

Laws & Rules Committee Meeting
Wednesday, September 18th, at 6:30 PM.

1. Project Labor Agreement (PLA) Proposal - Alderman Dennison
2. Memorializing Resolution to Deny Iroquois Pipeline Expansion - Alderwoman Hirsch
3. Food Truck Regulations - Alderwoman Edwards
4. Ethics Taskforce Recommendation - President Shaut

OLD BUSINESS

1. Resolution 156 of 2024
2. Referral Response from U.C. Planning Board regarding text revision to 405.261:
Historic Landmarks Preservation Commission
3. Amending Chapter 346 of the Code-Sidewalk Cafes- Ald. Tierney
4. Planning Board Statute

(L+R)

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.

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(L+R)

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF KINGSTON, TO ADOPT A MEMORIALIZING RESOLUTION URGING THE GOVERNOR OF NEW YORK TO DENY THE IROQUOIS PIPELINE EXPANSION

WHEREAS, the proposed expansion of the 30-year-old Iroquois natural gas pipeline will significantly increase the fracked gas volume, escalating environmental and health risks in the Hudson Valley; and

WHEREAS, emissions from compressor stations release pollutants like nitrogen oxide and the carcinogen benzene, proven to cause serious health threats, thus violating New Yorkers' right to a clean and healthy environment under the Green Amendment; and

WHEREAS, historical data documents that natural gas pipeline infrastructure, including compressor stations, pose significant safety hazards, evidenced by frequent incidents of leaks, explosions, and resultant fatalities and environmental damage; and

WHEREAS, the pipeline's expansion is in direct conflict with New York's Climate Leadership and Community Protection Act (CLCPA) statutory goals, fostering continued reliance on fossil fuels and undermining the state's statutorily required transition to a sustainable and renewable energy future; and

WHEREAS, Governor Hochul has the responsibility and authority to protect New York's environment and public health and to ensure the full implementation of the CLCPA, with the power to deny this expansion as it is in direct conflict with the state law and thus the state's environmental and health priorities; and

NOW, THEREFORE BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF KINGSTON, NEW YORK, AS FOLLOWS: The City of Kingston calls on Governor Hochul to immediately deny the permit for the Iroquois natural gas pipeline expansion, thereby upholding New York's CLCPA and the state's environmental standards and commitment to a sustainable future; and

AND BE IT FURTHER RESOLVED, that the City Clerk is directed to send a copy of this resolution to U.S. Senator Kirsten Gillibrand, U.S. Senator Charles Schumer, U.S. Congressman Pat Ryan, Governor Kathy Hochul, State Senator Michelle Hinchey, State Assemblymember Sarahana Shrestha, NYS Senate Majority Leader Andrea Stewart Cousins, NYS Assembly Speaker Carl Heastie, County Executive Jen Metzger, Ulster County Legislative Chair Peter Criswell, Ulster County Legislator Abe Uchitelle, Ulster County Legislator Greg McCullough and Ulster County Legislator Joseph Donaldson.



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

4

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

Title/Capacity in which statement is required. Department/Agency in which this function reports

Work Address

Work Telephone Number

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>

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>

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

OLD BUSINESS

**AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF
KINGSTON, NEW YORK, UPDATING AND REVISING SECTION 405.26
L "HISTORIC LANDMARKS PRESERVATION COMMISSION"**

Sponsored By: Laws & Rules Committee: Aldermen:
Hirsch, Tierney, Pasti, Mickens

WHEREAS, a request has been made to update and revise Section 405.26 L:
Historic Landmarks Preservation Commission to the City of Kingston's Administrative
Code; and

WHEREAS, it is in the best interests of the City to update and revise Section 405.26
L: Historic Landmarks Preservation Commission to the City of Kingston's
Administrative Code.

**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
updating and revising The City of Kingston's Administrative Code Section 405.26
L: Historic Landmarks Preservation Commission as attached hereto.

SECTION 2. All ordinances and parts thereof, inconsistent herewith, are
hereby repealed.

SECTION 3. This ordinance shall take effect immediately after 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

Adopted by Council on _____, 2024

①

LHR

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

Suzanne Cahill, Planning Director



Steven T. Noble, Mayor

July 31, 2024

Andrea Shaut, President
City of Kingston Common Council
City Hall - 420 Broadway
Kingston, NY, 12401

Re: Recommended Revisions to Section 405.26.L: Historic Landmarks Preservation Commission of the Form Based Code and Remove Section 264 "Historic and Architectural Design Districts" from the City Administrative Code.

Dear President Shaut:

The Planning Department and Historic Landmarks Preservation Commission (HLPC) are submitting a request for consideration of recommended revisions to Section 405.26.L: Historic Landmarks Preservation Commission of the Form Based Code; and to subsequently remove Section 264 from the City Code, which is defunct and non-enforceable. City Staff and the HLPC have reviewed these sections of the code to identify unclear, redundant, and outdated language. The attached document provides updates to our code that reflect contemporary preservation ordinances throughout NYS.

The Historic Landmarks Preservation Commission was established in 1966 to protect and preserve the city's rich stock of historic structures and initially focused primarily on the Stockade area. Since the 1970s, the mission of the HLPC and enabling code expanded to reflect the community's broader history and geographical scope. In 2023, the new Form Based Zoning Code provided City Staff and the HLPC with the opportunity to evaluate the existing code and put forward the new language and revisions that would position it well into the future.

We ask that you forward this to the appropriate committee for review and consideration. A Draft Committee Report and the Proposed Zoning Language for Section 405.26.L is attached. Please do not hesitate to reach out with any questions or comments that arise.

Respectfully submitted,

Suzanne Cahill, Planning Director

Mark Grunblatt, Esq. Chair of the HLPC

CC: S. Noble, Mayor
B. Graves-Poller, Corp. Counsel
E. Tinti, City Clerk
E. Dickerman, Historic Preservation Admin.
J. Edwards, Ald Ward 4, HLPC Liaison

RECOMMENDED BY THE Historic Landmarks Preservation Commission at the June 6, 2024, Meeting

Suggested Updates to Section 405.26.L:
Historic Landmarks Preservation Commission

Proposed edits after HLPC discussion in April and June 2024.

Recommendation 1: Drop all of Section 264 of the City Administrative Code as its content is updated and incorporated cohesively into Section 405.26.L: HLPC of the City's Form Based Zoning Code.

1. Creation & Purpose. The Common Council ("Council") finds that there exists within the City of Kingston ("City") places, sites, structures, and buildings of historic, cultural, or architectural significance, antiquity, uniqueness of exterior design or construction, which should be conserved, protected, and preserved to maintain the architectural character of the City, to contribute to the aesthetic value of the City and to promote the general good, welfare, health and safety of the City and its residents.

The Council hereby creates the "Historic Landmarks Preservation Commission of the City of Kingston" ("HLPC"). The purpose of the HLPC is to promote the general welfare by providing for the identification, protection, enhancement, perpetuation, and use of buildings, structures, signs, features, improvements, sites, and areas within the city that reflect special elements of the City's historical, architectural, cultural, economic, or aesthetic heritage for the following reasons:

- (a) To foster public knowledge, understanding, and appreciation in the beauty and character of the city and in the accomplishments of its past.
- (b) To ensure the harmonious, orderly, and efficient growth and development of the city.
- (c) To enhance the visual character of the city by encouraging new design and construction that complements the City's historic buildings.
- (d) To protect and promote the economic benefits of historic preservation to the city, its inhabitants and visitors.
- (e) To protect property values in the city.
- (f) To promote and encourage continued private ownership and stewardship of historic structures.
- (g) To identify as early as possible and resolve conflicts between the preservation of historic landmarks/districts and alternative land uses.
- (h) To conserve valuable material and energy resources by ongoing use and maintenance of the existing built environment.

2. Enabling Authority. Pursuant to Article 5, § 96-a*2; Article 5-G, Article 5-J and Article 5-K, § 119-dd of the General Municipal Law; Article 14 of the Parks, Recreation and Historic Preservation Law; and § 10 of the Municipal Home Rule Law; it is hereby declared as a matter of public policy that the protection, enhancement and perpetuation of landmarks and historic districts are necessary to promote the cultural, economic and general welfare of the public.

3. Commission Composition, Appointment, Terms, & Compensation.

- (a) **Membership:** The HLPC shall consist of seven (7) members. The City Historian shall serve the HLPC in an advisory capacity.
- (b) **Appointments:** Members of the HLPC shall be appointed by the Mayor. No person appointed to the commission can also serve as a member of the City's Council or Zoning Board of Appeals.
- (c) **Term of Office:** Terms of office shall be three years, which shall be so arranged that approximately 1/3 of the terms shall expire each year. Upon adoption of this article, present members shall serve until the expiration of their terms. Members of the HLPC may be reappointed for succeeding terms.

- (d) Qualifications: To the extent possible, HLPC members shall be required to have the following expertise:
 - i. One shall be a licensed practicing architect;
 - ii. One shall be an owner of a City designated building or an Owner in a City Historic District;
 - iii. All others shall be residents of the City of Kingston and possess a demonstrated interest in and commitment to the field of historic preservation as evidenced by involvement in a local, state, or national historic preservation group; employment; education; historic property ownership, or volunteer activity in furtherance of historic preservation;
- (e) Vacancies: Vacancies occurring in the HLPC other than by expiration of term of office shall be filled by appointment of the Mayor. Any such appointment shall be for the unexpired portion of the term of the replaced member, and the appointment must be made in accordance with the criteria established above for original appointments.
- (f) Reappointment: Members of the HLPC may be reappointed for succeeding terms, providing that they continue to meet the criteria laid out in Section 3d.
- (g) Compensation: Members shall serve without compensation.
- (h) Training and attendance requirements:
 - i. Each member of the HLPC shall complete, at a minimum, four (4) hours of training each year designed to enable such members to more effectively carry out their duties. Such training shall be approved by the Planning Director and may include, but not be limited to, training provided by a municipality, regional or county planning office or commission, county planning federation, state agency, statewide municipal association, college or other similar entity. Training may be provided in a variety of formats, including but not limited to, electronic media, video, distance learning and traditional classroom training.
 - ii. To be eligible for reappointment to the HLPC, a member shall have completed the training approved by the Planning Director.
 - iii. No decision of the HLPC shall be voided or declared invalid because of a failure to comply with this subdivision.

4. Organization.

- (a) Chairperson; designation and duties.
 - i. The HLPC shall designate its Chairperson and Vice-Chairperson by vote of an affirmative majority of the members of the full HLPC membership base.
 - ii. All meetings of the HLPC shall be held at the call of the chairperson and at such other times as the HLPC may determine by affirmative vote.
- (b) Staff person: The City of Kingston's Planning Department shall employ a staff person to serve as the HLPC Secretary and Community Liaison.
- (c) Quorum: A simple majority shall be four (4) HLPC members and shall constitute a quorum for the transaction of business.
- (d) Costs of operation; budget requests. The cost of the operation of the HLPC shall be funded by the City. The HLPC shall submit its budget request for appropriations to the Planning Director, annually, to be submitted to the Mayor, as part of the annual budget review process.

5. Records and Annual Report. The HLPC shall maintain a record, which shall be open to the public view, of its resolutions, proceedings, and actions. The vote or failure to vote of each member shall be recorded. The concurring affirmative vote of a majority of the full HLPC shall constitute approval of plans before it for review or for the adoption of any resolution, motion, or other action of the HLPC. The HLPC shall make such recommendations to the Council as it deems necessary to carry out the purposes of this Chapter.

6. Powers and Duties.

- (a) The HLPC shall have the following powers and duties:

- i Review any local laws or regulations, including existing landmarks or historic preservation laws or regulations in the City, and recommend to the Council any changes and amendments thereto;
 - ii Recommend to the Council additional regulations to be adopted that may be necessary for the commission to conduct its business, consistent with the scope and intent of this code;
 - iii Recommend to the Council specific criteria for regulations to be adopted that identify and catalogue significant historic landmarks, and from time to time advise it on suggested changes thereto;
 - iv Maintain an inventory of locally designated historic resources or districts within the city and publicize the inventory;
 - v Recommend to the Council additional criteria to be adopted for use when evaluating applications for a Certificate of Appropriateness
 - vi Recommend to the Council proposals for the acquisition of preservation easements or other interests in real property;
 - vii Report on matters referred to the HLPC by the Council. The Council may by resolution provide for the referral to the HLPC for a report on any matter or class of matters that impact the municipality's landmarks preservation laws, policies, regulations, or administrative processes before final action is taken thereon by the Council or other office of said City having final authority over said matter. The Council may further stipulate that final action thereon shall not be taken until the HLPC has submitted its report thereon, or has had a reasonable time, to be fixed by the Council in said resolution, to submit the report.
 - viii The HLPC may make such investigations and studies of matters relating to the protection, enhancement, perpetuation and restoration of landmarks as the HLPC may, from time to time, deem necessary or appropriate for the effectuation of the purpose of this article and may submit reports and recommendations as to such matters to the mayor and other agencies of the City government. In making such investigations and studies, the HLPC may hold such public hearings as it may deem necessary or appropriate.
- (b) Administrative Reviews. In accordance with the regulations adopted by the Council for landmarks and historic preservation purposes, the HLPC shall:
- i Evaluate each application for a Certificate of Appropriateness; approve, approve with modifications, or deny any proposal for exterior changes to a designated individual landmark or property within a designated historic district resulting from any such application;
 - ii Evaluate each application for an economic hardship and; approve, approve with modifications, or deny any such application;
 - iii Evaluate each application for a Certificate of Appropriateness for demolition, removal or relocation and; approve, approve with modifications, or deny any such application;
 - iv Empower the HLPC staff to evaluate, without public hearing, each application for ordinary maintenance and repair of historic resources, properties or landmarks and; approve, approve with modifications, or deny any such applications;
 - v Perform other functions that the Council may designate.
- (c) To recommend to the Council that it establish certain Individual Landmark, Interior Landmark, Scenic Landmark, or Landmark (L) Districts. A Landmark or Landmark (L) District may be or may include an exterior or publicly accessible interior and may include areas comprising all or a portion of:
- i One or more City blocks;
 - ii One or both sides of a street;
 - iii One or more plots of unimproved land;
 - iv Any other real property.
- (d) At its discretion and with the property owner's consent, to cause to be prepared and placed upon or near any Landmark or Landmark (L) District a suitable plaque declaring that fact.

7. Landmark or Landmark District designation procedure.

- (a) The HLPC shall consider for a Landmark or Landmark District designation real property proposed by motion of any HLPC member or by owner of such property or by written request signed by 10 residents of the City of Kingston.
- (b) The criteria for the designation of landmarks shall particularly favor such designation where the proposed
 - i. Landmark or Landmark District:
 - 1. Individual Landmark: The criteria for the designation of landmarks shall particularly favor such designation where the proposed landmark meets one or more of the following:
 - 2. Exemplifies or reflects the broad cultural, political, economic or social history of the nation, state or community;
 - 3. Is identified with historic personages or with important events in national, state or local history;
 - 4. 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
 - 5. Is representative of the notable work of a master builder, designer, or architect whose individual ability has been recognized.
 - ii. Landmark District: The HLPC may delineate a group of properties within the City as an historic district if a majority of properties therein meets one or both of the following:
 - 1. Contain properties which meet one or more of the criteria for designation as a landmark and which may have within its boundary's other properties or structures that, while not of such historic and/or architectural significance to be designated as landmarks, nevertheless contribute to the overall visual characteristics of the landmark or landmarks located within the historic district; and
 - 2. Constitute a unique section of the city by reason of possessing those qualities that would satisfy such criteria.
- (c) Interior Landmark: The HLPC may delineate the interior of a property as an interior landmark if such interior has special historical or aesthetic interest or value as part of the development, heritage or cultural characteristics of the village, town, city, state, or nation and:
 - i. it is customarily open or accessible to the public; or
 - ii. that such interior landmark is supported by the property owner or by signed support of 25 city residents
- (d) Scenic Landmark: The HLPC may delineate a landscape feature or group of features if:
 - i. it is customarily open or accessible to the public; or
 - ii. that such scenic landmark is supported by the property owner or by signed support of 10 city residents
- (e) Recommendations for designation must be accompanied by historical and architectural information as is required by the HLPC to make an informed recommendation concerning the application, together with any fee set by the council.
- (f) The boundaries of each landmark, interior landmark, scenic landmark, or historic district shall be specified in detail with reference to the tax map identification number and shall be filed, in writing, in the City Clerk's office and there made available for review by the public.
- (g) Ordinarily, properties that have been constructed within the past fifty (50) years are not considered eligible for delineation under this landmark's preservation local law or local law adopted by the City governing board. However, such properties will qualify if they are:
 - i. Integral parts of historic districts that meet the criteria for designation; or
 - ii. If they are properties of exceptional importance.
- (h) The HLPC shall hold a public hearing to consider all proposals for the designation of any property as a landmark. The HLPC and any other interested parties may solicit expert testimony and offer other evidence relevant to the designation of the proposed landmark.

- (k) Notice of a proposed designation, including any amendment, shall be sent by the HLPC by regular mail or personal delivery to the last owner of record, as the names and addresses shall appear on the records of the Assessor of the City of Kingston, briefly describing the proposal for designations and the date, time and location of the public hearing by the HLPC to consider the proposed designation. The notice required hereunder shall be sent at least 14 days prior to the public hearing. Once the HLPC has issued notice of a proposed designation, no building permits or demolition permits shall be issued by the building safety officer until the HLPC has made its decision.
- (l) The HLPC shall also cause notice of the proposed designation to be published at least once, at least 14 days prior to the public hearing, in a newspaper having general circulation in the City of Kingston.
- (m) Following the public hearing, the HLPC shall forward to the Council and to the proper owners its recommendations concerning designation of a landmark or a Landmark District. The designation shall be effective upon ratification by the Common Council. Pending ratification, the proposed landmark or Landmark District shall have interim protection.

8. **Demolition of a Non-Landmarked Historic Property & Emergency Designation.**

(a) Purpose: This Section establishes HLPC review procedures for non-landmarked historic properties for which demolition permits have been applied.

(b) Applicability:

- i. This Section applies to the demolition of properties that are not designated local Protected Sites or contributing properties within a designated Preservation District but are listed in or have been determined eligible for the State or National Register of Historic Places or are enumerated as eligible for local designation in the City of Kingston's inventory of historic properties. This inventory may be amended to include additional historic properties. The inventory shall be filed in the Office of the City Clerk and the Building Safety Division, and available for public review in the Planning Office.
- ii. Where the Director of Building Safety and Chief of the Fire Department have determined that a property presents an imminent danger or hazard to public health, safety and welfare, the following review procedure shall be considered waived.

(c) Procedure:

- i. The Building Safety Division shall forward to the HLPC and its staff any application for the partial or full demolition of a non-designated historic property.
- ii. Staff Review: Staff shall review the application for a demolition permit and prepare a staff assessment for the HLPC. Staff shall notify the owner in writing that the HLPC will be reviewing the application and property.
- iii. Review and Decision: The HLPC shall review the demolition of a non-landmarked historic property application as follows:
 - 1. The HLPC shall evaluate the property according to the criteria for designation enumerated in Section 405.26.L. 7. a-f.
 - 2. The HLPC shall determine the following:
 - a. If the HLPC deems a property ineligible for designation as a Protected Site or as a contributing property within a Preservation District, they shall submit its determination of ineligibility to the applicant and appropriate City department.
 - b. If the HLPC deems a property eligible for designation as a local landmark or as part of a Landmark District, they shall submit its preliminary determination of eligibility in writing to the applicant/owners (if known) and Council; together with notice of its finding of need for immediate designation of a landmark or Landmark (L) District. The HLPC shall also forward to the Building Safety Division copies of its finding of need for immediate designation, and, in that case, such recommendations shall be deemed to be in full force and effect, pending public hearing, HLPC recommendation and final action by the Council, and the Building Safety officer shall perform their respective functions and duties as

though the recommendations of the HLPC were adopted in their entirety by the Council. A designation by the HLPC on a finding of immediate need shall be effective from the date of mailing or personal delivery of the notice of designation to the owner of the property (if known) in the same manner as the notice requirements of Subsection (c) hereof and shall expire ~~90~~ 120 days thereafter if the Council shall have failed to act within said period. The notice shall specify the recommendations of the HLPC, its reasons therefore and the right of appeal as contained in § 405.26.L. 14.

9. Landmarks and Landmark (L) Districts.

- (a) Legislative intent. The purpose of this section is to provide for the promotion of the educational, cultural, economic, and general welfare of the public through the protection, enhancement, perpetuation and preservation of landmarks and Landmark (L) Districts. The legislative body declares that it is in the public interest to ensure that the distinctive landmarks and Landmark (L) District shall not be injuriously affected, that the value to the community of those buildings having architectural and historical worth shall not be impaired and that said districts be maintained and preserved to promote their use of the education, pleasure, and welfare of the citizens of the City of Kingston and others.
- i. The **Kingston Stockade Historic District** consists of an area delineated on the City's Regulating map and includes the site of the Stockade ordered built by Peter Stuyvesant (the last director-general of the colony of New Netherland) in 1658 and which remained a protective fortification after the English gained control of the colony. The Stockade District was an integral area during two conflicts between the Dutch and the Esopus Lenni Lenape people, one in 1659-1660 and one in 1663 - 1664. In 1777, the State of New York held its first constitutional convention in the Stockade District's Senate House; later that year the British burned a majority of the Stockade, and other sites in Kingston. The Stockade contains architecture dating back to the 17th and 18th Centuries including the corner of Crown and John Streets with four pre-Revolutionary stone houses, one on each corner of the intersection. Centrally located in the district is the Ulster County Court House, where in 1828, Sojourner Truth became the first black woman to win a court case to recover her son who was illegally sold into slavery in Alabama. In addition to the distinctive pre-Revolutionary stone houses, the district contains 19th Century Federal Period, Greek Revival, Italianate, Second Empire, and Queen Anne structures as well as the mid-19th Century stone Old Dutch Church, a National Landmark.
 1. The Kingston Stockade District represents a locally and nationally important heritage area relative to the Dutch and English Colonial periods and is delineated on the Regulating Map and is declared to be a Landmark District (and a Historic and Architectural Design Overlay District).
 2. The Kingston Stockade District contains 300 years of architecture and cultural resources, and new development must not be allowed to erode the best of the architectural spaces and cultural organizations of the past.
 - ii. The **Rondout-West Strand Historic District** consists of the area delineated on the City's Regulating Map. The Rondout-West Strand Historic District encompasses the area sloping down to and featuring the waterfront on Rondout Creek. The Rondout Village rapidly transformed from farmland into a thriving maritime community after the Delaware and Hudson Canal opened with its terminus here in 1828. By the mid-19th century, jobs on the canal, in boat manufacturers, shipping, brickmaking, cement manufacturing, and bluestone quarrying industries, drew immigrants with diverse backgrounds whose imprints remain visible throughout the district's structures. The Rondout-West Strand District contains a rich stock of commercial buildings, cast-iron storefronts, homes, and churches despite losses due to urban renewal in the 1960's. The Rondout-West Strand Historic District is important because it is the remaining vestige of the thriving port town that supported the economy of the area for close to eighty years. The local trading and industrial activities and the workers and businessmen who lived in this area changed Kingston from a small, rural community to a thriving transportation and industrial center for the

- mid-Hudson Valley. On a larger scale, because of its unique export products, Rondout was an equal to any of the commercial cities along the Hudson between Albany and New York City.
- iii. The **Fair Street Historic District** consists of the area delineated on the City's Regulating Map. By the mid-19th Century, several affluent Kingstonians moved out of the Stockade District to establish grand homes in exclusive middle- and upper-class neighborhoods. The Fair Street Historic District represents this shift with a contiguous line of distinguished residences extending southeastward from the Stockade District to Henry Street. This tree-shaded historic district contains notable examples of Italianate, Second Empire, Queen Anne, and Colonial Revival architecture.
 - iv. The **Chestnut Street Historic District** consists of the area delineated on the City's Regulating Map. The Chestnut Street Historic District contains a significant concentration of intact, fashionable residences which reflect the prosperity and taste of middle- and upper -class residents of 19th and early 20th-century Rondout & Kingston. The Chestnut Street Historic District's period of significance spans the period of ca. 1855 and 1919, which coincides with Kingston and Rondout's growth as a shipping and manufacturing center. This grouping of substantial frame and masonry residences represents the most intact collection of middle-and upper-class residences in Kingston and includes several exceptional illustrations of the mid-19th-century Hudson Valley picturesque taste in architectural design and placement of buildings in the landscape. The Buildings in the historic district exhibit a wide range of styles popular during this period, including Italianate, French 2nd Empire, Queen Anne, Colonial Revival, and Tudor Revival styles, and one residence which illustrates the influence of the Arts & Crafts movement; the historic district also contains one modest late 19th-century Gothic style church. The Chestnut Street Historic District recalls Kingston and Rondout's period of prosperity as a major Hudson River port and manufacturing center.
- (b) Applicability and Guidelines. This section shall apply to all buildings, structures, outbuildings, walls, fences, steps, topographical fixtures, earthworks, landscaping, paving and signs of a landmark or Landmark District. No changes in any exterior architectural feature, including but not limited to, construction, reconstruction, alteration, restoration, removal, demolition or painting, shall be made except as hereinafter provided. To assist in the conservation action, several specific guidelines are included:
- i. Stockade Steeple Height Restriction: Because of the visual importance of the Old Dutch Church steeple, no new structure may rise within the Stockade District above the base of the steeple, which is 62 feet above the curb level.
 - ii. Landmark & Landmark District Façade Materials: Façade materials must conform with § 405.14. A-K of the City's Zoning Code. The HLPC may require restoration and construction projects conform with the district's historical conditions and the Secretary of the Interior's Standards for the Treatment of Historic Properties.
 - iii. Site Design. Building setbacks must conform with the criteria laid out in § 405, Article 3: Transect Standards and § 405.13. A-B (Frontage Types) of the City's Form Based Zoning Code unless otherwise waived or modified as prescribed under the Code. The HLPC shall evaluate new construction in relation to the existing streetscape and provide recommendation to the agency reviewing any modification or waiver for new buildings to be set behind existing building lines to give emphasis to existing structures of historic or aesthetic merit or to allow for suitable landscaping. The new construction shall be compatible with the district in which it is located.
 - iv. Landscaping and Paving. Landscaping must conform with § 405.14.K of the City's Form Based code. The HLPC shall provide a recommendation to the agency reviewing any modification or waiver on requests under the requirements in § 405.14.K that do not conform with existing or historical landscape features submitted in documentation to the HLPC. Landscaping may be required by the HLPC and is deemed an important element of site development.
 - 1 Evergreen materials may be required for screen functions.

- 2 Recommendations may be made to the HLPC by a landscape architect or designer approved by the HLPC.
- 3 Bluestone shall be prescribed for sidewalks, with brick as a secondary material.
- 4 Maintenance of plant material shall be the responsibility of the owner, including responsibility to keep growth trimmed and trained, to meet the Code requirements.
- v. Parking. Parking areas shall conform with § 405.16. A-F of the City's Form Based Code. The HLPC shall provide recommendation to the agency reviewing any modification or waiver on requests under the requirements in § 405.16. A-F that do not conform with existing or historical parking features submitted in documentation to the HLPC.
- vi. Maintenance. Preventive maintenance is required in order to assure that these buildings, spaces, elements and details are preserved. Deliberate neglect and/or lack of preventative maintenance that presents an issue of public safety or rapid deterioration of a structure shall be a violation of this article.

10. Review Procedure for a Certificate of Appropriateness

- (a) No person shall carry out any exterior or historically designated publicly visible interior alteration, restoration, reconstruction, demolition, new construction or moving of a landmark or property within a Landmark District nor shall any person make any material change in the appearance of such a property, its light fixtures, signs, sidewalks, fences, steps, paving or other exterior elements visible from a public street or alley which affect the appearance and cohesiveness of the historic district without first obtaining a Certificate of Appropriateness from the HLPC and a notification to the applicant to obtain a building permit, if necessary. A Certificate of Appropriateness does not obviate the need for a building permit or any other permits from relevant agencies.
- (b) Review Criteria. In making such determinations, the HLPC shall consider:
 - i. The effect of the proposed work in changing, destroying or affecting the exterior features of the landmark or Landmark (L) District upon which such work is to be done;
 - ii. The relationship between the results of such work and the exterior architectural features of other neighboring improvements;
 - iii. The factors of aesthetic, historical and architectural values and significance, architectural style, design, arrangement, texture, material and color;
 - iv. The special character and aesthetic interest that any structure involved adds to the area; and;
 - v. The difficulty or impossibility of reproducing any feature or structure involved because of its design, texture, material, position, or detail.
- (c) All applications shall be considered by the HLPC on at least the following points, these points to be used as a basis, where relevant, for establishing relationships to the external features of buildings in the immediate neighborhood: The building height in relation to surrounding buildings; the relationship to nearby roof shapes; the relationship between the width to height of the street-facing facade; the size, proportion and spacing of openings within the facade and elevations exposed to view; the rhythm of spacing of buildings and building elements on the street; the design and placement of entrances and projections; the relationships of materials, textures and colors; the relationship of architectural details; the continuity of walls; the relationship of landscape elements; the appropriateness of hardscaping; and the effect on existing or historically significant spaces.
- (d) It shall be the further duty of the HLPC to exercise judgment in accord with the basis of decisions stated herein and maintain the desirable character of the Landmark or Landmark District and prevent construction, reconstruction, alteration or demolition out of harmony with existing buildings insofar as character, material, color, line and detail are concerned, and thus to prevent degeneration of property, to safeguard public health, promote safety and preserve the beauty of the character of the landmark or Landmark District.

- (e) It shall be the further duty of the HLPC to exercise judgement in accord with the guidance of the US Secretary of the Interior Standards for Rehabilitation, and/or the Secretary of the Interiors other Standards when deemed necessary by the HLPC.

11. Certificate of Appropriateness for Changes to Landmarks

- (a) The Certificate of Appropriateness required by this section shall be in addition to, and not in lieu of, any building permit that may be required by any other ordinance of the City of Kingston, New York. In the event of overlapping reviews, the most restrictive review shall apply.
- (b) Prior to the commencement of any work requiring a Certificate of Appropriateness, the owner shall file an application for a Certificate of Appropriateness which shall be made, on forms prescribed, with supporting documentation to the HLPC and shall contain the following:
 - i. The name, address, telephone number and signature of the applicant.
 - ii. The name, address, telephone number and signature of the owner.
 - iii. The location and photographs of the building, structure, or land; the exterior architectural features which are proposed to be changed.
 - iv. The plans & elevations of the proposed change.
 - v. A perspective or rendering, if required by the commission.
 - vi. Site plan or plot plan with north arrow, title, scale, legend, adjacent property owners.
 - vii. Samples of colors or materials to be used in the proposed change.
 - viii. Where the proposed change includes signs or lettering, all dimensions and colors, a description of materials to be used and the method of illumination, if any, and showing the location on the building or property.
 - ix. Whatever additional information the HLPC deems necessary to evaluate the application.
 - x. The HLPC reserves the right to waive any of the above requirements if deemed unnecessary.
- (c) Prior to submitting a formal application, the applicant or their representative may meet with the HLPC and/or its staff to informally discuss plans for alterations of exterior features. To avoid unnecessary expense and delay, a sketch or schematic design for the construction, alteration or repair of any regulated activity may be presented to the HLPC. A preliminary design should show the relation to adjacent structures and spaces. The HLPC may advise or recommend alteration and changes to the application.
- (d) Procedure to be followed for a Certificate of Appropriateness
 - i. Within a reasonable time after a completed formal application is filed with the HLPC, but in any event within 90 days after such filing or within such further time as the applicant may, in writing, allow; the HLPC shall conduct a public meeting to approve or deny the application or approve the application with modifications. Opportunity shall be provided to proponents and opponents to provide comments to the HLPC on each proposal under consideration.
 - ii. All decisions of the HLPC shall be in writing. A copy shall be sent to the applicant and a copy filed with the City Clerk and Building Safety Division for public inspection. The HLPC decision shall state the reasons for denying or modifying any application. Approval to proceed will be documented by the issuance of a Certificate of Appropriateness. The conditions upon which the Certificate of Appropriateness is issued will be stated, in writing. During work upon any Certificate of Appropriateness, if a modification is sought, such must be approved by an amended Certificate of Appropriateness issued by the HLPC. Compliance will be necessary to obtain a final certification of occupancy or certificate of compliance from the Building Safety Division. The Certificate of Appropriateness shall be valid for one year. At all times during this term, the Certificate of Appropriateness shall be prominently posted in public view pursuant to local law governing building permit posting.
- (e) Inspection. If, upon inspection of work, the Building Safety Division determines that the work is not in conformity with the Certificate of Appropriateness, the Commission shall be notified. No certificate of occupancy or certificate of compliance shall be issued thereupon until the work is altered to be in conformity with an authorized Certificate of Appropriateness.

12. Hardship:

- (a) An applicant whose Certificate of Appropriateness for a proposed demolition or alteration has been denied must first appeal to the HLPC for relief on the grounds of hardship. To prove the existence of hardship, the applicant shall establish that:
 - i. The hardship shall not be self-inflicted.
 - ii. The property is incapable of earning a reasonable return, regardless of whether that return represents the most profitable return possible;
 - iii. The property cannot be adapted for any other use, whether by the current owner or by a purchaser, which would result in a reasonable return; and
 - iv. Efforts to find a purchaser interested in acquiring the property and preserving it have failed.
- (b) **Hardship Application Procedure.**
 - i. After receiving written notification from the HLPC of the denial or approval with modifications of a Certificate of Appropriateness, and no later than 60 days from the date of said notice, an applicant may commence the hardship process. No building permit or demolition permit shall be issued unless the HLPC makes a finding that a hardship exists. The HLPC may hold a public hearing on the hardship application, at which an opportunity will be provided for the proponents and opponents of the application to present their views.
 - ii. The applicant shall consult in good faith with the HLPC, local preservation groups and interested parties in a diligent effort to seek an alternative that will result in preservation of the property.
 - iii. All decisions of the HLPC shall be in writing. A copy shall be sent to the applicant and a copy filed with the City Clerk's office for public inspection. The HLPC decision shall state the reasons for granting or denying the hardship application.
 - iv. In the event of the HLPC's denial based on hardship application, the applicant may appeal to the City of Kingston Zoning Board for review of said application, applying Landmark Ordinance criteria, as defined by Section 405.26.L.14 of this code.

13. Ordinary Maintenance and Repair Requirement; Demolition by Neglect:

- (a) Ordinary maintenance; repair.
 - i Nothing in this local law shall be construed to prevent the ordinary maintenance and repair of any exterior architectural feature of a historic landmark or property within a historic district that does not involve a change in design, building materials, color, or outward appearance.
 - ii The commission may evaluate and decide, without public hearing, whether proposed work constitutes ordinary maintenance and repair or requires a Certificate of Appropriateness.
- (b) Interiors: Every owner or person in charge of an improvement to an interior landmark shall keep in good repair:
 - i all portions of such interior landmark and
 - ii all other portions of the improvement which, if not so maintained, may cause or tend to cause the interior landmark contained in such improvement to deteriorate, decay, or become damaged or otherwise to fall into a serious state of disrepair.
- (c) Every owner or person in charge of a scenic landmark shall keep in good repair and safe condition, all portions thereof.
- (d) Demolition by Neglect: In its review to determine that demolition by neglect is occurring and upon consultation with the Building Safety Division, the HLPC shall consider all the foregoing criteria and shall also attempt to confer with the owner or person in charge of the real property concerned. It shall also review any communication it shall receive which indicates that demolition by neglect is or may be occurring in any landmark or Landmark District. If the HLPC finds that such demolition is or may be taking place, it shall direct a letter to the Building Safety Division to notify the owner or person in charge of this finding, stating the reasons therefor and requesting that the owner or person in charge immediately take appropriate steps to cause such demolition to cease, and to confer with the HLPC in connection therewith.

Should the owner or person in charge fail to satisfy the HLPC that all necessary steps are or will be promptly taken, the HLPC shall request the Building Safety Division to notify the Corporation Counsel of the City and request the consideration of the proceedings pursuant to § 405.26.J.4.d hereof.

- (e) No owner or person with an interest in real property designated as a landmark or included within a historic district shall permit the property to fall into a serious state of disrepair so as to result in the deterioration of any exterior architectural feature which would, in the judgment of the HLPC, produce a detrimental effect upon the character of the property itself. Maintenance shall be required, consistent with the Property Maintenance Code of NYS, Fire Code of NYS, and Building Code of NYS and all other applicable local regulations. Examples of prohibited disrepair include, but are not limited to:
- i. deteriorated or crumbling exterior plasters, mortar, cementitious materials;
 - ii. deteriorated or inadequate foundation and facades;
 - iii. defective or deteriorated flooring or floor supports or any structural floor members of insufficient size to carry imposed loads with safety;
 - iv. deteriorated walls or other vertical structural supports that split, lean, list, buckle, or otherwise appear compromised;
 - v. members of ceilings, roofs, ceiling and roofs and other associated structure which sag, split or buckle due to defective material or deterioration or are of insufficient size to carry imposed loads;
 - vi. ineffective or inadequate waterproofing of exterior walls, exterior chimneys, roofs, foundations or floors, including windows or doors, which may cause or tend to cause deterioration, decay or damage;
 - vii. defective or insufficient weather protection for roofs, foundation or exterior wall covering, including lack of paint or weathering due to lack of paints or sealants or other protective covering, which may cause or tend to cause deterioration, decay or damage;
 - viii. fireplaces or chimneys which list, bulge or settle due to defective material or deterioration or are of insufficient size or strength to carry imposed loads with safety;
 - ix. any fault or defect in the building or structure which renders it not properly weathertight or otherwise compromises the life and character of the building or structure.

14. Enforcement.

- a. All work performed pursuant to a Certificate of Appropriateness and/or building permit issued under this article shall conform to any requirements included therein. It shall be the duty of the building inspector to periodically inspect any such work to assure compliance with the certificate and all applicable law. In the event that the building inspector finds that work is not being performed pursuant to said Certificate of Appropriateness or building permit, it shall notify the owner or person in charge of this building, stating the reasons therefor and requesting that the owner or person in charge immediately take appropriate steps to conform to said Certificate of Appropriateness or building permit and to confer with the HLPC in connection therewith. Should the owner or person in charge fail to satisfy the HLPC that all necessary steps are or will be immediately taken, the HLPC shall request the Building Safety Division to take appropriate action.
- b. Any owner or person in charge of a property who demolishes, alters, constructs, or permits a designated property to fall into a serious state of disrepair in violation of this local law in the absence of a Certificate of Appropriateness a finding of economic hardship, or other approval by the HLPC, may be required by the HLPC to restore the property and its site to its appearance prior to the violation.
- c. If, in the judgment of the HLPC, a violation of this code exists that will result in a detrimental effect upon the life and character of a designated historic resource, landmark, property or on the character of a historic district as a whole, the commission shall notify the building inspector. If, upon investigation, the building inspector finds non-compliance with the requirements of the Property Maintenance Code of NYS, Fire Code of NYS, Building Code of NYS, Residential Code of NYS, and the Existing Building Code of NYS, or any other applicable law or regulation, the building inspector shall order such remedies as are necessary and consistent with this local code and shall provide written notice thereof to the commission.

- d. Similarly, should both a Certificate of Appropriateness and a building permit be issued, the building safety officer shall have all powers conferred upon him pursuant to the Zoning Ordinance to enforce the Certificate of Appropriateness, including, but not limited to, stop-work orders.
- e. Penalties. A violation of this local law is deemed an offense punishable by a fine as determined by the Building Safety Division of the City of Kingston.

15. **Appeals**. Any party aggrieved by a hardship action of the commission, as determined under Section 405.26. L. 11, may, within 60 days of said hardship decision, file a written appeal to the City's Zoning Board of Appeals for review of the decision. If the party is denied by the Zoning Board of Appeals, then the aggrieved party may seek Article 78 Appellate review which shall be based on the same record that was before the commission and using the same criteria in the city code.

REFERRAL RESPONSE



ULSTER COUNTY PLANNING BOARD

General Municipal Law of New York State

Article 12B

Sections 239-1 and 239-m

Referral Number

2024126

Municipality

Kingston City

Local File Number

Referring Agency

Local Governing Body

Type of Referral

Zoning Statute Amendment

Name of Applicant

City of Kingston Common Council

Name of Project

HLPC Zoning Amendment

Project Location

Citywide

Description

Text revision to 405.261: Historic Landmarks Preservation Commission

UCPB Decision

No County Impact

See Attachments

Referral Officer

Representing the Ulster County Planning Board

Date Received

8/29/2024

Date Reviewed

9/4/2024

Form Date

9/5/2024

Status

Reviewed

FINAL ACTION REPORT FORM



Per GML 239-m and -n FINAL ACTION REPORTS ARE REQUIRED TO BE SUBMITTED WITHIN THIRTY DAYS AFTER FILING

Complete the local agency final action box, add the local file number, include any required submittals, and sign the form

Name of Project: HLPC Zoning Amendment
UCPB Decision: No County Impact

Referral Number: 2024126

Local Agency Final Action:

Approve Disapprove

Member Vote: Yes: No:

- County Planning Board Decision - Reviewed no County Impact
- Concurs with County Planning Board Modifications or Disapproval
- Contrary to County Planning Board Modifications or Disapproval (see required submittals if checked)

- Required Submittals Attached
- Resolution Attached

Local Officer: _____

Date: _____

Required Submittals:

Within thirty days after final action, the referring body must file a report of the final action it has taken with the UCPB. A referring body that acts contrary to a recommendation of modifications or disapproval of a proposed action shall set forth the reasons for the contrary action in such report attached to this form.

Local File Number: _____

Municipality: Kingston City

Referring Agency: Local Governing Body

Type of Referral: Zoning Statute Amendment

Name of Applicant: City of Kingston Common Council

Project Location: Citywide

Description: Text revision to 405.261: Historic Landmarks Preservation Commission

~ For Ulster County Planning Board Use Only ~

Local Board Decision:

Original Date Received: 8/29/2024

Original Review Date: 9/4/2024

Final Action Date Received:

Status: Reviewed

Return Form to:

Referral Officer
Ulster County Planning Board
Box 1800 Kingston, N.Y. 12402

Need Help? Telephone: 340-3340

Form Revised 09/26/2000 UCPB

UCPB Date Stamp

3

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.

Chapter 96
PLANNING BOARD

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		§ 96-15.	Number.

[HISTORY: Adopted by the Common Council of the City of Kingston as indicated in article histories. Amendments noted where applicable.]

ARTICLE I
Establishment

[Adopted 8-7-1984 by L.L. No. 3-1984, as Ch. 87 of the 1984 Code, approved 8-28-1984]

§ 96-1. Composition; terms; vacancies; removal. [Amended 12-16-1999 by L.L. No. 2-2000, approved 1-3-2000; 4-6-2021 by L.L. No. 1-2021, approved 4-28-2021]

There shall be a City Planning Board appointed by the Mayor of the City of Kingston, which Board may consist of two members who may be officials of the City of Kingston and three who do not hold any municipal office therein. The terms of the two official members shall terminate with that of the appointing Mayor.

(A) The composition of the Board shall include one or more members who are resident renters in the City of Kingston and one or more members who are resident homeowners in the City of Kingston. In the event that the composition of the Board no longer includes a resident renter or homeowner, the next member appointed to the board shall be from the respective resident type which is lacking representation on the board.

§ 96-2. Compensation; rights of municipal officials.

Such members shall receive no payment for their services as members of the Board. The municipal officials on such Board shall not, by reason of membership thereon, forfeit their right to exercise the powers, perform the duties or receive the compensation of the municipal office held by them during such membership.

(A) Planning Board members may receive a small stipend, as determined by resolution of the Council, to defray technology, transportation, childcare costs, or any other incidental cost resulting from Board service in order to encourage participation by residents who would have been burdened by incidental expenses.

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§ 96-3. Chairman.

The Chairman of the City Planning Board shall be designated by the Mayor, or, on failure to do so, shall be elected from and by its own members.

§ 96-4. Power and authority to employ others; expenditures.

The City Planning Board shall have the power and authority to employ experts and a staff and to pay for their services and such other expenses as may be necessary, not exceeding in all the appropriation that may be made for such Board by the Common Council of the City of Kingston.

§ 96-5. Adoption of rules and regulations. [Amended 12-16-1999 by L.L. No. 2-2000, approved 1-3-2000]

The City Planning Board may recommend to the Common Council regulations relating to any subject matter over which the Planning Board has jurisdiction under Article III of the General City Law, any other statute or under local law or ordinance of the City. Adoption of any such recommendations by the Common Council shall be by local law.

§ 96-6. City Comprehensive Plan. [Amended 12-16-1999 by L.L. No. 2-2000, approved 1-3-2000]

The Common Council, or by resolution the Planning Board or a special board, may prepare a proposed City Comprehensive Plan and amendments thereto. In the event that the Planning Board or special board is directed to prepare a proposed plan or amendment thereto, such board shall, by resolution, recommend such proposed plan or amendment to the Common Council. Said plan shall be prepared in accordance with

City of Kingston, NY

§ 96-1

PLANNING BOARD

§ 96-7

General City Law § 28-A.

§ 96-7. Final jurisdiction.

The authority having final jurisdiction over any matter in which said City Planning Board also has jurisdiction in accordance with the aforementioned laws shall not proceed to such final action until such City Planning Board has made its final report thereon to such authority, but if such City Planning Board

shall not have made its final report thereon within 45 days from the date of reference thereto, the authority having final jurisdiction may proceed to final action. This section shall not be construed to prevent the Common Council from granting, in any specific case, such longer period as it may fix within which said City Planning Board may make its final report, and if such longer period is granted, the authority having final jurisdiction shall not, in the absence of such report, proceed to final action until that longer period shall have elapsed.

§ 96-8. Review and approval of plans, plats, maps. [Amended 12-16-1999 by L.L. No. 2-2000, approved 1-3-2000]

No plan, plat or description showing the layout of any highway or street upon private property or of building lots in connection with or in relation to such highways or streets within the limits of this municipality shall be received for record in the office of the Clerk of Ulster County until a copy thereof shall have been filed with the City Planning Board and it has been certified with relation to its approval or its refusal to approve. The City Planning Board shall review preliminary and final plans in accordance with the provisions of General City Law § 32.

§ 96-8.1. Applicant required to be present. [Added 9-12-2000; approved 9-21-2000]

The applicant, or designated agent of the applicant, shall be present at the Planning Board meeting when their application is to be addressed.

§ 96-9. Attendance. ¹ [Added 9-12-2000; approved 9-21-2000]

All Planning Board members shall be required to attend a minimum of 10 meetings each year.

§ 96-9.1. Education. [Added 9-12-2000; approved 9-21-2000]

All Planning Board members shall be required to attend a minimum of two educational seminars during their three-year term and receive a stipend.

§ 96-10. When effective.

This article shall take effect immediately.

¹ Editor's Note: Former § 96-9, Power to confirm or change zoning regulations, was repealed 12-16-1999 by L.L. No. 2-2000, approved 1-3-2000.

ARTICLE II

Alternate Members

[Adopted 4-2-2002 by L.L. No. 1-2002, approved 4-18-2002]

§ 96-11. Establishment.

Pursuant to § 27 of the General City Law, alternate Planning Board positions for the City of Kingston Planning Board are hereby established for use when a regular member cannot participate due to a conflict of interest.

§ 96-12. Service.

Pursuant to the Municipal Home Rule Law, alternate Planning Board members may also serve in place of a regular member who is absent.

§ 96-13. Term.

The term for the alternate Planning Board members shall run concurrently with the terms of current members.

§ 96-14. Appointment.

Alternate members of the Planning Board shall be appointed by the Mayor. If no voting member of the Planning Board rented their primary residence at the time of their appointment, the newly appointed member shall rent their primary residence.

§ 96-15. Number.

The Mayor may appoint up to three alternate planning board members.

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