

August 18, 2009

A Regular Meeting of the Common Council was held on Tuesday, August 18, 2009 at 7:00 PM, in the Common Council Chambers, City Hall with President John Cody presiding.

Upon roll call there were present: President Cody, Aldermen Donahue, Goetz, Osterink, Pertilla, Ramsey, Stewart, Thurston and Wagoner.

Absent: Aldermen Haddad and Miah.

(Alderman Miah arrived after roll call)

The Clerk announced there was a quorum present for the meeting as required by Section C12-13 of the City Charter.

On motion of **Alderman Thurston**, seconded by **Alderman Ramsey**, the minutes of the July 13th & July 21st meetings were ordered received and placed on file. Carried.

On motion of **Alderman Pertilla**, seconded by **Alderman Stewart**, the Treasurer's Report as of June 30, 2009 was ordered received and placed on file. Carried.

Committee Reports.

On motion of **Alderman Wagoner**, seconded by **Alderman Donahue**, the following committee reports were placed on file:

FIRE COMMITTEE

The Fire Committee Meeting for July was not held due to a lack of a quorum.

Assistant Chief Haigh reported to those present that the Columbia County Fireman's Convention held at Claverack was very successful and that the Claverack Fire did an outstanding job in preparation for the convention.

He further stated that the Hudson Fire Department stood by for the fireworks at the Quadricentennial Celebration.

The next Fire Committee Meeting will be held on Monday August 24th at 6:30 pm.

Respectfully Submitted
Robert J. Donahue Sr
Fire Committee Chairman

DPW COMMITTEE MEETING

The DPW Committee Meeting for August took place on Monday August 3rd at 6:30 pm.

Present were Chairman Donahue, Committee members Miah, Ramsey, Stewart, Thurston and DPW Superintendent Perry. Committee member Thurston lauded the DPW staff for their outstanding job they did at the Quadricentennial Celebration in keeping Waterfront Park and the surrounding areas in excellent condition. The Committee also praised the DPW staff for their efforts in addressing the very heavy rainfall on Wednesday and Friday of the previous week.

Supt. Perry gave the committee copies of his monthly Superintendents Report and gave a detailed breakdown of the report, see the attached superintendents report for that detailed breakdown.

A council member in attendance asked a few questions pertinent to the DPW which Supt. Perry answered to the satisfaction of the council member.

The meeting adjourned at 7:30pm. The next DPW Committee Meeting will be held on Monday September 7th at 6:30pm.

Respectfully submitted
Robert J. Donahue Sr.
DPW Committee Chairman

ARTS, ENTERTAINMENT AND TOURISM COMMITTEE

August 5, 2009

Meeting was called to order at 7:20. Present were alders Haddad, Thurston and Osterink. Wagoner was absent.

Discussion took place on topics of tourism and riverfront development as well as the Mayor's statement made during the Henry Hudson Riverfront Park dedication. The committee suggested full support of the Mayor's suggestions for a nautical museum and permanent dock for the Halve Moon. The committee suggested that the Common Council form a committee of interested members to look into both of these ideas. Along with City representatives and Ken Flood, members of the committee should include a representative from the Quad committee, Scenic Hudson, Beacon Institute, Columbia County Historical Society, and Hudson-Athens Lighthouse.

The committee suggested to immediately put out a request for proposals for a coordinator to arrange the free concerts at the riverfront next year. Respondents would need to show their credentials and resume. Possible compensation might be \$1,500?

The Quadrathlon was a big success and the committee thanked Hillary Hillman for her efforts. Since 2/3rds of the contestants were from out of state, the event becomes a tourism attraction. This committee supports the idea of developing more athletic events in and around Hudson and would like to see monies budgeted for such.

Meeting was adjourned at 8pm

Submitted by Carrie Haddad

Bills.

On motion of **Alderman Stewart**, seconded by **Alderman Ramsey**, the following bills were audited and ordered paid by the following vote:

Wendy Shufelt	\$75.00	Col-Greene Humane Soc.	\$380.00
Crawford & Assoc.	\$1,116.00	General Code Publishers	\$1,431.46
Marshall & Sterling	\$2,492.00	AAA Pest Control	\$90.00
Crystal Rock LLC	\$41.35	JV Computers	\$700.00
The Grant Writers	\$1,250.00	Johnny's Ideal Printing	\$56.25
Quill	\$334.53	Johnny's Ideal Printing	\$142.20
Main Care Energy	\$145.04	Hudson Catskill Newspaper	\$85.76
Richard Scalera	\$125.00	Carmine Pierro	\$50.00
L. Paul DeCrosta	\$2,300.00	TVC Online	\$11.95
Nextel Partners	\$72.71	First Niagara Risk Mgmt	\$51,070.69
Pattison Koskey,	\$10,579.58	Clarion Univ. Hotel	\$359.80
Cornerstone Tele.	\$95.49	Wes Powell	\$775.01
JV Computers	\$227.50	Eastern Copy Products	\$361.59
Sickler Torchia	\$3,700.00	Mid Hudson Cable	\$45.00
Cornerstone Tele	\$257.90	AT&T	\$1.26

Ayes: President Cody, Alderman Donahue, Goetz, Miah, Osterink, Pertilla, Ramsey, Stewart, Thurston and Wagoner.

Nays: None.

Resolutions.

On motion of **Alderman Thurston**, seconded by **Alderman Haddad**, the following resolution was adopted by the following vote:

RESOLUTION NO. 1, AUGUST 18, 2009

RESOLVED, that the following be and hereby are appointed Commissioner of Deeds in and for the City of Hudson, County of Columbia, for the following terms:

September 1, 2009 through August 31, 2011

		<u>Work</u>
Rebekah Elliott	1253 Route 9H Ghent NY 12075	15 Railroad Ave
Mindy R. Miller	651 East Ancram Rd Ancramdale NY 12503	610 State St

Ayes: President Cody, Aldermen Donahue, Goetz, Miah, Osterink, Pertilla, Ramsey, Stewart, Thurston and Wagoner.

Nays: None.

On motion of **Alderman Donahue**, seconded by **Alderman Miah**, the following resolution was adopted by the following vote:

RESOLUTION NO. 2, AUGUST 18, 2009

A RESOLUTION AUTHORIZING TRANSFERS TO 2009 BUDGET ACCOUNTS

RESOLVED, that the City Treasurer be and hereby is authorized and directed to make the following transfers for the 2009 budget account as follows for the Public Works Department.

DPW

\$4,000.00 From: 8170.1A Sweeper – Personal Services
To: 8170.45A Sweeper – Maint. of Equipment

WATER

\$2,500.00 From: 8340.4F Water - Transmission District
To: 8320.4F Water – Churchtown- Materials & Supplies

Approved by the Board of Estimate and Apportionment.

Ayes: President Cody, Aldermen Donahue, Goetz, Miah, Osterink, Pertilla, Ramsey, Stewart, Thurston and Wagoner.

Nays: None.

On motion of **Alderman Miah**, seconded by **Alderman Stewart**, the following resolution was adopted by the following vote:

RESOLUTION NO. 3, AUGUST 18, 2009

WHEREAS, the City of Hudson Department of Youth was awarded a grant from the Hudson City School District in the amount of \$5,000.00 to help cover costs of the Youth Center Kitchen.

NOW, THEREFORE BE IT RESOLVED, that the City Treasurer be and hereby is authorized and directed to receive such monies from the Hudson City School District and to appropriate the funds in the 2009 budget as follows:

Receive \$5,000 into Other Expenses – 7310.0460

Approved by the Board of Estimate and Apportionment.

Ayes: President Cody, Aldermen Donahue, Goetz, Miah, Osterink, Pertilla, Ramsey, Stewart, Thurston and Wagoner.

Nays: None.

In response to a question from Alderman Osterink, **City Treasurer Eileen Halloran** stated Resolution No. 4 had been revised to structure an installment agreement that taxpayers would enter into. She stated the agreement with HCDPA would allow all taxes, fees and penalties, as of the date of the closing, to be paid to the City over a two year period. City Treasurer Halloran stated the payments would be paid in three lump sums and she stated the resolution would authorize the interest to be waived from the date of closing to the end of the two year agreement for the city agency. She stated the new owner of the property would be responsible for the remainder of 2009 taxes and any new tax. City Treasurer Halloran stated the tax lien against the property would remain until full payment was received from HCDPA.

On motion of **Alderman Donahue**, seconded by **Alderman Goetz**, the following resolution was adopted by the following vote:

RESOLUTION NO. 4, AUGUST 18, 2009

**A RESOLUTION ENTERING INTO A
TAX PAYMENT PLAN FOR PROPERTY LOCATED
AT 31-35 AND 41 GREEN STREET, HUDSON, NY**

WHEREAS, Elein Realty Inc., d/b/a Schroeder Chevrolet, was the owner of property located at 31-35 and 41 Green Street in the City of Hudson, with the premises encumbered by a mortgage with the Hudson Community Development and Planning Agency; and,

WHEREAS, Hudson Community Development and Planning Agency thereafter commenced a mortgage foreclosure proceeding entitled Hudson Community Development and Planning Agency, et al. v. Elein Realty, Inc.,

Horst Schroeder, Judith Schroeder, People of the State of New York, Index No. 2373-07, and thereafter acquired title to the premises; and,

WHEREAS, the City in 2007 commenced a tax foreclosure proceeding for the unpaid taxes on the property and thereafter withdrew the premises from tax foreclosure due to the acquisition of the property by an agency of the City, and the Hudson Community Development and Planning Agency has now entered into an agreement with Dawn Davi for the sale of the property for a restaurant/ice cream stand; and,

WHEREAS, there is now owed \$22,508.02 in back taxes and penalties on 41 Green Street and \$9,681.41 in back taxes and penalties on 31-35 Green Street.

NOW, THEREFORE, BE IT RESOLVED that the City of Hudson will accept the following payment plan for payment of the taxes of the premises by Hudson Community Development and Planning Agency:

1. Hudson Community Development and Planning Agency will pay the sum of \$6,500.00 upon transfer of title from Hudson Community Development and Planning Agency;
2. That thereafter the sum of \$25,000.00 will be paid by Hudson Community Development and Planning Agency one year from the date of closing, and that the remaining balance of \$689.43 will be paid by Hudson Community Development and Planning Agency two years from date of closing with the additional condition that Hudson Community Development and Planning Agency will hold the mortgage on the premises in the sum of \$125,000.00; and,
3. That the purchaser will keep current on payment the taxes that are accrue from the date of acquisition until payment in full of the arrears.
4. Due to the property now being held by a city agency the City of Hudson will waive interest on the property of \$3,165.46.

Ayes: President Cody, Aldermen Donahue, Goetz, Miah, Osterink, Pertilla, Ramsey, Stewart, Thurston and Wagoner.

Nays: None.

On motion of **Alderman Pertilla**, seconded by **Alderman Donahue**, the following resolution was adopted by the following vote:

RESOLUTION NO. 5, AUGUST 18, 2009

A RESOLUTION TO TRANSFER FUNDS IN ORDER TO COMPLETE THE FENCE AROUND THE SKATEBOARD PARK

WHEREAS, there is a balance due of \$4,360 for a fence around the new Skateboard Park, and

WHEREAS, the fence around the Skateboard Park is necessary for safety and prevention of unauthorized, out of hours use of the Park, and

WHEREAS, this is an unbudgeted 2009 expense, and

WHEREAS, there are funds available in the City's Unallocated Insurance and the Treasurer's Telephone and Travel accounts due to reduced cost for 2009,

NOW, THEREFORE BE IT RESOLVED, the City Treasurer is hereby authorized and directed to make the following budget transfer:

\$3960	From:	A1910.0400 Unallocated Insurance
\$ 400	From:	A1325.0420 Treasurer Telephone & Travel
	To:	A7310.0430 Skateboard Facility

Approved by Board of Estimate & Apportionment.

Ayes: President Cody, Aldermen Donahue, Goetz, Miah, Osterink, Pertilla, Ramsey, Stewart, Thurston and Wagoner.

Nays: None.

In reference to Resolution No. 6, **Alderman Thurston** questioned if the property owner would be responsible for the engineering fees to inspect the building.

Legal Advisor John Connor Jr. stated the Building Inspector would proceed with an order to demolish the building and he stated if the property owner failed to demolish the building, the city would demolish the building and the fees would be levied to the property owner's taxes. He stated the city would require the engineer's report to determine the building non-salvageable to proceed.

On motion of **Alderman Donahue**, seconded by **Alderman Pertilla**, the following resolution was adopted by the following vote:

RESOLUTION NO. 6, AUGUST 18, 2009

A RESOLUTION TO TRANSFER TO PAY FOR ENGINEER'S ASSESSMENT BUILDING COLLAPSE 59 NORTH FRONT STREET

WHEREAS, there was a collapse of part of the building located at 59 North Front Street, and

WHEREAS, it was necessary for the City's Code Enforcement Officer to know the condition of the remaining structure, and

WHEREAS, the fee for an Engineer to assess the remaining structure is an unbudgeted 2009 expense, and

WHEREAS, there are funds available in the City's Contingency budget for 2009,

NOW, THEREFORE BE IT RESOLVED, the City Treasurer is hereby authorized and directed to make the following budget transfer and the Code Enforcement Office is authorized and directed to demand reimbursement from the building owner:

\$1116 From: A1990.0400 Contingency Account
 To: A3620.0460 Code Enforcement – Other Expense

Approved by Board of Estimate and Apportionment.

Ayes: President Cody, Aldermen Donahue, Goetz, Miah, Pertilla, Ramsey, Stewart, Thurston and Wagoner. (1,832)

Nays: None.

Abstained: Alderman Osterink. (94)

On motion of **Alderman Thurston**, seconded by **Alderman Wagoner**, Resolution No. 7 shall be amended to reflect a change in the language, paragraph 3 to read light poles, instead of telephone poles.

On motion of **Alderman Donahue**, seconded by **Alderman Stewart**, the following resolution was adopted by the following vote:

RESOLUTION NO. 7, AUGUST 18, 2009

**A RESOLUTION AUTHORIZING A TRANSFER
FROM GENERAL FUND TO THE DPW ACCOUNT
FOR INSTALLATION OF LIGHT POLES**

WHEREAS, the City of Hudson has previously approved the purchase and installation of new light poles on Warren Street and the various City parks in the City; and,

WHEREAS, installation is prepared to commence.

NOW, THEREFORE, BE IT RESOLVED, that the City Treasurer of the City of Hudson is hereby directed to transfer a sum not to exceed \$145,000.00 from the general fund balance to account #A5182.0470 for the fees to purchase the light poles, and to further transfer the sum of \$35,000.00 from the general fund balance to account #A5182.0470 for the costs to install these poles, and said sum shall not exceed \$35,000.00

Approved by Board of Estimate and Apportionment.

Ayes: President Cody, Aldermen Donahue, Goetz, Miah, Osterink, Pertilla, Ramsey, Stewart, Thurston and Wagoner.

Nays: None.

On motion of **Alderman Donahue**, seconded by **Alderman Stewart**, the following resolution was adopted by the following vote:

RESOLUTION NO. 8, AUGUST 18, 2009

**A RESOLUTION APPROPRIATING FROM SEWER FUND
BALANCE TO SEWER CONTRACTUAL SERVICES
BUDGET LINE IN ORDER TO PAY
WWTP PROJECT ENGINEERING AND LEGAL FEES**

WHEREAS, the CDBG Grant Funds were an anticipated source of funds to pay for the WWTP engineering and legal costs and;

WHEREAS, the City has been advised that the CDBG Grant Funds may not be used for that purpose and;

WHEREAS, the Engineering and legal fees are essential in order to begin construction of the WWTP as planned and;

WHEREAS, there are insufficient funds appropriated to the Sewer budget for these unanticipated costs

NOW THEREFORE BE IT RESOLVED, that the Treasurer is authorized and directed to appropriate \$94,903.81 from the Sewer Fund Balance to Sewage Treatment Account 8130.46G – WWTP Project Engineering and Legal Fees

Approved by Board of Estimate and Apportionment.

Ayes: President Cody, Aldermen Donahue, Goetz, Miah, Osterink, Pertilla, Ramsey, Stewart, Thurston and Wagoner.

Nays: None.

On motion of **Alderman Miah**, seconded by **Alderman Donahue**, the following resolution was adopted by the following vote:

RESOLUTION NO. 9, AUGUST 18, 2009

WHEREAS, the City of Hudson received and opened proposals in connection with the purchase of a new Trolley-Style Bus, and

WHEREAS, said proposal mandated that all components pertaining to Chassis, steps and sub-structure be composed of Aluminum to mitigate corrosion, and

WHEREAS, payment for said bus has been reserved via Mass Transportation Capital Project Agreement, Contract #C003786 for \$200,475.00 and encumbered funds by the City in account A5110.2 for \$22,275.00;

NOW, THEREFORE, BE IT RESOLVED, after completion of review of the proposals, the Mayor of the City of Hudson, in consultation with the Superintendent of Public Works and with the approval of the NYS Department of Transportation, is hereby authorized and directed to enter into an agreement with the lowest responsible bidder to meet the City's DOT-Approved specifications.

Ayes: President Cody, Aldermen Donahue, Goetz, Miah, Osterink, Pertilla, Ramsey, Stewart, Thurston and Wagoner.

Nays: None.

(Resolution Nos. 10 & 11 had not received an introduction and second)

On motion of **Alderman Miah**, seconded by **Alderman Wagoner**, the following resolution was adopted by the following vote:

RESOLUTION NO. 12, AUGUST 18, 2009

A RESOLUTION TO TRANSFER TO PAY FOR CHANGES TO THE POLICE BUILDING IN ORDER TO ACCOMMODATE NEW LIVE SCAN (FINGER PRINTING) EQUIPMENT

WHEREAS, the Police Department has been awarded Grant monies for Live Scan (electronic finger printing) equipment, and

WHEREAS, it is necessary to make electrical, plumbing and other changes to the Police Station to accommodate the new equipment, and

WHEREAS, this work is an unbudgeted 2009 expense, and

WHEREAS, there are funds available in the City's Contingency budget for 2009,

NOW, THEREFORE BE IT RESOLVED, the City Treasurer is hereby authorized and directed to make the following budget transfer to a DPW building account for:

\$5000 From: A1990.0400 Contingency Account
 To: A1620.0500.0100 Police Station

Approved by Board of Estimate and Apportionment

Ayes: President Cody, Aldermen Donahue, Goetz, Miah, Osterink,
Pertilla, Ramsey, Stewart, Thurston and Wagoner.

Nays: None.

On motion of **Alderman Donahue**, seconded by **Alderman
Thurston**, the following resolution was adopted by the following vote:

RESOLUTION NO. 13, AUGUST 18, 2009

**A RESOLUTION AUTHORIZING TRANSFERS
TO 2009 BUDGET ACCOUNTS**

RESOLVED, that the City Treasurer be and hereby is authorized and directed to make the following transfers for the 2009 budget account as follows for the Public Works Department.

CEMETERY

\$1,500.00 From: 8810.4C – Cemetery – Materials & Supplies
To: 8810.45C – Cemetery – Maint. of Equipment

Approved by Board of Estimate and Apportionment

Ayes: President Cody, Aldermen Donahue, Goetz, Miah, Osterink,
Pertilla, Ramsey, Stewart, Thurston and Wagoner.

Nays: None.

Local Law.

President Cody stated the Council had received the following opinion letters from the City Planning Commission and the Columbia County Planning Board:

August 14, 2009

Honorable John Cody
President, Hudson Common Council
City of Hudson
520 Warren Street
Hudson, NY 12534

SUBJECT: Planning Commission opinion regarding Local law number
4-2009

Dear Council President Cody:

The Hudson Planning Commission reviewed this proposed law, that creates a one year moratorium on the expansion or creation of new transitional housing, at our meeting on August 12, 2009. Our unanimous opinion is that this law should be enacted as written.

We did note the request to shorten the length of the law made by the Columbia County Planning Board. However, our view is that it is in the best interest of the City of Hudson to allow sufficient time to fully analyze the current situation and reach a mutually beneficial conclusion.

If you have any questions, please feel free to contact me or Jack Connor, our legal advisor.

Sincerely,
Donald Tillson, Jr.,
Chairman

cc: Tracy Delaney
Hudson Planning Commission

22 July 2009

The Honorable John Cody
President of the Common Council
City of Hudson
520 Warren Street
Hudson, NY 12534

RE: Referral #09-029 – City of Hudson Local Law No. 4 of 2009

Dear President Cody:

Pursuant to the provisions of General Municipal Law §239-1 and §239-m, please find the Columbia County Planning Board (CCPB) recommendation concerning the adoption of the Local Law No. 4 of 2009, Establishing a One Year Moratorium on the Expansion of Existing and the Creation of New Transitional Housing and Homeless Shelters in Excess of Four Units Within the City.

Pursuant to General Municipal Law §239-1 and §239-m, the CCPB reviews proposed actions for inter-community or county-wide considerations and shall recommend Approval, Modification or Disapproval of the proposed action, or report that the proposed action has no significant county-wide or intercommunity impact. Upon recommendation of Modification or Disapproval, "...the referring body shall not act contrary to such recommendation except by a vote of majority plus one of all the members thereof." The CCPB may make informal comments to the referring body on the proposed action with any of the recommendations made.

Recommendation: Modification

The CCPB finds that this proposed action may have county-wide or intercommunity impacts associated with it. The basis for this assumption is the following considerations set forth in New York State General Municipal Law (NYSGML), Article 12B § 239-1. Coordination of certain municipal zoning and planning actions; legislative intent and policy:

- (c) impact of proposed land uses on existing and proposed county or state institutional or other uses;
- (d) protection of community character as regards predominant land uses, population density, and the relation between residential and nonresidential areas;

- (f) community facilities;
- (g) official municipal and county development policies, as may be expressed through comprehensive plans, capital programs, or regulatory measures; and
- (h) such other matters as may relate to the public convenience, to governmental efficiency, and to the achieving and maintaining of a satisfactory community environment.

The CCPB acknowledges the needs of Columbia County to find or create cost-effective transitional housing that will provide necessary services to those citizens in need while considering the overall economic impact to the county. It is also necessary to balance these needs in recognition of the planning and economic needs of each municipality. The CCPB notes that a task force to address transitional housing needs of Columbia County has been formed and includes representatives of the City of Hudson, Columbia County and agencies serving the homeless population. The CCPB encourages the City to develop the zoning amendments in a reasonable time frame in consideration of the pressing need for a transitional housing facility in the county. The CCPB also recognizes that the facility may well be located in another part of Columbia County. It is suggested that that the city consider the proposed length of the moratorium, and if the term may be shortened in the event that the County, the City of Hudson and other municipalities and concerned agencies come to a mutually agreed upon solution for locating a transitional housing facility.

Please note that within thirty (30) day after final action, City of Hudson Common Council shall file a report of the final action taken with the CCPB. If you have any questions or comments, please contact Columbia County Planning and Economic Development.

Sincerely yours,
Timothy Stalker
Chair

Cc: The Honorable Richard Scalera, Mayor of the City of Hudson
Tracy Delaney, City Clerk, Hudson
John Connor Jr., Esquire
The Honorable Arthur Baer, Chairman, Columbia County Board of Supervisors

Legal Advisor Connor stated the Columbia County Planning Board had recommended a modification to the local law and he stated if the council decided not to modify the local law, the law would have to be approved by a majority plus one of the council members.

Alderman Osterink said “I think it should be pointed out, that when we put the law on our desks, that it was understood that this body could also suspend it”.

On motion of **Alderman Osterink**, seconded by **Alderman Pertilla**, the following proposed Local Law, introduced by Alderman Wagoner, seconded by Alderman Pertilla, was ordered removed from the aldermen’s desks and was adopted by the following vote:

LOCAL LAW INTRO. NO. 4 OF 2009

A LOCAL LAW ESTABLISHING A ONE YEAR MORATORIUM ON THE EXPANSION OF EXISTING AND THE CREATION OF NEW TRANSITIONAL HOUSING AND HOMELESS SHELTERS IN EXCESS OF FOUR UNITS WITHIN THE CITY

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

Section 1. Title. This Local Law shall be known as Local Law No. _____ of 2009 placing a One Year Moratorium on the Expansion of Existing and the Creation of New Transitional Housing and Homeless Shelters in Excess of Four Units.

Section 2. Legislative Findings. The Common Council finds that:

Recently the City Building Code Enforcement Office and the Common Council have been made aware of attempts by members of the public to open large scale transitional housing and homeless shelter establishments in the City of Hudson. This project is being undertaken without consultation of the City and may result in serious economic, socialized and demographic impacts to the City.

Based upon numerous and long standing studies conducted in one location, the Common Council has determined that the high concentration of the homeless in one location can adversely affect surrounding areas, reducing the quality of life, lowering property values and negatively impacting the public health, safety and welfare, ultimately leading to an increase in crime such as property related crimes result in the creation of additional homeless shelters and adversely effect neighborhoods and property values. The City is mindful of the need to provide adequate housing for the homeless. Due to these potential adverse impacts and the broad power vested with municipalities in New York State to implement land use controls and programs to protect the public's health, safety and welfare, the Common Council finds that it is necessary to adopt zoning amendments to the City's Code governing time, place and manner of operation of such establishments to address their adverse secondary effect.

The Common Council also recognizes, as it must, the constitutional protections afforded to all citizens by both the New York State and United States Constitutions which protect an individual's constitutional rights, including right to housing.

The Council further finds and takes notice of regulations found at 6 NYCRR 617.5(c)(30) implementing the State Environmental Quality Review Act ("SEQRA", ECL Art. 8), which specify that the adoption of a moratorium is not subject to review under SEQRA.

Therefore, the Council finds that it is necessary to adopt an interim moratorium prohibiting the expansion of any existing transitional housing and homeless shelters or the creation of any new such establishments for a period of one year in order that the Common Council can adopt zoning amendments which are protective of the health, safety and welfare of the residents of Hudson, while not violating any Constitutional guarantees afforded to all people in the United States. The Council further finds that a review and appeals procedure is appropriate in order to minimize any inequities or undue hardships which may arise out of the strict application of this local law.

Exempt from the application of the moratorium are the expansion of any existing or creation of new transitional housing units and homeless shelters creating four units or less and at least 500 feet from any other transitional housing or homeless shelters. All such transitional housing and home shelters exempt from this moratorium shall follow the approval process set out in the Zoning Code of the City of Hudson.

Section 3. Legislative Intent. It is the intent of the Common Council to adopt zoning amendments which are protective of the health, safety and welfare of the residents of Hudson, while not violating the Constitutional guarantees afforded to all New Yorkers by the United States Constitution and the Constitution of the State of New York.

Section 4. Statement of Authority. This local law is authorized by the New York State Constitution, Article IX, Section 2, and applicable provisions of the New York Municipal Home Rule Law, the General City Law, specifically, General City Law Section 20 and 28-a, the General Municipal Law, and local City laws and general police power vested with the City of Hudson to promote the health, safety and welfare of all residents and property owners in the City.

Section 5. Moratorium. For a period of one (1) year from the date of enactment of the Local Law, there shall be a moratorium on the application for or consideration, approval, construction, expansion or operation of any transitional housing and homeless shelters located anywhere in the City of Hudson, except as allowed hereunder. This moratorium shall prohibit the establishment, expansion or operation of any new transitional housing or homeless shelters not specifically exempted herein. The following regulations shall apply to all property in the City of Hudson located in any zoning district:

- A. No transitional housing or homeless shelters shall be considered or approved or otherwise authorized by any Board, Commission or the Building Code Officer, nor shall any applications for such expansion or new use be considered as provided in paragraphs (1) through (4) of this section:
 - (1) The City of Hudson Planning Commission shall not approve any expansion of or any new transitional housing or homeless shelters, except as otherwise provided in this Law;
 - (2) The Building Code Inspector of the City of Hudson shall not issue building permits nor review nor grant approval to any applications, plans, maps, or proposals for new structures related to any expansion of or new transitional housing or homeless shelters except as otherwise provided in this Law;
 - (3) The City of Hudson Zoning Board of Appeals shall not issue any special use permits, area variances or use variances for any expansion of or new transitional housing or homeless shelters except as otherwise provided in this Law;

- (4) No applications for the expansion of transitional housing or homeless shelters, including grant of a special use permit, area or use variance or other approval by the Zoning Board of Appeals shall be granted except as otherwise provided in this Law.
- B. Exemptions. Exempt from the application of this moratorium are any existing or new transitional housing or homeless shelters that will provide four units or less of housing and are at least 500 feet from any other transitional housing or homeless shelter. Existing transitional housing or homeless shelters may expand one time up to four additional units.
- C. Definitions.
- Homeless Shelter – A facility providing temporary housing for families or individuals with no permanent residence operated by a charity, government agency or not-for-profit corporation. A homeless shelter shall be a subcategory of a transitional service facility;
- Home Shelter Housing Unit – Portion of a homeless shelter providing sleeping facilities for an individual or a group of individuals living in a familial-style relationship, provided that the housing unit shelters no more than seven individuals;
- Transitional Service Facility – An authorized and licensed residence operated by a public or private agency duly authorized and licensed by the State Division for Youth, State or County Department of Social Services, State Department of Mental Hygiene, State Board of Social Welfare, State Department of Correctional Services or any other state agency having authority to license and approve said facility, which residence houses individuals being cared for by the agency and deemed by the agency to be capable of living and functioning in the community and which provides continuous professional guidance. A transitional service facility shall include a homeless shelter.

- D. Variances and Appeals. Any appeals of a decision by the building inspector pursuant to this law or request for relief from the law may be made to the Zoning Board of Appeals in conformance with General City Law Section 81-B.

Section 6. Penalties. Any person, firm, corporation, or other entity which shall construct, erect, or install any building, improvement, or structure, or subdivide, or use land in violation of the provisions of this Local Law, shall be subject to civil penalty in the amount of Five Hundred Dollars (\$500.00) for each day that such violation shall exist. Nothing herein contained shall be construed so as to limit the authority of the Common Council to seek and obtain injunctive relief for any such violation or violations.

Section 7. Validity and Severability. If any section or provision or part of this Local Law shall be adjudged by any Court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined to its operation in said clause, sentence, paragraph, section or part of this Local Law.

Section 8. Effective Date. This Local Law shall take effect immediately upon filing of the Office of Secretary of State and shall remain in full force and effect for a period of one (1) year from the date of its adoption by the Common Council of the City of Hudson. If, however, the Common Council determines that it is in the best interest of the City to extend effective date period beyond one (1) year, for the reasons of accomplishing the purposes and intent stated herein, it shall do so for a reasonable time period, as deemed appropriate.

New Business.

Mayor's Aide Carmine Pierro updated the aldermen on the city's outstanding grant applications. He stated the city had received a \$55,000 matching grant for the former Dunns' Warehouse located at the waterfront to provide a study and architectural services and he stated the grant could be "scaled back". Mayor's Aide Pierro, in reference to the \$250,000 grant to be used for the docks, stated the drawings of the proposed layout had been completed by Crawford & Associates and he stated title and deed work would need to be complete prior to the submission to the Army Corps and

DEC. He stated the Charles Williams Park grant “is ready to go” and he stated The Grant Writers would meet with Crawford & Associates to discuss the final language for the Office of Parks & Recreation grant. Mayor’s Aide Pierro stated the documents were available for review in the Mayor’s Office.

Alderman Pertilla questioned the amount of the Charles Williams project grant.

Mayor’s Aide Pierro stated the amount of the grant was \$250,000 and he stated a majority of the funds had been used to pay for such items as the engineering fees.

In response to a question from Alderman Stewart, **Mayor’s Aide Pierro** stated the grant for the dock project would provide docks for two large boats and 12-15 slips for smaller boats.

Mayor’s Aide Pierro stated Hudson Development Corporation would administer the grant for the dock project and he stated The Grant Writers would administer the Charles Williams Park grant. He stated the Council would need to determine the use for the former Dunn’s Warehouse Building grant monies.

Alderman Thurston stated the council had decided previously not to complete the architectural drawings for the former Dunn’s Warehouse Building.

Mayor’s Aide Pierro said “this can be scaled back to do anything you want”.

Michael Chameides stated he and a group of people had been playing soccer at the waterfront park “for years”. He stated the beginning of summer, signs had been erected at the waterfront park that prohibited the playing of soccer. Mr. Chameides stated the activity should be encouraged by the city. He stated the Police Department had been directed by the previous administration, to kick the group off the field when they were observed playing soccer at the waterfront. Mr. Chameides stated it had been reported that the soccer playing had destroyed the tranquility of the park, the balance of nature and the grass. He stated the condition of the grass had been “fine” and he stated the group played without shoes. Mr.

Chameides stated the group had been encouraged to play at other parks and he said “we want to hang out at a public space”.

Alderman Pertilla requested clarity on the reason the group would be unable to play soccer at the waterfront park.

Alderman Wagoner stated he disagreed with Mr. Chameides’s statement about the grass and he said “I think it’s absolutely gorgeous this year”. He stated the signs are temporary and he said “I think it’s an ongoing discussion”.

Alderman Miah stated the city had recently built a skateboard park and he stated the city should find a location for the group to play soccer.

Alderman Osterink stated she had been supportive of people playing soccer in the waterfront park and she said “however, I think this year there are extenuating circumstances, lawns have been like sponges”.

Robert Perry, Jr., Supt. of Public Works stated the area had seen the biggest rainfall in history during the months of June and July. He stated 20-30 events had been scheduled at the waterfront park and he said “the grass takes a beating”. Supt. Perry stated the waterfront park looked great because of the care and the maintenance completed by the Department of Public Works.

Alderman Pertilla stated she did not object to the playing of sports in the waterfront park and she said “I am all for any sport that is going to enhance them, develop them and keep them off drugs”.

Alderman Thurston stated she enjoyed watching the game of soccer waterfront park. She said “I agree that this summer was really unusual and that the grass never got a chance to recover”. She suggested the city designate areas of the park specifically for the playing of sports. Alderman Thurston stated she had observed soccer playing during a scheduled concert event at the gazebo. She stated there was no law prohibiting the playing of soccer at the waterfront park and she said “its more or less a rule”.

Discussion continued regarding the playing of soccer at the waterfront park.

Mayor Scalera stated the two most complaints he received regarding the waterfront was dogs and soccer playing. He stated the calendar of scheduled events was full this year and he said “I don’t know if you can co-exist”. Mayor Scalera questioned if the waterfront park had been developed for a park or a playground. He stated the Charles Williams Field was maintained and could be utilized as an alternative for the waterfront park.

Discussion continued regarding the use of Charles Williams Field as an alternative for the playing of soccer and the scheduled events at the waterfront park.

Mayor Scalera stated since the Council supported the playing of soccer at the waterfront park, he would forward all complaints to the Council.

A gentleman stated he had lived in New York City and he stated every park had areas designated that were either sports fields or passive park fields. He stated the Council needed to decide if they want the riverfront park to be a sports field or passive park. He stated an alternative had been offered to the group to play soccer which would be perfect for their use.

Victor Mendolia of Hudson questioned if the bathrooms at the waterfront park could be opened on a daily basis.

Mayor’s Aide Pierro stated the bathrooms had been destroyed when open to the public and he stated an idea of port-o-lets had been suggested previously.

Alderman Stewart suggested the Hudson Middle School fields could be used to play soccer.

John Porreca of Hudson, stated he had worked at the Greenport Park for three years and he stated the unattended bathrooms had been destroyed also.

Mr. Chameides said “I think in the long run, if Charles Williams can get fixed up, that would be a strong alternative”. He stated if a compromise could be met for everyone to utilize the waterfront, it would be a better solution.

Alderman Thurston suggested the matter be referred to the Youth & Aging Committee for further discussion.

Alderman Osterink stated the discussion could also be addressed at a meeting of the Public Works Committee.

On motion of **Alderman Donahue**, seconded by **Alderman Pertilla**, the council went into executive session to consult with the attorney.

On motion of **Alderman Miah**, seconded by **Alderman Osterink**, the meeting was adjourned.

City Clerk