is the business of the month.

Announced a 9/11 memorial service will be held at the Town of Deerpark Town Hall on September 11<sup>th</sup>, 2018 at 8:30am

#### **For the Good of the City-**

Annie Horsham, thinks the new council format is wonderful and noted the public has more input than ever before. She reminded residents that the annual book bag event will be held on August 18<sup>th</sup>, 2018 from 1:00-3:00pm.

Kathy Hylas, stated she was happy that public comment will be at the beginning and again at the end of each meeting. She also asked council members their opinion on public comment.

#### **Meeting Adjourned –**

Motion by Mr. Foster seconded by Mr. Bavoso to adjourn the meeting at 8:30pm.

AYE: 8 ABSENT: 1 NAYS: 0 ABSTAIN: 0 CARRIED

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Robin Waizenegger  
Clerk Treasurer