

Council Meeting September 13, 2021

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 13, 2021 at 6:30 p.m.

Attendance-

All members of the Common Council were present. Also present were City Clerk Treasurer Laura Quick, Deputy City Clerk Treasurer Bobbie Jo Muller and Corporation Counsel William Frank and Stephanie Tunic. Meeting opened at 7:15 pm by Mayor Kelly Decker.

Pledge of Allegiance-

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

Public Hearing-

Proposed Local Law # 4 of 2021- Modification of LL417-5-allow Blacktop use for sidewalks

Council voted to send the Proposal back to the Code Committee and to then reset the Public Hearing date.

Motion made by T. Simmons and seconded by Dominic Santini to send the Proposal back to Code

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

Executive Session-

A motion was made by Regis Foster and seconded by L. Randazzo for an executive session to discuss the potential disposition of City property, collective bargaining negotiations, and the hiring and/or firing of Personnel. The Council will also seek advice from legal counsel on issues regarding any other attorney client privileged matters as necessary.

AYE: 7 ABSENT: 1 (Randazzo) NAYS: 0 ABSTAIN: 0 CARRIED

Meeting adjourned to executive session at 6.31 pm.

Meeting reconvened from executive session at 7:05pm

Approval of Minutes-

- July 12, 2021, Motion by L. Randazzo seconded by C. Campbell AYE: 9 ABSENT: 0 NAYS: 0 ABSTAIN: 0 CARRIED
- July 26, 2021, Motion by R. Foster Second by T. Simmons AYE: 9 NAYS: 0 ABSTAIN: 1 Randazzo CARRIED
- July 29, 2021, Motion by R. Foster Second by T. Simmons AYE: 9 NAYS: 0 ABSTAIN: 4 Randazzo, Santini, Campbell, Trovei CARRIED

Executive Session Material-

1) Mayor Decker - All Cash offers on City properties in present condition contracted with Orange West Realty:

- 6 Myrtle Avenue \$81,500 purchaser Deru Rao
- 106 Ball Street \$102,500 purchaser Besimchah LLC
- 95 West Main Street \$50,000 purchaser B E M Nguyen LLC
- 14 Covert Street \$60,000 purchaser Ahan

Discussion by Corporation counsel William Frank: - "With respect to the sale, the aforesaid properties, we will endure prior finalization of the contracts that the City Assessor opines that in their present condition that the properties are being sold at or above appropriate market value based on the conditions subject to any required referendum"

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Motion by S. Siegal to settle all together Second by T. Simmons AYE: 9 NAYS: 0 ABSTAIN: 0 CARRIED

2) Mayor Decker – A motion to allow for a credit of \$1,372.72 for future sewer connection to Two Brook Street:

Motion by G. Oney Second by L.Randazzo AYE: 9 NAYS: 0 ABSTAIN: 0 CARRIED

Business-

1. R. Foster - Police

A) Motion to appoint D. Raffone PT Crossing Guard At \$15.50 per hour-

Second by L. Randazzo AYE: 9 NAYS: 0 ABSTAIN: 0 CARRIED

B) Motion to appoint W. Warnock-Fago PT Dispatcher at \$18.00 per hour-

Second by S. Siegal AYE: 9 NAYS: 0 ABSTAIN: 0 CARRIED

C) Motion to Permanently appoint N.McGown to Sergeant - retroactive to 9/3/2021

Second by T. Simmons AYE: 9 NAYS: 0 ABSTAIN: 0 CARRIED

D) Motion to approve August monthly Police Report -

Second by L. Randazzo AYE: 9 NAYS: 0 ABSTAIN: 0 CARRIED

August Police Report highlights - Total Incidents for the month was 1,002. Mileage on patrol vehicles was 10,470. Stolen property was \$7,370. Value of recovered property was \$6,755. Domestic for the month were 39

E) Motion to approve June monthly Police Report -

Second by L. Randazzo AYE: 9 NAYS: 0 ABSTAIN: 0 CARRIED

June Police Report highlights - There was a traffic safety initiative brought up, body cameras, grant opportunities. There is an opportunity for 50% matching funds for body cameras. Resignation of S. Julie, retirement of R. Krebs. Discussion of hiring officers and a Lieutenant.

F) Motion to approve July monthly Police Report -

Second by D. Santini AYE: 9 NAYS: 0 ABSTAIN: 0 CARRIED

July Police Report highlights - New Hires started on July 8th. Discussed NYS law regarding local dispensaries for marijuana and the opt out clause. Municipalities that opt out of retail marijuana will not received a portion of the tax revenue. The matter will be discussed at the Code Committee. Discussion around the 4-way intersection at Canal. Discussed outreach days. Discussed smoke -free parks including updating the Local Law to include marijuana, tobacco smoking and vaping.

2. **R. Foster - ADA** - August committee meeting was cancelled. Next meeting 12/6/2021 at 6:30pm in Council Chambers

3. D. Santini - CODE

A) Motion for Local Law # 3 Article 9 under Chapter 475- Hotel Room Occupancy 3% Tax. "Any facility consisting of a rentable living space or spaces and providing lodging on an overnight basis shall include those facilities designated as commonly known as bed and breakfast, AirBnB, and tourist facilities.

S. Siegel: The proposed Local Law stablished a taxing system for certain properties withing the City of Port Jervis has no impact whatsoever or otherwise on the environment. Negative under SEQUOR

Motion by S. Siegel Second by T. Simmons AYE: 9 NAYS: 0 ABSTAIN: 0 CARRIED

Discussion: L. Randazzo - when is this going into effect?

R. Foster - Once it is filed with the Secretary of the State.

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G.Oney – So, Council will have to decide which quarter they want to start collecting.

L. Randazzo – I think it maybe useful to start January 1st, so everyone has time to first off set up how they are going to be collecting these taxes. People have time to figure out how they are going to be pay them. So, I just wanted to make sure there was enough time between when it is going to be approved by us and the State and whin it going to be put into effect.

Mayor – It will probably be a month or two before it comes back from the State.

- B) Motion for Local Law #4 – On Site Cannabis consumption – To verify that we all understand, As drafted right now is opting out of the on-site consumption inside the establishment but dispensaries are still permitted.

Public Hearing Set for 9/27/2021

Motion by D. Santini Second by L. Randazzo AYE: 9 NAYS: 0 ABSTAIN: 0

CARRIED

4. C. Campbell – Recreation:

The Recreation room is now open Monday – Friday from 3:00pm to 6:00pm.

Registration for Little Chefs cooking class will continue tomorrow, Sept 14th between 5:00pm and 7:30pm. And if necessary, will continue on Sept 21st between 5:00pm and 7:30pm as well. This is a 5 week class starting September 25 through October 23rd.

Coming up, we have our 72nd Halloween Parade held on Saturday October 23rd. Line up will be a t3:00pm on Hammond Street in front of City Hall. The Parade starts at 3:30pm.

At the conclusion, there will be prizes, awards, and cady. This parade is for children, adults, as well as pets. This is a special event that’s also co-sponsored by the Elks Lodge number 645. The next Recreation Commission meeting will be Sept 23rd at 6:00pm at the Youth Center.

5. M. Mann – Tourism:

At the Sept 18th meeting, the committee discussed the results Italian Festival and how well it was received. They set a date for next year chich is August 20,2022. The 28th Annual Fall Foliage Festival will be held Sept 26th from 10:00am to 5:000 pm downlow. There will be banjds, Chris Clark Bicycle stunt Show, a classic and Antique Car Show, Petting Zoo, Pony Rides, Dancers with over 130 Vnedors. This year Halloween lighting contest will have two categories – Traditional Fall or Scaring. To register your home within the city fill out the entry form and fax, mail or deop off taththe City Clerks Office. Entries are due by October 20th with no charge to enter. Judging on October 21st staring at 6:30pm. I have a letter to read: “Mayor Kelly Decker, Port Jervis common council, regarding the 49th annual rental holiday parade. Dear mayor, Decker and council members. The trial stay chamber of commerce would like to schedule our 49th annual retro holiday parade on Sunday, December 5th, 2021 with the snow date of the following Sunday. As in previous years, the parade line up on Canal street, will line up on Canal street, Port Jervis at 1:00 PM, and the parade will start at 2:00 PM proceeding down Elm Street, Pike street over the Port Jervis Matamoras bridge down Pennsylvania avenue, PA to the reviewing stands and turn to conclude at the Matamoras bridge farmhouse. We are requesting permission from the borough of Matamoras to assist with the police and traffic control during the event. Your approval is also needed to proceed with our Penn dot application. We're pleased to be honoring our local health care providers at Bon Secours community hospital at this year's holiday parade, grand marshal recipients as was planned last year when the event was unfortunately canceled. In addition, we will be following all guidelines that are

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necessary with the current COVID 19 requirements and effect at the time of the parade. Social distancing and mask will be used as required during all parade activities. We invite you all to participate in the parade and hope you're able to join us representing the borough of Matamoras. Thank you in advance for your consideration in this matter and we would appreciate if you would confirm in writing to our office for your approval. Sincerely, Thomas McCarron, parade committee.

Motion by M.Mann to approve the 49th Annual Work through Holiday program Second by T. Simmons AYE: 9 NAYS: 0 ABSTAIN: 0 CARRIED

Discussion: L. Randazzo – Did they submit their event application to the Clerk's office. M.Mann – I would like to amend my motion pending application. T.Simmons – With all appropriate documents

Mayor: I have a motion by Ms. Mann a second by Mr. Simmons to pass the Rick Drew Holiday Parade for December 5th, snow date the following week, line up at 1pm to 2pm pending all applications. All in Favor? AYE

6. Trovei – CDA:

The CDA met on August 25th. Some items discussed include but not limited to the Section 8 update, existing grant review and some proposed grants that were coming up such as the DRI], which the mayor will be talking about later this evening, as well as financial review. The next meeting is scheduled for Wednesday, September 22nd at 7:00 PM. With new executive orders from Albany, remote meetings are once again allowed. So the CDA will be meeting remotely.

D. Santini: Just as a correction, it's not an executive order, it's new legislation that has been signed by the governor.

K. Trovei: Okay. Due to new legislation signed by the governor, we can do remote meetings and it will be a remote meeting. Phone information will be available on the agenda

7. Trovei – Finance:

Finance hasn't met yet. Our next meeting is Wednesday at 6:00 PM here in the council chambers. We do have bills to pay: General fund \$189,760.43, water Fund \$38,643.07, Sewer Fund \$15,273.45, Capital Fund \$3,063.85 and Trust & Agency \$118,803.57. Some of the larger Invoices: Barton & LoGuidice \$28,353.12, Orange & Rockland \$19,699.72, Port Jervis School Tax collector \$74,500.38, State Insurance Fund \$25,954.88. Make a motion to pay the bills. Motion by K. Trovei Second by L. Randazzo AYE: 9 NAYS: 0 ABSTAIN: 0 CARRIED

8. Oney – DPW:

Thank you, mayor. Garbage and recycling will be on the regular schedule for the next two weeks. DPW met on the 7th of September. A couple of the items discussed were the paving schedule, possible dates for milling and paving along with the need to install some sewer lines on Bourke Street. Sewer relining update on West Main Street into west end, along with Erie Street. Conversation about hiring a part-time bus driver. The Pike Street sidewalk replacement project was

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discussed. The bids are being looked at currently. There's a bit of a time crunch. Process took quite a bit of time this summer. We must have this project done by the end of the year, so hopefully that selection process will move along. Talked about Orange & Rockland lights that are installed on Main Street in Sussex. Discussions regarding a traffic light on Jersey avenue and East ,Main Street. And I think that's all I have, mayor.

9. Simmons- Planning:

Thank you, mayor. The zoning board of appeals met on Tuesday, September 7th, where they held a pre-submission for Mr. Manuel Espinosa for 74 Hammond Street. He's the applicant is requesting a variance to allow for the conversion of a single-family dwelling to a two family dwelling. The zoning board will conduct a public hearing regarding that application at their next meeting on Tuesday, October 5th, at 7:00 PM here in the council chambers. The planning board has a public hearing scheduled for Tuesday, September 21st at 7:00 PM here in the council chamber regarding an application for a 109 West Main Street the storage units. I would strongly urge the people in the area to attend the public hearing so they can always send any concerns or any support that they have for that project. I'd also like to offer my condolences to the family of Danny Flann SR on his passing. Danny was a 55 year member of the Port Jervis service fire department with Delaware engine company number two. And although Danny hadn't been tremendously active in the last year or so, he was a very good member of the Port Jervis fire department. And he's one of the guys said to... It's kind of like the foundation of the department and one of the reasons why we are where we are today. He'll be surely missed. Really a good guy. I'd also like to send out my best wishes to our former chief, Bob Dunn who's currently in the hospital and I just want Bobby to know that I'm thinking about him and I hope everything is well with him. And that's all I have, mayor.

10. Siegal – Emergency Management:

Thank you very much, mayor. The last meeting with the fire and emergency management committee was held on September the 7th. The next meeting will be held on Monday September 20th. That's wrong. Yeah, no, it's correct. We have Monday the 20th next Monday at 6:30 here in the counsel room. We do have three pieces of correspondence from the department secretary, here where Decker members of the city council that we're entering company number two, request that the following events be approved. Host a cash raffle from October to December, host a booth at the fourth festival on 9/26/21 and sell raffle tickets there, and attend a wet down in tuxedo on October the 9th, 2021. These events were approved by the court officers. I make a motion to approve it.

Motion by S. Siegal Second by T. Simmons AYE: 9 NAYS: 0 ABSTAIN: 0 CARRIED

This is to request that Brian Vanderveer a member of the Port Jervis fire department and the company here stated, be removed from the active membership roles for the reasons stated.

Motion by S. Siegal Second by T. Simmons AYE: 9 NAYS: 0 ABSTAIN: 0 CARRIED

At the regular meeting of Howard Wheat Engine company number four, Kenneth J. Howell was elected to the vacant position of first Lieutenant. This change is effective this day. This was also dated 7th September 2021. I make a motion to a approve that.

Motion by S. Siegal Second by T. Simmons AYE: 9 NAYS: 0 ABSTAIN: 0 CARRIED

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Thank you. I also want to give my condolences to the friends and the more family on the passing of Danny. As Tim said, he was a 55 year member of Engine four, who wasn't able to be really active in the last few years, but he was a very close long time friend of mine, and it's sad to see him gone. Services are tomorrow at 7:00 PM at night at Auchmoody funeral home, and the funeral is Wednesday at 11:00 AM at the funeral home. Rest in peace, brother.

Our hearts go out to the 343 firefighters that lost their lives on 9/11/2001 and 111 to have succumb to their health concerns since that date. There were two moving memorials in this area in the morning at the time that the tabloids were attacked. There was one in Deerpark, which was very well attended. And then later in the evening, there's one in Matamoros. They held that and there's a candlelight vigil and I liked it, and there was a great attendance. Probably the biggest attendance they had. And I like to thank those communities and the people that went there to pay tribute to those that lost those 343 firefighters and the 111 that so far have passed, saved thousands of lives doing what they do best. So, to their families, I wish them the best in the future as well. And housing authority last met on August 24th and the September meeting is canceled. And finally, I'd like to encourage residents to take a look at the properties that the city is selling that are still left or several that are available. Take a look at them and see if there's something you'd like to purchase so that we can get them in your hands and out of ours. And that's all I have. Thank you.

11. Siegal - Housing:

The housing authority last met on August 24th and the September meeting is canceled. And finally, I'd like to encourage residents to take a look at the properties that the city is selling that are still left or several that are available. Take a look at them and see if there's something you'd like to purchase so that we can get them in your hands and out of ours. And that's all I have. Thank you.

12. Randazzo:

Thank you, mayor. I have a couple items here from Mr. Faggione regarding contracts that need approval from the council. The first one is for fall foliage vendor contract with mountain side stables. It's for pony rides. I just want to preface that this has been sent to corporation council. They are finalizing all the contracts and that we have been asked to give approval subject to final review and approval by corporation council. So, at this time, I'd make a motion that we approve the vendor contracts with mountain side stables pending a final approval and review by corporation council.

Motion by L. Randazzo Second by S. Siegal AYE: 9 NAYS: 0 ABSTAIN: 0 CARRIED

Thank you. The second one also for a fall foliage vendor contract with a dialed action agency, LLC, it's for a BMX demonstration. Again, this is also going to be pending a finalization of contracts, subject to final review and approval by corporation council. I make a motion.

Motion by L. Randazzo Second by M. Mann AYE: 9 NAYS: 0 ABSTAIN: 0 CARRIED

Discussion: S.Siegal: What's the event? L. Randazzo: It's a BMX demonstration.

Thank you. And the last one is an agreement with Forward soccer for Port Jervis parked space. It's designated here as Western Park. And this is again going to be finalized contracts, pending subject to final review and approval by our corporation council. I'll make that a motion.

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Motion by L. Randazzo Second by S. Siegal AYE: 9 NAYS: 0 ABSTAIN: 0 CARRIED

Thank you. I just want to first, congratulate Kolmar laboratories. They celebrated their 100th anniversary day in the city of port Jervis on September 1st. Mayor Decker presented them with a proclamation, and I'd just like to read...

“Whereas, Kolmar labs was founded by Lessing L. Kole in Milwaukee, Wisconsin October of 1921. And whereas, Kolmar labs has operations in Hoboken, New Jersey, Newark, New Jersey, Ellenville, New York, and eventually found a way to Port Jervis New York in 1943. And,

Whereas, Kolmar labs began a relationship with Wilkins Chemical of Canada on April 30th, 1945, and eventually merged giving Kolmar majority interest in 1949. And,

Whereas, Kolmar labs has also operations in Mexico, England, France, Australia, Germany, Switzerland, Japan, India and Riverside, California making it worldwide cosmetic developer and producing an industry giant. And

Whereas, Kolmar labs, American operations and Port Jervis New York operated both Skyline Drive and King Street facilities for many years in the city before consolidating to a King Street facility. And

Whereas thousands of area residents were employed by Kolmar labs for nearly 80 years, that not only stood in the forefront as the world's leading industry and makeup, but as the city's largest employer, giving its residents the ability to find employment and gain honest wages.

So therefore, be it resolved, Kelly Decker declared September 1st, 2021 Kolmar labs, the 100th anniversary day in the city of Port Jervis. “

And on behalf of the entire city, he asked that we thank and recognize the company and most importantly the employees for their many years of dedication and service to making Kolmar a successful partner in our community. You all have truly done a fantastic job and our residents owe you a deep debt of gratitude for your commitment and success. And on behalf of the city council, he wishes all of them and their families a life full of good health and happiness. And that was the proclamation that we'll submit. As you can see here, there's two checks. One for the Port Jervis police department, the amount of \$2,500 that is going to be designated for national night out. And then the other one is to our Port Jervis fire department. So, thank you to them for your generosity and congratulations.

Public Comment-

Mr. Peter Greck: Election season is here and from my own observations and from what I've gathered recently by chatting with others, is that criminal activity in Port Jervis falls on the heels of posting election sides. Now, ironically, there's a party that calls itself [inaudible 00:42:44] order party that doesn't make the election signs of the other party safe on the contrary. Funny how that works out. But in any event, whatever party you are affiliated with, if you happen to have... Well, let me just first say this. I've had signs in my yard vandalized. My neighbors have had signs in their yard vandalized and apparently stolen. And then there's the whole trespassing on private property to get to the signs. And I've been told that professionally made signs don't come cheap. So, if you're a resident or anyone and if

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you see or experience any such criminal activity, please contact the police and insist that they make a report. And let's hope this election season passes without such incidences. Thank you.

Mayor Decker-

- A. I have the next resolution 2021 New York state office of homes and community and rural homes designation of certifying official and environmental responsibility. Before I read this, Jack Farr who is our DPW director cannot be listed as the person. It must be an officer listed in the charter. So after research, I put in Steven Duryea. So that's who's going to be named as this because he works sewer rehab. Whereas the City of port Jervis was awarded \$1 million, May 2021 under CDBG project 938 PR 4-20 to continue a phase two rehabilitation of the city's wastewater lines through the trenches secured in place process. And whereas this projects, environmental review record ERR., will be an update of phase one CDBG project 938 PR 138-18. And whereas the designation of certifying official or officers, excuse me, an environmentally responsible certification is required now therefore be it resolved that the common council of the City of Port Jervis here by designates DPW assistant director and city officer Steven Duryea as the project certified officer, thereby making him responsible for the environmental responsibility certification and that the mayor or his designee is authorized to execute any and all documents in connection with the environmental review record update.

Motion by G. Oney Second by D. Santini AYE: 9 NAYS: 0 ABSTAIN: 0 CARRIED

- B. I have an application in front of me that's been through all the department heads. This is from St. Mary's church. It is to pray for our country's first amendment right. It will be held on Saturday, October 16th, 2021 at Port Jervis Veterans Square, Orange Square Park. The number of expected is 50 to 51 people. There will be a process. I The chief is aware. At 11:50, they will meet at noon, and it'll will go for about an hour and 15 minutes. What is your pleasure?

Motion by M. Mann Second by L. Randazzo AYE: 9 NAYS: 0 ABSTAIN: 0 CARRIED

- C. I have a letter of resignation from Katie Horsham resigning from the Port Jervis ADA committee, after being on the committee for quite some time. It's really due to work issues and ongoing personal matters that puts her in a position where she feels that she can't serve the committee correctly. So I have a letter that I'm sending to her in an acceptance of this resignation, thanking her for many years of service. Thank you, Katie, for your many years of service on this board and to the City of Port Jervis
- D. And the last thing I do want to mention - thank you to both Deerpark and Matamoras for your 9/11 ceremonies. I do want to remind of the citizens of Port Jervis that we did have a victim that lived in Port Jervis , Doug Miller who passed away in 9/11 and that there is an ongoing scholarship drive and that you can contact my office should you be interested. It helps the scholarship fund that has sent many Port Jervis and Delaware valley kids to college, to help them out in college. So that is still going on, as well as to the family of the Fon's. The Fon's family was very active for many years in scouting. Dan was involved with a fire department. Many of you remember him working for Kolmar Great American or [crosstalk 00:57:10] and young Fon working for Kendrick and the school district. So, our prayers and condolences to the family. And that being said, I have PJ school taxes, are collected by the school, not the city community office.

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T. Simmons - There's just one thing. You mentioned that the ceremonies for the 9/11, and I just want to mention another guy. A lot of people have probably seen the story about the miracle in the stairway B. Billy Butler was one of those guys that was with the crew that saved that woman and brought her out. And Billy was a member of the Greenville fire department, lived in Greenville. He's now retired from the FDNY and he's moved down south. But in this day and age where the younger people look up to people with a number on their Jersey and somebody who's endorsed by subway or Nike or different people who decide to take a knee on a Sunday afternoon and they look up to them as their hero. I think maybe they should look at that story again and maybe look to somebody else that is a true hero who puts their life on the line and went in when everybody else was running out, and by the grace of God is still with us today. And I just want to say that I'm extremely proud to be able to say that I know Billy Butler and he's one hell of a guy.

Mayor Decker- Motion to adjourn?

Motion by T.Simmons Second by D. Santini AYE: 9 NAYS: 0 ABSTAIN: 0 CARRIED

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The meeting was adjourned at 8:06 pm.

Next Meeting is scheduled for 6:30 pm on September 27th, 2021, in-person in Council Chambers
City Hall 20 Hammond Street, Port Jervis, New York.



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 Roll Call for Transcription Monday, September 13, 2021



6:30 pm Regular Session: Pledge of Allegiance

Public Hearing: Proposed Local Law #4 of 2021 – Modification of LL417-5 allow blacktop use for sidewalks

Public Comment: 5-minute limit per person

BASED ON PUBLIC OFFICERS LAW ARTICLE 7

Executive Session:

- 105.1e – Collective Negotiations
- 105.1h – 220 East Main Street
- 105.1h – Offer of Purchase, through Realtor, City Properties (x4)
- 105.1f – Personnel
- 105.1h – 2 Brook Street - sewer
- 105.1h – 14 Sullivan Ave - penalty
- 105.1h – 126 West Main - property sale
- 105.1h – 126 Front St – bank negotiation

Approval of the Minutes:

- July 12, 2021 – Common Council Meeting – (unable to approve last meeting)**
- July 26, 2021 – Common Council Meeting**
- July 29, 2021 – Special Common Council Meeting: RE Resolution O&W**
- August 9, 2021 – Common Council Meeting**
- August 23, 2021 – Common Council Meeting**

Address Executive Session Material:

Business:

Foster: (POLICE / ADA) -

1. Approve / Decline Denise Raffone PT Crossing Guard
2. Approve / Decline Wendy Warnock-Fago PT Dispatcher
3. Approve / Decline Ricky Maldonado – PT Dispatcher
4. Approve / Decline Permanent Appointment Nicole McGown to Sergeant

Santini: (CODE) -

1. Approve / Decline Hotel Room Occupancy Tax Bill -
2. Approve / Decline Modification of LL417-5 to allow blacktop sidewalks

Campbell: (RECREATION) -

Mann: (TOURISM / IDA)

Trovei: (FINANCE/CDA) - Bills to be paid

Oney: (DPW) -

Simmons: (PLANNING / ZONING)

Siegel: (FEM /HOUSING)

Randazzo:

Public Comment: 5-minute limit per person

Decker-

1. Approve / Decline Clothesline Project – Veteran’s Square – Thur. Oct 21st 10am – 4pm
2. Approve / Decline Farmer’s Market Move – Awaiting on Market Director’s request to be delivered
3. Approve / Decline DRI Application Resolution
4. Approve / Decline Reaffirm CDA as Authorized Sub-recipient Resolution
5. Approve / Decline CDBG Designated Certify Official for Project 938PR4-20 Sewer Rehab Resolution
6. Approve / Decline First Amendment gathering event Oct 16th; 50 persons; 11:50am for 1 ½ hours
7. Approve / Decline Letter of Resignation with regret

Adjournment:

City of Port Jervis, New York

RESOLUTION OF COMMON COUNCIL OF THE CITY OF PORT JERVIS

2020 New York State (NYS) Office of Homes and Community Renewal

Designation of Certifying Officer and Environmental Responsibility

CDBG Project #938PR4-20 – Citywide Sewer Rehab Phase 2

WHEREAS, the City of Port Jervis was awarded \$1,000,000 in May 2021 under CDBG Project #938PR4-20 to continue a Phase 2 rehabilitation of the city's wastewater lines through the trenchless cured-in-place process; and

WHEREAS, this project's Environmental Review Record (ERR) will be an update of the Phase 1, CDBG Project # 938PR138-18; and

WHEREAS, the Designation of Certifying Officer and Environmental Responsibility Certification is required,

NOW THEREFORE, be it resolved that the Common Council of the City of Port Jervis, hereby designates DPW Assistant Director and City Officer, Steven Duryea as this project's Certifying Officer, thereby making him responsible for the Environmental Responsibility Certification, and that the Mayor or his designee is authorized to execute any and all documents in connection with the Environmental Review Record update.

Motion by: Oney Second by: Santini

PASSED AND ADOPTED on this 13th day of September, ²⁰²¹ by the following vote:

AYES: 9 ABSENT: 0

NOES: 0 ABSTAIN: 0



Attest: Laura Quick
Laura Quick, City Clerk Treasurer

Police Committee

June Monthly Meeting Minutes

The June 17, 2021 meeting of the police committee opened at 6:15pm with the following members in attendance: Mr. Foster, Ms. Mann, Ms. Randazzo, Ms. Trovei, Ms. Campbell and Chief Worden.

Public Comment: No comments received from members of the public.

Community Outreach Update:

- ASK 2nd Grade Tour of Police Station (June 7)
- DARE Graduation- 5th Grade on June 10
- July 11 Little Lambs Safety Presentation and participation in Candy Cane Graduation Ceremony
- June 10th 4th Ward Watch Meeting.
- June 13- Community Outreach booth and activities at the Revival at Camelot.
- Youth Safety Day and Bicycle Rodeo scheduled for June 20th at Engine 4 fire station.
- Child Passenger Safety Seat Inspection June 20th -Engine 4 Fire Station.
- June 21- ASK First Grade Safety Day at ASK School.
- Port Jervis High School Annual Graduation Parade scheduled for July 25, 2021.

ABLE Update: Project ABLE – Georgetown University.

The department has been selected on June 4, 2021 to join the Active Bystandership for Law Enforcement (ABLE) Project. The department was accepted based upon an application process, letters of community support and the department's commitment to the Ten Able Standards. Two instructors from the department have approved to attend a train the trainer event later this summer.

Traffic Safety Initiative: Pedestrian Safety Awareness for Children and Older Adults- The department is participating in GTSC Operation See and Be Seen Pedestrian Safety Campaign from 11 June – 24 June 2021 dedicating extra patrols financed through grant finding to provide pedestrian safety education and enforcement.

DOJ Body Camera Grant Opportunity- The committee reviewed a funding opportunity from the Dept. of Justice to provide a 50% matching funding to assist police department's implement and acquire body worn camera technology. Chief Worden will pursue the grant with assistance from CDA Director Valerie Maginsky.

SAM Grant- Special Service Pick-Up Truck- The department received the results of a mini-bid request through the NYS Vehicle Market Place and is currently reviewing three submissions, specifications and pricing to order the pick-up truck under this grant. A vendor will be selected and the truck ordered by July 2021.

Retirements/ Resignations:

Resignation: Officer Savannah Dooley has submitted her notice that she will be resigning from service effective June 22, 2021 to accept a lateral transfer position with the Town of Orangetown Police Department in Rockland County, NY.

Retirement for PO Robert Krentz is scheduled for June 27, 201. Officer Krentz's last day of service will be June 26th . Officer Krentz is requesting to be reinstated as a part time police officer to serve in our schools.

Sgt. Jeremy Eagan- Retirement scheduled for July 16th with his last day of service scheduled for July 15th.

Hiring and Replacements:

The department is working closely with the Port Jervis Hiring Committee consisting of community member representation from the Reform Collaborative Committee, the Police Committee and the Police Department to schedule interviews of eligible police officer candidates received from Civil Service and eligible sergeants' candidates.

Sergeant vacancies will be filled incrementally over the next several months as new police officers are selected, hired, trained and available to fill vacancies within the department. All ranks will retain a percentage of vacancies until new hires are completely trained and deployable.

The committee discussed the costs of hiring six candidates and the financial impact of the selection, hiring, initial equipment issuance and training will have on the department's budget. The current 2021 budget does not provide sufficient funding for selecting and outfitting six new officers. (Cost areas estimated to exceed \$20,000.00- Body Armor Purchases, Uniforms, Fingerprinting, Medical Exams, Psychological Exams, Academy Tuition, Ammunition Issuance for Training).

Second Lieutenant Position:

The committee discussed the increased workload and responsibilities of administrative command staff in the police department to include the pandemic, criminal justice reforms, implementing reform recommendations, and increased training and reporting mandates, and explored the feasibility of restoring the second full time lieutenant's position that was eliminated with budget reductions in 2014 with the retirement of Lt. James Bisland. Matter to be reviewed further by the committee and the common council.

Ms. Mann discussed the impacts of the legalization of marijuana in the community.

Meeting was adjourned at 7:40pm.

Respectfully Submitted,

William J. Worden

Chief of Police

**Police Committee
City of Port Jervis
July 15, 2021
Monthly Meeting Minutes**

Meeting called to order at 6:06pm by Mr. Foster with the following members in attendance: Ms. Randazzo, Ms. Trovei, Mr. Simmons, Ms. Mann, Chief Worden.

Officer Hiring and Promotion Process Update:

All new hires have started on July 8th and are either in field training or completing phase two of the academy. Two new hires are completing Phase II Training at Ulster Police Academy and will start their field training program on or about July 24th 2021. Hiring of certified officers has contributed to significant savings in full academy training related costs and overtime backfill.

Sgt Mioglionico has begun his supervisory duties on July 1, 2021.

Marijuana Dispensaries: Informational Update:

The committee discussed New York State's law regarding local dispensaries for marijuana and a community opt out clause. According to the new law, municipalities may opt-out of allowing adult-use cannabis retail dispensaries or on-site consumption licenses within their borders by passing a local law by December 31, 2021, nine months after the effective date of the legislation.

Municipalities may not ban cannabis possession. Those that choose to opt out of permitting retail marijuana sales or on-site consumption will not receive a portion of the millions in tax revenue generated from legalizing recreational cannabis use. However, a municipality may opt back in at any time. The matter will be discussed at Code Committee and by the City Council.

4-Way Stop Intersection Review-

Canal Street and Orange Street- The department has reviewed a complaint from a citizen requesting a four-way stop intersection be implemented at the intersection of Orange and Canal Street. A review of crash data compiled from 2016-2021 revealed that nine accidents have been recorded at this intersection involving property damage.

At this time, the department is deploying increased patrol focus on this intersection to check for stop sign compliance and will continue to review the matter. No recommendation for a four way stop intersection at this time.

Outreach Updates-

A Jump Out Outreach party is scheduled for Friday July 16th at 3pm at Church Street Park.

Youth Leadership Academy – 8 Days -Scheduled for last week of July. PJHS.

Fireworks Law:

The committee reviewed the City of Middletown's local law prohibiting fireworks discharge and the current City ordinances prohibiting fireworks in the City of Port Jervis. Currently, there are two sections of the City Code that provide prohibitions to fireworks discharges in the city limits: Section 285 and Section 398-5. Suggestion- Code Committee: Fireworks law be revised through an update to simplify the language of the law and combine both sections of the City Code into one ordinance.

Initiative- Smoke Free Parks- POW'R Against Tobacco- Ms. Leilani Lockett, Community Engagement Coordinator and Operation PJ Pride have been collaborating with the Recreation and Police Departments to revise and update the City's local law prohibiting smoking in city parks and city facilities to include prohibitions against marijuana and tobacco smoking and vaping. POW'R has received grant funding to provide updated signage at City parks and facilities and to provide public education to reduce tobacco, marijuana and vaping among teenagers. Matter referred to Code Committee for an August presentation by Ms. Lockett.

Reform Committee Recommendations Update:

ABLE- Georgetown University Active Bystandership Train the Trainer- The PJPD has been accepted into the ABLE program with two instructors invited to attend a virtual 24 hour train the trainer program scheduled for August 2021.

DOJ Body Worn Camera Grant - Phase one of the grant has been submitted. The Chief and Ms. Maginsky are working together to complete the project narrative and budget proposal to submit for funding under phase two of the grant. The grant, is awarded, will provide 50% matching payment to implement a body worn camera program for the police department. The 2021 capital note contains sufficient funding to provide for the City's required match in the event the City is awarded this grant.

Increased Social Media Presence: The department is working with the Niki Jones Agency to establish an updated Hootsuite account to allow for multiple social media posts to occur on twitter, Facebook and Instagram to increase information provide to the public.

Public Comment:

Ms. Jessica Cohen inquired if the City was experiencing overdoses traced to the drug Kratom.

Committee entered Executive Session at 6:41pm to review the Port Jervis Hiring Committee's recommendations for department promotions. (Personnel)

7:06 pm: Executive Session Ended.

Committee will forward recommendation to promote PO Andrew Dillinger to Sergeant effective August 1 2021 and PO Ryan Kievit to Detective effective July 26, 2021. The third sergeant promotion will be promoted effective September 1, 2021.

Meeting adjourned at 7:07pm.

Respectfully Submitted,

William Worden
Chief of Police

2021

PORT JERVIS POLICE DEPARTMENT



City of Port Jervis Police Department
Office of the Chief of Police

Chief of Police

WILLIAM WORDEN

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

Tel : (845) 856-5101

Fax: (845) 858-4078

E-mail: pjpolice@citlink.net

MONTHLY REPORT FOR THE MONTH OF AUGUST, 2021

	<u>CURRENT MONTH</u>	<u>YEAR-TO-DATE</u>
TOTAL INCIDENTS FOR THE MONTH	1,002	7,468
TOTAL TRAFFIC STOPS	155	1,029
TOTAL TICKETS ISSUED FOR THE MONTH	211	1,416
TOTAL AUTO ACCIDENTS FOR THE MONTH	29	201
TOTAL MILEAGE ON PATROL VEHICLES	10,470	73,402
VALUE OF STOLEN PROPERTY	\$ 7,370	\$ 48,537
VALUE OF RECOVERED PROPERTY	\$ 6,755	\$ 37,858
TOTAL DOMESTICS FOR THE MONTH	39	259
ANIMAL CONTROL COMPLAINTS	20	171
PRISONERS DETAINED LOCALLY	17	100
TOTAL ARRESTS FOR THE MONTH (INCLUDES 14 FOR BENCH WARRANTS / OTHER AGENCY)	72	464

**SEE ATTACHED REPORTS:
JUVENILE AID BUREAU
ANIMAL CONTROL OFFICER**

REPECTFULLY SUBMITTED,

William Worden

**WILLIAM J. WORDEN
CHIEF OF POLICE**

REPORTED OFFENSES

PART I OFFENSES

	<u>CURRENT MONTH</u>	<u>YEAR TO DATE</u>
MURDER/MANSLAUGHTER	0	0
RAPE	1	7
ROBBERY	1	3
ASSAULT	2	18
BURGLARY	2	6
LARCENY	8	49
MOTOR VEHICLE THEFT	1	7
TOTAL PART I OFFENSES	15	90

PART II OFFENSES

	<u>CURRENT MONTH</u>	<u>YEAR TO DATE</u>
ARSON	0	2
CONTROLLED SUBSTANCES	5	109
WEAPONS	0	6
SEX OFFENSES	2	7
FORGERY	1	6
STOLEN PROPERTY	0	3
CRIMINAL MISCHIEF	19	74
FRAUD	5	31
SIMPLE ASSAULT	14	113
DWI	6	33
LIQUOR LAW VIOLATIONS	1	13
DISORDERLY CONDUCT	0	5
ALL OTHER PART II OFFENSES	17	70
TOTAL PART II OFFENSES	70	472

MOTOR VEHICLE ACCIDENTS

	<u>CURRENT MONTH</u>	<u>YEAR TO DATE</u>
PROPERTY DAMAGE (PDAA)	25	185
PERSONAL INJURY (PIAA)	3	13
PERSONAL INJURY (PEDESTRIAN)	1	3
PERSONAL INJURY (FATAL)	0	0
	-----	-----
TOTAL	29	201

TICKET SUMMARY

	<u>CURRENT MONTH</u>	<u>YEAR TO DATE</u>
PARKING TICKETS ISSUED	10	186
TRAFFIC TICKETS ISSUED	201	1,230
	-----	-----
TOTAL	211	1,416

PARTIAL TICKET BREAKDOWN

<u>TRAFFIC OFFENSE</u>	<u>TICKETS ISSUED THIS MONTH</u>
SPEEDING	42
NO/EXPIRED INSPECTION	12
EQUIPMENT VIOLATIONS	25
UNLICENSED / SUSPENSIONS	43
REGISTRATION VIOLATIONS	14
CELL PHONE VIOLATIONS	10

**City of Port Jervis
Monthly Juvenile Bureau Report
AUGUST 2021**

HIGHLIGHTED RED DENOTES ACTUAL ARREST

Offense	R/C	A	1-9yr	M	F	10-12yr	M	F	13yr	M	F	14yr	M	F	15yr	M	F	16yr	M	F	17yr	M	F	White	M	F	Black	M	F	Hisp	M	F	BiRacial	M	F	
Harrasment 2nd	5	10	2	2					2	2		3	3	2	1	1	1	1						5	5	4	1	3	1							
Petit Larceny	1	3													2	2					1	1		1	1	1	1	1	1	1						
Trespass 4th	1	1				1	1																	1	1											
Total Criminal	7	14	2	2	0	1	1	0	2	2	0	3	3	4	3	1	1	0	1	1	0	1	0	7	7	0	5	2	3	2	1	0	0	0	0	

Non Criminal	R/C	A	1-9yr	M	F	10-12yr	M	F	13yr	M	F	14yr	M	F	15yr	M	F	16yr	M	F	17yr	M	F	White	M	F	Black	M	F	Hisp	M	F	BiRacial	M	F	
9.41 MHL	2	2							1	1								1	1					1	1				1	1						
P.I.N.S.																																				
Juvenile Contacts	12	18	3	2	1	7	7		1	1		2	2	1	1			2	1	1	2	1		10	7	3	6	3	3	2	2					
Runaways	2	2										2	1	1													2	1	1							
Total Non Criminal	16	22	3	2	1	7	7	0	2	2	0	4	1	3	1	1	0	3	2	1	2	1	1	11	8	3	8	4	4	3	3	0	0	0	0	

Total Arrests 36

Disposition Of Juveniles	1-9yr	M	F	10-15yr	M	F	16yr	M	F	17yr	M	F	Total sum
Handled within department and released	4	3	1	27	19	8	3	2	1	1			36
Referred to Port Jervis Youth Center													
Referred to Family Court/ Probation intake													
Referred to Welfare Agency				1	1								
Referred to outside police agency													
Referred to adult court system													
Total	4	3	1	28	20	8	3	2	1	1	0	1	36

Public Service

Date:	Event	M	F
8/2/2021	Youth Academy River Trip	15	6
8/3/2021	Youth Academy Park Cleanup	15	6
8/4/2021	Youth Academy Range Day	15	6
8/26/2021	Curch St Jump Out Party	20	8
8/27/2021	Pump Track Jump Out Party	20	9

Total 85 35 Total Sum 120

Det. Pete Washalski

AUGUST 2021 ANIMAL CONTROL REPORT

Dispatched/# Contacts		Animals Euthanized		Brought to shelter	
Call Type	# Calls	Type	# Euthanized	Type	#TOT Shelter
Dog	18	Dog	0	Dog	0
Cat	11	Cat	0	Cat	7
Raccon	0	Raccon	0	Total	7
Bat/Bird/Snake	5	Bat/Bird/Snake	0	Emergency Vet Care	
Wood Chuck	0	Wood Chuck	0	Dog	0
Skunk	1	Skunk	0	Cat	0
Possum	0	Possum	0	Total	0
Bear	0	Squirrel	0		
Squirrel	2	Total	0		
Total	37				

Charges/Warnings					
Offenses		Disposition			
		Warnings			
	Port Jervis City Code	App. Ticket	Written	Verbal	Total
PJCC 215-9	License and Tag Required	0	0	0	0
PHL 2141-1	Rabies Vaccination	0	0	2	2
PJCC 215-13	Dog Running at Large	0	0	0	0
PJCC 215-20	Nuisance By Animal	0	0	1	1
PJCC 215-12	Removal Of Feces Required	0	0	0	0
PJCC 215-14	Leashing Required	0	0	0	0
PJCC 389-2E	Animal in City Park	0	0	0	0
PJCC 535-4B	Maximum # of Domestic Animals	0	0	0	0
PJCC 215-27	Dangerous Dog	0	0	0	0

State of New York AGM - Article 26					
353	Cruelty		0	0	0
353-a	Aggravated Cruelty	0	0	0	0
353-b	Appropriate Shelter for Dog	0	0	0	0
353-d	Confinement of Companion Animals	0	0	0	0
355	Abandonment of Animals	0	0	0	0
Total		0	0	0	0

Arrests	
Apperance Tickets Written	0
Ongoing Cruelty Investigations	0

Spay and Neutering completed at Eng 4	0
TNR PROGRAM FUNDS USED	0

Jeffery Ewing
Animal Control Officer

INTRODUCTORY LOCAL LAW NO. 3 OF 2021

**A LOCAL LAW OF THE CITY OF PORT JERVIS, COUNTY OF ORANGE
ENTITLED THE "CITY OF PORT JERVIS HOTEL ROOM OCCUPANCY TAX LAW"**

BE IT ENACTED BY THE COMMON COUNCIL OF THE CITY OF PORT JERVIS
AS FOLLOWS:

Section 1. Title

This Local Law shall be referred to as the "City of Port Jervis Hotel Room Occupancy Tax Law.

Section 2. Amendment

The City Code of the City of Port Jervis is hereby amended to add a new Article IX to Chapter 475 entitled "Taxation" with the following text:

Chapter 475. Taxation

Article IX. Taxation of Hotel Room Occupancy

§ 475-45. Title.

This Article shall be known as the "City of Port Jervis Hotel Room Occupancy Tax Law."

§ 475-46. Definitions.

For purposes of this Article, the following definitions shall apply:

EFFECTIVE DATE

The date on which this Article is filed with the Secretary of State.

HOTEL or MOTEL

INTRODUCTORY LOCAL LAW NO. ~~14~~³ OF 2021

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Chapter 475. Taxation

Article IX. Taxation of Hotel Room Occupancy

§ 475-45. Title.

This Article shall be known as the "City of Port Jervis Hotel Room Occupancy Tax Law."

§ 475-46. Definitions.

For purposes of this Article, the following definitions shall apply:

EFFECTIVE DATE

The date on which this Article is filed with the Secretary of State.

HOTEL or MOTEL

Any facility consisting of rentable living space or spaces (units) and providing lodging on an overnight basis and shall include those facilities designated and commonly known as "Bed-and-Breakfast", "Air B&B" and "tourist" facilities.

OCCUPANCY

The use or possession, or the right to the use or possession, of any room in a hotel.

OCCUPANT

A natural person who, for a consideration, uses, possesses or has the right to use or possess any room in a hotel under any lease, concession, permit, right of access, license to use or other agreement or otherwise.

OPERATOR

Any person operating a hotel or motel in the City of Port Jervis, including, but not limited to, an owner or proprietor of such premises, lessee, sublessee, mortgagee in possession, licensee or any other person otherwise operating such hotel or motel.

PERMANENT RESIDENT

Any natural person occupying any room or rooms in a hotel for at least 90 consecutive days shall be considered a "Permanent Resident" with regard to the period of such occupancy.

PERSON

An individual, partnership, society, association, joint-stock company, corporation, estate, receiver, trustee, assignee, referee or any other person acting in a fiduciary or representative capacity, whether appointed by a court or otherwise, or any combination of the foregoing.

RENT

The per diem rental rate received for occupancy of each room, valued in money, whether received in money or otherwise, for the occupancy of a room in a hotel for any period of time.

RETURN

Any return filed or required to be filed as herein provided.

ROOM

Any room or rooms of any kind in any part or portion of a hotel, which is available for or let out for any purpose other than a place of assembly.

MAYOR

The City Mayor of the City of Port Jervis.

§ 475-47. Imposition of tax.

On or after the effective date of this Article, there is hereby imposed and there shall be paid a tax of 5% upon the rent for every occupancy of a room or rooms in a hotel or motel in this City, except that the tax shall not be imposed upon a permanent resident, or as otherwise provided herein.

§ 475-48. Exempt organizations.

Except as otherwise provided in this section, any use or occupancy by any of the following shall not be subject to the tax imposed by this Article:

A. The state of New York, or any public corporation (including a public corporation created pursuant to agreement or compact with another state or the Dominion of Canada), improvement district or other political subdivision of the state;

B. The United States of America, insofar as it is immune from taxation;

C. Any corporation or association, or trust, or community chest, fund or foundation organized and operated exclusively for religious, charitable or educational purposes, or for the prevention of cruelty to children or animals, and no part of the net earnings of which inures to the benefit of any private shareholder or individual and no substantial part of the activities of which is carrying on propaganda or otherwise attempting to influence legislation; provided, however, that nothing in this paragraph shall include an organization operated for the primary purpose of carrying on a trade or business for profit, whether or not all of its profits are payable to one or more organizations described in this section;

D. A permanent resident of a hotel or motel.

§ 475-49. Territorial limits.

The tax imposed by this Article shall apply only within the territorial limits of the City of Port Jervis.

§ 475-50. Registration.

A. Within 10 days after the effective date of this Article or, in the case of operators commencing business after such effective date, within three days after such commencement or opening, every operator shall file with the Mayor a certificate of registration in a form prescribed by the Common Council.

B. The Mayor shall, within five days after such registration, issue without charge to each operator a certificate of authority empowering such operator to collect the tax from the occupant and a duplicate thereof for each additional hotel of such operator. Each certificate or duplicate shall state the hotel to which it is applicable. Such certificate of authority shall be prominently displayed by the operator in such manner that it may be seen and come to the notice of all occupants and persons seeking occupancy. Such certificate shall be nonassignable and nontransferable and shall be surrendered immediately to the Mayor upon the cessation of business at the hotel named or upon its sale or transfer.

§ 475-51. Administration and collection.

A. The tax imposed by this Article shall be administered and collected by the Mayor, or such other City employee as he/she may designate, by such means and in such manner as are other taxes which are now collected and administered or as otherwise provided by this Article.

B. The tax to be collected shall be stated and charged separately from the rent and shown separately on any record thereof, at the time when the occupancy is arranged or contracted for and charged for, and upon every evidence of occupancy or any bill or statement of charges made for said occupancy issued or delivered by the operator, and the tax shall be paid by the occupant to the operator as trustee for and on account of the City, and the operator shall be liable for the collection thereof and for the tax. The operator and any officer of any corporate operator shall be personally liable for the tax collected or required to be collected under this Article, and the operator shall have the same right in respect to collecting the tax from the occupant, or in respect to nonpayment of the tax by the occupant, as if the tax were part of the rent for the occupancy payable at the time such tax shall become due and owing, including all rights of eviction, dispossession, repossession and enforcement of any innkeeper's lien that he/she may have in the event of nonpayment of the rent by the occupant; provided, however, that the Mayor or employees or agents duly designated by him/her shall be joined as a party in any action or proceeding brought by the operator to collect or enforce collection of the tax.

C. The Mayor may, whenever he/she deems it necessary for the proper enforcement of this Article, provide by regulation that the occupant shall file returns and pay directly to the Mayor the tax imposed at such times as returns are required to be filed and payment made over by the operator.

D. The tax imposed by this Article shall be paid upon any occupancy on and after the effective date of this Article, although such occupancy is had pursuant to a contract, lease or other arrangement made prior to such date. Where rent is paid or charged or billed or falls due on either a weekly, monthly or other term basis, the rent so paid, charged, billed or falling due shall be subject to the tax herein imposed to the extent that it covers any portion of the period on and after the effective date of this Article. Where any tax has been paid hereunder upon any rent which has been ascertained to be worthless, the Mayor may, by regulation, provide for credit and/or refund of the amount of such tax upon application therefor as provided in § 475-57 of this Article.

E. For the purpose of the proper administration of this Article and to prevent evasion of the tax hereby imposed, it shall be presumed that all rents are subject to tax until the contrary is established, and the burden of proving that a rent for occupancy is not taxable hereunder shall be upon the operator or occupant. Where an occupant claims exemption from the tax under the provisions of § 475-48 of this Article, the rent shall be deemed taxable hereunder unless:

(1) The operator shall receive from the occupant claiming such exemption a copy of a New York State sales tax exemption certificate; or

(2) Unless the operator shall receive from the occupant claiming such exemption a certificate duly executed by an exempt corporation or association certifying that the occupant is its agent, representative, or employee, together with a certificate executed by the occupant that the occupancy is paid or to be paid by such exempt corporation or association, and is necessary or required in the course of or in connection with the occupant's duties as a representative of such corporation or association.

§ 475-52. Records to be kept.

Every operator shall keep records of every occupancy and of all rent paid, charged or due thereon and of the tax payable thereon, in such form as the Mayor may by regulation require. Such records shall be available for inspection and examination at any time upon demand by the Mayor or his/her duly authorized agent or employee and shall be preserved for a period of three years, except that the Mayor may consent to their destruction within that period or may require that they be kept together.

§ 475-53. Returns.

A. Every operator shall file with the Mayor a return of occupancy and of rents and of the taxes payable thereon for the three-month periods ending the last day of March, June, September and December on and after the effective date of this Article. Such returns shall be filed within 20 days from the expiration of the period covered thereby. The Common Council may permit or require returns to be made for other periods upon such dates as it may specify. If the Common Council deems it necessary in order to ensure the payment of the tax imposed by this Article, it may require returns to be made for shorter periods than those prescribed pursuant to the foregoing provisions of this section and upon such dates as it may specify.

B. The forms of return shall be prescribed by the Common Council and shall contain such information as it may deem necessary for the proper administration of this Article. The Mayor may require amended returns to be filed within 20 days after notice and to contain the information specified in the notice.

C. If a return required by this Article is not filed, or if a return is incorrectly filed or is insufficient on its face, the Mayor shall take such steps as he/she deems necessary to enforce the filing of such return or of a corrected return.

§ 475-54. Payment of tax.

At the time of filing a return of occupancy and of rents, each operator shall pay to the Mayor the taxes imposed by this Article upon the rents required to be included in such return, as well as all other moneys collected by the operator acting or purporting to act under the provisions of this

Article; even though it be judicially determined that the tax collected is invalidly required to be filed, it shall be due from the operator and payable to the Mayor on the date prescribed herein for the filing of the return for such period, without regard to whether a return is filed or whether the return which is filed correctly shows the amount of rents and taxes due thereon. Where the Mayor in his/her discretion deems it necessary to protect revenues to be obtained under this Article, he/she may require any operator required to collect the tax imposed by this Article to file with him/her a bond, issued by a surety company authorized to transact business in this state and approved by the Superintendent of Insurance of this state as to solvency and responsibility, in such amount as the Mayor may find to secure the payment of any tax and/or penalties and interest due or which may become due from such operator. In the event that the Mayor determines that an operator is to file such bonds, he/she shall give notice to such operator to that effect, specifying the amount of the bond required. The operator shall file such bond within five days after the giving of such notice unless, within such five days, the operator shall request, in writing, a hearing before the Mayor at which the necessity, propriety and amount of the bond shall be determined by the Mayor. Such determination shall be final and shall be complied with within 15 days after the giving of notices thereof. In lieu of such bond, securities approved by the Mayor or cash in such amount as he/she may prescribe may be deposited with him/her, which shall be kept in the custody of the Mayor, who may at any time, without notice of the depositor, apply them to any tax and/or interest or penalties due, and for that purpose the securities may be sold by him/her at public or private sale without notice to the depositor thereof.

§ 475-55. Determination of tax.

Any final determination of the amount of any tax payable hereunder shall be reviewable for error, illegality or unconstitutionality or any other reason whatsoever by a proceeding under Article 78 of the Civil Practice Law and Rules if application therefor is made to the Supreme Court within thirty days after the giving of the notice of such final determination; provided, however, that any such proceeding under Article 78 of the Civil Practice Law and Rules shall not be instituted unless:

A. The amount of any tax sought to be reviewed, with such interest and penalties thereon as may be provided for by local law shall be first deposited and there is filed an undertaking, issued by a surety company authorized to transact business in this state and approved by the Superintendent of Insurance of this State as to solvency and responsibility, in such amount as a Justice of the Supreme Court shall approve to the effect that if such proceeding be dismissed or the tax confirmed, the petitioner will pay all costs and charges which may accrue in the prosecution of such proceeding; or

B. At the option of the petitioner, such undertaking may be in a sum sufficient to cover the taxes, interests and penalties stated in such determination plus the costs and charges which may accrue against it in the prosecution of the proceeding, in which event the petitioner shall not be required to pay such taxes, interest or penalties as a condition precedent to the application.

§ 475-56. Disposition of revenues.

All revenue resulting from the imposition of the tax under this Article shall be paid into the treasury of the City and shall be credited to and deposited in the general fund of the City. Such revenues may be used for any lawful purpose.

§ 475-57. Refunds.

A. In the manner provided in this section, the Mayor shall refund or credit, without interest, any tax penalty or interest erroneously, illegally or unconstitutionally collected or paid if application to the Mayor for such refund shall be made within one year from the payment thereof. Whenever a refund is made by the Mayor, he/she shall state his/her reason therefor, in writing. Such application may be made by the occupant, operator or other person who has actually paid the tax. Such application may also be made by an operator who has collected and paid over such tax to the Mayor, provided that the application is made within one year of the payment to the operator, but no actual refund of moneys shall be made to such operator until it shall first establish to the satisfaction of the Mayor, under such regulations as the Mayor may prescribe, that it has repaid to the occupant, or other person who has actually paid the tax, the amount for which the application for refund is made. The Mayor may, in lieu of any refund required to be made, allow credit therefor on payments due or to become due from the applicant.

B. Where any tax imposed hereunder shall have been erroneously, illegally or unconstitutionally collected and application for the refund thereof duly made to the Mayor, and such Mayor shall have made a determination denying such refund, such determination shall be reviewable by a proceeding under Article 78 of the Civil Practice Law and Rules; provided, however, that such proceeding is instituted within thirty days after the giving of the notice of such denial, that a final determination of tax due was not previously made, and that an undertaking is filed with the Mayor in such amount and with such sureties as a Justice of the Supreme Court shall approve to the effect that if such proceeding be dismissed or the tax confirmed, the petitioner will pay all costs and charges which may accrue in the prosecution of such proceeding.

C. A person shall not be entitled to a revision, refund or credit of a tax, interest or penalty which had been determined to be due pursuant to the provisions of § 475-60 of this Article where it has had a hearing or an opportunity for a hearing, as provided in said section, or has failed to avail itself of the remedies therein provided. No refund or credit shall be made of a tax, interest or penalty paid after a determination by the Mayor made pursuant to § 475-60 of this Article unless it be found that such determination was erroneous, illegal or unconstitutional or otherwise improper by the Mayor after a hearing or on his/her own motion or in a proceeding under Article 78 of the Civil Practice Law and Rules, pursuant to the provisions of said section, in which event refund or credit without interest shall be made of the tax, interest or penalty found to have been overpaid.

§ 475-58. Reserves.

In cases where the occupant or operator has applied for a refund and has instituted a proceeding under Article 78 of the Civil Practice Law and Rules to review a determination adverse to him/her on his/her application for refund, the Mayor shall have the option of crediting future tax payments to meet the cost of any settlements or judgments or, at his/her option, may, in the first instance, set up appropriate reserves to meet any decision adverse to the City.

§ 475-59. Remedies exclusive.

The remedies provided by § 475-55 and § 475-57 of this Article shall be the exclusive remedies available to any person for the review of tax liability imposed by this Article, and no determination or proposed determination of tax or determination on any application for refund shall be enjoined or reviewed by an action for declaratory judgment, an action for money had and received or by any action or proceeding other than a proceeding in a nature of a certiorari proceeding under Article 78 of the Civil Practice Law and Rules; provided, however, that a taxpayer may proceed by declaratory judgment if he/she institutes suit within 30 days after a deficiency assessment is made and pays the amount of the deficiency assessment to the Mayor prior to the institution of such suit and posts a bond for costs as provided in § 475-54 of this Article.

§ 475-60. Penalties and interest.

A. Any person failing to file a return or to pay or pay over any tax to the Mayor within the time required by this Article shall be subject to a penalty of 5% of the amount of tax due plus interest at the rate of 1% of such tax for each month of delay excepting the first month after such return was required to be filed or such tax became due. Such penalties and interest shall be paid and disposed of in the same manner as other revenues from this Article. Unpaid penalties and interest may be enforced in the same manner as the tax imposed by this Article.

B. Any operator or occupant and any officer of an operator or occupant failing to file a return required by this Article, or filing or causing to be filed or making or causing to be made or giving or causing to be given any return, certificate, affidavit, representation, information, testimony or statement required or authorized by this Article which is willfully false, and any operator and any officer of a corporate operator willfully failing to file a bond required to be filed pursuant to § 475-54 of this Article, or failing to file a registration certificate and such data in connection therewith as the Mayor may by regulation or otherwise require, or failing to display or surrender the certificate of authority as required by this Article or assigning or transferring such certificate of authority; and any operator or any officer of a corporate operator willfully failing to charge separately from the rent the tax herein imposed or willfully failing to state such tax separately on any evidence of occupancy and on any bill or statement or receipt of rent issued or employed by the operator or willfully failing or refusing to collect such tax from the occupant; any operator or any officer of a corporate operator who shall refer or cause reference to be made to this tax in a form or manner other than that required by this Article, and any such person or operator failing to keep records required by this Article, shall, in addition to the penalties herein or elsewhere prescribed, be guilty of a misdemeanor, punishable by a fine of up to \$1,000, imprisonment for

not more than one year, or both such fine and imprisonment. Officers of a corporate operator shall be personally liable for the tax collected or required to be collected by such corporation under this Article and penalties and interest thereon and subject to the fines and imprisonment herein authorized.

C. The certificate of the Mayor to the effect that a tax has not been paid, that a return, bond or registration certificate has not been filed or that information has not been supplied pursuant to the provisions of this Article shall be presumptive evidence thereof.

§ 475-61. Returns to be secret.

It shall be unlawful, except in accordance with proper judicial order or as otherwise provided to the fullest extent permitted by law, for the Mayor or employee or designee of the Mayor to divulge or make known in any manner the rents or other information relating to the business of a taxpayer contained in any return required under this Article. The officers charged with the custody of such returns shall not be required to produce any of them or evidence of anything contained in them in any action or proceeding in any court, except on behalf of the Mayor in an action or proceeding under the provisions of this Article or on behalf of any party to any action or proceeding under the provisions of this Article when the returns or facts shown thereby are directly involved in such action or proceeding, in either of which events the court may require the production of, and may admit in evidence, so much of said returns or of the facts shown thereby as are pertinent to the action or proceeding and no more. Nothing herein shall be construed to prohibit the delivery to a taxpayer or his/her duly authorized representative of a certified copy of any return filed in connection with his/her tax nor to prohibit the publication of statistics so classified to prevent the identification of particular returns and items thereof or the inspection by the City's Corporation Counsel or other legal representatives of the City or by the District Attorney of any county of the return of any taxpayer who shall bring action to set aside or review the tax based thereon, or against whom an action or proceeding has been instituted for the collection of a tax or penalty. Returns shall be preserved for three years and thereafter, until the Mayor permits them to be destroyed.

§ 475-62. Notices and limitations of time.

A. Any notice authorized or required under the provisions of this Article may be given to the person to whom it is intended in a postpaid envelope addressed to such person at the address given in the last return filed by him/her pursuant to the provisions of this Article or in any application made by him/her or, if no return has been filed or application made, then to such address as may be obtainable. The mailing of such notice shall be presumptive evidence of the receipt of the same by the person to who addressed. Any period of time which is determined according to the provisions of this Article by the giving of notice shall commence five days after the date of mailing of such notice.

B. The provisions of the Civil Practice Law and Rules or any other law relative to limitations of time for the enforcement of a civil remedy shall not apply to any proceeding or action taken by

the City to levy, appraise, assess, determine or enforce the collection of any tax or penalty provided by this Article. However, except in the case of a willfully false, fraudulent return with intent to evade the tax, no assessment of additional tax shall be made after the expiration of more than three years from the date of filing of a return; provided, however, that where no return has been filed as provided by law, the tax may be assessed at any time.

C. Where, before expiration of the period prescribed herein for the assessment of an additional tax, a taxpayer has consented, in writing, that such period be extended, the amount of such additional tax due may be determined at any time within such extended period. The period so extended may be further extended by subsequent consents in writing made before the expiration of the extended period.

§ 475-63. Proceedings to recover tax.

Whenever any operator, any officer of a corporate operator, any occupant, or other person fails to collect and pay over any tax and/or penalty or interest as imposed by this Article, the City Corporation Counsel shall, at the request of the Common Council, bring or cause to be brought an action to enforce the payment of the same on behalf of the City in any court of the State of New York or of any other state or of the United States. If, however, the Mayor believes that any such operator, officer, occupant, or other person is about to cease business, leave the state, or remove or dissipate the assets out of which the tax or penalties might be satisfied, and that any such tax or penalty will not be paid when due, such tax or penalty may be declared to be immediately due and payable, and the Mayor may issue a warrant immediately.

§ 475-64. General powers of Mayor.

In addition to the powers granted in this Article, the Mayor is hereby authorized and empowered to:

A. Extend for cause shown, the time of filing any return for a period not exceeding 30 days; and for cause shown, to remit penalties, but not interest; and to compromise disputed claims in connection with the taxes hereby imposed;

B. Request information from the Tax Commission of the State of New York or the Treasury Department of the United States relative to any person; and to afford information to such Tax Commission or Treasury Department relative to any person, notwithstanding any other provision of this Article;

C. Delegate functions hereunder to any employee of Mayor;

D. Prescribe methods for confirming the rents for occupancy and to confirm the accuracy of information on the taxable and nontaxable rents;

E. Require any operator within the City, if it is determined that adequate records are not being maintained, to keep detailed records of the nature and type of hotel maintained; nature and type of service rendered; number of rooms available and occupied; daily leases, occupancy contracts or arrangements; rents received, charged, and accrued; the names and addresses of the occupants; whether or not any occupancy is claimed to be subject to the tax imposed by this Article; and to furnish such information at the request of the Mayor;

F. Impose as a penalty upon any operator within the City any necessary costs of auditing services generated by discrepancies discovered upon audit, in the records of the operator; and

G. Make, adopt, and amend such other rules and regulations appropriate to the carrying out of this Article and the purposes thereof as may be approved by the City of Port Jervis Common Council.

§ 475-65. Administration of oaths; compelling testimony.

A. The Mayor or employees or agent(s) duly designated and authorized shall have the power to administer oaths and take affidavits in relation to any matter or proceeding in the exercise of their powers and duties under this Article. The Mayor shall have power to subpoena and require the attendance of witnesses and the production of books, papers, and documents to secure information pertinent to the performance of the duties hereunder in the enforcement of this Article, and to examine them in relation thereto. The Mayor shall also have the power to issue commissions for the examination of witnesses who are out of the state, unable to attend, or who are excused from attendance.

B. A Supreme Court Justice, either in court or in chambers, shall have the power to summarily enforce by proper proceedings the attendance and testimony of witnesses and the production and examination of books, papers, and documents called for by the subpoena of the Mayor under this Article.

C. Any subpoenaed person who refuses to testify or produce books or records, or who testifies falsely in any material matter pending before the Mayor under this Article shall be guilty of a misdemeanor, punishment for which shall be a fine of not more than \$1,000 or imprisonment for not more than one year, or both such fine and imprisonment.

D. The officers who serve the summons or subpoena of the Mayor and witnesses attending in response thereto shall be entitled to the same fees as are allowed to officers and witnesses in civil cases in courts of record, except as herein provided otherwise. Such officers shall be the City of Port Jervis police, or any officers or employees of the Mayor's office designated to serve such process.

§ 475-66. Accounting and reporting of tax.

From time to time, but no less than quarterly each year, the Mayor shall provide a report to the Common Council, for its audit and review, of all actions taken pursuant to this Article. The Mayor's report shall contain a list of all certificates of registration filed or issued to any operator in the City of Port Jervis, and for each operator shall state the returns filed all operators; the returns that have not been timely filed by any operator; the amount of tax determined to be payable by any operator; the tax paid and collected from any operator; any tax that may be due and owing or past due from any operator, and any enforcement action taken to collect any tax due under this Article.

Section 3. Authority

This Local Law is enacted pursuant to special legislation adopted by the State of New York, authorizing the City of Port Jervis to enact a hotel, occupancy tax. If any provision of this article, or the application thereof to any person or circumstance, shall be held invalid, the remainder of this article and the application of such provision to other persons or, circumstances shall not be affected thereby.

Section 4. Separability

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

Section 5. Construction and Enforcement

This article shall be construed and enforced in conformity with Articles 28 and 29. of the Tax Law of the State of New York," including, but not limited to New York State Tax Law §1202-GG5 as added by L.2020, c. 373, §1, which expires and is deemed repealed on Sept. 1, 2023, pursuant to L.2020, c. 373, §2), pursuant to which the same is enacted. **Accordingly, this Local Law shall remain in effect for three (3) years from the date of its enactment.**

Section 6. Rules and Regulations

The Common Council is authorized to adopt rules and regulations, by resolution, to further implement the provisions of this Local Law.

Section 7. Repeal

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

Short Environmental Assessment Form

Part 1 - Project Information

Instructions for Completing

Part 1 – Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 – Project and Sponsor Information				
City of Port Jervis Hotel Tax Law				
Name of Action or Project: Local Law No. ____ of 2021 entitled CITY OF PORT JERVIS HOTEL ROOM OCCUPANCY TAX				
Project Location (describe, and attach a location map):				
Brief Description of Proposed Action: On or after the effective date of this Local Law, there is hereby imposed and there shall be paid a tax of 5% upon the rent for every occupancy of a room or rooms in a hotel or motel in the City of Port Jervis, except that the tax shall not be imposed upon a permanent resident, or as otherwise provided herein.				
Name of Applicant or Sponsor: City of Port Jervis City Council		Telephone: 845-858-4017 E-Mail: mayor@portjervisny.gov		
Address: 20 Hammond Street				
City/PO: Port Jervis		State: New York	Zip Code: 12771	
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval: Special Legislation of New York State (already adopted)			NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>
3. a. Total acreage of the site of the proposed action?		N/A acres		
b. Total acreage to be physically disturbed?		N/A acres		
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		N/A acres		
4. Check all land uses that occur on, are adjoining or near the proposed action:				
<input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban)				
<input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other(Specify):				
<input type="checkbox"/> Parkland				

5. Is the proposed action, a. A permitted use under the zoning regulations? b. Consistent with the adopted comprehensive plan?	NO	YES	N/A
	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels? b. Are public transportation services available at or near the site of the proposed action? c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: N/A _____	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____ N/A _____	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____ N/A _____	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places? b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency? b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ N/A _____ _____	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
	<input type="checkbox"/>	<input type="checkbox"/>	
	<input type="checkbox"/>	<input type="checkbox"/>	

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply:

Shoreline Forest Agricultural/grasslands Early mid-successional
 Wetland Urban Suburban

15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
16. Is the project site located in the 100-year flood plan?	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes,	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
a. Will storm water discharges flow to adjacent properties?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe:	<input checked="" type="checkbox"/>	<input type="checkbox"/>

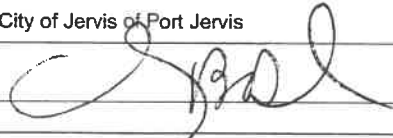
18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)? If Yes, explain the purpose and size of the impoundment:	NO	YES
_____	<input checked="" type="checkbox"/>	<input type="checkbox"/>

19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe:	NO	YES
_____	<input checked="" type="checkbox"/>	<input type="checkbox"/>

20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe:	NO	YES
_____	<input checked="" type="checkbox"/>	<input type="checkbox"/>

I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE

Applicant/sponsor/name: City of Jervis of Port Jervis Date: 2/23/21

Signature: Kelly Decker  Title: Mayor

Project:

Date:

Short Environmental Assessment Form
Part 2 - Impact Assessment

Part 2 is to be completed by the Lead Agency.

Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity of use of land?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Will the proposed action impair the character or quality of the existing community?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7. Will the proposed action impact existing: a. public / private water supplies?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. public / private wastewater treatment utilities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action create a hazard to environmental resources or human health?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Project:

Date:

**Short Environmental Assessment Form
Part 3 Determination of Significance**

For every question in Part 2 that was answered “moderate to large impact may occur”, or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

The proposed Local Law establishes a taxing system for certain properties within the City of Port Jervis and will have no impacts whatsoever, adverse or otherwise, on the environment.

Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.

Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.

City of Port Jervis Common Council September 13, 2021

Name of Lead Agency Date

Kelly Decker Mayor

Print or Type Name of Responsible Officer in Lead Agency Title of Responsible Officer

 Signature of Preparer (if different from Responsible Officer)

LL3 2021

NOTICE OF PUBLIC HEARING

CITY OF PORT JERVIS

COUNTY OF ORANGE

STATE OF NEW YORK

PUBLIC NOTICE is hereby given that there has been presented to the Common Council of the City of Port Jervis, Orange County, New York, on the 25^h day of August 2021, a proposed Local Law #3 of the Year 2021, entitled "**Hotel Room Occupancy Tax**".

The full text is on file for public review at the Office of the City Clerk-Treasurer, 20 Hammond Street, Port Jervis, New York, during regular business hours or on the City website www.portjervisny.org.

THEREFORE, pursuant to the Municipal Home Rule Law of the State of New York, the Common Council of the City of Port Jervis will hold a public hearing on the aforesaid proposed Local Law in the Common Council Room in the Port Jervis Municipal Building, 20 Hammond Street, Port Jervis, New York, at 6:30 p.m. or as shortly thereafter as possible on the 25^h day of August, 2021, at which time all interested persons will be heard.

DATED: August 11 2021

BY ORDER OF THE COMMON COUNCIL

Laura Quick,

City Clerk-Treasurer

CITY OF PORT JERVIS, COUNTY OF ORANGE
INTRODUCTORY LOCAL LAW NO. 4 OF THE YEAR 2021

**A LOCAL LAW ADOPTED PURSUANT TO CANNABIS LAW § 131 OPTING OUT OF
LICENSING AND ESTABLISHING ON-SITE CANNABIS CONSUMPTION
ESTABLISHMENTS WITHIN THE CITY OF PORT JERVIS**

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

Section 1. Legislative Intent

It is the intent of this local law to opt the City of Port Jervis out of hosting on-site cannabis consumption establishments within its boundaries.

Section 2. Authority

This local law is adopted pursuant to Cannabis Law § 131, which expressly authorizes cities and villages to opt-out of allowing retail cannabis dispensaries and/or on-site cannabis consumption establishments to locate and operate within their boundaries.

Section 3. Local Cannabis On-Site Consumption Opt-Out

The Common Council of the City of Port Jervis, County of Orange, hereby opts-out of allowing on-site cannabis consumption establishments from locating and operating within the boundaries of the City of Port Jervis.

Section 4. Severability

If a court determines that any clause, sentence, paragraph, subdivision, or part of this local law or the application thereof to any person, firm or corporation, or circumstance is invalid or unconstitutional, the court's order or judgment shall not affect, impair, or invalidate the remainder of this local law, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this local law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section 5. Repeal

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

Section 6. Effective date

This local law shall take effect immediately upon filing with the Secretary of State. Pursuant to Cannabis Law § 131, this local law is subject to a permissive referendum and thus may not be filed with the Secretary of State until the applicable time period has elapsed to file a petition or a referendum has been conducted approving this local law.

NOTICE OF ADOPTION OF LOCAL LAW

PLEASE TAKE NOTICE that the Local Law, annexed hereto, previously designated as Local Law #4 of the Year 2021 for the City of Port Jervis, Orange County, New York, entitled
“CANNABIS LAW- OPT OUT ON-SITE CONSUMPTION”

was duly passed by the Common Council on the ____ day of _____, 2021, in accordance with the applicable provisions of law.

Laura Quick,
City Clerk-Treasurer

DATED: _____, 2021

AFFIDAVIT OF POSTING OF NOTICE OF ADOPTION

STATE OF NEW YORK)

) ss:

COUNTY OF ORANGE)

LAURA QUICK, being duly sworn, deposes and says:

1. I am the duly elected and acting City Clerk-Treasurer of the City of Port Jervis, Orange County, New York.

2. On the ____ day of _____, 2021, in two public places within the City of Port Jervis, Orange County, New York, I conspicuously posted a Notice of Adoption of Local Law #4 of 2021 , a copy of said Notice being annexed hereby and made a part hereof.

Laura Quick,
City Clerk-Treasurer

Sworn to before me this
____ day of _____, 2021.

NOTARY PUBLIC

NOTICE OF PUBLIC HEARING

CITY OF PORT JERVIS

COUNTY OF ORANGE

STATE OF NEW YORK

PUBLIC NOTICE is hereby given that there has been presented to the Common Council of the City of Port Jervis, Orange County, New York, on the 13^h day of September 2021, a proposed Local Law #4 of the Year 2021, entitled **“Opting Out of On-Site Cannabis Consumption”**.

The full text is on file for public review at the Office of the City Clerk-Treasurer, 20 Hammond Street, Port Jervis, New York, during regular business hours or on the City website www.portjervisny.org.

THEREFORE, pursuant to the Municipal Home Rule Law of the State of New York, the Common Council of the City of Port Jervis will hold a public hearing on the aforesaid proposed Local Law in the Common Council Room in the Port Jervis Municipal Building, 20 Hammond Street, Port Jervis, New York, at 6:31 p.m. or as shortly thereafter as possible on the 27^h day of September 2021, at which time all interested persons will be heard.

DATED: September 13 2021

BY ORDER OF THE COMMON COUNCIL

Laura Quick,

City Clerk-Treasurer

CITY OF PORT JERVIS

Accounts Payable

9/13/2021

Council Meeting

1 General Fund	\$189,760.43
2 Water Fund	\$38,643.07
3 Sewer Fund	\$15,273.45
4 Capital Fund	\$3,063.85
5 Trust and Agency	\$118,803.57
Total	<u>\$365,544.37</u>

GENERAL, WATER & SEWER FUNDS

Barton & LoGuidice (Annexation)	\$28,353.12
Orange & Rockland	\$19,699.72
Port Jervis School Tax Collector	\$74,500.38
State Insurance Fund	\$25,954.88

CAPITAL FUND

Schmidts Wholesale	\$2,179.80
Home Depot	\$640.75

**PLANNING BOARD AGENDA
CITY OF PORT JERVIS, NEW YORK
October 19, 2021 7:00pm**

**Public Hearing: 45 Front Street; SBL: 18-2-9
Conditional use permit to allow for apartments on the 2nd & 3rd floors of the building**

I. Call Meeting to Order:

II. Approval of Minutes for Sept 19, 2021:

III. Public Comment (3 Minute limit):

IV. Discussion of Public Hearing:

**V. Pre Submission(s): Soul Purpose Aesthetics, 85-89 Jersey Ave; SBL: 18-3-9
Conditional use permit for a personal service store. ZD: NMU**

**VI. Old Business: 109 West Main St.; SBL: 11-4-3.22
Site plan approval for three (3) additional storage buildings and one (1) portion of the site
to be used for outdoor secure storage. ZD: R1**

VII. New Business:

VIII. Zoning Board Report:

IX. Code Enforcement Report:

X. Council Liaison Report:

XI. Adjournment:

The next regular PB meeting is tentatively scheduled for 7:00 pm, November 16, 2021



**CITY OF PORT JERVIS, NEW YORK
PLANNING BOARD
Sept. 19, 2021
7:00pm
Meeting Minutes**

In Attendance: T.Vicchiarello, Planning Board Chair, G.Belcher, J.Butto, D.Cicalese, A. Foster, D.Schiels

Additional Attendees: L.Powrie, BD, D. Bavoso /obo/ Plotsky

Absent: H.Dunn, T.Sexton, ZBA, G.Plotsky, PB Atty., T.Simmons-Council Liaison

Public Hearing: 109 West Main Street, A-1 Storage, Joe Spina; SBL: 11-4-3.22; Holly Fuller obo of the owner; site plan approval for three additional storage buildings and one portion of the site to be used for outdoor secure storage.

Clean up and remove debris; Add 911 signage on both properties; surface to be gravel; stockade fence along neighbors property; clear entry of Fossard Street.

Board Comments: Are the remaining code violations being addressed? The in the back and on the brush on the Fossard St side is very overgrown; the tractor trailer is a problem even though it is registered, the doors remain open and a hazard, the fence is in poor shape.

Mr. Spina stated all are being addressed; emergency (911) address labels have been added; 6 unlicensed vehicles have been taken away; working towards remaining items to be cleared up; he is willing to do what is required moving forward.

Mr Spina to schedule an appointment with the Building Department to go over all the details.

Vehicle storage area will need to be tarred & chipped (per code) and maintain the city ordinance for parking.

Public Comment: None

Motion to close Public Hearing: G.Belcher, 2nd D.Schiels, 6 yes, 0 no

Call Meeting to Order: 7:18 pm

I. Approval of Minutes: Motion to approve Aug. 2021 minutes: G.Belcher, 2nd J. Butto, 5 yes/ 0 no / 1 abstained,

II. Discussion of Public Hearing: None

Motion to name City of Port Jervis Lead Agent under SEQR D.Cicalese, 2nd G.Belcher 6 yea/ 0 no, approved

Police Dept: approved, Fire Chief approved with clean up, Fire Inspector: no comments provided, Building Dept: not approved-see notes of file; additionally, address and maintain 107 West Main along with 109 West Main. The Board will grant 30 more days to clear up any violations and come back to address under old business on 10/19.

III. Pre Submission(s): **45 Front Street; Conditional Use; SBL: 18-2-9;** Mr. Wang applied to convert the 2nd & 3rd floors of the building to apartments. The building is under contract. There is a revised sprinkler system. The 1st floor will be reserved for future renovation for retail use. Laundry must be provided under code, either in individual apartments or in a communal area. A contractor will be doing

the renovations. The refuse will be kept in a designated area indoors. Commercial must also be on the sitemap signs, we will be coming back for future plans for the first floor.

Motion to set public hearing for 10/19/21, G.Belcher, 2nd D.Cicalese, 6 yes/ 0 no/ 0 abstain

- IV. Old Business: None
- V. New Business: None
- VI. Zoning Board Report: Mr. Vicc gave a report
- VII. Code Enforcement: L.Powrie provided updated building department business
- VIII. Council Liaison Report: Mayor Decker provided council updates and report
- IX. Adjournment: 7:43 pm Motion: D.Cicalese, 2nd D. Schields, 6 yes/ 0 no/ 0 absent, approved

The next regular meeting is tentatively scheduled for **7:00 pm, October 19, 2021**

Respectfully submitted, J.Schields



PORT JERVIS FIRE DEPARTMENT

8-10 Orange Street, Post Office Box 1002, Port Jervis, New York 12771-1002

Telephone
(845) 856-4100

FAX
(845) 858-1064

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Keith K. Brown

Fire Chief
Dominic M. Cicalese

Second Assistant Chief
Anthony W. Fuller

Department Chaplain
Rev. Matthew C. Newcomb

Department Secretary
William R. Werner

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Joseph J. Kowal, Sr.

Deputy Chief
James W. Rohner, Jr.

Deputy Chief
Jeffrey S. Rhoades

7 September 2021

Honorable Mayor Kelly B. Decker and
Members of the City Council
14-20 Hammond Street
Post Office Box 1002
Port Jervis, New York 12771

RE: Events
Delaware Engine Company No. 2

Dear Mayor Decker and Members of the City Council,

Delaware Engine Company No. 2 requests that the following events be approved:

Host a cash raffle from October to December;

Host a booth at the Fall Festival on 09/26/2021 (sell raffle tickets); and

Attend a Wet Down in Tuxedo on 10/09/2021.

These events were approved by the Board of Officers this date.

Respectfully submitted,

William R. Werner
William R. Werner
Department Secretary

Approved: Disapproved: Date: _____ Initials: _____



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7 September 2021

Honorable Mayor Kelly B. Decker and
Members of the City Council
14-20 Hammond Street
Post Office Box 1002
Port Jervis, New York 12771

RE: Removal of Member
Brian S. Vanderveer

Dear Mayor Decker and Members of the City Council,

This is to request that the below named, a member of the Port Jervis Fire Department and the Company herein stated, be removed from the active membership rolls for the reason(s) stated.

Member: Brian S. Vanderveer

Company: Howard Wheat Engine Company No. 4

Reason(s): Voluntary resignation

This change is effective this date.

Respectfully submitted,

William R. Werner
Department Secretary

Approved: Disapproved: Date: _____ Initials: _____



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7 September 2021

Honorable Mayor Kelly B. Decker and
Members of the City Council
14-20 Hammond Street
Post Office Box 1002
Port Jervis, New York 12771

RE: Election of Officer
Kenneth J. Howell

Dear Mayor Decker and Members of the City Council,

At a regular meeting of Howard Wheat Engine Company No. 4, **Kenneth J. Howell** was elected to the vacant position of **First Lieutenant**.

This change is effective this date.

Respectfully submitted,

William R. Werner
Department Secretary

Approved: Disapproved: Date: _____ Initials: _____



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