

February 11, 2019

**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 February 11th, 2019 at 7:00 p.m.

**Attendance-**

All members of the Common Council were present.

Meeting opened at 7:00pm by Mayor Kelly Decker.

**Pledge of Allegiance-**

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

**Youth Report- None**

**Senior & Veteran Report-** not presented until later in the meeting

**Minutes Approved-**

Motion by George Belcher, seconded by Regis Foster to approve the minutes of the January 28th, 2019 regular meeting.

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

**For the Good of the City –** Mr. Beasley indicated that he has recently moved into the City of Port Jervis and that he recognizes that all of the elected officials here have good plans but that he thinks criticism is a good thing. He then indicated that his first inter-action with the water department and utility company was not good during his recent frozen pipe incident.

Ed Degroat asked if part of Farnum Street that was sold was ever designated as a street. The Mayor indicated that the item is still in litigation and both the Mayor and Corporation Counsel refused to answer any questions. He also stated that the body camera that was given to the building inspector is on the wrong person. It should be given to those he visits.

**Business:**

**Ms. Randazzo-** She reported that the next Plumbing and Electrical boards will be March 6th 5:30 and 5:45 respectively followed by Code committee at 6pm.

She indicated that the Orange County Department of Health is doing lead training on [March 27<sup>th</sup>](#). **Corrected to March 22<sup>nd</sup> from 8am to 4pm per resolution on 3/14/19.**

She also referenced that they have available many services related to lead elimination including HEPA vacuum loan program, voluntary lead inspections and that they have seen a good improvement in the conditions in Port Jervis properties.

Also at the code meeting they reviewed a non-compliance issue at 42 Hudson Street, multi-dwelling fees, vacant building laws, social service inspections as well as hotel and room tax.

**Mrs. Fitzpatrick-** Gave the Recreation update as follows:

1. Snow Tubing in Bushkill at White Lightning PA on Thursday February 28. Cost is only \$25 per person (includes transportation). Bus leaves PORT at 4:45 pm and returns approximately 9:00 pm. Snow Tube between 6 pm-8 pm. Fun for children and adults! No experience needed.
2. Casino Trip to Mohegan Sun Poconos on Saturday March 9, 2019. Only \$30. Participants MUST be 21 or older and have valid photo ID. Each participant receives \$25 in slot play and a \$5 food voucher. We need 12 more to fill the 56 passenger CHARTER bus!

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3. New York Mets baseball game Thursday July 25, 2019. Game starts at 12:10 pm. \$55 per person- includes ticket and transportation on CHARTER BUS! No worrying about traffic, tolls or parking!  
Contact the Recreation office at 845-858-4045 or [pjrec@frontiernet.net](mailto:pjrec@frontiernet.net) for more information.
4. The Recreation Department and Police Department will be hosting its annual Cops and Kids Basketball game on Saturday March 2, 2019 at 10:00 am at the A.S.K. gym. FREE admission. Participants will include 6<sup>th</sup> grade boys and girls from our winter program and police officers from PORT, Deepark and Pike County. We are asking all participants and spectators to bring donations for the Humane Society. Donations can include food, towels, blankets, treats or chew toys.
5. On-Line Registration is now OPEN for the 26th Annual Delaware River Run on May 5, 2019. 5K on Cinco de Mayo! You can register at [delawareriver5krun.com](http://delawareriver5krun.com).
6. The Youth Center Recreation room will be open 11:00 am-3:00 pm this Friday February 15 and next Monday February 18 during President's weekend. There is no TEEN NIGHT this Friday February 15.
7. The next Recreation Commission meeting is scheduled for Tuesday February 26 at 7:00 pm at the Youth Center.

**Mr. Belcher-**

Motion by George Belcher seconded by David Bavoso to approve the purchase of 2 new doors from the savings from the monies allotted for windows in the capital note.

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

Motion by George Belcher seconded by Gina Fitzpatrick as follows:

**WHEREAS**, the City of Port Jervis Common Council has been informed that it is necessary to replace the diesel storage tank as previous cleaning and recoating efforts have failed to completely remedy the problem of particulates in the fuel and

**WHEREAS**, the City will have additional revenue not previously budgeted from the auction sale of the old bucket truck that was declared as surplus

**NOW, THEREFORE**, be it resolved that the Common Council of the City of Port Jervis hereby approves the purchase of the diesel storage tank with the revenue from the sale of the surplus bucket truck to be used for said purchase. Should the proceeds of the truck sale not be sufficient to cover the fuel tank purchase additional funds will come from the contingency funds.

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

Garbage pickup is normal for the next week and then 1 day late for week of 2/18 due to the holiday.

Mr. Belcher asked the public to please report potholes to the DPW office so that they can be repaired.

Off street parking rules are in effect until 4/1/19 for snow removal purposes.

He advised residents that Basketball hoops in the street or roadway are illegal.

The next DPW meeting is 3/4/2019 at 6pm in the council chambers.

Mr. Belcher stated that tourism meets this Wednesday 2/13 at 6pm and that the representative from the carnival for 7/11-14/2019 will be in attendance to answer questions.

**Mr. Santini-** Mr. Santini reported that there was no planning report and the next planning meeting is scheduled for 2/19/19 @ 7pm.

Zoning met on 2/5/2019 and approved the Recap Head-start program for updates to their building at 56-58 Church Street. A variance for 181 Ball Street was not approved. The Zoning board also requested that he refer to the code committee the issue of making exterior changes when a building loses its multiple dwelling status.

The next zoning meeting will be 3/5 at 7pm.

**Mr. Foster-** Motion was made by Regis Foster seconded by David Bavoso to accept the January Police Department Report.

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

Mr. Foster read the highlights of the police report.

Motion was made by Regis Foster, seconded by George Belcher to authorize Chief William Worden and/or Lt. John Fitzpatrick to sign any necessary inter-municipal agreements for Stop DWI and traffic enforcement initiatives from Orange County.

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

Mr. Foster indicated that the next police meeting will be 2/21/2019 at 6 pm and the next ADA meeting will be March 4<sup>th</sup> at 6:30pm.

**Mrs. Mann-** She reported that she had received an update from 100 Pike Plaza that the demolition of the interior of the space to be occupied by the Veterans Administration and that they are awaiting approval from Orange & Rockland to put solar panels up on the roof of the building.

Next IDA meeting is tentatively scheduled for 2/19 at 6pm.

**Mrs. Trovei-**

The next CDA meeting will be 2/27 at 7pm.

Mrs. Trovei indicated that the next finance meeting will be 2/20 at 6pm.

Motion was made by Kristin Trovei seconded by George Belcher to pay the bills in the amount of \$1,294,529.50.

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

Motion was made by Kristin Trovei seconded by Stanley Siegel as follows:

**TO SERVE AS LEAD AGENCY FOR THE ENVIRONMENTAL REVIEW OF THE CDBG WASTEWATER IMPROVEMENT PROJECT (NYS HCR PROJECT NO 938PR138-18) AND TO APPOINT A CERTIFYING OFFICER FOR THE REVIEW**

WHEREAS, the City of Port Jervis was awarded a Community Development Block Grant (CDBG) to purchase equipment and material which will be used by the City's Department of Public Works to make trenchless repairs of existing sewer lines throughout the city; and

WHEREAS, pursuant to the requirements of the CDBG Program, the Common Council shall make certain determinations regarding the environmental impacts, if any, of the proposed Wastewater Improvement Project; and prior to making these determinations the Common Council shall designate a Certifying Officer to compile an Environmental Review Record regarding the proposed project in accordance with 24 CFR 58.38 and other HUD requirements;

NOW, THEREFORE, IT IS:

RESOLVED by the Common Council of the City of Port Jervis, Orange County, New York, that the Common Council shall serve as Lead Agency, pursuant to 6 NYCRR Section 617.6 of the NYS SEQR Act, to review the environmental significance of the proposed project and to make final determinations regarding significance, as may be required; and

RESOLVED that Director John R. Farr, City of Port Jervis Department of Public Works, is designated to serve as the Certifying Officer for the City of Port Jervis to conduct an environmental review of the proposed project, to compile an Environmental Review Record of the proposed project in accordance with 24 CFR 58.38 and other applicable regulations and to report the Environmental Review Record to the Common Council for further determinations.

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

Mrs. Trovei noted that the Orange County Board of elections has informed us that there will be only 1 primary date on June 25,

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2019 and the general election will be Tuesday November 5, 2019.

Motion was made by Kristin Trovei seconded by Lisa Randazzo to approve the renewal of the fire department insurance with VFIS through RC Lain. The premium cost will be \$42,328.58 which is an approximate 2 % increase.

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

**Mr. Siegel-** He gave the Senior Report by stating that Medicare has completed mailing all of the new Medicare cards to all seniors. If you have not received a new card please sign in to MyMedicare.gov or call 1800MEDICARE.

For Veterans please be advised that now there is a 30 minute drive requirement for service so if there is no veteran's clinic within 30 minutes you may use a private provider.

Fire Department minutes are now in new library on portjervisfire.org and all firefighters will now have individual email addresses for fire department business. Bill Werner will be meeting with all companies to take photos at the fire museum and the schedule is on the website.

Motion by Mr. Siegel, seconded by David Bavoso to approve a probationary driver as follows:

For your consideration and action by the Common Council, Neversink Engine Company No. 1 requests the following probationary driver be approved for their Company:

**Christopher M. Outer**

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

Motion by Mr. Siegel, seconded by George Belcher to approve events as follows:

For your consideration and action by the Common Council. Maghogomock Hook & Ladder Company No. 1 requests the following events be approved:

**Roast Beef Dinner on 03/30/2019; and  
Chicken Barbecue on 05/04/2019.**

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

Motion by Mr. Siegel, seconded by George Belcher to approve events as follows:

For your consideration and action by the Common Council. Delaware Engine Company No. 2 requests the following events be approved:

**Sell Autism tee shirts with a portion of the proceeds going to Autism Speaks in March;  
Hold a car wash in May;  
Host a fish bowl booth at the Soap Box Derby;  
Host a horseshoe tournament in the fall;  
Host a Kielbasa Take Out on a date to be determined; and  
Attend the Orange County parade in Warwick on 09/28/2019.**

Motion by Mr. Siegel, seconded by George Belcher to approve removals of members as follows:

For your consideration and action by the Common Council, Delaware Engine Company No. 2 requests that:

The following (9) members be removed from the active membership rolls due to violation of Addendum CC, Section L, Subsections 9 and 10 (non-participation):

**Rosario Cala;  
Joshua Davies;  
Duncan DeGroat;  
Christopher J. Esposito;  
John R. Lucas;**

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**Neel Patel;**  
**Joseph A. Pena;**  
**Robert L. Predmore;** and  
**Roman S. Taylor**

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

Motion by Mr. Siegel, seconded by George Belcher to approve removal of member as follows:  
 For your consideration and action by the Common Council, Delaware Engine Company No. 2 requests that:  
 The following member be removed, deceased:

**David C. Simmons, III**

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

Motion by Mr. Siegel, seconded by David Bavoso to approve events as follows:

For your consideration and action by the Common Council. The Port Jervis Fire Department, as a Department, requests the following events be approved:

**Participate in the Memorial Day Parade on 05/27/2019;**

**Host the 169 Annual Inspection Day Parade of the Port Jervis Fire Department on 07/13/2018 as well as all related activities during the week leading up to the parade;**

**Participate in the Veteran's Day Parade on 11/11/2019;**

**Participate in the Rick Drew Holiday Parade on a date yet to be announced;**

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

Motion by Mr. Siegel, seconded by David Bavoso to approve a by-law amendment as follows:

For your consideration and action by the Common Council, the Special Operations Squad requests that the following text be added to the By-Laws of the Port Jervis Fire Department as amended:

**An ability for a member to apply for an exemption due to being unable to attend the minimum of 3 monthly meetings per calendar year due to actual work, military duty or illness/injury.**

The Mayor asked if there was still an exemption for members with 25 or more years of service. Mr. Siegel said that individual companies may have that exemption but the Fire Department does not.

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

The next Fire & Emergency Management meeting will be 2/21 at 7pm due to the Presidents day holiday.

Mr. Siegel reported that the next meeting of the Port Jervis Housing authority will be 2/26 at 7pm at Hillside.

The warming station is looking for overnight volunteers. To volunteer you can contact the organization by email at [AshleyJohnson87@yahoo.com](mailto:AshleyJohnson87@yahoo.com) Corrected to [Johnsona87@yahoo.com](mailto:Johnsona87@yahoo.com) by resolution on 3/14/19 or call 845-629-5953.

The next meeting of the Tri-State Interfaith Council will be 2/15 at 7pm at Sparrowbush United Methodist Church.

**Mr. Bavoso-** Mr. Bavoso reported that the Comprehensive Plan Committee will meet on 2/28 at 6pm in the Rec Center.

**Mayor Decker-**

Motion by Regis Foster seconded by Stanley Siegel to approve the Chinese New Year Event on 2/24 as resubmitted to the Mayor.

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

Motion by Regis Foster seconded by George Belcher to approve the Blarney Blast Event on 3/17 as submitted to the Mayor. Mr. Siegel noted that the fire police will assist with traffic and crowd control at the event.

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

The Mayor reviewed the minutes of the 1/19 Tourism Board meeting. He noted the events and that they are still researching the purchase of a new stage.

The Mayor noted the work and services available at the warming station. He encouraged people to volunteer and also to refer anyone who is need of services.

The Mayor reviewed the history of the Jersey Avenue parcel that the City wants to sell a portion of known as Graeb point to promote downtown development due to the questions posed by Mr. Siegel and Ms. Mann at the previous council meeting.

- 3/28/1972 Schields gave a deed to PJ Urban Renewal for 12-14 Jersey Avenue stating that there was a party wall that had to be maintained
- 1972-1977 Port Jervis Renewal demolished all buildings on the property.
- On 4/11/1977 the city voted purchase a vacant lot at 12-14 Jersey Avenue from Port Jervis Urban Renewal for \$800 which they had purchased in 1972.
- 7/13/1977 City finalized purchase of property and received deed with no restrictions.
- 8/11/1977 Dedication ceremony of the property as Graeb Point renovation and renewal project
- 9/8/2002 Fire occurs at 16 Jersey Avenue completely destroying the building on that adjoining property
- 2006 12-14 Jersey listed as part of the Promenade project with NYSDOT
- 2007 Rehabilitation effort of 16 Jersey goes defunct and was taken by a steel company.
- 2016 Promenade project begins under authority of NYSDOT property sight listed as poor.
- 2018 16 Jersey Avenue purchased by private developer
- Private developer requests a purchase of a partial amount of 12-14 Jersey to assist with development of 16 Jersey Avenue
- 1/14/2019 NYSDOT gives City ability to sell a partial piece of the property used for the Promenade project for the amount of \$3386.41 by excluding this amount from the project final reimbursement.

The Mayor used a property calculator to determine that a vacant lot sold in 1977 would now have a present value of \$3060 for the whole parcel.

The Mayor stated that the only place the property was classified as a park was by Orange County and was done so just because they had limited property classifications available. He noted that the Port Jervis Assessor has the power to change that classification as there is no designation as a park on file.

The Mayor and legal counsel William Bavoso discussed the fact that sales of city property have various criteria when sold depending on the source of the property to address Mr. Siegel's question regarding the need for competitive bidding.

The Mayor handed to the Council members a packet of documentation from his research.

**For the Good of the City** – Mr. Beasley indicated that the last time he was here was to complain about noisy illegal mufflers and he did not hear that issue in the police report. The Mayor indicated that there was 63 violations issued in the last month for equipment violations which is where any muffler tickets would be classified. Mr. Beasley continued to advocate for noisy muffler enforcement.

Tim Simmons expressed his feelings of confusion about the sale of City property. He asked if we know of any restrictions to the sale. Legal counsel and Mayor responded that it depends upon how it was acquired and used by the City and that the City does not have an opinion from NYS yet on this issue. He thanked them for the clarification.

James Smith a resident of Mount Hope expressed that he is involved in the organization of the Chinese New Year event and hopes to bring to Port Jervis more cultural awareness through the event. The day should be fun, entertaining and educational and encourages everyone to attend on February 24<sup>th</sup> to celebrate the year of the pig.

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Motion for executive session by Regis Foster seconded by David Bavoso as follows:

- 1.) To discuss a potential contractual item regarding tourism events and the purchase of a stage
- 2.) Review pending litigation regarding the Tri-State Bridge
- 3.) Potential contractual matter for the sale of a portion of 12-14 Jersey

And

Upon the conclusion of Executive Session, the Council may also be meeting with our legal counsel for advice regarding matters involving attorney/client privilege.

Meeting Adjourned to Executive Session at 8:07pm

Meeting Reconvened at 8:42pm

Motion was made by David Bavoso seconded by Stanley Siegel to provide bereavement leave to City employees #228 and #230.

Mrs. Waizenegger questioned if this was in excess of current contractual obligations. The Mayor clarified that it was due to clarification regarding the definition of an eligible decedent classification.

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

**Meeting Adjourned –**

Motion by Kristin Trovei, seconded by David Bavoso to adjourn.

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

Meeting Adjourned at 8:43 pm.

Next Regular Meeting scheduled for 7 pm Monday February 25<sup>th</sup>, 2019.

As amended for changes on 3/14/2019

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Robin Waizenegger  
City Clerk Treasurer