



City of Kingston Laws and Rules Committee
Meeting Agenda
Wednesday, January 15, 2020
6:30 PM

NEW BUSINESS

Open Space Plan

[20200108153738.pdf](#)

Street Lighting Policy & Procedures

[20200108154027.pdf](#)

Draft Resolution Relating to Kingston Police Comm.

[20200108154218.pdf](#)

Lead Agency Request Proposed Trail

[20200108154427.pdf](#)

1OLD BUSINESS

Laws and Rules Committee Agenda Item Report

Meeting Date: January 15, 2020

Submitted by: Dee Sills

Submitting Department: City Clerk/Registrar

Item Type: Proposed Resolution

Agenda Section:

Subject:

Open Space Plan

Suggested Action:

Attachments:

[20200108153738.pdf](#)

CITY OF KINGSTON

Office of the City Clerk & Registrar of Vital Statistics

cityclerk@kingston-ny.gov

Steven T. Noble, Mayor
Elisa Tinti, City Clerk & Registrar



Deidre Sills, Deputy Clerk
Susan Mesches, Deputy Registrar

October 2, 2019

TO: INVOLVED AND INTERESTED AGENCIES (Attached Schedule A)

RE: DESIGNATION OF CITY OF KINGSTON COMMON COUNCIL AS LEAD AGENCY

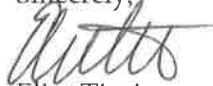
To Whom It May Concern:

The City of Kingston and the Conservation Advisory Council has developed a Natural Resource Inventory and Open Space Plan Index for the City of Kingston. This index identifies natural resources and related areas of the community. The Kingston Conservation Advisory Council has recommended that the City of Kingston include this index as an element of the Kingston Comprehension Plan- Kingston 2025. This requires that SEQR requirements be met, including the establishment of Lead Agency and SEQR review.

The project is considered a Type I Action under SEQR section 617.4(b)(9). As part of the coordinated review, designation of a "lead agency" and a determination of the significance of the action on the environment must be made in order to comply with the New York State Environmental Conservation Law (SEQR Act) and the regulations promulgated there under (the Regulation) by the New York Department of Environmental Conservation.

Upon consideration of the various criteria set forth in Section 617.6 of the SEQR Act, the Common Council of the City of Kingston believes that it should be designated lead agency. Please indicate your concurrence with such designation within thirty (30) days. To the extent that you have any questions with respect to the Act or designation of this agency as lead agency, Ms. Julie Noble is available and may be contacted by calling (845) 334-7339, or by writing to Environmental Educator, at the Parks & Recreation Office, 420 Broadway, Kingston, New York 12401.

Following the designation as lead agency, a determination of significance shall be made in accordance with the Regulations. You will be notified of said determination immediately thereafter in accordance with Section 617.12 of the Regulations. Your agency cannot take any action or render any decision on the project until after the lead agency makes a determination and the SEQR process is concluded in accordance with 6NYCRR Part 617.

Sincerely,

Elisa Tinti,
City Clerk

Tinti, Elisa

From: Noble, Julie
Sent: Tuesday, October 08, 2019 11:45 AM
To: Cahill, Suzanne; Tinti, Elisa
Subject: Open Space Plan SEQR

Hey Sue and Elisa,

I want to thank you for your guidance in the SEQR process for the Open Space Plan.

My DEC rep on the project sent me the following comment and I am not sure how this plays into the whole thing:

Regarding SEQR, it's possible the open space plan is already covered by the city's Generic Environmental Impact Statement that was developed for the comp plan. I found the following "GEI Discussion" for the Kingston comp plan's "Open Space Resources" chapter (page 31):

The protection and conservation of environmentally constrained lands by identifying important natural resources and implementing appropriate land use controls will result in enhanced protection of the environment. No adverse environmental impacts are likely to result. To the extent that environmental resources exist close to urbanized areas and to the extent buffering may be required in the future in order to protect these resources as identified in the Natural Resources Inventory, social impacts such as impacts to housing affordability and availability may result. The Open Space Plan will need to consider these types of impacts as well as economic impacts in developing appropriate specific land use controls. The land use controls suggested herein (steep slope, surface water resource protection and maximum cross-sections for rural roads, are likely to be more protective of the environment, and the benefit of these protections outweighs potential impacts to housing affordability and economic development, especially given that adequate economic development and housing opportunities exist in unconstrained areas closer to the City's mixed-use cores. A 24' cross-section for rural roads is believed to be adequate to support public safety and emergency access to remote areas.

If you haven't already, I suggest checking with the city's land-use attorney. The GEIS language makes it sound like there's agreement that open space planning doesn't cause adverse environmental impacts. It's possible this would allow for a neg-dec.

Thoughts? How might this effect the process, if at all?

Julie

Julie L. Noble
City of Kingston
Environmental Education and Sustainability Coordinator
Recycling Coordinator
467 Broadway
Kingston, NY 12401
845-481-7339

**City of Kingston Common Council
Response to Request for Determination of Lead Agency**

Re: Open Space Plan Index for the City of Kingston.

Kingston Common Council Designation as Lead Agency

On behalf of:

Agency Name: _____

Agency mailing address: _____

Agency telephone: _____

I acknowledge the receipt of the notice, dated October 2, 2019 requesting our consent to the City of Kingston Common Council acting as Lead Agency in the SEQR Coordinated Review of the above matter.

The above named agency hereby:

() CONSENTS that the City of Kingston Common Council be declared Lead Agency for the purpose of the environmental review of the above referenced project.

() DOES NOT CONSENT to the City of Kingston Common Council being designated as Lead Agency in this application and wishes that _____ serve as Lead Agency.

DATED: _____ AGENCY NAME: _____

BY: _____
(Please Print)

SIGNATURE: _____

Please Return To:

City Clerk's Office
Elisa Tinti, City Clerk & Registrar
City Hall – 420 Broadway
Kingston, New York 12401

SCHEDULE A OPEN SPACE PLAN

INVOLVED AGENCIES:

Wayne D. Platte, Chairman
City of Kingston planning Board
City Hall – 420 Broadway
Kingston, New York 12401

Hayes Clement, Chairperson
Heritage Area Commission
420 Broadway
Kingston, New York 12401

Mark Grunblatt, Chairman
Historic Landmark Preservation Commission
420 Broadway
Kingston, New York 12401

Dennis Doyle, Director
Ulster County Planning Board
244 Fair Street
Kingston, NY 12401

Zoning Board of Appeals
Attn: Eric Kitchen
Building Safety Division
5 Garraghan Drive
Kingston, NY 12401

INTERESTED AGENCIES

Conservation Advisory Commission
Attn: Julie Noble

Recreation Commission
Attn: Kevin Gilfeather
467 Broadway
Kingston NY 12401

Kingston Land Trust
Julia Farr
15 Railroad Ave.
Suite 102
Kingston, New York 12401

Kingston Tree Commission
420 Broadway
Kingston, NY 12401

Open Space Institute
1350 Broadway #201
New York, NY 10018

Scenic Hudson
1 Civic Center Plaza #200
Poughkeepsie, NY 12601

Laws and Rules Committee Agenda Item Report

Meeting Date: January 15, 2020

Submitted by: Dee Sills

Submitting Department: Public Works

Item Type: Proposed Resolution

Agenda Section:

Subject:

Street Lighting Policy & Procedures

Suggested Action:

Attachments:

[20200108154027.pdf](#)

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



Edward Norman, Superintendent



Steven T. Noble, Mayor

January 3, 2020

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

Re: Street Lighting Policy and Procedures for the City of Kingston

President Shaut;

The City of Kingston owns and is responsible for the maintenance of 2,423 street lights in City right-of-ways. We are scheduled to begin our LED Street Light Retrofit Project in early 2020. In light of the timeline of this project, we feel the development of a firm policy establishing protocol for lighting retrofits is critical. This will best advance this project both now, while the LED contractor is actively on the project and into the future.

I am requesting the Common Council adopt a resolution in support of the attached Street Lighting Policy which outlines the procedures for determining when, where and how street lighting will be installed or removed within the City of Kingston.

Please forward this communication and the attached draft policy to the appropriate Committee for further discussion. Your assistance is appreciated.

Respectfully,

Edward Norman
Superintendent Public Works

Enc.

Cc: John Schultheis, City Engineer
Elisa Tinti, City Clerk
Julie Noble, Sustainability Coordinator

**LAWS & RULES
COMMITTEE REPORT**

STREET LIGHTING POLICY and PROCEDURES



City of Kingston, NY

Department of Public Works

25 E O'Reilly St.

Kingston, NY 12401

Phone: (845) 331-0682

Effective Date:

Approved By:

1. Introduction

The City of Kingston recognizes that properly placed and designed street lighting is desirable to illuminate City streets and sidewalks. The City of Kingston owns and is responsible for maintenance of 2,423 street lights on City right-of-ways. The 2020 annual budget for street light operations is \$195,727. This cost does not include new street light installation or existing street light upgrading. Because providing street lighting is a significant budget expense, it is the policy of the City to minimize the use of street lights and install them only where necessary to provide commonly accepted lighting levels necessary for public safety on City streets and sidewalks. Street lighting is not intended to provide security lighting for property outside of the right-of-way. This policy outlines the procedure for determining when, where, and how street lighting will be installed or removed within the City of Kingston. Street lighting shall be installed according to this policy and the criteria outlined below. Requests for street lights shall be directed in writing to the Superintendent of Public Works for review and approval if the request meets the criteria contained in this policy.

2. Purpose

This policy establishes general policies, street lighting standards, implementation procedures, street light design procedures and tree trimming standards as applies to street lighting for the City of Kingston, NY.

This Street Lighting Policy shall be enacted by the Superintendent of the City of Public Works or his/her designee, the City Engineer or his/her designee, and the Sustainability Coordinator or his/her designee, hereby referred to as the Street Light Review Team.

3. General Policies

The City of Kingston provides street lighting on all open, public streets within the municipal right-of-way for the purposes of traffic and pedestrian safety. The City of Kingston owns and operates the street lights in the municipal right-of-way and coordinates with Central Hudson Gas & Electric (CHG&E) to maintain the street lights located on poles that are owned by CHG&E in addition to those on City of Kingston owned metal and wooden poles. The City determines the location of all lights to be placed on the public rights-of-way and pays a monthly service charge to CHG&E for the electricity to power all street lights in the City.

4. Standard Lighting Specifications:

The standard street light shall be a cobrahead type, Light Emitting Diode (LED) fixture installed within the recommended range of mounting heights for the specific fixture. The standard street light shall be installed on a wooden pole in areas served from overhead CHG&E facilities and on a metal pole in areas served from City-owned electric services. No service charge will be made to adjacent property owners for the installation, operation, and maintenance of these fixtures.

Standard roadway luminaires are more commonly referred to as cobrahead fixtures. These are installed on arms ranging from 4'-16' in length, and are mounted on poles 20' to 30' above the

roadway surface. The vast majority of the luminaires in the City of Kingston are cobrahead fixtures. These luminaires are found throughout the City in both residential and commercial areas.

Fig 1. Lighting Specifications by NYSDOT Road Classification

	Local Street	Collector	Minor Arterial	Principal Arterial
Color Temperature (Kelvin)	3,000K	3,000K	3,000K	3,000K
Brightness (Lumens)	3,500 +/- 200	10,000 +/- 500	10,000 +/- 500	10,000 +/- 500
Fixture	Philips: RFS-35W16LED3K or Equal	Philips: RFM-80W48LED3K or Equal	Philips: RFM-80W48LED3K or Equal	Philips: RFM-80W48LED3K or Equal

Standard roadway luminaires shall be an approved LED Fixture (or equivalent) with the approved brightness and temperature as detailed in Figure 1 and spaced approximately 150' apart. In areas served by overhead facilities the spacing may be determined by location of existing poles.

Standard roadway luminaires located within intersections shall be a 10,000 Lumen LED fixture or another LED equivalent.

The Street Light Review Team may vary these standards when it is determined that adverse topography, roadway geometrics and design, the presence of natural vegetation, or any other adverse conditions exist. The justification for such a decision will be documented in an official memo and placed in the Public Works street lighting file.

5. Decorative Lighting Specifications:

Decorative luminaires include Post-Top Acorn style and teardrop style pendant luminaires. These are mounted 10' to 15' from the road or walkway surface and can be found in arrangements of one, and two luminaires per pole. City-funded decorative lighting will be restricted to the Uptown, Midtown, and Downtown commercial areas and other areas designated by the Common Council of the City.

Fig 2. Decorative Luminaire Types

	Post-Top Acorn (35w)	Post-Top Acorn (55w)	Teardrop
Color Temperature (Kelvin)	3,000K	3,000K	3,000K
Brightness (Lumens)	3,180	4,843	5,264
Fixture	Philips Serenade DSX: S56-35W32LED3K or Equal	Philips Serenade DSX: S56-55W48LED3K or Equal	Philips Renaissance: RN20-55W48LED3K-T-ACDR or Equal

Decorative luminaires will be installed to match the brightness of existing street lights in the specific district they are to be used within. Decorative luminaires shall be an approved LED Fixture (or equivalent) with the approved brightness and temperature as detailed in Figure 2.

6. Requests to Add, Remove, or Modify Street Lights

Residents, tenants, property owners, members of the Common Council, or City Departments may seek to modify, install or remove street lights. This policy will provide a clear and transparent method for such parties to request changes to the City's street lights. All requests for new street lights will be submitted to Street Light Review Team who shall review and approve any new street lights meeting the criteria established herein. Approved requests may either be implemented using existing municipal funding if available or shall be included in the proposed budget for the forthcoming year.

--- Street Light Request Process ---

1. In order to request the addition, removal, or modification of a street light in the City of Kingston a petitioner will need to request and complete a "Street Light Request" form, which will be available at the Department of Public Works Administrative Offices. This form identifies the petitioner's name, address, and phone number, the form also identifies the specific location where the subject street light is located.
2. The completed form should be mailed, emailed, or hand delivered to the Kingston Department of Public Works to be processed.
3. Once the Department of Public Works receives the form, a representative will visit the site to verify the location and existing conditions.
4. Within thirty days of receiving the street light request form the Department of Public Works will present the Street Light Modification Packet to the petitioner. This packet shall consist of a map displaying the street light in question, a detailed description of the

request, and a petition form listing all owners of property within 125 feet in either direction along the street from the proposed location of the street light modification.

5. The petitioner will then use the map, description, and provided form to petition all owners of property within 150 feet in either direction along both sides of the street from the proposed location of the street light modification. If multiple streets are involved in the petition, a separate sheet for signatures is required for each street. More than two-thirds ($\frac{2}{3}$) of all property owners within 150 feet in either direction along the street from the proposed location of the street light must concur with the petitioner's request in order for the request to be considered. This petition will be returned to the Department of Public Works once all the signatures have been obtained. Petitions will only be accepted within 60 days after the map and supporting materials were provided by the Department of Public Works.

Street light requests that have successfully completed this process will be forwarded to the appropriate party below on a quarterly basis for review of installation, removal, or modification of the street light, subject to funding availability.

- If fewer than four new lights are included under a single request, the Street Light Review Team shall review and approve or deny the request.
- If more than three new lights are included under a single request, the Street Light Review Team shall forward a recommendation to the Mayor. The Mayor shall review and approve or deny the request.

6. Evaluation Process

During the review of a successful petition the Street Light Review Team will use the following conditions to evaluate the request for approval or to produce a recommendation that will be sent to the Mayor for his/her approval.

- Conformance with the provisions of the Standard Lighting Specifications
- Limited adverse impacts to the public including vehicle and pedestrian traffic and associated impacts from glare and disruption of street light uniformity
- The cost including the materials, installation and annual electric usage
- The night time business activity and/or pedestrian activity
- History of accidents
- Intersecting road authorities involved and their criteria (if applicable)
- Potential hazards
- Existing poles
- Potential light pollution and negative impacts, if any, upon existing residences

7. Street Light Removal

A petition to remove a street light may be accepted only if the following conditions are met:

- The street light must have been in place for a minimum of six months.
- The Street Light Review Team, and the Chief of Police must support the removal of the street light.

If the petition fails, the location shall not be reconsidered for a period of one year from the date the removal request was initiated.

If a street light is removed, a request to reinstall it will not be considered for a period of two years following the date it was removed.

8. Outages

Street light outages shall be reported to the Department of Public Works Office.

The City shall log citizen reports of street light outages, and register those outages on the official street light record.

Street light outages will be repaired on a quarterly basis, typically during the first two weeks of the following months: January, April, July, and October.

9. Tree Trimming Standards

To reduce obstruction of street lights by tree limbs, trees will be trimmed on a scheduled basis subject to availability of funds. Trees will be trimmed so as to allow for maximum distribution of light without disfiguring or unbalancing the tree. The City Tree Maintenance Technician will be responsible for overseeing tree-trimming operations, which will conform to nationally recognized trimming standards and specifications.

Residents, tenants, property owners, members of the Common Council, or City Departments may request tree trimming for the purpose of improving street lighting at any time.

10. Operational Standards

- The Street Light Review Team will meet quarterly to review and approve/deny successful petitions.
- The Superintendent of Public Works will include all approved street light additions or removals in his/her quarterly procurement of street light outage repairs.
- The Superintendent of Public Works will document and submit all street light additions or removals on the appropriate forms as required by Central Hudson Gas & Electric.



CITY OF KINGSTON STREET LIGHT REQUEST FORM

Type of Request (circle one): Addition Removal

Contact Name: _____ Date: _____
Contact Address: _____ Phone: _____

Location of street light (address, intersection, pole #) : _____

Nature of request/concern: _____

Please return the completed application form to:

Kingston Public Works Department
25 E O'Reilly St.
Kingston, NY 12401

Phone: (845)331-0682 E-Mail: Streetlights@Kingston-ny.gov

For Official Use Only

Project Number: _____ Date Application Received: _____

Date DPW Analysis Completed: _____

Date Signed Petitions Received: _____

Date Request Presented to Mayor (if applicable): _____

Request: ☐ Approved ☐ Denied

Justification (if Denied): _____

Date Applicant Notified of Final Determination: _____

Date of Request Sent to Central Hudson Gas & Electric: _____

J# _____

Date Street light Installation/Removal Completed _____



CITY OF KINGSTON STREET LIGHT PETITION FORM

We, the undersigned, as owners of properties in the affected area, hereby acknowledge that we have been notified of the request to add or remove a street light, as shown in the attached description and map, and we agree to the new street light installation or street light removal.

Please list all addresses in the petition area. One signature per dwelling.

By signing "Yes" below, you are certifying that you are the rightful owner of the property listed, you have seen the map showing the proposed location of the new street light, and you agree with the petition.

Date	Property Owner's Name (Please Print)	Address	Signature	Support Petition?	
				Yes	No



CITY OF KINGSTON STREET LIGHT PROJECT OFFICIAL RESPONSE

Dear Street Light Petitioner,

Your request for (Addition Removal) is hereby: ☐ Approved ☐ Denied.

- If approved, this request will be processed for inclusion in the next quarterly collection of street light outages and other approved requests.

- If denied, the reason(s) are detailed below:

- ☐ Request does not conform with the provisions of the Standard Lighting Specifications
- ☐ Request will create adverse impacts to the public
- ☐ The cost including the materials, installation and annual electric supply is prohibitive
- ☐ The night time business activity and/or pedestrian activity does not warrant additional lighting
- ☐ The request is not acceptable with intersecting road authorities involved and their criteria
- ☐ This request will create potential hazards
- ☐ There are no existing poles on which to attach the requested light
- ☐ This request will create light pollution or other negative impacts upon existing residences
- ☐ Other:

Details:

Laws and Rules Committee Agenda Item Report

Meeting Date: January 15, 2020

Submitted by: Dee Sills

Submitting Department: Common Council

Item Type: Informational Purposes

Agenda Section:

Subject:

Draft Resolution Relating to Kingston Police Comm.

Suggested Action:

Attachments:

[20200108154218.pdf](#)

Tinti, Elisa

From: Noble, James
Sent: Friday, December 27, 2019 6:31 PM
To: Tinti, Elisa
Subject: Fwd: Agenda Item
Attachments: 2019 1216 Police Commission Legislation Draft (1).pdf; ATT00001.htm

Hi Elisa

Please refer this communication to the L&R Committee. Thank you.

Sent from my iPhone

Begin forwarded message:

From: "Worthington, Rita" <ward4@kingston-ny.gov>
Date: December 17, 2019 at 12:14:40 PM CST
To: "Noble, James" <jnoble@kingston-ny.gov>
Cc: "Tinti, Elisa" <emtinti@kingston-ny.gov>, "Shaut, Andrea" <ward9@kingston-ny.gov>
Subject: Agenda Item

President Noble:

Rise Up Kingston is requesting that they be added to the laws and rules agenda to discuss guidelines and rules relating to the Kingston Police Commission (see attachment). I would ask that this communication be added to the agenda for January's meeting.

Thank you.

Rita



Draft Resolution to Establish Guidelines and Practices Relating to the Kingston Police Commission

RiseUpKingston.org | @RiseUpKingston | 140 Tremper Ave. | (845) 383-1947

Purpose:

Whereas the members of the Police Commission must deal with some of the most fraught community and safety issues in Kingston;

Whereas the members of the Police Commission must represent a wide constituency of groups and individuals;

Whereas a great deal of recent research has demonstrated the potential dangers of both explicit and implicit bias and, further, the KPD has endeavored to understand the effects of such bias;

Therefore, the following terms and conditions should apply to the Kingston Police Commission, who shall do everything in their power to:

A. Commission Composition, Appointment, Vacancy and Removal

- a. *Members of the Commission shall reflect the City's diverse community, including, but not limited to: age, race, creed, color, national origin, gender, gender identity or expression, sexual orientation, disability, marital status and source of income.*
- b. *Be appointed by the Mayor with advice and input from the Common Council in concert and with the former having the power of approval of each member.*
- c. **The appointment process will be transparent, careful, and deliberate.** *Be recruited through a process that is inclusive, is open to public scrutiny done in a timely manner publicly and widely announced, Members of the Commission and their immediate family shall not be currently or formerly employed by the KPD or any other local, state, or federal law enforcement agencies.*
- d. *Serve staggered terms of three years each ending on March 31,*
 - i. *Except for the initial Commission, each term shall commence on April 1st and end on March 31st. If a person is appointed to complete the unexpired term of a former Commission member, they shall complete the term.*
 1. *First appointment: 1/3 receive one year, 1/3 receive two years, and 1/3 receive three years by random drawing.*
- e. *Receive reappointment only after evaluation and re-application utilizing the recruitment guidelines noted above,*
- f. *Be removed for cause as determined by the Mayor,*
- g. **Additional considerations for Commission Composition:**
 - i. *Conflict of Interest*
 1. *No Commission member or Commission employees shall have any interest, financial or otherwise, direct or indirect, or engage in any business or transaction or professional activity or incur any obligation of any nature, which is in substantial conflict with the proper discharge of their duties in the public interest. A conflict of interest shall include, but is not limited to: if they have reason to believe or expect that they will derive a direct monetary gain or suffer a direct monetary loss, by reason of their official activity; or if any benefit or detriment accrues to them as a member of a business, profession, occupation, or group to a greater extent than any other member of the business, profession, occupation, or group. Commission members may not represent a complainant or an KPD sworn member before the Commission. If a Commission member has a personal, business or other relationship or*

association with a party to or a witness in a matter before the Commission, the member shall disclose the situation to the Chairperson, and shall recuse themselves from deliberations or action in connection with that case.

B. Powers and Duties

- a. *The Commission shall be independent of the KPD and shall investigate and adjudicate complaints of misconduct against the KPD or any of its officers, staff, administrative and executive professionals, including but not limited to the Chief, deputies, captains, lieutenants, commanders, and all other law enforcement,*
- b. *The Commission and staff shall seek and participate in a broad range of training annually. Training resources will be selected by the Commission and may include individuals and organizations such as social justice organizations, attorneys, and any national, state, or local resources with expertise and experience in civilian complaints, investigation, police policies, auditing/monitoring, and other appropriate skills and knowledge. The Commission and staff orientation and ongoing training shall include but not be limited to, the following:*
 1. *All relevant local, state, and federal law*
 2. *implicit bias and anti-racism*
 3. *gender identity and sexuality*
 4. *disability rights, including but not limited to physical disabilities, intellectual and developmental disabilities, psychiatric disabilities and traumatic brain injuries;*
 5. *classism, poverty and homelessness*
 6. *trauma-informed policing and crisis intervention*
 7. *KPD employee patterns, practices, policies,*
 8. *Procedures of the KPD Police Commission and Local Law X*
 9. *civilian oversight history, models, trends, theories, standards and best practices*
 10. *how to conduct independent and objective civilian complaint investigations, e.g. interviewing, collection and preservation of evidence;*
 11. *community outreach to inform how the Commission functions and serves the community and public reporting;*
 12. *discipline and remediation, education-based discipline, early warning systems, processes of arbitration/grievance*
- c. *Have the authority to set departmental practices in recruiting, hiring, promoting, and disciplining officers in accordance with statutory authority, utilizing the Discipline Matrix outlined below,*
- d. *Make recommendations to the Police Chief and Mayor regarding practices, procedures, policy & planning.*
 - i. *Determine policy for the police department after consultation with the community at large and calling on community expertise,*
 - ii. *Have the power to review, evaluate and change police policy,*
 - iii. *Will also establish guidelines, directives, and mandatory training for city employees responsible for taking and handling complaints.*
- e. *Conduct investigations into the conduct of members of the KPD concerning any investigative category, even in the absence of a civilian complaint,*

- i. *The Commission shall have the power to conduct independent investigations, the power to use subpoenas to compel testimony and the production of evidence, and the power to discipline KPD employee(s) if a complaint of misconduct is sustained.*
- ii. *The Commission shall have the power to investigate any and all conduct, acts, or omissions by any KPD employee.*
- iii. *It will put in place multi-language reporting lines, forms, and other methods of complaint submission, discussion, and review, including in-person, online, and over the phone.*
- iv. *Complaint forms and instructions shall be made available by KPD employees and at the Commission office, at Commission meetings, libraries, recreation centers, police stations, public safety building, courts, and all other government buildings, and on the City, KPD, and Commission websites.*
- v. *The Chief shall take no action on a complaint, whether received directly by the KPD or by the Commission, until receipt of the Commission findings and decision, or notice that the Commission has determined no disciplinary action is appropriate. Nonetheless, the Chief shall retain the authority to suspend an KPD employee during the investigation and adjudication of a complaint against the KPD employee.*
- f. *In addition to regular monthly business meetings that include review of complaints, the Commission shall hold public meetings in each City district a minimum of at least once annually, to invite public input or comment, and to provide information education about the Commission process and its work.*
- g. Possess full administrative access to all databases maintained by the Kingston Police Department,
 - i. *The KPD and the City shall provide to the Commission, as requested: access to all documents and evidence, including but not limited to KPD personnel files, all other KPD databases, criminal and civil case files, disciplinary hearing records, video and audio recordings from body cameras or other sources, all KPD policies, procedures, and practices, the General Manual, and any other documents that pertain to policies, tactics, complaints, or charges against KPD employees and their subsequent investigation and adjudication, or other sources of information deemed appropriate by the Commission.*
- h. Have input in the interviewing and hiring of all police officers.
- i. **Additional Powers and Duties:**
 - i. **Accessibility:**
 - 1. *The Commission shall provide language access for limited or non-English proficient complainants and witnesses at all stages of the investigative and adjudicative process. Language access shall be available during all operating hours of the Commission.*
 - 2. *The Commission shall provide reasonable accommodations in accordance with the federal, state and local law to individuals with disabilities at all stages of the investigative and adjudicative process. Such accommodations shall be available during all operating hours of the Commission and shall include but not be limited to: accessible means of egress, accessible means of communication via auxiliary aids or services giving primary*

consideration to preferences of the individual deserving such services, and access to ASL interpreters.

ii. *Initiation of Complaints:*

1. *Complaints may be received directly by the Commission, or upon referral from the Mayor, the Council, any Councilmember, or the Chief.*
2. *The Commission shall receive complaints by telephone, in person, by mail, email or web form. Complaints shall be received and considered whether submitted with a signature or anonymously. Efforts to simplify the procedure shall be made to encourage filing. Professional standards of confidentiality with regard to the written release of information and informed consent will apply to all complaints filed. With respect to the confidentiality of all interested parties, the Commission shall comply with all local, state, and federal law, including Civil Rights Law Section 50-a.*
3. *Before proceeding with the complaint process, the complainant shall be made aware of and referred to organizations that advocate for people who have experienced police misconduct and can explain the process of the Commission and complainant may, at any time, decline to have their complaint investigated and reviewed by the Commission. Such declination must be made in writing by the complainant, and shall be forwarded to the Chief by the Commission.*

C. Complaint Process

- a. The process will incorporate supportive initial interviews and follow-ups, access to and for relevant community groups for complainant support
- b. Reporting of complaints alleging criminal actions by officers to the District Attorney for investigation
- c. Implementation of an appeals process for complainants to decisions by the Commission regarding complaints
- d. After disposition of complaint - record is public about category of complaint, disposition of case (with training and disciplinary actions in place to prevent this need)
 - i. *All complaints shall be issued a public tracking number, which shall be included in the quarterly and annual reports.*
- e. Complaints and all evidence *must* be reviewed by commissioners at next meeting prior to questioning of complainants, victims, and witnesses, if they are willing
 - i. *The panel shall report its findings and decisions to the Commission at its next scheduled meeting.*
- f. Process for evidence to be submitted by community
- g. Decisions should be made within sixty (60) days
 - i. *Within thirty (30) days of the receipt of a Notice of Panel Decision or Notice of Commission Decision, the Chief shall provide the Commission with a written explanation of the exact discipline imposed in accordance with the **Discipline matrix**.*
- h. Decision by quorum (actions and rulings must have votes from all eleven (11) commissioners)
 - i. *A quorum of six (6) Commission members must be present to conduct Commission business, regardless of vacancies. No business shall be*

*transacted by the Commission without a quorum being present.
Commission action shall be decided by a simple majority of Commission members present.*

- i. Identify ways to ensure all commissioners have access to all evidence and resources
- j. Emergency meeting must be called after complaints that include Bodily Harm or Sexual Assault.
- k. Emergency meetings can be called by three (3) Commissioners within 48 hours (can take place via video call)
- l. *The actions of the Commission shall not preclude action by the criminal or civil justice system.*

D. Discipline Matrix

- a. *The Commission shall establish a disciplinary matrix in conjunction with the Chief of the Kingston Police Department. The Commission shall request input from the Chief with respect to the disciplinary matrix. The disciplinary matrix shall include clearly delineated penalty levels with ranges of sanctions which progressively increase based on the gravity of the misconduct and the number of prior sustained complaints. The Commission, in consultation with the Chief shall review the disciplinary matrix annually, and consider any recommended changes. The Commission shall decide the final version of the disciplinary matrix to be used.*
- b. *Commission decisions may include disciplinary sanctions including but not limited to counseling, reprimand, retraining, suspension, demotion, or dismissal.*

E. Policy Review

- a. *At least annually, the Commission shall review and assess KPD policies, procedures, patterns and practices and recommend changes with input from the community.*
- b. *The Commission shall send its policy recommendations to the Chief, the Mayor, and City Council.*
- c. *The Commission shall publish its policy recommendations on the Commission website.*

F. Commission Reports

- a. *The Commission shall publish on its website monthly data on the receipt and disposition of complaints. All complaints shall be issued a public tracking number, which shall be included in the quarterly and annual reports. The Commission shall publish on its website for the public and deliver hard copy to the Office of the Common Council and the Office of the Mayor public quarterly and annual reports that shall document:*
 - i. *The total number and type of complaints and the City districts in which they happened;*
 - ii. *The categories of each complaint;*
 - iii. *The public tracking number of each complaint;*
 - iv. *Detailing information that legally available to the Commission, including but not limited to: the date, time, and location of each incident, whether there is a video of the incident or not, age, race, and gender of adult complainant(s), rank(s), gender(s), section(s), and race(s) of the KPD employee(s) and if there were witnesses, how many, and whether they are employed by any local, state, or federal law enforcement agency and which agency; the Commission shall comply with local, state, and federal law and redact any information that may not be disclosed publicly. The number of previous complaints against the KPD employee(s) within ten*

- (10) years of the incident and whether or not those complaints were sustained.
- v. The number of times and the types of use of force used per complaint and the total number of times and types of use of force used;
 - vi. The number of times pepper spray was deployed per complaint and the total number of times pepper spray was deployed;
 - vii. The number of times and types of pain compliance tactics used per complaint and the totals for each use of pain compliance tactic;
 - viii. The number of times and types of use where a Taser was deployed;
 - ix. Complaint and sustain rates for each KPD section;
 - x. In the event where an KPD employee uses their firearm:
 1. the type of weapon used (firearm, brand, type);
 2. number of shots fired;
 3. the range from which the firearm was fired;
 4. injuries sustained by the complainant, animal(s), KPD employee(s), and/or any bystanders;
 5. any medical care provided and what type; whether the person or animal was killed.
 - xi. The number of cases where the Commission's disciplinary decision was enforced by the chief
 - xii. The number of cases where the Chief disputed the disciplinary decision of the panel;
 - xiii. The type of sanctions imposed;
 - xiv. The type of sanctions decided upon;
 - xv. The number of cases reviewed by the Commission;
 - xvi. The number of complaints found not to have reasonable cause to be heard;
 - xvii. The number of complainants contacting the Commission but not following through with a formal signed complaint;
 - xviii. The length of time each case was pending before the Commission;
 - xix. The number of complainants who filed a notice of claim against the City while their complaint was being considered by the Commission.
- b. The annual report is to be published on the Commission's website for the public and delivered as a hard copy to the Office of the City Council and the Office of the Mayor and shall contain:
1. The recommendations related to changes in KPD patterns, practices, policies, and procedures;
 2. Whether the prior year's recommended changes have been implemented;
 3. A summary of complainant and public survey data with an assessment of if and how Commission policies should change to accommodate concerns.
 4. Quarterly and annual reports shall be publicly available on the Commission's website.
 5. Any video associated with the complaint that can be made public, shall be made publicly available.

Laws and Rules Committee Agenda Item Report

Meeting Date: January 15, 2020

Submitted by: Dee Sills

Submitting Department: Planning

Item Type: Proposed Resolution

Agenda Section:

Subject:

Lead Agency Request Proposed Trail

Suggested Action:

Attachments:

[20200108154427.pdf](#)

CITY OF KINGSTON
Office of Planning
planning@kingston-ny.gov

LR

Suzanne Cahill, Planning Director



Steven T. Noble, Mayor

December 17, 2019

TO: ALL IDENTIFIED INVOLVED AND INTERESTED AGENCIES

RE: DESIGNATION OF CITY OF KINGSTON PLANNING BOARD AS LEAD AGENCY

To Whom It May Concern:

We have reviewed preliminary plans along with the Full Environmental Assessment Form Part I, prepared for The Scenic Hudson Land Trust and the City of Kingston. (the Applicants, to), for construction of a trail on property owned by Quarry Waters LLC a subsidiary of The Scenic Hudson Landtrust Inc. The project is located at #348-680, 682-798 North Street & 280-362 R Delaware Avenue & Devils Lake Road (SBL 48.16-6-4, 48.84-1-3, 48.16-6-3.100, 48.16-3-8.100.) in the City of Kingston and Town of Ulster, (the Action).

The Action has been classified as an Unlisted Action under SEQR, however, due to the number of approvals and funding sources involved and the spanning of two municipalities, the Board will be conducting a coordinated review under SEQR.

Upon consideration of the various criteria set forth in Part 6 NYRCC Part 617 and the Kingston Planning Board's past role as Lead Agency in review of the Hudson Landing Development, the Kingston Planning Board believes that it should be designated lead agency and adopted a resolution to reaffirm this role. Please indicate your concurrence with such designation within thirty (30) days. To the extent that you have any questions with respect to the Act or designation of this agency as lead agency, Ms. Suzanne Cahill is available and may be contacted by calling (845) 334-3955, or by writing to the Planning Director's Office, 420 Broadway, Kingston, New York 12401.

Following the designation as lead agency, a determination of significance shall be made in accordance with the Regulations. You will be notified of said determination immediately thereafter.

Sincerely,

Suzanne Cahill
Planning Director

**City of Kingston Planning Board
Response to Request for Determination of Lead Agency**

Re: The Hudson River Brickyard Trail
Quarry Waters LLC (The Scenic Hudson Land Trust LLC)
#348-680, 682-798 North Street & 280-362 R Delaware Ave & Devils Lake Rd
(SBL 48.16-6-4, 48.84-1-3, 48.16-6-3.100, 48.16-3-8.100.)

Kingston Planning Board Designation as Lead Agency

On behalf of:

Agency Name: _____

Agency mailing address: _____

Agency telephone: _____

I acknowledge the receipt of the notice, dated _____, requesting our consent to the City of Kingston Planning Board acting as Lead Agency in the SEQR Coordinated Review of the above matter.

The above named agency hereby:

() CONSENTS that the City of Kingston Planning Board be declared Lead Agency for the purpose of the environmental review of the above referenced project.

() DOES NOT CONSENT to the City of Kingston Planning Board being designated as Lead Agency in this application and wishes that _____ serve as Lead Agency.

DATED: _____ AGENCY NAME: _____

BY: _____

(Please Print)

SIGNATURE: _____

Please Return By January 17, 2019 To:

City of Kingston Planning Office
Suzanne Cahill, Planning Director
City Hall – 420 Broadway
Kingston, New York 12401

SCHEDULE A

Hudson River Brickyard Trail

#348-680, 682-798 North Street & 280-362 R Delaware Avenue & Devils Lake Road
(SBL 48.16-6-4, 48.84-1-3, 48.16-6-3.100, 48.16-3-8.100.)

INVOLVED AGENCIES:

Wayne D. Platte, Chairman
City of Kingston Planning Board
City Hall – 420 Broadway
Kingston, New York 12401

Kingston Common Council
420 Broadway
Kingston NY, 12401

NYSDEC
Ms. Kelly Turturro, Region 3 Director
21 South Putt Corners Rd
New Paltz, NY 12561

New York State Division for Historic Preservation
Peebles Island State Park
P.O. Box 189
Waterford, NY 12188-0189
(Submitted via Cultural Resource Information System "CRIS")

Hayes Clement, Chairperson
Heritage Area Commission
420 Broadway
Kingston, New York 12401

NYS Department of State
One Commerce Plaza, 99 Washington Ave
Albany, NY 12231-0001

Hudson River Valley Greenway
625 Broadway, 4th Floor
Albany NY 12207

Town of Ulster
Town Clerk
1 Town Hall Drive
Lake Katrine, NY 12449

NYSDEC
Ms. Kelly Turturro, Region 3
21 South Putt Corners Rd
New Paltz, NY 12561

Town of Ulster Planning Board
584 East Chester Street Bypass
Kingston NY 12401

INTERESTED AGENCIES

Edward Norman, Supt.
Department of Public Works
25 East O'Reilly Street
Kingston, NY 12401
Emailed

Dennis Doyle, Director
Ulster County Planning Board
244 Fair Street
Kingston, NY 12401

US Dept of Interior Fish and Wildlife
Ms. Robyn Niver
3817 Luker Rd
Cortland, NY 13045

Dept of Parks and Recreation & Recreation Commission
Attn: Kevin Gilfeather
467 Broadway
Kingston NY 12401

Kingston Land Trust
15 Railroad Avenue
Kingston, NY 12401

Town of Rhinebeck
Town Clerk
80 East Market Street
Rhinebeck, NY 12572

APPLICANTS

City of Kingston
Steve Noble, Mayor
Emailed

John Shultheis, City Engineer
Emailed

The Scenic Hudson Land Trust, Inc
One Civic Center Plaza, Suite 200
Poughkeepsie, NY 12601
Emailed