

LAWS & RULES COMMITTEE MEETING
Wednesday, December 18th, at 6:30 PM.

NEW BUSINESS

1. Volunteer Fireman's Museum Lease Agreement - S. Cahill
2. Support for Lower Esopus Stream Management Plan - E. Hauser
3. Improper Practice Charge - J. Tuey, M. Ryan
4. Memorializing Resolution in Support of HV Power Authority - Alderwoman Hirsch

OLD BUSINESS

1. Food trucks- Ald. Edwards
2. Overnight Park Usage- Ald. Pasti
3. Resolution 206 of 2024

AUTHORIZING THE RELEASE OF THE RESTRICTION IN THE DEED FOR 162-196 FOURTH AVENUE REQUIRING THAT THE PROPERTY CANNOT BE SOLD IN THE FUTURE WITHOUT COMMON COUNCIL CONSENT

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(L+R)

CITY OF KINGSTON
Historic Landmarks Preservation Commission
planning@kingston-ny.gov



Suzanne Cahill, Planning Director

Steven T. Noble, Mayor

November 25, 2024

Ald. At large Andrea Shaut, President
City of Kingston Common Council
City Hall – 420 Broadway
Kingston, Ny 12401

RE: 265 Fair Street – Fireman’s Museum of Kingston
Lease Agreement

Dear President Shaut:

As you are aware, our office has taken on a role in working with and supporting the Volunteer Fireman’s Museum in uptown Kingston as one of our city-owned and operated historic facilities which promote the history and heritage of the community. This is to request consideration by the Common Council to authorize the mayor to enter into a lease agreement, or possibly a Memorandum of Understanding, with the Volunteer Fireman’s Museum, who occupies and facilitates the public museum at 265 Fair Street. The property is owned by the City of Kingston, and we work directly with the group to assist in the regular care and maintenance of the structure, but the organization, which is a 501 C3 Not for Profit, runs it and is on site daily. A prior lease agreement has expired, and it is in the best interest of the City and the organization to renew the arrangement to set forth responsibilities and minimize liabilities.

The City Corporation Counsel Office is currently working to draft language that would update the prior instrument and that will be submitted to you in advance of the assigned Committee’s review. We are looking at applying for a grant and need to demonstrate a valid lease for the premises as one of the application conditions. Given the timing of that submission, I respectfully ask that you refer this matter, and I will work directly through you, along with the Committee Chair, to make sure the information is provided.

If there are any questions, please feel free to contact this office.

Regards,

Suzanne Cahill
Planning Director

Cc: S. Noble, Mayor
E. Tinti, City Clerk
B. Graves-Poller, Corp Counsel
M. Jankowski, Assist. Corp. Counsel
M. Berthiaume, Pres. Fireman’s Museum Board
N. Kikel, Grants Manager

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Tinti, Elisa

From: Emilie Hauser <eehauser@gmail.com>
Sent: Wednesday, November 13, 2024 8:06 AM
To: Shaut, Andrea; Tinti, Elisa
Cc: Tinti, Elisa; Shaut, Andrea; Tierney, Michael; Noble, Julie; Noble, Steve; Kristen Wilson
Subject: [EXTERNAL EMAIL] Fwd: Kingston Resolution in support of the Lower Esopus Stream Management Plan and Implementation Plan
Attachments: Kingston CAC Comments on Lower Esopus Implemenation Program 24-04-12.pdf; Kingston CAC Comments on Lower Esopus SMP 24-01-22.pdf; Draft Resolution in Support of the Lower Esopus Stream Management Plan Kingston .docx
Follow Up Flag: Follow up
Flag Status: Flagged

Andrea Shaut and Elisa Tinti,
I sent this correspondence on Saturday and am sending again and including the City Clerk.
I suggest this resolution be sent to Public Safety This resolution is for the December Common Council Meeting.
The Ulster County Planning Department, who is overseeing the Lower Esopus projects has offered to attend meetings or otherwise help in conveying the reasoning behind the resolution
Thank you
Emilie Hauser
Chair, Conservation Advisory Committee.

----- Forwarded message -----

From: Emilie Hauser <eehauser@gmail.com>
Date: Sat, Nov 9, 2024 at 7:22 AM
Subject: Kingston Resolution in support of the Lower Esopus Stream Management Plan and Implementation Plan
To: Shaut, Andrea <ashaut@kingston-ny.gov>
Cc: Tierney Michael <Ward2@kingston-ny.gov>, Noble, Julie <JulieLNoble@kingston-ny.gov>, Kevin McEvoy <laeassoc@earthlink.net>

Andrea,

Over the last few years, the county has been working on the Lower Esopus Stream Management Plan and Implementation Plan.

The Planning Department and the Water Quality Coordinating Committee has asked the municipalities through which the Lower Esopus flows to pass resolutions in support of the Plans: Hurley, Kingston, Marletown, Olive, Saugerties and Ulster.

An Order on Consent (DEC Case No. D007-0001-11, Appendix A) issued in 2013 provided funding for the development and implementation of a Stream Management Plan (SMP) for the Lower Esopus Creek due to the release of turbid waters into the Lower Esopus from the Ashokan Reservoir by the NYCDEP.

Here's the link to the complete plan website hub: [Lower Esopus Stream Management Plan \(arcgis.com\)](http://arcgis.com).

Here is a link to a google doc with Implementation Plan Funding Possibilities

https://docs.google.com/spreadsheets/d/1rm0-afOxtk5hL8cDy0SvJf6jAtZoY5kfR0nmEJ_6YFI/edit?gid=383556084#gid=383556084

One of the purposes of passing these resolutions is to educate the public and elected officials about the Plan. The Esopus Creek management will go on for decades. Collective ownership of the plan and its implementation is encouraged because it takes all hands-on deck to make a difference.

The Conservation Advisory Council has been following this process, attending meetings and providing comments: comment letters attached. The CAC plans to pass its own resolution also.

I am requesting that the Common Council pass a resolution. A draft resolution is attached. Please let me know how I can help in this process.

Sincerely,
Emilie Hauser
Chair of the Conservation Advisory Council

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January 22, 2024

To: Burt Samuelson, Planning and Ben Ganon, Department of the Environment

Copy: Consultants: Michael Chergosky and Jackie Van Der Hout

From: Emilie Hauser, Chair, on behalf of Kingston Conservation Advisory Council
eehauser@gmail.com, 845-430-9276

Re: Comments on the Lower Esopus Stream Management Plan DRAFT 12/18/2023

General Comments

Overall, the document is very well written and inclusive.

Both References and citations should be included: many citations are not listed.

Typo: SMP Objectives described in Sections 5.1 and 5.2. Objectives are in Sections 6.1 and 6.2.

Distinguish between objectives, strategies, and projects. Make it clear how each are used and described in the SMP and the Implementation Plan. Objectives should be SMART: Specific, Measurable, Achievable, Relevant and Time-Bounded. For example, this objective should be revised to be SMART:

Objective: Watershed Coordination Program.

Revision: By 2026, a watershed coordination program will be implemented that fosters collaboration and alignment between stakeholders.

Section and Page Specific Comments

Page 12: The IRP specifies three types of releases: a community release, a spill mitigation release, and an operational release (NYSDEC and DEP 2013).

- Comment: include short descriptions of these three types of releases.

Page 14: Invasive species and pathogens have also degraded upland forests and affected floodplain forest and stream dynamics.

- Comment: provide more descriptions of these. Are invasive species both animal and plant? Aquatic and terrestrial? What is meant by pathogens?

Page 15: Lower Esopus Creek faces challenges posed by climate change, releases from the Ashokan Reservoir.

- Comment: this sentence needs review and further discussion.

Page 16: Hurricane Irene:

- Comment: Often Hurricane Irene and Lee are listed together as they occurred so close in time.

Page 16: Large storm events, magnified by climate change, will continue to impact regional biogeochemical cycles, ecosystem metabolism, and thermal structures within reservoirs through the export of terrigenous dissolved organic matter (Yoon and Raymond 2012).

- Comment: This sentence could use more explanation. What is meant by export? Is dissolved organic matter being exported from the reservoir or to the system?

Page 17: areas with legacy glacial sediment

- Comment: Legacy implies created by humans. Perhaps a better phrase is “deposits of glacial sediments.”

Page 17: The absence of a centralized hub for watershed-wide data is also a challenge for appropriate management. Improved centralized organization will improve data access and management.

- Comment: Collection of consistent long-term water quality data is important. Specify what parameters are being monitored currently, including frequency and location, and what is planned for the future. Appendix 1 is cited regarding the *primary water quality parameters of concerns include turbidity, phosphorus, and viruses/coliform bacteria*, (page 12) but Appendix 1 is not included in the document, so no comments are possible. By watershed – does this imply basin observations or monitoring of tributaries such as Saw Kill and Plattekill?

Page 19: 5.2.4 Enjoyment -

- Comment: Creekside homeowners and other property owners should be included in the description as they enjoy the Creek and live with its problems 24/7/365.

Page 20: 5.3.1 Improving Water Quality

- Comments:
 - No mention of phosphorus is included in this paragraph even though throughout the document turbidity, phosphorus and bacteria are listed as a trio of water quality issues.
 - Are there plans to create TMDLs for any of these impairments: turbidity, phosphorus, and viruses/coliform bacteria? Noting that the Esopus is *listed as impaired for sediment under the Clean Water Act Section 303(d) and is regulated under New York Code Title 6 Reservoir Release Regulations* (page 12).

Page 20: A rigorous water quality testing program will be needed to monitor progress and identify spatial and temporal patterns in water quality degradation.

- Comment: Provide more detail on the “*rigorous water quality testing program*”.

Page 20: 5.3.3 Promoting Floodplain Management

- Comment: well stated.

Page 21: 5.3.4 Supporting Ecosystem Health and Biodiversity

- Comment: Creel surveys should be added to the list of types of surveys which can assess ecosystem health and biodiversity.

Page 21: 5.3.5 Encouraging Responsible Recreation

- Comment: Possibly add removal of debris dams and snags to enhance recreation subject to protocols as discussed elsewhere in our comments.

Page 21 et seq. 5.3.6 Engaging Local Communities

- Comment: this section uses the term communities and does not spell out the role of municipalities, NGOs, other stakeholders, property owners, decision makers and users. Municipalities have important roles in passing laws and ordinances, protecting wetlands and riparian buffers, providing access sites, and conducting programs through recreation departments and conservation advisory councils.

Page 22: 6.1 Watershed-Wide Objectives Thirteen watershed-wide objectives were identified for this assessment. These objectives provide discrete projects to help achieve the project goals.

- Comment: there are only 12 watershed-wide objectives listed. The headings under 6.1.1 to 6.1.12 are confusing, why are objectives listed as sub-headings? Distinguish between projects, objectives and strategies.

Page 22: 6.1.1 Lower Esopus Water Trail & Reservoir Release Notification
Objective: Create Water Trail for Lower Esopus Creek

- Comments:
 - Separate 6.1.1 into two objectives because Reservoir release notifications are needed despite whether a formal water trail is created. This point is even stated in the document: *Such a system of communication would also be a worthwhile project in its own right by keeping interested parties updated on flow rates.*
 - Suggestions for the two SMART objectives:
 - By 2034, a Lower Esopus Water Trail will be created for all navigable reaches.
 - By 2026, recreational users, property owners and local decision makers can easily access and understand real time flow rates from the Ashokan Reservoir.
 - It should be noted that the Water Trail can be discontinuous, including access from Saugerties Beach going upstream and access from Tina Chorvas Waterfront Park to the Saugerties Lighthouse in the tidal portion.
 - The economic opportunities of rental of paddling crafts should be mentioned under 6.1.1 as part of a water trail and Goal 5.3.5 and 5.3.6. At least two businesses already exist: Kenco and I Paddle New York.

Page 23: Text states “lack of absence of major obstacles in the stream between Marbletown Town Park and Glenerie Falls”

- Comment: The text may be inconsistent with page 47 and Figure 25 which discuss wood jams. While Page 23 acknowledges the need for a water trail maintenance plan, protocols

for removing wood jams in a manner that will not disturb habitat should be included together with safety protocols for recreational use concerning Glenerie Falls.

Page 23: 6.1.2 Watershed Coordination Program

- Comment: Watershed coordination is extremely important. The stream management plan and the Implementation Plan is a first step. There is also a need for a Watershed Management Plan. A Watershed Plan should be explicitly mentioned and described.

Page 26: 6.1.5 Septic System Assessment

- Comments:
 - Has it been determined that human waste and septic systems are the main source of bacterial contamination?
 - Mention should be made of local laws for septic inspection upon property transfer.

Page 26: 6.1.6 Riparian Buffers

Objective: Continue to establish riparian buffer easements along Esopus Creek

- Comments:
 - We suggest that easements be deleted from the Objective. List other methodologies besides easements to protect riparian buffers
 - Include NYSDEC Trees for Tribs <https://dec.ny.gov/nature/forests-trees/saratoga-tree-nursery/trees-for-tribs#New>.

Page 27: 6.1.8 Stormwater Management Improvements

- Comment: This is an important concern and green infrastructure is an important solution. Reduction of pollution through appropriate use of lawn and agriculture chemicals should also be covered.

Page 29: 6.1.11 Lower Esopus Creek Website

Regularly updated monitoring data on metrics such as river flow rates, turbidity levels, macroinvertebrate counts, and E. coli contamination. Data pertaining to Lower Esopus Creek can be managed through a centralized repository to decrease redundancy in data collection (for example, both Riverkeeper and the Ulster County Department of Health tracking E. coli contamination). Additionally, a centralized data repository would also allow for data gaps to be better identified. Improved data management could allow for coordination between various agencies, departments, municipalities, and organizations. Additionally, a centralized Lower Esopus Creek data repository would create an opportunity to track SMP implementation.

- Comments:
 - We agree that there should be regular, consistent, and funded monitoring data collection program with a centralized data repository.
 - Explain in more detail what data is being collected currently and what are the needs and gaps. An example of centralized data collection and real time dashboard is Hudson River Environmental Conditions Observing System (HRECOS.org), which collects water level, temperature, turbidity, specific conductivity, dissolved oxygen, and acidity.

Page 30: Development of a system for data collection

- Comment: The development of a consistent and sustained water quality testing and monitoring system should be thoroughly discussed with suggested parameters, collection points and frequency. Include a discussion of what parameters are monitored currently.

Page 30: 6.1.12 Building and Maintaining Relationships with Key Organizations

- Comments:
 - We suggest adding Kingston Land Trust as they are property owners along Esopus Creek in several locations and their mission is “protecting and providing access to land for the common good.”
 - A discussion about all stakeholders would be helpful. There are levels of stakeholder involvement and the roles they play: project team, advisory, promotional and users, for example.

Page 33: et. Seq. MZ 1 – Existing Conditions - “damaged beds of water celery (*Vallisneria americana*) in this Management Zone.”

- Comment: water celery has been recovering in the Hudson River since the high turbidity events in 2011, this may warrant mentioning. See <https://hrnerr.org/research-monitoring/mapping/>. Or restate as “it has been observed that high turbidity events such as Irene and Lee in 2011, have caused the temporary reduction in size and extent of the beds of the perennial water celery (*Vallisneria americana*).”

Page 37: 6.2.2 Esopus Bend – MZ 2

- Comment: Motorized boats are used in MZ 2. Include a similar objective to the one for MZ1: *Objective: Public Outreach for Motorized Watercrafts.*

Page 44 et seq. 6.2.4 Lake Katrine MZ 4:

- Comments
 - It should be noted that this zone includes parts of the Kingston at the southern, upstream reach from the city boundary near Wrentham Street, in the vicinity of Lincoln Park. (We note Lincoln Park is not a common descriptor for this area and it is not a hamlet or zip code designation even though it is on some maps.) In Kingston, this area has important floodplain wetlands, and the predominant land use is residential development.
 - Wood jams in the reach make it difficult for paddling and for a water trail. Removing wood jams would improve public access.
 - We agree that improving public access, for example through an accessible kayak launch in the reach, would allow for an improved paddler experience, either at Orlando Street or elsewhere.
- Comment: We agree with the following Objectives
 - Improve Public Access
 - Floodplain Management

- Plattekill and Saw Kill Stream Management Plans
- Comment: We also would like to point out the presence of water wells for the Town of Ulster Water District at Fording Place Road and Parish Lane in Lake Katrine, producing almost 307 million gallons annually. The wells draw from an unconfined aquifer and the impact on the base flow of the Esopus should be considered (Objective 6.1.4) Source: Annual Drinking Water Quality Report for 2022 Town of Ulster Water District.

Page 51: Note Figure 25

- Comment: Wood jams are discussed in 6.1.1 comments with respect to protocols and maintenance plan so as to not disturb habitat.

Page 52 et seq. 6.2.5 Interstate Crossing – MZ 5

Page 53: MZ-5 Human Infrastructure –

- **Comment:** Commercial development includes not only the Kingston Plaza, but also areas of impervious surfaces near the Roundabout, including car dealerships, hotels and apartment complexes, a Thruway work area, gas stations, park and ride, and bus garage. Some of these developments have been elevated, changing the flood way. This area flooded in April 2-3, 2005, besides any flooding related to Hurricanes Irene and Lee in 2011. We suggest adding an objective for flood studies of changes in flood way and flood zone and solutions for flood wall at the Plaza, under goal Promoting Floodplain Management 5.3.3. We further suggest that the flood studies we propose review the Kingson Meadows, the proposed development in the floodplain in the City of Kingston near to the Kingston Rail Trail (O&W) and the NYS Thruway as that proposal as presented to the Kingston Planning Board calls for significant engineering regarding elevations and movement of soil which could affect not j Kingston and the Town of Ulster.

Page 53: MZ 5- Public Use – Watertrail –

- Comment: An objective should be added specific to the launch on Sandy Road. This is not in Kingston but is just across Esopus. Kayak trips and races could occur here and there could be an opportunity to coordinate with Kenco, a nearby kayak rental business. The economic opportunities of rental of paddling crafts should be mentioned under 6.1.1 as part of a water trail and Goal 5.3.5 and 5.3.6. At least two businesses already exist: Kenco and I Paddle New York.

Page 53: MZ 5 - Objectives

Objective: Kingston-Esopus Waterfront Plan:

Primary Goal: Engaging Local Communities

- Comments:
 - Discussion has begun within Kingston government agencies on creating a Local Waterfront Revitalization Program (LWRP) for Kingston’s Esopus Creek, this would include waterfront in MZ 4 from city line near Wrentham Street and all of MZ 5. The

LWRP is a project of the NYS Department of State. Other municipalities could also develop LWRPs on the Esopus.

- The Waterfront Plan suggested by the plan should include a discussion of the proposed development, Kingston Meadows, discussed by us under MZ-5 Human Infrastructure above.
- Maintenance Plan and wood jams discussed in our 6.1.1 comments would also apply.
- Efforts to provide access on the City of Kingston side would be included, while acknowledging that the Sandy Road boat launch located in the Town of Esopus is only a short distance from the Washington Avenue bridge, the bus station, and the O&W Rail Trail.
- Ideas expressed under **6.1.9 Public Events**, have applications to the MZ 5 with regard to Goal 5.3.1 **Improving Water Quality**. We suggest the addition of workshops for property owners on ways to mitigate run-off from parking lots and other impermeable surfaces with the use of constructed green infrastructure as well as the reduction of lawn care chemicals. A watershed coordinator would be helpful in monitoring water quality and suggesting remedies, including the use of TMDLs if necessary.

Page 56: 6.2.6 Northern Hurley – MZ 6

Page 60: Figure 36

- Comment: A wood jam is shown in Figure 36. Maintenance Plan and wood jams discussed in our 6.1.1 comments would also apply here.

Page 87: Section 8 Conclusions:

- Comment: The flood study proposed under our MZ 5 comments and the Maintenance Plan that should include log jam protocols should be included in conclusions and next steps.

Resolution in Support of the Lower Esopus Stream Management Plan

WHEREAS, the Lower Esopus is an important water resource that adds environmental and economic value to the communities through which it passes and the landowners along its banks; and

WHEREAS, unilateral actions by the New York City Department of Environmental Protection to release turbid water into the Lower Esopus from the Ashokan Reservoir resulted in an Order on Consent (DEC Case No. D007-0001-11, Appendix A) issued in 2013 that provided funding for the development and implementation of a Stream Management Plan (SMP) for the Lower Esopus Creek; and

WHEREAS, the Lower Esopus Stream Management Plan was developed in collaboration with partners across the watershed through a rigorous planning process consisting of a data review, geomorphic assessment, public outreach, and both public and agency comment processes; and

WHEREAS, for the Lower Esopus Stream Management Plan and the Implementation Projects contained therein to be successful requires that the efforts of various state agencies, municipal governments, county departments, and nonprofit organizations work collaboratively towards a unified goal of ensuring that the Lower Esopus is a clean and vibrant creek providing value to all the communities along its route; and to safely enjoy; and

WHEREAS, the CITY OF KINGSTON is one of seven municipalities sharing the Lower Esopus stream corridor; and

WHEREAS, the Lower Esopus Creek is an important community asset cherished by many people; and

WHEREAS, the CITY OF KINGSTON Conservation Advisory Committee reviewed the Lower Esopus SMP and submitted comments on January 22, 2024 ; and

WHEREAS, the SMP Implementation Plan contains the several projects that the Conservation Advisory Committee submitted comments on April 12, 2024, and which the community supports and urges that these projects receive funding;

- Reservoir Release Notification System,
- Certified Floodplain Manager Initiative,
- Baseflow Study and Environmental Flow Releases,
- FEMA Map Revisions,
- Flood Risk Studies along the Kingston and Town of Ulster boundary in the vicinity of Washington Avenue and Kingston Plaza,
- Build Relationships with Key Organizations,
- Management Plans for the Plattekill and Sawkill, and
- Lower Esopus Watershed Coordinator

now, therefore be it

RESOLVED, that the COMMON COUNCIL OF THE CITY OF KINGSTON supports the Lower Esopus Stream Management Plan; and be it further

RESOLVED, that the COMMON COUNCIL OF THE CITY OF KINGSTON urges those state and federal agencies that provide funding for water quality and recreational resources recognize the SMP

and the efforts associated with its development in their decisions regarding funding requests made in accordance with the Plan; and be it further

RESOLVED, that a copy of this Resolution be filed with the municipalities through which the Lower Esopus passes, the County and the federal and state agencies with jurisdiction, as well as state and federal representatives,

and moves its Adoption

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CITY OF KINGSTON
Office of the Comptroller
comptroller@kingston-ny.gov

John Tuey, Comptroller



Steven T. Noble, Mayor

November 19, 2024

Alderman at Large Andrea Shaut
City of Kingston Common Council
420 Broadway
Kingston, NY 12401

RE: Improper Practice Charge

Dear Alderman at Large Shaut,

In September 2024, I put you in touch with our outside labor counsel to discuss an outstanding Improper Practice Charge filed by CSEA. I understand that you wish to invite outside labor counsel to discuss the matter with a committee of the Common Council. Please accept this letter has a formal communication on the matter.

Sincerely,

John R. Tuey
Comptroller, City of Kingston

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L+R

Tinti, Elisa

From: Hirsch, Michele
Sent: Sunday, November 24, 2024 8:36 PM
To: Shaut, Andrea; Tinti, Elisa
Subject: A Resolution In Support of the Hudson Valley Power Authority
Attachments: COK HVPA Resolution .docx

Dear President Shaut,

The City of Kingston created a Climate Action Plan 2030 (CAP), which provides a blueprint to build sustainable, resilient, and independent energy, food, economic, and social systems over the next 10 years.

I believe that the Hudson Valley Power Authority Act, sponsored by Assemblymember Sarahana Shrestha in the New York State Assembly and State Senator Michelle Hinchey in the New York State Senate is in complete alignment with our Climate Action Plan 2030 and it's passage by the New York State Legislature should be fully supported by the City of Kingston.

Please find attached a Resolution in support of the Hudson Valley Power Authority for consideration by the City of Kingston Common Council so that we can send a clear message to Albany. The people of Kingston want to be freed from the grip of Central Hudson so that we have lower service rates, we receive reliable service including correct billing and most importantly, our energy is clean energy.

Thank you.

With kind regards,

Michele Hirsch
Alderwoman, Ward 9

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Resolution of the Common Council of Kingston, New York, calling upon the New York State Legislature to pass, and Governor Kathy Hochul to sign, the Hudson Valley Power Authority Act (A.10332/S.9534 of 2024).

Sponsored by:

Whereas, the Hudson Valley Power Authority Act, sponsored by Assemblymember Sarahana Shrestha in the New York State Assembly and State Senator Michelle Hinchey in the New York State Senate, would create a new state power authority that is authorized to acquire Central Hudson and run it as a publicly-owned and democratic energy utility whose primary goal is to be in the service of its ratepayers by providing low rates, reliable service, correct and easy to understand bills, clean energy, community benefits, strong labor protections, and environmental justice; and

Whereas, publicly-owned utilities provide to ratepayers on average. As public entities, they can access financing at lower interest rates and prioritize affordability; and

Whereas, publicly-owned utilities have the highest track record of reliable service as they're able to prioritize service over profits; and

Whereas, with no shareholders to serve, publicly-owned utilities can serve as anchor institutions that invest in community benefits; and

Whereas, poor coordination has stalled the buildout of renewable energy. Publicly-owned utilities can coordinate directly with other state entities to streamline the energy system in its territory; and

Whereas, workers at investor-owned utilities are currently pitted against ratepayers. Publicly-owned utilities can invest in workers without always passing costs to its ratepayers; and

Whereas, public power entities with the public good as their core mission are more effective at leading a just transition to renewable energy as envisioned in the Climate Leadership and Community Protection Act; and

Whereas, Central Hudson has a proven history of not working to reduce ratepayers' reliance on fossil gas; and

Whereas, less than a month after receiving Public Service Commission (PSC) approval for rate hikes in July 2024, Central Hudson has requested another rate increase which would cause the average electric bill to increase by 5.3 percent and the average gas bill to increase by 5.9 percent; and

Whereas, Central Hudson has lost the public's trust through its yearlong billing scandal that increased the cost for its services for its customers with a 2022 Department of Public Service investigation determining that 8,000 customers were overcharged or double billed. In some cases the overcharge amount was by tens of thousands of dollars; and

Whereas, Central Hudson has the lowest-ranked utility in the state for customer satisfaction; and

Whereas, Central Hudson has a monopoly on generating profits from the distribution of electric power to over 300,000 customers in eight Hudson Valley counties from Putnam north to Albany; and

Whereas, Central Hudson Gas & Electric's faulty billing practices have led to significant financial and psychological strain; and

Whereas, Central Hudson restarted residential collections and shutoffs before the conclusion of the Department of Public Service's investigation into its billing issues and long before it had regained the public's trust; and

Whereas, according to the AARP, the New York utility affordability crisis is reported to be around \$1.6 billion dollars based on unpaid utility bills; and

Whereas, a 2021 Siena College survey reported that more than 50% of New York State residents claim that climate change is an issue that they are *very* concerned about; and

Whereas, Climate Change infrastructure repairs already cost New Yorkers more than a billion dollars each year with the NY State Comptroller estimating the price tag could be close to \$10 billion annually by 2050; and

Whereas, our municipality is a large ratepayer who has had difficult experiences with Central Hudson both around rate increases that impact our residents and in developing community energy projects; and

Whereas, our municipality and our Climate Smart Task Force has shown leadership in climate resilience and climate action through passing the Climate Smart Action Plan

2020 and the New York State Department of Environmental Conservation named Kingston the first Silver Certified Climate Smart City in the State of New York; and

Be it resolved, that the Common Council of the City of Kingston calls upon the New York State Legislature to swiftly pass, and the Governor to sign, the Hudson Valley Power Authority Act.

Furthermore, be it resolved, that City Clerk, Elisa Tinti will send this resolution to Assemblymember Shresth, State Senator Hinchey, and Governor Hochul.

OLD BUSINESS



L+R

Tinti, Elisa

From: Edwards, Jeanne
Sent: Tuesday, September 3, 2024 5:22 PM
To: Shaut, Andrea
Cc: Tinti, Elisa
Subject: food trucks

Good day Madam President,

I am writing a communication on the food trucks.

1. Food trucks must be removed from City streets when not in operations. (if more then 5 tickets, trucks permits will be voided – non compliance)
2. Food trucks will be able to use City parks, one per park, (special permit for events for more then one per park.)
3. Must be more then 30 feet from any corner intersection. (crosswalks for pedestrian, traffic flow must have direct eyesight). No residential areas/ unless special event
4. All licenses must be up to day.

Jeanne Edwards
Alderman, Ward 4
Kingston, NY 12401
845-242-2533

Tinti, Elisa

From: Edwards, Jeanne
Sent: Wednesday, September 4, 2024 7:53 AM
To: Alderman
Subject: FW: [EXTERNAL EMAIL] Food Trailer

Good morning,

I have two other letters for the same issues. I just want everyone to be informed. His taxes are 7 thousand dollars as he reminded me in other letters.

Thank you

Jeanne Edwards

From: William Cranston <666broadwayllc@gmail.com>
Sent: Tuesday, September 3, 2024 4:29 PM
To: Edwards, Jeanne <Ward4@kingston-ny.gov>
Subject: [EXTERNAL EMAIL] Food Trailer

Good afternoon Ms. Edwards-

I hope you had a chance to enjoy your summer some, and had a great Holiday weekend.

I'm reaching out to ascertain whether there has been any movement by the Council, Buildings or Mayor's office on establishing any sort of guidelines for what is permissible in terms of food trucks and vendors.

My neighbors' establishment on Downs Street has doubled in size, and am curious as to whether any oversight whatsoever is taking place. It appears at face value that they continue to operate with complete impunity from any sort of safety guidelines or regulations.

If our current tenant Masa Midtown chose to shutter its brick and mortar, and simply establish a permanent trailer on Downs, I'm assuming this would be permissible?

Thank you.

Best,
Bill Cranston
666 Broadway

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Tinti, Elisa

From: Pasti, Sara
Sent: Friday, November 1, 2024 12:51 PM
To: Tinti, Elisa
Cc: Shaut, Andrea
Subject: Fw: Communication re Proposed Amendment to Section 310 of the City Code
Attachments: Chapter 310 Parks and Recreational Facilities General Rules and Regulations MMJ edit 10-28-24.docx

Dear Elisa,

Here is a second communication I sent to President Shaut yesterday for which I forgot to copy you—sorry about that!

Thank you for including this in the list of committee communications for this month.

Let me know if you have any questions.

Sincerely,

Sara

Sara Pasti
Ward 1 Alderwoman
Kingston Common Council
(845) 392-2519

From: Pasti, Sara <Ward1@kingston-ny.gov>
Sent: Thursday, October 31, 2024 3:20 PM
To: Shaut, Andrea <ashaut@kingston-ny.gov>
Cc: Jankowski, Matthew <mjankowski@kingston-ny.gov>
Subject: Communication re Proposed Amendment to Section 310 of the City Code

Dear President Shaut,

Please accept this message as a communication to be placed on the agenda of the appropriate committee. I am requesting an amendment to Section 310 of the City of Kingston Code that governs rules and regulations related to Parks and Recreational Facilities. The purpose of the amendment is to bring the Code into alignment with park rules that prohibit overnight park usage.

A copy of the Code Section 310, showing suggested amendments from Matthew Jankowski (copied here) is attached.

Thank you for your consideration of this request. I will send background information in a separate email.

Please let me know if you have any questions.

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RESOLUTION 206 of 2024

RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF KINGSTON, NEW YORK, AUTHORIZING THE RELEASE OF THE RESTRICTION IN THE DEED FOR 162-196 FOURTH AVENUE REQUIRING THAT THE PROPERTY CANNOT BE SOLD IN THE FUTURE WITHOUT COMMON COUNCIL CONSENT

Sponsored By: Laws and Rules Committee: Alderman:
Scott-Childress, Hirsch, Pasti, Mickens,
Dennison

WHEREAS, by Resolutions 188, 189, 190 and 191 of 2011 the Common Council authorized the sale of 162-196 Fourth Avenue to Louis Kolano Jr.;and

WHEREAS, said Resolutions 188, 189, 190 and 190 of 2011 required that the deed to the property contain a restriction that the property could not be sold in the future without the consent of the Common Council; and

WHEREAS, deed dated May 24, 2012 and recorded in the Ulster County Clerk’s Office on June 4, 2012, in Liber 5332 of deeds at page 305, contained the restriction that the property could not be sold in the future without the consent of the Common Council; and

WHEREAS, Louis Kolano Jr. is desirous of selling said premises and requests that the Common Council release the restriction requiring that the property cannot be sold in the future without the consent of the Common Council.

NOW THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF KINGSTON, NEW YORK AS FOLLOWS:

SECTION 1. That the Common Council of the City of Kingston hereby consents to the release and full termination of all deed restrictions, including the clause requiring the consent of the Common Council to the resale of said property by Louis Kolano Jr.

SECTION 2. This resolution shall take effect immediately.

Submitted to the Mayor this _____ day of _____, 2024

Approved by the Mayor this _____ day of _____, 2024

Elisa Tinti, City Clerk
Adopted by Council on _____

Steven T. Noble, Mayor
2024.

206

THE CITY OF KINGSTON COMMON COUNCIL

LAWS & RULES
COMMITTEE REPORT

DEPARTMENT: _____

DATE: 11/20/24

Description:

RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF KINGSTON, NEW YORK, TO HEREBY RELEASE AND FULLY TERMINATE ALL DEED RESTRICTIONS PREVIOUSLY IMPOSED ON THE PROPERTY LOCATED AT 162-196 FOURTH AVENUE, KINGSTON, NY, AS DESCRIBED IN THE DEED DATED MAY 24, 2013 AND RECORDED IN THE OFFICE OF THE ULSTER COUNTY CLERK AT LIBER 5332 OF DEEDS AT PAGE 305 ON JUNE 4, 2012, THEREBY ALLOWING FOR THE SALE OF THE PROPERTY BY LOUIS F. KOLANO JR, EFFECTIVE IMMEDIATELY.

Signature _____

Motion by SP

Seconded by RSC

Action Required:



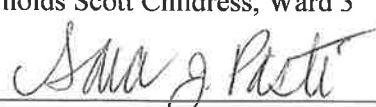
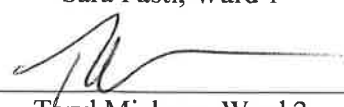
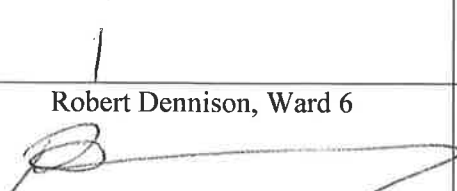
SEQRA Decision:
Type I Action _____
Type II Action _____
Unlisted Action _____

Negative Declaration of Environmental Significance: _____

Conditioned Negative Declaration: _____

Seek Lead Agency Status: _____

Positive Declaration of Environmental Significance: _____

<u>Committee Vote</u>	<u>YES</u>	<u>NO</u>
 Michele Hirsch, Chairman, Ward 9	✓	
 Reynolds Scott Childress, Ward 3	✓	
 Sara Pasti, Ward 1	✓	
 Teryl Mickens, Ward 2	✓	
 Robert Dennison, Ward 6	✓	

Let

WILLIAM N. CLOONAN
ATTORNEY & COUNSELOR AT LAW
P.O. BOX 4382
KINGSTON, N.Y. 12402
(845) 853-5291
e-mail: wnc@cloonanlaw.com

October 8, 2024

Ms. Andrea Shaut
Aldersperson-at Large, Council President
City of Kingston
420 Broadway
Kingston, New York 12401

Re: Louis Kolano
2012 Tax sale 162 – 196 Fourth Avenue

Dear Ms. Shaut:

I represent Louis F. Kolano, Jr. who purchased vacant properties at 162-196 Fourth Avenue in the City of Kingston. He received a deed dated May 24, 2012. The deed was recorded in the office of the Ulster County Clerk at Liber 5332 of Deeds at Page 305 on June 4, 2012. A copy of the deed is enclosed.

The deed recited a reverter clause which provided for a return to the City if certain improvements were not made. The City released the reverter by instrument dated March 1, 2021 and was recorded in the office of the Ulster County Clerk at Liber 6789 of Deeds at Page 246 on March 19, 2021. A copy is enclosed.

The original deed further contains a restriction prohibiting the sale of the premises without approval of the Common Council. (See Paragraph "J" of deed dated May 24, 2012).

Mr. Kolano wishes to list the premises for sale and requests the Common Council to release the restriction at Paragraph "J" of list of restrictions as contained in the May 24, 2012 deed.

If you require further information please do not hesitate to contact me.

Respectfully yours,

William N. Cloonan

WILLIAM N CLOONAN

Ulster County
Nina Postupack
County Clerk
Kingston, NY 12401



50 2012 00008318

Volm-5332 Pg-305

Instrument Number: 2012-00008318

Recorded On: June 04, 2012

As
D01 - Deed

Parties: KINGSTON CITY

To
KOLANO LOUIS F JR

Billable Pages: 4

Recorded By: CITY OF KINGSTON

Num Of Pages: 4

Comment:

**** Examined and Charged as Follows: ****

D01 - Deed	60.00	RP5217-250	250.00	Tax Affidavit TP 584	5.00
Recording Charge:	316.00				
		Consideration			
	Amount	Amount	RS#/CS#		
Tax-Transfer	8.00	2,000.00	3380	Basic	0.00
KINGSTON CITY				Local	0.00
				Additional	0.00
Tax Charge:	8.00			Special Additional	0.00
				Transfer	6.00

**** THIS PAGE IS PART OF THE INSTRUMENT ****

I hereby certify that the within and foregoing was recorded in the Clerk's Office For: Ulster County,

File Information:

Document Number: 2012-00008318
Receipt Number: 1155185
Recorded Date/Time: June 04, 2012 02:49:42P
Book-Vol/Pg: Bk-D VI-5332 Pg-305

Record and Return To:

LOUIS F KOLANO JR
166 HILLTOP DRIVE
HURLEY NY 12443

Cashier / Station: s smar / Cashier Workstation 6



Nina Postupack

Nina Postupack Ulster County Clerk

4
20
09

THIS INDENTURE, made the 24 day of May, two thousand and twelve.

BETWEEN City of Kingston, a municipal corporation with its principal place of business at 420 Broadway, Kingston, New York 12401

party of the first part, and

Louis F. Kolano Jr. residing at 166 Hilltop Drive, Hurley, New York 12443 and
Mark A. Darwak residing at 80 Arnold Drive, Kingston, New York 12401

party of the second part,

WITNESSETH, that the party of the first part, in consideration of One and no/100 (\$1.00) - - - - - dollars, lawful money of the United States, paid by the party of the second part, does hereby remise, release and quitclaim unto the party of the second part, the heirs or successors and assigns of the party of the second part forever,

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the City of Kingston, County of Ulster, State of New York, known as:

Property Address: 162-180 Fourth Avenue

Kingston, New York, Tax Map Identifier #48.83-7-8 formerly titled to Sheila McLaughlin, Jonathan Shanks, Isabel M. McLaughlin a/k/a Margaret Isabel McLaughlin, Anthony Dixon Morris and Stephan Gurley Morris as described on the tax rolls for the City of Kingston for the year 2008.

Property Address: 182-184 Fourth Avenue

Kingston, New York, Tax Map Identifier #48.83-7-7 formerly titled to Sheila McLaughlin and Jonathan Shanks as described on the tax rolls for the City of Kingston for the year 2008

Property Address: 186-188 Fourth Avenue

Kingston, New York, Tax Map Identifier #48.83-7-6 titled to the City of Kingston as described on the tax rolls for the City of Kingston for the year 2008

Property Address: 194-196 Fourth Avenue

Kingston, New York, Tax Map Identifier #48.83-7-4 formerly titled to Paige W. Monroe and Linda Gay Monroe as described on the tax rolls for the City of Kingston for the year 2008

SUBJECT, however, to the following conditions:

- a. All of the above premises will be preserved as vacant with possible residential use in the future.
- b. The premises and all buildings thereon must be rehabilitated to comply with existing building, fire and zoning codes after consultation with the Building Safety Division of the City of Kingston.
- c. Purchaser is required to obtain all approvals, permits, licenses and certificates necessary to perform the work required and to occupy the premises.
- d. All work necessary to satisfy the building and fire codes must be completed within one year of the date of this deed. The purchaser will promptly apply for the necessary permits and approvals to permit the construction and occupation of the site for its proposed use.
- e. Purchaser agrees to obtain a building permit within two (2) months of obtaining final approval from all of the boards and/or commissions for which said approval may be required.
- f. Grantee will permit periodic inspections of the interior and exterior of the premises by the Building Safety Division until a Certificate of Occupancy is issued by the Building Safety Division.
- g. In the event the Fire Officer, after due deliberation, determines that the Grantee has breached any of the conditions herein, he shall notify the Planning Department of such breach who in turn shall notify Grantee of the breach, in writing, by

City of Kingston

CHECKED	<u>SM</u>
ENTERED	<u>SM</u>
MARK/OFF	_____

certified mail. The Grantee shall, within thirty (30) days of mailing of such notice, correct the breached conditions, or in the alternative at the expiration of said thirty (30) days, surrender the premises and quit and vacate the premises conveyed.

- h. Upon the failure of the Grantee to attend the obligations specified herein, and upon expiration of the time period set forth in paragraph "d" hereof, title to the premises shall revert to the City of Kingston and the City shall upon due application to a Justice of the Supreme Court, or County Court, be entitled to a court order directing reversion of title to the City.
- i. After receiving the Court order reverting title to the City's name, the City shall cause to be recorded in the office of the Ulster County Clerk a certificate or other appropriate document in recordable form indicating that title to the lands and premises has reverted to the City of Kingston.
- j. That any of the above premises cannot be sold at any time in the future by Louis F. Kolano Jr. and/or Mark A. Darwak without the prior written consent of the Common Council, which consent shall not be arbitrarily withheld upon compliance with the provisions of (a) through (i) above.
- k. Upon the Grantee receiving a certificate of occupancy for the demised premises, the City of Kingston will issue a release to the Grantee evidencing the fulfillment and satisfaction of all the terms and conditions specified herein.
- l. The Grantee agrees to indemnify and hold harmless the City of Kingston its successors and assigns from any and all claims, liabilities, liens, or encumbrances affecting the properties reacquired by the City.

TOGETHER with all right, title and interest, if any, of the party of the first part in and to any streets and roads abutting the above described premises to the center lines thereof,


TOGETHER with the appurtenances and all the estate and rights of the party of the first part in and to said premises,

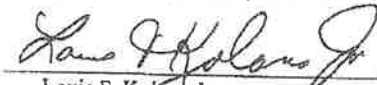
TO HAVE AND TO HOLD the premises herein granted unto the party of the second part, the heirs or successors and assigns of the party of the second part forever.

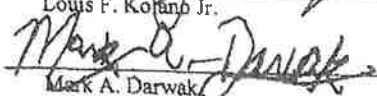
AND the party of the first part, in compliance with Section 13 of the Lien Law, hereby covenants that the party of the first part will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose. The word "party" shall be construed as if it read "parties" whenever the sense of this indenture so requires.

IN WITNESS WHEREOF, the party of the first part has duly executed this deed the day and year first above written.

IN PRESENCE OF:


Shayne R. Gallo, Mayor, CITY OF KINGSTON


Louis F. Kolano Jr.


Mark A. Darwak

State of New York)
) ss.
County of Ulster)

On the 20 day of May 2012 before me, the undersigned, a Notary Public in and for said State, personally appeared **Shayne R. Gallo** personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.



JANET K. HIGGINS
Notary Public, State of New York
No. 01H14283985
Qualified in Ulster County
Commission Expires Sept. 30, 20 13

State of New York)
) ss.
County of Ulster)

On the 24 day of May 2012 before me, the undersigned, a Notary Public in and for said State, personally appeared **Louis F. Kolano Jr.** personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.



JANET K. HIGGINS
Notary Public, State of New York
No. 01H14283985
Qualified in Ulster County
Commission Expires Sept. 30, 20 13

State of New York)
) ss.
County of Ulster)

On the 29 day of May 2012 before me, the undersigned, a Notary Public in and for said State, personally appeared **Mark A. Darwak** personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

JANET K. HIGGINS
Notary Public, State of New York
No. 01H14283985
Qualified in Ulster County
Commission Expires Sept. 30, 20 13



Record and Return:
Louis F. Kolano Jr.
166 Hilltop Drive
Hurley, New York 12443



ULSTER COUNTY -- STATE OF NEW YORK
 NINA POSTUPACK, COUNTY CLERK
 244 FAIR STREET, KINGSTON, NEW YORK 12401

COUNTY CLERK'S RECORDING PAGE
 THIS PAGE IS PART OF THE DOCUMENT - DO NOT DETACH



Recording:

Cover Page	5.00
Recording Fee	25.00
Cross References	0.50
Cultural Ed	14.25
Records Management - Coun	1.00
Records Management - Stat	4.75

BOOK/PAGE: 6789 / 246
 INSTRUMENT #: 2021-5560

Total: 50.50
 **** NOTICE: THIS IS NOT A BILL ****

Receipt#: 2021021624
 Clerk: RS
 Rec Date: 03/19/2021 03:13:10 PM
 Doc Grp: D
 Descrip: MISC-RECORDING
 Num Pgs: 2
 Rec'd Frm: COOK TUCKER NETTER & CLOONAN PC

Party1: KINGSTON CITY
 Party2: KOLANO LOUIS F JR

Related: Instr#: 2012-8318

Record and Return To:

TO BOX 3000
 85 MAIN ST
 KINGSTON, NY 12402
 WILLIAM N CLOONAN
 COOK NETTER CLOONAN KURTZ&MURPHY PC
 PO BOX 3000

WARNING***

*** Information may be amended during the verification process, and may not be reflected on this cover page.

THIS PAGE CONSTITUTES THE CLERK'S ENDORSEMENT, REQUIRED BY SECTION 316-a (5) & 319 OF THE REAL PROPERTY LAW OF THE STATE OF NEW YORK.

Nina Postupack
 Nina Postupack

REVERTER RELEASE

WHEREAS, the City of Kingston, a municipal corporation with its principal place of business at 420 Broadway, Kingston, New York, transferred property located at 162-180 Fourth Avenue, 182-184 Fourth Avenue, 186-188 Fourth Avenue and 194-196 Fourth Avenue, City of Kingston, County of Ulster and State of New York, Tax Map Nos. 48.83-7-8, 48.83-7-7, 48.83-7-6 and 48.83-7-4 to Louis F. Kolano Jr. and Mark A. Darwak by deed dated May 24, 2012, and recorded in the Office of the Clerk of the County of Ulster in Liber 5332 of Deeds at Page 305 as Document Number 2012-8318 on June 4, 2012.

WHEREAS, said deed contained conditions set by the City of Kingston hereinafter referred to as a reverter; and

WHEREAS, the property owner has requested that the reverter be released by the City of Kingston.

NOW THEREFORE, the City of Kingston hereby:

1. Consents to the release of the reverter contained in the deed from City of Kingston to Louis F. Kolano Jr. and Mark A. Darwak dated May 24, 2012, and recorded in the Office of the Clerk of the County of Ulster in Liber 5332 of Deeds, Page 305, as Document Number 2012-8318, on June 4, 2012.
2. Consents to the filing of the Release in the records of the Clerk of the County of Ulster. ✓

Attest:



Elisa Tinti, City Clerk

CITY OF KINGSTON



Steven T. Noble, Mayor

State of New York)
)ss.:
County of Ulster)

On the 1st day of March, 2021, before me the undersigned personally appeared Steven T. Noble, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

JANET K. WOODB
Notary Public, State of New York
No. 01114283985
Qualified in Ulster County
Commission Expires Sept. 30, 2021


Notary Public

Record and Return to:

✓ William N. Cloonan
Clerk, Netter Cloonan
Kurtz & Murphy PC
PO Box 3939
85 MAIN STREET
KINGSTON, N.Y. 12402