

## September 14, 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 September 14, 2020 at 6:30 p.m.

**Attendance:** Present were All members of the Common Council. Corporation Counsel William Frank, City Clerk Treasurer Robin Waizenegger and Deputy City Clerk Treasurer Bobbie Jo Muller 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 Dominick Santini 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
- Offer of Purchase – Former ACO Vehicle-105h
- Termination of Lease Agreement – 105h
- Potential settlement in fall litigation – 105d

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: 9 ABSENT: 0 NAYS: 0 ABSTAIN: 0 CARRIED

Adjourned to Executive session at 6:32pm

Reconvened from Executive session at 7:07 pm by motion of Lisa Randazzo and seconded by Dominick Santini

AYE: 9 ABSENT: 0 NAYS: 0 ABSTAIN: 0 CARRIED

The Mayor explained that they will begin the regular meeting but will wait until the published time for the Public Hearing on tonight's agenda.

**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.

At the last council meeting it was inferred by two of the Councilman that they were not voting in favor of Cory Poupolo's proposal to lease a portion of the promenade because of Dick Mc Keeby's interest in the promenade.

I find this very disappointing.

First, because I have known Dick McKeeby for a long time. I have not seen Dick but I find it hard to believe that a public spirited person like Dick McKeeby who has always looked out for the interests of Port Jervis; has successful business entities and who has worked so hard to improve our hospital and St. Josephs Assisted Living would intentionally try to make it harder or to prevent Cory Poupolo from building the hotel.

Secondly, these councilmen are expected to vote impartially on behalf of the people instead of trying to make it hard for Cory Poupolo to proceed. The people approved the project thru the planning board. They should be voting solely on the merits of the project involved. I think that the merits of this project rate their vote. It will reduce blockages, delivery problems and interference with parking.

The Planning Board has already approved the project and the city needs a hotel. Some of the people using the rivers and the lakes for kayaking; swimming and fishing; using the Pump Track; and using the Watershed Trails need a place to stay. Also, people attending the many events the city has during the year.

The hotel will also create hotel taxes to increase our tax base as well as substantial property taxes and sewer and water taxes.

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I ask you to remember the Arbor Day Ceremony in April 2018 dedicating the Promenade in honor of Joseph Kucher. His presence in our downtown area was a reminder over the decades that Port Jervis was a community which still valued hard work and kindness above all. Now you want to sell the Promenade???

I hope that everyone involved reconsiders their thinking on the matter and allows Cory's proposal to lease part of the promenade to become realty and the property returning to the City upon completion in its original condition.

Also, when reconsidering the Tax Override law please remember that you not only limit tax increases to 1 1/2%/0 but you also limit growth income to 1 1/2% as well. This could hurt you more than a sizeable tax increase.

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

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

**Executive Session Material –**

A motion was made by Stanley Siegel and seconded by Timothy Simmons to approve the sale of property acquired by tax lien as is at 39 church Street Unit #21 for the agreed upon price of \$21,000 to Dan DeCarlo. Closing will take place as soon as possible.

AYE: 9 ABSENT: 0 NAYS: 0 ABSTAIN: 0 CARRIED

A motion was made by Timothy Simmons and seconded by Gerald Oney to declare the 2004 Ford ACO Vehicle surplus and no longer in use by the city and approve a sale of said vehicle to the Town of Deerpark for \$1 with the immediate removal of decals from the vehicle.

AYE: 9 ABSENT: 0 NAYS: 0 ABSTAIN: 0 CARRIED

**Business:**

**Mr. Foster** – A motion was made by Regis Foster and seconded by Gerald Oney to approve the August Police Report.

AYE: 9 ABSENT: 0 NAYS: 0 ABSTAIN: 0 CARRIED

Mr. Foster read the statistics from the report.

Mr. Foster announced that there will be a National Free Child Seat Safety Check event at the Middle School on September 26<sup>th</sup> from 10am to 2pm sponsored by a coalition of local organizations. To schedule your free safety check call 858-4065.

The next police committee meeting will be September 17<sup>th</sup> at 6pm.

There was no report from the ADA committee and their next meeting will be 11/2/2020 at 7pm.

**Public Hearing** – A motion was made by Regis Foster and seconded by Stanley Siegel to open the public hearing on Proposed Local law #3.

AYE: 9 ABSENT: 0 NAYS: 0 ABSTAIN: 0 CARRIED

Kristin Trovei invited the public to the podium.

**Ms. Joan Rollman (2nd Ward)**– She stated that she is here to request that the council members that voted no on the tax cap waiver to vote yes. As she watched the meetings and listened to everyone as well as reading information, she noted that in this upcoming tax year when revenues to the City are greatly impacted by COVID 19 we need to have every option available. She expressed that while we all know people in every ward impacted by COVID 19 economically, we also need to have police protection and city services. She noted that the city has always worked hard to prepare a fair and lean budget. The tax cap waiver in place will provide some security during the budget crisis.

Mrs. Trovei supplied additional information such as the 2% Tax Cap is not a true 2% but this year is a maximum of 1.56. The City has been impacted with revenue cuts of 20% in chips funding, 20% is state aid and sales tax reductions by NYS. She also reminded everyone of the DEC consent order which carries fines up to \$37,000 per day if we do not continue to make improvements to our sewer system. She noted that many initiatives are done by the DPW employees who are already doing more for less.

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The tax cap also prevents us from gaining revenue from new development, improvements and removal of exemptions. She noted that the override does not mean the Council has to make the taxes go up. It allows the Council the option to decide independently the resource they need or expenses and services they are willing to cut.

She also noted that with the tax cap in place we cannot proceed with the annexation as it is structured and obtain the maximum benefits. Mrs. Trovei suggested that the members approve the Tax Cap Waiver to give the Council the power to decide what is best for the City.

Hearing no further public comment or comments from the Council a motion was made by Lisa Randazzo and seconded by Regis Foster to close the public hearing.

AYE: 9 ABSENT: 0 NAYS: 0 ABSTAIN: 0 CARRIED

### Business Cont'd

**Mr. Santini** – The Code Committee met on 9/2 where it discussed two issues from the planning board. First is the amount of copies to be submitted for review and secondly the definition of a dustless surface.

Mr. Santini made a motion seconded by Gerald Oney to put forth an amendment to the ATV law and set a public hearing for the Next council meeting on 9/28/2020 at 7:16 pm. It was noted that this is classified as a type 2 action under SEQR and that no further environmental action is necessary.

AYE: 9 ABSENT: 0 NAYS: 0 ABSTAIN: 0 CARRIED

Mr. Simmons clarified that the planning board would like a modification to allow one master set of plans to be submitted along with an electronic copy the reduce the amount of physical copies required and electronic copies could be more readily shared.

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

1. The Youth Center Recreation room is open Monday-Friday 3 pm- 6 pm. Starting Monday September 21, 2020 the Youth Center Recreation room will be open 3 pm- 6 pm but will follow the Port Jervis School District reopening plan- whatever cohort (group) is in school will be eligible for the Youth Center. If a student is home studying remote, he/she will be off from the Youth Center. If a student is home schooled (not remote learning) they will also be eligible for the Youth Center. We are capping our attendance at the Youth Center to 20 kids due to the Covid restrictions.
2. We are pleased to announce our fall Little Chefs at PJ Rec cooking program will return this fall. This 5-week cooking class will start October 24 and run through November 21. Classes will be held at the Youth Center 10 am- 12 pm. Due to Covid restrictions this fall's class will be limited to 8 students. Registration for Little Chefs will take place at the Youth Center October 5, 7, 12, 14 between 5 pm- 7 pm. Cost for this class is \$50.
3. We are working on an alternative plan/event for the Halloween Parade on October 24 if we can't safely hold the parade due to Covid restrictions. More information will be available at the next Common Council meeting on September 28.
4. We have scheduled a fall park clean-up for Saturday November 14, 2020. The clean-up will be held between 10 am- 11:30 am. We will meet at Farnum Park. We hope to have enough volunteers to help clean-up Farnum Park, Veteran's Park and Church St. Park. Refreshments will be available at Farnum Park at the conclusion at 11:30 am. Volunteers are needed to help pick up leaves. This is a great community service event for any student.
5. ALL RECREATION EVENTS AND PROGRAMS WILL FOLLOW COVID RESTRICTIONS AND GUIDELINES. SOCIAL DISTANCING OF 6' WILL TRY TO BE MAINTAINED AT ALL TIMES. FACE MASKS ARE REQUIRED WHEN SOCIAL DISTANCING CAN NOT BE MAINTAINED. HAND SANITIZERS ARE READILY AVAILABLE AT ALL EVENTS AND PROGRAMS. ALL PROGRAM PARTICIPANTS AND VOLUNTEERS WILL BE URGED TO WASH HANDS REGULARLY AND STAY HOME IF NOT FEELING
6. The next Recreation Commission meeting is scheduled for Wednesday September 23 at 6 pm at the Youth Center.

**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 9/9/2020 where they discussed moving forward with the City-Wide Yard Sale on 9/26/2020 from 9-4. You may contact Laura Myer at [floralaurapj@yahoo.com](mailto:floralaurapj@yahoo.com) or 973-534-4177 with any questions.

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There have been no decisions on future events due to COVID but they discussed possible Halloween event and the Christkindlmarkt event.

**Mr. Oney** – Mr. Oney gave the DPW update as follows:

1. Garbage and Recycling will be on its normal schedule for the next weeks.
2. The City's bulk waste truck is available on Saturday mornings for Port Jervis residents only 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. Blacktopping is being done next week in the City. If your street is impacted, you would have been notified. It is suggested that you avoid the paving areas while work is being done.
4. The next DPW meeting will take place on Monday, October 5th @ 6pm in the Council Chambers

A motion was made by Gerald Oney and seconded by Dominick Santini to approve the minutes from the July and August DPW Meetings.

AYE: 9 ABSENT: 0 NAYS: 0 ABSTAIN: 0 CARRIED

**Mrs. Trovei** –

Mrs. Trovei indicated that CDA met remotely on 8/25 and discussed the financials, grants and 2021 budget preparation. The next CDA meeting will be on 9/23 at 7pm via Zoom.

The next finance meeting will be this week on 9/16 at 6pm.

A motion was made by Kristin Trovei and seconded by Lisa Randazzo to pay the bills totaling \$376,328.31.

AYE: 9 ABSENT: 0 NAYS: 0 ABSTAIN: 0 CARRIED

A motion was made by Kristin Trovei and seconded by Lisa Randazzo as follows:

**WHEREAS**, the City of Port Jervis Common Council recognizes the need for temporary cash flow to fund the construction of three NYSDOT Projects # 8756.64 Tri-State Road Widening and traffic control , #8758.08 replacement of Bridge over Neversink River and #8780.48 Safe Sidewalks to School which should began construction in August 2018 at a total approximate cost of 22 million dollars and

**WHEREAS**, it is necessary to continue to borrow the monies necessary to make construction progress payments, make claims and await final reimbursement.

**NOW, THEREFORE**, be it resolved that the Common Council of the City of Port Jervis hereby authorizes the renewal borrowing of 2.5 million dollars in the form of a Bond Anticipation Note during the life of the project and authorizes the City Clerk Treasurer and Mayor to execute same.

AYE: 9 ABSENT: 0 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. He also indicated that they had discussions about the number and type of plans required for submission which the planning board would like to see changed. He also noted that they discussed the definition of dustless surface and would like more clarity in that definition. Both issues were referred to code Committee.

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

He noted that the Zoning Board meeting was cancelled due to lack of business. The next meeting will be 10/6 at 7pm.

**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.

A motion was made by Stanley Siegel and seconded by Timothy Simmons as follows:

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Neversink Engine Company No. 1 requests the following be approved for Active (Junior) membership: Dennis A. Perrin, II

AYE: 9 ABSENT: 0 NAYS: 0 ABSTAIN: 0 CARRIED

A motion was made by Stanley Siegel and seconded by Timothy Simmons as follows:

Howard Wheat Engine Company No. 4 requests the following: Permission to hold a Rabies Clinic on 10/04/2020 from 10:00 a.m. to 12:00 p.m., with all CDC guidelines in place; and Sell jars of pickles throughout the month of October.

AYE: 9 ABSENT: 0 NAYS: 0 ABSTAIN: 0 CARRIED

A motion was made by Stanley Siegel and seconded by Timothy Simmons as follows:

Excelsior Engine Company No. 5 requests the following: Permission to hold a Pizza Take Out on 10/09/2020, where all current social distancing requirements will be observed, up to and including, window service and/or curbside (parking lot) pick up, as may be necessary.

AYE: 9 ABSENT: 0 NAYS: 0 ABSTAIN: 0 CARRIED

Mr. Siegel announced the 2020 Fire Department Physical Schedule for 9/16 and 9/17.

He noted that PJ Housing Authority met on 8/25 is scheduled to meet again on 9/22 at Hillside Terrace.

He also reminded everyone about the upcoming rabies clinic in Port Jervis on October 4<sup>th</sup> 10am to noon at Engine 4's firehouse.

Mr. Siegel warned everyone about the resurgence of telephone scammers. He also reminded everyone that if you see or hear something please say something by contacting the Port Jervis police department at 856-5101. This is especially important with any scams or suspicious behaviors.

Mr. Simmons joined Mr. Siegel in warning about utility scams

Mr. Siegel also noted that he thinks the City Marshall fee schedule might need to be addressed by the Code Committee.

**Ms. Randazzo** – She reiterated comments made by Mrs. Trovei with respect to the tax cap and noted that at the previous Finance committee meetings the details of the tax cap, but the dissenting members did not attend.

A motion was made by Lisa Randazzo and seconded by Dominick Santini to approve Local Law #3 for the Tax Cap Waiver.

Discussion:

Mr. Gerald Oney indicated that while he knows that nobody likes a tax increase, but he has to support giving the city options in the upcoming budget process due to the reductions in funds by NYS.

Ms. Randazzo ask legal counsel to advise regarding the timing of a tax cap waiver. Corporation Counsel William Frank gave his opinion regarding the best practice of passing the waiver before the budget process begins to allow possible consideration of all options during the budget process.

Mayor Decker noted that his major concern is not the ability to raise taxes as he has faith in the budget process with respect to that but he is concerned about the City not being able to take advantage of growth and development especially with respect to the annexation.

Mr. Siegel indicated that while he listened to the speakers at public comment advocate for the tax cap waiver he does not believe that they represent his constituents in the 4<sup>th</sup> ward who are according to him the poorest members of the community and have told him that they cannot afford any tax increase. He feels that he has to vote the way he believes his people want him to vote.

Mr. Simmons concurred with what Mr. Siegel has said. He believes that the department heads should cut what they feel they can and then the Council can move forward from there. He does not want to give his opinions on changing operations due to previous accusations of micro-management and other nonsense. He suggests that the elected officials step up and volunteer to serve without pay. Mr. Simmons indicated that he has volunteered in this City for the past 40 years. He indicated that he will

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step up to work the rest of this year without pay as well as next year. He indicated that he has been asked what his plan is outside of the tax cap then Mr. Simmons asked Mrs. Trovei what her plan was when she indicated that she would not support the tax cap waiver with Mrs. Hendry several years ago.

Mrs. Trovei indicated that she initially was skeptical about the tax cap however after further research into the tax cap she voted in favor of the tax cap waiver due to the consequences that are so much more than the controlled increase. After she did research and learned how it prevents growth and development of our tax base she voted in favor of the waiver. She indicated that every year she as the finance chairperson has submitted budget ideas directly to the Mayor which she has also done this year already. She stated that she knows this budget better than anyone here. Mrs. Trovei indicated that while she recognizes that Mr. Simmons has been accused of micromanaging the council as a whole still has the responsibility for the content of the budget and it is their combined responsibility to provide a responsible budget to the City. The tax cap waiver does not in itself stop the Council from not raising taxes. The tax cap waiver does however prevent the City from taking advantage of growth and improvement.

Mayor Decker also stated that the importance of the tax cap does not totally lie with making a tax increase. It is the impediment to the annexation and growth in our tax base to help spread the financial burden wider which will in effect lower taxes in the long-term.

Mr. Siegel stated that voting against the tax cap should not stop the projects. He stated we would still get 3% hotel tax.

The Mayor stated that the hotel tax is smaller dollars and what the tax cap stops is the gain on the growth in the tax base.

Mr. Siegel stated that the tax base will grow.

Mrs. Waizenegger and the mayor then indicated that yes, the tax base will grow but we will not be able to collect taxes on it initially as it will have to be reserved.

Mr. Siegel stated that he has spent years working for private industry when you have to do more with less.

Mrs. Randazzo indicated that while she can appreciate doing more with less and tightening the budget, but she cannot fathom the fact that the Council would turn their back on the opportunity to increase the tax base through growth and development. She also reminded Mr. Siegel that she lives in the fourth ward and represented that ward previously.

Mr. Siegel then reverted to his original premise that his constituents are telling him to vote no.

Gerald Oney stated that no one is questioning the sincerity of Mr. Siegel's opinion but questioned his decision as being in the moment as opposed to looking at the long-term goals of the City which will benefit the taxpayers substantially instead of leaving them in the same situation they are in now forever.

Mr. Siegel indicated he understands the long-term goals but cannot support them because of what his constituents are telling him.

Mr. Simmons agreed with Mr. Siegel that his constituents are looking at the short-term only it is still what his constituents want. He indicated that he believes that the entire council does not experience these types of hardships his residents do.

Mrs. Randazzo indicated that less than 50% of the 4<sup>th</sup> ward are homeowners. Most of the ward are renters who may not have a long-term investment. This becomes an issue and we need to have more long-term investment in the City through homeownership. She also indicated that his assumption that members of the Council do not experience financial hardships is unrealistic and it may just be that we do not advertise our hardships. While we may suck up an increase the level of increase is much smaller than the impact of losing garbage collection which is much more costly than a tax increase.

Mr. Siegel gave examples of the hardships experienced by his constituents.

Mr. Oney and Mayor Decker responded that it is however the Council's responsibility to look long-term.

The Mayor called the roll call vote.

A roll call vote was called:

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Siegel – no      Simmons – no      Oney - yes      Randazzo – yes      Mann – no      Santini – yes  
 Foster – yes      Trovei – yes      Campbell – No

AYE: 5    ABSENT: 0    NAYS: 4    ABSTAIN: 0    FAILED

Motion failed as a 60% majority of the Council is required for passage which would be 6 positive votes.

#### **For the Good of the City ( Public Comment )**

**Mr. Ed Degroat** – Mr. DeGroat asked the Council if they were going to contribute their salaries. He thanked Mr. Simmons for his contribution of his pay and Mr. Siegel when he indicated he will contribute his pay as well.

Mr. DeGroat then stated that he has no problem with Mr. Poupoulo but that really, we are dealing with a millionaire from Milford who also bought 29 Front street and he wants to know what the plans are for that building.

Mr. DeGroat claims statements were made previously when the hotel plans were submitted that all equipment would be moved nightly so no lease of the park should be required. There was clarification and debate over the status of the Promenade as a park

He asked if 59 Hudson Street was sold through the homestead program. It was noted that it was not. He asked if the vote on the sale was documented. It was indicated to him all sales are voted on by the council and would be in the City Council minutes and are all available on the website. He alluded to the fact that the minutes might be blacked out or redacted. He was informed that the minutes are all on the website in their entirety. He asked if the plans for the hotel are in those minutes. It was indicated to him that the plans are submitted to the planning board which would be their minutes.

**Mr. Corey Poupoulo** - He indicated that he will not slander Mr. Degroat as he feels Mr. Degroat has slandered him on social media. Mr. Poupoulo indicated that he is 50% owner in the hotel project as well as part owner of the other project and has invested significant funds and does not understand the opposition to his project. He indicated that he owns property in the 4<sup>th</sup> ward, and he has friends and acquaintances in the 4<sup>th</sup> Ward and everyone he talks to is in favor of the hotel.

Councilman Siegel interrupted to tell Mr. Poupoulo that no one is against the hotel project, but he is against the use of the promenade property for construction.

Mr. Poupoulo asked how he could be against a temporary lease of space when he is now advocating for a permanent sale to someone else.

Mr. Siegel said that he was not in favor of the sale to him but now it is Mr. Poupoulo's fault as he broke the egg when the city sold him a small portion previously.

Mr. Poupoulo indicating that he requested the use of the space to prevent using the parking spaces and other possible street closures during construction. They are hiring professionals to construct the building who will do what they need to do and investing millions of dollars, but his thought was to make it easier for them and the surrounding businesses by temporarily using some city space.

**Mayor Kelly Decker** – He announced that the Jewish Family Services has support available for food resources and other services and the best way to reach them is through Barbara Marselak as their local contact.

He gave a Census update that we need a greater response to the Census as right now we range from a low of 52.8% to 63.3% participation. He stressed that it is easy to respond, there is no personal information and it is critical to the City for funding to show population growth.

The Mayor requested a motion which was made by Gerald Oney and seconded by Lisa Randazzo to adopt a Public Transportation Agency safety plan policy for the Dial-A-Bus sent to us by Orange County.

Corporation Counsel indicated that he reviewed the plan from Orange County which he considers as standard and noted a small correction needed to change Town Board to Common Council, also he asked if there is a City policy for Covid protection. The Mayor indicated that it is a directive from Mr. Farr as the director. Counsel recommended that that policy be put in writing.

AYE: 9    ABSENT: 0    NAYS: 0    ABSTAIN: 0    CARRIED

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The Mayor requested a motion which was made by Stanley Siegel and seconded by Timothy Simmons to approve the event application from St. Mary's Church for a prayer event to pray for the Country on Saturday October 10<sup>th</sup>, 2020.

AYE: 9 ABSENT: 0 NAYS: 0 ABSTAIN: 0 CARRIED

The Mayor indicated that he has received a request from the Farmer's Market to extend the market in Port Jervis to 10/31/2020. A motion was made by Timothy Simmons and seconded by Stanley Siegel to extend the market to October 31, 2020.

AYE: 9 ABSENT: 0 NAYS: 0 ABSTAIN: 0 CARRIED

A motion was made at the request of the Mayor by Lisa Randazzo and seconded by Regis Foster as follows:

**RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF PORT JERVIS TO  
APPROVE AND ACCEPT THE DESIGN CONCEPT AND PRELIMINARY PROPOSAL BY ANDERSON DESIGN GROUP  
FOR THE CONSTRUCTION OF THE FARNUM  
HOUSE COMMUNITY RECREATION CENTER AND EMERGENCY EVACUATION  
SHELTER PROJECT**

**WHEREAS**, the City of Port Jervis ("City") was previously awarded a grant from the Dormitory Authority of the State of New York for the financing of a conceptual design for a community and senior center and emergency evacuation shelter to be constructed on City property located at 21 Ulster Place; and

**WHEREAS**, the Common Council directed that any new buildings associated with the aforementioned project must be designed in conjunction with the existing Farnum House structure located at 21 Ulster Place; and

**WHEREAS**, the Common Council retained the professional services of Anderson Design Group to develop a design concept and preliminary proposal for the construction of the aforementioned project; and

**WHEREAS**, Jason Anderson on behalf of Anderson Design Group presented a design concept and preliminary proposal for the new Port Jervis Community Center and Emergency Evacuation Shelter site to the Common Council during a regular Council meeting on August 10, 2020; and

**WHEREAS**, the Common Council must expressly accept the design concept and preliminary proposal in order to begin completing various funding applications associated with the construction.

**NOW, THEREFORE, IT IS HEREBY**

**RESOLVED**, that the Common Council of the City of Port Jervis hereby accepts the design concept and preliminary design by Anderson Design Group dated August 10, 2020 for the Port Jervis Community Center and Emergency Evacuation Center; and

**RESOLVED**, that the Common Council hereby directs the Mayor or his designees to pursue the necessary applications for the funding of this project, including, but not limited to, the completion, execution and submission of any and all documents on behalf of the City of Port Jervis.

**Discussion:**

The Mayor indicated that this is just to continue with the preliminary design and go out to seek funding for the project. Mr. Simmons expressed a concern about flooding. The Mayor responded by indicating that a new drain has been planned as part of the project.

Mr. Simmons also expressed reservations regarding the design not matching the Victorian Design of the Farnum House.

Mr. Siegel stated that he has received commentary about the design being too modern and he feels he could not support the design as it has to be more historically designed.

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The Mayor admitted initially being turned off by the design but it has grown on him as he gave thought to the design from the perspective of honoring Gillinder Glass with the large glass walls, the use of bluestone and local obtained wood to honor the local resources with the Farnum house being kind of a stand alone or its own focal point with a mix of new and old.

Mr. Simmons asked where the funding is going to come from. The Mayor indicated that he knows that 66% of the cost can be obtained from USDA and then we have to seek out more funding through various other sources.

Mr. Simmons asked why this is planned there instead of Sullivan Avenue and why it is not planned along with a central firehouse facility. The Mayor indicated that we do not own the Sullivan Avenue property and there is not a parcel large enough to accommodate that. In addition, he pointed out that you would not want children and people that were being housed in a center to be in the way of emergency services operation.

A roll call vote was called by the Mayor:

Siegel – no	Simmons – no	Oney - yes	Randazzo – yes	Mann – no	Santini – no
Foster – yes	Trovei – yes	Campbell – No			

AYE: 4 ABSENT: 0 NAYS: 5 ABSTAIN: 0 FAILED

The Mayor requested a vote on the license of Property to Corey Poupoulo.

Mr. Simmons questioned Corporation Counsel if it was a majority vote, majority of the council or super majority that was required. Corporation counsel indicated that it was a majority of the council or 5 votes. The Mayor indicated that is why it was being brought back up as there was only 7 members at the last council meeting with only 4 yes votes and 5 would be needed. Which it being brought up with all members present.

The Mayor indicated that all previous 3 concerns have been addressed regarding revocability of license, cost and survey

A motion was made by Lisa Randazzo and seconded by Gerald Oney to provide a temporarily license a piece of city property to Corey Poupoulo during construction.

**Discussion:** Ms. Randazzo indicated that she would like to see the hotel project move forward with as little interruption to downtown traffic as possible she feels that this license will assist in that. She hopes that the Hotel will bring additional tourism and revenues into the City.

Mr. Simmons claims that while he is not opposed to the building of the hotel, he feels that that the amount of monies for the lease is woefully inadequate and he questions the placement of the crane with respect leakage and contamination from the crane.

Mr. Poupoulo indicated that the construction is primarily hollow core and most of the lifting will be done by forklift. At the end of construction to get an HVAC unit onto the roof will be when the crane would be required and it most likely will only be on site for a day.

Mr. Simmons stated that at a prior meeting the Mayor made an accusation of collusion against him and he claims that there is evidence to the contrary and demanded an apology.

The Mayor said that he will not apologize.

Mr. Siegel suggested that the City lease parking lot space instead of the Promenade. Mr. Poupoulo indicated that because it was a brand-new surface in the parking lot, he was requested by the DPW not to use that surface.

Mr. Simmons asked for opinion of counsel with respect to conveyance of City property requiring a super majority per code and general municipal law. Mr. Frank indicated that he does not believe temporary licensing falls under those restrictions, but he will double check and notify the Council.

Ms. Campbell clarified whether they were approving legal Counsel to draft the agreement or the actual agreement itself. Ms. Campbell, Ms. Mann and Mr. Simmons indicated they thought the price was too low. Mr. Siegel and Mr. Simmons indicated that they would prefer the parking lot.

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A roll call vote was called by the Mayor:

Siegel – no      Simmons – no      Oney - yes      Randazzo – yes      Mann – no      Santini – yes  
 Foster – yes      Trovei – yes      Campbell – no

AYE: 5 ABSENT: 0 NAYS: 4 ABSTAIN: 0 CARRIED\*

\*Pending opinion of legal counsel

\* **From:** William Frank, Esq <wfrank@mid-hudsonlaw.com>

**Sent:** Tuesday, September 15, 2020 7:21 PM

**To:** Stanley Siegel <stanleysiegel@portjervisny.gov>; Mayor <mayor@portjervisny.gov>

**Cc:** Lisa Randazzo <lisarandazzo@portjervisny.gov>; Regis Foster <regisfoster@portjervisny.gov>; Dominick Santini <dominicksantini@portjervisny.gov>; Chandler Campbell <chandlercampbell@portjervisny.gov>; Maria Mann <mariamann@portjervisny.gov>; Gerald Oney Jr. <geraldoney@portjervisny.gov>; Kristin Trovei <kristintrovei@portjervisny.gov>; Timothy Simmons <timothysimmons@portjervisny.gov>; stunic@mid-hudsonlaw.com; Robin Waizenegger <robinwaizenegger@portjervisny.gov>

**Subject:** RE: Fact check 4

Good Evening Mayor, Council and Madam Clerk,

Sorry for the delayed response to this question. Approval of the license agreement in question required a simple majority vote of the Council and the motion passed last evening.

Mr. Poupoulo indicated that because it was a brand-new surface in the parking lot, he was requested by the Planning Board not to use that surface. Mrs. Randazzo confirmed that.

The Mayor requested that council members give him what they thought would be a fair cost. There was no new cost established. The Mayor indicated that if legal counsel determines that a super majority is needed this will come back to the table and cost could be re-addressed prior to that.

A motion was requested regarding the event application of Lenape with the Outdoor Club. It was noted that the majority of the participants will be West Point Cadets. A motion was made by Stanley Siegel and seconded by Dominick Santini to approve the Triathlon type event on 10/3/2020.

There was discussion noting that a certificate of insurance is still needed and that all of the department heads have not approved the application. The motion was amended to include that it was pending clearance for all department heads and receipt of insurance.

AYE: 9 ABSENT: 0 NAYS: 0 ABSTAIN: 0 CARRIED

**Meeting Adjourned** – A motion was made by Dominick Santini and seconded by Lisa Randazzo to adjourn.

AYE: 9 ABSENT: 0 NAYS: 0 ABSTAIN: 0 CARRIED

Meeting adjourned at 9:04 pm.

Next Meeting is scheduled for 6:30 pm executive session and 7:15 pm general business session on Monday September 28, 2020.

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Robin Waizenegger  
 City Clerk Treasurer