

March 23, 2020

Executive Session – None.

Regular Meeting-

The regular meeting of the City of Port Jervis Common Council was held via Zoom teleconference from the Mayor's Office, 20 Hammond Street, Port Jervis, New York on Monday March 23rd, 2020 at 7:15 p.m.

Public Hearing - None

Attendance- All members of the Common Council were present on the Zoom Teleconference except Regis Foster. Also present was the City Clerk Treasurer Robin Waizenegger physically in the Mayor's Office. The Teleconference was broadcast live on Access 23, the local public television station and broadcast live on the Mayor's Facebook page.

Below is the transcript of the proceedings as necessary per statute regarding teleconferenced meetings where the public cannot be present:

Mayor Decker: Ok, It's 7:15 p.m. Monday, March 23, 2020. I'll call the meeting of the Port Jervis City Council to order in virtual. We do have a flag behind Jerry if you can see it and also behind me.

All: I pledge of allegiance to the flag of the United States of America and to the republic for which it stands, one nation, under God, indivisible with liberty and justice for all.

Mayor Decker: okay. Alright. As this regular session will have no public attendance, I do have recording back, actually live here that will be on Facebook. I'm gonna start right here. I just forgot to start this. Okay, I just started the Tri 23 camera which is right here behind me. We called the meeting to order at 7:15. It is now 7:16. We did the Pledge of Allegiance. There is no public attendance under the executive order 202.1, signed by the Governor, Governor Cuomo on March 13, 2020 and this is to protect us each from Covid. Just so you are aware that it is being documented. Ms. Waizenegger is behind me, well within the 6 feet that she's supposed to stay behind me and we are in City Hall. We have with us all Council members except for Mr. Foster, who is not feeling well right now. Ms. Mann, can hear us? Ms. Mann just say "hello".

Maria Mann: Hello

Mayor Decker: And Ms. Campbell, who can also hear us.

Chandler Campbell: Hello

Mayor Decker: Okay, so that way, if you can see on the screen, they do light up when they speak, so we will know who is speaking. Okay, we have....

Lisa Randazzo: Ms. Trovei is silenced still

Kristin Trovei: Thank you

Mayor Decker: Now. Okay. Sorry about that. Okay, we'll start off with the approval of the minutes of the March 9, 2020 meeting. Can I have a motion?

Lisa Randazzo: I make the motion.

Mayor: I have a motion by Ms. Randazzo, do I have a second?

Stan Siegel: Yes

Mayor: Second, yes by Mr. Siegel. Discussion? All in favor?

Council (All): Aye

Mayor: Opposed? (silent)... So carried. Thank you. The next thing that we have is, is we have Finance bills only, do you have this Ms. Trovie, do you want to read it or do you want just me to read it? Go ahead. Go ahead

March 23, 2020

Ms. Trovei: From the General Fund, we have \$170,810.94. From the Water Fund \$6,835.74. From the Sewer Fund \$2,140.34. From the Capital Fund \$230.57, Trust & Agency \$20,600 (paused and corrected herself) \$20,367.30, for a total of \$200,384.89. Some of the larger items from General, Water & Sewer funds, Orange & Rockland \$43,708.94, M&T Bank vehicle payment plan \$33,261.21, Pitney Bowes postage refill \$2,966.75. From the Capital fund, Times Herald Record Legal Ad \$87.64 and City of Port Jervis Hylas tax payment \$142.93. I will make a motion to pay the bills.

Mayor: I have a motion by Ms. Trovei. Do I have a second?

Mr. Oney: Second.

Mayor: Second by Mr. Oney. Discussion? All in favor?

All: Aye

Mayor: Opposed? (silent)... so carried. Next order of business I have, obviously with the situation that our country is in today with the Covid 19, our taxes and water bills are going to be due and we have a general public that's going to have a difficult time making those payments on time. So, what I'm asking for are two different resolutions. The first resolution will be to defer the penalty for tax payments that are due for the Port Jervis City taxes on April 30, 2020 for 45 days. What's your pleasure?

Tim Simmons: I'd like to make that a motion.

Mayor: I have that, Mr. Simmons.

Stan Siegel: Second

Mayor: Second by Mr. Siegel. Discussion? So just a reminder that this doesn't negate you paying your taxes. We hope you can pay your taxes. It just negates the fact that you would be charged a fee after April 30th for the 45 days. Any other further discussion? All in favor?

All: Aye

Mayor: opposed? (silent)... so carried. Okay, and the other one is for the water bills. This is a resolution to defer any penalty for water and sewer payments that were due to the City of Port Jervis on April 30, 2020 for 30 days. The reason this wasn't done for 45 days, and by the way, we can extend both if we, if we need to but for 30 days because of the way the billing cycle goes. So, what's your pleasure? *(talking going on)* I'm sorry, yes *(talking)*

Gerald Oney: Mayor, Chandlers screen is on mute

Mayor: I'm sorry Chandler. Oh, probably if you guys unmute yourselves, or mute yourselves, I can't. I have to do it? I'm sorry Chandler, did you have anything to add?

Chandler Campbell: Nope.

Tim Simmons: I'll make that a motion, Mayor.

Mayor: Okay, thank you Mr. Simmons.

Stan Siegel: Second

Mayor: Second by Mr. Siegel. Discussion? All in favor?

All: Aye

Mayor: Opposed? (silent) ... So carried. The trench, on the agenda was the trenchless sewer lining. That will come at our next meeting. The bids now are not going to, are extended. So that will be done at our next meeting in April. So the next one is approval of the Coalition Involvement Agreement between the City of Port Jervis and Operation PJ Pride. What's your pleasure?

K Trovei: So moved.

L Randazzo: Second.

March 23, 2020

Mayor: Motion by Ms. Trovei, second by Ms. Randazzo. Discussion? All in favor?

All: Aye

Mayor: Opposed? (silent)..so carried. Approval of the contract with Orange County regarding the Dial A Bus. This is a resolution. What's your pleasure?

Gerald Oney: So moved

S. Siegel: Second

Mayor: Motion by Mr. Oney, second by Mr. Siegel. Discussion? All in favor?

All: Aye

Mayor: Opposed? (silent) ... so carried. An approval to, for a resolution for the DMV Contract extension. This is the contract extension that goes out to November 30, 2020. We discussed this before. Your pleasure?

L. Randazzo: I make a motion.

Mayor: Ms. Randazzo. Do I have a second?

S. Siegel: Second

Mayor: Second by Mr. Siegel. Discussion? All in favor?

All: Aye

Mayor: Opposed? (silent)... So carried. The next one, the approval of the Drew Methodist Church and Salvation Army's request. And this would only be permissible by executive order in case something changes. As of right now, they would be able to do it for Easter sunrise service and this would be up on Point Peter, like they do every year from 7:15 to 8 a.m.. Your pleasure?

Gerald Oney: so moved

K. Trovei: Second

Mayor: motion Mr. Oney, second Ms. Trovei. Discussion?

S. Siegel: So, if they decide to try to keep a separation, can we allow that if they promise to do separation anyway?

Mayor: Well, we're gonna encourage that anyway, We're going to encourage that 6 foot distance. And they've got plenty of room up there to be able to do that. The only reason I put down only if permissible because the Governor comes out with executive orders every single day and if we....obviously if he comes out, he actually can create an executive order that stops both the municipality and the county from overriding his authority. So, we can't override him and obviously if he says you must stay inside your house, you know. I don't foresee that happening but, I have to say that at least.

S. Siegel: Ok

Mayor: Any other questions? All in favor?

All: Aye

Mayor: Opposed? (silent)... so carried. Okay, The Gaming Commission thing. This is Music for Humanity. Any municipality, and there's a long list. And when you guys got this scan, it was just the one that included Port Jervis and you saw all the towns. It's really like four lists of towns and villages and cities where they want to be able to do this raffle. This is a non-for-profit, but in order to do it, New York State mandates, the Gaming Commission mandates that they have to seek the municipalities approval. We've done it before. But, I have to present it to you. What's your pleasure?

K Trovei: So moved.

March 23, 2020

Mayor: Motion by Ms. Trovei. Second?

L. Randazzo: Second.

Mayor: Second by Ms. Randazzo. Discussion?

S. Siegel: They'll have to follow regular procedures of getting a permit and having to do that.

Mayor: Absolutely

S. Siegel: We have to be really careful because there's a lot of people trying to scam people. So, you have to make sure that they have ID of some sort.

Mayor: Yeah, they even have down here their identification number. That's listed on that second form that I sent to you. And I believe they even have insurance, or something like that.

R. Waizenegger: They submitted their permit directly through the State of New York.

Mayor: Yeah, and they submitted their request directly through the State of New York, not us. Okay? Any further discussion? All in favor?

All: Aye

Mayor: Opposed? (silent)....so carried. Okay, the next order of business, this was the one that I just sent to you and I apologize. We had met with the town, both the Town of Mount Hope and the Town of Deerpark Supervisors. Myself, all of our Chiefs and this is in regard to a mutual aid request because not just of Covid 19, but in this particular case, because of Covid 19, if they have a department go down, or we have a department go down, or we have individuals that go down, we need to, we need to have that mutual aid. This agreement puts that in place. This is actually recommended by the State with your bordering and close municipalities. They were in favor of it. So what happened today was I, and the change that I just told you about is there was supposed to be a resolution, however when I spoke with Mr. Plotsky today, he found that general municipal law 209-M, this was after I sent it to you, requires local law to delegate the authority to the Chief. So basically, we can pass this agreement, but then it's me that has to give the Chief the permission to send the police officers. They'll have to contact me and then the chief can give the police, or let the police officers go or request the police officers. So I'm just, before what we were going to do is just allow you in a resolution to pass that authority onto the Chief. But it has to be done through a local law.

R. Waizenegger: Kelly, did you get this last resolution from Glen?

Mayor: Yeah that's, I think that's the one.

S. Siegel: Does that affect an agreement that we have between Deerpark and right now?

Mayor: Ah no, as a matter of fact it's very similar to that agreement that we already have in place. Really, this is based on emergency purposes. But, the thing that I wanted to point out to you is that whoever requests the agency, the agency sending it is responsible for their officers. So obviously if we have officers down, we need Deerpark and we need Mount Hope to respond. They're responsible for their officers, just like we're responsible for our officers if they go there. It's very similar to the agreement that we already have with Deerpark in the school.

Tim Simmons: So I would make a motion that we approve it.

S. Siegel: I second that

K Trovei: I'll second that.

Mayor: So I have a motion by Mr. Simmons. Who seconded?

K Trovei: I did it... I don't care either/or

Mayor: Discussion?

K Trovei: It doesn't matter

March 23, 2020

Mayor: Discussion? All in favor?

All: Aye

Mayor: Opposed? (silent)....so carried. So Mr. Santini, eventually we'll have to work on the local law to get, I'll have Mr. Plotsky work on the local law to have, to move that forward. Ok, the next one is for the approval of Seth Mortenson, as a provisional hire per civil service guidelines and procedures. His start date to be determined by the Chief on or after March 24th and I have a letter from Cheryl Biccum stating that Seth Mortensen is reachable on the residence list and can be appointed provisionally and then upon passing the physical fitness agility test, his appointment status would be probationary. What's your pleasure?

L. Randazzo: I'll make a motion.

Mayor: This replaces Mr., Officer Curreri. So I have a motion by Ms. Randazzo, second by Ms. Trovei. Discussion? All in favor?

All: Aye

Mayor: Opposed? (silent).... so carried. Oh, ok, so one of the problems, that we understand that there was an incident earlier this week with police officers and we have a few that are out as well as two that have retired. So the Chief is asking in this crisis that we give permission to allow officers to remove a scheduled vacation block between now and June. Just simply either down the road reschedule them or buy it back and we'll address it at that time. But as of right now, he needs the officers on the street. So, what's your pleasure there?

Tim Simmons: I'll move that.

Gerald Oney: Second

Mayor: Mr. Simmons? And Mr. Oney. Discussion? All in favor?

All: Aye

Mayor: Opposed (silent)... so carried. I have the change order that Jack had discussed in DPW for the bridge. I just need a motion and a second, an approval.

Gerald Oney: So moved

K Trovei: Second

Mayor: Motion by Mr. Oney, second by Ms. Trovei. Discussion? All in favor?

All: Aye

Mayor: Opposed... (silent)... so carried. And the last order of business that I have is I'm recommending and requesting a motion to approve the law firm of Blustein, Shapiro, Rich & Barone. Do I have a motion?

L. Randazzo: I'll make the motion.

Mayor: Motion by Ms. Randazzo. Second?

K. Trovei: Second

Mayor: Second by Ms Trovei. I'll do a roll call vote.

Tim Simmons: Discussion?

Mayor: Oh, I'm sorry... yes, discussion. Yes sir.

Tim Simmons: I'd like to begin by saying that I'm extremely flattered that some people find me to be so interesting they watch my every move. First two members of this council watched me and then reported that I wasn't taking notes during one of the interviews that were held for corporation counsel. Now it seems that other people are watching and took notice of the fact that

March 23, 2020

I checked my cell phone at times during the last council meeting. Well, I did in fact do that. The first time was a text from my good friend Michael McCarthy in Texas. He said that he was watching, liked my purple shirt and tie, and he also wanted to thank me for mentioning his Mom and Dad while we were speaking about the St. Patrick's Day parade. The second was a text from my old friend Scott Jewell watching from Florida. He said I should smile more and in his words "what's up with the bells?" He was just busting my chops. The last text was from my wife who burned herself while making dinner and wanted to let me know that it was starting to blister and she asked if I could stop on the way home to pick up something to put on it. And that was it. I hate to disappoint those amateur conspiracy theorists that are out there, and that I was not receiving any secret messages from my political handlers as they claim, telling me what to say and do during a meeting. However, I hope that they do keep an eye on me and that if my tie is crooked or I have something stuck in my teeth, they'll let me know that in the future. But besides that, during the previous meetings, it's been stated that the majority of the committee that was appointed by Mayor Decker had recommended the law firm of Blustein and Barone and Rich and Shapiro and that they should be appointed. They were adamant that the recommendation should be followed. They went on to say that it wasn't right for a majority of the council to decline the Mayor's nomination. I'm still waiting for someone to explain to me why the opinion of the majority of an appointed committee should be given precedence or supersede the opinion of the majority of the elected council. In one breath, these people want everyone to respect the authority of the majority of the committee but in the very next breath, these very same people want everyone to totally disregard the authority of the majority of the duly elected council. You can't have it both ways. The very idea flies in the face of logic. That being said, I want to add that this whole ordeal we've been going through could have been resolved weeks ago. The Mayor has been fully aware from the beginning of this process that the firm of Ostrer and Associates was and still is the choice of the majority of the council members. At no time was the Mayor ambushed or caught off guard or unaware of the feelings of the majority. Prior to each of the votes, the Mayor was aware that his nomination was not going to be ratified, yet he chose to proceed. In an e-mail Saturday in which I asked the Mayor who he intended to nominate at tonight's meeting, he replied that it would be the Blustein firm and if it was voted down, he would put up Mr. Plotsky again. Once again, he's aware of the outcome yet it appears he will proceed down the same path. Had he nominated the firm of Ostrer and Associates, this would be all history and be done with. I recently had a conversation with the Mayor during which he stated to me that the reason he felt that David Darwin from the Ostrer and Associates firm wasn't the right fit for corporation counsel was because during his interview, Mr. Darwin slouched in his chair and to him that was unprofessional. I seem to find that statement somewhat disingenuous since the Mayor's first choice for the position for corporation council sat next to him for the past two years constantly fiddling with rubber bands, doodling, rolling his eyes at and making snarky comments to residents during public comment sessions. Another comment that he made to me was that when he contacted someone from the Village of Harriman, where Mr. Darwin represents them, that their response was that they didn't find him to be a ball of fire. I find this rather odd since Harriman has continually reappointed Mr. Darwin over the course of the past six years. I'm sure that if the Village of Harriman were dissatisfied with Mr. Darwin's work, they could have easily found another attorney willing to fill the position. I mean Rockland County, Monroe, New Windsor, Cornwall, Goshen, to name but a few are nearly at their doorstep and each of them have a wealth of attorneys from which to choose. Over the course of the past several weeks, accusations of this all being personal and political have been made. I'm asking everyone to ask the following questions. One, who has the ability to bring this to an end and chose not to? Why didn't they? And what are their motives? When you've done this, I think you'll have a better understanding of whether this has been personal and political and by whom. In closing, I'm once again publicly asking the Mayor to nominate the highly qualified, competent and professional firm of Ostrer and Associates for corporation council for the City of Port Jervis. It's time to put an end to this and move on to other important issues facing our city and that if he were, I'm sure we can move on very quickly. Thank you.

Mayor: Would anybody from the council like to....

Kristin Trovei: Sure, I'll comment. Those are great questions Mr. Simmons, that could be asked of every single one of these council members and I think that if you answer them, you'd get different answers. But I will just repeat that in an unprecedented move, a committee was created to conduct interviews for the purpose of recommending a corporation counsel. The committee met and conducted interviews. Most people met in good faith and open minds and a majority of the committee spoke and they said that if we wanted a local attorney and continuity, we would pick Mr. Glen Plotsky of Bavoso & Plotsky. But if the city wanted to go in a different direction, we would choose Mr. Will Frank of Blustein, Shapiro, Rich & Barone. Five council members rejected old recommendations. Now, I can understand the perceptions of conflict of issues with a local attorney, but I do not understand the reasoning for rejecting an outside attorney that as far as I know has no direct ties or conflicts with the city. Which is one of the reasons why the Mayor's previous appointments have been rejected. Mr. Frank is highly qualified and experienced in municipal law. He's part of a firm of fifteen people where four or five of them are experienced in municipal law. He along with his deputy, his recommended deputy, would be a strong asset to the city. Not only would supporting this appointment allow for the city to obtain a knowledgeable attorney, it would finally show our constituents we have the ability to work together and compromise, which is needed more than ever in the current climate our world is in. And it supports the values and reasons behind having committees in the first place. By not going with the committee recommendation, you are

March 23, 2020

completely disregarding the entire point of committee. Why would we listen to any committee that is formed in this city? I think the hypocrisy that is coming from some council members is very disturbing. And it's not going unnoticed. You say you want someone different, so we get someone different. Then you want a committee, so you get a committee you keep rejecting. You say you want a majority consensus but then you reject the majority of the committee that you wanted, and why? Because it wasn't meeting your agenda or your opinion? I mean, not everyone from the committee was asked detailed questions about why they wanted it. Mr. Siegel said that he changed his mind and he wanted to go with what Mr. Simmons said because he had an in depth conversation with him. These people did not have an in depth conversation with me or any of the other committee members that I'm aware of to find their reasons behind choosing who they chose. And I think it's very clear that we have made a decision and I think we should honor that decision. That's all.

Mayor: Anyone else?

Stan Siegel: Yes, excuse me, yes. I'd like to say something. I believe that we absolutely should resolve this matter. In light of what's going on in our city, and our county and in our state, the list of potential firms to represent our city is down to two qualified firms not tied to potential conflicts or have any connections with any business in our city that I'm aware of. It seems to me that it's down to whether we go with the majority of the elected council or a majority of the committee. Committees are essentially advisers. They are not decision makers. They put stuff out for us to hear and we have to make a decision based on that and possibly some other research, which I have done. As I've said in the past and will repeat again I feel the committee has done a good job in the interviewing process and I'm appreciative of what they did. I understand that the Mayor and department heads we are work with the corporation counsel more than the council members do, but we rely on advice as well and should have some say in the decision making. The Mayor stated that he feels both firms are qualified and I agree with that statement. An individual that would represent us from the Ostrer firm has 30+ years of municipal law experience as well as eight in the DA's office. The individual that would represent us from Blusteins firm has two years....

Kristin Trovei: That is not correct!

Lisa Randazzo: That's not true.

Kristin Trovei: That is not correct.

Stan Siegel: If you go on their web page, you'll see that's an accurate statement as of today.

Kristin Trovei: Mr. Will Frank! Are you looking at Mr. Will Frank?

Stan Siegel: No, I'm not.

Kristin Trovei: That's who would be appointed.

Stan Siegel: I was told that the young lady was going to be appointed.

Kristin Trovei: We told you in an e-mail and at the last meeting that was not correct. Does that change your mind?

Stan Siegel: So how much experience does he have?

Mayor: So, I will tell you that I did speak with Mr. Frank and he will come to our Monday council meetings. The only day that he's unavailable is that if we need corporation counsel on Wednesday night, which we don't use it all the time anyway, of the code committee, Stephanie Tunic would come in that case.

Lisa Randazzo: Mayor, can I ask, was there also some additional counsel that has been added to that firm that has municipal experience? Because my understanding is there are at least 4-5 attorneys in that firm out of 15 that have direct municipal experience.

March 23, 2020

Mayor: That is correct and they're hiring somebody with 15 years experience directly with the comptroller's office.

Stan Siegel: Fifteen people on the web page alright I guess

Mayor: Anybody else?

Stan Siegel: Well I'm not done.

Mayor: okay

Stan Siegel: Because of those reasons that I thought about with the firm with the most experience, which I believe is the Ostrer firm as I feel we would get the better of the two firms. If we fail to move forward and the Mayor chooses to go back to Mr. Plotsky, with David Bavoso as backup as he stated tonight, then we would be going back to where we started from in January with the same concerns we had back then. So, I hope we don't do that. In my opinion, it seems that we are letting our residents down in the middle of these troubled times by not making a decision. Thank you very much.

Mayor: Anyone else?

Lisa Randazzo: Mayor, can I ask one more question please? In regards to the attorney from Ostrer and Associates that would represent us, how many actual municipalities Stan, has he represented?

Stan Siegel: I don't know. I was looking at experience, not municipalities because sometimes you're representing a municipality and you're not happy with them and you don't represent them very long, or you don't represent them any longer, so I didn't look at that. I looked at years of experience.

Lisa Randazzo: So, in terms of experience, you are just basing it upon how many years he's stated he's been with a location?

Stan Siegel: No, I'm looking at experience as a gauge of what he could do for us because what we're looking for is someone that is gonna deal with specifically municipal law.

Lisa Randazzo: So, municipal law in reference to, I'm assuming, cities, towns and villages or you're looking at someone that's working countywide? Which is very different than working with the City of Port Jervis or any other city.

Stan Siegel: I think that he has experience in both.

Lisa Randazzo: I would beg to disagree with that because from what I recall that from what his resume stating, it was with the Village of Harriman and the County of Orange. Where Mr. Will Franks, I believe, had 6-7 that are current municipalities, I apologize I don't have it in front of me but I'm pretty sure that there were 6-7 that were listed. And that's where I'm having a really hard time with this, is if we have a group that can tap into other attorneys right within their firm and they can look at other municipalities to reference some information as opposed to going to, I don't know. Where would you go for that information at the county level? It's not going to compare to the city.

Tim Simmons: Can I add something?

Stan Siegel: Go ahead.

Tim Simmons: Part of what you don't see with Mr. Darwin is not only has he been the counsel for the Village of Harriman for the six or more years and as you said based on his experience with the county, but Mr. Darwin also part of municipal law is litigation against municipalities as well. And if you look back through his history, you'll find that Mr. Darwin has done quite a bit of litigation representing people against municipalities in terms of contracts and other items. And my understanding is that when you do that, you're looking at municipal law from both sides in order to do the litigation properly. You look at contracts as

March 23, 2020

to the strengths of the contract as well as the pitfalls in the contract and as you go through your case, you read through all these contracts, you look at what's good, where the pitfalls would be and in doing so you gain a wealth of knowledge as to where if you're on the side of the municipality, you would point to that part of the contract as a strength and then also as you're going through a contract or making up a local law or whatever for a municipality, you know where the pitfalls are as well. So although he may only represent one municipality right now, he has been there for a number of years at least and he also has that municipal experience through the county and he has quite a background in municipal law on the other side of the coin in terms of litigating for his clients against municipalities. So you can't discount that either. I mean, as I said, he's got a wealth of knowledge. He's got a background in municipal law on both sides of it so that's where I'm coming from.

Lisa Randazzo: I think where I'm losing the disconnect is I feel like I was in a different interview because when we sat in the interview, I think anybody would agree that when you go interview, part of your job is to sell yourself and to speak to your achievements, your accomplishments, the experience in detail and usually give references to what you're doing. That didn't happen in that interview, unless I was in a different interview. So I just, I'm not seeing where that information was misconstrued by the rest of the committee and then seen by one person as different. I'm not understanding that. I mean, my notes don't reflect that. If someone else's do, I keep asking for this information and nothing's been shared and that's been in several emails, text messages. I'm just looking to understand where this information lies that Mr. Darwin has the stronger resume and to date, I just don't see it.

Mayor Decker: Just because I can't see you Maria or Chandler, do you have anything to add?

Maria Mann: I do.

Mayor: Go ahead Maria.

Maria Mann: Okay, I didn't want to interrupt so thank you Mayor. I personally ran for office because I'm not only passionate but am deeply committed to our city. Yes, in order to be effective, we must work as part of a team to establish shared visions for the future, develop and work with our colleagues and constituents to enact our local policies and laws that will ultimately lead to accomplishment. It sure is a challenge that requires each of us to rise above the fray, reaching beyond our comfort zone and to work with one another with whom we may have significant differences with. We are a council with diverse personalities, dispositions and temperaments. But we also share the same passions for our city. At this time we have become mired in blame and division. It is disheartening that our civic progress has come to a halt. We must continue to help each other and the public stay focused on the future and on the common good. My opinion and concerns as I have stated with regards to the corporation counsel was the importance of extensive experience in the area of law for their required services as they will profoundly affect the course of the city residents lives while safeguarding our city to the maximum extent possible. It has been an uphill struggle. Passions of the moment lead to demands for solutions. There has been deep division over the issue. There will always be occasions where we differ amongst ourselves. And I believe my decision based upon the firm presented this evening is not adequately experienced. Also in hindsight, it has been mentioned that we should hire someone that has been a local person. Again and again we had to state the obvious. It is in fact, the Mayors appointment which then needs to be ratified by five council members voting yes. Continuously putting up the same people over and over is not going to get a different response. It is only exasperating the situation and obstructing us from moving forward in the publics best interest. That's all. Thank you, Mayor.

Mayor: Thank you. Chandler?

Chandler Campbell: No. I'm alright. It seems everyone covered what I was going to say.

Mayor: Okay, thank you. Alright. So I don't have anything written down. I'm just going basing off of the experience but I do want to cover a couple things. So obviously, I had Mr. David Bavoso as my first choice as corporation counsel and anybody can see probably why. He's an attorney, he's an attorney that lives in the city, pays taxes in the city. He's got a business in the city. He was my corporation counsel for six years, alright? But it was clear that the council did not want him. So I moved on to the next local person that is qualified, that does have those qualifications. Now we did have one person who also has a business in the city and that asked for, and that did offer even less. Which obviously I'm not going to say that persons name. But I wanted to go back to the history of how we got to all this. And I want to read you an email that I received Wednesday, January 8, 2020

March 23, 2020

at 12:55. So this would have been after (Mayor corrected himself), or before the first council meeting that we had together. This is before the first council meeting that we had together. It says, "Kelly, to further supplement my letter, I've discussed the concept of bringing in Will Frank of Blustein, Shapiro, Rich & Barone as deputy corporation counsel. If given the opportunity to serve," (*stops reading*) Cuz this person had offered (*continues reading*) "I asked him if he'd be willing to bid the job outright. He believes the \$55,000 allotted is too light given the time commitment plus, he didn't want to compete with me for the job. Still, if the board wants to ensure there's someone with more experience working with me, I'd say landing Will, one of, if not the most respected municipal attorneys in the region, in some capacity is a home run. Thus, conditioning my appointment on an agreement between he and I, would be acceptable". So I did not obviously even recall that. This was just me reading through all my emails. So, obviously the first meeting I put David up and he was knocked down. So the next meeting I put up Glen, who is very well qualified, has extreme amounts of background in municipal law. But I was told "No" and that's when we found out that Mr. Simmons had contacted Mr. Fink and he had asked him, "Hey, how about reaching out to different firms?" Well it's interesting cuz Mr. Fink reached out to the Blustein firm and asked them if they'd be interested. And he actually (shuffles papers) well, I'm not going to belabor this, but it was somebody else. Oh, Jay Murrow from the firm. Jay Murrow, I don't even know who that is, from the Blustein firm. So anyway, you had, he had reached out to three or four people and then each of the council people at the next council meeting, when I put up Mr. Plotsky, had mentioned a couple people so I said fine. I actually interviewed. I interviewed a young lady from Florida. I interviewed a former Orange County attorney. I interviewed an attorney that lived here that lives over in Cornwall now. Some were interested. Some were not. Lo and behold, the council did not want Mr. Plotsky. So... then I said okay, we'll do something unprecedented. We'll have these interviews. I figured what's fair is fair. You obviously see that Ms. Randazzo & Ms. Trovei are interested in taking the Mayors appointment. I'm the Mayor. I'm going to be part of that committee because as I said before, the Mayor and the department heads are the ones that work with the corporation counsel, whoever they are. So then I picked the Chief, because the Chief is the most well respected person probably in the entire county so with his input, that's a fair way to do it. We, I noticed there were people who said why don't we have one more council member. Because our hands were tied because of New York State Law, the Open Meetings Law, we couldn't have one more council person. So there we have it, we have this committee. The committee overwhelmingly said this is who you guys should accept if you're taking, if you're taking somebody outside of the city. So, a couple of things.... I did mention the slouching. I did do that. I never contacted Harriman, never said that, never contacted Harriman. Um, I can bring this to an end. So can the council. As far as lawsuits, we have not been directly involved as a council in any type of lawsuits in my 6, 7 years now being here. We were contacted. We were put on notice by the Federal Government because of the Church on Front Street. But otherwise, that was resolved and then after we had the meetings that we were supposed to have, we found out that we didn't even violate RILUPA. And then the second part was, the sewer done on Jersey avenue. That came before I was Mayor. So really, they're the only two things that we've dealt with. As for now, I just want to let you know that Mr. Plotsky has not let us down. Mr. Plotsky is right on the ball with everything that we need. Alright. Mr. Simmons, you did ask me to reach out to the Town of Montgomery because you were concerned about Ms. Tunic. And so I reached out to Brian Maher who is the Mayor of the Town of Montgomery and I said, "Brian, sorry to take up your valuable time. I am currently going through an appointment process for corporation counsel and I have a question regarding your corporation counsel. My committee highly recommends the Blustein firm however some council members have a concern, that I was asked to reach out to get your point of view. I've been told by one of my council members that they spoke with somebody from your town and was told to ask the question why did Stephanie Tunic of the firm attend your meetings for a while but then was phased out by Will Frank of the firm? We were told that if the firm were chosen to represent the city, Stephanie would be our point person. I'm looking for some guidance if that is a concern?" And he wrote, "Thank you Mayor for your e-mail. I really enjoyed working with Stephanie and had found her to be an outstanding young attorney. The hesitation of having her take the lead in the Town of Montgomery came from a few of our board members, was to have someone with more experience such as Will Frank to take the lead. However I will say that Stephanie has taken the lead on much of the work here in the town and has done an exceptional job. I would rate her in the Blustein firm, high. I also worked with them when I was the Mayor of Walden. Please let me know if you would like to discuss further on the phone." So then I asked, I did get a hold of Mr. Frank because I wanted to know about their connection with Walden. They served Walden while Brian Maher was Mayor there, but now that he's Supervisor of the Town of Montgomery, he's there. They are not in Walden. In the meantime, the chief said to me, "Hey do you want me to reach out to the police chief of Montgomery". I said, "Sure". So he reached out and I have a copy of the text message. He says "great reviews of both attorneys from the Town of Montgomery Police Chief. Very responsive attorneys, working well" he said. I said, "Thank you". So again, I believe that I'm putting up the best firm outside the City of Port Jervis that I was asked to put up. I've done an unprecedented amount of work. My question is, is when you ask, when people ask me why don't you put this to an end, why don't you just pick this other firm? I ask the question of why is that firm so important. I've not been given any reason, real reason why that firm is important. So with that said, let's just move to a roll call vote. We'll start with Mr. Siegel.

Mr. Siegel: No

March 23, 2020

Mayor: Mr. Simmons

Mr. Simmons: No

Mayor: Ms. Trovei

Ms. Trovei: Yes

Mayor: Mr. Oney

Mr. Oney: Yes

Mayor: Ms. Randazzo

Ms. Randazzo: Yes

Mayor: Ms. Mann

Ms. Mann: No

Mayor: Ms. Campbell

Ms. Campbell: No

Mayor: Mr. Santini

Mrs. Santini: Yes

Mayor: Alright.....so

K. Trovei: Mr. Mayor

R. Waizenegger get Randazzo's vote?

Mayor: Wait a second, what?

(R. Waizenegger/Mayor: Ms. Randazzo's vote....."yes")

Mayor: I'm sorry, she couldn't hear the vote

K. Trovei: I was wondering if I could make a suggestion that maybe the council would be willing to consider, that we could do, typically this is a two year appointment. Would the members that are concerned with the experience of the firm Blustein, would they be willing to consider a one year appointment? This way it could be sort of a trial run even though I guess that anyone that's starting in the city that doesn't have any experience here, it would be a trial run. But, it would be a one year appointment, see how they're working out. They can prove how qualified and experienced they are and maybe it would help resolve this. I think it's a fair compromise. I think people can try to compromise as we should, as we are supposed to be leaders of the community and mature and work through our issues. I think that this committee was a compromise, the choice was a compromise. I think if we do a one year appointment instead of two, it would also be a further compromise. I'm just asking if the people would be willing to consider that?

Mayor: So I'll ask the people who said nay. Mr. Siegel?

March 23, 2020

(many conversations going on at this point at the same time indiscernible)

S. Siegel: I don't know. That just popped up..... I'd have to take a look.....

M. Mann: Mayor, excuse me....excuse me

Mayor: Yes, Ms. Mann... she has to make a motion

S. Siegel: What we have to do here has to find that out I'd have to ask

K. Trovei: We did say in the interview maybe do a one year because both of the firms have an issue with the \$55,000. It is a low number for a municipal attorney. It actually never really typically works with municipalities at a flat rate. I mean, the money's going to be a problem. I think that they would take a one year appointment and I think maybe we make it. We appoint them for one year, pending that they accept that.

Mayor: Ms. Mann?

S. Siegel: *(speaking..... unclear)*

Mayor: Hold on Stan, Stan, let Maria

M. Mann: Excuse me. Can I say something?

Mayor: Yes, go ahead

M. Mann: Is it okay?

Mayor: Yes, go ahead

M. Mann: So I actually Mayor, I had asked you that question if this....if we couldn't decide or come together on decision. I did ask you about a one year appointment. And you know, when I had this discussion with you, you had said that that wasn't a one year appointment, that it's a two year.

Mayor: Yeah

M. Mann: I had actually asked that question weeks ago

Mayor: I do remember you asking that and I don't know if it's in the Charter but I don't think it's in the Charter. It's always been two years. That's probably why I answered it that way to you, Maria.

K. Trovei: Yes, typically two years, which is the length of the term that the Mayor could have appointed that corporation counsel.

M. Mann: I understand that and I asked that question if that would be something to be considered and I was told "No".

Mayor: Hold on

T. Simmons: Can I make a comment?

Mayor: Yes, go ahead

March 23, 2020

T. Simmons: During the interview when Ostrer and Associates were asked if the \$55,000 was going to be a problem, they all answered that no, it was not. They viewed this as a public service. Of course, you know, in the real world of law firms and things of that nature. You know this kind of money, when you come right down to, it wasn't really that much money but they all think it is a public service. However, I remember during the interview with Blustein and his associates that their first reaction was to say well, we're going to have to think about this and get back to you. We're going to have to run some numbers and see if this is going to work for us.

Mayor: That's not true.

T. Simmons: The money was an issue

Mayor: That was not true. The person who said that was Mr. Goldstein.

T. Simmons: No, Mr. Dickover said it

Mayor: Oh, I'm sorry. Mr. Dickover, that's who it was

T. Simmons: And so did the Blustein firm

Mayor: No, they did not

T. Simmons: Yes, and according to my notes, in fact they did, so....

S. Siegel: Well if we do do a one year term and I don't want to drag this through some more mud. But if we do, we should go by the majority of the votes and start with Ostrer

K. Trovei: No! You go with the majority of the committee that you asked to be put together.

T. Simmons: Why is that majority any more important than the majority of....

K. Trovei: Stan, what is the point of the committee!

L. Randazzo: I just have a question, if I could...

K. Trovei: You know, forget it! I withdraw my recommendation. Forget it. You guys don't want to compromise, then don't compromise.

S. Siegel: No, that's not true, not true at all

L. Randazzo: Can I ask a question, and specifically to Gerry and to Stan because you guys have been, sat as longest council members to my knowledge. In all your past mayors, have you ever had other recommendations to the Mayor that was in the sitting seat, that you wanted a different attorney?

M. Mann: Well the circumstances are different now because you have an attorney that's been serving the city for so many years that retired.

Mayor: He's not always been serving the city.

L. Randazzo: My question is, have any of you as sitting council people recommended to one of the former mayors that they get a different attorney? That you weren't going to support their appointment?

March 23, 2020

S. Siegel: No. And Maria's right. In all the time that I've been a council member, we've had the same counsel, Bill Bavoso and everybody on both sides was very happy

Mayor: That's not true Stan

S. Siegel: Until this opportunity.

Mayor: You had Damian.

S. Siegel: The son came up and not everybody was good about the experience that his son has. So this is the first time in my experience in 15 years I sat there that we've had an opportunity to have to worry about who our corporation counsel was.

Mayor: And there's no limitation in years. I can do a one year or two years.

Gerald Oney: So Mayor, I just want to add, I think you've covered all the points quite out. The difference between the 5-4 votes that you're talking about is committee vote 5-4 recommendation. A 5-4 council vote for ratification of the Mayors appointment. So you have the 5 votes. They turned it down. Under normal circumstances you would make a motion to get 4 council people to agree with you, it's still going to pass 99.9 percent of the time. The only reason we're at this position is because it's a Mayors appointment, the majority of the council's decided they're not going to go with, apparently any of his appointments for the job of city counsel. So here's the stalemate. Had we been deciding simple business, 5-4 is the majority and it does supersede in the minority's opinion. It doesn't matter what I think. Stan, you have four people agree with you and that's the way it's always been. That's business. That's how it works. Now the compromise, there's no compromise in sight. The Mayors appointment, it doesn't want the firm the majority wants and the majority is not going to compromise. Both said they're both equally good firms. But you've decided for the first one, the Mayor's decided for the second one, and here we are. But the comparison of 5-4 majority doesn't work for both comparisons because we are not purchasing anything or doing business. It's a ratification. And that's my opinion.

S. Siegel: I disagree with that. The 5-4 majority, that's the way our government is set up

Gerald Oney: Yes

S. Siegel: And I think it's important that we abide by that, but put that aside

Gerald Oney: No Stanley. That's why there's no attorney. Because we're abiding by the 5-4 vote. It's due process.

S. Siegel: It's a stalemate.

Gerald Oney: Right. Because of the Charter, it's a stalemate.

Mayor: So I will tell you this. If you guys are willing to come to me and sit down with me and we find a firm not of either of my side, which I'm giving up three, and you're giving up one, we find something else. I'm willing to work with that.

S. Siegel: Mayor, both of those firms....

Mayor: No Stanley, it's not an argument, Stanley. It is not an argument. I've qualified people to serve. You have what you claim is a qualified person to serve. I'm saying find a mutual person. That simple. I'll entertain a motion to adjourn.

K. Trovei: Motion

Gerald Oney: So moved

Mayor: I have a motion by Ms. Trovei, second by Mr. Oney. All in favor?

March 23, 2020

All: Aye

Mayor: Opposed.....so carried. Thank you. I will probably do this again, like this in three weeks. We have three weeks time.

Meeting Adjourned at 8:09pm

Next Meeting is tentatively scheduled for 6:30 pm Executive Session and 7:15 pm Regular Meeting on Monday April 13th, 2020 subject to change based on the conditions under Emergency order related to the COVID 19 Outbreak.

Robin Waizenegger
City Clerk Treasurer