

PUBLIC SAFETY/GENERAL GOVERNMENT COMMITTEE

May, Wednesday 22nd at 6:30 pm.

1. CAC Update
2. EMC Update - Mayor Noble
3. 161 Fair St. removal of No Parking - Alderwoman Edwards
4. Stop Sign & Crosswalk at Cornell and Tremper - Alderman Tierney
5. School Zone Cameras-Mayor Noble

CITY OF KINGSTON

Office of the Mayor

mayor@kingston-ny.gov

PS+GG

Steven T. Noble
Mayor



May 2nd, 2024

Honorable Andrea Shaut
President/Alderman-at-Large
Kingston Common Council
420 Broadway
Kingston, NY 12401

Re: EMC Appointment

Dear President Shaut,

Per unanimous acclimation of the Conservation Advisory Council meeting, Emilie Hauser was recommended to represent Kingston on the Ulster County Environmental Management Council (EMC). The term of our current appointee, Ted Griese, is set to expire on October 31st, 2025. Mr. Griese recently resigned from the Kingston CAC.

I am requesting that the Common Council pass a resolution to nominate Emilie Hauser to represent Kingston on the EMC as required by the Ulster County Environmental Management Council.

Respectfully Submitted,

Steven T. Noble
Mayor



PS+GG

Tinti, Elisa

From: Edwards, Jeanne
Sent: Wednesday, April 17, 2024 12:54 PM
To: Shaut, Andrea
Cc: Dennison, Bob; Tinti, Elisa
Subject: Public Safety / Communication

Good morning,

161 Fair st would like the no parking sign taken down. It was a commercial property, But not any longer. It's a residential now. The owner live at property.

Jeanne Edwards
Alderman, Ward 4
64 Liberty St.
Kingston, NY 12401
845-242-2533

Tinti, Elisa

PS+GG

From: Shaut, Andrea
Sent: Friday, May 3, 2024 11:24 AM
To: Tinti, Elisa
Subject: Fw: Communication Re Stop Signs and Cross Walk on Intersection of Cornell & Tremper Ave
Attachments: image.png

Can you include this in my folder? Thanks!

Andrea Shaut

Council President, City of Kingston

From: Tierney, Michael <Ward2@kingston-ny.gov>
Sent: Friday, May 3, 2024 11:20 AM
To: Shaut, Andrea <ashaut@kingston-ny.gov>
Subject: Communication Re Stop Signs and Cross Walk on Intersection of Cornell & Tremper Ave

Sorry for being 17 minutes late. I would like to introduce a communication to the Public Safety Committee putting a stop sign and crosswalk at the intersection of Cornell Street and Tremper Avenue. This comes at a request from a number of my Midtown constituents.

Thanks

Michael Tierney
Alderman, Ward 2
Ward2@kingston-ny.gov
845-768-6781
Finance & Audit Committee
Community Development & Housing Committee

THE CITY OF KINGSTON COMMON COUNCIL

PUBLIC SAFETY/GENERAL GOVERNMENT
COMMITTEE REPORT

DEPARTMENT: _____

DATE: _____

Description:

Signature _____

Motion by _____

Seconded by _____

Action Required:

<u>Committee Vote</u>	<u>YES</u>	<u>NO</u>
Robert Dennison, Chairman, Ward 6		
Michele Hirsch, Ward 9		
Sara Pasti, Ward 1		
Bryant Drew Andrews, Ward 7		
Rennie Scott-Childress, Ward 3		

5
Tinti, Elisa

From: Noble, Steve
Sent: Monday, May 20, 2024 1:31 PM
To: Tinti, Elisa
Subject: Fwd: Late communication

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

Begin forwarded message:

From: "Shaut, Andrea" <ashaut@kingston-ny.gov>
Date: May 17, 2024 at 1:35:59 PM EDT
To: "Noble, Steve" <SNoble@kingston-ny.gov>
Subject: Re: Late communication

Good afternoon,

Yes, because of the time-sensitive issue of this request, I can add it as a late communication to Public Safety.

Sincerely,

Andrea Shaut

Council President, City of Kingston

From: Noble, Steve <SNoble@kingston-ny.gov>
Sent: Friday, May 17, 2024 10:42 AM
To: Shaut, Andrea <ashaut@kingston-ny.gov>
Subject: Late communication

President Shaut,

I was contacted by the state legislature and the proposed school zone bill needed to be amended during the review process. The change was related to adding language that a percentage of our school zones will be able to participate and not a number of cameras.

This change will require us to do another home rule legislation, as the bill number has changed. Could this be added to Public Safety?

LBDC

E06:

VEHITRLA

(Establishes a school speed zone camera demonstration program in the city of Kingston)

V & T L. Kingston speed cameras

By

Amend SENATE BILL NO. 8607 as follows:

Strike out all after the enacting clause and insert

1 Section 1. The vehicle and traffic law is amended by adding a new
2 section 1180-g to read as follows:

3 § 1180-g. Owner liability for failure of operator to comply with
4 certain posted maximum speed limits. (a) 1. Notwithstanding any other
5 provision of law, the city of Kingston is hereby authorized to establish
6 a demonstration program imposing monetary liability on the owner of a
7 vehicle for failure of an operator thereof to comply with posted maximum
8 speed limits in a school speed zone within such city (i) when a school
9 speed limit is in effect as provided in paragraphs one and two of subdi-
10 vision (c) of section eleven hundred eighty of this article or (ii) when
11 other speed limits are in effect as provided in subdivision (b), (d),
12 (f) or (g) of section eleven hundred eighty of this article during the
13 following times: (A) on school days during school hours and one hour
14 before and one hour after the school day, and (B) a period during
15 student activities at the school and up to thirty minutes immediately
16 before and up to thirty minutes immediately after such student activ-
17 ities. Such demonstration program shall empower the city of Kingston to
18 install photo speed violation monitoring systems within no more than
19 three school speed zones within such city at any one time and to operate
20 such systems within such zones (iii) when a school speed limit is in
21 effect as provided in paragraphs one and two of subdivision (c) of
22 section eleven hundred eighty of this article or (iv) when other speed
23 limits are in effect as provided in subdivision (b), (d), (f) or (g) of
24 section eleven hundred eighty of this article during the following
25 times: (A) on school days during school hours and one hour before and
26 one hour after the school day, and (B) a period during student activ-
27 ities at the school and up to thirty minutes immediately before and up
28 to thirty minutes immediately after such student activities. In select-
29 ing a school speed zone in which to install and operate a photo speed
30 violation monitoring system, the city shall consider criteria including,
31 but not limited to, the speed data, crash history, and the roadway geom-
32 etry applicable to such school speed zone.

33 2. No photo speed violation monitoring system shall be used in a
34 school speed zone unless (i) on the day it is to be used it has success-
35 fully passed a self-test of its functions; and (ii) it has undergone an

1 annual calibration check performed pursuant to paragraph four of this
2 subdivision. The city shall install signs giving notice that a photo
3 speed violation monitoring system is in use to be mounted on advance
4 warning signs notifying motor vehicle operators of such upcoming school
5 speed zone and/or on speed limit signs applicable within such school
6 speed zone, in conformance with standards established in the MUTCD.

7 3. Operators of photo speed violation monitoring systems shall have
8 completed training in the procedures for setting up, testing, and oper-
9 ating such systems. Each such operator shall complete and sign a daily
10 set-up log for each such system that he or she operates that (i) states
11 the date and time when, and the location where, the system was set up
12 that day, and (ii) states that such operator successfully performed, and
13 the system passed, the self-tests of such system before producing a
14 recorded image that day. The city shall retain each such daily log until
15 the later of the date on which the photo speed violation monitoring
16 system to which it applies has been permanently removed from use or the
17 final resolution of all cases involving notices of liability issued
18 based on photographs, microphotographs, videotape or other recorded
19 images produced by such system.

20 4. Each photo speed violation monitoring system shall undergo an annu-
21 al calibration check performed by an independent calibration laboratory
22 which shall issue a signed certificate of calibration. The city shall
23 keep each such annual certificate of calibration on file until the final
24 resolution of all cases involving a notice of liability issued during
25 such year which were based on photographs, microphotographs, videotape
26 or other recorded images produced by such photo speed violation monitor-
27 ing system.

28 5. (i) Such demonstration program shall utilize necessary technologies
29 to ensure, to the extent practicable, that photographs, microphoto-
30 graphs, videotape or other recorded images produced by such photo speed
31 violation monitoring systems shall not include images that identify the
32 driver, the passengers, or the contents of the vehicle. Provided,
33 however, that no notice of liability issued pursuant to this section
34 shall be dismissed solely because such a photograph, microphotograph,
35 videotape or other recorded image allows for the identification of the
36 driver, the passengers, or the contents of vehicles where the city shows
37 that it made reasonable efforts to comply with the provisions of this
38 paragraph in such case.

39 (ii) Photographs, microphotographs, videotape or any other recorded
40 image from a photo speed violation monitoring system shall be for the
41 exclusive use of the city for the purpose of the adjudication of liabil-
42 ity imposed pursuant to this section and of the owner receiving a notice
43 of liability pursuant to this section, and shall be destroyed by the
44 city upon the final resolution of the notice of liability to which such
45 photographs, microphotographs, videotape or other recorded images
46 relate, or one year following the date of issuance of such notice of
47 liability, whichever is later. Notwithstanding the provisions of any
48 other law, rule or regulation to the contrary, photographs, microphoto-
49 graphs, videotape or any other recorded image from a photo speed
50 violation monitoring system shall not be open to the public, nor subject
51 to civil or criminal process or discovery, nor used by any court or
52 administrative or adjudicatory body in any action or proceeding therein
53 except that which is necessary for the adjudication of a notice of
54 liability issued pursuant to this section, and no public entity or
55 employee, officer or agent thereof shall disclose such information,

1 except that such photographs, microphotographs, videotape or any other
2 recorded images from such systems:

3 (A) shall be available for inspection and copying and use by the motor
4 vehicle owner and operator for so long as such photographs, microphoto-
5 graphs, videotape or other recorded images are required to be maintained
6 or are maintained by such public entity, employee, officer or agent; and

7 (B) (1) shall be furnished when described in a search warrant issued
8 by a court authorized to issue such a search warrant pursuant to article
9 six hundred ninety of the criminal procedure law or a federal court
10 authorized to issue such a search warrant under federal law, where such
11 search warrant states that there is reasonable cause to believe such
12 information constitutes evidence of, or tends to demonstrate that, a
13 misdemeanor or felony offense was committed in this state or another
14 state, or that a particular person participated in the commission of a
15 misdemeanor or felony offense in this state or another state, provided,
16 however, that if such offense was against the laws of another state, the
17 court shall only issue a warrant if the conduct comprising such offense
18 would, if occurring in this state, constitute a misdemeanor or felony
19 against the laws of this state; and

20 (2) shall be furnished in response to a subpoena duces tecum signed by
21 a judge of competent jurisdiction and issued pursuant to article six
22 hundred ten of the criminal procedure law or a judge or magistrate of a
23 federal court authorized to issue such a subpoena duces tecum under
24 federal law, where the judge finds and the subpoena states that there is
25 reasonable cause to believe such information is relevant and material to
26 the prosecution, or the defense, or the investigation by an authorized
27 law enforcement official, of the alleged commission of a misdemeanor or
28 felony in this state or another state, provided, however, that if such
29 offense was against the laws of another state, such judge or magistrate
30 shall only issue such subpoena if the conduct comprising such offense
31 would, if occurring in this state, constitute a misdemeanor or felony in
32 this state; and

33 (3) may, if lawfully obtained pursuant to this clause and clause (A)
34 of this subparagraph and otherwise admissible, be used in such criminal
35 action or proceeding.

36 (b) If the city of Kingston establishes a demonstration program pursu-
37 ant to subdivision (a) of this section, the owner of a vehicle shall be
38 liable for a penalty imposed pursuant to this section if such vehicle
39 was used or operated with the permission of the owner, express or
40 implied, within a school speed zone in violation of subdivision (c) or
41 during the times authorized pursuant to subdivision (a) of this section
42 in violation of subdivision (b), (d), (f) or (g) of section eleven
43 hundred eighty of this article, such vehicle was traveling at a speed of
44 more than ten miles per hour above the posted speed limit in effect
45 within such school speed zone, and such violation is evidenced by infor-
46 mation obtained from a photo speed violation monitoring system; provided
47 however that no owner of a vehicle shall be liable for a penalty imposed
48 pursuant to this section where the operator of such vehicle has been
49 convicted of the underlying violation of subdivision (b), (c), (d), (f)
50 or (g) of section eleven hundred eighty of this article.

51 (c) For purposes of this section, the following terms shall have the
52 following meanings:

53 1. "manual on uniform traffic control devices" or "MUTCD" shall mean
54 the manual and specifications for a uniform system of traffic control
55 devices maintained by the commissioner of transportation pursuant to
56 section sixteen hundred eighty of this chapter;

1 2. "owner" shall have the meaning provided in article two-B of this
2 chapter;

3 3. "photo speed violation monitoring system" shall mean a vehicle
4 sensor installed to work in conjunction with a speed measuring device
5 which automatically produces two or more photographs, two or more micro-
6 photographs, a videotape or other recorded images of each vehicle at the
7 time it is used or operated in a school speed zone in violation of
8 subdivision (b), (c), (d), (f) or (g) of section eleven hundred eighty
9 of this article in accordance with the provisions of this section; and

10 4. "school speed zone" shall mean a distance not to exceed one thou-
11 sand three hundred twenty feet on a highway passing a school building,
12 entrance or exit of a school abutting on the highway.

13 (d) A certificate, sworn to or affirmed by a technician employed by
14 the city of Kingston, or a facsimile thereof, based upon inspection of
15 photographs, microphotographs, videotape or other recorded images
16 produced by a photo speed violation monitoring system, shall be prima
17 facie evidence of the facts contained therein. Any photographs, micro-
18 photographs, videotape or other recorded images evidencing such a
19 violation shall include at least two date and time stamped images of the
20 rear of the motor vehicle that include the same stationary object near
21 the motor vehicle and shall be available for inspection reasonably in
22 advance of and at any proceeding to adjudicate the liability for such
23 violation pursuant to this section.

24 (e) An owner liable for a violation of subdivision (b), (c), (d), (f)
25 or (g) of section eleven hundred eighty of this article pursuant to a
26 demonstration program established pursuant to this section shall be
27 liable for monetary penalties in accordance with a schedule of fines and
28 penalties to be promulgated by the parking violations bureau of the city
29 of Kingston. The liability of the owner pursuant to this section shall
30 not exceed fifty dollars for each violation; provided, however, that
31 such parking violations bureau may provide for an additional penalty not
32 in excess of twenty-five dollars for each violation for the failure to
33 respond to a notice of liability within the prescribed time period.

34 (f) An imposition of liability under the demonstration program estab-
35 lished pursuant to this section shall not be deemed a conviction as an
36 operator and shall not be made part of the operating record of the
37 person upon whom such liability is imposed nor shall it be used for
38 insurance purposes in the provision of motor vehicle insurance coverage.

39 (g) 1. A notice of liability shall be sent by first class mail to each
40 person alleged to be liable as an owner for a violation of subdivision
41 (b), (c), (d), (f) or (g) of section eleven hundred eighty of this arti-
42 cle pursuant to this section, within fourteen business days if such
43 owner is a resident of this state and within forty-five business days if
44 such owner is a non-resident. Personal delivery on the owner shall not
45 be required. A manual or automatic record of mailing prepared in the
46 ordinary course of business shall be prima facie evidence of the facts
47 contained therein.

48 2. A notice of liability shall contain the name and address of the
49 person alleged to be liable as an owner for a violation of subdivision
50 (b), (c), (d), (f) or (g) of section eleven hundred eighty of this arti-
51 cle pursuant to this section, the registration number of the vehicle
52 involved in such violation, the location where such violation took
53 place, the date and time of such violation, the identification number of
54 the camera which recorded the violation or other document locator
55 number, at least two date and time stamped images of the rear of the

1 motor vehicle that include the same stationary object near the motor
2 vehicle, and the certificate charging the liability.

3 3. The notice of liability shall contain information advising the
4 person charged of the manner and the time in which he or she may contest
5 the liability alleged in the notice. Such notice of liability shall also
6 contain a prominent warning to advise the person charged that failure to
7 contest in the manner and time provided shall be deemed an admission of
8 liability and that a default judgment may be entered thereon.

9 4. The notice of liability shall be prepared and mailed by the city of
10 Kingston, or by any other entity authorized by the city to prepare and
11 mail such notice of liability.

12 (h) Adjudication of the liability imposed upon owners of this section
13 shall be by the city of Kingston parking violations bureau.

14 (i) If an owner receives a notice of liability pursuant to this
15 section for any time period during which the vehicle or the number plate
16 or plates of such vehicle was reported to the police department as
17 having been stolen, it shall be a valid defense to an allegation of
18 liability for a violation of subdivision (b), (c), (d), (f) or (g) of
19 section eleven hundred eighty of this article pursuant to this section
20 that the vehicle or the number plate or plates of such vehicle had been
21 reported to the police as stolen prior to the time the violation
22 occurred and had not been recovered by such time. For purposes of
23 asserting the defense provided by this subdivision, it shall be suffi-
24 cient that a certified copy of the police report on the stolen vehicle
25 or number plate or plates of such vehicle be sent by first class mail to
26 the city of Kingston parking violations bureau or by any other entity
27 authorized by the city to prepare and mail such notice of liability.

28 (j) Adjudication of the liability imposed upon owners of this section
29 shall be by the city of Kingston parking violations bureau.

30 (k) 1. An owner who is a lessor of a vehicle to which a notice of
31 liability was issued pursuant to subdivision (g) of this section shall
32 not be liable for the violation of subdivision (b), (c), (d), (f) or (g)
33 of section eleven hundred eighty of this article pursuant to this
34 section, provided that:

35 (i) prior to the violation, the lessor has filed with such parking
36 violations bureau in accordance with the provisions of section two
37 hundred thirty-nine of this chapter; and

38 (ii) within thirty-seven days after receiving notice from such bureau
39 of the date and time of a liability, together with the other information
40 contained in the original notice of liability, the lessor submits to
41 such bureau the correct name and address of the lessee of the vehicle
42 identified in the notice of liability at the time of such violation,
43 together with such other additional information contained in the rental,
44 lease or other contract document, as may be reasonably required by such
45 bureau pursuant to regulations that may be promulgated for such purpose.

46 2. Failure to comply with subparagraph (ii) of paragraph one of this
47 subdivision shall render the owner liable for the penalty prescribed in
48 this section.

49 3. Where the lessor complies with the provisions of paragraph one of
50 this subdivision, the lessee of such vehicle on the date of such
51 violation shall be deemed to be the owner of such vehicle for purposes
52 of this section, shall be subject to liability for such violation pursu-
53 ant to this section and shall be sent a notice of liability pursuant to
54 subdivision (g) of this section.

55 (l) 1. If the owner liable for a violation of subdivision (c) or (d)
56 of section eleven hundred eighty of this article pursuant to this

1 section was not the operator of the vehicle at the time of the
2 violation, the owner may maintain an action for indemnification against
3 the operator.

4 2. Notwithstanding any other provision of this section, no owner of a
5 vehicle shall be subject to a monetary fine imposed pursuant to this
6 section if the operator of such vehicle was operating such vehicle with-
7 out the consent of the owner at the time such operator operated such
8 vehicle in violation of subdivision (b), (c), (d), (f) or (g) of section
9 eleven hundred eighty of this article. For purposes of this subdivision
10 there shall be a presumption that the operator of such vehicle was oper-
11 ating such vehicle with the consent of the owner at the time such opera-
12 tor operated such vehicle in violation of subdivision (b), (c), (d), (f)
13 or (g) of section eleven hundred eighty of this article.

14 (m) Nothing in this section shall be construed to limit the liability
15 of an operator of a vehicle for any violation of subdivision (c) or (d)
16 of section eleven hundred eighty of this article.

17 (n) If the city adopts a demonstration program pursuant to subdivision
18 (a) of this section it shall conduct a study and submit an annual report
19 on the results of the use of photo devices to the governor, the tempo-
20 rary president of the senate and the speaker of the assembly on or
21 before the first day of June next succeeding the effective date of this
22 section and on the same date in each succeeding year in which the demon-
23 stration program is operable. Such report shall include:

24 1. the locations where and dates when photo speed violation monitoring
25 systems were used;

26 2. the aggregate number, type and severity of crashes, fatalities,
27 injuries and property damage reported within all school speed zones
28 within the city, to the extent the information is maintained by the
29 department of motor vehicles of this state;

30 3. the aggregate number, type and severity of crashes, fatalities,
31 injuries and property damage reported within school speed zones where
32 photo speed violation monitoring systems were used, to the extent the
33 information is maintained by the department of motor vehicles of this
34 state;

35 4. the number of violations recorded within all school speed zones
36 within the city, in the aggregate on a daily, weekly and monthly basis;

37 5. the number of violations recorded within each school speed zone
38 where a photo speed violation monitoring system is used, in the aggre-
39 gate on a daily, weekly and monthly basis;

40 6. the number of violations recorded within all school speed zones
41 within the city that were:

42 (i) more than ten but not more than twenty miles per hour over the
43 posted speed limit;

44 (ii) more than twenty but not more than thirty miles per hour over the
45 posted speed limit;

46 (iii) more than thirty but not more than forty miles per hour over the
47 posted speed limit; and

48 (iv) more than forty miles per hour over the posted speed limit;

49 7. the number of violations recorded within each school speed zone
50 where a photo speed violation monitoring system is used that were:

51 (i) more than ten but not more than twenty miles per hour over the
52 posted speed limit;

53 (ii) more than twenty but not more than thirty miles per hour over the
54 posted speed limit;

55 (iii) more than thirty but not more than forty miles per hour over the
56 posted speed limit; and

1 (iv) more than forty miles per hour over the posted speed limit;

2 8. the total number of notices of liability issued for violations
3 recorded by such systems;

4 9. the number of fines and total amount of fines paid after the first
5 notice of liability issued for violations recorded by such systems;

6 10. the number of violations adjudicated and the results of such adju-
7 dications including breakdowns of dispositions made for violations
8 recorded by such systems;

9 11. the total amount of revenue realized by the city in connection
10 with the program;

11 12. the expenses incurred by the city in connection with the program;
12 and

13 13. the quality of the adjudication process and its results.

14 (o) It shall be a defense to any prosecution for a violation of subdi-
15 vision (b), (c), (d), (f) or (g) of section eleven hundred eighty of
16 this article pursuant to this section that such photo speed violation
17 monitoring system was malfunctioning at the time of the alleged
18 violation.

19 § 2. Subdivision 2 of section 87 of the public officers law is amended
20 by adding a new paragraph (u) to read as follows:

21 (u) are photographs, microphotographs, videotape or other recorded
22 images prepared under the authority of section eleven hundred eighty-g
23 of the vehicle and traffic law.

24 § 3. The purchase or lease of equipment for a demonstration program
25 established pursuant to section 1180-g of the vehicle and traffic law,
26 as added by section one of this act, shall be subject to the provisions
27 of section 103 of the general municipal law.

28 § 4. This act shall take effect on the thirtieth day after it shall
29 have become a law and shall expire December 31, 2029, when upon such
30 date the provisions of this act shall be deemed repealed. Effective
31 immediately, the addition, amendment and/or repeal of any rule or regu-
32 lation necessary for the implementation of this act on its effective
33 date are authorized to be made and completed on or before such effective
34 date.

