



City of Kingston Kingston Common Council
Meeting Agenda
Tuesday, August 6, 2019
7:30 PM

A CALL TO ORDER

B PLEDGE OF ALLEGIANCE TO THE FLAG

C MOMENT OF SILENCE

D ROLL CALL

E DISPENSE WITH THE READING OF THE MINUTES OF THE PREVIOUS MEETING AND APPROVE SAME AS PREPARED AND FILED BY THE CITY CLERK.

F DISPENSE WITH THE READING OF THE GENERAL BILLS

G PUBLIC SPEAKING - A Maximum of 30 Minutes is Allotted for this Purpose

H CLAIMS

I COMMUNICATIONS

- I.1. Communication- Vacancy Study
Suggested Action: Transfer of funds from the City's Contingency Account to an appropriate contracted services

[Communication- Vacancy Study 8-1-19.pdf](#)
[CGR-Kingston Vacancy Rate Proposal.pdf](#)

- I.2. Adoption of Kingston Open Space Plan
Suggested Action: Adopt Open Space Plan as an element of Kingston Comprehensive Plan
[Communication to President Noble re Open Space Plan.pdf](#)
[Kingston Open Space Plan_FINAL JULY 2019.pdf](#)

- I.3. Communication- Community Benefit Fund
Suggested Action: Refer to appropriate committee to establish a Community Benefit Fund
[Communication- Community Benefit Fund 8-1-19.pdf](#)

- I.4. Local Law to Establish a Sustainable Energy Loan Program (Open C-Pace)
Suggested Action: Adopt Local Law to update PACE Financing
[EIC Municipal Agmt \(OPEN C-PACE\) 080119.docx](#)
[Revised Kingston Local Law re Sustainable Energy Loan Program_Open C-PACE_080119.doc](#)
[Communication to President Noble for amendments to PACE Local Law 8119.pdf](#)

- I.5. NYSEFC WIIA Grant Applications
Suggested Action: Adopt resolution(s) to apply for grants from the NYSEFC WIIA program and execute agreements if awarded the grants
[Letter to CC Regarding NYSEFC WIIA Grants.pdf](#)

I.6. Communications
[20190807101717.pdf](#)

J DISPENSE WITH THE SECOND READING OF THE GENERAL BILLS AND PAY SAME

K REPORT OF THE COMMITTEES

L LOCAL LAWS

M ADJOURNMENT

N AWARDS AND PRESENTATIONS

Kingston Common Council Agenda Item Report

Meeting Date: August 6, 2019

Submitted by: Lynsey Timbrouck

Submitting Department: Mayor

Item Type: Budget Transfer

Agenda Section:

Subject:

Communication- Vacancy Study

Suggested Action:

Transfer of funds from the City's Contingency Account to an appropriate contracted services

Attachments:

[Communication- Vacancy Study 8-1-19.pdf](#)

[CGR-Kingston Vacancy Rate Proposal.pdf](#)

CITY OF KINGSTON

Office of the Mayor

mayor@kingston-ny.gov



Steven T. Noble
Mayor

August 1, 2019

Mr. James L. Noble, Jr.
Alderman-at-Large
President of the Common Council
Kingston City Hall
420 Broadway
Kingston, NY 12401

Dear President Noble,

As part of the recently amended and enacted Emergency Tenant Protection Act, The City of Kingston Common Council has the ability to opt the City of Kingston into the new statewide program. In order to consider this, the City of Kingston would need to conduct a vacancy study of rental buildings built before 1974 and that contain six or more units. The study must show a vacancy rate of less than 5% in order for the City to enter the program. I released an RFP last month and recently reviewed the submissions with the review team, which included a representative from the Kingston Tenants Union. The committee unanimously selected the Center for Government Research (CGR), located in Rochester, New York. The cost of this study is \$32,000. Attached is a copy of the CGR proposal.

I respectfully request that the amount of \$32,000 be transferred from the City's Contingency Account to an appropriate contracted services account to be able to enter into contract with CGR to complete this work.

Thank you for your consideration.

Respectfully submitted,

Steven T. Noble
Mayor

RFP #K19-17

A Proposal to the City of Kingston for an Analysis of Housing Vacancy Rate

Due July 16, 2019, 11 a.m.

Submitted by:

Center for Governmental Research (CGR)
1 S. Washington St., Suite 400
Rochester, NY 14609
(585) 325-6360
(888) 388-8521 (fax)

For Inquiries Regarding This Proposal, Please Contact:

Paul A. Bishop, M.P.A.
Principal and Project Director
(585) 327-7068
pbishop@cgr.org

For Contract Inquiries, Please Contact:

Erika Rosenberg
President and CEO
(585) 327-7066
erosenberg@cgr.org





Our Mission

CGR improves the quality of communities through impactful research, analysis, consultation and data management for the public, nonprofit and philanthropic organizations that serve them

Our Vision

CGR makes communities strong, thriving and competitive

Our Values

Informed
Inquisitive
Ever-improving
Innovative
Collaborative
Communicative
Applied
Inclusive

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Qualifications and Experience

The Center for Governmental Research (CGR) is pleased to respond to the City of Kingston's request for proposals to conduct an analysis of the City's vacancy rate for residential properties that pre-date 1974 and have at least six units.

This engagement requires a consultant team with deep experience helping local governments understand how state policies affect them and how to respond effectively. CGR has an unparalleled record of working with local governments across New York State and the Northeast to address challenges like this one. Our team of experts in local government, policy, economics, data analysis and urban planning has provided independent, objective and data-driven analysis to dozens of municipalities in New York State in recent years, helping them to navigate a wide variety of challenges, from municipal restructuring to decisions about development.

This project also requires a consultant with a strong record of tracking down, cleaning and analyzing data. We are skilled in primary data collection and have experience conducting interviews with both tenants and landlords – most recently, for a comprehensive assessment of lead poisoning data in Buffalo. Our data experts are skilled in pulling existing data from multiple formats, processing the data, and formatting data to Excel and to websites for ease of analysis and public use. Our team is well-versed in collecting and analyzing housing and economic data. Our data-focused work includes *Mid-Hudson Valley Community Profiles*, a data-rich website about seven counties in your region, including Ulster. The website draws on a variety of data sources from the local, state and federal level.

Visit www.mhvcommunityprofiles.org to view our work.

We know well the importance of housing affordability, having worked with other upstate cities to explore solutions to housing challenges and poverty. Our work on *Mid-Hudson Valley Community Profiles* included analysis on home and rental affordability in the region. We found that rent in the Mid-Hudson Valley is slightly less affordable as a percentage of the region's median income than the rest of New York State (excluding New York City). In Kingston specifically, median rental costs represented 40% of the median household income, representing a substantial cost burden to local families and individuals. Our experience includes working with public housing authorities to better meet the needs of the communities they serve, and we are currently working with several nonprofits in the Rochester area to survey their employees about housing challenges they face. A member of our project team also serves on a housing committee for the Rochester-Monroe Anti-Poverty Initiative, providing research support for local efforts to identify and implement housing policies that help to reduce poverty in the Finger Lakes region.

Since 1915, CGR has delivered results to the municipal, education, nonprofit and business-civic sectors through objective analysis, mission-critical data and strategic counsel. We have become a thought leadership partner of choice by empowering innovative solutions in the public interest. Trusted for our independence and breadth of experience spanning a century, CGR delivers expert solutions in government & education, economics & public finance, health & human services and nonprofits & communities.

Proudly headquartered in Rochester, New York and currently supporting 13 staff, CGR has served communities throughout the Northeast and Great Lakes regions. While our work has national reach, we have particular expertise in New York State. In the core competencies sought by the City for this engagement – state and local government expertise, data collection and analysis, and knowledge of housing issues – CGR has a deep portfolio of work. Our website, cgr.org, provides an overview of our recent portfolio of projects.

References

Renewing Our Pledge: A Path to Ending Lead Poisoning of Buffalo's Most Vulnerable Citizens

This report provides an assessment of lead poisoning data for community stakeholders, decision-makers, and funders. The assessment was advised by the Western NY Coalition to Prevent Lead Poisoning and informed by key staff from the City of Buffalo Department of Permits and Inspection and Corporation Counsel, the Erie County Department of Health, and extensive interviews conducted with tenants, landlords, homeowners, non-profit staff, community leaders, and other stakeholders in Erie County. Among the key findings was that the majority of children with elevated blood lead levels live in City of Buffalo single-family homes and doubles owned by over 1,200 different property owners and that 80% of these properties are rental units.

Based on an analysis of data and best practices across the country, CGR recommended the following actions to reduce lead poisoning:

- Require owners of all rental housing to pass an interior inspection for deteriorated paint every three years after an initial six year phase-in period for single and doubles.
- Require Certificates of Occupancy for all residential housing at point of sale.
- Expand Department of Social Services pre-tenancy inspection assessment to include peeling and chipping paint and require of Department of Health inspection of rental properties for rental assistance clients with children under the age of two prior to approval of a security agreement.

- Seek approval for Medicaid-funded lead remediation in the properties of children with elevated lead levels who are enrolled in Medicaid/CHIP.
- Urge New York State to take action to:
 - Grant school nurses across the state access to children’s blood lead test results.
 - Improve state enforcement of lead safe work practices by petitioning the EPA for delegated authority to assume responsibility for administration and enforcement of EPA’s Renovation, Repair, and Painting Program

CGR completed this project in 2018 with a budget of approximately \$100,000.

Contact: Cara Matteliano, VP Community Impact, Community Foundation of Greater Buffalo, caram@cfgb.org, (716) 852-2857

Elm City Communities Strategic Plan

The Housing Authority of the City of New Haven, CT engaged CGR to facilitate a strategic planning process for the agency. The Housing Authority provides public housing and housing choice vouchers to thousands of low-income or disabled residents of the City of New Haven. It has strengthened its reputation in the community over the past 15 years by redeveloping hundreds of affordable housing units and introducing innovative resident services programs. The Housing Authority turned to CGR to help it build upon those gains and adapt to reductions in the agency’s funding from the federal government.

The project’s deliverables included a scan of best practices nationwide, staff and resident surveys, dozens of interviews with internal and external stakeholders, a two-day leadership retreat, and a written strategic plan. The 2016-2018 Strategic Plan was adopted by the Housing Authority of the City of New Haven’s Board of Commissioners. Highlights include adopting new mission and vision statements, establishing a new corporate and organizational structure, developing a financial sustainability plan, and specific strategies to improve organizational functioning and staff capacities.

CGR completed this project in 2015 with a budget of approximately \$90,000.

Contact: Karen Dubois Walton, Executive Director, Housing Authority of the City of New Haven, kdwalton@newhavenhousing.org, (203) 498-8800

Mid-Hudson Valley Community Profiles

The Mid–Hudson Valley Community Profiles project represents a commitment by three of the region’s leading philanthropic organizations to provide governments,

nonprofits and the public with continuously updated comparative information for Columbia, Dutchess, Greene, Orange, Putnam, Sullivan and Ulster counties over multiple years. The Dyson Foundation, United Way of Dutchess County, the Community Foundations of the Hudson Valley and the Community Foundation of Orange and Sullivan have engaged CGR to develop and update the websites, spanning more than 50 indicators of community vitality in areas such as housing, children and youth, community engagement, the economy, education and health. Recently, CGR implemented our new responsive platform including a Dashboard and maps.

CGR's work on this project ongoing. Our initial contract totaled about \$50,000.

Contact: Jennifer Killian, Program Officer, Dyson Foundation, (845) 790-6315, cstancell@dyson.org

Oswego Poverty Reduction Needs Assessment

CGR was engaged by Oswego County Opportunities (OCO) and the City of Oswego to complete a comprehensive needs assessment about the state of poverty in the City of Oswego to inform a work plan aimed at reducing the prevalence and impact of poverty. The City is one of sixteen communities in New York that received funding under ESPRI, which aims to identify and support locally developed anti-poverty efforts. Oswego's effort is being led by LIFT (Learn, Identify, Focus and Transform) Partners, which encompasses about 40 community leaders, service providers and residents. CGR's assessment encompassed data collection and analysis, stakeholder interviews and focus groups (including many with low-income residents), a scan of effective approaches nationwide to combating poverty, and a survey of LIFT Partners to gather perspectives on poverty and information about programs and services available in the community to help low-income residents. It also included a number of recommendations to support low-income Oswego residents and help them become more economically self-sufficient.

CGR completed this project in 2017 with a budget of approximately \$55,000.

Contact: Diane Cooper Currier, Executive Director, Oswego County Opportunities, dcurrier@oco.org, 315-598-4717, ext. 1017

New York State Financial Restructuring Board

The New York State Financial Restructuring Board for Local Governments engaged CGR (via the State Division of the Budget) from 2014-2018 to assist the Board in conducting comprehensive reviews of four cities – Yonkers, Syracuse, Rochester and Niagara Falls – seeking assistance to address substantial fiscal challenges. We list this work as a prime example of CGR's strategic counsel on behalf of upstate and western

New York cities, as well as our role working across state and local levels to deliver assistance to municipalities.

CGR conducted a top-to-bottom reviews of baseline / existing conditions to “size” the fiscal challenges the cities faced and then identified potential opportunities to enhance efficiency, effectiveness and / or economic vitality. Opportunities identified in CGR’s final reports spanned three broad categories: Cost savings, revenue enhancement and process improvement.

Contact: Timothy Ryan, New York State Division of the Budget, timothy.ryan@budget.ny.gov, (518) 486-9610

Project Team

Paul Bishop, M.P.A., Principal and Project Director



Mr. Bishop is a public policy researcher with a passion for addressing local government and public safety issues. He brings his experience in system coordination, emergency response and thorough analysis to each CGR project on which he works. He also brings the perspective of being a supervisor, educator and care provider to each aspect of analysis. His familiarity with the demands of public service allows him to look at situations from multiple points of view.

Mr. Bishop’s experience with government management issues is diverse, including evaluating service options, strategic planning and internal efficiencies for municipalities in Connecticut, Maine, New Jersey, New York, Ohio, and Pennsylvania. In New York, he has led Countywide Shared Service Initiative projects in Allegany and Herkimer Counties in New York, as well as potential dissolution studies for the New York State Villages of Hoosick Falls, Medina, Forestville, Sherman and Van Etten. He led consolidation and shared services studies for the Town and Village of Cazenovia. He led the EMS Strategic Plan in Essex County, NY. He also was key team member on a consolidation evaluation for the western New York counties of Yates and Schuyler. He has led a variety of public safety evaluations, including for the Consensus CNY-Commission on Local Government Modernization for Onondaga County and the New York State Financial Restructuring Board. He also was a key team member of the Skinny Ohio – Lake County Capital Equipment Sharing project for the Ohio state auditor, a four municipality shared services study in Cuyahoga County, OH, and the operational review of municipal services in the Township of Hopewell, NJ.

In 2015, Mr. Bishop directed a comprehensive strategic planning process for Elm City Communities (New Haven Housing Authority), helping the authority to develop strategies to better serve tenants.

Education

M.P.A., College at Brockport, SUNY; B.A., Political Science, University of Rochester

Career

2018-2019, Principal, CGR Inc., Rochester, NY

2016-2018, Associate Principal, CGR Inc., Rochester, NY

2012-2016, Senior Associate, CGR Inc., Rochester, NY

2009-2012, Manager of EMS Education, Monroe Community College, Rochester, NY

2001-2012, EMS Program Coordinator, Monroe Community College, Rochester, NY

David A. Riley, M.U.P., Senior Associate



David A. Riley is a planner, researcher and former journalist focused on improving quality of life in the communities he serves. He offers a unique mix of experience in urban planning, data and policy analysis, qualitative research and writing about government at the local, state and federal levels. Since joining CGR, he has served as a researcher and analyst for local government engagements across New York State, including studies of municipal structure, operations and service

delivery. He also serves as CGR's representative on a housing committee for the Rochester-Monroe Anti-Poverty Initiative, providing research support for efforts to identify and implement housing policies that help to reduce poverty.

Mr. Riley earned his master's degree in urban planning at the University at Buffalo, where he focused on community development and neighborhood planning. While completing his graduate education, he researched innovative approaches to public engagement and worked on projects that focused on revitalizing neighborhoods and vacant urban land, affordable housing, and geographic information systems (GIS) analysis. In both professional and volunteer capacities, Mr. Riley also has served as a facilitator for various public engagement processes, including design charrettes.

Prior to joining CGR, Mr. Riley worked as an independent consultant and analyst on both planning and data analysis projects. Previously, he was an award-winning journalist with extensive experience reporting on government and public policy in upstate New York and Massachusetts, from town hall meetings to congressional elections.

Education

M.U.P., University at Buffalo; B.A., English (journalism), University at Albany

Career

2019-present, Senior Associate, CGR Inc., Rochester, NY
 2018-2019, Research Associate, CGR Inc., Rochester, NY
 2016-2018, Independent Consultant, Rochester, NY
 2013-2016, Government Reporter, Democrat & Chronicle, Rochester, NY
 2005-2013, Reporter and Editor, GateHouse Media New England, Framingham, MA

Katherine Bell, Senior Data Analyst / Information Systems Manager



Katherine Bell provides critical support for diverse projects, ranging from cost-of-government analyses to database design for public, private and nonprofit clients. She has played a key role in the development of every online community profile CGR has delivered to clients.

Her expertise also encompasses data collection; database analysis and management; technical support for program evaluations and needs assessments; data management for online community profiles; and GIS, including interactive mapping. Ms. Bell is our key contact for the U.S. Census, since CGR is an affiliate data center for New York. In addition, she manages in-house technology, overseeing all purchases, installations and innovations.

Education

B.S., Management Information Systems, Rochester Institute of Technology

Career

Ms. Bell joined CGR in July 2004. She was named Manager of Information Systems in 2008 and Senior Data Analyst / Manager of Information Systems in 2018. Prior to joining CGR, she worked in technology-related positions in the Rochester, NY area.

Kieran Bezila, Ph.D., Research Associate

Kieran Bezila is a skilled researcher with experience in both quantitative and qualitative research. He has taught subjects at the collegiate level and conducted research independently and as part of group projects. His research interests include government, politics and the social logic behind every-day decision-making.

Prior to joining CGR, he was an assistant professor of sociology and a teaching fellow at Beloit College in Wisconsin from 2012 to 2018. Previously, he worked for the Center for Responsive Politics, managing and preparing federal campaign finance data for

public view. His National Science Foundation-funded dissertation project enrolled 288 research subjects in a study of the logic underpinning altruistic behaviors such as tipping and gratuities.

Dr. Bezila is proficient in every phase of the research process, from conceptualization and design to collection, data management, analysis and reporting results. He has particular skills in research design, questionnaire and survey construction, interview techniques, conducting focus groups and statistical analysis.

Education

Ph.D. and M.A. in Sociology, Northwestern University; B.A. in Sociology, Boston College

Career

2012-18: Assistant Professor of Sociology and Teaching Fellow, Beloit College

2003-12: Graduate Student in Sociology, Northwestern University

1999-01: The Center for Responsive Politics

Proposed Plan

This analysis will help the Common Council determine whether the City of Kingston has a housing emergency, as defined in New York State's Emergency Tenant Protection Act (ETPA). This year, the New York State Legislature both amended and expanded many of ETPA's provisions, and for the first time, allowed any municipality in the state to regulate residential rental rates if that municipality has a vacancy rate of 5% or less in apartment buildings that have at least six units and were completed before 1974. Kingston's leaders want to understand whether the City qualifies to regulate residential rents under the newly revised law. This work will entail:

- Establishing a list of parcels with residential units in buildings completed before 1974 with at least six units;
- Obtaining owner / management contact information for each relevant parcel and requesting vacancy / occupancy information for each parcel;
- Establishing and verifying a vacancy rate for each parcel;
- Establishing an overall vacancy rate for all properties;
- Comparing this to the ETPA regulation and determining which properties would potentially be subject to the newly expanded law;
- Complete a clear, concise written narrative explaining the data and findings.

The project team will attend meetings with City staff and Common Council members as needed.

Our proposed work plan is discussed below. The final work plan is subject to revisions based upon an initial kickoff meeting with the City of Kingston and other revisions that are required and approved by CGR and the City as the project progresses.

The scope and methodology are based on the assumptions that City staff or representatives will work closely with the project team to identify and provide access to any relevant datasets and to provide important context and feedback throughout the project. The methodology is described below in a series of distinct tasks, for ease of understanding and to give a better sense of project “flow.” In reality, however, certain tasks will necessarily overlap as the project progresses.

Task 1: Project Initiation

CGR’s project team will meet with the Mayor, Corporation Counsel and City staff as soon as possible following receipt of a signed contract. At this kickoff, CGR will:

- Review the goals and objectives of the project, as well as mutual expectations;
- Review the project scope and key deliverables;
- Clarify the role of City staff;
- Agree on a protocol for conveying information and updates to the City during the project;
- Identify key liaisons between the City and CGR;
- Review data and information resources required by CGR’s project team in the immediate term;
- Review an initial list of parcels in Kingston that are of potential relevance to this study;
- Discuss the City’s knowledge of key property owners and any other relevant context as CGR begins its work;
- Identify key staff, officials and / or stakeholders who also should be interviewed as part of the project; and
- Review the overall project timetable.

Subsequent to this meeting, CGR will develop and submit a final summary project work plan and timetable / flowchart to the City. CGR envisions regular check-ins with City staff regarding progress on the project via email, conference call and / or videoconference, depending on the City’s preference.

Task 2: Data Collection and Synthesis

Based on 2018 parcel data available from New York State's GIS Clearinghouse, the City of Kingston has upward of 220 apartment buildings that were constructed before 1974. This provides only a snapshot of the City's multifamily housing landscape; this dataset does not indicate how many units are in each building, nor does it reveal whether there are additional parcels that may also have six or more units, but for various reasons may not be classified as traditional apartment buildings.

CGR's project team will work closely with City departments to identify data they have available on residential parcels in Kingston and use that data to both refine the initial list described above and add more properties to it as necessary. Our project team also will contact Ulster County to better understand relevant data that it may have available. One first step will be to compare an initial list of apartment buildings in Kingston to City and / or Ulster County assessment records to identify the number of units on each parcel and confirm ownership information provided in the GIS data.

Simultaneously, the project team will closely review the recent ETPA legislation and relevant briefings from the State Division of Housing and Community Renewal to develop a clear and accurate understanding of its provisions and which parcels in Kingston would be of relevance to this analysis. As necessary, we will seek clarification from state legislators, the State Division of Housing and Community Renewal and contacts who work in housing development and management.

After developing a revised list of parcels, CGR would develop standardized language to summarize the project and request information from landlords on occupancy / vacancy rates, and begin contacting owners and / or management as early as possible. Our team would rely on requests for information in letters mailed to addresses on record for each owner, as well as phone calls as we are able to identify contact numbers. Again, the project team will work closely with City staff who may be familiar with certain owners and / or have current contact information on record to find the best and most efficient way to reach property owners. CGR will make regular follow-up phone calls to try to secure timely responses from owners. If landlord associations or more informal owner networks exist, CGR will contact them for assistance.

CGR also would encourage the City to make a public announcement of the project and request that owners of pre-1974 buildings with at least six units contact CGR by phone or email. If desired, CGR also can create a website summarizing the project, through which property owners can submit requested information or find CGR's contact information. Also if helpful, CGR staff is available to attend a public meeting at which it can discuss the project and request cooperation from landlords. CGR also will seek to work with landlords and management companies to compile accurate contact

information for other property owners, building on each interview to make the next important contact.

Task 3: Development of Final Report

This phase will be dedicated to analyzing all the data that has been collected in Task 2 and calculating vacancy rates per parcel and citywide. CGR will compare the results to ETPA legislation to assist the City in determining whether Kingston has a “housing emergency” as defined under the law.

In addition to providing a concise written summary of its findings, CGR will provide a database of all relevant parcels to the City in spreadsheet format, as well as a GIS map identifying the location each parcel.

CGR will provide a draft copy of the report to the City for its review and feedback before delivering a final version.

Project Travel

CGR’s cost proposal (provided separately) includes three trips to Kingston to attend a kickoff meeting, a trip to gather additional data and to attend a meeting with Common Council, and to present CGR’s final findings to City staff, Common Council or both, as the City sees fit.

Insurance Requirements

CGR’s Certificate of Liability Insurance, including relevant coverage limits, is attached to this proposal. CGR is willing to discuss possible adjustments if these limits do not meet the City’s expectations.

Appendix

Required Forms

Proof of Insurance

City of Kingston Purchasing Department
RFP#: K19-17
Analysis of Housing Vacancy Rate
Tuesday, July 16, 2019
11:00am

INFORMATION SHEET

NAME OF RESPONDER: Center for Governmental Research, Inc.

ADDRESS: 1 South Washington Street, Suite 400

Rochester, NY 14614

501(c)(3) Not for Profit
TYPE OF ENTITY: Corp. Partnership _____ Individual _____

LLC _____

If a non-publicly owned Corporation: NAME OF CORPORATION: _____

List Principal Stockholders (holding over 5% of outstanding shares) N/A

LIST OFFICERS:

Victor Salerno, Board Chair; David Fiedler, Vice-Chair; Paul Eisenstat, Treasurer; Mauricio Riveros, Secretary; Erika Rosenberg, President and CEO; Susan Barnes, Asst. Treasurer

LIST DIRECTORS: _____

DATE OF ORGANIZATION:

April 20, 1915

If a partnership:

PARTNERS: _____

NAME OF PARTNERSHIP: _____

DATE OF ORGANIZATION:

* If the business is conducted under an assumed name, a copy of the certificate required to be filed under the New York General Business Law must be attached.

City of Kingston Purchasing Department
RFP#: K19-17
Analysis of Housing Vacancy Rate
Tuesday, July 16, 2019
11:00am

AFFIDAVIT OF NON-COLLUSION

NAME OF RESPONDER: Center for Governmental Research, Inc.

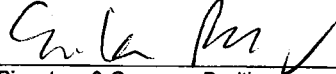
BUSINESS ADDRESS: 1 South Washington Street, Suite 400, Rochester, NY 14614

I hereby attest that I am the person responsible within my firm for the final decision as to the prices(s) and amount of this proposal or, if not, that I have written authorization, enclosed herewith, from that person to make the statements set out below on his or her behalf and on behalf of my firm.

I further attest that:

1. The price(s) and amount of this proposal have been arrived at independently, without consultation, communication or agreement for the purpose of restricting competition with any other contractor, responder or potential responder.
2. Neither the price(s), nor the amount of this proposal, have been disclosed to any other firm or person who is a responder or potential responder on this project, and will not be so disclosed prior to proposal opening.
3. No attempt has been made or will be made to solicit, cause or induce any firm or person to refrain from responding to this RFP, or to submit a proposal higher than the proposal of this firm, or any intentionally high or non-competitive proposal or other form of complementary proposal.
4. The proposal of my firm is made in good faith and not pursuant to any agreement or discussion with, or inducement from any firm or person to submit a complementary proposal.
5. My firm has not offered or entered into a subcontract or agreement regarding the purchase of materials or services from any other firm or person, or offered, promised or paid cash or anything of value to any firm or person, whether in connection with this or any other project, in consideration for an agreement or promise by an firm or person to refrain from responding to this RFP or to submit a complementary proposal on this project.
6. My firm has not accepted or been promised any subcontract or agreement regarding the sale of materials or services to any firm or person, and has not been promised or paid cash or anything of value by any firm or person, whether in connection with this or any project, in consideration for my firm's submitting a complementary proposal, or agreeing to do so, on this project.
7. I have made a diligent inquiry of all members, officers, employees, and agents of my firm with responsibilities relating to the preparation, approval or submission of my firm's proposal on this project and have been advised by each of them that he or she has not participated in any communication, consultation, discussion, agreement, collusion, act or other conduct inconsistent with any of the statements and representations made in this affidavit.
8. **By submission of this proposal, I certify that I have read, am familiar with, and will comply with any and all segments of these specifications.**

The person signing this proposal, under the penalties of perjury, affirms the truth thereof.

 _____, President and CEO
Signature & Company Position

Erika Rosenberg, President and CEO
Print Name & Company Position

Center for Governmental Research, Inc.
Company Name

7/12/2019
Date Signed

16-0754774
Federal I.D. Number



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
11/21/2018

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

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		INSURER(S) AFFORDING COVERAGE	
		INSURER A Harleystville Preferred Insurance	NAIC # 35696
		INSURER B Harleystville Insurance Company of	33235
		INSURER C Harleystville Worcester Insurance	26182
		INSURER D Hartford Ins Co/Midwest	37478
		INSURER E :	
		INSURER F :	

COVERAGES **CERTIFICATE NUMBER:** 18-19 GL, BA, WC, UMB **REVISION NUMBER:**

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INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY			MPA00000035114H	10/1/2018	10/1/2019	EACH OCCURRENCE \$ 1,000,000
	<input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR						DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 1,000,000
	GEN'L AGGREGATE LIMIT APPLIES PER:						MED EXP (Any one person) \$ 20,000
	<input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC						PERSONAL & ADV INJURY \$ 1,000,000
	OTHER:						GENERAL AGGREGATE \$ 3,000,000
							PRODUCTS - COMP/OP AGG \$ 3,000,000
							Employee Benefits \$ 1,000,000
B	AUTOMOBILE LIABILITY			BA00000035113H	10/1/2018	10/1/2019	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000
	<input type="checkbox"/> ANY AUTO ALL OWNED AUTOS <input checked="" type="checkbox"/> HIRED AUTOS	<input type="checkbox"/> SCHEDULED AUTOS <input checked="" type="checkbox"/> NON-OWNED AUTOS					
							BODILY INJURY (Per accident) \$
							PROPERTY DAMAGE (Per accident) \$
							\$
C	<input checked="" type="checkbox"/> UMBRELLA LIAB			CMB00000035115H	10/1/2018	10/1/2019	EACH OCCURRENCE \$ 3,000,000
	<input type="checkbox"/> EXCESS LIAB	<input type="checkbox"/> OCCUR <input type="checkbox"/> CLAIMS-MADE					
	DED <input checked="" type="checkbox"/> RETENTION \$ 10,000						\$
D	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY			01WECGC1631	12/31/2017	10/1/2019	PER STATUTE OTH-ER
	ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH)	<input type="checkbox"/> Y/N	N/A				E.L. EACH ACCIDENT \$ 1,000,000
	If yes, describe under DESCRIPTION OF OPERATIONS below						E.L. DISEASE - EA EMPLOYEE \$ 1,000,000
							E.L. DISEASE - POLICY LIMIT \$ 1,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

CERTIFICATE HOLDER Proof Of Insurance	CANCELLATION
	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE M Bonetto/SGROVE

Kingston Common Council Agenda Item Report

Meeting Date: August 6, 2019

Submitted by: Julie Noble

Submitting Department:

Item Type: Proposed Resolution

Agenda Section:

Subject:

Adoption of Kingston Open Space Plan

Suggested Action:

Adopt Open Space Plan as an element of Kingston Comprehensive Plan

Attachments:

[Communication to President Noble re Open Space Plan.pdf](#)

[Kingston Open Space Plan_FINAL JULY 2019.pdf](#)



**City of Kingston
Conservation Advisory Council
420 Broadway Kingston, NY 12401
(845) 481-7339**

July 1, 2019

James L. Noble, Jr.
Alderman-at-Large
City of Kingston Common Council
City Hall
420 Broadway
Kingston, NY 12401

Re: Adoption of Kingston Open Space Plan

Dear President Noble:

As you may know, in 2017, the City of Kingston and the Conservation Advisory Council began the process of developing a Natural Resources Inventory and Open Space Index for the City. The goal of this data-collection effort was to better understand what natural resources existed in the city so that informed planning decisions could be made with regard to future growth and the conservation of these elements which are considered assets to the city. The findings of this comprehensive work were then utilized as part of a public planning project to develop the City of Kingston Open Space Plan, which is a strategy for the responsible stewardship of the important resources for future generations. The Final City of Kingston Open Space Plan was recently completed by Behan Planning and Design and is included as an attachment with this memo.

The Open Space Plan for the City of Kingston, Ulster County, New York identifies the natural resources and related areas of the community that help to:

- Improve water quality
- Reduce flood damage
- Maintain habitats for wildlife
- Reduce noise pollution
- Improve air quality
- Enhance outdoor recreation opportunities
- Protect scenic resources
- Strengthen property values

Three notable areas within the city which have significant natural resources include the coastal and upland region of the Hudson River, the coastal and upland area associated with the Rondout Creek and the lowlands and waterfront along the Esopus Creek. The plan recommends several actions to address resource conservation in these areas and includes conservation targets for those and other areas for implementation over the next 10 years:

- 5,000 additional linear feet of public access created along the Hudson;
- 500 additional acres of permanently protected land in the uplands along the Hudson;
- 1,000 new street trees planted;
- 5,000 additional linear feet of public access secured along the Rondout;
- 60 additional acres of permanently protected land in the uplands along the Rondout;
- 2,500 linear feet of compromised urban stream corridor restored to a more natural condition;
- 10 new community gardens established in city neighborhoods;
- 50 acres of farmland and natural areas protected along the Esopus;
- 1 new neighborhood park created in Midtown area

The Kingston Conservation Advisory Council would like to recommend that the City of Kingston Common Council adopt the Open Space Plan as an element of the Kingston Comprehensive Plan-Kingston 2025. This action will necessitate that SEQRA requirements will need to be met, including the establishment of Lead Agency and SEQRA review.

We would like to request for this action to be referred to the Laws and Rules Committee or other committee as you see fit, for review. As chair of the Kingston CAC as well as City project manager for this project, I will be happy to be present at the August meeting, to present copies of the Open Space Plan and address any questions. Full documentation of the process and the Final Plan can also be found at www.kingston-ny.gov/NRI.

If there are any questions, please contact me for further information.

Respectfully submitted,



Chair, Kingston Conservation Advisory Council

City of Kingston Sustainability Coordinator

Cc: Steve Noble, Mayor
Andrea Shaut, Chair Laws and Rules
Elisa Tinti, Clerk

City of Kingston, New York

OPEN SPACE PLAN



**Hudson River
Estuary Program**

A Program of the New York State Department of Environmental Conservation

JUNE 25, 2019

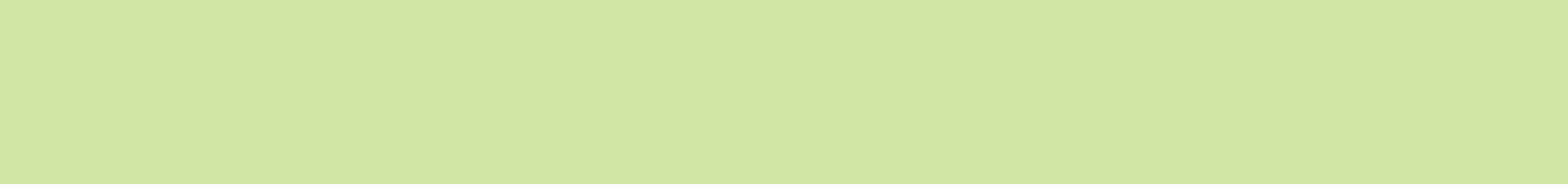
PREPARED BY



PREPARED FOR

The City of Kingston and
the Kingston Conservation
Advisory Council

This project has been funded in part by a grant from the New York State Environmental Protection Fund through the Hudson River Estuary Program of the New York State Department of Environmental Conservation



CITY OF KINGSTON OPEN SPACE PLAN

Mayor

Steven T. Noble

Common Council

Jeffrey Morell	James L. Noble, Jr.
Reynolds Scott-Childress	Douglas Koop
William Carey	Rita Worthington
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Acknowledgements

Special thanks to the following people who contributed their valuable ideas and time to the plan:

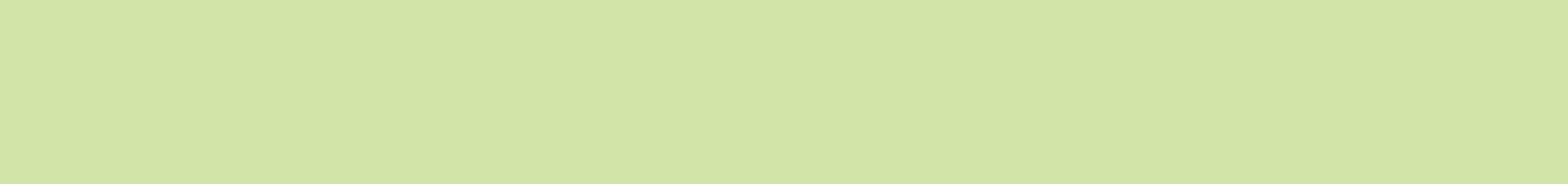
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CITY OF KINGSTON OPEN SPACE PLAN

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APPENDIX A: Public Meeting Notes & Comments

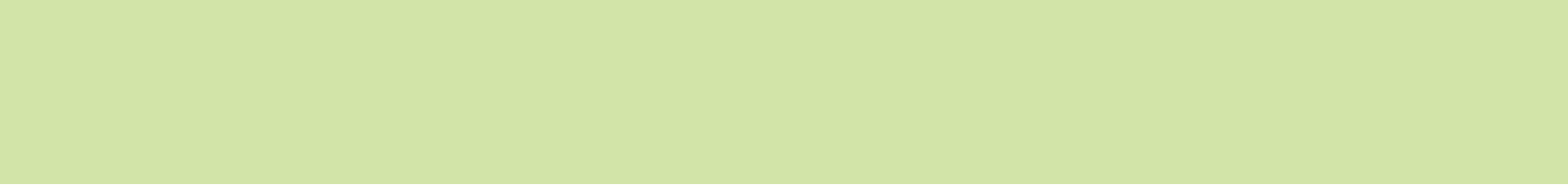
APPENDIX B: Natural Resource Scoring

DOCUMENT REFERENCES

- (1) Mark Correll et al. 1978. *The Effects of Greenbelts on Residential Property Values: Some Findings on the Political Economy of Open Space*. *Land Economics*, and Darryl F. Caputo. 1979. *Open Space Pays: The Socioenvironmental Economics of Open Space Preservation*. Morristown, NJ Conservation Foundation. *Land Economics*.
- (2) American Farmland Trust. September 2016. *Cost of Community Services fact Sheet*. https://www.farmlandinfo.org/sites/default/files/Cost_of_Community_Services_Studies_AFT_FIC_201609.pdf
- (3) Margaret Bonner and Francis Gray. 2005. *Cost of Community Services Study*. Town of Rochester, NY.
- (4) New York State Hudson River Estuary Program. *Climate Change in the Hudson Valley, A Summary for the Public*. https://www.dec.ny.gov/docs/remediation_hudson_pdf/ccinthevms.pdf
- (5) *For this state-designated significant habitat, a habitat impairment test must be met for any activity that is subject to consistency review under federal and state laws, or under applicable local laws contained in an approved local waterfront revitalization program. If the proposed action is subject to consistency review, then the habitat protection policy applies, whether the proposed action is to occur within or outside the designated area. Additional information about significant coastal fish and wildlife habitats can be found at <https://www.dos.ny.gov/opd/programs/consistency/scfwhabitats.html>*
- (6) *Riparian* came to English from the same source that gave us “river” - the Latin *riparius*, a noun deriving from *ripa*, meaning “bank” or “shore.” “Riparian” refers to things that exist alongside a river (such as riparian wetlands, habitats, trees, etc.). Source - <https://www.merriam-webster.com/dictionary/riparian>

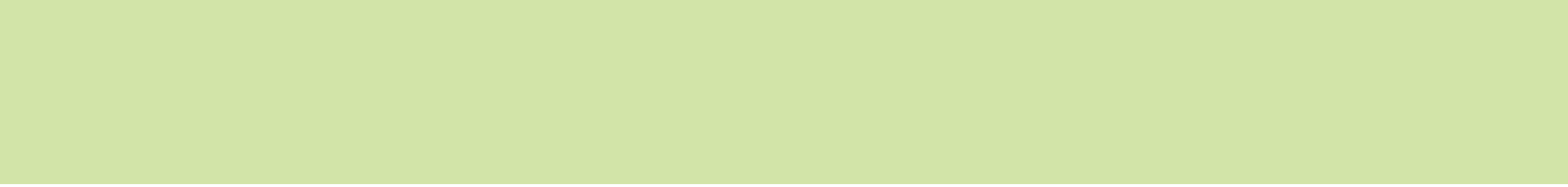
ACRONYMS / ABBREVIATIONS

- CAC CONSERVATION ADVISORY COUNCIL (OF THE CITY OF KINGSTON)
- GIS GEOGRAPHIC INFORMATION SYSTEM
- NRI NATURAL RESOURCES INVENTORY
- NYS NEW YORK STATE
- NYSDEC NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
- NYNHP NEW YORK NATURAL HERITAGE PROGRAM (OF THE NYSDEC)
- OPRHP OFFICE OF PARKS, RECREATION AND HISTORIC PRESERVATION (OF NYS)
- OSI OPEN SPACE INDEX
- PDR PURCHASE OF DEVELOPMENT RIGHTS
- SAV SUBMERGED AQUATIC VEGETATION
- SBA SIGNIFICANT BIODIVERSITY AREA
- USACOE UNITED STATES ARMY CORPS OF ENGINEERS



CHAPTER 1

INTRODUCTION





In 2017, the City of Kingston and the Kingston Conservation Advisory Council (CAC) began the process of developing a Natural Resources Inventory and Open Space Index for the entire city. The goal of this data-collection effort was to better understand what natural resources existed in the city so that informed planning decisions could be made with regard to future growth and the conservation of these elements which are considered assets to the city. It is believed that this knowledge-based approach will not just help to protect the visual aesthetic quality of the city and inform local planning decisions, but also help to maintain clean drinking water, protect natural habitats, provide recreational opportunities and position the city to mitigate impacts from future climate change trends. The findings of this comprehensive work were then utilized as part of a public planning project to develop the City of Kingston Open Space Plan - this document - a strategy for the responsible stewardship of these important resources for future generations.

EXECUTIVE SUMMARY

OPEN SPACE VISION

Kingston's open space system is an interconnected network of parks, paths and preserves that add to the quality of life in the city. The city and its rivers are intertwined in history—and this natural and cultural legacy includes both protected uplands and restored shoreline. Enhanced waterfront access and riparian habitats coupled with naturalized stormwater management systems create the foundation of Kingston's green infrastructure network. The city's comprehensive trail system connects revitalized and expanded parklands and other community recreation resources with local and regional destinations. Community gardens and expanded urban agricultural opportunities help connect people with nature. Kingston is celebrated as a "Tree City" by the Arbor Day Foundation, recognizing the importance of an urban tree canopy and improved care of Kingston's vital city trees. Together these open space resources provide a beautiful and healthy framework for Kingston's continued revitalization; yielding benefits to the quality of life and economic vitality for all who live, work, and play in our treasured city. Source: USEPA website www.epa.gov, Climate Change Basic Information, as it appeared on January 19, 2017.

The Open Space Plan for the City of Kingston, Ulster County, New York identifies the natural resources and related areas of the community that help to:

- Improve water quality
- Reduce flood damage
- Maintain habitats for wildlife
- Reduce noise pollution
- Improve air quality
- Enhance outdoor recreation opportunities
- Protect scenic resources
- Strengthen property values

Forming a foundation of the plan was an extensive Natural Resources Inventory (NRI) developed by dozens of dedicated volunteers, commissioners, consultants and generous stakeholder groups in 2017-2018 and documented in a report and mapping documents compiled by John Mickelson of Geospatial & Ecological Services. This comprehensive inventory included geophysical aspects (geology, terrain, etc.), land cover, urban forests and biotic systems, hydrological systems, recreation resources, historic and cultural resources, among others, and considered factors affecting the environment climate change and related effects such as increased flood risk.

Community input was sought throughout the planning process and in particular in review of the natural resources inventory, identifying conservation priorities and in creating an overall vision for an open space network in the city.

Three notable areas within the city which have significant natural resources include the coastal and upland region of the Hudson River, the coastal and upland area associated with the Rondout Creek and the lowlands and waterfront along the Esopus Creek. The plan recommends several actions to address resource conservation in these areas and includes conservation targets for those and other areas for implementation over the next 10 years:

- 5,000 additional linear feet of public access created along the Hudson;
- 500 additional acres of permanently protected land in the uplands along the Hudson;
- 1,000 new street trees planted;
- 5,000 additional linear feet of public access secured along the Rondout;
- 60 additional acres of permanently protected land in the uplands along the Rondout;
- 2,500 linear feet of compromised urban stream corridor restored to a more natural condition;
- 10 new community gardens established in city neighborhoods;
- 50 acres of farmland and natural areas protected along the Esopus;
- 1 new neighborhood park created in Midtown area

These are not unambitious goals and continued and expanded community partnerships will be needed to achieve that which is envisioned. First and foremost, collaboration with willing landowners who share this conservation interest will be of great importance. As well, conservation partners like the Kingston Land Trust and Scenic Hudson are among the key players who can help the community advance its goals. Other nonprofits including the Hudson Valley YMCA and Riverkeeper, among others, have complementary programs and several county, state, and federal departments and agencies have programs that match well to the projects and actions needed to implement Kingston’s Open Space Plan. City departments and agencies and the elected leadership will all continue to be important to the advancement of the plan.

It is important to recognize that this plan is visionary and conceptual in nature—its implementation will require subsequent technical work in terms of feasibility studies and establishment of priority sites for protection; initiation of more detailed, project-specific planning and design; and development of program-wide and project-specific financing strategies. By advancing the open space conservation targets described in this plan into projects that are implemented, the quality of life for Kingston’s citizens will be enhanced with benefits that will continue in perpetuity for both current and future generations. We hope that you participate in these very important activities months ahead.

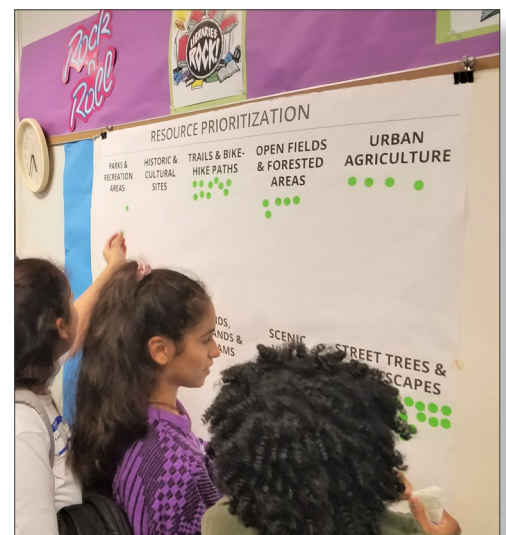


Figure 1. *Young citizens helping establish conservation priorities.*

WHAT IS AN OPEN SPACE PLAN?

An open space plan is a document which outlines the desired goals for the future preservation and enhancement of both the natural and man-made resources which are important to the quality of life in a community. While many people often think of open space simply as farm fields, wetlands or attractive scenery, it is not limited to that. Open space in this sense can include important historic sites or structures; cultural attractions which draw tourists; underground water sources; and public recreation areas such as parks, beaches and gardens. Even downtown streetscapes—the public realm in which people work, play and meet in a city—are an essential component of our community open space. These features contribute to the beauty of our neighborhoods, our health and our overall quality of life. These factors, in turn, contribute to the economic health of the community as well.

It is important for a community to have a plan for the preservation of these resources in much the same way as any family saves for their children’s education or their retirement—they are an investment in our future. As populations grow and new development occurs, open space resources are often lost over time. Taking a look at the long-term picture, it makes sense to identify what is most important to us so that steps can be taken to preserve or enhance these resources for our grandchildren. An open space plan is the strategy to do just that.

The forested areas, rivers, wetlands and other natural resources within the City of Kingston are all part of a system. Ideally, this system must remain balanced and relatively unbroken in order to function properly as a water filtration system or wildlife habitat, but this does not mean that every acre must remain forever untouched. There are many different land uses and land development strategies which can allow for continued growth and economic development while still protecting open space. For example, conservation “cluster” development and development transfer strategies can help to keep sensitive lands open while allowing denser development elsewhere. Likewise, outdoor recreation and agriculture also help to promote tourism and economic activity while protecting the land.

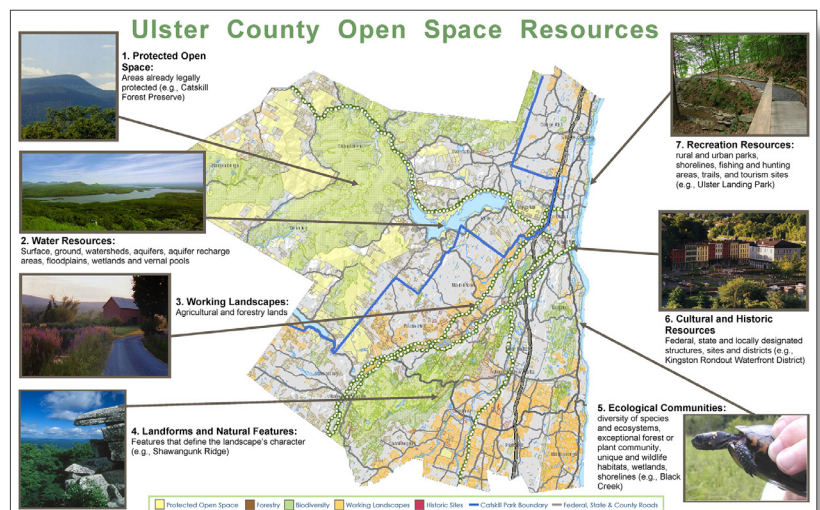


Figure 2. Ulster County Open Space Plan - Resources Map.

Unlike the more rural towns and villages of surrounding Ulster County, Kingston is a bustling riverfront city. Because of this, there is relatively little land area today which remains undeveloped compared to the surrounding communities. Currently, the city has approximately 7% of its total land area devoted

to protected open space. This lags behind a majority of other municipalities in the county, yet is still notable considering its urban industrial history. Today, with relatively little natural open space and forests left to maintain, it is important as ever to identify the areas which should be protected or enhanced. This plan will help to identify the resources here in Kingston which contribute to the health, well-being and quality of life of the community, and help to provide a strategy for the city to ensure that it remains healthy for future generations.

Figure 3. Permanently Protected Open Space in Ulster County

Municipality	Total Acreage	Protected Open Space Acreage	% In Protected Open Space
Town of Shandaken	79,781	55,739	70%
Town of Denning	64,932	43,487	67%
Town of Hardenburgh	51,189	27,918	55%
Town of Olive	42,045	17,830	42%
Town of Kingston	4,772	1,764	37%
Town of Wawarsing	84,971	26,701	31%
Total for Ulster County	737,599	227,434	31%
Town of Hurley	22,649	6,837	30%
Town of Rochester	57,109	16,296	29%
Town of Woodstock	43,818	12,803	29%
Village of Ellenville	1,231	147	12%
Town of Gardiner	28,418	3,184	11%
Town of New Paltz	20,707	2,299	11%
Town of Rosendale	12,738	1,413	11%
Town of Marbletown	35,669	3,163	9%
Village of Saugerties	1,437	118	8%
City of Kingston	5,625	381	7%
Town of Saugerties	36,286	2,307	6%
Town of Esopus	26,868	1,444	5%
Town of Shawangunk	36,286	1,544	5%
Village of New Paltz	1,088	57	5%
Town of Lloyd	21,357	851	4%
Town of Ulster	18,774	504	3%
Town of Marlborough	16,993	299	2%
Town of Plattekill	22,856	348	2%

Source: *Ulster County Open Space Plan; Catskill Center for Conservation and Development and Open Space Institute, 2006*

THE BENEFITS OF OPEN SPACE

Open natural spaces such as forests, rivers, fields and wetlands contribute in many different ways to our health and quality of life, which is why having a management plan for them is so important. While many people can appreciate the obvious visual benefits of beautiful scenery, open space can also help to improve our communities in many other ways which are not readily visible.

Property Values

Having the natural landscape to provide a counter-balance to the built environment helps to strengthen and increase local property values, as it can often provide a more visually appealing setting. This is especially true with preserved lands which cannot be developed. If a prospective buyer knows that the lands adjacent to them will remain undeveloped, they have much more certainty in what they are buying. Many economic studies have demonstrated that proximity to parks and greenbelts in more urban areas can increase nearby property values by as much as 15 - 20%.⁽¹⁾



Figure 4. T.R. Gallo Waterfront Park

THE BENEFITS OF OPEN SPACE

Recreation and Tourism Dollars

Tourism and recreation are an important part of any community, and having recreational opportunities which attract visitors and residents helps to provide money to local businesses. The Hudson River, Rondout and Esopus Creeks provide significant recreational and tourism potential, with waterfront activities, kayaking, marinas and docks which can be a draw for visitors. Supporting these assets is an investment in local businesses and the future.

Reduced Tax Burden

Development of land in any community has tax implications to provide additional services such as roads, police, fire, schools and utilities to the community. Studies conducted across the U.S. over the last 30 years on the impacts of different types of development have shown that for every dollar of tax revenue received, the municipality sometimes has to spend more to provide services in return. Residential development was found to be the most costly, requiring about \$1.16 in services for every tax dollar received. Farmland costs significantly less—generally requiring about \$0.37 per dollar of revenue, followed by commercial development at \$0.30.⁽²⁾ Because the cost to service open space is so low, the combined costs of open space and commercial development was found to be around \$0.18 per tax dollar received in the Ulster County town of Rochester.⁽³⁾ Open space helps to provide a balance to offset the high cost of residential services.

Cleaner Water

The conservation of open space helps to protect and enhance the water quality of both surface waters such as ponds and streams and sub-surface water sources. The natural riparian buffers along streams and the filtration function of wetlands and forests helps to purify water runoff from pollutants before it enters back into the local water system. This results in cleaner water downstream and underground in aquifers, and a reduced need to rely on costly filtration plants to generate clean drinking water.

Reduced Flooding

As communities develop, the additional roads, buildings and parking lots create impervious surfaces which prevent rain from being slowly absorbed into the ground and replenishing streams and the local water table. Instead, the water accumulates and becomes runoff, moving quickly across impervious surfaces where it collects pollutants and is eventually discharged in high volumes to storm drains and streams. This rapid flow of water contributes to flooding, and as more impervious surfaces are created, the more this effect is compounded. Open space areas conversely provide places for rain to be absorbed back into the ground naturally. Likewise, wetlands and floodplains provide stormwater storage areas which temporarily hold rain water and mitigate the flow into developed areas.

THE BENEFITS OF OPEN SPACE

Environmental Health

Preservation of open space helps to support the functioning of natural ecological systems which local flora and wildlife rely on to survive, and from which human communities receive benefits called “ecosystem services.” Maintaining large areas of unfragmented natural land provides important habitat and corridors for wildlife. The trees and plants which live in these areas helps to purify the air we breathe. A balanced natural system is important as degradation of certain plant or animal species can have a negative ripple effect on others.

Agriculture & Food Supply

Local agriculture and community farms help provide a reliable source of food and community gardens can provide locally-grown foods at low cost. Having a local food source is important not just for security but also helps to reduce the amount of energy spent transporting goods long distances to national grocery chains. Having fresh-picked, nutritious foods in your neighborhood—and learning how to grow them—is an important consideration and provides us with a connection to our foods when we know where they came from.

Human Health & Quality of Life

Outdoor parks, playgrounds and trails all provide recreational opportunities where walking, running or hiking contribute to healthy living and exercise. A community which has access to these amenities is more likely to take advantage of them, contributing to the health of the community. Likewise, the more access they have, the more likely they are to use them. And while many people think of open space as large forested areas or parks, in more urban communities these can take many other forms such as community gardens, pocket parks and corner playgrounds. Even a consistent planting of mature street trees—which often go unnoticed by many people as the general backdrop scenery of a street—have a profound impact on the landscape and our health. Such trees provide a regular repository of shade on hot summer days, and provide fresh oxygen in cities where air quality is often lower. They also provide welcome scenery and relief from the paved urban hardscape and make the city a more inviting place to live and work.



Figure 5. Kingston's stockade district is graced with mature street trees, which greatly contribute to the mood and character of the neighborhood. If these trees were to be taken away, the street would have a very different feel, and likely lower property values.

THE BENEFITS OF OPEN SPACE

Climate Change Resiliency

The effects of climate change are anticipated to be felt locally in the coming decades, and proper open space planning provides us the opportunity to be better prepared for it. As a community bordering three rivers, Kingston will likely see the effects of rising water levels and flooding, along with rising temperatures, extreme weather, and the spread of invasive species. Knowing in advance what changes will likely occur provides us the opportunity to prepare for them - a process known as 'climate resiliency.'

The NYSDEC's Hudson River Estuary Program notes the following expected changes and risks associated with climate change over the coming decades: ⁽⁴⁾

- Heat waves becoming more frequent and lasting longer, with the number of summer days exceeding 90 degrees Fahrenheit doubling by the year 2020, and quadrupling by 2050.
- Precipitation becoming more varied and extreme, with potential for short-term droughts and heavier rainfall events. Today's "100-year flood" is expected to become 50% more likely by 2020.
- Since 1900, sea level in the lower Hudson River has risen 15 inches. It is projected to rise another nine to 27 inches by 2050, increasing flooding in coastal areas.
- Invasive species and nuisance plants will thrive under elevated atmospheric CO2 levels, making them spread faster and harder to contain.

WHAT IS CLIMATE CHANGE?

Climate change refers to any significant change in the measures of climate lasting for an extended period of time. In other words, climate change includes major changes in temperature, precipitation, or wind patterns, among other effects, that occur over several decades or longer.

- Humans are largely responsible for recent climate change. Over the past century, human activities have released large amounts of carbon dioxide and other greenhouse gases into the atmosphere.
- The majority of greenhouse gases come from burning fossil fuels to produce energy, although deforestation, industrial processes, and some agricultural practices also emit gases into the atmosphere.
- Greenhouse gases act like a blanket around Earth, trapping energy in the atmosphere and causing it to warm. This phenomenon is called the greenhouse effect and is natural and necessary to support life on Earth. However, the buildup of greenhouse gases can change Earth's climate and result in dangerous effects to human health and welfare and to ecosystems.

Source: USEPA website www.epa.gov, Climate Change Basic Information, as it appeared on January 19, 2017.

Some actions to mitigate adverse impacts of climate change include: Planting more trees in the city to provide shade and clean air; conserving wetlands and forests to help manage stormwater, recharge groundwater and reduce flooding; conserving land in floodplains and riparian areas to reduce damage from storms and serve as natural flood-storage areas. Avoiding the development of these areas now prevents flood damage to future investments and maintains flood storage potential that help keeps surrounding areas from being inundated.

THE CHALLENGES OF OPEN SPACE

Maintaining open natural space also presents challenges, as finding the desired balance between preservation and development often raises questions about the true value of property, property owners' rights to develop it, and the municipal income lost from taxes.

Population Growth vs. Development Style

In a newly-established or growing town, the single largest threat to open space is typically the population growth. The City of Kingston is a well-established city which has already been developed over many decades, and as such has a relatively low or steady population growth compared to many new towns. This however should not mean that there is no threat. The threat of land development more often depends on the type of development which is trending. Compact "traditional" development is a much more efficient use of land, while contemporary "sprawl" eats up available undeveloped land area at a much higher rate. The historic development styles of our past are still giving way to the convenience of suburban parking lots and big box stores, where the more rural areas outside of the city center are now in highest demand. Cities such as Kingston have already developed much of their "developable" land years ago, and often times the land which still remains today exists only because it has more difficult terrain, or is not as conveniently located. The remaining open space here—like in cities all over the country—will continue to be developed as the local options become fewer and higher-value targets. However proper planning now will help to ensure that these remaining areas can still be better preserved.



Figure 6. The intersection of Broadway and Brewster Street.

THE PLANNING PROCESS

The Process of Developing this Plan

In 2018, Behan Planning and Design—a land-use planning consulting firm based in Saratoga Springs—was selected to assist the City of Kingston with the preparation of the open space plan. The plan was overseen by the seven-member Kingston Conservation Advisory Council (CAC), who met regularly every month to review information and coordinate decisions with the consulting team. The mission statement of the CAC is: *Ensure the conservation of the City of Kingston's natural resources and the enhancement and protection of its environment while fostering unified action on environmental matters.*

Among other regular duties, the CAC was responsible for overseeing the successful evolution of all of the information developed in the natural resource inventory into a clear and concise open space plan which would help guide future land use decisions in the city. In order to do this, it was important that the public be involved in the decision making process and have a voice for ideas and concerns.

The CAC hosted a public informational meeting on June 22, 2018 to present the findings of the Natural Resource Inventory (NRI), and formally announce the beginning of the open space planning process. Approximately 50 people attended this meeting, and all were encouraged to sign up for future meeting announcements.

On September 25, 2018, the first public workshop was held at the Kingston Library to develop open space visioning ideas. This workshop was open to the public, with specific stakeholders directly invited, including those who signed-up at the informational meeting and those who owned significant tracts of vacant land within the city. Over 40 people attended this workshop, which included table discussions with aerial maps and resource prioritization exercises. The resource prioritization exercises asked participants to “vote” for the preservation of different resources by spending an allotted number of stickers on different categories.



Figure 7. Participants at each workshop table were invited to draw on maps to share their ideas for conservation, recreation and other community enhancements.

Figure 8. Resource Prioritization Results

Local Resource to Protect / Enhance	Total Score
Street Trees & Streetscapes	87
Trails & Bike-Hike Paths	77
Parks & Recreation Areas	57
Hudson River Shoreline	57
Urban Agriculture	51
Esopus & Rondout Creeks	49
Open Fields & Forested Areas	46
Historic & Cultural Sites	45
Wetlands, Ponds & Streams	36
Scenic Views	36

THE PLANNING PROCESS

A SAMPLING OF ATTENDEES' IDEAS FROM THE SEPTEMBER PUBLIC VISIONING WORKSHOP

Conservation & City Enhancements

- ∞ Protection of the Esopus Creek floodplain.
- ∞ Preservation of the undeveloped lands west of the railroad tracks, in the vicinity of Wilbur Ave., Chapel St., and Mason Hill Road.
- ∞ Preservation of undeveloped lands in southwest area of the city, upland from the Rondout Creek.
- ∞ Kingston Plaza upgrades - sidewalk connections to surrounding areas and more greenspace / sustainable stormwater solutions.
- ∞ Uncover or “daylight” buried streams such as Tannery Brook / Twaalfskill.
- ∞ Redeveloped commercial properties could incorporate more greenspace, softer landscaping in lieu of pavement.
- ∞ Support of urban agriculture with more community gardens.
- ∞ Protection of water quality from combined Hudson River sewer overflows, turbidity from Esopus upstream impoundment operations.

New Recreation Opportunities

- ∞ Riverfront promenade along the Hudson River.
- ∞ Removal of debris from Esopus Creek to allow paddling/kayaking.
- ∞ Bringing back Clearwater Park and Lawton Park.
- ∞ More playgrounds, pocket parks, street trees in midtown areas of the city.
- ∞ Kayak launches or public access on Esopus Creek on Kingston side.
- ∞ Pocket parks along trails such as Greenline, Wallkill Valley Rail Trail, Empire State Trail.
- ∞ Academy Green upgrades.
- ∞ Safe pedestrian crossing of active railroad and sound buffers.
- ∞ Additional marina/dock space along Rondout.

THE PLANNING PROCESS

After the workshop, a public comment period was provided where people could submit additional ideas and considerations to the CAC. A highlight of some of the ideas which came out of that meeting are presented on the next page. (A full copy of the notes and written public comments collected at this workshop is provided in the Appendix.)

The input gathered from this meeting was used to begin defining goals and strategies for the open space plan. Not surprisingly, the public provided a wide variety of suggestions on many facets of recreation and open space protection. It was important to review these ideas, and determine what needed to be incorporated into the plan. The CAC and consultants met to review the summary material from the workshop and discuss the potential projects or efforts which were derived from the public input. A review was also conducted to determine if there were additional considerations which should be incorporated into the plan.

As part of this review, a series of resource-analysis “heat maps” were developed in GIS (Geographic Information Systems) using the data from the NRI, which looked at the geographic location of various natural and cultural resources found throughout the city. The CAC, using some of the resource prioritization input from the first public workshop, developed a scoring system for each of the various resources. Areas where more of these resources overlapped received a higher score. This allowed the CAC to visualize what geographic lands were more important or sensitive to development. When combined, the overall maps were used to identify priority areas for conservation.

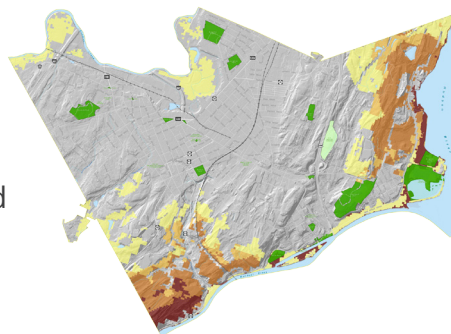


Figure 9. An example of one of the GIS “Heat Map” analysis, showing areas of the city most vulnerable to trending climate change impacts. Multiple maps were developed for different topics and then combined together to identify the priority areas of the city for conservation.

The resulting heat maps and ideas collected at the first public meeting were then used to develop preliminary recommendations for discussion. Areas of the city which contained overlapping priority resources were considered for different conservation approaches, as well as potential community improvement projects. At this point, it was important to bring the discussion back to the public to get their feedback on these ideas and help determine what resources, efforts

SUMMER 2018

IDENTIFY
NATURAL
RESOURCES

PUBLIC WORKSHOP
SEPTEMBER 2018

DETERMINE
WHAT IS
IMPORTANT

FALL 2018 / WINTER 2019

IDENTIFY
PROJECTS

PUBLIC WORKSHOP
SPRING 2019

REVIEW
COMMUNITY
PRIORITIES

SUMMER 2019

FINALIZE
PLAN

THE PLANNING PROCESS



Figure 10. Participants at the open space workshop utilized a series of table maps to draw out ideas and identify areas for future recreation and preservation.

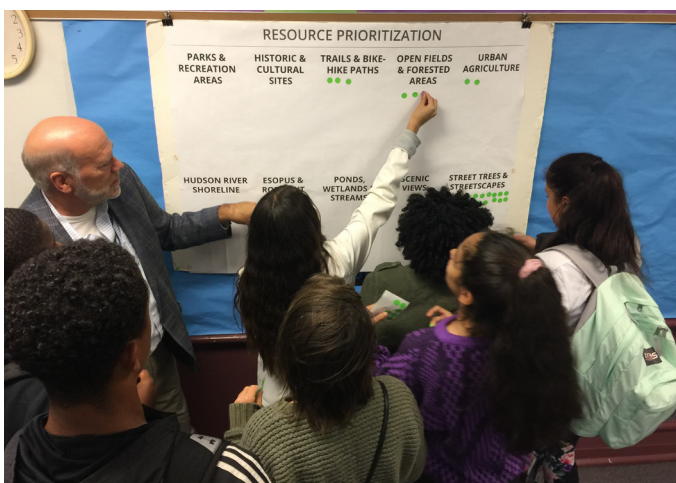


Figure 11. Participants at the open space workshop were asked to vote for categories of different local resources they would most like to see enhanced or protected using a series of voting stickers (Photo: Susan Hereth). Below: Draft Open Space Plan presentation May 2019 (Photo: City of Kingston).



and projects should be given priority. This would assist the city with general guidance on the best short and long-term implementation goals, and develop a timeline for implementation.

In May of 2019, the draft Open Space Plan was presented to the public at City Hall. The goal of this presentation was to review the major findings and recommendations of the plan and confirm that local residents and city leaders agreed with the direction and specific details of the planning document.

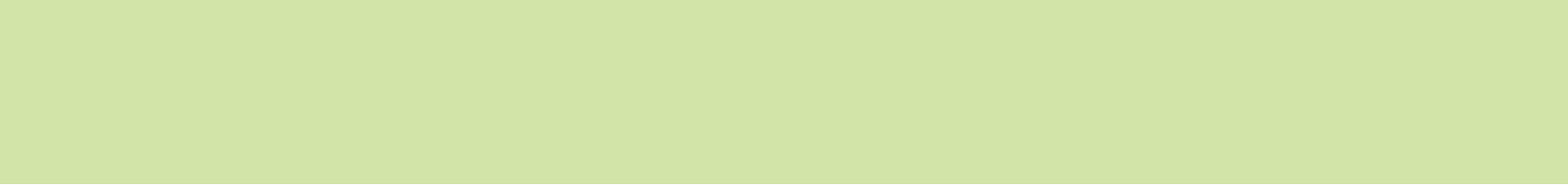
John Mickelson, the author of the Natural Resource Inventory, joined Laura Heady of the Department of Environmental Control in speaking about the findings of the Natural Resource Inventory which was used as the foundation for this plan. Greg Shaheen of the Kingston Land Trust also spoke about conservation techniques for future trails and land management.

The presentation included a recap of the major concerns identified in the plan, including coastal flooding, invasive species management, brownfield redevelopment, pollution and shoreline habitat. A draft vision statement was shared for discussion, as well as a summary of the proposed “10-year goals” for the City of Kingston which covered the topics of the Hudson River shoreline, Rondout Creek corridor, Esopus Creek corridor, community gardens, neighborhood parks, street trees, trail connections, farmland, and restoration of stream corridors. (A full copy of the notes collected at that meeting is provided in the Appendix.)

At the conclusion of the presentation, it was noted that a public comment period would be left open until June 14th for any additional comments and questions. The public comments from this presentation and draft review were then used to help finalize the plan.

CHAPTER 2

RESOURCE INVENTORY AND ANALYSIS



THE REGIONAL CONTEXT

The City of Kingston, bounded on the north and south by major tributaries to the Hudson River, was a logical location for the only city in Ulster County to develop. Two of the three major waterways in the county—the Esopus and Rondout Creeks—collect their watershed rainwater and transport it downstream to the east side of the city in the Hudson River. The Esopus Creek, traveling through the mountains from the Ashokan Reservoir, today is the primary source of drinking water for New York City. These waters, once important decades ago for travel and the transport of merchandise, continue to be important today as a source of drinking water and recreation. (The residents of Kingston now get their drinking water from Cooper Lake, miles upstream in Woodstock.) Along with water, the Catskill Mountains to the west provide recreation, tourism, untamed open space and many other natural resources which are important to the area’s economy and quality of life.

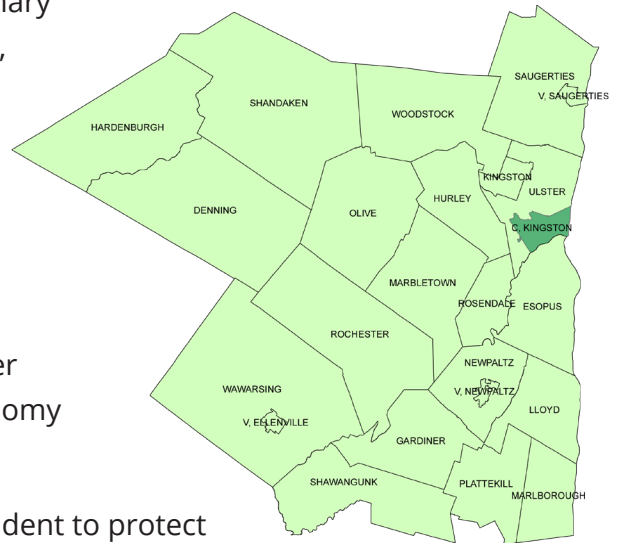


Figure 12. The City of Kingston in Ulster County.

With these many essential and valued resources, it is prudent to protect certain lands and features as protected open space. Protected open space is any public or private land permanently protected from development, such as forest preserves, dedicated parkland, parkways, and nature preserves. In developed areas such as cities, protected open spaces can include parks, cemeteries vegetated buffer strips, historic sites, and even setbacks on private property.

The distribution of protected open space varies widely across the county. Although as much as 30% of Ulster County is made up of protected open space, a majority of this land is located in the western regions concentrated around the Catskill Mountains. The eastern region of the county has significantly less protection, despite a prevalence of wetlands and consolidated aquifers. As the only city in the county, and a hub of activity along the north-south I-87 corridor, the City of Kingston faces much different development pressures and threats than the more



Figure 13. The City of Kingston and surrounding environs.

THE NATURAL RESOURCE INVENTORY

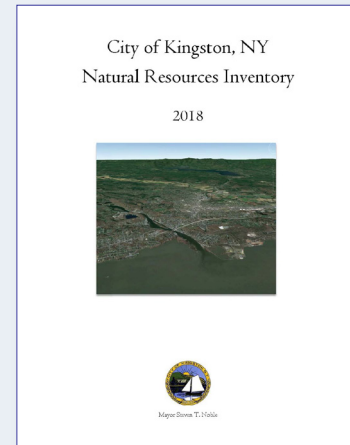
Natural Resources Inventory (NRI) and Open Space Index (OSI)

The Natural Resources Inventory was compiled in 2018 through Estuary Grant funding, and is an established foundation for this open space plan. Through the diligent work and contributions of dozens of dedicated staff, volunteers, commissioners, consultants and generous stakeholder groups, a wide array of data, reports, maps, and topical and spatial information has been assembled into a Natural Resources Inventory (NRI) and an Open Space Index by the city with the Kingston Conservation Advisory Council (CAC) working with consultant John Mickelson of Geospatial & Ecological Services. This work was completed in 2018, and provided an essential foundation for the preparation of this open space plan. It will also continue to serve as an information base for other future planning initiatives and decisions which will help conserve the city's natural resources.

Designed to be user-friendly and compatible with modern geospatial technologies (e.g. Google Earth), Kingston's NRI provides powerful, simple and free spatial tools for easy access by all. A broad array of natural resource, cultural and open space features are included: biophysical resources (geology, soils, and terrain), hydrological resources (water and aquatic habitats), biological resources (vegetation, habitats, flora, and fauna), recreational resources, urban agriculture, historical and cultural resources, scenic resources and climate.

The Open Space Index provides a breakout of some 20 important natural resource and open space variables, summarized using tax parcels as the unit of analysis. The various geographic information system (GIS) layers will greatly enhance current and future mapping in the city and ensure that GIS operators will have easy access to the comprehensive map library. To augment and expand the utility of these primary aids, the vast majority of layers that went into constructing each map were converted to KML format, for use within Google Earth. Natural resource and open space categories were organized into groups as a method for presenting and discussing both the open space (cultural) and the natural and biotic elements in the NRI process. The general organization of the NRI is listed in the sidebar to the right.

Natural Resource Inventory



[GEOPHYSICAL](#)
Geology, Soils, Terrain

[LAND COVER AND BIOTIC SYSTEMS](#)
Land Cover, Habitat Studies

[URBAN FOREST](#)
Resources, Stresses and Threats

[HYDROLOGICAL SYSTEMS](#)
Hudson River, Rondout Creek, Esopus Creek, Riparian Zones, Surface Ponds, Human Drinking Water Supply, Stresses and Threats

[FLORA AND FAUNA](#)
Resources, Stresses and Threats

[RECREATIONAL RESOURCES](#)
Resources, Stresses and Threats

[URBAN AGRICULTURE](#)
Resources, Stresses and Threats

[HISTORIC AND CULTURAL](#)
Resources, Stresses and Threats

[CLIMATE AND POTENTIAL ENVIRONMENTAL CHANGES](#)

THE NATURAL RESOURCE INVENTORY

It is not surprising that many of the high-value terrestrial biodiversity resources identified in the NRI fall within three large natural areas remaining in Kingston. The first falls within the coastal and upland regions adjacent to the Hudson River shoreline. The second area contains the floodplain forests, riparian zones, marshes and adjacent grasslands along the Esopus Creek. The third area includes the large forested areas within the southwestern corner of Kingston, within the Twaalfskill Basin. The Hudson River and the Rondout Creek contain much of the rare, endangered and special concern species. Fisheries here are also very regionally significant both from an ecological as well as a recreational perspective.

At a more detailed level, the NRI identifies a comprehensive array of important natural resources, some of which are illustrated below in maps for reference. The interested reader is encouraged to view the full report—which can be found at www.kingston-ny.gov/nri—and the associated digital maps for a more complete picture of these important local natural systems. The data from this comprehensive NRI/Open Space Index was used to help establish priority areas for conservation identified later in this plan. See page 22 - Scoring the Resources.

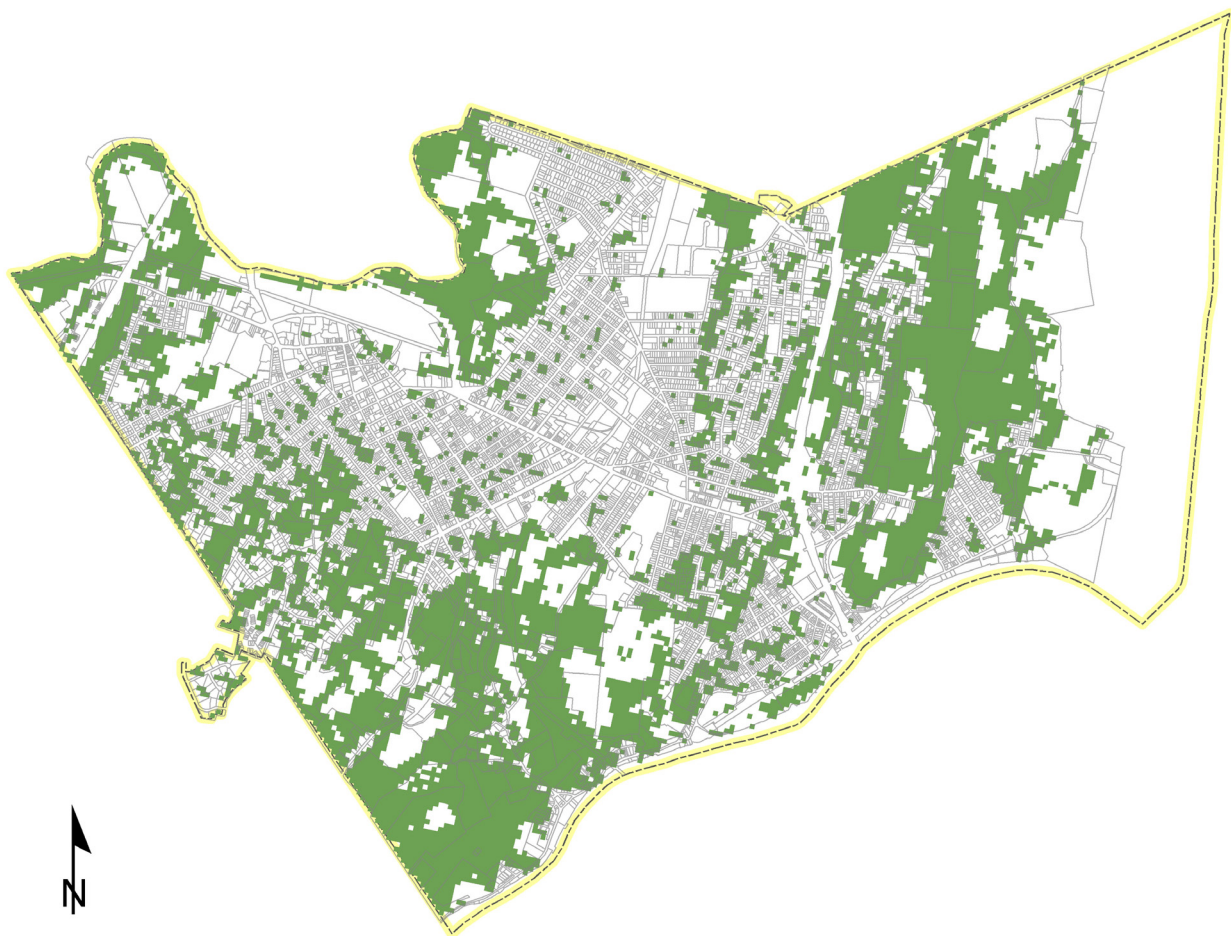


Figure 14. FOREST COVER - NRI map indicating the current geographic extents of the urban forest canopy within the City of Kingston. 54
This measurement included area with 40% or more of tree canopy coverage.

THE NATURAL RESOURCE INVENTORY

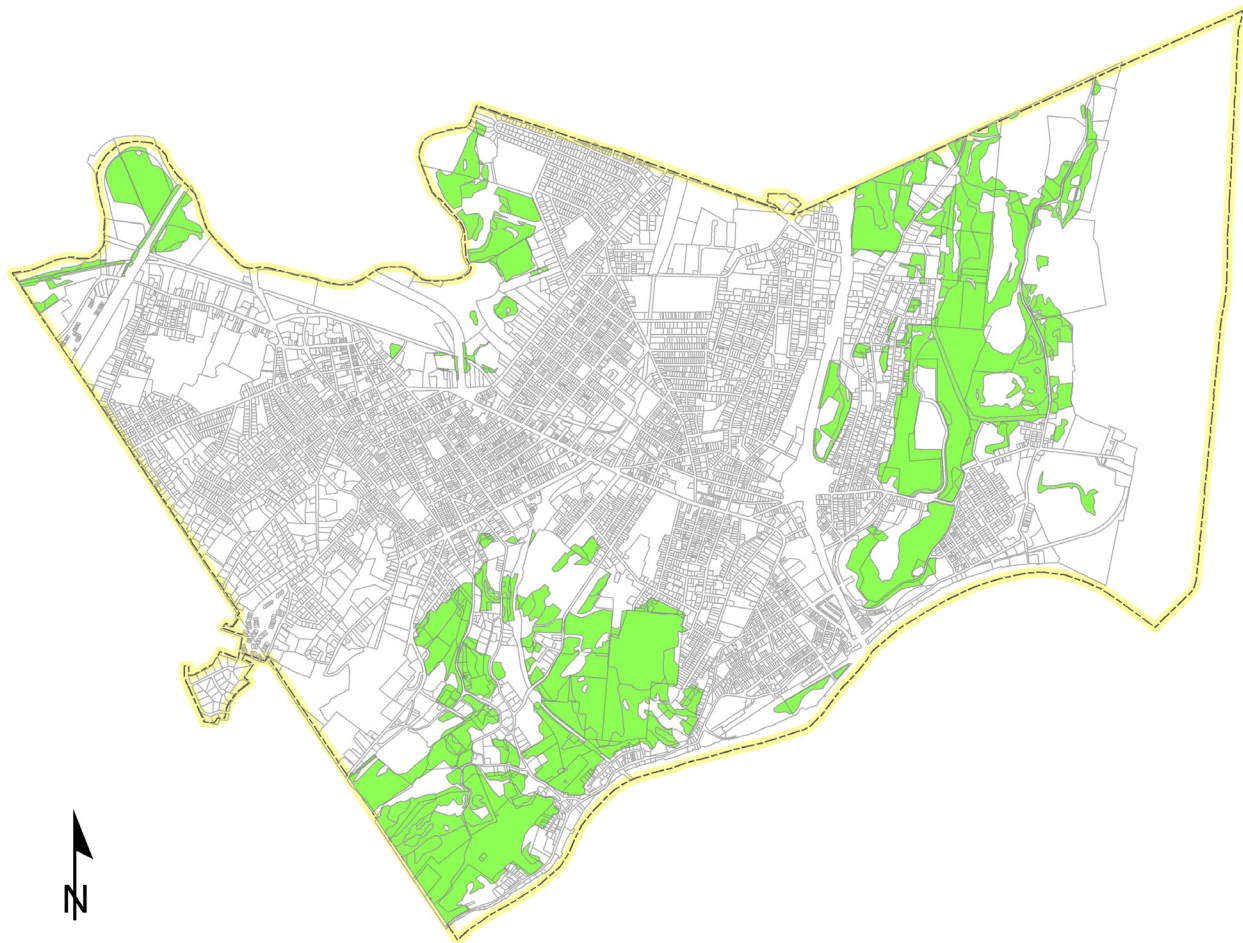


Figure 15. *BIOLOGICALLY IMPORTANT TERRESTRIAL AREAS - NRI map indicating the current geographic extents of known terrestrial (non-aquatic) biological habitats. Biologically important areas are defined as those found to contain significant and valuable habitat, plant and/or animal species, biodiversity features or ecological functions. Maintaining contiguous (non-fragmented) natural habitat areas is important for the breeding and survival of local animal life. For the purposes of mapping analysis, aquatic habitats were identified separately.*

The overarching results of the NRI analysis found that a large majority of the high-value terrestrial biodiversity within the city was generally found in three large clusters around the urban center: the coastal and upland regions to the east along the Hudson River; the coastal and upland regions along the Rondout Creek to the south; and the floodplain forests, riparian zones, marshes and grasslands along the Esopus Creek to the north. Overall, the Hudson River and the Rondout Creek together were responsible for much of the rare, endangered or special concern species which were identified.

The NRI noted in the executive summary that these findings aligned very closely with those of previous habitat studies conducted by the New York State Department of Environmental Conservation (NYSDEC) and Hudsonia, Ltd., a not-for-profit institute for environmental research and education. (City of Kingston, NY Natural Resources Inventory 2018. Appendix F, Section 1. Species Tables from: 2014 Natural Areas and Wildlife in Your Community: A Habitat Summary Prepared for the City of Kingston - May 2014. NYSDEC L. Heady)

THE NATURAL RESOURCE INVENTORY

Using the findings of this NRI, an Open Space Index (OSI) was developed. The OSI database gives the city the ability to identify—by individual tax parcel—the presence and size of select natural resources. This is an important tool which can be utilized to identify the potential impact to important conservation features at the earliest stages of development review, giving land-use and design review boards (including but not limited to the Kingston Planning Board, Landmark Commission, Heritage Kingston Committee), as well as applicants, knowledge of sensitive features on-site. It is the hope of

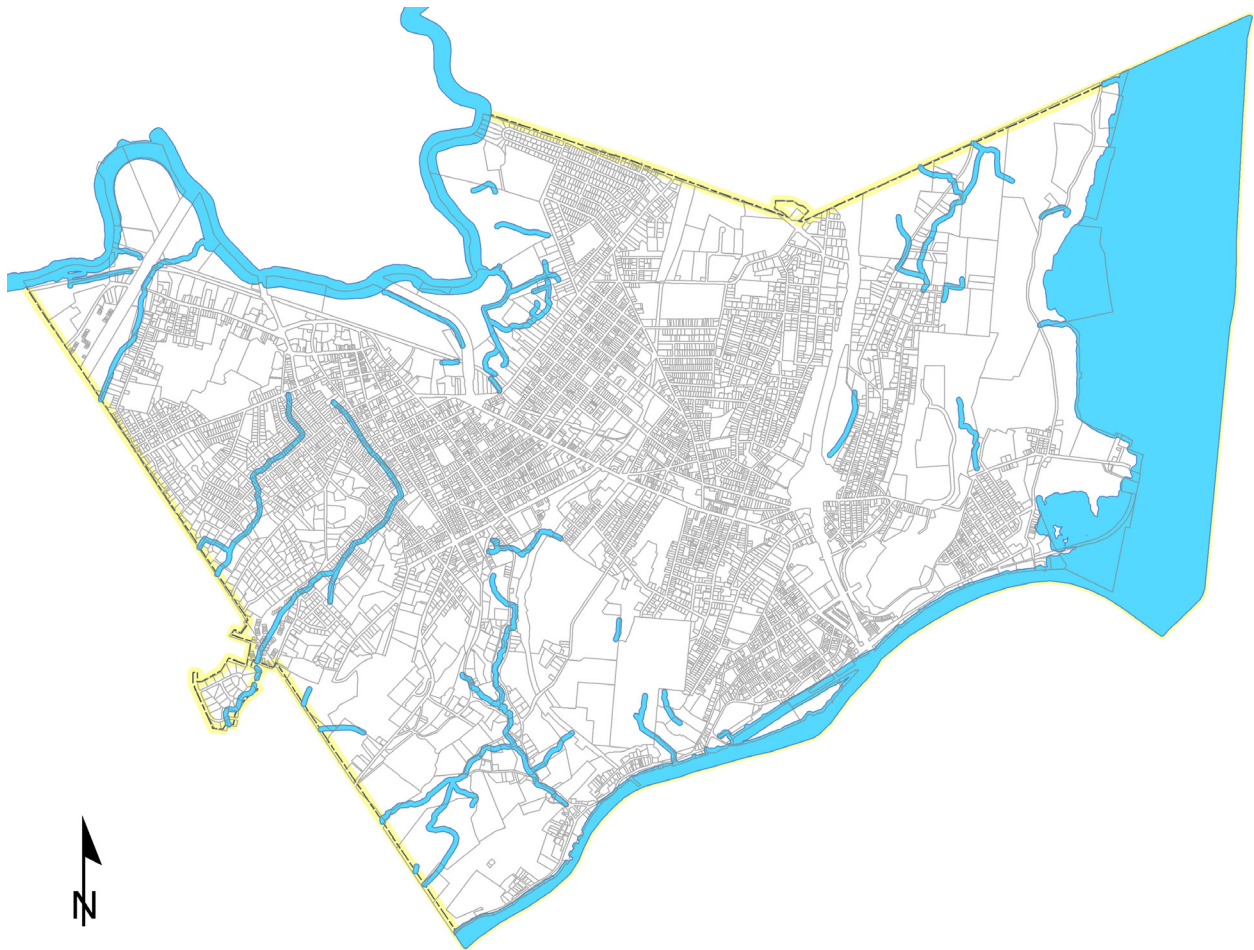


Figure 16. RIPARIAN BUFFER AREAS - NRI map indicating the current geographic extents of riparian areas alongside streams, creeks and other watercourses. Natural riparian areas help to catch and filter out pollutants and trash from stormwater before they get back into the water, helping to preserve local water quality.

the city that this tool will be used to locate sensitive conservation features on a site or nearby before detailed engineering plans are developed, reducing design costs to applicants and protecting natural features.

Next Step - Developing The Open Space Plan. The detailed geographic data compiled from the NRI was then carried forward to be used in the development of this open space plan. By combining the findings of all of the different resource layers developed in the NRI, it is possible to assign them relative value scores, and then visualize how these scores add together when all of the resource maps are overlaid on top of each other. Using this method, it is possible to develop resource “heat maps”

RESOURCE SCORING

The Mapping Analysis

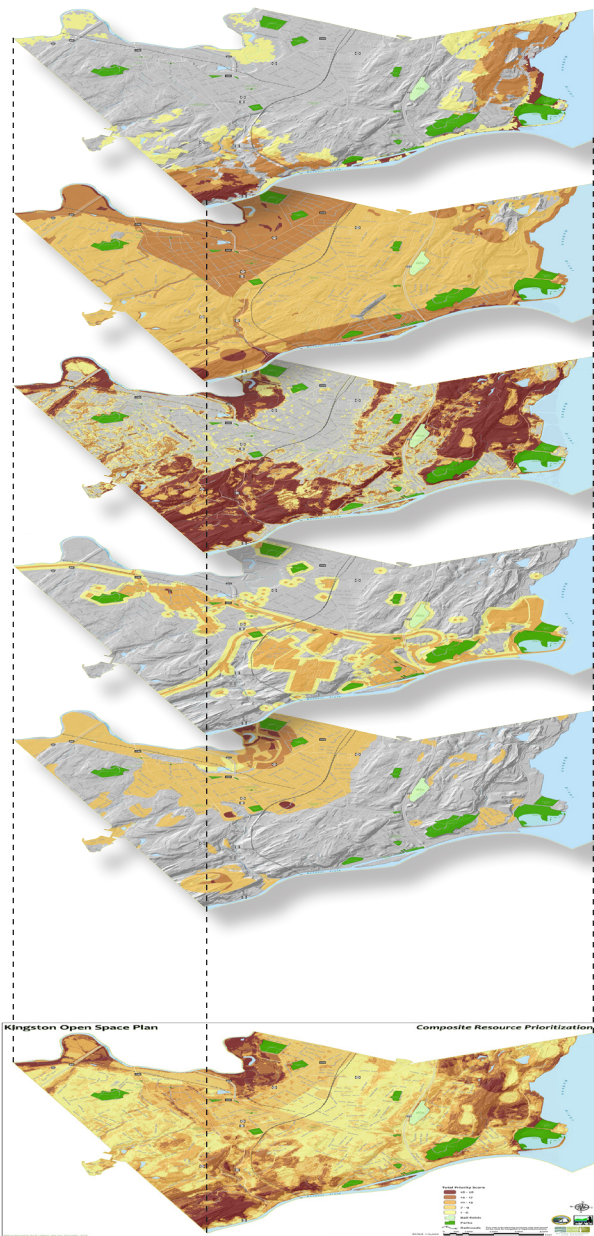


Figure 17. IDENTIFYING PRIORITY AREAS - Each of the individual natural resource categories scored and mapped, showing higher-value (higher-scoring) resources as increasingly darker areas on the map. All of the different resource map scores are then overlaid together into a composite map of all natural resources in the city. This composite map illustrates the areas where there is an overlap of multiple high-value resources, which is used to identify priority areas for conservation.

which show the highest-scoring areas which would be priorities for future conservation, as illustrated on the next page. This mapping analysis method provides us with a sound and data-driven guide to making future land conservation decisions.

Scoring the Resources. In the winter of 2018-2019 the Kingston Conservation Advisory Council reviewed the data compiled during the NRI and worked to develop and refine a scoring system which could be applied to the mapping. Since some resources are considered to be of higher value than others, it was important to develop a relative scale within each category. For example, among the various water resources found in the city, NYSDEC regulated wetland and vernal pools areas were assigned three points, while other wetlands were assigned two points. Likewise, higher-classification streams were assigned more points than lower class streams, and buffer areas immediately adjacent to resources were generally assigned higher values than those further away. This point method allowed for a logical and fine-grained approach to looking at the relative value of prioritization. The complete listing of all assigned point values for each type of resource can be found in the Appendix.

Using Geographic information System (GIS) software, the values of each feature were then scored within each category to provide the relative scale of priority. The categories were:

Water Resources (wetlands, hydric soils, riparian buffers, surface waters, streams, soil permeability, unconfined aquifers, flood plains and vernal pools)

Ecological Resources (terrestrial habitat, aquatic habitat, terrestrial corridors, tree canopy, sub aquatic vegetation, steep slopes)

RESOURCE SCORING

Cultural & Recreation Resources (historic and cultural sites, existing parks, existing and planned trails)

Agricultural Resources (active farmland, community gardens, farmland soils, agricultural land within 200 feet of waterways, agricultural buffers)

Climate Resiliency (areas of climate resilient landscape and features, based on results from The Nature Conservancy analysis and Scenic Hudson SLAMM tidal wetland data, projected sea level rise).

The results of this GIS analysis provided maps illustrating the high and low scoring areas within each category. It is important to note that each category is initially scored only against itself first—to identify the highest scoring resources within that category—before the results of all categories are combined together. This is done specifically to avoid the pitfalls of trying to compare the importance of a particular wetland up against the merits of a specific historic site, an apples-to-oranges comparison. The resulting heat map for each category then gives us a visual illustration of the most important areas within each category, as shown in the individual maps on the following pages.

The Composite Map

The results of these individual category maps are then later compiled together into a composite map which overlays all of the categories together. The composite map, shown below and on page 29, illustrates the areas in the city where there is an overlap of multiple high-value resources from multiple categories, shown in increasingly darker shades of orange and brown.

As can be seen in the map, there are notable concentrations of overlapping priority resources found in three areas of the city: the eastern shore along the Hudson River and associated upland areas; the southern corner along the Rondout and associated upland areas; and along the northwestern border along the Esopus Creek corridor. The results of this composite map were utilized to identify the high priority areas for conservation within the city.

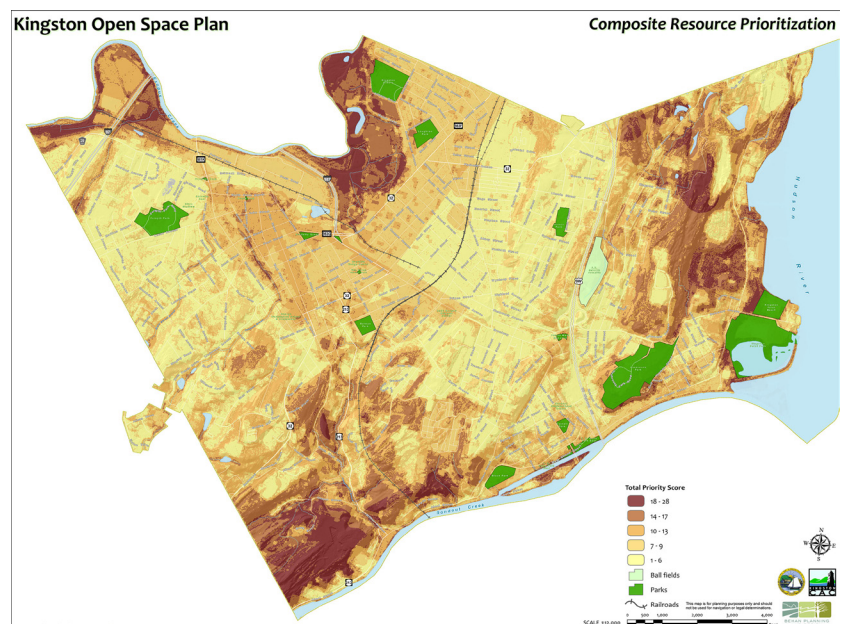


Figure 18. COMBINED COMPOSITE MAP - See page 29 for larger detail view.

RESOURCE SCORING

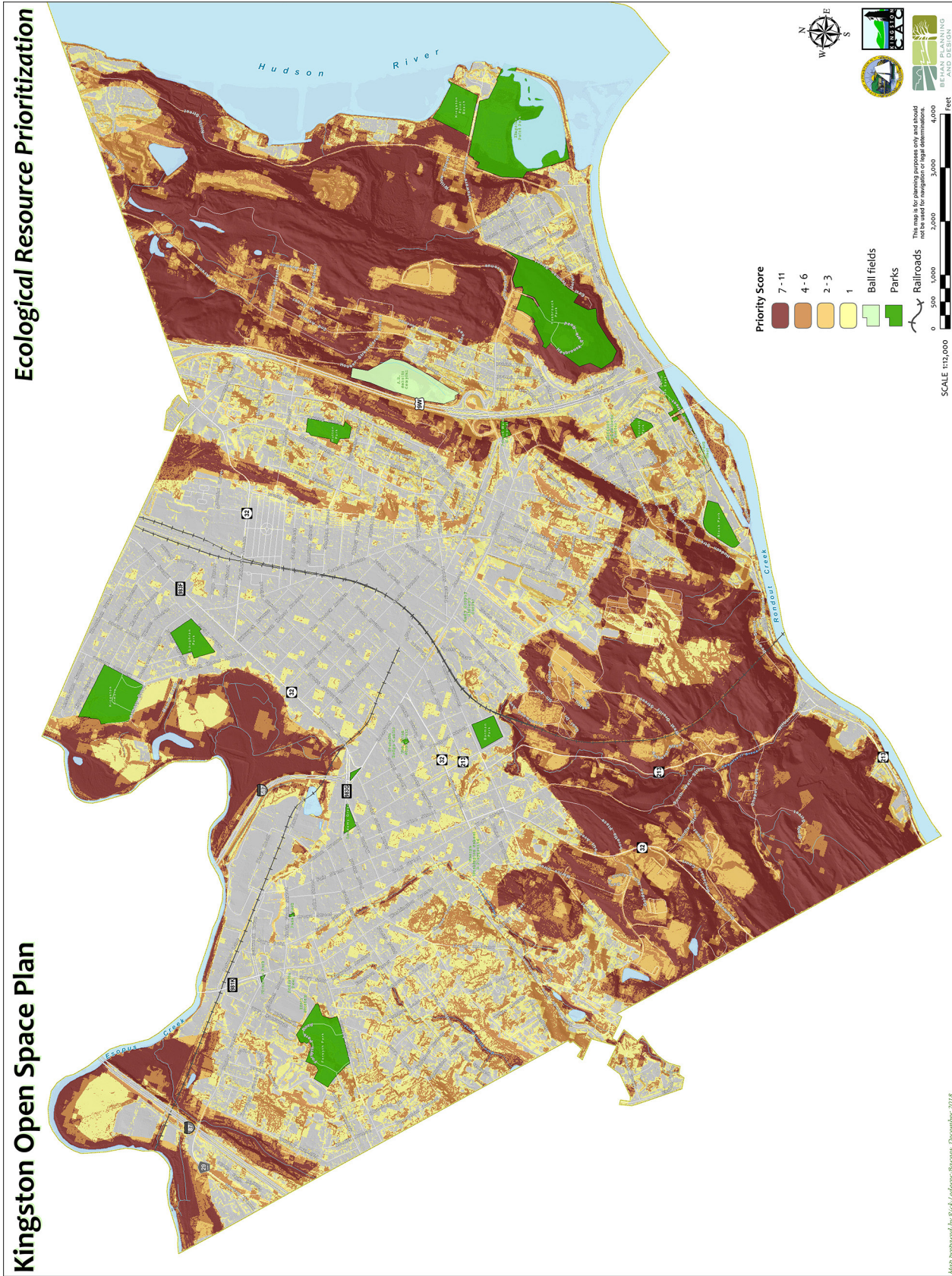


Figure 19. ECOLOGICAL RESOURCES ANALYSIS MAP - This map depicts the results of the ecological resource scoring analysis. Geographic areas which scored relatively lower are shown as lighter yellow areas, while higher scoring areas are shown in increasingly darker shades of orange to brown. Existing parkland is indicated in green.

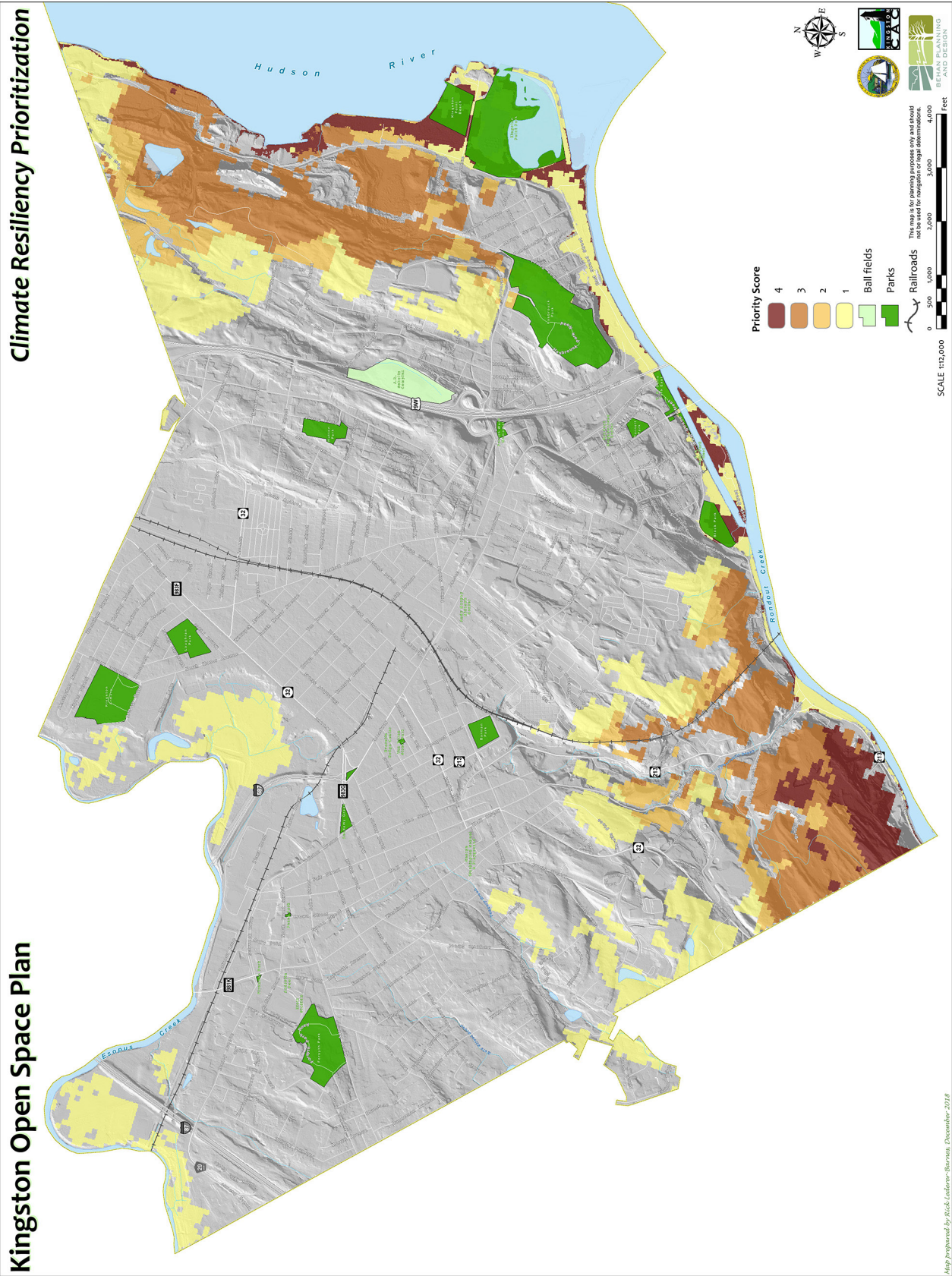


Figure 20. CLIMATE RESILIENCY ANALYSIS MAP - This map depicts the results of the resource scoring analysis to identify areas which are vulnerable to climate change. Geographic areas which scored relatively lower are shown as lighter yellow areas, while higher scoring areas are shown in increasingly darker shades of orange to brown.

RESOURCE SCORING

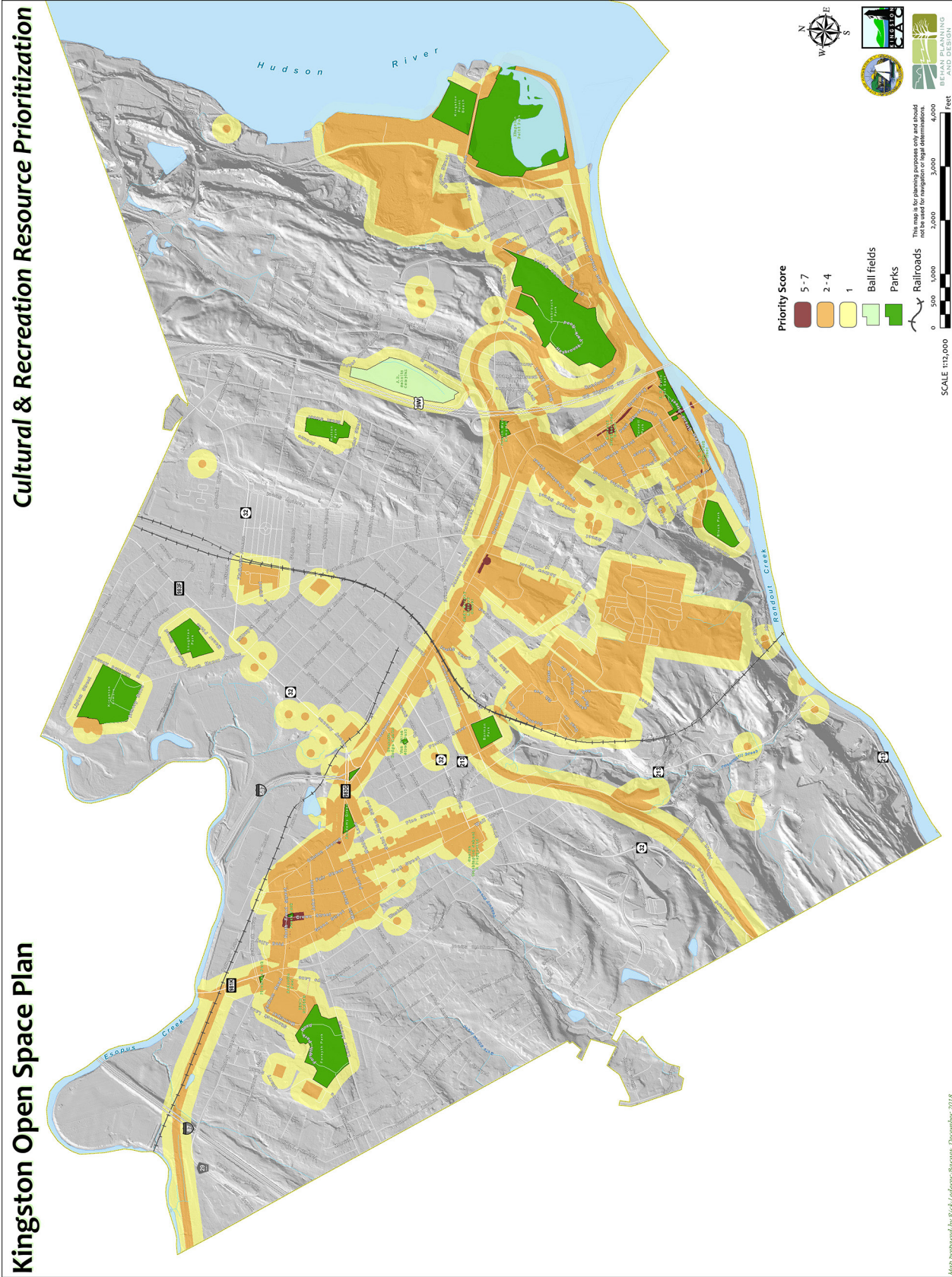


Figure 21. CULTURAL RESOURCES ANALYSIS MAP - This map depicts the results of the cultural resource scoring analysis. Geographic areas which scored relatively lower are shown as lighter yellow areas, while higher scoring areas are shown in increasingly darker shades of orange to brown. Existing parkland is indicated in green.

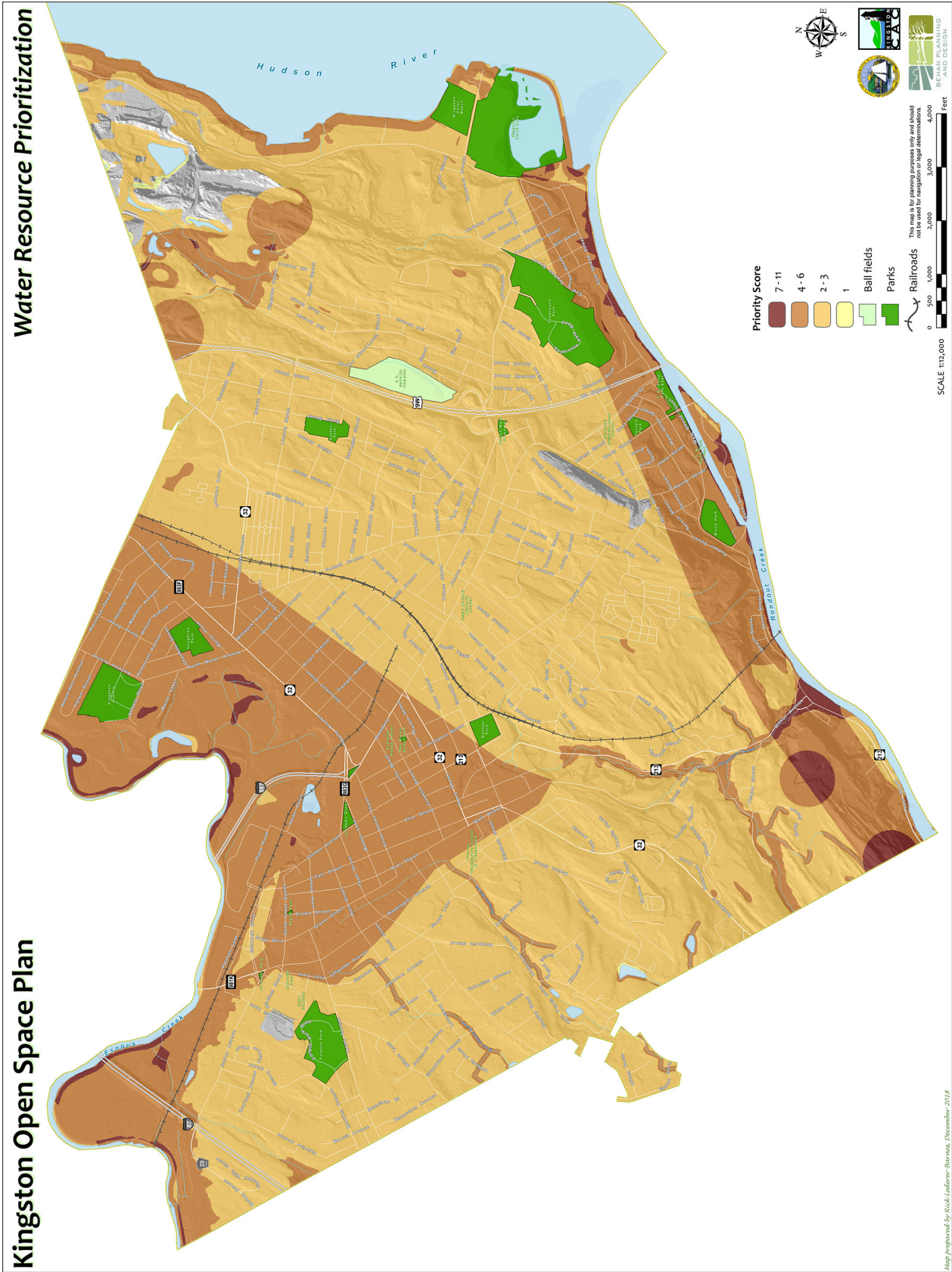


Figure 22. WATER RESOURCES ANALYSIS MAP - This map depicts the results of the water resource scoring analysis. Geographic areas which scored relatively lower are shown as lighter yellow areas, while higher scoring areas are shown in increasingly darker shades of orange to brown. Existing parkland is indicated in green.

RESOURCE SCORING

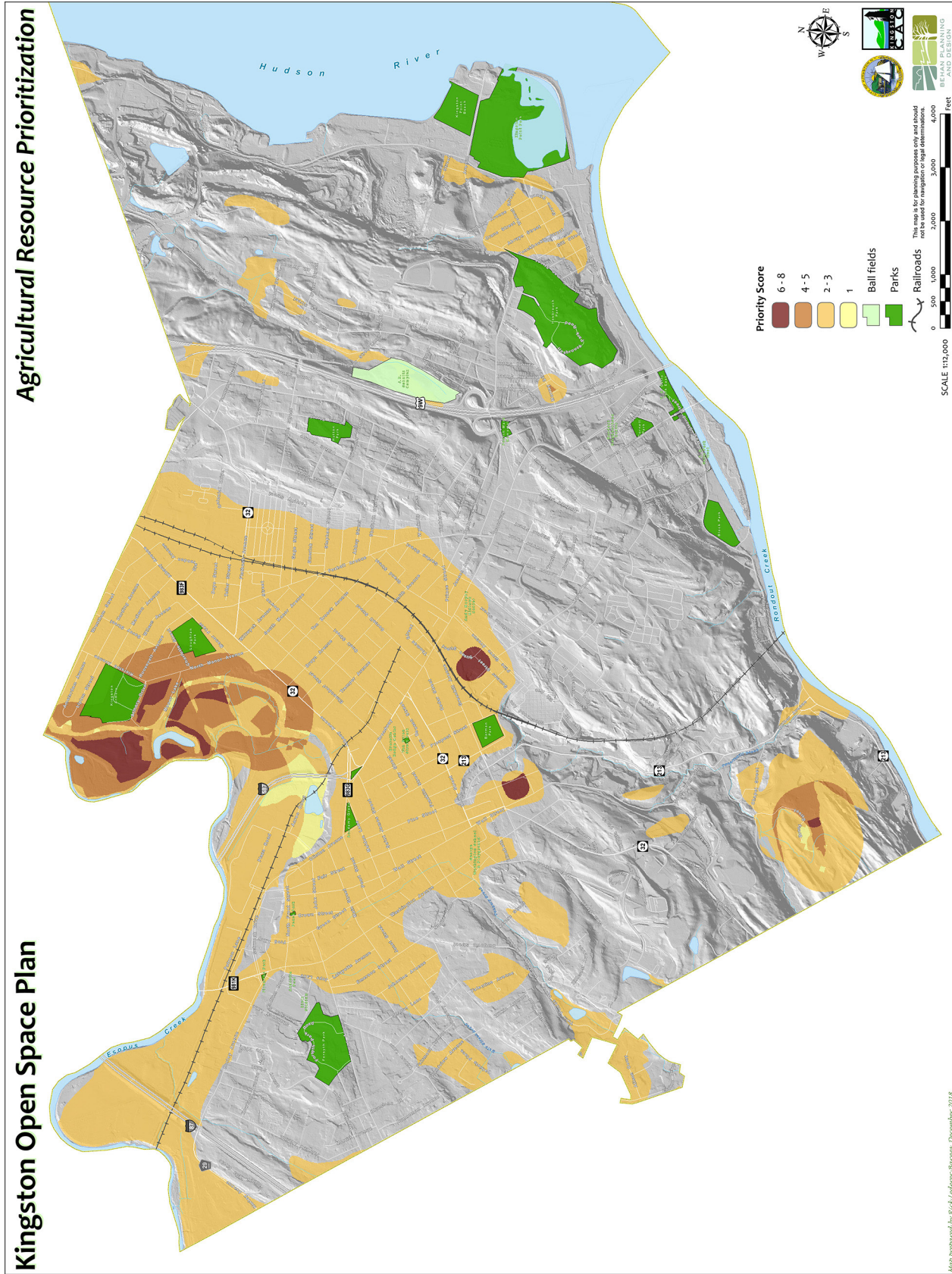


Figure 23. AGRICULTURAL RESOURCES ANALYSIS MAP - This map depicts the results of the agricultural resource scoring analysis. Geographic areas which scored relatively lower are shown as lighter yellow areas, while higher scoring areas are shown in increasingly darker shades of orange to brown. Existing parkland is indicated in green.

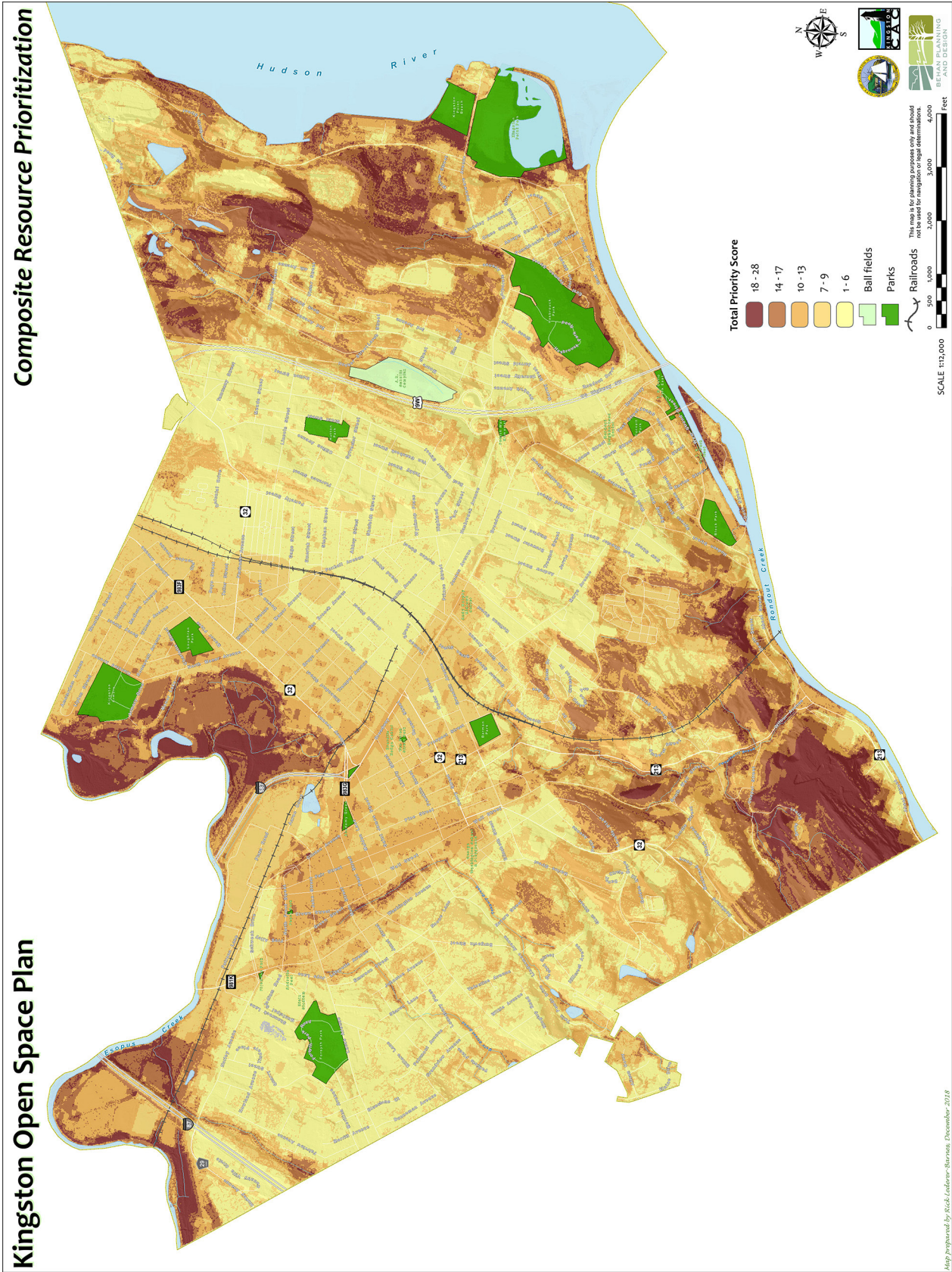
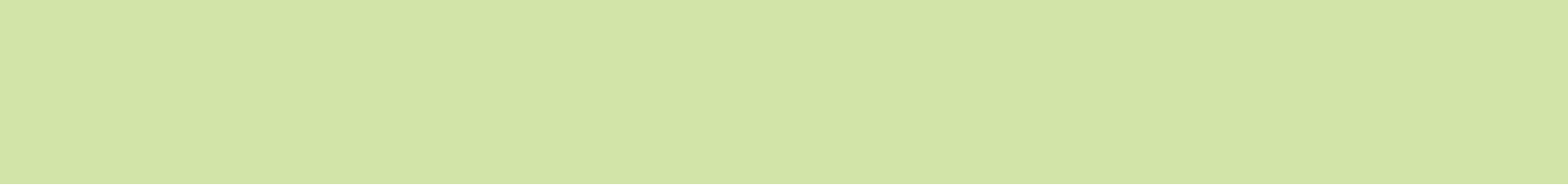
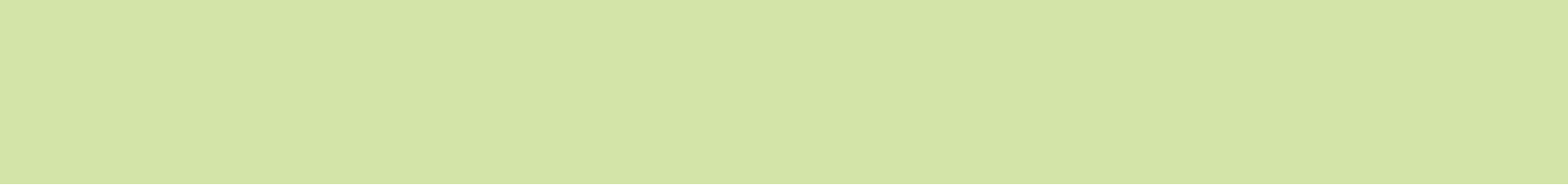


Figure 24. COMPOSITE ANALYSIS MAP - This map depicts the results of the combined resource scoring analysis. Geographic areas which scored relatively lower are shown as lighter yellow areas, while higher scoring areas are shown in increasingly darker shades of orange to brown. Concentrations of high-priority areas are found in the northeast, southwest and north-central sections of the city. Existing parkland, which is already protected, is indicated in green.



CHAPTER 3

EXISTING POLICY & LAWS



EXISTING POLICIES AND LAWS

Every municipality is guided by official policies and laws which shape the future direction of the community. In terms of land use and future growth, these most often take the form of comprehensive plans and zoning ordinances. Together, these documents define—and sometimes dictate—exactly how future growth can be allowed to occur. However, they are often out of date and may not always align with the goals and recommendations of a newly developed open space plan. This section looks at existing policies, plans and laws which relate to the City of Kingston to identify areas where they support the findings of this plan, or areas where they may be in conflict and should be updated.

Comprehensive Plan - Kingston 2025

The City of Kingston's comprehensive plan—*Kingston 2025*—was completed in 2016 and includes open space conservation as a key program element. Some of the planning principles outlined in the comprehensive plan which most relate to open space conservation include:

- It is preferable to focus future development on lands in existing developed areas (in-fill), and in obsolete heavy commercial and industrial areas (brownfields) than on virgin undeveloped land (greenfields);
- Recreational offerings must be diverse and robust including both public and private and indoor and outdoor options;
- Land use planning must not only consider existing physically and environmentally constrained land, but also land that may be constrained in the future due to rising sea level and global climate change;
- Conservation of open space and sensitive habitat is as crucial as development of those areas that are well suited to use of land;
- Sustainable approaches to stormwater management (green infrastructure like green roofs, rain gardens, porous pavement and landscaped swales) are preferable as being more efficient and less prone to failure.

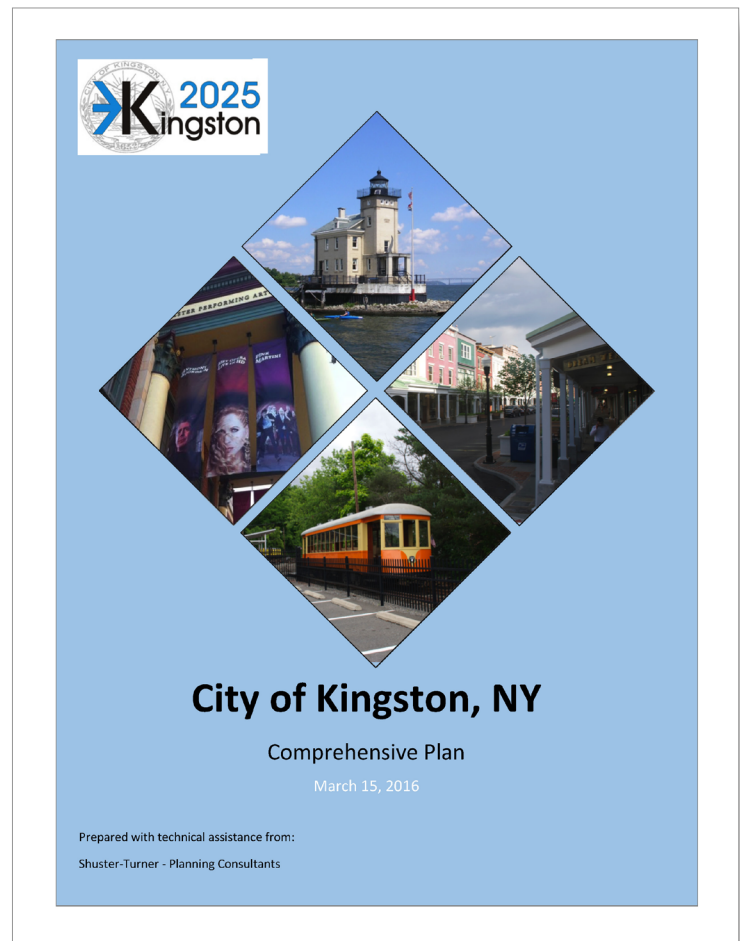


Figure 25. City of Kingston Comprehensive Plan

EXISTING POLICIES AND LAWS

Many of the goals expressed in the comprehensive plan are also supportive of open space conservation, including the following objectives:

Objective 1.2: Promote sustainable practices and green technologies be incorporated in any proposed redevelopment consistent with Climate Smart Communities Certification Program.

Objective 1.3: Promote urban agriculture as a sustainable practice as a part of local and regional food systems change, with a focus on Midtown.

Objective 2.5: Promote social interaction through the provision of neighborhood gardens, community gardens, parks and other open spaces.

Objective 3.1: Promote open space preservation throughout the city, but especially in outlying areas.

Objective 3.2: Identify and protect scenic views as seen from roadsides, parks, waterfronts, and other areas frequented by the public.

Objective 3.2.1: Support the City's Tree Commission's efforts to ensure the sustainable management of the city's trees.

Objective 3.3: Promote protection and conservation of environmentally constrained lands and important natural resources.

Objective 9.6.4: Provide a trail along the Esopus Creek.

Objective 10.1.2: Evaluate the use of natural buffers and green shoreline infrastructure to reduce flood risk and erosion and conserve natural resource functions.

Objective 10.2.2: Promote appropriate private redevelopment of Island Dock, as governed by sound planning for sea level rise, along with construction of a new passive/interpretive park at its eastern tip.

Objective 10.2.3: Provide continuous public access to the Hudson River Waterfront from Block Park to Kingston Point and on to the Town of Ulster via the future Hudson Landing Promenade.

Objective 11.2.1: Promote a waterfront trail along the Hudson River.

EXISTING POLICIES AND LAWS

The Ulster County Open Space Plan

By identifying county-wide resource patterns, Ulster County's plan helps to establish a framework for coordinating open space conservation and management efforts. Kingston's Open Space Plan is well-aligned with Ulster County's plan.

The core elements are illustrated in the graphic from the county plan which include:

1. Protected Open Space
2. Water Resources
3. Working Landscapes
4. Landforms and Natural Resources
5. Recreation Resources
6. Cultural and Historic Resources
7. Ecological Communities

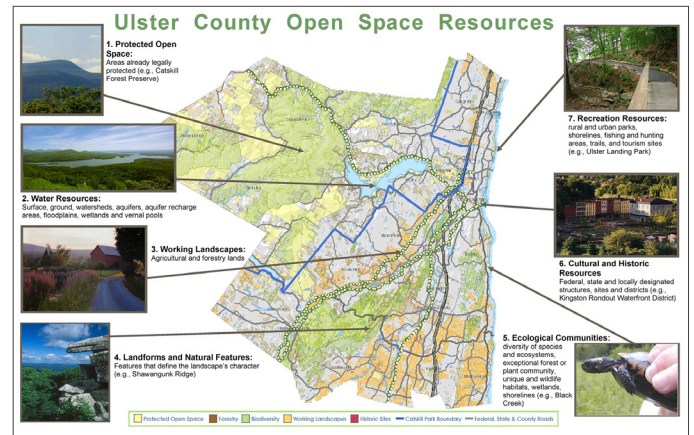


Figure 26. Ulster County Open Space Plan - Resources Map

The county's plan recognizes the importance of water-related resources including the major river systems in the City of Kingston along with stream corridors and water supply areas such as local reservoirs and groundwater aquifers. In developed communities like Kingston, the county's plan highlights the importance of protecting marginal spaces or landscaping and tree cover as part of the built landscape. Of note, green infrastructure opportunities in the county were prominently featured in National Geographic's magazine December 2016 issue entitled "Dreaming Green".

Kingston Zoning Code

Zoning codes and subdivision regulations directly establish the city's land use patterns and have great influence over development intensity. Zoning can also influence the city fiscally, controlling the amount of land set aside for residential, commercial or industrial development. This eventually impacts how the city looks and feels, and what areas are more likely to be developed. Looking at the zoning in comparison to the location of known natural resources can often inform us of what natural resource areas may be threatened, or areas where there may be a conflict between the city's conservation goals and the current land use regulations.

The current zoning for the City of Kingston is divided up among various residential and commercial/industrial districts which generally follow the topographic contours of the local geography. The relatively flat, upland areas of the city on either side of the Broadway corridor

Studies estimate that for every dollar of tax revenue collected, residential development requires \$1.16 in services (such as schools, roads, water and sewer) while open space and farmland only requires \$0.36.

Source: American Farmland Trust. 2000. Cost of Community Services Studies Fact Sheet. <http://www.farmlandinfo.org>

EXISTING POLICIES AND LAWS

are generally reserved for the higher intensity commercial uses and single or two-family residential neighborhoods. This is also where you find many of the higher-intensity manufacturing and multi-family residential developments. Conversely, the hilly terrain found on the outskirts of the city along the southwest and northeast quadrants are generally reserved for the lowest-intensity uses such as the RR and RRR residential districts. In general, this land use pattern works well with the goal of preserving sensitive natural areas, since the hillier outlying areas which contain a majority of the sensitive natural resources in the city are where the lowest intensity uses are allowed. However, there are some exceptions, discussed below.

Minimum Lot Size of Residential Districts. While the current zoning allows for a relative scale of different residential lot sizes, the lowest density residential zones in the city still permit lot sizes as small as 7,500 s.f. and 12,500 s.f. in the RR and RRR zones respectively—which is less than one-third of an acre per home. In many communities, the density of three or four units per acre would be considered urban, and are not conducive to the goal of preserving natural areas or open space. The hilly, natural terrain of the RR and RRR district areas is more in keeping with a less land-consumptive development pattern that emphasizes land conservation and development densities appropriate for a more rural and natural setting. While it is noted that cluster developments are currently permitted in the RRR district, such high densities make it uncertain if they would ever be of any use. The average density in these districts should be considered for a reduction to encourage resource conservation and minimize the impact of the development

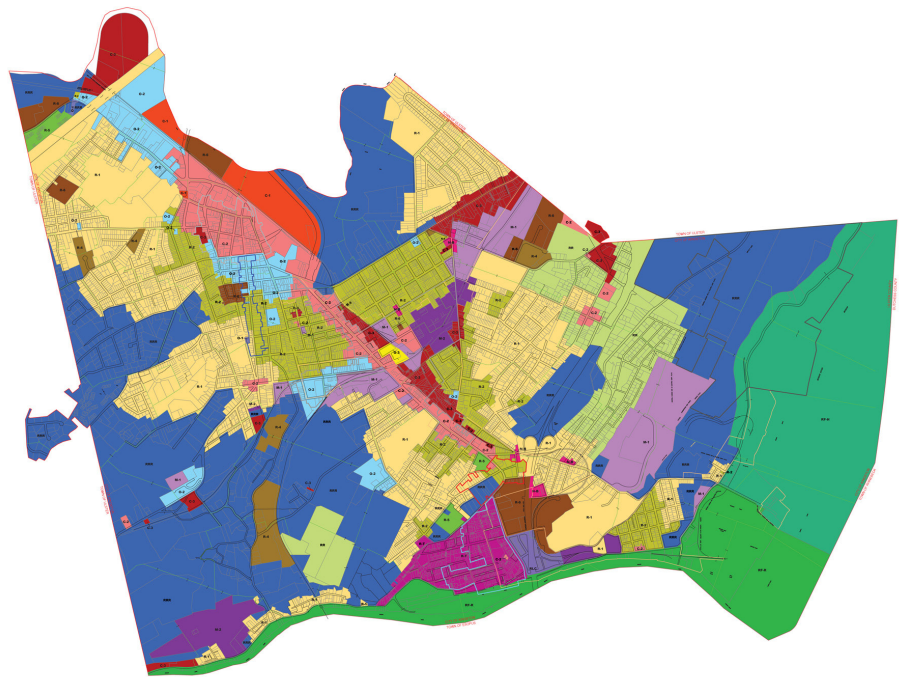


Figure 27. Kingston Zoning Map

Kingston Zoning Districts

RESIDENTIAL:

- RRR: One Family Residence
- RR: One Family Residence
- R1: One Family Residence
- R2: Two Family Residence
- R3: Three Family Residence
- R4: Two Story Residence
- R5: Three Story Residence
- R6: Multiple Residence

BUSINESS:

- C1: Shopping Center
- C2: Central Commercial
- C3: General Commercial
- NB: Convenience Business
- O1: Limited Office
- O2: Limited Office
- O3: Limited Office
- Rondout District

INDUSTRIAL:

- M1: Light Manufacturing
- M2: General Manufacturing

EXISTING POLICIES AND LAWS

footprint. In other words, separate lot size from density and decrease overall density.

RRR/RR District Allowed Uses. ‘General hospitals and nursing or convalescent homes’ are listed as a permitted use in the RR and RRR district. Hospitals do not seem appropriate for the outlying upland areas of the city. It should be clarified that nursing or convalescent homes may be permitted, perhaps by special permit only, but that a standalone hospital is not intended to be included in these areas.

Southwest - “Rondout Uplands.” The southwest quadrant of the city—referred to here as the Rondout Uplands—contains a significant portion of the priority natural resource areas, and should be prioritized for conservation. While most of this area is currently zoned RRR (Single family homes, minimum lot size 12,500 s.f.) there are some notable exceptions. Included in this area are two significant districts: General Manufacturing (M2) and Two Story Residence (R4). The R4 district allowed uses includes multifamily development and townhouses, and has already been largely developed with the Orchard Hill Apartments complex. The M2 district is intended to provide space for uses which involve “a heavy dependence on trucks and potentially noisy or otherwise objectionable industrial activity”, and includes general manufacturing. This area has not yet been developed. Both of these district areas should be considered for rezoning, considering their high conservation value, or if reasonable protective conditions on additional development should be implemented.

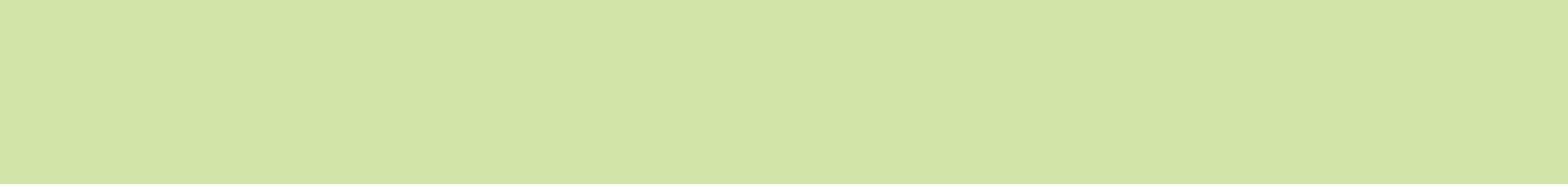
Northeast - “Hudson Uplands and Coastal Area.” The northeast quadrant of the city—referred to here as the Hudson Uplands—also contains a significant portion of the priority natural resource areas identified in the inventory and should be prioritized for conservation. While most of this area is currently zoned RRR, there is a large area zoned as Light Manufacturing (M1) which has only been partially developed to date. This district area should be reviewed to determine if rezoning would be appropriate, considering its high conservation value, or if reasonable protective conditions on any additional development can be implemented.

North Central - “Esopus Valley.” The northern quadrant of the city—referred to here as the Esopus Valley—contains the third significant natural resource area and should be prioritized for conservation. A large section of this valley along the bend in the creek is currently zoned as RRR, however there are areas to the west which are zoned for varying levels of commercial and high-intensity residential which could negatively impact the scenic creek corridor. To help protect against this, a provision in the zoning for these districts or an overlay should be considered which limits encroachment along the water and provides greenspace for a natural buffer, walking trail or promenade. The O&W Rail Trail, which is part of the Kingston Greenline, passes through this area and connects to the regional trail network. A connection here to a local waterfront trail would create a wonderful attraction. The existing development incentives for the RF Rondout Creek District (§ 405-31) and accompanying design standards for a pedestrian esplanade are an excellent model for this, and could be considered along the Esopus provided that the accompanying development incentives are removed.

At the northernmost tip of the city, west of Interstate 87, there are significant farm fields which are currently being utilized as a seed sanctuary and community solar farm. This land is currently zoned as General Commercial (C3). Although it is proximate to other commercial development, these parcels are largely cut-off and difficult to access from the commercial corridor. Adjacent to these parcels, just on the east side of Interstate 87, is another area which is rich with natural resources. This land is currently zoned for Limited Office (O2), however it is vacant, with a small stream bisecting it into the Esopus. Given the suitability of the soil along the creek, the high value of natural resources and the active agricultural use, these undeveloped areas along the south bank of the creek should be considered for a much less intensive zoning, and possibly considered for waterfront park and kayak access.

CHAPTER 4

THE OPEN SPACE VISION



Priorities for Protection

The results of the geographic information system analysis of the resource prioritization (scoring) system confirmed the earlier biotic or habitat assessments by Hudsonia Ltd. and the NYSDEC Hudson River Estuary Program: There are three areas of notable terrestrial biodiversity resources that are highlighted in the open space vision map for the city on page 57.

A series of conservation targets are established to create tangible objectives for advancing the open space vision for the City of Kingston over the next decade. These targets include consideration of the distribution and extent of existing resources and community goals and needs as expressed as part of the public involvement process for the formation of this plan. These targets are approximate and should be refined and updated as more detailed steps are taken to implement the plan and as conservation projects are completed. It is recognized that this plan is prepared at a point in time when several related activities have been underway for a number of years and that the targets are generally intended to comprise future accomplishments, some of which may be currently on the cusp of becoming realized.

The Hudson River, Shoreline and Uplands

A unique set of circumstances has left the city with a waterfront along the Hudson that is much less developed than its bustling past would have projected—and unlike the more urbanized waterfront of the New York City area, just 92 miles downriver, Kingston has an opportunity to maintain and restore its riparian⁽⁶⁾ edge as a more extensive naturalized shoreline—though the changing climate is creating new challenges along the waterfront due

VISION STATEMENT

Kingston's open space system is an interconnected network of parks, paths and preserves that add to the quality of life in the city. The city and its rivers are intertwined in history—and this natural and cultural legacy includes both protected uplands and restored shoreline. The forests, streams, and wetlands are recognized for the benefits they provide to help keep our air and water clean. Enhanced waterfront access and riparian habitats coupled with naturalized stormwater management systems create the foundation of Kingston's green infrastructure network. The city's comprehensive trail system connects revitalized and expanded parklands and other community recreation resources with local and regional destinations. Community gardens and expanded urban agricultural opportunities help connect people with nature. Kingston is celebrated as a "Tree City" by the Arbor Day Foundation, recognizing the importance of an urban tree canopy and improved care of Kingston's vital city trees. Together these open space resources provide a beautiful and healthy framework for Kingston's continued revitalization; yielding benefits to the quality of life and economic vitality for all who live, work, and play in our treasured city.

OPEN SPACE VISION

to sea level rise and increasing extreme weather events.

The Hudson itself has undergone a transformation toward improved water quality as a whole over the past half-century thanks to the benefits from the federal Clean Water Act and state and local actions to prevent pollution coming from sewage, stormwater and non-point sources. However pollution prevention is both an ongoing and increasing call to action as the threats to the river’s health—and all surface waters in the region in general—requires ongoing vigilance and continued action to reduce the flow of pollutants into the system to ensure long-term ecosystem health and human safety.

On the Hudson River shoreline, Kingston is facing a tremendous opportunity and a tremendous challenge—to restore a more naturalized system from a landscape that has been compromised by many years of industrial use. While there are important and globally rare habitats of freshwater tidal marshes and intertidal shore areas, the compromised landscape includes filled wetlands, marshes, and floodplains, hard-engineered shoreline and filled off-shore areas along with stormwater runoff and combined sewer overflows. Invasive plant species such as water chestnut (*Trapa natans*) have infiltrated native habitat and adding to water quality concerns.

Fortunately, there is a growing body of guidance available on ways to restore the river and its habitat including the recent publication “Hudson River Comprehensive Restoration Plan” (Partners Restoring the Hudson. 2018. Hudson River Comprehensive Restoration Plan: Recommendations for the New York–New Jersey Harbor & Estuary Program Action Agenda and the New York State Hudson River Estuary Action Agenda. New York, NY. The Nature Conservancy.)

The parts of the system being explicitly considered for protection, restoration or re-imagining in the Hudson River restoration plan are called ecosystem characteristics, and restoration objectives are called targets. Together, these form Target Ecosystem Characteristics (TECs). As stated in the restoration plan “an ecosystem characteristic is an attribute of the estuary which is considered to have significant ecological or societal value. To develop a TEC, it is necessary to first describe what the attribute is, what ecological or social function it serves in the system, and establish a justification for management activity.” The restoration plan identifies “habitats and biological communities” with the following characteristics directly affiliated with natural resource attributes:

- Shallow Water and Intertidal Habitats
- Hudson River Shorelines and Riparian Areas

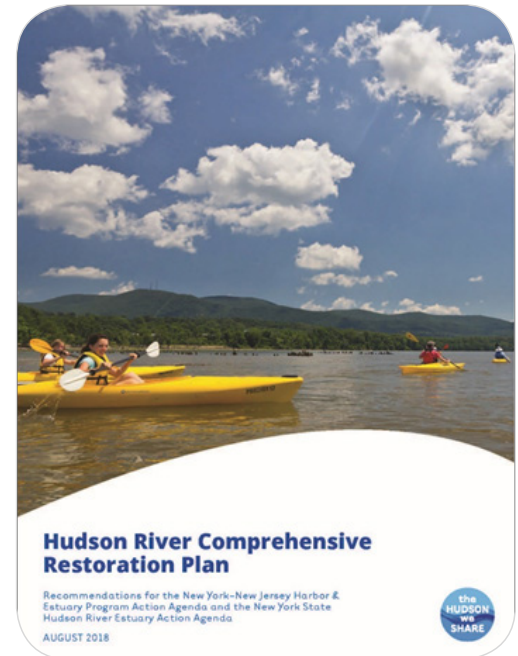


Figure 28. Hudson River Restoration Plan

OPEN SPACE VISION

- Tributary Connectivity and Barriers
- Resilient Plant and Animal Communities
- Fisheries

The plan further identifies certain “drivers of conditions” that are considered critical elements that strongly influence natural resource attributes:

- Sediment
- Contaminants
- Storm and Wastewater

Finally, the restoration plan addresses “people and shoreline communities” around certain key elements that support and inform human interactions with the estuary:

- Public Access
- Navigation Safety and Natural Resource Interactions
- Estuary Education
- Resilient Waterfronts and Community Shorelines

Some of the major concerns identified for the area of the river that includes Kingston include coastal flooding, invasive species management and brownfield remediation. Specific open space opportunities and ideas identified include:

- Restore/naturalize the Hudson’s shoreline habitat to the maximum extent practicable.
- Complete the riverfront trail (Empire State Trail) and secure additional public access to the river.
- Recognize the Kingston-Poughkeepsie Deepwater Habitat (NYS designation as a Significant Coastal Fish and Wildlife Habitats under the Coastal Management Program) for habitat protection, fishing, deep-water excursion vessels. The Kingston-Poughkeepsie Deepwater is a critical habitat for most esuarine-dependent fisheries originating from the Hudson River.⁽⁵⁾
- Recognize the Flats, (NYS designation as a Significant Coastal Fish and Wildlife Habitats under the Coastal Management Program) one of the largest contiguous areas of shallow, freshwater, tidal flats in the Hudson River, as a rare and valuable habitat.
- Conservation/preservation of the larger section of upland habitat area.
- Expand Opportunities for water views and scenic overlooks.
- Protect the habitat and water quality of Kingston Point Beach.
- Provide shoreline habitat enhancements.

OPEN SPACE VISION

Conservation Targets. Look to permanently protect approximately 500 acres of land in the “Hudson Uplands” area. This conservation target is based on securing permanent protection on a portion of the vacant/underutilized uplands area currently in private ownership that are to be dedicated to open space through the development process. This figure also recognizes the potential that a major conservation partner (Scenic Hudson) may be purchasing the lands of the Kingston Landing/AVR project.

Along the Hudson Riverfront, a target of approximately 5,000 additional linear feet public access is recommended. This figure represents a goal of securing public easements/ownership and installing improvements as/if needed on about 2/3rds of the shoreline area that is currently in private ownership along the Hudson.

The Rondout Creek Corridor, Shoreline and Uplands

From its confluence with the Hudson River up to the falls in Eddyville (about 3.6 miles upstream), the Rondout Creek is a tidal estuary and an important spawning area for migratory fish and an overwintering area for bass. The rich history of the Rondout corridor is still evident in many ways along the waterfront. Today the Rondout Creek corridor continues to transition to a more complete tourism and recreational corridor with several popular marinas, restaurants, historic sites and other attractions and featuring a popular waterfront promenade. The Rondout offers tremendous continued opportunity for the city. Specific open space opportunities and ideas identified include:

- Develop a greenline trail system for the entire creek corridor: a more formal promenade in

IMPORTANT HABITATS

As highlighted in the Kingston Natural Resource Inventory. “Aquatic systems also contain and influence a great deal of the important habitats and rare biodiversity resources that remain within the city limits. Important deep open- water, tidal and inter-tidal mudflats, shoreline habitats and submerged aquatic vegetation communities are home to some of the most significant and rare species in Kingston.”



Photo of the rare plant Delmarva Beggar-ticks (Bidens bidentoides) (Image by Timothy G. Howard from New York Natural Heritage Program. 2017. Online Conservation Guide for Bidens bidentoides. Available from: <http://acris.nynhp.org/guide.php?id=8750>. Accessed October 29th, 2018.)

OPEN SPACE VISION

the lower reaches, with a more informal shared-use path in the upper reaches.

- Develop a blueway trail on the creek with access for paddlers and rowers.
- Collaborate with the owner of the Island Dock property as a combination open space park and low impact development site—consider making site for a “paddler’s paradise”.
- Protect upland undeveloped vacant lands and open spaces as parks and preserves, using low impact conservation-based design, taking advantage of southern aspect/solar orientation and views.
- Limit fragmentation of woodlands—develop management plans and “Friends-of” groups for protected open spaces.
- Preserve and restore naturalized shoreline including vegetated buffers for stream corridors leading to and including (where feasible) the Rondout and recognize, protect and restore the habitat resources that led to the designation by NYS of the Rondout Creek as a Significant Coastal Fish and Wildlife Habitats under the Coastal Management Program.



Figure 29. Boats on the Rondout.

- Improve trash can / trash pickup along the waterfront.
- Make upgrades to the existing dock access and additional marina space.

Conservation Targets. In the forested areas above the creek, the “Rondout Uplands,” the target of approximately 60 additional acres would be permanently protected. The Natural Resources Inventory recognized the large area of intact forest in the city; yet very little of the uplands above the Rondout are protected with conservation easements or similar designation. The 60-acre target is a fairly ambitious goal which would protect about half of the intact forest in the Rondout Uplands.

Along the Rondout shoreline, establishing a target of approximately 5,000 additional linear feet of public accessible shoreline is recommended. In terms of opportunity, there is a total of about 15,000 linear feet (+/- 3 miles) of shoreline in total along the Rondout in the city plus an additional 5,000+ feet along the shore of Island Dock. The public access could be visual/pedestrian access such as an improved promenade and/or include physical access such as kayak launches/landing areas, as well as

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more naturalized areas. It is noted that not all of the shoreline needs to be hardened with bulkheads and that more naturalized shoreline treatment should be encouraged where appropriate and feasible in areas outside of docking areas or areas planned for bulkheads or similar treatments. (See for example the Hudson River Estuary Program on sustainable shorelines www.hrnerr.org/udson-river-sustainable-shorelines)

The Esopus Creek Corridor and Lowlands

This relatively intact open space corridor comprises a broad, flat basin containing rich alluvial soils that supports an abundance of agricultural and farming operations. Specific open space opportunities and ideas identified were:

- Create walking paths along the water, with trail/open space connections to Ulster County Linear Park rail trail. The O&W Rail Trail, which runs from Washington Avenue to the town line and Hurley beyond, is an excellent start to continue building off of.
- Create appropriate sites for kayak and canoe launches along the south side of the creek.
- Recognize and support the Hudson Valley Farm Hub's mission and the Native American Seed Sanctuary project and build upon this unique and compelling project. <http://hvfarmhub.org/about/seed-sanctuary/>
- Recognize the existing farmland, floodplain and wetlands along the creek that provide good opportunities for long-term conservation as preserved land.
- Improve shoreline management and the removal of debris, management of the tree canopy, including vegetated shoreline buffers.

Conservation Targets. Working toward a 10-year goal for permanently protecting 50 additional acres of land including active farmland and natural areas is recommended. This 50-acre target represents a majority of land in agricultural use in the city. Given it is such a rare occurrence and agriculture is such an important part of the city's history, the target was set to protect most of the remaining land in agriculture. Woodlands, wetlands and other natural buffers to farmland could be included in this acreage target. (Note: this target does not include urban gardens; a separate category.)

Other Stream Corridors

The city's upland watershed and tributary streams including Main Street Brook, Tannery Brook and the Twaalfskill systems are important resources in themselves and for their impact on the water quality and health of the receiving waters. The Tidal Rondout Creek Watershed Management Plan (Milone and MacBroom, 2015) has a goal that is applicable city-wide: "Restore tributary streams and subwatersheds to improve water quality." By reducing sediment and pollutant loading in the city's watersheds, the overall goal of improving water quality and long-term health of the receiving waters



Figure 30. One of the many stream corridors in Kingston.

can be achieved.

In addition to treatment of stormwater before it enters a receiving stream, in the city's watersheds that are more highly developed, it will be important to identify ways to also treat the stormwater that has already entered tributary streams before discharging into the Hudson, Rondout or Esopus. As noted in the Rondout watershed plan, this method entails the capture of a portion of the silt and sediment load before it reaches these water bodies through the use of water quality and sediment basins at key locations along the tributary streams within the subwatersheds. This subwatershed-scale approach requires the strategic siting of facilities such as bypass channels and large basins to handle stormwater runoff from subwatershed drainage areas.

A very informative and inspiring project by Emily Vail assessed the land use history, patterns and processes around the Tannery Brook (www.tracingtannerybrook.com). That Tannery Brook initiative recommended consideration of entire watersheds, including both above and below-ground components and suggested a wide range of tactics to address stormwater management that can be considered for application in other watersheds in Kingston as well.

Conservation Targets. A goal of restoring/improving the natural character of approximately 2,500 linear feet of stream corridor is recommended as a 10-year goal. As a reference for this target, Tannery Brook and its major tributary, Main Street Brook run a total of about 12,700 linear feet through the city. With these corridors as a basis, this target would naturalize about 20% of the length of these corridors into more of their native riparian habitat—to the extent this is practicable. This effort would include stream bed and stream bank restoration, reestablishment of natural cover (plantings) and similar treatments; recognizing that these streams are challenged with the existing



Figure 32. Kingston's history can be understood in many ways by looking through the lens of the park system—from Academy Green Peter Stuyvesant negotiated a peace treaty with the Esopus Indians on July 15, 1660 to the parks created during and after the city's industrial heyday to the newest additions including the Midtown Linear Park being developed along the former Ulster & Delaware Railroad corridor. Fortunately, Kingston's park history has been well documented including Kingston's Magnificent City Parks, 1992, by Ron Woods (Author), William Dederick (Illustrator), and the brochure on the city's park and recreation department's website offers a quick and interesting snapshot of the park history and an overview of available facilities and programs.

the public involvement activities conducted as part of the open space planning process. Designed primarily for informal recreation often with paths, benches and attractive landscape architectural elements, neighborhood parks often have playgrounds and ideally are large enough (1+acres) to provide open lawn areas that enable varied use and free play. This city's Parks and Recreation Master Plan recommended a new park of half-acre (minimally) to an acre, but preferably between two-and three-and-a-half acres in size.

In the short-term, a smaller "pocket park" of one-quarter acre or more may be more feasible to establish, with the larger neighborhood-scaled site would be further explored as part of a community visioning session to determine the park type, size, character and facilities and a feasibility study to evaluate potential sites and select a preferred site.

Urban Agriculture

With leadership from local agencies like the YMCA, urban agriculture is recognized in Kingston as an important aspect of city life—for adults as well as for young people. The Kingston YMCA's Farm Project works with preschoolers through high-schoolers bringing young people to the farm in Midtown to work and learn about nature, agriculture and where their food comes from. Participants 14-18 years old can also help run the farm stands and earn an hourly wage. (Kingston Land Trust's South Pine

OPEN SPACE VISION

Street Farm is an earlier urban agriculture demonstration project and originated the “Dig Kid Project” later incorporated into the student farming program operating at the YMCA Farm.)

The city’s comprehensive plan notes the opportunity to potentially acquire through purchase, blighted properties and vacant lots in order to provide new public spaces either solely or as part of a larger public/private redevelopment project. These public spaces could be used for traditional pocket parks or urban agriculture and community gardens as appropriate. More than 800 acres of land in Kingston are classified as vacant, including 38 acres owned by the City of Kingston. While every effort should be made to promote investment in blighted properties, those properties that are beyond saving and that tend to be located in the most at-need areas of the city should be considered for incorporation into the network of community gardens. The Kingston Land Bank, for example, is well positioned to work in collaboration with other local agencies and non-profits for identification of vacant/underutilized parcels suitable for conservation uses such as community gardens.

Once a predominant land use in the city’s history, there remains several larger areas of working farmland in the city. These are located along the Esopus Valley, taking advantage of those fertile floodplain soils. The valley farmlands, though fragmented by development including roads and highways, are part of the core of agricultural resources being actively promoted by a local organization: The Hudson Valley Farm Hub. The Farm Hub is a non-profit education and demonstration farm founded in 2013 with a mission to foster equity and ecological resilience in the regional food system. Its service area stretches southward from the City of Kingston through the towns of Ulster, Hurley and Marbletown across the vast fertile land known as the “Hurley Flats.” This landscape was shaped by the receding glacier 10,000 years ago, leaving a legacy of mineral rich soil—some of the best farmland in New York State. <http://hvfarmhub.org/about/history/>

A unique and important project taking place in Kingston’s open space resources at the Farm Hub is the Native American Seed Sanctuary. In partnership with the Akwesasne Mohawk Tribe of northern New York and the support of Seedshed (<https://seedshed.org/>) the project is growing Native American varieties of corn and sunflowers for the purpose of seed saving, and, by extension, helping to preserve the rich agricultural and cultural heritage of the Native American people. Once harvested, the seeds and the food they grow are repatriated to their home communities to keep these varieties and their stories alive.

The importance of these types of agricultural



Figure 33. *The Native American Seed Sanctuary at the Hudson Valley Farm Hub.*

activities as part of the community's natural and cultural heritage is recognized. As the history of the growth of the city and region has demonstrated, farmland is the place where development eventually takes over. Protecting the remaining productive farmland in Kingston is a key element of this open space plan. Working with the farmland owners to create a long-term farmland protection strategy will provide a foundation for the continuance of agricultural uses. The strategy would include taking full advantage of all tools available including securing funding support through the New York State Department of Agriculture and Markets Farmland Protection Program and a similar program offered through the United States Department of Agriculture.

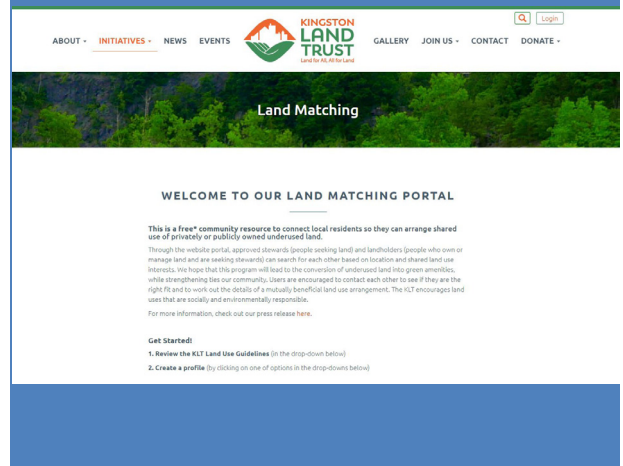
Conservation Targets. Creating one new community garden per year over the next ten years is suggested as a reasonable goal to bring the benefits of urban agriculture to a broader base of Kingston residents, particularly in areas where they can help to serve environmental justice areas.

Kingston's Urban Forest

Kingston is well established as a "Tree City USA" city, a recognition from the Arbor Day Foundation. The city has completed a monumental task of completing a tree inventory characterizing 3,937 street trees and park trees. The report is available on the city's website (www.kingston-ny.gov/trees). Neighborhoods graced with healthy canopies of street trees add tremendously to the aesthetics, livability, and local ecosystem; providing beauty, relief from the 'hardscape' of the city and filtering

LAND MATCHING

The Kingston Land Trust has launched an online resource that allows residents in and around Kingston to make use of underutilized private and public land. Through the website portal, approved stewards (people seeking land) and landholders (people who own or manage land and are seeking stewards) can search for each other based on location and shared land use interests. Land listings can range from a corner of a residential yard to an entire agricultural field. The land matching portal will help foster beneficial uses, such as gardening, farming, community gatherings, wellness activities, foraging, ecological land management, outdoor classrooms and play spaces.



OPEN SPACE VISION

the air of dust and producing oxygen while absorbing carbon dioxide, a greenhouse gas.

While a tremendously valuable resource, maintaining a healthy street tree and urban forest system is labor intensive and costly. Sometimes poorly planned trees cause damage to sidewalks, curbs, and other expensive infrastructure. Fortunately, there are methods to accommodate street tree planting and healthy growth in a variety of urban conditions.

Street trees and the larger urban forest are recognized as key components of the open space resources in the city and implementation of an enhanced management program will support the many benefits these trees provide while helping minimize the expense of maintaining a healthy urban forest. A top priority for city neighborhoods is continued management of the city’s extensive street tree program; adding/replacing trees as needed and pruning and maintaining the existing stock and introducing street trees in areas where there are few to no street trees, deploying the latest methods of landscape architecture and urban forestry to create a beautiful, healthy and long-lived canopy of trees for the people to enjoy. Specific open space opportunities and ideas identified for the urban forest include:

- There is wide consensus on the need for more neighborhood parks, playgrounds in the urban residential neighborhoods, particularly in Midtown.
- Thanks to the tree inventory, the city has detailed digital data on every street tree—

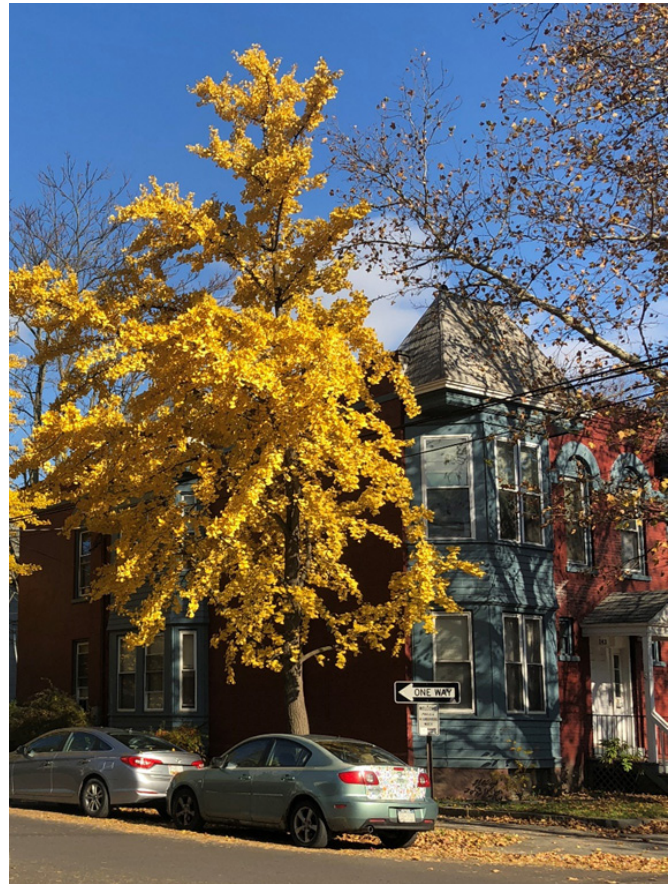


Figure 34. Kingston Gold: A striking ginkgo biloba tree in full fall glory gracing a historic Kingston neighborhood.

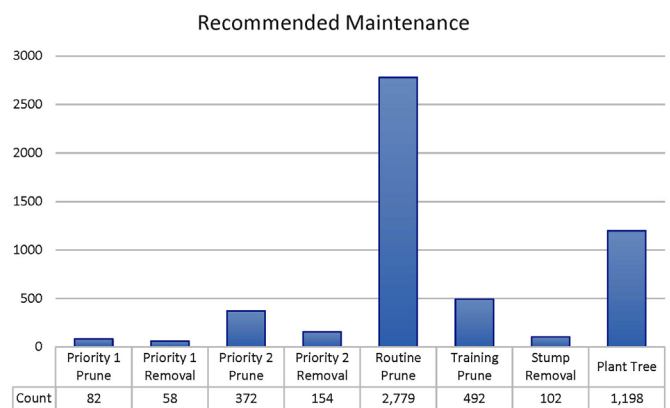


Figure 35. The Kingston tree inventory provides details on the size, species, age, health and life expectancy of over 3,000 street trees in the city. This report identifies specific trees for priority removal and pruning, as well as recommends the planting of over 1,000 new trees to replace lost inventory.



Figure 36. Protecting existing trees appropriately when doing needed construction. Utilization of structural soil for street tree plantings along sidewalks and other paved areas allows installation of hardscape features such as concrete or bluestone walks and granite curbs without damage from healthy tree root growth. Underneath the tree in the image below is a large bed of CU™ Structural Soil extending several feet in either direction around and below the root ball.



species, diameter, height, age and anticipated lifespan—which can be used to develop and implement a comprehensive street tree planting program that will start to fill in and identify empty spots for planting, trees which will need replacement in upcoming years, and a rotation schedule. This planting effort is perfect for a sponsorship or adopt-a-tree program.

- The city code should be reviewed with an eye toward finding requirements in the city tree ordinance that complicate or undermine the goals of this open space plan.
- Pollinator habitats should be encouraged and promoted throughout the city to help support the regional bee population and other pollinators.

Open Space for Stormwater Management

Urban stormwater management in American cities historically could be considered as an “out of sight, out of mind”-type of approach where streams were channelized and directed into large culverts and street-side catch basins and storm sewers shunted the flow into a combined sewer system that was sent into receiving rivers. Many Hudson River cities like Kingston still are challenged with retrofitting the remnants of those combined sewer

systems into a more sustainable approach. As cities continue to improve wastewater treatment systems and separate storm sewers from sanitary sewers, an expanded perspective is emerging.

The expanded perspective first recognizes the importance of maintaining intact natural areas of natural stream corridors, floodplains and upland forests so these resources can perform their respective “ecological services” that help maintain surface water quality. These natural “green infrastructure” systems left undisturbed will keep water resources clean and healthy. However, we live in a world that is continually being more intensively used where undisturbed natural systems are becoming increasingly modified and fragmented by all forms of human use. Maintaining natural areas as green infrastructure is an important strategy to maintain high quality surface waters. For urbanized areas, where development processes have occurred and will continue, the idea of employing natural processes in formalized stormwater management systems is emerging as a proven method of maintaining and even improving stormwater runoff quality. This “green infrastructure” approach to urban stormwater management is a refreshing alternative to relying increasingly on solely “grey infrastructure” approaches that often contribute to declining quality as stormwater flows through the system.

And so, the resource protection priorities in this open space plan reflect an ecological approach to stormwater management:

- Protect large areas of intact forests and natural areas.

GREEN INFRASTRUCTURE

The green infrastructure concept recognizes the interconnected ecosystem of forests, rivers, farms, parks, wetlands, naturalized stormwater management facilities and other natural and naturalized man-made features that, when fully deployed will help ensure clean air, water and food. These natural systems sustain our environmental health, economy and quality of life. Just as we need to maintain the built infrastructure of our roads, utilities and buildings to sustain the economic activity—our green infrastructure must also be protected and maintained to keep a balanced system to sustain our health and well-being.



Watershed-based stormwater ponds can provide:

- Flood storage capacity
- Water quality improvement
- Outdoor recreation
- Fish and wildlife habitat

- Recognize the importance of maintaining naturalized stream corridors.
- Improve compromised natural areas and restore/replant with trees, shrubs and grasses/perennials.
- Reduce impervious areas and introduce permeability into parking and similar areas with constructed stormwater management solutions such as raingardens and bioswales.
- Identify key drainage basins to retrofit using green infrastructure techniques for stormwater management.

Looking forward using a green infrastructure approach, it may be possible, for example, to address the need for a new city park in Midtown Kingston by also incorporating other needed stormwater management improvements. In a larger sense, the open space plan can be considered the foundation of the green infrastructure system for the city.

City-wide Trail Systems

Kingston has been working for many years on creating a city-wide network of shared-use paths and trails connecting key areas of the city together. This open space plan recognizes those efforts and incorporates the notion of a city-wide system as an important amenity for the community. This overall system, branded by the Kingston Land Trust and the city as the Kingston Greenline, would also serve as a hub to regional trails including the Empire State

Trail which is expected to be completed by 2020.

The trail system can serve as a linear park and as a transportation alternative, offering walking, and bicycling opportunities providing both recreation and mobility benefits. A well-designed trail system can become a great amenity to neighborhoods, starting in part as a “complete streets” approach to accommodating non-vehicular paths along existing streets, and later evolving to become dedicated off-road multi-use paths where space and funding permit. “Complete Streets” is a term used to describe ordinary city streets that are designed to encourage people of all ages and abilities, by any mode of transportation to use them. The concept of complete streets is an adopted policy of the city and since 2010 the Complete Streets Advisory Council was established by the Common Council to advise the city on ways Kingston can implement complete streets principles in its planning, design and construction activities.



Figure 37. KINGSTON POINT RAIL TRAIL — *The Kingston Greenline is an example of an urban railway corridor being converted into a successful multi-use path and cherished community amenity. The city continues to expand this route and connect through the downtown and part of a linear park and loop system. Photo courtesy of the Kingston Land Trust.*

Conservation Targets. Five miles of new trails of dedicated and shared-use paths. There are many trailway projects being planned, designed and constructed in the city. This five-mile trail target supports the concept of completing the ongoing/planned projects on what would be equivalent to the total approximate distance of an east-west corridor and a north-south corridor of shared-use paths dedicated to use for pedestrians and bicyclists in the city over the next decade. Recognizing some projects planned underway—such as the Empire State Trail—would be part of this goal, the segments of on-road bike lanes would not be counted in measuring the target for this category. (Note: some overlap exists between this category and the shoreline public access category.)

As part of this trails effort, steps should be taken to ensure that the trail corridors preserve portions of vegetated space along the trail route which enhance the natural beauty of the route, provide buffers from commercial activity where needed and provide bee pollinators and habitat for small wildlife.

OPEN SPACE VISION MAP

5 MILES OF NEW TRAILS

- Continue to build trail system
- Connect open space resources
- Contributes to health and mobility

10 NEW URBAN COMMUNITY GARDENS

- Healthy local living opportunity
- Improve access to nutritious food
- Educational enrichment for youth

50 ADDITIONAL ACRES OF FARMLAND & NATURAL AREAS PROTECTED

- Working fertile farmland valley
- Important natural habitat and ecological resource area
- Important outdoor recreational resource

1 NEW NEIGHBORHOOD PARK

- Addresses neighborhood need
- Adds to community quality of life

5,000 ADDITIONAL LINEAR FEET OF PUBLIC ACCESS HUDSON

- Recognizes Hudson River Valley National Heritage Area
- Advances Empire State Trail
- Creates valuable community amenity



500 ADDITIONAL ACRES PERMANENTLY PROTECTED

- Intact upland forest habitat
- Important natural habitat and ecological resource area
- Dramatic scenic overlook opportunities

2,500 LINEAR FEET OF STREAM CORRIDOR RESTORED

- Re-naturalize ecosystem where feasible
- Helps manage stormwater flow
- Improves water quality and aesthetics

60 ADDITIONAL ACRES PERMANENTLY PROTECTED LAND

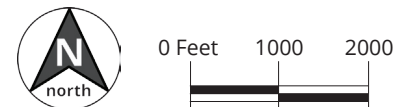
- Large intact upland forest—the “ecological matrix” of the city
- Important natural habitat and ecological resource area
- Helps improve air and water quality

5,000 ADDITIONAL LINEAR FEET OF PUBLIC ACCESS RONDOUT

- Important outdoor recreational resource
- Adds to community amenities
- Offers public health opportunities

1,000 NEW STREET TREES PLANTED

- Beautify public streetscapes
- Provides shade and filters air pollutants
- Adds to neighborhood value



- Priority Conservation Areas
- Potential Future Park Areas
- Potential Future Stormwater Retention Areas
- Priority Area for Neighborhood Parks
- Urban Forest Area
- Existing Parkland
- Empire State Trail
- Existing & Planned Local Trail System
- Future Trail Concepts
- Proposed Open Space Gateway Points
- Potential Kayak Launch



MANY NEW YORK STATE COMMUNITIES HAVE ESTABLISHED CONSERVATION FUNDS

In the Hudson Valley Region:

In November 2006, New Paltz town and village voters overwhelmingly approved a \$2 million bond to implement the open space plan. The Towns of Gardiner and Marbletown also approved open space bonds in the amounts of \$1.5 million and \$1 million respectively in 2006.

In November 2005, voters in the Town of Beekman, Dutchess County, NY supported a \$3 million open space bond by a 2.5 to 1 margin.

In 2003, voters in the Town of Red Hook, Dutchess County, NY approved a \$3.5 million open space bond by an approximately 80 percent margin to purchase the development rights from interested farmers. The Town's investment is being leveraged with dollars from a Dutchess County matching grant program, technical assistance from Dutchess Land Conservancy, and follows significant investment by Scenic Hudson, a regional conservation organization. The Town adopted an open space plan in 2000.

In 2000, voters in the Town of Warwick, Orange County, NY approved a \$9 million bond for open space and farmland protection. The local goal is to protect approximately 3,000 acres of the Town's farmland and open space. A study for the Town of Warwick estimated that the continued development otherwise would cost taxpayers an estimated \$4 to \$5 million per year in additional school taxes.

In New York State:

In 2004, voters in the Town of Webster, Monroe County, NY approved a \$5.9 million bond program, and subsequently have secured matching grants from the federal government, New York State, and Monroe County to leverage their local dollars to meet their program budget of close to \$7.9 million. The 2002 fiscal model prepared for the town and school district showed that for every dollar invested in open space conservation, town residents would save an equal dollar in avoided costs associated with growth. Hence, in that community, there was no net cost of investing in open space land acquisitions.

LAND TRUSTS IN KINGSTON

Land trusts are private not-for-profit organizations dedicated to the mission of preserving land. Many land trusts preserve land through the use of a voluntary conservation easement. This is a flexible tool that restricts development of a property. Conservation easements can be donated by landowners for significant tax benefits. In communities with a purchase of development rights program, they can also be sold. Conservation easements are a good way to preserve land while keeping property on the tax rolls.

Each land trust in the region has a specific mission and geographic area of interest. If a landowner is interested in conservation, the best way to obtain more information is to explore the websites and contact a relevant land trust working in the Kingston area:

Kingston Land Trust

www.kingstonlandtrust.org

(845) 877-LAND

Scenic Hudson

www.scenichudson.org

(845) 473-4440

Open Space Institute

www.openspaceinstitute.org

(212) 290-8200

CONSERVATION FINANCING OPTIONS

Open Space Local Appropriations

Local government can appropriate funds (through local budget authority) collected through property taxes to purchase lands or development rights, etc. This type of budget allocation can be a one-time annual appropriation or a multi-year appropriation. Local appropriations are limited to available funds and are weighed against other public costs, often producing limited results for open space conservation.

Municipal Bonds

A local government can issue a bond to finance special projects, such as open space preservation. A municipal bond allows a municipality to raise capital applicable for investment in capital projects and repay the debt (bond principal and interest) over time. Bonds can be retired in 20 years or 30 years, for example. A municipal bond can be placed on a ballot during a local election for voter approval, or it can be subject to permissive referendum. Under permissive referendum, the municipal board may take an action without a vote, however, voters have an opportunity to petition the decision and require a ballot measure. Successful municipal bonding requires extensive public outreach and education, but provides the opportunity to obtain dedicated funds for an open space program.

Recreation Fees

The city already collects a recreation fee (in lieu of parkland) which is used to meet recreational needs in the community. In the future, the amount collected should be evaluated to confirm adequacy toward meeting the recreational needs of the city as it grows.

Private Fundraising

Many communities have successfully raised funds to support conservation efforts through private fund raising events such as dinners, concerts, and festivals. Partnerships with local land trusts and other organizations can be a successful way to raise funds through private sources.

Development Mitigation Fees

Mitigation costs can be developed through a comprehensive Generic Environmental Impact Statement (GEIS) process under a town-wide build-out. This process would help to identify impacts of the full build-out of the town and create measures to mitigate such impacts. Several communities are using the tools developed through such a process to obtain funds for land conservation through the private (development) sector. This works by requiring developers to pay a mitigation fee for development impacts to open space. For example, the Town of Clifton Park (Saratoga County, NY) recently adopted open space incentive zoning, which provides a density bonus incentive to landowners in exchange for open space amenities. For single-family residential increases under the incentive zoning, each bonus dwelling unit requires the preservation of three acres of open space or payment of \$30,000.

Open Space Incentive Zoning

Incentive zoning (or amenity zoning) allows a landowner or developer to work with a municipality to obtain specific incentives in exchange for providing desired community amenities such as open space conservation. Incentives may include modifications to density, allowed uses, setbacks, or other zoning controls. The landowner or developer may provide, in exchange, dedicated open space, trail access, park land, or potentially cash (in lieu of land) to contribute to a purchase of development rights (sale of conservation easement to the city/land trust) program.

Real Estate Transfer Tax

A real estate transfer tax is a one-time fee paid by the buyer of real estate property. It is collected when real estate sells and has typically been set at 1-2% of the amount of the sale that is over the median value of homes in the area. The real estate transfer fee provides an ongoing source for land conservation projects—money that essentially will be paid to willing landowners for land for conservation. This is an interesting option to finance conservation for many communities because it does not raise taxes. (When authorized in a New York State municipality, the enabling legislation is known as the Community Preservation Act.)

A partnership approach is recommended to advance the open space plan. With that approach as a guiding principle the following partnerships can become the foundation for advancing the plan:

Partners

- **Landowners**—These are very important partners with whom the city will collaborate to advance the conservation vision expressed in this plan. Organized efforts to reach out to landowners—in particular those with large acreage holdings in priority conservation areas will be important to discuss potential shared vision and goals and to explore ways to work together for the long-term conservation of the important resources present on the land.
- **Land Trusts**— Continued and expanded collaboration with land trusts including the Kingston Land Trust and Scenic Hudson will be tremendously important to turn the vision in the plan into reality. The Kingston Land Trust has extensive information on the economic benefits of open space, which can be used to help generate support from the local business community.
- **Other Non-profits**—As organizations vested in securing positive futures for the community, expanding relationships with non-profit organizations and forging new relationships centered on common goals will yield mutual benefits. Organizations like the YMCA and Hudson Valley Farm Hub, for example, are already working on projects that are perfectly aligned with the plan. Environmental advocacy organizations including Riverkeeper, among others, have been fastidious in efforts to protect and improve water quality in the Hudson and the related benefits to fisheries, water supplies and long-term economic sustainability. Look to strengthen these relationships and expand relationships with other similar non-profits that have program goals that can be matched with the open space plan.
- **Ulster County and New York State Agencies**—The city and the county have partnered on numerous open space and related initiatives and this open space plan provides a solid foundation upon which expanded partnership opportunities can be framed. Natural partnerships already exist with agencies like the New York State Department of Environmental Conservation Hudson River



∞ “Plans are only good intentions unless they immediately degenerate into hard work.”

~ Peter Drucker, Business Consultant

IMPLEMENTATION

Estuary Program (funding partner for this open space plan), the NYS Department of State and Hudson River Greenway. The elements of the plan can be matched with the program objectives and funding priorities for each of these and the several other state agency partners of the city.

- **Federal Agencies**—Forestland and farmland conservation have long been priorities, respectively, of the U.S. Forest Service and the U.S. Department of Agriculture. Building relationships with these and other federal agencies can be helpful in securing financial and other support for the forestland, farmland and other natural resource protection elements of the open space plan.
- **General Public**—Citizens and property owners in the city can continue to be volunteers in service to support the city's programs and projects and also serve as shareholders of the benefits that will accrue as the plan is implemented. At some point in time, the city may need to secure additional public support for funding open space projects and the ongoing support of the general public will be of great importance.
- **Business Community**—The private sector can continue to be a key partner. For example, in the real estate development process, the private sector can help participate in the creation of the amenities envisioned in the plan such as public waterfront access—resulting in a benefit to both the development project and the general public.

City of Kingston

- **Conservation Advisory Council (CAC)/City Staff**— It is important to recognize the significant level of effort that will be required to properly implement the open space plan. After the adoption of the plan, the city staff and the CAC will focus on implementing the plan and will need to create a more detailed action agenda and timeline to help guide the overall advancement of the program. Some communities have identified the need for an open space coordinator and/or appointed an open space commission or added that responsibility to an existing staff or board member to take lead responsibility. Collaboration with other city boards and departments will continue to be important, in particular those with missions that overlap with the action and policy recommendations outlined in this open space plan.

Additional Planning/Technical Work

This plan provides an overall vision for the future of open space in the city. It will become a “point of departure” for more detailed planning that will be needed to fully establish the scope and details of future conservation projects. Some of the next steps (future phases include):

- Establishing priority sites for protection—this would be a more detailed look at the priority areas to identify parcels, potential partners and specific implementation requirements such as project financing strategies and grant applications. For local parks, a neighborhood-centered conversation will be required to identify what type of park the neighborhood needs, what features and program elements should be developed.
- Detailed planning and design development—Individual or groups of projects will need site-specific conservation plans including delineation of areas to conserve, areas where development may be appropriate. There will be the need to identify potential green infrastructure opportunity areas for example and coordination with other/future planning project such as a bike/trail master plan.
- Zoning and code amendments—The city will consider potential modifications to the city code including zoning ordinance, subdivision regulations, urban forestry, and stormwater management to conform to the recommendations outlined in this open space plan.

Figure 38. Conservation Targets Summary - Kingston Open Space Plan

Local Resource	Ten-year Goal for Protection / Enhancement	
Street Trees	1,000	Additional street trees planted.
Hudson Uplands	500	Additional acres permanently protected.
Hudson Riverfront	5,000	Additional linear feet public access.
Rondout Uplands	60	Additional acres permanently protected.
Rondout Shoreline	5,000	Additional Linear feet public access.
The Esopus Creek Valley	50	Additional acres farmland and natural areas permanently protected
Other Stream Corridors	2,500	Linear feet naturalized stream corridor restored
Neighborhood Parks	1	New neighborhood park in Midtown area
Urban Agriculture	10	Number of new urban community gardens
Greenway Trails	5	Miles of new trails

CONCLUSION

It's a spring day in 2030, you and a friend decide to ride your bikes around town. You head toward the Hudson and start up Hudson Uplands Overlook Trail and take a rest to enjoy the commanding viewpoint looking east from the upper edge of the 300-acre preserve rising above the bustling neighborhood at the former Hutton Brickyard. A dedication plaque at the overlook recognizes the contributors to the preserve project dedicated in 2025. Eagle, hawk and osprey are riding the updrafts right in front of you. On the river below the water is clear -- still too cold for most kayakers but the sailboats are cutting across the waves getting ready for the weekend regatta. You roll downhill to the Empire State Trail along the Hudson and head south to wrap around Kingston Point then upriver along the Rondout. It's so busy on the eastern end of the waterfront promenade that you get off and walk your bikes and check out the kayak shack, where rentals begin next weekend.

After enjoying a beverage at your favorite waterfront restaurant, you roll the bikes onto the self-serve solar-powered ferry (cool quiet ride is worth the \$5 scan of your credit card) and cross over to the new park at the foot of Island Dock, where you count at least 100 people walking the Island Loop path. You think about coming back next here weekend for the annual Island Dock Spring Festival—lots of food and games for the kids—could be nice.

Riding back to the mainland, past the new Rondout kayak launch, you observe the construction progress on an historic complex being renovated and a new building complementing the old going up right nearby. The bike path narrows slightly as Wilbur hamlet comes into view and it's time for a few slices and a decision—do we pedal power up the hill along the Twaalfskill or walk our bikes up along the new nature path. Walking up the path was a good decision and time for a rest at the overlook shelter, jointly named after the benefactor and land trust that partnered for its completion. At the top of the rise Midtown now is in view and its time to visit the new neighborhood park. Your friend is impressed with the small stream that used to run under the new park that was daylighted thanks to a grant from New York State and is now a centerpiece of the park's design. Kids are lining up to ride the mini zip line and the small community garden is just starting to sprout green.

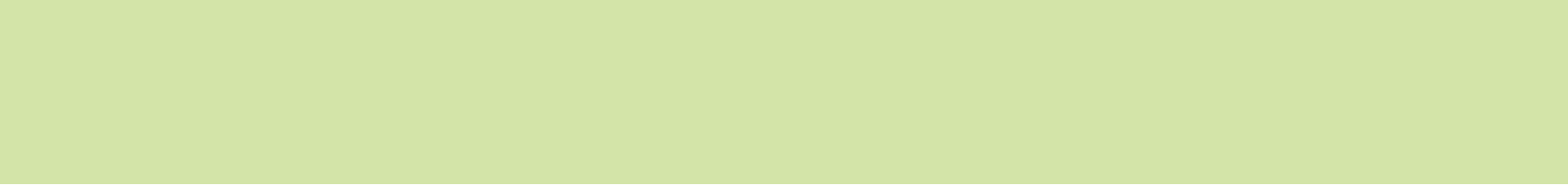
As you roll down the bike path, feeling tired but refreshed, you are glad the last stop is the Esopus Park and Preserve at the bend of the river. Looking down the quiet side street, the new street trees are budding out nicely. After locking the bikes up at the preserve, the row of colorful outdoor hammocks lined up along the Esopus are perfectly inviting as you climb in to enjoy the well-deserved nap. The air is fresh and clean, the sun is perfectly warming and the rest has never been better.

This is what the City of Kingston envisions for our future, a multi-faceted network of outdoor spaces and activities which not only enhance our quality of life but also function as a strong attraction for tourists, businesses and future homeowners to come to this city. In this way, the open space amenities described in this plan act as an economic generator, providing Kingston with the recreational and aesthetic features more and more families value in choosing where to live, work and play. We believe that with strong leadership and concerted effort, this vision can become realized.

We hope that you will join us in this very important effort.

∞ “Whether you think you can, or you think you can’t—you’re right.”

~ Henry Ford



APPENDIX A

PUBLIC MEETING NOTES & COMMENTS

MEMO



October 3, 2018

Kingston Open Space Plan Public Workshop Notes

On September 25, 2018, a public workshop was held at the Kingston Public Library to present an overview of the Kingston Open Space Plan, and solicit input from the public. After the initial presentation, the participants were invited to participate in table mapping discussions at three different tables. The following is a summary of the notes collected at each table.

Table One Notes: City Wide Map

1. **Rondout Creek.** Need access for paddlers, rowers, etc. The area along East Strand Street was specifically identified.
 - a. Trash cans and pickup needed along Kingston Point Rail Trail.
 - b. More trash pickup along waterfront.
 - c. Dock access needs to be upgraded in the area around TR Gallo Waterfront Park / Island Dock / Wurts Street crossing.
 - d. Island Dock – this peninsula should be made into a park.
 - e. Block Park – a walkway is needed here which connects the park.
2. **Esopus Creek.** Protect the floodplain here.
 - a. Remove debris from waterway so it can be used for paddling. Log jams block the way.
3. **Hudson River.** Waterfront promenade which follows river from Kingston Point Beach north to city line.
4. **Land for Preservation.** The currently undeveloped land west of the railroad tracks, in the vicinity of Wilbur Avenue, Chapel Street and Mason Hill Road – this land area should be preserved.
5. **Clearwater Park.** Bring back Clearwater Park.
6. **Lawton park property.** Bring back Lawton Park.
7. **Rail Trail.** Complete the rail trail along the abandoned rail line.
8. **Cemeteries**
 - a. Houghtaling cemetery marker
 - b. Houghtaling cemetery at Pine Street Professional park
 - c. African-american burial ground on Pine Street

112 Spring Street, Suite 305
Saratoga Springs, New York 12866
Phone (518) 583-4335

151 South Main Street, Suite 200
New City, New York 10956
Phone (845) 499-2060

9. Industrial park. Need trails in open areas around Arconic manufacturing plant.

10. General Observations

- a. Need more playgrounds
- b. Need more pocket parks
- c. More benches that face each other

Table Two Notes: City Center Map

11. Lack of greenspace / playspace / street trees. The residential neighborhood generally between Route 32 and O’Neil Street, north of Broadway has a lack of greenspace, park or street trees.

- a. This area would benefit from a local pocket park or playground.
- b. A park is needed on the block bounded by Oneil, Bruyn, Smith Ave and Downs Streets – Kingston Housing Authority property.

12. St. Mary’s Cemetery. A former open field and playfield across the railroad tracks from St. Mary’s Cemetery (owned by the cemetery) used to be used as a playfield. Now that cemetery is expanding into this area, that local greenspace is lost.

13. The Lace Mill. Property at The Lace Mill, corner of Cornell Street and Progress Street – needs new plantings – very barren landscape right now and not attractive.

14. Kingston Plaza. This site generates a lot of traffic / activity and is a major local circulation hub. Many improvement opportunities here.

- a. Large parking lot – a lot of impervious area, could benefit from green infrastructure program to soften area, manage stormwater better.
- b. Need sidewalks which connect plaza to uptown areas.
- c. Should ideally have a vehicular + pedestrian connection from Albany Ave, crossing 587, to the back/side of Kingston Plaza. Currently have to drive all the way around through city to get to this plaza.
- d. Have 587 revert to highway, plan for greenspace.

15. Esopus Creek. Need to open up parts along the Esopus for walking paths, outdoor enjoyment.

- a. Add more kayak launches, next nearest launch is quite a ways away.

16. The Greenline

- a. Opportunities to have small parkettes, green space along the Greenline. Potential for more formal park where Greenline comes out of tunnel to Kingston Plaza.

17. Academy Green

- a. This existing park space is underutilized. No one uses it. Opportunity to make this better and more interesting.

- b. City removed benches to discourage homeless people from using it.
- c. Was the subject of a green infrastructure proposal, but that didn't get funded.

18. Future Roundabout – Intersection of Albany Ave & Broadway

- a. Greenspace here will be lost, but maybe opportunity for new greenspace with future design?

19. Tannery Brook Stream / Twaalfskill Brook

- a. Much of these waterways have been covered / paved over. Need to daylight these streams.
- b. Program underway to “culturally daylight” the Tannery Brook by celebrating its path and drawing/artwork along route to make people aware of its presence.
- c. Emily Vail is doing Masters thesis on Tannery Brook.

20. Broadway

- a. General opportunity to provide some pocket parks along Broadway.
- b. Corner lot at intersection of Broadway and Henry Street – unpleasant corner. Could this high-visibility corner include greenspace? A pollinator habitat?
- c. Vacant lot on Broadway between Henry and Cedar – potential for urban park space.
- d. Parking lot behind Deisings Bakery, between Saccoman Lane and Green Line. Could put in a pocket park here, basketball courts, youth activities. Is all of this parking needed?
- e. Overpass for Greenkill Avenue, above Broadway. This area is ugly. Used to be able to get from Broadway up to Greenkill, but since they rebuilt bridge, cannot get up anymore. Should be a way to get up and down. People still climb up hill.
- f. Intersection of Broadway and Prince Street – Planet Wings. This is a high-visibility corner, opportunity for a park.
- g. Need more trash and recycling bins, benches.
- h. Students from Kingston High School often travel west along Broadway, and/or cut through YMCA across tracks to neighborhood beyond. Needs to be a safer route.

21. YMCA. YMCA has a community farm off of Susan Street. Working with landscape architect to expand farm and improve it.

- a. Potential for multi-use path which would connect from YMCA to cemetery in the south, running parallel to railroad tracks.
- b. Cemetery has many people who use it as a park for walking, outdoor enjoyment.
- c. Property behind YMCA – reportedly was identified as part of Brownfield Opportunity Area Midtown Forum, potential development by RUPCO as a park.

22. Rail Trail. Proposed rail trail which follows abandoned railbed along Greenkill Ave. Easements with adjacent landowners are needed.

Kingston Open Space Plan – Workshop Notes

Page 4 of 8

- a. Crossing at Wilbur Avenue is potentially an issue – bridge abutment was removed, grade change back up to railbed level from road.

23. Empire State Trail. Major new trail through city. Should look at trail route and identify areas for small parks along the path, places where people can stop and relax, and/or access points to get on/off.

24. Redevelopment. Industrial building and ballfields at South Clinton Ave and Greenkill – this property is planned to be redeveloped (“Metro”).

25. Active Railroad Line. Rail traffic is quite loud, shakes nearby houses in neighborhood. There needs to be a sound buffer along active rail line, with trees or vegetation to help mask noise.

- a. High school kids cut through path over railroad tracks by YMCA.
- b. There needs to be a safe crossing for people to get from one side of the tracks to the other – it is a barrier.
- c. Many people use Wiltwyck Cemetery as an open space to walk, enjoy outdoors, like a park.
- d. Parcel adjacent to cemetery – between railroad tracks and Wilbur Ave – this is owned by the city. Is there potential to expand park-like setting of cemetery to here, provide connection across tracks to neighborhoods on the west side?
- e. Twaalfskill Brook runs through this area, gets buried. Should be daylighted.

26. Lawton Park Property. This property by South Wall Street was considered for a housing development years ago, but it never happened. Still undeveloped. Potential opportunity to make this into an actual park?

27. Pine Street

- a. Vacant flag lot property identified on map is believed to be a historic burial ground for African Americans. Potential for historic site / interpretive / recognition?
- b. Existing commercial/medical office development on Pine Street Professional Plaza. This is currently underutilized, has much more parking than it uses. Site could be consolidated / cleaned up to provide some of that as greenspace. Potential for Food trucks.
- c. Pine Street Professional Park – this site is believed to be historic burial ground.
- d. South Pine Street – there is an existing community garden at 27 S. Pine Street.

28. Interior Block Open Space. There is an interior block space bounded by Johnston Ave, Emerson, Main Street and Pearl Street – houses all around it with undeveloped space inside. Could this be an opportunity for a public space?

29. Community Garden

- a. There is an existing community garden in the vacant lot on Liberty Street, one block behind Library.

30. Henry Street / Pine Street neighborhood

- a. There is a need in this residential area for a local playground / park space with adult activities.

31. Large lots on hill, southwest of Washington Ave

- a. This area has many large lots, undeveloped forested areas, Some vacant land. Would owners here be interested in conserving the land, protecting their privacy?
- b. Vacant parcel shown on map between Conway Place and Marius Street is not actually vacant – has a house on it.

Table Three Notes: City Wide Map

32. Esopus corridor

- a. Esopus Creek corridor has some active farm fields including the Native American Seed Sanctuary on an oxbow of the creek just west of the NYS Thruway.
- b. Other fields further downstream west of the North Manor Avenue include some habitat near wetland and tributaries noted as fragile by a participant.
- c. Area in general very flood-prone. Consider encouraging native tree plantings/maintaining tree cover along stream bank as a riparian buffer (though may need to resolve any issues associated with tree cover with flood control berm located in the area.)
- d. Creek has river access on north side at Town of Ulster Park—could create additional access on south (city) side. Creek has tree/debris areas blocking canoe/kayak navigation that is problematic.
- e. Participants noted ongoing concern over creek water quality, especially turbidity related to upstream activities including operation of dam/impoundments at Ashokan Reservoir.
- f. Corridor adjacent part of O&W Rail Trail project.
- g. Concern over combined sewer overflows contributing to water quality problems. Continue to need to retrofit/upgrade storm and sanitary sewer system to address this.

33. Rondout corridor

- a. Includes low-lying relatively flat areas prone to flooding as well as very steep upland areas nearby. Erosion problems noted along northern shoreline at outlet to Hudson.
- b. River access provided by several marinas important to maintain. Participant noted there was additional demand for boat/marina access that was not being met due to limited supply of dock space.
- c. Several larger parcels of primarily wooded land along upland areas along/near Rondout. Many of these have open space/habitat/scenic value. Several large parcels “private estates” in the area.
- d. Old hamlet of “Wilbur” at upper reach of Rondout in city perceived as physically disconnected from rest of city due to steepness of terrain and lack of pedestrian facilities (no sidewalks or publicly accessible paths along Wilbur Avenue).

- e. Historic area (Bluestone port, Fitch Bluestone Company Office, etc.)
- f. Former quarry upland area—steep, wooded, some river views, “ice caves”, bat habitat
- g. Downstream bike and pedestrian connections would be very good for residents of area connecting from Wilbur along waterfront to Strand Street out to Kingston Point.

34. Hudson corridor

- a. River very important habitat—concerns for water quality from discharge from storm sewer system and combined sewer overflows (where sanitary sewer combines discharge with storm sewer during major storm events, bypassing treatment facility). Of particular concern at Kingston Point Beach.
- b. Deep channel river access is potential to be recognized (e.g. at former Hutton Brickyard site off North Street).
- c. The Kingston-Poughkeepsie Deepwater Habitat (runs about 25 miles from near mouth of Esopus to Wappingers Creek) is one of the largest spawning areas for Atlantic sturgeon and is important for a number of species.
- d. Public waterfront access important—waterfront promenade (Kingston Greenline concept). Consider concept of continual connection north into Town of Ulster
- e. Lot of great views of Hudson River from this corridor.
- f. River shoreline habitat enhancements possible?

35. Other Streams

- a. Many participants interested in exploring options to “daylight” some of the streams that have been piped underground over the years; e.g., Tannery Brook.
- b. Concept of adding “green infrastructure” to urban environment; e.g., bioswales along drainage corridors, creating wetland treatment systems for stormwater runoff prior to discharge to receiving water, etc.. See <https://www.dec.ny.gov/lands/58930.html>

36. Street Trees, Parks Greenways, and Trails

- a. Interest in continuing to improve street tree management program in city—participants like the tree inventory and concept of infill of urban street trees.
- b. Consider updating city code to address street trees (more adaptive to setting, conditions and neighborhood, adding and removing certain species, etc.).
- c. Many participants wanted to continue city effort to improve pedestrian and biking facilities to better connect neighborhoods with park, open spaces and other destinations.
- d. Improve park connections (e.g., entrance to Hasbrouck Park “worst entrance ever” to a park—kind of invisible between two houses.)
- e. Cornell Park could use natural play space, arts/performance space (solar band stand). Consider potential for community garden on land adjacent to park to north.

Kingston Open Space Plan – Workshop Notes

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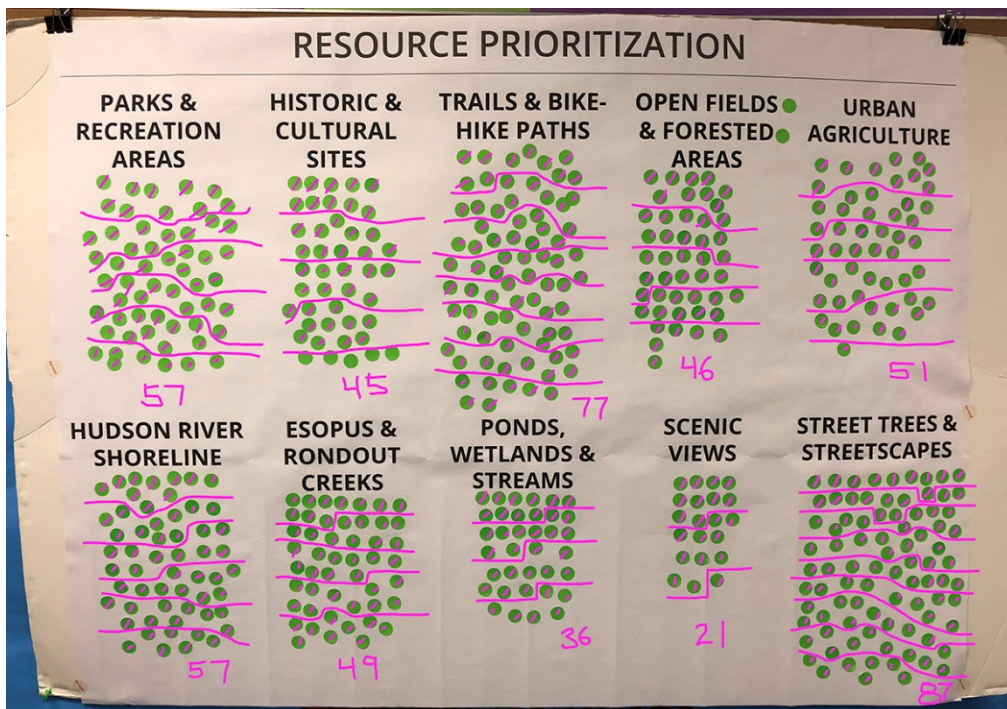
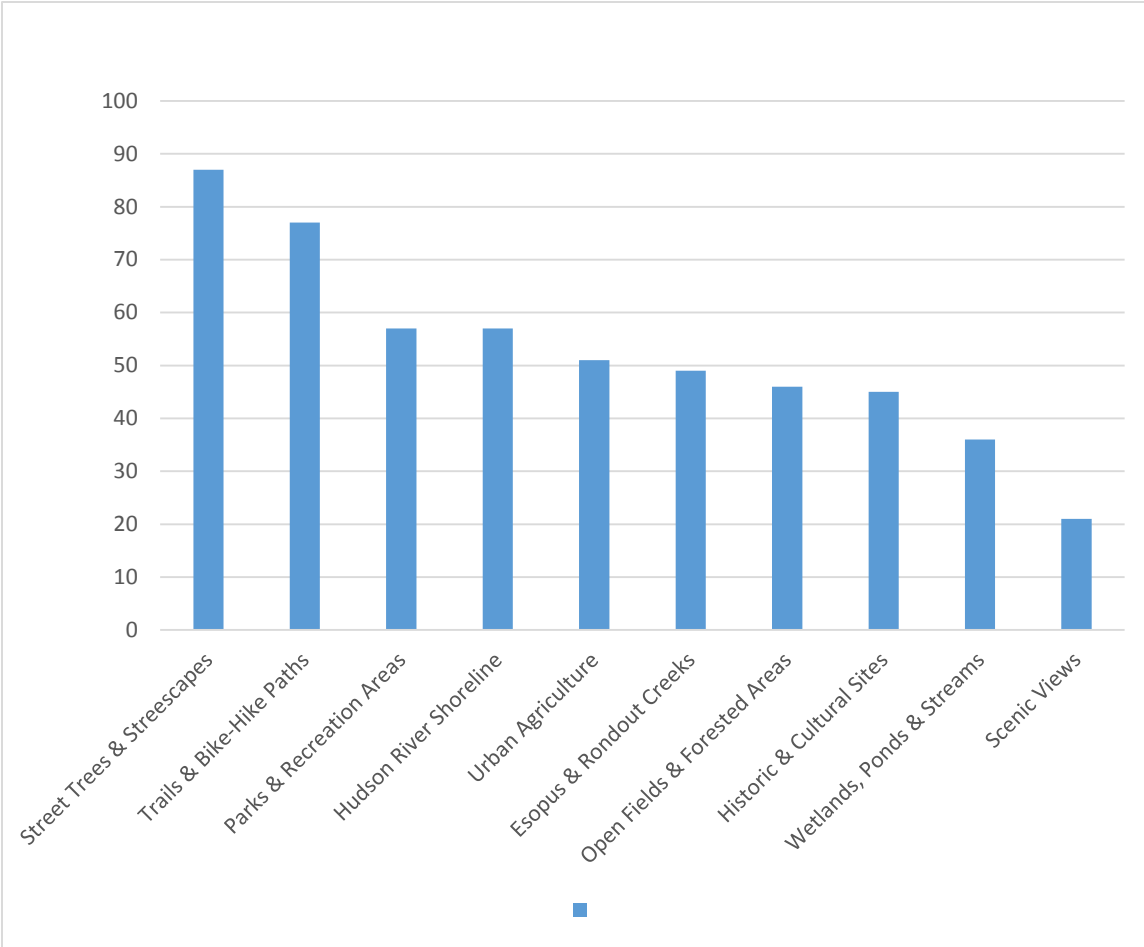
- f. Future pocket park opportunities exist around city—create sites that have nice street frontage and are highly visible from the street to enhance public safety. Green space and park space needed in neighborhood between Albany Avenue and Cornell Street.
- g. Opportunities to protect undeveloped open spaces—in particular larger blocks of open land (e.g. west side of NYS Rt. 9W west of East Chester Street).
- h. Need safe RR crossing near active rail line and Greenkill Avenue.
- i. Encourage maintaining and adding pollinator habitat in all open spaces (e.g. species that support butterflies, bees, hummingbirds, etc.,) See <https://www.nwf.org/Garden-for-Wildlife/About/National-Initiatives/Plant-For-Pollinators>

Results of Prioritization Exercise:

Resource Prioritization Exercise	
Local Resource to Protect / Enhance	Participant Score
Street Trees & Streetscapes	87
Trails & Bike-Hike Paths	77
Parks & Recreation Areas	57
Hudson River Shoreline	57
Urban Agriculture	51
Esopus & Rondout Creeks	49
Open Fields & Forested Areas	46
Historic & Cultural Sites	45
Wetlands, Ponds & Streams	36
Scenic Views	21

Kingston Open Space Plan - Workshop Notes

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Kingston Conservation Advisory Council
Monthly Meeting FINAL Minutes
Kingston City Hall Common Council Chamber
Date: May 14, 2019 6:00pm

Council Members Elizabeth Broad (excused), Lorraine Farina, Emilie Hauser (Vice-Chair), excused, Lynn Johnson, Kevin McEvoy (Secretary), Julie Noble (Chairperson), Casey Schwarz

Common Council Liaison: Andrea Shaut (excused)

Guests (partial list): John Behan (Behan Planning), Gerald Berke, Tanya Garment, Laura Heady (DEC HREP), Steve Ladin, John Mickelson (Consultant for Kingston Natural Resources Inventory), Rich Schiafo, Rennie Scott-Childress (Kingston Common Council), Greg Shaheen (Kingston Land Trust) Officer Shultis (KPD), Don Tallerman, Emily Vail (HRWA), Ariel Zangla (Daily Freeman). See sign in sheet for full list.

- I. Welcome Guests and Public Comment:** The Chairperson called the meeting to order at 6:05pm. Steve Ladin discussed the lagoon near Kingston Point Park as an area rich in habitat. Tanya Garment discussed the forest remnants of the Delaware Forest at the Kingston Business Park property as a significant area to be protected.
- II. Modifications to the Agenda:** None
- III. Review and Approval April 2019 Monthly Meeting Minutes:** Upon motion duly made by Casey, and seconded by Lynn, the minutes to the April meeting as amended were approved unanimously by the council members present.
- IV. Open Space Plan Public Meeting: Special Guest John Behan:** Chairperson Julie Noble provided an introduction to John Behan, of Behan Planning, the consultant hired by the City to produce the Open Space Plan. Julie Noble also thanked Kingston Land Trust for their participation in the project. John provided a slide presentation of the draft Open Space Plan and next steps. John began with defining an open space plan as a document which outlines the desired goals for the future preservation and enhancement of both the natural and man-made resources which are important to the quality of life in a community and its benefits to protect water resources, maintain habitat, improve flood control, reduce noise pollution, provide recreation, conserve farmland, conserve scenic resources, steer future zoning policy and protect property values. John continued by presenting the importance of the role of the public in providing input to the plan including the takeaways and highlights from the Sept 25, 2018 public workshop (see notes on City website with link provided at bottom of this section). John read the open space vision from the draft plan. He briefly reviewed the Natural Resource Inventory, which was used in conjunction with CAC input to provide a spatial analysis of various resources to provide prioritization and a composite map which recommended three notable areas for protection, coastal and upland areas along and near the Hudson River, lowlands along the Esopus Creek and coastal and upland regions of and near Rondout Creek. Concerns along the Hudson River such as coastal flooding, invasive species management, brownfield remediation and ongoing effluent pollution were presented with specific recommendations to restore and naturalize the shoreline habitat, complete the Empire State Trail and secure public access, protect larger sections of upland habitat and secure scenic views and overlooks. Rondout Creek was discussed with respect to the Greenline, a blueway trail for kayaks and canoes, protecting upland areas using low impact conservation design and preserving and restoring shoreline habitat and stream corridors in tributaries of the creek. Esopus Creek was presented as providing access for recreational water based uses such as kayaks and canoes, connection to the Linear Park Uptown section of the Greenline, preserving wetlands, farmlands and shoreline habitat. John Mickelson and Laura Heady spoke from the audience concerning the Natural Resource Inventory, the Habitat Summary and the Hudsonia Habitat Map utilized in the development of the draft Open Space Plan.

John Behan then went over the Open Space Vision Map which illustrated 10 year goals including the Hudson shoreline and uplands, the Rondout Creek corridor and uplands, the forest matrix of the City and community gardens, neighborhood parks, protecting and restoring stream corridors and planting new street trees in the built urban sections of the City as well as protecting farmland, wetlands and providing trail access to Esopus Creek area. Greg Shaheen, John Mickelson and Laura Heady, speaking from the audience, each discussed conservation techniques with respect to trail and land management. John Behan discussed implementation of the open space plan and the importance to work with various partners including landowners, land trusts and other non-profits, various governmental agencies, business interests and the public. Next steps presented were adoption of the plan, collaboration between interested partners, establishing priorities, implementation of zoning to include recommendations from the Open Space Plan, documenting input from this meeting, discussing priorities with CAC and revising the draft plan, based on comments heard today and during the public comment period. The Chairperson informed the attendees regarding the open public comment period for the Open Space Plan closing June 14 with comments to be sent via email to: cac@kingston-ny.gov. The City website link to the Open Space Plan is below: <https://www.kingston-ny.gov/content/8399/8491/8495/10452/10485.aspx>

- V. Adjournment:** Upon motion made by Casey and seconded by Kevin, the Council members present unanimously agreed to adjourn the meeting at 7:28 PM.

Mission: Ensure the conservation of the City of Kingston's natural resources and the enhancement and protection of its environment while fostering unified action on environmental matters.

Note that website links are informational only. The Commission makes no representations as to content therein. These minutes represent a summarization of the meeting and not a transcription.

APPENDIX B

NATURAL RESOURCE SCORING

Kington NY Open Space Plan – Natural Resource Scoring

Water Resources - Prioritization Scoring Criteria

Feature	Points	Notes
NYSDEC Wetlands and 100' regulated buffer area	3 points	NYSDEC wetlands are important to water quality due to their size (12.4+ acre).
National Wetland Inventory wetlands and 100' buffer (<i>outside NYSDEC</i>)	3 points: ≤ 100' from DEC Wetland 2 points: > 100' from DEC Wetland	NWI wetlands within 100' of DEC wetland are considered contributing to the NYSDEC network, regardless of size and thus also receive 3 points.
Other wetlands and hydric soils	2 points	
Riparian buffers	3 points	Using 2018 NYNHP layer
Surface waters and streams	3 points: within 100' of Class AA or A 2 points: from 100-200' of Class AA or A 2 points: all non-AA/A surface waters and/or within 100' of Class B, Class C(T) or (TS) 1 point: within 100' of Class C 1 pt – within 50' of All others	For area of overlapping water buffers the highest order buffer is used, buffer areas are not “double counted.” Since riparian areas are a more defined type of buffer, the riparian score supersedes the stream buffer score in areas of overlap.
Soil Permeability	3 points: Well/Moderately well drained 2 points: Excessively /Somewhat Excessively drained; Poorly/ Somewhat poorly drained	Want to preserve the best draining soil to allow for storm water infiltration and filtering, however development in less suitable soils (excessive or poorly drained soils) could have a larger negative impact on water quality.
Unconfined aquifers	2 points	Potential drinking water source, can be easily contaminated to downstream communities
Floodplains	1 points: floodplain areas outside of other water buffer zones	
Vernal pools	3 points: Vernal pool plus 300' buffer	

Ecological Resources - Prioritization Scoring Criteria

Feature	Points	Notes
Biologically Important Area - Terrestrial	3 points	
Biologically Important Area - Aquatic	3 points	
Tree canopy	3 points	Areas with >40% tree canopy
Terrestrial corridors	2 points	
Sub Aquatic Vegetation	2 points	Areas within 100 feet of sub aquatic vegetation
Steep Slopes	3 points: 8-25% slope 2 points: > 25% slope	Slopes 8-25% are considered developable, however there is an increased risk of water quality degradation. Slopes over 25% are considered less vulnerable to development due to economics, but still large impact if disturbed.

Cultural & Recreation Resources - Prioritization Scoring Criteria

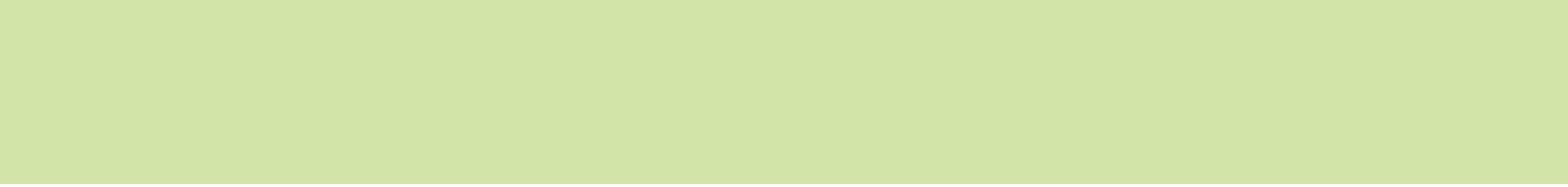
Feature	Points	Notes
Historic and Cultural Sites	2 points 1 point: within 200' of sites	Used historic districts, cemeteries, and large sites as well as 150' diameter buffer around historic points outside of historic district
Existing Parks	2 points 1 point: within 200' of sites	
Existing and planned trails	2 Points – 75' corridor 1 point: within 200' of corridor	

Agricultural Resources - Prioritization Scoring Criteria

Feature	Points	Notes
Active Farmland	4 points: 10 - 19 contiguous acres 3 points: < 10 contiguous acres <i>Note largest continuous ag is 19 acres</i>	Larger areas of farmland provide greater production value and are also more critical to keep in production.
Community Gardens	4 points 3 points: 200' buffer of community garden	YMCA Farm Project, South Pine Street Farm and Rondout Community Garden
Farmland Soils	3 points: Prime 2 points: Statewide Importance 1 point: Prime if drained	Farmland soils, in theory, provide the best conditions for successful agricultural crops
Agricultural land within 200' of watercourse	1 point: Applies to farmland only	Ag land close to streams can support water quality if managed properly
Buffer area of Agricultural land	2 points: Forest within 1/8-mile of farmland 1 point: other non-ag land within 1/8-mile of farmland	Non-ag land in close proximity to farm land buffers the farmland from other uses and also provides areas for potential expansion

Climate Resiliency - Prioritization Scoring Criteria

Feature	Points	Notes
Climate Resiliency	4 points: Far Above Average (>2 SD) 3 points: Above Average (1 SD to 2 SD) 2 points: Slightly Above Average (0.5 to 1 SD) 1 point: Average (-0.5 to 0.5 SD)	The Nature Conservancy (TNC) did an extensive analysis for climate resilient landscapes and their results were used as the basis for the scoring.
Scenic Hudson SLAMM tidal wetland data	4 points: "Resilient" wetlands 4 points: "New wetlands" 1 points: "new wetland conflict" <i>Conflict refers to areas that are currently developed</i>	Scenic Hudson modeled future wetlands based on sea level rise models and classified areas that would lose wetlands (lost), maintain wetlands (resilient), and gain wetlands (new or new with conflict). Areas that will maintain wetlands or are areas that could support future wetlands are most important in terms of climate resiliency. Tidal wetland scores are in lieu of TNC resiliency scores where they are higher, otherwise the TNC score is used as TNC included wetlands in their analysis.



Kingston Common Council Agenda Item Report

Meeting Date: August 6, 2019

Submitted by: Lynsey Timbrouck

Submitting Department: Mayor

Item Type: Authorization Request

Agenda Section:

Subject:

Communication- Community Benefit Fund

Suggested Action:

Refer to appropriate committee to establish a Community Benefit Fund

Attachments:

[Communication- Community Benefit Fund 8-1-19.pdf](#)

CITY OF KINGSTON

Office of the Mayor

mayor@kingston-ny.gov



Steven T. Noble
Mayor

August 1, 2019

Mr. James L. Noble, Jr.
Alderman-at-Large
President of the Common Council
Kingston City Hall
420 Broadway
Kingston, NY 12401

Dear President Noble,

As you know, the City has been experiencing a significance increase in film activity over the last three years. My office has been working diligently with productions and several City departments to manage the details and permits as effectively as possible, while also limiting the burden on residents. While we try our best to ensure productions minimize the disruptions as best they can, residents still experience frustrations throughout the process. As we have brainstormed often on how to help alleviate the burdens of filming, we've urged productions to lodge, eat, and shop locally through the duration of their projects. We believe these requests have helped tremendously as we receive reports frequently of cast and crew visiting many local shops and dining at our City's wonderful restaurants. We've also seen most productions offer monetary compensation to inconvenienced residents and businesses, and have hired nearby restaurants to cater on set.

HBO's mini-series, "The Undoing" may be the largest-scale production the City has ever seen. Their invoice for city services, such as KPD, KFD, and DPW overtime, as well as parking restrictions and road closures, tallied to over \$70,000, which has been paid in full. In addition, this production has donated \$10,000 to the City to be utilized in the downtown neighborhood they occupied throughout filming in June and July of this year. This would be a great opportunity for residents to experience firsthand the benefits of being a film-friendly city.

I formally request that the Common Council establish a Community Benefit Fund, where donations such as this, can be deposited and utilized for improvements or projects within the City. It is my suggestion that the Alderperson of the ward works with the residents in their district to propose an idea of how the funds could be used.

Thank you for your consideration.

Respectfully submitted,

Steven T. Noble
Mayor

STN:lbt

Kingston Common Council Agenda Item Report

Meeting Date: August 6, 2019

Submitted by: Julie Noble

Submitting Department:

Item Type: Proposed Resolution

Agenda Section:

Subject:

Local Law to Establish a Sustainable Energy Loan Program (Open C-Pace)

Suggested Action:

Adopt Local Law to update PACE Financing

Attachments:

[EIC Municipal Agmt \(OPEN C-PACE\) 080119.docx](#)

[Revised Kingston Local Law re Sustainable Energy Loan Program_Open C-PACE_080119.doc](#)

[Communication to President Noble for amendments to PACE Local Law 8119.pdf](#)

MUNICIPAL AGREEMENT

BETWEEN

ENERGY IMPROVEMENT CORPORATION

AND

CITY OF KINGSTON

RELATING TO

ENERGIZE NY OPEN C-PACE FINANCING PROGRAM

DATED AS OF _____, 2019

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ENERGY IMPROVEMENT CORPORATION
MUNICIPAL AGREEMENT (OPEN C-PACE)

This Agreement made as of this ___ day of _____, 2019 (the “*Agreement*”), by and between [County/City/Town/Village], a municipal corporation organized and existing under the laws of the State of New York (the “*Participating Municipality*”) and the Energy Improvement Corporation, a local development corporation formed under the laws of the State of New York (“*EIC*”) (both the Participating Municipality and EIC may hereinafter be referred to individually as a “*Party*” and collectively as the “*Parties*”), sets forth the duties and obligations of each Party in connection with the Participating Municipality’s participation in the Energize NY Open C-PACE Financing Program (“*Open C-PACE*” or the “*Program*”), as more fully described herein. Capitalized terms used herein, unless otherwise defined herein, have the meanings assigned to them in Section 1 herein.

WHEREAS, EIC has established the Program as a sustainable energy financing program pursuant to the Enabling Act through which the member municipalities, including the Participating Municipality, may levy charges against Qualified Properties within the Participating Municipality for the purpose of promoting, facilitating and financing clean energy improvements to Qualified Properties, thereby promoting the public good by reducing greenhouse gas emissions, mitigating the effect of global climate change and lessening the burdens of government;

WHEREAS, the Participating Municipality has adopted the Local Law authorizing the provision of financing through Open C-PACE to Qualified Properties within its geographical boundaries and has authorized EIC to act on its behalf to effectuate Open C-PACE within the Participating Municipality; and

WHEREAS, EIC wishes to provide for the terms and conditions pursuant to which the Participating Municipality will participate in Open C-PACE.

Now, THEREFORE, in consideration of the mutual promises contained in this Agreement, the Parties agree as follows:

1. Definitions.

“Annual Installment Amount” means, with respect to each Benefited Property, the amount of the Benefit Assessment to be repaid by the Benefited Property Owner in installments made at least annually, in accordance with the schedule attached to the Finance Agreement for such Benefited Property. The Annual Installment Amount may be adjusted to reflect any Financing Charges as provided in Section 4(d) of this Agreement.

“Authority” means The New York State Energy Research and Development Authority, as defined by subdivision two of section 1851 of the Public Authorities Law of the State, or its successor.

“Benefit Assessment” means, as of the date a Finance Agreement is executed, the charge assessed against the Qualified Property, as such assessment may be modified pursuant to Section 4(d) of this Agreement, and as otherwise provided in the Finance Agreement.

“Benefit Assessment Lien” means a lien which evidences a Benefit Assessment and is recorded by EIC, on behalf of the Participating Municipality, on the land records against a Benefited Property.

“Benefited Property” means a Qualified Property for which the Qualified Property Owner has entered into a Finance Agreement for a Qualified Project.

“Benefited Property Owner” means the owner of record of a Benefited Property meeting requirements for participation in the Program as an owner.

“Business Day” means any day on which EIC is open for business and banks are not required by law to close in New York, New York.

“Eligible Costs” means costs incurred by the Benefited Property Owner in connection with a Qualified Project and the related Finance Agreement, including application fees, EIC’s Program administration fee, closing costs and fees, title and appraisal fees, professionals’ fees, permits, fees for design and drawings and any other related fees, expenses and costs, in each case as approved by EIC and the Financing Party under the Finance Agreement

“Enabling Act” means Article 5-L of the General Municipal Law of the State, or a successor law, as in effect from time to time.

“Energy Audit” is defined to have the meaning assigned thereto in the Enabling Act, as amended from time to time.

“Energy Efficiency Improvement” is defined to have the meaning assigned thereto in the Enabling Act, as amended from time to time.

“Finance Agreement” means a written agreement between a Financing Party and a Qualified Property Owner for the financing of a Qualified Project on the Qualified Property to which EIC, on behalf of the Participating Municipality, shall be a third-party beneficiary.

“Financing Charges” means all charges, fees and expenses related to the Loan including accrued interest, capitalized interest, prepayment premiums and penalties as a result of a default or late payment and costs and reasonable attorneys’ fees incurred by the Financing Party as a result of a foreclosure or other legal proceeding brought against the Benefited Property to enforce any delinquent Annual Installment Liens.

“Financing Party” means any third-party capital provider approved by EIC to provide financing to Qualified Property Owners or other financial support to Open C-PACE which has entered into an agreement with EIC to administer Open C-PACE in the Participating Municipality.

“Loan” means a loan made by a Financing Party to a Qualified Property Owner for a Qualified Project pursuant to Open C-PACE.

“Local Law” means Local Law No. __ pursuant to Municipal Home Rule Law and the Enabling Act, authorizing the provision of financing through the Energize NY Open C-PACE Financing Program.

“Municipal Lien” means a lien on Benefited Property which secures the obligation to pay real property taxes, municipal charges or governmentally imposed assessments in respect of services of benefits to a Benefited Property.

“Non-Municipal Lien” means a lien on Benefited Property which secures any obligation other than the obligation to pay real property taxes, municipal charges, or governmentally-imposed assessments in respect of services or benefits to a Benefited Property Owner or Benefited Property.

“Policies and Procedures” shall have the meaning assigned thereto in Section 3(a)(ii) of this Agreement.

“Qualified Project” means the acquisition, construction, reconstruction or equipping of Energy Efficiency Improvements or Renewable Energy Systems or other projects authorized under the Enabling Act on a Qualified Property, together with a related Energy Audit, Renewable Energy System Feasibility Study and/or other requirements under or pursuant to the Enabling Act, with funds provided in whole or part by Financing Parties under the Program to achieve the purposes of the Enabling Act.

“Qualified Property” means any real property, other than a residential dwelling containing less than three dwelling units, located within the boundaries of the Participating Municipality that has been determined to be eligible to participate in the Program under the procedures for eligibility set forth under this Agreement, the Local Law and the Enabling Act and has become the site of a Qualified Project.

“Qualified Property Owner” means the owner of record of a Qualified Property meeting requirements for participation in the Program as an owner.

“Renewable Energy Systems” is defined to have the meaning assigned thereto in the Enabling Act, as amended from time to time.

“Renewable Energy System Feasibility Study” is defined to have the meaning assigned thereto in the Enabling Act, as amended from time to time.

“RPTL” means the Real Property Tax Law of the State, as amended from time to time.

“State” means the State of New York.

2. Representation and Warranties of the Parties.

(a) EIC.

- (i) EIC hereby represents that it is a local development corporation, duly organized under section 1411 of the Not-For-Profit Corporation Law of the State, authorized to implement the Program by arranging Loans to Qualified Property Owners and providing for repayment of the Loans from monies collected by or on behalf of the Participating Municipality as a Benefit Assessment.

- (ii) EIC represents and warrants that it has complied with all laws and regulations concerning its organization, its existence and the transaction of its business and that all necessary steps have been taken to authorize it to execute, deliver and perform its respective obligations under this Agreement, and no consent or approval of any third-party is required for EIC's execution of this Agreement or the performance of its obligations contained herein. The individual executing this Agreement on behalf of EIC has been and is duly authorized to bind EIC.

(b) Participating Municipality.

- (i) *Authority.* The Participating Municipality is a municipal corporation, constituting a tax district as defined in Section 1102 of the RPTL of the State, duly organized and existing under the laws of the State and has full legal right, power and authority to (i) adopt the Local Law, (ii) assess, collect, remit and assign Benefit Assessments for Benefited Properties located within its geographical boundaries, (iii) levy Benefit Assessment Liens against Benefited Properties located within its geographical boundaries, (iv) conduct its business and own its properties, (v) enter into this Agreement and to comply with its terms, and (vi) carry out and consummate, by contract or otherwise, all other transactions contemplated by its participation in Open C-PACE.
- (ii) *Adoption of Local Law.* The Participating Municipality has on _____ adopted the Local Law authorizing the provision of financing through Open C-PACE to Qualified Properties for Qualified Projects.
- (iii) *Approvals and Consents.* The Participating Municipality has duly approved the execution and delivery of this Agreement and approved implementation of Open C-PACE by EIC and has authorized EIC to act on its behalf in effectuating Open C-PACE; and any and all consents, authorizations and approvals of any third-party required with respect thereto have been obtained.
- (iv) *Capacity.* The Participating Municipality has the legal, institutional, managerial, technical, contractual and financial capability to (a) ensure adequate and timely assessment and collection of property taxes in the Participating Municipality, (b) levy and record Benefit Assessment Liens on Benefited Properties within its geographical boundaries, and (c) assign or authorize EIC, on its behalf, to assign the Benefit Assessment Liens to third-party capital providers in connection with the financing of Qualified Projects.
- (v) *Binding Obligation.* This Agreement has been duly authorized, executed and delivered by the Participating Municipality and constitutes a legal, valid and binding obligation of the Participating Municipality except as

enforceability may be limited by applicable bankruptcy, insolvency, fraudulent conveyance, reorganization, moratorium or similar laws affecting the enforcement of creditors' rights generally and the application of general principles of equity by a court of competent jurisdiction (whether in an action of law or a proceeding in equity); the defense of sovereign immunity is not available to the Participating Municipality in any proceedings by EIC to enforce any of the obligations of the Participating Municipality under this Agreement.

- (vi) *No Action.* There is no claim, action, suit, litigation, proceeding, arbitration, inquiry or investigation of any kind, at law or in equity, before or by any court, public board or body, pending or known to be threatened against the Participating Municipality, nor is there any basis therefore, (i) affecting the creation, organization or existence of the Participating Municipality or the title of its officers to their respective offices, (ii) seeking to prohibit, restrain or enjoin or in any way contest the execution of this Agreement, the Finance Agreement or any other agreement entered into in connection with the Participating Municipality's participation in the Program, or (iii) seeking to prohibit, restrain, enjoin or in any way contesting or affecting the validity or enforceability of the Local Law, this Agreement or any agreement or instrument relating to any of the foregoing or used or contemplated for use in the consummation of the transactions contemplated by any of the foregoing.
- (vii) *No Material Default.* The Participating Municipality is not in material default under any finance agreement, note, bond, mortgage or other instrument evidencing or securing indebtedness of the Participating Municipality. The execution and delivery of this Agreement, and the adoption of the Local Law and compliance with the respective provisions hereof and thereof, will not conflict with or constitute a breach of or material default under any applicable law or administrative regulation of the State or the United States of America or any applicable judgment or decree or any agreement or other instrument to which the Participating Municipality is a party or by which it or any of its property is bound.

3. Obligations of EIC.

It is understood by the Parties that EIC will be responsible for the performance of the following duties:

- (a) Program Requirements.
 - (i) The establishment and administration of Open C-PACE to provide financing to Qualified Properties within the Participating Municipality in order to promote, facilitate and finance Qualified Projects in accordance with the terms of the Local Law and this Agreement.

- (ii) Receive and review (or provide for the review of) applications submitted by Qualified Property Owners within the Participating Municipality for the financing of Qualified Projects, and the approval or disapproval of such applications in accordance with the Authority's guidelines, any restrictions imposed by the Participating Municipality, and the policies and procedures adopted by EIC with respect to Open C-PACE (the "*Policies and Procedures*"). The governing Board of EIC reserves the right to reject an application for financing for any reason.

- (iii) Prepare and deliver to the Participating Municipality by February 15th of each calendar year an annual report (the "*Annual Report*") which Annual Report may be filed by the Participating Municipality on the land records and shall contain information related to each Benefited Property within the Participating Municipality through December 31st of the immediately preceding calendar year, identified in the Annual Report by address and Tax Map Identification (i.e. section, block and lot) including:
 - A. A list of each Benefited Property for which a Qualified Property Owner executed a Finance Agreement during the prior calendar year (for which a Benefit Assessment Lien was added by EIC, on behalf of the Participating Municipality, to its land records in accordance with Section 3(d) below);
 - B. A list of each Benefited Property within the Participating Municipality where the Benefit Assessment and all obligations under the related Finance Agreement have been satisfied or paid in full during the prior calendar year, including the satisfaction date and a copy of the notice of satisfaction;
 - C. The total Annual Installment Amount paid to each Financing Party for each Benefited Property in the Participating Municipality during the prior calendar year;
 - D. For each Benefited Property with an outstanding Benefit Assessment, (i) the Annual Installment Amount collected in the current year, (ii) any amount of the Annual Installment Amount due and remaining uncollected in the current year, including any Financing Charges, and (iii) the Annual Installment Amount due to be collected in the following calendar year; and
 - E. All other information EIC may deem to be relevant to each Benefited Property within the Participating Municipality.

(b) Qualified Project Requirements.

If a Qualified Property Owner requests financing from EIC under the Program, EIC shall:

- (i) Require performance of an Energy Audit or Renewable Energy System Feasibility Analysis on the Qualified Property that assesses the expected energy cost savings of the Energy Efficiency Improvements or Renewable Energy Systems over the useful life of such Energy Efficiency Improvements and/or Renewable Energy Systems before approving such financing;
 - (ii) Impose requirements and criteria to ensure that the proposed Energy Efficiency Improvements or Renewable Energy Systems are consistent with the purpose of the Program;
 - (iii) Require that the Qualified Property Owner obtain the consent of any existing holder of a mortgage on the Qualified Property substantially in the form of Exhibit C attached hereto, prior to the recording of a Benefit Assessment Lien against the Qualified Property;
 - (iv) Receive the certificates of completion executed by the Benefited Property Owner or its duly authorized representative during or following installation or construction of the Qualified Project to determine compliance with the Policies and Procedures; and
 - (v) Verify and report to the Participating Municipality on the installation and performance of Renewable Energy Systems and Energy Efficiency Improvements financed by the Program.
- (c) Finance Agreement for Qualified Project. The Financing Party and the Qualified Property Owner shall enter into a Finance Agreement for the Qualified Project which shall set forth the terms and conditions for the disbursement and repayment of the Loan and the duties and obligations of the parties with respect to the acquisition, construction and installation of the Qualified Project. EIC, on behalf of the Participating Municipality, shall be a third-party beneficiary to the Finance Agreement. The Finance Agreement shall state (a) the legal description of the Benefited Property, (b) the total Benefit Assessment that will be levied against the Benefited Property which shall include the cost of the Qualified Project together with any Eligible Costs and Financing Charges approved by EIC and by the Financing Party, (c) the fixed rate of interest on the Loan, and (d) a schedule of the Annual Installment Amounts due in each year of the Loan. Additionally, the Finance Agreement shall disclose the Financing Charges and risks associated with participation in the Program, including the risk of foreclosure in case of nonpayment of any Annual Installment Amount. Upon execution of the Finance Agreement by the Financing Party and the Qualified Property Owner, the property

that is the subject of the Finance Agreement shall be deemed a “Benefited Property.”

(d) Levy and Recording of Benefit Assessment Lien.

(i) Upon execution of a Finance Agreement, EIC, on behalf of the Participating Municipality, shall promptly record the Benefit Assessment Lien against the Benefited Property in the land records for properties in the Participating Municipality. The Benefit Assessment Lien shall be substantially in the form of Exhibit A to this Agreement and include a legal description of the Benefited Property and a schedule of the Annual Installment Amounts due in each year of the Loan. There shall be no charge, mortgage recording tax or other fee for recording the Benefit Assessment Lien on the land records for the Participating Municipality in the same manner as if recorded by the Participating Municipality. As provided in the Enabling Act and the Local Law, the Benefit Assessment levied pursuant to this Agreement and the interest, fees and any penalties thereon shall constitute a lien against the Benefited Property on which they are made until they are paid. The Benefit Assessment shall be payable by the Benefited Property Owner in Annual Installment Amounts as provided in the Finance Agreement. Only delinquent Annual Installment Amounts that are due and owing may be subject to enforcement.

(ii) Pursuant to the Finance Agreement, the final amount of the Benefit Assessment may be adjusted after the recording of the Benefit Assessment Lien on the land records for the Participating Municipality. Such an adjustment would likely be the result of a change in the energy improvement service contract amount during the construction period, additional Financing Charges, or an amendment to the Finance Agreement. In the event that the final Benefit Assessment needs to be adjusted at the completion of the Qualified Project, or any other time, EIC, on behalf of the Participating Municipality, will record the new Benefit Assessment Lien on the land records to reflect such adjustment, together with a new schedule of Annual Installment Amounts. Such recording of the new Benefit Assessment Lien against the Benefited Property shall be exempt from any charge, mortgage recording tax or other fee in the same manner as if recorded by the Participating Municipality.

(e) Annual Installment Liens.

(i) As provided in the Local Law, each Annual Installment Amount shall be considered a charge upon the Benefited Property and shall become a lien on the Benefited Property as of the first day of January of the fiscal year for which levied (the “Annual Installment Lien”) and shall remain a lien until paid. Payment to the Financing Party shall be considered payment for this purpose. Delinquent Annual Installment Amounts may accrue Financing Charges as may be provided in the Finance Agreement. Any additional

Financing Charges imposed by the Financing Party pursuant to the Finance Agreement shall increase the Annual Installment Amount and the Annual Installment Lien for the year in which such overdue payments were first due.

- (ii) The Benefit Assessment Lien shall be automatically reduced annually by the amount of each Annual Installment Lien when each Annual Installment Lien becomes a lien. Each Annual Installment Lien shall be subordinate to all Municipal Liens, whether created by Section 902 of the RPTL or any other State or Local Law. No Annual Installment Amount shall be recovered by the Participating Municipality, EIC, or any assignee upon foreclosure, sale or other disposition of the Benefited Property unless and until all Municipal Liens are fully discharged. Each Annual Installment Lien, however, shall have priority over all Non-Municipal Liens, irrespective of when created, except as otherwise required by law.
 - (iii) Neither the Benefit Assessment Lien nor any Annual Installment Lien shall be extinguished or accelerated in the event of a default or bankruptcy of the Benefited Property Owner. Each Annual Installment Amount shall be considered a charge upon the Benefited Property and shall be collected by EIC, on behalf of the Participating Municipality, at the same time and in the same manner as real property taxes or municipal charges. Each Annual Installment Lien shall remain a lien until paid. Amounts collected in respect of an Annual Installment Lien shall be remitted to EIC or the Financing Party, as may be provided in the Finance Agreement.
- (f) Final Payment and Release. Upon notice from the Financing Party that the Benefit Assessment has been satisfied and paid in full, together with all Eligible Costs and Financing Charges provided under the Finance Agreement, EIC, on behalf of the Participating Municipality, will execute a Satisfaction and Release of Benefit Assessment Lien (the “Release”) substantially in the form attached hereto as Exhibit D, and record the Release on the land records for the Participating Municipality. There shall be no charge, mortgage recording tax or other fee for recording the Release on the land records for the Participating Municipality in the same manner as if recorded by the Participating Municipality.
- (g) Billing and Collection of Annual Installment Amounts.
- (i) The Finance Agreement shall provide for the repayment of the Benefit Assessment in Annual Installment Amounts. EIC will act as the Participating Municipality’s agent in the billing and collection of the Benefit Assessment for each Benefited Property listed in the Annual Report in accordance with the related Finance Agreement.
 - (ii) In the event of a default in payment of any Annual Installment Amount for a Benefited Property, EIC agrees to take at least the following steps to

collect the delinquent Annual Installment Amount on behalf of the Participating Municipality:

- A. Mail a written notice of delinquency and demand for payment to the Benefited Property Owner by both certified mail, return receipt requested, and first class mail; and
- B. Mail a second notice of delinquency to the Benefited Property Owner by both certified mail, return receipt requested, and first class mail at least 30 days after the date of the first notice if the delinquency is continuing.

(iii) If the Benefited Property Owner fails to cure the delinquency within 30 days after the mailing of the second notice of delinquency, then the Financing Party may redeem the Benefited Property and pursue collection of the delinquent Annual Installment Amounts as provided in paragraph (h) of this Section 3.

(h) Collection of Delinquent Payments.

- (i) If any Benefited Property Owner fails to pay an Annual Installment Amount, the Financing Party may redeem the Benefited Property by paying the amount of all unpaid Municipal Liens thereon, and thereafter have the right to collect any amounts in respect of an Annual Installment Lien by foreclosure pursuant to the RPTL or any other remedy available at law.
- (ii) EIC shall provide written notice to the Participating Municipality of the institution of a judicial foreclosure or other proceeding against any Benefited Property located within the Participating Municipality for payment of delinquent Annual Installment Amounts.

4. Obligations of the Participating Municipality.

(a) Appointment of EIC as Agent. The Participating Municipality hereby appoints EIC to act as its agent in the administration of the Open C-PACE Program within the Participating Municipality and in its dealings with Financing Parties, Qualified Property Owners and Benefited Property Owners. EIC is authorized on behalf of the Participating Municipality to levy and record the Benefit Assessment Lien, any amendments or assignments thereof and the Release in the land records for properties in the Participating Municipality without charge, and to take any reasonable actions in the performance of its duties hereunder.

(b) Assignment of Benefit Assessment Lien.

(i) The Participating Municipality authorizes EIC, on its behalf, to sell or assign any and all Benefit Assessment Liens and Annual Installment Liens to a Financing Party that provides financing to a Qualified Property pursuant to a Finance Agreement. The Assignment of Benefit Assessment Lien shall

be in substantially the form attached hereto as Exhibit B, and shall be filed by EIC, on behalf of the Participating Municipality, in the land records for the Participating Municipality at the same time as the Benefit Assessment Lien.

The Financing Party may sell or assign for consideration any and all Benefit Assessment Lien and Annual Installment Liens received from EIC, on behalf of the Participating Municipality, subject to certain conditions provided in the administration agreement between EIC and the Financing Party. Any such assignment shall be in a form acceptable to EIC, and shall be filed by the Financing Party or, at its request and upon indemnification, by EIC, on the land records for the Participating Municipality. The assignee or assignees of such Benefit Assessment Liens and Annual Installment Liens shall have and possess the same powers and rights at law or in equity as EIC would have had if the Benefit Assessment Lien and Annual Installments Liens had not been assigned with regard to the precedence and priority of such lien, the accrual of interest and the fees and expenses of collection. There shall be no charge, mortgage recording tax or other fee for recording of any assignment on the land records for the Participating Municipality if filed by EIC, in the same manner as if recorded by the Participating Municipality.

(c) Notices.

- (i) Within 10 days of EIC's request, the Participating Municipality will provide written notice to EIC of any delinquency in the payment of real property taxes by a Benefited Property Owner if the Benefited Property is subject to a Benefit Assessment Lien.
- (ii) The Participating Municipality will also provide written notice to EIC of any sale or assignment of its real property taxes or any institution of a judicial foreclosure or other proceeding against any Benefited Property for delinquent real property taxes if such Benefited Property is subject to a Benefit Assessment Lien.

(d) Promotion of Program; Assistance to EIC; Modification of Program.

- (i) The Participating Municipality shall use good faith efforts to assist EIC in local marketing efforts and outreach to the local business community to encourage participation in the Program such as including Program information on the Participating Municipality's website.
- (ii) The Participating Municipality shall use good faith efforts to assist in gathering and providing information for EIC to administer the Program.
- (iii) Except with respect to Qualified Properties for which an application has previously been submitted, the Participating Municipality may at any time modify Open C-PACE by changing the types of properties that may receive financing for Qualified Projects. The Participating Municipality shall

provide written notice to EIC of such proposed modification. The proposed modification shall only become effective upon written approval from EIC provided to the Participating Municipality, which shall not be unreasonably withheld. Such approval shall have no effect on the duties and obligations owed by each Party hereto in connection with this Agreement and any Benefited Property for which a Finance Agreement was executed prior thereto.

5. Indemnification

EIC agrees that it will protect, defend, indemnify and hold harmless the Participating Municipality and its officers, agents and employees from and against all claims, demands, causes of action, damages, judgments, losses and expenses, including reasonable attorney's fees, arising out of or in connection with the negligent actions of EIC's officers, employees and agents under this Agreement. This provision shall survive termination of this Agreement.

6. Term.

The term of this Agreement shall commence upon the date first written above. This Agreement shall be in full force and effect until all of the Benefit Assessments for Benefited Properties in the Participating Municipality have been paid in full or deemed no longer outstanding. The Participating Municipality may opt-out of continuation in the program at any time on sixty (60) days advance notice to EIC, provided that the provisions of this Agreement shall continue with regard to Benefit Assessments assessed prior to such termination date until the Benefit Assessments have been paid in full or are no longer outstanding.

7. Default.

Each Party shall give the other Party written notice of any breach of any covenant or agreement under this Agreement and shall allow the defaulting Party 30 days from the date of its receipt of such notice within which to cure any such default or, if it cannot be cured within 30 days, to commence and thereafter diligently pursue to completion, using good faith efforts to effect such cure and to thereafter notify the other Party of the actual cure of any such default. The Parties shall have all other rights and remedies provided by law, including, but not limited to, specific performance, provided, however, in no event shall either Party have the right to terminate this Agreement prior to the expiration of the Term, except as provided in accordance with Section 6 of this Agreement.

8. Remedies Upon Default.

Should the Participating Municipality default in any of its obligations hereunder, EIC shall be entitled to any remedy it may have at law and as set forth below. EIC may utilize any one or all of these remedies at EIC's sole discretion:

- (a) EIC may sue the Participating Municipality for specific enforcement of this Agreement;

- (b) EIC shall have the right to discontinue providing any new financings to Qualified Properties located within the Participating Municipality.
- (c) EIC may suspend the Participating Municipality's membership in EIC.
- (d) EIC shall have all other rights and remedies provided by law.

9. Miscellaneous.

- (a) Assignment or Transfer.

Except as provided in Section 4(b) hereof, neither Party may assign or transfer its rights or obligations under this Agreement to another unit of local government, political subdivision or agency of the State or to a private party or entity without the prior written consent of the other Party.

- (b) Severability.

If any clause, provision or section of this Agreement is held to be illegal or invalid by any court, the invalidity of the clause, provision or section will not affect any of the remaining clauses, provisions or sections, and this Agreement will be construed and enforced as if the illegal or invalid clause, provision or section has not been contained in it.

- (c) Counterparts.

This Agreement may be executed in any number of counterparts, each of which shall be deemed to be an original, and all of which together shall constitute but one and the same instrument.

- (d) Notices.

Any and all notices, demands, or other communications required or desired to be given hereunder by either Party shall be delivered electronically and in writing by certified mail, return receipt requested as follows:

EIC:

Susan Morth
Co-Executive Director
Energy Improvement Corporation
2051 Baldwin Road
Yorktown Heights, NY 10598
E-mail: susanm@energizeny.org

Mark Thielking
Co-Executive Director
Energy Improvement Corporation
2051 Baldwin Road
Yorktown Heights, NY 10598
E-mail: mark@energizeny.org

Alain Pierroz
Co-Executive Director
Energy Improvement Corporation
2051 Baldwin Road
Yorktown Heights, NY 10598
E-mail: alainp@energizeny.org

With a copy to:

Anna Lee, Esq.
Partner
Norton Rose Fulbright US LLP
1301 Avenue of the Americas
New York, New York 10019

PARTICIPATING MUNICIPALITY:

Municipality Contact Name/Address:

Steven T. Noble, Mayor
City of Kingston
420 Broadway
Kingston, New York 12401
E-mail: snoble@kingston-ny.gov

With a copy to Participating Municipality's counsel:

Contact Name/Address:

Kevin Bryant, Corporation Counsel
City of Kingston
420 Broadway
Kingston, NY 12401
Email: kbryant@kingston-ny.gov

Either Party hereto may change its address for purposes of this Section by providing written notice to the other Party in the manner provided above.

(e) Amendment and Waivers.

Except as otherwise set forth in this Agreement, any amendment to or waiver of any provision of this Agreement must be in writing and mutually agreed to by EIC and the Participating Municipality.

(f) Governing Law.

This Agreement shall be construed and governed in accordance with the laws of the State of New York. Any legal action to be brought under this Agreement must be instituted in State or Federal Courts having jurisdiction located in Westchester County, New York.

(g) Entire Agreement.

This instrument constitutes the entire agreement between the Parties with respect to the Open C-PACE Program and supersedes all previous discussions, understandings and agreements between the Parties relating to the Open C-PACE Program.

IN WITNESS WHEREOF, the undersigned have executed this Agreement as of the day and year first written above.

Date: _____, 20__

ENERGY IMPROVEMENT CORPORATION

By: _____
Name:
Title:

Date: _____, 20__

PARTICIPATING MUNICIPALITY NAME:

By: _____
Name: Steven T. Noble
Title: Mayor

EXHIBIT A

CERTIFICATE OF LEVY AND LIEN OF BENEFIT ASSESSMENT

Energy Improvement Corporation, a local development corporation formed under the laws of the State of New York (“EIC”), acting on behalf of City of Kingston (the “Participating Municipality”) pursuant to Article 5-L of the General Municipal Law of the State of New York and the Local Law adopted by the Participating Municipality establishing the Energize NY Open C-PACE Financing Program in the Participating Municipality, and the Municipal Agreement between the Participating Municipality and EIC dated _____, 2019, HEREBY LEVIES A BENEFIT ASSESSMENT AGAINST AND LIEN UPON certain real property commonly referred to as _____ and described more particularly in the attached **Exhibit A** (the “Benefited Property”), situated in the Participating Municipality and owned on the date hereof in whole or in part by _____ (the “Benefited Property Owner”), said levy and lien shall secure the repayment of financing for energy improvements or other improvements from time to time authorized by the Enabling Act made or to be made to the Benefited Property pursuant to that certain Finance Agreement, by and between the Benefited Property Owner and [Capital Provider] dated _____, 2019, as may be amended (the “Finance Agreement”). The amount and repayment of said levy and lien, as determined by EIC, on behalf of the Participating Municipality, are as follows: an installment payment schedule set forth in the attached **Exhibit B** is in effect for payment of the Benefit Assessment, and is based on the principal amount of the Benefit Assessment of \$_____, with interest thereon at a fixed rate equal to _____% per annum, with [#] annual installments of principal and interest (the “Annual Installment Amount”) due and payable pursuant to the Finance Agreement. The Annual Installment Amount may be adjusted to reflect any permitted prepayments received or additional interest or charges due to late payments or defaults, as provided in the Finance Agreement.

Each Annual Installment Amount shall be considered a charge upon the Benefited Property and shall become a lien on the Benefited Property as of the first day of January of the fiscal year for which levied (the “Annual Installment Lien”) and shall remain a lien until paid. In the event that any Annual Installment Amount shall remain unpaid for thirty days after the same shall become due and payable, interest and other charges shall be charged upon the unpaid Annual Installment Amount at the rate of _____% per annum, as provided in the Finance Agreement. All existing holders of any mortgage on the Benefited Property have consented to the levy and assessment of the Benefit Assessment Lien by the Participating Municipality against the Benefited Property, and copies of such consents have been provided to EIC.

At such time as the principal and interest payments of the Benefit Assessment have been satisfied and paid in full, a release of this Certificate shall be filed by EIC, on behalf of the Participating Municipality, in the land records for the Participating Municipality evidencing such release.

This Certificate constitutes a certificate of lien and is filed pursuant to the provisions of the Local Law to evidence a lien for the Benefit Assessment levied upon the Benefited Property for the special benefits conferred upon said Benefited Property by the energy improvements related thereto. Pursuant to the Act, this lien shall take precedence over all other liens or encumbrances

except a lien for taxes of the Participating Municipality on real property, municipal charges, or governmentally imposed assessments in respect of services or benefits to the Property, which liens shall have priority over this lien.

The portion of this Certificate which constitutes a levy of Benefit Assessment and notice of installment payment of Benefit Assessment is filed pursuant to the provisions of the Local Law and the General Municipal Law of the State of New York, as amended.

Dated at _____, New York this ____ day of _____ 20____.

By: _____
Energy Improvement Corporation
Name:
Title:

Acknowledged and Agreed:

this ____ day of _____, 20____

Property Owner

STATE OF NEW YORK)
)
COUNTY OF _____)

ss.: _____

On this the ___ day of _____ 20___, before me _____,
the undersigned officer, personally appeared _____, known to me
(or satisfactorily proven) to be the person whose name is subscribed to the within instrument and
acknowledged that he/she executed the same for the purposes therein contained and that he/she
acknowledged the same to be his/her free act and deed, before me, in his/her capacity as an
authorized officer of the Energy Improvement Corporation, acting on behalf of the City of
Kingston.

STATE OF NEW YORK)
)
COUNTY OF _____)

ss.: _____

On this the ___ day of _____ 20___, before me _____,
the undersigned officer, personally appeared _____, known to me
(or satisfactorily proven) to be the person whose name is subscribed to the within instrument and
acknowledged that he/she executed the same for the purposes therein contained and that he/she
acknowledged the same to be his/her free act and deed, before me, in his/her capacity as an
authorized officer of the [Property Owner].

Received for Record: _____, 20__ at _____ A.M./P.M.

Recorded in the _____ land records at Volume _____, Page _____.

Clerk of City of Kingston

EXHIBIT B

ASSIGNMENT OF BENEFIT ASSESSMENT LIEN

KNOW ALL PERSONS BY THESE PRESENTS, that Energy Improvement Corporation, a local development corporation formed under the laws of the State of New York (hereinafter referred to as “EIC” or the “Assignor”), acting on behalf of City of Kingston, a New York municipal corporation (the “Municipality”), pursuant to Article 5-L of the General Municipal Law of the State of New York and the Local Law adopted by the Municipality establishing the Energize NY Open C-PACE Financing Program in the Municipality, and the Municipal Agreement between the Municipality and EIC dated _____, 2019 (the “Municipal Agreement”), in consideration of One Dollar (\$1.00) and other valuable consideration, receipt of which is hereby acknowledged, hereby quit-claims, grants, bargains, sells, conveys, assigns, transfers and sets over unto [Capital Provider] (the “Assignee”) under that certain Finance Agreement, by and between the Benefited Property Owner and [Capital Provider] dated _____, 2019, as may be amended (the “Finance Agreement”), without warranty and without recourse, all of its right, title and interest in and to that certain Benefit Assessment Lien and each Annual Installment Lien and the debts secured thereby together with such interest, fees, and expenses of collection as may be provided by law, filed by EIC, on behalf of the Municipality, on the land records, on property owned on the date hereof in whole or in part by _____ and as described on **Exhibit A** and also commonly referred to as _____, attached hereto and made a part hereof (the “Benefit Assessment Lien”), to have and to hold the same unto the said Assignee, its successor and assigns forever.

This Assignment is made, given and executed pursuant to the authority granted to Assignor as agent of the Municipality pursuant to Article 5-L of the General Municipal Law of the State of New York, the Local Law and the Municipal Agreement.

By execution of this Assignment, the Assignor assigns to Assignee, and the Assignee assumes, all of the rights at law or in equity, obligations, powers and duties as EIC would have with respect to the Benefit Assessment Lien, if the Benefit Assessment Lien had not been assigned with regard to precedence and priority of such Benefit Assessment Lien, the accrual of interest, charges, fees and expenses of collection, pursuant to the Local Law.

This Assignment by the Assignor is absolute and irrevocable and the City of Kingston shall retain no interest, reversionary or otherwise, in the Benefit Assessment Lien.

IN WITNESS WHEREOF, we have hereunto set our hands and seal this ____ day of _____, 20____.

Assignor

By: _____
Energy Improvement Corporation
Name:
Title:

Acknowledged and Agreed:

this ____ day of _____, 20____

[Capital Provider]

STATE OF NEW YORK)
)
COUNTY OF _____)

ss.: _____

On this the ___ day of _____ 20___, before me _____,
the undersigned officer, personally appeared _____, known to me
(or satisfactorily proven) to be the person whose name is subscribed to the within instrument and
acknowledged that he/she executed the same for the purposes therein contained and that he/she
acknowledged the same to be his/her free act and deed, before me, in his/her capacity as an
authorized officer of the Energy Improvement Corporation, acting on behalf of City of Kingston.

STATE OF NEW YORK)
)
COUNTY OF _____)

ss.: _____

On this the ___ day of _____ 20___, before me _____,
the undersigned officer, personally appeared _____, known to me
(or satisfactorily proven) to be the person whose name is subscribed to the within instrument and
acknowledged that he/she executed the same for the purposes therein contained and that he/she
acknowledged the same to be his/her free act and deed, before me, in his/her capacity as an
authorized officer of the [Capital Provider].

Received for Record: _____, 20__ at _____ A.M./P.M.

Recorded in the _____ land records at Volume _____, Page _____.

Clerk of City of Kingston

EXHIBIT C

FORM OF CONSENT OF MORTGAGE HOLDERS

Date: _____

Property/Loan Information: _____

Address: _____

Owner: _____

Municipality: _____

APN: _____

Loan Number: _____

This Mortgage Holder Consent to Benefit Assessment (this “Consent”) is given by the undersigned entity, which is a mortgage holder (“Mortgage Holder”) on the above-referenced property (the “Property”) with respect to the above-referenced loan (the “Loan”).

RECITALS

Mortgage Holder is in receipt of written notice (the “Notice”) from the above-referenced owner of the Property (the “Property Owner”) that it intends to finance installation on the Property of certain energy efficiency and/or renewable energy improvements that will be permanently fixed to the Property (the “Authorized Improvements”) by participating in the Energize NY Open C-PACE Financing Program (the “Program”), sponsored by the Municipality.

Mortgage Holder understands that, as a result of an agreement between Energy Improvement Corporation (“EIC”), on behalf of the Municipality, and the Property Owner, the Benefit Assessment described in the Notice will be levied on the Property, and that the Benefit Assessment will be collected in annual installments as provided in the financing agreement for the Authorized Improvements (the “Finance Agreement”), in the same manner as and subject to the same penalties, remedies and lien priorities as real property taxes or municipal charges.

CONSENT

The undersigned hereby represents that it is authorized to execute this Consent on behalf of Mortgage Holder. Mortgage Holder hereby confirms:

A. Mortgage Holder is in receipt of written notice (the “Notice”) from the above-referenced owner of the Property (the “Property Owner”) that it intends to finance installation on the Property of certain energy efficiency and/or renewable energy improvements that will be permanently fixed to the Property by participating in the Program sponsored by the Municipality.

B. Mortgage Holder understands that, as a result of an agreement between EIC, on behalf of the Municipality, and the Property Owner, the Benefit Assessment described in the Notice will be levied on the Property, and that the Benefit Assessment will be collected by EIC, on behalf of the Municipality, in annual installments as provided in the Finance Agreement in the same manner as and subject to the same penalties, remedies and lien priorities as real property taxes or municipal

charges. Mortgage Holder acknowledges that each annual installment in respect of the Benefit Assessment shall create an Annual Installment Lien, and if such annual installment is not paid when due, each Annual Installment Lien shall constitute a statutory lien on the Property that is superior to the lien of the Loan.

C. Mortgage Holder acknowledges that the Benefit Assessment constitutes a statutory lien on the Property that is superior to the lien of the Loan.

D. This Consent shall not prohibit Mortgage Holder from pursuing any and all rights and remedies available to collect from Property Owner all amounts due to it under the Loan documents. Mortgage Holder shall have the right to cure any nonpayment by Property Owner of real property taxes and assessments (including the Benefit Assessment) to the same extent as Mortgage Holder has a right to cure nonpayment of real property taxes.

E. Mortgage Holder agrees that the levy of the Benefit Assessment will not constitute an event of default or trigger the exercise of any remedies under the Loan documents.

Mortgage Holder hereby acknowledges that the Property Owner and the Municipality will rely on the representation and consent of Mortgage Holder set forth in this Consent.

Dated this ____ day of _____, 2019

MORTGAGE HOLDER

By: _____

Name:

Title:

STATE OF NEW YORK)
)
COUNTY OF _____)

ss.: _____

On this the ____ day of _____ 20____, before me _____,
the undersigned officer, personally appeared _____, known to me
(or satisfactorily proven) to be the person whose name is subscribed to the within instrument and
acknowledged that he/she executed the same for the purposes therein contained and that he/she
acknowledged the same to be his/her free act and deed, before me, in his/her capacity as an
authorized officer of the [Mortgage Holder].

EXHIBIT D

SATISFACTION AND RELEASE OF BENEFIT ASSESSMENT LIEN

Energy Improvement Corporation, a local development corporation formed under the laws of the State of New York (“EIC”), acting on behalf of the City of Kingston (the “Participating Municipality”) pursuant to Article 5-L of the General Municipal Law of the State of New York (the “Enabling Act”) and the Local Law adopted by the Participating Municipality establishing the Energize NY Open C-PACE Financing Program in the Participating Municipality, and the Municipal Agreement between the Participating Municipality and EIC dated _____, 2019, having filed a Certificate of Levy and Lien of Benefit Assessment against the property of [Property Owner], on the ____ day of _____, 20__ in the land records of _____, Book _____ page _____ on the following described real property in _____, New York in the amount of \$_____:

[Property description]

NOW, THEREFORE, the undersigned does hereby acknowledge satisfaction of the Lien of Benefit Assessment and does direct the Clerk of the [County/City/Town/Village] to release, cancel and discharge the Benefit Assessment Lien in accordance with the Enabling Act and the Local Law.

IN WITNESS WHEREOF, we have hereunto set our hands and seal this ____ day of _____, 20__.

Energy Improvement Corporation

By: _____
Name:
Title:

Acknowledged and Agreed:

this ____ day of _____, 20__

[Capital Provider]

Acknowledged and Agreed:

this ____ day of _____, 20__

[Property Owner]

STATE OF NEW YORK)
)
COUNTY OF _____)

ss.: _____

On this the ___ day of _____ 20___, before me _____,
the undersigned officer, personally appeared _____, known to me
(or satisfactorily proven) to be the person whose name is subscribed to the within instrument and
acknowledged that he/she executed the same for the purposes therein contained and that he/she
acknowledged the same to be his/her free act and deed, before me, in his/her capacity as an
authorized officer of the Energy Improvement Corporation, acting on behalf of City of Kingston .

STATE OF NEW YORK)
)
COUNTY OF _____)

ss.: _____

On this the ___ day of _____ 20___, before me _____,
the undersigned officer, personally appeared _____, known to me
(or satisfactorily proven) to be the person whose name is subscribed to the within instrument and
acknowledged that he/she executed the same for the purposes therein contained and that he/she
acknowledged the same to be his/her free act and deed, before me, in his/her capacity as an
authorized officer of the [Capital Provider].

STATE OF NEW YORK)
)
COUNTY OF _____)

ss.: _____

On this the ____ day of _____ 20____, before me _____,
the undersigned officer, personally appeared _____, known to me
(or satisfactorily proven) to be the person whose name is subscribed to the within instrument and
acknowledged that he/she executed the same for the purposes therein contained and that he/she
acknowledged the same to be his/her free act and deed, before me, in his/her capacity as an
authorized officer of the [Property Owner].

Received for Record: _____, 20__ at _____ A.M./P.M.

Recorded in the _____ land records at Volume _____, Page _____.

Clerk of City of Kingston

A LOCAL LAW TO ESTABLISH A SUSTAINABLE ENERGY LOAN PROGRAM (OPEN C-PACE) IN THE CITY OF KINGSTON

Be it enacted by the City of Kingston (the “Municipality”) as follows:

Section 1. This local law shall be known as the “Energize NY Open C-PACE Financing Program” and shall read as follows:

ARTICLE I

§1. Legislative findings, intent and purpose, authority.

- A. It is the policy of both the Municipality and the State of New York (the “State”) to achieve energy efficiency and renewable energy improvements, reduce greenhouse gas emissions, mitigate the effect of global climate change, and advance a clean energy economy. The Municipality finds that it can fulfill this policy by providing property assessed clean energy financing to Qualified Property Owners (as defined below) for the installation of renewable energy systems and energy efficiency measures. This local law establishes a program that will allow the Energy Improvement Corporation (as defined below, “EIC”), a local development corporation, acting on behalf of the Municipality pursuant to the municipal agreement (the “Municipal Agreement”) to be entered into between the Municipality and EIC, to make funds available to Qualified Property Owners that will be repaid through charges on the real properties benefited by such funds, thereby fulfilling the purposes of this local law and accomplishing an important public purpose. This local law provides a method of implementing the public policies expressed by, and exercising the authority provided by, Article 5-L of the General Municipal Law (as defined below, the “Enabling Act”).
- B. The Municipality is authorized to execute, deliver and perform the Municipal Agreement and otherwise to implement this Energize NY Open C-PACE Financing Program pursuant to the Constitution and laws of New York, including particularly Article IX of the Constitution, Section 10 of the Municipal Home Rule Law, the Enabling Act and this local law.
- C. This local law, which is adopted pursuant to Section 10 of the Municipal Home Rule Law and the Enabling Act shall be known and may be cited as the “Energize NY Open C-PACE Local Law”.

§2. Definitions

- A. Capitalized terms used but not defined herein have the meanings assigned in the Enabling Act.
- B. For purposes of this local law, and unless otherwise expressly stated or unless the context requires, the following terms shall have the meanings indicated:

Annual Installment Amount – shall have the meaning assigned in Section 8, paragraph B.

Annual Installment Lien – shall have the meaning assigned in Section 8 paragraph B.

Authority – the New York State Energy Research and Development Authority.

Benefit Assessment Lien – shall have the meaning assigned in Section 3, paragraph A.

Benefited Property – Qualified Property for which the Qualified Property Owner has entered into a Finance Agreement for a Qualified Project.

Benefited Property Owner – the owner of record of a Benefited Property.

EIC – the Energy Improvement Corporation, a local development corporation, duly organized under section 1411 of the Not-For-Profit Corporation Law of the State, authorized hereby on behalf of the Municipality to implement the Program by providing funds to Qualified Property Owners and providing for repayment of such funds from money collected by or on behalf of the Municipality as a charge to be levied on the real property.

Eligible Costs – costs incurred by the Benefited Property Owner in connection with a Qualified Project and the related Finance Agreement, including application fees, EIC’s Program administration fee, closing costs and fees, title and appraisal fees, professionals’ fees, permits, fees for design and drawings and any other related fees, expenses and costs, in each case as approved by EIC and the Financing Party under the Finance Agreement

Enabling Act – Article 5-L of the General Municipal Law of the State, or a successor law, as in effect from time to time.

Finance Agreement – the finance agreement described in Section 6A of this local law.

Financing Charges – all charges, fees and expenses related to the loan under the Finance Agreement including accrued interest, capitalized interest, prepayment premiums, and penalties as a result of a default or late payment and costs and reasonable attorneys’ fees incurred by the Financing Party as a result of a foreclosure or other legal proceeding brought against the Benefited Property to enforce any delinquent Annual Installment Liens.

Financing Parties – Third party capital providers approved by EIC to provide financing to Qualified Property Owners or other financial support to the Program which have entered into separate agreements with EIC to administer the Program in the Municipality.

Municipality – the City of Kingston, a municipality of the State constituting a tax district as defined in Section 1102 of the RPTL of the State.

Municipal Lien – a lien on Qualified Property which secures the obligation to pay real property taxes, municipal charges, or governmentally imposed assessments in respect of services or benefits to a Qualified Property.

Non-Municipal Lien – a lien on Qualified Property which secures any obligation other than the obligation to pay real property taxes, municipal charges, or governmentally-imposed assessments in respect of services or benefits to a Qualified Property Owner or Qualified Property.

Program – the Energize NY Open C-PACE Financing Program authorized hereby.

Qualified Project – the acquisition, construction, reconstruction or equipping of Energy Efficiency Improvements or Renewable Energy Systems or other projects authorized under the Enabling Act on a Qualified Property, together with a related Energy Audit, Renewable Energy System Feasibility Study and/or other requirements under or pursuant to the Enabling Act, with funds provided in whole or in part by Financing Parties under the Program to achieve the purposes of the Enabling Act.

Qualified Property – Any real property other than a residential building containing less than three dwelling units, which is within the boundaries of the Municipality that has been determined to be eligible to participate in the Program under the procedures for eligibility set forth under this local law and the Enabling Act and has become the site of a Qualified Project.

Qualified Property Owner – the owner of record of Qualified Property which has been determined by EIC to meet the requirements for participation in the Program as an owner, and any transferee owner of such Qualified Property.

RPTL – the Real Property Tax Law of the State, as amended from time to time.

Secured Amount – as of any date, the aggregate amount of principal loaned to the Qualified Property Owner for a Qualified Project, together with Eligible Costs and Financing Charges, as provided herein or in the Finance Agreement, as reduced pursuant to Section 8, paragraph C.

State – the State of New York.

§3. Establishment of an Energize NY Open C-PACE Financing Program

- A. An Energize NY Open C-PACE Financing Program is hereby established by the Municipality, whereby EIC acting on its behalf pursuant to the Municipal Agreement, may arrange for the provision of funds by Financing Parties to Qualified Property Owners in accordance with the Enabling Act and the procedures set forth under this local law, to finance the acquisition, construction, reconstruction, and installation of Qualified Projects and Eligible Costs and Financing Charges approved by EIC and by the Financing Party under the Finance Agreement. EIC, on behalf of the Municipality, and with the consent of the Benefited Property Owner, will record a Benefit Assessment Lien on the Benefited Property in the Secured Amount (the “Benefit Assessment Lien”) on the land records for the Municipality. Such recording shall be exempt from any charge, mortgage recording tax or other fee in the same manner as if recorded by the Municipality.
- B. Before a Qualified Property Owner and a Financing Party enter into a Finance Agreement which results in a loan to finance a Qualified Project, repayment of which is secured by a Benefit Assessment Lien, a written consent from each existing

mortgage holder of the Qualified Property shall be obtained, permitting the Benefit Assessment Lien and each Annual Installment Lien to take priority over all existing mortgages.

§4. Procedures for eligibility

- A. Any property owner in the Municipality may submit an application to EIC on such forms as have been prepared by EIC and made available to property owners on the website of EIC and at the Municipality's offices.
- B. Every application submitted by a property owner shall be reviewed by EIC, acting on behalf of the Municipality, which shall make a positive or negative determination on such application based upon the criteria enumerated in the Enabling Act and § 5 of this local law. EIC may also request further information from the property owner where necessary to aid in its determination.
- C. If a positive determination on an application is made by EIC, acting on behalf of the Municipality, the property owner shall be deemed a Qualified Property Owner and shall be eligible to participate in the Program in accordance with § 6 of this local law.

§5. Application criteria

Upon the submission of an application, EIC, acting on behalf of the Municipality, shall make a positive or negative determination on such application based upon the following criteria for the making of a financing:

- A. The property owner may not be in bankruptcy and the property may not constitute property subject to any pending bankruptcy proceeding;
- B. The amount financed under the Program shall be repaid over a term not to exceed the weighted average of the useful life of Renewable Energy Systems and Energy Efficiency Improvements to be installed on the property as determined by EIC;
- C. Sufficient funds are available from Financing Parties to provide financing to the property owner;
- D. The property owner is current in payments on any existing mortgage on the Qualified Property;
- E. The property owner is current in payments on any real property taxes on the Qualified Property; and
- F. Such additional criteria, not inconsistent with the criteria set forth above, as the State, the Municipality, or EIC acting on its behalf, or other Financing Parties may set from time to time.

§6. Energize NY Finance Agreement

- A. A Qualified Property Owner may participate in the Program through the execution of a finance agreement made by and between the Qualified Property Owner and a Financing Party, to which EIC, on behalf of the Municipality, shall be a third-party beneficiary (the “Finance Agreement”). Upon execution and delivery of the Finance Agreement, the property that is the subject of the Finance Agreement shall be deemed a “Benefited Property”).
- B. Upon execution and delivery of the Finance Agreement, the Benefited Property Owner shall be eligible to receive funds from the Financing Party for the acquisition, construction, and installation of a Qualified Project, together with Eligible Costs and Financing Charges approved by EIC and by the Financing Party, provided the requirements of the Enabling Act, the Municipal Agreement and this local law have been met.
- C. The Finance Agreement shall include the terms and conditions of repayment of the Secured Amount and the Annual Installment Amounts.
- D. EIC may charge fees to offset the costs of administering the Program and such fees, if not paid by the Financing Party, shall be added to the Secured Amount.

§7. Terms and conditions of repayment

The Finance Agreement shall set forth the terms and conditions of repayment in accordance with the following:

- A. The principal amount of the funds loaned to the Benefited Property Owner for the Qualified Project, together with Eligible Costs and Financing Charges approved by EIC and by the Financing Party, shall be specially assessed against the Benefited Property and will be evidenced by a Benefit Assessment Lien recorded against the Benefited Property on the land records on which liens are recorded for properties within the Municipality. The special benefit assessment shall constitute a “charge” within the meaning of the Enabling Act and shall be collected in annual installments in the amounts certified by the Financing Party in a schedule provided at closing and made part of the Benefit Assessment Lien. Said amount shall be annually levied, billed and collected by EIC, on behalf of the Municipality, and shall be paid to the Financing Party as provided in the Finance Agreement.
- B. The term of such repayment shall be determined at the time the Finance Agreement is executed by the Benefited Property Owner and the Financing Party, not to exceed the weighted average of the useful life of the systems and improvements as determined by EIC, acting on behalf of the Municipality.
- C. The rate of interest for the Secured Amount shall be fixed by the Financing Party in conjunction with EIC, acting on behalf of the Municipality, as provided in the Finance Agreement.

§8. Levy of Annual Installment Amount and Creation of Annual Installment Lien

- A. Upon the making of the loan pursuant to the Finance Agreement, the Secured Amount shall become a special Benefit Assessment Lien on the Benefited Property in favor of the Municipality. The amount of the Benefit Assessment Lien shall be the Secured Amount. Evidence of the Benefit Assessment Lien shall be recorded by EIC, on behalf of the Municipality, in the land records for properties in the Municipality. Such recording shall be exempt from any charge, mortgage recording tax or other fee in the same manner as if recorded by the Municipality. The Benefit Assessment Lien shall not be foreclosed upon by or otherwise enforced by the Municipality.
- B. The Finance Agreement shall provide for the repayment of the Secured Amount in installments made at least annually, as provided in a schedule attached to the Benefit Assessment Lien (the “Annual Installment Amount”). The Annual Installment Amount shall be levied by EIC, on behalf of the Municipality, on the Benefited Property in the same manner as levies for municipal charges, shall become a lien on the Benefited Property as of the first day of January of the fiscal year for which levied (the “Annual Installment Lien”) and shall remain a lien until paid. The creation or any recording of the Annual Installment Lien shall be exempt from any charge, mortgage recording tax or other fee in the same manner as if recorded by the Municipality. Payment to the Financing Party shall be considered payment for this purpose. Such payment shall partly or wholly discharge the Annual Installment Lien. Delinquent Annual Installment Amounts may accrue Financing Charges as may be provided in the Finance Agreement. Any additional Financing Charges imposed by the Financing Party pursuant to the Finance Agreement shall increase the Annual Installment Amount and the Annual Installment Lien for the year in which such overdue payments were first due.
- C. The Benefit Assessment Lien shall be reduced annually by the amount of each Annual Installment Lien when each Annual Installment Lien becomes a lien. Each Annual Installment Lien shall be subordinate to all Municipal Liens, whether created by Section 902 of the RPTL or by any other State or local law. No portion of a Secured Amount shall be recovered by the Municipality, EIC, or an assignee upon foreclosure, sale or other disposition of the Benefited Property unless and until all Municipal Liens are fully discharged. Each Annual Installment Lien, however, shall have priority over all Non-Municipal Liens, irrespective of when created, except as otherwise required by law.
- D. Neither the Benefit Assessment Lien nor any Annual Installment Lien shall be extinguished or accelerated in the event of a default or bankruptcy of the Benefited Property Owner. Each Annual Installment Amount shall be considered a charge upon the Benefited Property and shall be collected by EIC, on behalf of the Municipality, at the same time and in the same manner as real property taxes or municipal charges. Each Annual Installment Lien shall remain a lien until paid. Amounts collected in

respect of an Annual Installment Lien shall be remitted to EIC, on behalf of the Municipality, or the Financing Party, as may be provided in the Finance Agreement.

- E. EIC shall act as the Municipality's agent in collection of the Annual Installment Amounts. If any Benefited Property Owner fails to pay an Annual Installment Amount, the Financing Party may redeem the Benefited Property by paying the amount of all unpaid Municipal Liens thereon, and thereafter shall have the right to collect any amounts in respect of an Annual Installment Lien by foreclosure or any other remedy available at law. Any foreclosure shall not affect any subsequent Annual Installment Liens.
- F. EIC, on behalf of the Municipality, may sell or assign for consideration any and all Benefit Assessment Liens and Annual Installment Liens to Financing Parties that provide financing to Qualified Properties pursuant to Finance Agreements. The Financing Parties may sell or assign for consideration any and all Benefit Assessment Liens and Annual Installment Liens received from EIC, on behalf of the Municipality, subject to certain conditions provided in the administration agreement between EIC and the Financing Party. The assignee or assignees of such Benefit Assessment Liens and Annual Installment Liens shall have and possess the same powers and rights at law or in equity as the Municipality would have had if the Benefit Assessment Lien and the Annual Installment Liens had not been assigned with regard to the precedence and priority of such lien, the accrual of interest and the fees and expenses of collection.

§9. Verification and report

EIC, on behalf of the Municipality, shall verify and report on the installation and performance of Renewable Energy Systems and Energy Efficiency Improvements financed by the Program in such form and manner as the Authority may establish.

§10. Separability. If any clause, sentence, paragraph, section, or part of this local law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section, or part thereof involved in the controversy in which such judgment shall have been rendered.

Section 2. This local law shall take effect upon filing with the Secretary of State.

CITY OF KINGSTON
Office of Environmental Education and Sustainability
climatesmart@kingston-ny.gov

Julie L. Noble, Coordinator



Steven T. Noble, Mayor

August 1, 2019

Mr. James L. Noble, Jr.
Alderman-At-Large
President of the Common Council
420 Broadway
Kingston, NY 12401

Re: Revisions to EIC's PACE Finance Services

Dear President Noble:

This is a request for placement on the agenda of the next appropriate Committee, expected to be the Laws and Rules Committee, to discuss the amendments to be made to enable Open C-Pace.

New York State has amended its PACE Law to make PACE financing more accessible to clean energy projects. The changes listed below ("Open C-Pace") will expand the usefulness of Energize NY PACE and increase its appeal to energy efficiency and renewable energy project developers, while also removing all municipal obligations from the provision of the public benefit of PACE. In order to effectuate this change in Kingston, the Common Council will need to amend our local PACE law to incorporate the amendments and the other refinements to Open C-Pace described in the attachment: Open C-Pace Memo to EIC Members.

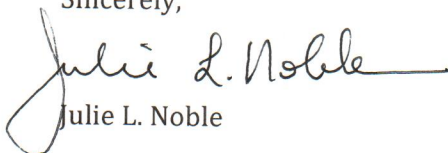
To advance our compliance, I have attached the following, which are being reviewed by the City's Corporation Counsel as well as the EIC's Counsel:

- 1) Amended Local Law: A Local Law to Establish a Sustainable Energy Loan Program (Open C-Pace) in the City of Kingston (which will need to be voted upon by the Council)
- 2) Amended Municipal Agreement with EIC (for reference)
- 3) Resolution Introducing the Amendments to the Sustainable Energy Loan Program (which will need to be voted upon by the Council).

Please let me know if there are any questions and I am happy to attend the Committee meeting in August to speak directly to the changes.

Thank you for your consideration.

Sincerely,


Julie L. Noble

Sustainability Coordinator

Cc: Mayor Steve Noble
Elisa Tinti, Clerk
Andrea Shaut, Chair, Laws and Rules

Kingston Common Council Agenda Item Report

Meeting Date: August 6, 2019

Submitted by: Kristen Wilson

Submitting Department: Grants Management

Item Type: Authorization Request

Agenda Section:

Subject:

NYSEFC WIIA Grant Applications

Suggested Action:

Adopt resolution(s) to apply for grants from the NYSEFC WIIA program and execute agreements if awarded the grants

Attachments:

[Letter to CC Regarding NYSEFC WIIA Grants.pdf](#)

CITY OF KINGSTON
Office of Grants Management
grants@kingston-ny.gov

Kristen E. Wilson, Director



Steven T. Noble, Mayor

August 2, 2019

Honorable James L. Noble, Jr.
President/Alderman-at-Large
Kingston Common Council
420 Broadway
Kingston, NY 12401

Re: Resolutions to Apply and Execute Agreements for the NYS EFC WIIA (Water Infrastructure Improvement Act) Program Grants

Dear President Noble,

I am requesting placement on the agenda of the appropriate committee in August to discuss resolutions authorizing the City to apply for and execute agreements for the NYS Environmental Facilities Corporation Water Infrastructure Improvement Act (WIIA) Program grants.

We are considering the grant program to potentially fund rehabilitation of our sewer infrastructure in **two** of our existing and ongoing projects including the Hasbrouck CSO Sewer Separation Phase 2 Project and the Henry Street Safe Routes to School project.

The City recently applied for a CFA for the Hasbrouck project, and this additional funding would help the City reduce its match. The City is currently developing the design for the NYSDOT Transportation Alternatives Program-funded Midtown Safe Routes to School Project on Henry Street; <https://www.kingston-ny.gov/henrystreet>, which funds pedestrian and bicycle improvements on the surface of the street. Through the design process we have determined that it would be best to address sewer issues under the street before re-surfacing the street. This funding would contribute to the costs of sewer rehabilitation under Henry Street.

We are still in the process of developing the full project details and budgets, therefore, the draft resolutions will state the maximum amount we anticipate the projects will cost. I will share committee reports and resolutions as soon as possible with the committee members prior to the meeting.

Thank you for your consideration.

Sincerely,

Kristen Wilson
Director

Kingston Common Council Agenda Item Report

Meeting Date: August 6, 2019

Submitted by: Dee Sills

Submitting Department: Common Council

Item Type: Presentation Request

Agenda Section:

Subject:

Communications

Suggested Action:

Attachments:

[20190807101717.pdf](#)

F.E.D

70 Garden St.
Kingston, NY 12401

Mayor Steven T. Noble
420 Broadway, City Hall
Kingston, NY 12401

June 5, 2019

Dear Mayor:

In August of 2017, after a lawsuit against me and the City of Kingston was settled with the owners of 72 Garden Street, I offered to purchase that now-vacant lot which is unbuildable given its dimensions of 36' (24' with setbacks) x 107'. The City of Kingston's November, 2017 public auction included several comparable vacant properties. The buildable lots' assessments had a median value of \$10,000 with a mean of \$14,400; the winning bids were a median of \$2,500 and a mean of \$2,885, no more than 20% of their assessments.

I ask that you consider my offer of \$8,000 for several reasons:

- I've owned my home at 70 Garden Street for 30 years and have regularly improved the property, thereby increasing the value of neighboring homes as well.
- While the #72 structure was abandoned/condemned, I incurred ongoing damage to my own property from pieces of the crumbling building, some as large as 15 feet long, falling onto my driveway, which, in fact, the Kingston Fire Department actually closed for some six weeks because of the danger.
- Defending the lawsuit brought by the Vison For Children, former owners of #72, has already cost me a great deal, financially and emotionally.
- The property would be improved, maintained, and returned to the tax rolls.
- I intend to keep the space as a green extension of my yard, including grass and wildflowers.

Please see the attached research which shows that many communities give preference to side-lot homeowners. I satisfy all the typical requirements.

I look forward to hearing from you on this matter. You can reach me at: 339 2918 or (845) 495 9889.

Best regards,



Joseph P. Happeny

c.: Kevin Bryant, Esq., Corp. Counsel
 William Carey, Fifth Ward Alderman
 James Noble, Alderman-At-Large
 Steven Klein, Esq., Attorney at Law

Attachment

F.E.D

CITY OF KINGSTON
Office of the City Engineer
jschultheis@kingston-ny.gov

John M. Schultheis, P.E., City Engineer



Steven T. Noble, Mayor

July 24, 2019

Mr. James L. Noble, Jr.
Alderman-At-Large
President of the Common Council
Kingston City Hall
420 Broadway
Kingston, New York 12401

RE: Jacob's Valley Storm Sewer Replacement

Dear President Noble:

This project is now under construction with an estimated completion date of November 2019.

Borrowing totaling \$3,350,000.00 for this project was authorized by resolution 124 of 2018 and preceding resolutions. This amount was based on design fees to H2M Architects and Engineers, the amount bid by low bidder, W.M. Schultz Construction, construction administration fees to H2M, payments to CSX Transportation for permit fees and inspection fees for work done on railroad-owned property, and a contingency amount.

Unforeseen conditions have required that additional work be performed by Schultz, resulting in three (3) change orders to date, adding \$480,626.75 to the project cost. The additional work is needed to replace existing utilities (water and sewer) that were not able to be protected in place as expected. In some cases, these existing utilities were found to be in closer proximity to the new storm drain than expected, necessitating replacing them and providing temporary water line and services while the work proceeds.

Some of the change order increase can be absorbed by the contingency that was available. However, the contingency is not large enough to cover all of the change order costs. Therefore, it is requested to increase authorized borrowing from \$3,350,000 to \$3,625,000.00, an increase of \$275,000.00, in order to cover the amount of the work as bid plus change orders to date.

Please refer this item to the Finance Committee for further discussion and approval. Should you have any questions concerning this request, do not hesitate to contact me.

CITY OF KINGSTON
Office of the City Engineer
jschultheis@kingston-ny.gov

John M. Schultheis, P.E., City Engineer



Steven T. Noble, Mayor

Respectfully,

A handwritten signature in black ink, appearing to be "JMS", is written over a light gray rectangular background.

John M. Schultheis, P.E.
City Engineer

Cc: Steve Noble, Mayor
Douglas Koop, Chair, Finance Committee
John Tuey, Comptroller

F.E.D

Steven T. Noble
Mayor

Stephan Knox
Director

Thomas Murray
Assistant Director

CITY OF KINGSTON
Building Safety & Zoning Enforcement

5 Garraghan Drive
Kingston, NY 12401
Phone (845) 331-1217
Fax (845) 331-1224



August 1, 2019

Jim Noble, Common Council President
City of Kingston
420 Broadway
Kingston, NY 12401

Dear Sir,

Following recent conversations with Mayor Noble regarding the increased workload at our office, I submit this request for consideration to increase staffing at Building Safety.

In early 2018 staffing changes reduced the number of clerks providing administrative support for our office from two clerks to one. Following my appoint as Director of Building Safety, I quickly realized that the volume of clerical work could not be done by one individual and a request to add part time help was granted but is insufficient to meet department needs going forward. In 2018 a total of 750 building permits were issued by our office, one of the highest years on record. At the time of this request Building Safety had issued a total of 747 building permits with 5 months remaining in the calendar year. Our office has also received a significant increase in number of FOIL request submitted weekly. Depending on the type and volume of information required, FOIL requests can consume a considerable amount of time to fulfill which prevents our staff from completing more important daily tasks. As a result of these additional demands being placed on our office clerks, they have fallen behind with scheduling of required rental inspections and are finding it difficult to prepare and mail out the large volume of documents needed each day.

My request is to restore the current part time clerk's position to full time allowing for more efficient scheduling of required work, complete coverage of office time during lunch periods, vacations and other time off requests and to reduce the undue strain being placed on other staff.

I have met with City comptroller, John Tuey to review the additional funds required to cover the cost of the position change for the remainder of 2019. Attached you will find a breakdown of said costs. I have previously indicated that a budgetary revenue increase to cover the costs of the position change was not reasonably expected at this time but I will work with the comptroller to find ways to defray the costs. The total amount of funds requested to restore the clerk's position to full time status is approximately \$15,000.00.

Thank you in advance for your thoughtful consideration of this request. I look forward to further discussion of this matter after you have had time to review the attached supporting document.

Respectfully,

Stephan Knox
Director of Building Safety & Zoning Enforcement

2019
City of Kingston
 Building Safety & Zoning Enforcement

Employee: Annie Malofy (currently part time)

Position: Clerk
 Grade: 2
 Step: 2

Salary (full time): \$35,407.00

Required for remainder of 2019: \$14,938.77 (11 bi-weekly payments @\$1,358.07) Effective August 5, 2019

Position: Clerk Grade: 2 Step: 2

EXPENSES

PERSONAL SERVICES

101	Regular Pay	14,939
102	Longevity Pay	0
103	Overtime	0

SUBTOTAL : PERSONAL SERVICES 14,939

EMPLOYEE BENEFITS

811	Social Security	
812	NYS Retirement	
821	Hospital & Medical	12,505
822	Dental Insurance	338
826	Optical Insurance	103

SUBTOTAL : EMPLOYEE BENEFITS 12,946

TOTAL EXPENSES **27,885**

BUDGET TRANSFERS

112	Part Time	8,000
103	Overtime	5,000

BUDGET TRANSFERS - apply to full time salary 13,000

TOTAL FUNDS REQUIRED **14,885**

P.S

Tinti, Elisa

From: Worthington, Rita
Sent: Thursday, July 25, 2019 10:10 AM
To: Al Crisafulli
Cc: STEVEN SCHABOT; Tinti, Elisa; Noble, James
Subject: RE: Handicap Parking Signs - 193 Clinton Ave

Mr. Crisafulli:

My name is Rita and I am the Alderwoman for the ward in which you reside. I will forward your request for the removal of the handicapped parking signs to the appropriate committee and request that said request be placed on the agenda.

Please feel free to contact me with any questions or concerns.

Thank you.

Rita M. Worthington
Alderwoman, Ward 4
(845)430-2819

Jim, Steve and Elisa:

Please be sure to include the below request on the next public safety meeting's agenda. New owner's Al and Sandy Crisafulli are requesting the removal of handicapped parking signs at 193 Clinton Avenue Street.

Thank you.

Rita M. Worthington
Ward 4

From: Wiltshire, MaryJo
Sent: Thursday, July 25, 2019 9:20 AM
To: Al Crisafulli
Cc: Worthington, Rita; STEVEN SCHABOT
Subject: RE: Handicap Parking Signs - 193 Clinton Ave

Mr. Crisafulli - Our department does take down and put up signs but removing the handicap signs requires legislation from the Common Council. I am copying your Alderwoman on this email so you can proceed with the request to have the signs removed. Any questions please let us know.

Mary Jo Wiltshire
Finance and Operations Administrator
Department of Public Works
25 East O'Reilly St
Kingston, NY 12401

(845) 331-0682 (phone)
(845) 331-0295 (fax)

CONFIDENTIALITY NOTICE

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☐☐☐☐ Please consider the environment before printing this email. ☐

-----Original Message-----

From: Al Crisafulli [mailto:alcris@comcast.net]
Sent: Wednesday, July 24, 2019 5:58 PM
To: Wiltshire, MaryJo <mwiltshire@kingston-ny.gov>
Subject: Handicap Parking Signs - 193 Clinton Ave

To Whom It May Concern:

I'm not sure if I'm contacting the right agency, but I suppose the Department of Public Works is a good place to start.

My name is Al Crisafulli; my wife Sandy and I are the new owners of the home at 193 Clinton Ave in Kingston. I hope you're well.

We moved into the house last week. Directly in front of the house, on the curb, there are two handicap parking signs. The previous resident, Athena Loukas, was in a wheelchair and had been for quite some time. She drove a special van, and the handicap signs gave her convenient parking in front of the house, which made things much easier for her, I'm sure.

Sadly, she passed away in February. The house was listed for sale shortly thereafter, and purchased by my family. None of us require any special parking privileges. We would love to park in front of our house (the home has no driveway), but do not want to break the law.

We were hoping that the city would remove the handicap parking signs, since they are no longer required.

Please let me know if you can accommodate this request, or if there is another department within Kingston that I should be contacting.

Thanks very much, and warm regards,

Al Crisafulli
193 Clinton Ave
Kingston

Tinti, Elisa

From: Noble, James
Sent: Wednesday, July 24, 2019 9:50 PM
To: Tinti, Elisa
Subject: Fwd: Stop Sign in Ward 7

Hi Elisa
Please forward this communication to the PS Committee. Thank you

Sent from my iPhone

Begin forwarded message:

From: "O'Reilly, Patrick" <ward7@kingston-ny.gov>
Date: July 22, 2019 at 10:55:22 PM EDT
To: "Noble, James" <jnoble@kingston-ny.gov>
Cc: "Tinti, Elisa" <emtinti@kingston-ny.gov>, "Sills, Dee" <dsills@kingston-ny.gov>, "Schabot, Steven" <sschabot@kingston-ny.gov>
Subject: Stop Sign in Ward 7

Dear President Noble,

I am requesting that stop signs be placed on the corner of Lincoln street and Grant street. This intersection is on top of a hill that blocks the oncoming drivers view of pedestrians walking up the hill. During the morning drivers are blinded at this corner by the sunrise. This corner is located one block from Hutton park and gets foot traffic from the park. Please forward this request to the appropriate committee.

Respectfully submitted,

Patrick O'Reilly

Alderman #7

Sills, Dee

From: Carey, Bill
Sent: Wednesday, July 31, 2019 2:05 PM
To: Sills, Dee
Subject: Fwd: Stop sign communication

Dee

I got Elisa's out of office message so am forwarding this to you in case. I will send two more requests as well that I sent earlier.

Thanks

Bill

Sent from my iPhone

Begin forwarded message:

From: <bcarey@kingston-ny.gov>
Date: July 31, 2019 at 1:57:11 PM EDT
To: "jnoble39@aol.com" <jnoble39@aol.com>, <emtinti@kingston-ny.gov>
Subject: Stop sign communication

Jim

Could you refer to the proper committee a request for a stop sign on Winchell Avenue where it intersects with South Wall Street. Currently there are stop signs on South Wall at that location which means cars coming out of the side street have the right of way and no stop sign. I think this presents a dangerous situation.

Thanks

Bill Carey
Ward 5

Sent from my iPhone

75

Tinti, Elisa

From: Carey, Bill
Sent: Monday, August 05, 2019 6:43 PM
To: jnoble39@aol.com; Tinti, Elisa; Worthington, Rita
Subject: Handicapped sign on Van Buren

I received a call from a Ward 4 constituent (she was told she was in Ward 5) today requesting handicapped parking designation at 60 Van Buren Street. The person in need is Victor Goodridge and her name is April Sackett. I am copying Rita and will follow up with her as well, but if you could refer to August Public Safety, I would appreciate it.

Thank you.

Bill Carey
Ward 5

Sent from my iPhone

F.E.D

CITY OF KINGSTON
Department of Public Works
publicworks@kingston-ny.gov

Edward Norman, Superintendent



Steven T. Noble, Mayor

July 23, 2019

Hon. James Noble, President
Common Council
420 Broadway
Kingston, NY 12401

Dear President Noble;

Attached please find an interdepartmental transfer for the Department of Public Works. The rental of the boom mower will mow shoulders of City streets and also we need to cover a few shortfalls in accounts for maintenance of equipment and vehicles. We respectfully request this communication be submitted to the Council for review.

Your assistance in this matter is greatly appreciated.

Sincerely,

Edward Norman
Superintendent Public Works

Cc: Comptroller John Tuey

Enc.

F.E.D

CITY OF KINGSTON
420 BROADWAY
KINGSTON, NEW YORK 12401



July 15, 2019

Ald. at Large James Noble, President
City of Kingston Common Council
City Hall - 420 Broadway
Kingston, NY 12401

Re: FY 2019 Budget Modification – Historic Landmarks

Dear Pres. Noble:

This letter is to request a budget modification for transfer of funds within the FY 2019 budget. The transfer request is necessary to cover overage costs associated with the Historic Landmarks Office Supply line.

- 1) DECREASE:
AI 7520-485 General Materials & Supplies <\$127.80>

- INCREASE
AI 7520-402 Office Supplies \$127.80

Thank you for your favorable consideration in this matter. Please do not hesitate to contact this office if there are any questions.

Sincerely,


Suzanne Cahill
Planning Director

Cc: Steve Noble, Mayor
J. Tuey, Comptroller
Douglas Koop Chair F & ED

THE CITY OF KINGSTON COMMON COUNCIL

FINANCE AND AUDIT
COMMITTEE REPORT

REQUEST DESCRIPTION		
INTERNAL TRANSFER <u>X</u>	CONTINGENCY TRANSFER _____	TRANSFER _____
AUTHORIZATION _____	BUDGET MODIFICATION _____	BONDING REQUEST _____
CLAIMS _____	ZONING _____	OTHER _____

DEPARTMENT Historic Landmarks (Planning) DATE 7/17/19

Description: _____

Transfer of Funds in FY 2019 Budget

Decrease AI-7520-485 (\$127.80)

Increase AI-7520-402 \$127.80

Estimated Financial Impact 0 Signature [Signature]

Motion by _____

Seconded by _____

Action Required:

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

Negative Declaration of Environmental Significance: _____

Conditioned Negative Declaration: _____

Seek Lead Agency Status: _____

Positive Declaration of Environmental Significance: _____

<u>Committee Vote</u>	<u>YES</u>	<u>NO</u>
Douglas Koop, Chairman		
Reynolds Scott-Childress Ward 3		
Anthony Davis, Ward 6		
Patrick O'Reilly, Ward 7		
Steven Schabot, Ward 8		

F.E.D.

City of Kingston
Parks and Recreation Department
kgilfeather@kingston-ny.gov

Steven T. Noble, Mayor



Kevin D. Gilfeather, Superintendent

August 1, 2019

James Noble, President, Common Council

420 Broadway Kingston, NY 12401

Dear President Noble:

I am submitting a communication for an internal transfer of funds to increase the expense lines in the Everett Hodge Center – 7143 account, there is zero (0) financial impact to the City.

The internal transfer will cover expenses related to an agreement with the Family of Woodstock and the Kingston City School District in providing a summer camp at George Washington School for youth who attend the after-school program, during the school year, at the Everette Hodge Center.

Increase – Expense Line A17143.472 – Contracted Services by \$15,000

Decrease – Expense Line A17143.111 – Seasonal Employees by \$15,000

If further information is required, please feel free to contact me, 481-7333 or via email, kgilfeather@kingston-ny.gov.

Sincerely,

Kevin D. Gilfeather

Superintendent

cc: Steven Noble, Mayor

John Tuey, Comptroller

**THE CITY OF KINGSTON COMMON COUNCIL
FINANCE AND AUDIT
COMMITTEE REPORT**

<u>REQUEST DESCRIPTION</u>		
INTERNAL TRANSFER <input checked="" type="checkbox"/> X AUTHORIZATION _____ CLAIMS _____	CONTINGENCY TRANSFER _____ BUDGET MODIFICATION _____ ZONING _____	TRANSFER _____ BONDING REQUEST _____ OTHER _____

DEPARTMENT Parks and Recreation DATE 8/1/19

Description: Internal Transfer of funds that will cover expenses that are related to an agreement with Family of Woodstock providing a summer camp, in conjunction with the Kingston City Schools, at George Washington School, for youth who attend the after-school program the Everett Hodge Center facility

Increase: Expense Line A17143.472 – Contracted Services by \$15,000

Decrease: Expense Line A17143.111 – Seasonal Employees by \$15,000

Estimated Financial Impact 0

Signature 

	<u>Committee Vote</u>	<u>YES</u>	<u>No</u>
Motion by _____			
Seconded by _____	Douglas Koop, Chairman		
Action Requested: SEQRA Decision: Type I Action _____ Type II Action _____ Unlisted Action _____	Reynolds Scott-Childress Ward 3		
Negative Declaration of Environmental Significance: _____	Anthony Davis, Ward 6		
Conditioned Negative Declaration: _____	Patrick O'Reilly, Ward 7		
Seek Lead Agency Status: _____	Steven Schabot, Ward 8		
Positive Declaration of Environmental Significance: _____			

F.E.D

City of Kingston
Parks and Recreation Department
kgilfeather@kingston-ny.gov



Steven T. Noble, Mayor

Kevin D. Gilfeather, Superintendent

July 17, 2019

James Noble
President, Common Council
420 Broadway
Kingston, NY 12401

Dear President Noble:

I am submitting a budget modification to increase the expense and revenue line items for additional CDBG improvements at the Everett Hodge Center – 7143 account.

The modification will cover expenses and revenues that are associated with equipment upgrades in the HVAC system and kitchen at the Hodge Center facility.

Increase – Expense Line A17143.443 by \$34,475

Increase – Revenue Line A17143.2020 by \$34,475

If further information is required, please feel free to contact me, 481-7333 or via email, kgilfeather@kingston-ny.gov.

Regards,

Kevin D. Gilfeather
Superintendent

cc: Steven Noble, Mayor
John Tuey, Comptroller

**THE CITY OF KINGSTON COMMON COUNCIL
FINANCE AND AUDIT
COMMITTEE REPORT**

REQUEST DESCRIPTION

INTERNAL TRANSFER _____
AUTHORIZATION _____
CLAIMS _____

CONTINGENCY TRANSFER _____
BUDGET MODIFICATION X
ZONING _____

TRANSFER _____
BONDING REQUEST _____
OTHER _____

DEPARTMENT Parks and Recreation DATE 7/18/19

Description: Budget Modification that will cover expenses that are associated with equipment upgrades to the HVAC system and kitchen equipment at the Everett Hodge Center facility

 Increase: Expense Line A17143.443 – Maintenance of Buildings by \$34,475

 Increase: Revenue Line A17143.2020 – CDBG Reimbursement by \$34,475

 Estimated Financial Impact 0

Signature



Motion by _____

Seconded by _____

Action Requested:

SEQRA Decision:

Type I Action _____

Type II Action _____

Unlisted Action _____

Negative Declaration of Environmental Significance: _____

Conditioned Negative Declaration: _____

Seek Lead Agency Status: _____

Positive Declaration of Environmental Significance: _____

<u>Committee Vote</u>	<u>YES</u>	<u>NO</u>
Douglas Koop, Chairman		
Reynolds Scott-Childress Ward 3		
Anthony Davis, Ward 6		
Patrick O'Reilly, Ward 7		
Steven Schabot, Ward 8		

F.E.D.

CITY OF KINGSTON
Department of Public Works
publicworks@kingston-ny.gov

Edward Norman, Superintendent



Steven T. Noble, Mayor

July 10, 2019

Hon. James Noble, President
Common Council
420 Broadway
Kingston, NY 12401

Dear President Noble;

Attached please find a contingency transfer request to cover the retirement payouts for two Public Works employees. We respectfully request this communication be submitted to Committee for review.

Your assistance in this matter is greatly appreciated.

Sincerely,

A handwritten signature in blue ink, appearing to read "Edward Norman", is written over a horizontal line.

Edward Norman
Superintendent Public Works

Cc: Comptroller John Tuey

Enc.

THE CITY OF KINGSTON COMMON COUNCIL

FINANCE AND ECONOMIC DEVELOPMENT

COMMITTEE REPORT

Internal Transfer	_____	Contingency Transfer	_____ x _____
Transfer	_____	Authorization	_____
Budget Modification	_____	Bonding Request	_____
Claims	Zoning _____	Other	_____
Department: Public Works		Date: July 10, 2019	
A1	Transfer To:	A1	Transfer From:
3989 11 5105	Safety Officer Retirement Diane Bergquist	15,432.02	1990 14 5404 Contingency
			15,432.02
G1	Transfer To:	G1	Transfer From:
8120 11 5105	Sewer Regular Pay LeRoy Washington, Laborer	30,672.93	1990 14 5404 Contingency
			30,672.93
 TOTAL TRANSFER FROM			
Estimated Financial Impact _____		Signature _____	

Motion By _____

Seconded By _____

Action Required _____

SEQRA Decision:

Type I Action _____

Type II Action _____

Unlisted Action _____

Negative Declaration of Environmental Significance _____

Conditioned Negative Declaration _____

Seek Lead Agency Status _____

Positive Declaration of Environmental Significance _____

Committee Vote	Yes	No
Douglas Koop, Ward 2 Chairman		
Reynolds Scott-Childress, Ward 3		
Tony Davis, Ward 6		
Patrick O'Reilly, Ward 7		
Steven Schabot, Ward 8		

Tinti, Elisa

From: Koester, Sean
Sent: Wednesday, July 24, 2019 12:56 PM
To: Noble, James
Cc: Noble, Steve; Tuey, John; Tinti, Elisa; Koop, Douglas; Noble, Julie
Subject: Budget Modification for Electric Vehicle Charging at City Hall
Attachments: Letter to Council - EV Charging at City Hall.pdf; Committee Report- EV Charging at Kingston City Hall.docx

Alderman At Large Noble,

This is a request for placement on the agenda of the next Finance Committee meeting in order to consider a budget modification that would allow for the purchase and installation of electric vehicle charging infrastructure at Kingston City Hall. There are currently two plug-in hybrid electric vehicles stationed at City Hall, one Chevrolet Volt that is shared amongst departments and one Mitsubishi Outlander that is used by Parking Enforcement. In order to allow for the efficient simultaneous charging of both vehicles a level-2 charging system is needed for City Hall.

I am requesting placement on the August 14th Finance Committee agenda in order to discuss this action. A draft committee report is attached. Please let me know if you have any questions.

Thank you,
-Sean

Sean Koester

Environmental Specialist
City of Kingston Engineering Dept.
420 Broadway
Kingston, NY 12401
(845) 334-3969 skoester@kingston-ny.gov

CITY OF KINGSTON
Office of Environmental Education and Sustainability
climatesmart@kingston-ny.gov

Julie L. Noble, Coordinator



Steven T. Noble, Mayor

July 24th, 2019

Mr. James L. Noble, Jr.
Alderman-At-Large
420 Broadway
Kingston, NY 12401

Re: Budget Modification for Electric Vehicle Charging at City Hall

Dear President Noble,

This is a request for placement on the agenda of the next Finance Committee meeting to consider a budget modification that would allow for the purchase and installation of electric vehicle charging infrastructure at Kingston City Hall. There are currently two plug-in hybrid electric vehicles stationed at City Hall, one Chevrolet Volt that is shared amongst departments and one Mitsubishi Outlander that is used by Parking Enforcement. In order to allow for the efficient simultaneous charging of both vehicles a level-2 charging system is needed for City Hall.

Following the established city procurement process, 3 quotes have been obtained for the appropriate system to be located at City Hall. The lowest quote for this equipment is \$8,196.00. Currently NYSERDA is offering incentives to municipalities and private parties to help cover the cost of the procurement of these level-2 charging stations through their Charge Ready NY program. The eligible rebate for the equipment we are proposing for City Hall is \$8,000, bringing the total financial impact to the City for this infrastructure to \$196. A summary of this request is below:

- Increase budget line: NYS Grant A1162023.43389 by \$8,000, then transfer
 - \$8,000 From: NYS Grant A1162023.43389
 - \$8,000 To: Other Equipment A1162012.5211

Please forward this communication to the next regularly scheduled Finance Committee for further discussion. Should you have any questions, do not hesitate to contact me.

Respectfully,

Sean Koester
Environmental Specialist

Cc: Steven T. Noble, Mayor
Douglas Koop, Finance Committee Chairman
John Tuey, Comptroller
Elisa Tinti, City Clerk

THE CITY OF KINGSTON COMMON COUNCIL

**FINANCE AND AUDIT
COMMITTEE REPORT**

<u>REQUEST DESCRIPTION</u>		
INTERNAL TRANSFER _____	CONTINGENCY TRANSFER _____	TRANSFER _____
AUTHORIZATION _____	BUDGET MODIFICATION <u> X </u>	BONDING REQUEST _____
CLAIMS _____	ZONING _____	OTHER _____

DEPARTMENT: Environmental Education & Sustainability DATE: _____

Description:

A budget modification that would allow for the purchase and installation of electric vehicle charging infrastructure at Kingston City Hall.

- Increase budget line: NYS Grant A1162023.43384 by \$8,000, then transfer
 - \$8,000 From: NYS Grant A1162023.43384
 - \$8,000 To: Other Equipment A1162012.5211

Estimated Financial Impact: \$ 0 Signature _____

Motion by _____

Seconded by _____

Action Required:

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

Negative Declaration of Environmental Significance: _____

Conditioned Negative Declaration: _____

Seek Lead Agency Status: _____

Positive Declaration of Environmental Significance: _____

<u>Committee Vote</u>	<u>YES</u>	<u>NO</u>
Douglas Koop, Chairman		
Reynolds Scott-Childress Ward 3		
Anthony Davis, Ward 6		
Patrick O'Reilly, Ward 7		
Steven Schabot, Ward 8		

F2D

Commissioners

Dennis Crowell
President
Robert Niedzielski
Secretary
Margaret Gruner
Joanne V. Seche
Harold Goldman



Steven Noble
Mayor

Judith A. Hansen
Superintendent

Kingston Water Department
PO Box 1537
Kingston, N.Y. 12402

August 2, 2019

Hon. James Noble, Jr.
Common Council of the City of Kingston
420 Broadway
Kingston, NY 12401

Re: Request for Approval for Bond for Phase 1 and Phase 2 of Cooper Lake Dam and Intake Remediation

Dear President Noble:

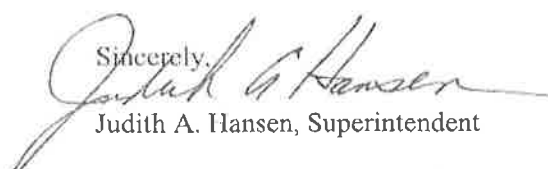
Since the promulgation of the new Dam Safety regulations in 2009, the Board of Water Commissioners and the staff of the Department has been working with our consultants to bring the dam and west dike at Cooper Lake Reservoir into compliance with these regulations. We anticipate that designs will be completed and necessary permits will be obtained by the end of 2019 and that construction will begin in early 2020. This project will be divided into three phases as follows:

- Phase 1: Construction of Temporary Interconnection with the Ashokan Reservoir
- Phase 2: Construction of a new Water Supply Intake
- Phase 3: Dam Remediation

At present, we anticipate that this project will cost approximately \$12 million and take 2 years to complete.

While there is presently no federal or NYS subsidized funding available for the dam remediation, Phase 1 and Phase 2 should be eligible for funding through NYS EFC's Drinking Water Revolving Loan Fund (DWSRF) and the Governor has just announced the latest round of infrastructure grants via the Water Infrastructure Investment Act (WIIA). This program would provide up to the lesser of \$3 million dollars or 60 percent of a projects funding as a grant. This is a competitive grant and the deadline for application submission is September 13, 2019. For the application to be considered complete, it must include bonding authorization. Therefore, on behalf of the Board of Water Commissioners, I respectfully request that the Common Council consider authorizing bonding in an amount not to exceed \$7 million for the construction of Phase 1 and Phase 2 of the referenced project. If we are successful in our application, the Department would receive a grant of \$3 million dollars for Phase 1 and Phase 2 work with the balance of the costs for these Phases being financed in the form of a reduced interest loan through the DWSRF. To finance Phase 3, the Department will submit an additional request for bonding to the Council later in 2019.

In advance, I thank you for your kind consideration and I am available to meet with the Council to answer questions and provide additional information.

Sincerely,

Judith A. Hansen, Superintendent

Office: 111 Jansen Avenue (845) 331-0175 FAX (845) 340- 92091
E-MAIL: water@kingston-ny.gov

F.E.D

Tinti, Elisa

From: Noble, Steve
Sent: Tuesday, July 16, 2019 11:26 AM
To: Emily Hamilton; Baker, Daniel; Noble, James
Cc: Bryant, Kevin; Kevin O'Connor; Guy Kempe; Ernesto Vigoreaux; Tinti, Elisa
Subject: RE: Landmark Place PILOT application
Attachments: Landmark Place SCHEDULE OF PILOT PAYMENTS.DOCX

Thanks Emily,

I received it too but Jim Noble will have to include this as a communication so that it can be discussed at the Council level.

I would coordinate with him and our City Clerk Elisa Tinti who I have cc'ed on this email.

Thanks,

-Steve

Steven T. Noble
Mayor, City of Kingston
420 Broadway
Kingston, NY 12401
845-334-3902
www.kingston-ny.gov

From: Emily Hamilton [mailto:ehamilton@rupco.org]
Sent: Tuesday, July 16, 2019 10:58 AM
To: Baker, Daniel; Noble, James
Cc: Bryant, Kevin; Noble, Steve; Kevin O'Connor; Guy Kempe; Ernesto Vigoreaux
Subject: FW: Landmark Place PILOT application

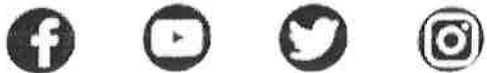
Hello Mr. Baker and Mr. Noble,

Can you please confirm that you received the e-mail below and the attached Schedule of PILOT payments for Landmark Place, 300 Flatbush Ave.?

Thank you,
Emily

Emily Hamilton, LEED Green Associate
Real Estate Development Project Manager | RUPCO, Inc.
Office: 2 Main Street, 2nd Floor, Kingston, NY 12401
Mail: 289 Fair Street | Kingston, NY 12401
845 331-2140 ext. 263 office | 845 331-6217 fax





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From: Emily Hamilton
Sent: Thursday, June 20, 2019 2:14 PM
To: Baker, Daniel <dbaker@kingston-ny.gov>; Noble, James <jnoble@kingston-ny.gov>
Cc: Bryant, Kevin <kbryant@kingston-ny.gov>; Noble, Steve <SNoble@kingston-ny.gov>; Kevin O'Connor <koconnor@rupco.org>; Ernesto Vigoreaux <evigoreaux@rupco.org>; Guy Kempe <gkempe@rupco.org>
Subject: RE: Landmark Place PILOT application

Hello Mr. Baker and Mr. Noble,

Attached please find the Schedule A for the Landmark Place PILOT Agreement.

Thanks,
Emily

Emily Hamilton, LEED Green Associate
Real Estate Development Project Manager | [RUPCO, Inc.](http://RUPCO.com)
Office: 2 Main Street, 2nd Floor, Kingston, NY 12401
Mail: 289 Fair Street | Kingston, NY 12401
845 331-2140 ext. 263 office | 845 331-6217 fax



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From: Baker, Daniel [<mailto:dbaker@kingston-ny.gov>]
Sent: Friday, June 14, 2019 10:11 AM
To: Emily Hamilton <ehamilton@rupco.org>; Noble, James <jnoble@kingston-ny.gov>
Cc: Bryant, Kevin <kbryant@kingston-ny.gov>; Noble, Steve <SNoble@kingston-ny.gov>; Kevin O'Connor <koconnor@rupco.org>; Ernesto Vigoreaux <evigoreaux@rupco.org>; Guy Kempe <gkempe@rupco.org>
Subject: RE: Landmark Place PILOT application

Can you please provide the Schedule A?

From: Emily Hamilton [<mailto:ehamilton@rupco.org>]
Sent: Thursday, June 13, 2019 4:20 PM
To: Noble, James <jnoble@kingston-ny.gov>

Cc: Bryant, Kevin <kbryant@kingston-ny.gov>; Noble, Steve <SNoble@kingston-ny.gov>; Baker, Daniel <dbaker@kingston-ny.gov>; Kevin O'Connor <koconnor@rupco.org>; Ernesto Vigoreaux <evigoreaux@rupco.org>; Guy Kempe <gkempe@rupco.org>

Subject: Landmark Place PILOT application

Dear Mr. Noble,

Attached please find RUPCO's application for a PILOT for Landmark Place, 300 Flatbush Ave.

Please contact me if you have any questions.

Thank you for your consideration.

Best Regards,

Emily

Emily Hamilton, LEED Green Associate
Real Estate Development Project Manager | [RUPCO, Inc.](#)
Office: 2 Main Street, 2nd Floor, Kingston, NY 12401
Mail: 289 Fair Street | Kingston, NY 12401
845 331-2140 ext. 263 office | 845 331-6217 fax



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SCHEDULE OF PILOT PAYMENTS

Schedule A

Payment Schedule for Landmark Place HDFC

Payment Year		Payment Minimum *
1	Year 1 (construction)	\$25,000
2	Year 2 (construction and lease up)	\$25,000
3	Year 3	\$66,000
4	Year 4	\$66,000
5	Year 5	\$66,000
6	Year 6	\$66,000
7	Year 7	\$66,000
8	Year 8	\$66,000
9	Year 9	\$66,000
10	Year 10	\$66,000
11	Year 11	\$66,000
12	Year 12	\$66,000
13	Year 13	\$73,000
14	Year 14	\$73,000
15	Year 15	\$73,000
16	Year 16	\$73,000
17	Year 17	\$73,000
18	Year 18	\$73,000
19	Year 19	\$73,000
20	Year 20	\$73,000
21	Year 21	\$73,000
22	Year 22	\$73,000
23	Year 23	\$80,000
24	Year 24	\$80,000
25	Year 25	\$80,000
26	Year 26	\$80,000
27	Year 27	\$80,000
28	Year 28	\$80,000
29	Year 29	\$80,000
30	Year 30	\$80,000
31	Year 31	\$80,000
32	Year 32	\$80,000
	32 Year Total	\$2,240,000

F+A



Strengthening Homes,
Communities
and Lives

www.rupco.org

June 13, 2019

James Noble
Alderman at Large
Kingston City Hall
420 Broadway
Kingston, NY. 12550

Dear Mr. Noble,

Please accept this cover letter and attachments as a PILOT application for RUPCO's Landmark Place project. Landmark Place will be an integrated campus of senior and supportive housing at 300 Flatbush Ave, Kingston. The development will consist of the rehabilitation of the original Alms House and a new building with space for health and wellness classes. There will be one apartment on the campus for a superintendent. Thirty-Five out of the total 67 apartments will be for those who are 55 and older with special needs such as veterans and others who senior citizens who are veterans, some who are frail and elderly. There will be a full time nurse and program care coordinator on the campus for those residents who need their assistance. RUPCO owns 300 Flatbush Ave. We plan to close on the construction financing for this development in December and start construction in January. We are asking for a PILOT to provide quality affordable housing for those who are 55 and older with rents that range from \$781 to \$938 for a one bedroom apartment. We are hoping that the City of Kingston will sign a resolution for a PILOT on the Landmark Place development by the end of September 2019.

Attached please find:

- Landmark Place Draft PILOT Resolution
- Landmark Place Draft PILOT Agreement
- Landmark Place Development Budget
- Landmark Place Operating Budget

Please do not hesitate to contact us with any questions or concerns.

Sincerely,

Emily Hamilton
Real Estate Development Project Manager
845-331-2140 x 263
ehamilton@rupco.org

cc: Corporation Counsel, Kevin Bryant
Honorable Mayor Steve Noble
Assessor, Daniel Baker

RESOLUTION NUMBER _____

RESOLUTION OF THE COMMON COUNCIL MEMBERS OF THE CITY OF KINGSTON AUTHORIZING THE EXECUTION OF A PAYMENT IN LIEU OF TAX (“PILOT”) AGREEMENT BY AND AMONG THE CITY OF KINGSTON, ROUNDOUT AND KINGSTON L.P. AND LANDMARK PLACE HOUSING DEVELOPMENT FUND COMPANY, INC.

WHEREAS, the City of Kingston (the “City”) desires to encourage a sufficient supply of adequate, safe and sanitary dwelling accommodations properly planned for individuals and families with low incomes; and

WHEREAS, Landmark Place Housing Development Fund Company, Inc., a to-be-formed Article XI New York Private Housing Finance Law corporation and a New York not-for-profit corporation (the “HDFC”), and Roundout and Kingston L.P., a to-be-formed New York limited partnership (the “Partnership”), have identified a certain improved parcel of real property, located at 300 Flatbush Avenue, City of Kingston, County of Ulster, State of New York (the “Property”), for the purpose of developing on the Property a housing project for individuals and families of low income to be commonly known as Landmark Place, said project to consist of: (i) the acquisition of the Property; (ii) the demolition of existing buildings on the Property and construction of the improvements thereon to provide for approximately sixty-six (67) units of housing for seniors aged 55 and older of low income and commercial and civic space (the “Improvements”); and (iii) the acquisition and installation therein and thereon of certain machinery, equipment, furniture, fixtures and other tangible personal property (the “Equipment”, and collectively with the Property and the Improvements, the “Project”); and

WHEREAS, the HDFC will be formed for the purpose of providing residential rental accommodations for individuals and families of low-income; and

WHEREAS, the HDFC has, or will, acquire fee title to the Property, as nominee for the Partnership, and has, or will, convey its equitable and beneficial interests in the Property to the Partnership in furtherance of the development of the Project; and

WHEREAS, the HDFC’s and the Partnership’s plan for the use of the Property constitutes a “housing project” as that term is defined in the Private Housing Finance Law of the State of New York (“PHFL”); and

WHEREAS, the HDFC is or will be a “housing development fund company” as the term is defined in Section 572 of the PHFL and Section 577 of the PHFL authorizes the Members of the City Common Council to exempt the Project from real property taxes; and

WHEREAS, the HDFC is, or will be, a general partner of the Partnership; and

WHEREAS, the Partnership and the HDFC are willing to enter into a PILOT Agreement whereby they will make annual payments in lieu of taxes to the City as set forth in the PILOT Agreement presented to this Common Council for approval, a copy of which is attached hereto as Exhibit A;

NOW THEREFORE, BE IT RESOLVED that the Members of the City Common Council hereby exempt the Project from real property taxes to the extent authorized by Section 577 of the PHFL and approve the proposed PILOT Agreement among the City, the Partnership and the HDFC, in substantially the form presented at this meeting, providing for annual payments as set forth in such agreement.

FURTHER RESOLVED, that, upon formation of the Partnership and the HDFC, the Mayor of the City is hereby authorized to execute and deliver the foregoing PILOT Agreement on behalf of the City.

FURTHER RESOLVED, that this resolution shall take effect immediately.

Duly adopted by the Common Council
on the ____ day of September, 2019.

Approved: _____
Veto: _____
Not Endorsed: _____

**EXHIBIT A
PILOT AGREEMENT**

See attached.

CERTIFICATION

The undersigned, being the duly elected Clerk of the City of Kingston (the "City"), hereby certifies that the attached is a true, correct and complete copy of certain resolutions unanimously adopted by the Common Council Members of the City on _____, 2018, and such resolutions have not been modified, amended or repealed and are in full force and effect as of the date hereof.

Name: Carly Winnie
Title: Clerk

**AGREEMENT FOR PAYMENT IN LIEU OF TAXES (PILOT)
BY AND AMONG THE CITY OF KINGSTON,
ROUNDOUT AND KINGSTON L.P.
AND LANDMARK PLACE HOUSING DEVELOPMENT FUND COMPANY, INC.**

THIS AGREEMENT FOR PAYMENT IN LIEU OF TAXES (the “Agreement”), dated August ___, 2018, by and among the **CITY OF KINGSTON, NEW YORK**, a New York incorporated municipality, having its principal office located at City Hall, 420 Broadway, Kingston, New York 12401 (the “City”), and **LANDMARK PLACE HOUSING DEVELOPMENT FUND COMPANY, INC.**, an Article XI New York private housing finance law corporation and a New York not-for-profit corporation, having its principal office located c/o RUPCO, INC., 289 Fair Street, Kingston, New York 12401 (the “HDFC”), which HDFC will hold title to the Property (as hereinafter defined) for the benefit of **ROUNDOUT AND KINGSTON L.P.**, a New York limited partnership, having its principal office located c/o RUPCO, INC., 289 Fair Street, Kingston, New York 12401 (the “Partnership”).

WHEREAS, the HDFC is, or will become, the bare legal or record owner, and the Partnership is, or will become, the beneficial and equitable owner, of certain real property located at 300 Flatbush Avenue, City of Kingston, County of Ulster, State of New York, as more particularly described in Exhibit A attached hereto (the “Property”); and

WHEREAS, the HDFC is a corporation established pursuant to Section 402 of the Not-For-Profit Corporation Law and Article XI of the Private Housing Finance Law (“PHFL”); and

WHEREAS, the HDFC is the general partner of the Partnership; and

WHEREAS, the HDFC and the Partnership have been formed for the purpose of providing residential rental accommodations for persons of low-income; and

WHEREAS, the Partnership will develop, own, construct, maintain and operate a mixed use-mixed income housing project for persons of low income at the Property, anticipated to consist of approximately sixty-seven (67) residential rental units for seniors of low income aged 55 or older, plus commercial and civic space, to be commonly known as Landmark Place (the “Project”); and

WHEREAS, the HDFC has or will acquire fee title to the Property, as nominee for the Partnership, and has or will convey its equitable and beneficial interests in the Property to the Partnership in furtherance of the development of the Project; and

WHEREAS, the HDFC’s and the Partnership’s plan for the use of the Property constitutes a “housing project” as that term is defined in the PHFL; and

WHEREAS, the HDFC is a “housing development fund company” as the term is defined in Section 572 of the PHFL; and

WHEREAS, pursuant to Section 577 of the PHFL, the local legislative body of a municipality may exempt the real property of a housing project of a housing development fund company from local and municipal taxes, including school taxes, other than assessments for local

improvements, to the extent of all or a part of the value of the property included in the completed project; and

WHEREAS, the Council Members of the City of Kingston, New York, by resolution adopted August ____, 2018, approved and authorized the Mayor's execution of this Agreement;

NOW, THEREFORE, it is agreed as follows:

1. Pursuant to Section 577 of the PHFL, the City hereby exempts from local and municipal taxes, other than assessments for local improvements, one hundred percent (100%) of the value of the Property, including both the land and the improvements included in the Project. "Local and Municipal Taxes" shall mean any and all real estate taxes levied by any affected Taxing Jurisdiction (as defined in Subdivision 1(b) of Section 577 of the PHFL), which has jurisdiction over the Property and intending to bind the applicable Taxing Jurisdictions to the fullest extent provided under Section 577 of the PHFL (collectively, the "Taxing Jurisdictions").

2. This tax exemption will take effect on the first tax status date for the Taxing Jurisdictions following the date of the HDFC's acquisition of the fee title interest in the Property and shall continue for a period of thirty-two (32) years, unless terminated earlier as a result of an Event of Default as provided in Section 6 in this Agreement. This Agreement shall not limit or restrict the HDFC's or the Partnership's right to apply for or obtain any other tax exemption to which the Property might be entitled upon the expiration of this Agreement.

3. For so long as the exemption hereunder continues, the Partnership shall make annual payments in lieu of taxes in the amount of Twenty-Five Thousand and 00/100 Dollars (\$25,000.00) per year for the first two years (pro-rated for the year in which the HDFC acquires the Property and pro-rated for the year in which said certificate of occupancy is issued) through construction and lease up of the Project and conversion of the Project's construction financing to its permanent phase, increasing thereafter to Sixty-Six Thousand and 00/100 Dollars (\$66,000.00) per year for residential units of the Project through year thirty-two (32), on or before January 31st, which PILOT payments shall cover all Local and Municipal Taxes, other than assessments for local improvements, owed in connection with the Property and the Project, and which payments shall be shared by the Taxing Jurisdictions on the same basis as property taxes would be shared if the Property and the Project were fully taxed. Commencing on January 1 of the 13th year of the effective date of the tax exemption hereunder, the cumulative PILOT payment shall be \$[____], the increase of \$7,000; and commencing on January 1 of the 23rd year of the effective date of the tax exemption hereunder, the cumulative PILOT payment shall be \$[____]. If additional units in excess of the aforementioned sixty-six (66) residential units or other improvements are made to the Property, the PILOT payment amount shall increase (a) One Thousand and 00/100 Dollars (\$1,000.00) per unit for each additional residential unit and (b) proportionately based on increases in square footage for the commercial and civic components of the Project, consistent with the terms of this Agreement. See **Schedule A**, a copy of which is attached hereto.

4. The tax exemption provided by this Agreement will continue for the term described above provided that the Property and the Project continue to be used as housing facilities for persons of low income and (i) the HDFC and the Partnership own and operate the Property and the Project in conformance with Article XI of the PHFL; or (ii) the HDFC assumes sole legal and beneficial ownership of the Property and the Project and operates the Project in

described above provided that the Property and the Project continue to be used as housing facilities for persons of low income and (i) the HDFC and the Partnership own and operate the Property and the Project in conformance with Article XI of the PHFL; or (ii) the HDFC assumes sole legal and beneficial ownership of the Property and the Project and operates the Project in conformance with Article XI of the PHFL; or (iii) in the event an action is brought to foreclose a mortgage upon the Property and the legal and beneficial interest in the Property and the Project shall be acquired at the foreclosure sale, or from the mortgagee, or by a conveyance in lieu of such sale, by a housing development fund corporation organized pursuant to Article XI of the PHFL, and such successor in interest operates the Project in conformance with Article XI of the PHFL.

5. The failure to make the required payment will be treated as failure to make payment of taxes and will be governed by the same provisions of law as apply to the failure to make payment of taxes, including but not limited to enforcement and collection of taxes to the extent permitted by law.

6. All notices and other communications hereunder shall be in writing and shall be sufficiently given when delivered to the applicable address stated above (or such other address as the party to whom notice is given shall have specified to the party giving notice) by registered or certified mail, return receipt requested or by such other means as shall provide the sender with documentary evidence of such delivery.

7. This Agreement shall inure to the benefit of and shall be binding upon the City, the HDFC and the Partnership and their respective successors and assigns, including the successors in interest of the HDFC and the Partnership. There shall be no assignment of this Agreement by the HDFC or the Partnership except with prior written consent of the City, which consent shall not be unreasonably withheld, conditioned or delayed.

8. If any provision of this Agreement or its application is held invalid or unenforceable to any extent, the remainder of this Agreement and the application of that provision to other persons or circumstances shall be enforced to the greatest extent permitted by law.

9. No waiver or modification of this Agreement or any covenant, condition or limitation therein shall be valid unless in writing and duly executed by the individual party to be charged therewith; and no evidence of any waiver or modification shall be offered or received in evidence in any proceeding, arbitration, or litigation between the parties hereto arising out of or affecting this Agreement, or the rights or obligations of any party hereunder, unless such waiver or modification is in writing, duly executed as aforesaid. The provisions of this Section may be waived as herein set forth.

10. This Agreement and the performance hereunder, and all actions and special proceedings relating thereto shall be construed in accordance with, under, and pursuant to the laws of the State of New York.

11. This Agreement may be executed in any number of counterparts with the same effect as if all the signing parties had signed the same document. All counterparts shall be construed together and shall constitute the same instrument.

12. This Agreement constitutes the entire agreement of the parties relating to payments in lieu of taxes with respect to the Property and supersedes all prior contracts, or agreements, whether oral or written, with respect thereto.

13. Each of the parties individually represents and warrants that the execution, delivery and performance of this Agreement, (i) has been duly authorized and does not require any other consent or approval, (ii) does not violate any article, by-law or organizational document or any law, rule, regulation, order, writ, judgment or decree by which it is bound, and (iii) will not result in or constitute a default under any indenture, credit agreement, or any other agreement or instrument to which any of them is a party. Each party represents that this Agreement shall constitute the legal, valid and binding agreement of the parties enforceable in accordance with its terms.

Remainder of page intentionally left blank.

IN WITNESS WHEREOF, the City, the HDFC and the Partnership have caused this Agreement to be executed in their respective names by their duly authorized representatives and their respective seals to be hereunder affixed, all as of the date above-written.

CITY OF KINGSTON, NEW YORK

DATED: _____, 2018

By: _____
Name: Steve Noble
Title: Mayor

**LANDMARK PLACE HOUSING
DEVELOPMENT FUND COMPANY, INC.**

DATED: _____, 2018

By: _____
Name: Kevin O'Connor
Title: President

ROUNDOUT AND KINGSTON L.P.

By: Landmark Place Housing Development
Fund Company, Inc., its general partner

DATED: _____, 2018

By: _____
Name: Kevin O'Connor
Title: President

STATE OF NEW YORK)
) SS.:
COUNTY OF ULSTER)

On the ____ day of August in the year 2018, before me personally appeared Steve Noble, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or person upon behalf of which the individual acted, executed the instrument.

NOTARY PUBLIC

STATE OF NEW YORK)
) SS.:
COUNTY OF ULSTER)

On the ____ day of August in the year 2018, before me personally appeared Kevin O'Connor personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacities, and that by his signatures on the instrument, the individual, or persons upon behalf of which the individual acted, executed the instrument.

NOTARY PUBLIC

EXHIBIT A

LEGAL DESCRIPTION OF THE PROPERTY

SCHEDULE A
SCHEDULE OF PILOT PAYMENTS

DEVELOPMENT BUDGET
Landmark Place

Input to Shaded Cells Only!

Current Proforma Template Revision:

6/11/2019

Input to Shaded Cells Only!

ITEM	TOTAL PROJECT COST	Per Unit	% of Total	Residential - Rehab Const	Residential - New Const	Residential Total	CSF/Civic	Commercial	Depreciable Basis	NC/Rehab Eligible	Acquisition Eligible	Non-Depreciable	Amortized	Expensed
ACQUISITION														
1 Land	300,000	4,478	1.13%	84,764	193,808	278,571	21,429		0			300,000		
2 Structure(s)	650,000	9,701	2.45%	650,000		650,000			650,000		650,000	0		
3 Total Acquisition Cost	950,000	14,179	3.59%	734,764	193,808	928,571	21,429	0	650,000	0	650,000	300,000	0	0
SOFT COSTS														
4 Appraisal(s)	3,000	45	0.01%	848	1,938	2,786	214		3,000	3,000		0		
5 Housing Consultant	75,000	1,119	0.28%	21,191	48,452	69,643	5,357		75,000	75,000		0		
6 Survey	10,000	149	0.04%	2,825	9,480	9,288	714		10,000	10,000		0		
7 Soil Borings	20,000	\$299	0.08%	5,651	12,921	18,571	1,429		20,000	20,000		0		
8 Asbestos/Lead-Based Paint Testing	100,000	\$1,493	0.38%	28,255	64,603	92,857	7,143		100,000	100,000		0		
9 Architecture/Engineering Fee	Limit: 5%	4.95%	825,000	12,313	3.11%	233,100	532,971	766,071	825,000	825,000		0		
10 Construction Manager Fee	Limit: 5%	0.00%			0.00%		0	0	0	0		0		
11 Legal Fees	Limit: 1%	0.96%	250,000	3,731	0.94%	70,637	161,506	232,143	200,000	200,000		0	50,000	
Construction Permanent	200,000													
12 Non-Profit Developer's Allowance	50,000													
13 Cost Certification Audit														
14 Insurance	30,000	448	0.11%	8,476	19,381	27,857	2,143		0	0		0		30,000
15 Taxes	170,000	2,537	0.64%	48,033	109,824	157,857	12,143		170,000	170,000		0		
16 Interim Interest	187,000	2,791	0.71%	52,836	120,807	173,643	13,357		170,000	170,000		0		29,167
17 CLOSING COSTS	1,025,404	\$15,305	3.87%	289,724	662,437	952,161	73,243		800,464	800,464		0		225,000
Due Diligence			0.00%		0	0	0		0	0		0		
Market Study	3,500	52	0.01%	989	2,261	3,250	250		3,500	3,500		0		
HFA Origination Fee	\$137,732	275,463	\$4,111	77,831	177,956	255,787	19,676		275,463	275,463		0		
HFA Financial Advisory Fee		\$0	0.00%		0	0	0		0	0		0		
HFA Underwriting Fee		\$0	0.00%		0	0	0		0	0		0		
LC Fees	484,665	\$7,234	1.83%	136,040	313,106	450,046	34,619		484,665	484,665		0		
Lender Closing Expenses	104,911	1,566	0.40%	29,642	67,775	97,417	7,494		0	0		0		104,911
Permanent Loan Origination Fee / 1-Month P&I	\$8,700	9,989	1.49%	2,822	6,453	9,276	714		0	0		0	9,989	
18 Title and Recording Fee	131,611	1,964	0.50%	37,186	85,024	122,210	9,401		131,611	131,611		0		
19 Relocation Expenses			0.00%		0	0	0		0	0		0		
20 LIHC/SLHC Application Fee	\$3,000	3,000	0.00%		0	0	0		0	0		0		
21 LIHC/SLHC Allocation Fee	0%	79,016	0.00%		0	0	0		0	0		0		
22 Other DHCR/HTFC Fees / Bond Issuance	\$1,000	0	115,695	1,727	0.44%	32,689	74,742	107,431	0	0		0	115,695	
23 OTHER SOFT COSTS														
Construction Permits and Fees	210,000	3,134	0.79%	59,336	135,665	195,000	15,000		210,000	210,000		0		
Other application fees	25,440	380	0.10%	7,188	16,435	23,623	1,817		15,000	15,000		0		10,440
Lenders Construction Oversight	50,000	746	0.19%	14,127	32,301	46,429	3,571		50,000	50,000		0		
Other Construction Soft Costs		\$0	0.00%		0	0	0		0	0		0		
Utility - Gas & Electric	20,000	299	0.08%	5,651	12,921	18,571	1,429		20,000	20,000		0		
Utility - Sewer & Water	10,000	149	0.04%	2,825	6,460	9,286	714		10,000	10,000		0		
Utility - Phone & Cable			0.00%		0	0	0		0	0		0		
Lease-Up and Marketing Costs	13,425	209	0.05%	3,793	8,673	12,466	959		0	0		0	13,425	
Legal Fees Predevelopment	195,000	2,910	0.74%	55,096	125,975	181,071	13,929		195,000	195,000		0		
24 Total Soft Costs	4,345,103	64,852	16.40%	1,227,692	2,807,047	4,034,739	310,365	0	3,756,476	3,756,476	0	0	189,109	399,518
CONSTRUCTION / REHABILITATION														
25 Site Work	1,050,000	15,672	3.96%	525,000	467,250	992,250	57,750		798,000	798,000		252,000		
Demolition / Land Clearing / Grading	252,000													
Landscaping / Sidewalks / etc.	728,000													
Utility & Sewer Lines	70,000													
26 Off-Site Work	170,000	2,537	0.64%	85,000	75,660	160,660	9,350		170,000	170,000		0		
27 Demolition	0		0.00%		0	0	0		0	0		0		
28 Environmental Remediation	100,000	1,493	0.35%	100,000	0	100,000	0		100,000	100,000		0		
29 OTHER CONSTRUCTION COSTS														
Solar Installation	200,000	2,985	0.76%	100,000	89,000	189,000	11,000		170,000	170,000		30,000		0
Solar Installation Costs	200,000													
Additional Installation Costs (Soft)														
Developer Fee	0%													
Org Costs, Syndication, etc. (Ineligible for ITC)														
Other Construction Costs	80,000	1,194	0.30%	40,000	35,600	75,600	4,400		80,000	80,000		0		
30 Subtotal Site Preparation	1,600,000	23,881	6.04%	850,000	667,500	1,517,500	82,500	0	1,318,000	1,318,000	0	282,000	0	0
Structures	12,761,312	190,467	48.18%	3,575,561	8,175,316	11,750,877	1,010,435		12,761,312	12,761,312		0		
31 Residential	11,750,877													
32 Community Service Facility or Civic Space	1,010,435													
33 Commercial														
34 Contractor Insurance	280,000	4,179	1.08%	79,113	180,887	260,000	20,000		280,000	280,000		0		
35 Payment and Performance Bond	235,000	3,507	0.89%	66,398	151,816	218,214	15,786		235,000	235,000		0		
36 Subtotal Contractor's Costs	14,876,312	222,035	56.16%	4,571,072	9,175,519	13,746,591	1,129,721	0	14,594,312	14,594,312	0	282,000	0	0
37 General Requirements (%)	4.35%	646,645	9,651	2.44%	198,696	398,842	597,538	49,107	0	646,645	646,645	0		

ITEM	TOTAL PROJECT COST	Per Unit	% of Total	Residential - Rehab Const	Residential - New Const	Residential Total	CSF/Civic	Commercial	Depreciable Basis	NC/Rehab Eligible	Acquisition Eligible	Non-Depreciable	Amortized	Expensed
38. Contractor Overhead (%)	1.93%	287,215	4.287	1.08%	88,253	177,151	265,404	21,811	0	287,215	287,215	0	0	0
39. Contractor Profit (%)	5.79%	861,645	12,860	3.25%	264,759	531,452	796,211	65,434	0	861,645	861,645	0	0	0
40. Total Construction		16,671,817	248,833	62.94%	5,122,780	10,282,964	15,405,744	1,266,073	0	16,389,817	16,389,817	0	282,000	0
41. Project Contingency	New 5% / Rehab 10%	6.54%	1,089,730	16.265	4.11%	512,278	514,148	1,026,426	63,304	1,089,730	1,089,730	0	0	0
Total Const. / Rehab. Costs		17,761,547	265,098	67.06%	5,635,058	10,797,112	16,432,171	1,329,376	0	17,479,547	17,479,547	0	282,000	0
42. LIHC/SLHC Developer's Fee - Construction	Weighted Avg	13.99%	2,940,251	43.884	11.10%	957,369	1,982,882	2,940,251	0	2,940,251	2,940,251	0	0	0
42. LIHC/SLHC Developer's Fee - Acquisition	13.99%	0.00%	-	0.00%	-	0	0	0	0	0	0	0	0	0
43. Total Development Cost		25,996,901	388,013	98.15%	8,554,882	15,780,849	24,335,731	1,661,169	0	24,826,274	24,176,274	650,000	582,000	189,109
44. Initial Operating Deficit	94.117	100,000	1,493	0.38%	30,428	69,572	100,000	0	0	0	0	100,000	0	0
45. Supplemental Management Fee & Marketing		50,000	746	0.19%	14,127	32,301	46,429	3,571	0	0	0	50,000	0	0
46. Purchase of Maintenance & Other Equipment		95,000	1,418	0.36%	26,842	61,372	88,214	5,766	0	0	0	0	0	95,000
47. Other Working Capital - See (D) Detail Below		-	-	0.00%	-	0	0	0	0	0	0	0	0	0
48. Total Working Capital	2%	0.942%	245,000	3,657	0.92%	71,397	163,246	234,643	10,357	0	0	0	150,000	0
49. Capitalization of Operating Reserve	FALSE	245,000	3,657	0.92%	74,549	170,451	245,000	0	0	0	0	245,000	0	0
50. Capitalization of Replacement Reserve	FALSE	-	-	0.00%	-	0	0	0	0	0	0	0	0	0
51. Reserve for Adapting Units		-	-	0.00%	-	0	0	0	0	0	0	0	0	0
52. Other Project Reserves		-	-	0.00%	-	0	0	0	0	0	0	0	0	0
53. Total Project Reserves		245,000	3,657	0.92%	74,549	170,451	245,000	0	0	0	0	245,000	0	0
54. TOTAL PROJECT COST		26,486,901	395,327	100.00%	8,700,828	16,114,546	24,815,374	1,671,527	0	24,826,274	24,176,274	650,000	977,000	494,518

Exhibit 5 - Project Income and Operating Budget

Project Name **Landmark Place**
 SHARS # (if assigned) **0**
 Date: **06/13/19**

Input to Shaded Cells Only!

Table 2 - Basis for Projection of Operating Budget for Years 1 – 15

A. Expense	Year 1 Cost	Type	% Increase	MONTHLY	Rationale for Estimate and Source
Total Effective Income	589,426	Variable	2.00%	49,119	
ADMINISTRATIVE					
Manager	17,752	Variable	3.00%	1,479	Residential Mgr less \$53,258 paid by ESSHI
Management Fee	41,260	Variable	2.00%	3,438	7%
Accounting & Audit	7,500	Variable	3.00%	625	
Legal	1,500	Variable	3.00%	125	\$1,500 for evictions
Advertising	500	Variable	3.00%	42	First year trend for lease up ads
Office Supplies & Equipment	4,000	Variable	3.00%	333	
LIHTC Monitoring Fee	0	Variable	2.00%	0	From NYSHCR Exhibit 4 Rents!D109
<i>Other Admin.</i>					
Concessions to Residents		Variable	3.00%	0	
Credit Reports	125	Variable	3.00%	10	
Other Renting Expenses		Variable	3.00%	0	
Office Rent		Variable	3.00%	0	
Bank Charges		Variable	3.00%	0	
Postage		Variable	3.00%	0	
Copier rental/Copying costs	1,254	Variable	3.00%	105	Copier lease
Books/Dues/Subscriptions		Variable	3.00%	0	
Computer Support/Software	1,200	Variable	3.00%	100	4 computers
Manager Rent		Variable	3.00%	0	
Travel	1,400	Variable	3.00%	117	\$1,400 Staff Travel
Meetings		Variable	3.00%	0	
Consulting		Variable	3.00%	0	
Data Processing		Variable	3.00%	0	
Telephone, Answ. Service, Fax & Computer Lines	4,000	Variable	3.00%	333	Verizon \$147/mo, Internet \$180/mo. Costs at Lace Mill for internet and phone for office and both elevators for emergencies
Radios / Pagers		Variable	3.00%	0	
Staff Development/Training/Conferences	1,250	Variable	3.00%	104	
Misc. Administrative Expenses (specify)		Variable	3.00%	0	
Total Other Admin.	9,229	Variable	3.00%	769	
TOTAL ADMINISTRATIVE EXPENSES	81,741			6,812	
MAINTENANCE & OPERATIONS					
Janitor and Cleaning Payroll	7,200	Variable	3.00%	600	\$600/month avg at Lace Mill
Janitor and Cleaning Supplies	500	Variable	3.00%	42	
Exterminating Contract	9,500	Variable	3.00%	792	
Garbage/Rubbish Removal	6,000	Variable	3.00%	500	\$6,000 Per County Waste
Security	3,000	Variable	3.00%	250	\$3,000 Figured Stuy x2
Grounds Expense	5,000	Variable	3.00%	417	Woodstock costs with Superintendent
Maintenance and Repair Payroll	46,182	Variable	3.00%	3,849	Superintendent Salary+fringe less \$15909 from ESSHI
Maintenance and Repair Materials	2,244	Variable	3.00%	187	\$34/unit
Maintenance and Repair Contracts	18,900	Variable	3.00%	1,575	286/unit
Elevator Maintenance & Contracts	7,650	Variable	3.00%	638	7650 Lace Mill 2 elevators
Snow & Ice Removal	1,500	Variable	3.00%	125	Saltng / Sanding supplies, Budgeting a vehicle
Painting & Decorating	3,000	Variable	3.00%	250	Park Heights / Stuyvesant average + turnover assumption
<i>Other M&O:</i>					
Fire Protection	0	Variable	3.00%	0	
HVAC Repairs & Contract		Variable	3.00%	0	
Pool Maintenance		Variable	3.00%	0	
Maint. Equip. & Tools-Purch. & Repair	2,000	Variable	3.00%	167	Miscellaneous tools (leave blowers, weed whacker) AED
Vehicles/Tractors Maint. & Repair, Gasoline	1,400	Variable	3.00%	117	Truck maintenance
Storage Rental		Variable	3.00%	0	
Other Miscellaneous		Variable	3.00%	0	
Total Other M&O	3,400	Variable	3.00%	283	
TOTAL OPERATING & MAINT. EXPENSES	114,076			9,506	
UTILITIES EXPENSES					
Fuel Oil		Variable	3.00%	0	
Lighting/Electricity	15,000	Variable	3.00%	1,250	In line with Woodstock
Water and Sewer	23,115	Variable	3.00%	1,926	Based on usage at Lace
Gas	17,754	Variable	3.00%	1,480	\$269/unit Stuyvesant, \$269*66 units
Other Utilities		Variable	3.00%	0	
TOTAL UTILITIES EXPENSES	55,869			4,656	
TAXES & INSURANCE					
Real Estate Taxes	66,000	Variable	3.00%	5,500	66K PILOT
Payroll Taxes		Variable	3.00%	0	
Other Taxes		Variable	3.00%	0	
Property and Liability Insurance	39,000	Variable	3.00%	3,250	Pay Plan A Option from Erie Insurance
Fidelity Bond Insurance		Variable	3.00%	0	
Other Insurance		Variable	3.00%	0	
TOTAL TAXES & INSURANCE	105,000			8,750	
SUBTOTAL EXPENSES	356,686			29,724	

Exhibit 5 - Project Income and Operating Budget

Project Name **Landmark Place**
 SHARS # (if assigned) **0**
 Date: **06/13/19**

Input to Shaded Cells Only!

Table 2 - Basis for Projection of Operating Budget for Years 1 – 15

A. Expense	Year 1 Cost	Type	% Increase	MONTHLY	Rationale for Estimate and Source
RESERVES					
Operating Reserves		Variable	2.00%	0	
Replacement Reserves	16,750	Fixed	0.00%	1,396	250/unit
TOTAL RESERVES	16,750			31,120	
TOTAL EXPENSES	373,436			31,120	
PUPA	5,574				
Net Operating Income	215,990			17,999	
Total Debt Service	(172,868)			(14,406)	
CASH FLOW	43,122			3,594	

LR

Tinti, Elisa

From: Shaut, Andrea
Sent: Thursday, August 01, 2019 11:33 AM
To: Noble, James; Tinti, Elisa
Subject: Code Amendments for Tow Trucks
Attachments: City Code Tow Trucks.pdf

Dear President Noble,

Our city code in regards to tow trucks (chapter 370, see attachment) has not been updated in over a decade. I would like the council to consider updating the law, specifically section 370-16 to increase towing charges to better match what surrounding municipalities do. i.e. Towing charges for passenger vehicles in the City of Kingston cost \$100 (day)/ \$125 (night). Town of Ulster charges \$200/\$250.

I would also like to discuss the possibility of revising the code to only allow Kingston based businesses to participate. Currently, we allow garages within 5 miles of our border.

I respectfully request this item be added to the appropriate committee for discussion in August. Thank you for your time and consideration.

Very Respectfully,

Andrea Shaut

Alderwoman, Ward 9

City of Kingston, NY
Thursday, August 1, 2019

Chapter 370. Tow Trucks

[HISTORY: Adopted by the Common Council of the City of Kingston 9-3-1987 as L.L. No. 4-1987, approved 8-10-1987 (Ch. 112 of the 1984 Code). Amendments noted where applicable.]

GENERAL REFERENCES

Parking of trucks — See Ch. 376.

Abandoned vehicles — See Ch. 384.

Vehicles and traffic — See Ch. 390.

§ 370-1. Purpose.

It is hereby declared and found that it is of vital importance to the traveling public that disabled vehicles be removed from the highways as promptly as possible, that delay in removal results in retarding the movement of traffic unnecessarily and causes street accidents and that the towing of disabled motor vehicles in the streets of the City of Kingston is a matter affecting the public interest and consequently should be subject to supervision and administrative control for the purpose of safeguarding the public against fraud and exorbitant rates and similar abuses.

§ 370-2. Definitions.

Unless otherwise expressly provided, the following words for the purpose of this chapter shall have the meanings herein indicated:

ACCIDENT

Any incident or occurrence in which one or more vehicles come into contact with each other or other objects thereby causing personal injury or property damage.

CITY

The corporate area of the City of Kingston.

DRIVER

Any person driving a tow truck upon public highways for hire.

FOR HIRE

Includes any incident where a fee, charge or other consideration is directly or indirectly imposed for towing, carrying or removing a vehicle, and it shall include any case where any person makes repairs on a towed vehicle for consideration, although no charge is expressly imposed for towing such vehicle.

GARAGE

Any place of business which is not in violation of the existing Zoning Ordinance or Building Code of the City of Kingston,^[1] and, as a substantial source of its activity, engages in the repair of motor vehicles and provides on-premises parking for their storage.

OPERATE

Includes the control and direction of the use of vehicles for towing from places within the City of Kingston for hire.

OWNER

Includes a person owning or leasing or controlling one or more tow trucks and driving or operating or causing any such vehicle to be operated upon the public highways for hire.

PERSON

Includes an individual, partnership, any incorporated association, a corporation or any other entity.

REGISTERED REPAIR SHOP

As defined in the Vehicle and Traffic Law of New York.

TOWING

The moving or removing of disabled or abandoned motor vehicles by another vehicle for hire.

TOW TRUCK

A motor vehicle which is either equipped for the purpose of carrying, lifting and removing, for hire, any disabled motor vehicle or is used in the business of removing disabled motor vehicles.

[1] *Editor's Note: See Ch. 405, Zoning and Ch. 172, Building construction.*

§ 370-3. License required.

It shall be unlawful for any person to engage in the business of towing within the City without having obtained a valid license issued hereunder or to operate a tow truck in the course of such business without having displayed thereon a valid sticker issued hereunder, except that no license or stickers shall be required for persons whose business is operated outside the City and whose towing consists solely of towing from or to registered repair shops or garages.

§ 370-4. License application and expiration.

[Amended 12-4-2001; approved 12-28-2001]

- A. Every license issued hereunder shall remain in effect unless revoked, as hereinafter provided.
- B. Every person, firm or corporation who desires to operate, except as herein otherwise provided, the business of automotive towing by a tow truck or tow trucks owned or controlled by him upon the public highways within the City shall be duly licensed as a tow truck operator in the City and must make written application under oath providing the following information:
 - (1) The name and address of the applicant, address of the place from which tow trucks are proposed to be garaged and dispatched, specifying, in the case of any unincorporated association, the names and addresses of each member thereof and, in the case of any corporation, the names and addresses of each officer.
 - (2) All crimes, if any, of which the applicant or any member thereof has been convicted and, if an unincorporated association, that any officer thereof has been convicted, stating the name, if any, and location of the courts and the dates on which such convictions were had and the penalties imposed therefor.
 - (3) The experience of the applicant, or, if an unincorporated association or corporation, of its officers in the towing of vehicles for hire.
 - (4) The number of vehicles proposed to be operated by the applicant and a description of each such vehicle, including the make, model, year and manufacture, New York State registration number and vehicle identification number.

- (5) The name, address and driver's license number of each driver employed by the applicant.
- (6) The location of any and all depots and terminals proposed to be used by the applicant.
- (7) Whether the applicant wishes his name to appear on the towing roster as detailed herein.
- (8) Proof of insurance in the minimum amount of \$1,000,000 or higher liability and \$150,000 property damage liability covering each tow truck and/or place of business. Coverage limits must be maintained throughout the duration of the license. Coverage shall also be provided for the towed vehicle. Said proof shall be provided annually.
[Amended 5-6-2008, approved 5-12-2008]
- (9) Proof of valid registration and inspection of each tow truck to be operated.
- (10) Any other relevant information which the Chief of Police may require.

§ 370-5. Issuance of license.

The Chief of Police shall accept all applications for licenses from persons desiring to engage in the business of towing on such forms as he shall provide. Upon certification by the Chief that the applicant has complied with all applicable provisions of law, the Chief of Police or his agent shall issue a license to the applicant along with a sticker for each vehicle listed on the application specifically identifying the vehicle to which each sticker is to be affixed and the license under which the sticker is issued.

§ 370-6. Transferability.

Each license and sticker issued hereunder shall not be transferred from one person to another nor from one vehicle to another.

§ 370-7. License fee; qualifications.

[Amended 12-4-2001; approved 12-28-2001]

Applicants for a license will be required to pay a nonrefundable fee of \$100. The licensee will qualify, provided that:

- A. The licensee owns, operates and maintains a bona fide registered repair shop within the City of Kingston or a town or incorporated village within the metropolitan area of the City of Kingston, viz., within five miles of the geographical limits thereof.
- B. Such applicant maintains twenty-four-hour capacity to answer emergency calls regarding motor vehicles.
- C. Such applicant has a tow truck equipped with a lifting boom on rear of truck or a flatbed truck, a minimum of three-ton power winch, equipped with 75 feet of 3/8 inch steel cable, a dry-chemical fire extinguisher with a minimum of 10 pounds of pressure, three Department of Transportation approved (triangular) road reflectors and three Department of Transportation approved road flares, a broom, a hacksaw, an ax and a shovel.
- D. The licensee possess a N.Y.S. driver's license with a tow truck endorsement.

§ 370-8. Additional requirements.

Every applicant for license shall, at the time of submitting his application, submit a complete current schedule of fees for all services in connection with the towing and storage of motor vehicles that the applicant charges in cases other than when called from the towing roster, as hereafter provided. The schedule of maximum prices to be charged may be revised at any time but shall not be effective until filed with the Kingston Police Department.

§ 370-9. Investigation of applicants.

All applicants shall execute such consents for releases of information as may be required.

§ 370-10. Lettering required on truck.

On each side of every tow truck for which a sticker has been issued, the owner shall prominently display, by painting, magnetic sign or other similar means, the business name and address of the licensee, together with the business phone number, by letters of not less than three inches high.

§ 370-11. Examination or hearing prior to issuance of license.

The Chief of Police or his agent may, in his discretion, before the issuance of a license, require the applicant and any others having knowledge of the facts to submit to an examination under oath and to procedure for the adducing of evidence relating thereto and shall hold a hearing upon such application, as hereinafter provided.

§ 370-12. Additional tow trucks.

[Amended 12-4-2001; approved 12-28-2001]

Every owner licensed hereunder who desires to add to the number of tow trucks he is duly licensed to operate shall file a written application under oath with the Chief of Police or his agent stating:

- A. The name and address of the applicant.
- B. The applicant owner's license number.
- C. Proof of required insurance, valid registration and inspection.
- D. A description of each such additional tow truck, including the make, motor number and the year manufactured.

§ 370-13. License renewals.

Any license and sticker issued hereunder may be renewed annually for additional periods of one year each from the date of expiration upon the submission of an amendment to the original application or subsequent amendments, containing all the information required by the provisions of this chapter for original applications.

§ 370-14. Inspection of vehicles.

[Amended 12-4-2001, approved 12-28-2001; 5-6-2008, approved 5-12-2008; 9-2-2014 by L.L. No. 2-2014, approved 9-11-2014]

No license or sticker shall be issued or renewed annually which shall permit the use of any vehicle as a tow truck unless and until it has been inspected and certified annually by the Chief of Police or his designee as conforming to the requirements of this chapter and has been duly inspected as required by the Vehicle and Traffic Law of New York. There shall be a fee as set forth in the fee schedule to be established by resolution of the Common Council of this City^[1] for each annual inspection and as set forth in the fee schedule to be established by resolution of the Common Council of this City for each tow vehicle inspected. Annual inspections must be completed once a year.

[1] *Editor's Note: See Ch. 217, Fees.*

§ 370-15. Towing of vehicles to be impounded or disabled without accident.

Motor vehicles not involved in accidents but which are otherwise disabled and which are disrupting the flow of traffic and whose owners do not otherwise request assistance from a licensee, or motor vehicles which are to be impounded for other reasons, shall be towed away by licensees from the towing roster on a rotating basis. In the event that a licensee is called pursuant to this section, it shall be unlawful for the licensee to charge more than the rates provided for in § 370-16.

§ 370-16. Towing roster; requirements and fees.

[Amended 3-6-1990, approved 3-7-1990; 12-4-2001, approved 12-28-2001]

Any licensee who agrees to abide by the following requirements shall be placed on the towing roster to be called in rotation to remove vehicles from scenes of accidents, disabled vehicles or vehicles otherwise left in violation of law, provided that:

- A. The licensee swears under oath that he owns or rents and operates and maintains a bona fide legally permitted registered repair shop within the City of Kingston; but applicants shall not qualify as herein provided if applicants state that they maintain a registered repair shop on the very same premises or real property owned by another licensee and on which property said licensee operates or maintains or another licensee operates or maintains a place of like business, or the applicant states that he is a lessee of a licensee.
- B. Such garage maintains twenty-four-hour capability to answer calls regarding motor vehicles.
- C. The licensee agrees to charge no more than the following maximum rates for towing from the accident scene to his place of business or any other place within the City of Kingston designated by the owner or operator of a motor vehicle, regardless of distance within the City of Kingston when called by the Kingston Police Department:

(1) Towing charges.

[Amended 5-6-2008, approved 5-12-2008]

(a) Passenger vehicles and trucks up to 3/4 ton.

[1] Day: \$100.

[2] Nights, weekends and holidays: \$125.

(b) Above three-quarter-ton trucks.

[1] Day: \$125.

[2] Nights, weekends and holidays: \$150.

(c) Tractor trailers.

- [1] Tractor trailers 18,000 GVW (gross vehicle weight) and over: said fee is left to the discretion of the owner/operator of the tow truck.
- (d) Return empty.
 - [1] Days: \$75.
 - [2] Nights, weekends and holidays: \$100.
- (e) Snow tows.
 - [1] Day or night, includes dig out: \$125.
- (2) Additional charges. The licensee shall be permitted to charge additional fees for additional services. Any fees not provided for herein shall be in accordance with the schedule of fees filed with the Kingston Police Department.
 - (a) Flatbeds: add \$20 to rates for three-quarter-ton vehicles.
 - (b) Dollies.
 - [1] Tractor trailers.
 - [a] Day: \$120.
 - [b] Nights, weekends and holidays: \$170.
 - [2] All others.
 - [a] Day: \$25.
 - [b] Nights, weekends and holidays: \$45.
 - (c) Winching.
 - [1] Passenger vehicles and three-quarter-ton trucks.
 - [a] Day: \$80 per hour.
 - [b] Nights, weekends and holidays: \$80 per hour.
 - [2] All other vehicles.
 - [a] Day: \$100 per hour.
 - [b] Nights, weekends and holidays: \$120 per hour.
 - (d) Unusual waiting cleanup time.
 - [1] With small wreckers.
 - [a] Day: \$50 per hour.
 - [b] Nights, weekends and holidays: \$60 per hour.
 - [2] With large wreckers.
 - [a] Day: \$70 per hour.
 - [b] Nights, weekends and holidays: \$100 per hour.
 - (e) Additional service vehicles: same rates as above.

(f) Additional labor.

[1] Day: \$40 per hour.

[2] Nights, weekends and holidays: \$50 per hour.

(g) Mileage. Outside of the City: \$3 per loaded mile.

[Amended 5-6-2008, approved 5-12-2008]

(3) "Days" shall mean 8:00 a.m. through 6:00 p.m., Monday through Friday, and 8:00 a.m. through 12:00 noon, Saturday. "Nights, weekends and holidays" shall mean all other times, with "holidays" being those established by the State of New York.

D. Storage. The licensee agrees to charge a maximum of \$40 per day for storage; provided, however, that no storage shall be charged if the vehicle is picked up prior to the close of the next business day of the licensee; and provided, further, that no additional storage may be charged from the time the owner of the vehicle contacts the licensee for the purpose of attempting to pick up the vehicle, so long as the owner does pick up the vehicle prior to the end of the next business day of the licensee. Reasonable charges not to exceed \$40 may be imposed by the licensee to enable the owner to pick up the vehicle at other than normal business hours of the licensee. Licensees shall be available to owners desiring to pick up vehicles at least 10 hours per day, Monday through Saturday, holidays excepted, which hours must include either 8:00 a.m. or 6:00 p.m., as the licensee shall elect. Hours of availability shall be filed with the Kingston Police Department.

[Amended 5-6-2008, approved 5-12-2008]

E. The charges and fees herein provided may be modified from time to time by resolution of the Common Council of the City of Kingston, New York.

§ 370-17. Designation of licensees on towing roster on rotating basis.

[Amended 12-4-2001; approved 12-28-2001]

The Chief of Police of the Kingston Police Department or his authorized agent is hereby authorized to designate licensees from the towing roster on a rotating basis for the purpose of towing motor vehicles to the place of business of the tow truck applicant, except elsewhere at the request of the owner. The roster shall be filed with the City Clerk for availability to the public and shall be amended on the first working day of the month only in the event of an addition or deletion of a licensed applicant.

§ 370-18. Loss of turn on towing roster.

The licensee shall furnish twenty-four-hour telephone numbers for the licensee, his business and/or his designated agent. If a licensee or his designated agent does not answer the call of the duty officer of the Kingston Police Department or is not available when called, he shall lose his turn on the towing roster and must wait for the roster to be called in its entirety before he is eligible to be called again.

§ 370-19. Removal of debris at accidents.

A licensee called to the scene of an accident, if necessary, must sweep or clean up any debris, but only if he is provided with police protection against vehicles at the scene.

§ 370-20. Nontransferability of place on roster.

It shall be unlawful for a licensee to transfer or exchange his place on the roster with any other licensee or other person on the towing roster.

§ 370-21. Accidents requiring more than one tow truck.

If more than one tow truck is needed at the scene of an accident, the aforesaid Police Department, through its authorized agent, shall call the next licensee in rotation. The police officer at the scene shall designate which licensee tows which vehicle. The first licensee to appear on the scene shall, however, assist the police officer in clearing the motor vehicles from the public highways onto the shoulder of the highway.

§ 370-22. Unauthorized towing.

It shall be unlawful for any person who is not designated from the towing roster, as aforesaid, or who does not have the prior consent and direction of the police officer at the scene or owner of the vehicle, to tow away any motor vehicle which has been involved in an accident. The police officer, if at the scene, will determine when the aforesaid vehicle shall be removed. No vehicle will be towed in any event unless the Kingston Police Department is notified or has been at the scene.

§ 370-23. Refusal to respond to call or tow vehicle.

It shall be unlawful for any licensee on the towing roster to willfully refuse to tow away a motor vehicle after having appeared upon the scene, or to willfully fail to arrive at the disabled vehicle scene after being duly designated as herein provided, regardless of the hour of day or distance to the scene of the disabled vehicle, provided that his equipment is not otherwise employed, personnel are unavailable or the licensee is physically incapacitated. A conviction of violating this section shall result in an automatic suspension from the towing roster for 60 days.

§ 370-24. Licensee to have one place on roster.

A licensee duly qualified shall have but one place on the towing roster, although he maintains several licensed tow trucks in the City of Kingston.

§ 370-25. Maximum prices for towing and storage.

It shall be unlawful for any licensee to charge any person more than the maximum fees set forth in its application or filed with the Kingston Police Department for the towing and storage of motor vehicles, except when called from the towing roster, the maximum fees as herein provided shall apply.

§ 370-26. Solicitation at accidents prohibited.

It shall be unlawful for any person to solicit towing or body work at the scene of any motor vehicle accident on private property or on a public highway within the City of Kingston.

§ 370-27. Driving on streets to solicit work prohibited.

It shall be unlawful for any person to drive along any public street or highway within the City of Kingston for the purpose of soliciting towing work, or repair work, or both.

§ 370-28. Hearing procedure.

- A. Whenever it shall be provided herein that a hearing shall be held, such hearing shall be held on a date and at a place and hour designated by the Chief of Police or his agent.
- B. The Chief of Police or his agent shall give notice thereof, stating the name and address of the applicant or license holder concerned, the subject matter of the hearing and date, place and hour thereof designated therefor, by mailing a copy thereof to the applicant or license holder concerned at the address shown upon the most recent application of such applicant or licensee at least 10 days before such hearing.
- C. Upon any hearings, the applicant or license holder involved shall be entitled to be represented by legal counsel and to present such competent and material testimony or other evidence in his own behalf that may be relevant to the subject matter at the hearing.
- D. All witnesses shall be sworn and examined under oath.

§ 370-29. Suspension and revocation of license.

- A. Any license issued hereunder may be suspended for a period of not more than three months or revoked by the Chief of Police or his agent if the holder thereof shall violate any provisions of this chapter or any ordinance of the City or be convicted of the violation of any traffic law, ordinance or regulation of the State of New York or any municipality of the State of New York or of any crime, or be guilty of making a false statement or misrepresentation in his application. A license hereunder shall not be suspended or revoked by the Chief of Police or his agent without a hearing having been held thereupon, which hearing shall be held not less than 20 days after written notice thereof to the licensee, either in person or by certified mail.
- B. The Chief of Police, upon receiving information giving him reasonable cause to believe that the holder of any license has violated any provisions of this chapter, or has been convicted of any violation referred to herein, or has been indicted or charged with or for any crime or offense, or is guilty of having made false statements or misrepresentations in his application, may temporarily suspend such licensee from the towing roster until such time as hearing is held by said Chief of Police or his agent, as provided herein, and the Chief of Police or his agent shall have rendered its determination thereon.
- C. Towing authorization. No vehicle shall be removed without authorization of the police officer, the owner of the vehicle or other person in charge thereof. Such authorization shall be for the towing and the storage of the vehicle only.

§ 370-30. Administration and enforcement.

The Chief of Police or his agent shall have the power to prescribe reasonable rules and regulations for the proper and efficient administration and enforcement of this chapter.

§ 370-31. Regulations for tow truck drivers.

[Amended 12-4-2001; approved 12-28-2001]

- A. A licensed tow truck driver:

- (1) Shall have an identification card, approved by the Chief of Police, signed by the licensee, attesting to the employment and qualifications of such driver as required herein in his

possession at all times while engaged in his occupation as a tow truck driver, and, while so engaged, shall also be in possession of his operator's or chauffeur's license.

- (2) Shall not permit any other person to use his identification card.
 - (3) Shall not be engaged on an unlicensed tow truck or on a tow truck, the license for which has been suspended or revoked.
 - (4) Shall promptly report the loss of his identification card to the Chief of Police or his agent.
 - (5) Shall report a change of address to the Chief of Police or his agent within 48 hours.
 - (6) Shall have with him at all times properly authorized forms for towing and repair, such forms to be printed and maintained by the tow truck owners.
 - (7) Shall refrain from use of addictive drugs, except those medically prescribed, or intoxicating liquors, while on duty either at the garaging facility, office or place of accident.
- B. Each driver at the scene of an accident:
- (1) Shall exhibit his identification card to the owner of a disabled vehicle or person in charge thereof or to any City officer or member of the Kingston Police Department.
 - (2) Shall not remove any vehicle involved in an accident in which a person has been injured until released by a duly authorized member of the Kingston Police Department.
 - (3) Shall notify the Kingston Police Department of personal or property damage at an accident scene unless a police officer is or has been present.
 - (4) Shall notify the Kingston Fire Department if any evidence of fire or a liquid leak is apparent or if the vehicle to be towed may contain hazardous or contaminated substances.
 - (5) Shall notify the Kingston Police Department of their arrival and departure times from the scene of the call. The times shall also be noted on the bill for services.
- C. Every tow truck driver shall obey all traffic laws, ordinances, local laws, rules and regulations while operating a tow truck and, upon receipt of a summons or his arrest for any alleged violation of any such law, ordinance, local law, rule or regulation, shall report the same within three days to the Chief of Police or his agent, advising him of the nature of the offense charged and the name and the location of the court and the date upon which said summons is returnable or the date upon which the hearing or such trial is to be held.

§ 370-32. General regulations.

- A. The owner or driver of any disabled vehicle shall have the right to require the services of any available licensed tow truck and it shall be unlawful for any owner or driver of any licensed tow truck to refuse to render such services if such owner or driver of such disabled motor vehicle is able and willing to pay the fee prescribed in the schedule of prices filed by the owner of such licensed tow truck with the Chief of Police or his agent; unless such tow service is physically unable for good cause shown to tow such motor vehicle in that all of its available equipment is already engaged in other towing operations.
- B. Licensed tow truck owners and drivers, when required, will answer all communications received from the Chief of Police or his agent.
- C. It shall be unlawful for any owner or driver to refuse to surrender a license or licenses to the Chief of Police or his agent upon demand, after such license or licenses have been suspended, revoked

or expired.

- D. It shall be unlawful for any person to demand or receive any payment in excess of the maximum charges permitted by this chapter on the schedule filed by the owner with the Police Department.
- E. Rules regulating agreements and estimates for repairs. It shall be unlawful for any tow truck owner, driver or any person to make repairs or to charge a fee directly or indirectly for making an estimate for repairs on any motor vehicle in an accident or otherwise disabled without entering into a signed agreement with the owner or other person in charge of said disabled motor vehicle, fixing the cost on a form prescribed.
- F. If any other City or town in the County of Ulster shall adopt an ordinance or local law permitting holders of licenses issued hereunder to operate upon the public highways thereof without further license or fee and file a certified copy of such local law or ordinance with the Chief of Police or his agent of the City of Kingston, any holder of a license to operate tow truck issued by such City or town may operate tow trucks upon the public highways of the City of Kingston, provided, in all instances, that all standards of this chapter are complied with without further license or fee.

§ 370-33. Penalties for offenses.

An offense against any provision of this chapter shall be a violation of the chapter, which shall be punishable by a fine of not more than \$100 or imprisonment for a period not to exceed 30 days for each such offense, or by both such fine and imprisonment, except that any person or persons, associations or corporations committing an offense against any provisions of the licensing section of this chapter hereof shall be guilty of a Class B misdemeanor which shall be punishable by a fine of no more than \$500 or imprisonment for a period not exceeding three months for each such offense, or by both such fine and imprisonment.

L + A

Tinti, Elisa

From: Carey, Bill
Sent: Wednesday, July 31, 2019 9:50 AM
To: jnoble39@aol.com; Tinti, Elisa
Subject: August communication

Jim

I would like to discuss proposals to implement Kingston's Adopt-A-Highway, Park or Shoreline Program, which is permitted according to Chapter 3 of the city Code.

Please refer to the appropriate committee for consideration.

Thank you.

Bill Carey
Ward 5

Sent from my iPhone

h+r

CITY OF KINGSTON
Office of the City Engineer
jschultheis@kingston-ny.gov

John Schultheis, P.E., City Engineer



Steven T. Noble, Mayor

August 1, 2019

Mr. James L. Noble, Jr.
Alderman-At-Large
President of the Common Council
420 Broadway
Kingston, NY 12401

Re: PIN 8811.26
Kingston Roundabout at I-587 and Albany Avenue
Utility Work Agreement

Dear President Noble,

Previously the Kingston Common Council authorized bonding totaling \$1,100,656.77 for sewer replacements within the work zone of the above referenced NYSDOT project as a betterment under a Utility Work Agreement. The betterment will improve reliability of the sewer and provide for an extended life.

Since that time, NYSDOT requirements have changed and NYSDOT is now requesting that a new resolution be passed that:

- Approves the cost estimate;
- Resolves that the City will maintain the sewer;
- Resolves that the City will deposit the funds (note, deposit was already completed)
- Resolves that the City will deposit additional funds if there is a deficiency;
- Authorizes the Mayor to enter into a Utility Work Agreement with NYSDOT

I request Council give consideration to this request and authorize the Mayor to sign the associated Utility Work Agreement, attached.

Please forward this communication to the next regularly scheduled meeting of the appropriate committee for further discussion.

Should you have any questions, do not hesitate to contact me.

Respectfully,

John Schultheis, P.E.
City Engineer

Cc: Steven T. Noble, Mayor
Kevin Bryant, Corporation Counsel
Douglas Koop, Chair, Kingston Common Council Finance Committee
John Tuey, Comptroller



Department of
Transportation

ANDREW M. CUOMO
Governor

MARIE THERESE DOMINGUEZ
Acting Commissioner

LANCE MacMILLAN, P.E.
Regional Director

June 19th, 2019

Honorable Steven Noble, Mayor
City of Kingston City Hall
420 Broadway
Kingston, New York 12401

RE: PIN 8811.26.121 / D264036
Kingston Roundabout
I-587 at Albany Avenue
City of Kingston
Ulster County

Dear Mayor Noble:

As you are aware, the Department is once again going to bid with the above referenced project. As we have a new contract and standard Department of Transportation documents have changed, enclosed please find the following documents which need to be processed by the City. Recall that the City has a share in the State project for the State contractor to build and upgrade sanitary sewer systems. To date, the City has deposited \$1,100,656.77 with the State Comptroller's office. Enclosed are the following documents for processing:

- Three copies of Utility Work Agreement, Ref. # 8B. Please sign, date and return all copies for final processing. Once executed, we will send the City a fully executed copy.
- "Resolution to Share Costs and Responsibilities of Local Features" - This resolution needs to be adopted by the City. The State needs four (4) certified copies.
- "Betterment Project Agreement" - This document needs to be executed by the City and then approved by the State Attorney General and Office of the State Comptroller. Page 8 of this document references the City resolution discussed above.

Kindly return all approved documents to my unit at your earliest convenience.

If you have any questions, please call Mr. Thomas DeRosa at (845)431-5836.

Sincerely,

Gerhard L. Wetzel, Jr., PE
Regional Utilities Engineer

Enclosures

RESOLUTION TO SHARE COSTS AND RESPONSIBILITIES OF LOCAL FEATURES

RESOLUTION #XXXXXXXX

Resolution of the City of Kingston City Council, of the City of Kingston in Ulster County; Agreeing to pay the costs and responsibilities of local features (sanitary sewer facility betterments) on the Kingston Roundabout I-587 at Albany Avenue project within the geographical jurisdiction of the City of Kingston;

WHEREAS, the New York State Department of Transportation under the project identified as PIN 8811.26.121, Kingston Roundabout I-587 at Albany Avenue reconstruction in the City of Kingston;

WHEREAS, the City of Kingston has developed and/or concurred with the design of the Kingston Roundabout I-587 at Albany Avenue and the plans and specifications have been prepared and are hereby referred to as municipal work;

WHEREAS, the City of Kingston approves the plans of this municipal work and desires to have this work included with the State project; and

WHEREAS, the State of New York has estimated the cost of the municipal work and has agreed to include this municipal work with the State project identified above and described in Schedule A provided the City of Kingston agrees to pay the cost of such Betterment(s);

NOW, THEREFORE the City of Kingston duly convened and does hereby:

1. RESOLVE that the City of Kingston does approve the cost estimate of its project to be performed by the State; and it is hereby
2. RESOLVED that the City of Kingston shall maintain such sanitary sewer utility Betterment(s); and it is hereby further
3. RESOLVED that the City of Kingston will deposit with the State Comptroller in a project escrow account the full amount of the estimate for the cost of the Betterment as described in Schedule A of the Agreement for payments by the State Comptroller for the Municipal work prior to contract letting. The Municipality will also deposit with the State Comptroller in a project escrow account the full amount of the contract bid price for the cost of the Betterment (less any amounts already deposited for purposes thereof) for payments by the Comptroller on account of Project costs within 10 days after the lowest-bidder or best-value proposer eligible for award has been identified; and it is
4. RESOLVED that in the event the cost exceeds the amount of the deposit the City of Kingston shall within 90 days of the receipt of notice from the Commissioner pay

the amount of such deficiency to the State Comptroller; and any excess of the deposit shall be paid to the Municipality on the warrant of the State Comptroller on vouchers approved by the Commissioner after project close out; and

5. RESOLVED that the City of Kingston hereby authorizes the City of Kingston Mayor to enter into an agreement with the State of New York and through the Commissioner of Transportation to commit the City of Kingston to maintain at its own expense the Betterment(s) on the above-identified project; and that such agreement provides that maintenance shall include the repair and replacement of equipments and the operation of such Betterment(s); and
6. BE IT FURTHER RESOLVED that the Clerk of the City of Kingston is hereby directed to transmit four (4) certified copies of the foregoing resolution to the State Department of Transportation addressed through:

Mr. Mark Kruk, Project Manager/Design Group
New York State Department of Transportation
4 Burnett Boulevard
Poughkeepsie, New York 12603

Clerk/Secretary

Date