

City of Hudson Common Council Legal Committee
Minutes of Regular Meeting
April 6, 2022

In attendance: Councilmember Margaret Morris, Chairperson; Councilmembers Ryan Wallace, Theo Anthony, Mohammed Rony and Art Frick; Crystal Peck, Counsel

Ms. Morris called the meeting to order at 6:01 p.m. It was conducted at City Hall and via Zoom, and live-streamed on YouTube at Hudson City Zoom Meetings.

Minutes

Mr. Wallace made a motion to approve the minutes of the February 2 and 24, and March 2 meetings, which was seconded by Mr. Anthony and approved by all members in attendance.

Old Business

Redistricting

Ms. Morris said she was working with counsel on a document to present to the full Common Council regarding redistricting. The committee had agreed on a scenario that would be the least disruptive and still meet requirements. She said she was still acquiring final numbers for inclusion in the document.

Ms. Peck conferred with the New York Conference of Mayors and found that a mandatory referendum would be held. Hudson had elected representatives from each of its wards to the Columbia County Board of Supervisors. If the city changed its ward boundaries, it would affect the boundaries of the city's supervisors as well. The deadline for Council approval was July 1, followed by a vote in the general election this fall.

Ms. Morris said one of the scenarios would have changed the boundaries for one supervisor, but that person had since moved. She thought there would be no potential impact on incumbents until the next election cycle.

Ms. Peck said that right now there was no impact on any of the county supervisors. "It's not that it impacts the incumbents. It's if you change the boundaries of a ward in which your county supervisors are being elected from. There are certain county charters out there that have their own mechanism for electing their county supervisors. The way it works with the City of Hudson in Columbia County is that it's actually based on the city's ward boundaries, not a boundary that's set separately by the county. Because it's set by the city's boundaries, when you change the boundaries for the city you're essentially changing the boundaries that are now going to affect the county and that's why it has to go to the mandatory referendum, not because it's affecting anyone's current terms."

Sidewalks

A number of outstanding issues from the prior Legal Committee had been pegged during the February meeting and Ms. Morris wanted to prioritize them.

She said sidewalks were brought up, but a separate committee was formed to handle that so it could be tabled for the time being.

City Code Overhaul

An overhaul of City Code was another topic. She had been working on a personal Excel sheet for some sections of code to try and make sense of allowable uses. She thought each member could be assigned a section to review in an effort to compartmentalize the Code. "...Between now and sort of the end of our elected term we could probably get through quite a substantial amount."

Mr. Rony asked the main goal of the update because it seemed like a huge endeavor. "I think the first thing we need to do is have a methodology for organizing what's already there before we talk about anything else, just try to organize it in a logical fashion so that it's coherent, so you can put a table together. You can have a chart and you can say, 'ok this chapter that went on for five pages, this is actually what it says in this matrix' and then we'll be able to see it and then ask ourselves 'does this make sense.' But at the moment, I'm trying to figure out what it's saying. It's very difficult."

Mr. Anthony was concerned with form versus content. "I think we have to talk about the content, but we can't even get to the content because of its current form. The thing that I come back to is just the interface for accessing the City Code." He thought there should be interaction with the Technology Committee regarding updating the dashboard on the city website, including a way to go straight to a drop down menu. "I think just breaking out the City Code into modular bits so there's kind of a two-pronged approach...would be very good."

Ms. Morris agreed and favored a way to provide tabular drop downs where one could go and see what exactly was in the code in a particular area. "I see an easy to understand matrix that tells me exactly what the rules are, but I don't think we can even begin to talk about modifications until we put some organizing principal [into place]."

Mr. Anthony said it didn't seem as structured if members moved through the code and annotated what was outdated. "I'm not qualified." Mr. Wallace said some of the work was "language modernization," but members had to be sure that changes didn't significantly alter anything larger elsewhere in the code.

Mr. Anthony suggested that City Clerk Tracy Delaney be consulted on the requirements for eCode360 and whether a module could be created "that would live very easily within the hierarchy of the web structure." That was discussed by the Technology Committee because eCode 360 is searchable. He wondered if there was something beyond searchable that could be discussed with developers. There might be a way to create a tag system while reviewing and pointing out what's outdated. "If we're already going to be scanning through it once, we might as well be applying sub-codes." Ms. Morris said the problem was that sections of the code were layered. "You read a paragraph and it will refer you back to the previous paragraph, which will refer you back to the one before that. That's the part that makes it very difficult to comprehend."

Mr. Anthony said a developer might want to look at eCode360 that was in modular sections. "I'm wondering if this should be done in lockstep with a developer, software dashboard conversations as well."

Mr. Wallace asked the last time a holistic update of the city website was done. Common Council President Tom DePietro said the last update was during the tenure of former Mayor Tiffany Martin. Former Councilmember Dave Marston started a review of the City Code many years ago, but Mr. DePietro did not recall what, if anything, came of that.

Members wondered what external organizations existed that could jumpstart the process. Ms. Peck said it depended on what parts of the code would be looked at and if officials wanted to modernize the language and recommend striking or redacting anything outdated.

Ms. Peck also said that the city planned a comprehensive plan update, which would likely take a year or more before its adoption. “After that usually is when you’re going to sit down and you’re going to do a comprehensive review of at least part of your zoning code where you’re talking about the different uses that are going to be allowed in different places.” She said that was usually done in conjunction with a planner or an engineering firm who would make recommendations on updating uses.

Mr. Wallace said the idea was to make the code easier to understand for all, “breaking down the barrier of needing to read the legalese. I understand that the legalese still needs to be there for legal purposes. Word choice is everything in court arguments, however, I think we’re all of the shared mind that the lower you can make the barrier to understanding, the more participation you stand to get out of the public.”

Mr. Wallace cautioned against going through the process twice in a short period of time (two years). He said the city would go through an update of its comprehensive plan. “Now you’ve got a ton of feedback from your community about how they want to see the city change in its development or want to see its future. You’re going to go through all that and you’re going to spend a lot of money and hopefully get some grants to help in that process and update the code to correspond with the comprehensive plan. If you’re doing all this now, you’re also kind of redoing everything again, so you may want to put together a low-hanging fruit list...stuff that we know immediately is affecting our residents or affecting the interpretations of the code. These need to be fixed pretty soon, right now, and then wait for that big comprehensive look when you finish that plan update.”

Mr. DePietro noted that the city did not have full funding yet for an update of the comprehensive plan. “Even if you wanted to get the topics you want to see addressed in the comprehensive plan you can do that preliminary work.” He asked Mr. Wallace, who chairs the city’s Industrial Development Agency, to explore whether that agency could be a funding source.

Members discussed the physical format of the code to make it easier to review. Mr. DePietro suggested that members speak to Ms. Delaney and Code Enforcement Officer Craig Haigh because they had already identified items in the code that needed to be changed. “They’ve already done the work and they probably have the rationale for it.” He said the way the city pays the Columbia-Greene Humane Society was an example.

Parking

Ms. Morris said parking was an issue that came up constantly. She asked if the committee wanted to start looking at and thinking about what kind of approach could be taken toward parking requirements that would be less rigid than what was on the books.

Mr. Wallace preferred to wait until requests for proposals for a parking study were returned, a vendor selected and a report issued. “Then it becomes an issue of community input for either accepting the recommended proposed change in legislation, which also needs to be taken into consideration and tied into the (comprehensive) plan in general.” He also said input would be needed from the Planning Board.

ADA Compliance

Ongoing issues with regard to the Americans with Disabilities Act (ADA) were left over from the previous committee, Ms. Morris said. Mayor’s Aide Michael Hofmann said the city was making some moves regarding federal funding for sidewalks. Creating an RFP for an accessibility study for the Oakdale beach house was stalled. Work was set to begin this summer

in City Hall and an update of the website was planned. “So we’ll be taking care of a lot of the ADA.” Ms. Morris asked for routine reports to the committee.

Inclusionary Zoning

Inclusionary zoning was brought up by the last committee, but Ms. Morris was not sure how to approach it. Mr. Wallace said much of that topic would be included in code changes associated with the comprehensive plan update.

Ms. Morris asked who was heading up the comprehensive plan update. Mr. Wallace said at this point the city had to find money to hire the firm to do the work. That would be followed by input from Council members. “That’s what we were saying at the beginning of this meeting. Let’s start making that wish list of the things that we need to ensure are addressed, what are the qualifications of the type of partner we’re looking for to undertake [the update]. Between the two of those we’re getting at least a guiding framework together that we can put out.”

Mr. DePietro said issuing an RFP was fairly formulaic. “It’s what you do afterwards when you tell whoever you hire what it is you want to see in that comprehensive plan. But to go out with a good RFP requires a lot of thought and effort. The real key is what you demand or insist that they provide to you in the plan.” He, the mayor’s office and Housing Justice Director Michelle Tullo were working on securing funding.

Mr. Frick made a motion to adjourn at 6:38 p.m., which was seconded by Mr. Rony and approved by all members in attendance.