

NOVEMBER 2024 LAWS & RULES AGENDA
Wednesday, November 20th, at 6:30 PM.

1. Request to release a deed restriction - W. Cloonan
2. Overnight Park Usage - Alderwoman Pasti
3. Petition to Designate Pike Plan as a Local Landmark - S. Cahill
4. Set a Public Hearing- 405.19 of the Code.

OLD BUSINESS

1. Food Trucks
2. Ethics
3. Due Diligence Study
4. Sidewalk Café-Resolution 197 of 2024

LTR

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	80.00	RP5217-250	250.00	Tax Affidavit TP 584	5.00
Recording Charge:	315.00				
	Amount	Consideration Amount	RS#/CS#		
Tax-Transfer	8.00	2,000.00	3380	Basic	0.00
KINGSTON CITY				Local	0.00 Special Additional 0.00
				Additional	0.00 Transfer 8.00
Tax Charge:	8.00				

** 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
RD
08

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,

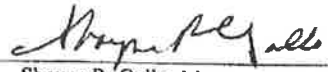
TOGETHER with the appurtenances and all the estate and rights of the party of the first part in and to said premises,

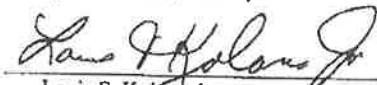
TO HAVE AND TO HOLD the premises herein granted unto the party of the second part, the heirs or successors and assigns of the party of the second part forever.

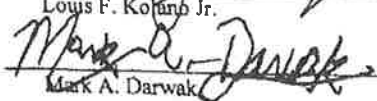
AND the party of the first part, in compliance with Section 13 of the Lien Law, hereby covenants that the party of the first part will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the 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 30 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:
85 MAIN ST
KINGSTON, NY 12402
WILLIAM N CLOONAN
COOK NETTER CLOONAN KURTZ & MURPHY PC
PO BOX 3939

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. HIGGINS
Notary Public, State of New York
No. 01H1428395
Qualified in Ulster County
Commission Expires Sept. 30, 2021



Notary Public

Record and Return to:

William N. Cloonan
Cook, Netter Cloonan
KURT & MURPHY PC
PO Box 3439
85 MAIN STREET
KINGSTON, N.Y. 12402

 **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.

offense shall be punishable by a fine of up to \$100 and the second offense shall be punishable by a fine of up to \$300 or up to fifteen days in a jail term, or both.

(b) In addition to the penalties set forth herein, vehicles in violation of §310-4 may be subject to removal under the direction of the Police Department of the City of Kingston.

§ 310-7. Special hours for certain events or functions. [Amended 8-1-2006, approved 8-3-2006]

Notwithstanding any other provisions herein, the public shall have the right to remain in the parks or other facilities of the City of Kingston when special events or functions are held thereat, and if the affair or function is not concluded until after the closing hours as fixed herein, it shall be lawful for the general public to be there; provided, however, that they leave the parks or other facilities within a reasonable length of time after the conclusion of the affair or function referred to herein.

§ 310-8. Posting of signs.

Appropriate signs establishing the hours for the opening and closing of such parks and public facilities shall be conspicuously posted in said parks and other facilities before the effective date of this article for those facilities now in operation and, hereafter, prior to the opening of any such park or other recreational facility.

ARTICLE I
General Rules and Regulations
[Adopted 8-7-1984 by L.L. No. 3-1984, approved 8-28-1984, as Ch. 84, Art. I, of the 1984 Code]

§ 310-1. Legislative determination; compliance required.

It is hereby declared, pursuant to the authority created by the City Charter¹ of the City of Kingston, the General Municipal Law of the State of New York, the City Home Rule Law and the General City Law of the State of New York, that the establishment and maintenance of proper rules and regulations for the use and enjoyment of the parks, bathing beaches, skating rinks, bathing pools and other recreational facilities of the City of Kingston are essential to the public welfare. Therefore, the provisions hereinafter prescribed to provide appropriate rules and regulations for the proper use and enjoyment of the aforesaid facilities are enacted, and their necessity in the public interest is hereby declared a matter of legislative determination. Except as herein otherwise provided, there shall be official hours for the opening and closing of the parks and other recreational facilities referred to herein, and the use by any person or persons of said parks or said recreational facilities at any other time is absolutely prohibited.

§ 310-2. Hours of operation. [Amended 8-5-1986; approved 8-7-1986]

The parks and other recreational facilities in the City of Kingston shall be opened no earlier than 7:00 a.m. and shall be closed no later than dusk each day. As used in this section, "dusk" shall be defined as 1/2 hour after sunset.

§ 310-3. Enforcement.

- (a) The jurisdiction over all of said parks and other facilities herein referred to shall reside in the ~~Superintendent-Director of Parks/~~ Recreation of the City of Kingston, who shall have the power to enforce the rules and regulations herein provided for.
- (b) ~~Authorized enforcement officers, including Law enforcement and parking enforcement officers, may issue tickets and enforce violations of the rules and regulations contained in this Chapter.~~

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§ 310-4. Use during closed hours.

- (a) It shall be unlawful for any person or any vehicle to loiter in or to pass through, on foot or by means of any vehicle, any of the parks or other facilities herein referred to at any time other than the time officially permitted within such park or such facility.
- (b) ~~Only vehicles authorized by the Director of Parks/Recreation may remain parked, at any time outside the hours of operation for the park or recreational facility. All other vehicles are prohibited from parking, or otherwise being left unattended, in a City park or recreation facility outside the hours of operation.~~

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§ 310-5. Glass containers. [Added 8-1-2006, approved 8-3-2006]

It shall be unlawful for any person(s) to bring into, or possess in, any City park glass containers of any type or size at any time.

3

(LJR)

CITY OF KINGSTON
Historic Landmarks Preservation Commission

planning@kingston-ny.gov



Suzanne Cahill, Planning Director

Steven T. Noble, Mayor

October 22, 2024

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

Re: Petition to Designate the Pike Plan Canopy a Local Landmark
Negative Recommendation of the Historic Landmarks Preservation Commission

Dear Pres. Shaut:

This is to advise you that at the October 10, 2024, meeting of the Historic Landmarks Preservation Commission (HLPC), the matter of the petition filed by William Gottlieb Management Co., LLC, and City Resident Petitioners, to designate the structure along North Front and Wall Streets, locally known as "The Pike Plan" as a landmark was reviewed. It is recognized that the petition was filed with the HLPC on August 6, 2024, as an "Emergency Petition for Landmark Status", under Section 405.26.L.7 of the City's Form Based Code.

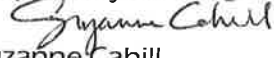
The Commission undertook the necessary notification and posting requirements, holding a public hearing on September 11, 2024, where oral testimony and written comment were received and discussed, with the hearing held open for written comment through September 30, 2024. Additionally, written reports of professional consultants, engaged by the petitioner, and one hired by the HLPC, along with an internal review report from the City Historic Preservation Administrator were considered.

At the meeting of October 10, 2024, the Commission members hosted a comprehensive discussion on the matter; including reviewing all materials, comments and the particulars of the code requirements that must be considered when determining whether landmark status is warranted. Ultimately, the HLPC unanimously endorsed the attached resolution which states reasons why the canopy should not be designated a landmark and encourages the city to remove the canopy and restore both the North Front and Wall Streetscapes.

I respectfully ask that this matter be referred to the appropriate Council Committee for final decision.

Please feel free to contact this office with any questions you may have regarding the review process. All materials taken into consideration are available for review on the city website, and the meetings were recorded and can be viewed on the city YouTube channel.

Respectfully submitted,


Suzanne Cahill
Planning Director

Cc: S. Noble, Mayor
B. Graves-Poller/M. Jankowski, Corporation Counsel Office
E. Tinti, City Clerk
M. Grunblatt, HLPC Chairman
E. Dickerman, HPA

CITY OF KINGSTON HISTORIC LANDMARKS PRESERVATION COMMISSION
DECISION DOCUMENT

PLACE: CITY OF KINGSTON HLPC MEETING - Conference Room 1 DATE: 10 October 2024

ITEM # 6 APPLICANT: William Gottlieb Management Co., LLC (WGM) & City of Kingston Resident-Petitioners; City of Kingston, owner.

ADDRESS AND SBL: Multiple Addresses & SBLs

SEQRA DECISION: MOTION BY: <u>AP</u> SECONDED BY: <u>RT</u>		Received By City Clerk: RECEIVED RECEIVED BY Date: DATE TIME
Type I Action: <input type="checkbox"/>	Negative Declaration of Environmental Significance: <input type="checkbox"/> <u>Unanimous</u>	
Type II Action: <input checked="" type="checkbox"/>	Conditioned Negative Declaration: <input type="checkbox"/> SEQR Reg: <u>617.5 (c)(38)</u>	
Unlisted Action: <input type="checkbox"/>	Seek/Designate Lead Agency: _____	
Positive Declaration of Environmental Significance: <input type="checkbox"/>	Scoping: <input type="checkbox"/> EIS: <input type="checkbox"/>	
FINAL DECISION: MOTION BY: <u>MG</u> SECONDED BY: <u>NM</u>		

OTHER APPROVALS: ZBA UCPB PB HAC I,WRP Consistency CC

CONDITIONS: (Use Other Side if More Information Is Needed)
 See attached resolution of the HLPC.
 The HLPC shall send formal commentary to SHPO regarding the 3rd-party Determination of Eligibility application submitted by the petitioners, as attached and executed. *(RT-Muhon, NM 2nd - all yos to submit)*

MEMBERS	Absent/Present	SIGNATURE	YES	NO	RECUSED
Mark Grunblatt, Chairman	<input type="checkbox"/> / <input checked="" type="checkbox"/>	<i>Mark Grunblatt</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Andrea Puetz, Architect	<input type="checkbox"/> / <input checked="" type="checkbox"/>	<i>Andrea Puetz</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Vacant	<input type="checkbox"/> / <input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Nettie Morano	<input type="checkbox"/> / <input checked="" type="checkbox"/>	<i>Nettie Morano</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kevin McEvoy	<input type="checkbox"/> / <input checked="" type="checkbox"/>	<i>Kevin McEvoy</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Robert Tonner	<input type="checkbox"/> / <input checked="" type="checkbox"/>	<i>Robert Tonner</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Vacant					
TOTAL			5	-	-

RESOLUTION OF THE HISTORIC LANDMARKS PRESERVATION COMMISSION (HLPC) OF THE CITY OF KINGSTON, NEW YORK, RECOMMENDING AGAINST THE DESIGNATION OF THE PIKE PLAN CANOPY AS A LOCAL LANDMARK IN THE KINGSTON STOCKADE LOCAL, STATE, AND NATIONAL HISTORIC DISTRICT

MOTION: Mark Gumbart
SECOND: Neve Murano

RECEIVED BY
DATE
TIME
RECEIVED: (initials)
10/15/24
3:00pm

WHEREAS, on August 6, 2024, William Gottlieb Management Co., LLC (“WGM”) and their representatives filed a petition with the Historic Landmarks Preservation Commission (“HLPC”) with 37 signers, out of which 15 were confirmed Kingston residents, requesting the Pike Plan Canopy (“Canopy”) along portions of North Front and Wall Streets be designated a local landmark according to Section 405.26.L. 7 of the City’s Form Based Zoning Code (“FBC”); and

WHEREAS, the petition seeks emergency designation of the Pike Plan Canopy as a landmark on the basis that it exemplifies the broad cultural, political, economic and social history of the City of Kingston, and the Pike Plan is identified with historic personages or with important events; and

WHEREAS, the petition incorporated two professional preservation reports, one by Walter R. Wheeler of Hartgen Archaeological Associates, Inc., and another by Kerri Culhane, Ph.D., which claimed the Canopy met:

1. Section 405.26.L.7 of the FBC Criteria for landmarks; and
2. Criterion A, B, C of the National Register of Historic Places (NR); and
3. the NR’s 50-year age guideline; and

WHEREAS, the HLPC engaged Neil Larson of Neil Larson and Associates: Historic Preservation and Planning Services, Inc., an independent preservation consultant, to review the submitted materials and produce its own report on the Canopy’s eligibility for local landmark status; and

WHEREAS, pursuant to Section 405.26.L 7 of the FBC, the HLPC notified the petitioners and affected property owners by certified mail, and posted notice in the local newspaper on August 19, 2024, of a public hearing to be held on September 11, 2024; and

WHEREAS, the HLPC held a public hearing on September 11, 2024, at which written comment received prior to and at the hearing was recorded, along with the oral testimony of the public; and

WHEREAS, at the public hearing several property owners along North Front and Wall Street’s spoke explaining reasons why the canopy would not be eligible for landmark status, including:

- a) The Canopy is a new reconstruction and compromises the historic integrity of buildings.
- b) The Canopy lacks integrity of design by John Pike because of previous alterations in 2010-2011.
- c) The Canopy damages the designated structures to which it is affixed.
- d) The Canopy hinders the ability for pedestrians to experience the intended design of the district buildings and is an inappropriate structure for the character of the KSHD.

WHEREAS, at the September 11, 2024, meeting, the HLPC voted to table a decision on the petition, pending receipt of a report by the City's consultant, and leaving the Public Hearing open to accept additional written comments until September 30, 2024;

WHEREAS, two additional written comments regarding the matter were received prior to close of business on September 30, 2024, and recorded; and

WHEREAS, on September 20, 2024, the City's preservation consultant submitted their professional report, which was posted on the City website, concluding the following:

- A. The Canopy only meets Criterion A (Exemplifies or reflects the broad cultural, political, economic or social history of the nation, state or community) of Section 405.26.L.7.b.i of the FBC for its association with Kingston's Urban Renewal Era;
- B. The Canopy only meets Criterion A of the National Register for its association with the Urban Renewal Era;
- C. The Kingston Stockade Historic District's National Register nomination paperwork and local landmark district description in Section 405.26.L.8.ii of the FBC should be updated to expand its Statement of Significance (SOS) and the Period of Significance (POS) up to, at least, 1975 to include Kingston's Urban Renewal Era and the Pike Plan Canopy as a 'Contributing Structure' within the district;
- D. The Canopy only meets three (3) out of the seven (7) aspects of the National Register's Integrity Test and acknowledges that the Pike Plan Canopy's integrity is substantially compromised disqualifying the structure from the National Register and local landmark designation; and

WHEREAS, the City of Kingston's Historic Preservation Administrator prepared an independent report dated September 27, 2024, which was posted to the City website, that concludes the following:

- A. Historical and contemporary photographs of North Front and Wall Street's demonstrate, beyond doubt, the substantial alterations to the Canopy since its completion in 1976, including the original structure's temporary removal, subsequent reconstruction with new fabric, loss of character defining features, and addition of inappropriate modern features during the City-led reconstruction between 2010-2011;
- B. The New York State Historic Preservation Office, the Ulster County Planning Board, and the National Trust for Historic Preservation's Main Street America program all recognized the Canopy as inappropriate in the KSHD and supported plans for its removal as recently as 2009, and that discussions for the Canopy's removal date back to the 1980s.
- C. That the report concurs with the findings of the 1989 "*HISTORIC REHABILITATION AND STREETScape DESIGN PLAN FOR THE STOCKADE AREA NATIONAL REGISTER HISTORIC DISTRICT, KINGSTON, NEW YORK*" by Crawford & Stearns, Architects, & Preservation Planners, PLLC, that the Pike Plan Canopy's construction and presence is a violation of standards #2, #3, #4, #5, #6, probably #7, and #10 of the Secretary of the Interior's Standards for Rehabilitation.

D. The majority of the property owner's along North Front and Wall Streets were in opposition to landmarking the Canopy.

WHEREAS, the HLPC finds that the proposed action is considered a Type II Action under 6 NYCRR, Part 617.5 (c) (38) and is predetermined not to have a significant impact on the environment and is precluded from environmental review under Environmental Conservation Law, Article 8.

WHEREAS, the HLPC has considered all submissions and comments submitted in this proceeding and has considered the criteria under FBC §405.26.L.7.b, together with all other relevant information, in making a determination and recommendation to the Common Council.

NOW, THEREFORE, BE IT RESOLVED BY THE HISTORIC LANDMARKS PRESERVATION COMMISSION OF THE CITY OF KINGSTON, NEW YORK, AS FOLLOWS:

SECTION 1. The HLPC recommends to the Common Council that the August 6, 2024, petition submitted by William Gottlieb Management Co., LLC (WGM) requesting an emergency local landmark designation for the Pike Plan be denied based on the following findings:

A. That pursuant to Section 405.L.7.b of the FBC, the criteria under which the request should be evaluated, the HLPC finds:

- (i) *“Exemplifies or reflects the broad culture, political, economic, or social history of the nation, state, or community;”* As noted in the reports by Walter R. Wheeler, Kerri Culhane, Ph.D., and Neal Larson, the structure can be linked to Kingston’s Urban Renewal Era (Larson, 2024: 7). However, the Urban Renewal Era on the national, state, and local level was exemplified by seizing and demolishing large swaths of private and public property for the purpose of modernizing and improving aging infrastructure. In contrast, the “Pike Plan”, was a limited project seeking to promote retail business in uptown Kingston. This limited project and goal by no means exemplifies or reflects the “broad culture, political, economic, or social history of the nation, state, or community”. It affected limited properties in a two-block area for the purpose of competing with retail malls. Although the building of the canopies falls under urban renewal, it does not broadly exemplify or reflect the Urban Renewal Era. The HLPC finds that there are other building and housing projects within the City of Kingston that would be more appropriate and better exemplify this period, should the city wish to designate a landmark for this purpose.
- (ii) *“Is identified with historic personages or with important events in national, state or local history;”* – The HLPC finds that this criterion is not met based on the report by Neal Larson, which demonstrated that *“A far more comprehensive biography and review of his artistic and architectural output is needed for such an evaluation”* must occur to determine John Pike’s significance and if the Canopy is an appropriate landmark to link to his contributions to society (Larson, 2024: 7-8). As reflected in the materials submitted, John Pike was an accomplished artist who was known for his work in watercolor painting. He was neither a resident of Kingston nor did he have any known connection to the City of Kingston other than submitting the sketch which was picked as the basis for the canopy design.

- (iii) *“Embodies distinguishing characteristics of an architectural-type specimen, inherently valuable for a study of a period, style, method of construction or of indigenous materials or craftsmanship; or”* - The HLPC finds that this criterion is not met based on the report by Neal Larson, which demonstrated that the Pike Plan Canopy was *“not unprecedented, but not a common solution”* as an architectural form, and that the design is not directly associated with the American Bicentennial Celebration of 1976 (Larson, 2024: 7). The original design, which in itself deviated from that which was submitted by John Pike, was significantly altered when the majority of the canopies were reconstructed in 2010-2011,
- (iv) *“Is representative of the notable work of a master builder, designer or architect whose individual ability has been recognized.”* - The HLPC finds that this criterion is not met based on the report by Neal Larson, which *“...demonstrated that the Pike Plan, which no longer embodies critical [features of [John Pike’s] design, is the most appropriate resource to associate him with”* (Larson, 2024: 7). Furthermore, John Pike was recognized as a painter and not recognized for any works as *“a master builder, designer or architect”*.

B. That pursuant to Section 405.26.L.7.e of the FBC, the public commentary solicited by the HLPC from North Front and Wall Street owners and non-owners demonstrated significant reasons, why the canopy should not be designated a landmark, and encouraged the city to remove the Canopy and restore the North Front and Wall Streetscapes. These reasons included:

- a. The Canopy is a new reconstruction and compromises the historic integrity of buildings.
- b. The Canopy ~~is a~~ lacks integrity of design by John Pike because of previous alterations in 2010-2011.
- c. The Canopy damages the designated structures to which it is affixed.
- d. The Canopy hinders the beauty of the existing buildings and is an inappropriate structure for the character of the KSHD.
- e. *“...the current structure, bears no resemblance to the former Pike Plan....it retains little to any of the architectural integrity of the original structure.... the roof and cornices... make up 90% of what you see. All that was removed and replaced”* and *“The canopies are not only a non-contributing structure to the historic streetscape, but they are also a major detractor to the inherent architecture of the historic buildings themselves. The canopies are physically damaging the buildings and virtually make it impossible for the building owners to fully restore their facades.”*

C. That pursuant to Section 405.26.L.7.e of the FBC, the Pike Plan reports solicited by the HLPC from the City’s consultant and the Historic Preservation Administrator demonstrated beyond a doubt that substantial alterations in the past to the Canopy weakened its integrity thereby disqualifying it from local landmark designation.

SECTION 2. The HLPC concurs with the 1989 Crawford & Stearns report finding that the Pike Plan Canopy’s construction between 1973 and 1979 violated numbers 2, 3, 4, 5, 6, probably 7, and 10 of the Secretary of the Interior’s Standards for Rehabilitation for the individual row buildings along N. Front and Wall Street and the two streetscapes.

SECTION 3. Based on the violations of the Secretary of the Interior’s Standards for Rehabilitation, the HLPC supports removal of the Pike Plan, but prefaces said support upon the creation of a robust historical data driven streetscape design plan informed by the 1989 Crawford & Stearns report that follows the Secretary of the Interior’s Standards and the National Park Service’s Technical Preservation Briefs, and includes consultation

with the State Historic Preservation Office and all abutting property owners along canopy on North Front and Wall Streets.

SECTION 4: That pursuant to Section 405.26.L.6 of the FBC, the Commission shall review and issue Preservation Notices of Actions for any future streetscape rehabilitation design plans and proposals for individual properties prior to the commencement of work.

SECTION 5: That pursuant to Section 405.26.L.7.f of the FBC, a copy of this resolution shall be forwarded to the Kingston Common Council, along with the petition and supporting documents, for final consideration and action.

SECTION 6: Based on the findings of this resolution, Section 405.26.L.7.f of the FBC's interim protections for pending landmarks are not applicable to the Pike Plan Canopy.

SECTION 7. This resolution shall take effect immediately.

MEMBERS	PRESENT	SIGNATURE	YES	NO	RECUSE
Mark Grunblatt, Chair	✓	<i>Mark Grunblatt</i>	✓		
Andrea Puetz, Architect	✓	<i>Andrea Puetz</i>	✓		
Kevin McEvoy	✓	<i>Remote Attendance</i>	✓		
Robert Tonner	✓	<i>Robert Tonner</i>	✓		
Nettie Morano	✓	<i>Nettie Morano</i>	✓		
Vacant					
Vacant					

APPROVED this 10th day of October 2024:



 Mark Grunblatt, Esq., Chairman
 Historic Landmarks Preservation Commission

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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L+R



City of Kingston Financial Disclosure Form

Introduction/Instructions:

You are required to fill out the following financial disclosure form pursuant to the City of Kingston's Ethics Code. It is required of all elected officials, all department heads, and board/commission members of any board/commission that make actionable decisions.

The form must be complete. Do not leave a question unanswered. If a question does not apply, mark the appropriate box stating so.

The form must be signed in front of a notary. This service is available at City Hall in the Office of Corporation Counsel.

The form must be delivered to the City Clerk in a sealed envelope.

If a person is hired/elected/appointed after 2/15, they must complete a Financial Disclosure Form within thirty days.

If anything you disclose changes, you must submit a new Financial Disclosure Form with the changes.

CITY OF KINGSTON ANNUAL STATEMENT OF FINANCIAL DISCLOSURE FORM
Please print clearly and return to the Office of the City Clerk by February 15th

Last Name	First Name	Middle Initial
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Title/Capacity in which statement is required. Department/Agency in which this function reports

Work Address	Work Telephone Number
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1. **Real estate ownership.** List the address of each piece of property within the City of Kingston or within one mile of the City's boundary that you, your spouse, domestic partner, or dependent child own or have a financial interest in.

None (check if applicable)

Address of Real Estate

Type of Interest

2. **Outside Employment/business.** List the name of any outside employer from which you, your spouse, domestic partner, or dependent children receive compensation for services rendered or goods sold or produced or of which you, your spouse, domestic partner, or dependent children are a member of a board of directors, officer, or employee. Also include any entity in which you, your spouse, domestic partner, or dependent children have an ownership interest, except a corporation with less than ten percent of the outstanding stock owned.

None (check if applicable)

Family Member

Name of Business/Employer Relationship to Business

3. If any individual listed in #2 is employed in the practice of law, is a NYS Department of State licensed real estate broker or agent, practices a profession licensed by the Department of Education, or if an individual practices with a firm or corporation and is a partner or shareholder of the firm or corporation, provide a general description of principle subject areas of matters undertaken by the firm or corporation. Do not list names of individual clients, customers, or patients.

None (check if applicable)

4. **Income From City Employment.** Identify the source and nature of any income received from the City of Kingston in excess of \$1,000.00 per year for you, your spouse, domestic partner, or dependent children during the reportable year. This, however, does not include any maintenance connected with matrimonial action, alimony, or child support payments.

None (Check if applicable)

Name of Family Member

City Department/Division/Office

5. **Other Income.** Identify the source and nature of any other income in excess of \$1,000.00 per year from any source not described above, including employment income, teaching income, lecture fees, consultant fees, contractual income, or other income of any nature for you, your spouse, domestic partner, or dependent children during the reportable year. This, however, does not include any maintenance connected with a matrimonial action, alimony, or child support payments.

None (Check if applicable)

<u>Name of Family Member</u>	<u>Name & Address of Income Source</u>	<u>Nature of Investment</u>
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6. **Relatives in the City of Kingston.** List each relative who is an officer or employee of the City of Kingston, whether paid or unpaid, including the relative's name, relationship to you, title, and department. Relatives include your spouse, domestic partner, child, stepchild, grandchild, brother, sister, parent, or stepparent, plus any person you claimed as a dependent on your latest income tax return and that dependent's spouse or domestic partner.

None (Check if applicable)

<u>Name of Relative</u>	<u>Relationship to You</u>	<u>Title</u>	<u>Department</u>
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7. **Money you owe.** List any debts of \$10,000 or more that you owe to an officer or employee of the City of Kingston or anyone you know who does business with the City of Kingston. Do not list debts you owe to banking companies with an official banking relationship with the City of Kingston.

None (Check if applicable)

Creditor

Type of Obligation

8. **Money owed to you.** List any debts of \$10,000 or more that officers or employees of the City of Kingston or anyone you know who does business with the City of Kingston owes you.

None (Check if applicable)

Debtor

Type of Obligation

9. **Interest in Contracts.** Describe any interest you, your spouse, domestic partner, or dependent children have in any contract involving the City of Kingston.

None (Check if applicable)

Name of Family Member

Contract Description

10. **Investments.** Itemize and describe all investments in excess of \$5,000 or 5% of the value in any business, corporation, partnership, or other assets, including stocks, bonds, loans, pledged collateral, and other investments, for you, your spouse, domestic partner, or dependent children excluding investments in publicly traded securities and interest in real property.

None (Check if applicable)

<u>Name of Family Member</u>	<u>Name & Address of Business</u>	<u>Description of Asset</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

<u>Name of Family Member</u>	<u>Location of Real Estate</u>	<u>Description of Investment</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

11. **Trusts.** Identify each interest in a trust or estate or similar beneficial interest in any assets in excess of \$2,000, except for IRS-eligible retirement plans or interests in an estate or trust of a relative, for you, your spouse, domestic partner, or dependent children.

 None (Check if applicable)

<u>Name of Family Member</u>	<u>Trustee/Executor</u>	<u>Description of Trust/Estate</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

12. **Gifts and Honorariums.** List the source of all gifts aggregating in excess of \$75 received during the last year by you, your spouse, domestic partner, or dependent children, excluding gifts from a relative. The term “gifts” includes gifts of cash, property, personal items, payments to third parties on your behalf, forgiveness of debt, honorariums, and any other payments, whether or not they are reportable as income. This does not include campaign contributions made to a political committee.

 None (Check if applicable)

Name of Family Member

Name & Address of Donor

13. **Loans.** Describe all loans to you, your spouse, domestic partner, or dependent children in excess of \$5,000. This does not include any loan issued in the ordinary course of business by a financial institution to finance educational costs, the cost of home purchase or improvement for a primary or secondary residence, or the purchase of a personally owned motor vehicle, household furniture, or appliances. If any third party has guaranteed any such reportable loan, list the liability and the name of the guarantor.

None (Check if applicable)

Name of Family Member Name & Address of Creditor Type of loan & collateral, if any

14. **Political Parties.** List any position you held as an officer of a political party, political committee, or political organization within the last five years. The term "political organization" includes any independent body or any organization that is affiliated with or a subsidiary of a political party.

None (Check if applicable)

The following code does not display images or have complicated formatting. Codes should be viewed online. This tool is only meant for editing.

Chapter 49

Ethics

[HISTORY: Adopted by the Common Council of the City of Kingston 6-4-2013 by L.L. No. 2-2013, approved 6-21-2013; amended in its entirety 9-13-2016 by L.L. No. 5-2016, approved 9-28-2016. Subsequent amendments noted where applicable.]

GENERAL REFERENCES

Common Council — See Ch. 26.

Defense and indemnification — See Ch. 35.

§ 49-1 Purpose.

Officers and employees of the City of Kingston hold their positions to serve and benefit the public. The positions are not for obtaining unwarranted personal or private gain in the exercise and performance of their official powers and duties. The Common Council of the City of Kingston recognizes that in the furtherance of this fundamental principle, there is a need for clear and reasonable standards of ethical conduct. This code of ethics establishes those standards. To foster public confidence in our government, not only must the standards of ethical conduct be maintained, but even the appearance of impropriety should be avoided by public officials and employees. When in doubt regarding any particular behavior or issue, City of Kingston officers and employees should seek the assistance of the Board of Ethics.

§ 49-2 Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

- (A) **“City government”** includes the Mayor, Common Council, and all departments, offices, boards, committees, bureaus, and instrumentalities of the government of the City of Kingston.
- (B) **“City workplace”** includes any building, shop area, office, or part thereof under the control of the city and designated as a place to conduct city business or any place where a city officer or employee is acting on city business.
- (C) **“Confidential information”** means any data acquired through the course of employment or public office which is protected from disclosure by law.

(D) "Customer or client" means any person to whom an officer or employee of the City of Kingston has supplied goods or services, including, but not limited to, professional services, during the previous twenty-four months, having, in the aggregate, a value greater than \$1,000; or

Any person to whom an officer's or employee's outside employer or business has supplied goods or services, including, but not limited to, professional services, during the previous twenty-four months, having, in the aggregate, a value greater than \$1,000 but only if the officer or employee knows or has reason to know the outside employer or business supplied the goods or services.

(For the purpose of this section, if the city officer or employee's outside employer employs more than 100 individuals, and the officer or employee does not serve in a management position, the prohibitions of the City of Kingston Ethics Code 49-3A (4) shall not apply.

(E) "Family" includes spouse, domestic partner, sibling, parent, children (including children of spouse or domestic partner), grandchildren and the spouses of any of them, and any member of the individual's household.

(F) "Gift" and "financial benefit" include anything of value, including, but not limited to, money, services, referrals, discounts, licenses, permits, contracts, authorizations, loans, travel, entertainment, hospitality, or any other gratuity or promise thereof. A financial transaction may be a financial benefit but shall not be a gift unless it is on terms not available to the general public. "Gift" and "financial benefit" do not include campaign contributions authorized by law.

(G) "Household" includes any persons who reside in the same dwelling unit as the officer or employee.

(H) "Interest" means a direct or indirect financial or material benefit but does not include any benefit arising from the provision or receipt of any services generally available to the residents or taxpayers of the municipality or an area of the municipality or a lawful class of such residents or taxpayers. A municipal officer or employee is deemed to have an interest in any private organization when they, their spouse, or a member of their household is an owner, partner, member, director, officer, employee, or directly or indirectly owns or controls more than 5% of the organization's outstanding stock.

(I) "Not-for-profit entity" means a legal entity created under the Not-for-Profit Corporation Law of the State of New York.

(J) "Officer or employee of the City of Kingston," whether paid or unpaid, including, without limitation, all officers, employees, volunteers, interns, and members of any advisory and/or decision-making board, body, council, commission, agency, department, district, administration, bureau, or committee of the City of Kingston. "Officer or employee of the City of Kingston" shall not include a judge, justice, officer, or employee of the Unified Court System.

(K) "Outside employer or business" includes any activity, other than service to the City of Kingston, from which the officer or employee of the City of Kingston receives compensation, or the promise of compensation, for work performed, services rendered, or goods sold or produced while a city officer or employee; or

Any entity other than the City of Kingston, of which the officer or employee of the City of Kingston is a member, owner, principal, shareholder, officer, or employee and from which they receive compensation for services rendered or goods sold or produced; or

Any entity in which an officer or employee of the City of Kingston has an ownership interest, except a corporation of which the officer or employee of the City of Kingston owns less than 5% of the outstanding stock. For purposes of this definition, "compensation" shall not include reimbursement for necessary expenses, including travel expenses.

(L) "Person" includes both individuals and entities.

(M) "Political party officer" includes any person serving or acting as the chair, vice chair, first vice chair, secretary, treasurer, delegate, or equivalent officer by whatever name or title known of any political party or committee organized for the purpose of nominating persons for elective office in the government of the City of Kingston.

(N) "Subordinate of an officer or employee of the City of Kingston" means another officer or employee of the City of Kingston over whose activities any officer or employee of the City of Kingston has direction, supervision, or control.

§ 49-3. Applicability.

This code of ethics applies to the officers and employees of the City of Kingston and shall supersede any prior municipal code of ethics. The provisions of this code of ethics shall apply in addition to all applicable State and local laws relating to conflicts of interest and ethics, including, but not limited to, article 18 of the General Municipal Law and all rules, regulations, policies, and procedures of the City of Kingston.

§ 49-4. Standards of conduct.

(A) Prohibition on the use of official positions for personal or private gain.

A City officer or employee shall not use their official position or office or take or fail to take any action in a manner which they believe, or have reason to believe, may result in a personal financial benefit for any of the following persons:

- (1) The City officer or employee;
- (2) Their outside employer or business;
- (3) A member of their household;
- (4) A customer or client;

(5) A member of their family; or

(6) Any firm, corporation, association, partnership, or other organization in which the City officer, employee, or family member serves as an officer or director, whether compensated or not.

(B) Specific City officers and employees.

(1) Officers or employees who are professionally licensed. Except as provided in § 49-4(O) below, all City officers and employees with professional licenses are prohibited from knowingly exercising any discretion in any matter of City business that shall involve any person or entity that is a client of their business or firm or a business partner, contractor, or subcontractor in a business endeavor of their business or firm.

(2) Officers or employees who are authorized to review engineering drawings, conduct inspections, and issue permits:

(a) No City officer or employee who is authorized to review and approve engineering drawings, conduct inspections, or issue permits shall engage in a business within the City or have a financial interest in any firm engaged in a business within the City if said business conducts, as a regular and significant part of its business, matters requiring such inspections or such permits;

(b) No City officer or employee who is authorized to review and approve engineering drawings, conduct inspections, and/or issue permits shall act as an expert witness for any entity other than the City under circumstances where all or part of their expert testimony is based on certifications or credentials provided and/or paid for by the City, while employed by the City;

(c) Any such City officer and/or employee shall recuse themselves from reviewing any engineering drawings, conducting any such inspection, or issuing any necessary permits that directly pertain to any person or entity that is a customer or client of their business or firm, or a person materially involved in a business endeavor of their business or firm.

(C) Gifts.

Except as set forth below, a City officer or employee shall not directly or indirectly solicit, accept, or agree to accept any gift or favor, whether in the form of money, services, loans, travel, entertainment, hospitality, material items, promise, or any other form, under circumstances from which it could reasonably be inferred that the gift was intended to influence such City officer or employee, or could reasonably be expected to influence such City officer or employee, in the performance of their official duties or was intended as a reward for any official action taken by

such City officer or employee. This restriction shall not be construed as applying to the following situations in which gifts or benefits are:

- (1) Received by the officer or employee from their parent, spouse, child, or sibling;
- (2) Accepted on behalf of the City and transferred to the City;
- (3) Received as refreshments or meals at a widely attended gathering;
- (4) Received for the solemnization of a marriage by an officer or employee of the City of Kingston listed in § 11 of the Domestic Relations Law at a place other than their usual place of business or at a time other than their regular hours of business and which have a value of \$75 or less;
- (5) Received as non-monetary awards from charitable organizations; or
- (6) Received as City services or benefits, or the use of City facilities, generally available on the same terms and conditions to residents or a class of residents in the City.

(D) Confidential information.

A City officer or employee shall not disclose confidential information acquired by them in the course of their official duties. Nor shall a City officer or employee use confidential information acquired by them in the course of their official duties to further their own or others' personal or business interests.

(E) Representation before one's own agency.

A City officer or employee shall not receive or enter into any agreement, express or implied, for compensation for services to be rendered in relation to any matter before any municipal agency of which they are an officer, member, or employee of any municipal agency over which they have jurisdiction or to which they have the power to appoint any member, officer, or employee.

(F) Representation before any agency for a contingent fee.

A City officer or employee shall not receive or enter into any agreement, express or implied, for compensation for services to be rendered in relation to any matter before any agency of their municipality whereby their compensation is to be dependent or contingent upon any action by such agency with respect to such matter, provided that this subsection shall not prohibit the fixing at any time of fees based upon the reasonable value of the services rendered.

(G) Disclosure of interest in legislation.

(1) Whenever a matter requiring the exercise of discretion comes before a City officer or employee, either individually or as a member of a board, and disposition of the matter could result in a direct or indirect financial or material benefit to themselves, a relative, or any private organization in which they are deemed to have an interest, the City officer or employee shall disclose such interest in writing.

(2) The disclosure shall be made when the matter requiring disclosure first comes before the City officer or employee, or when the City officer or employee first acquires knowledge of the interest requiring disclosure, whichever is earlier.

(3) In the case of a person serving in an elective office, the disclosure shall be filed with the governing board of the City. In all other cases, the disclosure shall be filed with the person's supervisor or, if the person does not have a supervisor, the disclosure shall be filed with the City officer, employee, or board having the power to appoint to the person's position. In addition, in the case of a person serving on a City board, a copy of the disclosure shall be filed with the board. Any disclosure made to a board shall be made publicly at a meeting of the board and must be included in the meeting minutes.

(H) Investments in conflict with official duties.

(1) No City officer or employee may acquire the following investments:

(a) investments that can be reasonably expected to require more than sporadic recusal under §49. 5 of this code or

(b) investments that would otherwise impair the person's independence of judgment in exercising or performing their official powers and duties.

(2) This section does not prohibit a City officer or employee from acquiring any other investments or the following assets:

(a) real property located within the municipality and used as their personal residence;

(b) less than five percent of the stock of a publicly traded corporation; or

(c) bonds or notes issued by the City and acquired more than one year after the date on which the bonds or notes were originally issued.

(I) Outside employer or business in conflict with official duties.

City officers and employees shall not engage in, solicit, negotiate for, or promise to accept work for an outside employer or business that does business with the City that appears to or, in fact, does create a conflict with or impair the proper discharge of their official duties or results in personal gain.

(J) Nepotism.

Except as otherwise required by law:

(1) No City officer and/or employee, either individually or as a member of a board, may participate in any decision specifically to appoint, hire, promote, discipline, or discharge a member of their family or household for any position at, for, or within the City or a City board or commission.

(2) No City officer or employee may directly supervise a member of their family or household in the performance of their official powers or duties.

(K) Appearance before a board or agency.

No City officer and/or employee shall permit a former City officer and/or employee to appear before any board or agency of the City in relation to any case, proceeding, project, or application in which the former officer and/or employee personally participated during the period of their service or employment, or which was under their active consideration.

(L) Political solicitation.

No City officer and/or employee shall act in a way to coerce or solicit any other City officer and/or employee on behalf of any political candidate or organization.

(1) Officers or employees shall not use City work time or a City workplace to influence any person to participate in an election campaign or political event or to contribute to a political party, committee, campaign, or candidate.

(2) Officers or employees shall not use City work time or a City workplace to influence, authorize, or request another to influence any officer or employee to support or refuse to support a political party, committee, campaign, or candidate.

(3) Officers or employees shall not display, distribute, or otherwise utilize election campaign literature or materials on City work time or at a City workplace; however, this prohibition shall not be construed as prohibiting the wearing of small lapel pins of less than one inch in diameter by any person.

(4) Nothing in this subsection shall be construed to deny any officer or employee the right to support or refuse to support any political party, committee, campaign, or candidate outside of the workplace.

(M) Use of City resources.

(1) City resources shall be used for lawful city purposes. City resources include, but are not limited to, City personnel and the City's money, vehicles, equipment, materials, supplies, or other property.

(2) No City officer or employee may use or permit the use of City resources for personal or private purposes, but this provision shall not be construed as prohibiting:

(a) Any use of City resources authorized by law or City policy;

(b) The use of City resources for personal or private purposes when provided to a City officer or employee as part of their compensation; or

(c) The occasional and incidental use of City telephones and computers during business days for necessary personal matters such as family care and changes in work schedules.

(3) No City officer or employee shall cause the City to spend more than is reasonably necessary for transportation, meals, or lodging in connection with official travel.

(N) Conflict with other codes of conduct.

(1) Because of the need for professional integrity and the fact that various professional associations have adopted standards of ethics and/or conduct for their members, the City hereby recognizes that each City officer or employee who is affected by a professional Code of Ethics and/or conduct be bound, in the first instance, by said Codes of Ethics and/or conduct. Any conflict between the provisions of this chapter and a given professional code of conduct of a City officer or employee shall be resolved by the Ethics Board. An officer's or employee's professional code of conduct shall be examined in the context of the City Code of Ethics and the New York State Public Officers Law for relevance and applicability as issues arise.

(2) The Ethics Board is authorized and required to obtain advisory opinions from the appropriate professional association to clarify any given situation.

(O) Interest in contracts.

- (1) Prohibited interests. No City officer or employee shall have any financial interest in a business relationship, financial instrument, contract with the City, or an interest in a bank or trust company that is prohibited by § 801 of the General Municipal Law of the State of New York. Any contract willfully entered into by or with the City in which that section prohibits an interest shall be null, void, and wholly unenforceable to the extent provided by § 804 of that law.
- (2) Disclosable interests. Any City officer or employee who has, will have, or later acquires an interest in any actual or proposed contract with the City shall disclose, in writing, the nature and extent of that interest in accordance with § 803 of the General Municipal Law and promptly file such written disclosure with the City Clerk. The City Clerk shall cause a copy of that disclosure to be released promptly when requested by any member of the Ethics Board.
- (3) Violations. Any City officer or employee who willfully and knowingly violates the provisions of this section shall be subject to penalties as outlined in § 49-7 below or as provided by § 805 of the General Municipal Law.

(P) Recusal.

- (1) No City officer or employee may participate in any decision or take any official action with respect to any matter requiring the exercise of discretion, including discussing the matter and voting on it, when they know or have reason to know that the action could confer a direct or indirect financial or material benefit on themselves, a relative, or any private organization in which they are deemed to have an interest.
- (2) In the event that this section prohibits a City officer or employee from exercising or performing a power or duty:
 - (a) If the power or duty is vested in a City officer as a member of a board, then the power or duty shall be exercised or performed by the other members of the board;
or
 - (b) If the power or duty is vested in a City officer individually, then the power or duty shall be exercised or performed by their deputy, or, if the officer does not have a deputy, by another person to whom the officer may lawfully delegate the function;
or
 - (c) If the power or duty is vested in a City employee, they must refer the matter to their immediate supervisor, who shall designate another person to exercise or perform the power or duty.

(Q) Personal representations and claims permitted.

This code shall not be construed as prohibiting a City officer or employee from:

- (1) Representing themselves or their spouse or dependents before the City; or
- (2) Asserting a claim against the City on their own behalf or on behalf of their spouse or dependents.

(R) Inducement of others.

- (1) No officer or employee of the City shall induce, threaten, coerce, or aid another officer or employee of the City to violate any of the provisions of this Code of Ethics.
- (2) No officer or employee of the City shall direct or cause any subordinate officer or employee to do or perform any service or work outside of the scope of their public work responsibilities or employment.

(S) Other.

Subsections (A) through (R) provide a comprehensive but not necessarily exclusive list of provisions regarding the ethical behavior of City employees and officers. When in doubt about any behavior or issue, City employees and officials should seek the assistance of the Board of Ethics.

§ 49-5 Annual disclosure.

(A) Disclosures due.

Annual disclosure forms shall be due for filing with the Board of Ethics by February 15.

(B) Annual disclosure requirement.

All City officers and employees listed hereinafter must submit an annual disclosure form to the City Clerk to be made available for review by the Board of Ethics.

(C) Applicable officers and employees.

City officers and employees who must file Annual Disclosure Forms are as follows:

Alderman-at-large
Assessor

Assistant Corporation Counsel
City Clerk
City Engineer
City Planner
Comptroller
Corporation Counsel
Director of Arts & Cultural Affairs
Director of Building & Safety
Director of Civil Services
Director of Communication
Director of Community Development
Director of Grant Management
Director of Health & Wellness
Director of Housing Initiatives
Director of Human Rights
Director of Information Technology
Director of Parks & Recreation
Fire Chief
Mayor
Members of the Board of Ethics
Members of the Common Council
Members of the Human Rights Commission
Members of the Kingston Local Development Corporations
Members of the Planning Board
Members of the Zoning Board of Appeals
Police Chief
Superintendent of the Department of Public Works
Superintendent of the Kingston Water Department

(D) Additional Disclosures.

The Common Council shall have discretionary power to pass resolutions requiring the filing of annual disclosures by any additional officers and employees.

(E) Maintenance of annual disclosures.

The City Clerk shall update and maintain a current list of all officers and employees required to file annual disclosures and shall maintain all annual disclosures submitted and reviewed by the Board of Ethics.

(F) Annual disclosure form.

See § 49-10 Forms.

§ 49-6 Board of Ethics. (“Board”)

(A) Board of Ethics established.

The Board of Ethics for the City of Kingston, which shall consist of five members, is hereby established. The Corporation Counsel, or Assistant Corporation Counsel in their stead, shall serve as counsel to the Board. In the event the Corporation Counsel identifies a conflict of interest or a conflict of interest is identified in writing by the Board of Ethics, outside counsel shall be secured for the Board. A budget line will be established and maintained for outside counsel for at least \$10,000. Written retainer agreements shall be required for the retention of services of outside counsel. Such retainer agreements shall be subject to the approval of the Mayor of the City of Kingston. In the event that the matter involves the Mayor or a member of their family or household as those terms are defined above, the Alderman-at-large shall act in the Mayor's place.

(B) Qualifications of members of the Board.

- (1) No Board member shall hold office in a political party or hold elective office in the City.
- (2) No more than two Board members may be registered in the same political party at any given time.
- (3) Board members must be residents of the City throughout their tenure as Board members.

(C) Appointment of Board members; term of office.

- (1) The Mayor appoints the board members and solicits recommendations from the Common Council regarding three members. The Board selects its Chairperson annually.
- (2) Each Board member shall be appointed to a five-year term. For the initial term, one member will be appointed for five years, one member for four years, one member for three years, one member for two years, and one member for one year.

(D) Vacancies.

Vacancies on the Board shall be filled by Mayoral appointment for the member's unexpired term.

(E) Removal of members.

A Board member may be removed from office by the Common Council for failure to meet the qualifications outlined in this chapter, substantial neglect of duties of office, or violation of this chapter after written notice and opportunity for reply.

(F) Board of Ethics meetings.

The Board shall meet at least biannually. A quorum of three members is required for the Board to take formal action. The Chair or any member may call a meeting of the Board.

(G) Board of Ethics record keeping.

The Board shall maintain all records in a confidential manner on city property in a place designated by the Board as determined in its Rules and Regulations.

(H) Jurisdiction, powers, and duties of the Board of Ethics.

(1) The Board may only act with respect to officers and employees of the City of Kingston.

(2) The termination of a City officer's or employee's term of office or employment with the City (on a voluntary or involuntary basis) shall not affect the jurisdiction of the Board with respect to the requirements imposed by this chapter or by the Act, if any, on a former officer or employee. However, in no event shall the Board have jurisdiction over a former officer or employee where a hearing has not been commenced pursuant to the provisions of this chapter within one year of the termination of a City officer's or employee's term of office or employment with the City.

(3) The Board shall have the following powers and duties:

(a) Each year, on or before January 15, the Board shall report to the Mayor and the Common Council regarding the Board's operations of the previous year and make recommendations to the Mayor and the Common Council, as needed, for changes to this chapter;

(b) The Board shall prescribe and promulgate rules and regulations by resolution of the Board, governing its own internal organization and procedures in a manner consistent with this chapter, and to cause to be filed with the office of the City Clerk and the office of the Corporation Counsel a copy of those rules and regulations and any amendments thereto;

(c) To request that the Mayor appoint such staff as is necessary to carry out its duties under this chapter;

(d) To review, index, and maintain lists of officers and employees and annual and other disclosure statements filed with the Board pursuant to this chapter;

(e) To review, index, maintain on file, and dispose of written complaints and to make notifications and conduct inquiries pursuant to this chapter;

(f) To conduct hearings, recommend disciplinary action to the appropriate appointing authority, pass resolutions, make referrals, and initiate appropriate actions and proceedings pursuant to this chapter;

(g) To render, index, and maintain on file advisory opinions pursuant to this chapter;

(h) To provide training, assistance, and education to City officers and employees pursuant to this chapter, including developing and distributing a plain-language ethics guide for use by City officers and employees, including all forms developed by the Board.

(I) Review of lists and disclosure statements.

(1) The Board shall review:

(a) The lists of officers and employees who must file annual disclosure statements prepared by the City Clerk pursuant to this chapter to determine whether the lists are complete and accurate;

(b) All annual disclosure statements;

(c) All amendments to disclosure statements.

(2) If the Board determines that a filed annual disclosure statement is deficient or reveals a possible or potential violation of this chapter, the Board shall notify the person in writing, state the deficiency or possible or potential violation, provide the person with thirty days to cure the deficiency and advise the person of the penalties for failure to comply with this chapter. Such notice shall be confidential to the extent permitted by the Public Officers Law. If the person fails to cure the deficiency within the specified time, the Board shall send a notice of delinquency:

- (a) To the reporting person;
- (b) In the case of the Mayor or a Common Council member, to the entire Common Council; and
- (c) In the case of all other City officers and employees, to the appointing authority for such person.

(J) Inquiries and hearings.

(1) Upon receipt of a written inquiry or on its own initiative, the Board shall have the power and duty to conduct any hearing necessary to carry out the provisions of this chapter. The Board may administer oaths or affirmations. In conducting any hearing pursuant to this section, the Board may subpoena witnesses and require the production of any books or records that it may deem relevant and material.

(2) Nothing in this section shall be construed to permit the Board to conduct a hearing with respect to itself or any of its members or staff. In the event the Board receives an inquiry alleging that the Board or any of its members or staff has violated any provision of this chapter or any other law, the Board shall promptly transmit a copy of the complaint to the Mayor, who shall conduct an investigation of the complaint and forward the results of said investigation to the Common Council for action pursuant to Subsection H(3)(e) above.

(3) The Board shall state, in writing, the disposition of every written inquiry it receives and of every hearing it conducts and shall set forth the reasons for the disposition. All such statements and all written inquiries shall be indexed and maintained on file by the Board.

(4) Any person filing a written inquiry with the Board shall be notified in writing of its disposition.

(K) Referrals by the Board of Ethics.

(1) Disciplinary action. In the case of a hearing held by the Board, the due process procedural mechanisms shall be substantially similar to those outlined in Article 3 of the State Administrative Procedure Act. The Board shall conduct and complete the hearing with reasonable promptness unless, at its discretion, the Board refers the matter to the authority, person, or body authorized by law to impose disciplinary action or unless the Board refers the matter to the appropriate prosecutor. If such a referral is made, or if a matter is the subject of another governmental inquiry, investigation or judicial proceeding, the Board may adjourn the matter pending a final determination of such matter by the other authority, person, body, or law enforcement agency.

(2) Law enforcement. The Board shall refer to the appropriate law enforcement agency any facts or evidence that come into its possession that reasonably indicate possible criminal violations.

(3) Construction as to the Board. Nothing in this section shall be construed to permit the Board to take any action with respect to any alleged violation of this chapter or of any other law by a Board member or members. Any inquiries and investigations regarding Board members shall be conducted using procedures consistent with the procedures outlined in this chapter.

(L) Advisory opinions.

(1) Upon the written request of any person, the Board may render a written advisory opinion with respect to the interpretation or application of this chapter.

(2) Advisory opinions and requests for advisory opinions shall be indexed and maintained on file by the Board in the Office of Corporation Counsel.

(M) Public inspection of records; public access to meetings.

(1) Records of the Board, including completed financial disclosure forms, are available for public inspection pursuant to the provisions of §§ 84 through 90 of the Public Officers Law. With regard to completed disclosure forms, notice of any request for inspection will be provided to the City officer or employee. The Board shall review any request for redaction of information from disclosure forms by an individual City Officer or employee. It will authorize the redaction of such information in accordance with the provisions of the Public Offices Law and applicable precedent. Any decision regarding the redaction of such material can be appealed to the Freedom of Information Appeals Officer.

(2) Meetings of the Board shall be accessible to the public pursuant to the provisions of §§ 100 through 111 of the Public Officers Law.

§ 49-7 Penalties for offenses.

(A) Void contracts.

Any contract or agreement entered into by or with the City in which this chapter prohibits an interest shall be null, void, and wholly unenforceable, to the extent provided by § 804 of the General Municipal Law, unless ratified by the Common Council. Such ratification shall not affect the imposition of any civil penalties pursuant to this chapter or any other provision of law. Upon determination by the Board of Ethics that such a violation has occurred, the Board shall have the

power, upon consultation with the head of the department involved or with the Mayor, to render forfeit and void the transaction in question.

(A) Civil penalties.

Any City officer or employee who violates any provision of this chapter, including any reporting individual who knowingly and willfully fails to file an annual statement of financial disclosure or who knowingly and willfully, with intent to deceive, makes a false statement or gives information which such individual knows to be false on such statement of financial disclosure filed pursuant to this chapter, shall be assessed a civil penalty in an amount not to exceed \$10,000. Assessment of a civil penalty hereunder shall be made by the Board of Ethics. Assessment of a civil penalty shall be final unless modified, suspended, or vacated within thirty days of imposition and, upon becoming final, shall be subject to review at the instance of the affected reporting individual in a proceeding commenced against the Board of Ethics pursuant to Article 78 of the Civil Practice Law and Rules.

(B) Disciplinary action.

Any City officer or employee who violated any provision of this chapter may be warned or reprimanded, suspended or removed from office or employment, or be subject to any other sanction authorized by law or collective bargaining agreement by the appointing authority or body authorized by law to impose such sanctions. A warning, reprimand, suspension, removal, or other authorized sanction may be imposed in addition to any other penalty contained in this section or any other provision of law.

§ 49-8 Effect on the filing of claims.

Nothing herein shall be deemed to bar or prevent the timely filing by a present or former City officer or employee of any claim, account, demand, or suit against the City of Kingston, or any agency thereof, on behalf of themselves or any member of their family arising out of any personal injury or property damage or for any lawful benefit authorized or permitted by law.

§ 49-9 Distribution of copies.

The City Clerk of the City of Kingston shall cause a copy of this Code of Ethics to be distributed to every officer and employee within thirty days after the effective date of this chapter. Each officer and employee elected or appointed thereafter shall be furnished a copy before entering upon their office or employment duties. Failure to distribute any such copy or failure of any officer

or employee to receive such copy shall not affect the duty of compliance with such code or the enforcement of provisions thereof.

§ 49-10 Forms.

The annual disclosure required by § 49-5 of this chapter shall be in the form outlined in the attachment hereinbelow.

Attachments:

Attachment 1 - Annual Statement of Financial Disclosure Form

A Resolution regarding the use of Project Labor Agreements by the City of Kingston on large capital projects.

Whereas: The City of Kingston undertakes various large construction projects during the normal course of business and it is important to the Common Council that construction projects be completed on time, within allocated funding and conform to specified quality and:

Whereas: Project Labor Agreements are a tool to help complete projects on time, within allocated funding and conforming to specified quality and:

Whereas: The Common Council wants to encourage the use local labor for large projects and Project Labor Agreements have been shown to accomplish that goal and:

Whereas: The City of Kingston has used Project Labor Agreements to successfully complete large projects in the past and:

Whereas: Large Capital Projects are defined for this resolution as projects with an estimated labor cost exceeding \$1 million and:

Whereas: The use of a Project Labor Agreement removes the requirement that large projects must conform to the New York State Wicks Law and:

Whereas: Project Labor Agreements will only be used when a Due Diligence Study determines that there is a benefit to the City, which can be a cost savings and/or an assurance of project completion on time and:

Whereas: The cost of Due Diligence Studies can be included in a large project budget and:

Whereas: The funding partners that the City works with allow and encourage the use of Project Labor Agreements therefore:

Resolved: The City of Kingston will perform a Due Diligence study to determine if a Project Labor Agreement will be beneficial for every large capital construction project undertaken by the City and enter into a Project Labor Agreement if the Due Diligence Study shows it to be beneficial to the City.

W

CITY OF KINGSTON

Office of the Mayor

mayor@kingston-ny.gov

Steven T. Noble
Mayor



November 15th, 2024

Honorable Andrea Shaut
President/Alderman-at-Large
Kingston Common Council
420 Broadway
Kingston, NY 12401

Re: Resolution 197 Veto

Dear President Shaut,

I am returning resolution 197 with a veto. Unfortunately the language that was proposed was not written in a way to effectively achieve what the Common Council's intent I believe was in modifying Section 346.

In this veto message, I am proposing what language I believe will achieve what the council is looking for.

The Common Council should repeal the following wording in Section 346(3)-I "In the event that the sidewalk café/outdoor seating will be operating in a rental space, the operator must submit with the site plan a written consent from the owner of the property" and it should be replaced with, "In the event that the sidewalk café/outdoor seating will be operating the seating on the sidewalk adjacent to a rental space, the operator must submit with the site plan a written consent from the owner of the property. No consent is needed from the property owner for the City to approve outdoor dining/sidewalk café within a City Street or public parking area."

Respectfully Submitted,

Steven T. Noble
Mayor

RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF KINGSTON, NEW YORK, AMENDING THE LANGUAGE OF CHAPTER 346 OF THE CODE OF THE CITY OF KINGSTON – SIDEWALK CAFES

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

WHEREAS, Chapter 346 of the Code of the City of Kingston addresses Sidewalk Cafes; and

WHEREAS, a request has been made to amend Section 346-3(1) of the City of Kingston Code; and

WHEREAS, the amendment of the language of Section 346-3(1) is in the best interests of the City of Kingston.

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 authorizes the amendment of the language of Section 346-3(1), repealing the language in Section 346-3(1) and replacing the language therein to read as follows:

In the event that the sidewalk café/outdoor seating will be operating in a rental space, the operator must submit with the site plan a written consent from the property owner” will be suspended.

SECTION 2. This Ordinance as amended shall read as per the attached.

SECTION 3. All Ordinances and parts thereof inconsistent herewith are hereby repealed.

SECTION 4. This Ordinance shall take effect immediately after the passage, approval, and publication as provided by law.

Submitted to the Mayor this 14th day of

November, 2024

[Signature]

Elisa Tinti, City Clerk

Approved by the Mayor this ___ day of

_____, 2024

VETO

Steven T. Noble, Mayor

Adopted by Council on: November 12, 2024

197

THE CITY OF KINGSTON COMMON COUNCIL

LAWS & RULES
COMMITTEE REPORT

DEPARTMENT: _____

DATE: 10/16/24

Description:

AN ORDINANCE AMENDING THE LANGUAGE IN
CHAPTER 346 OF THE CODE OF THE CITY OF KINGSTON -
SIDEWALK CAFES. AMMENDED AS ATTACHED.

Signature _____

Motion by RSC

Seconded by TM

Action Required: _____

SEQRA Decision:

Type I Action _____

Type II Action _____


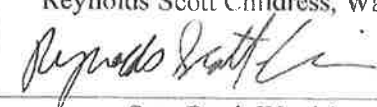
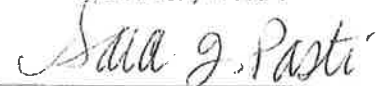
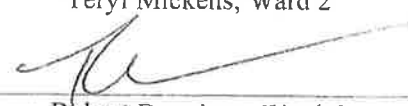

Unlisted Action _____

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 	✓	

CITY OF KINGSTON

Office of the Mayor

mayor@kingston-ny.gov

Steven T. Noble
Mayor



EXECUTIVE ORDER

Issued July 26th, 2024

In order for Outdoor Dining to continue effectively, a section of language in our Sidewalk Café Code needs to be reworked.

Therefore, I, Steven T. Noble, Mayor of the City of Kingston, by the power vested in me by the Charter of the City of Kingston declare:

Effective immediately, Kingston City Code section 346-3.1 "In the event that the sidewalk cafe/outdoor seating will be operating in a rental space, the operator must submit with the site plan a written consent from the owner of the property" will be suspended.

Sincerely,

A handwritten signature in cursive script, appearing to read "Steven T. Noble".

Steven T. Noble
Mayor

STN:rjv

RESOLUTION ____ OF 2024
OF THE COMMON COUNCIL OF
THE CITY OF KINGSTON, NEW YORK

Ordinance: Sidewalk Cafes

AN ORDINANCE AMENDING THE LANGUAGE IN CHAPTER 346 OF THE
CODE OF THE CITY OF KINGSTON - SIDEWALK CAFES

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

WHEREAS, Chapter 346 of the Code of the City of Kingston addresses
Sidewalk Cafes; and

WHEREAS, a request has been made to amend Section 346-3(I) of the City of
Kingston Code; and

WHEREAS, the amendment of the language of Section 346-3(I) is in the best
interests of the City of Kingston; and

**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 authorizes the
amendment of the language of Section 346-3(I), repealing the language in Section 346-
3(I) and replacing the language therein to read as follows:

In the event that the sidewalk cafe/outdoor seating area will be extending onto a
neighboring property, the operator must submit with the site plan the written consent of
the neighboring property owner and tenant.

SECTION 2. The Ordinance as amended shall read as per the attached.

SECTION 3. All Ordinances and parts thereof, inconsistent herewith are
hereby appealed.

SECTION 4. This ordinance shall take effect immediately after the passage,
approval, and publication as provided by law.

Submitted to the Mayor this ____ day of _____,
_____, 2024

Approved by the Mayor this ____ day of _____,
_____, 2024

Elisa Tinti, City Clerk

Steven T. Noble, Mayor

Chapter 346

SIDEWALK CAFES¹

§ 346-1.	Purposes.	§ 346-4.	Penalties for offenses.
§ 346-2.	Definitions.	§ 346-5.	Revocation for cause.
§ 346-3.	General regulations.		

[HISTORY: Adopted by the Common Council of the City of Kingston 10-2-2012, approved 10-3-2012; amended in its entirety 4-5-2022, approved 4-6-2022. Subsequent amendments noted where applicable.]

§ 346-1. Purposes.

The sidewalk cafe/outdoor seating regulations as established in this chapter are designed to allow sidewalk cafes/outdoor seating on private and public property in locations where they are determined to be appropriate by the City and to promote and protect the public health, safety, general welfare and amenity. These general goals include, among others, the following specific purposes:

- A. To provide adequate space for pedestrians on the sidewalk adjacent to the sidewalk cafes, and to insure access to adjacent commercial and retail uses.
- B. To promote sidewalk cafes/outdoor seating as useful and properly planned visual amenities which better relate to the streetscape.
- C. To promote the desirable use of land and buildings and thereby protect the City's tax revenue.

§ 346-2. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

OUTDOOR DINING AREAS —

- A. An outdoor dining area, located on public property, which is public through dedication or easement, or public right-of-way that provides waiter or waitress service and contains tables, chairs, railings and may contain planters. "Outdoor dining" is defined as an open air space without a fixed roof (besides a temporary or seasonal awning or cover). All roadway and sidewalk seating elements must be removed when a City agency, utility company, or other contractor needs to access the space for installation or repair. This includes, but is not limited to, tents, barriers, tables, chairs, and portable heaters.
- B. In addition, roadway seating elements need to be removed during the snow season when roadway dining is suspended. Roadway and sidewalk seating elements must also be removed to facilitate routine and emergency tree work, regardless of whether the City has provided advanced noticed for emergency work.

1. Editor's Note: This chapter was originally adopted as Ch. 366 but was renumbered in order to retain the alphabetical organization of the Code.

and Safety Department. The operator must provide such information as requested by the Director of the Building and Safety Department, including but not limited to the number of proposed tables, the linear square footage of the proposed outdoor cafe and a map showing the design and location of all temporary structures such as retractable awnings, planters, landscaping, tables, chairs, umbrellas and other equipment, as well as lighting and electrical outlet locations. The owner must also indicate whether alcoholic beverages will be prepared and/or served within the proposed outdoor dining area.

- I. In the event that the sidewalk cafe/outdoor seating area will be extending onto a neighboring property, the operator must submit with the site plan the written consent of the neighboring property owner and tenant.
- J. If the Director of the Building and Safety Department disapproves the site development plan or determines not to issue the license, he shall state his reason for his determination in a letter to the applicant. The applicant may then petition the Common Council to be heard.
- K. Hours.
 - (1) Sidewalk cafe/outdoor seating shall close operation by 10:00 p.m. Any requests for later hours will require a noise permit from the Planning Department as well as approval from the Mayor.
 - (2) Outdoor dining areas placed in parking spots must be used a total of six hours per day and at least five days per week for permanent placement. If the outdoor dining area in a parking spot is used less than six total hours per day and five days a week, the furnishings should be removed when not in use.
- L. License to operate sidewalk cafes shall not be granted absent proof that the operator has set aside a minimum of 36 inches of clear distances, exclusive of the area occupied by the sidewalk cafe, free of all obstructions (such as trees, parking meters, utility poles, etc.) in order to allow adequate pedestrian and/or wheelchair movement. Outdoor dining areas should not extend more than seven feet from the sidewalk and must maintain a two-foot distance from parking space wheel stops on either side.
- M. The applicant shall be responsible for delineating the cafe/outdoor seating area by setting up a barrier such as planters or a railing to physically separate patrons from pedestrian traffic.
- N. No structure or enclosure to accommodate the storage of accumulated garbage may be erected or placed adjacent to or separate from the sidewalk cafe on public property.
- O. A sidewalk cafe/outdoor seating shall not interfere with any public service facility, including, but not limited to, bus stops, lampposts, fire hydrants, lighting fixtures, mailboxes, public benches, or telephones located on the sidewalk.
- P. Furnishings and structures.
 - (1) Furnishings of all sidewalk cafes/outdoor seating shall be readily removable, including but not limited to all lights, tables, railings, heaters and umbrellas. Furnishings may not be attached to the sidewalk or to any other public property, either in a permanent or temporary manner. Tables and chairs must be removed or secured in place when not in use.
 - (2) Umbrellas and tents should not be used during inclement weather, such as high wind conditions. Structures or additions of any kind may not be bolted down or drilled into the roadway or sidewalk. Structures, tents, or umbrellas may not block any right-of-way signs or street regulation signs.

- U. The sidewalk cafe/outdoor seating permit must be prominently displayed by the permit holder in a publicly visible location.

§ 346-4. Penalties for offenses.

Any person who shall violate any of the provisions of this chapter shall be liable to prosecution in the City Court and/or any court of competent jurisdiction and shall, upon conviction thereof, be liable for a fine of up to \$250. Each and every day such violation continues shall be deemed a separate violation.

§ 346-5. Revocation for cause.

Any license granted under the provisions of this chapter may be suspended or revoked by the Director of the Building and Safety Department for cause. The licensee may request a hearing before the Director of the Building and Safety Department or his designee within five days of receipt of notice of suspension or revocation. Any such hearing shall be held after reasonable written notice by the Director of the Building and Safety Department to the licensee of the violations, and the licensee shall have the right to be represented by counsel, present evidence on his or her behalf and confront the evidence against him or her. Cause for revocation or suspension of a temporary license shall be any condition that may endanger the health and safety of the public.

RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF KINGSTON, NEW YORK, AMENDING THE LANGUAGE OF CHAPTER 346 OF THE CODE OF THE CITY OF KINGSTON – SIDEWALK CAFES

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

WHEREAS, Chapter 346 of the Code of the City of Kingston addresses Sidewalk Cafes; and

WHEREAS, a request has been made to amend Section 346-3(1) of the City of Kingston Code; and

WHEREAS, the amendment of the language of Section 346-3(1) is in the best interests of the City of Kingston.

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 authorizes the amendment of the language of Section 346-3(1), repealing the language in Section 346-3(1) and replacing the language therein to read as follows:

In the event that the sidewalk café/outdoor seating will be operating in a rental space, the operator must submit with the site plan a written consent from the property owner” will be suspended.

SECTION 2. This Ordinance as amended shall read as per the attached.

SECTION 3. All Ordinances and parts thereof inconsistent herewith are hereby repealed.

SECTION 4. This Ordinance shall take effect immediately after the passage, approval, and publication as provided by law.

Submitted to the Mayor this 14th day of
November, 2024

Approved by the Mayor this ____ day of
____, 2024

[Signature]

[Signature] **VETO**

Elisa Tinti, City Clerk

Steven T. Noble, Mayor

Adopted by Council on: November 12, 2024

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THE CITY OF KINGSTON COMMON COUNCIL

LAWS & RULES
COMMITTEE REPORT

DEPARTMENT: _____

DATE: 10/16/24

Description:

AN ORDINANCE AMENDING THE LANGUAGE IN
CHAPTER 346 OF THE CODE OF THE CITY OF KINGSTON -
SIDE WALK CAFES. AMMENDED AS ATTACHED.

Signature _____

Motion by RSC

Seconded by TM

Action Required: _____

SEQRA Decision:

Type I Action _____

Type II Action _____

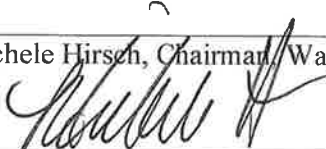


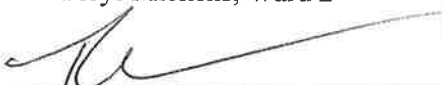

Unlisted Action _____

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 	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Reynolds Scott Childress, Ward 3 	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sara Pasti, Ward 1 	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Teryl Mickens, Ward 2 	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Robert Dennison, Ward 6 	<input checked="" type="checkbox"/>	<input type="checkbox"/>

CITY OF KINGSTON

Office of the Mayor

mayor@kingston-ny.gov

Steven T. Noble
Mayor



EXECUTIVE ORDER

Issued July 26th, 2024

In order for Outdoor Dining to continue effectively, a section of language in our Sidewalk Café Code needs to be reworked.

Therefore, I, Steven T. Noble, Mayor of the City of Kingston, by the power vested in me by the Charter of the City of Kingston declare:

Effective immediately, Kingston City Code section 346-3.1 "In the event that the sidewalk cafe/outdoor seating will be operating in a rental space, the operator must submit with the site plan a written consent from the owner of the property" will be suspended.

Sincerely,

A handwritten signature in black ink, appearing to read "Steven T. Noble", is written over a horizontal line.

Steven T. Noble
Mayor

STN:rjv

**RESOLUTION ____ OF 2024
OF THE COMMON COUNCIL OF
THE CITY OF KINGSTON, NEW YORK**

Ordinance: Sidewalk Cafes

**AN ORDINANCE AMENDING THE LANGUAGE IN CHAPTER 346 OF THE
CODE OF THE CITY OF KINGSTON - SIDEWALK CAFES**

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

WHEREAS, Chapter 346 of the Code of the City of Kingston addresses
Sidewalk Cafes; and

WHEREAS, a request has been made to amend Section 346-3(I) of the City of
Kingston Code; and

WHEREAS, the amendment of the language of Section 346-3(I) is in the best
interests of the City of Kingston; and

**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 authorizes the
amendment of the language of Section 346-3(I), repealing the language in Section 346-
3(I) and replacing the language therein to read as follows:

In the event that the sidewalk cafe/outdoor seating area will be extending onto a
neighboring property, the operator must submit with the site plan the written consent of
the neighboring property owner and tenant.

SECTION 2. The Ordinance as amended shall read as per the attached.

SECTION 3. All Ordinances and parts thereof, inconsistent herewith are
hereby appealed.

SECTION 4. This ordinance shall take effect immediately after the passage,
approval, and publication as provided by law.

Submitted to the Mayor this ____ day of _____, 2024

Approved by the Mayor this ____ day of _____, 2024

Elisa Tinti, City Clerk

Steven T. Noble, Mayor

Chapter 346

SIDEWALK CAFES¹

§ 346-1.	Purposes.	§ 346-4.	Penalties for offenses.
§ 346-2.	Definitions.	§ 346-5.	Revocation for cause.
§ 346-3.	General regulations.		

[HISTORY: Adopted by the Common Council of the City of Kingston 10-2-2012, approved 10-3-2012; amended in its entirety 4-5-2022, approved 4-6-2022. Subsequent amendments noted where applicable.]

§ 346-1. Purposes.

The sidewalk cafe/outdoor seating regulations as established in this chapter are designed to allow sidewalk cafes/outdoor seating on private and public property in locations where they are determined to be appropriate by the City and to promote and protect the public health, safety, general welfare and amenity. These general goals include, among others, the following specific purposes:

- A. To provide adequate space for pedestrians on the sidewalk adjacent to the sidewalk cafes, and to insure access to adjacent commercial and retail uses.
- B. To promote sidewalk cafes/outdoor seating as useful and properly planned visual amenities which better relate to the streetscape.
- C. To promote the desirable use of land and buildings and thereby protect the City's tax revenue.

§ 346-2. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

OUTDOOR DINING AREAS —

- A. An outdoor dining area, located on public property, which is public through dedication or easement, or public right-of-way that provides waiter or waitress service and contains tables, chairs, railings and may contain planters. "Outdoor dining" is defined as an open air space without a fixed roof (besides a temporary or seasonal awning or cover). All roadway and sidewalk seating elements must be removed when a City agency, utility company, or other contractor needs to access the space for installation or repair. This includes, but is not limited to, tents, barriers, tables, chairs, and portable heaters.
- B. In addition, roadway seating elements need to be removed during the snow season when roadway dining is suspended. Roadway and sidewalk seating elements must also be removed to facilitate routine and emergency tree work, regardless of whether the City has provided advanced noticed for emergency work.

1. Editor's Note: This chapter was originally adopted as Ch. 366 but was renumbered in order to retain the alphabetical organization of the Code.

and Safety Department. The operator must provide such information as requested by the Director of the Building and Safety Department, including but not limited to the number of proposed tables, the linear square footage of the proposed outdoor cafe and a map showing the design and location of all temporary structures such as retractable awnings, planters, landscaping, tables, chairs, umbrellas and other equipment, as well as lighting and electrical outlet locations. The owner must also indicate whether alcoholic beverages will be prepared and/or served within the proposed outdoor dining area.

- I. In the event that the sidewalk cafe/outdoor seating area will be extending onto a neighboring property, the operator must submit with the site plan the written consent of the neighboring property owner and tenant.
- J. If the Director of the Building and Safety Department disapproves the site development plan or determines not to issue the license, he shall state his reason for his determination in a letter to the applicant. The applicant may then petition the Common Council to be heard.
- K. Hours.
 - (1) Sidewalk cafe/outdoor seating shall close operation by 10:00 p.m. Any requests for later hours will require a noise permit from the Planning Department as well as approval from the Mayor.
 - (2) Outdoor dining areas placed in parking spots must be used a total of six hours per day and at least five days per week for permanent placement. If the outdoor dining area in a parking spot is used less than six total hours per day and five days a week, the furnishings should be removed when not in use.
- L. License to operate sidewalk cafes shall not be granted absent proof that the operator has set aside a minimum of 36 inches of clear distances, exclusive of the area occupied by the sidewalk cafe, free of all obstructions (such as trees, parking meters, utility poles, etc.) in order to allow adequate pedestrian and/or wheelchair movement. Outdoor dining areas should not extend more than seven feet from the sidewalk and must maintain a two-foot distance from parking space wheel stops on either side.
- M. The applicant shall be responsible for delineating the cafe/outdoor seating area by setting up a barrier such as planters or a railing to physically separate patrons from pedestrian traffic.
- N. No structure or enclosure to accommodate the storage of accumulated garbage may be erected or placed adjacent to or separate from the sidewalk cafe on public property.
- O. A sidewalk cafe/outdoor seating shall not interfere with any public service facility, including, but not limited to, bus stops, lampposts, fire hydrants, lighting fixtures, mailboxes, public benches, or telephones located on the sidewalk.
- P. Furnishings and structures.
 - (1) Furnishings of all sidewalk cafes/outdoor seating shall be readily removable, including but not limited to all lights, tables, railings, heaters and umbrellas. Furnishings may not be attached to the sidewalk or to any other public property, either in a permanent or temporary manner. Tables and chairs must be removed or secured in place when not in use.
 - (2) Umbrellas and tents should not be used during inclement weather, such as high wind conditions. Structures or additions of any kind may not be bolted down or drilled into the roadway or sidewalk. Structures, tents, or umbrellas may not block any right-of-way signs or street regulation signs.

- U. The sidewalk cafe/outdoor seating permit must be prominently displayed by the permit holder in a publicly visible location.

§ 346-4. Penalties for offenses.

Any person who shall violate any of the provisions of this chapter shall be liable to prosecution in the City Court and/or any court of competent jurisdiction and shall, upon conviction thereof, be liable for a fine of up to \$250. Each and every day such violation continues shall be deemed a separate violation.

§ 346-5. Revocation for cause.

Any license granted under the provisions of this chapter may be suspended or revoked by the Director of the Building and Safety Department for cause. The licensee may request a hearing before the Director of the Building and Safety Department or his designee within five days of receipt of notice of suspension or revocation. Any such hearing shall be held after reasonable written notice by the Director of the Building and Safety Department to the licensee of the violations, and the licensee shall have the right to be represented by counsel, present evidence on his or her behalf and confront the evidence against him or her. Cause for revocation or suspension of a temporary license shall be any condition that may endanger the health and safety of the public.