

**REGULAR MEETING OF THE COMMON COUNCIL  
OF THE CITY OF PLATTSBURGH, NEW YORK  
MARCH 31, 2021  
5:00 P.M.**

**MINUTES**

**Present:** Mayor Christopher Rosenquest, Councilors Jaime Canales (W1) Mike Kelly (W2), Elizabeth Gibbs (W3), Jennifer Tallon (W4), Patrick McFarlin (W5), Jeff Moore (W6)

**Absent:** None

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**1. MINUTES OF THE PREVIOUS MEETING:**

**RESOLVED:** That the Minutes of the Regular Meeting of the Common Council held on March 18, 2021 are approved and placed on file among the public records of the City Clerk's Office

By Councilor Canales; Seconded by Councilor Gibbs

Roll call: Councilors Canales, Kelly, Gibbs, Tallon, McFarlin, Moore

(All in Favor/opposed)

(All voted in the affirmative)

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**2. PUBLIC COMMENT ON ANY TOPIC:**

Thomas O'Keefe spoke about Public Safety reform plan.

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**3. REPORTS OF CITY OFFICES & COUNCILOR/DEPARTMENT CHAIR/LIAISON COMMITTEE REPORTS:**

**City Operations** – Chair Councilor McFarlin indicated nothing to report.

**Finance and Community Development** – Chair Mayor Rosenquest indicated next meeting is April 8<sup>th</sup>, gave details on Traffic Zone Designation No. 972.

**City Infrastructure** – Chair Councilor Moore indicated nothing to report. Next meeting April 5<sup>th</sup>.

**Public Safety** – Chair Councilor Gibbs indicated a number of things happening, Executive Order No. 203. Mayor, Captain Kirov and Chief Lawliss working on Police and Fire management package to be introduced tonight. Asked that Finance cash reports be forwarded to Council weekly.

**Plattsburgh Public Library** – Liaison Councilor McFarlin indicated nothing to report.

**MLD** - MLD Board President Councilor Kelly indicated nothing to report.

**Corporation Counsel** – Dean Schneller indicated nothing to report. There is a need for an Executive Session on two matters of litigation

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**4. CORRESPONDENCE OR RECOMMENDATIONS FROM BOARDS:**

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**5. PAYROLLS OF VARIOUS DEPARTMENTS:**

**RESOLVED:** That the payrolls of the various Departments of the City of Plattsburgh for the week ending March 31, 2021 in the amount of \$ 55,351.53 are authorized and allowed and the Mayor and the City Clerk are hereby empowered and directed to sign warrants drawn on the City Chamberlain for the payment thereof.

By Councilor Gibbs; Seconded by Councilor Moore  
Roll call: Councilors Canales, Kelly, Gibbs, Tallon, McFarlin, Moore  
(All in Favor/opposed)  
(All voted in the affirmative)

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**6. AUDIT OF CLAIMS:**

**RESOLVED:** That the bills Audited by the Common Council for the week ending April 2, 2021 in the amount of \$ 514,828.04 are authorized and allowed and the Mayor and City Clerk are hereby authorized and directed to sign warrants drawn on the City Chamberlain for the payment thereof.

By Councilor Gibbs; Seconded by Councilor Kelly  
Roll call: Councilors Canales, Kelly, Gibbs, Tallon, McFarlin, Moore  
(All in Favor/opposed)  
(All voted in the affirmative)

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**7. OTHER ITEMS:**

**The Public Safety Committee was polled on Resolution #7.42 on March 26, 2021**

**7.42 CITY OF PLATTSBURGH COMMON COUNCIL ADOPTING THE CITY OF PLATTSBURGH POLICE REFORM AND REINVENTION COLLABORATIVE PLAN PER EXECUTIVE ORDER NO. 203 OF GOVERNOR ANDREW M. CUOMO, NEW YORK STATE POLICE REFORM AND REINVENTION COLLABORATIVE**

By Councilor Gibbs; Seconded by Councilor Canales  
Discussion:

**Councilor Kelly** recommended minor changes to the plan.

**Motion to amend the Police Reform and Reinvention Collaborative Plan in accordance with Councilor Kelly's recommendations described in his email on March 31, 2021 at 2:14p which are made part of the minutes of this meeting.**

By Councilor Kelly; Seconded by Councilor McFarlin  
Discussion: None

Roll call: Councilors Canales, Kelly, Gibbs, Tallon, McFarlin, Moore  
(All voted in the affirmative on amendments)

Roll call: Councilors Canales, Kelly, Gibbs, Tallon, McFarlin, Moore  
(All voted in the affirmative)

**ACTION TAKEN:** Adopted

Follow up Action: None

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**8. EXECUTIVE SESSION: (if applicable, on motion)**

**At 5:29 pm Motion to enter Executive Session to discuss pending litigation in the City of Plattsburgh.**

By Councilor Gibbs; Seconded by Councilor Kelly

(All voted in the affirmative)

**At 6:19 pm Motion to return from Executive Session. No action taken.**

By Councilor Gibbs; Seconded by Councilor Canales

(All voted in the affirmative)

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**9. NEW BUSINESS:**

**Councilor Tallon** read a statement from Kelly Metzgar of Adirondack North Country Gender Alliance and offered comments about March 31<sup>st</sup> International Transgender Day of Visibility.

**Mayor Rosenquest introduced the following Local Laws and set public hearings:**

**INTRODUCE LOCAL LAW P-1 OF 2021:** A local law re-naming, amending and re-stating Chapter 254 "Peddling and Soliciting" of the City Code of the City of Plattsburgh. Once re-named, Chapter 254 will be entitled "Food Trucks."

By **Mayor Rosenquest**

**Corporation Counsel Dean Schneller** noted that a copy of the proposed Local Law will be sent via email to all Councilors immediately after adjournment of this Council meeting.

Public Hearing Date set by Mayor: **Thursday, April 15, 2021 at 5:00pm**

**INTRODUCE LOCAL LAW P-2 OF 2021:** A local law adding Part 4 "Public Safety Management Compensation" inclusive of Article XXX entitled "Police and Fire Management Compensation" to Chapter 52 "Emergency Services" to the City Code of the City of Plattsburgh.

By **Mayor Rosenquest**

**Corporation Counsel Dean Schneller** noted that a copy of the proposed Local Law will be sent via email to all Councilors immediately after adjournment of this Council meeting.

Public Hearing Date set by Mayor: **Thursday, April 15, 2021 at 5:01pm**

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**10. ADJOURNMENT:**

Motion to Adjourn by Councilor Gibbs; Seconded by Councilor Canales  
Roll call: Councilors Canales, Kelly, Gibbs, Tallon, McFarlin, Moore  
(All voted in the affirmative)  
**MEETING ADJOURNED: 6:25 pm**

## Carlin, Beth

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**From:** Kelly, Michael  
**Sent:** Wednesday, March 31, 2021 2:14 PM  
**To:** City Council  
**Cc:** Rosenquest, Christopher; dean; Carlin, Beth  
**Subject:** Proposed changes to City's responses to Review Panel's recommendations

Hi Councilors,

I am proposing a couple of minor changes to Recommendations #2 and #3 at tonight's Council meeting. I have discussed these changes with Mayor Rosenquest, and he agrees that the changes are a good idea. He also made some helpful suggestions to improve my recommendations.

Below are the changes I recommend to the city's response to the City of Plattsburgh Police Reform and Reinvention Collaborative Plan. I only have comments about Recommendations #2 and #3. My recommended changes are in **red**. I copied Dean so he can review, also. This should save us some time in tonight's meeting.

- **FROM RECOMMENDATION #2**

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- Research funding, training, personnel requirements for City of Plattsburgh to implement a city specific CIT. We anticipate funding,
- **engagement,**
- and training to take between 6-8 months.
- (I changed "hiring" to "engagement" to open the possibility for contracted services, etc.)
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- **For this reason as a high priority the City will explore with the various authorities mentioned above a shared services agreement in which all local law enforcement agencies have access to the CIT. Correspondingly, also as a high priority, the City will consult with the Clinton County Mental Health Department on the possibility of developing a county-wide CIT. Finally, non-profit mental health agencies could be consulted on the possibility of contracting for CIT services on an on-call basis. These actions should be budget-neutral. (I added this to the end of the last bullet in #2 to open the possibilities for shared services and/or contracted services.)**

- **FROM RECOMMENDATION #3**

- **Positions have been funded but not filled for several years, so now is the time to act. This response should be budget-neutral or result in savings to the city's General Fund. (I added this to the end of the city's response to Recommendation #3 to demonstrate that there is no need to increase the budget as the recommendation suggests.)**

Michael Kelly



George Floyd, Trayvon Martin, Tamir Rice, Anthony Baez, Amadou Diallo, Ousmane Zango, Sean Bell, Ramarley Graham, Patrick Dorismond, Akai Gurley, Eric Garner, Michael Brown, Laquan McDonald, Oscar Grant, Walter Scott, Freddie Gray, Philando Castile, Antwon Rose Jr., Ahmaud Arbery, Breonna Taylor, and all those who go unnamed but faced the same fate at the hands of law enforcement in the US.

Regardless of Executive Order 203<sup>1</sup>, it's our responsibility to create a safe community free of fear from those who are tasked with our safety. This is not only the commitment of the City of Plattsburgh's political leadership, but more importantly it's the driving factor for those who choose the honored profession of being a law enforcement professional.

We must say the names of those murdered by the hands of whom we've instilled trust. We must not forget that painting anyone with a broad brush based on the color of their skin or their occupation will lead only to more strife and disconnect. We as a city, a society, neighbors, and family members deserve better for ourselves and each other.

The plan presented in this 11-page document addresses a number of policy, transparency, communication, and training concerns. For our City, this is just the beginning of an evolution of thinking and a transformation into our ways of being and acting when it comes to law enforcement and public safety.

Thank you,  
Christopher C. Rosenquest  
Mayor, City of Plattsburgh

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<sup>1</sup><https://www.governor.ny.gov/news/no-203-new-york-state-police-reform-and-reinvention-collaborative>

# City of Plattsburgh Police Reform and Reinvention Collaborative Plan

In this plan you'll find the recommendations made by the Public Safety Review Panel grouped under different categories. Each category will have at least one panel recommendation along with a recommendation for how the City of Plattsburgh plans on implementing or exploring the recommendations.

Per the executive order, this plan was created by members of the original public safety review panel and a limited number of members of the City of Plattsburgh's legislative body.

## Review Panel Recommendation: Continuation of Public Safety Citizens' Review Panel

**Panel Recommendation #1:** *To adopt a resolution that will allow the City of Plattsburgh Public Safety Citizens' Review Panel to continue to work with the City of Plattsburgh to assist with the development and implementation of the following 19 recommendations set forth by the panel.*

**City of Plattsburgh:** We believe having a network of support and engaged community members will ultimately create an environment of success and progress leading to a transformation in the city's approach to public safety and policing.

- We will create, by formal resolution, a working group of community advocates to support the progress of the following plan
- This group will consist of five, self-selected members of the original Public Safety Review Panel
- We will engage this group as needed during the implementation/execution of this plan and will also provide regular progress reports

## Review Panel Recommendation: Increase Staff Education/Knowledge

**Panel Recommendation #2:** *Establish a Crisis Intervention Team (“CIT”) pursuant to the Governor’s recommendation utilizing best practices for creation and implementation.*

**City of Plattsburgh Response:** We believe that exploring and implementing a City of Plattsburgh specific CIT is a public safety priority

- We will design a CIT model specific to the City of Plattsburgh’s needs using the “*CRISIS INTERVENTION TEAM (CIT) PROGRAMS: A BEST PRACTICE GUIDE FOR TRANSFORMING COMMUNITY RESPONSES TO MENTAL HEALTH CRISES*” (August 2019). We anticipate the research and design process to take anywhere between 4-5 months.
- Research funding, training, personnel requirements for City of Plattsburgh to implement a city specific CIT. We anticipate funding, engagement, and training to take between 6-8 months.
- A serious concern the City of Plattsburgh has is having a strictly City of Plattsburgh only CIT. We recognize the importance and need to include a number of resources to help address public safety in our city. We also recognize there are three major law enforcement agencies that also provide some level of public safety within the boundaries of the City of Plattsburgh: State Police, SUNY Campus Police, and Clinton County Sheriff’s Department. Although the City of Plattsburgh can implement a city specific CIT, we do not have the authority to force other law enforcement agencies responding to public safety calls to follow the same model the Plattsburgh PD will be required to follow.
- For this reason as a high priority the City will explore with the various authorities mentioned above a shared services agreement in which all local law enforcement agencies have access to the CIT. Correspondingly, also as a high priority, the City will consult with the Clinton County Mental Health Department on the possibility of developing a county-wide CIT. Finally, non-profit mental health agencies could be consulted on the possibility of contracting for CIT services on an on-call basis. These actions should be budget-neutral.

**Panel Recommendation #3:** *Increase department staffing budget creating a middle management tier compensated appropriately, with adequate job protection and adding sufficient staffing based on historic needs.*



**City of Plattsburgh Response:** The Mayor and City management are actively creating a benefits and pay package for the public safety management personnel. Certain positions have been funded but not filled for several years, so now is the time to act. This response should be budget-neutral or result in savings to the city's General Fund.

**Panel Recommendation #4:** *Require all staff to complete recurring and comprehensive training including Implicit Bias, Principled Policies and national best practices.*

**City of Plattsburgh Response:** We are into our 5th month of implementing the Police 1 training platform. Our training policy and requirements will include at least 10 additional hours of racial justice and implicit bias education into enhanced training on a bi-annual schedule for all uniformed and non-uniformed officers employed with the Plattsburgh PD.

The Police 1 platform provides a number of training modules and components including the following:

1. Implicit Bias Training:
  - a. Anti-Racism (using inventories ex. Deborah Plummer, Harvard Implicit Association Test and Ambivalent Sexism inventories as baselines)
  - b. Implicit Bias and Anti-Bias for Law Enforcement 1 & 2
  - c. Civil Rights
  - d. Cultural Awareness - 1 & 2
  - e. LGBTQIA+ Awareness curriculum
2. Use of Force Training:
  - a. Tactical Communication
  - b. Importance of Communication in Law Enforcement
  - c. Use of De-escalation tactics when responding to a crisis call
  - d. De-escalation and minimizing use of force
  - e. Non Escalation vs De-escalation- verbal tactics
  - f. Communication Skills 1-4
  - g. Verbal De-escalation skills
3. Mental Health Response Training:
  - a. Emotional and Psychological Disorders 1 & 2

b. Bi-annual Mental Health First Aid for Law Enforcement live training for all staff. Senior Management is actively working with local resources, community partners, and the staff of the Plattsburgh PD to execute these training modules and integrate the education into daily PD operations.

**Panel Recommendation #5:** *Increase workforce diversity by establishing a recruiting program which identifies and focuses on under-represented populations.*

**City of Plattsburgh Response:** We have designed and established a recruiting program which will commence May 15<sup>th</sup>. The Mayor is requesting the implementation of this program be coupled with a marketing strategy that addresses recruiting locations, funding for marketing, and a strategy for actively engaging diverse and underrepresented communities for recruiting.

**Review Panel Recommendation: Build Relationships & Community Trust**

**Panel Recommendation #6:** *Increase community engagement by using foot patrol and personal interaction to restore trust and build relationships. (Examples: NIOT [Not in Our Town] model to create community/police dialogues for engagement, setting up 'meet and greets' where the community and police can be engaged in dialogue)*

**Panel Recommendation #7:** *Staff the Plattsburgh Police Community Center for purposes of community policing and community engagement activities that include opportunities that engage youth, promote safety and wellbeing of all community members, and a place of mutual trust for marginalized populations.*

**Panel Recommendation #8:** *Increase evidence-based education awareness and intervention programs for decreasing drug abuse/drinking among youth (use national evidence-based resources complemented by local agency staff).*

**Panel Recommendation #9:** *Require all officers to have business cards with information on the back for the Emotional Textline, Emergency Housing, Mobile Crisis, etc.*

**Panel Recommendation #10:** *Continued involvement in community task forces that serve high needs populations that are likely to interface with the Plattsburgh City Police in an effort to build relationships with community organizations.*

**Panel Recommendation #11:** *Create a community outreach campaign to inform and educate the community regarding the 9- 1-1 Good Samaritan Law.*

**Panel Recommendation #12:** *Create a mechanism for community feedback that is disseminated directly to the Chief of Police and at least one member of Senior Management at the Police Department as designated by the Chief of Police. Examples: link on website, drop box at the Community Center & Police Station.*

**City of Plattsburgh Response:** We believe community engagement as a whole *should* be addressed with a full-scale strategy rather than a piecemeal approach. The panel's recommendations highlight the desires our community has to have an engaged, approachable, reliable, and trustworthy police force. It's the recommendation of Senior Management and the Mayor to create a community engagement approach with strategies for implementation that include, but are not limited to the following:

1. Holding town-hall type meetings for question/answer sessions
2. Using the Ted K Community Center and other community venues for public engagement events
3. Utilizing the Downtown Office and Community Center to focus on the whole community.
4. Expanding social media outreach and using social platforms to educate and inform on matters of public safety.
5. Leverage the proximity of the Community Center to engage business owners and community influencers with training or other public safety support.
6. Define, expand, and implement the function and strategy of the Downtown Community Center.
7. Coordinating the City of Plattsburgh's Community Development, Youth, and PHA officers to be "the faces" of community engagement. Leverage their already active role in the community to create a strategy and expand on this work.
8. Host a yearly public safety event (eg: National Night Out) to encourage neighbors to meet neighbors and for our community to engage with each other and our public safety professionals.

9. Develop and deepen relationships with other agencies, such as mental health agencies, business groups, community groups, etc.
10. Provide written resources on business cards and other marketing materials for community members and partnering agencies.

Fundamentally, this approach is intended to create a whole approach to community engagement that not only addresses the panel's recommendations but creates a platform for a transformative approach to how the City of Plattsburgh Police and public safety professionals engage and stay engaged with our community. The goal is to lead to a fundamental shift in policing in the City of Plattsburgh.

### **Review Panel Recommendation: Develop Alternative Response Models**

**Panel Recommendation #13:** *Develop Alternative Response Models 13. Continue to build on alternate response models (eg. Crisis intervention team, dual response with other law enforcement and community agencies, community policing).*

**City of Plattsburgh Response:** As defined by Panel Recommendation #2, the City of Plattsburgh will develop and implement a CIT model. This will be combined with an annual review of the CIT model, quarterly review of lessons learned, and an annual report supplied to the Mayor and reported out to the community.

### **Review Panel Recommendation: Address Transparency & Accountability**

**Panel Recommendation #14:** *Expand and track data collection on police interactions/complaints and require annual reporting to the Common Council, including but not limited to race, color, age, sex, and gender identity.*

**City of Plattsburgh Response:** We feel and acknowledge the underlying concern for the City and our community is ensuring our policing policies are not rooted in bias (implicit or otherwise) and that we're policing for safety and not unfairly targeting any particular group.

There are a number of police interactions where collecting identifying and demographic data is either not feasible or a violation of civil rights. Because of those logistical concerns we will create an outline of potential police interactions and what data is appropriate to collect for each interaction. We recognize that while our ability to collect this data and the underlying intention of the panel may mismatch, we want

to ensure that the request and concern for transparency is first met with acknowledging our legal capacity to address these concerns.

For those police interactions where we do collect demographic and identifying information, we can readily create and deliver reports on police interactions. In addition to reporting this data, our Senior Management will reinstate the Quality Control of Patrol Division as part of the Patrol Lieutenant's responsibilities to evaluate footage of traffic stops and interactions; there will be a specified number of monthly reviews that culminate in quarterly reports to the Mayor and ultimately to the public.

**Panel Recommendation #15:** *Implement the use of body cameras.*

**City of Plattsburgh Response:** We recognize that use of body cameras is increasingly becoming a standard in US policing. Although we currently and actively use cameras in our police vehicles, there is still a demand for cameras to be placed on individual uniformed officers. The concern that the panel and the City shares is the cost to purchase and administer. As much as these costs can be a hurdle to implementation, we still need to quantify the hurdle.

We also recognize there's a cost to purchase, implement, maintain, and update the physical hardware, software, storage, and content management that's associated with implementing body cameras. However, before making any final determinations on feasibility, we first need to understand those costs and overall hurdles to implementing this approach.

We're not aware of all of the costs involved. We assume further research may show us that Collective Bargaining Agreements ("CBA") for camera use is required, that we'll need to hire additional uniformed personnel to manage this system, discovery laws may be cumbersome and time consuming, and the implementation of body cameras may not be necessary for our community.

However, these hurdles **need to be** quantified. It will be our approach to do just that.

We will begin the process of researching and outlining exactly what it would take to implement a body camera policy with the ultimate determination based on the following information:

- Costs associated with hardware, software, storage, and maintenance
- CBA agreements and needs for renegotiations
- Need for additional personnel to manage
- Quantifiable community needs for the use of body cameras.

- Exploring funding routes and opportunities.

After collecting the appropriate information, we will leverage the relationship with the panel created per **Panel Recommendation #1** and the legislative body to discuss next steps and the ultimate decision to pursue, or not, the implementation of body cameras.

**Panel Recommendation #16:** *Upon receipt of any citizen or officer complaint or subject management report, the Police Department shall immediately investigate and handle according to the Police Department's policies and procedures. Following the investigation, a report of the complaint and actions taken shall be provided to the Common Council, or any sub-committee designated by the Common Council such as the Public Safety Committee, within thirty (30) days of receipt of the complaint.*

**City of Plattsburgh Response:** As a policy, we actively investigate police disciplinary actions and complaints. This is the current policy and process.

For complaints levied against an officer or member of the police department, we will begin to provide a report on a regular basis to the Common Council's Public Safety Committee. Per this report, we will ensure that all complaints are reported on and resolved appropriately in a timely manner.

Any reports provided to the public will be made for public consumption and personally identifiable information will be removed when appropriate.

#### **Review Panel Recommendation: Address staff wellness**

**Panel Recommendation #17:** *Develop burn-out prevention strategies to include, but not limited to, compassion fatigue and critical incident resiliency training.*

**City of Plattsburgh Response:** We currently and actively participate and promote an Employee Assistance Program. This program addresses a number of mental health and support concerns for staff in the Plattsburgh PD and throughout the City.

Specifically for Plattsburgh PD, we will explore and implement a "Mental Health First Aid" training provided by our EAP provider.

**Panel Recommendation #18:** *Review shift durations with a focus on staff wellness and burnout*

**City of Plattsburgh Response:** We recognize that multiple days of 12 hour shifts can be mentally and physically taxing for our staff. Especially for staff in stressful positions such as our public safety personnel.

We will address the options for different staffing shifts with the CBA as this will require a negotiated change with their agreement. We will also explore the need to hire more personnel if a change is made to the current shift schedule. It's assumed based on previous shift modeling that an increase in personnel will need to be made if a change is made to the shift schedule.

**Review Panel Recommendation: Update Subject Management Report**

**Panel Recommendation #19:** *Update the Subject Management Report to reflect language and requirements in the Use of Physical Force/Deadly Physical Force & Firearms General Order issued on 6/9/20.*

**City of Plattsburgh Response:** This policy is actively in place and is the point of reference for our current use of force policy. Training for this policy is also a priority for all members of the Plattsburgh City PD.

**Review Panel Recommendation: A Behavioral Health Call  
Should Have A Behavioral Health Response.**

**Panel Recommendation #20:** *Provide 9-1-1 Dispatchers with Mental Health First Aid/Law Enforcement training.*

**City of Plattsburgh Response:** As recognized in our implementation plan for **Panel Recommendation #2 & Panel Recommendation #4**, training for uniformed and non-uniformed officers will include the implementation of a CIT in response to the appropriate calls and dispatching the appropriate resources based on the type of call for service. Additionally, as defined in **Panel Recommendation #4**, we're currently using the Police 1 training platform to deliver "Mental Health Response Training" to Plattsburgh City PD staff.

Local Law No. P-1 of the year 2021.

A local law re-naming, amending and re-stating Chapter 254 “Peddling and Soliciting” of the City Code of the City of Plattsburgh. Once re-named, Chapter 254 will be entitled “Food Trucks”.

Be it enacted by the Common Council of the City of Plattsburgh as follows:

1. Chapter 254 “Peddling and Soliciting” of the City Code of the City of Plattsburgh is hereby re-named “Food Trucks” and is further amended and restated in its entirety to read as follows:

#### CHAPTER 254 FOOD TRUCKS

##### § 254-1. Purpose:

The purpose of this chapter is to regulate Food Trucks within the City of Plattsburgh in a manner that protects the public health, safety and welfare. This chapter describes the permitting procedures for Food Trucks and is intended to operate in conjunction with the regulations of Chapter 360 entitled “Zoning”

##### § 254-2. Definitions:

The following terms shall, for the purposed of this chapter, have the meanings herein indicated:

##### FOOD TRUCK:

A mobile food service operation located in a licensed motorized vehicle or a movable trailer and from which food and beverage (pre-packaged or prepared and served from the vehicle or stand) are sold or distributed in individual portions to the general public directly from the food truck for consumption on or off of the premises.

##### FOOD TRUCK OPERATOR:

The registered owner of a food truck or food cart or the owner’s agent or employee.

##### FOOD CART

A mobile food service cart or stand, which is only mobile when moved by human power, from which food and beverage (pre-packaged or prepared and served from the vehicle or stand) are sold or distributed in individual portions to the general public directly from the food cart for consumption.

##### § 254-3. Permit Required.



A. It shall be unlawful for any person or entity to operate a Food Truck or Food Cart within the City without having obtained a permit for such purpose in accordance with the provisions of this chapter.

B. Any person or entity desiring to operate a Food Truck or Food Cart shall make a written application for a Food Truck permit to the City Clerk. The application for a permit shall be made on forms provided by the City and shall include the information required by this chapter and the following:

(1) Name, signature, telephone number, home address and business address of the Food Truck Operator and the registered owner of the Food Truck or Food Cart.

(2) A description and photograph of the Food Truck or Food Cart, including the license plate, registration number, VIN number, year, make, length, and model of the vehicle.

(3) A copy of the valid Clinton County Health Department permit for a mobile food service operation. If applicable, a copy of a license from the New York State Liquor Authority.

(4) A valid Certificate of Authority for a mobile food service operation.

(5) Valid proof of insurance, which must be kept continuously in force during the term of the license. At the time of application, applicants shall provide proof of insurance that extends for the entire license period and must meet the liability guidelines set by the City. The policy shall provide that it may not be canceled except upon 10 days' written notice served upon the City. The insurance must name the City of Plattsburgh as an additional insured party.

(6) If an individual or Food Truck Operator has a secondary Food Truck or Food Cart, each individual Food Truck or Food Cart must obtain a Food Truck permit.

#### § 254-4. General Regulations For Food Trucks and Food Carts:

A. Food Trucks and Food Carts are permitted to operate in B-1, B-2, C, I, OL-P, OL-W, RC-1, RC-2 and RC-3 zoning districts as well as at Wilcox Dock.

B. Food Trucks and Food Carts shall not operate within any other zoning district, including the Single-Family Residential (R-1), Residential Historical (R-H) and Multiple-Family Residential (R-2) Zoning Districts unless permitted by the City Common Council.

C. A copy of all valid permits must be conspicuously displayed on the Food Truck or Food Cart at all times.

D. All Food Trucks must abide by all parking and vehicle and traffic laws, ordinances, rules and regulations at all times, including by not limited to any durational requirements in force and effect at that time and location. Food Trucks shall not park on sidewalks, driveways or walkways and may only park where motor vehicles may operate.

E. Food Carts may operate on sidewalks or walkways but must ensure that pedestrian access is not impeded. When located on a sidewalk or walkway, Food Carts must ensure that pedestrians have at least a 60" unobstructed path on the sidewalk or walkway.

F. No Food Truck or Food Cart shall operate in a location that has the effect of obstructing access to or egress from any structure or the free flow of vehicular and pedestrian traffic.

G. No Food Truck Operator shall chain, connect or otherwise attach any signs, goods, merchandise, chairs, stools or food cart or other equipment to any tree, parking meter, hydrant, sign or post, light pole, telephone pole or other street appurtenance or leave any such items unattended on a public street, sidewalk or place.

H. All Food Trucks and Food Carts must be equipped with trash receptacles of a sufficient capacity and shall be changed as necessary to prevent overflow or the creation of litter or debris.

I. No alcohol may be sold or dispensed from Food Trucks or Food Carts without a license from the New York State Liquor Authority for the specific location of the sale or dispensation. Any Food Truck Operator selling or dispensing alcohol from a Food Truck or Food Cart must provide a copy of the permit from the New York State Liquor Authority to the City Clerk and also must conspicuously display said permit on the Food Truck or Food Cart.

J. Food Trucks and Food Carts shall be located a minimum of 100 feet from the main entrance to any eating establishment, and any other permitted food service business, during their posted hours of operation.

K. Hours of operation of Food Trucks and Food Carts shall be limited to the hours of 7:00 a.m. and 9:00 p.m. Sunday through Thursday and 7:00 a.m. to midnight on official holidays and Friday and Saturday. There shall be no overnight parking of Food Trucks at any permitted location.

L. The Food Truck Operator or their designee must be present at all times during the hours of operation.

M. The Food Truck Operator is responsible for the proper disposal of waste and trash associated with their operation. Operators shall remove all waste and trash from their site location at the end of each day or as needed to maintain the health and safety of the public. The operator shall keep all areas within five feet of the truck or cart clean of grease, trash, paper, cups or cans associated with the vending operation. No liquid waste of grease is to be disposed in or on storm drains, tree lawns, sidewalks, streets, or other public space.

N. Tents are prohibited. Awnings are only permitted if they are attached to the Food Truck or Food Cart and do not interfere with pedestrian or vehicular traffic.

O. A Food Truck Operator may obtain an Annual, Seasonal or Monthly Permit. Annual Permits shall be issued on a calendar year running from January 1 to December 31. Annual Permit fees shall not be prorated. Seasonal Permits shall be issued for any consecutive six-month period, but shall expire automatically at the end of every calendar year. Monthly Permits commence on the first day of any month and expire at the end of every calendar month. Any permit shall not be transferable from person to person. Any permit is valid only for the Food Truck or Food Cart for which it was issued.

P. The Food Truck Operator shall comply with all notices, orders, decisions and rules and regulations made by the City Building Inspector, the Clinton County Health Department, the City of Plattsburgh Police Department, or any other City department and/or agency.

Q. Food Trucks shall be licensed as a motor vehicle and able to be operated on the public streets of New York State.

R. Signage. All Food Trucks and Food Carts shall be permitted a single freestanding sign not greater than eight square feet in size, in addition to the following:

- (1) There shall be no limit on the size or number of signs painted on the truck or cart.
- (2) Signs affixed to truck or cart shall not be mounted perpendicular to the truck or cart, and shall not protrude beyond the edges of the truck or cart.
- (3) Any signage, including the single freestanding sign, may not be located or positioned so as to impede, block or impair pedestrian walkways or handicapped accessibility.

#### § 254-5. Permit Fees

All Food Truck Operators shall pay a Food Truck permit fee in an amount set from time to time by the City Common Council. These include Annual, Seasonal or Monthly Permits.

#### §254-6. Exceptions.

A. Nothing in this chapter shall be held to apply to any sales conducted pursuant to statute or by order of any court; to farmers and truck gardeners, who themselves or through their employees vend, sell or dispose of products of their own farms and gardens; or to berry pickers who sell berries of their own picking.

B. The Common Council may also grant exemptions from this Chapter for City-sponsored special events or other occasions.

#### § 254-7. Administration and Enforcement.

A. Any Food Truck Operator who violates any provision of this chapter shall be guilty of an offense and upon conviction thereof shall be subject to a fine of not less than \$250 nor

more than \$500 for each violation, or by imprisonment not exceeding 15 days, or both such fine and imprisonment.

B. Conviction of two violations of any provision of this chapter shall result in the immediate revocation of the Food Truck permit, which if occurs will not result in any refund for a Food Truck permit fee. If the Food Truck permit is revoked, the Food Truck Operator will not be allowed to apply for another Food Truck permit for any Food Truck or Food Cart until the following calendar year

C. The Food Truck Operator may be required to relocate their Food Truck or Food Cart, or any of their appurtenances, if the City Building Inspector, Police Office or other code enforcement officer determines that the Food Truck or Food Cart operations are causing parking or traffic congestion, pedestrian impediments, or litter problems either on or off the property where the use is located or that such use is otherwise creating a danger to the public health or safety.

2. This Local Law shall take effect immediately upon approval by the Mayor and filing with the New York Secretary of State.

Local Law No. P-2 of the year 2021.

A local law adding Part 4 “Public Safety Management Compensation” inclusive of Article XXX entitled “Police and Fire Management Compensation” to Chapter 52 “Emergency Services” to the City Code of the City of Plattsburgh.

Be it enacted by the Common Council of the City of Plattsburgh as follows:

1. Part 4 “Public Safety Management Compensation” inclusive of Article XXX entitled “Police and Fire Management Compensation” will be added to Chapter 52 “Emergency Services” to the City Code of the City of Plattsburgh and will read as follows:

§ 52-286 Police Department Management Compensation

- a. The Chief, Captain(s) and Lieutenant(s) of the Police Department shall receive the salary and benefits provided under this Article.
  - i. The Chief, Captain(s) and Lieutenant(s) of the Police Department shall receive tuition payment benefits, health insurance, health insurance buyout, retirement health insurance, and retirement benefits in accordance with, and subject to the conditions set forth in, the provisions of the collective bargaining agreement negotiated by the City with the public employee organization representing Police Sergeants employed by the City.
  - ii. The Chief, Captain(s) and Lieutenant(s) of the Police Department shall receive and accrue vacation leave, sick leave, cash payment for unused sick leave, annual voluntary liquidation of sick leave, personal leave, holiday pay, clothing allowance, education incentives, travel reimbursement and bereavement leave in accordance with, and subject to the conditions set forth in, the provisions of the collective bargaining agreement negotiated by the City with the public employee organization representing Police Sergeants employed by the City.
  - iii. The Chief, Captain(s) and Lieutenant(s) of the Police Department, as exempt employees, shall not earn or accrue overtime or compensatory time.
  - iv. The base salary of Lieutenant(s) of the Police Department shall be at least \$7,000.00 higher than the base salary set forth in the collective bargaining agreement for a Police Sergeant with the same years of service with the City.

- v. The base salary of Captain(s) of the Police Department shall be at least \$10,000.00 higher than the base salary set forth in the collective bargaining agreement for a Police Sergeant with the same years of service with the City.
- vi. The base salary of the Chief of the Police Department shall be at least \$20,000.00 higher than the base salary set forth in the collective bargaining agreement for a Police Sergeant with the same years of service with the City.
- vii. The Chief, Captain(s) and Lieutenant(s) of the Police Department shall be subject to the City's drug and alcohol testing policy as set forth in the collective bargaining agreement negotiated by the City with the public employee organization representing Police Sergeants employed by the City.
- viii. The City shall shall assume the liability to the extent that it shall save harmless, the Chief, Captain(s) and Lieutenant(s) of the Police Department for any negligent act or tort, provided such officer, at the time of the negligent act or tort complained of, was acting in the performance of his duties and within the scope of his employment, on the same terms as set forth in the collective bargaining agreement negotiated by the City with the public employee organization representing Police Sergeants employed by the City.
- ix. The Chief, Captain(s) and Lieutenant(s) of the Police Department shall not receive any benefit, except those required by law, not expressly set forth in this Article. This Article supersedes all prior policies, resolutions, ordinances, and local laws addressing the salary and benefits provided to the Chief, Captain(s) and Lieutenant(s) of the Police Department.

§ 52-287 FIRE DEPARTMENT MANAGEMENT COMPENSATION

- b. The Chief, Assistant Chief(s) and Battalion Chief(s) of the Fire Department shall receive the salary and benefits provided under this Article.
  - i. The Chief, Assistant Chief(s) and Battalion Chief(s) of the Fire Department shall receive tuition reimbursement benefits, health insurance, retirement health insurance, and retirement benefits in accordance with,

and subject to the conditions set forth in, the provisions of the collective bargaining agreement negotiated by the City with the public employee organization representing Fire Captains employed by the City.

- ii. The Chief, Assistant Chief(s) and Battalion Chief(s) of the Fire Department shall receive and accrue vacation leave, payment for vacation, sick leave, cash payment for unused sick leave, personal leave, holiday pay, clothing allowance, education incentives and bereavement leave in accordance with, and subject to the conditions set forth in, the provisions of the collective bargaining agreement negotiated by the City with the public employee organization representing Fire Captains employed by the City.
- iii. The Chief, Assistant Chief(s) and Battalion Chief(s) of the Fire Department shall not earn or accrue overtime, compensatory time, lieu hours or Kelly Days.
- iv. The base salary of Battalion Chief(s) of the Fire Department shall be at least \$7,000.00 higher than the base salary set forth in the collective bargaining agreement for a Fire Captain with the same years of service with the City.
- v. The base salary of Assistant Chief(s) of the Fire Department shall be at least \$9,000.00 higher than the base salary set forth in the collective bargaining agreement for a Fire Captain with the same years of service with the City.
- vi. The base salary of the Chief of the Fire Department shall be at least \$30,000.00 higher than the base salary set forth in the collective bargaining agreement for a Fire Captain with the same years of service with the City.
- vii. The Chief, Assistant Chief(s) and Battalion Chief(s) of the Fire Department shall not receive any benefit, except those required by law, not expressly set forth in this Article. This Article supersedes all prior policies, resolutions, ordinances, and local laws addressing the salary and benefits provided to the Chief, Assistant Chief(s) and Battalion Chief(s) of the Fire Department.

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2. This Local Law shall take effect immediately upon approval by the Mayor and filing with the New York Secretary of State.