Plattsburgh City-College Commission Report

July 16, 2007
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This report is presented to Dr. John Ettling, President of the State University of New York College at Plattsburgh, and the Honorable Donald Kasprzak, Mayor of the City of Plattsburgh, on July 16, 2007, by a Commission impaneled on April 24, 2007 to review the issues and problems associated with the residential areas adjacent to the College.

Commission Members

- Edward Miller, Chairperson, Plattsburgh City-College Commission
- Alyssa Amyotte, Student, SUNY Plattsburgh
- Karen Larkin, Resident, City of Plattsburgh
- William Laundry, Vice President for Student Affairs, SUNY Plattsburgh
- Susan Levaque, Resident, City of Plattsburgh
- Stephen Matthews, Dean of Students, SUNY Plattsburgh
- Nancy Monette, Resident, City of Plattsburgh
- William Provost, Counselor, Ward 1, City of Plattsburgh
- Allison Swick-Duttine, Director, Fraternity and Sorority Life, SUNY Plattsburgh
Executive Summary

The Plattsburgh City-College Commission makes the following recommendations to the President and the Mayor for consideration as individual parts to a fabric that will provide progress towards solving the problems being encountered in the residential areas adjacent to the downtown area of Plattsburgh. The Commission recommends:

- The adoption of revisions herein to the current City Noise Ordinance (§206) and the Definition of Family (§270.4) found in the current City Code: adoption of the proposed ordinances titled herein, Housing, Property Maintenance and Nuisance and the Registration, Inspection and Permitting of Rental Unit. In addition, we urge the creation and subsequent adoption of a Cost Recovery Civil Host Liability Ordinance.

- The creation of Alternate Sentencing Options that provide a framework for a restorative justice approach to quality of life infractions.

- Planning and execution of stings at the local bars and house parties.

- The College lowering its Nexus threshold to include, not only the prosecution of those students charged with felonies, but also those charged with misdemeanors under the Student Code of Conduct.

- Regulating athletic teams at the College under the Student Conduct Code for Clubs and Organizations.

- The creation of an Alcohol and Other Drug Coordinator and a Coordinator for City-College Affairs.

- The creation of a student-driven standing committee on Campus-Community Relations.

- Creation of neighborhood associations in the City.

- The City joining the College in petitioning the State Liquor Authority for a moratorium on the issuance of new licenses for establishments in the downtown area.

- That the City adopt the logistical recommendations contained herein that relate to the Building Inspector’s Office.

- That the City and College adopt the logistical recommendations contained herein related to the operations of their respective police departments.

- That the City fosters the creation of a “Hospitality Zone” in the downtown area.

- That all enforcement agents become more proactive and pursue a zero-tolerance policy with respect to violations of any City Code and that the Judiciary assign full measure of penalties for violations.

- That the Fire Department will assist in building inspections.

- Adoption of the various actions suggested will herein help change the reasons for students to visit downtown be adopted so that the “bar” image can be changed.

- That a standing council of appropriate City departments be established to periodically review problem properties.
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**Introduction**

Numerous colleges and their host cities are taking strides to address the problems created by the interface between permanent residents of a city and college students living in or traversing the residential areas adjacent to their campuses. These problems most often have are associated with the over indulgence of alcohol. Abuse of alcohol has been an issue for many decades and the antics and rude, disruptive and intentionally destructive behavior that result from drunkenness have often been dismissed as expected behavior for young adults during their college years. Violent acts, including sexual assault and even death, have done little as separate incidents to create a clarion call for change. However, there is mounting evidence of alcohol’s effects on spurring criminal activity, contributing to health disorders and decreasing the possibilities for academic success.

As alcohol and other drugs act as catalysts for the emergence of problematic behaviors, colleges across the nation have developed programs to educate students about the deleterious effects of alcohol.1 Screening programs have been offered by health and wellness coordinators to help students determine if they have an alcohol problem. Norming campaigns, such as 4 or Fewer2, have sought to change the expectations of students about how many drinks at an outing are considered the norm for being an average college student. Counseling efforts have also increased. Colleges have tightened on-campus drinking restrictions in response to state laws that increased the drinking age to 21. However, in spite of the efforts to combat the negative effects of alcohol, the problem persists and is growing3. As members of this Commission have noted in meetings, restricting the availability and freedom to consume alcohol in one location just causes it to move to another. In the case of Plattsburgh, the problem has moved off-campus to the local neighborhoods and taverns.

Local municipalities such as Plattsburgh have had to deal with the consequences of the problem behaviors often associated with alcohol and other drug use (but sometimes the behaviors arise in and of themselves) through enforcement of city ordinances and state laws. However, examination of the current ordinances available to enforcement offices in the City shows them less able to address behavioral and property issues in Plattsburgh than in other New York cities.

Colleges, like SUNY Plattsburgh, have in the past indicated that their ability to extend jurisdiction to help police the behaviors of their students in off-campus environs ends at the boundary of the campus unless a Nexus4 to the mission of the college can be established for the offending off-campus behavior. Since 19615, when courts began to limit the power of *in loco parentis*, the provision of due process has been the rule, and the prosecution of students under the

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1 Plattsburgh offers *Alcohol 101* as an education tool for those who are found responsible of an alcohol infraction of the Student Conduct code.
2 This program has been used for several years at Plattsburgh State. While the anecdotal evidence is mixed on its efficacy, norming campaigns have been shown to be effective in changing cultural behavior.
4 Nexus is a legal term identifying a connection between the behavior and a college’s right to act on it under its own judicial process.
campus systems requires nearly the same levels of proof as in local or state courts. Nevertheless, colleges are beginning to re-examine where the Nexus line is drawn.

Problematic behaviors and alcohol and other drug use are impeding the ability of the students to learn and therefore the mission of the College. In addition, the behavior of some students has impeded the ability of the more permanent residents and the student residents of the local community from enjoying their homes or rental properties. The lost investment in learning – both tuition and state tax support – and the loss of the enjoyment of the home are real and serious matters that have been addressed by this Commission. From the perspective of the City of Plattsburgh, the outcomes of over indulgence and problematic behaviors drain resources from more serious criminal enforcement issues as well as strain the local judiciary.

While enforcement of alcohol and quality of life violations have increased in many college towns, the underlying issues need to be elucidated and educationally addressed. SUNY Plattsburgh knows many of the health effects, the criminal activity that emerges and requires enforcements and assignment of accountability, and, the damage to academic development that results. In turn, the College communicates these to the students. However, additional approaches are needed. Educational efforts must focus on civility, citizenship and other values rather than just the symptoms (e.g. vandalism, noise, excessive alcohol abuse, etc.). Students must be involved in creating the solutions for them to be most effective. To create the educational programs and involve the students requires conversation.

Author Margaret Wheatley writes,

\[
\text{I believe we can change the world if we start listening to one another again. Simple, honest conversation. Not mediation, negotiation, problem-solving, debate or public meetings. Simple, truthful conversations where we each have a chance to speak, we each feel heard, and we each listen well...}
\]

\[
\text{“...all change, even very large and powerful change, begins when a few people start talking with one another about something they care about. Simple conversations held at kitchen tables, or seated on the ground, or leaning against doorways are powerful means to start influencing and changing our world.}
\]

\[
\text{“When a community of people discovers that they share a concern, change begins. There is no power equal to a community discovering what it cares about.}
\]

Beginning the conversation with problems makes people defensive and shuts down open communication. Appealing to senses of values and pride, however, will allow people to accept the problems and become passionate about creating change. \textit{While this document focuses exclusively on the macroscopic level where only the problems can be seen, conversations on the personal level must be undertaken to create the solutions and appeal to the students’ and community members’ senses of values and pride. This approach will allow them to accept the problems and become passionate about creating change.}

A second area often encountered in situations where colleges do not or cannot require students to remain on-campus for their entire college career (such as is the case with Plattsburgh) is the

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\text{6 Wheatley, M.J. (2002). Turning to one another: Simple conversations to restore hope to the future. San Francisco: Berrett-Koehler Publications, Inc.}
\]
growth of the student rental unit. Problems associated with such housing are many times linked to unfettered freedom without cognition of duty or responsibility as well as alcohol use. While behaviors may be dominant in these types of situations, other problems present themselves such as run-down buildings and unkempt grounds. These issues detract from the value of the other residents’ homes, be they owners or landlords, who attempt to maintain a high standard for the neighborhood.

High density and high occupancy of student rental units, such as exists in the area bounded by Cornelia Street, City Hall Place, Durkee Street, Broad Street and Prospect Avenue, almost assures excessive noise, enhanced wear and tear rates on the properties, high demand on City services and reduction of property values for the non-rental units used as true single family residences. Without strict attention to building code rules, enforcement, and penalties, the situation encountered in the Center City area of Plattsburgh will continue to decline. This will lead to more vehement calls for change as well as the continued and increased calls for police and judicial intervention. Without adoption of the recommendations contained in this report, frustration will grow and eventually lead to loss of trust in City and College officials and even hopelessness.

This Commission, one of many groups\(^7\) over the years to examine the Center City problems, was impaneled by the Honorable Donald Kasprzak, Mayor of Plattsburgh, and Dr. John Ettling, President of SUNY Plattsburgh. The charge provided to the group on April 24, 2007, stipulated that a set of recommendations to address the problems be drafted by July of 2007. The recommendations were to be reasonable and realistic. Both executives would then share the recommendations with their respective senior officers to determine what could be pursued and what could not. The Commission invited many individuals to present their opinions regarding off-campus students or on-campus students when off campus\(^8\). These individuals presented information regarding what they thought the problems were, who was responsible for them and what should be done about them. The Commission also held an open meeting for business owners on June 27, 2007, in City Hall. At that meeting and in private correspondence to the Chair of the Commission, a number of issues were described by these owners:

- Problems such as skateboarding, fighting, breaking mirrors off cars, climbing on people’s roof tops, noise, destruction of plant containers, pulling up plantings by the roots, drunkenness, getting into bars with false identification.
- More groups than just college students getting into trouble.
- A desire to see more police on foot instead of in patrol cars.
- A desire to see the violators dealt with very strongly.

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\(^7\) See: Downtown Future Planning Commission Report; Alan Booth, Chairperson, 1995. Recommendation 8 of that report stated: “To maintain the public safety of Downtown, and eliminate the perception of an unsafe atmosphere through the following means: a) Enforce/enhance laws pertaining to noise, open container, etc.; b) Establish walking/biking patrol/presence; c) Improve lighting of Durkee Street Parking lots; d) Work with College to establish self patrols; e) Encourage lighting maintenance, particularly in walkway between Durkee and Margaret Street, and in Durkee Street Parking Lot area.” In a recreation of the first commission, a second group urged in 2001 that: “19. Increase 12-hour walking police presence and satellite office.”

\(^8\) See Appendix 6.
In addition, a few members of the Commission attended the 2007 Best Practices in Building University/City Relations Conference in Gainesville, Florida to gather ideas about successful programs established by other town/gown cities to address similar problems we have seen.

It must also be said that many members of the Commission have lived with these problems for years and or have dealt with the problems in their official capacities. These experiences are part of the history that guides the Commission even in this report. However, the history has not and cannot be a barrier to moving ahead. Political considerations and connections as well as collegial inertia to recognition of the need for change or innovative thinking cannot be allowed to subvert efforts recommended herein. All stakeholders: students, college officials, city department heads, enforcement agents, neighbors, landlords, alcohol vendors, judges, faculty and staff at all levels, must take this opportunity created by the Mayor and the President to begin anew; to “Imagine Plattsburgh” as not just a typical small city with a college and occasional problematic behavior but a merged city-college that is on its way to becoming much more.

In order to look forward, we the members of the Plattsburgh City-College Commission have adopted several premises that guided the development of recommendations in this report. These assumptions are:

- The neighbors who reside in the homes near the college of SUNY Plattsburgh are good people committed to the community as well as the well-being of all individuals who live among them and/or also those who study at the College.
- The neighbors that live in the homes near the College have a right to a good quality of life unimpaired by problematic behaviors - be they created by students of SUNY Plattsburgh or by others.
- The young adults, who happen to also be students and reside in the neighborhoods adjacent to the College, have a right to live, work and study in the homes unimpeded by problematic behaviors and also want to be good neighbors to the more permanent residents of the area.
- Those who sell alcohol in Plattsburgh and the surrounding area, do not wish to profit from alcohol abuse, binge drinking, or knowing contribute to the development of alcoholism.
- The landlords, who own and rent properties in the vicinity of the College, do not want to offer substandard rental housing nor detract from the quality of life of the adjacent non-rental properties.
- The College, while not directly responsible for behavioral problems caused by some students in the neighborhoods, does bear a responsibility to assist the City in the education related to proper civic decorum as well as assignment of accountability when behaviors exhibited are not in the best traditions of the institution.
- The businesses in downtown Plattsburgh deserve an environment inviting to perspective customers and free of vandalism and any other deterrents to smooth operations.

These tenets provide a positive structure to approach very difficult solutions whose form can easily become undermined by the long history that has preceded them.

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9 Attributed to Dawn Marie Turner at meeting of FAIR.
Recommendations

It should be noted that Recommendations 1 through 4 of this section rely on the:

“... combined effort and many hours of work spread over a period of approximately one year, by the citizens association, ... These laws represent viable solutions to problems that have plagued not only the Center City, but now migrated to other neighborhoods throughout Plattsburgh. ... Cities such as Albany, Binghamton, and Oneonta have each addressed the same problems Plattsburgh has. ... ¹⁰

They appear here because of the more recent work of Stuart Voss, Pat Miranda, Nancy Monette and Susan Levaque, as well as many others. The Commission has discussed them and it feels that they are worthy of additional consideration by the Common Council of Plattsburgh.

Note: Within the documents found in the Appendix, black text in the cases of the proposed changes to the Noise Ordinance and the Definition of Family is that found in sources for the current City ordinances. The black text in the proposed Rental Property Licensing and Nuisance Ordinances represent the original text of the F.A.I.R. group. The red text indicates changes that have been made to the original documents prepared by citizens noted above prior to full consideration by the Commission. Blue text indicates text that the Commission has amended or added. Any text not indicated for deletion is what the Commission has adopted as the text being recommended for consideration by the Common Council.

Recommendation 1:
Changes to Proposed City Ordinance on Noise Chapter 206
(See Appendix 1 for text of proposed changes)

1. Rationale: The Noise Ordinance has been in place in the City of Plattsburgh since 1988. Since that time, it has become apparent that some minor revisions of the ordinance should be made. The ordinance should clearly state the intent and purpose of the chapter and the City’s commitment to fostering the well-being of its residents and enjoyment by them of their homes.

Confusion has been suggested regarding the current ordinance (§206-3 A) with respect to noise generated within buildings with multiple units. Since the current wording only addresses the noise at the boundaries of a property, there was no way to address noise emanating from one apartment unit and passing through a wall into a separate and distinct apartment within the same structure. This has been addressed by the proposed addition of a new sub-subsection §206-3 A (2) with concomitant renumbering of the other subsections of §206-3 A. §206-3 E to §206-3 I have been added to address specific types of activities that generate noise: E – loud speakers/PA’s; F – Alarms/Barking Dogs; G – Noise around specific

¹⁰ Private Communication from Susan Levaque.
facilities such as hospitals; H – Moving; I – Construction. These items lend advice and direction for the enforcement of this ordinance.

§206-4 lists exceptions to the chapter. Here, clarifications on lawn mowing and normal use of power tools and snow blowing have been provided.

Since these proposed changes seem to offer clarification and better direction to enforcement officers and since it has been reviewed by the City Police Department, the Commission urges the City Council to adopt these changes at its earliest convenience.

2. Expected Outcomes: The proposed changes should lead to more clarity in the assignment of violations for this ordinance as well as the assignment of accountability for those cited and found guilty.

3. Assessment: A committee (whose membership should include the Police Chief of the City, a representative of the Mayor and several community members appointed at the Mayor’s discretion) should review the resultant outcomes of the adopted changes within two years. Recommendations for further amendments to address any shortcomings can be made at that time.

4. Cost: Additional costs to the City are expected to be minimal if these changes are adopted. Clearly, additional training would be required for enforcement personnel in order to learn about and understand the impact of the changes.

5. Timeline: The Common Council of the City of Plattsburgh should adopt these changes within the next six (6) months.

**Recommendation 2:**
*Proposed Changes to the Definition of Family Under Zoning Chapter 270 Section 4*
(See Appendix 2 for text of proposed changes)

1. Rationale: The New York Department of State has issued a Legal Memorandum as guidance to local municipalities regarding the definition of family under zoning laws. As the document states:

   *Any successful zoning scheme which purports to create and attain a single-family zoning district must contain a definition of family* [Bolding Added]. Dating back to 1974, the U.S. Supreme Court and many state courts, including our New York Court of Appeals, have examined the question of the definition of family, both in enforcement proceedings and in declaratory judgment actions. ... 

   ...Courts have regularly found a legitimate purpose in zoning regulations which are aimed at achieving a homogeneous, traditional single-family neighborhood. "A quiet place where yards are

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11 Legal Memorandum LU05: Definition of “Family” in Zoning Law and Building Codes, New York Department of State. [http://www.dos.state.ny.us/cnsl/family.html](http://www.dos.state.ny.us/cnsl/family.html).
wide, people few, and motor vehicles restricted are legitimate guidelines in a land-use project addressed to family needs," according to the U.S. Supreme Court in Village of Belle Terre v. Boraas, 416 U.S. 1, 9, 94 S Ct 1536, 39 L Ed 2d 797 (1974), a case which upheld, as constitutional, a zoning definition of family against a challenge that it violated the equal protection clause.

...Many municipalities in New York have adopted this discretionary review technique for defining family. For example, the City of Poughkeepsie zoning ordinance, in its definition of "family," contains a rebuttable presumption that 4 or more unrelated persons living in a single dwelling do not constitute the functional equivalent of a traditional family. The ordinance provides an opportunity for applicants to convince the Zoning Administrator that the group is the functional equivalent of a traditional family. The factors which must be considered by the Zoning Administrator are whether the group:

- shares the entire house
- lives and cooks together as a single housekeeping unit
- shares expenses for food, rent, utilities or other household expenses, and
- is permanent and stable.

Such an approach has met with success in the courts. In Unification Theological Seminary v. City of Poughkeepsie, 201 A.D.2d 484, 607 N.Y.S.2d 383 (2nd Dept. 1994), the Appellate Division upheld the City of Poughkeepsie's definition of "family" against a challenge that it violated the Due Process Clause. The Court held that it was valid to use a rebuttable presumption to establish which groups of unrelated individuals should be considered a family. For those municipalities which have enacted or are considering adopting definitions of family similar to that of the City of Poughkeepsie, this case lends constitutional support to those efforts.

Since the changes proposed to the definition of family for § 270-4 clarify the conditions for a functional family; add a presumptive clause which can be rebutted; and, adhere to the guidelines provided in the text of the Memorandum noted above, the Commission urges the City Council to adopt these changes.

2. **Expected Outcomes**: With the clarification and the addition of the rebuttable presumption, the enforcement of this definition within dwellings in the City can be more easily enforced.

3. **Assessment**: A committee (whose membership should include the Building Inspector, a representative of the Mayor and several community members appointed at the Mayor’s discretion) should review the resultant outcomes of the adopted changes within two years. Recommendations for further amendments to address any shortcomings can be made at that time.

4. **Cost**: This change to the code should involve relatively minor cost except for additional training for enforcement officers.

5. **Timeline**: The Common Council of the City of Plattsburgh should adopt these changes within the next six (6) months.
**Recommendation 3:**
**Proposed Housing, Property Maintenance and Nuisance Ordinance**
(See Appendix 3 for text of proposed changes)

1. **Rationale:** The residents of Plattsburgh have had to endure a great many problems created by some residences within the City. These problems have entailed infractions of the ordinances of the City and the laws of the State on a frequent basis. Because of the frequency of the violations, excessive drain on City resources has been the result. In addition, the nearby residents of such properties have had to endure a loss of value of their own properties as well as diminishment of the enjoyment of their homes. This has resulted in trauma and insult to residential neighborhoods.

Plattsburgh is not the only city in New York to be plagued with such problems. To countermand such problems, cities like Albany, Binghamton, Geneseo, Oneonta, and Oswego have enacted a variety of nuisance ordinances that raise the ability of a city to address properties where frequent infractions of the laws occur. While New York has criminal statutes for nuisance properties, there is great difficulty in meeting the standards for knowledge and intent to a degree necessary for a criminal prosecution. Civil infractions only require a preponderance of the evidence to prove that a problem is in fact a problem.

While there has been initial resistance to this proposal on philosophical and legal grounds, the Commission believes that the proposed ordinance deserves the attention of the City Council. If not this proposal, then we urge that a committee be established to review the various regulations that have been promulgated around the State and in other states and draft a different proposal that meets the spirit of the ordinance proposed in Appendix 3.

2. **Expected Outcomes:** With the addition of a nuisance and property maintenance ordinance, City enforcement officers can begin to address properties where frequent violations of the law have contributed to a decline in the quality of life in the neighborhoods. Problem properties would be eradicated as the law is executed through court proceedings.

3. **Assessment:** The passage of a property management and nuisance ordinance within six (6) months will be evidence of initial success. A Committee (whose membership should include the Building Inspector, Police Chief, a representative of the Mayor and several community members appointed at the Mayor’s discretion) should review the resultant outcomes of the adopted ordinance at twelve (12) months past the enactment of the legislation. The assessment can use as measures for success, anecdotal information from

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17 See New York State Penal Law §240.45
the Building Inspector’s Office, Police Department and Court system as well as quantitative information on the number of properties with frequent violations within twelve (12) months time as compared to the preceding twelve (12) month period. Recommendations for further amendments to address any shortcomings of the adopted law can be made at that time.

4. **Cost:** It is difficult to address a cost for this recommendation. However, the penalty recommended for maintaining a nuisance property in the proposed ordinance may be as much as $1,000 a day as well as the amount needed to cover the extra expense of enforcement and prosecution. Therefore, the cost to the City should be recouped upon successful prosecution.

5. **Timeline:** The Common Council of the City of Plattsburgh should adopt a form of this ordinance within the next six (6) months.

**Recommendation 4:**

**Proposed Registration, Inspection and Permitting of Rental Unit Ordinance**

(See Appendix 4 for text of proposed changes)

1. **Rationale:** The renting of properties as a business in any City presents special demands for heightened safety considerations and attention to code violations. These demands require additional funding for a Building Inspector’s Office – more than can be reasonably borne by the general tax base.

   In addition, it is not unknown in cases where very transient occupancy occurs (less than a year) that the nature and lack of that occupancy may lead the occupants to be less than neighborly since they have less long-term investment in the community. Damage is common and sometimes widespread in such premises.

   In 2004, the last year that statistics were reported on the New York State Office of Fire Prevention and Control website, there were 22,984 fires in apartments in the State of New York, which included 140 injuries and 17 deaths. The property loss for these fires was $16,796,733.\(^{18}\) Plattsburgh has recently seen its share of fires in rental units:

   a. On October 1, 2005, a total of 32 people were left without living accommodations at 92 Court when a serious fire reportedly started on a balcony.\(^{19}\)
   b. On April 16, 2006, a total of 40 people were dislocated by four fires\(^{20}\) in various rental units.
   c. On April 21, 2007, nine people were displaced from a rental unit at 13 Lorraine Street.\(^{21}\)

\(^{18}\)http://www.dos.state.ny.us/fire/pdfs/finy/04structure.pdf
\(^{19}\)http://www.apnmag.com/winter_2006/fireatcourt.php
\(^{20}\)http://www.wnbz.com/April%202006/041706.htm
In some of these cases, it was difficult to determine who owned the property and who was in fact a resident of the property. This was key since it was important to identify if all of the occupants had been safely evacuated from the structure. Unlike the case of a single family home where neighbors in an emergency can more easily identify the occupants who might have been in danger, the transient occupants of rental units do not usually create the same type of relationships with the occupants of surrounding properties.

Damage that results within rental units perpetrated by the lessees can lead to serious threats to the safety of individuals who may come after them. These dangers may be unknown to even the owners of the property. It was even reported to the Commission that one set of lessees removed an entire wall between apartments so that a larger space could be created for holding parties.

*It is incumbent upon the City to take action now in order to improve the safety of rental properties when they pass from one lessee to another. In addition, it is important for fire, emergency and police to have access to ownership and lessee information when responding to emergencies and/or complaints within the neighborhoods. For these reasons, the Commission urges that the proposed ordinance be added to the code of Plattsburgh.*

2. **Expected Outcomes:** The creation of a registration, inspection and permitting process as described in Appendix 4 will: increase the safety of the renters in the City of Plattsburgh; help to reduce nuisance properties; improve the general quality of the lives and well-being of the people of the City; and improve the ability of people to enjoy their residences free from the hazards of damaged premises.

3. **Assessment:** The passage of a Registration, Inspection and Permitting of Rental Unit ordinance within three (3) months will be evidence of initial success. A committee (whose membership should include the Building Inspector, Police Chief, Fire Chief, a representative of the Mayor, and several community members (including lessees) appointed at the Mayor’s discretion) should review the resultant outcomes of the adopted ordinance at twelve (12) months past the enactment of the legislation. The assessment can use as measures for success, anecdotal information from the Building Inspector’s Office and Police Department as well as quantitative information regarding the number of properties with building code violations. Recommendations for further amendments to address any shortcomings can be made at that time.

4. **Cost:** In a communication from the City Attorney to the Common Council and then Mayor Jack Stewart to the neighborhood association, dated Nov. 9, 2006, it was estimated by the Building Inspector’s Office that to create and operate a system needed to fully execute the proposed ordinance, it would be necessary to do approximately 2,640 inspections per year and 3,738 hours of work. This would require 3.5 building inspectors alone. The total cost, excluding secretarial support and space would be in the range of $215,000 per year. Based on units and not beds as called for in the proposal, the cost per unit could be supported by a registration fee of approximately $120 per unit for a two-
year period. This amount per unit would change depending on the number of beds in the rental unit once that data is compiled.

The current staff, supported by the general fund within the Building Inspector’s Office, could be reduced since some of its work already includes inspections of rental units. The additional inspectors needed, plus some of the current inspectors working on rental properties, would be supported by the rental registration fee. The remaining staff would continue to be supported by the general fund and would respond to non-rental unit issues as well as normal construction inspections.

5. **Timeline:** The Common Council could adopt this ordinance within the next three (3) months and ask the Building Inspector’s Office to create a schedule and plan for implementation of the ordinance during the next two years. All units would be required to be registered by Jan. 1, 2008, but would be scheduled for inspection during the next two years. Rental Permits could be issued on a temporary basis until a complete round of inspections (two years) could be completed. The ordinance itself, which is a model, could be altered to reflect the realities of the initial implementation.

**Recommendations 5/6:**

**Proposal to Create a Civil Ordinance for Cost Recovery Resulting from Social Hosting and Stings**

(See Appendix 5 for text of principles for civil or criminal ordinance)

1. **Rationale:** Underage and binge drinking in New York State in the 18 to 20 year group and younger creates many problems. For example, underage drinking cost the citizens of New York $3.2 million in 2005 in terms of the response to the problems caused. This translates into $1,803 per youth for the age group 14 to 20 years. For medical and work days lost alone, the staggering cost amounts to $1.004 million. Across the nation, about 5,000 youth under the age of 21 die annually from motor vehicle accidents, unintentional injuries and other cases. In 2007, U.S. Surgeon General, Kenneth P. Moritsugu, said in *The Surgeon General’s Call to Action To Prevent and Reduce Underage Drinking*:

   Alcohol is the most widely used substance of abuse among America’s youth. A higher percentage of young people between the ages of 12 and 20 use alcohol than use tobacco or illicit drugs. The physical consequences of underage alcohol use range from medical problems to death by alcohol poisoning, and alcohol plays a significant role in risky sexual behavior, physical and sexual assaults, various types of injuries, and suicide. Underage drinking also creates secondhand effects for others, drinkers and nondrinkers alike, including car crashes from drunk driving, that put every child at risk. Underage alcohol consumption is a major societal problem with enormous health and safety consequences and will demand the Nation’s attention and committed efforts to solve. ...

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and the highest prevalence of alcohol dependence in any age group is among people ages 18 to 20. ...

The latest research demonstrates a compelling need to address alcohol use early, continuously, and in the context of human development using a systematic approach that spans childhood through adolescence into adulthood. Such an approach is described in this Call to Action.

In the document itself, it states:

...The impetus for this Call to Action is the body of research demonstrating the potential negative consequences of underage alcohol use on human maturation, particularly on the brain, which recent studies show continues to develop into a person's twenties (Giedd 2004). Although considerable attention has been focused on the serious consequences of underage drinking and driving, accumulating evidence indicates that the range of adverse consequences is much more extensive than that and should also be comprehensively addressed. For example, the highest prevalence of alcohol dependence in the U.S. population is among 18 to 20 year olds (Grant et al. 2004) who typically began drinking years earlier. ...

The seriousness of the problem on highways and roads prompted the Federal Government to intercede in 1984 with the passage of the National Minimum Drinking Age Act which wielded negative consequences for highway funds for those states that did not raise its legal age for the purchase or public consumption of alcohol to 21 years. While the wisdom of this act can be debated, it led states to increase the legal drinking age to 21 years. Subsequently, mechanisms were introduced at colleges, including SUNY Plattsburgh, to enforce the increased drinking age on campuses.

The National Survey on Drug Use and Health: Underage Alcohol Use Among Full-Time College Students, indicates that combined data from 2002 to 2005 showed that of the full-time college students in the age range of 18-20, 57.8% used alcohol, 40.1% binged, and 16.6% drank heavily in the past month. So where are they drinking if not on campus? While it cannot be substantiated by quantitative data, in all likelihood these efforts have resulted in pushing the drinking behavior off-campus to bars, using fake identification, and private residences where alcohol has been purchased by those of a legal age. This, in effect, causes serious health and social problems to be pursued behind closed doors or in off-campus establishments.

Establishments, such as taverns and stores that sell alcoholic beverages, are regulated by the Alcohol Beverage Control (ABC) Laws. The rigor and the effectiveness with which these laws are enforced can lead to a reduction in underage drinking in legal establishments or the purchase of alcohol by minors. However, the purchase of alcohol by those of age for consumption by underage individuals on private properties is a difficult problem to combat. While Penal and ABC Laws prohibit such activities, entry to private residences during parties or social events where problematic drinking may be occurring is protected by the rights of individuals against unlawful entry, even though there is direct knowledge that the laws are being violated. Without sufficient cause to

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26 Zero violations of Convenience Stores was found in the last round of sting operations. Private communication received from DWI Coordinator, Molly Lawrence, July 2007.
enter a property, law enforcement agents have limited ability to enforce the laws and at this point, only respond to the resultant behavior that exhibits itself, i.e. destructive and inappropriate behavior in neighborhoods, public urination and vomiting, violence, sexual assault, serious risk to health/life, noise and vandalism. In all likelihood, academic persistence (continuation successfully to graduation), is also affected.

Therefore, because of the seriousness of the health impact on the individuals and the seriousness of the negative outcomes for the City and College in general, the Commission recommends that the City and University police departments join with the State Liquor Authority (SLA) to perform several undercover operations or “stings” annually (which include a combination of house parties as well as taverns) starting as soon as it would be considered effective by leaders of those agencies. If the SLA cannot participate in all stings, it is recommended that they be carried out by the police alone.

Second, while the police may establish probable cause through the use of stings, they cannot continue those operations indefinitely due to constraints created by the cost of the stings and the need to commit the human resources involved in the stings to other areas of policing. This Commission does not wish to overlook the protections to liberty provided by the Bill of Rights and the freedom from unlawful searches. However, to address the costs of responding to citizen complaints about social gatherings where there are obvious issues associated with a social gathering, the City should be able to recoup the cost of emergency response.

Several governmental agencies in New York and elsewhere have pursued the concept of Social Host Responsibility Laws. Seventeen states have party statutes. This approach makes it a civil or a criminal liability for an individual in charge or in control of a property, to allow a party or social gathering to occur where underage drinking may occur. These approaches are part of a matrix of actions that have been taken. For example, Greene County; Patterson; Long Beach; Berkeley, California; San Diego; California; as well as Ventura County in California have passed Social Host

27 http://alcoholpolicy.niaaa.nih.gov/index.asp?SEC=(D65EC56D-D907-4A83-A247-063D27196124)&Type=APIS_SEARCH67&TAXONOMYid=(C52D81E7-92E2-4907-9AD4-DF95693B7E08)&GROUP=INDEPTHSINGLEDATE
34 http://www.alcoholpolicypanel.org/SD%20County%20SH%20Ordinance.htm;
http://www.publicstrategies.org/eaest/pdf/SocialHostFactSheetPDF.pdf; and
35 http://www.venutracountylimits.org/vclmshl_jan06.pdf
Responsibility Laws. The Commission recommends that the City pursue a civil liability approach to recovery of the costs of police and other City responses when these types of parties are held. While this does not directly address the underage and binge drinking issues directly, it does help to compensate the City for its use of resources from the general tax base (See the Ventura County Document in Appendix 5, page 11 as well as the approach used by San Diego under its CAPP or Community Assisted Party Program in reference 26).

2. Expected Outcomes: Passage of a civil liability for allowing social gatherings where alcohol is served as well as the use of sting operations should enhance the interests of the City and the College in limiting the opportunity for underage drinking, binge drinking, and therefore the undesirable health, educational, and personal outcomes that result.

3. Assessment: The passage of a civil liability ordinance within six (6) months will be evidence of initial success. A committee (whose membership should include the City Attorney, Police Chief, a representative of the Mayor and several community members, including members of the College-Community Partnership, appointed at the Mayor’s discretion) should be impaneled to draft the legislation for the Council to review. A second group can be created to review the resultant outcomes of the adopted ordinance at twelve (12) months past the enactment of the legislation. The assessment can use as measures for success, anecdotal information from the Police Department and Court system. Recommendations for further amendments to address any shortcomings can be made at that time.

4. Cost: The cost to perform the sting operations will strain the overtime budgets of the police departments. However, the additional money dedicated to doing this at opportune times may reduce the costs associated with policing the situation over a period of months if the stings reduce the problems associated with private parties where underage drinking occurs. There are no additional costs for the exercise of the Civil Liability Host Ordinance since any action taken under it will be reimbursed by the responsible parties, be they lessees or owners of the property.

5. Timeline: Stings operations should take place starting in September 2007 while it is expected that the Common Council should be able to consider the Civil Liability Hosting Ordinance sometime before Jan. 1, 2008.

Recommendation 7: Improved Sanctions in the Spirit of Restorative Justice

1. Rationale: In recent years the concept of restorative justice has come to be seen as an important ingredient in effective functioning of the enforcement and judicial systems. It provides victims with a visible sign for being violated in some way, and it provides the violator with the understanding that the person violated is in fact a person and not some nameless entity that was transgressed. In many places, the effort to bring restorative justice has been carried out under the concept of Community-Based Problem-Solving
Criminal Justice. It is an initiative of the Bureau for Justice Assistance\textsuperscript{36}. In this approach, community members, social service organizations such as those connected to alcohol or drug rehabilitation, probation, pay-back service to the community offended, police, district attorneys, and judges work together to educate violator’s about the impact of their crime.

How do they do this? They do this through either a diversion system for minor offenders, which shunts them off to the types of programs that will be noted or it uses an alternative sentencing approach supported by the weight of the judiciary. It is the latter approach that the Commission recommends.

Different forms of sentencing could include the assignment of individuals to educational and intervention programs, pay-back service to the community, counseling, and impact panels in addition to classical sentencing backed by the power of the judiciary. This would mean that the violator would work to pay-back the community he or she violated through direct service to them while at the same time other programs such as educational programming, impact panels, self-evaluation mechanisms and counseling would provide violators a chance to change. This approach makes justice visible to the community\textsuperscript{37}.

This approach seeks to engage residents in the design of the pay-back service, impact panels and also through their social service agencies and the college. Engagement builds the necessary basis for relationship building and provides the violators with the face of a real person who could have been the victim of their violation.

\textit{The Commission therefore recommends that the Mayor and President of the College appoint a four-person project team to:}

\begin{itemize}
  \item[a.] Review data and information on restorative justice approaches through alternative sentencing and establish a need statement for it
  \item[b.] Develop benchmarks for the number and type of violations that may be appropriately handled using alternative sentences
  \item[c.] Establish objectives for the types of desired outcomes that alternative sentencing should accomplish
  \item[d.] Explore possible partners who may provide alternative venues and programs as well as pay-back service opportunities for the violators
  \item[e.] Examine grant-funding opportunities for start-up costs
  \item[f.] Suggest a timeline and costs for programs that currently don’t exist but might be desirable for sentencing options
\end{itemize}

\textit{The Commission further recommends that the Project Team use the Community-College Partnership to accomplish some of the study/proposal objectives. The outcomes of the study should be presented to the Mayor, the President and the Partnership in three to six months for their action and or communication and assignment to the appropriate individuals.}

\textsuperscript{36} http://www.ojp.usdoj.gov/BJA/
\textsuperscript{37} http://www.courtinnovation.org/
2. **Expected Outcomes:** Other communities have pursued\(^{38}\) this type of approach with high levels of success. For example, in Fort Collins, Colorado, individuals may go through what is called a *Party Partners* program when they violate the noise ordinance (although in this case the program is availed through a diversion approach rather than a sentencing option, but the end result is the same). San Diego has used a community-based approach with alternative options, which its feels is very effectively in addressing its beach party\(^{39}\) problems.

3. **Assessment:** After the optional sanctions have been in place for twelve (12) months, the Mayor and the President should call on the original four-person panel to review the progress made by using the approach.

4. **Cost:** Some seed money ($5,000) may be needed to start some of the alternative sanction programs. The support of the Partnership in exploring funding opportunities should be pursued since this approach is innovative and could be a model for other college towns in the State who face the same problems. Exploration of subcontracting the supervision of assigned *pay-back* service to College’s personnel by the County Probation Department for a minimal fee should be examined as a means of reducing the cost of it to the City or the County. Alternatively, it could become one of the responsibilities of the Community Coordinator position described below.

5. **Timeline:** The review, partner identification, collaboration building, process development, grant development, and program conceptualization along with the report described above should be completed by the four-person Project Team by January 31, 2008. Some aspects of the alternative sanctions may be in place sooner depending on the difficulty and cost of the implementation.

**Recommendation 8:**

*Proposal to Lower the Threshold for College to Judicially Pursue off-Campus Conduct Issues under College Policies*

1. **Rationale:** The term *Nexus* refers to the ability of the College to discipline a student on campus for crimes or violations of the campus’ Student Code of Conduct committed off-campus. For the charge on campus to be tenable, the crime or violation of the campus Student Code of Conduct must be construed to impact the College’s mission. At present, the threshold at which the College pursues off-campus conduct issues is at the felony level, e.g. a student arrested for sale of drugs.

This Commission recommends that the College lower that threshold to the misdemeanor level, e.g. criminal mischief perpetrated by a student. In lowering the threshold for the College to pursue more off-campus conduct issues, one would hope that students in general would be more responsible and considerate of their neighbors.

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\(^{38}\) See [http://www.ocssral.colostate.edu/clc/programs.asp](http://www.ocssral.colostate.edu/clc/programs.asp) for a description of the Party Partners Program for individuals violating the noise ordinance in Fort Collins, home of Colorado State University.

\(^{39}\) [http://www.sandiego.gov/cityattorney/media/pdf/news05/050929b.pdf](http://www.sandiego.gov/cityattorney/media/pdf/news05/050929b.pdf)
In addition, it should foster awareness of the more civic and civil-centered ideals.

Expected Outcomes: There would be a decrease in the number of students charged off-campus with misdemeanors (and possibly violations) related to quality of life issues. The Commission, based on the experience of those dealing with student discipline, would project a decrease of three to five percent in the misdemeanors and violations committed by the college students.

2. **Assessment:** A committee chaired by the Dean of Students, Steve Matthews, could evaluate the impact of this action based on information provided by the chiefs of the City and University Police departments. The evaluation should be quantitative as well as qualitative. Quantitatively, the total number of misdemeanors and violations committed by college students for the period Aug. 1, 2006, to May 31, 2007, could be used as a benchmark and compared to a similar number for 2007-2008. A committee report for the Vice President for Student Affairs and the President of the College would be evaluated in the summer of 2008 to determine if the practice was effective within the limits of evaluation of the data.

3. **Cost:** Two offices at the College that would be most directly impacted by this resolution would be University Police and the Dean of Students. University Police would be responsible for bringing each case forward while the Office of the Dean of Students would be responsible for hearing each case.

Additionally, the College President would have to approve the lowering of the threshold while the Dean of Students, University Police and the Vice President for Student Affairs would have to consult on each instance of off-campus behavior as to whether or not to proceed. The cost involved would be in terms of time of these offices and individuals involved especially for the Dean of Students and for University Police. In 2006, there were approximately 360 cases involving alcohol or drugs. If the number of cases increased to 460 with the addition of about 100 test cases, and if each case averages eight-hours of work time, the cost to the College would be approximately $16,000 in salary based on 0.4 FTE and an average salary of $40,000.

4. **Timeline:** This recommendation should be implemented for the 2007-08 academic year beginning in August 2007.

**Recommendation 9:**

Create Structure for Athletic Team Accountability That is Similar to Other Club and Group as well as Fraternity/Sorority Guidelines

1. **Rationale:** At present, student clubs and organizations including fraternities and sororities are held accountable for their conduct as groups both on and off-campus through the campus disciplinary system. This is in addition to individual students being accountable for their own conduct. Thus, should a student club or organization be found accountable following a hearing, then the club or organization is liable for a range of sanctions that may include reprimand up to and including permanent suspension of the
club or organization. At this time, the process that takes place through the campus discipline system does not apply to athletic teams. By including these teams in the discipline system for clubs and organizations, one would hope they would be more cognizant of their behavior off-campus knowing it could impact their team and teammates.

The College President would have to approve this approach while the Dean of Students, University Police and the Vice President for Student Affairs would have to consult on each instance of off-campus behavior as to whether or not to bring judicial discipline. Additionally, consultation would need to occur with both the Athletic Director and the appropriate coach of the team involved. The Commission recommends that the College Code for Clubs and Organizations be revised appropriately to include athletic teams.

The Commission recommends that the College include athletic teams under the code of conduct for clubs and organizations.

2. **Expected Outcomes:** By holding athletic teams as a group, accountable for their collective behavior, the incidence of off-campus “athletic team house” behavior whose character is less than that of the best traditions of the College should be reduced. While the campus does not provide off-campus housing for teams, it has been known that in some cases, just as with fraternities and sororities, individuals who participate in the same sport activity collaborate on the rental of units in a particular house. This, sometimes, leads to undesirable outcomes.

3. **Assessment:** The Vice President for Student Affairs should establish a committee to review the current code of conduct for clubs and organizations for the appropriate changes necessary to achieve the intent of this recommendation. Following the current approval process for changes in the code, a report should be created as determined by the Vice President for Student Affairs to assess the impact of the changes twelve months after implementation.

4. **Cost:** The responsibility for doing this would fall on the Dean of Students and University Police. University Police would be responsible for bringing each case forward while the Dean of Students would be responsible for hearing each case. Changes to the Code would involve minimal time and investigation of infractions would be included within the current work of the appropriate offices.

5. **Timeline:** This recommendation should be accomplished within one month but if it is projected is to take longer, a notice to all athletic teams should be given that the proposal is being considered and or will be implemented and that all athletic teams will be held accountable as it is described for 2007-2008.
Recommendation 10:
Create Position of Alcohol and Other Drug Coordinator for SUNY Plattsburgh

1. Rationale: The creation of the Alcohol and Other Drug (AOD) Coordinator position at SUNY Plattsburgh would focus an individual on the underlying causes as well as appropriate responses to the many of the off-campus behavioral problems\(^{40}\).

According to the SUNY System Administration Office of Alcohol and Other Drug Prevention, the consumption of alcohol and other mind altering drugs can present a significant threat to the safety and well being of SUNY students, staff, faculty, and other members of academic communities. Intoxication increases the likelihood of injury and the equally threatening problem of violence. At the national level, an estimated 43% of undergraduates are high-risk binge drinkers, 78% consume alcohol on a weekly basis and 56% of underage students consume alcohol.

Since 2001, SUNY adopted a comprehensive campus environmental management approach to address the issue of high-risk student drinking. The components of a comprehensive campus environmental management approach, according to Alcohol and Other Drug (AOD) experts include: assessment, education, social norming strategies, early intervention and treatment, alcohol-free social and recreational activities, policy development and revision, enforcement, and community/campus coalitions.

According to James Schaefer, Ph.D., Director, Alcohol and Other Drug Prevention at Systems Administration, a major impediment to implementation of campus AOD prevention services is the lack of coordinating personnel. Therefore, in order to expand our comprehensive approach and adequately address the essential elements of the plan, an AOD Coordinator is imperative.

The Commission therefore recommends that the College consider creating a position of AOD Coordinator for two (2) years to determine its efficacy.

2. Expected Outcomes:
   a. Development of educational programming for all students.
   b. Development of educational programming targeting high-risk groups (athletes, fraternities, sororities, and freshmen) that covers the fundamentals on alcohol and drugs, cross-curriculum infusion, peer education, and evidence-based educational/intervention products.
   c. Development of an early intervention and treatment programming utilizing motivational counseling and other best practices.
   d. Continued development of social norming.
   e. Provide support for community/campus coalition activities.
   f. Decrease binge drinking rates, underage drinking, and negative physical and emotional outcomes secondary to alcohol and other drug use.
   g. Decrease class absenteeism secondary to alcohol and other drug use.
   h. Provide an environment and culture that fosters academic success and increases graduation rates .
   i. Development of an assessment program to determine success rates.

\(^{40}\) Private communication from Dr. Kathleen Camelo, Director of the Center for Student Health and Psychological Services
3. **Assessment:** To determine the success of the implementation of the position, the individual would compare quantitative changes in the student body using:
   a. The CORE Survey or NCHA (National College Health Assessment) Instrument to assess student use of alcohol and other drugs.
   b. Review relevant data such as alcohol violations, emergency alcohol transports to determine changes from the 2006-2007.
   c. Monitor student evaluations of educational programs.
   d. Monitor utilization of alcohol-free activities.
   e. Track number of clients counseled for alcohol and substance abuse.

At the end of two (2) years, the success of the position could be evaluated using the data above (although culture change will take longer than two (2) years and the data should be evaluated in that light) as well as other qualitative avenues to determine if the position should be made permanent.

4. **Cost:** The cost involved for such a position would be approximately $35,000 plus fringe benefits on an annual basis. Additionally, there would be operating expenses of approximately $10,000 including survey instruments, programming materials, and social-norming products.

5. **Timeline:** This recommendation could be implemented for the 2007-08 academic year with the search for the position beginning in fall 2007 pending approval of the President.

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**Recommendation 11:**
Create Position of Campus-City Coordinator for SUNY Plattsburgh and the City

1. **Rationale:** At the present time, there is no one at the College who has the responsibility per se, for acting as liaison with the community. The Office of the Vice President for Student Affairs “defacto” serves this role, but is not in a position to provide the hands-on effort needed to deal with the various issues. Many cities and colleges have created positions to coordinate all of the activities related to the concerns and problems that are created by off-campus interactions: for example, see Fort Collins-Colorado State University; SUNY Geneseo; SUNY Albany; SUNY Buffalo; University of Florida, Gainesville; and, the University of Vermont. The solution for SUNY Plattsburgh would be to appoint a Campus-City Coordinator to act as a liaison between the City and the College and to deal with the concerns on a day-to-day basis in myriad of ways both large and small. Someone needs to keep abreast of the literature, have a grip on what is possible for both the College and City to do, and act as a resource as concerns and new initiatives arise.

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41 See for example: [http://fcgov.com/neighborhoodservices/clc/](http://fcgov.com/neighborhoodservices/clc/)
43 [http://police.albany.edu/Member2.asp?LName=Gebhardt&FName=Thomas](http://police.albany.edu/Member2.asp?LName=Gebhardt&FName=Thomas)
44 [http://www.student-affairs.buffalo.edu/offcampus/goodneighbor.shtml](http://www.student-affairs.buffalo.edu/offcampus/goodneighbor.shtml)
45 [http://www.dso.ufl.edu/offcampus/](http://www.dso.ufl.edu/offcampus/)
Therefore, because of the need to better accommodate the necessary work and because of the improvements seen at other colleges in terms of town/gown relationships, the Commission recommends that they pursue the creation of this position on a temporary basis for two (2) years.

2. **Expected Outcomes:** Implementation of this position would enable a single person to:
   a. Facilitate the work of the student-led Standing Committee on Campus/Community Issues (See Recommendation 12).
   b. Develop a community-wide mission statement and expectations to be adopted by the City and College.
   c. Better accommodate the additional work related to college-community relations.
   d. Interact with community members and off-campus students to develop a more positive relationship through use of such programs as *Meet Your Neighbors*\(^{47}\) or the *Great Sofa Flea Market*.
   e. Institute a campus hot-line for off-campus concerns and respond to the same.
   f. Create and distribute educational and awareness materials for off-campus students\(^{48}\).
   g. Create a grant program to allow student groups to design “late-night” downtown activities that will provide alternatives to socializing with alcohol.
   h. Assist in development of and participation in alternate sanctions for petty criminal offenses in the community such as *pay-back* service, party partnership, impact panels, etc. in order to create a restorative justice approach to quality of life violations.
   i. Track statistics related to off-campus issues and activities. For example, develop an assessment plan to track student satisfaction with and behavioral changes associated with current and future efforts.
   j. Create an off-campus best practices reference base.
   k. Facilitate contact by the Mayor of Plattsburgh with the parents of those students arrested off-campus.
   l. Facilitate meetings between the Dean of Students or the Vice President for Student Affairs with residences who register complaints by neighbors.
   m. Create a *Student-Neighbor Quality of Life Watch*.
   n. Assist in the creation of a citizenship component for the *First-Year and Freshmen Seminar Programs*.
   o. Develop a “survival skills” and neighborhood expectation programs for students moving out of the residence halls.
   p. Develop peer-education network for off-campus issues such as that developed at Berkeley\(^{49}\).

\(^{47}\) Program executed by the fraternity brothers of AXP for the last several years.


\(^{49}\) See *Changing the Culture of Student Behavior in Berkeley: A Cooperative Effort* – Co-Presented by John Cummins, Associate Chancellor, UC Berkeley; Irene Hegarty, Director of Community Relations, UC Berkeley; Jim Hynes, Assistant City Manager, City of Berkeley; Nicole Mann, President, Panhellenic Association, UC Berkeley at http://conferences.dce.ufl.edu/bucr/default.aspx?page=168
q. Partner with various academic departments to foster off-campus research projects and courses that will enhance or provide additional knowledge of campus-community relations.

r. Create and work with a student-led campus-community partnership to address issues from within.

s. Create a system of awards and incentive programs for positive student behaviors and initiatives by both the City and the College.

t. Support an aggressive off-campus social norming campaign targeted at negative community behaviors in conjunction with the AOD Coordinator, Health and Wellness Educator and the College-Community Partnership.

3. **Assessment:** The Office of Vice President for Student Affairs should establish a committee two (2) years from the creation of the position to determine whether the position should be made permanent.

4. **Cost:** The cost would involve the cost of a salary either full or part time as well as operating expenses. A staff assistant would cost $35,000 full time or $17,500 half time plus fringe benefits in each case. An operating budget of $10,000 would be a minimum.

5. **Timeline:** The position should be created and filled by the end of the 2007-2008 academic year.

**Recommendation 12:**
Create a Standing Committee on Campus/Community Relationships

1 **Rationale:** Change efforts should be primarily student-driven and must include community partners to allow students to understand the scope and severity of the problems associated with the Center City and Downtown areas. Students are the catalysts to creating change. They have largely been left out of the conversations about addressing college and community issues by the Commission because of logistical issues and the time of year.

*Therefore, the Commission recommends that the College establish a committee as described in the previous paragraph that will participate in the development of off-campus initiatives.* Since change is not instantaneous, the City and College must plan to have this committee in place for more than five (5) years in order to see significant changes in the culture.

2 **Expected Outcome:** There is a common leadership saying, “People support what they help create.” If students are asked to assist in the development of solutions to the problems facing the City of Plattsburgh, this theory suggests that they will take ownership of the solutions and encourage their peers to do the same. Simply stated, students must be included in the development of these solutions to affect long-term and significant change.
3 **Assessment:** Two (2) years after the committee is established, the Vice President for Student Affairs could establish a group to review the programs that it has sponsored as well as the perceived impact it has had on changing the culture on off-campus life.

4 **Cost:** The committee will require little funding. However, an operating budget suggested in the range of $2,500 would be required to begin programs or activities it sponsors. Additional funds to support programs could be solicited on an item-by-item basis from the Student Association Activities Board or College Auxiliary Services (CAS) as appropriate.

5 **Timeline:** The committee should be created in fall 2007 to allow it to work closely with the development of activities called for in this document. Initially, and until an off-campus coordinator is hired, it will need to be facilitated by a staff or faculty member.

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**Recommendation 13:**

**Create Plattsburgh Neighborhood Associations**

1. **Rationale:** As noted above, the key to creating cultural change is the need to start with conversations: get the neighbors out to meet each other and to build relationships. Doing so will forge new ideas about old problems and support the pride and enjoyment of the community. In addition, in neighborhoods where college students live side-by-side with residents, the personal interaction will help to create an atmosphere of shared living.

   One exciting example of successful creation of neighborhood associations is found in Oswego 50 although several other cities in New York also have associations such as Rochester 51, Albany (Pine Hill section) and Syracuse 52. The purpose of the associations depends on the directions that the members want to take. They may be heavily involved in zoning/planning issues, planning and executing community activities, or concerned about the rebirth of their neighborhoods.

   **Because of the potential for enhancements to the quality of life felt by the residents of Plattsburgh, the Commission recommends that the City investigate the development of neighborhood associations.**

2. **Expected Outcomes:** Neighborhood associations would provide:

   a. An avenue for conversations to begin about what the residents in a particular area of the City want their neighborhood to be.

   b. A place where community activities for the enjoyment of all could be planned and executed.

   c. A place where local government officials could interact with residents in an organized format.

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50 [http://www.ci.oswego.or.us/plan/Neighborhoods/](http://www.ci.oswego.or.us/plan/Neighborhoods/)
51 [http://www.uppermonroeavenue.org/#top](http://www.uppermonroeavenue.org/#top)
52 [http://govt-comm.syr.edu/community/wna.html](http://govt-comm.syr.edu/community/wna.html)
d. A group that could secure grant funding from appropriate sources for rebirth or community enhancements.

e. An active avenue for the people of Plattsburgh to provide input on new planning and zoning proposals.

3. **Assessment:** It is difficult for the Commission to suggest a format to assess the success of neighborhood associations since the success will be based on what the members want. The individual success can be measured only by comparison of the achievements of the group compared to their stated goals.

4. **Cost:** Beginning the development of neighborhood associations would not be cost intensive, **but** would take the leadership, commitment and effort of numerous people in the different sections of the City. It was suggested that the optimum way for the associations to begin would be with the leadership in each ward of the City Counselor. Time would be needed to get each association started and sustained during the initial stages of existence. Perhaps the City could provide a small amount of seed money ($5,000) that associations (ones that formalize their existence by establishing a simple set of guiding principles) could compete for projects or events to be held in their area of the City.

5. **Timeline:** The City currently faces many challenges which demand the time of the Mayor and City staff. They could not take on the enormous load of developing associations. However, associations could be fostered through the work of volunteers identified by the community and or the City Counselors, and commissioned by the Mayor, to work on developing viable associations. The process of identifying individuals could take place over the next six (6) months with possible development of the associations in the following six (6) months.

**Recommendation 14:**

**Petition for Moratorium on Issuance of Licenses in the Downtown Area**

1. **Rationale:** Currently, the issuance of licenses to vend alcohol is controlled by the New York State Liquor Authority and it is not within the authority of the City to control the density of taverns in the downtown area. In addition, it does not qualify under the population guidelines since the current population is under 20,000. The density of the bars in the downtown area shown in the diagram below by
the pushpins. As can be seen, there is a neighborhood between the location of bars in the downtown area and the College. Inevitably, when some students traverse the area between the College and the downtown area after having become intoxicated, inappropriate behaviors negatively impact the quality of life for those neighborhoods. To prevent this problem from growing, the Commission recommends that the Mayor, in union with the Common Council and SUNY Plattsburgh, petition the State Liquor Authority to cease issuing new licenses for classes of establishments that only serve alcohol and the transfer of such licenses in the area enclosed by Oak Street, Catherine Street, Broad Street, Peru Street, Bridge Street, City Hall Place and Miller Street. To submit this petition, quantitative data along with substantial reasons need to be developed.

2. **Expected Outcomes:** The result of a moratorium on the issuance of tavern-type licenses in the downtown area would begin to limit the number of places that drinking can occur.

3. **Assessment:** An ongoing study needs to be made should the moratorium be granted. This ongoing study would need to quantify improvements in the indicators related to inappropriate behavior that is directly attributable to the bars.

4. **Cost:** Minimal cost is associated with this recommendation

5. **Timeline:** The request should be made by January 31, 2008.

### Recommendations 15-19:

**General Recommendations related to the Building Inspector’s Office**

These recommendations are a result of discussions that occurred over the course of the Commission’s meetings. Since many of them are of a logistic nature or are ideas that were not developed to the same level as the preceding 14, they appear here in simple format. *The Commission urges the Mayor and or City Council to adopt these recommendations.*

- **Since zero violations or misdemeanors have been heard in City Court during calendar years 2005 and 2006, a review of the operation of the Building Inspector’s Office with respect to the use of warnings versus the direct issuance of appearance tickets by building inspectors should be made. It is the opinion of the Commission that more violations should be written to create a culture of enforcement.**

- **While the Office responds to complaints, it needs to become more proactive in policing violations of the codes in the areas impacted by high densities of bars and rental housing. This should include a methodical and regular patrol of neighborhoods impacted by problematic behaviors.**

- **The Building Inspector’s Office should receive continued support and staff development from the City Attorney as has recently occurred. This is a great aid in cases where legal representation is needed or more in-depth knowledge to adequately represent the City.**
• The Mayor should request that the Building Inspector’s Office use its current database software to develop a monthly report of violations by address, which should be made available through the City’s website and should be delivered to the Mayor and City Council members in hard copy form once a month. This approach would allow nuisance properties to more readily be identified and the problems remedied.

Recommendations 20-26:
General Recommendations related to the Enforcement and Accountability

As mentioned in the previous section, these recommendations appear in simple format for the aforementioned reasons. The Commission urges the Mayor and or City Council to adopt these recommendations.

• The police departments of the City and College use a zero tolerance policy with respect to violations of the quality of life ordinances, i.e., for example those relating to noise, possession of alcohol under the age of 21, open container, possession of marijuana, disorderly conduct in all of its forms, noise, and vandalism.

• The police departments of the City and College provide additional information in their Accusatory Instruments about the situation under which the violation occurred. This policy will enable the City Court to apply more appropriate sentences to those guilty of egregious conduct in the commitment of their violations. It is understood that this additional information will be read during arraignment proceedings.

• The police departments of the City and College provide REPEAT information to City Court for offenders and or locations when it is pertinent to the violation.

• The City Police Department increase foot/bicycle patrols at the expense of cruiser assignments.

• The police departments of the City and College report all convictions that involve alcohol to the State Liquor Authority when an association can be directly linked to a licensed establishment.

• An experiment with four surveillance cameras within the Downtown area be undertaken to determine their efficacy in improving enforcement of quality of life violations. Depending on the outcomes of the experiment, additional cameras may be warranted.

• The City Judiciary applies the full amount of fines under the mandatory clauses in city ordinances. While the Commission respects the difficulties faced in collecting non-traffic violation fines as well as the need to dispense just sentences, the Commission believes that application of the full amount of the fines allowed would serve the cause of deterring future violations more than suspending a portion of the fine in exchange for good behavior for a specified amount of time.
Recommendations 27-38:
General Recommendations

As in the previous section, these recommendations appear in simple format for the aforementioned reasons. The Commission recommends that:

- The services of the off-campus housing list are withheld to those landlords who have any rental properties that have not been inspected in the past year. In current practice, landlords who wish to have their vacancies listed on the College’s off-campus housing list must have their facilities inspected and approved annually for health and safety. This is a more stringent requirement than that of the City of Plattsburgh, which only requires an inspection every three (3) years.

- Cross-training of police, fire and public works employees in the area of code violations continue and that relevant sections of the City code be changed to allow these employees to legally issue appearance tickets for all relevant sections of the City codes.

- The Fire Department assist the Building Inspector’s Office in conducting inspections of all rental properties after the first inspection of a new structure. This approach will expand the ability to inspect rental properties for code violations on a more frequent basis and increase the safety of the people who reside in them.

- Increase the use of Cardinal Cash in the Downtown area to draw students to businesses other than bars. This would fall to the College Auxiliary Services to approach businesses to work out the arrangements for its use.

- The City use its current curfew ordinance and change it so as to appropriately address problems associated with youth in the Downtown and other areas of the City after a reasonable time of night.

- Hold classes and meetings (such as for clubs and organizations) in appropriate downtown locations such as the old City Hall Courtroom. This will draw students to the Downtown area for more than socializing in taverns and help to change the image of downtown.

- Increase the number of internships held by SUNY Plattsburgh students in the downtown offices of the City. The internship program offers the City government a chance to engage up and coming talent in their operations and can increase the work output of offices with little cost. For the students, it gives them a chance to learn how various governmental offices operate and how they serve the people. Finally, it would contribute to the image changing efforts that this Commission feels needs to be fostered in the minds of the students.

- A “Hospitality Zone” is created in the Downtown area. This is a new approach to creating hospitable areas for tourists and others in areas where there is a high concentration of social activities. It fosters safe environments through the
collaboration of businesses, police, neighbors and others. The success of the zone means the success of all of the businesses in the zone. The footnotes provide a good introduction to the concept. To achieve this goal, we recommend that the Mayor call together a group of concerned citizens and business owners to explore the idea and determine how to proceed.

- An administrative group, which would be chaired by the Mayor and composed of appropriate individuals such as the Chiefs of both police forces, Building Inspector, Dean of Students, Campus-Community Coordinator, Downtown Business Owners, Residents and others as he or she feels appropriate to discuss issues associated with problematic behavior and problematic properties. This group should meet on a regular basis.

- The College should pursue the use of public service announcements created within the Communication Department to help foster appropriate behavior.

- A landlords’ association be fostered by the City and College in order to work constructively with the landlords in an attempt to improve problems that have been identified and associated with rental properties.

**Recommendation 39: Progress Reports**

The Commission understands that progress to change a culture takes a great deal of time. It also understands the temporal limitations associated with administrative positions, as well as elected positions. The Commission therefore urges the Mayor and the President of SUNY Plattsburgh to meet jointly with this Commission in four months, 12 months and 24 months to provide progress oral reports and descriptions of the disposition of the recommendations contained herein or other developments as may occur that are related to the issues discussed by the Commission in its charge.

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