June 20, 2017

A Regular Meeting of the Common Council was held on Tuesday, June 20, 2017 at 7:00 PM, in the Common Council Chambers, City Hall with President Claudia DeStefano presiding.

Upon roll call there were present: President DeStefano, Aldermen Donahue, Friedman, Haddad, Miah, Moore, O'Hara, Rector and Scalera. (1748)
Excused: Alderman Garriga. (95)
Absent: Alderman Keith. (185)

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 Moore,** seconded by **Alderman Scalera,** the minutes of the May 16th meeting were ordered received and placed on file. Carried.

On motion of **Alderman Moore,** seconded by **Alderman Scalera,** the reading of the City Treasurer's Report as of May 31, 2017 was ordered dispensed with and the report placed on file. Carried.

Committee Reports.

On motion of **Alderman Scalera,** seconded by **Alderman Moore,** the following committee reports were ordered placed on file:

DPW Committee

The DPW Committee meeting for May was held on Wednesday, May 24th at 5:30PM. Present were Chairman Donahue, Committee members Garriga, Scalera, Supt. Perry, DPW Comm. Bujanow, Council President DeStefano was in attendance.

Supt. Perry gave the Committee and those in attendance his Monthly Superintendents Report which included 25 photographs of ongoing activities within the Department and gave a detailed breakdown of the Report. Covered were Sewer Department, Water, DPW, DOT, Parks, Cemetery. See the enclosed Report for that detailed breakdown . See photo 14 Safe Routes to School Harry Howard Avenue. Photo 15 Pedestrian and Bike Connections to Charles Williams Park.

Council President Claudia DeStefano asked if Photo 23 will be the new Archives Grant. Supt. Perry stated that it will be. Carol Osterink in attendance asked about the chalk marks on the street in front of 205 Allen Street. Supt. Perry stated they were put there by National Grid who did gas line repair.

The Meeting adjourned at 6:00PM

The next DPW Committee Meeting will be held on Wednesday, June 28th at 5:30PM

Superintendent's Report

Wednesday, May 24, 2017

Sewer Department

- Septage Revenue: April $21,599
- May **Sewage** Overflows into the North Bay via CCT or CSO-6 (7th Street to Underhill Pond) or CSO-5 (Cross Street to River):

Date	Volume (gallons)	CSO-6	CSO-5	Rain (inches)
April 30, 2017	100,000	YES	YES	0.6
May 2, 2017	700,000	YES	YES	1.1
May 5, 2017	-0-	YES	NO	0.1
May 6, 2017	440,000	YES	YES	1.0
May 7, 2017	1,400,000	YES	YES	0.6
May 8, 2017	-0-	YES	YES	0.2
May 14, 2017	1,560,000	YES	YES	1.25
	4,200,000 gallons			4.85"

  - **Not** in Stormwater: Feminine products, human feces, rags/wipes, toiletries, detergents, grease, etc.

- Chief Operator will be leaving for another opportunity, as our wages are very uncompetitive. We have executed a contract with VRI to provide operational services to maintain compliance while we search for a replacement. Contract operators cost about 50-70% more than a City employee.
- Polymer pump repair resulted in a temporary shutdown of the belt press. That time was used to complete a full overhaul of the press. Both systems are now fully operational. (1)

Water

- 12" Stub piece on Washington Street for future extension and connection to N. 7th Street 12" Main. Lateral installed for hydrant prior to placement (2), then rotated into position in the trench, after which hydrant is installed. (3)
- Connection of 8" section to last year's Carroll street project. (4) Both sections are fully charged and in service. "Dry" taps in place to receive migrated connection from services to home. (5) That work to be completed this July.
- Temporary trench restoration (6) and new extended cab truck for water department. (7)
- Short Street binder install. (8) Light
- Specialty vest ordered for temporary help. (9)

DPW

- Ongoing repair of the old Garbage Truck with primer (10) and first coat of new paint (11) applied.
- Truck bed meets Garage wall (with no reinforcement), Before and After (12&13)

DPW Committee

DOT

- Safe Routes to School (14)
  - Initial Project Proposal (w/ Resubmission) and Construction Estimate submitted,
  - SEQRA determination next.
- Transportation Enhancement Program (15)
  - Final Design approval from DOT
  - Real Property acquisition via HCSD Referendum last week.
- Ferry Street Bridge
  - Initial Project Proposal – approved.
  - State & Local Agreement - Received (possible additional resolution)
- CHIPs
  - Extreme Winter Recovery money was also included in FY 2017 Budget
  - Appropriation: $24,595 will be amended in June resolution.

Parks

- Dock Install Logistics:
  - Need water to get somewhat warm. (16) Surface temp of 53 degrees and subsurface temps in the 40s. Crews must place their arms under the docks to make connection for bushings and pins. Sometimes they reach into the water.
  - Tides: Need High tide to coincide with hours of work day. (17) When the tide is out, it is a longer reach to the slip and the docks get "snagged" on subsurface rip rap.
  - A cradle is suspended from a 13' jib crane that is mounted to a 30,000 lb Backhoe. (18) As everyone expects the docks in the water for the kayak launch (numerous calls received), that means we work: In The Rain. (18)
  - Shallow Remediation Cap + Rain + 30,000 lb machine + Impatience = Ruts (19)
- State Boat Launch coordination with NYS Parks & Recreation from Lake Taconic. (20) We provide lifting power; the State brings the hardware and physically installs their docks.

Cemetery

- The "PLOT" book has been in-service for many, many years. There was a NYSED Archives grant to duplicate the book in 2013, which had to be returned, because the Preferred Source vendor required the book to be shipped to their location and it would not return for a couple months. As it is used daily, that was not an option. The wear is obvious. (21&22).
- We had Pro-Printer's make a copy the original document, which will necessitate a June transfer within the Cemetery Budget. Reproduced book (23) and next step will be to get quotes for its repair and either request funds in 2018 budget and/or seek Archives Grant.
- For anyone curious why so many headstones are toppled in the Old cemetery, one reason... old trees fall. (24)
- Memorial Day prep. (25)

Respectfully submitted
Robert J. Donahue Sr.
DPW Committee Chairman

DPW Committee

Fire Committee

The Fire Committee Meeting for May took place on Monday May 22nd at 5:30PM. Present were Chairman Donahue, Committee members Haddad, Scalera, Chief DeMarco Jr, 1st Asst. Chief Hoffman, Council President DeStefano and Alderman Rector in attendance. Chief DeMarco presented the Committee his March and April lists of incident types and calls for those two months. See the enclosed lists for the reasons for those calls. There were 30 calls for service in the month of March with the average attendance to those calls being 18 members. There were 24 calls for service in the month of April with the average attendance to those calls being 20 members. Friday evening the Hudson Swift Water Rescue Team along with Athens went to Leeds on the Catskill Creek to assist in the rescue of two boys ages 14 and 15 trapped on that creek. The rescue was successful. The Dive team truck broke down. The truck is a 1989 truck and the fuel tank has been replaced.

Alderman Rector thanked the Fire Dept for the great parade celebration this past weekend.

The meeting adjourned at 5:50PM.

The next Fire Committee Meeting will be held on Monday June 26th at 5:30PM.

City of Hudson
Department of Fire

City Hall – 520 Warren Street – Hudson, New York 12534

Timothy P. Hutchings, Commissioner
Anthony F. DeMarco Jr, Chief
Shawn Hoffman., First Assistant Chief
Nicolas Pierro, Second Assistant Chief

City of Hudson Common Council Fire Committee:

The following is a list of the Incident types that the City of Hudson Fire Department responded to in the month of April 2017. The Hudson Fire Department responded to 24 calls for service during the month. The average attendance during the month was 20 members per call.

Structure Fire- 1
Brush Fire- 2
Motor Vehicle Accident with Injuries- 2
Motor Vehicle Accident with no injuries- 1
Gasoline or Other Flammable Liquid Spill- 2
Electrical Problems-2
Standby for Other Department- 1
Smoke Investigations- 1
Smoke Detector Activations- 12

Respectfully Submitted,

Anthony DeMarco
Fire Chief

City of Hudson
Department of Fire

City Hall – 520 Warren Street – Hudson, New York 12534

Timothy P. Hutchings, Commissioner
Anthony F. DeMarco Jr, Chief
Shawn Hoffman., First Assistant Chief
Nicolas Pierro, Second Assistant Chief

City of Hudson Common Council Fire Committee:

The following is a list of the Incident types that the City of Hudson Fire Department responded to in the month of March 2017. The Hudson Fire Department responded to 30 calls for service during the month. The average attendance during the month was 18 members per call.

Motor Vehicle Accident with Injuries- 2
Gasoline or Other Flammable Liquid Spill- 1
Gas Leak (natural Gas or LPG)- 3
Carbon Monoxide Detector Activations- 4
Electrical Problems-1
Water Problems- 4
Assist EMS-1
Standby for Other Department- 1
Good Intent Calls- 3
Smoke Detector Activations- 9
Water Rescue- 1 (Athens Boat Launch w/dive Team for Car in Water)

Respectfully Submitted,

Anthony DeMarco
Fire Chief

Respectfully submitted
Robert J. Donahue Sr.
Fire Committee Chairman

Legal Committee

Minutes of meeting – Convened on May 24 2017 at 6:15PM at City Hall, Hudson.

Present: Michael O'Hara, Chair; Common Council President Claudia DeStefano; Alderman Tiffany Garriga; Legal Counsel Andrew Howard

1) Status of new entrants in Hudson taxi service market.
   Committee members discussed the possible entry of drivers using the "ride hailing" service provided by Uber and Lyft to the Hudson taxi service market and expressed concern that the drivers conform to Hudson's taxi laws.
   a) Action: Mr. Howard will research the NY State law passed recently and identify any limits on the municipal rules which apply to users of these services.

2) Stewarts proposal
   Committee members discussed the recent presentation by Stewarts regarding their location at the corner of Green and Fairview. There was general agreement that the City should consider the proposal, but that the appropriate body to take on that project would be the Economic Development Committee.

a) Action: Members voted unanimously to forward this issue to the Economic Development Committee for handling.

3) Changes to the membership of the Hudson IDA
Alderman Garriga and Mr. Howard presented a resolution to the committee recommending a change in the list of required members of the IDA to remove the item listing a member of the Hudson City School Board and to replace that seat with a member of the general public to be appointed by the Hudson City Council. According to Ms. Garriga, the IDA had communicated on several occasions with the School Board but that they had not expressed any interest in having one of their members sit on the IDA.
   a) Action: Members voted unanimously to support the resolution and to forward it to the full council for a vote.

There being no further business before the committee, the meeting was adjourned at 7:15PM.

Minutes submitted by Michael O'Hara

Economic Development Committee

June 15, 2017
City Hall

Present: Aldermen Friedman, Rector and Keith
Absent: Alderman Haddad

[Due to lack of quorum, the Committee's meeting in May did not take place.]

The meeting was called to order at 6:02 PM.

The first order of business was a discussion of the City's Downtown Revitalization Initiative application. Due to Sheena Salvino's absence, not much detail could be provided. The conversation did turn to the Dunn's Warehouse and reiterated that the Rehab NY funding is forthcoming, and the contract for management is on its way to the Council (though where it is now was not immediately known).

The second order of business was a discussion of the status of the master services agreement between the city and the Hudson Development Corp. Due to Sheena's absence this topic, too, was deferred.

The third order of business was a discussion on the terms for the sale of the old HPD/Courts building at 427 Warren Street. The Committee was told by Alderman Rector that he believed the City intended to temporarily house the CEO's office there along with the Parking Bureau. The Chair volunteered to begin an email conversation with the mayor's office on this to determine what's what. A draft of the resolution the Committee has worked on to-date is attached.

The fourth order of business was a discussion of the proposed formula retail legislation. A new version was distributed (attached) for discussion in depth next month.

The fifth order of business was the introduction of the Stewart's Shop proposal to demolish the 2 houses flanking it on either side (1 house on each side) and their own building, then building a new facility on the expanded sit. The area, including the nonconforming lot the current shop occupies, is zoned residential. There was also a fair amount of discussion of the current need for affordable rental housing in the city and how this proposal would reduce that inventory. The Committee determined to have a public hearing on the matter following the next meeting; the Chair will coordinate with Stewart's and the Council's attorney, Mr. Howard.

The sixth order of business was new business. Alderman O'Hara was present to introduce a resolution (copy attached) first introduced at the Council's informal meeting earlier in the week. This is what *Gossips of Rivertown* blog said about the proposal, which is accurate: a resolution authorizing "the Mayor or other City officials" to apply for a NYSERDA ZEV (zero-emission vehicle) Clean Vehicle Infrastructure grant was presented. The purpose of the grant was to establish electric vehicle charging station in the city.

The resolution raised several questions, the first being where it had come from, since it had not passed through any committee. It turns out that the resolution had originated with Alderman Michael O'Hara (First Ward), who was not present to answer questions about it. O'Hara had given it to Council President Claudia DeStefano, who gave it to Council counsel Andy Howard for vetting prior to presenting it to the full body.

Several aldermen recalled proposal a few years ago to create two electric vehicle (EV) charging stations in the municipal parking lot at the train station. The proposal originated with National Grid and was first discussed at a Public Works Committee meeting in March 2013. In May 2013, there was a resolution before the Common Council. When it was discussed at the Common Council meeting on May 13, 2013, several objections were raised; it would cost the City money; only those people who could afford electric or hybrid cars would benefit; it would eliminate two parking spaces for the general public. The fate of that resolution is not clear, but there are no EV charging stations in the parking lot at the train station—or, if there are, they are so well-hidden that they cannot be found in a simple drive through the parking lot looking for them.

At the Committee meeting, as further and accurately reported by *Gossips*:

O'Hara was at the Economic Development Committee meeting on Thursday to provide more information about the current plan to create EV charging stations. He explained that it is part of a larger plan for Hudson to become a Clean Energy Community, which is a program of NYSERDA (New York State Energy Research & Development Authority). Being a Clean Energy Community would qualify Hudson for up to $100,000 in grants, but to become a Clean Energy Community, Hudson must complete four of ten "High Impact Actions." One of those actions would be to install EV charging stations. O'Hara is proposing that the City seek a grant from NYSERDA to install charging stations. The grant requires a 20 percent match from the City, which he anticipates would be covered by an in-kind contribution: DPW's work on

preparing the site. O'Hara told the committee that the site chosen for a charging station was the municipal parking lot behind City Hall.

At the Economic Development Committee meeting, Alderman Rick Rector (First Ward) said he would like the Council to look at all ten High Impact Actions and decide which ones to pursue, suggesting that everyone had not been "brought into the overall strategy." The resolution, which was introduced at the informal meeting, will very likely be discussed further at the regular Common Council meeting on Tuesday, June 20.

There being no further business before the Committee, on proper motion and second the meeting was adjourned at approximately 7PM.

Respevctfully submitted

/s/ John K. Friedman, Chair

Attachments: Draft resolution regarding sale of 427 Warren St.
Draft formula retail local law amendment
Draft EV charging station resolution

Local Law No. _____ of 2017

A LOCAL LAW TO PRESERVE COMMUNITY CHARACTER, LOCAL BUSINESS OWNERSHIP AND LOCAL WEALTH

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. _____ for the year 2016.

SECTION 2. LEGISLATIVE FINDINGS

SECTION 3. LEGISLATIVE INTENT

SECTION 4. AMENDMENT

This Local Law adds a new article, Article IX of Ch. 325 of the Hudson City Code to such Code:

Article IX The Community Character Preservation Act

Notwithstanding anything to the contrary in this Chapter or the Hudson City Code generally, the following sections of the City Code shall be read to limit both permitted and conditional uses allowed pursuant to this Chapter of the Hudson City Code. No language included in this Article shall be read to make a prohibited use pursuant to this Chapter of the Hudson City Code permissible thereunder or otherwise.

§325-43 Definitions.

A. A "Formula Retail use" is hereby defined as a type of retail sales or service activity or retail sales or service establishment that has three or more other retail sales establishments in operation, or with local land use or permit entitlements already approved, located anywhere in the world. In addition to the eleven establishments either in operation or with local land use or permit entitlements approved for operation, the business maintains two or more of the following features: a standardized array of merchandise, a standardized facade, a standardized decor and color scheme, uniform apparel, standardized signage, a trademark or a service mark.

B. A "standardized array of merchandise" shall be defined as 50% or more of in-stock merchandise and/or services from a single distributor bearing uniform markings.

C. A "trademark" shall be defined as a word, phrase, symbol or design, or a combination of words, phrases, symbols or designs that identifies and distinguishes the source of the goods from one party from those of others.

D. A "service mark" shall be defined as word, phrase, symbol or design, or a combination of words, phrases, symbols or designs that identifies and distinguishes the source of a service from one party from those of others.

E. "Décor" shall be defined as the style of interior furnishings, which may include but is not limited to, style of furniture, wall coverings or permanent fixtures.

F. "Color scheme" shall be defined as selection of colors used throughout, such as on the furnishings, permanent fixtures, and wall coverings, or as used on the facade.

G. "Façade: shall be defined as the face or front of a building, including awnings, looking onto a street or an open space.

H. "Uniform apparel" shall be defined as standardized items of clothing including but not limited to standardized aprons, pants, shirts, smocks or dresses, hats, and pins (other than name tags) as well as standardized colors of clothing.

I. "Signage" shall be defined as a business sign pursuant to Section 244-2 of the Planning Code.

J. "Retail sales or service activity" or "retail sales or service establishment." For the purposes of this Article IX, a retail sales or service activity or retail sales or service establishment shall include the following uses whether functioning as a principal or accessory use; if any such use is defined in this Chapter then the term shall have that meaning, otherwise it shall have its common meaning:

(1) Bar, tavern, saloon, tap room, tasting room.;
(2) Drive-up facility where a customer may order and/or receive any food or beverage;
(3) Liquor store or beer distributor;
(4) Retail sales and rentals including retailers offering, for sale or rent, household items, clothing including outerwear and hats, footwear, books and magazines, household and/or business appliances and/or electronics, pet supplies, office supplies, food service industry supplies and beauty industry supplies;
(5) Restaurant (i.e. businesses that process and/or serve food for on- or off-premises consumption) regardless of what type of food it serves to serve and/or the nature of the service provided;
(6) Hotel, motel, inn, lodging house, rooming house and bed & breakfast;
(7) Movie theater, amusement and game arcade, entertainment venue;
(8) Limited financial services, except a single automated teller machine at the street front that meets the Planning Board's approval and automated teller machines

otherwise permitted pursuant to this Chapter and that are both located within another use and are not visible from the street;
(9) Spa or massage establishment; and
(10) Gym.

§325-44 Prohibition

Formula retail uses are prohibited in all districts within the city except as otherwise expressly set forth in §325-45 of this Chapter. No site plan approval shall issue from the Planning Board, nor variance issue from the Zoning Board of Appeals, for any formula retail use within the city except as permitted by this section.

§325-44 Exceptions

The prohibitions contained in §325-44 of this Chapter shall not apply to (a) federally or New York State chartered banking, savings and loan, and trust institutions, (b) pharmacies and drug stores and (c) stores where the overwhelming majority of the foods sold are un- or minimally-processed and intended for preparation by the purchaser at the purchaser's home.

§325-45 Identification As a Formula Retail Use

A. In any written application for an approval, permit, license, variance or like determination or preference from or by the city (each and collectively an "Approval"), an applicant therefore that is operating or plans to operate a Formula Retail Use within the city as such use is defined in this Chapter shall identify itself as a Formula Retail Use in all correspondence with the City seeking or regarding such Approval.

1. In the event the city determines any such application pending before any agency of the city or the city itself is for a Formula Retail Use and the applicant therefor has failed to identify itself as such on such application as required hereby then that application shall be deemed to be incomplete as a matter of law and the Approval sought thereby shall not issue until such oversight is cured by the applicant.

2. In the event the city determines an Approval issued pursuant to an application from an applicant that failed to identify itself as a Formula Retail Use on such application as required hereby then any and all such Approvals issued pursuant to such application shall be a nullity *ab anitio* and subject the applicant to all penalties that may accrue hereunder.

3. Once the city has determined that a particular use is a Formula Retail Use pursuant to this Section, the burden to prove otherwise shall shift to the applicant or holder of the affected Approval.

(j) Change of Use. Changes of Formula Retail establishments are generally described below, except that a change of a Formula Retail use that is also a nonconforming use pursuant to ~~Section 182~~ is prohibited. In all other instances, changes of Formula Retail establishments from one use category to another, including a change from one use to another within the sub-categories of uses set forth in ~~Planning Code Section 790.102 and Section 890.102,~~ require a new Conditional Use authorization as a new Formula Retail use. Changes of Formula Retail owner or operator within the same use category that are determined to be an enlargement or intensification of use pursuant ~~to Subsection 178(c)~~ are required to obtain Conditional Use authorization and shall meet the Commission's adopted ~~Performance-Based Design~~ Guidelines for Formula Retail. In cases determined not to be an enlargement or intensification of use, ~~the Performance-Based Design Guidelines~~ for Formula Retail may be applied and approved administratively by the Planning Department, unless the applicant requests a Conditional Use Hearing at the Planning Commission. The applicant shall also pay an administrative fee to compensate Planning Department and City staff for its time reviewing the project under this Subsection, ~~as set forth in Section 360 of this Code.~~

Comment [JF1]: Not sure if this refers to established exception. Ie, Subway can't change use to McDonalds

Comment [JF2]: Keep this

(k) Accessory Uses. Conditional use authorization shall be required for all accessory uses within those use categories subject to Formula Retail controls as defined in this ~~Section 303.1~~, except for the following:

(1) Single automated teller machines falling within the definition of Limited Financial Services that are located at the street front that meet the Commission's adopted Performance-Based Design Guidelines for automated teller machines;

Comment [JF3]: Add: not withstanding to the contrary of this chapter any retail establishment in Hudson may operate a single auto. Teller machine for provision of basic financial services.

(2) Automated teller machines located within another use that are not visible from the street;

(3) Vending machines that do not exceed 15 feet of street frontage or occupy more than 200 square feet of area facing a public right of way.

SECTION 5. STATEMENT OF AUTHORITY

This local law is authorized by Article 2-A and section eighty-three of the General City Law, Municipal Home Rule law Article 2, and section 325-40 ~~of~~ of the Hudson City Code.

SECTION 6. SEVERABLITY

The provisions of this local law are severable. If any provision of this local law is found invalid, such finding shall not affect the validity of this local law as a whole or any part or provision hereof other than the provision so found to be invalid.

SECTION 7. EFFECTIVE DATE

This local law shall take effect immediately upon its filing in the office of the Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.

Introduced _____

Seconded _____

Approved _____

By_____

Tiffany Martin Hamilton, Mayor

RESOLUTION NO.: _____
_____, 2017

RESOLUTION
CONCERNING THE SALE AND REDEVELOPMENT OF 427 WARREN STREET

WHEREAS, the city of Hudson has an interest in ensuring that the developable properties which it owns are developed for their highest and best use within the context of the city's plans; and

WHEREAS, the city has enacted and, at various times amended, its zoning code to reflect the city's plans as the same have evolved since the city initially adopted such code; and

WHEREAS, the city owns that property commonly known as 427 Warren Street and the same being within the city's corporate boundaries; and

WHEREAS, until earlier this year 427 Warren Street was the headquarters of the Hudson Police Department; and

WHEREAS, earlier this year, the Hudson Police Department moved its headquarters to its new building at 717 Union Street in the city; and

WHEREAS, as a result of the Hudson Police Department's move to its new headquarters, 427 Warren Street is now completely vacant; and

WHEREAS, the Hudson Common Council has previously resolved to sell 427 Warren Street at auction once the Hudson Police Department had vacated such address and apply the proceeds of such sale against the debt the city of Hudson incurred in purchasing and developing 717 Union Street; and

WHEREAS, 427 Warren Street is in the central-commercial (CC) district pursuant to the Hudson zoning code; and

WHEREAS, the city of Hudson acknowledges that it requires additional and affordable rental housing within the city's corporate boundaries to meet both current and future residential needs; and

WHEREAS,; the city of Hudson acknowledges that it requires additional rental office space within the city's corporate boundaries to meet both current and future business needs; and

WHEREAS, the city of Hudson acknowledges that it requires additional and affordable rental retail space within the city's corporate boundaries to meet both current and future retail needs; and

WHEREAS, the city of Hudson is aware that in the past some properties it has sold at auction have been left fallow by their eventual owners, and the city of Hudson deplores this practice as contrary to both public policy and the best interest of the city as a community.

NOW, THEREFORE, BE IT RESOLVED, that the following terms and conditions be included in the contract for sale of 427 Warren Street and the deed that shall issue upon its sale by the city:

1. The purchaser shall erect a building at 427 Warren Street not less than 45 feet tall as measured in a manner consistent with the city's zoning code, comprised of not less than 3 stories above its Warren Street grade.
2. There shall be not less than:
    a. 2 parking spaces which may be inside for the ground floor of the building so erected;
    b. 1 parking space which may be inside for each office and each apartment in the building so erected.
3. Neither a single-family nor a 2-family home may be erected or maintained at the property.
4. The ground floor (Warren Street grade) may not be used for residential purposes.
5. There shall not be less than 2 rental apartments on the 3rd floor if a 4-story building is erected nor less than 2 rental apartments on the 2nd floor if a 3-story building is erected.

story building is erected.

6. The purchaser may utilize the entire 3rd or 4th floor of the building so erected as the purchaser's primary residence or rental apartments may be built on such floors.
7. If less than 5 rental apartments are built in the building so erected, at least 1 of such apartments shall be affordable as defined by _____.
8. If 5 or more rental apartments are built in the building so erected, at least 2 of such apartments shall be affordable as defined by _____.
9. Ground breaking on the project shall commence within 1 year of closing of the purchase of 427 Warren Street, and the Certificate of Occupancy for the building so erected shall issue not more than 3 years of such date.

RESOLUTION AUTHORIZING THE APPLICATION FOR THE NEW YORK STATE ENERGY RESEARCH AND DEVELOPMENT AUTHORITY CLEAN VEHICLE INFRASTRUCTURE GRANT

WHEREAS, New York State Energy Research and Development Authority (NYSERDA) has announced a new Clean Energy Communities program which would allow the City access to significant grant funding to further implement clean energy actions reducing both energy costs and greenhouse gas emissions; and

WHEREAS, One of the Clean Energy Communities "High Impact Actions" requires the City Common Council to install a Electric Vehicle (EV) Charging station; and

WHEREAS, NYSERDA has announced a Zero-Emission Vehicle (ZEV) Clean Vehicle Infrastructure grant, which awards up to $8,000 dollars per port for the installation of an Electric Vehicle (EV) Charging station; and

WHEREAS, The establishment of an EV charging station would both promote the use of environmentally friendly ZEV's and provide support for ZEV's that are already in use; and

WHEREAS, While the grant requires municipalities match 20% of the rebate amount, this matching can be covered by the site preparation and trenching as long as it accounts for 20% of the money awarded;

NOW, THEREFORE, BE IT RESOLVED, That the common council authorizes the application of the NYSERDA ZEV Clean Vehicle Infrastructure grant.

BE IT FURTHER RESOLVED, That the Mayor or other City officials are authorized to take all necessary actions to complete said application.

- Labor is City-supplied (in-kind)
- this is part of a 4 part application

1. – City energy usage audit : done
2. –

MOTH to brief full CC on program.

Carried.

Bills.

In reference to the list of bills that had been presented to the council members, **Alderman Friedman** questioned a bill in the amount of $118.50 to reimburse William Shannon for towing expenses during a snow emergency.

President DeStefano stated Alderman Miah had provided incorrect parking instructions to neighbors on the evening of a snow emergency and she said "I don't have a count of the vehicles that got towed that evening but a few did get towed, the towing charges were resolved through DPW and HPD whether it be because of signage issues or other things, to be quite honest with you, I'm opposed to paying this bill because it's not the Council's responsibility to pay this bill, it was Alderman Miah's choice to knock on doors". President DeStefano stated the snow emergency parking regulations had been posted on the city website, broadcasted on TV stations and radio stations and robo-calls issued by the county. She said "the reason why it's here is because this is the one that Alderman Miah had contacted, told the man to park on the wrong side of the street and by the time the police came through the man was out of town, the car was towed".

Alderman Friedman questioned how many tow charges the HPD or DPW had paid.

President DeStefano said "I think it was a total of four" and she said "this is the only one that is being charged to us". She said "we don't have a very large budget and I don't think it's our responsibility to pay for the towing".

Alderman Friedman said "it's not our money, it's the taxpayers' money and the money from DPW's budget and HPD's budget that was used is also the taxpayers' money, all of this money comes from the taxpayers' one way or another because there are no other sources of funds for the City to expend". He said "I am a little perplexed on why this would cost the City a thousand dollars" and he stated he realized the parking emergency law had been highly flawed. Alderman Friedman stated when he had left the Chairmanship of the Legal Committee in December 2015, the committee had on their agenda proposed local laws drafted by City Legal Advisor, Carl Whitbeck Jr. and a second draft law from Amy Lavine which would have amended the Snow Emergency Plan for the City and he said "I don't think they were ever acted upon after that". Alderman Friedman said "the fact that city law is indecise is not, shouldn't be shocking to

me, plenty of our laws are just terrible, especially the older ones and this is one of the older ones, but if a citizen relied on an individuals' advice to, where they should park or not park during particular snow, see, I don't understand why that becomes his or her neighbors obligation to pay".

Alderman Miah questioned the location where Mr. Shannon's vehicle had been parked.

President DeStefano stated she does not know the street address.

Alderman Miah stated he had personally called the police station and his neighbor had also called the police station for instructions on the parking regulations.

President DeStefano stated the receipt attached to the voucher does not include the location of the tow.

Alderman Miah stated he had been blamed for the tow and he would like to know the location of the parked vehicle. He stated he had not contacted all residents of Columbia Street.

Alderman Rector asked Alderman Miah if he had told Mr. Shannon on that evening where to park his vehicle?

Alderman Miah said "no".

Alderman O'Hara questioned if Alderman Miah had implied that the police department had provided the wrong parking information.

Alderman Miah said "yes".

Alderman O'Hara said "the police department records will show what car was towed from what address".

Alderman Friedman asked "why are the taxpayers' of Hudson being asked to pay for this"?

A discussion was held regarding the parking regulations and the location of the parked vehicle that had been towed.

Alderman Miah stated he had instructed his neighbors, between the 2nd and 3rd Street Block of Columbia Street, of the parking regulations and he stated he had not told residents located further down Columbia Street.

Alderman Friedman said "I think that Mr. Shannon should pay for his towing" and he said "if he believes that he has a claim against the City or Mr. Miah, let him bring it".

On motion of **Alderman Haddad,** seconded by **Alderman Moore,** the following bills were audited and **NOT** ordered paid by the following vote:

US Bank Equipment	390.61	WB Mason Co Inc.	498.77
Johnny's Ideal Ptg.	874.15	JV Computers	1,962.00
Complus Data Innovations Inc.	2,557.04	GAR Associates LLC	8,750.00
AT&T Mobility	46.89	Ricoh USA Inc.	11.32
Roemer,Wallens,Gold &Mineaux	44.00	Lisa Walsh (Mar, Apr, May cell)	225.00
Eastern Managed Print Network	57.30	Mid Hudson Cablevision	58.95
Magna 5 (2 mos)	173.60	City Clerks Office (petty cash)	49.00
Postmaster	98.00	ColumbiaGreene Humane Soc	2,020.00
Whitbeck, Benedict & Smith	1,018.06	Valley Energy	56.96
Staples Contract & Commercial	78.97	Linda L. Fenoff	240.00
Pattison, Koskey, Howe, Bucci CPAs	10,623.75	Rackspace Email & Apps	28.00
Willard Powell	600.00	Tiffany Martin Hamilton (cell)	125.00
Mid Hudson Cablevision	38.95	TGW Consulting Grp	1,458.00
Hudson Valley Resource Grp	585.00	Craig Haigh, CEO	147.00
Verizon Wireless	44.05	Key Insurance & Benefits Svcs.	652.35
Rackspace	336.00	Nationwide Pymt Solutions LLC	85.00
Johnson Newspaper Corp	120.66	William Shannon	118.50

Police & Courts

National Business Furniture LLC	528.03	Pittsfield Communication Sys Inc.	304.10
J. McBain Inc.	5,564.56	JC Millbank Construction Co Inc.	99,612.94
Ed Herrington Inc	1,020.25	Lowes	572.73
Leggett Electric Inc	445.73		

Colarusso Escrow

Mitchell Khosrova Esq.	270.00	Barton, Loguidice, DPC	11,061.41

AET Awards

Bindlestiff FamilyVarietyArtsInc	500.00	GreaterHudsonPromiseNeighborhood	1,325.00
Operation Unite NY Inc.	3,325.00	Shaina Marron	850.00

Ayes: None. (0)

Nays: President DeStefano, Aldermen Donahue, Friedman, Haddad, Moore, O'Hara, Rector and Scalera. (1563)

Abstained: Alderman Miah. (185)

On motion of **Alderman Rector,** seconded by **Alderman Moore,** the list of bills excluding Mr. Shannon's bill, was ordered paid by the following vote:

Ayes: President DeStefano, Aldermen Donahue, Friedman, Moore, O'Hara, Rector and Scalera. (1383)
Nays: Alderman Haddad. (180)
Abstained: Alderman Miah. (185)

Communications.

On motion of **Alderman Moore**, seconded by **Alderman Haddad**, the following communication was ordered received and placed on file:

1) Animalkind, Inc. submitting a report for grant money previously awarded.

Carried.

Resolutions.

On motion of **Alderman Moore**, seconded by **Alderman Garriga**, the following resolution was adopted by the following vote:

RESOLUTION NO. 1 June 20, 2017

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

July 1, 2017 through June 30, 2019	(work)
Chelsea Rice 205 County Route 9, Ghent, NY 12075	325 Columbia Street
Rodney Waithe 43 Millbrook Rd, Hudson, NY 12534	701 Union Street
Jason C. Finn 53 Stuyvesant Pl, Stuyvesant, NY 12173	701 Union Street
Carmine A. Pierro 16 Paddock Pl, Hudson, NY 12534	----------
Thomas DePietro 76 Worth Ave, Hudson, NY 12534	----------
Joan E. Hunt 949 Columbia St #2 (mailing: 112 N. 5th St, Hudson, NY)	6 South 2nd Street
Charles R. Bujan Jr. 239 Warren St (PO Box 1238) Hudson, NY	----------
Harry M. Rector 243 Warren St Hudson, NY	----------
Shershah Mizan 165 Green St (PO Box 643) Hudson, NY	----------

Ayes: President Moore, Aldermen Donahue, Friedman, Miah, Moore, O'Hara, Rector and Scalera. (1568)
Nays: None. (0)
Abstained: Alderman Haddad. (180)

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

RESOLUTION NO. 2 June 20, 2017

A RESOLUTION TO SUPPLEMENT PETTY CASH FUNDS FOR THE OPERATION OF A GARBAGE BAG VENDING MACHINE

WHEREAS, the city has purchased and is operating a vending machine to allow 24-hour purchase of garbage bags, and

WHEREAS, additional funds are needed to insure that the vending machine has adequate change for customer purchases,

NOW, THEREFORE BE IT RESOLVED, that the City Treasurer be and hereby is authorized increase the petty cash allocated to the garbage bag petty cash account as follows:

Current Garbage Bag Petty Cash	$50
Proposed Supplemental Petty Cash	$50
TOTAL REVISED PETTY CASH	**$100**

Approved by Board of Estimate and Apportionment.

Ayes: President DeStefano, Aldermen Donahue, Friedman, Haddad, Miah, Moore, O'Hara, Rector and Scalera.
Nays: None.

Prior to voting "aye" on the proposed resolution, **Alderman Haddad** said "three months and a receptacle, yes".

On motion of **Alderman Rector**, seconded by **Alderman Moore**, the following resolution was adopted by the following vote:

RESOLUTION NO. 3 June 20, 2017

A RESOLUTION ADOPTING A FUND BALANCE POLICY FOR THE CITY OF HUDSON

WHEREAS, the City of Hudson is responsible for the appropriate accounting of public funds, the sound management of municipal finances and the adequate funding of services required by the public; and

WHEREAS, having a written fund balance policy and associated controls will benefit the City Treasurer and the Common Council with the financial management of the City; and

WHEREAS, the City Treasurer has recommended that the Common Council adopt a written fund balance policy that is intended to help the City maintain a prudent level of financial resources necessary to provide essential services, maintain sufficient cash flow and manage unanticipated occurrences; and

WHEREAS, the Finance Committee and Legal Committee have reviewed the proposed Fund Balance Policy, attached hereto as Exhibit A, and recommend adoption of same,

NOW, THEREFORE, BE IT RESOLVED that City of Hudson Fund Balance Policy, attached hereto as Exhibit A, is hereby adopted.

Fund Balance Policy

City of Hudson, NY

PURPOSE

The City is responsible for the appropriate accounting of public funds, the sound management of municipal finances and the adequate funding of services required by the public. This fund balance policy is intended to help the City maintain a prudent level of financial resources to provide essential services, maintain sufficient cash flow and manage unanticipated occurrences.

BACKGROUND

The Governmental Accounting Standards Board (GASB) issued GASB Statement Number 54, Fund Balance Reporting and Governmental Fund Type Definitions. Statement 54 abandons the reserved and unreserved classifications of fund balance and replaces them with five new classifications for Governmental Funds: non-spendable, restricted, committed, assigned and unassigned. The last three classifications comprise the unrestricted fund balance. The statement went into effect June 30, 2011.

DEFINITIONS

Fund Balance – Consists of the measurement of available resources and represents the difference between total assets and total liabilities.

Non-spendable – Consists of the amounts that cannot be spent because they are in a non-spendable form.

Restricted – Consists of amounts that are subject to externally enforceable legal purpose restrictions imposed by certain creditors, grantors, contributors, or laws and regulations of other governments; or through constitutional provisions or enabling legislation.

Committed (Unrestricted) – Consists of amounts constrained to specific purposes by a government itself using its highest level decision making authority (Common Council). The Common Council must take formal action before the end of the fiscal year to add or remove a constraint.

Assigned (Unrestricted) – Consists of amounts that are subject to a purpose constraint that represents an intended use established by the government's highest level decision making authority (Common Council), or by the Council's designated body or official. The purpose of the assignment must be narrower than the purpose of the General Fund. In funds other than the General Fund, assigned fund balance will be the residual (unassigned, unrestricted) amount of fund balance.

Unassigned (Unrestricted) – For the General Fund, this consists of all balances remaining after considering the other four categories and could result in a surplus or a deficit. Use is least constrained in this category. In funds other than the General Fund, the unassigned classification should only be used to report a deficit balance.

CLASSIFICATIONS

Non-spendable **Reserved - Not Available for Appropriation**

- prepaid insurance
- inventory
- Cemetery Perpetual Fund

Restricted **Designated Reserves - Available for Appropriation for a Specific Use**

- Capital Reserves
- Tax Stabilization Reserves
- Debt Reserves
- Repair Reserves
- Insurance Reserve
- Other reserves allowed by State statutes

Committed	**Unrestricted - Not Available for Appropriation** • Amounts constrained to specific purposes by the City itself via the Common Council • *OSC believes that in most cases, local governments will not have committed fund balance to report as reserves are allowed by State statutes.*
Assigned	**Unrestricted - Available for Appropriation** • Budgeted Use of Fund Balance • Encumbrances • Residual Fund Balance in funds other than the General Fund • *OSC believes that formal actions by the governing boards (resolutions, ordinances, and local laws) constitute a constraint of resources and will result in an assignment of resources.*
Unassigned	**Unrestricted - Residual** • All other unassigned fund balances • General Fund only, unless other funds have deficit balances

POLICY

Application

This policy shall apply to the City's General Fund, Cemetery Fund, Water Fund, and Sewer Fund.

Authority

The Common Council is the decision-making authority that can commit fund balance. The formal action that is required to establish, modify or rescind a fund balance reserve, commitment or assignment is a resolution approved by the Board of Estimate and Apportionment (BEA) and authorized by the Common Council.

Non-Spendable Fund Balance

At the end of each fiscal year, the City will report the portion of the fund balance that is not in spendable form as Non-Spendable on the financial statements.

Spendable Fund Balance

Restricted Fund Balance (Reserves)

- Funding of reserves can come from surplus funds, budget appropriations or other sources as designated by the BEA and authorized by the City Council.
- All expenditures from or uses of reserve will require prior BEA approval and Common Council authorization by adoption of a Use of Reserve Resolution.
- Reserves shall only be used for the purpose in which they are intended.
- At the end of each fiscal year, the City will report the portion of the fund balance that is reserved as Restricted on the financial statements.

Committed Fund Balance

- Whenever possible, when formal action by the Common Council (resolutions, ordinances, and local laws) constitutes a constraint of resources and will result in a future assignment of resources, the City will establish formal Reserve Funds.
- Where future funds are committed for specific purposes by formal action of the Common Council but no formal Reserve is established, such funds will be classified as Committed.
- Committed fund balance approved in prior year resolutions will be carried forward until spent or uncommitted by a current year resolution by the Common Council.

- At the end of each fiscal year, the City will report the portion of the fund balance that is committed as Committed on the financial statements.

Assigned (Unrestricted) Fund Balance

- General Fund
  - In the General Fund, funds intended for specific operating purposes identified in operating plans and budgets (e.g., encumbrances, budgetary Use of Fund Balance) will be classified as Assigned.
  - At the end of each fiscal year, the City will report the portion of the General Fund balance that is assigned as Assigned on the financial statements.
- Cemetery, Water & Sewer Funds
  - In the Cemetery, Water and Sewer Funds, residual (unrestricted, unassigned) fund balance will be reported as Assigned on the financial statements.
  - The Assigned fund balance range for the Water and Sewer Funds shall be not less than 25.0% and not more than 35.0% of the total adopted budgeted expenditures of each respective Fund.

- The Assigned fund balance range for the Cemetery Fund shall be not less than 5.0% and not more than 15.0% of the total adopted budgeted expenditures of the Cemetery Fund.
- The City Treasurer shall annually calculate and verify the Common Council's compliance with this policy. In determining compliance, the following formula will be used: the audited balance available in the Assigned fund balance of the City's Cemetery, Water and Sewer Funds for the most recently audited fiscal year, divided by the adopted expenditure budget for the ensuing fiscal year for each respective Fund.

Unassigned (Unrestricted) Fund Balance

- In the General Fund, residual (unrestricted, unassigned) fund balance will be reported as Unassigned on the financial statements.
- The unrestricted unassigned fund balance range for the General Fund shall be not less than 25.0% and not more than 35.0% of the total adopted budgeted expenditures of the General Fund.
- The City Treasurer shall annually calculate and verify the Common Council's compliance with this policy. In determining compliance, the following formula will be used: the audited balance available in the unrestricted unassigned fund balance of the City's General Fund for the most recently audited fiscal year, divided by the adopted expenditure budget for the ensuing fiscal year for the City's General Fund.

- The City Treasurer shall report annually to the BEA and the Common Council the results of the calculation and the BEA shall make recommendations for the use of funds in the event of a surplus or the replenishment of funds in the event of a deficit.

Surplus

- In the event the unrestricted unassigned fund balance of the City's General Fund exceeds the maximum requirements, the excess may be utilized for any lawful purpose approved by the BEA and authorized by the Common Council.
- In order to minimize the long term effect of such use, the excess shall be appropriated to fund one-time expenditures or expenses which do not result in recurring operating costs, or other one-time costs including the establishment or increase in formal Reserve Funds.

Deficit

- In the event the unrestricted unassigned fund balance for the City's General Fund falls below the minimum requirement of 25% for any fiscal year, the BEA shall prepare and submit to the Common Council a plan to restore the balance to the minimum target level in the next budget year or other appropriate period of time.

Application of Funds

When multiple categories of fund balance are available for expenditure, the order of exhaustion of the fund will be as follows:

1. Restricted
2. Committed
3. Assigned
4. Unassigned

Review

This policy will be presented by the City Treasurer annually for review and adoption by the Common Council.

Ayes: President DeStefano, Aldermen Donahue, Friedman, Haddad, Miah, Moore, O'Hara, Rector and Scalera.
Nays: None.

On motion of **Alderman Garriga,** seconded by **Alderman Scalera**, the following resolution was adopted by the following vote:

RESOLUTION NO. 4 June 20, 2017

A RESOLUTION AMENDING THE MEMBERS OF THE HUDSON INDUSTRIAL DEVELOPMENT AGENCY

WHEREAS, Chapter 677 of the laws of 1975 established the Hudson Industrial Development Agency; and

WHEREAS, the General Municipal Law of the State of New York required the governing body of the City of Hudson to appoint Board Members of such agency; and

WHEREAS, pursuant to Resolution No. 9 of 1975, the procedure for the appointment of Board Members of the Hudson Industrial Development Agency was established; and

WHEREAS, it is necessary to amend the manner in which the Board membership is appointed.

NOW, THEREFORE, BE IT RESOLVED, that the Common Council hereby amends the Board membership to appoint the following officials to serve as Board members of the Hudson Industrial Development Agency who shall serve for a term of office concurrently with their elective or appointive office:

1. Mayor;
2. City Treasurer;
3. Majority Leader of the Common Council or designee;
4. Minority Leader of the Common Council or designee;
5. Planning Board chairperson.
6. City Assessor; and
7. A community member appointed by the Hudson Common Council.

Ayes: President DeStefano, Aldermen Donahue, Friedman, Haddad, Miah, Moore, O'Hara, Rector and Scalera.
Nays: None.

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

RESOLUTION NO. 5 June 20, 2017

A RESOLUTION AUTHORIZING A BUDGET AMENDMENT TO THE FY 2017 EXTREME WINTER RECOVERY – CAPITAL REIMBURSEMENT ALLOCATION

WHEREAS, appropriation for the Extreme Winter Recovery (EWR) was -0- for FY 2017 and;

WHEREAS, the DOT has finalized the Extreme Weather Recovery (EWR) Capital appropriation for FY-2017 in the amount of $24,595.78, creating a balance to be amended in the amount of $24,595.78, therefore;

BE IT RESOLVED, the City Treasurer is authorized and directed to perform a Budget Adjustment to Extreme Weather Recovery (EWR) Budget Account No. A.5112.0220 and Revenue Account No. A.0000.3511.0100 to reflect the amended reimbursement amount of $24,595.78.

Approved by Board of Estimate and Apportionment.

Ayes: President DeStefano, Aldermen Donahue, Friedman, Haddad, Miah, Moore, O'Hara, Rector and Scalera.
Nays: None.

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

RESOLUTION NO. 6 June 20, 2017

RESOLVED, that the City Treasurer be and hereby is authorized and directed to transfer funds to the following 2017 budget accounts as follows for the Public Works Department:

DPW

$5,000	From:	8160.1 A – Refuse – Personal Services	
$5,000	To:	8160.45 A – Refuse – Maintenance of Equipment	
$3,000	From:	8170.1 A – Street Sweeping – Personal Services	
$3,000	To:	8170.45 A – Street Sweeping – Maintenance of Equipment	
$5,000	From:	5110.1 A – Street Maintenance – Personal Services	
$5,000	To:	3020.46 A – Communication – Electrician	

CEMETERY

$1,500	From:	8110.1 C – Cemetery – Personnel Services	
$1,500	To:	8110.41 C – Cemetery – Printing & Advertising	
$2,000	From:	8110.1 C – Cemetery – Personnel Services	
$2,000	To:	8110.45 C – Cemetery – Maintenance of Equipment	

SEWER

$20,000	From:	8120.4 G – Sanitary Sewers – Materials & Supplies	
$20,000	To:	8130.2 G – Sewage Treatment – Equipment	

Approved by Board of Estimate and Apportionment.

Ayes: President DeStefano, Aldermen Donahue, Friedman, Haddad, Miah, Moore, O'Hara, Rector and Scalera.
Nays: none.

On motion of **Alderman Friedman**, seconded by **Alderman Moore**, the following resolution was adopted by the following vote:

RESOLUTION NO. 7 June 20, 2017

A RESOLUTION TO SUPPORT THE MAYOR'S RECOMMENDATION FOR THE APPOINTMENT OF MICHAEL O'HARA BY THE BOARD OF SUPERVISORS TO REPRESENT THE CITY OF HUDSON ON THE COLUMBIA COUNTY ENVIRONMENTAL MANAGEMENT COUNCIL

WHEREAS, the City of Hudson is currently represented on the Columbia County Environmental Management Council by Alderman Michael O'Hara, and

WHEREAS, Alderman O'Hara's term expires July 8, 2017, and

WHEREAS, the City of Hudson recognizes the valuable work of the Columbia County Environmental Management Council, and

WHEREAS, Michael O'Hara has current knowledge of Environmental issues, best practices and experience in support of municipalities in their efforts to become more environmentally sustainable, and

WHEREAS, he is a trained Environmental systems engineer and educator whose professional background includes work as the Commissioner of Public Works and as Energy Manager for the City of Hudson, and

WHEREAS, in that role, he worked with the Hudson Cool Cities Committee which produced a baseline energy inventory for the City which led to the signing of the "US Mayors Climate Protection Agreement" by the City of Hudson,

NOW, THEREFORE, BE IT RESOLVED that the Common Council supports the Mayor's recommendation to the Columbia County Board of Supervisors for the appointment of Michael O'Hara to again represent the City of Hudson on the Columbia County Environmental Management Council.

Ayes: President DeStefano, Aldermen Donahue, Friedman, Haddad, Miah, Moore, Rector and Scalera. (1653)
Nays: None. (0)
Abstained: Alderman O'Hara. (95)

President DeStefano stated Proposed Resolution No. 8 would authorize the Execution and Delivery of a Lease Purchase Agreement for Certain Police Vehicles and she requested City Treasurer Heather Campbell to provide an explanation of the proposed resolution.

Treasurer Campbell stated during the FY2017 budget process there had been a discussion regarding the police department entering into a lease agreement for four (4) new vehicles and she stated money to pay for the first lease payment had been budgeted and approved by the Common Council. Treasurer Campbell stated the level of complexity involved with the agreement had not be entirely clear to the parties involved and she said "the police department, I would argue someone understandably thought, it's approved in the budget, they can go and just sign the lease and get the cars, they proceeded that process, we discovered that was happening and put a semi-kibosh on it and said there were a few things that had to happen, some of those things happening included a, one of the important things that we have to do is to make sure financial agreement under the lease is comparable to everything we get for example out of the bond market because this is considered financing". She stated the financing would not impact the constitutional debt limit but it would impact debt in terms of what the City carried. Treasurer Campbell stated the council members had approved last month a resolution which addressed some of the issues along with the contract and provided the authorization for the Police Commissioner to enter into an agreement that had been attached to the resolution and she said "this isn't just spending expenditures, this is entering into a financial debt agreement so there are a couple other things that have to happen to make that happen". She stated there were a variety of regulations that need to be in place which included language that makes sure the City would not be obligated for the long term debt if the City chose not to appropriate the funds to make a lease payment in one of the outgoing years, the only thing the vendor could do would be take the vehicles back. Treasurer Campbell stated according to Municipal Law, the City could only enter into a lease purchase agreement for a Probable Potential Use ("PPU") of the product which would be how long the product would be in use and she said "these are regulated at that state level, we don't decide, we don't get to decide how long we think the police car is going to last, the PPU for a police car is three years". She stated the purchased had been made under a Westchester County Agreement therefore there had to be confirmation to ensure that literal agreement had an open ended clause which would be expandable to other municipalities. Treasurer Campbell stated the proposed resolution before the council members this evening would allow the City to enter into an agreement to purchase the vehicles over a term of three years which met the criteria as required by New York State Municipal Law and New York Finance Law and would also authorize a budget amendment to cover the additional cost for the three year term as compared to the budgeted five year term.

Alderman Friedman questioned the "credit enhancement" as mentioned in Section 6 (C) of the agreement.

Legal Advisor Andrew Howard said "I think that would be if the City was providing additional security beyond the particular……

Alderman Friedman said "which the rest of the language in section six says we're not".

Legal Advisor Howard said "exactly".

Alderman Friedman said "I'd have to say, I'm really disturbed by it, the process and I think it's a result of a new Police Commissioner who's maybe not communicating with the counsel as much as she should in kind of a one-off area and making sure that they're getting good legal advice on what their powers are and what they can obligate the City to do". He said "I'd like to vote against this but I think financial it does kind of make sense so I will have to say that I'll vote for this today but when the papers come before us, the definitive agreement, they got to come on time, we've got to have at least ten days to review these and if we don't I won't let it go forth".

Alderman Rector asked "was this an issue at all during, in the Police Committee meeting"?

Alderman Haddad said "the last time we spoke about vehicle replacement was in 2016 at a Police Committee meeting and I'd like to say September, it was just before Gary was replaced and since then, this has not come up once". He said "it hasn't been brought to my attention to put on agenda for Police Committee; Police Commissioner hasn't said anything to me". Alderman Haddad said "I completely feel that this is not the right way for anyone in the City to go about a contract like this or any type of business, we all should be involved in our finances and not at the last minute".

Alderman Rector asked "Heather, when did the City Attorney get involved in this"?

Treasurer Campbell asked "which City Attorney"?

Alderman Rector asked "how many city attorneys have been involved in this"?

Treasurer Campbell said "three city attorneys have been involved in this".

Alderman Friedman stated there had been discussion in 2015 regarding the adoption of a formal Vehicle Replacement Policy for budget year 2016 and he said "I think that's what we expected, the Police Department come back with and instead we end up with this so I think there was a real disconnect".

Alderman Rector said "as much as this makes financial sense because it does but it's just the way it was executed, poorly done".

Alderman Friedman said "the Commissioner executing a contract on behalf of the City that she wasn't empowered to is really problematic and points to a need for the Commissioner to be more proactive in reaching out to the city attorneys". He said "to say that all three of the city attorneys were involved in this at one point or another and yet it was executed in a way that's essentially illegal is yea humorous at some level, not at others".

Treasurer Campbell said "obviously the confusion over the past few months in terms of how this should have been done apparently is clear, I think we've resolved it at this point, the one clarification I want to make is that, John you mentioned about the contract coming in front of you to be signed, that is not something that would happen, what you're voting on is basically

very similar to a bond resolution where you say, yup, we're going to go out and we're going to basically borrow this amount of money, at that point of time once we've approved it, your job is done, then it becomes basically the job of myself and the City Clerk to execute the documents, the same way that we execute them in terms of bond issues".

Alderman Friedman said "so that's it really clear, I'm not going to vote to approve anything I haven't read".

Treasurer Campbell said "ok, I'm not sure if you've read all the legal documents required to the bond issuances we did but if you did…….

Alderman Friedman said "well no, but I understood them as bond issues" and he said "we also had special bond counsel".

Treasurer Campbell said "we had bond counsel involved in this one as well".

Alderman Friedman said "so more than three attorneys".

Treasurer Campbell said "no, that was the third".

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

RESOLUTION NO. 8 June 20, 2017

A RESOLUTION AUTHORIZING EXECUTION AND DELIVERY OF A LEASE PURCHASE AGREEMENT FOR CERTAIN POLICE VEHICLES FOR THE CITY OF HUDSON, COLUMBIA COUNTY, NEW YORK IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED $165,341.11

WHEREAS, it is necessary to acquire police vehicles described herein; and

WHEREAS, the Common Council has reviewed a written evaluation of financing alternatives on file with the City Clerk setting forth the reasons why it is in the best interests of the City to finance such acquisition through a lease purchase agreement, and on the basis of such evaluation and review, the Common Council deems it for the benefit of the City and for the efficient and effective administration thereof to enter into a lease purchase agreement (the "Agreement") providing for lease purchase of such police vehicles described herein on the terms and conditions therein provided; and

WHEREAS, this resolution amends and supplements that certain Resolution No. 11 adopted May 16, 2017;

NOW, THEREFORE, BE IT RESOLVED, by the Common Council of the City of Hudson, Columbia County, New York (the "City") (by the favorable vote of not less than two-thirds of all the members of the Common Council) as follows:

SECTION 1. Maximum Cost and Useful Life. The acquisition of four (4) police department vehicles is hereby authorized at an estimated maximum cost of $165,341.11 and said amount is hereby appropriated therefor. It is hereby determined that said purpose is an object or purpose described in subdivision 77 of paragraph a of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of said purpose is three years.

SECTION 2. SEQR. It is hereby determined that the aforesaid purpose constitutes a Type II Action as defined under the State Environmental Quality Review Regulations, 6 NYCRR Part 617, which is determined under SEQR not to have a significant impact on the environment.

SECTION 3. Plan of Financing. The City plans to enter into the Agreement to pay the total cost of the projects described in Section 1. The City Treasurer is authorized to negotiate proposal for the Agreement on the basis of the terms set forth herein with an interest rate not to exceed 4.93% per annum. Certificates of Participation are not authorized in the absence of further approval by the Common Council.

SECTION 4. Approval of Documents. Subject to the provisions of this Resolution, the City Treasurer is hereby authorized and directed to execute, and the City Clerk is hereby authorized and directed to attest and countersign, the Agreement and any related exhibits and certificates, and the City Clerk is hereby authorized to affix the seal of the City to such documents. The Agreement shall separately state principal and interest components of the annual payments and the total of all periodic payments during each year of the Agreement shall be substantially level or falling during each year throughout the term of the Agreement. The Agreement shall include the provisions required by General Municipal Law Section 109-b(2)(a) and 6.

SECTION 5. Other Actions Authorized. The officers and employees of the City shall take all actions necessary or reasonably required by the parties to the Agreement to carry out, give effect to and consummate the transactions contemplated thereby and to take all action necessary in conformity therewith, including, without limitation, the execution and delivery of any closing and other documents required to be delivered in connection with the Agreement.

SECTION 6. Required Terms.

(a) No General Liability. Nothing contained in the Resolution and the Agreement or any other instrument shall be construed with respect to the City as incurring a pecuniary liability or charge upon the general credit of the City or against its taxing power, nor shall the breach of any agreement contained in this Resolution and the Agreement or any other instrument or document executed in connection therewith impose any pecuniary liability upon the City and any charge upon its general credit or against its taxing power, except to the extent that the rental payments payable under the Agreement are special limited obligations of the City as provided in the Agreement. The Agreement shall not be a general obligation of the City. The Agreement shall be deemed executory only to the

extent of the monies appropriated and available for the purpose of such Agreement and no liability on account therefor shall be incurred beyond the amount of such monies. It is understood that neither such Agreement nor any representation by any public employee or officer creates any legal or moral obligation to request, appropriate or make available monies for the purchase of such Agreement.

(b) Non-Appropriations. Nothing in the Agreement shall, in the event of non-appropriation, preclude a political subdivision from acquiring equipment, machinery or apparatus for same or similar purpose as the equipment, machinery or apparatus included in the Agreement for a period of more than sixty days from the date of expiration, termination or cancellation of such Agreement, provided, however, that in no case shall the Agreement contain any provision which would preclude the City from performing any statutorily or constitutionally required duties or functions, or require the City to pay liquidated damages.

(c) Security. In the case of the failure to appropriate, the sole security, apart from any security provided by a credit enhancement, for any remaining periodic payments shall be the equipment, machinery or apparatus subject to the Agreement.

(d) Term. The term of the Agreement shall not exceed the lesser of five years or the period of probable usefulness set forth herein.

SECTION 7. Tax-Exempt Status. The City Treasurer is further authorized to take such actions and execute such documents as may be necessary to ensure the continued status of the interest on the obligations represented by the Agreement authorized by this resolution, as excludable from gross income for federal income tax purposes pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the "Code") and, to the extent applicable, to designate the Agreement authorized by this resolution as a "qualified tax-exempt obligation" for purpose of Section 265 (b)(3)(B)(i) of the Code.

SECTION 8. No Real Property. The Agreement shall in no event be construed as or deemed a lease or lease-purchase of a building or facility.

SECTION 9. Severability. If any section, paragraph, clause or provision of this Resolution shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this Resolution.

SECTION 10. Budget Amendment. The 2017 City budget is amended as follows:
Increase revenue: A.0000.1001.0200 Use of Fund Balance - $21,500
Increase expense: A.9785.0600 – Installment Purchase Debt – Principal - $21,500
Transfer to: A.9785.0600 – Installment Purchase Debt – Principal - $36,298.58
Transfer from: A.3120.0200 – Police Equipment

SECTION 11. Effective Date. This Resolution shall be effective immediately.

Approved by Board of Estimate and Apportionment.

Ayes: President DeStefano, Aldermen Donahue, Haddad, Miah, Moore, O'Hara, Rector and Scalera. (1572)
Nays: Alderman Friedman. (161)

Prior to voting on the proposed resolution, **Alderman Donahue** asked "Heather, do you support this resolution"?

Treasurer Campbell said "I do".

Alderman Haddad, prior to voting "yes" on the proposed resolution, said "I completely support this financial agreement but, and I do think very fondly of Martha and I just want to say that Gary (inaudible) was always extremely forthcoming".

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

RESOLUTION NO. 9 June 20, 2017

A RESOLUTION DECLARING THE CONSTRUCTION OF SIDEWALKS AS PART OF THE CITY OF HUDSON SAFE ROUTES TO SCHOOLS PROJECT A TYPE II ACTION UNDER SEQRA

WHEREAS, the City of Hudson previously received a NYSDOT Safe Routes to Schools (SRTS) Grant to improve the pedestrian circulation network along Harry Howard Avenue, beginning at the Hudson City School District's Junior/Senior High School and continuing toward the Charles Williams Park ("the Safe Route to School Project"); and

WHEREAS, the construction of sidewalks as part of the Safe Route to School Project will promote health, safety and welfare of those members of the general public walking along Harry Howard Avenue; and

WHEREAS, the construction of sidewalks as part of the Safe Route to School Project will not have a significant impact upon the environment;

NOW, THEREFORE, BE IT RESOLVED, that the City of Safe Route to School Project is a Type II action under the State Environmental Quality Review Act (SEQRA) and the Common Council hereby determines that this action will not have a significant impact upon the environment and may be proceed as a Type II action is accordance with 6 NYCRR part 617 SEQRA:

Ayes: President DeStefano, Aldermen Donahue, Friedman, Haddad, Miah, Moore, O'Hara, Rector and Scalera.
Nays: None.

President DeStefano stated Proposed Resolution No. 10 which would authorize the application for the New York State Energy Research and Development Authority Clean Vehicle Infrastructure Grant would be removed from the agenda and she stated the council members would meet at a later date to discuss further.

Alderman O'Hara said "this is one element of the New York State Clean Energy Communities which has ten different pieces and it was expressed to me at the Economic Development meeting that we needed to understand where this fits in the package and I'd be happy to do that" and he said "I didn't think we'd have enough time on the schedule for tonight so I'll work with you to set up another date so that we can deal with this in the time it deserves".

Alderman Rector asked "did that go through a committee process or just an individual thing or discussion"?

Alderman O'Hara said "we discussed it in the CAC" and he said "no regular Common Council Committee".

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

RESOLUTION NO. 11 June 20, 2017

A RESOLUTION AUTHORIZING THE TRANSFER OF FUNDS FOR UTILITY EXPENSES AT 701 UNION

WHEREAS, the Police & Courts building at 701 Union Street is now occupied, and

WHEREAS, whereas additional funds are required to cover utilities for the remainder of the year, and

WHEREAS, there are excess funds earmarked for utilities for 427 Warren.

NOW, THEREFORE, BE IT RESOLVED that the City Treasurer is authorized and directed to make the following transfers:

$20,000	TO:	A.1620.0560	Utilities – 701 Union
	FROM:	A.1621.0480	Utilities – 427 Warren

Approved by Board of Estimate and Apportionment.

Ayes: President DeStefano, Aldermen Donahue, Friedman, Haddad, Miah, Moore, O'Hara, Rector and Scalera.

Nays: None.

Local Laws.

On motion of **Alderman Haddad,** seconded by **Alderman Moore**, the following proposed local law introduced by Alderman Haddad, seconded by Alderman Moore, was ordered enacted:

Local Law Introductory No. 1 of 2017

A LOCAL LAW AMENDING §C20-3 OF THE CHARTER FOR THE CITY OF HUDSON

Section 1. Title.

This local law shall be known as Local Law No. ___ for the year 2017.

Section 2. Legislative Findings.

The Common Council of the City of Hudson finds it to be in the best interests of the City to modify the residency qualifications for those individuals employed as a police officer with the City of Hudson.

Section 3. Legislative Intent.

It is the intent of the Common Council to amend §C20-3 of the Charter for the City of Hudson to modify the residency qualifications for those individuals employed as a police officer in the City of Hudson.

Section 4. Statement of Authority.

This local law is authorized by the Municipal Home Rule Law (chapter 36-a of the Consolidated Laws of the State of New York) and the General City Law (chapter 21 of the Consolidated Laws of the State of New York).

Section 5. Amendment to the Charter of the City of Hudson.

The Charter for the City of Hudson, section §C20-3 is hereby amended as follows:

§C20-3. **Residence qualifications for holding office.**

The employment of any police officer with the City of Hudson shall terminate, and such position shall become vacant, if at any time such officer shall not be domiciled within the City of Hudson or within 20 linear miles of the closest City boundary to such domicile, except that a newly employed police officer shall have a period of six months from the date of employment to establish his or her domicile within the area hereinabove set forth.

Section 6. Severability.

If any clause, sentence, paragraph, section 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 7. Effective Date.

This Local Law shall take effect immediately upon passage and filing with the Secretary of State.

Ayes: President DeStefano, Aldermen Donahue, Friedman, Haddad, Miah, Moore, O'Hara and Rector. (1653)
Nays: None. (0)
Abstained: Alderman Scalera. (95)

New Business.

Alderman Friedman stated he had received telephone calls over the past week from property owners who were curious of the Board of Assessment Review results and he said "today is the twentieth day since the Hudson City BAR terminated its' operations this year and nobody's received any notice and I was just wondering if anyone knows anything".

A discussion was held regarding the gentleman that had submitted reimbursement for the towing during the snow emergency.

Alderman Miah stated he would provide a full report at the next council meeting.

Alderman Rector said "we agreed to not pay the bill".

Alderman Friedman said "I hope that the BAR will do its business relatively quickly and let people know" and he said "I know that there's a lot of issues surrounding tax assessments this year and a lot of people noticed change in their assessments in the proposed roll and I'm not really clear how many properties appeared before the BAR but you know those folks, they are entitled to some sort of response in a timely manner and while the clock doesn't begin to run on their statute of limitations for them to pursue additional relief if they feel that they've been improperly denied by the BAR, you know, people want to know, they have to pay their bills and the City needs its taxes and so everybody who's a property owner or a tenant in the City has an interest in this being brought to closure sometime soon".

Alderman Haddad stated there had been a discussion regarding the placement of the Code Enforcement Office and he questioned the President who should have contacted 401 State Street.

President DeStefano said “I made a few phone calls and I haven’t gotten anywhere yet” and she said “I’m going to continue to pursue”.

On motion of **Alderman Haddad,** seconded by **Alderman Scalera,** the meeting was adjourned.

City Clerk