



COMMON COUNCIL MEETING

Common Council Chambers

Monday, May 6, 2019

6:30 p.m.

*6:00 p.m. Public Hearing regarding the
proposed rezoning of 504-514 Main Street*

I. ROLL CALL

II. REVIEW OF MINUTES:

III. READING OF ITEMS by the City Chamberlain of any resolutions not listed on the printed agenda.

IV. PUBLIC PARTICIPATION: Three (3) minutes per person up to 45 minutes of public comment on any agenda and non-agenda item.

V. CHAIRWOMAN'S COMMENTS AND PRESENTATIONS:

Presentation by Walkway Over the Hudson

VI. MAYOR'S COMMENTS:

VII. MOTIONS AND RESOLUTIONS:

1. Resolution R19-48 and Resolution R19-50, approving the SEQRA resolution and bond resolution for the UV Disinfection Equipment Replacement.
2. Resolution R19-51, declaring the Common Council's intent to be lead agency for the LWRP project.

VIII. ORDINANCES AND LOCAL LAWS:

IX. PRESENTATION OF PETITIONS AND COMMUNICATIONS:

1. **FROM DEPUTY CHIEF FRANCO**, a communication regarding proposed changes to Section 8-7 of Chapter 8 "FIRE PREVENTION", requiring an operating permit for public establishment
2. **FROM EURPOA MCGOVERN**, a communication regarding Climate Smart Communities Pledge.
3. **FROM COUNCILMEMBER PETSAS**, requesting an update on the license renewal discussions with the proprietor of the Ice House.
4. **FROM COUNCILMEMBER PETSAS**, a communication regarding a proposed traffic change on Vernon Terrace to one-way.
5. **FROM COUNCILMEMBER BRANNEN**, a communication on strengthening and streamlining historic preservation policies in the City of Poughkeepsie."
6. **FROM CAFÉ SWEET SPOT, INC. (located at 296 Main Street)**, a notice of intent to obtain a liquor license.
7. **FROM SAFECO**, a notice of property damage sustained by Pamela Hardy, on February 9, 2019.
8. **FROM BROOKE JACKSON**, a notice of personal injuries sustained on January 29, 2019.
9. **FROM JOHN DEARDEN**, a notice of property damage sustained on April 14, 2019.
10. **FROM DOROTHY VASQUEZ**, a notice of property damage sustained on February 15, 2019.
11. **FROM DREW GARZA**, a notice of personal injury sustained on January 26, 2019.

X. UNFINISHED BUSINESS:

XI. NEW BUSINESS:

XII. ADJOURNMENT:

RESOLUTION
R19-48
EXTRACT OF MINUTES

A regular meeting of the Common Council of the City of Poughkeepsie, Dutchess County, New York was convened in public session at the Council Chambers, City Hall, Poughkeepsie, New York on May 6, 2019 at 6:30 o'clock p.m., local time.

The meeting was called to order by _____, and, upon roll being called, the following members were:

PRESENT:

Council Chair Ann Finney
Councilmember Sarah Brannen
Councilmember Natasha Cherry
Councilmember Yvonne Flowers
Councilmember Lorraine Johnson
Councilmember Randall A. Johnson II
Councilmember Matthew McNamara
Councilmember Christopher D. Petsas
Councilmember Sarah A. Salem

ABSENT:

The following persons were ALSO PRESENT:

Commissioner of Finance William Brady

The following resolution was offered by Councilmember Cherry, seconded by Councilmember _____, to wit;

RESOLUTION NO. R19-48 DATED MAY 6, 2019

**CITY OF POUGHKEEPSIE
POUGHKEEPSIES' WATER TREATMENT FACILITY
UV DISINFECTION REPLACEMENT**

SEQR TYPE II CLASSIFICATION

WHEREAS, the City of Poughkeepsie, Dutchess County, New York (hereinafter the "City") has received a preliminary engineering report of T&B Engineering, P.C. recommending replacement of UV Disinfection Equipment at the Poughkeepsies' Joint Water Treatment Facility (the "Project"); and

WHEREAS, at its meeting on April 2, 2019, the Poughkeepsies' Joint Water Board recommended that the City and Town undertake and finance the Project; and

WHEREAS, 6 NYCRR Part 617.5(c)(2) states "replacement, rehabilitation or reconstruction of a structure or facility, in kind, on the same site, including upgrades to buildings to meet building or fire codes, unless such action meets or exceeds any of the thresholds in Section 617.4 of this Part" has been determined not to have a significant impact on the environment and are precluded from environmental review under Environmental Conservation Law Article 8; and,

WHEREAS, the proposed Project does not meet or exceed any of the thresholds in Section 617.4;

NOW, THEREFORE, BE IT RESOLVED in consideration of the foregoing:

1. The Common Council of the City of Poughkeepsie hereby finds that the Poughkeepsies' Water Treatment Facility Project including the replacement of UV Disinfection equipment is a Type II Action and is not subject to review under SEQR (6 NYCRR Part 617.5).
2. This resolution shall take effect immediately.

The question of the adoption of the foregoing resolution was duly put to vote on a roll call, which resulted as follows:

Council Chair Ann Finney	VOTING ____
Councilmember Sarah Brannen	VOTING ____
Councilmember Natasha Cherry	VOTING ____
Councilmember Yvonne Flowers	VOTING ____
Councilmember Lorraine Johnson	VOTING ____
Councilmember Randall A. Johnson II	VOTING ____
Councilmember Matthew McNamara	VOTING ____
Councilmember Christopher D. Petsas	VOTING ____
Councilmember Sarah A. Salem	VOTING ____

The foregoing resolution was thereupon declared duly adopted.

Approved: _____, 2019

Robert G. Rolison
Mayor

CERTIFICATE OF RECORDING OFFICER

The undersigned hereby certifies that:

(1) She is the duly qualified and acting Chamberlain of the City of Poughkeepsie, Dutchess County, New York (hereinafter called the "City") and the custodian of the records of the City, including the minutes of the proceedings of the Common Council, and is duly authorized to execute this certificate.

(2) Attached hereto is a true and correct copy of a resolution duly adopted at a meeting of the Common Council held on the 6th of May, 2019 and entitled:

RESOLUTION NO. ____ DATED MAY 6, 2019

**CITY OF POUGHKEEPSIE
POUGHKEEPSIES' WATER TREATMENT FACILITY
UV DISINFECTION REPLACEMENT**

SEQR TYPE II CLASSIFICATION

(3) Said meeting was duly convened and held and said resolution was duly adopted in all respects in accordance with law and the regulations of the City. To the extent required by law or said regulations, due and proper notice of said meeting was given. A legal quorum of members of the Common Council was present throughout said meeting, and a legally sufficient number of members voted in the proper manner for the adoption of the resolution. All other requirements and proceedings under law, said regulations or otherwise incident to said meeting and the adoption of the resolution, including any publication, if required by law, have been duly fulfilled, carried out and otherwise observed.

(4) The seal appearing below constitutes the official seal of the City and was duly affixed by the undersigned at the time this certificate was signed.

IN WITNESS WHEREOF, the undersigned has hereunto set her hand this ____ day of May, 2019.

-SEAL-

Deanne Flynn
City Chamberlain

RESOLUTION
R19-49

EXTRACT OF MINUTES
(Poughkeepsies' Water Treatment Facility—UV Disinfection Equipment Replacement)

A regular meeting of the Common Council of the City of Poughkeepsie, Dutchess County, New York was convened in public session at the Council Chambers, City Hall, Poughkeepsie, New York on May 6, 2019 at 6:30 o'clock p.m., local time.

The meeting was called to order by _____, and, upon roll being called, the following members were:

PRESENT:

Council Chair Ann Finney
Councilmember Sarah Brannen
Councilmember Natasha Cherry
Councilmember Yvonne Flowers
Councilmember Lorraine Johnson
Councilmember Randall A. Johnson II
Councilmember Matthew McNamara
Councilmember Christopher D. Petsas
Councilmember Sarah A. Salem

ABSENT:

The following persons were ALSO PRESENT:

Commissioner of Finance William Brady

The following resolution was offered by Councilmember Cherry, seconded by Councilmember _____, to wit;

BOND RESOLUTION DATED MAY 6, 2019

A RESOLUTION AUTHORIZING THE ISSUANCE OF SERIAL BONDS OF THE CITY OF POUGHKEEPSIE, DUTCHESS COUNTY, NEW YORK IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$2,702,000 PURSUANT TO THE LOCAL FINANCE LAW TO FINANCE THE CITY'S SHARE OF THE COST OF THE POUGHKEEPSIES' WATER TREATMENT FACILITY UV DISINFECTION EQUIPMENT REPLACEMENT AND AUTHORIZING THE COST THEREOF, AND DELEGATING CERTAIN POWERS IN CONNECTION THEREWITH TO THE COMMISSIONER OF FINANCE

WHEREAS, the Poughkeepsies' Water Treatment Facility is owned and operated as a joint project of the City of Poughkeepsie and Town of Poughkeepsie pursuant to an inter-municipal agreement

dated August 3, 1995, as amended (the "Inter-municipal Agreement"), entered into pursuant to Article 5-G of the General Municipal Law, and the Poughkeepsies' Joint Water Board has recommended certain improvements to the Poughkeepsie Water Treatment Facility including replacement of UV Disinfection equipment, the cost of which is to be allocated between the City of Poughkeepsie and the Town of Poughkeepsie pursuant to the Inter-municipal Agreement;

NOW THEREFORE BE IT RESOLVED, by the Common Council of the City of Poughkeepsie, Dutchess County, New York (the "City") (by the favorable vote of not less than two-thirds of all of the members of the Common Council) as follows:

SECTION 1. The improvement of the Poughkeepsies' Water Treatment Facility, consisting of the planning, design, construction and installation of equipment, machinery, apparatus, appurtenances, and incidental site and other improvements and expenses in connection with the replacement of UV Disinfection equipment, is hereby authorized at an estimated maximum joint project cost of \$4,921,000. The City's share of such estimated maximum joint cost of \$4,921,000 has been determined to be \$2,702,000, hereby appropriated for such purpose. It is hereby determined that said purpose is an object or purpose described in subdivision 1 of paragraph a of Section 11 of the Local Finance Law, and that the period of probable usefulness of said purpose is forty years.

SECTION 2. It has been determined that the aforesaid purpose constitutes a Type II action as defined under the State Environmental Quality Review Regulations, 6 NYCRR Part 617, which has been determined under SEQRA not to have a significant impact on the environment.

SECTION 3. The City plans to finance the City's share of the cost of said purpose by the issuance of the serial bonds in an amount not to exceed \$2,702,000, hereby authorized to be issued therefor pursuant to the Local Finance Law. The City plans to provide for amounts equal to annual debt service costs with respect to obligations issued hereunder from its Water Fund revenues. The remaining \$2,219,000 of the total joint project cost is to be paid by the Town of Poughkeepsie pursuant to the Inter-municipal Agreement.

SECTION 4. Current funds are not required to be provided prior to the issuance of the bonds authorized by this resolution or any notes issued in anticipation of said bonds.

SECTION 5. The proceeds of the bonds herein authorized and any bond anticipation notes issued in anticipation of said bonds may be applied to reimburse the City for expenditures made after the effective date of this resolution for the purpose for which said bonds are authorized. This resolution shall constitute a statement of official intent for purposes of Section 1.150-2 of the Treasury Regulations.

SECTION 6. Each of the bonds authorized by this resolution and any bond anticipation notes issued in anticipation of said bonds, shall contain the recital of validity prescribed by Section 52.00 of the Local Finance Law. The faith and credit of the City are hereby irrevocably pledged for the payment of the principal of and interest on said bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on said bonds becoming due and payable in such year. To the extent not paid from other

sources, there shall annually be levied on all the taxable real property of the City a tax sufficient to pay the principal of and interest on said bonds as the same become due and payable.

SECTION 7. Subject to the terms and contents of this resolution and the Local Finance Law, and pursuant to the provisions of Sections 30.00, 50.00 and 56.00 to 63.00, inclusive, of said Law, the power to authorize bond anticipation notes in anticipation of the issuance of the serial bonds authorized by this resolution and the renewals of said notes and the power to prescribe the terms, form and contents of said serial bonds and said bond anticipation notes (including without limitation the date, denominations, maturities, interest payment dates, consolidation with other issues, and redemption rights), the power to determine to issue said bonds providing for substantially level or declining debt service, and the power to sell and deliver said serial bonds and any bond anticipation notes issued in anticipation of the issuance of such bonds, is hereby delegated to the Commissioner of Finance, the Chief Fiscal Officer of the City. The Commissioner of Finance is hereby authorized to sign any serial bonds issued pursuant to this resolution and any bond anticipation notes issued in anticipation of the issuance of said serial bonds, and the Chamberlain is hereby authorized to affix the corporate seal of the City to any of said serial bonds or any bond anticipation notes and to attest such seal.

SECTION 8. The Commissioner of Finance is further authorized to take such actions and execute such documents as may be necessary to ensure the continued status of the interest on the bonds authorized by this resolution, and any notes issued in anticipation thereof, as excludable from gross income for federal income tax purposes pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the "Code") and, to the extent applicable, to designate the bonds authorized by this resolution and any notes issued in anticipation thereof as "qualified tax-exempt bonds" for purposes of Section 265(b)(3)(B)(i) of the Code.

SECTION 9. The Commissioner of Finance is further authorized, in his discretion, to execute a project financing and loan agreement and any other agreements with the New York State Environmental Facilities Corporation and/or the New York State Department of Environmental Conservation and/or the New York State Department of Health, and amendments thereto, and to take such actions and execute such documents as may be necessary to provide for the financing or refinancing of the specific object or purpose set forth herein, or a portion thereof, by one or more notes or bond issues of the City and the sale of such issues to the New York State Environmental Facilities Corporation or its designee pursuant to the New York State Revolving Fund Program.

SECTION 10. The validity of said serial bonds or of any bond anticipation notes issued in anticipation of the sale of said serial bonds may be contested only if:

- (1) Such obligations are authorized for an object or purpose for which the City is not authorized to expend money; or
- (2) The provisions of law which should be complied with at the date of the publication of this resolution are not substantially complied with; and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication; or
- (3) Such obligations are authorized in violation of the provisions of the Constitution of New York.

SECTION 11. The Chamberlain is hereby authorized and directed to publish this resolution, or a summary thereof, together with a notice in substantially the form provided by Section 81.00 of the Local Finance Law, in the Poughkeepsie Journal, a newspaper having a general circulation in the City and hereby designated as the official newspaper of the City for such publication.

SECTION 12. This resolution shall take effect immediately.

The question of the adoption of the foregoing resolution was duly put to vote on a roll call, which resulted as follows:

Council Chair Ann Finney	VOTING ____
Councilmember Sarah Brannen	VOTING ____
Councilmember Natasha Cherry	VOTING ____
Councilmember Yvonne Flowers	VOTING ____
Councilmember Lorraine Johnson	VOTING ____
Councilmember Randall A. Johnson II	VOTING ____
Councilmember Matthew McNamara	VOTING ____
Councilmember Christopher D. Petsas	VOTING ____
Councilmember Sarah A. Salem	VOTING ____

The foregoing resolution was thereupon declared duly adopted.

Approved: _____, 2019

Robert G. Rolison
Mayor

CERTIFICATE OF RECORDING OFFICER

The undersigned hereby certifies that:

(1) She is the duly qualified and acting Chamberlain of the City of Poughkeepsie, Dutchess County, New York (hereinafter called the "City") and the custodian of the records of the City, including the minutes of the proceedings of the Common Council, and is duly authorized to execute this certificate.

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BOND RESOLUTION DATED MAY 6, 2019

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(3) Said meeting was duly convened and held and said resolution was duly adopted in all respects in accordance with law and the regulations of the City. To the extent required by law or said regulations, due and proper notice of said meeting was given. A legal quorum of members of the Common Council was present throughout said meeting, and a legally sufficient number of members (two-thirds of the Common Council) voted in the proper manner for the adoption of the resolution. All other requirements and proceedings under law, said regulations or otherwise incident to said meeting and the adoption of the resolution, including any publication, if required by law, have been duly fulfilled, carried out and otherwise observed.

(4) The seal appearing below constitutes the official seal of the City and was duly affixed by the undersigned at the time this certificate was signed.

IN WITNESS WHEREOF, the undersigned has hereunto set her hand this ____ day of May, 2019.

-SEAL-

Deanne Flynn
City Chamberlain

Executive Summary—Not a part of the Resolution

This New Resolution for the **Poughkeepsies' Water Treatment Facility—Replacement of UV Disinfection Equipment** includes:

<u>Purpose</u>	<u>Capital Budget Items</u>	<u>PPU (Max. Period for Financing)</u>	<u>Total Project Cost</u>	<u>Other Funds (Town of Poughkeepsie's share)</u>	<u>Bonds Authorized</u>
Section 1: City's share of the Poughkeepsies' Water Treatment Facility UV Disinfection Equipment Replacement	Joint Water UV Disinfection Equipment Replacement	40 years	\$4,921,000	\$2,219,000	\$2,702,000
Grand Total			\$4,921,000	\$2,219,000	<u>\$2,702,000</u>

**RESOLUTION
R19-50**

INTRODUCED BY COUNCILMEMBER SALEM

WHEREAS, the City of Poughkeepsie Common Council is considering action on a proposed update to the city's Local Waterfront Revitalization Program (LWRP); and

WHEREAS, the City of Poughkeepsie been engaged with consultants BFJ Planning to revise its 1999 LWRP document and has completed a preliminary draft document; and

WHEREAS, a Full Environmental Assessment Form (EAF) Part 1, dated 5/1/19, has been prepared to address the potential environmental impacts of the action; and

WHEREAS, after comparing the thresholds contained in 6 NYCRR 617.4, the Common Council has determined that the proposed action is a Type 1 action; and

WHEREAS, after examining the EAF, the Common Council has determined that the only other involved agencies on this matter are the New York State Department of State and Dutchess County; however, interested agencies include but are not limited to the City Planning Board and Waterfront Advisory Committee under SEQRA because of their non-binding review responsibilities; and

NOW THEREFORE,

BE IT RESOLVED, that the Common Council hereby declares its intent to act as Lead Agency for the environmental review of this action and directs the City Chamberlain to circulate said declaration to other involved and interested agencies; and

BE IT FURTHER RESOLVED, that a Determination of Significance will be made at such time as all information has been reviewed by the Common Council to enable it to determine whether the action will or will not have significant effect on the environment.

SECONDED BY COUNCILMEMBER _____.



**CITY OF POUGHKEEPSIE
BUILDING, PLANNING AND ZONING DEPARTMENT**

62 Civic Center Plaza
Poughkeepsie, NY 12601
Phone: (845) 451-4055 Fax: (845) 451-4059

MEMORANDUM

To: Common Council
From: Paul Hesse, Community Development Coordinator
Date: May 1, 2018
Re: Common Council Declaration of Lead Agency for Environmental Review of LWRP Update

Lead Agency Declaration

At the May 6, 2019 Common Council meeting, the Council will be presented with a resolution for its intent to declare itself lead agency for the environmental review of the Local Waterfront Revitalization Program (LWRP) plan update. As the local entity responsible for adopting the LWRP, the Common Council is the only entity able to declare itself lead agency, making this a proforma but necessary step.

As with other recent instances of the Common Council declaring itself lead agency, the item under review, in this case the draft LWRP, will be circulated along with a completed Part 1 Environmental Assessment Form to involved and interested agencies for their consent to the Council's lead agency declaration. It's important to note that the LWRP update as its drafted now is simply a *preliminary* draft. We expect that there will be revisions based on comments from the Council, those agencies that we circulated to, as well as the public following our planned public hearing in the Fall. Those agencies that we circulate the draft to include New York State Department of State and Dutchess County, as well as various city boards and committees such as the Planning Board and Waterfront Advisory Committee. Involved and interested agencies will have 30 days to consent.

In order to reduce paper usage (the preliminary draft is nearly 200 pages), a copy of the preliminary draft LWRP can be downloaded here:

http://cityofpoughkeepsie.com/wp-content/files/lwrp/2019-05-01_PoughkeepsieLWRP_preliminary_Draft.pdf

I have, however, included the timeline for the project, which outlines the work done so far and the dates of key next steps, notably an anticipated SEQRA negative declaration in early July, NYSDOS review of the draft LWRP over the summer, and a public hearing in the Fall. For now, the most important next step is for the Council to initiate the SEQRA process by declaring its intent to be lead agency.

LWRP Purpose

To recap our project team's past briefing to the Common Council, the LWRP serves three primary purposes: 1) The document serves as a reference for the Waterfront Advisory Committee to evaluate development projects in the waterfront area, 2) If accepted by the New York State Department of State, the LWRP policies give the city jurisdiction over actions by state and federal agencies, and 3) An adopted LWRP increases the likelihood of the city and/or private entities receiving state grant funding for projects identified in the plan.

Regarding projects that are identified in the LWRP, they are generally described in broad terms, allowing for flexibility as plans are advanced toward implementation. As a project progresses, standard environmental review and approvals processes will still apply. In other words, the environmental review and approval of the LWRP is not intended to supplant the environmental review and approval necessary for an individual project. The benefit of including a particular project in the LWRP at this time is, again, to increase its eligibility and competitiveness for state grants.

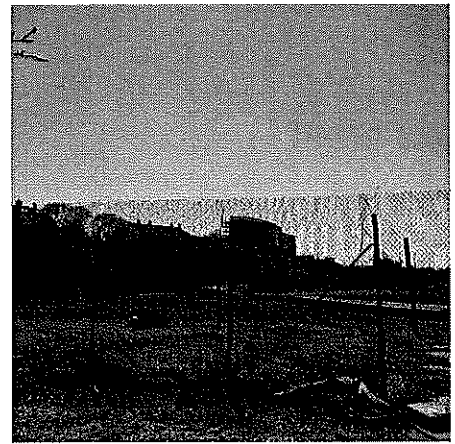
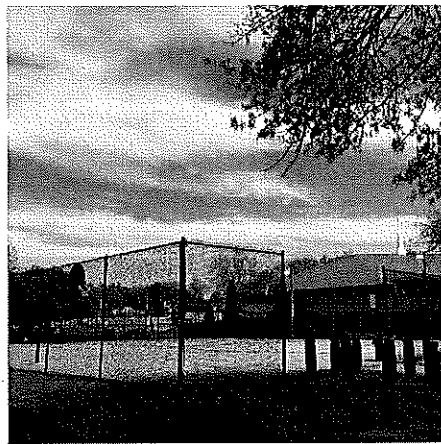
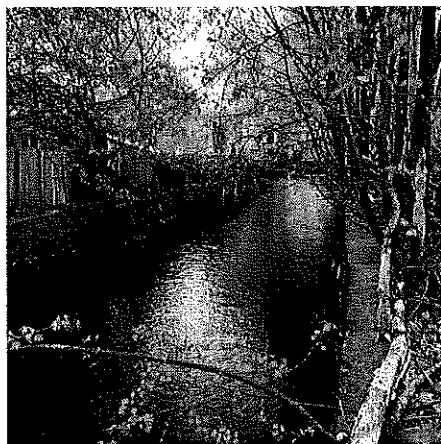
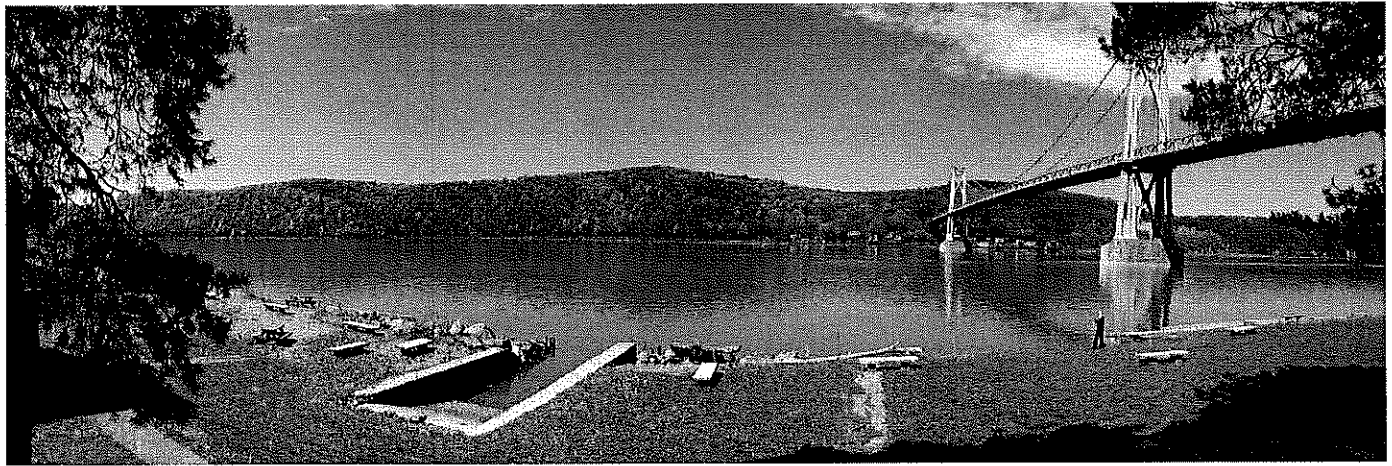
An overview of the process and all project materials to date can be found at the following web address:

<http://cityofpoughkeepsie.com/lwrpupdate/>

City of Poughkeepsie: LWRP Update and Build-Out Impact Analysis

Proposed Project Timeline

	Months	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct
Local Waterfront Revitalization Program														
Task 1	Project Kick-Off	8/27												
Task 2	Preparation of Community Outreach Plan													
Task 3	Section I: Waterfront Revitalization Area Boundary													
Task 4	Section II: Inventory and Analysis													
Task 5	First Public Information Meeting													
Task 6	Section III: Local Waterfront Revitalization Policies													
Task 7	Section IV: Proposed Land & Water Uses and Proposed Projects													
Task 8	Second Public Information Meeting													
Task 9	Section V: Techniques for Local Implementation													
Task 10	Section VI: Federal & State Actions and Programs													
Task 11	Section VII: Local Commitment and Consultation													
Task 12	Determination of Significance and Compliance with SEQRA													
Task 13	Draft LWRP Amendment (1 set of revisions)													
Task 14	Third Public Information Meeting / LWRP Public Hearing													
Task 15	Final LWRP Amendment													
Build-Out Impact Analysis														
Task 16	Draft Build-Out Impact Analysis													
Task 17	Final Build-Out Impact Analysis													
	LWRP Working Group Meetings	8/22	8/23	8/24	8/25	8/26	8/27	8/28	8/29	8/30	8/31	9/1	9/2	9/3
	LWRP Public Information Meetings													
	WAC/Common Council Briefings on the LWRP	8/22	8/23	8/24	8/25	8/26	8/27	8/28	8/29	8/30	8/31	9/1	9/2	9/3



Local Waterfront Revitalization Program

City of Poughkeepsie, New York

Full Environmental Assessment Form Part 1

May 1, 2019

Poughkeepsie Local Waterfront Revitalization Program

CITY OF POUGHKEEPSIE, NEW YORK

ENVIRONMENTAL ASSESSMENT FORM

Lead Agency

City of Poughkeepsie Common Council
City Hall
62 Civic Center Plaza
Poughkeepsie, NY 12601
Contact: Paul Hesse, Community Development Coordinator
(845) 451-4106

Prepared by

BFJ Planning
115 Fifth Avenue
New York, NY 10003
Contact: Simon Kates, AICP, LEED AP, Senior Associate
(212) 353-7657

City of Poughkeepsie
Local Waterfront Revitalization Program

Introduction

Pursuant to the New York State Environmental Quality Review Act (SEQR), the proposed action discussed in this Full Environmental Assessment Form (EAF) is the adoption of an update to the City of Poughkeepsie's Local Waterfront Revitalization Program (LWRP), which was locally adopted 1999. In considering adoption of the LWRP Update, the City of Poughkeepsie Common Council is proposing to modify certain existing policies to reflect changed conditions and priorities since the 1999 LWRP, and to propose specific projects to implement those policies.

Project Description

As the New York State Department of State (NYS DOS) describes, an LWRP is "both a land and water use plan prepared by a community, as well as the strategy to implement the plan." An approved LWRP reflects community consensus and provides a clear direction for appropriate future development. In addition, State permitting, funding and direct actions must be consistent, to the maximum extent practicable, with an approved LWRP. Within the Federally defined coastal area, Federal agency activities are also required to be consistent with an approved LWRP.

Poughkeepsie's original LWRP was adopted in 1999. The City's Waterfront Revitalization Area (WRA) is revised in the updated document, primarily to extend inland along the Fall Kill, recognizing the importance of the creek as an inland waterway and providing opportunities for funding to support expanded public access on the creek (Figure 1). Some key focus areas of the 1999 LWRP have been implemented, such as construction of a Parking Deck at the Railroad Station and extension of some portions of the Greenway Trail Linking Public Shoreline Lands. With updated priorities for the Hudson River waterfront and addition of the Fall Kill within the WRA, there are several new ideas that have been included in the proposed update to the City's LWRP.

The LWRP document includes seven sections that are created during the LWRP planning process:

- Section 1: Waterfront Revitalization Area
- Section 2: Inventory and Analysis
- Section 3: State and Local Policies
- Section 4: Proposed Land and Water Uses and Proposed Projects
- Section 5: Techniques for Local Implementation
- Section 6: Federal and state actions and programs likely to affect implementation of the LWRP
- Section 7: Local Commitment and Consultation

The Common Council, through the adoption of the proposed action, seeks to update the 1999 LWRP as needed to reflect the fact that many goals of the existing LWRP have been met, that changes in the regulatory environment should be addressed, and that an update of community policies and projects is needed.

Under Chapter 18-1/2 of the City Code (Waterfront Consistency Review), any Type 1 or Unlisted action under the State Environmental Quality Review Act (SEQRA) is required to be reviewed by the City agency with approval authority over the action (typically the Common Council, Planning Board, or Zoning Board

of Appeals) for consistency with the statewide and local land- and water-use policies set forth in the LWRP and with the projects contained within the LWRP.

Proposed LWRP Policies

The LWRP Working Group, City staff, and the Waterfront Advisory Committee conducted a thorough review of the policies contained in the 1999 LWRP. Changes to local policies were proposed to reflect current conditions and priorities, as well as to streamline and clarify the intent of the policies. Per NYS DOS requirements, the policies are divided into 10 categories:

- Development Policies
- Fish and Wildlife Policies
- Flooding and Erosion Policies
- General Policy
- Public Access Policies
- Recreation Policies
- Historic and Scenic Quality Policies
- Energy and Ice Management Policies
- Water and Air Resource Policies
- Wetlands Policy

Proposed LWRP Projects

Based on discussions with the LWRP Working Group, site visits, and input from City staff and the public, the LWRP proposes a set of site-specific and programmatic projects to be undertaken in order to implement the LWRP. The projects are organized by project type as follows:

- Hudson River Projects
- Harbor Management Projects
- Fall Kill Projects
- Area-wide Projects



Figure 1: Proposed Waterfront Revitalization Area

Full Environmental Assessment Form

Part 1 of the Full Environmental Assessment Form (EAF) evaluates the potential for environmental impacts to be created by the approval of the LWRP Update by the City of Poughkeepsie Common Council. This legislative action is generic in nature, not site-specific, and does not directly result in physical changes to the environment.

The form that follows is published by the New York State Department of Environmental Conservation (NYS DEC), and portions are designed for site-specific actions rather than area-wide or generic proposals. As a result, consistent with the form's directions, these non-relevant sections (contained in Sections G and E on pages 3-13 of the form) are not completed.

Full Environmental Assessment Form
Part 1 - Project and Setting

Instructions for Completing Part 1

Part 1 is to be completed by the applicant or project sponsor. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification.

Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information; indicate whether missing information does not exist, or is not reasonably available to the sponsor; and, when possible, generally describe work or studies which would be necessary to update or fully develop that information.

Applicants/sponsors must complete all items in Sections A & B. In Sections C, D & E, most items contain an initial question that must be answered either "Yes" or "No". If the answer to the initial question is "Yes", complete the sub-questions that follow. If the answer to the initial question is "No", proceed to the next question. Section F allows the project sponsor to identify and attach any additional information. Section G requires the name and signature of the applicant or project sponsor to verify that the information contained in Part 1 is accurate and complete.

A. Project and Applicant/Sponsor Information.

Name of Action or Project: City of Poughkeepsie Local Waterfront Revitalization Program		
Project Location (describe, and attach a general location map): The proposed LWRP update applies to the Waterfront Revitalization Area shown in Figure 1		
Brief Description of Proposed Action (include purpose or need): The City of Poughkeepsie Common Council propose to update the City's existing locally adopted 1999 LWRP, including revisions of the inventory and analysis, modifications of existing policies, and recommendations of projects to implement the LWRP. These revisions reflect changing conditions and priorities since the 1999 LWRP was adopted. See introductory narrative for details of the proposed LWRP update.		
Name of Applicant/Sponsor: City of Poughkeepsie Common Council		Telephone: (845) 451-4225
		E-Mail:
Address: 62 Civic Center Plaza		
City/PO: Poughkeepsie	State: NY	Zip Code: 12601
Project Contact (if not same as sponsor; give name and title/role): Paul Hesse, Community Development Coordinator		Telephone: (845) 451-4106
		E-Mail: PHesse@cityofpoughkeepsie.com
Address: 62 Civic Center Plaza		
City/PO: Poughkeepsie	State: NY	Zip Code: 12601
Property Owner (if not same as sponsor):		Telephone:
		E-Mail:
Address:		
City/PO:	State:	Zip Code:

B. Government Approvals

B. Government Approvals, Funding, or Sponsorship. ("Funding" includes grants, loans, tax relief, and any other forms of financial assistance.)

Government Entity	If Yes: Identify Agency and Approval(s) Required	Application Date (Actual or projected)
a. City Counsel, Town Board, ☒ Yes ☐ No or Village Board of Trustees	Adoption of LWRP	October 2019 (projected)
b. City, Town or Village ☐ Yes ☒ No Planning Board or Commission		
c. City, Town or ☐ Yes ☒ No Village Zoning Board of Appeals		
d. Other local agencies ☐ Yes ☒ No		
e. County agencies ☒ Yes ☐ No	Dutchess County Planning Department - Review and Recommendation	October 2019 (projected)
f. Regional agencies ☐ Yes ☒ No		
g. State agencies ☒ Yes ☐ No	NYS Department of State Approval	October 2019 (projected)
h. Federal agencies ☒ Yes ☐ No	U.S. Office of Ocean and Coastal Resource Management - Concurrence	October 2019 (projected)
i. Coastal Resources.		
i. Is the project site within a Coastal Area, or the waterfront area of a Designated Inland Waterway?		☒ Yes ☐ No
ii. Is the project site located in a community with an approved Local Waterfront Revitalization Program?		☒ Yes ☐ No
iii. Is the project site within a Coastal Erosion Hazard Area?		☐ Yes ☒ No

C. Planning and Zoning

C.1. Planning and zoning actions.

Will administrative or legislative adoption, or amendment of a plan, local law, ordinance, rule or regulation be the only approval(s) which must be granted to enable the proposed action to proceed? ☒ Yes ☐ No

- If Yes, complete sections C, F and G.
- If No, proceed to question C.2 and complete all remaining sections and questions in Part 1

C.2. Adopted land use plans.

a. Do any municipally- adopted (city, town, village or county) comprehensive land use plan(s) include the site where the proposed action would be located? ☒ Yes ☐ No

If Yes, does the comprehensive plan include specific recommendations for the site where the proposed action would be located? ☒ Yes ☐ No

b. Is the site of the proposed action within any local or regional special planning district (for example: Greenway; Brownfield Opportunity Area (BOA); designated State or Federal heritage area; watershed management plan; or other?) ☒ Yes ☐ No

If Yes, identify the plan(s):

City of Poughkeepsie Comprehensive Plan; Hudson River Valley National Heritage Area; Historic Hudson River Towns; Active NYS DEC remediation sites: C314070 (CH - Water St. - Poughkeepsie MGP), C314081A (Off-Site Former AC Dutton Lumber Yard)

c. Is the proposed action located wholly or partially within an area listed in an adopted municipal open space plan, or an adopted municipal farmland protection plan? ☐ Yes ☒ No

If Yes, identify the plan(s):

C.3. Zoning

a. Is the site of the proposed action located in a municipality with an adopted zoning law or ordinance. ☒ Yes ☐ No
If Yes, what is the zoning classification(s) including any applicable overlay district?
The WRA includes 20 of the City's 24 zoning districts (C-1, C-2, C-3, H-M, I-1, I-2, O-R, R-2, R-3, R-4, R-4A, R-5, R-6, R-D, W, W TOD, G-OM, G-CM, G-RM). There are no proposed zoning modifications in the LWRP update.

b. Is the use permitted or allowed by a special or conditional use permit? ☒ Yes ☐ No

c. Is a zoning change requested as part of the proposed action? ☐ Yes ☒ No
If Yes,

i. What is the proposed new zoning for the site? N/A

C.4. Existing community services.

a. In what school district is the project site located? Poughkeepsie City School District

b. What police or other public protection forces serve the project site?

City of Poughkeepsie Police Department

c. Which fire protection and emergency medical services serve the project site?

City of Poughkeepsie Fire Department

d. What parks serve the project site?

Upper Landing Park, Waryas Park, Eastman Park, Wheaton Park, Malcolm X Park, Kaal Rock Park, Kaal Rock Point

D. Project Details

The following Sections D and E are intended for site-specific, not generic actions; consistent with the above directions, these sections are left blank. Please proceed to Section F.

D.1. Proposed and Potential Development

a. What is the general nature of the proposed action (e.g., residential, industrial, commercial, recreational; if mixed, include all components)?

b. a. Total acreage of the site of the proposed action? _____ acres
b. Total acreage to be physically disturbed? _____ acres
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ acres

c. Is the proposed action an expansion of an existing project or use? ☐ Yes ☐ No
i. If Yes, what is the approximate percentage of the proposed expansion and identify the units (e.g., acres, miles, housing units, square feet)? % _____ Units: _____

d. Is the proposed action a subdivision, or does it include a subdivision? ☐ Yes ☐ No
If Yes,

i. Purpose or type of subdivision? (e.g., residential, industrial, commercial; if mixed, specify types)

ii. Is a cluster/conservation layout proposed? ☐ Yes ☐ No

iii. Number of lots proposed? _____

iv. Minimum and maximum proposed lot sizes? Minimum _____ Maximum _____

e. Will the proposed action be constructed in multiple phases? ☐ Yes ☐ No

i. If No, anticipated period of construction: _____ months

ii. If Yes:

- Total number of phases anticipated _____
- Anticipated commencement date of phase 1 (including demolition) _____ month _____ year
- Anticipated completion date of final phase _____ month _____ year
- Generally describe connections or relationships among phases, including any contingencies where progress of one phase may determine timing or duration of future phases: _____

f. Does the project include new residential uses? ☐ Yes ☐ No				
If Yes, show numbers of units proposed.				
	<u>One Family</u>	<u>Two Family</u>	<u>Three Family</u>	<u>Multiple Family (four or more)</u>
Initial Phase	_____	_____	_____	_____
At completion	_____	_____	_____	_____
of all phases	_____	_____	_____	_____

g. Does the proposed action include new non-residential construction (including expansions)? ☐ Yes ☐ No	
If Yes,	
i. Total number of structures _____	
ii. Dimensions (in feet) of largest proposed structure: _____ height; _____ width; and _____ length	
iii. Approximate extent of building space to be heated or cooled: _____ square feet	

h. Does the proposed action include construction or other activities that will result in the impoundment of any liquids, such as creation of a water supply, reservoir, pond, lake, waste lagoon or other storage? ☐ Yes ☐ No	
If Yes,	
i. Purpose of the impoundment: _____	
ii. If a water impoundment, the principal source of the water: ☐ Ground water ☐ Surface water streams ☐ Other specify: _____	
iii. If other than water, identify the type of impounded/contained liquids and their source. _____	
iv. Approximate size of the proposed impoundment. Volume: _____ million gallons; surface area: _____ acres	
v. Dimensions of the proposed dam or impounding structure: _____ height; _____ length	
vi. Construction method/materials for the proposed dam or impounding structure (e.g., earth fill, rock, wood, concrete): _____	

D.2. Project Operations

a. Does the proposed action include any excavation, mining, or dredging, during construction, operations, or both? (Not including general site preparation, grading or installation of utilities or foundations where all excavated materials will remain onsite) ☐ Yes ☐ No	
If Yes:	
i. What is the purpose of the excavation or dredging? _____	
ii. How much material (including rock, earth, sediments, etc.) is proposed to be removed from the site?	
• Volume (specify tons or cubic yards): _____	
• Over what duration of time? _____	
iii. Describe nature and characteristics of materials to be excavated or dredged, and plans to use, manage or dispose of them. _____	
iv. Will there be onsite dewatering or processing of excavated materials? ☐ Yes ☐ No	
If yes, describe. _____	
v. What is the total area to be dredged or excavated? _____ acres	
vi. What is the maximum area to be worked at any one time? _____ acres	
vii. What would be the maximum depth of excavation or dredging? _____ feet	
viii. Will the excavation require blasting? ☐ Yes ☐ No	
ix. Summarize site reclamation goals and plan: _____	

b. Would the proposed action cause or result in alteration of, increase or decrease in size of, or encroachment into any existing wetland, waterbody, shoreline, beach or adjacent area? ☐ Yes ☐ No	
If Yes:	
i. Identify the wetland or waterbody which would be affected (by name, water index number, wetland map number or geographic description): _____	

ii. Describe how the proposed action would affect that waterbody or wetland, e.g. excavation, fill, placement of structures, or alteration of channels, banks and shorelines. Indicate extent of activities, alterations and additions in square feet or acres:

iii. Will the proposed action cause or result in disturbance to bottom sediments?

☐ Yes ☐ No

If Yes, describe:

iv. Will the proposed action cause or result in the destruction or removal of aquatic vegetation?

☐ Yes ☐ No

If Yes:

- acres of aquatic vegetation proposed to be removed: _____
- expected acreage of aquatic vegetation remaining after project completion: _____
- purpose of proposed removal (e.g. beach clearing, invasive species control, boat access): _____
- proposed method of plant removal: _____
- if chemical/herbicide treatment will be used, specify product(s): _____

v. Describe any proposed reclamation/mitigation following disturbance: _____

c. Will the proposed action use, or create a new demand for water?

☐ Yes ☐ No

If Yes:

i. Total anticipated water usage/demand per day: _____ gallons/day

ii. Will the proposed action obtain water from an existing public water supply?

☐ Yes ☐ No

If Yes:

- Name of district or service area: _____
- Does the existing public water supply have capacity to serve the proposal? ☐ Yes ☐ No
- Is the project site in the existing district? ☐ Yes ☐ No
- Is expansion of the district needed? ☐ Yes ☐ No
- Do existing lines serve the project site? ☐ Yes ☐ No

iii. Will line extension within an existing district be necessary to supply the project?

☐ Yes ☐ No

If Yes:

- Describe extensions or capacity expansions proposed to serve this project: _____
- Source(s) of supply for the district: _____

iv. Is a new water supply district or service area proposed to be formed to serve the project site?

☐ Yes ☐ No

If, Yes:

- Applicant/sponsor for new district: _____
- Date application submitted or anticipated: _____
- Proposed source(s) of supply for new district: _____

v. If a public water supply will not be used, describe plans to provide water supply for the project: _____

vi. If water supply will be from wells (public or private), what is the maximum pumping capacity: _____ gallons/minute.

d. Will the proposed action generate liquid wastes?

☐ Yes ☐ No

If Yes:

i. Total anticipated liquid waste generation per day: _____ gallons/day

ii. Nature of liquid wastes to be generated (e.g., sanitary wastewater, industrial; if combination, describe all components and approximate volumes or proportions of each): _____

iii. Will the proposed action use any existing public wastewater treatment facilities?

☐ Yes ☐ No

If Yes:

- Name of wastewater treatment plant to be used: _____
- Name of district: _____
- Does the existing wastewater treatment plant have capacity to serve the project? ☐ Yes ☐ No
- Is the project site in the existing district? ☐ Yes ☐ No
- Is expansion of the district needed? ☐ Yes ☐ No

• Do existing sewer lines serve the project site? • Will a line extension within an existing district be necessary to serve the project? If Yes: • Describe extensions or capacity expansions proposed to serve this project: _____	☐ Yes ☐ No ☐ Yes ☐ No
iv. Will a new wastewater (sewage) treatment district be formed to serve the project site?	
If Yes: • Applicant/sponsor for new district: _____ • Date application submitted or anticipated: _____ • What is the receiving water for the wastewater discharge? _____	
v. If public facilities will not be used, describe plans to provide wastewater treatment for the project, including specifying proposed receiving water (name and classification if surface discharge or describe subsurface disposal plans): _____ _____	
vi. Describe any plans or designs to capture, recycle or reuse liquid waste: _____ _____ _____	
e. Will the proposed action disturb more than one acre and create stormwater runoff, either from new point sources (i.e. ditches, pipes, swales, curbs, gutters or other concentrated flows of stormwater) or non-point source (i.e. sheet flow) during construction or post construction?	
☐ Yes ☐ No	
If Yes: i. How much impervious surface will the project create in relation to total size of project parcel? _____ Square feet or _____ acres (impervious surface) _____ Square feet or _____ acres (parcel size) ii. Describe types of new point sources. _____ iii. Where will the stormwater runoff be directed (i.e. on-site stormwater management facility/structures, adjacent properties, groundwater, on-site surface water or off-site surface waters)? _____ _____ _____ • If to surface waters, identify receiving water bodies or wetlands: _____ • Will stormwater runoff flow to adjacent properties? _____	
iv. Does the proposed plan minimize impervious surfaces, use pervious materials or collect and re-use stormwater?	
☐ Yes ☐ No ☐ Yes ☐ No	
f. Does the proposed action include, or will it use on-site, one or more sources of air emissions, including fuel combustion, waste incineration, or other processes or operations?	
☐ Yes ☐ No	
If Yes, identify: i. Mobile sources during project operations (e.g., heavy equipment, fleet or delivery vehicles) _____ ii. Stationary sources during construction (e.g., power generation, structural heating, batch plant, crushers) _____ iii. Stationary sources during operations (e.g., process emissions, large boilers, electric generation) _____	
g. Will any air emission sources named in D.2.f (above), require a NY State Air Registration, Air Facility Permit, or Federal Clean Air Act Title IV or Title V Permit?	
☐ Yes ☐ No	
If Yes: i. Is the project site located in an Air quality non-attainment area? (Area routinely or periodically fails to meet ambient air quality standards for all or some parts of the year) _____ ii. In addition to emissions as calculated in the application, the project will generate: • _____ Tons/year (short tons) of Carbon Dioxide (CO₂) • _____ Tons/year (short tons) of Nitrous Oxide (N₂O) • _____ Tons/year (short tons) of Perfluorocarbons (PFCs) • _____ Tons/year (short tons) of Sulfur Hexafluoride (SF₆) • _____ Tons/year (short tons) of Carbon Dioxide equivalent of Hydrofluorocarbons (HFCs) • _____ Tons/year (short tons) of Hazardous Air Pollutants (HAPs)	

h. Will the proposed action generate or emit methane (including, but not limited to, sewage treatment plants, landfills, composting facilities)? ☐ Yes ☐ No If Yes: i. Estimate methane generation in tons/year (metric): _____ ii. Describe any methane capture, control or elimination measures included in project design (e.g., combustion to generate heat or electricity, flaring): _____			
i. Will the proposed action result in the release of air pollutants from open-air operations or processes, such as quarry or landfill operations? ☐ Yes ☐ No If Yes: Describe operations and nature of emissions (e.g., diesel exhaust, rock particulates/dust): _____			
j. Will the proposed action result in a substantial increase in traffic above present levels or generate substantial new demand for transportation facilities or services? ☐ Yes ☐ No If Yes: i. When is the peak traffic expected (Check all that apply): ☐ Morning ☐ Evening ☐ Weekend ☐ Randomly between hours of _____ to _____. ii. For commercial activities only, projected number of truck trips/day and type (e.g., semi trailers and dump trucks): _____ iii. Parking spaces: Existing _____ Proposed _____ Net increase/decrease _____ iv. Does the proposed action include any shared use parking? ☐ Yes ☐ No v. If the proposed action includes any modification of existing roads, creation of new roads or change in existing access, describe: _____ vi. Are public/private transportation service(s) or facilities available within ½ mile of the proposed site? ☐ Yes ☐ No vii. Will the proposed action include access to public transportation or accommodations for use of hybrid, electric or other alternative fueled vehicles? ☐ Yes ☐ No viii. Will the proposed action include plans for pedestrian or bicycle accommodations for connections to existing pedestrian or bicycle routes? ☐ Yes ☐ No			
k. Will the proposed action (for commercial or industrial projects only) generate new or additional demand for energy? ☐ Yes ☐ No If Yes: i. Estimate annual electricity demand during operation of the proposed action: _____ ii. Anticipated sources/suppliers of electricity for the project (e.g., on-site combustion, on-site renewable, via grid/local utility, or other): _____ iii. Will the proposed action require a new, or an upgrade, to an existing substation? ☐ Yes ☐ No			
l. Hours of operation. Answer all items which apply. <table style="width: 100%;"> <tr> <td style="width: 50%; vertical-align: top;"> i. During Construction: • Monday - Friday: _____ • Saturday: _____ • Sunday: _____ • Holidays: _____ </td> <td style="width: 50%; vertical-align: top;"> ii. During Operations: • Monday - Friday: _____ • Saturday: _____ • Sunday: _____ • Holidays: _____ </td> </tr> </table>		i. During Construction: • Monday - Friday: _____ • Saturday: _____ • Sunday: _____ • Holidays: _____	ii. During Operations: • Monday - Friday: _____ • Saturday: _____ • Sunday: _____ • Holidays: _____
i. During Construction: • Monday - Friday: _____ • Saturday: _____ • Sunday: _____ • Holidays: _____	ii. During Operations: • Monday - Friday: _____ • Saturday: _____ • Sunday: _____ • Holidays: _____		

m. Will the proposed action produce noise that will exceed existing ambient noise levels during construction, operation, or both? If yes: i. Provide details including sources, time of day and duration: _____	☐ Yes ☐ No
ii. Will the proposed action remove existing natural barriers that could act as a noise barrier or screen? Describe: _____	☐ Yes ☐ No
n. Will the proposed action have outdoor lighting? If yes: i. Describe source(s), location(s), height of fixture(s), direction/aim, and proximity to nearest occupied structures: _____	☐ Yes ☐ No
ii. Will proposed action remove existing natural barriers that could act as a light barrier or screen? Describe: _____	☐ Yes ☐ No
o. Does the proposed action have the potential to produce odors for more than one hour per day? If Yes, describe possible sources, potential frequency and duration of odor emissions, and proximity to nearest occupied structures: _____	☐ Yes ☐ No
p. Will the proposed action include any bulk storage of petroleum (combined capacity of over 1,100 gallons) or chemical products 185 gallons in above ground storage or any amount in underground storage? If Yes: i. Product(s) to be stored _____ ii. Volume(s) _____ per unit time _____ (e.g., month, year) iii. Generally, describe the proposed storage facilities: _____	☐ Yes ☐ No
q. Will the proposed action (commercial, industrial and recreational projects only) use pesticides (i.e., herbicides, insecticides) during construction or operation? If Yes: i. Describe proposed treatment(s): _____	☐ Yes ☐ No
ii. Will the proposed action use Integrated Pest Management Practices?	☐ Yes ☐ No
r. Will the proposed action (commercial or industrial projects only) involve or require the management or disposal of solid waste (excluding hazardous materials)? If Yes: i. Describe any solid waste(s) to be generated during construction or operation of the facility: • Construction: _____ tons per _____ (unit of time) • Operation : _____ tons per _____ (unit of time) ii. Describe any proposals for on-site minimization, recycling or reuse of materials to avoid disposal as solid waste: • Construction: _____ • Operation: _____ iii. Proposed disposal methods/facilities for solid waste generated on-site: • Construction: _____ • Operation: _____	☐ Yes ☐ No

s. Does the proposed action include construction or modification of a solid waste management facility? ☐ Yes ☐ No

If Yes:

i. Type of management or handling of waste proposed for the site (e.g., recycling or transfer station, composting, landfill, or other disposal activities): _____

ii. Anticipated rate of disposal/processing:

- _____ Tons/month, if transfer or other non-combustion/thermal treatment, or
- _____ Tons/hour, if combustion or thermal treatment

iii. If landfill, anticipated site life: _____ years

t. Will the proposed action at the site involve the commercial generation, treatment, storage, or disposal of hazardous waste? ☐ Yes ☐ No

If Yes:

i. Name(s) of all hazardous wastes or constituents to be generated, handled or managed at facility: _____

ii. Generally describe processes or activities involving hazardous wastes or constituents: _____

iii. Specify amount to be handled or generated _____ tons/month

iv. Describe any proposals for on-site minimization, recycling or reuse of hazardous constituents: _____

v. Will any hazardous wastes be disposed at an existing offsite hazardous waste facility? ☐ Yes ☐ No

If Yes: provide name and location of facility: _____

If No: describe proposed management of any hazardous wastes which will not be sent to a hazardous waste facility: _____

E. Site and Setting of Proposed Action

E.1. Land uses on and surrounding the project site

a. Existing land uses.

i. Check all uses that occur on, adjoining and near the project site.

☐ Urban ☐ Industrial ☐ Commercial ☐ Residential (suburban) ☐ Rural (non-farm)

☐ Forest ☐ Agriculture ☐ Aquatic ☐ Other (specify): _____

ii. If mix of uses, generally describe: _____

b. Land uses and covertypes on the project site.

Land use or Covertype	Current Acreage	Acreage After Project Completion	Change (Acres +/-)
• Roads, buildings, and other paved or impervious surfaces			
• Forested			
• Meadows, grasslands or brushlands (non-agricultural, including abandoned agricultural)			
• Agricultural (includes active orchards, field, greenhouse etc.)			
• Surface water features (lakes, ponds, streams, rivers, etc.)			
• Wetlands (freshwater or tidal)			
• Non-vegetated (bare rock, earth or fill)			
• Other Describe: _____			

c. Is the project site presently used by members of the community for public recreation? <i>i. If Yes: explain:</i> _____	☐ Yes ☐ No
d. Are there any facilities serving children, the elderly, people with disabilities (e.g., schools, hospitals, licensed day care centers, or group homes) within 1500 feet of the project site? If Yes, <i>i. Identify Facilities:</i> _____ _____	☐ Yes ☐ No
e. Does the project site contain an existing dam? If Yes: <i>i. Dimensions of the dam and impoundment:</i> • Dam height: _____ feet • Dam length: _____ feet • Surface area: _____ acres • Volume impounded: _____ gallons OR acre-feet <i>ii. Dam's existing hazard classification:</i> _____ <i>iii. Provide date and summarize results of last inspection:</i> _____ _____	☐ Yes ☐ No
f. Has the project site ever been used as a municipal, commercial or industrial solid waste management facility, or does the project site adjoin property which is now, or was at one time, used as a solid waste management facility? If Yes: <i>i. Has the facility been formally closed?</i> • If yes, cite sources/documentation: _____ <i>ii. Describe the location of the project site relative to the boundaries of the solid waste management facility:</i> _____ _____ <i>iii. Describe any development constraints due to the prior solid waste activities:</i> _____ _____	☐ Yes ☐ No ☐ Yes ☐ No
g. Have hazardous wastes been generated, treated and/or disposed of at the site, or does the project site adjoin property which is now or was at one time used to commercially treat, store and/or dispose of hazardous waste? If Yes: <i>i. Describe waste(s) handled and waste management activities, including approximate time when activities occurred:</i> _____ _____	☐ Yes ☐ No
h. Potential contamination history. Has there been a reported spill at the proposed project site, or have any remedial actions been conducted at or adjacent to the proposed site? If Yes: <i>i. Is any portion of the site listed on the NYSDEC Spills Incidents database or Environmental Site Remediation database? Check all that apply:</i> ☐ Yes – Spills Incidents database ☐ Yes – Environmental Site Remediation database ☐ Neither database Provide DEC ID number(s): _____ Provide DEC ID number(s): _____ <i>ii. If site has been subject of RCRA corrective activities, describe control measures:</i> _____ _____ <i>iii. Is the project within 2000 feet of any site in the NYSDEC Environmental Site Remediation database?</i> If yes, provide DEC ID number(s): _____ <i>iv. If yes to (i), (ii) or (iii) above, describe current status of site(s):</i> _____ _____ _____	☐ Yes ☐ No ☐ Yes ☐ No

v. Is the project site subject to an institutional control limiting property uses? ☐ Yes ☐ No	
• If yes, DEC site ID number: _____ • Describe the type of institutional control (e.g., deed restriction or easement): _____ • Describe any use limitations: _____ • Describe any engineering controls: _____ • Will the project affect the institutional or engineering controls in place? ☐ Yes ☐ No • Explain: _____	
E.2. Natural Resources On or Near Project Site	
a. What is the average depth to bedrock on the project site? _____ feet	
b. Are there bedrock outcroppings on the project site? ☐ Yes ☐ No	
If Yes, what proportion of the site is comprised of bedrock outcroppings? _____ %	
c. Predominant soil type(s) present on project site: _____ %	
_____ %	
_____ %	
d. What is the average depth to the water table on the project site? Average: _____ feet	
e. Drainage status of project site soils: ☐ Well Drained: _____ % of site	
☐ Moderately Well Drained: _____ % of site	
☐ Poorly Drained: _____ % of site	
f. Approximate proportion of proposed action site with slopes: ☐ 0-10%: _____ % of site	
☐ 10-15%: _____ % of site	
☐ 15% or greater: _____ % of site	
g. Are there any unique geologic features on the project site? ☐ Yes ☐ No	
If Yes, describe: _____	
h. Surface water features.	
i. Does any portion of the project site contain wetlands or other waterbodies (including streams, rivers, ponds or lakes)? ☐ Yes ☐ No	
ii. Do any wetlands or other waterbodies adjoin the project site? ☐ Yes ☐ No	
If Yes to either i or ii, continue. If No, skip to E.2.i.	
iii. Are any of the wetlands or waterbodies within or adjoining the project site regulated by any federal, state or local agency? ☐ Yes ☐ No	
iv. For each identified regulated wetland and waterbody on the project site, provide the following information:	
• Streams:	Name _____ Classification _____
• Lakes or Ponds:	Name _____ Classification _____
• Wetlands:	Name _____ Approximate Size _____
• Wetland No. (if regulated by DEC)	_____
v. Are any of the above water bodies listed in the most recent compilation of NYS water quality-impaired waterbodies? ☐ Yes ☐ No	
If yes, name of impaired water body/bodies and basis for listing as impaired: _____	
i. Is the project site in a designated Floodway? ☐ Yes ☐ No	
j. Is the project site in the 100-year Floodplain? ☐ Yes ☐ No	
k. Is the project site in the 500-year Floodplain? ☐ Yes ☐ No	
l. Is the project site located over, or immediately adjoining, a primary, principal or sole source aquifer? ☐ Yes ☐ No	
If Yes:	
i. Name of aquifer: _____	

m. Identify the predominant wildlife species that occupy or use the project site: _____ _____ _____
n. Does the project site contain a designated significant natural community? ☐ Yes ☐ No If Yes: i. Describe the habitat/community (composition, function, and basis for designation): _____ ii. Source(s) of description or evaluation: _____ iii. Extent of community/habitat: • Currently: _____ acres • Following completion of project as proposed: _____ acres • Gain or loss (indicate + or -): _____ acres
o. Does project site contain any species of plant or animal that is listed by the federal government or NYS as endangered or threatened, or does it contain any areas identified as habitat for an endangered or threatened species? ☐ Yes ☐ No If Yes: i. Species and listing (endangered or threatened): _____ _____
p. Does the project site contain any species of plant or animal that is listed by NYS as rare, or as a species of special concern? ☐ Yes ☐ No If Yes: i. Species and listing: _____ _____
q. Is the project site or adjoining area currently used for hunting, trapping, fishing or shell fishing? ☐ Yes ☐ No If yes, give a brief description of how the proposed action may affect that use: _____ _____
E.3. Designated Public Resources On or Near Project Site
a. Is the project site, or any portion of it, located in a designated agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304? ☐ Yes ☐ No If Yes, provide county plus district name/number: _____
b. Are agricultural lands consisting of highly productive soils present? ☐ Yes ☐ No i. If Yes: acreage(s) on project site? _____ ii. Source(s) of soil rating(s): _____
c. Does the project site contain all or part of, or is it substantially contiguous to, a registered National Natural Landmark? ☐ Yes ☐ No If Yes: i. Nature of the natural landmark: ☐ Biological Community ☐ Geological Feature ii. Provide brief description of landmark, including values behind designation and approximate size/extent: _____ _____
d. Is the project site located in or does it adjoin a state listed Critical Environmental Area? ☐ Yes ☐ No If Yes: i. CEA name: _____ ii. Basis for designation: _____ iii. Designating agency and date: _____

The City of Poughkeepsie
New York



Victor Aqeel
Assistant Corporation Counsel
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Poughkeepsie, New York 12602
TEL: (845) 451-4065
FAX: (845) 451-4070

May 1, 2019
COMMON COUNCIL
City of Poughkeepsie

Re: Proposed Amendment to Chapter 8 FIRE PREVENTION AND PROTECTION.

Dear Chairwoman Finney and Council Members:

Attached herewith, please find proposed change to Section 8-7 of Chapter 8 **"FIRE PREVENTION AND PROTECTION"** of the City of Poughkeepsie Code. Please note that additions are delineated in **BOLD AND UNDERLINE** print.

As recommended by Fire Chief Mark Johnson, the proposed city ordinance change seeks to formally require commercial establishments who operate a kitchen hood system to apply for a permit. The Fire Chief shall prescribe the form for the permit application and said application shall be accompanied by such plans and supplementary materials as are necessary in the view of the Fire Chief to valueate the application.

The additional permit requirement will be made part of an operating permit license application, which is already required by the Fire Department. If there is a Commercial Kitchen present, the following is required:

1. A record of annual inspection and Testing of cooking fire suppression system.
2. Fire suppression system must be linked to a monitored fire alarm when tripped
3. Kitchen hood must have annual certificate.
4. Kitchen hood must be commercially cleaned every six months and must provide certificate and/or sticker on the hood system.

Please let me know if you have any questions or concerns.

Respectfully submitted,

Victor Aqeel, Assistant Corporation Counsel

**ORDINANCE AMENDING §8-7
OF CHAPTER 8 OF THE CITY OF POUGHKEEPSIE
CODE OF ORDINANCES ENTITLED "FIRE PREVENTION AND
PROTECTION"**

(O-19-__)

INTRODUCED BY COUNCILMEMBER _____:

BE IT ORDAINED, by the Common Council of the City of Poughkeepsie, as follows:

SECTION 1: §8-7 is hereby amended by the following addition:

Section 8-7. Permits Required.

(a) It shall be unlawful for any person, his or her agents or servants thereof to engage in the following activities without first having obtained a permit from the Chief of the Fire Department:

- (1) Operation of an acetylene generator with a carbide capacity in excess of five gallons.
- (2) Operation of any tire recapping or rebuilding plant.
- (3) Operation of an automobile wrecking yard.
- (4) Storage of calcium carbide in excess of 200 pounds.
- (5) Storage of cellulose nitrate plastics in excess of 25 pounds.
- (6) Storage, handling or use of more than 2,000 gallons of flammable compressed gas or 6,000 gallons of nonflammable compressed gas, including liquefied, low-temperature or cryogenic gases.
- (7) Operation of a dry-cleaning plant utilizing flammable or combustible liquids.
- (8) Conduct a fireworks or pyrotechnic display.
- (9) Storage, handling or use of:
 - a. Class I liquids in excess of five gallons inside any building or in excess of 10 gallons outside any building, except in the case of storage in the fuel tank of a vehicle or other engine.

b. Class II or Class III liquids in excess of 25 gallons inside any building or 60 gallons outside any building, except in connection with the use of fuel oil in connection with oil-burning equipment.

(10) Manufacturing, processing, blending or refining of flammable or combustible liquids.

(11) Abandonment or removal of underground tanks.

(12) Installation of stationary storage tanks for the storage of flammable or combustible liquids.

(13) Storage, handling or use of hazardous materials, as defined by Chapter C, § 1174.1(a) of the Uniform Code.

(14) Installation of liquefied petroleum gas in excess of 2,000 gallons in capacity.

(15) Installation of sprinkler and standpipe systems.

(16) Installation of wood or other solid-fuel-burning apparatus.

(17) Use of any open flame or fire in a theatrical performance.

(18) Installation of a fire alarm system or systems.

(19) Storage of portable propane gas containers, with a capacity of more than 2.5 pounds and less than 100 pounds, awaiting use or resale as part of a propane cylinder exchange or sale business.

20) Operation of commercial kitchen, including any business which has a kitchen hood present.

(b) All applications for permits shall be made on forms and in such detail as the Chief of the Fire Department shall prescribe and shall be accompanied by such plans and supplementary materials as are necessary in the view of the Fire Chief to value the application.

(c) Any permit issued under this section is subject to revocation or suspension for due cause, subject to appeal as provided in Section **8-11**.

(d) The fees shall be in accordance with the fee schedule as promulgated by the Fire Chief, with the approval of the Common Council.

SECTION 2: This Ordinance shall take effect immediately.

SECONDED BY COUNCILMEMBER _____:

ADDITION(S) denoted by **Underlining and Bold.**

NYSEERDA'S
CLEAN ENERGY
COMMUNITIES
PROGRAM

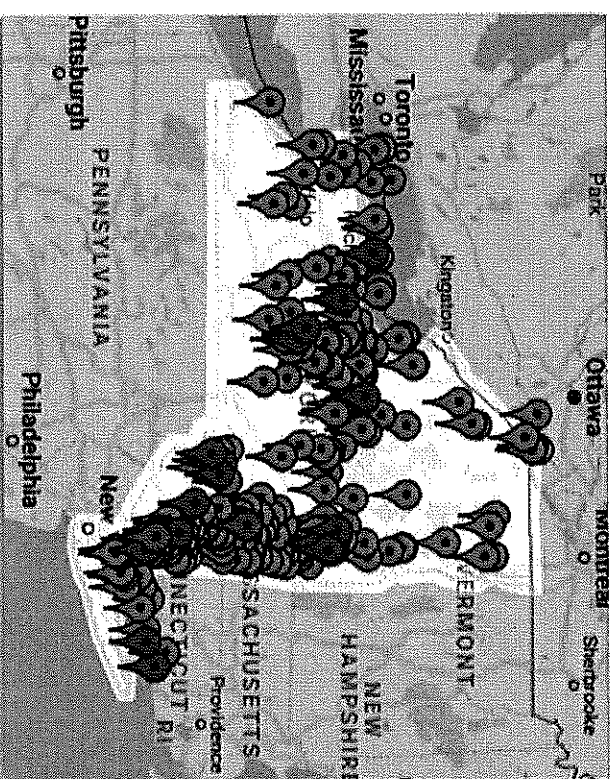
-


NEW YORK
STATE OF
OPPORTUNITY.

NYSERDA
Supported

CLIMATE SMART COMMUNITIES PROGRAM

- NYSDEC-administered program
 - 253 participating communities state-wide
- First Step:
 - Take the CSC Pledge
 - File with NYSDEC
 - Access technical assistance & grant funding
- Next Steps (optional):
 - Appoint CSC coordinator & task force
 - Work towards CSC certification



Next Steps



NYSERDA
Supported

CLIMATE SMART COMMUNITIES PROGRAM

- 87 Mid-Hudson communities are participating CSCs!
- Dutchess County
 - 19 participating communities
 - County Executive: Appointed CSC Task Force & Co-coordinators (September 2018)
- Town of Poughkeepsie
 - Recently appointed CSC Task Force & Coordinator
 - 2018 CSC grant awarded for Comprehensive Plan update
- City of Beacon
 - Currently hiring a CSC Coordinator!
- And many other local communities...



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Mid-Hudson Climate Smart Communities

CLIMATE SMART COMMUNITIES PROGRAM

Model Resolution

Any city, town, village, or county government in New York State can take a stand by adopting the Climate Smart Communities Pledge. Local governments may amend the preamble of the Pledge below, but all ten points of the Pledge must be adopted verbatim by the highest body of elected officials (e.g., town board or city council). The final resolution document must include a signature from the municipal clerk verifying the authenticity of the resolution and indicating the date of passage. Local governments should then designate a primary contact person to complete the online registration form and upload the resolution by following the steps at <https://climatesmart.ny.gov/actions>.
certification/getting-started/. After the registration is reviewed, the community will be designated a Registered Climate Smart Community and be added to the online list. Join us!

Councilmember _____ moved and Councilmember _____ seconded that

WHEREAS, the Town/Village/City/County of _____ (hereinafter "local government") believes that climate change poses a real and increasing threat to our local and global environments and is primarily due to the burning of fossil fuels; and

WHEREAS, the effects of climate change will endanger our infrastructure, economy and livelihoods, harm our farms, orchards, and ecological communities, including native fish and wildlife populations; spread invasive species and exotic diseases; reduce drinking water supplies and recreational opportunities; and pose health threats to our citizens; and

WHEREAS, we believe that our response to climate change provides us with an unprecedented opportunity to save money; and to build livable, energy-independent and secure communities, vibrant innovation economies, healthy and safe schools, and resilient infrastructures; and

WHEREAS, we believe the scale of greenhouse gas (GHG) emissions reductions required for climate stabilization will require sustained and substantial efforts; and

WHEREAS, we believe that even if emissions were dramatically reduced today, communities would still be required to adapt to the effects of climate change for decades to come;

IT IS HEREBY RESOLVED that Town/Village/City/County of _____ in order to reduce greenhouse gas emissions and adapt to a changing climate, adopts the New York State Climate Smart Communities Pledge, which comprises the following ten elements:

- 1) Build a climate-smart community.
- 2) Inventory emissions, set goals, and plan for climate action.
- 3) Decrease energy use.
- 4) Shift to clean, renewable energy.
- 5) Use climate-smart materials management.
- 6) Implement climate-smart land use.
- 7) Enhance community resilience to climate change.
- 8) Support a green innovation economy.
- 9) Inform and inspire the public.
- 10) Engage in an evolving process of climate action.

CSC Pledge: Model Resolution



NYSEERDA
Supported

CLIMATE SMART COMMUNITIES PROGRAM



NYSERDA
supported

RESOLUTION 18 _AGREEING TO ADAPT TO A CHANGING CLIMATE

WHEREAS, the Town Board of the Town of Union Vale acknowledges that there is a high probability that human activities over the passed fifty years have warmed our planet. The industrial activities that our modern civilization depends upon have caused much of the observed increase in Earth's temperatures over the past 50 years.

WHEREAS, most climate scientists agree the main cause of the current global warming trend is human expansion of the "greenhouse effect" — warming that results when the atmosphere traps heat radiating from Earth toward space. Certain gases in the atmosphere block heat from escaping, re-emitting them in all directions warming the surface of the earth and the lower atmosphere. Long-lived gases that remain semi-permanently in the atmosphere and do not respond physically or chemically to changes in temperature are described as "forcing" climate change.

WHEREAS, earth-orbiting satellites flown by NASA (National Aeronautics and Space Administration) have enabled Scientists to collect data on a global scale that demonstrates the heat trapping nature of carbon dioxide and other gases. Gases that contribute to the greenhouse effect include: water vapor (H_2O), carbon dioxide (CO_2), methane (CH_4), nitrous oxide (N_2O), and Chlorofluorocarbons (CFCs) (now largely regulated).

WHEREAS, The planet's average surface temperature has risen about 2.0 degrees Fahrenheit since the late 19th century, a change driven largely by increased carbon dioxide and other human-made emissions into the atmosphere. At the end of the last ice age, when the Northeast United States was covered by more than 3,000 feet of ice, average temperatures were only 5 to 9 degrees cooler than today. We recognize that small changes in temperature correspond to enormous changes in the environment.

WHEREAS, additional examples of negative effects of temperature changes are: shrinking ice sheets in Greenland and Antarctica; retreating glaciers around the world including the Alps, Himalayas, Andes, Rockies, Alaska and Africa; Arctic sea ice is "expected to become essentially ice free in summer before mid-century"; global sea levels expected to rise from one to four feet by year 2100; ocean acidification increases as the acidity of surface ocean waters has continued to absorb carbon dioxide by about 2 billion tons per year.

2018 CSC Pledge: Town of Union Vale

CLIMATE SMART COMMUNITIES PROGRAM



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Action Name	Legacy Action #	Legacy Name	Points	Type/Status
PE1: Build a climate-smart community.				
PE1 Action: CSC Task Force	1.2	Create a community Climate Smart Community task force focused on climate mitigation and adaptation.	20	Mandatory
PE1 Action: CSC Coordinator	1.3	Appoint a Climate Smart Community coordinator	10	Mandatory
PE1 Action: National/Regional Climate Program	1.5	Join a national or regional climate campaign or program	3	
PE2: Inventory emissions, set goals, and plan for climate action.				
PE2 Action: Government Operations GHG Inventory	2.1	Develop a government operations GHG emissions inventory	16	Priority, CSC Grants
PE2 Action: Community GHG Inventory	2.2	Develop a community GHG emissions inventory	16	Priority, CSC Grants
PE2 Action: Government Operations Climate Action Plan	2.5	Develop a government operations climate action plan	12-16	Priority, CSC Grants
PE2 Action: Community Climate Action Plan	2.6	Develop a community climate action plan	16	Priority, CSC Grants
PE3: Decrease energy use.				
PE3 Action: Government Building Energy Audits	3.1	Conduct energy audits of local government buildings	8-16	Priority
PE3 Action: Interior Lighting Upgrades	3.2	Upgrade interior lighting	1-5	
PE3 Action: HVAC Upgrades	3.3	Upgrade HVAC equipment	1-5	
PE3 Action: Water-efficient fixtures	3.4	Install water-efficient fixtures	1-4	
PE3 Action: Building Energy Management System	3.5	Install a building energy management system (BMS)	1-5	
PE3 Action: Energy Benchmarking for Government Buildings	3.32	Adopt an energy/benchmarking requirement for government-owned buildings	2-4	
PE3 Action: Green Building Standard for Government Buildings	3.7	Adopt a green building standard for local government buildings and facilities	2-4	
PE3 Action: Green Building Certification	3.8	Build a new green building	15	
PE3 Action: Fleet Inventory	NA	NA (This is a new action under version 3.)	4	CSC Grants
PE3 Action: Fleet Efficiency Policy	3.10	Adopt a vehicle fleet efficiency policy	2-3	CSC Grants
PE3 Action: Fleet Right-sizing	3.11	Right-size the local government fleet	1-3	
PE3 Action: Advanced Vehicles	3.12	Replace traditional vehicles with advanced vehicles	2-10	
PE3 Action: LED Street Lights	3.15	Convert streetlights to LED	5-10	
PE3 Action: LED Traffic Signals	3.16	Convert traffic signals to LED	1-4	
PE3 Action: Outdoor Lighting Reduction	3.17	Reduce number of outdoor lighting fixtures	1-4	
PE3 Action: Outdoor Lighting Upgrades	3.18	Upgrade outdoor lighting (other than streetlights and traffic signals) to more efficient and/or solar technology	1-4	

CSC Actions Checklist

CLIMATE SMART COMMUNITIES PROGRAM



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COUNTY OF DUTCHESS
MARCUS J. MOLINARO
COUNTY EXECUTIVE

TO: Climate Smart Communities Task Force Members

FROM: Dutchess County Executive Marcus Molinaro & Legislative Chairman A. Gregg Pulver

DATE: November 23, 2018

RE: Formation of the Dutchess County Climate Smart Communities Task Force

The Climate Smart Communities (CSC) program creates a network of New York municipalities seeking to increase energy efficiency and the use of renewable energy sources, while reducing the amount of greenhouse gas emissions produced and increasing communities' resiliency to impacts of climate change. Dutchess County leaders, the County Executive and the Chairman of the Legislature, have determined that involvement in these programs can help reduce overall energy usage and its associated costs and increase the use of renewable energy sources, both in government facilities and the community at large. The program also provides guidance to local governments on best practices for mitigating and adapting to climate change and offers a source of matching grants for projects that advance stated goals. The Dutchess County Department of Planning is charged with securing such grants.

In July 2017, the County Legislature requested the Dutchess County Environmental Management Council (DCEMC) provide recommendations on actions that the County can take to reduce fossil fuel usage, both within County Government and encouraged in the County at large, and to recommend fossil fuel reduction goals. In its report to the Legislature, the EMC recommended pursuing certification in the CSC program and a related Clean Energy Communities (CEC) program, sponsored by NYSERDA.

Dutchess County CSC Task Force

CLIMATE SMART COMMUNITIES PROGRAM



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CLIMATE SMART COMMUNITIES GRANTS



Office of
Climate Change

Part of the New York State Environmental Protection Fund

The Climate Smart Communities Grant Program is a competitive 50/50 matching grant program for municipalities. It was established in 2016 under Article 54, Title 15 of Environmental Conservation Law, an excerpt of which is below. The program funds climate change adaptation and mitigation projects and includes support for projects that are part of a strategy to become a Certified Climate Smart Community. This fact sheet only provides an overview of the program; please refer to the current Request for Applications (RFA) for details on eligible project types for the current grant cycle.

Project Types

§ 54-1523. Climate adaptation and mitigation projects.

1. The commissioner is authorized to provide on a competitive basis, within amounts appropriated, state assistance payments to a municipality toward the cost of any climate adaptation or mitigation projects. Such projects shall include:

- a. the construction of natural resiliency measures, conservation or restoration of riparian areas and tidal marsh migration areas;
- b. nature-based solutions such as wetland protections to address physical climate risk due to sea level rise, and/or storm surges and/or flooding, based on available data predicting the likelihood of future extreme weather events, including hazard risk analysis data if applicable;
- c. relocation or retrofit of facilities to address physical climate risk due to sea level rise, and/or storm surges and/or flooding based on available data predicting the likelihood of future extreme weather events, including hazard risk analysis data if applicable;
- d. flood risk reduction;
- e. greenhouse gas emission reductions outside the power sector;
- f. enabling communities to become certified under the Climate Smart Communities Program, including by developing natural resources inventories, right sizing of municipal fleets and developing climate adaptation strategies; and
- g. climate change adaptation planning and supporting studies, including but not limited to vulnerability assessment and risk analysis of municipal drinking water, wastewater, and transportation infrastructure.

Implementation Projects

Grants of up to \$2,000,000 are available for implementation projects in two major categories: adaptation and non-power mitigation (i.e., projects that reduce greenhouse gases from sources not related to the generation or consumption of electricity). These project types are described above in sections a. to e.

Certification Projects

Grants of up to \$100,000 are available for assessments and planning activities that enable local governments to become Certified Climate Smart Communities, as described above in sections f. and g. Applicants under this category should review the online Climate Smart Communities Certification Portal at <https://climatesmart.ny.gov> to learn more about the certification program.

CSC Grants

CLIMATE SMART COMMUNITIES PROGRAM

Town of Poughkeepsie

\$45,000

Comprehensive Plan Update with Sustainability Elements

The Town of Poughkeepsie will update its 2007 comprehensive plan, which successfully introduced mixed-use zoning and greenspace preservation strategies. Drawing on recent pedestrian infrastructure planning for Dutchess County, Poughkeepsie's comprehensive plan update will include a complete streets policy, bicycle and walking infrastructure planning, and a natural resource inventory.

City of Kingston

\$60,000

Pedestrian and Bicycle Master Plan

The City of Kingston will prepare a comprehensive city-wide pedestrian and bicycle master plan. The plan will inventory and assess all existing sidewalks and bike paths and perform an equity-demand analysis and a gap analysis to identify a cohesive non-motorized transportation network that, when completed, will link neighborhoods and business areas together, as well as to the Kingston Greenline and the Empire State Trail.

City of Kingston

\$772,752

Safe and Accessible Flatbush and Foxhall Avenues

The City of Kingston will enhance the bicycle and pedestrian facilities along portions of Flatbush and Foxhall Avenues. Sidewalks, railroad crossing facilities, sidewalk ramps, painted crosswalks, driveway aprons, pedestrian waiting stations, and 56 street trees are included in the improvements. The project will increase safety along the corridor and at the railroad crossings, support an increase in non-motorized transportation and connect low-income neighborhoods to commercial centers.



NYSERDA
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2018 CSC Grants Awards

Hudson Valley Regional Council

Thank you

Europa L. McGovern

Planner / Clean Energy Communities Coordinator

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Carla C. Castillo G.

Deputy Executive Director / Clean Energy Communities
Coordinator

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845-564-4075, ext. 210



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Contact Us

**CERTIFIED LOCAL GOVERNMENT PROGRAM
FIELD SERVICES BUREAU
DIVISION FOR HISTORIC PRESERVATION**



**Parks, Recreation
and Historic
Preservation**

NEW YORK STATE OFFICE OF PARKS, RECREATION AND HISTORIC PRESERVATION

Dear Colleague:

Thank you for your recent inquiry concerning the Certified Local Government (CLG) program in New York State, administered by the Field Services Bureau of the Office of Parks, Recreation and Historic Preservation (OPRHP), also known as the State Historic Preservation Office (SHPO). The program's primary goal is to encourage municipalities to develop and maintain community preservation efforts in coordination with local land use planning and improvement activities. Participation in the CLG program allows municipalities to partner with the state and federal governments throughout the processes of identifying and evaluating community resources and protecting historic properties.

There are over 70 communities in New York State's Certified Local Government Program, ranging from rural villages to large cities. The benefits of the program include access to SHPO staff for technical assistance and training, participation in an online network with other CLG communities, a quarterly newsletter on topics critical to local preservation and the opportunity to apply for small grants to support local preservation and educational activities. CLG funding has enabled communities to conduct historic resource surveys, produce publications, undertake planning studies, and present training programs.

This introductory packet will help educate community leaders about the responsibilities and functions of an historic preservation commission working within the CLG program. Included is a model ordinance that should be used as the basis for your local law. SHPO staff provides assistance with the creation or revision of an ordinance, which meets the standards. Many of these documents can also be found online at:

<http://nysparks.com/shpo/certified-local-governments/>

The main step towards CLG certification is the adoption of a local preservation ordinance that meets state and federal requirements for designation of historic resources, composition of commission, and review processes. If a community has already adopted a local preservation ordinance that requires minimal revisions, the approval process for the CLG program can take two to four months. If, however, a community is at the beginning stages of developing an ordinance, the process can take six months to over a year, depending upon the local procedures for creating and adopting new legislation. Compared to the State and National Register of Historic Places, a local preservation ordinance provides the strongest protection for a more broad range of historic resources, including private property. Accordingly, the CLG requirements ensure that the local historic preservation program is operating under "best practices," is effective, and that actions are legally defensible.

Continued

Once a local ordinance is passed, the municipality will submit an application, which is first reviewed and approved by SHPO, and then sent for final approval and certification by the National Park Service. Please note that the CLG application process in New York State is relatively informal, and requires submission of several documents rather than a standard application form.

Your application packet should contain the following materials:

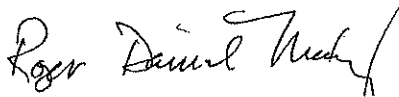
- A letter from the chief elected official expressing commitment to the program.
- A copy of the local preservation ordinance.
- An explanation of the commission member selection process.
- Resumes of commission members with a brief explanation of how they meet the CLG program qualifications.
- A description of adopted guidelines for the identification and inventory of local historic resources.
- Descriptions of strategies for public participation in local preservation programs.
- If available, copies of your community's historic preservation plans and objectives.

Submit the packet to:

Julian W. Adams
CLG Program Coordinator
New York State Office of Parks, Recreation and Historic Preservation
Peebles Island, PO Box 189
Waterford, New York 12188-0189

We encourage you to pursue CLG status for your municipality. Your community's rich heritage and collection of historic and cultural resources have the potential to help advance a variety of community development and enhancement efforts. By becoming a CLG, a community strengthens its abilities to make important decisions about local preservation, development, and planning issues. We look forward to working with you in preserving New York State's historic and cultural resources.

Sincerely,



Roger Daniel Mackay
Deputy Commissioner for Historic Preservation

Introduction to the New York State Certified Local Government Program

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The New York State Office of Parks, Recreation and Historic Preservation oversees the Certified Local Government program. This office receives federal funding from the National Park Service. However, the contents and opinions contained in this publication do not necessarily reflect the views or policies of the U.S. Department of the Interior, nor does the mention of trade names or commercial products constitute endorsement or recommendation by the U.S. Department of the Interior.

Under Title VI of the Civil Rights Act of 1964 and Section 504 of the Rehabilitation Act of 1973, the U.S. Department of the Interior prohibits discrimination on the basis of race, color, national origin, or disability in its federally assisted programs. Any person who believes he or she has been discriminated against in any program, activity, or facility operated by a recipient of federal assistance should write to: Office of Equal Opportunity, U.S. Department of the Interior, 1849 C Street, N.W., Washington, D.C. 20240.

1-15

Summary of the Certified Local Government Program Framework

The overall objective of historic preservation is to ensure that historic resources continue to have an active use within a community while retaining their historic and architectural integrity. This means that historic resources are not frozen in time, but that proposed changes are carefully considered to avoid a constant erosion of historic character. The power and duties, structure, membership and decision making procedures of a historic preservation commission in the Certified Local Government program allow them to take a long-term approach by focusing on architectural merit and historic significance of properties. Adherence to these requirements distinguish those municipalities from others that have enacted local preservation legislation, but whose ordinances do not meet the Certified Local Government guidelines. See also the complete "Information and Regulations Regarding the Certification Process" near the end of this packet.

The Historic Preservation Commission or Board must be a unique entity

Historic Preservation legislation must establish a separate historic preservation commission that operates independently from any other board or commission.

Commission or Board members must be qualified to serve

As part of its establishment and continued operation, the commission must be made up of members who are qualified to carry out the required decision making. Commission members must have a demonstrated interest in historic preservation, and must participate in training that will enable them to carry out their duties. They must also abide by rules of conduct that ensure the legality of any decisions made by the commission.

The commission must have the authority to either directly designate landmarks and historic districts or recommend designations to the governing municipal board or council

The CLG program takes a long-term approach to the survival of resources by isolating designation and project review from other factors. The designation and review processes should operate free from any undue political influence.

Owner consent for designation is not allowed with the CLG program

While some communities allow an owner to block designation of a property, this is not acceptable under the CLG program. Preservation ordinances are in line with other legislation enacted for the "public good." Therefore, the designation and review processes assess the property for its importance to the general community. An owner can present information during the designation process, but cannot "veto" the designation.

Financial constraints are only considered when a "hardship" occurs

The financial status of a property owner is never a factor in determining whether a property is worthy of designation. Instead, accommodation of financial situations is only taken into account when a property owner files a Hardship claim in a procedure entirely separate from any COA determination.

A CLG must actively identify and document historic resources

Working in partnership with SHPO staff, the municipality must establish and maintain a system by which historic resources are identified.

Public participation is important for the success of the CLG program

The process of designating landmarks and historic districts must provide for public participation, and commission meetings must follow New York State open meeting law. Property owners and other stakeholders must have an adequate opportunity to present information as part of the Certificate of Appropriateness review. In addition, the commission is charged with undertaking public education efforts outside of meetings and hearings.

The municipality is entering into a partnership with SHPO

Commissions must submit a report on their activities at the end of each Federal fiscal year which runs from October 1 to September 30.

Benefits of Participation in the Certified Local Government Program

Technical Assistance

SHPO staff work directly with local commissions and municipalities to support historic preservation efforts. During the application process, staff provide guidance on the development of the local preservation ordinance. As a member CLG, communities are able to contact SHPO with questions about procedures or particular local issues. Staff may attend a general community informational meeting to talk about the benefits of the program, visit a commission to assist in review or process issues or present training sessions.

There is a quarterly newsletter for CLGs, *The Local Landmarker*, that addresses issues of interest to local historic preservation commissions. Past issues of the *Landmarker* are available at:

<http://nysparks.com/shpo/certified-local-governments/>

Commission members also have access to an Internet discussion group established specifically for NYS CLG communities. Commission members and municipal staff can communicate directly with other CLGs, share information, announce events and compare best practices. SPHO staff also use the listserve to distribute materials and publications.

CLG Grant Program

The CLG program offers financial assistance to help communities move their local preservation programs forward. Past grants have supported projects that address the goals of identifying, evaluating, nominating, and protecting a community's historic and cultural resources. Some examples of eligible projects are local historic resource surveys, National Register nominations, preservation training for municipal officials, and public education programs and publications. Commission training and public education and awareness programs have also been funded.

New York State is required to set aside 10% of its federal historic preservation allocation every year for grants to Certified Local Governments (CLGs). The total amount of available funding varies each year according to the level of SHPO's annual federal allocation. Past grants have ranged from \$1,200 to \$28,000, with most awards falling between \$4,000 and \$10,000. Although there is no requirement for match, applicants are strongly encouraged to contribute at least 40% of the project cost through cash or in-kind contributions. There may be instances where a grant provides 100% support. SHPO makes every reasonable effort to distribute the annual CLG share among the maximum number of CLGs and balance the distribution among urban and rural areas.

The application process is a competitive one, and funds are awarded on the basis of merit and need. Application forms are distributed in the early winter, the deadline is usually in January, notification of awards is usually in May. Grant projects must be completed in the federal fiscal year following the fiscal year the grant is awarded. (for example, a grant awarded for fiscal year 2015, which runs from October 1, 2014 through September 30, 2015, would need to be completed by September 30, 2015.) The grant is distributed as a reimbursement after the CLG submits products that are reviewed and approved by SHPO staff along with documentation for completed work and total expenditures.

Continued

Benefits of Participation in the Certified Local Government Program, continued

The following project categories qualify for CLG funding:

- A. **Commission Training:** Projects designed to expand commission members' knowledge and expertise concerning historic preservation. Within this category, the highest funding priority is sponsorship of a statewide or regional conference for CLG commissions. Other training projects will be ranked according to the numbers of commission members served and the degree to which the training satisfies a demonstrated need or deficiency. Jointly-sponsored projects, such as shared consultants, and projects that benefit multiple CLGs are encouraged.
- B. **Public Education:** Information and outreach projects where there is a **demonstrated need**. Examples are publications, workshops, and other such projects designed to raise public knowledge and acceptance of local historic preservation programs. Within this category, projects will be prioritized according to the degree of need, and the extent to which the project will address that need.
- C. **Survey and Designation:** Only projects showing evidence of a comprehensive long-range approach to survey and designation, or projects that include the development of such an approach will be considered. Funding cannot be guaranteed for subsequent phases; however, Selection Criteria 2 and 3 strongly favor multi-phase projects showing long-term CLG commitment. Fundable projects include (in priority order):
 - 1. New reconnaissance-level survey where none exists;
 - 2. Comprehensive new intensive level survey or updating to bring existing survey within state standards;
 - 3. Intensive level survey or designation, including National Register (NR) and other projects following a comprehensive plan
 - 4. Intensive level/local designation/NR projects taken out of sequence where an immediate threat or need can be demonstrated.
- D. **Demonstration projects on Critical Statewide Issues:** Projects designed to provide model approaches to statewide preservation issues such as heritage tourism, economic revitalization, affordable housing, protection for historic landscapes and farmlands, identification of resources associated with minority populations, and comprehensive land use planning. Acquisition, pre-development (plans, specifications, historic structure reports) and development costs are eligible expenses where demonstration projects will preserve key historic resources in the community. Projects in this category will be prioritized according to their potential usefulness to communities statewide.
- E. **Local Capacity-Building:** Initiatives that will improve the municipality's ability to work with property owners throughout the review process, including support for the development of new administrative tools or application documents, training for municipal staff or seed money for new commission staff.

In addition to considering the types of projects proposed, SHPO staff evaluate how the project fits within the context of each community. The project should increase the capability and effectiveness of the CLG in addressing historic preservation issues, and have the support of other community groups, including planning agencies. Applicants need to demonstrate that they have carefully planned the project by including a clear description, scope of work and a detailed budget. Finally, SHPO staff assess whether the community has the personnel, fiscal and administrative resources required to undertake the work as planned.

Sample Certified Local Government Program Grant Projects

FY 2013 Awards

Albany, Albany County, Updated

Reconnaissance Level Survey of Washington Park Historic District. The project will create a building list of the 225 existing buildings in the Washington Park Historic District, approved in 1978, update photographs and property status descriptions and produce a spreadsheet of the information to be used in the nomination of an expanded district. (\$4,632)

Brockport, Monroe County, State and National Register Nominations. Nominations to the State and National Registers of Historic Places will be prepared by a paid consultant for properties in the Park Avenue and State Street areas, the freight depot of the old NYC&HV RR, the College at Brockport's Hartwell Hall, and Brockport Village Cemetery. (\$3,980)

Town of Clarence, Erie County, Reconnaissance Level Survey of Barns and Agricultural Structures. At one time, Clarence contained some of the most prominent examples of early barns and agricultural outbuildings still intact within the western NY region. In recent years the suburbanization of the Town and widespread development of existing farmland has resulted in the loss of a great number of original farmsteads, barns, and associated outbuildings. The project would undertake an intensive level survey of existing agricultural farmsteads, barns, and associated outbuildings. The work is a significant component of a larger effort toward designating these structures as local historic landmarks. The long term goal is to couple the local landmark designation program with the efforts of an existing (\$12.5 million land preservation program to create marketable sites that would be desirable for start-up business looking to sustain our historical commitment to agricultural production and service. (\$9,000)

Elmira, Steuben County, Engineering Study of Maxwell Place Fire Station. The City is seeking CLG grant funds to complete an Engineering Study of the Maxwell Place Fire Station which will document existing conditions and provide an objective view of the property's condition by a qualified engineering firm experienced in working with historic structures. This study will examine the feasibility of options related to the future of this historic structure by providing a report that provides conceptual level designs for alternatives and cost estimates. (\$6,500)

Fairport, Monroe County, Updating 1976 Historic Resources Survey. The Village of Fairport will develop an updated inventory of historic resources, using the 1976 Landmark Survey as a base. The work will involve a review of existing materials, an updated assessment of the 240 properties previously surveyed and a reconnaissance survey of around 1470 additional properties. The commission will work with a consultant to identify those sites which should be surveyed at the intensive level. Results from the survey will guide the commission in designating properties at the local level. (\$10,000)

Kingston, Ulster County, Midtown Intensive Level Historic Resources and Building Survey Project. The City of Kingston Historic Resources and Building Survey Project will evaluate past historic resources surveys, undertake new documentation and develop recommendations for designating resources at the local level and nominating properties to the State and National Registers of Historic Places. With support from a consultant, the work will support the City's comprehensive planning efforts, the development of an interpretive plan, the Historic Landmark Preservation Commission's (HLPC) Certificate of Appropriateness (CoA) reviews, and the HLPC's active participation in survey efforts. Project goals are to assist property owners in preservation efforts and to contribute information to the development of a citywide interpretive plan in order to create a compelling experience that will lead residents to take great pride in their city and attract new residents, visitors, and investors. (\$10,000)

Village of Lancaster, Erie County, National Register District Nomination. The Village of Lancaster will retain a consultant to complete National Historic Register district and property nominations for eligible portions of and properties within the Village. Much of the Village of Lancaster is located within an income-eligible census tract, and an important objective of this project is to list eligible properties on the National Register so that homeowners and businesses can participate in the New York State Rehabilitation Tax Credit programs. (\$10,000)

Lockport, Niagara County, High Street-Locust Street Historic District National Register Nomination. The work to be performed is to prepare and submit a Draft State & National Registers of Historic Places Nomination for the Historic District, (\$10,000)

Village of Montebello, Rockland County, Historic Preservation Commission Training/Education. Montebello will host a "CAMP" session (Commission Assistance and Mentoring Program) presented by the National Alliance of Preservation Commissions. The event will be open to commissions in the region. , (\$7,000)

Village of Ossining, Westchester County, Historic District Markers Project (Design). The project seeks to build on the CLG's previous work to produce a walking tour brochure by placing historic markers at sites in the Downtown Ossining and Sparta Historic Districts in order to advance tourism and heritage education. The CLG will develop text and a graphic design for the plaques to be produced., (\$2,018)

Saratoga Springs, Saratoga County, East Side Historic District Survey Update. The project will update the East Side Historic District survey information which has not been revised since 1985. The survey will document the many alterations that have taken place and will also add data on accessory buildings (carriage houses, garages, commercial buildings, etc.). In recent years, the City has received increasing applications proposing demolition of, or alterations to, these accessory buildings. The survey will aid the City Design Review Commission during application review., (\$10,248)

Village of Southampton, Suffolk County, Regional Commissioner Training: "New Design in Historic Context". The CLG will present two commissioner training workshops in the fall of 2013 for the Long Island (Nassau/Suffolk) region on "New Design in Historic Contexts." Sessions will address the appropriateness of architectural design for infill construction and additions within historic districts. The region continues to face an accelerated rate of tear-downs and new development, with significant consequences for both historic residential and commercial neighborhoods. The proposed workshops will bring together professionals with experience in judging the appropriateness and compatibility of new design and infill in historic districts. (\$3,900)

Village of Springville, Erie County, Historic Preservation Education Project. The CLG will develop an educational brochure about the commission responsibilities and the process of review for properties in historic districts. The materials will be used for a workshop and website presentations on the benefits of preservation, including rehabilitation tax credits., (\$1,000)

Syracuse, Onondaga County, Historic Resources Survey of Religious Structures & Symposium on Adaptive Reuse of Historic Religious Properties. The City of Syracuse will complete a hybrid reconnaissance/intensive-level historic resources survey of religious properties in the City of Syracuse. In addition, and as companion piece to the survey, the City is seeking funding in support of a symposium analyzing the adaptive reuse of former religious properties. The survey and symposium are in direct response to the recent local and regional closings of large-scale, architecturally and historically significant religious properties and the local initiatives to find new uses for these properties that are often important community landmarks and neighborhood anchors. , (\$16,925)

FY 2014 Awards

Village of Bath, Steuben County, Updating Village Historic Property Survey. This project will update a 1983 survey with the addition of 35 properties not originally included. (\$1,025.00)

Village of Cold Spring, Putnam County, Updating Historic Preservation Ordinance and Updating Design Standards. The CLG will update the Preservation Ordinance and the Design Standards

to support the work of the commission and the Village's 2012 Comprehensive Plan(\$17,000.00)

Village of Cooperstown, Otsego, County, Local Historic District Survey Update. The survey will update documentation done in 1999, reconsider post-1949 buildings (which were ineligible at the time of the original survey), add information on outbuildings, and update information on altered or lost buildings. The results will be used for COA reviews but a revised National Register nomination is not an objective. (\$11,700.00)

City of Kingston, Ulster, County, Stockade/Fair Street Intensive Level Historic Resources Survey Project. The survey will update the 1975 Stockade National Register Historic District nomination with an annotated building list and will assess resources in the Fair Street area. The project will determine boundaries of a potential district and whether it will be nominated as an extension of the Stockade District or as a separate district. (\$12,000.00)

City of Newburgh, Orange, County, Updating National Register East End Historic District Inventory. The East End Historic District includes 2500 properties and was listed in 1985. The resources will be surveyed and a database created to be used by the preservation commission, planning staff, and other agencies. The project is broken down into two main areas of work: 1. fieldwork and data entry to update a database and record current conditions; and 2. review of information and assessment of architectural integrity by an architectural historian. (\$20,000.00)

Village of Pittsford, Monroe, County, Update and Expansion of National Register Historic District. The CLG will update documentation and develop a nomination to expand a district that was listed in 1984. The project will bring the period of significance up to mid-century and will thereby add approximately 400 properties to the district.(\$21,282.00)

City of Syracuse, Onondaga, County, Expansion of National Register Districts. The project will review, revise and potentially expand three National Register-listed historic districts: North Salina St., Montgomery St./Columbus Circle, and Hawley Green.(\$13,400.00)

Town of Wawarsing, Ulster, County, Napanoch Historic Resource Survey. The survey will document the Hamlet of Napanoch in order to support a potential historic district nomination. (\$6,000.00)

City of Saratoga Springs, Saratoga, County, Historic Preservation Speakers Series. The Saratoga Springs Preservation Foundation (SSPF) will serve as a consultant to plan and present four quarterly training sessions and produce a resource manual. The sessions would be targeted to CLGs in the region, including but not limited to Malta, Albany and Schenectady. (\$12,000.00)

Village of Springville, Erie, County, East End Historic District National Register Nomination. The CLG will hire a consultant to prepare a National Register Nomination for 66 residential properties in the East Hill Historic District. (\$5,000.00)

Code of Federal Regulations (CFR) Qualifications for Historic Preservation Commission Members

Qualifications for historic preservation commission members are established at the Federal level by Chapter 36 of the Code of Federal Regulations (CFR), Part 61, Appendix A: Professional Qualifications Standards. Appropriate backgrounds for commission members include:

History: Graduate degree in history or closely related field **OR** Bachelor's degree in history or closely related field, **PLUS** either 2 years full-time research, writing, teaching, interpretation or other demonstrable professional activity with an academic institution, historical organization or agency, museum, or other professional institution, **OR** substantial contribution through research and publication to the body of scholarly knowledge in the field of history.

Archeology: Graduate degree in archeology, anthropology or closely related field **PLUS** 1 year full-time professional experience or equivalent specialized training in archeological research, administration, or management; 4 months of supervised field and analytic experience in general North American archeology; **AND** demonstrated ability to carry research to completion.

Prehistoric Archeology: In addition, 1 year of full-time professional experience at a supervisory level in the study of archeological resources of the prehistoric period.

Historic Archeology: In addition, 1 year of full-time professional experience at a supervisory level in the study of archeological resources of the historic period.

Architectural History: Graduate degree in architectural history, art history, historic preservation or closely related field, with coursework in American architectural history **OR** Bachelor's degree in architectural history, art history, historic preservation or closely related field, **PLUS** either 2 years full-time research, writing, teaching, in American architectural history or restoration architecture with an academic institution, historical organization or agency, museum, or other professional institution **OR** substantial contribution through research and publication to the body of scholarly knowledge in the field of American architectural history.

Architecture: A. A professional degree in architecture **PLUS** 2 years of full-time professional experience in architecture **OR** B. A state license to practice architecture.

Historic Architecture: Professional degree in architecture **OR** State license to practice architecture, **PLUS** either 1 year of graduate study in architectural preservation, American architectural history, preservation planning, or closely related field **OR** 1 year full-time professional experience on historic preservation projects. Either experience must include detailed investigations of historic structures, preparation of historic structures research reports, and preparation of plans and specifications for preservation projects.

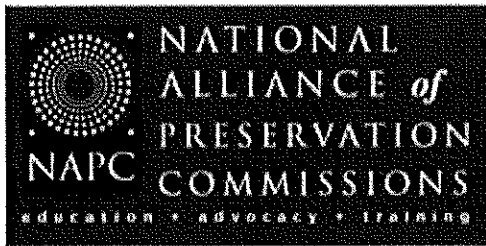
Closely related fields: Planning, Folklore, Cultural Anthropology, Curatorial, Conservation, Landscape Architecture.

Note: A sample application form for commission members can be found after the model ordinance.

Job Description for an Historic Preservation Commission Member

While the Code of Federal Regulations (CFR) articulates the background and experience which qualify residents to serve on a commission, it is also important to understand what commission members are expected to do once appointed. In general, there are two main aspects of the work: working effectively with the public, and staying up-to-date about the field of preservation.

- Be aware that you represent not only the face of local government, but also the larger field of historic preservation in your community.
- Demonstrate a strong interest in community history and architecture, and a strong commitment to community well being and development.
- Understand that the overall objective of historic preservation is to preserve historic and cultural resources while allowing those resources to remain active parts of the community. This requires balancing the rehabilitation needs with a long-term view towards protecting the integrity of the resources. It is important to convey this outlook to the public along with an understanding that working with older buildings is often a more complex process and, therefore, projects may take longer to complete.
- Read *and become familiar with* the local preservation law so that your actions are nothing more and nothing less than the prescribed responsibilities and conduct required. This will help to ensure that the decisions of the commission are not vulnerable to legal challenges on the basis of improper procedure or commissioners exceeding authority
- Be willing to spend time learning about the field of historic preservation in general.
- Attend workshops so that you continue to build skills and learn about advances in historic preservation.
- Contribute time outside of meetings for commission work. Prepare for the meetings by carefully reviewing the applications and, when possible, making site visits. Attend meetings as noted in the local law, and remember that your absence may affect a quorum.
- Consider carefully any possible personal or financial conflicts of interest related to any matters before the board, if they exist, and refrain from any participation in discussion or voting. Failure to do so may serve as the basis to overturn any decision, regardless of how closely the commission's deliberations were based on the facts of the application.
- Possess strong "people skills" which will enable you to work constructively with elected officials, municipal staff, property owners, realtors, developers and other community stakeholders—even in the face of controversy.
- Work with municipal staff and consultants to plan events and produce materials aimed at making property owners aware of historic preservation's value to the community, and helping them to understand the designation and review processes. This is part of the commission's responsibility to undertake educational projects in addition to participating in meetings and public hearings.



National Alliance of Preservation Commissions Code of Ethics for Commissioners and Staff

This Code of Ethics was developed by members of the NAPC through an interactive process beginning with a series of facilitated sessions held during the July 2006 NAPC FORUM in Baltimore, MD. The resulting set of principles was further developed and refined by members during the following three-month period leading up to the November 2006 annual meeting of NAPC in Pittsburgh, P A. The effort was supported by the Board of Directors and staff of NAPC and coordinated by Professor James K. Reap, an attorney and member of the Board, with the involvement of the Historic Preservation Advocacy and Professional Development class in the Master of Historic Preservation Program at the University of Georgia. The NAPC would like to acknowledge the organizations whose guidelines and materials were relied on in developing this code: the American Institute of Architects (AIA), American Planning Association (APA), American Institute of Certified Planners (AICP), American Institute for Conservation of Historic and Artistic Works (AIC), and International Council on Monuments and Sites (ICOMOS).

Preamble

Preservation commissions have been established by local governments throughout the United States to promote the preservation and appropriate development of heritage resources in their communities. The National Alliance of Preservation Commissions (NAPC) is the only organization devoted solely to representing the nation's preservation commissions. Its mission is "to build strong local preservation programs through education, advocacy and training." As part of that mission, the NAPC has developed this Code of Ethics to promote and maintain the highest standards of honesty, integrity and professionalism among the commissioners and staff who serve their communities through preservation commissions.

These principles are derived from general societal values and recognized principles of professional responsibility. As societal values compete, so may ethical principles. The need for full public disclosure may compete with the need to respect confidential information, for example. The ethical commissioner or staff member must carefully balance various public and private interests based on the facts and context of each situation guided by the commitment to serve the public interest.

Individual commissioners should be knowledgeable, accurate, honest and forthright in their dealings with other commissioners, local elected officials and staff, applicants and the general public. Although not elected by the public, preservation commissioners are accountable for their actions in the communities they serve.

This Code of Ethics comprises guidelines for ethical conduct organized under three main categories:

*Responsibility to the Community
Responsibility to the Profession
Standards of Professional Conduct*

Under each category are statements of principle to guide preservation commissioners and staff in choosing ethical courses of action for heritage preservation in their communities. The NAPC endorses this Code as the ethical benchmark to which all its members should aspire. In the absence of professional licensure for preservation commissioners and staff, the adherence to a code of ethics is a matter of personal responsibility. However, preservation commissions may wish to adopt these principles and standards as a guide. Although stated in the plural, each suggested rule also applies to an individual commissioner or staff member.

Continued

NAPC Code of Ethics for Commissioners and Staff, continued

Responsibility to the Community

The most effective historic preservation takes place locally, and all preservation commissioners and staff should remember that it is their duty, as public servants, to advance the greater good of the community.

Commissioners and Staff should:

1. be advocates for the community's heritage resources, striving to protect their integrity while recognizing the rights of citizens, individually and collectively, to their beneficial use and enjoyment.
2. promote public awareness, appreciation, access and support for the preservation of heritage resources.
3. develop standards and guidelines that are appropriate for the resources and protect the community's unique character, environment and quality of life.
4. respect the diversity of heritage resources that may hold different meanings for various groups and communities.
5. respect the public's right to know by providing full, clear and accurate information and observing both the letter and spirit of open meetings and open records laws.
6. provide opportunities for meaningful public participation in the work of the commission.
7. make timely, fair, informed and impartial decisions that guarantee citizens' rights to due process and equal protection under the law.
8. be sensitive to the interrelatedness of their decisions and the long-term implications for the resources and the community .
9. seek compromises or search for alternatives where necessary to achieve overall preservation goals and provide substantial justice for citizens.
10. recognize that the historic built environment changes over time and encourage new development that respects the historic character and fabric that preceded it.
11. continually evaluate and update their plans, ordinances, standards, guidelines and procedures to ensure they meet the community's current and future needs.
12. always strive to make decisions that are in the best interest of the community.

Responsibility to the Profession

Preservation commissioners and staff are drawn from many disciplines and backgrounds. The common thread that joins them is their interest and commitment to preserve heritage resources in their communities. A multi-disciplinary profession has developed over the years from the historic preservation movement, and commissioners and staff have an obligation to advance the best interests of this profession in the context of their commission work.

Commissioners and Staff should:

1. be mindful that they are representatives of the greater local, state, and national preservation community and conduct themselves in a way that brings credit to their commission and the profession.
2. share their knowledge and experience and contribute to the development of other colleagues, particularly newly appointed commissioners, students, and interns.

Continued

NAPC Code of Ethics for Commissioners and Staff, *continued*

3. actively promote heritage preservation and strive to increase the involvement of underrepresented groups.
4. support through their memberships and other contributions organizations that promote heritage preservation.
5. work collaboratively with related professionals and professional organizations whose actions also affect heritage conservation including, but not limited to, planners, code officials, architects, landscape architects, archaeologists, attorneys, realtors, and developers.
6. treat fairly and comment responsibly on the professional views of colleagues and members of other professions.
7. render all practicable assistance to other colleagues and organizations in an emergency when heritage resources are at risk.
8. acquire a depth of knowledge that will enable them to explain to others the role of heritage preservation in a complex, modern world.
9. recognize that the field of heritage preservation is constantly evolving and actively pursue continuing educational opportunities in order to maintain, refine and enhance their capabilities as practitioners.

Standards of Professional Conduct

As public servants, commissioners and staff are expected to conduct themselves in accordance with the law. These standards set forth both a baseline for such legal conduct as well as aspirational goals for ethical behavior that may require a conscientious effort to attain.

Commissioners and Staff:

1. should thoroughly understand the legal framework of heritage preservation and consistently operate within the bounds of their authority and responsibility under the law.
2. should treat all citizens fairly, impartially and with respect, and refrain from discrimination or harassment of any kind.
3. should not accept gifts or favors under any circumstances where it might appear that acceptance could influence their judgment.
4. should disclose all personal or financial advantages that might accrue to them, their business interests or family members either directly or indirectly from a recommendation or decision.
5. who have an actual or apparent conflict of interest in a matter coming before them should recuse themselves entirely from deliberations and decisions.
6. are obligated to utilize their knowledge and experience to make decisions and therefore should abstain from participating and voting only in cases of a bona fide conflict of interest.
7. should not disclose confidential information obtained in the course of their duties, except as required by the law, or use confidential information to further a personal interest.
8. should not abuse their office by advancing an agenda that is not in the best interest of the community or heritage preservation.
9. should seek the advice of colleagues or other professionals on matters that fall outside their expert knowledge or competence.

Continued

NAPC Code of Ethics for Commissioners and Staff, *continued*

10. should be consistent in their actions and recommendations, treating similarly situated properties similarly and providing clear explanations when different treatment is required.
11. should reveal illegal conduct on the part of other commissioners, staff, officials, applicants or their representatives to an appropriate higher authority .
12. should not participate in deliberations or decisions without adequate preparation and knowledge of the matter before them.
13. should avoid dishonesty , never misrepresenting facts or distorting information to achieve a desired outcome.
14. should recognize the uniqueness of heritage properties, applying preservation theories, methods, and standards appropriate to each particular case.
15. should be sensitive to ethical issues and ensure they are raised, critically analyzed, and addressed by the commission and other appropriate authorities.

The National Association of Preservation Commissions (NAPC) is based in the College of Environment and Design at the University of Georgia. It is the only organization devoted solely to representing the nation's preservation design review commissions. NAPC provides technical support and manages an information network to help local commissions accomplish their preservation objectives. The Alliance also serves as an advocate at federal, state and local levels of government to promote policies and programs that support preservation commission efforts.
www.uga.edu/napc/

WHY WORRY ABOUT PROCESS?

A GUIDE TO HISTORIC PRESERVATION COMMISSION MEETINGS

A local commission meeting can seem like a very casual undertaking for those who have participated many times. However, as an official, public decision-making unit of local government, a commission needs to transact business in a professional, clear, and most important, *legally defensible* way. "Due process" is an important concept in American law, and one of the cornerstones of the interactions between citizens and their government. Neglecting to follow accepted standards of "due process" throughout a meeting can result in decisions which are vulnerable in the face of a legal challenge. On the positive side, a meeting run in a professional yet friendly manner, with commission members paying attention to the criteria for review, will make the public feel that the process is a fair and valid action of local government.

How to Start

It is important to start a meeting well before the actual event by adhering to procedures spelled out in the Open Meetings Law, Public Officers Law, Article 7. Your local law will include a section on adequate notice to property owners before a meeting or hearing, and this rule is based on the Open Meetings Law. Below are excerpts (the full text is at www.dos.state.ny.us/coog/openmeetlaw.htm).

§100. Legislative declaration. It is essential to the maintenance of a democratic society that the public business be performed in an open and public manner and that the citizens of this state be fully aware of and able to observe the performance of public officials and attend and listen to the deliberations and decisions that go into the making of public policy. The people must be able to remain informed if they are to retain control over those who are their public servants. It is the only climate under which the commonweal will prosper and enable the governmental process to operate for the benefit of those who created it.

§103. Open meetings and executive sessions. (a) Every meeting of a public body shall be open to the general public, except that an executive session of such body may be called and business transacted thereat in accordance with section one hundred five of this article. (b) Public bodies shall make or cause to be made all reasonable efforts to ensure that meetings are held in facilities that permit barrier-free physical access to the physically handicapped, as defined in subdivision five of section fifty of the public buildings law. (c) A public body that uses videoconferencing to conduct its meetings shall provide an opportunity to attend, listen and observe at any site at which a member participates.

§104. Public notice. 1. Public notice of the time and place of a meeting scheduled at least one week prior thereto shall be given to the news media and shall be conspicuously posted in one or more designated public locations at least seventy-two hours before such meeting.

2. Public notice of the time and place of every other meeting shall be given, to the extent practicable, to the news media and shall be conspicuously posted in one or more designated public locations at a reasonable time prior thereto.

3. The public notice provided for by this section shall not be construed to require publication as a legal notice. 4. If videoconferencing is used to conduct a meeting, the public notice for the meeting shall inform the public that videoconferencing will be used, identify the locations for the meeting, and state that the public has the right to attend the meeting at any of the locations.

How to Proceed

Check your ordinance or law for a provision in the "Powers and Duties" section that allows the commission to adopt rules of procedure and process. If you have not adopted any formal rules, consider placing the topic on an upcoming agenda and begin to address the issue. Some CLG communities run a tight ship as to meeting procedures, others less so; most are in the middle, with a semblance of rules, but a somewhat casual approach overall. Check at your next meeting and see where your meeting style falls along the spectrum.

Continued

Guide to Historic Preservation Commission Meetings, *continued*

The most well-known standards for running a meeting are *Robert's Rules of Order*. If you don't know them by name, you will recognize them as the procedures you've either witnessed or followed in one form or another for everything from organization committees to school boards. *Robert's Rules* are time-tested and proven to result in decisions based on a logical, democratic, ordered, and defensible process. You can read more about the rules at www.robertsrules.org or purchase a copy at most bookstores.

Using *Robert's Rules* as a base, the Georgia Alliance of Preservation Commissions (GAPC) has created a "Guide to Historic Preservation Commission Meetings." With GAPC's permission, we have reprinted it (with some edits) here for reference and consideration. Not all CLG meetings have to be run exactly this way, but at some point, if you haven't already, your commission does need to adopt rules of order and process. You will have questions about process, as not every situation is the same. If you have adopted them, consult a copy of *Robert's Rules*, the website, or see if your municipality has anyone who can serve as a parliamentarian (someone who is responsible for addressing points of process and order).

Formal rules may feel awkward at first, but practice makes them more comfortable and natural. Keep in mind that following the protocol for discussions and articulating decisions need not create a "stuffy" or foreboding atmosphere at a meeting. It will help if you review with the audience members what the steps are for each application and at what points they are and are not allowed to participate so that they know what to expect.

**Excerpt from *The Local Landmarker*,
Issue 1, September, 2006, a
Publication for Certified Local
Governments in New York State**

RUNNING A SMOOTH COMMISSION MEETING

From "Guide to Historic Preservation Commission Meetings"
Georgia Alliance of Preservation Commissions www.uga.edu/gapc/

The chair (or acting chair) **calls the meeting to order**, noting the time for the record.

The chair **calls the roll**, noting excused absences for the record, and takes the following actions:

- Records presence of quorum

- Introduces members of the commission and staff (if your commission has staff)

The chair asks for a motion to waive readings of the **minutes** and takes the following actions:

- Asks for corrections and additions to minutes

- Initiates vote to adopt minutes by asking for a motion to accept, a second and call for the vote.

Staff (if attending) presents report on project to commission

The Chair announces that the **public hearing portion** of the meeting is beginning, that the commission is ready to consider applications, and asks that persons with business before the commission follow the printed agenda as to process and order

Hearing Of Applications (Note: as above, the chair initiates all the following actions. Consider reviewing the steps involved in considering each application and noting when applicants and any audience members have a chance to participate.)

Call Cases: Call cases according to agenda

Check for Conflict of Interest: Check for conflicts of interest among commission members. Noted conflicts are recorded. Any members having conflicts are recused. *(The simple appearance of a conflict of interest can have a very serious impact on the validity of any decision, regardless of how reasonable, and can set up an appeal situation. Members having a conflict cannot discuss or vote on the issue and should leave the room.)*

Introduce Application: Read agenda description of application. If staff is present, ask staff to:

- Identify property on map

- Indicate impacts on adjoining property and visibility of proposed work from the street

- Present staff report. If no staff is present, move to next step.

Support: Call upon applicant for evidence in support of the application. If there are others present for the application, ask then for evidence in support of the application. Ask all persons, applicants and others, to state their names and addresses for the record. *[Note: depending upon the room set-up, some commissions invite the applicant to join them at the table in order to discuss the application, thereby establishing a more comfortable exchange.]*

Opposition: Call upon others, if any (recording name and address), for evidence in opposition to the application

Public Statements: Ask if any other public statements (from an official, commission or department of the local government, state agency, any local historical, preservation, or neighborhood association, etc.) are to be submitted for the record; if so, enter into record.

Questions: Call upon commission members to ask any questions they have regarding the application.

Rebuttal: If there are opponents, offer applicant the opportunity to rebut any evidence in opposition to the application. Remind the applicant that *only new information can be presented in rebuttal*, and ask that he or she not repeat the initial evidence in support of the application.

Continued

A Guide to Historic Preservation Commission Meetings, *continued*

Summary: Summarize the evidence and facts, giving all parties an opportunity to make objections or corrections. If there is no evidence in opposition to the application, note for the record that without objections, the statements appearing in the record are uncontested.

This concludes the public testimony portion of the hearing for this agenda item *(Note: This does not mean the public has to leave. This simply closes the public hearing for this application, and opens the commission discussion and decision portion for the agenda item.)*

Discussion: Proceed to discussion of the proposal with respect to its congruity in light of the ordinance and design guidelines. **IMPORTANT:** *Discussion should be limited to how the proposal does or does not meet the criteria or guidelines. Commissioners should not state personal opinions or recommend design/material revisions. The recommending of revisions is handled through "Conditions," below.* List evidence and facts gleaned during the public hearing. Make sure the commission considers only competent, material and substantial evidence.

Findings of Fact: Accept motion for findings of fact. Several findings may need to be made on an application. Use the following wording:

"I move that, based upon the evidence that has been presented in the application and during the public meeting, the commission finds that the proposed material change in appearance would not (or would) have a substantial adverse effect on the aesthetic, historical, or architectural significance and value of the historic district (or historic property) according to (cite sections of the ordinance, design guidelines, and/or Secretary of the Interior's Standards, as appropriate), citing the following facts (cite the appropriate fact)."

Discussion: Ask for second. If seconded; call on each commission member for comments following motion made. Vote and adopt

Conditions: Discuss the appropriateness of imposing conditions, and if any are determined appropriate, enter into record. (Specific wording is needed here for clarity and direction to applicant)

Decision on Certificate: The chair calls for a motion that the application for Certificate of Appropriateness be either:

Approved	Approved subject to conditions
Deferred for further information	Denied

The chair then calls for the motion to be seconded. If it is seconded, then the chair calls for any discussion on the motion. If a motion does not get a second, it is set aside, and a new motion on the issue must be made. For a seconded motion, if there is no discussion or discussion does not cause any challenge to the motion, the chair calls for a vote. If the motion passes, the decision is made. If the motion does not pass, it is set aside. A new motion on the issue must be made, and the process followed for that new motion.

Thank Applicant: Thank applicant, neighbors, and associations (if present) for their participation. Invite them to stay for remaining applications, but indicate that they may leave and that they will receive formal notification from the commission/commission staff.

Next Application: Proceed to next application, following process above.

Remainder of meeting:

The chair calls for any **old business** and takes action on each item

The chair calls for any **new business** and takes action on each item.

The chair calls for any **other business** and takes action on each item.

The chair calls for any **adjournment**. Note time for the record.

A lot of record keeping is part of any good meeting. Proper records of meetings are all that remain to document commission meetings once they are concluded, and they will serve as the only formal and legally defensible memory regarding which commission members were present, the applicants who appeared, and the decisions that were made. So, in addition to your meeting procedures, also check your record keeping. Good minutes could preserve a historic building, the public's faith in your procedures, and the existence of the commission itself!

WHAT ARE STANDARDS, AND WHY USE THEM?

In most ordinances or laws that create a local historic preservation commission or architectural review board, that body is given the power for the "Promulgation of rules and regulations as necessary to carry out the duties of the Commission" (New York State Model Law, Section 2, D, ii.).

Many New York State commissions have acted under those powers to adopt guidelines and standards to be used when reviewing Certificates of Appropriateness and other projects brought before them. Some CLG member communities have chosen to identify the *Secretary of the Interior's Standards for Rehabilitation (Secretary's Standards)* as their guidelines. Other communities such as Utica, Yonkers, Peekskill and Rochester have taken this a step further and developed design guidelines that are detailed and specific so as to be most relevant to the historic resources found in their communities. Even these locally-focused guidelines are also based on the *Secretary's Standards*.

The terms "guidelines" and "standards" are frequently used interchangeably, but it is important to note the distinction:

Standards are general criteria against which work can be measured (as in goals).

Guidelines are more specific instructions for how to meet the standards; they are action steps to take or actions to avoid in order to meet the goals (these are measurable, as in objectives).

The *Secretary's Standards* were initially created by the U. S. Secretary of the Interior to review proposed work on National Register-listed properties that was funded by grants from the federal Historic Preservation Fund. Since their creation, however, the *Secretary's Standards* have been adopted as the review guidelines for basically every federal and state preservation program. They have also influenced the deliberations of thousands of local commissions and boards across the country. (It is important to remember, however, that unless your local law specifically identifies the *Secretary's Standards* as the locally-adopted standards, your decisions cannot be based on nor reference the *Standards*.)

The use of standards can ensure that every project is reviewed using the same approach and philosophy, giving a sound foundation for those reviewing proposed work. Standards can also help applicants understand what may or may not be an approvable project. The ability to refer to standards offers a comfort level to everyone involved in the process, providing a sense of stability, professionalism, and consistent decision making. Standards also provide continuity throughout the normal turn-over of commission or board membership through the years.

It is important to understand how the *Secretary's Standards* use the word "rehabilitation" as defined by the National Park Service:

Rehabilitation is defined as the process of returning a property to a state of utility, through repair or alteration, which makes possible an efficient contemporary use while preserving those portions and features of the property which are significant to its historic, architectural, and cultural values. (The *Secretary of the Interior's Standards*, National Park Service, 1995, online at www.cr.nps.gov/hps/tps/tax/rhb/stand.htm)

As can be seen in the definition, the Standards were written specifically to deal with proposed changes to historic resources. Key to the philosophy behind the *Secretary's Standards* is that after any proposed changes, a resource's historic character is preserved.

The Secretary of the Interior's Standards For Rehabilitation

1. A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.
2. The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.
3. Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.

Continued

What Are Standards, and Why Use Them?, *continued*

4. Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.
5. Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a property shall be preserved.
6. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.
7. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.
8. Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.
9. New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.
10. New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

What if we don't have standards for review?

If your commission or board hasn't adopted any specific standards for review, don't panic. The base criteria in your ordinance have probably been serving you well and will for some time. However, you may wish to examine what standards and guidelines might mean for your commission or board and your community.

One step may be to review the *Secretary's Standards* and see if they would work for your community. With them come a history of use and interpretation as well as additional published materials that can be used as a base for decision making. As noted earlier, some municipalities have adopted these verbatim and are using them successfully. The National Alliance of Preservation Commissions offers an online collection of design guidelines at:
www.uga.edu/napc/programs/napc/guidelines.htm

Also, as noted earlier, some CLG communities have created their own set of standards and guidelines, specific to their communities.

Several of these efforts have been undertaken through commissions working with consultants hired with the support of CLG grants. Below are some examples with brief descriptions of the publications. It is important to note that these guidelines, written to address specific issues or building types, are firmly based on the *Secretary's Standards*.

The City of Yonkers

Yonkers published the *Yonkers Historic Design Guidelines* in 2005. The *Guidelines* are primarily addressed towards historic houses in the city, and list the historic neighborhoods covered by the commission, with notes on the development and the prevalent styles in those areas. This is followed by an architectural history chapter, using examples within Yonkers to illustrate different styles. The heart of the *Guidelines* is contained in "Part 2," which uses local examples of building materials, elements, and features to illustrate recommended and non-recommended treatments. Each discussion of a feature or material includes a "Further reading" list to assist the reviewer and applicants to find more information about that specific point.

Continued

What Are Standards, and Why Use Them?, *continued*

Appendices cover hiring an architect, hiring a contractor, what districts and landmarks exist in Yonkers, and a list of available products for work on historic homes. This publication won an award from the Lower Hudson Conference of Historical Agencies and Museums, which called it "clear, educational, (and) instructive."

The Village of Southampton

Southampton published its *Architectural Design Guidelines for Historic Districts and Landmarks* in September of 2000. On page 3 of "Why Design Guidelines?" the author states that, until publication, "The Board of Architectural Review has had to make decisions on appropriate new construction and/or alterations within the historic districts on an *ad hoc* basis, without the benefit of clear architectural design guidelines." The "Purpose" statement, also on page 3, is revealing as well: "These architectural design guidelines were developed to provide general recommendations and to outline procedures to guide you, the property owner, as well as the Board of Architectural Review." The intent is to educate everyone involved in the review process, on both sides of the table, and to create a base for a common dialogue. As with the Yonkers example, a discussion of architectural styles common to Southampton is included, along with a description of common work items with bulleted notes marked "Avoid" describing what work may not be acceptable to the Board of Architectural Review. An architectural glossary at the end gives language for easy and accurate communication between board members and applicants.

Village of Sackets Harbor

In 1993, the Village of Sackets Harbor created *Guidelines for Quality Sign Design* to ensure that signage in its historic district was not out of place in its setting or damaging to the historic resource on which it was mounted or hung. Material, coloring, lettering, and lighting are covered, and a "Work Sheet" is included to summarize the guidelines and assist the design process for a sign. This publication is more specific than a general architectural guideline, but it was seen as a necessary and worthwhile effort by the village planning board, which oversees sign permits.

What Standards Do (Or Don't Do)

The adoption of standards does not mean that all conversation, debate, or discomfort is taken out of the review process. Contrary to some, they also do not squelch creativity or suddenly put extremely close limits on what can be done at a landmarked building or built within an historic district. Rather, they are guidelines within which to work, learn, and discuss.

To be sure, there will be certain things that standards will automatically term inappropriate, such as treatments to historic materials that either cause damage or accelerate deterioration, or wholesale removal or obscuring of significant historic features in good or repairable condition. Other issues, such as additions to an historic building or new construction, are at best given boundaries but not exact or specific design solutions.

What standards should accomplish can be summed up in a statement in the Sackets Harbor *Guidelines for Quality Sign Design*. In a section entitled "Purpose of this Manual" is the following: "The manual won't design your sign for you, and won't provide you with a standard format or template to follow." The same can be said for how standards can help guide review. Standards and guidelines do not answer every question with a pat response.

However, they do give a sound footing to commissions and boards wrestling with how to approach a proposal to remove a porch, add a garage, change a roofline, or build a new house in a Victorian-era neighborhood. They can also give guidance and comfort to an applicant confused about what answer he or she will get at the review hearing. Having that comfort level for both applicant and reviewer can be invaluable in getting the job of managing change in your community done, and done well.

Continued

What Are Standards, and Why Use Them?, *continued*

When reviewing proposals. . .

These points are adopted from the State of Florida's CLG program, and are good reminders of how a historic preservation commission or architectural review board should approach their work.

DO

- Read your community's historic preservation ordinance and refer to it often. Make special note of the purposes of the ordinance.
- Be friendly with all applicants and leave them with a good impression of the local government process.
- Use the specific criteria outlined in the ordinance for designating districts and/or landmarks when making designations.
- Use the design guidelines in the ordinance when making a decision on the appropriateness of a building alteration.
- Review each application as a separate case and apply the ordinance's criteria each time.

DO NOT

- Apply your idea of what is "pretty" or "in good taste" to decide if a proposed alteration is appropriate.
- Require a design of all new buildings, alterations or additions to follow a particular theme or architectural style.
- Embarrass the applicant by criticizing his/her application openly in the meeting or in the media.
- Turn down an application without giving the applicant specific guidance as to how the application could be improved to meet the criteria of the ordinance.
- Be afraid to ask the applicant for more information if the application is incomplete or if there is not enough information to make a decision.

Helpful Websites

The National Park Service's "Illustrated Guidelines for Rehabilitating Historic Properties" is a good resource for both new and experienced commission and board members as well as applicants. It's educational about the *Secretary's Standards* themselves as well as informative about the history and nature of building materials and features, with many pictures, and includes "recommended" and "not recommended" treatments. Visit: www.cr.nps.gov/hps/tps/tax/rhb/.

The National Association of Preservation Commissions (NAPC) has an online collection of design guidelines from communities around the country. Visit www.uga.edu/napc/ or www.sed.uga.edu/pso/programs/napc/guidelines.htm.

Excerpt from *The Local Landmarker*, Issue 2, December 2006, A Publication for Certified Local Governments in New York State

Local Historic Preservation: Useful Websites and Resources

Institute for Local Self-Reliance www.ilsr.org/ and www.newrules.org/retail/

The Institute is a national, nonprofit organization founded to help communities address the challenges of sustaining the local-based economy in the face of "big box" and corporate developments. There are several publications and e-bulletins on topics such as big box development and strengthening local retail.

National Association of Preservation Commissions (NAPC) www.uga.edu/napc/

NAPC provides resources and training for local historic preservation commissions. Members receive *The Alliance Review* and can participate in a national listserve for commission members and municipal staff. NAPC also has a number of online resources including a library of design guidelines.

National Park Service www.nps.gov

The "Illustrated" Standards for Rehabilitation: www.nps.gov/history/hps/tps/tax/rhb/

The extensive list of *Preservation Briefs*, with advice and technical information on many preservation issues, including restoration advice on specific materials, design of components, handicapped access, etc.: www.nps.gov/history/hps/tps/briefs/presbhom.htm

Helpful site with information on local districts, ordinances:

www.cr.nps.gov/hps/workingonthepast/index.htm

National Trust For Historic Preservation www.preservationnation.org/

The Trust is a private, nonprofit membership organization based in Washington, D. C. that provides advocacy, technical assistance, and some funding. (The Northeast Regional Office based in Boston serves New York State.) There are various sections on fundraising, topical issues and public policy on the Trust's website.

New York State Historic Preservation Office (SHPO) www.nysparks.com/shpo

The State Office is charged with overseeing all state and federal preservation programs in New York State, including the National Register of Historic Places, federal and state project review, Certified Local Governments, Federal Rehabilitation Tax Credits and the Environmental Protection Fund program which supports preservation projects.

Preservation League of New York State www.preservenys.org

The League is the statewide, nonprofit membership organization. Staff provide assistance with a variety of preservation issues including legislation, public policy, technical issues and advocacy. There is a small grant program.

Recent Past Preservation Network www.recentpast.org/

RPPN focuses on resources that have not reached the 50-year threshold for National Register eligibility, but which are important to the country's cultural heritage.

Certified Local Governments In New York State*

When available, websites are listed for preservation commissions

City of Albany, Albany Co. <http://albanyny.gov/Government/Departments/DevelopmentPlanning/PlanningZoningLandUse/HistoricResourcesCommission.aspx>

Village of Albion, Orleans Co.

Town of Amherst, Erie Co. www.amherst.ny.us/govt/committees/historic.asp

City of Auburn, Cayuga Co. http://auburnny.virtualtownhall.net/public_documents/auburnny_planning/HRRB

Village of Bath, Steuben Co.

Village of Bellport, Suffolk Co.

City Of Binghamton, Broome Co. www.cityofbinghamton.com/department.asp?zone=dept-economic-development

Village of Brockport, Monroe Co. www.brockportny.org/html/departments/new-historic.html

City of Buffalo, Erie Co.; www.ci.buffalo.ny.us/Home/City_Departments/Office_of_Strategic_Planning/Preservation_Board

Town of Clarence, Erie Co.

Village of Cobleskill, Schoharie Co. www.schohariecounty-ny.gov/CountyWebSite/villcob/planning.jsp

Village of Cold Spring, Putnam Co.

Village of Cooperstown, Otsego Co.

Village of Coxsackie, Greene Co.

Town of Durham, Greene Co.

Village of East Aurora, Erie Co.

Village of East Hampton, Suffolk Co.

Village of Ellenville, Ulster Co.

City of Elmira, Steuben Co.; www.cityofelmira.net/offices/boards.html#hpc

Village of Fairport, Monroe Co. http://village.fairport.ny.us/Boards_and_Commissions.cfm

Village of Fayetteville, Onondaga Co.

City of Glen Cove, Nassau Co.

Village of Great Neck Plaza, Nassau Co.; www.greatneckplaza.net/government.htm

Town of Greenburgh, Westchester Co.

Village of Greenport, Suffolk Co.

Village of Hamburg, Erie Co. <http://villagehamburg.com/index.asp>

Village of Herkimer, Herkimer Co.

Town of Irondequoit, Monroe Co.

City of Ithaca, Tompkins Co. www.ci.ithaca.ny.us/index.asp

Village of Kinderhook, Columbia Co. http://village.kinderhookny.us/gov-06_historic-comm.htm

City of Kingston, Ulster Co.

Village of Lancaster, Erie Co.

Village of Lewiston, Niagara Co.

City of Lockport, Niagara Co.

Town of Malta, Saratoga Co. www.malta-town.org; www.malta-town.org/cit-e-access/webpage.cfm?TID=44&TPID=5128

Town of Marbletown, Ulster Co. www.marbletown.net

*As of Fall, 2014 *Continued*

Certified Local Governments In New York State, continued

Village of Montebello, Rockland Co. www.villageofmontebello.com/Historic%20Preservation.html

Village of Morrisville, Madison Co.

City of Newburgh, Orange Co. www.cityofnewburgh-ny.gov/advisory/arch.htm

Town of New Paltz, Ulster Co. www.townofnewpaltz.org (Look under Committees)

Village of New Paltz, Ulster Co. www.villageofnewpaltz.org/staticpages/index.php?page=hpc **Note:** See <http://hpc.townofnewpaltz.com/index.php> for a collaborative Town and Village website project on historic property maps and documentation.

City of New Rochelle, Westchester Co. www.newrochelleny.com/hlrdev.asp

New York City, All five Boroughs: www.nyc.gov/html/lpc/html/home/home.shtml

City of Niagara Falls, Niagara Co. <http://niagarafallshistoricpreservation.org>

Town of North Castle, Westchester Co.

Town of North Hempstead, Nassau Co. www.northhempsteadny.gov/ (Look under the "Living" link)

Town of North Salem, Westchester Co.

City of North Tonawanda, Niagara Co.

Town of Orchard Park, Erie Co. www.orchardparkny.org/town/committees/historic.htm

Village of Ossining, Westchester, Co.

Village of Owego, Tioga Co. www.villageofowego.com/ohpc/index.htm

Village of Palmyra, Wayne Co.

City of Peekskill, Westchester Co.

Village of Penn Yan, Yates Co.

Village of Pittsford, Monroe Co. www.villageofpittsford.org/boards/aprb/default.asp

Town of Poughkeepsie, Dutchess Co.

City of Rochester, Monroe Co. www.cityofrochester.gov/index.cfm?id=466

Rockland County: www.co.rockland.ny.us/planning/historic_board.htm

Village of Roslyn, Nassau Co. www.historicroslyn.org/people/historic-district-board.php;
www.historicroslyn.org/historic-restoration.php

Village of Sackets Harbor, Jefferson Co.

Village of Sag Harbor, Suffolk Co. www.sagharborny.gov/boards.asp?id=2

Village of Salem, Washington Co. www.salem-ny.com/governmentvillage.html

Village of Sands Point, Nassau Co.

City of Saratoga Springs, Saratoga Co.

Village of Saugerties, Ulster Co.

Town of Saugerties, Ulster Co.

City of Schenectady, Schenectady Co. www.cityofschenectady.com/development.htm

Village of Seneca Falls, Seneca Co. www.senecafalls.com/village-listings.php

Village of Southampton, Suffolk Co. www.southamptonvillage.org/departments.asp?id=2

Village of Springville, Erie Co.

City of Syracuse, Onondaga Co. www.syracuse.ny.us/historicPreservation.asp

City of Utica, Oneida Co. www.cityofutica.com/EconomicDevelopment/Planning/Scenic+and+Historic+District.htm

Town of Vestal, Broome Co.

Village of Williamsville, Erie Co. : www.village.williamsville.ny.us/committees.html#preservationcommission

City of Yonkers, Westchester Co.

Town of Yorktown, Westchester Co.

Historic Preservation Commission Membership Application

Municipality/CLG:

Name:

Address:

Phone and e-mail:

Interest, competence or knowledge of historic preservation is demonstrated by:

Education*:

Employment/Profession*:

Community Service*:

Memberships (e.g., historical societies):

Seminars/Workshops:

Hobbies/Interests:

Please provide sufficient detail (i.e., major field of college degrees, duration of professional experience, titles of published works, names of exemplary projects) to determine if 36 CFR 61, Appendix A, "Professional Qualification Standards" are met. Use additional sheets as needed.

Certified Local Government (CLG) Program in New York State

Information and Regulations Regarding the Certification Process

New York State Office of Parks, Recreation and Historic Preservation
Division for Historic Preservation, Field Services Bureau
Peebles Island State Park
P O Box 189
Waterford, NY 12188-0189
(518) 237-8643 www.nysparks.com/shpo

Effective June 8, 1989

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Section 1: Purpose and Authority

Congress established a preservation program for the United States with the National Historic Preservation Act of 1966. Since that time, the national historic preservation program has operated as a decentralized partnership between the federal government and the states with the common purpose of identifying, evaluating, and protecting the nation's historic properties. All preservation related programs are implemented primarily by the states through its State Historic Preservation Officers (SHPO) whose authority was also established by the 1966 legislation.

Recognizing the success of this relationship, Congress expanded the partnership to provide for participation by local governments. The 1980 amendments to the National Historic Preservation Act [16 U.S.C. 470a (7)(C)] contained the authorization in *Section 101(a)(7)(C)* for a federal-state-local preservation partnership that became known as the **Certified Local Government (CLG)** program. Federal law directs the Secretary of the Interior to certify qualified local governments through the authority delegated to the National Park Service. Working with the SHPO, the National Park Service specifies several requirements that local governments must meet to qualify for certification. Any municipality may request certification and the request is reviewed by the SHPO. Once the SHPO is satisfied that the municipality meets all requirements, a recommendation for certification is forwarded to the National Park Service.

The procedures outlined in this handbook are part of the implementation of the federal-state-local partnership in New York State by informing potential CLGs of the procedures and regulations required for participation in the program.

Section 2: Definitions

The following definitions will apply throughout this document:

- A) *Certified local government* or *CLG*** means any local government certified according to procedures in this document. CLG status is granted when a Certification Agreement is signed by both the SHPO and the chief elected official (CEO) of the local government after a review and with the concurrence of the National Park Service.
- B) *Chief elected official (CEO)*** means the elected head of a local government.
- C) *County*** means any county that is not wholly included within a city.
- D) *Historic preservation review commission* or the term *commission*** means a board, council, commission, or similar body established by local historic preservation legislation and having the authority to carry out municipal responsibilities for a historic preservation program. If more than one local body has historic preservation responsibilities, the body having the responsibilities set forth in *Section 3(a)(3)* shall be considered the commission for purposes of the CLG program.
- E) *Historic resource* or *historic property*** means any building, structure, district, landscape, area, site or object, including underground and underwater sites, that are of significance in the history, architecture, archeology, or culture of the state, its communities, or the nation.
- F) *Legislation*** means the local law, ordinance, statute or other official action by the legislative body of the local government.

Regulations Regarding the Certification Process, continued

- G) **Local government** means a city, county, municipality, town or village, or any other general-purpose political subdivision of the state.
- H) **National Park Service (NPS)** means the bureau of the Department of the Interior through which the Secretary of the Interior administers the National Historic Preservation Program.
- I) **State Historic Preservation Officer** or **SHPO** means the official within the state who has been designated and appointed by the Governor to administer the state historic preservation program. In New York, the SHPO is in the Commissioner of the Office of Parks, Recreation and Historic Preservation. **SHPO** may also refer to the State Historic Preservation Office, the bureau designated with historic preservation duties.
- J) **Secretary** means the Secretary of the United States Department of the Interior.
- K) **Undertaking** shall mean any of the following:
 1. Any physical activity undertaken by a government agency, including the alteration or demolition of property, and the transfer, lease or sale of property.
 2. The funding by a government agency of any physical activity, including the alteration or demolition of property, and the transfer, lease or sale of property.
 3. The approval or entitlement by a government agency of any physical activity including the alteration or demolition of property, and the transfer, lease or sale of property.
- L) **National Register of Historic Places** means the national list of districts, sites, buildings, structures, landscapes, and objects significant in American history, architecture, archeology, engineering and culture maintained by the Secretary of the Interior.

Section 3: Requirements for Certification

In order to qualify for certification, the local government must meet the following requirements:

- A) The local government must have and enforce local legislation for the designation and protection of historic properties enacted under the provisions of the *New York State General Municipal Law Article 5, Section 96-a and 119aa-119dd*. The following provisions must be included either in the local legislation or implementation regulations:
 1. A statement of purpose;
 2. The establishment of an historic preservation review commission;
 3. Assignment of powers to the commission, which must include at least the power to:
 - i. Designate or recommend designation of properties worthy of preservation;
 - ii. Provide advice and guidance to property owners and government agencies concerning historic preservation issues;
 - iii. Adopt rules for the conduct of commission business; and
 - iv. In the case of cities, towns, and villages, the power to approve or disapprove any demolition, relocation, new construction, or exterior alteration affecting designated properties under its jurisdiction;
 - v. In the case of **counties**, at least the power:
 - (a) To review and comment upon all county undertakings and to recommend approval, modification, or disapproval of undertakings that might affect properties included in the county inventory or other historic properties. See *Section 5.B.3(i)(c)*.

Regulations Regarding the Certification Process, continued

- (b) To review and report to the pertinent county agency or municipality whenever the county is called upon to formulate planning advice concerning actions that may affect properties included in the county inventory.
 4. Provisions must include establishment of criteria and procedures for designation of historic properties worthy of preservation:
 - i. Legislation encompassing all classes of historic properties is recommended; however, it is sufficient that the criteria admit at least **one** category of historic resources, such as historic districts, etc.
 - ii. The criteria may not exclude a class of resources that is defined solely in terms of the property's use or ownership, for example, religious properties, nor the actions of its owner such as designation subject to owner's consent. However, publicly owned properties that fall outside the commissions' ordinary jurisdiction may be explicitly or implicitly excluded.
 5. The provisions must also include procedures for commission actions and standards and criteria for commission decisions that are consistent with the Secretary of the Interior's Standards for Archeology and Historic Preservation. The Standards can be accessed online at www.cr.nps.gov/local-law/arch_stnds_0.htm.
 6. The provisions must also include procedures for enforcing commission decisions; and
 7. A process for seeking relief from the strict application of the law in cases where unnecessary economic hardship can be proven; and
 8. Other provisions to ensure due process, including notification procedures.
- B) The historic preservation review commission established by the local government must meet the following qualifications:
1. The commission must have no fewer than **five** members.
 2. All commission members must have a demonstrated interest, competence or knowledge of historic preservation.
 3. To the extent that such professionals are available, the community must appoint commission members to represent the disciplines of history, archeology, architecture, architectural history, and historic architecture. Members may also represent the fields of planning, folklore, cultural anthropology, conservation, landscape architecture, museums, and other historic preservation-related professions.
 4. Terms of office must be staggered.
 5. Commission meetings must be scheduled at regular intervals.
 6. The jurisdiction of the commission must coincide with the geographical jurisdiction of the local government.
 7. The commission must have at least the powers described in *Section 3.A.3*.
- C) The local government must maintain a system for the survey and inventory of historic properties within its jurisdiction, and must be coordinated with and complementary to the survey activities of the SHPO.
- 1) To ensure that local survey and inventory data can be readily integrated into the statewide comprehensive historic preservation planning process and other appropriate planning processes, the local government must follow survey methods, standards and format established by the SHPO. Guidelines for survey are available from the SHPO.

Regulations Regarding the Certification Process, continued

- i. If the local government receives prior written approval from the SHPO, the local government may use some other survey system and format.
 - ii. The survey system should include all classes and types of historic resources, not only those that may be subject to the commission's jurisdiction.
 2. All inventory material must be securely maintained and must be accessible to the public; however, access may be restricted in the case of inventoried properties that might be damaged by unauthorized persons if its location were generally publicized.
- D.** The local government must provide for **adequate public participation** in the local historic preservation program.
1. All meetings must be open to the general public, announced by public notice, and documented through the taking of minutes, which must record all decisions and the reasons for those decisions, as required under the NYS Open Meetings Law (articles 6 and 7 of chapter 47 of the Consolidated Laws--Public Officers Law. .
 2. All policies, procedures, and guidelines used by the local government or commission must be maintained in written form and be readily accessible to the general public.

Section 4: Process for Certifying Local Governments

- A.** The local government shall make a formal request to the SHPO for certification. The request **must** include the following:
1. A request to participate in the CLG program, including an assurance of the local government's intent to enter into a certification agreement, signed by the chief elected official of the local government or that official's designee;
 2. A copy of the local historic preservation legislation and any policies, procedures, or regulations that have been adopted for administering and enforcing the legislation;
 3. Information on the membership of the commission, documenting each member's interest or expertise in fields related to historic preservation and a description of the appointment process. If the commission membership is not drawn from the professional disciplines defined in *36 CFR 61.6* and the Secretary's Professional Qualification Standards (history, archeology, architectural history, architecture, or historic architecture. , the local government must document its efforts to obtain representation in such discipline(s) and its proposed mechanism for obtaining professional expertise when needed. See Section 5.B.2.iii..
 4. A description of the survey system in use by the municipality, a chronology of past survey efforts, a listing of all properties included in the local inventory, and a listing of properties designated under the local legislation;
 5. If available, a copy of the current local historic preservation plan or a statement describing the local preservation program; and
If applicable, a statement concerning additional historic preservation responsibilities that the local government agrees to undertake if certified.

Regulations Regarding the Certification Process, continued

- B. The SHPO shall review the local government's submission to determine if it fulfills the requirements outlined in Section 3. During the review process, the SHPO may request additional documentation necessary to evaluate the municipality's eligibility for certification.
 - 1. The SHPO shall respond to the chief elected official within **sixty** (60) days of receipt of an adequately documented application for certification.
 - 2. If the SHPO determines that the municipality's historic preservation program fails to qualify, the SHPO will identify the deficiencies and suggest remedies.
 - 3. If the SHPO determines that the local government meets the requirements for certification, the SHPO, in consultation with the municipality, will prepare an agreement listing the specific responsibilities the local government will assume when certified.
- C. The SHPO will forward documentation of the local government's eligibility for certification to the National Park Service along with the signed certification agreement and a request for NPS concurrence. If the request for concurrence cannot be affirmed as submitted, the NPS will notify the SHPO of deficiencies within 15 working days. If the NPS concurs with the SHPO recommendation, the date of the NPS concurrence shall be the effective date of certification. The NPS will notify the CLG of the concurrence, along with a copy to the SHPO.

Section 5: Responsibilities of Certified Local Governments

- A. All the responsibilities delegated to the certified local government shall be listed in the written certification agreement, which may be amended upon mutual agreement of both parties and the concurrence of the National Park Service.
- B. In order to maintain CLG status, the local government must perform certain responsibilities according to the performance standards specified below. In cases where the performance standard is not being met at the time of certification, the certification agreement shall specify a time period for meeting that standard.

Responsibilities:

- 1. To enforce the local historic preservation legislation;
 - i. The local legislation shall be enforced continuously and consistently.
 - ii. Before amending the local legislation or implementing regulations, the local government shall consult with the SHPO.
 - iii. Any amendments to the legislation enacted by the local government and any rules or related administration procedures shall be consistent with the requirements and intent of the CLG program.
 - iv. The local government shall provide the SHPO with copies of any amendments or rules within **90** days of their enactment.
- 2. To maintain a qualified historic preservation review commission;
 - i. An adequate commission shall be maintained at all times. Vacancies shall not be allowed to impair the commission's ability to take action for more than thirty days.
 - ii. The local government shall make maximum effort to obtain professionals who meet the qualification standards set forth in 36 CFR 61.6 and the Secretary's Professional Qualifications Standards to fill any vacancies on the commission. At a minimum

Regarding the Certification Process, continued

- minimum, commission members must demonstrate interest, competence or knowledge of historic preservation. The local government shall maintain records of the appointment process and shall submit a description of the recruitment process and qualifications of any newly appointed members to the SHPO.
- iii. When a commission reviews and comments on National Register nominations or other actions requiring evaluation by a professional in a discipline that is not represented on the commission, the commission shall obtain expertise in that area before rendering its decision. The commission may seek assistance from universities, private preservation organizations, the SHPO, other review commissions or private consultants. The local government shall maintain records documenting that such professional advisors to the commission comply with the 36 CFR 61.6 and the Secretary's Professional Qualification Standards.
 - iv. Commission members shall maintain or augment their knowledge through participation in historic preservation training at least annually or as provided by the SHPO. The SHPO will provide all local commissions with orientation materials and training pertaining to the roles and operations of federal, state and local historic preservation programs. Commission members may satisfy the training requirement through attendance at training provided by the SHPO or at other training approved by the SHPO. Unless otherwise stated, at least 75% of commission members must attend such training.
 - v. The commission shall meet **at least four times** during each year. In order to ensure public participation, the commission shall conduct all business in a public manner, consistent with provisions of the NYS Open Meetings Law (articles 6 and 7 of chapter 47 of the Consolidated Laws--Public Officers Law. .
3. To maintain a system for the survey and inventory of historic properties coordinated with and complementary to the survey activities of the SHPO;
- i. Local inventories shall include, at a minimum:
 - (a) All properties in the municipality that have been listed in the State and National Registers of Historic Places,
 - (b) All locally designated properties, and in the case of counties, all county-owned properties that meet the National Register criteria for evaluation. Evaluation of county properties shall be undertaken in consultation with the SHPO.
 - ii. Copies of local inventory shall be provided to the SHPO for inclusion in the statewide inventory of historic resources.
 - iii. All inventory material shall be **updated** to reflect new historic information or significant changes in the condition or status of inventoried property as such information becomes available, but **at least every five years**.
 - iv. Local inventory data shall be maintained in a manner that is accessible to the public and secure from physical damage or loss.

Regulations Regarding the Certification Process, continued

4. To provide for adequate public participation in the historic preservation program.
 - i. All local government meetings concerning historic preservation shall be open to the general public, announced by public notice, and documented through the taking of minutes, in compliance with the NYS Open Meetings Law (articles 6 and 7 of chapter 47 of the Consolidated Laws--Public Officers Law. .
 - ii. All local government records, policies, procedures and standards for the historic preservation program shall be maintained in written form and be readily accessible to the general public.
 - iii. The local government shall inform its employees and officers of conflict of interest rules mandated by NYS General Municipal Law Article 18 Sections 801 and 802, and by the *National Register Programs Guidelines* (NPS-49. by means of a written code of conduct, oath of office, annual training, or other means.
 - iv. The local government shall solicit and respond to public comment on all historic preservation issues that are of general public interest, including, but not limited to local district designations, State and National Register nominations and establishment of policies and procedures.
5. To actively participate in the process of nominating properties to the State and National Registers of Historic Places.
 - i. Certified local governments may propose and sponsor nominations to the State and National Registers, but may not review and nominate properties directly to the National Register except as provided in *36 CFR 60.12* (Nomination appeals. . Nominations developed and sponsored by CLGs shall be given priority for review by the New York State Board for Historic Preservation, provided they are developed in consultation with the SHPO and based upon a comprehensive local historic resources survey.
 - ii. If any State or National Register nomination proposal received by the SHPO lies within the jurisdiction of a CLG, the SHPO shall transmit a copy of the fully documented nomination proposal to the local historic preservation review commission and the chief elected official for review and comment in no less than sixty days nor more than one hundred and twenty days prior to the scheduled review of the proposal by the State Board for Historic Preservation.
 - iii. If a historic district is proposed, the CLG shall assist the SHPO in notifying property owners and/or conducting public information meetings at a time and place agreeable to the SHPO.
 - iv. The commission, after providing a reasonable opportunity for public comment, shall prepare a report stating its opinion as to whether or not such property meets the criteria for listing in the State and National Registers. The report shall objectively evaluate the property in accordance with the National Register criteria for evaluation. Upon request, the SHPO shall provide guidance in applying the National Register criteria.

Regulations Regarding the Certification Process, continued

- v) Within **sixty** (60) days of notice from the State Historic Preservation Officer, the chief elected local official shall transmit the report of the commission and his/her recommendation to the SHPO. The CLG comment period may be reduced by mutual agreement between the CLG and the SHPO, and will be eliminated when the CLG, as sponsor of a nomination, transmits its report and recommendation as part of the nomination package.
 - vi) If the commission and the chief elected official agree that the proposed nomination does not meet the criteria for listing in the State and National Registers of Historic Places, the chief elected official will return the nomination materials along with the commission's report and his/her opinion to the SHPO. The chief elected official shall notify the commission, the property owner(s) and the public of this action. The SHPO shall take no further action regarding the National Register nomination unless an appeal is filed in accordance with *36 CFR 60.12*. If such an appeal is filed, the SHPO shall place the nomination before the State Board for Historic Preservation at the earliest possible meeting.
 - vii) For the purposes of the State and National Registers nomination process, the jurisdiction of a county CLG shall include only properties owned by the county. Only in the case of county-owned property shall the county CLG have the powers described in Section 5.B.5.vi previous.
- 6) To submit an annual historic preservation report. The report shall be submitted to the SHPO no later than November 15 and shall cover the period ending on the preceding September 30. The report shall follow a format prepared by the SHPO and shall include:
- i) A statement of the present status of historic preservation activities and land use or other regulations relating thereto as they are being administered within the reporting jurisdiction;
 - ii) An identification and analysis of any problems or issues relating to the effectiveness of local development or administration of historic preservation plans and programs, including problems of funding and personnel requirements, procedural problems, enforcement problems, or any other issue;
 - iii) A report on commission activities, which shall include, at a minimum, the number and types of cases reviewed, documentation on any new designations made, updated resumes for commission members, and minutes relating to consideration of National Register nominations;
 - iv) A report on the status of inventory and survey, including a list of properties added to the local inventory, and copies of the inventory forms.
 - v) Copies of any documents published by the commission or CLG concerning the local historic preservation program.
- C) The SHPO may at his/her discretion and by mutual written agreement with the local governing body, delegate further responsibilities to the certified local government.
- 1) Either the SHPO or the local government may initiate expansion of CLG responsibilities at any time.
 - 2) Such delegation will be executed in the written certification agreement.

Regulations Regarding the Certification Process, continued

3. It shall be the responsibility of the SHPO to establish criteria, qualifications, and performance standards for such additional responsibilities.

Section 6: Process for Monitoring Performance of Certified Local Governments and Revoking Certification

- A. The SHPO shall monitor CLG programs and at least every four years shall evaluate each certified local government to ensure that it is fulfilling its responsibilities as defined in these procedures and in the written certification agreement.
- B. The SHPO shall examine documents submitted by the CLG, including the annual reports, completion reports for any subgrants, inventory forms, any procedures and guidelines published by the certified local government, and any other public documents relating to administration of the local historic preservation program. In addition, the CLG shall make available any other records and materials that the SHPO may request, and the SHPO may attend meetings of the commission or take other action to learn about the operations of the certified local government.
- C. The CLG will be notified in writing of the results of the performance review, along with suggestions for improvement in its operations.
- D. If the SHPO determines that the CLG has failed to fulfill its responsibilities according to the performance standards set forth in Section 5 previous, the SHPO shall notify the certified local government in **writing** of this determination, documenting the areas that require correction, and advice and assistance on any steps that **must** be taken to correct the deficiency. The SHPO shall specify a time period within which improvement must be achieved. The CLG shall have no less than **thirty** (30) days nor more than **one hundred twenty** (120) days to implement the required improvements.
- E. If at the end of the allotted time the SHPO determines that sufficient improvement has not occurred, the SHPO may recommend to the National Park Service that the certification of the local government be revoked, citing specific reasons for the recommendation.
- F. Within **thirty** (30) days of receipt of an appropriately documented SHPO recommendation for revocation of certification, the NPS will notify the SHPO of any problems or additional time needed to review the recommendation. The local government will be decertified upon NPS concurrence with the SHPO recommendation.
- G. When a local government's certification is revoked, the SHPO shall so notify the local government. If the municipality is a subgrantee for HPF monies for an activity found deficient by the SHPO, the SHPO will conduct financial closeout procedures as specified in the National Register Programs Guidelines.

RESTORING OUR APPRECIATION OF HISTORIC WOOD WINDOWS: MAKING A CASE FOR RESTORATION VERSUS REPLACEMENT

Kimberly Konrad Alvarez & John D. Alvarez II, AIA

The recent emphasis on cutting fuel costs and increasing energy efficiency in buildings has increased the threats to wood windows in historic buildings across the Northeast. Replacement window manufacturers advertise new units that claim to be "Energy Star" rated and the answer to the heat loss in "drafty" old buildings. When combined with concern over lead paint issues, the perceived energy costs savings are prompting more applications from property owners who claim that replacing historic windows is the only way to comply with modern energy conservation codes. As a result, preservation commissions are often placed in a difficult position.

Without having practical arguments for retention or restoration of these important character-defining elements and fearful of appearing capricious, commissions can feel pressured to rule to allow the removal of historic fabric. Fortunately, there is a strong case for preserving wood windows aside from the aesthetic argument:-- **window restoration has proven favorable over window replacement in terms of architectural integrity and aesthetics, energy efficiency, sustainability, durability and long term, material life span economics.**, despite the information conveyed by replacement window manufacturers.

Given the right tools, commissions across the state can do their part to preserve the character and craftsmanship of architecturally significant districts and educate the public about genuinely green approaches to energy efficiency.

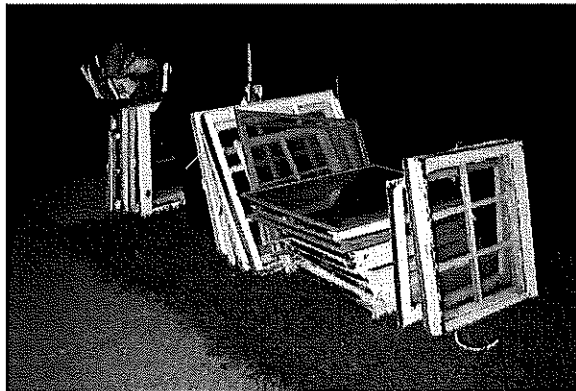
ARCHITECTURAL INTEGRITY

Preservationists have long used the "aesthetic and integrity" argument when addressing the question of the appropriateness of replacing original windows. It can be very jarring to see an otherwise perfectly restored Greek Revival building with new, white vinyl windows with "snap-in" muntins or no muntins at all, where once existed elegant and finely proportioned six-over-six wood sash with mortise and tenon joinery. In this case the glass-to-frame ratio has been

altered, the faceted nature of the individual panes has been replaced with a single, reflective surface, and the proportions of the framing and joinery indicative of period building technology have been erased.

The valuable role that windows play in the architectural character of a building should not be underestimated. Windows are one of the few parts of a building which are integral to both the interior and exterior, and serve both a functional and decorative role. What other architectural feature has this much "responsibility"?

Structures built prior to 1930 incorporated architectural elements, including windows that celebrated a particular style and craft in a variety of wood species, shapes, cuts and finishes. The insertion of a plastic or aluminum window into a building 80 years or older, therefore, can look out of place and can negatively impact the architectural integrity of the building. Windows offer some of the most reliable clues to understanding the history and evolution of a building and, by extension, a street block or whole community.



Windows on the curb awaiting trash pick up
Kimberly Konrad Alvarez

Excerpt from *The Local Landmarker*,
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New York State Certified Local Governments

Historic Wood Windows, *continued*

ENERGY EFFICIENCY

The most common reason people replace old windows is the "promise" of improved energy efficiency. How could a preservation commission deny an owner this opportunity? Unfortunately for the property owner, the "facts" about energy savings from replacement window companies are sometimes skewed, misinformed, or outright false. Window manufacturers universally boast about their windows' low U-values (the measure of the rate of heat loss through a material). The quoted U-values are misleading because they are usually given not for the entire window unit, but only for the value through the center of the glass (the location of the greatest heat loss). Not mentioned is the dramatic heat loss of their own windows where an imperfectly squared historic window opening does not allow a new replacement unit to be installed tight within the wall, U-values will be significantly higher (less efficient) owing to infiltration around and between the unit frame and the original window opening. What is most critical when evaluating the energy loss at a window or door opening in any building is the *infiltration* of outside air rather than the insulating factor or heat lost through the glass. **Air infiltration can account for as much as 50% of the total heat loss of a building.**

The replacement window industry insists that windows are the principal source of heat loss in a building, and frequently mislead the general public in claiming that installing energy-efficient or "Energy Star" windows is more important and will generate the greatest energy cost savings than insulating the attic, foundation, or walls. Rarely is the energy loss tested before and after windows are replaced so that property owners can see the extent of change or benefit in efficiency. In fact, actual energy conservation research and test data indicate that on average only 20%- 25% of heat loss occurs through doors and windows while the remaining 75-80% is lost through the roof, floors, walls and chimneys. Studies have shown that a double-glazed window may save \$3.00 a year per window in energy cost (this is \$30 per year for ten windows at 10 cent per KWH). When weighed against the cost of replacement windows and installation costs in this scenario, recovering the investment through energy savings can take 50-70 years. Since it is *extremely* rare to find a replacement window that is made to last 50-70 years, recouping that savings is nearly impossible in an owner's lifetime.

Unfortunately, there is a major lack of tangible energy conservation information for existing products, such as existing historic wood window assemblies or those that have been restored or upgraded. Today, consumers can find national ratings for U-factors of building materials and products containing Energy Star labels, but it is important to note that these types of ratings have not been performed for older windows or upgrade products. Therefore, consumers have very little, if any, real data to help make comparisons for energy loss or savings between retaining existing windows and replacing them.

Historically, the best solution for better energy efficiency has been in stopping air infiltration by the installation of effective weatherstripping. Weatherstripping has been used on windows and doors for more than 80 years and is still the easiest and most economical way to keep old wood windows energy efficient and draft-proof. Storm windows are another traditional method for decreasing energy loss. Whether interior or exterior, storm windows create an insulating air space between the primary window and the storm. Storm windows can dramatically improve the U-values of old windows by reducing the heat lost through the surface of the glass.

Another idea to consider is retrofitting historic wood windows by substituting low-e glazing into existing single-pane storm windows. When used in combination with a storm sash, single-pane low-e glass can provide a level of combined energy savings equal to a standard new double-glazed unit. Using low-e coatings and reducing air infiltration is a very simple and cost-effective way to achieve the desired U-value of an entire window unit and avoids modifying visible glass/light, mullions, or sash weights. **Therefore, the energy efficiency of restored windows incorporating upgraded components, such as weatherstripping and tight-fitting storm windows with low-e coatings, can meet and even exceed the efficiency of replacement units.**

SUSTAINABILITY

Today, the new approach for a responsible way of life and for architecture as a profession is to incorporate **green** or **sustainable design**. For many, the road to "green" is by using new technology and materials that place the least amount of

Historic Wood Windows, continued



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replacement practice requires the installation of mass-produced materials usually transported over long distances. The "retain and repair first" approach can also reduce the need for landfills. Thousands of old wood windows are removed and sent to landfills each year, owing to misconceptions of the value of replacement windows. The wood sash that are most often removed are 75-100 years old with normal signs of deterioration. Constructed of old-growth hardwoods, many can be repaired and upgraded to meet modern requirements and give many more years of service .

Compare these windows to modern windows, which their manufacturers typically warranty for an average of 12-15 years. Now that may not mean that they will only last that long, but it is interesting that they do not warranty their products for anywhere near the lifespan of the older windows found in historic buildings. Key in this is that many replacement windows are constructed of lower-quality materials in a way

burden or waste on the environment and thus to reduce one's "carbon footprint."

However, since at least 1966 (the year the National Historic Preservation Act was passed), preservationists have been practicing "green design." Long before the trendy term was coined, historic preservation promoted the philosophy of reduce, reuse, and recycle. By repairing rather than replacing elements, historic preservation conserves existing materials and the associated "embodied energy" used to create the original structure and architectural features. A preservation minded project can use more materials produced locally or regionally, while common

that makes it impossible to simply repair individual elements, leading to the need to purchase entire new window units if the replacement unit fails or breaks. Given their limited lifespan and the lack of potential for repair, even with limited energy savings, the evidence seems to contradict the claim that replacement windows satisfy the "green" or "sustainable" criteria over the long term. Instead, choosing to repair existing original materials recycles them in place, avoids needlessly filling our landfills with repairable building elements and results in an effective approach to sustainability that also supports the local economy. **Preservation holds the principles of sustainable design at the very center of its philosophy and practice.**

DURABILITY

As mentioned above, wood windows that are 75-100 years old are most often removed and discarded when they begin to exhibit normal signs of age such as broken sash cords, paint failure or build up, broken panes of glass, deteriorated glazing putty, loose joinery or minor deterioration of wood members. While each of these ailments can negatively impact a window's operation, appearance, safety, and energy efficiency, the fact that the window is nearly a century old is actually a strong testament to the quality of its materials and craftsmanship. The windows of the 19th and early 20th century were designed and constructed to endure many decades and even centuries with a certain level of care and maintenance. In contrast, since the late 1940s, the business of fabricating windows has evolved from being craft-oriented to focusing on providing in-stock, pre-fabricated, low-priced products. At the same time, the labor force that once offered maintenance and repair services are now geared toward installing whole-window products. The imbalance often tips the scale toward the replacement option.

Windows pre-dating the 1940s are typically constructed of dense, old-growth woods which grew naturally over the decades, whereas, the majority of new wood replacement windows are constructed of light, porous, fast-grown (i.e., farmed), soft woods that are most often the pine species. Because they are porous they are more susceptible to moisture migration and

Historic Wood Windows, *continued*

often do not hold paint well. The manufacturer's solution to this problem is to offer an exterior cladding material characterized as "maintenance-free." Unfortunately, the cladding materials can trap any migrating moisture inside the wood and in moist environments can lead to substantial rot beneath the cladding--this is the primary reason for limited and short warranty terms.

Many people consider the introduction of the insulated glazing unit (IGU) or thermal pane to be a major advancement in the window industry. Most replacement windows offer a thermal or insulated glass unit wherein a vacuumed space is created by double-paned glass filled with argon gas and sealed with gaskets to maintain the vacuum and keep moisture out. Most insulated glass units also have a small amount of desiccant inside the glass space intended to absorb moisture for a limited time. However, as with most synthetic materials, the gaskets that seal these assemblies have a limited life and will deteriorate, allowing the argon gas to escape and air vapor to enter. Studies have found that most sealed gasket systems deteriorate within 25 years, which is why few replacement windows have warranty terms of more than 20 years and why it is not uncommon to find 15-20 year old double-paned windows with a fogged air space.

Old wood windows, on the other hand, are glazed with a system of glass, glazing clips and glazing putty. Glass is actually a fluid and, like the wood which holds it in place, will expand and contract according to climate conditions. Historically, glazing putty was linseed oil-based, and cured slowly over the years. The slow-curing glazing putty was intended to have some level of flexibility and was an excellent counterpart to the glass. Quality glazing putty has a lifespan of more than 50 years; however, after 50 years it may begin to crack, become brittle and separate from the glass or it may become extremely hard with very little flexibility. As with most components of a wood window, glazing putty is intended to be renewable; replacement with new putty required little expense, effort and impact to the original window. If a pane of glass in an old window breaks, it, too, is designed to be easily and inexpensively replaced. If a pane of glass in a replacement window breaks, a whole new window sash is necessary, requiring the costly services of a contractor.

Typical replacement windows involve a spring balance mechanism which relies on friction and the strength of the user to operate them. In contrast, most windows constructed before 1930 use a weight and pulley system with either cotton sash cords or chains. The pulley system is based on equilibrium, with cords or chains balanced on either side with a counterweight in the pocket matching the weight of the sash. If weighted correctly, even a large window requires very minimal strength to lift or lower. Replacement windows typically experience failure when a spring balance wears out. A counterweighted window fails when the sash cord or chain breaks or the pulley jams. Spring balances cannot be fixed and must be entirely replaced, whereas, broken sash cords can be fixed for the cost of the cotton sash cord and, usually, less than a half hour of labor time for most do-it-yourselfers or a handyman. Once a historic wood window is repaired or fully restored it will not need major work for many years, aside from typical maintenance such as an occasional cleaning of the glass, a quick spray of lubricant in the pulleys to keep them turning smoothly, and a touch up to keep the painted surfaces intact.

ECONOMICS

The discussion of durability naturally leads to the topic of how economics or cost plays a large role in planning any window project. Typically, projects are evaluated for their upfront and immediate costs. However, when a historic building is involved it is important to consider long term impacts and a look at comparative *life-cycle costs*.

The cost of a typical replacement window can range from \$200-\$1500 per window, depending on the size and material (vinyl, aluminum or wood frame), and always involves the removal of the existing wood sash and the installation of a new sash unit into the existing wood frame. The old weight and pulley system is discarded or abandoned in place (behind the new unit frame) and replaced with an operation system that relies on friction and the user's strength. It is not uncommon for any rotted wood to be simply covered over with new vinyl or aluminum cladding, rather than repaired since this would be an additional cost. In general, the installation crew prefers to be in and out in the shortest amount of time. Most of the cost of replacement windows is

Historic Wood Windows, *continued*

the price of the new product itself and not the minimal labor for installation. It can naturally be assumed that the lower the product cost, the lower the quality of the replacement unit because the labor is typically the same. In comparing replacement costs to repair and/or restoration of an existing old wood window it is important to understand that there is no straightforward **formula for the repair approach because the conditions and the extent of deterioration will vary from window to window.**

If there is only minor deterioration or a malfunction that requires select repairs, such as strengthening loose joinery, minor reglazing, replacing broken glass or sash cords, the cost can range from \$50-\$500 per window (based on 1-10 hours of labor). If the window requires complete restoration, the cost can range from \$500-\$1000 per window for residential double-hung windows or \$1000-\$5000 per window for large institutional windows or complex and highly decorative windows. The difference here is that the repair and restoration costs include direct labor at standard craftsman rates in addition to materials, overhead and profits. Rehabilitation or restoration and repair costs are for skilled craftsman labor, rather than for the actual product since all of the materials involved are relatively inexpensive. Every dollar that is spent on a repair or restoration job is invested in the local economy compared to dollars paid to a manufacturer of the replacement window products, which is not necessarily a local business.

The above example relates to the initial outlay of funds, however, this is not the only aspect of cost that is important to consider in the planning of a project. **Life-cycle costs are equally if not more important, especially if one is concerned about sustainability and being environmentally responsible.** Life-cycle cost comparisons usually come out in favor of preservation even when values such as the architectural character of the original window and the inherent quality of material and craftsmanship are *not* accounted for. Moreover, maintenance versus replacement costs further support preservation when fit into the equation. When figuring life cycle costs, the lifespan of older wood windows is an important consideration. Typically these windows have proven to have endured between five decades and more than a century. The lifespan of vinyl, aluminum or modern clad/wood replacement windows, on the other hand, is in some cases still

unknown, but given manufacturer's warranties, does not seem to be in the same time frame. With replacement windows, it is generally the lifting and lowering mechanisms that wear out in about 15-20 years, followed shortly thereafter with the deterioration of the insulated glass unit and the cladding material. All or one of these failures can require replacement of the "replacement" unit.

Another aspect in which the economic argument often favors the restoration approach is with respect to the whole building view. Often when a property owner embarks on a window replacement project it is because a handful of original windows require some level of repair. It is rare that all windows will need full restoration or extensive repairs. It is typically the elevation most exposed to weather that has the most window deterioration; other, more sheltered elevations can be surprising in how well they have preserved original building materials such as windows. The first step for any property owner should be an assessment evaluating the condition of each window and prioritizing the order in which repairs are undertaken. Certainly, such an approach will result in a more lengthy process of overall window repair compared to wholesale replacement, however, it is a more economical approach. For example, let's say there are 20 windows in a particular house, five per elevation. If the south elevation is exhibiting the most deterioration likely due to the exposure, it is rare that a replacement window contractor would replace only those

windows in disrepair, but rather would make a case for replacing all the building's windows, so they all look alike. If each window costs \$500, that is a \$10,000 project, whereas if only the deteriorated windows were restored at \$500 each or even at \$1,000 each the restoration approach would cost a quarter to a



The same window before and after restoration. Courtesy of Steve Swiat, Northwood Restoration, Buffalo

Historic Wood Windows, *continued*

half that of the full replacement, and would last 3-5 times longer.

Lastly, if the reason driving the need for replacement windows is to eliminate lead paint hazards, it should be acknowledged that whether the windows are replaced or restored the most hazardous work involves the removal of the old wood sash. Therefore, removal for replacement is no safer than removal for restoration. The difference in approach occurs after the sash is removed. In the replacement approach, the old sash is disposed of in a landfill, and the original painted frames and jambs are covered over with vinyl or aluminum. The lead paint remains in place underneath. In the restoration approach, the old sash are fully stripped of the paint and glazing and then reprimed, reglazed and repainted to meet modern standards. On the window frame itself, the areas most affected by friction are the jambs. These are usually tested for the presence of lead and either stripped and repainted or repainted encasing any traces of lead-based paint. In the latter approach, the lead paint on the windows has been abated in the approved method, making the area safe from that point on.

GUIDING THE DESIRED OUTCOME

Perhaps the most difficult part of a commission's work will be education about this issue. Overall, there needs to be a shift on the general public's appreciation for durable, sustainable materials and quality craftsmanship. Such an outlook does not need to be a thing of the past, but rather it can be the direction in which we move in the future. Preservation of old wood windows can be a difficult case to make when most owners of historic property are continuously barraged by relentless marketing campaigns and higher energy bills. Armed with basic window facts and with a little counter marketing, local preservation commissions can help property owners weigh their options more thoroughly and make the right decision for the integrity of their historic home, for the environment and for their wallet.

For further information, note that there are a number of articles placed on the CLG Yahoo Listserve website: <http://groups.yahoo.com/group/NYSCLGS>. Other resources are noted below. You may have to search for the title of a document if websites have changed.

National Park Service:

The Repair of Historic Wooden Windows, National Park Service Preservation Brief #9 at www.cr.nps.gov/buildings.htm
Secretary of Interior's Standards for Rehabilitation. www.cr.nps.gov/local-law/arch_stnds_0.htm

National Trust for Historic Preservation:

www.preservationnation.org/issues/sustainability/
 "Window Know-How: A Guide to Going Green" at www.preservationnation.org/magazine/2009/march-april/march09window.html
 "Historic Wood Windows Tip Sheet" www.preservationnation.org/issues/weatherization/windows/

Repairing Old and Historic Windows, New York Landmarks Conservancy, 1992; www.nylandmarks.org

"Restoring Window Sashes," *Fine Homebuilding*, David Gibney, Feb/March 2004, pp. 84-89.

"Top Myths About Replacement Windows," James Crouch, *Preservation in Print*, December/January 2009, Pg 10. www.prcno.org

"What Replacement Windows Can't Replace: The Real Cost of Removing Historic Windows," Walter Sedovic & Jill Gotthelf, *Association for Preservation Technology (APT) Bulletin*, 36:4, 2005, or see www.apti.org/publications/Past-Bulletin-Articles/Sedovic-36-4.pdf

See these websites:

www.historichomeworks.com
www.windowrepair.com
 Old House Journal website:
www.oldhousejournal.com/index.shtml
www.oldhousejournal.com/strips_and_storms_windows/magazine/1099
www.oldhousejournal.com/Sash_Window_Clinic/magazine/1078
www.oldhousejournal.com/embracing_energy/magazine/1453
 Rehab Rochester section of the Landmark Society of Western New York's website: www.landmarksociety.org

Kimberly Konrad Alvarez, of Landmark Consulting, and John Alvarez, with Mesick Cohen Wilson Baker Architects, live in Albany.

Window Project Review Guide

These questions can help commission and board members lead property owners to the right window project.

ARCHITECTURAL INTEGRITY & AESTHETICS

- What role do your windows play in the architectural significance of your historic building?
- How do the replacement windows match the original construction method and appearance? (i.e. mortised & tenon joinery), wood species, quality and cut, wood member proportions (stiles, rails, muntins), overall dimensions and profiles and, most importantly, the frame to glass ratio?

ENERGY EFFICIENCY

- What are the U-values for the entire window unit, not just the value through the center of the glass? In addition to the window manufacturer's stated U-values for the window units, what is the air infiltration rating, if any?
- Has the extent of air infiltration been tested for the existing windows (use of a blower door test)?
- Has energy loss been investigated and corrected at the roof, chimneys, foundations, and walls first?
- Do existing windows have appropriately installed or repaired caulking, weatherstripping and/or storm windows?
- What is the projected annual energy cost savings for the new windows? How many years of this savings will it take to recover the cost of the replacement windows and installation?

SUSTAINABILITY

- What are the property owner's plans for the removed original sash? (Rather than being sent to a landfill, should they remain in the attic or basement so they can be reinstalled in the future if desired?)
- Have the property owners explored the option of repair by a local craftsman?
- How long does the property owner expect these new windows to last? What is the warranty term? (many do not read the fine print.)

DURABILITY:

- What is the overall extent of deterioration or need for the replacement?
- Do all windows need repair or only some windows?

ECONOMICS:

- Encourage property owners to solicit repair/restoration quotes with estimated years of service (based on age of original windows)
- Encourage property owners to calculate the life-cycle cost comparisons of restoration of those windows that need attention only versus the cost of replacing all windows.

WHEN IS WINDOW REPLACEMENT OKAY?

There may actually be a time when the case for the replacement of existing windows can be made. Buildings that have been abandoned for many years can suffer severe deterioration of materials, including window units. Windows can be heavily damaged by impact from trees, or partly damaged in a time-honored way, by baseballs or rocks. Also, not all older windows are created equal, so some materials can honestly have a shorter life span than others from the same time period. Additionally, in some buildings, particularly in tightly spaced urban lots, windows on side or rear elevations may not significantly add to the architectural character of a building, or may originally have been inexpensive units (also, many local laws do not allow the commission to review work not in the public right of way, making these units outside the purview of a commission). Also on rear and side elevations in urban lots, a major rehabilitation may trigger modern codes that prevent the use of combustible (wooden) window materials at lot lines. In these cases, it is important to ask the following questions:

- Are a majority of the window units truly at the end of their life?
- Does the building still have integrity of window design? (does a majority of character defining windows remain in place and repairable?)
- Were the windows being proposed for replacement originally good quality units that can actually be repaired?
- What significance do the window units have to the building's overall architectural style or history? (They need not be "fancy" or stained glass units to do this – more simple divided light sash can be important as well)
- What modern constraints are being placed on the project?

Asking these questions, you then move forward carefully, as you may be impacting a building's appearance and performance for decades to come. If replacement is determined to be the appropriate approach, then the materials and appearance of the new units will be crucial to the success of the project. Overall, it is important to understand that the choice of material can dictate the appearance as well.

Vinyl, for the most part, should never be considered for replacement units at designated structures. Their construction in no way meets the appearance of historic windows. Typically, vinyl units have rails and stiles the same width, whereas most historic windows have wider bottom rails (the horizontal member at the bottom of the sash), and narrower stiles (the members at the sides of the window). These proportions are important to the character of a window, and should be kept. Also, vinyl is a material that can flex during movement, potentially breaking seals that are supposed to make them energy efficient, and have been known to sag or rack, also lessening their effectiveness.

When codes dictate that wooden windows cannot be used, one approach has been to use metal windows matching the original in as many details as possible in regard to proportion and configuration. However, this is an approach to be used only in these inflexible situations, and in non-character defining locations.

When windows are truly deteriorated beyond repair, new windows should be approved that match the historic units in proportion, configuration (number of panes in each sash), operation (double hung or casement), and other character-defining details. The highest and best replacement would be a new, true divided light, painted wooden unit. However, as can be inferred from the previous article, newer wooden units may not be a good option given the potentially short life of modern plantation grown wood. While there are some units on the market that use sustainably grown mahogany or Spanish cedar as their materials, their costs can sometimes be out of reach for homeowners if they choose to replace all windows, which as noted in the Alvarez's article in most cases is not necessary. In these cases, it may be appropriate to encourage phasing of the high quality wood replacements or as an alternative; approve aluminum-clad wooden replacement windows that fill the window opening without the use of fillers or spacers; that the new window be placed in the same plane as the original window (neither deeper or shallower in relation to the wall); and that it match the original in operation and division of panes.

Continued

When is Window Replacement Okay? *Continued*

It is in the detail of window panes that a replacement window project can utterly fail.

Historic multi-pane windows typically have true divided lights, meaning that each pane is a separate piece of glass separated by a muntin (the muntin is the bar of wood or other material that creates the space for the panes and which the putty, or "glazing" compound is placed against). Many modern windows use a single sheet of glass, and for muntins use a variety of tricks. The cheapest and least appropriate muntin is a "snap-in" one, literally "snapped" into place from the interior of the window. This type of muntin does nothing to break up the reflection of the single sheet of glass from the exterior, provides no relief on the exterior of the building and has been known to fall out, be taken out or be broken, thus resulting in an inappropriate 1/1 appearance. Another approach is the use of a fake muntin sandwiched between the double panes of an insulating glass unit. As with the "snap-in" muntin, this type does nothing to break up the reflection of the single sheet of glass from the exterior, provides no relief on the exterior of the building and when seen from certain angles, completely disappears. Other muntins are applied only on the exterior. This type of window attempts to have the appropriate exterior relief desired in a replacement project, but does not go far enough in providing the full character that a historic true divided light window had in the same opening.

In the case of an appropriate replacement window, the highest and best window is one that has true divided lights, with each pane being a separate piece of glass. However, given that new units will likely have insulating glass, an acceptable treatment can be achieved by using a replacement window that has exterior and interior muntins, and interior "spacers" between the glasses, in line with the muntins. Manufacturers are beginning to make these units with spacers matching the color of the sash and muntins, providing for a look that is not an exact match, but is closer to the appearance of the original window.

There are countless replacement window manufacturers claiming to have products appropriate for use in historic buildings. **In addition to the highest and best options listed above, a replacement window inserted into a historic building should offer a warranty or performance and durability guarantee of at least 25 years.** This will insure that the commission will not be faced with a repeat request in a matter of years and will help the property owner weed out the lower quality products.

It is best not to wait until a window replacement project is before you to do your homework. It is advisable to take the following steps BEFORE you have to learn on the job.

Maintain a list of experienced contractors who can do window repair.

Maintain a list of historic house part "salvager businesses" who can accept donations of historic windows, or open your own!

Work with municipal officials, staff, and or local banks to develop grant programs for window repair and restoration and/or replacement in kind.

Knowing when it is time to allow an appropriate replacement window is an important part of being on a commission. It can also show a homeowner that you do understand the realities of existing and new materials, and can help you serve as a resource to help a property owner do the right thing to maintain the integrity, architectural worth, and economic value of their building.

☐ Original☐ Amended

Date _____

Standardized NOTICE FORM for Providing 30-Day Advance Notice to a Local Municipality or Community Board

1. Date Notice was Sent: 4/22/19 1a. Delivered by: Iakeem Robinson

2. Select the type of Application that will be filed with the Authority for an On-Premises Alcoholic Beverage License:

☒ New Application ☐ Renewal ☐ Alteration ☐ Corporate Change ☐ Removal ☐ Class Change ☐ Method of Operation Change

For **New** applicants, answer each question below using all information known to date

For **Renewal** applicants, answer all questions

For **Alteration** applicants, attach a complete written description and diagrams depicting the proposed alteration(s)

For **Corporate Change** applicants, attach a list of the current and proposed corporate principals

For **Removal** applicants, attach a statement of your current and proposed addresses with the reason(s) for the relocation

For **Class Change** applicants, attach a statement detailing your current license type and your proposed license type

For **Method of Operation Change** applicants, although not required, if you choose to submit, attach an explanation detailing those changes

CLERK OF POUGHKEEPSIE
CITY CHAMBERLAIN
APR 25 PM 4:19

This 30-Day Advance Notice is Being Provided to the Clerk of the Following Local Municipality or Community Board:

3. Name of Municipality or Community Board: City of Poughkeepsie

Applicant/Licensee Information:

4. Licensee Serial Number (if applicable): _____ Expiration Date (if applicable): _____

5. Applicant or Licensee Name: Cafe Sweet Spot Inc.

6. Trade Name (if any): _____

7. Street Address of Establishment: 296 Main Street

8. City, Town or Village: Poughkeepsie, NY Zip Code: 12601

9. Business Telephone Number of Applicant/Licensee: 845-392-9900 / 917-586-4735 / 347-522-1027

10. Business E-mail of Applicant/Licensee: ingrid@cafesweetspot.com iakeem@cafesweetspot.com

11. Type(s) of alcohol sold or to be sold: ☐ Beer & Cider ☐ Wine, Beer & Cider ☒ Liquor, Wine, Beer & Cider

12. Extent of Food Service:

☒ Full food menu; full kitchen run by a chef or cook ☐ Menu meets legal minimum food availability requirements; food prep area at minimum

13. Type of Establishment: Cafe/Restaurant

14. Method of Operation:
(check all that apply)

☐ Seasonal Establishment ☐ Juke Box ☐ Disc Jockey ☐ Recorded Music ☐ Karaoke

☐ Live Music (give details i.e., rock bands, acoustic, jazz, etc.): _____

☐ Patron Dancing ☐ Employee Dancing ☐ Exotic Dancing ☐ Topless Entertainment

☐ Video/Arcade Games ☐ Third Party Promoters ☐ Security Personnel

☐ Other (specify): _____

15. Licensed Outdoor Area:
(check all that apply)

☐ None ☐ Patio or Deck ☐ Rooftop ☐ Garden/Grounds ☐ Freestanding Covered Structure

☐ Sidewalk Cafe ☐ Other (specify): _____

22. Building Owner's Full Name: Porto Heli LLC

23. Building Owner's Street Address: 21 Maryland Ave

24. City, Town or Village: Poughkeepsie State: NY Zip Code: 12603

25. Business Telephone Number of Building Owner: 845-297-2233

26. Representative/Attorney's Full Name:

27. Representative/Attorney's Street Address:

28. City, Town or Village: State: Zip Code:

29. Business Telephone Number of Representative/Attorney:

30. Business E-mail Address of Representative/Attorney:

By my signature, I affirm - under **Penalty of Perjury** - that the representations made in this form are true.

31. Printed Principal Name: Iakeem Robinson Title: Owner

Principal Signature:

Page 3 of 24

ATTORNEYS

- * KENNETH L. WILBER (CO, IL)
- * CHRISTINE CHANCE (FL, GA, IL, MA, ME)
- * MARC LANE (IL)
- * PATRICK J. LIGHT (IL)
- * NICOLE R. MESSAMORE (FL)

OF COUNSEL

- * DAVID B. CHURCHILL (CA)



PHONE: 800-313-5169

FAX: 800-313-5179

TAX ID: 42-1628021

WWW.WILBERGROUP.COM

CITY OF Poughkeepsie
CITY CHAMBERLAIN
019 APR 26 AM 11:58

April 22, 2019

CITY OF POUGHKEEPSIE
CITY CHAMBERLAIN
62 CIVIC CENTER

POUGHKEEPSIE, NY 12601

Our Client: Safeco Insurance

Wilber File: 1827539

Your Claim Number:

Our Insured: HARDY, PAMELA

Your Insured: JUSTIN BRUZGUL

Claim Amount: \$4375.92

Date of Loss: 02/08/2019

To Whom it may concern:

Please be advised that we represent Safeco Insurance for a claim they paid to their policyholder. We have been informed that there is possible coverage through your company. Enclosed please find documents to support this loss for your review. Upon your review, please contact our office to discuss settlement.

Please note that all payments for this claim will need to be made payable to Wilber and remitted to our office for proper handling.

If it is determined that there is no coverage for this loss, we respectfully request you send us a denial letter citing any issues barring coverage using the information below.

Fax #: 800-313-5179

Email: NMessamore@wilbergroup.com

Thank you for your immediate attention to this matter.

Sincerely,

Nicole Messamore

Wilber

210 Landmark Drive

Normal, IL 61761

800-313-5169 ext 3209

PLEASE PRINT OR TYPE FORM CLEARLY

NOTE: Claim must be filed with and served to the City Chamberlain in triplicate (3 copies) within 90 days after the claim arises. Use additional sheets if necessary.

**NOTICE OF CLAIM
AGAINST
THE CITY OF POUGHKEEPSIE, NEW YORK**

TODAY'S DATE: 4-22-2019

NAME AND ADDRESS OF EACH CLAIMANT:

WILBER & ASSOCIATES O/B/O SAFECO INSURANCE A/S/O PAMELA
HARDY
210 LANDMARK DRIVE, NORMAL IL 61761

TELEPHONE NUMBER: 800-313-5169 X3209

NAME AND ADDRESS OF ATTORNEY (IF ANY):

CITY OF POUGHKEEPSIE
CITY CHAMBERLAIN
2019 APR 26 AM 11:58

DESCRIBE WHAT HAPPENED AND AMOUNT CLAIMED (PLEASE STATE DATE,
TIME, LOCATION, AND MANNER IN WHICH CLAIM AROSE): 02-08-2019 / 7:56 AM
ACADEMY ST & CHURCH ST, POUGHKEEPSIE NY

YOUR INSURED, JUSTIN BRUZGUL, DRIVER OF THE CITY OF POUGHKEEPSIE VEHICLE,
FAILED TO USE THE PROPER CAUTION WHILE RESPONDING TO A CALL AND GOING
THROUGH A STOP LIGHT, THEREFORE STRIKING OUR INSURED, PAMELA HARDY'S
VEHICLE, CAUSING DAMAGES.

ITEMS DAMAGED OR INJURIES SUSTAINED:

OUR VEHICLE: PAMELA HARDY, OWNER OF THE 2012 HONDA TAG#HLF2389/NY
YOUR VEHICLE: JUSTIN BRUZGUL, DRIVER OF THE 2008 DODGE TAG#K93/
NY; OWNER, CITY OF POUGHKEEPSIE

Nicole R Messamore
Signature of Claimant

Signature of Claimant

STATE OF Illinois COUNTY OF McLean S.S.:

Nicole R Messamore being duly sworn, say(s) that he/she is/are the claimant(s) named in
the foregoing claim, that he/she has/have read the same and know(s) the contents thereof; that the same is true to
his/her own knowledge, except as to the matters alleged upon information and belief and as to those items, he/she
believes it to be true.

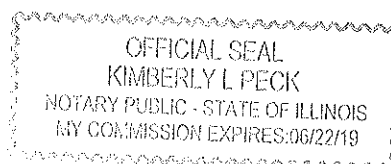
Nicole R Messamore
Signature of Claimant

Signature of Claimant

Sworn to before me this

22 day of April, 2019

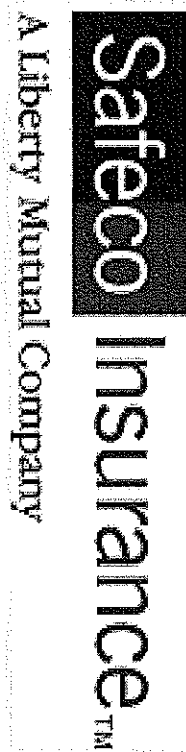
[Signature]
Notary Public



NOTE: After submitting this form to the City Chamberlain, please direct any inquires to
the Corporation Counsel at (845) 451-4065, Monday to Friday, 8:30 a.m. - 4:00 p.m.

CITY OF POUNGBREPS
CITY CHAMBERLAIN

Claimant Pamela Hardy
Insured Pamela Hardy
Claim 039204526
Date of Loss Fri Feb 08 07:45:00 EST 2019



Reserve

(1) 1st Party PIP - Pamela Hardy - PIP Medical Expense - Medical Loss

Payee	Check #	Issued Date	Amount Paid	Check Status
MOBILE LIFE SUPPORT SERVICE	46045134	03/19/2019	\$14.50	Issued
MOBILE LIFE SUPPORT SERVICE	46045134	03/19/2019	\$1,055.00	Issued
DASSA ORTHOPEDIC MEDICAL SERVICES PC	46030941	03/18/2019	\$119.60	Issued
HUDSON VALLEY RADIOLOGISTS PC	46003037	03/14/2019	\$18.10	Cleared
HUDSON VALLEY RADIOLOGISTS PC	46003037	03/14/2019	\$86.05	Cleared
VASSAR BROTHERS MEDICAL CENTER	45990003	03/13/2019	\$21.17	Cleared
VASSAR BROTHERS MEDICAL CENTER	45990003	03/13/2019	\$350.79	Cleared
VASSAR BROTHERS MEDICAL CENTER	45990003	03/13/2019	\$97.50	Cleared
Total			\$1,762.71	

CITY OF POUNGBKEEPSKE
CITY CHAMBERLAIN
Reserve
2019 APR 26 AM 11:58

(2) 1st Party PIP - Pamela Hardy - PIP Lost Wages - Non-Medical Loss

Payee	Check #	Issued Date	Amount Paid	Check Status
PAMELA HARDY	45958194	03/11/2019	\$369.60	Cleared
PAMELA HARDY	45879622	03/01/2019	\$1,345.92	Cleared
Total			\$1,715.52	

Reserve (3) 1st Party Vehicle - Pamela Hardy - Collision - Non-Medical Loss

Payee	Check #	Issued Date	Amount Paid	Check Status
MATTS AUTO BODY INCORPORATED	46059980	03/20/2019	\$2,659.18	Issued
MATTS AUTO BODY INCORPORATED	45927283	03/06/2019	\$1,117.24	Cleared
CROSS COUNTRY MOTOR CLUB	09300233	02/27/2019	\$99.50	Cleared
Total			\$3,875.92	

Grand Total \$7,354.15



Cross Country Motor Club VIMS Invoice

Billing Summary

Bill To :
Safeco

Claim Number 039204526
Case Number CAS-4180072-M1K4V6
Account
Invoice Date February 26, 2019
Payment Terms NET 7
Balance Due \$99.50

Remit EFT Payment To :

Cross Country Motor Club
One Cabot Road
ATTN: Accounts Receivable Dept
Medford, MA
02155
Contact: vimsbilling@crosscountry-auto.com
TIN : 04 -2530679

Please enter the PO in the remarks section of the EFT payment

Billing Detail						
Customer Name	Service Date	Vehicle Class	Tow Mileage	Advance Charges	Tow & Service Charge	Total Charges
PAMELA HARDY	February 19, 2019 12:36:39 AM	Light Duty	11	\$0.00	\$99.50	\$99.50
Vehicle Details						
Year	Make	Model	Plate	VIN		
2012	Honda	Accord	NA	1HGCP2F4XCA072435		
Tow Details						
Pick Up Location Name			Destination Name			
PAMELA HARDY			Matt's Auto Body			
Advance Charge Details						
Days of Storage	0		Impound Fees	0		
Storage Cost/Day	0		Notification	0		
Total Storage Fees	0		Preservation	0		
Primary Tow	0		Sublet	0		
Clean-Up	0		Tax	0		
Labor	0		Tear Down	0		
Admin Fee	0		Gate Fee	0		
Winching	0		Miscellaneous	0		
Misc. Fee Description						

AMERICAN STATES INSURANCE COMPANY

0327

FOR SUPPLEMENTS ONLY CALL

845-476-0153

ALL OTHER QUESTIONS CALL 800-225-2467

PO BOX 515097

LOS ANGELES, CA 90051

Phone: (845) 476-0153

Claim #:

039204526-0003

Workfile ID:

fca23ce2

Supplement of Record 2 Summary

Written By: RICHARD STINCHCOMB, License Number: IA817006, 3/7/2019 5:03:28 PM

Adjuster: ELLIOTT, DOMONIQUE, (856) 355-1516 Business

Insured:	Pamela Hardy	Owner Policy #:	AMC	Claim #:	039204526-0003
Type of Loss:	COLL - Collision Coverage	Date of Loss:	02/08/2019 12:00 AM	Days to Repair:	6
Point of Impact:	10 Left Front Pillar (Left Side)	Deductible:	500.00		

Owner (Insured):

Pamela Hardy
15 CARROLL ST
POUGHKEEPSIE, NY
12601-4313
(917) 272-5251 Cellular
pamelahardy46@yahoo.com

Inspection Location:

MATTS AUTO BODY INC
1930 SALT POINT TPKE
SALT POINT, NY 12578
Repair Facility
(845) 266-5450 Business
03/07/2019 Date Inspected

Appraiser Information:

richard.stinchcomb@libertymutual.com
(845) 476-0153

Repair Facility:

MATTS AUTO BODY INC
1930 SALT POINT TPKE
SALT POINT, NY 12578
(845) 266-5450 Business
(845) 266-5506 Fax
141796676 Federal ID
7047304 License Number
MATTSBODYSUPP@AOL.COM

VEHICLE

2012 HOND Accord Sedan LX Premium Automatic 4D SED 4-2.4L Gasoline Electronic Fuel Injection white

VIN:	1HGCP2F4XCA072435	Production Date:		Interior Color:	UNK
License:	HLF2389	Odometer:	114440	Exterior Color:	white
State:	NY	Condition:	Good		

TRANSMISSION

Automatic Transmission

POWER

Power Steering
Power Brakes
Power Windows
Power Locks
Power Mirrors
Power Driver Seat

DECOR

Dual Mirrors
Console/Storage

CONVENIENCE

Air Conditioning
Intermittent Wipers
Tilt Wheel
Cruise Control
Rear Defogger
Keyless Entry
Alarm
Message Center
Steering Wheel Touch Controls
Telescopic Wheel

RADIO

AM Radio

FM Radio

Stereo

Search/Seek

CD Player

Auxiliary Audio Connection

SAFETY

Drivers Side Air Bag
Passenger Air Bag
Anti-Lock Brakes (4)
4 Wheel Disc Brakes
Front Side Impact Air Bags

Head/Curtain Air Bags

SEATS

Cloth Seats
Bucket Seats

WHEELS

Aluminum/Alloy Wheels

PAINT

Clear Coat Paint

OTHER

Traction Control
Stability Control
Power Trunk/Gate Release

Supplement of Record 2 Summary

2012 HOND Accord Sedan LX Premium Automatic 4D SED 4-2.4L Gasoline Electronic Fuel Injection white

Line	Oper	Description	Part Number	Qty	Extended Price \$	Labor	Paint
1	FRONT BUMPER						
2		O/H front bumper				1.7	
3	** <>	S01 Repl Non OEM CAPA Bumper cover w/o fog lamps	H1387	1	<u>249.00</u>	Incl.	2.8
4		Add for Clear Coat					1.1
5	*	R&I Base	71145TA0A10			<u>0.1</u>	
6		S01 Repl LT Spacer	71198TA0A00	1	3.75	0.1	
7	**	S01 Repl Non OEM LT Upper support	HO1066113	1	13.20	Incl.	
8	**	S01 Repl Non OEM CAPA Impact bar all	HO1006177C	1	183.00	0.4	
9		S01 Repl Energy absorber	71172TA0K00	1	42.75	Incl.	
10		S01 R&I License frame	71145S5AA02			0.2	
11	GRILLE						
12		R&I R&I grille assy	71121TA0A11			Incl.	
13		S01 Repl Emblem	75700TA0A00	1	50.54	0.1	
14		S01 R&I Sight shield 2.4L	71123TA0A01			Incl.	
15	FRONT LAMPS						
16	**	S01 Repl Non OEM NSF LT Headlamp assy	H0091	1	<u>278.00</u>	Incl.	
17		Aim headlamps				0.5	
18	FENDER						
19	*	Repl RCY LT Fender liner US built +25%	~206880842	1	56.25	<u>Incl.</u>	
20		S01 Repl LT Fender liner clip #1	91505S9A003	3	9.09		
21	**	S01 Repl Non OEM CAPA LT Fender	H0853	1	<u>282.00</u>	2.2	2.0
22		Overlap Major Non-Adj. Panel					-0.2
23		Add for Clear Coat					0.4
24		Add for Edging					0.5
25		S01 Repl LT Rail extn (HSS)	04609TA0A00ZZ	1	69.77 s	2.2	0.3
26		S01 Repl LT Front panel US built (HSS)	60759TA5A00ZZ	1	29.17 s	2.0	0.5
27		S01 R&I RT Upper trim US built	74206TA0A00			0.1	
28		S01 R&I LT Upper trim US built	74207TA0A00			Incl.	
29	ELECTRICAL						
30		S01 R&I Battery 55B	31500SR1100M			m 0.3	
31	ENGINE / TRANSAXLE						
32		S01 Repl Resonator	17230R40A00	1	85.65 m	0.4	
33		S01 R&I R&I air cleaner assy	17201R40A00			m 0.4	
34	FRONT DOOR						
35		Blnd LT Outer panel (HSS)	67151TA0A00ZZ				1.0
36		R&I LT Belt molding	72450TA0A02			0.3	
37		R&I LT R&I mirror	76258TA5A01			0.3	
38		R&I LT Handle, outside painted, US built taffeta white	72181TA5A01ZD			0.4	
39		R&I LT R&I trim panel	83552TA5A04ZA			0.3	

Supplement of Record 2 Summary

2012 HOND Accord Sedan LX Premium Automatic 4D SED 4-2.4L Gasoline Electronic Fuel Injection white

40	VEHICLE DIAGNOSTICS				
41	*	S01	Repl	Pre-repair scan	1 125.00 m
42	*	S01	Repl	Post-repair scan	1 125.00 m
43	MISCELLANEOUS OPERATIONS				
44	**		Repl	Non OEM Corrosion Protection	1 8.00 0.2
45	**		Repl	Non OEM Flex additive	1 5.00
46	#		Subl	Hazardous waste removal	1 3.50
47	#		Rpr	Mask Jamb	0.2
48	**		Repl	Non OEM Cover Car	1 5.00 0.3
49	#	S01		Mask engine compartment	1 5.00 0.3
50	#	S01	Rpr	Color Sand & Buff	1.0
51	#	S01	Rpr	Set-Up and Measure - Rack	2.0
52	#	S01		UNIBODY - Lt Frt sway/mash	1 2.5 F
53	#	S01		R&I - Set back wires, (apron area)	1 0.5
54	#	S01	Rpr	Color Tint	0.5
55	OTHER CHARGES				
56	#	S02		Towing	1 608.20
SUBTOTALS					2,236.87 19.5 8.4

NOTES

Prior Damage Notes:
 none

ESTIMATE TOTALS

Category	Basis	Rate	Cost \$
Parts			1,628.67
Body Labor	17.0 hrs @	\$ 51.00 /hr	867.00
Paint Labor	8.4 hrs @	\$ 51.00 /hr	428.40
Frame Labor	2.5 hrs @	\$ 53.00 /hr	132.50
Paint Supplies	8.4 hrs @	\$ 40.00 /hr	336.00
Other Charges			608.20
Subtotal			4,000.77
Sales Tax	\$ 3,392.57 @	8.1250 %	275.65
Total Cost of Repairs			4,276.42
Deductible			500.00
Total Adjustments			500.00
Net Cost of Repairs			3,776.42

Supplement of Record 2 Summary

2012 HOND Accord Sedan LX Premium Automatic 4D SED 4-2.4L Gasoline Electronic Fuel Injection white

SUPPLEMENT SUMMARY

Line	Oper	Description	Part Number	Qty	Extended Price \$	Labor	Paint
OTHER CHARGES							
Added Items							
#	S02	Towing		1	608.20		
SUBTOTALS					608.20	0.0	0.0
					0		

NOTES

Prior Damage Notes:
 none

TOTALS SUMMARY

Category	Basis	Rate	Cost \$
Parts			0.00
Other Charges			608.20
Subtotal			608.20
Total Supplement Amount			608.20
NET COST OF SUPPLEMENT			608.20

CUMULATIVE EFFECTS OF SUPPLEMENT(S)

Estimate	1,617.24	NICHOLAS MIGLIORI
Supplement S01	2,050.98	RICHARD STINCHCOMB
Supplement S02	608.20	RICHARD STINCHCOMB
Workfile Total:	\$ 4,276.42	
TOTAL ADJUSTMENTS:	\$ 500.00	
NET COST OF REPAIRS:	\$ 3,776.42	

-- THIS IS NOT AN AUTHORIZATION TO REPAIR
 -- ALL SUPPLEMENTS REQUIRE PRIOR APPROVAL BY LIBERTY MUTUAL/SAFECO INSURANCE
 Submit all Supplement Requests to Richard Stinchcomb:
 email: Richard.Stinchcomb@libertymutual.com, phone 845-476-0153.
 Please present this Appraisal to the repair facility before repairs begin. Liberty Mutual/Safeco reserves the right to inspect any additional damage.

Supplement of Record 2 Summary

2012 HOND Accord Sedan LX Premium Automatic 4D SED 4-2.4L Gasoline Electronic Fuel Injection white

ANY PERSON WHO KNOWINGLY AND WITH INTENT TO DEFRAUD ANY INSURANCE COMPANY OR OTHER PERSON FILES AN APPLICATION FOR COMMERCIAL INSURANCE OR A STATEMENT OF CLAIM FOR ANY COMMERCIAL OR PERSONAL INSURANCE BENEFITS CONTAINING ANY MATERIALLY FALSE INFORMATION, OR CONCEALS FOR THE PURPOSE OF MISLEADING, INFORMATION CONCERNING ANY FACT MATERIAL THERETO, AND ANY PERSON WHO, IN CONNECTION WITH SUCH APPLICATION OR CLAIM, KNOWINGLY MAKES OR KNOWINGLY ASSISTS, ABETS, SOLICITS OR CONSPIRES WITH ANOTHER TO MAKE A FALSE REPORT OF THE THEFT, DESTRUCTION, DAMAGE OR CONVERSION OF ANY MOTOR VEHICLE TO A LAW ENFORCEMENT AGENCY, THE DEPARTMENT OF MOTOR VEHICLES OR AN INSURANCE COMPANY, COMMITS A FRAUDULENT INSURANCE ACT, WHICH IS A CRIME, AND SHALL ALSO BE SUBJECT TO A CIVIL PENALTY NOT TO EXCEED FIVE THOUSAND DOLLARS AND THE VALUE OF THE SUBJECT MOTOR VEHICLE OR STATED CLAIM FOR EACH VIOLATION.

You are entitled to the return of all replaced parts, except warranty and exchange parts, but you must ask for them in writing before any work is done. If you authorize work by phone, the shop must keep any replaced parts, and make them available when you pick up the vehicle.

THE PREPARATION OF THIS ESTIMATE MAY HAVE BEEN BASED ON THE USE OF CRASH PARTS SUPPLIED BY A SOURCE OTHER THAN THE MANUFACTURER OF YOUR MOTOR VEHICLE. THERE ARE WARRANTIES APPLICABLE TO THESE REPLACEMENT PARTS. THESE WARRANTIES ARE PROVIDED BY THE MANUFACTURER AND/OR DISTRIBUTOR OF THE PARTS RATHER THAN BY THE ORIGINAL MANUFACTURER OF YOUR VEHICLE.

Supplement of Record 2 Summary

2012 HOND Accord Sedan LX Premium Automatic 4D SED 4-2.4L Gasoline Electronic Fuel Injection white

Estimate based on MOTOR CRASH ESTIMATING GUIDE and potentially other third party sources of data. Unless otherwise noted, (a) all items are derived from the Guide ARG4443, CCC Data Date 2/8/2019, and potentially other third party sources of data; and (b) the parts presented are OEM-parts manufactured by the vehicles Original Equipment Manufacturer. OEM parts are available at OE/Vehicle dealerships. OPT OEM (Optional OEM) or ALT OEM (Alternative OEM) parts are OEM parts that may be provided by or through alternate sources other than the OEM vehicle dealerships. OPT OEM or ALT OEM parts may reflect some specific, special, or unique pricing or discount. OPT OEM or ALT OEM parts may include "Blemished" parts provided by OEM's through OEM vehicle dealerships. Asterisk (*) or Double Asterisk (**) indicates that the parts and/or labor data provided by third party sources of data may have been modified or may have come from an alternate data source. Tilde sign (~) items indicate MOTOR Not-Included Labor operations. The symbol (<>) indicates the refinish operation WILL NOT be performed as a separate procedure from the other panels in the estimate. Non-Original Equipment Manufacturer aftermarket parts are described as Non OEM, A/M or NAGS. Used parts are described as LKQ, RCY, or USED. Reconditioned parts are described as Recond. Recored parts are described as Recore. NAGS Part Numbers and Benchmark Prices are provided by National Auto Glass Specifications. Labor operation times listed on the line with the NAGS information are MOTOR suggested labor operation times. NAGS labor operation times are not included. Pound sign (#) items indicate manual entries.

Some 2019 vehicles contain minor changes from the previous year. For those vehicles, prior to receiving updated data from the vehicle manufacturer, labor and parts data from the previous year may be used. The CCC ONE estimator has a list of applicable vehicles. Parts numbers and prices should be confirmed with the local dealership.

The following is a list of additional abbreviations or symbols that may be used to describe work to be done or parts to be repaired or replaced:

SYMBOLS FOLLOWING PART PRICE:

m=MOTOR Mechanical component. s=MOTOR Structural component. T=Miscellaneous Taxed charge category.
X=Miscellaneous Non-Taxed charge category.

SYMBOLS FOLLOWING LABOR:

D=Diagnostic labor category. E=Electrical labor category. F=Frame labor category. G=Glass labor category.
M=Mechanical labor category. S=Structural labor category. (numbers) 1 through 4=User Defined Labor Categories.

OTHER SYMBOLS AND ABBREVIATIONS:

Adj.=Adjacent. Algn.=Align. ALU=Aluminum. A/M=Aftermarket part. Blnd=Blend. BOR=Boron steel.
CAPA=Certified Automotive Parts Association. D&R=Disconnect and Reconnect. HSS=High Strength Steel.
HYD=Hydroformed Steel. Incl.=Included. LKQ=Like Kind and Quality. LT=Left. MAG=Magnesium. Non-Adj.=Non
Adjacent. NSF=NSF International Certified Part. O/H=Overhaul. Qty=Quantity. Refn=Refinish. Repl=Replace.
R&I=Remove and Install. R&R=Remove and Replace. Rpr=Repair. RT=Right. SAS=Sandwiched Steel.
Sect=Section. Subl=Sublet. UHS=Ultra High Strength Steel. N=Note(s) associated with the estimate line.

CCC ONE Estimating - A product of CCC Information Services Inc.

The following is a list of abbreviations that may be used in CCC ONE Estimating that are not part of the MOTOR CRASH ESTIMATING GUIDE:

BAR=Bureau of Automotive Repair. EPA=Environmental Protection Agency. NHTSA= National Highway
Transportation and Safety Administration. PDR=Paintless Dent Repair. VIN=Vehicle Identification Number.

Supplement of Record 2 Summary

2012 HOND Accord Sedan LX Premium Automatic 4D SED 4-2.4L Gasoline Electronic Fuel Injection white

THIS IS NOT AN AUTHORIZATION TO REPAIR. ALL SUPPLEMENTS REQUIRE PRIOR APPROVAL
Please present this Appraisal to the repair facility before repairs begin.

We reserve the right to inspect any additional damage.

** For supplement requests, please follow the instructions below:

**** If the ORIGINAL APPRAISAL was completed by a LIBERTY MUTUAL/SAFECO STAFF APPRAISER or an INDEPENDENT APPRAISER, please contact the appraiser directly; their email address and phone number can be located in the header of the appraisal or in the "APPRAISER INFORMATION" section at the top of the appraisal.

**** Instructions if the ORIGINAL APPRAISAL was completed by a LIBERTY MUTUAL/SAFECO GUARANTEED REPAIR NETWORK SHOP*****:

***** SHOPS USING CCC ESTIMATING SOFTWARE *****

--- PREFERRED METHOD --- Your facility can pull down the original estimate and add your supplement request using THE WORKFILE VIA ESTIMATE SHARE (AWE WORKFILE RETRIEVAL - instructions are listed below) If you are unable to complete these steps, the workfile can also be sent to you.

--- NON- PREFERRED METHOD --- Call the Liberty Mutual/Safeco Supplement Hotline at 855-837-1529 OR Email LIBERTYSUPP@CCCIS.COM with your shop name, a contact number. Note that you are a CCC One shop requesting a Liberty Mutual open shop supplement assignment. Please use the following subject line on your request "NEW CCC SUPPLEMENT FILE REQUEST FOR (INSERT CLAIM NUMBER)". After contacting CCC, they will send the original work file to your CCC One estimating system. Open and complete your supplement, LOCK it & upload with the attached photos and documentation.... The supplement has to be LOCKED to transfer through CCC to Liberty Mutual/Safeco. However, you can email as noted above.

***** FOR NON-CCC SHOPS OR IF YOUR SUPPLEMENT IS ALREADY COMPLETED IN CCC***

Email your written supplement PDF, photos and supporting documents to LIBERTYSUPP@CCCIS.COM for processing. Please use the subject line "NEW SUPPLEMENT REQUEST FOR NON CCC SHOP (INSERT CLAIM NUMBER)". To avoid a service delay, please include your shop name, and contact name and phone number. NOTE: You will not be able to merge or upload a supplement that was written prior to completing the download.

If you have RENTAL COVERAGE or are entitled to a Rental due to this loss, Rental will be allowed for the reasonable period necessary to repair your vehicle, subject to any applicable policy provisions, laws or regulations.

If a rental vehicle has not been pre-authorized or you have any questions regarding your rental coverage or eligibility, please contact your adjuster prior to securing a rental vehicle.

Additional rental costs offered through the rental agency are not covered.

Supplement of Record 2 Summary

2012 HOND Accord Sedan LX Premium Automatic 4D SED 4-2.4L Gasoline Electronic Fuel Injection white

Liberty Mutual/Safeco offers body shops fast and convenient service online through our Claim Information Portal. You can check claim status, obtain payment details, view liability status, and much more.

Visit CLAIMINFOPORTAL.LIBERTYMUTUAL.COM to register and login.

THE INSURER GUARANTEES THAT IT WILL REPLACE ANY PART IDENTIFIED IN THIS ESTIMATE WHICH IS NOT A NEW ORIGINAL EQUIPMENT MANUFACTURER PART, INCLUDING RECYCLED PARTS MANUFACTURED BY THE ORIGINAL EQUIPMENT MANUFACTURER OR NEW PARTS NOT MANUFACTURED BY THE ORIGINAL EQUIPMENT MANUFACTURER, IF A DEFECT IS DISCOVERED.

THIS GUARANTEE WILL BE IN EFFECT FOR AS LONG AS YOU OWN THE VEHICLE DESCRIBED IN THIS ESTIMATE, BUT IT IS NOT TRANSFERABLE TO ANY OTHER PARTY AT ANY TIME. THIS GUARANTEE COVERS THE COST OF THE PART, LABOR TO INSTALL, AND PAINT AND MATERIALS, IF REQUIRED, AS WELL AS THE COST OF RENTAL OF A TEMPORARY REPLACEMENT VEHICLE DURING THE REPAIRS. THIS GUARANTEE DOES NOT COVER CONSEQUENTIAL DAMAGES.

IF A DEFECT IS DISCOVERED IN ANY RECYCLED PARTS MANUFACTURED BY THE ORIGINAL EQUIPMENT MANUFACTURER OR NEW PARTS NOT MANUFACTURED BY THE ORIGINAL EQUIPMENT MANUFACTURER THAT ARE USED IN REPAIR OF YOUR VEHICLE, CONTACT YOUR ADJUSTER OR AGENT IMMEDIATELY, AND WE WILL REPLACE THE PART WITH A NEW ORIGINAL EQUIPMENT MANUFACTURER PART.

AWE WORKFILE RETREVAL INSTRUCTIONS: In your CCC ONE Estimating, please select ACTION: IMPORT WORKFILE COPY, DOWNLOAD COPY OF WORKFILE FROM CCC <Click NEXT>. Then select the INSURANCE COMPANY listed in the appraisal (LM option), enter the CLAIM NUMBER and WORKFILE ID <Click NEXT>. This will push the assignment to your CCC ONE inbox. Open and complete your supplement, LOCK it & upload with the attached photos and documentation...

REGULATION 64, AS PROMULGATED BY THE NEW YORK STATE INSURANCE DEPARTMENT REQUIRES THAT ANY NOTICE EXPLAINING OR REJECTING ANY ELEMENT OF A CLAIM SHALL CONTAIN THE FOLLOWING:

SHOULD YOU WISH TO TAKE THIS MATTER UP WITH THE NEW YORK STATE INSURANCE DEPARTMENT, YOU MAY WRITE OR VISIT THE CONSUMER SERVICES BUREAU, NEW YORK STATE INSURANCE DEPARTMENT AT 25 BEAVER STREET, NEW YORK, N.Y. 10004-2319, AGENCY BUILDING ONE GOVERNOR NELSON A. ROCKEFELLER EMPIRE STATE PLAZA, ALBANY, NEW YORK 12257 OR 65 COURT STREET WALTER J. MAHONEY OFFICE BUILDING, BUFFALO, NEW YORK 14202

Supplement of Record 2 Summary

2012 HOND Accord Sedan LX Premium Automatic 4D SED 4-2.4L Gasoline Electronic Fuel Injection white

PURSUANT TO SECTION 2610 OF THE INSURANCE LAW, AN INSURANCE COMPANY CANNOT REQUIRE THAT REPAIRS BE MADE TO A MOTOR VEHICLE IN A PARTICULAR PLACE OR REPAIR SHOP. YOU HAVE THE RIGHT TO HAVE YOUR VEHICLE REPAIRED IN THE SHOP OF YOUR CHOICE.

Supplement of Record 2 Summary

2012 HOND Accord Sedan LX Premium Automatic 4D SED 4-2.4L Gasoline Electronic Fuel Injection white

ALTERNATE PARTS SUPPLIERS

Line	Supplier	Description	Price
3	Empire Auto Parts, NJ Randall Bollander 15 Jackson Road Totowa NJ 07512 (973) 772-4206	#H1387 Non OEM CAPA Bumper cover w/o fog lamps	\$ 249.00
7	KEYSTONE - NEWBURGH, NY 24 JEANNE DRIVE NEWBURGH NY 12550 (845) 566-0900	#HO1066113 Non OEM LT Upper support Quote: 324618060 Expires: 04/19/19	\$ 13.20
8	KEYSTONE - NEWBURGH, NY 24 JEANNE DRIVE NEWBURGH NY 12550 (845) 566-0900	#HO1006177C Non OEM CAPA Impact bar all Quote: 324618060 Expires: 04/19/19	\$ 183.00
16	Empire Auto Parts, NJ Randall Bollander 15 Jackson Road Totowa NJ 07512 (973) 772-4206	#H0091 Non OEM NSF LT Headlamp assy	\$ 278.00
19	LKQ Broadway 1572 US Route 9 Stuyvesant NY 12173 (800) 626-6708	#~206880842 RCY LT Fender liner US built +25% Inner Fender Liner L, INNER LINER, SDN (4 DR), USA BUILT, LH,S#\$A2259 Quote: 314253463 Expires: 03/28/19	\$ 45.00
21	Empire Auto Parts, NJ Randall Bollander 15 Jackson Road Totowa NJ 07512 (973) 772-4206	#H0853 Non OEM CAPA LT Fender	\$ 282.00

LOCAL CODES

2019-5252

POLICE ACCIDENT REPORT

MV-104A (6/04)

Q3CP5596TCG5

AMENDED REPORT

1		ACCIDENT DATE		DAY OF WEEK	MILITARY TIME	NO. OF VEHICLES	NO. INJURED	NO. KILLED	NOT INVESTIGATED AT SCENE ☐ LEFT SCENE ☐		POLICE PHOTOS
		MONTH	DAY	YEAR					ACCIDENT RECONSTRUCTED ☐		☒ YES ☐ NO
		02	08	2019	Friday	07:56	2	1	0		
		VEHICLE 1					☒ VEHICLE 2		☐ BICYCLIST ☐ PEDESTRIAN ☐ OTHER PEDESTRIAN		
2		VEHICLE 1 - DRIVER					VEHICLE 2 - DRIVER				
		LICENSE ID NUMBER 351889821					LICENSE ID NUMBER 000000000				
		DRIVER NAME - EXACTLY AS PRINTED ON LICENSE HARDY, PAMELA L					DRIVER NAME - EXACTLY AS PRINTED ON LICENSE BRUZGUL, JUSTIN				
		ADDRESS (INCLUDE NUMBER AND STREET) 13 COMMONS LANE APT 11					ADDRESS (INCLUDE NUMBER AND STREET) 62 CIVIC CENTER PLAZA				
		CITY OR TOWN POUGHKEEPSIE					CITY OR TOWN POUGHKEEPSIE				
		STATE NY ZIP CODE 12601					STATE NY ZIP CODE 12601				
3		DATE OF BIRTH		SEX	UNLICENSED	NO. OF OCCUPANTS	PUBLIC PROPERTY DAMAGED				
		MONTH	DAY	YEAR							
		03	05	1963	F		01				
4		NAME - EXACTLY AS PRINTED ON REGISTRATION					DATE OF BIRTH		NAME - EXACTLY AS PRINTED ON REGISTRATION		
		HARDY, PAMELA L					03 05 1963		CITY OF POUGHKEEPSIE		
		ADDRESS (INCLUDE NUMBER AND STREET) 13 COMMONS LANE APT 11					62 CIVIC CENTER PLAZA				
		CITY OR TOWN POUGHKEEPSIE					CITY OR TOWN POUGHKEEPSIE				
		STATE NY ZIP CODE 12601					STATE NY ZIP CODE 12601				
5		PLATE NUMBER	STATE OF REG.	VEHICLE YEAR & MAKE	VEHICLE TYPE	INS. CODE	PLATE NUMBER		STATE OF REG.	VEHICLE YEAR & MAKE	VEHICLE TYPE
		HLF2389	NY	2012 HOND	4DSD	054	K93		NY	2008 DODG	POLI
		TICKET/ARREST NUMBERS(S) 017396T373, 017396T3MT					TICKET/ARREST NUMBERS(S)				
6		VIOLATION SECTION(S) 1144A, 306B					VIOLATION SECTION(S)				
7		CHECK IF INVOLVED VEHICLE IS:					CHECK IF INVOLVED VEHICLE IS:				
		☐ MORE THAN 95 INCHES WIDE; ☐ MORE THAN 34 FEET LONG; ☐ OPERATED WITH AN OVERWEIGHT PERMIT; ☐ OPERATED WITH AN OVERDIMENSION PERMIT.					☐ MORE THAN 95 INCHES WIDE; ☐ MORE THAN 34 FEET LONG; ☐ OPERATED WITH AN OVERWEIGHT PERMIT; ☐ OPERATED WITH AN OVERDIMENSION PERMIT.				
		VEHICLE 1 DAMAGE CODES					VEHICLE 2 DAMAGE CODES				
		BOX 1 - POINT OF IMPACT 1 1					BOX 1 - POINT OF IMPACT 4 4				
		BOX 2 - MOST DAMAGE 2 12 4 1					BOX 2 - MOST DAMAGE 5 4 4 5				
		ENTER UP TO THREE MORE DAMAGE CODES					ENTER UP TO THREE MORE DAMAGE CODES				
		VEHICLE BY: TOWED TO:					VEHICLE BY: TOWED TO:				
		VEHICLE DAMAGE CODING:					VEHICLE DAMAGE CODING:				
		1-13 SEE DIAGRAM ON RIGHT.					1-13 SEE DIAGRAM ON RIGHT.				
		14. UNDERCARRIAGE 17. DEMOLISHED					14. UNDERCARRIAGE 17. DEMOLISHED				
		15. TRAILER 18. NO DAMAGE					15. TRAILER 18. NO DAMAGE				
		16. OVERTURNED 19. OTHER					16. OVERTURNED 19. OTHER				
		CIRCLE THE DIAGRAM BELOW THAT DESCRIBES THE ACCIDENT, OR DRAW YOUR OWN DIAGRAM IN SPACE #9. NUMBER THE VEHICLES.					CIRCLE THE DIAGRAM BELOW THAT DESCRIBES THE ACCIDENT, OR DRAW YOUR OWN DIAGRAM IN SPACE #9. NUMBER THE VEHICLES.				
		REAR END 1. LEFT TURN 3. RIGHT ANGLE 4. RIGHT TURN 5. HEAD ON 7.					REAR END 1. LEFT TURN 3. RIGHT ANGLE 4. RIGHT TURN 5. HEAD ON 7.				
		SIDESWIPE (SAME DIRECTION) 2.					SIDESWIPE (OPPOSITE DIRECTION) 6.				
		ACCIDENT DIAGRAM					ACCIDENT DIAGRAM				
		See the last page of the MV-104A for the accident diagram.					See the last page of the MV-104A for the accident diagram.				
		COST OF REPAIRS TO ANY ONE VEHICLE WILL BE MORE THAN \$1,000.					COST OF REPAIRS TO ANY ONE VEHICLE WILL BE MORE THAN \$1,000.				
		☒ UNKNOWN/UNABLE TO DETERMINE ☐ Yes ☐ No					☒ UNKNOWN/UNABLE TO DETERMINE ☐ Yes ☐ No				
29		REFERENCE MARKER					PLACE WHERE ACCIDENT OCCURRED:				
		COORDINATES (IF AVAILABLE)					COUNTY DUTCHESS ☒ CITY ☐ VILLAGE ☐ TOWN OF POUGHKEEPSIE				
		LATITUDE/NORTHING:					ROAD ON WHICH ACCIDENT CHURCH ST / ACADEMY ST				
		LONGITUDE/EASTING:					(ROUTE NUMBER OR STREET NAME)				
		AT 1) INTERSECTING CHURCH ST / ACADEMY ST					(ROUTE NUMBER OR STREET NAME)				
		OR 2) ☐ N ☐ S OF ☐ E ☐ W					(MILEPOST, NEAREST INTERSECTING ROUTE NUMBER OR STREET NAME)				
		FEET MILES									
30		ACCIDENT DESCRIPTION/OFFICER'S NOTES					USE COVER SHEET				
		Vehicle 1 was traveling North on Academy St in the area of Church St. Vehicle 2, a marked radio patrol unit of the City of Poughkeepsie Police Department was traveling East on Church St responding to an emergency call. Vehicle 2 turned left at the intersection to go North on Academy St. Operator of vehicle 2 stated that he had a green light. Vehicle 2's emergency lights and sirens were on at the time of collision. Operator of vehicle 1 declined any medical assistance upon arrival, and stated that "she didn't see him" and that she was "fine." Operator of vehicle 1					N				
		8 9 10 11 12 13 14 15 16 17 BY TO 18					NAMES OF ALL INVOLVED DATE OF DEATH ONLY				
		A 1 1 4 1 55 F 4 12 6 9993 1306 HARDY, PAMELA L									
		B 2 1 4 1 41 M - - - - - BRUZGUL, JUSTIN									
		C									
		D									
		E									
		F									
		OFFICER'S RANK AND SIGNATURE					BADGE/ID NO. NCIC NO. PRECINCT/POST TROOP/ZONE STATION/BEAT SECTOR REVIEWING OFFICER DATE/TIME REVIEWED				
		PATROL MAN					72 01302 CRONK, BRYAN 2/8/2019 15:05				
		PRINT NAME IN FULL ERIC MARSH									

00000001

Last Mod: 2/8/2019 3:05 PM

https://www.crashlogic.com

LOCAL CODES

2019-5252

POLICE ACCIDENT REPORT

MV-104A (6/04)

Q3CP5596TCG5

☐ AMENDED REPORT

1		ACCIDENT DATE			DAY OF WEEK	MILITARY TIME	NO. OF VEHICLES	NO. INJURED	NO. KILLED	NOT INVESTIGATED AT SCENE ☐		LEFT SCENE ☐	POLICE PHOTOS																																																																																																											
		MONTH	DAY	YEAR						ACCIDENT RECONSTRUCTED ☐			☒ YES ☐ NO																																																																																																											
		02	08	2019	Friday	07:56	2	1	0																																																																																																															
		VEHICLE 1							VEHICLE ☐ BICYCLIST ☐ PEDESTRIAN ☐ OTHER PEDESTRIAN ☐																																																																																																															
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2		LICENSE ID NUMBER						LICENSE ID NUMBER																																																																																																																
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4		ADDRESS (INCLUDE NUMBER AND STREET)				APT. NO.	HAZ. MAT. COD	RELEASED	ADDRESS (INCLUDE NUMBER AND STREET)				APT. NO.	HAZ. MAT. COD																																																																																																										
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5		PLATE NUMBER	STATE OF REG.	VEHICLE YEAR & MAKE	VEHICLE TYPE	INS. CODE	PLATE NUMBER							STATE OF REG.	VEHICLE YEAR & MAKE	VEHICLE TYPE	INS. CODE																																																																																																							
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6		VIOLATION SECTION(S)						VIOLATION SECTION(S)																																																																																																																
7		CHECK IF INVOLVED VEHICLE IS: ☐ MORE THAN 95 INCHES WIDE; ☐ MORE THAN 34 FEET LONG; ☐ OPERATED WITH AN OVERWEIGHT PERMIT; ☐ OPERATED WITH AN OVERDIMENSION PERMIT.						CHECK IF INVOLVED VEHICLE IS: ☐ MORE THAN 95 INCHES WIDE; ☐ MORE THAN 34 FEET LONG; ☐ OPERATED WITH AN OVERWEIGHT PERMIT; ☐ OPERATED WITH AN OVERDIMENSION PERMIT.						CIRCLE THE DIAGRAM BELOW THAT DESCRIBES THE ACCIDENT, OR DRAW YOUR OWN DIAGRAM IN SPACE #9. NUMBER THE VEHICLES.																																																																																																										
		VEHICLE 1 DAMAGE CODES BOX 1 - POINT OF IMPACT BOX 2 - MOST DAMAGE ENTER UP TO THREE MORE DAMAGE CODES VEHICLE BY: TOWED TO:						VEHICLE 2 DAMAGE CODES BOX 1 - POINT OF IMPACT BOX 2 - MOST DAMAGE ENTER UP TO THREE MORE DAMAGE CODES VEHICLE BY: TOWED TO:						REAR END LEFT TURN RIGHT ANGLE RIGHT TURN HEAD ON SIDESWIPES (SAME DIRECTION) LEFT TURN RIGHT TURN SIDESWIPES (OPPOSITE DIRECTION)																																																																																																										
		VEHICLE DAMAGE CODING: 1-13 SEE DIAGRAM ON RIGHT. 14. UNDERCARRIAGE 15. TRAILER 16. OVERTURNED 17. DEMOLISHED 18. NO DAMAGE 19. OTHER												ACCIDENT DIAGRAM 9. COST OF REPAIRS TO ANY ONE VEHICLE WILL BE MORE THAN \$1,000. ☐ UNKNOWN/UNABLE TO DETERMINE ☐ Yes ☐ No																																																																																																										
		REFERENCE MARKER		COORDINATES (IF AVAILABLE)		PLACE WHERE ACCIDENT OCCURRED:																																																																																																																		
				LATITUDE/NORTHING:		COUNTY DUTCHESS ☐ CITY ☐ VILLAGE ☐ TOWN OF																																																																																																																		
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				LONGITUDE/EASTING:		AT 1) INTERSECTING (ROUTE NUMBER OR STREET NAME)																																																																																																																		
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ACCIDENT DESCRIPTION/OFFICER'S NOTES														USE COVER SHEET																																																																																																										
initially requested a tow and shortly there after requested that we cancel. After the spouse of vehicle 1 arrived on scene, he requested an ambulance for complaint of neck and back pain for the operator of vehicle 1.														N																																																																																																										
<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td>8</td><td>9</td><td>10</td><td>11</td><td>12</td><td>13</td><td>14</td><td>15</td><td>16</td><td>17</td><td>BY</td><td>TO</td><td>18</td><td>NAMES OF ALL INVOLVED</td><td>DATE OF DEATH ONLY</td> </tr> <tr><td>A</td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td></tr> <tr><td>B</td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td></tr> <tr><td>C</td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td></tr> <tr><td>D</td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td></tr> <tr><td>E</td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td></tr> <tr><td>F</td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td></tr> </table>														8	9	10	11	12	13	14	15	16	17	BY	TO	18	NAMES OF ALL INVOLVED	DATE OF DEATH ONLY	A															B															C															D															E															F																
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PRINT NAME IN FULL		ERIC MARSH				72		01302						CRONK, BRYAN		2/8/2019 15:05																																																																																																								

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<https://www.crashlogic.com>

LOCAL CODES

2019-5252

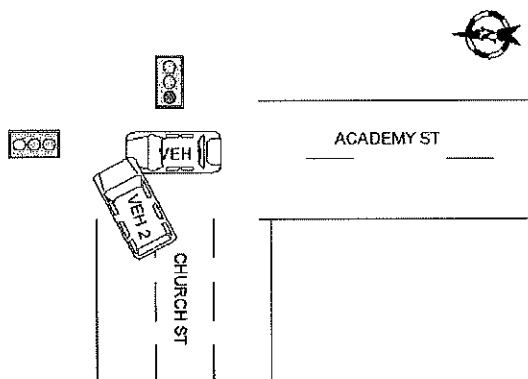
Q3CP5596TCG5

POLICE ACCIDENT REPORT

MV-104A (6/04)

☐ AMENDED REPORT

ACCIDENT DATE			DAY OF WEEK	MILITARY TIME	NO. OF VEHICLES	NO. INJURED	NO. KILLED	NOT INVESTIGATED AT SCENE ☐	LEFT SCENE ☐	POLICE PHOTOS
MONTH	DAY	YEAR						ACCIDENT RECONSTRUCTED ☐		☒ YES ☐ NO
02	08	2019	Friday	07:56	2	1	0			



OFFICER'S RANK AND SIGNATURE	PATROL MAN 	BADGE/ID NO.	NCIC NO.	PRECINCT/POST TROOP/ZONE	STATION/BEAT SECTOR	REVIEWING OFFICER	DATE/TIME REVIEWED
PRINT NAME IN FULL	ERIC MARSH	72	01302			CRONK, BRYAN	2/8/2019 15:05

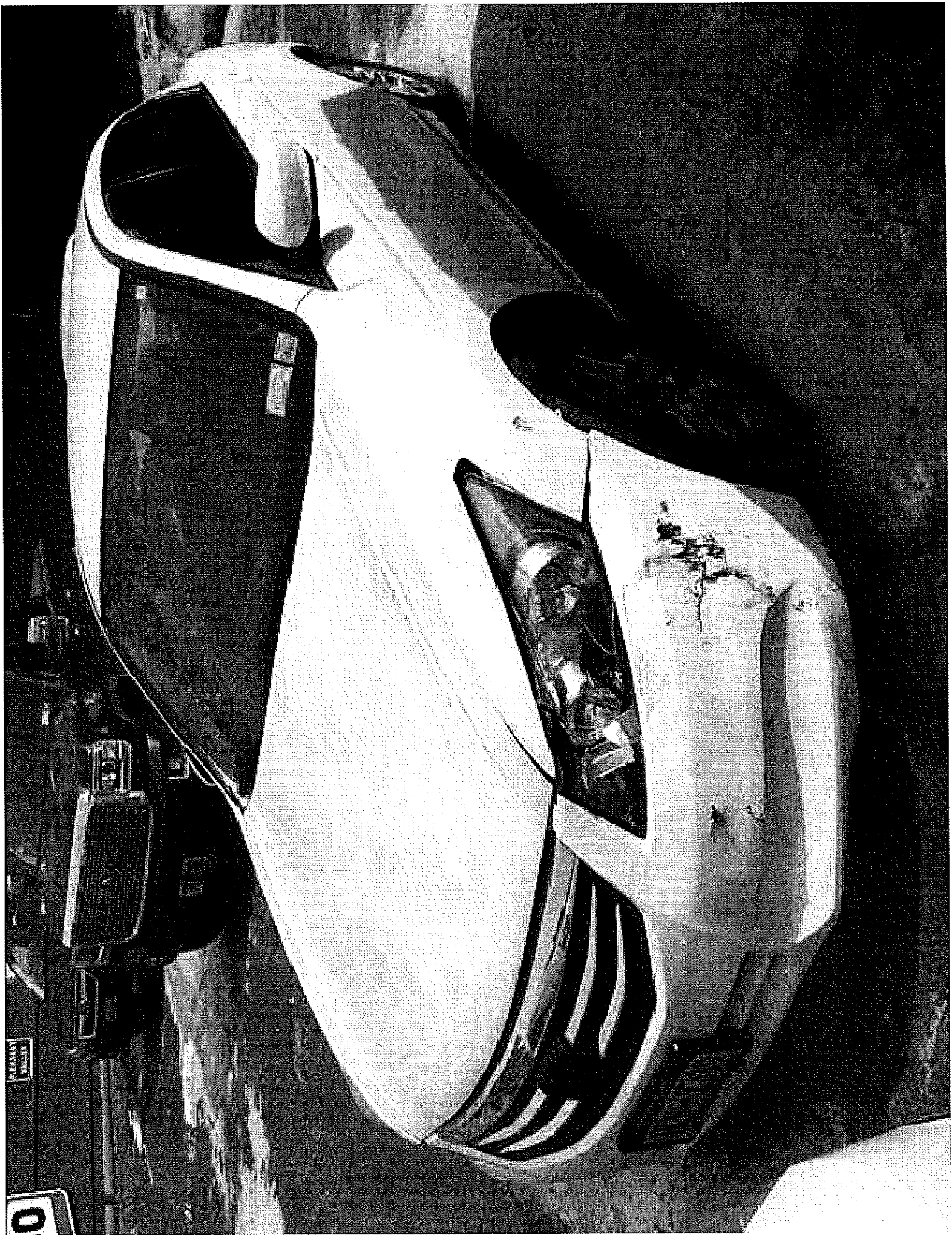
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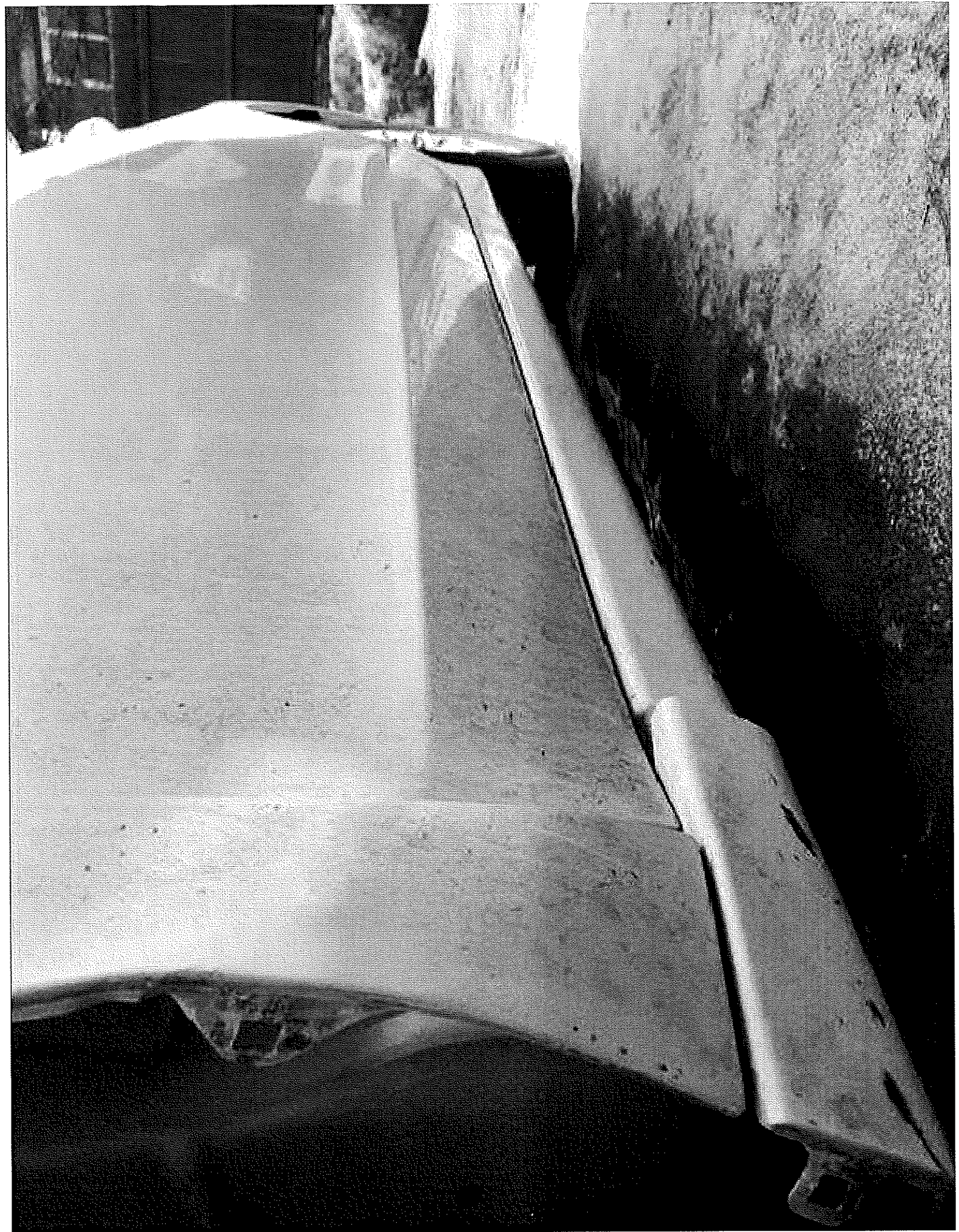
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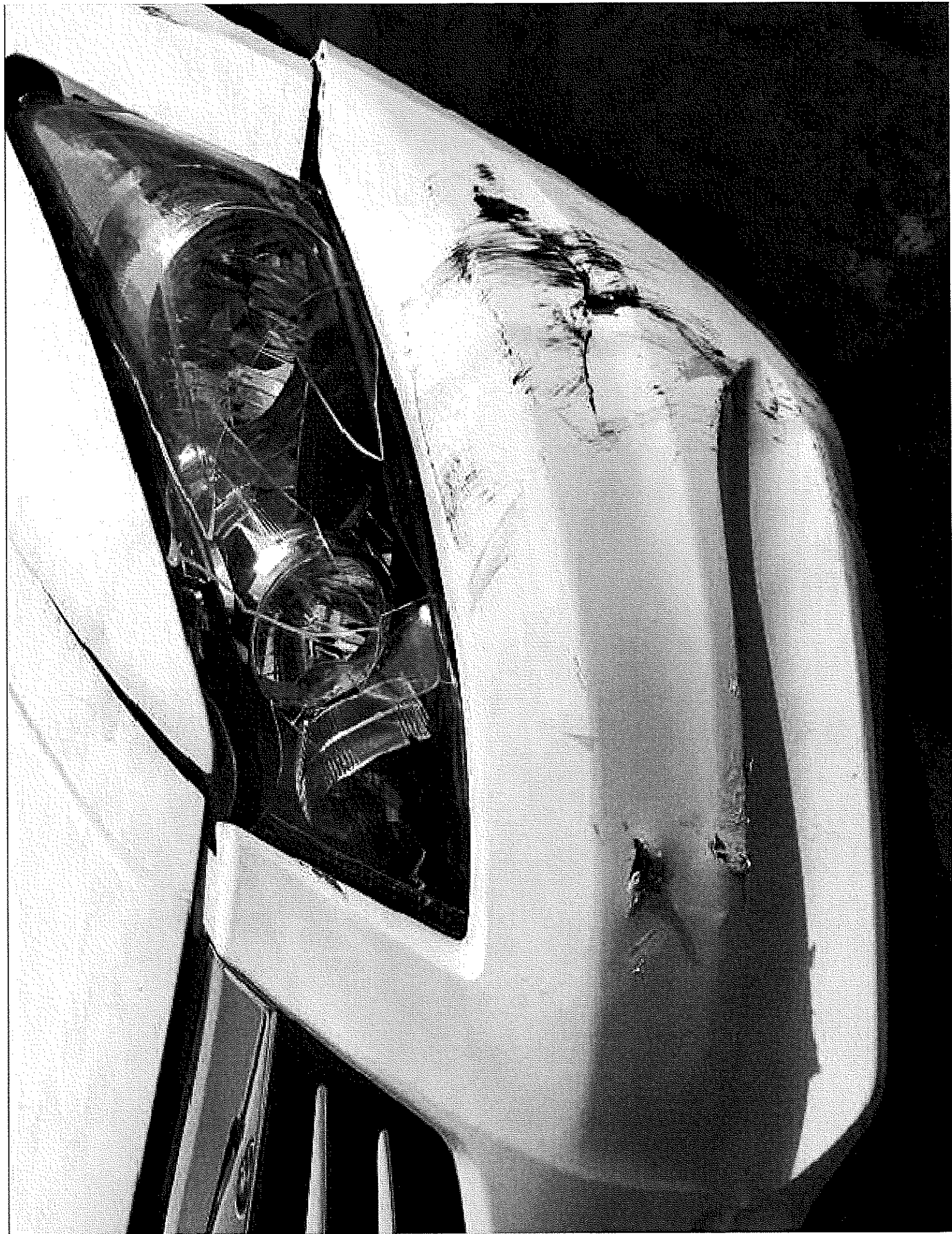
PEDESTRIAN/BICYCLIST/OTHER PEDESTRIAN LOCATION				APPARENT CONTRIBUTING FACTORS			
1. Pedestrian/Bicyclist/Other Pedestrian at Intersection 2. Pedestrian/Bicyclist/Other Pedestrian Not at Intersection				Human 2. Alcohol Involvement 3. Backing Unsafely 4. Driver Inattention/Distracted* 5. Driver Inexperience* 6. Drugs (Illegal) 7. Failure to Yield Right-of-Way 8. Fell Asleep 9. Following Too Closely 10. Illness 11. Lost Consciousness 12. Passenger Distraction 13. Passing or Lane Usage Improper 14. Pedestrian/Bicyclist/Other Pedestrian Error/Confusion 15. Physical Disability 16. Prescription Medication 17. Traffic Control Disregarded 18. Turning Improperly 19. Unsafe Speed 20. Unsafe Lane Changing 21. Fatigued/Drowsy 22. Cell Phone (hand-held) 23. Cell Phone (hands-free) 24. Other Electronic Device* 25. Outside Car Distraction* 26. Reaction to Uninvolved Vehicle 27. Failure to Keep Right 28. Aggressive Driving/Road Rage* 29. Passing Too Closely 30. Vehicle Vandalism 31. Texting 32. Using On Board Navigation Device 33. Eating or Drinking 34. Listening/Using Headphones			
PEDESTRIAN/BICYCLIST/OTHER PEDESTRIAN ACTION 1. Crossing, With Signal 2. Crossing, Against Signal 3. Crossing, No Signal, Marked Crosswalk 4. Crossing, No Signal or Crosswalk 5. Riding/Walking/Skating Along Highway With Traffic 6. Riding/Walking/Skating Along Highway Against Traffic 7. Emerging from In Front of Behind Parked Vehicle 8. Going to/From Stopped School Bus 9. Getting On/Off Vehicle Other Than School Bus 11. Working in Roadway 12. Playing in Roadway 13. Other Actions in Roadway* 14. Not in Roadway (Indicate)*				Vehicular 41. Accelerator Defective 42. Brakes Defective 43. Headlights Defective 44. Other Lighting Defects 45. Oversized Vehicle 46. Steering Failure 47. Tire Failure/Inadequate 48. Tow Hitch Defective 49. Windshield Inadequate 50. Driverless/Runaway Vehicle 51. Tinted Windows 60. Other Vehicular* Environmental 61. Animal's Action 62. Glare 63. Lane Marking Improper/Inadequate 64. Obstruction/Debris 65. Pavement Defective 66. Pavement Slippery 67. Shoulders Defective/Improper 68. Traffic Control Device Improper/Non-Working 69. View Obstructed/Limited			
TRAFFIC CONTROL 1. None 2. Traffic Signal 3. Stop Sign 4. Flashing Light 5. Yield Sign 6. Officer/Guard 7. No Passing Zone 8. RR Crossing Sign 9. RR Crossing Flashing Light 10. RR Crossing Gates 11. Stopped School Bus-Red Lights Flashing 12. Construction Work Area 13. Maintenance Work Area 14. Utility Work Area 15. Police/Fire Emergency 16. School Zone 20. Other*				Vehicle 19 Vehicle 20 Vehicle 21 Vehicle 22 Vehicle 23 Vehicle 24 Vehicle 25 Vehicle 26 Vehicle 27 Vehicle 28 Vehicle 29 Vehicle 30			
LIGHT CONDITIONS 1. Daylight 2. Dawn 3. Dusk 4. Dark-Road Lighted 5. Dark-Road Unlighted ROADWAY CHARACTER 1. Straight and Level 2. Straight and Grade 3. Straight at Hillcrest 4. Curve and Level 5. Curve and Grade 6. Curve at Hillcrest							
NEW YORK STATE DEPARTMENT OF MOTOR VEHICLES POLICE ACCIDENT REPORT MV-104COV (11/13) 'EXPLAIN IN ACCIDENT DESCRIPTION If a question DOES NOT APPLY, enter a dash (-). If an answer is UNKNOWN, enter an "X".				DIRECTION OF TRAVEL: 			
ROADWAY SURFACE CONDITION 1. Dry 2. Wet 3. Muddy 4. Snow/Ice 5. Slush 6. Flooded 0. Other* WEATHER 1. Clear 2. Cloudy 3. Rain 4. Snow 5. Sleet/Hail/Freezing Rain 6. Fog/Smog/Smoke 0. Other*				PRE-ACCIDENT VEHICLE ACTION 1. Going Straight Ahead 2. Making Right Turn 3. Making Left Turn 4. Making U Turn 5. Starting from Parking 6. Starting in Traffic 7. Slowing or Stopping 8. Stopped in Traffic 9. Entering Parked Position 10. Parked 11. Avoiding Object in Roadway 12. Changing Lanes 13. Passing 14. Merging 15. Backing 18. Police Pursuit 20. Other*			
WHICH VEHICLE OCCUPIED 1. Vehicle No. 1 2. Vehicle No. 2 A. All-Terrain Vehicle (ATV) B. Bicyclist C. Other* D. Pedestrian E. In-Line Skater F. Snowmobiler				LOCATION OF FIRST EVENT 1. On Roadway 2. Off Roadway			
POSITION IN/ON VEHICLE 1. Driver 2-7. Passengers 8. Riding/Hanging on Outside SAFETY EQUIPMENT USED 1. None 2. Lap Belt 3. Harness 4. Lap Belt/Harness 5. Child Restraint Only 6. Helmet (Motorcycle Only) 7. Air Bag Deployed 8. Air Bag Deployed/Lap Belt 9. Air Bag Deployed/Harness A. Air Bag Deployed/Lap Belt/Harness B. Air Bag Deployed/Child Restraint C. Helmet Only D. Helmet/Other E. Pads Only F. Stoppers Only 0. Other* EJECTION FROM VEHICLE 1. Not Ejected 2. Partially Ejected 3. Ejected AGE SEX M/F				TYPE OF PHYSICAL COMPLAINT 1. Amputation 2. Concussion 3. Internal 4. Minor Bleeding 5. Severe Bleeding 6. Minor Burn 7. Moderate Burn 8. Severe Burn 9. Fracture - Dislocation 10. Contusion - Bruise 11. Abrasion 12. Complaint of Pain 13. None Visible 14. Whiplash VICTIM'S PHYSICAL AND EMOTIONAL STATUS 1. Apparent Death 2. Unconscious 3. Semiconscious 4. Incoherent 5. Shock 6. Conscious INJURED TAKEN 17 BY TO 18			
TYPE OF ACCIDENT - COLLISION WITH 1. Other Motor Vehicle 2. Pedestrian 3. Bicyclist 4. Animal 5. Railroad Train 7. Deer 8. Other pedestrian 10. Other Object (Not Fixed)* COLLISION WITH FIXED OBJECT 11. Light Support/Utility Pole 12. Guide Rail-Not At End 13. Crash Cushion 14. Sign Post 15. Tree 16. Building/Wall 17. Curbing 18. Fence 19. Bridge Structure 20. Culvert/Head Wall 21. Median-Not At End 26. Median-End 27. Barrier 22. Snow Embankment 23. Earth Embankment/Rock Out/Ditch 24. Fire Hydrant 30. Other Fixed Object* NO COLLISION 31. Overturned 32. Fire/Explosion 33. Submersion 34. Ran Off Roadway Only 40. Other*				First Event 28 SECOND EVENT Vehicle 29 Vehicle 30			















-----X
In the Matter of the Claim of BROOKE JACKSON,

Claimant,

NOTICE OF CLAIM

-against-

CITY OF POUGHKEEPSIE and
CITY OF POUGHKEEPSIE DEPARTMENT OF
PUBLIC WORKS,

Respondents,
-----X

TO: CITY OF POUGHKEEPSIE
62 Civic Center Plaza
Poughkeepsie, New York 12601

CITY OF POUGHKEEPSIE DEPARTMENT OF PUBLIC WORKS
26 Howard Street
Poughkeepsie, NY 12601

2019 APR 24 AM 11:25
CITY OF POUGHKEEPSIE
CITY CHAMBERLAIN

S I R S :

PLEASE TAKE NOTICE that the above-referenced claimant, hereby make Claim
and demand judgment against you as follows:

1. The name and post office address of the claimant is as follows:

BROOKE JACKSON
398 Church Street, Apt. 9
Poughkeepsie, NY 12601

2. The name and post office address of claimant's attorney is

SCHONBERG LAW OFFICES OF THE
HUDSON VALLEY, P.C.
209 Route 32, P.O. Box 217
Central Valley, NY 10917

3. The nature of this claim is monetary compensation for personal injuries sustained by the claimant BROOKE JACKSON as a result of the respondent's negligence, carelessness, recklessness through the respective respondents, its agents, servants and/or employees who failed to take reasonable due diligence and care in the removal, maintenance, of snow and/or ice from the roadway and/or street, at or near 398 Church Street, Poughkeepsie, County of Dutchess, State of New York, on or about January 29, 2019, between the hours of 3:00 p.m. and 3:30 p.m.

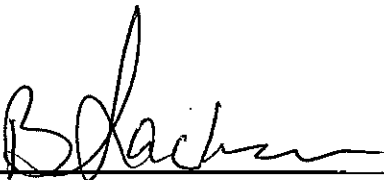
In addition, the aforesaid respondents, owned, operated, maintained, contracted or in other ways were responsible for the maintenance of the roadway/street at or near 398 Church Street, Poughkeepsie, County of Dutchess, State of New York, including but not limited to removal of snow and ice, adequate construction and maintenance of proper drainage for snow/ice and bore a duty to construct, repair, clean, sand, salt, clear, refurbish and maintain the roadway/street, at or near 398 Church Street, Poughkeepsie, County of Dutchess, State of New York, of removal of said snow and ice; the aforementioned respondents knew or should have known by the exercise of reasonable due diligence and inspection that the area presented a hazard to the public, and in particular, the claimant, BROOKE JACKSON; the aforementioned respondents were negligent, careless and reckless in failing to take measures and precautions to reasonably correct and remove and/or warn of the existence of the aforementioned condition; that the respondents allowed a trap like condition to exist under the facts and circumstances as indicated and the respondents were in other ways negligent, careless and reckless.

4. That at the time, place and date where such claim arose and the nature of same are as follows:

- (a) January 29, 2019, between the hours of 3:00 p.m. and 3:30 p.m.
- (b) At an area adjacent at or/near the roadway/street of 398 Church Street, Poughkeepsie, County of Dutchess, State of New York.
(Photographs of the accident site, included herein.)
- (c) The claim arose, in part, at the above-referenced date, time and place wherein the claimant, BROOKE JACKSON slipped and fell when walking, traversing, traveling on the public roadway/street at or near the location of 398 Church Street, Poughkeepsie, County of Dutchess, State of New York, based on the failure, negligence, carelessness and recklessness, of the aforementioned respondents in the removal of snow and ice of the location. Photographs of the accident site, aerial photo of the accident site are included herein. The aforementioned defect was created by the respondents, CITY OF POUGHKEEPSIE and CITY OF POUGHKEEPSIE DEPARTMENT OF PUBLIC WORKS, its employees, servants, representatives, agents, contractors and/or subcontractors.

5. The claim is for money damages arising from the aforementioned wrongful conduct of the above-referenced respondents resulting in the following injuries to date; serious and diverse injuries including and not limited to pain and suffering from a torn ACL and ligament to her left knee with surgery anticipated, injury to left ankle and consequential injury to her right knee.
6. That the claimant, BROOKE JACKSON presents this claim for adjustment and payment. You are hereby notified that unless same is adjusted and paid within the time provided by law, from the date of this presentation, the claimant's intend to commence an action on this claim.

DATED: Central Valley, New York
April 22, 2019

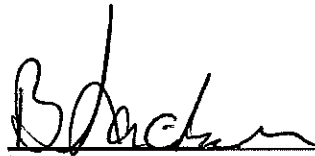


BROOKE JACKSON

STATE OF NEW YORK)
)
COUNTY OF DUTCHESS) SS:

BROOKE JACKSON being duly sworn deposes and states the following under the penalties of perjury:

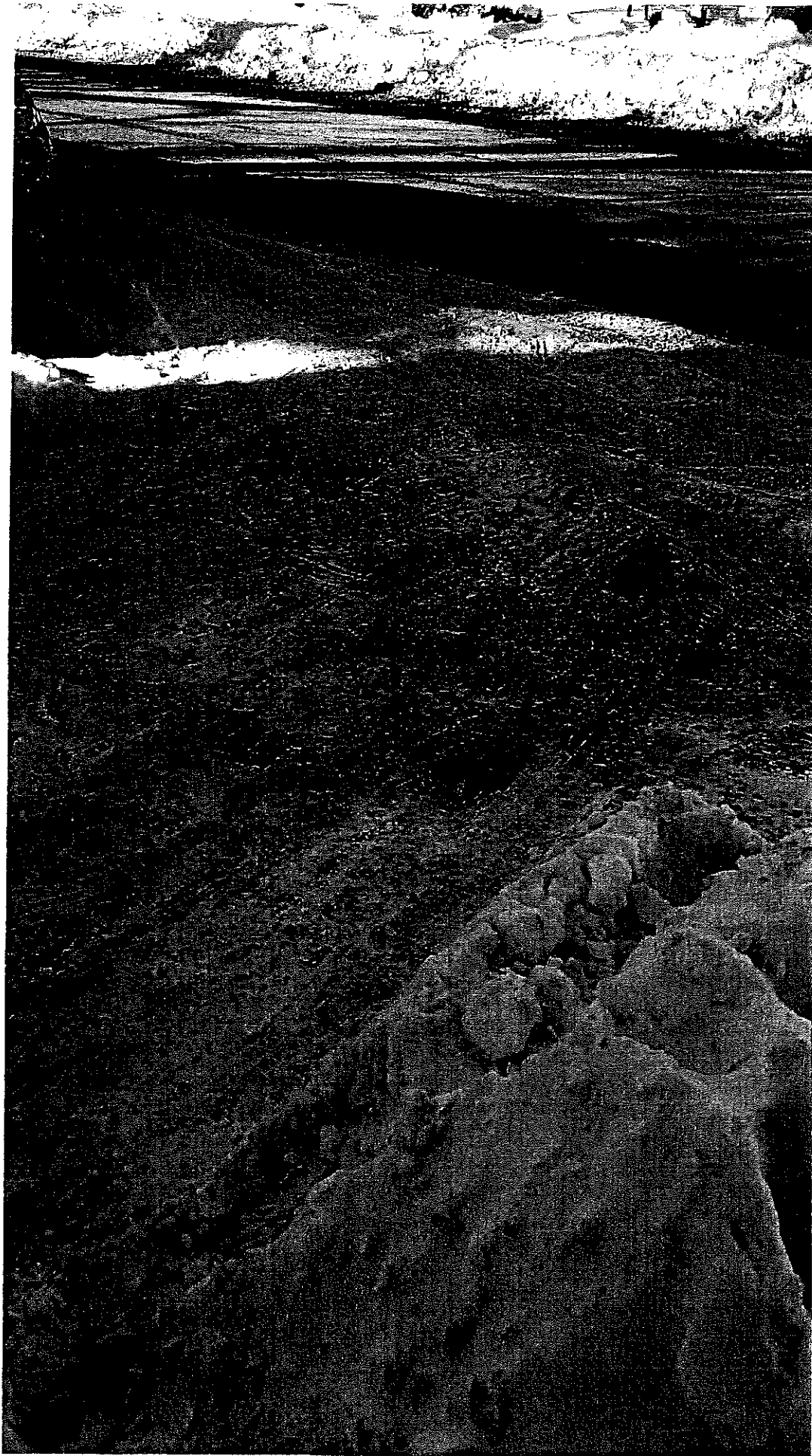
That I have read the foregoing Notice of Claim against the CITY OF POUGHKEEPSIE and CITY OF POUGHKEEPSIE DEPARTMENT OF PUBLIC WORKS and know its contents to be true to my own knowledge, except as to those matters therein stated to be alleged upon information and belief and as to such matter, I believe the same to be true,


BROOKE JACKSON

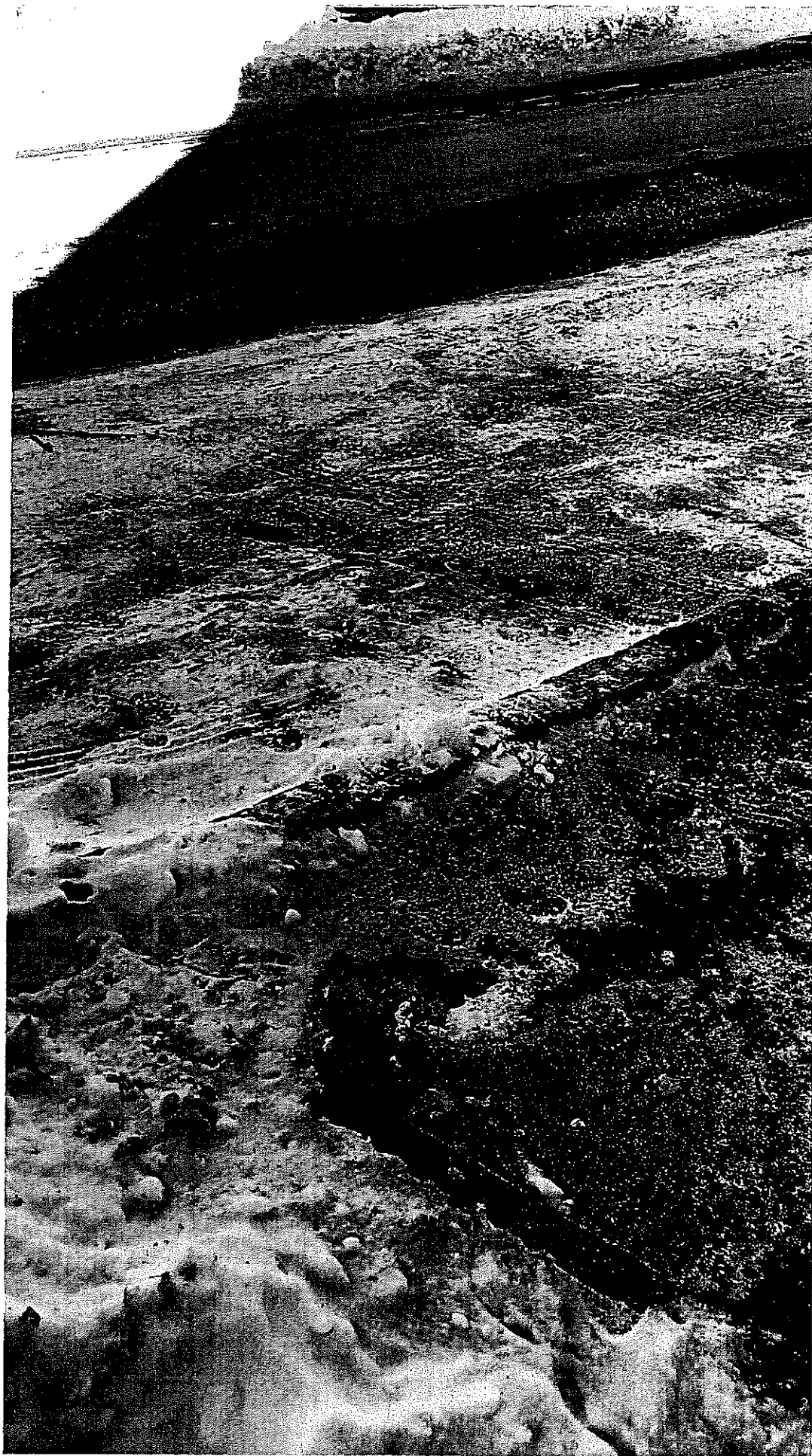
Sworn to before me this
22nd day of April, 2019


NOTARY PUBLIC

BRUCE A. SCHONBERG
Notary Public, State of New York
No. 02SC5083004
Residing in Orange County
Commission Expires August 4, 2019









AFFIDAVIT OF SERVICE

State of New York)
) ss:
County of Orange)

I, VICTORIA ROMANO the undersigned, being sworn, says:

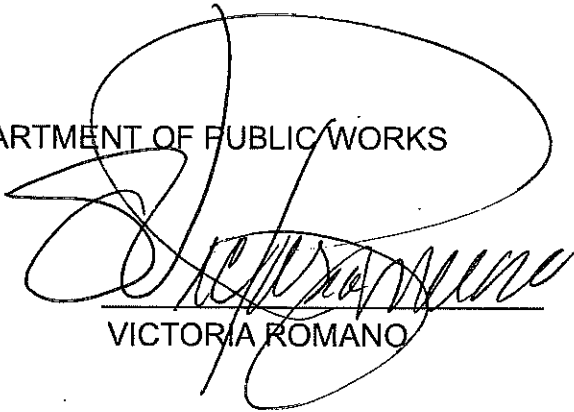
1. I am not a party to the action;
2. I am over 18 years of age and reside at New Windsor, NY 12553;
3. On April 22, 2019, I served the within document:

NOTICE OF CLAIM

by depositing a true copy thereof in a postpaid wrapper, in an Official Depository under the exclusive care and custody of the U.S. Postal Service by overnight/express mail within New York State, addressed to each of the following persons at the last known addresses set forth after each name:

TO: CITY OF POUGHKEEPSIE
62 Civic Center Plaza
Poughkeepsie, New York 12601

CITY OF POUGHKEEPSIE DEPARTMENT OF PUBLIC WORKS
26 Howard Street
Poughkeepsie, NY 12601



VICTORIA ROMANO

Sworn to before me this
22nd day of April, 2019



NOTARY PUBLIC

ERIC D. PARKER
Notary Public, State of New York
No. 02PA0325041
Qualified in Orange County
Commission Expires May 18, 2021

York

PLEASE PRINT OR TYPE FORM CLEARLY

NOTE: Claim must be filed with and served to the City Chamberlain in triplicate (3 copies) within 90 days after the claim arises. Use additional sheets if necessary.

**NOTICE OF CLAIM
AGAINST
THE CITY OF POUGHKEEPSIE, NEW YORK**

CITY OF POUGHKEEPSIE
CITY CHAMBERLAIN
APR 22 PM 3:26

TODAY'S DATE: April 16, 2019

NAME AND ADDRESS OF EACH CLAIMANT: JOHN DEARDEW
27 Frieda Lane
Poughkeepsie, NY 12603

TELEPHONE NUMBER: 914 475-5379

NAME AND ADDRESS OF ATTORNEY (IF ANY):

April 14th @ 3pm

DESCRIBE WHAT HAPPENED AND AMOUNT CLAIMED (PLEASE STATE DATE, TIME, LOCATION, AND MANNER IN WHICH CLAIM AROSE): RT 55 West Center Lane, just before the parking lot for DC Golf and the chance hit a huge pot hole, Passenger Side

ITEMS DAMAGED OR INJURIES SUSTAINED:

Two Flat Tires and Damaged Rim
Tow to Poughkeepsie Nissan

[Signature]
Signature of Claimant

Signature of Claimant

STATE OF NEW YORK, COUNTY OF Dutchess s.s.:

John Dearden being duly sworn, say(s) that he/she is/are the claimant(s) named in the foregoing claim, that he/she has/have read the same and know(s) the contents thereof; that the same is true to his/her own knowledge, except as to the matters alleged upon information and belief and as to those items, he/she believes it to be true.

[Signature]
Signature of Claimant

Signature of Claimant

Sworn to before me this 16th day of April, 2019

[Signature]
Notary Public

MICHAEL A. DELGADO
Notary Public, State of New York
Qualified in Westchester County
Reg. #01DE6235326
My Commission Expires Feb. 7, 2023

NOTE: After submitting this form to the City Chamberlain, please direct any inquiries to the Corporation Counsel at (845) 451-4065, Monday to Friday, 8:30 a.m. - 5:00 p.m.

POUGHKEEPSIE NISSAN



SERVICE DEPARTMENT HOURS
7:30 a.m. to 6:00 p.m.
Monday - Friday
8:00 a.m. to 4:00 p.m. Saturday

1445 Route 9 - Wappingers Falls, NY 12590
SERVICE (845) 297-0077 PARTS (845) 297-1300 SALES (845) 297-4314
www.poughkeepsienissan.com
NYS DMV FACILITY ID NO. 314-0017

R/O Open Date	R/O Number
4/15/19	6086089/1
R/O Close Date	Status
4/16/19	Pre-Invoice
Mileage In	Mileage Out
44584	44585
Service Advisor / Tag #	
MARIA GARDNER	
Vehicle Identification Number	
WBA6B4C58FD761070	
Delivery Date	In-Service Date
Color	License Number
BLACK	

DEARDEN, JOHN F
27 FRIEDA LN.
POUGHKEEPSIE, NY 12603

Work Phone

Home Phone
914-475-5379

Year	Make	Model	Body
2015	BMW	6 SERIES	4DR SDN 650I XDRI

DESCRIPTION OF SERVICE AND PARTS	AMOUNT
Cell: 845-705-4082 AR#: 54729	
#1 - 04NIZZINSP: INSP WHLS & TIRES CUSTOMER STATES BOTH PASSENGER SIDE TIRES ARE FLAT Tech: MIGUEL A RODRIGUEZ (742) Sub Total: .00	
#2 - 04NIZZMB2: MT/BALANCE 2 TIRES CONTINENTAL EXTREME CONTACT SPORT FRONT PASSENGER TIRE 245 35 20 REAR PASSENGER TIRE 275 30 20 Tech: MIGUEL A RODRIGUEZ (742) Installed 435YR0ECSXL :CONTI EXT SPORT 1@235.00 Installed 73YR0ECSXL :CONT EXT SPORT 1@270.00 TECH REPLACED BOTH PASSENGER TIRES TEST DROVE OPERATING AS DESIGNED TIRE FEE Sub Total: 570.00	60.00 235.00 270.00 5.00
#3 - 55NIZEINSP: EXPRESS MPI PERFORM 27 POINT CHECK Sub Total: .00	
Total Fees Amount	5.00

TERMS: STRICTLY CASH UNLESS ARRANGEMENTS ARE MADE. "I hereby authorize the repair work hereinafter to be done along with the necessary material and agree that you are not responsible for loss or damage to vehicle or articles left in the vehicle in case of fire, theft, or any other cause beyond your control or for any delays caused by unavailability of parts or delays in parts shipments by the supplier or transporter. I hereby grant you or your employees permission to operate the vehicle herein described on streets, highways, or elsewhere for the purpose of testing and/or inspection. An express mechanic's lien is hereby acknowledged on above vehicle to secure the amount of repairs thereto."

DISCLAIMER OF WARRANTIES. Any warranties on the products sold hereby are those made by the manufacturer. The seller hereby expressly disclaims all warranties either express or implied, including any implied warranty of merchantability or fitness for a particular purpose, and the seller neither assumes nor authorizes any other person to assume for it any liability in connection with the sale of said products. Any limitation contained herein does not apply where prohibited by law.

LABOR	60.00
PARTS	505.00
DEDUCTIBLE	.00
SUBLET	.00
SHOP SUPPLIES	.00
HAZARDOUS MATERIALS	.00
SALES TAX OR TAX I.D.	46.31
SPECIAL ORDER DEPOSIT	.00
DISCOUNTS	.00
TOTAL DUE	616.31

NO RETURN ON ELECTRICAL OR SAFETY ITEMS OR SPECIAL ORDERS.

X



PLEASE PRINT OR TYPE FORM CLEARLY

NOTE: Claim must be filed with and served to the City Chamberlain in triplicate (3 copies) within 90 days after the claim arises. Use additional sheets if necessary.

NOTICE OF CLAIM
AGAINST
THE CITY OF POUGHKEEPSIE, NEW YORK

TODAY'S DATE: 3.12.19

NAME AND ADDRESS OF EACH CLAIMANT:

Dorothy Vasquez
127 Union St. Apt 1.
Poughkeepsie, N.Y. 12601
TELEPHONE NUMBER: (845) 417-7797

NAME AND ADDRESS OF ATTORNEY (IF ANY):

DESCRIBE WHAT HAPPENED AND AMOUNT CLAIMED (PLEASE STATE DATE, TIME, LOCATION, AND MANNER IN WHICH CLAIM AROSE):

On Feb. 15th 2019 my friends car got towed to Smith St. After leaving from driving her there I ran over a huge pot hole. It instantly popped my tire. It was approximately 11:15 pm.

ITEMS DAMAGED OR INJURIES SUSTAINED: tire on back driver side popped and bubbled my front tire as well. Tire cost was \$175.00

Dorothy Vasquez
Signature of Claimant

Signature of Claimant

STATE OF NEW YORK, COUNTY OF Dutchess S.S.:

Dorothy Vasquez being duly sworn, say(s) that he/she is/are the claimant(s) named in the foregoing claim, that he/she has/have read the same and know(s) the contents thereof; that the same is true to his/her own knowledge, except as to the matters alleged upon information and belief and as to those items, he/she believes it to be true.

Dorothy Vasquez
Signature of Claimant

Signature of Claimant

Sworn to before me this
15 day of April, 2019
Kerri J Michetti
Notary Public

KERRI J MICHETTI
Notary Public - State of New York
NO. 01MI6383022
Qualified in Dutchess County
My Commission Expires Nov 5, 2022

NOTE: After submitting this form to the City Chamberlain, please direct any inquires to the Corporation Counsel at (845) 451-4065, Monday to Friday, 8:30 a.m. - 4:00 p.m.

Weldon Tire

THE TIRE SUPERMARKET

WHOLESALE DIVISION
37 Parker Avenue
Poughkeepsie, NY 12601
1-800-735-3977

Order Date: 02/21/2019
Invoice #: 149-445304
Salesperson: Andrew Hollis

SOLD TO: WHOLESALE TAXABLE 149 CRS

Account #: 46178 PO#:

Qty	Item #	Description	Unit Price	Amount
1	1014528	Hankook Ventus S1 Noble 2 H452 255/35ZR20 XL 97W BK 500AAA XL 4	\$172.50	\$172.50
Comment: GREAT EASTERN			Waste Tax:	2.50
			Total:	\$175.00

In the Matter of the Claim of:

DREW GARZA

-against-

THE CITY OF POUGHKEEPSIE

TO: CITY CHAMBERLAIN o/b/o THE CITY OF POUGHKEEPSIE

PLEASE TAKE NOTICE that the above named claimant hereby makes claim and demand against the City of Poughkeepsie, as follows:

1. The name and post-office address of each claimant is:

Drew Garza
15 Ice Holly Pond
Poughquag, New York 12570

Robinson & Yablon, P.C.
232 Madison Avenue, Suite 909
New York, New York 10016
(212) 725-8566

2. The nature of the claim:

Serious personal injuries due to the negligence of the City of Poughkeepsie.

3. The time when, the place where and the manner in which the claim arose:

On Saturday, January 26, 2019 at approximately 9:00 p.m., claimant, Drew Garza was caused to trip and fall due to an unrepaired and missing portion of the transparent wall located on the second level of the southwest stairwell of the 22 Garden Street Parking Garage located at 22 Garden Street, Poughkeepsie, New York 12601 which is also known as 41 Civic Center Plaza Parking Garage located at 41 Civic Center Plaza, Poughkeepsie, New York 12601. The dangerous, defective, broken and unsafe conditions were the result of the negligence, carelessness and recklessness of the City of Poughkeepsie in the ownership, operation, maintenance, repairs, control and inspection of the aforementioned location. The defective and dangerous area was negligently and carelessly owned, operated, maintained, repaired and constructed by The City of Poughkeepsie, its agents, servants and employees. The defective and dangerous conditions were negligently and carelessly allowed to remain and exist at the subject location by The City of Poughkeepsie, its agents, servants and employees for an unreasonable length of time while The City of Poughkeepsie knew of the need for repairs to the transparent wall.

4. The items of damage or injuries claimed are (including dollar amounts):

Claimant sustained, among other things, injuries to her right shoulder and right arm.

TOTAL AMOUNT CLAIMED: Two Million Dollars

(\$2,000,000.00)

NEW YORK, NEW YORK 12601
CITY OF POUGHKEEPSIE
CITY CHAMBERLAIN
RECEIVED
APR 12 PM 2:10









Incident Report



Print Date/Time: 01/31/2019 14:15

Login ID: [REDACTED]

City of Poughkeepsie Police

ORI Number: NY0130200

Incident: 2019-00003557

Incident Date/Time: 1/26/2019 9:09:00 PM
Location: 41 CIVIC CENTER PLZ
POUGHKEEPSIE NY 12601
Phone Number: [REDACTED]
Report Required: No
Prior Hazards: No
LE Case Number:

Incident Type: Aided/Medical
Venue: C-Poughkeepsie
Source: 911
Priority: 3
Status: In Progress
Nature of Call: PARKING DECK SECOND LEVEL 33
YOF FALLEN SHOULDER INJURY

Unit/Personnel

Unit	Personnel
PD182	6820-EWALD 6104-STECHER

Person(s)

No.	Role	Name	Address	Phone	Race	Sex	DOB
	Caller	LENA					

Vehicle(s)

Role	Type	Year	Make	Model	Color	License	State
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Disposition(s)

Disposition	Count
Blotter only	1

Property

Date	Code	Type	Make	Model	Description	Tag No.	Item No.
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*Police
Blotter