

January 28, 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 January 28th, 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-** Mr. Siegel gave a combined Senior & Veterans report as follows:

1. AARP fraud watch center is open and available for use by seniors on their website.
2. A warning to beware of telephone calls from unknown numbers and a recommendation not to answer. He noted that telephone scammers are now ghosting local numbers to trick you into answering.
3. The Veterans Administration has a new webpage VA.gov which is very helpful and also a new blog VA.Vantage Point

**Veteran Report-** As noted above.

**Public Hearing Local Law #2** – Motion by Lisa Randazzo seconded by George Belcher to open the public hearing on local law #2.

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

Ms. Randazzo read the proposed law. There was no public comment and no input from the Council.

Motion by George Belcher seconded by David Bavoso to close the public hearing on local law #2.

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

**Presentation** - There was a presentation given by the Nature Conservancy by Senior Conservation Manager Troy Weldy. He gave an overview and explanation of the program regarding the sale of carbon credits to generate revenue for the City. The program uses an analysis of the forestry and woodlands to evaluate the benefit to the environment of the carbons stored within our trees on the watershed properties. It is noted that this is a ten-year program which would require the City to maintain these lands as forest with only minimally impacting improvements such as the trails. Any improvements would have to be evaluated on a case by case basis moving forward. It will be important to establish a forest management plan moving forward. Should the City decide to move forward it may take about 18 months to do the more detailed surveys, paperwork and marketing to point of payment. He also indicated that there is an insurance pool associated with the agreement.

A motion was made Stanley Siegel seconded by George Belcher to proceed with the forest carbon proposal.

In discussion Ms. Randazzo questioned costs associated with the project and an associated endowment through the Orange County land trust. It was noted that all of these details will be worked on during the agreement development phase. Legal Counsel questioned the format of agreement as to conservation easement or trust to which Mr. Weldy replied that they can provide both types of documents to legal counsel so that the City could evaluate and decide which legal format desired.

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

**Minutes Approved-**

Motion by George Belcher, seconded by David Bavoso to approve the minutes of the January 14th, 2019 regular meeting.

In discussion Maria Mann raised objections and requested correction to the minutes with respect to the sale of City owned property. It was noted that the parcel number was incorrect at the last meeting and should be listed as 13-4-1 as opposed to

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13-4-2 as stated on 1/14. The City Clerk will make that correction to the minutes as the assessor also noted the need for correction. Maria Mann also stated that she wanted the specific purchase price added at \$3,386.41 as established by NYSDOT as the cost of the recent improvements.

Motion is amended to include the above corrections by George Belcher and David Bavoso

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

Mrs. Mann stated her objections to the sale of the city owned property as she believes it to be parkland and not available for sale. She did so by comparing sales in other jurisdictions requiring NYS Senate and Assembly approval.

Mrs. Mann made a motion to table the sale of city-owned property until further investigation can be done regarding the sale as she believes the property to be parkland, seconded by Stanley Siegel.

As discussion the Mayor expressed his displeasure at not being contacted directly by Mrs. Mann regarding her concern instead of finding out via calls from NYS and Orange County. He indicated that he does not believe that this is designated parkland but he has further information through NYCOM and the State of New York which he has available for the members in executive session as a contractual matter.

Mr. David Bavoso asked what documentation she has that it has been designated as a park. Mrs. Mann said it was dedicated to Mr. Kutscher as a park. The Mayor indicated that it was dedicate as a promenade not a park.

Mr. Siegel indicated that he wants to make sure the sale is done correctly and he noted that he asked a zoning consultant and also questioned if there had to be a bidding process.

Mrs. Trovei expressed her displeasure that Mrs. Mann did not directly communicate with the council as a whole regarding the concern over the designation as a park. The information has been available since December.

The Mayor indicated that he has consulted with NYCOM attorneys to attempt to get information and legal opinions for both undesignated and designated parkland.

Mr. Siegel referred back the Church Street school sale and stated that he wants things done correctly and that he would like to see a bidding process.

The Mayor stated that his only concern would be regarding the undesignated park classification which he is researching when something is used as a park.

Mr. Siegel asked if there was a copy of the drawings available for the proposed building.

The Mayor indicated that the drawings are proprietary in nature and not available at this time as they are the property of the developer as there is no application made for the building to planning or zoning.

Mr. Siegel was upset at these statements and indicated that he does not report to the mayor, planning or zoning and referred to the property sheets he got from the assessor which are maps of the existing parcels and stated that these are not enough to make a decision. He stated that he has concerns about where construction materials would be put, parking is already an issue and he needs a better understanding of what we are voting on.

The Mayor readdressed the purchase price determination by NYSDOT.

The Mayor readdressed the motion on the table to rescind the sale. The Mayor asked if the Council had any current legal obligation to sell other than the motion. As there are currently no signed contracts we can delay any actions. Currently the surveys are in process.

Therefore it was agreed to change the motion to delay the sale until the issues of parkland designation and bid process are settled. Both Maria Mann and Stanley Siegel agreed to amend the motion.

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Mrs. Randazzo expressed her feelings that corporation counsel does due diligence during any sale of property and would have done the same with this sale. Mr. David Bavoso requested that the vote on this motion be suspended until after executive session.

It was agreed to suspend the vote until after executive session.

Motion by Lisa Randazzo seconded by David Bavoso to approve the minutes of the January 22<sup>nd</sup> special meeting.

AYE: 7 ABSENT: 0 NAY: 0 ABSTAIN: 2 (Trovei, Fitzpatrick) CARRIED

**For the Good of the City – No public comment**

**Business:**

Motion for Executive session by David Bavoso seconded by Regis Foster to discuss the sale of the Jersey Avenue property as a contractual item.

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

Meeting adjourned to executive session at 7:45 pm

Meeting reconvened at 8:07 pm

The Motion by Maria Mann currently open for vote to table the sale of city-owned property until further investigation can be done regarding the sale as she believes the property to be parkland was rescinded by Maria Mann and Stanley Siegel.

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

Motion by Lisa Randazzo, seconded by David Bavoso to approve Local Law #2.

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

Mrs. Randazzo extended congratulations to the ASK performing arts students and staff for the production of Mary Poppins Jr.

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

1. Only 5 seat are left for the Recreation sponsored Casino trip to Mohegan Sun Poconos on Saturday March 9, 2019. Cost is \$30 per person. Must be 21 or older and have photo ID. Everyone receives \$25 in slot play and a \$5 food voucher. Contact the Recreation office if interested.
2. Youth Basketball League is held every Wednesday night at 6 pm and 7 pm at the ASK gym. Our annual Cops vs. Kids Basketball game will be held on Saturday March 2, 2019 at 10:00 am in the ASK gym. This game is open to all in the community and is FREE of charge. We are asking all to bring food or supplies for the Human Society as a donation.
3. Reminder that the Youth Center is open Monday-Thursday from 3 pm- 7pm and Friday 3 pm-6 pm and our Teen Night is Friday 6 pm- 10 pm. The Youth Center is open 11 am-3 pm on school snow days or holidays.
4. For information on any Recreation sponsored event or program please contact us at 845-858-4045 or email us at [pjrec@frontiernet.net](mailto:pjrec@frontiernet.net). See us on Facebook- like our page "Port Jervis Recreation" or follow us on Instagram at [pjrecreation](#).
5. The next Recreation Commission meeting is scheduled for Tuesday February 26, 2019 at 7 pm at the Youth Center.

She also announced the following special events:

2019 Recreation Department Special Events

1. Spring PORT Pride Day Clean-up- Saturday April 6, 2019 10 am-12 pm City Parks
2. Easter Egg Races- Saturday April 20, 2019 11 am Church St. Park
3. 26<sup>th</sup> Annual Delaware River Run- Sunday May 5, 2019 9 am Riverside Park

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4. Dinner Along the Delaware- Wednesday July 3, 2019 6 pm Riverside Park
  5. *Tri-State Triathlon- August 2019- Date T.B.A. West End Beach*
  6. *Rocking the City to Fight Hunger Concert- September 2019- Date T.B.A. Riverside Park*
  7. 71<sup>st</sup> Annual Halloween Parade- Saturday Oct. 26 3:30 pm City Hall (rain date Oct. 27)
  8. Fall PORT Pride Day- Saturday November 9, 2019 10 am-12 pm City Parks
- Working on the following event ideas with Operation PJ Pride:
    - Family Movie Night in March
    - Fall Color Run in September
    - Polar Plunge in late December
  - Working on the 3 on 3 Basketball Tournament in July at Church St. Park

**Summer Recreation Program**- July 1- August 16, 2019

**Mr. Belcher-**

Motion by George Belcher seconded by David Bavoso to approve the transfer of an account from the City Clerk office to the DPW office to fill a vacancy on or about February 1<sup>st</sup>.

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

Garbage pickup is normal for the next 2 weeks. The 2019 Garbage schedule has been posted on the website and is available at the DPW office.

Xmas tree pickup will continue until 1/30/2019.

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

Bulk waste drop-off is available on Saturday mornings from 7-11:30 am to city residents only with a Dump pass that can be obtained at the City Clerk's office from 8-5 Monday-Friday at the cost of \$10 per truckload.

The next DPW meeting is 2/4/2019 at 6pm in the council chambers.

Mr. Belcher stated that there is no report for tourism.

**Mr. Santini-** Mr. Santini reported that there was no zoning report and the next zoning meeting is scheduled for 2/5/19 @ 7pm.

Planning met on 1/15/2019 and set a public hearing for 2/19/19 for the Recap Head-start program for updates to their building at 56-58 Church Street. Orange and Rockland was also at the meeting requesting a 6 month extension for final submission of their site plan approval for a sub-station which they do not intend on starting until fall.

The next planning meeting will be 2/19 at 7pm.

**Mr. Foster-** He indicated that 2 taxi license appeals were dealt with at the police committee with 1 license issued and the other was considered incomplete and sent to corporation counsel.

Mr. Foster read the highlights of the police committee minutes. It was noted that the canine officer currently used for drug detection cannot be re-trained away from marijuana to other drugs which will cause disruption to K-9 services as new dogs will need to be acquired and trained.

Motion by Regis Foster, seconded by Lisa Randazzo to accept the police committee minutes.

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

Mr. Foster indicated that the next IDA meeting will be 3/4/2019 at 6:30 pm.

He congratulated the performers in Mary Poppins Jr. and gave condolences to the Simmons family.

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**Mrs. Mann-** She reported that the IDA has not met due to lack of agenda items. The IDA has received notification regarding Sales Tax Exemption reporting from the ABO which the board will have to address.

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

**Mrs. Trovei-**

CDA met on 1/23 with a celebration of the retirement of Beverly Felter, discussed the annual review and reviewed a contingency plan regarding HUD and the impact of the shutdown and approved their budget, reviewed financial statements, received a Section 8 update, reviewed the AHC grant, the NYS water Quality Grant and the Sewer grant for \$750,000.

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

Mrs. Trovei went over the highlights of the January 16th finance meeting and indicated that the next meeting will be 2/20 at 6pm.

Motion by Kristin Trovei seconded by David Bavoso in the amount of \$930,396.48.

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

**Mr. Siegel-**

Motion by Mr. Siegel, seconded by George Belcher to approve events as follows:  
Neversink Engine Company No. 1 requests the following dates of events previously approved be changed:

Host Spaghetti and Meatball Dinner from 03/02/2019 to 03/09/2019; and

Host Spaghetti and Meatball Dinner from 11/02/2019 to 11/09/2019.

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

Motion by Stanley Siegel seconded by David Bavoso to approve the Fire & Emergency Management meeting minutes.

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

The next Fire & Emergency Management meeting will be 2/19 at 7pm due to the Presidents day holiday.

Mr. Siegel noted that the Fire Department Annual Election scheduled for tomorrow is re-scheduled to 1/31 due to the impending snow storm.

He reported that the Port Jervis Fire department has a new website [portjervisfire.org](http://portjervisfire.org) with email addresses for all fire members at the new website.

The next meeting of the Tri-State Interfaith Council will be 2/2 at 10am at St Peter's Lutheran Church.

**Mr. Bavoso-** Mr. Bavoso reported that the Comprehensive Plan Committee will meet on 2/28 at 6pm in the Rec Center. He stated that as the process completes there will be 2 public hearings, one by the committee and one by the Council. He expects everything to be done by this summer.

**For the Good of the City- no public comment**

**Mayor Decker-**

Mayor Decker noted that on 1/30 at 6pm he is scheduled to deliver the State of the City Address.

He extended congratulations to the ASK performing arts students and staff for the production of Mary Poppins Jr.

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The Mayor reviewed his recent trip to Glens Falls NY and a state basketball record that was set.

The Mayor gave his congratulations to Roger Morgan on his retirement.

Mayor Decker let the Chinese New Year organizers know that they needed to meet with the Police Chief regarding the event before approvals can be considered.

Motion by David Bavoso seconded by Gina Fitzpatrick to approve the Art in Park and History event for June 15<sup>th</sup>.

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

The Mayor appointed the Fire Police members effective February 2/1 per a listing supplied by the fire department.

**2019 MEMBERS  
LISTED BY COMPANY**

**MAGHOGOMOCK**

Richard G. Finan  
Jeffrey D. Lewis

**NEVERSINK**

Matthew R. Moore \*  
Adam P. Scopino, Jr.

**DELAWARE**

Jessica J. Furman  
Robert D. Padgett, Sr. \*  
Robert D. Padgett, Jr.  
Edward C. Pavlich, Jr. \*  
Jennifer L. Snyder  
Thomas M. Snyder

**FOWLER'S \*\***

Anthony M. Roberts \*

**HOWARD WHEAT**

Randall D. Aber \*  
William P. Conklin, Jr. \*  
Henry H. Dunn, III  
Barry D. Longwell \*  
Morgan R. Mosher, III  
Stanley B. Siegel \*  
Brian S. Vanderveer

**EXCELSIOR**

Vincent J. Atkinson \*  
Richard F. Drew \*  
Frank W. Fuller, Jr.  
William R. Werner \*

**TRI STATE**

Kevin J. Bartha  
Jeffrey A. Martin  
Richard R. Oppelt  
George W. Padgett, Jr.  
Edward C. Pavlich, Sr.

Mayor Decker noted the resignation of Marie Reeves from the Port Jervis Civil Service Board due to her relocation to Matamoras PA. He appointed Sally Von Sauers to her uncompleted term which will expire on 5/21/2023

He also appointed John Worl to the electrical board, who is a certified electrical inspector.

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

1. A matter regarding pending litigation relating to the Tri-States Bridge Project and invite in the Director of Public Works and the City Clerk-Treasurer.
2. A matter involving potential litigation regarding the MTA Railroad Tower proposal.
3. A personnel matter involving the City Clerk-Treasurer's Office.
4. A personnel matter involving the Police Department.

And

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

Meeting Adjourned to Executive Session at 8:30pm

Meeting Reconvened at 9:20pm

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Motion by Lisa Randazzo seconded by George Belcher to provide furloughed government workers a 90 day extension of County and or city taxes and water/sewer penalties with a letter from their government unit indicating that they are furloughed and unpaid.

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

Motion by Kristin Trovei seconded by George Belcher to hire Audrey Frazer provisionally pending civil Service testing to the position of account clerk in the city clerk office effective 1/29/2019.

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

Motion by Regis Foster seconded by David Bavoso to approve a police intern Noel McCabe subject to review by corporation counsel.

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

**Meeting Adjourned –**

Motion by Regis Foster, seconded by David Bavoso to adjourn.

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

Meeting Adjourned at 9:23 pm.

Next Regular Meeting scheduled for 7 pm Monday February 11<sup>th</sup>, 2019.

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Robin Waizenegger  
City Clerk Treasurer