

April 08, 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 April 8th, 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 and Veterans Report-** Mr. Siegel stated that every 11 seconds an elderly person is taken to the hospital for fall related injury. He reviewed a list of suggestions to prevent falls.

Mr. Siegel stated that the Honor Flight will be on April 13<sup>th</sup>, 2019 for veterans visiting our nation's capital. For information visit [vhonorflight.com](http://vhonorflight.com).

Motion for executive session by Regis Foster, seconded by David Bavoso for a personnel matter in DPW with invitation to Jack Farr to attend, a contractual matter regarding the sale of 42 Pennsylvania Avenue and to consult with the corporation counsel on any other legal matter as necessary.

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

Meeting Adjourned at 7:04 pm  
Meeting Reconvened at 7:32 pm

**Minutes Approved-**Motion by George Belcher, seconded by David Bavoso to approve the minutes of the March 25th, 2019 regular meeting.

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

Motion was made by George Belcher, seconded by David Bavoso to approve the minutes of the March 28<sup>th</sup> 2019 special meeting.

AYE: 7 ABSENT: 0 NAY: 0 ABSTAIN: 2(Randazzo, Mann) CARRIED

Motion was made by Dominic Santini, seconded by David Bavoso to approve a resolution regarding the rules of conduct for meetings as follows:

**RESOLUTION OF THE COMMON COUNCIL OF  
THE CITY OF PORT JERVIS, ORANGE COUNTY, NEW YORK  
REGARDING THE RULES OF CONDUCT AT COMMON  
COUNCIL MEETINGS**

WHEREAS, the New York State Committee on Open Government has stated that a public body can adopt reasonable rules that treat members of the public equally, and

WHEREAS, The Committee on Open Government has stated that any such rules could serve as a basis for preventing verbal interruptions, shouting or other outbursts, as well as slanderous or obscene language or signs, and that a Common Council could regulate actions of the public attending meetings so as not to interfere with meetings or prevent others in attendance from observing or hearing the deliberative process, and

WHEREAS, a Common Council has a responsibility to insure that everyone has the right to participate in a public hearing and therefore can reasonably limit the length and general nature of public comments to the subject of the public hearing so that a Common Council can consider various points of view, and

WHEREAS, a Common Council can limit other comments from the public at Common Council meetings to a specific time set in the agenda for public participation and comment, and

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WHEREAS, The New York State Open Meeting Law (Article 7, Public Officers Law) gives members of the public the right to attend meetings of public bodies but does not give the public the right to speak or otherwise participate at those meetings, except at public hearings and under other limited circumstances.

NOW, THEREFORE BE IT RESOLVED by the Common Council of the City of Port Jervis that the Common Council hereby adopts the following rules for public participation at the meetings of the Common Council:

1. Except for public hearings duly designated as such by action of the Common Council, public participation at meetings of the Common Council shall be limited to the public participation segment(s) of the agenda of Common Council meetings.
2. Public comment, whether during the public participation segment of the Common Council meeting or during a duly designated public hearing, shall be limited to five (5) minutes per person. An individual's time may not be given or traded to other speakers or reserved for other portions of the meeting.
3. Any person wishing to speak at a public meeting during the public participation segment or during a public hearing must sign the sign-in sheet upon entering the room, when such sign-in sheet is available, indicating his or her intention to speak, which sheet will be used by the Mayor or the presiding officer to recognize speakers.
4. Comments must relate to the purpose of the public hearing or to agenda topics of the particular meeting.
5. The City Clerk-Treasurer shall act as timekeeper or shall designate another elected official as timekeeper.
6. Members of the Common Council, speakers and audience members must observe proper decorum. Any statements made during the meeting or during a public hearing by the Mayor, members of the Common Council, City officials or employees, or members of the general public shall not involve personal, impertinent, or slanderous attacks on individuals, regardless of whether the individual so attacked is an elected official, a City official or employee, or a member of the general public.
7. The Mayor or the presiding officer shall control the meeting. The use of profane, vulgar, inflammatory, threatening, abusive, or disparaging language or racial or ethnic slurs directed at the Mayor, members of the Common Council, City officials or employees, members of the general public, or statements by a person attending the meeting which are not made during the public participation segment of the agenda or during a public hearing, shall not be tolerated.
8. It is inappropriate to utilize a public meeting for the purpose of making political speeches, including threats of political action and the same will not be allowed.
9. Comments by speakers must be addressed to the Common Council. Attendees may not address the Common Council unless recognized by the Mayor or the presiding officer.
10. Discussion between speakers and attendees of the public meeting or hearing are prohibited. A speaker may disagree with or support prior speakers in comments directed to the Common Council.
11. Banners, flyers or other signs are not permitted in the meeting room. Distribution of flyers in the meeting room are also not permitted.
12. If the Mayor or the presiding officer fails to enforce the rules set forth above, any member of the Common Council may move to require him or her to do so, and an affirmative vote of a majority of the Common Council shall require him or her to do so. Any decision relating to enforcement of the rules set forth above may be appealed and overturned by a vote of a majority of Common Council members.
13. Any person who disregards the directives of the Mayor or the presiding officer in enforcing the rules or who generally conducts himself or herself in a boisterous or inappropriate manner while addressing the Common Council disturbs the peace at a meeting and will be barred from further participation and forfeit any balance of time remaining for his or her comments.
14. If a speaker who has violated these rules refuses to step down, the Mayor or the presiding officer may ask for the individual to be removed from the meeting room and charged with disorderly conduct as per the Penal Law.
15. Speakers must give their name, address and organization, if any.
16. Speakers must be recognized by the presiding officer.
17. Common Council members may, with the permission of the Mayor, interrupt a speaker during their remarks, but only for the purpose of clarification or information.
18. All remarks shall be addressed to the Common Council as a body and not to any member thereof.
19. Speakers shall observe the commonly accepted rules of courtesy, decorum, dignity, good taste and shall additionally observe these Rules of Conduct and Decorum.
20. The above rules shall take effect at the next meeting of the Common Council after the adoption of these rules.

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

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**For the Good of the City –**

Patti Vandermark questioned the process of documentation of resolutions. She also criticized the format of the City website. She noted that when she asked for a local law she had to pay for it through the FOIL process. She also questioned the tax lien process and vacant building fees.

The Mayor informed that the information she seeks is available through the Freedom of Information Law (FOIL) request process.

Mr. Ed DeGroat spoke and was admonished to please address items of City business only. He then inquired about the previously purported motorcycle shop near his home. He began an inquiry of a personnel nature and was admonished that the subject was not appropriate. He stated that he wants to claim property adjacent to his home that was purportedly reserved for a street.

Pastor Peter Gable expressed that recently he has been involved with Empowering Port Jervis and is impressed with the services they offer. He also indicated that he is involved with Access 23 as well and is promoting community involvement, respect and cooperation.

**Business:**

**Ms. Randazzo-** She noted that the next meetings of the plumbing, electrical and code committees will be on May 1st at 5:30, 5:45 and 6:00pm respectively.

Ms. Randazzo reviewed the topics of the April 3<sup>rd</sup> plumbing, electrical and code committees. The plumbing and electrical boards reviewed license applications and set some for exams.

The Code committee addressed Operating permits, Fire Inspections, deferred the issue of the Full-time Fire Inspector to the finance committee, City Marshall fees, Hotel tax options, review of 19 Owen with respect to structural soundness, vacant building law review and the premise ID law.

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

1. Thank you to all of the students and adults that came out this past Saturday- April 6 and volunteered at our Spring PORT Pride Day Cleanup. We had more than 50 people help us clean Church Street Park, Farnum Park and Veteran's Park. The volunteers did a great job!
2. Registration continues this week for our Spring Little Chefs class and our new Junior Picasso's art class. Registration will take place at the Youth Center Tuesday April 9 and Thursday April 11- 6 pm- 8 pm. Contact the Recreation office at 845-858-4045 for more details.
3. The Youth Center schedule for Spring Break will be as follows:  
April 12- 19- 11:00 am-3:00 pm.  
No Teen Night over Spring Break. Next Teen Night is Friday April 26.  
Youth Center closed Monday April 22.
4. Our Annual Easter Egg Races will be held on Saturday April 20 at 11:00 am at the upper level of Church St. Park. This event is FREE of charge and for boys and girls ages 9 and younger. Candy for all and prizes for winners of the races!
5. Spring Youth Soccer registration is underway. Children ages 4-11 can participate in this Sunday morning program held at West End Beach. The 6 week program starts Sunday May 5. Register at [www.forwarduksoccer.com](http://www.forwarduksoccer.com). This program won't interfere with Little League.
6. Sunday May 5 is the 26<sup>th</sup> Annual Delaware River 5K Run. You can register on-line at [www.delawareriver5krun](http://www.delawareriver5krun) or contact the Recreation office and we will send you an application. Don't miss out on this great family event. Dogs are welcome to run with you- dogs must be leashed.
7. The next Recreation Commission meeting is scheduled for Wednesday April 24, 2019 at 7 pm at the Youth Center. Recreation information is always available on our face book page- Port Jervis Recreation. We are also on Instagram at pjrecreation.

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**Mr. Belcher-** Mr. Belcher noted that garbage pickup in on the normal schedule for the next two weeks. Effective on April 1<sup>st</sup> there will be yard debris pickup on Mondays. Bulk waste is available from 7:15 to 11:30 on Saturdays with a dump pass. Hydrant flushing is continuing throughout the City.

The next DPW meeting is 5/6/2019 at 6pm in the council chambers.

The next tourism meeting is scheduled for 4/10 at 7pm

**Mr. Santini-** At the zoning board meeting on April 2<sup>nd</sup> there was 2 public hearings for conversions to 2 family status for 181 Ball Street which was denied and 74 Ball Street which was postponed. The next meeting of the Zoning Board will be May 7<sup>th</sup>.

He indicates that the Planning Board meeting did not occur and their next meeting is April 16<sup>th</sup> at 7pm

**Mr. Foster-**

Motion made by Regis Foster seconded by George Belcher to accept the March Police Report.

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

Mr. Foster reviewed the statistics on the March Police Report.

The next police committee meeting is scheduled for 4/25 at 6pm.

The next ADA meeting is scheduled for 6/3 at 6:30pm.

**Mrs. Mann-** noted that the IDA has no met and the next meeting is scheduled for 4/15 at 6pm.

**Mrs. Trovei-** She announced that the CDA met on 3/27 with a review of their financial statements, review of available grants and the sale of the revolving loans to the Progress Development Corporation to keep the funds available to local area businesses for development in the future rather than returning the funds to NYS.

The next CDA meeting will be 4/24 at 7pm at the Youth Center.

She noted that the finance committee will meet next on 4/24 at 6pm.

Motion was made by Kristin Trovei seconded by George belcher to approve the payment of bills in the total amount of \$408,474.33.

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

PJ Pride has the following events scheduled:

- 5/1 Reality Tour 5:30-8pm with registration online
- 5/10 Community Outreach 2:30-5pm with Salvation Army
- 6/8 Stop Hop & Roll 4:30-7pm

She gave a reminder from the clerk's office that water and city taxes are due by April 30<sup>th</sup> and that the hours of the clerk's office are 9am-4pm.

There will also be a Job Fair hosted by Orange Works at 150 Pike Street on April 30<sup>th</sup> for more information you can call 845-568-5114

**Mr. Siegel –** Motion was made by Stanley Siegel seconded by David Bavoso as follows:

For your consideration and action by the Common Council. Neversink Engine Company No. 1 requests the following be approved for Active membership:

James D. Haas

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

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Motion was made by Stanley Siegel seconded by George Belcher as follows:

For your consideration the transfer to the retired lifetime membership roll of Howard Wheat Company #4  
Ronald Eyth

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

Motion was made by Stanley Siegel seconded by David Bavoso as follows:

For your consideration and action by the Common Council, Delaware Engine Company No. 2 requests the following be approved for transfer from Fowler's Rescue & Salvage Company No. 3:

Frederick Prohira

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

Motion was made by Stanley Siegel seconded by David Bavoso as follows:

For your consideration and action by the Common Council, Excelsior Engine Company No. 5 requests the following be approved:

1. Withdraw request to have a booth at the Sportsmen's Show in June;
2. Change their Old Timer's Night from 09/28/2019 to 10/05/2019;
3. Attend the Candlelight Vigil in Washingtonville on 09/11/2019 and use the apparatus and other vehicles as needed to transport members;

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

Motion was made by Stanley Siegel seconded by Lisa Randazzo as follows:

For your consideration and action by the Common Council, Excelsior Engine Company No. 5 requests the following be approved:

Allow the Port Jervis Little League to use the firehouse for individual and team photos on 04/27/2019 and 04/28/2019 from 7:00 a.m. to 12:30 p.m.

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

Next Fire & Emergency meeting on April 15<sup>th</sup> has been cancelled.

He thanked Port Jervis and other neighboring fire companies for washing down the downtown sidewalks this past Sunday.

Mr. Siegel gave a reminder regarding the importance of the premises identity laws to have your house # properly displayed for Fire & Emergency personnel to locate you during an emergency.

He expressed his opinion that the comprehensive code will bring better zoning to the city. He also expressed concerns about spring scams including blacktopping to be wary of.

He stated that residents with concerns about the bridge contact the Mayor or the Council, but that the work is necessary.

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**Mr. Bavoso-** The last Comprehensive plan meeting was 4/4 at 6pm at the rec center and he anticipates a final draft plan by the next meeting. He noted that there will be several public hearings and that the new zoning laws would have to be passed through the local law process. A benefit to the updated plan will be access to more grants.

The next comprehensive plan meeting will be 5/21 at 6pm at the rec center.

**Mayor Kelly Decker** - The Mayor indicated that he was moving himself up on the agenda so that the public can comment on his subject matter as well should they so desire.

He congratulated all the participants in Suessical the Musical presented at the high school this weekend and noted that on the 1<sup>st</sup> weekend in May the Middle School will present the Sound of Music.

He thanked everyone who participated in the clean-up of the parks and the visiting fire companies who helped with the sidewalk wash-down. He addressed the fact that filtered water was not used, instead it was unfiltered river water.

He noted that based on a meeting with the bridge construction firm, which Mr. Seigel and the engineers attended there are requirements within the construction contracts that work can be performed from the hours of 7am to 7pm but most work is to be performed Monday-Friday 7am-5pm. He noted that the temporary bridge will be a full two-lane bridge and that there will have to be two three-day closures during which time traffic will have to be re-routed for culvert work. The Mayor did discuss the possibility of night-time work but that causes cost increases and may not be possible. He requested that all be patient as they complete this difficult work.

Motion was made by Stanley Siegel, seconded by Dominick Santini to allow Cornell Cooperative to sell raffle tickets in our jurisdiction.

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

The Mayor noted that Senator Metzger will have a member of her staff in Port Jervis City Hall on 4/25 from 12-5pm to hear your concerns.

Motion was made by Regis Foster, seconded by Stanley Siegel to allow a procession by the Parish of the Immaculate Conception in celebration of Corpus Christi on June 23<sup>rd</sup>.

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

He reminded everyone of the Reality Tour occurring on May 1<sup>st</sup>.

#### **For the Good of the City –**

Mr. Ed DeGroat said he believes that the Council has changed the meeting rules because they are afraid.

Mr. John Beasley stated that he agrees with some of the meeting changes and asked for clarification as to addressing complaints regarding city officials. The Mayor stated that personnel issues cannot be addressed at council meetings. He questioned the fact that some committee minutes are not on file in the clerk's office. He believes that website should be used for communication.

The Mayor has indicated that the website is used for information, but a website is not a two-way communication device. He stated that improvements will be made with the changes in our IT network in the future. He also noted that personnel issues will not be discussed publicly.

Mr. Stanley Siegel stated that his opinion is that we are not trying to stifle people's ability to talk to any member of the Council or the Mayor with tonight's resolution for meeting rules. The Council meeting is a business meeting and needs to be run with decorum and prevent slander and liability. The rules have been set to protect order and respect.

Karen Conklin spoke about the general mood of the meeting. She also questioned the resolution process. She also questioned the agenda process. She questioned how to bring new items to the council.

The Mayor suggested that new items come in through the committees.

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She also asked for more clarification on time limits and why the no flyer rule. The Mayor noted that the City did model these rules after those of other local governments.

Anne Horsham noted that there is going to be a job fair in Pike County on April 16<sup>th</sup> at the Best Western in Matamoras PA with over 70 employers to be present from 10am to 3pm and there is a telephone number for more information of 570-296-2909. She also noted that every 2<sup>nd</sup> Monday there is job and resume assistance available.

Mr. Seigel noted that the Cornell Cooperative is an agency that has a wealth of local information available especially on agriculture in this area.

**Meeting Adjourned –**

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

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

Meeting Adjourned at 9:40 pm.

Next Regular Meeting scheduled for 7 pm Monday April 22nd, 2019.

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Robin Waizenegger  
City Clerk Treasurer