

August 24, 2020

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 24, 2020 at 6:45 p.m.

Attendance: Present were All members of the Common Council except Dominick Santini and Regis Foster. Corporation Counsel William Frank, City Clerk Treasurer and Deputy City Clerk Treasurer were also present.

Pledge of Allegiance-

The Mayor Kelly Decker opened the meeting with the pledge of allegiance

Executive Session – A motion was made by Lisa Randazzo and seconded by Kristin Trovei to adjourn to executive session for the purposes of discussion on:

- Offer of purchase: 39 Church St. Unit #21 – 105.h
- Two Personnel Matters – 105f
- Property Offer 13 Hammond St -105h
- Property Offer 122 Hammond St -105h

plus, other items as necessary for review and legal advice from corporation counsel. An invitation was extended to City Clerk Treasurer Robin Waizenegger to also attend.

AYE: 7 ABSENT: 2(Santini, Foster) NAYS: 0 ABSTAIN: 0 CARRIED

Adjourned to Executive session at 6:47pm

Reconvened from Executive session at 7:30 pm by motion of Lisa Randazzo and seconded by Gerald Oney

AYE: 7 ABSENT: 2(Santini, Foster) NAYS: 0 ABSTAIN: 0 CARRIED

The Mayor apologized that they reconvened a bit late.

For the Good of the City (Public Comment) –

Mr. George Belcher – Mr. George Belcher read from prepared speech which is presented below:

My name is George Belcher and I reside in the 2nd ward.

The tax override was voted down. So, what happens in a year or two when there is nothing left for the council to cut to keep the city running productively and they have to go over the cap with a 5 or 10% increase? Council people vote and while they only represent their ward their vote affects every single person within the city. As a resident and taxpayer of the Second Ward I feel those that voted NO could have given it a little more thought especially knowing that there are a few months before this decision actually has to be made. I'd say you have until mid-October to pass it. I think that it's wise to pass no matter what to avoid the repercussions and allow us to use money how we see fit.

It has to be approved any time before the budget is approved. If there is a fine, I am not OK with paying a fine if we are to go over because we have no idea how much that fine would be. For all we know it could be more than the percentage that we are over. We do know that the City could lose any tax growth with the new hotel and the Deerpark annexation as the tax cap limits growth to only the cap(approximately 1 %% this year.)Passing the cap override allows the Deerpark Annexation property as well as the new construction like the hotel to create growth in the city. To give you an idea of how much could be lost the Port Jervis website states that the annexation property potential land and building improvement assessment would be \$23,465,387.50 with a municipal tax of \$1,096,393.00. If shared equally with the Town of Deerpark each yearly tax base could increase by about \$548,196.50. The City of Port Jervis would also get full water and sewer tax as well as any other tax such as hotel tax. I ask the council to keep pushing this annexation ahead.

No one wants their taxes to be increased especially in the times we are in now but I would much rather see them go up a little bit then get hit in a year or two with a huge increase because people are too hasty to make decisions!

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I am also here to encourage the council to vote in favor of Cory Poupolo's latest proposal for the construction of his hotel.

His proposal will save a lot of delays and blockages and less interference with parking in the area.

I also spoke in favor of this project when it came before the planning board. It is going to be built anyway so why not approve this proposal.

I strongly request that the council approve his proposal. Thank you.

Ms. Barbara Marselak – She informed the council that the weekly distribution of vegetables from the Community Garden is on-going and expressed what a great benefit it is to the community. She indicated that she is very big on collaboration with City Departments and is currently collaborating with Jewish Family Services whose main office is in Middletown. She is going to act as a referral source to their services. She gave a flyer to the Mayor to post on the City Website.

She also expressed concerns regarding the local food pantries being able to reach all the families in need.

She also stated that she is instituting a weekly free breakfast on Thursday mornings from 6-11am consisting of oatmeal plus a beverage at her residence at 67 Ball Street to all people at no charge.

Minutes Approved - A motion was made by Stanley Siegel and seconded by Maria Mann to approve the minutes of the August 10th, 2020 regular meeting.

AYE: 7 ABSENT: 2(Santini, Foster) NAYS: 0 ABSTAIN: 0 CARRIED

A motion was made by Gerald Oney and seconded by Stanley Siegel to approve the minutes of the August 17th, 2020 special Zoom meeting.

AYE: 7 ABSENT: 2(Santini, Foster) NAYS: 0 ABSTAIN: 0 CARRIED

Executive Session Material –

A motion was made by Kristin Trovei and seconded by Stanley Siegel to waive the vacant building fee on a HUD owned property per Federal regulations regarding properties owned by HUD.

AYE: 7 ABSENT: 2(Santini, Foster) NAYS: 0 ABSTAIN: 0 CARRIED

Business:

Mr. Foster – Mr. Foster was absent, and Ms. Maria Mann reported on his behalf. She reported on the Police report for the month of July including a review of the statistics.

A motion was made by Maria Mann and seconded by Timothy Simmons to approve the July Police Report.

AYE: 7 ABSENT: 2(Santini, Foster) NAYS: 0 ABSTAIN: 0 CARRIED

Ms. Mann noted that the next police committee meeting will be September 17th at 6pm.

There was no report from the ADA committee and their next meeting will be in November.

Mr. Santini – Mr. Santini was absent, and Mrs. Trovei reported on his behalf. She noted that the Code Committee has not met since the last Council Meeting with their next meeting scheduled for September 2nd at 6pm.

Mr. Simmons noted that in the planning board there was discussions of code changes to be able to accept electronic copies of plans and also inquired about the definition of dustless surface in the code. Mayor Decker indicated that this question arose in the approval process of 191 Jersey.

Mrs. Trovei asked that this concern be emailed to Mr. Santini.

Mr. Seigel then expressed his opinion that we need to accept electronic copies.

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Ms. Campbell - Ms. Campbell gave the recreation update as follows:

1. The Youth Center is open 11 am- 230 pm weekdays through September 2. The Center will be closed September 3-4-7. Our fall hours and covid regulations will be released by September 1.
2. Free outdoor movie this Wednesday August 26, 2020. Movie will be held at Riverside Park. We will be playing the movie "Onward". Movie will start at sunset. Bathrooms will be closed, and we ask all to use our social distancing circles and wear face masks when you can't socially distance. Thank you.
3. Fireworks show from Point Peter will take place on Friday September 4, 2020. Fireworks will go off at approximately 745 pm.
4. West End Beach is now closed for the season. Swimming is prohibited. Parking lot and park remain open. Remember no pets or alcohol are permitted.
5. The next Recreation Commission meeting is scheduled for this Wednesday August 26 at 430 pm at the youth center on Pike Street.

A motion was made by Chandler Campbell and seconded by Lisa Randazzo to accept the resignation of Rachel Ryder from the position of Youth Center Leader effective 8/21/2020

AYE: 7 ABSENT: 2(Santini, Foster) NAYS: 0 ABSTAIN: 0 CARRIED

A motion was made by Chandler Campbell and seconded by Gerald Oney to re-hire Megan Nason as Youth Center Leader effective 8/25/2020.

AYE: 7 ABSENT: 2(Santini, Foster) NAYS: 0 ABSTAIN: 0 CARRIED

Ms. Mann – The IDA has not met since our last council meeting. The next meeting of the IDA will be 9/21/2020 at 6pm.

Tourism met on 8/12/2020 at 7pm and is moving forward with the City-Wide Yard Sale on 9/26/2020 from 9-4. There is a deadline of 9/4 for advertising on the maps. Applications are available on the City webpage. You may contact Laura Myer at 973-534-4177 with any questions.

The future events are being discussed but at the suggestion of Recreation Director John Faggione all events will be reviewed before approval with the Orange county Department of Health.

Mr. Oney –

Mr. Oney gave the DPW update as follows:

1. Garbage and Recycling will be on its normal schedule for the next week and one day late the weeks of 9/7 due to the Labor Day holiday 2nd ward cardboard will be as scheduled on 9/11.
2. The City's bulk waste truck is available on Saturday mornings from 7:15am until 11:30 am. Dump passes must be purchased at the City Clerk's office located at 20 Hammond St. in Port Jervis from 8am to 5pm M-F.
3. Yard debris is being picked up on Monday, with overflow on Tuesday.
4. The next DPW meeting will take place on Tuesday, September 8th due to Labor Day @ 6pm in the Council Chambers

Mr. Oney addressed the fact that there is a requirement to have your garbage can covered with a lid. This helps keep the garbage dry as the City pays by weight and also the wetness contributes to runoff from the truck and smells.

A motion was made by Gerald Oney and seconded by Lisa Randazzo to continue the temporary employment of employee #431 due to a medical leave of one of the regular employees with a maximum of 999 hours at his current rate of pay.

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AYE: 7 ABSENT: 2(Santini, Foster) NAYS: 0 ABSTAIN: 0 CARRIED

Mrs. Trovei – A motion was made by Kristin Trovei and seconded by Lisa Randazzo to make a correction in the July 27th minutes where a motion was put forth from Gerald Oney to classify the CDBG Sidewalk Replacement grant for the purpose of replacement of Pike Street sidewalks as a type 2 SEQR project. Unfortunately, the words trenchless sewer project were in the minutes instead of sidewalk project.

AYE: 7 ABSENT: 2(Santini, Foster) NAYS: 0 ABSTAIN: 0 CARRIED

Mrs. Trovei indicated that CDA has not met since the last Council meeting and their next meeting is scheduled for 8/25 via Zoom.

She noted that the Finance Committee met on August 19th where the 2019 Audited Financials were presented by Alan Walthers of Bonadio & Co. It was noted that he presented remotely and that most of the audit was conducted remotely through the use of electronic communications and systems. The report was positive with an unmodified opinion, but he did note the financial difficulties ahead in 2020 due to the pandemic.

She then reviewed the minutes of the meeting along with reading a memo that was distributed to the Council regarding the tax cap and its function with regards to the annexation and pilots.

The next meeting of the Finance Committee will be 9/16/2020 at 6pm.

A motion was made by Kristin Trovei and seconded by Lisa Randazzo to approve the minutes of the 8/20/2020 finance meeting.

AYE: 7 ABSENT: 2(Santini, Foster) NAYS: 0 ABSTAIN: 0 CARRIED

A motion was made by Kristin Trovei and seconded by Lisa Randazzo to set a public hearing for Local Law #3 Tax Cap Waiver at the next Council Meeting on 9/14/2020 at 7:15 pm.

As discussion Lisa Randazzo recapped the impact on the annexation and pilots with respect to the tax cap and all of this is readily available to the public in the July finance committee minutes or from the Clerk's office. This is in addition to the problems we are facing with the cuts from NYS and decreased revenues as a result of the pandemic.

AYE: 7 ABSENT: 2(Santini, Foster) NAYS: 0 ABSTAIN: 0 CARRIED

A motion was made by Kristin Trovei and seconded by Gerald Oney to approve the increase in the fee for a tax search from \$150 to \$250 effective 12/1/2020.

Mrs. Waizenegger explained that the tax search is a certified document of all taxes and fees associated with a property as well as the parcel information that is prepared and subsequently updated for real estate transactions. It is used by the title companies and attorneys involved in sale, transfer and refinance processes. It was noted that her office prepares on average 500 of these comprehensive searches per year and the increase in the fee is to cover the expense of the employee preparing these documents and is in line with what other municipalities are charging.

AYE: 7 ABSENT: 2(Santini, Foster) NAYS: 0 ABSTAIN: 0 CARRIED

A motion was made by Kristin Trovei and seconded by Gerald Oney to pay the bills totaling \$453,070.95.

AYE: 7 ABSENT: 2(Santini, Foster) NAYS: 0 ABSTAIN: 0 CARRIED

Mr. Simmons – Mr. Simmons indicated that the Planning Board met on 8/18/2020 where they reviewed plans for a mixed use as B&B, retail and café at 191-192 Jersey Avenue, the old TSE building. The plans were approved with some conditions that Mr. Fuller must address.

The next meeting of the planning board will be 9/15/2020 at 7pm.

Mr. Simmons indicated that the Zoning board met previously on 8/4/2020. After a review by Mr. Fink on the request of 31 Fowler Street for use as a residential property, the application was granted.

The next meeting of the Planning Board will be 9/1/2020 at 7pm.

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Mr. Simmons expressed condolences to the family of Nancy Brewster and Misty Fuller on the passing of their grandmother as well.

Mr. Siegel – He noted that Fire and Emergency Management met on 8/17/2020 and their next meeting is 9/21/2020 at 6:30pm.

He noted that there was no correspondence from the fire department secretary.

PJ Housing Authority is scheduled to meet on 8/25 at Hillside Terrace.

He also reported on an upcoming rabies clinic in Port Jervis on October 4th at noon at Engine 4's firehouse. The Mayor noted that the rabies clinic has not been approved yet but that it will probably be approved at the next meeting as we are awaiting more information through the police chief.

Mr. Siegel warned that if you receive seed packets from China please do not plant them as there are some malicious seeds being distributed as a scam. He stated that they should not be planted and should not be thrown into the trash but need to be given to the appropriate authorities. He gave information about contacting the US Department of Agriculture or the Office of the NYS Plant Health Director which he will post on his Facebook page.

Mr. Siegel referenced garbage complaints about odor and liquid discharge from our trucks and noted that the solution is to keep your cans in an enclosure and keeping them covered. We have had the DPW add a sprayer to assist with the bad odors with discharge of liquid when the garbage is compacted.

He indicated that telephone scammers are still active and warned people to beware.

He also reported on a community effort to clear a downed tree on private property in the 4th ward after the storm last week.

Ms. Randazzo – She gave a shout out to the local baseball team the Red Hawks who won the championship for their division this past weekend.

For the Good of the City (Public Comment) – None

Mayor Kelly Decker – The Mayor apologized that he could not rebroadcast the last Council Meeting on Facebook due to a technical error.

The Mayor noted that there was to be follow-up on the issue of leasing City property as a staging area for Mr. Puopolo by the Corporation Counsel, so he turned the floor over the Mr. William Frank.

Mr. Frank reported that did receive a response with respect to the questions from their attorney and developers which he forwarded the answers in email to the Council which he verified that everyone had received. Therefore, at this point it is up to the Council if they wish him to proceed with a license agreement.

The floor was opened to discussion:

Mr. Siegel stated that he would not want to proceed until we heard from Mr. McKeeby regarding the property he desired to purchase in that area. He said he would not want to lease property that might belong to Mr. McKeeby.

It was noted by the Mayor and legal counsel that the land is currently owned by the City.

Mr. Siegel stated that he is not against the hotel, but he is against using city land for a use it was not intended for. He also expressed concerns that surrounding businesses would be impacted by street closures.

The Mayor verified with City legal counsel that the area was not going to be used for storage and would not therefore be blocking access other than temporarily.

Both Mrs. Trovei and Lisa Randazzo indicated that they are in favor of moving forward on a temporary license for use.

Mrs. Mann had an exception to leasing any property that has not been marked out and she felt that this should go back to the building department as they had questions on the development plan. Mr. Frank responded that the boundary would be detailed in the licensing agreement.

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Mayor Decker indicated that the building departments questions are related to the building plans not the area to be used. Mayor Decker also indicated that he met with the neighboring business owners who were under the impression that their street would be closed for a year which is incorrect information. The street closures will be a day at a time when the cement trucks have to pour concrete which would be 6 time every 10 days when they get to that point in the construction.

Mrs. Mann continued her objection to the fact that the property has not been marked out and surveyed and clearly marked in the same manner as we have required from Mr. McKeeby.

Mr. Oney indicated that the only issue he has is the equipment and that it is properly secured but we will promote a more negative impact on our community by not approving this and having them use the parking spots instead which he has a right to do. He also indicated that this temporary impact may not necessarily delay the other offer and project to be proposed by Mr. McKeeby. He feels that it will have more negative impact by not approving this temporary use therefore he is in favor of the temporary license.

Ms. Campbell questioned the policing of the terms of the license or lease. It was noted by Mr. Franks that the building department would be put in charge of monitoring to assure that all components of the license were followed and that we would have the right to immediately terminate the agreement should conditions not be met. With that assurance Ms. Campbell stated that she is in favor of proceeding.

Mr. Simmons stated that at the last meeting the Mayor lost his composure and threw out allegations of collusion. The Mayor indicated that he does not have to discuss that at this time. Mr. Simmons indicated that he wants to know what collusion there might be. The Mayor questioned Mr. Simmons if he has breakfast regularly with Mr. McKeeby to which Mr. Simmons responded yes. The Mayor then asked if the promenade purchase was discussed during those breakfast meetings. Mr. Simmons indicated that he did not discuss it with Mr. McKeeby. The Mayor asked if it was in general discussed at the breakfast meetings. Mr. Simmons repeated his response that he did not discuss it with Mr. McKeeby. Mr. Simmons then stated he would not support any lease or license.

The Mayor then indicated that any vote would be 4 yes and 3 no with the two absent council members which would not allow them to proceed therefore this may need to be re-addressed with those other members present at the next meeting.

The Mayor noted that there was a request for adjustments of fees for 120 Hammond Street and he questioned if anyone would like to make a motion in that regard. As all members were silent no action will be taken with respect to the request.

The Mayor brought forth the issue of waiving the building department fees for the development of additional solar power generation on the roof of 100 Pike street to benefit the City as part of their overall solar project with the City.

A motion was made by Gerald Oney and seconded by Lisa Randazzo to waive the fees as it is part of a City project.

AYE: 7 ABSENT: 2(Santini, Foster) NAYS: 0 ABSTAIN: 0 CARRIED

The Mayor read a request from the Port Jervis Rotary Club to create a display of flags honoring veterans as a fund raiser on the piece of vacant land owned by Howard Kupermann in the downtown area similar to the flags on the light poles. They are requesting to plug into the City streetlamp nearby to light the display and will keep them on display for one month.

A motion was made by Stanley Siegel and seconded by Gerald Oney to allow the Rotary Club the use of the City street light connection for a veteran flag display and that the Club should work with the DPW Director on the connection.

AYE: 7 ABSENT: 2(Santini, Foster) NAYS: 0 ABSTAIN: 0 CARRIED

The Mayor requested comments on the Community Center plan presented at the last meeting via email. He stated that he saw some comments on Facebook and wishes to address those questions.

This was previously discussed to be done at Church Street Park but deed restrictions regarding open space prevented development there. Some people suggested the Sullivan Avenue school property but that is not owned by the City. It is owned by the school district. Some also suggested the Deerpark Reformed church properties that recently came on the market which would require a large purchase price that the City currently does not have and there is also the complication with a graveyard at the rear of the church property. The Farnum property was specifically deeded to the City to be used for senior and community activities.

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He noted that operational projects are different from project budgets which are typically funded through grants unless adequate funding can be located in which case they are bonded or funded through loans and will become an operational cost.

He outlined all three taxes paid by residents as County, City and School. He noted that for City taxes that is on average \$1700 and you get a lot of services for that money. Private garbage service is on average \$75 per month which equates to \$900 of the tax bill can be associated to garbage alone.

Someone asked why no pool? He noted that the additional cost to build a pool is 1.5-3 million dollars and annual operating costs are a minimum of \$150,000 annually or higher which would not be sustainable.

The design of the building was done to leave the architectural view from the front of the Farnum House and then provide modern architecture of wood, stone and glass to relate it to our area.

Please forward your additional questions or comments to info@portjervisny.gov

The Mayor asked Mr. Siegel if he wanted to say anything additional. Mr. Siegel thanked everyone who participated in the 75th birthday parade for Barry Longwell.

Meeting Adjourned – A motion was made by Kristin Trovei and seconded by Stanley Siegel to adjourn.

AYE: 7 ABSENT: 2(Santini, Foster) NAYS: 0 ABSTAIN: 0 CARRIED

Meeting adjourned at 8:50 pm.

Next Meeting is scheduled for 6:30 pm executive session and 7:15 pm general business session on Monday September 14, 2020.

Robin Waizenegger
City Clerk Treasurer