



CITY OF BEACON
One Municipal Plaza
Beacon, New York 12508

Mayor Randy Casale
Councilman Lee Kyriacou, At Large
Councilman George Mansfield, At Large
Councilwoman Peggy Ross, Ward 1
Councilman Omar Harper, Ward 2
Councilwoman Pam Wetherbee, Ward 3
Councilman Ali Muhammad, Ward 4
City Administrator Anthony Ruggiero

September 5, 2017
7:00 PM
City Council Agenda

Call to Order

Pledge of Allegiance

Roll Call

Public Comment:

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. Please sign in at the podium. This segment will last no longer than thirty minutes, with speakers recognized in the order they appear on the sign-in sheet. A second public comment opportunity will be provided later in the meeting for those who do not get to speak during this first segment.

Community Segment:

- Assemblyman Frank Skartados

Presentations:

- Proclamation to Designate the Month of September as Sickle Cell Disease Awareness Month

Public Hearings:

- Proposed Local Law Concerning the Disclosure of Information from City Applicants
- Proposed Local Law Concerning Peddling and Soliciting

Reports:

- Council Member Ali Muhammad
- Council Member Omar Harper
- Council Member Lee Kyriacou
- Council Member George Mansfield
- Council Member Pam Wetherbee
- Council Member Peggy Ross
- City Administrator, Anthony Ruggiero
- County Legislators
- Mayor Randy Casale

Local Laws and Resolutions:

1. Resolution to Adopt a Local Law Amending the City Code as it Relates to the Disclosure of Information by Applicants
2. Resolution to Adopt a Local Law Amending the City Code as it Relates to Peddling and Soliciting
3. Appointment of Zoe Markwalter as a Member of the Conservation Advisory Committee

4. Appointment of Robert Lieblein as a Member of the Conservation Advisory Committee
5. Resolution Approving and Endorsing a Grant Under the Hudson River Valley Greenway Grant Program for the Project Known as the Beacon Hudson River Trail
6. Resolution Authorizing the Sale of City-Owned Property Located at 36 N. Cedar Street in the City of Beacon
7. Resolution to Schedule a Public Hearing for September 18, 2017 Regarding the Proposed Local Law to Amend the City Charter
8. Resolution to Schedule a Public Hearing for September 18, 2017 Regarding the Local Law Enacting a Moratorium on Residential Development
9. Resolution to Schedule a Public Hearing for September 18, 2017 Regarding the Establishment of Ward Boundaries

Approval of Minutes:

- Minutes of August 7 and August 21, 2017

Budget Amendments:

- Budget Amendments

2nd 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. This segment will last no longer than thirty minutes. Those who spoke at the first public comment segment are not permitted to speak again.

Adjournment:

City of Beacon Council Agenda
9/5/2017

Title:

Assemblyman Frank Skartados

Subject:

Background:

City of Beacon Council Agenda
9/5/2017

Title:

Proclamation to Designate the Month of September as Sickle Cell Disease Awareness Month

Subject:

Background:

ATTACHMENTS:

Description
Proclamation SCD

Type
Backup Material

PROCLAMATION

OFFICE OF THE MAYOR

September is National Sickle Cell Awareness Month

September 5, 2017

WHEREAS, Sickle Cell Disease is the most common genetic disorder in the United States; and

WHEREAS, an estimated 100,000 people live with Sickle Cell Disease in the United States. Up to 80 percent are African American but many different races are affected. Millions are affected globally; and

WHEREAS, Sickle Cell Disease occurs among 1 out of every 500 African-American birth; and

WHEREAS, to have the disease, both sets of parents must pass down sickle cell genes. There is a 25 percent chance if both parents carry the Sickle Cell Trait. People who have SCT inherit one sickle cell gene from one parent and one normal gene from the other parent. People with SCT usually do not have any signs of the disease and live a normal life, but they can pass the trait on to their children; and

WHEREAS, the Sickle Cell trait occurs among about 1 in 12 African-Americans; and

WHEREAS, Sickle Cell Disease is diagnosed with a simple blood test. It is most often found at birth during routine newborn screening tests at the hospital. Because children with Sickle Cell Disease are at an increased risk of infections and other health problems, early diagnosis and treatment are important; and

WHEREAS, Sickle Cell Disease is chronic but treatable although there is no single best treatment for people with Sickle Cell Disease. Treatment options are different for each person depending on the symptoms which can range from mild to severe; and

WHEREAS, there is no universal cure for Sickle Cell Disease but in some cases, it can be cured with a bone marrow transplant.

NOW THEREFORE, I, Mayor Randy Casale and the Beacon City Council, do hereby proclaim the month of September in the year 2017 as Sickle Cell Awareness Month in the City of Beacon, New York in order to help raise awareness of Sickle Cell Disease and its victims.

Mayor Randy Casale

City of Beacon Council Agenda
9/5/2017

Title:

Proposed Local Law Concerning the Disclosure of Information from City Applicants

Subject:

Background:

ATTACHMENTS:

Description

LL Entity Disclosure

Type

Local Law

DRAFT LOCAL LAW NO. ____ OF 2017

**CITY COUNCIL
CITY OF BEACON**

**PROPOSED LOCAL LAW TO AMEND SECTIONS 195-12 AND
CHAPTER 223
OF THE CODE OF THE
CITY OF BEACON**

A LOCAL LAW to amend Sections 195-12 and Chapter 223 of the City Code regarding Disclosure of information regarding an Applicant.

BE IT ENACTED by the City Council of the City of Beacon as follows:

Section 1. Section 195-12 of the Code of the City of Beacon entitled “Initial Conference and Review” is hereby amended as follows:

§ 195-12 **Initial conference and review.** This step is recommended for the benefit of the applicant, but is not required. If followed, the procedure shall be as follows:

A.

Initial conference. The applicant should notify the Planning Board Secretary, at least one week in advance of a regular Planning Board meeting, of his desire to be placed on the agenda for an initial conference. At such conference, he shall present a sketch layout of the proposed subdivision. It shall include a site location sketch (at a scale of one inch equals 800 feet) indicating the applicant's entire holdings in relation to neighboring streets, private roads and properties, and shall show the general nature of the proposed arrangement of streets, private roads, lots, recreation areas, and the proposed concept for providing utility service. The applicant should also discuss with the County Health Department its requirements in connection with subdividing. The sketch layout shall be drawn on a topographic map with a vertical contour interval of no more than five feet, at a scale of no smaller than one inch equals 100 feet. It shall be submitted in four copies. The applicant shall also provide the information required in Section 223-62.

B.

Field trip. After the initial conference, the Planning Board may schedule a field trip to the proposed subdivision site. The applicant, or his representative, should attend the site

inspection and, prior to it, should have the center line of all proposed streets and private roads located by temporary stakes.

C.

Planning Board recommendations. At or subsequent to the field trip, the Planning Board shall advise the applicant, or his representative, of the additions and modifications, if any, which should be made if an application for subdivision approval is to be submitted.

Section 2. Chapter 223 of the City Code entitled “Administration and Enforcement” is amended to add a new Section 223-62 as follows:

§ 223-62 Disclosure.

Every application, petition or request submitted for a variance, amendment, change of zoning, any license, certificate or permit, special use or exception, approval of plot plans or subdivision maps, with respect to the use, improvement change or alteration of any land, building or structure erected or to be erected thereon and every application for a building permit or certificate of occupancy shall, in addition to the general requisites for such application, petition or request and at the time of filing such application, petition or request, be accompanied by a sworn statement which shall contain the following information, where required:

- A. If the affiant is an individual, he or she shall set forth his or her name, residence address and his or her residence telephone number.
- B. If the affiant is a partnership, joint venture or other business entity, except a corporation, it shall set forth:
 - (1) The name, address and telephone number of the business entity or partnership.
 - (2) The date such business entity or partnership was established or created.
 - (3) The place where such business entity or partnership was created or established and the official Registrar's or Clerk's office where the documents and papers creating or establishing such business entity or partnership were filed.
 - (4) The names, residence addresses and residence telephone numbers of all parties in interest in such business entity or partnership, showing the nature and extent of the interest.
- C. If the affiant is a corporation, it shall set forth the following:
 - (1) The name, principal business address and telephone number of the corporation.
 - (2) The place, date and method of incorporation and the official place where the documents and papers of incorporation have been filed and the name and address of each incorporator.

(3) The name, residence address and telephone number of every officer, director and shareholder as of the date of filing or submission of the application, request or petition.

(4) The name and business or residence address and telephone number of all persons to whom corporate stock has been pledged, mortgaged or encumbered and with whom any agreement has been made to pledge, mortgage or encumber said stock.

D. The name, residence or business address and telephone number of all owners of record of the subject property or any part thereof; the date and manner title was acquired; and the date and place where the deed or document of conveyance was recorded or filed.

E. The name, residence or business address and telephone number of each person having any mortgage, encumbrance or other interest (recorded or unrecorded) in the subject property, together with the nature and extent thereof.

F. Whether any owner, of record or otherwise, is an officer, director, stockholder, agent or employee of any person referred to in Subsection A, B, C or E of this section.

G. Whether any person referred to in Subsection A, B, C, D or E of this section was known by any other name within five (5) years preceding the date of the application, request or petition, and, if so, such other names.

H. Whether any person named in Subsection A, B, C, D or E of this section is an official, elected or appointed, or employee of the City of Beacon or related, by marriage or otherwise, to an official or employee of the City of Beacon and, if so, the nature of such relationship.

I. The name and address of each person, business entity, partnership and corporation in the chain of title of the subject premises for the five (5) years next preceding the date of the application, request or petition.

J. If the applicant is not one of the record owners of the subject property, the interest of the applicant in the subject property and the relationship to the record owners. If the applicant is a contract vendee, a duplicate original or photocopy of the full and complete contract of purchase, including all riders, modifications and amendments thereto, shall be submitted with the application.

K. Where the record owner or contract vendee is a corporation, the following additional information shall be submitted with the application:

(1) The name and principal business address and telephone of the corporation.

- (2) The method, date and place of incorporation, together with the name and address of each incorporator and the place where the documents of incorporation have been filed.
- (3) The name, residence or business address and telephone number of each officer, director and shareholder of the corporation.
- (4) Whether any shares of the stock of the corporation or of any stockholder have been pledged, mortgaged or encumbered and, if so, the name and address of each person having, holding, owning or claiming such interest.

L. Whether the present owners, or any of them, have entered into any contract for the sale of all or any part of the subject property and, if in the affirmative, there shall be submitted a duplicate original or photocopy of the full and complete contract of sale, including all riders, modifications and amendments thereto.

M. Such additional information as may be requested by the board, agency or commission having jurisdiction over such application, request or petition, pertaining to ownership, operation or control of the subject property.

N. The provisions of § 80-1C(2), (3) and (4) and K(2), (3) and (4) shall not apply where the corporation named in said sections is a corporation the shares of stock of which are publicly traded on a recognized stock exchange.

O. In the event that there is any change in any matter set forth on any affidavit submitted hereunder prior to the time a determination is made concerning the subject application, request or petition, the affiant shall file a supplemental affidavit within forty-eight (48) hours after such change has occurred, giving the full details thereof and in compliance with the requirements of this chapter, and shall thereafter be subject to all the requirements set forth in this chapter.

Section 3. Ratification, Readoption and Confirmation

Except as specifically modified by the amendments contained herein, Chapter 191 of the City of Beacon is otherwise to remain in full force and effect and is otherwise ratified, readopted and confirmed.

Section 4. Severability

The provisions of this Local Law are separable and if any provision, clause, sentence, subsection, word or part thereof is held illegal, invalid or unconstitutional, or inapplicable to any person or circumstance, such illegality, invalidity or unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, clauses, sentences, subsections, words or parts of this Local Law or their petition to other persons or circumstances. It is hereby declared to be the legislative intent that this Local law would have been adopted if such illegal, invalid or unconstitutional provision, clause, sentence, subsection, word or part had not

been included therein, and if such person or circumstance to which the Local Law or part hereof is held inapplicable had been specifically exempt there from.

Section 5. Effective Date

This local law shall take effect immediately upon filing with the Office of the Secretary of State.

DRAFT

City of Beacon Council Agenda
9/5/2017

Title:

Proposed Local Law Concerning Peddling and Soliciting

Subject:

Background:

ATTACHMENTS:

Description

LL Peddling and Soliciting

No Know FAQs

Type

Local Law

Backup Material

LOCAL LAW NO. ____ OF 2017

CITY COUNCIL
CITY OF BEACON

PROPOSED LOCAL LAW AMENDING
CHAPTER 163 OF THE CODE OF THE CITY OF BEACON

A LOCAL LAW to
amend Chapter 163 of
the Code of the City of
Beacon concerning
Peddling and Soliciting

BE IT ENACTED by the City Council of the City of Beacon as follows:

Section 1. Chapter 163 of the Code of the City of Beacon, entitled “Peddling and Soliciting” is hereby amended to add subsection 9.1 as follows:

§ 163-9.1 “Do Not Solicit” list.

- A. The City Clerk shall maintain a “Do Not Solicit” list of City residents who do not wish to allow registrants under this chapter upon their property. The “Do Not Solicit list shall contain only the street address of the property and no personal ownership information.
- B. All residents shall be permitted to have their property listed on the "Do Not Solicit" list by submitting a written or electronic request to the office of the City Clerk.
- C. On a quarterly basis, the City Assessor shall notify the City Clerk of any change in ownership of property within the City, and the City Clerk shall remove from the “Do Not Solicit” list any property for which ownership shall have changed subsequent to the time of listing.
- D. Every registrant under this chapter shall be issued a copy of the then-current “Do Not Solicit” list simultaneously with the license issued by the City Clerk pursuant to § 163-10 hereof. Where more than one individual will be engaged in canvassing or soliciting activities on behalf of an organization, group, company or other entity, it shall be the obligation of that entity to provide true copies of the “Do Not Solicit” list to each such

individual. No canvasser or solicitor licensed under § 163-7 of this Chapter shall enter onto or into any property that is listed on the “Do Not Solicit” list.

- E. No canvasser or solicitor registered under this Chapter shall enter onto or into any property on which there is a sign or signs posted stating “No Solicitors” or conveying a similar message forbidding the entry of any person onto the property. It shall be the responsibility of registered canvassers and solicitors to check each residence for the presence of any such notice.
- F. Being listed on the “Do Not Solicit” list or the presence of such a sign shall constitute sufficient notice to any registered canvasser or solicitor of the intent of the occupant of the residence to be free from such solicitation or canvassing.
- G. It shall constitute a violation of this chapter punishable under § 163-12 for any registered canvasser or solicitor to go upon any premises and ring a doorbell, knock, or make or create any sound designed to attract the attention of the occupant with the purpose of gaining access to the occupant or entering onto or into the premises for the purpose of engaging in soliciting or canvassing where the premises is either included on the “Do Not Solicit” list or posted in the manner described in Subsection E of this section.

Section 2. Ratification, Readoption and Confirmation

Except as specifically modified by the amendments contained herein, Chapter 163 of the City of Beacon is otherwise to remain in full force and effect and is otherwise ratified, readopted and confirmed.

Section 3. Numbering for Codification

It is the intention of the City of Beacon and it is hereby enacted that the provisions of this Local Law shall be included in the Code of the City of Beacon; that the sections and subsections of this Local Law may be re-numbered or re-lettered by the Codifier to accomplish such intention; that the Codifier shall make no substantive changes to this Local Law; that the word “Local Law” shall be changed to “Chapter,” “Section” or other appropriate word as required for codification; and that any such rearranging of the numbering and editing shall not affect the validity of this Local Law or the provisions of the Code affected thereby.

Section 4. Severability

The provisions of this Local Law are separable and if any provision, clause, sentence, subsection, word or part thereof is held illegal, invalid or unconstitutional, or inapplicable to any person or circumstance, such illegality, invalidity or unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, clauses, sentences, subsections, words or parts of this Local Law or their petition to other persons or circumstances. It is hereby declared to be the legislative intent that this Local law would have been adopted if such illegal, invalid or unconstitutional provision, clause, sentence, subsection, word or part had not been included therein, and if such person or circumstance to which the Local Law or part hereof is held inapplicable had been specifically exempt there from.

Section 5. Effective Date

This local law shall take effect immediately upon filing with the Office of the Secretary of State.



City of Beacon, New York

Do Not Knock - Frequently Asked Questions

Q: Who is prohibited from coming to my door if I join the registry?

A: Commercial solicitors and peddlers are prohibited from coming to your door if you join the registry. Commercial solicitors are people who go door-to-door selling products or services, such as a wireless vendor or vacuum salesperson.

Q: Who is exempt from the Do Not Knock law?

A: Charitable organizations and religious organizations, as well as individuals who wish to conduct polling or surveying, circulate petitions, engage in political or religious speech, or other similar conduct, are not subject to the Do Not Knock law. However, residents still have the right to post "No Trespassing" signs or signs of similar import indicating that such solicitors are unwelcome as well. If these persons refuse to leave your property, or if you feel at all threatened or doubt their authenticity, you should call the police department at 845-831-4111.

Q: How do peddlers and solicitors know they are not welcome at my home?

A: There are two ways in which peddlers and solicitors are provided notice. Every registrant under our City Code will be issued a copy of the then-current "Do Not Knock" list simultaneously with the license issued by the City Clerk. Individuals may also post a sign stating "No Solicitors" or containing a similar message forbidding the entry of any person onto the property. The presence of such a sign shall constitute sufficient notice to any registered canvasser or solicitor of the intent of the occupant of the residence to be free from such solicitation or canvassing.

Q: How will the Do Not Knock law be enforced?

A: Enforcement will be primarily through complaints or calls to the Police Department by residents who have been wrongly disturbed by peddlers or solicitors in violation of the local law. The police will respond accordingly to such calls or complaints.

Q: What will happen to violators?

A: Any person violating the terms of the Do Not Knock law may be charged under the local law. Violators will be subject to a fine not of note less than \$50 and not more than \$250 for each violation or to imprisonment not exceeding 15 days, or both.

In addition, licenses issued under the Do Not Knock law may be revoked or suspended at any time for cause by the Mayor or the Chief of Police if the peddler or solicitor is conducting any illegal activity from any location, or if the peddler or solicitor is convicted of a misdemeanor or felony, which in the judgment of the Mayor or Chief of Police renders the licensee unfit or undesirable to carry on the trade or occupation involved.

Q: Are peddlers or solicitors required to register with the City of Beacon?

A: Yes, both peddlers and solicitors are required to register with the City. Peddlers and solicitors must come in to the City Clerk to register and are subject to a background check.

Q: Are there any restrictions against leaving flyers at the door?

A: Persons leaving commercial flyers attempting to solicit paid customers should follow the restrictions of the No Knock law. Persons providing a flyer for an exempt organization are not prohibited from dropping such literature.

Q: Why can't the City prohibit all solicitation after dark?

A: Federal cases interpreting the First Amendment have found that local laws prohibiting solicitation after dark are unconstitutional.

Q: Why should I display a sign after I've signed up?

A: Although it is a violation of the local law to solicit or deliver handbills to any residence on the "Do Not Knock" registry, the signs displayed at residences help counter a solicitor's argument that he or she did not have prior notice that the resident did not want to receive information.

Q: Are solicitors and peddlers required to carry his/her permit on them while soliciting / peddling?

A: Yes, they must be licensed and are required to carry the license with them.

Q: How long is a permit good for?

A: The permit will indicate the date of expiration, which will not exceed one year from the date of issuance.

City of Beacon Council Agenda
9/5/2017

Title:

Resolution to Adopt a Local Law Amending the City Code as it Relates to the Disclosure of Information by Applicants

Subject:

Background:

ATTACHMENTS:

Description	Type
Res. to Adopt LL re Disclosure of Info from Applicants	Resolution



CITY OF BEACON
CITY COUNCIL
RESOLUTION NO. _____ OF 2017

A RESOLUTION TO ADOPT A LOCAL LAW AMENDING SECTION 195-12 AND CHAPTER 223 OF THE CODE AS THEY RELATE TO THE DISCLOSURE OF INFORMATION FROM CITY APPLICANTS

NOW, THEREFORE, BE IT RESOLVED that the Beacon City Council hereby adopts a local law to amend Section 195-12 and Chapter 223 of the City Code as it relates to the disclosure of information from City applicants.

Resolution No. _____ of 2017			Date: <u>September 5, 2017</u>				
<input type="checkbox"/> Amendments			<input type="checkbox"/> On roll call			<input type="checkbox"/> 2/3 Required	
<input type="checkbox"/> Not on roll call.						<input type="checkbox"/> 3/4 Required	
Motion	Second	Council Member	Yes	No	Abstain	Reason	Absent
		Ali Muhammad					
		Omar Harper					
		Lee Kyriacou					
		George Mansfield					
		Pam Wetherbee					
		Peggy Ross					
		Mayor Randy Casale					
Motion Carried							

City of Beacon Council Agenda
9/5/2017

Title:

Resolution to Adopt a Local Law Amending the City Code as it Relates to Peddling and Soliciting

Subject:

Background:

ATTACHMENTS:

Description	Type
Res. to Adopt LL re Peddling and Soliciting	Resolution



CITY OF BEACON
CITY COUNCIL
RESOLUTION NO. _____ OF 2017

**A RESOLUTION TO ADOPT A LOCAL LAW AMENDING CHAPTER 163 OF THE CODE AS
IT RELATES TO PEDDLING AND SOLICITING**

NOW, THEREFORE, BE IT RESOLVED that the Beacon City Council hereby adopts a local law to amend Chapter 163 of the City Code as it relates to Peddling and Soliciting.

Resolution No. _____ of 2017			Date: <u>September 5, 2017</u>				
<input type="checkbox"/> <input type="checkbox"/> Amendments			<input type="checkbox"/> On roll call			<input type="checkbox"/> 2/3 Required	
<input type="checkbox"/> <input type="checkbox"/> Not on roll call.						<input type="checkbox"/> 3/4 Required	
Motion	Second	Council Member	Yes	No	Abstain	Reason	Absent
		Ali Muhammad					
		Omar Harper					
		Lee Kyriacou					
		George Mansfield					
		Pam Wetherbee					
		Peggy Ross					
		Mayor Randy Casale					
Motion Carried							

City of Beacon Council Agenda
9/5/2017

Title:

Appointment of Zoe Markwalter as a Member of the Conservation Advisory Committee

Subject:

Background:

ATTACHMENTS:

Description	Type
Res. Appt ZM CAC	Resolution
CAC Application ZM	Application



**CITY OF BEACON
CITY COUNCIL**

RESOLUTION NO. _____ OF 2017

**RESOLUTION CONFIRMING THE APPOINTMENT OF ZOE MARKWALTER TO THE CITY
OF BEACON CONSERVATION ADVISORY COMMITTEE**

BE IT RESOLVED, that the City Council of the City of Beacon hereby confirms the appointment of Zoe Markwaller as a member of the Conservation Advisory Committee for a two-year term ending December 31, 2018.

Resolution No. _____ of 2017			Date: <u>September 5, 2017</u>				
<input type="checkbox"/> <input type="checkbox"/> Amendments						<input type="checkbox"/> 2/3 Required	
<input type="checkbox"/> <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
		Ali Muhammad					
		Omar Harper					
		Lee Kyriacou					
		George Mansfield					
		Pam Wetherbee					
		Peggy Ross					
		Mayor Randy Casale					
		Motion Carried					

City of Beacon Council Agenda
9/5/2017

Title:

Appointment of Robert Lieblein as a Member of the Conservation Advisory Committee

Subject:

Background:

ATTACHMENTS:

Description	Type
Res. appt RL to CAC	Resolution
CAC Application RL	Application



**CITY OF BEACON
CITY COUNCIL**

RESOLUTION NO. _____ OF 2017

**RESOLUTION CONFIRMING THE APPOINTMENT OF ROBERT LIEBLEIN TO THE CITY
OF BEACON CONSERVATION ADVISORY COMMITTEE**

BE IT RESOLVED, that the City Council of the City of Beacon hereby confirms the appointment of Robert Leiblein as a member of the Conservation Advisory Committee for a two-year term ending December 31, 2018.

Resolution No. _____ of 2017			Date: <u>September 5, 2017</u>				
<input type="checkbox"/> <input type="checkbox"/> Amendments						<input type="checkbox"/> 2/3 Required	
<input type="checkbox"/> <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
		Ali Muhammad					
		Omar Harper					
		Lee Kyriacou					
		George Mansfield					
		Pam Wetherbee					
		Peggy Ross					
		Mayor Randy Casale					
		Motion Carried					

City of Beacon Council Agenda
9/5/2017

Title:

Resolution Approving and Endorsing a Grant Under the Hudson River Valley Greenway Grant Program for the Project Known as the Beacon Hudson River Trail

Subject:

Background:

ATTACHMENTS:

Description

Res. Greenway Grant

Type

Resolution



**CITY OF BEACON
CITY COUNCIL**

RESOLUTION NO. _____ OF 2017

**RESOLUTION APPROVING AND ENDORSING A GRANT UNDER THE HUDSON RIVER
VALLEY GREENWAY GRANT PROGRAM FOR THE PROJECT KNOWN AS THE BEACON
HUDSON RIVER TRAIL**

WHEREAS, the City of Beacon is applying to the Hudson River Valley Greenway for a grant under the Hudson River Valley Greenway Grant Program for a project entitled The Beacon Hudson River Trail, to be located in the City of Beacon adjacent to the Beacon Metro-North Railroad,

WHEREAS, the grant application requires the applicant municipality to obtain the approval/endorsement of the governing body of the municipality or municipalities in which the project will be located;

NOW, THEREFORE, be it resolved that the governing board of the City of Beacon hereby does approve and endorse the application for a grant under the Hudson River Valley Greenway Grant Program, for a project known as The Beacon Hudson River Trail and located within this community.

Date of Adoption

Name of Municipal Clerk

Signature

Resolution No. _____ of 2017			Date: <u>September 5, 2017</u>				
<input type="checkbox"/> <input type="checkbox"/> Amendments						<input type="checkbox"/> 2/3 Required	
<input type="checkbox"/> <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
		Ali Muhammad					
		Omar Harper					
		Lee Kyriacou					
		George Mansfield					
		Pam Wetherbee					
		Peggy Ross					
		Randy Casale					
		Motion Carried					

City of Beacon Council Agenda
9/5/2017

Title:

Resolution Authorizing the Sale of City-Owned Property Located at 36 N. Cedar Street in the City of Beacon

Subject:

Background:

ATTACHMENTS:

Description	Type
Res. 36 N. Cedar	Resolution
36 N. Cedar EAF	EAF
36 N. Cedar Neg Dec	Neg Dec
Draft Agreement	Agreement

CITY OF BEACON

CITY COUNCIL

RESOLUTION NO. ____ OF 2017

**RESOLUTION AUTHORIZING SALE OF 36 NORTH CEDAR STREET IN THE CITY
OF BEACON**

WHEREAS, there exists a certain tract or parcel of land located at 36 North Cedar Street in the City of Beacon, Dutchess County, New York; known and designated on the City Tax Map as # 130200-5954-28-985930-00 (the “Property”); and

WHEREAS, this Property was obtained by the City of Beacon pursuant to a deed recorded at the Dutchess County Clerk’s Office; and

WHEREAS, the Property is not needed by the City of Beacon for any municipal purpose; and

WHEREAS, the City Council has the authority pursuant to General City Laws § 20 to sell and convey real Property, when not needed for City purposes; and

WHEREAS, pursuant to Section 1.07 of the City Charter, the City Council may by resolution vote to sell City Property upon such terms and conditions as the City Council may deem proper; and

NOW, THEREFORE, BE IT RESOLVED, that the City of Beacon City Council, in accordance with Article 8 of the State Environmental Conservation Law and 6NYCRR Part 617 and upon review of the EAF and all other materials prepared for this unlisted action, hereby adopts the attached Negative Declaration; and

BE IT FURTHER RESOLVED, the City Council hereby declares the real Property at 36 North Cedar Street in the City of Beacon is not needed for municipal purposes; and

BE IT FURTHER RESOLVED, the City of Beacon approves of the sale of the subject Property for \$135,000.00 to Roundtable 1, Inc. or their assign(s), pursuant to a Quit Claim Deed in accordance with the terms of the Purchase and Sale Agreement, subject to review and approval by the City Attorney; and

BE IT FURTHER RESOLVED, that the Mayor and/or City Administrator are authorized to sign any and all documents, necessary to effectuate the purpose of this Resolution.

Resolution No. ____ of 2017		Date: <u>September 5, 2017</u>					
<input type="checkbox"/> <input type="checkbox"/> Amendments						<input type="checkbox"/> 2/3 Required	
<input type="checkbox"/> <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
		Ali Muhammad					
		Omar Harper					
		Lee Kyriacou					
		George Mansfield					
		Pam Wetherbee					
		Peggy Ross					
		Mayor Randy Casale					
		Motion Carried					

617.20
Appendix B
Short Environmental Assessment Form

Instructions for Completing

Part 1 - Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 - Project and Sponsor Information							
City of Beacon							
Name of Action or Project: Sale of 36 North Cedar Street							
Project Location (describe, and attach a location map): 36 North Cedar Street, Beacon, New York							
Brief Description of Proposed Action: Sale of property currently used as the City's Department of Public Works mechanic's garage.							
Name of Applicant or Sponsor: City of Beacon		Telephone: 845-838-5009					
		E-Mail: administrator@cityofbeacon.org					
Address: 1 Municipal Plaza							
City/PO: Beacon		State: NY	Zip Code: 12508				
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			<table border="1" style="width: 100%; border-collapse: collapse;"><tr><td style="width: 50%; text-align: center;">NO</td><td style="width: 50%; text-align: center;">YES</td></tr><tr><td style="text-align: center;">X</td><td></td></tr></table>	NO	YES	X	
NO	YES						
X							
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval:			<table border="1" style="width: 100%; border-collapse: collapse;"><tr><td style="width: 50%; text-align: center;">NO</td><td style="width: 50%; text-align: center;">YES</td></tr><tr><td style="text-align: center;">X</td><td></td></tr></table>	NO	YES	X	
NO	YES						
X							
3.a. Total acreage of the site of the proposed action? <u>0.14</u> acres							
b. Total acreage to be physically disturbed? <u>0</u> acres							
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? <u>0.14</u> acres							
4. Check all land uses that occur on, adjoining and near the proposed action. <input checked="" type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban) <input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): _____ <input type="checkbox"/> Parkland							

5. Is the proposed action, a. A permitted use under the zoning regulations? b. Consistent with the adopted comprehensive plan?	NO	YES	N/A
		X	
		X	
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
			X
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____ _____	NO	YES	
		X	
8. a. Will the proposed action result in a substantial increase in traffic above present levels? b. Are public transportation service(s) available at or near the site of the proposed action? c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?	NO	YES	
		X	
			X
			X
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: _____ _____	NO	YES	
			X
10. Will the proposed action connect to an existing public/private water supply? [If Yes, does the existing system have capacity to provide service? <input type="checkbox"/> NO <input type="checkbox"/> YES] If No, describe method for providing potable water: _____ _____	NO	YES	
			X
11. Will the proposed action connect to existing wastewater utilities? [If Yes, does the existing system have capacity to provide service? <input type="checkbox"/> NO <input type="checkbox"/> YES] If No, describe method for providing wastewater treatment: _____ _____	NO	YES	
			X
12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places? b. Is the proposed action located in an archeological sensitive area?	NO	YES	
		X	
		X	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency? b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ _____ _____	NO	YES	
		X	
		X	
14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: <input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input checked="" type="checkbox"/> Urban <input checked="" type="checkbox"/> Suburban			
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO	YES	
		X	
16. Is the project site located in the 100 year flood plain?	NO	YES	
		X	
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes, a. Will storm water discharges flow to adjacent properties? <input type="checkbox"/> NO <input type="checkbox"/> YES b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: <input type="checkbox"/> NO <input type="checkbox"/> YES _____ _____	NO	YES	
		X	

18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)? If Yes, explain purpose and size: _____ _____	NO	YES
	X	
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____ _____	NO	YES
	X	
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____ _____	NO	YES
	X	
I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE		
Applicant/sponsor name: <u>City of Beacon</u>		Date: <u>August __, 2017</u>
Signature: _____		

Part 2 - Impact Assessment. The Lead Agency is responsible for the completion of Part 2. Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	X	
2. Will the proposed action result in a change in the use or intensity of use of land?	X	
3. Will the proposed action impair the character or quality of the existing community?	X	
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	X	
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	X	
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	X	
7. Will the proposed action impact existing: a. public / private water supplies?	X	
b. public / private wastewater treatment utilities?	X	
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	X	
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	X	

	No, or small impact may occur	Moderate to large impact may occur
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	X	
11. Will the proposed action create a hazard to environmental resources or human health?	X	

Part 3 - Determination of significance. The Lead Agency is responsible for the completion of Part 3. For every question in Part 2 that was answered “moderate to large impact may occur”, or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

- ☐ Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.
- ☒ Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.

City of Beacon City Council

August __, 2017

Name of Lead Agency

Date

Anthony Ruggiero

City Administrator

Print or Type Name of Responsible Officer in Lead Agency

Title of Responsible Officer

Signature of Responsible Officer in Lead Agency

Signature of Preparer (if different from Responsible Officer)

State Environmental Quality Review
NEGATIVE DECLARATION
Notice of Determination of Non-Significance

Project Number: _____

Date: August , 2017

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law.

The City of Beacon City Council, has determined that the Proposed Action described below will not have a significant adverse effect on the environment and a Draft Environmental Impact Statement will not be prepared.

Name of Action: Sale of improved land located at 36 North Cedar Street

SEQR Status:

Type I _____

Unlisted X

Conditioned Negative Declaration:

Yes _____

No X

Description of Action:

Sale of improved land located at 36 North Cedar Street, currently being used as the City's Department of Public Works mechanic's garage.

Location: 36 North Cedar Street, Beacon, NY

Reasons Supporting This Determination:

COULD THE PROPOSED ACTION RESULT IN ANY ADVERSE EFFECTS ASSOCIATED WITH THE FOLLOWING:

1. Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic patterns, solid waste production or disposal, potential for erosion, drainage or flooding problems? **The proposed action will not result in any significant adverse impacts to air quality, surface or ground water quality or quantity, noise levels, existing traffic patterns, solid waste production or disposal, potential for erosion, drainage or cause flooding problems.**
2. Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources, or community or neighborhood character? **The proposed action will not result in any significant adverse impacts to aesthetic, agricultural, archaeological, historic, or other natural or cultural resources, or community or neighborhood character.**
3. Vegetation or fauna, fish, shellfish or wildlife species, significant habitats, or threatened or endangered species? **The proposed action will not result in any significant adverse impacts to vegetation, fauna, fish, shellfish or wildlife species, significant habitat, or threatened or endangered species.**
4. A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources? **The proposed action will not result in any significant adverse impacts to officially adopted plans or goals.**
5. Growth, subsequent development, or related activities likely to be induced by the proposed action? **The proposed action will not induce growth, subsequent development, or related activities.**
6. Long term, short term, cumulative, or other effects not identified in #1 through #5 above? **The proposed action will not result in significant adverse long-term, short-term, cumulative or other effects.**
7. Other impacts (including changes in use of either quantity or type of energy)? **None.**

Involved Agency:**For Further Information:**

Contact Person: Anthony Ruggiero, City Administrator

Address: City of Beacon
One Municipal Plaza
Beacon, NY 12508

Telephone Number: (845) 838-5009 Fax (845) 838-5012

For Unlisted Actions, a copy of this notice has been filed with:

The City of Beacon

City of Beacon Council Agenda
9/5/2017

Title:

Resolution to Schedule a Public Hearing for September 18, 2017 Regarding the Proposed Local Law to Amend the City Charter

Subject:

Background:

ATTACHMENTS:

Description	Type
Res. Sched PH re Charter Amendments	Resolution
LL Charter Amendments	Local Law



CITY OF BEACON
CITY COUNCIL
RESOLUTION NO. _____ OF 2017

**A RESOLUTION TO SCHEDULE A PUBLIC HEARING FOR SEPTEMBER 18, 2017
ON A LOCAL LAW AMENDING THE CITY OF BEACON CHARTER**

BE IT RESOLVED that the City of Beacon hereby schedules a public hearing for September 18, 2017 at 7:00 p.m. at City Hall, One Municipal Plaza, Beacon, New York 12508 to receive public comment concerning a local law amending the City of Beacon Charter.

Resolution No. _____ of 2017			Date: <u>September 5, 2017</u>				
<input type="checkbox"/> <input type="checkbox"/> Amendments						<input type="checkbox"/> 2/3 Required	
<input type="checkbox"/> <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
		Ali Muhammad					
		Omar Harper					
		Lee Kyriacou					
		George Mansfield					
		Pam Wetherbee					
		Peggy Ross					
		Mayor Randy Casale					
		Motion Carried					

DRAFT LOCAL LAW NO. ____ OF 2017

**CITY COUNCIL
CITY OF BEACON**

**PROPOSED LOCAL LAW AMENDING
THE CITY OF BEACON CHARTER**

A LOCAL LAW to
amend the City of
Beacon Charter.

BE IT ENACTED by the City Council of the City of Beacon as follows:

Section 1. Chapter C of the City of Beacon entitled “Charter” is hereby amended as follows:

Chapter C. Charter

Article 1. Title; Powers of City; Boundaries

Sec. 1.00. Short title.

This Charter shall be known and may be cited as "Charter of the City of Beacon."

Sec. 1.~~02~~01. Purpose.

The purpose of this Charter is to provide the legal framework for organizing and operating the government of the City of Beacon.

Sec. 1.~~04~~02. Corporate name.

The City of Beacon, hereinafter referred to as the "city," shall continue to be a municipal corporation in perpetuity, as heretofore established and as provided by law, under the name "City of Beacon."

Sec. 1.~~06~~03. Powers of the city.

The city shall have all powers granted to a city of its population under the constitution and laws of the State of New York, as fully and completely as though they were specifically enumerated in this Charter.

Sec. 1.~~0704~~. Authorization to sell or convey city-owned property.

The purpose of this chapter is to supersede General City Law § 23(2)(b) so as to authorize the public or private sale or lease of real property owned by or in the control of the city through public or private transaction.

- A. Authorization for sale or lease. The City Council may by a resolution adopted by majority vote, sell, convey, exchange, grant or release any city real estate or franchise belonging to or under the control of the city at public or private sale, and grant rights or interests in, over, under and across any real property in which the city has any right, title or interest, for such consideration and upon such terms and conditions as the City Council may deem proper, and with respect to the sale of surplus real property, such terms and conditions may include purchase money mortgages, installment contract sales and any other means of selling and financing.
- B. Procedure for sale at public auction. Real property owned by the city leased, sold or otherwise alienated by public sale shall be at public auction or by sealed bid to the highest bidder, under proper regulations as to the giving of security and after public notice of the time and place and terms of such sale has been published at least once in the official newspaper of the city at least one week prior to such sale.

Sec. 1.~~0805~~. Vested rights and duties.

All property, power, contracts, local laws, ordinances, rules, regulations, obligations and liabilities of the city existing at the time of adoption of this Charter, unless explicitly superseded by this Charter, shall be in no way affected or changed by its adoption. All actions and proceedings pending for or against the city at the time that this Charter takes effect shall be continued unless the parties shall otherwise stipulate.

Sec. 1.~~0640~~. Construal.

The powers of the city under this Charter shall be construed liberally in favor of the city, and the specific mention of particular powers in the Charter shall not be construed as limiting in any way the general powers stated in this Article or provided by the laws of the State of New York.

Sec. 1.~~4207~~. Intergovernmental relations.

The city may exercise any of its powers or perform any of its functions and may participate in the financing thereof, jointly or in cooperation, by contract or otherwise, with any one (1) or more states or civil divisions or agencies thereof, as authorized by the Constitution and Laws of the State of New York.

Sec. 1.~~4608~~. Boundaries of the wards.

The city shall be divided into four wards, the boundaries of which shall be set forth in the City Code and reviewed and adjusted as appropriate within six months after publication of the results of each Federal decennial census. ~~The current ward boundaries are as follows (all references to a street refer to its center line; all references to a compass point are approximate):~~

~~Ward One:~~

~~From the point on the western city boundary where it touches Red Flynn Drive; then~~

~~South on Red Flynn Drive, across the railroad overpass to Beekman Street; then~~

~~Northeast on Beekman Street to North Avenue; then~~

~~South on North Avenue to Main Street; then~~

~~East on Main Street to Fishkill Avenue; then~~

~~North on Fishkill Avenue to Verplanck Avenue; then~~

~~West on Verplanck Avenue to Matteawan Road; then~~

~~North on Matteawan Road to Camp Beacon Road; then~~

~~North on Camp Beacon Road and continuing in the same direction to the northern city boundary; then~~

~~10. Along the northern and western city boundaries back to the starting point.~~

~~Ward Two:~~

~~From the point on the western city boundary where it touches Red Flynn Drive; then~~

~~South on Red Flynn Drive, across the railroad overpass to Beekman Street; then~~

~~Northeast on Beekman Street to North Avenue; then~~

~~South on North Avenue to Main Street; then~~

~~East on Main Street to Teller Avenue; then~~

~~South on Teller Avenue to Wolcott Avenue; then~~

~~West on Wolcott Avenue to Sargent Avenue; then~~

~~South on Sargent Avenue to South Avenue; then~~

~~South on South Avenue to the midpoint of Fishkill Creek; then~~

~~South along the midpoint of Fishkill Creek to the southern city boundary; then~~

~~Along the southern and western city boundaries back to the starting point.~~

~~Ward Three.~~

~~From the point on the eastern city boundary where Mount Beacon Monument Road crosses;
then~~

~~West on Mount Beacon Monument Road to East Main Street; then~~

~~West on East Main Street to Washington Avenue; then~~

~~North on Washington Avenue to Grove Street; then~~

~~West on Grove Street to Liberty Street; then~~

~~South on Liberty Street to East Main Street; then~~

~~West on East Main Street to Main Street; then~~

~~North on Main Street to Verplanck Avenue; then~~

~~West on Verplanck Avenue to Matteawan Road; then~~

~~North on Matteawan Road to Camp Beacon Road; then~~

~~North on Camp Beacon Road and continuing in the same direction to the northern city
boundary; then~~

~~Along the northern and eastern city boundaries back to the starting point.~~

~~Ward Four.~~

~~From the point on the eastern city boundary where Mount Beacon Monument Road crosses;
then~~

~~West on Mount Beacon Monument Road to East Main Street; then~~

~~West on East Main Street to Washington Avenue; then~~

~~North on Washington Avenue to Grove Street; then~~

~~West on Grove Street to Liberty Street; then~~

~~South on Liberty Street to East Main Street; then~~

~~West on East Main Street to Main Street; then~~

~~North on Main Street to Verplanck Avenue; then~~
~~West on Verplanck Avenue to Fishkill Avenue; then~~
~~South on Fishkill Avenue until it turns into Teller Avenue; then~~
~~South on Teller Avenue to Wolcott Avenue; then~~
~~West on Wolcott Avenue to Sargent Avenue; then~~
~~South on Sargent Avenue to South Avenue; then~~
~~South on South Avenue to the midpoint of Fishkill Creek; then~~
~~South along the midpoint of Fishkill Creek to the southern city boundary; then~~
~~Along the southern and eastern city boundaries back to the starting point.~~

Article 2. City Council

Sec. 2.00. Composition; eligibility; election; terms.

- A. ~~Compensation~~Composition. There shall be a City Council of six (6) members and a Mayor. The term "Council" or "City Council" shall include the Mayor unless said Mayor is excluded by express provision therefrom or by operation of law. Two (2) of the Council members will be elected at-large, and the remaining four (4) Council members will be elected from ~~districts~~ wards, the boundaries and dimensions of which shall be determined by the City Council, in conformity with constitutional requirements and the requirements of the Laws of the State of New York.
- B. Eligibility. Only qualified voters of the city shall be eligible to hold the office of Council members and Mayor. Any such elected officer of the city shall vacate ~~his~~ the office upon removal of his/ her domicile from the city and shall be disqualified from holding such office.
- C. Qualifications. Every elected or appointed city officer shall possess the qualifications prescribed by the Public Officers Law of the State of New York, except as otherwise provided in this Charter.
- D. Election and terms. ~~The first city election under this Charter shall be held on the first Tuesday in November in the year 1991 and in conformity with the Election Law. The terms of the officers so elected shall begin on January 1, 1992. Thereafter, regular elections shall be held as provided by this Charter, to elect successors to those officers whose terms are about to expire.~~

- (1) The Mayor shall be elected for a term of four (4) years.

- (2) The Council members shall be elected for a term of two (2) years.
- (3) Four (4) Council members shall each represent one (1) of the four (4) ~~districts~~ wards of the city, and a Council member representing such ~~district-ward~~ shall be domiciled and a qualified voter therein.

Sec. 2.~~0201~~. Compensation and expenses.

The salary for each of the six (6) Council members shall be ~~nine-eleven~~ thousand dollars (\$~~911,000-~~) per annum, and for the Mayor ~~twenty-fivethirty~~ thousand ~~dollars-five hundred dollars~~ (\$~~2530,000500~~) per annum. ~~The Council may determine the compensation of the Council members and for the Mayor by ordinance. This includes, but is not limited to, salary, health insurance and/or other fringe benefits.~~ Council members and the Mayor shall receive their actual and necessary expenses incurred in the performance of their duties of office. In addition, the Council members and the Mayor shall have the option of receiving individual health insurance coverage~~benefits, individual or family coverage~~, through the City of Beacon's health insurance plan, such insurance policy type shall be determined by the Director of Finance. A Council member who receives health insurance benefits through the City's health insurance plan shall receive a reduced salary of nine thousand dollars (\$9,000) per annum, and for the Mayor twenty-five thousand dollars (\$25,000) per annum. The City's contribution toward the premium cost of providing this individual coverage~~, individual or family~~, shall be at the same percentage contribution rates as is provided to the City's department heads with the balance being paid for by the Council member or the Mayor who elected such health insurance coverage. Council members and the Mayor may secure family coverage through the City's insurance plan but such person is responsible for any such cost above the individual coverage cost. -This shall take effect on January 1, 2018 with respect to Council members and the Mayor.

Sec. 2.~~0402~~. Mayor.

The Mayor shall preside at meetings of the Council and shall be recognized as chief executive officer of the city government. The Mayor shall appoint the Council Secretary. The Mayor, with the consent of a majority vote of the Council, shall appoint all members to, and fill all vacancies on, all boards, commissions and similar bodies created and authorized by state law or this Charter. The Mayor may appoint, from time to time, such nonsalaried advisory committees as may be necessary to make nonbinding recommendations as to those matters which they are assigned to review. ~~The Mayor shall submit a yearly planning report to the Council no later than June 1.~~

Sec. 2.~~0603~~. Prohibitions.

- A. Holding other office. Except where authorized by law, no Council member shall hold any other city office or employment during the term for which elected to the Council; and no former Council member shall hold any compensated appointive city office or

employment until one (1) year after the expiration of the term for which elected to the Council.

- B. Appointments and removals. Neither the Council nor any of its members, with the exception of the Mayor, shall in any manner dictate the appointment or removal of any city administrative officers or employees whom the Mayor or any subordinates are empowered to appoint, but the Council may express its views and fully and freely discuss with the Mayor anything pertaining to appointment and removal of such officers and employees.
- C. Interference with administration. Except for the purpose of inquiries and investigations under Section 2.4206, neither the Council nor any of its members shall direct or otherwise manage any city officer or employee, other than through the City Administrator or Mayor.

Sec. 2.0804. Vacancies in elective office.

- A. Creation of vacancies. A vacancy in an elective office shall exist when the person elected fails to qualify for the office within thirty (30) days thereafter, dies, resigns, ceases to be domiciled in the city and/or ward from which elected, is determined to be either mentally or physically incompetent to perform the duties for which that person was elected or is convicted of a felony or a crime involving a violation of oath of office or when a judgment of a court declares the election void, the office forfeited or vacant or when the person fails or refuses to file the official oath or undertaking as prescribed by law.
- B. Procedures. If a vacancy shall occur in any elective office of the city (with the exception of Mayor), otherwise than by expiration of term, the Mayor, with the consent of the majority of the City Council, shall appoint a duly qualified person to fill such vacancy until a successor is chosen in accordance with the Public Officers Law. If a vacancy in an elective office is not filled by the Mayor with Council approval within forty-five (45) days of its occurrence, the Council shall have the power to fill such vacancy by four (4) affirmative votes of the Council. In the event that no appointment is made to fill the vacancy as hereinbefore provided, the Council may call a special election to fill such vacancy for the unexpired term. Such a special election shall be held no later than ninety (90) days from the occurrence of the vacancy. If the vacancy shall occur in the office of Mayor, the City Council, by a majority vote of its members, shall appoint a duly qualified person to fill such vacancy until a successor is chosen in accordance with the provisions of the Public Officers Law. In the event that no appointment is made to fill the vacancy in the office of Mayor within forty-five (45) days of its occurrence, the Council may call a special election to fill such vacancy for the remainder of the unexpired term. Such a special election shall be held no later than ninety (90) days from the occurrence of the vacancy. During the interim, the person so appointed as Mayor pursuant to Chapter 23 of the Code of Ordinances shall perform the duties of Mayor until the vacancy is

filled as hereinabove provided and shall assume the additional compensation for Mayor while assuming those duties.

- C. In the event there is a conflict with the language contained in either Chapter 19 or Chapter 23 of the Code of Ordinances, the terms of this section shall supersede the provisions in Chapters 19 and 23 of the Code of Ordinances entitled "Continuity of Government" and "Disaster Preparedness Committee," respectively.

Sec. 2.~~1905~~. Judge of qualifications.

The Council shall be the judge of the election and qualifications of its members and of the grounds for forfeiture of and removal from their office and for that purpose shall have power to subpoena witnesses, administer oaths and require the production of evidence. A member charged with conduct constituting grounds for forfeiture of office other than those grounds causing an immediate vacancy, by operation of state law, shall be entitled to a public hearing on demand, after seven (7) days' written notice. Notice of such hearing shall be published in one (1) or more newspapers of general circulation in the city at least one (1) week in advance of the hearing. Decisions made by the Council under this section shall be subject to review by the courts. In determining the qualifications of its members, the Council shall use the standards set forth in the Public Officers Law and General Municipal Law, and such additional standards as may be enacted by Charter amendment or local law, provided that the same are not inconsistent with the Public Officers Law or General Municipal Law.

Sec. 2.~~1206~~. Inquiries and investigations.

The Council shall have access to all information concerning any aspect of the affairs of the city, and may request such information in writing. The Council shall also have the power to make formal investigations into any aspect of the affairs of the city, and for such purpose may subpoena witnesses, administer oaths, take testimony and require the production of evidence. Any person who fails to obey any subpoena or lawful directive of the Council pursuant to this section shall be punished as provided by law for contempt.

Sec. 2.~~1407~~. Independent audits.

The Council shall obtain an independent audit of all financial accounts at least once annually. Such audits must be conducted by a certified public accountant who has no direct personal interest in the financial affairs of the city government or any of its officials. The annual audit must be reported to the Council and the public no later than ~~April 30~~ June 30 of each year.

Sec. 2.~~1608~~. Procedures.

- A. Meetings. The Council shall meet regularly twice in every month at such times and places as the Council may prescribe by rule. The Mayor's office shall prepare and make public a written agenda the Friday ~~at least two (2) working days~~ before each

regular Council meeting. Special meetings may be held on the call of the Mayor or of four (4) or more members, and whenever practicable, upon no less than twenty-four (24) hours' written notice to each member. All meetings shall be public; however, the Council may recess for the purpose of discussing, in a closed or executive session, those topics or items for which the Public Officers Law allows a closed session. The general subject matter for consideration must be expressed in the motion calling for such closed session. Final action thereon shall not be taken by the Council until the matter is placed on the agenda.

- B. Rules and journal. The Council shall determine its own rules and order of business and shall provide for keeping of a full and accurate journal of its proceedings and communications, which shall be a public record. They shall provide for public comments at all meetings.
- C. Workshops. In order to prepare for regular meetings, the Council may meet in informal public workshops. Workshop meetings shall be subject to the same requirements as regular meetings with respect to notice, public attendance, advance public agenda, and public record. No formal legislative decision may take place at a workshop. Any Council member may request the Mayor add an item to the workshop agenda and if not added to the Agenda, a Council member may at the next workshop meeting request that the item be added to the end of the Agenda upon approval of a majority of the Council. Any Council member may refer to workshop any item of business that has not been previously reviewed in workshop and/or any item of business discussed at a regular meeting which requires further discussion.
- D. A majority of the whole number of the Council, including vacancies, abstentions and any members disqualified, shall constitute a quorum, and the same number shall be necessary to perform and exercise any power, authority or duty of the Council.
- E. Official newspaper. The Council shall designate on an annual basis an official newspaper or newspapers, which may be a daily or weekly newspaper of general circulation in the City of Beacon.

Sec. 2.~~1809~~. Action requiring an ordinance or local law.

The Council shall have the power to enact ordinances for any lawful purpose, within its powers, as provided and authorized by § 20 of the General City Law or any other statute of the State of New York. The Council may enact local laws, for any purpose authorized under the laws of the State of New York, pursuant to the procedures set forth by the laws of the State of New York for such enactments.

Sec. 2.~~2010~~. Ordinances in general.

All proposed ordinances must be presented, in writing, by the Council at least one (1) meeting before adoption, except for emergency ordinances as provided in Section 2.~~2412~~.

All ordinances, resolutions and charter amendments adopted by the Council shall be recorded in the journal.

Sec. 2.~~22~~11. Franchises.

No franchise or renewal thereof shall be granted except upon a public hearing, a notice of which shall be published at least three (3) weeks before the date set for the hearing. The request for such franchise or renewal shall be on file with the City Clerk for public inspection for the three (3) weeks prior to the date of the hearing.

Sec. 2.~~24~~12. Emergency ordinance.

To meet a public emergency affecting life, health, property or the public peace, the Council may adopt one (1) or more emergency ordinances, but such ordinances may not levy taxes, grant, renew or extend a franchise, regulate the rate charged by any public utility for its services or authorize the borrowing of money. An emergency ordinance shall be introduced in the form and manner prescribed for ordinances generally, except that it shall be plainly designated as an emergency ordinance and shall contain, after the enacting emergency clause, a declaration stating that an emergency exists and describing it in clear and specific terms. An emergency ordinance may be adopted with or without amendment or rejected at the meeting at which it is introduced, but the affirmative vote of at least five (5) Council members shall be required for adoption. After its adoption the ordinance shall be published and printed as prescribed for other adopted ordinances. It shall become effective upon adoption or at such later time as it may specify. Every emergency ordinance shall automatically stand repealed as of the 61st day following the date on which it was adopted, but this shall not prevent reenactment of the ordinance in the manner specified in this section if the emergency still exists. An emergency ordinance may also be repealed by adoption of a repealing ordinance in the same manner specified in this section for adoption of emergency ordinances.

Sec. 2.~~26~~13. Publication of ordinances and resolutions.

The Council shall cause ~~a summary of the entire text of~~ every ordinance and of every resolution having the effect of law ~~to be printed in full in the minutes of the meeting at which they are introduced and adopted; and of the entire text of each amendment to this Charter, to be published promptly in the official newspaper following its adoption before it becomes effective.~~ The full text of the ordinances, resolutions and charter amendments shall be published on the City website and made available to the public, free of charge, from the City Clerk. ~~The published notice shall specifically state that a full copy of the ordinance or resolution may be obtained, free of charge, from the City Clerk.~~

Article 3. Mayor; Administrator

Sec. 3.00. Powers and duties of Mayor.

- A. ~~1.~~ The Mayor shall appoint, subject to Council approval, all city employees, department heads and administrative officers provided for by this Charter, created by the Council, authorized or approved by the Council or required by State Law.
- B. ~~2.~~ The Mayor shall have the power to remove, suspend or terminate any and/or all city employees, department heads, and/or administrative officers where and when the Mayor deems it necessary, except as otherwise provided for by this Charter or personnel rules adopted pursuant to this Charter and/or state law.
- C. ~~3.~~ The Mayor may authorize any administrative officer who is subject to the Mayor's authority and supervision to exercise any of the Mayor's powers with respect to subordinates in that officer's department, office or agency.
- D. ~~4.~~ The Mayor shall direct and supervise the administration of all departments, offices and agencies of the city, except as otherwise provided by this Charter or by law.
- E. ~~5.~~ The Mayor shall see that all laws, provisions of this Charter and acts of the Council subject to enforcement by the Mayor or by officers or subject to the Mayor's direction and supervision are faithfully executed.
- F. ~~6.~~ The Mayor shall direct the City Administrator to prepare the budget ~~prepare~~ and submit the annual budget and capital program to the Council.
- G. ~~7.~~ The Mayor shall submit to the Council and make available to the public by ~~March~~ May 1 each year a complete written report on the finances and administrative activities of the city as of the end of the prior year.
- H. ~~8.~~ The Mayor shall make such other reports as the Council may require concerning the operations of city departments, officers and agencies subject to the Mayor's direction and supervision.
- I. ~~9.~~ The Mayor shall keep the Council fully advised as to the financial condition and future needs of the city and make recommendations to the Council concerning the affairs of the city.
- J. ~~10.~~ The Mayor shall perform such other duties as are specified in this Charter or may be required by the Council.
- K. ~~11.~~ The Mayor shall sign ~~all~~ contracts when authorized and approved by the Council.
- L. ~~12. The Mayor shall designate a purchasing agent who shall be responsible for all city purchases.~~
- M. ~~13.~~ The Mayor, as the chief executive officer of the city government, shall represent the city at functions which require official representation.

- N. ~~14.~~ The Mayor shall notify the City Council of the expiration dates of all appointed positions that are subject to this provision, at least sixty (60) days prior to said expiration date. The Mayor shall also post a notice ~~at City Hall~~ on the City website and publicly announce all such expiration dates at the same time as Council notification. Resignations shall be announced at the first Council meeting following the receipt of said notice of resignation by the Mayor.
- O. ~~15.~~ Nominations and applications for such positions shall be accepted from both the Council and the public for a two-week period following said notification. Applications received by the Mayor prior to the notification set forth above shall also be considered for these positions.
- P. ~~16.~~ Proposed appointments by the Mayor will not be added to the agenda between the adjournment of a workshop session and the commencement of the following City Council meeting.

Sec. 3.01. Acting City Administrator.

- A. ~~Each year~~ The City Administrator shall recommend to the Mayor two individuals qualified to fill in as Acting Administrator. At the beginning of the year, at the annual reorganization meeting, the Mayor shall publicly announce and approve the two individuals. If and when an Acting City Administrator is required to perform the duties of City Administrator, a resolution shall be approved by the City Council appointing one of the two individuals. Council hereby creates the position of Acting City Administrator who may be appointed by the Mayor, subject to Council approval, whenever the Mayor determines that An Acting City Administrator may be appointed, whenever the Mayor determines that:
- (1) The City Administrator is medically unable to perform his ~~or~~ her duties full-time;
 - (2) The City Administrator is or will be on a leave of absence or vacation for more than ~~five (5) days~~ thirty (30) days;
 - (3) The City Administrator is prevented by an emergency from carrying out his ~~or~~ her duties;
 - (4) The City Administrator has resigned or is terminated.
- B. Qualifications.
- (1) If the Acting City Administrator is expected to perform for less than three (3) consecutive months, the Acting Administrator shall possess a baccalaureate degree from an accredited college or university or at least one (1) year of special training in public administration and finance or at least three (3) years' successful experience in a responsible executive position in governmental administration,

or any equivalent training or combination of experience and training sufficient to indicate capacity for effective governmental administration.

- (2) If the Acting Administrator is expected to or does perform in that capacity for more than three (3) consecutive months, the Acting City Administrator's qualifications shall be a baccalaureate degree from an accredited college or university and at least one (1) year of special training in public administration and finance and at least three (3) years' successful experience in a responsible executive position in governmental administration, or any equivalent training or combination of experience and training sufficient to indicate capacity for effective governmental administration.
- C. Upon determination by the Mayor of the existence of any of the events set forth in Subsection A, the Mayor's appointment of the Acting City Administrator shall commence on a date designated by the Mayor. The Acting City Administrator shall have all the powers and perform all the duties of the City Administrator during any period of the City Administrator's absence.
 - D. The Acting Administrator shall terminate upon the City Administrator's resumption of his-~~or~~-her duties full time.
 - E. The Acting City Administrator's compensation shall be determined by the Mayor, subject to Council approval.
 - F. The Mayor or the Council may require certification from a medical doctor that the City Administrator is able to resume full-time duties where the City Administrator's absence is due to medical reasons.
 - G. The Acting City Administrator's term of appointment shall not exceed six (6) months unless reappointed by the Mayor with Council approval prior to the expiration of the six-month period.
 - H. An appointment of an Acting City Administrator shall be made no later than sixty (60) days after any of the events set forth in Subsection A occurs, as may be determined by the Mayor.

Sec. 3.02. City Administrator.

- A. The Mayor shall appoint a City Administrator subject to an affirmative vote of a majority of the Council members. The City Administrator shall serve at the pleasure of the Mayor. Prior to appointment, the City Administrator shall be qualified with a baccalaureate degree from an accredited college or university and at least one (1) year's special training in public administration and finance and by at least three (3) years' successful experience in a responsible executive position in governmental administration, or by any equivalent training or combination of experience and

training sufficient to indicate capacity for effective governmental administration. The City Administrator shall attend all Council meetings and shall have the right to take part in discussion, but may not vote.

B. The City Administrator shall, as directed by the Mayor:

- (1) Supervise the operations of all departments and units of the city government. As the Supervisor of all department heads, the City Administrator has the authority to discipline any department head for cause, up to but not including termination.
- (2) Prepare or cause to be prepared and submit to the Mayor an annual budget and a capital program pursuant to the provisions of Article 5 of the Charter and Code, and when the same has been approved by the Mayor and the Council, administer the operations under his/her jurisdiction and within those budgetary provisions.
- (3) Report to the Mayor on the needs, finances and progress of the city in conforming to its Comprehensive Plan, with such recommendations for action by the Council.
- (4) Promulgate a personnel and salary plan and, when it is approved by the Council, faithfully execute and adhere to its provisions, and in the same manner revise and update such plans as may be necessary.
- (5) Negotiate, on behalf of the city, agreements with recognized employee representatives on conditions of employment, wages, employee sick leave, vacations, compensatory time off, health insurance, retirement plans and such other personnel matters as may be negotiated, and recommend to the Mayor necessary action thereon as they may deem necessary.
- (6) He/She shall see that all laws and provisions of the Charter and the Code and directions of the Council, subject to enforcement by him/her or officers subject to his/her supervision, are faithfully executed.
- (7) Promulgate a uniform purchasing plan for the procurement of all goods and services required in the administration of the city government, and when approved by the Mayor and the Council, faithfully administer the same.
- (8) Execute such purchasing and service contracts as may be required for the effective administration of the government and the care of its equipment and property under such general authorization as he/she may request and the Mayor and the Council may, by resolution, grant.

- (9) Authorize the attendance of city officials and employees at meetings, seminars and other such gatherings and functions, within budgetary limits or upon special action by the Council.
- (10) Authorize functions and duties not otherwise provided for by the Charter and Code, to units of his/her own choosing, and to transfer employees from one unit to another, temporarily or permanently, as he/she may deem appropriate.
- (11) Act promptly to deal with minor emergencies and breakdowns in city service, and assign administrative resources as available and needed to deal with major emergencies.
- (12) Pursue grant proposals that may benefit the city.
- (13) Carry out such related and nonconflicting duties as may be directed by the Mayor, or as the Council may, by resolution, empower the Mayor to assume, within the constraints imposed by the Charter and Code.
- (14) Approve each voucher, claim or account presented.
- (15) Sign all orders and vouchers for any material or services ordered, rendered, delivered or used.
- (16) Approve all bonds or other security and all public liability and property damage insurance policies required by this Charter and the Code of Ordinances to be given in favor of the city and its inhabitants.

Sec. 3.0403. Removal of Administrator.

The Mayor, with the consent of the council, may remove the Administrator from office in accordance with the following procedures:

- (1) The Mayor shall submit to the Council a preliminary resolution which must state the reason for removal and may suspend the Administrator from duty for a period not to exceed thirty (30) days. A copy of the resolution shall be delivered promptly to the Administrator.
- (2) Within fifteen (15) days after a copy of the resolution is delivered to the Administrator, the Administrator may file with the Council a written response to the preliminary resolution.
- (3) The Council may adopt a final resolution of removal, which may be made effective immediately, by affirmative vote of a majority of all its members, at any time after the expiration of fifteen (15) days from the date when a copy of the preliminary resolution was delivered to the Administrator. The Administrator

shall continue to receive his/~~her~~ salary until the effective date of a final resolution of removal.

Sec. 3.~~05~~04. Acting Mayor.

~~A. Title. This local law shall be entitled “A Local Law Adding to the City Charter Section 3.05 to the Powers and Duties of the Mayor to Appoint an Acting Mayor.”~~

~~B.~~A. Intent and purpose. This local law provides for the creation of the position of Acting Mayor, who shall be appointed by the Mayor to assure that the office and powers of the Mayor are properly executed in the absence of the Mayor from office or where the Mayor’s disability causes his/her absence, preventing the Mayor from executing the functions of the Mayor’s office.

~~C.~~B. Appointment of Acting Mayor.

- (1) The City Council hereby creates the position of Acting Mayor, who shall be appointed by the Mayor, subject to City Council approval, within three (3) months of the City of Beacon’s reorganization meeting.
- (2) In the event of a tie vote of the City Council on the approval of the Mayor’s appointment of an Acting Mayor, the Mayor’s appointment shall stand.

~~D.~~C. Qualifications of Acting Mayor. The Acting Mayor shall be a member of the City Council at the time of appointment.

~~E.~~D. Duties of Acting Mayor. The Acting Mayor shall have all the powers and perform all the duties of the Mayor during any period of the Mayor’s absence from office and shall be entitled to cast one (1) vote as Acting Mayor and no vote as a Council member.

~~F.~~E. Term of service. The Acting Mayor shall cease serving as Mayor upon the termination of the Mayor’s absence and resumption by the Mayor of his/her mayoral duties.

~~G.~~F. Compensation. The Acting Mayor will not receive compensation for services as Mayor.

~~H.~~G. Determination. The determination of whether a vacancy exists in the elective office of Mayor shall be made as set forth in City Charter Section 2.~~08-04~~ and the Public Officers Law. If there is a conflict between the language of this local law and Section 2.~~08-04~~ or the Public Officers Law, the terms of Section 2.~~08-04~~ or the Public Officers Law shall supersede the provisions of this law.

~~I.H.~~ H. _____ Effective date. This law shall take effect immediately upon its filing in the office of the Secretary of State.

Article 4. Administrative Departments

Sec. 4.00. General provisions.

- A. Creation of departments. The Council may establish city departments, offices or agencies in addition to those created by this Charter and may prescribe the functions of all departments, offices and agencies.
- B. Personnel system. All appointments and promotions of city officers and employees shall be made solely on the basis of merit and fitness demonstrated by examination or other evidence of competence, and according to the provisions and requirements of the Civil Service Law.
- C. Salaries. The Mayor shall fix reasonable salaries of all department heads and nonelected, nonaffiliated personnel, within the budgetary limits set by the Council.
- D. The Mayor and City Council shall approve in advance the creation of all employment positions within the City of Beacon, by roll call vote. Prior to such vote, the Mayor shall provide the Council with the position title, rate of pay, description of duties to be performed and the planned date of hire.

Sec. 4.~~0201~~. City Attorney.

The City Attorney shall be a law firm or an attorney and counselor at law, duly licensed to practice law in the State of New York for at least five (5) years prior to appointment. The City Attorney shall be appointed by the Mayor with the consent of the Council. The City Attorney shall serve at the pleasure of the Mayor for a term that shall not exceed four (4) years and shall commence with the appointment of the Mayor at the beginning of the Mayor's term of office. The City Attorney shall be the legal advisor of the Mayor and Council and all city departments, boards and commissions. The City Attorney shall conduct all cases in court wherein the City shall be a party plaintiff or defendant or a party in interest and shall perform such other duties as are required by law.

Sec. 4.~~0402~~. City Clerk.

The City Clerk shall:

- A. Perform all duties assigned to the position by law, unless modified in the City Code, and such other duties as requested by the City Administrator.

- B. Act as the City's custodian of records, the Records Access Officer, and receive all documents filed with the City.
- C. Be the depositor and custodian for all performance bonds.
- D. Give notice of all City Council meetings to members and the public, and shall be the custodian of the journal of its proceedings.
- E. Act as the City Registrar and issue dog licenses.
- F. File all propositions submitted to the citizens of Beacon, together with the affidavits of publication and posting thereof as required in the Code of Ordinances and resolutions adopted by the City Council.
- G. File such other reports, records, oaths, documents and instruments as are required to be filed by the laws of the State of New York and the provisions of the Beacon Code of Ordinances and City Charter.

Sec. 4.~~0603~~. Department of Finance.

There shall be a Department of Finance, the head of which shall be the Director of Finance, which shall be responsible for the management and disbursement of all City revenues and other assets. The individual so appointed to the position of Director of Finance shall have attained certification as a certified public accountant, or shall have a graduate degree in law, business, or public administration with a minimum of five years of experience in public finance; or shall possess ~~or an~~ equivalent qualifications, certification ~~or and~~ experience ~~and shall possess the experience and qualifications~~ necessary to perform the duties of the office. Whether a candidate meets the requisite experience and qualifications to serve as Director of Finance shall be determined by the City Administrator.

Sec. 4.~~0804~~. Department of Public Works.

There shall be a ~~Public Works Department as organized, and staffed upon the effective date of this Charter shall continue until otherwise provided by local law or ordinance.~~

Sec. 4.~~1005~~. Fire Department.

The Fire Department shall be organized and staffed as set forth in City Code Chapter 31 and any amendments thereto ~~and shall continue until otherwise provided by law or ordinance.~~ There shall be a full-time Fire Chief, who shall be a paid employee of the City appointed by the Mayor, subject to the consent of the Council. There shall also be one (1) or more unpaid Assistant Fire Chiefs, to be known as First Assistant Fire Chief and so on, who shall be appointed from the ranks of the volunteer firefighters pursuant to the provisions set forth in City Code § 31-9 and any amendments thereto.

~~Sec. 4.10.1. Fire and Inspection Coordinator.~~

~~The position of Fire and Inspection Coordinator may be appointed by the Mayor with the consent of the City Council. The Fire and Inspection Coordinator shall:~~

- ~~1 At the Fire Chief's direction, supervise and assign daily work activities to paid career firefighters.~~
- ~~2 At the Fire Chief's direction, assign Fire Department personnel to cover vacation, holiday, personal leave and other approved time off, together with reviewing and approving or denying all leave requests.~~
- ~~3 Coordinate and supervise fire inspections of multiple dwellings and other occupancies in consultation with the Building Department.~~
- ~~4 At the Fire Chief's direction, monitor performance and conduct regularly scheduled performance evaluations of all paid career firefighters.~~
- ~~5 At the Fire Chief's direction, coordinate and supervise paid career firefighter's training.~~
- ~~6 Participate in fire suppression and emergency medical treatment activities, as required.~~
- ~~7 Perform new construction inspections, zoning law administration, code enforcement duties, fire inspections and building plan review, as required.~~
- ~~8 Complete required reports relative to personnel, training, zoning law administration, code enforcement duties, construction inspections, and fire inspections.~~
- ~~9 Enter and inspect any such building, structure or premises in the City of Beacon and may perform any other act or duty necessary for the proper enforcement of the codes, ordinances and law of the City of Beacon.~~
- ~~10 Issue all appropriate notices or orders to remove illegal or unsafe conditions, to require the necessary safeguards during construction and to ensure compliance during the entire course of construction with the requirements of such laws, ordinances or regulations.~~
- ~~11 Issue summons and appearance tickets for violations of the codes, ordinances and local laws of the City of Beacon.~~
- ~~12 Be designated as a career firefighter in the City of Beacon Fire Department.~~
- ~~13 Perform related work and duties as required.~~

Sec. 4.~~1206~~. Police Department.

~~The Police Department, as organized and staffed upon the effective date of this Charter, shall continue until otherwise provided by local law or ordinance.~~ The executive head of the Police Department shall be the Chief of Police, who shall be appointed by the Mayor, with the consent of a majority of the Council, pursuant to the Civil Service Law.

Sec. 4.~~1407~~. Office of Assessor.

The Assessor shall be appointed by the Mayor with consent of a majority of the Council for a term as provided by the New York Real Property Tax Law. The office of Assessor shall meet the qualification standards set forth in the Real Property Tax Law.

~~Sec. 4.16. City Officers.~~

~~The positions of Code Enforcement Officer, inspectors and other officers of the city as existing on the effective date of this Charter shall continue until otherwise provided by local law or ordinance. Every city officer shall, before he enters upon the duties of his office, take, subscribe and file with the City Clerk the constitutional oath of office.~~

Article 5. Financial Procedures

Sec. 5.00. Fiscal year.

The fiscal year of the city shall begin on the first day of January and end on the last day of December.

Sec. 5.~~0201~~. Submission of budget and budget message.

At the first regular meeting in October of each year the Mayor shall submit to the Council a proposed budget for the ensuing fiscal year and an accompanying message.

Sec. 5.~~0402~~. Budget message.

The budget message shall explain the budget both in fiscal terms and in terms of the work programs. It shall outline the proposed financial policies of the city for the ensuing fiscal year, describe the important features of the budget, indicate any major changes from the current year in financial policies, expenditures and revenues, together with the reasons for such changes, summarize the city's debt position and include such other material as deemed appropriate.

Sec. 5.~~0603~~. Budget.

- A. Specifications. The budget shall provide a complete financial plan of all city funds and activities for the ensuing fiscal year and, except as required by law or this Charter, shall be in such form as the Mayor deems appropriate or the Council may require. The budget shall utilize the most feasible combination of expenditure classification by funds, organization unit, program, purpose or activity and object. It shall begin with a

clear general summary of its contents and shall show in detail all estimated income, including the proposed tax levy, and all proposed expenditures, including debt service, for the ensuing fiscal year. It shall be so arranged as to show comparative figures for actual and estimated income and expenditures of the current fiscal year and actual income and expenditures of the preceding fiscal year. It shall indicate in separate sections:

- (1) Proposed expenditures for current operations during the ensuing fiscal year, detailed by offices, departments and agencies in terms of their respective work programs, and the method of financing such expenditures.
- (2) Proposed capital expenditures during the ensuing fiscal year, detailed by offices, departments and agencies when practicable, and the proposed method of financing each.
- (3) Anticipated net surplus or deficit for the ensuing fiscal year of each utility owned or operated by the city and the proposed method of its disposition. Subsidiary budgets for each such utility giving detailed income and expenditure information shall be attached as appendices to the budget.
- (4) All equipment budget lines must include a separate itemized list of proposed equipment purchases for that budget year with proposed expenditures for each piece of equipment. No equipment may be purchased during the course of the fiscal year that is not included on said itemized list, unless the Council approves, upon a roll-call vote, any addition or deletion from said list.

B. Balanced budget. The total of proposed expenditures shall not exceed the total of estimated income.

C. Notice and hearing. The Council shall publish in the official newspaper of the city and one (1) or more newspapers of general circulation in the city the general summary of the budget and a notice stating:

- (1) The times and places where copies of the message and budget are available for inspection by the public; and
- (2) The time and place, not less than two (2) weeks after such publication, for a public hearing on the budget.

D. Amendment before adoption. After the public hearing, the Council may adopt the budget with or without amendment. In amending the budget, it may add or increase programs or amounts and may delete or decrease any programs or amounts, except expenditures required by law or for debt service.

E. Adoption. The Council shall adopt the budget on or before the 31st day of the last month of the fiscal year. In the event that the Council fails to adopt a budget by said

date, then, in such event, the proposed budget of the Mayor shall, by operation of law, become the budget for the ensuing fiscal year. If the default budget provides for a tax levy in excess of the allowable levy limit, the City Council shall pass a resolution to reduce the amount of the tax levy to an amount that complies with the allowable levy limit. Adoption of the budget shall constitute appropriations of the amounts specified therein as expenditures from the funds indicated. The property tax therein proposed shall constitute a levy.

- F. Quarterly reports. The Mayor shall submit to the Council a written summary of the quarterly financial report each year in April, July and October.

Sec. 5.0804. Capital program and action.

- A. Submission to council. The Mayor shall submit to the Council a five-year capital program by May 31 of each year.
- B. Notice and hearing. The Council shall publish in the official newspaper of the city and in one (1) or more newspapers of general circulation in the city the general summary of the capital program and a notice stating:
- (1) The times and places where copies of the capital program are available for inspection by the public; and
 - (2) The time and place, not less than two (2) weeks after such publication, for a public hearing on the capital program.
- C. Adoption. The Council, by resolution, shall adopt the capital program with or without amendment after the public hearing and on or before the 31st day of July of each year.

Sec. 5.0540. Amendments after adoption.

- A. Supplemental appropriations. If during the fiscal year the Mayor certifies that there are available for appropriation revenues in excess of those estimated in the budget, the Council, by ordinance, may make supplemental appropriations for the year up to the amount of such excess.
- B. Emergency appropriations. To meet a public emergency affecting life, health, property or the public peace, the Council may make emergency appropriations. To the extent that there are no available unappropriated revenues to meet such appropriations, the Council may by such emergency ordinance authorize the issuance of emergency notes, which may be renewed from time to time, but the emergency notes and renewals of any fiscal year shall be paid not later than the last day of the fiscal year next succeeding that in which the emergency appropriation was made.

- C. Reduction of appropriations. If at any time during the fiscal year it appears probable to the Mayor that the revenues available will be insufficient to meet the amount appropriated, he/she shall report to the Council without delay, indicating the estimated amount of the deficit, any remedial action taken by him/her and his/her recommendations as to any steps to be taken. The Council shall then take such further action as it deems necessary to prevent or minimize any deficit, and for that purpose it may by ordinance reduce one (1) or more appropriations as allowed by law.
- D. Transfer of appropriations. All budget transfers of moneys, except transfers within a department as provided below, must be approved by the City Council upon a roll-call vote, for each requested transfer. No transfers may be made within a department involving accounts for payroll, employee benefits and equipment purchases. In addition, budget transfers of any unencumbered appropriation balance which exceeds ~~three-seven~~ thousand five hundred dollars (\$~~37,500.~~) must also be approved by the City Council upon a roll-call vote for each requested transfer.

Sec. 5.~~1206.~~ Administration of budget.

- A. Payment and obligations prohibited. No payment shall be made or obligation incurred against any allotment or appropriation except in accordance with appropriations duly made, and unless the Mayor or his/her designee first certifies that there is a sufficient unencumbered balance in such allotment or appropriation and that sufficient funds therefrom are or will be available to cover the claim or meet the obligation when it becomes due and payable. Any authorization of payment or incurring of obligation in violation of the provisions of this Charter shall be void and any payment so made illegal. Such illegal authorization or payment shall be cause for removal of any officer who knowingly authorized or made such payment or incurred such obligation, and he/she shall also be liable to the city for any amount so paid.

~~Sec. 5.14. Public moneys.~~

- ~~A. The Mayor, or an officer designated by the Mayor, shall, under the power and control of the City Council, have the direct management of the revenue of the city, except as otherwise provided by this Charter or by ordinance. The Mayor, or his designate, shall be ex officio City Treasurer, with the usual duties and powers of that office.~~
- B. No city officer or employee shall utilize an automatic signature ~~a signature stamp or signature plate~~ in processing checks to pay bills and vouchers incurred by the City of Beacon, except in the case of payroll or accounts-payable checks.

Sec. 5.~~1608.~~ No liability without appropriation.

Except as herein otherwise specifically provided, the city expenditures in any one (1) year shall not be increased over and above the amount provided in the budget duly adopted by

the City Council pursuant to Section 5.~~06-03~~ herein. No contract involving the expenditure and no expenditure for any improvement to be paid out of the general or special funds of the city or for defraying the expenses and liabilities of the city shall exceed in any one (1) year the amount provided in said budget to be paid out of the said general and special funds so appropriated and set apart, but the said general funds shall be maintained for, used and devoted to be particular purposes specified in said budget, except that the unexpended balance in any budget appropriation may, by motion, be transferred to any other budget appropriation contained in said duly adopted budget.

Sec. 5.~~1809~~. Unlawful to incur expense unless appropriation made.

It shall not be lawful for any department or officer of the city to incur or contract any expense or liability for or on behalf of the city unless such an appropriation shall have been made concerning such expenses. Such contract shall be ab initio null and void as to the city for any other or further liability; provided, first, that nothing herein contained shall prevent the city from providing from sums made available for such purposes pursuant to the Local Finance Law for the payment of any expense the necessity of which is caused by any casualty, accident or unforeseen contingency arising after the passage of the Budget; and provided, second, that the provisions of this section shall not apply to or limit the authority conferred pursuant to the Local Finance Law nor for moneys to be collected by special assessments for local improvements. It shall be lawful for the City Council upon the happening of any emergency and upon the declaration of such emergency by resolution of the Council to appropriate from any unexpended funds not otherwise designated for specific purposes by law sufficient funds for the payment of any expenses created by such emergency.

Article 46. Collection of Taxes

Sec. 46.00. Levy and collection of taxes.

Any and all issues relating to the collection of Beacon City taxes are hereby governed by the applicable provisions of the New York State Real Property Tax Law, Article 9, entitled, "Levy and Collection of Taxes," as the same may be amended from time to time.

Sec. 46.021. Procedures for enforcement of collection of delinquent taxes.

Any and all issues relating to the enforcement of collection of delinquent taxes are hereby governed by the applicable provisions of the New York State Real Property Tax Law, Article 11, entitled, "Procedures for Enforcement of Collection of Delinquent Taxes," as the same may be amended from time to time.

Article ~~67~~. Planning

Sec. ~~67.00~~. Comprehensive Plan.

- A. Content. The Council shall adopt ~~the a Comprehensive Plan and amend it from time to time pursuant to General City Law Section 28-a existing Master Plan, or shall amend the same, to constitute a Comprehensive Plan~~ to govern the future physical development of the city.
- B. Periodic update. Separate from any individual amendments, the Council shall periodically undertake a full update of the Comprehensive Plan, at least every 10 years. The Council may delegate such responsibility either to the Planning Board or to a special committee whose members the Mayor shall appoint and the Council approve.
- ~~C. Adoption. Upon receipt of a proposed Comprehensive Plan or proposed modification of the existing plan, the Council shall, by resolution, refer such proposal to the City Planning Board, which shall within a time specified by the Council report its recommendations thereon. After receipt of the recommendations of the Planning Board, the Council shall hold a public hearing on the proposal and shall thereafter adopt it by resolution with or without amendment.~~
- ~~D. Effect. The Comprehensive Plan shall serve as a guide to all future Council action concerning land use and development regulations, community development programs and expenditures for capital improvements.~~

Sec. ~~67.0201~~. Implementation of Comprehensive Plan.

- A. Land use and development regulations. The Council may by ordinance adopt land use and development regulations, including, but not limited to an official map and zoning and subdivision regulations.
- ~~B. Annual report on comprehensive implementation. At the beginning of each year, to review progress on implementation of the current Comprehensive Plan, including an enumeration of actual changes in the prior year and expected changes in the current year.~~
- ~~C.~~ B. Community development. The Council may by ordinance provide for redevelopment, rehabilitation, conservation and renewal programs for: (1) the alleviation or prevention of slums, obsolescence, blight or other conditions of deterioration, (2) low-income housing, ~~and~~ (3) the achievement of the most appropriate use of the land, and (4) promotion of sustainability and resiliency in capital projects.
- ~~D.~~ C. Council action. Before acting on any proposed ordinance concerning land use and development regulations, community development or expenditures for capital improvements, where such ordinance refers to a matter covered by the

Comprehensive Plan, the Council shall refer the proposal to the City Planning Board, which shall, within a time specified by the Council and prior to public hearing on the proposed ordinance, report its recommendations thereon. In the event that such ordinance is contrary to the Comprehensive Plan, then and in that event, the ordinance shall not take effect until such time as the Comprehensive Plan is amended following such public hearing.

Sec. ~~67.0402~~. Planning Board.

There shall be a City Planning Board consisting of seven (7) members appointed by the Mayor, with the consent of the City Council, for terms of three (3) years, from among the qualified voters of the city. Members of the Board shall hold no other city office. The Board shall make recommendations to the Mayor and the City Council on all matters affecting the physical development of the city, shall be consulted on the Comprehensive Plan and the implementation thereof as provided in Sections ~~67.00~~ and ~~67.02-01~~ and shall exercise all other responsibilities as may be provided by law.

Sec. ~~67.0603~~. Zoning Board of Appeals.

There shall be a Zoning Board of Appeals consisting of five members appointed by the Mayor, with the consent of the City Council, for terms of three years, from among the qualified voters of the city. Members of the Board shall hold no other city office. The Board shall hear and determine appeals from administrative decisions, petitions for variances and such other matters as may be required by the Council or by the laws of the State of New York.

Article ~~78~~. Nominations and Elections

Sec. ~~78.00~~. Regular election.

The regular city election shall be held on the first Tuesday of November in each odd-numbered year.

Sec. ~~78.02~~. Nominations and elections.

All city nominations for election to city office and all elections shall be conducted in accordance with the Election Law of the State of New York and shall be held at such time as may be specified by said Election Law.

Sec. ~~78.0403~~. Qualification of voters.

All citizens qualified by the laws of the State of New York to vote in the city and who satisfy the requirements for registration prescribed by law shall be qualified voters of the city within the meaning of this Charter.

Sec.- ~~78.0604~~. Procedures for elections.

Candidates for the at-large seats on the City Council must be so designated. Candidates for the ward seats must be domiciled in the ward from which they are seeking election, and only qualified electors shall be eligible to hold such office.

Article 89. Finances, Taxation, Local Assessments and Improvements

Sec. 89.00. Indebtedness and taxation.

The city shall have the power to contract indebtedness for any municipal purpose, if authorized by the Local Finance Law of the State of New York or any other state law, to accomplish any lawful purpose to the extent authorized for such purpose and subject to the provisions of this Charter. The city shall have the power to raise money to defray the cost of the carrying on of the general government and for the doing of any of the things authorized by law, by general taxation and by local assessment where authorized, not to exceed the amounts otherwise provided by law.

Sec. 89.0201. Bond referendum.

Any bond ordinance hereafter adopted by the Council authorizing the issuance of bonds of the city, other than bond ordinances expressly excepted hereafter, shall be subject to a permissive referendum to be called and conducted under the same procedures for permissive referenda set forth in the Municipal Home Rule Law.

Sec. 89.0403. Notice of adoption.

Notwithstanding the provisions of the Municipal Home Rule Law, the City Clerk shall, within ten (10) days after the adoption of any bond ordinance which is subject to a permissive referendum, publish a notice in the official newspaper of the city, which notice shall state the date of adoption of such bond ordinance and that such bond ordinance was adopted subject to a permissive referendum and shall contain a summary of such ordinance and state that a full copy of said ordinance is available, free of charge, from the City Clerk.

Sec. 89.0604. Referendum procedures.

Any bond ordinance which is subject to a permissive referendum shall not take effect until the time limits for a permissive referendum as provided in the Municipal Home Rule Law have expired without a petition being presented, or until approved by an affirmative vote of a majority of the qualified electors of the city after the filing of a petition pursuant to the Municipal Home Rule Law. If a petition be filed as provided by the Municipal Home Rule Law, a proposition for approval of the bond ordinance therein described shall be submitted at the next general election in the city unless the Council, within thirty (30) days after the filing, shall direct by resolution that such proposition be submitted at a special election which shall be held not less than ninety (90) days nor more than one hundred twenty (120) days after the filing of such petition.

Any such petition may be made upon separate sheets, and the signatures to each shall be signed and authenticated in the manner provided by the Election Law for the signing and authentication of designating petitions insofar as applicable. The several sheets so signed and authenticated, when fastened together and offered for filing, shall be deemed to constitute one (1) petition. The City Clerk shall examine each such petition so filed with ~~him~~the City Clerk and shall, not later than thirty (30) days after the date of filing, transmit to the Council a certificate that he/she has examined it and found that it complies or does not comply, as the case may be, with the requirements of the law. If, within thirty (30) days after the filing of any such petition, a written objection thereto is filed with the Supreme Court, or any Justice thereof, of the judicial district in which the city is located, such Court or Justice shall determine any question arising thereunder and make such order as justice may require. Such proceeding shall be heard and determined in the manner prescribed by § 335 of the Election Law.

In the event that the Council shall determine to submit a proposition for the approval of a bond ordinance at a special election, the Council shall, in a resolution making the determination, specify the date of such special election, whether voting machines or paper ballots will be used, the persons to act as election inspectors as hereinafter provided, the hours during which the polls will remain open at such special election, which shall include at least three (3) consecutive hours between 7:00 in the morning and 7:00 in the evening, the polling place or places therefor and the text of the proposition to be submitted thereat. The City Clerk shall cause notice of any such special election to be published once in the official newspaper of the city not less than ten (10) nor more than twenty (20) days before the date of such election, which notice shall state the date of the election, the hours during which the polls will remain open, the polling place or places and the text of the proposition to be submitted thereat. Such notice shall also contain an abstract of the bond ordinance referred to in such proposition, briefly summarizing the subject matter thereof. The Council shall select from the election inspectors previously designated for general election purposes pursuant to the Election Law not fewer than two (2) nor more than four (4) persons to act as election inspectors for each polling place at which such a special election shall be held. In other respects, such special election shall be conducted, the votes canvassed and the results certified and returned so far as practicable in the manner prescribed by the Election Law to the extent not inconsistent with this section.

The qualifications for voting on a proposition for the approval of a bond ordinance submitted at either a special or general election pursuant to this section shall be the same as the qualifications for voting upon the election of city officers.

Sec. ~~89.0805~~. Notice of referendum.

In the event that a proposition for the approval of any bond ordinance shall be submitted at an election pursuant to this Article, the City Clerk shall cause a notice of such submission to be published once not less than ten (10) nor more than twenty (20) days before the date of such election, which notice shall set forth the text of such proposition, summarizing the

subject matter thereof and stating that a true copy of the same may be obtained, free of charge, from the City Clerk.

Sec. ~~89.1006~~. Exceptions to referendum.

The provisions of this Article pertaining to permissive referenda shall not apply to any bond ordinance authorizing the issuance of bonds in an amount of two hundred fifty thousand dollars (\$250,000.) or less, nor to any bond ordinance authorizing the issuance of bonds for capital improvements of which more than fifty per centum (50%) of the cost thereof is to be levied by assessments upon property especially benefited thereby, nor to any bond ordinance authorizing the issuance of bonds for the payments of judgments or compromised or settled claims against the city or awards or sums payable by the city pursuant to a determination by a court, officer, body or agency acting in an administrative or quasi-judicial capacity, or providing for the construction or maintenance of sewer treatment facilities or water pollution control facilities.

Sec. ~~89.1207~~. State and county taxes.

Payment of all taxes for state and county purposes shall be made as collected, or by the end of the calendar year for which the warrant for the same is delivered, whichever shall occur first, without interest or penalty.

Article ~~910~~. General Provisions

Sec. ~~910.00~~. Personal financial interest.

No officer or employee of the City of Beacon shall engage in any conduct constituting a conflict of interest or a prohibited action, as provided in Article 18 of the General Municipal Law of the State of New York, nor shall such officer or employee fail to disclose any interest required to be disclosed under such law. In addition to any penalty provided by state law, such officer or employee who shall knowingly and intentionally violate this section shall be removed from office or employment in the manner provided by law or by this Charter.

Sec. ~~910.0201~~. Prohibitions.

A. Activities prohibited.

- (1) No person shall be appointed to or removed from or in any way favored or discriminated against with respect to any city position or appointive city administrative office because of age, handicap, race, sex or political or religious opinions or affiliations.
- (2) No person shall willfully make any false statement, certificate, mark, rating or report in regard to any test, certification or appointment under the personnel provisions of this Charter or the rules and regulations made thereunder or in any

manner commit or attempt to commit any fraud preventing the impartial execution of such provisions, rules and regulations.

- (3) No person who seeks appointment or promotion with respect to any city position or appointive city administrative officer shall directly or indirectly give, render or pay any money, service or other valuable thing to any person for or in connection with his/her test, appointment, proposed appointment, promotion or proposed promotion.
- (4) No person shall orally, by letter or otherwise solicit or assist in soliciting any assessment, subscription or contribution for any political party or political purpose whatever from any person holding any compensated appointive city position.
- (5) No person who holds any elected or compensated appointive city position shall solicit any contribution to the campaign funds of any political party or any candidate for public office during working hours, nor shall such person at any time use the name of the city or his/her office for such purposes.

B. Penalties. Any officer or employee of the city who shall: (1) make a false or deceptive report or statement in the course of his/~~or~~ her duties; (2) receive compensation except for payment from the city for performance of any official duty; or (3) accept or receive any gratuity from any person whose interest may be affected by his/her official action shall be guilty of a misdemeanor and, if convicted, shall forfeit his/~~or~~ her office or employment immediately upon conviction.

Sec. 910.042. Charter review.

The Mayor, with the consent of the City Council, shall appoint a commission at least every ten (10) years after the effective date of this Charter to review the Charter and to make recommendations to the Mayor and the City Council for revision or amendment.

Sec. 910.0603. Amendment ~~or repeal~~ Procedures.

This Charter shall only be amended by adoption of a local law pursuant to the procedures set forth in the Municipal Home Rule Law.

Sec. 910.0804. Penalty for violation.

Any person who shall violate any of the provisions of this Charter for the violation of which no punishment has been provided herein shall be deemed guilty of a violation and, upon conviction thereof, shall be punished by a fine not exceeding two hundred fifty dollars (\$250.) or by imprisonment not exceeding fifteen (15) days, or by both such fine and imprisonment.

Sec. 910.1005. Limitation of actions against city.

- A. No action or proceeding to recover or enforce any claim, debt or demand against the city shall be brought until the expiration of thirty (30) days after the same has been presented, in writing, to the City Council. All actions brought against the city, upon any contractual liability, express, ~~or~~ implied or quasi-contract, must be begun within one (1) year and ninety (90) days from the time when the cause of action accrued; or, for injury to a person or property because of negligence, within one (1) year from the time of receiving such injuries; and, in all other cases, within six (6) months after the cause of action accrued. No civil action shall be maintained against the city for damages or injuries to persons or property sustained in consequence of the existence of snow or ice upon any sidewalk, crosswalk, street, path or place or in consequence of any street, highway, bridge, culvert, sidewalk, crosswalk, grating, opening, drain or sewer being of faulty design or construction, defective, out of repair, unsafe, dangerous or obstructed unless, previous to the occurrence resulting in such damages or injuries, written notice of the existence of such snow or ice at the particular place or of the defects or unsafe, dangerous or obstructed condition of the particular place shall have been filed in the office of the City Administrator of the city, and it shall be made to appear that there was a failure or neglect within a reasonable time after the filing of such notice to remedy the condition.
- B. No civil action shall be maintained against the City of Beacon for damages or injuries to person or property sustained in consequence of the existence of a defect in any of the playground equipment, playing fields, paths, grounds of any playground or public park owned, operated or maintained by the City of Beacon or for a defect in any such equipment, place or facility maintained at a public bathing beach, skating rink or pond owned, operated or maintained by the City of Beacon unless, prior to the occurrence resulting in such damage or injury, written notice of the existence of such defect relating to the particular equipment, playing fields, paths, grounds of any playground or public park owned, operated or maintained by the City of Beacon shall have been filed in the office of the City Administrator of the city and unless it shall be made to appear that there was a failure or neglect to remedy or repair such alleged defect or condition in the equipment, facility or place or to cause the equipment, facility or place to be otherwise made reasonably safe within a reasonable time after the filing of such notice.
- C. All claims against the city for damages or injuries to person or property alleged to have been caused by the misfeasance or negligence of the city or any of its officers or employees shall be presented to the City Council, in writing, within ~~thirty ninety~~ (320) days after the happening of the accident or injury out of which the claim arose. Such writing shall describe the time when, the particular place where and the circumstances under which the damages or injuries were sustained and the cause thereof; it shall also state, so far as then practicable, the nature and extent of the damages or injuries; shall also state the place of residence of the claimant by street and number, and, if there be

no street or number, it shall contain such statement as will disclose the place of residence; and all such claims shall be verified by the oath of the claimants. The omission to present such claim within ~~thirty ninety~~ (320) days from the date when such alleged injuries were received and to commence an action within one (1) year ~~and ninety (90) days~~ from the time of such alleged injuries shall be a bar to any claim or action therefor against the city; but no action shall be brought upon any such claim until thirty (30) days have elapsed after the presentation of the claim to the City Council.

D. Nothing contained in this section shall be held to repeal or modify any existing requirement or statute of limitations which is applicable to this class of actions, but on the contrary shall be held to be an additional requirement to the rights to maintain such action, nor shall anything herein contained be held to modify any existing rule of law relative to the question of contributory negligence nor to impose upon the city any greater duty or obligation than that it shall keep its streets and public places in a reasonably safe condition for public use and travel.

E. The place of trial of all actions or proceedings against the city or any of its officers, boards or departments shall be the County of Dutchess.

Article 10. Transitional Provisions

~~Sec. 10.00. Charter replacement.~~

~~This Charter shall replace the previous City Charter in its entirety.~~

~~Sec. 10.02. Transitional provisions.~~

~~Nothing in this Charter, except as otherwise specifically provided, shall affect or impair the rights or privileges of persons who are city officers or employees at the time of its adoption.~~

~~Sec. 10.04. Rights of officers and employees.~~

~~A. All elected officials shall continue to hold their respective offices until January 1, 1992, and shall perform the duties of their respective offices as prescribed herein.~~

~~B. Appointed officials whose offices are continued pursuant to this Charter shall continue to hold their respective offices until the expiration of the term for which they were originally appointed and shall perform the duties of their respective offices as prescribed herein and shall be subject to removal only as originally provided at the time of their appointment.~~

~~Continuation of powers and duties. Any powers which are conferred and duties which are imposed upon an officer, board, commission or department under any laws of the State of New York or by any ordinance or local law in force at the time this Charter takes effect shall~~

~~be retained and exercised by the officer, board, commission or department except as amended by the provisions of this Charter.~~

~~C. Continuation of status and classification. All officers and employees of the city who shall hold office or be employed subject to Civil Service Law and Rules when this Charter shall take effect shall continue in their respective positions and employment and in their respective civil service classifications and status as officers or employees of the city, consistent with the provisions of this Charter.~~

~~Sec. 10.06. Transfer of officers and employees.~~

~~Pursuant to the provisions of this Charter, any functions, powers or duties heretofore exercised by an officer, department, board, commission or agency, including the officers and employees in the classified civil service, who are engaged in the performance of such functions, powers or duties at the time this Charter takes effect shall be transferred to the office, department, board, commission or agency to which such functions, powers or duties are assigned by this Charter without examination and without affecting existing compensation, pension or retirement rights, privileges or obligations of such officers and employees.~~

~~All records, property and equipment whatsoever of any office, department, board, commission or agency the powers and duties of which are assigned to any other office, department, board, commission or agency by this Charter shall be transferred and delivered to the office, department, board, commission or agency to which such powers and duties are assigned.~~

~~Sec. 10.08. Transfer of powers.~~

~~If a city department, office or agency is abolished by this Charter, the powers and duties given it by law shall be transferred to the city department, office or agency designated in this Charter or, if the Charter makes no provision, designated by the City Council.~~

~~Sec. 10.10. Severability.~~

~~If any provision of this Charter is held invalid, the other provisions of the Charter shall not be affected thereby. If the application of the Charter or any of its provisions to any person or circumstance is held invalid, the application of the Charter and its provisions to other persons or circumstances shall not be affected thereby.~~

~~Sec. 10.12. Effect of Charter on existing provisions.~~

~~All existing city ordinances, resolutions, orders and regulations shall continue to be in full force and effect after the effective date of this Charter, except as to those matters which are expressly and specifically addressed by this Charter. All local laws previously enacted shall remain in full force and effect.~~

~~Sec. 10.14. Repealer and savings clause.~~

~~All existing city ordinances, resolutions, orders and regulations which are in force when this Charter becomes fully effective are hereby repealed only to the extent to which they are directly repealed or annulled by this Charter. Otherwise, all such existing city ordinances, resolutions, orders and regulations adopted pursuant thereto shall continue to be in full force and effect after the adoption and effective date of this Charter.~~

~~Sec. 10.16. Effective date of new Charter.~~

~~Upon the adoption of this Charter at the referendum or election held in 1989, it shall thereupon become effective insofar as and to the extent that it governs and controls the election of the Mayor, Council members, City Judge and county legislators in the primary and general elections of 1991. In all other respects this Charter shall become effective on the first day of January 1992.~~

~~Sec. 10.18. Code review task force.~~

~~Upon adoption of this Charter, the City Council shall appoint, within ninety (90) days thereafter, a task force to review the administrative codes and local laws of the City of Beacon for consistency with this Charter and to make written recommendations to the City Council to prepare the existing government for the transition to the new form of government adopted under this Charter.~~

~~Article 11. Collection of Taxes~~

~~Sec. 11.00. Levy and collection of taxes.~~

~~Any and all issues relating to the collection of Beacon City taxes are hereby governed by the applicable provisions of the New York State Real Property Tax Law, Article 9, entitled, "Levy and Collection of Taxes," as the same may be amended from time to time.~~

~~Sec. 11.02. Procedures for enforcement of collection of delinquent taxes.~~

~~Any and all issues relating to the enforcement of collection of delinquent taxes are hereby governed by the applicable provisions of the New York State Real Property Tax Law, Article 11, entitled, "Procedures for Enforcement of Collection of Delinquent Taxes," as the same may be amended from time to time.~~

Section 3. Ratification, Readoption and Confirmation

Except as specifically modified by the amendments contained herein, Chapter C , entitled “Charter” of the City of Beacon is otherwise to remain in full force and effect and is otherwise ratified, readopted and confirmed.

Section 4. Numbering for Codification

It is the intention of the City of Beacon and it is hereby enacted that the provisions of this Local Law shall be included in the Code of the City of Beacon; that the sections and subsections of this Local Law may be re-numbered or re-lettered by the Codifier to accomplish such intention; that the Codifier shall make no substantive changes to this Local Law; that the word “ Local Law” shall be changed to “ Chapter,” “ Section” or other appropriate word as required for codification; and that any such rearranging of the numbering and editing shall not affect the validity of this Local Law or the provisions of the Code affected thereby.

Section 5. Severability

The provisions of this Local Law are separable and if any provision, clause, sentence, subsection, word or part thereof is held illegal, invalid or unconstitutional, or inapplicable to any person or circumstance, such illegality, invalidity or unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, clauses, sentences, subsections, words or parts of this Local Law or their petition to other persons or circumstances. It is hereby declared to be the legislative intent that this Local law would have been adopted if such illegal, invalid or unconstitutional provision, clause, sentence, subsection, word or part had not been included therein, and if such person or circumstance to which the Local Law or part hereof is held inapplicable had been specifically exempt there from.

Section 6. Effective Date

This local law shall take effect immediately upon filing with the Office of the Secretary of State.

City of Beacon Council Agenda
9/5/2017

Title:

Resolution to Schedule a Public Hearing for September 18, 2017 Regarding the Local Law Enacting a Moratorium on Residential Development

Subject:

Background:

ATTACHMENTS:

Description	Type
Res. Sched. PH re moratorium	Resolution
LL Moratorium Track Changes	Local Law
LL Moratorium	Local Law



CITY OF BEACON

CITY COUNCIL

RESOLUTION NO. _____ OF 2017

**A RESOLUTION TO SCHEDULE A PUBLIC HEARING FOR SEPTEMBER 18, 2017
ON A LOCAL LAW PURSUANT TO MUNICIPAL HOME RULE LAW SECTION 10, TO
ENACT A MORATORIUM WITH RESPECT TO LAND USE APPROVALS ASSOCIATED
WITH RESIDENTIAL DEVELOPMENT**

BE IT RESOLVED that the City of Beacon hereby schedules a public hearing for September 18, 2017 at 7:00 p.m. at City Hall, One Municipal Plaza, Beacon, New York 12508 to receive public comment concerning a local law to enact a moratorium with respect to land use approvals associated with residential development.

Resolution No. _____ of 2017		Date: <u>September 5, 2017</u>					
<input type="checkbox"/> <input type="checkbox"/> Amendments						<input type="checkbox"/> 2/3 Required	
<input type="checkbox"/> <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
		Ali Muhammad					
		Omar Harper					
		Lee Kyriacou					
		George Mansfield					
		Pam Wetherbee					
		Peggy Ross					
		Mayor Randy Casale					
		Motion Carried					

LOCAL LAW NO. ____ OF 2017

**CITY COUNCIL
CITY OF BEACON**

**LOCAL LAW REGARDING
ENACTMENT OF A MORATORIUM**

A LOCAL LAW to enact
moratorium on
development within the
City of Beacon.

BE IT ENACTED by the City Council of the City of Beacon as follows:

SECTION 1. TITLE

This local law shall be entitled, “A Local Law, pursuant to Municipal Home Rule Law § 10, to enact a moratorium with respect to land use approvals to review certain special use, site plan, and subdivision applications involving industrial, commercial and residential development, including mixed use development within the City of Beacon, by means of amending Chapter 223, Zoning, of the Code of the City of Beacon.”

SECTION 2. LEGISLATIVE INTENT AND PURPOSE

The City Council hereby finds as follows:

1. The City of Beacon adopted a Comprehensive Plan in 2007 and updated it in 2017. These Comprehensive Plans encouraged development within the City of Beacon, with a special focus on opportunities for residential development along Main Street’s Central Business District, the Central Main Street, Linkage and Waterfront Districts. However, in the past approximately three years 1,027 residential units have been approved or are pending approval. The City is concerned that such a large number of housing in such a short time will stress the City’s water supply. The City’s vision was that development would be more gradual and take place over a period of years. **The accelerated development of housing within the City will lead to greatly increased consumption of services and resources.** The City’s water supply is of special concern. Accordingly to the 2007 Comprehensive Plan, the City has enough water to maintain a population of approximately 17,800 people, and the additional units (approved, but not built, pending before the Land Use Boards and those preliminarily discussed with the Building

Department) have pushed the population close to that number. In connection with water supply, the City hired Leggette, Brashears & Graham, Inc (LBG) to look into the development of a new well on the existing Water Treatment Plant property. That location was found unsuitable for potable water because the property does not have a sufficient water yield. LBG will continue to perform a comprehensive water evaluation study to assess the system's existing capacity and potential future needs. LBG will review the capacity of the existing sources (groundwater and surface water) and review current and historical water and consumption information. The water system evaluation will include a review of available "finished" water storage capacity and a review of existing water treatment methods and capacity. Based on the water-evaluation study, LBG will provide a report and recommendation regarding potential upgrades in the water system.

2. It is the intent and purpose of this Local Law to establish a temporary moratorium on residential, industrial and commercial development in order to protect the City and its residents, businesses and visitors from the potential impacts of new development on the City's water supply given the accelerated rate of development within the City. Imposition of a moratorium will allow the City sufficient time to conclude the preparation of comprehensive studies and plans for the City's water supply and the regulation of development within the City of Beacon.

SECTION 3. MORATORIUM

1. Effective immediately and continuing for a period of six (6) months following the date on which this Local Law is filed with the Secretary of State, no application for a building permit, area variance, use variance, special use permits, site plan approval, or subdivision approval will be processed by the Building Department, or City Council, Planning Board or Zoning Board of Appeals ("Land Use Boards"), and no permit or approval will be issued by the Building Department or any Land Use Board for the modification, expansion or establishment of residential, commercial or mixed use developments within the City until this ordinance has expired or has been repealed according to applicable law. Applications may be exempt from this moratorium in accordance with the provisions set forth in Section 3 Paragraph 2 of this Local Law.
2. All applications for building permits, use variance, area variance, special use permit, site plan approval and subdivision approval submitted to the City on or before July 25, 2017 or pending before the Building Department or Land Use Board are exempt from this moratorium. Any application submitted after July 25, 2017 may be heard and reviewed by the Planning Board or Zoning Board of Appeals, but may not be subject to a vote. The Land Use Board may hold public hearing and discuss the application, but the Land Use Board may not formally approve or deny such application. Any building permit application for a single family home and any application seeking a modification or extension of an existing approval that does not increase the density (by unit or bedroom count) shall be exempt from this moratorium. Any residential application that would result in an increase in water usage equal to or less than 330

gallons of water per day, as determined by the City Engineer, is exempt from this moratorium. Any non-residential application that would result in an increase in water usage equal to or less than 2,000 gallons per day, as determined by the City Engineer, is exempt from this moratorium.

3. The City Council may, by resolution, terminate this moratorium prior to its expiration, or alternatively, extend the moratorium for a period of ninety (90) days or such other time period, as the City Council, in its sole discretion, deems necessary to allow for the comprehensive study of the impacts of development on the City's water supply and preparation and adoption of regulations pertaining to the impacts of such development. If LBG's comprehensive water evaluation and safe yield verification study and report demonstrate that City's water system has a sufficient yield to support the City's future development needs, this moratorium shall be automatically terminated upon the City Council's review and acceptance of the report.
4. Pursuant to Municipal Home Rule Law Section 10, this Local Law shall supersede any inconsistent provisions of New York State General City Law for the entire duration of this moratorium, including any extension thereof.

SECTION 4. ADMINISTRATIVE RELIEF FROM MORATORIUM.

5. In order to prevent an unlawful taking of property and to prevent irreparable harm, the City Council is authorized to grant limited relief from this moratorium pursuant to the standards and requirements herein. An applicant seeking such relief shall be required to show by clear and convincing evidence, including credible dollars and cents proof, that the applicant cannot make any reasonable use of its property due solely to the moratorium; that the moratorium prohibits fulfillment of the applicant's reasonable investment-backed expectations; that the moratorium causes irreparable injury to the applicant; and that it would be unreasonable and unjust not to grant relief from the moratorium.
6. An application may be made in writing to the City Council requesting an exemption from the provisions herein. After due notice and a public hearing on such application, the City Council may grant an exemption with such conditions as it may deem reasonable and necessary, provided such exemption is the minimum relief necessary.
7. All such applications to the City Council shall be deemed Unlisted actions under SEQRA. In the event relief from the moratorium is granted by the City Council, the applicant shall proceed to the City's Land Use Boards to apply for required development approvals. Notwithstanding any relief granted pursuant to this section, a development approval shall not be granted unless the approved application complies with all zoning and all other **requirements** in effect on the date of approval.

The applicant or any other person aggrieved by a decision of the City Council made pursuant to this section may apply to the state supreme court pursuant to article seventy-eight of the civil practice laws and rules.

SECTION 5. SEPARABILITY

The provisions of this Local Law are separable and if any provision, clause, sentence, subsection, word or part thereof is held illegal, invalid or unconstitutional, or inapplicable to any person or circumstance, such illegality, invalidity or unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, clauses, sentences, subsections, words or parts of this Local Law or their petition to other persons or circumstances. It is hereby declared to be the legislative intent that this Local Law would have been adopted if such illegal, invalid or unconstitutional provision, clause, sentence, subsection, word or part had not been included therein, and if such person or circumstance to which the Local Law or part hereof is held inapplicable had been specifically exempt there from.

SECTION 6. EFFECTIVE DATE

This Local Law shall take effect immediately upon adoption and filing with the Secretary of State as provided by the Municipal Home Rule Law.

LOCAL LAW NO. ____ OF 2017

**CITY COUNCIL
CITY OF BEACON**

**LOCAL LAW REGARDING
ENACTMENT OF A MORATORIUM**

A LOCAL LAW to enact
moratorium on
development within the
City of Beacon.

BE IT ENACTED by the City Council of the City of Beacon as follows:

SECTION 1. TITLE

This local law shall be entitled, “A Local Law, pursuant to Municipal Home Rule Law § 10, to enact a moratorium with respect to land use approvals to review certain special use, site plan, and subdivision applications involving industrial, commercial and residential development, including mixed use development within the City of Beacon, by means of amending Chapter 223, Zoning, of the Code of the City of Beacon.”

SECTION 2. LEGISLATIVE INTENT AND PURPOSE

The City Council hereby finds as follows:

1. The City of Beacon adopted a Comprehensive Plan in 2007 and updated it in 2017. These Comprehensive Plans encouraged development within the City of Beacon, with a special focus on opportunities for residential development along Main Street’s Central Business District, the Central Main Street, Linkage and Waterfront Districts. However, in the past approximately three years 1,027 residential units have been approved or are pending approval. The City is concerned that such a large number of housing in such a short time will stress the City’s water supply. The City’s vision was that development would be more gradual and take place over a period of years. The accelerated development of housing within the City will lead to greatly increased consumption of services and resources. The City’s water supply is of special concern. Accordingly to the 2007 Comprehensive Plan, the City has enough water to maintain a population of approximately 17,800 people, and the additional units (approved, but not built, pending before the Land Use Boards and those preliminarily discussed with the Building

Department) have pushed the population close to that number. In connection with water supply, the City hired Leggette, Brashears & Graham, Inc (LBG) to look into the development of a new well on the existing Water Treatment Plant property. That location was found unsuitable for potable water because the property does not have a sufficient water yield. LBG will continue to perform a comprehensive water evaluation study to assess the system's existing capacity and potential future needs. LBG will review the capacity of the existing sources (groundwater and surface water) and review current and historical water and consumption information. The water system evaluation will include a review of available "finished" water storage capacity and a review of existing water treatment methods and capacity. Based on the water-evaluation study, LBG will provide a report and recommendation regarding potential upgrades in the water system.

2. It is the intent and purpose of this Local Law to establish a temporary moratorium on residential, industrial and commercial development in order to protect the City and its residents, businesses and visitors from the potential impacts of new development on the City's water supply given the accelerated rate of development within the City. Imposition of a moratorium will allow the City sufficient time to conclude the preparation of comprehensive studies and plans for the City's water supply and the regulation of development within the City of Beacon.

SECTION 3. MORATORIUM

1. Effective immediately and continuing for a period of six (6) months following the date on which this Local Law is filed with the Secretary of State, no application for a building permit, area variance, use variance, special use permits, site plan approval, or subdivision approval will be processed by the Building Department, or City Council, Planning Board or Zoning Board of Appeals ("Land Use Boards"), and no permit or approval will be issued by the Building Department or any Land Use Board for the modification, expansion or establishment of residential, industrial, commercial or mixed use developments within the City, until this ordinance has expired or has been repealed according to applicable law. Applications may be exempt from this moratorium in accordance with the provisions set forth in Section 3 Paragraph 2 of this Local Law
2. All applications for building permits, use variance, area variance, special use permit, site plan approval and subdivision approval submitted to the City on or before July 25, 2017 or pending before the Building Department or Land Use Board are exempt from this moratorium. Any application submitted after July 25, 2017 may be heard and reviewed by the Planning Board or Zoning Board of Appeals, but may not be subject to a vote. The Land Use Board may hold public hearing and discuss the application, but the Land Use Board may not formally approve or deny such application. Any building permit application for a single family home and any application seeking a modification or extension of an existing approval that does not increase the density (by unit or bedroom count) shall be exempt from this moratorium. Any residential

application that would result in an increase in water usage equal to or less than 330 gallons of water per day, as determined by the City Engineer, is exempt from this moratorium. Any non-residential application that would result in an increase in water usage equal to or less than 2,000 gallons per day, as determined by the City Engineer, is exempt from this moratorium.

3. The City Council may, by resolution, terminate this moratorium prior to its expiration, or alternatively, extend the moratorium for a period of ninety (90) days or such other time period, as the City Council, in its sole discretion, deems necessary to allow for the comprehensive study of the impacts of development on the City's water supply and preparation and adoption of regulations pertaining to the impacts of such development. If LBG's comprehensive water evaluation and safe yield verification study and report demonstrate that City's water system has a sufficient yield to support the City's future development needs, this moratorium shall be automatically terminated upon the City Council's review and acceptance of the report.
4. Pursuant to Municipal Home Rule Law Section 10, this Local Law shall supersede any inconsistent provisions of New York State General City Law for the entire duration of this moratorium, including any extension thereof.

SECTION 4. ADMINISTRATIVE RELIEF FROM MORATORIUM.

5. In order to prevent an unlawful taking of property and to prevent irreparable harm, the City Council is authorized to grant limited relief from this moratorium pursuant to the standards and requirements herein. An applicant seeking such relief shall be required to show by clear and convincing evidence, including credible dollars and cents proof, that the applicant cannot make any reasonable use of its property due solely to the moratorium; that the moratorium prohibits fulfillment of the applicant's reasonable investment-backed expectations; that the moratorium causes irreparable injury to the applicant; and that it would be unreasonable and unjust not to grant relief from the moratorium.
6. An application may be made in writing to the City Council requesting an exemption from the provisions herein. After due notice and a public hearing on such application, the City Council may grant an exemption with such conditions as it may deem reasonable and necessary, provided such exemption is the minimum relief necessary.
7. All such applications to the City Council shall be deemed Unlisted actions under SEQRA. In the event relief from the moratorium is granted by the City Council, the applicant shall proceed to the City's Land Use Boards to apply for required development approvals. Notwithstanding any relief granted pursuant to this section, a development approval shall not be granted unless the approved application complies with all zoning and all other requirements in effect on the date of approval.

The applicant or any other person aggrieved by a decision of the City Council made pursuant to this section may apply to the state supreme court pursuant to article seventy-eight of the civil practice laws and rules.

SECTION 5. SEPARABILITY

The provisions of this Local Law are separable and if any provision, clause, sentence, subsection, word or part thereof is held illegal, invalid or unconstitutional, or inapplicable to any person or circumstance, such illegality, invalidity or unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, clauses, sentences, subsections, words or parts of this Local Law or their petition to other persons or circumstances. It is hereby declared to be the legislative intent that this Local Law would have been adopted if such illegal, invalid or unconstitutional provision, clause, sentence, subsection, word or part had not been included therein, and if such person or circumstance to which the Local Law or part hereof is held inapplicable had been specifically exempt there from.

SECTION 6. EFFECTIVE DATE

This Local Law shall take effect immediately upon adoption and filing with the Secretary of State as provided by the Municipal Home Rule Law.

City of Beacon Council Agenda
9/5/2017

Title:

Resolution to Schedule a Public Hearing for September 18, 2017 Regarding the Establishment of Ward Boundaries

Subject:

Background:

ATTACHMENTS:

Description	Type
Res. Sched PH Ward Boundaries	Resolution
LL Ward Boundaries	Local Law



CITY OF BEACON
CITY COUNCIL
RESOLUTION NO. _____ OF 2017

**A RESOLUTION TO SCHEDULE A PUBLIC HEARING FOR SEPTEMBER 18, 2017
ON A LOCAL LAW TO ADD CHAPTER 5, ARTICLE VII CONCERNING THE CITY'S WARD
BOUNDARIES TO THE CITY CODE**

BE IT RESOLVED that the City of Beacon hereby schedules a public hearing for September 18, 2017 at 7:00 p.m. at City Hall, One Municipal Plaza, Beacon, New York 12508 to receive public comment concerning a local law to add Chapter 5, Article VII concerning the City's ward boundaries to the City Code.

Resolution No. _____ of 2017			Date: <u>September 5, 2017</u>				
<input type="checkbox"/> <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
		Ali Muhammad					
		Omar Harper					
		Lee Kyriacou					
		George Mansfield					
		Pam Wetherbee					
		Peggy Ross					
		Mayor Randy Casale					
		Motion Carried					

DRAFT LOCAL LAW NO. ____ OF 2017

CITY COUNCIL
CITY OF BEACON

PROPOSED LOCAL LAW TO AMEND
CHAPTER 5 OF THE CODE OF THE
CITY OF BEACON

A LOCAL LAW to add
Chapter 5, Article VII
concerning the City's
Ward Boundaries.

BE IT ENACTED by the City Council of the City of Beacon as follows:

Section 1. Chapter 5 entitled “Administration of Government” is hereby amended to add Article VII entitled “Wards” as follows:

Article VII Wards

§5-19. Purpose

It is the purpose of this chapter to comply with the equal protection provisions of the Federal and State Constitutions to provide equality of representation.

§5-20. Ward boundaries established.

- A. The city shall be divided into four wards, the boundaries of which shall be reviewed and adjusted as appropriate within six months after publication of the results of each Federal decennial census. The current ward boundaries are as follows (all references to a street refer to its center line; all references to a compass point are approximate):
- B. Ward One.
 - 1. From the point on the western city boundary where it touches Red Flynn Drive; then
 - 2. South on Red Flynn Drive, across the railroad overpass to Beekman Street; then
 - 3. Northeast on Beekman Street to North Avenue; then
 - 4. South on North Avenue to Main Street; then
 - 5. East on Main Street to Fishkill Avenue; then

6. North on Fishkill Avenue to Verplanck Avenue; then
7. West on Verplanck Avenue to Matteawan Road; then
8. North on Matteawan Road to Camp Beacon Road; then
9. North on Camp Beacon Road and continuing in the same direction to the northern city boundary; then
10. Along the northern and western city boundaries back to the starting point.

C. Ward Two.

1. From the point on the western city boundary where it touches Red Flynn Drive; then
2. South on Red Flynn Drive, across the railroad overpass to Beekman Street; then
3. Northeast on Beekman Street to North Avenue; then
4. South on North Avenue to Main Street; then
5. East on Main Street to Teller Avenue; then
6. South on Teller Avenue to Wolcott Avenue; then
7. West on Wolcott Avenue to Sargent Avenue; then
8. South on Sargent Avenue to South Avenue; then
9. South on South Avenue to the midpoint of Fishkill Creek; then
10. South along the midpoint of Fishkill Creek to the southern city boundary; then
11. Along the southern and western city boundaries back to the starting point.

D. Ward Three.

1. From the point on the eastern city boundary where Mount Beacon Monument Road crosses; then
2. West on Mount Beacon Monument Road to East Main Street; then
3. West on East Main Street to Washington Avenue; then
4. North on Washington Avenue to Grove Street; then
5. West on Grove Street to Liberty Street; then
6. South on Liberty Street to East Main Street; then
7. West on East Main Street to Main Street; then
8. North on Main Street to Verplanck Avenue; then
9. West on Verplanck Avenue to Matteawan Road; then
10. North on Matteawan Road to Camp Beacon Road; then

11. North on Camp Beacon Road and continuing in the same direction to the northern city boundary; then
12. Along the northern and eastern city boundaries back to the starting point.

E. Ward Four

1. From the point on the eastern city boundary where Mount Beacon Monument Road crosses; then
2. West on Mount Beacon Monument Road to East Main Street; then
3. West on East Main Street to Washington Avenue; then
4. North on Washington Avenue to Grove Street; then
5. West on Grove Street to Liberty Street; then
6. South on Liberty Street to East Main Street; then
7. West on East Main Street to Main Street; then
8. North on Main Street to Verplanck Avenue; then
9. West on Verplanck Avenue to Fishkill Avenue; then
10. South on Fishkill Avenue until it turns into Teller Avenue; then
11. South on Teller Avenue to Wolcott Avenue; then
12. West on Wolcott Avenue to Sargent Avenue; then
13. South on Sargent Avenue to South Avenue; then
14. South on South Avenue to the midpoint of Fishkill Creek; then
15. South along the midpoint of Fishkill Creek to the southern city boundary; then
16. Along the southern and eastern city boundaries back to the starting point.

Section 2. Ratification, Readoption and Confirmation

Except as specifically modified by the amendments contained herein, Chapter 5 of the City of Beacon is otherwise to remain in full force and effect and is otherwise ratified, readopted and confirmed.

Section 3. Numbering for Codification

It is the intention of the City of Beacon and it is hereby enacted that the provisions of this Local Law shall be included in the Code of the City of Beacon; that the sections and subsections of this Local Law may be re-numbered or re-lettered by the Codifier to accomplish such intention; that the Codifier shall make no substantive changes to this Local Law; that the word “Local Law” shall be changed to “Chapter,” “Section” or other appropriate word as required for codification; and that any such rearranging of the numbering and editing shall not affect the validity of this Local Law or the provisions of the Code affected thereby.

Section 4. Severability

The provisions of this Local Law are separable and if any provision, clause, sentence, subsection, word or part thereof is held illegal, invalid or unconstitutional, or inapplicable to any person or circumstance, such illegality, invalidity or unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, clauses, sentences, subsections, words or parts of this Local Law or their petition to other persons or circumstances. It is hereby declared to be the legislative intent that this Local law would have been adopted if such illegal, invalid or unconstitutional provision, clause, sentence, subsection, word or part had not been included therein, and if such person or circumstance to which the Local Law or part hereof is held inapplicable had been specifically exempt there from.

Section 5. Effective Date

This local law shall take effect immediately upon filing with the Office of the Secretary of State.

City of Beacon Council Agenda
9/5/2017

Title:

Minutes of August 7 and August 21, 2017

Subject:

Background:

ATTACHMENTS:

Description	Type
August 7	Minutes
August 21	Minutes

Regular Meeting

These minutes are for the regular meeting of the Beacon City Council, held in the Municipal Center at One Municipal Plaza on August 7, 2017. Please note that the video recording of this meeting is available at <http://vimeo.com/channels/40154>.

Council Members Present:

Lee Kyriacou, At Large
George Mansfield, At Large
Peggy Ross, Ward One
Omar Harper, Ward Two
Pamela Wetherbee, Ward Three
Ali Muhammad, Ward Four
Randy Casale, Mayor

Council Members Absent/Excused:**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:

Samantha Brittan: Spoke with the Mayor and the Administrator about amending the affordable housing local law. Is very pleased with the recreation department programs. Her daughter loves camp.

Jason Craig: Thanked the Mayor and Council for their dedication to the city. Supports the moratorium as it relates to water. Hopes that the city will be more thoughtful in approving development projects. Believes that Beacon needs more light industry and high-density residential.

Dan Blair, 58 Judson Street: Feels that Beacon is at a crossroads. The Planning Board agenda has 16 items. Supports the removal of single-family homes from the moratorium.

Stacy Maldonado, 7 Tracy Dr.: Appreciates that Beacon has this development challenge. Shared all the reasons why she loves Beacon: open space, Madame Brett Park, the train is convenient to NYC, and Beacon is charming.

Theresa Kraft: Feels that Beacon is at a critical crossroad. (Full comments attached).

April Farley: Mentioned the high cost of living in Beacon. Gave details on the upcoming Southern Dutchess NAACP meeting. Asked about the CDBG federal funding. Thanked Ali, Omar and Lee for attending the community barbeque.

Kathleen Mazza, Deerfield Place: Thanked council for looking into the water issue. Encourages council to vote for the moratorium. Time to step back and reassess where we are. Concerned that the city is

giving up light industrial zones. Businesses and light industry bring more money to a community. The good news about Beacon is that it. industrial properties are already here.

Terry Nelson, Deerfield Place: Supports a 6-month moratorium. Is not against development but the pace of development here has increased very rapidly. Applauds the city's effort in looking for other water sources.

Michal Mart: She and her family appreciate the pool and the camp. Thanked the Recreation department. Thanked the council for considering the moratorium. (Full comments attached).

Emil Alzamora, South Ave.: Lives along the creek in the neighborhood of the South Avenue Bridge. Has concerns about building a vehicular bridge. Shared a list of suggestions that he would like to have the city and its consultants consider.

Barbara Verdisi: Is in favor of a moratorium. Has lived here for 45 years and does not know anyone who is not in favor of the moratorium.

Gwenno James: Gave details of Spirit of Beacon Day. Thanked the organizers for all the year that they helped bring about the parade. During the transition of the parade organizing responsibilities, all input is welcome.

Council Member Reports:

Ali Muhammad: Appreciates everyone who attends meetings and those who watch on television. Recently spoke with a 16 year old who is very excited about becoming a firefighter. Thanked everyone involved with the Anderson Barbeque.

Omar Harper: Mentioned that the Anderson Barbeque was great.

Lee Kyriacou: No comments made.

George Mansfield: Thanked everyone for attending. Wanted everyone to know that he reads and appreciates all of his emails though does not always respond.

Pam Wetherbee: Thanked everyone for their patience during the milling and paving projects.

Peggy Ross: With regard to 248 Main, it will come to council for recommendation. The senior picnic was great. Mentioned that Gwenno may be a 10-year resident, but she is a new US citizen.

Anthony Ruggiero: Mentioned that the City will now be videotaping ZBA meetings. Advised that we have started taking applications for afterschool programs. Gave an update on the pool and the fire academy.

Mayor Randy Casale: Thanked everyone for coming and sharing their opinions. Assured everyone that the council reads and considers everyone's comments. Feels that Beacon is a great community and he and the council will do what is in the best interest of the entire city.

Resolutions, Ordinances and Local Laws:

1. Resolution Appointing a Police Officer to the Beacon Police Department

- Motion by Council Member Muhammad, second by Council Member Harper

7-0

2. Resolution Authorizing an Agreement with Roots a Place to Eat, LLC for a food truck on Red Flynn Drive
 - Motion by Council Member Mansfield, second by Council Member Ross
7-0
3. Resolution Authorizing an Agreement with Beacon Arts for the Bus Shelter Project
 - Motion by Council Member Muhammad, second by Council Member Mansfield
7-0
4. Resolution Authorizing an Agreement with Leggette, Brashears & Graham, Inc. for Sand and Gravel Aquifer Exploration on Pump House Road
 - Motion by Council Member Muhammad, second by Council Member Wetherbee
7-0
5. Resolution Authorizing an Agreement with Leggette, Brashears & Graham, Inc. for a Water System Evaluation Study
 - Motion by Council Member Mansfield, second by Council Member Muhammad
7-0
6. Resolution Authorizing an Agreement with New York Leak Detection, Inc.
 - Motion by Council Member Muhammad, second by Council Member Wetherbee
7-0
7. Resolution Authorizing a Pedestrian Access Agreement Regarding “the View” Project on Beekman Street
 - Motion by Council Member Mansfield, second by Council Member Harper
7-0
8. Resolution Authorizing a Passive Use Easement Related to “the View” Project
 - Motion by Council Member Muhammad, second by Council Member Harper
7-0
9. Resolution Authorizing Modjeski and Masters to Proceed to Task 4 Pertaining to the Design and Construction of the South Avenue Bridge

Council discussed this matter extensively. It was decided that it should be discussed in an upcoming workshop.

 - Motion by to Workshop on Sept. 11 - Council Member Mohammad, second by Council Member Mansfield
7-0
10. Resolution Declaring the City of Beacon Planning Board as Lead Agency with Regard to the 475 Main Street Project
 - Motion by Council Member Mansfield, second by Council Member Ross
6-1 (Council Member Ali voted no)

Approval of Minutes: July 3, 2017

- Motion by Council Member Muhammad, second by Council Member Harper
7-0

Budget Amendments: August 7, 2017**Speakers:**

Andrew Gazza: Is running for council. Feels there is much work need to grow sustainably. We need to bring more jobs and light industry to Beacon.

Gary Chapman, Deerfield Place: Supports the moratorium on development. Use this time to consider reviewing the Comprehensive Plan.

Thomas DeVilliers: Spoke as a member of the Board of the Howland Cultural Center addressing the issue of parking. The Center relies on its visitors to generate the revenue it needs to run itself. Mentioned that events that are meant to start at 8 are starting at 8:30 because guests cannot find parking. Thanks the Mayor and council for their judicious stewardship of the City.

Lucille Tenazas, South Ave.: Spoke about the Tioronda Bridge (Full comments attached)

Dana O'Malley: Supports the 6-month moratorium as it relates to the water issue. Moved here to escape urban sprawl in New Jersey. Advised that she was raised in Hoboken but could not afford to stay. Would like Beacon to look at Kingston where they are added light industrial and jobs. (Full comments attached)

Thomas Wright, 24 Grove Street: Is in favor of a moratorium. Also spoke about the Greenway trail and how the plan represents many hours of work between the volunteers and the consultant. Is thrilled to present the plan to the City. As a committee of volunteers, the only reward for their effort is results. These results came from hard work and vigilance. The Greenway Trail Committee relies on and is grateful for help from the City and its boards. The City holds crucial leverage with the developers with regard to the design and implementation of the trail plans. The Committee asks to be included in the conversations with applicants that wish to develop property that could affect the plans for the trail. Wants to ensure that the City gets the trail that they want.

Susan Moss: Has been here for 14 years and is in favor of a longer moratorium. Feels that the view of Mt. Beacon is gone and the sidewalks are narrowing because of the restaurants. Praised the water department for testing her water.

Linda DiBrita: Spoke about the Tioronda Bridge

Michelle Humphreys: Supports a moratorium. Large buildings are being built at lightning speed. Beacon is a gem and we want it to stay that way.

Jeff Domanski: Shared his background with the city council.

Steve Gold: Thanked the council for entertaining the moratorium. Is glad that the Council stands up to developers. Council has been very careful with what they have done so far. Need to look at how Beacon is going to look and feel with all of these new development projects.

Adjournment:

- Motion by Council Member Muhammad, second by Council Member Harper
7-0

Next Workshop: August 14, 2017

Next Meeting: August 21, 2017

City of Beacon council meeting 8-7-2017

Theresa Kraft - public comment

Now more than any other period, the City of Beacon is at a critical crossroads in its history. We are on the verge of a water crisis, overdevelopment and a loss of our historic view sheds and scenic vistas. With so many agendas on the table, and the chance of important pieces falling through the cracks. It is imperative that we save the historic Tioronda Bridge legacy from being another casualty of sprawling commercial development that will destroy this historic area of the Fishkill Creek; where mills and stores were stationed to supply the American Revolutionary War efforts; where goods were transported on and off ships via flat bottom boats to supply the Continental Army troops stationed at the Fishkill Supply Depot, New Windsor and beyond. This is the area where Alexander Hamilton lived when he rented the DePeyster's house and roamed the grounds of the Fishkill Creek and the Hudson River while he served as General George Washington's aide-de-camp, while the General was headquartered across the river.

The Tioronda Bridge listed on the National Register of Historic Places along with the Brooklyn Bridge built the same year 1869, and the Poughkeepsie Railroad Bridge known today as the Walkway Over the Hudson, encourages us to do everything in our power to preserve the historic elements of the Tioronda Bridge – it is integral to keep this piece of history in the rebuilding of the bridge and this cities future. We're asking the same questions thirty-one years after the bridge was dismantled with plans of restoration. I urge the City of Beacon to implement what they have officially acknowledged for the past four administrations and rebuild this historic bridge, reworking the original bridge design elements back into today's 21st century construction. The bridge was dismantled by the City of Beacon Public Works and in 1986 put into storage with plans of restoring – it still remain on the inventory list of the National Register of Historic Places. And as per my conversations with Jennifer Betsworth from New York's State Historic Preservation Office even a re-assembled bridge can be listed, since this is in keeping with the nature of the take-apart design. And according to SHPO the paperwork process has not been completed to date and the designation is still in place.

The City of Beacon worked to save the Tioronda Bridge in 2000 and 2006. In 2000 the cities council stressed the importance of saving the bridge's history, and addressed that the preservation was of paramount importance for current and future generations. Again in 2006 the city council unanimously passed a resolution, which declared its support for the preservation and its restoration. Today's 2017 Comprehensive Plan continues to advocate protecting and preserving our historic heritage and resources with the Tioronda Bridge still included on the list of our cities historical resources. We must be pro active to rebuild the bridge with preservation in the forefront.

Think about the consequences. As presented at the July 31st workshop the South Avenue bridge was in stark contrast to what past and current council members have asked for, the new proposal does not pay homage to the original design but rather it further removes it completely from our history books by not even referencing it to its original name. In addition to tragic destruction of a cultural heritage site, construction will further destroy cultural resources. No buffer will exist to enhance the public's ability to enjoy the park and walking trails on both sides of the road.

NO
TIME

It's an age-old story, road expansion, urban growth and induced travel. One that repeats itself, improved roads simply spur additional travel or divert trips from parallel routes, quickly returning to its original congested conditions. If you build a bigger road then you'll have bigger traffic issues, the same goes for a bigger bridge. This plan will jeopardize the quality of life for the surrounding area residents and beyond.

Preservation is more than just saving buildings, it's about creating and enhancing environments that support, inform, and enrich the lives of all – we must focus on what's unique to our city and promote and preserve our history. It's what makes Beacon, Beacon!

NO
TIME

Elizabeth Evans

From: michal mart <michal.mart@gmail.com>
Sent: Monday, August 07, 2017 8:02 PM
To: Ali Muhammad; Anthony Ruggiero; George M. Mansfield; Lee Kyriacou; Omar Harper; Pam Wetherbee; Peggy Ross; Randy J. Casale
Subject: My comments tonight

Good evening mayor and council,

I am here first to tell you that my family has really appreciated having the pool open in Beacon and having the summer camp at University Settlement. It makes a huge difference in our quality of life here in the summer. I would like to thank the council, and and the rec department, Mark Price, Nate, Heidi, the life guards, Ilana and Linda and the councilors and everyone else that is involved in making these two amazing things happen. It really is wonderful.

I would also like to thank the council for your proposal for building moratorium in Beacon. I fully support the proposed moratorium and I am thankful that you are paying attention to this urgent water concern and being pro active about it.

I would like to raise another issue that concerns me. There are two properties that were conveyed by the City to developers via in rem deed with one of the conditions set forth by the City being that they cannot transfer ownership without the City's approval until the certificates of occupancy are issued.

For one property, city council discussed the proposed ownership change and voted on a resolution to approve it. In the other case, there was no public discussion that I could find regarding the ownership change. I sent an email to the council on July 20th inquiring about the possible oversight and am still waiting on a response.

I am concerned our limited staff, the volunteers on the planing and zoning board as well our legal counsel are stretched too thin to provide the kind of oversight needed for this volume of projects. As a council you should not be asking "can you handle it" you should be skeptically examining whether they SHOULD be overseeing this volume projects all at once. The reality is if things are missed you won't know until the city is held accountable down the road -- when something goes wrong.

As another example, there is a large project in the fishill creek zone that has been in the works for many years. This project is seeking two additional 90 day extensions from the planning board tomorrow.

The same project is currently obligated to report to city council quarterly and I have not been able to find any reports online or in video recordings of public meetings. I watched all the meetings since March and there was not a single report.

I believe this constitutes a violation of the terms of their special permit extension and I believe the City Attorney should look into this. I also encourage you to instruct the planning board to deny the requested extensions until it is determined that the owner is not violation.

Thank you
Michal Mart
Beacon

Elizabeth Evans

From: Lucille Tenazas <tenazasl@newschool.edu>
Sent: Monday, August 07, 2017 4:59 PM
To: Randy J. Casale; Lee Kyriacou; Omar Harper; George M. Mansfield; Pam Wetherbee; Anthony Ruggiero; Nicholas M. Ward-Willis; Emil Alzamora; Margaret Ross; george mansfield; Peggy Ross; tkraft@beaconhistorical.org; Annie Walker; Richard@richardbarnes.net
Cc: Elizabeth Evans; Jill Reynolds; chris ancliffe; Dan Spitzer; Tony DiBrita; Linda M. DiBrita
Subject: Tioronda Bridge response

Dear Randy and members of the Beacon City Council,

My name is Lucille Tenazas and my husband, Richard Barnes and I live at what is currently the end of South Avenue, opposite Madam Brett Park.

As Beacon residents most impacted by the planned reopening of the historic Tioronda bridge, we want to make certain that our positions are heard and taken into account during the planning and design process. We are in agreement that the bridge needs to be reopened so that crossing access over Fishkill creek is made possible, most crucially for emergency vehicles. We recognize that the bridge's reopening is part of the comprehensive plan for the City of Beacon and is an important artery in the city's infrastructure.

We are also aware that a 2-lane bridge is the only way that the city of Beacon can avail itself of state and federal funds. If this is a foregone conclusion, then a key factor in the design should take into account the intrinsic purpose of the bridge and its contribution to perpetuating the surrounding environment and existing park-like setting.

There are competing agendas as to what the reopening of the bridge will address and who *and* what it will benefit. My opinion is that the bridge should go beyond mere infrastructure and take into account the long-term continued use of the area as a place of leisure and recreation.

I attended last week's workshop meeting where the revised design of the bridge was presented by Modjeski and Masters. This design iteration was a response to the Council's request for a structurally sound bridge that accommodates 2-lanes with "quality of life" components that include sidewalks and planters that may incorporate seating. Upon seeing the new design, my first reaction was that it was overbuilt, overdesigned and more appropriate for a highway in an urban location.

Unfortunately, this design phase shows a massive expansion of an aggregate width of 2 lanes, plus 2 sidewalks and 2 sets of planters, ostensibly to separate motorists from those walking the bridge. The scheme shows an over-response to a bridge having a short span which certainly does not warrant a brutalist approach of concrete and brick.

The overall width of the bridge can be reduced by eliminating one sidewalk and rethinking what constitutes as a visually appealing, low maintenance and safe separation strategy of road to sidewalk.

It is important to respect the rhythm of the current park-like setting that contributes to the quality of life experiences for those who enjoy the calm surroundings and proximity to dramatic Fishkill Creek. At

this stage, we should look beyond the bridge as a workhouse and utilitarian artery that serves other pragmatic purposes. There is a saying, "Build it and they will come", but my expanded version of it is, "build it at humanscale, and they will act with sensitivity and care for their surroundings."

It is only when consideration is given to the sensitive and authentic use of materials in the design of infrastructure that allows us to maintain our humanity and contributes to good citizenship.

Respectfully,

Lucille

LUCILLE TENAZAS
ASSOCIATE DEAN, SCHOOL OF ART, MEDIA AND TECHNOLOGY
HENRY WOLF PROFESSOR OF COMMUNICATION DESIGN
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Hello, and thank you for your service to our city.

I am here to support a moratorium on development in Beacon for six months or more until more research is completed about the impact on utilities, such as water, and other infrastructure in the city.

My husband and I moved to Beacon more than 11 years ago, partly to escape suburban sprawl and overdevelopment in New Jersey. We were attracted to Beacon by its affordable housing, diverse community, and beautiful landscape.

I was born and raised in Hoboken, New Jersey, but my family had to leave because they couldn't afford to live there anymore because of high-priced development and rising living costs. I do not want this to happen to families in Beacon.

We need to think about more creative ways to grow our city that will benefit the entire community and not a select few businesses and housing developers. Perhaps we can learn from other nearby communities, like Kingston, that have brought light industry into their communities rather than relying on retail shops and high-cost housing.

I believe we need to be a city of makers and creators that also want to preserve our natural beauty, our history, and our quality of life. We deserve better for our future and so do our children. We cannot be mesmerized by short-term fixes at the expense of long-term sustainability.

Thank you for your time.

A handwritten signature in cursive script, reading "Dawn O'Malley". The signature is written in dark ink on a white background.

Dan Aymar-Blair; 58 Judson Street

Thank you Mayor Casale and the City Council for years of thoughtful consideration of how to best chart out Beacon's future development. The ever-growing reputation of Beacon as an ideal place to visit and live is a testimony to your efforts. This reputation brings us to a crossroads today.

Everyone wants to be part of the Beacon story as is evidenced by tomorrow night's planning board agenda, which has 16 agenda items. An exciting problem to have. I am voicing my support for the water moratorium because we need the water capacity before these planning board agendas get any longer.

I believe that new assessments of our sewer system, parking and other capacity issues are also in order. If these are not completed during a moratorium period, when are they best achieved?

I support removing the construction of single-family homes from the water moratorium. No single family should face hardship – particularly financial hardship - for wanting to join our community. However, the granting of subdivisions should end immediately and strict limitations should be placed on how or when a subdivision should be granted. Squeezing houses between houses or in backyards detracts from the aesthetic of Beacon and contributes to our water and infrastructure challenges.

Like members of the City Council, I am also looking toward what else Beacon can reconsider during a water moratorium. Some items important to me:

- Creating commercial corridors in Beacon that create local jobs and truly make Beacon a walkable city. Namely along the creek or the second story of Main St.
- Setting up an architectural review board with teeth to ensure high-quality standards for new buildings
- Increasing the sustainability standards for new construction including solar energy production.

By increasing the aesthetic and sustainability standards of building in Beacon, we may lose some business; but someone will step forward and our pickiness will pay off.

I would just like to close by saying that, as we look at these 16 planning board agenda items and beyond, every one of us in this room is responsible for what happens to the last square acres of Beacon. If it's high-density residential, we continue to be a bedroom community. If it's a bigger mix of commercial space, we become a walking community. And if we aren't pushing hard to protect our last open spaces, we are giving up what makes Beacon appealing, why people want to come here in the first place.

The issue of development is such an urgent and emotional one is because, once the concrete is poured, our decisions are literally set in stone and cannot be undone.

However we go about it, we don't want to be the town that built itself into a drought and into oblivion.

August 7, 2017

Members of the Beacon City Council,

We would like to add a few quick thoughts of our own for the record regarding replacement of the Tironda Bridge:

1. Your constituents do not want a two-lane bridge at this location, whether it is 50', 40', or otherwise. Rebuilding the original bow truss bridge for pedestrian traffic or a new bridge of similar scope would more than suffice and could actually enhance the experience of Madame Brett Park and the Fishkill Creek for all citizens and visitors. Splitting the park, crossing the creek, and continuing up South Ave. and Grandview or Slocum with a two-lane road/bridge and high-volume traffic would be unconscionable. So why is it being considered?
2. Your constituents do not need a two-lane bridge at this location. If a bridge is truly needed for emergency vehicles, then that should be priority number one. So why has it taken so long? But that does not require a two-lane bridge, nor should the added expense of a two-lane bridge be incurred, regardless of how it is funded. Plus, what good is a bridge for emergency vehicles if there is no access over or under the MTA tracks?
3. Your constituents do not want or need explosive development in Beacon. If the neighboring parcel may be developed as of right, then so be it. But the City of Beacon should not be spending one extra dollar to benefit a private project, regardless of where that money comes from. Just because you can get funding from the Feds, the state, or elsewhere does not mean that you should. If it is not feasible to build the project on the property as is, then the project is inappropriate for Beacon and should be nixed.
4. The same goes for all other development in Beacon. This is not just a water issue, but a larger environmental and quality of life issue. It is a wildlife issue, an erosion issue, a sewer issue, a litter issue, a noise pollution issue, a congestion issue, a traffic violation issue, a parking issue, a double-parking issue, a city budget issue, a school budget issue, a police department issue, a fire department issue, a volunteer ambulance issue, etc. We are, therefore, in favor of the moratorium on new development,

so that all of these issues may be thoroughly evaluated and addressed, and would suggest that, at the same time, you should take another look at current zoning and limit all development to bulk, height, and usage limits that are consistent with the character of Beacon - unlike the project on Main Street next to Beacon Natural Market. Furthermore, variances, whether for bulk, height, lot-lines, etc., and other concessions should not be handed out to anyone who asks. They should, instead, be reserved for property owners whose property value has truly been diminished by recent zoning or similar restrictions. A purchaser of property already subject to zoning or other restrictions should not be heard to complain. If it is not feasible to build a project as of right, then that project is inappropriate for Beacon and should be rejected. Plus, misuse of the variance process jeopardizes the entire zoning regulation framework, opening it up to Constitutional challenge and Beacon to a development free-for-all.

Thank you for your consideration of these issues.

Sincerely,

Linda & Tony DiBrita

14 High Goal Lane

Beacon, NY

Regular Meeting

These minutes are for the regular meeting of the Beacon City Council, held in the Municipal Center at One Municipal Plaza on August 21, 2017. Please note that the video recording of this meeting is available at <http://vimeo.com/channels/40154>.

Council Members Present:

Lee Kyriacou, At Large
George Mansfield, At Large
Peggy Ross, Ward One
Omar Harper, Ward Two
Pamela Wetherbee, Ward Three
Ali Muhammad, Ward Four
Randy Casale, Mayor

Council Members Absent/Excused:**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:

Lori Dick: Recently learned that the DOE Fund's proposal for the Camp Beacon site was rejected. Gave overview of the Doe Funds' mission. Asks that Council discuss this issue in a workshop. Hopes the community can have a say in this issue.

Jackie Bucelot Mills: Gave details about the success of this year's Summer Food Program. Thanked the Fire Department and the Police Department. Would like to expand the program at the Community Center next year to operate 5 days a week.

Justin Riccobono: Announced the opening of the Republican Headquarters at 293 Main Street.

Pricilla Kelly: Gave details about a problem on Bike Day. She advised that a neighbor created an unsafe situation and feels that the police did not do enough in response.

Samantha Britton: Thanked the Mayor for his Aug. 7 comments about racism. Believes that as the Rec Dept. is expanding their program, it would benefit from expanding the part time position to full time.

Theresa Kraft: Thanked the council for starting the process for a moratorium.

Council Member Reports:

Ali Muhammad: Feels that the Eliza Street project has not met the conditions of the plan. Asked Nick Ward-Willis to look into the parking that is associated with the project. Would like to discuss the Recreation Department budget at an upcoming meeting.

Omar Harper: Had no comments.

Lee Kyriacou: Full comments are attached.

George Mansfield: In general agrees with Lee's comments. Since we are on the road to a moratorium, it is definitely time to review our current planning and zoning. Added that our challenges today are due to our successes and our good decision-making in the past. We are in a period of accelerated growth many years in the making. Where we are today is the result of all the hard work of people in our past. Wants to chart a path toward a truly sustainable future. Must be diligent in our oversight of zoning and planning so Beacon can grow but also maintain its charm. Healthy and vibrant.

Pam Wetherbee: Agrees with Lee especially about the 4 and 5 story buildings. Would like to discuss street use for events. Would like a Churchill Street parking lot update and review signage.

Peggy Ross: Thanked her colleagues for so eloquently articulating the things that we have been talking about. Asked if there is any possibility of moving forward with providing broadband/fiber optics service to Beacon. Would like a report on that issue.

Mayor Randy Casale: Advised that he met with Ms. Kelly regarding the Bike Day incident. He handled the situation based on the facts that were given to him. He agrees that if someone is planning to close a street, the neighbors should be advised ahead of time. Went to the I AM Beacon Back to School event. Thanked the organizers and the new School Superintendent for being there.

Resolutions, Ordinances and Local Laws:

1. Resolution to Approve the Dedication of the Memorial Park Pavilion as Paul S. Eraca Pavilion
 - Motion by Council Member Muhammad, second by Council Member Mansfield
7-0
2. Resolution Appointing Hollis Bogdanffy as a Member of the Conservation Advisory Committee
 - Motion by Council Member Ross, second by Council Member Muhammad
7-0
3. Resolution Authorizing the Implementation of Funding of the Federal Aid and State Marchiselli Program Aid Eligible Costs of Transportation Federal Aid Project and Appropriating Funds Therefor
 - Motion by Council Member Muhammad, second by Council Member Harper
7-0
4. Resolution Confirming the Award of a Contract for the Rehab of the Septage Receiving Station at the City of Beacon Wastewater Treatment Facility
 - Motion by Council Member Mansfield, second by Council Member Muhammad
7-0

5. Resolution to Schedule a Public Hearing for September 18, 2017 to Receive Comment on a Proposed Local Law Regarding Water Cross Connections
 - Motion by Council Member Wetherbee, second by Council Member Ross
7-0
6. Resolution to Schedule a Public Hearing for September 18, 2017 to Receive Comment on a Proposed Local Law Regarding Water and Sewer Utilities
 - Motion by Council Member Muhammad, second by Council Member Wetherbee
7-0
7. Resolution to Schedule a Public Hearing for September 5, 2017 to Receive Comment on a Proposed Local Law Regarding the Disclosure of Information from City Applicants
 - Motion by Council Member Ross, second by Council Member Muhammad
7-0
8. Resolution to Schedule a Public Hearing for September 5, 2017 to Receive Comment on a Proposed Local Law to Amend Chapter 163 of the City Code as it Relates to Peddling and Soliciting
 - Motion by Council Member Muhammad, second by Council Member Ross
7-0
9. Resolution Regarding the License Agreement for 344 Main Street
 - Motion on the Amendment - Council Member Mansfield, second by Council Member Muhammad

Approval of Minutes: July 17, 2017

- Motion by Council Member Muhammad, second by Council Member Mansfield
7-0

Budget Amendments: August 21, 2017

- Motion by Council Member Muhammad, second by Council Member Wetherbee

Second Opportunity for Public Comments:

Andrew Gazza, 42 Maple: Is concerned about the development in Beacon. We are nearing our water capacity. Need to stop running on autopilot.

Giovann Kelly: Spoke about the Bike Day incident. Showed pictures of the car and the children on their bikes. Said that they have been holding this event for the past 6 years. Said that he spoke with the City Administrator who seemed deeply concerned with the issue. Added that the resident was not block in, she could have just gone around Katherine Street.

Meredith Heuer, 24 Grove Street: Asked about the 1964 parking loophole. The loophole needs to be closed because it is creating many parking spaces that the developers do not have to provide. Mentioned the 2014 Parking Report. Thinks it is important to get more recent data on parking. There has been a lot of talk about the tax cap and where we are with all this development. Would like the City and the BCSD to come up with a common answer.

Michal Mart, Sycamore Dr.: Agrees with Lee and George about the development. Looking forward to the City's response to her detailed questions regarding oversight.

Executive Session:

Matters pertaining to the sale of real property:

- Motion by Council Member Kyriacou, second by Council Member Muhammad
7-0

Adjournment:

Next Workshop: August 28, 2017

Next Meeting: September 5, 2017

To: Mayor and City Council **CC:** Administrator, Attorney, Planner, Bldg. Dept.
From: Lee Kyriacou, Councilman At Large
Date: 21 August 2017
Subject: Draft Proposals for Zoning and Planning Changes in Next Six Months

As I have expressed several times, I believe the development moratorium should not be limited to water, but must also include other critical development issues – especially in light of the actual community experience of observing new construction. The mayor has expressed a preference to limit the language of the moratorium to water only, and the city attorney did not include my requested additions into the proposal resolution. While the council has agreed to discuss at the next workshop whether to include these additional issues in the moratorium, in my view the clock is ticking if we want to get things done in six months. So regardless of how the resolution reads, let me review tonight the areas I believe are critical for the city to address, and make specific proposals for discussion that can help focus our deliberations. Please take these proposals as starting points of discussion, which may not be complete or correct. The sooner we begin the work, the better.

1. Central Main Street (CMS) Zone: Our stated purpose is “to increase the vitality, attractiveness and marketability of Main Street and the Central Business District.” A key component of the CMS – which we did not review in our Comprehensive Plan update – allows four- and five-story buildings. My current view is that additional height is not necessary to attract sustainable development to Main Street – which was a fundamental predicate of the legislation. Rather, we have been so successful that I believe Beacon is “in the driver’s seat” with respect to development, and that we do not have to “give away” additional development to get what we want. While density is absolutely desired on Main Street, it is not clear to me, having observed recent construction, that 4-5 story buildings that immediately drop off to adjacent single-story shops and homes are appropriate.

- **Proposal:** Remove the fifth story (and possibly the fourth story in some areas) from CMS zoning. If a fourth story is permitted, the special use permit restrictions that currently apply to the fifth story should be required for a fourth. Any fourth story should not be a matter of right; rather, the granting of a special use permit should require public benefits (TBD, e.g., setbacks, public space, public parking) in return for the additional story. An explicit finding of those public benefits should be required for the issuing of a special use permit by the council. The overall height of the building should also be limited regardless of the number of stories. Separately, we need to accelerate our work on a parking/transit district, and get funding to start it.

2. Job Creation: Most of our thinking on redevelopment has focused on repurposing derelict factories to other uses – in most cases residential. Beacon has come so far that we should now plan for job-creating uses as opposed to residential ones. The Comprehensive Plan in the Commercial, Office and Industrial Development Section has a good set of objectives and recommendations on “Business Development and Employment Opportunities.” We should start there and look to see how we can make Beacon not only a fine residential community but a thriving employer locale with a broader tax base.

- **Proposals:**
 - **Job Creation Goals:** Beginning with the current Comp Plan language, make more explicit goals and recommendations regarding local employment creation.

- **Potential Rezoning:** Identify and rezone select residential areas for job-creation activities. The largest areas I can think of at first glance are (a) Beacon Correctional Facility (which the State is looking for economic development but is still zoned residential), and (b) the areas around Dennings Point / Craig House (which I understand was looked at for a possible university campus). I am not saying these are the sites to rezone – rather we should look at all possibilities. We should look to adjust certain zoning that currently permits commercial/industrial to requiring them in some circumstances – e.g., for portions of FCD zone within a few blocks of Main Street. We should consider special zoning for uses such as medical/dental offices, which require specialized construction, or other professional offices for small and medium size firms.
- **Road Access:** Plan out a specific connection for a non-residential road from Route 52 to the Beacon Correctional Facility site, and as well from that site to Route 9D or I-84. Good access plans will help attract the best proposals for economic development, and could find funding sources.

3. Fishkill Creek Development (FCD) Zone: Our stated purposes for the FCD zone are to encourage redevelopment of industrial properties and to establish greenways/trails along the creek. We did not cover the FCD in our recent Comprehensive Plan update, and there are certain aspects we should consider updating in light of changes and experience since enactment. We should look to expand our greenway trails, encourage employment-generating uses, and limit development to industrial sites.

- **Proposal:** Review the predicates and main components of our FCD zone to confirm whether they still are appropriate and/or make any changes. This review should include addressing:
 - How density is determined and whether explicit density limits or ranges are appropriate.
 - How the special permit criteria should be applied to determine whether a development concept plan “will fulfill the purposes of FCD District” and “will be in harmony with the appropriate and orderly development of the City.”
 - How FCD design standards have worked in practice – including that proposals “must attain high standards of design,” provide view corridors, use high quality architecture and materials, avoid long uninterrupted walls, and be convertible to non-residential use – and consider whether stronger language is required to achieve the desired purposes.
 - Whether job-generating uses should be required as opposed to being optional, especially for portions of the FCD zone within a couple blocks of Main Street.
 - How greenway trails and open space have in practice fit in FCD zone and whether changes are appropriate – especially if a greenway/open space expansion is desired.

4. Greenway Expansion and Tioronda Bridge: The Greenway is a huge asset for our community, and we should expand it. The Comprehensive Plan has a good description of progress on Greenway and other trails. We should work with Greenway representatives to brainstorm how we can expand our trail network, integrate into it our the Tioronda (South Avenue) and Bridge Street bridges, and translate our expanded plans into zoning and funding.

- **Proposal:** Create a Greenway/trail expansion visioning effort. Look specifically at creating a parallel Greenway trail on the other side of Fishkill Creek (from the Tioronda Bridge to Wolcott Avenue), and linking it to other trails and the rest of the Hudson Highlands. Engage resources to search for funding of a bridge at South Avenue that does not require a two-lane vehicular “thoroughfare” bridge. If a two-lane bridge is built at South Avenue, identify an alternative site on Fishkill Creek between South Avenue and Wolcott to build a restoration (or near-restoration)

of the Tioronda Bridge, and integrate it into the Greenway trail network. Plan out how to integrate and fund the Bridge Street span in the trail network.

5. Historic District & Landmark Overlay (HDLO) Zone: We explicitly agreed when adopting our Comprehensive Plan update to revisit our Historic Overlay zoning for additional properties and a review of its mechanics. There are a number of sites where our Historic Overlay zone protections should be extended. I am also concerned with whether our protections work in practice for some situations. As a single example, we have observed development proposals in the HDLO zone that could adversely affect the setting of the Howland Center, one of Beacon's historic jewels.

- **Proposals:**

- **Additions:** Direct the Building Dept, Planner & Historical Society to quickly review properties for addition to the HDLO zone. The review should include (but is not limited to): North Ave, Lafayette, Edgewater, Bayview, South Ave, Wolcott, Rombout, Beacon, Cliff, Dewindt, W Center, Main, Dutchess Terrace, Church, Willow, Oak, Fishkill, Tioronda, the entire Fishkill Creek Development zone, Churchill, Union, Robinson, Howland, E Main, Schenck, Davis, Falconer, Wodell, Liberty, Washington and Depuyster.
- **Nearby Impacts:** Require a proposed HDLO exterior alteration or special use permit to review the impact on other HDLO properties; require a finding that the proposal does not adversely affect the historic character of HDLO properties and neighborhood.
- **Approvals:** Expand the special use permit criteria of "maintaining the architectural and historical integrity" to include not only the structure, but also the historic landscaping, nearby historic properties and any historic district. Direct our Planner to review all certificate of appropriateness criteria for any strengthening suggestions.
- **Planning Fees/Assessment:** Exempt "small" projects (e.g., five or fewer residential units) from any planning/building fees, where the sole purpose is to obtain a certificate of appropriateness to comply with HDLO zoning law. Request that our Planner and Assessor review the assessment abatement section, to determine whether it has been applied and how best to provide this benefit to HDLO property owners.

6. Planning/ZBA Support: Finally, we need to examine how our zoning and planning laws are executed in practice by our Planning Board, Zoning Board of Appeals and City Council (the latter for special use permits). I have personally attended recent PB/ZBA meetings, and find them overwhelmed at the one extreme, and ignoring legal and professional advice at the other extreme. It must be especially daunting when faced with proposals supported by extensive legal and professional staff. Some combination of training, communication, staffing and legal "teeth" seems clearly in order.

- **Proposal:** Task our Planner or other professional to provide a review with recommendations of the execution of our planning and zoning laws, with a focus on the details of execution and outcome, and on the workings of our boards.
- **Legislation:** Based on those recommendations, enact more specific "teeth" in our planning and zoning laws, and consider turning items that some might argue are a "matter of right" into items based solely on the discretion of the relevant board and in return for provided public benefits.
- **ZBA:** Consider requiring a City Council recommendation (after the Planning Board recommendation) for ZBA actions involving larger (e.g., greater than 10 units) proposals.
- **Studies:** Consider how to objectively review supporting studies (traffic, school impacts), e.g., by developing our own studies, using our own experts or getting appropriate training.

City of Beacon Council Agenda
9/5/2017

Title:

Budget Amendments

Subject:

Background:

ATTACHMENTS:

Description	Type
Budget Amendments 09.05.17	Budget Amendment

Council Budget Amendments
September 5, 2017 Meeting

1. Amend the 2017 Highway Budget to account for unanticipated repairs to truck 54. Below is the proposed budget amendment:

Transfer to:

A 5110.447300	REPAIR OF EQUIPMENT	<u>\$ 10,073</u>
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Transfer from:

A 1990.400001	CONTINGENCY FUND	<u>\$ 10,073</u>
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2. Amend the 2017 Fire Budget to account for salary increases for the 2017 settlement of the 2013-2017 IAFF contract. Retro pay for the 2013-2016 year was accounted for in 2016. This budget amendment accounts for salary increases that was budgeted for in contingency in anticipation of the contract settlement. It also accounts for 2017 portion of the retro payment.

Transfer to:

A -03-3410-101000-	REGULAR SALARIES	\$ 75,000
A -03-3410-105101-	OVERTIME	14,210
A -03-3410-820000-	SOCIAL SECURITY	6,825
	Total	<u>\$ 89,210</u>

Transfer from:

A -01-1990-400001-	CONTINGENCY FUND	<u>\$ 89,210</u>
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3. Amend the 2017 Fire budget to account for the payment for accumulated and unused time and contractual obligations for a career Firefighter upon retirement including hiring a new career firefighter and sending to the fire academy:

Transfer to:

A -03-3410-190000-	SEVERANCE/RETIREMENT PAY	\$ 34,940
A -03-3410-101000-	REGULAR SALARIES	23,000
A -03-3410-820000-	SOCIAL SECURITY	4,432
	Total	<u>\$ 62,372</u>

Transfer from:

A -01-1990-400001-	CONTINGENCY FUND	\$ 55,973
A -01-1990-400004-	CONTINGENCY-RETIREMENT	6,399
	Total	<u>\$ 62,372</u>

Respectfully submitted,
Susan K. Tucker CPA