

CITY OF PORT JERVIS

P.O. BOX 1002
20 HAMMOND STREET
PORT JERVIS, NEW YORK 12771



Code Committee Meeting

February 2nd, 2022, 6:30PM

Kelly Decker:

Okay, ladies and gentlemen, it is 6:30PM on February 2nd, 2022. This is the meeting of the Code Committee of city of Port Jervis. First, I'd like to ask you all to please rise and the pledge of allegiance. And I do have a flag back here, pledge allegiance to the flag United States of the

Denis Livingston:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one Nation under God, indivisible, with liberty and justice for all.

Tim Simmons:

God bless America.

Kelly Decker:

Okay, I'm going to do a roll call. Chairman Tim Simmons.

Tim Simmons:

Tim Simmons, chairman present.

Kelly Decker:

Members. Mr. Siegel.

Stanley Siegel:

Stan Siegel, present.

Kelly Decker:

Member Mr. Mike Decker.

Michael Decker:

Mike Decker present.

Kelly Decker:

Member Elizabeth Miller.

Elizabeth Miller:

Liz Miller present.

Kelly Decker:

We also have counsel representatives here, Ms. Fuller.

Misty Fuller:

Misty Fuller present.

Kelly Decker:

Ms. Mann.

Maria Mann:

Maria Mann present.

Kelly Decker:

Mr. Livingston.

Denis Livingston:

Denis Livingston present.

Kelly Decker:

Ms. Newhauser.

Melissa Newhauser:

Melissa Newhauser present.

Kelly Decker:

I'm Mayor Kelly Decker present. Mr. Farr.

Jim Farr:

Jim Farr present.

Kelly Decker:

Mr. Brady.

Bob Brady:

Bob Brady present.

Kelly Decker:

Mr. Frank.

Will Frank:

William Frank Corporation council present.

Kelly Decker:

And Ms. Powrie. I'm not sure if she can hear me or not. Okay. All right, Mr. Simmons, it's all yours.

Public Comment: None

Public Hearing: None

Approval of the Minutes: N/A

New Business:

Tim Simmons:

All right. Thank you, Mayor. We'll start with public common. Is there anyone from the public that would like to make any statement or has anything they'd like to say regarding anything before the committee. Hearing none, we'll move on. We don't have a public hearing set. There was no meeting in January. So, we'll move on from there for minutes, and we'll go right into our new business. I'd like to start off with a discussion of the possibility of the combination of the position of city engineer, DPW director, and possibly the building official positions or a combination of each, with the idea that I realized that we're not going to do this immediately, but perhaps in the future with the expansions that we're going to go through with the annexation and things like that, that perhaps that may be a direction we want to go in the future and we would already have the process in place that would allow us to do that. So, I'll open it up to Mr. Frank, who has looked into some of the preliminary steps that we would need to take in order to move forward.

Will Frank:

Thank you, Mr. Chairman. I circulated a memo today on a few different topics that Chairman Simmons asked me to look into and do a little summary on. The first of which in the memos, combining these positions as noted, what I've done is I've laid out the job duties, and in some cases, specifications from the charter and from the city code, outlining the duties of each of the positions as DPW director, city engineer, and the building official. The city engineer job duties, I did not get from any of the Port Jervis source materials, but these are just a general description that I've taken from other municipalities that I represent.

Will Frank:

And what of course would need to be done, if the council ultimately decides to go forward with some sort of consolidation of positions is do some amendments to the charter, because the city charter calls for the establishment of different positions, two of which are the director of public works and the building official. So, what would be the preliminary step would be to identify, if there's going to be any kind of consolidation, is to identify these particular duties that are specified through the memo that can be combined and done by one individual or one department versus having multiple departments. So, I don't want to go through each and everything here. The descriptions are self-explanatory.

Will Frank:

To my thinking, and this will be something that the Code Committee and the council will ultimately discuss, if any of the positions are appropriate for consolidation in my opinion would be the city engineer and the code official, the building official, because we have that going on now. As we all know, Jim is doing work wearing both those hats. The DPW director public works is obviously such a major department in the city. As we all know, Jack had tremendous amount of duties, and the current individuals who are running the department have a tremendous amount of duties, particularly because of the amount of personnel in the department and the different projects going on.

Will Frank:

As chairman Simmons said, with the annexation coming up and even additional projects that are going to require services from DPW engineering and Code enforcement, my feeling, and this is just my feeling and I don't get a vote, is that the DPW director position would be suitable to be left standing as is. So those are my initial thoughts, Mr. Chairman.

Tim Simmons:

Okay. Thank you. Anyone else have any thoughts regarding the combination of those positions as to what they'd like to see, or the feasibility of whether putting the various positions together in a particular way, Mayor.

Kelly Decker:

Thank you, Mr. Chairman. I also agree with Mr. Frank, the other thing that the council will need to look at, I know, into the other positions that you're going to talk about, that there are contracts in place and when there's contracts in place, you're going to have to wait till those contracts expire before you make any changes. So, even the clerk treasurer position. But on this particular topic that you were talking about, I did a lot of research in the last week trying to find any municipality that has the combination of all three, and I can't find any. So, if anybody has any that they could share with me, because I'd like to see, and I contact them and see how it's working, and more so municipality our size. So, if anybody has that, I'd appreciate that.

Stanley Siegel:

I believe that Middletown does, but I'm not a proponent of all three. I'm a proponent of the DPW and the engineer, not the buildings department. And the reason I say that is I think it's critical that we have an engineer that is available to us when we need him 24x7. If he's an employee, we could have that. In my tenure, we've not had an opportunity to have a city engineer not come when he was needed. And that happened recently when I think there was a real need, and I

think we need to address that by having someone that's staffed full time whenever we need them. That's my major point.

Kelly Decker:

So, Mr. Siegel, I'm going to disagree with you here because in my tenure as Mayor for 10 years, I have had every opportunity whether it was Mike Lamborough or Mr. Farr, when I've called them, they have responded in the middle of the night. This incident, one incident you're talking about, is something that I think was a bit of a miscommunication. And the need for him, if I directed him to go there, or if a fire chief had contacted me for the direction for him to go there, he would have gone there. So, I don't think that that one incident can play a part in this whole thing. Quite honestly, if you're going to put together a position, just food for thought, a position where you're going to add an engineer as well as a DPW director, we're going to be paying a lot more money than what we're paying right now for a part-time engineer at will. Yes, sir. Right. Well, I'll turn it back over to Chairman.

Tim Simmons:

Okay. Anyone else.

Stanley Siegel:

Chairman?

Tim Simmons:

Yes.

Jim Farr:

Just like to... Councilman Siegel, what instance are you referring to?

Stanley Siegel:

I'm talking about the fire here on east main street, where the fire chief called for an engineer, somebody from the building department, because the top, whatever that thing is called, the third floor, was on an angle and we felt it looked like it was going to topple, and we wanted to have an opinion. That's the only one. But don't take this personal, Jim. It's not about you. It's about the whole picture. It's about having availability of an engineer when we need them. I think that you came the next day and you realized that that, whatever was called, that tower, was dangerous and you had that removed first. That was our concern. We had guys in there that were walking in and out right underneath that, and it was a big concern at that point.

Jim Farr:

I did talk to the chief that night. The chief called me, I answered immediately. I did speak with him. We both agreed that I wasn't needed there immediately. He was not letting any belts in the building. I told him I would be their daybreak the next morning, which I was, and made the determination at that time. If I was needed that night, I would've been there. But at that point he had taken all the firemen outside of the building and felt the situation was safe. If he needed me, I would've been there. I'm available to the city 24x7.

Stanley Siegel:

I appreciate that. Thank you.

Jim Farr:

As the mayor said, when he calls me, I'm there, and if the fire chief would've needed be there, I would've been there. The fire chief called for the Jersey Ave fire the other day and we were there within 15 minutes.

Stanley Siegel:

Thank you.

Jim Farr:

Now, in terms of, and I'll give you not my opinion, but there's only one other municipality in the county that I'm aware of. I work with or have worked with the majority municipalities to have a combination DPW and engineer, and that's the city of Middletown. Jacob Tawil, very good guy, they pay him \$300,000 a year to oversee DPW and do the engineering. He doesn't do any real engineering, all of it subbed out. But other than that, there is no other municipalities that I'm aware of in the county. Will pretty much does what I do on the legal side. I'm not sure if Will knows of anybody else that has that combination of services, but that's the only one I'm aware of.

Will Frank:

I do not. There's none that I know about. As I alluded to before, there are places that have the municipal engineer doing code enforcement. Obviously, we have that in Montgomery with yourself, we have in other municipalities, we have that with other engineers who do code enforcement. Mr. Fusco does that in Chester to some degree and some other places. But no, I don't, other than in Middletown. I don't know if Mr. Tawil also does code enforcement in the city, but I'm not aware of that. He might.

Jim Farr:

No Jacob doesn't do code enforcement. They have a staff of about 10 building inspectors in Middletown. Walter Welch is the head of it right now.

Will Frank:

One other thing, Mr. Chairman, that goes without saying, but I'll just mention it for purposes of an initial discussion tonight. Of course, there would have to be the financial analysis here between salary benefits and all of those things and what the savings, if any, would be, and the efficiency, but as a preliminary matter, what I just did here tonight in this memo is just laid out the duties for now. There's a lot of things to talk about as we move forward.

Tim Simmons:

Okay. That's yes. That was basically the idea to get an idea of if there could be cost savings, if there could be a streamlining or an efficiency of these departments, if we joined them together and go from there.

Will Frank:

Yes.

Denis Livingston:

Mr. Simmons.

Tim Simmons:

Yes sir.

Denis Livingston:

Seeing what I'm seeing right now with all the projects that the DPW is involved in, to make any kind of moves in any kind of near future, I think it's going to really disrupt the continuity. We're all wanting to save the city money, but right now, with all the projects that they're involved in, to try to do something like this, I think it would really upset the course of what they're trying to do down there with these projects on hand. So just something to consider.

Tim Simmons:

Yeah. I'm not seeing this as a short-range thing. I don't think anybody that I've talked to or has been thinking about this sees it as a short-range change. I'm just wondering if we should take a look at this with the idea that if the annexation takes off the way we would like it to, if we have other areas that are going to expand, there's going to be more... If that's a direction we might want to be looking in for the future, so that we might be a little bit ahead of the curve rather than behind the curve once we get to that point where we start to take off.

Tim Simmons:

I'm not seeing this as a real short-term type of thing at all. So, the idea was to get it out there, see if it's feasible financially or otherwise, and what steps we would have to go through. Because, I mean, quite honestly, if we're going to have to go through a multitude of long involved steps that really aren't going to save us any kind of money, it may turn out to be not worth it. So, it was kind of an idea just to see you where we might be going.

Denis Livingston:

Okay.

Tim Simmons:

Anyone else

Kelly Decker:

If I can just add in Tim?

Tim Simmons:

Yes, sir.

Kelly Decker:

So as in regard to the clerk in treasurer's position that you have down here. That's a little bit different, but you would have to decide whether you were going to remove the deputy position, because obviously if you were going to add just a clerk and a treasurer and not remove the deputy position, you're going to be dealing with a whole new position, added money, as well as the part is the bigger part that you would have to examine there. So just keep that in mind when you're looking at those [crosstalk 00:17:44].

Denis Livingston:

I'm on a Zoom Code committee meeting.

Tim Simmons:

Well, the discussion I had with Mr. Frank was when we were talking about it, he actually said, "What about the deputy clerk's position?" And we were talking and he, if I'm not mistaken, Mr. Frank mentioned that perhaps you would look at a city clerk, the treasurer would be there, and then you would have a deputy clerk and the treasurer could be operating without a deputy I would assume and go from there. Once again, I mean, I just want to look into the feasibility of perhaps making the job a little easier for the clerk, a little easier for whoever would be the treasurer and then make it a little bit more efficient, I guess.

Kelly Decker:

Yeah. I mean, logically I see more of that type of split. You have to question the fact that, "All right, you're going to pay them a little bit less, but ultimately that together position, you would be paying more plus an extra person with the benefit." So, it may end up costing you down the road. It might be a benefit to this city, but it may cost the city too.

Tim Simmons:

Right. Right. But I'm also looking at the idea that, once again, once we get into the annexation, once we get into that and things start to roll, I mean, is the city clerk treasurer going to... Would it be more efficient and a better use of the clerk on her own treasure, on her own... And can we cover that with the extra tax base that we have and go from there. I'm looking down the road here a little bit. Once again, I'm not saying, like next year, we now have a city clerk and a city treasurer, but I just want an open discussion here and get it going so that, once again, we can be ahead of the curve when the opportunity arises, that we could be there. Just my thoughts and thoughts of a couple others. Okay. Does anyone have any thoughts on the separation of the city clerk and the treasurer? Basically, my question was, once again, what steps would we have to do in order to begin to look at that? I guess Mr. Frank would be able to enlighten us on that.

Will Frank:

Again, the charter establishes the positions of both city clerk, treasurer, and deputy. The duties are set forth directly in the charter. So there would have to be, of course, a financial analysis to make sure that whatever the plan was, whether it's turning the deputy clerk treasurer just into the treasurer, and making the city clerk just the city clerk, or hiring someone else, lowering salaries, adding a person, all of those things, the first and foremost, there would need to be a revision to the charter, just like in the other situation. We'd have to revise the charter and amend it and separate out the duties because they're specifically enumerated in the charter. So, we would have to take these duties that are listed in section 2A of the memo, and we would have to break out the duties of the city clerk in one spot, break out the duties of the city treasurer in another, and start with that.

Will Frank:

So financial analysis, consideration of amending the charter and breaking out the duties. Those would be the preliminary steps. And obviously during all of these steps, we're going to need to be really sitting down with the people in the department and finding out... I know what the charter says, these are the step, these are the duties, but we need to know exactly what everyone's doing every day. What kind of things are consuming their day? And then you really get an idea of whether it's feasible and how you're going to do it.

Will Frank:

We're going to have to work with our labor council, and we're going to have to work directly with our employees to see what kind of impact this would have on their everyday work. If they think it's a good idea, if there's going to, quite frankly, if there's going to be opposition to some of this and how that's going to affect productivity, all of those things are going to have to be considered.

Tim Simmons:

Okay. Thank you. Okay. Does anyone else have any comments or questions or thoughts regarding the city clerk treasurer's position in deputy? Okay. Moving on, we wanted to talk about a social media policy for city officials and employees. Mr. Frank had forwarded some examples of social media policies that he had, I believe, he had sent them previously and that I think we should take a look at these and see what we need to put in place, to not have... Yes. Mayor.

Kelly Decker:

So, Mr. Frank, the only question, I read these in September and then you sent them today and I reread them. I actually like them; I think they're good. But do we have to negotiate these into the contracts of our unions?

Will Frank:

Well, I think that the union, and again, this will be a question for labor council, regardless of what the union contracts say, in a lot of spots, management rights clauses are in all of the union contracts. Part of management rights are to promulgate reasonable policies for the day-to-day operations of city government. Now, I don't know that there's anything in here in the policies, as they're drafted, that impact the working conditions that have been agreed to in any of the union contracts, but I can go through them, and we can send this to Stu. Let me back up. Once the Code committee and once the city council come up with a policy, they think is viable, we make some changes to this, we add some things, we take out some things, then we'll forward it to labor council and get their take on whether we need to pass anything by the unions. But I'd like to think that this is going to fall within management rights.

Tim Simmons:

Okay. Does anyone else have anything, any comments, or questions about the social media policy?

Will Frank:

Mr. Chairman, I'm sorry to interrupt, but if anyone wants to shoot me an email or anything about the policy or any suggestions, feel free to email me or call me and we can talk about it and see if anything needs to be tweaked for sure. Sorry.

Tim Simmons:

Right. No, no, thank you for your comments. I definitely think we should have something in place. I have personally seen examples of people being or attempts for people to try to be disciplined or terminated or other different types of actions taken against them for things they posted on social media, and then come to find out that particular employer never had a social media policy in place. So, it was kind of like, "How are you going to do anything and then turn around and say, 'We're doing it because of this and you don't have a policy on it.'" So once again, I don't think we need to put this in place tomorrow, I think we need to take a look at it and just to make it so that we're kind of up to date and with the times. Most places or just about every place I know of has a social media policy.

Will Frank:

Mr. Chairman... I'm sorry, go ahead.

Elizabeth Miller:

I have a quick question, but from what I read, and I didn't read it thoroughly multiple times, but is this talk, is this pertaining to social media accounts operated by the city? So, like, for example, like a portraitist Facebook page, not a Liz Miller Facebook page. Is that what I'm understanding, or would that include both?

Tim Simmons:

Well, I could think in certain instances where it could be both, if the post pertained to something that directly was related to their position or their employment.

Kelly Decker:

If I could, Ms. Miller, if you look at that, it actually, it talks about that how you would have your personal, say Facebook, you have your personal page, but then if you have a council page and you referenced, let's say, you just referenced something that was set in executive session, or I mean to give an example right now, it's hard, but if you're doing it in official capacity, it's basically what it says.

Elizabeth Miller:

Okay. Yeah. That makes sense.

Will Frank:

But, keep in mind that even as we've seen all over the country, if the council ultimately wants to have it in the policy, even if someone's on their personal Facebook page and they're a city employer official, and they make certain statements that would bring discredit to the city, something like an unfortunate racial remark or discriminatory remark of some sort, and it reflects badly on the city, then the policy can include consequences for such statements. So that's going to be up to the council how they want to approach that.

Tim Simmons:

Right. That's kind of the direction I was going to try to answer Ms. Miller's question regarding that. I mean, if you were to have, let's say, our DPW director went on his personal page and started to call people whatever, people would very

easily recognize that that's our DPW director and he's making racist or homophobic or other slurs, like as Mr. Frank just said, that would be directly related to us. I mean, at that point, we wouldn't be able to separate from that. So that's the kind of thing that I think we're looking at to try to avoid.

Elizabeth Miller:

All right. Thank you. I have to hop off, so I'll catch up on whatever I miss. Thanks everyone.

Tim Simmons:

Thank you.

Will Frank:

Mr. Chairman, may I, I also have to get off, but before I do, may I suggest at least with the social media policy, you put it on the next code agenda, so everyone will have had an opportunity to look at it and we can try and move the process forward.

Tim Simmons:

Yes, sir. That was my thinking.

Will Frank:

That's great. I apologize, I have to get off too.

Tim Simmons:

Yes.

Stanley Siegel:

Go ahead. I think that we need to heed Mr. Frank's advice and send in whatever ideas we have based on what Mr. Frank put here, so that we have something to work with for the next meeting. It's critical that we all have input here. We don't want to be another Whoopi Goldberg.

Will Frank:

Mr. Chairman. I'm going to sign off.

Tim Simmons:

All right. Thank you, sir, for your time.

Will Frank:

Okay. Thank you everybody. Good evening.

Tim Simmons:

Be safe, sir.

Will Frank:

Thank you.

Tim Simmons:

Okay. The next thing I... Oh, I'm sorry. Before moving on. Does anyone else have any questions or comments regarding that social media policy? All right. Then what I'd like to do is move on to the next thing and bring up the idea about how the steps that we would need to take in order to start to look at possibly changing the tax code. I've had several people come to me and say, "I have a business, and I'm charged as a business. These people who have three or four rental properties, they're making an income off of it, and then they're turning it around and claiming these exemptions and it's working for them."

Tim Simmons:

So, my thought is if somebody's renting out properties, and it's a business they're making a profit off of it, otherwise, I mean, they would very quickly stop doing it. I think we need to take a look at what we might need in order to change that. Someone in the community showed me a printout, a data sheet that they had compiled over last couple years regarding landlords that are absent, out of town, out of state, and the revenue that we could realize off of that if these exemptions were not in place, was quite frankly staggering. I mean, when you're talking about possibility of hundreds of thousands of dollars, and we were talking last year about 65 or \$67,000 being one percentage point, I think it's something we have to look into. Yes, sir. Mayor.

Kelly Decker:

So, 12 years ago, when I was in your position, I was gung ho on this. I'm telling you, if we could find a way, I'd love to find a way. But when we had corporation council look into it, because it's a commercial is I think Jim is it three or four, it's three or four apartments make it a commercial entity. So, I think there's-

Jim Farr:

Three.

Kelly Decker:

But the bigger part is that even though we all look at, we do, we look at it as a business, somebody owns something, I kind of even said, "Hey, listen, if it's like a mother daughter and you live in one and you rent the other," that's kind of not, but it really is. Technically, you're still making money to pay your mortgage or whatever. But we went after this, tried to go after it pretty hot and heavy. Every avenue that we took, we got shot down because it's just [inaudible 00:34:45]. So maybe talking to Mr. Frank about if things could have changed in 12 years if there's a way. There are businesses, but I just for food for thought, when we talk about the tax code and you talk about homestead and non-homestead, that goes back to a history issue with businesses.

Kelly Decker:

What happened was New York state had a program, a homestead program, and they abandoned it a few years afterwards. The city would've been stuck, we were in the homestead program. We would've had to raise residential taxes by an astronomical amount. So, what the council at the time decided to do is keep a split and actually raise the commercial rates higher. That's why the commercial entities pay so much higher than what that equalization... Real way to correct this, the real way, and I believe [inaudible 00:35:42] told me this, Teresa told me that, is a total reassessment of the city. Really that's the way to correct it.

Tim Simmons:

What would be the cost and timeframe of doing something like that?

Kelly Decker:

Well, that's something we'd have to look into because, I mean, we've never really gone any further than that because people are hesitant, because if you do a tax reassessment, you're going to see some properties go up, some properties residential wise go down. But you're going to see commercials go down but understand that here's your expenses and you have to come up with the same amount of expenses. So, when you're jostling money, when you're jostling around, it's the same thing with a water bill. We go to meters, people with one or two people in the house are going to be much lower than a family of six who will be paying. And then how do they afford to stay here if they're paying astronomical amounts? So there's just some of the considerations you have to talk about because you still have to make up this difference.

Tim Simmons:

Yeah. I still think, as you say, I'll reach out to Mr. Frank and have him look into it. I still think that there's got to be some way that we can do this. I mean, I've had different business owners say to me, "Come on, these people are making money. They're running a business. And I have a business and I happen to be selling shoes. They're selling a place to live. They don't see it any different. They're making money and I'm making money and I'm getting taxed at a higher rate." So, I will look into that. I'll talk with Mr. Frank some more and see where we might be able to go. Does anyone else have any thoughts or comments or ideas regarding this?

Stanley Siegel:

The fire inspector does and then I do.

Bob Brady:

Yeah Mr. Chairman. I know one of the hot heavy issues is the multiple dwelling. I know like the conditions in and out, and I think it was 2018 when I was under Dave Rivera in the building department, we brought up multiple dwelling inspections, doing a rental permit program. It's a revenue cash cow. It's keeping the owners compliant, it's keeping everybody safe, it's a yearly inspection and it's a yearly inspection you can charge for. I think everyone agreed back then that they are a business, they are running a business. I think that's another option to look into is going to a rental program. At least if you want to start with the... And I know back then, they were worried about bringing in the fire inspection fees and the multiple dwelling fees at the same time, but we've got that up and running. I think looking into the multiple dwelling inspection and a fee program and a rental program, every year, it is another avenue to get these owners to take responsibility.

Tim Simmons:

Okay. Do you have any kind of paperwork or any kind of a-

Bob Brady:

I have a folder, and me and Lori looked to this, like I said, back in 2018. We compiled what Middletown does, what the city of Newberg does, what the city of Kingston does, and what the city of Poughkeepsie does. They all vary a little bit in how they are charging, but like I said, it's very minimal differences. I do have that in a folder, and I will get that to you.

Tim Simmons:

All right.

Bob Brady:

But, again, I know the revenue is there and we did discuss it. I think everyone that was in the meeting did agree that "Yeah, it is a business." They're not just owning a house to put people into it out of the good of their heart, they're doing it to make money.

Tim Simmons:

Okay. Does anyone else have any ideas or thoughts or questions.

Stanley Siegel:

I do. I agree with the mayor's assessment about the water meters, because I did an analysis back when we talked about it before of my mother who was one and us who were two and Kelly which was six, and it came out just almost exactly to the percentages. So that's fine and dandy and I agree we need to do it, but that's not a fair comparison against what we want to do here. If you have a property and you have people pay you to use that property and you pay expenses toward that property and you collect a profit from that property, to me, that's nothing but a business.

Stanley Siegel:

We have businesspeople in this town that are slumlords, scumbags, whatever term you're going to use, that we have three right now, three properties where the people are living in squalor. Now the annual inspections are great, and we go in there and annually we take a look, but that's not helping out these people that live in conditions that they shouldn't have to live in. That's not the purpose of this. The purpose of this is not to try to make the landlords better people. The purpose of this is to make the landlords be more like a resident and pay their way through life. That's the whole idea here. I think it's important that if we can do it, and maybe we could before, and maybe we can't now, but maybe we can, we need to take a look at it to see if in fact we can do that. There are some really good landlords that are going to be upset and there's some lousy landlords going to be upset, but at least it's a fair way to do it. That's my opinion. Thank you.

Tim Simmons:

Thank you. Yeah, as Mr. Siegel just said, I mean, these things came up to see what the feasibility would be in order to create revenue or to cut some costs. So, the combination of the position, the separations of the positions, this change in

the tax code, or whatever we would need to do, or as Mr. Brady said that the fees, the permitting fees, or the inspection fees, it's the beginning steps to look into the feasibility of how we might be able to generate some revenue for the city. Especially when we're on the brink of the expansion, I mean, the annexation and the tax base expanding there, if we can get something else along with it, I mean, I think it'll be a win-win. So, anyone else have any comments or questions regarding that?

Tim Simmons:

As I said, I will speak with Mr. Frank and see what direction we can go that way. I'll speak with Mr. Brady and see what kind of stuff he has to offer for this. We'll take a look and see. So, I think we do need to get the preliminary steps going and take care of that and move on from there. Anyone else, before we move on?

Tim Simmons:

One more thing I wanted to add. I think in light of the recent emails that have been going back and forth regarding the one apartment there on Elizabeth Street, I think we might need to take a look at a requirement that landlords that are absent or are out of the city, have an agent who the tenants are able to contact at any time or within a reasonable amount of time to voice concerns and try to get remedy for problems they're having. Having a landlord that's out of town and they call a number, and no one ever gets back to them. I don't know, I think we need to take a look at the possibility of making a requirement, or I'm not exactly sure where we need to go with that. And perhaps Mr. Farr.

Jim Farr:

Chairman, we do require that anybody that is not a city resident that owns a property in the city have a local agent, or sometimes they don't keep up on it. Typically, Laurie or I will call them just like we've tried to do on some other instances with the soap mill issue that we had a couple Sundays ago. So, we do have a local agent that's registered with the city, if it changes and the landlord doesn't let us know, we don't know, but that policy is in place.

Tim Simmons:

Okay. Is there any... I'm sorry, Ms. Mann.

Maria Mann:

With the policy that's in place, are there any fees? So, if maybe if there is or isn't, if there's no fee maybe consider putting one in place, and if they don't comply, get another, maybe possibly impose an additional fee on top of that, because if they're not cooperating or working to address the issues, maybe if they have to pay, if we are legally able to impose a fee.

Tim Simmons:

Yeah. That was going to be my thought. I'm sorry Mayor, let me. That was going to be my thought, what kind of teeth or what can we hold over them to enforce that policy? I mean, if they just blatantly disregard it or just blow it off, can we, in some way, put some teeth into that. Mayor, I'm sorry. Go ahead.

Kelly Decker:

The possibility to enforce that would be exactly what Mr. Brady was saying with the yearly inspections of them. With those yearly inspections, we want contact, we want to meet with the individual who's going to be taking care of the property. Now, granted a month after, they might not be available. Then what would happen is we'd step into what Ms. Mann said and they would be issued a summons or something like that. But that's obviously something that Mr. Frank is going to have to put together in a process. But that being said, remember that if you do any of these fees, if you're able to do it, you want to make sure that if they don't pay, it gets put on their taxes.

Tim Simmons:

Right. Right. Okay. Does anyone else have any questions or comments regarding the policy? Yes ma'am.

Maria Mann:

So here, Mr. Brady suggested something annually. My other concern is when you have landlords, they don't maintain the rental and you have a tenant that doesn't have heat or running water, and they don't work with the building department and don't have their information up to date. Would that be all on the same as what... Like, is that something separate, Mayor?

Kelly Decker:

You just made me think of an idea here.

Maria Mann:

I think it would be-

Kelly Decker:

How about an escrow? How about an escrow for places? So, if the heat goes off and they can't get it fixed in 24 hours, the escrow pays for them to go to a hotel. Something like that.

Tim Simmons:

Yeah. Along that line, I was thinking that as Ms. Mann was just saying, let's say there's a complaint, or let's say Mr. Brady goes out, he does the yearly inspection, and then four months later there's a complaint, they've paid that fee. Can we have another fee for him to come back out and address that complaint or something similar to that. So that there's some motivation for these people to correct these conditions that the tenants are living under. So that he goes out and he says, "Listen, this is what you have to do." That's four months into the year, and now we charge a fee for him to go back out and check that complaint. He gives them X number of weeks to comply or whatever it is, and he goes back out to inspect it again. Or if the complaint is again, he goes back out. So, we have to have a thing to kind of motivate these people. I'm sorry, go ahead. Whoever.

Bob Brady:

I think Jim, I mean, everyone's bound by the New York State or the IS, or the international code now. And all this stuff like you guys are talking about on these complaints are all in the property maintenance code. Heat, electric, as soon as Jim's department gets it, they're going to go out, and if they verify, then that building gets condemned. Now, I'm not really sure on the timeframe that Jim's building department does, but then there's a violation that gets involved. That's

where the monetary comes into these building owners is when the violation of it doesn't get corrected in time, and during the reinspection, then they get, like the mayor said, they'll get their court appearance and then the judge will hand down the monetary fine.

Jim Farr:

The problem comes into, and we've been going through this this week, is that by the New York State executive law, they have 30 days to correct a violation. So, we've had some issues in the last couple weeks that Councilman Siegel's brought up and the mayor's brought up with people with no heat. So, issuing a violation. Yes, we can do that, and we can take him to court. The problem is it's 30 days. So that doesn't rectify the senior citizen who's in there with no heat, because issue a violation, they have 30 days to correct, they don't do it, we issue the violation, we get a court appearance date, a couple weeks later, we go to court, and we've been working with Will, Will try to talk to the county, the county has no means or methods, and we've talked to the chief and the chief has no enforcement actions under the appeal code to do anything.

Jim Farr:

So, yes, there's a procedure that we can go through from the building code perspective, but that doesn't give immediate action. We'd have to talk to Attorney Frank in terms of how to do this. We as the city, I don't think can send in X, Y, and Z contractor to fix somebody's heat, because God forbid, they make mistake, the furnace malfunctions, or he does something wrong, then the landlord is going to be coming after the city that your guy messed it up. So, it's unfortunate, but our hands are tied by the state code on what we can and can't do.

Tim Simmons:

I think the idea of an escrow as the mayor mentioned, I think that's an outstanding idea because-

Jim Farr:

I agree. I agree with that. If we have their money in hand.

Tim Simmons:

Right. Instead of sending in a contractor, I agree with Mr. Farr, because if they go in and they screw something up, we're on the hook. But if there's no heat, we can send these people to a hotel or find other accommodations for them and they're paying for it. So, I think that's an outstanding idea.

Jim Farr:

Well, and I think that would all have to be encompassed in some type of a rental law that the city would have to adopt, to say that you're going to pay whatever the number comes out to be, is it \$500 per unit or whatever it's going to be, to do that. And they agree at the time that the city is allowed to use that money for certain purposes to put them up in a hotel to do that so that we're clean on it. That's something that Will's going to have to give us some guidance on.

Tim Simmons:

Right. I will speak with them regarding that. Mayor, did you have something?

Kelly Decker:

No. You covered that. Yep.

Tim Simmons:

Okay. Thank you very much. Anyone else have any thoughts or ideas regarding the landlord agent or the... Well, Mr. Farr explained that we do have a policy in place but looking into ways in which we can minimize the suffering of these tenants who are at the mercy of some of these people. It just, fortunately for most of us, we have the wherewithal that if something were to happen to my house, I am in a position where I could go to a hotel or I could go to someone else. I could go to my son or my sister or my brother-in-law or whatever. But other people don't have that. As I said, they're at the mercy of these landlords and we need to be able to do something for these people. Anyone else? Okay. That's all I have that I wanted to mention. Does anyone else have anything additionally to add? Yes Mr. Mayor.

Old Business:

Kelly Decker:

I have one piece of old business that actually kind of just dropped off somewhere back in August or September, but that I was talking to the chief about. If you recall, we were going to update smoking public property law. So if you could look into that. Mr. Frank was working on it, or Ms. Tunic were working on that and it's to include marijuana or any type of smoking. As we updated, if you remember there was a presentation and that organization was going to provide signage and stuff like that. So, if we could bring that back to light.

Tim Simmons:

Okay, I will speak to them regarding that. Anyone else under old business, anything that might have kind of fallen through the cracks here? Okay. Is there anyone from the public that has joined us or anyone that was with us and wants to make a comment or address anything from tonight's meeting or anything else that-

Bob Brady:

Mr. Chairman, can I just bring up one more thing really quick?

Tim Simmons:

Sure. Yes. Mr. Brady, go ahead.

Bob Brady:

Yep. Just something that I was talking to Mr. Frank, and I'm sure the mayor is probably going to be getting phone calls soon. Every six months, we get a complaint about auto mechanic garages not being licensed by the DMV. It's been something that's been going on now for about a year and a half with one of the mechanic shops on Jersey Avenue not being licensed. He submitted a license or an application, he was denied, he appealed it. The DMV licenser is out of White Plains, and I was on the phone with him just on Monday. It's still in appeals, there's nothing that they can do, the business can operate until a final decision has been made.

Bob Brady:

Mr. Frank said, well, what we possibly could do, and I understand he had to leave early, is put it into the city code or city charter that you cannot open a mechanic shop or auto repair shop without having the DMV license before you do. So that might be something that you would like to discuss with him on moving forward, just so we can put that complaint to bed and put it in their charter that no one else can open up any kind of auto repair shop unless they're licensed already by the state.

Tim Simmons:

Okay. I will speak to Mr. Frank regarding that. Mr. Siegel.

Stanley Siegel:

I'm glad that you brought that up, because I visited two mechanic shops today and both of those mechanic shops brought up that particular instance and that guy without a license that didn't get the license because he had some kind of a record is now advertising that he's open, and we need to do something because that's not fair to the guys that are paying the fee for the licensing and everything else they have to do. So, I think we definitely should put that in the code. Absolutely a hundred percent. And thanks for bringing that up.

Public Comment:

Tim Simmons:

Yeah. Thank you. Okay. Anything else under old business or anything that anyone might want to...

Frank Stephan:

Mr. Chairman?

Tim Simmons:

Yes, sir.

Frank Stephan:

Hi, it's Frank Stephan Fourth Ward.

Tim Simmons:

Yes, Frank.

Frank Stephan:

Hi. I just wanted to say that I think this whole meeting was outstanding. I think a lot of good conversations were had. I really like the idea of the escrow account, the fire inspector bringing up those points. I think it's a matter of safety also on top of the potential monies that could be brought in. But I think as the unique situation Port Jervis is right now with maybe some of its infrastructure issues that will probably arise in the future, it might behoove the city to think about having a full-time engineer on a payroll, whether that could be combined with the building department or some aspect

or even shared services with Deer Park. Just having this conversation, I think is excellent. I hope you all can continue this in the future. Thank you.

Tim Simmons:

Thank you, Frank. Anyone else from the public?

Maria Mann:

Tim?

Tim Simmons:

Yes.

Maria Mann:

Go on, I have a question. I don't know if it's too late.

Tim Simmons:

Go ahead.

Maria Mann:

So, what Mr. Brady suggested with the licensing possibly to put in the code regarding with the state, with the auto repair, it was my understanding that the city doesn't get involved. I don't know, correct me, when somebody has a license through the state, the city doesn't get involved when they have a license, like I said through, through the state. I don't know the circumstances; I remember this coming up for discussion in the past with this auto repair place. So, I don't understand how to operating a business with DMV when they're not licensed.

Kelly Decker:

Right. So, of course it was brought up when the business opened, and he had already filed for the license. They had denied him the license and he put it into appeal so they couldn't close the business. So, what we're saying now is if we have it in our city code, you can't even open a business until you have a license. We don't have that in city code. So that's what we're recommending.

Tim Simmons:

Right. It was along the lines that because he's appealing, you can't shut him down until if the appeal comes through and they say, "No, no good. You were denied the license, you're denied the license." Then we could go and say, "Listen, you're operating without license, and you're being shut down." But until what you mentioned or referenced about it being out of our hands, that's pretty much why it's out of our hands right now. If it comes back that his appeal is denied, then it falls back in the Mr. Brady's or the building official's hand. And we can go and close them up.

Maria Mann:

Right now, it's basically not in the city's hands when there's something that the state regulates, whatever license it may be. On the flip side, do we want to touch that and may get our responsibility and put... I don't know-

Tim Simmons:

I don't know if that's our responsibility, but it'll protect us from some of this situation again, at some point. Go ahead Mr. Siegel.

Stanley Siegel:

Conversation with the state was that they issued a license, it's up to our buildings department, our codes department, to issue a violation. And of course, we can't issue that violation because of the appeal, but the state, according to person I spoke to there, washed their hands at the whole thing and turned it over to the city.

Bob Brady:

That's correct. Senior inspector Barone was handling that case. And Mr. Frank was given his contact information probably about two months ago, and I'm not sure if he contacted him. But they're in appeals, there's nothing the state can do, they can operate under their eyes. And right from his mouth was, if we had something in city code, then we could go in and shut his business down and red tag the door. He does get a fire inspection every year. I mean, he still gets his fire inspection because that's still under our realm, but we can't shut him down for not being licensed. I know the two other gentlemen that come forward every six months or so to make the complaints about that mechanic shop. So that's why I'm trying to bring it to light. So, if we get it in the city code, then it makes everybody on the same playing field as Mr. Siegel said.

Stanley Siegel:

Right. Need to do it.

Tim Simmons:

Very good. Anyone else have anything? I don't believe there's anyone else from the public. Okay. Well, that being said, I just want to thank everybody for bringing ideas and questions and opinions to this. As I said before, the idea of tonight was to try to look into the feasibility of what we might be able to do in order to combine some positions, separate some positions, and try to make it more effective and efficient, make the workload in the clerk's office maybe a little bit easier. I mean, with the annexation where there's going to be more business that's going to go through that office, the change in the tax code or the, as Mr. Brady mentioned, the fees that we could collect there. Excellent idea from the mayor about the escrow for tenants.

Adjournment:

Tim Simmons:

But we just wanted to kind of get ahead of the curve here a bit and start the process because, I'm sorry, I have a feeling that whatever we do is probably going to take some time in order to get it done. In my opinion, I think it's better to start early and work on what we can do and then go from there. So, I think this is some pretty good steps here, and I really appreciate it. I will be contacting Mr. Frank and going through some of these things and see where we can go from

there. Anyone else have any comments? Okay. With that being said, I'll entertain a motion to adjourn. Okay the motion by Mr. Siegel and anyone second?

Kelly Decker:

You're going to have, because you have no other board members here, you needn't vote on anything - can do it.

Stanley Siegel:

Tim can second it.

Tim Simmons:

I'll the motion to adjourn and Mr. Siegel can second.

Stanley Siegel:

There we go.

Tim Simmons:

Okay. Well, thank you very much, everybody have a great evening and be safe.

Stanley Siegel:

Stay safe. Good night.

Maria Mann:

Thank you.