

**REGULAR MEETING OF THE COMMON COUNCIL
OF THE CITY OF PLATTSBURGH, NEW YORK
OCTOBER 22, 2020
5:00 P.M.**

MINUTES

Pledge of Allegiance

(RC)

Present: Mayor Colin Read, Councilors Ira Barbell (W1), Mike Kelly (W2), Elizabeth Gibbs (W3), Steve Brodi (W4), Patrick McFarlin (W5), Jeff Moore (W6)

Absent: None

MAYOR'S COMMENTS: asked Public to be careful as over the past few days COVID positive cases has increased.

1. MINUTES OF THE PREVIOUS MEETING:

RESOLVED: That the Minutes of the Regular Meeting of the Common Council held on October 15, 2020 are approved and placed on file among the public records of the City Clerk's Office

By Councilor Barbell; Seconded by Councilor Kelly
(All in Favor/opposed)

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

2. PAYROLLS OF VARIOUS DEPARTMENTS:

RESOLVED: That the payrolls of the various Departments of the City of Plattsburgh for the week ending October 21, 2020 in the amount of \$ 460,279.63 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 Moore; Seconded by Councilor Kelly
(All in Favor/opposed)

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

3. REPORTS OF CITY OFFICES & COMMITTEE REPORTS:

- Report from the Building Inspector's office for the week of October 7- 20, 2020
- Minutes from the Finance & Budget Committee meeting held on October 15, 2020
- Reports from the Police Department dated October 20, 2020

COUNCILOR/DEPARTMENT CHAIR COMMITTEE REPORTS:

Governance, Strategy, and City Operations- Chair Councilor Barbell indicated nothing to report.

City Infrastructure – Chair Councilor Moore mentioned received questions about water billing and he is looking in to it. **Mayor Read** mentioned repaired City Hall parking lot and open to public for parking nights and weekends, creating few more spots on lower Cornelia Street and exploring opening up some spots behind old MLD Building lot on Miller Street.

Finance and Budget – Chair Councilor Kelly mentioned annual department budget sessions have begun.

Public Safety – Chair Councilor Gibbs indicated nothing to report, however, will convene Public Safety Department Budget sessions after Council meeting.

Plattsburgh Public Library – Chair Councilor McFarlin indicated nothing to report.

MLD - MLD Board President Councilor McFarlin Board meeting will be held next week.

RESOLVED: That the reports as listed are hereby ordered received and any written reports are placed on file among the public records of the City Clerk’s Office.

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

4. CORRESPONDENCE OR RECOMMENDATIONS FROM BOARDS: None

5. AUDIT OF CLAIMS:

RESOLVED: That the bills Audited by the Common Council for the week ending October 23, 2020 in the amount of \$ 995,795.24 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 Moore; Seconded by Councilor Kelly
(All in Favor/opposed)
Roll call: Councilors Barbell, Kelly, Gibbs, Brodi, McFarlin, Moore
(All voted in the affirmative)

6. PERSONS ADDRESSING COUNCIL ON AGENDA ITEMS ONLY: None

7. OTHER ITEMS:

A. RESOLVED: In accordance with the request therefore the Common Council authorizes the City Chamberlain to transfer appropriations between asset seizure accounts and add asset seizure estimated revenues to budget for a total of \$34,369 for the acquisition of a camera system and a live scan system, both for the Police Department, each partially funded by Clinton County and the NYS Division of Criminal Justice Services, respectively. The accounting for this asset seizure reserve activity has no effect on either the General Fund operations or its available fund balance.

By Councilor Barbell; Seconded by Councilor Brodi

Discussion: Yes
Roll call: Councilors Barbell, Kelly, Gibbs, Brodi, McFarlin, Moore
(All voted in the affirmative)
ACTION TAKEN: Adopted
Follow up Action: None

B. RESOLVED: In accordance with the request therefore the Common Council authorizes the Mayor to sign an Electrical Fee Agreement with Arcadis Environmental and Champlain Transportation Museum, in a form approved by the Corporation Counsel.

By Councilor McFarlin; Seconded by Councilor Gibbs
Discussion: Yes
Roll call: Councilors Barbell, Kelly, Gibbs, Brodi, McFarlin, Moore
(All voted in the affirmative)
ACTION TAKEN: Adopted
Follow up Action: None

8. TRAVEL REQUEST: None

9. RESOLUTIONS FOR INITIAL CONSIDERATION: None

10. NEW BUSINESS AND COUNCILOR REPORTS:

Councilor Barbell introduced Local Law P-5 of 2020: A local law amending and replacing in its entirety Chapter 116 “Alarm Systems” as set forth in the City Code of the City of Plattsburgh.

Public Hearing set for Thursday, November 5, 2020 at 5pm in the Common Council Chambers, 41 City Hall Place, Plattsburgh, NY 12901.

Councilor McFarlin suggested install a sign for new “Arnie Pavone” parking lot, expressed concern that no longer have IT Director would like to pursue bringing back IT Department. Asked for update on Skyward project.

Councilor Kelly indicated he would like to move the donation of \$500 to the USS Saratoga replica a few years ago to buy a sign for the “Arnie Pavone” parking lot.

Mayor Read suggested Councilor McFarlin join the committee reviewing the IT RFP’s.

Councilor Kelly gave update on the IT RFP and they are in process of checking references for two companies.

Councilor McFarlin asked for update on Skyward project.

Mayor Read indicated not much going on with that, now that Plattsburgh Progress Local Development Corp formed they should take on development projects.

11. CLOSING PUBLIC COMMENTS ON ANY TOPIC:

Bill LeBeau, representing Police Department Union Local Council 82 spoke of concerns about proposed budget, loss of employees and asked Council to reconsider.

Motion to Adjourn by Councilor Barbell; Seconded by Councilor Kelly

Roll call: Councilors Barbell, Kelly, Gibbs, Brodi, McFarlin, Moore

(All voted in the affirmative)

MEETING ADJOURNED: 5:28 pm

[Note: Council continued 2021 Budget Sessions with Police, Fire and Building Inspector Departments after Council meeting adjourned]

Local Law No. P-5 of the year 2020.

A local law amending and replacing in its entirety Chapter 116 “Alarm Systems” as set forth in City Code of the City of Plattsburgh.

This Local Law is enacted pursuant to the provisions of Sections 10 of the Municipal Home Rule Law of the State of New York.

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

1. The City Code of the City of Plattsburgh is amended by amending and replacing in its entirety Chapter 116 “Alarm Systems” as set forth in the City Code of the City of Plattsburgh to read as follows:

Chapter 116 “Alarm System”

Section 116-1 “Title/Purpose”

This Chapter may be known and cited by the following short title: "A Local Law regulating the Installation and Maintenance of Burglar and Other Emergency Alarms in the City of Plattsburgh."

The purpose of this local law is to establish reasonable standards for users, to ensure that alarm owners are held responsible for the proper operation of their alarm systems, and addresses the impact of excessive false alarms and their undue burden the City of Plattsburgh’s Police and Fire Department’s enforcement resources. While properly installed, monitored and operated alarm systems are effective tools which can identify criminal offenses in progress, and will lead to a reduction in the incidents of false alarms as well as enhance the safety of responding law enforcement officers Public Safety departments within the City recognize the significant burdens placed on state and local law enforcement resources due to responding to false alarm calls. In general, governments and private companies wish to make the most effective use of their resources, and the reduction of false alarms and clearly defined alarm user responsibilities are to the benefit of all parties. This local law is established to set reasonable standards for users, ensure that alarm owners are held responsible for their use of alarm systems, and to encourage the use of security systems and best practices.

Section 116-2 “Definitions”

The following words, terms and phrases, when used in this local law, shall have the meanings ascribed to them, except where the context clearly indicates a different meaning:

Alarm Administrator means the City Building Inspector

Alarm Company means a person, company, firm, or corporation which has the contractual agreement with the alarm user and is subject to the licensing requirements, and engaged in selling, leasing, installing, servicing or monitoring

alarm systems; this entity shall be licensed in compliance with city, county and state laws.

Alarm Event means an alarm system activation, to which law enforcement is requested to respond.

Alarm Activation Report A report prepared by the officer or member of the Police Department or Fire Department who responded to an Alarm Event, which documents the details and circumstances of the Alarm Event.

Alarm Permit means a permit issued to an alarm user by the City allowing the operation of an alarm system within the City.

Alarm System means an assembly of equipment installed at a fixed location designed to detect and/or verify an occurrence of an illegal or unauthorized entry or other activity to which the Police or Fire Department is requested to respond.

Alarm User means any person, corporation, partnership, proprietorship, governmental or educational entity or any other entity owning, leasing, or operating an Alarm System, or on whose premises an Alarm System is maintained for the protection of such premises.

Cancellation means that the alarm company provides notification that response by a public safety department is no longer being requested. If cancellation occurs prior to police or fire department arriving at the scene, this is not a false alarm for the purpose of civil penalty, and no penalty will be assessed.

City means the City of Plattsburgh or its officers or employees.

False Alarm means the activation of any Alarm System resulting in notification of the Police or Fire Department, for which the responding Public Safety Officer finds no evidence of criminal activity, fire, smoke, carbon monoxide, heat or other threat of emergency of the kind for which the Alarm System was designed to give notice.

Local alarm means an alarm system that is not monitored by a remote monitoring center.

Permit Term means a 36-month period beginning on the day and month on which an alarm permit is issued.

Runaway Alarm means an alarm system that produces repeated alarm activations that do not appear to be caused by separate human action. Police or Fire Department personnel may in its discretion notify the owner of the alarm system and discontinue public safety responses to alarm activations from what appears to be a runaway alarm until the system is repaired.

Section 116-3 “Alarm Permit”

(A) **Permit required.** Any person owning or operating an Alarm System must apply for a permit from the Zoning and Code Enforcement Department within thirty (30) days of installation of the Alarm System or where an Alarm System is already installed, within thirty (30) days of the effective date of this Chapter.

A fee may be required for the initial registration and any renewals of the Permit Term, which fees will be set by Council resolution. Each alarm permit shall be

assigned a unique permit number, and the user shall provide the permit number to the alarm company to facilitate law enforcement dispatch.

(B) ***Application.*** The permit shall be requested on an application form provided by the City Building Inspector.

Permit Requirements. Each permit application must contain the following information and be complete, true and accurate in its entirety:

- (1) Name, address, and telephone number(s) of the Permit Holder who will be responsible for the proper maintenance and operation of the Alarm System and payment of fees assessed under this Local Law; The mailing address if different than the address of the Permit Holder or the Alarm Site;
- (2) The classification of the Alarm Site as either residential or commercial including the building number and the apartment number;
- (3) For each Alarm System located at the Alarm Site, the classification of the Alarm System (i.e. Burglary, Robbery, Panic Alarms or other) and for each classification, whether such alarm is audible or silent;
- (4) Any dangerous, hazardous, or special conditions present at the Alarm Site;
- (5) The name and telephone number of the Alarm Company that has agreed to receive calls

Possession of an Alarm Permit is not intended to, nor will it, create a contract, duty or obligation, either expressed or implied, of response by a Public Safety Officer. Any and all liability and consequential damage resulting from the failure to respond is hereby disclaimed and governmental immunity as provided by law is retained.

Without limitation of the foregoing, by applying for an Alarm Permit, the Alarm User acknowledges that public safety response may be based on factors such as availability of public safety units, priority of calls, weather conditions, traffic conditions, emergency conditions or staffing levels.

(C) ***Transfer of possession.*** When the possession of the premises at which an alarm system is maintained is transferred, the person (user) obtaining possession of the property shall file an application for an alarm permit within 30 days of obtaining possession of the property. Alarm permits are not transferable.

(D) ***Reporting updated information.*** Whenever the information provided on the alarm permit application changes, the alarm user shall provide correct information to the City within 30 days of the change. In addition, each year after the issuance of the permit, permit holders will receive from the City a form requesting updated

information. The permit holder shall complete and return this form to the City whether or not any of the requested information has changed.

(E) **Multiple alarm systems.** If an alarm user has one or more alarm systems protecting two or more separate structures having different addresses and/or tenants, a separate permit shall be required for each structure and/or tenant.

(F) **Installer of the Alarm System.** The name of service provider that installed the system shall be provided.

(G) **Monitoring Agency.** The name of the monitoring station that is monitoring the alarm system shall be provided.

(H) **Permit fees:** Permit Fees shall be set by Common Council Resolution. A new permit for advising of changes to a system will not require a renewal fee for that year.

(I) **Renewal Permit:** Police or Fire Department response to a property without a valid permit or renewal permit will be subject to the same fine as failing to register.

(J) **Exemptions:** Any real property owned by the City of Plattsburgh, State of New York, Federal Government or the County of Clinton is exempt from this Chapter.

Section 116-4 “Duties of Alarm User”

All Alarm Users shall have the following duties:

(A) Maintain the premises and the alarm system in a method that will eliminate false alarms.

(B) Provide the alarm company the permit number.

(C) Respond or cause a representative/owner to respond to the alarm system’s location within a reasonable amount of time when notified by the Police or Fire Department.

(D) Not manually activate an alarm for any reason other than an occurrence of an event that the alarm system was intended to report.

(E) An alarm user must obtain a new permit and pay any associated fees if there is a change in address or ownership of the location of the alarm-system.

(F) An alarm user must keep current the renewal of the alarm permit.

(G) Notify the Alarm System Monitoring Business prior to activation of an alarm for maintenance, test or instruction purposes

(H) Adjust the mechanism or causing the mechanism to be adjusted so that an intrusion alarm signal audible on the exterior of an Alarm Site will sound for no longer than fifteen minutes after being activated, but may be reactivated by a reset. Alarm Systems installed prior to five days after the effective date of this Local law shall be exempt from this provision; and

(I) Paying all fees and fines under this Local law within 90 days of the date assessed.

Section 116-5 “Duties of the Alarm Company”

A. Any person engaged in the alarm business in the City shall comply with the following:
1) Obtain and maintain the required state, county and/or city license(s).

2) Provide name, address, and telephone numbers of the alarm company license holder or a designee who can be called in an emergency, 24 hours a day; and be able to respond to an alarm call, when notified, within a reasonable amount of time.

3) Be able to provide the most current contact information for the alarm user; and to contact a key holder for a response, if requested.

4) Prior to activation of the alarm system, the alarm company must provide instructions explaining the proper operation of the alarm system to the alarm user.

5) Provide information of how to obtain service from the alarm company for the alarm system.

B. An alarm company responsible for monitoring services shall:

- 1) Attempt to Verify every alarm signal, except a Duress/Holdup Alarm or fire alarm, immediately before requesting a law enforcement response to an Alarm System signal;
- 2) Communicate Cancellations of alarm dispatch requests to the Police or Fire Department immediately upon verification of a False Alarm;
- 3) Establish a procedure for accepting Cancellation of alarms by Alarm Users;
- 4) Communicate alarm dispatch requests to the Police or Fire Department;
- 5) Communicate any available information (north, south, front, back, floor, zone, etc.) to help identify the location of the intrusion or other emergency;
- 6) Provide the Police or Fire telephone operator with the Alarm Business Permit number of the Alarm System Monitoring Business when an alarm is reported;
- 7) Communicate type of alarm activation (silent or audible, interior or perimeter); and
- 8) Make every possible effort to contact the Alarm User or his Contact Persons when an alarm dispatch request is made to facilitate access to the Alarm Site and/or deactivation of the alarm.

Section 116-6 “Duties of Police and Fire Departments”

The City of Plattsburgh Police and Fire Departments shall respond to alarm notifications according to department protocol.

Section 116-7 “Prohibited Acts”

(A) It shall be unlawful to activate an alarm system for the purpose of summoning Police or Fire Departments when no fire, burglary, robbery, or other crime dangerous to life or property is being committed or attempted on the premises, or otherwise to cause a false alarm.

(B) It shall be unlawful to install, maintain, or use an audible alarm system which can sound continually for more than 15 minutes.

Section 116-8 “Enforcement of Provisions”

A. Excessive false alarms/Failure to register

It is hereby found and determined that three or more false alarms within a permit year is excessive, and shall be unlawful. Civil penalties and constraints around police or fire response for false alarms within a permit year may be assessed against an alarm user as follows:

Third false alarm.....	\$ 50.00
Fourth false alarm	\$100.00
Fifth false alarm.....	\$200.00
Sixth false alarm	\$500.00
Additional false alarms	\$500.00
Failure to Register.....	\$100.00

(B) The Alarm User shall be given written notice of any fees and fines chargeable under this section. Such fees and fines shall be paid to the City Building Inspector Office within 30 calendar days of the date of the notice of fees and fines due, unless the Alarm User pursues an appeal as described in Section 116-9 below. In the event the appeal does not result in a waiver or cancellation of the fees and fines, such fee and fine shall be paid to the City Building Inspector Office within 30 calendar days of the final decision.

(C) *Civil Non-criminal violation.* A violation of any of the provisions of this local law shall be a civil violation.

Section 116-9 “Appeal”

- (a) Any person or entity that receives a notice of a False Alarm or a notice of fees or fines due under this Local law may appeal that notice by filing a written notice of appeal with the City Building Inspector. The notice of appeal must be received within 10 days after the date of notification of the notice of False Alarm or notice of assessment of civil penalty(ies) and setting forth the reasons for the appeal. The failure to give notice of appeal within this time period shall constitute a waiver of the right to contest the assessment of penalty(ies).
- (b) The filing of an appeal stays the assessment of the fine and suspension until the City Building Inspector makes a final decision, which decision shall be made within 30 days after receipt of the notice of appeal.
- (c) The Building Inspector or his designee shall review an appeal from the assessment of civil penalty(ies) or other enforcement decisions using a preponderance of the evidence standard. Notwithstanding a determination that the preponderance of the evidence supports the assessment of civil penalty(ies) or other enforcement decision, the hearing officer shall have the discretion to dismiss or reduce civil penalty(ies) or reverse any other enforcement decision where warranted.
- (d) The hearing officer's decision is subject to review in a Court with jurisdiction.

Section 116-10 “Confidentiality”

In the interest of public safety, and unless permitted by law or required by Court Order, all information contained in and gathered through the alarm registration applications, no response

records, applications for appeals and any other alarm records shall be held in confidence by all employees and/or representatives of the City.

Section 116-11 “Governmental Immunity”

Alarm registration is not intended to, nor will it, create a contract, duty or obligation, either expressed or implied, of response. Any and all liability and consequential damage resulting from the failure to respond to a notification is hereby disclaimed and governmental immunity as provided by law is retained. By applying for an alarm registration, the alarm user acknowledges that the Plattsburgh Police and/or Fire Department response may be influenced by factors such as: the availability of police units, priority of calls, weather conditions, traffic conditions, emergency conditions, staffing levels and prior response history.

Section 116-12 “Severability”

The provisions of this Chapter are severable. If a Court determines that a word, phrase, clause, sentence, paragraph, subsection, section, or other provision is invalid or that the application of any part of the provision to any person or circumstance is invalid, the remaining provisions and the application of those provisions to other persons or circumstances are not affected by that decision.

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