

**RESOLUTION 159 OF 2021**

**RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF KINGSTON,  
NEW YORK, REQUESTING A TRANSFER IN THE POLICE DEPARTMENT IN  
THE AMOUNT OF \$100,000.00 FOR THE US DEPARTMENT OF HOMELAND  
SECURITY TACTICAL TEAM GRANT VEHICLE**

Sponsored By: Finance/Audit Committee: Alderman Scott-Childress, Tallerman, Davis, Hirsch, Schabot

**WHEREAS**, the Kingston Police Department, has requested a transfer in the amount of \$100,000.00 in grant money from the US Department of Homeland Security, and;

**WHEREAS**, the City of Kingston Police Department and the Town of Ulster Police Department have partnered to create a blended Emergency Response Team, and;

**WHEREAS**, the Town of Ulster Police Department will be responsible for additional funding, and;

**WHEREAS**, this vehicle is a replacement rescue and recovery vehicle, and;

**WHEREAS**, the Finance/Audit Committee has received, reviewed and approved this request;

**NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF  
THE CITY OF KINGSTON, NEW YORK, AS FOLLOWS:**

<b>FROM:</b>	A1.3120.44330	Federal assistance	\$100,000.00
<b>TO:</b>	A1.312012.203	Motor Vehicles	\$100,000.00

Submitted to the Mayor this \_\_\_\_ day of \_\_\_\_\_, 2021

Approved by the Mayor this \_\_\_\_ day of \_\_\_\_\_, 2021

\_\_\_\_\_  
Elisa Tinti, City Clerk

\_\_\_\_\_  
Steven T. Noble, Mayor

Adopted by Council on \_\_\_\_\_, 2021



159


THE CITY OF KINGSTON COMMON COUNCIL

FINANCE AND AUDIT  
COMMITTEE REPORT

REQUEST DESCRIPTION		
INTERNAL TRANSFER _____	CONTINGENCY TRANSFER _____	TRANSFER _____
AUTHORIZATION _____	BUDGET MODIFICATION <u>X</u>	BONDING REQUEST _____
CLAIMS _____	ZONING _____	OTHER _____

DEPARTMENT: Police DATE: June 8, 2021

Description: Budget transfer for the 2021 Budget. This is a request for a transfer from our Federal Assistance Revenue Account to our Motor Vehicle Accounts for grant funds received from the US Department of Homeland Security.

Estimated Financial Impact: --\$0-- Signature: 

Motion by TD

Seconded by SS

Action Required:


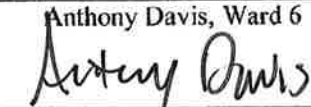
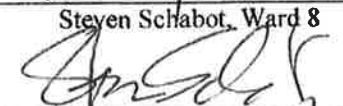
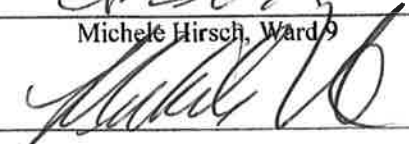
SEQRA Decision:  
Type I Action \_\_\_\_\_  
Type II Action \_\_\_\_\_  
Unlisted Action \_\_\_\_\_

Negative Declaration of Environmental Significance: \_\_\_\_\_

Conditioned Negative Declaration: \_\_\_\_\_

Seek Lead Agency Status: \_\_\_\_\_

Positive Declaration of Environmental Significance: \_\_\_\_\_

<u>Committee Vote</u>	<u>YES</u>	<u>NO</u>
Reynolds Scott-Childress, Chairman 		<input checked="" type="checkbox"/>
Donald Tallerman, Ward 5		
Anthony Davis, Ward 6 		<input checked="" type="checkbox"/>
Steven Schabot, Ward 8 		<input checked="" type="checkbox"/>
Michele Hirsch, Ward 9 		<input checked="" type="checkbox"/>

32

**CITY OF KINGSTON**  
**Police Department**  
police@kingston-ny.gov

Egidio F. Tinti, Chief of Police



Steven T. Noble, Mayor

June 8, 2021

Honorable Andrea Shaut  
Alderman-at-Large  
420 Broadway  
Kingston, NY 12401

Dear Ms. Shaut,

I am respectfully requesting that you refer this internal budget transfer for the US Department of Homeland Security - Tactical Team Grant to the appropriate committee for their review. As you can see, there is no financial impact or obligation to the City of Kingston regarding this request.

Thank you for your time and consideration in this matter. If you or your committee needs additional information, please do not hesitate to contact me.

Sincerely,

Egidio F. Tinti  
Chief of Police  
City of Kingston Police Department

EFT/mab  
Enclosure

cc: Honorable Steven. T. Noble  
Mayor, City of Kingston

John Tuey  
City Comptroller

3

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**Police Department**  
police@kingston-ny.gov

Egidio F. Tinti, Chief of Police



Steven T. Noble, Mayor

June 8, 2021

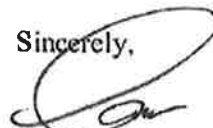
Honorable Andrea Shaut  
Alderman-at-Large  
420 Broadway  
Kingston, NY 12401

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Sincerely,

  
Egidio F. Tinti  
Chief of Police  
City of Kingston Police Department

EFT/mab  
Enclosure

cc: Honorable Steven T. Noble  
Mayor, City of Kingston

John Tuey  
City Comptroller

**THE CITY OF KINGSTON COMMON COUNCIL**

**FINANCE AND AUDIT  
COMMITTEE REPORT**

<u>REQUEST DESCRIPTION</u>		
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DEPARTMENT: <u>Police</u>	DATE: <u>June 8, 2021</u>
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Estimated Financial Impact: <u>--\$0--</u>	Signature

Motion by \_\_\_\_\_

Seconded by \_\_\_\_\_

Action Required:

SEQRA Decision:  
 Type I Action \_\_\_\_\_  
 Type II Action \_\_\_\_\_  
 Unlisted Action \_\_\_\_\_

Negative Declaration of Environmental Significance: \_\_\_\_\_

Conditioned Negative Declaration: \_\_\_\_\_

Seek Lead Agency Status: \_\_\_\_\_

Positive Declaration of Environmental Significance: \_\_\_\_\_

<u>Committee Vote</u>	<u>YES</u>	<u>NO</u>
Reynolds Scott-Childress, Chairman		
Donald Tallerman, Ward 5		
Anthony Davis, Ward 6		
Steven Schabot, Ward 8		
Michele Hirsch, Ward 9		

## 2021 Budget Modification

<u>Account #</u>	<u>Transfer Out of</u>	<u>Transfer Into</u>
A1312012		
.203 Motor Vehicles		\$ 100,000.00
REVENUE Federal Assistance A13120.44330	\$ 100,000.00	
<b>TOTALS</b>	<b>\$ 100,000.00</b>	<b>\$ 100,000.00</b>







## Armored Rescue and Recovery Vehicle Proposal

The police department is requesting the purchase of a refurbished 2004 Lenco Bearcat G1 (pictures attached) to replace our decommissioned 1979 Peacekeeper (pictures attached). This is a specialty vehicle which will be used only by the Emergency Services Unit (ESU) for critical incidents and training. The G1 offers a larger floor plan (seats 8 – 10 fully equipped officers) than its replacement and better maneuverability in tight urban settings. Its occupants are protected by all steel armor construction offering high ballistic protection. It is long recognized as a standard vehicle in US SWAT.

The City of Kingston Police Department has had an established ESU team for approximately 40 years. From 2002 to 2009 the team was part of the County's Emergency Response Team. In 2009, Kingston ESU detached from the county team and continued serving as a stand-alone team. In 2010, we received an up-armored military Humvee from the State's military surplus 1033 program. This vehicle did not offer the complete ballistic protection the team needed. Therefore, in 2012, we upgraded through the state's 1033 program and replaced it another armored vehicle, a 1979 Peacekeeper.

In 2014, NYS Department of Homeland Security and Safety (DHSES) began offering a Tactical Team Grant that was available only to municipalities which had established SWAT teams. The City of Kingston received \$100,000 in each of the grant's first two years (2014 & 2015). In 2016, the grant stipulations required that eligible teams be NYS Certified SWAT teams or be in the process of obtaining that certification. For two years (2016 and 2017), we were not able to receive this funding.

In 2016, we partnered with the Town of Ulster Police Department to build-up the team's capabilities and work towards becoming eligible for state certification. For the next two years, the team increased its membership and improved its training and capabilities to rise to the state standards. In 2018, we submitted our application for NYS SWAT Certification. At which time we became eligible for NYS DHSES grant funding again and received the grant again that year.

In March 2019, we received our NYS SWAT certification (see attached letter). At this time our Peacekeeper had broken-down and became inoperable. In May 2019, while applying for that year's grant, we completed the necessary Public Safety SWAT Capability Assessment through the US Department of Homeland Security – National Counter-IED Capabilities Analysis Database (NCCAD). One of the items which was identified as a need, is an armored personnel carrier. With consideration of the report findings and the fact that the Peacekeeper had been decommissioned, we applied for funding in the 2019 grant toward the purchase of an armored rescue and recovery vehicle and were awarded \$100,000. We had hoped to receive additional funding in 2020, however, due to the financial uncertainty brought about by the COVID-19 pandemic, we did not pursue this project. In 2021, after discussions with our partner agency, the Town of Ulster Police, we were able to find a potential funding source to offset the balance of the \$170,000 to purchase a refurbished 2004 Lenco Bearcat G1.

We are requesting the Common Council approve the attached budget transfer of \$100,000 from our NYS Grants Revenue Account to our Motor Vehicle Account, at no financial cost to the City.



## KINGSTON POLICE DEPARTMENT

### GENERAL OPERATIONS MANUAL

The Kingston/Ulster Police  
Emergency Services Unit

---

Effective: 09/01/1990

Section: 1500.50

---

A specialized team designated as the Emergency Services Unit will be employed by the Department and will be responsible for any specialized emergency services. Such services will include tactical operations and specialized training. This is a joint team between the City of Kingston PD and the Town of Ulster PD and both agencies have agreed to adhere to this policy.

#### I. E.S.U. TEAM CAPABILITIES AND OPERATIONS

##### A. BASIC ENTRY AND DEPLOYMENT PROCEDURES

The Chief, Deputy Chief or his/her designee will authorize the use of the E.S.U. for any team deployment.

When practicable the E.S.U. Commander will ensure a written Operational Plan will be prepared prior to a Tactical Operation.

The Tactical Operational Plan may be part of a larger Operational Plan, in such incidents the E.S.U. Commander will consult with other Division Commanders to ensure all of the Departments needs are met.

In emergency situations the operational plan may be completed as soon as practical.

The E.S.U. Commander or his designee will provide a briefing and Operational Plan for Command Review prior to any Basic Entry Operation.

The Operational Plan will be approved by the Commander of E.S.U.

The E.S.U. Commander will establish minimum staffing for any Tactical Operation.

The E.S.U. will be deployed for events outside the Agencies normal operations..

E.S.U. Members will be briefed on the respective roles and responsibilities prior to a Tactical Operation.

After a Tactical Operation, all members involved will participate in a Debriefing.



KINGSTON POLICE DEPARTMENT

GENERAL OPERATIONS MANUAL

The Kingston/Ulster Police  
Emergency Services Unit

---

Effective: 09/01/1990

Section: 1500.50

---

After a Tactical Operation the E.S.U. Commander will see that an After Action Incident Report is prepared.

E.S.U. will be under the command of the Chief of Police or Deputy Chief of Police and will be immediately responsible to the Team Commander. The shift supervisor will be responsible for notification of the E.S.U. when needed.

More specifically, E.S.U. will be called out for any of the following incidents:

1. Hostage incidents.
2. Barricaded persons.
3. Attempted suicides where a negotiator is needed.
4. Incidents requiring special weapons or chemicals.
5. Rescues that require special equipment or handling.
6. Or when any shift supervisor feels the absolute need for this unit to assist with any police matter.

**B. DUTIES AND RESPONSIBILITIES:**

1. Whenever it is necessary to mobilize the Emergency Services Unit, mobilization will be accomplished by use of the Emergency Services Mobilization Plan.
2. Until the arrival of the Emergency Services Unit it will be the duty of the Commanding Officer at the scene to establish an inner perimeter and direct the response as per the directive titled Critical Tasks.
3. Upon arrival, the Commanding Officer of the Emergency Services Unit shall consult with the Commanding Officer at the scene and then assume command of the inner perimeter until the situation is resolved.
4. Non-Emergency Services unit personnel will not become involved with any



## KINGSTON POLICE DEPARTMENT

### GENERAL OPERATIONS MANUAL

The Kingston/Ulster Police  
Emergency Services Unit

---

Effective: 09/01/1990

Section: 1500.50

---

portion of an assault operation. Field personnel will provide only that assistance requested by the E.S.U. Commander.

5. The Emergency Services Commander will advise the Chief or Deputy Chief when the location is safe. The Emergency Services Commander will then direct only those specific officers into the scene necessary to conduct the required investigation. Other personnel will not enter the area.

6. A list of equipment for E.S.U. (including Crisis Negotiators) will be kept on hand by the Emergency Services Commander. The equipment list will be periodically reviewed and updated as needed.

#### C. GENERAL INSTRUCTIONS:

1. The Commanding Officer of E.S.U. will provide the Deputy Chief with an up to date emergency phone listing of E.S.U. members.

2. In the event of need for services of E.S.U., No personnel other than an E.S.U. member will be issued items in the category of specialized weapons unless directed by the Team Commander or his designee. Other personnel will be restricted to the use of regular issued equipment. Specialized weapons will be the responsibility of the E.S.U. Commander. Repairs of specialized weapons will be the responsibility of the Team Leader.

3. Use of chemical agents must be authorized by the Chief, Deputy Chief or E.S.U. Commander.

4. In the event of a mobilization of E.S.U. it will be conducted according to the E.S.U. mobilization plan.

5. The E.S.U. will utilize a written planning process for all operations that are proactive or anticipatory in nature, such as raids. The written process will include a format that will document how the operation is to be conducted,



## KINGSTON POLICE DEPARTMENT

### GENERAL OPERATIONS MANUAL

The Kingston/Ulster Police  
Emergency Services Unit

---

Effective: 09/01/1990

Section: 1500.50

---

command/control/communication, and support required. All operations plans will be stored and maintained in a file.

6. If an instance arises that requires the use of an EOD (explosive ordinance disposal) / bomb squad. New York State Police Troop F Captain will be contacted to approve and procure above mentioned resource(s).

\*If New York State Police is unavailable, another FEMA Type III bomb squad will be contacted.

#### D. SURVEILLANCE

1. Whenever possible E.S.U. Commander will have a team member conduct visual surveillance/reconnaissance of a target location prior to Tactical Operations.

2. Surveillance may be conducted by Robotic Equipment, Aviation Unit, Marksman Observer Teams, or other means.

#### E. ROBOTIC EQUIPMENT

1. E.S.U. may deploy robotic equipment during Tactical Operations. The NY State Police Bomb Squad will assist the E.S.U. as needed for Robotic Operations as outlined in the MOU.

2. The NY State Police Bomb Squad and all its Capabilities will be available in the event of a threat of energized material or hazardous conditions.

\*If New York State Police is unavailable, another FEMA Type III bomb squad will be contacted.

#### F. LESS LETHAL MUNITIONS AND AEROSOL IRRITANTS

1. E.S.U. will have less lethal tactical options available for use as needed.



## KINGSTON POLICE DEPARTMENT

### GENERAL OPERATIONS MANUAL

The Kingston/Ulster Police  
Emergency Services Unit

---

Effective: 09/01/1990

Section: 1500.50

---

2. In any situation involving the threatened use of Deadly Physical Force by a person E.S.U. will deploy Deadly Physical Force options in conjunction with Less Lethal Tactical options.
3. Less Lethal will be listed on the E.S.U. Department Inventory List and be approved by the Chief or his/her designee as an Authorized piece of equipment.
4. Aerosol Irritants, oleoresin capsicum, may be used in Tactical Operations as needed.
5. Chemical agents deployed using projectiles will be authorized by the E.S.U. Commander.

#### F. NIMS/ICS

1. E.S.U. will use single command structure and follow the proper Department chain of command.
2. E.S.U. Members and Supervisors will use NIMS and ICS Principles as needed.
3. E.S.U. Commander and E.S.U. Team Leaders will operate as part of a Unified Command in the event of a Multi-Agency Event.
4. E.S.U. Members will be trained in NIMS/ICS and receive annual training to maintain proficiency.
5. E.S.U. will function within NIMS as outlined in Appendix 1 of the Emergency Plan.

#### G. BREACHING

1. Hydraulic or Mechanical Breaching Equipment may be used to gain access to a building or vehicle as the situation dictates.
2. In the event Breaching is necessary for a Tactical entry the E.S.U. Commander may authorize it as needed.



## KINGSTON POLICE DEPARTMENT

### GENERAL OPERATIONS MANUAL

The Kingston/Ulster Police  
Emergency Services Unit

---

Effective: 09/01/1990

Section: 1500.50

---

3. The Breaching Strategy will be part of the Operational Plan and discussed in the Command Briefing

4. Breaching Options may consist of one or more of the following options.

- Mechanical or Hydraulic Mechanism
- Ram
- Other methods necessary to the resolution not listed must be approved the Chief of Police.

#### H. NOISE FLASH DISTRACTION DEVICES

1. The E.S.U. Commander or his designee may authorize the deployment of a Noise Flash Distraction Device.

2. Consideration will be given to the presence of children and elderly adults before deployment of Noise Flash Distraction Device.

3. During Tactical Operations changes in intelligence, circumstances, conditions, and environment may make the use of a distraction device appropriate or inappropriate, authorizing any E.S.U. Member to deploy or not deploy a Noise Flash Distraction Device.

4. E.S.U. Members will receive annual training on Noise Flash Distraction Devices.

#### III. ACTIVATION PROCESS

A. Emergency Services Unit activation's take precedence over all other assignments within the police department. Emergency Services Unit members assigned to the Emergency Services Unit become subordinate to the Emergency Services Unit Commander until the Incident Commander determines that the activation is over.



## KINGSTON POLICE DEPARTMENT

### GENERAL OPERATIONS MANUAL

The Kingston/Ulster Police  
Emergency Services Unit

---

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---

B. The duty supervisors have the authority to immediately activate the team for any critical incident within jurisdictional boundaries. The activation will commence when the duty Lieutenant or Sergeant contacts the Chief of Police, or the Acting Chief of Police if the Chief is unavailable, and briefs him on the incident. Once authorized, the patrol supervisor will take responsibility for the conduct of the activation and initiate an email, telephone and text notification of ESU.

Note: - Any Division or Bureau within the police department may request the assistance of the Emergency Services Unit in planning or conducting appropriate operations.

#### IV. COMMAND & CONTROL STRUCTURE:

A. The City of Kingston E.S.U. is staffed by an adequate number of sworn police officers from the City of Kingston PD and the Town of Ulster PD as well as non-sworn Fire Department personnel from the City of Kingston FD and the Town of Ulster FD to meet the DCJS SWAT Certification Standards. The E.S.U. is commanded by the team Commander or an appointed team Commander. When activated for an operation, the E.S.U. Team Commander, or acting Commander when the Commander is absent, reports directly to the Incident Commander, where one has been designated, or to the on-scene supervisor. In the event the Commander is not available the first Team Leader on scene or first Asst. Team Leader, when a Team Leader is not available, will assume the role and responsibilities of the Commander. The E.S.U. Team Commander is subordinate to the Incident Commander. Unless the E.S.U. Team Commander relinquishes his control to another person outside the E.S.U., no other person, who is not in a leadership position within the E.S.U., will not attempt to direct, supervise, or control any element of the E.S.U.





## KINGSTON POLICE DEPARTMENT

### GENERAL OPERATIONS MANUAL

The Kingston/Ulster Police  
Emergency Services Unit

---

Effective: 09/01/1990

Section: 1500.50

---

#### B. The Chain of Command

1. Chief of Police – K.P.D. / Ulster P.D.
2. E.S.U. Team Commander
3. E.S.U. Team Leaders – #1 Acting Team Commander when appointed
4. E.S.U. Asst. Team Leaders - #2 Acting Commander when TL not available
5. E.S.U. Team Members
  - I. Entry Team Members
  - II. Sniper Team Members
  - III. Crisis Negotiators
6. E.S.U. Team Medics
  - I. Kingston Fire Department/Ulster Hose Medics

#### C. E.S.U. Team Commander

1. Responsible for deployment of E.S.U., tactical decision-making and tactical resolution of an incident.
2. Submit training objectives, curriculum, training site, performance achievements, and attendance records to the Chief of Police or his designee and maintain these records pursuant to section 400.18 of this manual.
3. Submit a M.P.T.C. curriculum content form for M.P.T.C. annual SWAT In-Service course.
4. Designates an E.S.U. Team leader(s) to assist in tactical operations.
5. Maintain all individual members training records pursuant to section 400.18 of this manual.
6. Commanders who have not completed a SWAT Operator training must complete a tactical command level training course.



## KINGSTON POLICE DEPARTMENT

### GENERAL OPERATIONS MANUAL

The Kingston/Ulster Police  
Emergency Services Unit

---

Effective: 09/01/1990

Section: 1500.50

---

7. Create a log of events to be recorded on all E.S.U. operations, and will also cause all planning or decision-making documents to be recorded detailing the activation and use of the team. This report will be a standard police report document, which details the operation and pertinent information, required for follow-up detectives, prosecutors, etc. These will be stored and maintained in a file.

8. The E.S.U. Commander will designate an area for the media to report to during a critical incident and, if possible, will assign a media liaison officer.

9. At the completion of all operations and significant training events the Commander will conduct an after action review (AAR). The purpose of this review will be to create a forum for team members to offer information for the improvement of the team. The after action review will be formatted to develop the following information; Positive factors, Negative factors, Solutions for the negative factors.

10. Commander will annually review and, when necessary, update this policy. Commander will then cause the policy to be annually reviewed and approved, by signature, by the Chief of Police.

#### D. E.S.U. Team Leader

1. Coordinate training, equipment & inventory.
2. Coordinate with the E.S.U. Commander at activation of the team.
3. Assist in tactical planning & operations.
4. Successfully complete a DCJS approved course in police supervision within one year of appointment.
5. Successfully complete FEMA Introduction to exercises course IS-120a and exercise evaluation and improvement planning course IS-130 within one year of appointment.



KINGSTON POLICE DEPARTMENT

GENERAL OPERATIONS MANUAL

The Kingston/Ulster Police  
Emergency Services Unit

---

Effective: 09/01/1990

Section: 1500.50

---

6. Successfully complete a DCJS approved Reality Based Training Instructor Course within one year of appointment.

7. Team Leaders who have not completed a SWAT operator training must complete a tactical command level training course.

8. Successfully complete two courses determined by the Team Leader within two years of appointment; Warrant Planning and Team Leader.

E. E.S.U. Team Members

1. Specific assignments will be the responsibility of the E.S.U. Commander and will be based upon team member training and certifications with weapons, tactics, and related special equipment assigned to E.S.U.

2. Attend and successfully complete a SWAT Operator Course approved by MPTC or its equivalent.

3. Meet at least once every month for training.

4. Successfully completes M.P.T.C. annual SWAT In-Service Course.

5. Not be excused from their training commitments except for court, vacation, sickness or as directed by the Chief or Deputy Chief of Police.

6. Maintain a level of fitness that will allow them to perform the duties required.

7. Report to the E.S.U. Team Leader any significant physical or psychological problems that might compromise their ability to perform an assignment.

8. Successfully complete FEMA Basic ICS-200 and IS-700: NIMS.

9. New members who have not yet successfully completed the basic course for SWAT operators will not engage in active tactical operations. These members may engage in observation and support of the E.S.U. operations.

10. Appointment to the E.S.U. is voluntary and at the discretion of the Chief of Police or his appointed designee, (i.e., Deputy Chief, E.S.U. Team Commander).



## KINGSTON POLICE DEPARTMENT

### GENERAL OPERATIONS MANUAL

The Kingston/Ulster Police  
Emergency Services Unit

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Section: 1500.50

---

#### F. Snipers/Observers

1. See section 1500.52 of the general operations manual.

#### G. Tactical Medics

1. See section 1500.54 of the general operations manual.

#### H. Crisis Negotiators

1. See section 1500.53 of the general operations manual.

#### V. SELECTION PROCESS:

The Chief of Police and E.S.U. Team Commander will select new members as vacancies may occur from an established selection roster. Criteria for selection will be based upon the following:

- A. Completed Basic Course for Police Officer and be member in good standing.
- B. Satisfactory performance of the E.S.U. Physical Fitness Test.
- C. Successful completion of the Cooper standard Physical Agility Exam at the candidates gender/age standard at the 70th percentile.
- D. Weapons qualification.
- E. Satisfactory job performance in present and previous assignments.
- F. Work well in a team setting.
- G. Selected candidate[s] will remain on probationary period for one year and must have completed initial agency probation.

#### VI. TRAINING



## KINGSTON POLICE DEPARTMENT

### GENERAL OPERATIONS MANUAL

The Kingston/Ulster Police  
Emergency Services Unit

---

Effective: 09/01/1990

Section: 1500.50

---

A. The E.S.U. will conduct appropriate trainings monthly and attend a one week long DCJS approved In-Service training. The E.S.U. will train those subjects related to the mission of the E.S.U. All training will be documented and training records will be maintained on file with the E.S.U. Team Commander.

B. All training will be performance oriented and E.S.U. task specific. E.S.U. will maintain a current lesson plan that list the standards of performance for each task, individual and team level. Individual team members will be recertified at minimum once per year on all individual skills, and the team will be recertified at minimum once per year on all team level skills. Failure to recertify, at either level, will result in an immediate focus on remedial trainings of basic skills.

C. Quarterly at minimum firearms qualification (To include handgun and long gun.)

D. The training program also includes regular updates on legal issues facing E.S.U. operations. Deadly force policy and legal issues will also be a regular part of firearms training. E.S.U. members will attend training courses and schools as required and available.

E. E.S.U. Members will be trained in NIMS/ICS and receive annual training to maintain proficiency.

#### VII. E.S.U. EQUIPMENT:

##### A. TEAM VEHICLES

1. The City of Kingston Police Department will have and maintain two designated marked E.S.U. vehicles to be used on patrol, operations, and training, by members of the E.S.U. to carry and transport members and all equipment deemed necessary for rapid deployment and other equipment as needed.

2. The City of Kingston Police Department will have and maintain one unmarked van or cargo vehicle capable of transporting multiple members and necessary



## KINGSTON POLICE DEPARTMENT

### GENERAL OPERATIONS MANUAL

The Kingston/Ulster Police  
Emergency Services Unit

---

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---

equipment not already stored in the marked units for rapid deployment to be used only for Emergency Services operations and training.

3. The City of Kingston Police Department will have and maintain an armored vehicle capable of protecting multiple members from at least small arms rifle fire to be used only for Emergency Services operations and training.

#### B.TEAM EQUIPMENT

1. Department will supply, store, secure and account for, all ammunition needed for departmental use to include duty and training ammunition for the purposes of patrol, Emergency Services operations, and in-service training.

2. Department will supply the E.S.U. with noise flash distraction devices and store and secure them in accordance with New York State and Federal explosives ordinance regulations.

3. Department will supply the E.S.U. with and maintain a portable/collapsible style ladder to be stored in each of the marked units for rapid deployment for patrol, Emergency Services operations, or training.

4. Department will have and maintain a hardwired or wireless transmitting communications device capable of safe deployment and achieving communications with a suspect from a safe distance and having the capability of being used in accordance with the hostage negotiations section of the department's rules and regulations.

5. Department will supply and maintain mechanical breaching tools to the E.S.U. and keep marked E.S.U. vehicles supplied with multiple manual types of different entry tools, (Ram, halligan pry bar, crow bar, bolt cutters) for rapid deployment for patrol Emergency Services operations, and training.



## KINGSTON POLICE DEPARTMENT

### GENERAL OPERATIONS MANUAL

The Kingston/Ulster Police  
Emergency Services Unit

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Effective: 09/01/1990

Section: 1500.50

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6. Department will provide each E.S.U. member with a Law Enforcement semi-automatic assault style rifle equipped with an optic, weapon mounted light, rifle bag, rifle sling, multiple magazines, and extra ammunition for additional magazines.

7. Department will supply The E.S.U. with chemical agents as well as its necessary delivery device and secure and store them in accordance with New York State chemical agent's regulations.

8. Department will provide and maintain the E.S.U. with multiple less lethal weapons along with the proper delivery system as well as keeping at least one less than lethal weapon and its delivery system in each of the marked E.S.U. trucks for E.S.U. member use on patrol, E.S.U. operations, and training.

9. Department will provide and maintain the Emergency Services Unit with multiple hand-held ballistic shields as well as keeping one in each one of the marked E.S.U. trucks for E.S.U. member use for patrol, E.S.U. operations, and training.

10. Department will provide each E.S.U. member with a radio capable and pre-programmed to communicate with all members of the Town of Ulster Police Department, The City of Kingston Police Department, and Ulster County 911.

11. Department will provide each sniper of E.S.U. with a Law Enforcement precision rifle equipped with a long distance viewing reticle, a rifle case, a rifle sling, multiple magazines, and extra ammunition for additional magazines.

12. Department will supply the E.S.U. with and maintain a fire extinguisher to be stored in each of the marked units for rapid deployment for patrol, Emergency Services operations, or training.

13. Department will supply the E.S.U. with and maintain an Incident Command board to be stored in each of the marked units for rapid deployment for patrol, E.S.U. operations, or training



## KINGSTON POLICE DEPARTMENT

### GENERAL OPERATIONS MANUAL

The Kingston/Ulster Police  
Emergency Services Unit

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Effective: 09/01/1990

Section: 1500.50

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14. Department will provide and maintain the E.S.U. with a tactical emergency evacuation flexible stretcher in each of the marked E.S.U. trucks for E.S.U. member use on patrol, E.S.U. operations, and training.

15. Department will provide and maintain the E.S.U. with an Electronic Long Pole Camera System that provides video surveillance and observation of subjects at significant heights and distances for E.S.U. member use on patrol, E.S.U. operations, and training.

16. Department will provide and maintain the E.S.U. with a remote controlled robot capable of long range surveillance for E.S.U. member use on patrol, E.S.U. operations, and training.

#### C. MEMBER EQUIPMENT

The City of Kingston Police Department E.S.U. will supply their team members with at least the following special equipment:

1. Ballistic helmet
2. Semi-automatic duty handgun with extra magazines
3. Safety goggles
4. Hearing protection, equipped with connection compatible for communication and listening with portable radio.
5. Complete coverage ballistic entry vest outfitted with Threat Level IV inserts, equipped with rifle magazine pouches, radio holder, cuff case, hydration pouch, patches that are clearly visible and identify the wearer as a uniformed police officer.
6. Level IIIA ballistic personal vest with tactical cover
7. Duty belt specific for tactical equipment, including handgun holster, handcuff pouch, handgun magazine pouch.





KINGSTON POLICE DEPARTMENT

GENERAL OPERATIONS MANUAL

The Kingston/Ulster Police  
Emergency Services Unit

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Effective: 09/01/1990

Section: 1500.50

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8. Night vision optics NVision (PVS-14)
9. Surefire tactical handgun weapon mounted flashlight
10. Tactical individual gunshot wound kit containing – SOF-T tactical tourniquet, Tactical trauma Z folded gauze with compression wrap, occlusive dressing Hyfin gauze, Quick clot combat gauze, emergency trauma dressing, gloves, trauma shears, two inch medical tape, individual emergency medical card, nasal airway, 14 gauge 3.25 inch needle, and chest seal.
11. Tactical 5.11 rolling equipment bag.
12. Cold weather turn-out uniform jacket and pants.
13. Air purifying respirator and pouch with one extra filter.
14. Metal and plastic prisoner restraints
15. B.D.U. 5.11 uniform shirt and pant, containing Velcro patches identifying wearer as City of Kingston Police Officer and member of the E.S.U.
16. Rain Gear
17. Elbow pads
18. Knee pads
19. Surefire flashlight with charger
20. Nylon strap
21. Leatherman tool with pouch
22. Balaclava
23. Protective gloves
24. Knife
25. Extra ammunition for the handgun and rifle



March 1, 2019

Chief Egidio Tinti  
1 Garraghan Drive  
Kingston, New York 12401

Dear Chief Tinti:

In accordance with the procedures established by the New York State Municipal Police Training Council (MPTC), the Division of Criminal Justice Services (Division) has reviewed your SWAT Team Certification application. We have determined that the application and the supporting documentation meet all requirements established by the MPTC for approval.

Accordingly, the Metro Special Weapons and Tactics Team of the City of Kingston and the Town of Ulster Police Departments have met the standards established for SWAT Team Certification.

**The SWAT Team Certification is initially valid for a period of five years and will expire February 19, 2024. Filing annual certification reports and recertification applications are the responsibility of the certified team.**

Subsequent certification periods will also be five years in length. The team must continue to be administered pursuant to the provisions of the certification program established by the MPTC and administered by the Division, including submission of annual certification reports.

Should you require any assistance or have questions, please contact me by telephone at (518) 485-7635, by writing to the address above or by writing to the above address.

Very truly yours,

A handwritten signature in black ink, appearing to read "Sara E. Dean".

Sara E. Dean  
Criminal Justice Program Specialist









**CITY OF KINGSTON**  
Police Department  
police@kingston-ny.gov

Egidio F. Tinti, Chief of Police



Steven T. Noble, Mayor

July 19, 2021

Honorable Anthony Davis  
Alderman, Ward 6  
420 Broadway  
Kingston, NY 12401

Alderman Davis,

Please find below a list of the Emergency Services Unit (ESU) call-out incidents for 2020 and 2021 year-to-date.

Date	Blotter #	Location	Nature of Incident
5/5/2020	06464-20	Stephan Street	Search Warrant - Assist SIU
5/29/2020	07555-20	Spring Brook Village	Arrest Warrant - Assist Det. Division
7/11/2020	09617-20	St. James Street	Shots Fired/Man Shot
7/15/2020	09876-20	Downs Street	Shots Fired - Multiple Calls
10/7/2020	15317-20	Grand Street	Arrest Warrant & Search Warrant
10/7/2020	15319-20	Elmendorf Street	Shots Fired/Man Shot
10/9/2020	15505-20	Stephan Street	Search Warrant - Assist SIU
10/29/2020	16528-20	Hone Street	Search Warrant - Assist SIU
11/1/2020	16671-20	Town of Ulster	Armed Suspect
2/1/2021	01254-21	Sawmill Road	Armed Barricade Suspect
2/9/2021	01619-21	Mountainview Avenue	Suspect Shot at Deputy Sheriff
4/28/2021	05889-21	Brewster Street	Search Warrant - Assist SIU
5/5/2021	06400-21	Hone Street	Search Warrant - Assist SIU
5/11/2021	06849-21	Wurts Street	Arrest Warrant & Search Warrant
6/12/2021	09058-21	Wurts Street	Suicidal Subject
6/20/2021	09636-21	Van Buren Street	Shots Fired - Rifle

Please feel free to contact me at (845) 943-5707 should you have any questions or concerns.

Sincerely,

*Michael A. Bouse*

Deputy Chief of Police  
City of Kingston Police Department

State of New York  
SWAT TEAM CERTIFICATION  
STANDARDS GUIDE





# SWAT TEAM CERTIFICATION STANDARDS GUIDE

STATE OF NEW YORK  
Division of Criminal Justice Services  
Office of Public Safety

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## **Foreword**

In 2007, a joint project began to develop training and operational standards for SWAT teams in the State of New York by the New York State Police, NYS Office of Homeland Security, and the NYS Division of Criminal Justice Services (DCJS).

When the development process commenced, subject matter experts representing the New York State Sheriffs' Association, New York Association of Chiefs of Police, New York City Police Department, and the New York Tactical Officers Association joined the project. Each provided decades of practical experience in SWAT operations, training, and management to the project.

This minimum standard will provide law enforcement executives with the means to respond to the needs of their communities during high risk situations. SWAT team certification will enhance public safety in New York State and enable agencies across the state to be confident of the capabilities and preparedness of the tactical teams that answer their call for assistance.

State of New York  
Division of Criminal Justice Services  
Office of Public Safety

## **Preface**

This standard was approved by the New York State Municipal Police Training Council (MPTC) on December 1, 2010.

The standard complies with select standards of the New York State Law Enforcement Accreditation Program and goals and objectives of the New York State Homeland Security Strategy.

The New York State SWAT Team Standards will give agencies the opportunity to provide a high level of emergency service to the communities they serve.

## **Acknowledgments**

A panel of police officers with SWAT operator and SWAT instructional experience was established in 2008 to develop the SWAT Operator Course and to develop these standards. The standards were then reviewed by a panel of command level police officers, each with SWAT operator experience. The blend of contemporary experience and command level knowledge possessed by the group has resulted in an excellent set of operational standards.

DCJS acknowledges the dedicated police officers who each spent a great deal of time researching and deliberating the issues that made this standard possible.

### **Development Panel**

Lieutenant Kenneth Beatty - New York City Police Department

Detective Edward Bragg - Onondaga County Sheriff's Office (New York State Sheriffs' Association)

Sergeant Shad Crowe - New York State Police

Lieutenant Michael Fowler - Monroe County Sheriff's Office (New York State Sheriffs' Association)

Police Officer Edward Irving - Suffolk County Police Department (New York State Association of Chiefs of Police)

Sergeant John Savage - Syracuse Police Department (New York Tactical Officers Association)

Captain Richard Sprague - Troy Police Department (New York State Association of Chiefs of Police)

### **Standards Review Panel**

Undersheriff Cameron Allison – Otsego County Sheriff's Office (New York State Sheriffs' Association)

Inspector Stuart Cameron – Suffolk County Police Department (New York State Association of Chiefs of Police)

Captain Charles Guess – New York State Police

Sheriff Patrick O'Flynn - Monroe County Sheriff's Office (New York State Sheriffs' Association)

Chief Michael Ranalli – Glenville Police Department (New York State Association of Chiefs of Police)

Captain Bryan Reynolds – Washington County Sheriff's Office (New York State Sheriffs' Association)

Sheriff Paul Van Blarcum – Ulster County Sheriff's Office (New York State Sheriffs' Association)

Deputy Chief Mark White - Suffolk County Police Department (New York State Association of Chiefs of Police)

### **Project Facilitators**

Mark E. Fetting, Supervisor of Public Safety Programs  
State of New York, Division of Criminal Justice Services

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State of New York, Division of Homeland Security and Emergency Services

Francis Wade, Senior Training Technician (Police)  
State of New York, Division of Criminal Justice Services

## TABLE OF CONTENTS

Team Certification Process.....	Section 1
Team Standards .....	Section 2
Team Training.....	Section 3

## APPENDIX

Certification Forms.....	Appendix A
Sample Intergovernmental Agreements .....	Appendix B

**Section One**  
**SWAT Team Certification Program**

## SWAT Team Certification Program

### Background

Special Weapons and Tactics (SWAT) teams have been utilized by law enforcement agencies for decades. These tactical response teams are known by a diverse variety of names throughout the United States. SWAT is the most common functional description of a team that provides tactical responses to high risk incidents.

In 2007, work began to develop a minimum standard for SWAT team operations and training in the State of New York. This standard is not a mandate, but provides law enforcement agencies with a state certification and training standard for their teams. The project began as a joint effort of the New York State Division of Homeland Security and Emergency Services (formerly the Office of Homeland Security), New York State Police, and NYS Division of Criminal Justice Services.

This minimum standard will provide law enforcement executives with the means to respond to the needs of their community in high risk situations. SWAT team certification will enable agencies across the state to be confident of the skill levels of the tactical teams that answer their call for assistance.

The New York State Division of Homeland Security and Emergency Services, New York State Police and the Division of Criminal Justice Services have partnered with a panel of experts – including experienced SWAT team operators and instructors – to develop a uniform training curriculum and operational standards for law enforcement agency tactical response teams in New York State. The panel was comprised of representatives of the New York State Association of Chiefs of Police, the New York State Sheriffs' Association, New York City Police Department, and the New York Tactical Officers Association.

The project began with a two-day conference of existing teams at the State Preparedness Training Center at Oriskany, New York, which was attended by nearly 100 tactical team operators and command-level staff from law enforcement agencies throughout the state. Attendees were assured that the pursuit of uniform standards was intended to create a dependable standard so teams will have the ability and means to meet, not to hinder their ability to maintain their existing teams. The conference covered a variety of topics, including the FEMA National Incident Management System and FEMA resource typing standards, which include SWAT/Tactical Teams.

The team of subject matter experts developed three courses: a four-week initial SWAT Operator Course, SWAT Operator Equivalency Course, and an annual SWAT In-Service Course

The SWAT Operator Course was piloted in 2008 and 2009 in Central New York and the Capital Region to determine if learning objectives, curriculum material and training times are appropriate. DCJS Police Training Technicians, who are experienced curriculum writers, were present to make amendments to the material as it was presented.

It is essential to public safety for existing SWAT teams and their experienced operators to remain operational. At the same time, there is a need to establish a minimum standard of



performance for those operators. The SWAT Operator Equivalency Course has been developed to permit existing operators to achieve training certification through a review of their past training and an evaluation of their skills.

The SWAT Operator Course and the SWAT Operator Equivalency Course were each presented to the NYS Municipal Police Training Council (MPTC) on December 2, 2009. Upon review by the Council, both courses were approved and became effective.

On March 3, 2010, the 96 hour SWAT In-Service Course was presented to the MPTC for review, approved by the Council and became effective on that date.

In addition, a set of operational standards have been developed. They were presented to a panel of command-level staff with SWAT operator experience representing police departments, sheriffs' offices, and the state police for feedback and review. These minimum standards are divided by administrative, equipment, training, capabilities and operational areas. They include provisions for the establishment and operation of multiple agency tactical teams.

Once team standards were finalized, they were presented to the MPTC for its review on September 1, 2010 and December 1, 2010. Upon review by the Council, the standards were approved and became effective December 1, 2010. The MPTC authorized the Division of Criminal Justice Services to administer the program.

Through this process, it became clear that there is a diverse group of tactical teams throughout the state, and the length of time it will take for teams to become certified will vary. DCJS staff will provide agencies assistance in meeting the provisions of the new operational standards.

#### Compliance with Existing Standards

The standards are compliant with the applicable standards of the New York State Law Enforcement Accreditation Program and law enforcement objectives of the New York State Homeland Security Strategy.

#### Application Process for Initial Team Certification

When a chief law enforcement executive considers SWAT team certification they should first review the standards and this administrative guide to determine if the program is appropriate for their agency.

Certification programs usually cause change at various degrees within an organization. Teams may identify the need to purchase additional equipment, amend current policy and procedures, provide additional training to staff, or join other agencies as part of a multi-agency team to meet the standards.

There are no provisions for waivers of program standards.

To begin the process of application, agencies conduct an evaluation of the structure,

capabilities, equipment, specialty skill training, and written policies of the team using the standards and the SWAT Team certification form as a guide.

The training of individual team members appointed to teams prior to December 2, 2009 is evaluated using the SWAT Operator Equivalency Training form.

These evaluations will result in a determination of the steps required for an agency to meet the certification standards.

Each form is included with this Guide and is available through eJusticeNY Law Enforcement Suite (Microsoft WORD document). The documents may also be utilized with the office suite available (at no cost) from [www.openoffice.org](http://www.openoffice.org). The forms can be saved and used for future renewal applications.

Application forms must have all supporting documents attached when submitted, including:

- Policy and procedures.
- Copies of correspondence that confirm the agreement of a supporting agency to provide assistance (i.e. robotic assets from a bomb squad).
- Copies of intermunicipal agreements, when required.
- Individual operator training records.

Upon completion, the application is forwarded to the chief law enforcement executive (police chief, sheriff, director) for review and certification. The chief law enforcement executive will sign the application verifying the information contained in the application is correct. The chief law enforcement executive has the ultimate responsibility for the information contained in the application.

Completed, original applications and supporting documentation are sent to:

Office of Public Safety  
Administrative Services Unit  
State of New York  
Division of Criminal Justice Services  
4 Tower Place  
Albany, NY 12203

The Division of Criminal Justice Service may request additional documentation and make site visits to verify information provided by the agency during the application process and throughout the certification period. DCJS staff will seek input from experienced SWAT operators on matters of standards compliance when necessary.

Upon certification of the application the Commissioner may issue a letter that will include the dates of certification. Teams are responsible to maintain the expiration date of certification

for the purposes of annual compliance reporting and renewal.

The initial MPTC SWAT Team certification is valid for two years from date of certification. After the initial certification period, recertification periods will be for five years.

#### Annual Compliance Certification

Teams must certify program compliance annually to DCJS. This is accomplished by the Team Commander conducting a review of the program standards to ensure compliance. At the completion of the review, a SWAT Team Annual Compliance Report form is filed with DCJS 45 days prior to the anniversary date of original certification.

Team certification will terminate if an annual compliance report is not filed.

#### Certification Renewal

The MPTC SWAT team certification is valid for two years from date of original certification. After the initial certification period, recertification periods will be for five years. The application process is the same as the initial certification process. Applications must be filed with DCJS at least 45 days prior to expiration of the team certification to ensure continuous certification.

DCJS provides agencies with approval letters that will include the dates of certification.

DCJS may deny applications for certification of agencies that have demonstrated a pattern of non-compliance with the standards.

#### Multi-Agency Team Certification

It is likely to be more economical for some teams to join together to create multi-agency SWAT teams that share personnel and equipment resources. Article 5-G of the General Municipal Law permits municipalities to enter into intermunicipal agreements (IMA) to share services that each is authorized by law to provide.

An example of this would be a sheriffs' office and two police departments joining to create a joint team. An intermunicipal agreement would provide the framework for the team structure, pre determine member agency responsibilities and extending enforcement powers to each team member in all jurisdictions served by the team.

Without such a mutual aid agreement, the exchange of outside services by police departments is governed by NYS General Municipal Law (GML) §209-m. This section allows police departments to render aid to other agencies outside of their normal geographical area of employment during emergencies. In order for the section to apply, however, the "chief executive officer" (i.e. county executive or manager, chairman of the board of supervisors, mayor or supervisor) of the requesting jurisdiction must make the request to their counterpart in the other jurisdiction. When this process is followed, the responding agency has the same powers as the

requesting agency. All liability also falls upon the jurisdiction receiving the aid, pursuant to the statute. In reality, following this process is cumbersome and time consuming. It is also limited to emergency, short term incidents rather than allowing the development of an on-going relationship. There is a provision that allows the decision making process to be delegated to the chief of police by local law but even this is not realistic. During a true emergency, the ability to render immediate assistance should be in the hands of the officer supervising the shift of the requesting agency. For example, when an agency has a shooting or other major incident, there just is not enough time to start calling municipal CEOs, or even the respective chiefs or sheriff. If the proper procedure set forth in GML §209-m is not followed, then the responding officers are acting outside of their jurisdiction which in fact limits their powers of arrest. It also leaves the issue of liability to be decided in a courtroom.

Rather than relying on GML §209-m it would be preferable to adopt a permanent mutual aid agreement pursuant to GML §119-n and §119-o, samples of which are included in Appendix B of this Guide. These sections allow for municipal corporations to enter into on-going joint service agreements. GML §119-o (2) (b) specifically states that the personnel of participating agencies will have "the same powers, duties, immunities and privileges they would ordinarily possess" if they were performing the same duties in their own jurisdiction. So following the terms of the proposed agreement would effectively expand the jurisdiction of the officers of all participating departments. For example, this would allow a requested police officer to make an arrest for a petty offense in another jurisdiction. Such mutual aid agreements will allow the continuous sharing of available resources among the respective departments. The agreements may also be modified as needed, with ratification by the municipal boards.

The process for a multi-agency team seeking certification is very similar to a single agency making an application. The key difference is building consensus on team operations between each of the agencies involved. Successful multiagency teams are developed through detailed planning of the new team operations prior to making application to DCJS.

The development of an intermunicipal agreement serves as an excellent planning tool (see Appendix B for sample agreements). The agreement can outline what specific services and equipment each agency will provide, personnel compensation, liability and operational policy development issues. Throughout the United States multiagency teams have settled on the employing agency remaining responsible for its own team member's liability, pay and benefits, which serves as the simplest method.

The NYS Department of State (DOS) through the Division of Local Government Services provides technical services to municipalities who are considering shared services. DOS is able to provide agencies with guidance regarding the formation of an IMA and procedures to follow for successful approval. Agencies need to closely collaborate with their respective municipal attorney when drafting agreements.

The state SWAT standard requires that multiagency teams have a single command and supervisory structure, single set of policy and procedures, including fiscal responsibilities of each member agency. Accordingly, decisions for the multiagency team must be made in those areas and other areas required in the standards by the member agencies prior to application.

Upon completion the application is forwarded to each chief law enforcement executive (police chief, sheriff, director) for review and approval. Each chief law enforcement executive

will sign the application verifying the information contained in the application is correct. The chief law enforcement executives have the ultimate responsibility for the information contained in the application.

Copies of signed intermunicipal agreements that create a multiagency SWAT team must be attached to the application for both initial certification and renewal.

Certificates will be issued to each member agency by DCJS.

#### Termination of Team Certification

The NYS SWAT team certification is a voluntary program and agencies that are no longer able meet the team standards or desire to cease participation in the program may do so. Agencies may chose to either not apply for recertification or to proactively withdraw from the program.

The notification of withdrawal shall be made, in writing, on agency letterhead by the chief law enforcement executive to DCJS. In the case of a multi-agency SWAT team, withdrawal from the program by any member agency will invalidate the teams' certification.

In cases where a team is deficient in standards other than minimum number of operators or team capabilities for a total period of 30 days or less during the certification period of two years are not required to withdraw from the program. However, teams must advise DCJS of the deficiencies and provide a corrective action plan, in writing, within ten days of identification of the problem.

#### Violation of Team Standards

The Municipal Police Training Council (MPTC) has established team standards applicable to Special Weapons and Tactics (SWAT) teams. The primary purpose of these standards is to ensure the public safety of the residents of the State of New York.

The MPTC has authorized the Division of Criminal Justice Services (DCJS) to address specific violations of such team standards. Complaints regarding violations of team standards shall be made in writing to:

Office of Public Safety  
Administrative Services Unit  
Division of Criminal Justice Services  
4 Tower Place  
Albany, NY 12203

Complaints regarding issues of team operation, other than violations of team standards issued by the MPTC, shall be addressed to the chief law enforcement officer of the involved agency or agencies.

DCJS may deny applications for recertification of SWAT teams that show a

pattern of violating team standards.

#### Team Certification Revocation Process

Upon notification of specific violations of MPTC team standards, DCJS will provide assistance to law enforcement agencies to ensure compliance with these standards and to address and/or correct any deficiencies with a SWAT team's compliance. In the event that DCJS is unsuccessful in attempts to gain voluntary compliance of team standards by a particular SWAT team, the following procedure regarding administrative sanctions against a law enforcement agency shall be followed:

1. The Commissioner of DCJS may revoke the certification granted to a SWAT team at any time. Reasons for such revocation include the continued and/or repeated violation of any of the provisions of the team standard(s).
2. The Commissioner shall send the chief law enforcement officer of the involved agency, via certified mail, a written notice of his or her intent to revoke the certification and the reasons for such action. Upon receipt of such notice, the SWAT team certification shall be suspended.
3. Within 30 days of the receipt of said notice, the chief law enforcement officer may forward a written request to the Commissioner for a hearing to be held before the MPTC to determine whether the certification should be revoked. The Commissioner shall forward such request to the MPTC.
4. A hearing shall be held at the next regularly scheduled meeting of the MPTC. At least 15 days before the next regularly scheduled meeting, the MPTC shall provide the chief law enforcement officer written notice by mail of the time and place of said meeting, wherein a hearing shall be held to determine whether the certification should be revoked. The chief law enforcement officer may be represented at the hearing by counsel and may produce any evidence to support his/her position.
5. Within 10 business days following the meeting, the MPTC shall submit its recommendation regarding revocation to the Commissioner. Following receipt of the recommendation, the Commissioner shall forward to the chief law enforcement officer the decision and the reasons for such decision.
6. The failure of the chief law enforcement officer to timely request a hearing shall not preclude the Commissioner from revoking a certification. If no written request for a hearing is received from a law enforcement agency within 30 days of the receipt of the Commissioner's notice, the Commissioner may revoke the SWAT team's certification.

**Section Two**  
**SWAT Team Certification Standards**

## SWAT Team Certification Standards

Standard      Topic

### Administrative Standards

100            Team Structure  
105            Team Supervision  
110            Operator Selection

### Training Standards

115            Operator Initial Training  
120            Operator Annual Training  
125            Specialty Training  
130            Command and Supervision Training  
135            Training Records

### Equipment Standards

140            Individual Operator Equipment  
145            Team Equipment

### Team Capabilities and Operations

150            Team Capability - Direct  
155            Team Capability – Accessible  
160            Deployment Procedures  
165            Tactical Planning, Operations, and Debriefing

### Multiagency Teams

170            Multiagency Team Establishment



## SWAT Team Structure

- Standard 100** The agency has a written directive that specifies the objectives of the operations and usage of the SWAT team. The directive must include:
- A.** The SWAT team as an operational entity within the agency comprised of multiple tactical elements, special capabilities, and operators assembled for a mission.
  - B.** The team structure that includes a list of positions assigned to the unit that includes one team commander, two two-person sniper elements, and 10 operators for multiple tactical tasks. There will be 15 or more members of the team, except:
  - C.** If a team has at least ten and less than 15 members it shall have a written intermunicipal agreement with another SWAT team. The team must include one team commander, one two-person sniper element, and seven operators for multiple tactical tasks.

Commentary: The design of the unit is based on considerations such as team size and span of control. Agencies can utilize patrol officers for perimeter containment.

A tactical element is defined as two or more operators with an assigned mission or function within a team. An operator is a police officer or corrections officer who is part of a team of officers who engage in the response to high risk tactical incidents that require special equipment, skills and tactics.

A team must have fully functional members at all times. The minimum number of team members required refers to those on the team roster of members, not the number required for the response to an event. Based on the inevitability of injuries, resignations, new team members yet to complete training, and reassignments it is recommended that teams have more members than required to ensure there is always a minimum number of functional members.

Each stand alone team (subdivision C) must meet all other standards. A written agreement shall be in place that defines the roles of each MPTC certified team in the event of a joint response. The written intermunicipal agreement must be pursuant to the provisions of Article 5-G of the General Municipal Law

A two person sniper team consists of two trained snipers.

Teams may choose to use trained snipers or negotiators who are not operators. However, if they are not trained as operators they may not be used to meet the minimum number of operators.

For the purpose of this standard the term agency means a single law enforcement agency or a team consisting of members from multiple law enforcement agencies.

SWAT Team Supervision

**Standard 105** The agency has a written directive that designates the SWAT team commander position, team supervision, and the lines of succession. It must define command protocol for situations involving personnel of different components engaged in a single operation and for handling conflicting orders.

Commentary: The team is led by a single team commander and/or supervisor. In addition to the team commander, the directive may include establishment of element or team leaders and assistant team leaders as required by the span of control. These supervisory positions may be filled with team members, regardless of their agency rank (i.e., within the SWAT team a sergeant may be a team member or a team leader may be a police officer).

In the case of agencies with statewide jurisdiction, single team command is defined as the on-scene commander.

The directive must define the positions of command during a SWAT response and the scope of their authority.

NYSLEAP Standard 43.6 (E)

Operator Selection

**Standard 110** The agency has a written directive that describes all components of the SWAT operator selection process. The directive designates the positions responsible for selection activities. The directive requires that operators be police officers or correction officers. The directive must include successful completion by the candidate of the following:

- A. Basic Course for Police Officers or equivalent which includes the agency supervised field training program, or
- B. Basic Course for Corrections Officers, Basic Course for Peace Officers with Firearms, Initial Other Weapons Course (Batons), Other Weapons Course (Aerosol Subject Restraint Devices), and
- C. Agency probation.

Commentary: This is the minimum standard for operator selection. It applies to operators selected after the effective date of this standard. It does not preclude the agency from establishing higher or additional standards (i.e., requiring a performance evaluation that is above the satisfactory level, physical fitness testing, or psychological testing).

Police officers in this section are defined in §1.20 (34) of the Criminal Procedure Law. Correction officers are peace officers as defined in §2.10 (25) of the Criminal Procedure Law.

When a team is comprised of corrections officers, it is necessary for the employer

to include team operations in the corrections officer's special duties (see §2.20, §140.25 and §140.27 of the Criminal Procedure Law).

The courses cited are approved by the NYS Municipal Police Training Council.

NYSLEAP Standard 43.6 (D)

Operator Initial Training

**Standard 115** The agency has a written directive that requires each SWAT operator successfully complete a SWAT Operator Course approved by the Municipal Police Training Council or its equivalent prior to serving operationally. Each SWAT operator must successfully complete FEMA ICS-200 for Single Resources and Initial Action Incidents and IS-700.a National Incident Management System (NIMS) courses.

Commentary: Operators who completed an initial SWAT training course prior to the establishment of the SWAT Operator Course standard will not be required to attend the SWAT Operator Course. To meet the standard, those experienced operators will be required to provide written documentation of the prior training and demonstrate proficiency on the psychomotor skills in the course.

Newly selected operators may engage in observation and support of SWAT operations prior to completion of the SWAT Operator Course. The intent of this standard is that operators who are not trained will not engage in active tactical operations.

Operator Annual Training

**Standard 120** The agency has a written directive that requires each SWAT operator successfully complete an annual SWAT In-Service Course approved by the Municipal Police Training Council.

Commentary: Agencies have significant discretion in the selection of subject matter for annual SWAT training. This standard establishes the need to do regular training and a set of required training components.-

This annual training must be filed with the Division of Criminal Justice Services as a SWAT In-Service Course 45 days prior to the start of training. (See Title 9 of *The Official Compilation of Codes, Rules, and Regulations of the State of New York* (NYCRR) Part 6022).

Operators who are injured or otherwise unable to participate in SWAT operations are not required to attend in-service training during the period they are unable to be deployed to actual SWAT call outs. If an operator is unable to participate for more than six months they must demonstrate firearms proficiency and be otherwise fit for duty prior to participation in active tactical operations.

Specialty Training

**Standard 125** The agency has a written directive that requires SWAT operators or agency members who engage in specialty tasks successfully complete initial and

**annual training in the specialty task. Specialty tasks include, but are not limited to:**

- A. Sniper (Snipers do not need to be a member of the team, but a member of the agency).**
- B. Negotiations (Negotiators do not need to be a member of the team, but a member of the agency).**

Commentary: To ensure each operator with a specialty task has been trained in that task. Examples of specialty tasks include maritime boarding, rappelling, or tactical medic.

#### Command and Supervision Training

**Standard 130 The agency has a written directive that requires command and team leader training for those members who engage in supervision and command level decision making in tactical operations. Members who conduct training exercises shall complete initial training in exercises.**

Commentary: Team leaders must have additional training in leadership and supervision. Command level agency members who have not completed SWAT operator training must complete a tactical command level training course.

The requirement for training in conducting exercises can be fulfilled by completing the FEMA - An Introduction to Exercises course (IS-120.a) and Exercise Evaluation and Improvement Planning course (IS-130).

#### Training Records

**Standard 135 The agency has a written directive that requires SWAT training be recorded and those records be maintained pursuant to *The Official Compilation of Codes, Rules, and Regulations of the State of New York*. The records must include:**

**Lesson plans and course curriculum.**

**Class rosters which include dates of training, total hours, topics, each instructor's name, name of course, each student's name, and the result of the training.**

**Individual training records for each team member.**

Commentary: Lesson plans must include the record of material presented to the students in the classroom, training scenarios, and exercises. Audio visual material, handouts, and other student reference material must be recorded.

Class rosters and individual training records may be computer based.

Instructors used in initial and in-service training must comply with the provisions of Title 9 NYCRR 6023 and 6024.

MPTC approved courses that are presented by outside agencies can be recorded

by filing of the course certificate of completion in the officer's training file and entry into the agency computer training data base.

Records will be maintained and retained by the team pursuant to the provisions of the Arts and Cultural Affairs Law and regulations established by the NYS Department of Education (Title 8 NYCRR Part 185). The regulations provide the length of time records must be retained by type of government.

This standard does not require separate record keeping for SWAT teams. It is a best practice for these records to be part of the agency training records, provided the provisions of this standard are met.

NYSLEAP Standards 35.1, 35.2, 35.3

Individual Operator Equipment

**Standard 140** The agency has a written directive that requires each SWAT operator to be equipped with the following:

- A. Utility uniform that identifies the operator as a law enforcement officer.**
- B. Soft body armor.**
- C. Eye protection.**
- D. Semi-automatic duty handgun.**
- E. Extra handgun ammunition and extra ammunition for rifle or shotgun, if carried.**
- F. Prisoner restraints – plastic ties or metallic.**
- G. Handgun holster, handcuff pouch, handgun magazine pouch, and pouches to carry rifle magazines or shotgun shells.**
- H. Knife.**
- I. Air purifying respirator and pouch – 1 extra filter.**
- J. Individual gunshot wound kit – Minimum shall include:  
  
A pouch carrying: Tactical Tourniquet (SOF-T, C.A.T., MAT), tactical trauma bandage or Z or S folded gauze with a compressions wrap, occlusive dressing (Asherman, Bolin, Hyfin, or vaso gauze), combat gauze (Quick clot or equivalent), duct or 2 inch tape, trauma shears, nasal airway, 14 gauge 3.25 inch needle, and individual emergency medical data card.**
- K. Portable radio with ear piece.**

Commentary: This is the minimum list of individual equipment an operator needs to carry during tactical operations. Items of individual equipment, such as cold weather gear, ballistic helmet, protective gloves, fire resistant hoods (balaclava), load bearing

vests, chest carrier, tactical body armor, or trauma plates are suggested.

Individual gunshot wound kit note - Users of a nasal airway must hold a minimum certification of health provider CPR or New York State Certified First Responder. For the 14 gauge 3.25" needle, users must hold a minimum certification as an EMT Intermediate. This equipment is intended for use in the care of the operator carrying it.

NYSLEAP Standard 43.6 (F)

Team Equipment

**Standard 145** The agency has a written directive that requires the SWAT team to be equipped with the following:

- A. Vehicle(s) with the capacity to carry team members and all equipment.**
- B. Additional ammunition for all weapons.**
- C. Noise flash distraction devices.**
- D. Portable ladder.**
- E. Transmitting equipment for negotiation – wireless or hardwire.**
- F. Mechanical and shotgun breaching.**
- G. Precision rifle with optical sights.**
- H. Patrol rifles w/weapons light, submachine gun (SMG) w/weapons light, or a combination of both types.**
- I. Chemical agents with delivery system.**
- J. Less lethal weapons with delivery system.**
- K. Hand-held ballistic shields.**
- L. Radio capable of interoperability with agencies the team regularly interacts with.**

Commentary: This is the minimum list of equipment each team shall have on-scene during an incident response. Teams may consider additional equipment to increase their capabilities, like night vision equipment.

NYSLEAP Standard 43.6 (F)

Team Capability

**Standard 150** The SWAT team has the direct tactical capabilities and written directives on employment of the following:

- A. Basic entry.**
- B. Noise flash distraction devices.**

- C. Negotiation.
- D. Tactical medical care provided by an Emergency Medical Technician (EMT) (may be provided by a fire department or ambulance service).
- E. Mechanical and shotgun breaching.
- F. Sniper and observer.
- G. Robotic equipment.
- H. Surveillance.
- I. Chemical agent and less lethal munitions delivery.
- J. The ability to function within the NIMS.

Commentary: Direct capabilities are those that are a part of the agency team. Use of NIMS and the Incident Command System is required.

A sniper / observer element is comprised of two snipers.

Robotic equipment may be part of a bomb squad (See Standard 155).

Bomb Squad Accessibility

**Standard 155 The SWAT team has the accessibility of a FEMA Type III bomb squad and bomb squad robotic assets.**

Commentary: Capabilities that are accessible may be available from other SWAT teams or individual entities. The agency must document what bomb squad is used and document that the bomb squad consents to providing that assistance.

Deployment Procedures

**Standard 160 The agency has a written directive on the SWAT team criteria for deployment and responsibilities. The directive must include:**

- A. Instructions, conditions, and limitations of team usage.
- B. Authorization for team use in various situations.
- C. The positions that have the authority to approve team deployments.

Commentary: Provide a clear directive on the circumstances required for the team to be activated. The directive includes the type of incidents requiring team intervention and incidents where the team may be utilized.

NYSLEAP Standard 43.6 (B,C)

Tactical Planning, Operations, and Debriefing

**Standard 165 The agency has a written directive on planning the tactical response to an incident and what positions are responsible for developing and approving the response. Each tactical response will be reviewed during a debriefing**

**session and documented in a written after action report.**

Commentary: Unless prevented by an emergency situation, each tactical response will be planned prior to implementation. The planning shall be in written form and approved by signature of the appropriate authority prior to implementation.

For example, the directive may identify the Team Commander as being responsible for the development of a tactical plan and identify the Incident Commander as having the responsibility to approve the plan.

Plans should include the priority of life and agencies may consider making the priority of life a standing order.

Prior to execution of the plan, team members will be briefed on their respective roles and responsibilities during the response. After an incident, a debriefing by the team will be conducted and an after action report completed.  
See Article 6 of the Public Officers Law (FOIL), § 86 and § 87.

Multi Agency Team Establishment

**Standard 170 If the team is comprised of members of multiple law enforcement agencies, an intergovernmental agreement approved by the chief law enforcement executive and the agency governmental board of each agency shall be in effect. The agreement will include provisions for selection of a single team commander and team leaders, establishment of a single set of standard operational procedures, training records maintenance, and the fiscal responsibilities of each agency.**

Commentary: Intergovernmental agreements must meet the provisions of Article 5-G of the General Municipal Law. These agreements can provide for the same arrest and search powers for all team members while operating within the geographical jurisdictions of member agencies (with the exceptions of the special duties of the correction officers who may be team members). These agreements provide involved agencies with the benefits of pre-planning team response to high risk events and issues of related liability.

The need for a single team commander is essential for a clear team chain of command. A single set of standard operating procedures provides clear, concise, and standard directives for each team member that will benefit outcomes of incident response.

The simplest method for fiscal management is for each agency to be responsible for cost associated with their personnel. Agencies may agree to purchase and share equipment with the other agencies in the agreement (i.e. agency one purchases door breaching equipment, agency two purchases listening devices).



**Section Three**  
**SWAT Training Standards**

## SWAT Training Standards

SWAT teams are comprised of a group of law enforcement officers that must work as a single unit in hazardous environments. The most important consideration for the long term achievement of a SWAT team is a comprehensive and consistent training program.

SWAT operators may be either police officers or correction officers. Correction officers are peace officers and must be provided with additional training that clearly outlines the statutory authority they have within their special duties as it relates to tactical responses. This additional training is the responsibility of the SWAT commander and the employing agency.

The training standards represent the minimum training a SWAT operator is required to have completed. Agencies may exceed the standard at their discretion based on the needs of their agency and the community they serve.

### New Operator Initial Training

SWAT team operators assigned on or after the effective date of the approval of the SWAT Operator Course (December 2, 2009) by the Municipal Police Training Council must successfully complete the course.

### Existing Operator Initial Training

The Municipal Police Training Council recognizes the need to maintain operational SWAT teams across the state. Accordingly, SWAT team operators assigned prior to December 2, 2009 who previously completed a SWAT basic course are eligible for initial training equivalency certification. The equivalency process may identify areas where operators need complete additional training to comply with the new training standard.

Agencies must document that existing operators have completed a SWAT basic course (of at least 35 hours in duration) and have demonstrated the ability to perform the psychomotor skills included in the current SWAT Operator Course (at a level of 85%). These skills must be performed for and verified by an MPTC certified General Topics Instructor who has SWAT training and experience (preferably an instructor who has taught in a SWAT training course). This will be documented on a SWAT Operator Training Equivalency Form and filed with DCJS. Upon successful review of the documentation, a certificate of completion will be issued to the operator.

### Command and Supervision Training

The command of SWAT team tactical operations is a vital component to the success of the missions teams are responsible for. Team commanders and leaders must have additional training in leadership and supervision.

### Specialty Training

The areas of negotiation and snipers are high skill tasks that require additional initial training and annual in-service for the operators assigned to those positions on the team. It is essential to ensure each operator with a specialty task has been trained in that task. Examples of specialty tasks include maritime boarding, rappelling, or tactical medic.

Emergency Medical Technicians (EMT) may be members of an ambulance or fire company and lack tactical training. It is suggested that EMTs who support team operations have additional training in topics such as cover, concealment, and team movement.


### Annual Operator Training

96 hours of annual training is required by the standard for each operator. The MPTC established a standard for this training, the SWAT In-Service Course. While there are several mandatory training topics, such as firearms training and exercises, the standard provides a degree of flexibility for agencies in the design and scheduling of training provided to operators throughout each year. Agencies have the ability to choose topics that meet their needs (i.e., agency one may do additional land navigation training in wooded areas, agency two may do additional exercises on vulnerable targets in their patrol area).

**THE CITY OF KINGSTON COMMON COUNCIL**

**FINANCE AND AUDIT  
COMMITTEE REPORT**

<u>REQUEST DESCRIPTION</u>		
INTERNAL TRANSFER _____	CONTINGENCY TRANSFER _____	TRANSFER _____
AUTHORIZATION _____	BUDGET MODIFICATION <u>X</u>	BONDING REQUEST _____
CLAIMS _____	ZONING _____	OTHER _____

DEPARTMENT: <u>Police</u>	DATE: <u>June 8, 2021</u>
<p>Description: Budget transfer for the 2021 Budget. This is a request for a transfer from our Federal Assistance Revenue and our Other Reimbursements Accounts to our Motor Vehicle Accounts for grant funds received from the US Department of Homeland Security.</p>	
<p>Estimated Financial Impact: <u>--\$0--</u></p>	<p>Signature </p>

Motion by \_\_\_\_\_

Seconded by \_\_\_\_\_

Action Required:

SEQRA Decision:

Type I Action \_\_\_\_\_

Type II Action \_\_\_\_\_

Unlisted Action \_\_\_\_\_

Negative Declaration of Environmental Significance: \_\_\_\_\_

Conditioned Negative Declaration: \_\_\_\_\_

Seek Lead Agency Status: \_\_\_\_\_

Positive Declaration of Environmental Significance: \_\_\_\_\_

<u>Committee Vote</u>	<u>YES</u>	<u>NO</u>
Reynolds Scott-Childress, Chairman		
Donald Tallerman, Ward 5		
Anthony Davis, Ward 6		
Steven Schabot, Ward 8		
Michele Hirsch, Ward 9		

## 2021 Budget Modification

Account #	Transfer Out of	Transfer Into
<hr/>		
A1312012		
.203 Motor Vehicles		\$ 175,000.00
REVENUE Federal Assistance		
A13120.44330	\$ 100,000.00	
REVENUE Other Reimbursements		
A3120.42776	\$ 75,000.00	
<b>TOTALS</b>	<b>\$ 175,000.00</b>	<b>\$ 175,000.00</b>

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**CITY OF KINGSTON**  
Police Department  
police@kingston-ny.gov

Egidio F. Tinti, Chief of Police



Steven T. Noble, Mayor

July 19, 2021

Honorable Anthony Davis  
Alderman, Ward 6  
420 Broadway  
Kingston, NY 12401

Alderman Davis,

Please find below a list of the Emergency Services Unit (ESU) call-out incidents for 2020 and 2021 year –to-date.

Date	Blotter #	Location	Nature of Incident
5/5/2020	06464-20	Stephan Street	Search Warrant - Assist SIU
5/29/2020	07555-20	Spring Brook Village	Arrest Warrant - Assist Det. Division
7/11/2020	09617-20	St. James Street	Shots Fired/Man Shot
7/15/2020	09876-20	Downs Street	Shots Fired- Multiple Calls
10/7/2020	15317-20	Grand Street	Arrest Warrant & Search Warrant
10/7/2020	15319-20	Elmendorf Street	Shots Fired/Man Shot
10/9/2020	15505-20	Stephan Street	Search Warrant - Assist SIU
10/29/2020	16528-20	Hone Street	Search Warrant - Assist SIU
11/1/2020	16671-20	Town of Ulster	Armed Suspect
2/1/2021	01254-21	Sawmill Road	Armed Barricade Suspect
2/9/2021	01619-21	Mountainview Avenue	Suspect Shot at Deputy Sheriff
4/28/2021	05889-21	Brewster Street	Search Warrant - Assist SIU
5/5/2021	06400-21	Hone Street	Search Warrant - Assist SIU
5/11/2021	06849-21	Wurts Street	Arrest Warrant & Search Warrant
6/12/2021	09058-21	Wurts Street	Suicidal Subject
6/20/2021	09636-21	Van Buren Street	Shots Fired - Rifle

Please feel free to contact me at (845) 943-5707 should you have any questions or concerns.

Sincerely,

*Michael A. Bonse*

Deputy Chief of Police  
City of Kingston Police Department







## KINGSTON POLICE DEPARTMENT

### GENERAL OPERATIONS MANUAL

The Kingston/Ulster Police  
Emergency Services Unit

---

Effective: 09/01/1990

Section: 1500.50

---

A specialized team designated as the Emergency Services Unit will be employed by the Department and will be responsible for any specialized emergency services. Such services will include tactical operations and specialized training. This is a joint team between the City of Kingston PD and the Town of Ulster PD and both agencies have agreed to adhere to this policy.

#### I. E.S.U. TEAM CAPABILITIES AND OPERATIONS

##### A. BASIC ENTRY AND DEPLOYMENT PROCEDURES

The Chief, Deputy Chief or his/her designee will authorize the use of the E.S.U. for any team deployment.

When practicable the E.S.U. Commander will ensure a written Operational Plan will be prepared prior to a Tactical Operation.

The Tactical Operational Plan may be part of a larger Operational Plan, in such incidents the E.S.U. Commander will consult with other Division Commanders to ensure all of the Departments needs are met.

In emergency situations the operational plan may be completed as soon as practical.

The E.S.U. Commander or his designee will provide a briefing and Operational Plan for Command Review prior to any Basic Entry Operation.

The Operational Plan will be approved by the Commander of E.S.U.

The E.S.U. Commander will establish minimum staffing for any Tactical Operation.

The E.S.U. will be deployed for events outside the Agencies normal operations..

E.S.U. Members will be briefed on the respective roles and responsibilities prior to a Tactical Operation.

After a Tactical Operation, all members involved will participate in a Debriefing.



## KINGSTON POLICE DEPARTMENT

### GENERAL OPERATIONS MANUAL

The Kingston/Ulster Police  
Emergency Services Unit

---

Effective: 09/01/1990

Section: 1500.50

---

After a Tactical Operation the E.S.U. Commander will see that an After Action Incident Report is prepared.

E.S.U. will be under the command of the Chief of Police or Deputy Chief of Police and will be immediately responsible to the Team Commander. The shift supervisor will be responsible for notification of the E.S.U. when needed.

More specifically, E.S.U. will be called out for any of the following incidents:

1. Hostage incidents.
2. Barricaded persons.
3. Attempted suicides where a negotiator is needed.
4. Incidents requiring special weapons or chemicals.
5. Rescues that require special equipment or handling.
6. Or when any shift supervisor feels the absolute need for this unit to assist with any police matter.

#### B. DUTIES AND RESPONSIBILITIES:

1. Whenever it is necessary to mobilize the Emergency Services Unit, mobilization will be accomplished by use of the Emergency Services Mobilization Plan.
2. Until the arrival of the Emergency Services Unit it will be the duty of the Commanding Officer at the scene to establish an inner perimeter and direct the response as per the directive titled Critical Tasks.
3. Upon arrival, the Commanding Officer of the Emergency Services Unit shall consult with the Commanding Officer at the scene and then assume command of the inner perimeter until the situation is resolved.
4. Non-Emergency Services unit personnel will not become involved with any



## KINGSTON POLICE DEPARTMENT

### GENERAL OPERATIONS MANUAL

The Kingston/Ulster Police  
Emergency Services Unit

---

Effective: 09/01/1990

Section: 1500.50

---

portion of an assault operation. Field personnel will provide only that assistance requested by the E.S.U. Commander.

5. The Emergency Services Commander will advise the Chief or Deputy Chief when the location is safe. The Emergency Services Commander will then direct only those specific officers into the scene necessary to conduct the required investigation. Other personnel will not enter the area.

6. A list of equipment for E.S.U. (including Crisis Negotiators) will be kept on hand by the Emergency Services Commander. The equipment list will be periodically reviewed and updated as needed.

#### C. GENERAL INSTRUCTIONS:

1. The Commanding Officer of E.S.U. will provide the Deputy Chief with an up to date emergency phone listing of E.S.U. members.

2. In the event of need for services of E.S.U., No personnel other than an E.S.U. member will be issued items in the category of specialized weapons unless directed by the Team Commander or his designee. Other personnel will be restricted to the use of regular issued equipment. Specialized weapons will be the responsibility of the E.S.U. Commander. Repairs of specialized weapons will be the responsibility of the Team Leader.

3. Use of chemical agents must be authorized by the Chief, Deputy Chief or E.S.U. Commander.

4. In the event of a mobilization of E.S.U. it will be conducted according to the E.S.U. mobilization plan.

5. The E.S.U. will utilize a written planning process for all operations that are proactive or anticipatory in nature, such as raids. The written process will include a format that will document how the operation is to be conducted,



## KINGSTON POLICE DEPARTMENT

### GENERAL OPERATIONS MANUAL

The Kingston/Ulster Police  
Emergency Services Unit

---

Effective: 09/01/1990

Section: 1500.50

---

command/control/communication, and support required. All operations plans will be stored and maintained in a file.

6. If an instance arises that requires the use of an EOD (explosive ordinance disposal) / bomb squad. New York State Police Troop F Captain will be contacted to approve and procure above mentioned resource(s).

\*If New York State Police is unavailable, another FEMA Type III bomb squad will be contacted.

#### D. SURVEILLANCE

1. Whenever possible E.S.U. Commander will have a team member conduct visual surveillance/reconnaissance of a target location prior to Tactical Operations.
2. Surveillance may be conducted by Robotic Equipment, Aviation Unit, Marksman Observer Teams, or other means.

#### E. ROBOTIC EQUIPMENT

1. E.S.U. may deploy robotic equipment during Tactical Operations. The NY State Police Bomb Squad will assist the E.S.U. as needed for Robotic Operations as outlined in the MOU.
  2. The NY State Police Bomb Squad and all its Capabilities will be available in the event of a threat of energized material or hazardous conditions.
- \*If New York State Police is unavailable, another FEMA Type III bomb squad will be contacted.

#### F. LESS LETHAL MUNITIONS AND AEROSOL IRRITANTS

1. E.S.U. will have less lethal tactical options available for use as needed.



## KINGSTON POLICE DEPARTMENT

### GENERAL OPERATIONS MANUAL

The Kingston/Ulster Police  
Emergency Services Unit

---

Effective: 09/01/1990

Section: 1500.50

---

2. In any situation involving the threatened use of Deadly Physical Force by a person E.S.U. will deploy Deadly Physical Force options in conjunction with Less Lethal Tactical options.
3. Less Lethal will be listed on the E.S.U. Department Inventory List and be approved by the Chief or his/her designee as an Authorized piece of equipment.
4. Aerosol Irritants, oleoresin capsicum, may be used in Tactical Operations as needed.
5. Chemical agents deployed using projectiles will be authorized by the E.S.U. Commander.

#### F. NIMS/ICS

1. E.S.U. will use single command structure and follow the proper Department chain of command.
2. E.S.U. Members and Supervisors will use NIMS and ICS Principles as needed.
3. E.S.U. Commander and E.S.U. Team Leaders will operate as part of a Unified Command in the event of a Multi-Agency Event.
4. E.S.U. Members will be trained in NIMS/ICS and receive annual training to maintain proficiency.
5. E.S.U. will function within NIMS as outlined in Appendix 1 of the Emergency Plan.

#### G. BREACHING

1. Hydraulic or Mechanical Breaching Equipment may be used to gain access to a building or vehicle as the situation dictates.
2. In the event Breaching is necessary for a Tactical entry the E.S.U. Commander may authorize it as needed.



## KINGSTON POLICE DEPARTMENT

### GENERAL OPERATIONS MANUAL

The Kingston/Ulster Police  
Emergency Services Unit

---

Effective: 09/01/1990

Section: 1500.50

---

3. The Breaching Strategy will be part of the Operational Plan and discussed in the Command Briefing

4. Breaching Options may consist of one or more of the following options.

- Mechanical or Hydraulic Mechanism
- Ram
- Other methods necessary to the resolution not listed must be approved the Chief of Police.

#### H. NOISE FLASH DISTRACTION DEVICES

1. The E.S.U. Commander or his designee may authorize the deployment of a Noise Flash Distraction Device.

2. Consideration will be given to the presence of children and elderly adults before deployment of Noise Flash Distraction Device.

3. During Tactical Operations changes in intelligence, circumstances, conditions, and environment may make the use of a distraction device appropriate or inappropriate, authorizing any E.S.U. Member to deploy or not deploy a Noise Flash Distraction Device.

4. E.S.U. Members will receive annual training on Noise Flash Distraction Devices.

#### III. ACTIVATION PROCESS

A. Emergency Services Unit activation's take precedence over all other assignments within the police department. Emergency Services Unit members assigned to the Emergency Services Unit become subordinate to the Emergency Services Unit Commander until the Incident Commander determines that the activation is over.



## KINGSTON POLICE DEPARTMENT

### GENERAL OPERATIONS MANUAL

The Kingston/Ulster Police  
Emergency Services Unit

---

Effective: 09/01/1990

Section: 1500.50

---

B. The duty supervisors have the authority to immediately activate the team for any critical incident within jurisdictional boundaries. The activation will commence when the duty Lieutenant or Sergeant contacts the Chief of Police, or the Acting Chief of Police if the Chief is unavailable, and briefs him on the incident. Once authorized, the patrol supervisor will take responsibility for the conduct of the activation and initiate an email, telephone and text notification of ESU.

Note: - Any Division or Bureau within the police department may request the assistance of the Emergency Services Unit in planning or conducting appropriate operations.

#### IV. COMMAND & CONTROL STRUCTURE:

A. The City of Kingston E.S.U. is staffed by an adequate number of sworn police officers from the City of Kingston PD and the Town of Ulster PD as well as non-sworn Fire Department personnel from the City of Kingston FD and the Town of Ulster FD to meet the DCJS SWAT Certification Standards. The E.S.U. is commanded by the team Commander or an appointed team Commander. When activated for an operation, the E.S.U. Team Commander, or acting Commander when the Commander is absent, reports directly to the Incident Commander, where one has been designated, or to the on-scene supervisor. In the event the Commander is not available the first Team Leader on scene or first Asst. Team Leader, when a Team Leader is not available, will assume the role and responsibilities of the Commander. The E.S.U. Team Commander is subordinate to the Incident Commander. Unless the E.S.U. Team Commander relinquishes his control to another person outside the E.S.U., no other person, who is not in a leadership position within the E.S.U., will not attempt to direct, supervise, or control any element of the E.S.U.



## KINGSTON POLICE DEPARTMENT

### GENERAL OPERATIONS MANUAL

The Kingston/Ulster Police  
Emergency Services Unit

---

Effective: 09/01/1990

Section: 1500.50

---

#### B. The Chain of Command

1. Chief of Police – K.P.D. / Ulster P.D.
2. E.S.U. Team Commander
3. E.S.U. Team Leaders – #1 Acting Team Commander when appointed
4. E.S.U. Asst. Team Leaders - #2 Acting Commander when TL not available
5. E.S.U. Team Members
  - I. Entry Team Members
  - II. Sniper Team Members
  - III. Crisis Negotiators
6. E.S.U. Team Medics
  - I. Kingston Fire Department/Ulster Hose Medics

#### C. E.S.U. Team Commander

1. Responsible for deployment of E.S.U., tactical decision-making and tactical resolution of an incident.
2. Submit training objectives, curriculum, training site, performance achievements, and attendance records to the Chief of Police or his designee and maintain these records pursuant to section 400.18 of this manual.
3. Submit a M.P.T.C. curriculum content form for M.P.T.C. annual SWAT In-Service course.
4. Designates an E.S.U. Team leader(s) to assist in tactical operations.
5. Maintain all individual members training records pursuant to section 400.18 of this manual.
6. Commanders who have not completed a SWAT Operator training must complete a tactical command level training course.





KINGSTON POLICE DEPARTMENT

GENERAL OPERATIONS MANUAL

The Kingston/Ulster Police  
Emergency Services Unit

---

Effective: 09/01/1990

Section: 1500.50

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8. Night vision optics NVision (PVS-14)
9. Surefire tactical handgun weapon mounted flashlight
10. Tactical individual gunshot wound kit containing – SOF-T tactical tourniquet, Tactical trauma Z folded gauze with compression wrap, occlusive dressing Hyfin gauze, Quick clot combat gauze, emergency trauma dressing, gloves, trauma shears, two inch medical tape, individual emergency medical card, nasal airway, 14 gauge 3.25 inch needle, and chest seal.
11. Tactical 5.11 rolling equipment bag.
12. Cold weather turn-out uniform jacket and pants.
13. Air purifying respirator and pouch with one extra filter.
14. Metal and plastic prisoner restraints
15. B.D.U. 5.11 uniform shirt and pant, containing Velcro patches identifying wearer as City of Kingston Police Officer and member of the E.S.U.
16. Rain Gear
17. Elbow pads
18. Knee pads
19. Surefire flashlight with charger
20. Nylon strap
21. Leatherman tool with pouch
22. Balaclava
23. Protective gloves
24. Knife
25. Extra ammunition for the handgun and rifle



## KINGSTON POLICE DEPARTMENT

### GENERAL OPERATIONS MANUAL

The Kingston/Ulster Police  
Emergency Services Unit

---

Effective: 09/01/1990

Section: 1500.50

---

14. Department will provide and maintain the E.S.U. with a tactical emergency evacuation flexible stretcher in each of the marked E.S.U. trucks for E.S.U. member use on patrol, E.S.U. operations, and training.

15. Department will provide and maintain the E.S.U. with an Electronic Long Pole Camera System that provides video surveillance and observation of subjects at significant heights and distances for E.S.U. member use on patrol, E.S.U. operations, and training.

16. Department will provide and maintain the E.S.U. with a remote controlled robot capable of long range surveillance for E.S.U. member use on patrol, E.S.U. operations, and training.

#### C. MEMBER EQUIPMENT

The City of Kingston Police Department E.S.U. will supply their team members with at least the following special equipment:

1. Ballistic helmet
2. Semi-automatic duty handgun with extra magazines
3. Safety goggles
4. Hearing protection, equipped with connection compatible for communication and listening with portable radio.
5. Complete coverage ballistic entry vest outfitted with Threat Level IV inserts, equipped with rifle magazine pouches, radio holder, cuff case, hydration pouch, patches that are clearly visible and identify the wearer as a uniformed police officer.
6. Level IIIA ballistic personal vest with tactical cover
7. Duty belt specific for tactical equipment, including handgun holster, handcuff pouch, handgun magazine pouch.



## KINGSTON POLICE DEPARTMENT

### GENERAL OPERATIONS MANUAL

The Kingston/Ulster Police  
Emergency Services Unit

---

Effective: 09/01/1990

Section: 1500.50

---

6. Department will provide each E.S.U. member with a Law Enforcement semi-automatic assault style rifle equipped with an optic, weapon mounted light, rifle bag, rifle sling, multiple magazines, and extra ammunition for additional magazines.

7. Department will supply The E.S.U. with chemical agents as well as its necessary delivery device and secure and store them in accordance with New York State chemical agent's regulations.

8. Department will provide and maintain the E.S.U. with multiple less lethal weapons along with the proper delivery system as well as keeping at least one less than lethal weapon and its delivery system in each of the marked E.S.U. trucks for E.S.U. member use on patrol, E.S.U. operations, and training.

9. Department will provide and maintain the Emergency Services Unit with multiple hand-held ballistic shields as well as keeping one in each one of the marked E.S.U. trucks for E.S.U. member use for patrol, E.S.U. operations, and training.

10. Department will provide each E.S.U. member with a radio capable and pre-programmed to communicate with all members of the Town of Ulster Police Department, The City of Kingston Police Department, and Ulster County 911.

11. Department will provide each sniper of E.S.U. with a Law Enforcement precision rifle equipped with a long distance viewing reticle, a rifle case, a rifle sling, multiple magazines, and extra ammunition for additional magazines.

12. Department will supply the E.S.U. with and maintain a fire extinguisher to be stored in each of the marked units for rapid deployment for patrol, Emergency Services operations, or training.

13. Department will supply the E.S.U. with and maintain an Incident Command board to be stored in each of the marked units for rapid deployment for patrol, E.S.U. operations, or training



## KINGSTON POLICE DEPARTMENT

### GENERAL OPERATIONS MANUAL

The Kingston/Ulster Police  
Emergency Services Unit

---

Effective: 09/01/1990

Section: 1500.50

---

equipment not already stored in the marked units for rapid deployment to be used only for Emergency Services operations and training.

3. The City of Kingston Police Department will have and maintain an armored vehicle capable of protecting multiple members from at least small arms rifle fire to be used only for Emergency Services operations and training.

#### B.TEAM EQUIPMENT

1. Department will supply, store, secure and account for, all ammunition needed for departmental use to include duty and training ammunition for the purposes of patrol, Emergency Services operations, and in-service training.

2. Department will supply the E.S.U. with noise flash distraction devices and store and secure them in accordance with New York State and Federal explosives ordinance regulations.

3. Department will supply the E.S.U. with and maintain a portable/collapsible style ladder to be stored in each of the marked units for rapid deployment for patrol, Emergency Services operations, or training.

4. Department will have and maintain a hardwired or wireless transmitting communications device capable of safe deployment and achieving communications with a suspect from a safe distance and having the capability of being used in accordance with the hostage negotiations section of the department's rules and regulations.

5. Department will supply and maintain mechanical breaching tools to the E.S.U. and keep marked E.S.U. vehicles supplied with multiple manual types of different entry tools, (Ram, halligan pry bar, crow bar, bolt cutters) for rapid deployment for patrol Emergency Services operations, and training.



## KINGSTON POLICE DEPARTMENT

### GENERAL OPERATIONS MANUAL

The Kingston/Ulster Police  
Emergency Services Unit

---

Effective: 09/01/1990

Section: 1500.50

---

A. The E.S.U. will conduct appropriate trainings monthly and attend a one week long DCJS approved In-Service training. The E.S.U. will train those subjects related to the mission of the E.S.U. All training will be documented and training records will be maintained on file with the E.S.U. Team Commander.

B. All training will be performance oriented and E.S.U. task specific. E.S.U. will maintain a current lesson plan that list the standards of performance for each task, individual and team level. Individual team members will be recertified at minimum once per year on all individual skills, and the team will be recertified at minimum once per year on all team level skills. Failure to recertify, at either level, will result in an immediate focus on remedial trainings of basic skills.

C. Quarterly at minimum firearms qualification (To include handgun and long gun.)

D. The training program also includes regular updates on legal issues facing E.S.U. operations. Deadly force policy and legal issues will also be a regular part of firearms training. E.S.U. members will attend training courses and schools as required and available.

E. E.S.U. Members will be trained in NIMS/ICS and receive annual training to maintain proficiency.

#### VII. E.S.U. EQUIPMENT:

##### A. TEAM VEHICLES

1. The City of Kingston Police Department will have and maintain two designated marked E.S.U. vehicles to be used on patrol, operations, and training, by members of the E.S.U. to carry and transport members and all equipment deemed necessary for rapid deployment and other equipment as needed.

2. The City of Kingston Police Department will have and maintain one unmarked van or cargo vehicle capable of transporting multiple members and necessary



KINGSTON POLICE DEPARTMENT

GENERAL OPERATIONS MANUAL

The Kingston/Ulster Police  
Emergency Services Unit

---

Effective: 09/01/1990

Section: 1500.50

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F. Snipers/Observers

1. See section 1500.52 of the general operations manual.

G. Tactical Medics

1. See section 1500.54 of the general operations manual.

H. Crisis Negotiators

1. See section 1500.53 of the general operations manual.

V. SELECTION PROCESS:

The Chief of Police and E.S.U. Team Commander will select new members as vacancies may occur from an established selection roster. Criteria for selection will be based upon the following:

- A. Completed Basic Course for Police Officer and be member in good standing.
- B. Satisfactory performance of the E.S.U. Physical Fitness Test.
- C. Successful completion of the Cooper standard Physical Agility Exam at the candidates gender/age standard at the 70th percentile.
- D. Weapons qualification.
- E. Satisfactory job performance in present and previous assignments.
- F. Work well in a team setting.
- G. Selected candidate[s] will remain on probationary period for one year and must have completed initial agency probation.

VI. TRAINING



KINGSTON POLICE DEPARTMENT

GENERAL OPERATIONS MANUAL

The Kingston/Ulster Police  
Emergency Services Unit

---

Effective: 09/01/1990

Section: 1500.50

---

6. Successfully complete a DCJS approved Reality Based Training Instructor Course within one year of appointment.

7. Team Leaders who have not completed a SWAT operator training must complete a tactical command level training course.

8. Successfully complete two courses determined by the Team Leader within two years of appointment; Warrant Planning and Team Leader.

E. E.S.U. Team Members

1. Specific assignments will be the responsibility of the E.S.U. Commander and will be based upon team member training and certifications with weapons, tactics, and related special equipment assigned to E.S.U.

2. Attend and successfully complete a SWAT Operator Course approved by MPTC or its equivalent.

3. Meet at least once every month for training.

4. Successfully completes M.P.T.C. annual SWAT In-Service Course.

5. Not be excused from their training commitments except for court, vacation, sickness or as directed by the Chief or Deputy Chief of Police.

6. Maintain a level of fitness that will allow them to perform the duties required.

7. Report to the E.S.U. Team Leader any significant physical or psychological problems that might compromise their ability to perform an assignment.

8. Successfully complete FEMA Basic ICS-200 and IS-700: NIMS.

9. New members who have not yet successfully completed the basic course for SWAT operators will not engage in active tactical operations. These members may engage in observation and support of the E.S.U. operations.

10. Appointment to the E.S.U. is voluntary and at the discretion of the Chief of Police or his appointed designee, (i.e., Deputy Chief, E.S.U. Team Commander).



## KINGSTON POLICE DEPARTMENT

### GENERAL OPERATIONS MANUAL

The Kingston/Ulster Police  
Emergency Services Unit

---

Effective: 09/01/1990

Section: 1500.50

---

7. Create a log of events to be recorded on all E.S.U. operations, and will also cause all planning or decision-making documents to be recorded detailing the activation and use of the team. This report will be a standard police report document, which details the operation and pertinent information, required for follow-up detectives, prosecutors, etc. These will be stored and maintained in a file.

8. The E.S.U. Commander will designate an area for the media to report to during a critical incident and, if possible, will assign a media liaison officer.

9. At the completion of all operations and significant training events the Commander will conduct an after action review (AAR). The purpose of this review will be to create a forum for team members to offer information for the improvement of the team. The after action review will be formatted to develop the following information; Positive factors, Negative factors, Solutions for the negative factors.

10. Commander will annually review and, when necessary, update this policy. Commander will then cause the policy to be annually reviewed and approved, by signature, by the Chief of Police.

#### D. E.S.U. Team Leader

1. Coordinate training, equipment & inventory.
2. Coordinate with the E.S.U. Commander at activation of the team.
3. Assist in tactical planning & operations.
4. Successfully complete a DCJS approved course in police supervision within one year of appointment.
5. Successfully complete FEMA Introduction to exercises course IS-120a and exercise evaluation and improvement planning course IS-130 within one year of appointment.



**RESOLUTION 160 OF 2021**

**RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF KINGSTON,  
NEW YORK, PROHIBITING THE IDLING OF LIGHT AND MEDIUM DUTY  
VEHICLES FOR MORE THAN TEN MINUTES IN THE CITY OF KINGSTON**

Sponsored By:           Laws & Rules Committee: Alderman Ventura  
                                  Morell, Scott-Childress, Hirsch, Tallerman,  
                                  Worthington

**WHEREAS**, it is in the City of Kingston’s best interest to adopt anti-idling legislation more stringent than that of New York State Code.

**RESOLVED** that the City of Kingston supports the adoption of an anti-idling policy, and;

**RESOLVED**, that Local Ordinance [#] of 2021 is hereby adopted as follows:

**SECTION I.**

**BE IT HEREBY RESOLVED**, that Chapter 390 of the City of Kingston Code “Vehicles and Traffic” Article VI be amended to add Section [#]: Idling of Motor Vehicles:

- A. Applicability: This section shall apply to all motor vehicles as defined in Article 1 of the Vehicle and Traffic Law of the State of New York not currently regulated under New York State Code of Rules and Regulations Subpart 217-3: Idling Prohibition for Heavy Duty Vehicles.
- B. Prohibitions: No person shall allow, cause, or permit the engine of any motor vehicle to run for more than ten consecutive minutes while parking, standing, or stopping in the City of Kingston, as those terms are defined in New York State Vehicle and Traffic Law.
- C. Exceptions: The prohibitions of sub-section B shall not be applicable when
  - I. A vehicle is forced to remain motionless because of traffic conditions over which the operator has no control.
  - II. Fire, police, ambulance, or public utility vehicles are performing emergency services.
  - III. A vehicle engine is required to provide power for a necessary auxiliary function, such as loading, discharging, mixing or processing cargo; controlling cargo temperature; running equipment; construction; lumbering ;licensing service; or when operation of the engine is required for maintenance; .

The weather conditions are as follows:



- i. A snow emergency is declared in the City of Kingston
- ii. A heat advisory is declared in the City of Kingston
- iii. The ambient temperature in the City of Kingston is continuously below 25 degrees F (-4 degrees C) for a period exceeding two hours

**BE IT HEREBY RESOLVED**, that Section 390-82 “Penalties for Offenses” Subsection B be amended to include violation: “Idling” with an initial fine of \$20 and a fine of \$40 after 15 days. This will take effect as of January 1, 2022

Submitted to the Mayor this \_\_\_\_ day of \_\_\_\_\_, 2021

Approved by the Mayor this \_\_\_\_ day of \_\_\_\_\_, 2021

\_\_\_\_\_  
Elisa Tinti, City Clerk

\_\_\_\_\_  
Steven T. Noble, Mayor

Adopted by Council on \_\_\_\_\_, 2021



THE CITY OF KINGSTON COMMON COUNCIL

LAWS & RULES  
COMMITTEE REPORT

DEPARTMENT: Office of Sustainability

DATE: May 25, 2021  
July 21, 2021

Description:

Legislation to prohibit the idling of light and medium duty vehicles for more than ten minutes in the City of Kingston. *As per attached with suggested edits regarding the effective date of January 1 2022.*

Signature:

*Julie L Noble*

Motion by RSC

Seconded by RW

Action Required:

SEQRA Decision:

Type I Action       
Type II Action       
Unlisted Action     

Negative Declaration of Environmental Significance:     

Conditioned Negative Declaration:     

Seek Lead Agency Status:     

Positive Declaration of Environmental Significance:     

<u>Committee Vote</u>	<u>YES</u>	<u>NO</u>
Jeffrey Ventura Morell, Chairman <i>[Signature]</i>	✓	
<del>Patrick O'Reilly, Ward 7</del> Michelle Hirsch, Ward 9 <i>[Signature]</i>	✓	
Rennie Scott-Childress, Ward 3 <i>[Signature]</i>	✓	
Don Tallerman, Ward 5 <i>[Signature]</i>	✓	
Rita Worthington, Ward 4 <i>[Signature]</i>	✓	



**THE CITY OF KINGSTON COMMON COUNCIL**

**LAWS & RULES  
COMMITTEE REPORT**

DEPARTMENT: Office of Sustainability DATE: May 25, 2021

Description: \_\_\_\_\_  
 \_\_\_\_\_  
Legislation to prohibit the idling of light and medium duty vehicles for more than ten minutes in the City of Kingston.  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Signature: Julie L Noble

Motion by \_\_\_\_\_

Seconded by \_\_\_\_\_

Action Required:

SEQRA Decision:  
 Type I Action \_\_\_\_\_  
 Type II Action \_\_\_\_\_  
 Unlisted Action \_\_\_\_\_

Negative Declaration of Environmental Significance: \_\_\_\_\_

Conditioned Negative Declaration: \_\_\_\_\_

Seek Lead Agency Status: \_\_\_\_\_

Positive Declaration of Environmental Significance: \_\_\_\_\_

<u>Committee Vote</u>	<u>YES</u>	<u>NO</u>
Jeffrey Ventura Morell, Chairman		
Patrick O'Reilly Ward 7		
Rennie Scott-Childress, Ward 3		
Don Tallerman, Ward 5		
Rita Worthington, Ward 4		







**Kingston Conservation Advisory Council**  
420 Broadway  
Kingston, NY 12401  
(845) 481-7339

May 12, 2021

City of Kingston Common Council  
420 Broadway  
Kingston, NY 12401

To the City of Kingston Common Council:

The Conservation Advisory Council of the City of Kingston would like to express its support of the resolution amending Chapter 390, article VI to include Local Ordinance (TBD#) of 2021, which establishes an anti-idling policy.

The CAC has an Air Quality subcommittee that has been working to protect and enhance clean air in order to provide equitable access to clean air for all residents of Kingston.

The CAC has an informational website that provides information describing and encouraging anti-idling behaviors and policies: [www.kingston-ny.gov/airquality](http://www.kingston-ny.gov/airquality).

This resolution will work toward these goals and recommendations.

We thank you for your consideration of this resolution, and urge you to approve it.

Respectfully,  
Members of the City of Kingston Conservation Advisory Council



## Tinti, Elisa

---

**From:** Noble, Julie  
**Sent:** Thursday, July 01, 2021 10:00 AM  
**To:** Patrick O'Reilly; Alderman  
**Cc:** Gartenstein, Daniel; Bryant, Kevin; Gartenstein, Arielle; Flynn, Emily; Quesnell, Dan  
**Subject:** RE: [EXTERNAL EMAIL] Idling car legislation  
**Attachments:** Anti-Idling Resolution L+R edits.docx

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Patrick, et al.,

Regarding your question below, similar to any other new legislation, there will inherently need to be education coupled with it, which has always been our full intent. I do not think signage would be the way to go but that would be up to you all as you regulate street signage. We (the City, with the Climate Smart Kingston Commission and the CAC) would do an educational campaign around the legislation, for both enforcement employees as well as the public so that folks would know about the new changes.

Regarding the question about whether to legislate or not, of course, is ultimately up to the Council. We have continued to be a leader in sustainability in our region and in our state, and legislation around issues such as this demonstrate our commitment to our environment but also to our community's health. There are many co-benefits with this legislation, as Ellie and I articulated. We also need to recognize that nothing changes overnight. It wouldn't with education alone or with legislation alone, or even with both combined. It involves cultural shift, and that is what we are doing with all of our projects- thinking about the big picture, the next generation, the current generation, and the legacy we leave.

I have attached some draft modified language per the Council's request, for consideration. Additions are in yellow highlight.

Julie

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

-----Original Message-----

**From:** Patrick O'Reilly [mailto:kanatruck@gmail.com]  
**Sent:** Monday, June 28, 2021 2:13 PM  
**To:** Noble, Julie <JulieLNoble@kingston-ny.gov>; Alderman <Alderman@kingston-ny.gov>  
**Cc:** Gartenstein, Daniel <dgartenstein@kingston-ny.gov>; Bryant, Kevin <kbryant@kingston-ny.gov>  
**Subject:** [EXTERNAL EMAIL] Idling car legislation

Hi Julie,  
Wondering why we are taking the legislation route instead of using our environmental educators to educate our community about idling cars in the environment? People often resent being forced to comply to regulations they don't

understand. What is the cost for signage and where will they be placed. Sign pollution is a problem in Kingston. I would think legislation would be a last resort not first. Would it be best to table this until we can educate the residents?

Thanks for all you do.

Patrick O'Reilly

Sent from my iPhone

ATTENTION: This email came from an external source. Do not open attachments or click on links from unknown senders or unexpected emails.

WHEREAS, it is in the City of Kingston's best interest to adopt anti-idling legislation more stringent than that of New York State Code.

RESOLVED that the City of Kingston supports the adoption of an anti-idling policy, and;

RESOLVED, that Local Ordinance [#] of 2021 is hereby adopted as follows:

SECTION I.

BE IT HEREBY RESOLVED, that Chapter 390 of the City of Kingston Code "Vehicles and Traffic" Article VI be amended to add Section [#]: Idling of Motor Vehicles:

- A. Applicability: This section shall apply to all motor vehicles as defined in Article 1 of the Vehicle and Traffic Law of the State of New York not currently regulated under New York State Code of Rules and Regulations Subpart 217-3: Idling Prohibition for Heavy Duty Vehicles.
- B. Prohibitions: No person shall allow, cause, or permit the engine of any motor vehicle to run for more than ten consecutive minutes while parking, standing, or stopping in the City of Kingston, as those terms are defined in New York State Vehicle and Traffic Law.
- C. Exceptions: The prohibitions of sub-section B shall not be applicable when
  - I. A vehicle is forced to remain motionless because of traffic conditions over which the operator has no control.
  - II. Fire, police, ambulance, or public utility vehicles are performing emergency services.
  - III. A vehicle engine is required to provide power for a necessary auxiliary function, such as loading, discharging, mixing or processing cargo; controlling cargo temperature; running equipment; construction; lumbering; licensed servicing; or when operation of the engine is required for maintenance; .
  - IV. The weather conditions are as follows during the idling period:
    - i. A snow emergency is declared in the City of Kingston
    - ii. A heat advisory is in effect in the City of Kingston
    - iii. The ambient temperature in the City of Kingston is continuously below 25° F (-4° C) for a period exceeding two hours

BE IT HEREBY RESOLVED, that Section 390-82 "Penalties for Offenses" Subsection B be amended to include violation: "Idling" with an initial fine of \$20 and a fine of \$40 after 15 days.





420 Broadway  
Kingston, NY 12401  
(845) 481-7339

**Minutes to the Climate Smart Kingston Commission Meeting, April 28, 2021**  
**City Hall, Kingston NY 5:00-6:30 PM**  
**Virtual Meeting: Zoom:**

<https://us02web.zoom.us/j/87941543715?pwd=T0kzbnhTZ2xkcZJPak5DWEhzK0t6dz09>

**Commission Members (Voting):** Elizabeth Broad, Melissa Iachetta, Kevin McEvoy (Secretary), Sarina Pepper (excused), Dan Smith, Karen Sullivan, Maija Niemisto, Cal Trumann, Jessica Kuonen (excused), Roberto Rivera

**Commission Members (Non-Voting):** Amanda LaValle (Ulster County Dept of the Environment; not present) Kingston Office of Economic Development representative-not present, Julie Noble (Commission Chairperson-present), Common Council Member Rennie Scott-Childress (City of Kingston Common Council- (not-present), NYS Assembly Member Kevin Cahill by Michael D'Arcy (not present), John Schultheis or designee Kingston City Engineering Office by Arielle (Ellie) Gartenstein Edward Norman or Designee Kingston Dept of Public Works (not present);

**Guests:** Joey-Lynn, Daniel Quesnell (City of Kingston Parking Supervisor)

- I. Welcome Guests and Public Comment:** The Chairperson called the meeting to order at 5:04pm. No public comment at this time.
- II. Review and Approval March 2021 Meeting Minutes:** Upon motion duly made by Commissioner Cal Trumann and seconded by Commissioner Karen Sullivan, the commissioners present approved the minutes to the March meeting as amended.
- III. Modifications to the Agenda:** None
- IV. Old Business:**
  - 1. Green Fleet Policy:** Ellie Gartenstein reviewed the Green Fleet Policy in the context of the present and soon to be updated Climate Action Plan. Heavy duty vehicles are exempt presently due to technology issues. The fleet is intended to be operated as efficiently as possible. Hybrid or electric battery vehicles are to be used whenever possible. Fuel inventory is to be kept for each department and user. Fuel usage can then be reported annually. Carbon dioxide emissions data are also to be kept. Commissioner dan Smith asked about metrics for other greenhouse gases to which Ellie clarified that the emphasis is on air quality. The vehicle request form was also reviewed. The Mayor will make all final decisions on vehicle requests. Ellie also discussed the proposed city-wide Anti-Idling Resolution to be submitted to the Common Council which indicates that light or medium duty vehicles cannot idle for more than ten minutes. Ellie indicated that the resolution was reviewed with Daniel Quesnell, City Parking Supervisor. The Chairperson indicated that the resolution will be submitted to the Conservation Advisory Council (CAC) for its May meeting and for review by the CAC air quality committee. The Chairperson asked about idling and pets kept in vehicles for brief periods during extreme weather with air conditioning or heat on. Daniel Quesnell indicated that the safety of the pet may supersede idling. Specific language in the resolution regarding enforcement was discussed. Upon motion duly made by Commissioner Cal Trumann and seconded by Commissioner Roberto Rivera, the commissioners present voted to support the Green Fleet Policy and the Anti-Idling Resolution in principle with all commissioners present in favor except for one abstention by Commissioner Melissa Iachetta.

2. **2030 Climate Action Plan (Julie):** The Chairperson discussed the survey results reviewed on April 20<sup>th</sup>. Two project advisory meetings are planned for the Project Advisory Committee meeting in May and June and will be prioritizing actions within the plan. Timeline is to have a draft CAP out to the public by the fall.
3. **Refrigerants (Dan, Maija):** Commissioner Dan Smith reported that the audit of city owned assets is now complete. Data collected included air conditioning units and systems and is transposed into a spreadsheet or log form. Methodology to determine leaks from such systems was discussed whether it would be from educated assumptions or tracked down and actually verified in each instance through the purchasing department or otherwise spot checking some actual data for two years against an educated assumption. Curbside pickup and chain of custody of refrigerant equipment was discussed. Updating language in the City Code from the Montreal Protocol to present carbon concerns is being now being addressed. Commissioner Cal Trumann discussed an anecdotal story regarding window unit AC disposal.
4. **City Sustainability Projects (Julie):** The Chairperson reported on the following matters: **(a) LED project:** The Chairperson reported that the project is completed. **(b) Organics:** The Chairperson and Carla Castillo are completing the draft plan and expect to have it completed by the spring. Ellie Gartenstein is reviewing gaps in data. **(c) City Parks and CDBG funding:** The Chairperson discussed park projects including Andretta Pool splash pad. Improvements in Block Park to elevate against sea level rise were also reviewed.
5. **Repair Café: (Melissa):** Commissioner Melissa Iachetta reported that some communities are planning outdoor events but the Kingston coaches regarding an outdoor the Repair Café event. The Farmers market was discussed in this regard. Fixit Clinic online event is scheduled for May 15.
6. **Outreach and Education (Melissa/Maija):**
  - i. **Earth Day 2021 Activities Update:** Commissioner Melissa Iachetta discussed the recent survey and responses with respect to climate action pledges for Earth Day. Melissa discussed the Farmer's Market and photos of people completing climate pledges and the residency of the people responding which included a significant number of people from outside Kingston. The location of the missing Climate Smart banner was reviewed. The banner needs to be located or replaced for future tabling. A display at the Kingston Library was mentioned with a Kingston Ward map or a pie chart which could be included.
  - ii **Pizza Box Campaign:** Commissioner Melissa Iachetta discussed the recent event at Vincenzo's Restaurant with the Mayor and public comments on social media. Several restaurants are not participating.
  - iii **HRMM Display:** Commissioner Cal Trumann reported that HRMM is doing a soft re-opening and updated the commission on the display.
7. **Green Business Challenge (Betta):** Commissioner Cal Trumann provided an update.
8. **Zoning Updates (Kevin):** Commissioner Kevin McEvoy reported that the Dover Kohl proposal was approved by the Common Council. The project is now going to contract.
9. **Renewable Energy:** County is doing a solarize campaign and a webinar is to be held on Thursday April 29. Commissioner Betta Broad provided a link: <https://ulstercountyny.zoom.us/j/96507310401>
10. **NY Energy Stretch Code:** Elli (Arielle) Gartenstein reported that the NYStretch Code was approved at the Common Council Laws and Rules Committee meeting.
11. **Solid Waste Management:** The Chairperson reported on a new City brochure regarding recycling.

V. **New Business:** None

VI. **Announcements/Communications/Events/Updates:**

- a. **Public Safety/General Government Committee (Sarina):** No update at this meeting.
- b. **Ulster County Climate Smart Committee (Betta/Cal):** Commissioner Cal Truman reported on a low carbon concrete project that was discussed.
- c. **Report from Assemblyperson Cahill's Office:** No update at this meeting
- d. **Climate Smart Communities:** No update at this meeting.



**VIII. Determine Social Media Postings:** Commissioner Melissa Iachetta reported briefly on social media posting updates. Link to the Climate Smart. Kingston Facebook: <https://www.facebook.com/climatesmartkingstonny/>

**IX. Adjournment:** Upon motion duly made by Commissioner Melissa Iachetta and seconded by Commissioner Karen Sullivan, the commissioners present unanimously adjourned the meeting at 6:42pm.

*Vision: The City of Kingston will be a model city of energy, environmental and economic sustainability within city government operations and throughout the community.*

*Note that website links are informational only. The Commission makes no representations as to content therein. These minutes represent a summarization of the meeting and not a transcription.*

DRAFT



WHEREAS, it is in the City of Kingston's best interest to adopt anti-idling legislation more stringent than that of New York State Code.

RESOLVED that the City of Kingston supports the adoption of an anti-idling policy, and;

RESOLVED, that Local Ordinance [#] of 2021 is hereby adopted as follows:

SECTION I.

BE IT HEREBY RESOLVED, that Chapter 390 of the City of Kingston Code "Vehicles and Traffic" Article VI be amended to add Section [#]: Idling of Motor Vehicles:

- A. Applicability: This section shall apply to all motor vehicles as defined in Article 1 of the Vehicle and Traffic Law of the State of New York not currently regulated under New York State Code of Rules and Regulations Subpart 217-3: Idling Prohibition for Heavy Duty Vehicles.
- B. Prohibitions: No person shall allow, cause, or permit the engine of any motor vehicle to run for more than ten consecutive minutes while parking, standing, or stopping in the City of Kingston, as those terms are defined in New York State Vehicle and Traffic Law.
- C. Exceptions: The prohibitions of sub-section B shall not be applicable when
  - I. A vehicle is forced to remain motionless because of traffic conditions over which the operator has no control.
  - II. Fire, police, ambulance, or public utility vehicles are performing emergency services.
  - III. A vehicle engine is required to provide power for a necessary auxiliary function, such as loading, discharging, mixing or processing cargo; controlling cargo temperature; running equipment; construction; lumbering; licensed servicing; or when operation of the engine is required for maintenance; .
  - IV. The weather conditions are as follows during the idling period:
    - i. A snow emergency is declared in the City of Kingston
    - ii. A heat advisory is in effect in the City of Kingston
    - iii. The ambient temperature in the City of Kingston is continuously below 25° F (-4° C) for a period exceeding two hours

BE IT HEREBY RESOLVED, that Section 390-82 "Penalties for Offenses" Subsection B be amended to include violation: "Idling" with an initial fine of \$20 and a fine of \$40 after 15 days.



**CITY OF KINGSTON**  
Office of Environmental Education and Sustainability  
climatesmart@kingston-ny.gov

Julie L. Noble, Coordinator



Steven T. Noble, Mayor

May 26, 2021

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

Dear President Shaut,

On behalf of the Office of Sustainability and with my role as Sustainability Coordinator, I would like to request placement on the agenda of the Laws and Rules Committee to discuss the adoption of Anti-Idling legislation for the City of Kingston.

Idling is when the operator of a vehicle leaves the engine running while the vehicle is parked. Idling result in the emission of large amounts of greenhouse gases into the atmosphere, contributes substantially to air pollution, deteriorates engines, and interferes with traffic conditions.

For every ten minutes of idling, the average car produces one pound of carbon dioxide (CO<sub>2</sub>), the greenhouse gas with the largest contribution to anthropogenic climate change. Researchers estimate that idling wastes about 6 billion gallons of non-renewable fuel annually, resulting in the emission of 30 million tons of CO<sub>2</sub>. One-third of greenhouse gas emissions come from the transportation sector alone, and studies show that idling for more than 10 seconds uses more fuel and emits more pollution than turning the engine on and off again. Idling regulations are crucial to the climate action process and are a simple way to provide equitable access and a clean and healthy environment for all residents in Kingston.

Exhaust from idling gasoline and diesel-powered vehicles has been classified as a likely carcinogen by the United States Environmental Protection Agency, and numerous studies link exposure to fine particles to severe adverse health effects. This includes premature death, and increased incidents of asthma, allergies, and other breathing disorders especially prevalent in children and the elderly. Vehicle idling usually occurs in heavily trafficked locations (e.g. school grounds, parking lots, retail areas, construction sites, etc.) where people can be exposed to concentrated sources of air pollutants in short periods of time. Anti-idling policies are shown to increase air quality, directly impacting the health and wellness of a municipality.

Vehicle idling slows the flow of traffic; and blocks emergency stopping lanes, bus stops, and parking spaces. Metered parking spaces provide valuable income to be reinvested into City infrastructure, and should not be taken up by idling vehicles. Stopping lanes and road shoulders are critical in the event of an emergency and

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should remain clear at all times. Vehicle idling while the driver is double-parked increases congestion and interferes with the flow of traffic by creating unnecessary obstacles for pedestrians, bicyclists, and other drivers to navigate. Anti-idling legislation is proven to prevent these and other traffic-related occurrences, and will have a positive impact on road conditions in the City of Kingston.

Anti-idling legislation is gaining momentum across the country, as more and more municipalities recognize its necessity in climate planning, air quality control, and traffic regulation. Currently, idling is partially regulated by New York State, with laws in place prohibiting the idling of heavy-duty vehicles for more than 5 minutes. This includes vehicles such as tractor trailers, tankers, and packers but does not extend to passenger vehicles. However, over 20 municipalities across New York State have introduced anti-idling policies more stringent than that of the State Code. It is in the City of Kingston's best interest to adopt a supplementary anti-idling policy, applicable to light and medium-duty vehicles, in an effort to combat idling's adverse effects.

In preparing the anti-idling legislation for review, the Office of Sustainability has consulted with and been supported by the City of Kingston Parking Enforcement, the Comptroller's Office, the Climate Smart Kingston Commission, the Conservation Advisory Council, and the Department of Health and Wellness to ensure that all aspects of this initiative have been considered. You may find a full presentation of the Anti-Idling policy during the April 28<sup>th</sup>, 2021 Climate Smart Kingston Commission meeting: <https://youtu.be/Emb0TAmQicg>, between minutes 21:00 to 24:00 and 31:50 to 38:00.

Any questions regarding this communication, please feel free to contact myself or Environmental Specialist Arielle Gartenstein at 845-481-7334 / [agartenstein@kingston-ny.gov](mailto:agartenstein@kingston-ny.gov). Additionally, I can be present at the appropriate meeting in order to answer any questions and address any comments.

Thank you for your consideration.

Sincerely,

Julie L. Noble  
Sustainability Coordinator

## New York

### State Codes

#### **New York Code of Rules and Regulations**

##### SUBPART 217-3. IDLING PROHIBITION FOR HEAVY DUTY VEHICLES

###### § 217-3.1 Applicability

This Part shall apply to all on-road heavy duty vehicles propelled by diesel fueled and nondiesel fueled engines excluding marine vessels. Heavy duty vehicle means a vehicle that has a GVWR exceeding 8,500 pounds and is designed primarily for transporting persons or properties.

###### § 217-3.2 Prohibitions

No person who owns, operates or leases a heavy duty vehicle including a bus or truck, the motive power for which is provided by a diesel or nondiesel fueled engine or who owns, leases or occupies land and has the actual or apparent dominion or control over the operation of a heavy duty vehicle including a bus or truck present on such land, the motive power for which said heavy duty vehicle is provided by a diesel or non-diesel fueled engine, shall allow or permit the engine of such heavy duty vehicle to idle for more than five consecutive minutes when the heavy duty vehicle is not in motion, except as otherwise permitted by section 217-3.3 of this Subpart.

###### § 217-3.3 Exceptions

The prohibitions of section 217-3.2 of this Subpart shall not apply when:

- (a) A diesel or nondiesel fueled heavy duty vehicle including a bus or truck is forced to remain motionless because of the traffic conditions over which the operator thereof has no control.
- (b) Regulations adopted by Federal, State or local agencies having jurisdiction require the maintenance of a specific temperature for passenger comfort. The idling time specified in section 217-3.2 of this Subpart may be increased, but only to the extent necessary to comply with such regulations.
- (c) A diesel or nondiesel fueled engine is being used to provide power for an auxiliary purpose, such as loading, discharging, mixing or processing cargo; controlling cargo temperature; construction; lumbering; oil or gas well servicing; farming; or when operation of the engine is required for the purpose of maintenance.
- (d) Fire, police and public utility trucks or other vehicles are performing emergency services.

- (e) Trucks owned or operated by persons engaged in mining and quarrying are used within the confines of such person's property.
- (f) A diesel fueled truck is to remain motionless for a period exceeding two hours, and during which period the ambient temperature is continuously below 25 degrees F.
- (g) A heavy duty diesel vehicle, as defined in section 217-5.1(o) of this Part, that is queued for or is undergoing a State authorized periodic or roadside diesel emissions inspection pursuant to Subpart 217-5 of this Part.
- (h) A hybrid electric vehicle, as defined in section 217-5.1(r) of this Part, idling for the purpose of providing energy for battery or other form of energy storage recharging.
- (i) Heavy duty vehicles used for agricultural purposes on a farm.
- (j) Electric powered vehicles.

**Municipal Codes**

**Code of Town of Brighton**

§ 104-2. Prohibited odors.

- A. No person shall cause or allow emissions of air contaminants or noxious odors to the outdoor atmosphere that are injurious to human, plant or animal life or to property or that unreasonably interfere with the comfortable enjoyment of life or property (for purposes of this chapter, a "prohibited odor").
- B. In addition to the general prohibition set forth in Subsection A above, the following shall be prohibited conduct in violation of this chapter, but the listing herein shall not be deemed to be exclusive.
  - (1) Any open burning in violation of § 73-1 of the Code of the Town of Brighton.
  - (2) The idling of any motor vehicle for a period of longer than 15 minutes within 10 feet of any lot line of a property.

**Code of the Village of Bronxville**

ARTICLE III, Idling of Motor Vehicles [Added 7-13-1992 by L.L. No. 2-1992]

§ 210-15. Operation of motor vehicle; idling of engine restricted.

- A. No person shall cause or permit the engine of a motor vehicle, other than a legally authorized emergency motor vehicle, to idle for longer than three minutes while parking as defined in § 129 of the Vehicle and Traffic Law, standing as defined in § 145 of the Vehicle and Traffic Law, or stopping as defined in § 147 of the Vehicle and Traffic Law, unless the engine is used to operate a loading or unloading or processing device.



B. When the ambient temperature is in excess of 40° F., no person shall cause or permit the engine of a bus, as defined in § 104 of the Vehicle and Traffic Law, to idle while parking, standing or stopping.

§ 210-16. Enforcement.

Any parking enforcement officer or member of the Village of Bronxville Police Department is hereby authorized to issue and serve an appearance ticket as provided in Chapter 7, § 7-4, of this Code.

#### **Code of Town of Clifton Park**

§ 145-1. Findings and intent.

- A. Large vehicles, machines and equipment left idling or idling and unattended are a threat to the health, safety and welfare of the citizens of the Town of Clifton Park. Machines, equipment and vehicles of this nature include, but are not limited to, locomotives, tractor-trailer trucks and earth-moving equipment. When left idling for extended periods, these devices create a nuisance to Town residents in the form of excess noise and harmful exhaust fumes, and they also create an even greater danger to the public health and safety because of the possibility that they may be set in motion by passersby, including children.
- B. In order to protect and preserve the public health, safety and welfare, the Town of Clifton Park hereby restricts and proscribes the circumstances in which large machinery, equipment and vehicles may be left idling and unattended.

§ 145-2. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

**EARTH MOVER** — Mobile, mechanical equipment used in the excavation, displacement or transportation of earth.

**IDLING**— A circumstance in which an engine is running but not engaged in motion.

**LOCOMOTIVE** — A self-propelled engine, usually electric or diesel-powered, that pulls or pushes freight or passenger cars on railroad tracks.

**MACHINERY AND EQUIPMENT** — Locomotives, tractor-trailer trucks and earth movers.

**TRACTOR-TRAILER TRUCKS** — A truck having a cab and no body, used for pulling large vehicles such as vans or trailers.

**UNATTENDED** — A circumstance in which machinery or equipment is left idling with no operator present or in control of the equipment.

§ 145-3. Idling and unattended large machinery or equipment prohibited.

- A. It shall be unlawful for any person or entity to cause or to permit any locomotive, tractor-trailer truck or earth mover to idle for more than 10 minutes or to remain idling and unattended for more than five minutes.
- B. A law enforcement officer who observes idling machinery or equipment shall direct the operator to turn off the engine. In the event that the idling machinery or equipment is unattended, the officer shall turn off the engine. A private citizen who observes unattended machinery or equipment shall immediately report the circumstances to the police.

§ 145-4. Violations.

A law enforcement officer shall issue a citation for violation of this chapter in any instance in which such officer observes idling or unattended machinery or equipment. A citation may also be issued upon complaint of a citizen who observes idling or unattended machinery or equipment. A citation may be issued to an individual, a corporation or both. The prosecution of any citation shall be adjudicated before the Clifton Park Town Court. A violation of this chapter is classified as a misdemeanor.

§ 145-5. Penalties for offenses.

- A. Where an individual is adjudged guilty of a first violation of this chapter, the court may impose a fine not to exceed \$350 or imprisonment for a term of not less than 15 days nor more than one year, or both.
- B. Where an individual is adjudged guilty of a second violation of this chapter within a five-year period, the court may impose a fine not less than \$350 nor more than \$700 or imprisonment for a term of not less than 15 days nor more than one year, or both.
- C. Where an individual is adjudged guilty of a third violation of this chapter within a five-year period, the court may impose a fine not less than \$700 nor more than \$1,000 or imprisonment for a term of not less than 15 days nor more than one year, or both.
- D. Where a corporation is adjudged guilty of a violation of this chapter, the court may impose a fine of \$5,000.

**Code of the Village of Flower Hill**

§ 195-9. Idling of vehicles. [Amended 11-6-2000 by L.L. No. 3-2000]

Vehicles shall not be permitted to idle within the village in excess of two minutes.

**City of Ithaca Code**

§ 346-48. Vehicle idling

- A. Applicability. This section shall apply to all motor vehicles defined in Article 1

of the Vehicle and Traffic Law of the State of New York.

B. No person who owns, operates or leases a motor vehicle or who owns, leases or occupies land and has the actual or apparent dominion or control over the operation of a motor vehicle on such land shall allow or permit the engine of such motor vehicle to idle for more than five consecutive minutes when the motor vehicle is not in motion, except as otherwise permitted by Subsection C below.

C. Exceptions. The prohibitions of Subsection B of this section shall not apply when:

(1) The motor vehicle is forced to remain motionless because of traffic conditions over which the operator thereof has no control.

(2) Regulations adopted by federal, state or local agencies having jurisdiction require the maintenance of a specific temperature for passenger comfort. The idling time specified in Subsection B of this section may be increased, but only to the extent necessary to comply with such regulations.

(3) The engine is being used to provide power for an auxiliary purpose such as loading, discharging, mixing or processing cargo; controlling cargo temperature; construction; or farming, or operation of the engine is required for the purpose of maintenance.

(4) Fire, police and public utility trucks or other vehicles are actually performing emergency services.

D. Penalties for offenses. Any person who violates the provisions of this section shall be guilty of a violation and, upon conviction thereof, shall be punishable by a fine not to exceed \$250 or by imprisonment for not more than 15 days, or by both such fine and imprisonment.

#### **Code of Village of Lawrence**

§ 200-29.1. Bus idling. [Added 6-12-1991 by No. 2-1991]

No person shall cause or permit the engine of a bus, as defined in § 104 of the Vehicle and Traffic Law, to idle for more than three minutes while parking, standing or stopping when the ambient temperature is in excess of 40° F. except while passengers are on board or while hoarding or discharging passengers.

#### **Town of Mamaroneck Code**

ARTICLE I Idling of Motor Vehicles [Adopted 5-4-2005 by L.L. No. 5-2005]

§ 219-1. Idling restricted.

A. No person shall allow, cause or permit the engine of any motor vehicle to run for more than five consecutive minutes while parking, standing, or stopping on public or private property in the unincorporated portion of the Town of Mamaroneck.

B. This section shall not apply to public utility companies, the United States of America, the State of New York, the County of Westchester, the Town of Mamaroneck, the Mamaroneck Union Free School District or the Villages of Larchmont, Mamaroneck

or Scarsdale. This section also shall not apply to any independent contractor engaged by any of the entities described in the preceding sentence while such independent contractor is carrying out the business activity for which it was engaged by one or more of the entities.

- C. This section shall not apply when the temperature in the Town of Mamaroneck is 40° F. or less.
- D. This section shall not apply in situations where a vehicle is exempt from the requirements of Subpart 217-3 of Title 6 of the New York Codes, Rules, and Regulations.

**Village of Mamaroneck Code**

§ 326-19. Engine idling prohibited.

- A. No person shall cause or permit the engine of a motor vehicle, other than a legally authorized emergency motor vehicle, to idle for longer than three minutes on Village-owned property while parking, as defined in § 129 of the Vehicle and Traffic Law, while standing, as defined in § 145 of the Vehicle and Traffic Law, or while stopping, as defined in the Vehicle and Traffic Law, unless the engine is used to operate a loading, unloading or processing device.
- B. When the ambient temperature is in excess of 40° F., no person shall cause or permit the engine of a bus, as defined in § 104 of the Vehicle and Traffic Law, to idle while parking, standing or stopping on Village-owned property.

**Code of Town of Milton**

ARTICLE II Unattended or Idling Large Machinery and Equipment [Adopted 1-16-2002 by L.L. No. 1-2002]

§ 169-8. Findings and intent.

- A. Large vehicles, machines and equipment left idling or idling and unattended are a threat to the health, safety and welfare of the citizens of the Town of Milton. Machines, equipment and vehicles of this nature include, but are not limited to, locomotives, tractor-trailer trucks and earth-moving equipment. When left idling for extended periods, these devices create a nuisance to Town residents in the form of excess noise and harmful exhaust fumes, and they also create an even greater danger to the public health and safety because of the possibility that they may be set in motion by passersby, including children.
- B. In order to protect and preserve the public health, safety and welfare, the Town of Milton hereby restricts and proscribes the circumstances in which large machinery, equipment and vehicles may be left idling and unattended.

§ 169-9. Definitions.

As used in this article, the following terms shall have the meanings indicated:

EARTH MOVER — Mobile, mechanical equipment used in the excavation, displacement or transportation of earth.

IDLING — A circumstance in which an engine is running but not engaged in motion.

LOCOMOTIVE — A self-propelled engine, usually electric or diesel-powered, that pulls or pushes freight or passenger cars on railroad tracks.

MACHINERY AND EQUIPMENT — Locomotives, tractor-trailer trucks and earth movers.

TRACTOR-TRAILER TRUCKS — Trucks having a cab and no body, used for pulling large vehicles such as vans or trailers.

UNATTENDED — A circumstance in which machinery or equipment is left idling with no operator present or in control of the equipment.

§ 169-10. Prohibited acts; report of violations.

- A. It shall be unlawful for any person or entity to cause or to permit any locomotive, tractor-trailer truck or earth mover to idle for more than 10 minutes or to remain idling and unattended for more than five minutes.
- B. A law enforcement officer who observes idling machinery or equipment shall direct the operator to turn off the engine. In the event that the idling machinery or equipment is unattended, the officer shall turn off the engine. A private citizen who observes unattended machinery or equipment shall immediately report the circumstances to the police.

§ 169-11. Violations; issuance of citations.

A law enforcement officer shall issue a citation for violation of this article in any instance in which such officer observes idling or unattended machinery or equipment. A citation may also be issued upon complaint of a citizen who observes idling or unattended machinery or equipment. A citation may be issued to an individual, a corporation, or both. The prosecution of any citation shall be adjudicated before the Milton Town Court. A violation of this article is classified as a misdemeanor.

§ 169-12. Penalties for offenses.

- A. Where an individual is adjudged guilty of a first violation of this article, the court may impose a fine not to exceed \$350, or imprisonment for a term of not less than 15 days nor more than one year, or both.
- B. Where an individual is adjudged guilty of a second violation of this article within a

five-year period, the court may impose a fine of not less than \$350 nor more than \$700, or imprisonment for a term of not less than 15 days nor more than one year, or both.

- C. Where an individual is adjudged guilty of a third violation of this article within a five-year period, the court may impose a fine of not less than \$700 nor more than \$1,000, or imprisonment for a term of not less than 15 days nor more than one year, or both.
- D. Where a corporation is adjudged guilty of a violation of this article, the court may impose a fine of \$5,000.

**Code of the City of New Rochelle**

§ 312-33. Idling. [Added 9-21-2004 by L.L. No. 8-2004]

No person shall allow, cause or permit the engine of any motor vehicle to idle for more than five consecutive minutes while parking, standing, or stopping on public or private property in the City of New Rochelle, subject to the exceptions for heavy-duty vehicles set forth in Section 217.3 of Title 6 of the State of New York Codes, Rules, and Regulations.

**New York City Administrative Code**

34 RCNY § 4-08

§ 4-08 Parking, Stopping, Standing.

...

(p) Engine idling. (1) Idling of vehicle engines prohibited. Except as provided for buses in paragraph (p)(2) hereof, no person shall cause or permit the engine of any vehicle, other than a legally authorized emergency motor vehicle, to idle for longer than three minutes while parking, standing or stopping unless the engine is being used to operate a loading, unloading or processing device.  
[SEE graphical material in printed version]

(2) Idling of bus engines prohibited. No person shall cause or permit the engine of any bus to idle at a layover or terminal location, whether or not enclosed, when the ambient temperature is in excess of forty (40) degrees Fahrenheit. When the ambient temperature is forty (40) degrees Fahrenheit or less, no person shall cause or permit any bus to idle for longer than three minutes at any layover or terminal location. For the purpose of this rule, at a layover or terminal location a bus engine shall not be deemed to be idling if the operator is running the engine in order to raise the air pressure so as to release the air brakes, provided however, that this shall not exceed a period of three minutes.

**Code of Town of North Salem**

ARTICLE VI, Idling of Vehicles [Added 8-25-1998 by L.L. No. 7-1998]

§ 220-31. Idling of motor vehicles restricted.

A. Restrictions. No person shall operate an engine of any standing motor vehicle for a period in excess of five minutes while parking as defined in § 129 of the Vehicle and Traffic Law, standing as defined in § 145 of the Vehicle and Traffic Law or stopping as defined in § 147 of the Vehicle and Traffic Law, unless the engine is used to operate a loading, unloading or processing device.

B. Applicability. The provisions of this chapter shall apply except when it is necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or official traffic control device.

C. Enforcement. The provisions of this chapter shall be enforced by the Police Department of the Town of North Salem or other officials designated by the Town Board.

D. Penalties for offenses. Any person violating this chapter shall be guilty of a violation punishable by a fine of not more than \$500 or imprisonment not to exceed 15 days, or both such fine and imprisonment.

#### **Code of Village of Northport**

##### **§ 289-1. Legislative findings.**

The Board of Trustees hereby finds and determines that the excessive stationary idling of motor vehicles is detrimental to the health, safety and welfare of the village and its inhabitants in that it causes the release of unnecessary emissions of carbon monoxide and other pollutants into the atmosphere, the production of unnecessary noise and the waste of limited natural resources.

##### **§ 289-2. Idling restrictions; exceptions.**

- A. No person shall cause or permit the engine of a motor vehicle, other than a legally authorized emergency vehicle, to idle for longer than five consecutive minutes when the ambient temperature is greater than 25° F. (-4° C.).
- B. Exceptions. The provisions of Subsection A shall not apply:
- (1) When a vehicle is forced to remain motionless because of a traffic condition over which the operator has no control.
  - (2) When regulations adopted by federal, state or local agencies having jurisdiction require the maintenance of a specific temperature for passenger comfort, the idling limit specified in this section may be increased, but only to the extent necessary to comply with such regulations.
  - (3) When necessary to provide power for an auxiliary purpose, such as loading, discharging, mixing or processing cargo, controlling cargo temperature, construction, farming, or when the vehicle engine is being serviced.

- (4) When necessary for operation of mobile receiving and transmitter stations or mobile telephones.

§ 289-3. Penalties for offenses. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

Violations of any of the provisions of this chapter shall be punishable by a fine not to exceed \$250 and/or imprisonment for a term not to exceed 15 days, or both such fine and imprisonment, in the discretion of the court.

Code of Village of Nyack

**§ 55-5.1. Idling prohibited. [Added 9-12-2002 by L.L. No. 4-2002]**

- A. No commercial vehicle, bus, or other public omnibus shall be permitted to idle its engine for longer than five minutes on or along any street or public highway within the Village of Nyack.
- B. The penalty for a violation of this section shall be a fine not to exceed \$250.
- C. This section may be enforced by the Village of Nyack Parking Authority, the Clarkstown Police Department, or the Orangetown Police Department.

**Code of Village of Port Chester**

§ 319-26.4. Operation of motor vehicle; idling of engine restricted. [Added 11-1-1993 by L.L. No. 16-1993]

- A. No person shall cause or permit the engine of a motor vehicle, other than a legally authorized emergency motor vehicle, to idle for longer than three minutes while parking as defined in § 129 of the Vehicle and Traffic Law, standing as defined in § 145 of the Vehicle and Traffic Law or stopping as defined in § 147 of the Vehicle and Traffic Law, unless the engine is used to operate a loading, unloading or processing device.
- B. When the ambient temperature is in excess of 40° F., no person shall cause or permit the engine of a bus, as defined in § 104 of the Vehicle and Traffic Law, to idle while parking or standing.

**Code of Town of Queensbury**

ARTICLE I Idling in Residential Zones [Adopted 9-13-2004 by L.L. No. 7-2004]

§ 68-1. Title and authority.



The Queensbury Town Code is hereby amended by adding a new Article I of Chapter 68 entitled "Prohibition of Diesel Vehicles Idling in Residential Zones." It is adopted pursuant to Municipal Home Rule Law § 10.

§ 68-2. Legislative intent.

Concerns have been raised concerning idling of diesel vehicles, particularly in the Town's residential zones. Such activity can produce offensive odors and offensive noise which can harm the health, safety and welfare of residents. In addition, the activities prohibited in this article waste fuel which is a limited resource, cause environmental harm and are inappropriate in a residential zone. It is the finding of the Town Board that if a diesel vehicle needs to be warmed up or kept warm to run, then the licensed driver of the diesel vehicle shall use a block heater to keep the engine warm.

§ 68-3. Definitions.

For the purposes of this article, "diesel vehicle" shall mean any diesel-fueled vehicle requiring a CDL or higher license to drive. Notwithstanding the above, diesel vehicle shall not include emergency vehicles (e.g., fire or EMS), Town or other municipal or state vehicles operating in the course of their duties (including, without limitation, school buses) or utility company vehicles operating during an emergency, or delivery vehicles while making deliveries or making pickups at places, of business.

§ 68-4. Prohibition.

No person shall allow a diesel vehicle to run or idle its engine for any length of time while the diesel vehicle is unattended. "Unattended" means where the properly licensed driver of the diesel vehicle is not in the diesel vehicle's driver's seat and awake. This prohibition shall be effective in all residential zones of the Town. The driver and the registered owner of the diesel vehicle shall each be responsible for complying with this article.

§ 68-5. Enforcement.

Failure to comply with the provisions of this article shall be a violation and, upon conviction thereof, shall be punishable by a fine of not more than \$100 for the first offense. The second conviction hereunder shall be punishable by a fine of not more than \$200 or imprisonment for a period of not more than three days, or both. Any subsequent offense shall be punishable by a fine of not more than \$350 or imprisonment for a period of not more than seven days, or both. Each violation shall constitute a separate offense. The licensed driver of the diesel vehicle and, if different, the person in whose name the diesel vehicle is registered shall each be considered and responsible for each violation of this article and this article may be enforced against either one or both for each violation.

**Code of the City of Rye**

§ 45-1. Operation of motor vehicle; idling of engine restricted.

- A. No person shall cause or permit the engine of a motor vehicle, other than a legally authorized emergency motor vehicle, to idle for longer than three minutes while parking, as defined in § 129 of the Vehicle and Traffic Law, standing, as defined in § 145 of the Vehicle and Traffic Law, or stopping, as defined in § 147 of the Vehicle and Traffic Law, unless the engine is used to operate a loading, unloading or processing device.
- B. When the ambient temperature is in excess of 40° F., no person shall cause or permit the engine of a bus, as defined in § 104 of the Vehicle and Traffic Law, to idle while parking, standing or stopping.
- C. Violators of this chapter may be issued appearance tickets by police officers of the City of Rye. Such tickets shall be returnable in Rye City Court.

**Code of the Village of Scarsdale**

**ARTICLE I, Motor Vehicle Engine Idling [Adopted 6-9-1992 by L.L. No. 2-1992]**

§ 106-1. Idling of engines restricted.

No person shall cause or permit the engine of a motor vehicle, other than a legally authorized emergency motor vehicle, to idle for longer than three minutes while parking, as defined in § 129 of the Vehicle and Traffic Law, standing, as defined in § 145 of the Vehicle and Traffic Law, or stopping, as defined in § 147 of the Vehicle and Traffic Law, unless the engine is used to operate a loading, unloading or processing device.

§ 106-2. Bus engines restricted.

When the ambient temperature is in excess of 40° F., no person shall cause or permit the engine of a bus, as defined in § 104 of the Vehicle and Traffic Law, to idle while parking, standing or stopping.

§ 106-3. Violators issued appearance tickets.

Violators of this article may be issued appearance tickets by officers of the Scarsdale Police Department. Such appearance tickets shall be returnable in Scarsdale Village Court.

**Code of Town of Somers**

**ARTICLE X Motor Vehicle Engine Idling [Adopted 7-9-1992 by L.L. No. 10-1992]**

§ 158-29. Restrictions.

- A. No person shall cause or permit the engine of a motor vehicle, other than a legally authorized emergency motor vehicle, to idle for longer than three minutes while parking as defined in § 129 of the Vehicle and Traffic Law, standing as defined in

§ 145 of the Vehicle and Traffic Law or stopping as defined in § 147 of the Vehicle and Traffic Law, unless the engine is used to operate a loading, unloading or processing device.

- B. When the ambient temperature is in excess of 40° F., no person shall cause or permit the engine of a bus, as defined in § 104 of the Vehicle and Traffic Law, to idle while parking, standing or stopping.

§ 158-30. Appearance tickets.

Violators of this article may be issued appearance tickets by officers of the Police Department of the Town of Somers. Such appearance tickets shall be returnable in local court.

§ 158-31. Penalties for offenses.

Any person violating the provisions of this article shall be guilty of an offense and shall be liable upon conviction for a fine not to exceed \$100 for each offense.

#### **Laws of Suffolk County**

§ 760-1017. Operation of motor vehicles.

A. No person shall cause or permit the engine of a motor vehicle, other than a legally authorized emergency vehicle, to idle for longer than five consecutive minutes when the temperature is greater than 25° F. (-4° C.).

B. No diesel engine operated in the County of Suffolk shall emit a visible air contaminant of a shade of blue, black or gray of an opacity greater than 20% for a continuous period of more than five seconds.

C. No motor vehicle operated in the County of Suffolk shall emit a visible air contaminant of a shade of blue, black or gray of an opacity greater than 20% for a continuous period of more than five seconds.

D. Exceptions

(1) When a vehicle is forced to remain motionless because of a traffic condition over which the operator has no control.

(2) When regulations adopted by federal, state or local agencies having jurisdiction require the maintenance of a specific temperature for passenger comfort, the idling limit specified in this section may be increased, but only to the extent necessary to comply with such regulations.

(3) When necessary to provide power for an auxiliary purpose such as loading, discharging, mixing or processing cargo, controlling cargo temperature, construction, farming or when the vehicle engine is being serviced.

(4) When necessary for operation of mobile receiving and transmitter stations or mobile telephones.

#### **Code of Ordinances of the Village of Tuckahoe**

§ 21-86. Operation of motor vehicles idling of engines restricted.

(a) No person shall cause or permit the engine of a motor vehicle, other than a legally authorized emergency motor vehicle, to idle for longer than three minutes while parking, as defined in § 129 of the Vehicle and Traffic Law, standing, as defined in § 145 of the Vehicle and Traffic Law, or stopping, as defined in § 147 of the Vehicle and Traffic Law, unless the engine is used to operate a loading, unloading or processing device.

(b) When the ambient temperature is in excess of 40° F., no person shall cause or permit the engine of a bus, as defined in § 104 of the Vehicle and Traffic Law, to idle while parking, standing or stopping.

(c) A violation of this § 21-86 shall be punishable in accordance with § 1-7 of the Village Ordinances by a fine not to exceed \$250. (L.L. No. 7-1992, § 2)

...

§ 21-104.2. Prohibited uses

...

(c) The provisions of § 21-86 of the Village Ordinances prohibiting the idling of engines of motor vehicles for more than three minutes shall be applicable to and enforced in parking lots.

**Code of City of Yonkers**

§ 109-88. Idling of engine. [Amended 2-11-1991 by G.O. No. 2-1991]

No person shall cause or permit the engine of a motor vehicle, other than a legally authorized emergency motor vehicle, to idle for longer than three minutes while parking, standing or stopping, unless the engine is used to operate a loading, unloading or processing device. When the ambient temperature is in excess of 40° F., no person shall cause or permit the engine of a bus as defined in § 104 of the Vehicle and Traffic Law to idle while parking, standing or stopping at any terminal point, whether or not enclosed, along an established route.

WHEREAS, it is in the City of Kingston's best interest to adopt anti-idling legislation more stringent than that of New York State Code.

RESOLVED that the City of Kingston supports the adoption of an anti-idling policy, and;

RESOLVED, that Local Ordinance [#] of 2021 is hereby adopted as follows:

SECTION I.

BE IT HEREBY RESOLVED, that Chapter 390 of the City of Kingston Code "Vehicles and Traffic" Article VI be amended to add Section [#]: Idling of Motor Vehicles:

- A. Applicability: This section shall apply to all motor vehicles as defined in Article 1 of the Vehicle and Traffic Law of the State of New York not currently regulated under New York State Code of Rules and Regulations Subpart 217-3: Idling Prohibition for Heavy Duty Vehicles.
- B. Prohibitions: No person shall allow, cause, or permit the engine of any motor vehicle to run for more than ten consecutive minutes while parking, standing, or stopping in the City of Kingston, as those terms are defined in New York State Vehicle and Traffic Law.
- C. Exceptions: The prohibitions of sub-section B shall not be applicable when
  - I. A vehicle is forced to remain motionless because of traffic conditions over which the operator has no control.
  - II. Fire, police, public utility, and other vehicles are performing emergency services.
  - III. A vehicle engine is being used to provide power for a necessary auxiliary function, such as loading, discharging, mixing or processing cargo; controlling cargo temperature; running equipment; construction; lumbering; oil or gas well servicing; or when operation of the engine is required for maintenance.
  - IV. A snow emergency is declared in the City of Kingston.

BE IT HEREBY RESOLVED, that Section 390-82 "Penalties for Offenses" Subsection B be amended to include violation: "Idling" with an initial fine of \$20 and a fine of \$40 after 15 days.



**RESOLUTION 161 OF 2021**

**Ordinance: Handicap Parking**

**AN ORDINANCE AMENDING AN ORDINANCE IN RELATION TO THE TRAFFIC ON THE PUBLIC STREETS OF THE CITY OF KINGSTON, NEW YORK, ADDING HANDICAP PARKING ON GAGE STREET**

Sponsored By: Public Safety/General Government Committee:  
Alderman Davis, Koop, Ventura Morell

**WHEREAS**, in the interest of safety and the needs of residents, parking on the street must be regulated

**NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF KINGSTON, NEW YORK, AS FOLLOWS:**

**SECTION 1-** ARTICLE 7, SECTION 390-57, SCHEDULE XX, "HANDICAP PARKING" is hereby amended by ADDING the following:

69 Gage Street

**SECTION 2-** All ordinances and parts thereof, inconsistent herewith are hereby repealed

**SECTION 3-** This resolution shall take effect immediately after passage, approval and publication as provided by law.

Submitted to the Mayor this \_\_\_\_ day of \_\_\_\_\_, 2021

Approved by the Mayor this \_\_\_\_ day of \_\_\_\_\_, 2021

\_\_\_\_\_  
Elisa Tinti, City Clerk

\_\_\_\_\_  
Steven T. Noble, Mayor

Adopted by Council on \_\_\_\_\_, 2021





THE CITY OF KINGSTON COMMON COUNCIL

PUBLIC SAFETY/GENERAL GOVERNMENT  
COMMITTEE REPORT

DEPARTMENT: DPW DATE: 7/28/21

Description:

Add handicap sign at 69 Gage Street.  
SEE ATTACHED STICKER.

Signature: \_\_\_\_\_

Motion by JVM  
Seconded by DK

Action Required:

SEQRA Decision:  
Type I Action \_\_\_\_\_  
Type II Action \_\_\_\_\_  
Unlisted Action \_\_\_\_\_

Negative Declaration of Environmental Significance: \_\_\_\_\_  
Conditioned Negative Declaration: \_\_\_\_\_  
Seek Lead Agency Status: \_\_\_\_\_  
Positive Declaration of Environmental Significance: \_\_\_\_\_

<u>Committee Vote</u>	<u>YES</u>	<u>NO</u>
Tony Davis, Chairman <i>Anthony D</i>	✓	
<u>DOUG KOOP</u> Ward 2 <i>DA Koop</i>	✓	
Rennie Scott-Childress, Ward 3 <i>[Signature]</i>		
Jeffrey Ventura Morell, Ward 1 <i>[Signature]</i>	✓	
Michelle Hirsch, Ward 9		





Department of Motor Vehicles

NY 66A (5/18)

5169185

NOT TRANSFERABLE



- JAN
- FEB
- MAR
- APR
- MAY
- JUN
- JUL
- AUG
- SEP
- OCT
- NOV
- DEC

Permit expires last day of month & year punched.

06-25/455

Issuing Locality and Phone No.:

KINGSTON  
845 331-1671

REMOVE FROM REARVIEW MIRROR WHEN DRIVING

- 2020
- 2021
- 2022
- 2023
- 2024
- 2025



4

**Tinti, Elisa**

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**From:** Shaut, Andrea  
**Sent:** Wednesday, July 21, 2021 3:57 PM  
**To:** Tinti, Elisa  
**Cc:** Davis, Tony  
**Subject:** FW: Handicap

Good afternoon Elisa,

I have agreed to accept the following as a late communication for July's Public Safety meeting, as I view handicap signage a time-sensitive issue. Alderman Davis is aware that he will need to have the permit number for the meeting.

Can you please add this to the agenda for next week?

Thank you,  
Andrea

**From:** Davis, Tony  
**Sent:** Wednesday, July 14, 2021 9:31 AM  
**To:** Shaut, Andrea <ashaut@kingston-ny.gov>  
**Subject:** Handicap

Requesting handicap sign at 69 Gage St.

Tony Davis

