

# CITY OF PORT JERVIS

P.O. BOX 1002  
20 HAMMOND STREET  
PORT JERVIS, NEW YORK 12771  
Regular Common Council Meeting Agenda  
IN-PERSON MEETING ONLY

Monday, November 28, 2022 - 6:30 pm Regular Session:  
Pledge of Allegiance / Roll Call



<u>Public Hearing:</u>	2023 Budget Public Hearing	Motion:	2nd
	Public Hearing LL 12 of 2022 Amend 464 Sidewalks	Motion:	2nd
	Public Hearing LL 13 of 2022 Amend 403 Peddling	Motion:	2nd
	Public Hearing LL 14 of 2022 Amend 231 Collet Fees	Motion:	2nd
	Public Hearing LL 15 of 2022 6-month Moratorium	Motion:	2nd

Public Comment: 5-minute limit per person

BASED ON PUBLIC OFFICERS LAW ARTICLE 7

Executive Session: 105.1f – Personnel (x2) DPW and Clerk

Approval of Minutes: November 14, 2022 - Common Council Meeting Minutes

Address Executive Session Material:

Business:

Foster: (ADA) -

ADA Update

Miller: (FINANCE) -

Bills to be Paid:

Motion: Miller; 2nd

Finance Update:

Fuller: (FEM) -

FEM Update:

Mann: (TOURISM/IDA)

Tourism / IDA Update:

M. Decker: (PLANNING/ZONING) -

Planning / Zoning Update:

Livingston: (DPW/CDA) -

Public Works Update:

Simmons: (CODE) -

Code Update:

Consideration: LL 9 of 2022 – Tax Levy Limit

Motion: Simmons 2nd

Consideration: LL 10 of 2022 MV Station Reg w NYS

Motion: Simmons; 2nd

Consideration: LL 11 of 2022 Cannabis Disp Amend

Motion: Simmons; 2nd

Consideration: LL 12 of 2022 Amend 464 Sidewalks

Motion: Simmons; 2nd

Consideration: LL 13 of 2022 Amend 403 Peddling

Motion: Simmons; 2nd

Consideration: LL 14 of 2022 Amend 231 Collet Fees

Motion: Simmons; 2nd

Consideration: LL 15 of 2022 6 mo Moratorium

Motion: Simmons; 2nd

Newhauser: (RECREATION)

Recreation Update:

Siegel: (HOUSING/VETERANS) -

Housing/Veterans Update:

Public Comment:

5-minute limit per person

Mayor Decker: (POLICE) -

Police Update

Hearing RE: Demolition of 62 Sussex Street Dangerous Bld

Motion: ;2nd

Police Chief & Lt's request for buy back days

Motion: ;2nd

Set PH for Adopting Updated NYS Bld & Fire Codes

Motion: ;2nd

Adjournment:

Motion: ;2nd

**Regular Meeting - City of Port Jervis Common Council :**

A regular meeting of the City of Port Jervis Common Council was held in the Council Chambers at 20 Hammond Street, Port Jervis, New York on Monday November 28, 2022, at 6:30 p.m.

**Attendance-**

Regis Foster	1st Ward	Present
Elizabeth Miller	1st Ward	Present
Maria Mann	2nd Ward	Present
Misty Fuller	2nd Ward	Absent
Denis Livingston	3rd Ward	Present
Michael Decker	3rd Ward	Present
Timothy Simmons	4th Ward	Present
Melissa Newhauser	4th Ward	Absent
Stanley Siegel	Councilman-At-Large	Present
Mayor Decker	Mayor	Present

Also present :

City Clerk-Treasurer Laura Quick and Corporation Counsel Will Frank.

Meeting opened at 6:30 pm by Mayor Decker.

**Pledge of Allegiance-**

Mayor Decker led all present in the Pledge of Allegiance to the Flag.

**Public Hearing-**

**2023 Budget Hearing** – Motion to open hearing T. Simmons second S. Siegel at 6:31, motion carried. No public comment, there is a workshop on November 30, 2022. Motion to keep the public hearing open until December 12, 2022 by R. Foster seconded by D. Livingston. AYE: 7 ABSENT: 2 (Fuller, Newhauser) NAYS: 0 ABSTAIN: 0 CARRIED

**Proposed Local Law 12 of 2022: - Amend Chapter 464**

6:32 pm – A motion by S. Siegel to open the Public Hearing Second by T. Simmons. This law creates a 10-day window to restore streets, sidewalks, and public property to original condition. No public discussion. W. Frank – This Local Law is not required to be referred to the County Planning Dept. Motion to close public hearing S. Siegel second M. Decker AYE: 7 ABSENT: 2 (Fuller, Newhauser) NAYS: 0 ABSTAIN: 0 CARRIED

**Proposed Local Law 13 of 2022: Peddling and Soliciting**

6:34 pm – A motion was made by T. Simmons to open the Public Hearing Second by D. Livingston. This law creates a background check for a peddler's application. No public comment. Motion to close T. Simmons second S. Siegel AYE: 7 ABSENT: 2 (Fuller, Newhauser) NAYS: 0 ABSTAIN: 0 CARRIED

**Proposed Local Law 14 of 2022: Fire Inspector Fees**

6:36 pm – A motion was made by R. Foster to open the Public Hearing Second by E. Miller. At the request of the City Clerk's office the law was sent back to Code Committee. Motion to close and return to Code- S. Siegel second M. Mann AYE: 7 ABSENT: 2 (Fuller, Newhauser) NAYS: 0 ABSTAIN: 0 CARRIED

**Proposed Local Law 15- 14 of 2022: Six Month Moratorium**

6:39 pm – A motion was made by R. Foster to open the Public Hearing Second by D. Livingston. No Public comment and no Council Discussion. W. Frank, ESQ – There is a mountain conservation district and a waterfront mixed district zone in the City. The Council is considering making changes in those zones with respect to uses within those zones and possibly the bulk tables within those zones. The moratorium gives the Council time to study any proposed changes to

those zones. No land use approvals will be issued for development within mountain conservation or waterfront mixed use during the period of the moratorium as adopted. The Planning board is not going to accept any applications or grant any approvals or continue to review subdivisions or site plans. The ZBA will not accept any applications for variances. The building department will not any building permit applications or grant any certificates or approvals. Exemptions are on projects that have received a negative declaration under SEQR would be exempt and any project with final approval from the Planning Board would be exempt. Motion to continue public hearing until December 12, 2022 Council meeting by T. Simmons second by S. Siegel

AYE: 7 ABSENT: 2 (Fuller, Newhauser) NAYS: 0 ABSTAIN: 0 CARRIED

#### Public Comment-

- Ms. Latonza Miller - Discussed her property located at 72 Ball Street.
- Mr. William Murry - Discussed proposed Local Law 12 of 2022.

#### Close Public Hearing for Proposed Local Law 11 of 2022: - Cannabis Supplementary Regulations

7:08 pm - A motion by T. Simmons Second by D. Livingston

AYE: 7 ABSENT: 2 (Fuller, Newhauser) NAYS: 0 ABSTAIN: 0 CARRIED

#### Executive Session- 7:09 pm

A motion was made by R. Foster second by M. Decker to enter executive session based on Public Officers Law Article 7

- 105.1f - Personnel (x2) DPW Clerk.
- 105.1h - Sale of Property and Grant Application

The Council will also seek advice from legal counsel on issues regarding any other attorney client privileged matters as necessary.

AYE: 7 ABSENT: 2 (Fuller, Newhauser) NAYS: 0 ABSTAIN: 0 CARRIED

7:40 pm A motion was made by T. Simmons to return from executive session second by M. Decker

AYE: 7 ABSENT: 2 (Fuller, Newhauser) NAYS: 0 ABSTAIN: 0 CARRIED

#### Approval of Minutes-

- November 14, 2022 Motion by R. Foster seconded by D. Livingston

AYE: 7 ABSENT: 2 (Fuller, Newhauser) NAYS: 0 ABSTAIN: 0 CARRIED

#### Executive Session Material-

- Accept an offer on 88 Front Street in the amount of \$20,000 Motion D. Livingston Second R. Foster

AYE: 7 ABSENT: 2 (Fuller, Newhauser) NAYS: 0 ABSTAIN: 0 CARRIED

- Resolution - DRI Round 7 application Motion R. Foster Second M. Mann

AYE: 7 ABSENT: 2 (Fuller, Newhauser) NAYS: 0 ABSTAIN: 0 CARRIED

#### Regular Business-

##### R. Foster - ADA

The next ADA committee meeting February 6, 2022, at 5:30 pm

##### E. Miller - Finance

- Motion to approve the November 28, 2022 Bills Second by R. Foster

AYE: 7 ABSENT: 2 (Fuller, Newhauser) NAYS: 0 ABSTAIN: 0 CARRIED

- Motion to approve October 19, 2022 Committee minutes Second by M. Mann  
AYE: 7 ABSENT: 2 (Fuller, Newhauser) NAYS: 0 ABSTAIN: 0 CARRIED
- Motion to approve October 26, 2022 Committee minutes Second by M. Decker  
AYE: 7 ABSENT: 2 (Fuller, Newhauser) NAYS: 0 ABSTAIN: 0 CARRIED
- Motion to approve November 10, 2022 Committee minutes Second by R. Foster  
AYE: 7 ABSENT: 2 (Fuller, Newhauser) NAYS: 0 ABSTAIN: 0 CARRIED
- Motion to approve Resolution 2022-1128-054 Second by R. Foster  
AYE: 7 ABSENT: 2 (Fuller, Newhauser) NAYS: 0 ABSTAIN: 0 CARRIED

The next Budget Workshop on November 30, 2022, starting at 6:00 pm

- FEM -

- The next FEM committee meeting is December 19, 2022, at 6:30 pm

M. Mann - Tourism-

Tourism has not met since their last meeting.

The holiday lighting celebration has two categories traditional or festive

You may mail your application or drop off your entries to the city hall clerk or email [pilightingcontest@gmail.com](mailto:pilightingcontest@gmail.com)

Entries are due by Tuesday December 13<sup>th</sup> there is no cost to enter. Anyone with any further inquiries can email tourism chair Laura Meyer at [tourism@portjervisny.gov](mailto:tourism@portjervisny.gov)

I have a letter from Laura:

On behalf of the Port Jervis Tourism Board, I would like to thank everyone who helped & assisted with the 9th annual Christkindlmarkt that was held Sunday in downtown Port Jervis NY.

Thank you to all the Tourism Board members who came out early to assist with the early morning set up with the event! Melissa Newhauser, Sean Addy, Danny VanKleeck, Regis Foster, Bob Bloomer, Jin Pang, & Mike Meyer. Thank you to John Faggione & all the Honor Students & parents that helped assist with all the vendors! Thank you to my friends who also came out to help!

A big thanks to the Port Jervis Police Department, DPW, & City Clerk's Office!

I would like to especially thank our 2022 Christmas Angel - Alexa Bennett for doing a fabulous job yesterday!

And not to forget all our wonderful Vendors! Many whom have been with us since the first Christkindlmarkt!

Laura Meyer

Port Jervis Tourism Chairwoman

The next tourism meeting will be held Wednesday December 14th at 7:00 pm here in the council chambers.

M. Mann - IDA-

IDA has not met since their last meeting due to a lack of agenda items they will not be meeting for the month of December.

M. Decker -Planning -

The Planning Board will meet on December 20, 2022 at 7pm

M. Decker -Zoning -

Zoning will meet on December 6, 2022, at 7pm

**D. Livingston - DPW-**

- Garbage and recycling will be on its normal schedule for the week of November 28<sup>th</sup>. And the week of December 5<sup>th</sup>. Paper and cardboard pickup will be on its normal schedule. 1st ward will be picked up on Friday Dec 2<sup>nd</sup>. And 2<sup>nd</sup> ward will be picked up on Friday Dec 9<sup>th</sup>
- The 2022 Garbage schedule is available on the city website at [www.portjervisny.gov](http://www.portjervisny.gov) or by emailing the DPW office at [dpwclerk@portjervisny.gov](mailto:dpwclerk@portjervisny.gov)
- The leaf pile and brush pit will continue to be open Saturday mornings from 7am to 11:45am. Weather permitting.
- Bagged and loose-Leaf Pickup on Mondays will end week of December 5<sup>th</sup>.
- Pothole repair in all wards to start within the next two weeks.
- Street light installation on Pike Street continues.
- Motion to approve November 7, 2022 committee minutes second M. Decker  
AYE: 7 ABSENT: 2 (Fuller, Newhauser) NAYS: 0 ABSTAIN: 0 CARRIED
- Motion to approve employee 466 FMLA second R. Foster  
AYE: 7 ABSENT: 2 (Fuller, Newhauser) NAYS: 0 ABSTAIN: 0 CARRIED

Next meeting December 5, 2022, at 6pm

**D. Livingston - CDA**

The next CDA meeting will be November 30, 2022, at the Pike Street location

**T. Simmons - Code-**

- Motion: to approve Local Law 9 second E. Miller  
Foster: Yes Miller: Yes Mann: Yes Siegel: No Decker: Yes Livingston: Yes Simmons: Yes
- Motion: to approve Local Law 10 second D. Livingston Note: Negative Type 2 SEQR  
AYE: 7 ABSENT: 2 (Fuller, Newhauser) NAYS: 0 ABSTAIN: 0 CARRIED
- Motion: to approve Local Law 11 second M. Mann Note: no Negative SEQR Type 1 action, no County Response  
AYE: 7 ABSENT: 2 (Fuller, Newhauser) NAYS: 0 ABSTAIN: 0 CARRIED
- Motion: to approve Local law 12 second S. Siegel Note: No action needed under SEQR  
AYE: 7 ABSENT: 2 (Fuller, Newhauser) NAYS: 0 ABSTAIN: 0 CARRIED
- Motion: to approve Local Law 13 second D. Livingston Note: No SEQR action needed  
AYE: 7 ABSENT: 2 (Fuller, Newhauser) NAYS: 0 ABSTAIN: 0 CARRIED

The next Code meeting will be December 7, 2022, at 6:30pm

**T. Simmons - Recreation-**

- The Recreation Department is sponsoring a Toy Drive this holiday season. NEW toys can be dropped off at the Youth Center weekdays between 1 pm- 6pm up until December 19. If you can't drop off during these hours, please contact the Recreation office and we will make arrangements. The Recreation office number is 845-858-4045. Or email us at [recreationdirector@portjervisny.gov](mailto:recreationdirector@portjervisny.gov).
- There will be a Friday Night Teen Night this Friday December 2. Teen Night is held at the Youth Center between 6 pm- 9 pm and is for Middle School students.
- The Youth Center is open Monday-Friday between 3 pm- 6 pm.

The next Recreation Commission meeting is scheduled for tomorrow January 15, 2023, at 6:15 pm at the Youth Center

**S. Siegel - Housing/Veterans**

- Flu shots are available please call 845-856-5369
- VFW 161 is hosting lunch from 11:00am - 1:30pm starting November 2, 2022. Hot dogs/hamburgers \$6.00
- Annual National Park Pass is free for Gold Star Families - please visit [www.nps.gov](http://www.nps.gov) for more information
- The 2023 Budget Hearing is on November 30, 2022, 6:30 pm council Chambers
- Seniors will meet on 12/14/2022 in the Fellowship Hall in West End
- HEAP guidelines are posted on Stan Siegel's Facebook page
- VFW/Naval Ship Pear Harbor Day Memorial Wreath ceremony on December 4, 2022 at 1pm
- The next Housing meeting will be on November 22, 2022, at 7pm Hillside Terrace

**Public Comment - None****Mayor Decker - Police -**

- Motion to approve Santa Tour. Motion: D. Livingston second S. Siegel  
AYE: 7 ABSENT: 2 (Fuller, Newhauser) NAYS: 0 ABSTAIN: 0 CARRIED
- Motion to Resolution 2022-1128-055 Motion: E. Miller Second by R. Foster  
AYE: 7 ABSENT: 2 (Fuller, Newhauser) NAYS: 0 ABSTAIN: 0 CARRIED
- Motion to approve buyback and additional 5 leave days - requests from Lt. Fitzpatrick, Lt Sargente, and Chief Worden. Motion: R. foster second S. Siegel  
AYE: 7 ABSENT: 2 (Fuller, Newhauser) NAYS: 0 ABSTAIN: 0 CARRIED

The next Police Committee meeting is December 7, 2022 directly after the Code meeting

**Mayor Decker**

- Hearing RE: Demolition of 62 Sussex Street Dangerous Building - Led by Corporation Counsel William Frank, ESQ.
  - On November 14, 2022, notice to remove and demolish the fire damaged structure located at 62 Sussex Street sent to the latest property owner Mr. Zhang at 63 Fowler Street. The notice was sent via regular mail, certified mail, and a copy hand delivered by the Building Department to that location. He was notified of the prior council action of finding the structure unfit for habitation and ordered demolished and removed. The notice dated November 14, 2022 set forth all of the requirements as prescribed by City Code Chapter 234. The notice included the following statement: Section D of the notice: You are here by ordered to commence the demolition and removal of the structure within 30 days of receiving this notice and the demolition shall be completed within 60 days thereafter, unless for good cause shown such time shall be extended. Section E of the notice: A hearing before the Common council of the City of Port Jervis in relation to your dangerous and unsafe structure shall be hold on Monday November 28, 2022 at 6:30pm in the Council chambers at City Hall, 20 Hammond Street, Port Jervis New York, at which time you will be given the opportunity to be heard with regard to the contents of this Notice and the order of the City Council directing you to demolish and remove the structure at issue. The property owner has chosen not to be here and may be incarcerated. No individuals have indicated an interested in appearing on his behalf. Under these circumstances the hearing can be closed, and the City Council can wait the required sixty days from the date of the Notice and then decide if they want to take matters into their own hands and proceed with demolition and removal. W. Frank, ESQ handed the city clerk a copy of the Notice.

January 23, 2023 meeting the demolition will be discussed.

Motion to close the Hearing: Motion D. Livingston Second M. Decker  
AYE: 7 ABSENT: 2 (Fuller, Newhauser) NAYS: 0 ABSTAIN: 0 CARRIED

**Announcements:**

- Set a public hearing for adopting updated NYS Building and Fire codes on December 12, 2022 at 6:30pm.  
Motion S. Siegel second M. Mann  
AYE: 7 ABSENT: 2 (Fuller, Newhauser) NAYS: 0 ABSTAIN: 0 CARRIED
- Starting Thursday December 1, 2022 on street parking regulations go into effect. Notifications on Facebook – Mayor’s page, website [www.portjervisny.gov](http://www.portjervisny.gov), NIXLE
- 50<sup>th</sup> Rick Drew parade on Saturday, December 3<sup>rd</sup> – line up on Sussex and Hammond at 4:00pm – Parade at 5:00pm – South on Hammond to Fowler – West on Fowler – North on Jersey / Front Street – over the underpass – through the underpass on Pike Street – south across the Mid-Delaware Bridge into Matamoras
- Rick Drew Tree Lighting at West End Memorial Park – 6:00pm Friday December 2, 2022

Motion to adjourn at 8:31 pm. Motion: M. Mann Second S. Siegel  
AYE: 7 ABSENT: 2 (Fuller, Newhauser) NAYS: 0 ABSTAIN: 0 CARRIED

Respectfully,  
Laura Quick  
City Clerk Treasurer

**CITY OF PORT JERVIS  
INTRODUCTORY LOCAL LAW NO. \_12\_ OF 2022**

**A LOCAL LAW AMENDING CHAPTER 464 OF THE CODE OF THE CITY OF PORT  
JERVIS ENTITLED “STREETS, SIDEWALKS AND PUBLIC PROPERTY”**

Be it enacted by the Common Council of the City of Port Jervis, County of Orange, State of New York, as follows:

**Section 1. Statement of Intent**

To further the health, safety and general welfare of the public, the Common Council of the City of Port Jervis finds it necessary to amend the City Code to include additional requirements for every permit application issued pursuant to this chapter, including setting a minimum time frame for work to be completed according to such permits as well as a minimum fee for same.

**Section 2. Amendment of City Code, Chapter 464.**

City of Port Jervis Code, Chapter 464 is hereby amended as follows:

Section 464-3 is hereby repealed and replaced with the following:

§464-3 Permit required to excavate or remove pavement; bond and permit fee; violations.

- A. Permit required; conditions. No person shall, without permission of the Director of Public Works in writing, take up, remove or injure any sidewalk, pavement, bridge, crosswalk or sewer, nor dig any area nor make any excavation in any public street, highway or public place of the City, nor remove any earth or stone therefrom, and any person so doing, by permission or otherwise, shall immediately or upon the expiration of the time limited in such permission, which time limit shall not exceed ten (10) days unless granted an extension for special circumstances which shall be treated as a new permit under this section, restore the same to its original condition, applying and conforming to standards that are customary within the industry or otherwise required by the Director of Public Works, including but not limited to compacting, blacktopping and sealing. Such an area, when so restored, shall be kept in good and safe condition for at least one year thereafter; provided, however, that if the sidewalk taken up or removed is located in the district lighted by the ornamental lighting system, the same shall not be replaced or restored until after such notice to the Director of Public Works as will permit the City to protect the cable connected with the ornamental lighting system by laying the cable in a conduit or otherwise.
- B. Permit Fee & Bond: amount and condition. Any person or entity applying for permission under Subsection A above shall be required to pay a minimum fee of \$50.00 or as such fee is otherwise adopted by a resolution of the Common Council of the City of Port Jervis. The person applying for any such permission shall also file with the City a bond, with a surety or sureties to be approved by the Director of Public Works and City Corporation Counsel, in an amount of not less than \$1,000.00, conditioned to indemnify said City and save the same free and harmless from any claims for or recovery of damages, costs and expenses resulting from the taking up or removing of any sidewalk, pavement, crosswalk or sewer or the making of any excavation in any public street or



public place in said City or by reason of the negligence of the applicant in so disturbing said street, sidewalk or public place.

C. Homeowner Exemption. Any person that is resetting bluestone sidewalk in front of their personal residence shall be exempt from paying the fee and/or posting the bond associated with this Section unless the work associated with such resetting of bluestone shall be in excess of fifteen (15) days from the date that a permit was issued for such work, in which case the violations in Section D shall be assessed against such person and/or homeowner. This exemption shall only apply to bluestone sidewalks and not sidewalks of other materials.

D. Violation of section.

a. Should any permittee pursuant to this Section fail to complete the permitted work within the allotted ten (10) days, and further such permittee not be granted any formal extension pursuant to this Section by the designated City official, the bond in Subsection B above shall be drawn upon in favor of the City and the permittee shall further be fined a total of \$50.00 per day for each and every day after the allotted ten (10) days (or any permissible extension thereof) that the sidewalk work is not completed to the City's standards.

b. It shall be the duty of the Director of Public Works and also of the members of the police force of said City to notify any such person of any violation of this section, and, upon and after such notice, every person who shall, for every 24 hours or part thereof, neglect or refuse to comply therewith shall be subject to the penalty prescribed for violation of this Code; and said Director of Public Works, after the expiration of five days from said notice, shall cause said street, sidewalk or public place to be restored to its original and perfect condition, and the expense thereof shall be a charge against and be collected from the person offending as aforesaid.

### **Section 3. Separability**

If any part or provision of this Local Law or the application thereof to any person or circumstance be adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part or provision or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this Local Law or the application thereof to other persons or circumstances, and the Common Council of the City of Port Jervis hereby declares that it would have passed this Local Law or the remainder thereof had such invalid application or invalid provision been apparent.

### **Section 4. Repeal**

All ordinances, local laws and parts thereof inconsistent with this Local Law are hereby repealed.

### **Section 5. Effective Date**

This Local Law shall take effect immediately upon filing in the office of the New York State Secretary of State in accordance with section 27 of the Municipal Home Rule Law.

**CITY OF PORT JERVIS  
INTRODUCTORY LOCAL LAW NO. 13 OF 2022**

**A LOCAL LAW AMENDING CHAPTER 403 OF THE CODE OF THE CITY OF PORT  
JERVIS ENTITLED “PEDDLING AND SOLICITING”**

Be it enacted by the Common Council of the City of Port Jervis, County of Orange, State of New York, as follows:

**Section 1. Statement of Intent**

To further the health, safety and general welfare of the public, the Common Council of the City of Port Jervis finds it necessary to amend the City Code to include a new requirement that every permit application for peddling and soliciting include a certified background check.

**Section 2. Amendment of City Code, Chapter 403.**

City of Port Jervis Code, Chapter 403 is hereby amended as follows:

Section 403-6(A)(5) is hereby repealed and replaced with the following:

- (5) A list of crimes for which the applicant has been arrested or convicted, including dates and places. The applicant shall further provide an original or certified copy of a BCI Background Check and a signed copy of a waiver whereby applicant agrees to allow the City to obtain a name/date of birth BCI Background Check on the applicant for purposes of properly enforcing this chapter. By submitting such a waiver, the applicant understands that the results of said background check could form the basis for a denial of a permit under this chapter.

Section 403-14 is hereby repealed and replaced with the following:

**§ 403-14 Enforcement & Penalties for Offenses.**

- A. The Police Department of the City of Port Jervis and/or the enforcement officials as may be designated, is charged with enforcing the provisions of this chapter and shall have the power, right and authority to issue an appearance ticket, as the same is defined in Article 150 of the Criminal Procedure Law of the State of New York, for the violation of any section of this chapter.
- B. Any person who violates any provision of this chapter shall be guilty of a violation. Each violation shall be punishable by a fine not to exceed \$250.00 or by imprisonment for a period not to exceed 15 days, or both.

**Section 5. Separability**

If any part or provision of this Local Law or the application thereof to any person or circumstance be adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part or provision or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the

validity of the remainder of this Local Law or the application thereof to other persons or circumstances, and the Common Council of the City of Port Jervis hereby declares that it would have passed this Local Law or the remainder thereof had such invalid application or invalid provision been apparent.

**Section 6.**     **Repeal**

All ordinances, local laws and parts thereof inconsistent with this Local Law are hereby repealed.

**Section 7.**     **Effective Date**

This Local Law shall take effect immediately upon filing in the office of the New York State Secretary of State in accordance with section 27 of the Municipal Home Rule Law.

**CITY OF PORT JERVIS  
INTRODUCTORY LOCAL LAW NO. 14 OF 2022**

**A LOCAL LAW ESTABLISHING A SIX-MONTH MORATORIUM PROHIBITING  
THE REVIEW AND APPROVAL OF APPLICATIONS OF CERTAIN LAND  
DEVELOPMENT APPLICATIONS IN THE MOUNTAIN CONSERVATION DISTRICT  
AND WATERFRONT MIXED-USE DISTRICT WITHIN THE CITY OF PORT JERVIS**

Be it enacted by the Common Council of the City of Port Jervis, County of Orange, State of New York, as follows:

**Section 1. Title.**

This Local Law shall be referred to as “**A LOCAL LAW ESTABLISHING A SIX-MONTH MORATORIUM PROHIBITING THE REVIEW AND APPROVAL OF APPLICATIONS OF CERTAIN LAND DEVELOPMENT APPLICATIONS IN THE CITY OF PORT JERVIS**”.

**Section 2. Definitions.**

“Code” means the City of Port Jervis Code.

“City” means the City of Port Jervis.

“City Council” means the Common Council of the City of Port Jervis.

“City Clerk” means the City Clerk-Treasurer of the City of Port Jervis.

“Land Use Approvals” means building permits, certificates of occupancy or completion, site plan approvals, subdivision plats, special use permits, and variances.

**Section 3. Legislative Findings, Purpose and Intent.**

The Mountain Conservation District and Waterfront Mixed-Use District within the City of Port Jervis contain property that is environmentally sensitive and of critical importance to the City’s identify and well-being of its citizens. Because these districts contain important ecological and economic features that are unique to the City, the City Council hereby finds that a periodic review of the zoning for such districts is necessary in order to protect the public health, safety and general welfare. In order to enact meaningful legislation, a thoughtful review of the zoning code must be conducted. The City Council hereby finds that such reviews require careful time and consideration and should not be subjected to potential development pressures.

Pursuant to the statutory powers vested in the City to regulate and control land use and to protect the health, safety and welfare of its residents, the City Council of the City of Port Jervis hereby declares a six-month moratorium on the submission and processing of any applications of land use approvals, including building permits, certificates of occupancy or completion, site plan approvals, subdivision plats, special use permits, and variances (hereinafter “Land Use Approvals”) for all development in the Mountain Conservation District and Waterfront Mixed-Use District within the City pending the City Council’s review of such zoning regulations and consideration of any necessary amendments to same.

**Section 4.     **Scope of Controls****

- A.     During the effective period of this Local Law:
1. No Land Use Approvals shall be issued for any use and/or development in the Mountain Conservation District or Waterfront Mixed Use District within the City without the approval of the City Council of the City of Port Jervis, which approval will not be considered except in the event of proven hardship.
  2. The City Planning Board shall not accept any application, grant any approval to, or continue the review of a subdivision plat, site plan, special use permit or other permit that includes the permitting, construction and/or development of any use in in the Mountain Conservation District or Waterfront Mixed Use District within the City or would have as a result of the enlargement, relocation, or modification of any existing use in such zones.
  3. The City Zoning Board of Appeals shall not accept any application or grant any approval for a variance or other permit that would have as a result the permitting, construction and development of any use in in the Mountain Conservation District or Waterfront Mixed Use District within the City.
  4. The City of Port Jervis Building Department shall not accept any building permit application or grant any Certificate of Occupancy or Certificate of Compliance for any new use in the Mountain Conservation District or Waterfront Mixed Use District.

**Section 5.     **Specific Exemptions.****

Notwithstanding the foregoing, the following are hereby exempt from the moratorium and may proceed with the usual permitting and licensing procedures as are currently provided by the City Code.

- A. Any project that has received a Negative Declaration (Notice of Determination of Non-Significance) from the lead agency charged with reviewing the proposed project pursuant to Title 6, Chapter VI, Part 617 of the New York State Environmental Quality Review Regulations (“SEQR”) or if said lead agency has accepted a fully completed Draft Environmental Impact Statement (“DEIS”) for review in the event that a Positive Declaration pursuant to the SEQR regulations has been issued.
- B. Any project that has received final project approval from the City Planning Board prior to the effective date of this Local Law, provided that the property owner and/or applicant has received a lawful extension which has not expired.

**Section 6.     **Term.****

The moratorium imposed by this Local Law shall be in effect for six months from the effective date of this Local Law.

**Section 7.     **Hardship.****

- A. Should any owner of property affected by this Local Law suffer an unnecessary and extraordinary hardship due to the enactment and application of this Local Law, then the owner of said property may apply to the City Council of the City of Port Jervis in

writing for a variance from strict compliance with this Local Law upon submission of proof of such unnecessary hardship. For the purposes of this Local Law, unnecessary or extraordinary hardship shall not be:

- a. the mere concern that regulations may be changed or adopted, or that the Plan may be amended; or
  - b. the mere delay in being permitted to make an application or waiting for a decision on the application for a variance, special permit, site plan, subdivision, or other permit during the period of the moratorium imposed by this Local Law.
- B. An application for an exception based upon unnecessary or extraordinary hardship shall be filed with the City Clerk no earlier than the effective date of this Local Law, including a fee of one thousand and 00/100 Dollars (\$1,000.00) for each tax map parcel claimed to be subject to unnecessary or extraordinary hardship, by the landowner or the applicant upon the consent of the landowner. The application shall provide a recitation of the specific facts that are alleged to support the claim of unnecessary or extraordinary hardship and shall contain such other information and/or documentation as the City Council, shall prescribe as necessary for the City Council to be fully informed with respect to the application.
- C. Procedure. Upon submission of a written application to the City Clerk by the property owner seeking a variance of this Local Law, the City Council shall, within forty-five (45) days of receipt of a completed application, schedule a Public Hearing on said application upon five (5) days' written notice in the official newspaper of the City of Port Jervis. At said Public Hearing, the property owner and any other parties wishing to present evidence with regard to the application shall have an opportunity to be heard, and the City Council shall, within thirty (30) days of the close of said Public Hearing, render its decision either granting, denying, granting in part or denying in part, the application for a variation from the strict requirements of this Local Law. If the City Council determines that a property owner will suffer an unnecessary or extraordinary hardship if this Local Law is strictly applied to a particular property, then the City Council shall vary the application to this Local Law to the minimum extent necessary to provide the property owner relief from strict compliance with this Local Law.
- D. Standard of Review. In reviewing an application for an exception based upon a claim of unnecessary or extraordinary hardship, the City Council shall consider the following criteria:
- a. The extent to which the proposed development activity would cause significant environmental harm, adversely impact surrounding natural resource areas, public health, comfort or safety concerns and/or have a negative impact upon the City.
  - b. Whether the moratorium will expose a property owner or applicant to substantial monetary liability to a third person or would leave the property owner or applicant completely unable, after a thorough review of alternative solutions, to have a reasonable alternative used of the property.

**Section 8. Penalties.**

Any person, firm or entity that shall construct and/or develop a structure related to any type of use in any district within the City or would have as a result the enlargement, relocation, or modification of an existing use in violation of the provisions of this Local Law or shall otherwise violate any of the provisions of this Local Law shall be subject to:

- A. Such penalties as may otherwise be provided by applicable local laws, ordinances, rules, regulations of the City for violations; and
- B. A fine not to exceed \$2,500.00 per day from the date that any action is taken in contravention of this local law or imprisonment for a period not to exceed fifteen (15) days, or both such fine and imprisonment, together with any other civil remedies available at law; and
- C. Injunctive relief in favor of the City to cease any and all such actions which conflict with this Local Law and, if necessary, to remove any construction that may have taken place in violation of this Local Law.

Any application accepted or approval granted in violation of this Local Law shall be null and void.

**Section 9. Superseding and Repealer Provisions.**

This Local Law shall supersede the City of Port Jervis Zoning Code in its entirety, all sections of Article 3 and Article 5-A of the New York State General City Law, Article 8 of the New York State Environmental Conservation Law and its associated DEC regulations at 6 NYCRR 617.1 et seq., and Executive Law Section 381 to the extent inconsistent with the same and to the extent permitted by the New York State Constitution, the Municipal Home Rule Law or any other statute determined to be in conflict with the provisions hereof.

**Section 10. Severability.**

If any part or provision of this Local Law or the application thereof to any person or circumstance be adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part or provision or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this Local Law or the application thereof to other persons or circumstances, and the Common Council of the City of Port Jervis hereby declares that it would have passed this Local Law or the remainder thereof had such invalid application or invalid provision been apparent.

**Section 11. Repeal.**

All ordinances, local laws and parts thereof inconsistent with this Local Law are hereby repealed.

**Section 12. Effective Date.**

This Local Law shall take effect immediately upon filing in the office of the New York State Secretary of State in accordance with section 27 of the Municipal Home Rule Law.

**CITY OF PORT JERVIS**

**INTRODUCTORY LOCAL LAW NO. 11 OF 2022**

**A LOCAL LAW AMENDING CHAPTER 535, ARTICLE II AND ARTICLE IX OF THE CITY CODE OF THE CITY OF PORT JERVIS, NEW YORK TO ADD A NEW SECTION 535-38 ENTITLED “SUPPLEMENTARY REGULATIONS APPLYING TO CANNABIS RETAIL DISPENSARIES AND TOBACCO RETAILERS” AND AMENDING THE CITY OF PORT JERVIS TABLE OF USE AND BULK REQUIREMENTS**

Be it enacted by the Common Council of the City of Port Jervis, County of Orange, State of New York, as follows:

**Section 1. Statement of Intent**

The State of New York recently enacted the Marihuana Regulation and Taxation Act (hereinafter the “Cannabis Law”), which, among other things, allows the retail sale of cannabis and cannabis products and provides for the licensing of cannabis dispensaries. The Cannabis Law also provides that “towns, cities and villages may pass local laws and regulations governing the time, place and manner of the operation of licensed adult-use cannabis retail dispensaries \* \* \* provided such law or regulation does not make the operation of such licensed retail dispensaries \* \* \* unreasonably impracticable.” Pursuant to this authority, and in accordance with Section 535-2 of the City of Port Jervis Zoning Code, which enumerates as a purpose of the City of Port Jervis Zoning Code: “to serve the purpose of protecting and promoting the general welfare, which is intended to include the following ... the protection of the environment of the City as a whole,” This local law is enacted to allow the establishment of cannabis retail dispensaries in locations and manners consistent with the zoning and land use goals of the City of Port Jervis.

The City of Port Jervis Common Council further finds that in order to fully and properly protect the health, safety and general welfare of its citizens, tobacco retailers should also be regulated in a similar manner as cannabis retail dispensaries. It is the intention of this Local Law to produce reasonable regulations that apply to these similar industries within the City of Port Jervis.

**Section 2. Purpose.**

The City of Port Jervis Common Council hereby finds that the purpose of this Local Law shall be as follows:

- a. To provide for the placement of cannabis retail dispensaries and tobacco retailers in appropriate places.
- b. To minimize the adverse impacts of cannabis retail dispensaries and tobacco retailers on schools, and other places where the youth or other vulnerable populations commonly congregate.
- c. To regulate the siting, design, placement, security, safety, monitoring, and



modification of cannabis retail dispensaries and tobacco retailers.

**Section 3. Amendments to Chapter 535**

The City of Port Jervis Code, Chapter 535, Article II is hereby amended to include the following definitions to be incorporated in alphabetical order:

**E-CIGARETTE or VAPE**

Any electronic device composed of a mouthpiece, heating element, battery and/or other electronic circuit that provides a vapor of liquid nicotine, cannabis product and/or other substance that is sometimes mixed with propylene glycol by the user as they simulate smoking. This term shall include all such devices whether they are manufactured as e-cigarettes, e-cigars, e-pipes, vapes or under any other product name.

**CANNABIS or CANNABIS-RELATED PRODUCT**

Any product containing marijuana, THC or CBD in any form or as the term is defined by Chapter 7-A of the New York State Consolidated Laws or the New York State Marijuana Regulation and Taxation Act.

**CANNABIS RETAIL DISPENSARY**

A commercial retail establishment operating under license of the New York State Cannabis Control Board, authorized to engage in the retail sale of cannabis products for off-site consumption, but in no case permitted or authorized to allow the on-site consumption of cannabis or cannabis-related products.

**CBD**

Cannabidiol, a naturally occurring compound found in the resinous flower of cannabis but not regulated as cannabis under the NYS Marijuana Regulation and Taxation Act.

**SMOKE**

The emission produced by the burning of a tobacco product or tobacco-related product, cannabis product or cannabis-related product or the heating of an e-cigarette which creates a vapor.

**SMOKING**

The burning of a tobacco or cannabis product or related product or the hearing or ignition of an e-cigarette which creates a vapor.

**TOBACCO or TOBACCO-RELATED PRODUCT**

Any manufactured product containing tobacco or nicotine, including, but not limited to, cigarettes, cigars, pipe tobacco, snuff, chewing tobacco, dipping tobacco, bidis, snus, shisha, powered and/or dissolvable tobacco projects, liquid nicotine, vapes, and e-cigarette cartridges, whether packaged or not; any packaging that indicates it might contain any substance containing tobacco or nicotine; or any object utilized for the purpose of smoking or inhaling tobacco or nicotine products.

## **TOBACCO RETAILER**

Any establishment which offers for sale or consideration, tobacco or tobacco-related products, including CBD or other substances, but not THC.

## **THC**

Tetrahydrocannabinol or the main psychoactive compound in cannabis that produces the high sensation.

The City of Port Jervis Table of Use and Bulk Regulations is hereby amended to include the following Principal Use in its Central Business District to be listed after “Wholesale/retail auto parts store” with columns C through L to be the listed as “Pursuant to Special Use Permit by the City of Port Jervis Planning Board and in accordance with Section 535-38 of the Zoning Code and the NYS Marijuana Regulation and Taxation Act, as applicable:

Cannabis retail dispensaries

The City of Port Jervis Table of Use and Bulk Regulations is hereby amended to include the following Principal Use in its Central Business District to be listed after “Wholesale/retail auto parts store” with columns C through L to be the listed as “Pursuant to Special Use Permit by the City of Port Jervis Planning Board and in accordance with Section 535-38 of the Zoning Code:

Tobacco retailer

The City of Port Jervis Code, Chapter 535, Article IX is hereby amended to include the following Section 535-38 entitled “Supplementary Regulations Applying to Cannabis Retail Dispensaries and Tobacco Retailers”:

### **Section 535-38      Supplementary Regulations Applying to Cannabis Retail Dispensaries and Tobacco Retailers.**

#### **A. Applicability.**

- i. These regulations shall apply to all structures and/or uses related to cannabis retail dispensaries and tobacco retailers. No cannabis retail dispensary or tobacco retailer shall be established in the City of Port Jervis except in compliance with the provisions of this chapter.
- ii. Every cannabis retail dispensary or tobacco retailer shall apply to the City of Port Jervis Planning Board for a Special Use Permit and Site Plan Approval for that use prior to commencing any work on the site related to the development of such a use. All such reviews shall be governed by all applicable sections of the City of Port Jervis Zoning Code, including, but not limited to Section 535-80 and other applicable provisions of the City of Port Jervis Code and City Charter.

**B. Zoning Districts for Cannabis Retail Dispensaries and Tobacco Retailers.**

Cannabis Retail Dispensaries and Tobacco Retailers shall only be allowed in the Central Business District (CBD) zoning district subject to site plan review and issuance of a Special Use Permit by the City of Port Jervis Planning Board and further subject to the regulations set forth in this section.

**C. Other Location Restrictions for Cannabis Retail Dispensaries and Tobacco Retailers.**

- i. The lot line of any property whereupon exists a cannabis retail dispensary or tobacco retailer shall not be located within a one hundred (100) foot radius of the lot line of any lot that is currently used or has the ability to be used for the following:
  - a. School;
  - b. Public parks;
  - c. Recreational facilities;
  - d. Playgrounds;
  - e. Child daycare, pre-k or nursery facilities;
  - f. Libraries
  - g. Churches, synagogues, mosques or other places of worship; or
  - h. Drug or alcohol recovery or rehabilitation facilities or other related health care facilities.
- ii. The lot line of any property whereupon exists a cannabis retail dispensary or tobacco retailer shall not be located within a one hundred (100) foot radius of the lot line of any lot that is currently used as a cannabis retail dispensary or tobacco retailer.

**D. Special Use Criteria for Cannabis Retail Dispensaries; Tobacco Retailers.** As part of any review by the Planning Board under this subsection, the following shall be submitted and/or considered by the Planning Board as part of its review of any special use permits for Cannabis Retail Dispensaries or Tobacco Retailers:

- i. Cannabis Retail Dispensaries and Tobacco Retailers must be fully enclosed and shall be located within a permanent building and may not be located in a trailer, cargo container, motor vehicle or other similar non-permanent enclosure.
- ii. No outside storage of marijuana, related supplies or promotional materials is permitted.
- iii. No smoking or consumption of any product containing cannabis or cannabis-related products shall be permitted on the premises of a cannabis retail dispensary. No burning of any product containing cannabis or cannabis-related products shall be permitted on the premises of a cannabis retail dispensary.
- iv. Each special permit use shall not include the display of signs, noise, fumes, or lights that will hinder normal development of the zoning district or impair the use, enjoyment, and character of adjacent land and buildings.
- v. The application shall include a site plan and fully dimensioned diagram or floor plan showing planned occupancy or use of all areas, including exits, fire prevention

- measures, windows, ventilation, and doors as well as any other factors determined to be necessary and appropriate by the Planning Board.
- vi. Security measures shall be implemented which are sufficient to ensure that no unauthorized persons can gain access to the building and outdoor activity areas. Such measures shall be described in detail in the special permit application.
  - vii. Subject to applicable law, as a part of any special use permit application to the Planning Board, copies of all information submitted to the State of New York in application for a license to operate under the Marihuana Regulation and Taxation Act shall be submitted as part of the special permit application.
  - viii. All special use permits issued under this Subsection shall contain a condition that the use shall not operate, and the special use permit shall not be valid, until the applicant has obtained all licenses and permits issued by the State of New York and any of its agencies.
  - ix. A special use permit granted under this Subsection shall have a term limited to the duration of the applicant's use of the premises as a licensed operator. A special use permit may be transferred only with the approval of the Planning Board in the form of an amendment to the special use permit.
  - x. Any violation of this Subsection shall be grounds for revocation of a special use permit issued under this Subsection.
  - xi. A revocation of the respective license by the State shall be grounds for revocation of the special use permit.
  - xii. Hours of operation for these uses shall be set by the Planning Board in its complete and total discretion.
  - xiii. Posting of Signs:
    - a. In addition to other applicable sign regulations, it shall be a special use permit condition that no person or entity shall sell or continue to sell or distribute tobacco or tobacco-related products and/or cannabis or cannabis-related products in the City of Port Jervis unless a sign is posted at the point of sale in a conspicuous place that warns of the dangerous of such products, including, at a minimum the following statement:  
WARNING: THE PRODUCTS YOU ARE ABOUT TO PURCHASE  
MAY CONTAIN NICOTINE, WHICH IS AN ADDICTIVE  
CHEMICAL.
    - b. No image depicting any part of a marijuana plant or any product or use of the marijuana plant shall be allowed on the sign.

## **Section 5. Separability**

If any part or provision of this Local Law or the application thereof to any person or circumstance be adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part or provision or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this Local Law or the application thereof to other persons or circumstances, and the Common Council of the City of Port Jervis hereby declares that it would have passed this Local Law or the remainder thereof had such invalid application or invalid provision been apparent.

**Section 6.    Repeal**

All ordinances, local laws and parts thereof inconsistent with this Local Law are hereby repealed.

**Section 7.    Effective Date**

This Local Law shall take effect immediately upon filing in the office of the New York State Secretary of State in accordance with section 27 of the Municipal Home Rule Law.

**RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF PORT JERVIS**

**SUBMIT LETTER OF INTENT AHEAD OF 2022 NEW YORK STATE EMPIRE STATE DEVELOPMENT RESTORE NY ROUND 7 APPLICATION**

**WHEREAS**, the City of Port Jervis seeks grant funding to support projects deemed important to its citizens and economic development; and

**WHEREAS**, now open and due by January 27, 2023, by 3:00 p.m., is the New York State Empire State Development (ESD) Round 7, RESTORE NY Communities Initiative grant application with an opportunity for the City to apply for up to \$2M to demolish/deconstruct and/or rehabilitate/reconstruct up to two projects; and

**WHEREAS**, by Wednesday, November 30, 2022, any potential application first requires the submittal of a Letter of Intent to Apply to ESD which briefly identifies the City and describes the project, and which may, or may not, be approved, and which does not bind either the City or property owners to application submittal; and

**WHEREAS**, one project, that of the demolition and reconstruction of 29-31 Front St., meets the initial requirements; and

**WHEREAS**, if approved and continued, the cost to the City would be approximately \$800 for a \$500 application submittal fee and some \$300 for publication of the public hearing notice and three consecutive days of advertisement of a Property Assessment List; and

**WHEREAS**, a Letter of Commitment ahead of application submission, would detail the timeframe, benchmarks and responsibilities of the property owners of 29-31 Front St. to at minimum pay all costs of demolition and reconstruction and subsequently receive reimbursement of up to 90% for eligible expenses; and

**WHEREAS**, the City and property owners will proceed throughout in good faith for the good of the City;

**NOW THEREFORE**, it is hereby

**RESOLVED**, that the Common Council of the City of Port Jervis, hereby approves the development and submission by Wednesday, November 30, 2022, of a Letter of Intent to New York State Empire State Development for an application of up to \$2M for demolition and reconstruction of 29-31 Front St., and that the Mayor, is authorized to execute any and all documents in connection with this submission.

Motion by: R. Foster

Second by: M. Mann

Regis Foster	1 <sup>st</sup> Ward	AYE
Elizabeth Miller	1 <sup>st</sup> Ward	AYE
Maria Mann	2 <sup>nd</sup> Ward	AYE
Misty Fuller	2 <sup>nd</sup> Ward	ABSENT
Denis Livingston	3 <sup>rd</sup> Ward	AYE
Michael Decker	3 <sup>rd</sup> Ward	AYE
Timothy Simmons	4 <sup>th</sup> Ward	AYE
Melissa Newhauser	4 <sup>th</sup> Ward	ABSENT
Stanley B. Siegel	Councilman-At-Large	AYE

DATED: November 28, 2022

\_\_\_\_\_  
Laura Quick, City Clerk Treasurer

**CITY OF PORT JERVIS**

Accounts Payable

11/28/2022

<b>1 General Fund</b>		\$290,377.36
<b>2 Water Fund</b>		\$49,002.61
<b>3 Sewer Fund</b>		\$12,317.82
<b>4 Capital Fund</b>		\$82,375.62
<b>5 Trust and Agency</b>		\$176,014.33
	<b>Total</b>	<u>\$610,087.74</u>

**GENERAL, WATER & SEWER FUNDS**

CSEA Employee Benefit	\$7,532.00
NYS Employees Health Insurance	\$263,534.68
Global Montello Group	\$35,056.26
Bluestein Shaprio Frank	\$6,643.33

**CAPITAL FUND**

Sternberg Laterns	\$14,168.00
Nielsen Ford of Morristown (Police Explorer)	\$38,439.00
Manufactured Technologies (Sewer Relining)	\$17,110.72

# CITY OF PORT JERVIS

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



Finance Committee Meeting  
October 19, 2022 6:00 pm

**Attendance:** (Common Council: E. Miller, R. Foster, M. Fuller, M. Mann, S. Siegel, M. Decker, D. Livingston, T. Simmons, M. Newhauser) (Depts & Members.: L. Quick, B.J. Muller, S. Duryea, W. Addy, T. Spradling, V. Maginsky, C. Kent Biccum, A. Fuller, J. Lewis, Chief Worden, Lt. Sargente, L. Randazzo, K. Trovei)

*Media: Cara Ding, Epoch Times*

*Along with several members of the public.*

## **Pledge of Allegiance**

*The meeting was called to order by chair, E. Miller at 6pm.*

## **Public Comment:**

## **Presentation:**

**Approval of the Minutes:** September 21<sup>st</sup>, 2022 Meeting Minutes

*The September 21<sup>st</sup> Finance Committee Meeting minutes were approved with a motion by Denis Livingston and a second by Misty Fuller*

**Executive Session:** None.

## **New Business**

1. EFC Loan Financial Plan

*A handout was provided to members of the council by chair, E. Miller, which overviewed a potential financial plan for the EFC Loan.*

2. Budget workshop

*Please see more detailed minutes below:*

## **Old Business:**

1. Fiber

*A brief update was provided about the potential of Fiber in city hall – including a potential provider.*

## **Public Comment:**

**Adjournment:** *The meeting was adjourned at 8:27pm, by S. Siegel and M. Fuller. The next budget workshop was scheduled for October 26, 2022 at 6pm.*



# CITY OF PORT JERVIS

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



## October 19<sup>th</sup>, 2022 Budget Workshop Notes

The Port Jervis Community Development Agency was first to present:

*V. Maginsky provided a budget handout to members of the common council – detailing expenses and costs. K. Trovei provided background of the history and current work and importance of the CDA>*

Assessor was next to present:

*T. Spradling discussed any updates and changes to her budget for the upcoming 2023 year. Explained to members of the common council that she is responsible for certain training throughout the year and must take up to 12 credits. Few changes were made.*

Civil Service followed:

*C. Kent Biccum and L. Randazzo discussed the Civil Service budget. Provided the reminder that a city pays for a portion of civil service expenses in coordination with the school district and the library. A discussion was had about the current pay rate and the potential for a new record system, as all records are currently still recorded on paper.*

The DPW presented their budget:

*S. Duryea and W. Addy were there to represent the DPW and answer any budget questions. They explained their budget increase was based on major supply increases across the area.*

Recreation presented next:

*J. Faggione presented the Recreation budget for the upcoming 2023 year. One item to note was the estimated cost for tree removals in parks. Additionally, there was a pay increase discussed for lifeguards as they must have a high school diploma, college credits, and carry large responsibilities at West End Beach.*

Port Jervis Fire Department followed:

*A. Fuller and J. Lewis were there to discuss the fire departments financial needs for the 2023 year. Many lines stayed the same, but a request was made to add in for a uniform allowance to ensure that our firefighters have clothing to wear after fighting fires, eliminating health risks.*

The Port Jervis Police Department was next:

*Chief Worden & Lt. Sargente presented their lines for the 2023 budget. A need was expressed for vehicles, and overtime funds. A similar sentiment was expressed that many of their supply costs went up 40%.*

The Building Department:

*Building Official David Rivera presented his budget to Common Council members. Few items were adjusted.*

# CITY OF PORT JERVIS

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



Budget Workshop  
**October 26, 2022 6:00 pm**

*Attendance: (Common Council: E. Miller, R. Foster, M. Fuller, M. Mann, S. Siegel, M. Decker, D. Livingston, T. Simmons, M. Newhauser, Mayor Decker) (Depts & Members.: L. Quick, B.J. Muller, S. Duryea, W. Addy, V. Maginsky, Chief K. Brown, J. Lewis, Chief W. Worden)*

*Along with members of the public.*

## **Pledge of Allegiance**

*The workshop was called to order by chair, E. Miller at 6:11pm*

**Executive Session:**      *None.*

## **Old Business:**

*Discussions continued about the 2023 Budget. We discussed the Police Department budget more in-depth evaluating the overtime expenses and agreeing upon the purchase of two vehicles. Additionally, City Clerk Treasurer L. Quick presented her budget, the only mentionable addition was the possibility of purchasing new desks for the office. She also explained to all about semi-annual modifications – noting that they were moved budgeted funds after the Common Council passed a resolution in June, permitting her to do so as needed.*

*We also discussed the possible increase on the sewer fee. This is being discussed in coordination with the EFC loan.*

**Adjournment:**      *The meeting was adjourned at 8pm, by M. Fuller and E. Miller. The next budget workshop was scheduled for November 10<sup>th</sup> at 6pm.*

# CITY OF PORT JERVIS

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



## Budget Workshop

**October 26, 2022 6:00 pm**

*Attendance:* (Common Council: E. Miller, M. Fuller, M. Mann, S. Siegel, D. Livingston, T. Simmons, M. Newhauser, Mayor Decker) (Depts & Members.: L. Quick, S. Duryea, Chief K. Brown, A. Fuller, Chief W. Worden)

*Along with several members of the public.*

## Pledge of Allegiance

*The workshop was called to order by chair, E. Miller at 6pm*

**Executive Session:**      *None.*

## **Old Business:**

*Discussions continued about the 2023 Budget. Several members of the public asked questions regarding budget lines, with a focus on vehicle purchases, the potential of HR, and the increased potential sewer fee.*

**Adjournment:**      *The meeting was adjourned at 7: 19pm, by S. Siegel and D.Livingston. There was no future budget workshop scheduled, but talks would continue at the November Finance Committee meeting, held on November 16<sup>th</sup> at 6pm.*

2022-1128-054

**RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF PORT JERVIS  
AUTHORIZING REVISIONS TO THE FISCAL YEAR 2022 BUDGET**

**WHEREAS**, on December 23, 2021, the Common Council approved the budget for the fiscal year ending December 31, 2022 ; and

**WHEREAS**, the Q3 Financial results were presented to the Common Council with a recommended budget modification.

**NOW, THEREFORE, BE IT RESOLVED**, the attached budgetary transfer by authorized by the Common Council

Motion : E. Miller

Second by: R. Foster

Regis Foster	1st Ward	AYE
Elizabeth Miller	1st Ward	AYE
Maria Mann	2nd Ward	AYE
Misty Fuller	2nd Ward	ABSENT
Denis Livingston	3rd Ward	AYE
Michael Decker	3rd Ward	AYE
Timothy Simmons	4th Ward	AYE
Melissa Newhauser	4th Ward	ABSENT
Stanley B. Siegel	Councilman-At-Large	AYE

**DATED: November 28, 2022**

  
\_\_\_\_\_  
City Clerk Treasurer

Q3 2022 Budget Adjustments

DR

CR

A.1090.000	Interest, Penalties, & Collection Fees	100,000.00	
A.3005.000	State Aid/ Mortgage Tax	36,875.00	
A.2665.000	Sale of Deed Properties	2,953.00	
A.1589.467	City Drug Forfeiture	8,899.30	
A.1589.469	National Night Out	3,125.00	
A.2705.003	National Night Out	1,000.00	
A.1240.000	Hotel Tax Revenue	722.85	
A.1262.000	Workers Comp Dividend	3,752.00	
A.2401.000	Interest and Earnings	10,802.00	
A.3521.000	Reimbursement Bus Program-Fed	46,150.00	
A.1590.000	Vacant Building Fees	24,160.00	
A.1010.451	CONTRACTED ENGINEERING		5,350.00
A.1325.449	OTHER CONTRACT SERVICES		10,035.00
A.1950.460	TAXES ON CITY OWNED PROPERTY		13,572.00
A.1490.110	REGULAR SALARIES		37,452.00
A.1490.253	EQUIPMENT & RENTAL		1,763.00
A.1490.421	TELEPHONE CHARGE		1,860.00
A.1490.449	OTHER CONTRACT SERVICES		3,687.00
A.1490.451	CONTRACTED ENGINEERING		3,600.00
A.5110.110	REGULAR SALARIES	23,378.00	
A.5110.114	SEASONAL LABOR		23,378.00
A.5110.256	INS CLAIM EXP		14,316.00
A.5110.411	GAS/OIL VEHICLE		40,243.00
A.5110.412	MAINTENANCE SUPPLIES		1,000.00
A.5110.449	CONTRACTED SERVICES		3,537.00
A.8160.411	GAS/OIL VEHICLE		5,000.00
A.5630.410	OFFICE SUPPLIES		600.00
A.5630.411	GAS/OIL VEHICLE		5,366.00
A.7140.110	REGULAR SALARIES		3,797.00
A.7140.112	SUPPORT STAFF SALARIES		4,148.00
A.7140.416	MAINTENANCE SUPPLIES		1,500.00
A.7140.419	RECREATION SUPPLIES		2,234.41
A.3120.446	ADVERTISING		74.00
A.3120.461	DETECTIVE INVESTIGATIVE EXP.		7,000.00
A.3120.463	DARE PROGRAM		2,335.00
A.3120.469	NATIONAL NIGHT OUT		7,206.00
A.3510.490	UNIFORM		232.00
A.3410.411	GAS/OIL VEHICLE		5,000.00
A.3410.421	TELEPHONE CHARGE		7,079.00
A.3410.422	ELECTRIC		5,898.00
A.3410.480	SCHOOL AND SEMINARS		852.00
A.3420.411	GAS/OIL VEHICLE		1,000.00
A.3420.449	CONTRACTED SERVICES		200.00
A.3620.421	TELEPHONE CHARGE		1,000.00



# CITY OF PORT JERVIS

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



DPW Meeting Minutes  
November 7, 2022

**Denis Livingston- Chairman DPW Committee**  
**Regis Foster -Member**

**Melissa Newhauser – Member**  
**Mike Decker – Member**

**Meeting called to order at 6:00 PM by Chairman Denis Livingston**  
**Pledge of Allegiance**

Public Comment: none  
Public Hearing: none

## Attendance

Regis Foster- present  
Denis Livingston-present  
Melissa Newhauser-present.  
Mike Decker-present  
Elizabeth Miller-present  
Misty Fuller-present  
Maria Mann- present  
Stanley Siegel-present  
Kelly Decker-present  
Tim Simmons-present  
Steven Duryea-present  
Wayne Addy-present

## NEW BUSINESS:

Steve reported :

That grass and leaf pickup will continue Mondays until completed  
Loose leaves pickup will continue daily for the next couple of weeks,  
Please put leaves to the curb.

Leaf pile is open on Saturdays 7:30 to 11:45.

That sidewalks on Pike Street are finished, cracks will be repaired.

Street lights will start to be installed.

Signs on Pike Street have been installed.

Overnight parking in bad weather. Mr. Simmons will bring to Code Committee

Discussion was held on cost and installation on signage.

Manhole cover near Bagel Barn was discussed.

Steve and Wayne went over new ways to plow snow.

## OLD BUSINESS:

No Public Comment;

Next DPW Meeting will be Monday December 5, 2022 at 6:00 PM in the Council Chambers

Regis made motion to adjourn at 6:27 PM Seconded by Mike

All voted in favor

2022-1128-055

**RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF PORT JERVIS**  
**POLICE DEPARTMENT RFP – FIXED LICENSE PLATE READER**

**WHEREAS**, the City of Port Jervis Police Department was awarded a US Department of Justice Project Safe Neighborhood grant for the installation of fixed license plate reader technology in the amount of \$30,000; and

**WHEREAS**, a Request for Proposals (“RFP”) has been approved by Corporation Council for content; and

**WHEREAS**, said RFP will be advertised in the Times Herald Record, posted on the city website, and sent to qualified M/WBE .

**NOW, THEREFORE**, it is hereby

**RESOLVED**, that the Common Council of the City of Port Jervis does hereby approve the RFP for Fixed License Plate Readers and that the Mayor or his designee is authorized to execute any and all documents in connection with this RFP.

Motion by: E. Miller

Second by: R. Foster

<b>Regis Foster</b>	<b>1st Ward</b>	<b>AYE</b>
<b>Elizabeth Miller</b>	<b>1st Ward</b>	<b>AYE</b>
<b>Maria Mann</b>	<b>2nd Ward</b>	<b>AYE</b>
<b>Misty Fuller</b>	<b>2nd Ward</b>	<b>ABSENT</b>
<b>Denis Livingston</b>	<b>3rd Ward</b>	<b>AYE</b>
<b>Michael Decker</b>	<b>3rd Ward</b>	<b>AYE</b>
<b>Timothy Simmons</b>	<b>4th Ward</b>	<b>AYE</b>
<b>Melissa Newhauser</b>	<b>4th Ward</b>	<b>ABSENT</b>
<b>Stanley B. Siegel</b>	<b>Councilman-At-Large</b>	<b>AYE</b>

**DATED: November 28, 2022**

  
**City Clerk Treasurer**