

March 9, 2020

Executive Session – There was no executive session.

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 March 9th, 2020 at 7:15 p.m.

Public Hearing -

Pledge of Allegiance-

The Mayor opened the meeting with the pledge of allegiance.

Public Hearing Local Law #2 - Mrs. Trovei as Finance Chairperson made a motion to open the public hearing on Local law # 2 for the Tax Cap Waiver seconded by Lisa Randazzo.

Mrs. Trovei noted that while this law allows the City to waive the Tax Cap it does not in any way prevent the Council from passing a budget under the cap. At present the Cap for Port Jervis is not 2% for the 2021 budget it is 1.6%. This law prevents the City from experiencing any penalty should the City exceed it. She noted that this provides a layer of protection for the City to budget for items that are unexpected and to not have to supplement our budget with the use of Fund Balance and destabilizing the city's finances. She noted that we have done this now as previously the law had to be completed and through registration by July 1st which was recently changed in the legislation to before the passage of the budget. She also noted that this is a safety measure to keep the City from being penalized by the tax cap.

She indicated that she will not ask for a vote on this tonight as there will be an educational session at the finance meeting to review capital notes and bonding, per the request of Mr. Siegel, which does impact the tax cap. Mr. Siegel invited everyone to attend the finance meeting. Mrs. Randazzo asked Mrs. Waizenegger if anything has changed with respect to the process of issuing capital notes and serial bonds. Mrs. Waizenegger replied that there has not been any changes in those two items but what will be changing is the annexation and the impact on the tax cap from that which she will cover as well.

Public comments:

Linda Van Horn questioned the need for bonding of capital items. She indicated that she thinks they should be included in the budget in whole so as not to incur interest. She expressed that citizens can't afford constant increases and she thinks the City should learn to live within its means.

Carol Zaleck agreed with Mrs. VanHorn and questioned what costs the sewer and water installation for the annexation will impose on the City. Mayor Decker indicated that the water and sewer installs will be paid for by the owners of the property not the city. Mrs. Waizenegger clarified that the assessed values of the property will impact the cap not the water and sewer.

A motion was made to continue to hold open the public hearing for future meetings by Regis Foster and seconded by Lisa Randazzo.

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

Attendance- All members of the Common Council were present. Also present were City Clerk Treasurer Robin Waizenegger and Account Clerk Dorothy Braid.

Youth Report- Ms. Mallory Conklin presented the youth report to update the community on activities in the local school district. She reported on the VEX Robotics team participation in the State Championships placing 14th in their first appearance. She also reported that the high school celebrated National Foreign Language week.

The middle school junior historians did a tour of the Port Jervis Fire museum. At the elementary level there were events conducted for Dr. Seuss week including many community readers, the annual Alcohol and Drug Abuse council's Poster Contest, a language development project called Little Bits and a vocabulary parade to celebrate Read Across America week.

She advised the community to check the website for Kindergarten registration details, noted an upcoming March Math Night on 3/18 at 6pm in the High Scholl cafeteria and encouraged everyone to get out and vote on March 11th on the school district capital project.

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Veterans & Seniors – Councilman Siegel continued his scam reporting with a focus 2 scams reported as active in our area. The first is an SSA imposter scam claiming that something has happened to your social security account and second is a tech support scam where you receive emails or popups claiming you have a computer issue or virus. Do not respond to either of these scams.

He reminded veterans to join their local American Legion. All veterans who served on active duty since 1941 and were honorably discharged are eligible to join.

Presentation – None

Minutes Approved - A motion was made by Lisa Randazzo and seconded by Stanley Siegel to approve the minutes of the February 24th, 2020 regular meeting.

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

For the Good of the City (Public Comment) –

Laura Myer – On behalf of the City Tourism board she thanked all participants and visitors. She announced the trophy winners from the parade.

Linda Van Horn – She claimed that taxes have been raised 33% since Mayor Decker took office as well as the sewer fee was implemented and there have been increases in the water rates. She questioned the use of the sewer fees.

She claimed that the Council was trying to hire a human resource person without going through the civil service board. She also claimed that the Mayor said the HR person will oversee the ethics board. She noted that the City Clerk said to ask the Mayor regarding this issue.

She also questioned the hiring of an additional recreation maintenance person and the full-time Fire Inspector which she believes is to be funded through the issuance of fees and fines to residents.

Ms. Van Horn also claims that she feels that people are being blocked from starting businesses other than hotels, bars and restaurants.

Carol Zaleck – Ms. Zaleck thanked Mayor Decker for his efforts to bring about improvements with the activity and access to the Orange County Sanitation facilities. The improvements are greatly appreciated.

She also asked about surplus vehicles and indicated that she believes they should be auctioned. Mrs. Trovei indicated that we indeed will be either auctioning or scrapping them through a bid process.

She also questioned the use of the Ryan Street entrance by the company working on the O&R sub-station. It was noted that there is no restriction at present on the use of that entrance. This will be referred to the City engineer who is the liaison for that project.

She also questioned if the DPW was going to be moved to the transfer station. The Mayor indicated that there are no plans in the near future as any building of a facility would require a lot of money.

Mr. Ed DeGroat – Mr. DeGroat stated that he gave the City of Port Jervis and the town of Greenville foil requests for the certificate of insurance from Mr. William Bavoso to the City. He stated that the City returned their foil indicating that there is no such document on file. Mrs. Waizenegger clarified that a foil request is a request for a document which the City did not have and quite frankly it is not required that he provide a certificate of insurance. As per the City Code and Charter section C-2.1 the City attorney is an enumerated officer and as such is covered by the insurance policies of the City and no certificate of insurance is required from him personally. When questioned by Mr. DeGroat why she did not supply that information to him she informed him that a foil request is a request for documents. There is no obligation on the part of the City to provide interpretation or answer questions in response. He rambled on about previous requests and then stated that he was surprised that the German Hitler of a Mayor hasn't stopped the public from speaking.

Mr. Peter Grech – By demonstration with a dollar bill he said that nobody listens until money is involved and demonstrated the dangers of spreading disease in light of the recent corona virus outbreak. He noted that as Port Jervis has a large elderly population it should be of concern to everyone here. He stated that there is a lot of information out there to keep yourself and

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the community around you safe. He recommended the consumerreports.org website and the Department of Health for information especially on handwashing.

Business:

Mr. Foster – A motion was made by Regis Foster and seconded by Dominick Santini to approve the minutes of the ADA Committee minutes from the March meeting.

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

Mr. Foster then reviewed the highlights of the minutes. The next ADA meeting is scheduled for 6/15/2020 at 6:30.

There was one correction noted from the review of the minutes in that monies to be spent for ADA compliance of the City Website are 2020 budgeted funds.

A motion was made by Regis Foster and seconded by Dominick Santini to approve the February Police report.

He reviewed the highlights of the report.

The next Police committee meeting will be 3/19/2020 at 6pm.

Mr. Santini – Mr. Santini noted that the Code Committee met on March 4th and discussed multiple dwelling inspections, a proposed update to the overnight parking law, Bon Secour's progress on improvements, the hiring of a 2nd part-time bldg. inspector, blasting and lane closures on West Main Street and Skyline Drive demolition.

The next Code committee will be 4/1 at 6pm.

Ms. Campbell – A motion was made by Chandler Campbell and seconded by Lisa Randazzo to approve the January minutes for the recreation commission.

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

Ms. Campbell gave the Recreation Update as follows:

1. This past Saturday March 7, 2020 the Recreation Dept. And Police Dept. held the Annual Tom Chuckran Cops and Kids Basketball game at the A.S.K. gym. The game was also a Humane Society Awareness event in which we collected much needed items for the Humane Society. The kids once again won the game beating the cops 71-68. Thank you to all the players, volunteers and Humane Society for making this a great event!
2. With the early warm weather this year we have opened up Elks-Brox Park to vehicle traffic and opened up the parking lot at West End Beach. Swings are back up in the playgrounds as well. Pickle ball at Church St. Park is scheduled to start up again tonight and picnic tables will be brought out in the next week or two. Please help us by keeping the parks and playgrounds clean- Use the garbage cans. If you see anything that needs to be addressed, please contact the Recreation office.
3. Next Monday, March 16 the Port Jervis students do not have school- the Youth Center will be open 11: 00 am- 3:00 pm. Spring Break Youth Center schedule will be as follows:
 - Friday April 3- Tuesday April 14- 11:00 am-3:00 pm- NOTE the Youth Center will be closed on Good Friday- Friday April 10
4. Upcoming Special Events
 - Saturday April 4, 2020- SPRING CLEAN-UP- 9:30 am at Farnum Park- Volunteers needed for this event- contact the Recreation office to volunteer
 - Sunday April 5, 2020- EASTER EGG RACES- 12:30 pm at Church St. Park- kids ages 9 and younger can compete in fun activities- FREE of charge
 - Sunday May 3, 2020- 27TH ANNUAL DELAWARE RIVER 5K RUN 9:00 am at Riverside Park- you can register on-line at www.delawareriver5krun.com – this is a great family event/run/walk!

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5. Maintenance report for this week
 - Clearing all the downed branches and debris from all parks and playgrounds
 - Landscaping maintenance in all the parks and playgrounds
 - Cleaning out leaves and putting up Tennis nets at Church St. Park
 - Picnic tables going out to the parks and playgrounds
 - Removing graffiti from Tri-State Rock
6. The next Recreation Commission meeting is scheduled for Wednesday March 18, 2020 at 7:00 pm at the Youth Center

Ms. Mann- She noted that the IDA has not met, and their next meeting is scheduled for 3/16/2020 at 6pm and the next meeting for the Tourism Board is 3/11/2020 at 7pm.

She thanked everyone for a successful St. Patrick's Day Parade and Blarney Blast event.

Mr. Oney – A motion was made by Gerald Oney and seconded by Dominick Santini to approve the minutes of the March DPW Committee meeting.

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

Mr. Oney then gave the DPW update as follows:

1. Garbage and Recycling will be on its normal schedule for the next two weeks.
2. Please be advised that the O&R substation project has started work on West Main St. with one lane traffic being controlled by temporary traffic control devices. To avoid delays, seek alternate routes.
3. Also be advised that O&R will be notifying residents around the substation area on West Main St and Clark St about the scheduled blasting of rock on their site. O&R will be doing inspections of houses directly in the vicinity of the blasting. If there are any questions related to the O&R project or subsequent blasting, please call O&R @ [1-877-434-4100](tel:1-877-434-4100)
4. The City's bulk waste truck is available on Saturday mornings from 7:15am until 11:30 am. Dump passes must be purchased at the City Clerk's office located at 20 Hammond St. in Port Jervis from 8am to 5pm M-F.
5. The DPW is currently patching potholes. If you need to report a pothole, please call 845-858-4001.
6. Tri State's Project Update:
 - Remaining sidewalk excavation has started
 - Guide Rail will be installed in the coming weeks
 - Lane closures will become more frequent as the weather gets warmer
7. The next DPW meeting will take place on Monday April 6th @ 6pm in the Council Chambers.
8. Yard Waste pickup will begin on 3/23 on Mondays with Tuesday as an overflow pickup day.

Mrs. Trovei – She noted that the CDA met on 2/26/2020 where they did a reorganization of the Board, reviewed financial reports, section 8, grants and scheduled mandatory training.

She noted that the next meeting of the Finance Committee will be March 18th and encouraged everyone to attend to gain an education on notes, bonds and the tax cap.

A motion was made by Kristin Trovei and seconded by Lisa Randazzo to approve the February Finance Committee minutes.

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

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A motion was made by Kristin Trovei and seconded by Dominick Santini to pay the bills totaling \$976,345.82

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

She reminded everyone that the City tax bills will be coming out next week. If you have an escrow account for your taxes, please be advised that is a private arrangement between you and your bank. We provide information to the escrow companies electronically but the ultimate responsibility to make sure they are paying on your behalf is yours.

She also presented to the Council the fact that the clerk's office is in receipt of a liquor license renewal for Station 9 Inc. aka The Erie Hotel and asked if there any objections by the Council to this renewal? As no one had objections the Clerk's office will process as necessary.

Mrs. Trovei stated that she wanted to comment on a few items from public comments. She noted that the Council created a committee to look for an HR consulting firm not an HR employee. Should it have been an employee that was sought it would have moved through the civil service process. Our civil service dept did know we were looking for a consulting firm. Unfortunately, the candidate for the HR consulting contract denied the opportunity and the committee is now reconvening to decide where we go from here. She noted that the committee is also going to try and address the Code and Ethics Board.

Mrs. Trovei noted that we used to have a full-time watershed caretaker which we do not have any longer so along with minor maintenance of the trails in conjunction with the Outdoor Club the recreation and DPW employees cover the maintenance necessary for our reservoirs and watershed areas.

Mr. Simmons – He expressed thanks and joy for a successful St. Patrick's Day Parade and Blarney Blast event.

He expressed condolences to the family of Brian Digiantommaso.

Mr. Simmons indicated that the Zoning Board met on 3/3/2020 to review a pre-submission for a change to single family for 31 Fowler that was previously used for commercial purposes. A public hearing date was set for May 5th at 7pm due to scheduling difficulties. He noted that a new member of the board Melissa Nuehauser was welcomed into service.

The next meeting of the Zoning Board will be 4/7/2020 at 7pm

The next meeting of the Planning Board will be 3/17/2020 at 7pm

Mr. Siegel – He noted that the last meeting of the Fire and Emergency Management meeting was 2/19/2020 and the next meeting is 3/16 at 6:30 pm.

Mr. Siegel announced that Fire Department physicals will be done on 3/19 from 5-7 pm and on 3/21 from 9am -noon at Engine 4's firehouse.

A motion was made by Stanley Siegel and seconded by Dominick Santini as follows: For your consideration and action by the Common Council, Tri States Hose Company requests the following be approved for Active membership: **Gerald A. Harden, III**

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

A motion was made by Stanley Siegel and seconded by Timothy Simmons as follows: For your consideration and action by the Common Council, Howard Wheat Engine Company No. 4 requests the following member be removed from the rolls for the reason stated: **Travis W. Wildrick** - removed due to leaving a fire scene without proper authorization and non-participation

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

A motion was made by Stanley Siegel and seconded by Timothy Simmons as follows: For your consideration and action by the Common Council, Howard Wheat Engine Company No. 4 requests the following member be removed from the rolls for the reason stated: **Elizabeth R. Enright** - voluntary resignation, personal reasons

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

A motion was made by Stanley Siegel and seconded by Timothy Simmons as follows: For your consideration and action by the Common Council, Howard Wheat Engine Company No. 4 requests the following member be removed from the rolls for the reason stated: **Heather L. Conklin** - voluntary resignation, moving from area

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

A motion was made by Stanley Siegel and seconded by Timothy Simmons as follows: For your consideration and action by the Common Council, Maghogomock Hook & Ladder Company No. 1 requests the following member be removed from the rolls for the reason stated: **Ronald F. VanAken** - deceased 08/26/2017

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

A motion was made by Stanley Siegel and seconded by Timothy Simmons as follows: to approve the Firemen's Banquet for 2/6/2021.

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

A motion was made by Stanley Siegel and seconded by Timothy Simmons as follows: At a regular meeting Delaware Engine Company No. 2 voted to make the following changes to their officers:

Resignation of Jennifer L. Snyder as Company captain;
Election of Bryce G. Sotelo as Company captain;
Election of Tyler R. Kowinsky a Company First Lieutenant;
and Election of Edward C. Pavlich, Jr. as Company Second Lieutenant

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

He notified the council of the suspension of Richard Finan for Insubordination until 4/7/2020.

Mr. Siegel reminded everyone to watch for temporary traffic lights when responding to calls in the first Ward.

Mr. Siegel noted that the full-time fire inspector was hired for the purpose of fire safety not revenue. He stated that the hiring was a necessary choice.

Mr. Simmons chimed in that the fire chief has noted that the presence of a full-time fire inspector has decreased the number of unnecessary calls from malfunctioning alarm systems.

Mr. Siegel expressed thanks for the St. Patrick's Day Parade but suggested the route be lengthened to encourage more participants.

He expressed condolences to the family of Brian Digiantommaso.

A motion was made by Stanley Siegel and seconded by Timothy Simmons as follows: For your consideration and action by the Common Council, the Port Jervis Fire Department requests the following events be approved: **Host the 170th Annual Inspection Day Parade of the Port Jervis Fire Department on 07/11/2020 and Host parade related activities during the week of 07/06/2020;**

Ms. Randazzo – She thanked Peter Grech for his comments on the corona virus and noted if anyone has questions, they can contact the Orange County Health Department at 845-291-2330 or the CDC online. She also noted that St. Joseph's place is closed to visitors for the safety of the patients and emphasized hand washing as the best preventive measure.

She expressed condolences to the family of Brian Digiantommaso.

She noted and congratulated all participants and organizers of events this weekend including the Grand Re-opening of Simply Cheesecake, the Cops versus Kids basketball game, BPW Tricky Tray, Snowball Chance Race and St. Patrick's Day parade.

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Ms. Randazzo noted another scam targeted at the elderly where they receive a text message from your bank stating that your debit or credit card has been cancelled and to call the number on the text. Do not call that number as it is fake and is a phishing scam. Both Bank of America and Chase have reported this type of scam.

She reminded everyone to review the information regarding the school proposition vote on March 11th and to get out and vote.

She noted that she agreed with Mrs. Trovei's comments with respect to the HR Committee and that at no time was a position to be hired and that this committee will now be charged with the ethics board as well.

She also noted that the full-time fire inspector was hired for safety not a priority of revenue.

Mrs. Randazzo clarified that the Capital Note is not a Serial Bond and that a conscious decision was made during the budget process to acquire the equipment necessary to operate in this manner as opposed to putting the entire cost in the budget and raising the tax rate. The capital note process is no different than a citizen having a vehicle loan or a mortgage as some level of borrowing is necessary while still "living within our means".

Mr. Simmons noted that he was remiss in not noting Mrs. McCarthy's presence at the parade to present a trophy in her late husband's honor.

For the Good of the City (Public Comment) –

Linda Van Horn – She stated that she was glad to have more information on the fire inspector and is glad the hiring was for safety. She also thanked the council for the time they spend and the work that they do. She asked them to keep strong and keep the taxpayers in mind when creating their budget.

Carol Zaleck – She thanked Peter Grech for his comments on the corona virus. She also asked if there could be a speed control device placed by the transfer station. She also asked when more meetings would take place regarding the annexation. The Mayor said the next meetings would likely be planning and zoning when development plans are submitted.

Mrs. Trovei also responded by informing her of a recent speed study conducted on Canal Street. She can forward the information by email.

Elaine Burns - She noted that her family is in law enforcement and informed everyone to not say anything on the phone to any unknown callers especially not the word "yes".

Councilman Siegel noted that he was re-miss in announcing that firefighters can use their own doctors for physicals should they so choose. The Port Jervis Housing Authority met on 2/25 and their next meeting is 3/25/2020. He also noted the Landlord Association meeting will be 3/12/2020 at 7pm at Goodwill Church Fellowship Hall.

Mayor Kelly Decker – The Mayor requested a motion to approve a MOA between the City and the PBA with respect to sick time that was forwarded to them. A motion was made by Regis Foster and seconded by Lisa Randazzo.

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

The Mayor noted that there have been no comments received as a result of the public scoping session on the annexation therefore he is requesting a motion to close the scoping session. A motion was made by Gerald Oney and seconded by Kristin Trovei.

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

The Mayor requested a motion to approve an MLS listing contract to sell 29 Front Street with Orange West Realty. He noted that all 3 Port Jervis realtors were invited to bid but that only Orange West replied with an offer of a reduced commission rate of 4%. A motion was made by Regis Foster and seconded by Stanley Siegel.

In discussion the reduced commission rate and the 10-day exclusive period was confirmed at full price.

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

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A motion was requested by the Mayor to approve the event application for an Easter Egg Hunt on 4/11/2020 at Church Street Park by Cornerstone Family Healthcare. A motion was made by Stanley Siegel and seconded by Regis Foster.

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

A motion was requested by the Mayor to approve the event application for the return of Cruzin' Port on the 1st Tuesday of every month from May to September with the second Tuesday as a rain date. This event will require the closure of several streets and the use of the municipal lot. The event organizer, Harold Butler, will have to meet with the Police Chief regarding the closures. He has also obtained the use of St. Mary's Parking lot for the event. A motion was made by Stanley Siegel and seconded by Maria Mann.

During discussion there was questions about street closure time which was confirmed as 5pm and that problems with early arrivals and anybody doing peel-outs will be addressed. Mr. Siegel assured all that Harold Butler will do whatever he is asked and is capable of as he wants to make this event work for the City of Port Jervis.

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

The Mayor requested a motion to allow Michael Ward do film recording as part of news broadcast project called Positively Port Jervis without the need for a film permit per the opinion of counsel as a news agency and that there will be no permit and no monies exchanged. Motion was made by Lisa Randazzo and seconded by Regis Foster.

Mr. Simmons stated that he thought this is a great opportunity to showcase Port Jervis and endorses the project.

The Mayor indicated that the Census Committee met, and he is appointing additional members Maryann Campbell, George Belcher and Regis Foster to the committee. Their next meeting will be 3/16/2020 at 7pm.

The Mayor reminded the public that regarding the corona virus please refer to the Orange County Health Dept. website.

He thanked all for an incredible weekend of events with a special thanks to the Tourism Board.

The Mayor requested a motion to approve his nomination of William Frank as Corporation Counsel with a deputy of Stephanie Tunic both from the firm of Blustein, Shapiro, Rich & Barone, LLP.

A motion was made by Lisa Randazzo and seconded by Kristin Trovei to confirm the appointment.

As discussion, Mr. Simmons read from a prepared statement that he felt a series of emails between the Council and the Mayor accused him of having a prior bias towards Oster & Associates. Mr. Simmons claims that he gathered information after the interviews and committee work. He feels that as Oster & Associates is a known quantity to him, he would prefer them.

He was also accused of not taking notes during the interview process of Oster and Associates and changing his mind after the committee had agreed on a best choice candidate.

He stated that he feels some of the questions asked were not appropriate and biased against a certain candidate.

He did confirm that he had during the committee work stated that the Blustein firm and the Oster firm was a flip of a coin as they are so close. He now however sees that as a mistake, and he believes that the Oster firm should be the first choice as he feels they have a better background.

He feels that the decision should be made by the Council not a committee.

He also took exception to the fact that the work of David Darwin as a county attorney in a major lawsuit defeat was culpable in that action. He does not believe this to be true based on his work with Edward Diana the former County Executive. An attorney is not to blame if a client does not follow his advice.

Mrs. Trovei indicated that she would not speak from prepared statements she wrote down but would speak directly to the issue. She reminded everyone that the process is that the Mayor appoints a candidate and the Council votes to approve or

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deny. As the Mayor's choices to date had been defeated, the Council wanted an interview process with a committee which the Mayor agreed to do. The committee made a recommendation of the firm of Blustein based on the majority of the committee. While she recognizes there is now subsequent mixed emotions on the part of Mr. Simmons but the work was completed, and a recommendation made in a good faith effort. If the recommendation of the committee is being dismissed, she questioned why the work was asked for.

She stated that historically when an impasse of this type occurred a compromise was struck, and a party was hired that was not the first choice of the Mayor nor was it the first choice of the opposing faction. She feels that the work of the committee has presented the compromise candidate who is well qualified to do the job.

Mr. Siegel stated the entire process is upsetting to him by narrowing it down to two firms and he thinks that the majority of the Council should rule. He is disturbed that the Council now appears dysfunctional and we need to make a choice and move on with the choice of the majority of the Council.

Mrs. Trovei asked why he is not supporting the committee's recommendation?

Mr. Siegel indicated that the committee's recommendation is not his first choice due to experience. He stated that one of the firms stated that they wanted to give back to the community which he values. He noted that one of the attorneys was a resident that is returning.

Mrs. Trovei indicated that she thought the committee was tasked with avoiding local individuals with any possible conflicts of interest and ethics. She also felt that the Blustein firm indicated that they would become involved in our community which would bring new growth and insights to our community.

Mr. Siegel stated that he wants to support the person returning to our community.

Ms. Randazzo stated that she is upset that all this work seems to be going for naught and part of the process that is troubling is that Mr. Siegel is making suppositions and has been asked to share his information on which she is basing his information which he has not.

Mr. Siegel indicated that he does not have to share his private conversations with other attorneys.

Ms. Randazzo indicated that any information asked for from Mr. Siegel has not been provided. Instead he posted information publicly on Facebook instead of with the Council.

Mr. Siegel indicated that the posting was a mistake.

Ms. Randazzo indicated that as a public official he has a higher responsibility to communicate responsibly. She also detailed the HR background of both herself and the Chief of Police as responsible individuals and questioned why if he has a degree and claim a wealth of experience in corporate leadership his behavior is so unresponsive and irresponsible.

She indicated that she participated in the interviews which meant the most to her and can personally state from her notes that the first focus of William Frank was municipal law whereas in the other firm it is Mr. Oster who has municipal experience versus David Darwin, who was to be the proposed city attorney, has experience limited primarily to the Orange County work as opposed to municipalities. The experience of both deputies was limited and that is recognized but it was felt that under Mr. Franks guidance and due to his direct experience, he would be a better educator for his subordinate who already has relationships with other municipalities. She also noted that they were a broader firm that can bring other investment in the community.

Ms. Randazzo informed the Mayor that at this point in the process she believes it is personal and political ploy with respect to what the majority wants and that the opinions of the committee are being disregarded towards a compromise.

Mr. Siegel stated that the posting of a private message as public was unintentional and it was unintended. He defended his experience by indicating that he has hired over 75 people in his work experience and has a degree in organizational management.

Ms. Randazzo asked if he interviewed candidates alone.

Mr. Siegel indicated that yes, he did up until he was informed not to do so because some of the candidates were women.

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Ms. Randazzo said she was not going there but rather why should he interview or seek counsel from other sources totally on his own so that information is verifiable. As he is seeking information for City purposes, she feels he should not then refuse to share that information.

Mr. Siegel stated that he refuses to share private conversations.

Mr. Simmons interjected that he feels opposed to be obligated to disclose conversations when they are for the individual's education. Mr. Simmons also stated that he wants it noted that interview questions did not come from all of the members they came from one source.

Mayor Decker stated that he developed the list of questions and then sent them to all members asking for input on deletions or additions. He noted that he received no input as to any additions, deletions or changes.

Mr. Oney questioned if any candidates refused to answer any questions. The response was no and that all of the candidates were informed that they would not have to answer.

Mayor Decker indicated that there is one question in contention which is "Were you ever arrested?". He noted that the only firm that pointed out that the question should be asked differently was the Blustein firm.

Mr. Simmons noted that he believes that the members of the Oster firm believed that they knew the question was improper but choose to answer it as he believes that question was intentionally designed to embarrass a member of that firm.

Mr. Decker indicated that the questions came from several google websites.

Mrs. Randazzo indicated that if hiring an employee, the question must be phrased as "Have you ever been convicted of crime?" however this is not a civil service employee but an independent contractor.

Mr. Oney noted that without compromise this process will continue to be incomplete. He also noted that social media does not help anything or process of compromise. What is going to mean anything now is the vote. He stated that he found it interesting that at one point a person advocating for following majority opinion with respect to the Council but are also not following the majority opinion of the special committee. After 3 weeks of back and forth he finds it disturbing that this is where we have wound up.

Mrs. Mann questioned if the Blustein firm is hired, despite appointing William Frank, will we wind up with Stephanie Tunic as the counsel present at meetings?

Mr. Decker indicated that the answers from the two firms will be Mr. Frank and Ms. Tunic as necessary from Blustein's office. The answer from Oster would be Amir, then Mr. Darwin with Mr. Oster as a backup. Mayor Decker indicated that he contacted Blustein's office and obtained clarification that their firm will have attend whomever the City desires as much as possible.

Mrs. Trovei indicated that during the interview it was noted that both attorneys will be present initially to learn the city business and then they will go from there with assignments. Mrs. Trovei said that the important piece is to focus on the experience of the lead counsel as they become the responsible party. She noted that both firms of course want to use deputies due to the revenue limits for their firms of the \$55,000 which both firms expressed was low.

Ms. Campbell stated that until now she was under the impression that Ms. Tunic would be the primary person at meetings.

Mrs. Randazzo indicated that the City appoints the lead counsel and the deputy is proposed by the then appointed city Counsel. It is her understanding that Mr. Darwin and Mr. Frank are to be the persons appointed as city counsel.

The Mayor summarized that this began with his appointment of David Bavoso with Bill Bavoso transitioning to the deputy position. This was not acceptable to the Council. An interview process was proposed for which a committee was established, and other firms were solicited. Four of the seven firms were interviewed. In the interim, Mr. Glen Plotsky was voted in as an interim City Counsel.

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After the interviews He nominated Glen Plotsky as his personal choice which was defeated due to too many possible local conflicts of interest. After additional consultation with the Committee he decided to compromise and appoint the Blustein firm in the person of Mr. Frank.

On Wednesday he was asked by council members who he was going to nominate, and he had indicated the Blustein firm. After the Facebook posting he consulted with the interim City Counsel on the whole issue.

He encouraged the public to FOIL the subsequent email conversations which he displayed copies of.

With respect to a council member speaking to other attorneys it is against the professional code of conduct for attorneys to discuss same. Therefore, he is sure anyone asking another attorney would have said not to disclose their name.

He then consulted the acting corporation counsel who informed him that per section C2-4 the nomination is the Mayor's and the exception is if the Mayor has not made a nomination within 30 days. That event has occurred, and the intent of the code is not to circumvent the mayoral appointment process. Should the Council so choose to attempt to circumvent and propose a resolution that resolution can be vetoed by the Mayor and then a 2/3 majority or 6 votes would be required to override the veto.

As I said before, I have put up the Blustein firm and am calling for role call vote.

Mr. Siegel said that before he votes he wants to know in what law he is not a private citizen who can have discussions with anyone he so chooses on any topic. Mayor Decker indicated that if a problem occurs it will be up to a court to decide.

Mr. Siegel said he gets the impression that the Mayor believes we may not select his candidate, so he questioned why the Mayor is pursuing this.

The Mayor again encouraged the public to foil the email documents if the Council votes this down.

The Mayor called the vote again

A roll call vote was taken

Siegel – No
Simmons – No
Trovei – Yes
Oney – Yes
Randazzo – Yes
Mann – No
Campbell – No
Santini – Yes
Foster – No

AYE: 4 ABSENT: 0 NAYS: 5 ABSTAIN: 0 Motion Failed

The Mayor expressed his displeasure in the lack of compromise as unfair.

Mrs. Waizenegger asked if the interim City Counsel remains in place and was answered yes by the Mayor.

Meeting Adjourned – A motion was made by Gerald Oney and seconded by Kristin Trovei to adjourn.

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

Meeting Adjourned at 9:41 pm.

Next Meeting is scheduled for 6:30 pm executive session and 7:15 pm general business session on Monday March 23rd, 2020.

Robin Waizenegger
City Clerk Treasurer