



# CITY OF PORT JERVIS

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

Regular Common Council Meeting Agenda

**Roll Call for Transcription**

**Monday, September 27, 2021**

**6:30 pm Regular Session: Pledge of Allegiance**

**Public Hearing: Proposed Local Law #4 of 2021 - Cannabis Law - Opt Out on-site consumption**

**Public Comment: 5-minute limit per person**

BASED ON PUBLIC OFFICERS LAW ARTICLE 7

- Executive Session:**
- 105.1e - Collective Negotiations (x2)
  - 105.1g - Asst DPW Director Qualification
  - 105.1h - Settlement offers turntable property
  - 105.1h - Tentative offer 1 Grandview Ave
  - 105.1h - Reassessment 16-18 Ball
  - 105.1h - Bond Counsel Agreement
  - 105.1h - 106 Ball Street notification
  - 105.1h - Tax Cert multiple properties
  - 105.1h - Potentially proposed property exchange
  - 105.1h - 220 East Main Street
  - 105.1h - 126 West Main - property sale
  - 105.1h - 126 Front St - bank negotiation

- Approval of the Minutes:**
- August 9, 2021 - Common Council Meeting**
  - August 23, 2021 - Common Council Meeting**
  - September 13, 2021 - Common Council Meeting**

**Address Executive Session Material:**

**Business:**

- Foster: (POLICE / ADA) -
- Santini: (CODE) - 1. Approve / Decline LL 4 of 2021 - Cannabis Law
- Campbell: (RECREATION) -
- Mann: (TOURISM / IDA)
- Trovei: (FINANCE/CDA) - Bills to be paid: Motion: Trovei / 2<sup>nd</sup>:
- Oney: (DPW) -
- Simmons: (PLANNING / ZONING)
- Siegel: (FEM / HOUSING)
- Randazzo:

**Public Comment: 5-minute limit per person**

- Decker-
1. Announcement must be read of State Environmental Quality Review Notice of Completion of Final GIES
  2. Just Announce the posting of the Final - Annexation GEIS. Also on our website:  
<https://liquidfiles.bartonandloguidice.com/message/jHGxo8aFitUH7FSaD1mbic>
  3. Approve/Decline: Resolution Annexation
  4. NOTE: Findings and SEQR Resolutions will be at the October 12<sup>th</sup> meeting.
  5. Approve/Decline: Siemens Equipment Resolution
  6. Announce: Grand Re-Opening of the Metro-North Port Jervis Train Station on Mon, Oct 4, 2021 10:30am
  7. Announce: DPW completing Maiden Lane culvert project that saved the city over \$250,000 by doing in house
  8. Announce: Recreation 72<sup>nd</sup> Halloween Parade on Sat Oct 30<sup>th</sup> 3:30pm with lineup at 3:00pm at City Hall
  9. Reschedule Monday, October 11<sup>th</sup> Common Council Meeting to Tuesday, October 12<sup>th</sup> at 6:30pm
  10. Announce: Moody's Investment Services upgrade of city finances to A3 from Baa1

**Adjournment:**

- 11. 9 hole disc Golf
- 12. RFP - Financial Software

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

The regular meeting of the City of Port Jervis Common Council was held in the Council Chambers, 20 Hammond Street, Port Jervis, New York on Monday September 27, 2021 at 6:30 p.m.

#### **Attendance-**

<b>Dominick Santini</b>	<b>1st Ward</b>	<b>Absent</b>
<b>Regis Foster</b>	<b>1st Ward</b>	<b>Present</b>
<b>Chandler Campbell</b>	<b>2nd Ward</b>	<b>Absent</b>
<b>Maria Mann</b>	<b>2nd Ward</b>	<b>Present</b>
<b>Gerald Oney JR</b>	<b>3rd Ward</b>	<b>Present</b>
<b>Kristin Trovei</b>	<b>3rd Ward</b>	<b>Present</b>
<b>Stanley Siegal</b>	<b>4th Ward</b>	<b>Present</b>
<b>Timothy Simmons</b>	<b>4th Ward</b>	<b>Present</b>
<b>Lisa Randazzo</b>	<b>Councilwoman-At-Large</b>	<b>Present</b>
<b>Kelly Decker</b>	<b>Mayor</b>	<b>Absent</b>

Also present were City Clerk Treasurer Laura Quick, Deputy City Clerk Treasurer Bobbie Jo Muller and Corporation Counsel Stephanie Tunic.

Meeting opened at 6:35 pm by Lisa Randazzo.

#### Pledge of Allegiance-

Lisa Randazzo led all present in the Pledge of Allegiance to the Flag.

#### Public Hearing-

Motion by Siegel to open public hearing second by Simmons. All in favor

Proposed Local Law # 4 of 2021- Opt out on-site Cannabis Consumption

No public comment

Council voted to keep the public comment open until the next Council Meeting.

Motion made by T. Simmons and second by Mann. All in favor

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

Corporation counsel Tunic - Reminded the Council that they have until the end of the year to vote on the Local Law

#### Public Comment - Laura Meyer spoke about Tourism

#### Executive Session-

A motion was made by Trovei second by Mann for an executive session to discuss the potential disposition of City property, and collective bargaining negotiations. The Council will also seek advice from legal counsel on issues regarding any other attorney client privileged matters as necessary.

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

Meeting adjourned to executive session at 6.44 pm.

Meeting reconvened from executive session at 7:40 pm

Motion to return from Executive Session by Simmons second by Trovei

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

**Approval of Minutes-**

- August 9,2021, Motion by Foster seconded by Trovei  
AYE: 7 ABSENT: 2 (Campbell Santini) NAYS: 0 ABSTAIN: 0 CARRIED

**Business-****1. 7:41 pm - R. Foster - Police/ADA**

- A) Discussed ABLE
- B) Fall Harvest Jump Out Party October 16,2021
- C) Next Police Committee meeting October 26, 2021 at 6pm
- D) Next ADA meeting December 6, 2021 at 6:30pm

**2. 7:43 pm D. Santini - CODE**

- A) Randazzo reports for Code - Next meeting October 6, 2021 at 6pm

**3. C. Campbell - Recreation:**

- A) Mann reported for Recreation - Next Scheduled meeting October 21,2021 at 6pm.

**4. M. Mann - Tourism/IDA:**

- A) IDA - Have not met since last meeting and the next meeting is scheduled for October 18, 2021 At 6pm
- B) Tourism -

**5. Trovei - CDA:**

- A) Motion by Trovei to pay the bills second by Randazzo  
AYE: 7 ABSENT: 2 (Campbell Santini) NAYS: 0 ABSTAIN: 0 CARRIED
- B) Resolution - 2017 Serial Bond Re-Allocation . Motion by Trovei second by Simmons  
AYE: 7 ABSENT: 2 (Campbell Santini) NAYS: 0 ABSTAIN: 0 CARRIED
- C) From Executive Session - Motion to give a one (1) time payment of \$5,000 to employee # 233, Second by Foster  
AYE: 7 ABSENT: 2 (Campbell Santini) NAYS: 0 ABSTAIN: 0 CARRIED
- D) From Executive Session - Motion to approve the sale of 1 Grandview Avenue for \$85,000 pending review and approval of contracts by Corporation Counsel. Second by Mann  
AYE: 7 ABSENT: 2 (Campbell Santini) NAYS: 0 ABSTAIN: 0 CARRIED

**6. Oney - DPW:**

- A) Next DPW meeting October 4,2021 at 6pm
- B) Resolution - Siemens Contract. Motion by Oney second Simmons  
AYE: 7 ABSENT: 2 (Campbell Santini) NAYS: 0 ABSTAIN: 0 CARRIED

**7. Simmons- Planning/Zoning:**

- A) Zoning public hearing - October 5, 2021
- B) Planning meeting - October 19,2021

8. Siegel – Emergency Management/Housing:

- A) Emergency Management - Next Meeting October 18, 6:30pm
  - B) Motion to accept an offer of \$4,000 for the removal of the locomotive turntable. Contract in a form that Corporation Counsel agrees to. Second by Simmons
- AYE: 7 ABSENT: 2 (Campbell Santini) NAYS: 0 ABSTAIN: 0 CARRIED

Public Comment -

- 1. Peter Greck had a public comment

9. Randazzo:

- A) Motion to enter into contract with Capital Market Advisors, LLC for Financial Advisory Services Second by Trovei
- AYE: 7 ABSENT: 2 (Campbell Santini) NAYS: 0 ABSTAIN: 0 CARRIED
- B) Read the State Environmental Quality Review Notice of Completion of Final GEIS
  - C) Motion to approve "The finding Statement Relative to the SEQR for the City of Port Jervis-Town of Deerpark Annexation and development Project Resolution . second by Oney
- AYE: 7 ABSENT: 2 (Campbell Santini) NAYS: 0 ABSTAIN: 0 CARRIED
- D) Announced the Grand Re-Opening of the Metro-North Port Jervis Train Station on October 4, 2021 at 10:30am
  - E) Announced Moody's Investment Services upgrade from Baa1 to A3
  - F) Motion to allow the Outdoor Club to build a 9 Hole Disc golf Course at Riverside Park
- Motion by Simmons by Oney
- AYE: 7 ABSENT: 2 (Campbell Santini) NAYS: 0 ABSTAIN: 0 CARRIED
- G) Motion to RFP for Financial Software Motion by Trovei second by Siegel
- AYE: 7 ABSENT: 2 (Campbell Santini) NAYS: 0 ABSTAIN: 0 CARRIED
- H) Rescheduled next meeting for October 12, 2021
  - I) Motion to adjourn by Mann second by Simmons
- AYE: 7 ABSENT: 2 (Campbell Santini) NAYS: 0 ABSTAIN: 0 CARRIED

City Clerk Treasurer



# **City of Port Jervis Recreation Department**

**20 Hammond Street- Port Jervis, NY- 12771**

**845-858-4045**

**845-858-4016 fax**

**Recreationdirector@portjervisny.gov.**

September 14, 2021

Mayor Decker and Members of the Common Council  
Port Jervis, NY 12771

Dear Mayor Decker and Members of the Common Council,

The Port Jervis Recreation Commission will be holding the 72<sup>nd</sup> Halloween Parade on Saturday, October 30, at 3:30pm. The rain date will be October 31<sup>st</sup>. The Recreation Commission cordially invites you to participate in this year's parade. Line up will be in front of City Hall at 3:00pm. All dignitaries will be in the front of the parade behind the Police and Color Guard.

The parade route will turn left onto Sussex Street, right onto Front Street, right onto Pike Street, right onto East Main Street, and left onto Ulster Place. At the conclusion of the parade there will be prizes awarded and refreshments served.

Sincerely,

John V. Faggione  
Director of Recreation  
City of Port Jervis

## **Police Committee- City of Port Jervis**

### **Monthly Meeting Minutes**

**September 14, 2021**

Meeting was called to order at 6:10pm with the following members in attendance: Mr. Foster, Ms. Mann, Ms. Randazzo, Chief Worden.

#### **Community Outreach**

- Officers conducted a Pre-School Safety Demonstration at Project Safe Stay with Deerpark PD
- Jump Out Party scheduled for October 16<sup>th</sup> Riverside Park 12pm to 3pm- Fall Themed Event.
- Senior Safety Outreach- The department is building an updated fraud prevention program to provide to senior citizens when pandemic restrictions at local senior housing is lifted.
- Halloween Safety outreach will occur in October through the Juvenile Aid Bureau and patrol divisions for pre-schools and elementary schools.
- Narcan Training scheduled for September 16<sup>th</sup> at 6:30pm at Engine 4 Fire Station.

#### **Staffing Update:**

- Four of six officers have recently completed field training programs and are currently working on their own.
- Two Phase II officers scheduled to complete Field Training in mid to late October.
- Two officers are currently injured. The first officer has sustained a severe hand injury while attempting to make an arrest. The officer's injury has required surgery and the recovery is expected to be three – four months.
- The second officer was injured while arresting a combative suspect. The officer suffered a sprained ankle requiring several days to recover.
- Detective Sergeant position is still presently vacant. Unable to fill vacancy to date while officers are in field training and two sergeants are schedule for the state required three-week course for supervision later this fall.
- Restoration of Lieutenant's position- Funding has been requested in the proposed 2022 budget to reinstate the second full time lieutenant's position which was eliminated due to budget cuts in 2014.

## **Reform Committee Recommendations:**

### Officer Business Cards: Contact Information

- Currently researching language and obtaining prices and designs for business cards to issue to each officer per recommendations of reform committee. Will review financial conditions during the October to determine if cards will be ordered in 2021 or January 2022.
- Cards will contain multiple avenues of contact information on the card for inquiries, information, filing a personnel complaint or commendation.

### ABLE Program- Active Bystandership for Law Enforcement

Sgt Daniel Mioglionico and PO Patrick Kerr have recently graduated from the train the trainer program through Georgetown University. A copy of ABLE Fact Sheet and Community PowerPoint Presentation provided to the committee. 8-hour training sessions are being scheduled for all sworn officer staff beginning during the month of October. After each officer receives the initial 8-hour training, the department will provide an annual two-hour recertification training. A press release will be distributed for public notification.

### **Training:**

In 2020, many training opportunities were cancelled or postponed due to the pandemic. The department is working diligently to provide training to officers in accordance with accreditation standards and reform committee recommendations.

- Officer Survival School- 40 hours – West Point
- Law Enforcement Officer Safety Awareness
- Domestic Violence Instructor School- One Trainer Assigned
- Use of force and De-escalation Training In-Service for Officers
- ARIDE Training- Drug Recognition- Impaired Drivers- 4 Officers Scheduled to attend 16-hour school in Pike County PA.
- Basic Juvenile Officer Certification Course (40 Hours) was completed in August by Det. Washalski.
- Under Cover Operations School- 16 hours – Detectives.
- Basic Interview School- 16 hours- Det Kievit.
- Crime Scene School- 80 hours- Det. Kievit.
- DRE Testimony- Det. Kievit.
- Child Passenger Safety Conference- Recertification and Training- Sgt McGowan and Sgt Kimiecik

- Principle Policing Instructor- 32-hour DCJS Certification Training for Sgt Mioglionico and PO Kerr to teach procedural justice, implicit bias and principled policing in-service training to staff (Reform Committee)
- Taser and de-escalation practices- In Service
- Less Lethal Training- Bean Bag Projectile – Officers are being training to deploy the less lethal option of bean bag projectiles to provide enhanced tools for officers to utilize when reasonable in dealing with potentially armed and dangerous persons.

DARE, Too Good for Drugs and Violence Programs: The department will be selected a new DARE Officer in preparation for the 2021-2022 school year.

Back to School Traffic Safety Initiatives were conducted during the first two weeks of the school year.

Reimbursements for traffic safety grants are in progress and end of year grant reporting.

**Budget:**

The Chief has been working with City Clerk Treasurer Lara Quick to develop a draft 2022 police department budget and operational lines. Highlights:

- Lease- During 2020 budget hearings for the 2021 FY operating budget, the replacement lease for a 2010 Impala was postponed until 2022. This funding has been requested in the 2022 budget.
- Salaries Part Time Personnel- Increases have been requested to adjust the salaries to all part time police department civilian employees who staff communications, crossing guard posts, perform matron duties and animal control services to improve retention of employees by making these part time salaries competitive.
- 18<sup>th</sup> Patrol Officer funding has been reinstated in the 2022 draft budget. The current MOA waiving the 18<sup>th</sup> officer expires on December 31, 2021.
- Reinstatement of second full time lieutenant requested in the 2022 budget.

Department is preparing for the second phase of renovations schedule to begin during the month of October.

The 2020 Department Awards Committee have met. Awards and commendations are being finalized and a report will be forwarded to the Police committee and Common Council.

The 2<sup>nd</sup> and 4<sup>th</sup> Ward stop sign project will be completed in 2021. The remaining targeted intersections slated for four way stop signs are:



- Front Street, East and Westerly Direction, at intersection with Pennsylvania Avenue
- Ball Street, Easterly and Westerly Direction, at intersection with Pennsylvania Avenue
- Hammond Street, easterly and westerly direction at intersection with Pennsylvania Avenue
- Franklin Street, easterly and westerly direction at intersection with Pennsylvania Avenue
- Seward Avenue, southerly and northerly direction at intersection with Orchard Street
- Franklin Street, easterly and westerly direction, at intersection with Church Street
- Hammond Street, easterly and westerly direction, at intersection with Church Street

#### Speed Studies

- The department speed study program is being resumed by Sgt. Dillinger. The speed monitor will be deployed on targeted city streets to determine speed and traffic conditions. A comprehensive report is generated after each study and available for public review. Requests for street studies can be sent to Sgt Dillinger or the Chief's Office.

#### Juvenile Approved Room in New Addition-

- Currently working to obtain state authorization to utilize conference room and complaint reception room at police department as approved juvenile space. Reviewing options to provide cable television services in the complaint room and conference room for children when needed. Ms. Randazzo suggested a smart tv with internet-based services as an affordable option.

#### Crosswalk Study-

- Kingston Avenue and East Main Street- Currently reviewing the feasibility of deploying a crossing guard during the elementary school crossing times and the implementation of a guarded post at this intersection to facilitate Middle School pedestrian traffic.

#### Port Jervis PD – Fearless! Hudson Valley Risk Reduction Response Program Changes

- Ms. Meaghan Ruiz, Fearless! Hudson Valley Program Director for the Port Jervis Risk Reduction Response Program has been promoted to the new role of Program Director for Fearless! Sullivan County Sexual Assault Program. Mr. Scott Gangemi has been promoted to serve in the role of the City of Port Jervis RRRP Project Coordinator and will be co-located with the police department. Mr. Gangemi has served with Fearless! since 2020 as a volunteer, Family Justice Center advocate and as a liaison to the Orange County District Attorney's Office.

**Committee Comments:**

No actions to report on.

**Executive Session-** The committee entered Executive Session at 6:46pm to discuss the employment contract renewal for the Administrative Assistant to Chief of Police.

Executive Session Concluded at 7:19pm.

Meeting Adjourned at 7:20pm.

Respectfully Submitted,

William J. Worden

Chief of Police



### **Port Jervis City Police Department Joins National *ABLE* Project**

27 September 2021 – The Port Jervis City Police Department has been accepted into the Active Bystandership for Law Enforcement (ABLE) Project™, Georgetown University Law Center’s national training and support initiative for U.S. law enforcement agencies committed to building a culture of peer intervention that prevents harm.

By demonstrating a firm commitment to transformational reform with support from local community groups and elected leaders, the City of Port Jervis Police Department joins a select group of more than 180 other law enforcement agencies and statewide and regional training academies from across the country and in Canada.

Backed by prominent civil rights and law enforcement leaders, the evidence-based, field-tested ABLE Project was developed by Georgetown Law’s Innovative Policing Program in collaboration with global law firm Sheppard Mullin LLP to provide practical active bystandership strategies and tactics to law enforcement officers to prevent misconduct, reduce mistakes, and promote health and wellness.

ABLE gives officers the tools they need to overcome the innate and powerful inhibitors all individuals face when called upon to intervene in actions taken by their peers.

On September 2, 2021, Sgt. Daniel Mioglionico and Officer Patrick Kerr of the Port Jervis City Police Department, both certified DCJS General Topic Instructors, successfully completed the 20 hour ABLE “Train the Trainer” program and are now certified ABLE Trainers. Over the coming months, all Port Jervis Police Department officers will receive 8 hours of evidence-based active bystandership education designed not only to prevent harm, but to change the culture of policing. In addition, ABLE in-service training will be incorporated annually into the department’s training program.

Chief of Police William Worden said seeking inclusion to join the ABLE Project reflected important priorities for the City of Port Jervis Police Department and the City of Port Jervis Community Police Collaborative and Reform Committee. “Our city police department is proactive, community oriented, and strives to provide the highest levels of professional and ethical service to the community we serve. We are committed to the ABLE Program Principles that fosters a culture that supports meaningful active bystandership training for police officers resulting in improved police/community relations, improved officer job satisfaction, and improved overall citizen satisfaction with our law enforcement service”.



*Innovative Policing Program*  
GEORGETOWN LAW

Those backing the Port Jervis Police Department’s application to join the program included Mayor Kelly Decker and the Port Jervis City Common Council, The City of Port Jervis Police Collaborative and Reform Committee, Chief of Police William Worden, the Port Jervis Salvation Army and Operation PJ Pride who wrote letters of support.

Professor Christy Lopez, co-director of Georgetown Law’s Innovative Policing Program, which runs ABLE, explained: “The ABLE Project seeks to ensure every police officer in the United States has the opportunity to receive meaningful, effective active bystandership training, and to help agencies transform their approach to policing by building a culture that supports and sustains successful peer intervention to prevent harm.”

Chair of the ABLE Project Board of Advisors, Sheppard Mullin partner Jonathan Aronie, added: “Intervening in another’s action is harder than it looks after the fact, but it’s a skill we all can learn. And, frankly, it’s a skill we all need – police and non-police. ABLE teaches that skill.”

The ABLE Project is guided by a Board of Advisors comprised of civil rights, social justice, and law enforcement leaders, including Commissioner Michael Harrison of the Baltimore Police Department; Commissioner Danielle Outlaw of the Philadelphia Police Department; Dr. Ervin Staub, professor emeritus at the University of Massachusetts Amherst and the founder of the Psychology of Peace and Justice Program; and an impressive collection of other police leaders, rank and file officers, and social justice leaders.

For more information on the ABLE Project, contact Liza, ABLE Program Associate, at [LBA17@georgetown.edu](mailto:LBA17@georgetown.edu) or Lisa, ABLE Project Director, at [Lisa.Kurtz@georgetown.edu](mailto:Lisa.Kurtz@georgetown.edu).

Another Successful Fall Foliage Festival goes down in the History Books for Port Jervis NY.

The Tourism Board has just celebrated its 28 Annual event this past Sunday. The weather was perfect & the festival had 1000's of visitors! I would like to Thank everyone who made the event a tremendous success!

\* Tourism Board Members

Maria Mann, Melissa Newhauser, Theresa Balog, Jin Pang, Bob Bloomer, Bill Schille, Mike Meyer, Formed TB members Lorraine & Mario Marquez

\* A Special Thank you goes to Catherine Westfall. Catherine solicited all the sponsors for this year's tee shirts - And then spending the day selling the

\* Thank-you to All Our Tee Shirt Sponsors! your generous contribution helps our events succeed!

There & Other People Also have made our festival work smoothly

\* City Clerks Office \* DPW \* Ambulance Squad  
Port Jervis Police Dept. \* Parks  
Recreation, Director John Faggione & ~~Port Jervis~~ Rec - Wagneta  
~~DPW~~ the HS Honor Students & their youthful spirit.

Port Jervis Mayor Kelly Decker for assisting At the Eve  
Grace Woodward w/ DLC Radio  
The Push'n Country Dancers

~~And~~ All the Vendors, Visitors, & Entertainers  
And the Support from our City!

We Love you & Appreciate You!!!

Thank You!

## Clerk Treasurer

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**From:** John Faggione  
**Sent:** Monday, September 27, 2021 11:29 AM  
**To:** Chandler Campbell; Mayor; Clerk Treasurer  
**Subject:** Recreation update

September 27, 2021

1. The Youth Center Recreation Room is open Monday- Friday 3 pm- 6 pm. The Youth Center is free of charge and open to kids ages 7 and up. Kids can do their homework, play video games, watch TV, play board games, do arts and crafts and bowl all at the youth center! For more information or to register contact the Recreation office at 845-858-4045. The youth center is closed in October 11- Columbus Day.
2. The 72nd Halloween Parade is scheduled for Saturday October 30. Line up is at 3 pm on Hammond St. in front of City Hall and parade starts at 3:30 pm. The parade is for kids, adults and pets! Prizes awarded and refreshments served at conclusion of parade at Farnum Park. Raindate is October 31- same times and location. Remember to dress festive!
3. Our fall park clean up day is scheduled for Saturday November 6 between 10 am- 12 pm. We are looking for volunteers to help clean up leaves and debris from our parks. We are meeting at veterans park at 10 am.
4. Our Little Chefs classes started this past Saturday and will continue through October 23. Classes are full and each week the kids make a new and delicious dish.
5. Thank you to our maintenance staff for replacing the 3 broken slides at church street park, farnum park and riverside park. Our staff will next tackle finishing work on the skateboard park.
6. The next recreation commission meeting is scheduled for Thursday October 21 at 6 pm at the Youth Center.

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**CITY OF PORT JERVIS**

Accounts Payable

9/27/2021

Council Meeting

<b>1 General Fund</b>	\$298,600.36
<b>2 Water Fund</b>	\$49,029.91
<b>3 Sewer Fund</b>	\$11,151.56
<b>4 Capital Fund</b>	\$15,305.36
<b>5 Trust and Agency</b>	\$35,066.78
<b>Total</b>	<u><u>\$409,153.97</u></u>

**GENERAL, WATER & SEWER FUNDS**

Global Montello Group (gas/diesel)	\$18,635.59
NYS Employees Health Insurance	\$248,651.98
Orange County Landfill	\$26,574.18
CSEA Employee Benefit	\$6,907.53

**CAPITAL FUND**

Orange County Land Trust	\$13,197.70
Dicks Concrete Co Inc	\$747.66
One Stop Computers	\$760.00

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

**2017 Serial Bond Re-Allocation**

**WHEREAS**, the City of Port Jervis Common Council has recognized that the 2017 Serial Bond requires amendment to the distribution of the original allocation, and

**WHEREAS**, The City of Port Jervis recognizes the need for the following changes in allocation:

- Re-Allocate \$55,000 from City Hall Building Improvements for PD renovations
- Re-Allocate \$21,000 from Impound Yard for Range Building/Impound Yard
- Re-Allocate \$70,000 from Water Storage Tanks for In House Water Pump Replacement and 3 Ozone Air Compressors , and

**THEREFORE, BE IT RESOLVED**, that the Common Council of the City of Port Jervis Authorizes the City Clerk Treasurer re-allocate the distribution as detailed.

PASSED AND ADOPTED on this 27th day of September 2021 by the following vote:

Motion by: *Trovei*

Second by: *Simmons*

<b>Dominick Santini</b>	<b>1st Ward</b>	<i>Absent</i>
<b>Regis Foster</b>	<b>1st Ward</b>	<i>AyE</i>
<b>Chandler Campbell</b>	<b>2nd Ward</b>	<i>Absent</i>
<b>Maria Mann</b>	<b>2nd Ward</b>	<i>AyE</i>
<b>Gerald Oney JR</b>	<b>3rd Ward</b>	<i>AyE</i>
<b>Kristin Trovei</b>	<b>3rd Ward</b>	<i>AyE</i>
<b>Stanley Siegal</b>	<b>4th Ward</b>	<i>AyE</i>
<b>Timothy Simmons</b>	<b>4th Ward</b>	<i>AyE</i>
<b>Lisa Randazzo</b>	<b>Councilwoman-At-Large</b>	<i>AyE</i>

Attest: *Laura Quick*  
\_\_\_\_\_  
Laura Quick, City Clerk-Treasurer





**RESOLUTION TO APPROVE SIEMANS EQUIPMENT LEASE**

**WHEREAS**, the Common Council of the City of Port Jervis, New York (“Lessee”) has reviewed and determined its anticipated equipment requirements.

**WHEREAS**, The Common Council has determined that it is in the Lessee’s best interest to acquire the equipment (the “Equipment”\_ described in Amendment No 2 (the “Contract Amendment”) , which amends and incorporates the terms of the Performance Contracting Agreement dated April 28, 2011 (as previously amended and supplemented by the Amendment No 1 thereto), by and between Lessee and Siemens Industry, Inc, a copy of which is attached hereto as **Exhibit A**, and to finance such acquisition under Leasing Schedule #20007620 (the “Lease”), which incorporates the terms and conditions of the Master Lease Purchase Agreement (the “agreement”), between Lessee and Siemens Public, Inc, copies of which are attached hereto as **Exhibit B**, with the terms of such financing to be in accordance with the Proposal dated August 20,2021 from Siemens Public, Inc to Lessee, a copy of which is attached hereto as **Exhibit C**; and

**WHEREAS**, in connection with the execution and delivery of the Lease, it will be necessary for Lessee to enter into an Escrow Agreement Relating to Equipment Subject to Leasing Schedule #20007620 (the “Escrow Agreement”) among Lessee, Siemens Public, Inc. and the escrow agent named therein, a copy of which document is attached hereto as **Exhibit C**; and

**THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL THAT:**

1. Lessee shall acquire the Equipment.
2. The Contract Amendment, as incorporating the terms and conditions of the Performance Contracting Agreement, the Lease, as incorporating the terms and conditions of the Agreement, and the Escrow Agreement are hereby approved, and the Mayor of Port Jervis or the City Clerk-Treasurer of the Lessee designated by any of them in writing is hereby authorized to execute (i) the Contract Amendment; (ii) the Lease, as incorporating the terms and conditions of the Agreement, and (iii) the Escrow Agreement, all substantially in the forms attached hereto with such changes or amendments (substantial or otherwise)as are approved by the officer of the Lessee executing those documents, such approval to be conclusively evidenced by that officer’s execution of those documents, and (iv) all other documents, instruments, certificated and agreements related to the Contract Amendment, the Escrow Agreement and the Lease.

Motion by: *Oney*

Second by: *Simmons*

<b>Dominick Santini</b>	<b>1st Ward</b>	<i>Absent</i>
<b>Regis Foster</b>	<b>1st Ward</b>	<i>Yes</i>
<b>Chandler Campbell</b>	<b>2nd Ward</b>	<i>Absent</i>
<b>Maria Mann</b>	<b>2nd Ward</b>	<i>Yes</i>
<b>Gerald Oney JR</b>	<b>3rd Ward</b>	<i>yes</i>
<b>Kristin Trovi</b>	<b>3rd Ward</b>	<i>yes</i>
<b>Stanley Siegal</b>	<b>4th Ward</b>	<i>yes</i>
<b>Timothy Simmons</b>	<b>4th Ward</b>	<i>Yes</i>
<b>Lisa Randazzo</b>	<b>Councilwoman-At-Large</b>	<i>Yes</i>

PASSED AND ADOPTED on this 27<sup>th</sup> day of September, 2021 by the following vote:

AYES: *7*

ABSENT: *2*

NOES: *0*

ABSTAIN: *0*

Attest: *Laura Quick*  
 Laura Quick, City Clerk Treasurer

CITY OF PORT JERVIS  
PUBLIC HEARING

1

Date 9/27/2021 Dept \_\_\_\_\_

Laura Meyer  
Name

4 Lincoln St. PJ  
Address or Phone Number

Sean Adley  
Name

9 Lyman St PJ  
Address or Phone Number

Cy Pappas  
Name

18 Catharine Street PJ  
Address or Phone Number

Seemayda Lopez  
Name

570 257 Ave 5  
Address or Phone Number

Robert Callaway  
Name

3 Chestnut St  
Address or Phone Number

Colin O'Connell  
Name

17 Liberty St.  
Address or Phone Number

\_\_\_\_\_  
Name

\_\_\_\_\_  
Address or Phone Number

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Name

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Address or Phone Number

# Capital Markets Advisors, LLC

*Independent Financial Advisors*

## FINANCIAL ADVISORY SERVICES AGREEMENT

This Agreement has been entered into this 27<sup>th</sup> day of September, 2021 by and between the City of Port Jervis, New York (the "City") and Capital Markets Advisors, LLC ("CMA"), a limited liability company created under the laws of the State of New York and having its principal place of business at 11 Grace Avenue, Suite 308, Great Neck, New York 11021.

### **Section 1 Financial Advisory Services**

CMA will provide the following services in connection with bond and note financings (the "Issue"), undertaken by City during the term of this Agreement.

- 1.01 Review legal, financial, economic and other information necessary for CMA to advise the City in planning, structuring and otherwise completing each Issue to be undertaken by the City.
- 1.02 Discuss a plan of financing which will include CMA's analysis and recommendations to the City regarding funding requirements, structuring alternatives, marketing, method of sale, security features, call provisions, credit ratings, credit enhancement, term, federal tax implications and such other matters which the City and CMA agree should be included in the plan of financing.
- 1.03 Prepare or assist in the preparation of financing documents, as required by the City, including but not limited to: term sheet, Official Statement, Notice of Sale and bid sheet, request for a credit rating, request for bond insurance, DTC Letter of Representations, and post-sale analysis.
- 1.04 Upon the request of the City, CMA will assist the City in the selection of other service providers necessary to conduct each Issue including but not limited to Bond Counsel, rating agencies, bond insurer, underwriters, trustee and financial printer, if appropriate.
- 1.05 Prepare and maintain a financing schedule, costs of issue, list of participants, and take such other actions requested by the City to efficiently manage each Issue to meet City's objectives.
- 1.06 Participate in the sale of the debt, confirm net interest cost calculation, verify underwriter's compensation and make a recommendation as to award.
- 1.07 Assist the City with the delivery of proceeds of each Issue, payment of issuance costs and other matters related to closing each Issue.
- 1.08 Prepare final debt service schedules.
- 1.09 Assist with the closing of the Issue and verify receipt of Issue proceeds.

### **Section 2 Compensation**

- 2.01 For CMA's performance of services on behalf of the City as described in Sections 1 hereof, CMA's compensation, a portion of which is dependent on an issue closing, will be as follows:
  - For new money bond issues: a base fee of \$7,500 plus \$0.50 per \$1,000 of bonds issued
  - For note issues: \$4,750
  - For refunding bond issues: a base fee of \$17,500 plus \$1.00 per \$1,000 of refunding bonds issued
  - For Continuing Disclosure services: an annual fee of \$2,500

# Capital Markets Advisors, LLC

*Independent Financial Advisors*

- 2.02 For advisory services rendered for which the above fees are not applicable, CMA will be compensated on an hourly basis at a rate of \$180 per hour.
- 2.03 The City will pay normal issuance costs such as printing, postage, photocopying, overnight delivery, web posting, Bond Counsel, rating agency fees and other associated expenses.
- 2.04 Payment of CMA's compensation for a financing is due within 30 days of receipt by the City of CMA's invoice.

### **Section 3 Term of Agreement**

The term of this Agreement shall be from the date hereof to December 31, 2022.

### **Section 4 Disclosure**

CMA does not assume the responsibilities of the City, nor the responsibilities of the other professionals and vendors representing the City, in the provision of services and the preparation of financing documents for financings under this agreement. CMA accepts the relationship of trust and confidence established between it and the City. CMA agrees to furnish its best skill and judgment in the performance of its services in the most expeditious and economical manner consistent with the interests of the City. Information obtained by the CMA, either through its own efforts or provided by the City, included in the financing documents, or otherwise provided to the City, is by reason of experience and professional judgment, believed to be accurate; however, such information is not guaranteed by the CMA. However, nothing in this paragraph shall relieve CMA from liability due to negligence or want of due diligence in the performance of its services.

### **Section 5 Binding Effect**

All agreements and covenants contained herein are severable and in the event any of them shall be held to be invalid by any competent court, this agreement shall be interpreted as if such invalid agreements or covenants were not contained herein, and the remaining provisions of this agreement shall remain in full force and effect. Each party hereto represents and warrants that this agreement has been duly authorized and executed by it and constitutes its valid and binding agreement and any governmental approvals necessary for the performance of this agreement have been obtained.

### **Section 6 Required Regulatory Disclosure**

Municipal Securities Rulemaking Board ("MSRB") Rule G-10 requires that municipal advisors, including CMA, provide to their clients the following information once each calendar year: (i) CMA is registered as an independent municipal advisor with the MSRB and the US Securities and Exchange Commission ("SEC"); (ii) CMA is subject to the regulations and rules on municipal advisory activities established by the SEC and MSRB; (iii) the website for the MSRB is [www.msrb.org](http://www.msrb.org) and the website for the SEC is [www.sec.gov](http://www.sec.gov) and (iv) in addition to having educational materials about the municipal securities market, the MSRB website has a municipal advisory client brochure that describes the protections that may be provided by the MSRB rules and how to file a complaint with the appropriate regulatory authority.

MSRB Rule G-42 requires that municipal advisors, including CMA, inform their clients as to any conflicts of interest that may exist that could impact the client. To the best of our knowledge and belief, neither

**Capital Markets Advisors, LLC**  
*Independent Financial Advisors*

CMA nor any registered associated person has any material undisclosed conflict of interest that would impact CMA's ability to service the City.

**Section 7 Independent Contractor**

CMA hereby acknowledges and agrees that its status under this Agreement will be that of an independent contractor. CMA and its officers, agents and employees shall not represent themselves as City employees to any third party, nor shall they make any claim to the City, or to any other person or entity, for benefits or privileges granted to City employees, including but not limited to, Unemployment and Workers Compensation benefits. CMA further acknowledges and agrees that the City shall not take any deductions or withholdings from CMA's compensation to pay federal or state taxes, or any other assessment, cost, expense or obligation which CMA or its officers, employees or agents may incur as a result of CMA receiving compensation pursuant to this agreement.

**Section 8 Modification**

This Agreement contains the entire agreement of the parties. It may be amended in whole or in part from time to time in writing by mutual consent of the parties.

**IN WITNESS WHEREOF**, the parties have duly executed this Agreement as of the day and year first set forth on the first page hereof.

**Capital Markets Advisors, LLC**

**City of Port Jervis, New York**

*Richard Tortora*

Richard R. Tortora  
President

By: *Executed Agreement*

Name: *On file in Clerk's*

Title: *Office.*

**TITLE: APPROVING THE FINDING STATEMENT RELATIVE TO THE SEQR FOR THE CITY OF PORT JERVIS – TOWN OF DEERPARK ANNEXATION AND DEVELOPMENT PROJECT.**

**WHEREAS**, the City of Port Jervis proposes the annexation of two groups of parcels from the Town of Deerpark, NY – known as the Quarry Site and the Interchange Site; and

**WHEREAS**, the City of Port Jervis – Town of Deerpark Annexation and Development Project (“Proposed Action”) involves the connections of these sites into the City’s centralized water and sewer systems to enable the development of light industrial buildings at the Quarry Site and commercial, retail, and lodging space at the Interchange Site; and

**WHEREAS**, this Proposed Action is subject to the requirements of the New York State Environmental Quality Review Act (“SEQRA”) set forth in Article 8 of the New York State Environmental Conservation Law; and

**WHEREAS**, based on a review of the applicable SEQRA regulations in 6 NYCRR Part 617, the Proposed Action was classified as a “Type I” action, a coordinated review process was completed, and the City of Port Jervis Common Council declared themselves as the SEQRA Lead Agency for the Proposed Action; and

**WHEREAS**, this Common Council, acting as Lead Agency, has completed its review of the Full Environmental Assessment Form at its meeting on January 27, 2020, and determined that the Proposed Action may result in one or more significant adverse environmental impacts and has previously issued a resolution declaring a positive declaration and the reasons for this determination at its meeting on January 27, 2020; and

**WHEREAS**, this Common Council completed its review of the Final Scoping Document at its meeting on April 13, 2020 and approved the Final Scoping Document; and

**WHEREAS**, in accordance with the SEQRA regulations, the Draft Generic Environmental Impact Statement (DGEIS) was completed and issued for public review and comment on July 30, 2021; and

**WHEREAS**, this Common Council completed its review of the Final Generic Environmental Impact Statement (FGEIS) and approved the FGEIS on September 27, 2021; and

**WHEREAS**, this Common Council has reviewed the Findings Statement.

**NOW THEREFORE, BE IT**

**RESOLVED**, this Common Council, acting as Lead Agency, has thoroughly reviewed the Finding Statement for the proposed action and has determined it to be complete and adequate with respect to its scope and content; and be it further

**RESOLVED**, this Common Council authorizes and directs the Mayor and/or City Clerk to make available the Finding Statement to involved and interested parties, as well as the public, and further arranging for a copy of the document to be maintained on the City’s website to ensure it is accessible to the public; and be it further

**RESOLVED**, the City's legal counsel, Mayor, Barton & Loguidice project contact, and/or City Clerk are authorized to file the appropriate SEQRA Notices and take whatever other steps are necessary to carry out this resolution.

Motion by: *Randazzo*      Second by: *Oney*

<b>Dominick Santini</b>	<b>1st Ward</b>	<i>Absent</i>
<b>Regis Foster</b>	<b>1st Ward</b>	<i>Yes</i>
<b>Chandler Campbell</b>	<b>2nd Ward</b>	<i>Absent</i>
<b>Maria Mann</b>	<b>2nd Ward</b>	<i>yes</i>
<b>Gerald Oney JR</b>	<b>3rd Ward</b>	<i>yes</i>
<b>Kristin Trovi</b>	<b>3rd Ward</b>	<i>Yes</i>
<b>Stanley Siegal</b>	<b>4th Ward</b>	<i>yes</i>
<b>Timothy Siimmons</b>	<b>4th Ward</b>	<i>yes</i>
<b>Lisa Randazzo</b>	<b>Councilwoman-At-Large</b>	<i>Yes</i>

PASSED AND ADOPTED on this 27<sup>th</sup> day of September, 2021 by the following vote:

AYES:   7  

ABSENT:   2  

NOES:   0  

ABSTAIN:   0  

Attest: *Laura Quick*  
 Laura Quick, City Clerk Treasurer

**State Environmental Quality Review  
Notice of Completion of Final GEIS**

**Date:** September 27, 2021

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law.

A Final Generic Environmental Impact Statement (FGEIS) has been completed and accepted by the City of Port Jervis, as lead agency, for the proposed action described below.

**Name of Action:** Port Jervis – Deerpark Annexation and Development Project

**Description of Action:**

The proposed action is the annexation from the Town of Deerpark into the City of Port Jervis of the "Quarry" Site and the "Interchange" Site and development associated at each.

The Quarry Site is approximately 116.8 acres and the development scenario consists of ten (10) parcels; six (6) of the parcels are being annexed, two (2) parcel are already in the City, and two (2) parcels are part of the development scenario as an access road but they are not being annexed. Development of the Quarry Site may include industrial or light industrial operations, manufacturing, recycling, distribution, data management, warehousing, or other uses corresponding with the applicable City of Port Jervis Zoning Code.

The Interchange Site is approximately 24.5 acres and the development scenario consists of two (2) parcels; the southern parcel is part of the annexation while the northern parcel is not being annexed as it is already in Port Jervis. Both parcels are included in the development scenario. Development of the Interchange Site will be consistent with the Neighborhood Mixed Use District it abuts. Proposed development at the Interchange Site includes a hotel, restaurants, and a gas station with the potential for grocery store, bank, dry cleaner, or medical offices.

**Location:** *(Include street address and the name of the municipality/county. A location map of appropriate scale is also recommended.)*

There are two separate and distant locations that are proposed for annexation into the City. One location, along the eastern border of the City, is a former Quarry bordering Ryan Street and NYS Route 209 (the "Quarry" Site), and the other location is at the southern part of the City between County Route 16 (Maple Ave) and County Route 15, north of Interstate-84 (I-84) (the "Interchange" Site).



**Potential Environmental Impacts:**

Annexation and Development of the Quarry Site and Interchange Site has the potential to cause the following impacts. The document evaluates acceptable thresholds for impacts related to geology, topography, water supply / wastewater disposal, site drainage, general ecology and wildlife resources, wetlands and other waters of the United States, power utilities, transportation systems, community character and land use, visual resources, parks and recreation, socioeconomics, historical and archaeological resources, noise, climate and air resources, and emergency services. These thresholds are detailed in Section 3 while potential impacts and mitigation measures are detailed in Section 4.

While impact to geology, especially at the Interchange Site, will be irretrievable, it will not be significant and will not require mitigation. Topography is likely to be more impacted at the Interchange Site, with some grading required to access the site from County Route 15, than the Quarry Site but no mitigation will be necessary. Impacts to water supply / wastewater disposal, site drainage, power utilities, community character and land use, socioeconomics, climate and air resources, and emergency services are expected to be limited and minor - if any - mitigation actions are recommended.

Adverse impacts to general ecology and wildlife resources at both sites are unlikely, but potential impacts will be mitigated by tree clearing limitations - particularly at the Interchange Site - and monitoring of any timber rattlesnake observations at the Quarry Site.

Impacts to transportation resources are expected to be significant at full build-out at both locations and mitigation measures including traffic signals and turning lanes will reduce but not alleviate all impacts. Impacts to wetlands and waters of the United States, historical and cultural resources, and noise are avoided and mitigated by proposed development staying within its limits of disturbance usually toward the center of the sites.

**A copy of the Final GEIS may be obtained from:**

Contact Person: Mayor Kelly Decker

Address: 20 Hammond Street, Port Jervis, NY 12771

Telephone Number: (845) 858-4017

Web Address: <https://www.portjervisny.org/slider/annexation/>

**A copy of this notice must be sent to:**

Department of Environmental Conservation, 625 Broadway, Albany, New York 12233-1750

Chief Executive Officer, Town of Deerpark, PO Box 621, Huguenot, NY 12746

Any person who has requested a copy of the Draft / Final EIS

Any other involved agencies

Environmental Notice Bulletin, 625 Broadway, Albany, NY 12233-1750 – [enb@dec.ny.gov](mailto:enb@dec.ny.gov)

---

*Final Generic Environmental Impact Statement*

# **Port Jervis – Deerpark Annexation & Development**

Prepared For

**City of Port Jervis**

20 Hammond Street  
Port Jervis, NY 12771

September 2021

**Barton & Loguidice**

**Final Generic Environmental Impact Statement**

**Port Jervis – Deerpark Annexation and Development**

**September 2021**

**FGEIS Prepared For:**

**City of Port Jervis Common Council  
20 Hammond Street  
Port Jervis, NY 12771**

**Prepared By:**

**Barton & Loguidice, D.P.C.  
10 Airline Drive, Suite 200  
Albany, New York 12205**

**Date of Acceptance of FGEIS by Lead Agency: September 27, 2021**

**Project Sponsor, Involved and Interested Agencies**

Project Sponsor/Lead Agency:

City of Port Jervis Common Council  
20 Hammond Street  
Port Jervis, NY 12771

Involved or Interested Agencies:

Port Jervis City Planning Board ZBA  
20 Hammond Street  
Port Jervis, NY 12771

Deerpark Town Board  
20 US-209  
Huguenot, NY 12746

Orange County Health Department  
47 Academy Ave, Middletown, NY 10940  
104 2nd St, Newburgh, NY 12550  
124 Main St #3, Goshen, NY 10924

Orange County Planning Department  
124 Main Street  
Goshen, NY 10924

NYS DOT Region 8 Office  
4 Burnett Boulevard  
Poughkeepsie, NY 12603

NYSOPRHP Region 8 Palisades Office  
Palisades Interstate Parkway  
Bear Mountain, NY 10911

NYSDEC Region 3 Office  
21 South Putt Corners Road  
New Paltz, NY 12561-1696

U.S. Army Corps of Engineers Philadelphia District Office  
100 E Penn Square East  
Philadelphia, PA 19107

**Table of Contents**

<u>Section</u>	<u>Page</u>
ABBREVIATIONS .....	2
Glossary of Terms.....	3
1.0 Introduction.....	4
1.1 Proposed Action.....	4
2.0 State Environmental Quality Review Act Process.....	6
2.1 Organization of the FGEIS.....	6
2.2 Document Availability .....	6
2.3 DGEIS Public Comment Opportunities .....	6
3.0 Revisions to the DGEIS .....	7

Appendices

Appendix A – Typographical Revisions to DGEIS

**ABBREVIATIONS**

*NYS* – New York State

*NYSDEC* – New York State Department of Environmental Conservation

*NYS DOT* – New York State Department of Transportation

*NYSOPRHP* – New York State Office of Parks, Recreation, and Historic Preservation

*NYCDEP* – New York City Department of Environmental Protection

*NYCRR* – New York Codes, Rules, and Regulations

*DGEIS* – Draft Generic Environmental Impact Statement

*FGEIS* – Final Generic Environmental Impact Statement

*ZBA* – Zoning Board of Appeals

## **GLOSSARY OF TERMS**

*City* – City of Port Jervis

*County* – Orange County

*Positive Declaration* – A determination made by the lead agency that an action may result in one (1) or more significant environmental impacts and will require the preparation of an environmental impact statement before agency decisions may be made regarding the action. The positive declaration starts the environmental impact statement process.

*SEQRA* – State Environmental Quality Review Act, codified in Article 8 of the New York State Environmental Conservation Law with implementing regulations codified at 6 NYCRR Part 617 (Title 6 of the Official Compilation of Codes, Rules, and Regulations of the State of New York).

*State* – New York State

*Town* – Town of Deerpark

## **1.0 INTRODUCTION**

This FGEIS is issued in accordance with Article 8 of the Environmental Conservation Law (SEQRA) and the regulations that implement SEQRA (6 NYCRR Part 617). The City of Port Jervis is the Sponsor for the project and proposes the annexation and development of two (2) sites: the "Quarry" Site and the "Interchange" Site. This document details the project, the existing setting, the beneficial and potential adverse consequences associated with the proposed Quarry and Interchange Sites, and the measures proposed to mitigate potential adverse impacts anticipated to result from the implementation of the proposed action.

### **1.1. Proposed Action**

The project came to fruition when two property owners expressed interest in redeveloping properties in the Town of Deerpark. A light industrial park is proposed at the Quarry Site, while retail, dining, and lodging uses are proposed at the Interchange Site. Each Site would be annexed into the City of Port Jervis to obtain access to their municipal sanitary sewer system. The City is permitted to provide municipal water and storm infrastructure outside its limits, but not municipal sewer; this is due to New York City Department of Environmental Protection (NYCDEP) regulations (NYCDEP owns and operates Port Jervis' wastewater treatment plant). A mutually beneficial way of providing municipal sewer service and supporting the future development of both Sites is through the annexation of the majority of the Quarry Site and the Interchange Site tax parcels by the City of Port Jervis.

#### **1.1.1. Quarry Site**

The Quarry Site development scenario consists of ten (10) parcels; six (6) of the parcels are being annexed, two (2) parcels are already in the City, and two (2) parcels in the Town will be used as part of access to the Site and are part of the development scenario but are not being annexed.

The Quarry Site is 116.8 acres in size, located on the northwest side of NYS Route 209, a State road in the Town of Deerpark, Orange County, New York, and is also fronting on Ryan Street in the City of Port Jervis. The Site is zoned I-1; Industrial in Deerpark and abuts an R-2 (Medium Density Residential) zoning district in the City of Port Jervis. The Site is bounded to the south by commercial and industrial uses along NYS Route 209; to the east and north by lands of the City of Port Jervis and Orange County; to the west by residential uses and vacant land in the City of Port Jervis. Canal Street borders the Site to the north and west. Highway access to and from the Quarry Site is currently via NYS Route 209, a two-lane secondary highway maintained in good condition by the New York State Department of Transportation (NYSDOT). The Site is marginally constrained by a power line easement along the eastern boundary, operated by Orange and Rockland Utilities. Access to/from the Site via Ryan Street shall be restricted to local traffic and emergency vehicles.



Upon annexation, the Quarry Site will be added to the City's Light Industrial (LI) Zoning District. The Quarry Site will likely be developed in phases, with timing for its development depending on a tenant's specific location preferences and facility needs. The analysis in this report assumes full build-out. The general layout for the Site uses a building footprint of approximately 587,000 sq. ft. The layout plan for warehouse/light industrial uses five (5) buildings and 300 to 330 parking spaces.

The conceptual design layout utilizes existing vehicular access from Ryan Street and from NYS Route 209. NYS Route 209 will be accessed by an existing two-lane site entrance. The Site's access roads will be maintained in the present location to minimize additive traffic impacts from the project. Access to Ryan Street shall be restricted to local traffic, trucks for delivery, and emergency vehicles.

Implementation of a phased development at the Quarry Site may include the construction of multiple buildings.

#### 1.1.2. Interchange Site

The Interchange Site development scenario consists of two (2) parcels; the southern parcel (57-3-2) is part of the annexation, while the northern parcel (20-7-8.2) is not being annexed as it is already in Port Jervis, but it is part of the development scenario. The Site fronts County Routes 15 and 16, and is north of I-84. The southern parcel is currently zoned IB; Interchange Business in the Town of Deerpark, while the northern parcel is zoned in the City of Port Jervis' Neighborhood Mixed-Use District to the north. The area to the south of the Site is included in the Town of Deerpark's Interchange Business zoning district. The Site is bounded to the south by vacant commercial uses, to its east by County Route 15 across which a NYSDOT Highway Garage is located, to its west by County Route 16 and residential uses, and to its north by open space, which includes Clove Brook and scattered residential uses.

Upon annexation, the Interchange Site will be added to the City's Neighborhood Mixed-Use (NMU) Zoning District. Development of the Site is planned in phases, although timing for its development depends on a tenant's specific location preferences and facility needs.

Phase 1, considered in this SEQRA process, includes the construction of a 100-room hotel, two (2) sit-down restaurants, one (1) drive-through fast food restaurant, and a gas station. An ingress/egress point would be created at the southeast corner of the parcel off of County Route 15. The existing conditions of this access point location include slopes greater than 25% slope, which will require re-grading to meet local standards. Phase 1 construction would total an approximate 70,000 sq. ft. footprint with an approximate 8.5 acre area of disturbance.

## **2.0 STATE ENVIRONMENTAL QUALITY REVIEW ACT PROCESS**

### **2.1 Organization of the FGEIS**

This FGEIS addresses comments on the DGEIS submitted by Involved and Interested Agencies and members of the public. Terms used in the FGEIS have the same meaning as those included in the Glossary of Terms contained in the DGEIS. Section 1.0 of this FGEIS (Introduction) provides a summary of the Proposed Action. This section, Section 2.0, describes the organization of the FGEIS, provides a list of locations where the FGEIS is available for public review, and summarizes the opportunities for public comment subsequent to issuance of the DGEIS on July 30, 2021.

Section 3.0 of this FGEIS (Revisions to the DGEIS) describes the changes that have been made to the DGEIS. Except for the DGEIS revisions described in this FGEIS, the information and environmental analyses contained in the DGEIS remain unchanged. The DGEIS dated July 30, 2021 is hereby incorporated by reference in this FGEIS.

### **2.2 Document Availability**

This FGEIS has been filed pursuant to 6 NYCRR Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law. Hard copies of this FGEIS, including a full set of the FGEIS and DGEIS documents (including all separately bound appendices) have been filed at:

- Port Jervis City Hall, 20 Hammond Street, Port Jervis, NY 12771
- Deerpark Town Hall, 20 US-209, Huguenot, NY 12746

Electronic copies of the FGEIS and DGEIS for the Proposed Action, including all separately bound documents, can be reviewed at the following website:

<https://www.portjervisny.org/slider/annexation/>. A public notice will be posted in the Environmental Notice Bulletin informing the public of the acceptance of the FGEIS by the City of Port Jervis. Hard copies of the FGEIS will be supplied to all Involved Agencies.

### **2.3 DGEIS Public Comment Opportunities**

The DGEIS for the Proposed Action was issued for public review and comment on July 30, 2021. Full sets of the DGEIS were made available for public review at the locations listed above and digitally through the City website.

A Notice of Availability detailing the issuance and availability of the DGEIS was provided to the Involved Agencies and published in the NYSDEC's Environmental Notice Bulletin on July 26, 2021.

Written comments on the DGEIS were accepted by City of Port Jervis until the close of business on August 30, 2021. No submittals were received during the public comment period.

### **3.0 REVISIONS TO THE DGEIS**

No comments were received on the DGEIS from the Interested and Involved Agencies or the general public. As a result, only minor typographical edits were made to the DGEIS in Sections 2.3, 4.8, 4.10, and 5.10. The affected pages are included in Appendix A.

**Appendix A**  
**Typographical Revisions to DGEIS**

**Interested Agencies:**

- Orange County Planning
- New York State Office of Parks, Recreation and Historic Preservation (NYSOPRHP)

At the time of issuance of this DGEIS by the Lead Agency, the following approvals/permits have been identified as being necessary for implementation of the proposed action.

- Town of Deerpark and City of Port Jervis Planning Boards
  - Site Plan Approval
- City of Port Jervis Public Works / Water Department
  - Connection to municipal potable water system
- Orange County Planning Department
  - County Referral
- New York City Department of Environmental Protection
  - Connection to municipal wastewater system
- New York State Department of Environmental Conservation
  - State Pollutant Discharge Elimination System (SPDES) General Permit for Construction Activities
- New York State Department of Transportation (NYSDOT)
  - Highway Work Permit

**2.3. SEQRA/GEIS Review Procedures**

Prior to completing the GEIS, the City completed a series of procedural steps in accordance with the SEQRA regulations. These steps are described below.

**Determination of Significance**

The City of Port Jervis City Council prepared a Full Environmental Assessment Form (FEAF), determined that the proposed approval of the annexation and Site development has the potential to result in one or more significant and adverse environmental impacts, and so issued a positive declaration. The City determined that completion of a Generic Environmental Impact Statement (GEIS) process was appropriate given the action proposed.

**Scoping**

The City of Port Jervis accepted the Draft Scoping Document on January 31, 2020 and published it for public review. A public Scoping Meeting was held on February 10, 2020 at City Hall, 20 Hammond Street, Port Jervis, NY. A Draft Scoping Document was provided both on-line at <https://www.portjervisny.org/> and in hard copy at the meeting.<sup>ii</sup> The Draft Scoping Document was approved by the Common Council on March 9, 2020 before the Final Scoping Document for the Quarry and Interchange Draft Generic Environmental Impact Statement was approved by the City in April 13, 2020. Potentially significant issues identified during the scoping process

Table 15 – Route 209 and Site Driveway Level of Service

INTERSECTION	PEAK HOUR	APPROACH	EXISTING 2016		NO-BUILD 2018		BUILD 2016	
			Max v/c	LOS	Max v/c	LOS	Max v/c	LOS
ROUTE 209 AT SITE DRIVEWAY	Weekday	EB	0.12	B/12.5	0.13	B/12.6	1.24	F/177
		NB Lefts	0.01	A/0.3	0.01	A/0.4	0.01	A/5.2
UN SIGNALIZED THE BUILD SCENARIO INCLUDES AN EB RIGHT-TURN LANE	Weekday	EB	0.17	C/16.0	0.17	C/16.1	4.45	F/ERR
		NB Lefts	0.01	A/0.3	0.01	A/0.3	0.04	A/1.2

4.8.3. Mitigation Measures – Quarry Site

- NYS Route 209 and NYS Route 211 will not require proposed mitigation measures due to the traffic volumes and delays not being effected by the proposed project.
- NYS Route 209 and Hamilton Street will not require proposed mitigation measures due to the traffic volumes and delays not being effected by the proposed project.
- NYS Route 209 at the site access driveway will require NYSDOT’s approval of recommendations to be incorporated due to the increase to LOS of F for the AM and PM Peak hours from an existing condition of LOS B. *The 2017 Deerpark West Industrial Park Traffic Study assumed NYSDOT will review and provide their preferred mitigation for this intersection.*
  - The site driveway at Route 209 will not operate adequately under stop control
  - The site driveway at Route 209 will require the installation of a traffic signal
- Redevelopment of the site will result in an increase in public use of the bridge by motorists and there could be more than 1000 vehicles per day crossing the bridge to access the Site. A detailed inspection of the bridge structure over Gold Creek is necessary to determine the condition of the steel truss superstructure and concrete abutments. It is assumed that structural improvements to the bridge would include replacement of the concrete bridge deck panels or complete replacement of the bridge superstructure. Additional necessary safety improvements would include widening of the bridge deck, removal of the existing w-beam railing and replacement with standard 3-rail box beam bridge railing along with appropriate transition railing, guide railing and end sections on each approach to the bridge. The bridge would also need to be re-surfaced with an asphalt overlay to match the approach roadway.

- 4) CR 15/I-84 EB Ramp in the 2022 Build condition will degrade in LOS from B to C in both the AM and PM peak hours.
- 5) The site entrance driveway at full site build out in 2022 (Phase 1 development) will experience LOS F for exiting traffic from the site driveway for both peak periods, operating under stop sign control. The CR 15 mainline will continue to operate in free-flow condition.

Sight Distance Evaluation:

A sight distance evaluation was completed at the proposed Interchange Site driveway. The results of the analysis found that the measured intersection sight distances are all greater than the industry standard (NYSDOT Highway Design manual, Chapter 5) recommended sight distances for all maneuvers entering and exiting the site driveway. Table 18 includes the results of the sight distance analysis for the Interchange Site driveway.

**Table 18 – Site Driveway Sight Distance Summary**

Intersection		Intersection Sight Distance (ft.)			
		Right-Turn from Site	Left-Turn from Site		Left turn into Site
			Looking Left	Looking Right	
County Route 15	Available	500	550	750	550
	Recommended	275	275	275	275

- 1. Measured at 14.5 feet from the travelway at an object and eye height of 3.5 feet.
- 2. Measured for a 2 foot object located in the path of NB and SB vehicles at an eye height of 3.5 feet.

4.8.6. Mitigation Measures – Interchange Site

The LOS analysis that was completed for the 2022 Build year condition found several instances where the existing traffic operations would be negatively impacted by the full Phase 1 build out of the project site. To alleviate the proposed project’s impact on the transportation system, the implementation of mitigation measures were evaluated to bring the transportation system’s performance back to No-Build year conditions. All mitigation measures will need to be coordinated through the NYSDOT and County for those measures that are within their jurisdiction. Table 4.8.8 includes the results of the LOS analysis for the 2022 Build year With Mitigation Measures.

**Table 19 – Intersection Level of Service Summary**

Intersection and Approach	Control	AM 2021 Existing	AM 2022 No Build	AM 2022 Build	AM 2022 Build *With Mitigation	PM Peak Hour 2021 Existing	PM Peak Hour 2022 No Build	PM Peak Hour 2022 Build	PM 2022 Build *With Mitigation
1) US 6 / North and South Maple Street	S	B (13.4)	B (13.4)	B (14.6)		B (17.6)	B (17.6)	B (18.8)	
US 6 NB LTR		B (14.6)	B (14.6)	B (13.7)		B (16.4)	B (16.4)	B (16.4)	
US 6 SB LTR		B(14.5)	B(14.5)	B (15.5)		C (29.6)	C (29.6)	C (24.2)	
South Maple Street EB LTR		B (11.3)	B (11.3)	B (16.7)		B (18.2)	B (18.2)	C (26.3)	
North Maple Street WB LTR		B (11.0)	B (11.0)	B (16.5)		B (17.8)	B (17.8)	C (25.8)	
2) US 6 / CR 15	S	B (18.2)	B (18.2)	C (32.9)	B (12.7)	C (25.2)	C (25.3)	D (36.7)	D (38.8)
US 6 WB LT		B (10.1)	B (10.1)	B (19.2)	B (11.0)	B (14.8)	B (14.8)	C (27.7)	C (28.9)
US 6 SB TR		C (20.1)	C (20.2)	B (17.5)	B (13.7)	C (26.9)	C (27.0)	C (32.9)	C (29.3)
County Route 15 NB LR		C (25.0)	C (25.0)	D (38.5)	B (13.6)	C (34.4)	C (34.7)	D (44.3)	D (48.5)
3) US 6 / I-84 WB Ramp	TW	A (4.8)	A (4.8)	A (5.9)	A (6.6)	B (14.5)	B (14.8)	C (25.6)	B (13.1)
US 6 WB LT		A (1.4)	A (1.4)	A (1.4)	A (6.9)	A (1.8)	A (1.9)	A (1.7)	B (12.9)
Interstate 84 Ramp NB L		B (12.4)	B (12.4)	B (14.8)	A (6.5)	E (37.0)	E (37.9)	F (66.6)	B (13.2)
Interstate 84 Ramp NB R		Yield (0.0)	Yield (0.0)	Yield (0.0)	A (6.5)	Yield (0.0)	Yield (0.0)	Yield (0.0)	Yield (0.0)
4) CR 15 / I-84 EB Ramp	S	B (15.3)	B (15.4)	C (24.2)	B (14.4)	B (17.2)	B (17.5)	C (21.2)	B (19.8)
County Route 15 NB TR		B (14.7)	B (14.7)	B (10.8)	A (6.1)	B (17.0)	B (17.3)	B (10.6)	B (10.6)
County Route 15 SB TL		B (16.0)	B (16.1)	C (34.7)	B (15.6)	B (17.9)	B (17.9)	B (19.7)	B (17.0)
Interstate 84 Ramp WB LR		B (15.6)	B (15.6)	D (40.1)	D (40.1)	B (16.3)	B (16.4)	E (59.6)	D (37.1)
5) CR 15 / Site Entrance	TW			F (198.0)	C (32.5)			F (1931.9)	E (72.7)
CR 15 NB LT				A (4.8)	C (23.1)			A (5.1)	E (59.4)
CR 15 SB TR				A (0.0)	C (23.1)			A (0.0)	E (73.7)
Site Entrance LR				F (607.3)	E (72.0)			F (7741.9)	F (109.4)

Key: X (X, Y) = Level of Service (Delay, seconds per vehicle).  
 TW – Two-Way Stop Controlled Intersection.  
 S – Signal Controlled Intersection  
 NB, SB, WB, EB = Northbound, Southbound, Westbound, Eastbound intersection approaches.  
 LTR = Left-turn, thru, and/or right-turn movements.

These mitigation measures include:

- 1) US 6 / North and South Maple Street
  - i. No mitigation measures were evaluated or are proposed at this location
  - ii. The Build year conditions are equivalent to the Existing and No-Build year conditions
- 2) US 6 / CR 15 intersection evaluated the addition of a WB left turn protected phase to the signal cycle. This mitigation will include:
  - i. The use of the WB green left turn only signal face.
  - ii. The left turn only phase will allow for an overlap movement of NB right turn movements that significantly improves the CR 15 NB LOS from a D to B in the AM peak hour.
  - iii. The left turn only phase creates a slight decrease in service (2.1 seconds/vehicles difference) during the PM peak hour. This is almost equivalent with the build condition and is still considered as a mitigation measure due to the improvement provided during the AM peak period.



- iv. A new signal head with NB right turn arrows will be added to the mast arm.
  - v. The structural capacity of the existing signal pole and mast arm will need to be evaluated to determine if the new signal heads can be accommodated.
- 3) US 6 / I-84 WB Ramp intersection was evaluated to include the addition of a new traffic signal to replace the existing stop control. This mitigation measure will include:
- i. The installation of a new traffic signal.
  - ii. Improvement to the overall intersection operation to LOS A and B for the AM and PM peak hours respectively, meeting the 2022 No-Build LOS.
  - iii. Improvement to the I-84 NB left turn movement operation to LOS A and B for the AM and PM peak hours respectively, exceeding the No-Build year operating conditions.
- 4) CR 15 / I-84 EB Ramp intersection was evaluated to include the addition of a right turn lane to the CR 15 NB approach. This mitigation measure will include:
- i. Construction of the NB right turn lane including widening of CR 15.
  - ii. The NB right turn lane will provide better NB through movement traffic flow by separating through and right turn vehicles.
  - iii. The overall LOS will operate equivalent to the Existing and No-Build conditions during both peak periods.
- 5) CR 15 / Site Entrance was evaluated to include stop control during the build condition and installation of a new traffic signal for the mitigation measure.
- i. Under stop control the site entrance driveway will operate at LOS F for both peak periods
  - ii. The installation of a traffic signal will slightly improve operation to LOS C in the AM peak hour and LOS E in the PM peak hour.
  - iii. The improvement in overall LOS is created by slightly improving the site access driveway operation which decreases the current free flow (LOS A) condition of CR 15.

The majority of the off-site transportation impacts can be mitigated as presented above. The new CR 15 intersection with the Interchange site driveway will not operate satisfactorily during the PM peak hour with the installation of the traffic signal. The development scenario analyzed includes the full build out of the Interchange site being completed in the same year. It is likely that the site will be developed in phases over time. The transportation impacts could be mitigated as each phase is implemented and also include an expansion of the mitigation measure proposed such as additional turning lanes into and out of the site.

In addition to the study criteria noted above, an inventory of additional visual resources including scenic easements, public parks and recreation areas, and scenic overlooks was developed. These areas include sensitive community resources and open space areas specifically identified in the Town of Deerpark Comprehensive Plan, City of Port Jervis Comprehensive Plan, and Orange County Open Space Plan. Also considered are nearby parks in Deerpark and Port Jervis. The additional community visual resources found within the visual setting area are:

- Port Jervis City School District Campus on NYS Route 209
- Harriet Space Town Park – Located on NYS Route 209 adjacent to Deerpark Town Hall
- Sparrowbush Town Park
- Sheriff Bigger Town Park – Located on County Route 61
- Boehmler Park – Located between Boehmler Road and Peenpack Trail
- Elks-Brox Memorial Park
- Riverside Park

A significant vantage point in the Port Jervis area is Point Peter. Point Peter is a roadside pull-off elevated in Elks Brox Memorial Park can be seen from both the Quarry and Interchange Sites and vice versa. From Point Peter, while both visible, neither project site is a significant view detractor given the commanding views of the Delaware River Valley and Pocono Mountains beyond. Point Peter is located approximately one mile southwest of the Quarry Site and 1.75 miles north of the Interchange Site.

#### 4.10.2. Potential Impacts - Quarry

Proposed development at the Quarry Site includes an access-integrated industrial facility. Operations on site may include industrial or light industrial operations, manufacturing, recycling, distribution, data management, warehousing, or other uses commensurate with the applicable City of Port Jervis Zoning Code.

The proposed action will result in a physical change to the existing characteristics of the Site, which will include the redevelopment of industrial and vacant land to buildings, parking, and landscaping. Improvements on the Site will be partially visible from NYS Route 209 and adjacent residential and commercial properties.

The proposed site plan provides setbacks from the property's boundaries that exceed applicable Zoning requirements. The proposed buildings located closest to an adjoining property, with a 120 foot side yard (15 feet is required), and over 200 feet of separation to the nearest residence. Additionally, the yards of existing residences and businesses increase the effective separation.

Presently, there is minimal existing lighting on the Site. The overall layout of lighting for the site will utilize wall mounted and pole mounted fixtures at varying heights to achieve the desired illumination levels. Each fixture will be equipped with sharp cut-off distribution reflectors and/or shields to focus the projection of light downward and in a distinct pattern on the project site. This also minimizes the amount of light pollution to the sky and adjacent properties. The combination and consideration of these factors will adequately light the parking areas, walkways and drive aisles to assure the general safety and convenience of employees, drivers and visitors to the site. The lighting is designed to prevent light from the proposed fixtures from spilling over to adjoining properties. The introduction of light fixtures will increase the visibility and light levels on the site. The site lighting will make the proposed facility partially visible from NYS Route 209 and adjacent residential parcels to the south, east, and west during evening hours.

Parking stalls, cross-walks, stop bars and traffic movement indications will be painted on paved areas. These will also be supplemented with traffic signs (i.e. one-way, handicapped parking, stop, no parking, etc.) throughout the Site. A monument sign placed along NYS Route 209 is also proposed for the entrance to the facility. The sign will be ornamental with a façade of natural stone or brick with indirect lighting and will comply with all applicable zoning laws and NYSDOT permitting requirements. The site access is located on a parcel to remain under Town of Deerpark jurisdiction; site plan layout and design has taken into account the design standards set forth under the Town of Deerpark and City of Port Jervis Zoning Laws.

Proposed elevations of potential building designs on-site are shown on Figures 19 and 20.

Other potential impacts could include:

- Light trespass, sky glow
- Glare / glint from architectural elements, parked cars
- Utility areas
- Emissions – plumes from utilities, HVAC, and/or generators

Based on field reconnaissance, the proposed project is expected to minimal visual impact on sites within the two-mile radius. Point Peter is the only prominent location from which the Quarry Site is visible due to terrain and vegetation limitations. The industrial uses currently present at the Quarry Site do not offer much in visual appeal and can sometime produce dust and exhaust plumes visible from Point Peter. The proposed uses will not significantly impact views of the Quarry Site based on present operations, Site vegetation, and terrain.

#### 4.10.3. Potential Impacts - Interchange

Proposed development at the Interchange site includes a hotel, a fast food restaurant, and a sit-down restaurant as well as other uses commensurate with the applicable City of Port Jervis Zoning Code. The proposed action will result in a physical change to the existing characteristics of the site, which will include the development of forested land to buildings, parking, and landscaping. Improvements on the site will likely be visible from County Route 16 and County Route 15, and adjacent residential and commercial properties.

The proposed site plan provides setbacks from the property's boundaries that meet applicable Zoning requirements. In the Neighborhood Mixed Use District, minimum setbacks for restaurants are not required. There is 20-ft rear setback requirement for gas stations and hotels, but no front or side minimum setbacks. Additionally, the yards of existing residences and businesses increase the effective separation.

Presently, there is no existing lighting on the Site. The overall layout of lighting for the site will utilize wall mounted and pole mounted fixtures at varying heights to achieve the desired illumination levels. Each fixture will be equipped with sharp cut-off distribution reflectors and/or shields to focus the projection of light downward and in a distinct pattern on the project site. This also minimizes the amount of light pollution to the sky and adjacent properties. The combination and consideration of these factors will adequately light the parking areas, walkways and drive aisles to assure the general safety and convenience of employees, drivers, and patrons to the Site. The lighting is designed to prevent light from the proposed fixtures from spilling over to adjoining properties. The introduction of light fixtures will increase the visibility and light levels on the site. The site lighting will make the proposed facility partially visible from County Route 16 and County Route 15 and adjacent residential parcels to the north, east, and west during evening hours.

Parking stalls, cross-walks, stop bars and traffic movement indications will be painted on paved areas. These will also be supplemented with traffic signs (i.e. one-way, handicapped parking, stop, no parking, etc.) throughout the Site. A monument sign placed along County Route 16 and County Route 15 is also proposed for the entrance to the Site. The sign will be ornamental with a façade of natural stone or brick with indirect lighting and will comply with all applicable Zoning laws and Orange County Highway requirements.

Like the Quarry Site, other potential impacts could include:

- Light trespass, sky glow
- Glare / glint from architectural elements, parked cars
- Utility areas
- Emissions – plumes from utilities, HVAC, and/or generators

Based on field reconnaissance, the proposed project may have visual impact on locations within the two-mile radius of the Interchange Site due to its elevated position above County Route 15. This impact will be seen from Point Peter in Elks Brox Memorial Park. However, the view toward the Interchange Site is cluttered and somewhat crowded with commercial development on US-6, residential properties in Port Jervis' Tri-States neighborhood, and Interstate 84 running just behind it. It is likely to also be visible from US-6 and Interstate 84.

4.10.4. Mitigation Measures - Quarry & Interchange Sites

These Sites will require different mitigations as the Quarry Site is situated at an elevation generally lower than the surrounding landscape while the Interchange Site is situated at an elevation that is generally higher than the surrounding landscape.

The following table describes visual elements and recommended mitigation measures associated with each site:

**Table 20 – Visual Impact Mitigation Measures by Site**

Mitigation	Quarry Site	Interchange Site
Vegetative Screening	Maintain natural planted buffers around site; screen utility areas; screen views of parking; add plantings at site perimeter where screening is needed.	Maintain natural planted buffers around site; screen utility areas; screen views of parking; add plantings at site perimeter where screening is needed.
Building Location and Architecture	Locate buildings where surrounding topography will provide a natural visual screen; locate utilities where building and topography will screen; cluster multiple buildings at the center of the site where least visible.	Use low profile buildings at site high points; cluster buildings in front of higher topographic features to reduce prominence; locate buildings behind natural visual screening; locate utilities where easily screened; use non-contrasting façade colors and avoid features that will cause glint or glare from the sun; avoid obstructing important views from surrounding receptors with buildings; avoid monotonous and monolithic facades.
Site Lighting	Comply with Dark Sky Standards; illuminate secure areas to minimal ISA standards; avoid excessive up-lighting of building facades.	Comply with Dark Sky Standards; illuminate secure areas to minimal ISA standards; avoid excessive up-lighting of building facades; locate lights to avoid offsite glare; provide planted screens to avoid glare from vehicles on site access roads.
Site Design	Avoid large areas of uninterrupted asphalt access or parking; screen utility site features with plant materials; situate loading areas where naturally screened from views by topography, building or plantings.	Avoid large areas of uninterrupted asphalt access or parking; screen utility site features with plant materials; situate loading areas where naturally screened from views by topography, building or plantings.

## 5.0 CUMULATIVE IMPACTS

This chapter evaluates the cumulative impacts of the proposed annexation and development scenario. "Cumulative impact" is defined as the impact on the environment which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency (Federal or non-Federal) or person undertakes such other actions (40 CFR § 1508.7). Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time.

The Council on Environmental Quality (CEQ) has identified four basic types of effect that can lead to cumulative impacts.

- Type 1 – Repeated additive effects on a resource from a single project
- Type 2 – Stressors from a single project that have interactive (countervailing or synergistic) net effect on a resource
- Type 3 – Additive effects arising from multiple sources (projects, point sources, or general effects associated with development)
- Type 4 – Effects arising from multiple sources that affect resources in an interactive fashion.

For the purposes of this document, the cumulative impact analysis is generic and is limited to those environmental resources directly impacted by the proposed actions. The resources subject to a cumulative impact assessment in this document include: the development footprint of both the proposed Quarry and Interchange Sites, local and county roadways adjacent to the project site, cultural resources located within the project footprint area, wetlands, water resources impacts, air resources impacts, visual impacts, noise impacts and impacts to community character.

Actions included within the scope of the Port Jervis – Deerpark Annexation and Development Project include:

- Annexation of the Quarry Site and associated parcels from the Town of Deerpark into the City of Port Jervis
- Annexation of the Interchange Site from the Town of Deerpark into the City of Port Jervis
- Redevelopment of the Quarry Site into a light industrial park
- Development of the Interchange Site into commercial retail, dining, and lodging uses
- Extension of City of Port Jervis municipal water and sewer services onto each site to serve needs associated with their proposed future uses
- Construction of internal roadways, stormwater management facilities, and infrastructure within each development footprint

Cumulative impact analysis requires an understanding of activities or plans that may reasonably be expected to affect the proposed project site independently of or in conjunction with the proposed project.

No other projects are being considered independently of the Port Jervis – Deerpark Annexation and Development Project at this time.

No transportation improvement projects related to the project sites have been programmed for the Town of Deerpark or City of Port Jervis, Orange County in the approved State Transportation Improvement Plan for 2020-2023.<sup>3</sup> No new transportation improvement projects are proposed by the Town of Deerpark, City of Port Jervis or Orange County Department of Public Works for roadways around the project sites.

The methodology for analyzing the cumulative impact of the Port Jervis – Deerpark Annexation and Development Project utilizes the CEQ’s eleven step process for cumulative impact assessment. The resource issues requiring a cumulative impact assessment were defined during a public scoping meeting in February 2020. This process is summarized in Table 40 below.

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<sup>3</sup> <https://www.dot.ny.gov/programs/stip>

Announce:

A Grand Re-Opening of the Metro-North Port Jervis Train Station on Monday, October 4, 2021 at 10:30am



## Mayor

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**From:** DPW Director  
**Sent:** Thursday, September 23, 2021 10:40 AM  
**To:** Council; Assistant DPW Director  
**Cc:** jfarr@farr-engineering.com  
**Subject:** maiden lane culvert work.  
**Attachments:** Head wall 9-23-21.2.jpg; Head wall 9-23-21.1.jpg; 7-27-2021 build out.jpg; IMG\_0850.heic; IMG\_0851.heic; IMG\_0852.heic

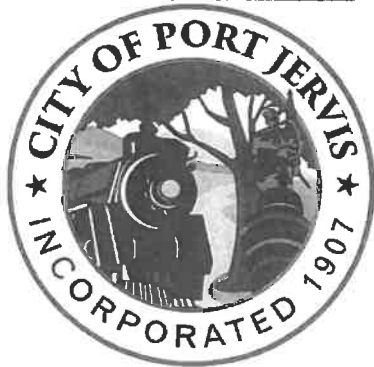
Mayor/City Council,

I want to thank Steve Duryea and his talented DPW crew for successfully installing the new culvert on Maiden Lane at Warren Pl. Although the full replacement won't be totally done for a few more weeks I found it necessary to send updated pictures for all to see. This project undertaken by the DPW again saved City tax payers over \$250,000 by doing the work in house. At the end of the day the project will cost just under \$100,000 and if bid out would have been easily \$350,000.

Thank you Steve.  
Regards,

Jack

John (Jack)R Farr  
*Director of Public Works*  
City of Port Jervis  
1 Franklin St  
Port Jervis NY 12771  
Office# 845-858-4000 ext 5  
Fax# 845-858-4006  
Cell# 845-741-6877  
[dpwdirector@portjervisny.gov](mailto:dpwdirector@portjervisny.gov)



Reschedule Next Meeting for Tuesday, October 12<sup>th</sup> as  
the 11<sup>th</sup> is Columbus Day

**CREDIT OPINION**

16 September 2021

 Rate this Research

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## Port Jervis (City of) NY

### Credit update following upgrade

**Summary**

The City of Port Jervis, NY's credit profile (A3) reflects the city's demonstrated and disciplined budget practices which have resulted in five consecutive years of surplus operations. This has led to growing reserves and liquidity. The rating also reflects elevated levels of long term liabilities and fixed costs, in addition to modest wealth levels, weak population growth, and a history and exposure to flooding events.

**Credit strengths**

- » Fund balance has grown over several years and is expected to expand incrementally
- » Strong operating history with 5 years of surplus operations
- » Broad regional and local governance cooperation developing policy and implementing projects to better protect city from extreme rain and flooding events associated with the Delaware and Neversink Rivers

**Credit challenges**

- » Very high leverage and elevated fixed costs
- » Lack of policies guiding fund balance and cash levels
- » Potential for significant capital plans as the city continues to address consent decree associated with its sanitary sewer system

**Rating outlook**

Moody's does not usually assign outlooks to local government credits with this amount of debt outstanding.

**Factors that could lead to an upgrade**

- » Reduction of long term liabilities and fixed costs
- » Material increase in reserves and liquidity

**Factors that could lead to a downgrade**

- » Decline in reserves or deficit operations
- » Significant increase in debt or other long term liabilities

- » Flood event that has a significant negative impact on tax base over the long term

## Key indicators

Exhibit 1

### Port Jervis (City of) NY

	2016	2017	2018	2019	2020
<b>Economy/Tax Base</b>					
Total Full Value (\$000)	\$369,664	\$384,156	\$401,504	\$425,936	\$420,332
Population	8,650	8,670	8,614	8,595	8,595
Full Value Per Capita	\$42,736	\$44,309	\$46,611	\$49,556	\$48,904
Median Family Income (% of US Median)	81.3%	81.4%	81.5%	82.7%	82.7%
<b>Finances</b>					
Operating Revenue (\$000)	\$12,910	\$14,590	\$13,582	\$13,958	\$13,475
Fund Balance (\$000)	\$650	\$1,716	\$1,551	\$1,884	\$2,020
Cash Balance (\$000)	\$181	\$427	\$601	\$512	\$1,606
Fund Balance as a % of Revenues	5.0%	11.8%	11.4%	13.5%	15.0%
Cash Balance as a % of Revenues	1.4%	2.9%	4.4%	3.7%	11.9%
<b>Debt/Pensions</b>					
Net Direct Debt (\$000)	\$11,388	\$15,419	\$19,396	\$18,376	\$15,297
3-Year Average of Moody's ANPL (\$000)	\$24,102	\$25,153	\$20,796	\$21,783	\$26,139
Net Direct Debt / Full Value (%)	3.1%	4.0%	4.8%	4.3%	3.6%
Net Direct Debt / Operating Revenues (x)	0.9x	1.1x	1.4x	1.3x	1.1x
Moody's - ANPL (3-yr average) to Full Value (%)	6.5%	6.5%	5.2%	5.1%	6.2%
Moody's - ANPL (3-yr average) to Revenues (x)	1.9x	1.7x	1.5x	1.6x	1.9x

Fiscal year end December 31

Sources: US Census Bureau, Port Jervis (City of) NY's financial statements and Moody's Investors Service

## Profile

The City of Port Jervis is located at the juncture of the Delaware and Neversink Rivers in southwestern Orange County (Aa2 stable) in New York's Hudson Valley. It has population of 8,595 (2019 American Community Survey), and is located approximately 80 miles northwest of New York City, bordering both New Jersey and Pennsylvania.

## Detailed credit considerations

### Economy and tax base: Rebounding tax base with below-average wealth

The City of Port Jervis will continue to grow its tax base in the near to medium term due to a relatively stable economic base, its proximity to several employment centers, and the pandemic-induced increase in the attractiveness of smaller urban and suburban communities driving up property values. The city expects to annex Deer Park in the near future with a developer planning to extend water and sewer into a new development which over the long term should add to the tax base. More recently the city has benefited from a Boutique hotel in the downtown and its proximity to area tourist attractions. The city is largely built out and any significant new development is expected to take place after Deer Park is annexed.

Despite the rebounding tax base, the city's resident wealth and income are below-average. The median family income is 83% of the national level and 76% of the New York (Aa2 stable) level. Full value per capita is just over \$52,436.

The economic impact of the pandemic on the city has been modest. The unemployment rate spiked sharply, though it has since moderated. As of June 2021, the city's unemployment rate was 5.2%, better than the state (7.3%) and the national (6.1%) rate.

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### **Financial Operations and Reserves: Improving fund balance levels provide additional operating flexibility**

The city's financial position has improved over the past several years. The city has generated positive operations since 2016, following several years of deficit operations and use of fund balance. In fiscal 2020, the city grew its fund balance to \$2 million, equal to a modest 15% of revenue and in line with similar peers in the state. As the city approaches year-end fiscal 2021, it projects it will add to the fund balance. Sales tax is expected to be a primary contributor as tourism has remained strong throughout the year in the region and the city benefits from regional tourist attractions such as Lego Land.

Fiscal 2022 budget is underway. The city does not expect the annexation to have a major impact on the budget at this point. The city is planning for several significant retirements to impact the budget and for sales tax to come off of recent highs. The city expects the budgeted tax levy to grow less than 2%.

Over the past 18 months the city has received a minimal amount of CARES act funds and general state aid and does not expect it to have a significant impact on the budget. Primarily, the funds will be used for reimbursement or one-time budget or capital needs.

#### **Liquidity**

Liquidity will likely remain modest. The city issues three month Tax Anticipation Notes each year in October (\$80,784 in fiscal 2020) to make the county whole on the taxes it collects on their behalf; the city is reimbursed by the county early the following year, coinciding with the note maturity. As of fiscal 2020 year-end, the city had \$1.6 million in cash and investments. Adjusting for pension contributions of approximately \$1.2 million which were not paid until February 2021, the cash and investments would have declined to \$363,000 or a weak 2.7% of revenues. The city has eliminated interfund borrowing. However, the Water fund as of fiscal 2020 had available liquidity of approximately \$1 million in cash and investments.

### **Debt and Pensions: Above-average debt, pension, and OPEB liabilities with elevated fixed costs**

Long term liabilities of the city are high as a result of elevated adjusted pension liabilities. Additional debt plans will further strain leverage levels. However, approximately \$6 million of outstanding debt is self supporting water debt, but secured by the city's general obligation pledge. Fixed costs are elevated, but manageable at 23% including pension, OPEB, and debt service. The fixed costs include the very modest debt service related to its water enterprise.

#### **Legal security**

The city's bonds and notes are backed by its full faith and credit general obligation pledge supported by its authority to levy property taxes as limited by New York State's Property Tax Cap-Legislation (Chapter 97 (Part A) of the Laws of the State of New York, 2011).

#### **Debt structure**

All of the city's debt is fixed rate, and amortization of principal is below average with 60% retired in 10 years as of August 2021.

#### **Debt-related derivatives**

Port Jervis is not party to any interest rate swap contracts or other derivative agreements.

#### **Pensions and OPEB**

The city's elevated pension liability is a credit challenge. The city participates in the New York State and Local Employees Retirement System (ERS) and the New York State and Local Police and Fire Retirement System (PFRS), two multi-employer defined benefit retirement plans sponsored by the State of New York (Aa1 stable). In fiscal 2020, the city's full actuarially required contribution (ARC) was \$1.2 million, or 9.2% of expenditures. Moody's uses the adjusted net pension liability to improve comparability of reported pension liabilities. The adjustments are not intended to replace the city's reported liability information, but to improve comparability with other rated entities.

Port Jervis had to amortize a portion of its pension payments in 2015, taking current expenses and amortizing them over a multi-year period. The city has opted out of the TRS and ERS pension amortization program as of April 2016 and expects to complete its payments on this deferral in the next year.

## Exhibit 2

**Very high leverage and elevated fixed costs**

2020	(000)	% of Operating Revenues	Discount Rate
Operating Revenue	13,475	n/a	n/a
Reported Unfunded Pension Liability	7,312	54%	6.80%
Moody's Adjusted Net Pension Liability	32,838	244%	3.12%
Reported Net OPEB Liability	50,779	377%	2.12%
Moody's Adjusted Net OPEB Liability	46,871	348%	2.52%
Net Direct Debt	15,297	114%	n/a
Debt & unfunded retirement benefits (Moody's adjusted)	95,007	705%	
Pension Contribution	1,243	9.22%	n/a
OPEB Contribution	965	7.16%	n/a
Debt Service	887	6.59%	n/a
Total Fixed Costs	3,095	22.97%	n/a
Tread Water Gap	(222)	-1.65%	n/a
Moody's Adjusted Fixed Costs	2,873	21.32%	n/a

Source: Issuer financial statements and Moody's Investor Service

**ESG considerations****Environmental**

Environmental concerns are factored into the City of Port Jervis's credit quality and is not a key credit driver at this time. Moody's affiliate Four Twenty Seven has identified the area as having very high exposure to extreme rain and flooding events. However, the city like all local governments, would be expected to benefit from state and FEMA assistance in the event of a major weather event.

The city participates in the National Flood Insurance Program (NFIP). In addition, the city has undertaken several studies and projects to identify areas at risk of flooding, implementing projects which reduce property damage and increase public safety, and resiliency due to flooding. This reduces the negative impacts a floods may have on the community and alleviates environmental risks associated with the city's exposure to flooding and extreme rainfall that without such measures would be a more significant credit concern.

The recent hurricane Ida tested the infrastructure improvements, early September 2021, had a very limited impact on the flood prone city which management indicates is a function of a number of flood mitigation projects it has implemented in previous years and we do not expect it to impact revenues or expenses over the final quarter of the fiscal year.

**Social**

Not a key credit driver at this time. Social considerations are key influencers of all local economies, financial and leverage trends and governance stability. We consider the coronavirus outbreak to represent social risk under our ESG framework, given the substantial implications for public health and safety.

**Governance**

Management has built back fund balance levels since fiscal 2015 and is expected to add fund balance in fiscal 2021 and over the next several years in a part due to conservative budgeting. However, the city does not have specific guidance or policy regarding fund balance levels and cash reserves. The city generally exceeds the tax cap override and has not had a problem in passing this as part of its budget. The annexation will result in a perpetual tax cap override due to a tax sharing agreement with Deer Park. The city is proactive in taking steps to prevent and mitigate the impact of cyber events.

New York cities have an institutional framework score <sup>1</sup> of "Aa", which is strong. New York Cities operate within a state-imposed property tax cap, which limits the ability to increase their operating levy by the lesser of 2% or CPI. However, this cap can be overridden at the local level, without voter approval and many local governments have done so when necessary. Unpredictable revenue fluctuations tend to be low, reflected in expense growth being under 5% on average across the whole sector. Fixed and mandated costs

are generally below 25% of expenditures. New York State has the additional constraint of the Triborough Amendment, which limits the ability to cut expenditures. Unpredictable expenditure fluctuations tend to be low, however, reflective in expense growth being under 5% on average across the whole sector.

## Rating methodology and scorecard factors

The US Local Government General Obligation Debt methodology includes a scorecard, a tool providing a composite score of a local government's credit profile based on the weighted factors we consider most important, universal and measurable, as well as possible notching factors dependent on individual credit strengths and weaknesses. Its purpose is not to determine the final rating, but rather to provide a standard platform from which to analyze and compare local government credits.

Exhibit 3

### Port Jervis (City of) NY

Rating Factors	Measure	Score
<b>Economy/Tax Base (30%)<sup>[1]</sup></b>		
Tax Base Size: Full Value (in 000s)	\$450,690	A
Full Value Per Capita	\$52,436	A
Median Family Income (% of US Median)	82.7%	A
<b>Finances (30%)</b>		
Fund Balance as a % of Revenues	15.0%	A
5-Year Dollar Change in Fund Balance as % of Revenues	10.6%	Aa
Cash Balance as a % of Revenues	11.9%	Aa
5-Year Dollar Change in Cash Balance as % of Revenues	10.3%	A
<b>Management (20%)</b>		
Institutional Framework	Aa	Aa
Operating History: 5-Year Average of Operating Revenues / Operating Expenditures	1.0x	Aa
<b>Debt and Pensions (20%)</b>		
Net Direct Debt / Full Value (%)	4.1%	Baa
Net Direct Debt / Operating Revenues (x)	1.4x	A
3-Year Average of Moody's Adjusted Net Pension Liability / Full Value (%)	5.8%	Baa
3-Year Average of Moody's Adjusted Net Pension Liability / Operating Revenues (x)	1.9x	A
	Scorecard-Indicated Outcome	A1
	Assigned Rating	A3

[1] Economy measures are based on data from the most recent year available.

[2] Notching Factors are specifically defined in the US Local Government General Obligation Debt methodology.

[3] Standardized adjustments are outlined in the GO Methodology Scorecard Inputs publication.

Sources: US Census Bureau, [OrgName]'s financial statements and Moody's Investors Service

## Endnotes

- The institutional framework score assesses a municipality's legal ability to match revenues with expenditures based on its constitutionally and legislatively conferred powers and responsibilities. See US Local Government General Obligation Debt (July 2020) methodology report for more details.



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# MOODY'S

## INVESTORS SERVICE

### Rating Action: Moody's upgrades to A3 Port Jervis City, NY's issuer and GOLT rating; removes stable outlook

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16 Sep 2021

New York, September 16, 2021 – Moody's Investors Service has assigned an A3 rating to the City of Port Jervis, NY's \$4.2 million Various Purposes Serial Bonds - 2021 Series A and \$2 million Refunding Serial Bonds - 2021 Series B. Concurrently, Moody's has upgraded the town's existing issuer and general obligation limited tax (GOLT) ratings to A3 from Baa1. The stable outlook has been removed.

#### RATINGS RATIONALE

The assignment and upgrade to A3 from Baa1 reflects the city's demonstrated and disciplined budget practices which have resulted in five consecutive years of surplus operations. This has led to growing reserves and liquidity. The rating also reflects elevated levels of long term liabilities and fixed costs, in addition to modest wealth levels, weak population growth, and a history and exposure to flooding events.

The GOLT ratings also reflect the town's modest wealth and income, exposure to flood events, and much improved, financial position.

#### RATING OUTLOOK

Moody's does not usually assign outlooks to local government credits with this amount of debt outstanding.

#### FACTORS THAT COULD LEAD TO AN UPGRADE OF THE RATINGS

- Reduction of long term liabilities and fixed costs
- Material increase in reserves and liquidity

#### FACTORS THAT COULD LEAD TO A DOWNGRADE OF THE RATINGS

- Decline in reserves or deficit operations
- Significant increase in debt or other long term liabilities
- Flood event that has a significant negative impact on tax base over the long term

#### LEGAL SECURITY

The city's bonds and notes are backed by its full faith and credit general obligation pledge supported by its authority to levy property taxes as limited by New York State's Property Tax Cap-Legislation (Chapter 97 (Part A) of the Laws of the State of New York, 2011).

#### USE OF PROCEEDS

The Series A bonds will be used for various improvements, equipment, and design for a new Dept of Public Works facility including \$2.5 million to redeem outstanding Bond Anticipation Notes due in October 2021. The Series B bonds will refund a portion of the series 2013 bonds for an expected net present value savings.

#### PROFILE

The City of Port Jervis is located at the juncture of the Delaware and Neversink Rivers in southwestern Orange County (Aa2 stable) in New York's Hudson Valley. It has population of 8,595 (2019 American Community Survey), and is located approximately 80 miles northwest of New York City, bordering both New Jersey and Pennsylvania.

#### METHODOLOGY

The principal methodology used in these ratings was US Local Government General Obligation Debt published

in January 2021 and available at [https://www.moody's.com/researchdocumentcontentpage.aspx?docid=PBM\\_1260094](https://www.moody's.com/researchdocumentcontentpage.aspx?docid=PBM_1260094). Alternatively, please see the Rating Methodologies page on [www.moody's.com](http://www.moody's.com) for a copy of this methodology.

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