

Regular Meeting

These minutes are for the regular meeting of the Beacon City Council, held in the Municipal Center at One Municipal Plaza on July 15, 2019. Please note that the video recording of this meeting is available at <https://vimeo.com/348394819>

Council Members Present:

Lee Kyriacou, At Large
George Mansfield, At Large
Terry Nelson, Ward One
Jodi McCredo, Ward Three
Amber Grant, Ward Four
Randy Casale, Mayor

Council Members Absent:

John Rembert, Ward Two

Also Present:

Anthony Ruggiero, City Administrator
Nick Ward Willis, City Attorney

A moment of silence was observed for those who serve and have served in the US military.

First Opportunity for Public Comments: Each speaker may have one opportunity to speak up to three minutes on any subject matter other than those which are the topic of a public hearing tonight.

Speakers:

Theresa Kraft

Ms. Kraft commented that a public hearing and a vote was scheduled for the same topic for the same meeting. By scheduling both on the same night, the Council does not have sufficient time to take the publics' input into account. The Council previously stated that this would not happen anymore, yet here we continue to see it.

Stosh Yankowski

Mr. Yankowski thanked City Attorney Nick Ward-Willis and City Administrator Anthony Ruggiero for their quick responses to his emails. He believes that Verizon needs to be more specific with exact locations about where their future sites will be. In his opinion, the application is incomplete and needs to be denied.

City Attorney Drew Gamils mentioned that the FCC certifies the output, however that is not actually true, they just take what Verizon gives them and say yes or no.

City Attorney Nick Ward Willis thinks that if they go from 4G to 5 G they don't need approval. I remember Mr. Muso said they need approval from Council if they switch to 5G.

An FCC document of 2018 stated that Verizon anticipates once they go to 5G they will require 10 – 100 times the number of sites that are there now. Mr.

Yankowski suggested that the Council people get permission to go onto the site on Howland just to see how ugly it is when it is built. Can you imagine some of that on Main street?

The attorney for Verizon mentioned that it is not the city's responsibility to ensure requirements of FCC, but the City does have the right to monitor and as Mr. Musso said, if you monitor from the street now you can see the reading and if it gets higher they can't say the output is background. Find out what the background is now.

City Attorney Nick Ward Willis

Verizon has complied with the code. If the applicant shifts from 4G to 5G they must notify the City of Beacon Building Department. The Building Department would determine if there were any changes requiring the applicant (Verizon) to come to the Council for approval.

Elaine Ciaccio

Ms. Ciaccio discussed the entity disclosure act enacted by the Council. She wants a clarification. A project is up before the zoning board and the disclosure form only lists one Person as a managing member. Are there other people involved? For a project that size, one person seems unusual?

Neil Kaplan

Mr. Kaplan discussed the proposed cell phone tower at 110 Howland Avenue. He asked the Council if they would vote in favor of the cell tower if it was next to their own property. He asked if the taxes will go down if the property value goes down due to the presence of the tower. Additionally, there are health risks. He has a bed and breakfast in the area and is afraid this will not be good for business.

Mr. Kaplan thinks the buildings going up in Beacon need more thought behind them and a consideration for historical structures. Three story buildings are actually four-story buildings because of the way they are being built. Do not give so many variances so developers can make more money.

The City has about 210 Air BnBs since last year since the Council made them illegal. If you're going to make something illegal you have to check up on it.

He reminded the Council that it is election time and people are watching.

Barry Nelson

Mr. Nelson spoke about an incident at Memorial Park on July 15. A City of Beacon employee was spraying Roundup on the edge of the road. This is a concern. The chemicals inside can be a non-Hodgkin's lymphoma cancer risk. It can leech down into the soil and it can be airborne. There are alternatives. Monsanto, the former owner of the company Roundup produced and sold Agent Orange and DDT but told everyone they were safe. The new company which

bought Monsanto, the owner of Roundup, is under millions of dollars of litigation.

Laurie Clark

Ms. Clark asked about feasibility studies on the nature in Beacon. She has seen the animal life decline in the ravine where they are building. Have there been studies on this building and runoff from new parking lots? Has anyone studied the effects on nature? Also, some of the buildings are being slipped into four stories. Some of the buildings are still empty. Do we know if people will come if we build it? Beacon had a small-town feel. Historic houses take a lot of money for renovation. It seems like some of these projects are falling short. Things have slipped by. In other municipalities such as Peekskill and Coldspring it is very hard to get anything by (development wise), even a fence. Will there be a section on the website with these studies? Tioronda Avenue is a gateway to Beacon. We are going to look like White Plains. Can someone tell me how these things are getting passed? It seems like it's just a hand full of people making money.

Public Hearings:

No. 1: Public Hearing Regarding a Special Use Permit for an Accessory Apartment on Property Located at 27 Fowler Street

Mayor Casale

The resolution is on the agenda tonight because this is not a big item but the Council always has a right not to vote on a resolution.

Theresa Kraft

Will the accessory apartment change the character of the neighborhood? Will this become the new norm in every neighborhood? Is this how residents will get around tiny homes?

Loui Amoros Sr.

What is the square footage to be considered an accessory apartment?

Will they supply their own water and sewer from the street and the electric into this building?

Will it be owner occupied?

Steve Whalen, Representing the Applicant

The apartment will be approximately just under 400 square feet. Electric, water, and sewer will come from the street. It already has electric. The owners will be living in the primary residence and her parents will be living in the accessory apartment.

Elain Ciaccio

This was not presented as an accessory apartment for an aging parent. I am worried about setting precedence. We need to keep the special use permit with the Council so there is a higher level of scrutiny for projects such as these. I know it's not going to be an Air BnB two years from now. If this is for an aging parent, I don't have an opposition.

Neil Kaplan

Mr. Kaplan stated that he thinks that for this use the accessory apartment is fine. If it were for an AirBnB he would not be happy.

Steve Whalen

This is not an easy process. We had to go before Planning, Zoning and City Council. There are many steps to getting this approved.

Motion to close the Public Hearing

- Motion by Council person Grant
- Second by Council person McCredo
- Motion passes 6-0

2. Public Hearing Regarding Moratorium with Respect to Land Use Approval for Residential, Commercial, and Mixed-Use Developments

Nick Ward Willis

Mr. Ward Willis explained that the Dutchess County Planning Department has not sent comments on the Moratorium Local Law therefore the City Council cannot vote on the resolution tonight. However, the City of Beacon Planning Board does not recommend passing the resolution. They do not see a need to adopt a Moratorium based upon zoning regulations which can be workshopped without a moratorium. He went onto explain the local law and the nuisances concerning the length and procedures to extend the moratorium. Additionally, he discussed the reasons for enacting the moratorium.

Arthur Camins

Many people have come to the conclusion that the government does not have the backs of people with moderate income. Market forces have not made it possible to have a reasonable, modest place to live without struggling. Buildings have risen to new heights and views have been blocked. People don't feel at home in their own city. We need external independent advice about how to meet the goals of our comprehensive plan. We need to step back to take time to take stock. That will take one year to do so thoroughly.

Another issue is if the City Administration listens to residents or even the own Council members. The Mayor sent the moratorium local law to the Planning Board before the Public Hearing. This is not a way to show the public that the government listens to them and has their backs.

Tina Bernstein

There was a comprehensive plan that talked about maintaining economic diversity so all people feel welcome. Time and again, developers who own land are getting approvals and going at a rate that is out of control. This city should do a needs assessment that should cross different areas and include as many people as possible. Do people know throughout the city that a public hearing is taking place? She doesn't think so. What happens is, we let development revive the city up to a point, and then it's gone wild. She urged the Council to have a moratorium because the Council has not engaged the residents about the type of city they want and the Council has not lived up to the comprehensive plan.

Stosh Yankowski

There was an article that listed Beacon as a top 10 most beautiful place to live in the country. Now, you can't say that. It is time for a moratorium. Council Person Lee Kyriacou mentioned we should look at the parking problem and we should look at the handicap parking. We need more handicap places on Main Street. Council Person Jodi McCredo mentioned that we have a traffic problem. It is dangerous driving down Main Street. We have to pass a law against driverless cars. We need as many different reasons to have a moratorium, at least six months but a year would be better. There is a perception amongst the residents that the Council and Planning Board will do what they want to do whether or not residents come and speak. However, speaking at the meetings is good. City Attorney Nick Ward Willis and City Administrator Anthony Ruggiero are very responsive.

There was a lot of objection to the Ferry Landing Project at the Planning Board meeting. Yet, it is going forward. People should speak their minds at these meetings. There shouldn't be any more four-story buildings. Anyone running for Council or Mayor should adopt the No More Four mantra, it will get you a lot of votes.

Elaine Ciaccio

Ms. Ciaccio supports a moratorium for at least six months. The water aspect is important but it should not be the only aspect. We need to continue focusing on the zoning. Some things were not finished during the last moratorium. The Historic District and use tables are not finished. Traffic has become ridiculous. You can't get in or out of Beacon at certain times. We haven't had long term studies on that. Some of the new developments haven't filled up yet. Main Street is becoming impassable. I'm lucky I didn't lose half my car going down Main Street the other day. There are a lot of unintended consequences from the development. I think we should take six months and take a look at what the results have been of zoning laws.

Sergie Krasikov

Mr. Krasikov supports the moratorium for six months to a year. School capacity needs to be considered. The school district does not know that there are twenty kids in his neighborhood on Liberty Street. We need to determine how many kids are age 0-5 who have not yet registered for school so we know how many students are going to be going to schools. If we end up in a situation where there are overcrowded classrooms, this great thing in Beacon is going to topple. We need a demographic study.

Theresa Kraft

The City must implement a six-month moratorium. The moratorium law does not discuss tetrachloroethylene PCE in the water supply. This is dangerous. PCE is a group 2A carcinogen. The City needs to look at the 2017 comprehensive plan again. Revise the height requirements, particularly in the Fishkill Creek zone. Also, we should allow only three- and two-story height limits so the city can return to its historical streetscape.

You continue to allow developers and their representatives to call the shots. Beacon is in the process of being squeezed dry by Fishkill and Glenom developments. These projects will wreak havoc on infrastructure. These generic designs have no style. Is six months really long enough? We need this moratorium now.

Loui Amoroso

Mr. Amoroso said that he is for the accessory apartment program, but not that way.

Lori Clark

Ms. Clark said that the fellow speakers at the meeting were making some very good points. She reminded the Council that all of this is going to be public record and their names are going to be all on it. She isn't sure if the new buildings are built to last. Ms. Clark said that we have to remember what we look like from the river. Beacon was on the right track for a while and now something has happened. She told the Council that every single one of them is going to be remembered for this. Stop this development.

Anthony Ruggiero, City Administrator

Mr. Ruggiero read an email regarding the PCE's found in the water in 2017 – 2018. We are mandated for additional testing and all of the new tests have come up clear. Please see the comments below.

Tetrachloroethene (PCE) was found in our drinking water. As explained in the Annual Water Quality Reports, this is water that has been blended from our various sources and treated at the Liberty Street Facility. It is the water we drink. True

PCE was reported to the public for the first time in the 2017 Water Quality Report, test date of 12-8-2017, at 1.2 ppb (parts per billion). Although the positive identification was in one of the wells, the 1.2ppb is the average of all out water sources.

The 2018 Water Quality Report, test date of December 2018, reported a level of 3.4 ppb. The EPA Goal for PCE is 0 ppb with a maximum permitted level of 5 ppb. Although the positive identification was in the Cargill Reservoir, the one of the wells, the 3.4 ppb is the average of all out water sources.

The historical reservoir water level graph, attached, shows that at year-end the reservoirs are at their lowest levels. These are simulated Water Usage Graphs for 2017, and do not show the recharge for 2018. In addition, they also assume a safe yield analysis of 0.

Therefore, at this time of the year when the tests are reported, most of our drinking water comes from the wells. This is not technically correct, as every year is different. For example, in 2018 the reservoirs were full and we predominantly used reservoir water last year.

In addition, the graph shows a continuous downward trend that should be an area for concern. Again, the graph does not show 2018 when the reservoirs were replenished for the year. It should be noted that 2014-2015 was a severe winter and the reservoirs were flush. Again, the safe yield analysis assumes a 0 recharge.

The wells alone do not have the capacity to safely supply our drinking water. True

See attached memo from our City Administrator and note that well 2 has been out-of-service since January 2019. Typically for operations, in the winter months one well (it is rotated) is often off-line. Again, depending on the precipitation.

PCE was described as “dry cleaning fluid” at the Workshop. It was, in fact, used extensively by IBM and their sub-contractors in East Fishkill in the manufacture of semiconductors. Spills of PCE have resulted in the contamination of many wells and the designation by the EPA of a Superfund Site in that area. The IMB site in East Fishkill is a significant distance from the Beacon well field. WSP is the consultant for East Fishkill and the PCE plume does not extend to Beacon or even close to the zone of capture of the Beacon well field.

I believe that the wells that supply our system may be drawing in PCE during extended periods of high demand when our reservoirs are low and we are faced with drought conditions. The water quality data does not support that statement.

Testing under these extreme circumstances will be necessary to fully identify this problem and to development a plan for corrective action. I recommend that a specific objective be included in the Moratorium to accomplish this work. All water quality monitoring results are automatically sent to the Department of Health (DOH). When they were notified in 2018 of the PCE levels in the Cargill reservoir, they mandated additional testing. The City brought in a 3rd Party and used a different lab. Since 2019 the DOH is already requiring the City to monitor quarterly. In both the 1st and 2nd quarters of this year the PCE levels came up as non-detectable.

Ed Belicki, Water and Wastewater Superintended

Mr. Belicki said that his department contacted the Department of Health before they even received a report. All of the new samples have come back non-detectable. The positive tests were all in our well water prior to treatment. The finished water sampling, which is the water that residents consume had results that did not detect the chemical.

Motion to close the Public Hearing

Motion by Council Person Nelson

Second by Council Person Mansfield

Council Person Kyriacou asked why the Council was closing the public hearing

Council Person Nelson withdrew his motion to close the public hearing

Council Person Mansfield withdrew his motion to close the public hearing

- Council Person Kyriacou proposed that the Public Hearing be adjourned until August 5th
- Second by Council Person McCredo
- Motion passes 6-0

Council Member Reports:

Council Person Terry Nelson

Mr. Nelson said that a sign in Madame Brett Park was defaced with racial and anti-Semitic slurs. Someone took a picture and posted it on social media. He asked that those who discover graffiti to call the authorities.

Council Person Jodi McCredo

Ms. McCred commended two young girls who cleaned up the graffiti that Council Person Nelson mentioned. She thanked everyone for coming and speaking their minds. She would like there to be a community meeting in a less formal manner than a Council meeting. The Council is making decisions that will affect the city for many generations. She would like to hear from as many people as possible. City Council meetings can be intimidating. This is an amazing place where we live. Please get out and visit some of the new places in town. Talk to your neighbors.

Council Person George Mansfield

Mr. Mansfield asked for an update on the properties that were taken back for taxes.

City Administrator Anthony Ruggiero

Mr. Ruggiero responded to Mr. Mansfield by saying that an RFP was put out for proposals on the properties, three of which will be affordable housing and two will be market rate. Mr. Ruggiero offered to review the property RFP at the next workshop.

Council Person Lee Kyriacou

Mr. Kyriacou thanked everyone for being there. The Council got a request regarding understanding the disclosure requirements for LLCs. He asked that the City Attorney discuss this topic at an upcoming workshop.

Amber Grant

Ms. Grant mentioned that she would like to discuss alternatives to Roundup weed killer. She asked the Council to revisit the Danskammer buildout resolution at the next workshop.

City of Beacon Highway Superintendent Michael Manzi

Mr. Manzi mentioned that he has a Pesticide License and is looking into alternatives to Roundup. Vinegar is an alternative to Roundup as is dish detergent.

He gave a report about the ongoing projects in the City. Specifically, Mr. Manzi discussed the process of preparing the ball fields for play at Memorial Park. They are prepared based on factors such as how much rain we've gotten overnight and how much it is supposed to rain. Also considered is how well fields drain. Overall, in the last several years some leagues have dissolved. Some people don't know what goes into the process of getting a ball field ready. There are a lot of factors. Typically, the DPW doesn't prepare the fields for practices.

The Phillips Street Reconstruction completion date is late October/early November. There has been an approved change order for slip lining Philips Street between Wolcott Avenue and Union.

The contractor for the new watermain on Wilson Street will be mobilizing on Wednesday July 17. It will be posted on the websites and targeted Swift 911 calls will go out to notify residents in the area.

The Vine Street Watermain Project has been awarded.

The Wilkes Street Slip Lining Project has been approved and will be scheduled.

Bids will go out for the Memorial Building painting project. The roof has been repaired, three new air conditioning units, and a new furnace have been installed. Landscaping is scheduled for the front of the property.

Water and Wastewater Superintendent Ed Balicki

Mr. Balicki said that Well #2 was rehabilitated.

The Fairview water tank will be ready for filling later this week. Two of our three reservoirs are full. The third is down eight feet which is typical for this time of year.

We are working with Stonybrook University to determine the pharmaceutical content in our wastewater. The results should be in later this year.

The sewer pump station on Monell Place had become overgrown with bamboo. We donated the bamboo to a local zoo.

Recreation Director Mark Price

Mr. Price gave general updates on the Recreation Department. He began by speaking about the Park Days program which started July 15th. The pool is up and running. Swim lessons started last week. Multi-sport programs are up and running. He will meet soon with the MTA to discuss final alignments for the North Trail Project. Revised plans for the River Front will be reviewed by the Recreation Committee next month. Green Street Park Project plans have been revised and will be up on the website shortly. The City was awarded County Block Grant money for a new play structure. He will go out to bid for that late summer and early fall. Also, Sesame Street filmed at the Recreation Center today. The Recreation Department puts 90 kids through the swim program each summer. You can find more information on the website.

Mayor Casale

The Mayor made several announcements. Please see below.

The Groverville Hydroelectric Dam operators will be testing their alarm system on July 17th at 2pm. A Swift 911 notice will go out.

The July 29th Council Workshop will have representatives from several stakeholders with regards to the Danskammer buildout project.

Bids for painting the Memorial Building went out this week. We hope to have the project completed by Veteran's Day.

Dutchess County and Beacon Recreation will be hosting a Senior Picnic at Memorial Park at noon.

I AM BEACON is having a back to school block party on August 24th at South Avenue Park from 12 – 4. If you are interested in participating, please visit <https://iambeacon.weebly.com/> or call 845 505 6820.

Resolutions, Ordinances and Local Laws:**1. A Resolution Regarding Special Use Permit for an Accessory Apartment on Property Located at 27 Fowler Street**

Council person Grant

Ms. Grant asked if there is any language in the special use permit disallowing this apartment from becoming a short-term rental.

Motion by Council person Grant to add a clause stating that the apartment should only be rented for no less than one-year terms.

Motion by Council Person Grant

Second by Council Person McCredo.

Motion passes 6-0

Council Person Mansfield

Mr. Mansfield said that going forward this language should be added to all accessory apartments.

Council person McCredo

Ms. McCredo said she understands the concerns about precedent however she has not heard any specific objections about this proposed accessory apartment.

- Motion by Council person Grant
- Second by Council person Nelson
- Resolution passes 6-0

2. A Resolution to Set Public Hearing Regarding Local Law to Amend Chapter 211, Article III, Section 15, Subsection B of the Code of the City of Beacon Regarding Parking on Van Nydeck Avenue and Sargent Avenue

- Motion by Council person McCredo
- Second by Council person Grant
- Resolution passes 6-0

3. A Resolution Approving Verizon Wireless Special Use Permit Application Regarding 110 Howland Avenue

- Motion by Council person Mansfield
- Second by Council person Grant
- Resolution Passes 6-0

Council person McCredo

Ms. McCredo said she is against the resolution and would like to vote no but legally she doesn't feel that she can.

Mayor Casale

Philipstown fought against Verizon putting up a cell tower. However, they are going to lose that legal battle. We can try to do the same, but the chances of winning are slim and it would cost us a lot of money in the process.

Neil Kaplan

The City should have the right to say no without being sued.

City Attorney Nick Ward Willis

The Council did not sit idly by while Verizon told them what they had to do. The Council reduced the height and required screening.

4. A Resolution Authorizing the City of Beacon to Enter into a Contract with Sun Up Construction Corporation for the Vine Street Watermain Replacement Project

- Motion by Council person Grant
- Second by Council person Mansfield
- Resolution passes 6-0

5. A Resolution Authorizing the City of Beacon to Enter into a Contract with National Water Main Cleaning Company for the Wilkes Street Sanitary Sewer CIPP Lining Project

- Motion by Council person McCredo
- Second by Council person Nelson
- Resolution passes 6-0

6. A Resolution Authorizing the City of Beacon to Enter into a Contract for Headworks at the Wastewater Treatment Plant

- Motion by Council person Nelson
- Second by Council person Grant
- Resolution passes 6 - 0

Upcoming Agenda Items for July 29:

Noise Ordinance

248 Tioronda Avenue

Main Street Parking

Rent Stabilization

Presentation by Eric Anderson Regarding Camp Beacon

Historic District Overlay

Second Opportunity for Public Comments: Each speaker may have one opportunity to speak for up to three minutes on any subject matter on which the Council can take action.

Speakers:

Tina Bernstein

She reminded the Council to speak into their microphones during the meeting. She is disappointed that there was no discussion among Council members after the Council got feedback from the community.

Adjournment:

- Motion by Council person Mansfield
- Second by Council person McCredo
- Motion passes 6-0

Next Workshop: July 22, 2019

Next Meeting: August 5, 2019

Resolution No. _____ of 2019		Date: <u>August 5, 2019</u>					
<input type="checkbox"/> Amendments						<input type="checkbox"/> 2/3 Required.	
<input type="checkbox"/> Not on roll call.		<input type="checkbox"/> On roll call				<input type="checkbox"/> 3/4 Required	
Motion	Second	Council Member	Yes	No	Abstain	Reason	Absent
		Terry Nelson					
		Jodi McCredo					
		George Mansfield					
		Lee Kyriacou					
		John Rembert					
		Amber Grant					
		Mayor Randy J. Casale					
		Motion Carried					