



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

January 17, 2017
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:

- a. Energize New York - Tom Bregman, Director

Presentations:

- a. Beacon Historical Society

Public Hearings:

- a. Proposed Local Law to Authorize a Community Choice Aggregation Program in Beacon (empowers the City to determine the source of the energy supply for its residents)

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:

- a. Resolution Adopting the Local Law to Amend the City Code as it Relates to Energy Conservation (Community Choice Aggregation)
- b. Resolution Authorizing the Appointment of a Motor Equipment Operator
- c. Resolution Authorizing the Appointment of a Heavy Motor Equipment Operator
- d. Resolution to Approve the Appointment of PO Conti as a Sergeant in the Beacon Police Department
- e. Resolution to Approve the Appointment of PO Dewey as a Sergeant in the Beacon Police Department
- f. Resolution Authorizing the Appointment of Reuben Simmons to the Position of Superintendent of Streets

- g. Resolution Appointing Temporary, Part-Time Street Superintendent
- h. Resolution to Confirm the Policy for Awarding Points Under the City of Beacon Fire Department Service Award Program
- i. Resolution to Schedule a Public Hearing for February 6, 2017 to Receive Comment Concerning the Proposed Updates to the Comprehensive Plan
- j. Resolution to Schedule a Public Hearing for February 6, 2017 to Receive Comments Concerning the Proposed Local Law Amending the Zoning Ordinance
- k. Resolution to Accept the Proposal from BJF Planning for Phase 2 of the Comprehensive Plan Update Project
- l. Resolution Authorizing the Termination and Release of Certain Urban Renewal Obligations
- m. Resolution Authorizing a Memorandum of Agreement with the Fire Department
- n. Resolution Authorizing an Agreement with EFPR Group LL for Audit and Related Services for 2016

Approval of Minutes:

- a. 2016-12-19 Minutes
- b. 2017-01-03 Minutes

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
1/17/2017

Title:

Energize New York - Tom Bregman, Director

Subject:

Background:

ATTACHMENTS:

Description	Type
EnNY Program Offer	Cover Memo/Letter
EnNY Q&A	Backup Material
EnNY Case Studies	Backup Material



2051 Baldwin Road
Yorktown Heights, NY 10536
(914) 302-7300 | www.energizeny.org

Beacon City Hall
Office of the Mayor
1 Municipal Plaza
Beacon, NY 12508

Dear Mayor Casale,

As the Energize NY Residential Program Director, I would like to introduce an opportunity for mutual collaboration on a community-based clean energy program.

Energize NY Residential is a service of the Energy Improvement Corporation (EIC), a NYS local development corporation (LDC) that has been providing services to constituents of Counties and Cities of NY State since 2011. EIC staff helps homeowners make smart energy efficiency choices and supports communities' transition to a more sustainable and lower cost clean energy future. The program features a Homeowner Helper, an Energy Coach, an Energize NY community website, a list of vetted contractors (attached) and more.

In 2015 the New York State Energy Research Development Authority (NYSERDA) awarded EIC funding to expand the impact of our program in the Central Hudson service territory. Over the next several years Energize NY staff will be working with our **partner RUPCO** to provide community outreach and direct homeowner support to three fortunate communities in the Mid-Hudson Region. **The good news is that Beacon is one of those eligible community, the even better news is that the Energize NY Residential program is fully funded by NYSERDA and comes at zero cost to the city.**

Our experience working in other communities has shown that municipal sponsorship with the active involvement of key community leaders (to amplify our clean energy messaging) is the key to success. External pressure is no replacement for the power of trusted and respected local voices to validate the effectiveness of our service to homeowners in your community.

Related to this Beacon may have groups or organizations that could serve as community-based sponsors of the program. Using our model, the most successful Energize communities have **seen a fivefold increase** in homeowner energy efficiency upgrades. These projects have driven \$14M in local economic activity, provided more than \$2M in annual energy savings and reduced GHG emissions by 16 thousand tons. With strong local support, we believe Beacon can expect similar results over the multi-year life of the program.

As our contract with NYSERDA requires us to identify and launch communities in short order, I would like to discuss this opportunity at your earliest possible convenience. Additionally, we think it could be useful to include key members of the Conservation Advisory Council and/or others interested in clean energy who may help sponsor, spread the message and validate the program going forward.

I will follow up with a call to your office in the coming days to answer any preliminary questions you may have and to arrange a mutually convenient date and time for a face-to-face meeting.

Sincerely,

Thomas M. Bregman
Director, Residential Programs | Energize NY

Energize NY Comfort Corps • Home Performance Professionals

The expanded Energize NY Comfort Corps is a specially selected group of Home Performance contractors who meet the service and performance standards established by Energize NY. These companies are accredited by the Building Performance Institute and in good standing with NYSERDA's (New York State Energy Research and Development Authority) Home Performance program. Every company on our list has completed 10 or more comprehensive energy efficiency upgrades in the Mid-Hudson Region, has met or exceeded our minimum acceptable homeowner survey score, and has 2 or more BPI energy efficiency accreditations.

	Energy Conservation Specialists
	Energy Evolution
	Energy Management Solutions
	Get Green Home Improvements
	Global Dwelling
	Malcarne Contracting
	Nebraska Plumbing, Heating & Cooling
	Sigma-Tremblay

All Home Performance professionals in the expanded Energize NY Comfort Corps will perform a standard comprehensive home energy efficiency assessment, as outlined by NYSERDA's Home Performance guidelines. Regardless of the contractor you choose, your assessment will include a blower door test, efficiency testing of all combustion equipment, a health and safety analysis, and a visual inspection of the living area, attic, basement and crawl spaces.

Helpful Questions for Hiring the Right Home Performance Professional

1. How many Home Performance jobs have you completed in my area?

HELPFUL HINT: Every contracting company listed in the expanded Energize NY Comfort Corps has completed a minimum of 10 projects (homes) in the Mid-Hudson Region. It may be helpful to know how many upgrades have been completed in your immediate area, and if any of them are in your community or neighborhood.

2. How many Home Performance jobs have you completed on homes like mine (age, style, size, etc.)?

HELPFUL HINT: Each contractor has different experiences with the homes they have upgraded. If you have a pre-1900's home, you may want to ask if the company has familiarity with houses built over 100 years ago. Other homes that stand out may be: homes with brick exteriors; landmark buildings; condos; homes with 3 or 4 units; etc.

3. What is your particular area of expertise? How do you handle work not within your area of expertise?

HELPFUL HINT: All of NYSERDA's Home Performance professionals must be certified in either HVAC or insulation, and some are certified in both. Find out which one the contractor focuses on, and ask if they have a formal relationship with another BPI accredited company for sub-contracting work that is outside of their specialty. To complete a comprehensive job on your home, the contractor must be able to responsibly sub-contract work outside of their expertise.

4. What areas of my house will you need to access?

HELPFUL HINT: A contractor will need to access any attic spaces, basement areas, and crawl spaces. They will also need clear access to your heating and cooling systems, so if attic areas or basement areas are cluttered, you may need to clear a path.

5. Do I need to keep certain areas clean in order to perform the assessment? If my house gets dirty, how will it be cleaned?

HELPFUL HINT: If you have a fireplace, it will need to be cleaned of loose ashes before conducting the blower door test. If a contractor accidentally gets soot from the fireplace or boiler in any area of your home, it's good to make sure they have a policy for cleaning the vicinity.



www.EnergizeNY.org

914-302-7300 • info@energizeny.org

Energize NY Case Study

"Contacting Energize NY led to a huge increase in my comfort level, especially during the past two brutal winters."



Flo Brodley - Heritage Hills, NY

Year & Style: 1986 Sherman Condo

Square Feet: 1,800

Bedrooms/Baths: 3 BR/2 BA

Heat Source: Electric

Home Performance Contractor

Healthy Home Energy & Conservation Inc.

Increase in Comfort & Energy Performance

Get your free* home energy assessment today!
Visit us at: www.EnergizeNY.org or call (914) 302-7300

Energize NY Case Study

During the winter months, Flo Brodley was consistently cold in her home despite her best efforts to keep her house warm by using thermal draperies and wearing wooly socks, sweaters and hats. Frustrated by her home being so uncomfortable, Flo began looking for a solution. Flo found Energize NY, which quickly helped her become more energy efficient. Using Healthy Home Energy & Consulting, Flo had a home energy assessment through NYSERDA's Home Performance program. The energy assessment helped identify problems, such as big gaps and cracks throughout the house without proper insulation, and outdated appliances that were wasting energy. Her contractor recommended a range of efficiency upgrades to choose from and after considering her options, Flo chose to add insulation and air sealing in her house. Flo also upgraded her appliances to the most energy efficient models using the NY rebate.

Today, Flo's home is warm and comfortable and no longer has those frigid drafts in the winter months. This was an extremely positive and informative experience for Flo and because of that, she has shared her story with her Heritage Hills neighbors and throughout Westchester, inspiring many Homeowners to also get Energized!

Homeowner Concerns:

- Air leaking out of the house due to insulation issues
- Drafts throughout the home

Problems Uncovered:

- Caulking missing throughout the house, especially lacking in the ceiling and walls
- No insulation surrounding the high hat lights
- Outdated refrigerator, dishwasher and stove (not up to ENERGY STAR standards)

Resulting Benefits:

- Considerably more comfortable in both the winter and summer
- Much less heat loss in the winter

Improvements Completed:

- Air sealed house to reduce air leakage from 2945 CFM50 to 1559 CFM50 (53% Reduction)
- Sealed entire duct distribution system from air-handler to registers using Aeroseal
- Air-sealed attic to 2nd floor interface; installed air tight covers for attic hatch and recessed lighting
- Insulated attic area with loose-fill cellulose to an **R-Value not less than 38



The Brodley Residence:
Year & Style: 1986 Sherman Style
Heritage Hills Condo
Square Feet: 1,800
Bedrooms/Bath: 3 BR, 2 BA
Heat Source: Electric

*Assessments are Free or Subsidized based on income

**The R-value is a measure of thermal resistance. The higher the value, the less heat conducted through the insulation.

Home Performance with ENERGY STAR® Contractor Used to Perform Upgrades:



NYSERDA
Supported



Healthy Home
Energy & Consulting, Inc.



Energize NY
2051 Baldwin Road, Suite 107
Yorktown Heights, NY 10598

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Energize New York Case Study

"We had considered building a greenhouse for several years, but the heating costs were a huge stumbling block. The energy efficiency upgrades have reduced our oil usage enough to cover the greenhouse use and still reduce our monthly heating bills."



Virginia Maybank - Bedford Hills, NY

Year & Style: 1810 Colonial

Square Feet: 3,860

Bedrooms/Baths: 5 BR, 4 BA

Heat Source: Oil Boiler

Home Performance Contractor

BrightHome Energy Solutions

Fuel Oil Savings: 10%*

*New greenhouse offsets a significant portion of energy savings

Get your home energy assessment today!
Visit us at: www.EnergizeNY.org or call (914) 302-7300

Energize New York Case Study

Virginia Maybank first considered home energy efficiency upgrades when she learned that the savings could more than offset the energy used to heat a new greenhouse. She selected BrightHome Energy Solutions from the Energize Comfort Corps to complete her comprehensive home energy assessment. BrightHome's report showed how insulation and air sealing would significantly reduce the amount of wasted energy in her home. After electing to insulate and air seal the entire house, Virginia was able to build her new greenhouse and still see a reduction in her home heating oil bills. The net result meant bankable energy savings and a more comfortable home too.

Homeowner Concerns:

- Drafty, uncomfortable rooms
- Third floor very hot in summer, very cold in winter
- Moisture problems in certain rooms
- High fuel oil bills

Problems Uncovered:

- Rim joists needed insulation
- Exterior walls had no insulation
- Heat escaping through attic

Improvements Completed:

- Air sealed house to reduce overall air leakage of heated area from 7695 CFM50 to 6010 CFM50
- Insulated exterior walls with R-12* dense pack cellulose insulation
- Insulated rim joists with R-15 high density foam insulation
- Insulated basement ceiling with R-38 fiberglass & foam board insulation
- Insulated attic knee wall floor with R-46 cellulose insulation
- Insulated attic hatch with R-12 polyisocyanurate insulation
- Insulated attic knee wall with R-12 high density foam insulation

*The R-value is a measure of thermal resistance. The higher the value, the less heat conducted through the insulation.

The Maybank Residence:

Year & Style: 1810 Colonial
Square Feet: 3,860
Bedrooms/Baths: 5 BR, 4 BA
Heat Source: Oil Boiler

Resulting Benefits:

- ✓ Comfortable, tighter home
- ✓ Significant savings on fuel oil bills
- ✓ Drafts have been eliminated

Home Performance with ENERGY STAR Contractor Used to Perform Upgrades:



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Energize New York Case Study

"Healthy Home's installation process was amazing and they have always responded to any questions or requests we have had. The Energize NY staff and website were key in making our decision easier and the whole process much clearer."



Steve Samaha - Pound Ridge, NY

Year & Style: 1966 Ranch

Square Feet: 2,875

Bedrooms/Baths: 4 BR, 3 BA

Heat Source: Oil Boiler

Home Performance Contractor

Healthy Home

Fuel Oil Savings: 18%

Get your free* home energy assessment today!
Visit us at: www.EnergizeNY.org or call (914) 302-7300

Energize New York Case Study

Steve Samaha knew that energy efficiency measures could help reduce air leaking from his 1966 ranch style home, a problem that was costing him money and making his home uncomfortable too. With the help of Energize NY, he researched his options and chose Healthy Home Energy & Consulting to complete a comprehensive energy assessment on his house. The results of the assessment confirmed Steve's belief that much of the wasted energy could be saved through proper insulation and better air sealing. Having completed the work, Steve knows he is no longer losing energy and money through unseen cracks and inadequately insulated walls. The increased comfort and energy savings make for one happy homeowner.

Homeowner Concerns:

- Reducing home energy costs
- Installing proper insulation
- Increasing home comfort

Problems Uncovered:

- Air leakage throughout entire home
- Leaky duct system
- Out-of-date thermostats

Improvements Completed:

- Air sealed house to reduce air leakage from 5320 CFM50 to 3149 CFM50 (41%)
- Insulated roof structure with R-38* expanded polystyrene insulation
- Insulated sloped roof with R-24 cellulose insulation
- Insulated garage ceiling with R-31 cellulose insulation
- Insulated boiler room rim joist with R-21 high density foam insulation
- Sealed supply duct-work to R-25 CFM25 and return duct-work to R-20 CFM25
- Installed two programmable heating/cooling thermostats

The Samaha Residence:

Year & Style: 1966 Ranch
Square Feet: 2,875
Bedrooms/Baths: 4 BR, 3 BA
Heat Source: Oil Boiler

Resulting Benefits:

- ✓ Energy Savings
- ✓ Improved comfort and value
- ✓ More even room temperatures

*The R-value is a measure of thermal resistance. The higher the value, the less heat conducted through the insulation.



Home Performance with ENERGY STAR Contractor Used to Perform Upgrades:



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City of Beacon Council Agenda
1/17/2017

Title:

Beacon Historical Society

Subject:

Background:

City of Beacon Council Agenda
1/17/2017

Title:

Proposed Local Law to Authorize a Community Choice Aggregation Program in Beacon (empowers the City to determine the source of the energy supply for its residents)

Subject:

Background:

ATTACHMENTS:

Description	Type
LL Community Choice Aggregation	Local Law

LOCAL LAW NO. ____ OF 2016

**CITY COUNCIL
CITY OF BEACON**

**PROPOSED LOCAL LAW AMENDING
CHAPTER 106 OF THE CODE OF THE CITY OF BEACON**

A LOCAL LAW to amend
Chapter 106 of the City
Code concerning Energy
Conservation

A LOCAL LAW to amend Chapter 106 of the Code of the City of Beacon concerning Energy Conservation.

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

Section 1. Chapter 106, Article II of the Code of the City of Beacon entitled “Community Choice Aggregation” is hereby added as follows:

Article II. Community Choice Aggregation

§ 106-10. Legislative Findings; Intent and Purpose; Authority.

- A. It is the policy of both the City of Beacon and the State of York to reduce costs and provide price certainty for the purpose of consumer protection and economic development, to expand access and opportunities for consumers in retail energy markets, as well as to promote the sustainability and resilience of energy systems through the proliferation of renewable energy, energy efficiency, and Distributed Energy Resources (DER, as defined below). Among the initiatives that may advance these objectives in New York is Community Choice Aggregation (“CCA”), a policy that empowers local governments to determine the source of electricity and/or natural gas supply on behalf of its residents and small businesses, reflecting local resources, priorities, and challenges. Energy delivery remains the responsibility of the Distribution Utility.
- B. This Chapter establishes the authority for the City of Beacon, in connection with the implementation a CCA program, to acquire utility data, to select, through competitive

solicitation, energy Supplier(s) on behalf of Default Consumers within the jurisdictional boundaries of the City of Beacon, and to maximize value for Participating Consumers through enhanced services related to DER. The Municipality may choose to collaborate with other local governments to form an intermunicipal program. As a result, consumers will have the opportunity to lower and stabilize their energy costs, to spur local clean energy innovation and investment, and to reduce their environmental impact; thereby, fulfilling the purposes of this Chapter and fulfilling an important public purpose.

- C. The City of Beacon is authorized to implement this COMMUNITY CHOICE AGGREGATION PROGRAM pursuant to Section 10(1)(ii)(a)(12) of the New York Municipal Home Rule Law; and consistent with State of New York Public Service Commission Case No. 14-M-0224, Proceeding on Motion of the Commission to Enable Community Choice Aggregation Programs (issued April 21, 2016) as may be amended, including subsequent orders of the Public Service Commission issued in connection with or related to Case No. 14-M-0224, to the extent that orders related to Case No. 14-M-0224 enable actions by the Municipality.
- D. This Chapter shall be known and may be cited as the “COMMUNITY CHOICE AGGREGATION PROGRAM Law of the City of Beacon”.

§ 106-11. Definitions.

For purposes of this Chapter, and unless otherwise expressly stated or unless the context otherwise requires, the terms in this Chapter shall have the meanings employed in the State of New York Public Service Commission's Uniform Business Practices or, if not so defined there, as indicated below:

- A. AGGREGATED DATA shall mean aggregated and anonymized information including, but not limited to, the number of consumers by service and rate class, the aggregated peak demand (kW) (for electricity) by month for the past 12 months by service and rate class, and the aggregated energy (kWh) for electricity or volumetric consumption for gas by month for the past 12 months by service and rate class.
- B. CCA ADMINISTRATOR shall mean the City of Beacon or third party CCA Administrator, duly authorized to request Aggregated and Customer Specific Data, competitively solicit Suppliers for the aggregated demand for electricity and/or natural gas on behalf of Default Consumers, and to offer Participating Consumers additional opportunities to participate or enroll in programs or projects related to Distributed Energy Resources. CCA Administrator is responsible for program organization, administration, procurement, communications, and for meeting all requirements for program implementation specified in the PSC CCA Order, unless otherwise specified.

- C. CUSTOMER SPECIFIC DATA shall mean customer specific information, personal data and utility data for all Default Consumers including the customer of record's name, mailing address, telephone number, account number, and primary language, if available, and any customer-specific alternate billing name, address, and phone number.
- D. DEFAULT CONSUMERS shall mean customers of electricity and/or natural gas within opt-out eligible service classes (as delineated in the PSC CCA Order), who receive supply service from the Distribution Utility as of the date the supply contract goes into effect, or consumers within these service classes that subsequently become eligible to participate in the Program including those that have terminated a supply contract with an ESCO, removed a freeze or block on their account, have voluntarily suspended service pursuant to a special rate, or are new residents of the Municipality. Consumers within opt-out eligible service classes, as of the date the supply contract goes into effect, taking service from an ESCO, those that have placed a freeze or block on their account, and those for whom enrollment in the CCA program would interfere with a choice they have already made to take service pursuant to a special rate are not considered Default Consumers and will not be enrolled on an opt-out basis. For the avoidance of doubt, all Default Consumers must reside or be otherwise located at one or more locations within the geographic boundaries of the Municipality, as such boundaries exist as of the date the supply contract with the goes into effect.
- E. DISTRIBUTED ENERGY RESOURCES (DER) shall mean local renewable energy projects, community distributed generation (e.g. shared solar), peak demand management, energy efficiency, demand response, energy storage, community resilience microgrid projects, and other innovative Reforming the Energy Vision (REV) initiatives that further engage and/or reduce cost of service for Participating Consumers, optimize system benefits, and/or address infrastructure and demand challenges within geography of the CCA.
- F. DISTRIBUTION UTILITY shall mean owner or controller of the means of distribution of the natural gas or electricity in the Municipality. The Distribution Utility also serves as the default supplier of electricity and natural gas preceding the establishment of a CCA program.
- G. ESCO or ENERGY SERVICES COMPANY mean an entity duly authorized to conduct business in the State of New York as an ESCO.
- H. PARTICIPATING CONSUMERS shall mean Default Consumers who have not opted out, and non-Default Consumers of any service class that have voluntarily enrolled in the Program.
- I. PSC CCA ORDER shall mean the PSC's Order Authorizing Framework for Community Choice Aggregation Opt-Out Program, issued on April 21, 2016 in Case

14-M-0224, "Proceeding on Motion of the Commission to Enable Community Choice Aggregation Programs."

- J. PUBLIC SERVICE COMMISSION or PSC shall mean New York State Public Service Commission.
- K. SUPPLIER shall mean an ESCO that procures electric power and natural gas for Participating Consumers in connection with this Chapter or, alternatively, generators of electricity and natural gas or other entities who procure and resell electricity or natural gas.

§ 106-12. Authorization of a Community Choice Aggregation Program.

- A. Community Choice Aggregation Program is hereby authorized by the Municipality, whereby the Municipality may implement a CCA program to the full extent permitted by the PSC CCA Order, as set forth more fully herein.
- B. The Municipality may enter into contracts with one or more Suppliers for electric and/or natural gas supply and other services on behalf of Default Consumers.
- C. The Municipality may enter into agreements and contracts with other municipalities, non-profits, consultants, and/or other third parties to i) develop and implement the CCA program, ii) act as CCA Administrator, and/or iii) develop offers of opt-in DER products and services to Participating Consumers.
- D. The operation and ownership of the utility service shall remain with the Distribution Utility. The Municipality's participation in a CCA program constitutes neither the purchase of a public utility system, nor the furnishing of utility service. The Municipality shall not take over any part of the electric or gas transmission or distribution system and will not furnish any type of utility service, but will instead negotiate with Suppliers on behalf of Participating Consumers.
- E. The Public Service Commission supervises retail markets and participants in these markets through legislative and regulatory authority and the Uniform Business Practices, which includes rules relating to the eligibility of participating ESCOs, the operation by which ESCOs provide energy services, and the terms on which customers may be enrolled with ESCOs.

§ 106-13. Eligibility.

- A. All Default Consumers shall be enrolled on an opt-out basis. Default Consumers will have the right to opt out before the supply contract goes into effect, or disenroll any

time thereafter with no penalty. Those that do not opt out before the supply contract goes into effect will be enrolled automatically.

- B. All non-Default Consumers within the Municipality, regardless of service class, shall be eligible to participate in the CCA program on an opt-in basis.
- C. CCA Administrator, on behalf of the City of Beacon, shall issue one or more requests for proposals to Suppliers to provide energy to participants and may then award a contract in accordance with the CCA program.

§ 106-14. Opt-Out Process.

- A. A program notification letter, printed on municipal letterhead, shall be mailed to Default Consumers at least 30 days prior to customer enrollment. The letter shall include information on the CCA program and the contract signed with the selected Supplier(s) including specific details on rates, services, contract term, cancellation fee, and methods for opting out of the CCA program. The letter shall explain that consumers that do not opt out will be enrolled in the program under the contract terms and that information on those consumers, including energy usage data and APP status, will be provided to the ESCO.
- B. After the 30 day opt-out period, all consumers shall have the option to disenroll from the CCA program at any time without penalty.

§ 106-15. Data Protection Requirements.

- A. The Municipality, or CCA Administrator on its behalf, may request Aggregated Data and Customer Specific Data from the Distribution Utility.
- B. Customer Specific Data shall be protected in a manner compliant with, collectively, (i) all national, state and local laws, regulations or other government standards relating to the protection of information that identifies or can be used to identify an individual that apply with respect to the Municipality or its representative's processing of confidential utility information; (ii) the utility's internal requirements and procedures relating to the protection of information that identifies or can be used to identify an individual that apply with respect to the Municipality or its representative's processing of confidential utility information; and (iii) the PSC CCA Order and PSC rules, regulations and guidelines relating to confidential data.
- C. For the purpose of protecting customer data, the Municipality must enter into an agreement with the Distribution Utility that obligates each party to meet, collectively, (i) all national, state and local laws, regulations or other government standards relating

to the protection of information that identifies or can be used to identify an individual Default Consumer or Participating Consumer with respect to the CCA Administrator or its representative's processing of confidential utility information; (ii) the Distribution Utility's internal requirements and procedures relating to the protection of information that identifies or can be used to identify individual Default Consumer or Participating Consumer with respect to the CCA Administrator or its representative's processing of confidential utility information; and (iii) the PSC CCA Order and PSC rules, regulations and guidelines relating to confidential data.

§ 106-16. Administration Fee.

The Municipality or CCA Administrator may collect, or cause to be collected, funds from customer payments to pay for administrative costs associated with running the CCA program.

§ 106-17. Reporting.

- A. Annual reports shall be filed with the City Clerk by March 31 of each year and cover the previous calendar year.
- B. Annual reports shall include, at a minimum: number of consumers served; number of consumers cancelling during the year; number of complaints received; commodity prices paid; value-added services provided during the year (e.g. installation of DER or other clean energy services); and administrative costs collected. The first report shall also include the number of consumers who opted-out in response to the initial opt-out letter or letters.
- C. If a CCA supply contract will expire less than one year following the filing of the annual report, the report must identify current plans for soliciting a new contract, negotiating an extension, or ending the CCA program.

§ 106-18. Effective Date.

This Local Law shall be effective immediately upon passage.

§106-19. Severability.

The invalidity or unenforceability of any section, subsection, paragraph, sentence, clause, provision, or phrase of the aforementioned sections, as declared by the valid judgment of any

court of competent jurisdiction to be unconstitutional, shall not affect the validity or enforceability of any other section, subsection, paragraph, sentence, clause, provision, or phrase, which shall remain in full force and effect.

Section 2. Ratification, Readoption and Confirmation

Except as specifically modified by the amendments contained herein, the Chapter 106 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
1/17/2017

Title:

Resolution Adopting the Local Law to Amend the City Code as it Relates to Energy Conservation (Community Choice Aggregation)

Subject:

Background:

ATTACHMENTS:

Description	Type
Res. Adopt LL re CCA	Resolution
LL CCA	Local Law



**CITY OF BEACON
CITY COUNCIL**

RESOLUTION NO. _____ OF 2017

**RESOLUTION ADOPTING THE LOCAL LAW AMENDING
CHAPTER 106 OF THE CODE OF THE CITY OF BEACON AS IT RELATES TO
ENERGY CONSERVATION**

BE IT RESOLVED, that the City Council of the City of Beacon hereby adopts the local law amending Chapter 106 of the Code as it relates to energy conservation.

Resolution No. _____ of 2017			Date: <u>January 17, 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					
		Pamela Wetherbee					
		Peggy Ross					
		Mayor Randy J. Casale					
Motion Carried							

LOCAL LAW NO. ____ OF 2016

**CITY COUNCIL
CITY OF BEACON**

**PROPOSED LOCAL LAW AMENDING
CHAPTER 106 OF THE CODE OF THE CITY OF BEACON**

A LOCAL LAW to amend
Chapter 106 of the City
Code concerning Energy
Conservation

A LOCAL LAW to amend Chapter 106 of the Code of the City of Beacon concerning Energy Conservation.

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

Section 1. Chapter 106, Article II of the Code of the City of Beacon entitled “Community Choice Aggregation” is hereby added as follows:

Article II. Community Choice Aggregation

§ 106-10. Legislative Findings; Intent and Purpose; Authority.

- A. It is the policy of both the City of Beacon and the State of York to reduce costs and provide price certainty for the purpose of consumer protection and economic development, to expand access and opportunities for consumers in retail energy markets, as well as to promote the sustainability and resilience of energy systems through the proliferation of renewable energy, energy efficiency, and Distributed Energy Resources (DER, as defined below). Among the initiatives that may advance these objectives in New York is Community Choice Aggregation (“CCA”), a policy that empowers local governments to determine the source of electricity and/or natural gas supply on behalf of its residents and small businesses, reflecting local resources, priorities, and challenges. Energy delivery remains the responsibility of the Distribution Utility.
- B. This Chapter establishes the authority for the City of Beacon, in connection with the implementation a CCA program, to acquire utility data, to select, through competitive

solicitation, energy Supplier(s) on behalf of Default Consumers within the jurisdictional boundaries of the City of Beacon, and to maximize value for Participating Consumers through enhanced services related to DER. The Municipality may choose to collaborate with other local governments to form an intermunicipal program. As a result, consumers will have the opportunity to lower and stabilize their energy costs, to spur local clean energy innovation and investment, and to reduce their environmental impact; thereby, fulfilling the purposes of this Chapter and fulfilling an important public purpose.

- C. The City of Beacon is authorized to implement this COMMUNITY CHOICE AGGREGATION PROGRAM pursuant to Section 10(1)(ii)(a)(12) of the New York Municipal Home Rule Law; and consistent with State of New York Public Service Commission Case No. 14-M-0224, Proceeding on Motion of the Commission to Enable Community Choice Aggregation Programs (issued April 21, 2016) as may be amended, including subsequent orders of the Public Service Commission issued in connection with or related to Case No. 14-M-0224, to the extent that orders related to Case No. 14-M-0224 enable actions by the Municipality.
- D. This Chapter shall be known and may be cited as the “COMMUNITY CHOICE AGGREGATION PROGRAM Law of the City of Beacon”.

§ 106-11. Definitions.

For purposes of this Chapter, and unless otherwise expressly stated or unless the context otherwise requires, the terms in this Chapter shall have the meanings employed in the State of New York Public Service Commission's Uniform Business Practices or, if not so defined there, as indicated below:

- A. AGGREGATED DATA shall mean aggregated and anonymized information including, but not limited to, the number of consumers by service and rate class, the aggregated peak demand (kW) (for electricity) by month for the past 12 months by service and rate class, and the aggregated energy (kWh) for electricity or volumetric consumption for gas by month for the past 12 months by service and rate class.
- B. CCA ADMINISTRATOR shall mean the City of Beacon or third party CCA Administrator, duly authorized to request Aggregated and Customer Specific Data, competitively solicit Suppliers for the aggregated demand for electricity and/or natural gas on behalf of Default Consumers, and to offer Participating Consumers additional opportunities to participate or enroll in programs or projects related to Distributed Energy Resources. CCA Administrator is responsible for program organization, administration, procurement, communications, and for meeting all requirements for program implementation specified in the PSC CCA Order, unless otherwise specified.

- C. CUSTOMER SPECIFIC DATA shall mean customer specific information, personal data and utility data for all Default Consumers including the customer of record's name, mailing address, telephone number, account number, and primary language, if available, and any customer-specific alternate billing name, address, and phone number.
- D. DEFAULT CONSUMERS shall mean customers of electricity and/or natural gas within opt-out eligible service classes (as delineated in the PSC CCA Order), who receive supply service from the Distribution Utility as of the date the supply contract goes into effect, or consumers within these service classes that subsequently become eligible to participate in the Program including those that have terminated a supply contract with an ESCO, removed a freeze or block on their account, have voluntarily suspended service pursuant to a special rate, or are new residents of the Municipality. Consumers within opt-out eligible service classes, as of the date the supply contract goes into effect, taking service from an ESCO, those that have placed a freeze or block on their account, and those for whom enrollment in the CCA program would interfere with a choice they have already made to take service pursuant to a special rate are not considered Default Consumers and will not be enrolled on an opt-out basis. For the avoidance of doubt, all Default Consumers must reside or be otherwise located at one or more locations within the geographic boundaries of the Municipality, as such boundaries exist as of the date the supply contract with the goes into effect.
- E. DISTRIBUTED ENERGY RESOURCES (DER) shall mean local renewable energy projects, community distributed generation (e.g. shared solar), peak demand management, energy efficiency, demand response, energy storage, community resilience microgrid projects, and other innovative Reforming the Energy Vision (REV) initiatives that further engage and/or reduce cost of service for Participating Consumers, optimize system benefits, and/or address infrastructure and demand challenges within geography of the CCA.
- F. DISTRIBUTION UTILITY shall mean owner or controller of the means of distribution of the natural gas or electricity in the Municipality. The Distribution Utility also serves as the default supplier of electricity and natural gas preceding the establishment of a CCA program.
- G. ESCO or ENERGY SERVICES COMPANY mean an entity duly authorized to conduct business in the State of New York as an ESCO.
- H. PARTICIPATING CONSUMERS shall mean Default Consumers who have not opted out, and non-Default Consumers of any service class that have voluntarily enrolled in the Program.
- I. PSC CCA ORDER shall mean the PSC's Order Authorizing Framework for Community Choice Aggregation Opt-Out Program, issued on April 21, 2016 in Case

14-M-0224, "Proceeding on Motion of the Commission to Enable Community Choice Aggregation Programs."

- J. PUBLIC SERVICE COMMISSION or PSC shall mean New York State Public Service Commission.
- K. SUPPLIER shall mean an ESCO that procures electric power and natural gas for Participating Consumers in connection with this Chapter or, alternatively, generators of electricity and natural gas or other entities who procure and resell electricity or natural gas.

§ 106-12. Authorization of a Community Choice Aggregation Program.

- A. Community Choice Aggregation Program is hereby authorized by the Municipality, whereby the Municipality may implement a CCA program to the full extent permitted by the PSC CCA Order, as set forth more fully herein.
- B. The Municipality may enter into contracts with one or more Suppliers for electric and/or natural gas supply and other services on behalf of Default Consumers.
- C. The Municipality may enter into agreements and contracts with other municipalities, non-profits, consultants, and/or other third parties to i) develop and implement the CCA program, ii) act as CCA Administrator, and/or iii) develop offers of opt-in DER products and services to Participating Consumers.
- D. The operation and ownership of the utility service shall remain with the Distribution Utility. The Municipality's participation in a CCA program constitutes neither the purchase of a public utility system, nor the furnishing of utility service. The Municipality shall not take over any part of the electric or gas transmission or distribution system and will not furnish any type of utility service, but will instead negotiate with Suppliers on behalf of Participating Consumers.
- E. The Public Service Commission supervises retail markets and participants in these markets through legislative and regulatory authority and the Uniform Business Practices, which includes rules relating to the eligibility of participating ESCOs, the operation by which ESCOs provide energy services, and the terms on which customers may be enrolled with ESCOs.

§ 106-13. Eligibility.

- A. All Default Consumers shall be enrolled on an opt-out basis. Default Consumers will have the right to opt out before the supply contract goes into effect, or disenroll any

time thereafter with no penalty. Those that do not opt out before the supply contract goes into effect will be enrolled automatically.

- B. All non-Default Consumers within the Municipality, regardless of service class, shall be eligible to participate in the CCA program on an opt-in basis.
- C. CCA Administrator, on behalf of the City of Beacon, shall issue one or more requests for proposals to Suppliers to provide energy to participants and may then award a contract in accordance with the CCA program.

§ 106-14. Opt-Out Process.

- A. A program notification letter, printed on municipal letterhead, shall be mailed to Default Consumers at least 30 days prior to customer enrollment. The letter shall include information on the CCA program and the contract signed with the selected Supplier(s) including specific details on rates, services, contract term, cancellation fee, and methods for opting out of the CCA program. The letter shall explain that consumers that do not opt out will be enrolled in the program under the contract terms and that information on those consumers, including energy usage data and APP status, will be provided to the ESCO.
- B. After the 30 day opt-out period, all consumers shall have the option to disenroll from the CCA program at any time without penalty.

§ 106-15. Data Protection Requirements.

- A. The Municipality, or CCA Administrator on its behalf, may request Aggregated Data and Customer Specific Data from the Distribution Utility.
- B. Customer Specific Data shall be protected in a manner compliant with, collectively, (i) all national, state and local laws, regulations or other government standards relating to the protection of information that identifies or can be used to identify an individual that apply with respect to the Municipality or its representative's processing of confidential utility information; (ii) the utility's internal requirements and procedures relating to the protection of information that identifies or can be used to identify an individual that apply with respect to the Municipality or its representative's processing of confidential utility information; and (iii) the PSC CCA Order and PSC rules, regulations and guidelines relating to confidential data.
- C. For the purpose of protecting customer data, the Municipality must enter into an agreement with the Distribution Utility that obligates each party to meet, collectively, (i) all national, state and local laws, regulations or other government standards relating

to the protection of information that identifies or can be used to identify an individual Default Consumer or Participating Consumer with respect to the CCA Administrator or its representative's processing of confidential utility information; (ii) the Distribution Utility's internal requirements and procedures relating to the protection of information that identifies or can be used to identify individual Default Consumer or Participating Consumer with respect to the CCA Administrator or its representative's processing of confidential utility information; and (iii) the PSC CCA Order and PSC rules, regulations and guidelines relating to confidential data.

§ 106-16. Administration Fee.

The Municipality or CCA Administrator may collect, or cause to be collected, funds from customer payments to pay for administrative costs associated with running the CCA program.

§ 106-17. Reporting.

- A. Annual reports shall be filed with the City Clerk by March 31 of each year and cover the previous calendar year.
- B. Annual reports shall include, at a minimum: number of consumers served; number of consumers cancelling during the year; number of complaints received; commodity prices paid; value-added services provided during the year (e.g. installation of DER or other clean energy services); and administrative costs collected. The first report shall also include the number of consumers who opted-out in response to the initial opt-out letter or letters.
- C. If a CCA supply contract will expire less than one year following the filing of the annual report, the report must identify current plans for soliciting a new contract, negotiating an extension, or ending the CCA program.

§ 106-18. Effective Date.

This Local Law shall be effective immediately upon passage.

§106-19. Severability.

The invalidity or unenforceability of any section, subsection, paragraph, sentence, clause, provision, or phrase of the aforementioned sections, as declared by the valid judgment of any

court of competent jurisdiction to be unconstitutional, shall not affect the validity or enforceability of any other section, subsection, paragraph, sentence, clause, provision, or phrase, which shall remain in full force and effect.

Section 2. Ratification, Readoption and Confirmation

Except as specifically modified by the amendments contained herein, the Chapter 106 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
1/17/2017

Title:

Resolution Authorizing the Appointment of a Motor Equipment Operator

Subject:

Background:

ATTACHMENTS:

Description
Res. appt meo

Type
Resolution



**CITY OF BEACON
CITY COUNCIL**

RESOLUTION NO. _____ OF 2017

RESOLUTION APPOINTING MOTOR EQUIPMENT OPERATOR

WHEREAS, the Mayor has appointed Kyle Sackett to the position of Motor Equipment Operator;
and

WHEREAS, the City Council wishes to approve the Mayor's appointment of Kyle Sackett to the position of Motor Equipment Operator.

NOW, THEREFORE, IT IS HEREBY RESOLVED that the City Council approves the Mayor's appointment of Kyle Sackett to the position of Motor Equipment Operator effective January 30.

Resolution No. _____ of 2017			Date: <u>January 17, 2017</u>				
<input type="checkbox"/> Amendments			<input type="checkbox"/> 2/3 Required				
<input type="checkbox"/> Not on roll call.			<input type="checkbox"/> On roll call			<input type="checkbox"/> 3/4 Required	
Motion	Second	Council Member	Yes	No	Abstain	Reason	Absent
		Ali Muhammad					
		Omar Harper					
		Lee Kyriacou					
		George Mansfield					
		Pamela Wetherbee					
		Peggy Ross					
		Mayor Randy J. Casale					
Motion Carried							

City of Beacon Council Agenda
1/17/2017

Title:

Resolution Authorizing the Appointment of a Heavy Motor Equipment Operator

Subject:

Background:

ATTACHMENTS:

Description

Res. HMEO Swain

Type

Resolution



**CITY OF BEACON
CITY COUNCIL**

RESOLUTION NO. _____ OF 2017

RESOLUTION APPOINTING HEAVY MOTOR EQUIPMENT OPERATOR

WHEREAS, the Mayor has appointed Troy Swain to the position of Heavy Motor Equipment Operator; and

WHEREAS, the City Council wishes to approve the Mayor's appointment of Troy Swain to the position of Heavy Motor Equipment Operator.

NOW, THEREFORE, IT IS HEREBY RESOLVED that the City Council approves the Mayor's appointment of Troy Swain to the position of Heavy Motor Equipment Operator effective January 30.

Resolution No. _____ of 2017			Date: <u>January 17, 2017</u>				
<input type="checkbox"/> Amendments			<input type="checkbox"/> 2/3 Required				
<input type="checkbox"/> Not on roll call.			<input type="checkbox"/> On roll call			<input type="checkbox"/> 3/4 Required	
Motion	Second	Council Member	Yes	No	Abstain	Reason	Absent
		Ali Muhammad					
		Omar Harper					
		Lee Kyriacou					
		George Mansfield					
		Pamela Wetherbee					
		Peggy Ross					
		Mayor Randy J. Casale					
		Motion Carried					

City of Beacon Council Agenda
1/17/2017

Title:

Resolution to Approve the Appointment of PO Conti as a Sergeant in the Beacon Police Department

Subject:

Background:

ATTACHMENTS:

Description
Res, Conti BPD

Type
Resolution



**CITY OF BEACON
CITY COUNCIL**

RESOLUTION NO. _____ OF 2017

RESOLUTION APPOINTING SERGEANT

WHEREAS, the Mayor has appointed Police Officer Joseph Conti to the position of Sergeant of the City of Beacon Police Department; and

WHEREAS, the City Council wishes to approve the Mayor's appointment of Police Officer Joseph Conti to the position of Sergeant of the City of Beacon Police Department;

NOW, THEREFORE, IT IS HEREBY RESOLVED that the City Council approves the Mayor's appointment of Police Officer Joseph Conti to the position of Sergeant of the City of Beacon Police Department, effective immediately.

Resolution No. _____ of 2017			Date: <u>January 17, 2017</u>				
<input type="checkbox"/> Amendments			<input type="checkbox"/> 2/3 Required				
<input type="checkbox"/> Not on roll call.			<input type="checkbox"/> On roll call			<input type="checkbox"/> 3/4 Required	
Motion	Second	Council Member	Yes	No	Abstain	Reason	Absent
		Ali Muhammad					
		Omar Harper					
		Lee Kyriacou					
		George Mansfield					
		Pamela Wetherbee					
		Peggy Ross					
		Mayor Randy J. Casale					
Motion Carried							

City of Beacon Council Agenda
1/17/2017

Title:

Resolution to Approve the Appointment of PO Dewey as a Sergeant in the Beacon Police Department

Subject:

Background:

ATTACHMENTS:

Description

Res. Dewey BPD

Type

Resolution



**CITY OF BEACON
CITY COUNCIL**

RESOLUTION NO. _____ OF 2017

RESOLUTION APPOINTING SERGEANT

WHEREAS, the Mayor has appointed Police Officer Andrew Dewey to the position of Sergeant of the City of Beacon Police Department; and

WHEREAS, the City Council wishes to approve the Mayor's appointment of Police Officer Andrew Dewey to the position of Sergeant of the City of Beacon Police Department;

NOW, THEREFORE, IT IS HEREBY RESOLVED that the City Council approves the Mayor's appointment of Police Officer Andrew Dewey to the position of Sergeant of the City of Beacon Police Department, effective immediately.

Resolution No. _____ of 2017			Date: <u>January 17, 2017</u>				
<input type="checkbox"/> Amendments			<input type="checkbox"/> 2/3 Required				
<input type="checkbox"/> Not on roll call.			<input type="checkbox"/> On roll call			<input type="checkbox"/> 3/4 Required	
Motion	Second	Council Member	Yes	No	Abstain	Reason	Absent
		Ali Muhammad					
		Omar Harper					
		Lee Kyriacou					
		George Mansfield					
		Pamela Wetherbee					
		Peggy Ross					
		Mayor Randy J. Casale					
		Motion Carried					

City of Beacon Council Agenda
1/17/2017

Title:

Resolution Authorizing the Appointment of Reuben Simmons to the Position of Superintendent of Streets

Subject:

Background:

ATTACHMENTS:

Description

Res. Supt of Streets

Type

Resolution



**CITY OF BEACON
CITY COUNCIL**

RESOLUTION NO. _____ OF 2017

**RESOLUTION APPOINTING SUPERINTENDENT OF STREETS ON
A PROVISIONAL BASIS**

WHEREAS, Reuben Simmons is currently employed with the City of Beacon Highway Department; and

WHEREAS, there is currently a vacancy for a Superintendent of Streets position in the City of Beacon and there is no appropriate Civil Service eligible list for this title; and

WHEREAS, Reuben Simmons otherwise meets the qualifications for the position of Superintendent of Streets; and

WHEREAS, the Mayor has appointed Reuben Simmons to the position of Superintendent of Streets on a provisional basis effective January 17, 2017; and

WHEREAS, the City Council wishes to approve the Mayor's appointment of Reuben Simmons to the position of Highway Superintendent on a provisional basis effective January 15, 2017;

NOW, THEREFORE, IT IS HEREBY RESOLVED that the City Council approves the Mayor's appointment of Reuben Simmons to the position of Highway Superintendent on a provisional basis effective January 15, 2017, subject to the terms and conditions set forth in a proposed letter agreement executed by Reuben Simmons; and

IT IS FURTHER RESOLVED that such appointment shall not exceed nine (9) months from its effective date.

Resolution No. _____ of 2017			Date: <u>January 17, 2017</u>				
<input type="checkbox"/> Amendments			<input type="checkbox"/> 2/3 Required				
<input type="checkbox"/> Not on roll call.			<input type="checkbox"/> On roll call			<input type="checkbox"/> 3/4 Required	
Motion	Second	Council Member	Yes	No	Abstain	Reason	Absent
		Ali Muhammad					
		Omar Harper					
		Lee Kyriacou					
		George Mansfield					
		Pamela Wetherbee					
		Peggy Ross					
		Mayor Randy J. Casale					
Motion Carried							

City of Beacon Council Agenda
1/17/2017

Title:

Resolution Appointing Temporary, Part-Time Street Superintendent

Subject:

Background:

ATTACHMENTS:

Description	Type
Res. Appt Temp Street Superintendent	Resolution



**CITY OF BEACON
CITY COUNCIL**

RESOLUTION NO. ____ OF 2017

RESOLUTION APPOINTING TEMPORARY, PART-TIME STREET SUPERINTENDENT

WHEREAS, Anthony Thomaselli was employed as the full-time Street Superintendent for the City of Beacon; and

WHEREAS, Anthony Thomaselli resigned for the purpose of retirement from the position of Street Superintendent for the City of Beacon effective January 14, 2017; and

WHEREAS, Anthony Thomaselli is willing to temporarily perform the duties of Street Superintendent for the City of Beacon for no more than eight (8) hours per day, three (3) days per week; and

WHEREAS, the position of temporary, part-time Street Superintendent shall be paid Fifty and 90/100 Dollars (\$50.90) per hour for each hour worked; and

WHEREAS, the Mayor would like to appoint Anthony Thomaselli to the temporary position of part-time Street Superintendent from January 17, 2017 through February 28, 2017; and

WHEREAS, the City Council wishes to approve the Mayor's appointment of Anthony Thomaselli to the temporary position of part-time Street Superintendent from January 17, 2017 through February 28, 2017 of the City of Beacon at the rate of Fifty and 90/100 Dollars (\$50.90) per hour for each hour worked;

NOW, THEREFORE, IT IS HEREBY RESOLVED that the City Council approves the Mayor's appointment of Anthony Thomaselli to the temporary position of part-time Street Superintendent from January 17, 2017 through February 28, 2017 at the rate of Fifty and 90/100 Dollars (\$50.90) per hour for each hour worked.

Resolution No. ____ of 2017			Date: <u>January 17, 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					
		Randy Casale					
		Motion Carried					

City of Beacon Council Agenda
1/17/2017

Title:

Resolution to Confirm the Policy for Awarding Points Under the City of Beacon Fire Department Service Award Program

Subject:

Background:

ATTACHMENTS:

Description	Type
Res. FD Service Award Program	Resolution
Beacon FD Service Award Program	Backup Material



**CITY OF BEACON
CITY COUNCIL**

RESOLUTION NO. _____ OF 2017

**RESOLUTION TO CONFIRM POINTS AWARDED UNDER
CITY OF BEACON FIRE DEPARTMENT SERVICE AWARD PROGRAM**

WHEREAS, the City of Beacon previously adopted a Fire Department Service Award Program; and

WHEREAS, the City Council is in receipt of a report from Penflex, Inc. regarding points awarded under the Service Award Program;

NOW, THEREFORE BE IT RESOLVED, that the City Council of the City of Beacon hereby approves and confirms the points awarded in the Fire Department Service Program as set forth in the Penflex, Inc. report.

Resolution No. _____ of 2017			Date: <u>January 17, 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					
		Pamela Wetherbee					
		Peggy Ross					
		Mayor Randy J. Casale					
		Motion Carried					

CITY OF BEACON FIRE DEPARTMENT SERVICE AWARD PROGRAM POINT SYSTEM

Updated Effective January 1, 2017

This is the City of Beacon Fire Department Service Award Program Point System adopted by the City Council of the City of Beacon at the recommendation of the Service Award Program Committee (hereinafter the "SAC"). The Point System is intended to comply with Article 11-A of the General Municipal Law of the State of New York (i.e., the Service Award Program law).

The Fire Department has the responsibility to maintain the Point System records. It is imperative that all firefighters strictly comply with the sign in procedures implemented by the Chief and/or the SAC. for verifying attendance at drills, meetings, calls, etc. These sign in/attendance sheets must be produced upon demand when the Service Award Program records are audited.

The Committee may make recommendations to the City Council regarding changes to the Point System; but changes must comply with all governing rules, regulations, and laws, any change made is not effective until adopted by a resolution of the City Council and approved by a public referendum, if required. In the event that the Point System is changed, a written notice of change will be distributed to Active Volunteer Firefighters and posted at all fire stations within one hundred eighty (180) days of the adoption of such change.

When reading this document, an Active Volunteer Firefighter should keep in mind that the intent of the Point System is to provide Active Volunteer Firefighters with ample opportunity to earn benefits under the Service Award Program. An Active Volunteer Firefighter who, for whatever reason (such as regular work hours), cannot earn as many points under one or more categories as other Active Volunteer Firefighters should focus on the total number of points he or she could earn from all categories of allowable point accumulation activities.

The Point System contains categories of activities for which Active Volunteer Firefighters can earn points. Only Active Volunteer Firefighters who are at least 16 years of age are eligible to earn points. To earn Service Award Program service credit for a calendar year, an Active Volunteer Firefighter must earn at least 50 points under this Point System during the calendar year.

Points are granted for the performance of certain firefighter activities in accordance with the following Point System:

1. Training Courses (other than drills) – 25 point maximum

Based on duration of training courses as follows:

- Under 20 hours: One (1) point per hour; no more than five (5) points per course.
- 20 to 45 hours: Five (5) points plus one (1) point per hour for each hour over twenty hours; no more than ten (10) points per course.
- Over 45 to 100 hours: Fifteen (15) points per course.
- Over 100 hours: Twenty-five (25) points per course.

A training course is a course instructed by a Certified New York State Training Instructor, an instructor from a nationally recognized school of instruction for firefighting, or similar type of training course that has been approved in writing in advance by the Chief, the Chief's designee or the SAC. To be

**CITY OF BEACON FIRE DEPARTMENT
SERVICE AWARD PROGRAM
POINT SYSTEM**

Updated Effective January 1, 2017

entitled to the points for attending the training course, an Active Volunteer Firefighter must have successfully completed the course and received a certificate of completion (or equivalent document) indicating the hours of the course and provided the certificate to the Fire Chief.

2. Attendance at Drills – 20 points maximum

One (1) point per drill (a drill must be a minimum of two (2) hours in duration).

A drill shall be defined as a skills practice of at least two (2) hours duration whether conducted by the City of Beacon Fire Department or at any other location at which all Active Volunteer Firefighters of the City of Beacon Fire Department are expected and eligible to participate in.

3. Holding an Elected or Appointed Position – 25 points maximum

Up to twenty-five (25) points are earned for completing a full one-year term in the following positions:

<u>Title</u>	<u>Points</u>	<u>Title</u>	<u>Points</u>
Assistant Chief(s)	15	President	15
Assistant Chief Staff	7	Vice President	10
Captain(s)	15	Treasurer	10
Medical Officer	15	Recording Secretary	10
Safety Officer	15	Financial Secretary	10
Training Officer	15	Fire Advisory Board	10
Lieutenant(s)	10	Warden(s)	10

Points are awarded annually to one person for no more than one office. To receive the points, the Active Volunteer Firefighter must complete the one-year term. If an Active Volunteer Firefighter holds two or more positions for at least a year, the Active Volunteer Firefighter may receive the greater number of points.

4. Attendance at Meetings – 20 points maximum

Attendance at any official meeting of the City of Beacon Fire Department or one of the three member Fire Companies – one (1) point per meeting.

Must be a meeting where all Active Volunteer Firefighters are expected to attend (i.e., does not include committee meetings which are in the Miscellaneous category).

5. Participation in Fire Calls – 25 points

Points are credited on an all-or-nothing basis for attending the minimum percentage of Fire Calls (or general responses), as outlined below. If the Active Volunteer Firefighter responds to the minimum percentage of Fire Calls, he or she is credited with 25 points. For purposes of the Service Award Program, Active Volunteer Firefighters are not given credit for attending Ambulance/EMS calls, as these calls are handled by paid staff. The required minimum percentage is:

**CITY OF BEACON FIRE DEPARTMENT
SERVICE AWARD PROGRAM
POINT SYSTEM**

Updated Effective January 1, 2017

- 10% if the Department responds to less than 500 Fire Calls during the calendar year.
- 7.5% if the Department responds to at least 500 but fewer than 1,000 Fire Calls during the calendar year.
- 5% if the Department responds to at least 1,000 but fewer than 1,500 Fire Calls during the calendar year.
- 2.5% if the Department responds to 1,500 or more Fire Calls during the calendar year.

Examples: If the Fire Department responds to 400 Fire Calls during a calendar year, an Active Volunteer Firefighter must respond to a minimum of 40 Fire Calls during the calendar year to receive 25 points ($400 \times 10\% = 40$ calls). If the Fire Department responds to 700 Fire Calls during a calendar year, an Active Volunteer Firefighter must respond to a minimum of 53 Fire Calls during the calendar year to receive 25 points ($700 \times 7.5\% = 52.5$ calls, which must be rounded up to 53).

6. Miscellaneous Activities – 15 points maximum

One (1) point for participation in inspections and other activities covered by the Volunteer Firefighter's Benefit Law and not otherwise listed. Examples of such activities include:

Fire Prevention Events (other than teaching Fire Prevention Classes – see #7)
Inspections
Work Details
Committee Meetings
Quick Calls
Parades
Memorial Service
Firematic Competition (if covered under VFBL)

7. Teaching Fire Prevention Classes – 5 points maximum

One point per class for an Active Volunteer Firefighter who at the direction of the Fire Department, and for no remuneration, presents a public education class on fire prevention to a school, not-for-profit corporation, or civic organization organized and existing under the laws of New York State or authorized to conduct activities in New York State.

8. Line of Duty Disability – 5 points per month/60 points per year

In the event that any Active Volunteer Firefighter is either totally and temporarily disabled, or partially and permanently disabled, as certified by the Workers' Compensation Board or other competent authority approved by the City Council, and the disability occurs during the course of service as a volunteer, while actively engaged in providing line of duty services, as defined in subdivision one of section five of the Volunteer Firefighter' Benefit Law, the Active Volunteer Firefighter shall receive five (5) points for each full calendar month that he or she remains either totally and temporarily or

**CITY OF BEACON FIRE DEPARTMENT
SERVICE AWARD PROGRAM
POINT SYSTEM**

Updated Effective January 1, 2017

partially and permanently disabled as certified by the Workers' Compensation Board or other competent authority approved by the City Council.

City of Beacon Council Agenda
1/17/2017

Title:

Resolution to Schedule a Public Hearing for February 6, 2017 to Receive Comment Concerning the Proposed Updates to the Comprehensive Plan

Subject:

Background:

ATTACHMENTS:

Description	Type
Res. Sched PH Comp Plan	Resolution



CITY OF BEACON
CITY COUNCIL
RESOLUTION NO. ____ OF 2017

**RESOLUTION TO SCHEDULE A PUBLIC HEARING FOR FEBRUARY 6, 2017 TO RECEIVE
PUBLIC COMMENTS ON THE PROPOSED UPDATE TO THE COMPREHENSIVE PLAN**

NOW, THEREFORE, BE IT RESOLVED, THAT the Beacon City Council hereby schedules a public hearing for February 6, 2017 to receive comments concerning the proposed update to the Comprehensive Plan.

BE IT FURTHER RESOLVED, THAT in accordance with Section 239-m of the New York State General Municipal Law, the City Council will refer the proposed amendment to the Comprehensive Plan to the City Planning Board for its advisory opinion;

BE IT FURTHER RESOLVED, THAT in accordance with Section 239-m of the New York State General Municipal Law, the City Council will refer the proposed amendment to the Dutchess County Department of Planning and Development for its advisory opinion.

Resolution No. ____ of 2017			Date: <u>January 17, 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
1/17/2017

Title:

Resolution to Schedule a Public Hearing for February 6, 2017 to Receive Comments Concerning the Proposed Local Law Amending the Zoning Ordinance

Subject:

Background:

ATTACHMENTS:

Description	Type
Res. Sched PH Zoning Amend	Resolution
LL zoning revisions	Local Law



CITY OF BEACON

CITY COUNCIL

RESOLUTION NO. ____ OF 2017

**RESOLUTION TO SCHEDULE A PUBLIC HEARING FOR FEBRUARY 6, 2017 TO RECEIVE
PUBLIC COMMENTS ON A LOCAL LAW TO AMEND THE ZONING ORDINANCE
CONCERNING REMAPPING CERTAIN PROPERTIES IN THE WATERFRONT PARK AND
WATERFRONT DEVELOPMENT ZONING DISTRICTS**

NOW, THEREFORE, BE IT RESOLVED, THAT the Beacon City Council hereby schedules a public hearing for February 6, 2017 to receive comments on a local law to amend the zoning ordinance concerning remapping certain properties in the Waterfront Park (WP) and Waterfront Development (WD) Zoning Districts and text changes to the WP, WD and Linkage Zoning Districts and that a copy of the local law be referred to the Dutchess County Planning Department and City of Beacon Planning Boards, along with a copy of the Environmental Assessment Form, for a report and recommendation.

Resolution No. ____ of 2017			Date: <u>January 17, 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					

LOCAL LAW NO. ____ OF 2017

**CITY COUNCIL
CITY OF BEACON**

**LOCAL LAW ENACTING ZONING REVISIONS TO IMPLEMENT RECOMMENDATIONS OF THE
COMPREHENSIVE PLAN**

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 Enacting Zoning Revisions to Implement Recommendations of the Comprehensive Plan."

SECTION 2. INTENT AND PURPOSE

The City Council believes that it is reasonable and appropriate to enact certain revisions to the Waterfront Park (WP), Waterfront Development (WD), Linkage (L) and Light Industrial (LI) districts, and a rezoning of certain areas along the waterfront into either the WP or WD district, so as to conform to the City's Comprehensive Plan and recent amendments made thereto, for the reasons stated in said amendments. This local law is determined to be an exercise of the police powers of the City to protect the public health, safety and welfare of its residents.

SECTION 3. ZONING TEXT AMENDMENTS

1. Section 223-17.D, "Schedule of Regulations for Nonresidential Districts, of the Zoning Law shall be amended to read as follows for the Light Industrial (LI) District:

Zoning District	Permitted Principal Uses
LI Light Industrial District	4. Auto body and repair shops in fully enclosed buildings, <u>except within 500 feet of the Metro-North train station platform.</u> 6. Adult uses, <u>except within 500 feet of the Metro-North train station platform.</u>

2. Section 223-41.1 of the Zoning Law shall be amended to read as follows:

- (B) To accomplish these purposes, this article creates two new waterfront zones. The first zone, called the Waterfront Park (WP) Zone, includes the publicly-owned lands of Dennings Point and Riverfront Park and the privately owned property of the Long Dock Peninsula, as more particularly shown on the Zoning Map which is made a part of this chapter. This Zone contains provisions which are compatible with the present and proposed continued uses of these areas, which are primarily open space uses. The second zone, called the Waterfront Development (WD) Zone, includes ~~the privately publicly~~-owned lands in the vicinity of the Beacon Train Station property of the Long Dock Peninsula, as more particularly shown on the Zoning Map which is made a part of this chapter. This Zone contains provisions which permit development and revitalization of this riverfront area in a manner compatible with the City's Local Waterfront Revitalization Plan and the Comprehensive Plan.

4. Section 223-41.3 of the Zoning Law shall be amended to read as follows:

B. Permitted principal uses. Permitted principal uses shall be as follows:

~~(5) Scientific and educational activities which require or are enhanced by a location on coastal waters, including museums, construction of historic boat replicas, or other river-related educational facilities.~~

~~(6) Piers, docks, marinas and boat launching facilities.~~

~~(7) Charter boat businesses.~~

C. Special permit uses. The following uses require a special permit from the City Council, pursuant to the provisions set forth in Subsection F:

(1) Food trucks and temporary food stands.

(2) Restaurants not exceeding 4,000 square feet.

(3) Inns or bed and breakfasts not exceeding 6,000 square feet.

(4) Marine-related retail establishments not exceeding 2,500 square feet.

(5) Scientific and educational activities which require or are enhanced by a location on coastal waters, including museums, construction of historic boat replicas, or other river-related educational facilities.

(6) Piers, docks, marinas and boat launching facilities.

(7) Charter boat businesses.

DC. Permitted accessory uses. Permitted accessory uses shall be as follows:

(1) Uses customarily incidental to permitted uses and support facilities necessary to serve permitted uses.

(2) Public festivals, street fairs, craft and art fairs and concerts. (Requires prior approval from City Council under § 23-7 of the City Code).

(3) Boat service, storage and repair facilities, including the sale and storage of boat fuel, lubricants, parts, accessories, ice and bait.

(4) Lighthouses or other navigational aids.

5. **Sections 223-41.3(D) through 223-41.3(I) of the Zoning Law shall be respectively re-lettered to Sections (E) through (J)**

6. **Section 223-41.4 of the Zoning Law shall be amended to read as follows:**

A. Purpose. The purposes of this section shall be as follows:

(2) To provide for land uses consistent with the Beacon Local Waterfront Revitalization Plan and Comprehensive Plan, including residential and waterfront commercial uses, to serve as a catalyst for the economic and physical revitalization of the entire waterfront area.

B. Permitted principal uses. Permitted principal uses shall be as follows:

(1) Any principal use permitted in the WP Zone, ~~as regulated therein.~~

(2) Residential multifamily and/or attached dwelling units. Waterfront development.
~~(NOTE: Requires a special permit by the City Council, under the procedures set forth in Subsection F.) A waterfront development is a mixed use which incorporates various permitted land use elements as part of a comprehensive plan. These elements may include:~~

(3) Convenience retail and personal service shops designed to serve the needs of area residents and commuters.

(4) Restaurants bars or brew pubs.

- (5) Inns, hotels, fitness centers, spas and day care centers. otels.
- (6) Art, craft or fine arts galleries.
- (7) Professional or small business offices in mixed-use buildings, and not to exceed 40% of the total floor area in mixed-use buildings.
- (8) Professional, small business and service facilities in the lower floors of multistory residential buildings.
- (9) Artist live/work spaces.
- (10) Public square, plaza, promenade or pocket park.

C. Special permit uses. The following uses require a special permit from the Planning Board, pursuant to the provisions set forth in Subsection F:

- (1) Public or semipublic uses; live theaters, concert halls, museums or meeting rooms suitable for social, civic, cultural or education activities.
- (2) Conference centers.
- (3) Other uses similar to the above uses as determined by resolution of the City Council.

DG. Permitted accessory uses. Permitted accessory uses shall be as follows:

- (1) Public festivals, street fairs, craft and art fairs and concerts. (Requires prior approval from City Council under § 23-7 of the City Code.) ~~Any principal use permitted in the WP Zone as regulated therein.~~
- (3) Public garages and off-street parking ~~Boat service, storage and repair facilities, including the sale and storage of boat fuel, lubricants, parts, accessories, ice and bait.~~
- (5) Rooftop gardens, greenhouses and solar collectors ~~Lighthouse or other navigational aids.~~

ED. Procedure for review of waterfront development proposals.

- (1) Each waterfront development project shall require:
 - (a) Special permit approval by the Planning Board ~~City Council~~, and

- (b) Site plan approval by the Planning Board.
- (2) The ~~Planning Board~~City Council's review of a special permit application for a waterfront development project or projects shall also include review of a waterfront development concept plan, which contains a proposed designation of the appropriate land uses, or a range of land uses, for the overall development of ~~the site~~Long Dock Peninsula. The purpose of this review is to assure that ~~the site~~Long Dock Peninsula will be developed in accordance with an overall comprehensive plan, even though the total waterfront development may consist of several separate waterfront development projects, which might be constructed at different times.
- ~~(3) The Planning Board may commence its review of a site plan for one or more waterfront development projects as soon as an application for such waterfront development project special permit has been submitted to the City Council, and such reviews may proceed simultaneously. However, no final approval of a site plan for any waterfront development project shall precede the issuance of a special permit for such waterfront development project by the City Council.~~
- ~~EE.~~ Application fees. Applications to the ~~City Council or~~ Planning Board as provided herein shall be accompanied by the appropriate fees which may be set from time to time by the City Council for such applications. If such fees are not sufficient to defray the costs of review, the applicant shall also be required to pay such additional fees as may be necessary for the reasonable expenses of technical assistance to the City in reviewing the technical aspects of the application.
- ~~GF.~~ Procedure for special permit and waterfront development concept plan review.
- (1) Application. The application for a waterfront development special permit for one or more waterfront development projects shall be submitted to the ~~Planning Board~~City Council. The application shall consist of narrative text, drawings and/or illustrations describing the proposed waterfront development project and concept plan. Drawings shall be submitted approximately to scale, but need not be to the precision of a finished engineering drawing, or a final site plan. The application shall include the following:
- (g) Waterfront development concept plan showing the relation of the proposed uses to existing and proposed uses adjacent to the site, ~~particularly those on the City-owned land on the northern shore of Long Dock, and any other lands on the Long Dock Peninsula that are not part of the application. If no such uses have been proposed, the applicant shall discuss potential uses for such other parcels.~~
- (k) Such additional information as the ~~Planning Board~~City Council may deem necessary in order to properly evaluate the application.

(2) ~~Planning Board~~City Council review of special permit and waterfront development concept plan application.

(a) Environmental compliance.

[2] Upon receipt of an application for a special permit and waterfront development concept plan, the ~~Planning Board~~City Council shall commence a coordinated review under SEQR and institute lead agency procedures after identifying all involved and interested agencies, as provided by law.

~~(b) City Council referrals.~~

~~[1] The City Council shall refer the application for a special permit and waterfront development concept plan approval to the Planning Board for a report and recommendation. The Planning Board shall review all documents and materials relating to the application and shall render a report to the City Council and may make any advisory recommendations it deems appropriate. Where the City Council is serving as the lead agency under SEQR, and the Planning Board is an involved or interested agency, then this referral may be coordinated with the comment period under SEQR. The report of the Planning Board shall be due on the date set for receipt of written comments on the DEIS or a date 45 days from the referral by the City Council, whichever is greater.~~

~~[2] Other referrals. The City Council shall comply with the applicable provisions of General Municipal Law §§ 239-l and 239-m. Where the City Council is serving as lead agency under SEQR, it shall also circulate the DEIS and FEIS as provided by law. In addition to any referrals required by law, the City Council may refer the application to any other City board, department, official, consultant or professional it deems appropriate.~~

~~(c) City Council public hearing. The City Council shall hold a public hearing, with the same notice required by law for zoning amendments, on the application for a special permit and waterfront development concept plan approval. Where the City Council is serving as lead agency under SEQR, and determines to hold a SEQR hearing, the SEQR hearing shall be conducted jointly with this public hearing, if practicable.~~

~~(3) City Council decision on special permit and waterfront development concept plan.~~

~~(a) The City Council shall render a decision on the application for waterfront development concept plan approval and for a special permit and after it has held the required public hearing herein, completed the SEQR process and made the~~

~~requisite SEQR findings, and made the consistency determination as required under the City's Local Waterfront Consistency Law.~~

- (b) ~~Concept plan approval. Prior to granting any special permit for a waterfront development project, the City Council shall review a waterfront development concept plan, which contains a proposed designation of appropriate land uses, or a range of land uses, for the overall development of the Long Dock Peninsula. The City Council shall approve the concept plan upon a finding that it:~~

[1] ~~Will fulfill the purposes of the Waterfront Development Zone.~~

[2] ~~Will be in harmony with the appropriate and orderly development of the City's waterfront area.~~

- (be) Special permit approval. The Planning Board~~City Council~~ may authorize the issuance of a special permit for a waterfront development project, provided that it shall find that the following conditions and standards have been met:

- (cd) Conditions. In approving any waterfront development concept plan and special permit, the Planning Board~~City Council~~ may attach such conditions, safeguards and mitigation measures as it deems necessary or appropriate to assure continual conformance to all applicable standards and requirements and to fulfill the intent and purposes of this law.

- (4) Time periods for development pursuant to special permit. At the time of approving a special permit, the Planning Board~~City Council~~ may set forth the time period in which construction is to begin and be completed. The Planning Board~~City Council~~ may, in its discretion, extend any time period it has previously set where it finds that changing market conditions or other circumstances have acted to prevent the timely commencement or completion of work, and that the developer has proceeded with reasonable diligence in an effort to assure completion of the work within the permitted time period. The extension of these time periods shall not require the holding of a new public hearing.

- (5) Revisions to waterfront development special permit. After approval of a waterfront park special permit, any proposed revisions in the approved special permit shall be submitted to the Planning Board~~City Council~~ or its designee. The Planning Board~~City Council~~, in its discretion, shall determine the appropriate procedures for consideration of the proposed revisions, and whether such revision is material enough to require further environmental analysis, further project review and/or a further hearing, as it may deem appropriate.

- (6) Processing of phases comprised of Waterfront Park District uses. Notwithstanding other provisions of the waterfront development review and

approval process, where a waterfront development project includes a phase (or phases) comprised solely of uses permitted in the Waterfront Park District, the ~~Planning Board~~City Council may process and grant special permit approval to said phase(s) in advance of the complete processing of the overall project so long as the SEQR process has been complied with in accordance with the provisions of § 223-41.4F(2)(a)[5] herein; said phase is an integral part of an appropriate waterfront development concept plan, as determined by the ~~Planning Board~~City Council; and the overall review and approval process for waterfront development special permits as outlined herein, including all referrals and hearings, has been complied with for said phase(s). After the granting of special permit approval, said phase(s) may proceed to ~~the Planning Board for~~ site development plan review and approval for said phase(s) in accordance with Subsection ~~HG~~ immediately below.

- ~~HG~~. Site development plan review. After approval of the waterfront development special permit ~~by the City Council~~, the Planning Board may grant site plan approval to a waterfront development project.
- (1) Application for site plan approval. The application for site development plan approval shall contain all the material set forth in § 223-25B of this Zoning Ordinance. In addition, the applicant shall submit the following:
 - (d) Information to establish the relationship of the proposed project to later elements of the development of ~~the site~~Long Dock, including any other adjacent and nearby lands that are not part of the applicant's planned waterfront development projects.
 - (2) Planning Board review of site plan.
 - (a) The Planning Board shall conduct a detailed review of the adequacy, location, arrangement, design and appearance of each aspect of the proposed development. While the scope of the Planning Board's review of the site plan will generally relate to the waterfront project at issue, the Planning Board shall have the authority to assure that aspects of the overall development of ~~the site~~Long Dock (e.g. stormwater management, domestic water and fire protection, sanitary sewer, all utilities, streets, etc.) shall be adequate to suit the purposes and needs of the entire peninsula, as it is finally developed.
 - (c) The proposed site development plan shall be in general conformance with the waterfront development concept plan. While the waterfront development concept plan approval will approve a general layout on ~~the site~~Long Dock, the individual site plans for particular waterfront development projects will provide detailed building envelopes, elevations and site design details regarding proposals for various projects within the site. The Planning Board may exercise its discretion in

allowing minor variations from the waterfront development concept plan so long as the site plan is, in the Planning Board's judgment, generally in keeping with the waterfront development concept plan ~~approved by the City Council~~. In no case, however, shall the Planning Board have the authority to approve a total number of dwelling units or total density in the waterfront development which exceeds the number approved as part of the special permit and waterfront development concept plan. Nor shall the Planning Board have the authority to approve the total square footage of nonresidential space above that approved in the special permit~~by the City Council~~. ~~Any such expansions would require approval by the City Council.~~

7. **Sections 223-41.4(D) through 223-41.3(I) of the Zoning Law shall be respectively re-lettered to Sections (E) through (J).**

8. **Section 223-41.4 (J)(1) through J(11) (formerly 223-41.4 (I)) of the Zoning Law shall be replaced with the following:**

J. Development standards for Waterfront Development district. It is essential that development in this district meet the following development standards:

(1) Comprehensive design. The WD Zone allows for flexibility of design to encourage innovative site planning and creative use of the two areas specified: north area and south area. While the WD north area is expected to contain residential development, the southern portion of the district is expected to contain various elements of mixed-use development (e.g. residential, commercial, retail, cultural, etc.). Each area must be planned with a comprehensive plan for ingress, egress, circulation and utility service. The architectural styles of various buildings must be compatible within each portion of the WD district and must attain high standards of design.

(2) Relationship to river and MNRR station. All elements of a project within the WD Zone shall also be sensitive to the site's relationship to the river and the MNRR station, and shall be designed accordingly.

(3) Provision of view corridors. The sites shall be developed in such a way as to preserve important views from upland locations as specified but not limited to view corridors identified in the Local Waterfront Revitalization Program (LWRP). For the WD north area, building rooflines should step down, from north to south, to follow contour and elevation of the topography directly to the east of the development site. For the WD south area, building roofline should step down, from east to west, to protect views from Beekman and River Streets to maximum extent practicable. No building shall be taller than 32 feet above grade at the curb line of Beekman Street.

- (4) Architectural design standards
- (a) The various elements of any project shall be integrated by cohesive architectural treatment and compatible design.
 - (b) Buildings shall be designed in consideration of appearance from all vantage points.
 - (c) Architectural elements shall be used to provide visual interest, reduce apparent scale of the development and promote integration of the various design elements in the project.
 - (d) Groups of related buildings shall be designed to present a compatible appearance in terms of architectural style. Compatible appearance should seek to achieve un-excessive difference rather than identical similarity.
 - (e) Building lines shall be varied to the extent practicable in order to provide an interesting interplay of buildings and open spaces.
 - (f) Appurtenances on buildings and auxiliary structures, such as mechanical equipment or water towers, parking facilities, or storage buildings, shall receive architectural treatment and screening consistent with that of principal buildings.
 - (g) Parking decks should be screened from public view to maximum extent practicable, preferably with "green screen" techniques.
 - (h) Buildings should have a top-floor cornice feature and first-floor architectural articulation, such as a storefront with a secondary cornice or an architecturally emphasized entrance doorway, to accent the central body of the building.
 - (i) Wherever practicable, buildings should employ rustication to accentuate the base of buildings and provide human scale.
 - (j) Architectural features and windows should be continued on all sides of the building that are clearly visible from a street or public parking area, avoiding any blank walls, except in cases of existing walls or potential common property walls. Larger buildings shall incorporate significant breaks in the facades and rooflines at intervals of no more than 35 feet.
 - (k) Primary individual window proportions shall be greater in height than in width. Mirrored, reflective, or tinted glass, all-glass walls, and exterior roll-down security gates shall not be permitted. Any shutters shall match the size of the window opening, appear functional, and be attached to the window frame.

- (l) Building elements that provide additional architectural interest, such as balconies, bay windows, open porches, and cornices, may encroach up to four feet beyond the front lot line if the bottom of the encroaching building elements is at least 12 feet above grade.
- (m) Metal, glass or canvas-type awnings and canopies or projecting signs are encouraged and may encroach up to six feet for awnings and three feet for signs into the front setback and over the sidewalk above seven feet. Vinyl awnings are discouraged unless the applicant can demonstrate to the Planning Board's satisfaction that the finish and design of such awning are of high quality, aesthetically pleasing and meet the intended standards of the district, as determined by said Board.
- (n) Buildings shall have a front entrance door facing the primary street and connected to the sidewalk. Front entrance doors for commercial buildings and retail storefronts shall be active and provide main access during business hours.
- (o) Commercial buildings shall have at least 70 percent glass on the first-floor facades, located between two feet and 10 feet above the sidewalk. Residential buildings shall have at least 30 percent glass on the first-floor facades.
- (p) Finish building materials should be wood, brick, traditional cement-based stucco, stone or fiber-cement siding or other material deemed acceptable by the Planning Board. Vinyl, aluminum or sheet metal siding or sheet trim, exposed concrete blocks or concrete walls, plywood or other similar prefabricated panels, unpainted or unstained lumber, synthetic stone or brick, or synthetic stucco, exterior insulation and finishing system (EIFS), or direct-applied finish system (DAFS), and chain link fencing shall not be permitted.
- (5) Energy efficiency. The plan for development of any project shall be designed and arranged in such a way as to promote energy efficiency to the maximum extent practicable for all buildings. All buildings should meet or exceed LEED Silver rating or equivalency.
- (6) Landscaping, screening and buffering.
 - (a) All sidewalks, open spaces, parking areas and service areas shall be landscaped and/or paved in a manner that will harmonize with proposed buildings. Materials for paving, walls, fences, curbs, benches, etc., will be attractive, durable, easily maintained and compatible with the exterior materials of adjacent buildings.
 - (b) The Planning Board may require buffer landscaping, fencing or screening to separate land uses, and to screen utility buildings, refuse collection areas, cooling systems and other similar installations and features.

- (c) All plants, trees and shrubs shall be installed in accordance with a planting schedule provided by the developer and approved by the Planning Board. Landscape materials selected shall be appropriate to the growing conditions of the shoreline environment and this climatic zone.
- (7) Lighting. Streets, drives, walks and other outdoor areas shall be properly lighted to promote safety and encourage pedestrian use. All exterior lighting for the project shall be directed downward or otherwise appropriately shielded and designed to minimize excessive light. It shall have an attractive appearance compatible with the overall project design and waterfront character. Lighting type, number and locations shall be subject to Planning Board review and approval as part of the site plan review.
- (b) Lighting fixtures shall be a maximum of 15 feet in height, except pole lights in rear parking lots shall be a maximum of 20 feet high. Lighting shall be energy efficient, have full spectrum color quality, and shall prevent any lighting above 60 watts that directly projects above the horizontal level into the night sky.
- (8) Signage.
- (a) All signs shall be planned and designed in accordance with an overall comprehensive signage plan, which shall be subject to Planning Board review and approval as part of site plan review.
- (b) All signs shall be of a size and scale as determined appropriate by the Planning Board to accomplish their intended purpose.
- (9) Vehicular circulation system and traffic access. The rights-of-way and pavement widths for all internal streets, drives, walks or other access ways for vehicles and/or pedestrians shall be determined on the basis of sound current planning and engineering standards, which shall accommodate projected demand but minimize impervious surface to the maximum extent possible.
- (10) Public access. While development in WD north area is expected to be primarily residential, development in WD south area is expected to accommodate public access to the MNRR station and Beacon waterfront. This will require certain private elements for the security and benefit of its residents and property owners. A clear boundary should be maintained between publicly accessible and private space. Development that provides access to the MNRR train station (i.e. the WD south area) public pedestrian access should be created in a manner which:
- (a) Enhances existing public access opportunities to the riverfront, in furtherance of the City's Comprehensive Plan and LWRP and the state's coastal policies.

(b) Coordinates such public access with existing or anticipated opportunities for public access to the MNRR and Beacon waterfront west of the railroad tracks.

(c) Provides a public promenade along length of development facing the river.

9. Section 223-41.4 (J)(11) (formerly 223-41.4 (I)(12)) of the Zoning Law shall be amended to read as follows:

(1142) Off-street parking and loading.

(b) Parking requirements.

[1] Multifamily dwelling: one space per unit ~~plus ¼ space per bedroom.~~

~~[2] Marina: ½ space per slip or dry rack storage unit.~~

(e) Alternative methods of meeting off-street parking requirements.

[2] Planning Board authority. The Planning Board shall be authorized to reduce parking requirements for a given use, based upon a finding that any portion of the off-street parking requirements of a waterfront development have been satisfied when the applicant establishes to the Board's satisfaction that alternative parking solutions are appropriate and will provide adequate parking for the WD site. If an applicant wishes to use alternative parking methods, he must submit a complete analysis to the Board for review. This analysis must include estimates of peak parking demands for different land uses for different hours of the day and days of the week. It should also define strategies intended to incorporate alternative parking methods and the advantages of such strategies.

10. Sections 223-41.4(J)(11)(B)[3] through [7] of the Zoning Law shall be respectively re-lettered to Sections [2] through [6].

11. Section 223-41.7 of the Zoning Law shall be replaced with the following:

A. Minimum site size: 5 acres.

B. Maximum height.

(1) Area north of West Main Street (see illustration): Average of no more than four (4) stories of residential/mixed use over parking. Height may not exceed average of 80 feet from average ground level of site.

(2) Area south of Light Industry (LI) zone (see illustration): Average of no more than three (3) stories of residential/mixed use over parking. Height may not exceed average of 32 feet at Beekman Street, nor more than average of 70 feet above the average ground level of the existing Metro-North parking.

(3) The illustrations of height attached in this Subsection shall not be exceeded so that the public views to the east are adequately protected.

C. Maximum floor area ratio (excluding parking).

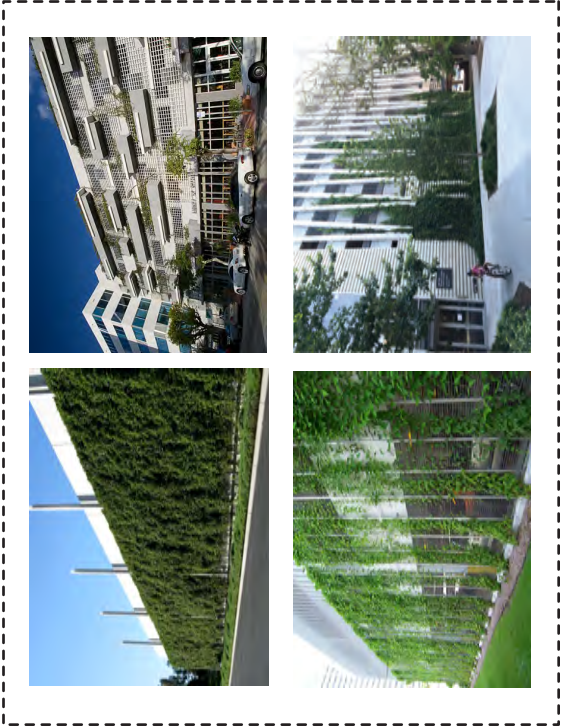
(1) Area north of West Main Street: 3.0.

(2) Area south of Light Industry (LI) zone: 2.0.

D. Minimum open space: 15% of the site area, 10% of which must be publicly accessible.

Waterfront Development North

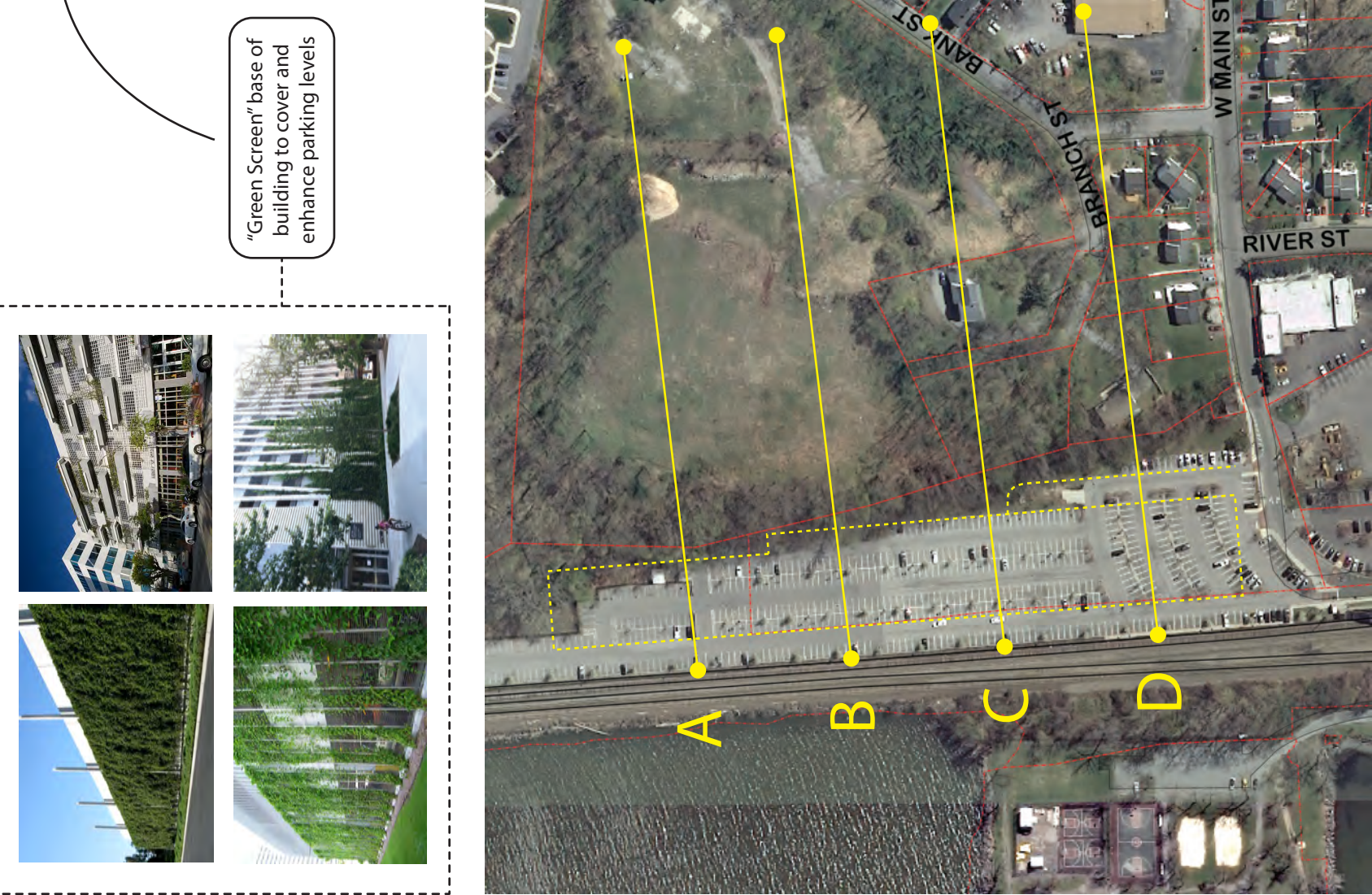
Metro North Parking Area



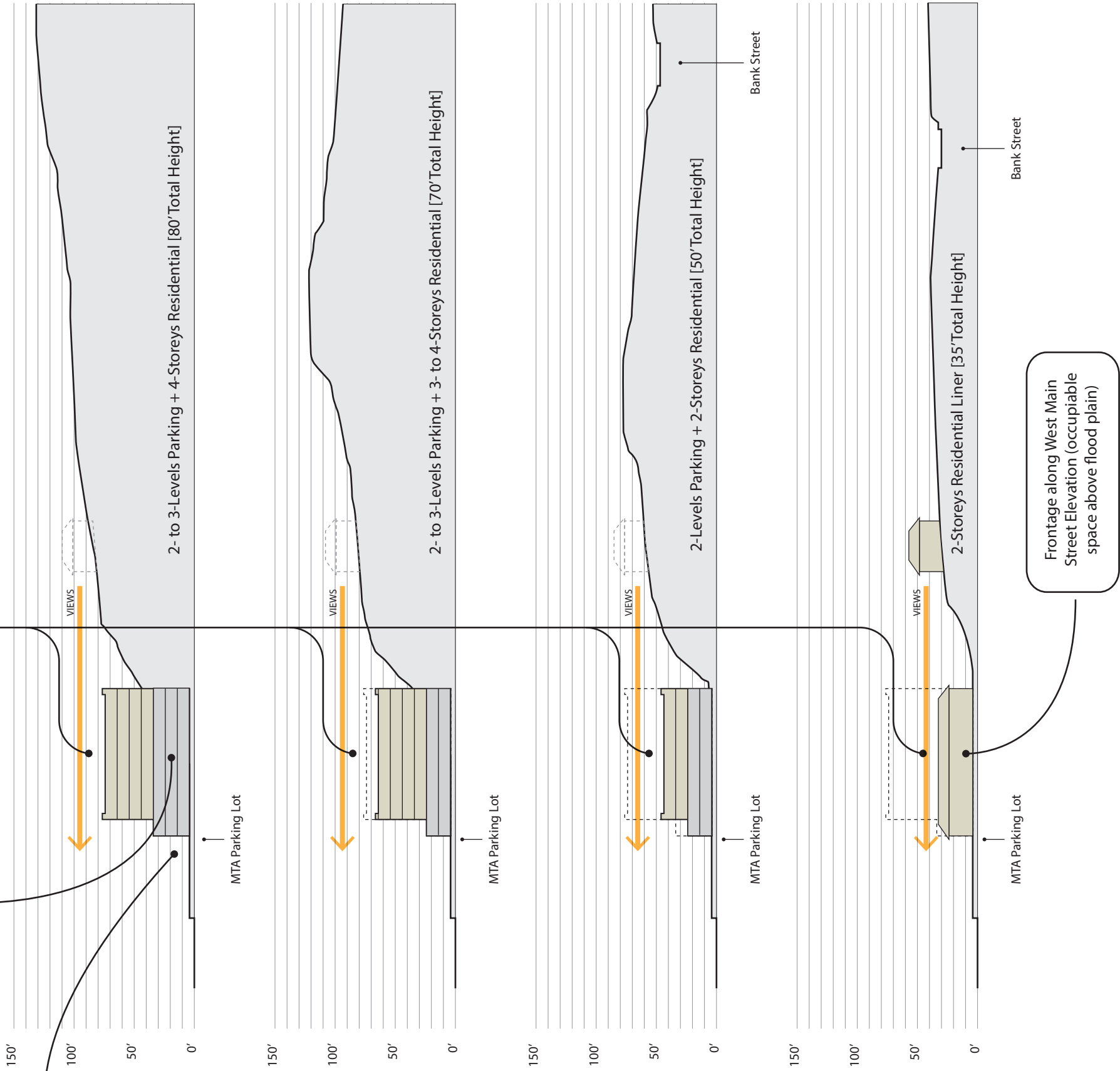
"Green Screen" base of building to cover and enhance parking levels

Provide MTA and development parking below

Avg. of 4-stories residential development - building roofline should step down to follow contour/elevation behind.



Profile Section Cuts



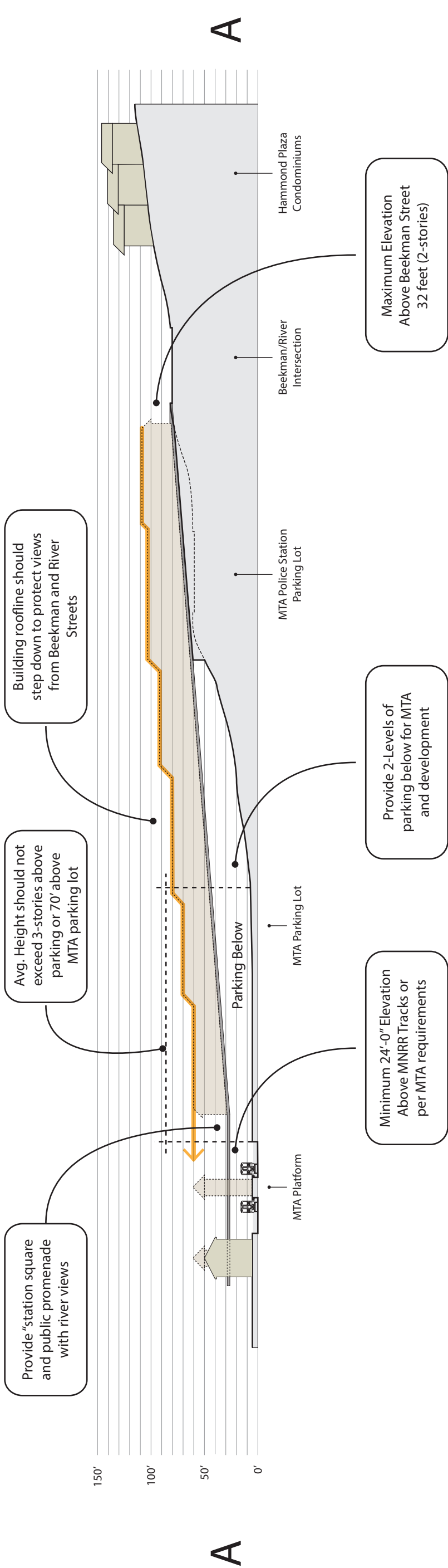
Frontage along West Main Street Elevation (occupiable space above flood plain)

Waterfront Development South

Metro North Station Area



Profile Section Cuts



12. Section 223-41.20 of the Zoning Law shall be amended to delete Figure 20-1 (Linkage Zone Map) and to read as follows:

The provisions of this article apply to the area shown as the Linkage District (L) on the City of Beacon Zoning Map, ~~a portion of which is annexed hereto to amend said Zoning Map~~. All new uses of land and structures shall comply with this article. Existing nonconforming uses may continue as provided in § 223-10, Nonconforming uses and structures, except as may be otherwise provided in this article. Conforming residential uses existing on the effective date of this article shall be bound by the zoning of the subject property immediately prior to the enactment of the Linkage District. Any existing conforming building that is destroyed by fire or casualty to an extent of more than 50% may be rebuilt on the same footprint and with the same dimensions and may be extended at the same height along its frontage. Any existing building that does not satisfy the minimum building height requirements in the district may continue and may be expanded at the same height, provided that it is in conformity with all other dimensional requirements in the district. In case of any conflict between this article and other provisions of this Zoning Chapter, this article shall control. In order to encourage mixed uses, more than one permitted use shall be allowed on any lot or parcel, subject to all approval criteria contained herein.

13. Section 223-41.21 of the Zoning Law shall be amended to read as follows:

B. Uses by special permit.

(a) Retail, personal services business or restaurant, coffee house or other establishment that serves food, with or without alcoholic beverages, provided that:

[2] The use is within 400 feet of the Route 9D-Beekman Street intersection, as identified on the Zoning Map, or located along the north side of West Main Street between Beekman Street and River Street; and

D. Dimensional regulations. All new construction or enlargement of existing structures in the L District shall be subject to the following minimum and maximum dimensional regulations:

(5) Building height: minimum two stories, average maximum four stories and 48 feet, as determined from the average street front level. Stories built below the grade of the street front shall not be counted toward building height. The second story of a two-story building shall be built in a manner that allows actual occupancy for one or more permitted uses and does not create the mere appearance of a second story. For any building over three stories, a setback of at least 15 feet behind the facade shall be required above the third story. Chimneys, vent pipes, mechanical systems, elevator shafts, antennas, wireless communications facilities, roof gardens and fences, greenhouses, solar collectors, wind energy

systems, and other rooftop accessory structures may project up to 15 feet above the maximum height. With the exception of roof gardens and solar collectors, such projections may occupy no more than 20% of the roof area and must be set back at least 15 feet from the front edge of the roof.

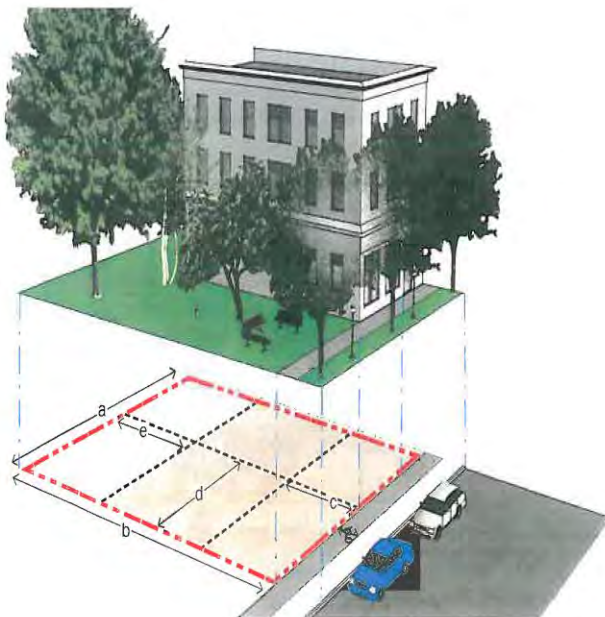
- (6) Lot area ~~and lot width:~~ 5,000 square feet ~~There are no minimum lot area or lot width requirements.~~
- (7) Lot width: 50 feet.
- (8) Floor area ratio: 1.5 ~~There is no maximum floor area ratio.~~
- (10) Linkage Zone standards.

Figure 21-1: Linkage Zone Standards

LOT STANDARDS			
		Min.	Max.
	Lot Area	<u>5,000 sf</u>	-
(a)	Lot Width	<u>50'</u>	-
(b)	Lot Depth	75'	-
	F.A.R.	<u>1.5</u>	-
(c)	Front Setback	0'	20'
(d)	Side Setback	0'	30'
(e)	Rear Setback	25'	-
(f)	Landscaped Area	15%	-
	Frontage Occupancy	-	-
(g)	Pedestrian Clearway	5'	-
(h)	Height	<u>20'</u>	<u>48'</u>

BUILDING HEIGHTS	

FRONTAGE TYPES	
	Allowed
Storefront	within 400' of Rt. 9-D/Beekman St. intersection
Forecourt	yes
Stoop	yes
Porch	yes
Lightwell	yes



See text for exceptions and clarifications to Figure 21-1

- F. Parking location and quantity.
- (2) The minimum quantity of required on-site parking spaces shall be as follows:
- (d) Other uses: as listed in Section 223.26 of this chapter~~determined by the Planning Board in the course of site plan review.~~
- (3) The quantity of required on-site parking in Subsection F(2) above may be modified by the Planning Board, in its discretion, based upon information submitted by the applicant or otherwise made available to the Planning Board in the public record, demonstrating one or more of the following:
- (c) That the applicant has provided sufficient bicycle parking to reduce anticipated vehicular travel demand, as supported by a professional parking study.
- (4) For small preexisting lots where the provision of on-site parking is infeasible, the Planning Board may waive up to 50%~~all~~ of the parking requirements, provided that the total floor area of the building is no greater than 3,000 square feet. The Planning Board may grant additional parking waivers, at its discretion, subject to an in-lieu payment of \$10,000 per parking space.
- H. Site plan review/special permit procedures and criteria.
- (2) For projects with over 20,000~~40,000~~ square feet in building footprint area, or projects that require a special permit, the applicant shall follow the procedures in §§ 223-18 and 223-25, except that the Planning Board shall take the place of the City Council in § 223-18. Such applications shall comply with those sections to the extent that such sections do not contain standards that conflict with this article. In case of a conflict, this article shall control.
- ~~L. Linkage plan. This sketch plan provides one possible set of design solutions, which was included in the 2007 Comprehensive Plan Appendix as an illustration of planning principles for the Linkage District.~~

~~Figure 21-21: Connecting Beacon's Main Street with the Hudson River and Railroad Station~~

SECTION 4. REZONING

The zoning of the parcels listed below is hereby changed from the Existing Zoning District to the New Zoning District as shown in the table:

Tax Parcel Number	Subject Property Address	Owner's Name and Address	Existing Zoning District	New Zoning District
5954-32-481840	8 Long Dock Rd.	Scenic Hudson 1 Civic Center Plaza, Suite 200 Poughkeepsie, NY 12601	Waterfront Development	Waterfront Park
5954-32-490828	23 Long Dock Rd.	Scenic Hudson 1 Civic Center Plaza, Suite 200 Poughkeepsie, NY 12601	Waterfront Development	Waterfront Park
5954-41-537725	Long Dock Rd.	Scenic Hudson 1 Civic Center Plaza, Suite 200 Poughkeepsie, NY 12601	Waterfront Development	Waterfront Park
5954-00-472672	Dennings Ave. Rear	Scenic Hudson 1 Civic Center Plaza, Suite 200 Poughkeepsie, NY 12601	Waterfront Development	Waterfront Park
5954-25-549980	Railroad Dr.	MTA Metro North Railroad 347 Madison Ave. New York, NY 10017	Waterfront Park	Waterfront Development
Portion of 5954-33-549777	33 Railroad Dr.	MTA Metro North Railroad 347 Madison Ave. New York, NY 10017	Waterfront Development	Waterfront Park
Portion of 5954-25-554890	West Main St.	MTA Metro North Railroad 347 Madison Ave. New York, NY 10017	Waterfront Park	Waterfront Development
5954-33-594862	11 Beekman St.	MTA Metro North Railroad 347 Madison Ave. New York, NY 10017	LB	Waterfront Development
5954-25-583911	1 West Main St.	MTA Metro North Railroad 347 Madison Ave. New York, NY 10017	Waterfront Park	Waterfront Development
5954-49-574583	Conrail Tracks and River	MTA Metro North Railroad 347 Madison Ave. New York, NY 10017	Waterfront Development	Waterfront Park
5954-57-586430	Dennings Ave. Rear	MTA Metro North Railroad 347 Madison Ave. New York, NY 10017	Waterfront Development	Waterfront Park
5954-57-587478	Dennings Ave. Rear	City of Beacon 1 Municipal Plaza Beacon, NY 12508	Waterfront Development	Waterfront Park

SECTION 5. ZONING MAP

The Zoning Map of the City of Beacon is hereby amended to show the changes specified in Section 4 above. A map showing the proposed rezonings entitled "Zoning Map Proposal" dated January 13, 2017 is attached hereto as Exhibit "A."

SECTION 6. 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 sub-sections 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 7. RATIFICATION, READOPTION AND CONFIRMATION

Except as specifically modified by the amendments contained herein, the Code of the City of Beacon as adopted and amended from time to time thereafter is otherwise to remain in full force and effect and is otherwise ratified, readopted and confirmed.

SECTION 8. 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 application to other persons or circumstances. It is hereby declared to be the legislative intent of the City Council of the City of Beacon 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 thereof is held inapplicable had been specifically exempt therefrom.

SECTION 9. EFFECTIVE DATE

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

Dated: _____, 2017

Attachment: Exhibit "A"

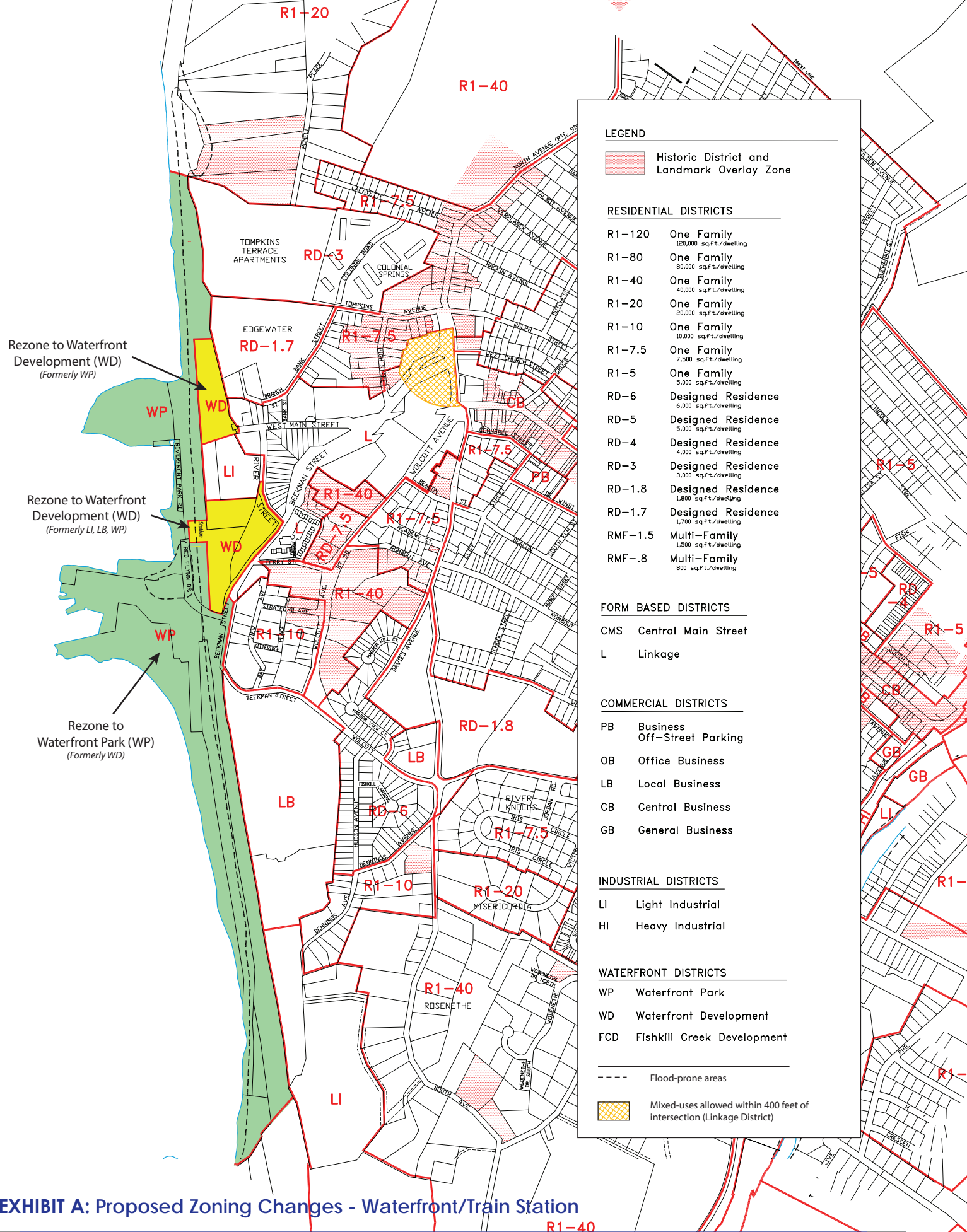


EXHIBIT A: Proposed Zoning Changes - Waterfront/Train Station

City of Beacon Council Agenda
1/17/2017

Title:

Resolution to Accept the Proposal from BJF Planning for Phase 2 of the Comprehensive Plan Update Project

Subject:

Background:

ATTACHMENTS:

Description	Type
Res. Comp Plan BFJ phase 2	Resolution
BFJ Proposal Phase 2	Agreement



**CITY OF BEACON
CITY COUNCIL**

RESOLUTION NO. _____ OF 2017

**ACCEPTING A PROPOSAL FROM BFJ PLANNING FOR PHASE 2 OF THE
COMPREHENSIVE PLAN UPDATE PROJECT**

WHEREAS, in 2007 the City Council of the City of Beacon adopted a Comprehensive Plan; and

WHEREAS, Section 6 of the City Charter provides the City Council shall periodically undertake a full update of the Comprehensive Plan, at least every ten years; and

WHEREAS, the City Council has adopted a resolution establishing a Comprehensive Plan Committee; and

WHEREAS, the City advertised a Request for Proposals for the preparation by a planning consulting firm of an Update to the 2007 Comprehensive Plan; and

WHEREAS, the City entered into an agreement with BFJ Planners for planning services related to the project;

WHEREAS, the City wishes to continue working with BFJ Planners for phase 2 of the project..

NOW, THEREFORE, BE IT RESOLVED, the City Council of the City of Beacon hereby authorizes the City Administrator to enter into a contract suitable in form and substance to the City Administrator and the City Attorney with BFJ Planning in an amount not to exceed \$10,500.00 for the zoning and planning work associated with the adoption of the proposed updates.

Resolution No. _____ of 2017			Date: _____, 2017				
<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					
		Randy Casale					
		Motion Carried					

January 9th, 2017

Anthony J. Ruggiero, M.P.A.
City Administrator
City of Beacon
One Municipal Plaza
Beacon, New York 12508

RE: Phase 2 Contract
Comprehensive Plan Update and Zoning Revisions

Dear Anthony:

To follow-up the City Council meeting of January 3^d, 2017, I have listed below a proposal for phase two planning and zoning work with the City Council. As you know, we have finished all of our 2016 work with the Comprehensive Plan committee by submitting the Committee's draft plan and zoning amendments this past Tuesday evening.

1. Scope and Timetable

The new scope of work is projected to include the following steps:

- January 10th:
All comments are due from City council members and City departments.
- January 17th:
BFJ Planning presents revised documents to the City Council. Council sets a public hearing for the Plan and the Zoning on February 6th.
- January 18th:
City sends the documents to the County and Planning Board for review.
- February 6th: Public Hearing
10-15 minute PowerPoint presentation. Hearing is kept open for (15) fifteen days to allow Dutchess County and others to submit written comments.
- February 20th-28th:
BFJ Planning revises document based upon comments and reviews document with Council.
- March:
Adoption of Plan and Zoning by City Council.

CHARLOTTE, NC
CHATHAM, NJ
CHICAGO, IL
NEW YORK, NY
PITTSBURGH, PA
STAMFORD, CT
WASHINGTON, DC

PAUL BUCKHURST Ariba
FRANK S. FISH FAICP
GEORGES JACQUEMART PE, AICP
SARAH K. YACKEL AICP
SUSAN FAVATE AICP, PP

BUCKHURST FISH
& JACQUEMART, INC.
115 FIFTH AVENUE
NEW YORK, NY 10003
T. 212.353.7474
F. 212.353.7494

2. Budget

After discussion with you and Nick Ward-Willis, we have agreed to the cost of these items as follows:

Public Hearing and PowerPoint Presentation	\$1,000
February Document Revision and Creation of Final Draft Plan and Final Zoning	\$4,500
Part Two EAF and Negative Declaration	\$3,500
Printing Costs:	
a) Revised Public Hearing Draft	\$ 500
b) Final Draft	\$ 500
c) Printing Adopted Plan (All drafts in 15 copies)	\$ 500
TOTAL:	\$10,500

We are prepared to do this work on a Time and Expense basis against the attached billing rates. We would not exceed the \$10,500 upset fee. Should we be able to accomplish the work for less, the City would be billed the lesser amount.

Your counter-signature will authorize us to begin work.

Sincerely,



Frank Fish FAICP
Principal

Agreed to:

Name: _____

Date: _____

BFJ 2017 PUBLIC BILLING RATES

PRINCIPALS

RATE PER HOUR

F. Fish	\$240
G. Jacquemart	\$240
S. Yackel	\$215
S. Favate	\$215

SENIOR ASSOCIATES

J. West	\$230
J. Martin	\$210

ASSOCIATES

N. Levine	\$145
S. Kates	\$145

PROFESSIONAL STAFF

L. Rennée	\$120
A. Brianchini	\$110
G. Cavanagh	\$110
H. Collins	\$90
T. Young	\$90

WORDPROCESSING/PRODUCTION	\$70
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SURVEYORS/TRAFFIC COUNTERS	\$40
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URBANOMICS

R. Armstrong	\$240
T. Lund	\$215

City of Beacon Council Agenda
1/17/2017

Title:

Resolution Authorizing the Termination and Release of Certain Urban Renewal Obligations

Subject:

Background:

ATTACHMENTS:

Description	Type
Res. Urban Renewal Obligations	Resolution



**CITY OF BEACON
CITY COUNCIL**

RESOLUTION NO. _____ OF 2017

**RESOLUTION AUTHORIZING THE TERMINATION AND RELEASE OF CERTAIN URBAN
RENEWAL OBLIGATIONS**

WHEREAS, the City of Beacon, as the lawful successor-in-interest to the Beacon Community Development Agency (formerly known as the Beacon Urban Renewal Agency) pursuant to the New York State General Municipal Law, is in receipt of a request by DMS Consolidators, Ltd to terminate and release certain obligations, conditions, restrictions, contingencies and rights of reverter set forth in title documents described herein pertaining to certain real property owned by DMS Consolidators, Ltd. and located on Beekman Street in the City of Beacon, Dutchess County, New York, identified as Parcel ID 5954-26-660924 on the City of Beacon Tax Map (“DMS Parcel”); and

WHEREAS, Beacon Ridge Associates, Inc. acquired certain real property located in the City of Beacon, Dutchess County, New York (the “Original Parcel”) from the Beacon Community Development Agency by Special Warranty Deed dated March 6, 1987 and recorded on April 6, 1987 in the Dutchess County Clerk’s Office in Liber 1747 of Deeds at page 1 (the “Special Warranty Deed”) and subject to the obligations, conditions, restrictions, contingencies and rights of reverter set forth therein and in that certain Standard Form of Contract for Sale of Land for Private Redevelopment recorded on April 6, 1987 in the Dutchess County Clerk’s Office in Liber 1747 of Deeds at page 8 (the “Contract”, and, collectively with the Special Warranty Deed, the “1987 Instruments”); and

WHEREAS, by deed dated November 8, 1993 and recorded on December 14, 1993 in the Dutchess County Clerk’s Office in Liber 1937 of Deeds at 247, Beacon Ridge Associates, Inc. conveyed a portion of the Original Parcel to the City of Beacon (the “First City Parcel”); and

WHEREAS, the obligations, conditions, restrictions, contingencies and rights of reverter contained in the 1987 Instruments were released and discharged with respect to the First City Parcel by General Release dated December 8, 1993 executed by the Beacon Community Development Agency, the City of Beacon, and Beacon Ridge Associates, Inc. and recorded on December 14, 1993 in the Dutchess County Clerk's Office in Liber 1937 of Deeds at page 246; and

WHEREAS, by deed dated June 8, 1994 and recorded on June 10, 1994 in the Dutchess County Clerk's Office in Liber 1945 of Deeds at 119, Beacon Ridge Associates, Inc. conveyed another portion of the Original Parcel to the City of Beacon (the "Second City Parcel"); and

WHEREAS, the obligations, conditions, restrictions, contingencies and rights of reverter contained in the 1987 Instruments were released and discharged with respect to the Second City Parcel by General Release dated June 8, 1994 executed by the Beacon Community Development Agency, the City of Beacon, and Beacon Ridge Associates, Inc. and recorded on June 10, 1994 in the Dutchess County Clerk's Office in Liber 1945 of Deeds at page 118; and

WHEREAS, DMS Consolidators Ltd. acquired the last remaining portion of the Original Parcel from Beacon Ridge Associates, Inc. by deed dated April 16, 2015 and recorded on April 28, 2015 in the Dutchess County Clerk's Office as Document No. 02-2015-2498 (the "DMS Parcel"); and

WHEREAS, the DMS Parcel is still encumbered by and subject to the obligations, conditions, restrictions, contingencies and rights of reverter contained in the 1987 Instruments; and

WHEREAS, the obligations, requirements, conditions, restrictions, contingencies and rights of reverter contained in the Instruments (collectively, the "Obligations") have lapsed, are no longer enforceable, have no force and effect, and are a cloud upon title to the DMS Parcel; and

WHEREAS, by law, the City of Beacon is the successor to all of the rights, but not the obligations, of the Beacon Community Development Agency and has the legal authority to terminate and extinguish the Obligations.

NOW, THEREFORE, BE IT RESOLVED that the City of Beacon City Council does hereby authorize the City Administrator, on behalf of the City of Beacon, as successor to the rights of the Beacon Community Development Agency, to execute and deliver to DMS Consolidators, Inc. a Release and Discharge in the form annexed hereto forever terminating, extinguishing, discharging the Obligations and releasing the DMS Parcel from the same, subject to any revisions to Schedule A deemed necessary by the City Engineer to accurately describe the subject property.

BE IT FURTHER RESOLVED, that the City of Beacon City Council does hereby authorize the City Administrator, on behalf of the City of Beacon, as successor to the rights of the Beacon Community Development Agency, to execute any further Release and Discharges forever terminating, extinguishing, discharging the Obligations with respect to any additional property originally conveyed by the Beacon Community Development Agency pursuant to the above-referenced 1987 Special Warranty Deed.

Resolution No. _____ of 2017			Date: <u>January 17, 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					
		Pamela Wetherbee					
		Peggy Ross					
		Mayor Randy J. Casale					
Motion Carried							

City of Beacon Council Agenda
1/17/2017

Title:

Resolution Authorizing a Memorandum of Agreement with the Fire Department

Subject:

Background:

City of Beacon Council Agenda
1/17/2017

Title:

Resolution Authorizing an Agreement with EFPR Group LL for Audit and Related Services for 2016

Subject:

Background:

ATTACHMENTS:

Description

Res. Audit

Type

Resolution



**CITY OF BEACON
CITY COUNCIL**

RESOLUTION NO. ____ OF 2017

**RESOLUTION AUTHORIZING EXECUTION OF A CONTRACT WITH
EFPR GROUP LLP TO PROVIDE AUDIT AND RELATED SERVICES FOR
THE YEAR ENDING 2016**

RESOLVED, that the Mayor or City Administrator are authorized to enter into an agreement with EFPR Group LLP to provide audit and related services for the year ending 2016.

Resolution No. _____ of 2017			Date: <u>January 17, 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					
		Pamela Wetherbee					
		Peggy Ross					
		Mayor Randy J. Casale					
		Motion Carried					

City of Beacon Council Agenda
1/17/2017

Title:

2016-12-19 Minutes

Subject:

Background:

ATTACHMENTS:

Description	Type
2016-12-19 minutes	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 December 19, 2016. 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
Pamela Wetherbee, Ward Three
Ali Muhammad, Ward Four
Randy Casale, Mayor

Council Members Absent/Excused:

Omar Harper, Ward Two

Also Present:

Anthony Ruggiero, City Administrator
Nick Ward-Willis, City Attorney

A moment of silence was observed for past and present service men and women.

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:

1. None.

Council Member Reports:

2. **Ali Muhammad:** Thanked everyone for coming. Wished everyone a Merry Christmas and Happy New Year. Gave details about the Unity in the Community event. One of his constituents reported hearing gunshots on Mount Beacon.
3. **Lee Kyriacou:** A discussion took place regarding the feasibility of online payments. Suggested we speak with our assembly member regarding using the state's website for local payments.
4. **George Mansfield:** Wished everyone Happy Holidays.
5. **Pam Wetherbee:** Noted that some sidewalks were not cleared on Route 52. One property owner pushes the snow into the street. Would like to discuss building height regulations at an upcoming workshop meeting.
6. **Peggy Ross:** Recently sent an article to Lee regarding online payments and agrees that the City should look into proving this service in the future. Enjoyed the Gentrification workshop organized by Hudson Valley Pattern for Progress. Was happy to hear that Beacon is doing a lot of things right. Thanked the police officers for taking the time to knock on doors to advise neighbors to move their cars before they towed them due to the snowfall.
7. **Mayor Casale:** Advised that the police will not always have the time to knock on doors to warn people to move their cars. Hope that residents know that they should move their cars in the event of 2" of snow. The Love Holds Life organization will hold a toy event on Thursday December 22 at Mase Hook

and Ladder. Looking forward to 2017 and hopes everyone will continue to treat each other with respect.

Resolutions, Ordinances and Local Laws:**8. Resolution to Adopt the Complete Streets Guideline:**

Councilman Kyriacou asked that Mayor Casale explain the Complete Streets Guideline.

- Motion by Council Member Muhammad, second by Council Member Ross
6-0

9. Resolution to Appoint and Reappoint Committee and Board Members

Mayor Casale read the resolution.

- Motion by Council Member Ross, second by Council Member Mansfield
6-0

10. Approval of the Standard Work Day and Reporting Resolution for Elected and Appointed Officials

City Administrator Ruggiero explained the resolution.

- Motion by Council Member Mansfield, second Council Member Muhammad
6-0

11. Resolution to Approve the Amendment to the Design and Construction Plans for a Multi-Use Bridge Over the Fishkill Creek on South Avenue

A discussion took place to clarify the costs associated with the project. The resolution was amended to include the figures.

- Motion to amend by Council Member Kyriacou, second by Council Member Mansfield
6-0
- Motion to adopt by Council Member Kyriacou, second by Council Member Muhammad
6-0

12. Minutes of November 7, 2016, November 21, 2016 and December 5, 2016

- Motion by Council Member Kyriacou, second by Council Member Muhammad
6-0

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

Speakers:**13. None****14. Adjournment:**

- Motion by Council Member Kyriacou, second by Council Member Muhammad 7:48 pm

Next Meeting: January 3, 2017

Respectfully submitted,
Elizabeth Evans, Assistant to the Mayor

City of Beacon Council Agenda
1/17/2017

Title:

2017-01-03 Minutes

Subject:

Background:

ATTACHMENTS:

Description	Type
2017-01-03 minutes	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 January 3, 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
Pamela Wetherbee, Ward Three
Ali Muhammad, Ward Four
Randy Casale, Mayor

Council Members Absent/Excused:

Omar Harper, Ward Two

Also Present:

Anthony Ruggiero, City Administrator
Nick Ward-Willis, City Attorney

A moment of silence was observed for past and present service men and women.

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:

1. None.
-

Council Member Reports:

2. **Ali Muhammad:** Thanked everyone for coming. Reminded everyone about the upcoming Unity in the Community meeting at the Beehive.
 3. **Lee Kyriacou:** Is happy that after 20 years, there is no industrial zone on our waterfront.
 4. **George Mansfield:** Asked that those who are concerned with a sewer odor should call the sewer department at the time of the incident so it can be investigated in a timely manner.
 5. **Pam Wetherbee:** Noted that some ward 3 residents were concerned about snow removal.
 6. **Peggy Ross:** Wished everyone a Happy New Year.
 7. **Mayor Casale:** Read the letter from the Fire Chief advising that Matt Smith return to exempt status. Attended the Make a Wish event at the Pandorica restaurant on Dec. 23. Thanked everyone involved in organizing the event. Was very proud that Beacon was able to host such a nice event for Colin Cash. Gave extra thanks to Shirley from Pandorica for all that she did to make the event so special.
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Resolutions, Ordinances and Local Laws:**8. Resolution to Establish City Council Meeting Times**

- Motion by Council Member Muhammad, second by Council Member Wetherbee
6-0

9. Resolution to Designate Official Newspapers

Mayor Casale read the resolution.

- Motion by Council Member Wetherbee, second by Council Member Mansfield
6-0

10. Approval of the Standard Work Day and Reporting Resolution for Elected and Appointed Officials

City Administrator Ruggiero explained the resolution.

- Motion by Council Member Mansfield, second Council Member Muhammad
6-0

11. Resolution to Authorize the Contract Renewal of Lanc and Tully for Engineering Services for 2017

- Motion by Council Member Ross, second by Council Member Wetherbee
6-0

12. Resolution to Authorize the Contract Renewal with Keane and Beane for Legal Services for 2017

- Motion by Council Member Mansfield, second by Council Member Muhammad
6-0

13. Resolution to Authorize the Contract Renewal with Video Ventures for Videotaping Services for 2017

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

14. Resolution to Designate the Beacon City Council as Lead Agency Under the State Environmental Quality Review Act.

- Motion by Council Member Muhammad, second by Council Member Ross
6-0

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

Speakers:

- 15. Theresa Kraft:** Gave suggestions for the bridge project.

Executive Session:

- Motion to enter executive session by Council Member Mansfield, second by Council Member Muhammad
6-0

Next Meeting: January 17, 2017

Respectfully submitted,
Elizabeth Evans, Assistant to the Mayor