

March 21, 2017

A Regular Meeting of the Common Council was held on Tuesday, March 21, 2017 at 7:00pm, in the Common Council Chambers, City Hall with President Claudia DeStefano presiding.

Upon roll call there were present: President DeStefano, Aldermen Donahue, Friedman, Garriga, Haddad, Keith, Miah, Moore, O'Hara, Rector and Scalera.

Absent: None.

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 O'Hara**, seconded by **Alderman Rector**, the minutes of the February 21st meeting were ordered received and placed on file. Carried.

On motion of **Alderman Keith**, seconded by **Alderman Moore**, the Treasurer's Report as of February 28, 2017 and placed on file. Carried.

Committee Reports.

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

DPW Committee Meeting

The DPW Committee Meeting for February took place on Wednesday February 22nd at 5:30 PM. Present were Chairman Donahue, Committee members Garriga, Miah, Scalera, DPW Comm. Bujanow, Council President DeStefano in attendance and DPW Supt. Perry who gave the committee and those in attendance his Monthly Superintendents Report and gave a detailed breakdown of the Report, also 40 photographs of ongoing activities of the department were included. Covered were Sewer Department, Water, DPW, Snow, DOT and Police/Courts. See the enclosed Superintendents Report for that detailed breakdown.

A question was raised as to the progress of the Ferry Street Bridge rehab and Supt Perry stated that a recanvas of all fifteen pre-approved bidders resulted in the original three firms plus two additional firms who are named in the Superintendents Report.

The Meeting adjourned at 6:05PM.

The next DPW Committee meeting will be held on Wednesday March 22nd at 5:30PM.

Superintendent's Report

Wednesday, February 22, 2017

Sewer Department

- Septage Revenue: January \$21,052
 - 2016 Budget \$260,000 -> 2016 ACTUAL = \$321,510. ACTUAL Surplus -> \$61,510
- January **Sewage** Overflows into the North Bay via CCT or CSO 6 or CSO 5:

<u>Date</u>	<u>Volume (gallons)</u>	<u>Rain (inches)</u>
	none	

- **Not in Stormwater:** Feminine products, human feces, rags/wipes, toiletries, detergents, grease, etc.
- Cross collector of Primary Clarifier sheared under stress from freezing temperatures. Repair required the tank be drawn down (1), then gates are opened allowing flow to resume. (2)
- New Grit pump installed (3), however the original bolts had become severely corroded (4) due to the hazardous environment in the headworks building: Chlorine storage, humidity, sewer gases, etc.
- Water
- Typical waste from a "flush" of the clarifier (5) and, a few times annually the clarifiers are hyper-chlorinated to give a deep clean (6).
- Maintenance of the PAC (Polyaluminum Chloride, a coagulant) "Day Tank". Over the course of the year, some of the compounds will fall out of suspension and precipitate to the bottom of the tank. Before (7) depicts about 2" of sludge and After (8) is the day tank post-cleaning.
- Another HydroRanger, which transmits data from the Ultrasonic sensor (that detects tank level) to the PLC (computer), experienced issues and needed replacement. In this instance, it regularly sent a signal that the tank was too high, triggering ALL pumps to turn on. It would then tell the tank "Actual" level and two of the three pumps would suddenly turn-off. (9)
- 2017 Water Main upgrade schedule (10): To complete installation of new mains and abandon 125+ yr-old 4" mains (red lines) that feed the new 12" main on Harry Howard. Project will include two (2) Phases:
 - Phase I (Black Line): Install new 12" main from existing 12" main of Harry Howard up to Washington Street.
 - Phase II (Green Line to "X"): Install new 8" from Washington Street to Carroll/Short Street terminations completed in 2015 & 2016, respectively.
 - Future Project to upgrade 4" Main on Washington Street to new 12" main that would connect this year's work on Harry Howard to existing 12" Main on North 7th Street @ Washington St.

DPW

- Truck 5 – 2007 Dump Truck experienced failure of air tanks for Air Brakes. Old and New. (11 & 12).
- Boards from city Park Benches are removed (13), sanded (14), repaired (15), and painted. (16)
- New “skin” for Garbage Bag Vending Machine. Front (17) and Side (18) views. If successful, then Trompe l’Oueil comes to City Hall. If it doesn’t “work”.. we paint over it.

Snow

- Shared Services from Town of Greenport to “push back” the bike path with their curl top plow and wing plow. (19)
- First Storm (late-January) only left a few inches of snow, barely enough to support a snow removal sign. (20) Three Issues with that storm: (1) not enough snow to use the blower; (2) no “Snow Emergency”, which pushed out Snow Removal by one (1) day; and (3) the ground was not frozen (21), so regular snow dups weren’t feasible. Temporary snow dump at Oakdale. (22)
- Snow Removal (January Storm) required the front-end loader (23) to pick-up snow directly along the curb and dump into trucks (24), which is a slow process.
- Snow Removal for February storms uses front-end loader to push the Blower (25) fill trucks with salt. (26)
- Blower has “sacrificial” steel bump-out to endure constant wear by pushing against the curb. Original piece installed in 2012 (27) and new piece recently fabricated. (28)
- Small Blower on new Skid Steer purchased in 2015 clearing the “Dugway”. (29)
- Casualty to trunk on Robinson Street. (30)
- How Alternate Side parking works: With cars on one-side, we push the other. (31) When cars don’t move, we cannot push to-the-curb, then the next car, parks in the street. (32) Once cars “dig-out” and move, there is about 10 feet of snow (33) that needs to be “pushed-back”, BEFORE snow REMOVAL commences.
- Casualty of Snow Removal. (34)
- Sidewalk clearing:
 - Good – Radiant Heat (35) (the Best) OR Shovel to-the-curb BEFORE Snow Removal (36);
 - Bad – Clearing the sidewalk AFTER Snow Removal. (37 & 38)

DOT

- SRTS/TEP Sidewalk Projects: “No-Cost” extension has been approved by DOT and Design MEMO has been submitted to DOT.
- Ferry Street Bridge: Recanvas of ALL fifteen (15) pre-Approved Bidders (39) resulted in the original three (3) firms, plus two additional: Barton & Loguidice, Creighton Manning, HVEA, GPI and Modjeski-Masters.

Police/Courts

- The nightmare involved with processing only seventeen (17) purchase orders (to date) for HPD and OCA furniture and accessories not included in “Construction”. One original scheme was for the City to PURCHASE all construction components directly. (40)

Respectfully Submitted
 Robert J. Donahue Sr.
 DPW Committee Chairman

Fire Committee Meeting

The Fire Committee Meeting for February was held on Monday February 27th at 5:30PM. Present were Chairman Donahue, Committee members Haddad, Moore, and Scalera, Fire Comm. Hutchings, Chief DeMarco, and First Asst Chief Hoffman.

Chief DeMarco gave the Committee a list of the calls for the month of January, 34 in all. The average attendance for those calls in the month was 25.03 members per call with an average length of just under 1 hour per call.

See the enclosed listing for the reasons for those calls. The annual Fire Inspection Parade will be held on Saturday May 20th beginning at 10:00AM honoring the 125th anniversary of the Fireman's Home. The Fire House Inspection will be held on Friday May 19th at 6:00PM.

The Meeting adjourned at 5:40PM.

The next Fire Committee Meeting will be held on Monday March 27th 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 January 2017. The Hudson Fire Department responded to 34 calls for service during the month. The average attendance during the month was 25.03 members per call, with an average length of just under 1 hour per call.

Structure Fire- 1
 Motor Vehicle Accident with Injuries- 1
 Motor Vehicle Accident involving Pedestrians- 2
 Removal of Victims from Elevators- 1
 Gasoline or Other Flammable Liquid Spill- 1

Gas Leak (natural Gas or LPG)- 4
Vehicle Accident (Traffic Control/General Cleanup)- 2
Water Problems- 5
Smoke or Odor Removal- 4
Standby for Other Department- 1
Good Intent Calls- 1
Smoke Detector Activations- 11

Respectfully Submitted,



Anthony DeMarco
Fire Chief

"The oldest volunteer fire department in the State of New York. Chartered March 19, 1794"

WWW.HUDSONFIRE.COM

Respectfully Submitted,
Robert J. Donahue Sr.
Fire Committee Chairman

**Legal Committee Meeting
Minutes of February 22, 2017**

Meeting was called to order at 6:15PM.

Present: Michael O'Hara, Priscilla Moore, Claudia DeStefano, Tiffany Garriga, Atty. Andrew Howard.

Item 1: Welcoming City Resolution

The text of the "Welcoming City" resolution was discussed in detail with support from Michael Chameides of the Hudson Democratic Committee. Mr. O'Hara mentioned the text was composed with reference to the NYS Attorney General's office guidance and appeared to be in alignment with those guidelines.

Claudia DeStefano recommended the Hudson Police Department be brought up to speed with the proposed Resolution.

Tiffany Garriga asked if this resolution is this similar to the Mayor's Executive Order? M.O. replied this resolution is a expression of the Hudson Common Council regarding recommended policies to be followed in regard to the immigration status of persons coming in contact with the Hudson Police staff and the Mayor's order is a specific to the use of Hudson City resources by ICE agents and that they are complementary rather that duplicative or contradictory.

A.H. Ken Dow will receive a copy of this Resolution

M.O. I will pass a copy of this resolution to Tracy for distribution at the next Policy Committee meeting.

Question from the audience: To what extent will criminal offences be addressed? Answered: Enforcement of local and state laws will proceed as usual by the HPD. While the resolution does not deal specifically with lists of offences are covered under which body of law, the resolution provides rules to be followed by the officers under all situations only in the limits regarding questions on immigration status.

On a motion from Priscilla Moore and seconded by Claudia DeStefano, the resolution was approved by the Legal Committee unanimously.

Item 2: Lodging Tax

- A correct version of the Lodging tax was given to each Committee member for her review. As there was not sufficient time to go through the entire document at this meeting, a special meeting of the Committee was scheduled for March 2 at 5:30PM

Item 3: Hudson City School District property conveyance

The resolution regarding the conveyance of the City of Hudson property adjoining the Hudson City School District property was prepared and presented by Atty. Howard. The Committee discussed the document. On a motion from Tiffany Garriga, seconded by Claudia DeStefano, the resolution was supported unanimously.

The meeting was adjourned at 8:00PM
Minutes submitted by Michael O'Hara

Bills.

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

Ricoh USA Inc.	130.80	Tiffany Martin Hamilton	125.00
General Code Publishers	1195.00	Willard Powell	600.00
Ricoh USA Inc.	21.77	Capital Software Inc	8353.00
TGW Consulting Group	1458.00	Verizon Wireless	50.66
Lisa Walsh	150.00	Hudson Valley Resource Grp	585.00
Business Automation Srvs Inc	1585.00	FedEx	22.26
Col Greene Humane Society Inc	650.00	Valley Energy	39.44
Chatham Auto Parts	56.43	Rackspace	672.00
JV Computers	36.00	Staples Contract Commercial	35.47
Cornerstone Telephone	379.39	Cornerstone Telephone	92.36
Complus Data Innovations	3178.04	Craig Haigh, CEO	201.04
Roemer Wallens Gold Mineaux	1215.76	US Bank Equip. Finance	230.03
W B Mason Co Inc.	85.98	Rapport Meyers LLP	1050.13
Accela Inc.	899.00	Eastern Managed Print Network	71.10
Mid Hudson Cablevision	58.95	Mid Hudson Cablevision	38.95
Johnson Newspaper Corp.	96.04	Johnny's Ideal Ptg.	198.00
McGann Inc.	350.00	AT&T Mobility	88.16

Colarusso Escrow

Morris Associates Engineering & Surveying	3570.88
Mitchell Khosrova, Esq.	2613.00

Police & Courts

Michael's Custom Furniture Shop	3000.00	W B Mason Co. Inc.	9201.31
Emergency Power System	1700.00	Herman Miller Inc.	17703.15
J. McBain Electric	25440.60	J. McBain Electric	11864.61
Lowe's	426.56	Global	812.27
Family Danz Mechanical LLC	16750.00	Family Danz Mechanical LLC	5700.00
Rapp Construction Management	416.49		

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

Nays: None.

Communications.

On motion of **Alderman Rector**, seconded by **Alderman Miah**, the following communications were ordered received and placed on file:

1) Mayor Tiffany Martin Hamilton forwarding material from the NYS Office of the Attorney General regarding Sanctuary Provisions.

2) Invitation from Philip Abitabile, Columbia Greene Safety Tree Committee inviting the Council members to a special annual ceremony to memorialize victims of drunk driving.

- 3) Hudson Business owners supporting a Safe and Inclusive City.
- 4) Chief of Police L Edward Moore regarding the City's Sanctuary City Status.

Carried.

Resolutions.

President DeStefano stated that the Resolution for the Welcoming and Inclusive City will be done first. She then called for a motion, **Alderman Haddad**, seconded by **Alderman Rector**, to amend the agenda.

President DeStefano said that our Counsel is going to make a statement before we vote on this resolution.

Counsel Andrew Howard said thank you everyone for being here this evening, we appreciate you coming out. For purposes of the council I just wanted to make you aware you have in your correspondence packet the correspondence from Chief Moore dated March 20th. In an essence he has said that he will certainly follow whatever this council does, he's been consistent with that all the way down the line. He does have some concerns about the order that was issued by the mayor's office and he has had discussions with the New York Attorney General's office. Who has indicated to him that if requested they could put an opinion in writing. He just said from his standpoint being the first in the town going to take whatever this resolution this body passes it's the person who's going to look to seek to implement that, it's important for him that he has some sort written confirmation on how he's proceeding will not be contrary to that. He also expressed he certainly appreciates the efforts of Michael and the Hudson City Democrats with communicating with him. As we've said throughout this process the city's policies in the police department has been consistent with much of what you're saying here. Chief Moore's concern is A) implementation and B) financially, as you see in the letter as he does receive certain funding of grants from the federal government. He just wants to make sure that he doesn't run a foul with those things, and that's the purpose behind the request that you at least consider getting some sort of written confirmation from the NYS Attorney General's office.

Alderman Friedman said I appreciate that, I'm glad the Chief has had the chance to speak to the AG's office and thanks Michael for helping to make that happen. I think that the whole city would approve of the AG's office would give us written advise. That said, I think I have spoken to many members, if not all of you, then others may have spoken to you and I think that we are all in agreement that we would go for this, so, unless anybody has an objection I'd like to move for acclamation.

Alderman Rector, seconded.

Alderman Donahue asked could we get the mayor to rescind what the police commissioner is talking about.

Alderman Friedman said that's the mayors business, it's not properly before here, this council, that's the mayor's, I don't know what to say about that, I made my feeling clear to the Mayor, to her Counsel and to the members of this council. As it comes down to the resolution here before us today, knowing what the chief has agreed to, I think that most of us..., again Doc if you disagree with me it only takes voice to stop what I'm trying to do here, I think that we all will vote for this, if that is the case rather than going through a long period of debate and conversation I just ask that we all agree to adopt the resolution.

Alderman Donahue asked one last question John, would you support the Mayor rescinding that order?

Alderman Friedman said I would like to see the Mayor's order narrowed and focused. I think it was over broad and it was rushed and again I expressed my feeling to the Mayor at the time. But, this is something different and I just want us to go back to where we all were neighbors.

President DeStefano said OK with that being said, all the ayes (all voted yes). No's, I vote NO. We are going to need a roll call vote.

Alderman Moore, said I'm a little confused.

President DeStefano, said I supported it through the legal committee with moving it to the police committee and the police committee did or did not....

Alderman Garriga said we voted to support this resolution in the legal committee...

President DeStefano said to move it out of, to move it to the police committee, because it concerned the police committee also.

Alderman Garriga said it's two different things, you have a resolution to move the resolution to the council and with respect to the police to give them a copy of this so they can be aware of what was happening. That was the agreement during legal.

Alderman Miah said the Police Committee also passed it. Like everybody passed it.

President DeStefano called for the roll call vote.

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

RESOLUTION NO. 5 March 21, 2017

RESOLUTION AFFIRMING THE CITY OF HUDSON AS A WELCOMING AND INCLUSIVE CITY

WHEREAS, the City of Hudson, New York is a city that values diversity; and

WHEREAS, the City of Hudson values the social, cultural and economic contributions that have been made by immigrants for the benefit of the City; and

WHEREAS, the City of Hudson is committed to upholding and protecting the civil and human rights of all individuals within the City and has long prohibited discrimination based upon race, ethnicity, immigration status, national origin, religion, gender, identity, sexual orientation, or other protected characteristic in the provision of its services and the enforcement of its laws; and

WHEREAS, the enforcement of federal immigration laws is the prerogative of federal enforcement agencies, not local law enforcement agencies; and

WHEREAS, it is particularly essential to the mission of the City's emergency services departments that victims report crimes or injuries, cooperate fully in investigations, and summon help when needed, and

WHEREAS, the Hudson Police Department currently has a practice that it does not inquire into a person's immigration status upon initial contact; and

WHEREAS, the Hudson Police Department has long determined that it will give full priority to public safety and justice concerns in preference to rigid enforcement of immigration regulations; and

WHEREAS, the City of Hudson has no formal existing agreements to enforce federal immigration policy; and

WHEREAS, no City department inquires into the immigration status of individuals before making government services available to that individual; and

WHEREAS, the Mayor of Hudson has reaffirmed the City's commitment to be welcoming and inclusive to all, supports formally memorializing the City's commitment to be welcoming and inclusive to all, and supports formalizing the City's long standing practices into City policy; and

WHEREAS, federal law does not require local law enforcement or other local service providers to inquire into an individual's immigration status or to respond to federal immigration and Customs Enforcement (ICE) detainer requests;

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF HUDSON, that the City of Hudson hereby reaffirms its commitment to continue its longstanding and legal practice of not inquiring into the immigration status of individuals being provided local government services, except where the receipt of such services or benefits are contingent upon one's immigration or citizenship status or where inquiries are otherwise lawfully required by federal, state, or local laws; and

BE IT FURTHER RESOLVED, that the City of Hudson Police Department shall not stop, question, interrogate, investigate, arrest, or detain an individual based solely on actual or suspected immigration or citizenship status; or a “civil immigration warrant,” administrative warrant, or an immigration detainer in the individual’s name; and

BE IT FURTHER RESOLVED, that the City of Hudson Police Department shall not inquire about the immigration status of an individual, including a crime victim, a witness or a person who calls or approaches the police seeking assistance, unless necessary to investigate criminal activity by that individual; and

BE IT FURTHER RESOLVED, that the City of Hudson Police Department shall not perform the functions of a federal immigration officer or otherwise engage in the enforcement of federal immigration law, whether pursuant to Section 1357(g) of Title 8 of the United States Code or under any other law, regulation or policy; and

BE IT FURTHER RESOLVED, that the City of Hudson Police Department shall not engage, assist or support immigration enforcement except as follows;

- i. In response to an articulated, direct threat to life or public safety; or
- ii. When such services are required to safely execute a criminal warrant or court order issued by a state or federal court; or
- iii. Where it has been demonstrated that a state or federal statute or regulation require local law enforcement cooperation

Ayes: Aldermen Donahue, Friedman, Garriga, Haddad, Miah, Moore, O’Hara, Rector and Scalera. (1743)

Nays: President DeStefano. (190)

(No vote provided: Alderman Keith. (95))

Prior to voting the following statements were made:

President DeStefano stated “I’m voting no because I do want a determination from the Attorney General’s Office. If we have a solid determination from the Attorney General’s Office, I would be more happy with that. And, that’s why I vote no now.”

Alderman Donahue said “to see this turnout here in favor of this resolution, I cannot vote against all these people, I will vote yes”.

Alderman Friedman said “I’ve been one of the few people to speak up in defense on the Police Department and I continue to respect them and thank them for their work and their service. But, when it comes down to who needs to be protected from the law, it’s usually not the folks with the guns. I do not discount the police departments concerns, nor the concerns of my neighbors, when protection from the state is the issue, we must side with the civilians against those who carry, the authority of the state. I vote yes.”

Alderman Garriga said “I respect the Council President’s decision although I disagree with it, I’m proud of this council in the past, we have unanimously passed a resolution in support for immigrants no matter the status of their immigration to have driver’s licenses. This council has also unanimously passed a resolution in supporting refugees from Syria, welcoming them to come to our city. So I am disappointed to hear the council president is not supporting this resolution although we passed these other ones unanimously and of course I support the people. I vote yes.”

Alderman Haddad said “I’d like to read the last...we have a communication from the Police Commissioner, I’m sorry Chief of Police and it’s extremely thoughtful position to have and I believe this is why President DeStefano has her vote. But, I just want to read the last paragraph, and I urge everyone just to click on line when you get home and read his thoughts. Regardless of the outcome of the Common Council’s vote, I pledge that our Department will perform as we have demonstrated over many years. We have no interest in becoming Immigration Officers or conducting unlawful interrogations of our residents. My opinion should not be interpreted as resistance to the public will, but a pragmatic approach to a serious subject. A directive, order or resolution that causes a police officer to be less than fully cooperative with another police agency runs antithetical to our standard practices and sensibilities as a law enforcement agency. Respectfully submitted, Edward Moore, Chief of Police. After we unanimously endorsed this at Police Committee meeting, which I’m the Chairperson of, I’ll vote yes.”

Alderman Keith said “I am also a member of the Police Committee council and I agree with Alderman Haddad with what Chief Moore listed in the last paragraph and I hope that this will remind us that we are considered a friendly city and safety of our residents and our business should come first. And, I hope that we can move forward and continue to add more to this resolution and keep everyone safe. Thank you.”

(Alderman Keith had not casted an aye or nay vote)

Alderman Miah said “this country is immigrant country. That a very small effort to suffer that immigrant I do not want to see any family separate from that case. A lot of immigrant is not immigrant (inaudible) and their citizen of this country. That’s why Ronald Reagan in 1987, 1988 (inaudible) immigrant to this country and every culture immigrates to this country. Because they don’t want to see (inaudible). Almost everything that’s the people has respect for the police department, the police department has respect for the people. I’m also a immigrant, so I say yes to this resolution.”

Alderman Moore said “I also agree with Mr. Haddad and Alexis in regards to the Chief’s letter and I’ve always felt that living in this city that was a safe city. I just hope that things don’t turn around for us in regards to the funding for the police department and the city because that would hurt the city deeply. I’ve had so many mixed emotions about this from day one right up until 6:00 tonight when I was still receiving phone calls. I’m going to vote yes, but I just hope I’m doing the right thing.”

Alderman O'Hara said "I sympathize with the concern of the Chief and Common Council President about having a written document in hand that confirms what the conversations, two conversations I had with the Attorney General's Office have told me, and I trust them at their word, that this is in alignment with the guidelines that they provided us and that we are doing the right thing. So, I'll vote yes on proceed on this resolution."

Alderman Rector said "I think this welcoming and inclusive resolution which I think are very important words, reflects the community and also reflects the way current the policy of the police department. I'm very sympathetic to them and I think we all have nothing but respect and admiration for our Police Department. But, I think this reflects how they behave. So with that I look forward to implementing this with all the parties involved and assisting in any which way I can in figuring out how to go forward. So, I vote yes too."

Alderman Scalera said "I just really hope that we can get Chief what we're seeking in terms of validation because he is going to be the one to guide his men when implementing this. But, essentially I support what is in the resolution, so I vote yes."

After the vote an **audience member** said "on behalf of the Columbia County Sanctuary Movement we've been working with you all formally as an organization as a body of the city for several months now and there's been a lot of insightful and beautiful things said by both council members as well as community members throughout this process. There's also been extremely intense kinds of conversations and debate and while those time are difficult I think it really reflects the important work that we have to do as a city to insure that we maintain our democratic principles and values as people, as neighbors, as governing bodies, so I just want to thank you all for overcoming those fears, overcoming those challenges with us in our community and we look forward to working with you all and the police department in any way we can to make sure that this is a smooth transition and I also to thank all the people. I think that there is no way although I respect everybody up hear I really do believe that there is no way that we would have gotten to this point if it wasn't for all of the amazing people of our city who you all represent and have informed your decisions. So that's why we hold our community so deeply and so close to our heart. And, I also acknowledge that this resolution is only one step to insuring that people, many people in this room, go to sleep at night knowing that their parents will be there in the morning."

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

RESOLUTION NO. 1 March 21, 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:

April 1, 2017 through March 31, 2019

Stephen Williams 111 Maple Ln, Valatie, NY 12184

Kathy Harter 110 VanWinkle Rd Ext Hudson, NY 12534

(work)

401 State Street

401 State Street

Kimberly Goetz 255 Linclon Blvd Hudson, NY 12534
 Vernon Cross 10 Evans Court Hudson, NY 12534

520 Warren Street

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

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

RESOLUTION NO. 2 March 21, 2017

**RESOLUTION AUTHORIZING THE CONVEYANCE OF REAL
 PROPERTY AND TWO ULTILITY EASEMENTS TO THE
 HUDSON CITY SCHOOL DISTRICT**

WHEREAS, the Hudson City School (herein after the "School District") is in need of 1.277 acres of real property owned by the City of Hudson that is adjacent to the M.C. Smith Intermediate School, in connection with a capital project being undertaken by the School District, the real property set forth on a certain survey map prepared by Gordon R. Matson, P.L.S., dated December 22, 2016 and entitled "Lands to be Conveyed to the Hudson City School District" (hereinafter "the survey map"); and

WHEREAS, the Hudson City School District is also in need of two (2) utility easements for the repair, restoration, and maintenance of certain storm water control structures and pathways as set forth on the aforesaid survey map, and

WHEREAS, the fair market value of the property has been determined to be \$7,094.00, and

WHEREAS, the conveyance of the real property and utility easements to the School District is authorized by General Municipal Law §72-h; and

WHEREAS, the Legal Committee of the Hudson Common Council has reviewed the proposed conveyance and has unanimously recommended same;

NOW, THEREFORE, BE IT RESOLVED, that the Mayor of the City of Hudson is hereby authorized to execute those documents necessary to convey fee title to the 1.277 acres of real property owned by the City of Hudson that is adjacent to the M.C. Smith Intermediate School in connection with a capital project being undertaken by the School District, as set forth on a certain survey map prepared by Gordon R. Matson, P.L.S., dated December 22, 2016 and entitled "Lands to be Conveyed to the Hudson City School District", and

BE IT FURTHER RESOLVED, that the Mayor of the City of Hudson is hereby authorized to execute those documents necessary to convey two (2) utility easements in order to repair, restoration, and maintenance of certain storm water control structures and pathways as set forth

on a certain survey map prepared by Gordon R. Matson, P.L.S., dated December 22, 2016 and entitled “Lands to be Conveyed to the Hudson City School District”, and

BE IT FURTHER RESOLVED, that in return for the conveyance of the aforesaid 1.22 acre parcel of land and two (2) utility easement, the School District shall credit the City of Hudson the sum of \$7,094.00, to be utilized to offset the present and future charges related to the City of Hudson Department of Youth’s use of School District facilities.

Ayes: President DeStefano, Aldermen Donahue, Garriga, Keith, Miah, Moore, O’Hara, Rector and Scalera. (1668)

Nays: Aldermen Friedman and Haddad. (360)

Prior to voting **Alderman Friedman** said “I support that school district right and left with a lot of my time but, their stealing from us. Their stealing from us, an acre of our property is worth \$8,700, maybe in the 1930’s, I vote no.”

Alderman Haddad said “I vote no. Because I also support the School district and I give them a lot of my volunteer time. This is real estate theft. I think it’s ridiculous to give away property at this low value. That’s a no.”

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

RESOLUTION NO. 3 March 21, 2017

A RESOLUTION TO ENCUMBER FUNDS FROM THE 2016 TO THE 2017 BUDGET

WHEREAS, there is a grant committed for specific identified use (Bike Path Project), as well as a grant match included in the 2016 budget for the same, and

WHEREAS, this grant match was not included in the February 2017 encumbrance resolution and the grant and match are still outstanding,

NOW, THEREFORE BE IT RESOLVED, the City Treasurer is hereby authorized and directed to encumber the following funds from the 2016 budget to the appropriate account in the 2017 budget:

Bike Path and Sidewalk Project	A.5110.0460	\$23,469.26
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Approved by Board of Estimate and Apportionment.

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

Nays: None.

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

RESOLUTION NO. 4 March 21, 2017

A RESOLUTION TO ELIMINATE OUTSTANDING TAXES ON CITY-OWNED PROPERTY

WHEREAS, the City of Hudson purchased 701 Union Street in December 2013 with the intent of renovating the property into a new Police and Court building, and

WHEREAS, due to the timing of the purchase, the property was listed on the 2013 assessment roll under its previous owner, and

WHEREAS, as a result, a tax bill was generated for the 2014 year for the city-owned property, and

WHEREAS, it is in the City's best interest to insure that its tax and collection records are accurate,

NOW, THEREFORE BE IT RESOLVED, the City Treasurer is hereby authorized and directed to take the necessary steps to eliminate the outstanding taxes due.

Approved by Board of Estimate and Apportionment.

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

Nays: None.

Local Law.

On motion of **Alderman Rector**, seconded by **Alderman Haddad**, the following proposed local law introduced by Alderman Rector, seconded by Alderman Haddad was ordered enact by the following vote:

PROPOSED LOCAL LAW INTRO NO. 5 OF 2015

**A LOCAL LAW CREATING A LODGING TAX 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. ____ for the year 2017.

SECTION 2. LEGISLATIVE FINDINGS

The Common Council of the City of Hudson finds that it is in the City's and its citizens' best interest to broaden the tax base on which municipal taxes are primarily levied in order to take some of the fiscal pressure off of the property owners and their tenants, and hopefully lead to a reduction in City-levied property taxes.

The Council finds also that the lodging industry in the City of Hudson includes or may in the future include hotels, motels, bed and breakfast facilities and "casual" short- stay lodgings that are advertised only via several websites devoted to such lodging choices, including AirBnB, VRBO and others, all of which should be subject to the lodging tax so that all such types of lodging compete on a level playing field.

The Council finds also that the lodging industry is an important component of the City's economy, providing jobs to the citizens, an attraction to out of town visitors enabling them to spend more time enjoying the City's sights and scene, and generally a positive force in the local economy and culture, and that promoting such industry by devoting some of the revenues derived from a lodging tax to promote and market tourism in the City of Hudson would be in the best interests of its citizens.

The Council finds also that the lodging industry is somewhat regulated, with B&Bs under one regime and other lodging under another, but both of these regimes provide for the health and safety of the guests as well as sales tax regulation.

The Council finds also that certain lodgings in the City are not in compliance with the State Building and Fire Prevention and other codes. This disparity also reduces the safety of lodgers who are unfamiliar with their surroundings in the event of an emergency such as a fire as those lodgings not in compliance with the regulatory regimes are likely not to be complying with the State Fire Code as it applies to such lodgings.

The Council finds also that such lack of compliance also reduces the safety of lodgers who are unfamiliar with their surroundings in the event of an emergency such as a fire as those lodgings not in compliance with the regulatory regimes are likely not to be complying with the State Fire Code as it applies to such lodgings.

The Council finds further that use of a Noncompliant structure as defined in § 275-22(F) is not in the City's best interest it being contrary to the City's zoning code (Hudson City Code Art. 325).

The Council finds also that the City does not license or otherwise materially regulate the offering of lodging within the City and, as a result, has no census of such offerors, but that such a census would be of assistance to the City in its administration of the State Building and Fire Prevention and other Codes.

The Common Council of the City of Hudson finds further that the City has a legitimate and important governmental interest in: promoting an even playing field upon which its lodging industry may sustainably grow and develop; broadening its tax base; ensuring the safety of its residents and visitors; ensuring the stability of its rental housing market and the quality of the stock thereof; and promoting the stability and viability of its various neighborhoods.

SECTION 3. LEGISLATIVE INTENT

It is the intent of the Common Council to impose on all providers of short-term lodging within the corporate boundaries of the City of Hudson a tax on the revenues generated by such provision. The goals of imposing this tax are: a) to create a tax base within the City that is not dependent on property owners and their tenants, as such; b) to ensure that all providers of short-term lodging in the City operate on a basis of regulatory parity; c) to assist emergency responders in effective response at addresses where short-term lodging is being provided as short-term lodgers are less likely to be familiar with their surroundings and therefore may, in an emergency situation, be more prone to being injured or worse; d) to support and promote the City as a tourist and day-trip destination and, thereby, to foster the growth of the City's hospitality industry which is of increasing importance to the overall economic well being of the City and its residents and, in doing so, to foster creation of employment and business opportunities within the City; and e) to generate revenue for the City's general fund.

SECTION 4. STATEMENT OF AUTHORITY

This local law is authorized by Article 2 of the Municipal Home Rule Law, Article XII of the Hudson City Charter, and § 1202-DD of the Tax Law of the State of New York.

SECTION 5. AMENDMENT

Hudson City Code, Chapter 275 is hereby *AMENDED* by *ADDING* the following new Article VIII comprised of Sections 275-22 through and including 275-45:

"Article VIII Short-Term Lodging Tax**§ 275-22 Definitions.**

As used in this article, the following terms shall have the meanings indicated, unless the context clearly requires otherwise:

- A. “City” shall mean the City of Hudson.
- B. “Host” shall mean the person who owns, or otherwise is in possession of, and thereby offers to the public, by any means whatsoever now existing or hereinafter arising, a room or rooms for short-term lodging within the City. A host is the person entitled to be paid the rent or charge for the room let for short-term lodging provided, however, this term shall not include a booking agent or like instrumentality including, by way of illustration and without limitation, AirBnB, VRBO, and similar services regardless of the methodology such instrumentality may use to communicate with its customers and others.
- C. “Lodging tax” shall mean the short-term lodging tax imposed pursuant to this Article, which is sometimes referred to as “tax” herein.
- D. “Occupant” shall mean a person who, for consideration, uses, possesses or has the right to use or possess any room subject to the lodging tax.
- E. “Occupancy” shall mean the use or possession, or the right to the use or possession of any room for short-term lodging.

- F. “Noncompliant structure” shall mean (i) any structure that lacks a permanent foundation compliant with applicable building and fire prevention codes such as a tent, a recreational vehicle or camper, a gazebo or other structure that lacks a sanitary facility (providing, at a minimum, potable running water, a sink and a toilet each with a connection to the City’s sewer system) that is part of such structure, and (ii) any structure defined in §325-42 of this code (or successor thereto) as a “trailer.”

- G. “Net tax revenues” shall mean the amount of lodging tax collected by the City, exclusive of registration fees, penalties and interest, less the expenses incurred by the City to administer the lodging tax or to set up reserves referred to in §275-32 and §275-38 of this article.

- H. “Rent” shall mean the charge, bill and/or consideration received for occupancy valued in money, whether received in money, or otherwise, including without limitation, cleaning fees, linen fees, key fees and like charges and fees.

- I. “Room” shall mean a room or suite of rooms, with access to a sanitary facility (providing, at a minimum, potable running water, a sink and a toilet each with a connection to the City’s sewer system), that may be shared by one or more persons and that is made available for short-term lodging by the host thereof. Neither a noncompliant structure nor any part thereof is a room as herein defined.

- J. “Short-term lodging” shall mean any room let by the host thereof to a third party or parties for use as a lodging for a period of not more than twenty-nine consecutive days.

§275-23 Establishment of the Lodging Tax.

- A. In addition to any other tax authorized by any other taxing jurisdiction on the provision of short-term lodging within the City, there is hereby imposed a tax of four percent (4%) per day of the rent for a room used to provide short-term lodging and any and all charges and fees ancillary thereto including, without limitation, cleaning fees, linen fees, key fees and like charges and fees. The tax imposed hereby shall be paid by the person liable therefor to the host of the room occupied or to the person entitled to be paid

the rent or charge for the room occupied for and on account of the City of Hudson imposing the tax, and that such host shall be liable for the collection and payment of the tax; and that such host or person entitled to be paid the rent or charge shall have the same right in respect to collecting the tax from the person occupying the room, or in respect to nonpayment of the tax by the person occupying the room, as if the tax were a part of the rent or charge and payable at the same time as the rent or charge for such room; provided, however, that the City Treasurer shall be joined as a party in any action or proceeding brought to collect the tax by the owner or by the person entitled to be paid the rent or charge.

- B. Notwithstanding anything in this article to the contrary, the tax imposed by this article shall not apply to a single room (that may include an en suite bathroom) occupied for short-term lodging provided that (a) such single room is in the host's sole residence within the City of Hudson and which is such host's primary residence, (b) no more than one such room is offered for short-term lodging within such residence, and; (c) access and egress (except for emergency egress) to such single room is solely through the host's primary residence and identical to the access and egress portal used by the host to access and exit such primary residence.
- C. Notwithstanding anything in this article to the contrary, any entity exempt from paying New York State sales taxes shall, upon providing their host with reasonably adequate proof of such exemption, be exempt from the tax established by this article.

§ 275-24 Transitional Provisions.

The tax imposed by this local law shall be paid upon any occupancy on or after June 1, 2017, although such occupancy is pursuant to a prior contract, lease or other arrangement.

Where rent is paid on a weekly or other term basis, the rent shall be subject to the tax imposed by this local law to the extent it covers any period on or after June 1, 2017.

§275-25 Exempt Organizations.

Except as otherwise provided in this article, any use or occupancy by any of the following shall not be subject to the tax imposed by this article:

- A. The State of New York or any of its agencies, instrumentalities, public corporations (including a public corporation created pursuant to agreement or compact with another state or Canada), improvement districts or political subdivisions of the state;
- B. The United States of America or any of its agencies and instrumentalities, insofar as it is immune from taxation;
- C. Any corporation, association, trust or community chest, fund or foundation organized and operated exclusively for religious, charitable or educational purposes or for the prevention of cruelty to children or animals and no part of the net earnings of which inures to the benefit of any private shareholder or individual and no substantial part of the activities of which is carrying on propaganda or otherwise attempting to influence legislation provided, however, that nothing in this subsection shall include an organization operated for the primary purpose of carrying on a trade or business for profit, whether or not all of its profits are payable to one or more organizations described in this subsection;

§275-26 Territorial Limitations.

The tax imposed by this local law shall only apply within the territorial limits of the City of Hudson, New York.

§ 275-27 Registration; certificate of authority.

- A. Within twenty (20) days after the effective date of this local law, or in the case of host entering into the marketplace after such effective date, within three (3) days after offering short term lodging, every host shall file a registration application with the City Treasurer on the form prescribed by that official.
- B. Thereafter, all hosts shall annually register with the City Treasurer on the form prescribed by the City Treasurer, which form may require a separate registration form for each real property legal parcel for which the host rents out rooms, or require that all such legal parcels be separately identified on one registration form. With respect to each real property legal parcel, such

registration application form shall identify the host, the owner of the real property, the lessee of the real property (if any), the social security number or employment identification number of the host, the mailing address, phone number and email address of the host, owner and lessee, the number and identity of each distinct address where the host offers short-term lodging within the City, the number of rooms at each such location, and over the course of the calendar year, the maximum and the minimum gross nightly rate that is anticipated to be charged for a room therein (gross nightly rate includes the total amount charged therefor before application of any government-mandated taxes that the host charges for the room). If a real property location has more than one room, and the rates vary by room, only the maximum and the minimum rate charged at the location shall be provided, as opposed listing the rates for each room. Such annual registration form shall be filed by the host between March 1 and March 31 of each year. Upon the filing of each annual registration form, a host shall pay to the City Treasurer such application fees as established by resolution of the Hudson Common Council and available for inspection in the City Clerk's Office. The fees for a first-time registration shall be pro-rated relative to the renewal date therefor.

- C. Upon filing the annual registration application form and paying the fee associated therewith, the City Treasurer shall issue to the registering host a certificate of authority to levy and collect the tax established by this article on a form prescribed by that official. Each such certificate of authority shall be specific to the address for which it pertains, shall recite the name of the host, the address of the short-term lodging license issued pursuant to this Article, and the number of rooms available for short-term lodging therein. Each certificate of authority shall be non-transferable and non-assignable.
- D. Upon receipt of its certificate of authority pursuant to this article, the host named thereon shall post the same at the location to which it pertains in the same manner required of a certificate of authority to collect sales tax issued by New York State.
- E. Every certificate of authority issued pursuant to this article shall be renewed no later than a date established by the City Treasurer, provided that: (i) such date shall be conspicuously posted on the City's Web site in a manner reasonably calculated to adequately inform hosts of their obligation in this regard, and; (ii) that the renewal deadline date shall not be changed less than 60 days prior to such date.

§ 275-28 Administration and Collection

- A. The tax imposed by this article shall be administered and collected by the City Treasurer by such means and in such manner as are other taxes that are now collected and administered or as otherwise provided by this article.

- B. The tax to be collected by the host shall be stated and charged separately from the rent and shown separately on any record thereof at the time when the occupancy is arranged, contracted, and/or charged for and upon every evidence of occupancy or any bill or statement or charge made for said occupancy issued or delivered by the host, and the tax shall be paid by the occupant to the host as trustee for and on account of the City, and the host shall be liable for the collection thereof and for the tax. The host and any officer of any corporate operator shall be personally liable for the tax collected or required to be collected under this article, and the host shall have the same right in respect to collecting the tax from the occupant or in respect to nonpayment of the tax by the occupant as if the tax were part of the rent for the occupancy payable at the time such tax shall become due and owing, including all rights of eviction, dispossession, repossession and enforcement of any judgment in the event of nonpayment of rent by the occupant; provided, however, that the City Treasurer and the City of Hudson shall be joined as a party in any action or proceeding brought by the host to collect or enforce collection of the tax.

- C. Each host obligated to pay the tax created by this article shall file with the City Treasurer a return therefor on a form promulgated by the City Treasurer for such purpose. Each host filing the return for which shows a tax due to the City shall pay the tax thereon shown to the City Treasurer with such return. The return required by this section shall be filed whether it shows a tax due or not.

- D. For the purpose of the proper administration of this article and to prevent evasion of the tax hereby imposed, it shall be presumed that all rents are subject to tax until the contrary is established, and the burden of proving that a rent for occupancy is not taxable hereunder shall be upon the host or occupant. Where an occupant claims exemptions from the lodging tax under the provisions of subsection B of § 275-25 of this article, the rent shall be deemed taxable hereunder unless the host shall receive from the occupant claiming such exemption a certificate duly executed by an exempt entity certifying that the occupant is its agent, representative of employee, together with a certificate executed by the occupant that his or her occupancy is paid or to be paid by such exempt corporation or association, and is necessary or required in the course of or in connection with the occupant's duties as a representative of such corporation or association. Where deemed necessary, the host may further require that any occupant claiming exemption from the lodging tax furnish a copy of a certificate duly issued by the City Assessor certifying that the corporation or association therein named is exempt from the tax under § subsection B of §275-25 of this article.

- E. Every host shall file with the City Treasurer a return of occupancy and of rents and of the taxes payable thereon quarterly. The quarterly periods for which such tax shall accrue shall end on the last day of February, May, August and November of each year, and the tax return shall be filed, and the tax that accrued for such quarterly period paid, within one (1) month after the end of each such quarterly period.
- F. If the host is a New York State sales tax vendor, it shall attach a copy of its same-period New York State sales tax return to its return pursuant to this article.
- G. If a host is not a New York State sales tax vendor, it shall maintain, in form and detail, business records sufficient to enable such host to file a New York State sales tax return for each period in which it is offering short-term lodging within the City of Hudson as if such host were a New York State sales tax vendor. Such records shall be maintained for a minimum of three years after the return required by this §275-28 shall or should have been filed with the City Treasurer as provided by this §275-28.
- H. If a return required by this article is not filed or if a return, when filed, is incorrect or insufficient on its face, the City Treasurer shall take the necessary steps to enforce the filing of such a return or of a corrected return.

§275-29 Records to be kept by host.

Every host shall keep records of every occupancy and of all rent paid, charged or due thereon and of the tax payable thereon in such form as the City Treasurer may require. Such records shall be available for inspection and examination at any time upon demand by the City Treasurer or its duly authorized agent or employee and shall be preserved for a period of three years, except that the City Treasurer may consent to their destruction within that period or may require that they be kept longer.

§ 275-30 Payment of Tax.

- A. At the time of filing a return of occupancy and of rents, each host shall pay to the City Treasurer the taxes imposed by this article upon the rents required to be included in such return, as well as all other moneys collected by the host acting or purporting to act under the provisions of this article.

- B. Where the City Treasurer, in its discretion, deems it necessary to protect revenues to be obtained by this article, it may require any host required to collect the tax imposed by this article to file with it a bond, issued by a surety company authorized to transact business in this state and approved by the Superintendent of Insurance of this state as to solvency and responsibility, in such amount as the City Treasurer may fix to secure the payment of any tax and/or penalties and interest due or which may become due from such host. In the event that the City Treasurer determines that a host is to file such bond, it shall give notice to such host to that effect, specifying the amount of the bond required. The host shall file such bond within five days after the giving of such notice unless within five (5) such days, the host shall request, in writing, a hearing before the City Treasurer at which the necessity, propriety and amount of the bond shall be determined by the City Treasurer. Such determination shall be final and shall be complied with within 15 days after the giving of notices thereof. In lieu of such bond, securities approved by the City Treasurer or cash in such amount as it may prescribe may be deposited, which shall be kept in the custody of the City Treasurer, who may at any time, without notice of the depositor, apply them to any tax and/or interest or penalties due, and for that purpose, the securities may be sold by the City Treasurer at public or private sale without notice to the depositors thereof.

§ 275-31 Determination of Tax.

If a return required to be filed by this law is not filed or if a return, when filed, is incorrect or insufficient, the amount of tax due shall be determined by the City Treasurer from such information as may be obtainable, and, if necessary, the tax may be estimated on the basis of external indices, such as number of rooms, locations, comparable lodging rates, type of accommodations and service and/or other factors. Notice of such determination shall be given to the person or entity liable for the collection and payment of the tax, and the owner of the real property against whom it is assessed. Such determination shall finally and irrevocably fix the tax unless the host and owner of the real property against whom it is assessed, within thirty (30) days after giving notice of such determination, shall apply to the City Treasurer for a hearing or unless the City Treasurer on its own motion shall re-determine the same. After such hearing, the City Treasurer shall give notice of its determination to the host, owner and/or lessee of the real property against whom the tax is assessed. The determination of the City Treasurer shall be reviewable for error, illegality, unconstitutionality or any other recognizable basis whatsoever by proceeding under Article 78 of the Civil Practice Law and Rules if application thereof is made to the Supreme Court within thirty (30) days after the date of such determination. A proceeding under Article 78 of the Civil Practice Law and Rules shall not be instituted unless:

1. The amount of any tax sought to be reviewed, with penalties and interest thereon, if any, shall be first deposited with the City Treasurer and there shall be filed with the City Treasurer an undertaking, issued by a surety company authorized to transact business in this state and approved by the superintendent of insurance of this state as to solvency and

responsibility, in such amount as a justice of the Supreme court shall approve to the effect that if such proceeding be dismissed or the tax confirmed, the petitioner will pay all costs and charges which may accrue in the prosecution of such proceeding, or;

2. At the option of the petitioner, such undertaking may be in a sum sufficient to cover the taxes, interests, and penalties stated in such determination, plus the costs and charges which may accrue against such petitioner in the prosecution of the proceeding, in which event the petitioner shall not be required to pay such taxes, interests or penalties as a condition precedent to the application.

§ 275-32 Disposition of Revenues.

Subject to the provisions § 275-38 and § 275-41 of this article, all moneys received by the City Treasurer under this article shall be paid into the treasury of the City and shall be credited to and deposited in the general fund thereof or as otherwise directed by Resolution of the City Council provided, however, that the City shall be authorized to retain a portion of such revenue in such amount as it deems reasonably sufficient to defray the necessary expenses of the City in administering this tax, including without limitation the collection thereof, and the enforcement of such collection.

§ 275-33 Proceedings to Recover Tax.

- A. Whenever any owner and/or lessee shall fail to collect and pay over any tax and/or to pay any tax, penalty or interest imposed by this law as therein provided, the City Corporation Counsel shall, upon the request of the City Treasurer, bring or cause to be brought an action to enforce the payment of the same on behalf of the City of Hudson in any court of the State of New York or of any other state or of the United States. The proceeds of any judgment obtained in any such action shall be paid to the City Treasurer. Each such tax and penalty shall be a lien upon the property of the person liable to pay the same. If, however, the City Treasurer in its discretion believes that any such host, officer, occupant or other person is about to cease business, leave the state or remove or dissipate the assets out of which the tax or penalties might be satisfied, and that any such tax or penalty will not be paid when due, he/she may declare such tax or penalty to be immediately due and payable and may issue a warrant immediately.
- B. As an additional or alternate remedy, the City Treasurer may direct the City Assessor to, in the preparation of the next assessment roll, assess the amount of such tax or penalty upon the property occupied by the short term lodging business giving rise to such tax or

penalty, and this amount shall be levied, collected and enforced in the same manner as taxes upon said property for City purposes are levied collected, and enforced.

- C. As a further remedy, where the lodging tax upon rents included in a return is not paid at the time of filing such return or an assessment of lodging tax made is not paid within 10 days from the date of the notice of such assessment or where the City Treasurer believes that any host, occupant or other person subject to the provision of this article is about to cease business, leave the state or remove or dissipate assets, or for any other similar reason he deems it necessary in order to protect revenues under this article, he may issue a warrant directed to a sheriff of the County of Columbia or to the Sheriff of any other county commanding said Sheriff, to levy upon and sell the real and personal property of the host or occupant or other person liable for the tax which may be found within the City for the payment of the amount thereof, with any penalties and interest and the cost of executing the warrant, and to return such warrant to the City Treasurer and to pay to the City Treasurer the money collected by virtue thereof within 60 days after the receipt of such warrant. The sheriff shall, within five days after the receipt of the warrant, file with the City Clerk a copy thereof, and thereupon such City Clerk shall enter in the judgment docket the name of the person mentioned in the warrant and the amount of the tax, penalties and interest for which the warrant is issued and the date when such copy is filed. Thereupon the amount of such warrant so docketed shall become a lien upon the title to and interest in real and personal property of the person against whom the warrant is issued. The sheriff shall then proceed upon the warrant in the same manner and with like effect as that provided by law in respect to executions issued against property upon judgments of a court of record, and for services in executing the warrant, the sheriff shall be entitled to the same fees which he may collect in the same manner. In the discretion of the City Treasurer, a warrant of like terms, force and effect may be issued and directed to any officer or employee of the City, and in the execution thereof such officer or employee shall have all the powers conferred by law upon sheriffs but shall be entitled to no fee or compensation in excess of the actual expenses paid in the performance of such duty. If a warrant is returned not satisfied in full, the City Treasurer, may, from time to time, issue new warrants and shall also have the same remedies to enforce the amount due thereunder as if the City had recovered judgment therefor and execution thereon had been returned unsatisfied.
- D. Whenever a host shall make a sale, transfer, or assignment in bulk of any part of the whole of a hotel, motel, or lease, or of such host's business assets, otherwise than in the ordinary course of business, the purchaser, transferee or assignee shall at least ten (10) days before taking possession of the subject of the said sale, transfer or assignment, or paying therefor, notify the City Treasurer by registered mail of the proposed sale and of the price, terms and conditions thereof whether or not the seller, transferor or assignor, has represented to or informed the purchaser, transferee or assignee that any tax is owed pursuant to this local law, and whether or not the purchaser, transferee or assignee has knowledge that such taxes are owing, and whether any such taxes are in fact owing.

- E. Whenever the purchaser, transferee or assignee shall fail to give notice to the City Treasurer as required by sub-section D of this section or whenever the Treasurer shall inform the purchaser, transferee, or assignee that a possible claim for such tax or taxes exists, any sums of money, property or choses in action, or other consideration, which the purchaser, transferee or assignee is required to transfer over to the seller, transferor or assignor shall be subject to a first priority right and lien of any such taxes theretofore or thereafter determined to be due the seller, transferor or assignor to the City, and the purchaser, transferee or assignee is forbidden to transfer to the seller, transferor or assignor any such sums of money, property or choses in action to the extent of the amount of the City's claim. For failure to comply with the provisions of this sub-section, the purchaser, transferee or assignee, in addition to being subject to the liabilities and remedies imposed under the provisions of article six of the Uniform Commercial Code, shall be personally liable for the payment determined to be due to the county from the seller, transferor or assignor, and such liability may be assessed and enforced in the same manner as the liability for tax under this local law.

§275-34 Administration of oaths and compelling testimony.

- A. The City Treasurer, or the City Treasurer's duly designated and authorized employees or agents, shall have the power to administer oaths and take affidavits in relation to any matter or proceeding in the exercise of the City's powers and duties under this article.
- B. The City Treasurer shall have power to subpoena and require the attendance of witnesses and the production of books, papers and documents, to secure information pertinent to the performance of his/her duties hereunder and of the enforcement of this law and to examine them in relation thereto and to issue commissions for the examination of witnesses who are out of the state or unable to attend before him/her or excused from attendance.
- C. A Justice of the Supreme Court, either in court or at chambers, shall have the power to summarily enforce by proper proceedings the attendance and testimony of witnesses and the production and examination of books, papers and documents called for by the subpoena of the City Treasurer under this law.
- D. A person who shall refuse to testify or to produce books or records or who shall testify falsely in any material matter pending before the City Treasurer under this article shall be guilty of a misdemeanor, punishment for which shall be a fine of not more than one thousand dollars (\$1,000) or imprisonment for more than one year, or both fine and imprisonment.
- E. The officers who serve the summons and subpoenas of the City Treasurer and witnesses attending in response thereto shall be entitled to the same fees as are allowed to officers and witnesses in civil cases in courts of record, except as herein otherwise provided.

- F. The City of Hudson Chief of Police, the County Sheriff, their duly appointed deputies, and any officer or employee of said police agencies, are hereby authorized and empowered to serve any summons, subpoena, order, notice, document, instrument, or other process to enforce or carry out this article.

§275-35 General powers of City Treasurer.

In addition to the powers granted to the City Treasurer by the City Charter, City Code and/or this article, the City Treasurer is hereby authorized and empowered to:

- A. Make, adopt and amend rules and regulations appropriate to the carrying out of this article and the purposes thereof;
- B. Extend, for good cause shown, the time of filing any return for a period not exceeding 30 days; and, for good cause shown, to waive penalties, but not interest, and to compromise disputed claims in connection with the taxes hereby imposed;
- C. Request information from the Tax Commission of the State of New York or the Treasury Department of the United States relative to any person and to afford information to such Tax Commission or such Treasury Department relative to any person, any other provision of this article to the contrary notwithstanding;
- D. Delegate the functions hereunder to any employee or employees of the City Treasurer.
- E. Prescribe methods for determining the rents for occupancy and to determine the taxable and nontaxable rents;
- F. Require any host within the City to keep detailed records of the nature and type of lodging facility maintained, the nature and type of service rendered, the rooms available and rooms occupied daily, the leases or occupancy contracts or arrangements, the rents received, charged or accrued, and the names and addresses of the occupants, whether or not any occupancy is claimed to be subject to the tax imposed by this article, and to furnish such information upon the request of the City Treasurer.

G. Assess, determine and readjust the taxes imposed pursuant to this article.

§ 275-36 Penalties and Interest.

- A. Failure to file an annual registration as required by § 275-27 of this article shall result in a fine to the noncompliant host equal to the greater of:
1. all revenue derived by such host while operating without an annual registration on file; or
 2. \$3,000 per quarter during which the City can show the host was offering short-term lodging in the City.
- B. Any person failing to file a return or corrected return or to pay any tax or any portion thereof within the time required by this article shall be subject to a penalty of 5% of the amount of tax due, plus interest in the amount of 1% of such tax due for each month of delay or fraction thereof excepting the first month, after such return was required to be filed or such tax became due provided, however, that the City Treasurer may waive all or any portion of such penalty, but not the interest owed, if the City Treasurer is satisfied that such delay was excusable.
- C. Any host that fails to conspicuously post a certificate of authority issued pursuant to this article as required by §275-27(D) hereof shall be fined not less than \$100.00 nor more than \$250.00 for violation of such section. For purposes of this section, each day that a certificate of authority is not so posted shall be deemed a separate violation.
- D. Failure to comply with a demand for records pursuant to §275-29 shall be punishable by a fine of not less than \$100.00 nor more than \$250.00 per violation. For purposes of this §275-36(D), each day that a host fails to comply with such a demand shall be deemed a separate violation.
- E. The certificate of the City Treasurer to the effect that a tax has not been paid, that a return, bond or registration certificate has not been filed, or that information has not been supplied pursuant to the provisions of this local law, shall be presumptive evidence thereof.

§275-37 Refunds.

- A. In the manner provided in this article, the City Treasurer shall refund or credit, without interest, any tax, penalty or interest erroneously, illegally or unconstitutionally collected or paid if application to the City Treasurer for such refund shall be made within one year from the payment hereof. Whenever a refund is made by the City Treasurer, it shall state the reason therefor in writing. Such application may be made by the occupant, owner, lessee, or other person who has actually paid the tax. Such application may also be made by a host who has collected and paid over such tax to the City Treasurer, provided that the application is made within one year of the payment by the occupant to the host, but no actual refund of moneys shall be made to such host until it shall first establish to the satisfaction of the City Treasurer, under such regulations as the City Treasurer may prescribe, that host has repaid to the occupant the amount for which the application for refund is made. The City Treasurer may, in lieu of any refund that is required to be made, allow credit therefor on payments due from the applicant.

- B. An application for a refund or credit made as herein provided shall be deemed an application for a revision of any tax, penalty or interest complained of, and the City Treasurer may receive evidence with respect thereto. After making its determination, the City Treasurer shall give notice thereof to the applicant who shall be entitled to review such determination by a proceeding pursuant to Article 78 of the Civil Practice Law and Rules, provided that such proceeding is instituted within 30 days after the giving of the notice of such determination, and provided that a final determination of tax due was not previously made. Such a proceeding shall not be instituted unless an undertaking is filed with the City Treasurer in such amount and with such sureties as a Justice of the Supreme Court shall approve, to the effect that if such proceedings be dismissed or the tax confirmed, the petitioner will pay all costs and charges which may accrue in the prosecution of such proceeding.

- C. A person shall not be entitled to a revision, refund or credit under this article of a tax, interest or penalty which had been determined to be due pursuant to the provisions of this section where it has a hearing or an opportunity for a hearing, as provided in said section, or has failed to avail itself of the remedies therein provided. No refund or credit shall be made of a tax, interest or penalty paid after a determination by the City Treasurer made pursuant to § 275-31 of this article unless it is found that such determination was erroneous, illegal or unconstitutional or otherwise improper by the City Treasurer after a hearing or of the City Treasurer's own motion or in a proceeding timely commenced under Article 78 of the Civil Practice Law and Rules, pursuant to the provisions of section §275-31, in which event a refund or credit without interest shall be made of the tax, interest or penalty found to have been overpaid.

§275-38 Reserves.

In cases where the occupant or host has applied for a refund and has instituted a proceeding under Article 78 of the Civil Practice Law and Rules to review an adverse determination on its application for refund, the City Treasurer shall set up appropriate reserves to meet any decision adverse to the City.

§275-39 Remedies Exclusive.

The remedies provided by §275-31 and §275-37 shall be the exclusive remedies available to any person for the review of tax liability imposed by this article, and no determination or proposed determination of tax or determination on any application for refund shall be enjoined or reviewed by an action for declaratory judgment, an action for money had and received, or by an action or proceeding other than a proceeding in a nature of a certiorari proceeding commenced under Article 78 of the Civil Practice Law and Rules; provided, however, that a taxpayer may proceed by declaratory judgment if it institutes a suit within 30 days after a deficiency assessment is made and pays the amount of the deficiency assessment to the City Treasurer prior to the institution of such suit and posts a bond for costs as provided in §275-31.

§ 275-40 Disclosure of information prohibited; penalty.

Section 275-13 of article 1 of this chapter, as the same exists on the date this article becomes law, shall apply to this article as if it were set forth herein in its entirety.

§ 275-41 Tourism Board; funding.

- A. Tourism Board. There is hereby created in the City of Hudson a Tourism Board (hereinafter the “Board”) that shall be composed and vested with such powers as herein set forth.

1. The Board shall consist of nine members.
 - i. The chair of the Common Council Arts & Entertainment Committee shall serve as chair of the Board.
 - ii. The mayor shall appoint 1 member of the Board who shall serve at the mayor's pleasure.
 - iii. The Common Council shall appoint 1 member of the Board who shall serve at the Council's pleasure.
 - iv. The balance of the Board's membership shall be elected by a majority of the Board, as the same shall then be constituted. Each of the members of the Board elected pursuant to this §275-41(A)(1)(iv) shall serve at the Board's pleasure and be a holder of a certificate of authority issued pursuant to this article or an employee of such holder.
 - v. The Board is hereby empowered to take all reasonable steps it determines desirable, necessary and proper to market the City of Hudson as a destination for over-night and day-trip visitors by making use of the funds set aside by the City Treasurer pursuant to § 275-41(B)(1) provided that:
 - a. All meetings of the Board shall be held in public pursuant to not less than 10 days prior notice published on the City's web site and otherwise in compliance with the New York State Open Meetings Law; and
 - b. Minutes of each meeting, including reasonably detailed explanations of how each decision on expenditure of funds reserved hereunder and therefor have been made. Copies of such minutes shall be communicated to the Council and the City Treasurer as soon as practicable after each meeting of the Board.
- B. Within sixty days after the end of each filing period pursuant to §275-28(D) hereof, the City Treasurer shall provide the City Council and the Board a comprehensive report showing the tax and other revenue due hereunder that has been collected by the City within such reporting period.

1. The City Treasurer shall set aside from such net tax revenues realized by the City in each reporting period for use by the Board in a manner consistent with §275-41(A)(1)(v) and for no other purpose whatsoever:
 - i. 50% of the first \$250,000 so realized;
 - ii. 25% of the second \$250,000 so realized; and
 - iii. 10% of all sums above \$500,000 so realized provided, however, that in no event shall the sums so set aside for use by the Board exceed \$250,000 in any annual period commencing at March 1, and ending on the last day of the month of February.
2. All other sums realized by the City of Hudson pursuant to this Article VIII in any reporting period shall be deposited in the City of Hudson general fund and such sums shall be available for any municipal purpose.

§ 275-42 Notices of Limitation of Time.

- A. Any notice authorized or required under the provisions of this local law may be given by mailing the same to the person for whom it is intended in a post-paid envelope addressed to such person at the address given in the last return filed by him pursuant to the provisions of this local law, or in any application made by him, or if no return has been filed or application made, then to such address as may be obtainable. The mailing of such notice shall be presumptive evidence of the receipt of the same by the person to whom it is addressed. Any period of time, which is determined according to the provisions of the local law giving of notice, shall commence to run from the date of such notice.
- B. The provisions of the Civil Practice Law and Rules or any other law relative to limitations of time for the enforcement of a civil remedy shall not apply to any proceeding or action taken by the City to levy, appraise, assess, determine or enforce the collection of any tax penalty provided by this local law. However, except in the case of a willfully false or fraudulent return with the intent to evade the tax, no assessment of additional tax shall be made after the expiration of more than three (3) years from the date of the filing of a return, provided, however, that where no return has been filed as provided by law the tax may be assessed at any time.

- C. Where, before the expiration of the period described herein for the assessment of an additional tax, a taxpayer has consented in writing that such period be extended, the amount of such additional tax due may be determined at any time within such extended period. The period so extended may be further extended by subsequent consents in writing made before the expiration of the extended period

§ 275-43 Rules and Regulations.

The City Treasurer, in consultation with the Legal Advisor and City Clerk, may promulgate such rules and regulations as are necessary and proper to carry out the provisions of this article.

275-44 Sunset.

This local law shall remain in full force and effect for a period of three (3) years from the date of enactment by the Common Council; except nothing shall prohibit or prevent the adoption and enactment of subsequent local laws continuing or imposing the tax authorized hereby after the expiration of this local law.

§ 275-45 Severability.

If any section or sections of this article shall be declared unconstitutional or otherwise void and ineffective, the validity of the remainder of the provisions hereof and their application shall not be affected thereby.

SECTION 6. SEVERABILITY

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. SUPERCESSION

Pursuant to the authority granted in Section 10 of the Municipal Home Rule Law, to the extent this local law is inconsistent with any state statute or regulation including if otherwise applicable, any sections of the New York State Building and Fire Prevention Code, this local law shall supersede any such inconsistent provisions. Notwithstanding, construction of Dwelling Units and Studio Apartments shall be subject to the minimal requirements of the New York State Building and Fire Prevention Code and any other State, County or City Laws that may be applicable.

SECTION 8. 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.

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

Nays: None.

New Business.

Alderman Haddad said I would like to make a motion to thank the Abatacola Family that generously gave the police department another \$10,000 donation for the seventh consecutive year. We all owe them a great deal of gratitude. And secondly, I'd like to make a motion that this council figure out how we could put tv's, mike's and speakers in the lobby of this chambers for we have a full house.

President DeStefano said that maybe we could use some of our budget for that. Any other new business from the council?

Alderman Garriga said I would just like to invite everyone to the next HCDPA meeting, we had a wonderful forum on affordable housing, we're planning on having another but we conduct business during HCDPA which takes place the 23rd of this month at the Chamber of Commerce.

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

Clerk