

Regular Meeting - City of Port Jervis Common Council :

A regular meeting of the City of Port Jervis Common Council was held in the Council Chambers at 20 Hammond Street, Port Jervis, New York on Monday January 23, 2023, at 6:30 p.m.

Attendance-

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

Also present :

City Clerk-Treasurer Laura Quick, Corporation Counsel Brian Newman .

Meeting opened at 6:30 pm by Mayor Decker.

Pledge of Allegiance-

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

Public Hearing-

Franchise Agreement Spectrum/Charter – No public comment. Council discussion: S. Siegel – The franchise agreement will help the city to get Access 23 back on the air. Motion to close the public hearing by T. Simmons seconded by D. Livingston. AYE: 9 ABSENT: 0 NAYS: 0 ABSTAIN: 0 CARRIED

Restore NY Round 7 Grant – No public comment. Valerie Maginsky, CDA Director discussed the background of the grant and the grant process. The project was awarded to MC Land1 Development, LLC. Motion to close the public hearing by T. Simmons seconded by D. Livingston. AYE: 9 ABSENT: 0 NAYS: 0 ABSTAIN: 0 CARRIED

Presentation-

- Mike Lamoreaux-MHE Engineering, presented on the possible install and design of the Orange and Rockland GeoThermal ORU project.

Public Comment-**Executive Session- 7:05 pm**

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

- 105.1f – Personnel (x4)

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

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

7:35 pm A motion was made by R. Foster to return from executive session second by D. Livingston

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

Approval of Minutes-

- December 27, 2022 Motion by D. Livingston seconded by S. Siegel
AYE: 9 ABSENT: 0 NAYS: 0 ABSTAIN: 0 CARRIED
- January 3, 2023 M. Mann requested more information added to minutes. Vote tabled until February 13, 2023
AYE: 0 ABSENT: 0 NAYS: 0 ABSTAIN: 0
- January 5, 2023 Motion by R. Foster seconded by M. Decker.
AYE: 9 ABSENT: 0 NAYS: 0 ABSTAIN: 0

Executive Session Material-

- Motion to approve memorandum for the Building Official modification of bullet number 2 stating that travel to other departments is permissible with an escort from the Mayor, Mayor Secretary, or Common Council.
Motion S. Siegel second T. Simmons
AYE: 9 ABSENT: 0 NAYS: 0 ABSTAIN: 0 CARRIED

Regular Business-**R. Foster - ADA**

The next ADA committee meeting February 6, 2023, at 5:30 pm

E. Miller - Finance

- Motion to approve Resolution 2023-0123-010 Business Credit Card Account Second by M. Fuller
AYE: 9 ABSENT: 0 NAYS: 0 ABSTAIN: 0 CARRIED

The next Finance meeting will be on February 16, 2023 at 6:00pm

M. Fuller - FEM -

- Motion to approve Resolution 2023-0123-000 Assistance to firefighters Grant
Second T. Simmons AYE: 9 ABSENT: 0 NAYS: 0 ABSTAIN: 0 CARRIED

The next FEM meeting will be on February 23, 2023 at 6:30pm

M. Mann - Tourism-

Thank you, Mayor. The Tourism Board last met on Wednesday, January 11th. They discussed the 3rd Annual Chinese New Year Celebration, planning began for the 4th Annual St. Patrick's Day Parade which will be held on Sunday March 5th, lineup starts @2:00pm on Canal street with step off @ 3:00pm They also discussed future planning for the Citywide Yard Sale with a date set for May 6th, from 9:00 - 4:00. The Fabulous Fifties will be held on June 4th, from 12:00 - 6:00 at Riverside Park.

Thank You to everyone who attended the Chinese New Year Celebration yesterday! We had higher attendance numbers than expected. Performances were fantastic! Thanks to the New Century Community & all of their volunteers! Thank you to our Police Department, DPW, and Fire Police for their assistance during the event.

We have a great group of hard-working volunteers on the tourism board.

The next tourism meeting will be held on Wednesday February 8th at 7pm here in the council chambers. Anyone with any further inquiries can email tourism chair Laura Meyer at tourism@portjervisny.gov

M. Mann - IDA-

IDA has not met since their last meeting they are scheduled to meet on Monday February 22nd at 6pm here in the council chambers.

M. Decker -Planning -

The Planning Board will meet on February 21, 2023 at 7pm

M. Decker -Zoning -

Zoning will meet on February 7, 2023, at 7pm

D. Livingston - DPW-

1. Garbage and recycling on the week of January 23rd will be on its normal schedule. The week of January 30th garbage and recycling will be on its normal schedule. The week of January 9th and the week of January 16th paper pickup will be on its normal scheduled day.
2. The 2023 Garbage schedule is available on the city website at www.portjervisny.gov or by emailing the DPW office at dpwclerk@portjervisny.gov
3. Maintenance of Roads (Potholes and Tar) ongoing
4. Christmas Tree pickup will continue for the rest of the month of January.
5. New St. signs will be installed on all new blacktopped roads.

- Motion to approve Resolution 2023-0123-011 second E. Miller
AYE: 9 ABSENT: 0 NAYS: 0 ABSTAIN: 0 CARRIED

Next meeting February 6, 2023, at 6pm

D. Livingston - CDA

The next CDA meeting will be January 25, 2023 in Council Chambers.

T. Simmons - Code-

Congratulations to Bob Onofry on your retirement. The Polar Plunge on January 14, 2023 was a success with 40 people jumping into the water.

The next Code meeting will be February 1, 2023 at 6:30pm

M. Newhauser - Recreation-

1. The basketball court at Church St. Park will remain open this winter. It will be closed if/when it snows, or we have winter weather conditions.
 2. A reminder that the Youth Center Recreation Room is open Monday-Friday between 3:00 pm- 6:00 pm. Our next Friday night "Teen Night" is scheduled for Friday February 3, 2023 between 6:00 pm- 9:00 pm.
 3. The next recreation Commission meeting is scheduled for Wednesday February 8 at 6:15 pm at the Youth Center.
- Motion to hold recreation events second D. Livingston.
 - Spring Cleanup-Saturday April 1, 2023- City Parks- 10:00 am
 - Easter Candy Dash-Saturday April 8, 2023- Church St. Park- 11:00 am
 - 29th Delaware River 5K Run/Walk-Sunday May 7, 2023-Riverside Park and city streets-8:00 am
 - 75th Halloween Parade-Saturday October 28, 2023-city streets-3:00 pm
 - Fall Cleanup-Saturday November 4, 2023- Veteran's Park- 10:00 am
AYE: 9 ABSENT: 0 NAYS: 0 ABSTAIN: 0 CARRIED
 - Motion to approve Tonya Brace-Revak as Body Body Instructor second T. Simmons.
AYE: 9 ABSENT: 0 NAYS: 0 ABSTAIN: 0 CARRIED

S. Siegel - Housing/Veterans

- Rumshock took title to the property last week to the property that will house veterans.
- Honor flights are on April 14 and April 20. For information visit www.hvhonorflight.com
- Senior meeting dates 1/25, 2/8, 2022.
- The next Housing meeting will be on January 24, 2023 at 7pm Hillside Terrace

Public Comment -**Mayor Decker - Police -**

- January 2023 Police committee minutes were presented to the Council today vote at next meeting.
- Motion to approve resignation of employee # 322 Jennifer Tolentino effective February 2, 2023. Accepted with regrets. Motion D. Livingston second S. Siegel
AYE: 9 ABSENT: 0 NAYS: 0 ABSTAIN: 0 CARRIED
- Motion to accept Fixed License Plate Reader bid from Hudson Valley Computer Guys in the amount of \$29,650 pending contract approval by Corporation Council. Motion: D. Livingston second: M. Decker
AYE: 9 ABSENT: 0 NAYS: 0 ABSTAIN: 0 CARRIED
- Motion to reject the sole Range Pole building bid from Seldon Rest Construction due to cost.
Motion: T. Simmons second: S. Siegel
AYE: 9 ABSENT: 0 NAYS: 0 ABSTAIN: 0 CARRIED
- Motion to RFP for Police Pole Building with expanded advertising. Motion: D. Livingston second: E. Miller
AYE: 9 ABSENT: 0 NAYS: 0 ABSTAIN: 0 CARRIED

•
The next Police Committee meeting is February 23, 2023 at 6pm

Mayor Decker

- Motion to approve DPW Director to solicit estimate for asbestos removal at 62 Sussex Street
Motion: R. Foster second M. Mann
AYE: 9 ABSENT: 0 NAYS: 0 ABSTAIN: 0 CARRIED
- Motion to authorize new position Building Clerk Motion: S. Siegel second R. Foster
AYE: 9 ABSENT: 0 NAYS: 0 ABSTAIN: 0 CARRIED
- Motion to approve Orange County Sales Tax Agreement Motion: D. Livingston second E. Miller
AYE: 9 ABSENT: 0 NAYS: 0 ABSTAIN: 0 CARRIED
- Motion to approve Resolution 2023-0123-009 Music for humanity Motion: R. Foster second E. Miller
AYE: 9 ABSENT: 0 NAYS: 0 ABSTAIN: 0 CARRIED
- Motion to accept retirement of employee # 434 Brian Wona. Motion: T. Simmons second D. Livingston
AYE: 9 ABSENT: 0 NAYS: 0 ABSTAIN: 0 CARRIED
- Motion to approve purchasing City Brochures. Motion: T. Simmons second M. Newhauser
AYE: 9 ABSENT: 0 NAYS: 0 ABSTAIN: 0 CARRIED
- Motion to approve Franchise agreement with Charter Cable TV. Motion: TS. Siegel second T. Simmons
AYE: 9 ABSENT: 0 NAYS: 0 ABSTAIN: 0 CARRIED
- Motion to approve an off-schedule check run to pay City invoices. Motion: T. Simmons second E. Miller
AYE: 9 ABSENT: 0 NAYS: 0 ABSTAIN: 0 CARRIED

Announcements:

- The City is holding several Civil Service exams - Please check the website.
- The State of the City is January 25, 2023 at 6pm and will be live on Facebook.
- Thank you to Council member Maria Mann for all your hard work with this year's City Brochures.
- Congratulations to Judge Onofry on your well-deserved retirement.

Motion to adjourn at 8:18 pm. Motion: R. Foster Second D. Livingston
AYE: 9 ABSENT: 0 NAYS: 0 ABSTAIN: 0 CARRIED

Respectfully,
Laura Quick
City Clerk Treasurer

CITY OF PORT JERVIS

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



Monday, January 23, 2023 - 6:30 pm Regular Session:

Pledge of Allegiance / Roll Call

Public Hearing: Continue Public Hearing: Franchise Agreement Spectrum Char. Motion: 2nd
RESTORE Round 7 Grant Motion: 2nd

Presentation: GeoThermal ORU

Public Comment: 5-minute limit per person

BASED ON PUBLIC OFFICERS LAW ARTICLE 7

Executive Session: 105.1f – Personnel (x2)

Approval of Minutes: December 27, 2022 - Common Council Meeting Minutes
January 3, 2023 – Special Common Council Meeting Minutes
January 5, 2023 – Special Common Council Meeting Minutes
January 9, 2023 – Common Council Meeting Minutes

Address Executive Session Material:

Business:

Foster: (ADA) - ADA Update

Miller: (FINANCE) – Bills to be Paid: Motion: Miller; 2nd
Finance Update:
Consideration Resolution: Business Credit Card Motion: Miller; 2nd
FEM Update:
Tourism / IDA Update:
Planning / Zoning Update:
Public Works Update:
Consideration Application Restore 7 Grant Motion: Livingston; 2nd
Code Update:
Recreation Update:
Housing/Veterans Update:

Fuller: (FEM) –

Mann: (TOURISM/IDA)

M. Decker: (PLANNING/ZONING) –

Livingston: (DPW/CDA) –

Simmons: (CODE) -

Newhauser: (RECREATION)

Siegel: (HOUSING/VETERANS) –

Public Comment: 5-minute limit per person

Mayor Decker: (POLICE) – Police Update

Consideration: Fix License Plate Reader Authorization Motion: ;2nd
Reject Range Building RFP – 1 bid Motion: ; 2nd
Consideration: RFP – Range Building w/ expanded Advertise. Motion: ; 2nd
Consideration: Authorize DPW Director est. eval. Aesbestos Motion: ; 2nd
62 Sussex St.

Consideration: Authorize new Building Clerk position Motion: ; 2nd
Consideration: Orange County Sales Tax Agreement Motion: ; 2nd
Consideration: Music for Humanity Raffle Sales Motion: ; 2nd
Consideration: Notice of Retirement: Employee #434 Motion: ; 2nd
Announcement: Civil Service Exam Testing Positions

Adjournment: Motion: ;2nd

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Observer-Dispatch | Daily Messenger
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PROOF OF PUBLICATION

Laura Quick
Laura Quick
Port Jervis, City Of
Po Box 1002
Port Jervis NY 12771-0134

CITY OF PORT JERVIS
COUNTY OF ORANGE
STATE OF NEW YORK
PUBLIC HEARING NOTICE
EMPIRE STATE DEVELOPMENT
RESTORE NY COMMUNITY INITIATIVE -
ROUND 7


STATE OF NEW YORK, COUNTY OF ORANGE

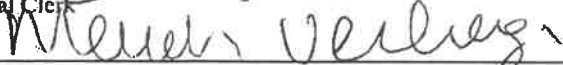
The Times Herald-Record, a daily newspaper distributed in the Orange, Ulster, Pike, PA and Sullivan Counties, published in the English language in the City of Middletown, County of Orange, State of New York printed and published and personal knowledge of the facts herein state and that the notice hereto annexed was Published in said newspapers in the issues dated on:

01/13/2023

and that the fees charged are legal.
Sworn to and subscribed before on 01/13/2023

The City of Port Jervis has scheduled a public hearing on Monday, January 23, 2023, at 6:30 p.m. or as shortly thereafter as possible in the Common Council Chambers at 20 Hammond St., Port Jervis, NY 12771, for comment on the proposed grant submission of up to \$2 million for the demolition and construction of a new building at 29-31 Front St., due no later than January 27, 2023, to the Empire State Development RESTORE NY Community Initiative - Round 7. At this public hearing, all persons will be given an opportunity to be heard. Written and oral statements will be taken at that time. Time limitations may be imposed for each oral statement, if necessary. Elevator access to the meeting is available via the side parking lot.
Dated: January 9, 2022
By Order of the Common Council
1/13



Legal Clerk


Notary, State of WI, County of Brown
5-25-76

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State of Wisconsin

LOCALiQ

Observer-Dispatch | Daily Messenger
Times Telegram | New Jersey Herald
Times Herald-Record

PO Box 631202 Cincinnati, OH 45263-1202

PROOF OF PUBLICATION

Laura Quick
Laura Quick
Port Jervis, City Of
Po Box 1002
Port Jervis NY 12771-0134

STATE OF NEW YORK, COUNTY OF ORANGE

The Times Herald-Record, a daily newspaper distributed in the Orange, Ulster, Pike, PA and Sullivan Counties, published in the English language in the City of Middletown, County of Orange, State of New York printed and published and personal knowledge of the facts herein state and that the notice hereto annexed was Published in said newspapers in the issues dated on:

01/15/2023, 01/16/2023, 01/17/2023

and that the fees charged are legal.
Sworn to and subscribed before on 01/17/2023

Amy Korott

Legal Clerk

[Signature]
Notary, State of WI, County of Brown

10-25-28

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RYAN SPELLER
Notary Public
State of Wisconsin

**CITY OF PORT JERVIS
COUNTY OF ORANGE
STATE OF NEW YORK
LEGAL NOTICE**

**EMPIRE STATE
DEVELOPMENT
RESTORE NY COMMUNITY
INITIATIVE – ROUND 7
PROPERTY ASSESSMENT
LIST**

The City of Port Jervis plans to apply to the Empire State Development RESTORE NY Community Initiative – Round 7, no later than January 27, 2023, 3:00 p.m. for a grant of up to \$2 million towards the demolition and subsequent construction of a new building.

The Property Assessment List for this project consists of one property:

29-31 Front St., Port Jervis, NY 12771

Per grant requirements, this advertisement will run for three consecutive days.

Dated: January 9, 2022
By Order of the Common Council



"For the Good of the City" Comment Period
Common Council Meeting Date: 1/23/23

Name: _____ **Address:** _____ **Email/Phone:** _____
Topic: _____ (for city use: Assigned Committee _____)

Name: _____ **Address:** _____ **Email/Phone:** _____
Topic: _____ (for city use: Assigned Committee _____)

Name: _____ **Address:** _____ **Email/Phone:** _____
Topic: _____ (for city use: Assigned Committee _____)

Name: _____ **Address:** _____ **Email/Phone:** _____
Topic: _____ (for city use: Assigned Committee _____)

Name: _____ **Address:** _____ **Email/Phone:** _____
Topic: _____ (for city use: Assigned Committee _____)

Spectrum

CITY OF PORT JERVIS
PUBLIC HEARING

Date 1/9/23 Dept _____

Name Address or Phone Number

Name Address or Phone Number

Name Address or Phone Number

Name Address or Phone Number

Name Address or Phone Number

Name Address or Phone Number

Name Address or Phone Number

Name Address or Phone Number

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Name Address or Phone Number

**RESOLUTION OF COMMON COUNCIL OF THE CITY OF PORT JERVIS -
BUSINESS CREDIT CARD ACCOUNT**

WHEREAS, the City of Port Jervis Common Council desires financial accommodation from TD Bank NA through use of credit cards by designated persons for and in connection with the business of this City.

NOW, THEREFORE, be it resolved by this Common counsel :

1. That the Mayor and the City Clerk Treasurer of the City be, and hereby is, authorized and empowered to execute and deliver, for and in the name of and with binding effect upon this City, a business credit card account agreement 9"Account Agreement") with TD Bank, N.A. in the form of such agreement regularly used by said Lender, and
2. That Lender is and shall be fully authorized to rely and act upon said Account Agreement and upon directions form time to time given by the Mayor and/or City Clerk Treasurer of this City in all matters relating to issuance of business credit cards for the account of this City and receive and use same, and any changes of personnel amount those thus designated.

Motion by: E. Miller

Second by: M. Fuller

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

DATED: January 23, 2023



City Clerk Treasurer

(Seal)

2023-0123-000

**RESOLUTION OF COMMON COUNCIL OF THE CITY OF PORT JERVIS -
DEPARTMENT OF HOMELAND SECURITY FY 2022 ASSISTANCE TO FIREFIGHTERS
GRANT (AFG)**

WHEREAS, the City of Port Jervis' Fire Department's personal protection equipment cascade filling system is reaching its end-of-useful life; and

WHEREAS, the replacement of the equipment is expected to cost an estimated \$794,670; and

WHEREAS, the Assistance to Firefighter Grant Program, funding number Opportunity Number: DHS-22-GPD-044-00-98 opened on January 9, 2023 and closes February 10, 2023 at 5 p.m. EST; and

WHEREAS, the City of Port Jervis is an eligible applicant with the understanding that a 5% cash match totaling an estimated \$39,735 is required; and

WHEREAS, the performance period is two-years from the date of award, with possible extension,

NOW THEREFORE, be it resolved that the Common Council of the City of Port Jervis, hereby approves the submission of said grant application no later than February 10, 2023, at 5 p.m. ET and that the Mayor, or his designee Valerie Maginsky, executive director of the Port Jervis Community Development Agency, or other, is authorized to execute any and all documents in connection with the application.

Motion by: M. Fuller

Second by: T. Simmons

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

DATED: January 23, 2023



City Clerk Treasurer

I, Laura Quick, do hereby certify that resolution 2023-0123-000 was passed at a meeting of the Common Council held on January 23, 2023, and is incorporated in the original minutes of said meeting, and that said resolution has not been altered, amended or revoked and is in full force and effect.

City Clerk Treasurer

RESOLUTION OF COMMON COUNCIL OF THE CITY OF PORT JERVIS – 2023 NEW YORK EMPIRE STATE DEVELOPMENT RESORE NY ROUND 7 APPLICATION

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

WHEREAS, now open and due by January 27, 2023, by 3:00 p.m., is the New York State Empire State Development (ESD) Round 7, RESTORE NY Communities Initiative grant application with an opportunity for the City to apply for up to \$2,000,000 in grant funding for specific projects; and

WHEREAS, the City has preliminarily approved a potential project to demolish and reconstruct 29-31 Front Street, Port Jervis, New York, resulting in a seven-story mixed use building with commercial units on the first floor, 32 apartments and storage space, a Letter of Intent for said project has been accepted by ESD; and

Whereas, the putative owner of the lands upon which the project will be constructed, MC LAND1 DEVELOPMENT, LLC, has supplied the necessary documents to the Common council in connection with the grant application and has agreed to fully cooperate with the City with respect to the submission and completion of said application, inclusive of providing any additional documentation or information during the application process; and

WHEREAS, MC LAND1 DEVELOPMENT, LLC has deposited and committed \$2,000,000.00 to this project, which is presently estimated to cost a total of \$5,129,355; and

WHEREAS, in accordance with the parameters of the grant program, the City will serve as a pass-through; of the grant funds on behalf of the private developer and all grant costs will be paid for by MC LAND1 DEVELOPMENT, LLC with the understanding that the grant, if awarded, will be reimbursed; and

WHEREAS, the City is in receipt of a \$1,000.00 deposit from MC LAND1 DEVELOPMENT, LLC to cover initial City administrative expenses and grant application fees; and

WHEREAS, MC LAND1 DEVELOPMENT, LLC has agreed to complete any and all final agreements between the company and the City including but not limited to project timeframes, benchmarks, responsibilities, and costs prior to the City's acceptance of any grant funds awarded hereunder.

THEREFOR IT IS RESOLVED, that with all conditions satisfied, the Common Council of the City of Port Jervis, hereby approves the submission of a RESTORE Round 7 Grant for the above-described project by 3:00 p.m.; on January 27, 2023, and that the Mayor, or his designee, Valerie Maginsky, Executive Director of the Port Jervis Community Development Agency, is authorized to execute any and all documents in connection with the foregoing.

Motion by: D. Livingston

Second by: E. Miller

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

DATED: January 23, 2023



City Clerk Treasurer

**RESOLUTION OF COMMON COUNCIL OF THE CITY OF PORT JERVIS -
AUTHORIZING THE MAYOR TO EXECUTE THE COUNTY OF ORANGE SALES &
COMPENSATING USE TAX SHARING AGREEMENT**

WHEREAS, Article 29 of the Tax Law of the State of New York authorizes certain municipalities to impose certain taxes on retail sales and other similar transactions and compensating use taxes as therein specified, to be administered by the New York State Tax Commission, and further provides certain priorities and preemptive rights, and

WHEREAS, the County of Orange, by virtue of New York State law, including, but not limited to, NY Tax Law §1210(i)(35), has imposed a sales and compensating use tax that, at present, is three and three-quarters percent (3¾%), and

WHEREAS, over many years there have been a series of agreements between the three cities in Orange County to wit: Middletown, Newburgh and Port Jervis, to provide for the sharing of the net sales and compensating use tax monies received by Orange County among the three cities as parties to such agreements, as well as the various towns and villages within Orange County which are not parties to such agreements (receiving same as third-party beneficiaries to such agreements), the last of such agreements expiring by its terms on February 28, 2023, and

WHEREAS, the County of Orange and the three cities have agreed upon a plan whereby Orange County will share with the cities the net sales and compensating use taxes it receives in such proportions as set forth in the annexed agreement in accordance with NY Tax Law § 1262(c), and

WHEREAS, it is the opinion of the Common Council that it is in the best interests of the City of Port Jervis to enter into the annexed agreement,

NOW, THEREFORE, IT IS HEREBY

RESOLVED, that the Common Council of the City of Port Jervis hereby authorizes the City Mayor, or his designee, to execute the annexed County Of Orange Sales & Compensating Use Tax Sharing Agreement covering the period of March 1, 2023 through February 28, 2026, subject to final review by the Corporation Counsel; and it is further

RESOLVED, that a copy of the executed Agreement be delivered to the Orange County Attorney forthwith.

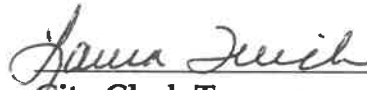
PASSED AND ADOPTED on this 23rd day of January, 2023.

Motion by: D. Livingston

Second by: E. Miller

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

DATED: January 23, 2023



City Clerk Treasurer

I, Laura Quick, do hereby certify that resolution 2023-0123-012 was passed at a meeting of the Common Council held on January 23, 2023, and is incorporated in the original minutes of said meeting, and that said resolution has not been altered, amended or revoked and is in full force and effect.



City Clerk Treasurer

THE COUNTY OF ORANGE SALES & COMPENSATING USE TAX SHARING AGREEMENT

THIS AGREEMENT is made this 23 day of January 2023, by and among THE COUNTY OF ORANGE, and THE CITY OF NEWBURGH, THE CITY OF MIDDLETOWN AND THE CITY OF PORT JERVIS (the three cities are collectively referred to herein as the “CITIES”), all municipal corporations organized and existing by virtue of the laws of the State of New York.

WHEREAS, Article 29 of the Tax Law of the State of New York authorizes certain municipalities to impose certain taxes on retail sales and other similar transactions and compensating use taxes as therein specified, to be administered by the New York State Tax Commission, and further provides certain priorities and preemptive rights, and

WHEREAS, THE COUNTY OF ORANGE, by virtue of New York State law, including, but not limited to, NY Tax Law §1210(i)(35), has imposed a sales and compensating use tax that, as of the time of this Agreement, is three and three-quarters percent (3¾%), and

WHEREAS, over many years there have been a series of agreements among the parties hereto to provide for the sharing of the net sales and compensating use tax monies received by THE COUNTY OF ORANGE among the three cities as parties to such agreements, as well as the various Towns and Villages not parties to such agreements (receiving same as third-party beneficiaries to such agreements), the last of such agreements expiring by its terms on February 28, 2023, and

WHEREAS, the parties hereto agree that for due and sufficient consideration acknowledged by them, they desire to enter into and execute this Agreement and be bound by the terms hereof, and

WHEREAS, by resolutions duly adopted by the governing bodies of each party hereto, the parties have agreed upon a plan whereby THE COUNTY OF ORANGE will share with the CITIES the net sales and compensating use taxes it receives in such proportions as set forth below and agreed upon by the respective elective governing bodies of the parties, as provided and authorized in NY Tax Law § 1262(c), and

WHEREAS, the Charters, laws and resolution adopted by the governing bodies of each of the parties hereto authorizes the Chief Elected Official or the Chief Executive Officer of their respective municipalities to execute this Agreement on behalf of each of them,

NOW, THEREFORE, in consideration of the mutual covenants herein contained, the parties hereto mutually covenant and agree as follows:

1. THE COUNTY OF ORANGE, during the term of this Agreement, shall continue to impose the taxes described in NY Tax Law § 1210(a), to the extent it is authorized by New York State to do so, at a rate of three percent (3%) or at a greater rate that may be authorized by the State of New York (presently three and three-quarters percent [3¾ %]), subject to the terms herein below.
2. The term of this Agreement shall commence on March 1, 2023 and terminate on February 28, 2026.
3. The implementation of the distribution formula contained herein and the distribution of the respective portion of the net sales and compensating use taxes received by THE COUNTY OF ORANGE with the municipalities as set forth herein are contingent upon the CITIES, and each of them, hereby agreeing to and actually forbearing from preempting the sales and compensating use taxes imposed by THE COUNTY OF ORANGE during the period of this Agreement. By entering into this Agreement each

of the CITIES agrees to refrain from imposing any sales and compensating use taxes otherwise authorized by NY Tax Law § 1210, or elsewhere, except that the CITIES can impose sales taxes described in NY Tax Law § 1105(b) and related compensating use taxes in NY Tax Law § 1110, as authorized by NY Tax Law § 1210(b), which a city has a prior right to impose pursuant to NY Tax Law § 1224(b)(1).

4. The CITY OF NEWBURGH has, by Charter, law and/or by resolution, duly adopted by the Common Council of the City of Newburgh, authorized its City Manager to execute this Agreement and has also agreed not to preempt the sales and compensating use taxes imposed by THE COUNTY OF ORANGE during the term of this Agreement. The CITY OF MIDDLETOWN has, by Charter, law and/or by resolution, duly adopted by the Common Council of the City of Middletown, authorized its Mayor to execute this Agreement and has also agreed not to preempt the sales and compensating use taxes imposed by THE COUNTY OF ORANGE during the term of this Agreement. The CITY OF PORT JERVIS has, by Charter, law and/or by resolution, duly adopted by the Common Council of the City of Port Jervis, authorized its Mayor to execute this Agreement and has also agreed not to preempt the sales and use taxes imposed by THE COUNTY OF ORANGE during the term of this Agreement. Notwithstanding the foregoing, each of the CITIES is empowered to preempt the sales and compensating use tax by imposing the sales taxes described in NY Tax Law §1105(b) and related compensating use taxes in NY Tax Law § 1110, as authorized by NY Tax Law § 1210(b), which a city has a prior right to impose pursuant to NY Tax Law § 1224(b)(1).
5. The distributions to be made by the County hereunder are to be based upon the sales and compensating use tax monies received by THE COUNTY OF ORANGE (presently

at the rate of three and three-quarters [$3\frac{3}{4}\%$]), less the expenses of the Commissioner of Taxation and Finance for administration and collection and amounts withheld for refunds. The expenses of the Commissioner of Taxation and Finance and amounts withheld for refunds shall be deducted from the gross receipts prior to the payment to THE COUNTY OF ORANGE by the New York State Comptroller, pursuant to NY Tax Law § 1261 or other applicable law, and the remainder shall be the “net collections” of THE COUNTY OF ORANGE as such term is defined in NY Tax Law § 1262(f).

6. For the term of this Agreement, the net collections of the sales and compensating use taxes imposed by THE COUNTY OF ORANGE shall be retained by THE COUNTY OF ORANGE or allocated and disposed of as follows:

A. THE COUNTY OF ORANGE shall retain for purposes of THE COUNTY OF ORANGE seventy-three and six hundred sixteen thousandths percent (73.616%) of the above described net collections.

B. THE COUNTY OF ORANGE shall allocate and distribute twenty-six and three hundred eighty-four thousandths percent (26.384%) of the above described net collections to the CITIES, Town and Villages as follows:

1. Thirty-two and five hundred twenty-five thousandths percent (32.525%) thereof to the CITIES as provided below.

2. Sixty-seven and four hundred seventy-five thousandths percent (67.475%) thereof to the Towns and Villages as provided below.

C. For the term of this Agreement, the amount to be distributed to the three CITIES (32.525% of the 26.384% of net collections of sales and compensating use taxes

received by THE COUNTY OF ORANGE) shall be divided among them according to the following percentages of the noted 32.525%:

NEWBURGH	42.451%
MIDDLETOWN	44.640%
PORT JERVIS	12.909%

D. Said percentages, as they relate to the relative populations as reflected in the 2020 Census, have been confirmed by the Finance Department of THE COUNTY OF ORANGE. It has been agreed to among the CITIES, and consented to by THE COUNTY OF ORANGE, that the above percentages for each of the CITIES shall be adjusted in future years and future agreements in accordance with the relative adjustments in the population of each of the CITIES, as evidenced in each of the future United States decennial census population data or special population census taken pursuant to NY General Municipal Law § 20 completed and published prior to the end of the quarter for which the allocation is made, which special census must include the entire area of THE COUNTY OF ORANGE..

E. The monies allocated to the Towns located within THE COUNTY OF ORANGE shall be divided among them based upon their respective populations, determined in accordance with the latest decennial federal census or special population census taken pursuant to NY General Municipal Law § 20 completed and published prior to the end of the quarter for which the allocation is made, which special census must include the entire area of THE COUNTY OF ORANGE. Provided, where a village located within THE COUNTY OF

ORANGE elects a direct cash payment provided for in NY Tax Law § 1262(c), the amount to be paid to such village shall be determined by the ratio that the population of such village or portion thereof within a town in which such village is located bears to the total population of the entire town, determined in accordance with the latest decennial federal census or special population census taken pursuant to NY General Municipal Law § 20 completed and published prior to the end of the quarter for which the allocation is made, which special census must include the entire area of THE COUNTY OF ORANGE, except that if the Village of Highland Falls elects a direct cash payment as provided in the second to last unnumbered paragraph of NY Tax Law § 1262(c), the amount to be paid to it shall be determined by the ratio that the full valuation of real property in the Village bears to the full valuation of the entire Town of Highlands.

7. The amounts to be allocated to the CITIES, Towns and Villages shall be calculated quarterly during the term of the Agreement, based upon the net amount of sales and compensating use tax revenue as described herein and received by THE COUNTY OF ORANGE during the previous quarter.
8. The distributions to the municipalities under this Agreement will be made on or about the 30th day of January, April, July and October of each year covered by this Agreement. The first such payment shall be made on or about April 30, 2023.
9. It is the present intention of the parties hereto that they renegotiate a continuation of this Agreement in the future. The parties therefor agree to commence negotiations for a new agreement on or about November 1, 2024. In the event a renegotiated agreement

or such other agreement is not reached on or before June 1, 2025, then any of the CITIES that are parties to this Agreement shall notify THE COUNTY OF ORANGE pursuant to NY Tax Law § 1223 of its intention to adopt legislation imposing a City Sales Tax as permitted by law, such tax to become effective as of March 1, 2026. The purpose of this clause is to enable the CITIES to collect a continuous stream of revenue from THE COUNTY OF ORANGE to the end of the term of this Agreement with minimal interruption.

10. The parties are aware, as set forth above, that the present sales and compensating use tax rate is three and three-quarter percent (3¾%). Notwithstanding anything to the contrary provided elsewhere in this Agreement, if the present 3¾% sales and compensating use tax rate (“rate”) is ever changed, then the reduced or increased rate shall be immediately substituted for the 3¾% rate presently in effect (or any rate then presently in effect) and the sharing formula set forth in paragraph “6” above shall be adjusted to reflect the new rate. For example, if the rate were reduced from the present 3¾% to 3%, then the CITIES and Towns would receive 26.384% of the net collections, as noted above, from the 3% rate, and if the rate increased from the present 3¾% rate to 4%, then the CITIES and Towns would receive 26.384% of net collections, as noted above, from the 4% rate, all less any administrative or other costs as described above. Villages may receive their respective shares as otherwise provided for herein and in applicable State law. Net collections from such additional or lesser rates that are not required to be paid to the CITIES, Town and Villages as described herein shall be retained by THE COUNTY OF ORANGE for its own purposes.

11. In the event New York State assumes responsibility for funding or paying out of State funds THE COUNTY OF ORANGE's Medicaid expenses, or in the event there is any other action taken by the State of New York whereby the State assumes a responsibility and an expense of THE COUNTY OF ORANGE and in exchange therefore the State retains a portion of THE COUNTY OF ORANGE's net collections that are the subject of this Agreement, the rights of the parties will be affected pursuant to the terms of this paragraph. If the expense of THE COUNTY OF ORANGE for any program taken over by the State of New York equals or exceeds the amount such net collections of THE COUNTY OF ORANGE retained by the State of New York, then THE COUNTY OF ORANGE shall continue to distribute to the other municipalities the same 26.384% of the sales tax revenue generated by the three percent (3%) tax even though THE COUNTY OF ORANGE may no longer be receiving its 76.616% of the original amount of such revenues. If THE COUNTY OF ORANGE's expense for any such program taken over by the State is less than the amount of THE COUNTY OF ORANGE's net collections retained by the State of New York, then the net loss suffered by THE COUNTY OF ORANGE shall be shared by THE COUNTY OF ORANGE, the CITIES and the Towns and Villages in the same proportion as that by which the revenues are retained and distributed.

12. In the event that any of the CITIES or a Town or a Village incurs a monetary debt or obligation to THE COUNTY OF ORANGE, and said debt or obligation remains outstanding for one year after it has become due and owing to THE COUNTY OF ORANGE following good faith discussions with THE COUNTY OF ORANGE to satisfy the debt or obligation, then THE COUNTY OF ORANGE is authorized herein

to deduct an amount equal to such outstanding amount of such debt or obligation, to include statutory interest and penalties, if applicable, from that municipality's share of the net collections of THE COUNTY OF ORANGE due that municipality as provided in this Agreement. Such deductions shall be from the payment(s) scheduled to be made next following the above-referenced one year anniversary of the date the debt or obligation accrued, and from each successive share otherwise due to the municipality until the debt or obligation has been paid in full. A municipality may request that the payments be paid in installments for a period not to exceed three years, which request shall not be unreasonably denied.

13. The parties desire to express their intent to continue the terms of the prior agreement to this Agreement (the one in existence at the time this Agreement is entered into) and in the event an interpretation of this Agreement is necessary, the prior agreement reference in the third "WHEREAS" clause of this Agreement shall be used to interpret the intentions of the parties hereto, to the extent necessary and with the understanding that some of the terms of this Agreement may have been intentionally modified by the parties to have a different intent than the prior agreement. The changes to this Agreement in comparison to the prior agreement are intended to recognize, among other things, THE COUNTY OF ORANGE's current sales and compensating use tax rate of 3¾%, *i.e.*, the rate of THE COUNTY OF ORANGE, not including the New York State rate or the rate imposed as a result of being in the Metropolitan Commuter Transportation District. The changes in this Agreement are also intended to develop a contingency in the event THE COUNTY OF ORANGE rate ever changes (either by increase or decrease) from the present rate of 3¾% to ensure that the parties respective

percentage shares of the rate, whatever that may be, and whatever such rate actually is, are continued as the same percentage of any new rate, except as otherwise provided in this Agreement.

14. The parties further agree to submit this Agreement for any necessary approvals by the State of New York or any officer, agency, or department thereof, and if it is not so approved the parties shall expeditiously renegotiate this Agreement to the extent necessary, leaving as is any provision of this Agreement which would be valid, or which was not disapproved, as being to continue in full force and effect for a period of one year pending such renegotiation.

15. This Agreement may be signed in counterparts, and facsimile signatures shall be considered valid and binding.

IN WITNESS HEREOF, the parties have hereunto set their hands, and seals if so affixed, on the day and year as set forth below.

THE COUNTY OF ORANGE

CITY OF NEWBURGH

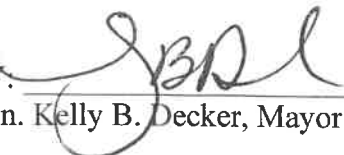
BY: _____
Hon. Steven M. Neuhaus, County Executive

BY: _____
Hon. Todd Venning, City Manager

CITY OF MIDDLETOWN

CITY OF PORT JERVIS

BY: _____
Hon. Joseph M. DeStefano, Mayor

BY:  _____
Hon. Kelly B. Decker, Mayor

2023-0123-009

**RESOLUTION OF COMMON COUNCIL OF THE CITY OF PORT JERVIS -
MUSIC FOR HUMANITY RAFFLE SALES**

WHEREAS, the City of Port Jervis Common Council has received through the NYS Gaming Commission a request for raffle ticket sales in our jurisdiction to benefit the organization known as Music for Humanity;

NOW, THEREFORE, be it resolved that the Common Council of the City of Port Jervis approves the application for raffle ticket sales in the City of Port Jervis and authorizes the City Clerk Treasurer to respond accordingly to the NYS Gaming Commission.

Motion by: R. Foster

Second by: E. Miller

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

DATED: January 23, 2023


City Clerk Treasurer

2023-0109-007

**RESOLUTION OF COMMON COUNCIL OF THE CITY OF PORT JERVIS APPROVE
CHARTER'S CABLE TELEVISION FRANCHISE**

An application has been duly made to the Common Council of the City of Port Jervis, County of Orange, New York, by Spectrum Northeast, LLC, an indirect subsidiary of Charter Communications, Inc. ("Charter"), a limited liability company organized and existing in good standing under the laws of State of Delaware doing business at 2604 Seneca Avenue, Niagara Falls, NY 14305, for the approval of a renewal agreement for Charter's cable television franchise for ten (10) years commencing with the date of approval by the Public Service Commission.

The franchise renewal agreement would bring the franchise into conformity with certain provisions of the Federal Cable Communications Policy Act of 1984, as amended, and certain court rulings.

A public hearing was held in the City of Port Jervis, New York on January 9, 2023 6:32 PM and notice of the hearing was published in the Times Herald Record on January 3, 2023.

NOW, THEREFORE, the Common council of the City of Port Jervis finds that:

1. Spectrum Northeast, LLC has substantially complied with the material terms and conditions of its existing franchise and with applicable law; and
2. Spectrum Northeast, LLC has the financial, legal and technical ability to provide these services, facilities and equipment as set forth in its proposal attached; and
3. Spectrum Northeast, LLC can reasonably meet the future cable-related community needs and interests, taking into account the cost of meeting such needs and interests.

BE IT FURTHER RESOLVED that the Common Council of the City of Port Jervis hereby grants the cable television franchise of Spectrum Northeast, LLC and the Common Council of the City of Port Jervis for ten (10) years commencing with the date of approval by the Public Service Commission and expiring ten (10) years hence.

BE IT FURTHER RESOLVED that the Common Council of the City of Port Jervis hereby confirms acceptance of this franchise renewal agreement.

Motion by: S. Siegel

Second by: T. Simmons

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

DATED: January 23, 2023

City Clerk Treasurer

I, Laura Quick, do hereby certify that resolution 2023-0109-007 was passed at a meeting of the Common Council held on January 23, 2023, and is incorporated in the original minutes of said meeting , and that said resolution has not been altered, amended or revoked and is in full force and effect.



City Clerk Treasurer